

His Worship the Mayor  
Councillors  
City of Marion

## **Notice of General Council Meeting**

Council Chamber, Council Administration Centre  
245 Sturt Road, Sturt

**Tuesday, 29 November 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 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)****5 Confirmation of Minutes****5.1 Confirmation of Minutes of the General Council Meeting held on 25 October 2022**

<b>Report Reference</b>	GC221129R5.1
<b>Originating Officer</b>	Business Support Officer - Governance and Council Support – Cassidy Ryles
<b>Corporate Manager</b>	Manager Office of the Chief Executive – Kate McKenzie
<b>General Manager</b>	Chief Executive Officer – Tony Harrison

**RECOMMENDATION**

That the minutes of the General Council Meeting held on 25 October 2022 be taken as read and confirmed.

**ATTACHMENTS**

1. G C 221025 - Final Minutes [5.1.1 - 12 pages]



**Minutes of the General Council Meeting  
held on Tuesday, 25 October 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 (from 6.35pm)

Councillor Tim Gard  
Councillor Matthew Shilling  
Councillor Jason Veliskou (from 6.35pm)  
Councillor Joseph Masika

**In Attendance**

Chief Executive Officer - Tony Harrison  
Manager Office of the CEO - Kate McKenzie  
Governance Officer - Karrie McCann

**1 Open Meeting**

The Mayor 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 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:

- Nil



## 5 Confirmation of Minutes

**Moved Councillor Crossland**

**Seconded Councillor Telfer**

That the following items be moved en bloc:

- 5.1 Confirmation of Minutes of the General Council Meeting held on 13 September 2022
- 6.2 CEO and Executive Communications Report
- 10.1 Confirmation of Minutes of the Planning and Development Committee Meeting held on the 6 September 2022
- 10.2 Confirmation of Minutes of the Asset and Sustainability Committee Meeting held on the 11 October 2022
- 10.3 Confirmation of Minutes of the Asset and Sustainability Committee meeting held on 11 October 2022
- 11.1 Cover Report - Confirmation of Minutes of the Confidential Finance, Risk and Audit Committee Meeting held on 11 October 2022.

**Carried Unanimously**

### 5.1 Confirmation of Minutes of the General Council Meeting held on 13 September 2022

**Report Reference** GC221025R5.1

**Moved Councillor Crossland**

**Seconded Councillor Telfer**

That the minutes of the General Council Meeting held on 13 September 2022 be taken as read and confirmed.

**Carried Unanimously**

## 6 Communications

### 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).

- Nil

**6.2 CEO and Executive Communication Report**

Report Reference GC221025R6.2

Date	Activity	Attended By
22 August 2022	Meeting   Studio Nine Architects Principal Architect and Interior Designer re City of Marion Administration Refurbishment	Tony Lines
26 August 2022	Meeting   Louise Miller-Frost MP re General discussion	Tony Harrison
29 August 2022	Industry Supply Media Launch   Hydrogen Park South Australia (HyP SA)	Tony Harrison, Tony Lines
29 August 2022	Boothby Jobs and Skills Roundtable	Tony Harrison
31 August 2022	Meeting   Studio Nine Architects Principal Architect and Interior Designer re City of Marion Administration Refurbishment	Tony Lines
1 September 2022	Meeting   Mayor Kris Hanna, Tony Harrison, Marteine Edward and Lachlan Monfries (Scentre Group) re Scentre Group strategic vision and opportunities for Marion and also provided a high level overview of proposed parking options.	Tony Harrison
2 September 2022	Meeting   General Managers/Directors Network Planning – LG Professionals	Ben Keen
2 September 2022	Queen's Jubilee Ceremonial Planting   City of Marion Elected Members	Tony Lines
3 September 2022	MC   Citizenship Ceremony	Ben Keen
7 September 2022	Meeting and Site Tour of the City of Salisbury   Property and Buildings Manager and Facilities Manager re City of Marion Administration Refurbishment	Tony Lines
12 September 2022	Community Leadership Program Graduation Event	Tony Harrison
19 September 2022	Meeting   Neilly Group re the City of Marion Water Business Strategy	Ben Keen
20 September 2022	2022 Australian Local Government CEO Index Forum	Tony Harrison

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20 September 2022	Meeting with City of Melbourne re Greenline Project	Tony Harrison
26 September 2022	Meeting   Julian Whiting re Water Business Strategic Review	Tony Harrison
27 September 2022	Meeting   Studio Nine Architects Principal Architect and Interior Designer re City of Marion Administration Refurbishment	Tony Lines
27 September 2022	Meeting   City of Charles Sturt re Project Management	Ben Keen
27 September 2022	Meeting   Tony Harrison, Kate McKenzie, Liz Watts and Glen Winkler re insights	Tony Harrison
28 September 2022	Meeting   Associates of Pelligra and the Mayor re Ice Arena	Tony Harrison, Tony Lines
28 September 2022	Cross Council Open Space Service Review   Meeting with CEOs of Cities of Marion, Charles Sturt and Pt Adelaide Enfield	Tony Harrison, Ben Keen
29 September 2022	Meeting   City of Marion and the Seacliff Group re Seacliff Village	Tony Lines
30 September 2022	Meeting and Site Tour of the City of Tree Tea Gully   Group Coordinator Operations, Fleet and Property and Manager Organisational Development re City of Marion Administration Refurbishment	Tony Lines
30 September 2022	Meeting   Turner and Townsend Associate re Sam Willoughby BMX	Tony Lines
30 September 2022	Meeting   General Managers/Directors Network Planning – LG Professionals	Ben Keen
6 October 2022	Meeting   Tonsley Project Control Group monthly meeting with City of Marion, Peet Limited and Renewal SA	Ben Keen, Tony Lines
6 October 2022	Meeting with Salesforce re introduction meeting	Tony Harrison
7 October 2022	Meeting   General Managers/Directors Network discussion on Project Management and Asset Management Systems – LG Professionals	Ben Keen

10 October 2022	Meeting   City of Marion and Happy Valley and Cove BMX Club Representative	Tony Lines
11 October 2022	Meeting and MCC Tour   City of Cockburn visitors; The Mayor, Acting CEO and Economic Development Manager re meet and greet and general discussion	Tony Harrison, Ben Keen, Tony Lines
11 October 2022	Meeting   Tony Harrison, Gordon Parberry and Kaliopi Eleni re introduction meeting	Tony Harrison
12 October 2022	Meeting   City of Marion and Brightly/Siemens on Asset Management project scope and process	Ben Keen
14 October 2022	Meeting   General Managers/Directors Network Planning – LG Professionals	Ben Keen
18 October 2022	Event   The future of Hallett Cove Shopping Centre	Tony Harrison
19 October 2022	Demonstration with EPM Partners on pmo365 Deep Dive	Ben Keen
19 October 2022	Public Sector Network Future Cities and Regions Roadshow Adelaide	Tony Harrison
20 October 2022	Meeting   Tony Harrison, Kate McKenzie and Tony Gray (JLTA)	Tony Harrison

**Moved Councillor Crossland****Seconded Councillor Telfer**

That Council note the CEO and Executive Communication Report

**Carried Unanimously****7 Adjourned Items - Nil****8 Deputations - Nil****9 Petitions - Nil**



## 10 Committee Recommendations

### 10.1 Confirmation of Minutes of the Planning and Development Committee Meeting held on 6 September 2022

Report Reference GC221025R10.1

**Moved Councillor Crossland**

**Seconded Councillor Telfer**

That Council:

1. Receives and notes the minutes of the Planning and Development Committee meeting held on 6 September 2022.
2. Notes that the 1 November 2022 Planning and Development Committee meeting be cancelled due to a lack of items.
3. Notes that separate reports will be brought to Council for consideration of any recommendations from the Planning and Development Committee.

**Carried Unanimously**

### 10.2 Confirmation of Minutes of the Finance, Risk and Audit Committee Meeting held on 11 October 2022

Report Reference GC221025R10.2

**Moved Councillor Crossland**

**Seconded Councillor Telfer**

That Council:

1. Receives and notes the minutes of the Finance, Risk and Audit Committee meeting held on 11 October 2022.
2. Notes that separate reports will be brought to Council for consideration of any recommendations from the Finance, Risk and Audit Committee.

**Carried Unanimously**

### 10.3 Confirmation of Minutes of the Asset and Sustainability Committee Meeting held on 11 October 2022

Report Reference GC221025R10.3

**Moved Councillor Crossland**

**Seconded Councillor Telfer**

That Council:

1. Receives and notes the minutes of the Asset and Sustainability Committee meeting held on 11 October 2022.
2. Notes that separate reports will be brought to Council for consideration of any recommendations from the Asset and Sustainability Committee.

**Carried Unanimously**

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## 11 Confidential Items

### 11.1 Cover Report - Confirmation of Minutes of the Confidential Finance, Risk and Audit Committee Meeting held on 11 October 2022

Report Reference GC221025F11.1

#### Moved Councillor Crossland

#### Seconded Councillor Telfer

That pursuant to Section 90(2) and (3)(b) and (e) 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 of the Office of the CEO, Chief Financial Officer, Manager City Activation, Unit Manager Governance and Council Support, Governance Officer, Unit Manager Strategy and Risk and Risk Business Partner, be excluded from the meeting as the Council receives and considers information relating to Confirmation of Minutes of the Confidential Finance, Risk and Audit Committee Meeting held on 11 October 2022, 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 commercial and financial information and matters affecting the security of the council.

**Carried Unanimously**

6.37pm the meeting went into confidence

#### Moved Councillor Duncan

#### Seconded Councillor Crossland

That in accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that this report, Confirmation of Minutes of the Confidential Finance, Risk and Audit Committee Meeting held on 11 October 2022, any appendices and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(b) and (e) 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 Unanimously**

6.44pm the meeting came out of confidence



## 12 Corporate Reports for Decision

**Moved Councillor Shilling**

**Seconded Councillor Crossland**

That the following items be moved en bloc:

- 12.1 Annual Financial Statements for the year ended 30 June 2022
- 12.2 City of Marion Annual Report 2021 - 2022
- 12.3 Finance Risk and Audit Committee Annual Report to Council
- 13.1 Annual Investment Report 2021 - 22

**Carried Unanimously**

### 12.1 Annual Financial Statements for the year ended 30 June 2022

**Report Reference** GC221025R12.1

**Moved Councillor Shilling**

**Seconded Councillor Crossland**

That Council:

1. Adopts the City of Marion audited Annual Financial Statements for the year ended 30 June 2022. (Attachment 3).
2. Authorises the Mayor and the CEO to sign off on the audited Annual Financial Statements for the year ended 30 June 2022 (Attachment 3) and authorises the CEO to sign off on the Management Representation letter (Attachment 1)
3. Receives the Southern Region Waste Resource Authority (SRWRA) 2021-22 audited Annual Financial Statements (Attachment 4)
4. Notes the comparative analysis to prior year audited Annual Financial Statements and original adopted 2021-22 budget (Analytical Review), as included at Attachment 2.
5. Notes Galpins Audit Completion Report, as included at Attachment 5.

**Carried Unanimously**

### 12.2 City of Marion Annual Report 2021 - 2022

**Report Reference** GC221025R12.2

**Moved Councillor Shilling**

**Seconded Councillor Crossland**

That:

1. Council adopts the City of Marion Annual Report 2021 - 2022 (Attachment 1) subject to the following amendments:
  - i. Inclusion of Welcome from the Mayor (after the conclusion of the election)



2. The final City of Marion Financial Statements 2021 - 2022 being considered in report GC221025R12.1 be included within the published version of the City of Marion Annual Report 2021 - 2022.
3. The final Southern Region Waste Resource Authority audited financial statements being considered in report GC221025R12.1 be included within the published version of the City of Marion Annual Report 2021 - 2022.
4. Administration distributes copies of the City of Marion Annual Report 2021 - 2022 in accordance with legislative requirements.
5. Administration distributes copies of the City of Marion Annual Report 2021 - 2022 and Summary to members of the community via the City of Marion Libraries, Neighbourhood, Community Centres and link on the City of Marion website.
6. The Chief Executive Officer is delegated to make minor amendments to the Report, as required, following Council adoption and prior to final publication.

**Carried Unanimously**

### 12.3 Finance Risk and Audit Committee Annual Report to Council 2021/22

<b>Report Reference</b>	GC221025R12.3
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**Moved Councillor Shilling**

**Seconded Councillor Crossland**

That Council:

1. Notes the Finance Risk and Audit Committee's Annual Report to Council for 2021/22 provided as Attachment 1.

**Carried Unanimously**

### 13 Corporate Reports for Information/Noting

#### 13.1 Annual Investment Report 2021-22

<b>Report Reference</b>	GC221025R13.1
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**Moved Councillor Shilling**

**Seconded Councillor Crossland**

That Council:

1. Notes the Investment Performance Report 2021-22.

**Carried Unanimously**



### 13.2 Community Event Fund 2021/22

Report Reference GC221025R13.2

**Moved Councillor Shilling**

**Seconded Councillor Crossland**

That Council:

1. Notes the report.

**Carried Unanimously**

**Moved Councillor Telfer**

**Seconded Councillor Duncan**

That the following items be moved en bloc:

- 13.3 Questions Taken on Notice Register
- 13.4 WHS Monthly Report

**Carried Unanimously**

### 13.3 Questions Taken on Notice Register

Report Reference GC221025R13.3

**Moved Councillor Telfer**

**Seconded Councillor Duncan**

That Council:

1. Notes the report 'Questions Taken on Notice Register'.

**Carried Unanimously**

### 13.4 WHS Monthly Report

Report Reference GC22102513.4

**Moved Councillor Telfer**

**Seconded Councillor Duncan**

That Council:

1. Notes this report and statistical data contained therein

**Carried Unanimously**

**14 Workshop / Presentation Items - Nil**

**15 Motions With Notice - Nil**

**16 Questions With Notice - Nil**



## 17 Motions Without Notice

### 17.1 Rates Explanation

Report Reference GC221025M01

**Moved Councillor Gard**

**Seconded Councillor Masika**

That future rates notices be complemented with a succinct outline of the stepwise method by which rates are calculated, including the precise meaning of 'rates increase' which refers to total rates collection.

**Carried Unanimously**

### 17.2 General Council Meeting cancellation, 8 November 2022

Report Reference GC221025M02

**Moved Councillor Shilling**

**Seconded Councillor Veliskou**

That:

1. Council instruct the Chief Executive Officer to cancel the General Council Meeting scheduled for 8 November 2022; and
2. The Chief Executive Officer publish the cancellation of the Council Meeting scheduled for 8 November 2022 on the City of Marion website.

**Carried Unanimously**

## 18 Questions Without Notice

## 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.

The meeting was declared closed at 7.20pm.

CONFIRMED ON DAY 29 OF NOVEMBER 2022

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CHAIRPERSON

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## 6 Communications

### 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).

#### 6.1 Mayoral Communication Report

Report Reference GC221129R6.2

Name of Council Member Mayor - Kris Hanna

Date	Event	Comments
24 August 2022	Government House 150 Years of the Cottage Homes Celebration	
25 August 2022	Coast FM Segment	Interview
26 August 2022	Meeting with Sheik Helmi	
26 August 2022	Mayoral Presentations (Mayor Amanda Wilson and Mayor Heather Holmes-Ross) on council waste initiatives	
26 August 2022	Nepalese Women Community Event	Gave speech
28 August 2022	Hugh Johnson Reserve Opening	Gave speech
29 August 2022	Hydrogen Park SA Industry Event	Celebrating next phase of increased supply
29 August 2022	Boothby Jobs and Skills Roundtable with Louise Miller-Frost MP	
30 August 2022	Marion Village Museum AGM and Official Opening of "The Stable Gallery"	Gave speech
31 August 2022	Pelligra Sport Industry & Government Event	
31 August 2022	Australian Friends of Palestine AGM	
1 September 2022	Tony Harrison, Marteine Edward and Lachlan Monfries (Scentre Group) re Scentre Group strategic vision and opportunities for Marion and also provided a high-level overview of proposed parking options.	

2 September 2022	Tree planting Nari Reserve with funding from the Royal Commonwealth Society	Planted tree
4 September 2022	Uniting Conversations at Seacliff Uniting Church	Presentations from refugees
5 September 2022	Conducted Citizenship event at Royal Show	
8 September 2022	Hallett Cove Business Association Business Breakfast	
8 September 2022	Launch of Hallett Cove Business Association Awards	
11 September 2022	Temple of Fine Arts Performance (traditional Indian dance)	
12 September 2022	Southern Business Connection Informal Networking Event	
13 September 2022	Seaview Highschool Performing Arts Theatre Opening	
14 September 2022	Hallett Cove Lions Club Graeme Botting OAM Reception	
17 September 2022	Edwardstown Football Club BBQ	
18 September 2022	Cove Netball Junior Presentations	
18 September 2022	South Adelaide Basketball Club Presentation Night	
20 September 2022	Attended funeral of Robin Kidney (bracket one of the founders of the Mitcham Park Football Club)	
21 September 2022	Meals on Wheels Hallett Cove Branch AGM with Lunch	
23 September 2022	Marion Hall Committee AGM	
24 September 2022	Dinner at Hindu Temple	
28 September 2022	Meeting   Associates of Pelligra and the Mayor re Ice Arena	
29 September 2022	Southern Chief's Grid Iron Presentation Dinner	
30 September 2022	Informal Launch of Pancake Kitchen at MCC	Enjoyed pancakes

1 October 2022	Coptic Church Open Day	
1 October 2022	Marion Golf Club	Discussion: redevelopment
11 October 2022	Meeting and MCC Tour - City of Cockburn visitors; The Mayor, Acting CEO and Economic Development Manager re meet and greet and general discussion	
15 October 2022	Hallett Cove Lutheran Church Men in the Shed Open Day	
15 October 2022	Sturt Marion Soccer Club Presentation Evening	
16 October 2022	South Australian Athletics League Event at Marion Oval	Presented sashes to winners for men's and women's sprints
17 October 2022	Club Marion Meeting	
18 October 2022	Rotary Club of Edwardstown Meeting	Speaking about experience as a Rotary Exchange student
19 October 2022	Flinders University Carbon Neutral Briefing	
20 October 2022	Renewal SA Tonsley Networking	
21 October 2022	Hallett Cove Meals on Wheels AGM	
21 October 2022	Galleon Theatre Play at MCC	Laughed
22 October 2022	Active Elders Hall Deusi Bhailo Festival	
24 October 2022	Oaklands Estate Residents Association AGM	
28 October 2022	Local Government Finance Authority AGM	
28 October 2022	LGA AGM	
28 October 2022	Gallery M Exhibition opening	
29 October 2022	Marion Mosque open day	
29 October 2022	Sturt Pistol BBQ	
29 October 2022	Opening of the "Westminster Green" at Westminster College	
1 November 2022	MarionLife Walk of Hope Launch	Gave speech
4 November 2022	Hallet Cove Business Association Local Business Awards	

4 November 2022	5049 Residents Group Event including AGM	
8 November 2022	Cove Football Club (Soccer) AGM	
9 November 2022	Marion City Band AGM	
11 November 2022	Remembrance Day Service at Marion RSL	Laid Wreath
13 November 2022	South Adelaide Basketball Club AGM	
16 November 2022	Rembrandt Living Residential Care Annual General Meeting	
17 November 2022	Southern Community Justice Centre's 40 Year Celebration	
17 November 2022	Southern Business Connection End of Year Event	
20 November 2022	Edwardstown Lions 60th Anniversary Celebrations	
21 November 2022	Calvary Oaklands 2022 Mary Potter Celebration	
21 November 2022	Seaview High School Graduation Service	Presented award
23 November 2022	Norfolk Estate Retirement Village 20th Anniversary	Speech given
24 November 2022	Coast FM interview in the studio	Interview

### 6.3 CEO and Executive Communication Report

Report Reference GCYYMMDDR6.3

Date	Activity	Attended By
21 October 2022	Cross Council Executive Meeting CEO, CFO and GMs from Port Adelaide Enfield, City of Charles Sturt and City of Marion	Tony Harrison Ben Keen Ray Barnwell
21 October 2022	SAALC Governance Meeting   ORSR and YMCA members re quarterly updates	Tony Lines
25 October 2022	SRWRA Board - Reappointment of Chair discussion	Tony Harrison
25 October 2022	Meeting with Jonathan Carr-West LGiU re ALGA Conference keynote presentation	Tony Harrison

25 October 2022	Meeting   City of Holdfast Bay re Asset Management	Ben Keen
26 October 2022	Meeting   Sage Automation re Smart automation	Ben Keen
27 October 2022	Monthly Meeting   Jayne Stinson MP (Member for Badcoe) re General Discussion	Tony Harrison
27 October 2022	LP Professionals General Managers and Directors Network Forum 2022	Ben Keen
28 October 2022	LG Professionals General Managers and Directors Network Planning Meeting	Ben Keen
28 October 2022	LGA Annual General Meeting	Tony Harrison
31 October 2022	Meeting with Louise Miller-Frost MP (Member for Boothby) re Lot 707 and MCC Plaza Upgrade	Tony Harrison
3 November 2022	Meeting   Studio 9 Architects re City of Marion Administration Refurbishment	Tony Lines
7 November 2022	Meeting   Oaklands Green update	Tony Lines
9 November 2022	LGA CEO Advisory Board meeting	Tony Harrison
9 November 2022	Discussion   Clean Peak re water	Ben Keen
10 November 2022	LG Professionals SA CEO Network Forum	Tony Harrison
11 November 2022	Future Energy Week Official Welcome	Tony Harrison
11 November 2022	Hosted Asset Management Workshop   LG Professionals Network	Ben Keen
11 November 2022	Meeting   Turner and Townsend and Partek Associates re Sam Willoughby BMX	Tony Lines
14 November 2022	Meeting with Junction Australia re Alawoona Ave	Tony Harrison Tony Lines
15 November 2022	Discussion on Project Management   Cities of Marion, Charles Sturt and Pt Adelaide Enfield	Ben Keen
15 November 2022	Meeting   Turner and Townsend Associate re Sam Willoughby BMX	Tony Lines
18 November 2022	Cross Council Discussion on Asset Management with Cities of Marion, Charles Sturt and Pt Adelaide Enfield	Ben Keen

18 November 2022	Meeting   ORSR Associates re City of Marion Master Plan / Cultural Precinct Project	Tony Lines
18 November 2022	Meeting   City of Marion and the Seacliff Group re Seacliff Village	Tony Lines
22 November 2022	Meeting with Melanie and Christopher from Davidson	Tony Harrison
22 November 2022	Meeting with Marteine Edwards from Scentre Group	Tony Harrison
22 November 2022	Engagement meetings   Studio 9 Architects re City of Marion Administration Refurbishment	Tony Lines
23 November 2022	Cross Council Asset Leadership Meeting   Cities of Charles Sturt, Marion and Pt Adelaide Enfield	Ben Keen

**7 Adjourned Items - Nil****8 Deputations - Nil****9 Petitions - Nil****10 Committee Recommendations****10.1 Confirmation of Minutes of the Review and Selection Committee Meeting held on 1 November 2022**

<b>Report Reference</b>	GC221129R10.1
<b>Originating Officer</b>	Business Support Officer - Governance and Council Support – Cassidy Mitchell
<b>Corporate Manager</b>	- N/A
<b>General Manager</b>	Chief Executive Officer - Tony Harrison

**REPORT OBJECTIVE**

The purpose of this report is to facilitate the receiving and noting of the minutes of the Review and Selection Committee meeting held on 1 November 2022.

**EXECUTIVE SUMMARY**

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

**Reports for Discussion**

- Nil

**Reports for Noting**

- Council and CEO KPI Report Quarter One 2022/23
- 2020-2021 Volunteer Program Report

**RECOMMENDATION****That Council:**

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

**ATTACHMENTS**

1. RS C 221101 - Final Public Minutes [**10.1.1** - 5 pages]



**Minutes of the Review and Selection Committee  
held on Tuesday, 1 November 2022 at 7.30 pm  
Committee Room 1, Council Administration Centre  
245 Sturt Road, Sturt**



**PRESENT**

His Worship the Mayor Kris Hanna

Councillor Maggie Duncan

Councillor Matthew Shilling

**In Attendance**

Chief Executive Officer - Tony Harrison

Manager Office of the CEO - Kate McKenzie

Chief Financial Officer – Ray Barnwell

Acting Manager People and Culture - Jo McCarthy

Volunteer Development Officer – Tim Sayer

**1 Open Meeting**

The Mayor opened the meeting at 6.49 pm.

**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. No interests were disclosed.

**4 Confirmation of Minutes****4.1 Confirmation of Minutes of the Review and Selection Committee Meeting held on 8 August 2022**

Report Reference RSC221101R4.1

**Moved Councillor Shilling****Seconded Councillor Duncan**

That the minutes of the Review and Selection Committee Meeting held on 8 August 2022 be taken as read and confirmed.

**Carried Unanimously**

**5 Confidential Items****5.1 Cover Report - Finance, Risk and Audit Committee - Independent Member**

Report Reference RSC221101F5.1

**Moved Councillor Shilling****Seconded Councillor Duncan**



That pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999, the Review and Selection Committee orders that all persons present, with the exception of the following persons: Chief Executive Officer, Manager People and Culture and Manager Office of the CEO, be excluded from the meeting as the Committee receives and considers information relating to the FRAC Independent Member, 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 the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person.

**Carried Unanimously**

6.50 pm the meeting went into confidence

**Moved Councillor Shilling**

**Seconded Councillor Duncan**

In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Committee orders that this report, Finance, Risk and Audit Committee – Independent Member, any appendices and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(a) 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 Unanimously**

6.52pm the meeting came out of confidence

## 5.2 Cover Report - Staff Movements and Exits

Report Reference RSC221101F5.2

**Moved Councillor Shilling**

**Seconded Councillor Duncan**

That pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999, the Committee orders that all persons present, with the exception of the following persons: Chief Executive Officer and Acting Manager People and Culture, be excluded from the meeting as the Committee receives and considers information relating to Staff Movements and Exit Survey Data, 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 past and present employees of the City of Marion.

**Carried Unanimously**

6.52 pm the meeting went into confidence



4

**Moved Councillor Shilling****Seconded Councillor Duncan**

In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Committee orders that this report, Staff Movements and Exits, any appendices and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(a) 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 Unanimously**

6.59 pm the meeting came out of confidence

**6 Reports for Discussion - Nil****7 Reports for Noting****7.1 Council and CEO KPI Report Quarter One 2022/23**

**Report Reference** RSC221101R7.1

**Moved Councillor Duncan****Seconded Councillor Shilling**

The Committee queried:

- KPI 2 and noting the three project off track are listed within the report (CoMPAS, DTP and the LKCC Coach House)
- KPI 7 – noting that this has decreased from 75% however it is now being measured differently with 5 employee engagement questions per quarter instead of 9 questions. The Committee noted that this is taken at a point in time and can be impacted by what is happening.

**Action: a comparative graph be included that shows how this indicator is tracking each quarter.**

That the Review and Selection Committee:

1. Notes this information and information contained within the attachments for Quarter One 2022/23.

**Carried Unanimously****7.2 2020-2021 Volunteer Program report**

**Report Reference** RSC221101R7.2



5

The Volunteer Development Officer provided an overview of the report highlighting that there had been a good response with volunteers returning after covid and the volunteer managers are doing well.

The community discussed the utilisation of community skills, those retired or not working, who are skilled workers. It was noted that no skilled match volunteers were recruited this year and it can be a challenge with skills vs paid work and the legal requirement of the Fair Work Act. The Mayor queried whether the Fair Work Act could possibly create a risk that volunteers must be paid. It was agreed for this to be further explored.

It was noted that KPMG are completing an internal audit on volunteer management.

**Moved Councillor Shilling**

**Seconded Councillor Duncan**

That the Review and Selection Committee:

1. Notes the report and make any recommendation regarding the Volunteer Program.

**Carried Unanimously**

## **8 Workshop / Presentation Items**

## **9 Other Business**

## **10 Meeting Closure**

The meeting shall conclude on or before 9.00pm unless there is a specific motion adopted at the meeting to continue beyond that time.

The meeting was declared closed at 7.14 pm

CONFIRMED THIS 7 DAY OF FEBRUARY 2023

---

CHAIRPERSON

**11 Confidential Items****11.1 Cover Report - Appointment of Independent Member - Finance, Risk and Audit Committee**

Report Reference	GC221129F11.1
Originating Officer	Business Support Officer - Governance and Council Support – Cassidy Mitchell
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, General Manager City Development, General Manager City Services, General Manager Corporate Services, Manager Office of the CEO, Manager People and Culture, be excluded from the meeting as the Council receives and considers information relating to state subject 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 disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person.**

**11.2 Cover Report - Confirmation of Minutes of the Confidential Review and Selection Committee Meeting held on 1 November 2022**

Report Reference	GC221129F11.2
Originating Officer	Business Support Officer - Governance and Council Support – Cassidy Mitchell
Corporate Manager	- N/A
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, Acting Manager People and Culture, Manager Office of the CEO and Unit Manager Governance and Council Support, be excluded from the meeting as the Council receives and considers information relating to Confirmation of Minutes of the Confidential Review and Selection Committee Meeting held on 1 November 2022, 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 personal information.

## 12 Corporate Reports for Decision

### 12.1 Results of 2022 Local Government Elections

<b>Report Reference</b>	GC221129R12.1
<b>Originating Officer</b>	Unit Manager Governance and Council Support – Victoria Moritz
<b>Corporate Manager</b>	Manager Office of the Chief Executive - Kate McKenzie
<b>General Manager</b>	Chief Executive Officer - Tony Harrison

#### REPORT OBJECTIVE

To inform Council of the outcome of the 2022 Local Government Election.

#### EXECUTIVE SUMMARY

Local Government Elections are held every four (4) years to determine the membership of each Council. The elections must be held in accordance with the provisions of the Local Government (Elections) Act 1999.

The nomination period opened on Tuesday 23 August 2022 and closed at 12 noon, Tuesday 6 September 2022. During the nomination period, a total of 38 candidate nominations were received, with elections in each of the six wards and the Mayoral position.

Voting in the election concluded at 5pm on Thursday 10 November 2022, with the scrutiny and counting of votes conducted on Saturday, 12 November 2022. The conduct of the election was overseen by Deputing Returning Officer, Sebastian Neate.

Provisional declarations were made on the 12<sup>th</sup> and 13<sup>th</sup> of November 2022 by the Local Deputy Returning Officer, Darren McDonald. The following candidates were elected for the City of Marion.

The final results were made by the Returning Officer on 18<sup>th</sup> November 2022.

<b>Mayor</b>	Kris Hanna
<b>Coastal Ward</b>	Ian Crossland Sarah Luscombe
<b>Mullawirra Ward</b>	Jason Veliskou Amar Singh
<b>Southern Hills Ward</b>	Jana Mates Luke Naismith
<b>Warracowie Ward</b>	Nathan Prior Matt Taylor

<b>Warriparinga Ward</b>	Raelene Telfer Renuka Lama
<b>Woodlands Ward</b>	Joseph Masika Jayne Hoffman

**Appendix 1** provides the final details of the election results as determined by the State Electoral Commission

## **RECOMMENDATION**

**That Council:**

1. **Notes this report dated 29 November 2022 regarding the election results for the 2022 Local Government Elections.**

## **ATTACHMENTS**

1. Marion LGA 2022 Election results [**12.1.1** - 2 pages]

OFFICIAL



18/11/2022

Mr Tony Harrison  
 Chief Executive Officer  
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 OAKLANDS PARK 5046

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 Adelaide SA 5000  
 GPO Box 646  
 Adelaide SA 5001  
 T +61 8 7424 7400  
 W [ecsa.sa.gov.au](http://ecsa.sa.gov.au)  
 ABN 99 891 752 468

Dear Mr Harrison

**Re: 2022 Council Election Results**

In accordance with section 50 of the *Local Government (Elections) Act 1999* (the Act), I enclose the results for the November 2022 council elections.

The council elections were conducted by post and telephone assisted voting for blind and low vision electors, and electors who are interstate or overseas. Voting material comprising of ballot papers, candidate profiles, a postal voting guide, a ballot paper envelope containing the elector's declaration and return envelope was sent to electors, bodies corporate and groups whose names appeared on the certified voters roll.

Voting closed at 5pm on Thursday 10 November with the scrutiny and count commencing at 9am on Saturday 12 November 2022 at City of Marion - Administration Centre - 245 Sturt Road, Sturt.

In accordance with section 50 of the Act, I, Mick Sherry, Returning Officer, confirm the provisional declarations and certify the results for the following elections, with the following candidates being elected:

<b>Mayor</b>	Vacancies 1
HANNA, Kris	Elected 1
<b>Councillor for Mullawirra Ward</b>	Vacancies 2
VELISKOU, Jason	Elected 1
SINGH, Amar	Elected 2
<b>Councillor for Woodlands Ward</b>	Vacancies 2
MASIKA, Joseph	Elected 1
HOFFMANN, Jayne	Elected 2
<b>Councillor for Warracowie Ward</b>	Vacancies 2
PRIOR, Nathan John	Elected 1
TAYLOR, Matt	Elected 2

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**Councillor for Warriparinga Ward**LAMA, Renuka  
TELFER, RaeleneVacancies 2  
Elected 1  
Elected 2**Councillor for Coastal Ward**LUSCOMBE, Sarah  
CROSSLAND, IanVacancies 2  
Elected 1  
Elected 2**Councillor for Southern Hills Ward**NAISMITH, Luke  
MATES, Jana RuthVacancies 2  
Elected 1  
Elected 2

All candidates will be notified in writing of the results of the elections. Copies of the reports and copies of the full scrutiny and count details are available on the ECSA website.

Yours sincerely

Mick Sherry  
**RETURNING OFFICER**  
17/11/2022

OFFICIAL

## 12.2 Appointment of Date, Time and Place of Council Meetings for 2023

<b>Report Reference</b>	GC221129R12.2
<b>Originating Officer</b>	Unit Manager Governance and Council Support – Victoria Moritz
<b>Corporate Manager</b>	Manager Office of the Chief Executive - Kate McKenzie
<b>General Manager</b>	Chief Executive Officer - Tony Harrison

### REPORT OBJECTIVE

The purpose of this report is to provide a draft Schedule of Meeting dates for 2023 for Council consideration.

### EXECUTIVE SUMMARY

As an aid to provide open, responsive and accountable government, the *Local Government Act 1999* required Council to resolve the times and places at which ordinary meetings of the Council will be held.

The manner in which Council can do this is by the adoption of a Schedule of Meeting dates, which can also be used to relay the dates and times of meetings to the community.

### RECOMMENDATION

**That Council:**

1. **Adopts the following meeting cycle to facilitate open, responsive and accountable government as well as the timely conduct of Council's business:**
  - **General Council Meeting to be held Tuesday 24 January 2023.**
  - **General Council Meetings to be held on the second and fourth Tuesday of the month in February, March, May and June.**
  - **General Council Meetings to be held on the second Tuesday of the month in April, September and December.**
  - **General Council Meetings to be held on the fourth Tuesday of the month in July, August, October and November.**
2. **Adopts that the Planning and Development Committee meets on the first Tuesday of the month in March, May, August, October and December.**
3. **Adopts that the Infrastructure Committee and the Environment Committee meets on the first Tuesday of the month in February, April, June, September and November 2023.**
4. **Adopts the schedule of meeting dates for 2023 as provided at Appendix 1 to the report.**

5. Notes the proposed dates for Council Member Forums (information sessions) provided in Attachment 1 to the report.
6. Publishes the Schedule of Meetings for 2023 on the City of Marion Website

## DISCUSSION

### Committee Terms of Reference

#### **Planning and Development Committee**

Section 4.3 of the Planning and Development Committee Terms of Reference states that the Committee will meet as resolved by Council, between February and December each year. It is therefore proposed that the Committee meets in March, May, August, October and December 2023. It is anticipated the Review and Selection Committee may be on this same evening, however this will be determined by the Review and Selection Committee.

#### **Infrastructure Committee**

Section 4.3 of the Infrastructure Committee Terms of Reference states that the Committee will meet as resolved by Council, between February and December each year. It is therefore proposed that the Committee meets in February, April, June, September and November 2023 on the same evening as the Environment Committee.

#### **Environment Committee**

Section 4.3 of the Infrastructure Committee Terms of Reference states that the Committee will meet as resolved by Council, between February and December each year. It is therefore proposed that the Committee meetings in February, April, June, September and November 2023 on the same evening as the Infrastructure Committee.

#### **Review and Selection Committee**

Section 4.4 of the Review and Selection Committee Terms of Reference states that the Committee will meet on an ad-hoc basis with a meeting occurring at least every six months. Meetings will be convened at the request of the presiding member or the elected members on the Committee, hence the Council is not required to make a resolution about the meetings schedule for this Committee. Tentative dates have been included in the attached schedule and are proposed for the same evening as the Planning and Development Committee.

#### **Finance, Risk and Audit Committee**

Section 4.12 of the Finance and Audit Committee Terms of Reference states that the Committee will meet at least quarterly. Section 4.15 states that an annual schedule of meetings will be developed and agreed to by the Committee members, hence the Council is not required to make a resolution about the meeting schedule for this Committee. This schedule of meetings will include at least one joint workshop with the Council and the Committee

The proposed Schedule of Meetings 2023 provided at Attachment 1 identifies meeting dates and times from January to December.

Matters to be noted on the schedule include:

- The schedule complies with the requirements of the Act which provide that there must be at least one ordinary (General) meeting of the Council in each month.
- The proposed meeting dates and times allow Council to meet the objective of providing open, responsive and accountable government.
- It is proposed the meeting start time is 6.30pm.

- The holding of two General Council meetings some months and only one for others allows Council to balance formal decision making meetings with informal gathering time to focus on planning / strategies, training etc.
- Meetings have tentatively been included for the Finance and Audit Committee, Review and Selection Committee these Committees will either be set by separate resolution or they set their own schedule of meetings in accordance with their Terms or Reference. Council Assessment Panel (CAP) will also determine its schedule of meetings in accordance with their terms of reference.

#### Implementation

The Schedule of Meetings for 2023 will be available at the Administration Centre and via Council's website. Details of Council's upcoming meetings will also be placed on the electronic sign at the front of the Administration Centre.

#### **ATTACHMENTS**

1. Schedule of Meetings 2023 [**12.2.1** - 2 pages]

## Schedule of Meetings 2023

Date	Time	Meeting
21 January	9.00am – 5.00pm	Information Session – Planning Day
24 January	6.30pm – 9.30pm	General Council
31 January	6.30pm – 9.30pm	Information Session - Forum
7 February	6.30pm – 8.00pm	Infrastructure Committee
7 February	8.00pm – 9.30pm	Environment Committee
14 February	6.30pm – 9.30pm	General Council
21 February	TBC	Finance, Risk & Audit Committee (TBC)
21 February	6.30pm – 9.30pm	Information Session – Forum
28 February	6.30pm – 9.30pm	General Council
7 March	6.30pm – 8.00pm (TBC)	Review & Selection Committee (TBC)
7 March	8.00pm – 9.30pm	Planning & Development Committee
14 March	6.30pm – 9.30pm	General Council
21 March	6.30pm – 9.30pm	Information Session – Forum
28 March	6.30pm – 9.30pm	General Council
4 April	6.30pm – 8.00pm	Infrastructure Committee
4 April	8.00pm – 9.30pm	Environment Committee
11 April	6.30pm – 9.30pm	General Council
18 April (school holidays)	6.30pm – 9.30pm	Information Session – Forum
25 April (school holidays)		No meeting
2 May	6.30pm – 8.00pm (TBC)	Review & Selection Committee (TBC)
2 May	8.00pm – 9.30pm	Planning & Development Committee
9 May	6.30pm – 9.30pm	General Council
16 May	TBC	Finance, Risk & Audit Committee
16 May	6.30pm – 9.30pm	Information Session – Forum
23 May	6.30pm – 9.30pm	General Council
30 May	6.30pm – 9.30pm	Information Session – Forum
6 June	6.30pm – 8.00pm	Infrastructure Committee
6 June	8.00pm – 9.30pm	Environment Committee
13 June	6.30pm – 9.30pm	General Council
20 June	6.30pm – 9.30pm	Information Session – Forum
27 June	6.30pm – 9.30pm	General Council
4 July	6.30pm – 9.30pm	Information Session – Forum
11 July (school holidays)		No meeting
18 July (school holidays)		No meeting
25 July	6.30pm – 9.30pm	General Council
1 August	6.30pm – 8.00pm TBC	Review & Selection Committee (TBC)

Date	Time	Meeting
1 August	8.00pm – 9.30pm	Planning & Development Committee
8 August	6.30pm – 9.30pm	Information session – Forum
15 August	TBC	Finance, Risk & Audit Committee (TBC)
15 August	6.30pm – 9.30pm	Information Session – Forum (Joint Session with FRAC)
22 August	6.30pm – 9.30pm	General Council
29 August	6.30pm – 9.30pm	Information Session – Forum
5 September	6.30pm – 8.00pm	Infrastructure Committee
5 September	8.00pm – 9.30pm	Environment Committee
12 September	6.30pm – 9.30pm	General Council
19 September	6.30pm – 9.30pm	Information Session – Forum
26 September	6.30pm – 9.30pm	Information Session – Forum
3 October (school holidays)		No meeting
10 October (school holidays)	TBC	Finance, Risk & Audit Committee (TBC)
10 October (school holidays)	6.30pm – 8.00pm TBC	Review & Selection Committee (TBC)
10 October (school holidays)	8.00pm – 9.30pm	Planning & Development Committee
17 October	6.30pm – 9.30pm	Information Session – Forum
24 October	6.30pm – 9.30pm	General Council
31 October		No meeting
7 November	6.30pm – 8.00pm	Infrastructure Committee
7 November	8.00pm – 9.30pm	Environment Committee
14 November	6.30pm – 9.30pm	Information Session – Forum
21 November	6.30pm – 9.30pm	Information Session – Forum
28 November	6.30pm – 9.30pm	General Council
5 December	6.30pm – 8.00pm TBC	Review & Selection Committee (TBC)
5 December	8.00pm – 9.30pm	Planning & Development Committee
12 December	TBC	Finance, Risk & Audit Committee (TBC)
12 December	6.30pm – 9.30pm	General Council

### 12.3 City of Marion Christmas Trading hours 2022 - 2025

<b>Report Reference</b>	GC221129R12.3
<b>Originating Officer</b>	Manager Customer Experience – Megan Bradman
<b>Corporate Manager</b>	Manager Customer Experience - Megan Bradman
<b>General Manager</b>	Chief Executive Officer - Tony Harrison

#### REPORT OBJECTIVE

To seek Council endorsement to the early closure of the City of Marion's principal office, being the Administration building, on Thursday 22 December 2022, Friday 22 December 2023, Tuesday 24 December 2024 and Wednesday 24 December 2025.

Report Reference	Report Title
GC190924R10	City of Marion Christmas Trading Hours 2022 - 2025

#### RECOMMENDATION

That Council:

- Endorses the closure of the City of Marion's principal office, being the Administration building at 245 Sturt Road, Sturt on Thursday 22 December 2022 from 12.30pm.**
- Endorses the closure of the City of Marion's principal office, being the Administration building at 245 Sturt Road, Sturt on Friday 22 December 2023 from 12.30pm.**
- Endorses the closure of the City of Marion's principal office, being the Administration building at 245 Sturt Road, Sturt on Tuesday 24 December 2024 from 12.30pm.**
- Endorses the closure of the City of Marion's principal office, being the Administration building at 245 Sturt Road, Sturt on Tuesday 24 December 2025 from 12.30pm.**

#### DISCUSSION

*Section 45 of the Local Government Act 1999 requires Council to nominate its principal office and determine the hours during which the office is to be open for the transaction of business.*

The Administration building located at 245 Sturt Road, Sturt is Council's nominated principal office. The normal operating hours during which the office is to be open for business are 8.30am - 5.00pm Monday to Friday.

In previous years, Council has, as a gesture of appreciation and goodwill, determined to alter the normal hours during which the office is open to allow Council Members, management and staff for a single day to take the opportunity to celebrate the festive season.

During the 2022 Christmas period, it is proposed that the Administration building close at 12.30pm on Thursday 22 December 2022.

To assist with planning for the next three years, Council's endorsement is sought to close the Administration building at 12.30pm on Friday 22 December 2023, Tuesday 24 December 2024, and Tuesday 24 December 2025.

In considering these changes to normal business hours, the needs of our customers are the primary focus. Customer demand for council services is significantly reduced during the festive season, but to

ensure continuity of services to the community, the Council will continue to operate during the holiday period, excluding public holidays.

Council's emergency after-hours services will continue to operate outside Council's business hours during the Christmas and New Year period. Appropriate advertising and notification will be displayed to ensure customers are fully aware of these changes to our normal business hours on these days.

Note that the opening hours of Council's other sites will be determined based on operational/customer needs and these do not require a resolution of Council.

## **ATTACHMENTS**

Nil

## 12.4 Person to Act in Absence of CEO

<b>Report Reference</b>	GC221129R12.4
<b>Originating Officer</b>	Business Support Officer - Governance and Council Support – Cassidy Ryles
<b>Corporate Manager</b>	Manager Office of the Chief Executive - Kate McKenzie
<b>General Manager</b>	Chief Executive Officer - Tony Harrison

### REPORT OBJECTIVE

As part of the suite of reports provided to the first Council meeting in a new term, the purpose of this report is to consult with and seek Council's endorsement of suitable persons to act in the absence of Chief Executive Officer.

### EXECUTIVE SUMMARY

*The Local Government Act 1999* (the Act) provides for the Chief Executive Officer to appoint a deputy CEO or a person to act in their absence. The Act requires that this is done in consultation with the Council.

### RECOMMENDATION

**That Council:**

- 1. Supports the approach of staff occupying the position of 'General Manager' to act in the absence of the Chief Executive Officer.**

### GENERAL ANALYSIS

Section 99 of the Act details of the functions of a CEO. In summary, the role of CEO requires that the policies and lawful decisions of the council are implemented in a timely and efficient manner and the day-to-day operations and affairs of the council are undertaken appropriately.

Section 102 of the Act provides:

*"In the absence of the chief executive officer, the following provisions apply:*

- a) if there is a deputy to the chief executive officer—the deputy must act in the office of the chief executive officer;*
- b) if there is no deputy or the deputy is absent—a suitable person appointed by the chief executive officer after consultation with the council must act in the office;*
- c) if a person is not appointed under paragraph (b)—a suitable person must be appointed by the principal member of the council to act in the office (after taking into account the organisational structure of the council);*
- d) if a person is not appointed under paragraph (c)—a suitable person must be appointed by any three or more members of the council to act in the office (after taking into account the organisational structure of the council)."*

**DISCUSSION**

Based on the legislative requirements, it is the continued desire of the CEO to enact section 102(b) and appoint a suitable person, in consultation with the Council, to act in the role of CEO when the CEO is absent.

The CEO can be defined as absent when:

- either on leave (sick, annual or long service); or
- a specific role/function requires that the CEO be physically present and they cannot (i.e. interstate on business).

To ensure efficiency in the process of appointing someone to act in their absence and the requirement to consult with Council, it is proposed that staff occupying the position of 'General Manager' to be endorsed by Council to act in the absence of the Chief Executive Officer.

Each of the positions of General Manager are occupied by senior executives within the organisation and have been appointed based on their requisite skills, knowledge and experience to fulfil the role of a General Manager and act as the CEO.

**ATTACHMENTS**

Nil

## 12.5 Council Members' Allowance and Benefits Policy

<b>Report Reference</b>	GC221129R12.5
<b>Originating Officer</b>	Unit Manager Governance and Council Support – Victoria Moritz
<b>Corporate Manager</b>	Manager Office of the Chief Executive - Kate McKenzie
<b>General Manager</b>	Chief Executive Officer - Tony Harrison

### REPORT OBJECTIVE

The purpose of this report is for Council to consider and adopt the *Council Members' Allowance and Benefits Policy*.

### EXECUTIVE SUMMARY

Council Members should not be out-of-pocket as a result of performing and discharging their official functions and duties.

Section 77 of the *Local Government Act 1999* (the Act) provides that a member of a council is entitled to receive from the council reimbursement of prescribed expenses incurred in performing or discharging official functions and duties.

The Act also enables Council to develop a policy which details which of those additional expenses, specified within Regulation 6 of the *Local Government (Members Allowances and Benefits) 2010*, it wishes to reimburse Council Members.

A Policy adopted under these provisions lapses at a general election of the Council.

To ensure that members have the necessary support to undertake their roles, the purpose of this report is to present a draft Council Members' Allowances and Benefits Policy to Council for adoption in accordance with Section 77(1)(b) of the Act.

Council may wish to consider and adopt the policy in two parts, separating the ordinary business and the section relating to Mayoral Support (section 2.9).

### RECOMMENDATION

**That Council:**

1. **Adopts the Council Members' Allowance and Benefits Policy as provided in Attachment 1 (excluding Section 2.9 – Mayoral Support) with the following amendments:**
  -
2. **Adopts Section 2.9 – Mayoral Support of the Council Members' Allowances and Benefits Policy as provided in Attachment 1 with the following amendments:**
  -

### DISCUSSION

The *Local Government Act 1999* (the Act) and the *Local Government (Members Allowances and Benefits) Regulations 2010* (the Regulations) provides for the payment of Council Member

allowances, the reimbursement of expenses and the provision of facilities and support incurred or utilised in performing or discharging official functions and duties. Provided in attachment 1 is a draft 'Council Members' Allowances and Benefits Policy for consideration and is presented as a reflection of the Regulations.

The Policy is presented to ensure the new Council has sufficient support to undertake its role. Council may wish to consider any specific amendments it wishes to adopt, including whether any further cycle or review may be scheduled within this term of Council.

Minor amendments have been suggested at this time providing further information around Council Member Allowances.

### Allowances

Pursuant to Section 76 of the Act, a member of Council is entitled to an allowance determined by the Remuneration Tribunal. The Remuneration Tribunal reviews and sets the allowance every four years. This was last reviewed in 2022 to come into operation at the conclusion of the 2022 Local Government Elections. The Tribunal's determination dated 5<sup>th</sup> July 2022 provides for the following allowances with respect to the City of Marion:

Category	Payment
<b>Councillors</b>	\$22,828
<b>Mayor</b>	\$91,312
<b>Deputy Mayor or Presiding Member of a Council Committee (inclusive of Councillor payment)</b>	\$28,535

The allowance is currently paid three months in advance, which is in accordance with the requirements of the Regulations.

An allowance determined under this section is to be adjusted on the first, second and third anniversaries of the relevant periodic elections to reflect changes in the Consumer Price Index.

### Expenses

The proposed policy details those expenses Council is required to reimburse under Section 77(1)(a) of the Act and Regulation 5. Such expenses include:

- Travel expenses incurred in travelling to and from a prescribed meeting if the journey is an eligible journey and the journey is by the shortest or most practicable route. The Regulation states that travel expenses will only be reimbursed for the component of the journey within the Council area.
- Expenses for the care of a child or a dependent of the Member requiring full-time care actually and necessarily incurred by a Council Member as a consequence of their attendance at a prescribed meeting.

An '*eligible journey*' is defined under the Regulations to mean means "a journey (in either direction) between the principal place of residence, or a place of work, of a member of the council, and the place of a prescribed meeting;

A '*prescribed meeting*' is defined under the Regulations to mean "a meeting of the council or council committee, or an informal gathering, discussion, workshop, briefing, training course or similar activity which is directly or closely related to the performance or discharge of the roles or duties of the member."

Other expenses which can be approved by Council, in accordance with section 77(1)(b) of the Act and Regulation 6 via a policy, and which are included in the proposed policy comprise:

- Travel expenses in relation to a member's attendance at a function or activity on the business of the Council other than travel to prescribed meetings.
- Travel expenses in respect of an eligible journey outside the Council area.
- Phone and other telecommunication device costs attributed to the business of Council.
- Child and dependent care expenses incurred by a member as a consequence of the member's attendance at a function or activity on the business of the Council other than prescribed meetings.
- Expenses associated with the attendance at conferences, training, seminars etc directly or closely related to the performance or discharge of the roles or duties of the member.

Conflict of Interest (Section 8AAA of the *Local Government (General) Regulations 2013*)

The requirements set out in Sections 74(6) and 75A(6) of the *Local Government Act 1999* do not apply to a matter of ordinary business of a Council of a kind prescribed by regulation for the purposes of this section.

The following matters prescribed by Section 8AAA of the *Local Government (General) Regulations 2013* :

- b) the preparation, discussion, adoption or revision of a policy relating to allowances and benefits payable to members if the policy relates to allowances and benefits payable equally to each member (rather than allowances and benefits payable to particular members or particular office holders)*

This means the sections of the Policy that relate to all Members are considered ordinary business, however the sections relating to just the Mayoral position are not considered ordinary business.

Council may wish to consider and adopt the policy in two parts as highlighted in the recommendation to separate the sections considered ordinary business and those that are not.

Following adoption, the Council Members' Allowance and Benefits Policy will be available on the City of Marion website.

## **ATTACHMENTS**

1. Council Members Allowances and Benefits Policy 2022\_Draft [**12.5.1** - 8 pages]

# Council Members Allowances and Benefits Policy



## 1. POLICY STATEMENT

Council Members should not be out-of-pocket as a result of performing and discharging their official functions and duties.

The City of Marion will ensure that the reimbursement of expenses is accountable, transparent and in accordance with the *Local Government Act 1999* (the LG Act) and the *Local Government (Members Allowances & Benefits) Regulations 2010* (the Regulations).

This policy summarises the provisions of the Act and the Regulations in respect to Council Member expenses and support, specifies the types of expenses to be reimbursed and the process for Council Members to obtain reimbursement of those expenses. In determining this policy Council took into consideration the overall support provided to Council Members pursuant to Sections 76, 77 and 78 of the Act.

## 2. POLICY

### 2.1 Allowances

Council Member allowances are determined by the Remuneration Tribunal on a four yearly basis before the designated day in relation to each set of periodic elections held under the *Local Government (Elections) Act 1999*. Allowances to Council Members will be paid in quarterly instalments, 3 months in advance. Council Member allowances are to be adjusted on the first, second, and third anniversaries of the relevant periodic elections to reflect changes in the CPI.

The relevant determination for the Council term commencing in November 2022 is: Determination No. 2 of 2022 – Allowances for Members of Local Government Councils.

A member of a council who holds office for part of the period in respect of which an allowance is payable is entitled to the proportion of the allowance that the period for which the member held the office bears to the total period (section 76(11) of the LG Act).

A statement of earnings will be provided to Council Members at the conclusion of each financial year.

### 2.2 Leave of absence – council member contesting election

If a council member stands as a candidate for election as a member of State Parliament, section 55A of the Local Government Act automatically grants a leave of absence from the date on which nominations for the relevant election close until the result of the election is publicly declared.

During the leave of absence period the Council Member:

- is not entitled to receive any Council Member allowance or reimbursement of expenses; and
- must not use any facility, service or other form of support provided by the Council; and
- must not carry out any function or duty as a Council Member

A maximum penalty of \$15,000 applies for a breach of this section of the Local Government Act.

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# Council Members Allowances and Benefits Policy



## 2.3 Mandatory Reimbursements – Travel (Section 77(1)(a))

Council Members are entitled to receive reimbursement for travelling expenses actually and necessarily incurred by the Council Member for travel within the Council area and associated with attendance at a “prescribed meeting” (section 77(1)(a) of the LG Act).

- 2.3.1 reimbursement for travel expenses is restricted to ‘eligible journeys’ (as defined in Regulation 3) provided the journey is by the shortest or most practicable route and to that part of the journey within the Council area i.e. any travelling outside the Council area in order to attend Council or Council committee meetings is not reimbursable under section 77(1)(a) of the LG Act.
- 2.3.2 reimbursement for travel outside the Council area refer to “Prescribed and Approved Reimbursements” below.
- 2.3.3 where a Council Member travels by private motor vehicle, the rate of reimbursement is at a rate equal to the appropriate rate per kilometre ~~(determined according to the engine capacity of the vehicle)~~ prescribed for the purpose of calculating deductions for car expenses under section 28.25 of the Income Tax Assessment Act 1997 of the Commonwealth.
- 2.3.4 travelling by taxi, bus or other means of public transport is reimbursed on the basis of expenses ‘actually and necessarily incurred’ but is still limited to ‘eligible journeys’ by the shortest or most practicable route and to the part of the journey that is within the Council area.
- 2.3.5 the Council may aggregate claims for reimbursement of expenses that relate to journeys that do not exceed 20 kilometres and then pay them on either a quarterly or monthly basis.

## 2.4 Mandatory Reimbursements – Child/Dependent Care (Section 77(1)(a))

Council Members are entitled to reimbursement for child/dependent care expenses actually or necessarily incurred by the Council Member as a consequence of the Council Member’s attendance at a prescribed meeting. Child/dependent care is not reimbursed if the care is provided by a person who ordinarily resides with the Council Member.

To receive reimbursement for such prescribed expenses (travel and child/dependent care) each Council Member is required to complete a Form 1 and submit it to the Council Support Unit. For the purposes of administrative efficiency Council Members are requested to submit these forms on a quarterly basis.

## 2.5 Prescribed and Approved Reimbursements (Section 77(1)(b))

Additional prescribed expenses incurred by Council Members, will be reimbursed by the Council that do not fall within the category of mandatory reimbursement outlined above.

Section 77(1)(b) of the LG Act provides that the Council (meaning the Council as the governing body) may approve the reimbursement of additional expenses as set out in the Regulations incurred by Council Members, either on a case-by-case basis or under a policy adopted by Council. This Policy sets out the types of approved expenses that may be reimbursed.

These additional types of reimbursed expenses are distinguished from the payment of allowances and from the mandatory reimbursement of travel and child/dependent care expenses associated

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# Council Members Allowances and Benefits Policy



with attendance at a prescribed meeting.

Regulation 6 of the Regulations sets out the types of additional expenses that may be reimbursed under section 77(1)(b) with the approval of the Council. These are:

- an expense incurred in the use of a telephone, facsimile or other telecommunications device, or in the use of a form of electronic communication, on the business of the Council;
- travelling expenses incurred by the Council Member as a consequence of the Member's attendance at a function or activity on the business of the Council (other than for which the member is reimbursed under section 77(1)(a) of the LG Act);
- travelling expenses incurred by the Member in undertaking an eligible journey to the extent that those expenses are attributable to travel outside the area of the Council;
- expenses for the care of:
  - (i) a child of the Member; or
  - (ii) a dependent of the Member requiring full-time care
 incurred by the Member as a consequence of the Member's attendance at a function or activity on the business of the Council (other than for which the member is reimbursed under section 77(1)(a) of the LG Act); and
- expenses incurred by the Member as a consequence of the Member's attendance at a conference, seminar, training course or other similar activity which is directly or closely related to the performance or discharge of the roles and duties of a Council Member (other than for which the member is reimbursed under section 77(1)(a) of the LG Act).

For the purposes of this Policy, and pursuant to section 77(1)(b) of the LG Act, the Council approves the reimbursement of additional expenses of Council Members as described below.

## 2.6 Travel

Pursuant to section 77(1)(b) of the LG Act the Council approves reimbursement of:

- Travel expenses related to attendance at a "prescribed meeting" being an "eligible journey" (as defined in Regulation 3), as it is attributable to travel outside the Council area, up to a maximum of \$50 or 20km per return.

Reimbursement is restricted to the shortest or most practicable route.

Travel by air, approved by the Council, will be economy class for domestic travel and business class for international travel. Travel may be at a higher class where appropriate, for instance if travelling with a party also travelling business or first class.

## 2.7 Child and Dependent Care

Expenses incurred for the care of a child of the Council Member or a dependent of the Member requiring full time care as a consequence of the Council Member's attendance at a "function or activity on the business of Council" except where that care is provided by a relative who ordinarily resides with the member.

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## 2.8 Conferences/Seminars/Training

Expenses incurred by the Member as a consequence of the Council Member's attendance at a conference, seminar, training course or other similar activity that is directly or closely related to the performance or discharge of the roles or duties of the Member. Expenses will only be reimbursed for attendance at conferences, seminars, etc. which have been approved under

Council's 'Professional Development - Elected Members' Policy. The following types of expenses will be reimbursed:

- Airfares / train fare / bus fare
- registration fees
- accommodation
- meals\*
- taxi fares
- car parking
- incidentals\*

\* Meals and incidentals will be reimbursed up to the amounts recommended by the Australian Taxation Office in accordance with Subdivision 900-B of the Income Tax Assessment Act 1997 (with the exception of meals included as part of a conference or seminar etc. registration as these will be reimbursed in full).

## 2.9 Facilities and Support

In addition to allowances and the reimbursement of expenses, the LG Act provides that the Council can provide facilities and forms of support for use by its Council Members to assist them to perform or discharge their official functions and duties (section 78).

The Council must consider and specifically approve the particular facility and support as necessary or expedient to the performance or discharge of all Council Members' official functions or duties. In approving the provision of facilities and support section 78 requires that any such services and facilities must be made available to all Council Members on a uniform basis, other than those facilities or support specifically provided to the Principal Member set out below (if any).

Pursuant to section 78 of the LG Act, Council has considered and is satisfied that the following facilities and support are necessary or expedient for all Council Members to assist them in performing or discharging their official functions and duties:

- 2.9.1 Each Council Member will be entitled to a Smart phone connected to the Corporate Mobile Phone Plan. Council Members may choose to bring their own device. Re-imbursement for Council Members own devices will be to a maximum equivalent of the Corporate Mobile Phone Plan.
- 2.9.2 Each Council Member will be entitled to a tablet device and corporate data plan for the purposes of Council business including but not limited to accessing corporate email, calendar and downloading minutes and agendas. Council Members may choose to bring their own device. Re-imbursement for Council Members own devices will be to a maximum equivalent of the Corporate Data Plan.

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- 2.9.3 A laptop and corporate data plan for the purposes of Council business including but not limited to accessing corporate email, calendar and downloading minutes and agendas.
- 2.9.4 During declared emergency periods where Council conducts Council Meetings, Committee Meeting and other forums/meetings via electronic means, the Council will reimburse the Council Member 50% or up to \$50 per month for the cost of their home internet (whichever is the lesser amount).
- 2.9.5 Ongoing support and training
- 2.9.6 Corporate approved applications Microsoft Office
- 2.9.7 Reimbursement of up to \$200 per annum for on-line subscriptions/applications
- 2.9.8 A Council land line will be provided to each Council Member and diverted to their mobile number of choice or telephone land line for Council business at a Council Members' place of residence. This provides ratepayers with a landline to contact Council Members on.
- 2.9.9 All conference rooms in the Council offices can be booked by Council Members, if available,
- 2.9.10 for meetings with residents and key stakeholders. This does not include Council Members booking rooms on behalf of third parties.
- 2.9.11 Up to 50 Christmas cards, as approved by the Mayor, and envelopes of standard size each year and postage.
- 2.9.12 Individual electronic Council Members' letterhead will be supplied. The electronic letter head will not incorporate the City of Marion logo.
- 2.9.13 Business cards
- 2.9.14 Envelopes and postage facilities for Council business only.
- 2.9.15 A meal and drinks will be provided where appropriate while attending Council meetings, Council Committee meetings, briefings and workshops.
- 2.9.16 Council Members will be offered the influenza vaccination through an annual onsite influenza vaccination clinic. Council Members who are unable to attend the onsite influenza vaccination clinic are able to obtain an influenza vaccination through an external provider and are eligible for a reimbursement, through provision of a tax receipt, up to the cost of an individual vaccination at the onsite influenza vaccination clinic, currently \$18.00.
- 2.9.17 Council Members will be offered an annual online Adelaide Now Subscription through a corporate account for up to \$200 per Council Member, per year.

The provision of these facilities and support are made available to all Council Members (including the Principal Member) under the LG Act on the following basis:

- they are necessary or expedient for the Council member to perform or discharge his/her official functions or duties;
- the facilities remain the Council's property regardless of whether they are used off site or not; and
- they are not to be used for a private purpose or any other purpose unrelated to official Council functions and duties, unless such usage has been specifically pre-approved by the Council and the Council Member has agreed to reimburse the Council for any additional cost or expenses associated with that usage.

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# Council Members Allowances and Benefits Policy



## 2.10 Mayoral Support

In addition to the above, Council has resolved to make available to the Principal Member (and to any acting Principal Member appointed during the Principal Member's absence) the following additional facilities and support to assist them in performing and discharging their official functions and duties:

- Office space
- Additional quantity of Corporate Christmas cards to send on behalf of the City of Marion
- Administrative support in accordance with Council's budget
- Mayoral letterhead
- a motor vehicle with an overall rating of 4 stars or greater according to the Australian Government Green Vehicle Guide up to the value of the top of the range Mitsubishi Outlander vehicle for the Mayor's Council business use. Personal use of the vehicle by the Mayor and Mayor's immediate family is permitted if the Mayor reimburses the Council. If there is no evidence to the contrary, payment of 50% of running costs incurred by Council (e.g. petrol, tyres, servicing) shall be deemed adequate reimbursement for the purpose of this clause.

## 3. EXCLUSIONS

The use of Council facilities, support and/or services by Council Members for campaign or election purposes is not permitted under any circumstances on the basis it is not necessary or expedient to the performance or discharge of a Council Member's official functions or duties under the LG Act. The use of such facilities for electoral purposes during the election period would be a breach of section 78(3) of the LG Act.

## 4. REIMBURSEMENT AND RECORDS MANAGEMENT

### 4.1 Claims for Reimbursement

Council Members are required to provide details of kilometres travelled and/or evidence of expenses incurred to support all reimbursements claimed. All claims for reimbursement must be submitted to the Chief Executive Officer (or other nominated and delegated officer) on the form/s provided for this purpose on a quarterly basis for the purposes of maintaining the Register of Allowances and Benefits.

Reimbursement of expenses will only be paid to a Council Member upon presentation of the form/s and adequate evidence supporting the claims made.

### 4.2 Reimbursement to Council

Any additional cost or expenses associated with a private purpose or any other purpose unrelated to official Council functions and duties must be reimbursed to Council by 30 June in the year that the cost or expense was incurred.

### 4.3 Other Reimbursements

Any additional reimbursements and facilities and support not detailed in this Policy will require the specific approval of Council prior to any reimbursements being paid, benefits being received and facilities and/or support being provided.

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# Council Members Allowances and Benefits Policy



## 4.4 Register of Allowances and Benefits

Pursuant to section 79(1) and (2) of the LG Act, the Chief Executive Officer must maintain a Register in which he or she shall ensure that a record is kept of—

- (a) the annual allowance payable to a Council Member (in the case of section 79(1)(a)); and
- (b) any expenses reimbursed under section 77(1)(b) of the LG Act (in the case of section 79(1)(b)); and
- (c) other benefits paid or provided for the benefit of the Member by the Council (in the case of section 79(1)(c)); or
- (d) to make a record of the provision of a reimbursement or benefit not previously recorded in the Register (in the case of section 79(2)(b)), on a quarterly basis (see regulation 7 of the Regulations).

The Chief Executive Officer is required to record in the Register any changes in the allowance or a benefit payable to, or provided for the benefit of, Council Members. Accordingly, the Chief Executive Officer will update the Register each quarter and therefore each Council Member is required to provide his or her claim form for reimbursement to the Council Support Unit by the last business day of each quarter.

The Register of Allowances and Benefits is available for inspection on the City of Marion website and will be updated quarterly.

## 5. SUMMARY

In addition, although not required by the LG Act, the Council has determined that the provision of the above facilities and support are made available to Council Members on the following terms:

- each Council Member is solely responsible for those facilities released into their care and/or control for the duration of their term in office;
- all facilities must be returned to the Council at the end of each term in office, upon the office of a Member of a Council becoming vacant, or earlier at the request of the Chief Executive Officer;
- if the facilities provided to the Council Member are damaged or lost the Council Member must lodge a written report with the Council officer responsible for this Policy (whose name is detailed at the end of this Policy).

## 6. DEFINITIONS

<i>Term</i>	<i>Definition</i>
<b>The Act</b>	The Local Government Act 1999
<b>Regulation</b>	Refers to the stated regulation of the Local Government (Members Allowances & Benefits) Regulations 2010.

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# Council Members Allowances and Benefits Policy



<b><i>Eligible Journey</i></b>	means "a journey (in either direction) between the principal place of residence, or a place of work, of a member of a council, and the place of a prescribed meeting" (Regulation 3)
<b><i>Prescribed Meeting</i></b>	means "a meeting of the council or council committee, or an information or briefing session, which is directly or closely related to the performance or discharge of the roles or duties of the member." (Regulation 3)

## 7. REFERENCES

*Local Government Act 1999 (Sections 4, 55A, 76, 77, 78, 79, 80)*

*Local Government (Members Allowances & Benefits) Regulations 2010*

*Income Tax Assessment Act 1997 (Section 28.25)*

*Council Member Professional Development Policy*

## 8. REVIEW AND EVALUATION

This Policy will lapse at the next general election at which time the newly elected Council will be required to adopt a new policy dealing with Council Member's allowances, reimbursements and benefits for their term in office (section 77(2) LG Act).

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## 12.6 Establishment of Environment Committee and Terms of Reference

<b>Report Reference</b>	GC221129R12.6
<b>Originating Officer</b>	Manager Office of the Chief Executive – Kate McKenzie
<b>Corporate Manager</b>	Manager Office of the Chief Executive - Kate McKenzie
<b>General Manager</b>	Chief Executive Officer - Tony Harrison

### REPORT OBJECTIVE

The purpose of this report is to recommend to Council to establish the Environment Committee and adopt the Terms of Reference provided in **Attachment 1**.

### EXECUTIVE SUMMARY

The Environment Committee is established pursuant to Section 41 of the Local Government Act (the Act). For the purposes of section 41(8) of Act, the Council does not impose any reporting and accountability requirements on the basis that all decisions of the Committee constitute recommendations to Council.

### RECOMMENDATION

**That Council:**

- Establishes the City of Marion Environment Committee in accordance with the Terms of Reference included as Attachment 1 to the report.**

### DISCUSSION

The Committee is established for the purposes of:

- Investigate, develop and report to Council for consideration, new environmental sustainability initiatives and strategies, that will enable Council to become a sustainable organisation, support the community to reduce its impact on the environment and build community resilience to the impacts of climate change.
- Monitoring of the implementation of environmental plans (such as the Carbon Neutral Plan, Coastal Climate Change Plan, etc.) and evaluation of the plans outputs.
- Monitoring of any Council Key Performance Indicators or metrics relating to environment and/or carbon neutrality, including tracking of carbon emissions reduction overtime.

The proposed structure of the Committee comprises of the Mayor and 4 Council Members appointed by Council. The presiding member of the Committee will be a Council Member and will be appointed by Council resolution.

In accordance with section 4.3, the Committee will meet as resolved by Council between February and December each year. It is suggested that the Committee meet on the first Tuesday of the month in February, April, June, September and November 2023 as included in the proposed Schedule of Meetings 2023 for adoption by Council.

A draft Terms of Reference for the Environment Committee is provided in Attachment 1.

### ATTACHMENTS

- Environment Committee Terms of Reference November 2022 003 [**12.6.1** - 3 pages]

# Environment Committee

## Terms of Reference



### 1. ESTABLISHMENT

- 1.1 Pursuant to section 41 of the *Local Government Act 1999* (the Act) Council has established an Environment Committee.

### 2. OBJECTIVES

- 2.1 The Committee is established for the purposes of:
- Investigate, develop and report to Council for consideration, new environmental sustainability initiatives and strategies, that will enable Council to become a sustainable organization, support the community to reduce its impact on the environment and build community resilience to the impacts of climate change.
  - Monitoring of the implementation of environmental plans (such as the Carbon Neutral Plan, Coastal Climate Change Plan, etc.) and evaluation of the plans outputs.
  - Monitoring of any Council Key Performance Indicators or metrics relating to environment and/or carbon neutrality, including tracking of carbon emissions reduction overtime.
- 2.2 Developing, reviewing and recommending to Council any policy relating to areas identified in 2.1.

### 3. MEMBERSHIP

- 3.1 The membership of the Committee will comprise of:
- The Mayor
  - Four (4) Council Members
- 3.2 The Membership, term of appointment and the presiding member will be determined by resolution of the Council.

#### Council Member Representatives

- 3.3 A Council Member will be the presiding member of the Committee.
- 3.4 The Council Member Representatives will change during the term of Council however Council may resolve to re-appoint a Council Member representative for consecutive terms if this provides continuity for the Committee.

### 4. BASIS FOR OPERATION

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# Environment Committee

## Terms of Reference



- 4.1 The Committee does not have any delegated powers of Council, and all decisions of the Committee will constitute recommendations to Council.
- 4.2 For the purposes of section 41(8) of Act, the Council does not impose any reporting and accountability requirements on the basis that all decisions of the Committee constitute recommendations to Council.
- 4.3 The Committee will meet as resolved by Council between February and December each year.
- 4.4 A quorum for a meeting of the Committee shall be half the total membership plus one, ignoring any fractions.
- 4.5 Each member present at a Committee meeting must, subject to the provision of the Act, vote on a question arising for decision at that meeting.
- 4.6 Where the Act, the Local Government (Procedures at meetings) Regulations 2000 and these Terms of Reference do not prescribe procedures to be observed in relation to the conduct of a meeting of the Committee, the Committee may determine its own procedures.
- 4.7 Administrative support will be provided to the Committee as requested.
- 4.8 The Committee will review its performance on a bi-annual (every two years) basis using performance indicators developed for that purpose.

### 5. FUNCTIONS

- 5.1 Within the parameters of the Act, and having regard to the powers, functions and responsibilities of the Chief Executive Officer, the Committee is charged with providing advice and recommendations to Council regarding:
  - 5.1.1 Investigate and develop business cases for new environmental initiatives for Council to consider.
  - 5.1.2 Research environmental sustainability initiatives and strategies.
  - 5.1.3 Develop and monitor environmental sustainability, climate change and energy efficient strategies/plans.
  - 5.1.4 Ensure that City of Marion's initiatives and strategies are connected to regional and state planning such as the Resilient South and Adelaide Coastal Councils Network.
  - 5.1.5 Monitor any Council Key Performance Indicators or metrics relating to environment and/or carbon neutrality and/or climate change.

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# Environment Committee Terms of Reference



- 5.1.6 The development, review and implementation of Council's policies relating to this Committee's Terms of Reference.
- 5.1.7 Reviewing strategies or plans (not included within any other Committees' Terms of Reference) prior to Council consideration and adoption.

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## 12.7 Establishment of Infrastructure Committee and Terms of Reference

Report Reference	GC221129R12.7
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

### REPORT OBJECTIVE

The purpose of this report is to recommend to Council to establish the Infrastructure Committee and adopt the Terms of Reference provided in Attachment 1.

### EXECUTIVE SUMMARY

The Infrastructure Committee is established pursuant to Section 41 of the Local Government Act (the Act). For the purposes of section 41(8) of Act, the Council does not impose any reporting and accountability requirements on the basis that all decisions of the Committee constitute recommendations to Council.

### RECOMMENDATION

**That Council:**

- 1. Establishes the City of Marion Infrastructure Committee in accordance with the Terms of Reference included as Attachment 1 to the report.**

### DISCUSSION

The Committee is established for the purposes of:

- Advising Council on the development, management and monitoring of Council's strategic management of council infrastructure, assets and Asset Management Plans (AMP).
- Aligning Council's provision and management of assets and infrastructure to its long-term strategic objectives and long-term financial plan.
- Establishing and monitoring community levels of service to justify assets and infrastructure.

The proposed structure of the Committee comprises of the Mayor and 4 Council Members appointed by Council. The presiding member of the Committee will be a Council Member and will be appointed by Council resolution.

In accordance with section 4.3, the Committee will meet as resolved by Council between February and December each year. It is suggested that the Committee meet on the first Tuesday of the month in February, April, June, September and November 2023 as included in the proposed Schedule of Meetings 2023 for adoption by Council.

A draft Terms of Reference for the Infrastructure Committee is provided in Attachment 1.

### ATTACHMENTS

1. Infrastructure Committee Terms of Reference - Draft [12.7.1 - 2 pages]

# Infrastructure Committee

## Terms of Reference



### 1. ESTABLISHMENT

- 1.1 Pursuant to section 41 of the *Local Government Act 1999* (the Act) Council has established an Infrastructure Committee.

### 2. OBJECTIVES

- 2.1 The Committee is established for the purposes of:
- Advising Council on the development, management and monitoring of Council's strategic management of council infrastructure, assets and Asset Management Plans.
  - Aligning Council's provision and management of assets and infrastructure to its long-term strategic objectives and long-term financial plans
  - Establishing and monitoring community levels of service to justify assets and infrastructure.
- 2.2 Developing, reviewing and recommending to Council any policy relating to areas identified in 2.1.

### 3. MEMBERSHIP

- 3.1 The membership of the Committee will comprise of:
- The Mayor
  - Four (4) Council Members
- 3.2 The Membership, term of appointment and the presiding member will be determined by resolution of the Council.

#### Council Member Representatives

- 3.3 A Council Member will be the presiding member of the Committee.
- 3.4 The Council Member Representatives will change during the term of Council however Council may resolve to re-appoint a Council Member representative for consecutive terms if this provides continuity for the Committee.

### 4. BASIS FOR OPERATION

- 4.1 The Committee does not have any delegated powers of Council, and all decisions of the Committee will constitute recommendations to Council.
- 4.2 For the purposes of section 41(8) of Act, the Council does not impose any reporting and accountability requirements on the basis that all decisions of the Committee constitute recommendations to Council.
- 4.3 The Committee will meet as resolved by Council between February and December each

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# Infrastructure Committee

## Terms of Reference



year.

- 4.4 A quorum for a meeting of the Committee shall be half the total membership plus one, ignoring any fractions.
- 4.5 Each member present at a Committee meeting must, subject to the provision of the Act, vote on a question arising for decision at that meeting.
- 4.6 Where the Act, the Local Government (Procedures at meetings) Regulations 2000 and these Terms of Reference do not prescribe procedures to be observed in relation to the conduct of a meeting of the Committee, the Committee may determine its own procedures.
- 4.7 Administrative support will be provided to the Committee as requested.
- 4.8 The Committee will review its performance on a bi-annual (every two years) basis using performance indicators developed for that purpose.

### 5. FUNCTIONS

- 5.1 Within the parameters of the Act, and having regard to the powers, functions and responsibilities of the Chief Executive Officer, the Committee is charged with providing advice and recommendations to Council regarding:
  - 5.1.1 Monitoring, development and implementation of Council's Strategic Asset Management Plans in accordance with Council's Asset Management Policy, including reporting on the performance of the Plans.
  - 5.1.2 Use of Council facilities and making recommendations regarding the implementation of strategies for improvement.
  - 5.1.3 Opportunities to either acquire new assets or dispose of assets in accordance with Council's Disposal of Land and Assets Policy.
  - 5.1.4 Opportunities to further develop strategic transport and integration of transport needs of the Community.
  - 5.1.5 The development, review and implementation of Council's policies relating to this Committee's Terms of Reference.
  - 5.1.6 Reviewing strategies or plans (not included within any other Committees' Terms of Reference) prior to Council consideration and adoption.

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## 12.8 Re-establishment of Review and Selection Committee and Terms of Reference

<b>Report Reference</b>	GC221129R12.8
<b>Originating Officer</b>	Unit Manager Governance and Council Support – Victoria Moritz
<b>Corporate Manager</b>	Manager Office of the Chief Executive - Kate McKenzie
<b>General Manager</b>	Chief Executive Officer - Tony Harrison

### REPORT OBJECTIVE

The purpose of this report is to recommend to Council to re-establish the Review and Selection Committee and adopt the Terms of Reference provided in Attachment 1.

### EXECUTIVE SUMMARY

The Review and Selection Committee is established pursuant to section 41 of the Local Government Act 1999 (the Act) which details councils' requirements to establish a Chief Executive Officer Performance Review and Selection Committee. For the purposes of Section 41(8) of the Local Government Act 1999, the Council does not impose any reporting and accountability requirements on the basis that all decisions of the Committee constitute recommendations to Council.

### RECOMMENDATION

**That Council:**

- 1. Re-establishes the City of Marion Review and Selection Committee in accordance with the Terms of Reference included as attachment 1 to the report.**

### DISCUSSION

The Committee is established for the purpose of:

- Sourcing and recommending to Council the appointment of expert members to Committees.
- Reviewing the performance of the Chief Executive Officer.
- Recommending a process to Council for the recruitment of the Chief Executive Officer (as required).
- Reviewing, monitoring and recommending to Council relevant strategies regarding the organisation's culture and performance associated with the conduct of Council Members, employees and volunteers.
- Monitoring the organisations direction regarding the efficient and effective delivery of strategic and operational human resource functions.
- Ensure the organisation has appropriate employee well-being strategies.

The current structure of the Committee comprises of the Mayor and either two or three Council Members as appointed by Council. The Presiding Member of the Committee will be the Mayor.

In accordance with section 4.4 of the Terms of Reference, the Committee will meet on an ad-hoc basis with a meeting occurring at least every six months. Meetings will be convened at the request of the presiding member or the Council Members on the Committee. Therefore, the Council is not required to make a resolution about the meetings schedule for this Committee.

A draft Terms of Reference for the Review and Selection Committee is provided in **Attachment 1**. Minor suggested edits have been made to this document.

## **ATTACHMENTS**

1. Review and Selection Committee Terms of Reference - Draft [**12.8.1** - 5 pages]

# Review and Selection Committee



## 1. ESTABLISHMENT

- 1.1 Pursuant to section 41 of the *Local Government Act 1999* (the Act) the Council has established a Chief Executive Officer Performance Review and Selection Committee.

## 2. OBJECTIVES

- 2.1 The Committee is established for the purpose of:
- 2.1.1 Sourcing and recommending to Council the appointment of expert members to Committees.
  - 2.1.2 Reviewing the performance of the Chief Executive Officer.
  - 2.1.3 Recommending a process to Council for the recruitment of the Chief Executive Officer (as required).
  - 2.1.4 Reviewing, monitoring and recommending to Council relevant strategies regarding the organisation's culture and performance associated with the conduct of Elected-Council Members, employees and volunteers.
  - 2.1.5 Monitor the organisations direction regarding the efficient and effective delivery of strategic and operational human resource functions.
  - 2.1.6 Ensure the organisation has appropriate employee well-being strategies.

## 3. MEMBERSHIP

- 3.1 Membership of the Committee will comprise:
- (i) The Mayor
  - (ii) Two or three Elected-Council Members

The Membership for the Elected-Council Members of the Committee continues for the term as resolved by Council.

### Elected-Council Member Representatives

- 3.2 The Presiding Member will be the Mayor.
- 3.3 Appointment of the Elected-Council Member representative will be made by Council on a rotational basis as resolved from time to time. Council may resolve to re-appoint an Elected-Council Member representative for consecutive terms.

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# Review and Selection Committee



3.4 No additional allowance will be paid to the Mayor or ~~Elected-Council~~ Member representatives over and above the allowance already received by the ~~Elected-Council~~ Member.

3.5 If required, training and development will be sourced and provided to the ~~Elected-Council~~ Member Representative on matters/subjects within the Committee's Terms of Reference.

## 4. BASIS FOR OPERATION

4.1 The Committee does not have any delegated powers of Council, and all decisions of the Committee will constitute recommendations to Council.

4.2 For the purposes of Section 41(8) of the Local Government Act 1999, the Council does not impose any reporting and accountability requirements on the basis that all decisions of the Committee constitute recommendations to Council.

4.3 Committee meetings will take place at the City of Marion Administration Centre as required to undertake the responsibilities identified in these Terms of Reference.

4.4 The Committee will meet on an ad-hoc basis at least every six months. Meetings will be convened at the request of the presiding member or the ~~elected-council~~ members on the Committee.

4.5 A quorum for a meeting of the Committee shall be half the total membership plus one, ignoring any fractions.

4.6 In the absence of the Presiding Member from a meeting, the meeting will appoint an acting Chairperson from the members present.

4.7 Each member present at a Committee meeting must, subject to a provision of the Local Government Act 1999 to the contrary, vote on a question arising for decision at that meeting.

4.8 Where the Local Government Act 1999, the Local Government (Procedures at Meetings) Regulations 2000 and these Terms of Reference do not prescribe procedures to be observed in relation to the conduct of a meeting of the Committee, the Committee may determine its own procedures.

4.9 Administrative support will be provided to the Committee as required.

## 5. FUNCTIONS

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# Review and Selection Committee



Within the parameters of the Local Government Act 1999, and having regard to the powers, functions and responsibilities of the Chief Executive Officer, the Committee is charged with undertaking the following functions:

## 5.1 CEO Employment Agreement and Performance Review

- 5.1.1 Arranging for the conduct of the Chief Executive Officer's six month (informal) and annual performance review within the parameters of the Chief Executive Officer's Employment Agreement.
- 5.1.2 In accordance with Section 102A of the Local Government Act, the Committee will obtain the advice for the purpose of any review of the employment agreement and CEO Performance review of a qualified independent person for the purpose of any review, providing the advice to Council for consideration.
- 5.1.3 Reviewing the Chief Executive Officer's performance criteria within the parameters of the Chief Executive Officer's Employment Agreement.
- 5.1.4 Reviewing the Chief Executive Officer's remuneration package within the parameters of the Chief Executive Officer's Employment Agreement and the requirements of the Local Government Act and Regulations.
- 5.1.5 Reviewing any aspect of the Chief Executive Officer's Employment Agreement within the parameters of the Chief Executive Officer's Employment Agreement and in any instance before terminating the appointment of the CEO, Council must have advice from a qualified independent person.
- 5.1.6 Recommending to Council the outcomes of the Chief Executive Officer's annual performance review including the advice of a qualified independent person.
- 5.1.7 Recommending to Council the Chief Executive Officer's remuneration package in accordance with s99A of the Local Government Act and within the minimum and maximum range determined by the Remuneration Tribunal SA and recommending to Council the Chief Executive Officer's performance criteria to be applied for the ensuing year.
- 5.1.8 Providing feedback to the Chief Executive Officer on outcomes of the performance review, and in conjunction with the Chief Executive Officer, determining appropriate courses of action as required.
- 5.1.9 Recommending to Council any changes to the Chief Executive Officer's Employment Agreement to be further negotiated with the CEO.

## 5.2 Vacancy of the Office of the Chief Executive Officer

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# Review and Selection Committee



- 5.2.1 The Council will appoint a Chief Executive Officer after obtaining and considering the advice of a qualified independent person on the assessment of applications recommendations of the appointment.
- 5.2.2 In the event a vacancy in the office of the Chief Executive Officer, the Committee will develop and recommend to Council the necessary steps to fill the vacancy in accordance with the requirements the Local Government Act 1999.
- 5.2.3 The Committee will act as the selection panel and will appoint at least 1 member to the selection panel who is not a Council member or employee of the Council and make recommendations to the Council in accordance with the process developed and adopted in accordance with section 5.2.2.

## 5.3 Process to Source Appointment of Expert Members to Section 41 Committees

- 5.3.1 This Committee and the Chief Executive Officer will act as the selection panel for all expert members to Section 41 Committees.
- 5.3.2 This panel will be supported by the manager with the relevant expertise required for the operations of the Committee.
- 5.3.3 The process to be followed by the Committee is:
  - Identification of potential candidates via an executive search or general advertisement.
  - Short list candidates for interviews/discussion.
  - Interviews with candidates to determine suitability for selection.
  - Determine a preferred candidate and confirm their preparedness to be nominated for appointment.
  - Make recommendation to Council on a preferred candidate.

## 5.4 Process to Source Appointment of Expert Members to the Council Assessment Panel (CAP)

- 5.4.1 This Committee and the Chief Executive Officer will act as the selection panel for all expert members to the Council Assessment Panel.
- 5.4.2 This Panel will be supported by the Manager Development and Regulatory Services (or their delegate) and any other manager with the relevant expertise required for the operations of the Committee.

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# Review and Selection Committee



5.4.3 The process to be followed by the Committee is:

- Identification of potential candidates via general advertisement.
- Short list candidates for interviews/discussion.
- Interviews with candidates to determine suitability for selection.
- Determine a preferred candidate and confirm their preparedness to be nominated for appointment.
- Make recommendation to Council on a preferred candidate.

## 5.5 Review Committee's Performance

5.5.1 Review the Committee's Performance on a bi-annual (every two years) basis using performance indicators developed for that purpose.

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## 12.9 Re-establishment of Finance, Risk and Audit Committee and Terms of Reference

<b>Report Reference</b>	GC221129R12.9
<b>Originating Officer</b>	Unit Manager Governance and Council Support – Victoria Moritz
<b>Corporate Manager</b>	Manager Office of the Chief Executive - Kate McKenzie
<b>General Manager</b>	Chief Executive Officer - Tony Harrison

### REPORT OBJECTIVE

The purpose of this report is to recommend to Council to re-establish the Finance, Risk and Audit Committee and adopt the Terms of Reference provided in Attachment 1.

### EXECUTIVE SUMMARY

The Finance, Risk and Audit Committee is a formally constituted Committee of Council pursuant to Section 41 and 126 of the *Local Government Act 1999* and is responsible to Council. It operates as an independent and objective advisory Committee to Council and does not have any delegated decision making or authority to implement actions in areas over which the Chief Executive Officer has delegation.

### RECOMMENDATION

**That Council:**

- 1. Re-establishes the City of Marion Finance, Risk and Audit Committee in accordance with the Terms of Reference set out in Attachment 1 of this report.**
- 2. Determines the sitting fees payable to the Independent Members of the Finance, Risk and Audit Committee are \$1,000 per scheduled meeting and the chair is \$1,200 per scheduled meeting.**

### DISCUSSION

The primary objective of the Finance, Risk and Audit Committee is to add value through the provision of advice to ensure that the resources of the City of Marion are being used efficiently and effectively. It assists Council to accomplish its objectives by contributing to a systematic and disciplined approach to evaluating and improving the effectiveness of risk management, control and governance processes.

As part of Council's governance obligations to the community, Council has constituted the Finance, Risk and Audit Committee to facilitate:

- Oversight of relevant activities to facilitate achieving the City of Marion's objectives in an efficient and orderly manner.
- Enhancing the credibility and objectivity of internal and external financial reporting.
- Effective management of risk and the protection of Council assets.
- Compliance with laws and regulations as well as use of best practice guidelines.
- The effectiveness of the service review function and maintaining a reliable system of internal control.
- The provision of an effective means of communication between the external auditor, service reviews provider, management and Council.
- The City of Marion's ethical development.

The Committee comprises of one or two members who are not the Mayor, and three expert independent Members. The Council member representative to this committee will be determined during this same meeting and within the item *Appointment of Council Representatives*. Section 4.12 of the Committee Terms of Reference states that the Committee will meet at least quarterly. Section 4.15 states that an annual schedule of meetings will be developed and agreed to by the Committee Members, therefore, the council is not required to make a resolution about the meeting schedule for this Committee.

A sitting fee for each scheduled meeting will be paid to the Independent Expert Member of the Committee and is currently set at \$1,000 per meeting, with the Chair receiving \$1,200 per meeting (plus GST). In accordance with 3.8 of the Committee's Terms of Reference, Council is required to review the remuneration sitting fee payable to expert members within 12 months of a Council (periodic) election.

A draft Terms of Reference is provided in Attachment 1. These have been cross references with the required amendments from the local government reforms that occurred in 2021/22 and the Terms of Reference are legislative compliant. Minor edits have been suggested to this document.

## **ATTACHMENTS**

1. Finance Risk and Audit Committee Terms of Reference - Draft [**12.9.1** - 8 pages]

# Finance, Risk and Audit Committee Terms of Reference



## 1. ESTABLISHMENT

- 1.1 The Finance, Risk and Audit Committee is a formally constituted Committee of Council pursuant to *Section 41 and 126 of the Local Government Act 1999* and is responsible to Council. It operates as an independent and objective advisory Committee to Council and does not have any delegated decision making or authority to implement actions in areas over which the Chief Executive Officer has delegation.

## 2. OBJECTIVES

- 2.1 The primary objective of the Finance, Risk and Audit Committee is to add value through the provision of advice to ensure that the resources of the City of Marion are being used efficiently and effectively. It will assist Council accomplish its objectives by contributing to a systematic and disciplined approach to evaluating and improving the effectiveness of risk management, control and governance processes.
- 2.2 As part of Council's governance obligations to the community, Council has constituted the Finance, Risk and Audit Committee to facilitate:
- 2.2.1 Oversight of relevant activities to facilitate achieving the City of Marion's objectives in an efficient and orderly manner.
  - 2.2.2 Enhancing the credibility and objectivity of internal and external financial reporting.
  - 2.2.3 Effective management of risk and the protection of Council assets.
  - 2.2.4 Compliance with laws and regulations as well as use of best practice guidelines.
  - 2.2.5 The effectiveness of the service reviews function and maintaining a reliable system of internal control.
  - 2.2.6 The provision of an effective means of communication between the external auditor, internal auditor and service reviews provider, management and Council.
  - 2.2.7 The City of Marion's ethical development.

## 3. MEMBERSHIP

- 3.1 Membership of the Committee will comprise:
- (i) One or two Elected Council Members (who are not the Mayor)
  - (ii) Three external expert members

### Elected Council Member Representatives

- 3.2 Ideally, the Elected Council Members on this Committee will have experience in business, legal, audit or financial management / reporting knowledge and experience.
- 3.3 Appointment of the Elected Council Members to this Committee will be made by Council on a rotational basis, as resolved from time to time. Council may resolve to re-appoint the Elected Council Members on this Committee for consecutive terms.

# Finance, Risk and Audit Committee Terms of Reference



- 3.4 No additional allowance will be paid to the Elected-Council Member representative over and above the allowance already received by the Elected-Council Member.
- 3.5 If required, training and development will be sourced and provided to the Elected-Council Member Representatives on matters/subjects within the Finance, Risk and Audit Committee Terms of Reference.
- 3.6 The Elected-Council Member representatives will raise matters (within the scope of the Finance, Risk and Audit Committee Terms of Reference) with the Committee, on behalf of Council and act as a conduit of information between Council and the Committee, and the Committee and Council.
- 3.7 The Elected-Council Members representatives will provide a verbal report to Council on the key matters and recommendations within the Committee meeting, when the minutes and / or Committee recommendation reports, are presented to Council for adoption.
- 3.8 The Elected-Council Member representative will provide a report to the Committee on any Council decisions or discussions that are relevant to the Committee's Terms of Reference.

## External Expert Members

- 3.9 External expert members will have senior business, legal, audit knowledge and experience, expertise in financial management / reporting and be conversant with the local government environment.
- 3.10 The Council will determine the process for appointing an expert member.
- 3.11 Appointment of external representatives will be made by Council for a term to be determined by Council. To ensure succession planning for the Committee, the terms of appointment should be arranged on a rotational basis and continuity of membership despite changes to Council's elected representatives. Council may resolve to re-appoint an external expert member for consecutive terms.
- 3.12 If Council proposes to remove an expert member from the Committee, it must give written notice to the expert member of its intention to do so and provide that expert member with the opportunity to be heard at a Council meeting which is open to the public, if that expert member so requests.
- 3.13 Remuneration will be paid to each expert member of the Committee to be set by Council from time to time. At a minimum, the remuneration paid to the expert member will be

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# Finance, Risk and Audit Committee Terms of Reference



reviewed within 12 months from the date of a Council (periodic) election.

## 4. BASIS FOR OPERATION

- 4.1 The Committee's role is to report to Council and provide appropriate advice and recommendations on matters relevant to the Committee's Terms of Reference in order to facilitate decision-making by Council in relation to the discharge of its responsibilities.
- 4.2 The City of Marion considers that the ability of the Finance, Risk and Audit Committee to operate in a manner that adds value and also maintain independent judgement is vital. As such, the City of Marion has based the Committee's Terms of Reference on the ASX Principles of Good Corporate Governance and the Australian Standard AS 8000-2003 Good Governance Principles.
- 4.3 Council or the Chief Executive may refer any matter to the Finance Risk and Audit Committee within its Terms of Reference.
- 4.4 The Chairperson of the Committee shall be appointed from the external representatives of the Committee by the Finance, Risk and Audit Committee. In the absence of the appointed Chairperson from a meeting, the meeting will appoint an acting Chairperson from the external members present.
- 4.5 A quorum for a meeting of the Committee shall be half the total membership plus one, ignoring any fractions.
- 4.6 The Finance, Risk and Audit Committee, through the Chief Executive Officer, may seek information or obtain expert advice on matters of concern within the scope of its responsibilities.
- 4.7 The Chief Executive Officer will attend all meetings on an ex-officio basis, except when the Committee chooses otherwise. Other ~~Elected Council~~ Members or staff may be invited to attend at the discretion of the Committee to advise and provide information when required.
- 4.8 The Finance, Risk and Audit Committee will review its performance on a bi-annual basis to ensure the continual improvement to its performance.
- 4.9 Representatives of the external auditor will be invited to attend meetings at the discretion of the Committee but must attend meetings at which there will be consideration of the annual financial report and results of the external audit.
- 4.10 The Finance, Risk and Audit Committee will meet with both the external auditor and

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# Finance, Risk and Audit Committee Terms of Reference



internal auditor without management present at least once a year.

- 4.11 The Chief Executive Officer will ensure appropriate support is provided to the Committee.

## Meetings

- 4.12 The Committee shall meet at least quarterly.
- 4.13 The time and place for the conduct of meetings will be determined by the Committee provided that all meetings will be held in a public environment within a City of Marion building.
- 4.14 The Committee will consider and determine its own meeting practice, processes and procedures within the parameters of the Local Government Act 1999 and the Local Government (Procedures at Meetings) Regulations 2000.
- 4.15 An annual schedule of meetings will be developed and agreed to by the Committee members. This schedule of meetings will include at least one joint workshop with the Council and the Committee.
- 4.16 Additional meetings shall be convened at the discretion of the Chairperson, or at the written request of Council or any member of the Committee, service review provider or external auditor.

## Reporting

- 4.17 A copy of all agenda and reports forwarded to the Finance, Risk and Audit Committee will also be forwarded to Elected-Council Members for information prior to the conduct of the Finance, Risk and Audit Committee meeting.
- 4.18 The minutes of each Finance, Risk and Audit Committee Meeting, shall be forwarded (as soon as practicable after the meeting) to a General Council meeting.
- 4.19 Where the Finance, Risk and Audit Committee makes a recommendation to Council on a matter within the scope of its Terms of Reference, the matter will be listed as a separate agenda item for consideration by Council at the next General Council meeting that is not being held on the same day as the Audit Committee meeting. An Elected-Council Member Representative on the Committee will inform the Council during the Council meeting of the recommendation, and any provide any relevant context.
- 4.20 Where the Council makes a decision relevant to the Committee's Terms of Reference,

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# Finance, Risk and Audit Committee Terms of Reference



an Elected-Council Member Representative will report the decision to the Committee at the next Committee meeting and provide any relevant context.

- 4.21 The Committee shall report annually to the Council, summarising the activities of the Committee during the previous year.

## Authority

- 4.22 The Committee is authorised to seek any information it requires from any employee in the Council (after advising the CEO) in order to perform its duties.
- 4.23 The Committee is authorized, at the Council's expense, (after consultation with the CEO) to obtain outside legal or other professional advice on any matter within its Terms of Reference.

## 5. FUNCTIONS

The primary functions of the Finance, Risk and Audit Committee is to add value through the provision of advice to ensure that the resources of the City of Marion are used efficiently and effectively. It will assist Council to accomplish its objectives by contributing to a systematic and disciplined approach to evaluating and improving the effectiveness of financial management, risk management, internal controls, and governance processes through the following activities:

### 5.1 External Audit

- 5.1.1 Review and recommend for endorsement by Council the engagement of the City of Marion's external auditor. The review should look to satisfy Council that the provider of external audit services can demonstrate adequate independence from the operations of the City of Marion.
- 5.1.2 Critically analyse and follow up any external audit report that raises significant issues relating to risk management, accounting, internal controls, financial reporting and other accountability or governance issues. Review management's response to, and actions taken as a result of, issues raised.
- 5.1.3 Liaise with the City of Marion's external auditor including discussion on:
- 5.1.4 The scope and planning of annual audits.
- 5.1.5 Any issues arising from audits, including any management letter issued by the auditor and the resolution of such matters.

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# Finance, Risk and Audit Committee Terms of Reference



- 5.1.6 Recommend to Council, if considered appropriate, that the external auditor, or some other person suitably qualified in the circumstances, examine and report on any matter related to financial management, or the efficiency and economy with which the City of Marion manages or uses its resources to achieve its objectives, that would not otherwise be addressed or included as part of the annual audit (under Div. 4 of Part 3 of Ch. 8 of the Act).

## 5.2 Internal Audit and Service Reviews

- 5.2.1 Review and recommend for endorsement by Council the engagement of the City of Marion's internal audit provider. The review should look to satisfy Council that the provider of the services can demonstrate adequate independence from the operations of the City of Marion.
- 5.2.2 Review, and provide information relevant to, the scope of the internal audit and service review programs, including whether the program systematically addresses:
- Internal controls over significant risk, including non-financial management control systems.
  - Internal controls over revenue, expenditure, assets and liability processes and activities.
  - Compliance with regulations, policies, best practice guidelines, instructions and contractual arrangements,
  - Whether employees have sufficient competencies (facilitated by up to date training) to enable them to fulfil their roles.
  - A review of the City of Marion's strategic management plans and annual business plans to ensure appropriate allocation of resources necessary to achieve the objectives of the plans.
- 5.2.3 Critically analyse and follow up any internal audit or service reviews report that raises significant issues and review management's response to, and actions taken as a result of issues raised.
- 5.2.4 Review the appropriateness of special assignments undertaken by the internal audit and service reviews provider at the request of the Chief Executive.
- 5.2.5 Review the level of resources allocated to service review and the scope of its services and authority.
- 5.2.6 Facilitate liaison between the internal audit/service review provider, and external

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# Finance, Risk and Audit Committee Terms of Reference



auditor to promote compatibility, to the extent appropriate, between their programs.

## 5.3 Service Reviews

5.3.1 Review and provide advice on service reviews, and in particular:

- a) The scope of the review before it is commenced.
- b) Input into the questions to be asked and the data to be collected and analysed.
- c) Comment on all draft service review reports before the final report is presented to Council.

## 5.4 Financial Reporting and Prudential Requirements

5.4.1 Review Council's annual financial statements (prepared in accordance with Section 10 of the *Local Government (Financial Management) Regulations 2011* to ensure that they present fairly the state of affairs of the City of Marion, including focus on:

- Accounting policies and practices and any changes to them.
- The process used in making significant accounting estimates.
- Significant adjustments to the financial report (if any) arising from the audit process.
- Compliance with accounting standards and other reporting requirements.
- Significant variances from prior years.

5.4.2 Provide comment on the assumptions underpinning Council's Strategic Management Plans (Strategic Plan, Annual Business Plan, Budget and Long Term Financial Plan), the consistency between plans, and the adequacy of Council's plans in the context of maintaining financial sustainability.

5.4.3 Recommend adoption of the annual financial statements to Council. Review any significant changes that may arise, subsequent to any such recommendation but before the financial report is signed.

5.4.4 Review the recommendations of business cases developed by Management in association with significant activities or major projects. Such reviews should have regard to the requirements of Section 48 of the Local Government Act 1999, which relates to prudential requirements for certain activities.

5.4.5 The Quarterly Budget Review Reports (required under S9 of the *Local Government (Financial Management) Regulations 2011* – Statutory reports to

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# Finance, Risk and Audit Committee Terms of Reference



*Council*) to be presented to the Finance, Risk and Audit Committee.

## 5.5 Internal Controls and Risk Management Systems

- 5.5.1 Review the City of Marion's annual Risk Profile and monitor the risk exposure of Council. Review risk management processes and management information systems.
- 5.5.2 Review the adequacy of the accounting, internal control, reporting and other resource and financial management systems and practices of the City of Marion on a regular basis.
- 5.5.3 Ensure appropriate policies, systems and procedures relating to risk management are implemented and maintained in order to assist the council to carry out its activities in an efficient and orderly manner to achieve its objectives, inform appropriate decision making, facilitate appropriate prioritisation of finite resources and promote appropriate mitigation of strategic, financial and operational risks relevant to the council.

## 5.6 Other

- 5.6.1 Where Council has exempted a subsidiary from the requirement to have an audit committee, undertake the functions that would have been performed by the subsidiary's audit committee.
- 5.6.2 Monitor ethical standards and conflicts of interest by determining whether the systems of control are adequate.
- 5.6.3 Address issues brought to the attention of the Committee, including responding to requests from Council or the Chief Executive for advice that are within the parameters of this Terms of Reference.
- 5.6.4 Make recommendations to the Council to amend these Terms of Reference if the Committee forms the opinion that such amendments are necessary to improve its performance.
- 5.6.5 Review the Committee's performance on a bi-annual basis using performance indicators developed for that purpose.

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**12.10 Re-establishment of Planning & Development Committee and Terms of Reference**

<b>Report Reference</b>	GC221129R12.10
<b>Originating Officer</b>	Unit Manager Governance and Council Support – Victoria Moritz
<b>Corporate Manager</b>	Manager Office of the Chief Executive - Kate McKenzie
<b>General Manager</b>	Chief Executive Officer - Tony Harrison

**REPORT OBJECTIVE**

The purpose of this report is to recommend to Council to re-establish the Planning and Development Committee and adopt the Terms of Reference provided in Attachment 1.

**EXECUTIVE SUMMARY**

The Planning and Development Committee is established pursuant to Section 41 of the Local Government Act (the Act). For the purposes of section 41(8) of the Act, the Council does not impose any reporting and accountability requirements on the basis that all decisions of the Committee constitute recommendations to Council.

**RECOMMENDATION**

**That Council:**

- 1. Re-establishes the City of Planning and Development Committee in accordance with the Terms of Reference included as attachment 1 to the report.**

**DISCUSSION**

The Committee is established for the purposes of:

- Advising Council on matters relating to the development and monitoring of the following areas:
  - Urban planning, development and renewal
  - City growth, economic development and sustainability
  - New project concepts and innovative solutions
- Monitoring and review of new / emerging issues and trends through tools such as environmental scans.
- Developing, reviewing and recommending to Council any policy relating to areas identified in dot point 1.

The proposed structure of the Committee comprises of the Mayor and two (2) Council Members appointed by Council. The presiding member of the Committee will also be Council Member appointed by Council resolution.

In accordance with section 4.3 of the Terms of Reference, the Committee will meet as resolved by Council between February and December each year. It is suggested that the Committee meet on the first Tuesday of the Month in March, May, August, October and December 2023 as included in the proposed schedule of Meetings 2023 for adoption by Council.

A draft Terms of Reference for the Planning and Development Committee is provided in Attachment 1. Minor suggested edits have been made to this document.

**ATTACHMENTS**

- 1. Planning and Development Committee Terms of Reference Draft [12.10.1 - 2 pages]**

# Planning and Development Committee



## 1. ESTABLISHMENT

- 1.1 Pursuant to section 41 of the *Local Government Act 1999* (the Act) Council has established a Planning and Development Committee.

## 2. OBJECTIVES

The Committee is established for the purpose of:

- 2.1 Advising Council on matters relating to the development and monitoring of the following areas:
- Urban planning, development and renewal
  - City growth, economic development and sustainability
  - New project concepts and innovative solutions
- 2.2 Monitoring and review of new / emerging issues and trends through tools such as environmental scans.
- 2.3 Developing, reviewing and recommending to Council any policy relating to areas identified in 2.1.

## 3. MEMBERSHIP

- 3.1 The membership of the Committee will comprise of:

- The Mayor
- ~~2~~Elected Council Members

- 3.2 The Membership, term of appointment and the presiding member will be determined by resolution of the Council.

### Elected Council Member Representatives

- 3.3 An ~~Elected Council~~ Member will be the presiding member of the Committee.
- 3.4 The ~~Elected Council~~ Member Representatives will change during the term of Council however Council may resolve to re-appoint an ~~Elected Council~~ Member representative for consecutive terms if this provides continuity for the Committee.

## 4. BASIS FOR OPERATION

- 4.1 The Committee does not have any delegated powers of Council, and all decisions of the Committee will constitute recommendations to Council.
- 4.2 For the purposes of section 41(8) of Act, the Council does not impose any reporting and accountability requirements on the basis that all decisions of the Committee constitute

# Planning and Development Committee



recommendations to Council.

- 4.3 The Committee will meet as resolved by Council between February and December each year.
- 4.4 A quorum for a meeting of the Committee shall half the total membership plus one, ignoring any fractions.
- 4.5 Each member present at a Committee meeting must, subject to the provision of the Act, vote on a question arising for decision at that meeting.
- 4.6 Where the Act, the Local Government (Procedures at meetings) Regulations 2000 and these Terms of Reference do not prescribe procedures to be observed in relation to the conduct of a meeting of the Committee, the Committee may determine its own procedures.
- 4.7 Administrative support will be provided to the Committee as requested.
- 4.8 The Committee will review its performance on a bi-annual (every two years) basis using performance indicators developed for that purpose.

## 5. FUNCTIONS

- 5.1 Within the parameters of the Act, and having regard to the powers, functions and responsibilities of the Chief Executive Officer, the Committee is charged with providing advice and recommendations to Council regarding:
  - 5.1.1 Strategic plans and development policy issues that arise during the preparation of a Code Amendment proposal.
  - 5.1.2 Strategic opportunities to drive city development, economic growth and sustainable outcomes.
  - 5.1.3 Any proposal for boundary realignment.
  - 5.1.4 The development, review and implementation of Council's policies relating to this Committee's Terms of Reference.
  - 5.1.5 Reviewing strategies or plans (not included within any other Committees' Terms of Reference) prior to Council consideration and adoption.

## 12.11 Appointment of Deputy Mayor

<b>Report Reference</b>	GC221129R12.11
<b>Originating Officer</b>	Unit Manager Governance and Council Support – Victoria Moritz
<b>Corporate Manager</b>	Manager Office of the Chief Executive - Kate McKenzie
<b>General Manager</b>	Chief Executive Officer - Tony Harrison

### REPORT OBJECTIVE

For Council to appoint a Deputy Mayor in accordance with legislative requirements.

### EXECUTIVE SUMMARY

The role of Deputy Mayor is to support the Mayor in their official capacity and be able to undertake the Mayoral role in the event the Mayor is absent. Additional duties may involve presiding at Council meetings, acting as principal spokesperson, representing Council at civic and ceremonial functions and attendance at certain meetings with Council Members, State and Federal Members of Parliament, business and community leaders and residents.

It also provides a developmental role for a Council Member and an opportunity for a strengthened relationship between the Mayor and the Deputy.

### RECOMMENDATION

**That Council:**

- 1. Appoints Councillor X as the Deputy Mayor from 29 November 2022 until 30 November 2023.**

### DISCUSSION

The City of Marion is constituted on the basis that the Mayor is “elected as a representative of the area as a whole”. Section (51)(3) and (4) of the Local Government Act 1999 (the Act) provides that ‘if a council has a Mayor, the council may also resolve to have a Deputy Mayor. Such a position is chosen amongst the council at their discretion for a period of time not exceeding four years’.

The Council has traditionally appointed a Deputy Mayor each year, therefore creating the opportunity for four Council Members to undertake the role during the Council’s four-year term. The last four Deputy Mayors have been;

- 2021/22 Councillor Luke Hutchinson
- 2020/21 Councillor Nathan Prior
- 2019/20 Councillor Mathew Shilling
- 2019 Councillor Tim Pfeiffer (until his resignation)

An allowance is paid to all Council Members in accordance with Section 76 of the Local Government Act 1999. This allowance is set by the Remuneration Tribunal of South Australia (the Tribunal).

Previously Section 76(9) provided that allowances would increase pursuant to a formula in the Regulations. As a result of the Local Government Reform, and changes in the Act, the formula has been deleted from the Variation Regulations. In future the Local Government Association (LGA) will liaise with the Tribunal to provide clear advice to Councils about CPI adjustments to member allowances.

An allowance determined under Section 76 is to be adjusted on the first, second and third anniversaries of the relevant periodic elections to reflect changes in the Consumer Price Index.

Pursuant to Section 76 of the Act, a member of Council is entitled to an allowance determined by the Remuneration Tribunal. The Remuneration Tribunal reviews and sets the allowance every four years. This was last reviewed in 2022 to come into operation at the conclusion of the 2022 Local Government Elections. The Tribunal's determination dated 5<sup>th</sup> July 2022 provides for the following allowances with respect to the City of Marion:

- Mayor \$ 91,312 (pa)
- Deputy Mayor \$ 28,535 (pa) (one and a quarter times the Councillor allowance)
- Councillor \$ 22,828 (pa)

Provision has been made within Council's budget for the payment of allowances.

#### Process for Appointment

During the Council Meeting, the Mayor will seek nominations for the position of Deputy Mayor. If there is more than one nomination received, a secret ballot will be held to ascertain Council's preference for Deputy Mayor. This will occur by preferential voting method. The preferred Deputy Mayor will be required to declare a conflict of interest due to the pecuniary interest attached to the additional allowance and leave the room whilst the vote occurs. Following this, a resolution would be passed to appoint the Deputy Mayor until 30 November 2023

#### **ATTACHMENTS**

Nil

## 12.12 Council Member Representatives for various positions 2022-2023

<b>Report Reference</b>	GC221129R12.12
<b>Originating Officer</b>	Unit Manager Governance and Council Support – Victoria Moritz
<b>Corporate Manager</b>	Manager Office of the Chief Executive - Kate McKenzie
<b>General Manager</b>	Chief Executive Officer - Tony Harrison

### REPORT OBJECTIVE

The purpose of this report is to appoint Council Members to various positions of Council and Council Committees for the 2023 calendar year. The appointment of Council Members to these positions is required to fulfill Council's governance and legislative obligations.

### EXECUTIVE SUMMARY

The following Council and Committee positions were aligned to the previous term of Council and expired on 11 November 2022:

- Planning and Development Committee (2 positions)
- Presiding Member to the Planning and Development Committee (1 position)
- Infrastructure Committee (4 positions)
- Presiding Member to the Infrastructure Committee (1 position)
- Environment Committee (4 positions)
- Presiding Member to the Environment Committee (1 position)
- Finance, Risk and Audit Committee (1-2 positions)
- Review and Selection Committee (2 positions)
- Reconciliation Action Plan Working Group (2 positions)
- Council Assessment Panel (1 member and 1 deputy member)

### RECOMMENDATION

**That Council:**

1. **Appoints Councillor ..... and Councillor .....to the Planning and Development Committee for a term commencing on 30 November 2022 and concluding on 30 November 2023.**
2. **Appoints Councillor ..... as the Presiding Member of the Planning and Development Committee for a term commencing on 30 November 2022 and concluding on 30 November 2023.**
3. **Appoints Councillor ....., Councillor ....., Councillor ..... and Councillor ....., to the Infrastructure Committee for a term commencing on 30 November 2022 and concluding on 30 November 2023.**
4. **Appoints Councillor ..... as the Presiding Member of the Infrastructure Committee for a term commencing on 30 November 2022 and concluding on 30 November 2023.**

5. Appoints Councillor ....., Councillor ....., Councillor ..... and Councillor ....., to the Environment Committee for a term commencing on 30 November 2022 and concluding on 30 November 2023.
6. Appoints Councillor ..... as the Presiding Member of the Environment Committee for a term 30 November 2022 and concluding on 30 November 2023.
7. Appoints Councillor ..... and Councillor ..... to the Finance and Audit Committee for a term commencing on 30 November 2022 and concluding on 30 November 2023.
8. Appoints Councillor ..... and Councillor ....., to the Review and Selection Committee for a term commencing on 30 November 2022 and concluding on 30 November 2023.
9. Appoints Councillor ..... and Councillor ....., to the Reconciliation Action Plan Working Group for a term commencing on 30 November 2022 and concluding on 30 November 2023.
10. Appoints Councillor ..... as Member and Councillor ..... as Deputy Member on the Council Assessment Panel for a term commencing on 30 November 2022 and concluding on 30 June 2023

## DISCUSSION

Nominations will be sought during the meeting and a secret ballot will be held if more nominations than vacancies occur, and the preferential voting method will be used to calculate the results.

### Section 41 Committees

The Mayor is ex-officio on all of the Committees and Presiding Member of the Review and Selection Committee. In addition, Council is required to appoint the following positions:

- Planning and Development Committee (2 positions)
- Presiding Member to the Planning and Development Committee (1 position)
- Infrastructure Committee (4 positions)
- Presiding Member to the Infrastructure Committee (1 position)
- Environment Committee (4 positions)
- Presiding Member to the Environment Committee (1 position)
- Review and Selection Committee (2 positions)

The Presiding Member of a Committee (except where the Mayor presides) is entitled to an additional 25% loading above their annual allowance. After the secret ballot, the preferred nominated Councillor will need to declare a conflict of interest due to the pecuniary interest and leave the meeting whilst the vote occurs.

### Finance, Risk and Audit Committee (1 or 2 positions)

The current Council Members appointed to the Finance, Risk and Audit Committee (FRAC) expired on 11 November 2022. Council is required to appoint up to two Council Members to the FRAC. It is recommended that the new term be from 29 November 2022 to 30 November 2023. No sitting fee is payable to Council Members on the Finance, Risk and Audit Committee.

### Council Assessment Panel

At the 14 June 2022 General Council meeting, Councillor Shilling and Councillor Telfer were appointed as the Member and Deputy Member on the Council Assessment panel from 1 July 2022 until 30 June 2023. A vacancy has arisen on the Panel as a result of the Local Government Elections, therefore, Council will need to consider appointing a Member and Deputy Member. The *Planning, Development and Infrastructure Act 2016* states that when appointing a non-accredited CAP member (i.e. Council member) the designated authority (i.e. Council) must be satisfied that the person is appropriately qualified to act as a member of the assessment panel on account of the person's experience in local government. Following this recommendation, Council may wish to consider appointing a returning Council Member for the remainder of the vacancy term on the panel. It is recommended that any vacancy is filled until 30 June 2023 to align with current terms on the Panel.

#### Reconciliation Action Plan Working Group

Council can appoint two Council Members to the RAP Working Group. The current term expired on 30 November 2022. It is recommended that the new term be from 30 November 2022 to 30 November 2023. No sitting fee is payable to Council Members on the RAP Working Group.

## **ATTACHMENTS**

1. Process for meeting ballot [**12.12.1** - 1 page]

**Attachment 1 - Process for meeting ballot**

At its meeting of 8 September 2015 (GC080915R05), Council resolved to adopt preferential voting as the method to apply when conducting ballots for positions selected by Council.

The process to apply will be as follows:

- Nominations will be sought.
- If more nominations than positions are received, a secret ballot will be held.
- Council members will be provided with ballot papers and requested to indicate their first preference by placing the name of the candidate next to number one of the ballot paper.
- Council members may place the name of the second preference next to number two and continue this process until all candidates are named on the ballot paper.
- As a minimum, Council members must vote for candidates equal to the number of positions. For example, the DAP has three positions. If there are six candidates, members must vote for at least three. If members fail to vote for the minimum number, the vote will be declared invalid.

Counting

- The first candidate to reach quota will be elected.
- The quota is calculated as follows:

$$\frac{\text{Total number of formal ballots papers}}{\text{Number of vacancies} + 1} + 1$$

If a fraction occurs, it will be rounded up. This formula is the same applied to the calculations of quotas within Local Government Elections.

- The ballot papers will be sorted by first preference votes.
- The candidate with the least votes is excluded.
- The excluded candidate's votes are distributed to the next candidate on the ballot paper.
- In the case where there are equal votes at the conclusion of re-distribution of votes, they will both be excluded.
- This process will continue until there is a clear winner.
- In the event that there is a tie at the conclusion of the process, Council will be requested to vote again for one of the two final candidates.

Once a nominee is identified, this will then be voted upon as a formal council resolution under the Local Government (Procedures) Regulations at meetings.

## 12.13 Appointment of Council representatives to SRWRA

<b>Report Reference</b>	GC221129R12.13
<b>Originating Officer</b>	Unit Manager Governance and Council Support – Victoria Moritz
<b>Corporate Manager</b>	Manager Office of the Chief Executive - Kate McKenzie
<b>General Manager</b>	Chief Executive Officer - Tony Harrison

### REPORT OBJECTIVE

To appoint suitable person(s) to represent the City of Marion on the Board of the Southern Region Waste Resource Authority (SRWRA).

### EXECUTIVE SUMMARY

The SRWRA is a regional subsidiary jointly established in 1998 by the Cities of Onkaparinga, Holdfast Bay and Marion under Section 43 of the Local Government Act 1999 (the Act). It provides and operates services for the management of waste by/on behalf of the constituent Councils and has the power to enter into contracts, purchase, lease or otherwise acquire equipment, land or interest in land in accordance with its Charter (Appendix 1).

SRWRA is governed by a Charter and is overseen by a seven-member Board comprising of two appointees from each of the constituent councils and an independent expert in business and/or waste management as chairperson. Constituent councils may also appoint a deputy member who may attend board meetings and engage in discussion but can only vote on a motion if one or both members are absent.

The Authority also has an Audit Committee in accordance with Schedule 2, clause 30 of the Act. Membership is determined and approved by the constituent Councils. Mr Greg Connor is the City of Marion's standing representative on the Audit Committee. His appointment is until September 2023.

### RECOMMENDATION

**That Council:**

1. **Appoints .....as Council's representative on the Board of the Southern Region Waste Authority.**
2. **Appoints ..... as Council's representative on the Board of the Southern Region Waste Authority.**
3. **Appoints .....as Deputy for a term consistent with the provisions of the Southern Region Waste Authority Charter (currently four years).**

### DISCUSSION

#### Membership

With the conduct of the Local Government Elections, the term for each of Council's representatives on the Board has now concluded. As such, it is necessary to resolve appropriate re-appointments and in this regard the following is highlighted to assist Council's deliberations:

The City of Marion's immediate past representatives were:

- Councillor Ian Crossland
- General Manager Corporate Services
- Councillor Bruce Hull (Deputy Member)
- Chief Finance Officer (Deputy Member)

### Appointment of City of Marion Representatives

There are a number of options available to Council regarding appointments to SRWRA.

- Option 1 – 2 Elected Members
- Option 2 – 1 Elected Member and 1 Senior Staff Member
- Option 3 – 2 Senior Staff Members

On the basis of past experience, Option 2 is recommended to ensure a balance of skills and representation is maintained on the Board. It is further recommended that a deputy be appointed, drawn either from Council or from Administration. Alternatively, 2 deputies may be appointed.

### Functions of the Board

The Board has the authority and responsibility to manage the business affairs of the Authority in accordance with its legislative requirements. Functions of the Board therefore include:

- Formulating strategic and business plans and strategies to improve the business of the Authority
- Provide professional input to policy direction
- Monitoring the performance of the Executive Officer of the Authority· Ensuring that a code of ethical behaviour and integrity is established and implemented
- Exercising due care, diligence and skill of a prudent business professional in contributing to Board meetings
- Ensure all information regarding the Board is accurate and furnished to the constituent councils accurately
- Ensure the constituent councils are advised of any material financial developments that affect the authority as soon as practical.

In accordance with Section 4.5.1 of the Charter, 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 meetings of the Board held in each financial year. Meetings shall not be held before 5.00pm unless the Board resolves otherwise. Historically the Board has met on the first Monday of the month with meetings generally lasting for 2-3 hours. Additional meetings are also held on a regular basis for planning purposes. In addition to time spent by Members attending Board meetings, approximately 4-6 hours per month are required for meeting preparation.

In considering Board nominations, a balance between continuity and renewal is beneficial if possible.

No fees are paid to Council representatives on the Board of the Authority. As such, there are no financial implications associated with Council's appointment.

### **ATTACHMENTS**

1. SRWR A- Charter-2022 [12.13.1 - 15 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

## 12.14 Appointment of Council representatives to the Adelaide Coastal Councils Network

<b>Report Reference</b>	GC221129R12.14
<b>Originating Officer</b>	Unit Manager Governance and Council Support – Victoria Moritz
<b>Corporate Manager</b>	Manager Office of the Chief Executive - Kate McKenzie
<b>General Manager</b>	Chief Executive Officer - Tony Harrison

### REPORT OBJECTIVE

The purpose of this report is to appoint suitable person(s) to represent the City of Marion on the Adelaide Coastal Councils Network (ACCN).

### REPORT HISTORY

<b>GC220823R13.3</b>	<b>Metropolitan Seaside Councils Committee</b>
<b>GC220714R05</b>	<b>Proposed changes to the future structure of the Metropolitan Seaside Councils Committee</b>

### EXECUTIVE SUMMARY

The City of Marion was a member of the Metropolitan Seaside Council Committee (MSCC) since its formation over 30 years ago. A recent review of the MSCC was undertaken in 2021 and a new model for collaboration with metropolitan Adelaide coastal councils was formed. At its meeting of 23 August 2022, Council supported in principle the new governance model laid out in the *Adelaide Coastal Councils Network Delivery Plan 2022-23* and endorsed the City of Marion as a member of the Adelaide Coastal Councils Network.

The purpose of the ACCN is to coordinate actions and provide for advocacy on issues of regional significance regarding the sustainability of the urban coastal environment with a report to be made available to all Council Members on the activities of the ACCN each year.

The ACCN provides a valuable forum for Councils to develop a common response to shared concerns, to facilitate collaboration to source funding to address priority concerns across Council boundaries, and to raise the profile of our coastal environments.

Membership of the MSCC comprises of metropolitan coastal councils:

- The City of Charles Sturt
- The City of Holdfast Bay
- The City of Marion
- The City of Onkaparinga
- The City of Port Adelaide Enfield
- The City of Salisbury
- The City of West Torrens

In accordance with the Terms of Reference (**Attachment 1**) each of the Member Councils will be represented by two delegates, being one Council member and one officer.

At the Council Meeting on 23 August and at the time of endorsing the City of Marion as a Member of the ACCN through a Memorandum of Understanding, council resolved to delegate one Coastal

Ward Councillor to act as Council's representative – to be endorsed following the local government elections each term – with the nominated representative able to provide any other Council member as a proxy and delegates the Senior Environmental Planner as the officer to act as Council's second representative.

Meetings of the ACCN shall be held on an as-needs basis intervals as determined by the Executive Officer in consultation with the Executive Committee. Meetings will be held at LG House, 147 Frome Street, Adelaide, or at other locations as agreed by the ACCN. Meetings may be attended online or in person. There is no additional remuneration/allowance paid to the Council Member appointed to this position.

## **RECOMMENDATION**

### **That Council:**

- 1. Appoints Councillor xxxxxxxx to act as Council's representatives on the Adelaide Coastal Councils Network for the duration of the current term.**
- 2. Appoints the Senior Environmental Planner as the officer to act as Council's representation to the Adelaide Coastal Councils Network for the duration of the current term.**

## **ATTACHMENTS**

1. Adelaide Coastal Councils Network TOR [12.14.1 - 13 pages]



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## Adelaide Coastal Councils Network Terms of Reference

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## About the Adelaide Coastal Councils Network

The Adelaide Coastal Councils Network (ACCN) was formerly known as the Metropolitan Seaside Councils Committee (MSCC). The purpose of the ACCN is to deliver improved outcomes for coastal communities in metropolitan Adelaide.

The MSCC has been operational for more than 50 years as a body of local government representatives responsible for metropolitan coastal boundaries. The MSCC has been responsible for driving strategic outcomes such as the formation of the Coast Protection Act (SA) 1972, the Coast Protection Board and supporting local government in managing coastal issues.

In response to the changing coastal context and needs of the Members, a desire to address historical administrative issues and maximise opportunities of the metropolitan coast, a new Memorandum of Understanding (MOU) was entered into in 2022 to rename the MSCC to the Adelaide Coastal Councils Network (ACCN) and support a new structured governance model.

The ACCN comprises metropolitan coastal councils:

- The City of Charles Sturt and
- The City of Holdfast Bay and
- The City of Marion and
- The City of Onkaparinga and
- The City of Port Adelaide Enfield and
- The City of Salisbury and
- The City of West Torrens

as well as the Local Government Association of South Australia, and together these organisations comprise The Members of the ACCN.

These Terms of Reference support the MOU which seeks to give effect to those changes and to the commitment of the Members to continue their collaborative and strategic work regarding metropolitan coastal issues.



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## TERMS OF REFERENCE

### PRELIMINARY

#### 1. Name

The name of this local government network is the Adelaide Coastal Councils Network known as the ACCN.

#### 2. Interpretation

In these Terms of Reference unless the contrary is apparent:

- 2.1 "Act" means the *Local Government Act 1999* (SA).
- 2.2 "Council" means a council constituted under the Act and any other authority of a local government nature constituted or established under South Australian legislation.
- 2.3 "Delegate" means a delegate appointed by a Member for the purposes of these Terms of Reference to represent a Member at meetings of ACCN.
- 2.4 "Elected Member" means any councillor of a Council.
- 2.5 "Member Council" means a Council which is a signatory to the ACCN MOU.
- 2.6 "The Members" means the Member Councils and the LGA which are signatories to the ACCN MOU.
- 2.7 "ACCN" means the Adelaide Coastal Councils Network.
- 2.8 Memorandum of Understanding means the ACCN MOU entered into by The Members in 2022

## **AIMS AND OBJECTIVES**

### **3. Aims**

The aims of the ACCN are to:

- facilitate a strong and effective ACCN;
- support collaboration between Member Councils and the LGA;
- enable partnerships with State and Federal Government;
- seek external grants and other assistance;
- deliver shared projects;
- reduce duplication of effort; and
- deliver improved outcomes for coastal communities.

### **4. Objectives**

The objectives of the ACCN are to:

- Promote cooperation between The Members and stakeholders, and coordinate actions on issues of regional significance regarding the sustainability of the urban coastal environment;
- Facilitate the co-operation and co-ordination of The Members and stakeholders to take any action necessary for the improvement and betterment of facilities, amenities and conveniences in order to provide enjoyment and recreation to the public;
- Represent The Members and advocate on issues relating to the sustainability of coastal and estuarine environments to regional, state and federal bodies;
- Facilitate the sustainable and integrated planning and management of natural and built coastal and estuarine assets;
- Identify and address emerging issues affecting metropolitan coasts and estuaries, including any human impacts upon St Vincent's Gulf, through research and project development;
- Facilitate knowledge and tools development and exchange to enhance community awareness and engagement on sustainability of coasts and estuaries; and
- Develop strategic partnerships with other appropriate organisations to devise, prioritise and implement protection strategies and address emerging issues which affect the metropolitan coast.

## **POWERS**

### **5. Powers**

The powers of the ACCN are:

- to associate with other organisations with similar objectives to those of the ACCN;



- to seek funding through The Members for suitable coastal management projects;
- to publish materials related to the Objectives such as reports and papers;
- to undertake activities to further the objectives of these Terms of Reference and to further the interests of the ACCN;
- to apply for grants or other funding as required to carry out the aims and objectives of the ACCN; and
- to utilise the funds of the ACCN held by the LGA as necessary to carry out the aims and objectives of the ACCN.

## **MEMBERSHIP AND VOTING**

### **6. Membership of ACCN**

- A Council shall be eligible for membership of the ACCN if the Council has signed the ACCN MOU and paid its subscription as per the terms of the MOU.
- The Member Councils will each be represented by two delegates, being one elected member and one officer of each Member Council.
- The LGA will be represented by a member of the LGA Board of Directors or his or her nominated representative, and the Executive Officer of the ACCN.
- The LGA is a Member of the ACCN but does not contribute subscription.

### **7. Appointment of Delegates**

- The recording of the names and contact details of each delegate, the date of appointment and The Member they represent shall be the responsibility of the Executive Officer.
- The office of a delegate shall become vacant if:
  - The delegate resigns by letter addressed to the Council which appointed them;
  - The delegate is replaced by their Council at any time; or
  - The Representative ceases to remain an Elected Member or staff member of that Council.
- Where the office of a Representative becomes vacant, The Member concerned may appoint another Representative.

### **8. Voting**

- Each Member Council will have one vote per delegate; and
- The Chair shall have a deliberative vote only.

### **9. Opportunity and respect**

- All Members of the ACCN will be provided with equal opportunity in an atmosphere of equal respect in discussions and voting.



## INDEMNITY AND INSURANCE

### 10. Indemnity and insurance

- The delegates of each of The Members will be protected by the general protections for Council members and employees as provided for in the Act.

## ROLE OF THE LGA

### 11. Role of the LGA

The LGA is a membership organisation that provides service and leadership relevant to the needs of its member councils, to which all the Member Councils are members.

The LGA will:

- be responsible for the employment of the Executive Officer;
- provide the Member Councils with an annual report on the ACCN activities or otherwise as requested;
- be responsible for the expenditure of the funds held for and on behalf of the ACCN;
- facilitate communication about the activities of the ACCN through its regular communication channels; and
- support and manage the Executive Officer, supply the necessary IT, human resources and administrative support, as well as office space and access to meeting rooms.

## GOVERNANCE

### 12. Appointment of Chair

- The delegates shall appoint a Chair and Deputy Chair from the delegates who are elected members to form an Executive Committee.
- The Chair or in their absence, the Deputy Chair shall preside at all meetings of the ACCN.
- The Chair and Deputy Chair shall hold office for a period of 2 years.
- The Chair and Deputy Chair may be removed from office at any time by a resolution carried by two thirds of the ACCN delegates.
- If at any stage, the office of Chair or Deputy Chair becomes vacant, a replacement Chairperson may be appointed by the delegates of the ACCN.

### 13. Executive Committee

- The Executive Committee will comprise the elected positions of Chair and Deputy Chair as well as an Ordinary Member.

- The Executive Officer will administer the Executive Committee.
- Council officers are not eligible to be appointed to the Executive Committee.
- The Ordinary Member will be the LGA delegate who is a member of the LGA Board of Directors or their representative.
- The Executive Committee will be responsible for signing off on the Executive Officer's annual work plan, all public communications, determining meeting dates and making any important decisions as per the Terms of Reference.

## MEETINGS

### 14. Meetings

- Meetings of the ACCN shall be held on an as-needs basis intervals as determined by the Executive Officer in consultation with the Executive Committee.
- Meetings of the ACCN will be held at LG House, 147 Frome Street, Adelaide, or at other locations as agreed by the ACCN.
- Meetings may be attended online or in person.
- 14 days' notice of a meeting will be given to The Members. The notice shall set out where and when the meeting will be held, and provide an agenda.
- The quorum of any meeting of the ACCN shall be the attendance of at least one delegate from a minimum of half of The Members plus one.
- If there are insufficient Members present to constitute a quorum, the meeting shall take place but no decisions will be made.
- An ordinary resolution is a resolution passed by a simple majority at a meeting.

## MINUTES

### 15. Minutes

- Minutes of all proceedings of meetings of the ACCN shall be prepared by the Executive Officer and distributed to The Members within one month after the relevant meeting.
- The minutes kept pursuant to this rule must be confirmed by the delegates at a subsequent meeting.



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## **REPORTING**

### **16. Reporting**

- The Executive Committee shall ensure that an annual report is prepared and distributed to The Members.
- The Executive Committee shall ensure that a strategic plan is prepared within the first 12 months following execution of the MOU setting key performance indicators and outcomes.

## **AMENDING THE TERMS OF REFERENCE**

### **17. Terms of Reference**

- These Terms of Reference may be amended by a resolution of two thirds of all The Members.

## **DISSOLUTION**

### **18. Dissolution of the ACCN**

- The ACCN may be dissolved or wound up by resolution of two thirds of all of The Members.
- If after the winding up of the ACCN there remains 'surplus funds', these funds are to be distributed amongst the Member Councils in an equal proportion.



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[www.lga.sa.gov.au](http://www.lga.sa.gov.au)

**12.15 State Bicycle Fund for Breakout Creek and Majors Road Shared Use Paths**

<b>Report Reference</b>	GC221129R12.15
<b>Originating Officer</b>	Unit Manager Engineering – Carl Lundborg
<b>Corporate Manager</b>	Manager Engineering, Assets and Environment - Mathew Allen
<b>General Manager</b>	General Manager City Services - Ben Keen

**REPORT OBJECTIVE**

The purpose of this report is to seek Council approval for the execution of the Funding Deed (refer Attachment 1) between Council and the Minister for Infrastructure and Transport, and affix the Common Seal for \$400,000 towards construction of the Breakout Creek and the Majors Road shared use paths.

**EXECUTIVE SUMMARY**

In April 2022, Council applied to the Department for Infrastructure and Transport (DIT) for funding through the State Bike Fund for the following two projects:

- Breakout Creek shared use path at Glengowrie.
- Majors Road shared use path at O'Halloran Hill.

In October 2022, Council was informed that the funding applications were successful in receiving \$200,000 for each project. A Funding Deed for a total of \$400,000 has been provided to the City of Marion from the Minister for Infrastructure and Transport for execution.

This report seeks Council approval to authorise the Mayor and Chief Executive Officer to sign and affix the Common Seal to the documentation necessary to execute the Funding Deed for the construction of the Breakout Creek and the Majors Road shared use paths.

**RECOMMENDATION****That Council:**

- 1. Notes the Department for Infrastructure and Transport has allocated \$400,000 towards the construction of new shared use paths at Breakout Creek, Glengowrie and Majors Road, O'Halloran Hill.**
- 2. Pursuant to Section 38 of the Local Government Act 1999, authorises the Mayor and Chief Executive Officer to execute, sign and affix the common seal to the Funding Deed (refer Attachment 1) for the construction of the Breakout Creek, Glengowrie and the Majors Road, O'Halloran Hill shared use paths.**

**DISCUSSION**

In April 2022, Council applied to the Department for Infrastructure and Transport (DIT) for funding through the State Bike Fund for two projects:

- Breakout Creek shared use path, Glengowrie
- Majors Road shared use path, O'Halloran Hill

In October 2022, Council was informed that the applications were successful in receiving \$400,000 (\$200,000 for each project). The details of each project are outlined below:

**Breakout Creek Shared Use Path (See Attachment 2 for Map)**

The Breakout Creek project is a proposed 3m wide, 630m shared use path through Breakout Creek Reserve, Glengowrie. It will connect the Mike Turtur Bikeway, parallel to Maxwell Terrace, with Cliff Street, and incorporate minor lighting, wayfinding, bike parking and road crossing upgrades to maximise safety and meet required standards.

The project is anticipated to cost \$435,000. DIT has agreed to contribute \$200,000 towards this project, which is the maximum available project amount through the State Bike Fund program. This link has been identified by the City of Marion's 2018-22 Cycling and Walking Plan and has a Council contribution budget of \$235,000 in the 2022-23 Capital Works Plan.

**Majors Road Shared Use Path (See Attachment 3 for Map)**

The project is to construct a 3m wide, approx. 800m shared use path on the southern side of Majors Road, O'Halloran Hill between Main South Road and the Glenthorne National Park entrance. The design will be constructed prior to DIT's Majors Road Interchange, which will add on and off ramps for north and south bound traffic of the Southern Expressway and extend the Majors Road Bikeway from the Glenthorne National Park entrance to the Patrick Jonker Veloway.

Council has endorsed a budget of \$574,000 through the Capital Works 2022-23 program. DIT has contributed \$200,000 to this project through the State Bike Fund.

In addition to providing active travel options to IQRA College, the Sam Willoughby BMX Facility, Glenthorne National Park, Happy Valley Reservoir, this project will also support a future cycle link to the west of the Southern Expressway as identified by the City of Marion's 2018-22 Cycling and Walking Plan.

**Funding Deed**

To formalise the agreement, Council approval is sought to authorise the Mayor and Chief Executive Officer to sign and affix the Common Seal to the documentation necessary to execute the Funding Deed for the construction of the Breakout Creek and the Majors Road shared use paths.

**ATTACHMENTS**

1. State Bicycle Fund Deed - City of Marion [**12.15.1** - 11 pages]
2. Breakout Creek Shared Use Path Alignment [**12.15.2** - 2 pages]
3. Majors Road Shared Use Path Alignment [**12.15.3** - 1 page]

## OFFICIAL

**FUNDING DEED under STATE BICYCLE FUND**

1. Construct 630m shared use path through Breakout Creek Reserve, between Maxwell Terrace and Cliff Street and include lighting, bike parking, and directional signage.  
\$200,000
2. Construct 1.2km shared use path on southern side of Majors Road, between Main South Road and Southern Expressway, integrating with DIT's Majors Road Upgrade Works.  
\$200,000

Between

**MINISTER FOR INFRASTRUCTURE AND TRANSPORT**  
**(Minister)**

And

**THE COUNCIL NAMED IN THE SCHEDULE**  
**(Council)**

## OFFICIAL

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**DEED** dated the                      day of

**PARTIES:**

**MINISTER FOR INFRASTRUCTURE AND TRANSPORT**, a body corporate pursuant to the *Administrative Arrangements Act 1994*.....(**Minister**)

And

**THE COUNCIL NAMED IN THE SCHEDULE** a body corporate under the *Local Government Act 1999*.....(**Council**)

It is agreed:

1.     **FUNDING**

- 1.1     Subject to this deed, the Minister will pay the Council up to the amount of money specified in the Schedule (**Funding**).
- 1.2     The Council must only use the Funding for the **Purpose** set out in clause 3 of the Schedule.
- 1.3     For the purposes of this deed, the **Funding Period** is the period commencing on the Start Date and, subject to funding being available, will continue until the End Date. The **Start Date** and **End Date** are set out in the Schedule.
- 1.4     The Funding is payable by way of a lump sum in accordance with the Schedule. During the Funding Period, the Council is entitled in accordance with the conditions set out in the Schedule to invoice the Minister for the payment of the Funding.
- 1.5     At the end of the Funding Period the Council must provide a report on the level of any unexpended Funding.
- 1.6     The Council must repay any part of the Funding which is unexpended at the end of the Funding Period to the Minister unless the Minister gives written approval for the Council to retain the money.
- 1.7     The Council must pay at least fifty per cent of the total cost of the works undertaken for the Purpose.

Unless otherwise agreed in writing with the Minister, if by the end of the Funding Period, the total cost of the works for the Purpose is less than double the amount of the grant (GST Exclusive) then in addition to repaying any unexpended Funding, the Council must repay to the Minister the difference between the amount of the Funding and a half of the actual cost of the works.

2.     **GST**

- 2.1     In addition to any amounts payable by the Grantor as part of the Funding (**Base Payment**), the grantor must, if in relation to a Taxable Supply for which the grantor has received a Tax Invoice, pay to the Council an additional amount (**GST Payment**) calculated by multiplying the Base Payment by the rate at which GST is levied at the time of this deed.
- 2.2     The GST Payment is payable at the same time and subject to the same conditions as the Base Payment. "*Taxable supply*", "*GST*" and "*Tax Invoice*" have the meaning attributed under the *A New Tax System (Goods and Services Tax) Act 1999*.

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**3. ADMINISTRATION OF DEED**

- 3.1 Any power or discretion exercisable by the Minister under this deed may be exercised by the person (**Minister's Representative**) for the time being in the position within the Department for Infrastructure and Transport (**Department**) set out in the Schedule.
- 3.2 Any power or discretion exercisable by the Council under this deed may be exercised by the person (**Council's Representative**) for the time being in the position within the Council set out in the Schedule.

**4. PROVISION OF FINANCIAL INFORMATION**

- 4.1 The Council must provide the Minister with appropriate and regular information, records and reports as the Minister may request from time to time about:
  - 4.1.1 the administration and financial affairs of the Council;
  - 4.1.2 the progress of and any change to the authorised scope of the Purpose;
  - 4.1.3 any significant changes to the nature and scope of the activities conducted by the Council;
  - 4.1.4 any other matter relevant to the granting of assistance;
  - 4.1.5 any other funding or financial assistance promised or received from any source other than the Minister;
  - 4.1.6 the Council's management of the Funding, including, but not limited to, the economic and efficient use of resources to achieve the outcomes of the Purpose; and
  - 4.1.7 the performance of the Council's undertakings and obligations under this deed.
- 4.2 The information provided by the Council must be sufficient for the Minister to make an informed judgement about:
  - 4.2.1 the Council's ongoing financial position and its resources and expertise in relation to the Purpose;
  - 4.2.2 the Council's performance in managing public moneys, acquiring, and using resources economically and efficiently and in achieving specified objectives in relation to the Purpose;
  - 4.2.3 the overall effectiveness of the Funding throughout the Funding Period;
  - 4.2.4 compliance with legislation and generally accepted accounting principles; and
  - 4.2.5 compliance with the Council's constitution and the conditions of this deed.
- 4.3 The Council must permit any officer authorised by the Minister:
  - 4.3.1 to enter the Council's premises and to have access to all accounting records, equipment, documents, and information in possession of the Council; and
  - 4.3.2 to interview employees of the Council on matters pertaining to the operations of the Council.

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**5. OBLIGATIONS OF THE COUNCIL**

The Council must:

- 5.1 ensure that any works undertaken towards the Purpose are undertaken in accordance with (and to the standard required by) any applicable Standards published by Austroads and Standards Australia Limited;  
(all bicycle facilities constructed must be planned, designed, and constructed in accordance with Austroads guidelines and AS 1742.9 – Manual of uniform Traffic Control Devices Part 9: Bicycle Facilities);
- 5.2 maintain accounting records of the Funding in accordance with generally accepted accounting principles;
- 5.3 ensure that any activity carried out by the Council in connection with the Council's use of the Funding complies with the laws from time to time in force in South Australia;
- 5.4 comply with its constitution;
- 5.5 comply with the reporting requirements set out in the Schedule;
- 5.6 prepare financial statements in accordance with Australian Accounting Standards at the end of the Funding Period and submit the financial statements, signed by a senior office holder of the Council, to the Minister no later than one calendar month after the expiry of the Funding Period; and
- 5.7 where requested by the Minister, provide to the Department management accounts, annual reports, financial statements and any other information or documents relevant to the Council's operations.

**6. TERMINATION**

- 6.1 If the Council fails to comply with this deed, the Minister may:
  - 6.1.1 require the Council to repay either the whole or a portion of the Funding (whether expended or not);
  - 6.1.2 withhold all future funding from the Council;
  - 6.1.3 pursue any legal rights or remedies which may be available to the Minister; and
  - 6.1.4 terminate or curtail any program or project conducted by the Minister of which the Purpose conducted by the Council is part.
- 6.2 The Minister may review any decision made pursuant to this clause if the Council is able to satisfy the Minister within a period of 30 days from the decision that the Council has complied with the conditions of this deed.
- 6.3 Nothing in this deed is to be taken to limit the Minister's discretion to determine whether and how any program or project of the Minister is to be conducted, except if and to the extent that the Minister gives an express undertaking in that regard.

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**7. INSURANCE**

The Council warrants that it is a member of the Local Government Association Mutual Liability Scheme (**Scheme**) and is bound by the Scheme pursuant to section 142 and Schedule 1, Part 2 of the *Local Government Act 1999* (SA) (**Act**) and in the event that the Council ceases to be a member of the Scheme it will forthwith, pursuant to Section 142(1) of the Act and the regulations under that Act, take out and maintain insurance to cover its civil liabilities at a minimum level of cover of AUD \$50 million.

**8. ACKNOWLEDGEMENTS**

The Council acknowledges that the Funding represents a one-off contribution by the Minister towards the Purpose, and the Council agrees that any request for subsequent funding will require a new application to the Minister.

The Minister is under no obligation to agree to pay any subsequent funding to the Council.

The Council further acknowledges and agrees that the Minister will not be liable to reimburse the Council for any losses (or cost over runs) that may result from the operation of this Agreement or the carrying out of the Purpose or a Project.

**9. INDEMNITY**

The Council acknowledges and agrees that it remains at all times solely responsible for the conduct of the Purpose and any Project and it releases and indemnifies the Minister, the Commissioner of Highways and the Crown in right of the State of South Australia together with their employees, contractors and agents (**those indemnified**) from and against any loss or liability incurred or suffered by any of those indemnified as a result of any claim, suit, demand, action or proceeding brought by any person against any of those indemnified in respect of the works to carry out the Purpose and/or a Project or otherwise caused by any breach or default of the Council under this Agreement.

**10. AUDIT**

The Minister may direct the Council to arrange for the financial accounts relating to the Funding to be audited at the Council's expense. The Minister may specify the minimum qualifications to be held by a person appointed to conduct the audit.

**11. ASSIGNMENT**

The Council must not assign, novate, or encumber any of its rights or obligations under this deed.

**12. PUBLICITY**

The Council must not make or permit a public announcement or media release to be made about any aspect of this deed without first obtaining the Minister's consent.

**13. CONSENT**

If the Council requires the Minister's consent under this deed, the Minister may, in its absolute discretion, give or withhold its consent and if giving consent, the Minister may impose any condition on that consent that it considers appropriate. The Minister's consent will not be effective unless it is in writing and signed.

## OFFICIAL

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**14. ENTIRE DEED**

This deed incorporates any attached schedules and annexures. This deed contains the entire agreement between the parties with respect to its subject matter and supersedes any prior agreement, understanding or representation of the parties on the subject matter.

**15. PROPER LAW**

The laws in force in South Australia apply to this deed.

**16. JURISDICTION OF COURTS**

The courts of South Australia have non-exclusive jurisdiction to determine any proceeding in relation to this deed. Any proceeding brought in a Federal Court must be instituted in (and remain with) the Adelaide Registry of that Federal Court.

**17. COMPLIANCE WITH LAWS**

The Council must comply with the laws in force in South Australia in the course of performing its obligations under this deed.

**18. NOTICES**

A notice is properly given or served if the party delivers it by hand, posts it or transmits it by electronic mail or facsimile, to the address of the Representative of the other party. A notice is taken to be received:

- 18.1 if sent by post, at the time it would have been delivered in the ordinary course of the post to the address to which it was sent;
- 18.2 if sent by electronic mail, only in the event that the sender receives confirmation that the e-mail has been successfully transmitted to the correct e-mail address; or
- 18.3 if delivered by hand, the party who sent the notice holds a receipt for the notice signed by a person employed at the physical address for service.

**19. PERFORMANCE AND FUTURE PROPOSALS**

The satisfactory completion of the works for the Purpose and on-going compliance with reporting obligations, may be taken into account as a factor in assessing any future applications by the Council for funding under the State Bicycle Fund.

**20. WAIVER**

Any waiver of any provision of this deed is ineffective unless it is in writing and signed by the party waiving its rights. A waiver by either party in respect of a breach of a provision of this deed by the other party is not a waiver in respect of any other breach of that or any other provision. The failure of either party to enforce any of the provisions of this deed at any time must not be interpreted as a waiver of that provision.

**21. VARIATION**

Any variation of this deed must be in writing and signed by each party (or its Representative).

Any request by the Council for agreement to vary the Funding or the Purpose must be accompanied by sufficient details explaining the reasons for the requested variation to enable the Minister to have regard to its merits.

## OFFICIAL

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**22. READING DOWN AND SEVERANCE**

In the event that any provision (or portion of any provision) of this deed is held to be unenforceable or invalid by a Court of competent jurisdiction, the validity and enforceability of the remaining provisions (or portions of such provisions) of this deed shall not be adversely affected.

The offending provision or part of a provision shall be read down to the extent necessary to give it legal effect or shall be severed if it cannot be read down, and the remaining part and provisions of this deed shall remain in full force and effect.

**23. AUDITOR GENERAL**

Nothing in this deed derogates from the powers of the Auditor-General under the *Public Finance and Audit Act 1987* (South Australia). Without limiting this clause, the Council acknowledges the Auditor General's obligations and powers under sections 32 and 34 of the *Public Finance and Audit Act 1987* (South Australia).

**24. PUBLIC DISCLOSURE**

The Minister may disclose this deed and/or information relating to this deed in both printed or electronic form and either generally to the public or to a particular person as a result of a specific request. Nothing in this clause derogates from the Council's obligations under any provision of this deed or the provisions of the *Freedom of Information Act, 1991*.

**25. ADDITIONAL CONDITIONS**

The additional conditions set out in the Schedule (if any) form part of this deed.

OFFICIAL

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**EXECUTED as a DEED**

**THE COMMON SEAL of the  
MINISTER FOR INFRASTRUCTURE  
AND TRANSPORT**

was affixed on: .....  
(Date above)

in the presence of:

Witness Signature:.....

Print name:.....

By the Council

**THE COMMON SEAL of the  
COUNCIL NAMED IN THE SCHEDULE**

on:.....  
(Insert date above)

by: \_\_\_\_\_  
Chief Executive Officer

(print name above)

and:

.....

Principal Member of Council

(print name above)

(Affix Seal Above)

(Affix Seal above)

## OFFICIAL

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**SCHEDULE**
**1. THE COUNCIL**

Legal Name: City of Marion  
 Trading Name: City of Marion  
 Site Address: 935 Marion Road, MITCHELL PARK SA 5043  
 Postal Address: 935 Marion Road, MITCHELL PARK SA 5043  
 ABN: 37 372 162 294

**2. REPRESENTATIVES****Minister's Representative**

Name: Ms Gemma Kernich  
**Position:** Manager, Programme Development  
 Address: Level 7, 77 Grenfell Street, ADELAIDE SA 5000  
 Telephone: 7109 7104  
 E-mail: [gemma.kernich@sa.gov.au](mailto:gemma.kernich@sa.gov.au)

**Council's Representative**

Name: Ms Sara Hurditch  
**Position:** Transport Engineer  
 Address: 935 Marion Road, MITCHELL PARK SA 5043  
 Telephone: 8375 6603  
 E-mail: [sara.hurditch@marion.sa.gov.au](mailto:sara.hurditch@marion.sa.gov.au)

**3. PURPOSE**

The Funding is provided for the Purpose of the Council undertaking (within the Funding Period) the **Project** described below (and in the proposal and plans attached to this deed) in accordance with (and to the standard required by) any applicable Standards published by Austroads and Standards Australia Limited.

**Description of Project**

- Construct 630m shared use path through Breakout Creek Reserve, between Maxwell Terrace and Cliff Street and include lighting, bike parking, and directional signage. \$200,000
- Construct 1.2km shared use path on southern side of Majors Road, between Main South Road and Southern Expressway, integrating with DIT's Majors Road Upgrade Works. \$200,000

**4. FUNDING PERIOD**

**Start Date:** 01 July 2022  
**End Date:** 30 June 2023

**5. FUNDING**

**Amount (AUD):** \$400,000 (GST exclusive)

## OFFICIAL

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**6. MANNER & CONDITIONS OF PAYMENT**Limit on payments

The Funding of \$400,000 (GST exclusive) is the maximum total amount the Minister may be liable to pay the Council under this deed.

Invoice

The Minister is **not** obligated to pay an invoice unless properly rendered. An invoice is properly rendered if it:

- (a) is issued in respect of a payment for which the Council is entitled to invoice for under this deed;
- (b) quotes the relevant purchase order number allocated by the Minister;
- (c) reflects the correct amount for payment under this deed; and
- (d) is a valid Tax Invoice in accordance with GST Law.

Payment Term

Provided that the total amount of the Funding has not been (or will be) exceeded, the Minister must pay the amount of a properly rendered invoice for the Funding within 30 days of receiving the Council's invoice.

## OFFICIAL

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7. **ADDITIONAL REPORTING REQUIREMENTS**

<b>Report (Title)</b>	<b>Frequency (By when)</b>	<b>Requirements (Information and applicable standard)</b>
<b>Project Report</b>	31 December 2022 and 31 March 2023 or 7 days from request.	<ul style="list-style-type: none"> <li>• The progress of the Project and scheduling of works.</li> <li>• Updated Expenditure forecasts during the term of the funding period</li> <li>• The management of the Funding (i.e., break down of expenditure of the Funding).</li> <li>• Any changes to the authorised scope of the Project.</li> <li>• Any significant changes to the nature and scope of the activities conducted by the Council.</li> <li>• Any operational matters requested from time to time by the Minister for inclusion in the Project Report.</li> </ul>
<b>Financial Statements</b> (As referred to in clause 5)	Within 30 days from the expiry of the Funding Period.	Financial Statements prepared in accordance with Australian Accounting Standards setting out in detail the Council's expenditure of the Funding (with invoices attached from any contractors engaged for the Purpose) and signed by a senior office holder of the Council.

8. **SPECIAL CONDITIONS****Alteration to DIT Roads or other Assets**

If the Project requires any traffic management, alteration to (or effect on) a road or other asset that is under the care, control, and management of (or is otherwise the responsibility of) the Commissioner of Highways or is the responsibility of the Department for Infrastructure and Transport (**DIT**), the Council must seek the written approval of the appropriate DIT Regional Manager prior to commencing any work.

**Traffic Control Devices**

The installation of Traffic Control Devices must comply with the requirements outlined in the Manual of Legal Responsibilities and Technical Requirements for Traffic Control devices – Part 2 – Code of Technical Requirement – February 2012.

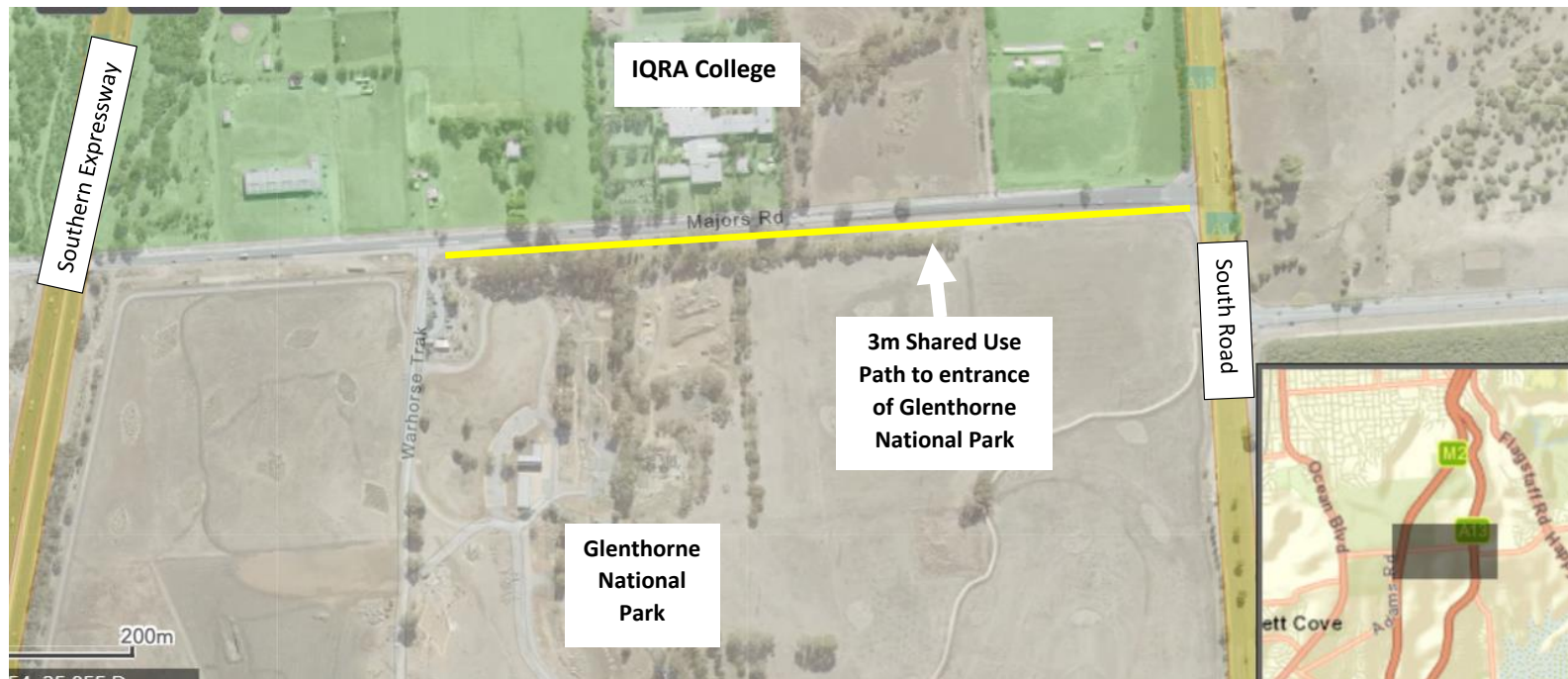
**Breakout Creek Shared Use Path:  
Maxwell Terrace to Beadnall Terrace, Glengowrie**



**Breakout Creek Shared Use Path:  
Beadnall Terrace to Cliff Street, Glengowrie**



### Majors Road Shared Use Path



## 12.16 Proposal to Close and Dispose Portions of Public Road, Morphettville

<b>Report Reference</b>	GC221129R12.16
<b>Originating Officer</b>	Senior Property Officer – Bernadette Lee
<b>Corporate Manager</b>	Manager City Property - Thuyen Vi-Alternetti
<b>General Manager</b>	General Manager City Development - Tony Lines

### REPORT OBJECTIVE

This report requests Council approval to commence a Road Process to close four (4) portions of road verge contained in Appleby Road and Barham Avenue, Morphettville in accordance with the *Roads (Opening and Closing) Act 1991*. If closure is completed, Council further approves the sale and merger of the closed portions of road to the adjoining landowner, SA Housing Authority (SAHA) in support of the Morphettville Urban Renewal Project.

### EXECUTIVE SUMMARY

SA Housing Authority (SAHA) is undertaking a residential redevelopment for a considerable portion of Morphettville as part of the Morphettville Urban Renewal Project.

In order to facilitate stage 3 of the renewal project (refer to plan contained in Attachment 2) SAHA has requested that four portions of road verge, totaling 391 square metres of road are closed and merged with their adjoining land parcels.

Following the request, investigations were undertaken by Administration and it is recommended that Council resolves to proceed with the road closure and sale to SAHA in support of the Morphettville Urban Renewal Project.

To administer the closure and sale of the portions of closed road to SAHA and merge with the SAHA adjoining land, Council needs to undertake a Road Closure Process under the *Roads (Opening and Closing) Act 1991* outlined in this report.

### RECOMMENDATION

1. That in relation to the four (4) portions of legal and open public road (road verge) in Appleby Road and Barham Avenue, Morphettville, bordered in red on Attachment 1 to the agenda report, that Council:
  - a. Declares that the subject portions of road are surplus to the road network requirements and suitable for closure.
  - b. Approves the commencement of the road closure process, including public notice in accordance with the provisions of the *Roads (Opening and Closing) Act 1991*.
  - c. Resolves that the subject portions of road to be closed bordered in red on Attachment 1 to the agenda report will be excluded from the classification of community land upon a successful closure.
  - d. Approves the sale of the subject portions of road to the adjoining landowner, SA Housing Authority, at no less than the market value, subject to all costs associated with the road closing process, sale, transfer, and consolidation of the land with SA Housing Authority's land being met by SA Housing Authority.
  - e. Resolves that if any objections or applications for easements are received during the public notification phase of the proposed road closure, a further report will be tabled for Council's consideration and determination of the matter.

- f. **Authorises the Chief Executive Officer to sign any documentation necessary to finalise the road closure process, the sale and transfer of the subject portions of road to SA Housing Authority and the consolidation with SA Housing Authority's adjoining land.**
- g. **Approves the net proceeds from the sale of the subject portions of road to be assigned to the Open Space Reserve Fund to be used in accord with Council's approved use of that Fund.**

## **GENERAL ANALYSIS**

SAHA has applied to Council to purchase four (4) portions of road verge (bordered in red on Attachment 1) for consolidation with their adjoining allotments to support their staged development of the Morphettville Urban Renewal Project.

The four portions of road are currently developed as part of two cul-de-sacs within Appleby Road and Barham Road, refer to the areas bordered in red on Preliminary Plan contained in Attachment 1 and described below:

A – 65 sqm (Appleby Road)

B – 101 sqm (Appleby Road)

C – 47 sqm (Barham Road)

D – 178 sqm (Barham Road)

Total approximate area for closure and sale: 391 square metres

SAHA has obtained Planning Consent to the proposed plan of division contained in Attachment 2 and the application is currently in the land division consent assessment stage.

The proposed road closures will remove the existing cul-de-sac cut outs, resulting in new parallel road boundaries once the redevelopment project is complete.

## **DISCUSSION**

### **Internal Investigations**

The proposal has been extensively circularised within Council and no concerns or objections have been raised to the closure and disposal.

Council's Open Space team has noted the large tree directly adjacent parcel D should be protected as part of any development, as a separate matter to the road closure and sale process.

The subject portions of road are surplus to the Road network, and there is no operational requirement to retain the existing cul-de-sacs in relation to the stage 3 development.

Council does not have any underground infrastructure located within the proposed portions of road to be closed.

### **External Investigations**

A Before-You-Dig-Australia (BYDA) was carried out to identify any registered services located within or in close proximity to the subject portions of road. The investigations revealed that the following services are nearby:

- SA Water (water and sewer infrastructure)
- SAPN (electricity pole)
- APA Gas (high pressure pipe)
- Telstra (cables)
- NBN (cables)

Administration contacted SAHA regarding this infrastructure as the statutory service providers may object to the road closure if they have not reached an agreement to address their services as part of

the stage 3 development. SAHA advised that the above service providers have been contacted and have either reached agreement or are in the process of finalising the relocation of this infrastructure.

### **Financial Implications**

In accordance with Council's Disposal of Land and Assets Policy, a condition of the road closing, sale and transfer (if approved by Council) will be that SAHA pays no less than the market value of the portions of road and meets all costs associated with completing the road closing process and consolidation of the subject portions of road with SAHA's adjoining land. SAHA has accepted to pay market value for the portions of road, administration fee and associated costs with the road closure process.

Net proceeds from the sale of the subject portions of road are to be assigned to the Open Space Reserve Fund to be used strictly in accord with Council's approved use of that Fund.

An upfront agreement will be entered between SAHA and Council that obligates SAHA to reimburse Council for all costs incurred during any of the procedures above, regardless of the final outcome of the road closure and sale application.

### **Public Notice**

Public notification will be undertaken in accordance with the requirements of the *Roads (Opening and Closing) Act 1991* (the Act) and subordinate regulations. As per the Act, a surveyor will be engaged to:

- Prepare and lodge a Preliminary Plan with the Office of the Surveyor-General (draft included as Attachment 1);
- Through the Surveyor-General, place a notice of the proposal in the South Australian Government Gazette, including details about the proposal and how any objections or requests for easements may be submitted;
- Through the Surveyor-General, place a notice of the proposal, including the Preliminary Plan, on the State Government website for the advertisement of all proposed road opening and closing proposals;
- Write to all affected persons (as determined in accordance with the Act) to advise them of the proposal and advise how any objections or requests for easements may be submitted;
- Write to all prescribed public utilities and authorities (as determined in accordance with the Act).

To be valid under the Act, any objection or request for an easement must:

- be in writing to Council and the Surveyor-General;
- set out the full name and address of the person;
- give full particulars of the nature and location of the easement that is being applied for;
- where the application is made by a person as the owner of adjoining or nearby land – specify the land to which the easement is to be annexed; and
- state the reasons for the application for the grant of the easement.

If any objections or applications for easements are received during the 28-day public notice phase of the proposed road closures, a further report will be tabled for Council's consideration and determination of the matter.

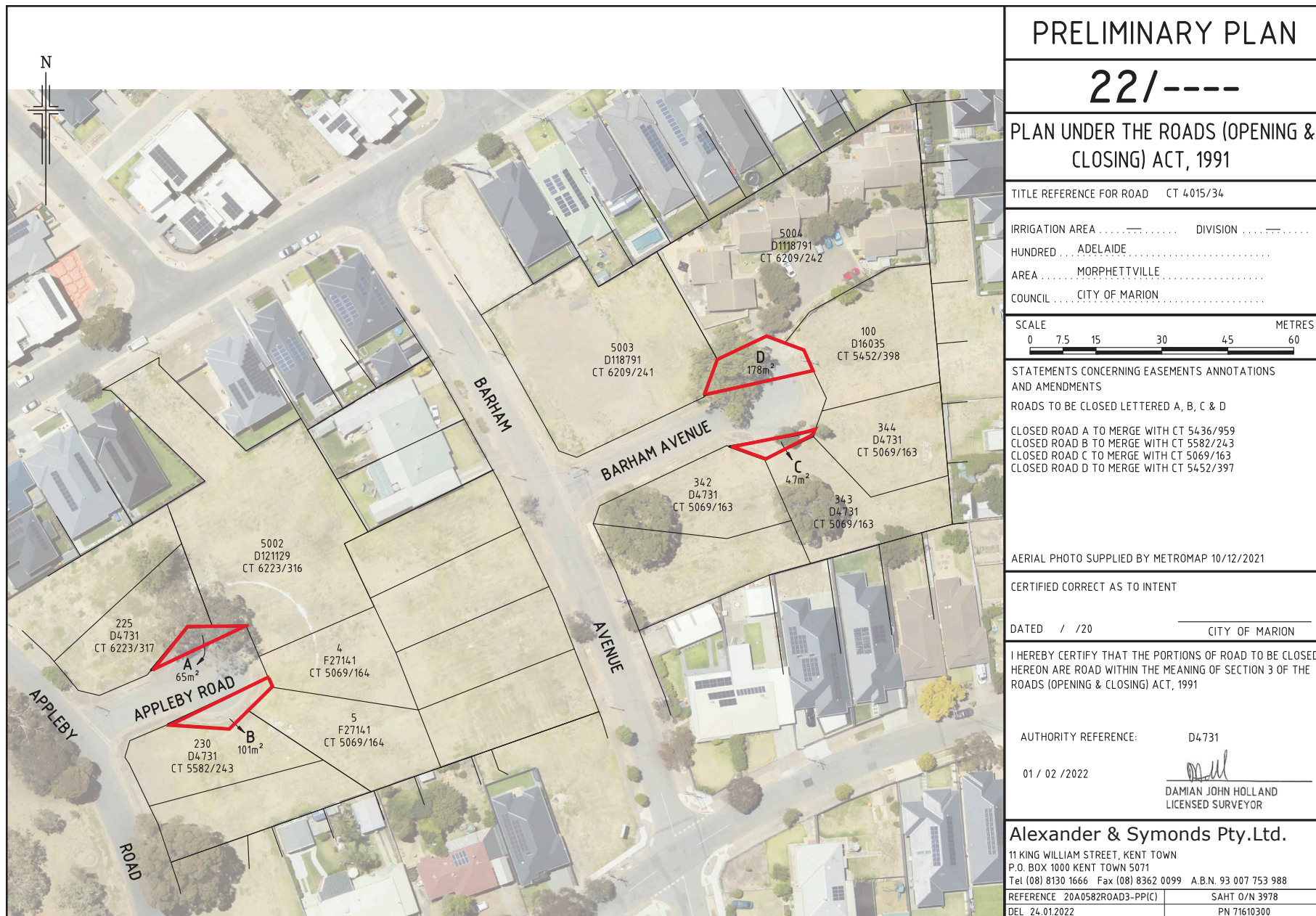
If no objections or applications for easements are received, two independent market valuations will be obtained to determine the sale price, and the surveyor will be instructed to prepare the final survey plan, road process orders and agreement for transfer documentation.

### **Unsolicited Proposals Policy**

The proposed road closures and sale direct to SAHA does not meet the minimum financial criteria of Council's Unsolicited Proposals Policy. Generally, Roads may only be closed and sold to adjoining landowners, not via an open market competitive process.

**ATTACHMENTS**

1. Attachment 1 [**12.16.1** - 1 page]
2. Attachment 2 Development Plan Rev D [**12.16.2** - 1 page]





## 13 Corporate Reports for Information/Noting

### 13.1 Matters Left Lying on the Table

<b>Report Reference</b>	GC221129R13.1
<b>Originating Officer</b>	Unit Manager Governance and Council Support – Victoria Moritz
<b>Corporate Manager</b>	Manager Office of the Chief Executive - Kate McKenzie
<b>General Manager</b>	Chief Executive Officer - Tony Harrison

### REPORT OBJECTIVE

The purpose of this report is to advise the incoming Council of any items that were left lying on the table during the previous term of Council and have therefore lapsed as a result of the 2022 Local Government Election.

### REPORT HISTORY

<b>Report Reference</b>	<b>Report Title</b>
GC220125F18.4	Motion with Notice – Field River

### EXECUTIVE SUMMARY

In accordance with the *Local Government (Procedures at Meetings) Regulations* (the Regulations) 2013 Sub-regulation (19) any formal motion that lies on the table as a result of a successful formal motion under sub-regulation (14)(c) of the Regulations lapses at the next general election.

The Chief Executive Officer is required to report on each matter that lapses under this section to the Council at the first ordinary meeting of the council after the general election.

### RECOMMENDATION

**That Council:**

1. **Notes the report.**

### DISCUSSION

On 25 January 2022 a confidential Motion with Notice was presented to Council in relation to the Field River. Council resolved that the Motion be left lying on the table until written confirmation of the was received by the Council with the full details of the proposal. Nothing further was received.

As a result of the recent general election, the Motion with Notice has now lapsed. As the confidential order was only to move into confidence (not retain), unless Council determines to make an order to retain the matter, the original report will be released. If Council wish to consider this matter in the future, a new motion will be required to be submitted.

### ATTACHMENTS

Nil

## 13.2 Local Government Association Ordinary Meeting Minutes October 2022

<b>Report Reference</b>	GC221129R13.2
<b>Originating Officer</b>	Unit Manager Governance and Council Support – Victoria Moritz
<b>Corporate Manager</b>	Manager Office of the CEO - Kate McKenzie
<b>General Manager</b>	Chief Executive Officer - Tony Harrison

### REPORT OBJECTIVE

The purpose of this report is to note the minutes from the Local Government Association (LGA) Ordinary General Meeting (AGM) 2022.

### EXECUTIVE SUMMARY

The Local Government Association (LGA) of South Australia is a membership organisation which provides services, advocacy and leadership relevant to the needs of member councils. It is guided by the LGA Board of Directors, supported by staff and represented by a number of nominees on many State, Federal and community boards, committees and commissions.

The structure and operation of the LGA is set out in its Constitution, with a board and various committees that must meet regularly with the responsibility of guiding various aspects of the organisations activities in line with policy and other decisions taken at the LGA:

- Ordinary General Meeting (held April each year)
- Annual General Meeting (held October each year)

To have an item considered at either of these meeting, Councils must submit a proposed item via:

- GAROC - Greater Adelaide Regional Organisation of Councils. This Committee's role is to lead regional advocacy, policy initiation and review, leadership engagement and capacity building in the greater Adelaide region(s). City of Marion forms part of the GAROC.
- SAROC - SA Regional Organisation of Councils. This Committee is formally established through the LGA Constitution, and its role is regional advocacy, policy initiation and review, leadership engagement and capacity building in the regions.
- The LGA Board of Directors.

The last LGA Ordinary Meeting was held on Friday 28 October 2022 at the Adelaide Oval and Mayor Hanna was the City of Marion voting delegate. The meeting was also attended by the CEO and the Manager, Office of the CEO.

The agenda and papers for the meeting are available on the LGA website via the following link:

[AGM-Agenda-28-October-2022.pdf \(lga.sa.gov.au\)](https://lga.sa.gov.au/AGM-Agenda-28-October-2022.pdf)

A copy of the draft minutes is included as **Attachment 1**.

### RECOMMENDATION

**That: Council**

- 1. Notes the minutes of the LGA Ordinary General Meeting held on 28 October 2022.**

### DISCUSSION

A list of items discussed is as follows:

***Minutes of Previous Meeting***

- Minutes of the meeting held on 8 April 2022
- Resolutions and Actions from the OGM of 8 April 2022

***LGA Business***

- LGA Annual Report 2021/22
- LGA Financial Statement 2021/22
- Annual Reports of LGA Committees
- LGASA Mutual Annual Report 2021/22
- LGA Procurement Annual Report 2021/22
- Local Government Research and Development Scheme
- Special Local Roads Program
- LGA Advocacy Update
- LGA Member Services Update
- Local Government Financial Indicators 2022
- SAROC and GAROC Terms of Reference

***Recommendation Reports from the SAROC Committee***

- Landscapes Board Levy (City of Victor Harbor)
- EPA Solid Waste Levy (City of Mount Gambier)
- Energy Positive and Carbon Neutral Development (City of Victor Harbor)

***Recommendation Reports from the GAROC Committee***

- Mental Health and Wellbeing (Town of Gawler)
- Responding to the Climate Emergency (Town of Gawler)

***Recommendation Reports from the LGA Board of Directors***

- LGA Policy Manual on Climate Change Endorsement (LGA Secretariat)
- Housing Supply, Affordability and Homelessness (LGA Secretariat)

***Ordinary General Meeting 2023***

The LGA will hold its Ordinary General Meeting in April or May 2023. The date has not yet been confirmed. The council will receive a report calling for motion early in 2023 to ensure that any motions meet the LGA constitutional requirements.

***ATTACHMENTS***

1. Draft LG A- Annual- General- Meeting- Minutes-28- October-2022 [**13.2.1** - 11 pages]

Draft

## Draft Minutes of the LGA Annual General Meeting held on Friday 28 October 2022 at 2pm at Adelaide Oval, War Memorial Drive, North Adelaide SA

### 1. Open & Welcome

The President opened the meeting at 2:06pm and welcomed members and staff.

#### Present:

President	Mayor Angela Evans
Chief Executive Officer	Clinton Jury
Executive Director Member Services	Nathan Petrus
Executive Assistant (minutes)	Kianna Al Jaber
Executive Assistant to the CEO & President (E-voting)	Ashlea Lyall
Executive Assistant and Administration Coordinator (E-voting)	Sarah Ryan

#### *Member Councils (voting delegates):*

City of Adelaide	City of Charles Sturt
Adelaide Hills Council	District Council of Cleve
Adelaide Plains Council	Coorong District Council
Alexandrina Council	Copper Coast Council
The Barossa Council	District Council of Elliston
Barunga West Council	The Flinders Ranges Council
Berri Barmera Council	City of Port Adelaide Enfield
Campbelltown City Council	Port Augusta City Council
District Council of Franklin Harbour	City of Port Lincoln
Town of Gawler	Port Pirie Regional Council
Regional Council of Goyder	City of Prospect
District Council of Grant	Renmark Paringa Council
City of Holdfast Bay	District Council of Robe
District Council of Karoonda East Murray	City of Salisbury
District Council of Kimba	City of Onkaparinga



The voice of local government.

# Draft

Kingston District Council  
 Light Regional Council  
 District Council of Lower Eyre Peninsula  
 District Council of Loxton Waikerie  
 City of Marion  
 Mid Murray Council  
 City of Mitcham  
 Mount Barker District Council  
 City of Playford  
 City of Mount Gambier  
 District Council of Mount Remarkable  
 Rural City of Murray Bridge  
 Naracoorte Lucindale Council  
 Northern Areas Council  
 City of Norwood Payneham & St Peters  
 District Council of Orroroo/Carrieton

Tatiara District Council  
 City of Tea Tree Gully  
 District Council of Tumby Bay  
 City of Unley  
 City of Victor Harbor  
 Wakefield Regional Council  
 Town of Walkerville  
 Wattle Range Council  
 City of West Torrens  
 City of Whyalla  
 Wudinna District Council  
 District Council of Yankalilla  
 Yorke Peninsula Council

## 2. Apologies

City of Burnside  
 District Council of Ceduna  
 District Council of Coober Pedy  
 Clare & Gilbert Valleys Council  
 Kangaroo Island Council  
 District Council of Peterborough  
 Municipal Council of Roxby Downs  
 Southern Mallee District Council  
 District Council of Streaky Bay

## 3. Notices & Arrangements

The Chief Executive Officer Clinton Jury outlined the notices and arrangements for the meeting.

Draft

#### 4. President's Address

The President provided a verbal report. A copy of the report is attached to these minutes.

#### 5. Minutes of Previous Meeting

##### 5.1 Minutes of the meeting held 8 April 2022

Moved Victor Harbor Seconded Berri Barmera that the Annual General Meeting confirms the minutes of the Ordinary General meeting held on 8 April 2022 as a true and accurate record of the proceedings held.

**Carried**

##### 5.2 Resolutions and Actions from Previous Meetings

Moved Mount Barker Seconded Mid Murray that the Annual General Meeting notes progress with resolutions resulting from the Ordinary General Meeting of 8 April 2022 and outstanding resolutions from earlier general meetings.

**Carried**

#### 6. LGA Business

##### 6.1 LGA Annual Report 2021/22

Moved Naracoorte Lucindale Seconded Loxton Waikerie that the Annual General Meeting receives and adopts the Local Government Association of South Australia's Annual Report for the year 2021-22.

**Carried**

##### 6.2 LGA Financial Statements 2021/22

Moved Kimba Seconded Unley that the Annual General Meeting receives and adopts the LGA of SA and controlled entities Financial Statements for the year 2021/22.

**Carried**

##### 6.3 Annual Reports for the LGA Committees

Moved Light Regional Seconded Wakefield Regional that the That the Annual General Meeting notes the Annual Reports for the year 2021-22 of the following Committees established under the LGA Constitution:

- a) Greater Adelaide Regional Organisation of Councils (GAROC)
- b) South Australian Regional Organisation of Councils (SAROC)
- c) CEO Advisory Group
- d) Audit and Risk Committee

**Carried**

# Draft

**6.4 LGASA Mutual Annual Report 2021-2022**

Moved Tumby Bay Seconded Kingston that the Annual General Meeting receives and notes the LGASA Mutual Annual Report for the year 2021-2022.

**Carried**

Renmark Paringa left the meeting – 2:47pm and did not return.

**6.5 LGA Procurement Annual Report 2021/2022**

Moved Lower Eyre Peninsula Seconded Campbelltown that the Annual General Meeting receives and notes the LGA Procurement Annual Report for the year 2021-2022.

**Carried****6.6 Local Government Research and Development Scheme**

Moved Berri Barmora Seconded Adelaide Plains that the Annual General Meeting notes the report.

**Carried****6.7 Special Local Roads Program**

Moved Alexandrina Seconded Yankalilla that the Annual General Meeting notes the report.

**Carried****6.8 LGA Advocacy Update**

Moved Grant Seconded Charles Sturt that the Annual General Meeting notes the report.

**Carried****6.9 LGA Member Services Update**

Moved Adelaide Seconded Tea Tree Gully that the Annual General Meeting notes the report.

**Carried****6.10 Local Government Financial Indicators 2022**

Moved Mount Barker Seconded Mount Gambier that the Annual General Meeting notes the report regarding Local Government Financial Indicators.

**Carried****6.11 SAROC and GAROC Terms of Reference**

Moved Lower Eyre Peninsula Seconded Charles Sturt that the Annual General Meeting ratifies the LGA SAROC Terms of Reference (effective 8 January 2022) and LGA GAROC Terms of Reference (effective 23 July 2020).

**Carried**

Draft

## 7. Recommendation Reports from the SAROC Committee

### 7.1 Landscapes Board Levy (City of Victor Harbor)

Moved Alexandrina Seconded Gawler that the Annual General Meeting requests the Local Government Association to request the State Government review the manner which they collect the Landscape levy from local communities. With the desired outcome being one in which Revenue SA collect the levy directly in alignment with the Emergency Services levy.

**Carried**

### 7.2 EPA Solid Waste Levy (City of Mount Gambier)

Moved Mount Gambier Seconded Holdfast Bay that the Annual General Meeting requests the LGA to call for the Deputy Premier the Hon Susan Close, as Minister for Climate, Environment and Water, to provide the LGA with a detailed explanation of how the Solid Waste Levy funds collected by waste depot licence holders are allocated both in terms of general revenue and the Green Industry Fund and calls for an equitable distribution of funds between regional and metropolitan councils.

**Carried**

### 7.3 Energy Positive and Carbon Neutral Development (City of Victor Harbor)

Moved Victor Harbor Seconded Yankalilla that the Annual General Meeting request the LGA to write to the Expert Panel on Planning and to the Minister for Planning seeking an amendment to the Planning, Development and Infrastructure Act 2016 which would enable the State Planning Commission and/or Councils to amend the Planning and Design Code to enable more energy efficient and sustainable development.

**Carried**

Draft

## 8. Recommendation Reports from the GAROC Committee

### 8.1 Mental Health and Wellbeing (Town of Gawler)

Moved Gawler Seconded Salisbury that the Annual General Meeting requests that:

1. the LGA support and actively advocate that the State Government addresses the lack of mental health outcomes and suicide prevention through providing information, connecting people with improved support agencies, and undertaking studies and further research to inform advocacy on related service needs in South Australia; and
2. notes that if the item of business is approved by the LGA members at the Annual General meeting the LGA Secretariat will undertake the following actions:
  - a) write to the Minister for Health and Wellbeing, and the Shadow Minister for Health and Wellbeing, outlining this advocacy position and requesting increased funding opportunities for local government, noting that improved collaboration is required with Local Health Networks including in regional public health planning;
  - b) write to the CEOs of each Local Health Network, expressing a need for stronger collaboration with local government in the regional public health planning process, particularly around wellbeing as a primary prevention strategy to address mental health and suicide prevention activities/services;
  - c) write to the CEOs of the Country Primary Health Network and the Adelaide Primary Health Network, expressing a need for stronger collaboration with local government in the regional public health planning process, particularly regarding wellbeing as a primary prevention strategy to address mental health and suicide prevention activities/services; and
  - d) liaise with the Australian Local Government Association (ALGA) to ensure that there is consistent messaging from the sector on this issue.

**Carried**

Draft

## 8.2 Responding to the Climate Emergency (Town of Gawler)

Moved Gawler Seconded Light Regional that the Annual General Meeting:

1. requests the LGA to:
  - a) update its Climate Policy Statements to acknowledge the State Government's declaration of a Climate Emergency;
  - b) commit to supporting the State Government in responding to the Climate Emergency; and
  - c) commit to engaging with the State Government on developing a collaborative reform agenda towards:
    - i. Enabling councils and their communities to better access renewable energy, carbon offsets and technologies to reduce emissions (mitigation); and
    - ii. Improving disaster resilience and climate adaptation planning and response to extreme events (adaptation); and
2. notes that if the Item of Business is approved by LGA members at the Annual General Meeting,
  - a) Part a) of the item to recognise the State Government's declaration of a Climate Emergency will be enacted through an amendment to the Climate Change statements in the LGA Policy Manual; and
  - b) Parts b) and c) of the item will see the LGA continuing to support and engage with the State Government on climate change issues, with the current level of resourcing available and directed from the LGA Secretariat.

**Carried**

## 9. Recommendation Reports from the LGA Board of Directors

### 9.1 LGA Policy Manual on Climate Change Endorsement (LGA secretariat)

Moved Alexandrina Seconded Adelaide that the Annual General Meeting:

1. notes the report on a review of the LGA Policy Manual on Climate Change;
2. endorses the revised LGA Policy Manual statements on Climate Change to take effect from 28 October 2022 as follows:
  - '4.4 Managing the Risks of Climate Change: Local government acknowledges that human-induced climate change is occurring and that urgent, ambitious, and immediate action is required at all levels of government to address the climate crisis by reducing emissions, and adapting to the impacts that are now unavoidable.

The LGA supports the State Government's ambition to achieve a 50% reduction in emissions by 2030 and net zero emissions by 2050.

Draft

The LGA supports its member councils to take the meaningful and immediate actions required, and calls for strong leadership and coordination at all levels of government for ongoing, effective and adequately funded Commonwealth and State Government climate change policies and programs.';

- '4.4.1 Partnerships: Local government accepts that negative impacts from climate change are inevitable, and recognises that building resilience to these impacts is a responsibility shared by everyone. Councils shall continue to be key partners in delivering a strategic response to climate risks.';
- '4.4.2 Funding and Strategic Investment; Building resilience to climate impacts will require significant funding and investment, both now and into the future. Councils shall continue to provide equitable levels of funding and investment, recognising it is incumbent on federal and state governments to subsidise the majority of expenditure required';
- '4.4.3 Embedding Climate Change Considerations: Climate risk and vulnerability assessments are vital in identifying climate impacts and determining appropriate actions. Councils shall ensure assessments are conducted with full consideration of available relevant information as part of all council strategic and operational planning processes across all functions and services.';
- '4.4.4 Decision Making: Local government understands that decisions made by councils must take account of all currently available climate data. Local government supports improved availability and regionally relevant data to be provided through state government, so that councils can expand their knowledge base (such as sustainable development, tree management, coastal management, bushfire management, flood mitigation and other climate hazards) to ensure they are 'best informed to make well rounded decisions.' (LGMLS);
- '4.4.5 Consultation and Engagement; Tackling the impacts of climate change will require community involvement and effort, in partnership with government-led policy and services. Councils should not solely rely on expert input, science and data when making decisions relating to climate change, but should also consider the outcomes of stakeholder and public consultation for better informed decision making and to raise awareness within the community.';
- '4.4.6 Energy Reduction and Storage; Local government provides leadership in the community through proactive actions to reduce energy use and associated greenhouse gas emissions. Continual improvement in technologies mean that councils should undertake regular audits of facilities and practices that are energy intensive, seek to reduce energy usage as far as practicable through installation

Draft

of energy reduction and storage technologies, and contribute to associated policy development and reform where appropriate.’;

‘4.4.7 Greenhouse Gas Reduction Mechanisms; Local government supports that voluntary carbon markets, including renewable energy, carbon offsets, and other low carbon products and services, be supported through clarified carbon accounting and legislation to ensure zero carbon outcomes are cost effective.’;

‘4.4.8 Integrity; Local government supports the Glasgow Climate Pact (2021), the Paris Agreement (2016), and the Kyoto Protocol (2005) for the reduction of global greenhouse gas emissions and shall contribute towards the commitments made by the Federal Government to achieve national carbon emission reduction targets, and Net Zero Carbon by 2050.’; and

‘4.4.9 Zero or Low-emission Vehicles; Local government recognises the need for widespread transition to zero emission transport and the role of emerging technologies to facilitate this and reduce negative impacts such as toxic emissions, engine noise and greenhouse gas emissions. Therefore, as road authorities, infrastructure providers, fleet managers and representatives of their local communities, councils should support and encourage the use of zero or low emission vehicles through their planning, policies, investment and procurement activities.’

Carried

## 9.2 Housing Supply, Affordability and Homelessness (LGA Secretariat)

Moved Victor Harbor Seconded Mount Barker that the Annual General Meeting requests that the LGA calls on the State Government to:

1. acknowledge the statewide housing crisis in South Australia;
2. establish a Regional Housing Crisis Taskforce, which features suitable representation from State Government agencies and the local government sector, to develop a roadmap for increasing regional housing supply;
3. host a South Australian housing summit to inform the development a whole-of government response to the statewide housing supply, affordability and homelessness issues, including:
  - a) supply of worker housing in regional South Australia;
  - b) support community driven efforts to identify people experiencing homelessness by name;
  - c) investigate how homelessness support services can be most effectively and sustainably coordinated; and

Draft

- d) increase funding to expand the stock of social and community housing;
- 4. support local government's calls, made at ALGA's 2022 National General Assembly, that the Australian Government:
  - a) host a national affordable housing summit to identify the regional, state, and national issues to be addressed to deliver housing solutions to communities through local, state, and federal government in a whole-of government response to be tailored for respective community needs;
  - b) fund further national housing research, specific to understanding housing affordability, housing supply and demand, and housing accessibility across rural and regional Australia;
  - c) develop and implement a collaborative program, involving all levels of government, to address housing concerns in rural and regional Australia; and
  - d) commit to implementing a funding stream, specific to rural and regional local governments, allowing them to undertake LGA-specific housing research; and to prepare and implement LGA-specific housing plans (aligning to the relevant State Housing and Homelessness Strategies prepared under the NHHA); and Local Government Association of South Australia
- 5. delivers its election commitment to hold quarterly cabinet meetings with the local government sector and use this important engagement to discuss these housing challenges and opportunities with the Local Government Association of South Australia.

**Carried****10. Next Meeting**

The LGA Ordinary General Meeting will be held on a date yet to be confirmed.

**11. Close**

The meeting was declared closed at 3:23pm.

**Minutes confirmed**

.....

Chairperson

Date .....



The voice of local government.

## **20## LGA President's Annual / Ordinary General Meeting Report**

(insert text here)

### 13.3 Council and CEO KPI Report Quarter One 2022/23

<b>Report Reference</b>	GC221129R13.3
<b>Originating Officer</b>	Unit Manager Governance and Council Support – Victoria Moritz
<b>Corporate Manager</b>	Manager Office of the Chief Executive - Kate McKenzie
<b>General Manager</b>	Chief Executive Officer - Tony Harrison

#### REPORT OBJECTIVE

To advise Council of the results of the Council and CEO KPI's for quarter one 2022/23.

#### EXECUTIVE SUMMARY

Monitoring performance of the Council and CEO KPI's is critical for ensuring that the Council is contributing to the achievement of its objectives in both the Strategic Plan and the 4-Year Business Plan 2019-2023.

Details of the results are provided in Attachments 1-4. For the quarter one results, Council achieved the Core Target on all KPI's with the exception of the following KPI:

- Delivery of agreed projects identified in ABP and fourth year targets in the 4-year plan. The result for Q1 was 85% and has not met the core target of 95%.
- Staff Engagement – the combined engagement results were 69%. This was under the core target of 75%. It was however noted that all SLT Departments achieved at least 50% participation rate.
- Asset Utilisation of Sports and Community Venues – the result was 30.27%. This was under the core target of 50%. However, it is noted that Edwardstown Soldiers' Memorial Recreation Ground and Cove Sports and Community Club have been removed from the data this quarter due to a change in lease arrangements and with booking no longer being managed by City of Marion.

#### RECOMMENDATION

**That Council:**

1. **Notes this information and information contained within the attachments for Quarter One 2022/23.**

#### ATTACHMENTS

1. Attachment 1 [13.3.1 - 2 pages]
2. Attachment 2 KPI Summary (1) [13.3.2 - 1 page]
3. Attachment 1a Supporting Information for KPI2 [13.3.3 - 1 page]
4. Attachment 3 FTE Employees Staff and Agency [13.3.4 - 1 page]
5. Attachment 4 Labour and FTE Movement Summary 8BBS [13.3.5 - 1 page]



## CEO AND COUNCIL KEY PERFORMANCE INDICATORS 2022/23 QUARTER ONE: JUL '22 – SEPT '22 - ATTACHMENT 1

1

### Financial Sustainability

**Core target:** Council maintains, on average a break even or better funding (cash) position over the Long-Term Financial Plan

**Stretch target:** Council maintains a break-even or positive position in delivering its Annual Budget.

**Measure:** This target compares funding cash position at the relevant budget review with the adopted budget figure.

**Q1 Result:** The result of the adopted budget is a forecast surplus of \$0.023m. The core target is forecast to be met with a surplus of \$1.544m over the ten years of the LTFP.

Forecast =  
\$0.023m

Third review

Second review

First review

Adopted budget  
\$0.023

4

### Overall Satisfaction with Council's performance

**Core target:** Greater than or equal to 75% rated as satisfied or above.

**Stretch target:** Greater than or equal to 85% rated as satisfied or above.

**Measure:** Annual Community Survey

**Result:** This is an annual measure that will be reported on at the end of the 2022/23 reporting period.

70.....80.....90.....100

Core &gt;or= 75%

Core &gt; or = 85%

2

### Delivery of agreed projects identified in ABP and fourth year targets in 4-year Plan (20 projects – (projects completed in years 1, 2 and 3 not included))

**Core target:** Greater than or equal to 95%

**Measure:** Monthly data as at 30 September 2022

**Result:** 85% - 17 projects are on track. 3 projects are considered off-track. The Core Target has not been met.

70.....80.....90.....100

Off Track 17 (85%)

Core &gt;or= 95%

5

### Asset Renewal Funding Ratio

**Core target:** Asset Renewal Funding Ratio between 90 and 110%

**Stretch target:** Asset Renewal Funding Ratio equal to 100% over the ten year long term financial plan

**Q1 Result** - This is an annual measure and our result is 100%

The Asset Renewal Funding Ratio indicates whether Council is renewing or replacing existing assets at the rate of consumption.

80.....90.....100.....110

Core (lower) &gt; or = 90%

Q1 Budget 2022/23 (100%)

Core (upper) &gt; or = 110%

3

### Total Employees Costs

**Core target:** Less than or equal to 4.5% increase in actual employee costs (including agency staff) against prior year's actual costs – adjusted for Council endorsed changes to meet resourcing requirements.

**Stretch target:** Less than or equal to 4% increase in actual employee costs (including agency staff) against prior year's actual costs – adjusted for Council endorsed changes to meet resourcing requirements.

**Q1 result:** the 2022/23 forecast is \$42.003m which is a 3.62% increase over the 2022 audited result after adjusting for council endorsed changes and additional grant funded positions

21.....31.....41.....51

Q1 (22/23 forecast) = 3.62%

Core &lt;or= 4.5%

6

### Delivery of Council's Capital Works Program

**Core target:** Greater than or equal to 85% delivery of Council's planned capital works program (adjusted for extraordinary items)

**Stretch target:** Greater than or equal to 90% delivery of Council's planned capital works program (adjusted for extraordinary items)

**Q1 Result** = This is an annual measure that will be reported on at the end of the 2022/23 reporting period.

80.....85.....90.....95

Core &gt; or = 85%

Stretch &gt; or = 90%



## CEO AND COUNCIL KEY PERFORMANCE INDICATORS 2022/23

### QUARTER FOUR: JUL '22 – SEPT '22 - ATTACHMENT 1

7

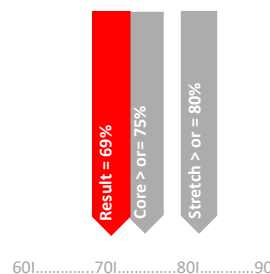
#### Staff Engagement

**Core target:** Achievement of an overall employee pulse survey result of 75% with at least 50% employee participation per SLT department

**Stretch target:** Achievement of an overall employee survey result of 80% with at least 50% participation per SLT department

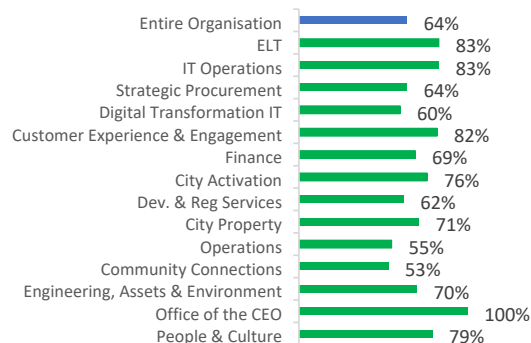
**Measure:** Staff Teamgage survey results.

**Result:** Achieved 69% combined engagement results. All SLT Departments achieved at least a 50% participation rate.



SLT participation by department

**\*Note:** The Teamgage employee engagement tool is now being utilised, based on 9 metrics (including Communication, Leader Support, Collaboration, Resources, Integrity, Respect, Innovation, Safety and Wellbeing).



8

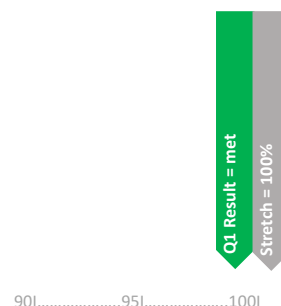
#### Community Engagement / Communications

**Core target:** Project specific communications to the public should be timely and accurate

**Stretch target:** 100%

**Measure:** Based on feedback received on project specific distributed communications. This KPI is marked as 'met' or 'not met'.

**Result:** Q1 result = Met (have not been made aware of any inaccurate or untimely information provided to the public)



9

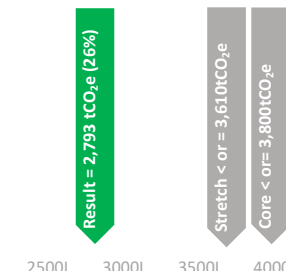
#### Carbon Neutrality (revised Q4 figures)

**Core target:** Actual annual emissions less than the plan's annual target emissions (3,800 tCO<sub>2</sub>e)

**Stretch target:** Actual annual emissions 5% less than the plan's annual target emissions (3,610 tCO<sub>2</sub>e)

**Measure:** Carbon emissions footprint, measured against Council's endorsed Carbon Neutral Plan.

This figure is reported every six months and will next be reported on at the conclusion of the Q2 reporting period.



10

#### Asset Utilisation of Sports and Community Venues

**Core target:** 50% utilisation across venues

**Stretch target:** Nil

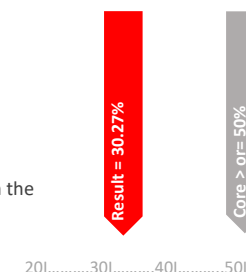
**Measure:** Monthly data as at 30 September 2022 based on the average utilization rate (Peak and off-peak)

**Result:** Q1 = 30.27% average utilisation rate for venue utilisation across community and sporting clubs.

Peak Utilisation = 36.4%

Off-Peak Utilisation = 19.42%

Note: Edwardstown Soldiers' Memorial Recreation Ground and Cove Sports and Community Club have been removed from the data this quarter.



## CEO and COUNCIL KPI Report Quarter One 2022/23 – ATTACHMENT 2

KPI	Details	Core Target	Stretch Target	Qtr 1	Qtr 2	Qtr 3	Qtr 4
1	Financial sustainability.	Council maintains, on average a break even or better funding (cash) position over the Long-Term Financial Plan	Council maintains a break-even or positive cash funding position in delivering its Annual Budget	\$0.023m (forecast)			
				The result for the Q1 adopted budget is a forecast surplus of \$0.023m. The core target is forecast to be met with a surplus of \$1.544m over the ten years of the LTFFP.			
2	Delivery of agreed projects identified in the <i>Annual Business Plan</i> and the four-year targets in the four-year plan.	Greater than or equal to 95%	No Stretch Target	85%			
				85% (17) projects are identified as being on track. 15% (3) projects are considered off-track. The Core target has not been met.			
3	Total employee costs (inc agency).	Less than or equal to 4.5% increase in actual employee costs (including agency staff) against prior year's actual costs – adjusted for Council endorsed changes to meet resourcing requirements	Less than or equal to 4% increase in actual employee costs (including agency staff) against prior year's actual costs – adjusted for Council endorsed changes to meet resourcing requirements	3.62% (forecast)			
				Q1 result: the 2022/23 forecast is \$42.003m which is a 3.62% increase over the 2022 audited result after adjusting for council endorsed changes and additional grant funded positions			
4	Overall Satisfaction with Council's performance	Greater than or equal to 75% rated as satisfied or above	Greater than or equal to 85% rated as satisfied or above	Annual Measure			
				This is an annual measure and a figure will be provided at the end of the 2022/23 financial year.			
5	Asset Renewal Funding Ratio	Asset Renewal Funding Ratio between 90 and 110%	Asset Renewal Funding Ratio greater than or equal to 100%	100% (Budgeted)			
				Q1 Result - This is an annual measure and our budgeted result is 100%			
6	Delivery of Council's capital works program.	Greater than or equal to 85% delivery of Council's planned capital works program (adjusted for extraordinary items)	Greater than or equal to 90% delivery of Council's planned capital works program (adjusted for extraordinary items)	Annual Measure			
				Q1 Result = This is an annual measure figure will be provided at the end of the 2022/23 financial year.			
7	Staff Engagement	Achievement of an overall employee pulse survey result of 75% based on 9 metrics with at least 50% employee participation per SLT department.	Achievement of an overall employee pulse survey result of 80% with at least 50% participation per SLT department.	69%			
				Result: Achieved 69% combined engagement results. The Core Target has not been met. All SLT Departments achieved at least a 50% participation rate.			
8	Community engagement / communications	100%	NA	Met			
				There was no information identified in the Q1 reporting period that was identified as inaccurate or untimely when distributed to the Community. This KPI is currently met.			
9	Carbon Neutrality – carbon emissions footprint, measured against Council's endorsed Carbon Neural Plan (applicable 2021/22 onwards)	Actual annual emissions less than the plan's annual target emissions (reported every six months)	Actual annual emissions 5% less than the plan's annual target emissions	NA (reported bi-annually)			
				Measure: Plans annual target emissions = 3,800 tCo2e Result: This is an annual Measure. The Q4 results included an estimate. This result has now been revised and the final result for 21/22 is 26% less than the Plan's annual target emissions			
10	Asset utilisation of Sports and Community venues	50% utilisation across venues (through the booking system)	No stretch target	30.27%			
				Result Q1 = 30.27% average utilisation rate for venue utilisation across community and sporting clubs. Peak Utilisation = 36.4% Off-Peak Utilisation = 19.42% The core target has not been met. Note: Edwardstown Soldiers' Memorial Recreation Ground and Cove Sports and Community Club have been removed from the data this quarter.			

## ATTACHMENT 1a – Supporting Information

As at 30 September 2022 - 85% (17 projects) are on-track, including two that have been deferred. 15% (3 projects) are considered off-track.

The on-track includes projects that were started or completed in the fourth-year targets of the 2022/23 financial year (none this quarter) and also includes those projects that are deferred and not started.

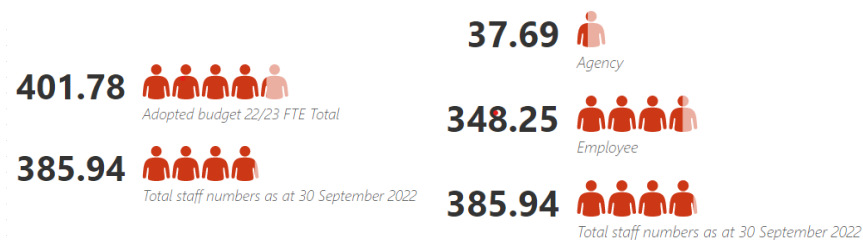
**Table 1: Year 4 Projects by exception (all other projects are considered on-track or completed)**

Project Name	Q1 Supporting Comments
City Property Strategic Plan	Not on track - Now referred to as the City of Marion Property Asset Strategy (CoMPAS). The draft CoMPAS was endorsed for consultation by Council. The consultation feedback will be presented to the new Council for their consideration.
PROGRAM - Business Enterprise Systems Enhancement (DTP)	Not on track - 7 of the 12 projects that make up the program have been implemented. Outstanding projects include, <ul style="list-style-type: none"> <li>• Digital Literacy and Security Awareness</li> <li>• Human Resources - HRIS</li> <li>• Asset Management - AMIS</li> <li>• Financial Transformation (Implementation ongoing)</li> <li>• Data Analytics'</li> </ul>
Coach House – LKCC (Living Kurna Cultural Centre)	Not on track – Scheduled for completion February 2023

ATTACHMENT 3

FULLTIME EQUIVALENT (FTE) EMPLOYEE AGENCY

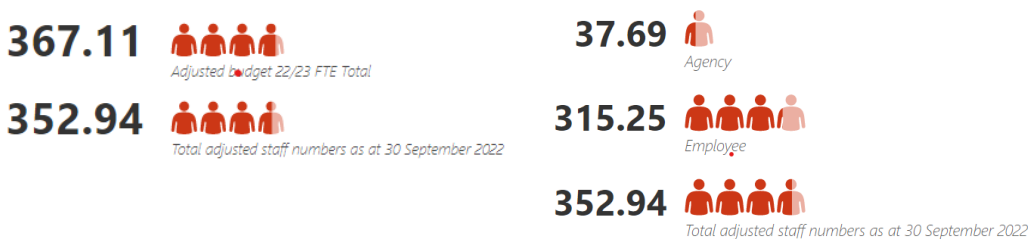
The number of FTE employees (staff and agency) employed across the organisation as at 30 September 2022



There are currently 18 temporary vacant positions comprised of:

- Recruitment in progress (required position) 7
- Currently under review 0
- Vacant required position 11

The following tables provide comparative FTE data with the Gap Year Team Members, Pool Staff, and Grant Funded positions being excluded.



## ATTACHMENT 4

## LABOUR AND FTE MOVEMENT SUMMARY

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	2022/23	2021/22	2020/21	2019/20	2018/19	2017/18	2016/17	2015/16	2014/15
	\$000's	\$000's	\$000's	\$000's	\$000's	\$000's	\$000's	\$000's	\$000's
<b>Total Employee Costs (including Agency)</b>	<b>41,684</b>	<b>40,134</b>	<b>38,238</b>	<b>36,487</b>	<b>34,861</b>	<b>33,274</b>	<b>32,221</b>	<b>31,783</b>	<b>31,757</b>
<b>% Movement on Prior Year</b>	<b>3.86%</b>	<b>4.96%</b>	<b>4.79%</b>	<b>4.66%</b>	<b>4.77%</b>	<b>3.27%</b>	<b>1.40%</b>	<b>0.10%</b>	<b>0.70%</b>
<b>Total Number of Employees (FTE as at 30 June)</b>	<b>386*</b>	<b>387</b>	<b>370</b>	<b>358</b>	<b>365</b>	<b>360</b>	<b>344</b>	<b>342</b>	<b>348</b>
<b>% Movement on Prior Year</b>	<b>-0.25</b>	<b>4.59%</b>	<b>3.35%</b>	<b>-1.9%</b>	<b>1.38%</b>	<b>4.80%</b>	<b>0.60%</b>	<b>-1.70%</b>	<b>-0.90%</b>

**5-Year average FTE to June 2022     368**

\*as at 30 September 2022

### 13.4 Work Health and Safety Monthly Performance Report

Report Reference	GC221129R13.4
Originating Officer	Unit Manager Work Health and Safety – Mark Jentsch
Corporate Manager	- N/A
General Manager	Chief Executive Officer - Tony Harrison

#### REPORT OBJECTIVE

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 (Health, Safety and Environment) Plan 2019-23 target of a 10% reduction of the LTIFR (Lost Time Injury Frequency Rate) from the previous year.

#### EXECUTIVE SUMMARY

Targets and performance indicators have been established to measure the continual improvement of the WHS (Work Health and Safety) program. Performance against these targets is demonstrated in body of this report.

Local Government Risk Services (LGRS) Lost Time Injury data indicates that City of Marion may be underperforming similar Councils in the occurrence of Lost Time Injuries.

2 (two) Lost Time Injuries are represented in LGRS data for the current financial year.

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.

#### RECOMMENDATION

**That Council:**

1. **Notes this report and statistical data contained therein**

#### DISCUSSION

##### WHS Monthly Performance Report – October 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 2022/23**

Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23	Apr-23	May-23	Jun-23	Total	Ave
21	17	30	10									78	19.5

**Table 2: 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

### Lost Time Injuries Reported (Local Government Risk Services (LGRS) reporting data)

Lost Time Injuries (LTI's) are those injuries where a whole workday or more has been lost due to a workplace injury. LTI's reported to date for this financial year are presented in Table 3 and can be compared against those reported last financial year which are presented in Table 4.

Table 5 provides description of the LTI's for the current financial year.

*(N.B All LTI based data may vary month by month as claims are accepted by LGRS)*

**Table 3: Number of LTI's per month - Financial Year 2022/23**

Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23	Apr-23	May-23	Jun-23	Total
1	0	1	0									2

**Table 4: Number of LTIs 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	1	0	0	1	1	0	2	0	5

**Table 5: Outline of LTIs reported - Financial Year 2022/23**

N o.	Description of Incident	Mechanism of Injury	Injury Description
1	Stepping back from garden bed and slipped on loose soil.	Slipping on loose soil	Hyper extended right knee
2	Walking up steep slopes at skate park with blower vac.	Muscular stress while carrying objects on steep slopes	Ongoing pain in left hip

### Comparative Lost Time Injury Frequency Rate (LGRS reporting data)

The Lost Time Injury Frequency Rate is a measure of the occurrence of Lost Time Injuries per million hours worked. Figure 1 provides an overview of the Lost Time Injury Frequency Rate at CoM in relation to similar sized councils in South Australia.

The Lost Time Injury Duration Rate (Figure 2) indicates the average duration of Lost Time Injury in days over recent years.

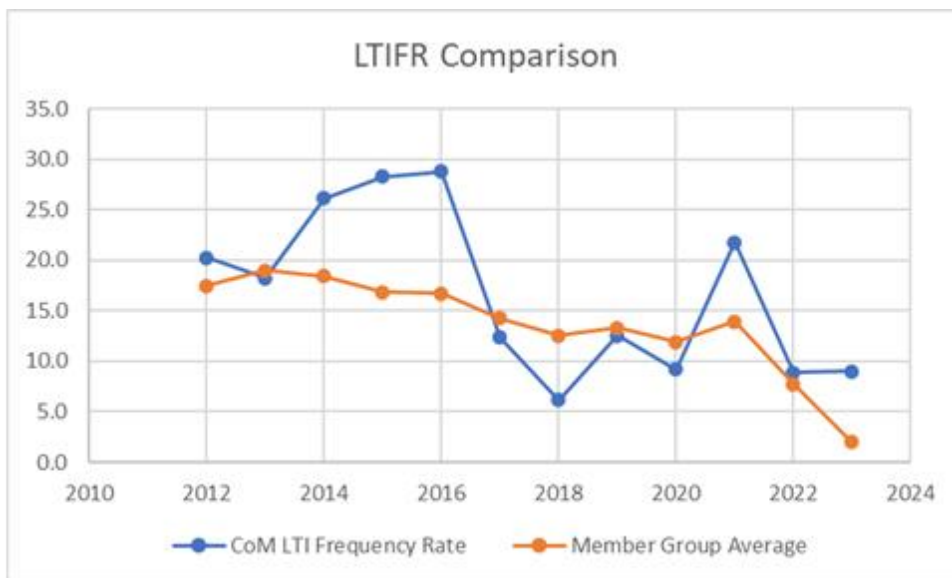


Figure 1: LTIFR comparison

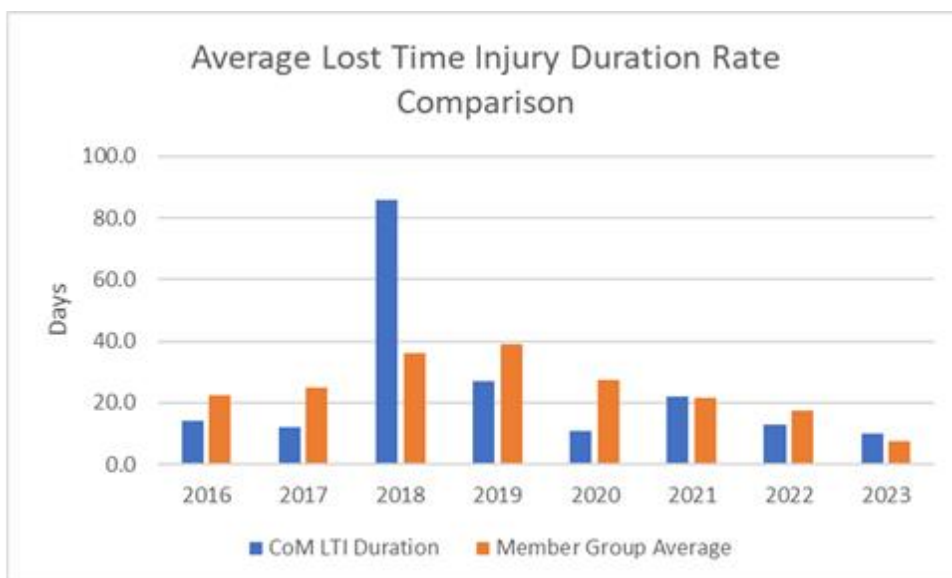


Figure 2: LTIFR Duration Rate

### Rolling Average Lost Time Injury Frequency Rate (LGRS reporting data)

Rolling Average Lost Time injury frequency rate is a measure of the LTIFR trend over an extended reporting period.

Figure 3 demonstrates the Rolling Average LTIFR for CoM over the last 12 months.

The current 12 month Rolling Average LTIFR for the City of Marion is **10.4** lost time injuries per 1 million hours worked.

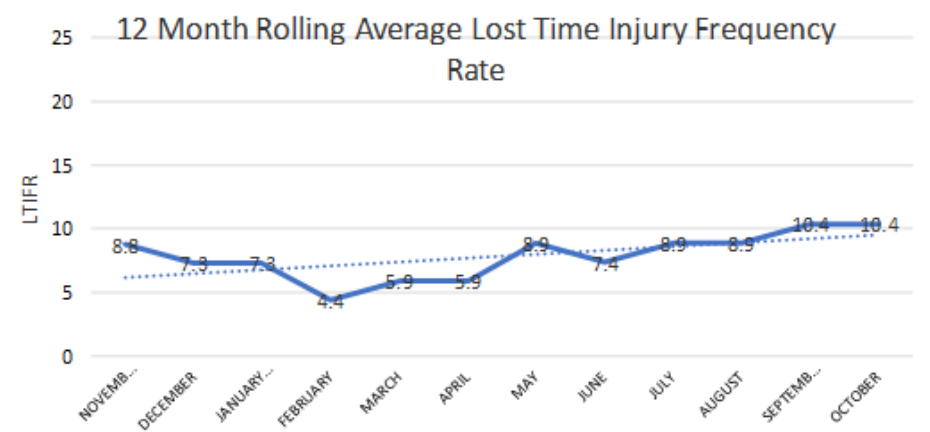


Figure 3: Rolling LTIFR over 12 months

### Rolling Total Recordable Incident Frequency Rate (LGRS and 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 4, provides analysis of the average TRIFR over the last 12 months.

The current 12 month rolling TRIFR for the City of Marion is **23.3**.

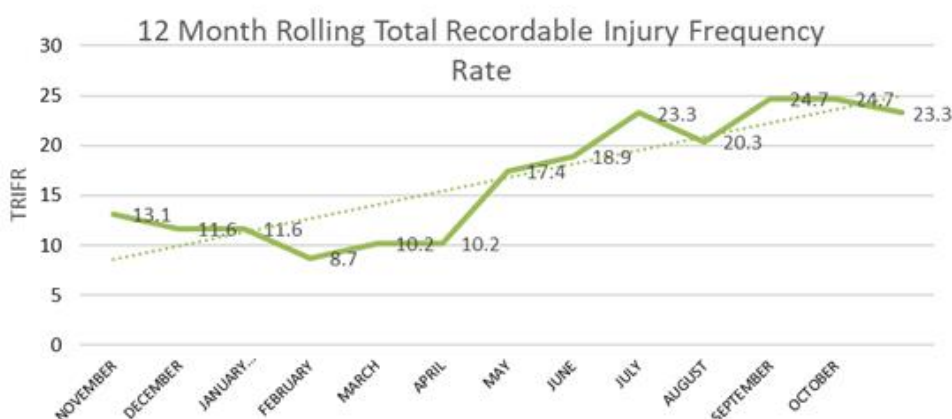


Figure 4: Rolling TRIFR over 12 months

### ATTACHMENTS

Nil



**14 Workshop / Presentation Items - Nil****15 Motions With Notice****15.1 Marion Cultural Centre Plaza****Report Reference** GC221129M15.1**Council Member** Mayor Hanna**MOTION****Council resolves:**

1. That the design for the Marion Cultural Centre Plaza retain 2-way vehicle movements in accordance with the community consultation results; and
2. That Administration continue to advocate for the grassed area at the south-eastern end of the SA Aquatic Centre land to be a shared space openly linked to the Marion Cultural Centre Plaza area.

**SUPPORTING INFORMATION**

The desirable objectives of making the area on the north-western side of the Marion Cultural Centre more attractive, and more suitable for public events, can be achieved while granting the preference of a majority of the community for retention of two-way vehicle traffic (recognizing that, for public events such as markets, fairs or concerts, the road would be closed to vehicle access).

A copy of the community consultation results from the previous report GC21102614.1 is included as Attachment 1.

<b>Response Received From</b>	Manager City Activation – Charmaine Hughes
<b>Corporate Manager</b>	Manager City Activation – Charmaine Hughes
<b>General Manager</b>	General Manager City Development – Tony Lines

**STAFF COMMENTS**

The Marion Cultural Centre (MCC) Plaza project seeks to enhance the community experience and increase visitation through improvements to amenity and accessibility.

Concept planning commenced in 2019. Traffic management solutions were investigated to support the creation of an activated plaza with improved pedestrian connections between the MCC, South Australian Aquatic and Leisure Centre (SAALC), GP Plus and Westfield. Considerable engagement with adjacent landowners and Department for Infrastructure and Transport (DIT) has occurred to develop a concept plan that integrates future development plans.

Reports have been presented to Forums, General Council meetings and an Asset and Sustainability Committee meeting in April 2019, November 2019, June 2020, July 2020, September 2021, February 2022, and April 2022.

Community engagement on the proposed concept plans was held between 10 August and 8 September 2021. Council received 83 responses to the online survey. Regarding the traffic

management solution, the results revealed 60% (50 people) either did not support or strongly did not support the proposed one-way traffic management solution for Warracowie Way, and 40% (33 people) either supported or strongly supported the proposed one-way solution.

The Asset and Sustainability Committee considered this feedback on 1 February 2022 (ASC220201R.7). The Committee observed that there were 17 more objectors to the one-way solution than supporters, and that most of this objection was about traffic egress for local residents. The Committee supported a one-way Warracowie Way traffic management solution, as did General Council in April 2022.

The one-way traffic solution is preferred to:

- Provide a pedestrian friendly environment and community outcome for activation, specifically in the heart of the city
- Lower vehicle movements on Warracowie Way (estimated 50 vehicles at peak hour, a reduction from 345 forecasted vehicles at peak hour under current permitted movements)
- Improve climate resilience with less pavements and approximately 420 m<sup>2</sup> of additional green infrastructure (trees and WSUD)
- Provide separate space for a pedestrian / cyclist path.

Both solutions provide for short term closure of Warracowie Way to vehicles for large events.

Council staff are currently finalising the detail design documentation plans for tendering mid December 2022. The designs incorporate a one-way at-grade solution for Warracowie Way.

Changing the design to a two-way traffic solution would result in the following:

- Re-design of the Plaza spaces.
- Further engagement with DIT and stakeholders.
- Re-estimating the cost of the project to reflect the design change, with cost likely to increase.
- Approximately \$150k in additional fees for variation of design development and documentation.
- Likely overall project delivery delays of 4 months due to the re-design (extending completion from December 2023 to April 2024).
- Further review of acquittal timeframes for the \$2.1 million Federal Government Grant Funding (Local Roads and Community Infrastructure). The grant acquittal timelines stipulate termination of grant 31 December 2023. Staff have already sought extension of time for construction activity completion from 30 June 2023 till 31 December 2023.
- Not realising the opportunity to provide a pedestrian friendly environment and community outcome in this central location.

Staff recommend that the proposed one-way solution for Warracowie Way proceeds as resolved by Council to support the vision and objectives and project delivery timelines.

Staff are still advocating for the grassed area at the south-eastern end of the SA Aquatic and Leisure Centre to be publicly accessible open space. This space is currently subject to Office for Recreation Sport and Racing master planning to which no further progress has occurred since the State Government election 2022.



**Marion Cultural Centre Plaza Centre  
Community Engagement Feedback Report  
September 2021**

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**Background**

The Marion Cultural Centre (MCC) Plaza provides an opportunity to create an active public realm that enhances the Regional Centre as a destination, supporting community activities, social engagement and the visitor economy.

Key Stakeholder engagement has occurred on a draft master plan. We have conducted broader consultation with community on the level of support for the objectives of the project from 10 August 2021 to 8 September 2021.

**Our consultation contained the following objectives**

- MCC Plaza as an activated public realm with supporting infrastructure for passive recreation and enhanced comfort.
- Proposed changes to traffic management on Warracowie Way to a one-way north bound exit to support pedestrian and cyclist movement and amenity.
- Proposed pedestrian activated crossing on Diagonal Road adjacent Trott Grove, providing a safe pedestrian connection to the MCC plaza and community facilities.

**Key messages to community**

The MCC Plaza is defined as the public realm surrounded by Marion Cultural Centre (MCC) to the east, South Australian Aquatic and Leisure Centre (SAALC), Centrelink and GP Plus to the west. Located to the south is Westfield with pedestrian and vehicle connections along Warracowie Way and Milham Street.

We asked for feedback on how well the concept plan provides an opportunity to create an active public realm that enhances the Regional Centre as a destination, supporting community activities, social engagement and the visitor economy.

We asked for feedback on the draft concept plan which includes:

- space for small concerts and markets
- a grassed area and trees
- a pedestrian activated crossing on Diagonal Road
- a north-bound one-way street on Warracowie Way with exit only onto Diagonal Road to help cyclists and pedestrians move around the area
- closed vehicle access to Westfield carpark adjacent Bunnings
- shelters, a stage and seating
- play equipment
- retention of existing artworks and heritage-listed items including the elements associated to the building letters 'Marion'

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- relocation of the Warracowie Wells artwork into the Plaza

The proposed development builds on Council's \$5 million investment in the area which includes a 'high tech' playground at Dwyer Road Reserve and a 'smart precinct' which uses technology to improve access to business and services.

#### Community feedback statistics

- **716** people visited the Making Marion page
- **504** people were 'informed' by clicking through further to content on the page
- **83** people provided a submission to the survey on Making Marion
- **3** email submissions received
- City Limits article distributed 17 August 2021 (43,000)
- Article promoted in Open for Business network newsletter (7500)
- Making Marion participants provided with an e-newsletter (258)
- Hard copy flyers delivered to Council Administration, Cove Civic, MCC library, Park Holme Library and Council City Services
- Hard copy flyers delivered to South Australian Aquatic Leisure Centre (SAALC)
- Meet with Redhouse group chair and Gallery M staff
- Meet with First Chapter Café business owner.
- Staff meet with an elderly resident at her request to provide clarity on the proposed plans.
- Soft copy of the flyer sent to MCC staff at library and Cove Civic for printing if required
- Emailed to key stakeholders Office Rec Sport and Racing, YMCA, Scentre Group, Centrelink, Health SA (GP Plus)

*\*The consultation for the MCC Plaza was extended until Wednesday 8 September after a resident mentioned they did not think their street received a City Limits and he had been notified of the consultation from an alternate avenue.*

*We immediately followed up with our distributor who were unable to provide this assurance to us with appropriate confidence. We arranged for the distribution to occur immediately which was completed 1<sup>st</sup> September 2021.*

#### Social media posts

Over the campaign we posted 8 social media posts reaching 32.7k people. The summary of posts included:

- 1 sponsored Facebook page
- 5 Facebook posts
- 1 Twitter post
- 1 Linked in post

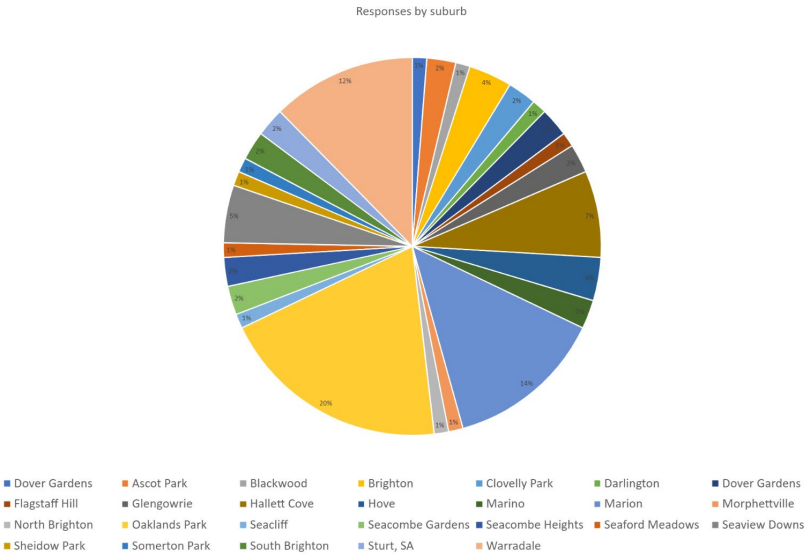
The comments have been included in the Attachment to this report



We are confident that people were provided with the opportunity to be involved based on the statistics and amount of views we had on the website and social media.

We received a good amount of feedback and exposure to this engagement opportunity and we thank those who contributed.

**Community sentiment quantitative summary**  
**A summary respondents from suburbs are provided here.**



The following graph provides the responses by suburb. It demonstrates a good breadth of suburbs were represented and as city wide communications were promoted for this engagement, we can see if had good reach.

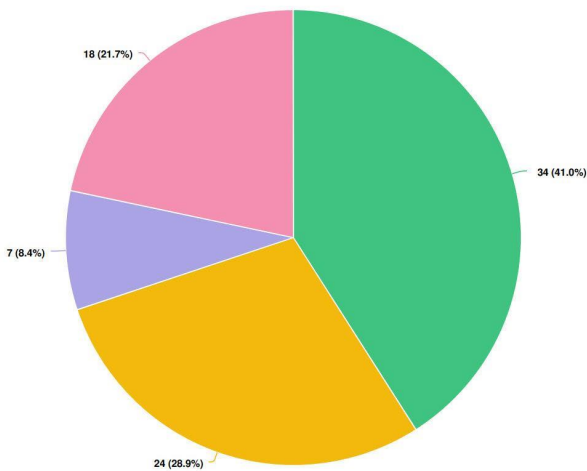
The majority of responses were from Oaklands Park (20%), Marion (14%) and Warradale (12%) totalling 46%.

**A summary of key feedback and responses is provided here.**

The following graph is an extract from the Making Marion engagement report providing the level of support for questions as below.



What is your level of support for a signalised pedestrian activated crossing at Trott Grove?



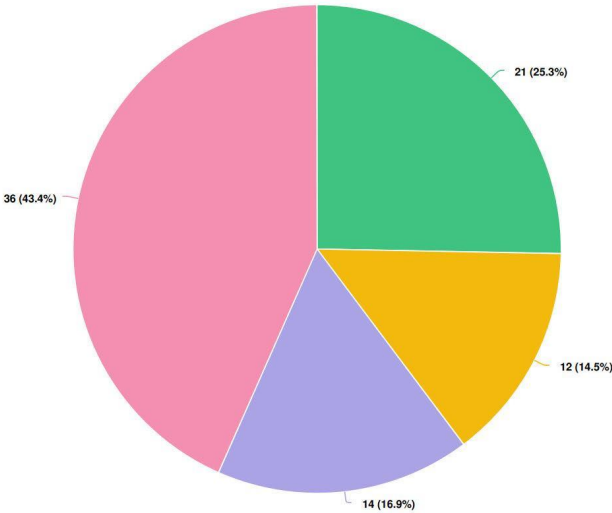
Question options

● strongly support ● support ● do not support ● strongly do not support

Overall we can see that the majority of people **70% (58)** either strongly support or support the signalised pedestrian crossing.



What is your level of support for Warracowie Way to change to a one-way north bound exit onto Diagonal Road?



**Question options**  
● strongly support ● support ● do not support ● strongly do not support

Here we can see there was **60% (50)** of people do not support or strongly do not support the one way Warracowie Way traffic solution onto Diagonal road. **40% (33)** either supported or strongly supported the proposed one way solution



The community commentary around this was quite strong and we had a number of formal submissions that also relate to the one way road. We also noted that the majority of qualitative feedback when we asked people to provide any additional comments, related to dissatisfaction of one-way road.

Of the **60% (50)** who provided feedback raising concerns of the one-way traffic proposal, **21** of respondents made comments that reflect access to Westfield was an objective of using Warracowie Way. Consequently, it can be derived that **35% (29)** of respondents oppose the one-way Warracowie solution due to proposed changes on local traffic access to services on Milham Street and or local traffic movements that enable connections to Morphet Road.

It is noted that vehicle access to Westfield will be closed from Warracowie Way due to Scentre Group approved development plans.

Messages were developed to ensure this point was clear in the consultation material, however we still received feedback about this point and therefore will ensure we communicate this message.

#### **1. What do you like about the concept plan?**

Responses to general themes and example quotes are provided. A full summary of people's verbatim comments and feedback is provided attached to this report.

#### Positive comments about **traffic and pedestrian** movement.

*"I think the traffic management is good. Giving space to pedestrians and creating quality bike routes across the MCC area is a step in the right direction. Very progressive thinking. It will make the roadway safer for cyclists and pedestrians"*

*"Reducing the traffic between SA Aquatic Centre and the Cultural Centre, making it more pedestrian friendly"*

*"I appreciate the elements of design that create a nicer environment for cyclists and pedestrians, especially the crossing towards Oaklands railway station and the development of a one-way road. As a cyclist myself I have found that there is limited safe access towards the railway station from Diagonal road, especially during peak hour traffic."*

#### Comments supporting the improved use of **space and amenity**

*"The overall concept and much better use of space! It will provide the ultimate location for locals to experience Fringe events, markets and so on. I suggest the cafe/bar is open at night (drinks available from outside) if all goes well and has a liquor licence. It is essential to keep the 'MARION' around the building so great to hear it remains - it's unique"*

*"A vibrant and attractive space, with multiple uses."*

*"A vibrant, inclusive "village" with plenty of green space would be fantastic for our area Looks like a very pleasant area for various activities and just relaxing"*



*"The concept is inclusive to pedestrians and will elevate the neighbourhood feel I like the stage idea the artistic playground and night market lights"*

**Comments supporting environmental benefits**

*"I love the idea of the water-retaining flower beds and hope that local native plant species are planted there in contingency with the plants planted on the southern side of Oaklands railway, this would increase habitat areas for small but crucial insect populations and in turn perhaps encourage biodiversity of larger fauna."*

*"Grassed areas, trees, play equipment and shelters"*

*"Increased tree planting, traffic calming measures. Incorporation of WSUD"*

*"Pedestrian priority, trees and greening, community focus."*

*"I really like the introduction of lots of greenery."*

**2. What do you think could be improved?**

Responses to general themes and example quotes are provided. A full summary of people's verbatim comments and feedback is provided at the end of this report.

**Comments about what could be improved regarding traffic movement.**

The majority of comments received during the consultation process referenced the proposed change to vehicle movements. A summary of comments are below;

*"Putting a pedestrian crossing and additional traffic light on diagonal road given the amount of traffic it gets would divert traffic on to local residential streets which already cop a large amount of non local traffic already"*

*"I question whether anyone has assessed the traffic implications of making a one way street and pedestrian crossing"*

*"The traffic direction change on the end of Milham Street will force swimming pool users approaching from Diagonal Road to have to loop around to the North West end of Diagonal Road and contribute to an already congested junction"*

*"I am concerned about the one way traffic and the affects on Morphett Road"*

*"Disability access, Bus parking and traffic management on Diagonal Rd (lights and pedestrian crossings)"*

*"I think that changing the direction of Warracowie to one direction will mean there will be more traffic having to enter Milham Street from the Bunnings end, & thus more traffic congestion through the Westfield car park".*



*"I think to concept plan is fundamentally flawed as it ignores the significant impact on traffic flows into and out of Marion shopping centre"*

*"Fine however one way access only to Warracowie Way is a huge issue. This access from Diagonal Road is integral to those that need to access Bunnings, aquatic centre etc. It is. Extremely difficult to turn right onto Diagonal from Crew and a left turn and access to Warracowie is needed. There will be extreme traffic backups at Marion Shopping Centre Access intersection if this access is cut off"*

*"The mere idea of closing off Warracowie Way to an only one way street is completely ignorant and does not have the community in mind. The entrance to the Westfield only through the lights from Diagonal Rd is extremely busy. Also due to the fact that there is no "no standing" when you want to go from Crew St to Diagonal Rd then Morphet Rd, many people usually use Warracowie Way to get to Morphet Rd, that will back up even more as some people are not comfortable in crossing 2 lanes of traffic into the right. It will become a nightmare. Please don't change this. There is also no need to cut off that whole street and turn it into pedestrian area as there will be nothing there anyway, it's going to go from a useful space into literally nothing".*

#### **Comments about what could be improved regarding shade and seating**

*"outdoor dining -café tables and chairs, more shade/trees but also a wooden pergola with greenery growing over it that will shade in summer but drop leaves in winter. Festoon lighting using old style light bulbs. Enclose the space from the road using hedges but of course leave openings for foot traffic. This will reduce traffic noise. More greenery also equals less heat in summer. Make the whole area more visually appealing and inviting so those of us who work nearby can go grab a coffee there and enjoy the space"*

*"There needs to be flexible shading. Lots of shade in Summer, but sunny in Winter. Some water spray/ misting/ fountains for the heat"*

*"I would suggest adequate access for aged and disability groups, shade and outdoor seating that has a back, not just bench-style"*

#### **Comments about heritage and landscaping**

*"I am wary of what plant will be used as the feature tree on the roundabout. My friend is an environmental scientist working in arborist and ecology sectors and has concerns over the use of Canary Island Date Palms (Phoenix canariensis) in public spaces. Although they can be replanted with height, they also harbour pests, are dangerous to remove and are considered an environmental weed within eastern Australian states because they are highly invasive. I am concerned that this tree would cause more environmental issues into the future than it is worth for its 'tropical appeal' in today's moment. I hope that the Marion council considers using an alternative palm species or even a design for a smaller mallee and grass feature that aligns with pre-colonial vegetation distribution (see link to resources here:*

*[https://data.environment.sa.gov.au/Content/Publications/Forests\\_Woodlands\\_Ad\\_Plains\\_1836.pdf](https://data.environment.sa.gov.au/Content/Publications/Forests_Woodlands_Ad_Plains_1836.pdf).)*

*"*

*"I would also like to suggest in addition to the relocation of the Warracowie Wells artwork, there should be more emphasis on the Aboriginal heritage of the Marion area, with information and signage available for the public to access and read about the connection between people and place. Especially seeing as this is the Marion Cultural centre and is on Kurna Land whose culture stands*



*strong today. I hope that the Marion council has already consulted with the Kurna community. I think this would be very valuable to the future generations of South Australians who have the very important undertaking of healing Country alongside traditional owners who must first be seen as equals. "*

### 3. Other comments

We provided people with the opportunity to provide any additional comments. When asked about other comments the majority was predominately around the **lack of support for the one way traffic flow.**

*"Morphett road traveling south passing the swimming centre is already poorly designed with the driveway into the swimming centre causing people entering the facility seemingly having to stop completely before entering, this coupled with the lack of turn right lanes on Sunshine and Gardiner avenues makes thoroughfare past this section of road a real daily hassle for people who need to use this road for their daily commute"*

Other comments **not relating to traffic** and of general support included

*"I love the whole concept. Marion needs this sort of "piazza" or "town square" - a place to bring the community together.*

*"I would support the complete closing of Warracowie Way to vehicles."*

*"Existing tree canopy should be retained for larger trees. Recycled products must be included in procurement policy. Wet weather covered access to be included- during the recent Olympic Swimming trials at the Aquatic Centre- the lack of covered waiting space was a huge safety risk during rain events, so even removable temporary covers could be considered"*

*"I know this will be unpopular with some people but I honestly believe this is a great thing for the local community. Life is about much more than cars on roads. Well done to all those who have planned this"*

**As a final question we asked people to talk about what their priorities are in relation to the main elements of the project – below identifies the priority areas for community.**

<i>Of the following elements please tell us what is of highest importance to you (1 being most important and 4 being least)</i>	
<b>1</b>	Enhanced green space
<b>2</b>	Creates a vibrant space
<b>3</b>	Manages vehicle movements
<b>4</b>	Better connections for pedestrian and cyclists

A full summary of people's verbatim comments and feedback is provided as Attachment to this report.



Three submissions were also received and are provided as attachments to this report.

#### Next Steps

Thank you for your feedback.

The project team have reviewed the design in light of specific feedback and at what is in scope and budget. Where possible the design will be refined to reflect what we have heard from the community.

Specific questions and comments will be fed back to particular respondents and a copy of the report will be distributed to those who participated in the engagement.

Key messages to provide to the community will be

- Clarification that vehicle access to Westfield will be closed in alignment with Scentre Group development approved plans.
- Clarification that car parking provisions will remain unchanged
- key questions for clarification
- Outcomes of council report and next steps

The timeline now for the project is as follows

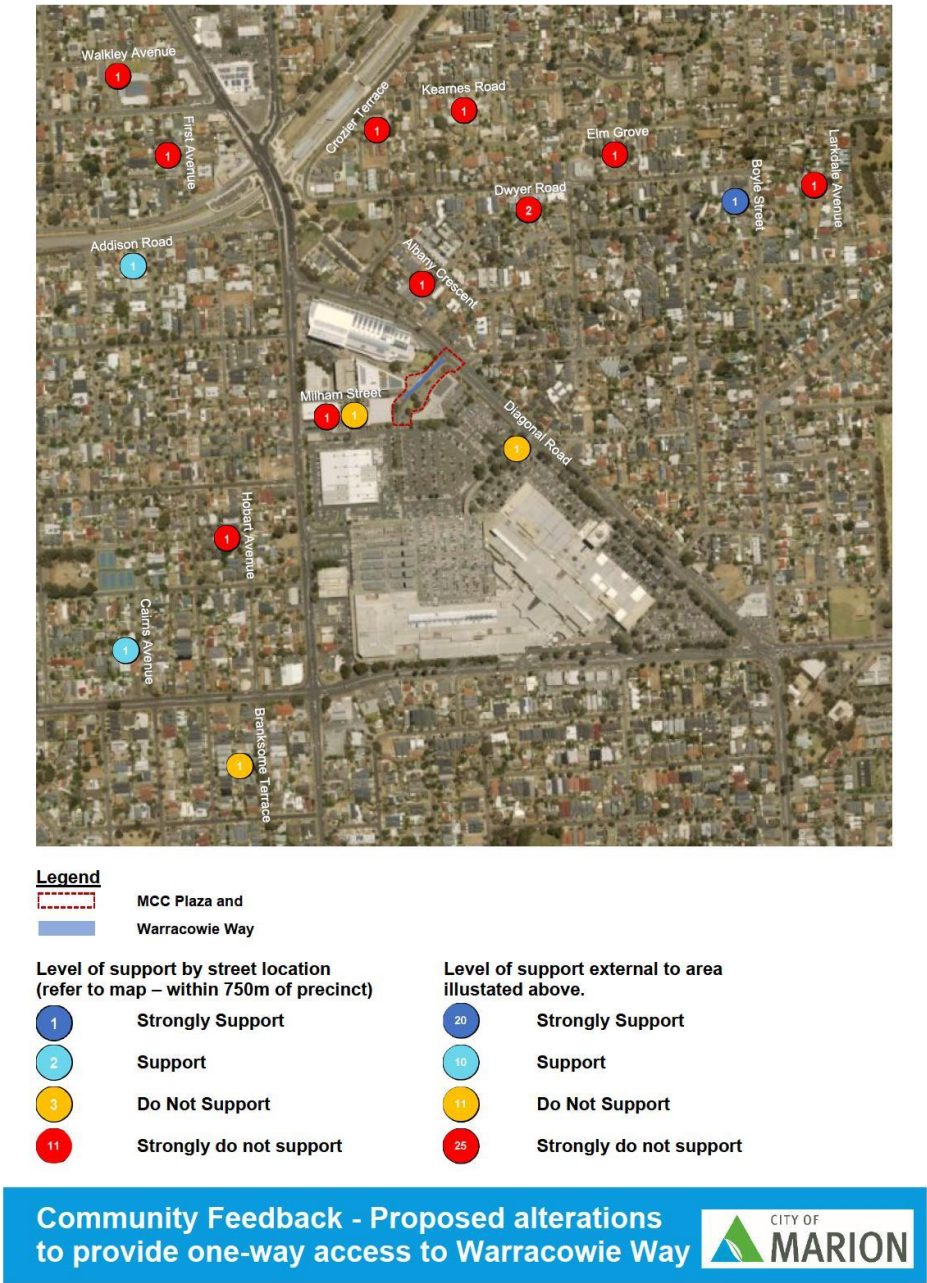
- **August 2021 | Consultation conducted**
- **October 2021 | Council to consider community consultation**
- **Early 2022 | Detailed design**
- **Mid 2022 | Construction to start**

For more information please visit [www.makingmarion.com.au/marion-cultural-centre](http://www.makingmarion.com.au/marion-cultural-centre) where you can see project updates, engagement reports, FAQs and key documents.

Thank you for those who participated – we value your input.

Attachment –

- map respondent locality- one-way road solution
- verbatim comments and submissions



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### Tell us what you like about the Concept Plan?

#### Comments related to traffic management

- A roundabout is a good idea
- Overall the concept plan itself is ok, and I can see creating a precinct here will provide a welcoming and relaxed space for community events with reduced volume of cars. I'm in favour, in line with further supporting road management factors being incorporated, as outlined in the section, below.
- The concept is inclusive to pedestrians and will elevate the neighbourhood feel
- "I appreciate the elements of design that create a nicer environment for cyclists and pedestrians, especially the crossing towards Oaklands railway station and the development of a one-way road. As a cyclist myself I have found that there is limited safe access towards the railway station from Diagonal road, especially during peak hour traffic.
- Pedestrian priority, trees and greening, community focus.

#### Comments related to amenity

- Community area to enjoy
- Mostly good
- I like the idea of a place of significance
- I like the stage idea the artistic playground and night market lights
- The lawn areas. Less traffic and possible activation for local business
- Lighting, seating stage area.
- I like the addition of greenery, the installation of pedestrian traffic lights on that very busy road, the replacement of car space in favour of a market area, the fact that this should help add to the conviviality of the area.
- Community Catch up
- Looks like an attractive area.
- Good start to make the area more user-friendly, as currently it's under-utilised due to minimal facilities and too much traffic.
- Good to make use of that area & have it look more attractive.
- I like the almond grove which would look very beautiful and provide shade in summer.
- Hard to really tell by the plan. Is there a lot of seating and shelter, for entertaining?
- The overall concept and much better use of space! It will provide the ultimate location for locals to experience Fringe events, markets and so on. I suggest the cafe/bar is open at night (drinks available from outside) if all goes well and has a liquor licence. It is essential to keep the 'MARION' around the building so great to hear it remains - it's unique!
- It looks great! I love that the place will be lit up at night to enhance community safety
- I like that it will utilise the space more, it's always been a rather plain and bland area which I've often thought could be enhanced
- The plaza is tired and needs an up life
- There will be seating outside in this new area and the outdoor charging stations.
- "A vibrant and attractive space, with multiple uses.
- the possibility of markets
- Creating a natural space for public use/gatherings
- Helping improve the culture centre as it's not really used to it full potential
- Its draws the community together
- New play space & space for markets.
- Community space in suburbs for gatherings of live music outdoors
- A vibrant, inclusive "village" with plenty of green space would be fantastic for our area
- Looks like a very pleasant area for various activities and just relaxing
- Trees, place for market, design
- Overall decent
- All of it sounds great especially the markets and stage. Bring live music back into our lives. Let musician perform again.
- Playground and fun for the kids.
- Plants and walkways
- Vibrant and will bring the area to life

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- The support to pedestrians
- it promotes opportunities for the community to gather and interact in a protected designated space
- Not much. I think it does not go far enough to properly transform the space and will end up unused.
- I also like the idea of creating a market space where stalls can be set up, I would like to attend markets where locals and residents of SA can sell their hand-made goods or produce.
- I also think these improvements would benefit Marion's public engagement during the Fringe season, making it a nicer venue to attend.
- I love the idea of the water-retaining flower beds and hope that local native plant species are planted there in contingency with the plants planted on the southern side of Oaklands railway, this would increase habitat areas for small but crucial insect populations and in turn perhaps encourage biodiversity of larger fauna. "
- The idea of open areas, markets & family places to visit
- "I quite like the idea of a sheltered stage with viewing area
- Everything
- I like the idea that we are creating a space for the public to enjoy and for the council to put events on
- greening the area
- Increased tree planting, traffic calming measures. Incorporation of WSUD
- Provides a good master plan for area
- Larger flat area so when events or markets in new plaza area; the road can be closed off and there is one flat paved area.
- I really like the introduction of lots of greenery to the Plaza. Making more and varied seating arrangements will make the Plaza more inviting.
- Having had it explained I'm willing to try routes to the railway station on my mobility scooter to go to Drs surgery near Castle Plaza. Improved pavements will make journey safer.
- More attractive than at present
- I like the idea of it and the ability to hold events and markets etc.
- Is there a need for outdoor alfresco type areas - is there going to be a better coffee shop along with it? Will this be an issue for the current business servicing customers inside? Better walking areas? For whom?"
- Needs shelter
- Good idea but just not in the right area.
- Better usage of open space
- "Not sure why this is necessary.
- I like the idea of it and the ability to hold events and markets etc.
- Nothing, it seems to be a waste of money.

#### Tell us what you think could be improved?

##### Comments related to traffic management

- Plan always looks good on paper but appears to me tone deaf to the plight of local streets which are suffering through excessive traffic. Adding more red lights and pedestrian crossing points and making streets one way fare does not particularly makes rational sense
- Don't put in an extra crossing on diagonal road. Marion council is obsessed with extra crossings such as the one on Daws road that is an example of Marion council stupidity. Otherwise the plan is good.
- Parking, access, facilities. Reason to be there.
- The area really needs more short term parking, or at the very least no parks lost on Milham street. There are many parents who need to find short term parks to pick up their kids from training at the swimming centre, rather than causing congestion going up and down in the car park.
- Parking especially at Christmas time. Not on street parking
- Design to remove vehicle access when events are held
- Suggest more 15 or 30 minute parks be added to milham street."
- Concerned about bottlenecks around Bunnings if roads become one way

- Do not close the roads. Marion is busier than the CBD, closing the roads will cause the whole area to grind to a halt and everyone will suffer, even the millionaires at city of marion council chambers will not be able to get in/out of their driveway.
- Yes, don't change the traffic flow options
- I think that the road should remain two way as that is the way I access marion westfield and bunnings. If that is made one way cars will need to go further up to turn into marion westfield at the lights, putting pressure on that intersection.
- Be sure to incorporate the swim centre and next stage should be linking properly to Westfield Marion S/C (through the carpark and also along Diagonal Rd perhaps). I see the need for the Diagonal Rd pedestrian crossing but have concerns with the two already either side of it - the lights need to run in connection with at least the one to Westfield Marion.
- Do Not close the road. Many reason not to
- More lighting in this whole outdoor area.
- Please omit the planting of an almond grove ... Almond trees require a tremendous amount of water and therefore are not a good choice.
- I'm concerned about the plan for almond trees, they are notorious for needing a lot of water
- A total redesign is required or alternatively a relocation of the concept to the council property on corner of Sturt and diagonal roads
- As a regular attendee of the library (travelling from Marion, south bound on Diagonal Rd), the plan doesn't consider accessing the library car park. The new plan would require library users to traverse through the shopping car park (already congested, particularly at the roundabout at the Diagonal Rd entry). Also, drivers currently accessing Warracowie Way (North bound on Diagonal Rd) will instead use the library road for access through to the shopping centre, Bunnings etc., i.e the library road will become a replacement "Warracowie Way"
- As a member of the swimming pool, accessing weekly swimming lessons (again, travelling from Marion), drivers will no longer be able to travel south bound on Diagonal Rd to access the pool. Instead drivers will need to turn right at Crew St onto Diagonal Rd and left onto Morphet Rd. This brings about two points:
- The backstreets of Marion and Oaklands Park already have significant volumes of through traffic (not local traffic). The new plan results in most of that traffic having to instead turn right from Crew St to Diagonal Rd - an intersection that is already congested, slow, and at times dangerous due to the blind corner of traffic (travelling at 60km/hr) heading south from Diagonal/Morphett Rd.
- Have you considered not allowing traffic to turn right from Crew St to Diagonal Rd, and instead provide a provision to perform a U-Turn (approx. where the slip lane already exists to access Warracowie Way)? This would shift the traffic movement to travel in line with the fast flowing traffic and allow drivers to perform a safer merge with northbound traffic by undertaking a U-turn.
- Provide a slip-lane for north-bound traffic turning left from Diagonal Rd to Morphet Rd, at the swimming pool corner. (The current lane only provides space for approx. two cars, and more traffic will head this way if drivers are unable to use Warracowie Way). The current traffic volumes alone would have to support the need for a slip-lane here.
- (\*\*On a side note, whilst talking about congestion - have Marion Council ever considered providing a second turning lane for South-bound traffic on Diagonal Rd turning left onto Sturt Rd? The traffic in the left lane can be backed up as far as the intersection for the shopping centre at times - and buses trying to exit from Pemberton St are often left stuck there for minutes trying to get across the two lanes of traffic, even at less busier times, due to the congested intersection.)
- One way on Warracowie Way will make accessibility to my job at GP plus more difficult
- Don't block the traffic flow from diagonal Rd, this will just cause longer cues and congestion at other entries to Marion shopping centre.
- Having more green space will not create a link to the train, it's too far away and still not the direct line of travel by foot, people use Morphet Rd.
- Has there been any other considerations on other entries to Marion shopping centre to improve?
- improve the Road T-junction between the aquatic Centre and the multicultural centre so The correct directions are forced to yield and not blow give way signs.

- Putting a pedestrian crossing and additional traffic light on diagonal road given the amount of traffic it gets would divert traffic on to local residential streets which already cop a large amount of non local traffic already.
- Traffic flow and the impact of making the Warracowie Way, one way street needs to be considered given the huge amount of traffic flow and congestion in the area.
- Don't get rid of that entrance to the Bunnings car park - living close to the shopping centre, that is the only entrance I use to avoid the traffic in the main traffic light entrance. Getting rid of that road will make the rest of the car park even worse than it is now.
- The mere idea of closing off Warracowie Way to an only one way street is completely ignorant and does not have the community in mind. The entrance to the Westfield only through the lights from Diagonal Rd is extremely busy. Also due to the fact that there is no "no standing" when you want to go from Crew St to Diagonal Rd then Morphet Rd, many people usually use Warracowie Way to get to Morohet Rd, that will back up even more as some people are not comfortable in crossing 2 lanes of traffic into the right. It will become a nightmare. Please don't change this. There is also no need to cut off that whole street and turn it into pedestrian area as there will be nothing there anyway, it's going to go from a useful space into literally nothing.
- I question whether anyone has assessed the traffic implications of making a one way street and pedestrian crossing.
- I wouldn't change the Warracowie Way to just one-way. I don't believe that it affects too much and I believe people will start using the aquatic centre parking to access the street, which will be worst in the end.
- The traffic direction change on the end of Milham Street will force swimming pool users approaching from Diagonal Road to have to loop around to the North West end of Diagonal Road and contribute to an already congested junction.
- A better option would be to completely cut off Milham street at the proposed roundabout and then redevelop the roadway that passes through the car park side of the Cultural Centre. This would allow much better use of space between the swimming centre and the cultural centre, where kids can roam a bit more free and parents would feel more at ease. Then you could hold weekend markets etc across that space. It would also relieve the issues highlighted in 1
- The one way out to diagonal road is wrong, could be reversed. That entry saves lots of traffic at lights, already long queues. The idea of one way needs to be re thought
- Do not change the road access from Diagonal Road in to the Bunnings, Centrelink, GP Access, Library area.
- I am concerned about the one way traffic and the affects on Morphet Road.
- There is no link to Oaklands station despite it being mentioned- perhaps a shuttle bus with disability access could be included for events to enhance accessibility.
- Traffic flow to the MCC Plaza
- Are you planning any additional lit parking close by for additional visitors too?
- Traffic management would be of a concern
- This key aspect "Closure of Warracowie access to Westfield south of Milham Street" needs to be removed. As a disabled person also with an aged parent, access is key, by road, in the easiest way possible to the Marion Shopping Centre, at all times. Any hindrance to this ends up costing me and my mother money in terms of either, time, money or both. Not mention the confusing one way access now suggested. Why not consider a roundabout put in place or traffic lights or pedestrian crossing? I hate this plan in so many aspects and consider it a waste of money, when better programs could be put in place improving services or helping people connect to (poorly) implemented council programs that ACTUALLY help people in need. The REDUCTION in traffic flow options and access is a HUGE insult to me and my mother as both residents and ratepayers. I am extremely angry.
- I am disappointed that Warracowie Drive is to be closed preventing northern vehicle access to the Westfield Shopping Centre and in particular Bunnings. The proposal overlooks that most users of this precinct are drivers and that walking is not appropriate due to old age, disability or shopping requirements. Closing the access will create an unnecessary safety risk by forcing visitors to Centrelink or Services SA out on to the busy roads of either Diagonal or Morphet Road where there are no traffic lights before making their way to Westfield Shopping Centre to continue their shopping and also limit escape routes in the event of a fire or similar event. If this aspect of the proposal goes ahead I will no longer shop at the Marion Bunnings.

- Will just add to an already congested area. Completely unnecessary and makes a mockery of all the money spent to fix the railway crossing. Already frustrating to try and drive down surrounding main roads and too many traffic lights already. Will only make it harder to get in and out of surrounding streets
- Not sure if pedestrians have right of way on Warracowie Way, if not then a pedestrian crossing would be useful. More bus connections that stop at the cultural/aquatic centre. This is the main reason I drive to the centre, if a bus connection that worked I would take that.
- Disability access, Bus parking and traffic management on Diagonal Rd (lights and pedestrian crossings)
- Retain and keep the Warracowie 2 way access
- Not a fan of Warracowie Way being made one way. Westfield Marion carpark is a nightmare to exit and enter at the best of times and closing off the road one way is going to exacerbate the situation further especially at peak times. If the plans proceed then the Marion Shoppingtown access road with the roundabout needs massive improvements or another entry/exit point needs to be made to replace Warracowie Way. Crew St also needs to be improved big time for local residents and visitors to the area, it's dangerous with the traffic coming so fast around that corner on Diagonal Rd. This was erroneously not considered when the train line was upgraded. Safer pedestrian crossings are also required.
- traffic flow. Keep the roads as is, any changes would make it worse. Pedestrian crossings in certain spots might help.
- I'm not sure about closing off a road and I am concerned about parking options. We regularly use the Aquatic centre and it would be a shame to lose parking space when events are on. I also don't see the purpose of outdoor events and restaurants in that busy area. It doesn't seem very enticing to go to. Very busy area with the main road, Centrelink and Marion Shopping close by. I like the idea but just not in that area. I feel like it would be better positioned in a different area where there is more open space and less traffic for events and concerts etc.
- "Leave two way driving, put a safe drop off/pick up area in front of the Domain for patrons.
- More handicapped parking."
- Cancel all of the plans. That whole area is very congested, doesn't need anything else. Very important to retain the 2 way access and access into the Westfield shopping carpark.
- Cycling infrastructure and signs to connect with the bike path along the railway line.
- The vehicle thoroughfare needs to be reduced but removing access from Diagonal Road (from the rail crossing) will have a damaging effect on access to the library
- Friends and I go to the Cafe every Friday and it would be much better if there was air conditioning as it is very cold in winter and too hot in summer. Parking is terrible and needs to be addressed because we are all over 68 up to 95 and cannot walk far.
- Are you planning any additional lit parking close by for additional visitors too?

#### Comments related to amenity

- The cultural centre isn't a great looking building imo, but I guess others may like it. The building serves a great purpose it's just not very attractive.
- Not needed when we have beautiful area around Council Office, lawns, parking, easy access
- I think to concept plan is fundamentally flawed as it ignores the significant impact on traffic flows into and out of Marion shopping centre
- Not much. I think it does not go far enough to properly transform the space and will end up unused.
- I am very against changing the road traffic flow to a one way flow
- I oppose any change to the currently existing road traffic flow"
- I love the concept to bring Community together. But it will need events planned to be used. Perhaps a fortnightly Sunday market like used to be on the oval?
- It doesn't look much different to current use. Mention of climbing plants is good and one way traffic ( as long as that works for bus access on roads into the zone)
- Activating the space.
- Grassed areas, trees, play equipment and shelters
- Pedestrian friendly, a greener space with trees and plants. Gathering place for families.
- The plan is exciting and will be an attractive focal point for existing services while providing space for a range of community activities, and enjoyment.

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- *Not worth to do more green space, similar at Dwyer Road Reserve just 500 meters away from there.*
- *More of the same arty stuff. Especially for kids*
- *Kids games on the ground with pavement marking*
- *Ever more trees.*
- *Move the whole plan to the south east of the cultural centre and leave the existing roads in place*
- *The art sculpture in your concept plan, needs more thought. The first thing i see when looking at it is cigarette butts joined together. Not appealing at all.*
- *I definitely think the playground should be a nature playground with different levels and astro turf*
- *outdoor dining -café tables and chairs, more shade/trees but also a wooden pergola with greenery growing over it that will shade in summer but drop leaves in winter. Festoon lighting using old style light bulbs. Enclose the space from the road using hedges but of course leave openings for foot traffic. This will reduce traffic noise. More greenery also equals less heat in summer. Make the whole area more visually appealing and inviting so those of us who work nearby can go grab a coffee there and enjoy the space*
- *The main entry to the cultural centre is the other side of building. Why don't u develop out the front there?*
- *I think this is a waste of money and won't be utilised.*
- *Would be awesome to have regular local produce markets there.*
- *Toilet facilities + cafe for user friendliness*
- *Bar & dining ?*
- *Inclusion of a microbrewery*
- *Enough shade for hot days!*
- *Cafés / restaurant*
- *Is the street required? Can the whole area be a community space?*
- *Markets to be open weekly, cafe area, artist area, murals, community garden, security, water stations*
- *There needs to be flexible shading. Lots of shade in Summer, but sunny in Winter. Some water spray/ misting/ fountains for the heat.*
- *Additional cafe*
- *The 'Views across the plaza' before and after artist impression in the concept plan is very underwhelming.*
- *The close location to Centrelink has always made that particular area undesirable to visit by foot. There would need to be robust CCTV and crime prevention to attract families.*
- *Overall I think that throwing a couple of patches of grass down is not going to be a meaningful attraction when that area is surrounded by car parks and still split with a road."*
- *I am wary of what plant will be used as the feature tree on the roundabout. My friend is an environmental scientist working in arborist and ecology sectors and has concerns over the use of Canary Island Date Palms (*Phoenix canariensis*) in public spaces. Although they can be replanted with height, they also harbour pests, are dangerous to remove and are considered an environmental weed within eastern Australian states because they are highly invasive. I am concerned that this tree would cause more environmental issues into the future than it is worth for its 'tropical appeal' in today's moment. I hope that the Marion council considers using an alternative palm species or even a design for a smaller mallee and grass feature that aligns with pre-colonial vegetation distribution (see link to resources here: [https://data.environment.sa.gov.au/Content/Publications/Forests\\_Woodlands\\_Ad\\_Plains\\_1836.pdf](https://data.environment.sa.gov.au/Content/Publications/Forests_Woodlands_Ad_Plains_1836.pdf)).*
- *I would also like to suggest in addition to the relocation of the Warracowie Wells artwork, there should be more emphasis on the Aboriginal heritage of the Marion area, with information and signage available for the public to access and read about the connection between people and place. Especially seeing as this is the Marion Cultural centre and is on Kaurna Land whose culture stands strong today. I hope that the Marion council has already consulted with the Kaurna community. I think this would be very valuable to the future generations of South Australians who have the very important undertaking of healing Country alongside traditional owners who must first be seen as equals. "*
- *"Playful art could look less like cigarettes ( as per the example photo).*
- *Is the stage decking/seating actually suitable as a stage ( as it appears not flat).*

- *There is a handdrawn cross over trees near aquatic centre- does that indicate future removal?*
- *Are recycled products to be used for decking ( not mentioned in any of the information). What are the Warracowie Wells and where will place making be relocated from?"*
- *Would like to see a drink fountain installed. There has been one installed at updated sports oval near me, you can drink from it, fill your own water bottle and give dogs a drink too. Brand is Urban Apollo 280. Would be a great asset for the new area.*
- *Nothing specifically. I would suggest adequate access for aged and disability groups, shade and outdoor seating that has a back, not just bench-style.*
- *I believe you need to have:*
- *Water fountain to fill bottles and to drink out of. Water bowl for dogs??*
- *Toilets*
- *Ensure closed sides to shelter to protect from Western Afternoon sun plus the South westerly winds and rain that we get, gully winds. Will allow for all year usage.*
- *pushbike secure parking racks*
- *It might add more art works or sculpture like Brighton, Glenelg Esplanade which have sculpture along with beachsite.*
- *I would like to see a drinking fountain for people to fill up their drink bottles*
- *Shade area*
- *Needs shelter for over winter*
- *Fortnightly markets, music and entertainment for families to support local businesses and encourage community*
- *Water play area similar to Glenelg or other water feature/fountain for cooling and amenity...*
- *Aboriginal heritage connection/art /naming/signage.*
- *Board game tables eg. chess/backgammon...*
- *Pétanque area"*
- *Not at present. I'll wait until the work is finished next year and try out all the possible routes.*

#### Do you have any other comments?

##### Comments related to traffic management

- *I know this will be unpopular with some people but I honestly believe this is a great thing for the local community. Life is about much more than cars on roads. Well done to all those who have planned this.*
- *"I am unable to understand how placing a roundabout and limiting traffic flow with the installation of a pedestrian crossing costs \$5m.*
- *Traffic is already very slow at times therefore do not support adding another signalised pedestrian crossing which will slow traffic further*
- *More parking required*
- *"If you really want to bring people into the area, do not continue with traffic in any direction along Warracowie Way. Re-direct all traffic along Milham Street and make the space between the SA Aquatic Centre and Marion Cultural Centre pedestrian user-friendly only, expand the deck (#5) and open space for outdoor entertainment options, and move the playground away from the road (change the playful art sculpture colours too, as the sticks look a bit like cigarettes!)*
- *Not happy with the decision to make Warracowie Way one way in a north bound direction as it will mean I will always need to use the Marion Shopping Centre entry points which will congest the traffic even more than it is now. Especially bad at Christmas & Easter, Mothers Day, Fathers Day etc. I think it could still be two ways then turn onto Milham Street so the carparks to the Domain Medical Centre, Specialist Centre, Swimming Centre, Centre Link etc can be accessed.*
- *Marion Shopping centre is the main focus of this area. All roads leading into/out of this area should be maintained/upgraded, NOT closed. By creating a permanent traffic jam this area will become one everyone avoids.*
- *"This Idea is absolute nonsense, sure green spaces are nice but not at the expense of traffic flow into and out of the Marion shopping centre, congestion entering and exiting the centre is bad enough as is traffic flow around it.*

- *Morphett road traveling south passing the swimming centre is already poorly designed with the driveway into the swimming centre causing people entering the facility seemingly having to stop completely before entering, this coupled with the lack of turn right lanes on Sunshine and Gardiner avenues makes thoroughfare past this section of road a real daily hassle for people who need to use this road for their daily commute.*
- *The Idea of a pedestrian crossing on Trott Grove to support this terrible idea just makes the idea even more terrible, adding extra pedestrian crossing when there is one a block away is typical rubbish that councils come up with.*
- *If the aim is to stop people using Marion shopping centre, then this idea coupled with potential paid parking there will no doubt achieve it.*
- *I and many tradespeople like me use Bunnings and the quickest and easiest way to get there is to enter and exit via Warracowie Way, thus avoiding entering Westfield carpark and the general shopping public and avoiding the bottleneck around the swimming centre on Morphett road as I detailed before.*
- *I am a Tradesman who travels the length and breadth of Adelaide and I am sick of councils who are self centered in creating their own little patches of paradise, without any coordination with other councils and absolutely no regard for people who earn a living by providing mobile services to their customers*
- *Out of 365 days the plaza is and will be used 3-4 days. That's 1% of the time. This closure affects traffic movement for the locate residents 98% of the time. The residents must make Uturns to get into their property and closure will stop this. The name Milham and Warracowie are import historical. The designers are looking from a different view and can't see the effects on the locals*
- *By making Warracowie Way a one-way road I will not be able to access the library carpark from Diagonal road. This means i'd have to drive through the Westfield Marion carpark to park in the library carpark. This would be a big issue especially if Westfield put in boom gates to their carpark.*
- *"The blocking of warracowie way access to Marion shopping centre car parking will lead to major traffic congestion at the current turn right lights on diagonal road that access Marion near DJs and this will be further congested when cars are seeking to turn right from roundabout to access car parking east of library. Additionally traffic access to Marion from Morphett road south of Bunnings will become congested as with potential major traffic build up on Morphett road as cars which have turned into Marion are constrained.*
- *It would also mean that cars will seek to use the exit from Marion a car park via the exit at eastern side of the library which is not currently designed for large traffic volumes.*
- *It already feels like the Marion Shopping Centre triangle is a round-about - turn out of the car park at the wrong point and you need to go the whole way around to access the actual direction you need to go.....*
- *Regarding point #4 - if not signalised, then a manual crossing point is a must. The access to the library from Trott Grove, with a pram or bike particularly, is difficult due to the size of the gutters and the traffic island with no ramp/access points. "*
- *As mentioned above. Closing traffic to this area will cause flow and congestion at other entry points to the shopping centre.*
- *I do not want to be forced to wait at stop lights behind people who do not know how to take off at a normal speed that is not inconvenient to those behind them.*
- *Spend public money responsibly. This area is severely impacted by traffic issues already. installing event spaces at the cost of restricting access would only add to existing agony related to traffic issues. Marion council does not have a good track re-record to manage local traffic management. This proposed development will directly add to the traffic flow into local residential streets.*
- *There is a pedestrian crossing at the Morphett road/diagonal road lights right next to the train station - another set isn't needed and will just make traffic flow worse*
- *Please don't change Warracowie way into a one way street and don't turn the road into wasted space*
- *Putting a signal crossing at trot Grove isn't required when there are already crossings 100m away in both directions. All this will do is make life even harder for drivers exiting trot Grove onto diagonal road and create more congestion on diagonal road when the lights don't sync with each other.*
- *Can warracowie way be removed all together?*

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- "A great many people use Warracowie Way as an access to the Aquatic Centre as well as Marion shopping centre. Many come down Crew Street and turn left into Diagonal road and then right into Warracowie Way. Under the plan, all access to the Aquatic Centre from Crew Street travellers would require a right turn onto Diagonal Road and to then GET TO THE LEFT for a turn onto Morphet Road. This is currently very difficult and will only likely get worse. This also applies to those going to GP Plus, ServicesSA and the Blood Bank."
- "I use the entry to Warracowie Way from Diagonal Road every day and if this access was blocked it would be very inconvenient."
- Love the idea but the one way traffic is wrong, will create an already bad traffic on diagonal road worse.
- People accessing the Aquatic Centre, the GP Centre, Centrelink, the Shopping Centre, the library from Diagonal Road find this driving access entry invaluable.
- I strongly oppose any change to vehicle access into Warracowie way.
- I take my children to Marion Primary School and Westminster School daily and return home via Crew Street where it is very difficult to turn right safely so I turn left onto Diagonal Road then right into Warracowie Way and usually visit the library, pool or shops via this route. Blocking this access will make it more difficult to turn right from Crew St into Diagonal Road by more cars lining up to turn right.
- It will make it more congestion at the road entrance to the swimming pool, service SA, GP Access area car park. The small Milham road is already daily congested when swimming training times are starting with parents trying to drop kids off and collect them. It will be even more difficult if the 2 way access to and from Diagonal Road to Warracowie Way is blocked off.
- "I don't believe this needs to be one way only for pedestrian safety. Use marked crossing and pedestrian island on the road"
- South bound traffic from Diagonal Road coming to the plaza has been greatly inconvenienced.
- The traffic coming from the South on Diagonal Road will not be able to turn into the Plaza and Library, which will be an inconvenience.
- Warracowie Way would be better suited one way South bound and potentially continue one way along in front of Centrelink. For it to be one way North Bound exit, will impact customers who wish to visit library, without having to continue up to lights, and make their way back through the carpark from David Jones area.
- Having cyclists and pedestrians share a path, while a good idea in principle, is less successful in practice because cyclists, in particular, do not always follow the rules. I have witnessed near-misses, and narrowly avoided injury myself due to selfish hooners on bikes.
- "Pedestrian crossing is not the answer. I travel to work to and from work everyday going thru the diagonal/morphett road intersection. If you are catering for locals or people arriving by train then a pedestrian bridge is a much safer choice and worth the investment. The said intersection is so busy, especially in peak travel hours. I see children on their bikes, parents with prams and the elderly precariously wait on a small landing for the lights to change. They have no protection from out of control vehicles or vehicles going thru red lights."
- I think Warracowie Way should be left as two way as it is; this allows a route out to diagonal road as well as a route into Bunnings and centrelink and that from diagonal road. Non signalised pedestrian crossing near Trott Grove would be more beneficial
- Don't support change one way exit to Diagonal Road. It is easy to access to shopping mall, don't have to back to main road cause more traffic.
- "I would like to see the traffic direction reversed and Warracowie Way open outside Centrelink. My reasoning behind this is to allow access for the public to the cultural Centre Building. My concerns are that by closing this road off when people approach from that direction they now have to enter via the main Marion entry and then zig zag through the car park which can be busy and a hazard or they approach from the Bunnings side and do the same."
- In addition if paid parking was to be introduced, would this mean that borrowers would need to pay in order to access our building and car park?
- I like the idea of having a public area, I'm just concerned that access to our facilities are greatly impacted due to the traffic plan.
- Will just add to an already congested area. Between shopping centre, medical centre, swimming centre and centre link and services SA, already hard enough to access area.

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Completely unnecessary and makes a mockery of all the money spent to fix the railway crossing. Already frustrating to try and drive down surrounding main roads and too many traffic lights already. Waste of money, stupid place to put it. Makes it even harder to access railway station and time efficient public transport.

- Warracowie Way should remain 2 way. Reason. If I leave the library (or Westfield at the traffic lights just to the South) I turn left into Warracowie Way BECAUSE there is no long deceleration or storage lane at the traffic lights at the intersection of Diagonal Road with Morphett Road to turn left onto Morphett Road. Every time I have gone that way I have been held up in vehicles queues at the traffic signals. If a left turn decel & storage lane extending longer than 75% queuing length for vehicles turning right onto Morphett Road is constructed I would then support the proposal.
- The installation of signalised PAC seems excessive given proximity of other signalised arrangements. It will congest and delay traffic. I am somewhat surprised to learn that a warrant exists for this treatment as I have never seen anyone cross here. Even if it was approved by DTEI it seems a large investment of funds for a small return and given that DTEI are likely to require them to be coordinated with the 2 adjacent signals I'd envisage most people not waiting for the green walk sign. I'd be happy to remove this comment if I received data showing vehicles using road/pedestrians crossing numbers do actually support the signalised PAC.
- Pedestrian crossing will just have traffic banked up more.
- Please consider traffic lights or another improvement to safety for traffic and pedestrians near Crew St. It's dangerous for drivers (and pedestrians) trying to exit Crew St and merge with the Diagonal Rd traffic to head north west. Traffic comes around the corner so fast. When you finally have an opportunity to exit Crew Street you're suddenly blocked by the oncoming traffic and still can't get out it's ridiculous.
- There is no reason to change the two way road to one way. The driveway from the Diagonal Rd end is a short way through to Drs, services SA, Hearing SA, Bunnings etc. without having to traverse much more traffic.
- A close pick up / drop off point in the front would be handy for people not stopping.
- Putting in another set of lights at Trott Grove, seriously. The underpass was put in because of the lights. What value is there for these lights?"
- I am very concerned about the removal of vehicle access to Warracowie Way and therefore the library carpark from the Western and Northern directions (coming from the railway crossing) This will mean that to access the library carpark there will be no alternative to going through the very busy, dangerous Westfield carpark.
- Traffic from the north to get to the library will have to go all the way the Marion shopping entry (past Bunnings) which will significantly increase traffic at those entry areas, increasing the risk of an accident as well as adding inconvenience. Similarly, for traffic from the East on Diagonal road wanting to access the swimming centre, Centrelink, Services SA entry from Morphett Road.
- I don't like the idea of a one way street - how are cars supposed to exit the carpark at the Gallery end?

#### General Comments

- I also don't understand how doing all of these upgrades without a single plan to increase facilities for the additional people you are trying to entice with this upgrade has been addressed. "
- Maybe ☺ somewhere for Chartered buses to stop? Lots of seating? Markets? Fringe like feeling garden of unearthly delights. Sculptures etc
- Best of luck in making this exciting project reality.
- Also, whilst the North-West face of the Marion Cultural Centre may be artistic, it segregates the facilities from the outside world and detracts from any hospitality."
- If you want to build a green space acquire some of the Shopping centre carpark on the South East of the cultural centre and build your folly there.

- Safety barrier near roads and car parks where lawn areas will be, so kids don't run out to road.
- As mentioned already. Get it right initially and everyone (well, majority) will be happy.
- I would love to see a Community garden area that could be utilised and accessed by local business members to grow produce for a grow free cart for the community.
- I'm please you are finally doing something about the space. Could you also address the baron wind tunnel cement eyesore between the aquatic centre and GP Plus. Its such a wasted opportunity. In my opinion it should have been better developed from the start. It was a perfect opportunity missed. Make it more inviting and the public can make use of it. thank you
- This is a great idea! Please ignore all of the inevitable protests from car drivers and push ahead with it.
- Every time I exit Warracowie Way by car, I think that it should be left turn only on to Diagonal Rd, so I'm very happy for the proposal. I also walk a lot between the various buildings and had noticed that a fair number of vehicles cut through at speed to avoid going through the Diagonal Rd and Morphett Rd intersection. This change should reduce traffic making it safer for pedestrians
- Seems to be a waste of our rates, adding a couple of trees outside the library would look nice, nothing else needed. Currently so hard to find parks near Service SA; Hearing Aust etc, parks are narrow, very difficult to get in and out without more road restrictions
- Look forward to the markets & entertainment opportunities
- "As per comments provided at point 2 - if point #5 proceeds, then further traffic management in the area is a MUST to best support this.
- The main entrance to the culture centre is the other side of the building? Make a better entry space the other side.
- The concept is fantastic, but must include ongoing efforts to ensure the area doesn't end up being a hangout for druggies, etc.
- Childfree events
- You could activate the opposite side of the cultural centre taking over part of the marion shopping center car park to utilise more space.
- Please allow musicians to play regularly. Bring back live music to the streets. Markets to be a weekly thing and allow stall holders to hire stalls at affordable prices. Security on hand. Make the area safe. Cafes or food trucks available. Cover.
- More cycle friendly please. But still pedestrian friendly too.
- Existing tree canopy should be retained for larger trees. Recycled products must be included in procurement policy. Wet weather covered access to be included- during the recent Olympic Swimming trials at the Aquatic Centre- the lack of covered waiting space was a huge safety risk during rain events, so even removable temporary covers could be considered
- Do NOT implement this plan in it's current form. I do not think that increased people walking and interacting around in public, spreading and catching highly virulent illnesses is warranted in the present conditions or future. Pedestrian and cyclist safety is important and can be implemented by other means. Not all people can walk around easily or ride bicycles. I don't think the plan realistically addresses community needs properly and does not consider practical need. It oversimplifies stylistic "picture post card/Instagram" style images and not what people really need. They need to do business, shop or recreate in the shopping centre area in the simplest way possible. Safely, easily without difficulties.
- Lessing the heat map of the plaza and surrounds with trees etc should be looked at
- Your plans make it worse for the people who actually use Marion shopping center (which is what the whole area is about, not a cultural center. That was an addition later which should then not take away from a shopping precinct.
- Like I said we need more shelter for over winter
- "I love the whole concept. Marion needs this sort of "piazza" or "town square" - a place to bring the community together.
- I would support the complete closing of Warracowie Way to vehicles."

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## Other submissions

### Redhouse Group and Gallery M

- Discussed opportunities to enhance activation of Gallery M with increased foot traffic and visibility.
- Support the proposed increased public realm and opportunities for events that will draw people into the facility.
- Car parking access to Gallery M discussed and current movement from Westfield by foot adjacent to the MCC.
- Consideration of an external toilet.
- Opportunities to enhance the branding and marketing of the gallery to be considered with external art works projection on the internal wall of the outdoor breezeway.
- Opportunity to provide fixed outdoor furniture near the cafe entry not impacting on the access requirements.
- Beneficial to seek ways of supporting the cafe to open the bifold doors to help enhance activation of the space.
- Supportive of proposed amenities and facilities, shade, kids play, integrated artworks, place making, opportunities for more events and markets.
- Visual sight lines between the SAALC and MCC important to enhance connectivity for activation.
- Parking in the locality and consideration of access to DDA parks. No reduction in parks due the proposed traffic management solution.
- Access from Westfield car park by foot will still be provided with improved connections south of Warracowie Way.
- It is noted Westfield propose to close vehicle access from Warracowie Way. Loading drop off consideration for the gallery.
- Loading bay and current movements to be confirmed during detail design.

### First Chapter

- Support the proposed increased public realm and opportunities for events that will draw people into the facility.
- Maintain visibility of the café
- Permanent outdoor furniture to the café exterior – limits staff requirement to pack up each day. Don't need many but a small cluster of sets and tables to accommodate outdoor dining
- Event positive as attracts patronage.
- Support more foot traffic to activate the space
- Play area and small stage for events supported.

### Office for Recreation Sport and Racing

- Ensure appropriate access is provided for those with a disability, restricted mobility etc? including carpark provision.
- Integration of cycle storage/parking into the design.
- The principles of Universal Design should be applied to so that they accommodate users of all ages, gender, ability and cultural backgrounds.
- Crime Prevention through Environmental Design (CPTED) should also be a key consideration - the relationship between users and the physical environment in the design of public spaces in crime prevention and assists with public safety.
- Security and safety of users should be paramount.
- Community facilities and their surrounds should be designed, built and maintained in accordance with relevant occupational health and safety standards.
- They should also incorporate child safe and safer design principles into the design.

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#### Telephone Conversations with residents

- Concerns of accessibility via car to the precinct and access to Westfield via Warracowie Way.
- Particular concerns of resident who lives in the Oaklands Park locality heading south accessing the library car park.
- Discussed that Westfield have an approved development plan that will close vehicle access into Westfield adjacent Centrelink and Bunnings. The proposed scheme still provides access to parking on Milham Street to access community facilities, whilst access to the southern car park will be retained by north bound Diagonal travel and through Westfield signalised intersection and car park.
- Concerns of car parking and events planning related to the State Aquatic Centre. Current occupancy and reliance on Westfield parking. Discussed that events planning is required to develop traffic management plans to accommodate
- 3 page submission provided with key concerns. Distribution of City Limits concern that residents didn't receive and don't along Diagonal Road. Issue with access out of Property for north bound travel, currently has to conduct a U turn at Diagonal Road intersection with Warracowie Way to enable north bound exit and or traverse Warracowie Way.
- Request for two way road to be retained.
- History of Warracowie Way and naming. Request review of proposed PAC to be further north near the current refuge.
- Discussed the project objectives to improve accessibility into the precinct for walking and cycling with particular connections from the new station and residential areas.
- Rang to seeking clarity on accessibility and movement through the precinct as currently uses an electric mobility scooter.
- Request further clarification on the plans and proposed pathway connections in particular from Westfield through to the Oaklands Station.
- Currently uses access taxi from place of residence - Sturt to Marion and then catches train to Edwardstown.
- Upon review of the proposed pathways and pedestrian activated crossing, supporting connections and different routes of travel. In particular support for improved pavement treatments along streetscapes and at grade solution for Warracowie Way.
- Design to consider turning movements of mobility scooters where kerb ramps are located.

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## Social Media

### Responses

High density developments is only reducing our standard of living. Adding cars parked in the street, in the suburbs around. There should be parking onsite at every home for the cars belonging there. I get it having two on a bloc...
Totally agree. Living in the area it seems pointless getting rid of a 2 way Street to make it a one way Street in an unused area between the Library and Swim Centre. I use this Street to get to Marion Domain, Centrelink and other Services....
Why are you designing something to make that area WORSE?
This sort of thing shouldn't be in the MIDDLE OF A SHOPPING PRECINCT!
Does the number of people using the space require it to be expanded? or is this a "well we will make something look good and we might get more than a handful of people to use it.
With your rates (Marion council had some of the highest sub-development in SA over the last 2 years, and by my calculations adding over 5 million per year into general revenue), and bad decisions regarding planning makes families want to move out of your area.
The intersection at Morphet and Diagonal road is already a nightmare and changing that to a one-way street would make this worse.
not to mention the traffic lights onto Diagonal road out of Marion as well. Sure way to make Marion even more of a nightmare to travel to.
exit from crew street ??????? We'll all be going round and round the westfield loop and it will be kaos
we were discussing this at our house. It wont work as a one way street.
Another dumb move by Marion council regarding the space around Westfield Marion.
This is going to cause a lot of issues. The space just isnt suitable. I get their idea but they really dont think the whole thing through. They need input from someone outside their development team...I doubt they will take any of this feedback on board. That area is going to be a nightmare. Imagine what will happen when events are being held
What like when the swimming trials and such is there and already blocks that area up, takes over huge amounts of carparks etc?
Its bad enough that Bunnings continuously looks to close down the site!
cram as much into one area and hope to god it brings people in and not deter them from visiting due to lack of parks, inaccessibility and I don't doubt things that look "good" (I use that word loosely) but nonfunctional or only suitable for small group
will have to walk to the aquatic centre because there is no way parking will be available...especially near the centre.
Swimming in winter will be fun ??
Have you even done a traffic count on the entry to the proposed one way road off Diagonal Road. People use that to go to GP Plus Centrelink, Services SA, Bunnings, Aldi, Market Foodcourt, Dan Murphys, and more because getting across diagonal road at the corner of Crew St for locals is a nightmare to turn right along with through traffic. That needs a three exit roundabout. The traffic jam that will be at the diagonal road intersection now turning left will increase traffic waits exiting the shopping centre off diagonal road, and going south everyone will have to turn in to the shopping centre at the david jones end lights which is already busy and use the carpark to get back through to the services you are now cutting off. Its ludicrous to block any entry in to an already increasingly busy service area and risk for driver frustrations and incidents. Again. Has anyone done a count entering that roadway, and understand the issues off crew street turning right. I do because I live local and use that road all the time as do others local and beyond. traffic flow will be a major issue especially at peak times and going in to pre Christmas period. We have parks for all these things you propose, this is a service and shopping area for

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locals and surrounding suburbs already overwhelmed by increasing roadside parking, traffic and more.
thank you for your feedback. The MCC Plaza concept promotes safer pedestrian and cyclist connections. With the recent investment in the Oaklands Train Station the City of Marion are progressively enhancing footpath connections to increase pu...
City of Marion no it is not helpful as a local the functionality with the continued excessive traffic through George Street, Crew street & Diagonal rd intersection is a huge problem so people will now have to go to the traffic lights to turn right in to the westfield carpark as turning from crew in to diagonal is impossible at times so people needed to go left and turn right past the library to get back on to Morphett road. That option gone you will see building up of traffic on Crew and Diagonal. The solution could be to consider a roundabout at crew and Diagonal road. There is room. I use these intersections daily as do friends who live locally and have kids at local schools, we know the traffic and how its used, I live on George St and I know it greatly exceeds recommended safe limits for a street of its width. Those traffic issues you stopped with the morphett rail underpass will be replaced with long trails from turning lanes. The flow within the car park struggles as is with tight corners and narrow roads as it is and you are now increasing that traffic within those areas. I understand why you are doing this but it is not functional without addressing the issue it will bring. Easy to say from your drawing board but we locals use this to access our services and you are tripling the number of homes on blocks, increasing cars on roadways and future problems are already evident and will only get worse. Why don't you consult locals who use this before you draw up designs because many of us would be able to come up with some great solutions.
I fully agree. Blocking vehicular access from Diagonal Road into Warracowie Way would be a nightmare. I use this access twice daily.
And turning right from Crew Street onto Diagonal Road is dreadful.
I believe it would be easy to make it safe for pedestrians and cyclists - if it isn't already - without blocking vehicle access from Diagonal Road. Would create huge inconvenience. I encourage people to put in an official survey response as well as Facebook comments.
I strongly oppose blocking motor vehicle access from Diagonal Road into Warracowie Way.
There is very limited access into this area where there are many services that need to be easily and frequently accessed, the Aquatic Centre, Library, Service SA, Centrelink, Bunnings, GP Access Centre, Cultural Centre and more.
It would be very stressful to restrict access by making Warracowie Way traffic one way. Cyclists and pedestrians can already easily use this road so there is no need to change the traffic flow for them.
Perhaps a pedestrian crossing across Diagonal Road would help them from the train station.
You should also consider the difficulty of turning right from Crew Street onto Diagonal Road, where it is often safer to turn left then into Warracowie Way.
The changes you are proposing sound like they are from someone who never uses the area.
Markets and special events are already successfully held outside the Library and Cultural Centre with the existing space and facilities.
Blocking access from Diagonal Road into Warracowie Way would be stressful and madness with flow on congestion to Crew Street and all the other already congested entries into the shopping and services precinct.
Community garden?
Great idea! If you can spare a couple of minutes, we'd love you to share your suggestion via the consultation: <a href="http://www.makingmarion.com.au/mcc-plaza">www.makingmarion.com.au/mcc-plaza</a>
Looks amazing will certainly looking forward to seeing it develop

City of Marion Bruce Hull - I hope better sense prevails and legitimate concerns of the local community with already poor traffic management, congestion accessing essential services in the area is not undermined again by engagement surveys!
A community veggie garden would be awesome
this could be cool
I hope that playground is going to be enclosed
Thank you for your feedback. Consideration of safety and fencing to the proposed play area will be considered in the detailed design of the MCC plaza. Subject to Council approvals, detailed design will commence late 2021. Kind regards, MS
and have toilets!
Like George st on a busy through road and no fencing around new playground
City of Marion is this development going to mean an additional increase to rates like we are seeing with the soccer fields.
keen for some markets
Would have to employ some dodgys from the green area at Colonnades to populate it. Could get hectic. Cross suburban species might breed.
Pedestrian crossing equidistant from Morphet Road traffic lights and and the Westfield Carpark light controlled intersections is nuts. It will cause congestion.
Must be same designers who put the bike/pedestrian lights on Marion Road approx 50 metres south of Daws Road lights.
A great idea, but if the proposed petrol station nearby goes ahead it will be totally counter-productive for any kind of ambience and class to the area
Looks amazing!!! So needed.
Yeah, because we don't have enough of these types of unimaginative areas in Adelaide already do we? Another boring area to do fk all but eat and drink (national Australian pastime).
Closing the access to the northern end of the shopping centre car park will increase traffic volumes, and crashes on Morphet Road. It will also force the trucks delivering to Bunnings to navigate through the car park with the cars and pedestrians. At present they enter from Diagonal Road and exit on Morphet Rd
agree. traffic will be banked on crew st and clog diagonal road and the only entry on diagonal road will now be at the lights in to the roundabout and clogging that already busy intersection and carpark. Imagine Pre Christmas. As a local I use that entry they are going to block to access Aldi, library, bunnings, Drs, services and more as a resident coming our of Crew street as its impossible to turn right and get across the 4 lanes to get on to Morphet Rd. Its a poorly thought out plan Just close it on the weekend when there is an event or open up the wasted garden area never open at the aquatic centre.
absolutely agree. City of Marion This design is going to leave the community with considerably worse ingress/egress - to a busy part of the Marion precinct.... As used non-stop each day. Leaving us with a 'plaza' that will be used to the occasional market / occasion.
Why not consider really improving the plaza area that already exists. For those few special occasions, block the road entirely. I'm sure we can live with the disruption for a day here or there.
...and save a stack of \$\$\$ in the process.
At least try that for starters.
The loss in access does not outweigh the community gain for occasional moments.
My 2 (cents)
Probably. Aren't kids supposed to go to the playground to get Away from tech? HUGE misappropriation of rate payers money
Is this is going to be just like the 'electronic playground' across the road at Diagonal Way.
The same park that was going to 'bring people from across the city' and yet lay unused while most of it stopped working within a couple of months.

History would suggest those plazas are *rarely* used for anything 'community'. And I'm sure when they were proposed back then, they had the same grand plans.... Plaza=community events. Not at all.
There is absolutely no sense in making access considerably more difficult for the sake of this.
Agreed. There's already a plaza of sorts outside the Cultural Centre. Barely used. There's a larger plaza opposite outside the Aquatic Centre. Barely used. If they really "need" to build a new plaza, which will be barely used, take the car park on the southern side of the cultural centre
What is wrong with the centre at the moment. It is quite functional as is and I doubt wasting taxpayer money to build an almond grove etc is going to attract more visitors, particularly with covid, and the building has only been there a little over 15 years!!!
Sounds great!
Great idea
Council can't find a better way to spend money???
Nice concept. One way traffic only.
It's a great idea.
Great idea
Today is the 31st & I've only just seen the post.
After reading some feedback comments it's probably not feasible, waste of tax payers money with Marion Council, not really going to draw more crowds of people to the area and I have concerns about parking, and with covid do we really need more crowds of people??
definitely parking will be a big issue
Will there be enough parking to support this?
I like to go to the library and the gallery.
Awseome idea
Oh City of Marion you are exceptional
I'd love to know how you will facilitate when parking in the area is already a huge issue?
If only the Marion interchange was integrated into the future plans when it was developed.
Imagine an underground access path for pedestrians that housed businesses and food outlets that you could access from Westfield.
A direct link that didn't involve stopping the flow of traffic at numerous crossings. And now this involves restricting traffic further with another crossing and making streets one way in addition to closing another access path adjacent bunnings.
Wonderful to have all these plans but traffic bottle necks. The existing public transport interchange is no where near this area, or the train station. There's not enough parking now for the existing businesses, medical facilities and swimming centre. Let alone the residents that live in the areas that can't park anywhere as it's all limited times. I can't even access car parking now with my paid membership when the swim centre is utilised for events.
Love the concept but seems to be shortsighted on appropriate facilities and long term infrastructure.
the concepts promote safer pedestrian and cyclist connections. With the recent investment in the Oaklands Train Station the City of Marion are progressively enhancing footpath connections to increase public transport patronage reducing vehicle dependency. The proposed concept does not remove any car parks. Access to existing car parks for the swim centre, GP Plus and Services SA will be retained via Milham Street off Morphet Rd. With recent improvements in the traffic movements the proposed Pedestrian Activated Crossing will be synchronised with adjacent intersections to limit effects. More details on the traffic management proposals are provided on the web page <a href="https://www.makingmarion.com.au/mcc-plaza">https://www.makingmarion.com.au/mcc-plaza</a>

City of Marion yes it may not remove parks but they are already lacking and I can't see where more are being provided given that you want to increase patronage and boost business.
I have looked at the plan.
there is supposed to be a link from the word 'heritage', but it is missing.
Hi, thank you for flagging that with us. We'll arrange to have that rectified as soon as possible. Thanks, MS









MCC Consultation

CHANNELS (4)

9 AUG 2021-10 SEP 2021

Content performance

1 Filters

DATE	POSTS		REACTIONS	IMPRESSIONS	REACH	ENGAGEMENTS	ENGAGEMENT RATE	V DEO V EWS
	8		181	54.12K	32.76K	261	0.48%	N/A
6 Sep 9:47 AM		The consultation for the Marion Cultural ... City of Marion Marion	11	2.4K	2.4K	14	0.59%	-
6 Sep 9:47 AM		 City of Marion Marion	2	2.4K	2.4K	6	0.25%	-
25 Aug 3:18 PM		There's still time to give your feedback o... City of Marion Marion	1	1.7K	1.6K	3	0.18%	-
24 Aug 11:31 AM		The concept plan for Marion Cultural Cen... City of Marion Marion	1	253	193	1	0.4%	-
24 Aug 11:30 AM		The concept plan for Marion Cultural Cen... City of Marion Marion	9	617	-	10	1.62%	-
19 Aug 8:30 AM		If you live near or visit the area near Mari... City of Marion Promoted Marion	95	41.5K	22.2K	155	0.37%	-
11 Aug 5:38 PM		The Marion Cultural Centre Plaza is set to... City of Marion Marion	23	1.2K	-	24	2.08%	-
11 Aug 5:37 PM		The Marion Cultural Centre Plaza is set to... City of Marion Marion	39	4.2K	4K	48	1.14%	-

Marion Cultural Centre Feedback 29/8/2021

To the Planning Committee, Marion Council,

I would like to respond to the proposed redesign of the Cultural Centre area as provided in the City Limits publication.

I am concerned that the following aspects are not considered by the concept plan.

1. With the change to a one way street exit to Diagonal Road of Waracowrie Way, and the increased two way traffic on Milham Street due to turnaround on the eastern end, pedestrians have no safe crossing points.
2. No pedestrian crossing is shown on the concept plan to safely cross Waracowrie Way or Milham Street. This is a vital requirement given the high and increasing pedestrian traffic levels due to all the visitation sites surrounding the streetscape. If the focus of the plan is to improve public participation in the location, a safe foot traffic plan is essential when people leave their cars.
3. As a regular attender of four of the service and health providers in the immediate area, moving from one location to another often requires crossing the streets named above, which currently has NO safe pedestrian crossing at any point.
4. A traffic flow component that should be considered is that with the removal of entry to the parking station from Diagonal Road, the only clear entry is from Morphet Road into Milham Street. North bound traffic turning into Milham Street is already causing a serious holdup on Morphet Road restricting traffic flow to one lane. The time has surely come to widen Morphet Road and install turn right lanes to the Sturt Road/ Diagonal road section.
5. A suitable water feature perhaps in conjunction with the Waracowrie wells area would lift the atmosphere with any vegetation planting that is planned.

I support the proposal to improve the Plaza for use and enjoyment of ratepayers and visitors with the matters indicated considered for a safe future.

Yours Sincerely,



## Marion Cultural Centre Plaza Plan

As a person involved with the original plaza development I am in support of the long awaited upgrade of the area. I would like to address,

**Road closure,**

**Heritage street names and**

**Location of the road crossing.**

There are items of the design that affects the local residents that live close by. My home is on Diagonal Road between Crew and Trott and the road closure in the plaza will effect on my moments dramatically.

Because of the continuous island dividing Diagonal Road between Crew and Trott, entry and exit of my property is already difficult. The one way allows us to travel south only. If we wish to head north we must make a U turn at the plaza or head down through the plaza to Milham and Morphett. If the entry into Warracowie Way is taken the right hand turn bay will go, replaced with a continuous island. Is it possible to reverse the one way and have in only off Diagonal? That will affect the pickup of swimmers so leave the road in both directions there is not that much traffic and it can be closed off and it is now. At present the road is closed only 2-3 times a year. That is 2-3days out of the year or 1% of the time, while disadvantaging the residents 99% of the year. Leave the road open in both ways as it may look good on paper but not practical.

RECEIVED  
CITY OF MARION  
27 AUG 2021  
RECORD NUMBER

GC211026 - General Council Meeting - 26 October 2021

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#### Road Crossing

The road crossing proposed across from the Library to Trott Grove

If a person actually walks across the road at this point, you will have a clear view of traffic south along Diagonal, but the cars appear quickly from the other direction around the bend in the road. Even with activated lights this location is unsafe for traffic stopping so soon after the bend. Here again this looks good on paper but is different on site.

Reason for the location; The uses of the crossing are residents and 80% train travellers. With 10% of residents living up Trott Grove way, and the other 10% towards Crew St. and beyond. The main pedestrian movement is from the Plaza to the station and a line between both start and finish crosses Diagonal at the existing crossing location. (The planners of the past, must have known something). At this location the two straight lines of the Road intersect at the centre of the bend, giving a clear view of traffic in both directions.

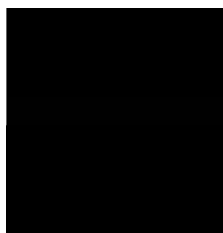
It is said the crossing is for the bikes to cross. Diagonal road is used often by professional riders training while others travelling east and west, will use the bikeway along the train line, giving a safe route under the traffic.

### HERITAGE STREET NAMES

Milham is a mix of the family name of Hamilton. George Hamilton a brother to the winemaker, lived in Warracowie homestead which was located where the Library is now located. George was the locate

Postmaster and named the suburb of Warradale. When his homestead was removed the name of the road Warracowie Way was to locate and remember the well-known home. Warracowie Way was to be a grand tree lined street across the former Oaklands Primary School site to be the northern entrance to Westfield. This traffic agreement was signed off by all owners.

The importance of the names of the streets and their location should **not be changed, cut or blocked.**



I would like to address Council on these matters

**From:**  
**To:** [Community Engagement](#)  
**Subject:** Ideas for plaza  
**Date:** Thursday, 26 August 2021 8:38:29 AM

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Dear community engager.

The concept could do with some consideration of the following.

The one way road could have a drop off zone for elderly going to events in the theatre. The current one to south is not at same level as theatre

The carpark to south is too small and roadway is too wide near library. An extra row of cars would likely fit if only one way allowed. Maybe angle cars.

The picnic area does not seem to have any relevance on a busy corner. Suggest you look at something else. Ask yourself would you take your family to this location with small children, unlikely.

Not keen on a set of traffic lights on Diagonal Rd. Will disrupt traffic flows and existing corner lights should be sufficient.

The rest seems great.  
Regards

**16 Questions With Notice****16.1 Point Data - Planning and Development Committee****Report Reference** GC221129Q16.1**Council Member** Mayor Hanna**QUESTION**

**How much was PointData (or any related entity) paid for the presentation to the Planning and Development Committee on 6th September?**

**Response Received From** Manager Development and Regulatory Services – Warwick Deller-Coombs

**General Manager** General Manager – City Development – Tony Lines

**STAFF COMMENTS**

PointData presented their data analytics tool at the Planning and Development Committee meeting on 6 September 2022. The presentation was essentially a product demonstration and gave Committee members the opportunity to discuss how this could be used to counteract and model issues arising like infill development.

No payment was made to PointData or any related entity for the presentation.

**17 Motions Without Notice****18 Questions Without Notice****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.