

His Worship the Mayor
Councillors
CITY OF MARION



**NOTICE OF
GENERAL COUNCIL MEETING**

Notice is hereby given pursuant to the provisions under Section 83 of the Local Government Act 1999 that a General Council meeting will be held

Tuesday 25 August 2015

Commencing at 7.00 p.m.

In the Council Chamber

Council Administration Centre

245 Sturt Road, Sturt

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 building on Sturt Road, Sturt.

A handwritten signature in black ink, appearing to read "G. Whitbread", with a stylized flourish at the end.

Geoff Whitbread
ACTING CHIEF EXECUTIVE OFFICER

21 August 2015

**CITY OF MARION
GENERAL COUNCIL AGENDA
FOR MEETING TO BE HELD ON
TUESDAY 25 AUGUST 2015
COMMENCING AT 7.00PM**



1. OPEN MEETING

2. KAURNA ACKNOWLEDGEMENT

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

3. 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'S DECLARATION OF INTEREST (if any)

5. CONFIRMATION OF MINUTES

Confirmation of the Minutes for the General Council meeting held on
11 August 20155

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GC250815R0125

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NIL

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Investigation

GC250815F05.....(to be distributed separately)

20. LATE ITEMS

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GC25081506i J

21. MEETING CLOSURE

Council shall conclude on or before 10.00pm unless there is a specific motion adopted at the meeting to continue beyond that time.

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MINUTES OF THE GENERAL COUNCIL MEETING
HELD AT ADMINISTRATION CENTRE
245 STURT ROAD, STURT
ON TUESDAY 11 AUGUST 2015



PRESENT

His Worship the Mayor Kris Hanna

Councillors

Coastal Ward

Ian Crossland
Tim Gard

Mullawirra Ward

Jerome Appleby
Jason Veliskou

Southern Hills

Janet Byram

Warracowie Ward

Bruce Hull
Nathan Prior

Warriparinga Ward

Luke Hutchinson
Raelene Telfer

Woodlands Ward

Tim Pfeiffer

In Attendance

Ms Kathy Jarrett
Ms Abby Dickson
Ms Kate McKenzie
Ms Victoria Moritz

Director
Acting Director
Manager Governance
Governance Officer

COMMENCEMENT

The meeting commenced at 7.00pm.

KAURNA ACKNOWLEDGEMENT

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

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.

MEMBERS DECLARATION OF INTEREST

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

- Councillor Appleby declared a conflict of interest in the item *Marion Outdoor Swimming Pool Signage (GC110815R02)*.

CONFIRMATION OF MINUTES

Moved Councillor Telfer, Seconded Councillor Hutchinson that the minutes of the General Council meeting held on 28 July 2015 be taken as read and confirmed.

Carried Unanimously

ADJOURNED ITEMS

Hallett Cove Foreshore Master Plan Staging & Implementation Report Reference:GC110815R01

Moved Councillor Crossland, Seconded Councillor Westwood that Council:

1. Provide endorsement to proceed with detailed design and planning of the play space, reserve works and amphitheatre (stages 4 and 5) in 2016/17 utilising \$15,000 from the Asset Sustainability Fund for engineering services.
2. Provide endorsement to proceed with the stormwater civil works related to the Hallett Cove Foreshore Master Plan within the 2016/17 capital works program.
3. Provide endorsement to submit a grant funding application to DPTI Open Space (2015/16 grant application) or similar opportunities leveraging the funding for the programmed 2016/17 storm water civil works of \$398,000 in addition to the allocation for Stage 4 of \$293,000 from the Asset Sustainability Fund.
4. Note that future and remaining master plan stages will remain in the identified unfunded strategic priorities project list for further consideration.

Carried

YOUTH ADVISORY COMMITTEE (YAC) UPDATE

Nil

DEPUTATIONS

Nil

PETITIONS

Nil

COMMITTEE RECOMMENDATIONS

Nil

CORPORATE REPORTS FOR DECISION

Marion Outdoor Swimming Pool Signage Report Reference: GC110815R02

Councillor Appleby declared a conflict of interest in the matter as he is a member on the Development Assessment Panel and left the meeting.

7.12pm Councillor Appleby left the meeting

Moved Councillor Hull, Seconded Councillor Veliskou that Council:

1. note the report.
2. endorse the submission of a Development Application to install 2 LED screens on the existing Marion Outdoor Swimming Pool sign.
3. subject to Development Approval, install 2 LED screens.
4. note that the installation cost estimate at \$27,500 for the LED screens is funded through the re-prioritisation of works within the 2015-16 Minor Capital works budget and the annual increased operating, maintenance and depreciation costs of \$3,600 will be included in the first budget review of 2015-16 budget as an on-going item.

Carried

7.22pm Councillor Appleby re-entered the meeting

Local Government Finance Authority Annual General Meeting Representative and Notice of Motion Report Reference: GC110815R03

Moved Councillor Veliskou, Seconded Councillor Crossland that Council:

1. Notes the report '*Local Government Finance Authority – Annual General Meeting Representative and Notice of Motion.*

Carried Unanimously

CORPORATE REPORTS FOR INFORMATION NOTING

Nil

MATTERS RAISED BY MEMBERS

QUESTIONS WITH NOTICE

Elected Member Expense, Benefits, Support and facilities Policy
Ref No: GC110815Q01

QUESTION: Councillor Hull

Would the previous Mayor be liable for the cost of personal use regarding the Mayors vehicle?

COMMENTS: Kate McKenzie, Manager Governance

Legal advice has been sought on the above question and based on the legislative provisions of section 78(3) of the Local Government Act 1999, a member of Council must not use a facility or service provided by the council under this section for purposes unrelated to the performance or discharge of official functions or duties (unless the use has been approved by the Council and the member has agreed to reimburse the council or any additional costs or expenses associated with this use).

Although the policy position at the time permitted the Mayor to have full private (assuming this occurred) and business use and Council shall pay all maintenance and operating expenses, this does not prevail over the legislative requirements. The effect of what has occurred is that the Council of the day resolved to confer a benefit in favour of the Mayor, beyond what the Local Government Act permits.

The Mayor acted within the terms of what Council had approved. Neither the Mayor, nor the Council would have appreciated that the arrangements offended the provisions of the Act. Notwithstanding this, the legislative provisions required that previous Mayor ought to have reimbursed Council for the costs associated with the use of the vehicle for private purposes.

Compliance Operations

Ref No: GC110815Q02

QUESTION: Councillor Hutchinson

1. How many expiations were there issued over the last 12 months?
2. What is the breakdown of numbers between parking, animal and health related expiations?
3. How many staff currently operate as general inspectors? (On average per day)
4. How many of those staff are dedicated to the Westfield shopping centre contract? (On average per day)
5. Are notices issued at Westfield shopping centre carpark expiations or fee requests?

COMMENTS: Sharon Perin (Unit Manager Community Health and Safety)

1. 5,770 expiations were issued during the 2014/2015 financial year.
2. The breakdown of the number of expiations issued between parking, animal and health are:
 - 5,466 expiations were issued for parking
 - 292 expiations were issued regarding animals
 - 4 expiations were issued regarding health related matters

Also, 8 expiations were issued under the Fire and Emergency Services Act

3. There are 6 FTE Community Safety Inspectors (previously called General Inspectors) who work a 7 day roster. When there is a full complement of staff, ie when no-one is on leave, the following staffing levels are applied across the week:
 - Monday – Friday day shift (8.00am - 4.30pm): 3 Community Safety Inspectors
 - Monday – Friday afternoon shift (4.30pm – 9.30pm): 1 Community Safety Inspector
 - Saturday day shift (8.30am – 5.00pm): 2 Community Safety Inspectors
 - Sunday day shift (8.30am – 5.00pm): 1 Community Safety Inspector
 - Public holidays day shift (8.30am – 5.00pm): 1 Community Safety Inspector
4. The contract between the City of Marion and the operators of the Westfield Marion Shopping Centre does not require a dedicated number of staff to fulfil the contract.

Staff are rostered to undertake a variety of duties to service a wide range of community safety and well-being needs throughout the City of Marion area and to service the monitoring of parking at the Westfield Marion Shopping Centre. On average, one Community Safety Inspector is rostered at the Westfield Marion Shopping Centre 4 days a week, with Community Safety Inspectors checking the Shopping Centre on other days as other duties permit.

5. Expiation notices are issued at the Westfield Marion Shopping Centre car park.

City of Marion Volunteer Program Annual Report
Ref No: GC110815Q03

QUESTION: Councillor Hull

"with regard to the most recent (2015) City of Marion Volunteer Program Annual Report, why was the carried motion GC130514R01(point 3) not acted on where Council clearly requested that future reports capture and acknowledge the contributions of both City of Marion Registered Volunteers and other volunteers working within the City of Marion utilising ABS statistics?"

COMMENTS: Councillor Hull

I request that the attached minutes be presented with this question please.

City of Marion Volunteer Program – Annual Report

Ref No: GC130514R01

Moved Councillor Habib, Seconded Councillor Verrall that:

1. *The City of Marion Volunteer Program Annual Report (2013/14 is noted, including 43,016 volunteer hours achieved during the year valued at \$1,180,789.*
2. *Council acknowledges and thanks all of the City of Marion registered volunteers and other volunteers for the significant contributions they have made to the community.*

Amendment:

Moved Councillor Hull, Seconded Councillor Veliskou that:

1. *The City of Marion Volunteer Program Annual Report (2013/14 is noted, including 43,016 volunteer hours achieved during the year valued at \$1,180,789.*
2. *Council acknowledges and thanks all of the City of Marion registered volunteers and other volunteers for the significant contributions they have made to the community.*
3. *Future reports capture and acknowledge the contribution of both City of Marion Registered Volunteers and other volunteers working within the City of Marion utilising ABS statistics.*

*The amendment was **Carried**
The amendment became the motion and was **Carried***

COMMENTS: Margi Whitfield, Manager Community Participation

In previous years, an Annual Report was formally presented to the Council in relation to the Volunteer Program at the City of Marion. In 2015, the report could not be scheduled for Council's attention at the relevant time and an internal report was circulated to coincide with Volunteer Week celebrations on 17 May 2015. The report was distributed to Elected Members before the Volunteer Afternoon Tea celebration to provide an overview of information for Elected Members before the event. This report was specific to City of Marion registered volunteers and City of Marion programs.

Further to this report, the following ABS data from the 2011 census can be provided:

<u>Unpaid work</u>	<u>Marion</u>	<u>%</u>	<u>South Australia</u>	<u>%</u>	<u>Australia</u>	<u>%</u>
<i>People aged 15 years and over</i>						
Did unpaid domestic work (last week)	51,791	73.3	936,604	71.5	12,149,347	70.0
Cared for child/children (last two weeks)	18,812	26.6	364,336	27.8	4,827,808	27.8
Provided unpaid assistance to a person with a disability (last two weeks)	8,173	11.6	154,651	11.8	1,896,957	10.9
Did voluntary work through an organisation or group (last 12 months)	12,454	17.6	258,840	19.8	3,090,874	17.8

In Marion (Statistical Area Level 3), of people aged 15 years and over, 73.3% did unpaid domestic work in the week before the Census. During the two weeks before the Census, 26.6% provided care for children and 11.6% assisted family members or others due to a disability, long term illness or problems related to old age. In the year before the Census, 17.6% of people did voluntary work through an organisation or a group.

In 2014/15, City of Marion had 424 volunteers who contributed 44, 810 hours of voluntary work to a value of \$1,230,035.

Apart from ABS data, no detailed information about volunteer numbers is collected by any agency or organisation. While this has been put forward as an initiative for a volunteering strategy for SA, there has been no progress to date with either the State government, Volunteering Australia or Volunteering SA and NT.

Further ABS data will be released in line with the next census in 2016.

Adelaide to Seaford Rail Corridor Ref No: GC110815Q04

QUESTION:

I request an explanation from Council Administration as to why Marion Council received such a paltry and inadequate sum of money (relative to tree numbers and significance) for revegetation and landscaping compared to that given to other Councils to compensate for the deforestation along the Adelaide to Seaford Rail Corridor and can the tree compensation/value formulae be provided with the answer?"

I request that the attached Council minute be attached to my question please:

Adelaide to Seaford Rail Corridor Revegetation Project Ref No: GC130514R02

Moved Councillor Pfeiffer, Seconded Councillor Hutchinson that:

1. Council notes the proposed works along the Adelaide to Seaford rail corridor detailed in the DPTI letter dated 9 April 2014 (Attachment 1)
2. Council endorses the following proposed arrangements with DPTI to finalise outstanding works along this rail corridor:

- a) Council will undertake the revegetation and landscape works identified in this letter for which Council has been paid a total of \$139,315 by DPTI.
- b) Council will assume responsibility for the on-going maintenance of these revegetated and landscaped verge areas along the rail corridor once they are planted and established including at Marion Station.

Carried

Councillor Hull called for a division:

Those For: Councillors Pfeiffer, Hutchinson, Bouwens, Habib, Verrall, Veliskou and Appleby

Those Against: Councillor Hull

Carried

**COMMENTS: Rudy Tieman
Infrastructure Projects Manager**

The payment of \$139,315 was provided by DPTI to undertake a number of works to revegetate and landscape the verges along the rail line following the tree removal and pruning undertaken by DPTI as part of the Rail Electrification project. This payment was made up of \$104,315 for offset revegetation planting, \$15,000 for the landscaping of Hazel Street Ascot Park and \$20,000 for landscaping around the track sectioning cabin on Charles St, Ascot Park. The background and details of these works are provided in the report GC 130514R02 to which the minutes refer.

The process and outcomes of discussions and site meetings with DPTI and Council staff in relation to significant and amenity tree removals are summarised in the attached letter from DPTI. This letter explains the vegetation offset compensation methodology used by DPTI which involves the determination of the an equivalent number of replacement trees, based on 3 for 1 for Significant trees and 2 for 1 Regulated trees as required in the DAC Conditions of Approval. The total number of equivalent trees is then multiplied by a replacement tree planting rate, which was \$77.50 at the time.

A breakdown of the assessment and cost determination is provided by DPTI in the table below.

Tree Removals (associated with rail corridors within City of Marion)	Equivalent Trees	Offset Payment (\$)*
Regulated and Significant Trees - Seaford and Tonsley Lines	75	5,812
Council Amenity Trees – Seaford Line including Marion Underpass	344	26,660
DPTI Amenity Trees – Seaford Line	860	66,650
Council Amenity Trees – Tonsley Line	30	2,325
DPTI Amenity Trees – Tonsley Line	37	2,867
TOTAL:	1 346	104,315

* The Vegetation Offset payment, based on DAC Conditions of Approval and DPTI Internal Policy, is at a rate of \$77.50 for each equivalent tree.

The above method does not and is not intended to compensate the community for loss of social, visual and environmental amenity provided by the larger significant and regulated trees or mature

trees in general. It is a way of ensuring replacement landscaping is provided. And in this context Council and staff accepted the amount paid as being consistent with DAC and State Government approved policy and compensation arrangements and part of a contribution to a project benefitting the whole community.

Other Councils appear to have taken a harder line and notwithstanding DPTI's authority to unilaterally apply this compensation approach, have been able to negotiate greater and not unreasonable compensation for the removal of trees and the loss of their long term amenity.

Given the understanding we now have of the approach taken by other Councils, the City of Marion may wish to consider similar action in the future. Consideration could be given to developing a policy position for future reference.

(Attachment will be included in the Minutes as Appendix 1)

MOTIONS WITH NOTICE

Police Clearance Ref No: GC110815M01

Moved Councillor Byram, Seconded Councillor Crossland that

1. a. that current councillors are to undergo police clearance checks.
 b. these are to be done by 30 November 2015
2. All people nominating for elected member positions in the City of Marion are to provide a current police clearance with their nomination paperwork - to commence with the election in 2018.
3. That all staff of the City of Marion are to undergo police clearance checks

Moved Councillor Veliskou Seconded Councillor Gard that this item be adjourned until the General Council meeting to be held on 25 August 2015.

Carried

Cost Sharing with Councils Ref No: GC110815M02

Moved Councillor Gard, Seconded Councillor Hutchinson that:

1. Management commence to research the prospects of structured cost sharing between neighbouring city councils, giving priority to the most practical and cost beneficial opportunities.
2. This research be ongoing and reported formally to Council and the Audit Committee

Carried Unanimously

Local Government Association Membership
Ref No: GC110815M03

Moved Councillor Hull, Seconded Councillor Hutchinson that

1. Council suspend standing orders so as to assess the pending annual LGA membership account and subsequently give direction to Administration in regards to any payment for a period of 5 minutes.

Carried Unanimously

7.47pm formal meeting procedures suspended

7.55pm formal meeting procedures resumed

Moved Councillor Hull, Seconded Councillor Hutchinson that:

1. City of Marion withdraws its membership of the Local Government Association forthwith.

Amendment:

Moved Councillor Crossland, Seconded Councillor Byram that:

1. The City of Marion suspends its membership until a report is received from the new CEO of the Local Government Association regarding the value provided by the LGA to member Councils as well as the mathematical formula by which membership fees are calculated.

That the amendment become the motion was tied
The Mayor had casting vote and voted in favour of the amendment
Carried
The amendment became the motion and was carried

PRESENTATION / DISCUSSION ITEMS

Department of Planning, Transport and Infrastructure (DPTI) Presentation
Reference No: GC110815R04

8.19pm Councillor Prior left the meeting

8.21pm Councillor Prior re-entered the meeting

Moved Councillor Veliskou, Seconded Councillor Crossland that

1. Pursuant to Section 90(2) and (3)(j) of the *Local Government Act 1999*, the Council orders that all persons present, with the exception of the following persons: Kathy Jarrett, Vincent Mifsud, Abby Dickson, Kate McKenzie, Victoria Moritz, Rebecca Kersten, Steve Hooper and Rudy Tieman, be excluded from the meeting as the Council receives and considers information relating to 'Department of Planning, Transport and Infrastructure (DPTI) Presentation'. This resolution is made 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 item relates to information the disclosure of which would divulge information provided on a confidential basis by a public authority and would, on balance, be contrary to the public interest.

Lost

DPTI representatives, Harold Carn (Project Director) and Matthew Jones (Environment Manager) gave a 10 minute presentation to Council and answered questions raised by members.

Moved Councillor Veliskou, Seconded Councillor Prior that formal meeting procedures be suspended until 8.30pm

Carried Unanimously

8.22pm meeting suspended

8.28pm meeting resumed

Moved Councillor Veliskou, Seconded Councillor Pfeiffer that the meeting be adjourned for a period of 5 minutes

Carried Unanimously

8.30pm meeting adjourned

8.35pm meeting reconvened

Moved Councillor Pfeiffer, Seconded Councillor Telfer that formal meeting procedures be suspended until 9.00pm

Carried Unanimously

8.35pm meeting suspended

9.00pm meeting resumed

Crown Development – Removal and Major Pruning of Regulated and Significant (Regulated) Trees

Report Reference: GC110815R05

This item was not considered

CONFIDENTIAL ITEMS

Investigation

Reference No: GC110815F01

This item was not considered

QUESTIONS WITHOUT NOTICE

Nil

MOTIONS WITHOUT NOTICE

Nil

LATE ITEMS

Nil

CLOSURE - Meeting Declared Closed at 9.00pm.

CONFIRMED THIS 25 AUGUST 2015

.....
CHAIRPERSON



In reply please quote 2009/01759/01
Enquiries to David Bartlett
Telephone 08 8343 2022

**TRANSPORT SERVICES
DIVISION**

77 Grenfell Street
Adelaide SA 5000

GPO Box 1533
Adelaide SA 5001

Telephone: 08 8343 2222
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ABN 92 366 288 135

Mr Mark Searle
Chief Executive Officer
City of Marion
PO Box 21
Oaklands Park SA 5046

Dear Mr Searle,

RAIL ELECTRIFICATION PROJECT

The purpose of this letter is to provide Council with an update on various matters associated with the Rail Electrification Project that have a potential impact on Council, and to clarify responsibilities where there are interfaces and to confirm agreement of Council to vegetation impacts and funding of offsets.

By way of a progress report, all masts, portals and the overhead wire from Emerson Crossing to Seaford have been installed. The overhead wires from Brighton Station to Seaford were energised on 10 November 2013, with two electric trains (3-car sets) currently being tested at up to 125 kph. Energisation of the remainder of the network to Adelaide Railway Station is expected in late 2013/early 2014. Diesel passenger services will resume to Noarlunga Station on 1 December 2013.

Please refer to the previous correspondence on the matters raised in this letter, as listed below:

- 30 May 2013 – Removal of Significant and Regulated trees
- 25 July 2013 – Removal of amenity vegetation
- 19 November 2013 – Fencing and vegetation at Hazel Street, Farne Terrace and Newland Avenue

Significant and Regulated Trees – Seaford and Tonsley Lines

On 8 August 2013, the Development Assessment Commission (DAC) approved the removal and pruning of Significant and Regulated trees required as part of the Electrification project in the City of Marion. This approval covers both the Seaford and Tonsley lines, but not the Marion Station/pedestrian underpass vegetation removal (as this was regarded as a separate project).

Eleven Regulated Significant Trees and 21 Regulated Trees on Council or DPTI land were approved for removal. In addition to this, four Regulated trees on private property within the Council area were also approved for removal.

The total vegetation offset replanting requirement is determined in terms of equivalent trees as per the DAC Conditions of Approval. For the Significant Trees the number of equivalent trees is calculated on a 3:1 basis and for Regulated trees the number of equivalent trees is determined on a 2:1 basis.

Therefore the total offset replanting required under the DAC conditions for the approved removal of Regulated Significant and Regulated trees on Council or DPTI land is 75 equivalent trees ($11 \times 3 + 21 \times 2$).

A retrospective Development Application has been lodged with DAC along with an Arborist's Report for an additional Regulated Tree, a Pine tree in Edwardstown, which was only removed due to its hazardous condition.

Regulated trees on private property will be offset in accordance with the DAC requirements and DPTI is negotiating with each individual landowner.

Amenity Vegetation – Seaford Line

On 30 May 2013, DPTI wrote to Council seeking approval for the removal of 321 and pruning of 1018 Council amenity vegetation. Maps showing the location of the various removal and pruning sites were provided to Council. The Council approval was received on 10 July 2013. These numbers do not include the Tonsley Line impacts, which are discussed separately below.

DPTI also received approval to remove 860 and to prune 327 amenity trees on its land within the City of Marion in internal minutes dated 20 May 2013 and 12 June 2013.

On 19 November 2013 DPTI wrote to Council advising of additional removals required as a result of the finalisation of the Electrification design and the associated review of the electrification exclusion zone. These amended numbers were:

- Hazel Street, Ascot Park (eastern side): 23 additional amenity trees to be removed (large Eucalypt to be retained); and
- Farne Terrace, Marion, (eastern side): 15 of the original 70 amenity trees previously identified at this location to be removed now to be retained making a net removal of 55 amenity trees at this location. This reduction will not be taken into account in the total vegetation offset calculation. Tree removals commenced on Thursday 28 November 2013.

As well as the amenity vegetation removals for the Electrification project, there were 40 amenity trees identified for removal that were associated with the Marion Station/pedestrian underpass project which have been included in the 321 total referred to previously.

In addition to the proposed payment of vegetation offset for these amenity trees, DPTI is developing a landscaping plan for the Marion station/pedestrian

underpass project and the adjacent Farne Terrace site. The cost of design and installation will be borne by DPTI. A draft landscaping plan for consultation will be available for the Open Day on 15 December 2013 (see below) and the landscaping work is programmed for installation at the appropriate planting time (April/May 2014).

When determining the number of equivalent trees for replanting following amenity tree removals, the total vegetation offset required under the DPTI internal policy is to replace the removals at a rate of 1:1.

Therefore the total vegetation offset required under DPTI internal policy for removal of amenity trees in terms of equivalent trees is 344 (321 + 23) for removals on Council land and on DPTI land within the Seaford Line corridor the number of equivalent trees is 860.

Amenity Vegetation - Tonsley Line

On Monday 18 November a site inspection of the Tonsley Line occurred with Heath Reynolds of the City of Marion to identify amenity vegetation that would be impacted by the electrification of this spur rail line. Maps showing the location of the proposed removal and pruning sites are currently being prepared and will be provided to Council shortly.

The following locations and actions were documented as an outcome of the inspection and form the in-principle agreement between Council and DPTI as confirmed in the email from Heath Reynolds sent on 19 November 2013 (Attachment 1):

1. Vegetation along Birch Crescent to be pruned back to the existing fence line to ensure the current screening is retained. There will be the removal of one small Eucalyptus and a damaged *Acacia Saligna*.
2. Vegetation along Woodland Road will be managed by hedge pruning on the rail corridor side of the planting to ensure that the new fencing can be placed as close as possible to the existing vegetation. This will ensure that the integrity of the screening is maintained at all times and that pruning work will not lead to the decline of the hedge. There is a requirement to remove one Melaleuca and five Almond trees on the corner of Woodland Road and Handley Avenue to allow for the fencing of the corridor.
3. Vegetation along Kirra Avenue will be managed by hedge pruning on the rail corridor side of the planting to ensure that the new fencing can be placed as close as possible to the existing vegetation. This will ensure that the integrity of the screening is maintained at all times and that pruning work will not lead to the decline of the hedge.

Associated with items 2 and 3 above, if the pruning of particular plants along Woodland Road and Kirra Avenue is unable to be achieved, the removal of up to ten amenity plants at each location (i.e. up to 20 in total) may occur as the preferred outcome.

4. Vegetation in the Council reserve at the end of Cohen Court, Clovelly Park, will be pruned back to the existing fence line to ensure that the screening for adjoining residents is maintained.

5. The removal of two trees (*Allocasurina* and *Eucalyptus*) at the end of Tudor Avenue (Mitchell Park Station pedestrian crossing).

In summary a total of up to 30 Council amenity trees may require removal. Vegetation offset calculations will be based on this maximum number. There will be pruning of approximately 150 Council amenity trees carried out during these vegetation works.

DPTI seeks Council confirmation of the in-principle agreement of the removal of amenity vegetation on Council land adjacent the Tonsley Line.

A separate inspection of the full length of the Tonsley Line by DPTI officers has revealed the need for the removal of 37 DPTI amenity trees within the rail corridor.

In addition to vegetation works, Council is advised that all property boundary fencing along the section of the Tonsley Line that is dual track (junction at Hazel Street, Ascot Park, south to Celtic Avenue, Clovelly Park) will be replaced with 2.1 metre high colorbond fencing in accordance with DPTI policy. Residents will be given their choice of colour. Consultation with adjacent property owners will commence shortly and installation of fencing is planned for early in 2014 once the Seaford Line has been energised.

On Thursday 21 November 2013, a DPTI representative met on site with Mr Heath Edwards of Renewal SA to discuss the options and requirements for vegetation removal and fencing along the common boundary between the rail corridor and the Mitsubishi redevelopment site. As an outcome of this inspection it was agreed that Renewal SA would formally write to DPTI in relation to the fence alignment and the location of their proposed cycle pathway. DPTI will ensure that Council is provided with this correspondence and be included in any ensuing negotiations.

Vegetation Offset Payment

The vegetation offsets tree removal requirements as described above are summarised in the table below:

Tree Removals (associated with rail corridors within City of Marion)	Equivalent Trees	Offset Payment (\$)*
Regulated and Significant Trees - Seaford and Tonsley Lines	75	5,812
Council Amenity Trees – Seaford Line including Marion Underpass	344	26,660
DPTI Amenity Trees – Seaford Line	860	66,650
Council Amenity Trees – Tonsley Line	30	2,325
DPTI Amenity Trees – Tonsley Line	37	2,867
TOTAL:	1 346	104,315

* The Vegetation Offset payment, based on DAC Conditions of Approval and DPTI Internal Policy, is at a rate of \$77.50 for each equivalent tree.

In summary, the total offset payment to City of Marion relating to the Electrification project, including Seaford Line (chainages 7 280 to 13 890 and chainages 18 060 to 24 300), the Marion Station/pedestrian underpass upgrade and Tonsley Line (full length), is calculated at 1346 X \$77.50 per plant = \$104,315.

DPTI seeks Council's written confirmation of its acceptance of the offset payment as outlined in the above table.

Hazel Street Tree removal and landscaping

On the evening of 20 November 2013, DPTI staff undertook door knocking of the residents along Hazel Street, Ascot Park, as part of the consultation agreed to in the letter to Council dated 19 November 2013 in relation to tree removal and future landscaping.

The response from residents indicated positive support for the removals and associated landscaping scheme to be implemented next year. There appeared to be no issues undertaking a full street renewal program if that is Council's overall vision for the area.

There was one resident who was not in favour of retaining the Eucalyptus tree that had previously been discussed on site and the resident may follow up on this with Council. She claims the tree sheds at least one limb each year.

Vegetation removal work commenced on Tuesday 26 November 2013 and was completed the following day.

Whilst on site, DPTI Officers were able to confirm through inspection that the planting location can be up to one metre from the kerbing.

Messines Avenue, Edwardstown

There have been discussions with Council through Mark Griffen regarding widening the footpath on the western side of Messines Avenue adjacent to the rail corridor near Edwardstown Station. The objective is to provide safe access for students of St Anthony's Primary School from the pedestrian maze on the northern side of the station along Messines Avenue and into Castle Street.

The Electrification design has been reviewed at this location and it is possible to relocate the rail corridor fencing by approximately one metre to the west to create space for the footpath. There is a "pinch point" close to number 13 Castle Street which will require closer consideration. I will arrange a site meeting with DPTI's Jill Campbell to inspect the site prior to fencing work commencing in early December, to ensure that the location of the new spear fence will provide opportunities for Council's footpath plans.

Open Day

DPTI is holding a celebration to mark the completion of the Marion Station/pedestrian underpass project on Sunday 15 December 2013 from 1pm

until 4pm. This will be located on the Farne Terrace side of the station in the car park. At the Open Day, DPTI plans to showcase and present:

- The landscaping plans for the pedestrian underpass – for information and feedback;
- The concept design for the artistic elements of the underpass walls; and
- Information on the Rail Revitalisation program and the Community Wildlife Project.

In addition to this, the Open Day will provide residents with:

- Light refreshments; and
- Children's activities.

Track Sectioning Cabinet (adjacent Charles Street, Ascot Park)

In an email from DPTI to Council dated 3 October 2013 there was information provided to Council on this building and surrounds (see Attachment 2 for the current design).

The building is to be surrounded by a 3m high security fence, with the eastern and northern sides made of timber. This fence will restrict access and result in the closure of the adjacent path which was Council's preference. Installation of the fencing commenced on 22 November 2013.

Council is pursuing options for artwork at this location in association with the University of South Australia and DPTI will be involved in this process in areas where it impacts on the Electrification infrastructure, DPTI land and pedestrian movements in the area. It is understood that Council will develop a landscape plan for this site consistent with DPTI's planting guidelines.

DPTI will continue to work with Council staff on this initiative and, as previously indicated, has agreed to contribute \$20,000 to assist this project. DPTI officer, Jill Campbell will be in contact with Council to discuss any concerns or next steps in Council's plans for this location.

Bird Boxes

As part of an initiative to replace lost habitat and support local schools and community groups, DPTI has encouraged the construction of bird boxes along the corridor. A number of very successful and well attended workshops have been held with the community and schools on the construction and installation of bird boxes including, Oaklands Estate wetlands, Westminster School and Hamilton Secondary School.

There is further detailed information on bird boxes and other environment initiatives at the Community Wildlife Project website: http://dpti.sa.gov.au/infrastructure/RR/rail_revitalisation/community_wildlife_project

Corridor Management - Weed spraying

DPTI has engaged a contractor to carry out a complete sweep of the rail corridor over the past month to address weed growth that has occurred whilst the line was closed. The conditions over the past few months have been favourable for weed growth and this has resulted in outbreaks which are greater than normally experienced this time of the year. The timing of this spraying is considered ideal and should result in diminished growth in the future.

Fencing and Vegetation Management progress

Vegetation removals are now well advanced in the corridor within the City of Marion having started in early August 2013. This work has generally kept in advance of the installation of overhead wire. There were a considerable number of community information sessions held prior to the work commencing and this has contributed to a minimal number of issues arising during the work.

The support of Council staff throughout this process has been appreciated.

The Electrification project team has worked with Laing O'Rourke (the Design and Construction contractor) to reduce impacts on vegetation where possible, at all times ensuring that the safety and operational reliability of the Adelaide Metropolitan Passenger Rail Network is not compromised. Significant reduction in removals has occurred due to attention to the Electrification design and on-site management by specialised staff.

DPTI has worked closely with Council staff regarding the location of fencing to create opportunities for screen plantings and to mitigate the extent of pruning and removals. Fencing installation is approximately 70% complete for the entire corridor, generally moving from south to north along the Seaford Line corridor.

Private property fencing has proved challenging and most issues are now resolved and works are 75% complete.

Laing O'Rourke and the Electrification project team will continue to focus on completing the installation of fencing to ensure all works are completed by late December 2013.

Land Agreement

At a number of locations along the rail corridor, the land required for rail operations (included the electrification exclusion zone) is significantly less than the land owned by the Minister for Transport and Infrastructure. In these circumstances it is likely that Council may prefer for the existing land use to be retained.

A licence for such locations has been drafted to allow the formal use of this land by Council whilst the Minister retaining ownership. Attachment 3 contains the proposed provision to be included in the licence. DPTI is seeking comment from Council on this draft to allow the document to be finalised.

Summary

DPTI again wishes to recognise the assistance and support shown by Council Elected Members and officers in the delivering of the Electrification project as part of the very significant Rail Revitalisation Program, under constrained site conditions and tight time frames.

In addition to this payment for vegetation offset (\$104,315), DPTI is prepared to fund:

- \$15,000 as per the estimate for the implementation of the landscape plan at Hazel Street, Ascot Park, as detailed in the letter to Council of 19 November 2013; and
- \$20,000 contribution from DPTI for the landscaping and artworks at the Track Sectioning Cabinet location adjacent Charles Street, Ascot Park.

The total payment therefore due to City of Marion is \$139,315.

To allow the close-out of the outstanding matters, DPTI seeks an early response in writing from Council:

- Confirming Council's in-principle agreement of the removal of amenity vegetation on Council land adjacent to the Tonsley Line; and
- Confirming the acceptance of the offer of \$139,315 which constitutes the total payment required for vegetation offsets and contributions to Hazel Street and Charles Street projects.

I look forward to the continued support from Council in delivering what I am sure will be a project which is appreciated and enjoyed by the City of Marion community.

If you have any questions regarding this letter, please contact me on mobile number 0401 124 854.

Yours sincerely,



David Bartlett
Project Director

29 November 2013

**CITY OF MARION
GENERAL COUNCIL MEETING
25 AUGUST 2015**

Originating Officer: Kate McKenzie, Manager Governance

Director: Kathy Jarrett

Subject: Police Clearances

Report Reference: GC250815R01

This item was adjourned at the 11 August 2015 General Council meeting.

Appendix 1 contains the original motion as presented on the 11 August 2015

Appendix 2 contains additional information.

In accordance with the *Local Government (Procedures at Meetings) Regulations*, the debate on an adjourned item will resume and continue at the point it was adjourned. Councillors Byram, Crossland and Veliskou have already spoken to the motion.

The current motion is as follows:

Police Clearance

Ref No: GC110815M01

Moved Councillor Byram, Seconded Councillor Crossland that

1. a. that current councillors are to undergo police clearance checks.
 b. these are to be done by 30 November 2015
2. All people nominating for elected member positions in the City of Marion are to provide a current police clearance with their nomination paperwork - to commence with the election in 2018.
3. That all staff of the City of Marion are to undergo police clearance checks

Moved Councillor Veliskou Seconded Councillor Gard that this item be adjourned until the General Council meeting to be held on 25 August 2015.

Carried

If the mover wishes to vary the current motion, they can do so with the consent of the seconder and leave of the meeting.

**CITY OF MARION
GENERAL COUNCIL MEETING
11 August 2015**

Notice Received from: Councillor Byram
Subject: Police Clearance
Ref No: GC110815M01
File No: 9.24.1.4 & 9.33.3.34

MOTION:

1. a. that current councillors are to undergo police clearance checks.
b. these are to be done by _____
2. All people nominating for elected member positions in the City of Marion are to provide a current police clearance with their nomination paperwork - to commence with the election in 2018.
3. That all staff of the City of Marion are to undergo police clearance checks

COMMENTS: Councillor Byram

Currently all volunteers in the City of Marion are required to undergo a police clearance - there is no choice in this it is compulsory if they want to volunteer for us.

It is unfair to expect volunteers to do this and exclude all elected members and some of the staff.

Staff are currently looking at updating the policy regarding staff, we need to also include the elected members and senior staff members.

COMMENTS: Kate McKenzie, Manager Governance

It is proposed that Council consider the following alternative motion in regards to this matter.

"That a report be brought back to the 8th September 2015 Council Meeting with information regarding Council's powers to implement police clearance checks for the following:

1. All current Elected Members
2. All candidates nominating for Elected Member positions in the City of Marion
3. All staff of the City of Marion."

Prior to Council making a decision on this matter, it is important for all aspects of the legislation are researched appropriately. By resolving to bring back a report, this will allow for this research to be completed regarding Council's legal obligations to request a police clearance, any barriers or implications that may need to be considered, potential options for implementations and a cost benefit analysis.

Appendix 2: Adjourned Item – Additional Information

BACKGROUND

The commonly referred to 'police clearance' is the National Police Certificate (NPC) which provides a national summary of an individual's disclosable offender history. It is usually requested by an organisation as part of the recruitment process for staff and volunteers who will be working with vulnerable groups such as children, the aged or people with a disability.

An offender's discoverable history includes pending charges, court outcome, penalty or sentence imposed but excludes any convictions deemed to be 'Spent' (10 year proven offence-free period for adults and 5 year proven offence free period for juveniles). The cost of an NPC is \$58.

The Department of Communities and Social Inclusion (DCSI) also produce a risk assessment against the inherent duties of the role, which is normally used by an organisation to determine the suitability of individuals for employment or volunteer work within their organisation.

The screening assessment is conducted as part of a preventative approach towards the care and protection of vulnerable people in the community. Information is sourced and assessed to determine whether an applicant could pose a risk to a particular group or group of people, relate to their work in a professional or volunteer environment.

Screening assessments cannot be undertaken without the informed consent of the individual concerned. The type of screening required depends on the work or tasks the employee or volunteer to be undertaken in the role. The DCSI screening unit conducts five types of screening checks being:

- Child-related employment screening
- Disability services employment screening
- Vulnerable persons employment screening
- Aged care sector employment screening
- General employment probity screening.

The types of screening undertaken depends on the work to be undertaken. The DCSI screening clearance lasts for three years. The cost per application is as follows:

- Child related and disability services employment screening \$92.50 excluding GST
- All other types of screen for paid employees \$77.00 excluding GST
- Volunteers for all types of screening \$51.00 excluding GST

ANALYSIS:

There is currently no legislative provision to require an Elected Members or candidates in a Local Government election to seek a NPC or DCSI screening. This being the case the proposed motion for Elected Members and candidates is beyond Council's powers (*ultra vires*),

The idea of Elected Members and/or candidates to Local Government seeking NPC was canvassed with the sector in October 2014. The following motion was submitted to the LGA Annual General meeting by the City of Burnside.

That the Annual General Meeting requests the LGA to investigate whether there is sufficient evidence across Local Government for the Minister for Local Government to be requested to consider introducing a Bill to amend:

- *part 19(2) of the Local Government (Elections) Act, 1999 to require that nominations from candidates for election to an office of a council must be accompanied by a National Police Certificate (dated not less than three (3) calendar months before the date of nomination);*
- *part 21 of the Local Government (Elections) Act, 1999 to require that a National Police Certificate be also displayed, together with the valid nomination in the principal office of the Council; and*
- *item 2 of Schedule 3 of the Local Government Act, 1999 to require that a National Police Certificate be included as part of the information which must be contained within a primary return and an ordinary return.*

The advice provided by the LGA at the time stated that there is currently no requirement for local government candidates to lodge a National Police Certificate with their nomination. There is no restriction on nominating for election to Council for individuals with the criminal record, the restriction only arises where a person has been sentenced to imprisonment and is, or could become, liable to serve the sentence or remainder of the sentence.

The motion was considered at the Annual General Meeting in October 2014 and was lost.

Elected Members

As there is no legal obligation to obtain a NPC or DCSI screening for Elected Members to fulfil their functions and duties and either cannot be obtained without the consent of the individual, Council could consider a policy position to support Elected Members to seek police clearances if they wished too.

This could be achieved by including a paragraph within the Elected Members Expense, Benefit, Facilities and Support Policy as follows:

“that all Elected Members are encouraged to obtain National Police Certificates to assist members fulfil their functions and duties”.

Candidates

Council has no powers to enforce a candidate in Local Government Elections to obtain a National Police Clearance meaning that this motion could not be implemented and would be ultra vires. If Council wished to pursue this, it would need to either canvas the idea further with the sector or direct to the minister for Local Government.

Employees

The City of Marion currently requires:

- 121 staff positions to obtain a DCSI screening as these roles have been assessed as being ‘prescribed’ positions.
- All volunteers to either obtain a NPC or a DCSI screening. This is a recommended approach from Volunteering SA to ensure an appropriate volunteering screening process and to fulfill Council’s duty of care requirements. 181 volunteers (total volunteers = 384) have been assessed as being ‘prescribed’ and require screening by DCSI.

The following needs to be considered prior to Council voting on this motion.

- Council currently has approximately 259 employees over and above the 121 currently undergoing the DCSI screening that would require a NPC at a cost of \$58 each. This equates to \$15,022 which is currently unbudgeted. Additionally there would be an ongoing annual cost of \$1160, assuming an average of 20 new employees recruited

per year (based on 9% turnover, less those prescribed positions already budgeted for DCSI screening).

- Section 99 of the Local Government states the role of the Chief Executive Officer. Section 99(i) states:

“to give effect to the principles of human resource management prescribed by this Act and to apply proper management practices”

Section 107 of the Act provides the general principles of human resources management as follows:

- (1) *The chief executive officer must ensure that sound principles of human resource management are applied to employment in the administration of the council, and must take reasonable steps to ensure that those principles are known to all employees.*
- (2) *In particular, the chief executive officer must ensure—*
 - (a) *that selection processes are based on an assessment of merit, and are fair and equitable; and*
 - (b) *that employees are given reasonable access to training and development, and are afforded equal opportunities to secure promotion and advancement; and*
 - (c) *that employees are treated fairly and consistently, and are not subject to arbitrary or capricious decisions; and*
 - (d) *that employees have access to suitable processes to deal with grievances concerning working conditions or the decisions of supervisors; and*
 - (e) *that employees are given regular reports on their performance; and*
 - (f) *that employees are provided with safe and healthy working conditions; and*
 - (g) *that an equal employment opportunity program relating to employment with the council is implemented, and reviewed on a regular basis; and*
 - (h) *that there is no unlawful discrimination against employees or persons seeking employment in the administration of the council on the ground of sex, sexuality, marital status, pregnancy, race, physical or intellectual impairment, age or any other ground and that there is no other form of unjustifiable discrimination exercised against employees or persons seeking employment.*

The legislation would suggest, the implementation of NPC and DCSI screening for employees is a therefore a decision of the CEO and not the Council.

- There is a reasonable likelihood that some Council staff will have a discoverable offender history, but that is not relevant to their role, therefore potentially placing Council at risk of being in breach of anti-discrimination or privacy laws.
- The potential impact of the motion on staff would be a matter requiring consultation with staff and their unions. A failure to meet the industrial provisions of relevant awards, enterprise agreements and/or industrial legislation could result in a dispute lodged within the South Australian Industrial Relations Commission
- With the exception of those employed in prescribed positions, the requirement for all employees to undergo a NPC is not currently a condition of the employment arrangement for existing employees. Any decision to unilaterally vary existing employment conditions for current staff could be problematic. As an alternative, it may be useful to consider applying the requirement for a NPC to be undertaken for staff commencing employment from a future date.

Elected Member Communication Reports

Date of Council Meeting:

25 August 2015

Name of Elected Member:

Mayor Kris Hanna

Date	Event	Comment
23/07/15	Meeting with Urban Planning Consultant	Attended
24/07/15	Christmas in July – Marion RSL and Bowling Club	Attended
25/07/15	Three Citizenship Ceremonies	Attended
26/07/15	Community Planting Day at Oaklands Wetland and Reserve	Attended
26/07/15	'Winter Warmer' Soups and Stews – Community Event	Attended
28/07/15	Meeting with Representatives from Sturt Police Station	Attended
30/07/15	Meeting with Katrine Hildyard MP – re opening the O'Halloran Hill Drive Inn	Attended
30/07/15	Matchworks Celebration	Attended
31/07/15	Meeting with David Sedgwick re Marion Sports Club	Attended
01/08/15	Cove Civic Centre Celebration Day	Opened and Attended
03/08/15	Opening of the SALA Festival (Multicultural Communities of SA)	Attended
04/08/15	Meeting with the Minister for Transport	Attended
05/08/15	Marion Primary School – Celebration of History & Multi-culturalism	Attended
05/08/15	Meeting with John Warner re Marion Women's Bowls Club Rooms	Attended
08/08/15	Sponsors Day – Marion Football Club	Attended
08/08/15	Nexus Multicultural Arts Centre Quiz Night	Attended
10/08/15	Hallett Cove Estate Community Association AGM	Attended
12/08/15	Coastal and Southern Hills Ward Briefing	Attended
16/08/15	Hallett Cove Lutheran Church - Worship Service Celebrating 30 years	Attended
16/08/15	Annie Doolan's AGM	Opened and Attended
19/08/15	Warradale Meals on Wheels AGM	Attended
In addition the Mayor has met with residents and also with the CEO and Council staff regarding various issues.		

Elected Member Communication Reports

Date of Council Meeting:

25 August 2015

Name of Elected Member:

Deputy Mayor Luke Hutchinson

Date	Event	Comment
27 June 15	Marion Swimming Club Awards Night	Attended
5 August 15	Meeting with Local Government Minister Geoff Brock	Attended
13 August 15	Hamilton Secondary College Council Meeting	Attended

CEO and Executive Report

Date of Council Meeting:

25 August 2015

Date	Activity	Attended by	Comments
27 July 15	SAC Precinct Meeting – SA Aquatic and Leisure Centre	Abby Dickson	
29 July 15	Meeting with Richard McLachlan; Project Director – Tonsley Project Steering Committee and Mark Lata; Development Manager (Tonsley) Renewal SA	Geoff Whitbread	
03 August 15	Meeting with Stuart Moseley; DPTI	Geoff Whitbread	
5 August 15	Meeting with Matt Pears, CEO City of Mitcham and David Banks, Flinders University	Geoff Whitbread	
7 August 15	Tonsley Project Steering Committee Meeting	Geoff Whitbread	
11 August 15	Meeting with Cove Civic Centre Consultants	Geoff Whitbread	
12 August 15	Meeting with Department of Planning, Transport and Infrastructure regarding Darlington Upgrade	Geoff Whitbread	
12 August 15	Council Solutions Board Meeting	Geoff Whitbread	
19 August 15	Metropolitan Local Government Chief Executive Officers meeting	Geoff Whitbread	
20 August 15	Cove Enterprise Hub Launch	Geoff Whitbread	

**CITY OF MARION
GENERAL COUNCIL MEETING
25 August 2015**

Originating Officer: Victoria Moritz, Governance Officer
Corporate Manager: Kate McKenzie, Manager Governance
Director: Kathy Jarrett
Subject: Deputation – BMX Cycle Track
Ref No: GC250815D01

SPEAKERS:

David Squirrell

ORGANISATION/GROUP REPRESENTED BY SPEAKERS:

Residents adjoining BMX Cycle Track

COMMENTS:

A delegation of the residents adjoining the BMX cycle track have requested to give a deputation to Council on the issues they have been seeking to resolve.

**CITY OF MARION
GENERAL COUNCIL MEETING
25 AUGUST 2015**

Originating Officer: Elaine Delgado, Strategy

Director: Kathy Jarrett

Subject: Strategic Directions Committee Confirmation of Minutes of Meeting held on 4 August 2015 and Special Strategic Directions Committee Meeting held on 11 August 2015

Report Reference: GC250815R02

REPORT OBJECTIVES:

The Strategic Directions Committee is a formally constituted Committee of Council pursuant to Section 41 of the Local Government Act 1999 and in accordance with Section 101A of the Development Act 1993, is responsible to Council.

EXECUTIVE SUMMARY:

The Strategic Directions Committee held a meeting on Tuesday 4 August 2015 and a Special Strategic Directions Committee meeting on Tuesday 12 August 2015. The minutes of these meetings are herewith forwarded to Council for adoption (Appendix 1 and 2).

RECOMMENDATIONS (1)

DUE DATES

That Council:

- | | |
|--|----------------|
| 1. Receive and note the minutes of the Strategic Directions Committee meeting of 4 August 2015 (Appendix 1 to report reference GC250815R02). | 25 August 2015 |
| 2. Receive and note the minutes of the Special Strategic Directions Committee meeting of 11 August 2015 (Appendix 2 to report reference GC250815R02). | 25 August 2015 |

**MINUTES OF THE STRATEGIC DIRECTIONS COMMITTEE MEETING
HELD AT THE ADMINISTRATION CENTRE
245 STURT ROAD, STURT
ON TUESDAY 4 AUGUST 2015**



PRESENT

Elected Members

Councillor Jason Veliskou (Chair), and Councillors Appleby, Byram, Pfeiffer, Prior, Telfer, Westwood

His Worship the Mayor Kris Hanna

Strategic Directions Committee Independent Members

Mr Darren Billsborough, Professor Chris Daniels, Mr Marty Gauvin

In Attendance

Mr Geoff Whitbread	Acting Chief Executive Officer
Ms Kathy Jarrett	Director
Ms Abby Dickson	Acting Director
Mr Neil McNish	Economic Development Manager
Ms Fiona Harvey	Manager Strategy
Mr Steve Hooper	Manager Development Services
Mr John Valentine	Manager Strategic Projects
Ms Elaine Delgado	Minute taker

1 OPEN MEETING

The meeting commenced at 7.05pm.

The Chair welcomed Committee Members and declared the meeting open.

2 KAURNA ACKNOWLEDGEMENT

We would like to begin by acknowledging the Kaurna people, the traditional custodians of this land and pay our respects to their elders past and present.

3 MEMBERS DECLARATION OF INTEREST

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

Mr Gauvin declared that he is the owner of a business in Tonsley and that he would absent himself from the meeting if matters arise that constitute a conflict of interest.

4 CONFIRMATION OF MINUTES

Moved Cr Prior, Seconded Cr Westwood that the minutes of the Strategic Directions Committee meeting held on 2 June 2015 be taken as read and confirmed.

Carried Unanimously

5 BUSINESS ARISING

5.1 Nil.

7.10pm Cr Pfeiffer entered the meeting

6 REPORTS

6.1 Tonsley Redevelopment Update – Exploration of Strategic Opportunities Report reference: SDC040815R6.1

The Chair invited Mr Whitbread to introduce the item. Tonsley was highlighted as a unique site nationally that offers significant economic development opportunity and strong potential for innovation. It is timely for the City of Marion to identify and pursue outcomes it would like the development to deliver for residents and businesses.

Mr McNish presented to the Committee outlining Tonsley's stated objectives and principles; examples of global innovation districts; progress to date; current governance arrangements led by the Minister for Manufacturing and Innovation; and key contributions from Council. The question was posed for Members' consideration and feedback: 'What does the City of Marion want from Tonsley?'

The Chair invited comments which are summarised as follows:

- There is a need for a robust partnership model that builds clear shared objectives and timely connections between Council, state and federal governments, industry and the educational institutions of Flinders University and TAFE located at Tonsley
- A partnership of the City of Marion and state government should support a strong business case to ensure attraction of advanced manufacturing and innovative growth businesses, diverse employment opportunities, and underpinned by a high quality 'walkable' public realm
- Collaboration between Flinders University and the business community was essential in helping to foster innovation
- Council and state government need to have a shared understanding of their roles to ensure effective outcomes are delivered for both Tonsley and its surrounding community over the long term
- Tonsley should aim to offer employment at both professional and non-professional levels
- Explore the value of attracting a cluster of 'like' businesses that could result in a clearer identity for the site
- High quality telecommunication infrastructure including wi-fi networks is essential at Tonsley for successful outcomes to be achieved
- It is important for Tonsley to be widely known as a key destination and to be supported by effective and efficient transport infrastructure and services
- Consideration should be given to the location of and connections to infrastructure both within the precinct and in neighbouring areas such as sports

facilities, council building/s, and hotel accommodation with seminar and conference facilities on site

- It is important the site is broader than an infrastructure development project and includes a people focus and activation beyond business hours
- Connectivity via walking and cycling with surrounding areas and local destinations such as Mitchell Park Sports and Community Club and Cosgrove Hall is essential
- There is opportunity for connections between the Cove Civic Centre and Tonsley, particularly Co-Hab and the New Venture Institute

8.02pm Mayor left the meeting

8.05pm Mayor re-entered the meeting

In response to an invitation from the Chair, Mr Whitbread provided the following closing comments:

- “People count” – it is important that strong relationships are built between the people leading and driving the Tonsley development
- Long-term financial commitment is critical
- A number of diverse components identified as important for Tonsley’s success include high speed digital connections, high quality marketing, and connectivity with its surrounding area and beyond

The Chair announced a break in the meeting at 8.20pm and reconvened the meeting at 8.25pm.

6.2 Exploration of Strategic Opportunities and Issues – Stage 4

Report reference: SDC040815R6.2

The Independent Members planned a workshop, facilitated by Mr Bilsborough, as the next in a series that were held on 7 April, 4 May and 2 June 2015 to explore the ‘why’ and ‘what’ aspects of 2 strategic opportunities that could be considered for inclusion in Council’s ‘Development Plan of Everything’ (DPOE):

1. Attracting new economic development and employment growth within and adjacent to the City of Marion
2. Provision of high quality amenity (attractiveness and attractions), enhanced safety (and feeling of welcomeness), increasing wellbeing and sense of place

Elected Members and staff attending the meeting were requested to identify 3 key elements/items that could be placed in a theoretical media release heralding the successful achievement of the above 2 opportunities and an example potential project through the Plan.

The methodology selected for use in this workshop was as follows:

- | | |
|---------|--|
| Round 1 | Participants were paired to discuss and record their 6 elements/items and 2 project ideas, and identify 3 elements and 1 project idea to share at the next round |
| Round 2 | Two pairs joined to become groups of 4 to discuss each pair’s 3 elements/items and project idea, and select a total of 3 elements and 1 project idea |
| Round 3 | Each group of 4 shared their selected 3 elements/items and 1 project idea with the whole group |

The following is a summary of points made (not in order of priority):

1. Ensure that the DPOE incentivises the connections to community and surroundings encouraging people to 'live' outside of their houses and ensure that walking distances to nature (defined as less than 400m²) from all development is enabled.
2. The DPOE to incentivise the creation of more jobs and increased economic activity through leveraging current City of Marion strengths with regards to employment and skills base.
3. The DPOE should encourage higher density mixed used development along transport routes and in doing so highlight the transport priorities for connecting Tonsley to Flinders and the Marion Shopping Centre.
4. The DPOE to facilitate the enlivening of community areas through incentivising a variety of 'children's activities'.
5. For the City of Marion to facilitate, and the DPOE to incentivise, 'waste' incubator business opportunities.
6. Design style guidelines to be contained within the DPOE. Maintain residential character zones for look and feel
7. The DPOE to strengthen requirements around stormwater management to aquifers and through natural watercourses rather than engineered systems (pipes and gutters)
8. The City of Marion to make use of 'Big Data' and analytics to influence all areas of the DPOE.
9. The DPOE to encourage and incentivise hotel accommodation for destinations in the City of Marion (including Tonsley and short-term accommodation at Oaklands crossing)
10. Precinct developments to be enabled, incentivised, guided and supported by the DPOE and the City of Marion. Initial focus to be on Tonsley, the Marion 'Heart', Glenthorne Farm, the Southern Cultural Hub, Park Holme Recreation and Community Hub, and Majors Road Sporting Hub.

At the completion of discussion on items 6.1 and 6.2 it was agreed that the next steps be as follows:

- Continue discussions on Tonsley at an Elected Member Forum that includes the SDC independent members and state government representative/s.
- The workshop feedback (noted above) for item 6.2 be distributed to Elected Members and staff for any further comment prior to further discussion at the 6 October SDC meeting.

7. CONFIDENTIAL ITEMS

Nil

8. ANY OTHER BUSINESS

Nil

9. MEETING CLOSURE

The meeting was declared closed at 10.00pm

10. NEXT MEETING

The next meeting of the Strategic Directions Committee is scheduled to be held on:

Time: 7.00pm - 10.00pm

Date: Tuesday, 6 October 2015

Venue: Chamber, Administration Building (unless otherwise advised)

CONFIRMED

.....

CHAIRPERSON

/ /

MINUTES OF THE SPECIAL STRATEGIC DIRECTIONS COMMITTEE MEETING

HELD AT THE ADMINISTRATION CENTRE

245 STURT ROAD, STURT

ON TUESDAY 11 AUGUST 2015



PRESENT

Elected Members

Councillor Jason Veliskou (Chair), and Councillors Appleby, Byram, Crossland, Gard, Hull, Pfeiffer, Prior, Telfer

His Worship the Mayor Kris Hanna

Strategic Directions Committee Independent Members

Mr Darren Bilsborough, Mr Marty Gauvin

In Attendance

Ms Kathy Jarrett	Director
Ms Abby Dickson	Acting Director
Ms Fiona Harvey	Manager Strategy
Ms Kate McKenzie	Manager Governance
Ms Elaine Delgado	Strategic Planner / Minute taker
Ms Amy Liddicoat	Open Space and Recreation Planner

1 OPEN MEETING

The meeting convened at 8.30pm.

The Chair welcomed Committee Members and proposed a motion to adjourn the meeting to reconvene at 9.00pm.

**Moved Cr Appleby, Seconded Mayor Hanna
Carried**

The meeting reconvened at 9.10pm.

The Chair welcomed Committee Members and staff and declared the meeting open.

2 KAURNA ACKNOWLEDGEMENT

We would like to begin by acknowledging the Kurna people, the traditional custodians of this land and pay our respects to their elders past and present.

3 MEMBERS DECLARATION OF INTEREST

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

No interests were disclosed.

4 REPORT

4.1 Spaces and Places Strategy 2017-2027 Report reference SDC110815R4.1

Ms Delgado provided a brief presentation to Members on Council's current Open Space and Recreation Strategy 2006-2016 and a proposed Spaces and Places Strategy 2017-2027. The following points were made:

- The Open Space and Recreation Strategy:
 - Comprises 3 sections – Context, Strategic Plan, Appendices
 - Provides a planning framework and directions relating to more than 350 open spaces
 - Was informed by an extensive review of state and regional plans, demographic data, and community feedback from over 1,000 respondents
- The proposed Spaces and Places Strategy:
 - Could have a broadened scope to include, in addition to open space, the consideration of streets in areas for which there is a limited supply of open space, and civic spaces in the built environment
 - Would be developed within the context of external trends and issues such as demographic, land use, health and wellbeing, environment, and public realm
 - Can be developed within existing Council resources utilising the expertise and experience of staff
 - Could be based on the proposed purpose, guiding principles and objectives outlined in the report as a starting point for the project's framework

The Chair invited comments from Members with the following made:

- With the proposed broader project scope there needs to be a clear understanding of what is included and not included, and ensure areas not within the scope are captured in other council strategies and policies to ensure connection
- Consideration could be given to the inclusion of sports facilities in the scope
- The inclusion of sports' facilities grounds only could be considered due to their capacity to provide public open space for informal recreation/sport
- There are opportunities for open spaces that are within institutional ownership to be included in the scope
- Council has achieved many successful outcomes from the Open Space and Recreation Strategy including the Oaklands Wetland, community gardens, footpaths to support walkable environments
- It is important to continue using a framework that recognises the various functions of open space, such as for active/passive use, and formal/informal use
- There would be value in further analysing the status of outcomes of the Open Space and Recreation Strategy to identify which goals have been completed, which can be carried forward for completion, which can be deleted, and which new goals/actions are needed
- Consideration could be given to levels of play space provision
- Streetscapes could be addressed separately but there is also a close alignment between streetscapes and open spaces in being places where people spend time and recreate
- It is important the Strategy has a descriptive title so it clearly represents its scope and includes clear definitions, such as for open space and recreation

- The Open Space and Recreation Strategy is comprehensive but has a strong 'project' focus
- The use of 'traffic lights' to indicate the implementation status of the Open Space and Recreation Strategy results in the valuing of all actions equally. To support more effective reporting consideration could be given to attributing a 'value' against each action in the Strategy so the relative contribution to overall value can be shown
- It is important that a Strategy be developed that is 'future focused' as the City of Marion will be required to meet the needs of an increased population

The Chair proposed a motion to extend the meeting for a further 30 minutes beyond 9.00pm.

**Moved Cr Pfeiffer, Seconded Cr Prior
Carried**

- The Open Space and Recreation Strategy has resulted in good outcomes for Council and the community, and the goals have maintained their relevance
- It is important to be aware of opportunities that may present as a result of directions being pursued by external stakeholders, such as state government agencies
- There is a role for marketing of open spaces and places in the public realm and the experiences they can offer as the City of Marion transforms over time
- It is important that the new Strategy delivers on the aspirations in the City of Marion's Community Plan – Towards 2040. It may be useful to provide a graphic/chart that depicts linkages/alignment of key plans and strategies.

The Chair proposed a motion to extend the meeting beyond 10.00pm to seek feedback from Members on the proposed Spaces and Places Strategy purpose, guiding principles and objectives.

**Moved Cr Prior, Seconded Cr Byram
Lost**

5. MEETING CLOSURE

The meeting was declared closed at 10.00pm.

6. NEXT MEETING

The next meeting of the Strategic Directions Committee is scheduled to be held on:

Time: 7.00pm - 10.00pm

Date: Tuesday, 6 October 2015

Venue: Chamber, Administration Building (unless otherwise advised)

CONFIRMED

.....

CHAIRPERSON

/ /

**CITY OF MARION
GENERAL COUNCIL MEETING
25 AUGUST 2015**

Originating Officer: Margi Whitfield, Manager Community Participation

Corporate Manager: Margi Whitfield, Manager Community Participation

Director: Abby Dickson, Acting Director

Subject: Learning Festival

Report Reference: GC250815R03

REPORT OBJECTIVES:

This report is to provide Council with a proposal for a review of the City of Marion's Learning Festival.

EXECUTIVE SUMMARY:

From 2001 onwards, the City of Marion sought to become a Learning Community in which learning is actively pursued across the community to promote "social cohesion, regeneration and economic development". The City of Marion developed a framework in which it acted as a community leader, as a learning organisation and as a learning provider.

One of the vehicles for community learning was the annual Learning Festival. Over a period of 14 years, the Learning Festival offered many opportunities for life-long learning through demonstrations, activities, workshops, seminars and other formats. The Learning Festival was initially held at Westfield Marion and also in conjunction with Council's Community and Neighbourhood Centres and Cultural Centres.

It is timely to consider how to continue to foster life-long learning outcomes and, in turn, to foster positive social, cultural and economic outcomes for the City of Marion.

At this point in time a Learning Festival has not been planned for 2015. It is recommended that the Learning Festival undergo a service review. Alternatively if Council wishes for the festival to be delivered in the 2015/16 year, this is possible in May 2016.

RECOMMENDATIONS (3)

DUE DATES

- | | |
|--|-----------------------|
| 1. That Council review the Learning Festival as part of the Council's service review process | 25 August 2015 |
| 2. That a report be brought to Council for consideration once a service review of the Learning Festival has been undertaken | 25 August 2015 |
| 3. That the allocated budget of \$32,150 in the 2015/16 budget be offered up as savings at the first budget review | 25 August 2015 |

BACKGROUND:

The Learning Festival was first held in the City of Marion in 2001 and became part of a wider Learning Community Strategy 2008 - 2010. Through this strategy, the City of Marion sought to recognise its role in supporting, developing and delivering learning opportunities in order to produce positive social, cultural and economic outcomes. The strategy aimed to foster both formal and informal learning, to empower people and communities and to build regional capacity by creating an environment where potential is enhanced and skill and knowledge are acquired.

Five Goals were identified as part of the Marion Learning Community Strategy which also link to State Government strategic directions:

1. Access to Learning
2. Celebration of Learning in Marion
3. Collaboration and Partnership
4. Promotion of Learning
5. Learning in Community Settings

The Learning Festival has been a part of the City of Marion's events, originally in partnership with Westfield Marion and in conjunction with learning organisations including Flinders University and TAFE and many other learning providers. Over the years, funding was gained from Department of Further Education, Employment, Science and Technology, Department of Education and Children's Services, Department of Recreation and Sport and SA Works, in addition to funding from Council.

The Festival has been a collaborative project involving staff from across the organisation and managed by the Unit Manager, Neighbourhood Centres. Internal stakeholders have included representatives from Neighbourhood Centres, Libraries, Economic Development, Arts and Cultural Development, Marion Cultural Centre, Living Kurna Cultural Centre, Governance and Organisational Development.

While initially held within Westfield Marion and Council facilities such as the Neighbourhood and Cultural Centres, in recent years the Learning Festival has been held at different venues including Hallett Cove Shopping Centre and Marion Cultural Centre and also in conjunction with the Community and Neighbourhood Centres. Attendances have varied at the various festivals e.g. 2,000 in 2009; 2,500 in 2013. Approximately 1700 people attended the 2014/15 Learning Festival, held at Tonsley TAFE. The festival program included more than 80 events covering the categories of arts and culture, environment, healthy lifestyles, leisure, digital technology, careers and business, as well as two citizenship ceremonies.

Since 2001, the Learning Festival has achieved significant outcomes which include:

- the development of partnerships with formal education institutions as well as informal learning providers
- the promotion of formal and informal learning, particularly as a focus during the annual adult learner's week
- promotion of the learning facilities within Council i.e. the Community and Neighbourhood Centres, Libraries and Cultural Centres
- the attraction of grant funding to Council over the years in which the festival has been conducted including recent funding of \$214,561 per annum for three years from the Department for Communities and Social Inclusion to fostering the further development of community hubs at our existing community and neighbourhood centres
- the provision of a Learning Scholarship to community members to assist in their learning and skill development

- building the City of Marion's reputation for innovation in the provision of lifelong learning opportunities
- positive state-wide promotion of the festival and of the City of Marion e.g. inclusion in the seventh Out of the Ordinary TV series , hosted by Rob Kelvin, on 8 January 2011. In this program, the City of Marion was showcased to help South Australians better understand the important role being played by it and by local government in facilitating innovation and progress in the community

DISCUSSION:

After a period of 14 years, it is appropriate for Council to consider whether to continue with a Learning Festival as an approach to life-long learning.

Since 2001, the various internal Council stakeholders have worked effectively to incorporate the principles of lifelong learning into regular operations. For example, the Community and Neighbourhood Centres have developed a substantial program of learning activities as a result of successful grant funding submissions. Programs such as the Adult Community Education (ACE) programs offered at these Centres are a successful demonstration of lifelong learning activities at a community level. The Centres are developing a strong focus as community hubs and as a stepping stone to other more formal learning and employment opportunities, assisted by substantial grant funding from the State Government Department for Communities and Social Inclusion.

Likewise, the Libraries have a strong focus on life-long learning, with the new Cove Civic Centre also offering opportunities to the community for business development and learning programs. Staff resources within all of the life-long learning locations i.e. the Community and Neighbourhood Centres, the libraries, the Cove Civic Centre, Marion Cultural Centre and Living Kurna Cultural Centre, are working to deliver many and varied learning programs and experiences on an on-going basis.

Learning programs are also delivered through Council's Environmental Sustainability and Economic Development Departments.

A Learning Festival at this stage has not been planned for 2015/16 and therefore will not be delivered in September this year.

The option exists for Council not to deliver a festival in 2015/16 but rather undertake a service review to assess whether the current format is still an effective way of fostering learning within the city. This option is recommended. If Council chooses not to deliver a festival in 2015/16 the allocated budget of \$32,150 will be offered up as savings in the first budget review.

Alternatively, Council may opt to deliver a festival which would be scheduled for May 2016.

CONCLUSION:

Over time, the Learning Festival has successfully offered many opportunities for life-long learning and has attracted substantial funding to the City of Marion. However, after a period of 14 years, it is appropriate for the Learning Festival to be reviewed as part of the Council's Service Review process.

**CITY OF MARION
GENERAL COUNCIL MEETING
25 August 2015**

Originating Officers: Sharon Perin, Unit Manager Community Health and Safety and Emily Nankivell, Acting Team Leader Planning

Corporate Managers: Margi Whitfield, Manager Community Participation and Steve Hooper, Manager Development Services

Directors: Abby Dickson and Kathy Jarrett

Subject: Local Nuisance and Litter Control Bill 2015

Report Reference: GC250815R04

REPORT OBJECTIVES:

The purpose of this report is to inform Council of the State Government's Draft Local Nuisance and Litter Control Bill 2015 (the Bill) and to seek endorsement of a submission to the LGA (Local Government Association) and the EPA (Environment Protection Authority), subject to any amendments.

EXECUTIVE SUMMARY:

The aim of the draft Local Nuisance and Litter Control Bill 2015 is to reduce the prevalence of nuisance complaints through a greater understanding of nuisance, better consideration of nuisance by Councils in development assessment and improved methods of resolution; and to lower the prevalence of litter across South Australia, particularly in tourist and shopping precincts.

A copy of the Draft Bill and an explanatory report from the EPA is available in the Elected Members' Room and on the Elected Members' Extranet.

The EPA is seeking feedback on the Bill and the LGA are collating responses from Councils to form a submission to the EPA. The due date for submissions is 31 August 2015. There has been minimal time provided for the industry to consider the Bill and provide comment. An industry briefing which was attended by Council staff was held on 5 August 2015 regarding the Bill, which highlighted some of the key areas for Councils to consider in preparing a submission.

Whilst a review of the current system of how nuisance is dealt with is welcomed, a solution should be developed with all relevant stakeholders. In principle, the concept of nuisance being dealt with at the local level is supported. However, before devolving these responsibilities to Councils, appropriate education, training, and, resourcing should be provided to councils. In its current form, the Bill is not able to be fully supported.

A draft submission has been prepared (Appendix 1) and endorsement of the submission to the LGA (Local Government Association) and the EPA (Environment Protection Authority) is sought by Council, subject to any amendments by Council.

RECOMMENDATIONS (1)

DUE DATES

That Council:

25 Aug 2015

Endorse the submission to both the Local Government Association and the Environment Protection Authority, subject to the inclusion of any identified amendments.

BACKGROUND:

Through the Bill, the State Government is devolving some significant responsibilities of the current Environment Protection Act to Councils. Although the EPA's explanatory report states that the Bill will not create new functions for Councils, this will not be the case for the City of Marion, as the City of Marion has not previously "opted in" to administer the current Environment Protection Act, apart from administering the Environment Protection Act (Backyard Burning) Policy and the Environment Protection Act (Water Quality) Policy. This Bill proposes that councils will deal with local nuisance from noise, dust, smoke, animals and birds, as well as dealing with littering.

If the Bill is passed and enacted in legislation, it will have significant resourcing and cost implications for Councils, including the need for a review of staffing levels and training and equipment.

ANALYSIS:

The Bill has been presented to Councils without a mechanism in place to enact the legislation. In addition, there is no mention of the type of training and resources, if any, that will be provided to Councils by the State Government or the EPA.

The key proposals of the Bill have been considered and are highlighted in the submission (Appendix 2). The primary implications for Council arising from the Bill are summarised briefly below:

- Councils will be primarily responsible for managing complaints in relation to local nuisance and littering.
- Councils will be able to issue expiation notices in relation to local nuisance and littering matters.
- The definitions of "Local Nuisance" and "Littering" in the Bill are quite broad with no guidelines on how Council should define, administer or manage complaints.
- Councils will be required to consider nuisance and how to prevent nuisance in assessing developments.
- The Bill requires Councils with cross-border local nuisance or littering issues to work together to resolve the issue.
- The Bill allows Council staff to investigate littering complaints outside of their Council area.
- The Bill provides the Minister with the power to declare if a Council has failed in its duty to administer the future Act and to recover costs from the Council, but the Bill fails to provide guidelines that set out how the Minister will declare this.
- The Bill provides no re-course for Councils to dispute or question the amount or need for cost recovery from the Minister if the Minister declares that a Council has failed in its duty to administer the future Act.
- The Bill states Regulations will be developed to assist with the implementation and administration of the future Act, but there is no clarity about what will be in the Regulations, nor the time-frame for the development of the Regulations.

- Any appeals against the future Act will fall within the jurisdiction of the Environment, Resources and Development Court.
- There is a requirement that Councils will participate in compulsory conferences in the Environment, Resources and Development Court.
- There is no provision for Councils to declare that a complaint is frivolous, vexatious or ill- conceived.

Legal/Legislative and Risk Management

The Bill will have risk implications as certain provisions will require staff to:

- Deal with potentially hazardous chemicals and materials under the littering provisions;
- Deal with people's property; and
- Investigate certain matters outside of the City of Marion Council area.

The potential risk implications will need to be properly assessed should the Bill be enacted into legislation, to ensure that staff will not be exposed to unacceptable risks.

Financial Implications

If the Bill is passed, there are likely to be significant resourcing and cost implications for Councils, which are likely to include the need for appropriate staffing levels, training of staff, and new equipment.

Resources (Capacity) Impact

Some functions proposed by the Bill such as dealing with abandoned vehicles and dealing with nuisance animals are able to be undertaken within existing resources, however, a majority of what is proposed in the Bill will be new functions for the City of Marion and it is plausible that Council will be insufficiently resourced to administer the legislation. Prior to understanding the full implications, Council will need to review and analyse the impact on resources. A detailed analysis of resource requirements has not been possible due to inadequate information provided to Council and insufficient time to undertake this type of analysis.

Policy Implications

If the Bill is passed, it will be a mandatory requirement that Council administer the legislation. It is likely to require the creation of a new Council policy to manage the processes of the administration and enforcement of the Bill.

CONCLUSION:

The Local Nuisance and Litter Control Bill 2015 will have substantial implications for Councils in relation to the investigation and enforcement of local nuisances and litter, as it will be mandatory for Councils to administer the future Act if the Bill is enacted into legislation. The implications in regard to both training and resourcing are significant.

The City of Marion agrees that a review of the current system is needed. However, a solution should be developed with all relevant stakeholders. In principle, the City of Marion supports the concept of nuisance being dealt with at the local level by councils who have a close relationship with the community, but subject to appropriate education, training and resourcing as well as appropriate mechanisms for implementing the legislation. In its current form, the City of Marion is not able to fully support the Bill.

Appendix 1

15.85.1.1

26 August 2015

COVER LETTER TO LGA AND EPA

RE: CITY OF MARION SUBMISSION ON LOCAL NUISANCE AND LITTER CONTROL BILL 2015

Thank you for providing Council the opportunity to comment on the Draft Local Nuisance and Litter Control Bill 2015.

I confirm that this Bill was considered by Council at the General Council Meeting held on 25 August 2015.

Whilst a review of the current system of how nuisance is dealt with is welcomed and the concept of nuisance being dealt with at the local level is supported, Council is unable to support the Bill in its current form.

Council considers that a solution should be developed with all relevant stakeholders utilising a collaborative approach, which incorporates a stakeholder reference group being established to work through the issues carefully.

In this respect, Council does not agree with assertions from the EPA that the Bill will not create new functions for Council. To the contrary, Council considers that there are likely to be a number of areas where existing expertise within local government will not be sufficient to respond to resident complaints adequately, for example, noise, dust, and smoke.

It is of critical importance that before devolving these responsibilities to Council, appropriate education, training and resourcing is provided to Councils.

A detailed submission which examines each clause of the Bill and provides comments more generally on the proposed legislation is provided below.

Council considers it of utmost importance that the legislation is not enacted in its current form without the concerns of local government being addressed.

Thank you for providing the City of Marion with an opportunity to comment on the application.

Yours faithfully

Kris Hanna

Mayor

City of Marion

Local Nuisance and Litter Control Bill 2015

Response from City of Marion

Contact Details
Organisation: City of Marion
Address: 245 Sturt Road Sturt SA 5047
PO Box 21 Oaklands Park SA 5046
Contacts: Sharon Perin, Unit Manager Community Health and Safety Telephone Number: 8375 6880 Email: sharon.perin@marion.sa.gov.au or Emily Nankivell, Acting Team Leader Planning Telephone Number: 8375 6760 Email: emily.nankivell@marion.sa.gov.au
Feedback
General Comments: <ul style="list-style-type: none"> Although the Environmental Protection Authority's (EPA's) explanatory report states that the Bill will not create new functions for Councils, this will not be the case for the City of Marion, as the City of Marion has not previously "opted in" to administer the current Environment Protection Act, apart from administering the Environment Protection Act (Backyard Burning) Policy and the Environment Protection Act (Water Quality) Policy. The Draft Local Nuisance Bill and Litter Control Bill 2015 (the Bill) does not contain a proposal for a Memorandum Of Understanding between the Environmental Protection Authority (EPA) and councils. One mechanism to ensure the success of the implementation of the legislation could be a Memorandum Of Understanding, as occurred when the South Australian Public Health Act was proclaimed; and transitional provisions. If the Bill is passed and enacted as legislation, councils will require resources, such as adequate staffing levels, guidelines, training for staff and authorisation for officers of councils. The Bill states Guidelines will be developed to assist with the implementation and administration of the legislation, but there is no time-frame for this. The Bill states the Minister will be able to make a determination that a council has failed to perform its duties in administering the legislation, but there are no guidelines for the

Minister to determine this.

- If the Minister determines that a council has failed its duties in administering the legislation, the Minister can charge councils, but there is no recourse for councils to dispute or question the amount or need for the cost recovery.
- There has been no information or details provided in relation to whether training and resources will be provided to councils by the State Government or the EPA. If the Bill is passed, there will be significant resourcing implications for councils, including the need for expensive equipment such as meters and calibration costs of sound meters; extra staff and resources for staff including desk and computers; and the potential for staff to work outside of normal business hours. Information is required from the EPA regarding resourcing and training for councils.
- The Public Health Act provides a risk based approach to hoarding and squalor cases through a risk assessment process. This risk assessment process provides a framework for assessments and helps provide a uniform approach to hoarding/squalor situations across the state. The Local Nuisance Bill and Litter Control Bill 2015 proposes to reintroduce the “Insanitary Condition” terminology of the previous Public and Environmental Health Act, prior to the introduction of the South Australian Public Health Act, with the assessment subject to interpretation by councils’ authorised officers. This may therefore provide the opportunity to have a less consistent approach amongst officers and between councils. Advice is needed as to if the Bill will be in conflict with the South Australian Public Health Act and clarity is required for Authorised Officers of Councils as to which legislation should be used to deal with these types of issues.
- Penalties throughout the Bill appear to be quite low and may not act as a deterrent to some people. In some circumstances, the maximum penalties under the Bill would not cover the costs to councils if a council was required to prosecute offenders.
- Under the Bill, if Court proceedings were undertaken, the name of the Authorised Officer would appear on the Complaint and Summons to be lodged with the Court and in Court proceedings, rather than the name of the council. This is unnecessary and should be amended so the council’s name can appear.
- The provisions relating to Local Nuisance and Littering are quite broad and they appear to be unlimited in relation to their application, with the exception of the reasonable person test. Council has concerns that, given the broadness of these provisions, council may be inundated with minor infringements of the legislation with little or no limitations on what constitutes a local nuisance or littering.
- The Bill authorises council staff as well as Police and other agencies to take action under the legislation. There is no clear hierarchy in the legislation which identifies who is supposed to respond to complaints if more than one authority is able to, for example, dealing with noise complaints.
- It is also unclear in the Bill as to whether councils will be expected to enforce the legislation outside of normal business hours. For example, is the council and its Authorised Officers expected to operate on a 24/7 basis? If so what constitutes a “reasonable time” if a nuisance is created outside of normal business hours? As all Police Officers will be authorised, will it be Police Officers who are expected to respond

to all complaints of nuisance complaints outside of normal business hours, or where a council is not able to respond?

- It is recommended that the Bill include a provision that an Authorised Officer of council or a suitable delegate of council (and other Authorised Officers such as Police Officers) can decline to entertain a complaint if the complaint is determined to be frivolous, vexatious or ill-conceived.
- The additional duties of councils under the Bill will require equipment not currently owned or used by councils. For example, noise and dust meters. Council staff are not qualified in certain fields and are not trained to use the scientific equipment likely to be needed under the legislation.
- Sections that provide authority to Authorised Officers under the Bill seem to provide broad powers to access properties, such as through the use of reasonable force. It is recommended that more definition be provided to give guidance on the limit and use of these powers.
- The current exemption process requires an application be lodged and assessed by councils. The process for exemption currently defined in the Bill appears lengthy and onerous on applicants. Will there be any acts and activities that will be automatically exempt under the proposed legislation, for example building/construction sites? It would be beneficial to have certain acts/activities listed as being automatically exempt.
- The Bill makes reference to the SA Public Health Act and the Environmental Protection Act. It is queried as to whether the Bill should direct Authorised Officers to these Acts rather than trying to incorporate the existing legislation within the provisions of local nuisance.
- In order to administer this legislation, councils will need to develop a detailed enforcement policy. It could be beneficial if such an enforcement policy could be developed with the assistance of the State Government and the EPA to assist in a more consistent application of the legislation between councils and staff of councils.

Section 3: Interpretation

“Amenity Value”

Response

- It is recommended that the term “Amenity Value” be further defined. The current definition is broad which could make it difficult for councils to apply.

Section 5 (4): Interaction with other Acts

Provisions of the Act are in addition to and, and do not limit the provisions of any others laws of the State. This does not apply to activities authorised by an environmental authorisation under the Environment Protection Act (exceptions for certain vehicles) or noise generated on licenced premises where noise is part of licence.

Response

- If the activity is an activity authorised by the EPA, then the legislation will not apply, but if a vehicle in transport creates pollution then it would be covered by this legislation.

Section 7: Functions of councils

Identifies Council as the principal authority for managing matters covered by the Draft Bill and confers powers onto Council.

Response

- This section identifies councils as the principal authority to administer the legislation, but allows the EPA to step in when it sees fit. This could create some issue with potential conflicts in administering the legislation. Greater detail about the hierarchy and authority of different agencies under the legislation is required.
- Part (c) refers to councils assessing existing or proposed activities and development and their potential for causing nuisance. Council is concerned that this will create a number of issues with building sites, which inevitably result in some nuisance from noise or dust.

Section 8: Co-operation between councils.

Encourages councils to partner or co-ordinate their investigation and response with other Councils. The Minister can request that Council's work together if the Minister considers it a common area of concern. Once receiving this request from the Minister Council must within 28 days provide a report to the Minister with a written report on the action council intends to take.

Response

- It is recommended that there be a managing complaints process adopted into any Regulations developed under the legislation.

Section 9: Council failing to perform function under Act.

If, in the opinion of the Minister, council fails to perform a function under the Act the Minister can take any action necessary to perform the function.

Response

- The Minister is granted wide powers under this section of the Act and is only required to inform the council of a proposed course of action. It is considered that the Minister should, in the first instance, give councils an opportunity to respond to a matter or, at least, negotiate with councils to try to affect a suitable outcome.
- It is not clear how it is envisaged that councils will respond to complaints after hours. If they are not able to respond after hours are councils at risk of the Minister determining that councils have failed to their perform function under the legislation?

- The Minister is able to recover costs and expenses incurred under this section. No limitations are provided on these costs or expenses.

Section 10: Annual Reports

Council is required to undertake annual reporting pursuant to s131 Local Government Act 1999 with details of performance of council under the Act.

Response

- This section sets out additional responsibilities for Council in document management and statistics for annual reporting to the Minister.
- No clarification of what information will be requested or what resources will be required to undertake the reporting requirements satisfactorily.
- A standard template developed for the legislation would assist Council in its reporting process.

Sections 11, 12 & 13:

Governor may make regulations declaring a body to be an administering body for purpose of administering the Act.

Response

- No information provided about who these administering bodies will be. Further definition and limitation to specific agencies is required.
- In the event that an issue may result in material environmental harm or serious environmental harm and notification to the Environment Protection Authority is required:
 1. Does the EPA take over the investigation or does the EPA act as an advisory body?
 2. How do councils determine when to notify the EPA or serve an Emergency Notice? Can both occur?
 3. The Bill lacks information about what the EPA should be notified about. Further clarity and information about this is required in the legislation.

Section 15: Identity cards for authorised officers

Response

- The form of identity cards should to be consistent with current authorised officer identity cards. It would be beneficial if the authorisation could be included under the authorisation of officer's under the Local Government Act and included in the list of functions. This would remove the need for officers to carry more than one form of identification.

Section 16: Powers of authorised officers

Vehicle entry/reasonable force.

Response

- Warrants for access can be granted under this section. In this regard, the nature of the warrant and extent of what these warrants can cover needs to be addressed and defined in the legislation.
- Section 16 (3): further detail/definition is required in relation to what is *reasonable force* when accessing properties for the purposes of the legislation.
- There is no provision in this section that relates to the disclosure of documents in relation to an enforcement matter.
- Section 16 (1) (a): further definition is required in relation to what is a reasonable time frame.

Section 17: Limit of area of authorised officers appointed by councils

Powers exercised under this Act.

Response

- Section 17 (c) allows a council to investigate local nuisance complaints outside of the council area but does not include littering. It is suggested that this section should allow investigation for littering complaints outside of the council area, as well as local nuisance complaints.

Section 18: Meaning of “local nuisance”

Response

- This provision is very broad and will require officers to impose a value judgment when investigating matters. There is no guidance in the legislation about how officers would form a value judgment on complaints or what should be taken into consideration to reach a conclusion in relation to these matters. This creates a potential issue around interpretation and application of the legislation between Councils and between different officers within Council.
- It is suggested that to address issues of interpretation, the EPA develop policy and education guidelines about the interpretation and application of the legislation.
- Councils will need to develop an internal policy to manage these matters. As councils are required to work together in some instances, it would be beneficial for such a policy to be developed at a state level to assist councils in having a consistent approach to the application of the legislation.

Section 19: Causing local nuisance

Offence Provisions.

Response

- The penalties are quite low taking into account potential reductions in sentencing through the Court, for example guilty pleas.
- There is a concern that these penalties could be incorporated into business costs.
- These penalties are also lower than the EPA penalties for similar offences. It is considered that the penalties across the legislation should be consistent.

Section 20: Cease local nuisance if asked

Allows Council's to expiate if, on being requested to cease activity, person does not cease activity.

E.g. cease cutting bricks if excessive brick dust or removing a dead animal.

Response

- Numerous council policies will be required to manage this. For example, 1. Adverse effect, 2. Insanitary conditions, 3. Unsightly, 4. Insanitary, 5. Anything else prescribed by EPA or other legislation.
- EPA guidelines and education would be beneficial in relation to this Section.
- Expiation and prosecution penalties are quite low. Expiation fee of \$160.00 is likely to be incorporated into business costs.
- It is not clear who should be the responsible party under this Section. For example, should the occupier/owner of a place or vehicle be responsible or the person who is actually responsible for creating the nuisance?
- Upon requesting a person cease creating a local nuisance will the authorised officer be required to give "natural justice" before taking action against a person?

Section 21: Exemptions

Council may grant exemptions in certain circumstances for specified activity.

Response

- Section 21(1) Council can grant an exemption under this section to a *specified activity*. The legislation provides no details/definition in relation to what can be identified as a specified activity or how broad the application of this section can be.
- A definition of what constitutes a *specified activity* would assist Council in its application of this section.

- Under this section, to seek an exemption someone must make application to Council. This has resourcing implications if everyone seeking an exemption for a specified activity has to apply. Could some activities be automatically listed as exempt from the legislation such as building sites?
- The draft legislation currently provides a lengthy process of seeking an exemption which includes a 6 weeks public consultation process. The application of this section has resource implications and could create some angst in the community if the application of the section is as broad as it appears without any exemptions.
- Council also wishes to clarify whether it would need to seek exemption for its own events? If Councils did need to seek exemption under this section, would council be the relevant authority or would an alternative body need to assess Council applications?
- Overall, clarification of intent and limitations of the provision is required.

Section 22: Regulations for the purposes of Division (1)

Allows for the creation of Regulations in relation to Sections 18 to 21.

Response

- No details have been provided in relation to the Regulations and what they will include.
- Regulations may include standards for investigations which have implications in relation to resourcing, expertise and testing devices.

Section 23: Disposing of Litter

Class A hazardous litter, Class B hazardous litter or general litter.

Response

- Class A hazardous litter – is this classified as substances in Schedule 1 of the *Environment Protection Act 1993*? If so, then there are implications in relation to health and safety of council staff in responding to and cleaning up these types of substances. Council queries whether it has the skills and expertise to be dealing with litter of this nature.
- This section requires clarification of when EPA would be responsible or when Council would be responsible.
- Class A substances are very hazardous materials. Council considers that it would not be appropriate for council staff to deal with these materials without proper training and equipment.
- Council considers that where a matter relates to Class A litter then the EPA should be the responsible agency.

- The General Litter term is very broad and ambiguous. Further detail/definition is required as to what items are included in general litter.
- Council also has concerns with the separation of the classes of litter. For example, some items may fall into more than one class (ie. a car could potentially fall into all three classes due to its different component parts).
- Councils will need to determine class of litter and whether it includes hazardous waste. This could require testing of an item or substance and this is of concern to Council due to expertise and resourcing implications.
- This section includes terms of imprisonment, Council queries whether there should be severe penalties of this nature included in this type of legislation.
- The expiation fees for littering are considered to be too low and could be incorporated into cost of business. Particularly the \$210 expiation fee for disposal of general litter. Current expiation fee for littering is \$315.
- Section 23 (2) (b) relates to the disposal of vehicles. This section only appears to relate to vehicles not contravening parking restrictions (parked in unlimited parking areas). However, if they are parked within areas that impose parking restrictions the legislation does not cover these vehicles. The Section needs to be amended to include all vehicles whether parked within a restricted parking area or not.
- The provision also allows for vehicles to be targeted even if they are parked in a street in front of the owner's place of residence. Does the legislation envisage that any vehicle whether related to an owner in a residential street to be subject to this provision?
- Section 23 also provides for a 24 hours notification period. In a scenario that a vehicle is left on a road and is causing a safety issue the council may have a duty of care to remove it in less 24 hours. Provision within this section allowing Council to exercise its duty of care should be incorporated into the legislation.
- Is it envisaged that this provision will cover cars leaking oil onto the road, could this be considered littering allowing Council to undertake vehicle registration searches?

Section 24: Bill Posting

Offence to post (flyers etc) on property.

Response

- This provision is intended to repeal Section 240 of the *Local Government Act*. As this legislation will repeal an existing provision within the *Local Government Act* it is considered that transitional provisions to deal with any conflict within existing by-laws should be developed in conjunction with the proposed legislation.

Section 26: Citizens notification

Report to Minister/Council with report of evidence of matters contained therein.

Response

- Under this section any person can make a *citizen's notification* to the Minister or relevant council if they suspect a person of committing an offence. The notification can be used as evidence by council to expiate and reverses the presumption of guilt. Meaning that the offender then has to prove their innocence. Council requires further information about how this will work.
- Will the notification be in standard template form for residents to complete?
- Will these forms be provided in the legislation/regulations?
- Will Councils still be required to undertake an investigation if they receive a citizen's notification or are they able to rely on the citizen's notification as the only evidence?

Section 27: Seizure of abandoned vehicles

Vehicle is abandoned when disposed of contrary to 23 (2) (b) only when vehicle isn't contravening an existing law e.g. parking restrictions.

Response

- In relation to abandoned vehicles, will councils still be able to use the powers under Section 40 of the *Road Traffic Act*?
- How will section 27 of this legislation work in relation to section 40 of the *Road Traffic Act*?
- With regard to serving a notice/emergency notice, will there be standard wording that needs to be given when orally advising the offender? Such as "You are being served a notice under Section of this Act because you have failed to accord with Section.... of this the Act. You have the right to appeal against.....".
- Seizure of abandoned vehicles: this limits council to only be able to deal with vehicles that are not contravening existing law (ie within restricted parking areas). It does not provide for vehicles that are contravening an existing law (ie. within a restricted parking area).

Section 28: Seizure of other goods

Power to seize items either used in or that constitutes evidence of contravention of the Act.

Response

- This section provides for authorised officers to seize other goods if the officer suspects that the goods constitute evidence of a contravention of the legislation. If proceedings in relation to the contravention are not instituted or no conviction is made the person is entitled to recover or seek compensation for the goods. This raises some concern that councils may need to pay compensation to a person where goods were seized without

conviction.

- The Bill only allows for goods to be sold when surrendered to the Crown. It is considered that this needs to be broader to include when they're not sought by the owner.

Section 29: Liability of vehicle owners

Provision applies to activity involving a vehicle that gives rise to an offence under Sec 19, 23 or 24.

Response

- This provision allows an owner of a vehicle to provide a statutory declaration which will act as a defence against this section. This would prevent Council from pursuing an owner. Council has no concerns with this.

Section 30: Defence of due diligence

Due diligence against a person for an offence under Sections 19 or 23 is a defence.

Response

- Defence is quite onerous, but is the same as the *Public Health Act*.

Section 32: Notification to EPA of suspected serious or material environmental harm

Minister or councils must notify EPA if they have reason to believe that an offence under the legislation may result in material environmental harm or serious environmental harm

Response

- Further information and training from the EPA is required covering what constitutes a serious or material environmental harm.
- Development of a formal notification process with the EPA would also be of great benefit to Council in the application of this section.

Section 33: Nuisance and litter abatement notices

ERD Court hears all matters under the legislation. Sets out requirements for notice.

Response

- All matters must follow ERD (Environment Resources and Development) Process and this has potential cost implications for Councils.

- It does put greater onus on the person being served notice to provide information (ie. Supply an acoustic report). While this is beneficial it could unfairly disadvantage someone that was subject to a frivolous or vexatious claim.

Section 34: Action on non-compliance with notice

Response

- Council has no response to make in relation to this section.

Section 35: Appeals

- Council has no response to make in relation to this section.

Section 36: Civil Remedies

Response

- This provision provides a wide range of remedies to the Court.
- Failure to meet a court order will result in contempt of court which carries separate penalties.
- Anyone, in addition to the Minister and Council, is able to make applications directly to ERD Court for civil remedy. In this instance the person making the application against the person accused of offence can seek costs. This could potentially result in applications being made to the court by members of the community without proper investigations. This has potential implications for Court's time and resources.

Section 37: Civil Penalties

Minister or Council may, as an alternative to criminal proceedings, recover by negotiation or by application to the ERD Court, an amount by way of civil penalty. Maximum amount recovered is the sum specified by the Act as the criminal penalty and any economic benefit required.

Response

- Under Section 37 (5) the ERD Court can order a person to pay the Minister but this section does not include payment to be made to councils. This section should be amended to include payment to councils as well as the Minister.
- There is a concern that when applying civil penalties under this section of the legislation some industry groups may argue that Council is favouring one group over another. Councils may experience difficulty in deciding when and how to apply the civil penalties. Further guidance on the application of this section would assist Council in this regard.
- A person can elect to be prosecuted, so Councils may still need to do a through an

investigation and then prove the offence beyond reasonable doubt. This provides offenders with a potentially easy way out as the burden of proof is higher and more difficult to prove. May discourage offenders from working towards a resolution.

Section 40: Service of notices or other documents

Subject to this section, if this Act requires or authorises a notice or other document to be served on, or given to, a person.

Response

- Council has no response to make in relation to this section.

Section 43: Statutory Declarations AND SEC 44 False and misleading information

Response

- This provision does provide some onus on complainants to verify their statements by statutory declaration. However, Council considers there needs to be more in the legislation to prevent frivolous or vexatious complaints.
- The penalties for providing false and misleading information should also act as a deterrent to complainants.

Section 46: Offences

Provides proceedings for offences under the Act and who they can be commenced by

Response

- Sections 46 (1) (c) and (d) lists authorised officers or the chief executive officer of Council and does not provide for proceedings to be commenced by councils or corporation (ie City of Marion). The provision should include and allow proceedings by councils and corporations.

Section 48: Orders in respect of contravention

Make good, publicise, compensation, economic benefits.

Response

- The Court can be asked to impose additional/different orders which will provide greater opportunities to remedy breaches of the legislation. Council supports a larger range of remedies.

Section 51: Recovery of administrative costs and technical costs

By way of notice from the Minister or councils.

Section 52: Assessment of reasonable costs and expenses

Response

- The Minister and the Council can recover costs associated with the investigation of local nuisance or littering from an offender by notice. However, the fees will be fixed by Regulations and may not meet the actual costs associated with investigating the claim.
- Costs should be set at market rates.
- Councils should be provided with an opportunity to view the regulations in relation to costs to ensure that they will adequately meet the likely expenses incurred by councils if not set at market rates.
- Regulations needed by EPA for support of councils and the technical aspects of investigation such as testing and measuring equipment, collaborating equipment and how to use this equipment.

Section 54: Regulations

Guidelines and standards.

Response

- Council should be provided with the opportunity to review Regulations made in association with this legislation.

Other comments about the Local Nuisance and Litter Control Bill 2015

- The Bill makes several references to the development of guidelines and Regulations, without including these documents. Because of this, it is difficult to make a complete comment on the impact of the implementation of the Bill. There is also no indication as to how soon after the Bill is enacted into legislation, that these documents/Regulations will be available. It would be preferential if the Bill is not gazetted until the guidelines and Regulations are available.
- The Bill provides several powers for authorised officers to enter premises and collect evidence, however, the tools provided for authorised officers to take action are very unclear. This may make it difficult to meet community expectations and take action to prevent certain conditions from occurring.
- It is unclear how the new legislation will interact with the South Australian Public Health Act, for example, regarding the general duty of the South Australian Public Health Act and the proposed “insanitary condition” of the Bill.
- The financial penalties currently proposed under the Act demonstrate inconsistencies

and the expiation fees in some instances appear to be set at an amount likely to be incorporated into business operating costs. All penalties, particularly expiation notices should be set at an amount that will act as a deterrent to offenders.

- The Bill will result in duties for Local Government which will in turn have resourcing implications. Council requests that appropriate funding, materials and training is provided by the State Government, to accommodate these increased responsibilities to ensure that the extra costs incurred do not become a burden on rate payers.

**CITY OF MARION
GENERAL COUNCIL MEETING
25 AUGUST 2015**

Originating Officer: Steve Hooper, Manager Development Services

Director: Kathy Jarrett

Subject: Crown Development – Removal and Major Pruning of Regulated and Significant (Regulated) Trees

Report Reference: GC250815R05

REPORT OBJECTIVES & EXECUTIVE SUMMARY:

The purpose of this report is to provide Council with an opportunity to provide comment on Development Application No: 100/1125/2015.

This application is a Crown Development pursuant to Section 49 of the Development Act, 1993. The application was submitted by the Department of Planning, Transport & Infrastructure (DPTI) to facilitate the “Darlington Upgrade Project.”

The application proposes the removal of 26 (*formerly 27*) Regulated or Significant Trees and the pruning of two (*formerly five*) Significant Trees which will be impacted by the infrastructure works proposed along South Road and surrounding areas.

RECOMMENDATIONS:

DUE DATE

That Council:

1. Endorses the submission as contained in Appendix II.

28 August 15

BACKGROUND:

Darlington Upgrade Project:

The Darlington Upgrade Project is a \$620 million project (\$496 million federally funded and \$124 million state funded) which involves the upgrade of the 2.3 km section of Main South Road between the Southern Expressway and Ayliffes Road.

This upgrade is an integral component of the North-South Corridor project and this section of the corridor project aims to provide non-stop access between the Southern Expressway and the Ayliffes Road/Shepherd's Hill Road intersection. The key features of the project as proposed in the current alternative scheme are:

- A non-stop motorway between the Southern Expressway and the Ayliffes Road/Shepherds Hill Road intersection;
- A lowered motorway that passes underneath Flinders Drive and Sturt Road;
- Main South Road (at grade) service roads along both sides of the motorway to provide connections to Flinders Drive, Sturt Road and most local roads;
- Full free flow interchange at the Southern Expressway/Main South Road junction with dedicated ramps providing direct access to and from the new motorway and South Road.

The road infrastructure works are exempt from requiring Development Approval under the Development Act.

However, the associated removal and/or pruning of regulated or significant trees does require Development Approval. The proposal is a Crown Development pursuant to Section 49 of the Development Act, 1993.

As a Crown development, the Development Assessment Commission (DAC) is the relevant authority. However, pursuant to Section 49(7a) of the Development Act 1993, the Commission is required to refer the application to Council and invite Council to provide feedback within 8 weeks of the receipt of this correspondence. Council has an opportunity to provide its comments by 28 August 2015.

Council's Previous Consideration of Proposal:

Council considered a report on this project at its meeting on 28 July 2015 and resolved that the applicant (the Department of Planning, Transport & Infrastructure - DPTI) meets as soon as practicable with the Elected Council at a forum to inform (with all appropriate documentation including maps) and discuss this development application.

Prior to the 11 August 2015, Council meeting, feedback on the proposal was sought from Elected Members. Feedback was received that closely examined the location of each tree with respect to its proximity to the proposed road corridor and divided the trees into groupings as follows:

- Trees directly in the path of the upgraded South Road proposal;
- Trees located in access roads to Darlington Expressway;
- Trees in Sturt Road median and borders;
- Trees in Laffers Triangle (including Warriparinga);
- Trees proposed to be subject to major pruning.

This feedback included a recommended response to the proposed removal of trees having regard to the trees location, primarily based upon the premise that Council might accept the removal of those trees in the direct path of proposed infrastructure but would oppose the removal of other trees where the road design could or should be capable of avoiding damaging or removing the trees. This feedback also included recommendations for financial compensation and vegetation replacement.

Council's submission (see further within the report and Appendix II) incorporates the feedback received including the tree groupings and the suggestion for financial compensation and vegetation replacement.

DPTI representatives attended Council at its meeting on 11 August 2015 and responded to questions from Council.

Updated Development Application:

Following this meeting, the development application was amended such that the (removal or pruning) of the following trees no longer forms part of the application:

- *Tree No: 554 – no longer proposed to be pruned as part of the application;*
- *Tree No: 555 – as above;*
- *Tree No: 570 – as above;*
- *Tree No: 562a – no longer proposed to be removed as part of the application.*

PROPOSAL:

The Darlington Upgrade Project will require the removal and major pruning of numerous regulated and significant trees within the Cities of Marion and Mitcham.

Within the City of Marion, a total of 26 (*formerly 27*) regulated or significant trees are identified to be removed and two (*formerly five*) significant trees are proposed to undergo major pruning. A large proportion of affected trees within the City of Marion are located along Sturt Road (adjacent Bedford Park/Clovelly Park), however some are located in the vicinity of South Road (Bedford Park), South Road (Clovelly Park) Laffer Drive (Bedford Park) Oak Avenue (Clovelly Park) and Mimosa Terrace (Clovelly Park).

Regulated trees are trees that have a trunk circumference (or multiple trunk circumference) of 2 metres or more measured at 1 metre above natural ground level. Significant trees are trees that have a trunk circumference (or multiple trunk circumference) of 3 metres or more measured at 1 metre above natural ground level.

Council's Planning Officer – Arboriculture has examined the documentation submitted by the applicant and inspected the trees which have been planned for removal or major pruning to facilitate the road upgrades. He has noted that all the selected trees are in good health and condition with life expectancies of more than 10 years, although some would require pruning to improve their shape.

The applicant has advised that the trees included in this application have been identified likely to require removal or a major prune (including root impacts) as these trees are either located within the new road formation, will be impacted by relocation of services, will be subject to other impacts such as temporary pavement to relocate and maintain traffic movements during construction. DPTI also advises that the assessment of the impacts of the trees identified for removal and pruning is based on the current (alternative) concept design and anticipated construction requirements and that the intention is to minimise these impacts where possible through optimisation of design options and use of alternative construction methods.

The applicant intends to develop a Landscape and Urban Design Plan (which includes on ground plantings) to offset the removal of these trees, based on the legislative requirement that replacement trees are planted at a ratio of 2:1 for regulated trees and 3:1 for significant trees. Further, if on-ground plantings cannot be achieved within the immediate project area, the project team intends to negotiate opportunities with the relevant council (Marion or Mitcham) to complete on-ground plantings within local reserves or open areas, to achieve the required offset.

Details of the proposal are contained within **Appendix I**.

DISCUSSION:

As part of the preparation of Council's submission to the Development Assessment Commission consideration has been given to Council's previous representations to DPTI regarding protection of trees and the associated environmental and social amenity provided by them.

Council in its formal response to the Minister of Transport and Infrastructure regarding the Darlington Upgrade Scheme in May 2015 (GC 120515R03) made specific reference to the removal of trees and advised that the retention of remnant native vegetation is strongly supported, and in particular, for the several sites in the project area containing large remnant *Eucalyptus camaldulensis*. These trees are of very high ecological and cultural significance

and should be protected. This includes retaining trees where possible and ensuring any changes to environmental conditions during construction or operation of the project will not negatively impact on the health of the trees.

Council is currently corresponding with DPTI regarding its desire to enhance the aesthetic and visual amenity along busy arterial roads by planting suitable vegetation in median strips on Oaklands Road, Diagonal Road and Sturt Road. A reply to Council's last letter to DPTI, dated 17 March 2015 seeking to progress this planting has not been received to date.

Amenity Impact and Replacement Landscaping

A large proportion of affected trees are within the carriageways of the widened South Road and the intersection approaches on the connecting roads will have to be removed. However, a number of trees on the periphery, leading into the approaches to the project, in medians, verges and footpaths could be retained depending on the final design road alignments and geometry, service location and construction arrangements.

It is therefore recommended that there be a requirement on any Development Approval that the removal of the trees, in particular those in these marginal locations should not proceed until final design and construction details are confirmed.

The removal of the proposed trees and in particular those on the Clovelly Park side of Sturt and South Roads, will have a significant visual and amenity impact on the adjacent community. These trees currently provide shade and a buffer between residences and adjacent arterial roads. Further, the avenue of trees along Sturt Road provides a "gateway to the City of Marion" and therefore their removal will also affect the wider community. Accordingly, their removal will disaffect this community to a degree that offset replacement planting is unlikely to remedy even in the long term.

It is therefore recommended that there be a requirement on any Development Approval that the landscape plan proposed by DPTI include provision for extensive, empathetically designed, environmentally and aesthetically effective barriers which could include for example landscaped earth mounds and green walls.

In line with Council's wish to have median strips on busy arterial road such as Sturt Road landscaped with suitable shrubs and ground covers it would be appropriate that the proposed DPTI landscape plan incorporates replacement offset planting within the Sturt Road median for trees removed from the median.

FINANCIAL COMPENSATION

The opportunity for financial compensation to offset and replace the loss of amenity associated with the removal of mature trees including regulated and significant trees has been raised in recent Council discussions.

Financial compensation was provided as part of the Adelaide to Seaford Rail Corridor Electrification project to allow Council to replant where it wished to achieve the required offset planting. The vegetation offset compensation methodology used by DPTI involved the determination of an equivalent number of replacement trees, based on 3 for 1 for Significant trees and 2 for 1 Regulated trees as required in the DAC Conditions of Approval. The total number of equivalent trees was then multiplied by a replacement tree planting rate, which was \$77.50 at the time. However, this methodology does not compensate for loss of amenity provided by well-established and mature trees.

Earlier advice to Council was that greater compensation may have been paid to some Council's by DPTI for the removal of trees along the Adelaide to Seaford Rail Corridor. More recent information has confirmed that while greater compensation was sought, DPTI paid all affected Council's an amount consistent with the Development Assessment Commission approved equivalent tree methodology and the DPTI tree replacement rate of \$77.50.

Given Council's concern about the undervaluing of the mature tree replacement cost, it may be appropriate to consider an alternative policy and methodology for compensation for this project. There are a number of different methodologies, but it is important to use one of proven credibility.

Consideration could be given to adopting the "Burnley Method" for 'Amenity Tree Evaluation', as revised by G.M. Moore. This is a well-established and widely used and accepted approach.

This methodology applies a basic tree value which is then adjusted by a formulae to allow for specific attributes of the tree and its location including:

- Tree Size;
- Useful Life Expectancy;
- Form & Vigour;
- Location – which considers its suitability to the site.

The following cost estimates are provided as examples to illustrate in practice what financial compensation, might be required using the above-mentioned methodology for the removal of a tree:

- Removal of a 20 metre high River Red Gum: \$10,000 approx;
- Removal of a 7 metre high Plane Tree: \$1500 approx.

SUBMISSION:

Council has an opportunity to comment on the proposal. Details of a potential submission are contained in Appendix II. A summary of the contents contained in the submission is as follows:

- Recognition of the strategic importance of the Darlington Upgrade for the State;
- Advising that all of the trees proposed to be removed or pruned have been examined by Council's Planning Officer - Arboriculture and are deemed to be healthy with life expectancies longer than 10 years;
- Advising that Council:
 - (a) concurs with the removal of Trees 70, 131a, 131b, 209, 210a, 438 and 442c as these trees are directly in the path of the new Darlington Expressway;
 - (b) acknowledges that Trees 397, 398, 399a, 399c, 437c, 437e and 437f may need to be removed as they are likely to be within the access pathways to the Darlington Expressway. However, seeks every effort be made for their retention, where possible given their contribution to entrance place making, amenity, shade, bird habitat, and carbon removal;
 - (c) does not support the removal of Trees 74a, 176a, 212, 214, 228c, 230, 240, 241, 401, 559a, and 559b, as these trees are located either in the Sturt Road median or adjacent to Sturt Road, or, are located within Warriparinga land and the proposed road design could be modified to retain the trees in question.

- (d) seeks to minimise tree pruning of Trees 428 and 436c, such that any pruning proposed will not compromise the health, stability or appearance of the trees;
- Request that the Development Assessment Commission (DAC) impose a condition of approval (if the application is to be approved) requiring that DPTI in finalising the design detail and construction arrangements of the project to seek to retain as many of the trees proposed to be removed or pruned as practicable and to delay the removal of the trees until these details are finalised and final tree removal numbers are confirmed. Further, that the DAC not issue its Full Development Approval until such time as the final plan has been endorsed by the relevant Minister and all trees which might now be saved are retained;
 - Acknowledgement that the applicant intends to develop a Landscape and Urban Design Plan (which includes on-ground plantings) to offset the removal of these trees, based on a ratio of 2:1 for regulated trees and 3:1 for significant trees and request this to be more community and environmentally sensitive replacement strategy which provides an effective visual and noise buffer between residents and the adjacent road traffic and also includes enhancement of medians;
 - Request additional compensation for the loss of amenity associated with the removal of these mature trees (both regulated and unregulated) consistent with the “Burnley Method” for ‘Amenity Tree Evaluation’, as revised by G.M. Moore;
 - Advising DPTI that the proposal fails to comply with the City of Marion Development Plan with respect to “General Section: Natural Resources PDC 28, 29 & 30”, Regulated Trees Objectives 1 & 2 and PDC’s 1, 2 & 3, and Significant Trees Objectives 1 & 2, and PDC’s 1, 2, & 3. These Development Plan provisions promote the retention of existing areas of natural vegetation including regulated and significant trees where possible.

SUSPENSION OF FORMAL MEETING PROCEDURES

Should Council wish, formal meeting procedures could be suspended to allow detailed examination and discussion regarding Council’s submission.

CONCLUSION:

This application is a Crown Development pursuant to Sections 49 of the Development Act, 1993, which was submitted by DPTI to facilitate the “Darlington Upgrade Project.” Council has an opportunity to provide comment to the Development Assessment Commission (DAC) on the proposal.

The proposal provides for the removal of 26 regulated or significant trees and the pruning of 2 significant trees which will be impacted by the infrastructure works proposed along South Road and surrounding areas.

A draft submission is provided for Elected Members’ consideration as outlined in Appendix II.

Appendix I: Details of proposal plans

Appendix II: Submission to Development Assessment Commission

SECTION 49 & 49A – CROWN DEVELOPMENT DEVELOPMENT APPLICATION FORM

1125

APPIAN 498

PLEASE USE BLOCK LETTERS

COUNCIL: Marion and MitchamAPPLICANT: Department of Planning, Transport and
Infrastructure (Darlington Upgrade Project)ADDRESS: 77 Grenfell St, Adelaide, SA
(GPO Box 1533 Adelaide SA 5001)CROWN AGENCY: DPTI

FOR OFFICE USE

080/V015/15 (& into

DEVELOPMENT No: City of Marion)

PREVIOUS DEVELOPMENT No: _____

DATE RECEIVED: / /

CONTACT PERSON FOR FURTHER INFORMATION

Name: Emma FellTelephone: 8343 2648 [work] _____ [Ah]

Fax _____ [work] _____ [Ah]

Email: emma.fell@sa.gov.au☐ Complying

Decision: _____

☐ Merit

Type _____

☐ Public NotificationFinalised: / /☐ Referrals

NOTE TO APPLICANTS:

(1) All sections of this form must be completed. The site of the Development must be accurately identified and the nature of the Proposal adequately described. If the expected development cost of this Section 49 or Section 49A application exceeds \$100,000 (excl. fit-out) Or the development involves the division of land (with the creation of additional Allotments it will be subject to those Fees as outlined in Item 1 of Schedule 6 of the Development Regulations 1993. Proposals over \$4 million (excl. fit-out) will be subject to public notification and advertising fees.

(2) Three copies of the Application should also be provided.

Decision
required

Fees

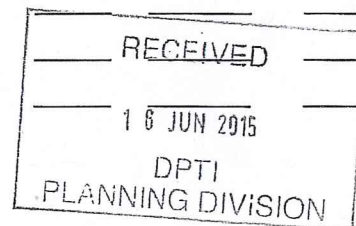
Receipt No

Date

Planning: _____

Land Division: _____

Additional: _____

Minister's
ApprovalEXISTING USE: Primarily DPTI road (Main South Road)

DESCRIPTION OF PROPOSED DEVELOPMENT: The Darlington Upgrade Project will involve construction of a 2.3 kilometre non-stop powered section of road between the Southern Expressway and Ayliffes Road at Darlington as well as upgrades to local roads and Cycling and pedestrian routes to maintain existing connectivity in the area.

LOCATION OF PROPOSED DEVELOPMENT: Main South Road, Darlington. Please refer to Property details attached to this form

House No: _____ Lot No: _____ Street: _____ Town Suburb: _____

Section No [full/part] _____ Hundred: _____ Volume: _____ Folio: _____

Section No [full/part] _____ Hundred: _____ Volume: _____ Folio: _____

LAND DIVISION:

Site Area [m²] _____ Reserve Area [m²] _____ No of existing allotments _____

Number of additional allotments [excluding road and reserve]: _____ Lease: _____

YES _____ NO _____

DEVELOPMENT COST [Do not include any fit out costs]: \$ 174 000 (approximately)

POWERLINE SETBACKS: Pursuant to Schedule 5 (2a)(1) of The Development Regulations 1993, if this application is for a building it will be forwarded to the Office of the Technical Regulator for Comment unless the applicant provides a Declaration to confirm that the building meets the required setback distances from existing powerlines. The declaration form and further information on electricity Infrastructure and clearances distances can be downloaded from the Planning SA website (www.planning.sa.gov.au).

I acknowledge that copies of this Application and supporting documentation may be provided to Interested persons in accordance With the *Development Act 1993*.


SIGNATURE: emmaDated: 5/5/15

Reference
Contact Officer Yasmine Alliu
Telephone 7109 7076
Facsimile 8303 0753

23/06/2015

Dear Sir/Madam,

MANDATORY REFERRAL

 RECEIVED CITY OF MARION INFORMATION 26 JUN 2015 10: 2 5 6 7 8 10 P	Government of South Australia Department of Planning, Transport and Infrastructure Planning Division Roma Mitchell House 136 North Terrace Adelaide SA 5000 GPO Box 1815 Adelaide SA 5001 Telephone: 08 8303 0760 ABN 92 366 288 135 http://www.dpti.sa.gov.au
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The enclosed copy of the abovementioned proposal is referred to you as a prescribed body pursuant to the provisions of Section 49(7a) of the Development Act 1993.

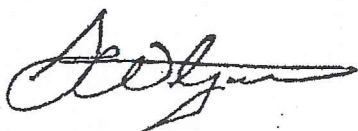
The Development Assessment Commission is seeking specific technical and environmental advice to inform a statutory assessment process and to facilitate good planning outcomes. The Commission values the professional and independent advice of state agencies on the suitability of a development proposal, and on any conditions that should be imposed should an approval be granted.

The Commission is required to undertake an independent planning assessment against all relevant provisions of a Local Development Plan. In order to achieve statutory timelines, the Commission requests that only specific technical, design and/or environmental advice be provided. The overall planning merits of an application are then considered. References to settled planning policies – expressed as background to the agency's position and the rationale for any referral advice – is appreciated for contextual reasons. However comments relating to emerging policy positions that are not in accordance with the State's Planning Strategy should not be integrated into this advice, but supplied in a separate attachment that will be forwarded to the Department of Planning, Transport and Infrastructure for consideration at a more strategic level.

In accordance with Section 49(7a), the Commission invites specific comment on the suitability of the proposed development to enable an expeditious assessment of the application.

Should a response not be received by the Commission within **8** weeks of your receipt of this correspondence, it will be presumed, unless you notify the Commission within that period that you require an extension of time or you have requested additional information from the applicant (i.e. stopped the clock), that you do not desire to make a response on the proposal.

Yours faithfully,



Please include planning officer's name and/or the EDALA ID number for this application or attach page 2 of this referral to your response if you do not use it for your reply. Thank you.

For DEVELOPMENT ASSESSMENT COMMISSION

Agency	City of Marion
Application Number	080/V015/15 (EDALA ID 7662)
Relevant Authority	Minister for Planning
Kind of Development	Land Use
Due Date to Reply	18 August 2015
Minor/Major/Technical	Merit
Officer	Yasmine Alliu





Government of South Australia

Department of Planning,
Transport and Infrastructure

In reply please quote: 2014/21283

Enquiries to: Ms Emma Fell

Telephone: 8343 2648

Mr Simon Neldner
Principal Planning Officer, Development Assessment
Development Division
Department of Planning, Transport and Infrastructure
GPO Box 1815
ADELAIDE SA 5001

**SAFETY AND SERVICE
DIVISION**77 Grenfell Street
Adelaide SA 5000GPO Box 1533
Adelaide SA 5001Telephone: 08 8343 2222
Facsimile: 08 8343 2768

ABN 92 366 288 135

CITY OF MARION
DEVELOPMENT SERVICES

20 JUN 2015

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RECEIVED

16 JUN 2015

DPTI
PLANNING DIVISION

Dear Mr Neldner,

RN6203 MAIN SOUTH ROAD, DARLINGTON
REGULATED TREE SUBMISSION FOR
DARLINGTON UPGRADE PROJECT

The department is seeking Development Approval for the removal and major pruning of Regulated and Regulated Significant trees located within the City of Marion and the City of Mitcham areas, as part of the Darlington Upgrade Project. Refer to Table 1 below, for the number of trees in each Council area included in this application.

Table 1: Regulated and Regulated Significant Trees to be Impacted by the Project

	Removal			Major Prune / Root Impact		
	Regulated	Regulated Significant	Total	Regulated	Regulated Significant	Total
Marion Council	18	9	27	0	5	5
Mitcham Council	46	14	60	13	0	13
Total	64	23	87	13	5	18

These trees are Regulated trees or Regulated Significant trees under the *Development Act, 1993* due to the following factors:

Regulated trees

- have a trunk circumference of 2 m or more measured at 1 m above natural ground level; or
- have multiple trunks with a total circumference of 2 m or more and an average circumference of 625 mm or more measured at 1 m above natural ground level.

Regulated Significant trees

- have a trunk circumference of 3 m or more measured at 1 m above natural ground level; or

- have multiple trunks, with a total circumference of 3 m or more and an average circumference of 625 mm or more measured at 1 m above natural ground level.

Approval to impact the Regulated and Regulated Significant trees outlined in Table 1, and the enclosed application, is sought to enable construction of the Darlington Upgrade Project, which involves upgrading a 2.3 km section of Main South Road, between the Southern Expressway and Ayliffes Road at Darlington. Works will involve relocation of services, construction of a lowered road and bridges, upgrades to local at grade roads and construction of temporary pavement to maintain traffic during the project.

The Regulated and Regulated Significant trees included in this application have been identified as requiring removal or a major prune (including root impacts) as these trees are either located within the new road formation, will be impacted by relocation of services (such as water, electricity, gas and communications), or will be subject to other impacts, such as temporary pavement to relocate and maintain traffic movements during construction.

The assessment of impacts to Regulated and Regulated Significant trees is based on the current concept design and the anticipated construction requirements. The department and construction contractor anticipate to minimise impacts where possible, through optimisation of design options and use of alternate construction methods, such as hydro-vac excavation (where practical).

Please refer to the enclosed application for individual tree details, photos and location plans for each Council area. Three copies of the application are enclosed, as well as a CD containing the files.

A Landscape and Urban Design Plan (which includes on ground plantings) will be developed to offset the removal of these trees, based on a ratio of 2:1 for regulated trees and 3:1 for significant trees. If on-ground plantings cannot be achieved within the immediate project area, the project team will negotiate opportunities with the relevant Council (Marion or Mitcham) to complete on-ground plantings within local reserves or open areas, to achieve the required offset.

The department will consult with Marion and Mitcham Councils, and the adjacent landowners, as part of the development process.

Should you require any additional information or would like to discuss this further, please contact Ms Emma Fell, Environment Officer on telephone number 8343 2648.

Yours sincerely,

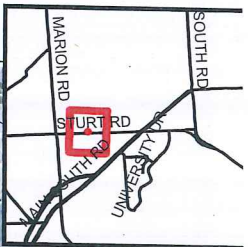

Jon Whelan
**MANAGER,
PROJECT DELIVERY**

18 May 2015

Enc.

[illegible]

CITY OF MARION
DEVELOPMENT SERVICES
20 JUN 1994
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Legend

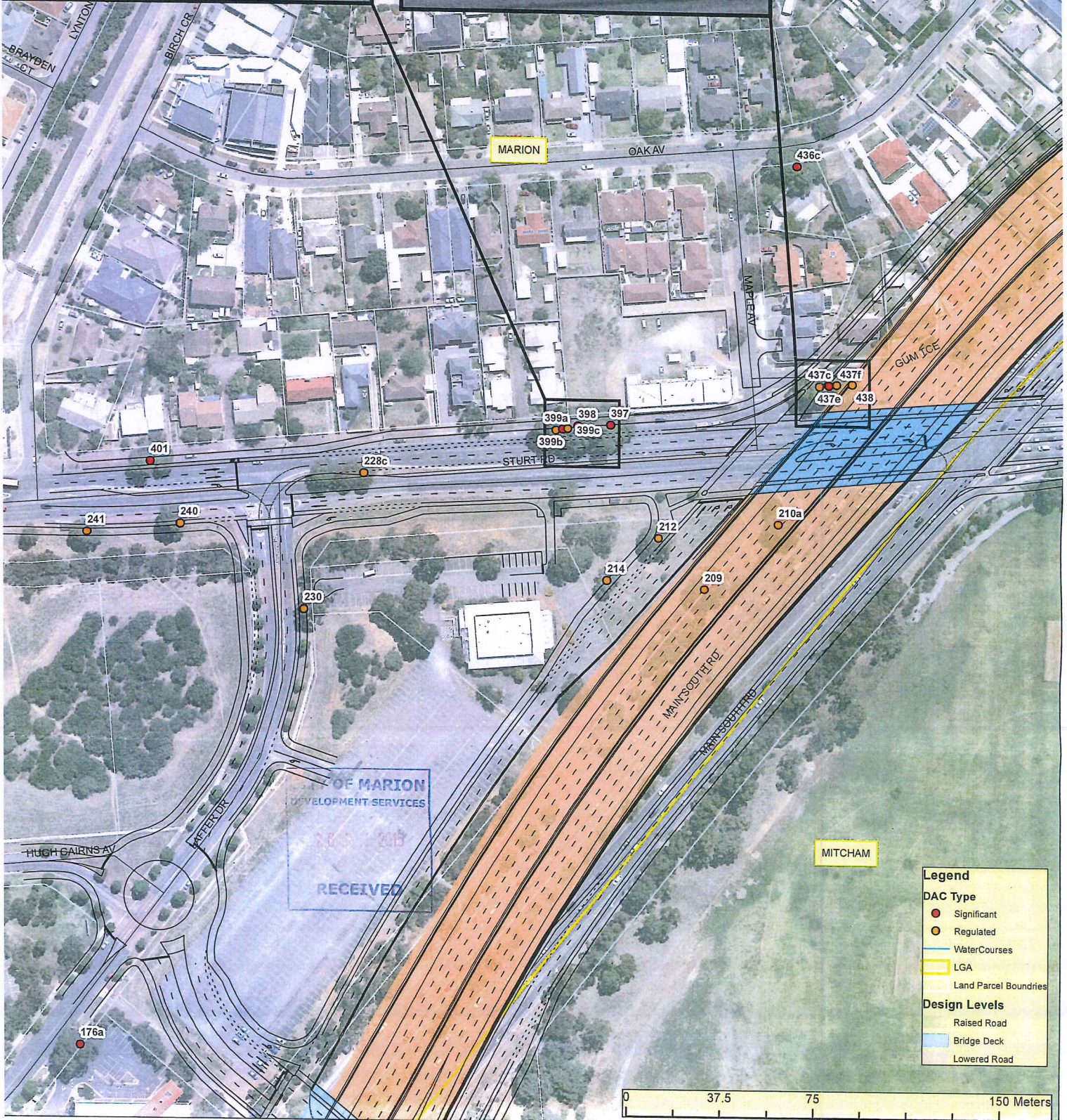
DAC Type

- Significant (Red dot)
- Regulated (Orange dot)
- Water Courses (Blue line)
- LGA (Yellow box)
- Land Parcel Boundaries (Black line)

Design Levels

- Raised Road (Yellow box)
- Bridge Deck (Blue box)
- Lowered Road (Green box)





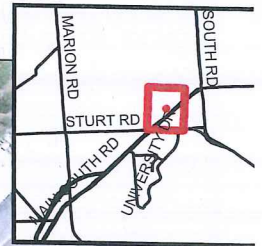
Legend

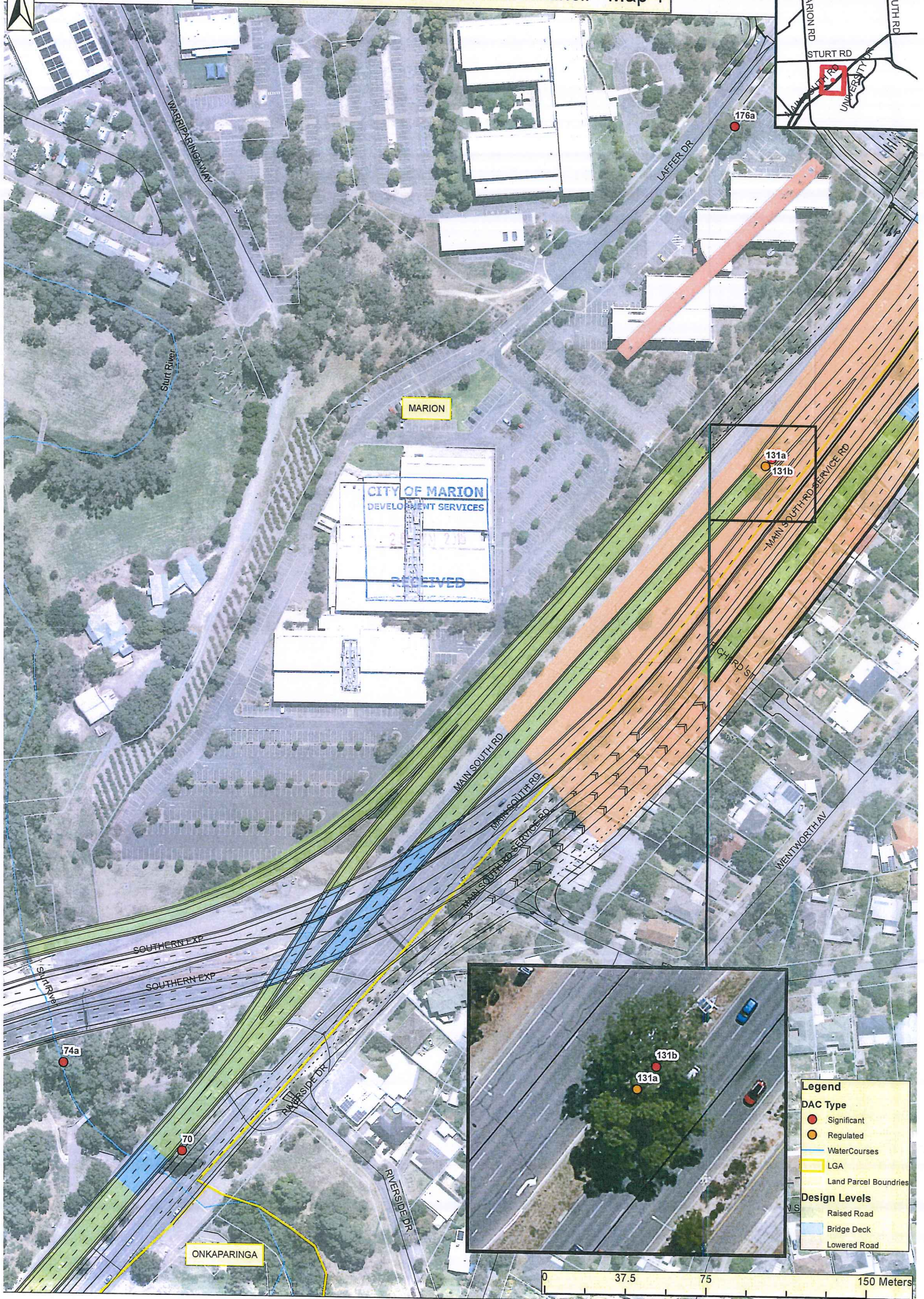
DAC Type

- Significant (red dot)
- Regulated (orange dot)
- Water Courses (blue line)
- LGA (yellow outline)
- Land Parcel Boundaries (thin black line)

Design Levels

- Raised Road (light green fill)
- Bridge Deck (light blue fill)
- Lowered Road (light orange fill)





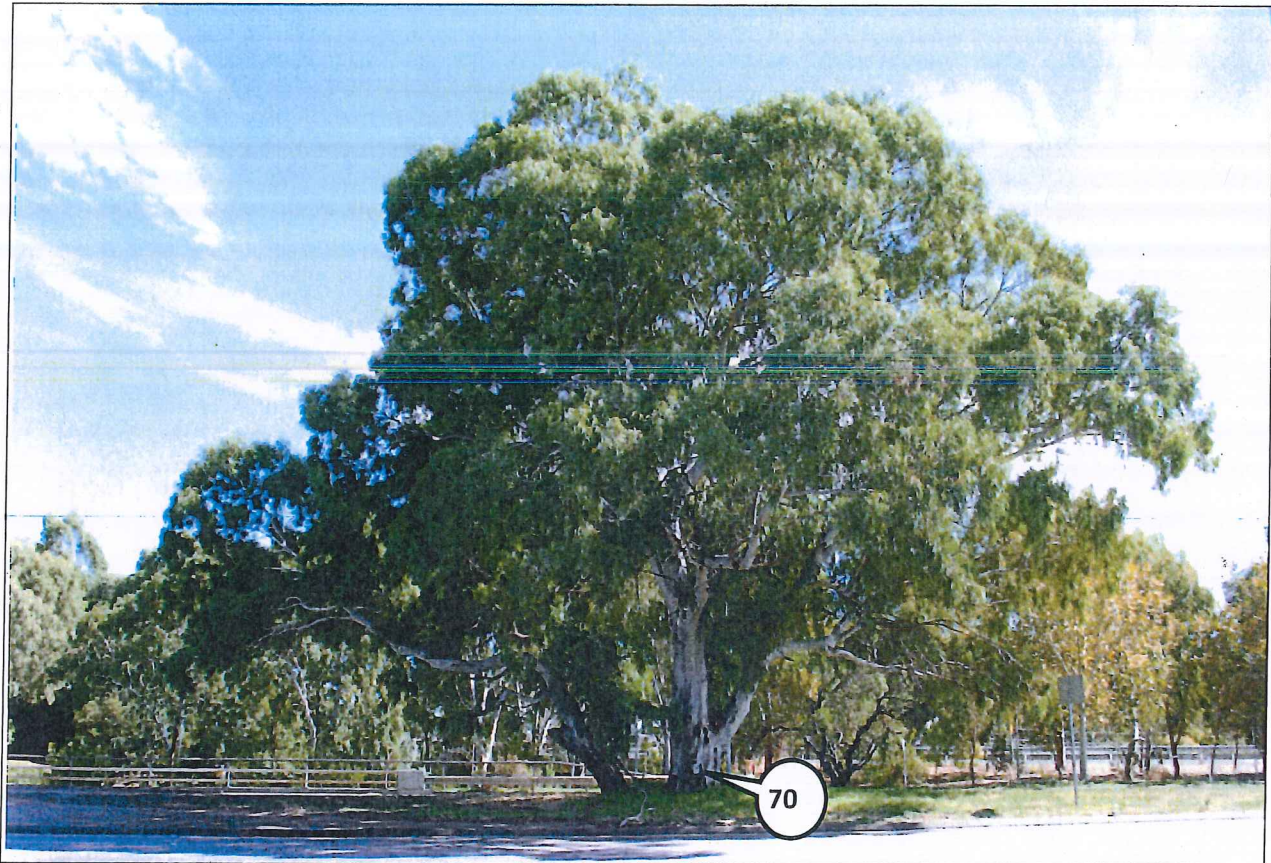


Photo 70

Eucalyptus camaldulensis – significant tree





Photo 74 74a *Eucalyptus camaldulensis* – significant tree

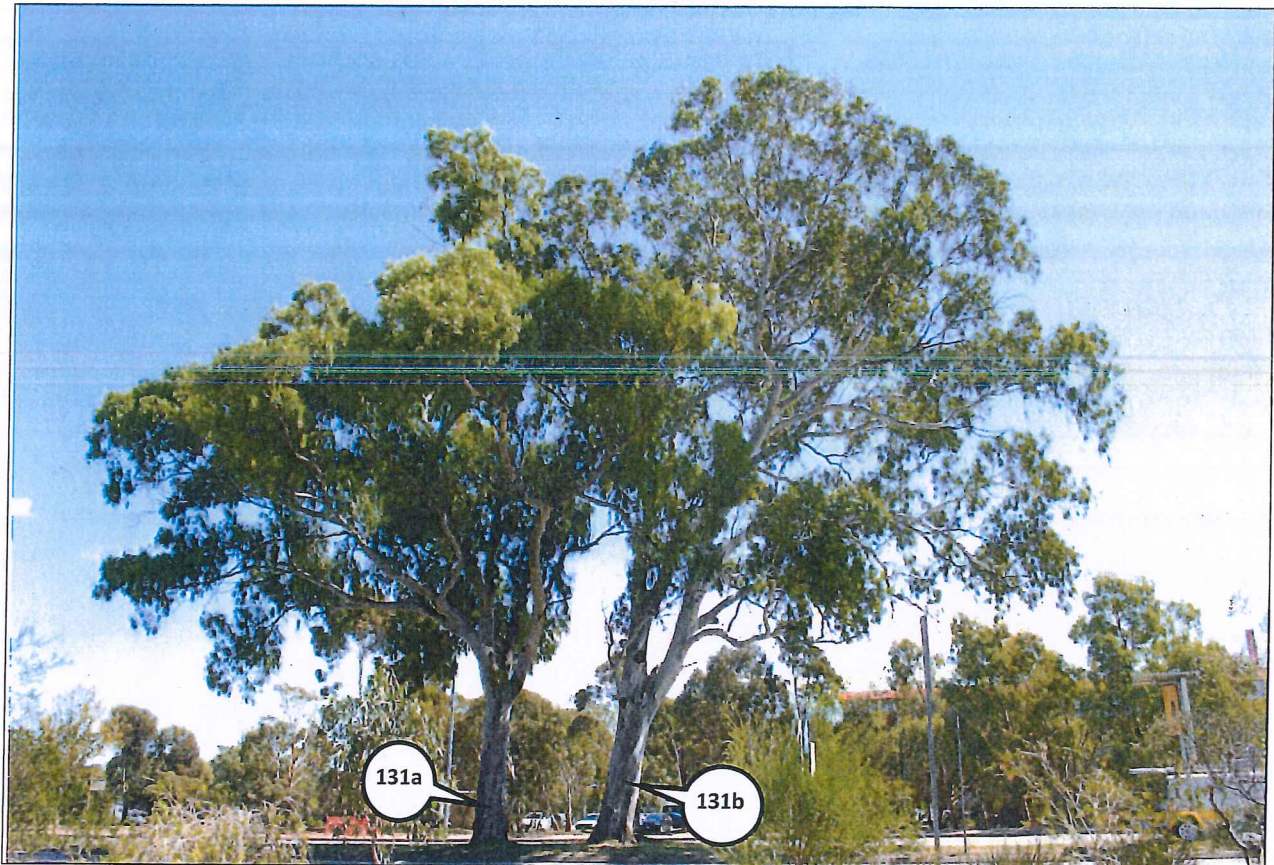


Photo 131 *Eucalyptus camaldulensis* – 131a regulated tree, 131b significant tree





Photo 176 176a *Eucalyptus camaldulensis* – significant tree



Photo 209 *Eucalyptus cladocalyx* – regulated tree



Photo 210 210a *Eucalyptus camaldulensis* – regulated tree

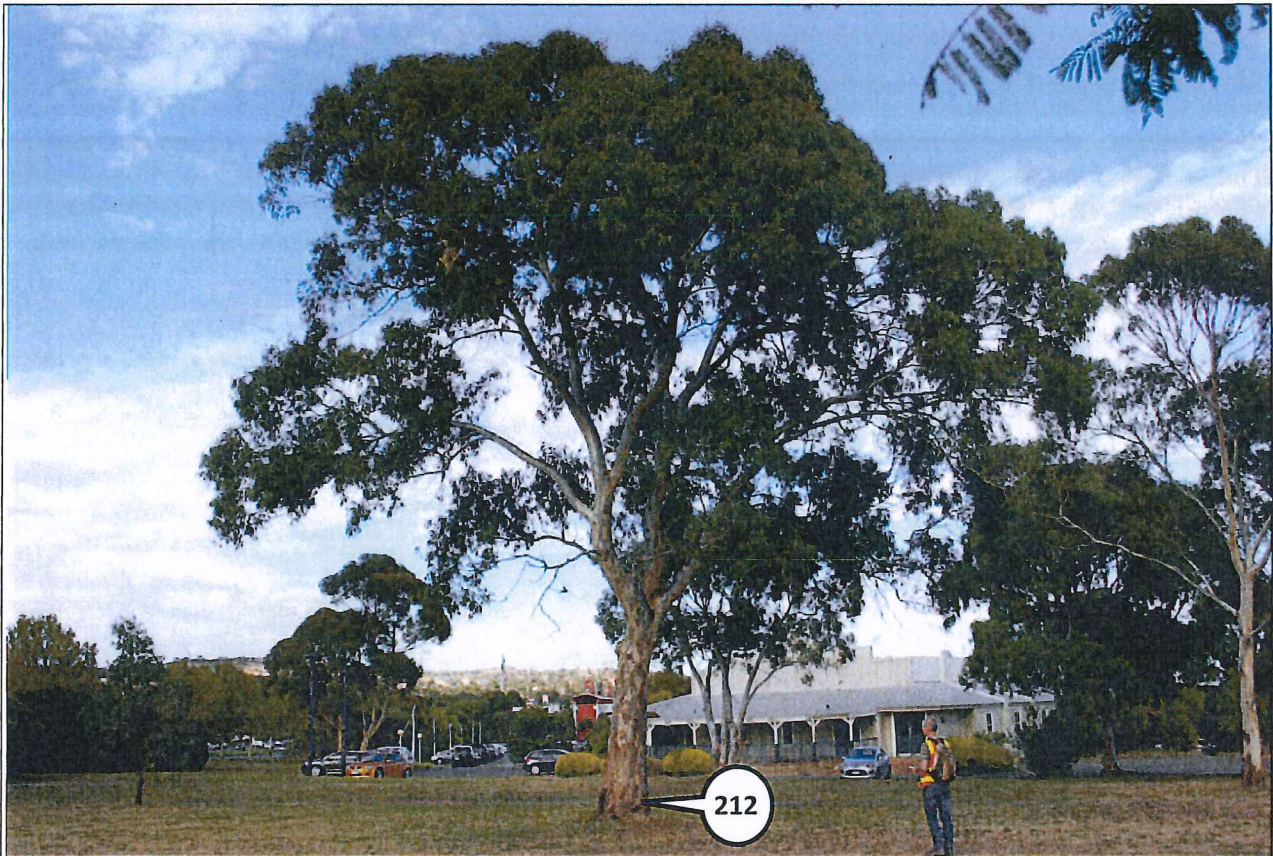


Photo 212 *Eucalyptus camaldulensis* – regulated tree

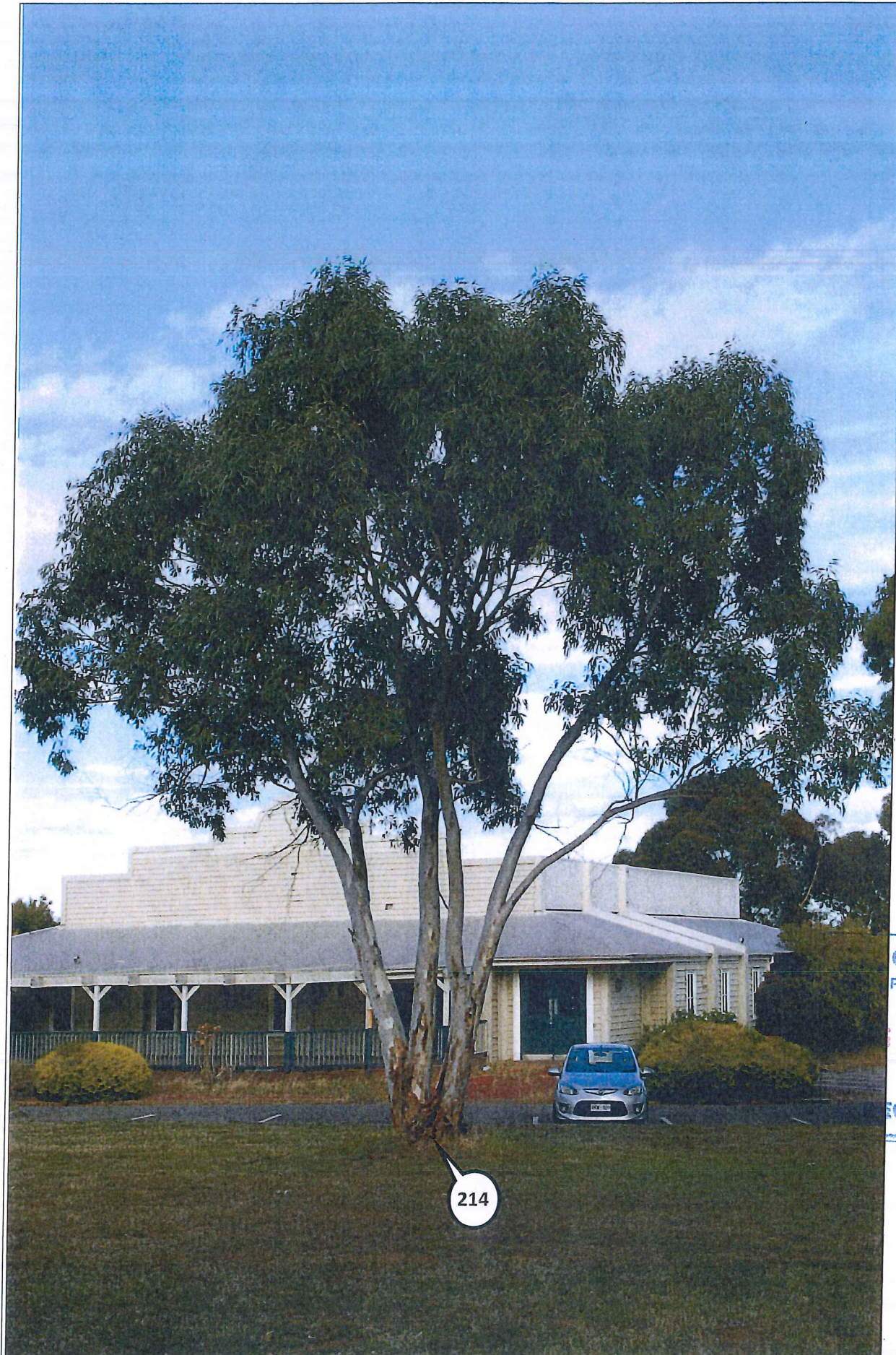


Photo 214 *Eucalyptus camaldulensis* – regulated tree



Photo 228 228c *Eucalyptus leucoxylon* – regulated tree

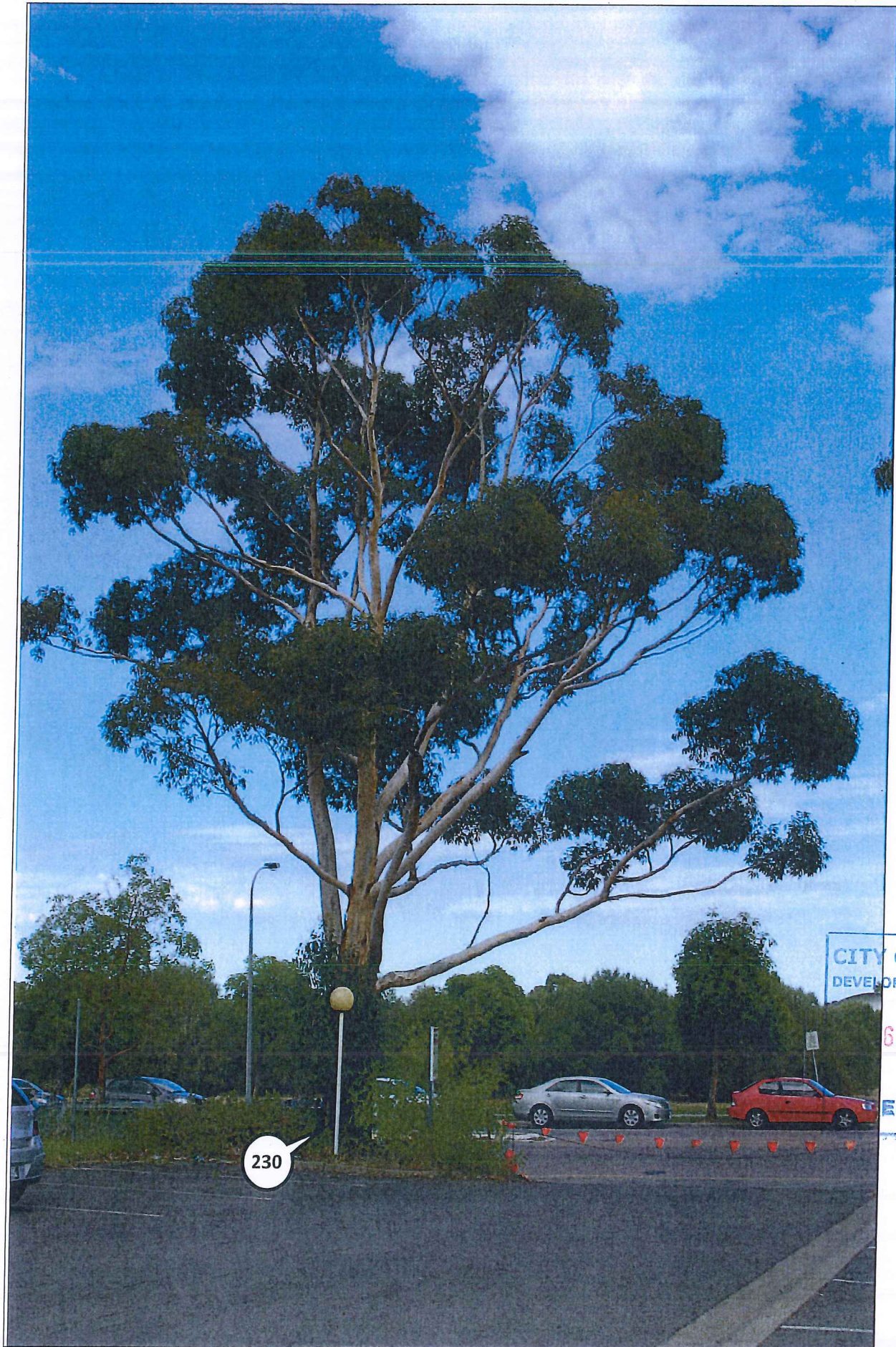


Photo 230 *Eucalyptus cladocalyx* – regulated tree



Photo 240 *Eucalyptus camaldulensis* – regulated tree



Photo 241 *Eucalyptus camaldulensis* – regulated tree

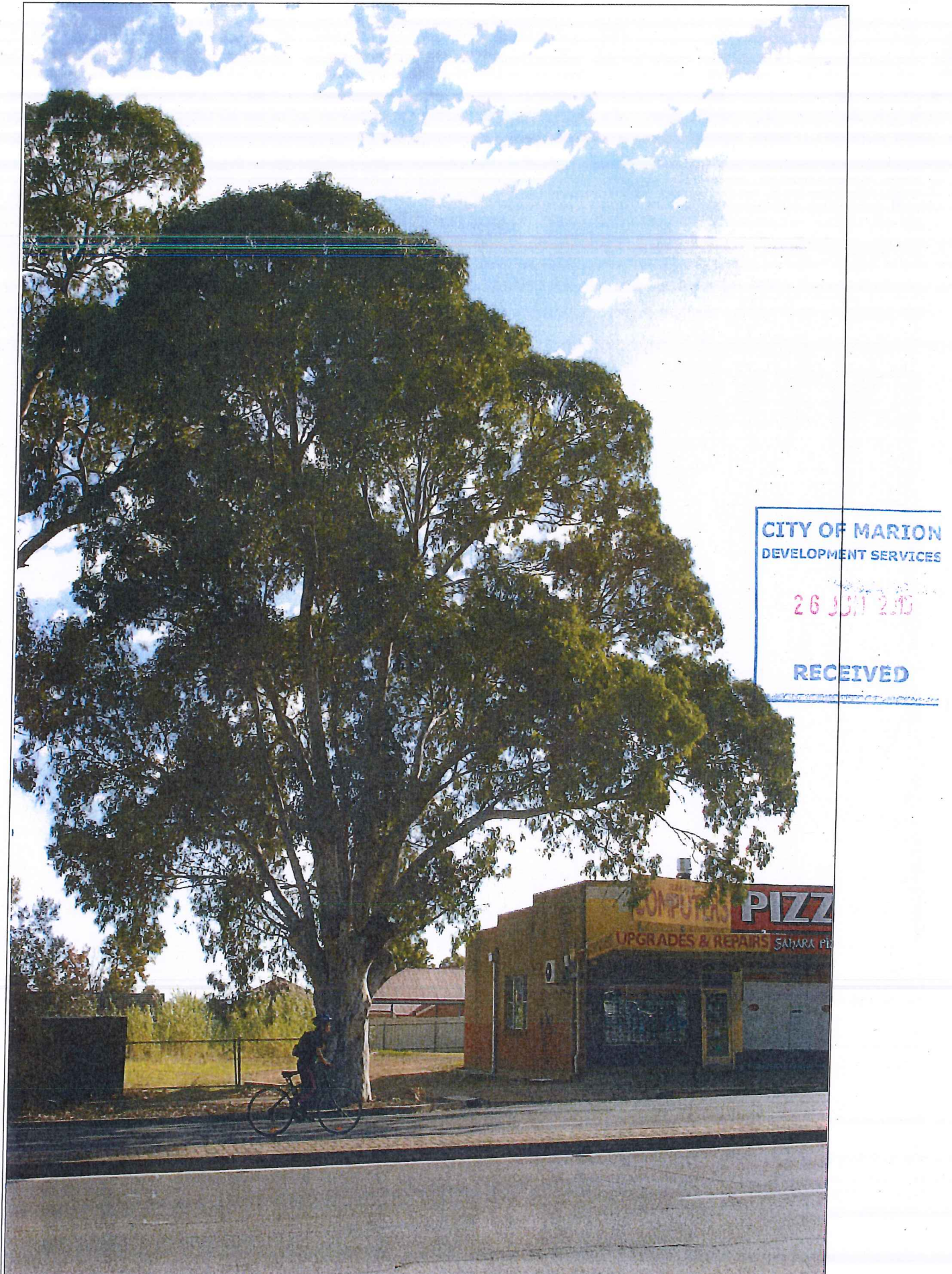


Photo 397 *Eucalyptus camaldulensis* – significant tree

Knet # 9308713



Photo 398 *Eucalyptus camaldulensis* – significant tree

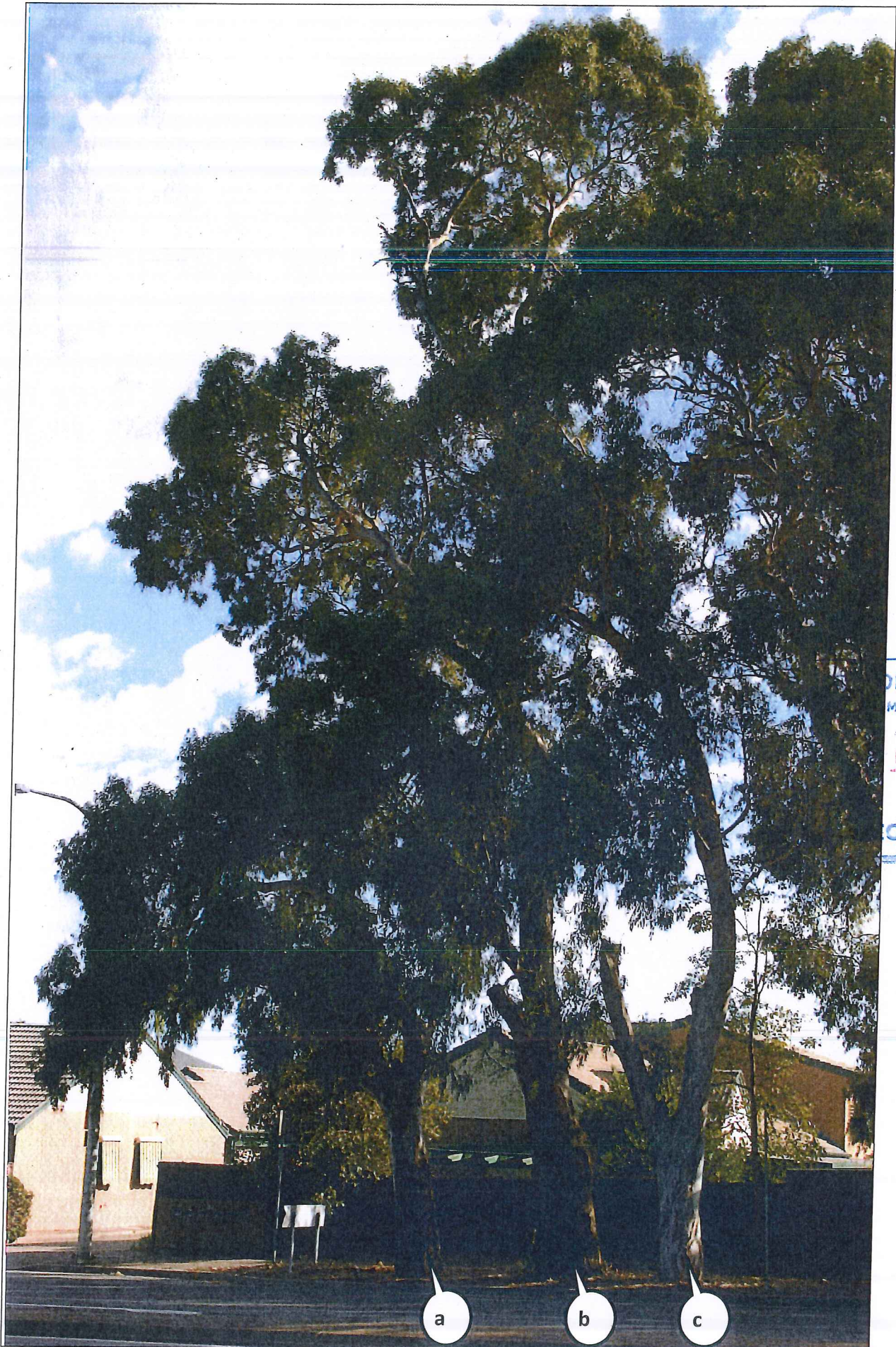


Photo 399 *Eucalyptus camaldulensis* – 399a and 399c regulated trees, 399b significant tree

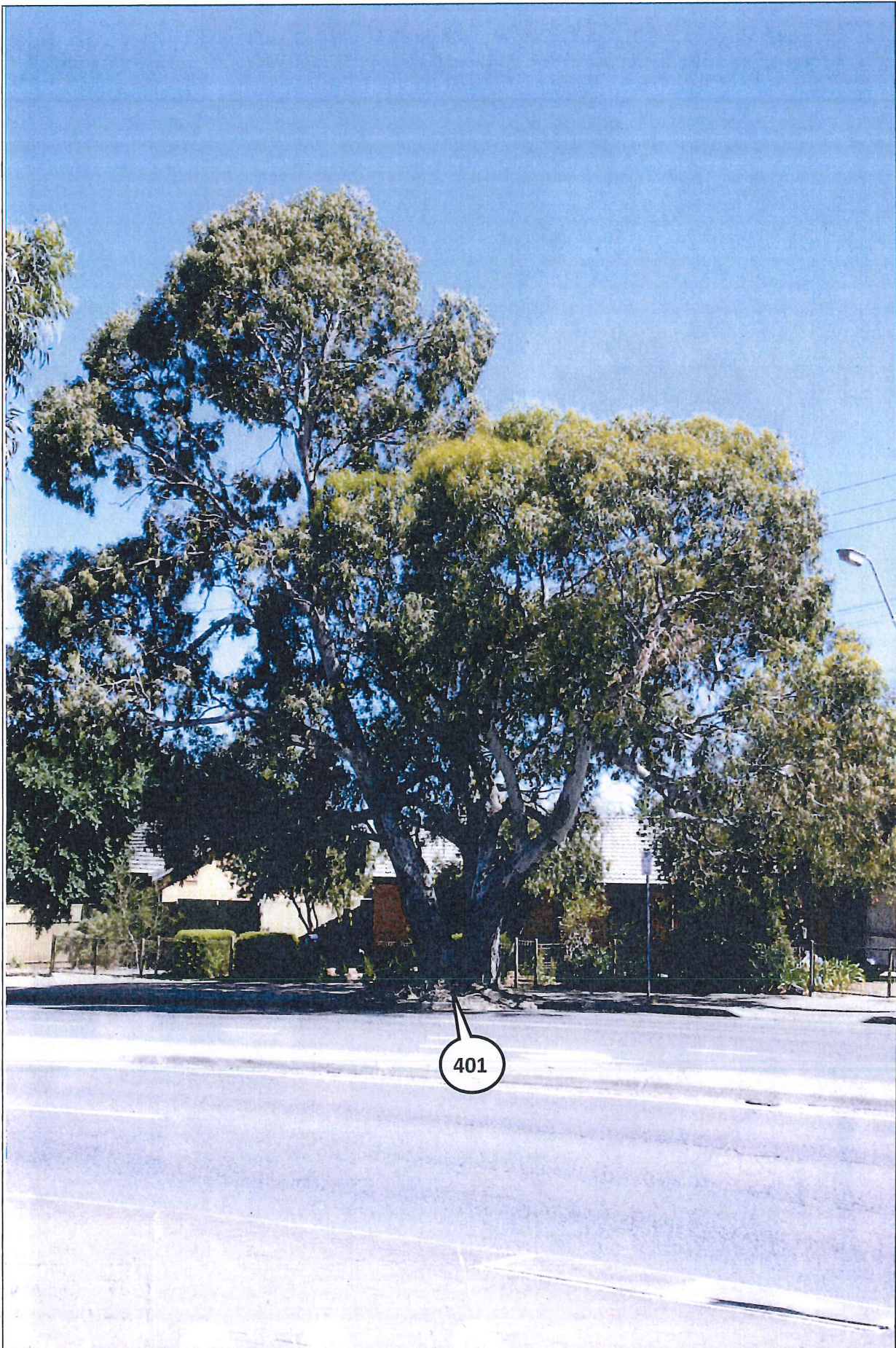


Photo 401 *Eucalyptus camaldulensis* – significant tree

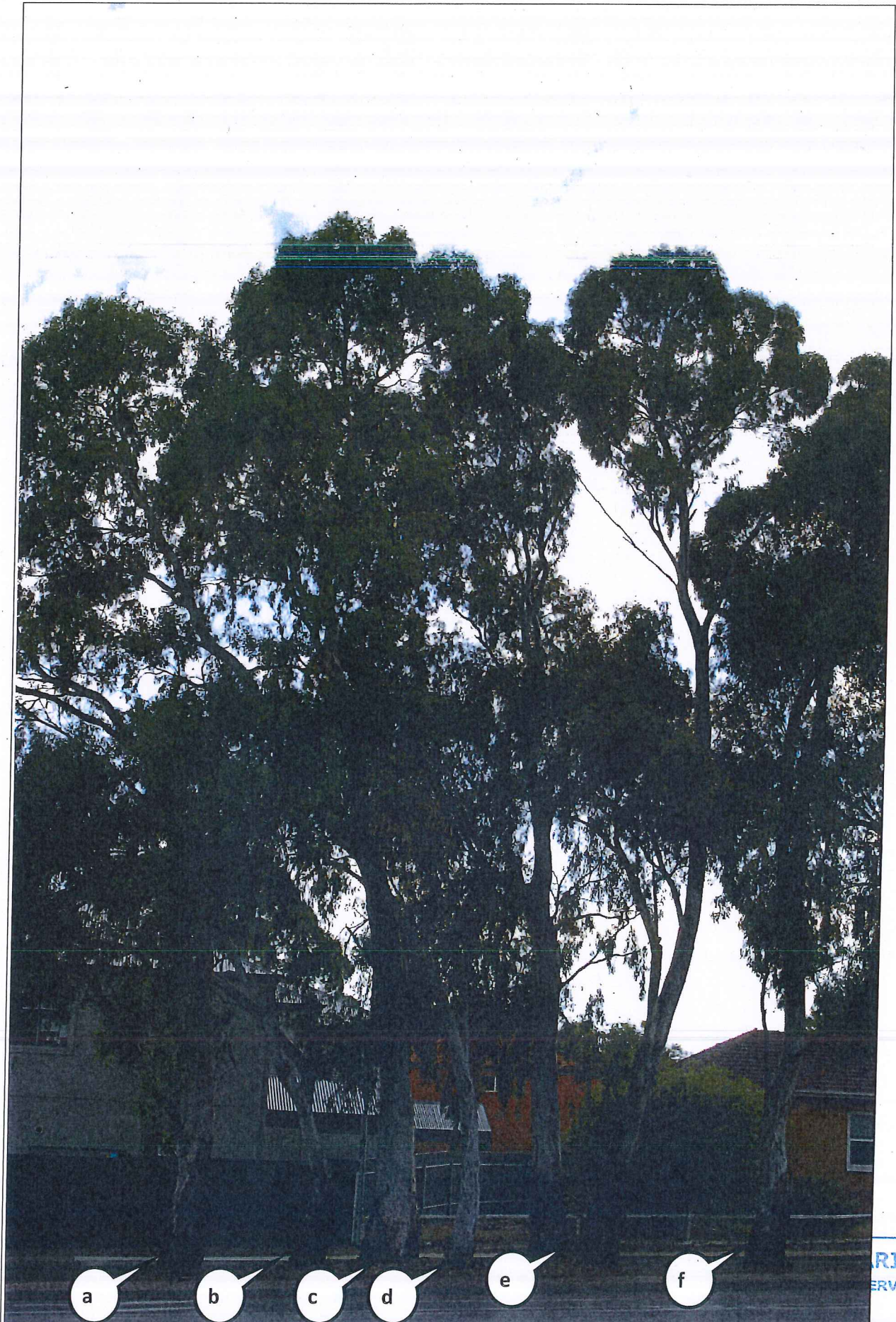


Photo 437 *Eucalyptus camaldulensis* – trees 437c and 437f – regulated trees, tree 437e – significant tree

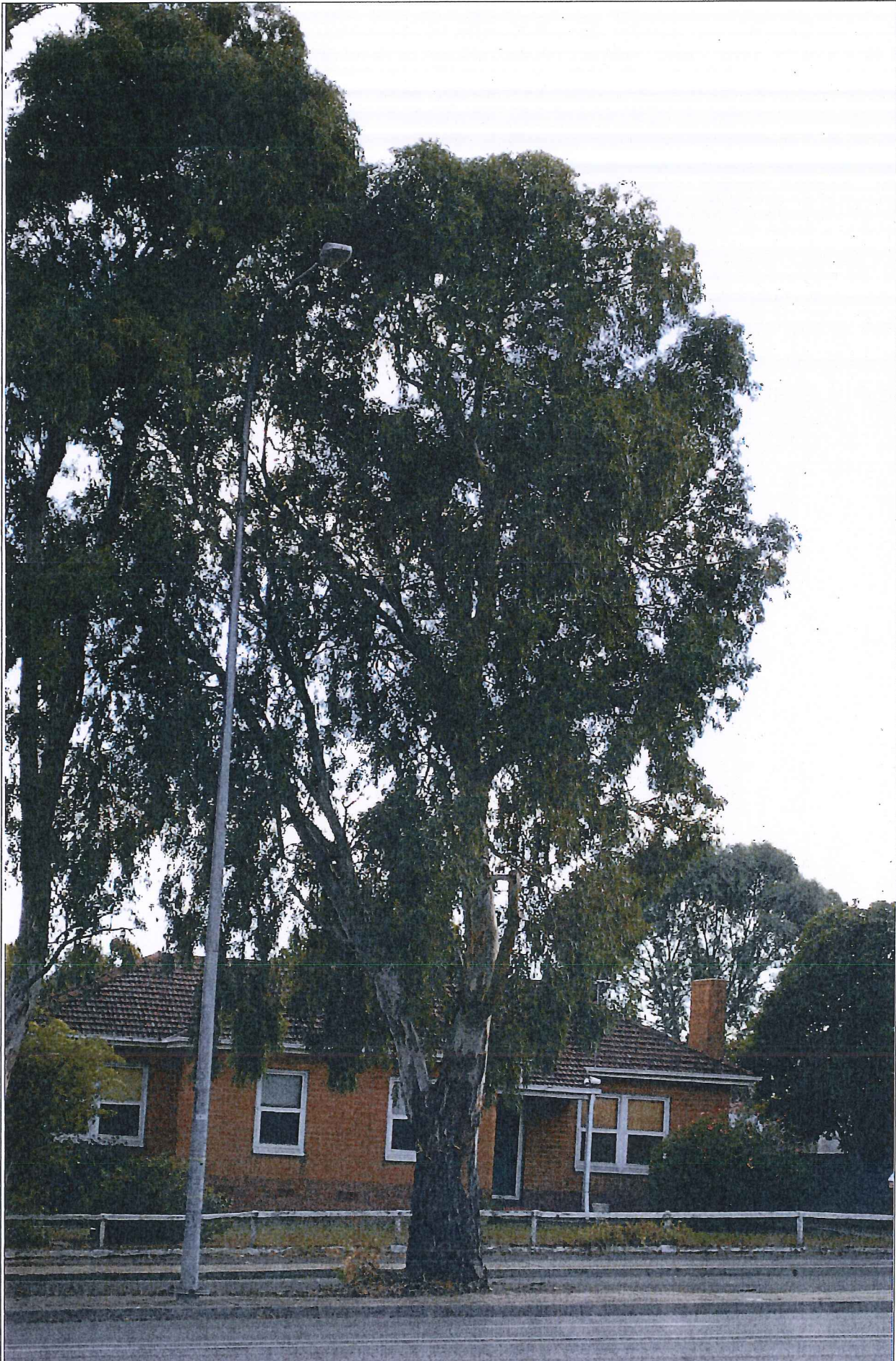


Photo 438 *Eucalyptus camaldulensis* – regulated tree

Knet # 9308713



Photo 442

442c *Eucalyptus globulus* – regulated tree



Photo 559

559a *Eucalyptus camaldulensis* – regulated tree



Photo 561 561b *Eucalyptus leucoxylon* – regulated tree

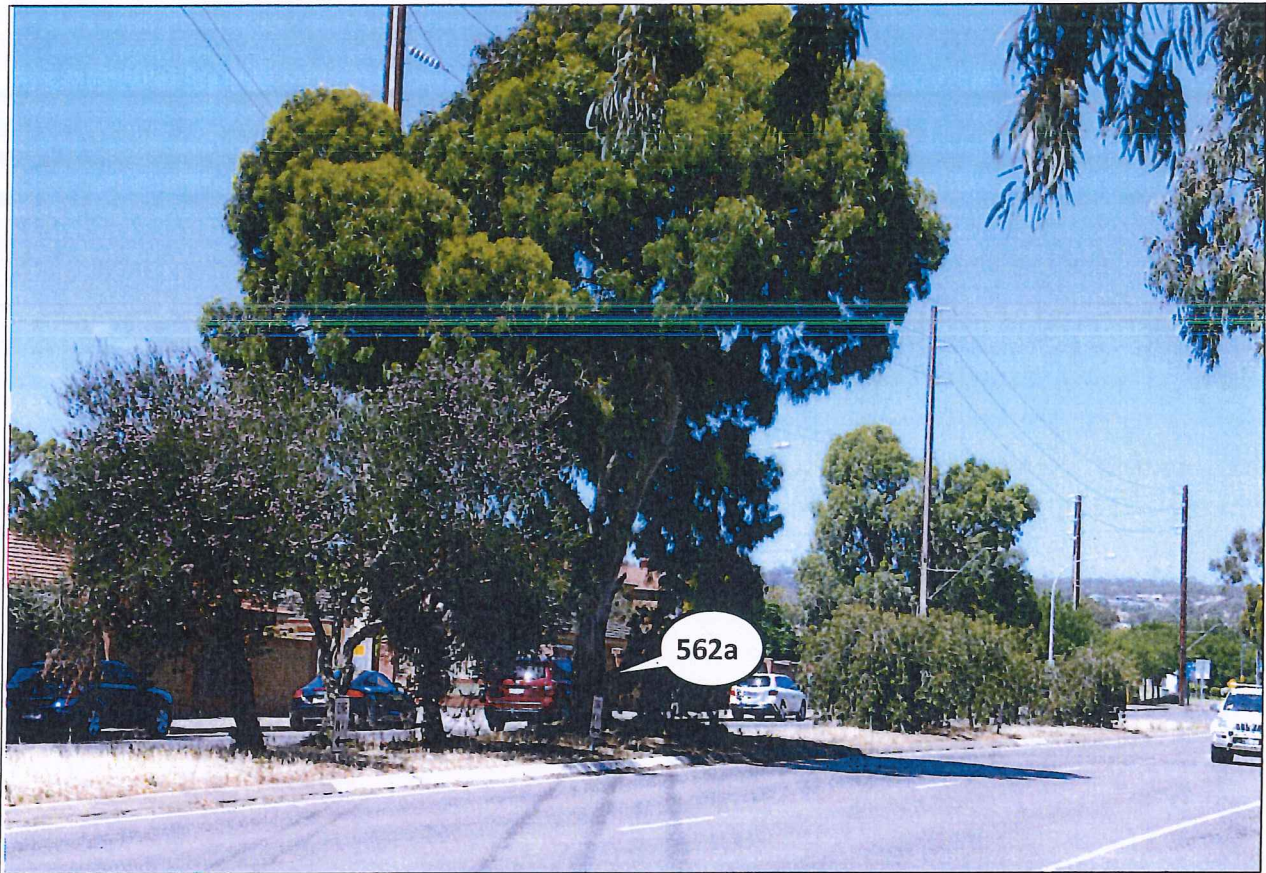


Photo 562 562a *Eucalyptus leucoxylon* – regulated tree



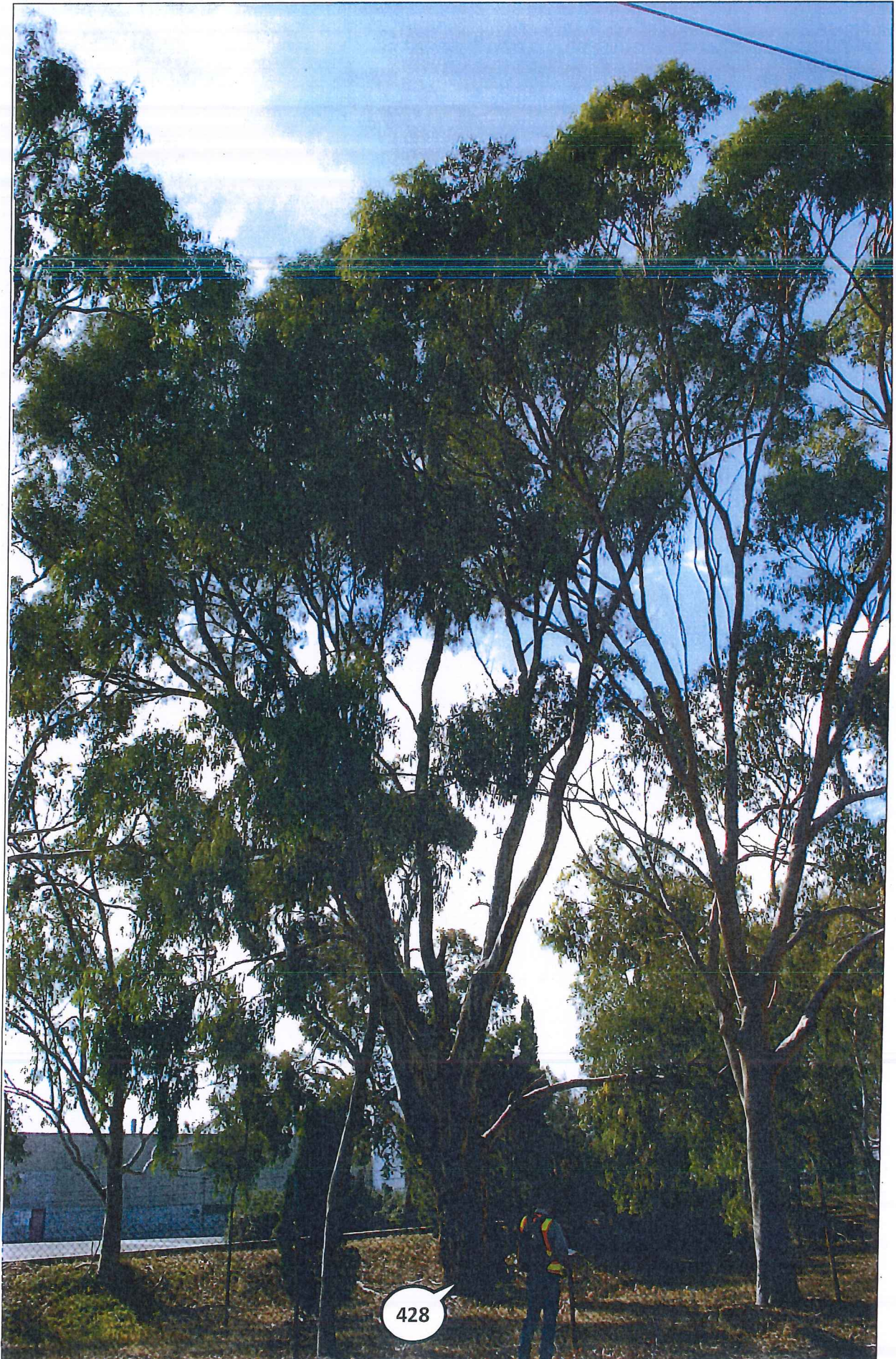


Photo 428 *Eucalyptus camaldulensis* – significant tree

Knet # 9308608

26 JUL 2015

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Photo 554 *Eucalyptus camaldulensis* – significant tree



Photo 570 *Eucalyptus camaldulensis* – significant tree



Fw: Development Application No : 100/1125/2015 - 080/V015/15 (EDALA ID 7662)

Steve Hooper to: Pauline Corcoran

18/08/2015 11:44 AM

----- Forwarded by Steve Hooper/CoM on 18/08/2015 11:43 AM -----

From: "Jones, Matthew (DPTI)" <Matthew.Jones@sa.gov.au>
To: 'Steve Hooper' <Steve.Hooper@marion.sa.gov.au>,
Cc: Rudy Tieman <Rudy.Tieman@marion.sa.gov.au>, Kathy Jarrett <Kathy.Jarrett@marion.sa.gov.au>, "Alliu, Yasmine (DPTI)" <Yasmine.Alliu@sa.gov.au>, "Carn, Harold (DPTI)" <Harold.Carn@sa.gov.au>, "Horner, Amie (DPTI)" <Amie.Horner@sa.gov.au>, "Fell, Emma (DPTI)" <Emma.Fell@sa.gov.au>
Date: 13/08/2015 05:58 PM
Subject: RE: Development Application No: 100/1125/2015 - 080/V015/15 (EDALA ID 7662)

Hi Steve,

I confirm that the amendment wording provided is correct based upon the current design information available for the Sturt Road and Marion Road intersection upgrade.

With respect to the inclusion of trees that appear to be at a distance from the Darlington Upgrade project footprint, I can confirm that DPTI seek their approval for potential service relocation and/or additional infrastructure requirements for stormwater treatment - which are currently being designed.

Whilst no further trees are able to be removed from the development application at this stage, as discussed in our meeting on the 11 of August 2015, alternate options will be investigated to retain trees as the detailed design progresses. Furthermore, trees will only be removed if absolutely necessary and DPTI will continue to consult with the City of Marion throughout this process.

Kind Regards

Matthew

Matthew Jones

Environment Manager - Darlington Upgrade Project

Project Delivery

Department of Planning, Transport and Infrastructure

T 8402 1709 ext 21709 • M 0434 070 447 • E matthew.jones@sa.gov.au

77 Grenfell Street Adelaide • GPO Box 1533 ADELAIDE SA 5001 • DX 171 • www.dpti.sa.gov.au



collaboration . honesty . excellence . enjoyment . respect

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From: Steve Hooper [<mailto:Steve.Hooper@marion.sa.gov.au>]

Sent: Thursday, 13 August 2015 2:48 PM

To: Jones, Matthew (DPTI)

Cc: Rudy Tieman; Kathy Jarrett; Alliu, Yasmine (DPTI)

Subject: Development Application No: 100/1125/2015 - 080/V015/15 (EDALA ID 7662)

Hello Matthew,

Thank you for your email on 12 August 2015 to Rudy Tieman of Council in relation to the above-mentioned development application.

From my understanding of your email, the development application is now revised and excludes the removal and/or pruning of the following trees:

Tree No: 554
Tree No: 555
Tree No: 570
Tree No: 562a

I note that with the original submission Trees 554, 555 & 570 were original proposed to be subject to major pruning, whereas Tree 562a was proposed to be removed.

Assuming the above to be correct, I have revised the proposal description as follows:

*Proposal: Removal of 26 (**previously 27**) regulated or significant trees and the pruning of 2 (**previously 5**) significant trees impacted by the infrastructure works proposed along South Road, Sturt Road and surrounding areas.*

Can you please confirm that the above amendment to the application is correct and that no further trees can now be retained. In this respect, you would be aware that Council had identified other trees which appeared on face value to be at a distance from the proposed infrastructure works such that their removal would not have been readily anticipated.

I confirm that this application will be considered by Council at its meeting on 25 August 2015 where I anticipate that its formal comment to the Development Assessment Commission will be finalised.. In this respect, I note that Council is in receipt of a one week extension to provide its comment such that it has a deadline of 28 August 2015.

Regards,

Steve Hooper
Manager - Development Services | City of Marion

P 08 8375 6665 | **F** 08 8375 6899
E steve.hooper@marion.sa.gov.au | **W** www.marion.sa.gov.au

PO Box 21 Oaklands Park SA 5046
245 Sturt Road Sturt SA 5047

3.71.11.1

26 August 2015

Development Assessment Commission
GPO Box 1815
ADELAIDE SA 5001

Attention: Simone Fogarty, Presiding Member

Dear Ms Fogarty

CROWN DEVELOPMENT APPLICATION NO 080/V015/15 (Our Ref: 100/1125/2015)

Thank you for providing Council the opportunity to comment on the above-mentioned development application pursuant to Section 49(7a) of the Development Act, 1993.

I confirm that this application was considered by Council at the General Council Meeting held on 25 August 2015.

Council recognises the strategic importance of the Darlington Upgrade Project as part of the overall North-South Corridor Project.

Council notes that a large number of Regulated and Significant trees are proposed to be removed in association with the project. Many of these trees are landmark trees, which contribute to the visually amenity and scenic quality of the City of Marion. Many of the trees proposed to be removed, in particular on the Clovelly Park side of Sturt and South Roads, will have a significant visual and amenity impact on the adjacent community. These trees currently provide shade and a buffer between residences and adjacent arterial roads and provide a “gateway” to the City of Marion. Their removal will disaffect this community to a degree that offset replacement plantings is unlikely to remedy even in the long term.

I note that the City of Marion Development Plan contains numerous provisions which the proposal will not comply with. These provisions are listed at Attachment I.

Council’s Planning Officer – Arboriculture has also noted that all of the trees affected by this application are healthy and in good condition and none would otherwise be expected to die in the short-term.

Council acknowledges and supports DPTI’s intention to develop a Landscape and Urban Design Plan (which includes on ground plantings) to offset the removal of these trees, and encourages DPTI to provide for a more community and environmentally sensitive replacement strategy which provides an effective visual and noise buffer between residents and the adjacent road traffic and also includes enhancement of medians. If the Development Assessment Commission resolves to approve the application, this requirement should be incorporated as a condition of consent.

Council in its formal response to the Minister of Transport and Infrastructure regarding the Darlington Upgrade Scheme in May 2015 made specific reference to the removal of trees and advised that the retention of remnant vegetation is strongly supported, in particular, for the several sites in the project area containing large remnant *Eucalyptus camaldulensis*. These trees are of very high ecological and cultural significance and should be protected. This includes retaining trees where possible and ensuring any changes to environmental conditions during construction or operation of the project will not negatively impact on the health of the trees.

In this respect, many of the trees do not appear to be in the direct line of infrastructure works or are in locations where works might readily be redirected around the trees. Council therefore provides the following position:

- (a) concurs with the removal of Trees 70, 131a, 131b, 209, 210a, 438 and 442c as these trees are directly in the path of the new Darlington Expressway;
- (b) acknowledges that Trees 397, 398, 399a, 399c, 437c, 437e and 437f may need to be removed as they are likely to be within the access pathways to the Darlington Expressway. However, seeks every effort be made for their retention, where possible given their contribution to entrance place making, amenity, shade, bird habitat, and carbon removal;
- (c) does not support the removal of Trees 74a, 176a, 212, 214, 228c, 230, 240, 241, 401, 559a, and 559b, as these trees are located either in the Sturt Road median or adjacent to Sturt Road, or, are located within Warriparinga land and the proposed road design could be modified to retain the trees in question.
- (d) seeks to minimise tree pruning of Trees 428 and 436c, such that any pruning proposed will not compromise the health, stability or appearance of the trees.

The Development Assessment Commission (DAC) is requested to impose a condition of approval (if the application is to be approved) requiring that DPTI in finalising the design detail and construction arrangements of the project seek to retain as many of the trees proposed to be removed or pruned as practicable and to delay the removal of the trees until these details are finalised and final tree removal numbers are confirmed. Further, Council requests that the DAC not issue its Full Development Approval until such time as the final plan has been endorsed by the relevant Minister and all trees which might now be saved are retained.

Council is also concerned about the undervaluing of the mature tree replacement cost and believes the level of compensation required under the existing statutory framework is inadequate. Council therefore requests additional compensation for the loss of amenity associated with the removal of trees (both regulated and unregulated) consistent with the "Burnley Method" for 'Amenity Tree Evaluation', as revised by G.M. Moore.

Thank you for providing the City of Marion with an opportunity to comment on the application.

Yours faithfully

Kris Hanna
Mayor
City of Marion

Attachment I:**Development Application No: 1001125/2015 (Ref: 080/V015/15)****Provisions application is not consistent with:****General Section: Natural Resources:**

PDC 28: Development should retain existing areas of native vegetation and where possible contribute to revegetation using locally indigenous plant species.

PDC 29: Development should be designed and sited to minimise the loss and disturbance of native flora and fauna, including marine animals and plants, and their breeding ground and habitats.

PDC 30: Native vegetation should be conserved and its conservation value and function not compromised by development if the native vegetation does any of the following:

(d) has high amenity value and/or significantly contributes to the landscape quality of an area, including the screening of buildings and unsightly views.

(e) has high value as a remnant of vegetation associations characteristic of a district of region prior to extensive clearance for agriculture.

Regulated Trees:

Objective 1: The conservation of regulated trees that provide important aesthetic and/or environmental benefit.

Objective 2: Development in balance with preserving regulated trees that demonstrate one or more of the following attributes:

(a) significantly contributes to the character or visual amenity of the locality

(b) indigenous to the locality

(c) a rare or endangered species

(d) an important habitat for native fauna.

PDC 1: Development should have minimum adverse effects on regulated trees.

PDC 2: A regulated tree should not be removed or damaged other than where it can be demonstrated that one or more of the following apply:

(a) the tree is diseased and its life expectancy is short

(b) the tree represents a material risk to public or private safety

(c) the tree is causing damage to a building

(d) development that is reasonable and expected would not otherwise be possible

(e) the work is required for the removal of dead wood, treatment of disease, or is in the general interests of the health of the tree.

PDC 3: Tree damaging activity other than removal should seek to maintain the health, aesthetic appearance and structural integrity of the tree.

Significant Trees:

Objective 1: The conservation of significant trees, in Metropolitan Adelaide, that provide important aesthetic and environmental benefit.

Objective 2: The conservation of significant trees in balance with achieving appropriate development.

PRINCIPLES OF DEVELOPMENT CONTROL

1 Development should preserve the following attributes where a significant tree demonstrates at least one of the following attributes:

(a) makes an important contribution to the character or amenity of the local area; or

(b) is indigenous to the local area and its species is listed under the National Parks and Wildlife Act 1972 as a rare or endangered native species

(c) represents an important habitat for native fauna

(d) is part of a wildlife corridor or a remnant area of native vegetation

(e) is important to the maintenance of biodiversity in the local environment

(f) forms a notable visual element to the landscape of the local area.

2 Development should be undertaken so that it has a minimum adverse effect on the health of a significant tree.

3 Significant trees should be preserved, and tree-damaging activity should not be undertaken, unless:

(a) in the case of tree removal:

(i) the tree is diseased and its life expectancy is short

(ii) the tree represents an unacceptable risk to public or private safety

(iii) the tree is within 20 metres of a residential, tourist accommodation or habitable building and is a bushfire hazard within a Bushfire Prone Area

(iv) the tree is shown to be causing or threatening to cause substantial damage to a substantial building or structure of value

(v) all other reasonable remedial treatments and measures have been determined to be ineffective

(vi) it is demonstrated that all reasonable alternative development options and design solutions have been considered to prevent substantial tree-damaging activity occurring.

(b) in any other case, any of the following circumstances apply:

(i) the work is required for the removal of dead wood, treatment of disease, or is in the general interests of the health of the tree

(ii) the work is required due to unacceptable risk to public or private safety

(iii) the tree is within 20 metres of a residential, tourist accommodation or habitable building and is a bushfire hazard within a Bushfire Prone Area

(iv) the tree is shown to be causing or threatening to cause damage to a substantial building or structure of value

(v) the aesthetic appearance and structural integrity of the tree is maintained

(vi) it is demonstrated that all reasonable alternative development options and design solutions have been considered to prevent substantial tree-damaging activity occurring.

**CITY OF MARION
GENERAL COUNCIL MEETING
25 August 2015**

Originating Officer: David Harman, Financial Accountant
Corporate Manager: Ray Barnwell, Manager Finance
Director: Vincent Mifsud
Subject: Finance Report – July 2015
Report Reference: GC250815R06

REPORT OBJECTIVES AND EXECUTIVE SUMMARY:

This report provides Council with information relating to the management of financial resources under its control as at July 2015. This report is one of a series of reports designed to assist Council in achieving and maintaining a financially sustainable position. Other reports assisting in this process include the Quarterly Budget Reviews and the Long Term Financial Plan.

It is considered appropriate that financial information regarding Major Projects be presented on a monthly basis in this report. Financial information regarding Major Projects will also be summarised in the quarterly Major Project reports. The principles used for assessment of reportable projects are according to the following criteria:

- Council has agreed to proceed with the project and approved a Section 48 Prudential Report.
- The Whole Of Life Cost is greater than \$4 million dollars (including grant assisted projects).
- Has a project life of more than 12 months.

According to the above criteria, the Cove Civic Centre and the City Services Redevelopment projects qualify and are included in Section 2 of this report.

RECOMMENDATIONS (1)

DUE DATES

That Council:

- 1. Receive the report “Finance Report – July 2015”.**

25 August 2015

BACKGROUND

This report is presented on a monthly basis to provide Elected Members with key financial information to assist in monitoring Council's financial performance.

DISCUSSION:

Appendix 1 contains a financial report to identify Council's performance against budget utilising a "Funding Statement". It provides a review against all of the elements contained within the Statement of Comprehensive Income and Statement of Financial Position that are adopted as part of the Annual Budget Report.

The following reports are included:

(1) Major Projects

Section 48 approved Projects

- (a) Cove Civic Centre (CCC)
- (b) City Services Redevelopment

(2) Funding Statement – Actual versus Budget (Appendix 1)

(3) Debtors Reports for Sundry Debtors and Rates Debtors (Appendix 2)

(1) Major Projects**(a) Cove Civic Centre**

	2015/16 Actual + Committ YTD 31/07/2015	2015/16 Budget	Project Cost At Completion
Income			
Federal Budget Grant 2011-12 Contribution			3,400,000
Total Income			3,400,000
Expenditure			
Operating	-	-	-
Capital Construction	(262,373)	(2,128,622)	(13,400,000)
Total Expenditure	(262,373)	(2,128,622)	(13,400,000)
Project Result Surplus/(Deficit)	(262,373)	(2,128,622)	(10,000,000)

The net deficit forecast will be funded in the following manner:

Funded By :	\$
(Over Project Life)	
Fixed Term Loan	10,000,000
	10,000,000

Construction of the Cove Civic Centre was originally forecast to commence in 2010/11. At the 13 November 2012 Council Meeting, a Section 48 Prudential report (GC131112R01) was considered and adopted by Council.

Following Councils support of a design-led approach which provided greater certainty regarding design and project costs construction commenced in late October 2013. With construction completed in late July 2015 the Centre was officially opened on 1 August 2015.

The Federal Government provided \$3.4 million which was received in June 2012 as a contribution to the Cove Civic Centre Budget with the balance being funded through fixed term loan funding.

(b) City Services Redevelopment

	2015/16 Actual + Committ YTD 31/07/2015	2015/16 Budget	Project Cost At Completion
Income			
Total Income			-
Expenditure			
Operating	-	-	-
Capital Construction	(77,269)	(5,388,133)	(14,332,000)
Total Expenditure	(77,269)	(5,388,133)	(14,332,000)
Project Result Surplus/(Deficit)	(77,269)	(5,388,133)	(14,332,000)

The net deficit forecast will be funded in the following manner:

Funded By :	\$
(Over Project Life)	
Operating Revenue	1,732,000
Fixed Term Loan	12,600,000
	14,332,000

The City Services Redevelopment design work commenced in 2011/12, with tendering for the project commencing in March 2014. Following the completion of the tender process, Council have unanimously approved the awarding of the construction contract for the redevelopment to Badge Constructions, with work expected to be completed late 2015 (SGC190814F01).

On the 11 February 2014 (GC110214R04) Council approved the change in allocated funding for this project of up to \$14.332m.

On the 25 March 2014 (GC250314R01) Council approved loan funding of up to \$12.6m to be taken out for this project. Council has also agreed that it will consider a report on the timing and methodology for disposal of any surplus land following completion of the project.

INTERNAL ANALYSIS

Financial Implications:

This report is an information report only and has no direct financial implications.

CONCLUSION:

The main monthly reporting focus is to report the “Actual versus Budget” position to enable regular monitoring of Council’s financial performance. Major Projects require regular reporting and monitoring by Council to ensure prudent financial management is maintained.

Appendix 1: Funding Statement & Graphs – Actual versus Budget.

Appendix 2: Sundry Debtors & Rates Debtors Report

(2) Funding Statement – Actual versus Budget

The Funding Statement provides a view of Council's financial performance against the approved budget and is consistent with the information provided at budget reviews. It provides a review against all of the elements contained within the Statement of Comprehensive Income and the Statement of Financial Position that are adopted as part of the Annual Budget Report. It details Council's:

Statement of Comprehensive Income -

The operating result is recognised as one of Council's key financial indicators. The budget framework includes a commitment to maintaining a Category 3 Financial Sustainability rating, on average over each five year period, which for 2015/16 means a targeted operating surplus of between \$0 and \$3.424m.

Comment: Council currently has a net operating surplus result of \$2.241m before capital revenues, against a year to date forecast budget of \$0.936m surplus. This position is detailed in the attached Funding Statement and variation notes.

Capital Budget -

The Capital Budget is linked to Council's key financial indicator – "Asset Sustainability Ratio" and an actual to budget comparison reflects Council's progress in achieving its Capital program.

Comment: The actual to budget position reveals that 66.35% of the year to date Capital Renewal Budget has been spent or committed.

The actual progress to date of Council's full Capital New and Renewal Expenditure program is detailed by asset class in the attached graphs, with the exception of major projects which have previously been detailed in this report.

Loans -

The loans component of the Funding Statement identifies any new proposed loan receipts or principal payments. Council's borrowings are included in Council's key financial indicator – "Net Financial Liabilities" which reflects Council's total indebtedness.

Comment: New borrowings of \$7.370m for the City Services Redevelopment are included in the 2015/16 budget as part of Council's Major Projects. Principal repayments of \$2.314m mean that the overall loan liability balance is forecast to increase by \$5.056m.

Reserves & Cash -

Various fund movements such as surplus budget review results, unspent grants and carryover projects at year end are reflected as transfers to reserves, whilst utilisation of reserve funds are recognised as transfers from reserves.

Cash may be utilised to fund expenditure within the context of Treasury Management to ensure loans are not drawn down where temporary cash holdings are available.

Comment: Major movements in Net Transfers from Reserve of \$7.608m include the following:

Transfers to Reserve

Urban Tree Fund	(\$ 10k)
Asset Sustainability Reserve	(\$ 5,609k)

Transfers from Reserve

Grants and Carryovers Reserve	(\$ 13,227k)
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A balanced funding position is forecast to occur in 2015/16.

Funding Statement

As at 31 July 2015

Original Adopted Budget \$'000		YTD Actual + Committ \$'000	YTD Budget \$'000	YTD Variance \$'000		Annual Budget \$'000	Note
	Operating Revenue						
70,058	Rates	6,405	6,350	55	F	70,058	
1,630	Statutory Charges	239	102	137	F	1,630	A
1,633	User Charges	70	90	(20)	U	1,633	
6,024	Operating Grants & Subsidies	665	341	324	F	4,887	B
270	Investment Income	-	-	-	-	270	
770	Reimbursements	46	44	2	F	770	
536	Other	111	22	89	F	536	
315	Net gain - SRWRA	-	-	-	-	315	
81,236		7,536	6,949	587	F	80,099	
	Operating Expenses						
32,139	Employee Costs	1,664	2,105	441	F	32,139	C
14,561	Contractual Services	2,016	2,012	(4)	U	16,183	
4,668	Materials	188	247	59	F	4,675	
1,343	Finance Charges	-	-	-	-	1,343	
13,821	Depreciation	1,152	1,152	-	-	13,821	
6,104	Other	275	497	222	F	6,160	D
72,636		5,295	6,013	718	F	74,321	
8,600	Operating Surplus/(Deficit) before Capital Revenues	2,241	936	1,305	F	5,778	
	Capital Revenue						
-	Capital Grants & Subsidies	-	-	-	U	-	
1,500	Contributed Assets	-	-	-	U	1,500	
-	Gain/(Loss) on Asset Disposal	-	-	-	U	-	
1,500		-	-	-	U	1,500	
10,100	Net Surplus/(Deficit) resulting from operations	2,241	936	1,305	F	7,278	
13,821	add Depreciation	1,152	1,152	-		13,821	
(315)	less Share of Profit SRWRA (excluding dividend)	-	-	-		(315)	
23,606	Funding available for Capital Investment	3,393	2,088	1,305	F	20,784	
	Capital						
13,057	less Capital Expenditure - Renewal	1,465	2,208	743	F	17,077	E
6,504	less Capital Expenditure - New	1,353	3,443	2,090	F	14,871	F
1,500	less Capital - contributed assets	-	-	-	U	1,500	
2,545	Net Overall lending/(borrowing)	575	(3,563)	4,138	F	(12,664)	

Original Adopted Budget \$'000		YTD Actual + Committ \$'000	YTD Budget \$'000	YTD Variance \$'000	Annual Budget \$'000	Note
	Funded by;					
	Loans					
5,388	Loan Principal Receipts (Net)	-	-	-	7,370	
-	Loan Receipts/(Payments) from Sporting Clubs (Net)	-	-	-	-	
2,314	less Loan Principal Repayments	-	-	-	2,314	
3,074	Loan Funding (Net)	-	-	-	5,056	
	Movement in level of cash, investments and accruals					
-	Cash Surplus/(Deficit) funding requirements	13,879	9,664	4,215	-	
(5,619)	less Reserves (Net)	13,304	13,227	77	7,608	
5,619	Cash/Investments/Accruals Funding	575	(3,563)	4,138	(7,608)	
(2,545)	Funding Transactions	(575)	3,563	(4,138)	F 12,664	G

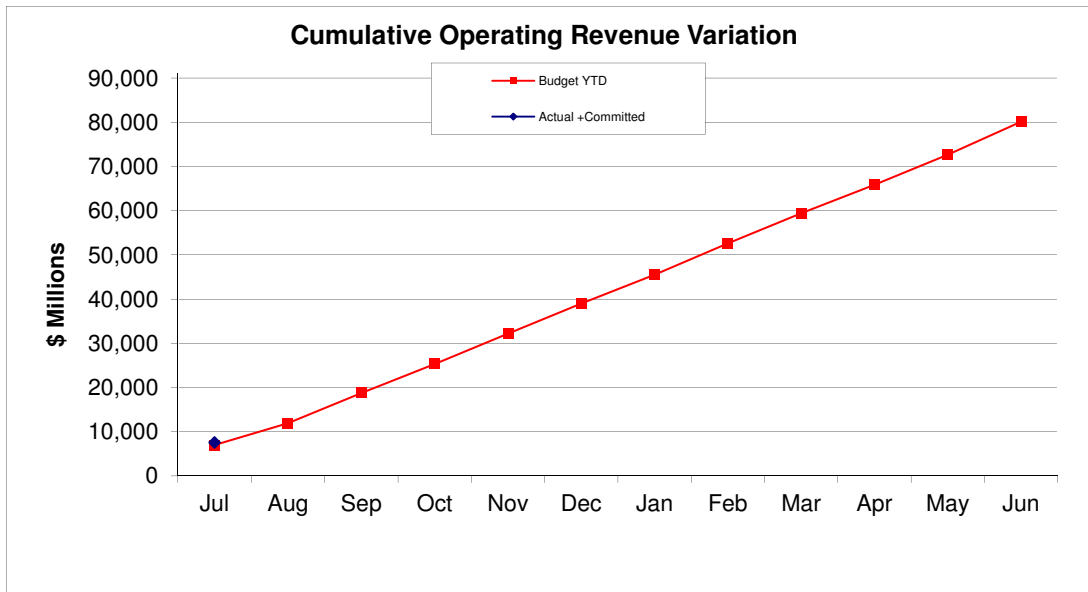
Variation Notes

A	Statutory Charges	Favourable \$137k	Reflects budgeted timing variations in relation to Dog Registration fees.
B	Operating Grants & Subsidies	Favourable \$324k	Reflects budget timing variations with regards to grants received for the HACC program.
C	Employee Costs	Favourable \$441k	Predominantly reflects budget timing variations.
D	Other Expenses	Favourable \$222k	Reflects a number of budget timing variations, none of which are individually significant.
E	Capital Expenditure (Renewal)	Favourable \$743k	Predominantly reflects budget timing variations in regards to Fleet (\$319k) and ICT equipment (\$265k).
F	Capital Expenditure (New)	Favourable \$2,090k	Reflects budget timing variations with regards to the Cove Civic Centre.
G	Funding Transactions	Favourable \$4,215k	The variance in cash/investments/accruals funding is attributable to the corresponding net overall lending/(borrowing) position.

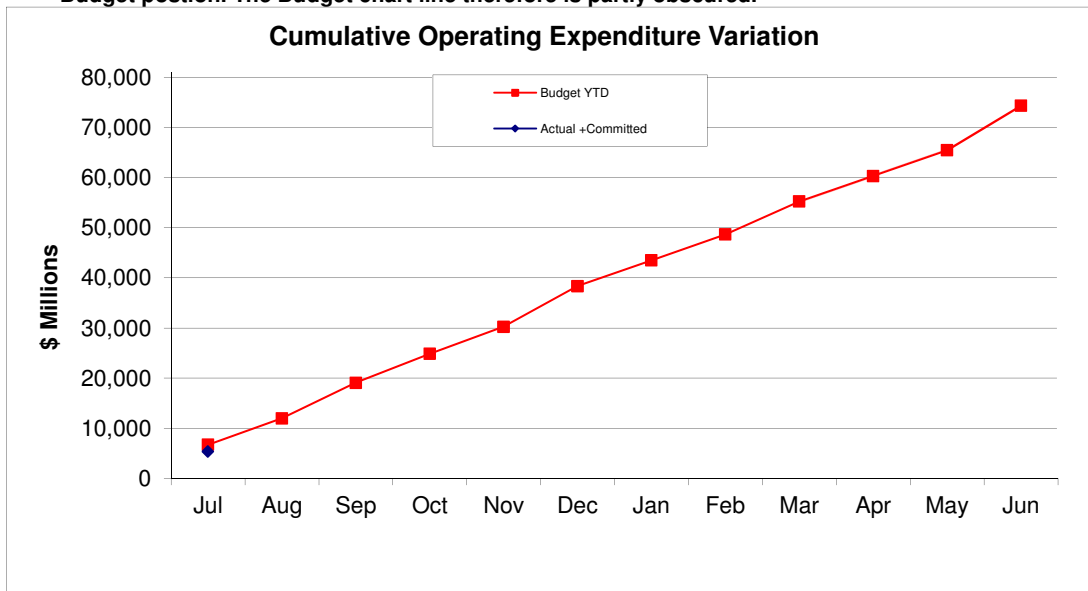
The above comments referring to budget timing variations are where some monthly budget estimates are not reflective of the actual expenditure patterns as at the reporting date.

Note: The progress to date of Capital Expenditure programs (New and Renewal) is detailed in the attached graphs, noting that where no budget exists in the initial months this is primarily due to certain types of capital works that cannot be carried out during periods of inclement weather.

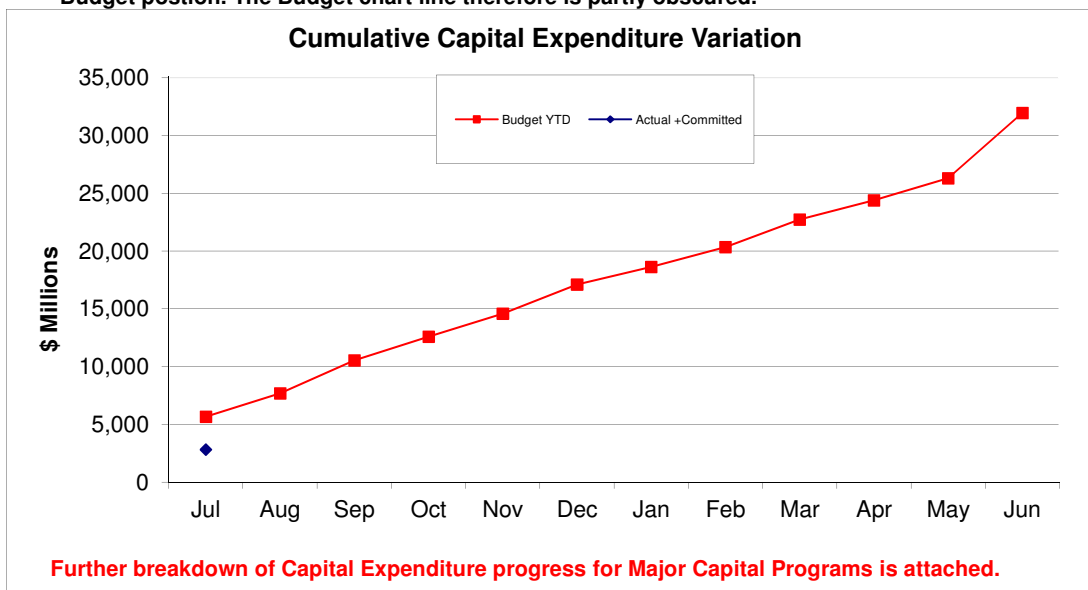
Funding Statement Cumulative Position - 2015/16

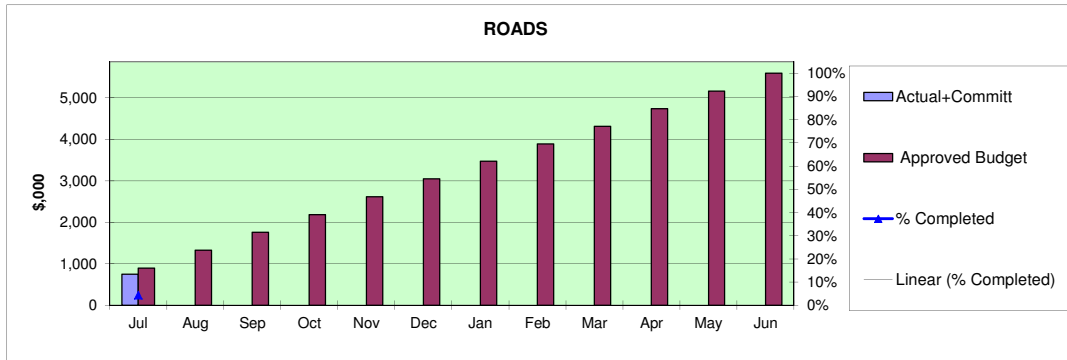


Note - The Year to Date Actual + Committed position result is accurately aligned to the Year to Date Budget position. The Budget chart line therefore is partly obscured.

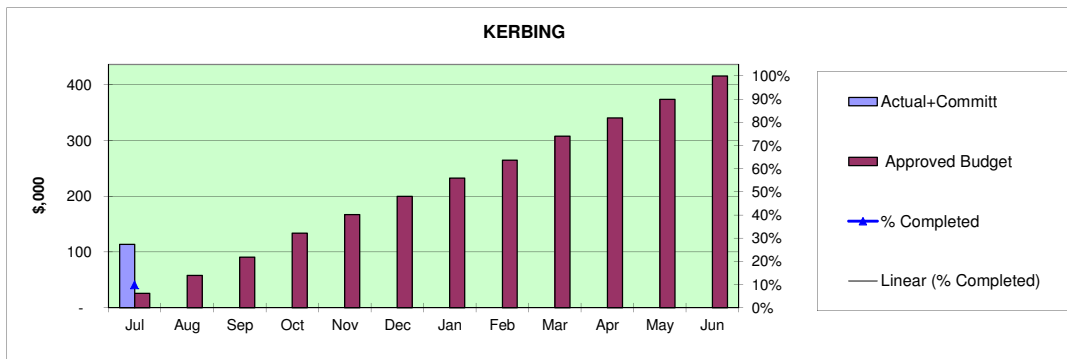


Note - The Year to Date Actual + Committed position result is accurately aligned to the Year to Date Budget position. The Budget chart line therefore is partly obscured.

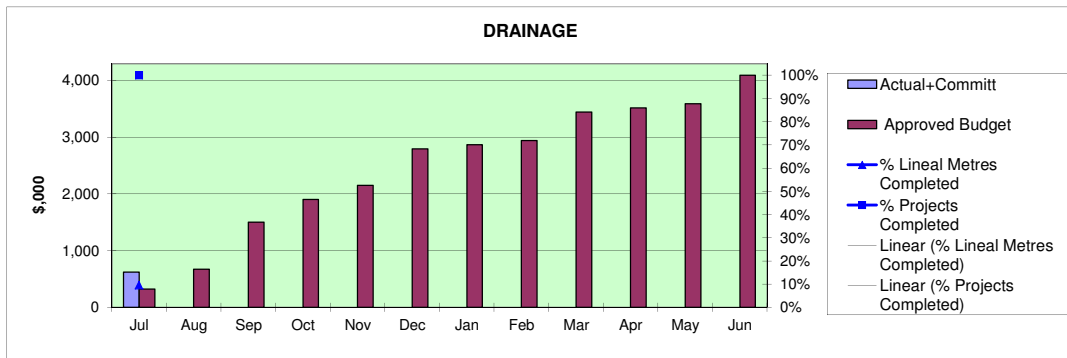




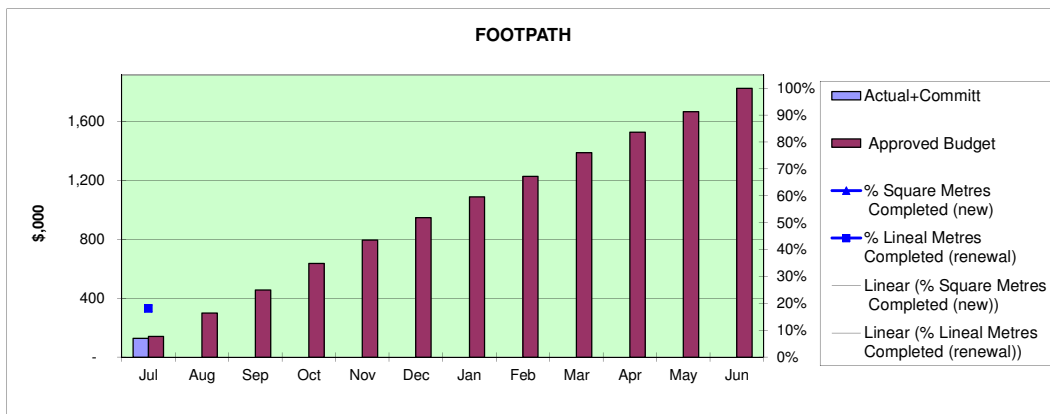
Program commenced, 4% complete.



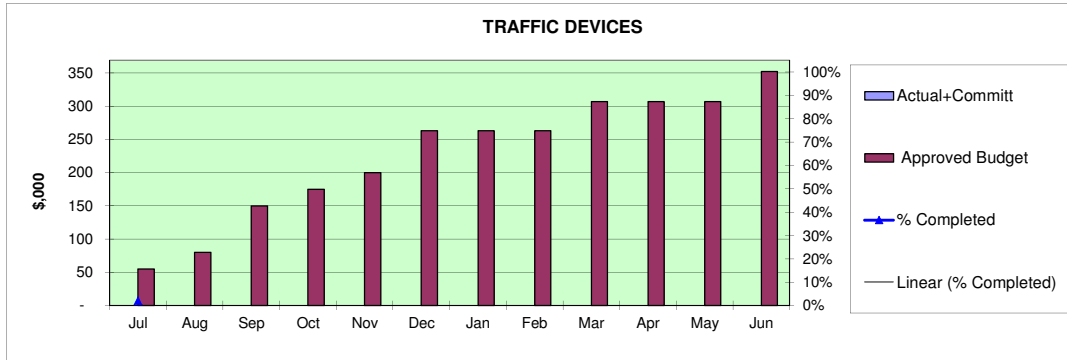
Program commenced, 10% complete.



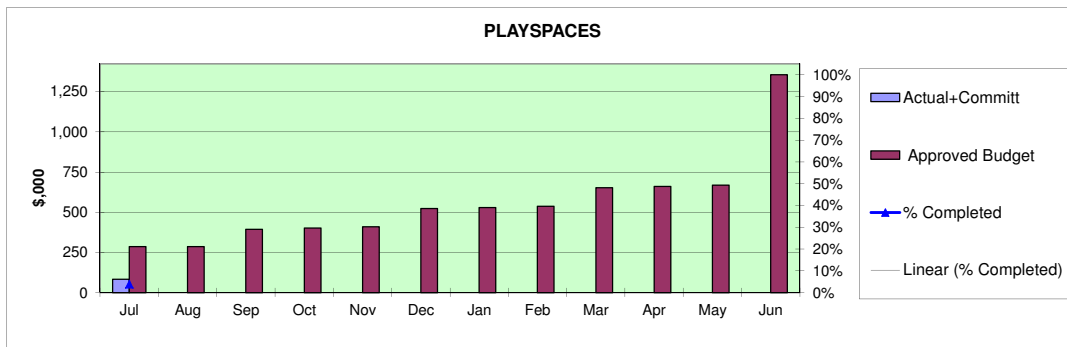
Program commenced, 10% complete.
West Street completed.
Farne Tce, Nannagai Drive, Coolah Terrace, Newland Ave / Jervois Tce, Crozier Tce in progress.



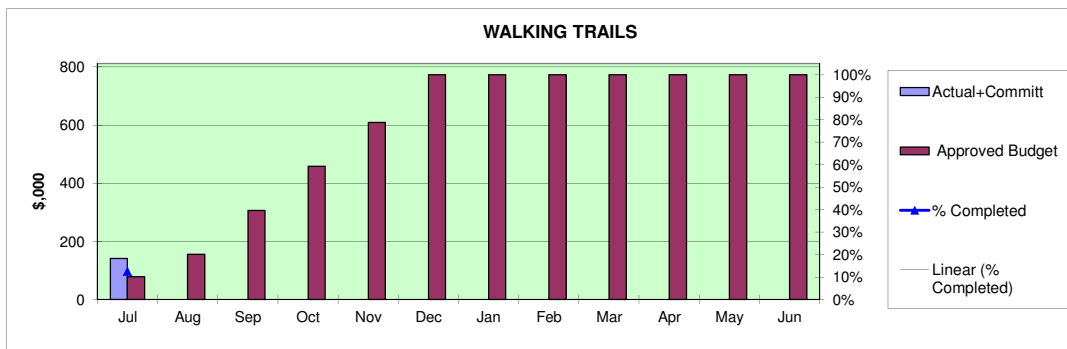
Proactive program commenced, 18% complete.



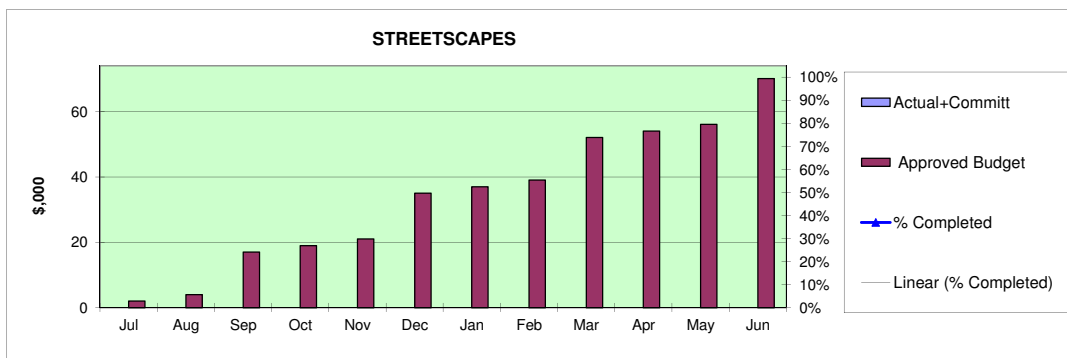
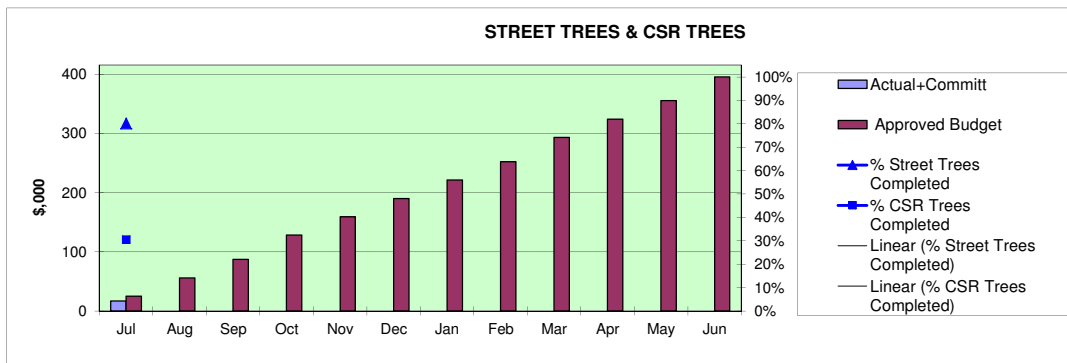
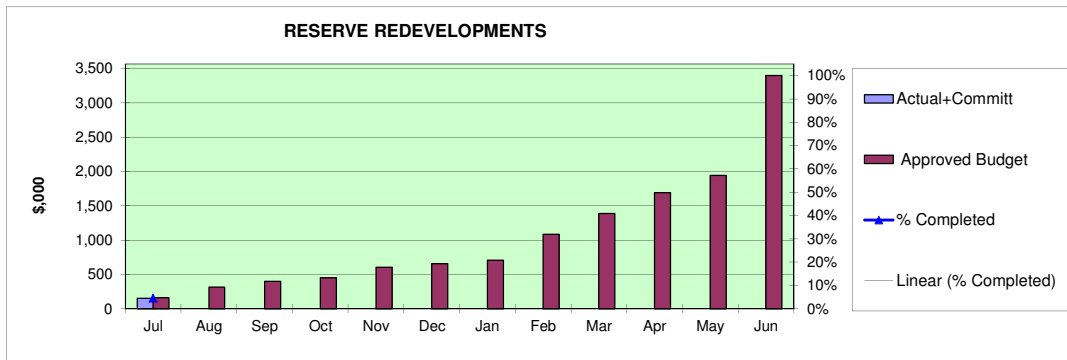
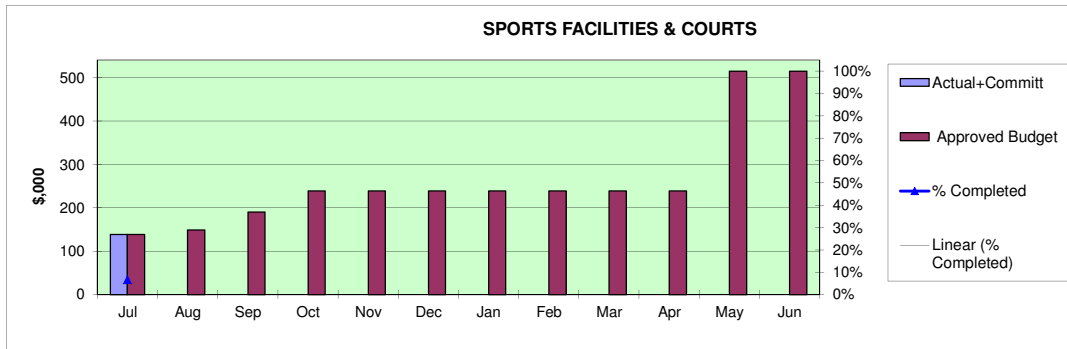
Program commenced, 2% complete.

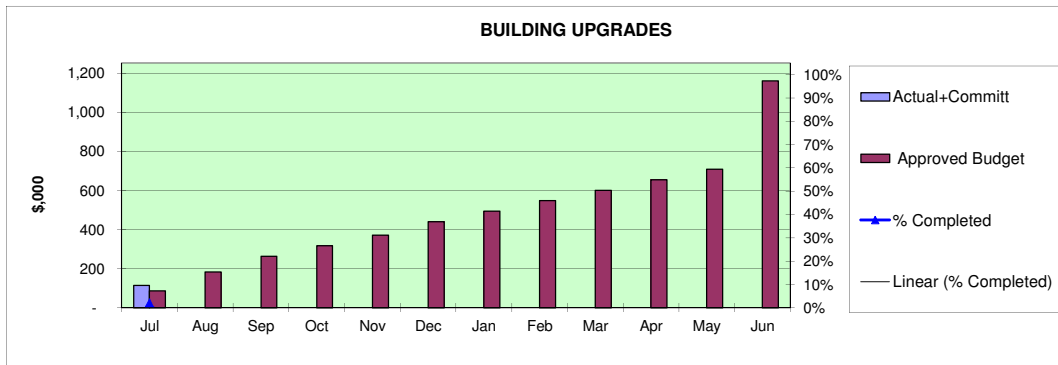


Program commenced, 4% complete.
Edwardstown Oval and Plympton Oval in progress.



Program commenced, 13% complete.
Integrated path Hallett Cove, Railway Tce in progress.



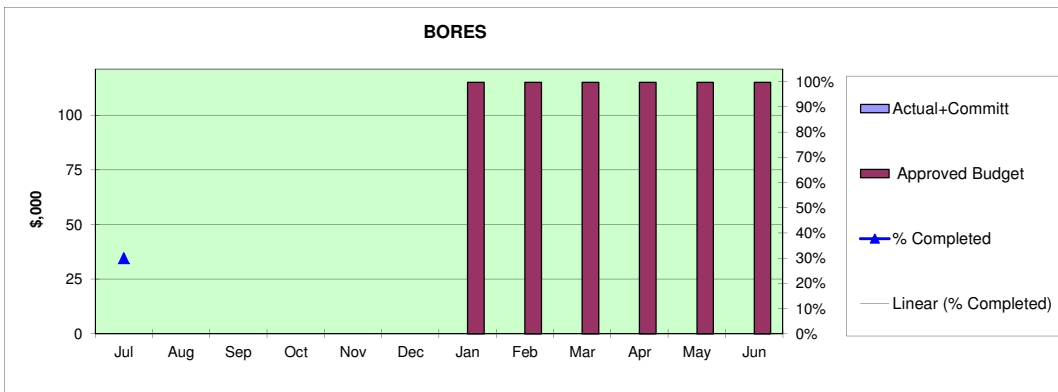


Program commenced, 2% complete.

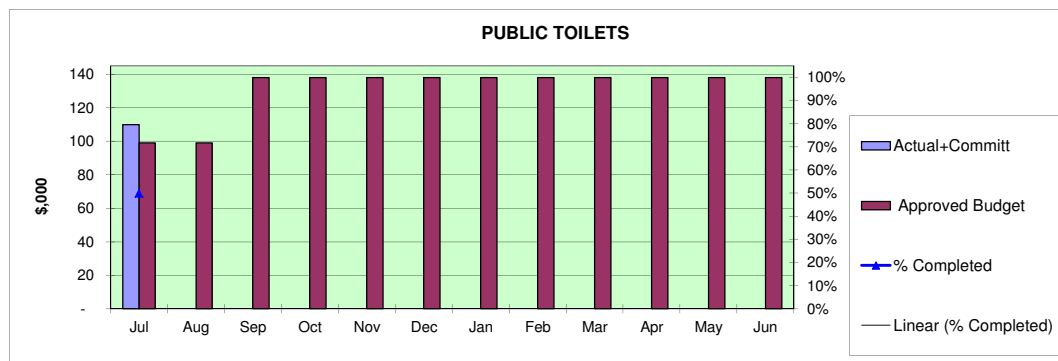
Complete

- Harcourt Gardens DDA.
- Marion Swimming Pool filtration pipe.
- Active Elders toilet upgrade.
- MCC office fitout.
- MCC furniture.

In Progress



Bore audit commenced, 30% complete.



Program commenced, 50% complete.
Exceloo expected to be delivered late August 2015

Debtor	Total Balance	Current	30 Days	60 Days	90 Days	90+ Days	Percentage of total 90+ day balance	Comments for 90+ Day balances
General Total	17,639.43	3,255.77	.00	532.00	1,137.41	12,714.25	4%	Predominantly relates to one debtor on an ongoing payment regarding illegal tree removal (repayment plan is in place).
Hire of Council Facilities Total	13,558.60	1,040.00	1,510.00	2,025.80	.00	8,982.80	3%	Made up of 21 out of 32 debtors in this category, with none individually significant. \$1,711.20 has been subsequently settled in August.
Land Clearing Total	2,146.45	.00	.00	.00	.00	2,146.45	1%	Made up of 2 debtors.
Sporting Clubs & Other Leases Total	149,445.64	3,113.65	17,102.03	38,467.61	2,352.08	88,410.27	29%	Made up of 9 out of 25 debtors in this category. One account for \$57,300.54 with arrangements in place to settle this amount, three further accounts (totalling \$10,760.59) are on payment plans.
Extra Works Total	56,532.50	13,950.00	8,820.00	1,705.00	.00	32,057.50	11%	Made up of 16 out of 26 debtors in this category, with none individually significant.
Swim Centre Debtors Total	7,127.70	.00	.00	119.70	.00	7,008.00	2%	Made up of 8 debtors in this category, one accounts for \$4,262.20 and arrangements have been put in place to settle this amount.
Grants & Subsidies Total	324,184.30	161,074.85	1,100.00	22,416.14	.00	139,593.31	46%	\$110,000 relates to one specific debtor, with a credit of \$23,220 subsequently issued in August - related work will not commence until grant funding is received in full. Three other debtors make up the remainder and are being followed up accordingly.
Environmental Health Total	12,409.80	2,238.80	1,242.00	1,701.20	.00	7,227.80	2%	Made up of 56 out of 100 debtors in this category, with none individually significant. \$550 has been subsequently settled in August.
Impoundment	135.00	.00	.00	.00	.00	135.00	0%	Made up of one debtor on a payment plan. Vehicle will not be released until payment is finalised.
Supplier Refund Totals	1,012.50	.00	1,012.50	.00	.00	.00	0%	
Tree Funds Total	16,101.84	2,767.00	400.00	9,419.00	330.00	3,185.84	1%	Made up of 12 out of 24 debtors in this category, with none individually significant. \$401 has been subsequently settled in August.
Living Kaurua Cultural Centre	4,914.50	3,507.00	1,273.30	134.20	.00	.00	0%	
Marion Cultural Centre Total	12,903.86	8,507.11	124.00	4,052.95	219.80	.00	0%	
Total	618,112.12	199,454.18	32,583.83	80,573.60	4,039.29	301,461.22		
Total Aging Profile		32%	5%	13%	1%	49%		

Category	Description
General	Anything that does not fit into one of the below categories.
Hire of Council Facilities	For hire of rooms in Neighbourhood Centres, etc - usually charged out at an hourly rate. Also includes cultural workshops and tours.
Land Clearing	Relates to the clearing of vacant land
Sporting Clubs & Other Leases	Rent, electricity, water, maintenance, etc charged out to lessees.
Extra Works	For repairs or modifications to infrastructure (footpaths, kerbs, driveway inverts). Can be at resident request.
Swim Centre Debtors	Outdoor Swimming Centre - used for lane hire, school visits, etc
Grants & Subsidies	Government grants and subsidies
Environmental Health	Food Inspection fees
Impoundment	Used for Vehicle Impoundment fees.
Supplier Refunds	Where a supplier owes the City of Marion funds. This category is used to keep track to ensure we have received payment for credits.
Tree Funds	Includes contribution from residents and/or developers for the removal and/or replacement of Council Street Trees and significant trees.
Living Kaurua Cultural Centre	Relates to programs run through the LKCC
Marion Cultural Centre	For invoices relating to the Marion Cultural Centre

**CITY OF MARION
GENERAL COUNCIL MEETING
25 August 2015**

Question Received from: Councillor Nathan Prior

Subject: Smart Cities

Ref No: GC250815Q01

File No: 9.33.3.29

QUESTION:

Does the City of Marion have any involvement in the Smart Cities initiative? If so what is our involvement and who is the manager responsible?

COMMENTS: Councillor Prior

For reference:

<http://capcity.adelaide.sa.gov.au/cities/>

**COMMENTS: Neil McNish, Economic Development Manager
Fiona Harvey, Manager Strategy**

The term Smart Cities is used in a variety of ways across many parts of the world. Most broadly, the Smart Cities concept is an approach to designing cities and devising solutions to urban challenges that affect people's everyday lives. It covers elements such as managing environmental pollution, urban congestion, city safety, infrastructure development, social capital and digital technologies and emergency readiness. It also includes processes to increase citizen engagement, integrate thinking and action and support innovation. This approach seeks to make cities more liveable, resilient and better able to respond to challenges (UK Department for Business, Information and Skills - Smart Cities Background Paper 2013).

A recent study conducted by the Department of Management and Production Engineering at Politecnico di Torino, a public engineering university in Turin Italy¹, identified that seventy cities which engaged in 'smart cities' work are focused across a broad range of smart initiatives. Many cities are pursuing 'hard' infrastructure initiatives in the fields of transportation and mobility, natural resources and energy, whilst a smaller number are focused on 'soft' fields like government transparency. Initiatives being pursued include:

- Green and Renewable energies
- People mobility – Innovative and sustainable ways to provide transport of people in cities

¹ Current trends in Smart City initiatives: Some stylised fact. 'Cities' Journal 2014. Volume 38 pages 25-36

- Smart Grids
- Pollution control
- Info-mobility - to improve traffic and transport experiences
- Public spaces management
- Building services
- Waste management
- City logistics – Improving logistics flows in cities by effectively integrating business needs with traffic conditions and geographical and environmental issues

There are several Smart Cities organisations, particularly in the US and Europe, with many focused on the use of new technology. In Australia, the Australian Smart Communities Association (ASCA) has been established, formerly the Broadband Today Alliance. This started as a coalition of local government, RDA and Regional Organisations of Councils built on the premise of sharing information and advocating for the resources to assist the localised transition to a digital economy and this remains the main focus of ASCA. Current South Australian members are the City of Prospect and the Eastern Region Alliance and for an organisation of our size the annual membership fee would be \$874.50. We have considered membership in the past but have concluded, following discussions with other councils who are active in the economic development area, that membership would not add any great value. We do however continue to receive regular updates on ASCA's activities.

In summary, the City of Marion is currently not formally involved in any Smart Cities initiatives. However, the City of Marion Community Plan and a range of initiatives that are being developed and progressed align closely with the broader concept of the smart cities approach. In particular, the vision and objectives driving the Tonsley development and the broader connection with the Darlington upgrade and Flinders University/Medical Centre precinct are particularly aligned with the idea of a 'smart city'. The City of Marion's involvement in this nationally significant urban redevelopment project offers a great opportunity to implement smart city thinking in an integrated way. The discussions progressing at the Strategic Directions Committee on the Total Development Plan also align closely with the smart cities approach.

Given the integrated nature of the smart cities concept, there would be a range of managers involved in pursuing smart cities initiatives including managers of economic development, strategy, urban planning, environmental sustainability, infrastructure and strategic projects.

**CITY OF MARION
GENERAL COUNCIL MEETING
25 August 2015**

Notice Received from: Councillor Tim Gard

Subject: Certified Marketing Practitioner

Ref No: GC250815M01

File No: 9.24.1.4 & 9.33.3.31

MOTION:

That the incoming CEO take the necessary courses of action to survey the option for a certified marketing practitioner to be appointed within a reviewed organisational structure in the process of reassessing the management composition of the City of Marion.

COMMENTS: Councillor Gard

1. Introduction:

As Adrian Skull takes up his new CEO duties from the end of August, one of his main objectives will be a review of the organisation structure of the City of Marion. A number of considerations surrounding future strategies will be made in this process. Not the least of these is the current mix of the organisation's revenue centres, versus future options.

Since the new Council first took office, it has been well documented that perhaps our greatest concern is the resultant squeeze between the need for effective provision of traditional city services, the future needs of the city by way of new projects and installations and the means by which these collective requirements can be funded, given the extremely high reliance of the City on income from rates.

This is a classical marketing problem that our Council has the responsibility to solve by deploying the combination of high quality marketing inputs and astute financial management, as best practice would dictate.

As the sole specialist qualified marketer, to my knowledge, amongst our Elected Members, it is indeed my professional duty and responsibility to highlight the position in which the City of Marion dwells in marketing terms, in the same sense that a legal professional might do so in relation to the organisation's governance, or an accountant in relation to its finances.

Marketing is commonly seen by the lay person as merely promotion and image building, with a splash of sales and customer services. Those aspects in fact represent a minuscule percentage of the marketing role in an organisation with a large customer base.

As a means of displaying the breadth of marketing as a profession, may I outline the units involved in the process of my gaining my graduate diploma, which would now be classified as a Bachelor of Marketing or similar; in no particular order:

Business Communication
Sales Management
Customer Service
Principles of Marketing
Accounting (2 units)
Economics
Statistics
Marketing Research
Product Development
Distribution and Packaging
Pricing
Advertising and Public Relations
Marketing Management

Each of these disciplines have significant weighting in the marketing management role and if an organisation is to perform at its highest potential, then in the 21st century an individual bearing such experience and qualifications is a necessity in the organisation.

In the process of establishing our 'Rainbow Flag' position, a significant number of residents (customers) commented that councils should be all about 'rates, roads and rubbish'. Well of course, speaking of rubbish, this is rubbish, as many residents and those within our organisation clearly understand. In fact, over time, the term 'council' has been replaced by the term 'city' in common reference to local government. This replacement seemed to coincide with a change in perception of local government as the ideals of 'community wellbeing' were developing.

Traditionally government entities have been ever-expanding service providers driven by budgets, political considerations and presumption of consumer needs based on past consumption. They have operated primarily in reactive modes to constituents rather than in pro-active modes.

The evolution of function of local government has brought with it the need to reconsider how human resources should be aligned. It is becoming increasingly obvious that this review has been only partially successful and not imaginative enough, as vestiges of the old structures still carry too much weight in the management makeup of cities and subsequent decision making. Moreover, local government entities have unwittingly and subtly taken on the shape of 'lay marketers'.

As the City of Marion commences to research its future options to expand forms of revenue and modes of delivery of services, it will be confronted by a classical marketing environment involving each and every one of the disciplines I have listed above. At present the City is not equipped with the appropriate human resources to commence this journey and succeed to optimal effect; on this, Members, you have my guarantee.

Let me say that if the City were operating in legal or financial areas without legal or financial expertise in the organisation, we would be in breach of bylaws or very likely higher order regulation or legislation.

Essentially we are operating in 'breach of faith' of our stakeholders (ratepayers) in researching, developing, selling or providing services without professional marketing expertise, as we are not deploying valuable resources at an optimal level, rather at a semi-professional level at best.

As yet, in almost a year of meeting attendance, I have yet to see a marketing plan, containing all its required elements, come before Council on any aspect of the City's services. This is the fundamental document that directs and underpins any marketing operation. Marketing directors 'live' in their marketing plans and professional boards expect to see them or hear about them, at least in short form, on regular cycle.

Again the lay person will be tempted to say: 'but we can't afford additional management resources of this nature'. The issue is that the lay person doesn't know what they don't know about marketing. My response is that the City cannot afford not to have such resources, and that such a resource is an investment and not an expenditure. **This is simply because there are both quantifiable and notional returns on an investment in professional marketing disciplines.**

2. Current position expanded:

The City of Marion would be classified as a '*non-marketing orientated*' entity if it were to undergo a professional marketing audit, in the same way that an accounting audit might be applied to financial sectors of an operation. Hence there's a raft of deficiencies within the organisation and in the relationships between service-provision and our customers.

The **result of these deficiencies** is:

- a limited knowledge and definition of the marketing segments served by the organisation and the quantified needs of those marketing segments
- a limited ability to define and quantify opportunities and threats to the extent that the organisation performs at a lower level than one that employs marketing principles in a concerted and disciplined manner
- the absence of the many benefits listed at the base of this discussion

Traditionally government entities have been service providers driven by budgets, political considerations and a presumption of consumer needs based on past consumption. They have operated primarily in reactive modes to constituents rather than in pro-active modes.

The City of Marion has various managers who are responsible for strategic, customer services and public relations functions within an overall administration structured along the lines of a traditional local government administration. Those managers do the best they can but cannot hope to achieve the same results that might be achieved under professional marketing management.

The **advantages** of marketing management and related practices within an organisation are many. One of these is improved profitability, irrespective of an organisation being 'not for profit' or otherwise. If in fact an organisation is 'not for profit', such as charities, certain societies and government entities, there is still advantage in the deployment of **profitable practices** to preserve or cultivate buoyancy in operations and efficient achievement of objectives.

3. Other cities

My research indicates that there is an emergence of marketers on the organisation charts of the more prominent cities around Australia, and in this State there is a Marketing and Customer Relations Division at the progressive City of Salisbury and marketing is actually mentioned in the organisational chart of the City of Unley.

Examination of the roles of some of these marketing cells still suggests to me that the organisations concerned have in the main under-employed their marketers, confining them to advertising, public relations and customers service responsibilities only.

The City of Marion has a real opportunity to reposition itself as a truly commercial organisation, adding value for its rate paying customers by way of greater efficiencies and corporate advancement, even though it must abide by the constraints of the Local Government Act. **It can achieve this objective by introducing a qualified marketer at a senior level just under a Director. There would be some who would argue that there should even be a 'Director of Marketing'.**

In effect the City of Marion is second only to the City of Adelaide in this State, in respect of **diverse commercial presence**, such as Westfield Marion, the emerging Tonsley facilities, the scope for development at Edwardstown and in Seacliff Park – Marino, the expansion of new transport infrastructure within and along its boundaries and the ever-evolving demographic spread in the City that, in itself, is a positive challenge for the marketing professional.

This disposition literally begs for higher order marketing expertise.

4. Benefits of professional marketing management:

- improved planning, plan execution and planning review
- improved profitability in supply of services
- improved product/service development capacities
- improved cost effectiveness in marketing communications
- improved use of technologies in service delivery
- improved presentation of services to customers
- improved levels of customer service dealings
- improved detection and quantification of customer needs
- improved customer awareness, acceptance and commitment in relation to services
- improved market research of customer base
- improved marketing analysis and auditing systems
- improved surveillance and modelling techniques, incorporating relevant aspects of the external business environments
- improved benchmarking techniques with other organisations
- improved representation or bidding to external entities, including other government bodies
- improved quality of communication with Council

My observation is that none of the above parameters are currently operating at the professional levels to be found in successful private enterprise organisations, albeit the management and staff engaged in each discipline are diligent in and focused upon their respective tasks and objectives. Professional marketing leadership and direction is the factor that is clearly missing and when this is brought into place those presently involved in these areas of work will develop accordingly, even to the extent of gaining more satisfaction from their work.

In assessing this motion, I ask all Members to think commercially rather than governmentally, as this is not just an opportunity but a responsibility to:

- a) position the City of Marion for the future
- b) improve standards of living for our customers, as I prefer to call our residents and
- c) become a real leader in our sector over the next decade, through positive new century transformations and generation of advanced deliverables to our community.

**CITY OF MARION
GENERAL COUNCIL MEETING
25 August 2015**

Notice Received from: Councillor Janet Byram
Subject: Cove BMX Club Fence
Ref No: GC250815M02
File No: 9.24.1.4 & 9.33.3.34

MOTION:

That Council provide the Cove BMX Club with \$9,000 for the purpose of building the fence between the club and the residents.

COMMENTS: Councillor Byram

Residents in Hallett Cove Heights in Annabelle Drive have for many years been asking council for a fence between the BMX club/Cove sports and community centre and the houses on the north side of Annabelle Drive. This fence will enable the residents to have privacy and protection from the rock throwing that has been occurring for many years. Council part built a fence on the east side to provide some protection for the residents on Elizabeth Crescent but it was not extended to include the houses on Annabelle Drive.

The BMX club has a harmonisation programme in place to assist the local residents and has especially targeted noise and dust issues, they also have a strict ruling that any person found throwing rocks or rolling tyres down the hill will be disqualified from racing that day/s. this includes visiting riders from other clubs. This has helped stop the problem on BMX activities, however the problem still exists especially when the BMX club is not in attendance. The residents have identified that it is not a problem with the BMX club but at other times when the football clubs and general public are using the community track.

The BMX club has offered to help with the fence - they have offered to build the fence using their own club labour and have sought sponsorship from Stratco and Kennards Hire to help with the costs of the fence.

The cost of this fence if sent out for tender by the Council would be in the vicinity \$30,000. The BMX club have stated the cost for them in the vicinity of \$14,000 as they have quoted on their time as volunteer costings.

Their request from council is for \$9,000 to pay for the materials required to build this fence 175metres long and 1.8metres high is a great saving for council.

COMMENT: Peter Patterson - Manager Open Space & Facilities

Residents residing in the north side of Annabelle Drive, Hallett Cove Heights have in the past raised concerns with council regarding anti-social behaviour including the throwing and rolling of rocks, tyres etc in the land between the BMX club and their properties. Council has in the past liaised with Cove Sports and SAPOL regarding this matter and has assisted in the clearing of foreign objects in this area.

We acknowledge the BMX Clubs generous offer to work in partnership with Council to build the fence utilising club labour and additional sponsorship.

It is recommended to Council that no decision be made in regards to the erection of a fence between the BMX club and residential properties until a full site assessment is undertaken.

The assessment will ascertain the impacts a fence installation may have to the surrounding area taking into account:

- Crime Prevention through Environmental Design (CPTED) principles including:
 - management of potential graffiti tagging
 - safety concerns regarding any enclosed areas between the proposed fence and residential properties
 - potential anti-social behaviour within enclosed areas
- Access and egress to manage any resulting land and vegetation enclosed
- The most appropriate fencing material to alleviate CPTED issues considering height, and material e.g. colorbond or mesh
- On-going maintenance and whole of life costs.

Any alternative solutions to the issue if a fence is not regarded the most appropriate solution will be outlined in the report.

A report will be brought back to Council for consideration at the 22 September 2015 General Council meeting.

The following amended motion is recommended to Council:

That Council require administration to undertake an assessment of the vandalism issues being experienced by residents adjacent the Cove BMX grounds and bring a report back to Council with a recommended solution which includes assessment of the proposal put forward by residents and BMX Club to erect a fence.

CONFIDENTIAL REPORT
General Council Meeting

25 August 2015

Originating Officer: Heather Michell, Land Asset Officer
Corporate Manager Peter Patterson, Manager Open Space
Director: Abby Dickson (Acting)
Subject: Glandore Laneways Project
Reference No: GC250815F01

If the Council so determines, this matter may be considered in confidence under Section 90(3)(b)(d) of the *Local Government Act 1999* on the grounds that the report contains information relating to commercial information of a commercial nature (not being a trade secret) the disclosure of which (i) could reasonably be expected to prejudice the commercial position of a person who supplied the information, or to confer a commercial advantage on a third party; and (ii) would, on balance, be contrary to the public interest.



Geoff Whitbread

Acting Chief Executive Officer

RECOMMENDATION:

That pursuant to Section 90 (2) and (3)(b)(d) of the *Local Government Act 1999*, the Council orders that all persons present, with the exception of the following persons: Geoff Whitbread, Kathy Jarrett, Vincent Mifsud, Abby Dickson, Kate McKenzie, be excluded from the meeting as the Council receives and considers information relating to the Glandore Laneways, 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 information of a commercial nature (not being a trade secret) the disclosure of which (i) could reasonably be expected to prejudice the commercial position of a person who supplied the information, or to confer a commercial advantage on a third party; and (ii) would, on balance, be contrary to the public interest.

CONFIDENTIAL REPORT

Author Geoff Whitbread, Acting Chief Executive Officer

Subject: Cove Civic Centre

Reference No: GC250815F02

If the Council so determines, this matter may be considered in confidence under Section 90(3)(b)(i)(ii) of the *Local Government Act 1999* on the grounds that the report contains information relating to information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and would, on balance, be contrary to the public interest.



Geoff Whitbread
Acting Chief Executive Officer

RECOMMENDATION:

1. That pursuant to Section 90(2) and (3)(b) and (d) of the *Local Government Act 1999*, the Council orders that all persons present, with the exception of the following persons: Geoff Whitbread, Vincent Mifsud, Abby Dickson, Kathy Jarrett, Kate McKenzie, Jaimie Thwaites, John Valentine and Craig Clarke be excluded from the meeting as the Council receives and considers information relating to the Cove Civic Centre, 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 a matter that could confer a commercial advantage to a third party and prejudice the commercial position of Council.

CONFIDENTIAL REPORT

**General Council Meeting
25 August 2015**

Originating Officer: Geoff Whitbread, Acting Chief Executive Officer
Subject: Marion Leisure and Fitness Centre
Reference No: GC250815F03

If the Council so determines, this matter may be considered in confidence under Section 90(3)(d) of the *Local Government Act 1999* on the grounds that the report contains information relating to commercial information of a commercial nature (not being a trade secret) the disclosure of which (i) could reasonably be expected to prejudice the commercial position of a person who supplied the information, or to confer a commercial advantage on a third party; and (ii) would, on balance, be contrary to the public interest.



**Geoff Whitbread
Acting Chief Executive Officer**

RECOMMENDATION:

1. That pursuant to Section 90 (2) and (3)(d) of the *Local Government Act 1999*, the Council orders that all persons present, with the exception of the following persons: Geoff Whitbread, Kathy Jarrett, Abby Dickson, Kate McKenzie, Jaimie Thwaites, Craig Clarke be excluded from the meeting as the Council receives and considers information relating to the Marion Leisure Fitness Centre Lease to CASA Leisure Pty Ltd, 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 information of a commercial nature (not being a trade secret) the disclosure of which (i) could reasonably be expected to prejudice the commercial position of a person who supplied the information, or to confer a commercial advantage on a third party; and (ii) would, on balance, be contrary to the public interest.

**CITY OF MARION
GENERAL COUNCIL MEETING
25 August 2015**

Originating Officer: Heather Falckh, Manager Organisational Excellence

Corporate Manager: Heather Falckh, Manager Organisational Excellence

Director: Kathy Jarrett

Subject: Confidential Report – Internal Audit and Service Review Tender

Report Reference: GC250815F04

If the Council so determines, this matter may be considered in confidence under Section 90(3)(k) of the *Local Government Act 1999* on the grounds that the report contains information relating to provision of services to the City of Marion.



Geoff Whitbread
Acting Chief Executive Officer

RECOMMENDATION:

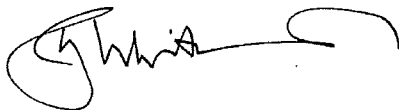
1. That pursuant to Section 90(2) and (3)(k) of the *Local Government Act 1999*, the Council orders that all persons present, with the exception of the following persons: Geoff Whitbread, Kathy Jarrett, Vincent Mifsud, Abby Dickson, Kate McKenzie and Jaimie Thwaites, be excluded from the meeting as the Council receives and considers information relating to Internal Audit and Service Reviews Tender, 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 provision of services to the City of Marion.

**CITY OF MARION
GENERAL COUNCIL MEETING
25 August 2015**

CONFIDENTIAL REPORT

Director: Kathy Jarrett
Subject: Investigation
Reference No: GC250815F05

If the Council so determines, this matter may be considered in confidence under Section 90(3)(g) of the Local Government Act 1999 on the grounds that the report contains information that Council has a duty to keep confidential.



**Geoff Whitbread
Chief Executive Officer**

RECOMMENDATION:

1. That pursuant to Section 90 (2) and (3)(g) of the Local Government Act 1999, the Council orders that all persons present, with the exception of the following persons: Kathy Jarrett and Abby Dickson be excluded from the meeting as the Council receives and considers information that it has a duty to keep confidential.

**CITY OF MARION
GENERAL COUNCIL MEETING
25 August 2015**

CONFIDENTIAL REPORT

Originating Officer: Andrew Lindsay, Manager Organisational Development
Director: Kathy Jarrett
Subject: Council Briefing - Nursery Operations
Reference No: GC250815F06

If the Council so determines, this matter may be considered in confidence under Section 90(3)(h) and (i) of the Local Government Act 1999 on the grounds that the report contains information about which legal advice has been obtained and which is the subject of litigation involving Council.



**Geoff Whitbread
Chief Executive Officer**

RECOMMENDATION:

1. That pursuant to Section 90 (2) and (3)(h) and (i) of the Local Government Act 1999, the Council orders that all persons present, with the exception of the following persons: Geoff Whitbread, Kathy Jarrett, Vincent Mifsud, Abby Dickson, Kate McKenzie and Jaimie Thwaites be excluded from the meeting as the Council receives and considers information which legal advice has been obtained and which is the subject of litigation involving Council.