

His Worship the Mayor
Councillors
City of Marion

Notice of General Council Meeting

Council Chamber, Council Administration Centre
245 Sturt Road, Sturt

Tuesday, 26 July 2022 at 6.30 pm

The CEO hereby gives Notice pursuant to the provisions under Section 83 of the *Local Government Act 1999* that a General Council Meeting will be held.

A copy of the Agenda for this meeting is attached in accordance with Section 83 of the Act.

Meetings of the Council are open to the public and interested members of this community are welcome to attend. Access to the Council Chamber is via the main entrance to the Administration Centre on Sturt Road, Sturt.



Tony Harrison
Chief Executive Officer

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1 Open Meeting**2 Disclosure**

All persons in attendance are advised that the audio of this General Council meeting will be recorded and will be made available on the City of Marion website.

3 Kaurna Acknowledgement

We acknowledge the Kaurna people, the traditional custodians of this land and pay our respects to their elders past and present.

4 Elected Member Declaration of Interest (if any)**5 Confirmation of Minutes****5.1 Confirmation of Minutes of the General Council Meeting held on 28 June 2022**

Report Reference	GC220726R5.1
Originating Officer	Business Support Officer - Governance and Council Support – Cassidy Ryles
Corporate Manager	Manager Office of the Chief Executive – Kate McKenzie
General Manager	Chief Executive Officer – Tony Harrison

RECOMMENDATION

That the minutes of the General Council Meeting held on 28 June 2022 be taken as read and confirmed.

ATTACHMENTS

1. G C 220628 - Final Minutes [5.1.1 - 17 pages]



**Minutes of the General Council Meeting
held on Tuesday, 28 June 2022 at 6.30 pm
Council Chamber, Council Administration Centre
245 Sturt Road, Sturt**



**PRESENT**

His Worship the Mayor Kris Hanna

Councillor Ian Crossland

Councillor Maggie Duncan

Councillor Raelene Telfer

Councillor Bruce Hull

Councillor Kendra Clancy

Councillor Tim Gard

Councillor Matthew Shilling

Councillor Luke Hutchinson

Councillor Nathan Prior

Councillor Jason Veliskou

In Attendance

Chief Executive Officer - Tony Harrison

General Manager Corporate Services - Sorana Dinmore

Acting General Manager City Development - Warwick Deller-Coombs

Manager Office of the CEO - Kate McKenzie

Unit Manager Governance and Council Support - Victoria Moritz

1 Open Meeting

The Mayor opened the meeting at 6.30pm

2 Kurna Acknowledgement

We acknowledge the Kurna people, the traditional custodians of this land and pay our respects to their elders past and present.

3 Disclosure

All persons in attendance are advised that the audio of this General Council meeting will be recorded and will be made available on the City of Marion website.

4 Elected Member Declaration of Interest (if any)

The Chair asked if any member wished to disclose an interest in relation to any item being considered at the meeting.

The following interests were disclosed:

- Councillor Telfer declared a perceived conflict of interest in the item footpath in the item *Annual Business Plan 2022-23 and Long Term Financial Plan*
- Councillor Shilling declared an actual conflict of interest in the confidential item *City Services Surplus Land*
- Councillor Shilling declared a perceived conflict of interest in the item *Rate Rebate 2022-23*
- Councillor Veliskou declared a perceived conflict of interest in the item *Rate Declaration 2022-23*



5 Confirmation of Minutes

5.1 Confirmation of Minutes of the General Council Meeting held on 14 June 2022 Report Reference GC220628R5.1

Moved Councillor Gard

Seconded Councillor Telfer

That the minutes of the General Council Meeting held on 14 June 2022 be taken as read and confirmed.

Carried Unanimously

6 Communications

6.1 Elected Member Verbal Communications

Elected Members were given the opportunity to provide a verbal update on activities undertaken during the period.

Moved Councillor Hutchinson

Seconded Councillor Prior

That the following Communications items be moved en bloc:

- Mayoral Communication Report
- Deputy Mayoral Communication Report
- CEO and Executive Communication Report
- Elected Member Communication Report

Carried Unanimously

6.2 Mayoral Communication Report

Report Reference GC220628R6.2

Name of Council Member Mayor - Kris Hanna

Date	Event	Comments
15 May 2022	Palestine Memorial event at the Migration Museum	Attended
16 May 2022	Club Marion Committee Meeting	Attended
20 May 2022	Marion VIEW Club 20th Birthday Lunch	Attended
23 May 2022	Community Grants Presentation Ceremony	Presented
26 May 2022	LGA Climate Change Forum	Attended
26 May 2022	COAST FM Radio Interview	
26 May 2022	Defence Industry Day	Speaker
31 May 2022	Australian Friends of Palestine Association Dinner	Attended
29 May 2022	Palestinian Cultural Day	Attended

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3 June 2022	Mitchell Park Neighbourhood Centre Farewell	Attended
15 June 2022	Marion City Lions 2022 Handover Dinner	Guest Speaker
15 June 2022	Opening of Wistow Crescent Reserve	Speaker
15 June 2022	Meeting with Bill Lianos – Owner of Pizza Hut Oaklands Park	
18 June 2022	South Adelaide Basketball Club match	Attended
19 June 2022	Launch of Refugee Week event	Speaker

Moved Councillor Hutchinson**Seconded Councillor Prior**

That the Mayoral Communication report be received and noted.

Carried Unanimously**6.3 Deputy Mayor Communication Report****Report Reference** GC220628R6.3**Name of Council Member** Deputy Mayor – Luke Hutchinson

Date	Event	Comments
1 June 2022	Southern Cultural Immersion Reconciliation event	Attended
6 June 2022	2022 Volunteer Awards Presentation	Attended
26 to 29 June 2022	Australian Local Government Association National General Assembly	Attended

Moved Councillor Hutchinson**Seconded Councillor Prior**

That the Deputy Mayor Communication report be received and noted.

Carried Unanimously**6.4 CEO and Executive Communication Report****Report Reference** GC220628R6.4

Date	Activity	Attended By
23 May 2022	Meeting Sorana Dinmore (CoM) MuleSoft meeting	Sorana Dinmore
24 May 2022	Meeting RAA EV Charge Network x Marion Council	Mathew Allen
25 May 2022	Meeting Sorana Dinmore (CoM)	Sorana Dinmore

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	Chris White Prospect Council	
25 May 2022	Meeting Tony Lines, Australian Gas Infrastructure Group	Tony Lines
25 May 2022	Meeting City of Marion, BYDA, Power Water and SA Water	Mathew Allen
26 May 2022	Meeting Sorana Dinmore (CoM) John Catarinich Agilyx	Sorana Dinmore
26 May 2022	Tour of Line Zero, Factory of the Future (BAE)	Tony Harrison Tony Lines
26 May 2022	Defence Industry Day	Tony Harrison
27 May 2022	Meeting Tony Harrison, Milos Milutinovic (Grand Parc) and Sarah Watson (Uniting Communities)	Tony Harrison
27 May 2022	Meeting Tony Harrison and Glenna (Croquet Club)	Tony Harrison
27 May 2022	Meeting City of Marion and City of Holdfast Bay re SMP	Mathew Allen
27 May 2022	Annual Leadership Excellence Gala Awards	Tony Harrison Sorana Dinmore
30 May 2022	Meeting Sorana Dinmore (CoM) Hannan & Partners	Sorana Dinmore
31 May 2022	Meeting Sorana Dinmore (CoM) Sofia Sy Randstad	Sorana Dinmore
31 May 2022	Marion Croquet Club Committee Meeting	Tony Harrison
31 May 2022	Meeting City of Marion and Mark Devine (Peet) re Tonsley Village Open Space)	Tony Lines
31 May 2022	Meeting Tony Harrison and Christine Locher	Tony Harrison
1 June 2022	Meeting Tony Harrison, Paul Sutton (City of Charles Sturt), Mark Withers (City of Port Adelaide Enfield) and Anthony Jones	Tony Harrison
1 June 2022	Meeting Tony Harrison, Maria Palumbo and Sonia Sheppard (Junction Australia)	Tony Harrison
1 June 2022	RSPCA Animal care Campus VIP Launch	Tony Harrison
1 June 2022	Meeting City of Marion, Bruce Hull & Westfield Marion Centre Management	Ben Keen
3 June 2022	Mitchell Park Neighbourhood Centre Farewell	Ben Keen
6 June 2022	SRWRA Board meeting	Sorana Dinmore
7 June 2022	Meeting Sorana Dinmore (CoM) DataCom	Sorana Dinmore
7 June 2022	Meeting Sorana Dinmore (CoM) Denise Picton Oz Train	Sorana Dinmore
8 June 2022	Oaklands Green PCG Monthly Meeting	Tony Lines Ben Keen

9 June 2022	Meeting Sorana Dinmore (CoM) John Catarinich Agilyx	Sorana Dinmore
9 June 2022	Meeting Tony Harrison, Tony Lines and Stephen Campbell	Tony Harrison Tony Lines
9 June 2022	Meeting City of Marion, City Of West Torrens and Chantal Milton (Holmes Dyer)	Tony Lines
9 June 2022	Meeting Tony Harrison, Mathew Allen (City of Marion) and Sarah Andrew MP (Member for Gibson)	Tony Harrison
9 June 2022	Meeting Tony Lines and Residents of River Parade re Coastal Walkway	Tony Lines
10 June 2022	Meeting City of Marion, City of Holdfast Bay and AGD re proposed Suburb Boundary realignment - Seacliff, Marino, Seacliff Park	Tony Lines
10 June 2022	Tonsley PCG Meeting	Tony Lines Ben Keen
14 June 2022	Meeting Sorana Dinmore (CoM) SynergyIQ	Sorana Dinmore
14 June 2022	Meeting Tony Lines, Warwick Deller-Coombs (City of Marion) and Uby Faddoul (Catholic Education)	Tony Lines
15 June 2022	Meeting City of Marion and Department of Infrastructure and Transport re City Shaping	Tony Lines
17 June 2022	SMRF JV Advisory Committee	Sorana Dinmore
17 June 2022	Meeting Sorana Dinmore (CoM) Niall Kennedy Preferred Training Networks	Sorana Dinmore
20 June 2022	LG Professionals SA – GM/Directors Network	Sorana Dinmore
20 June 2022	Australian Local Government Association National General Assembly	Tony Harrison
20 June 2022	LG Professionals SA - General Managers/Directors Network Conversation	Ben Keen
24 June 2022	Meeting Sorana Dinmore (CoM) David Stobbe TTG Council	Sorana Dinmore
24 June 2022	Meeting Tony Harrison (City of Marion) and Jane Mussared (COTA SA)	Tony Harrison
25 June 2022	Mitchell Park Opening	Tony Harrison Ben Keen
27 June 2022	Meeting Sorana Dinmore (CoM) Ryan McMahon TTG Council	Sorana Dinmore
27 June 2022	Meeting Tony Harrison, Mathew Allen (City of Marion) and Nadia Clancy MP (Member for Elder)	Tony Harrison



Moved Councillor Hutchinson

Seconded Councillor Prior

That the CEO and Executive Communication report be received and noted.

Carried Unanimously**6.5 Elected Member Communication Report**

Report Reference GC220628R6.5

Name of Council Member Councillor Telfer

Date	Event	Comments
26 May 2022	Reconciliation Action Plan	Working Group Meeting
1 June 2022	Reconciliation Week Southern Immersion	Display events participated
3 June 2022	General Manager Ben Keen	Ward issues meeting
10 June 2022	Tonsley reserves and hierarchies with City Activation and Open space staff	Regional facility discussion
13 June 2022	Warriparinga Ward briefing	By zoom with staff
13 June 2022	Mitchell Park Centre tour	With staff
15 June 2022	Council Assessment	Panel and chair farewell
13 June 2022	Mitchell Park Centre Tour Guides	Led induction
16 June 2022	Dover Dog Club and Spark a Revolution inspection	Negotiated concerns
22 June 2022	Launch Running Sheets and VIP arrangements	Staff discussion
23 June 2022	MPSCC Official Opening Launch & VIP function	Spoke at Launch
25 June 2022	Reconciliation Action Plan	Working Group Meeting

7 Adjourned Items - Nil**8 Deputations****8.1 Deputation - Marion Arena Proposal**

Report Reference GC220628D8.1

Ms Laura Galdes made a deputation to Council on behalf of the signatories of the petition in relation to the Marion Arena Proposal.



9 Petitions

9.1 Petition - Marion Arena Proposal Report Reference GC220628P9.1

Moved Councillor Telfer

Seconded Councillor Hutchinson

That the following items be moved en bloc:

- *Petition - Marion Arena Proposal*
- *Marion Arena Community Land Management Plan*
- *Marion Arena Proposal to Grant Lease*

The Mover with the consent of the Seconder sought and was granted leave of the meeting to withdraw the motion to consider the items en bloc.

Moved Councillor Telfer

Seconded Councillor Hutchinson

That Council:

1. Notes the two petitions received from Ms Laura Galdes
2. Considers the petitions in its decision making in relation to the reports for:
 - a. Marion Arena Community Land Management Plan
 - b. Marion Arena Proposal to Grant Lease
3. Advises the head petitioner/s of the resolutions of Council.

Carried Unanimously

10 Committee Recommendations - Nil

11 Corporate Reports for Decision

11.1 Marion Arena Community Land Management Plan Report Reference GC220628R11.1

Moved Councillor Telfer

Seconded Councillor Hutchinson

That Council:

1. Notes the feedback received from the community consultation process has been considered by Council Members.
2. Resolves to adopt the Marion Arena CLMP included in Attachment 6 and;



- a. Places a Notice in the Advertiser Newspaper and the South Australian Government Gazette confirming the adoption of the Marion Arena CLMP.
- b. Updates Council's 'Community Land Management Plan 6 – Principal Sporting or Recreational Facilities' to remove 262A Sturt Road Marion from the CLMP, and that this be done as a minor administrative change which will have limited or no impact on the community.

Lost

Councillor Hull called a Division

Those in favour: Councillors Veliskou, Clancy, Prior, Telfer and Hutchinson

Those against: Councillors Hull, Shilling, Duncan, Gard and Crossland

The vote was Tied
The Mayor made a casting vote and voted in favour
Carried

11.2 Marion Arena Proposal to Grant Lease
Report Reference GC220628R11.2

7.35pm Councillor Duncan left the meeting

7.39pm Councillor Duncan re-entered the meeting

Moved Councillor Telfer

Seconded Councillor Hutchinson

That Council:

1. Notes the feedback received from the community consultation process has been considered by Council Members.

The Vote was Tied
The Mayor made a casting vote and voted in Favour
Carried

Moved Councillor Hutchinson

Seconded Councillor Shilling

That the following items be moved en bloc

- Annual Business Plan 2022-23 and Long Term Financial Plan
- Valuation - Adoption for 2022-23 Financial Year
- Rates Declaration 2022-23
- Rate Rebate 2022-23

Councillor Telfer declared a perceived conflict of interest in the item footpath in the item *Annual Business Plan 2022-23 and Long Term Financial Plan* in relation to the Residential Footpath Program 2022-23 as the street she resides on is listed and may be developed. Councillor Telfer will remain in the meeting for the item.



Councillor Shilling declared a perceived conflict of interest in the item *Rate Rebate 2022-23* in relation to Appendix 1 *Rate Rebate Report 2022-23* as his employer is listed under the Mandatory 75% category. Councillor Shilling will remain in the meeting for the item.

Councillor Veliskou declared a perceived conflict of interest in the item *Rate Declaration 2022-23* as his property has gone up in value and is likely to fall into the category where rate capping will apply. Councillor Veliskou will remain in the meeting for the item.

Carried

Councillor Hull called a Division

Those in favour: Councillors Veliskou, Clancy, Prior, Telfer, Hutchinson, Shilling, Duncan, Gard and Crossland

Those against: Councillor Hull

Carried

**11.3 Annual Business Plan 2022--23 and Long Term Financial Plan
Report Reference GC220628R11.3**

Moved Councillor Hutchinson

Seconded Councillor Shilling

That: the following be adopted by council in the following order:

- 1) Financial Policies (Attachment 3)
 - a) Rating Policy
 - b) Treasury Management Policy
 - c) Fees and Charges Policy
 - d) Reserve Funds Policy
 - e) Asset Accounting Policy
 - f) Budget Policy
- 2) Pursuant to Section 123(6) of the Local Government Act 1999 and regulation 6 of the Local Government (Financial Management) Regulations 2011, the Annual Business Plan 2022-2023 (Attachment 1)
- 3) Pursuant to Section 123(7) of the Local Government Act 1999, and regulation 7 of the Local Government (Financial Management) Regulations 2011, the Annual Budget 2022-2023 (Attachment 1)
- 4) Pursuant to Section 122(1a) of the Local Government Act 1999, and regulation 5 of the Local Government (Financial Management) Regulations 2011, the Long Term Financial Plan 2022-2032 (Attachment 2).
- 5) That in accordance with the 2022-2023 Annual Business Plan and budgeted borrowings included in the 2022-2023 budget, Council is authorised to negotiate with lending authorities for additional loan borrowings of up to \$4.4m.
- 6) That the Mayor and the Chief Executive Officer be authorised to execute any relevant documentation in relation to the borrowings for and on behalf of Council and affix the Council's common seal thereto.

Carried

Councillor Hull called a Division

Those for: Councillors Veliskou, Clancy, Prior, Telfer, Hutchinson, Shilling, Duncan, Gard and Crossland

Those against: Councillor Hull

Carried



11.4 Valuation - Adoption for 2022-23 Financial Year

Report Reference GC220628R11.4

Moved Councillor Hutchinson

Seconded Councillor Shilling

That:

1. Pursuant to Section 167(2)(a) of the *Local Government Act 1999* Council adopts the capital valuations as supplied by the Office of the Valuer-General, (at Supplementary Week 52 dated 26 June 2022), as the Valuations that are to apply to land within its area for rating purposes for the 2022-23 financial year.
2. Council notes that, at the time of adoption, the Valuation totalled \$28,260,874,460 (including \$27,059,473,488 Rateable and \$1,201,400,972 Exempt). Attachment 11.4.1 will be amended to reflect the updated Valuation Total.

Carried

Councillor Hull called a Division

Those for: Councillors Veliskou, Clancy, Prior, Telfer, Hutchinson, Shilling, Duncan, Gard and Crossland

Those against: Councillor Hull

Carried

11.5 Rates Declaration 2022-23

Report Reference GC220628R11.5

Moved Councillor Hutchinson

Seconded Councillor Shilling

1. That pursuant to Section 153(1)(b) and 156(1)(a) of the *Local Government Act 1999* the Council declares differential general rates according to land use based on Capital Value within the area for the 2022-23 financial year as follows:
 - 1.1 0.272447 cents in the dollar on rateable land of Categories 1 - Residential, 7 Primary Production, 9 - Other.
 - 1.2 0.585761 cents in the dollar on rateable land of Categories 2 - Commercial Shop, 3 - Commercial Office, 4 - Commercial Other.
 - 1.3 0.558516 cents in the dollar on rateable land of Categories 5 - Industry Light and 6 - Industry Other.
 - 1.4 0.599383 cents in the dollar on rateable land of Category 8 - Vacant Land
3. That pursuant to Section 158 (1)(a) of the *Local Government Act 1999*, fixes a minimum amount payable by way of General Rates in respect of rateable land within the area for the 2022-23 financial year of \$1,091.00.
4. That pursuant to Section 153(3) of the *Local Government Act 1999* the Council has determined not to fix a maximum increase under this Section in the general rate to be charged on a principal place of residence of a principal ratepayer upon the basis that relief is otherwise provided under the 'Discretionary Rebate - Residential Land Use (Residential Rate Rebate)' provision of its Rating Policy.



5. That, as required by the *Landscape South Australia Act 2019*, and pursuant to Section 69 of that Act and Section 154 (1) of the *Local Government Act 1999*, the Council declares a Separate Rate of 0.007972 cents in the dollar on all rateable land in the area covered by the Green Adelaide Board within this Council's area for the 2022-23 financial year.
6. That pursuant to Section 181 (1) of the *Local Government Act 1999*, rates are payable in four equal or approximately equal instalments, and Council resolves that pursuant to section 181(2) of the Act the due dates for those instalments shall be:
 - 1 September 2022
 - 1 December 2022
 - 1 March 2023
 - 1 June 2023
7. That pursuant to Section 44 of the *Local Government Act 1999* the Council delegates to the Chief Executive Officer the power at Section 181(4)(b) to alter the due date for payment of any rate or instalment payment of a ratepayer where circumstances warrant such action, and to make any arrangement for payment of an account (either including or excluding the imposition of fines thereon) over an extended period.

Carried

Councillor Hull called a Division

Those for: Councillors Veliskou, Clancy, Prior, Telfer, Hutchinson, Shilling, Duncan, Gard and Crossland

Those against: Councillor Hull

Carried

11.6 Rate Rebate 2022-23

Report Reference

GC220628R11.6

Moved Councillor Hutchinson

Seconded Councillor Shilling

That:

1. The Schedule of Rate Rebates (refer Appendix 1) be noted.
2. Council resolves that a discretionary rate rebate of 25% be granted under Section 166(1)(j) of the Local Government Act 1999 to Foodbank SA on the properties it occupies for the 2022-23 financial year
3. Council resolves that a discretionary rebate of 25% be granted under Section 166(1)(d) of the Local Government Act 1999 to Suneden School on the property it occupies and uses for educational purposes for the 2022-23 financial year.
4. Council resolves that a discretionary rate rebate of 100% be granted under Section 166(1)(j) of the Local Government Act 1999 to Scouts SA on the properties it occupies for the 2022-23 financial year noting that the discretionary 100% rebate to the Scout Association premises at 34 Byron Ave, Clovelly Park, will be reviewed prior to the 2023/24 Annual Business Plan, to ensure that the current exterior appearance to 34 Byron Avenue Clovelly Park 'provides a benefit or service to the local community'."



5. Council resolves that a discretionary rate rebate of 50% be granted under Section 166(1)(j) of the Local Government Act 1999 to the Abbeyfield Society (Marion) on the property it occupies at 5 Lawrence Ave, Edwardstown for the 2022-23 financial year.
6. Council resolves that a discretionary rate rebate of 50% be granted under Section 166(1)(j) of the Local Government Act 1999 to the Plympton Glenelg RSL Sub-Branch on the property it occupies at 464 Marion Rd, Plympton Park for the 2022-23 financial year.
7. Council resolves that a discretionary rate rebate of 75% be granted under Section 166(1)(j) of the Local Government Act 1999 to Operation Flinders on the property it occupies at 3/938 and 4/938 South Road, Edwardstown for the 2022-23 financial year.
8. Council resolves that a discretionary rate rebate of 25% be granted under Section 166(1)(j) of the Local Government Act 1999 to South Adelaide Squash Centre on the property it occupies at 2A Midera Avenue, Edwardstown for the 2022-23 financial year.

Carried

Councillor Hull called a Division

Those for: Councillors Veliskou, Clancy, Prior, Telfer, Hutchinson, Shilling, Duncan, Gard and Crossland

Those against: Councillor Hull

Carried

11.7 Oaklands Green Road Closures
Report Reference GC220628R11.7

Moved Councillor Hutchinson

Seconded Councillor Duncan

That Council:

1. Notes the responses received in response to the community consultation required under the Roads (Opening and Closing) Act 1991.
2. Resolves to make a Road Process Order pursuant to the Roads (Opening and Closing) Act 1991 to close and retain the following roads:
 1. The land marked 'A' and 'B' on Preliminary Plan 22/0013 to be closed as road and form a new Certificate of Title to be issued in the name of the Corporation of the City of Marion and be excluded from classification as community land in accordance with Section 193(4a) of the Local Government Act 1999.
 2. The land marked 'A', 'B' and 'C' on Preliminary Plan 22/0017 to be closed as road and form a new Certificate of Title to be issued in the name of the Corporation of the City of Marion and be excluded from classification as community land in accordance with Section 193(4a) of the Local Government Act 1999.
 3. The land marked 'A' and 'B' on Preliminary Plan 22/0018 to be closed as road and form a new Certificate of Title to be issued in the name of the Corporation of the City of Marion and be excluded from classification as community land in accordance with Section 193(4a) of the Local Government Act 1999.



4. The land marked 'A' and 'B' on Preliminary Plan 22/0020 to be closed as road and form a new Certificate of Title to be issued in the name of the Corporation of the City of Marion and be excluded from classification as community land in accordance with Section 193(4a) of the Local Government Act 1999.
3. Pursuant to Section 37(b) of the Local Government Act 1999 authorises the Chief Executive Officer to enter into and sign all documentation necessary to complete the road closure process under the Roads (Opening and Closing) Act 1991.

Carried Unanimously

11.8 LGA Ordinary General Meeting 2022 - Call for Items of Business Report Reference GC220628R11.8

Moved Councillor Telfer

Seconded Councillor Prior

That:

1. The nominated Council Voting Delegate for the 2022 Local Government Association Annual General Meeting is Mayor Kris Hanna and the Proxy Delegate for this meeting is Deputy Mayor, Luke Hutchinson.
2. Notes the report LGA Ordinary General Meeting 2022 and that no items of business were received from Council Members for submission to the LGA.

Carried Unanimously

12 Corporate Reports for Information/Noting

12.1 Action on Climate Change Report Reference GC220628R12.1

Moved Councillor Veliskou

Seconded Councillor Prior

That Council:

1. Notes the action currently taken by Council in response to climate change.

Carried

Councillor Hull called a Division

Those in favour: Councillors Veliskou, Clancy, Prior, Telfer, Hutchinson, Shilling, Duncan, Gard and Crossland

Those against: Councillor Hull

Carried



Moved Councillor Hutchinson

Seconded Councillor Shilling

That the following items be moved en bloc:

- *WHS Monthly Performance Report*
- *Finance Report - May 2022*

Carried Unanimously

12.2 WHS Monthly Performance Report
Report Reference GC220628R12.2

Moved Councillor Hutchinson

Seconded Councillor Shilling

That Council:

1. Notes the report and statistical data contained therein.

Carried Unanimously

12.3 Finance Report - May 2022
Report Reference GC220524R12.3

Moved Councillor Hutchinson

Seconded Councillor Shilling

That Council:

1. Receives the report "Finance Report – May 2022"

Carried Unanimously

13 Workshop / Presentation Items - Nil

14 Motions With Notice - Nil

15 Questions With Notice - Nil

16 Motions Without Notice - Nil

17 Questions Without Notice - Nil

18 Confidential Items

Councillor Shilling declared an actual conflict of interest in the confidential item City Services Surplus Land as he is the appointed Member on the Council Assessment Panel who may consider the matter in the future.

8.09pm Councillor Shilling left the meeting



Moved Councillor Crossland

Seconded Councillor Prior

That the following cover reports to move into confidence be moved en bloc:

- *Cover Report - City Services Surplus Land*
- *Cover Report - Marion Cultural Centre Cafe lease Arrangements*

Carried Unanimously

18.1 Cover Report - City Services Surplus Land

Report Reference GC220628F18.1

Moved Councillor Crossland

Seconded Councillor Prior

That pursuant to Section 90(2) and (3) (d)(i) and (ii) of the Local Government Act 1999, the Council orders that all persons present, with the exception of the following persons: Chief Executive Officer, General Manager City Development, General Manager City Services, General Manager Corporate Services, Manager Office of the CEO, Manager City Property, Unit Manager Land & Property, Unit Manager Communications, Capital Project Officer, Media and Engagement Advisor, Unit Manager Governance and Council Support and Governance Officer, be excluded from the meeting as the Council receives and considers information relating to City Services Surplus Land, upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to matters pertaining to commercial information of a confidential nature from the market in relation to proposals received for the City Services surplus land, the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party.

Carried Unanimously

8.09pm the meeting went into confidence.

Moved Councillor Crossland

Seconded Councillor Prior

That in accordance with Section 91(7) and (9) of the Local Government Act 1999 orders that this report, City Services Surplus Land, any appendices and the minutes arising from this report having been considered in confidence under Section 90(2) and (3) (d)(i) and (ii) of the Act, except when required to effect or comply with Council's resolution(s) regarding this matter, be kept confidential and not available for public inspection until the execution of the Lease Agreement. At this time the report and minutes for this item will be released, with the exception of the financial information which is to be redacted and kept confidential. This confidentiality order will be reviewed at the General Council Meeting in December 2022.

Carried Unanimously

8.21pm the meeting came out of confidence.



18.2 Cover Report - Marion Cultural Centre Cafe Lease Arrangements

Report Reference GC220628F18.2

Moved Councillor Crossland

Seconded Councillor Prior

That pursuant to Section 90(2) and (3) (d)(i) and (ii) of the Local Government Act 1999, the Council orders that all persons present, with the exception of the following persons Chief Executive Officer, General Manager City Development, General Manager City Services, General Manager Corporate Services, Manager Office of the CEO, Manager City Property, Unit Manager Land & Property, Unit Manager Communications, Capital Project Officer, Media and Engagement Advisor, Unit Manager Governance and Council Support and Governance Officer, be excluded from the meeting as the Council receives and considers information relating to Marion Cultural Centre Café, upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to the financial details of the potential Lessees at Council's Marion Cultural Centre.

Carried Unanimously

8.21pm the meeting went into confidence.

8.21pm Councillor Shilling re-entered the meeting

8.26pm Councillor Hutchinson left the meeting

8.29pm Councillor Hutchinson re-entered

Moved Councillor Prior

Seconded Councillor Hull

In accordance with Section 91(7) and (9) of the Local Government Act 1999 orders that this report, Marion Cultural Centre Café Lease Arrangement, any appendices and the minutes arising from this report having been considered in confidence under Section 90(2) and (3) (d)(i) and (ii) of the Act, except when required to effect or comply with Council's resolution(s) regarding this matter, be kept confidential and not available for public inspection until the execution of the Lease Agreement. At this time the report and minutes for this item will be released, with the exception of the financial information which is to be redacted and kept confidential. This confidentiality order will be reviewed at the General Council Meeting in December 2022.

Carried Unanimously

8.32pm the meeting came out of confidence.

19 Other Business - Nil

20 Meeting Closure

The meeting was declared closed at 8.32pm.

CONFIRMED THIS 26 DAY OF JULY 2022

CHAIRPERSON

GC220628 - General Council Meeting - 28 June 2022

6 Communications

Nil

6.1 Elected Member Verbal Communications

In accordance with the *Code of Practice - Procedures at Council Meeting 2017/18* an Elected Member has the right to speak for up to two minutes in the second meeting of Council every second month from February (with the exception of caretaker period).

6.2 Mayoral Communication Report

Report Reference GC220726R6.2

Name of Council Member Mayor - Kris Hanna

Date	Event	Comments
20 June 2022	Club Marion Committee Meeting	
22 June 2022	Edwardstown Lions 60th anniversary and 2022-23 Handover Dinner	
23 June 2022	Coast FM Interview	
24 June 2022	GAROC Lunch	
25 June 2022	Mitchell Park Sports and Community Centre Opening	
29 June 2022	Meeting with Hallett Cove R-12 students at Youth Services Australia pumptrack event	
30 June 2022	Tonsley Connections Event	
1 July 2022	Meeting Mayor Kris Hanna and Cimon Burke (KelledyJones)	
2 July 2022	Two Citizenship Ceremonies	
3 July 2022	Uniting Church Conversations - A good Climate for Change	
4 July 2022	Hosted Her Excellency the Honourable Frances Adamson AC Governor and Mr Rod Buntin	
4 July 2022	Edwardstown Business Community Group meeting	
6 July 2022	LGA Metropolitan Elected Member Information Session - Coastal Coordination	
7 July 2022	Meeting with Deputy Premier Susan Close	
8 July 2022	Sturt Pistol Club Committee Dinner	
9 July 2022	Brolga Place Reserve Opening	
9 July 2022	Plympton Football Club Indigenous Football Round	
16 July 2022	Sturt Pistol Club AGM	
18 July 2022	Club Marion Committee Meeting	

19 July 2022	Meeting with Westfield Marion Centre Manager	
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6.3 Deputy Mayor Communication Report

Report Reference GC220726R6.3

Name of Council Member Deputy Mayor – Luke Hutchinson

Date	Event	Comments
25 June 2022	Mitchell Park Sports and Community Centre Opening	attended

6.4 CEO and Executive Communication Report

Report Reference GC220726R6.4

Date	Activity	Attended By
24 June 2022	Meeting Sorana Dinmore (CoM) David Stobbe City of Onkaparinga Council	Sorana Dinmore
24 June 2022	Meeting Sorana Dinmore (CoM) Salesforce meeting	Sorana Dinmore
27 June 2022	Meeting Sorana Dinmore(CoM) Ryan McMahon City of Tea Tree Gully Council	Sorana Dinmore
28 June 2022	Meeting Jayne Stinson MP (Member for Badcoe) and Tony Harrison	Tony Harrison
29 June 2022	Meeting Sorana Dinmore (CoM) Hannan & Partners	Sorana Dinmore
29 June 2022	Oaklands Green Monthly Project Control Group Meeting	Ben Keen
30 June 2022	LGA Corporate Members briefing from SA Centre for Economic Studies of the University of Adelaide, Professor the Hon Bob Carr	Tony Harrison
30 June 2022	Two Citizenship Ceremonies	Tony Harrison

30 June 2022	Meeting Sorana Dinmore (CoM) KPMG	Sorana Dinmore
4 July 2022	Meeting Sorana Dinmore (CoM) Abby Dickson (PAE) & Donna Dunbar (CCS)	Sorana Dinmore
5 July 2022	Meeting Cross Council Collaboration with Cities of Marion, Charles Sturt, Port Adelaide Enfield re Fleet Management	Ben Keen
6 July 2022	Meeting Sorana Dinmore (CoM) Hannan & Partners	Sorana Dinmore
7 July 2022	Addinsight demo and tour of SAGE Automation at Tonsley	Ben Keen
8 July 2022	Meeting Sorana Dinmore (CoM) Mayor Hanna	Sorana Dinmore
13 July 2022	Meeting Sorana Dinmore (CoM) Michelle Holland SynergyIQ	Sorana Dinmore
14 July 2022	Meeting Sorana Dinmore (CoM) John Catarinich Agilyx	Sorana Dinmore
15 July 2022	Meeting Tony Harrison and David Speirs MP (Member for Black)	Tony Harrison
15 July 2022	Meeting Tony Harrison and Steve Wren (Pelligra)	Tony Harrison
15 July 2022	Meeting Sorana Dinmore (CoM) Michelle Holland SynergyIQ	Sorana Dinmore
18 July 2022	Meeting Tony Harrison, Jessica Lynch and Marisa Fyfe and Gill Duck (Duckpond consulting)	Tony Harrison
18 July 2022	Meeting Sorana Dinmore (CoM) Freddie Brincat – Community Bridging Services	Sorana Dinmore
19 July 2022	Meeting Sorana Dinmore (CoM) Gartner	Sorana Dinmore
19 July 2022	Meeting Sorana Dinmore (CoM) Satalyst	Sorana Dinmore
21 July 2022	Meeting Tony Harrison Jon Whelan, Andrew Excell and Wayne Buckerfield (DIT)	Tony Harrison

25 July 2022	Meeting SA Power Networks re tree planting	Ben Keen
26 July 2022	Meeting Jayne Stinson MP (Member for Badcoe) and Tony Harrison	Tony Harrison
26 July 2022	Meeting Tony Harrison and Kathryn McEwen	Tony Harrison
26 July 2022	Meeting Mayor Kris Hanna, Tony Harrison, Marteine Edwards and Lachlan Monfries (Scentre Group)	Tony Harrison

7 Adjourned Items - Nil**8 Deputations****8.1 Deputation - Artificial Turf**

Report Reference	GC220726D8.1
Originating Officer	Business Support Officer – Governance and Council Support – Cassidy Ryles
Corporate Manager	Manager Office of the CEO – Kate McKenzie
General Manager	Chief Executive Officer – Tony Harrison

SPEAKER

Mr Scott Poynter

ORGANISATION

Resident

COMMENTS

Mr Scott Poynter has requested to make a deputation to Council regarding the artificial turf at 10 Hawkview, Darlington.

ATTACHMENTS

Nil

9 Petitions - Nil**10 Committee Recommendations****10.1 Confirmation of Minutes of the Asset and Sustainability Committee Meeting held on 5 July 2022**

Report Reference	GC220726R10.1
Originating Officer	Business Support Officer - Governance and Council Support – Cassidy Ryles
Corporate Manager	Manager Office of the Chief Executive - Kate McKenzie
General Manager	Chief Executive Officer - Tony Harrison

REPORT OBJECTIVE

The purpose of this report is to facilitate the receiving and noting of the minutes of the Asset and Sustainability Committee meeting held on 5 July 2022.

EXECUTIVE SUMMARY

A summary of items considered by the Committee Members is noted below.

Reports for Discussion

- Stormwater Management
- Parking Management

Reports for Noting

- Nil

RECOMMENDATION

That Council:

1. **Receives and notes the minutes of the Asset and Sustainability Committee meeting held on 5 July 2022.**
2. **Notes that separate reports will be brought to Council for consideration of any recommendations from the Asset and Sustainability Committee.**

ATTACHMENTS

1. AS C 220705 - Final Minutes [**10.1.1** - 8 pages]



**Minutes of the Asset and Sustainability Committee
held on Tuesday, 5 July 2022 at 6.30 pm
Council Chamber, Council Administration Centre
245 Sturt Road, Sturt**





PRESENT

His Worship the Mayor Kris Hanna (7:34pm)
 Councillor Ian Crossland (Chair)
 Councillor Bruce Hull

Councillor Tim Gard
 Councillor Nathan Prior

In Attendance

General Manager City Services - Ben Keen
 Executive Officer to the General Manager City Services - Colleen Madsen
 Manager Engineering, Assets & Environment - Mathew Allen
 Unit Manager Engineering – Carl Lundborg
 Coordinator Transport – Nathan Saxty
 Water Resources Coordinator – Glynn Ricketts
 Coordinator Survey and Design - Alex Dorn
 Unit Manager Open Space and Recreation Planning - Renee Pitcher

1 Open Meeting

The Chair opened the meeting at 6.31pm.

2 Kaurna Acknowledgement

We acknowledge the Kaurna people, the traditional custodians of this land and pay our respects to their elders past and present.

3 Elected Member Declaration of Interest (if any)

The Chair asked if any member wished to disclose an interest in relation to any item being considered at the meeting.

The following interests were disclosed:

- Nil

4 Confirmation of Minutes

4.1 Confirmation of Minutes of the Asset and Sustainability Committee Meeting held on 5 April 2022

Report Reference ASC220705R4.1

Moved Councillor Prior

Seconded Councillor Hull

That the minutes of the Asset and Sustainability Committee Meeting held on 5 April 2022 be taken as read and confirmed.

carried unanimously

ASC220607 - Asset and Sustainability Committee - 5 July 2022



5 Business Arising

5.1 Business Arising Statement - Action Items

Report Reference ASC220705R5.1

Moved Councillor Prior

Seconded Gard

That the Asset and Sustainability Committee:

1. Notes the business arising statement, meeting schedule and upcoming items.

carried unanimously

6 Confidential Items - Nil

7 Reports for Discussion

7.1 Stormwater Management

Report Reference ASC220705R7.1

Unit Manager Engineering, Carl Lundborg presented to the Committee with an overview of Stormwater Practices across the City of Marion and was seeking support to trial additional innovative water sensitive urban design (WSUD) solutions.

Key discussion points noted:

Stormwater Infrastructure

- How WSUD works – value and funding.
- Percentage of non-developed allotments, developed v under developed. There is an 80-90% impervious hard surface within infill development and the road corridor.
- Total replacement cost of stormwater infrastructure is \$214M.
- We currently have two endorsed Stormwater Management Plans – Hallett Cove Creeks and Coastal Catchments; still in draft are the Sturt River and Field River.
- We have high confidence in the stormwater data (where they are located, what physical properties and the date of construction). We are still in the early stages of asset management of the stormwater infrastructure when collecting condition data and how the budgets are formed through the Asset Management Plans.
- The responsibility for the drains that run through the city are:
 - City of Marion – trunk drains on arterial roads & Stormwater network on council land
 - DIT – side drains on arterial roads
 - Sturt River channel SA Water
- To ascertain the viability of the infrastructure CoM is placing CCTV down the pipes.
- Renewals have not yet been accounted for. Currently, renewal is based on age however the data we are collecting via CCTV will assist us to determine renewal requirements.
- Infrastructure standards have changed; when we look at renewal we will see if there is a viability of replacing with a larger asset due to capacity.



- Responsibility of developers and builders is considered very strong at state government level, holding developers responsible within the development sites. However issues can arise immediately adjacent to those areas.
- The introduction of a state levy for developers would require a resolution by the LGA.
- The Stormwater Management Authority only has approx. \$4.4M p.a. and is aware through Stormwater Management Plans that Council has asset and flood liabilities. They are working with Councils on how to obtain further funding to assist in addressing problems created by urban planning, parking etc., possibly through federal grants.

Permeable paving

- The benefits of permeable paving for use in footpaths was discussed. They are good for low lying areas, although due to run off they are not preferable for use on hills.
- The noise factor of cars for permeable roads is well within the acceptable readings.
- The cost difference for bitumen v permeable pavers in car parks is approximately 30%.
- Car parks life span 70 years.
- Permeable paving would not be used in high trafficked and/or large vehicle loads due to the load of the turning movements. Further consideration can be given to the design of carparks to use a combination of both bitumen and permeable pavers where appropriate.

Tree Inlets

- Less water needed to water the tree etc.
- Tree roots don't need to go searching for water as much, lifting roads and footpaths.
- Approximately 200 across the city.
- Each Tree Inlet can hold approx. 200-300L of stormwater

Rain Gardens

Rain Gardens require ongoing maintenance, however can be used to build up amenity of the area.

No one solution is the best, a combination of all can be used depending upon the requirements for the particular area.

Manager of Engineering, Assets and Environment, Mathew Allen presented on the five major principles of Stormwater Management.

- Detention
- Retention
- Plumbed Rainwater Tanks
- First Flush Retention – EPA Targets
- Flood Protection

Planning and design code.

Retention rainwater tanks need to be plumbed.

Infill development:

Oaklands Green – Brownfield Development

- Progressing quickly and putting in place the five principles.
- Infrastructure agreement and conditions consent.
- Can use recycled water into residential properties.



- Don't have much drainage infrastructure – have pits and pipes for 5-year events.
- WSUD will complement.

Cove Point – Greenfield Development

- Site has sandy soil.
- Water from the outlet goes over cliff face and is causing a lot of erosion.
- Council is conscious not to disturb coastal reserve and does not want the developer to touch those areas.
- Currently working with the developer to create a stormwater management plan.
- Discussing discharge and will need to look at retention and detention.
- Any concern at government level with the developer? Staff are quite firm with the developer of what is required.

Water Resources Coordinator, Glynn Ricketts provided an update of the Holdfast Bay and City of Marion Rainwater Tank Pilot Project.

- Project is behind schedule due to the difficulty in employing a student during Covid, however this has now been done.
- Rebate scheme in place for next winter.
- Rainwater tanks trying to demonstrate they have a place.
- Project has commenced and will have rainwater tanks in by next winter.
- Of the \$260,000 allocated to the project, most goes to the rebate scheme, buying tanks etc.
- Currently determining the status of the rainwater tanks for the residents.

Unit Manager Open Space Planning, Renee Pitcher gave a presentation on water within Open Space planning.

- The current Plan and Policy supports the use of WSUD and will be considered in open space design to meet sustainability targets, to preserve and enhance the natural environment and to manage stormwater events.
- Open space is designed to maximise porous surfaces.
- With new developments, internal departments peer review plans and documentation; and it's a balance with the developers, with staff raising questions such as how much is useable space. 12.5% is the minimum useable space that must be accounted for. Walkways used to be included as part of the percentage of useable space.
- We can reduce our reliance on piped irrigation, and design to passively irrigate out natural landscaping and grassed areas.
- Open space planning preference is for WSUD to limit impact on useable open space by ensuring designs contain flooding under the 1 in 5 year event.

Project Learnings

- Harbrow Grove Reserve, Seacombe Gardens was upgraded in 2011 and is a collaborative design response to local flooding on adjacent streets.
- Aspects of the site could have been improved, including flattening grass areas to create more useable spaces for recreation; establishment and correct species selection for bioretention pond; topping up water in extreme drought conditions. There is no value in retro-fitting.
- The underground rainwater tank, designed to top up the ornamental pond quickly depleted during the months it was needed, it had maintenance issues and WHS issues. It is a very complex system and limited in this scale or reserve.



Lightsview case study on integrated WSUD Management in Open Space

- Major infill development 8 kms from Adelaide CBD, and illustrates best practice in the integration of water and landscape planning to achieve a response to stormwater management without sacrificing recreational and environmental ambitions.
- Three wetlands terraced across the development, capturing upstream and development runoff and cleans it. Once the water is purified its pumped up to the off line ornamental pond, which is at the highest point of the development. No untreated stormwater with enter this system.
- Volume of detention basins were increased to the 1 in 5 events could be contained to vegetated swales that were located on the outside edge of the reserve.

We will continue to utilise open space as green sponges to reduce pressure on peak flows and clean water prior to discharge downstream and identify site appropriate WSUD systems.

Moved Councillor Hull

Seconded Councillor Gard

That the Asset and Sustainability Committee:

1. Notes the presentation and provides feedback for stormwater management across the City of Marion.
2. Supports the trial of permeable pavements within the footpath programs and identified car park projects.
3. Recommends to Council that:
 - City of Marion approaches the LGA to lobby for developer contributions towards Council infrastructure prior to caretaker.

Carried unanimously

7.2 Parking Management

Report Reference ASC220705R7.2

Mat Allen introduced Unit Manager Engineering, Carl Lundborg and Coordinator of Transport, Nathan Saxty to present to the Committee an overview of the current Parking Management Practices across the City of Marion and seek comments on developing Parking Management Guidelines for the City of Marion.

The committee was introduced to the Menti metre engagement tool. This tool was used via the members phone to determine what they consider their most important aspects of the road boundaries.

ACTION

Take the Parking Data provided on the slide and plot using a heat map – red more restrictions – green less restrictions

Key discussion points noted:

ASC220607 - Asset and Sustainability Committee - 5 July 2022



- A variety of parking restrictions exist without a clear reason why, and are often contradictory. Many of our parking arrangements are historical, and records don't always go back that far to determine why they were originally installed.
- Parking concerns often focused on customer experience, however we would like to have more consistency across the city.
- There is a push for adequate road widths with new developments.
- There is an identified minimum width of road. Historically cannot comment if that has been upheld.
- 45kms of road do not meet the standard.

ACTION

Provide the Committee Members with the ABS data on general trends of motor vehicle ownership. i.e. every member of the family over the age of 18 yrs. to have a car?

- Discussion on the current Parking Management Action Plan (operational document).
- Collector or Distributor Roads are determined via a planning perspective.
- The high number of customer requests dictates staff are working more reactive than they would like and are trying to get to that space so that they can become proactive.
- Parking Management Plan will provide residents with guidelines on what Council can look at and why and provide integrity across the council.
- Suggestions for the guidelines:
 - Criteria for restricted parking yellow lines etc.
 - Hierarchy of roads etc.
 - Strategically we don't want to restrict train station parking.
 - Design code

Current Parking Interventions

- Yellow Lines
- Paved/Indented Parking Bays
- Time restrictions
- Zones i.e. loading, Disability, Park n Ride

Are we able to introduce Legislation to prevent people parking in Electric Vehicle areas (currently 3 stations)? No issues have arisen as yet. It was suggested if the Committee Members would like to lobby for legislation it could come to Council as a Motion with Notice.

Current Education/Enforcement

Parking safely and correctly pamphlets

Keep kids safe pamphlets provided to school each term

CSIs (refer to slide)



8

- Community consultation on the draft Guidelines would be on the principles and guidelines within the document.
- Committee Members agreed to consider including retrospective provision in the guidelines. Exceptional circumstances would need to be considered.
- Administration will aim for October to bring a draft of guidelines to the Committee.

Moved Councillor Nathan Prior**Seconded Councillor Tim Gard**

That the Asset and Sustainability Committee:

1. Notes the presentation and provides feedback for parking management across the City of Marion.
2. Supports the development of Parking Management Guidelines for the City of Marion.

Carried unanimously**8 Reports for Noting - Nil****9 Workshop / Presentation Items - Nil****10 Other Business****11 Meeting Closure**

The meeting shall conclude on or before 9.30pm unless there is a specific motion adopted at the meeting to continue beyond that time.

The meeting was declared closed at 9.56pm.

CONFIRMED THIS 2ND DAY OF AUGUST 2022

CHAIRPERSON

10.2 Confirmation of Minutes of the Planning and Development Committee Meeting held on 5 July 2022

Report Reference	GC220726R10.2
Originating Officer	Project Support Officer (Development) – Anne Mitchell
Corporate Manager	Manager Development and Regulatory Services - Warwick Deller-Coombs
General Manager	General Manager City Development - Tony Lines

REPORT OBJECTIVE

The purpose of this report is to facilitate the receiving and noting of the minutes of the Planning and Development Committee meeting held on 5 July 2022.

EXECUTIVE SUMMARY

A summary of items considered by the Committee Members is noted below.

Reports for Discussion

- Urban Corridor – Marion Road
- Code Amendments Update

Reports for Noting

- Development Services Activities Update
- Development Factsheets and Guidelines Update
- Land Development Projects Update
- North South Corridor Update

Confidential

- Confidential Business Arising Statement – Action Items
- Development Case Studies Workshop (*Withdrawn*)

RECOMMENDATION**That Council:**

1. **Receives and notes the minutes of the Planning and Development Committee meeting held on 5 July 2022.**
2. **Notes that separate reports will be brought to Council for consideration of any recommendations from the Planning and Development Committee.**

ATTACHMENTS

1. PDC220705 - Final Minutes [**10.2.1** - 7 pages]



**Minutes of the Planning and Development Committee
held on Tuesday, 5 July 2022 at 6.30 pm
Council Chamber, Council Administration Centre
245 Sturt Road, Sturt**



**PRESENT**

His Worship the Mayor Kris Hanna
Councillor Kendra Clancy (Presiding Member)
Councillor Raelene Telfer
Councillor Luke Hutchinson
Councillor Jason Veliskou (from 6:37pm)

In Attendance

Manager Development and Regulatory Services – Warwick Deller-Coombs
Acting Team Leader Planning – Nicholas Timotheou
Acting Senior Planner – Joanne Reid
Project Support Officer (Development) - Anne Mitchell

1 Open Meeting

The Chair opened the meeting at 6:31pm.

2 Kurna Acknowledgement

We acknowledge the Kurna people, the traditional custodians of this land and pay our respects to their elders past and present.

3 Elected Member Declaration of Interest (if any)

The Chair asked if any member wished to disclose an interest in relation to any item being considered at the meeting

Nil interests disclosed.

4 Confirmation of Minutes**4.1 Confirmation of Minutes of the Planning and Development Committee Meeting held on 3 May 2022**

Report Reference PDC220705R4.1

Moved Councillor Telfer**Seconded Councillor Hutchinson**

That the minutes of the Planning and Development Committee Meeting held on 3 May 2022 be taken as read and confirmed.

Carried Unanimously



5 Business Arising

5.1 Business Arising Statement - Action Items

Report Reference PD220705R5.1

The Planning and Development Committee noted the business arising statement, meeting schedule and upcoming items.

The following points were noted:

- The two remaining meetings (6 September and 1 November) are both scheduled to take place during the Caretaker period.
- The Committee agreed not to hold the 1 November meeting unless urgent business is required to be progressed.

The Chair sought and was granted leave of the meeting to vary the order of the agenda and consider the Confidential Business Arising Statement – Action Items (PDC220705F6.1) at the end of the agenda.

7 Reports for Discussion

7.1 Urban Corridor - Marion Road

Report Reference PDC220705R7.1

6:37pm Councilor Veliskou entered the meeting.

The Manager Development and Regulatory Services provided an overview on the progress of the Urban Corridor – Marion Road Code Amendment.

The following discussion points were noted:

- The Urban Corridor – Marion Road Code Amendment was previously placed on hold pending further investigations into the ability to diversify development opportunities on Marion Road.
- Intention is to retain existing employment, commercial and industrial zones.
- The Housing Diversity Neighbourhood Zone (HDNZ) rather than the General Neighbourhood Zone allows for more appropriate development opportunities with the Technical and Numeric Variations (TMVs) providing increased opportunity for residential redevelopment whilst also achieving appropriate development outcomes. The HDNZ zone also allows for small scale commercial uses, complimenting the exiting commercial services.
- The HDNZ would encourage amalgamation opportunities to achieve better development outcomes, noting that there is an existing opportunity for those with larger blocks.
- The previous Plains Policy Area was in place to balance density, with the new Code Amendment allowing for further exploration of various zones.
- Traffic flow should be taken into consideration with potential issues if higher density development is allowed. Preliminary investigations have been undertaken, however, a greater level of study would be required for high intensity zones, lower density zoning is unlikely to require as intensive studies.

Moved Councillor Hutchinson

Seconded Mayor Hanna

That the Planning and Development Committee:

PDC220705 - Planning and Development Committee - 5 July 2022



4

1. Considers the report and the proposed amendments to the 'Urban Corridor – Marion Road Code Amendment - Proposal to Initiate'.
2. Recommends that Council endorses the proposed amendments to the 'Urban Corridor – Marion Road Code Amendment - Proposal to Initiate' and that the amended version be forwarded to the Minister for consideration/approval.

Carried

7.2 Code Amendments Update

Report Reference PDC220705R7.2

The Manager Development and Regulatory Services gave a brief outline as detailed in the report.

The following discussion points were noted:

- A response is expected in the next 1-2 weeks on the amended Proposal to Initiate for the Morphettville and Glengowrie Horse Related Activities Code Amendment. This was forwarded to the Minister in early April, noting that this was delayed due to a technical problem.
- The Southern Suburbs Code Amendment is a large body of work which is currently being undertaken with intent to bring back to the Committee in September for discussion and progression.
- Centre Zones Code Amendment was forwarded to the Minister in late May and a response is expected to be received in the coming weeks.

Moved Councillor Hutchinson

Seconded Councillor Veliskou

That the Planning and Development Committee:

1. Notes the report.

Carried Unanimously

8 Reports for Noting

8.1 Development Services Activities Update

Report Reference PDC220705R8.1

The Manager Development & Regulatory Services and Acting Team Leader Planning gave a summary of the work undertaken by the Development Services Unit.

The following discussion points were noted:

- Applications have remained steady with May recording the most determinations in a month under the Code.
- Compliance matters have increased, and it is foreseen that this trend will continue as staff are required to inspect certain forms of completed developments for compliance with conditions of approval e.g. planting of trees. It is expected that more information will be provided on this at the next Committee meeting.

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- Requirements for Certificate of Occupancy Certificates for residential dwellings has been postponed until January 2024.
- The number of deemed consents is zero, with this statistic is to be included in subsequent activities updates.
- Discussion and explanation on requests for 'mandatory verification documentation' and the high portion of applications that this is required on. Noting no fees have yet been received for applications at this stage of assessment.
- Industry professionals are increasingly able to navigate the code with residents being able to seek assistance and in many cases able to navigate successfully once receiving advice.
- Encourage those utilising the PlanSA system and navigating the Code to provide feedback to PlanSA.
- Administration has removed previous brochures available under the Development Act, with the website to be updated and new factsheets to replace those removed. Consideration will be given to any gaps noted by Council Members and the community.
- Discussion regarding 'Tiny Houses', noting that current requirements only allow for them under ancillary accommodation. Potential to investigate 'Tiny House' options and seek out other interested parties in this space. Currently ancillary accommodation is supported with the condition it is occupied by a family member.
- Council supports density in the right areas, such as along urban corridors, with high quality outcomes sought for residential developments.

Moved Councillor Telfer**Seconded Councillor Hutchinson**

That the Planning and Development Committee:

1. Notes the report.

Carried**Moved Councillor Hutchinson****Seconded Mayor Hanna**

That the following items be moved en bloc:

- 8.2 Development Factsheets and Guidelines Update
- 8.3 Land Development Projects Update
- 8.4 North South Corridor Update

Carried

8.2 Development Factsheets and Guidelines Update

Report Reference PDC220705R8.2

Moved Councillor Hutchinson**Seconded Mayor Hanna**

That the Planning and Development Committee:

1. Notes the report.

Carried



8.3 Land Development Projects Update

Report Reference PDC220705R8.3

The following discussion was noted:

- Traffic studies to be undertaken when development plans lodged. An update from SAJC on their masterplan is expected soon.

Moved Councillor Hutchinson

Seconded Mayor Hanna

That the Planning and Development Committee:

1. Notes the report.

Carried

8.4 North South Corridor Update

Report Reference PDC220705R8.4

Moved Councillor Hutchinson

Seconded Mayor Hanna

That the Planning and Development Committee:

1. Notes the report.

Carried

6 Confidential Items

6.1 Cover Report - Confidential Business Arising Statement - Action Items

Report Reference PDC220705F6.1

Moved Councillor Veliskou

Seconded Councillor Hutchinson

Pursuant to Section 90(2) and (3) (g)(h) and (m) of the Local Government Act 1999, the Committee orders that all persons present, with the exception of the following persons: Chief Executive Officer, General Manager City Development, General Manager Corporate Services, General Manager City Services, Manager Office of the CEO, Manager Development and Regulatory Services, Team Leader Planning, Senior Policy Planner, Project Support Officer (Development) and Executive Officer to General Manager City Development be excluded from the meeting as the Committee receives and considers information relating to Confidential Business Arising Statement – Action Items, upon the basis that the Committee is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to a development application, legal advice, planning policy matters as well as Aboriginal Heritage considerations.



7

Carried

7:30 pm the meeting went into confidence.

A brief update was provided in confidence.

Moved Councillor Hutchinson

Seconded Councillor Veliskou

1. Notes the business arising statement.
2. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that any appendices from this report, Confidential Business Arising Statement – Action Items, having been considered in confidence under Section 90(2) and (3) (g)(h) and (m) of the Act, except when required to effect or comply with Council's resolution(s) regarding this matter, be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2022.

Carried

7:33 pm the meeting came out of confidence.

6.2 Cover Report - Development Case Studies Workshop

Report Reference PDC220705F6.2

This item was withdrawn.

9 Workshop / Presentation Items

10 Other Business

11 Meeting Closure

The meeting shall conclude on or before 9.30pm unless there is a specific motion adopted at the meeting to continue beyond that time.

The meeting was declared closed at 7:33pm.

CONFIRMED THIS 6 DAY OF SEPTEMBER 2022

CHAIRPERSON

11 Confidential Items

11.1 Cover Report - CoM Submission re LGA Draft Training Standards for Council Members

Report Reference	GC220726F11.1
Originating Officer	Unit Manager Governance and Council Support – Victoria Moritz
Corporate Manager	Manager Office of the Chief Executive - Kate McKenzie
General Manager	Chief Executive Officer - Tony Harrison

REASON FOR CONFIDENTIALITY

Local Government Act (SA) 1999 S 90 (2) 3

(j) information the disclosure of which (i) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the council, or a person engaged by the council); and (ii) would, on balance, be contrary to the public interest

RECOMMENDATION

That pursuant to Section 90(2) and (3)(j) of the *Local Government Act 1999*, the Council orders that all persons present, with the exception of the following persons: Chief Executive Officer, General Manager City Services, General Manager City Development, General Manager Corporate Services, Manager Office of the CEO, Media and Engagement Advisor and Unit Manager Governance and Council Support, be excluded from the meeting as the Council receives and considers information relating to *LGA Draft Training Standards for Council Members*, upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to information the disclosure of which would divulge information provided on a confidential basis by a public authority, being the Local Government Association of SA (LGA), and the disclosure of which would, on balance, be contrary to the public interest, being information provided by the LGA in relation to proposed training standards for council members before it is provided to the Minister for Local Government for approval and that the LGA has requested be kept confidential at this stage.

11.2 Code of Conduct

Report Reference	GC220726F11.2
Originating Officer	Unit Manager Governance and Council Support – Victoria Moritz
Corporate Manager	Manager Office of the Chief Executive - Kate McKenzie
General Manager	Chief Executive Officer - Tony Harrison

REASON FOR CONFIDENTIALITY***Local Government Act (SA) 1999 S 90 (2) 3***

(a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)

RECOMMENDATION

That pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999, the Council orders that all persons present, with the exception of the following persons: Chief Executive Officer, Manager Office of the CEO, Unit Manager Governance and Council Support and Governance Officer, be excluded from the meeting as the Council receives and considers information relating to a Code of Conduct Matter upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to the conduct of Council Members.

12 Corporate Reports for Decision

12.1 1 Cumbria Court - Section 194(2)(a) Report for Consultation

Report Reference	GC220726R12.1
Originating Officer	Unit Manager Land and Property – Michael Collins
Corporate Manager	Manager City Property - Thuyen Vi-Alternetti
General Manager	General Manager City Development - Tony Lines

REPORT OBJECTIVE

To seek Council endorsement of the revocation report prepared in accordance with Section 194(2)(a) of the Local Government Act 1999 (the Act) (refer Attachment 1), and the Community Engagement Plan (refer Attachment 2) and to commence the revocation process including community consultation for the whole of the land situated at 1 Cumbria Court Mitchell Park and portion of the land at 30 Lanark Avenue Mitchell Park.

REPORT HISTORY

Report Reference	Report Title
GC220614R11.4	Cumbria Court, Mitchell Park – Future Use

EXECUTIVE SUMMARY

At its General Council meeting held on 14 June 2022, Council endorsed the proposal to commence the revocation of the community land classification of 1 Cumbria Court Mitchell Park contained in Certificate of Title Volume 5808 Folio 815 and to explore a potential purchase of the portion of land at 30 Lanark Avenue Mitchell Park contained in Certificate of Title Volume 5214 Folio 25 owned by DECS and leased to the City of Marion on a long-term lease due to expire in May 2037.

The existing building which housed the Mitchell Park Neighbourhood Centre until 13 June 2022 straddles the boundary between the two allotments. The proposal endorsed by Council necessitates that the lease with DECS be surrendered and the existing building be demolished. The land leased by Council from DECS is also classified as community land by virtue of Section 193 of the Act, notwithstanding that it is not included in any Community Land Management Plan because it has not been exempted through legislation, excluded by resolution of Council or the classification revoked. Accordingly, the revocation report and community consultation must cover the whole of the land in Certificate of Title Volume 5808 Folio 815 and portion of the land in Certificate of Title Volume 5214 Folio 25.

RECOMMENDATION

That Council:

- 1. Declares that the land at 1 Cumbria Court Mitchell Park comprised in Certificate of Title Volume 5808 Folio 815 is surplus to requirements and subject to a successful community land revocation process is potentially suitable for disposal on the open market.**
- 2. Endorses the revocation report titled ‘Section 194 Report for Consultation – Proposal**

to revoke classification of Community Land - 1 Cumbria Court and Portion 30 Lanark Avenue Mitchell Park' contained in Attachment 1 subject to a period of community engagement in accordance with Section 194(2)(b) of the Local Government Act 1999 and Council's Public Consultation Policy.

- 3. Authorises the 'Chief Executive Officer' or his nominee, to make minor variations to the revocation report prior to the commencement of community engagement.**
- 4. Endorses the Community Engagement Plan, (which may be subject to minor amendments) as contained in Attachment 2.**
- 5. Confirms that should the revocation of community land classification and sale proceed, that net sale proceeds will be paid into the Open Space Reserve Fund for the development of Open Space for the benefit of the community, as approved by Council.**
- 6. Requires a further report to be presented for consideration by Council following conclusion of the public consultation under Section 194(2)(a) of the Local Government Act 1999 for the potential revocation of community land classification of the whole of the land known as 1 Cumbria Court Mitchell Park, comprised in Certificate of Title Volume 5808 Folio 815 and portion of the land known as 30 Lanark Avenue Mitchell Park, comprised in Certificate of Title Volume 5214 Folio 25 to enable Council to determine if the revocation and disposal process should proceed.**

DISCUSSION

The Mitchell Park Neighbourhood Centre vacated their site at 1 Cumbria Court Mitchell Park when they moved to the new Mitchell Park Sports and Community Centre at Moreland Avenue Mitchell Park on 13 June 2022.

The now vacant site at 1 Cumbria Court Mitchell Park is Community Land contained in Council's Community Land Management Plan for Minor Community Facilities (Community Land Management Plan 5) and the building straddles the boundary with 30 Lanark Avenue. Council currently leases this portion of 30 Lanark Avenue from DECS and this portion of land is also classified as Community Land.

At its meeting held on 14 June 2022, Council considered the feedback it had received following the community consultation which was held between 28 March 2022 and 29 April 2022 which it had undertaken to assist it decide the future use of this site.

Following the completion of the new Mitchell Park Sports and Community Centre, the former neighbourhood centre site is considered surplus to requirements and suitable for disposal on the open market subject to the successful revocation of community land classification.

The process to revoke the Community Land classification over the site at 1 Cumbria Court will also include the revocation of the Community Land classification over the leased area of 30 Lanark Avenue, as Council will either need to seek to surrender the lease, or if successful in acquiring the land will need the land to be free from community land classification in order to dispose of it with the balance of the site.

The next step is to commence the revocation of the Community Land classification over the whole of 1 Cumbria Court and portion of 30 Lanark Avenue with a view to Council disposing of the land for market value.

The 'Section 194 Report for Consultation - Proposal to revoke classification of Community Land – 1 Cumbria Court and Portion 30 Lanark Avenue Mitchell Park', (refer to Attachment 1), has been prepared in accordance with the requirements of Section 194 of the Local Government Act.

Following public consultation, a report will be presented to Council to allow its consideration of the public submissions received before determining if it wants to go ahead with the revocation and make an application to the Minister for Local Government.

Should the Minister for Local Government agree with the revocation, Council will be required to make a further resolution to finalise the revocation of the Community Land classification over all of the land at 1 Cumbria Court and the leased portion of land at 30 Lanark Avenue.

An initial approach has been made to DECS to investigate the potential purchase of the leased portion of land at 30 Lanark Avenue, and also to seek advice of any conditions they may have as owners of the land in Council seeking to revoke the community land classification. At the time of writing no formal response has been received.

ATTACHMENTS

Attachment 1 Section 194 Report for Consultation - Proposal to revoke classification of Community Land – 1 Cumbria Court and Portion 30 Lanark Avenue Mitchell Park

Section 194 Report for Consultation

Proposal to revoke classification of Community Land

**1 Cumbria Court, Mitchell Park
Allotment 102 in Deposited Plan 24889
Certificate of Title Volume 5808 Folio 815**

**30 Lanark Avenue, Mitchell Park
Portion Allotment 167 in Deposited Plan 6473 (H, J, K, L in GP 746/1990)
Certificate of Title Volume 5214 Folio 25**

Report required under Section 194(2)(a) of the Local Government Act 1999

What is community land?

Most land that is owned by Council or under its care and control is set aside for the public to use and enjoy.

All local government land (except roads) that is owned by Council or is under the care, control and management of Council is **Community Land** under the *Local Government Act 1999* (the 'LG Act'), unless it has been exempted through legislation, excluded by resolution of Council or the classification has been revoked.

The LG Act provides a framework for the administration and management of all local government land, including Community Land, which aims to ensure a consistent, strategic and flexible approach. Its objectives are to protect community interests in land for current and future generations and to reflect that some land has special meaning to locals because of important cultural or historic features. Council is responsible for actively managing this land.

Council's overall goal is to create a vibrant and attractive city that is well-planned with safe and healthy places to live, work and play. When it plans ahead, Council takes into account changing population demographics (in particular ageing), changing community needs and shifts in leisure trends such as the increasing demand for structured recreation activities.

Over time community expectations and priorities change about how Community Land should be used and there are competing demands for its use. Council needs to consider all of these demands and the best way to use ratepayers' money in a way that benefits the most people.

Sometimes Council needs to consider whether it is in the long term interests of the community that the protection of a parcel of land under the classification of Community Land should continue. Council (in consultation with the community) may decide that such protection under this classification is no longer required, to enable the land to be sold and the proceeds used for another community purpose, such as the building of a community facility or development of open space.

How is community land revoked?

The LG Act contains important restrictions on the ability of Council to revoke and sell its Community Land. Community Land cannot be sold without first consulting with the broader community and giving the public an opportunity to consider any proposal to sell the land. Council must take into account the views and opinions of the public when Council makes its decision as to whether it will revoke the Community Land status of the land.

There is a further step in the process. The Minister for Local Government must also consider the overall merits of the proposal and decide whether to consent to the revocation and sale and give Council the authority to proceed.

What is the process?

The revocation process requires a public consultation process that complies with the LG Act and Council's Public Consultation Policy.

Council is keen to understand the views of its local community and will formally consider all submissions.

Upon receipt of any public submissions, they will be summarised as part of a report which will be presented to Elected Members at a future Council meeting. The Elected Members will consider what the community has to say about the proposal before they make a decision. If the Elected Members resolve to support the proposal, the Council will submit the proposal to the Minister and request that the revocation of Community Land classification be effected for the subject land.

What happens to my feedback?

Details about the revocation proposal can be seen on Council's website or at Council's offices.

The public has an opportunity to provide their views and opinions to Council staff about the revocation proposal.

Council staff will submit the proposal and report on the consultation to Council for consideration.

A copy of any written feedback is included in the report that will be presented to the Elected Members of Council. Any responses to the feedback raised will also be included in this report.

The Elected Members must consider what the community has to say about the proposal when they decide whether to make an application to the Minister for his approval.

Council staff may recommend that the classification of the land be revoked at a meeting of Council to enable disposal. Council may decide not to proceed any further. The decision is up to the Elected Members of Council.

What is the role of the Minister?

If Council decides to apply for the Minister's approval, a report must be provided to the Minister that includes a copy of every public submission made during the course of the public consultation and a report on all submissions. The process of consulting the public and the results is an important factor in the Minister's decision whether to approve the proposal or not. The Minister has the discretion to decide one way or the other.

If the Minister approves Council's application, their consent gives Council the authority to pass a resolution to revoke the classification of the land as Community Land. Once that resolution is made at a meeting of Council, then the sale process can start.

The revocation of the Community Land classification does not take effect unless Council makes a resolution to give effect to the proposal. Council may decide that it does not wish to proceed with the revocation.

If Council resolves to revoke the classification, the land is freed from any dedication, reservation or trust affecting the land (other than under the *Crown Lands Act 1929*).

Report for public consultation

This Report:

- Identifies the land and where it is located
- Describes the proposal
- Provides the reasons for the proposal

The proposal

The City of Marion is considering a proposal to revoke the Community Land classification over the whole of 1 Cumbria Court and portion of 30 Lanark Avenue with a view to Council disposing of the land for market value. It is likely this land would be developed for residential purposes.

The existing improvements at 1 Cumbria Court were used as the Mitchell Park Neighbourhood Centre until they moved into the purpose-built Mitchell Park Sports and Community Centre on Moreland Avenue in June 2022.

The existing building was built over the boundary between 1 Cumbria Court and 30 Lanark Avenue and Council lease a portion of 30 Lanark Avenue including walkway, building and carpark from DECS.

Council's proposal includes surrendering its lease to DECS over the portion of land in the 30 Lanark Avenue parcel and demolishing the existing building which straddles the two parcels.

Council has also commenced negotiations with DECS to purchase the portion of the land it currently leases so this can be added to the parcel at 1 Cumbria Court. Council believes the addition of approximately 230 square metres to its parcel at 1 Cumbria Court will enhance the development potential of this site to maximise the net sale proceeds paid into the Open Space Reserve Fund.

If the negotiations with DECS to acquire the land are not successful, Council will continue with its proposal to revoke the Community Land status of the whole of 1 Cumbria Court and portion of 30 Lanark Avenue, surrendering the lease and the demolition of the improvements with a view to disposing of the land in 1 Cumbria Court only.

The service and pedestrian lane from Cumbria Court to Penrith Court and Harkin Avenue will be retained and the nature play elements currently located at 1 Cumbria Court will be relocated to Harkin Avenue Reserve in conjunction with other upgrades to Harkin Avenue Reserve that are to be determined.

Reasons for the revocation proposal

The Council has recently completed the construction of a new and much larger community and sporting facility at Moreland Avenue Mitchell Park now known as the Mitchell Park Sports and Community Centre. This new facility allows the Mitchell Park Neighbourhood Centre the opportunity to improve or expand their services which was not possible in their original facility.

Now that the Mitchell Park Neighbourhood Centre has vacated the building at 1 Cumbria Court, it is vacant and Council intends to revoke its Community Land classification with a view to disposing of the land for market value and using the net sale proceeds for other community developments.

Council undertook community consultation between 28 March 2022 and 29 April 2022 seeking feedback to assist Council in deciding the future use of the now vacant Mitchell Park Neighbourhood Centre site and expressions of interest from community organisations for the potential lease or licence of the building. The organisations who expressed an interest in the leasing of the site were not considered suitable due to the sites location in a residential area, limited car parking and the cost that would be necessary to bring the building up to a suitable standard for leasing purposes.

Although the feedback received showed a preference for the site to be retained and either used as open space or leased or licenced to a community focused organisation, the location is already well serviced with reserves and the newly constructed Mitchell Park Sports and Community Centre and this ageing facility is considered surplus to Council's needs.

In order for Council to continue its goal of providing well-planned and suitable spaces for the community it is necessary for it to sometimes dispose of assets that are no longer suited to providing a service or meeting a community need. It is then appropriate for Council to seek to maximise the net

sale proceeds from the sale of land to enable it to invest in other community infrastructure to meet the varying and changing needs across the Council area.

Legal description

On the aerial photograph below, 1 Cumbria Court (first parcel) is shaded red, the portion of the leased land at 30 Lanark Avenue (second parcel) is shaded blue and the balance of the land at 30 Lanark Avenue owned by DECS is shaded orange.



The first parcel being considered for revocation is an inside allotment located at 1 Cumbria Avenue, Mitchell Park and described as Allotment 102 in Deposited Plan 24889, being an estate in fee simple in the whole of the land comprised in Certificate of Title Volume 5808 Folio 815. A copy of the Certificate of Title and Deposited Plan is attached to this report.

The land comprises an irregular shaped allotment with a site area of 1224 square metres. The land provides a street frontage of 21 metres to Cumbria Court and has a rear boundary of 10 metres to Penrith Court. The land is adjacent a closed road which is used as a service and pedestrian lane from Cumbria Court to Penrith Court and Harkin Avenue.

The Certificate of Title lists no easements or other interests.

The Corporation of the City of Marion is the registered proprietor of the land.

The land is included in Council's Community Land Management Plan for Minor Community Facilities (Community Land Management Plan 5)

The current Valuer-General's Site Value is \$146,000 and the Capital Value is \$270,000.

The second parcel being considered for revocation is a portion of 30 Lanark Avenue, Mitchell Park, described as portion of Allotment 167 in Deposited Plan 6473 (H, J, K, L in GP 746/1990), being an estate in fee simple in the whole of the land comprised in Certificate of Title Volume 5214 Folio 25. A copy of the Certificate of Title and Leasing Plan is attached to this report.

Council holds a current lease (as Lessee) over the portion of land highlighted blue in the above aerial photograph. The leased areas include a walkway, portion of building and carpark over DECS land. The initial 50 year lease term commenced May 1987 and expires May 2037 and Council has 2 further rights of renewal of 50 years each.

The Minister for Education, Training and Skills formerly known as the Minister of Education, Employment and Training is the registered proprietor of the land.

The current Valuer-General Site Value and Land Value is \$700,000.

Both parcels are zoned General Neighbourhood.

The aerial photograph below shows the location of both parcels shaded red.



Current use

The building is currently vacant since it was vacated by the Mitchell Park Neighbourhood Centre when they relocated to the Mitchell Park Sports and Community Centre.

How the council proposes to use the proceeds of the sale of the revoked land

Net sale proceeds will be paid into the Open Space Reserve Fund for the development of Open Space for the benefit of the community, as approved by Council.

Government assistance

It does not appear that there has been government assistance to acquire the Reserve. The Mitchell Park Neighbourhood Centre was officially opened on 31 May 1987 as a joint venture between the SA Housing Trust and the City of Marion.

The original reserve was vested in Council in 1960, it was then transferred to the SA Housing Trust in 1988 as part of a project that saw some land from the Council reserve added to the unit development at 1 Penrith Court Mitchell Park before the remainder of the parcel was again vested in Council as a Reserve.

Consent of owner

In accordance with the LG Act, because the Council is not the owner of the land leased from DECS, a statement from DECS has been sought, setting out any requirements that must be satisfied by Council as a condition of DECS approving the proposed revocation.

How will the proposal affect the local community

The revocation of the Community Land classification of this property is not expected to have any detrimental effect on the area or the local community due to its location adjacent an established reserve in Harkin Avenue and the newly opened Mitchell Park Sports and Community Centre just over 1 km away.

Dedications/Reservations and Trusts

A review of Certificate of Title Volume 5808 Folio 815 indicates that it is subject to a dedication of Reserve, there are no other reservations, dedications or trusts affecting the Land.

Native Title considerations

The land is held in 'Fee Simple' by the Council and there are no Native Title claims over the Land.

Certificate of Title for 1 Cumbria Avenue, Mitchell Park



Product Register Search (CT 5808/815)
 Date/Time 08/07/2022 08:34AM
 Customer Reference Leane Mitchell Park
 Order ID 20220708000464



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 5808 Folio 815

Parent Title(s) CT 4336/657
 Creating Dealing(s) CONVERTED TITLE
 Title Issued 20/09/2000 Edition 1 Edition Issued 20/09/2000

Estate Type

FEE SIMPLE (RESERVE)

Registered Proprietor

THE CORPORATION OF THE CITY OF MARION
 OF PO BOX 21 OAKLANDS PARK SA 5046

Description of Land

ALLOTMENT (RESERVE) 102 DEPOSITED PLAN 24889
 IN THE AREA NAMED MITCHELL PARK
 HUNDRED OF ADELAIDE

BEING A RESERVE

Easements

NIL

Schedule of Dealings

NIL

Notations

Dealings Affecting Title NIL

Priority Notices NIL

Registrar-General's Notes

PLAN FOR LEASE PURPOSES VIDE G746/1990

Administrative Interests NIL

245649

WARNING - CREASING OR FOLDING WILL LEAD TO REJECTION

245649

DEPOSITED PLAN NUMBER
DP 24889

ACCEPTED FOR DEPOSIT
17 MAR 57
BY: *[Signature]*
FOR: *[Signature]*
BY: *[Signature]*
17 MAR 57

Reference Map No. 627/14
COUNCIL
CITY OF MARION
Development No. 50, 1 502, 1 52
THIS IS SHEET 1 OF 1 SHEETS

CUMBERIA COURT & PENRITH COURT
COURT side DA 424/1988
PROJ side DA 424/1988
PROJ side DA 424/1988

PLAN OF DIVISION
HUNDRED OF ADELAIDE
LOT 160 & LOT 163 IN
D.P. 6362 OF PART SECTION 79
IN THE AREA NAMED
MITCHELL PARK

CT 430/371 & CT 238/555

Scale in meters
0 10 20 30 40

PLAN OF DIVISION
HUNDRED OF ADELAIDE
LOT 160 & LOT 163 IN
D.P. 6362 OF PART SECTION 79
IN THE AREA NAMED
MITCHELL PARK

CT 430/371 & CT 238/555

Certificate of Title for 30 Lanark Avenue, Mitchell Park



Product Register Search (CT 5214/25)
 Date/Time 08/07/2022 08:35AM
 Customer Reference Leane Mitchell Park
 Order ID 20220708000477



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 5214 Folio 25

Parent Title(s) CT 3453/192
 Creating Dealing(s) CONVERTED TITLE
 Title Issued 12/09/1994 Edition 2 Edition Issued 27/09/1994

Estate Type

FEE SIMPLE

Registered Proprietor

MINISTER OF EDUCATION, EMPLOYMENT AND TRAINING
 OF ADELAIDE SA 5000

Description of Land

ALLOTMENT 167 DEPOSITED PLAN 6473
 IN THE AREA NAMED MITCHELL PARK
 HUNDRED OF ADELAIDE

Easements

NIL

Schedule of Dealings

Dealing Number	Description
7762676	LEASE TO THE CORPORATION OF THE CITY OF MARION COMMENCING ON 15/5/1987 AND EXPIRING ON 14/5/2036 OF PORTION (H CAR PARK,J,K,L IN GP 746/1990)

Notations

Dealings Affecting Title	NIL
Priority Notices	NIL
Notations on Plan	NIL

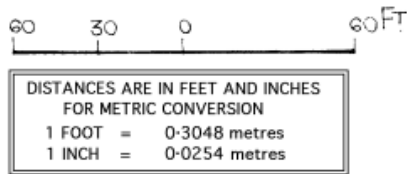
Registrar-General's Notes

PLAN FOR LEASE PURPOSES VIDE G746/1990

Administrative Interests	NIL
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Product Register Search (CT 5214/25)
Date/Time 08/07/2022 08:35AM
Customer Reference Leane Mitchell Park
Order ID 20220708000477



Have Your Say

Council wants to hear what you have to say, good or bad. You are invited to make a submission on the proposed revocation of community land classification.

Your submission must be made in writing and include your name, address and contact information. Please note, all submissions will become public documents upon receipt.

Your feedback is important, it will be reported to a Council Meeting after the close of the consultation and will be used to guide our decision making in relation to the proposal.

If you need any further information, please contact Council on 08 8375 6600.

1 Cumbria Court – Community Land Revocation

Community Engagement Plan
DRAFT July 2022



Title	Community Engagement Plan – 1 Cumbria Court (whole of land) and 30 Lanark Avenue (portion of land) – Community Land Revocation
Date	July 2022 DRAFT

Background

- With the construction of the new Mitchell Park Sports and Community Centre ('MPSCC'), the now vacant Mitchell Park Neighbourhood Centre ('Centre') will become redundant and surplus to current requirements.
- On 14 June 2022 (GC220614R11) Council resolved:
 - The commencement of the process to investigate the revocation of the community land classification of 1 Cumbria Court Mitchell Park contained in Certificate of Title Volume 5808 Folio 815, and that a further report be presented to Council at the 26 July 2022 General Council Meeting seeking endorsement of a Section 194 Report for Consultation, in accordance with the requirements of Section 194 (2)(a) of the Local Government Act 1999.
- Council currently leases portion of 30 Lanark Avenue Mitchell Park where the former neighbourhood centre building straddles the boundary of the two parcels, this portion of land is also classified as Community Land and Council will be including this portion of land in its proposal to revoke the Community Land classification.

Purpose of engagement

- Ensure Council is compliant with all relevant policies, and legislation in relation to this process, in particular Council's Public Consultation Policy, and;
 - be clearly presented and relevant;
 - be readily accessible;
 - clearly define the aspects of the matter, subject to community engagement;
 - outline the decision-making process of the matter, subject to the community engagement.
- To consult with the community on the proposed revocation and land sale.
- To comply with the requirements of the *Local Government Act 1999*
- To enable Elected Members to consider responses provided by the community on the proposed revocation and sale of the Reserve to assist in their decision-making processes.

1 Cumbria Court – Community Land Revocation

Community Engagement Plan
DRAFT July 2022



Key engagement messages

- The building overlaps a boundary between land owned by Department for Education ('DECS') (used by the Mitchell Park Kindergarten) and land owned by the Council.
- The site is classified as community land and is contained in Council's Community Land Management Plan 5 (Minor Community Facilities).
- With the construction of the new MPSCC, the current Centre has become redundant and surplus to current requirements.
- If the revocation proceeds Council proposes to sell the land on the open market.
- If you submitted feedback on the previous consultation, you will need to submit your feedback again in order for it to be considered.
- Feedback received is important and will be considered by Elected Members in their decision-making process.

Stakeholder Identification

Key stakeholders in this engagement process are considered to be:

- Local residents within 400m of 1 Cumbria Court, Mitchell Park.
- Owners of properties within 400m of 1 Cumbria Court, Mitchell Park.
- Mitchell Park Kindergarten / DECS

Engagement Activities

- Making Marion website content
 - Survey
- Promote and direct to Making Marion website content
 - Social Media
 - Direct mail to identified zones surrounding the Centre
 - Signage around site/QR code to Making Marion site

1 Cumbria Court – Community Land Revocation

Community Engagement Plan
DRAFT July 2022



<ul style="list-style-type: none">○ Newspaper – public notice• The activities identified will happen concurrently and will be assessed in a cumulated form to understand the community's views and to assist in Council decision making.
Risk identification
<ul style="list-style-type: none">• Community expectations could be raised through the consultation process and need to be managed

DRAFT

1 Cumbria Court – Community Land Revocation

Community Engagement Plan
DRAFT July 2022



Activities	IAP2 level of engagement	Target stakeholder groups	Objectives
Pre engagement	Inform	<ul style="list-style-type: none"> Elected Members ELT 	<ul style="list-style-type: none"> To review the engagement approach To endorse and support the engagement approach and have early awareness To review the materials To identify any sensitivities which need to be raised and managed
Staff Stakeholder Notice	Inform	<ul style="list-style-type: none"> Manager City Property & Unit Manager Land & Property Community Engagement Marketing & Comms Customer Service 	<ul style="list-style-type: none"> Inform stakeholders of the proposal and give information on the process of consultation
Stakeholder Other	Inform	<ul style="list-style-type: none"> See list in Stakeholder Identification 	<ul style="list-style-type: none"> Build a stakeholder database
Social Media Letterbox drop direct mail	Inform	<ul style="list-style-type: none"> Adjacent and surrounding residents Site visitors 	<ul style="list-style-type: none"> Raise awareness and promote Making Marion opportunity to provide feedback
Consideration of feedback	Consult	<ul style="list-style-type: none"> Council staff Elected Members 	<ul style="list-style-type: none"> Ensure feedback is captured and used to inform Council's decision-making process
Feedback to those who engaged	Inform	<ul style="list-style-type: none"> All parties that took part in the engagement process 	<ul style="list-style-type: none"> Ensure those who engaged in the process are informed of how their feedback was used and of the outcome

1 Cumbria Court – Community Land Revocation

Community Engagement Plan
DRAFT July 2022



Feedback internal & external	Inform	<ul style="list-style-type: none">• Elected members• ELT• Stakeholder	<ul style="list-style-type: none">• Develop report for endorsement• Close the loop in the engagement
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1 Cumbria Court – Community Land Revocation

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Week Commencing Date	Tbc	Tbc	Tbc	Tbc	Tbc	Tbc	Tbc	tbc
Activity								
GM Signoff Engagement Plans	TBA							
Internal Notification/Staff		Staff						
Internal Notification/ Mayor & Elected Member		Mayor & Elected Members						
Website – Making Marion								
Social Media (general) post in addition to a targeted (sponsored) advertisement			Periodically during the consultation period					
Direct Mail to nearby residents								
Newspaper Notice								
Consideration of Feedback and preparation of Council Reports							Consider Feedback & Prepare Council Report	Council report presented to Council.

1 Cumbria Court – Community Land Revocation

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Plan of Area Subject to consultation – Yellow dotted line indicates extent of consultation area



1 Cumbria Court – Community Land Revocation

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NEWSPAPER NOTICE

LOGO

REVOCATION AND DISPOSAL OF COMMUNITY LAND – WHOLE OF 1 CUMBRIA COURT MITCHELL PARK AND PORTION OF 30 LANARK AVENUE MITCHELL PARK

Pursuant to Section 194 of the Local Government Act 1999, the City of Marion proposes to revoke the classification of Community Land over Allotment 102 in Deposited Plan 24889 and portion of Allotment 167 in Deposited Plan 6473 held under registered lease Number 7762672 from the Minister for Education, Training and Skills - commonly known as 1 Cumbria Court Mitchell Park (former Mitchell Park Neighbourhood Centre).

Council is considering the revocation and disposal of the land on the open market as the site is surplus to current requirements.

A Report for Consultation giving more details of the proposal is available at www.makingmarion.com.au/cumbria-court-reserve-revocation and at Councils Offices including the main Administration Office at 245 Sturt Road, Marion.

Any representations in relation to this matter must be lodged via the Making Marion website www.makingmarion.com.au/cumbria-court-reserve-revocation or in writing to the City of Marion at PO Box 21 Oaklands Park SA 5047 by **## August 2022**.

If you need any more information, please contact Council's Land and Property Team on 08 7420 6410.

2022

Tony Harrison
Chief Executive Officer

1 Cumbria Court – Community Land Revocation

Community Engagement Plan
DRAFT July 2022



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<FOR POSTCARD/FLYER/MAKING MARION >

1 CUMBRIA COURT MITCHELL PARK **Revocation and Disposal of Community Land**

Council proposes to revoke the Community Land classification over the now vacant Mitchell Park Neighbourhood Centre at 1 Cumbria Court Mitchell Park and the leased portion of 30 Lanark Avenue where the building straddles the land boundary so that the improvements may be demolished and the land may be sold. Currently 1 Cumbria Court and the leased portion of 30 Lanark Avenue are classified as Community Land under the Local Government Act 1999.

The process of revoking a community land classification is known as revocation.

The purpose of the consultation is to seek feedback on the Section 194 Report detailing the proposal to revoke the community land classification. This is a requirement of the Local Government Act 1999 in the process for the revocation of Community Land classification.

Your feedback will be used by Elected Members to assist in their decision making.

Why do we want to sell this land?

With the construction of the new Mitchell Park Sports and Community Centre, the now vacant Mitchell Park Neighbourhood Centre will become redundant and surplus to current requirements. If Council sells the land, the proceeds would be used to develop open space or other facilities as approved by Council for the benefit of the community. To sell this land, Council must submit a revocation proposal to the Minister for Local Government for approval.

Our intention for the land at 1 Cumbria Court Mitchell Park

If the revocation is approved, Council intends to surrender its lease over the portion of land in the 30 Lanark Avenue parcel and then demolish the existing building which straddles the two parcels.

Council has also commenced negotiations with DECS (the owner of 30 Lanark Avenue) to purchase the portion of land it currently leases to add this to the parcel at 1 Cumbria Court. Council believes the addition of approximately 230 square metres to its parcel at 1 Cumbria Court will enhance the development potential of this site to maximise the net sale proceeds paid into the Open Space Reserve Fund.

If the negotiations with DECS to acquire the land are not successful, Council will continue with its proposal to revoke the Community Land status of the whole of 1 Cumbria Court and portion of 30 Lanark Avenue, surrendering the lease and the demolition of the improvements with a view to disposing of the land in 1 Cumbria Court only.

We want to hear your views, supportive or opposed.

If you have previously submitted your feedback you will need to do so again in this consultation process for your views to be heard.

Supporting documents:

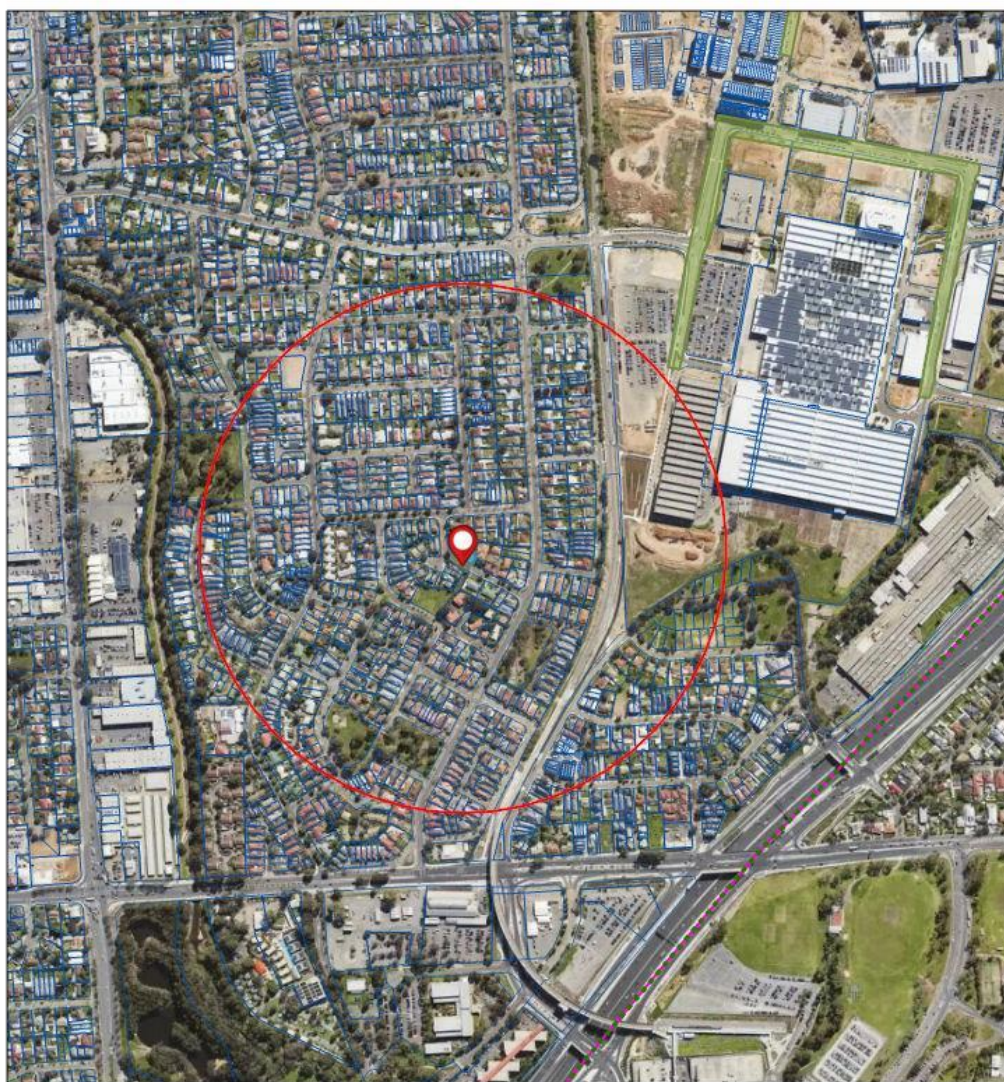
- Section 194 Report for Consultation – a report setting out the details of the reserve and reasons for the proposed revocation

1 Cumbria Court – Community Land Revocation

Community Engagement Plan
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DIRECT MAIL DISTRIBUTION AREA



1 Cumbria Court – Community Land Revocation

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FAQ CONTENT

FAQ's

1. What is Community Land?

Most land that is owned by Council or under its care and control is set aside for the public to use and enjoy.

All local government land (except roads) that is owned by Council or is under the care, control and management of Council is classified as Community Land under the Local Government Act 1999, unless it has been exempted through legislation, excluded by resolution of Council or the classification has been revoked.

This land is classified as "Community Land" to make sure it is looked after for the benefit of the whole community and to reflect that some land has special meaning to locals because of important cultural or historic features. Council is responsible for actively managing this land.

Sometimes Council needs to consider whether it is in the long-term interests of the community that the protection of a parcel of land under the classification of Community Land should continue. Council (in consultation with the community) may decide that such protection under this classification is no longer required, to enable the land to be sold and the proceeds used for another community purpose, such as the building of a community facility.

2. How is community land revoked?

The Local Government Act 1999 contains important restrictions on the ability of Council to revoke and sell its Community Land. Community Land cannot be sold without first consulting with the broader community and giving the public an opportunity to consider any proposal to sell the land. Council must take into account the views and opinions of the public when Council makes its decision as to whether it will revoke the Community Land status of the land.

There is a further step in the process. The Minister for Local Government must also consider the overall merits of the proposal and decide whether to consent to the revocation and sale and give Council the authority to proceed.

3. What is the process?

Section 194 of the Local Government Act 1999 requires Council to prepare a report on a proposal to revoke the Community Land classification of any land and to make the report available, and follow the steps set out in its public consultation policy before considering any submissions and submitting the proposal to the Minister for Local Government for decision. The report describes the proposal, the reasons behind it, where the land is located and the possible future use of the land.

4. Does the kindergarten want to expand?

Council has been advised that there are no current plans or need to expand the kindergarten.

5. What happens to my feedback?

The feedback received from the consultation will be used to assist Council in its decision making process.

1 Cumbria Court – Community Land Revocation

Community Engagement Plan
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DRAFT CONSULTATION QUESTIONS

Please note: We will seek people's demographic information including email, suburb and street on our Making Marion website as all surveys are set to registered submissions as a mandatory setting. This is to objectively assess the results and ensure balanced analysis of feedback from all stakeholders and is an elected member expectation.

Page 1:

- Which suburb do you live in? (Required)
- Street Name? (Required)

1. Overall, do you support Council's proposal to revoke the Community Land classification of Spinnaker Circuit Reserve East?

- ☐ Strongly support
- ☐ Support
- ☐ Undecided
- ☐ Do not support
- ☐ Strongly do not support

Tell us why?

Free text

2. Do you support the proposal to:

Sell 1 Cumbria Court on the open market – to achieve maximum net financial return to Council

- ☐ Strongly support
- ☐ Support
- ☐ Undecided
- ☐ Do not support
- ☐ Strongly do not support

Tell us why?

Free text

Do you have any other feedback?

-END SURVEY-

1 Cumbria Court – Community Land Revocation

Community Engagement Plan

DRAFT July 2022



Sign off	
Does this consultation require endorsement from Elected Members and Mayor?	Comments
Yes	
Signed by LT: Michael Collins	
Signed by SLT: Thuyen Vi-Alternetti	
Signed by ELT: Tony Lines	

12.2 Urban Corridor - Marion Road - Code Amendment

Report Reference	GC220726R12.2
Originating Officer	Senior Policy Planner – David Melhuish
Corporate Manager	Acting Manager Development and Regulatory Services – Stephen Zillante
General Manager	General Manager City Development – Tony Lines

REPORT HISTORY

Report Reference	Report Title
GC210511R11	Proposed Code Amendments: Morphettville/Glengowrie stables, Southern Residential Areas, Centre Zones, Marion Road Corridor.
GC211214R11.12	Urban Corridor – Marion Road Code Amendment
GC210914R11.5	Urban Corridor – Marion Road Code Amendment
PDC220705R7.1	Urban Corridor – Marion Road

REPORT OBJECTIVE

To seek Council's consideration and endorsement of potential amendments to the future direction that development along Marion Road should take.

EXECUTIVE SUMMARY

At its General Meeting of 14 December 2021, Council resolved to request that the Minister for Planning place the Proposal to Initiate for the Urban Corridor - Marion Road Code Amendment, 'on hold', whilst Council undertakes further analysis.

On 16 December 2021 the Department advised that the Proposal to Initiate would be placed on hold until further advised by Council.

Administration has put further consideration into the potential development outcomes for Marion Road and relevant zoning to achieve those outcomes.

While initially investigating Urban Corridor zoning for Marion Road, the analysis undertaken has shown that better development outcomes may be achieved by rezoning parts of the residential zoning instead.

Administration seeks Council's consideration and direction on the matter.

RECOMMENDATION

That Council:

- Endorses the proposed amendments to the 'Urban Corridor – Marion Road Code Amendment - Proposal to Initiate' and that the amended version be forwarded to the Minister for consideration/approval.**

DISCUSSION

Background

Council originally investigated applying an Urban Corridor Zone along Marion Road as part of the Housing Diversity DPA. The zone was to provide opportunity for multi-storey mixed-use development (retail/commercial/residential) in appropriate locations and help relieve the pressure for infill development in local streets in the inner suburbs. However, this zone was not implemented.

On 19 March 2021 the State Government replaced all metropolitan Council Development Plans with the Planning and Design Code.

On 14 September 2021 Council endorsed the 'Urban Corridor Marion Road - Code Amendment - Proposal to Initiate' which sought to investigate an appropriate zone and policy changes that would enable the creation of an Urban Corridor type zone (similar to that proposed in the Housing Diversity DPA) along relevant sections of Marion Road.

The Proposal to Initiate document was subsequently forwarded to the Minister for Planning for consideration.

Following the document being forwarded to the Minister, investigations into the proposed amendment identified matters with respect to the proposed zoning which required further analysis. This included traffic, built form and land use character, 'strategic sites', and the suitability of a blanket zoning approach along Marion Road.

The Department for Infrastructure and Transport (DIT) raised some concerns with the proposed Urban Corridor zoning, including existing high levels of traffic on Marion Road and raised the potential for different zoning strategies. It is also anticipated that the upcoming North-South Corridor (T2D project) along South Road is likely to cause additional traffic volumes on Marion Road during construction for approximately 10 years.

Staff compared the circumstances of Marion Road with those of other roads which have been subject to, and partially developed under, similar Corridor-type Zones, including Churchill Road and Prospect Road. Differences in existing character, traffic volumes and likely development outcomes were identified, implying that the form these roads have taken would be difficult to replicate on Marion Road.

Further staff analysis revealed that many of the 'strategic sites' along Marion Road, which were considered as catalysts for the Urban Corridor Zone during the Housing Diversity DPA, have now been developed.

On 14 December 2021 Council resolved to request that the Minister for Planning place the Proposal to Initiate for the Urban Corridor - Marion Road Code Amendment, on hold, whilst Council undertook further analysis on the most appropriate form of development for Marion Road. This analysis may result in changes to the proposed Code Amendment.

On 16 December 2021 the Department advised that the Proposal to Initiate would be placed on hold until further advised by Council.

Further Analysis

Administration has considered potential development outcomes for Marion Road and relevant zoning to achieve those outcomes.

Existing Zones and Land Uses along Marion Road (most relevant)

Marion Road comprises a mix of residential and commercial type zones and land uses between the tram line to the north and Main South Road to the south. Most of the commercial zones/land uses are in the form of 'ribbon/lineal' type developments that are interspersed amongst residential zones/land uses along the length of Marion Road.

There appears to be similar extents of residential and non-residential land uses, however with the concentration of each differing in certain sections of the road. North of Oaklands/Daws Road the distribution is relatively mixed, whereas south of Oaklands/Daws Road there are greater concentrations and separation of each land use type. (*refer to Attachment 1 - Marion Road – Potential for Redevelopment of Residential Areas*)

The residential type zones include the General Neighbourhood Zone (GNZ), the Housing Diversity Neighbourhood Zone (HDNZ) and the Urban Renewal Neighbourhood Zone (URNZ). The most dominant zone is the GNZ.

The non-residential zones include the Employment Zone and the Suburban Activity Centre Zone.

Urban Corridor Zone

The uptake for urban corridors along arterial roads, facilitating mixed use (medium density residential and commercial/retail type uses) does not appear to have met expected demands. This may be partly due to not all main roads being the same. The likes of Prospect Road (in particular) and Churchill Road have quite different existing built form and streetscape characteristics as well as much lesser traffic volumes than Marion Road, which provide better opportunity for mixed use outcomes.

Marion Road already carries high volumes of traffic, with the potential of a substantial increase during the anticipated extensive period of disruption to traffic flows along South Road, throughout construction of the North-South Corridor. This issue has already been raised by DIT.

Existing Non-Residential Zones

Current non-residential land uses on Marion Road, within the existing Suburban Activity Centre Zone and the Employment Zone appears to be functioning/trading well so it is anticipated that there will be little change in the foreseeable future. Whereas residential development is possible in the Suburban Activity Centre Zone it is generally not supported within the Employment Zone.

It is also understood that there are low vacancies of commercial/industrial sites along Marion Road and that the closure/relocation of more businesses along the North-South Corridor may further increase demand for location on Marion Road.

Therefore, the most appropriate option for these two zones may be to leave them as they are, allowing the market to decide future outcomes within the policy parameters of the zones.

Existing Residential Zones

Most residential properties on Marion Road are located within the General Neighbourhood Zone (GNZ).

Residential allotment sizes vary considerably along Marion Road. Allotment widths range between around 15m and 22m and depths range from around 34m through to around 45m. Site areas range from around 550m² through to around 1000m² (with many being between 650m² and 820m²).

Although most allotments are relatively deep some are rather narrow (15m – 16m) so have little potential for conventional (street facing) sub-division/redevelopment under the GNZ. However, the

GNZ does allow group and residential flat buildings (unit type development) on 15m wide allotments. Such a narrow dimension lessens the opportunity for achieving a good development outcome, particularly on a busy arterial road.

Housing Diversity Neighbourhood Zone (HDNZ)

Some residential property owners have been seeking a change to the existing residential policy/zone on Marion Road to allow greater residential development opportunities, as the current minimum lot dimensions are considered too restrictive.

Staff have considered several potential zones in an attempt to find a residential type of zone that allows greater flexibility in lot sizes whilst seeking appropriate development outcomes (including non-residential uses).

It is considered that the HDNZ may best facilitate suitable outcomes for residential properties on Marion Road, whilst providing opportunity for mixed use, if there is demand.

Variations (Technical and Numeric Variations) to minimum allowable site dimensions (site area and site frontage) and building heights are permitted within this zone.

Potential Technical and Numeric Variations are shown in the table below:

Housing Diversity Neighbourhood Zone - Potential TNVs (site dimensions and height)

Dwelling Type	Minimum site/allotment area per dwelling	Minimum site/allotment frontage	Building Heights
	GNZ (current)	GNZ (current)	GNZ (current)
Detached dwelling (not in a terrace arrangement)	250m² (exclusive of any battle-axe allotment 'handle')	9m	Maximum building height is 2 building levels and 9m, except where the site: A. is at least 1200m ² in area and B. has a frontage of at least 30m - where maximum building height is 3 building levels and 12m
	300m²	9m	
Semi-detached dwelling	220m²	8m	
	300m²	9m	
Row dwelling (or detached dwelling in a terrace arrangement)	200m²	7m	
	250m²	7m	2 building levels and 9m
Group dwelling	200m² (average, including common areas)	18m (total)	
	300m²	15m	
Dwelling within a residential flat building	200m² (average, including common areas)	18m (total)	
	300m²	15m	

Application of the above site dimensions should provide increased opportunity for residential redevelopment whilst also achieving an appropriate development outcome. An 8m minimum frontage for semi-detached dwellings would facilitate increased development potential for many of the properties in the affected area. An 18m minimum frontage requirement for residential flat

buildings and group dwellings should facilitate better development outcomes over the GNZ (in particular – functionality, access to Marion Road, aesthetics, and amenity for adjoining properties).

Building heights in general are expected to be a maximum of 2 storeys, however possibility for 3 storeys could be provided if sites are amalgamated to obtain minimum site areas of 1200m² and frontages of 30m. These larger site dimensions would provide greater opportunity for a better designed outcome with lesser impacts for surrounding low density residential development.

It is suggested that the spatial alignment of the HDNZ be two allotments deep where possible, to allow opportunity for amalgamation, which potentially should result in better outcomes and allow better transition to existing low scale residential areas. The suggested alignment is shown in **Attachment 1**.

As with other 'Neighbourhood' type zones, the HDNZ allows opportunity for the development of small-scale complementary commercial uses, such as shops, offices and consulting rooms that contribute to the convenience of a neighbourhood.

Existing multi dwelling development on Marion Road

Desktop analysis, via aerial photography and mapping, has revealed that there are considerable numbers of existing multi dwelling developments on and around Marion Road, both historical and recent. These developments are unlikely to offer potential for further redevelopment in the future due to multiple ownership and/or the relatively young age of the buildings. The locations of these developments are marked up in **Attachment 1**.

Notwithstanding the substantial numbers of existing multi dwelling developments, their inclusion within the HDNZ is still warranted as they reflect the built form envisaged. Whilst the number of current conventionally developed residential properties, with potential for future redevelopment, is not as substantial as originally anticipated, rezoning to the HDNZ will provide opportunity for a greater diversity of dwelling types and could facilitate better development outcomes along Marion Road than the current GNZ.

Planning and Development Committee – 5 July 2022

The Planning and Development Committee considered the proposed changes to the Marion Road Code Amendment - Proposal to Initiate and recommended that it be endorsed by Council and forwarded to the Minister for consideration/approval.

CONCLUSION

Following further consideration, an Urban Corridor Zone, facilitating mixed use development, is not an appropriate zone for Marion Road, as much of the existing land uses (both residential and non-residential) are unlikely to be redeveloped for the foreseeable future, and an increase in traffic volumes from higher density development and further commercial type land uses is likely to have detrimental impacts on an already heavily trafficked road system.

Although there are currently no 'mixed use' developments along Marion Road, there is a substantial number of both residential and non-residential uses on separate sites. Developers may therefore seek to retain the separation of these uses rather than pursue a mix of uses that there may be little demand for.

For these reasons it is suggested that Council leave the current non-residential zones/land uses as they are, letting the market decide future outcomes, within the policy parameters of the zones.

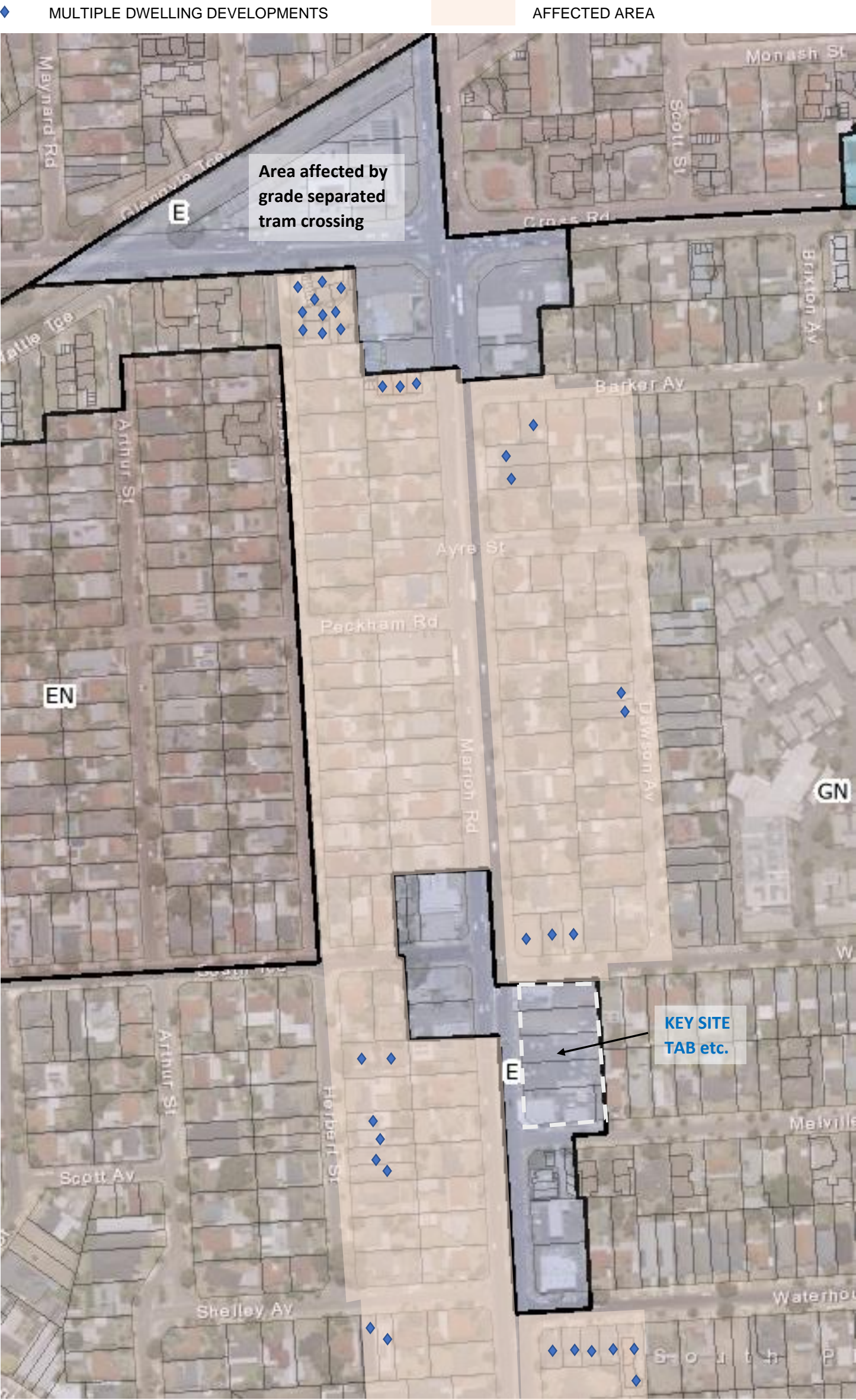
Also, even though there is already a substantial number of multi-dwelling developments along Marion Road, rezoning the residential areas to the HDNZ would provide opportunity for a greater diversity of dwelling types on the sites yet to be redeveloped, and facilitate better development outcomes than the current GNZ.

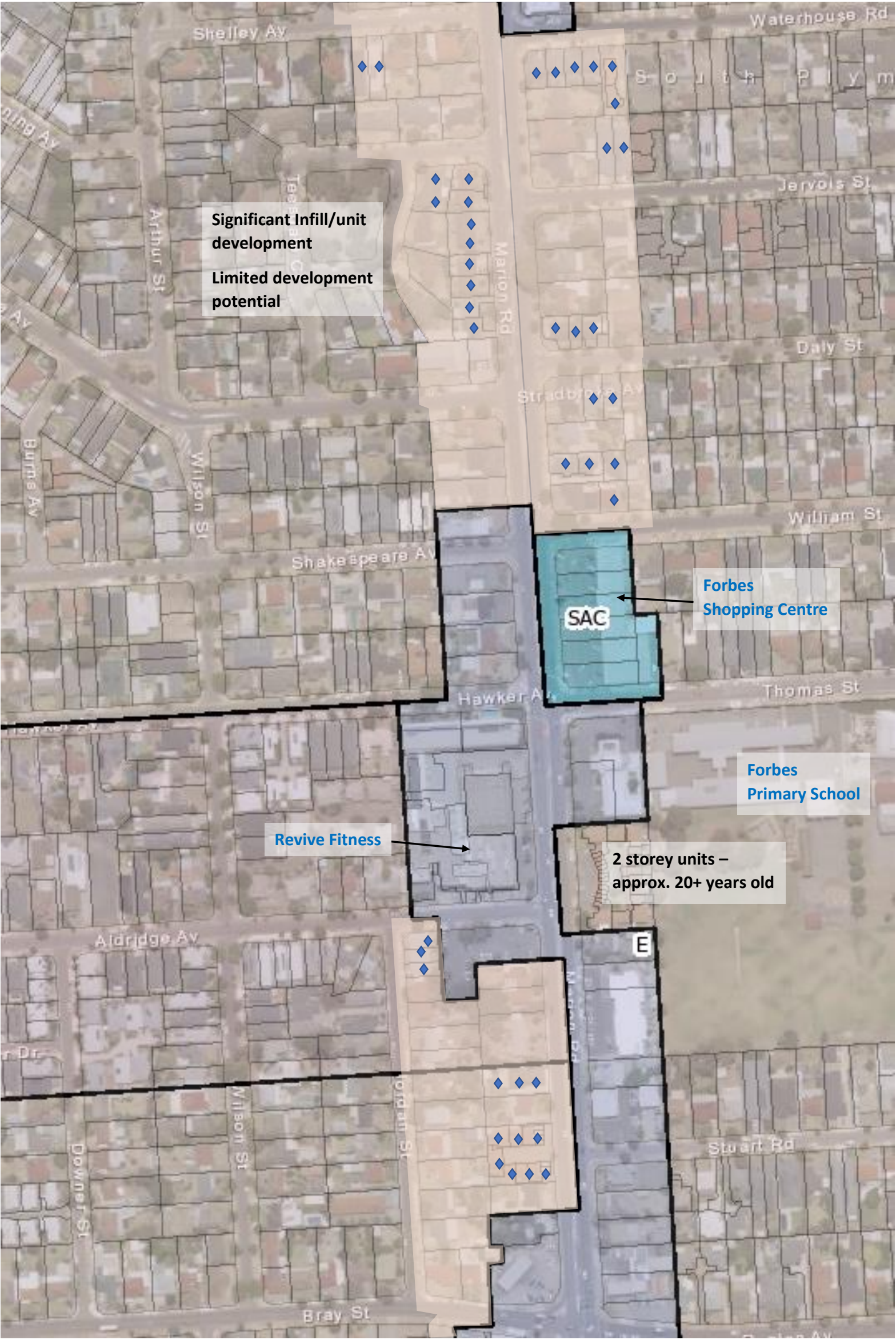
The amended version of the 'Marion Road Code Amendment – Proposal to Initiate' is included as **Attachment 2** to this report.

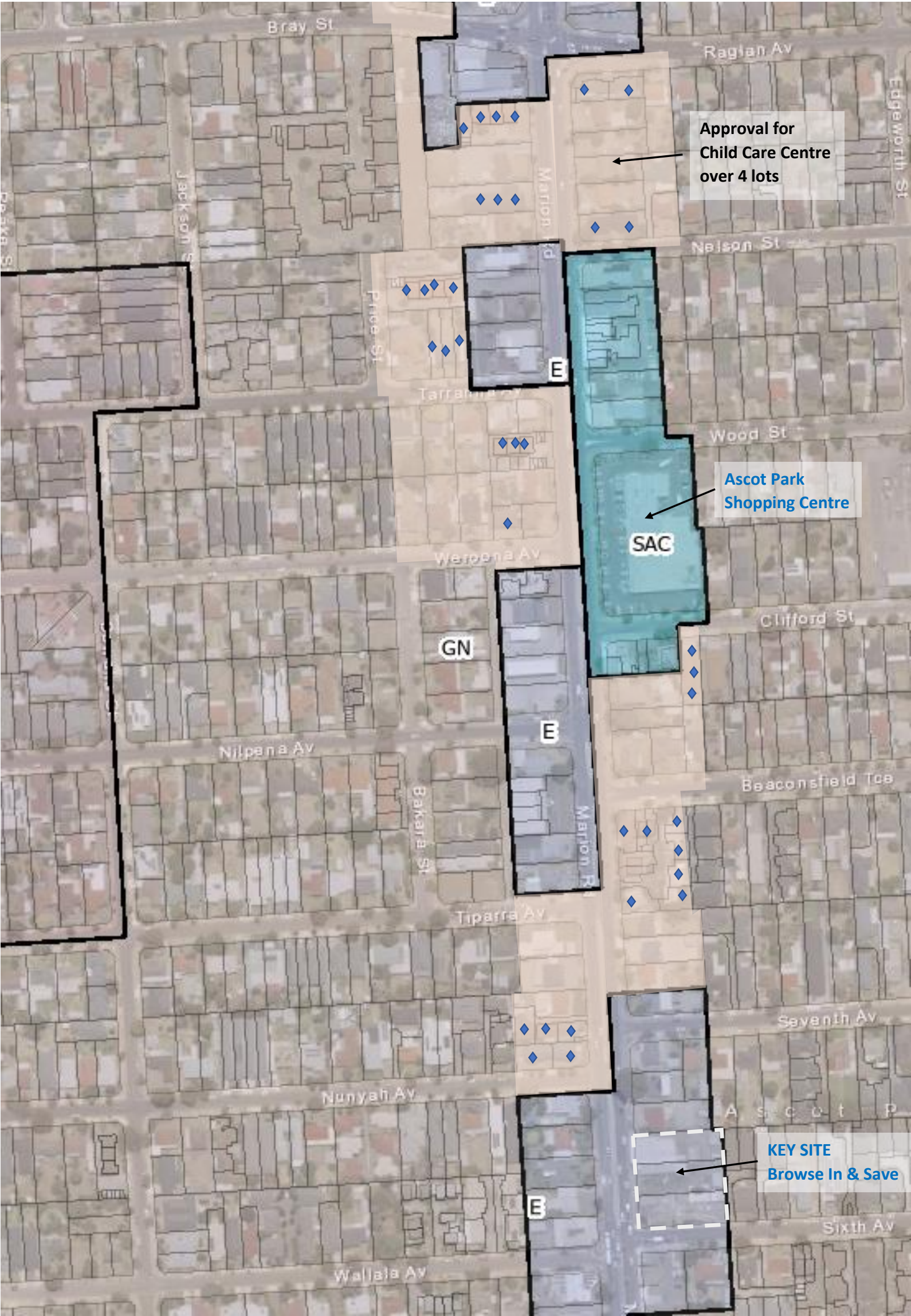
ATTACHMENTS

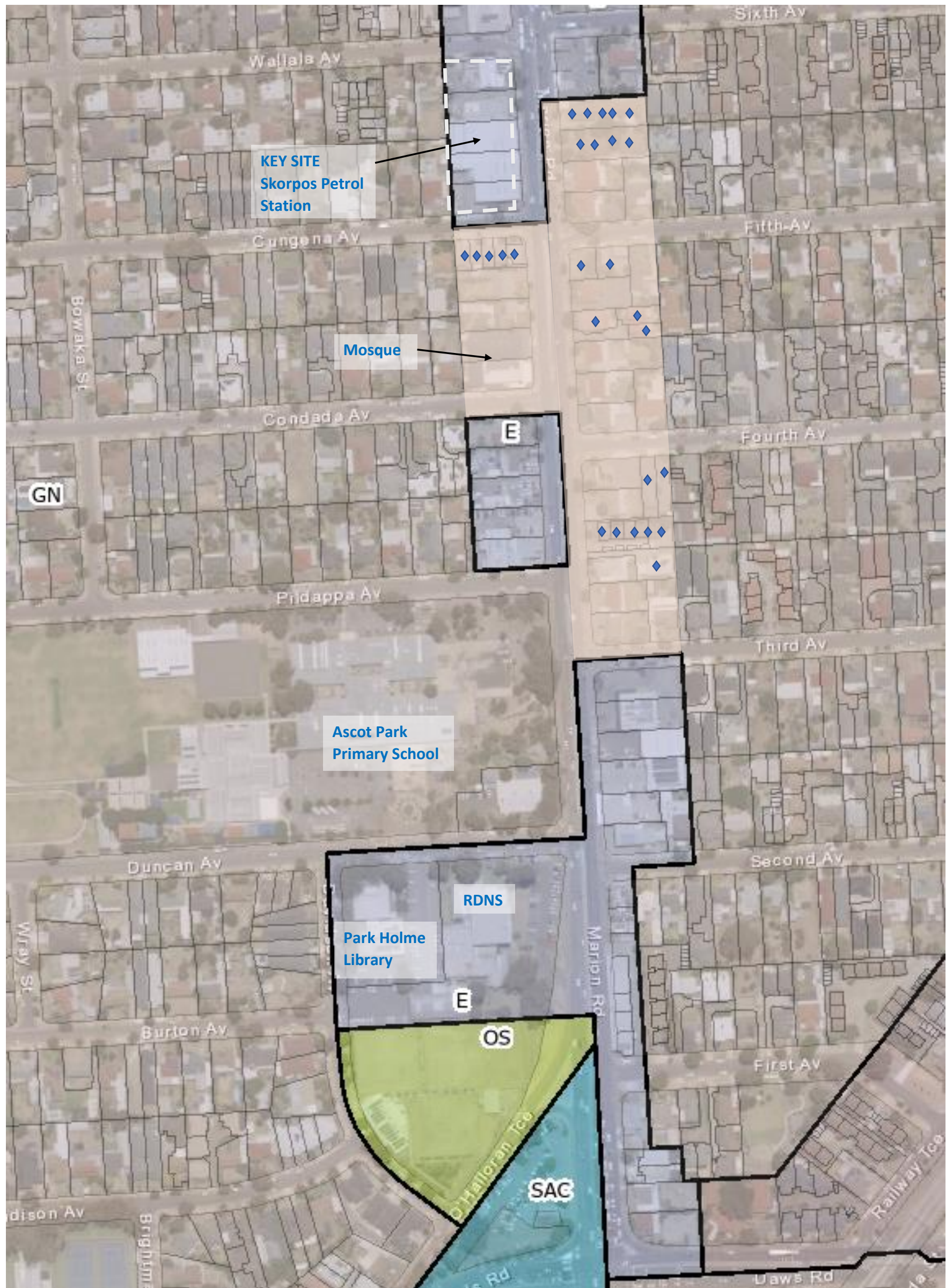
1. Attachment 1 - Marion Road - Potential for Redevelopment of Residential Areas [**12.2.1** - 9 pages]
2. Marion Road - Proposal to initiate - Amended June 2022 [**12.2.2** - 25 pages]

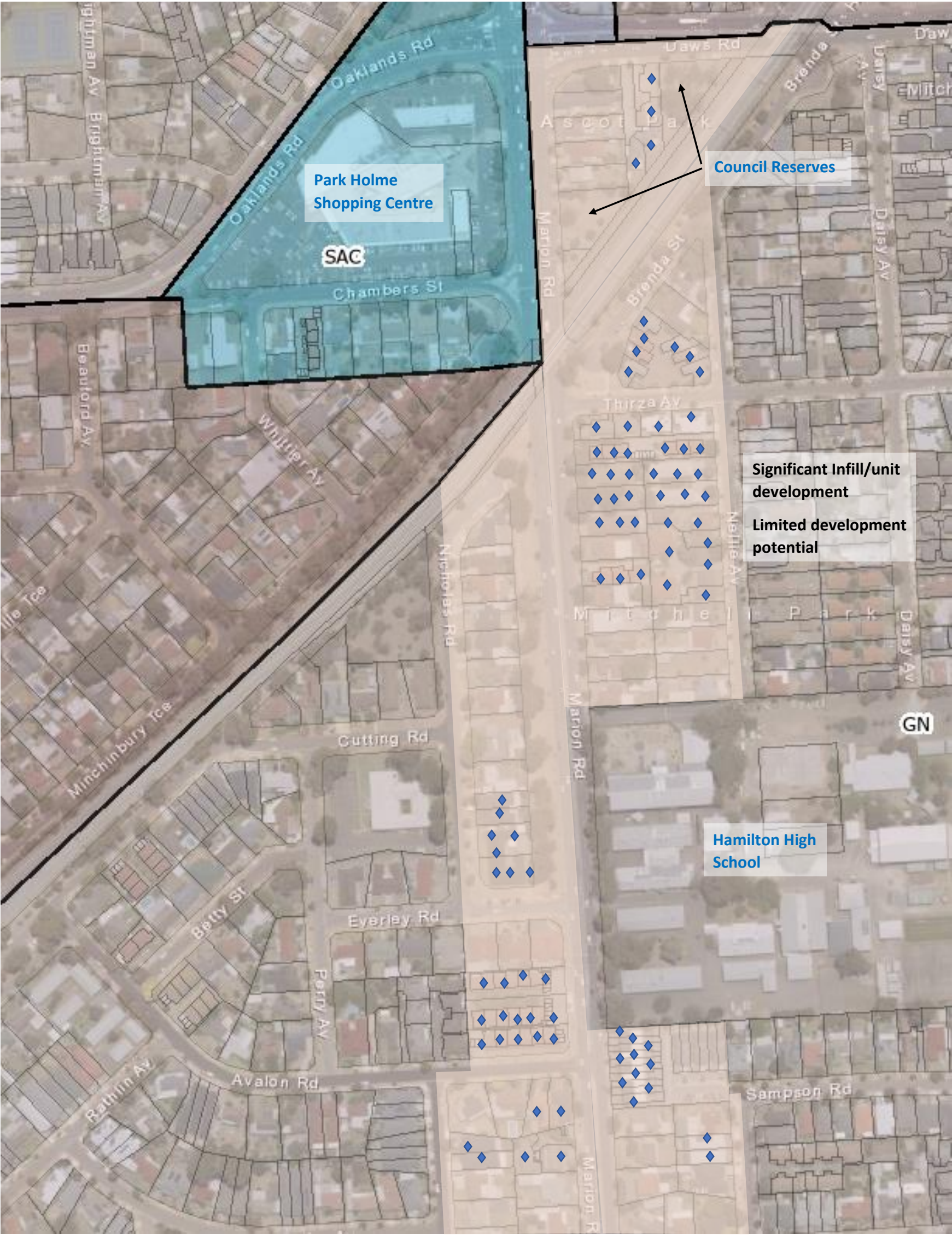
MARION ROAD – POTENTIAL FOR REDEVELOPMENT OF RESIDENTIAL AREAS

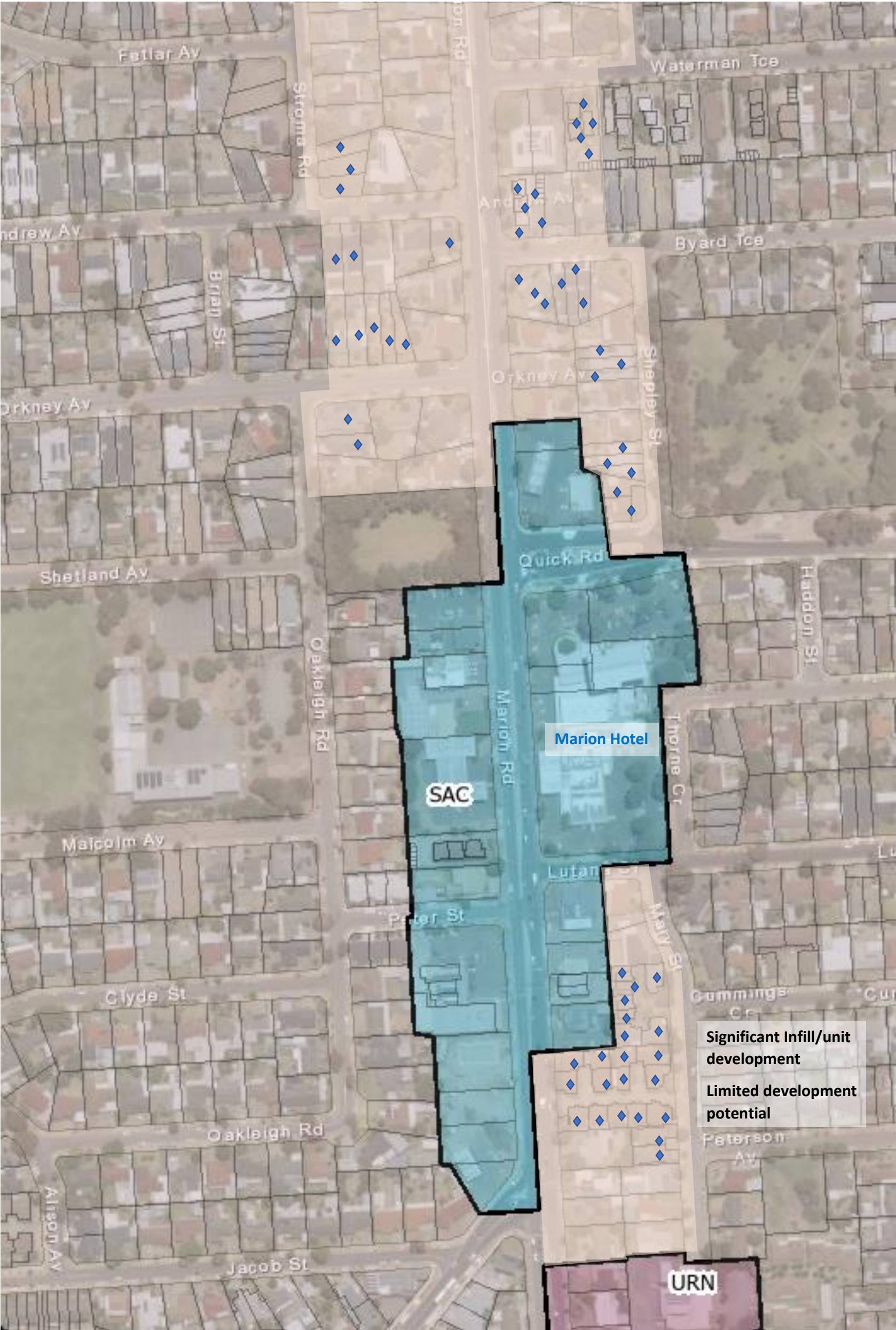


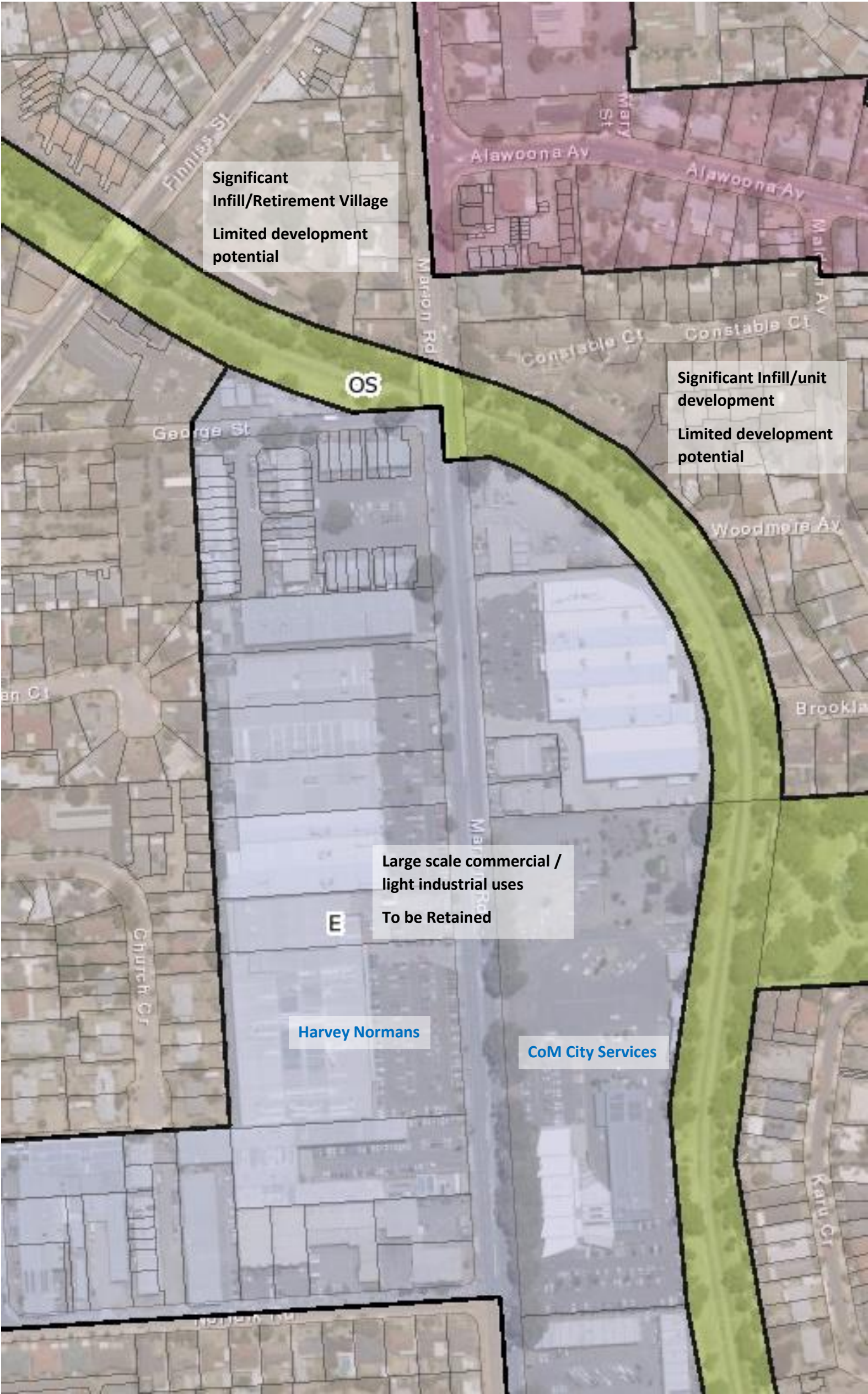


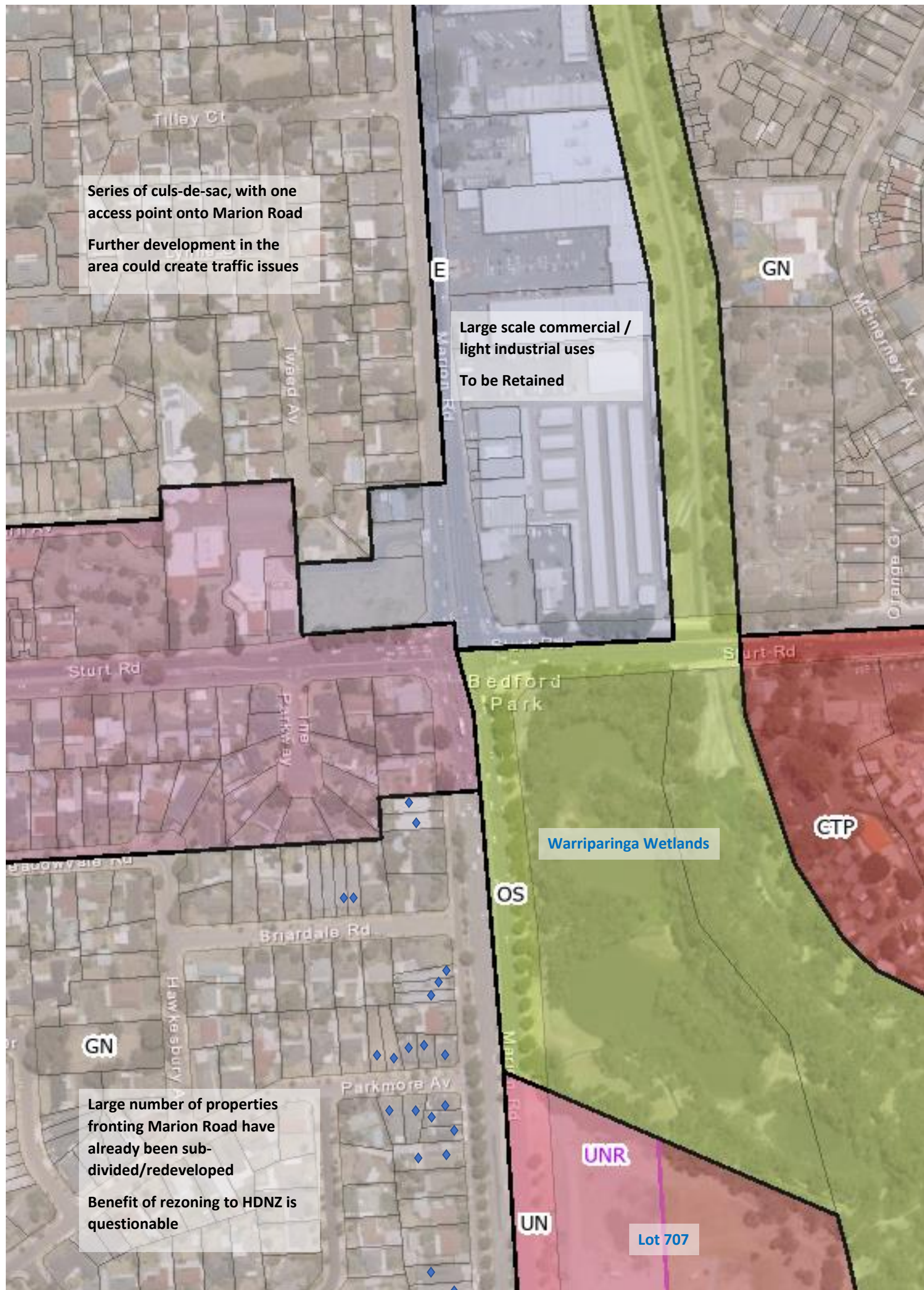


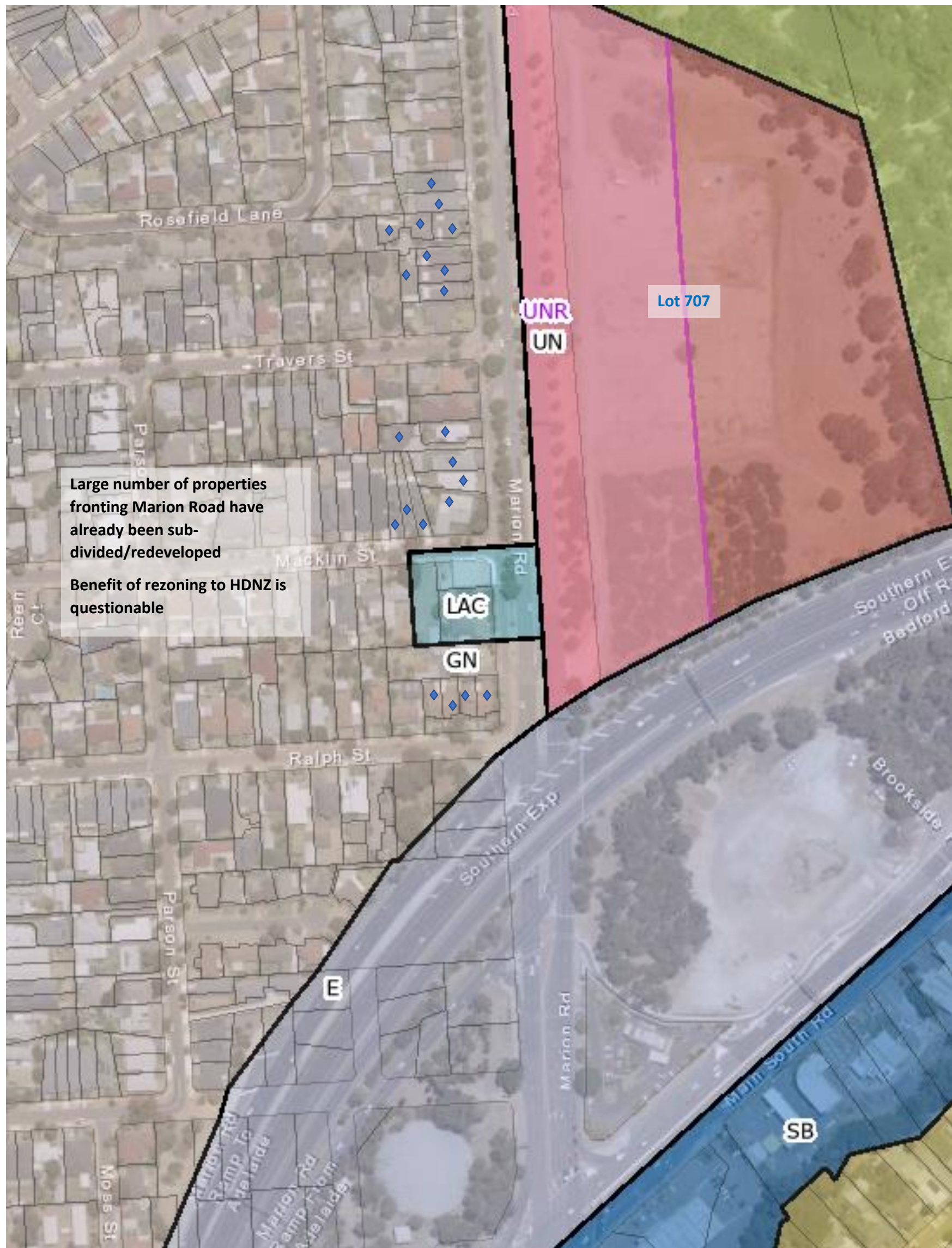












**PROPOSAL TO INITIATE AN AMENDMENT TO THE
PLANNING & DESIGN CODE**

Marion Road Code Amendment

By Marion Council

_____ (Signature Required)

Marion Council *(the Proponent)*

Date: 28 July 2022

This Proposal to Initiate document together with conditions specified by the Minister forms the basis for the preparation of a proposed amendment to the Planning and Design Code for the purpose of section 73(2)(b) of the *Planning, Development and Infrastructure Act 2016*.

MINISTER FOR PLANNING AND LOCAL GOVERNMENT

Date:

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1. INTRODUCTION

The Proponent is proposing to initiate an amendment to the Planning and Design Code (the Code Amendment) as it relates to land located on or adjacent to Marion Road, (between the tram crossing in the north to Sturt Road in the south) in Ascot Park, Marion, Mitchell Park, Park Holme, Plympton Park and South Plympton (the Affected Area).

The purpose of this Proposal to Initiate is to seek approval of the Minister for Planning and Local Government (the Minister) to initiate the Code Amendment under section 73(2)(b) of the *Planning, Development and Infrastructure Act 2016* (the Act).

The Proponent is the Council for the whole of the Affected Area.

This Proposal to Initiate details the scope, relevant strategic and policy considerations, nature of investigations to be carried out and information to be collected for the Code Amendment. It also details the timeframes to be followed in undertaking the Code Amendment, should this Proposal to Initiate be approved by the Minister.

The Proponent acknowledges that the Minister may specify conditions on approving this Proposal to Initiate, under section 73(5) of the Act. In the event of inconsistency between this Proposal to Initiate and any conditions specified by the Minister, the conditions will apply.

1.1. Designated Entity for Undertaking the Code Amendment

In accordance with section 73(4)(a) of the Act, the Proponent will be the Designated Entity responsible for undertaking the Code Amendment process. As a result:

- 1.1.1. The Proponent acknowledges that it will be responsible for undertaking the Code Amendment in accordance with the requirements Act.
- 1.1.2. The Proponent declares that it has not and does not intend to enter into an agreement with a third party for the recovery of costs incurred in relation to the Code Amendment under section 73(9) of the Act. If the Proponent does enter into such an agreement, the Proponent will notify the Department prior to finalising the Engagement Report under section 73(7).
- 1.1.3. The Proponent's contact person responsible for managing the Code Amendment and receiving all official documents relating to this Code Amendment is:
 - a) David Melhuish, Senior Policy Planner
 - b) david.melhuish@marion.sa.gov.au
 - c) 08 83756721

and/or

 - a) Warwick Deller-Coombs, Manager Development & Regulatory Services
 - b) Warwick.deller-coombs@marion.sa.gov.au
 - c) 08 8375 6665
- 1.1.4. The Proponent intends to undertake the Code Amendment by:

a) utilising professional expertise of employees of the Proponent including:

Planning Practitioners

- David Melhuish, Senior Policy Planner – MPIA
- Warwick Deller-Coombs, Manager Development and Regulatory Services – MPIA
- Nicholas Timotheou, Senior Development Officer Planning

Community Engagement

- Council's Media and Engagement Department

1.2. Rationale for the Code Amendment

Council originally investigated applying an Urban Corridor Zone along Marion Road as part of the Housing Diversity DPA, under the Development Act 1993. The zone was to provide opportunity for multi-storey mixed-use development (retail/commercial/residential) in appropriate locations and help relieve the pressure for infill development in local streets in the inner suburbs. However, this zone was not implemented at that time.

Further investigations have identified matters with respect to the proposed zoning which required further analysis. This included traffic, built form and land use character, 'strategic sites', and the suitability of a blanket zoning approach along Marion Road.

Council has compared the circumstances of Marion Road with those of other roads which have been subject to, and partially developed under, similar Corridor-type Zones, including Churchill Road and Prospect Road. Differences in existing character, traffic volumes and likely development outcomes were identified, implying that the form these roads have taken would be difficult to replicate on Marion Road.

Further analysis revealed that many of the 'strategic sites' along Marion Road, which were considered as catalysts for the Urban Corridor Zone during the Housing Diversity DPA, have now been developed.

An Urban Corridor Zone, facilitating mixed use development, may not be the most appropriate zone for Marion Road, as much of the existing land uses (both residential and non-residential) are unlikely to be redeveloped for the foreseeable future, and an increase in traffic volumes from higher density development and further commercial type land uses may have detrimental impacts on an already heavily trafficked road system.

There are currently no 'mixed use' developments along Marion Road, however, there is a substantial number of both residential and non-residential uses on separate sites. Recent development on other main roads covered by an Urban Corridor Zone (i.e. Prospect Road and Churchill Road) comprises predominantly multi-storey residential buildings, with very few examples of mixed use development. As there appears to be little take-up for mixed-use type development, developers may therefore seek to retain the separation of these uses rather than pursue a mix of uses that there may be little demand for.

For these reasons it may be appropriate to leave the current non-residential zones/land uses as they are, letting the market decide future outcomes, within the policy parameters of the zones.

Even though there is already a substantial number of multi-dwelling developments along Marion Road, rezoning the existing residential areas to an alternate neighbourhood zone such as the Housing Diversity Neighbourhood Zone, which allows local variations, would provide opportunity for a greater diversity of dwelling types on the sites yet to be redeveloped, and could facilitate better development outcomes than the site dimension policy criteria within the current General Neighbourhood Zone.

2. SCOPE OF THE CODE AMENDMENT

2.1. Affected Area

The proposal seeks to amend the Code for the Affected Area, being land located on or adjacent to Marion Road (between the tram crossing in the north to Sturt Road in the south) in Ascot Park, Marion, Mitchell Park, Park Holme, Plympton Park and South Plympton as shown in the mapping in **Attachment A**.

2.2. Scope of Proposed Code Amendment

Area 1 – Affected Area along Marion Road currently within the General Neighbourhood Zone

Current Policy	General Neighbourhood Zone <u>Overlays</u> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) (All structures over 15 metres) • Affordable Housing • Building Near Airfields • Future Road Widening • Hazards (Flooding - Evidence Required) • Major Urban Transport Routes • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Traffic Generating Development • Urban Tree Canopy <u>TNVs</u> <ul style="list-style-type: none"> • Nil
Amendment Outline	Replacing the General Neighbourhood Zone with the Housing Diversity Neighbourhood Zone which allows local variations, which would provide opportunity for a greater diversity of dwelling types on the sites yet to be redeveloped, and could facilitate better development outcomes than the site dimension policy criteria within the current General Neighbourhood Zone.

Intended Policy	Housing Diversity Neighbourhood Zone
	<p><u>Overlays</u></p> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) (All structures over 15 metres) • Affordable Housing • Building Near Airfields • Future Road Widening • Hazards (Flooding - Evidence Required) • Major Urban Transport Routes • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Traffic Generating Development • Urban Tree Canopy <p><u>TNVs (potential)</u></p> <ul style="list-style-type: none"> • Maximum building height is 2 building levels and 9m, except where the site: <ul style="list-style-type: none"> A. is at least 1200m² in area and B. has a frontage of at least 30m - where maximum building height is 3 building levels and 12m • Minimum Frontage (Minimum frontage for a detached dwelling is 9m; semi-detached dwelling is 8m; row dwelling is 7m; group dwelling is 18m; residential flat building is 18m) • Minimum Site Area (Minimum site area for a detached dwelling is 250 sqm; semi-detached dwelling is 220 sqm; row dwelling is 200 sqm; group dwelling is 200 sqm; residential flat building is 200 sqm)

3. STRATEGIC PLANNING OUTCOMES

Proposed Code Amendments occur within a state, regional and local strategic setting, which includes:

- State Planning Policies (SPPs)
- Regional Plans
- Other relevant strategic documents.

3.1. Summary of Strategic Planning Outcomes

The key strategic planning considerations are summarised as follows:

- Facilitate the opportunity for an increased diversity in housing types and densities to meet the varying needs of the community.

- A higher density of housing encouraged in locations with convenient access to shopping and community facilities and public transport.
- Relieve the pressure for infill development within local streets.
- Consideration of the need for suitable transitions between existing lower density residential areas and proposed higher density development.

3.2. Alignment with State Planning Policies

The State Planning Policies (SPPs) set out the State's overarching goals and requirements for the planning system. Under section 66(3)(f) of the Act, the Code must comply with any principle prescribed by a SPP.

The Code Amendment should be initiated because the strategic planning outcomes sought to be achieved through the Code Amendment align with or seeks to implement the following SPPs:

State Planning Policy (SPP)	Code Amendment Alignment with SPPs
<p>Principles of Good Planning</p> <p><u>Urban renewal principles</u></p> <p><i>Preference should be given to accommodating the expected growth of cities and towns through the logical consolidation and redevelopment of existing urban areas.</i></p> <p><i>Urban renewal should seek to make the best use (as appropriate) of underlying or latent potential associated with land, buildings and infrastructure.</i></p>	<p>The amendment seeks to provide opportunity for the replacement of existing lower density residential uses, located along a major transit route (Marion Road), with a greater diversity of residential development, with convenient access to public transport and shopping/community facilities.</p>
<p>Integrated Planning</p> <p><i>1.7 Regenerate neighbourhoods to improve the quality and diversity of housing in appropriate locations supported by infrastructure, services and facilities.</i></p>	<p>The amendment seeks to provide opportunity for the replacement of existing lower density residential uses, located along a major transit route (Marion Road), with a greater diversity of residential development, with convenient access to public transport and shopping/community facilities.</p>
<p>Design Quality</p> <p><i>2.9 Respect the characteristics and identities of different neighbourhoods, suburbs and precincts by ensuring development considers existing and desired future context of a place.</i></p> <p><i>2.11 Manage the interface between modern built form of different scales with more traditional dwelling forms, including through the management of streetscape character, access to</i></p>	<p>The amendment will consider the need for suitable transitions, through various design elements, between existing lower density residential areas and proposed higher density and potentially taller development along the Marion Road corridor.</p>

<i>natural light, visual and acoustic privacy, massing and proportions.</i>	
<p>Housing Supply and Diversity</p> <p>6.6 A diverse range of housing types within residential areas that provide choice for different household types, life stages and lifestyle choices.</p>	<p>The amendment seeks to provide opportunity for the replacement of existing lower density residential uses, located along a major transit route (Marion Road), with a greater diversity of residential development, with convenient access to public transport and shopping/community facilities.</p> <p>A greater diversity and choice of dwelling types would better provide for the changing lifestyle needs of the community.</p>

3.3. Alignment with Regional Plans

As with the SPPs, the directions set out in Regional Plans provide the long term vision as well as setting the spatial patterns for future development in a region. This includes consideration of land use integration, transport infrastructure and the public realm.

The 30-Year Plan for Greater Adelaide (2017 Update) volume of the Planning Strategy is relevant for this Code Amendment.

Regional Plan Identified Priorities or Targets	Code Amendment Alignment with Regional Plan
<i>Principle 1: A compact and carbon-neutral city</i>	The Code Amendment will seek to facilitate the provision of additional housing opportunities at increased densities which can be adequately serviced by infrastructure such as public transport within the footprint of the existing metropolitan area.
<i>Principle 2: Housing diversity and choice</i>	
<i>Principle 4: A transit-focused and connected city</i>	Providing additional housing opportunities near public transport services.
Transit corridors, growth areas and activity centres	
<i>Policy 1. Deliver a more compact urban form by locating the majority of Greater Adelaide's urban growth within existing built-up areas by increasing density at strategic locations close to public transport.</i>	The Code Amendment proposes to investigate an increase in residential density on a major road corridor, serviced by public transport.

Housing mix, affordability and competitiveness	
Policy 37. <i>Facilitate a diverse range of housing types and tenures (including affordable housing) through increased policy flexibility in residential and mixed-use areas.....</i>	<p>The Code Amendment will facilitate greater diversity of residential housing types on a major road corridor, serviced by public transport.</p> <p>The Affordable Housing Overlay will be applied to the subject land.</p>
Policy 45. <i>Promote affordable housing in well located areas close to public transport and which offers a housing mix (type and tenure) and quality-built form that is well integrated into the community.</i>	

3.4. Alignment with Other Relevant Documents

Additional documents may relate to the broader land use intent within the scope of this proposed Code Amendment (or directly to the Affected Area) and therefore are identified for consideration in the preparation of the Code Amendment.

The following table identifies other documents relevant to the proposed Code Amendment:

Other Relevant Document	Code Amendment Alignment with Other Relevant Document
Housing Diversity Development Plan Amendment	<p>The previous Housing Diversity DPA (HDDPA) sought the creation of an Urban Corridor Zone along much of Marion Road. This Zone was to provide opportunity for multistorey mixed - use development (retail/commercial/residential) in appropriate locations and help relieve the pressure for infill development in local streets in the inner suburbs.</p> <p>However, an Urban Corridor Zone may not be the most appropriate zone for Marion Road, as much of the existing land uses (both residential and non-residential) are unlikely to be redeveloped for the foreseeable future, and an increase in traffic volumes from higher density development and further commercial type land uses may have detrimental impacts on an already heavily trafficked road system.</p>

4. INVESTIGATIONS AND ENGAGEMENT

4.1. Investigations Already Undertaken

The table below identifies what investigations have already been undertaken in support of the proposed Code Amendment.

Investigation Undertaken	Summary of Scope of Investigations	Summary of Outcome of Recommendations
Marion Road Urban Design Study -- 2009 Oxygen and Connor Holmes	To provide guidelines which aid future strategic and development decisions along and adjacent to Marion Road including informing Council's strategic planning process, particularly relating to future amendments to the (former) Development Plan.	<ul style="list-style-type: none"> • Introduce more flexible policy to encourage redevelopment of sites in the corridor, including encouraging mixed use development outcomes along the whole corridor. • Encourage development of 3 to 5 storeys within the corridor, including non-residential uses at street level to activate the street, with residential development above • Consider opportunities to increase the depth of existing zones in certain areas to further encourage redevelopment and potentially enhance interface issues.
Marion Road – Feasibility Study: Urban Corridor Zone (as part of former Housing Diversity DPA)	Analysis identifying the key development opportunities along Marion Road and consideration of policy mechanisms to achieve the desired outcomes	Identified 6 key sites with highest potential for redevelopment. Three of these sites have since been approved and/or developed. Two of the sites for forms of development not previously envisaged (lower density/not mixed use).

4.2. Further Investigations Proposed

In addition to the investigations already undertaken and identified above, the table below outlines the additional investigations that will be undertaken to support the Code Amendment.

Further Investigations Proposed	Explanation of how the further investigations propose to address an identified issue or question
Demand for the nature and extent of development anticipated in the zone	Identify the appropriateness of rezoning the extent of land proposed to ensure that it reflects the demand for the nature of development anticipated in the zone.

4.3. Engagement Already Undertaken

The following engagement occurred on the previous Housing Diversity Development Plan Amendment in 2019:

- The community were advised of the proposed changes to the zoning and associated policy affecting those properties to be included in the (then) proposed Urban Corridor Zone along Marion Road.
- Public notification (including letter drop to all properties within the Council, notices in newspapers, Council's web site and Government Gazette) was undertaken and the community was given an opportunity to provide response.
- Council received 66 responses regarding the proposed changes to Marion Road.

It is noted that, as an Urban Corridor Zone, facilitating mixed use development, is no longer considered to be the most appropriate zone for Marion Road, many of the responses received are no longer relevant to the proposed Code Amendment.

4.4. Further Engagement Proposed

In addition to the engagement already undertaken and identified above, the table below outlines what additional engagement will be undertaken to support the Code Amendment.

Further Engagement Proposed	Explanation of how the further engagement propose to address an identified issue or question
<ul style="list-style-type: none"> • 8-week consultation process on the Draft Code Amendment. • A copy of the Code Amendment in the Plan SA Portal. • A notice in the Advertiser Newspaper. • Information on Council's 'Making Marion' website, with information on the Code Amendment including, but not limited to a copy of the draft Code Amendment, FAQs and information on how to make comments. • A written notice to all property owners within the affected area and property owners immediately surrounding the 	<p>The broad intent of the engagement process will be to:</p> <ul style="list-style-type: none"> • Alert attention to the draft Code Amendment, its scope and intent. • Highlight any specific issues identified during the drafting process. • Provide details on the Code Amendment process and opportunities for input/comment. • Provide information on how to seek further information. • Consider responses received during consultation process and make amendments

<p>affected area (as considered appropriate) inviting them to review and comment on the draft policy.</p> <ul style="list-style-type: none"> • Information brochure outlining what the Code Amendment is about, the proposed policy amendments, and how interested persons can comment. • Notification of the draft Code Amendment to relevant State Government departments/agencies, Members of Parliament, adjacent Councils, infrastructure providers and other interested parties. • Copies of draft Code Amendment and information brochure to be made available at Council offices and libraries. • The scheduling of a Public Meeting (if required) at the conclusion of the consultation process, at which any interested person may appear before Council's Planning and Development Committee to make representations on the proposed amendment. 	<p>to the Code Amendment where necessary/appropriate.</p>
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5. CODE AMENDMENT PROCESS

5.1. Engagement Plan

The Code Amendment process will occur in accordance with the Community Engagement Charter and Practice Direction 2 – Consultation on the Preparation or Amendment of a Designated Instrument.

The Designated Entity will prepare an Engagement Plan prior to the commencement of engagement on the proposed Code Amendment. The Engagement Plan will include the following mandatory consultation requirements (which may be in addition to the engagement outlined in this Proposal to Initiate):

- the Local Government Association must be notified in writing of the proposed Code Amendment;
- if the Code Amendment has a specific impact on 1 or more particular pieces of land in a particular zone or subzone (rather than more generally), the Designated Entity must take reasonable steps to give a notice in accordance with Regulation 20 of the *Planning, Development and Infrastructure (General) Regulations 2017*, to:
 - the owners or occupiers of the land; and
 - owners or occupiers of each piece of adjacent land;
- consultation must also occur with any person or body specified by the State Planning Commission under section 73(6)(e) of the Act.

5.2. Engagement Report

Once engagement on the Code Amendment is complete, the Designated Entity will prepare an Engagement Report under section 73(7) of the Act.

The Designated Entity must ensure that a copy of the Engagement Report is furnished on the Minister and also published on the SA Planning Portal. This will occur in accordance with Practice Direction 2.

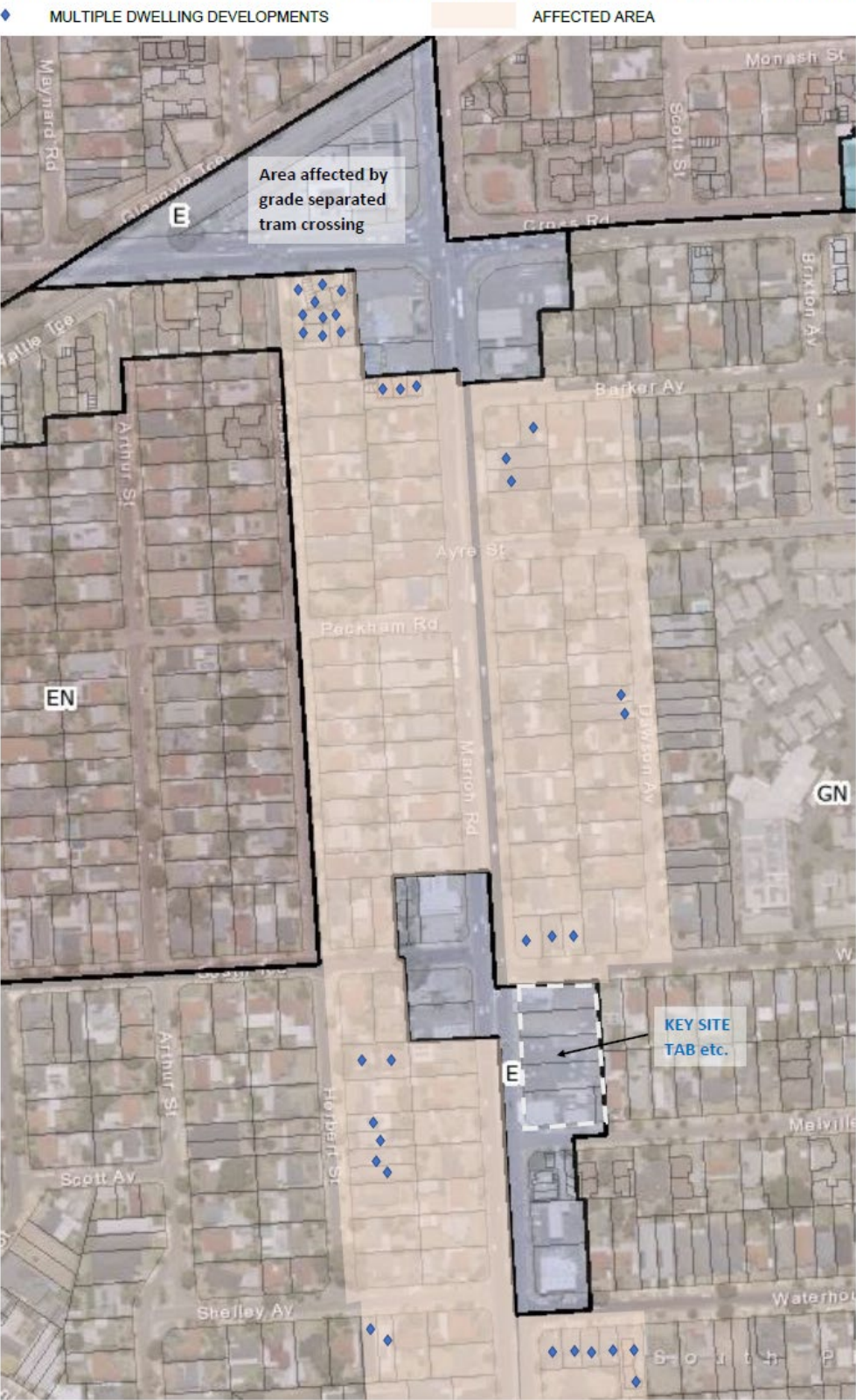
The Engagement Plan and the Engagement Report will also be considered by the State Planning Commission during the final stages of the Code Amendment process. The Commission will provide a report to the Environment, Resources and Development Committee of Parliament under section 74(3) of the Act. The Commission's report will provide information about the reason for the Code Amendment, the consultation undertaken on the Code Amendment and any other information considered relevant by the Commission.

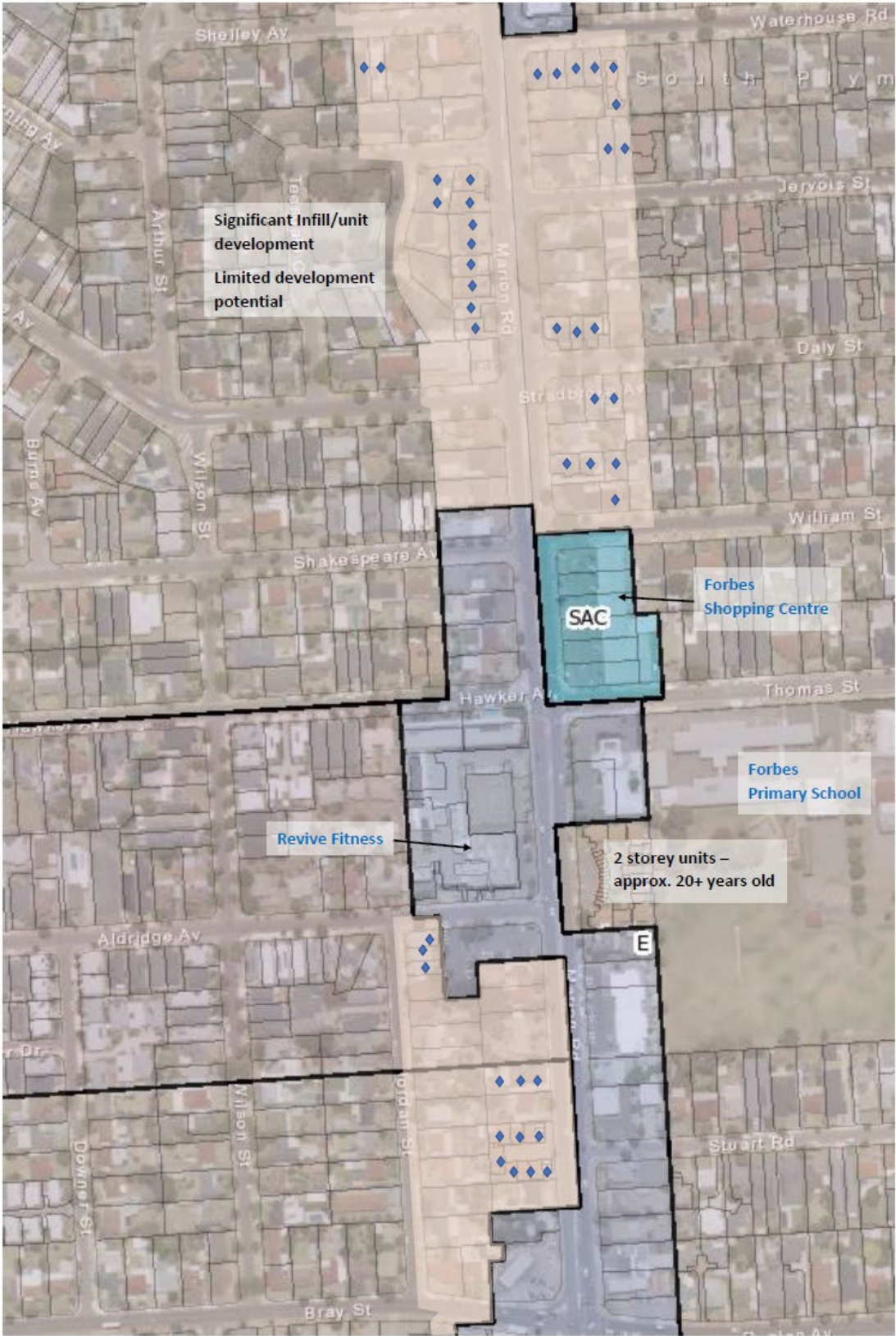
5.3. Code Amendment Timetable

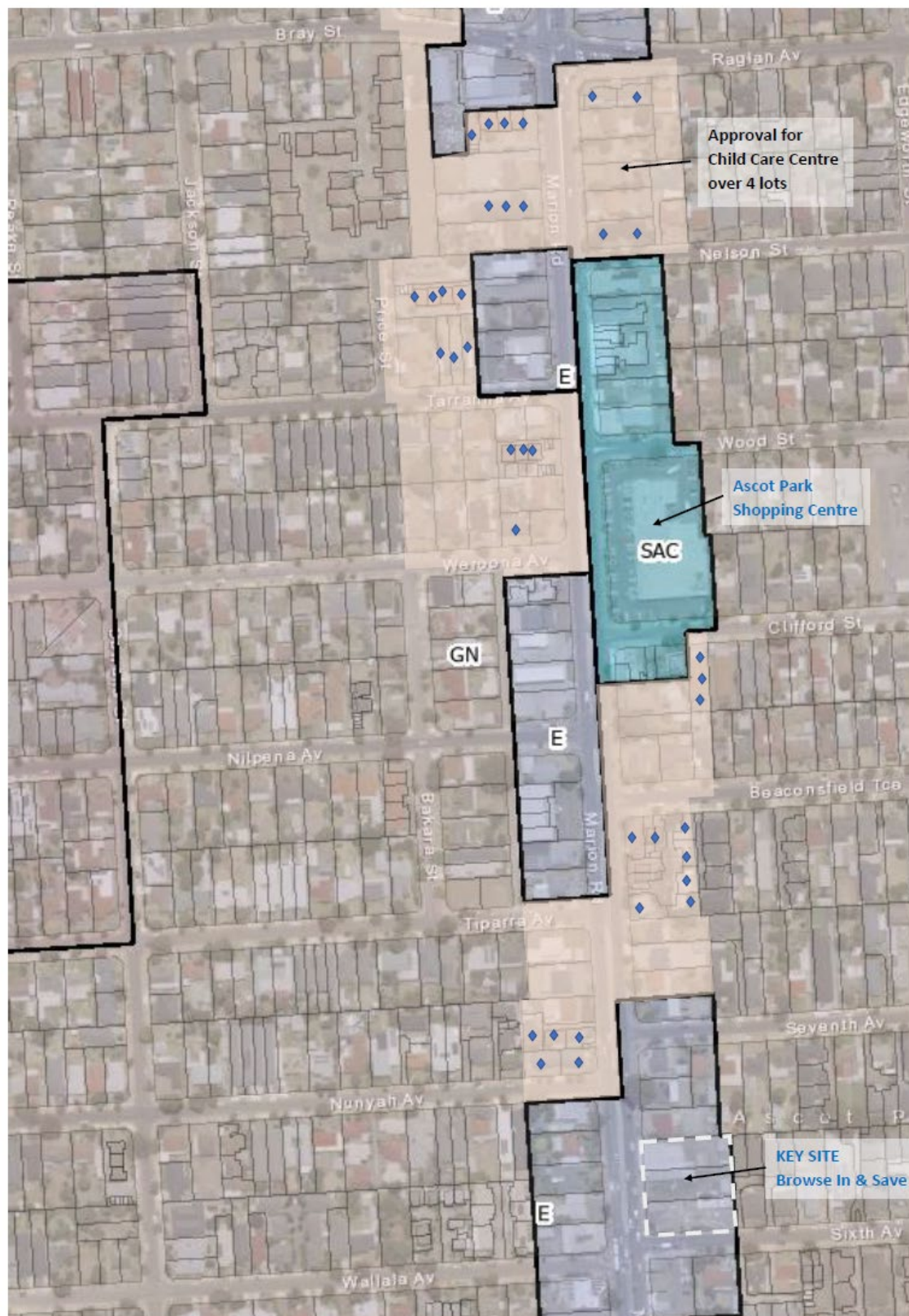
The Proponent (where it is also the Designated Entity) commits to undertaking the Code Amendment in line with the timeframe outlined in **Attachment B**. If a timeframe is exceeded (or expected to be exceeded) the Proponent agrees to provide an amended timetable to the Department with an explanation of the delay, for approval by the Minister of an extension of time for the Code Amendment.

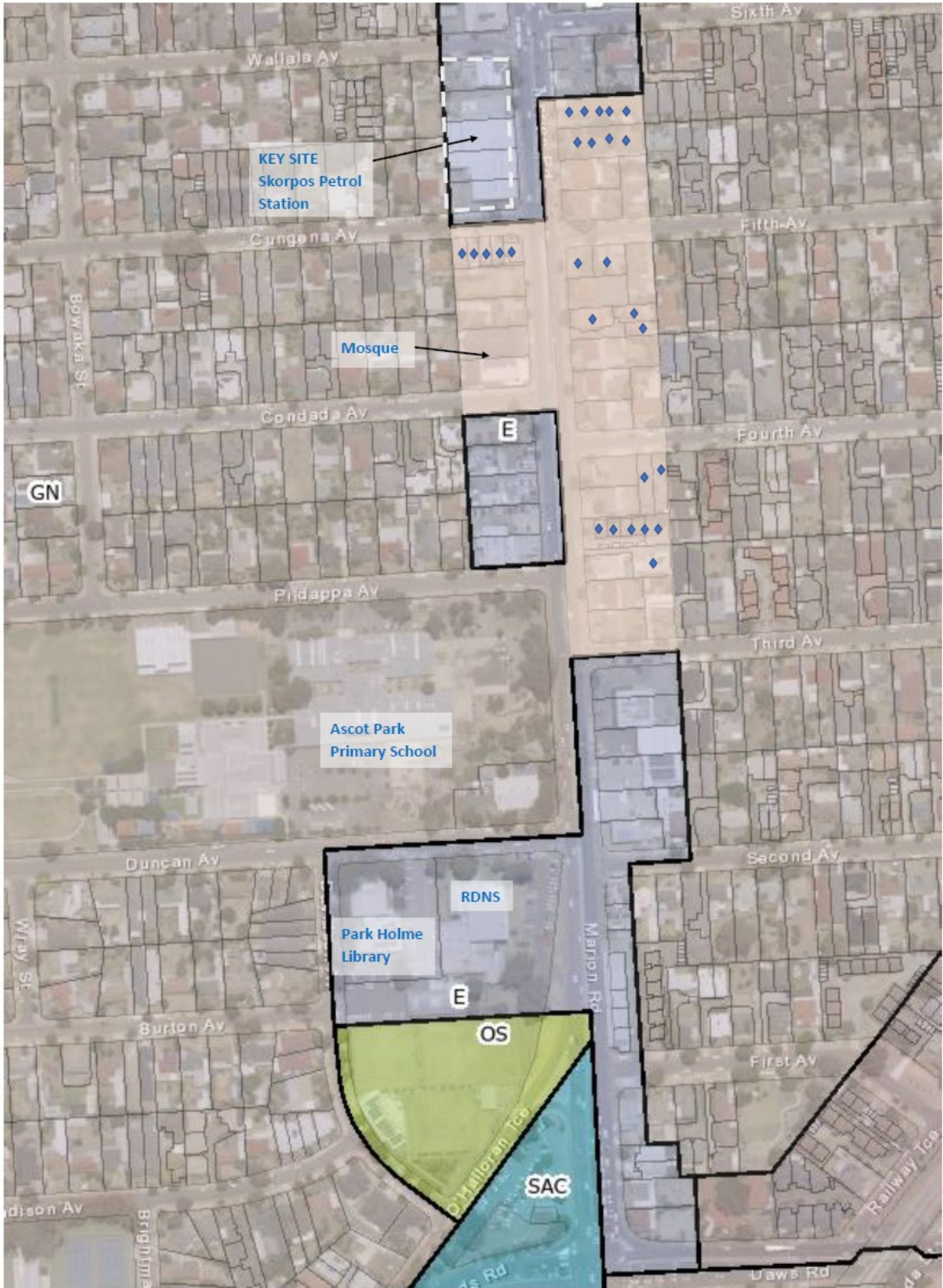
ATTACHMENT A
Maps of Affected Area

MARION ROAD – POTENTIAL FOR REDEVELOPMENT OF RESIDENTIAL AREAS

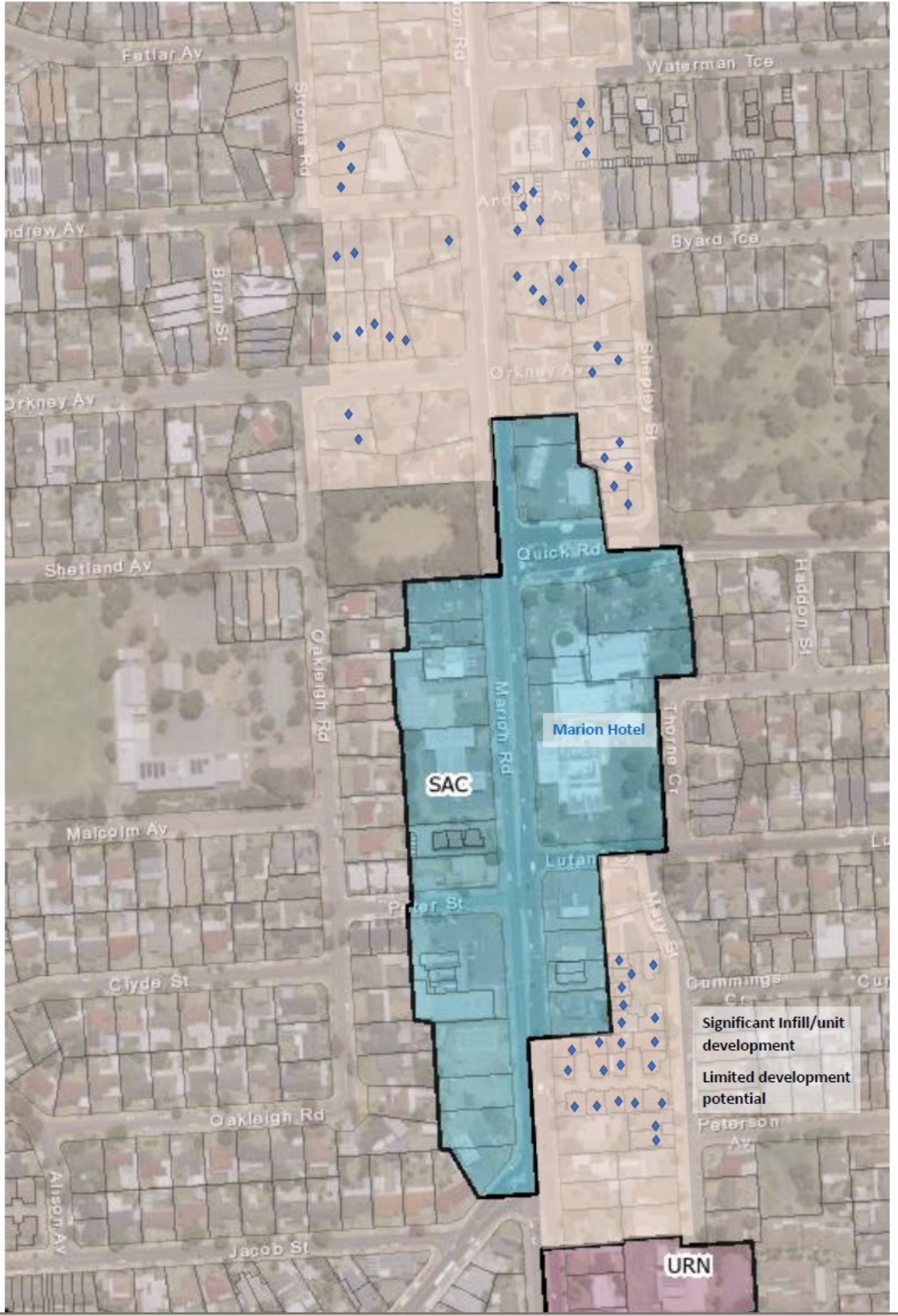


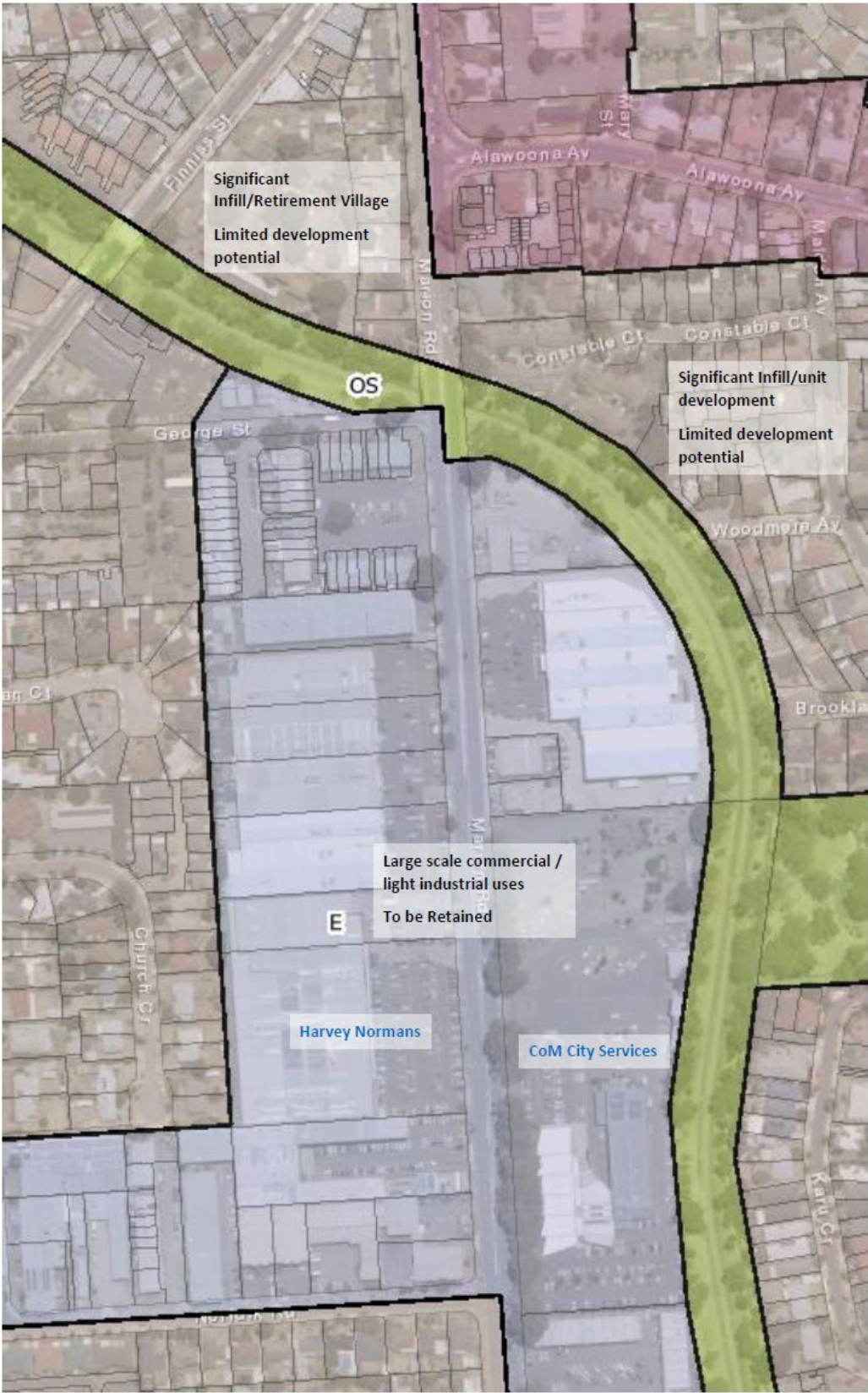


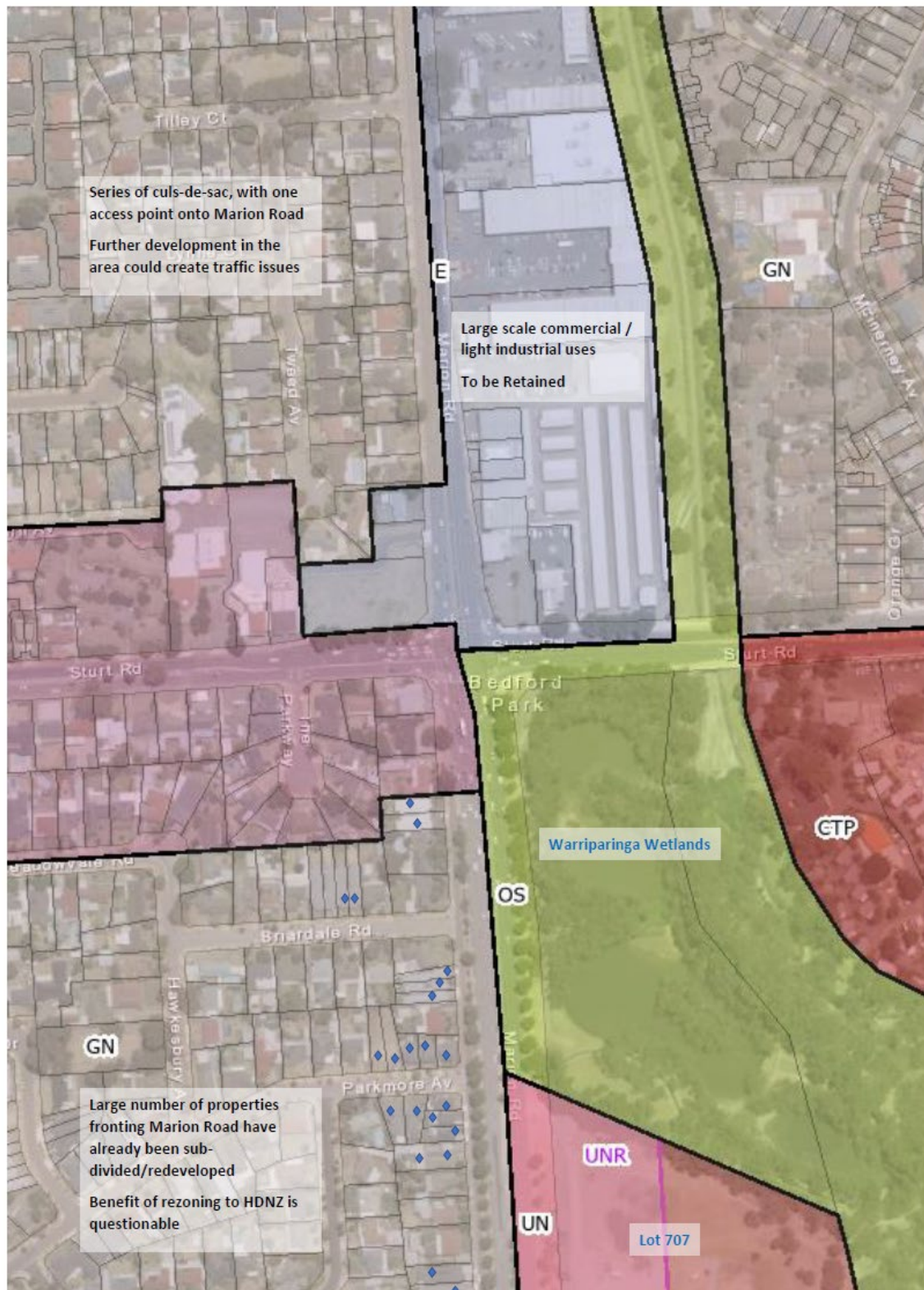


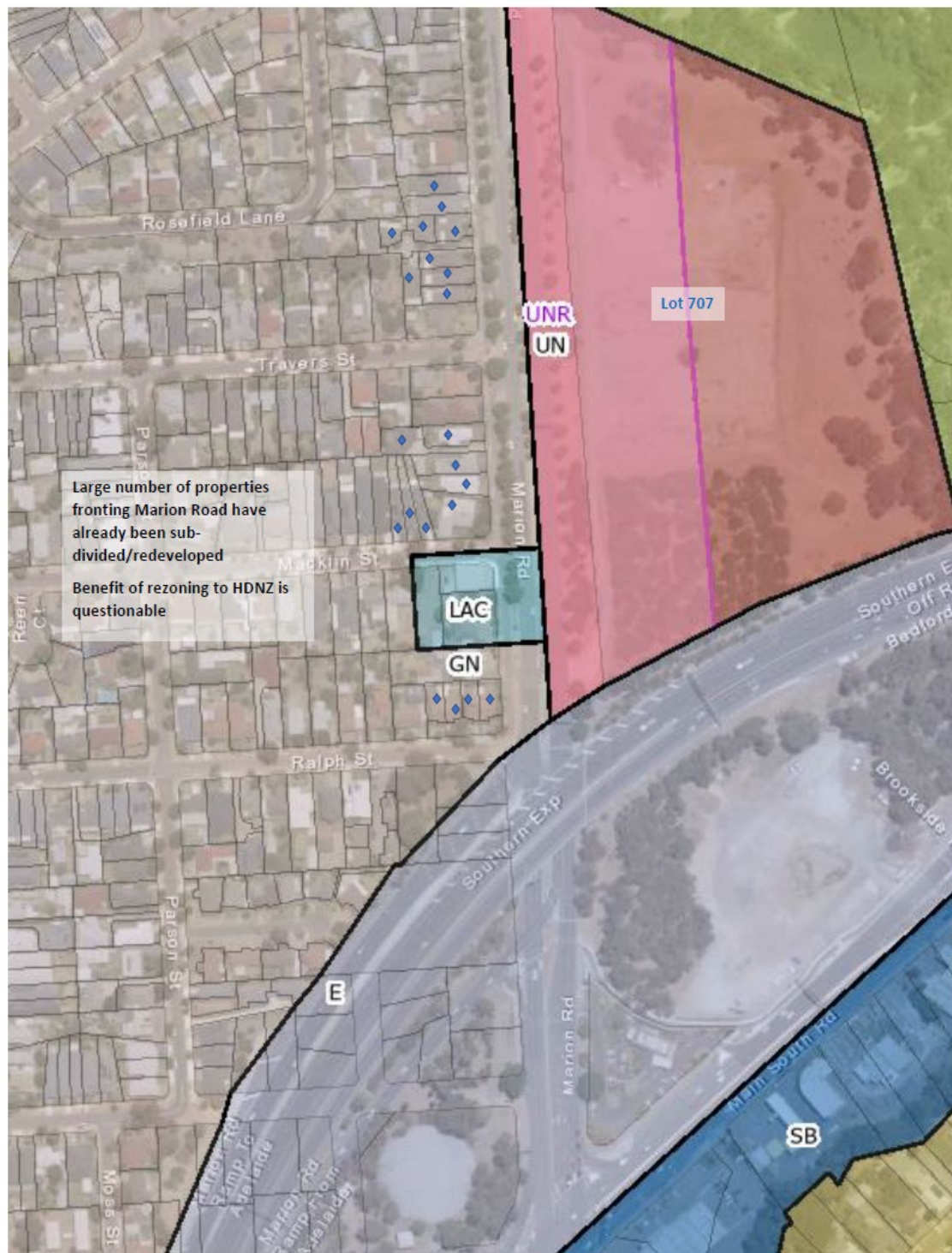












ATTACHMENT B

Timetable for Code Amendment by Proponent

Step	Responsibility	Timeframe
Approval of the Proposal to Initiate		
Review of Proposal to Initiate to confirm all mandatory requirements are met (timeframe will be put on hold if further information is required). Referral to the Minister to request advice from the Commission	AGD	2 weeks <i>(includes lodgement and allocation + referral to Government Agencies within the first week)</i>
Minister requests advice from the Commission.	Minister	2 weeks
Referral to Government Agencies for comment (where necessary)	AGD, Relevant Government Agencies	+ 2 weeks
Consideration of Proposal to Initiate and advice to the Minister	Commission (Delegate)	3 weeks
	Commission	+ 3 weeks
Proposal to Initiate agreed to by the Minister	Minister	2 weeks
Preparation of the Code Amendment		
Engagement Plan Prepared. Investigations conducted; Code Amendment Report prepared The Drafting instructions and draft mapping provided to AGD	Council	12 weeks
AGD prepares Amendment Instructions and Mapping and provides to Council for consultation purposes	AGD	1 week
Preparation of Materials for Consultation	Council	6 weeks
Engagement on the Code Amendment		
Code Amendment Report released for public consultation in accordance with the Community Engagement Charter and the prepared Community Engagement Plan	Council	12 weeks
Consideration of Engagement and Finalisation of Amendments		
Submissions summarised; Amended drafting instructions provided, Engagement Report prepared and lodged with AGD	Council	8 weeks
Assess the amendment and engagement. Prepare report to the Commission or delegate <i>Timeframe will be put on hold if further information is required, or if there are unresolved issues</i>	AGD	4 weeks
Consideration of Advice	Commission (Delegate)	2 weeks <i>(includes 1 week to process through Minister's office)</i>
	Commission	+ 3 weeks

Step	Responsibility	Timeframe
Decision Process		
Minister considers the Code Amendment Report and the Engagement Report and makes decision	Minister	3 weeks
Implementing the Amendment (operation of the Code Amendment)		
Go- Live- Publish on the PlanSA Portal	AGD	2-4 weeks
Parliamentary Scrutiny		
Referral of approved Code Amendment to ERDC	AGD	8 weeks

12.3 Southern Region Waste Resource Authority (SRWRA) - Charter Review 2022

Report Reference	GC220726R12.3
Originating Officer	Chief Financial Officer – Ray Barnwell
Corporate Manager	Chief Financial Officer - Ray Barnwell
General Manager	General Manager Corporate Services - Sorana Dinmore

REPORT OBJECTIVE

The objective of this report is to present to Council the Draft Southern Region Waste Resource Authority (SRWRA) Charter 2022. The SRWRA Board has reviewed the SRWRA Charter 2015 and is recommending approval of the revised Draft SRWRA Charter 2022 by the Constituent Councils.

EXECUTIVE SUMMARY

The Southern Region Waste Resource Authority (SRWRA) Charter is overdue for review. The SRWRA Charter 2015 (Clause 5.7) requires Constituent Councils to review the Charter every four years. The timing of the Charter review was significantly disrupted with the onset of COVID-19 and impact to the business and operations of the Constituent Councils.

The SRWRA Board has reviewed the SRWRA Charter 2015 and is recommending approval of the revised Draft SRWRA Charter 2022 by the Constituent Councils.

Key changes proposed to the Charter include a new contemporary format, updates to financial thresholds and procedural matters, removal of the requirement to hold an Annual General Meeting, and a change to allow the Board to set its own meeting procedures.

The Board is conscious that the operations of SRWRA have changed in recent years and is conducting a strategic workshop on 22 July 2022 that may inform a further review of the Charter in 2023.

RECOMMENDATION

That Council:

- 1. Approve the Southern Region Waste Resource Authority Draft Charter 2022 (Attachment 1)**

GENERAL ANALYSIS

SRWRA is a regional subsidiary established by the Cities of Onkaparinga, Marion and Holdfast Bay, pursuant to Section 43 of the Local Government Act, 1999. Under its Charter, SRWRA is responsible for providing and operating waste management services on behalf of its Constituent Councils.

The SRWRA Charter 2015, Clause 5.7 requires the Charter to be reviewed every four years.

SRWRA Charter 2015 – Clause 5.7

5.7 Review of Charter

5.7.1 This Charter will be reviewed by the Constituent Councils acting in concurrence at least once in every four years.

5.7.2 This Charter may be amended by unanimous agreement expressed by resolution of the Constituent Councils.

5.7.3 The Executive Officer must ensure that the amended Charter is published on a website (or websites) determined by the Chief Executive Officers of the Constituent Councils, that a notice of the fact of the amendment and a website address at which the Charter is available for inspection is published in the Gazette and a copy of the amended Charter provided to the Minister.

5.7.4 Before the Constituent Councils vote on a proposal to alter this Charter they must take into account any recommendation of the Board.

DISCUSSION

SRWRA commenced the Charter review in 2019 with a final version endorsed by the SRWRA Board at its meeting on 3 February 2020. Shortly thereafter, COVID-19 protocols were enacted across the State which significantly disrupted the business and operation of the Constituent Councils and SRWRA. This impact resulted in a pause of the SRWRA Charter review process. Michael Kelledy, of Kelledy Jones Lawyers was engaged to support the Charter Review process.

The following is a summary of the proposed changes, as described by Micheal Kelledy:

- deletion of provisions that simply re-state duties under the *Local Government Act 1999* (the Act);
- details and obligations relating to the strategic plan, committees and CEO functions remaining but subject to refinements;
- importantly, the requirement to hold an AGM has been removed. It has never been a legal requirement for a regional subsidiary to be accountable in this manner, such a provision only having 'work to do' for a membership organisation;
- the Objects and Purpose include a new requirement to secure best value and value for money in the waste management services and activities and to keep the Constituent Councils informed about relevant emerging opportunities, trends or issues in waste management is referenced in accordance with the Act;
- the Powers and Functions include amendments in relation to real property interests ensuring that SRWRA may treat in relation to transactions of up to \$1M (previously \$500,000) without Budget provision or approval of two (2) of the three (3) Councils. Further, the power to participate in a joint venture, trust, partnership or similar for the purpose of engaging in a commercial activity or enterprise, is clarified;
- SRWRA's obligation to implement risk management policies, practices, procedures and strategies has been formalised;
- the provisions relating to the calling, holding and conduct of Board meetings have been removed, being replaced by the obligation to develop and adopt a separate policy document dealing with these matters. This prevents unnecessary repetition of provisions in the Act and allows for flexibility for the Board in making procedural changes to its meeting framework, including in respect of the conduct of its meetings (rather than being subjected to the prescriptive requirements of the 'Meeting Regulations' which, whilst being relevant to Council meetings, are inappropriately restrictive for meetings of the Board of a commercial regional

subsidiary), by simple Board decision-making rather than a cumbersome, formal, Charter amendment process;

- Constituent Council commentary on the draft annual business plan and budget, must occur at least five (5) days before the Board meeting at which these documents will be considered for adoption (previously, being three (3) days); and
- the dispute resolution clause is refined from the previous approach that limited such to arbitration only. That is, mediation is now an option for dispute resolution.

The Draft Charter 2022 (Attachment 1) is presented for Council's approval.

The current Charter of 2015 (Attachment 2) is presented for Council's information.

The SRWRA Board will be undertaking a Strategic Workshop on 22 July 2022. This workshop will be future focused and consider matters of governance, services, joint ventures and land use.

The name of the Authority, as well as the potential structure and composition of the Board will be considered as part of the workshop agenda. Any proposed changes resulting from the workshop will be consolidated into the next update of the Charter, currently proposed for 2023.

ATTACHMENTS

1. Attachment 1 - Draft SRWRA Charter 2022 [**12.3.1** - 15 pages]
2. Attachment 2 - SRWRA Charter 2015 [**12.3.2** - 9 pages]

LOCAL GOVERNMENT ACT 1999
SOUTHERN REGION WASTE RESOURCE AUTHORITY
REGIONAL SUBSIDIARY
Charter 2022

PART I: GENERAL

1. INTRODUCTION

1.1 Name

The name of the subsidiary is Southern Region Waste Resource Authority (referred to as '**the Authority**' in this Charter).

1.2 Definitions

- 1.2.1 **absolute majority** means a majority of the whole number of the Board members or of the Constituent Councils as the case may be;
- 1.2.2 **Act** means the *Local Government Act 1999*;
- 1.2.3 **Board** means the board of management of the Authority;
- 1.2.4 **Budget** means a budget consistent with clause 6.5 and last adopted by the Board
- 1.2.5 **Constituent Councils** means the Councils identified at Clause 2.1 of this Charter;
- 1.2.6 **Gazette** means the *South Australian Government Gazette*;
- 1.2.7 **net assets** means total assets (current and non-current) less total liabilities (current and non-current) as reported in the annual audited financial statements of the Authority together with the net present value of the projected future cash inflows net of cash outflows of the remaining useable airspace over the SRWRA Landfill Operation as licensed by the Environment Protection Authority;
- 1.2.8 **simple majority** means a majority of those present and entitled to vote;
- 1.2.9 **SRWRA Landfill Operation** means that land which is held by the Authority under certificates of title volume 5822, folio 967; volume 5822, folio 966; volume 5822, folio 965; volume 5299, folio 719; volume 5299, folio 720; volume 6199, folio 621 and volume 6217, folio 132;
- 1.2.10 **waste** means any or all waste as approved under the Environment Protection Act licence held by the Authority or its contractor.

PART II: GOVERNANCE

2. THE AUTHORITY

2.1 Establishment and Charter

- 2.1.1 The Authority is a regional subsidiary established pursuant to section 43 of and Schedule 2 to the Act by the:
 - 2.1.1.1 City of Holdfast Bay;
 - 2.1.1.2 City of Marion; and
 - 2.1.1.3 City of Onkaparinga.

- 2.1.2 This Charter may be amended at any time by unanimous decision (expressed by resolution) of the Constituent Councils.
- 2.1.3 Before the Constituent Councils vote on a proposal to alter this Charter, they must take into account any recommendations of the Board.
- 2.1.4 For the purposes of clause 19(5)(b) of Schedule 2 to the Act, the Chief Executive Officers of the Constituent Councils have determined that a copy of the Charter, must be published on the website of the Authority.
- 2.1.5 This Charter must be read in conjunction with Parts 2 and 3 of Schedule 2 to the Act. The Authority shall conduct its affairs in accordance with Schedule 2 to the Act except as modified by this Charter in a manner permitted by Schedule 2.

2.2 Objects and Purposes

2.2.1 The Authority is established to:

- 2.2.1.1 provide and operate services at a place or places for the management of waste by or on behalf of the Constituent Councils and/or any other approved councils;
- 2.2.1.2 undertake anything relevant (including educational programmes and processes) to the management of waste;
- 2.2.1.3 provide a forum for discussion and/or research for the ongoing improvement of management of waste;
- 2.2.1.4 undertake management of waste on behalf of the Constituent Councils on a competitive basis;
- 2.2.1.5 fulfil, on behalf of the Constituent Councils, any ongoing obligation in relation to rehabilitation and monitoring of waste management facilities under its control;
- 2.2.1.6 secure best value and value for money in waste management activities and services;
- 2.2.1.7 develop or facilitate activities or enterprises that result in a beneficial use of waste;
- 2.2.1.8 be financially self-sufficient;
- 2.2.1.9 develop or facilitate activities or enterprises that result in a beneficial use of the landfill site or infrastructure;
- 2.2.1.10 keep the Constituent Councils informed about relevant emerging opportunities, trends or issues in waste management; and
- 2.2.1.11 have regard in the performance of its functions to sustainable, environmentally efficient practices with regard to waste management

2.2.2 The Authority must in the performance of its role and functions and in all of its plans, policies and activities:

- 2.2.2.1 operate in a sustainable manner by giving due weight to economic, social and environmental considerations; and
- 2.2.2.2 conduct its activities in compliance with all regulatory requirements and in a manner that minimises risk to the Constituent Councils.

2.3 Powers and Functions of the Authority

Subject to this Charter, the Authority may exercise the following powers in the performance or discharge of its objects and purposes:

- 2.3.1 the accumulation of surplus funds including for investment purposes;
- 2.3.2 investing any of the funds of the Authority in any investment authorised by the *Trustee Act 1936*, or with the Local Government Finance Authority provided that:
 - 2.3.2.1 in exercising this power to invest the Authority must exercise the care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons; and
 - 2.3.2.2 the Authority must avoid investments that are speculative or hazardous in nature;
- 2.3.3 setting aside a reserve fund or funds clearly identified for the upkeep and/or replacement of fixed assets of the Authority or meeting any deferred liability of the Authority;
- 2.3.4 borrowing money and/or to incurring expenditure in accordance with clause 6.2 of this Charter;
- 2.3.5 opening and operating bank accounts;
- 2.3.6 entering into contracts, purchasing, selling, leasing, hiring, renting or otherwise acquiring or disposing of any personal property or interests therein;
- 2.3.7 purchasing, selling, leasing, hiring, renting or otherwise acquiring or disposing of any real property or interests therein, provided that it is a condition precedent, that in any such transaction where the Authority will incur a singular or a total liability of \$1,000,000 or more that unless the liability is included in the Budget; the prior written approval of two-thirds of the Constituent Councils is obtained;
- 2.3.8 participating in a joint venture, trust, partnership or similar for the purpose of engaging in a commercial activity or enterprise;
- 2.3.9 appointing, managing, suspending and dismissing the Chief Executive Officer of the Authority;
- 2.3.10 engaging retaining, and dispensing with the services of professional advisers to the Authority;
- 2.3.11 charging whatever fees, the Authority considers appropriate for services rendered to any person, body or Council;
- 2.3.12 making any election for the purpose of any tax or statutory charge;
- 2.3.13 determining the types of waste which shall be received and the method of collection, treatment, recycling and disposal of that waste;
- 2.3.14 undertaking all manner of things relating and incidental to the collection, treatment, recycling and disposal of waste;
- 2.3.15 pursuing the concept of co-operative regionalism in the collection,

- treatment, recycling and disposal of waste for which the Constituent Councils are or may become responsible
- 2.3.16 causing all waste collected by the Authority to be treated, recycled and disposed of in a sanitary and environmentally acceptable way;
 - 2.3.17 providing a forum for the discussion and consideration of topics related to the Constituent Councils' obligations and responsibilities in respect of waste;
 - 2.3.18 adopting and using a trading name provided that the Authority shall first register the trading name with the Australian Securities and Investment Commission;
 - 2.3.19 commencing legal proceedings provided that any legal proceedings seeking urgent relief be the subject of an urgent report to the Constituent Councils by the Chief Executive Officer;
 - 2.3.20 without limiting the Authority's powers and functions, making submissions to and negotiating with the Federal Government, State Government and other sources of grant funding in relation to the provision and receipt of funding for the Authority; and
 - 2.3.21 anything else necessary or convenient for or incidental to the exercise, performance or discharge of its powers and, functions or the attainment of its objects and purposes.

2.4 National Competition Policy

If the Authority engages in any commercial activity or enterprise which constitutes a significant business activity of the Authority, it will, where necessary and having regard to a cost/benefit analysis, apply relevant principles of competitive neutrality to that activity.

2.5 Acting Outside Areas of Constituent Councils

The Authority may undertake its activities outside the areas of the Constituent Councils in accordance with the Act but only where such activities have been approved by the Constituent Councils as being necessary or expedient to the performance by the Authority of its functions and the activity is included in the annual business plan of the Authority.

2.6 Delegation by the Authority

The Authority may delegate any of its powers except those to:

- 2.6.1 impose charges;
- 2.6.2 enter into transactions in excess of \$250,000
- 2.6.3 subject to this Charter, borrow money or obtain any other form of financial accommodation;
- 2.6.4 approve expenditure of money on the works, services or operations of the Authority not set out in the Budget or where required by this Charter, approved by the Constituent Councils;
- 2.6.5 approve the payment of allowances to members of the Board;
- 2.6.6 adopt or revise an annual business plan or Budget or any financial estimates and reports; and
- 2.6.7 make any application or recommendation to the Minister.

2.7 Committees

- 2.7.1 The Board may establish a committee comprised of any persons to deal with any matter within the Authority's functions and as detailed in the terms of reference adopted by the Board for the committee.
- 2.7.2 The Board may delegate powers and functions to a committee.
- 2.7.3 A member of a committee established under this clause holds office at the pleasure of the Board.
- 2.7.4 The Chair of the Board is an *ex-officio* a member of any committee established by the Board.

3. CONSTITUENT COUNCILS

3.1 Withdrawal

- 3.1.1 A Constituent Council may not withdraw from the Authority except with the approval of the Minister and subject to the Act and this Charter.
- 3.1.2 A Constituent Council which intends to withdraw from the Authority shall give to the Board and the other Constituent Councils written notice of such intention, specifying the date of intended withdrawal. The notice shall be a minimum of twenty-four months' notice expiring on 30 June of the relevant financial year.
- 3.1.3 The withdrawal of any Constituent Council does not extinguish the liability of that Constituent Council for the payment of its contribution towards any actual or contingent deficiency in the net assets of the Authority at the end of the financial year in which such withdrawal occurs.
- 3.1.4 The withdrawal of any Constituent Council does not extinguish the liability of that Constituent Council to contribute to any loss or liability incurred by the Authority at any time before or after such withdrawal in respect of any act or omission by the Authority prior to such withdrawal. For the avoidance of doubt, any and all costs associated with closure processes (including but not limited to capping and post-closure monitoring and necessary actions) of a waste cell or the landfill site generally is a liability incurred before the withdrawal of a Constituent Council and is, therefore, a continuing liability for the purposes of this clause.
- 3.1.5 Payment by or to the withdrawing Constituent Council must be fully paid by 30 June of the financial year following 30 June of the year in which the withdrawal occurs unless there is agreement of alternative payment arrangements made by the Constituent Councils.

3.2 New Members

Subject to the provisions of the Act, the Constituent Councils may unanimously agree to admit a new Constituent Council or Councils, to membership of the Authority, with or without conditions.

3.3 Direction by Constituent Councils

To be effective, a direction of the Constituent Councils for the purposes of clause 26 of Schedule 2 to the Act must be evidenced by a minute signed by the Chief Executive

Officer of each of the Constituent Councils and provided to the Chief Executive Officer of the Authority, as a true and accurate record of the decision made by the delegate or at the relevant Council meeting.

4. BOARD OF MANAGEMENT

The Authority is a body corporate and is governed by the Board, which has the responsibility to manage the business and other affairs of the Authority in accordance with this Charter and any delegations made to it by the Constituent Councils.

4.1 Functions of the Board

- 4.1.1 The formulation of strategic plans and strategies aimed at improving the business of the Authority.
- 4.1.2 To provide professional input and policy direction to the Authority.
- 4.1.3 Monitoring, overseeing and measuring the performance of the Chief Executive Officer of the Authority.
- 4.1.4 Implementing effective risk management policies, practices, procedures and strategies, including by ensuring the protection of assets under the care and control of the Authority.
- 4.1.5 Ensuring that a code of ethical behaviour and integrity is established and implemented in all business dealing of the Authority.
- 4.1.6 Developing business plans.
- 4.1.7 Exercising the care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons.
- 4.1.8 Observing all plans, targets, structures, systems and practices required or applied to the Authority by the Constituent Councils.
- 4.1.9 Ensuring that all information furnished to a Constituent Council is accurate.
- 4.1.10 Ensuring that the Constituent Councils are advised, as soon as practicable, of any material development that affects the financial or operating capacity of the Authority or gives rise to the expectation that the Authority may not be able to meet its debts as and when they fall due.

4.2 Membership of the Board

- 4.2.1 The Board shall consist of seven members appointed as follows:
 - 4.2.1.1 two persons appointed by each Constituent Council, one of whom must be an officer of the Constituent Council making the appointment;
 - 4.2.1.2 one person appointed jointly by the Constituent Councils who is not a member or officer of a Constituent Council but who, in the opinion of the Constituent Councils, has expertise in waste management and/or business. This person will be chosen from a list of persons circulated to the Constituent Councils and appointed by a panel comprising the Chief Executive Officer (or nominee) and one other person from each Constituent Council nominated by the Chief Executive Officer.
- 4.2.2 With the exception of the person appointed pursuant to subclause 4.2.1.2, a Board Member shall, subject to this Charter, be appointed for a term not exceeding the term determined by the Constituent Council and specified in

- the instrument of appointment and at the expiration of the term of office will be eligible for re-appointment.
- 4.2.3 The Constituent Councils may appoint either a specific Deputy for each Board Member appointed pursuant to subclause 4.2.1.1 or one non-specific Deputy for both such Board Members and a second Deputy to that Deputy. In the absence of a Board Member, the specific Deputy or the non-specific Deputy will be deemed to be the Board Member for that time or, where a non-specific Deputy and second Deputy have been appointed and both Board Members are absent then both Deputies will be deemed to be the Board Members for that time, exercising all of the rights and privileges and being subject to all of the obligations and liabilities of the Board Member(s) during the absence of the Board Member(s).
- 4.2.4 In addition to the circumstances provided for under clause 20(3) of Schedule 2 to the Act, the office of a Board Member will become vacant upon:
- 4.2.4.1 the Constituent Council (or Constituent Councils as the case may be) responsible for appointing the Board Member providing written notice to the Board Member and the Board of the Constituent Council's (or Constituent Councils') decision to remove the Board Member from office. The Board Member appointed under subclause 4.2.1.2, can only be removed from office by a unanimous decision of the Constituent Councils; or
 - 4.2.4.2 if the Board Member is an elected member or officer of a Constituent Council, upon ceasing to be either an elected member of or an employee of the Constituent Council as the case may be; or
 - 4.2.4.3 if the Board Member has been appointed pursuant to subclause 4.2.1.1, upon the Constituent Council withdrawing from the Authority.
- 4.2.5 The Board may by a two-thirds majority vote of the Board Members present (excluding the Board Member subject to this subclause 4.2.5) make a recommendation to the relevant Constituent Council requesting the Constituent Council to terminate the appointment of a Board Member that it has appointed under subclause 4.2.1.1 or, to all of the Constituent Councils to terminate the appointment of the Board Member appointed under subclause 4.2.1.2 for:
- 4.2.5.1 any behaviour of the Board Member which, in the opinion of the Board, amounts to impropriety and includes, but is not limited to, a breach of the Member's obligations under the Act;
 - 4.2.5.2 serious neglect of duty in attending to his/her responsibilities as a Board Member;
 - 4.2.5.3 breach of fiduciary duty to the Authority;
 - 4.2.5.4 breach of the duty of confidentiality to the Authority; or
 - 4.2.5.5 any other behaviour which, in the opinion of the Board, may discredit the Authority.
- 4.2.6 If any casual vacancy occurs in the membership of the Board it will be filled in the same manner as the original appointment for the balance of the term

of the original appointment.

- 4.2.7 The Board Member appointed pursuant to subclause 4.2.1.2 shall be eligible for an allowance from the funds of the Authority as the Board shall determine from time to time.

4.3 Propriety of Members of the Board

- 4.3.1 Whilst all Board Members must comply with their statutory obligations under the Act, only the Independent Chair is required to comply with Division 2, Part 4 (Register of Interests) of Chapter 5 of the Act.

4.4 Chair of the Board

- 4.4.1 The Chair of the Board shall be the person appointed pursuant to subclause 4.2.1.2 and shall hold office for a term of three years, unless he/she resigns, is removed from office pursuant to subclause 4.2.4 or, is otherwise no longer eligible to act as a Board Member.
- 4.4.2 The Chair is eligible for re-appointment at the expiration of the term of office. The decision regarding re-appointment is made by the panel formed pursuant to subclause 4.2.1.2.
- 4.4.3 The Board will choose a person appointed pursuant to subclause 4.2.1.1 to be the Deputy Chair of the Board for a term determined by the Board.
- 4.4.4 In the event of the Chair being absent from a meeting, the Deputy Chair shall preside and in the event of both the Chair and the Deputy Chair being absent from a meeting, the Board Members present shall appoint a person from amongst themselves to chair the meeting.
- 4.4.5 In the event that the Chair either resigns or is no longer eligible to act as a Board Member prior to the expiration of their term, the Deputy Chair shall hold office until a further appointment is made pursuant to subclause 4.2.1.2 whereupon the person so appointed will hold office for the duration of the original appointment. The Deputy Chair is not entitled to any allowance that is paid to the Chair whilst acting in the office of the Chair.

4.5 Meetings of the Board

- 4.5.1 Subject to the requirements of Schedule 2 to the Act, this Charter and any direction of the Constituent Councils, the Board must determine its own meeting procedures for the proceedings and conduct of all Board meetings and set them out in a *Code of Practice for Meetings* which shall be reviewed every two years.
- 4.5.2 Ordinary meetings of the Board must take place at such times and places as may be fixed by the Board or the Chief Executive Officer of the Authority from time to time. There shall be at least six ordinary meeting of the Board held in each financial year. Meetings shall not be held before 5 p.m. unless the Board resolves otherwise by resolution supported unanimously by all of the Board Members present at the meeting which determines the issue.
- 4.5.3 An ordinary meeting of the Board will constitute an ordinary meeting of the Authority.
- 4.5.4 Notice of ordinary meetings of the Board must be given by the Chief Executive Officer to each Board Member in the same manner as notice is

given by a Chief Executive Officer of a council for an ordinary meeting of the council and for these purposes section 83 of the Act extends to the Authority as if it were a council.

- 4.5.5 Any Constituent Council or Board Member may by delivering a written request to the Chief Executive Officer of the Authority require a special meeting of the Board to be held. The request will only be valid if it is accompanied by the agenda for the special meeting. On receipt of the request the Chief Executive Officer shall send a notice of the special meeting to all Board Members at least 24 hours prior to the commencement of the special meeting. Such notice shall comply with subclauses 4.5.7 and 4.5.9 of this Charter.
- 4.5.6 The quorum for a meeting of the Board is one-half of the members in office, ignoring any fraction plus one.
- 4.5.7 All matters will be decided by a simple majority of votes of the Board Members present except where this Charter provides otherwise.
- 4.5.8 Subject to complying with their statutory obligations, all Board Members present at a meeting shall vote.
- 4.5.9 Chapter 6, Part 3 of the Act does not apply to the Authority. Meetings of the Board will not be open to the public unless the Board otherwise resolves.
- 4.5.10 Each Board Member must be supplied with a copy of all minutes of the proceedings of a meeting within five days of the meeting.
- 4.5.11 Prior to the conclusion of each meeting of the Board, the Board must identify which agenda items considered by the Board at that meeting will be the subject of an information report to the Constituent Councils.

PART III: BUSINESS & FINANCIAL REQUIREMENTS

5. STAFF

- 5.1 The Board must appoint a Chief Executive Officer of the Authority to manage the business of the Authority on terms determined by the Board, acting reasonably. The Chief Executive Officer may be a natural person or a body corporate.
- 5.2 The Chief Executive Officer shall cause records to be kept of the business and financial affairs of the Authority in accordance with this Charter.
- 5.3 In the absence or likely absence of the Chief Executive Officer for any period exceeding two weeks, a suitable person to act in the position of Chief Executive Officer of the Authority must be appointed by the Chief Executive Officer after consultation with the Chair or, in default, by the Chair.
- 5.4 The Chief Executive Officer is responsible for the day to day management of the Authority and will ensure that sound business and human resource management practices are applied in the efficient and effective management of the operations of the Authority.
- 5.5 The functions of the Chief Executive Officer shall be specified in the terms and conditions of appointment and shall include but not be limited to:
 - 5.5.1 attending at all meetings of the Board unless excluded by resolution of the Board;
 - 5.5.2 ensuring that lawful decisions of the Board are implemented in a timely and efficient manner;
 - 5.5.3 providing information to assist the Board to assess the Authority's

- performance against its Strategic and business plans;
- 5.5.4 appointing, managing, suspending and dismissing other employees of the Authority;
- 5.5.5 determining the conditions of employment of employees of the Authority, within budgetary constraints set by the Board;
- 5.5.6 providing advice and reports to the Board on the exercise and performance of the powers and functions under this Charter or any Act;
- 5.5.7 ensuring that the Authority is at all times complying with all relevant statutory obligations;
- 5.5.8 co-ordinating and initiating proposals for consideration of the Board including but not limited to continuing improvement of the operations of the Authority;
- 5.5.9 ensuring that the assets and resources of the Authority are properly managed and maintained;
- 5.5.10 ensuring that records required under the Act or any other legislation are properly kept and maintained;
- 5.5.11 exercising, performing or discharging other powers, functions or duties conferred on the Chief Executive Officer by or under the Act or any other Act, and performing other functions lawfully directed by the Board;
- 5.5.12 achieving financial outcomes in accordance with adopted plans and the Budget of the Authority;
- 5.5.13 inviting any person to attend at a meeting of the Board to act in an advisory capacity; and
- 5.5.14 providing reports to the Constituent Councils in accordance with subclause 4.5.19.
- 5.6 The Chief Executive Officer may delegate or sub-delegate to an employee of the Authority any power or function vested in the Chief Executive Officer or, in the case of a sub-delegation, any power delegated to the office by the Board. A delegation or sub-delegation by Chief Executive Officer may be subject to any conditions or limitations as determined by the Chief Executive Officer.
- 5.7 A written record of all delegations and sub-delegations must be kept by the Chief Executive Officer.
- 5.8 The Chief Executive Officer and any other officer declared by the Board to be subject to this provision is required to comply with Division 2 of Part 4 of Chapter 7 (Register of Interests) of the Act. Section 118 (Inspection of Register) of the Act and section 119 (Restrictions on disclosure) of the Act will apply in respect of the returns furnished by officers of the Authority.

6. MANAGEMENT

6.1 Financial Management

- 6.1.1 The Authority must ensure that appropriate policies, practices and procedures of internal control are implemented and maintained in order to assist it to carry out its activities in an efficient and orderly manner to

achieve its objectives, to ensure adherence to management policies, to safeguard its assets and to secure (as far as possible) the accuracy and reliability of its records.

- 6.1.2 The Authority must establish and maintain a bank account with such banking facilities and at a bank to be determined by the Board.
- 6.1.3 Any cheques must be signed by two persons authorised by resolution of the Board. Any payments made by Electronic Funds Transfer must be made in accordance with procedures which have received the prior written approval of the Board.
- 6.1.4 The Chief Executive Officer must act prudently in the handling of all financial transactions for the Authority and must provide quarterly financial and corporate reports to the Board.
- 6.1.5 The Authority's books of account are available for inspection by any Board Member or authorised representative of any Constituent Council at any reasonable time on request.

6.2 Borrowings and Expenditure

- 6.2.1 The Authority has the power to incur expenditure and/or to borrow money:
 - 6.2.1.1 in accordance with the Budget of the Authority; or
 - 6.2.1.2 pursuant to the provisions of subclauses 1.5.7 and 6.2.4 of this Charter; or
 - 6.2.1.3 with the prior approval of two-thirds of the Constituent Councils for amounts which do not exceed 25% of the value of the net assets of the Authority and with the prior approval of all the Constituent Councils for other amounts, which approval must be evidenced by formal resolution of the Councils, or
 - 6.2.1.4 otherwise for genuine emergency or hardship.
- 6.2.2 For the purpose of exercising the powers at clause 6.2.1 of this Charter the Authority may borrow money from the Local Government Finance Authority or from a registered bank or financial institution within Australia.
- 6.2.3 For the purposes of clause 6.2.2 but subject to this Charter borrowings of the Authority:
 - 6.2.3.1 must not be used for the purpose of funding operational costs; and
 - 6.2.3.2 where the borrowings are undertaken with the prior approval of the Constituent Councils, must be drawn down within a period of twenty-four months from the date of approval.
- 6.2.4 The Authority may operate an overdraft facility or facilities as required provided that the overdrawn balance must not exceed \$100 000 or the amount set out in the annual business plan, whichever is the greater, without the prior approval of two-thirds of the Constituent Councils.

6.3 Audit

- 6.3.1 The Authority shall appoint an auditor in accordance with the *Local Government (Financial Management) Regulations 2011*, on terms and conditions set by the Board.

6.4 Strategic Plan

The Authority shall:

- 6.4.1 prepare a five-year Strategic Plan linking the core business activities of the Authority to strategic, operational and organisational requirements with supporting financial projections setting out the estimates of revenue and expenditure as necessary for the period; and
- 6.4.2 review the Strategic Plan annually; and
- 6.4.3 consult with the Constituent Councils prior to adopting or amending the Strategic Plan.

6.5 Annual Business Plan and Budget

- 6.5.1 The Authority shall, after 31 May but before the end of June in each financial year, prepare and adopt an annual business plan and Budget for the ensuing financial year in accordance with the Act.
- 6.5.2 The draft annual business plan and the draft Budget must be referred to the Constituent Councils with sufficient time to receive any comments from the Councils for consideration by the Board at the time it is considered by the Board for adoption.
- 6.5.3 For the purposes of subclause 6.5.2, a Constituent Council may comment in writing to the Chief Executive Officer on the draft annual business plan and draft Budget but may only do so at least five business days before the Board meeting at which it will be considered
- 6.5.4 The Authority must provide a copy of its annual business plan and Budget to the Constituent Councils within five business days after adoption by the Board.
- 6.5.5 Reports summarising the financial position and performance of the Authority against the annual business plan and the Budget shall be prepared and presented to the Board every three calendar months and copies provided to the Constituent Councils within five days of the Board meeting to which they have been presented.

6.6 Reporting

- 6.6.1 The Authority must submit to the Constituent Councils by 30 September in each year in respect of the immediately preceding financial year, a report on the work and operations of the Authority detailing achievement of the aims and objectives of its Business Plan and incorporating the audited Financial Statements of the Authority and any other information or reports required by the Constituent Councils.
- 6.6.2 The Board shall present a balance sheet and full financial report to the Constituent Councils at the end of each financial year.

7. MISCELLANEOUS**7.1 Equitable Interest**

- 7.1.1 Subject to subclause 7.1.2 the equitable interest of the Constituent Councils in the Authority is agreed as follows:
 - 7.1.1.1 City of Holdfast Bay: 15%.

7.1.1.2 City of Marion: 30%.

7.1.1.3 City of Onkaparinga: 55%.

7.1.2 The equitable interests of the Constituent Councils in the Authority as set out at subclause 7.1.1 may be varied by agreement of the Constituent Councils and will be varied where a new Constituent Council or Councils is admitted to or and existing Constituent Council withdraws from the Authority pursuant to Clause 3.1.

7.2 Insurance Requirements

7.2.1 The Authority shall register with the Local Government Mutual Liability Scheme and comply with the Rules of that Scheme.

7.2.2 The Authority shall advise Local Government Risk Management Services of its insurance requirements relating to Local Government Special Risks including buildings, structures, vehicles and equipment under the management, care and control of the Authority.

7.2.3 The Authority must register with the Local Government Workers Compensation Scheme and comply with the Rules of that Scheme.

7.3 Winding Up and Statutory Guarantee

7.3.1 On winding up of the Authority, the surplus assets or liabilities of the Authority, as the case may be, shall be distributed between or becomes the responsibility of the Constituent Councils in the same proportion as their equitable interest in the Authority in accordance with subclause 7.1.

7.3.2 If there are insufficient funds to pay all expenses due by the Authority on winding up (or at any other time there are unfunded liabilities which the Authority cannot meet), the Constituent Councils must financially contribute in proportion to their equity share for the purpose of satisfying their statutory guarantee of the liabilities of the Authority.

7.4 Common Seal

7.4.1 The Authority will have a common seal, which may be affixed to documents requiring execution under seal and where affixed must be witnessed by two Board Members or where authority has been conferred by instrument executed under the common seal of the Authority, by the Chair of the Board and the Chief Executive Officer.

7.4.2 The common seal must not be affixed to a document except to give effect to a resolution of the Board.

7.4.3 The Chief Executive Officer must maintain a register which records the resolutions of the Board giving authority to affix the common seal and details of the documents to which the common seal has been affixed with the particulars of persons who witnessed the fixing of the seal and the date that the seal was affixed.

8. DISPUTE RESOLUTION

8.1 About this clause:

8.1.1 The procedure in this clause must be applied to any dispute that arises between the Authority and a Constituent Council concerning the affairs of

the Authority, or between Constituent Councils concerning the affairs of the Authority, including as to the meaning or effect of this Charter.

8.1.2 The Authority and a Constituent Council must continue to observe and perform this Charter despite the dispute.

8.1.3 This clause does not prejudice the right of a party:

8.1.3.1 to require the continuing observance and performance of this Charter by all parties; or

8.1.3.2 to institute proceedings to enforce payment due under this Charter or to seek injunctive relief to prevent immediate and irreparable harm.

8.1.4 Subject to this clause, a dispute must not be the subject of legal proceedings between any of the parties in dispute. If legal proceedings are initiated or continued in breach of this provision, a party to the dispute is entitled to apply for and be granted an order of the court adjourning those proceedings pending completion of the procedure set out in this clause.

8.2 Dispute Resolution Process

8.2.1 The Constituent Councils and the Authority agree to work together in good faith to resolve any matter requiring their direction or resolution.

8.2.2 A party to the dispute must promptly notify each other party to the dispute:

8.2.2.1 of the nature of the dispute, giving reasonable details; and

8.2.2.2 what action (if any) the party giving notice thinks will resolve the dispute; but a failure to give such notice does not entitle any other party to damages.

8.2.3 Upon receipt of a notice under subclause 8.2.2, the parties to a dispute may agree to refer the dispute for mediation by a mediator agreed by the parties or, if no agreement can be reached, a mediator nominated by the then President of the of the South Australian Bar Association (or equivalent officer of any successor organisation). The cost of any mediation are to be borne by the parties to the dispute in equal shares.

8.2.4 Where the parties are unable to resolve a matter (including by way of any mediation process) within ninety (90) days of the matter being presented to them, the matter will be referred for arbitration in accordance with this clause 8.2.

8.2.5 There must be only one arbitrator who must be a natural person agreed by the parties or, if they cannot agree within fourteen business days, an arbitrator nominated by the then Chairperson of the Resolution Institute.

8.2.6 The role of the arbitrator is to resolve the dispute and make decisions binding on the parties; The arbitration must take place in a location in Adelaide determined by the arbitrator.

8.2.7 A party must cooperate in arranging and expediting arbitration.

8.2.8 A party must send to the arbitration a senior manager with authority to resolve the dispute.

8.2.9 The parties may provide evidence and given written and verbal submissions to the arbitrator within the time set by the arbitrator.

8.2.10 The arbitrator must:

8.2.10.1 consider the evidence and submissions, decide the dispute;
and

8.2.10.2 give written reasons to each party.

8.2.11 Subject to this clause, the arbitration must take place in accordance with the provisions of the *Commercial Arbitration Act 2011* or subject to this clause, the arbitrator must fix the rules of arbitration.

8.2.12 The costs and expenses of the arbitrator and of each party must be borne as the arbitrator decides.

9. CIRCUMSTANCES NOT PROVIDED FOR

If any circumstances arise about which this Charter is silent, incapable of taking effect or being implemented according to its strict provisions, the Board has the power to consider the circumstance and determine the action to be taken.

CHRIS ADAMS
Chief Executive Officer

LOCAL GOVERNMENT ACT 1999

SOUTHERN REGION WASTE RESOURCE AUTHORITY REGIONAL SUBSIDIARY

Charter— 2015

1. INTRODUCTION

1.1 Name

The name of the subsidiary is Southern Region Waste Resource Authority (referred to as 'the Authority' in this Charter).

1.2 Definitions

- 1.2.1 'absolute majority' means a majority of the whole number of the Board members or of the Constituent Councils as the case may be;
- 1.2.2 'Constituent Councils' means the Councils identified at Clause 1.3 of this Charter;
- 1.2.3 '*Gazette*' means the *South Australian Government Gazette*;
- 1.2.4 'net assets' means total assets (current and non-current) less total liabilities (current and non-current) as reported in the annual audited financial statements of the Authority together with the net present value of the projected future cash inflows net of cash outflows of the remaining useable airspace over the SRWRA Landfill Operation as licensed by the Environment Protection Authority;
- 1.2.5 'simple majority' means a majority of those present and entitled to vote;
- 1.2.6 'SRWRA Landfill Operation' means that land which is held by the Authority under certificates of title volume 5822, folio 967; volume 5822, folio 966; volume 5822, folio 965; volume 5299, folio 719; volume 5299, folio 720; volume 5479, folio 871 and volume 5696, folio 771;
- 1.2.7 'waste' means any or all waste as approved under the Environment Protection Act licence held by the Authority or its contractor.

1.3 Establishment

The Authority is a regional subsidiary established pursuant to section 43 of the Local Government Act 1999 by the:

- 1.3.1 City of Holdfast Bay;
- 1.3.2 City of Marion; and
- 1.3.3 City of Onkaparinga.

1.4 Local Government Act 1999

This Charter must be read in conjunction with Parts 2 and 3 of Schedule 2 to the Act. The Authority shall conduct its affairs in accordance with Schedule 2 to the Act except as modified by this Charter in a manner permitted by Schedule 2.

1.5 Objects and Purposes

- 1.5.1 The Authority is established to:
 - 1.5.1.1 provide and operate services at a place or places for the management of waste by or on behalf of the Constituent Councils and/or any other approved Councils;
 - 1.5.1.2 undertake anything relevant (including educational programmes and processes) to the management of waste;
 - 1.5.1.3 provide a forum for discussion and/or research for the ongoing improvement of management of waste;
 - 1.5.1.4 undertake management of waste on behalf of the Constituent Councils on a competitive basis;
 - 1.5.1.5 fulfil, on behalf of the Constituent Councils, any ongoing obligation in relation to rehabilitation and monitoring of waste management facilities under its control;
 - 1.5.1.6 develop or facilitate activities or enterprises that result in a beneficial use of waste;
 - 1.5.1.7 be financially self sufficient;
 - 1.5.1.8 develop or facilitate activities or enterprises that result in a beneficial use of the landfill site or infrastructure; and
 - 1.5.1.9 have regard in the performance of its functions to sustainable, environmentally efficient practices with regard to waste management
- 1.5.2 The Authority must in the performance of its role and functions and in all of its plans, policies, and activities operate in a sustainable manner by giving due weight to economic, social and environmental considerations.

1.6 Powers and Functions of the Authority

The powers and functions of the Authority are to be exercised in the performance of the Authority's Objects and Purposes. The Authority shall have those powers and functions delegated to it by the Constituent Councils from time to time which include but are not limited to:

- 1.6.1 accumulation of surplus funds for investment purposes;
- 1.6.2 investment of any of the funds of the Authority in any investment authorised by the Trustee Act 1936, or with the Local Government Finance Authority provided that:
 - 1.6.2.1 in exercising this power of investment the Authority must exercise the care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons; and
 - 1.6.2.2 the Authority must avoid investments that are speculative or hazardous in nature;

- 1.6.3 setting aside a reserve fund or funds clearly identified for the upkeep and/or replacement of fixed assets of the Authority or meeting any deferred liability of the Authority;
- 1.6.4 borrowing money and/or to incurring expenditure in accordance with Clause 1.7 of this Charter;
- 1.6.5 opening and operating bank accounts;
- 1.6.6 entering into contracts, purchasing, selling, leasing, hiring, renting or otherwise acquiring or disposing of any personal property or interests therein;
- 1.6.7 purchasing, selling, leasing, hiring, renting or otherwise acquiring or disposing of any real property or interests therein, provided that it shall be a condition precedent, that in any such transaction where the Authority will incur a singular or a total liability of \$500 000 or more that the prior written approval of two-thirds of the Constituent Councils is obtained;
- 1.6.8 appointing, managing, suspending and dismissing the Executive Officer of the Authority;
- 1.6.9 engaging retaining, and dispensing with the services of professional advisers to the Authority;
- 1.6.10 charging whatever fees the Authority considers appropriate for services rendered to any person, body or Council;
- 1.6.11 determining the types of waste which shall be received and the method of collection treatment, recycling and disposal of that waste;
- 1.6.12 undertaking all manner of things relating and incidental to the collection, treatment, recycling and disposal of waste;
- 1.6.13 pursuing the concept of co-operative regionalism in the collection, treatment, recycling and disposal of waste for which the Constituent Councils are or may become responsible
- 1.6.14 cause all waste collected by the Authority to be treated, recycled and disposed of in a sanitary and environmentally acceptable way;
- 1.6.15 providing a forum for the discussion and consideration of topics related to the Constituent Councils' obligations and responsibilities in respect of waste;
- 1.6.16 adopting and using a trading name provided that the Authority shall first register the trading name with the Office of Consumer and Business Affairs in accordance with the requirements of the Business Names Act 1996;
- 1.6.17 to commence legal proceedings provided that any legal proceedings seeking urgent relief be the subject of an urgent report to the Constituent Councils by the Executive Officer;
- 1.6.18 without limiting the Authority's powers and functions, to make submissions to and negotiate with the Federal Government, State Government and other sources of grant funding in relation to the provision and receipt of funding for the Authority; and
- 1.6.19 anything else necessary or convenient for or incidental to the exercise, performance or discharge of its powers and, functions.

1.7 **Borrowings and Expenditure**

- 1.7.1 The Authority has the power to incur expenditure and/or to borrow money:
 - (a) in accordance with the approved budget of the Authority; or
 - (b) for the purposes of unbudgeted expenditure in accordance with (c) and (d) below; or
 - (c) pursuant to the provisions of subclauses 1.6.7 and 1.7.4 of this Charter; or
 - (d) with the prior approval of two-thirds of the Constituent Councils for amounts which do not exceed 25% of the value of the net assets of the Authority and with the prior approval of all the Constituent Councils for other amounts, which approval must be evidenced by formal resolution of the Councils, or
 - (e) otherwise for genuine emergency or hardship as provided for in the Act.
- 1.7.2 For the purpose of exercising the powers at Clause 1.7.1 of this Charter the Authority may borrow money from the Local Government Finance Authority or from a registered bank or financial institution within Australia.
- 1.7.3 For the purposes of Clause 1.7.2 but subject to Clause 1.7.4 of this Charter borrowings of the Authority:
 - (a) must not be used for the purpose of funding operational costs;
 - and
 - (b) where the borrowings are undertaken with the prior approval of the Constituent Councils, must be drawn down within a period of 24 months from the date of approval.
- 1.7.4 The Authority may operate an overdraft facility or facilities as required provided that the overdrawn balance must not exceed \$100 000 in total without the prior approval of two-thirds of the Constituent Councils.

1.8 **Delegation by the Authority**

The Authority may by resolution delegate to the Executive Officer of the Authority any of its powers or functions under this Charter but may not delegate:

- 1.8.1 the power to impose charges;
- 1.8.2 the power to enter into transactions in excess of \$100 000
- 1.8.3 the power to borrow money or obtain any other form of financial accommodation;
- 1.8.4 the power to approve expenditure of money on the works, services or operations of the Authority not set out in a budget approved by the Authority or where required by this Charter approved by the Constituent Councils;
- 1.8.5 the power to approve the reimbursement of expenses or payment of allowances to members of the Board of Management;
- 1.8.6 the power to adopt or revise a budget or any financial estimates and reports; and
- 1.8.7 the power to make any application or recommendation to the Minister.

A delegation is revocable at will and does not prevent the Board from acting in a matter.

1.9 **National Competition Policy**

1.9.1 The Authority may, from time to time, be involved in commercial activities which constitute a significant business activity of the Authority.

1.9.2 Where the Authority is engaged in any activity which is a significant business activity it will, in relation to that business activity, undertake a risk/benefit analysis and, if necessary, implement principles of competitive neutrality to the extent that the benefits to be realised from the implementation of the principles of competitive neutrality outweigh the costs associated with implementation.

2. BOARD OF MANAGEMENT

The Authority is a body corporate and is governed by a Board of Management (referred to as 'the Board' in this Charter) which shall have the responsibility to manage the business and other affairs of the Authority ensuring that the Authority acts in accordance with this Charter.

2.1 Functions of the Board

- 2.1.1 The formulation of strategic plans and strategies aimed at improving the business of the Authority.
- 2.1.2 To provide professional input and policy direction to the Authority.
- 2.1.3 Monitoring, overseeing and measuring the performance of the Executive Officer of the Authority.
- 2.1.4 Ensuring that a code of ethical behaviour and integrity is established and implemented in all business dealing of the Authority.
- 2.1.5 Developing business plans.
- 2.1.6 Exercising the care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons.
- 2.1.7 Observe all plans, targets, structures, systems and practices required or applied to the Authority by the Constituent Councils.
- 2.1.8 Ensure that all information furnished to a Constituent Council is accurate.
- 2.1.9 Ensure that the Constituent Councils are advised, as soon as practicable, of any material development that affects the financial or operating capacity of the Authority or gives rise to the expectation that the Authority may not be able to meet its debts as and when they fall due.

2.2 Membership of the Board

- 2.2.1 The Board shall consist of seven members appointed as follows:
 - 2.2.1.1 two persons appointed by each Constituent Council;
 - 2.2.1.2 one person appointed jointly by the Constituent Councils who is not a member or officer of a Constituent Council but who, in the opinion of the Constituent Councils, has expertise in waste management and/or business.
This person will be chosen from a list of persons circulated to the Constituent Councils and appointed by a panel comprising the Chief Executive Officer (or nominee) and one other person from each Constituent Council.
- 2.2.2 With the exception of the person appointed pursuant to subclause 2.2.1.2, a Board Member shall, subject to this Charter, be appointed for a term not exceeding the term of the Constituent Council and specified in the instrument of appointment and at the expiration of the term of office will be eligible for re-appointment.
- 2.2.3 The Constituent Councils may appoint either a specific Deputy for each Board Member appointed pursuant to subclause 2.2.1.1 or, as an alternative, may appoint one non specific Deputy for both such Board Members and a second Deputy to that Deputy. In the absence of a Board Member the specific Deputy or the non specific Deputy will be deemed to be the Board Member for that time or, where a non specific Deputy and second Deputy have been appointed and both Board Members are absent then both Deputies will be deemed to be the Board Members for that time, exercising all of the rights and privileges and being subject to all of the obligations and liabilities of the Board Member(s) during the absence of the Board Member(s).
- 2.2.4 The office of a Board Member will become vacant upon:
 - 2.2.4.1 the death of the Board Member; or
 - 2.2.4.2 the Council providing written notice of termination to the Board Member and the Board; or
 - 2.2.4.3 if the Board Member is an elected member of a Constituent Council upon ceasing to be an elected member; or
 - 2.2.4.4 if the Board Member is an officer of a Constituent Council, upon ceasing to be employed by the Council which appointed him/her; or
 - 2.2.4.5 upon the Board Member providing his/her resignation in writing to one or more of the Constituent Councils; or
 - 2.2.4.6 upon the happening of any other event through which the Board Member would be ineligible to remain as a member of the Board; or
 - 2.2.4.7 upon the Board Member becoming a bankrupt or applying for the benefit of a law for the relief of insolvent debtors; or
 - 2.2.4.8 if the Board Member has been appointed pursuant to subclause 2.2.1.1, upon the Constituent Council withdrawing from the Authority.
- 2.2.5 The Board may by a two-thirds majority vote of the Board Members present (excluding the Board Member subject to this subclause 2.2.5) make a recommendation to the relevant Constituent Council requesting the Constituent Council to terminate the appointment of a Board Member that it has appointed under subclause 2.2.1.1 or to all of the Constituent Councils to terminate the appointment of the Board Member appointed under subclause 2.2.1.2 for:
 - 2.2.5.1 any behaviour of the Board Member which in the opinion of the Board amounts to impropriety;
 - 2.2.5.2 serious neglect of duty in attending to his/her responsibilities as a Board Member;
 - 2.2.5.3 breach of fiduciary duty to the Authority or the Constituent Council(s);
 - 2.2.5.4 breach of the duty of confidentiality to the Authority and/or the Constituent Council(s);
 - 2.2.5.5 breach of the conflict of interest provisions; or

- 2.2.5.6 any other behaviour which may discredit the Authority.
- 2.2.6 A Board Member may be removed from office as a Board Member prior to the expiration of a term of appointment only in accordance with the following:
- 2.2.6.1 a Board Member appointed by a Constituent Council pursuant to subclause 2.2.1.1, by resolution of the Constituent Council which originally appointed the Board Member; and
- 2.2.6.2 the Board Member appointed jointly by the Constituent Councils pursuant to subclause 2.2.1.2 by a joint resolution being a resolution passed by each of the Constituent Councils.
- 2.2.7 If any casual vacancy occurs in the membership of the Board it will be filled in the same manner as the original appointment. The person appointed to the Board to fill a casual vacancy will be appointed for the balance of the term of the original appointment.
- 2.2.8 The Board Member appointed pursuant to subclause 2.2.1.2 shall be eligible for such allowance from the funds of the Authority as the Board shall determine from time to time.
- 2.3 **Propriety of Members of the Board**
- 2.3.1 The principles regarding conflict of interest prescribed in the Act apply to all Board Members in the same manner as if they were elected members of a Council.
(See Chapter 5, Part 4, Division 3 of the Act for conflict of interest provisions)
- 2.3.2 Subject to clause 2.3.3, the Board Members are not required to comply with Division 2, Chapter 5 (Register of Interests) of the Act.
- 2.3.3 The Independent Chair is required to comply with Division 2, Chapter 5 (Register of Interests) of the Act.
- 2.3.4 The Board Members will at all times act in accordance with their duties of confidence and confidentiality and individual fiduciary duties including honesty and the exercise of reasonable care and diligence with respect to the performance and discharge of official functions and duties as required by Part 4, Division 1, Chapter 5 of the Act and Clause 23 of Part 2 of Schedule 2 to the Act.
- 2.4 **Chair of the Board**
- 2.4.1 The Chair of the Board shall be the person appointed pursuant to subclause 2.2.1.2, who shall hold office for a term of three years, unless he/she resigns or is removed from office pursuant to subclause 2.2.5 or is otherwise no longer eligible to act as a Board Member.
- 2.4.2 The Chair is eligible for re-appointment at the expiration of the term of office.
- 2.4.3 In the event that the appointed Chair either resigns or is no longer eligible to act as a Board Member prior to the expiration of that person's term, the Board shall elect from amongst the other Board Members a new Chair who shall hold office until a further appointment is made pursuant to subclause 2.2.1.2 whereupon the person so appointed will hold office for the duration of the original appointment.
- 2.4.4 The Board may choose a person appointed pursuant to subclause 2.2.1.1 to be the Deputy Chair of the Board for a term determined by the Board.
- 2.4.5 The Chair shall preside at all meetings of the Board and, in the event of the Chair being absent from a meeting, the Deputy Chair shall preside and in the event of both the Chair and the Deputy Chair being absent from a meeting the Board Members present shall appoint a person from amongst them, who shall preside for that meeting or until the Chair or the Deputy Chair is present.
- 2.5 **Meetings of the Board**
- 2.5.1 The provisions of Part 2 of the Local Government (Procedures at Meetings) Regulations 2013 shall, insofar as the same may be applicable and not inconsistent with this Charter, apply to the proceedings at and conduct of all meetings of the Board.
- 2.5.2 Ordinary meetings of the Board must take place at such times and places as may be fixed by the Board or the Executive Officer of the Authority from time to time. There shall be at least six ordinary meeting of the Board held in each financial year. Meetings shall not be held before 5 p.m. unless the Board resolves otherwise by resolution supported unanimously by all of the Board Members present at the meeting which determines the issue.
- 2.5.3 An ordinary meeting of the Board will constitute an ordinary meeting of the Authority. The Board shall administer the business of the ordinary meeting.
- 2.5.4 For the purposes of this subclause, the contemporary linking together by telephone, audio-visual or other instantaneous means ('telecommunications meeting') of a number of the Board Members provided that at least a quorum is present, is deemed to constitute a meeting of the Board. Each of the Board Members taking part in the meeting, must at all times during the telecommunications meeting be able to hear and be heard by each of the other Board Members present. At the commencement of the meeting, each Board Member must announce his/her presence to all other Board Members taking part in the meeting. A Board Member must not leave a telecommunications meeting by disconnecting his/her telephone, audio visual or other communication equipment, unless that Board Member has previously notified the Chair of the meeting.
- 2.5.5 A proposed resolution in writing and given to all Board Members in accordance with proceedings determined by the Board will be a valid decision of the Board where a majority of Board Members vote in favour of the resolution by signing and returning the resolution to the Executive Officer or otherwise giving written notice of their consent (and setting out the terms of the resolution) to the Executive Officer. The resolution shall thereupon be as valid and effectual as if it had been passed at a meeting of the Board duly convened. The Executive Officer will include confirmation of any decision which is made in accordance with this clause in the next Board meeting agenda and will otherwise deal with the decision in the same manner as would occur if the decision had been made at a Board meeting.
- 2.5.6 Notice of ordinary meetings of the Board must be given by the Executive Officer to each Board Member not less than three clear days prior to the holding of the meeting.
- 2.5.7 Notice of any meeting of the Board must:

- (a) be in writing; and
 - (b) set out the date, time and place of the meeting; and
 - (c) be signed by the Executive Officer; and
 - (d) contain, or be accompanied by, the agenda for the meeting; and
 - (e) be accompanied by a copy of any documents or reports that are to be considered at the meeting (so far as this is practicable).
- All documents or reports delivered to Board Members in accordance with this subclause are confidential unless indicated otherwise.
- 2.5.8 The Executive Officer must maintain a record of all notices of meetings given under subclause 2.5.7 to Board Members.
- 2.5.9 Notice under subclause 2.5.7 may be given to a Board Member:
 - (a) personally; or
 - (b) by delivering the notice (whether by post or otherwise) to the usual place of residence of the Board Member or to another place authorised in writing by the Board Member; or
 - (c) by leaving the notice for a Board Member appointed under subclause 2.2.1.1 at an appropriate place at the principal office of the Constituent Council which appointed the Board Member; or
 - (d) by a means authorised in writing by the Board Member as being an available means of giving notice.
 - (e) by electronic delivery to an email address that the Authority has established for the Board Member for the purposes of communications to and from the Authority and for the delivery of Authority documentation
- 2.5.10 A notice that is not given in accordance with subclause 2.5.9 will be taken to have been validly given if the Executive Officer considers it impracticable to give the notice in accordance with the subclause and takes action that the Executive Officer considers reasonably practicable in the circumstances to bring the notice to the Board Member's attention.
- 2.5.11 Any Constituent Council or Board Member may by delivering a written request to the Executive Officer of the Authority require a special meeting of the Board to be held. The request will only be valid if it is accompanied by the agenda for the special meeting. On receipt of the request the Executive Officer shall send a notice of the special meeting to all Board Members at least 24 hours prior to the commencement of the special meeting. Such notice shall comply with subclauses 2.5.7 and 2.5.9 of this Charter.
- 2.5.12 The quorum for any meeting of the Board is a simple majority of the number of members in office.
- 2.5.13 Every Board Member, including the Chair, shall have a deliberative vote. The Chair shall not in the event of an equality of votes have a casting vote.
- 2.5.14 All matters will be decided by a simple majority of votes of the Board Members present except where this Charter provides otherwise. In the event of an equality of votes the matter will lapse.
- 2.5.15 Subject to subclause 2.3.1, all Board Members present at a meeting shall vote.
- 2.5.16 Any meeting of the Board may be adjourned from time to time and from place to place.
- 2.5.17 Subject to Clause 2.6 and to the absolute discretion of the Board to conduct any meeting or part of any meeting in public, meetings of the Board will not be conducted in a place open to the public.
- 2.5.18 The Executive Officer must cause minutes to be kept of the proceedings at every meeting of the Board.
- 2.5.19 If the Executive Officer is excluded from attendance at a meeting of the Board, the person presiding at the meeting shall cause the minutes to be kept.
- 2.5.20 Each Board Member must be supplied with a copy of all minutes of the proceedings of a meeting within five days of the meeting.
- 2.5.21 All documents presented to, received at or derived from a Board Meeting, including but not limited to:
 - (a) minutes of a Board Meeting;
 - (b) reports to the Board received at a meeting of the Board; and
 - (c) recommendations presented to the Board in writing and adopted by resolution of the Board.
 will remain confidential and not available for public inspection unless the Board otherwise resolves.
- 2.5.22 Prior to the conclusion of each meeting of the Board, the Board must identify which agenda items considered by the Board at that meeting will be the subject of an information report to the Constituent Councils.
- 2.5.23 Subject to this Charter and to any direction of the Constituent Councils the Board may determine its own procedures.
- 2.6 **Annual General Meeting**
 - 2.6.1 An Annual General Meeting of the Board shall be held prior to November in each year at a place and time determined by a resolution of the Board.
 - 2.6.2 In addition to the requirements of subclause 2.5.6 of this Charter, notice of the Annual General Meeting will also be given by:
 - (a) placing a copy of the notice and agenda on public display at the principal office of the Authority and of each Constituent Council;
 - (b) by giving notice in newspapers which circulate in the areas of the Constituent Councils;
 - (c) in such other manner as the Executive Officer considers appropriate taking into account:
 - (i) the characteristics of the community and area of the Constituent Councils; and
 - (ii) the best ways to bring notice of the Annual General Meeting to the attention of the public; and
 - (iii) such other matters as the Executive Officer thinks fit.
 - 2.6.3 The notice and agenda must be placed on public display at least 14 clear days before the Annual General Meeting and must be available to the public:
 - (a) at the offices of the Authority for inspection, without charge; and
 - (b) by way of a copy being provided upon request and, upon payment of a fee fixed by the Authority, and

- (c) by being placed on the website of the Authority and must be kept on public display until the completion of the Annual General Meeting.
- 2.6.4 A reasonable number of copies of the notice and agenda and any document or report supplied to Board Members for the Annual General Meeting must be available for members of the public at the meeting.
- 2.6.5 The Annual General Meeting will be conducted in a place open to the public and will consider and deal with business of a general nature aimed at reviewing the progress and direction of the Authority over the immediately preceding financial year and shall include the following:
 - (a) Chair's report;
 - (b) Executive Officer's report;
 - (c) the annual budget for the ensuing financial year;
 - (d) the audited financial statements for the previous financial year;
 - (e) any other general business determined by the Board to be considered at the Annual General Meeting.
- 2.6.6 The minutes of the Annual General Meeting must, in addition to the requirements of subclause 2.5.20 be available to the public within five days of the Meeting for inspection or by provision of a copy upon payment of a fee fixed by the Board.

3. STAFFING ISSUES

- 3.1 The Board must appoint an Executive Officer of the Authority to manage the business of the Board on terms agreed between the Executive Officer and the Board. The Executive Officer may be a natural person or a body corporate.
- 3.2 The Executive Officer shall cause records to be kept of the business and financial affairs of the Authority in accordance with this Charter, in addition to other duties provided for by this Charter and those specified in the terms and conditions of appointment.
- 3.3 In the absence or likely absence of the Executive Officer for any period exceeding two weeks a suitable person to act in the position of Executive Officer of the Authority must be appointed by the Board.
- 3.4 The Board shall delegate responsibility for the day to day management of the Authority to the Executive Officer, who will ensure that sound business and human resource management practices are applied in the efficient and effective management of the operations of the Authority.
- 3.5 The functions of the Executive Officer shall be specified in the terms and conditions of appointment and shall include but are not limited to:
 - 3.5.1 attending at all meetings of the Board unless excluded by resolution of the Board;
 - 3.5.2 ensuring that the decisions of the Board are implemented in a timely and efficient manner;
 - 3.5.3 providing information to assist the Board to assess the Authority's performance against its Strategic and Business Plans;
 - 3.5.4 appointing, managing, suspending and dismissing other employees of the Authority;
 - 3.5.5 determining the conditions of employment of employees of the Authority, within budgetary constraints set by the Board;
 - 3.5.6 providing advice and reports to the Board on the exercise and performance of its powers and functions under this Charter or any Act;
 - 3.5.7 ensuring that the Authority is at all times complying with Schedule 2 to the Act and all other relevant statutory obligations;
 - 3.5.8 co-ordinating and initiating proposals for consideration of the Board including but not limited to continuing improvement of the operations of the Authority;
 - 3.5.9 ensuring that the assets and resources of the Authority are properly managed and maintained;
 - 3.5.10 ensuring that records required under the Act or any other legislation are properly kept and maintained;
 - 3.5.11 exercising, performing or discharging other powers, functions or duties conferred on the Executive Officer by or under the Act or any other Act, and performing other functions lawfully directed by the Board;
 - 3.5.12 achieving financial outcomes in accordance with adopted plans and budgets of the Authority;
 - 3.5.13 inviting any person to attend at a meeting of the Board to act in an advisory capacity; and
 - 3.5.14 providing reports to the Constituent Councils in accordance with subclause 2.5.22.
- 3.6 The Executive Officer may delegate or sub-delegate to an employee of the Authority or a committee comprising employees of the Authority, any power or function vested in the Executive Officer. Such delegation or sub-delegation may be subject to any conditions or limitations as determined by the Executive Officer.
- 3.7 Where a power or function is delegated to an employee, the employee is responsible to the Executive Officer for the efficient and effective exercise or performance of that power or function.
- 3.8 A written record of all delegations and sub-delegations must be kept by the Executive Officer at all times.
- 3.9 The Executive Officer and any other officer declared by the Board to be subject to this provision is required to comply with Division 2 of Part 4 of Chapter 7 (Register of Interests) of the Act. Section 118 (Inspection of Register) of the Act and Section 119 (Restrictions on disclosure) of the Act will apply.

4. MANAGEMENT

- 4.1 **Financial Management**
 - 4.1.1 The Authority shall keep proper books of accounts in accordance with the requirements of the Local Government (Financial Management) Regulations 2011.
 - 4.1.2 The Authority's books of account must be available for inspection by any Board Member or authorised representative of any Constituent Council at any reasonable time on request.
 - 4.1.3 The Authority must establish and maintain a bank account with such banking facilities and at a bank to be determined by the Board.
 - 4.1.4 All cheques must be signed by two persons authorised by resolution of the Board.

4.1.5 Any payments made by Electronic Funds Transfer must be made in accordance with procedures which have received the prior written approval of the Board.
The Executive Officer must act prudently in the handling of all financial transactions for the Authority and must provide quarterly financial and corporate reports to the Board and if requested, the Constituent Councils.

4.2 **Audit**

- 4.2.1 The Authority shall appoint an auditor in accordance with the Local Government (Financial Management) Regulations 2011, on terms and conditions set by the Board.
- 4.2.2 The Auditor will have the same powers and responsibilities as set out in the Local Government Act 1999, in relation to a council subsidiary.
- 4.2.3 The audit of Financial Statements of the Authority, together with the accompanying report from the Auditor, shall be submitted to both the Board and the Constituent Councils.
- 4.2.4 The books of account and financial statements shall be audited at least once per year.
- 4.2.5 The Authority is required to establish an audit committee.

4.3 **Strategic Plan**

The Authority shall:

- 4.3.1 prepare a five year Strategic Plan linking the core business activities of the Authority to strategic, operational and organisational requirements with supporting financial projections setting out the estimates of revenue and expenditure as necessary for the period; and
- 4.3.2 review the Strategic Plan annually; and
- 4.3.3 consult with the Constituent Councils prior to adopting or amending the Strategic Plan.

4.4 **Annual Business Plan and Budget**

- 4.4.1 The Authority shall, after 31 May but before the end of June in each financial year, prepare and adopt an annual business plan and budget for the ensuing financial year in accordance with the Local Government Act 1999.
- 4.4.2 The proposed annual business plan and budget must be referred to Constituent Councils at the same time as the Executive Officer submits it to the Board Members.
- 4.4.3 A Constituent Council may comment in writing to the Executive Officer on the business plan and budget at least three business days before the meeting at which it will be considered by the Board or, alternatively, may comment through its Board Member at the meeting of the Board.
- 4.4.4 The Authority must provide a copy of its annual business plan and budget to the Constituent Councils within five business days after adoption by the Board.
- 4.4.5 Reports summarising the financial position and performance of the Authority against the annual business plan and budget shall be prepared and presented to the Board every three calendar months and copies provided to the Constituent Councils within five days of the Board meeting to which they have been presented.

(See Clause 24, Part 2, Schedule 2 to the Act for the contents of the Business Plan)

(See Clause 25, Part 2, Schedule 2 to the Act and Regulations 7, 8 & 9 to the Local Government (Financial Management) Regulations 2011 for the contents of the budget)

4.5 **Reporting**

- 4.5.1 The Authority must submit to the Constituent Councils by 30 September in each year in respect of the immediately preceding financial year, a report on the work and operations of the Authority detailing achievement of the aims and objectives of its Business Plan and incorporating the audited Financial Statements of the Authority and any other information or reports as required by the Constituent Councils.
- 4.5.2 The Board shall present a balance sheet and full financial report to the Constituent Councils at the end of each financial year.
- 4.5.3 The Board shall present audited financial statements to the Constituent Councils in accordance with the requirements of the Local Government (Financial Management) Regulations 2011.

5. **MISCELLANEOUS**

5.1 **Equitable Interest**

- 5.1.1 Subject to subclause 5.1.2 the equitable interest of the Constituent Councils in the Authority is agreed as follows:
 - (a) City of Holdfast Bay: 15%.
 - (b) City of Marion: 30%.
 - (c) City of Onkaparinga: 55%.
- 5.1.2 The equitable interest of the Constituent Councils in the Authority as set out at subclause 5.1.1 may be varied by agreement of the Constituent Councils and will be varied where a new Constituent Council or Councils is admitted pursuant to Clause 5.3.

5.2 **Withdrawal**

- 5.2.1 A Constituent Council may not withdraw from the Authority except with the approval of the Minister and subject to the Local Government Act and this Charter.
- 5.2.2 A Constituent Council which intends to withdraw from the Authority shall give to the Board and the other Constituent Councils written notice of such intention, specifying the date of intended withdrawal. The notice shall be a minimum of 24 months notice expiring on 30 June of the relevant financial year.
- 5.2.3 The withdrawal of any Constituent Council does not extinguish the liability of that Constituent Council for the payment of its contribution towards any actual or contingent deficiency in the net assets of the Authority at the end of the financial year in which such withdrawal occurs.

- 5.2.4 The withdrawal of any Constituent Council does not extinguish the liability of that Constituent Council to contribute to any loss or liability incurred by the Authority at any time before or after such withdrawal in respect of any act or omission by the Authority prior to such withdrawal. For the avoidance of doubt, any and all costs associated with closure processes (including but not limited to capping and post-closure monitoring and necessary actions) of a waste cell or the landfill site generally is a liability incurred before the withdrawal of a Constituent Council and is, therefore, a continuing liability for the purposes of this clause.
- 5.2.5 Payment by or to the withdrawing Constituent Council must be fully paid by 30 June of the financial year following 30 June of the year in which the withdrawal occurs unless there is common agreement of alternative payment arrangements by the Constituent Councils.
- 5.3 **New Members**
Subject to the provisions of the Act, this Charter may be amended by the unanimous agreement of the Constituent Councils to provide for the admission of a new Constituent Council or Councils, with or without conditions of membership.
- 5.4 **Insurance Requirements**
- 5.4.1 The Authority shall register with the Local Government Mutual Liability Scheme and comply with the Rules of that Scheme.
- 5.4.2 The Authority shall advise Local Government Risk Management Services of its insurance requirements relating to Local Government Special Risks including buildings, structures, vehicles and equipment under the management, care and control of the Authority.
- 5.4.3 If the Authority employs any person it shall register with the Local Government Workers Compensation Scheme and comply with the Rules of that Scheme.
- 5.5 **Winding Up and Statutory Guarantee**
- 5.5.1 The Authority may be wound up by unanimous resolution of the Constituent Councils and with the consent of the Minister.
- 5.5.2 On winding up of the Authority, the surplus assets or liabilities of the Authority, as the case may be, shall be distributed between or becomes the responsibility of the Constituent Councils in the same proportion as their equitable interest in the Authority in accordance with Clause 5.1.
- 5.5.3 If there are insufficient funds to pay all expenses due by the Authority on winding up (or at any other time there are unfunded liabilities which the Authority cannot meet), a call shall be made upon all of the Constituent Councils in proportion to their equity share for the purpose of satisfying their statutory guarantee of the liabilities of the Authority.
- 5.6 **Direction by Constituent Councils**
- 5.6.1 The establishment of the Authority does not derogate from the power of any of the Constituent Councils to act independently in relation to a matter within the jurisdiction of the Authority.
- 5.6.2 Provided that all of the Constituent Councils have first agreed as to the action to be taken, the Constituent Councils may direct and control the Authority.
- 5.6.3 For the purpose of this Clause, any decision of the Constituent Councils under subclause 5.6.1 and/or direction given or control exercised by the Constituent Councils must be given in writing to the Executive Officer of the Authority.
- 5.7 **Review of Charter**
- 5.7.1 This Charter will be reviewed by the Constituent Councils acting in concurrence at least once in every four years.
- 5.7.2 This Charter may be amended by unanimous agreement expressed by resolution of the Constituent Councils.
- 5.7.3 The Executive Officer must ensure that the amended Charter is published on a website (or websites) determined by the Chief Executive Officers of the Constituent Councils, that a notice of the fact of the amendment and a website address at which the Charter is available for inspection is published in the *Gazette* and a copy of the amended Charter provided to the Minister.
- 5.7.4 Before the Constituent Councils vote on a proposal to alter this Charter they must take into account any recommendation of the Board.
- 5.8 **Disputes Between Constituent Councils**
- 5.8.1 The Constituent Councils agree to work together in good faith to resolve any matter requiring their direction or resolution.
- 5.8.2 Where the Constituent Councils are unable to resolve a matter within 28 days of the matter being presented to them, the matter will be referred for arbitration by the President (or his/her nominee) of the Institute of Arbitration.
- 5.8.3 Notwithstanding subclause 5.8.2 the Constituent Councils agree to be bound by the decision of the Arbitrator (except in relation to any decision relating to the acquisition or disposal of any real property) and will endeavour to work together in good faith in the implementation of that decision.
- 5.8.4 The costs of arbitration shall be borne equally by the Constituent Councils.
- 5.9 **Committees**
- 5.9.1 The Board may establish a committee comprised of any persons for the purpose of enquiring into and reporting to the Board on any matter within the Authority's functions and powers and as detailed in the terms of reference given by the Board to the committee.
- 5.9.2 The Board may establish a committee comprised only of Board Members for the purpose of exercising, performing or discharging delegated powers, functions or duties.
- 5.9.3 A member of a committee established under this Clause holds office at the pleasure of the Board.

5.9.4 The Chair of the Board is an *ex-officio* a member of any committee established by the Board.

5.10 **Common Seal**

5.10.1 The Authority will have a common seal, which may be affixed to documents requiring execution under seal and where affixed must be witnessed by two Board Members or where authority has been conferred by instrument executed under the common seal of the Authority, by the Chair of the Board and the Executive Officer.

5.10.2 The common seal must not be affixed to a document except to give effect to a resolution of the Board.

5.10.3 The Executive Officer must maintain a register which records the resolutions of the Board giving authority to affix the common seal and details of the documents to which the common seal has been affixed with the particulars of persons who witnessed the fixing of the seal and the date that the seal was affixed.

5.10.4 The Board may by instrument under seal authorise a person to execute documents on behalf of the Authority.

5.11 **Circumstances Not Provided For**

If any circumstances arise about which this Charter is silent, incapable of taking effect or being implemented according to its strict provisions, the Board has the power to consider the circumstance and determine the action to be taken.

MARK HINDMARSH Executive Officer

12.4 Streetscape Program Update

Report Reference	GC220726R12.4
Originating Officer	Unit Manager Engineering – Carl Lundborg
Corporate Manager	Manager Engineering, Assets and Environment - Mathew Allen
General Manager	General Manager City Services - Ben Keen

REPORT HISTORY

Report Reference	Report Title
GC200922R17	Streetscape Update
GC190528R09	Review of Streetscape Program

REPORT OBJECTIVE

The purpose of this report is to provide Elected Members an updated schedule of the Streetscape program, including information regarding completed, current and future projects.

EXECUTIVE SUMMARY

The Streetscape program is in year 4 of an endorsed 15 year Streetscape Program and on track to complete the projects identified in Segment 1 (the first of three 5 year programs).

A number of streetscape projects are proposed to be reprioritised to align with strategic projects and major developments occurring across the City of Marion. These projects include:

- Alawoona Avenue, Mitchell Park (Marion Road to Bradley Grove)
- Raglan Avenue, Edwardstown (Train Line to South Road)
- Newland Avenue, Marino (CoHB Boundary to Jervois Terrace)
- Adams Road, Trott Park (Majors Road to Lucy Court)

The full updated Streetscape Program is in Attachment 1.

The Streetscape Program continues to deliver significant upgrade projects for the benefit of residents, businesses and visitors.

RECOMMENDATION

That Council:

- 1. Endorses the reprioritisation of projects within the Streetscape Program to align to other strategic projects within the City of Marion (Attachment 1).**

BACKGROUND

At the General Council meeting on 28 May 2019 (GC190528R09), Council resolved to divide the Streetscape Program into three delivery segments over 15 years (5-year segments), utilising feedback from Elected Members to identify and prioritise streetscape upgrade projects.

On 24 September 2019 General Council meeting it was resolved to include Messines Avenue, Edwardstown into the Streetscapes program in Segment 1 (2019/20 to 2023/24).

DISCUSSION

The current streetscape program is in year 4 of a 15-year program and currently in Segment 1.

Segment 1 – 2019/20 to 2023/24

Segment 2 – 2024/25 to 2028/29

Segment 3 – 2029/30 to 2033/34

The status of the Streetscape Program is outlined below:

COMPLETED PROJECTS

Streetscape Project	From	To	Suburb	Completed	Cost
Ramrod Avenue	Zwerner Drive	Lonsdale Road	Hallett Cove	16/17	\$610,000
Finniss Street	Marion Road	Township Road	Marion	17/18	\$1,500,000
Railway Terrace	Sixth Avenue	Cross Road	Edwardstown	2017 to 2019	\$1,500,000
Bray Street	Morphett Road	Marion Road	Morphettville	2018 to 2020	\$1,090,000
Birch Crescent	Sturt Road	Ash Avenue	Tonsley	19/20	\$3,938,000
Quick Road	Marion Road	Bradley Grove	Mitchell Park	20/21	\$1,390,000
Sturt Road (3 stages)	South Road	Morphett Road	Sturt	2020 to 2022	\$3,920,000
Alawoona Avenue (PLEC)	Marion Road	Train Line	Mitchell Park	2020 to 2022	\$1,316,000
Diagonal Road	Morphett Road	Sturt Road	Oaklands Park	21/22	\$1,091,000

CURRENT PROJECTS

Streetscape Project	From	To	Suburb	Estimated Completion	Cost
Warracowie Way	Milham Street	Diagonal Road	Oaklands Park	22/23	\$3,460,000
Messines Avenue	South Road	Mons Avenue	Edwardstown	22/23	\$481,000
Morphett Road	Diagonal Road	Sturt Road	Oaklands Park	22/23	\$1,200,000

PROJECTS IN DESIGN

Streetscape Project	From	To	Suburb	Proposed Construction	Cost
Alawoona Avenue	Bradley Grove	Train Line	Mitchell Park	23/24	\$500,000
Raglan Avenue	Marion Road	Train Line	Oaklands Park	23/24	\$2,100,000

PROPOSED REPRIORITISATION OF STREETSCAPE PROGRAM

See attachment 1 for the updated Streetscape Program

- ***Alawoona Avenue, Mitchell Park (Marion Road to Bradley Grove)***

Staff met with representatives of Junction Australia on 16 February 2022 to discuss their properties along Alawoona Avenue. They advised that they intend to redevelop these properties (on both sides of the road) in the next few years. It is worth noting that discussions with Junction Australia date back to June 2017 with similar outlined intentions.

It is recommended that the construction of Alawoona Avenue (Marion Road to Bradley Grove) be deferred to Segment 2 (24/25 to 28/29) for the following reasons:

- The potential of damage to infrastructure as a result of the redevelopment on Alawoona Avenue is high. It would be prudent to defer the streetscape upgrade until the property redevelopment has been significantly completed.
- The majority of the Alawoona Avenue streetscape design has been completed. The finalisation of design has been put on hold. The relevant residential development components could be integrated into the final design at the time the adjoining dwellings are being constructed.

The streetscape upgrade of Alawoona Avenue between Bradley Grove to train line will be designed in 2022/23 with the intention of undertaking a streetscape upgrade of the roundabout to the train line in 2023/24 in alignment with the development of the adjacent reserve upgrade. This section of Alawoona Avenue will not be impacted as a result of Junction Australia's development plans.

- ***Raglan Avenue, Edwardstown (Between Train Line and South Road)***

It is recommended that the streetscape project of Raglan Avenue between the train line and South Road be reprioritised lower on the program into segment 2 (24/25 to 28/29). This will allow for coordination of the planning/design for any future upgrades and/or major developments occurring east of the train line near South Road.

- ***Newland Avenue, Marino (Between CoHB Boundary to Jervois Terrace)***

It is recommended that Newland Avenue streetscape be reprioritised higher on the program to align with the future development of Marino Community Hall on Newland Avenue. The anticipated construction year for this streetscape project is 2024/25 and to commence after the completion of the Marino Hall upgrade.

- ***Adams Road, Trott Park (Between Majors Road and Lucy Court)***

It is recommended that Adams Road streetscape be reprioritised higher on the program to align with the planned Southern Expressway on/off ramps and other major infrastructure works on Major's Road. The anticipated construction year for this streetscape project is 2025/26 (subject to construction timelines from DIT).

CONCLUSION

The Streetscape Program continues to deliver significant upgrades and projects for the benefit of residents, businesses and visitors. The Streetscape Program has been re-aligned to compliment other strategic projects and developments in the City of Marion. Councilors were consulted on the draft report with no major changes requested.


ATTACHMENTS

1. Streetscapes Program (July 2022) GC [**12.4.1** - 1 page]

Streetscape Program (July 2022)

Streetscape Program	+/-	Road	From	To	Suburb	Ward	Current Status	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34
Segment 1 19/20 to 23/24	▬	Railway Terrace	Daws Road	Sixth Avenue	Edwardstown	Woodlands	Complete												
	▬	Ramrod Avenue	Lonsdale Road	Zwerner Drive	Hallett Cove	Coastal	Complete												
	▬	Finniss Street	Marion Road	Township Road	Marion	Warriparinga	Complete												
	▬	Bray Street	Marion Road	Morphett Road	Morphettville	Mullawirra	Complete												
	▬	Quick Road	Marion Road	Bradley Grove	Mitchell Park	Warriparinga	Complete												
	▬	Sturt Road	South Road	Marion Road	Clovelly Park	Warriparinga	Complete												
	▬	Sturt Road	Marion Road	Diagonal Road	Marion	Warriparinga	Complete												
	▬	Sturt Road	Diagonal Road	Morphett Road	Seacombe Gardens	Warriparinga/Warracowie	Construction												
	▬	Diagonal Road	Morphett Road	Sturt Road	Oaklands Park	Warracowie	Construction												
	▬	Messines Avenue	South Road	Mons Avenue	Edwardstown	Woodlands	Construction												
	▬	Morphett Road	Diagonal Road	Sturt Road	Warradale	Warracowie	Construction												
	▬	Warracowie Way	Milham Street	Diagonal Road	Oaklands Park	Warracowie	Construction												
Segment 2 24/25 to 28/29	▬	Alawoona Avenue	Bradley Grove	Train Line	Mitchell Park	Warriparinga	Design												
	▬	Raglan Avenue	Marion Road	Train Line	Edwardstown/South Plympton	Woodlands	Design												
	▲	Newland Avenue	CoHB Boundary	Jervois Terrace	Marino	Coastal													
	▬	Braeside Avenue / Calum Grove	Seacombe Road	Seacombe Road	Seacombe Heights	Warriparinga													
	▲	Adams Road	Majors Road	Lucy Court	Trott Park	Southern Hills													
	▼	Alawoona Avenue	Marion Road	Bradley Grove	Mitchell Park	Warriparinga	On Hold												
	▼	Raglan Avenue	Train Line	South Road	Edwardstown	Woodlands	On Hold												
	▼	The Cove Road	Lonsdale Road	Dutchman Drive	Hallett Cove	Coastal													
	▬	Trott Grove	Diagonal Road	Pemberton Street	Oaklands Park	Warracowie													
	▬	Finniss Street	Township Road	Sturt Road	Marion	Warriparinga													
	▬	Perry Barr Road	Lonsdale Road	Aroona Road	Hallett Cove	Coastal													
	▬	Lonsdale Road	Majors Road	Perry Barr Road	Hallett Cove	Coastal													
Segment 3 29/30 to 33/34	▬	South Terrace	Marion Road	Park Terrace	Plympton Park	Mullawirra													
	▬	Park Terrace	Bray Street	Wattle Terrace	Plympton Park	Mullawirra													
	▬	Murray Terrace	Morphett Road	Bombay Street	Oaklands Park	Warracowie													
	▬	The Cove Road	Narang Street	South Avenue	Hallett Cove	Coastal													
	▬	Winifred Avenue	Tramline	Cross Road	Glandore	Woodlands													
	▬	Miller Street	Diagonal Road	Seacombe Road	Seacombe Gardens	Warracowie													
	▬	Capella Drive	Perry Barr Road	Manunda Way	Hallett Cove	Coastal													

 Construction

 Design

12.5 LGA Behavioural Management Framework Draft Policies - Consultation Feedback

Report Reference	GC220726R12.5
Originating Officer	Unit Manager Governance and Council Support – Victoria Moritz
Corporate Manager	Manager Office of the Chief Executive - Kate McKenzie
General Manager	General Manager City Development - Tony Lines

REPORT OBJECTIVE

The purpose of this report is for Council to consider and endorse a submission in response to the Local Government Association (LGA) Behavioural Management Framework draft policies:

1. Mandatory Behavioural Management Policy
2. Optional Model Behavioural Support Policy

EXECUTIVE SUMMARY

Following the introduction of the Local Government Reforms, a new conduct management framework for Council Members was introduced that is intended to set clear rules for behaviour and provide resources to resolve repeated and serious misbehaviour. The new Behavioural Management Framework provisions will commence following the council elections in November 2022.

To support the framework, the LGA have developed model policies and are seeking feedback from Councils on these policies. It will be mandatory for all councils to have a Mandatory Behavioural Management Policy and for councils to consider whether a behavioural support policy (or policies) should be adopted.

RECOMMENDATION

That Council:

1. **Notes the draft policies and consultation provided by the *Local Government Association* as part of the *Behavioural Management Framework*.**
2. **Provides a submission to the LGA in response to the Consultation on the draft policies including the following points:**
 - a.

DISCUSSION

To facilitate commencement of the new provisions it is anticipated that transitional regulations will be made that designate the LGA Behavioural Management Policy as the applicable policy for all councils from commencement. Councils will then have a period of time to consider and adopt their preferred Behavioural Management Policy. This timeframe has not yet been set.

Councils are also required to consider, within six months after the conclusion of each periodic election, whether a behavioural support policy (or policies) should be adopted.

Even if council does not wish to have supporting behavioural policies, they must consider this. To facilitate this process, it is proposed this be included as part of the induction program for the incoming council and will be included as part of the training on the new behaviour component outlined in the proposed training standards.

To assist councils, the LGA have prepared a consultation paper including model policies (**Attachment 1**). A summary of the intent of the policies provided by the LGA is included below:

Behavioural Management Policy

- Meets the detailed legislative requirements so that if a council follows the steps set out in the BM Policy, their actions will comply with those requirements, and they will minimise the likelihood they will breach the rights of any person.
- Contain a suite of procedures that will build confidence and trust that the council will handle complaints in a manner that is fair, respectful, and appropriate.
- Encourage councils, where possible, to address behavioural issues early before they escalate.
- Focuses on building, maintaining and improving relationships between council members.
- Seeks to adopt measures aimed at improving councillor capacity and skills.
- Ensures an efficient process.
- Enables councils to make some procedural decisions about managing complaints at the outset of a council term and not during a complaint process. For example: the draft BM Policy:
 - Delegates authority for the Mayor (or person managing the complaint) to make defined spending decisions to procure services (such as an investigator or mediator).
 - Authorises the CEO to provide information to the Behavioural Standards Panel, where the council is obligated to comply with a Panel request.
- Addresses confidentiality issues, striking a balance between the objectives of transparency, protecting the reputations of council members, individuals' rights of procedural fairness, as well as the objectives set out above.
- Ensures that, apart from where required by legislation, the council CEO is not required to make value-judgements about the behaviour of council members nor make decisions about how behaviour complaints would be handled. Instead, the role of a CEO is largely administrative, giving effect to the decisions of the council, the requirements of the BM Policy and the directions of the Behavioural Standards Panel.
- Aims to give councils capacity to manage a complaint about a council member's behaviour without the need to obtain (and pay for) legal advice.

Behavioural Support Policy

A council can choose to adopt its own Behavioural Support Policy (Support Policy). A Support Policy allows councils to supplement the Behavioural Management Framework to incorporate additional behavioural requirements, applying to council members.

A Support Policy is an opportunity for a council to set out the principles it intends to follow and the expectations it has set about council member behaviour.

The LGA's template Support Policy provides a draft set of principles and 'member commitments', which councils can adopt or use as the basis for development of its own, tailored Support Policy.

In particular, the Support Policy is an opportunity for council members to set out their shared expectations in relation to:

- How council members will communicate with each other
- How council information will be shared
- Interaction between council members and council employees
- Dealing with the media and social media.

Note that if a policy requirement is included in the Support Policy, then a breach of the requirement will be dealt with pursuant to the Behavioural Management Policy and, if repeated breaches occur, may be referred to the Behavioural Standards Panel.

A council can amend or replace its Support Policy at any time after public consultation⁴. A council must, within six months after each periodic election, review their Support Policy (if they have one) and (if not) consider whether it should adopt a Support Policy.

Any feedback received from Council will be incorporated into a submission in response to the LGA consultation.

ATTACHMENTS

1. L G- Equip- Consultation- Paper-and- Model- Policies- Behavioural- Management- Policy-and- Behaviour [12.5.1 - 64 pages]



Local Government Association
of South Australia

LG Equip

Local Government Behavioural Management Framework

- Behavioural Management Policy
- Behavioural Support Policy

Consultation Paper and Model Policies

June 2022



Local Government Association
of South Australia

LG Equip

NOTE: This Consultation Paper and Model Policies are not endorsed. The documents have been prepared for consultation purposes only and are subject to consideration by the LGA Board of Directors.

This resource has been prepared by the Local Government Association of SA (LGA) to assist councils with implementation of legislative changes arising from Local Government Reforms for the guidance of and use by member councils.

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Appendix 4 – Extract of behavioural management legislative provisions	



Introduction

In 2021, the State Parliament passed¹ a package of significant changes to the *Local Government Act 1999* (the Local Government Act). The amendments included major changes to laws relating to the behaviour of council members. These concerns were raised by those in the local government sector, Parliamentarians and the public. Council member behaviour remains an ongoing source of criticism of the sector.

During consultation with the sector leading up to the local government reform amendments, many specific concerns were expressed about the existing regime for managing behaviour. Criticisms included:

- The system did not help the Mayor or council to diffuse or resolve issues.
- The system 'weaponised' complaints, enabling individual council members to use the complaints system to attack their political opponents.
- There was ongoing confusion about the process that should be followed, resulting in many councils engaging lawyers, which led to public criticism.
- For the more serious breaches of behaviour requirements, there was no body that could effectively enforce the rules and there were no real consequences for council members who breached the rules.
- The SA Ombudsman, whilst well-intentioned, took a very long time to investigate matters and had no real enforcement tools to give effect to his findings.

The changes to the Local Government Act relating to behaviour largely reflect the submissions made by the LGA on behalf of the sector². These sections of the Local Government Act were passed with the broad support of all parties in Parliament.

The various reforms are commencing at different times, to enable councils to consider and make changes to policies and practices. Based upon LGA consultation with member councils, the State Government agreed that the amendments relating to council member behaviour will commence in November 2022, following the local government elections.

Some parts of the new legislative scheme are already settled (see table below). This discussion paper relates specifically to the:

- Mandatory Behavioural Management Policy (s.262B); and the
- Optional Behavioural Support Policy (s.75F)

To facilitate commencement of the new provisions, it is anticipated that transitional regulations will be made that designate the LGA Behavioural Management Policy as the applicable policy for all

¹ *Statutes Amendment (Local Government Review) Act 2021*

² The concerns about the current scheme were widely shared across the sector. There was less unanimity about precisely what arrangements should replace the old scheme. For example, there was support from a large majority of councils for a body that could impose sanctions on a council member who breached requirements. There was a diversity of views about which body or officer should perform that function. Based on a majority of council submissions, the LGA Board supported a new, low cost, low formality Panel that could hear and resolve matters quickly.

councils from commencement. Councils will then have a period of time to consider and adopt their preferred Behavioural Management Policy, which may be the LGA Policy, some variation of that document or an entirely different policy (subject to the policy meeting the legislative requirements).

Section 75F(7) requires councils to consider, within six months after the conclusion of each periodic election, whether a behavioural support policy (or policies) should be adopted. The Secretariat has prepared a Model Behavioural Support Policy to assist with this consideration.

The Secretariat is also liaising with the Office of Local Government in relation to the six-month requirement for consideration of adoption of behavioural support policies following the commencement of section 75F, with a view to aligning the initial timeframe with the transitional regulations relating to the Behavioural Management Policy. If successful, this would only apply for the first consideration of behavioural support policies and following future periodic elections councils would need to complete this consideration within the six-month timeframe.

LGA consultation process

This consultation paper is seeking feedback from member councils on the proposed Behavioural Management Policy, noting it will be the applicable policy for all councils in the first instance. It is also seeking feedback on the Model Behavioural Support Policy, which councils may choose to adopt.

To support councils' understanding of the documents and the broader behavioural management framework, the LGA will hold three LG Equip Zoom Update sessions on the dates set out below. These sessions will outline the issues and provide participants with a significant opportunity to ask questions.

The first session is designed for CEOs, Governance Officers and other staff advising council members.

The second session is designed for elected members of council.

As the various behavioural management reforms provide new leadership responsibilities for Mayors, a third session will be held, specifically for Mayors and other Principal Members of council.

The LGA consultation timeframes are as follows:

LGA Discussion Paper released

Week beginning 13 June 2022

LGA CEO email to Mayors

LG Equip Update - Behavioural Management Framework - <u>CEOs & Governance Officers</u> - <u>Council members</u> - <u>Mayors/Principal Members</u>	Tuesday, 28 June at 10am Monday 4 July at 6pm Tuesday 5 July at 6pm
Deadline for feedback to the LGA Secretariat	Friday 6 August at 4pm
LGA update draft Behavioural Management Policy and Behavioural Support Policy based upon member feedback.	August 2022
Minister approves Behavioural Management Policy and prepares a transitional regulation to give effect to it. Councils informed about proposed regulations.	As early as possible in September-October 2022
Commencement of new Behavioural Management Framework	November 2022

The new Behavioural Framework will have significant consequences for council members and for many staff interacting with their council. It is important that all councils consider the implications of the two draft policies that are the subject of this paper and the Behavioural Management Framework generally.

Council responses and copies of submissions can be provided to Andrew Lamb, LGA Local Government Reform Partner at andrew.lamb@lga.sa.gov.au.



The new legislative scheme

There are several elements of the new Behavioural Management Framework (BM Framework).

- **Legislation and Regulations.** The legislative requirements within which all council members must operate. A copy of relevant sections is included as Appendix 4.
- **The Behavioural Standards,** approved by the Minister for Local Government, which will apply to all council members in South Australia. The Minister has approved a Final Draft of the Proposed Behavioural Standards for Council Members, but the Standards will not commence until Government *Gazetta*, expected shortly before commencement of the BM Framework. A copy of the Final Draft approved by the Minister is included as Appendix 3.
- **A Behavioural Management Policy (BM Policy).** Each council must have a BM Policy. The Minister intends to make a transitional regulation deeming that the LGA's proposed BM Policy will apply to all councils, commencing at the 2022 local government elections and applying until such time as council substitutes its own BM Policy. A copy of the proposed BM Policy is included as Appendix 1.
- **A Behavioural Support Policy (Support Policy).** Each council can choose to adopt a Support Policy, which would supplement the Behavioural Standards. A draft Model Support Policy, prepared by the Secretariat, is included as Appendix 2.
- The new **Behavioural Standards Panel** (the Panel). The Panel has now been appointed and determines its own policy and procedures. The Secretariat is working closely with the Panel and the Office of Local Government to ensure Panel and council procedures synchronise effectively.

The following table summarises the various elements of the behavioural framework.



Element of BM Framework	Is this the main subject of this Discussion Paper	Mandatory for all councils?	Comments
Legislation and Regulations	No.	Yes.	The sections of the Local Government Act relating to council member behaviour will commence in November 2022. Regulations (including Transitional Regulations) supporting the Bill will be made before that date.
Behavioural Standards	No.	Yes.	The Minister has provided the LGA with a Final Draft of the Proposed Behavioural Standards, which is based closely on the LGA proposed document. The Behavioural Standards will not commence until they are <i>Gazetted</i> . These are set out in Appendix 3, to help councils understand the related policies, which form part of the overall BM Framework.
Behavioural Management Policy	Yes.	Yes.	Each council must have a BM Policy. It is expected that the draft BM Policy submitted by the LGA to the Minister (based upon this consultation process) will be incorporated into a transitional regulation and will apply to all councils.
Behavioural Support Policy	Yes.	No.	Each council can elect to adopt a Support Policy. The LGA encourages all councils to do so.
Behavioural Standards Panel	No.	N/A	The Local Government Minister appointed members to the Panel recommended by the LGA board, after an advertised, merit-based selection process.



Behavioural Management Policy

Each council must have a Behavioural Management Policy (BM Policy) which must set out how a council will manage complaints about council member behaviour.

The draft LGA BM Policy was developed by the Secretariat with close cooperation of officers of the LG Mutual Schemes and the Office of Local Government.

The shared aims of this working group were to develop a template BM Policy that:

- Meets the detailed legislative requirements so that if a council follows the steps set out in the BM Policy, their actions will comply with those requirements, and they will minimise the likelihood they will breach the rights of any person.³
- Contain a suite of procedures that will build confidence and trust that the council will handle complaints in a manner that is fair, respectful, and appropriate.
- Encourage councils, where possible, to address behavioural issues early before they escalate.
- Focuses on building, maintaining and improving relationships between council members.
- Seeks to adopt measures aimed at improving councillor capacity and skills.
- Ensures an efficient process.
- Enables councils to make some procedural decisions about managing complaints at the outset of a council term and not during a complaint process. For example: the draft BM Policy:
 - Delegates authority for the Mayor (or person managing the complaint) to make defined spending decisions to procure services (such as an investigator or mediator).
 - Authorises the CEO to provide information to the Behavioural Standards Panel, where the council is obligated to comply with a Panel request.
- Addresses confidentiality issues, striking a balance between the objectives of transparency, protecting the reputations of council members, individuals' rights of procedural fairness, as well as the objectives set out above.
- Ensures that, apart from where required by legislation, the council CEO is not required to make value-judgements about the behaviour of council members nor make decisions about how behaviour complaints would be handled. Instead, the role of a CEO is largely administrative, giving effect to the decisions of the council, the requirements of the BM Policy and the directions of the Behavioural Standards Panel.
- Aims to give councils capacity to manage a complaint about a council member's behaviour without the need to obtain (and pay for) legal advice.

As a result of proposed transitional regulations, the BM Policy prepared by the LGA will likely apply to all councils from November 2022. At any time after that, a council can amend this document or substitute their own BM Policy. The LGA will produce a guideline to identify the options that councils might need to consider and provide advice about these options and the way in which a council may customise the BM Policy.

³ Prior to submitting a final version to the Minister for Local Government a review of the proposed Behavioural Management Policy by Legal Connect partners, Norman Waterhouse Lawyers will be sought.



Behavioural Support Policy

A council can choose to adopt its own Behavioural Support Policy (Support Policy). A Support Policy allows councils to supplement the Behavioural Management Framework to incorporate additional behavioural requirements, applying to council members.

A Support Policy is an opportunity for a council to set out the principles it intends to follow and the expectations it has set about council member behaviour.

The LGA's template Support Policy provides a draft set of principles and 'member commitments', which councils can adopt or use as the basis for development of its own, tailored Support Policy.

In particular, the Support Policy is an opportunity for council members to set out their shared expectations in relation to:

- How council members will communicate with each other
- How council information will be shared
- Interaction between council members and council employees
- Dealing with the media and social media.

Note that if a policy requirement is included in the Support Policy, then a breach of the requirement will be dealt with pursuant to the Behavioural Management Policy and, if repeated breaches occur, may be referred to the Behavioural Standards Panel.

A council can amend or replace its Support Policy at any time after public consultation⁴. A council must, within six months after each periodic election, review their Support Policy (if they have one) and (if not) consider whether it should adopt a Support Policy.

⁴ Section 75F(6), *Local Government Act 1999*.



Consultation questions for councils

The LGA welcomes feedback on the two draft policies. the following questions are posed to assist councils with consideration of the two policies:

1. It will be mandatory for all councils to have a BM Policy. Having regard to the requirements set out in section 262B of the Local Government Act, is the draft BM Policy appropriate as the initial version of this document, which will apply from November 2022 until a council replaces it with their own BM Policy? What improvements could be made that will be suitable for all 68 councils?
2. Councils can choose to adopt a Support Policy. Do you have suggestions for improving the draft LGA Model Support Policy?

Summary

The new Behavioural Management Framework presents the local government sector with a significant opportunity to improve the regulatory arrangements for dealing with council member behaviour.

The Behavioural Management Framework has tried to address perceived weaknesses in the previous regime and introduce mechanisms for overcoming the problems of the past.

The Behavioural Management Framework concentrates on establishing and maintaining an effective culture and nurturing relationships between council members. It tries to encourage and support councils and council members to make choices that contribute to constructive relationships and effective decision making.

In circumstances where there have been repeated breaches of the Behavioural Standards, or a failure to comply with a council Behavioural Management or Behavioural Support Policy matters may be referred to the new Behavioural Standards Panel, which has powers to investigate and resolve issue, including powers to sanction council members.

It is hoped that the mere presence of this new body will act as a strong deterrent to departures from behaviour requirements.



Local Government Association
of South Australia

LG Equip

Appendix 1 – Proposed Behavioural Management Policy



Local Government Association
of South Australia

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Model Behavioural Management Policy

Consultation Draft

June 2022



Local Government Association
of South Australia

LG Equip

This model policy was developed in preparation for the commencement of the Behavioural Management Framework as part of the implementation of the Statutes Amendment (Local Government Review) Act 2021 and associated changes to the Local Government Act 1999.

This resource has been prepared by the Local Government Association of SA (LGA) to assist councils with implementation of legislative changes arising from Local Government Reforms for the guidance of and use by member councils.

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Foreword

This model policy document has been developed to assist councils with the implementation of reforms associated with behavioural management for council members, arising from the *Statutes Amendment (Local Government Review) Act 2021*.

All councils must adopt a Behavioural Management Policy relating to the management of behaviour of council members, including the process for receipt and management of a complaint received regarding the conduct of a council member.

Section 262B of the *Local Government Act 1999* (the Local Government Act) sets out a range of matters that must be included within the policy and requires that council review the operation of the Behavioural Management Policy within 12 months after the conclusion of each periodic election.

Legal Framework

There are four components to the Elected Member Behavioural Management Framework (BMF).

- Part 1 The legislative framework within which all council members must operate.
- Part 2 The Behavioural Standards for Council Members, determined by the Minister for Local Government (developed in consultation with the local government sector), which apply to all council members in South Australia.
- Part 3 The mandatory *Behavioural Management Policy* relating to the management of behaviour of council members and adopted pursuant to section 262B of the Local Government Act.
- Part 4 Optional *Behavioural Support Policy* (or policies), designed to support appropriate behaviour by council members and adopted pursuant to section 75F of the Local Government Act.

In addition, the Behavioural Standards Panel, an independent statutory authority comprising three members with powers to impose sanctions on council members who breach legislative and policy requirements has been established⁵ to assess and deal with matters referred to it.

LGA Mutual Liability Scheme and LGA Workers Compensation Scheme

In managing matters within the scope of the BMF, councils must also adhere to the Local Government Association Mutual Liability Scheme (LGAMLS) and/or the Local Government Association Workers Compensation Scheme (LGAWCS) Rules. Where an incident, circumstance or matter occurs which may give rise to a claim, councils must provide notice to the LGAMLS and/or LGAWCS in accordance with the LGAMLS & LGAWCS Scheme Rules.

⁵ Chapter 13, Part A1—Member Behaviour, Division 2—Behavioural Standards Panel, *Local Government Act 1999*



Commencement of Behavioural Management Framework

The provisions relevant to the Behavioural Management Framework are intended to commence immediately following the 2022 council periodic elections. At this time, the Behavioural Standards for Council Members will replace the former Code of Conduct for Council Members. At the same time, the investigative and disciplinary powers of the Behavioural Standards Panel will commence.

To support councils' compliance with the BMF requirements, transitional provisions will be enacted which will deem the LGA's Model Policy as *the* Behavioural Management Policy for each council. At any time afterwards, councils can review their Behavioural Management Policy and determine any changes it may wish to make to the document.

The LGA Model Behavioural Management Policy was developed in consultation with Local Government Risk Services, the Office of Local Government and the LGA's *Legal Connect* partners, Norman Waterhouse Lawyers. The Model Policy sets the framework which is consistent with the legislative requirements. However, there are a range of matters within the Policy that councils may wish to customise to meet requirements specific to each council when consideration is given to changes to the Policy.

Councils are required to consider the adoption of a Behavioural Support Policy (or policies)⁶ and the LGA has developed a model Behavioural Support Policy to assist with that consideration. Behavioural Support Policies are intended to support appropriate behaviours by members of the council and will assist with meeting obligations relating to leadership and positive and constructive working relationships as set out in sections 58 and 59 of the Local Government Act.

⁶ Section 75F(7) of the *Local Government Act 1999* requires councils, within six months after the conclusion of each periodic election to review the operation of existing Behavioural Support Policies, or consider whether it should adopt a Behavioural Support Policy.



Behavioural Management Policy

Strategic Reference	
File reference	
Responsibility	
Revision Number	
Effective date	
Last revised date	
Minutes reference	
Next review date	
Applicable Legislation	Local Government Act 1999 s262B
Related Policies	
Related Procedures	

1. Introduction

This Policy has been prepared and adopted pursuant to section 262B of the *Local Government Act 1999* (the Local Government Act).

This Behavioural Management Policy forms part of the Behavioural Management Framework for council members and sets out the approach to the management of complaints about the behaviour of council members. It sets out the approach to be adopted where there has been an alleged breach of the Behavioural Standards for Council Members and/or any Behavioural Support Policy adopted by the Council (*the behavioural requirements*).

This Policy also sets out the steps councils will take to resolve behavioural issues and in doing so keep the culture between the elected body, staff and the community under continual review.

2. Glossary

behavioural requirements – in this document **behavioural requirements** refers collectively and individually to the Behavioural Standards for Council Members, the Behavioural Management Policy and any Behavioural Support Policies adopted by the Council.



3. Principles

Council members recognise that they hold an individual and collective responsibility to resolve disputes in a proactive, positive and courteous manner before they are escalated, to avoid such disputes threatening the effective operation of Council.

The following principles will apply:

- When behaviour that is inconsistent with the **behavioural requirements** occurs, all council members should respectfully and constructively provide feedback at the earliest opportunity;
- If a complaint is not resolved at an early stage, all council members will continue to comply with the procedures set out in this Policy and support the person responsible for managing the complaint as that person endeavours to perform their duties and resolve the matter successfully;
- a consistent approach to the assessment, investigation and resolution of complaints will be adopted to facilitate timely and efficient resolution and minimisation of costs;
- Where required, Council may engage the assistance of skilled advisors and support persons in the assessment, investigation and resolution of complaints and avoid adopting an unreasonably legalistic approach.
- ongoing training and relevant resources will be provided to all Council Members to ensure they have the skills and knowledge necessary to perform their role in accordance with the **behavioural requirements** and the *Local Government Act 1999*.
- training and relevant support will be provided to persons with specific obligations under this Policy to facilitate the management, reporting and resolution of complaints alleging a breach of the **behavioural requirements**.

Council will manage complaints under this Policy with as little formality and technicality and with as much expedition as the requirements of the matter or the Local Government Act allow and with proper consideration of the matter. Council is not bound by rules of evidence but will inform itself in the manner considered most appropriate given the nature of the complaint.

Council will keep this policy and related procedures under review, making adjustments where enhancements could have resulted in a better outcome for a matter dealt with under this Policy or where another Council's experiences are worthy of consideration for adjustment.

Council must, within 12 months after the conclusion of each periodic election review the operation of this Behavioural Management Policy.



4. The complaints management process

This Policy has been designed to facilitate the resolution of issues by the council itself and to provide support for those council members and council employees with a role to play in these processes.

From time to time, resolution of behavioural issues may be facilitated through the engagement of external qualified advisers.

It is the expressed desire of the Council to, where appropriate, engage persons with skills and experience in resolving behavioural issues among Council Members and to adopt procedural fairness in the complaints process. Council may utilise resources made available through the Local Government Association (LGA), Local Government Risk Services (LGRS) and other sources to engage appropriate persons to support the implementation of this Policy.

This Policy authorises the engagement of external resources to assist with investigation and resolution of matters. To this end, this Policy authorises the engagement of:

- A contractor on the LGA approved service providers list
- Other contractors pre-approved pursuant to council's Procurement policy

Persons engaged will have an in depth understanding of the roles and responsibilities of Council Members and Employees and the manner in which the Local Government sector makes decisions and interacts with communities.

It is not the desire of the Council to engage lawyers in the resolution of behavioural matters, however, those engaged in assisting the Council may have access to legal advice, as required.

The legislative scheme does not generally impose obligations on council chief executive officers to manage council member behavioural issues, however CEOs do have access to a range of relevant information (for example, legislative, insurance, procurement of external parties, governance advice). Accordingly, whilst the CEO may not have a formal decision-making role it will often be useful for the person responsible for managing a complaint to keep the CEO informed of progress on the management of the issue and to consider advice provided by the CEO from time to time.

5. The Behavioural Management Process

Issues with behaviour may arise in a range of ways. Not all of those will result in a formal complaint being made. This Policy provides a range of strategies to manage behaviours and contribute to the effective performance of council members. This Policy recognises the wide range of personalities involved and the various scenarios that may arise and aims to provide Mayors and other persons involved in the behaviour management process a neutral and constructive path to achieve resolution.

Complaints and other concerns regarding behaviours that are inconsistent with the ***behavioural requirements*** may be raised by:

- Community members
- Council members
- Council employees



Individuals raising concerns or making a complaint will be made aware of:

- the Behavioural Management Framework applicable to council members
- their rights and obligations for making a complaint
- to whom and how a complaint should be made
- the manner in which a complaint will be investigated
- how they will be engaged in the process
- their access to assistance or support throughout the process
- remedies, penalties and potential outcomes that may arise from the complaint

5.1. Community members

This Policy is intended to set out the procedures for dealing with an allegation of a breach of the **behavioural requirements** applying to council members. These procedures do not apply to complaints about council employees or the council as a whole.

If a community member wishes to raise a complaint about a decision of their council, long standing procedures are available pursuant to section 270 of the Local Government Act and Council has a policy setting out how this applies.

For the avoidance of doubt, this Policy is not the mechanism for:

- Providing feedback in response to consultation or engagement on council projects
- Requesting service or information from the council
- Complaining about council service provision

A community member can make a complaint about a council member pursuant to this Policy, however, this is limited to circumstances where the community member believes the council member has breached **behavioural requirements** and not merely where there is a disagreement about a council decision or a member's view point on a particular matter.

Community members can lodge a complaint with the Council in accordance with this Policy but cannot lodge a complaint directly with the Behavioural Standards Panel.

5.2. Council employees

This Policy recognises and supplements the duty of care of a Council to the welfare of staff under Section 19 of the *Work Health and Safety Act 2012* and section 75G—Health & safety duties of council members under the Local Government Act.

This process does not replace the existing industrial relations framework or work, health and safety legislation, rather this Policy is focussed on addressing circumstances where the behaviour of a council member is inconsistent with the **behavioural requirements**. If an issue is raised that relates to the health and safety of an employee then this information will need to be communicated to the CEO, even in circumstances where council members would prefer the matter be dealt with confidentially.



An employee may wish to engage a support person in the process of the consideration/investigation of the complaint. This support person may be from the employee's industrial association, although that is not a requirement.

The Local Government Act requires the Behavioural Standards Panel to provide a copy of a report related to a matter it deals with involving an employee to the relevant industrial association. The Behavioural Standards Panel may place requirements on that association regarding the release and/or publication of the report.

5.3. Council members

The focus of this Policy is promoting constructive ongoing relationships between council members for the betterment of the Council and community. If a matter can be raised and resolved informally, council members are encouraged to do so. If the matter is of a higher level of seriousness, it may be more appropriate for a formal complaint to be made in accordance with this Policy.

Council members with concerns regarding the conduct of council employees should raise those directly with the CEO. The CEO remains responsible for the management of council employees and contractors.

5.4. Stages of Action

This Policy has three distinct parts regarding the approach that will be taken to address concerns about the behaviour of Council Members:

- Part 1: Informal Action: Where the matter can be resolved by the parties and is not of a serious nature.
- Part 2: Formal Action: Where the matter is perceived by the complainant to be serious enough to warrant a formal process of consideration.
- Part 3: Referrals to the Behavioural Standards Panel: the circumstance under which the Mayor, the Council or other authorised person(s) will make a referral.

The above steps are not linear and the nature of the matter may determine at what step the process commences.

The Policy highlights the records management, confidentiality and access to support for the persons involved in a complaint or behavioural concern.

5.5. Part 1: Informal action

Where a Council Member has behaved in a way that another person considers is outside of the **behavioural requirements** they are encouraged to raise it with the Council Member and to seek to resolve the matter directly.

If the person is uncomfortable speaking directly with the council member, they are encouraged to speak to the Mayor and raise awareness of the behaviour. If the concerns relate to the conduct of the Mayor the person should speak to the Deputy Mayor (if appointed) or other council member identified by the council for dealing with complaints.



Council employees are encouraged to raise concerns with council member conduct with the CEO in the first instance.

Consistent with the leadership role of the Mayor set out in section 58 of the Local Government Act, the Mayor can play an important role in the development of positive and constructive working relationships between council members through informal discussions and by making observations regarding behaviour/conduct.

The Mayor is authorised to provide access to resources (if required) to support impacted parties and resolve the concerns raised in a timely manner prior to the matter becoming serious, or escalating to a formal complaint.

In many instances, by raising the matter informally, concerns can be aired and solutions can be identified. The parties involved may reach an understanding that will avoid future occurrences of the behaviour.

An informal process may not always be appropriate, for example when the matter is particularly serious or involves a breach of section 75G—Health and safety duties a member of council.

This Part also enables, with the approval of the person affected, to have a matter move to a formal complaint and dealt with under Part 2.

It is a reasonable expectation for the council member or council employee to have their concerns dealt with promptly and confidentially⁷, depending on the circumstances, or where confidentiality agreed.

5.5.1. Dispute versus Complaint

It is important to distinguish between a dispute and a complaint. A dispute is generally a difference of opinion or disagreement between two parties. It may involve a heated discussion or some other unsatisfactory exchange between parties, but may not amount to conduct inconsistent with the **behavioural requirements**. Ideally disputes will be handled directly by the parties involved and will not escalate to a complaint requiring action (even informal action) under this Policy. The Mayor (or another person) could play a role in facilitating a resolution to a dispute.

This Policy is intended to deal with matters where conduct has potentially been inconsistent with the **behavioural requirements**, rather than where members of council have differences of opinion, even when robustly put.

5.5.2. Informal action – record keeping⁸

Where the Mayor provides assistance with the management of informal action, a record should be made. Appendix 1 sets out the information that should be captured where a matter is managed informally.

⁷ There are circumstances in the WHS Act where information must be disclosed, for example where the health and safety of an employee is at risk.

⁸ Details of records and information provision requirements throughout this Policy are subject to the Behavioural Standards Panel Practice Directions and Guidelines. Once those documents are finalised by the Behavioural Standards Panel changes to this Policy may be required.



The Mayor should consult with the parties regarding the confidentiality of this record and may provisionally determine to keep the record confidential if this will assist in resolution of the matter. However, if this process does not successfully resolve the matter, the record may be made available to an investigation process as provided for under this Policy or to the Behavioural Standards Panel.

5.6. Part 2: Formal action

This Part sets out how the response to formal complaints regarding the behaviour of council members.

The approach set out in this Part addresses the manner in which a complaint will be:

- Received
- Assessed
- Investigated
- Resolved
- Recorded

5.6.1. Receipt of a Complaint

A complaint made under the Behavioural Management Policy must be received in writing and must provide the information specified by council to allow an assessment of the complaint to occur. Appendix 3 sets out the information that must be provided when making a complaint.⁹

Council encourages the lodgement of complaints in a timely manner, however, it acknowledges that in some circumstances, due to the impact of the behaviour on the complainant, there may be a delay in the lodgement of the complaint.

In the first instance, the CEO or delegate will manage the receipt of the complaint to ensure the appropriate records are captured and considerations are given to confidentiality requirements. For example, if the complainant requests their identity be withheld, the CEO or delegate may take appropriate action. For clarity this step is merely an administrative process for receipt of the complaint and the CEO or delegate should not undertake an assessment of the merits of the complaint about council member behaviour.

Subject to an alternative resolution of the Council, a complaint should be marked with “Council Member Complaint” and forwarded to:

- (via email) emailaddress@councilname.sa.gov.au
- (hard copy) [insert council physical/postal address](#)

⁹ Details of records and information provision requirements throughout this Policy are subject to the Behavioural Standards Panel Practice Directions and Guidelines. Once those documents are finalised by the Behavioural Standards Panel changes to this Policy may be required.



Receipt of the complaint will be acknowledged within 48 hours or as soon as reasonably practicable and a copy of this Policy will be provided to the person making the complaint.

The complaint should be directed as follows:

- If the matter relates to a Council Member – to the Mayor
- If the matter relates to the Mayor – to the Deputy Mayor or other council member identified by the Council

A complainant may withdraw their complaint at any stage. The person complained about will be provided with a brief summary of the complaint unless the complaint was withdrawn before the matter was referred to the person responsible for managing the complaint.

5.6.2. Initial complaint assessment

The person responsible for managing the complaint will undertake an assessment of it to determine whether the content of the complaint relates to the **behavioural requirements** and whether the conduct occurred in the context of the council member carrying out their functions as a public official.

In undertaking the assessment the person responsible for managing the complaint will have regard to matters such as whether:

- the person that is making the complaint has a sufficient interest in the matter
- the complaint is trivial, frivolous or vexatious or not made in good faith
- the complaint has been lodged with another authority
- it is unnecessary or unjustifiable for the Council to deal with the complaint.

If the person making the complaint does not have sufficient interest in the matter, or any of the remaining matters are relevant then the person responsible for managing the complaint should make a determination that there will be no further action in relation to the complaint. However, if the person responsible for managing the complaint believes that the principles set out in Section 3 of this Policy will be best served by continuing consideration of the matter then the person may determine to continue to the next stage of the process.

The person responsible for managing the complaint will determine what action will result from the initial assessment, which may include pursuant to section 262B(2)(b):

- a decision to refuse to deal with the complaint¹⁰
- proceeding to formal consideration
- referring to an alternative resolution mechanism or to propose training for relevant parties (e.g. facilitated discussion, provision of training, mediation etc.)

The outcome of the initial assessment will be advised to the complainant and person complained about in writing.

¹⁰ Section 270(4a)(a)(i) of the *Local Government Act 1999* precludes a review of a decision to refuse to deal with the complaint



Decision not to proceed

Where the person responsible for managing the complaint makes a decision not to proceed the following steps should be taken:

- the complainant must be provided written reasons explaining the decision¹¹
- the person complained about should be provided with a brief summary of the complaint and the reasons for not proceeding. The identity of the complainant may be provided, subject to the consent of the complainant.
- A record of these steps and the decision not to proceed should be made. This record would remain confidential subject to this Policy and any requirements of the Behavioural Standards Panel.

Whilst a matter may not proceed, the person responsible for managing the complaint may discuss the issues informally with the parties and identify strategies to build skills and facilitate positive relationship development.

Decision to proceed:

Where the person responsible for managing the complaint makes a decision to proceed the following steps should be taken:

- the person complained about should be provided with a copy of this Policy, contact details of the person responsible for managing the complaint and a summary document setting out:
 - the specific provision(s) of the **behavioural requirements** alleged to have been breached; and
 - the circumstances where this breach is alleged to have occurred.
- the complainant should be advised of the decision to proceed and the contact details of the person responsible for managing the complaint.

Decision to refer to alternative resolution mechanism:

The person responsible for managing the complaint may form the view that the optimal way to deal with the complaint and/or restore council member relationships is to implement an alternative resolution mechanism such as facilitated discussion, mediation or training.

The person responsible for managing the complaint should discuss the use of a proposed alternative resolution mechanism with the complainant and the person complained about to determine whether there is support for this approach. If so, the person responsible for managing the complaint should take steps to facilitate access to the alternative resolution mechanism. The person responsible for managing the complaint may facilitate access to external or third party support (not being a legal practitioner) for parties to the complaint, where requested.

¹¹ Section 262D, *Local Government Act 1999*



5.6.3. Formal consideration

Where it has been determined that a complaint requires formal consideration the person responsible for managing the complaint will determine how to proceed. Options include:

- The person responsible for managing the complaint makes a decision that they are the appropriate person to formally consider the complaint
- The person responsible for managing the complaint makes a decision to engage third party expertise to formally consider the complaint, for example:
 - an investigator who will report to the person responsible for managing the complaint; or
 - an external service provider with skills relevant to the matter.

The person responsible for managing the complaint will advise both the complainant and the person complained about that they are able to have a support person accompany them during discussions relating to the complaint.

It is the expectation of Council that both the complainant and the person complained about will cooperate with any such process to consider the complaint and, if requested, will arrange and participate in meetings in a timely manner.

Refusal to participate in a timely manner may be taken into account when considering the actions to be taken under section 262B(2)(e) of the Local Government Act.

Further consideration by the person responsible for managing the complaint, may involve:

- explore the complaint with the complainant and the person who is the subject of the complaint
- speaking with other persons who have been nominated by the parties to have observed the behaviour
- speaking directly with witnesses to the conduct complained about
- requesting the provision of information or documents relevant to the investigation, which may include access to audio or video recordings of meetings.

During this phase of managing the process, the person responsible for managing the complaint should form a view as to whether an agreement between the parties involved is appropriate and capable of being reached to resolve the matter.

During the formal consideration of a matter appropriate records should be kept by the person responsible for managing the complaint.

5.6.4. Report

Following formal consideration of a matter a draft report¹² should be prepared by the person responsible for managing the complaint summarising the matter and setting out their conclusions and recommendations.

¹² Details of records and information provision requirements throughout this Policy are subject to the Behavioural Standards Panel Practice Directions and Guidelines. Once those documents are finalised by the Behavioural Standards Panel changes to this Policy may be required.



An investigation report will generally include a range of possible solutions to the complaint for the parties to consider and/or participate in such as, but not limited to:

- discussions with parties to the complaint to seek agreement
- formal mediation if not already undertaken
- Conciliation
- Arbitration
- Education and further training

A copy of the draft report should be provided to the parties to the complaint who should be given a reasonable opportunity, but no more than ten business days, to make submissions in relation to the draft report. The person responsible for managing the complaint should have regard to any submissions made in preparing a final report.

Outcome – agreed actions

Where the complainant and the person complained about¹³ agree to a path for resolution, that agreement will be documented including matters such as:

- actions to be undertaken
- responsibility for completing actions
- timeframes for completion of actions
- what will occur if there is a repeat of the behaviours complained about
- monitoring arrangements for completion of actions
- what will occur if the actions aren't completed
- confirmation that the matter is considered resolved

The parties will sign a written agreement reached. A copy of the agreement will be retained by each party and a copy held in Council records.

Outcome – no agreed action

Where the parties to the complaint have failed to reach agreement as to the resolution of the matter the final report should be presented to Council for consideration. The CEO should be requested to ensure the final report is included in the Council Agenda as soon as practicable.

5.6.5. Actions of Council

Where the parties are not able to agree on an approach to resolve the matter, the matter will be raised with the Council. It is at this time that the Council will determine the actions to be taken which may include:

¹³ Where the conduct complained about is not raised by the person directly affected by the conduct it will usually be appropriate to discuss the proposed resolution with that person prior to finalising agreement. This is intended to apply in a circumstance where the 'victim' is not the complainant to provide them a reasonable opportunity to have input into the resolution.



- taking no further action
- passing a censure motion in respect of the Member;
- requiring the member to issue a public apology (in a manner determined by the Council)
- requiring the member to undertake a specified course of training or instruction;
- removal or suspension from one or more offices held in the member's capacity as a member of the Council or by virtue of being a member of the Council – but not the office of Member of the Council;

In determining the actions that a Council will take, the matter must be considered at a meeting open to the public.

Where Council determines to take no further action, the complainant will be advised of this along with reasons, which may include:

- (a) the ground that the subject matter of the complaint is trivial; or
- (b) the ground that the complaint is frivolous or vexatious or is not made in good faith; or
- (c) the ground that the complainant or the person on whose behalf the complaint was made does not have a sufficient personal interest in the matter raised in the complaint; or
- (d) the ground that, having regard to all the circumstances of the case, it is unnecessary or unjustifiable for the council to deal with or continue to deal with the complaint;
- (e) the ground that the subject matter of the complaint has been or is already being investigated, whether by the council or another person or body; or
- (f) the ground that the council has dealt with the complaint adequately.

In making a determination under section 262C(1) Council should be reasonably prescriptive about the manner and time periods in which the action must be completed. Section 262E defines a failure to comply with a requirement of the council under 262C(1) as 'misbehaviour' which may result in a referral to the Behavioural Standards Panel.

5.7. Behavioural Standards Panel

The Behavioural Standards Panel is an independent statutory authority consisting of three members and has powers to impose sanctions on council members who breach the **behavioural requirements**.

Councils are required to pay for the costs of the Panel's deliberations. This Behavioural Management Policy, therefore, has been designed to ensure matters are dealt with efficiently and Council and Panel processes integrate as seamlessly as possible.

Behavioural matters are dealt with by Councils at first instance. In section 262C(1) of the *Local Government Act 1999* Councils have limited powers to take action in response to council member behavioural matters. Misbehaviour occurs where:

Legislative definition	Plain language explanation
<p><i>misbehaviour</i> means—</p> <p>(a) a failure by a member of a council to comply with a requirement of the council under section 262C(1); or</p> <p>(b) a failure by a member of a council to comply with a provision of, or a requirement under, the council's behavioural management policy; or</p> <p>(c) a failure by a member of a council to comply with an agreement reached following mediation, conciliation, arbitration or other dispute or conflict resolution conducted in relation to a complaint under Division 1;</p>	<p>Misbehaviour means:</p> <p>(a) a council member fails to take the action required by council; or</p> <p>(b) a council member fails to comply with this policy; or</p> <p>(c) a council member fails to comply with an agreement reached pursuant to this policy</p>
<p><i>repeated misbehaviour</i> means a second or subsequent failure by a member of a council to comply with Chapter 5 Part 4 Division 2;</p>	<p>A second or subsequent breach of the <i>behavioural requirements</i></p>
<p><i>serious misbehaviour</i> means a failure by a member of a council to comply with section 75G.</p>	<p>A breach of health and safety duties (including sexual harassment) as set out in section 75G of the <i>Local Government Act 1999</i></p>

5.7.1. Referral to the Panel

At the time of writing the Behavioural Standards Panel was in the process of drafting Practice Directions guiding the steps required to be taken by persons referring a matter to the Panel. This section will be updated to reflect the requirements of the Practice Directions once finalised.

A complaint alleging misbehaviour, repeated misbehaviour or serious misbehaviour by a member of council may be referred to the Panel by:

- A resolution of the council;
- the Mayor; or
- at least 3 members of the council
- Responsible person under 75G – direction not to attend meeting.

**Following referral of a matter to the Behavioural Standards Panel:**

All parties to the complaint will respond to requests made by the Behavioural Standards Panel within the timelines specified and cooperate with Panel processes.

Council must appoint a person as the contact officer for matters referred to the Behavioural Standards Panel. The contact officer is responsible for the provision of information to and receipt of notice from the Behavioural Standards Panel.

The principles set out in this Behavioural Management Policy continue to apply in interactions between parties to the complaint, the council and the Behavioural Standards Panel. In particular, to facilitate timely and efficient resolution and minimisation of costs.

Following referral the Behavioural Standards Panel will manage carriage of the matter in accordance with Practice Directions and legislative requirements.

6. Policy Delegations

The Mayor, Deputy Mayor (if appointed) or other council member identified by the council for dealing with complaints has a delegation under this Policy to:

- Perform the tasks bestowed upon the person responsible for dealing with a complaint pursuant to this Policy
- provide access to resources to support impacted parties and resolve the concerns raised in a timely manner prior to the matter becoming serious, or escalating to a formal complaint.
- After consultation with the CEO, engage external resources, either from an LGA approved service provider list or other contractors pre-approved pursuant to Councils Procurement Policy, to assist with investigation and resolution of matters.

The CEO (or delegate) has delegation under this Policy to:

- manage the receipt of a complaint lodged in accordance with this Policy to ensure the appropriate records are captured and considerations are given to confidentiality requirements.

The Behavioural Standards Panel Contact Officer (appointed by the council) has a delegation under this Policy to:

- comply with any lawful request of the Panel for information related to a matter under consideration, even where that information has been deemed by Council or a Council Policy to be confidential.
- Receive and respond to notices relating to matters under consideration by the Panel.

Where the Behavioural Standards Panel Contact Officer is not the CEO, the Contact Officer should keep the CEO informed of the status of matters under consideration by the Panel.



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Content of Appendices has not been included for consultation purposes

Appendix 1 – record of matter where informal action is taken

Appendix 2 – flow chart of Part 1: Informal Action

Appendix 3 – information required to make a complaint

Appendix 4 – Report outline (following formal consideration)

Appendix 5 – possibly additional details on Actions of Council (4.5.5) – or this content may sit more appropriately in a separate guideline



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Appendix 2 – Model Behavioural Support Policy



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Model Behavioural Support Policy

Consultation Draft

June 2022



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This model policy was developed in preparation for the commencement of the Behavioural Management Framework as part of the implementation of the Statutes Amendment (Local Government Review) Act 2021 and associated changes to the Local Government Act 1999.

This resource has been prepared by the Local Government Association of SA (LGA) to assist councils with implementation of legislative changes arising from Local Government Reforms for the guidance of and use by member councils.

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Foreword

This model policy document has been developed to assist councils with the implementation of reforms associated with behavioural management for council members, arising from the *Statutes Amendment (Local Government Review) Act 2021*.

Councils may adopt a Behavioural Support Policy (or policies) to support appropriate behaviour by members of the council. A behavioural support policy may specify direction relating to behaviours, set out guidelines relating to compliance with those directions and include any other matter relating to the behaviour of council members considered appropriate by the council. Where a council adopts a behavioural support policy, a member of the council must comply with the policy.

Legal Framework

There are four components to the Elected Member Behavioural Management Framework (BMF).

- Part 1 The legislative framework within which all council members must operate.
- Part 2 The Behavioural Standards for Council Members, determined by the Minister for Local Government (developed in consultation with the local government sector), which apply to all council members in South Australia.
- Part 3 The mandatory *Behavioural Management Policy* relating to the management of behaviour of council members and adopted pursuant to section 262B of the Local Government Act.
- Part 4 Optional *Behavioural Support Policy* (or policies), designed to support appropriate behaviour by council members and adopted pursuant to section 75F of the Local Government Act.

In addition, the Behavioural Standards Panel, an independent statutory authority comprising three members with powers to impose sanctions on council members who breach legislative and policy requirements has been established¹⁴ to assess and deal with matters referred to it.

LGA Mutual Liability Scheme and LGA Workers Compensation Scheme

In managing matters within the scope of the BMF, councils must also adhere to the Local Government Association Mutual Liability Scheme (LGAMLS) and/or the Local Government Association Workers Compensation Scheme (LGAWCS) Rules. Where an incident, circumstance or matter occurs which may give rise to a claim, councils must provide notice to the LGAMLS and/or LGAWCS in accordance with the LGAMLS & LGAWCS Scheme Rules.

¹⁴ Chapter 13, Part A1—Member Behaviour, Division 2—Behavioural Standards Panel, *Local Government Act 1999*



Behavioural Support Policy

Strategic Reference	
File reference	
Responsibility	
Revision Number	
Effective date	
Last revised date	
Minutes reference	
Next review date	
Applicable Legislation	Local Government Act 1999 s75F
Related Policies	
Related Procedures	

1. Preamble

This policy has been prepared and adopted by **[insert name of Council]** pursuant to section 75F of the *Local Government Act 1999* (the Act).

This Behavioural Support Policy forms part of the Behavioural Management Framework for council members and sets out the behaviour that the members of **[insert name of Council]** agree must be observed by all council members in addition to the statutory Behavioural Standards published by the Minister for Local Government.

2. Introduction

Council members in South Australia have an obligation to serve the best interests of the people within the community they represent and to discharge their duties conscientiously, to the best of their ability, and for public, not private, benefit at all times

To serve the community well, council members must work together constructively as a Council. This, in turn will foster community confidence and trust in local government.

Council members will make every endeavour to ensure that they have current knowledge of both statutory requirements and the required standards of practice relevant to their position. All Councils are expected to provide training and education opportunities that will assist council members to meet their responsibilities under the *Local Government Act 1999*.



3. Policy Statement

We, the council members of **[insert name of Council]** commit to the following statement of values and behaviours:

1. *Value & Respect* – We engage with each other respectfully in robust debate. We listen to others' views and speak to the issue and not the person/s.
2. *Optimism* – We are positive, constructive and creative in our problem solving. We are open minded and are willing to learn from each other and from the staff input.
3. *Integrity* – We are well prepared and stay focused on agreed strategic priorities. We uphold decisions of Council. Where it is not a unanimous decision, we respectfully communicate the decision to others.
4. *Connected* – We ensure we provide a safe, supportive environment where people thrive, are listened to and communication is open and transparent.
5. *Excellence* – We value leading toward clear strategic and inspiring goals and implement outcomes that benefit the community as a whole.

3.1. Council member commitments

To support our shared values and behaviours, we, the council members of **[insert name of Council]** agree:

1. That as the currently elected custodians, entrusted to oversee the affairs of **[insert name of Council]**, we have a duty to put the interests of the community before our own interests.
2. As most council members will serve at least a four-year term on council together, it is important to spend time focused on building and maintaining positive and constructive relationships and participate in workshops and undertake training.
3. To fulfill our duties, we will establish and maintain relationships of respect, trust, confidentiality, collaboration, and cooperation with other council members and the employees of council.
4. As a democratic tier of the government, in South Australia we acknowledge our role in representing a wide diversity of viewpoints within the community. We:
 - a) recognise that it is appropriate and important for a range of views to be expressed at council meetings.
 - b) accept we are likely to disagree at times as part of robust debate, but we will always show respect in our differences.
 - c) undertake, when we disagree, that we will do this respectfully. In particular, we undertake, when disagreeing with others, that we will focus on the merits of the argument and not make personal or derogatory remarks about other council members or council employees.



5. At council meetings we will engage with each other in a respectful and civilised manner, and we will exercise care in expressing views regarding the conduct of other council members and council employees.
6. The Presiding Member has the primary role in maintaining good order at council meetings. However, all council members will responsibly lead in demonstrating and supporting constructive and positive behaviour in effective decision making at council.
7. If relationships between council members are under stress, all council members will be collegial and constructive in resolving conflict and restoring positive relationships.

To support the undertakings made above, the council members of **[insert name of Council]** additionally commit to:

1. Building rapport by getting to know each other informally – be friendly, not necessarily friends.
2. Participating in activities to monitor and review the team values and behaviours throughout the term of Council
3. Developing leadership effectiveness as part of the Council's "Council Members' Training and Development policy".

4. Specific Council Member Behaviour Requirements

We, the council members of **[insert name of Council]** agree that all council members should comply with the following specific obligations.

4.1. Council Member Training

1. Council members must undertake and complete training in accordance with Council's Training and Development Policy, which must comply with the LGA Training Standards, approved by the Minister under the Local Government Act.
2. Council's Training and Development Policy' details the support provided to Council members for leadership and professional development, relevant to Council members role and responsibilities.

4.2. Media

1. The Local Government Act provides that the Mayor is the principal spokesperson for Council unless the Council has appointed another council member to act as its principal spokesperson either at all times or on specific issues.
2. Subject to this section, council members should refrain from commenting publicly on any matter that is inconsistent with the resolutions of Council.
3. Council members may express their individual personal views through the media. When this occurs, it needs to be clear that any such comment is a personal view and does not represent the position of Council.



4. If council members choose to express dissent in the media, they should address the policy issues and refrain from making personal criticism of other council members or council staff. Any such commentary should not include any remarks that could reasonably be construed as being derogatory, defamatory or insulting to any person.
5. For clarity, this policy does not attempt to prevent robust political debate in the media on political issues. This policy does set rules on how views should be expressed.

4.3. Social Media

1. Council recognises that social media is an important platform for communication and engagement and, as such, council members may establish and maintain their own social media sites.
2. Council's website is the principal source of Council's public information, supported by social medial platforms.
3. Council members may link and disseminate key information from official Council social media platforms in messaging to the community but should refrain from changing or interpreting the information.
4. Council members should refrain from linking or disseminating information that is inconsistent with the resolutions of Council.

4.4. Communication and engagement

Council is open and transparent in its decision making. Council members, as representatives of Council, will communicate and engage with the community on Councils key directions, providing factual information on the challenges and opportunities respectfully and in accordance with resolutions of Council.

5. Sharing information

While there is a clear separation of powers between Council Members and the CEO, good governance and effective Council leadership is dependent upon a shared understanding of Council's priorities and a willingness to work together to achieve outcomes for the community.

Council members understand the value of, and will respectfully attend, scheduled Council briefings and workshops.

Outside of Council meetings and briefings, council members agree to share information in the following ways **[Drafting Note: the following table provides examples of a range of communication channels. Councils should modify this table to reflect the communication channels applicable to their respective council]:**



Communication Channel	Purpose
Council briefings	Briefings are an important informal forum for sharing information about Council's strategic priorities and initiatives in preparation for Council's formal consideration of issues. They are a forum for Council member questions, consideration of options and providing feedback but are not a decision-making forum.
Council Service Request	Council Members may request the performance of work or the taking of action by an employee of a council (e.g. to repair a footpath or prune a tree) and must direct such requests through the CEO or in accordance with the requirements of the CEO.
Emails	Emails seeking information should be directed to the CEO or in accordance with the requirements of the CEO.
Phone contact	Phone contact with council employees should be made to the CEO or in accordance with the requirements of the CEO.
Face to face meetings	Meetings may be held with the CEO and Senior Managers from time to time, in accordance with any requirements determined by the CEO. Other staff will attend by invitation from the CEO or nominee.
Councillor Updates	A weekly/fortnightly/monthly [as per X Council frequency] email (or other format) publication for information on events, key projects and operational service updates

Council members are entitled to have access to council information in connection with the performance or discharge of their functions or duties, pursuant to section 61 of the Act. Requests for information should be directed through the CEO.

The CEO or his/her nominated person will provide information sought in a considered, responsive, and timely manner. Council members cannot direct staff, set priorities or deadlines.

6. Definitions

In this Behavioural Support Policy:

'**council meeting**' includes a council committee meeting, a meeting of a council subsidiary and applies to a council member at any other meeting where the person is performing duties as a member of council.

7. Further Information

This policy is available to be downloaded, free of charge, from Council's website:
www.xxxx.sa.gov.au. A printed copy may be purchased on request from the Council office.



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Appendix 3 – Final Draft – Proposed Behavioural Standards for Council Members

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Proposed Behavioural Standards for Council Members

Final draft - April 2022

The proposed Behavioural Standards for Council Members have been developed in preparation for the commencement of the Conduct Management Framework as part of the implementation of the *Statutes Amendment (Local Government Review) Act 2021* and associated changes to the *Local Government Act 1999*. These draft Standards have been prepared in close consultation with the Local Government Association.



Government of South Australia
Attorney-General's Department

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The Behavioural Standards are established by the Minister for Local Government pursuant to section 75E of the *Local Government Act 1999* (the Act). These Behavioural Standards form part of the conduct management framework for council members under the Act. Further information is available at:

<https://www.agd.sa.gov.au/local-government/office-of-local-government>

Statement of Intent

Upon election, council members in South Australia undertake to faithfully and impartially fulfil the duties of office in the public interest, to the best of their judgment and abilities and in accordance with the Act. Council members are required to act with integrity, serve the overall public interest and provide community leadership and guidance.

The community expects council members to put personal differences aside, to focus on the work of the council and to engage with each other and council employees in a mature and professional manner.

Behavioural Standards

These Behavioural Standards set out minimum standards of behaviour that are expected of all council members in the performance of their official functions and duties. The Behavioural Standards are mandatory rules, with which council members must comply.

Adherence to the Behavioural Standards is essential to upholding the principles of good governance in councils.

Councils may adopt Behavioural Support Policies which, amongst other things, may include additional matters relating to behaviour that must be observed by council members. A breach of these Behavioural Standards or a council's Behavioural Support Policy:

- will be dealt with in accordance with the council's Behavioural Management Policy; and
- may be referred to the Behavioural Standards Panel in accordance with section 262Q of the Act.

Council members must comply with the provisions of these Behavioural Standards in carrying out their functions as public officials. It is the personal responsibility of Council members to ensure that they are familiar with, and comply with, these Standards at all times.

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These Behavioural Standards are in addition to, and do not derogate from, other standards of conduct and behaviour that are expected of council members under the Act, or other legislative requirements. Conduct that constitutes, or is likely to constitute, a breach of the integrity provisions contained in the Act, maladministration, or which is criminal in nature, is dealt with through alternative mechanisms.

These Behavioural Standards are designed to ensure council members act in a manner consistent with community expectations and form the basis of behaviour management for council members.

Constructive and effective relationships between council members, council employees and the community are essential to building and maintaining community trust and successful governance in the local government sector.

Council members must:***1. General behaviour***

- 1.1 Show commitment and discharge duties conscientiously.
- 1.2 Act in a way that generates community trust and confidence in the Council.
- 1.3 Act in a manner that is consistent with the Council's role as a representative, informed and responsible decision maker, in the interests of its community.
- 1.4 Act in a reasonable, just, respectful and non-discriminatory way.
- 1.5 When making public comments, including comments to the media, on Council decisions and Council matters, show respect for others and clearly indicate their views are personal and are not those of the Council.

2. Responsibilities as a member of Council

- 2.1 Comply with all applicable Council policies, codes, procedures, guidelines and resolutions.
- 2.2 Take all reasonable steps to provide accurate information to the community and the Council.
- 2.3 Take all reasonable steps to ensure that the community and the Council are not knowingly misled.
- 2.4 Take all reasonable and appropriate steps to correct the public record in circumstances where the Member becomes aware that they have unintentionally misled the community or the Council.
- 2.5 Act in a manner consistent with their roles, as defined in section 59 of the Act.

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- 2.6 In the case of the Principal Member of a Council, act in a manner consistent with their additional roles, as defined in section 58 of the Act.
- 2.7 Use the processes and resources of Council appropriately and in the public interest.

3. Relationship with fellow Council Members

- 3.1 Establish and maintain relationships of respect, trust, collaboration, and cooperation with all Council members.
- 3.2 Not bully other Council members.
- 3.3 Not sexually harass other Council members.

4. Relationship with Council employees

- 4.1 Establish and maintain relationships of respect, trust, collaboration, and cooperation with all Council employees.
- 4.2 Not bully Council employees.
- 4.3 Not sexually harass Council employees.

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Definitions

For the purposes of these Behavioural Standards, a Council's Behavioural Support Policy (if adopted) and a Council's Behavioural Management Policy, the following definitions apply:

An elected member will be considered to **bully** other Council members or Council employees if:

the Council member either, as an individual Council member or as a member of a group:

- a) repeatedly behaves unreasonably towards another Council member, or employee; and
- b) the behaviour could reasonably be considered to be distressing, victimising, threatening or humiliating.

Note -

If this behaviour adversely affects the health and safety of another council member or council employee, it must be addressed under section 75G of the Act and may be referred to the Behavioural Standards Panel as 'serious misbehaviour' under sections 262E and 262Q of the Act.

An elected member will be considered to **sexually harass** other Council members or Council employees if:

the Council member either, as an individual Council member or as a member of a group:

- a) makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to another Council member, or employee (the person harassed); or
- b) engages in other unwelcome conduct of a sexual nature in relation to the person harassed,

in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the person harassed would be offended, humiliated, or intimidated.

Note -

If this behaviour adversely affects the health and safety of another council member or council employee, it must be addressed under section 75G of the Act and may be referred to the Behavioural Standards Panel as 'serious misbehaviour' under sections 262E and 262Q of the Act.

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Conduct of a sexual nature includes making a statement of a sexual nature to a person, or in the presence of a person, whether the statement is made orally or in writing.

Council employees include volunteers, persons gaining work experience and contractors.

The following behaviour **does not** constitute a breach of these Standards:

- robust debate carried out in a **respectful** manner between Council Members; or
- A reasonable direction given by the Presiding Member at a council meeting, council committee meeting or other council-related meeting (such as a working group or an information or briefing session); or
- A reasonable direction carried out by the Council CEO/responsible person pursuant to section 75G of the Act in relation to the behaviour of a Council Member that poses a risk to the health or safety of a council employee.

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Appendix 4 – Extract of behavioural management legislative provisions

Division 2—Member behaviour

75E—Behavioural standards

- (1) The Minister may, by notice published in the Gazette and on a website determined by the Minister, establish standards (the *behavioural standards*) that—
 - (a) specify standards of behaviour to be observed by members of councils; and
 - (b) provide for any other matter relating to behaviour of members of councils.
- (2) The behavioural standards may also specify requirements applying to behavioural support policies and behavioural management policies of councils.
- (3) A member of a council must comply with the behavioural standards.
- (4) The Minister may, by further notice published in the Gazette and on the website referred to in subsection (1), vary or substitute the behavioural standards.
- (5) The Minister must, before establishing, varying or substituting the behavioural standards—
 - (a) consult with the LGA; and
 - (b) undertake such other consultation as the Minister thinks fit,
 on the behavioural standards, variation or substitute behavioural standards (as the case may be).
- (6) A notice published under subsection (1) or (4) may come into operation on the day on which it is published in the Gazette or on a later day or days specified in the notice.
- (7) Sections 10 (other than subsection (1)) and 10A of the *Subordinate Legislation Act 1978* apply to a notice published under subsection (1) or (4) (and a reference in those provisions to a regulation will be taken to be a reference to a notice published under subsection (1) or (4) (as the case requires)).

75F—Council behavioural support policies

- (1) A council may prepare and adopt policies designed to support appropriate behaviour by members of the council (*behavioural support policies*).
- (2) A behavioural support policy may—
 - (a) specify directions relating to behaviour that must be observed by members of the council; and
 - (b) set out guidelines relating to compliance by members with the behavioural standards and directions under paragraph (a); and



- (c) include any other matter relating to behaviour of members considered appropriate by the council.
- (3) A behavioural support policy—
 - (a) must not be inconsistent with the behavioural standards; and
 - (b) must comply with any requirement specified by the behavioural standards.
- (4) A member of a council must comply with the council's behavioural support policies.
- (5) A council may from time to time alter a behavioural support policy, or substitute a new policy.
- (6) Before a council—
 - (a) adopts a behavioural support policy; or
 - (b) alters, or substitutes, a behavioural support policy,

the council must undertake public consultation on the behavioural support policy, alteration or substituted policy (as the case may be).
- (7) A council must, within 6 months after the conclusion of each periodic election—
 - (a) in the case of a council that has 1 or more behavioural support policies in effect under this section—review the operation of the behavioural support policies and consider whether it should adopt additional behavioural support policies; or
 - (b) in any other case—consider whether it should adopt behavioural support policies.

Chapter 13—Review of local government acts, decisions and operations

Part A1—Member behaviour

Division 1—Council to deal with member behaviour

...

262B—Behavioural management policy

- (1) A council must prepare and adopt a policy relating to the management of behaviour of members of the council (a *behavioural management policy*).
- (2) Subject to this Division, a behavioural management policy must include the following provisions relating to complaints under this Division:
 - (a) provisions requiring that, on receipt, a complaint will be provided to a person authorised to receive complaints, being a person who is not the person subject of the complaint;
 - (b) provisions authorising the council to deal with complaints as the council considers appropriate, including by—
 - (i) refusing to deal with a complaint; or



- (ii) determining to take no further action on a complaint (having commenced dealing with a complaint); or
- (iii) arranging for mediation, conciliation, arbitration or other dispute or conflict resolution in relation to a complaint;

Note—

Provisions of a behavioural management policy setting out the grounds authorising a council to refuse to deal with a complaint or determine to take no further action on a complaint may include grounds such as—

- (a) the ground that the subject matter of the complaint is trivial; or
 - (b) the ground that the complaint is frivolous or vexatious or is not made in good faith; or
 - (c) the ground that the complainant or the person on whose behalf the complaint was made does not have a sufficient personal interest in the matter raised in the complaint; or
 - (d) the ground that, having regard to all the circumstances of the case, it is unnecessary or unjustifiable for the council to deal with or continue to deal with the complaint; or
 - (e) the ground that the subject matter of the complaint has been or is already being investigated, whether by the council or another person or body; or
 - (f) the ground that the council has dealt with the complaint adequately.
- (c) provisions authorising the council to inquire into a complaint in such manner as the council considers appropriate (subject to the principles of procedural fairness);

Note—

Provisions of a behavioural management policy relating to inquiring into a complaint appropriately may include procedures such as 1 or more of the following:

- (a) provisions relating to parties to the process providing submissions (oral or written);
 - (b) provisions relating to the conduct of interviews;
 - (c) provisions relating to the undertaking of investigations (formal or informal).
- (d) provisions authorising the council to conduct an inquiry itself or delegate the conduct of an inquiry to any person or body (with the agreement of the person or body) the council considers appropriate in the circumstances;

Note—

Examples of the kind of person to whom a council may delegate the conduct of an inquiry include—

- (a) the principal member of the council; or
- (b) the chief executive officer of the council; or



- (c) a delegate of the principal member or the chief executive officer; or
 - (d) a committee of the council (such as a committee established in relation to governance matters); or
 - (e) a person who is not a member or employee of the council.
- (e) provisions authorising the council to take action to resolve a complaint in such manner as the council considers appropriate, including by—
 - (i) requiring the member to undertake training, instruction, counselling, mentoring or coaching; or
 - (ii) taking action under this Division.
- (3) Without limiting subsection (2), a behavioural management policy may contain other provisions relating to the processes and procedures for receiving and dealing with complaints under this Division.
- (4) A behavioural management policy—
 - (a) must not be inconsistent with the behavioural standards; and
 - (b) must not be inconsistent with the *Public Interest Disclosure Act 2018* or a council procedure under that Act; and
 - (c) must comply with any requirement specified by the behavioural standards.
- (5) A member of a council must comply with the council's behavioural management policy.
- (6) A council may from time to time alter a behavioural management policy, or substitute a new policy.
- (7) A council must, within 12 months after the conclusion of each periodic election, review the operation of its behavioural management policy.



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12.6 Call for Nominations for GAROC Members

Report Reference	GC22072612.6
Originating Officer	Governance Officer – Karrie McCann
Corporate Manager	Manager Office of the Chief Executive - Kate McKenzie
General Manager	Chief Executive Officer - Tony Harrison

REPORT OBJECTIVE

The purpose of this report is to provide opportunity for Council to consider and nominate one (1) candidate from City of Marion Council to fill a position on the Metro South Regional Grouping of the Greater Adelaide Regional Organisation of Councils (GAROC) Committee.

EXECUTIVE SUMMARY

The terms of the current members of GAROC expire at the 2022 Local Government Association (LGA) Annual General Meeting (AGM), scheduled for 28 October 2022. New members will begin in office from the conclusion of the LGA AGM 2022 and will remain in office until the conclusion of the LGA AGM in 2024.

Given the timing of the AGM and the four yearly cycle of Local Government general elections; there is the potential that the GAROC Committee member may not be re-elected in their respective council, thus causing a casual vacancy. A newly elected member may subsequently be nominated by Council as per a nomination process outlined by the LGA at that specific time. However, if the member is re-elected in the Local Government elections, their term on the GAROC committee will continue.

Nominations for the current position can only be made by way of resolution of the council and using the nomination form provided (see attachment two (2)). The nomination form must be signed by both the candidate, to show their willingness to stand for election and the Chief Executive Officer. The nomination form must also be accompanied by a candidate information sheet (see attachment three (3)).

Nominations must be received by the LGA Chief Executive Officer and LGA Returning officer, Mr Clinton Jury by Friday 19 August 2022. Late nominations will not be accepted.

RECOMMENDATION

That Council:

1. nominate _____ to fill one (1) position on the GAROC Committee to represent the Metro South Regional Grouping from the conclusion of the LGA AGM in 2022 and to remain in office until the conclusion of the LGA AGM in 2024.

GENERAL ANALYSIS

Background

The GAROC Committee role is to lead regional advocacy, policy initiation and review, leadership engagement and capacity building in the greater Adelaide region(s).

At the 2019 LGA AGM, members endorsed the establishment of four (4) GAROC Regional Groupings which took effect from the 2020 GAROC elections. Each Grouping has two (2) representatives, and each representative must be from a different Council. The Metro South Regional Grouping consists of City of Mitcham, City of Onkaparinga and City of Marion. Additionally, the Lord Mayor of the City of Adelaide will be a standing member of GAROC. Once all members are elected to GAROC, they will then elect a chairperson.

On 4 July 2022, the Chief Executive Officer received correspondence from the LGA Chief Executive Officer and LGA Returning officer, Mr Clinton Jury seeking one (1) nomination from the City of Marion Council to represent the Metro South Regional Grouping of the GAROC Committee.

If nominations exceed the number of positions for each Grouping, a ballot will be conducted by the Returning Officer. The GAROC Terms of Reference (TOR) outlines the process as to how an election will occur (see attachment four (4)). If a ballot is required, the distribution of ballot papers to councils will include any information provided on the candidate information sheet.

A timetable of further key dates has been supplied by the LGA with final declaration of ballot result to be announced on 28 October 2022 at the 2022 LGA AGM.

ATTACHMENTS

1. GAROC - Call for Nominations - Letter to CEO [**12.6.1** - 3 pages]
2. GAROC - Nomination Form 2022 [**12.6.2** - 1 page]
3. GAROC - Candidate Information Sheet 2022 [**12.6.3** - 1 page]
4. GAROC - Regional Grouping list [**12.6.4** - 1 page]
5. GAROC - Terms of Reference extract [**12.6.5** - 2 pages]



The voice of local government.

In reply please quote our reference: ECM 778272 TN/SR

4 July 2022

Tony Harrison
Chief Executive Officer
City of Marion
245 Sturt Road
STURT SA 5047

Emailed: council@marion.sa.gov.au

Dear Tony

Call for Nominations for GAROC Members

The terms of the current members of the Greater Adelaide Regional Organisation of Councils (GAROC) expire at the 2022 LGA Annual General Meeting (AGM). The LGA hereby calls for nominations to fill the two (2) positions allocated to each Regional Grouping of Councils on GAROC (eight positions in total) to commence office from the conclusion of the 2022 LGA Annual General Meeting and to remain in office until the conclusion of the 2024 AGM. A nomination form for the position of member of GAROC is attached and must be received by me, no later than **5pm Friday 19 August 2022**. Late nominations will not be accepted.

At the 2019 LGA AGM, members endorsed the establishment of four (4) GAROC Regional Groupings which took effect from the 2020 GAROC elections, with membership of GAROC to comprise two eligible members elected by a majority vote of the councils within each Regional Grouping, provided that each person elected for that Regional Grouping is from a different member. Additionally, the Lord Mayor of the City of Adelaide will be a standing member of GAROC.

I write to you in your capacity as the Chief Executive Officer of a Member Council in the Metro South to invite one (1) nomination from your council for a position on the Metro South Regional Grouping of GAROC. A list of the GAROC Regional Groupings is attached to this letter.

A nomination may only be made by resolution of the council and using the attached nomination form. The form must be signed by both the candidate nominated by the council to indicate his/her willingness to stand for election, and by you as the Chief Executive Officer of the nominating council. The nomination form must be accompanied by the attached candidate information sheet.

Voting

The GAROC Terms of Reference (TOR) (extract attached) outlines the process as to how an election will occur. As the Returning Officer I am required to conduct a ballot if the number of nominations for each GAROC Regional Grouping exceeds the number of positions. If a ballot is required, the distribution of ballot papers to councils will include any information provided on the candidate information sheet.

Timetable

Key (indicative) timings and GAROC TOR provisions are outlined in the following table:

Indicative Timing	Headline	GAROC TOR Provision
	Returning Officer	Returning Officer for all LGA electoral matters is the Chief Executive Officer (Clause 4.4.1)
18 July 2022	Nominations Called	CEO to write to members of GAROC Regional Groupings calling for nomination for position of members of GAROC at least 3 months before AGM (Clause 4.3.2)
19 August 2022	Nominations Close	Nominations must be received by the CEO no later than 5pm on the day specified for the close of nomination, being 24 August 2020 (Clause 4.3.4).
	Nominations equal to vacancies	If the number of nominations received equals the number of vacant positions for the Regional Grouping each candidate is elected and takes office at the conclusion of the AGM (Clause 4.4.3)
5 September 2022	Ballot papers prepared and posted	In the event of an election being required the CEO shall deliver ballot papers to each member of the relevant Regional Grouping at least 6 weeks before AGM GAROC (Clause 4.4.5(a))
17 October 2022	Voting closes	The CEO shall nominate the date, time and place for the counting of votes and shall invite each candidate and a person nominated as the candidate's scrutineer to be present (Clause 4.4.5(f))
18 October 2022	Counting of votes	The CEO shall nominate the date, time and place for the counting of votes (Clause 4.4.5(f))
28 October 2022	Final declaration of result	CEO shall declare the candidate with the most votes elected at the AGM (Clause 4.4.5(h))
28 October 2022	Takes office	GAROC members take office at the conclusion of the AGM (Clause 4.5)
28 October 2022	Voting for Board Members	GAROC should meet at the conclusion of the AGM to elect 3 of its members (plus its Chair) to the Board of Directors (Clause 6.4.1 and 6.4.2) who's term of office commences after the AGM.

Timing of LGA Election

The LGA Constitution provides for the election of LGA President, SAROC and GAROC members, and the LGA Board to take effect from the LGA's AGM, every other year. This enables the outgoing President to deliver their annual report and finance statements for the preceding year, before handing over to the incoming President.

It is acknowledged that because of the timing of the AGM, the election of LGA Board and President, and the four yearly cycle of local government general elections; that there is the potential for the President and/or a Board member(s) to not be re-elected in their respective council and thus causing a casual vacancy. It is also noted that if the election of LGA office holders was held, say three to six months after the local government elections to coincide with the LGA's OGM there is still the possibility that a current member of the Board may not be re-elected at the November local government elections, resulting in a casual vacancy to be filled prior to the OGM.

Thus, there is no ideal time to hold elections for office bearers for the LGA when the end of term coincides with the general council elections. However, the general view is that it is preferable for a new Board and President to take office at the AGM and as soon as possible around a general council election to ensure the Board and President can maximise their contribution during the two-year term, rather than be put in a holding pattern until a new Board is elected following council elections.

LGA Board Appointments

Under the LGA Constitution and the GAROC TOR, once members are elected to GAROC, these members will then elect a Chair and three GAROC members to form the LGA Board of Directors. These GAROC LGA Board Directors will be accompanied by their equivalent from SAROC, as well as the President and Immediate Past President, to form the ten (10) member LGA Board of Directors.

If you have any questions in relation to the election process, please contact me or LGA Program Leader Governance Tami Norman on 8224 2037 or tami.norman@lga.sa.gov.au.

Yours sincerely



Clinton Jury

Chief Executive Officer / LGA Returning Officer

Telephone: (08) 8224 2039

Email: clinton.jury@lga.sa.gov.au

Attachments:

- 1 List of GAROC Regional Groupings
- 2 Extract from LGA GAROC TOR – Section 4
- 3 2022 Nomination Form – GAROC
- 4 Candidate Information Sheet

Greater Adelaide Regional Organisation of Councils (GAROC) 2022 Nomination Form

Nominee's Council	<i>(insert name of council)</i>
Nominee's Name (full name)	<i>(insert title, first name and surname)</i>
Regional Grouping	<i>(Select one)</i> <input type="checkbox"/> North <input type="checkbox"/> West <input type="checkbox"/> South <input type="checkbox"/> East
Declaration and signature of nominee	I hereby accept such nomination. Signature:
Signature and name of Nominating Council's CEO	Signature: <i>(insert name)</i>
Dated	<i>(insert date)</i>

This form is to be sent to the LGA Returning Officer
Close of nominations 5:00pm Friday 19 August 2022

Greater Adelaide Regional Organisation of Councils (GAROC) 2022 Candidate Information Sheet

(word limit is strictly 1,000 words)

Name:	<i>(insert title, first name and surname)</i>
Council:	<i>(insert council name)</i>
Local Government Experience & Knowledge	<ul style="list-style-type: none"> <i>(insert)</i>
Local Government Policy Views & Interests	<ul style="list-style-type: none"> <i>(insert)</i>
Other information	<ul style="list-style-type: none"> <i>(insert details of leadership, board, corporate governance experience etc)</i>

This form must accompany the Nomination Form

Greater Adelaide Regional Organisation of Councils (GAROC)

Regional Groupings

GAROC Regional Grouping	Members
Adelaide	Adelaide City
North	Gawler Playford Salisbury Tea Tree Gully
West	Charles Sturt Holdfast Bay Port Adelaide Enfield West Torrens
South	Marion Mitcham Onkaparinga
East	Adelaide Hills Burnside Campbelltown Norwood Payneham & St Peters Prospect Unley Walkerville

Extract – GAROC Terms of Reference

Clause 4 – GAROC

4.1. Role

The role of GAROC is regional advocacy, policy initiation and review, leadership, engagement and capacity building in the GAROC Region.

4.2. Membership

4.2.1. Each Regional Grouping of Members listed in the schedule to these Terms of Reference will elect in accordance with clause 4.3 and 4.4 from the Members of the Regional Grouping of Members, 2 Council Members of Members in the Regional Grouping of Members as members of GAROC provided that each person elected is from a different Member.

4.2.2. In addition to the members of GAROC elected in accordance with clause 4.2.1, the Lord Mayor of the City of Adelaide will be a standing member of GAROC.

4.3. Nominations for election to GAROC

4.3.1. The members of GAROC will be elected biennially.

4.3.2. In the year in which GAROC members will be elected, and at least 3 months before the Annual General Meeting, the Chief Executive shall write to all Members of the GAROC Regional Grouping as listed in the schedule calling for nominations for the membership of GAROC.

4.3.3. Each Member of the GAROC Regional Grouping may nominate a candidate for membership of GAROC, provided that:

- (a) a person nominated as a member of GAROC must be a representative of a member on the relevant Regional Grouping of Members; and
- (b) only a Council Member can be nominated to GAROC.

4.3.4. A nomination of a person as a member of GAROC must be by resolution of the Member received by the Chief Executive not later than 5 pm on the day specified for the closure of nominations (Close of Nominations). A nomination must be signed by the candidate indicating his or her willingness to stand for election and be in the form determined by the Chief Executive.

4.4. Election to GAROC

4.4.1. The Chief Executive shall be the returning officer for any election of members to GAROC.

4.4.2. After the Close of Nominations, the Chief Executive will notify Members of each Regional Grouping of Members of the candidates for membership of GAROC nominated by the Regional Grouping of Members.

4.4.3. If the only nominations received from a Regional Grouping of Members by the Close of Nominations match the membership positions described in clause 4.2.1, then the Chief Executive will declare those persons duly elected to those membership positions.

4.4.4. If the number of persons nominated by the Close of Nominations by a Regional Grouping of Members exceeds the number of membership positions described in



clause 4.2.1, then an election for the purpose of clause 4.2.1 must be held in accordance with this clause.

- 4.4.5. In the event of an election being required, the Chief Executive shall conduct the election as follows:
- (a) at least six weeks before the Annual General Meeting, the Chief Executive shall deliver ballot papers to each Member of the Regional Grouping of Members;
 - (b) the ballot papers shall:
 - (i) list the candidates for election;
 - (ii) specify the day of closure of the election;
 - (iii) be accompanied by an envelope marked "Ballot Paper" and a second envelope marked "Returning Officer";
 - (c) each Member shall determine by resolution the candidate or candidates (as relevant) it wishes to elect;
 - (d) the chair of the meeting for that Member shall mark the ballot paper with an "X" next to the candidate or candidates (as relevant) that the Member wishes elected and seal the ballot paper in the envelope marked "Ballot Paper" inside the envelope marked "Returning Officer". Before sealing the second envelope the chair must indicate the Member's name on the inside flap of the envelope. The envelope may then be sealed and delivered to the Returning Officer;
 - (e) on receipt of the envelopes the Chief Executive must:
 - (i) open the outer envelope addressed to the "Returning Officer" and record the name of the Member which appears on the inside flap of the envelope on the roll of Member's eligible to vote; and
 - (ii) place the envelope marked "Ballot Paper" unopened into the ballot box;
 - (f) the Chief Executive shall nominate the date, time and place for the counting of votes and shall invite each candidate and a person nominated as the candidate's scrutineer to be present;
 - (g) at the counting of the votes the Chief Executive shall produce unopened envelopes marked "Ballot Paper" and if satisfied that all votes are valid, count the number of votes received by each candidate;
 - (h) in respect of an election for the purposes of clause 4.2.1, the 2 candidates from a Regional Grouping of Members with the most votes shall be deemed elected in respect of that Regional Grouping of Members and the Chief Executive shall declare the candidates elected at the Annual General Meeting; and
 - (i) in the case of candidates for membership positions described in clause 4.2.1 from a Regional Grouping of Members receiving the same number of votes, the Chief Executive shall draw lots at the counting of the votes to determine which candidate is elected.
- 4.4.6. The Chief Executive may, in his or her discretion, appoint a deputy returning officer and delegate any of his or her powers, functions or duties to that person who shall act accordingly.
- 4.4.7. The Chief Executive may, in his or her discretion, delegate any of his or her powers, functions or duties to an Executive Officer of a Regional Grouping of Members who shall act accordingly for the conduct of elections for the purpose of clause 4.2.1 in respect of the Regional Grouping of Members relevant to that Executive Officer.

13 Corporate Reports for Information/Noting

13.1 Questions Taken on Notice Register

Report Reference	GC220726R13.1
Originating Officer	Business Support Officer - Governance and Council Support – Cassidy Ryles
Corporate Manager	Manager Office of the Chief Executive – Kate McKenzie
General Manager	Chief Executive Officer – Tony Harrison

REPORT OBJECTIVE

To receive and note the information contained within the *Questions Taken on Notice Register* provided in Attachment 1.

EXECUTIVE SUMMARY

At the 8 May 2018 General Council meeting Council resolved that (GC080518M01):

Questions without Notice that were not answered at the same meeting will be entered into a register. This register will be tabled as an information report at the following meeting.

Under Regulation 9 of the *Local Government (Procedures at Meetings) Regulations 2013* (The Regulations):

- (3) A member may ask a question without notice at a meeting.
- (4) The presiding member may allow the reply to a question without notice to be given at the next meeting.
- (5) A question without notice and the reply will not be entered in the minutes of the relevant meeting unless the members present at the meeting resolve that an entry should be made.

RECOMMENDATION

That Council:

1. **Notes the report ‘Questions Taken on Notice Register’.**

ATTACHMENTS

1. QON Register 26 July 2022 [13.1.1 - 1 page]

Questions Taken on Notice Register



Attachment 1

Report Reference	Meeting Date	Councillor	Responsible Officer	Question taken on notice during the meeting	Response
GC220628R11.1	28/06/2022	Mayor Hanna	Nick Marwe Unit Manager Media and Engagement	Given the margin of error relating to the sample that we do have, how does that relate to the survey results?	<p>The General Feedback Consultation had 232 participants/respondents from a population of 95,000. This delivers a confidence level of 95%, with a margin error of +/- 6.4%.</p> <p>(Note: If the number of respondents were measured against a larger population (such as SA pop. 1.78m) the margin of error above would only change by +/- .01 %)</p> <p>With this margin of error, a 77% approval of this project provides a strong level of confidence in the survey results.</p> <p>This trend continues with over 71% of participating CoM residents in favour of the lease proposal and over 62% of CoM participants in favour of the CLMP (Community Land Management Plan) draft.</p>

13.2 WHS Monthly Performance Report

Report Reference	GC220726R13.2
Originating Officer	HSE Coordinator & Business Partner – Paul Johns
Corporate Manager	Acting Manager People & Culture – Greg Cansdale
General Manager	Chief Executive Officer – Tony Harrison

REPORT HISTORY

The objective of this monthly report is to provide Council with assurance that the City of Marion has effective strategies in place to meet its legal obligations as outlined in the Work Health and Safety Act (SA) 2012, and to monitor Council's HSE Plan 2019-23 target of a 10% reduction of the Lost Time Injury Frequency Rate (LTIFR) from the previous year.

RECOMMENDATION

That Council:

1. Notes the report and statistical data contained therein.

DISCUSSION

Targets and performance indicators have been established in order to measure the continual improvement of the program. Performance against these targets are outlined in Attachment 1 which are measured in two ways:

- Positive performance indicators (I.e. Hazard and near miss reporting, Tables 1 and 2));
- and
- Lag performance indicators (I.e. Injury data reported in Tables 3 to 5, Figures 1 to 4).

Council's KPI is the achievement of a 10% reduction on last year's LTIFR of 14.5, to reach 13.0 or less in 2021-22.

The 2021-22 LTIFR as at the end of June 2022 is **5.9** with **4** lost time injury claims being submitted and accepted.

The wellbeing of the staff involved is paramount and management review each incident individually to ensure appropriate controls are in place to reduce or eliminate risk.

The organisation is continuing to implement various initiatives including the Health, Safety and Environment (HSE) Strategic Plan 2019-23 and Programs to address compliance, key risks and reduce the LTIFR.

ATTACHMENTS

WHS Monthly Performance Report – June 2022

City of Marion's HSE Vision is that **'We can all make a difference towards achieving zero harm, to people and the environment'**. We are specifically focused on further developing our leadership styles, organisational culture and systems committing to:

- Developing our people to lead the change across the City of Marion
- Embedding a culture of safety and wellbeing as a part of normal business practice
- Continually improving our WHS Management System (WHSMS) and Environmental Management System (EMS) to achieve best practice

Hazard and Near Miss Reports (Internal WHS SkyTrust reporting data)

Historical statistics inform us that when there is a healthy culture of Hazard/Near Miss Reporting, there is a consequential reduction in injuries to Workers. Hazards and Near Misses are reported to date for this financial year and are outlined in Table 1. They can be compared against those reported last financial year which are outlined in Table 2.

Table 1: Hazard and Near Miss Reports - Financial Year 2021/22

Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Total	Ave
8	6	6	4	4	5	5	8	8	3	4	11	72	6

Table 2: Hazard and Near Miss Reports - Financial Year 2020-21

Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Total	Ave
11	7	12	14	17	11	7	8	10	6	5	12	120	10

Lost Time Injuries Reported (Internal WHS SkyTrust reporting data)

Lost Time Injuries (LTI's) are those injuries where a whole work day or more has been lost due to a workplace injury. LTI's reported to date for this financial year are outlined in Table 3 and can be compared against those reported last financial year which are outlined in Table 4.

Table 3: Number of LTI's per month - Financial Year 2021/22

Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Total
0	0	0	0	0	0	0	0	1	1	1	1	4

Table 4: Number of LTIs per month - Financial Year 2020-21

Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Total
1	2	2	0	0	1	0	3	0	0	0	2	12

*Two LTIs occurring late in 2019-20 either sought further medical intervention or were investigated and accepted post June 2020.

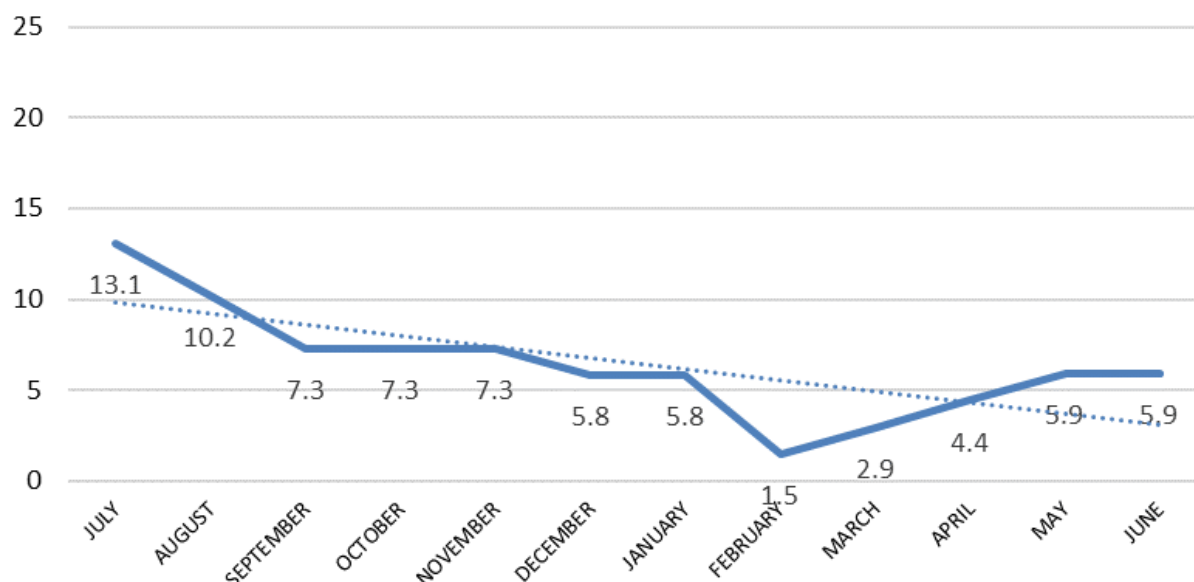
Table 5: Outline of LTIs reported - Financial Year 2021/22

No.	Description of Incident	Mechanism of Injury	Injury Description
1	Replacing tree stakes and knocking in new stake with dropper knocker felt jabbing pain lower right-hand side of back	Muscular stress while handling objects other than lifting, carrying or putting down	Back pain, lumbago and sciatica
2	Back sore after using quick cut saw	Muscular stress while lifting, carrying or putting down objects	Back pain, lumbago and sciatica
3	Back has tightened up from concreting. Recently changed duties from drainage to concreting team.	Muscular stress while handling objects other than lifting, carrying or putting down	Back pain, lumbago and sciatica
4	While unloading the steel based wheel borrow from the tray of the 3 way tipper and felt pain in the right elbow.	Muscular stress while lifting, carrying or putting down objects	Muscle/tendon strain (non-traumatic)

Rolling injury frequency rate over a 12 month or greater period is a common monitoring for performance of WHS and Return to Work performance. It continues over financial and calendar years rather than starting from zero so that longer term trends can be observed and appropriate action taken to address upward trends and/or seasonal spikes in injuries..

The rolling LTIFR, outlined with a solid blue line in Figure 1 from internal incident report data, provides analysis of the average LTIFR over the last 12 months.

Figure 1: Rolling LTIFR over 12 months



The current 12 month rolling LTIFR for the City of Marion is **5.9** which represents a **55%** reduction over the previous 12 months from.

Rolling Total Recordable Incident Frequency Rate (Internal WHS SkyTrust reporting data)

Total Recordable Incidents include fatalities, LTI's and incidents resulting in the employee receiving medical treatment and/or is certified as only fit to undertake suitable duties. The Rolling Total Recordable Incident Frequency Rate (TRIFR), outlined with a solid green line in Figure 2 from internal incident report data, provides analysis of the average TRIFR over the last 12 months.

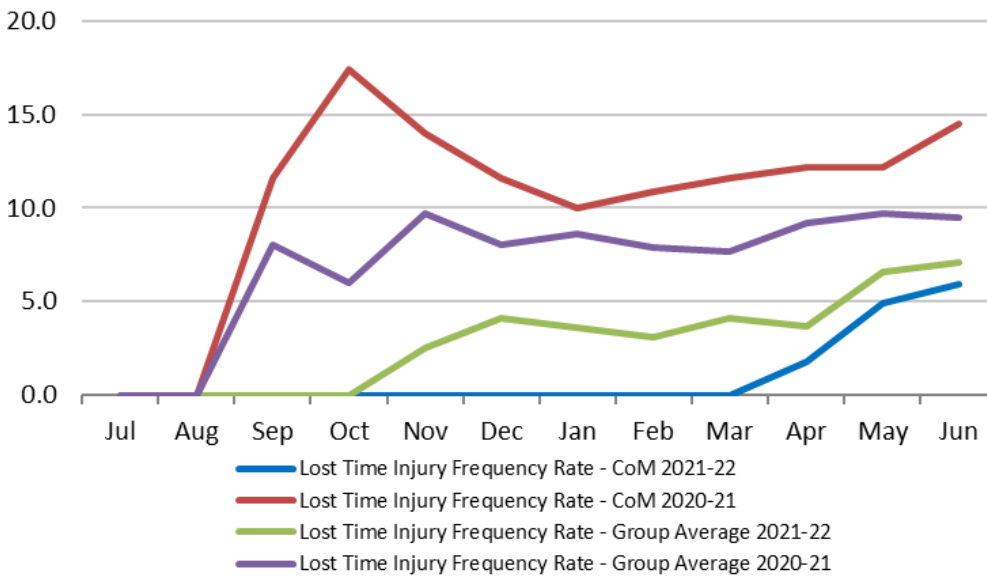
Figure 2: Rolling TRIFR over 12 months



The current 12 month rolling TRIFR for the City of Marion is **18.9** which represents **8%** increase over the previous 12 months.

Lost Time Injury Frequency Rate (LTIFR), is an industry standard tool for measuring LTI's within a given reporting period which enables comparison to other organisations. Council's LTIFR is outlined in Figure 3, from the LGA's Member Portal data once claims have been determined and can be measured and monitored against our industry counterparts being the Group A Councils (1GaC).

Figure 3: LTIFR compared against Group A Councils

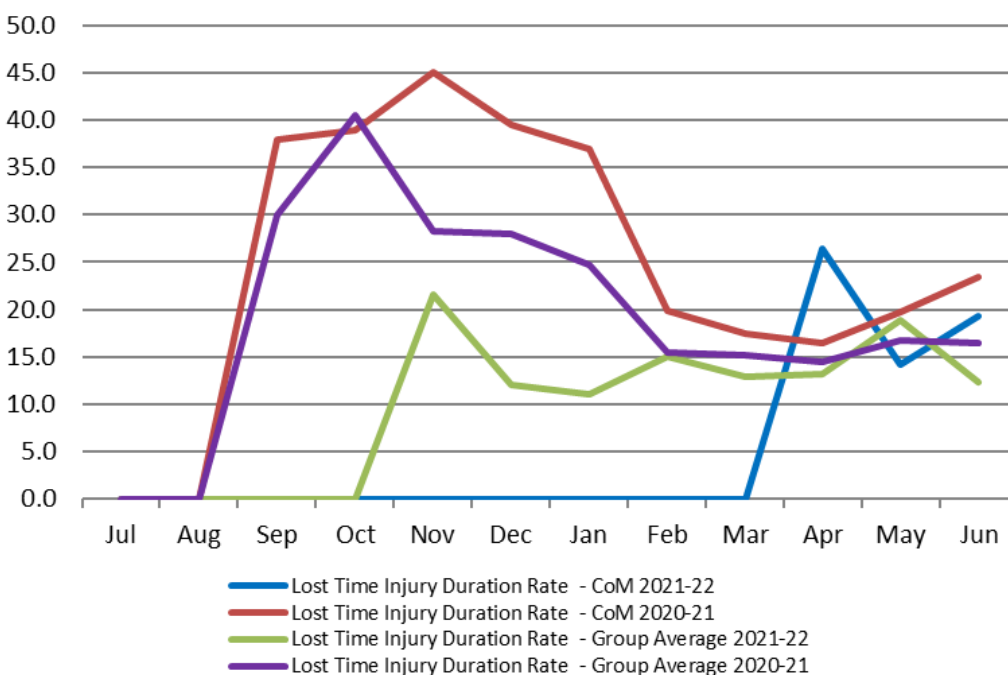


The current LTIFR for the City of Marion (which would be represented in blue) is **5.9**, compared to GaCs recording **7.1**, with 4 claims being recorded this year to date.

Lost Time Injury Duration Rate (LGAWCS Claims Data)

The Lost Time Injury Duration Rate (LTIDR), is an industry standard tool for measuring the average days lost from LTI's within a reporting period to enable comparison to other organisations. Council's LTIDR is outlined in Figure 4, data is sourced from the LGA's Member Portal once claims have been determined and can be measured and monitored against our industry counterparts being the GaC.

Figure 4: LTIDR compared against Group A Councils



The current LTIDR for the City of Marion (which would be represented in blue) is **12.3**, compared to GaCs recording **19.3**, with no claims being recorded this year to date.

1 GaC are metropolitan councils with more than 300 staff (Marion, Adelaide, Charles Sturt, Onkaparinga, Playford, Port Adelaide Enfield, Salisbury and Tee Tree Gully).

14 Workshop / Presentation Items - Nil

15 Motions With Notice

15.1 34 Byron Ave Clovelly Park

Report Reference GC220726M15.1

Council Member Councillor – Raelene Telfer

MOTION

That the discretionary 100% rebate to the Scout Association premises at 34 Byron Ave Clovelly Park, used for storage of Gang Show furniture, will be reviewed prior to the 2023/24 Annual Business Plan, to ensure the exterior appearance to 34 Byron Avenue Clovelly Park ‘provides a benefit or service to the local community.

SUPPORTING INFORMATION



Response Received From

Chief Financial Officer – Ray Barnwell

Corporate Manager

Chief Financial Officer – Ray Barnwell

General Manager

General Manager Corporate Services – Sorana Dinmore

STAFF COMMENTS

The property is currently being used by Scouts SA for prop storage for the Gang Show. Scouts SA is a not for profit organisation which educates youth through volunteers. They rely on fundraising and membership to run their programs. Scouts SA have owned this property, and been in receipt of a discretionary rate rebate, for over 20 years.

There is no provision in the *Local Government Act 1999* which allows for a council to determine a discretionary rebate of rates based on the appearance of the property, but rather the activity carried out by the organisation. Therefore, the state of the property is currently being reviewed as a separate matter by the Land and Property Team.

To support the Council Members going forward, the discretionary rate rebate applications for 2023-24 will be included with the Rating Impact Analysis for the Council Member Forum in mid-March 2023. This will provide the Council Members opportunity to review and discuss the applications prior to the 2023-24 Annual Business Plan being finalised.

If it is considered that the property does not meet the discretionary rebate grounds upon which the application has been submitted, the Council Members are entitled at their discretion to decline the application for 2023-24.

15.2 Artificial Turf Exemption Request

Report Reference	GC220726M15.2
Council Member	Councillor – Luke Hutchinson

MOTION

1. That Council endorse provision of a retrospective S221 permit for 10 Hawkview Close, Darlington, in accordance with Councils resolution (GC211123R11.11) and conditions for properties who installed artificial turf before May 2019.

And;

2. Provide staff with delegation to provide retrospective S221 permits, in accordance with Councils resolution and conditions for properties who commenced installing artificial turf before May 2019.

SUPPORTING INFORMATION

“Another example of an anomaly can be seen in the attached letter and photographs.(Attachment 1) An elderly resident wanted to improve the appearance of the verge at the front of his home. Unaware of Council’s decision of May 2019, he did so by matching artificial lawn which had been installed in front of his neighbour’s house. Unfortunately for the resident, his neighbour had installed prior to the May 2019 deadline and he installed after it. This is provided as an example only, as no further action is asked of Council, since the resident complied with the directive given to him by Council. He has lifted the artificial lawn from the front of his home and relaid it in his backyard.”

Response Received From	Manager Operations – Russell Troup
Corporate Manager	N/A
General Manager	General Manager City Services – Ben Keen

STAFF COMMENTS

The circumstances of this request for special consideration are unique in that the timing between enquiry, procurement and installation spans the Council resolution cut-off date of May 2019.

In this instance, the resident made enquiries with Council and paid a deposit for works before May 2019, but the installation occurred after May 2019.

Recognising that staff do not have authority to exercise discretion for this resolution, the focus has been on ensuring factual accuracy and validation of supporting evidence to inform Council’s decision.

Our ESRI satellite imagery shows installation between March 2020 (no artificial turf in image) and October 2020 (artificial turf shown in image). Accordingly, the property was dealt with in accordance with Council’s resolution where artificial turf was installed after May 2019, which directed removal of the turf with no option for retrospective s221 permit approval.

Through discussions with the resident in this case we were made aware that the resident had contacted Council and a deposit was paid to a landscaping contractor for artificial turf installation before May 2019.

The following supporting evidence has been received, and validated by staff:

1. *Statutory declaration:*
The resident has provided a Statutory Declaration stating they'd contacted Council by phone to discuss and were advised that "no application was required as we were only replacing old with new, and no permanent structures were involved". Although we have no record of that conversation on our Customer Event system, that is not uncommon for quick queries such as this. Further, the advice and language within the statutory declaration is consistent with typical Council advice for these matters and consistent with the permissibility of artificial turf at the time.
2. *Receipt for physical works:*
The resident has provided a quotation dated 9 April 2019 that includes confirmation that a deposit payment had been made. The scope of works includes for installation of 87m2 of artificial turf that includes the verge.

For reference, Council's resolution from GC 23 November 2021 (GC211123R11.11) is included below:

That Council:

1. *Implements Option 2 – Direct the removal of artificial turf installed after May 2019, but allow turf installed before that date. That Council:*
 - a. *Directs removal of all artificial turf installed after May 2019 when Council amended the Verge Development Guidelines to disallow artificial turf (GC190312M07),*
 - b. *Requests owners without a Section 221 permit to remove any artificial turf installed before May 2019 when Council amended the Verge Development Guidelines to disallow artificial turf and,*
 - c. *Note that if the owner declines Council's request to remove artificial turf installed before May 2019 then a Section 221 permit will be used to retrospectively assess existing artificial turf treatments for consideration as an "exemption" to Council's Verge Development Guidelines. Section 221 permits will include the following conditions:*
 - i. *That the resident accepts responsibility to maintain the verge development in a safe and serviceable condition at all times.*
 - ii. *The property owner accepts liability for injury, damage or loss resulting from anything done under an authorised verge development.*
 - iii. *That all costs involved with the verge development or alteration of a verge (including authorised alteration of any Council infrastructure) are to be borne by the property owner. Further, works associated with the relocation/ alteration of non-Council (e.g. SAPN, SA Water) services or other constraints must be arranged by the property owner through those relevant authorities and may result in separate costs, payable to those authorities or associated with reinstatement.*
 - iv. *That Council reserves the right to instruct the owner to repair or remove at the owner's cost, if the serviceable condition or safety of the verge treatment is compromised.*
 - d. *Notes that where staff become aware of any future artificial turf installations, property owners will be instructed to remove the artificial turf in accordance with the compliance process set out in Attachment 1.*

- e. *Notes that an additional short-term staff resource will be needed to assess and implement this resolution, and costs for this will be covered under existing budgets or if necessary, through quarterly budget reviews.*
- f. *Notes that there will be cost to Council for removal of artificial turf that was installed by a previous property owner, and the costs for this will be covered under existing budgets or included in future Annual Business Plans.*
- g. *Notes that a wider community education and awareness campaign is currently being developed to inform residents of the implications associated with the use of artificial turf.*

Image 1 (Before artificial turf was installed)



Image 2 (After artificial turf was installed)



13 May 2022



H. W. The Mayor of the City of Marion,
Mr Kris Hanna,
PO Box 21, Oaklands Park, SA 5046.

Dear Mr Mayor,

ARTIFICIAL TURF ON THE VERGES AT



I refer to the Council's letter of 23 February 2022 in which I am advised that the Council requires me to remove a small strip of artificial lawn (10.6 sq m) from the verge at the front of my house at [REDACTED], and to reinstate the area at my own expense. My immediate neighbours on either side of my house, ie numbers 70 and 72, who also have artificial turf on their verges, have received similar letters from the Council. The reasons given for this requirement are that the work has not been approved, and that it contravenes Councils current environmental policy.

I can honestly say that the first I've heard of either of these requirements was when I received the letter, and I feel I must protest on a number of issues raised in it. I have contacted Ms Byrne as advised in your letter, and while sympathetic, she nevertheless advised that the direction to me was now Council policy. After further discussion and email exchanges, I had hoped that this matter could be dealt with quickly and privately, and I believe I provided some opportunity for this to occur. So far, this has not happened. Obviously Council employees have no choice but to implement Council policy, but my reason for writing this letter is to ensure that the elected members of Council are fully aware of where this matter is now heading.

That I have unapproved turf on my verge, and that Council has the authority to require me to remove it, is not in dispute, and I shall address those matters shortly. Whether using such authority just to make a point is the most appropriate or indeed wisest course of action for Council to pursue, is more problematic. There is absolutely zero environmental benefit in requiring me to remove turf which has been installed on the verge for two years without causing a problem. In that event, I would either just move it onto my property or even worse, dump it, so it's a pedantic and quite pointless exercise. Other than you and my adjacent neighbours, nobody else knows when this turf was installed, and after two years I suggest nobody else cares. If Council is prepared to publicly defend its position on this directive, it should expect only further negative publicity and media scrutiny. I hope that will not become necessary. My particular circumstances, which I believe to be extenuating, are set out below.

1. LACK OF APPROVAL.

I have been a resident at this address since 2013. When I moved in, **my immediate neighbours on either side already had artificial turf on their verges**. 24.6 sq m of it at 72, and 3.8 sq m at 70. **I was advised that no approvals had been issued for either, and so I assumed that it was not required, as any other reasonable person would.** The obviously poor state of most verges, and the evident lack of interest from Council only served to reinforce such a conclusion. For the first seven years at this address my verge consisted of bare dirt, weeds and a sinkhole at one end where Council had

removed a tree. The tree had been removed at the request of my neighbours (before I bought the house) because it was damaging the front fences. After seven years I eventually grew tired of looking at the mess, and I felt I owed it to the neighbours to make improvements.

So when I had finished re-landscaping my front yard in early 2020, I decided in good faith to install artificial turf on my verge to match the long standing appearance of my neighbours' verges, and to compliment my own work in the yard. I did not pay a contractor to do any of this, I installed it on the verge myself, because I wanted it done properly. As it turned out, it became quite a job as there were extensive obstacles such as the remnants of the tree stump, rotted tree roots, a lot of clay and an old sewer or drain pipe which had to be removed from the verge before the area could be recompacted.

Most verges in the Council area are an eyesore, and/or a tripping hazard, and by improving the appearance and contributing to public safety, I've actually done the Council a favour. I estimate that the work on the verge cost me approx. \$1000, but I was happy to do this as a contribution to the amenity of the neighbourhood. And quite a few people in this area have already commented on the improvement. **I believe these to be extenuating circumstances, but evidently I have made a procedural error, and I sincerely apologise to the Council.**

There are several practical reasons why I chose this product, apart from conforming with my immediate neighbours, but suffice to say my neighbours and I are in our 70's and we all want low maintenance and minimum cost. We no longer have the equipment to mow lawns, and don't wish to perpetually tidy up mulch or gravel. We all require a flat area adjacent to the kerb so our visitors of all ages can get into and out of cars, and not fight their way through shrubs, nor scratch their cars. We are not interested in any alternative treatments which have been suggested to us, whether subsidised by Council's Verge Incentive Fund or not. In fact we regard it as inappropriate to seek Council funds to fix a problem that was fixed two years ago, when the funds could be used to improve someone else's verge now.

2. ENVIRONMENTAL IMPACT.

Following receipt of your letter, my own investigation has shown that the use of artificial turf **on verges** has a low uptake. I make it about 3-5% of properties, and some of those will be eligible for retrospective approval anyway.

Has Council made any attempt to quantify the environmental "damage" caused by leaving this turf where it is? If not, what was the decision to remove it based on? I suggest any effects would be microscopic, but it makes even less sense to remove this turf only for affected residents to dump it in landfill.

By requiring the actual removal of some existing verge treatment, Council is in fact penalising the very ratepayers who care enough about the appearance of their properties to spend their own money in the public interest, while giving those who don't care a free pass to continued apathy. With the greatest respect, if Council wants to make any real difference to the appearance of its verges, it should be focussing its efforts on the other 95-97% of properties within Marion which **do not** currently have artificial turf on their verges.

3. REGULATION.

If, as we were advised in your letter, Council was still considering in November 2021 whether or not to allow the product to be used on verges within its Council area, and only then made a resolution

on the matter, it stands to reason that any artificial turf installed prior to November 2021 **cannot** be in breach of such rules. By this date, my turf had already been in place for about eighteen months.

If the Council spent three years debating the use of this product then that's Council's business, but you can't just backdate the ban to wherever you would like to start from when the debate is over. Life goes on in the meantime. A fairer and more logical cutoff date for leaving existing turf in place before banning **new** artificial turf on verges should apply from no earlier than November 2021 when the decision was finally reached.

4. CURRENT SITUATION.

The current situation is that:

- I am being directed to write off an estimated \$1000 plus a lot of personal effort, and
- To incur further expense to replace turf that has now been installed for two years without any problems, based on unquantifiable or non-existent environmental reasons. Or perhaps just because somebody somewhere doesn't like it.
- My neighbours at no.70 now have two separate pieces of turf in front of their house, one which they can presumably keep, and the other which would have to be removed. This is an absurdity.
- My neighbour at 72 was given an offer of a permit to keep her turf, which I am advised has since been approved.
- The house at 72 has more turf on the verge than the combined total area of turf at the other two adjoining properties, 24.6 sq m versus 14.4 sq m.
- I had hoped that common sense would prevail here to resolve this matter quickly, with fairness and consistency. I hope this is still possible.

I urge Council to look at this case on its merits. With all due respect, I request that Council accept my apology, and look favourably on retrospective approval of the existing verge treatment in front of my house, and that of my adjacent neighbours.

Yours Sincerely,



15.3 Warriparinga - Community Engagement - Suburb name**Report Reference** GC220726M15.3**Council Member** Mayor Kris Hanna**MOTION****That Council:**

Consult landowners in the area bounded by Sturt Road, Marion Road and South Road, along with Kaurna people and others likely to be interested, to assess the level of support for giving that area a new suburb name ie “Warriparinga”.

SUPPORTING INFORMATION

Historically the area was called “Warriparinga” by the Kaurna people, which is commonly translated as “windy place by the river”. In the 19th century the area was given the colloquial name “Laffer’s Triangle” after the name of a farmer who settled there.

The area is officially part of the suburb of “Bedford Park” at present. The majority of Bedford Park is, however, on the other side of South Road, which is a significant separating barrier. In addition, the character of the subject area is completely different to the rest of Bedford Park, which is characterised by a long-standing residential area on the one hand and Flinders University/Flinders Medical Centre on the other hand. In contrast, the subject land is characterised by a unique riparian setting running through the length of the triangle, and wetlands, with a variety of commercial (and some public) premises around the perimeter of the triangle. There is a current proposal to develop an “elders’ village”, for Aboriginal people, and substantial Marion Road commercial properties.

An Aboriginal suburb name could be viewed as especially appropriate for a distinct area which is the subject of continuing strong feelings of connection by Kaurna people. The South Australia legislation provides for dual naming (Aboriginal/colonial), if that was viewed as a preferred option.

The renaming would be consistent with the Geographical Names Guidelines of the South Australian Government.

If Council deemed there was sufficient public support for the proposed renaming, Council could formally consult police, emergency service providers and Australia Post, then proceed to submit a proposal to the Surveyor General. The Surveyor General may then decide to initiate a formal process which would entail further consultation.

STAFF COMMENTS

- Administration is aware that the western section of the subject area is already commonly referred to as ‘Warriparinga’ due to the presence of the Warriparinga Wetlands.
- If endorsed for consultation, the Engagement, Media and Events Unit will coordinate the consultation on the proposal.

16 Questions With Notice

16.1 Footpath and Ramp works

Report Reference GC220726Q16.1

Council Member Mayor Kris Hanna

QUESTION

Since the commencement of the initiative to provide better disability access on the footpaths near street corners, how many kerb ramp projects have been completed in each financial year?

In how many of those cases was an existing ramp decommissioned alongside the new disability-friendly ramp?

On average, in cases where decommissioning of an existing ramp has occurred alongside the new disability-friendly ramp, what proportion of the cost of the kerb ramp improvement could be allocated to the decommissioning process?

SUPPORTING INFORMATION

Nil

Response Received From	Manager Operations – Russell Troup
Corporate Manager	N/A
General Manager	General Manager City Services – Ben Keen

STAFF COMMENTS

1. *Total quantum, by year:*

This initiative has been budgeted since 2020/21. A comprehensive audit was undertaken in December 2020 that found 4,243 ramps were not compliant with the Disability Discrimination Act (DDA). The audit data was used to develop a prioritised programme, i.e. schools and rest homes etc first.

Given the time required to audit and develop a programme, there was limited construction in 2020/21 and records of completed work were kept in the customer event system that is not readily accessible.

In 2021/22 a total of 226 pram ramps were upgraded to meet compliance.

2. *Decommissioned ramp quantum:*

Of the 226 ramps upgraded in 2022/23, 39 (17%) included the decommissioning of an existing ramp and reinstatement to kerb.

3. *Decommissioned ramp cost proportion:*

There are site specific variables but on average, the cost to decommission an adjacent ramp represented 15 - 20% of the cost for the sites where decommissioning was required.

The total programme budget for 2022/23 was \$656k. Hence the decommissioning cost was approximately \$17k - \$22k.

16.2 Westminster Reserve

Report Reference GC220726Q16.2

Council Member Mayor Kris Hanna

QUESTION

Since the Council resolved in September 2021 to sell land to the Westminster School (about 975m2) for an agreed amount of \$5,000 plus costs, please explain in detail why the sale has not yet taken place?

SUPPORTING INFORMATION

Insert Council Member Supporting Information / Nil.

Response Received From Unit Manager Land and Property – Michael Collins

Corporate Manager Manager City Property – Thuyen Vi-Alternetti

General Manager General Manager City Development – Tony Lines

STAFF COMMENTS

The Minister wrote to Council approving the revocation of the community land classification on 14 August 2021. Council revoked the community land classification and authorised disposal of portion of Allotment 107 at its meeting of 14 September 2021 (GC210914F18.2).

On 2 November 2021 a letter was sent from the General Manager City Development to the School summarising the likely costs of the sale to Westminster School which would be recoverable to Council together with the purchase price of \$5,000. The letter also noted the approximate timeframe for the transaction would be around six months subject to the land division process and its approval. The land division is required as the portion to be sold to Westminster School forms part of a larger allotment. Following the receipt of this letter, the school reached out to staff several times seeking clarification around the detailed process required to finalise the sale of the land.

On 8 February 2022 Council's Chief Executive Officer and General Manager met with Westminster School representatives about the land value, sale costs and other traffic management issues.

On 2 March 2022 Westminster School contacted Council wanting clarification in relation to stamp duty payable on the transaction, which was provided. The School sought council staff advice on how best to reduce the associated sales costs.

A Plan of Division was prepared by a surveyor engaged by Council. This was sent to the School on 21 April 2022 for approval, and approved the same day.

The boundary realignment requires Planning and Land Division Consent. This was lodged on 29 April 2022 with the State Commission Assessment Panel (SCAP) and is currently 'under assessment' according to the PlanSA website. Once lodged, SCAP forwards copies of the development application to various state agencies responsible for providing utilities and services such as ETSA Utilities, SA Water, Transport SA and Council. These agencies have until 25 July 2022 to make their assessment and respond to SCAP.

Once SCAP has made its assessment, they will issue a Certificate of Approval. The surveyor will then be able to complete their plan of division which will be lodged at the Lands Titles Office and provided to Council's lawyers, Norman Waterhouse, who will complete the Application for a Deposit of a Plan of Division. This will then need to be examined by the Lands Titles Office before the application is approved and the plan is deposited.

The Contract for the sale and purchase of portion Allotment 107 and the Form 1 were formally signed by both Council and Westminster School on 17 June 2022. The finalisation of the sale is subject to the completion of the process to divide the land. Settlement will occur 10 business days after the plan is deposited.

16.3 Park Holme Library

Report Reference GC220726Q16.3

Council Member Mayor Kris Hanna

QUESTION

1. How much is the new Business Hub at the Park Holme Library going to cost?
2. From which budget specifically will those funds be drawn?
3. Please summarise all information about this Business Hub previously provided to the Councillors and Mayor including dates.

SUPPORTING INFORMATION

Nil

Response Received From Unit Manager Economic Development – Daniel Adams
Corporate Manager Manager City Activation – Charmaine Hughes
General Manager General Manager City Development – Tony Lines

STAFF COMMENTS

1. *How much is the new Business Hub at the Park Holme Library going to cost?*

Staff are currently examining a trial location for the Business Hub in the north of the City by pairing underutilised space and equipment in the Park Holme Library with the existing Business Hub booking platform to extend the Business Hub's offer to more residents. The intent of the staff investigation is establish a trial location using existing furniture/assets (e.g., desks, IT equipment) with very minor operational costs through existing budgets.

2. *From which budget specifically will those funds be drawn?*

The intent is to use existing Council resources and equipment to run the trial. Any incidental costs, such as tea and coffee, will come out of the existing Business Hub budget.

3. *Please summarise all information about this Business Hub previously provided to the Councillors and Mayor including dates.*

Information about a north Business Hub trial has not yet been brought formally to Elected Members. Some Members have received verbal information. Staff are currently investigating the possibility of extending Business Hub services to different locations across the City to better serve Marion's small business community, starting with a trial in the Park Holme Library. A paper describing the proposed operation of this trial and its potential benefits will be brought to a future Elected Member Forum. It should be noted that this trial is separate from the "Creative Industry Coworking Hub" brought to Elected Members in August 2020.

17 Motions Without Notice - Nil**18 Questions Without Notice - Nil****19 Other Business****20 Meeting Closure**

Council shall conclude on or before 9.30pm unless there is a specific motion adopted at the meeting to continue beyond that time.