

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 26 May 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.

Geoff Whitbread
ACTING CHIEF EXECUTIVE OFFICER

21 May 2015

**CITY OF MARION
GENERAL COUNCIL AGENDA
FOR MEETING TO BE HELD ON
TUESDAY 26 MAY 2015
COMMENCING AT 7.00PM**



1. OPEN MEETING

2. KAURNA ACKNOWLEDGEMENT

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

3. DISCLOSURE

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

4. ELECTED MEMBER'S DECLARATION OF INTEREST (if any)

5. CONFIRMATION OF MINUTES

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12 May 20156

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14 May 201519

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7. YOUTH ADVISORY COMMITTEE (YAC) UPDATE

Nil

8. DEPUTATIONS

Nil

9. PETITIONS

Nil

10. ADJOURNED ITEMS

Nil

11. PUBLIC SUBMISSIONS

Public Submissions on the Draft Annual Business Plan & Budget 2015/16

GC260515R0125

12. COMMITTEE RECOMMENDATIONS

Confirmation of the Minutes from the Strategic Directions Committee Meeting held on 4 May 2015

GC260515R0256

Confirmation of the Minutes form the Chief Executive Review Committee held on 19 May 2015

GC260515R0365

13. WORKSHOP / PRESENTATION ITEMS

Nil

14. CORPORATE REPORTS FOR DECISION

Appointment of Independent Members to Development Assessment Panel

GC260515R0468

Appointment of Independent Members to Audit Committee

GC260515R0583

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GC260515R0686

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GC260515R07110

Dog and Cat Management Amendment Bill 2015

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22. 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 12 MAY 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
Nick Westwood

Warracowie Ward

Bruce Hull
Nathan Prior

Warriparinga Ward

Luke Hutchinson
Raelene Telfer

Woodlands Ward

Nick Kerry
Tim Pfeiffer

In Attendance

Mr Geoff Whitbread (from 9.45pm)
Ms Kathy Jarrett
Mr Vincent Mifsud
Ms Heather Montgomerie
Ms Kate McKenzie
Ms Victoria Moritz

Acting CEO
Director
Director
Director
Manager Governance
Governance Officer

COMMENCEMENT

The meeting commenced at 7.00pm.

KAURNA ACKNOWLEDGEMENT

We acknowledge the Kurna 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 Crossland declared a conflict of interest in the item *Residential (General) Development Plan Amendment (DPA) – Final Draft for Ministerial Approval: Report*
Reference: GC120515R02

CONFIRMATION OF MINUTES

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

Carried Unanimously

DEPUTATIONS

Nil

PETITIONS

Nil

ADJOURNED ITEMS

Audit Committee Confirmation of Minutes of Meeting held on 14 April 2014
Report Reference: GC280415R02

Moved Councillor Telfer, Seconded Councillor Pfeiffer that Council:

1. Receive and note the minutes of the Audit Committee meeting of 14 April 2015 (Appendix 1).
2. Note that a separate report will be brought to Council for consideration regarding minor changes to Council's Asset Management Policy and the adoption of a new 'Disposal of Land and Assets Policy', replacing the 'Acquisition and Disposal of Land Assets Policy' and 'Disposal of Assets Other Than Land Policy'.
3. Notes that the Funding to the Community Service Review item related to a review of Council's Policies and that prior to any further work on these policies, that a workshop will be held with Elected Members seeking further input. It is further noted that the feedback provided by Council's internal auditor on these policies will be reviewed as part of this process.

Carried Unanimously

COMMITTEE RECOMMENDATIONS

Nil

WORKSHOP / PRESENTATION ITEM

Nil

CORPORATE REPORTS FOR DECISION

Seacliff Park Residential and Centre Development Plan Amendment (DPA) – Community Consultation

Report Reference: GC120515R01

Moved Councillor Gard, Seconded Councillor Crossland that Council:

1. Endorse the Draft Seacliff Park Residential and Centre Development Plan Amendment as being suitable for public consultation.
2. Seek the Minister's approval for the Draft Seacliff Park Residential and Centre Development Plan Amendment to be placed on public consultation.
3. Proceed to public consultation upon receipt of approval to do so from the Minister.
4. Appoint 4 Councillors Raelene Telfer, Bruce Hull, Tim Gard and Ian Crossland to be part of a joint Committee, with the City of Holdfast Bay, to hear submitters at a public hearing following the conclusion of the public consultation.

Carried Unanimously

Residential (General) Development Plan Amendment (DPA) – Final Draft for Ministerial Approval

Report Reference: GC120515R02

Councillor Crossland declared a conflict of interest in the matter as he lives in close proximity to the zone being created as part of the Residential (General) DPA and left the meeting.

7.13pm Councillor Crossland left the meeting.

Moved Councillor Telfer, Seconded Councillor Pfeiffer that Council:

1. Endorse the amendments made to the Residential (General) Development Plan Amendment as a result of submissions received during the public consultation period.
2. Advise the Minister that the Residential (General) Development Plan Amendment is at a stage suitable for the Minister's consideration for authorisation.

Carried

7.16pm Councillor Crossland re-entered the meeting

Darlington Upgrade Project - City of Marion Response

Report Reference: GC120515R03

Moved Councillor Hull, Seconded Councillor Telfer that Council:

1. Notes the Report.
2. Endorses the Connecting Communities and proposed Council response papers.
3. DPTI be advised of Council's position and these papers be included in reply to the request for comment on the alternative scheme.
4. Undertake further consultation with DPTI and other key stakeholders to achieve the desired community objectives in the forthcoming stages of this project's design and construction.

Amendment:

Moved Councillor Prior, Seconded Councillor Pfeiffer that Council:

1. Notes the Report.
2. Endorses the Connecting Communities and proposed Council response papers subject to the inclusion of a third dot point under the heading of public transport that the city of marion supports a design which allows for a light rail down the centre of the motorway in the future.
3. DPTI be advised of Council's position and these papers be included in reply to the request for comment on the alternative scheme.
4. Undertake further consultation with DPTI and other key stakeholders to achieve the desired community objectives in the forthcoming stages of this project's design and construction.

That the amendment become the motion was Lost
The original motion was Carried

Boatshed Cafe Variation of Lease

Report Reference: GC120515R04

Moved Councillor Crossland, Seconded Councillor Gard that Council:

1. Grants Approval to the variation of the lease over the portion of land comprised in Certificate of Title Register Book Volume 5553 Folio 375 which expands the land area being leased for Boatshed Café operations to the extent shown in Appendix 1 subject to community consultation
2. Provide landlord's approval to the following capital works of the Boatshed Café to be undertaken at full cost to the lessee:
 - Construction of a deck to the northern side of the building
 - Installation of disabled access to the first floor of the building via a lift and ramp
 - Provision of disabled amenities on the first floor of the building

- Construction of an additional access door on the southern side of the building providing additional emergency egress from the building
- 3. Delegate Authority to the CEO to vary the existing Boatshed Cafe lease changing the description of the Stage 2 and Stage 3 Works to be the capital works approved by Recommendation 2
- 4. Delegate Authority to the CEO to vary the existing Boatshed Café lease changing the date that the tenant will pay market rent from 1 December 2021 to 1 December 2024 provided that the capital works approved by Recommendation 3 are substantially commenced by 30 November 2015 and wholly completed by 1 December 2017.

Carried

Draft 'South Australia's Waste Strategy 2015 – 2020'
Report Reference: GC120515R05

Moved Councillor Hull, Seconded Councillor Telfer that Council:

1. Endorse the City of Marion's submission on the Draft 'South Australia's Waste Strategy 2015 – 2015' (subject to the inclusion of any additional comments at the meeting).

Carried

Metropolitan Seaside Councils' Committee
Report Reference: GC120515R06

Moved Councillor Crossland, Seconded Councillor Gard that:

1. Councillors Ian Crossland and Tim Gard (proxy) and the Manager Environmental Sustainability be appointed to act as Council's representatives on the Metropolitan Seaside Councils Committee for the duration of the current term of Council.

Carried

Contribution to the regional Resilient South Program Coordinator
Report Reference: GC120515R07

Moved Councillor Telfer, Seconded Councillor Pfeiffer that Council:

1. Refer the once-off amount of \$23,555.50 (ex GST) to support the continued employment of the regional Resilient South Program Coordinator in 2015/16, to the 2015/16 Annual Business Plan and Budget process for further consideration and prioritisation.

Carried

Councillor Appleby called for a division

Those For: Councillors Pfeiffer, Telfer, Prior, Hull, Westwood, Byram, Veliskou, Gard and Crossland

Those Against: Councillors Kerry, Hutchinson and Appleby

Carried

Financial Assistance Grants to Local Government
Report Reference: GC120515R08

Moved Councillor Veliskou, Seconded Councillor Gard that Council:

1. Acknowledges the importance of federal funding through the Financial Assistance Grants program for the continued delivery of councils services and infrastructure;
2. Acknowledges that the City of Marion have received \$2,736,897 in 2014-15.
3. Will ensure that this federal funding and other funding provided by the Federal Government under relevant grant programs, is appropriately identified as Commonwealth grant funding in council publications, including annual reports.
4. Write to Dr Andrew Southcott MP, Mr Matt Williams MP and Amanda Rishworth MP highlighting specific implications of the FAGs indexation freeze.

Carried

CORPORATE REPORTS FOR INFORMATION NOTING

Nil

MATTERS RAISED BY MEMBERS

QUESTIONS WITH NOTICE

Equitable Services Across Council
Report Reference: GC120515Q01

QUESTIONS:

As Council moves towards providing equitable services across the city please could you confirm the number of residents living south of Sturt Road when compared with the number of residents living north of Sturt Road.

Using Sturt Road as the divide between north and south how many community halls are provided in each area. If there is inequity what does Council propose to redress this balance.

Using the same parameters how many Council subsidised Kindergartens are available in the north and south. If there is a clear inequity what does council propose to redress this inequity.

COMMENTS: Fiona Harvey, Manager Strategy

As at 2011 (ABS Census) there were 46,032 residents north of Sturt Road (or 55.5% of the total population of the City of Marion) and 36,959 south of Sturt Road (or 44.5% of the total population). This is a difference of 9,073 residents or 10.9% of the total population of the City of Marion.

The numbers of community halls and kindergartens north and south of Sturt Road are as follows:

- Community Centres/Halls – 19 north of Sturt Road, 11 south of Sturt Road
- Kindergartens – 6 north of Sturt Road, 1 south of Sturt Road.

Council owns and manages assets to provide services to the community, and therefore it is important to assess equity across the City in terms of service provision. In order to assess service equity a range of criteria may be considered including current demographics, community needs and aspirations, regional service provision and benchmarks for services.

Fit-for-purpose assets to support service provision may then be considered in terms of scale, size, functionality, utilisation, strategic alignment, ownership and management model options, upfront and whole of life costs and whether non-asset service solutions are available.

Consideration of these types of criteria may support Council to consider service and asset provision at a strategic level rather than an individual level, eg although Toc H Hall and the new Cove Civic Centre are both represented as one community facility north and south of Sturt Road respectively, they provide significantly different amenity and opportunity for service provision.

In relation to the consideration of a process to consider the provision of community halls, there are a range of opportunities and tools Council may wish to consider as part of the process. This may include bringing an item to the Strategic Directions Committee to consider equitable service provision across the City of Marion at the strategic level. There are also a number of policy tools that may assist Council in a process including the Asset Management Policy, the Asset Management Plans, consideration of asset acquisition, disposal or upgrades, and service reviews.

There are seven kindergarten services situated on City of Marion council land and on 9 September 2014 Council resolved to entered into lease agreements with the Minister for Education and Child Development at each of these sites (GC090914R06). The Minister for Education and Child Development operates the kindergarten services and is responsible for the operation, maintenance and upgrade costs as set out in the Council Report. As part of its resolution on 9 September 2014 Council also resolved to conduct a *'review at the expiration of the first year of the term over the following seven properties (with each of the kindergartens listed)'*. The review will commence an assessment of options from 1 June 2015, including potential ownership models and leasing fees for Council's consideration.

Renewable Infrastructure Report Reference: GC120515Q02

QUESTION:

1. How much solar power infrastructure does the CoM own? Where is it?
2. If we have any, do we have any figures showing performance over the time we have owned it?
3. Do we have any other renewable infrastructure? Wind power, etc?
4. Do we have any infrastructure which we have planned in for new buildings, eg the new Depot or the Cove Civic Centre?

COMMENTS: Ann Gibbons (Manager Environmental Sustainability)

Questions 1 and 2

The City of Marion has two small photovoltaic systems on Council-owned and/or operated properties:

- Marion Cultural Centre – 10 x 200 watt photovoltaic panels (2kW system); installed in 2009; generation capacity estimated to be 8.8kW per day; systems to monitor performance over time have not been set up for this array.
- Cooinda – 10 x 190 watt photovoltaic panels (1.9kW system); installed in 2011; generation capacity estimated to be 6kW per day; performance data can be accessed via a password protected online system. Information relating to performance will be placed on the Elected Members' Extranet in the coming weeks.

Question 3

The City of Marion does not own any other renewable energy infrastructure such as wind power generators, etc.

Solar systems have been installed by leaseholders on the following Council-owned leased facilities: Active Elders, Ascot Park (40 x 250 watt panels; 10kW system); Marion RSL (120 x 250 watt panels; 30kW system), and Park Holme Community Hall (30 x 200 watt panels; 6kW system).

Question 4

Small photovoltaic arrays are planned for both City Services (9.36kW system) and Cove Civic Centre (5kW system). A number of passive treatments (e.g. daylighting, efficient lighting systems) have been incorporated into the design of both the City Services redevelopment and Cove Civic Centre to reduce energy demand.

MOTIONS WITH NOTICE

Community Safety Vehicles **Report Reference: GC120515M01**

Moved Councillor Crossland, Seconded Councillor Veliskou that:

1. Five Community Safety Vehicles are professionally sign written with Marion Council logo and wording across the side of the vehicle (including any appropriate graphic) to provide recognition and re-assurance to the community.
2. One of the Community Safety Vehicles is fitted with a flashing light bar.
3. Vehicles currently within 12 months of being replaced will be exempt from this motion.
4. Any cost associated with this motion will be funded from existing budgets.

Carried

Councillor Appleby called a division

Those For: Councillors Pfeiffer, Telfer, Hutchinson, Prior, Hull, Westwood, Byram, Veliskou, Gard and Crossland

Those Against: Councillors Kerry and Appleby

Carried

Telecommunications Facility, South Road, Edwardstown
Report Reference: GC120515M02

8.15pm Councillor Veliskou left the meeting

8.17pm Councillor Veliskou re-entered the meeting

Moved Councillor Hull, Seconded Councillor Hutchinson that:

1. Council take punitive action against Crown Castle in relation to the [804-820 South Road](#), Edwardstown - Telecommunications Facility by 28 June 2015 should they fail to return that portion of the tower that does not intrude into prescribed airspace to its original 'light grey hue' (as pictured) as specified in the 'Variation of Decision' notice issued by the Commonwealth Department of Infrastructure and Regional Development on 22 April 2015.

Carried

Expiation or Prosecution of Food Outlets in the City of Marion
Report Reference: GC120515M03

Moved Councillor Hull, Seconded Councillor Crossland that:

1. The City of Marion release all information to our community relating to any expiation or prosecutions of food outlets in the City of Marion and that an accessible list of breached food outlets be placed on the City of Marion website

Amendment:

Moved Councillor Appleby, Seconded Councillor Gard that:

1. The City of Marion release all information to our community relating to any prosecutions of food outlets in the City of Marion and that an accessible list of breached food outlets be placed on the City of Marion website

That the Amendment become the motion was Carried
The motion was Carried Unanimously

Community Facilities Partnership Program
Report Reference: GC120515M04

Moved Councillor Veliskou, Seconded Councillor Crossland that:

1. The Community facilities funding partnership program eligibility be extended to include funding for the renewal, upgrade and purchase of council assets as decided by council.
2. The current goal of encouraging organisations leasing council facilities to seek partnership funding for required renewal and upgrades continue.

3. This CFPP funding become a cash reserve starting for all allocations in future budgets within the long term financial plan.

8.47pm Councillor Hutchinson left the meeting

8.49pm Councillor Hutchinson re-entered the meeting

8.50pm Councillor Prior left the meeting

8.52pm Councillor Prior re-entered the meeting

Carried

Dogs By-Law Amendment **Report Reference: GC120515M05**

Moved Councillor Hutchinson, Seconded Councillor Gard that Council:

1. Acknowledges its commitment to:
 - a. public safety and an environment in which community members can traverse streets and use public places free of canine nuisance;
 - b. alleviating the escalating public concern of canines being a danger to others; and
 - c. responsible animal ownership and its inherent link to living harmoniously in the City of Marion.
2. Requests that administration identify a list of “Dog Exercise Areas” as described through the “Dogs By-Law”, with a list to be approved by council at 28 July 2015 General Council Meeting and subsequently published to the community.
3. Amends section 5 “Dogs on Leash Areas” of the City of Marion “Dogs By-Law” to simply state:
“A person must not allow a dog that is under their control or ownership to be present in any public place unless the dog is secured by a strong leash not exceeding 2 metres in length which is either tethered securely to a fixed object capable of securing the dog or held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons.”
4. Asks administration to take a zero tolerance approach to animal management enforcement, particularly where dogs are found in a public place without a leash. (Wandering at large).
5. Doubles the financial penalty for person’s breaching the “Dog on Leach Areas” and where an owner fails to register a dog.
6. Undertakes an educative campaign, to be included in the next edition of City Limits.
7. Continues its program to educate and encourage owners to microchip canines via discounted registration fees.

Moved Councillor Westwood, Seconded Councillor Kerry that this item be adjourned until the General Council Meeting to be held on 28 July 2015.

Carried

Water Management and Flood Mitigation Measures and Needs

Report Reference: GC120515M06

9.07pm Councillor Pfeiffer left the meeting

Moved Councillor Gard, Seconded Councillor Telfer that:

1. Council be briefed in full concerning the current disposition of the City in regard to water management and flood mitigation measures and needs.
2. Recommendations be made within the next six months concerning the short, medium and long term initiatives required, including coordination with other municipalities, to ensure the future safety of residents and their properties and businesses within and beyond the City of Marion's boundaries.

Carried

Nursery Operations

Report Reference: GC120515M07

9.11pm Councillor Pfeiffer re-entered the meeting

Moved Councillor Crossland, Seconded Councillor Appleby that:

Council ceases its Nursery Operations by the 1st September 2015.

Carried

Replacing Wooden Power Poles

Report Reference: GC120515M08

9.34pm Councillor Kerry left the meeting

Moved Councillor Veliskou, Seconded Councillor Prior that Council:

1. Approach SA power networks in order to get all wooden beams on power poles replaced with metal in Plympton Park as an urgent safety issue.
2. Seek the immediate replacement of all potentially faulty wooden beams with metal, followed by the replacement of all wooden beams on high capacity poles in short term and eventual replacement of all other wooden beams in the medium term.
3. Work with local MPs to further this issue and the approach trialled in Plympton Park is then rolled out throughout the council area on a needs basis.

Carried Unanimously

Moved Councillor Veliskou, Seconded Councillor Gard that the meeting be adjourned for a period of five minutes.

Carried Unanimously

9.37pm meeting adjourned

9.45pm meeting resumed

9.45pm Councillor Kerry re-entered the meeting

QUESTIONS WITHOUT NOTICE

Nil

MOTIONS WITHOUT NOTICE

Nil

CONFIDENTIAL ITEMS

9.45pm Geoff Whitbread entered the meeting

Marion Leisure & Fitness Centre
Report Reference: GC120515F01

Councillor Telfer declared a conflict of interest in the matter as she holds an expired membership for CASA and left the room

9.46pm Councillor Telfer left the meeting

Moved Councillor Appleby, Seconded Councillor Westwood 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 Craig Clarke and Sam Ciccarello 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 the disclosure of which (i) could reasonably confer a commercial advantage on a third party or prejudice the position of the Council; could relate to potential litigation between Council and a third party; and could impact on a proposed tender for the supply of goods or services and, (ii) would, on balance, be contrary to the public interest.

Carried Unanimously

9.46 pm the meeting went into confidence

Moved Councillor Hutchinson Seconded Councillor Kerry that in accordance with Section 91 (7) and (9) of the Local Government Act 1999 the Council orders that the minutes arising from this item be kept confidential on the basis that it deals with information of a commercial nature the disclosure of which (i) could reasonably confer a commercial advantage on a third party or prejudice the position of the Council; could relate to potential litigation between Council and a third party; and could impact on a proposed tender for the supply of goods or services and, (ii) would, on balance, be contrary to the public interest. This order will be reviewed at the General Council meeting in December 2015.

Moved Councillor Hull, Seconded Councillor Crossland that:

That the meeting be extended until 10.30pm to allow the conduct of further business.

Carried Unanimously

10.00pm meeting was extended

The motion was put and was Carried

10.16pm the meeting came out of confidence

**Chief Executive Officer Recruitment
Report Reference: GC120515F02**

Moved Councillor Gard, Seconded Councillor Hutchinson that pursuant 901 (2) and 3(a) of the Local Government Act, 1999 the Council orders that all persons present, be excluded from the meeting as the Council considers that the requirement for the meeting to be conducted in a place open to the public has been outweighed in circumstances where the council will receive and considered a verbal report relating to the CEO recruitment.

10.16 pm the meeting went into confidence

Moved Councillor Pfeiffer, Seconded Councillor Hull that:

That the meeting be extended until 10.40pm to allow further discussion.

Carried

10.20pm the meeting was extended

10.40pm the meeting came out of confidence

LATE ITEMS

Nil

CLOSURE - Meeting Declared Closed at 10.40 pm.

CONFIRMED THIS 26 May 2015

.....
CHAIRPERSON

**MINUTES OF THE SPECIAL GENERAL COUNCIL MEETING
HELD AT THE ADMINISTRATION CENTRE
245 STURT ROAD, STURT
ON THURSDAY 14 MAY 2015**



PRESENT

His Worship the Mayor Kris Hanna

Councillors

Coastal Ward

Ian Crossland (8.08 pm)

Mullawirra Ward

Jerome Appleby
Jason Veliskou

Southern Hills

Janet Byram
Nick Westwood (8.03 pm)

Warracowie Ward

Bruce Hull

Warriparinga Ward

Luke Hutchinson
Raelene Telfer

Woodlands Ward

Nick Kerry (8.03 pm)
Tim Pfeiffer

In Attendance

Ms Kate McKenzie

Manager Governance

OPEN MEETING

The meeting commenced at 8.00 pm.

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.

ELECTED MEMBER'S DECLARATION OF INTEREST

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

COMMITTEE RECOMMENDATIONS

Confirmation of the Minutes from the Chief Executive Review Committee held on 12 May 2015

Reference No: SGC140515R01

Moved Councillor Hutchinson, Seconded Councillor Pfeiffer that Council:

1. Receive and note the minutes of the Chief Executive Review Committee meeting of 12 May 2015 (Appendix 1).
2. Note the recommendations that:

- a. The Chief Executive Review Committee notes the feedback provided by the Audit Committee in its deliberations for the development of Key Performance Indicators for the Chief Executive Officer position.
- b. The Chief Executive Review Committee notes the further amendments to the draft Key Performance Indicators for the Executive Officer Position.
- c. The draft key performance indicators, once finalised will form part of the incoming Chief Executive Officer's contract.
- d. The Chief Executive Review Committee recommend to Council that the Committee proceed to interview the 4 shortlisted applicants plus any exceptional late applications.

Carried

CONFIDENTIAL ITEM

Chief Executive Officer Recruitment Process Reference No: SGC140515F01

Moved Councillor Westwood, Seconded Councillor Hull that pursuant to Section 90(2) and (3)(a) of the *Local Government Act 1999*, the Council orders that all persons present, with the exception of the following persons: Kate McKenzie, Manager Governance be excluded from the meeting as the Council receives and considers information relating to the 'Chief Executive Officer Recruitment Process', 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 nominated persons for the role who are yet to be appointed for the position.

Carried Unanimously

8.04pm the meeting went into confidence.

8:05 pm the Manager Governance left the meeting

Moved Councillor Veliskou, Seconded Councillor Crossland that in accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that this report, 'Chief Executive Officer Recruitment Process', any information relating to this item distributed at the meeting and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(a) of the Act be kept confidential, except for the Manager Governance and not available for public inspection until after the appointment of the CEO. This confidentiality order will be reviewed at the General Council Meeting in December 2015

Carried

9.15 pm the meeting came out of confidence.

CLOSURE - Meeting Declared Closed at 9.15 pm

CONFIRMED THIS 26 MAY 2015

.....
CHAIRPERSON

/ /

Elected Member Communication Reports

Date of Council Meeting:

26 May 2015

Name of Elected Member:

Mayor Kris Hanna

Date	Event	Comment
30 April 2015	Attended Oaklands Crossing Forum	
1 May 2015	LGA Ordinary General Meeting – Attended as Voting Delegate	
3 May 2015	Attended Glenthorne Open Day	
5 May 2015	Attended Turning of the Sod - Allambi Glengowrie (with Mayor Patterson - City of Holdfast Bay)	
6 May 2015	Attended Friends of Marino Conservation Park - AGM	
7 May 2015	Attended meeting with Michael Carter, CEO Football Federation of SA	
8 May 2015	Attended Vietnam Veterans Memorial Service	
8 May 2015	Attended Hallett Cove Memorial Dedication	
9 May 2015	Attended Theatre Production of "Jake's Women"	
12 May 2015	Attended Marion Over 50s Clubs Forum & Network	
13 May 2015	Attended Meeting with Lord Mayor Martin Haese	
13 May 2015	Attended Metro Mayor's Luncheon - Hosted by Mayor Bill Spragg - Adelaide Hills Council	
13 May 2015	Attended Metropolitan Local Government Group Meeting	
14 May 2015	Attended meeting with Allison Hancock – City of Onkaparinga	
15 May 2015	Attended and opened the 2015 Suneden Art Exhibition	
16 May 2015	Attended Mollie Hendy-Pooley - 100 year birthday celebration	
17 May 2015	Attended City of Marion National Volunteer Week Afternoon Tea	
17 May 2015	Attended Friends of Glenthorne Vision Day subcommittee	

Elected Member Communication Reports

continued...

20 May 2015	Attended and presented at the Community Leadership Program Graduation	
21 May 2015	Attended ERBA Breakfast with Steve Marshall MP "The Future of SA"	
21 May 2015	Chairing of Panel interviewing Chief Executive Officer Applicants	
24 May 2015	Attended Glenthorne Community Vision Event	
23 May 2015	Attended Annual Celebration of Bengali New Year 2015	
25 May 2015	Attended Africa Day at Government House	
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:**26 May 2015****Name of Elected Member:****Deputy Mayor Luke Hutchinson**

Date	Event	Comment
12 May 2015	Chief Executive Officer Recruitment Committee	Attended
14 May 2015	Meeting with Baseball SA stakeholders; to discuss potential new sites	Attended
17 May 2015	National Volunteer Week Celebration	Attended
24 May 2015	Marion Historic Village Group – Walking Tour	Attended

CEO and Executive Report

Date of Council Meeting:**26 May 2015**

Date	Activity	Attended by	Comments
30 April 2015	Meeting with Warriparinga Working Group	Vincent Mifsud	
04 May 2015	SRWRA Board meeting	Vincent Mifsud	Board Member
06 May 2015	Council Solutions Board Meeting	Geoff Whitbread	
07 May 2015	Meeting with Terry Burgess; Tonsley Project Steering Committee Chair	Geoff Whitbread	Discussed Tonsley Project
08 May 2015	Minter Ellison LG Forum	Kathy Jarrett	

**CITY OF MARION
GENERAL COUNCIL MEETING
26 May 2015**

Originating Officer: David Harman, Financial Accountant / Catrin Johnson, Strategy Partner

Director: Vincent Mifsud / Kathy Jarrett

Subject: Public Submissions on the Draft Annual Business Plan & Budget 2015/16

Report Reference: GC260515R01

REPORT OBJECTIVE AND EXECUTIVE SUMMARY

This item and report provides an opportunity for members of the public to make a submission or ask questions at the Council meeting being held on 26 May 2015 in relation to Council's Draft Annual Business Plan and Budget 2015/16 (ABP&B 2015/16). It also provides a summary of the outcomes of the community consultation undertaken in relation to the Draft ABP&B 2015/16 since 6 May 2015.

RECOMMENDATIONS (1):

DUE DATE

That Council:

- | | |
|---|--------------------|
| 1. Note the feedback provided by the community in relation to the Draft Annual Business Plan and Budget 2015/16. | 26 May 2015 |
|---|--------------------|

BACKGROUND / DISCUSSION:

Provided at Appendix 1 is a copy of the Draft ABP&B which has been available from Council's website and offices during the public consultation period (9:00am Wednesday 6 May 2015 to 8:00pm Tuesday 26 May 2015).

During the meeting, any members of the public present will be asked if they wish to ask questions or make a submission in relation to the Draft ABP&B. This opportunity will be provided for a period of 1 hour during the meeting.

In addition to the above opportunity, the availability of the Draft ABP&B at Council's offices and on the Council's website has generated a degree of awareness of the Draft ABP&B 2015/16 in the community. As of midday on Monday 18 May 2015, we have received:

- Three written submissions (two letters from one community member) on the draft Plan from members of the community:
 - An initial and follow-up letter suggesting that Council reduce the rates by 50% for any ratepayer who has paid rates to Marion Council for 50 years (or more).
 - Feedback via the website raising concern that while an average rate increase of 2.9% is lower than past years, it is still considerably higher than inflation. The feedback also raised concern over staff performance management, and the practice of staff being internally redeployed in light of the "No Redundancy" clause in the EBA.
- One oral submission by phone raising concern that the proposed rate rise of 2.9% was higher than the current CPI rate (1.1%). The feedback was that Council should have proposed a rate rise more in line with CPI and not above it.
- 60 site visits to the Annual Business Plan & Budget's 'Making Marion' online consultation page, with 53 downloads of the draft ABP&B (compared to 66 site visits and 29 downloads last year).
- 73 views of the Annual Business Plan & Budget pages on the City of Marion website (compared to 36 page views last year).

The latest consultation statistics will be tabled at the meeting.

Any comments received, together with feedback from the Audit Committee, will be taken into consideration as Council continues its deliberation on the Draft ABP&B on 9 June 2015.

CONCLUSION:

Consideration of community feedback about Council's Draft ABP&B is an important step in the setting of Council's rating policy and key priorities for the year.

ANNUAL BUSINESS PLAN & BUDGET 2015/16

Draft for public consultation



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INTRODUCTION

The Annual Business Plan and Budget 2015/16 describes the services and projects that council intends to undertake over the next 12 months and the financial decisions that underpin them, so that we can progress towards the longer term aspirations for the city as expressed in the Community Plan.

The City of Marion Community Plan – „Towards 2040“, which was endorsed by council on 10 December 2013, was the result of the biggest listening campaign in council’s history. This Annual Business Plan and Budget has been developed using the Community Plan as a starting point.

Our purpose is wellbeing. With council and the community working together, we can achieve amazing outcomes.

With the intention of identifying on-going savings that can be passed onto rate payers to ease their financial burden a concerted effort and strong focus on achieving efficiency and effectiveness savings across the organisation has been made. As a result, the Draft 2015/16 Budget has now been developed based upon the achievement of forecast gross savings in operational expenditure in the order of \$2.7m in the following key areas;

- Employee Costs - are forecast to decrease by \$468k (1.42%) after fully allowing for increases included in existing staff Enterprise Agreements. This is primarily due to identified efficiency gains which have enabled a gross saving of \$1,056k in employee costs across the organisation.
- Contractor Services - Forecast expenditure reductions of \$1,318k has been identified in operational expenditure for contractor services which include efficiency savings estimated at \$497k and budget variations on prior year of \$821k.
- Materials and Other Expenses - identified savings of \$1,108k have been achieved, in areas such as training and development, catering, utilities and communication expenses.

It should be noted that these identified savings have enabled a reduction in the average rate increase down to 2.9% without impacting on current service levels to the community.

Your rates

The Annual Business Plan and Budget is based on a proposed average rate increase of 2.9%. In setting rates for 2015/16, council has forecast the revenue required to meet the costs of delivering the services and projects that will be provided to the community in 2015/16. Last financial year the City of Marion had the sixth lowest average residential rate of the 18 metropolitan Adelaide councils, and council is committed to remaining among the lower rating metropolitan councils while providing a level of service that meets community needs. The rate proposed is also aligned with the rate required in the council’s Long Term Financial Plan which will ensure that we continue to operate in a financially sustainable way and continue to maintain and develop our city to meet the needs and aspirations expressed in our Community Plan towards 2040.

Your voice

Please tell us your thoughts about the Draft Annual Business Plan and Budget 2015/16.

Community consultation begins at 9am on 6 May and closes at 8pm on 26 May 2015.

Oral submissions may be made at the General Council meeting of Tuesday 26 May, which begins at 7pm, and interested persons are invited to attend. At this meeting, members of the public may ask questions and make submissions in relation to the Draft Annual Business Plan and Budget 2015/16 for a period of at least one hour. The meeting will be held at Council's Administration Building, 245 Sturt Road, Sturt. Please let us know if you are planning to attend by contacting:

Fiona Harvey
Manager Strategy
City of Marion
PO Box 21
Oaklands Park SA 5046
Telephone: 08 8375 6600

Written submissions are also welcomed addressed to the above.

Online submission forms are available on council's community engagement website **makingmarion.com.au**

We welcome your feedback.

Mayor Kris Hanna

Geoff Whitbread, Acting Chief Executive

1. Our purpose is wellbeing

Wellbeing is our purpose, central to our community, central to the services we deliver and at the heart of our decision making.

In late 2012, council, in collaboration with the community, embarked upon an innovative strategic journey – “Making Marion” – to define and build a city of the future. The Making Marion campaign asked residents, businesses and community groups how they wanted their street, neighbourhood and city to look in 2040, and the services they will need.

Thousands of postcards and discussion papers were released and workshops held to generate ideas and feedback. Online discussion groups and social media were also used to connect people. More than 16,000 pieces of community information were received and analysed. The most frequently expressed needs, aspirations and concerns of the community were around achieving wellbeing through connectivity and transport, affordability, environmental protection and sustainability, open and shared spaces and places and community activities.

The release of the City of Marion’s inaugural Community Plan – „Towards 2040” was a most significant milestone. It is an expression of the Community’s vision for the future – an aspirational statement of outcomes that are important for this city and the wellbeing of its community now and into the future:



Engaged

By 2040 our city will – Be a community where people are engaged, empowered to make decisions, and work together to build strong neighbourhoods.

Liveable

By 2040 our city will – Be well planned, safe and welcoming, with high quality and environmentally sensitive housing, and where cultural diversity, arts, heritage and healthy lifestyles are celebrated.

Biophilic

By 2040 our city will – Be deeply connected with nature to enhance peoples’ lives, while minimizing the impact on the climate, and protecting the natural environment.

Prosperous

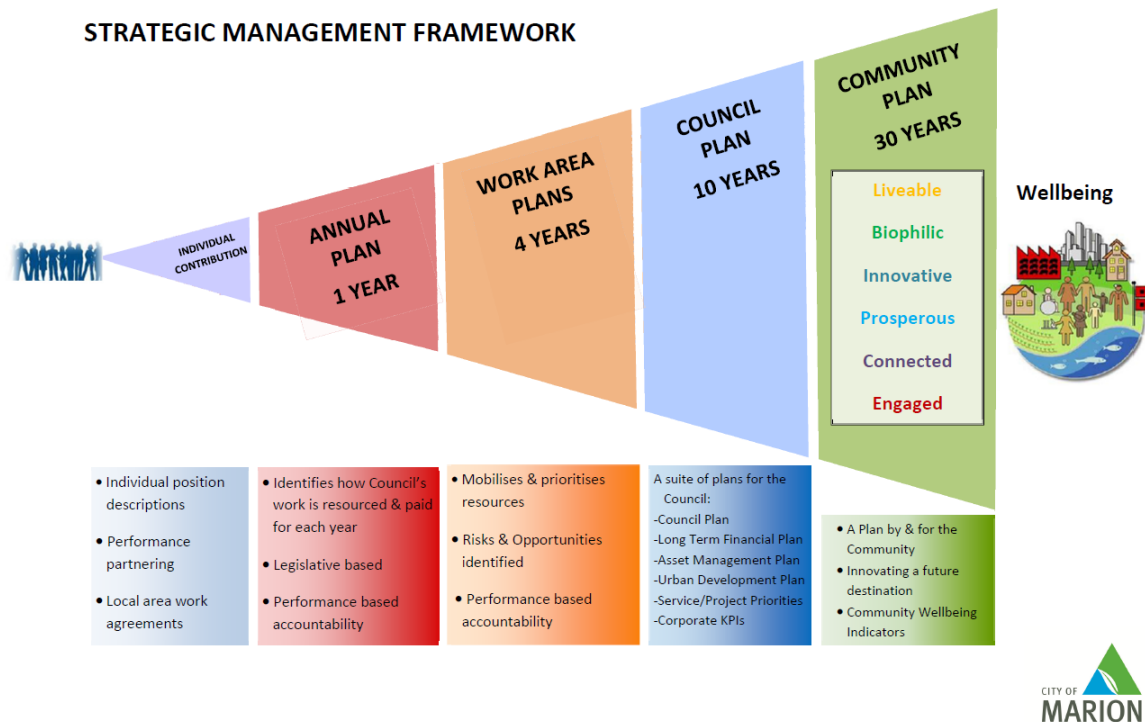
By 2040 our city will – Be a diverse and clean economy that attracts investment and jobs, and creates exports in sustainable business precincts while providing access to education and skills development.

Innovative

By 2040 our city will – Be a leader in embracing and developing new ideas and technology to create a vibrant community with opportunities for all.

Connected

By 2040 our city will – Be linked by a quality road, footpath and public transport network that brings people together socially, and harnesses technology to enable them to access services and facilities.



This Annual Business Plan and Budget 2015/16 is an integral part of council's suite of strategic management plans, which comprise:

- Community Plan towards 2040 (adopted by council 10 December 2013) – an outcomes focused Vision Statement by and for the community.
- The Draft Council Plan (to be finalised in 2015) articulates council's role and focus over the next 10 years in progressing towards the community's aspirations.
- Asset Management Plans provide a long term approach to ensuring infrastructure and facilities are maintained and renewed to a standard in alignment with the Community Plan that allows the continued provision of services required by the community.
- The Long Term Financial Plan (LTFP – adopted by council 24 June 2014 and under review) enables council to plan for the long term financial sustainability of the organisation and translates the outcomes and strategies of the Council Plan into financial terms.
- The Strategic Development Report sets out council's strategic urban development policies.
- 4-Year Work Area Plans identify how council plans to mobilise and prioritise the deployment of human, physical and financial resources.
- The Annual Business Plan & Budget (this document) – identifies how council plans to resource, fund and deliver planned work and work area plans for the next financial year.
- A suite of key performance indicators that enable the monitoring and review of strategy through continuous feedback and learning.

The plans within the strategic management framework enable a clear "line of sight" within council; focusing our people on how best to contribute to the aspirations in the Community Plan.

2. Significant influences and priorities

2.1 Key emerging internal and external considerations

A comprehensive environmental scan of internal and external political, economic, environmental, social, technological issues was conducted, providing a context for the development of the Annual Business Plan and Budget 2015/16.

It should be noted that the majority of these influences are longer term – such as changing demographics, the Urban Policy direction of both State and Federal Governments, technological change and opportunities regarding the future direction of local government. They will require action over a longer timeframe than the Annual Business Plan and Budget provides. As such, these issues and opportunities have been considered through the development of the draft Council Plan, council's 10 year Long Term Financial Plan, council's Asset Management Plans and council's Development Plan.

The following considerations that arose from the environmental scan that have a direct impact on the ABP&B 2015/16 are as follows:

Key external issues and opportunities:	
Political <ul style="list-style-type: none"> • Maximising public value • Ongoing changes to Federal, State and Local Government policies and funding programs • Potential for community governance models • Potential future direction, structure and amalgamation of local government 	Economic <ul style="list-style-type: none"> • Compromised financial capacity of ratepayers in economic climate • The number of GST registered businesses in Marion is falling • The number of jobs in Marion remains static although our population is increasing • Maximising opportunities to support small business • Development of the Tonsley site
Social and Cultural <ul style="list-style-type: none"> • Population growth and changing demographics • Increasing community interest in volunteerism is providing a varied skill base • Place-making opportunities where communities have a leadership role • Marion is gradually becoming more culturally and linguistically diverse 	Technological <ul style="list-style-type: none"> • Rapid technological change, specifically the rollout of NBN in some City of Marion areas • Digital divide • Access to data and information
Natural environment <ul style="list-style-type: none"> • Impacts of climate change • SA Government energy and waste legislation • Opportunities in biophilia and green infrastructure • Growth of localism • Adverse impacts of pest plants and animals on natural ecosystems 	Urban environment <ul style="list-style-type: none"> • Changing Urban Development Policy direction of both State and Federal Governments • Increased traffic and limited on-street parking • Increasing demands on public places and spaces and public services • Limited mixed land use • Limited housing options that enable ageing in place • Growth in student accommodation • Community reaction to urban infill

Transport & Connectivity <ul style="list-style-type: none"> • Opportunity for better integrated transport network • Potential risk of isolation to residents that are ageing and mobility impaired • Poor transport linkages to public places and spaces, goods and services, local business and industry • Insufficient and poorly integrated walking & cycling networks • Darlington Interchange development 	Public Health <ul style="list-style-type: none"> • HACC transitioning to national and regional customer led wellbeing and home support programs • Reconsideration of place based urban design and other Council services to encourage active living, healthy lifestyles and social connectivity for all age profiles • Reduced focus on primary health services and facilities yet increased demand across all age profiles • Consideration of healthy eating habits, food security and ready access to fresh food within our City • Site contamination issues in areas of the City of Marion
Key internal pressures and opportunities:	
Service provision <ul style="list-style-type: none"> • More insightful understanding of customer value and service needs • Continued focus on driving innovation and continuous improvement in a constrained budgetary environment • Commitment to a full service review in 2015/16 • Some Community Plan goals could be more economically realised through the engagement of external providers 	Risk and strategic alignment <ul style="list-style-type: none"> • Opportunity to maximise public value focussed around the aspirations of the community • Significant change over in Chief Executive , Elected Members (7 new members and new Mayor elected in November 2014), bringing a fresh outlook and expectations • Alignment of risk management throughout the organisation
Financial sustainability <ul style="list-style-type: none"> • Need for greater collaboration, partnering and innovative funding solutions to achieve community outcomes in a challenging fiscal environment • Significant reliance on rates as primary funding source • An environment of decreasing grant opportunities 	Asset reliability and sustainability <ul style="list-style-type: none"> • Significant ageing infrastructure and assets • Investigating innovative asset management/ownership models • Potential for asset disposals • Potential for non-asset solutions for service delivery
Employer of Choice <ul style="list-style-type: none"> • The need for all work groups to be aligned in terms of the Community Plan and Council Plan • Requirements of Work Health & Safety Act • Vacancy Policy: positions are not filled unless a clear case can be made • The potential for internal redeployment in light of the "No Redundancy" clause in the EBA 	

2.2 Framework of the 2015/16 Annual Business Plan and Budget

The Annual Business Plan and Budget 2015/16 has been prepared on the following basis:

Support the achievement of the City of Marion's Strategic Directions

This Annual Business Plan and Budget has been reviewed against the Community Plan to ensure that council's activities over the next 12 months make the best possible progress towards achieving the community's vision for the future City of Marion.

Address issues arising from internal audit reviews and business excellence assessments

Every year council undertakes a number of internal audits and from time to time undertakes a thorough assessment against the Business Excellence Framework. These reviews and assessments have identified a number of key opportunities or requirements for council to improve its operations. This document includes the necessary resources to continue council's independent review process and implement recommendations accordingly.

Maintain a financial position at an average of category 3 over any five consecutive years, with a primary focus being on Cash Flow and Funding

The Independent Inquiry into the Financial Sustainability of Local Government identified that a council with a sustainability ranking of 3 was „sustainable with a moderate level of comfort“. A category 3 ranking equates to an operating surplus ratio to rates of between 0-5%. Council has committed to maintaining this category after adjusting for any significant „once off“ items.

Continue to improve the maintenance of assets in accordance with Council's Asset Management Plans, with a priority on maintenance before renewal, and renewal before new where it is cost effective to do so

The Annual Business Plan and Budget has been prepared taking into consideration Asset Management Plan requirements, outcomes of recent infrastructure audits, targets set for renewal versus depreciation (95-100% as per Asset Management Policy) and a focus on maintaining council's asset base.

Review existing services and assets to ensure they meet prioritised community needs

The council continues its rolling process of independent Service Reviews, aimed at maximising public value through continuously improving its operating efficiency and service performance to the community. This Annual Business Plan and Budget has been prepared on the basis of continuing existing services, noting that a rolling program of review is being implemented.

Council only considers new Major Projects where it has the identified funding capacity to do so

Between 30 June 2014 and 30 June 2016 Council debt is forecast to increase from \$13.5m to \$25.2m for the construction of Cove Civic Centre and the City Services Depot, both of which have been primarily financed by borrowings.

Maintain council's position for an average residential rate which remains among the lower rating metropolitan councils

Comparative 2014/15 data shows council's position as 6th lowest of 18 metropolitan councils.

Implement responses for progressing liveable cities strategies and funding opportunities within Marion.

The 30 Year Plan for Greater Adelaide identified the "Southern Corridor" (Adelaide to Noarlunga rail line and the „Tonsley Spur" line) as a growth opportunity. It is anticipated that the corridor will provide for an additional 19,500 dwellings and 36,400 net additional population as a key contributor in the overall 82,000 additional people and 43,000 additional jobs anticipated for the southern region over the next 30 years.

The City of Marion is working closely with the State Government and continues to be well positioned to ensure progress on key urban development projects identified in the Southern Corridor are aligned with its ongoing strategic planning. Elected Members are acutely aware, however, of the need to resolve the tension between the urban infill required by the State Government's 30 Year Plan versus the expectations of residents living on traditional large housing blocks.

3. Continuing and improving services

All councils have responsibilities under the Local Government Act 1999 and other relevant legislation to deliver services for the community. Council is committed to maintaining all services including, but not limited to:

Ongoing Services	Enabling Services
Land use and development planning	Strategic Management
Development and building assessments	Organisational Excellence
Facilitation of urban developments	Strategic Asset Management
Local Government Searches	Financial management
Economic Planning and leadership	Governance support
Environmental planning & leadership	Communications & marketing
Biodiversity management	Human Resources & Workforce Planning
Waste services	ICT & Knowledge management
Water Management	Operational support
Infrastructure management	
Community facilities management	
Reserves, parks and gardens management	
Arts and cultural promotion and support	
Library services	
Sports & Recreation promotion and support	
Community capacity building and development	
Inspection, regulation and control	
Emergency planning & response	
Community Care	
Immunisation services	
Public Health Planning	

Council participates in a number of benchmarking programs which focus on ensuring council's service programs, efficiency and effectiveness are of a high standard.

4. Project priorities for 2015/16

Council has considered its areas of highest strategic priority and potential strategic initiatives to progress these priorities.

Strategic projects intended to continue in 2015/16:

- The Cove Civic Centre which commenced construction in 2013 and is due for completion early in the 2015/16 financial year.
- City Services redevelopment which commenced construction in 2014 and is due for completion by December 2015.

New strategic projects identified for further investigation in 2015/16:

Based on detailed assessment of the current supply and state of sports infrastructure across the City of Marion, Council has identified key priorities for responding to the sports and recreational needs of the community and has identified the following four sports initiatives for further investigation:

- new soccer pitches and a BMX track in the South of the City
- an indoor multipurpose 4-8 court stadium that meets SA regional standards
- the Edwardstown Oval Masterplan
- building upgrades at the Mitchell Park Sports and Community Club

Each of these strategic projects will involve significant collaboration with other partners, the consideration of options and partnership funding.

Council will also consider priorities for other initiatives throughout the year.

Asset Management

Council has been moving towards a stronger long-term planning approach to community assets – it manages approximately \$1 billion of roads, footpaths, drains, community buildings, parks and reserves on behalf of the community. The asset management planning process provides a long term approach to ensuring infrastructure and facilities continue to provide the services required by the community. Council continues to develop, implement and review its Asset Management Policy and Plans with a focus on whole-of-life asset management, including maintenance and renewal of assets, and sustainable decision making.

Key initiatives in maintenance, renewal and replacement of community assets and facilities for 2015/16 include:

- Reviewing our existing asset base in light of:
 - Increasing costs to maintain and renew our existing asset base
 - Understanding which assets could be repurposed, reused or disposed of in order to enhance other assets to better meet community needs
 - Investigating innovative asset management models e.g. share community use, public private partnerships and related opportunities
- The renewal of Council's assets with forecast spends of approximately \$14.8m.
- Capital renewal of Council's roads and kerbs with a forecast spend of approximately \$5.5m.
- Improving Marion's existing footpath network at a cost of \$1.7m.

5. Measuring our success

Monitoring performance is a critical element of strategic planning management. It is the mechanism for critically ensuring that council is contributing to the achievement of both the Community Plan and the 10 year Council Plan.

Our measure dashboard for 2015/16 (provided in the table below) takes account of Council's objectives over the next four years. It will continue to be refined as part of the finalisation of the 2015/16 Annual Business Plan and Budget.

Council Performance Measure	Target
Actual operating surplus ratio for 2015/16 (adjusted for extraordinary items)	0-6 %
Total Employee Costs (staff plus agency)	Decrease by at least 1.4%, in Dollar terms, over the previous year adopted budget
Lost Employee Time due to injury	Reduce by 1% (compared to average of last 5 years)
Major Capital Works (>\$4m)	Completed strictly on time and on budget (or better)
Number of specific Major Capital Works proposals ready for approval by Council	2
Achieving goals of (10 year) Council Plan (as adopted in 2015)	high level of achievement
Alignment throughout administration to Community Plan and Council Plan	high level of alignment

6. Funding the Business Plan

An operating surplus of \$8.125m before capital revenues is forecast for 2015/16. An operating surplus is required to fund the renewal of existing infrastructure in accordance with its asset management plans.

6.1 Budgeted Income Statement

	Original Budget 2014/15 \$'000	Draft Budget 2015/16 \$'000	Variance \$'000
Budgeted Income Statement			
Operating Revenue			
Rates - General	65,480	68,164	2,684
Rates - NRM Levy *	1,571	1,569	(2)
Statutory Charges	1,803	1,630	(173)
User Charges	1,717	1,633	(84)
Grants/Subsidies	5,667	6,324	657
Investment Income	560	270	(290)
Reimbursements	910	773	(137)
Other Revenue	399	568	169
Share of Profit/(Loss) SRWRA	246	315	69
Total Operating Revenue	78,353	81,246	2,893
Operating Expenditure			
Employee Costs	32,777	32,309	(468)
Contractor Services	16,293	14,975	(1,318)
Materials	5,086	4,628	(458)
Finance Charges	770	1,317	547
Depreciation	12,958	13,816	858
Other Expenses	6,726	6,076	(650)
Total Operating Expenditure	74,610	73,121	(1,489)
Operating Surplus/(Deficit) before Capital Revenues	3,743	8,125	4,382
Capital Grants and Contributions	657	-	(657)
Physical resources received free of charge	1,500	1,500	-
Net Surplus/(Deficit) resulting from Operations	5,900	9,625	3,725

* Note: The NRM Levy is collected by Council on behalf of the Adelaide and Mt Lofty Ranges Natural Resources Management Board.

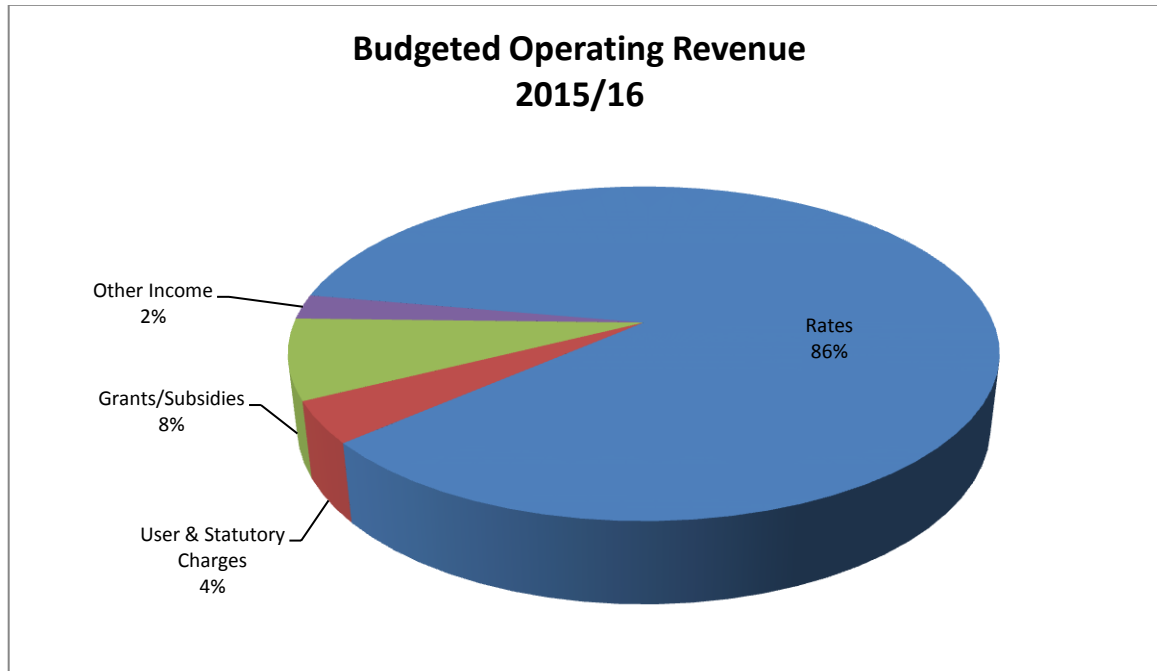
Following the adoption of the 2014/15 budget there has been a concerted effort and strong focus on achieving efficiency and effectiveness savings across the organisation, with the intention that identified on-going savings can be passed onto rate payers to reduce their financial burden. The Draft 2015/16 Budget has been developed based upon the achievement of forecast gross savings in the order of \$2.7m in the following key areas;

- Employee Costs - are forecast to decrease by \$468k (1.42%) after allowing for increases included in existing staff Enterprise Agreements. This is primarily due to identified efficiency gains which have enabled a gross saving of \$1,056k in employee costs across the organisation.
- Contractor Services - Forecast expenditure reductions of \$1,318k has been identified in operational expenditure for contractor services which include efficiency savings estimated at \$497k and budget variations on prior year of \$821k.
- Materials and Other Expenses - identified savings of \$1,108k have been achieved, in areas such as training and development, catering, utilities and communication expenses.

It should be noted that these identified savings have enabled a reduction in the average rate increase down to 2.9% without impacting on current service levels to the community.

6.2 Operating Revenue

The main source of income for council is rate revenue; making up 86% of total council revenue in 2015/16, with other sources being government regulated fees for statutory services, an environment of diminishing levels of untied federal grant monies, as well as other grants from State and Federal government.



General Rates

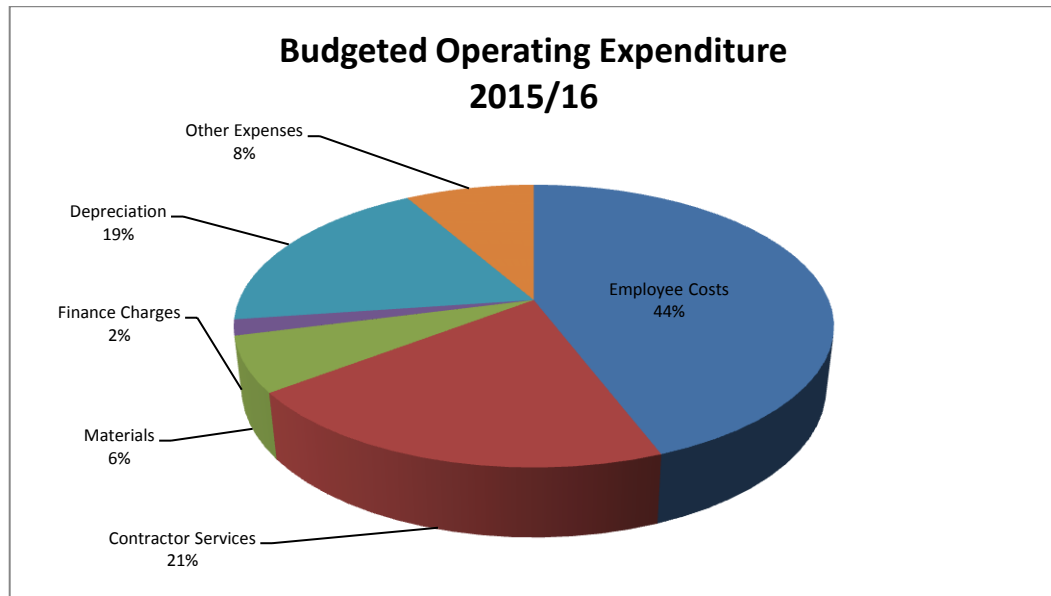
Council's revenue in 2015/16 includes \$68.2m to be raised in general rates. The budget has been developed on the basis of a proposed average rate increase of 2.9% (excluding new developments and capital improvements). This is the rate required to maintain current service levels.

Other Sources of Revenue

- **User Charges set by council** – Relate mainly to the recovery of service delivery costs through the charging of fees to users of council's services. These include charges for the use of council's community facilities, swimming pool admission and the like.
- **Statutory Charges set by State Government** – Relate mainly to fees and fines levied in accordance with legislation and include development application fees, health act registrations and parking fines.
- **Grants and Subsidies** – Grants include all monies received from State and Federal sources for the purpose of funding the delivery of council's services to ratepayers and for the funding of the capital works program.

6.3 Operating Expenditure

Council's operating expenses are forecast to decrease in 2015/16 due to a major endeavour to achieve operating efficiencies while maintaining existing services.



Employee Costs

Employee Costs are forecast to decrease by \$468k (1.42%) after fully allowing for increases included in existing staff Enterprise Agreements. This is primarily due to identified efficiency gains which have enabled a gross saving of \$1,056k in employee costs across the organisation. Employee costs include all labour related expenditure such as wages, salaries and “on-costs” such as allowances, leave entitlements, employer superannuation, workers compensation and agency staff. The Long Term Financial Plan, of which this budget is the first year, forecasts Total Employee Costs will grow at the rate of 2% per annum from 2016/17.

Contractor Services

Contractor services relate mainly to the provision of council services by external providers. A forecast expenditure reduction of \$1.318m has been achieved which includes the identification of efficiency and effectiveness savings in the order \$497k which have been achieved without impacting on service levels, in addition to budget variations on prior year of \$821k. This followed a concerted effort and strong focus on achieving efficiency and effectiveness savings across the organisation following the adoption of the 2014/15 budget.

6.4 Capital Revenue

Capital Grants and Contributions

Council does not currently expect to receive any capital grants in 2015/16; however any grant funding opportunities will be actively pursued as they arise as this is an important source of revenue for council.

6.5 Budgeted Capital Expenditure

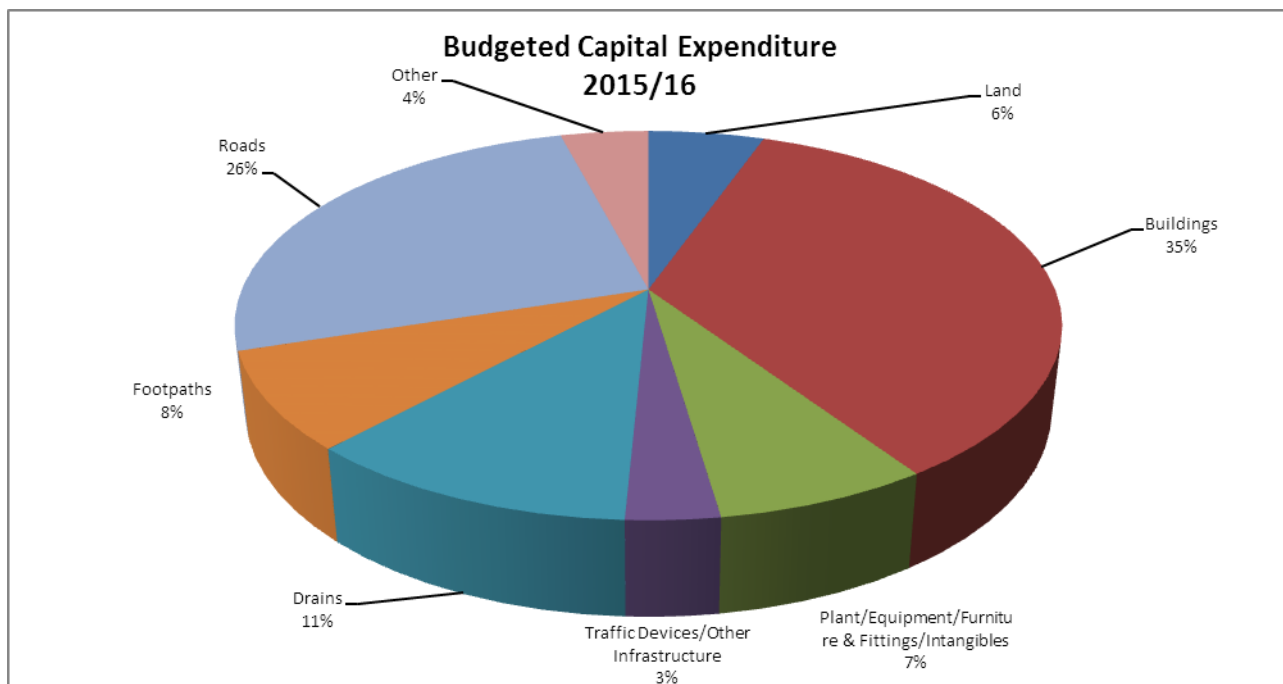
The 2015/16 Budgeted Statement of Capital Expenditure forecasts total capital expenditure of \$21.261m including \$14.757m renewal and \$6.504m new.

The significant decrease in „Buildings“ relates predominantly to the construction of Council's two major projects in 2014/15, being the Cove Civic Centre and the City Services Redevelopment.

Note: Maintenance of existing infrastructure assets is appropriately included in operating expenditure.

The following table summarises council's planned Capital Works Program for 2015/16.

	Original Budget 2014/15 \$'000	Draft Budget 2015/16 \$'000	Variance \$'000
Capital Expenditure			
Land	420	1,151	731
Buildings	15,401	7,475	(7,926)
Infrastructure:			
Roads	4,749	5,504	755
Drains	2,711	2,372	(339)
Footpaths	1,824	1,721	(103)
Traffic Control Devices	148	178	30
Other	643	479	(164)
Plant and Equipment	1,218	1,333	115
Furniture and Fittings	0	175	175
Other	1,316	873	(443)
Total Capital expenditure	28,430	21,261	(7,169)
Represented By:			
Capital Expenditure			
Assets - New	14,516	6,504	(8,012)
Assets - Renewal	13,914	14,757	843
	28,430	21,261	(7,169)



Cove Civic Centre

Following the Federal Budget announcement on 8 May 2012 a government grant of \$3.4m was provided towards the project. Construction of the Cove Civic Centre commenced in 2013/14 and is expected to be completed early in 2015/16, with a total project budget of \$13.4m.

City Services Redevelopment

The City Services redevelopment commenced construction in 2014/15 and is expected to be completed in 2015/16, with a total project budget of \$14.3m. The redevelopment will include a new office building, stores and workshop, which will ensure essential services are delivered well into the future and will see a better planned, more accessible, energy efficient buildings, enabling staff to improve the level of service to the community.

City Services will be a high quality operations hub, capable of supporting the city's roads, reserves and 85,000 residents for many years to come. It will also act as an operational base to help the community in the event of a regional emergency.

6.6 Financing the Budget

Financing the budget refers to the use of borrowings or available cash balances to meet any shortfall between expenditure (both operating and capital) and revenue.

	Original Budget 2014/15 \$'000	Draft Budget 2015/16 \$'000
Net Lending/(Borrowing)		
Operating Surplus/Deficit before Capital Amounts	3,743	8,125
<u>less: Net Outlay on Existing Assets</u>		
Capital expenditure on asset renewal/replacement	13,914	14,757
less Depreciation/Ammortisation	(12,958)	(13,816)
	956	941
<u>less: Net Outlay on New/Upgrade Assets</u>		
Capital expenditure on New & Upgrade Assets	14,516	6,504
less Capital Grants	(657)	0
	13,859	6,504
Adjustments		
Share of Equity - Southern Region Waste Resource Authority	(246)	(315)
	(246)	(315)
Net Lending/(Borrowing)	(11,318)	365

The table above identifies the council's net lending/(borrowing) result. Council's budget for 2015/16 is expected to result in a net lending position of \$0.365m, which will lead to a decrease in the level of net financial liabilities in 2015/16 of the equivalent amount.

Financing transactions associated with accommodating the expected net lending result in 2015/16 are as follows:

	Original Budget 2014/15 \$'000	Draft Budget 2015/16 \$'000
Financing Transactions		
New Borrowings	12,628	5,388
less: Repayment of Principal on Borrowings	(1,417)	(2,169)
less: Increase/(Decrease) in Cash & Investments		
Transfers from/(to) Reserves	107	(22)
Cash Drawdowns/(Investment)	0	(3,562)
Equals: Financing Transactions	11,318	(365)

6.7 Borrowings

Council plans to finance the expected net borrowing result in 2015/16 via the use of fixed term borrowings and transfers from Reserve.

The additional borrowings of \$5.388 in 2015/16 less principal repayments of existing loans will result in a forecast balance outstanding as at 30 June 2016 of \$25.2m.

It should be noted that in the past council has had the capacity to fund some, and in a number of cases all, funding requirements of major projects via our treasury management policy. As such there may not be a need to borrow the full amount currently included in the ABP&B.

6.8 Financial Ratios

To assist council in meeting its objective of financial sustainability a series of financial indicators endorsed by the Local Government Association are provided. Where a council target has not been adopted, the recommended Local Government Association (LGA) target has been used. The following table details these financial indicators and whether or not the prescribed target has been achieved over the five years up to the end of 2015/16.

Ratio	Target	2015/16 Draft Budget	On Track
Operating Surplus (5 year average)	0% - 5%	8.3%	*
Net Financial Liabilities	0% - 50%	22.9%	✓
Interest Cover	0% - 5%	2.0%	✓
Asset Sustainability	95% - 100%	101.4%	✓
Asset Consumption	80% - 100%	89.5%	✓

* The Operating Surplus Ratio is forecast to exceed the currently adopted target, however this is the level required to support operating requirements in addition to providing for renewal of existing assets over time to maintain community service standards.

Council's next iteration of its Asset Management Plans (AMP's) are due to be completed by the end of 2014/15. Once the new AMP's are adopted and fully integrated within the LTFP, a greater degree of clarity as to Council's capital renewal funding requirements will be defined.

All other ratios are within their targeted ranges with the exception of the Asset Sustainability ratio which is marginally above the established benchmark. Meeting these targeted ranges is consistent with Council meeting its objective of long-term financial sustainability.

7. What it means for your rates

7.1 Your rates in 2015/16

Rates account for 86 per cent of council's operating revenue. They are essential for providing community services and infrastructure.

Council strategic and financial plan parameters include a commitment to maintain its position for an average residential rate which remains among the lower rating metropolitan councils.

With changing community needs and other external influences impacting on the community, there is a need for council to consider how to plan more effectively, both for the longer term and more immediate community benefit. The proposed rate increase is set at a level that provides confidence that services will be maintained and that a significant capital expenditure program is planned to maintain council's assets.

Since the introduction of mandatory long-term financial planning obligations, council has acted to return its financial position from a large operating deficit to an operating surplus. This approach has been further supplemented by an annual budget review process aimed at reducing service delivery costs to a minimum.

The Draft Annual Business Plan and Budget for 2015/16 has been developed for public consultation based on an average proposed rate increase of 2.9%. This is after taking into account any other revenue sources such as fees, charges, grants and other income that will be received. This will also contribute to the necessary funding for planned capital renewal programs in 2015/16. However, it is to be noted that actual rates payable by a rate payer will, in fact, vary according to individual property valuations, according to the attributed land use, and whether there has been any new development or capital improvement at the land. Council is aware of the impact of rate increases on sections of the community (Pensioners and Self-Funded Retirees) and will review its Rating Policy on an on-going basis with regard to a fair and equitable distribution of rates.

Also, whilst the Draft Annual Business Plan and Budget proposes an average general rate increase of 2.9%, the final average increase for 2015/16 may be lesser or greater according to the final determination of council. This is because the proposals in the Draft Annual Business Plan and Budget are subject to public consultation and consideration by council of the submissions received in response to that consultation. Council may therefore, upon consideration of the submissions, make final revenue and expenditure decisions which will result in an increase or decrease to the proposed average rate increase.

The outcomes of community consultation will be considered in forming the Annual Business Plan and Budget.

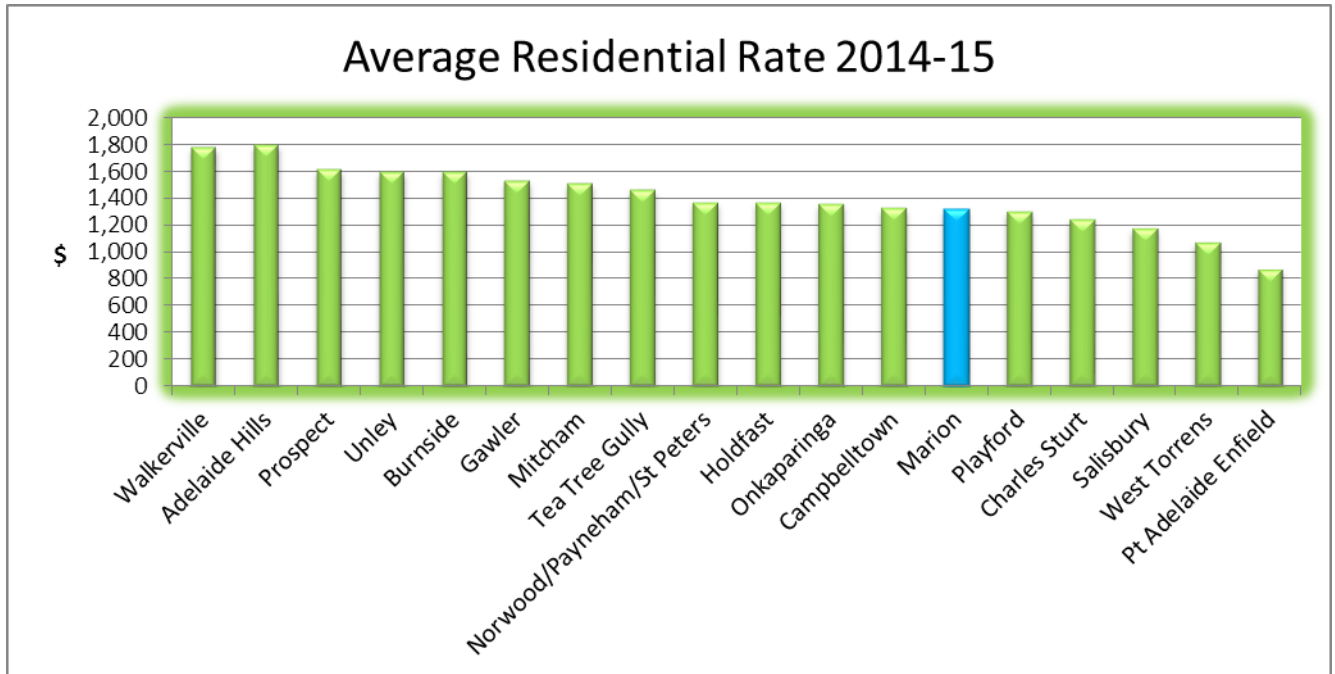
The following average rate increases have applied since 2005/06:

	2005/ 2006	2006/ 2007	2007/ 2008	2008/ 2009	2009/ 2010	2010/ 2011	2011/ 2012	2012/ 2013	2013/ 2014	2014/ 2015	2015/ 2016
Ave Rate Increase	4.8	5.2	5.5	5.3	4.8	5.0	4.75	5.5	5.0	4.1	TBA
Growth	1.5	1.2	1.4	2.0	1.8	1.4	1.6	1.3	1.0	1.0	TBA
Total	6.3	6.4	6.9	7.3	6.6	6.4	6.35	6.8	6.0	5.1	TBA

Note: Growth is predominantly the result of new housing in Marion and property improvements as reported by the Valuer General.

7.2 Rating Impact Analysis - Residential

The graph presented below illustrates council's relative rating effort compared to other Adelaide metropolitan councils. In 2001/02 council's relative rating position compared with other Adelaide metropolitan councils was 9th lowest. Council has consistently remained at or below this level since this time and was ranked at 6th lowest in 2014/15.



Note: Comparative data for the 2015/16 year will be available following the release of the LGA Council Rates Survey which is typically released in the first quarter of the next calendar year.

7.3 Rating Impact Analysis - Commercial

Council currently derives TBA% (2014/15: 18%) of its rate revenue from the Commercial and Industrial sectors. Commercial and Industrial users consume a greater proportion of council resources than residential properties, particularly in regard to the use of roads, footpaths, traffic, parking, storm water drainage, public health and environment.

Council uses a differential rating system to raise revenue based upon its Land Use and will continue to do so to ensure a fair and equitable distribution of rates within the City of Marion. The differential rate is charged in addition to the normal rate. In applying this approach, council will take into consideration all prevailing economic conditions and changes and adjust its differential rates accordingly, to ensure an appropriate and fair equalisation of rates across all land use categories. Differential rates will apply to land use as follows:

Commercial TBA% (2014/15: 85%)

Industrial TBA% (2014/15: 65%)

Vacant Land TBA% (2014/15: 90%)

The following table shows a comparison of differential rating percentage applied to commercial and industrial properties by a number of Adelaide metropolitan councils in 2014/15.

2014-2015 Comparison Differential Percentage			
Council	Commercial	Industrial	Vacant Land
Charles Sturt	202%	285%	200%
West Torrens	128%	128%	128%
Port Adelaide Enfield	118%	118%	118%
Unley	107%	84%	84%
Prospect	105%	105%	25%
Mitcham	97%	97%	97%
Marion	85%	65%	90%
*Tea Tree Gully	50%	50%	100%
Holdfast Bay	45%	45%	45%
Salisbury	41%	41%	30%
Onkaparinga	31%	31%	55%
Norwood Payneham St Peters	20%	20%	20%
Average	86%	89%	83%
For Information only			
Adelaide	23%	23%	23%
Playford	576%	576%	n/a

*Third year applying differential rates – Additional increments will apply for the next year.

7.4 Valuation Method

Council may adopt one of three valuation methodologies to value the properties in its area. They are:

- Capital Value – the value of the land and all of the improvements on the land.
- Site Value – the value of the land and any improvements which permanently affect the amenity or use of the land, such as drainage works, but excluding the value of buildings and other improvements.
- Annual Value – a valuation of the rental potential of the property.

Capital value has continued to be used as the basis for valuing land within the council area. This method of valuing land provides the fairest method of distributing the rate responsibility across all ratepayers on the following basis:

- the equity principle of taxation requires that ratepayers of similar wealth pay similar taxes and ratepayers of greater wealth pay more tax than ratepayers of lesser wealth;
- property value is a relatively good indicator of wealth, and capital value, which closely approximates the market value of a property, provides the best indicator of overall property value;
- the distribution of property values throughout the council area is such that few residential ratepayers will pay significantly more than the average rate per property.

7.5 Separate Rates

The City of Marion is in the Adelaide and Mount Lofty Ranges Natural Resources Management Board area and is required under the Natural Resources Management Act 2004 to fund the operations of the Board. It does so by imposing a separate rate for all properties within the city.

Council is operating as a revenue collector for the Natural Resources Management Board in this regard. It does not retain this revenue or determine how the revenue is spent.

7.6 Minimum Amount

A minimum amount is levied against the whole of an allotment (including land under a separate lease or licence) and only one minimum amount is levied against two or more pieces of adjoining land (whether intercepted by a road or not) if they are owned by the same owner and occupied by the same occupier. The reasons for imposing a minimum amount are:

- the council considers it appropriate that all rateable properties make a contribution to the cost of administering the council's activities;
- the council considers it appropriate that all rateable properties make a contribution to the cost of creating and maintaining the physical infrastructure that supports each property.
- no more than 35% of properties will be subject to the minimum amount.

No maximum amount of rates is applied against an allotment.

7.7 What assistance is available?

Rebate of Rates

The Local Government Act 1999 requires councils to rebate the rates payable for certain land uses. This includes land used for health and community services, religious purposes, cemeteries, educational institutions, housing associations and housing cooperatives.

The mandatory rebates vary from 75% to 100%. People or bodies seeking a rebate must make a written application to Council. Information and application forms can be obtained from the Council office at 245 Sturt Rd, Sturt. Applications for Discretionary Rebates must be received by 31 May 2015 for consideration in the following financial year.

Rate Capping (Discretionary Rebate)

Section 166 (1) (l) of the Local Government Act provides for the discretionary rebate of rates.

Council has proposed to provide relief against a substantial increase in rates payable on residential properties by applying a rebate (capping) of general rates to eligible ratepayers.

Council has proposed to adopt a two tiered rate capping policy for the 2015/16 financial year.

Tier 1 – Rate Capping for Qualifying Residential Ratepayers

A rebate of general rates will be granted to Residential ratepayers on their principal place of residence within the category of residential land use, under the above Act.

The Annual Business Plan and Budget 2015/16 proposes to apply a TBA% rate-cap with a \$TBA minimum and a \$TBA maximum (excluding new or improved properties) for ratepayers who meet the Qualifying Criteria set out below.

Tier 2 – Rate Capping for Qualifying Pensioners and Self-Funded Retirees

A rebate of general rates will be granted to qualifying Pensioners and Self-Funded Retirees, who are residential ratepayers on their principal place of residence within the category of residential land use under the above Act and do not own any other property and meet the Qualifying Criteria set out below.

The Annual Business Plan and Budget 2015/16 proposes to apply a TBA% rate-cap with a \$TBA minimum and a \$TBA maximum for those Pensioners and Self-Funded Retirees who meet the qualifying criteria set out below.

Qualifying Criteria:

- The property is the owner's principal place of residence.
- The property has not had more than \$20,000 of improvements.
- The property value has not increased due to a zoning change.
- The land use for rating purposes has not changed since 1st July of the previous financial year.
- The property has not sold since the 1st January of the previous financial year.

A rebate of general rates will be applied automatically under both rate capping tiers, where the Council has sufficient information to determine the entitlement to the rebate.

Residential Construction on Vacant Land (Discretionary Rebate)

Under Section 166 (1) (a) of the Act, and for the purpose of securing the proper development of the area, a rebate of general rates for the 2015/16 financial year will be granted in respect of an Assessment classed as vacant land in the council's Assessment Book where the:

- Principal Ratepayer of the Assessment applies to the council in writing for the rebate prior to 30 June 2016, and
- Dwelling's footings have been poured on the property by 30 June 2016

The amount of the rebate will be the difference between the general rate in the dollar applicable to Vacant land, and the general rate in the dollar applicable to Residential property. This is calculated by the number of days remaining between 1 July 2015 and 30 June 2016 from the date footings are poured for a residence on the land. However, if the calculated rebate reduces the rates payable to less than the amount fixed as the minimum amount payable by way of rates, then the rebate shall be reduced so that the rates payable are equal to the amount of the minimum.

Postponement of Rates – Hardship

Section 182 of the Act permits the council, on the application of the ratepayer, to partially or wholly remit rates or to postpone rates, on the basis of hardship. Where a ratepayer is suffering hardship in paying rates they are invited to submit an application in writing to the council's Team Leader Rating Services. The council treats such inquiries confidentially.

Postponement of Rates - Seniors

The following criteria must be satisfied before the postponement is granted.

- The person is a prescribed ratepayer, or the spouse of a prescribed ratepayer.
- A prescribed ratepayer means the holder of a current State Seniors Card or a person eligible to hold such a card who has applied but is yet to be issued with a card.
- Rates are payable on the principal place of residence.
- The land is owned by the prescribed ratepayer, or the prescribed ratepayer and his or her spouse, and no other person has an interest, as owner, in the land.
- Any current mortgage over the property which was registered prior to 25 January 2007 will be no more than 50% of the Valuer-General's capital value of the property.

An application must be made in the prescribed manner and form and be accompanied by such information as the council may require. Any rates which are postponed will become due and payable when:

- the title to the land is transferred to another person; or
- there is failure to comply with a condition of postponement.

A minimum amount of \$500 of the annual rates must be paid.

An entitlement to a concession or remission will be applied to the proportion of the rates that has not been postponed, unless notice to the contrary is received in writing from the owner.

Interest will accrue on the amount postponed at the prescribed rate per month, under the Act until the amount is paid.

Should the entitlement to a postponement cease to exist, the owner of the land must inform council in writing, unless the rates and any interest have been paid in full.

Concessions

Government concessions are granted under the Rates and Land Tax Remission Act 1986, and are only applicable for the principal place of residence.

Pensioner and Self-Funded Retiree Concessions

Following the Federal Government's decision on cuts to the National Partnership Agreement which reduced general support to a range of concessions, the SA Government announced it will stop providing concessions on rates as at 30 June 2015. The impact for pensioners and self-funded who currently receive a concession of \$190 and \$100 respectively on their rates levied is that this will no longer be funded by the State Government.

At its meeting on 9 Dec 2014, Council resolved to participate in the LGA's campaign to seek the re-instatement of these concessions.

Unemployed Persons Concessions

The Department for Communities and Social Inclusion (DCSI), through Families SA, may assist with the payment of council rates for the principal place of residence.

8. Financial Sustainability and Annual Savings

- Since 2000, council has continuously improved its strategic and financial planning. This has overturned an operating deficit of \$3.6m in 1998/99 to moderate operating surpluses since 2005-2006. In February 2005, following consultation with all SA councils, the public and State Government, the Local Government Association commissioned an Independent Inquiry into the Financial Sustainability of Local Government. The Inquiry's independent advisers, using Grants Commission data, rated the City of Marion as Category 3 – sustainable with a moderate margin of comfort. The framework for preparation of the Annual Business Plan and Budget 2015/16 includes commitment to maintaining this Category 3 Financial Sustainability rating on average over each five year period, with a primary focus being on Cash Flow and Funding.
- The Long Term Financial Plan takes account of inflation by assuming an annual inflation rate of 2.5%.
- In June 2006 council resolved to adopt a savings target of 2% per annum of operating expenditures from the original adopted budget.
- Following the adoption of the 2014/15 budget there has been a concerted effort and strong focus on achieving efficiency and effectiveness savings across the organisation, with the intention that identified on-going savings can be passed onto rate payers up front in development of the 2015/16 budget to reduce their financial burden.
- Since 2003 Council's savings program has identified the level of annual savings (cost reduction/productivity) achieved by the organisation each financial year. Guidelines have been prepared to ensure that confirmed savings identified are allocated to provide a balance between funding new service improvements from the Strategic Plan and improving council's financial position. This reduces the reliance on rate revenue to achieve community objectives. Savings of \$8.7m have been identified to date through council's savings program to the end of 2013/14 with a further forecast net reduction in Council's operating expenditure of \$1.489m incorporated into the 2015/16 Draft Budget. This is after allowing for increases included in existing staff Enterprise Agreements and increased finance charges relating to approved new borrowings.

Key savings have been made in the following areas:

- | | |
|---|---|
| • Waste collection. | • Plant and Equipment maintenance. |
| • Waste disposal. | • Asbestos removal. |
| • Treasury Management. | • Cost recovery of developer damage. |
| • Community Bus service. | • Publications produced electronically rather than printed. |
| • Golf Course. | • Home and Community Care. |
| • Water tariff audit. | • Continuous improvement programs. |
| • Water restrictions applied to reserves. | • Training and development. |
| • Weed spraying program. | • ICT maintenance and leasing contracts. |
| • Bus Shelters. | |
| • Energy reduction program. | |
| • Telecommunications contract. | |

The savings in each case were not at the expense of service delivery. These improvements were as a result of:

- Successful contract negotiations.
- Process improvement.
- Partnership with State and Federal Government (i.e. Grants which minimise Council's costs).
- Auditing and review of existing expenditures.
- Improved methods of service delivery.

9. Long Term Financial Plan – Prepared based on an average rate rise of 2.9% in 2015/16 and then 2.75% onwards

9.1 Funding Statement

	ABP&B 2015/2016 \$000's	2016/2017 \$000's	2017/2018 \$000's	2018/2019 \$000's	2019/2020 \$000's	2020/2021 \$000's	2021/2022 \$000's	2022/2023 \$000's	2023/2024 \$000's	2024/2025 \$000's
(a) Operating Revenue										
Rates										
General	68,164	70,739	73,411	76,184	79,062	82,049	85,148	88,364	91,702	95,166
Other	1,569	1,608	1,648	1,689	1,731	1,774	1,818	1,863	1,910	1,958
Statutory Charges	1,630	1,671	1,713	1,756	1,800	1,845	1,891	1,938	1,986	2,036
User Charges	1,633	1,674	1,716	1,759	1,803	1,848	1,894	1,941	1,990	2,040
Operating Grants and Subsidies	6,324	5,648	5,772	5,899	6,029	6,163	6,300	6,440	6,584	6,732
Investment Income	270	260	260	260	260	260	260	260	260	260
Reimbursements	773	792	812	832	853	874	896	918	941	965
Other	568	582	598	612	627	643	659	675	692	709
	80,931	82,974	85,930	88,991	92,165	95,456	98,866	102,399	106,065	109,866
(b) Operating Expenses										
Employee Costs	32,309	32,955	33,614	34,286	34,972	35,671	36,384	37,112	37,854	38,611
Contractual Services	14,975	15,939	16,252	17,287	17,892	18,234	18,627	19,258	19,558	20,100
Materials	4,628	4,734	4,852	4,973	5,097	5,224	5,355	5,489	5,626	5,767
Finance Charges	1,317	1,435	1,500	1,375	1,252	1,122	992	881	762	456
Depreciation	13,816	14,368	14,942	15,539	16,160	16,806	17,479	18,179	18,906	19,662
Other	6,076	6,149	6,302	6,797	6,628	6,794	6,964	7,507	7,326	7,509
Less	73,121	75,580	77,462	80,257	82,001	83,851	85,801	88,426	90,032	92,105
Operating Surplus/(Deficit) before Capital Revenues	7,810	7,394	8,468	8,734	10,164	11,605	13,065	13,973	16,033	17,761
Add Capital Revenue	1,815	1,825	1,834	1,844	1,855	1,865	1,876	1,888	1,899	1,911
Equals Net Surplus/(Deficit) resulting from operations	9,625	9,219	10,303	10,579	12,019	13,470	14,941	15,861	17,932	19,672
Adjust for non-cash items										
Add Depreciation	13,816	14,368	14,942	15,539	16,160	16,806	17,479	18,179	18,906	19,662
Less Share of Profit SRWRA (excl div)	315	325	334	344	355	365	376	388	399	411
Equals Funding available for Capital Investment expenditure	23,126	23,262	24,910	25,773	27,824	29,911	32,044	33,652	36,439	38,923
Capital										
Less Capital Expenditure - Renewal	14,757	16,913	15,901	17,314	19,427	19,997	20,224	23,201	22,749	22,168
Less Capital Expenditure - New	6,504	3,882	3,840	3,705	4,036	4,924	5,056	5,193	4,700	4,225
Less Capital - contributed assets	1,500	1,500	1,500	1,500	1,500	1,500	1,500	1,500	1,500	1,500
Equals Net Overall funding Surplus/(Deficit)	365	967	3,669	3,254	2,861	3,490	5,264	3,758	7,490	11,030

Funding transactions associated with accommodating the above net overall funding deficit (or applying the net overall funding surplus) are as follows:

	2015/2016 \$000's	2016/2017 \$000's	2017/2018 \$000's	2018/2019 \$000's	2019/2020 \$000's	2020/2021 \$000's	2021/2022 \$000's	2022/2023 \$000's	2023/2024 \$000's	2024/2025 \$000's
Loans										
Loan Principal Receipts (Net)	5,388	2,960	-	-	-	-	-	-	-	-
Less Loan Principal Payments	2,169	1,839	2,076	2,029	2,151	2,281	1,922	2,033	2,152	1,601
Loans - Increase/(Decrease)	3,219	1,121	(2,076)	(2,029)	(2,151)	(2,281)	(1,922)	(2,033)	(2,152)	(1,601)
Movement in level of cash, investments & accruals										
Less Reserves Transfer from/(Transfer to)	(22)	72	72	72	72	72	72	72	72	92
Funding Surplus/(Deficit)	3,562	2,160	1,665	1,297	782	1,281	3,414	1,797	5,410	9,521
Cash/Investments/Accruals Funding	3,584	2,088	1,593	1,225	710	1,209	3,342	1,725	5,338	9,429
Equals Funding Transactions	(365)	(967)	(3,669)	(3,254)	(2,861)	(3,490)	(5,264)	(3,758)	(7,490)	(11,030)

9.2 Cash Flow Statement

	ABP&B 2015/2016 \$000's	2016/2017 \$000's	2017/2018 \$000's	2018/2019 \$000's	2019/2020 \$000's	2020/2021 \$000's	2021/2022 \$000's	2022/2023 \$000's	2023/2024 \$000's	2024/2025 \$000's
Cash Flows from Operating Activities										
<i>Receipts</i>	80,931	82,974	85,929	88,991	92,165	95,456	98,866	102,399	106,065	109,866
<i>Payments</i>	(59,305)	(61,212)	(62,520)	(64,718)	(65,841)	(67,045)	(68,322)	(70,247)	(71,126)	(72,443)
Net Cash Provided by Operating Activities	21,626	21,762	23,409	24,273	26,324	28,411	30,544	32,152	34,939	37,423
Cash Flows from Financing Activities										
<i>Receipts</i>										
Loans Received	5,388	2,960	-	-	-	-	-	-	-	-
<i>Payments</i>										
Principal	(2,169)	(1,839)	(2,076)	(2,029)	(2,151)	(2,281)	(1,922)	(2,033)	(2,152)	(1,601)
Net Cash (Used In) Financing Activities	3,219	1,121	(2,076)	(2,029)	(2,151)	(2,281)	(1,922)	(2,033)	(2,152)	(1,601)
Cash Flows from Investing Activities										
<i>Receipts</i>										
Capital Grants/Subsidies & Contributions/Investments	-	-	-	-	-	-	-	-	-	-
<i>Payments</i>										
Purchase of Land	(1,151)	(444)	(525)	(631)	(840)	(767)	(783)	(807)	(212)	(219)
Purchase of Buildings	(7,475)	(5,645)	(2,716)	(3,159)	(4,191)	(5,332)	(5,487)	(6,358)	(6,482)	(4,677)
Purchase/Construction of Infrastructure	(10,253)	(11,016)	(13,122)	(13,718)	(14,789)	(15,092)	(15,376)	(15,962)	(16,264)	(16,884)
Purchase of Equipment	(1,333)	(2,468)	(2,180)	(2,433)	(2,378)	(2,427)	(2,291)	(2,260)	(2,563)	(2,316)
Purchase of Furniture & Fittings	(175)	(180)	(185)	(191)	(196)	(202)	(208)	(215)	(221)	(228)
Purchase/Construction of Other Assets + Investments	(873)	(1,042)	(1,013)	(887)	(1,069)	(1,101)	(1,134)	(2,792)	(1,706)	(2,070)
Net Cash (Used In) Investing Activities	(21,261)	(20,795)	(19,741)	(21,019)	(23,463)	(24,921)	(25,279)	(28,394)	(27,448)	(26,394)
Net Increase/(Decrease) in Cash Held	3,585	2,088	1,593	1,225	710	1,209	3,342	1,725	5,338	9,429
Cash at Beginning of Reporting Period	11,434	15,019	17,107	18,699	19,925	20,635	21,844	25,186	26,912	32,250
Cash at End of Reporting Period	15,019	17,107	18,699	19,925	20,635	21,844	25,186	26,912	32,250	41,678

	ABP&B 2015/2016 \$000's	2016/2017 \$000's	2017/2018 \$000's	2018/2019 \$000's	2019/2020 \$000's	2020/2021 \$000's	2021/2022 \$000's	2022/2023 \$000's	2023/2024 \$000's	2024/2025 \$000's
Notes to the Budgeted Statement of Cash Flows										
1. Budgeted cash at the end of the reporting period										
Cash at Bank	15,019	17,107	18,699	19,925	20,635	21,844	25,186	26,912	32,250	41,678
	15,019	17,107	18,699	19,925	20,635	21,844	25,186	26,912	32,250	41,678
2. Reconciliation of Changes in Equity Resulting From Operations to Net Cash Provided by Operating Activities										
Increase/(Decrease) in Equity resulting from operations	9,625	9,219	10,303	10,579	12,019	13,470	14,941	15,861	17,932	19,672
Items not involving cash										
Depreciation	13,816	14,368	14,942	15,539	16,160	16,806	17,479	18,179	18,906	19,662
Share of Profit SRWRA	(315)	(325)	(334)	(344)	(355)	(365)	(376)	(388)	(399)	(411)
Cash Dividend Received SRWRA	-	-	-	-	-	-	-	-	-	-
Loss on Disposal of Assets	-	-	-	-	-	-	-	-	-	-
Gain on Disposal of Assets	-	-	-	-	-	-	-	-	-	-
Physical resources received free of charge	(1,500)	(1,500)	(1,500)	(1,500)	(1,500)	(1,500)	(1,500)	(1,500)	(1,500)	(1,500)
Capital Grant Revenue	-	-	-	-	-	-	-	-	-	-
Proceeds on Disposal of Assets/Transfer of Land	-	-	-	-	-	-	-	-	-	-
Bank Charges treated as financing activity	-	-	-	-	-	-	-	-	-	-
	12,001	12,543	13,108	13,695	14,305	14,941	15,603	16,291	17,007	17,751
Net Cash provided by Operating Activities	21,626	21,762	23,409	24,273	26,324	28,411	30,544	32,152	34,939	37,423

**CITY OF MARION
GENERAL COUNCIL MEETING
26 May 2015**

Originating Officer: Fiona Harvey, Manager Strategy

Director: Kathy Jarrett

Subject: Strategic Directions Committee Confirmation of Minutes of Special Meeting held on 4 May 2015

Report Reference: GC260515R02

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 special meeting on Monday 4 May 2015. The minutes of that meeting are herewith forwarded to Council for noting (Appendix 1).

RECOMMENDATIONS (1)

DUE DATES

That Council:

1. Receive and note the minutes of the special Strategic Directions Committee meeting of 4 May 2015 (Appendix 1 to report reference GC260515R0).

26 May 2015

MINUTES OF THE STRATEGIC DIRECTIONS COMMITTEE SPECIAL MEETING**HELD AT THE ADMINISTRATION CENTRE****245 STURT ROAD, STURT****ON MONDAY 4 MAY 2015**

**PRESENT****Elected Members**

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

His Worship the Mayor Kris Hanna

Strategic Directions Committee Independent Members

Mr Darren Bilsborough, Professor Chris Daniels, Mr Marty Gauvin

In Attendance

Mr Geoff Whitbread	Acting Chief Executive Officer
Ms Kathy Jarrett	Director
Ms Fiona Harvey	Manager Strategy /Minute Taker

1 OPEN MEETING

The meeting commenced at 7.02pm.

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.

No interests were disclosed.

4 REPORTS**4.1 Strategic Directions Committee – Exploration of Strategic Opportunities and Issues: SDC040515R4.1**

Strategic Ideas

The Independent Members provided an overview of the five ideas presented at the first workshop in the series on 7 April being:

- Role of redevelopment authorities
- Return to the 20 minute city
- Community energy opportunities
- Business in the digital domain
- Governance and leadership

Feedback and further ideas framed within the context of strategic thinking were sought from the Committee. The following comments were provided by Committee members:

- The community energy opportunity idea has been tested and implemented in other local government areas and appears to have merit
- There would be value in further considering the forecast changes in the region and globally over a 30 year time horizon, in line with the Community Plan
- Predictions about the future tend to occur using the current rate of change, however the speed of change generally tends to increase over time so this needs to be considered when thinking about strategic ideas within the context of the changing environment
- Strategic thinking and planning needs to occur within an integrated framework, rather than developing plans in isolation. Understanding the hierarchy of plans is important, for example the City of Marion Strategic Plans fit within a hierarchy of local government, state government, natural resource management and urban development plans. It is critical that plans are developed in concert with other related plans to ensure they are valuable and active.
- Council needs to ensure that it understands its current Community Plan, particularly the aspiration 'Biophilic'. It is imperative that there are clear actions to support the pursuit of this (and all) aspirations, based on a clear understanding of the concept. It is also important Council closely monitors its progress towards the Community Plan aspirations
- It is critical to ensure that all of Council's strategies are pursued through ongoing prioritisation, action and monitoring.

Ideas Assessment Framework

The Independent Members introduced a framework for considering and prioritizing strategic ideas. The framework presented is widely used, easily understood and communicated, and able to be applied to different types of ideas.

The framework consists of three criteria, each to be scored out of six points as follows:

Criteria –

1. Uniqueness – an idea that pursues innovation and creativity is likely to have high strategic value. Uniqueness also creates a sense of place and allows recognition of unique character/qualities
2. Strategic Alignment – an idea that moves us in the direction of the agreed strategy is highly valued. This also ensures that the strategy itself is considered regularly and shaped in a way that is well understood.
3. Value – must be considered from a range of perspectives; financial, community and efficiency.

Scoring –

- 6-excellent
- 5-very good
- 4-good
- 3-average/typical
- 2-poor
- 1-very poor
- 0-not eligible

Other elements were identified and discussed for considerations in the Ideas Assessment Framework:

- 'Intergenerational assets' - these are assets that can be passed from one generation to the next and continue to increase in value. These assets can be infrastructure or 'soft' assets such as water/air. In overall value, the intergenerational value of an asset must be considered and ideally the value of an asset tomorrow will be greater than its current value.
- The time imperative - this considers the time horizon over which an idea may come to fruition and when its maximum value might be realized. The timeframes proposed were – short (within a generation), medium (a century) and long term (multiple centuries).
- The integration imperative - this frames strategic thinking and ideas analysis within the principles of 'and' not 'or', and 'balance' not 'compromise'.

Testing of the Ideas Assessment Framework on examples

The Independent Members applied the Ideas Assessment Framework by working through two examples; the Adelaide Oval redevelopment and the State Aquatic Centre development. Members discussed the key attributes of each project, and their assessment of each project's uniqueness, strategic alignment and value to provide some further understanding of the Framework.

A discussion about the application of the Framework led to the following points being made:

- Applying the framework to as many ideas as possible helps to assess the criteria objectively. Practice in using it helps to 'tune out' emotional attachment to ideas.
- The framework can be applied to big, concrete ideas (eg infrastructure projects) and more intangible concepts (eg iconic food, music, events), although these types of ideas are harder to conceptualise.

7.31pm Cr Westwood left the meeting

7.34pm Cr Westwood re-entered the meeting

Application of the Ideas Assessment Framework to strategic ideas

The Independent Members proposed a small group workshop for the Committee to consider two strategic ideas in more detail and apply the assessment framework. Each group was asked to consider at least one strategic idea from the list of five proposed by the Independent Members at the previous meeting (SD070415R6.2), as well as a further idea.

Moved Cr Gard, Seconded Mayor Hanna that formal meeting procedures be suspended for up to 1 hour to allow the Committee's conduct of workshops regarding the assessment of strategic ideas.

Carried unanimously

Workshop –Application of the Ideas Assessment Framework to strategic ideas

Members participated in a workshop to assess strategic ideas using the proposed Framework.

The meeting was re-opened at 8:40pm

Mr Gauvin invited each of the three workshop groups to provide a 'pitch' for their two ideas and an overview of their assessment. The groups provided the following assessments:

Group 1

Twenty minute City

- Offered a great amount of uniqueness in City of Marion, particularly given its compact nature and being bounded by arterial connectors
- Significant opportunity through links to major hubs and infrastructure including the airport, Adelaide City, Southern Expressway, Tonsley redevelopment, the coast and pools
- Great opportunity to harness the transport connections through, and to, the City via car, cycling, walking and public transport
- Strong alignment with strategic directions
- Significant value to be gained through strengthening connections with City of Marion destinations and new technologies
- Barriers to this idea were also considered including the Oaklands Crossing, O'Halloran Hill and the lack of good east-west connections

Community Energy

- City of Marion has some great infrastructure for solar panels, and good opportunities to explore wind energy
- Potential for floating solar panels on big waterbodies such as wetlands
- Potential opportunities relating to becoming a wholesale purchaser and re-seller of energy
- Potential to explore value in opportunities such as trees for carbon credits and co-generation plants
- This idea does not seem that technically challenging, but recognise the need for capacity and specialised skills and resources
- A challenge may be the speed of change in this field and how we could ensure the infrastructure was flexible enough to keep on top of advancements

Group 2

Innovation Districts

- Opportunity to strive for best innovation district globally at the Tonsley redevelopment
- Can create a beacon and catalyst for attraction of investors, education sector, innovative business, community activation
- Is a very unique opportunity for the City of Marion
- Is closely aligned to the strategic directions, but may be seen as non-core business
- Potential value is very high if done well

Total Development Plan

- A major review and integration of City of Marion's Development Plan to meet City's priorities and targets

- Potential to use a new way of thinking and framing the Development Plan to take a more strategic and holistic approach to City development
- Can focus on strategic areas of growth, balanced with areas of preservation
- The uniqueness, strategic alignment and value of this idea are all considered high

Group 3

Business in the Digital Domain

- Opportunities to support new and existing businesses in the City to transition to a digital platform to enhance their business models
- Unsure what councils' role in this space could/should be
- Unsure of the value in attracting business to the City of Marion from other areas, as this may disadvantage those areas. Competition within the economic development sector seems counter-intuitive
- Opportunities to have residents working in Marion in a digital domain for companies situated nationally and globally
- Unsure whether targeting one type of business into the City is of most value
- Potential for council to focus on activating the space and place within the City which will attract business
- Uniqueness, strategic alignment and value were considered moderate for this idea

Council Boundary realignment

- Potential opportunities to consider council boundary realignments to better align areas in the region that have common issues and opportunities
- Opportunity for this type of idea to gain traction and provide benefits regionally
- Further conceptualising of the idea including governance, leadership and community involvement models is needed to better form the strategic idea
- Uniqueness, strategic alignment and value were considered relatively high for this idea

Strategic Idea scoring

Each Elected Member was then asked to score each of the above ideas pitched to the SDC by the groups. The scores for each of the six ideas are provided in Attachment 1. Based on the overall scores, the ideas were ranked in the following order:

1. Community Energy
2. Innovation Districts
3. Total Development Plan
4. Twenty minute City
5. Council Boundary changes
6. Business in the Digital Domain

A number of comments were made regarding the Framework and assessment of ideas:

- Any idea that links closely with other strategic ideas is highly valuable
- Identifying the problem/issue that initiates the thinking of an idea is key as this enables further consideration and shaping of the idea as information is gathered and analysed.
- The process of assessment and idea shaping is an iterative one, and will likely occur over a number of sessions, supported by a gated decision-making process that continues to filter ideas as they are developed.
- If an idea is assessed as highly valued, but is not strongly aligned to the strategic plan then the plan may need to be reviewed
- The three criteria are all evenly weighted in the proposed Framework. Consideration of weighting one criterion over the others can be done, but may not be that valuable.

- Robustness can be strengthened in the assessment process by having as many individual assessors as possible.
- Assessing raw scores should involve looking for outliers from individual scorers, as well as consistency in ranking across many scorers.

9:03pm Cr Pfeiffer left the meeting

9:05pm Cr Prior left the meeting

9:06 Cr Pfeiffer re-entered the meeting

9:07pm Cr Prior re-entered the meeting

9:08pm Cr Kerry left the meeting

9:10pm Cr Kerry re-entered the meeting

9:10pm Cr Crossland left the meeting

9:12pm Cr Crossland re-entered the meeting

The Independent Members sought advice from the Committee regarding the possible next steps to progress the thinking and shaping of the strategic ideas. Mr Bilsborough reminded the SDC of the purpose of the workshop which was to narrow the focus as a Committee to enable pursuit of a narrow range of strategic ideas over the remainder of 2015. This should not preclude all ideas from being pursued over a longer time horizon, as all ideas assessed were 'right'.

The SDC agreed to further analyse the top ranked strategic ideas over its coming meetings, with the meeting scheduled for 2 June to consider Community Energy and Innovation Districts. It was also supported that the Independent Members continue to play a leading role in bringing further information to the Committee to support the shaping of the vision for the strategic ideas. The Independent Members will work with the Chair and the Mayor through this process.

The stages beyond the shaping of the vision would involve the development of the strategic intent for the idea, which brings together the context, vision and strategy to pursue the idea. This includes consideration of governance frameworks, systems, structures and processes to deliver the strategy.

Mr Bilsborough reminded the Committee of the importance of considering intergenerational asset principles in further discussions on each idea.

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 2 June 2015
Venue: Chamber, Administration Building

CONFIRMED

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CHAIRPERSON

/ /

Attachment 1: Strategic Directions Committee special meeting 4 May 2015

Ideas Assessment Framework – Assessment of six strategic ideas

Average	9.9			12.8			11.5			11			9.7			9.8		
	20 Minute City			Community Energy			Innovation District			Total Development Plan			Digital Domain			Council Boundary Changes		
	5	4	4	4	4	5	5	4	4	4	3	4	3	3	3	4	4	4
	5	4	6	4	6	5	3	3	1	2	2	2	5	2	5	1	2	2
	4	6	3	4	5	5	3	3	4	3	5	4	3	4	4	3	5	4
	2	3	3	1	4	4	4	3	4	2	3	4	3	4	5	1	2	5
	2	2	3	5	4	4	3	2	3	5	5	6	2	2	2	4	3	3
	5	3	3	3	5	5	3	5	4	4	5	4	3	2	4	2	5	3
	4	5	5	5	5	6	4	5	6	3	5	5	3	4	4	3	4	6
	2	2	3	4	4	6	4	4	4	2	2	3	3	3	2	4	4	6
	3	3	3	4	3	5	5	5	5	3	3	3	2	3	4	2	3	4
	0	2	2	3	4	4	3	2	4	2	5	4	4	2	3	3	0	2
	2	3	3	4	4	3	5	4	5	4	5	5	3	4	4	3	2	5
Value			38			52			44			44			40			44
Strategic Alignment		37			48			40			43			33			34	
Uniqueness	34			41			42			34			34			30		

*Yellow shading denotes highest score for each of the criteria

**CITY OF MARION
GENERAL COUNCIL MEETING
26 MAY 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support

Corporate Manager: Kate McKenzie, Manager Governance

Director: Kathy Jarrett

Subject: Chief Executive Review Committee Confirmation of Minutes of Meetings held on 19 May 2015

Report Reference: GC260515R03

REPORT OBJECTIVES:

The Chief Executive Review Committee is a formally constituted Committee of Council pursuant to Section 41 of the Local Government Act 1999 and is responsible to Council.

EXECUTIVE SUMMARY:

The Chief Executive Review Committee held a meeting on Tuesday 19 May 2015. The minutes of those meetings are herewith forwarded to Council for adoption (Appendix 1).

RECOMMENDATIONS (1):

DUE DATES:

That Council:

1. Receive and note the minutes of the Chief Executive Review Committee meeting of 19 May 2015 (Appendix 1).

26 May 2015

**MINUTES OF THE CHIEF EXECUTIVE REVIEW COMMITTEE
MEETING
HELD IN THE MAYOR'S PARLOUR, ADMINISTRATION CENTRE
245 STURT ROAD, STURT
ON TUESDAY 19 MAY 2015 AT 3.00PM**



PRESENT

His Worship the Mayor Kris Hanna (Chair)

Councillors

Councillor Hutchinson
Councillor Telfer

In Attendance

Jaimie Thwaites
Andrew Lindsay

Unit Manager Council Support
Manager Organisational Development

COMMENCEMENT:

The meeting commenced at 3.05pm.

KAURNA ACKNOWLEDGEMENT

Mayor Hanna began the meeting by acknowledging the Kurna people, the traditional custodians of this land and paid respect to their elders past and present.

MEMBER'S DECLARATION OF INTEREST (if any)

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

Nil

CONFIRMATION OF MINUTES

Moved Councillor Hutchinson, Seconded Councillor Telfer that the Minutes of the Chief Executive Review Committee Meeting held 12 May 2015 be taken as read and confirmed.

Carried Unanimously

ITEMS FOR DISCUSSION

Recruitment Process for Chief Executive Officer CRC190515R01

The Committee discussed the questions that would be asked during the interviews for the position of Chief Executive Officer.

3.28pm Manager Organisational Development left the meeting

CONFIDENTIAL ITEMS

Nil

NEXT MEETING

The next meeting of the Chief Executive Review Committee is scheduled to be held on:

Time: 5.50pm

Date: 25 May 2015

Venue: Chamber, Administration Building

CLOSURE

The meeting was declared closed at 5.02pm.

CONFIRMED

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CHAIRPERSON

...../...../.....

**CITY OF MARION
GENERAL COUNCIL MEETING
26 MAY 2015**

Originating Officer: Emily Nankivell, Senior Development Officer - Planning

Corporate Manager: Donna Ferretti, Acting Manager Development Services

Director: Kathy Jarrett

Subject: Development Assessment Panel (DAP) – Appointment of two independent members and presiding member to the Marion Council Development Assessment Panel and other DAP procedural matters.

Report Reference: GC260515R04

REPORT OBJECTIVES:

For Council to consider the appointment of two independent members and a Presiding Member to the City of Marion Development Assessment Panel (DAP) from June 2015 for a term of two years as recommended by the DAP Selection Panel. Council will also consider the existing Terms of Reference and note the imminent review of the DAP General Operating Procedures by the DAP.

EXECUTIVE SUMMARY:

In accordance with Section 56A(3) of the Development Act 1993 Council is required to appoint a minimum of 4 independent members to the Marion DAP, including the Presiding Member.

On the 28 May 2015 the terms of two of the current independent members will end leaving two vacancies to be filled.

Following a recruitment process whereby Council sought expressions of interest for the two independent member positions for the Marion DAP and conducted interviews of shortlisted candidates, the selection panel have recommended two applicants for independent membership of the Marion Council DAP with one of these applicants also recommended for the role of Presiding Member.

Council approval to appoint the two recommended persons as independent members of the Marion DAP, with one performing the role of Presiding Member is now sought.

This report also seeks Council's review of the DAP Terms of Reference and requests that Council note that the DAP does not consider any changes are required to this document. In addition, Council will note that the DAP will review the DAP General Operating Procedures at the first meeting following the appointment of the two new members where all DAP members are in attendance.

RECOMMENDATIONS (9)

DUE DATES

That Council:

- 1. Appoint Gavin Lloyd-Jones and Graham Goss as recommended**

May 2015

by the selection panel for a term of two years to the Marion Council Development Assessment Panel.

2. Appoint Gavin Lloyd-Jones to act as Presiding Member of the Marion Council Development Assessment Panel during his two year appointment to the Marion Development Assessment Panel. May 2015

3. Place a notification in the “Messenger” newspaper advising of the appointment of the new members and presiding member to the Marion Council Development Assessment Panel in accordance with Section 56A(4)(5) of the Development Act 1993. May 2015

4. Write to all applicants advising them of Council’s decision. May 2015

5. Formally acknowledge the contribution of Rebecca Thomas Independent Member and Presiding Member and Jenny Newman Independent Member for the Marion Council Development Assessment Panel for their membership of and contribution to the Panel for the last six years. May 2015

6. Adopt the existing DAP Terms of Reference unchanged. May 2015

7. Note the DAP resolution to review its General Operating Procedures at the first meeting at which all members are present, following the appointment of the two new members and that this review will include consideration of the current practice of excluding the public from attendance during the deliberations of each item. May 2015

8. Advises the Development Assessment Panel as follows: May 2015

“that it is preferable that discussions, deliberations and the determination of applications by the DAP take place in public and that it only exclude the public from attendance during so much of a meeting as is necessary to receive, discuss or consider in confidence that information or those matters set out in Section 56(12)(a) of the Development Act 1993. The Council recommends that the DAP consider adopting such an approach and incorporating this in its procedures when they are reviewed at the next DAP meeting in accordance with the DAP resolution. The Council’s recommendation is in the interests of raising accountability and promoting transparency in local government decision making and is consistent with its submission to the Planning Minister in relation to the Report of the SA Expert Panel on Planning Reform of December 2014, that, in the public interest, any planning authority should adopt procedures that ensure transparency of deliberations and decision making.”

9. Note that the DAP maintains an open invitation for Elected Members to attend DAP Meetings during the deliberation of the Panel. May 2015

DISCUSSION

Terms of Existing Members

The terms of two independent members of the DAP expire on 28 May 2015. They are Rebecca Thomas (Presiding Member) and Jenny Newman (independent Member). Rebecca Thomas and Jenny Newman have each served three terms (six years) on the Panel. Both members of the Panel were eligible to re-apply to the Development Assessment Panel for another term had they wished to do so. Neither Rebecca Thomas nor Jenny Newman elected to re-nominate for the Marion DAP.

Rebecca Thomas and Jenny Newman have been valued members of the Development Assessment Panel since 2009, with Rebecca performing the role of Presiding Member for a majority of this time.

The Panel has had the benefit of exceptional and professional service and advice from Rebecca and Jenny, who have provided constructive and valuable contributions to Panel discussions and decisions.

Council may resolve to formally thank Ms Thomas and Mrs Newman for their contribution to the Panel and wish them well in their future endeavours.

Appointment of New Members

In accordance with Section 56A of the Development Act 1993 Council is required to establish a Development Assessment Panel and appoint a minimum of four independent members to the DAP. The criteria outlined in section 56A(3) for the appointment of independent members is as follows:

- (c)(ii) with respect to members that are not within the ambit of sub-paragraph (i) (sub-paragraph (i) referring to elected members)*
 - (A) each must be a fit and proper person to be a member of a council development assessment panel; and*
 - (B) subject to any provisions made by the regulations, each must be a person who is determined by the council to have a reasonable knowledge of the operations and requirements of this Act, and appropriate qualifications or experience in a field that is relevant to the activities of the panel; and*
 - (C) the qualifications and experience of these members, when considered in conjunction with the qualifications and experience of the presiding member, must provide a reasonable balance across the fields that are relevant to the activities of the panel;*
- (d) the council –*
 - (i) must, unless granted an exemption by the Minister, ensure that at least 1 member of the panel is a woman and at least 1 member is a man; and*
 - (ii) should, insofar as is reasonably practicable, ensure that the panel consists of equal numbers of men and women;*
- (e) the term of office of a member will be for a period, not exceeding 2 years, determined by Council (and, at the expiration of a term of appointment, a member is eligible for reappointment);*
- (f) the other considerations of appointment of the members of the panel will be determined by the council;*

Council advertised the two vacating positions in the Guardian Messenger, Adelaide Advertiser and online in late March seeking expressions of interest from suitably qualified persons. A total of 33 expressions of interest were received.

To consider these expressions of interest Council established a Selection Panel at the General Council meeting held on the 24 February 2015 comprising Councillor Hull, Councillor Kerry, Councillor Byram and Councillor Westwood. Councillor Byram was subsequently unavailable for the process.

The 33 expressions of interest were reviewed and based on experience and using the DAP Terms of Reference, a shortlist of eight applicants was established. The Selection Panel has undertaken interviews with all shortlisted applicants. The two applicants recommended for appointment to the Marion DAP are Gavin Lloyd-Jones and Graham Goss. Both applicants demonstrated a high level of ability in their written expressions of interest and during the interview process, including a commitment to open and transparent decision making of the Marion DAP.

Gavin Lloyd-Jones has over 35 years experience in architecture, town planning and urban design with various positions in state and local government. He also has formal tertiary qualifications in Urban and Regional Planning and Architecture. Gavin has extensive experience with Development Assessment Panels with involvement as an independent member on DAPs when the legislation changed to incorporate independent members in 2006. Gavin has held the position of Presiding Member at Mitcham, Salisbury and Norwood Payneham and St Peters Development Assessment Panels. Gavin Lloyd-Jones indicated a strong preference to open and transparent decision making and deliberations of DAP occurring in open meetings.

Graham Goss has 10 years experience in policy planning at a state government level with particular interest in environmental matters. In his current position he is a Principal Planner for the River Murray in the Department of Environment, Water and Natural Resources. He has formal tertiary qualifications in Law, Public Policy, Environmental Management and the Arts. Graham has also served on the City of Holdfast Bay DAP since 2007 and was appointed to the position of Presiding Member in 2009. Graham has recently been re-appointed to the Holdfast Bay DAP. Graham believes that openness and transparency ensures good governance and supports all deliberations and decisions being made in public.

Both applicants have a high level of practical skill in assessment of applications against development plan criteria and in participating as independent members of Development Assessment Panels. It is considered that they would bring a high level of skill to the Marion DAP.

Presiding Member

In addition to appointing two independent members Council is also being asked to appoint a Presiding Member. In accordance with Section 56A(3) of the Development Act 1993 the Presiding Member must not be a member or officer of the Council. As part of the independent member recruitment process applicants were asked whether they would like to be considered for the position of Presiding Member and why they would be suitable for the role. Based on this the Selection Panel has recommended Gavin Lloyd-Jones be appointed to the position of Presiding Member.

Gavin Lloyd-Jones is recommended for the position of Presiding Member based on his previous experience chairing the Mitcham, Salisbury and Norwood, Payneham & St Peters Development Assessment Panels and his experience in the areas of planning and architecture.

Appointment Term

Historically, Council has appointed the members of the Panel to two year terms. This is common practice throughout local government, although some Councils limit their member

terms to one year. It is noted that Section 56(3)(e) of the Development Act, 1993 prescribes that the term of office of a member of the Panel cannot exceed two (2) years.

It is considered that two (2) year terms represent an appropriate time-frame for members to familiarise themselves with the operations of the Panel, and the Council area and then provide a period of stability and familiarity on the Panel. Accordingly, no reduction to the current two (2) year term is considered warranted.

Sitting Fees

The current sitting fees for members of the Development Assessment Panel are as follows:

- | | |
|-----------------------------|-------|
| • Presiding Member | \$500 |
| • Other Independent Members | \$400 |
| • Elected Members | \$200 |

No change to sitting fees is proposed.

Financial Implications

The current 2015/2016 budget has provided \$31,000 per annum for Independent Member sitting fees and \$9000 per annum for Elected Member sitting fees.

Aside from sitting fees and staff time, the operations of the Development Assessment Panel incorporates a current budget of \$9,200 per annum.

DAP Terms of Reference

The Council's Terms of Reference were last adopted by Council at its meeting on 25 October 2011. (Refer Appendix I) The current Terms of Reference reflect the requirements of the Development Act, 1993 and as such there is little scope for change. The Development Assessment Panel reviewed the Terms of Reference at its meeting in March 2015 and resolved to advise Council that it considers that no changes are required.

Although most clauses in the Terms of Reference are taken directly from the Act and therefore have no scope for change, Members are advised that pursuant to Section 56A(3) of the Development Act, 1993 and with the approval of the Minister, a Development Assessment Panel within Metropolitan Adelaide may consist of 9 members, in lieu of the standard practice of 7 members.

If Council sought to increase the number of members to 9 members, a formal request would need to be made to the Minister. It is noted that the existing ratio of Elected Members to Independent Members would need to remain, therefore, a maximum of one of the two additional members could comprise an Elected Member.

DAP General Operating Procedures

The current DAP General Operating Procedures were adopted by the Development Assessment Panel at its meeting on 4 March 2015.

At that meeting, the Panel resolved to review the General Operating Procedures in 3 months time, effectively when new members commence their terms on the Panel, and when all DAP members are present, which (due to leave) will occur no earlier than July 2015. The review of the General Operating Procedures will include a review of the current practice of excluding the public from attendance during the part of the meeting that consists of its discussion on determination of any application or other matter that falls to be decided by the Panel.

This presents an opportunity for Council to reaffirm its 24 February 2015 resolution as follows:

“that it is preferable that discussions, deliberations and the determination of applications by the DAP take place in public and that it only exclude the public from attendance during so much of a meeting as is necessary to receive, discuss or consider in confidence that information or those matters set out in Section 56(12)(a) of the Development Act 1993. The Council recommends that the DAP consider adopting such an approach and incorporating this in its procedures when they are reviewed at the next DAP meeting in accordance with the DAP resolution. The Council’s recommendation is in the interests of raising accountability and promoting transparency in local government decision making and is consistent with its submission to the Planning Minister in relation to the Report of the SA Expert Panel on Planning Reform of December 2014, that, in the public interest, any planning authority should adopt procedures that ensure transparency of deliberations and decision making.”

Council is also requested to note the Development Assessment Panels on-going invitation for Elected Members to attend Development Assessment Panel meetings for the whole of the meeting including deliberations. This would be beneficial for Elected Members who are interested in being appointed to the Development Assessment Panel in the future and/or interested in gaining a greater understanding of development assessment and how the City of Marion Development Plan is applied in practice.

CONCLUSION:

The terms of two Independent Members on the Development Assessment Panel are due to expire on the 28 May 2015.

A recruitment process has been undertaken to fill these two positions with a total of 33 expressions of interest being received. Following review of the expressions of interest the DAP selection panel have selected two of the applicants to sit on the Marion DAP.

This report seeks the appointment of Gavin Lloyd-Jones and Graham Goss to the Development Assessment Panel for a 2 year term commencing June 2015 and the appointment of Gavin Lloyd-Jones as Presiding Member for the life of his term on the Marion DAP.

This report also seeks Council’s review of the DAP Terms of Reference and requests that Council note that the DAP does not consider any changes are required to this document. In addition, Council will note that the DAP will review the DAP General Operating Procedures at the first meeting following the appointment of the two new members where all DAP members are in attendance.

Appendix I: DAP Terms of Reference

CITY OF MARION
DEVELOPMENT ASSESSMENT PANEL
TERMS OF REFERENCE
(Adopted by Council on 25 October 2011)

PREAMBLE

This document embodies the Constitution of the City of Marion Development Assessment Panel.

1. ESTABLISHMENT

- 1.1. Pursuant to Section 56A of the *Development Act 1993* ("the Act") the City of Marion ("the Council") establishes a Development Assessment Panel ("DAP") for the purpose of acting as the "*relevant authority*" in respect of all matters prescribed to it under the Act and by this Terms of Reference.
- 1.2. The City of Marion DAP was established by way of resolution of Council at its meeting of 10 July 2001 (Ref No. 100701/7f.3).
- 1.3. This Terms of Reference first came into operation on 27 May 2003 (and has been amended by resolutions of the Council on 27 July 2004, 13 February 2007, 9 June 2009 and 25 October 2011).
- 1.4. The DAP is separate from and operates wholly independently of the Elected Body of the Council.

2. FUNCTIONS

- 2.1. The functions of the DAP are:
 - 2.1.1 to act as a delegate of the Council in accordance with the requirements of the Act and this Terms of Reference;
 - 2.1.2 to provide advice and reports to the Council as it thinks fit on trends, issues and other matters relating to planning or development that have become apparent or arisen through its assessment of development applications under the Act;

- 2.1.3 to cause an Annual Performance Review (APR) to be undertaken of the DAP, examining the composition of the DAP from a 'needs' perspective, the contribution, behaviour and conduct of DAP Members, the function and procedures of the DAP, and other relevant matters. The outcome of the APR shall be reported to Council within one month of being completed; and
 - 2.1.4 to perform other functions (other than functions involving the formulation of planning and development policy which is the responsibility of the Council) assigned to the DAP by the Council.
- 2.2. Subject to section 56A(9) of the Act, the *Local Government Act 1999* does not apply to, or in relation to, the DAP (including with respect to the DAP Members when acting under Section 56A of the Act or its processes or procedures).

3. **MEMBERSHIP & RE-APPOINTMENT**

- 3.1. The DAP comprises seven Members appointed by the Council as follows:
- 3.1.1 up to three persons who are Elected Members or Officers of the Council ("Council Representatives"); and
 - 3.1.2 the balance being persons selected from the community ("Independent Representatives"), who satisfy the requirements of Section 56A(3)(c)(ii) of the Act, one of whom will be appointed by the Council as the Presiding Member;
 - 3.1.3 At least one member of the DAP must be a woman and one member must be a man.
- (the above are collectively referred to in this Terms of Reference as the "DAP Members").
- 3.2. Independent Representatives appointed pursuant to Clause 3.1.2 of the Terms of Reference are eligible for membership of the DAP only if:

- 3.2.1 they have demonstrated appropriate skills or knowledge of town planning and DAP processes and have a reasonable knowledge of the operation and requirements of the Act, and appropriate qualifications or experience in a field that is relevant to the activities of the DAP; and
- 3.2.2 they meet any other reasonable criteria imposed by resolution of the Council.
- 3.3. A Council Representative is entitled to be re-appointed as a DAP Member for a second successive term, by being expressly authorised by a resolution of the Council.
- 3.4. An Independent Representative is entitled to be re-appointed as a DAP Member for multiple successive terms by Council resolution.
- 3.5. The term of office for each DAP Member is as determined by the Council but in any event shall not exceed 2 years.
- 3.6. A DAP Member whose term of office expires (as distinct from resignation or removal from office) may nevertheless continue to act as a member of the DAP for a period of up to 6 months until either he or she is reappointed or a successor is appointed.
- 3.7. The Presiding Member of the DAP is appointed by the Council and will preside at all DAP meetings.
- 3.8. The Presiding Member will be appointed by the Council taking into account the following requirements:
 - 3.8.1 he or she must not be a member or officer of the Council;
 - 3.8.2 he or she must be a fit and proper person to be a member of the Panel; and
 - 3.8.3 he or she must be a person who is determined by Council to have a reasonable knowledge of the operation and requirements of the Act, and appropriate qualifications or experience in a field that is relevant to the activities of the Panel.

4. VACANCY OF OFFICE/RESIGNATION/ REMOVAL AND REPLACEMENT OF A MEMBER

4.1. The office of a DAP Member becomes vacant if the member:

4.1.1 dies; or

4.1.2 completes a term of office and is not reappointed; or

4.1.3 resigns by written notice to the Executive Officer; or

4.1.4 becomes bankrupt or applies to take the benefit of a law for the relief of insolvent debtors; or

4.1.5 is convicted of an indictable offence punishable by imprisonment; or

4.1.6 is removed from office by the council.

4.2. A DAP Member may resign from the DAP by giving the Executive Officer notice in writing to that effect. Such notice takes effect immediately upon receipt by the Executive Officer.

4.3. Subject to Clause 4.4 of the Terms of Reference the Council may, at its absolute discretion, remove a DAP Member from office for any of the following inappropriate behaviours:

4.3.1 a breach of, or failure to comply with, the conditions of appointment to the DAP; or

4.3.2 misconduct detrimental to the interests of the DAP, the Council and/or the administration of the planning system (and in this context "misconduct" includes any conduct of a DAP Member known to the DAP, the Council or the public which offends the social mores of the community); or

4.3.3 neglect of duty; or

4.3.4 incapacity to carry out satisfactorily the duties of his or her office; or

- 4.3.5 failure to carry out satisfactorily the duties of his or her office;
or
 - 4.3.6 failure to declare a direct or indirect personal or pecuniary interest in a matter before the DAP in breach of Section 56A(7) of the Act; or
 - 4.3.7 with respect to a DAP Member who is an Independent Representative - failure to disclose his or her financial interests in accordance with Schedule 2 of the Act; or
 - 4.3.8 failure to attend three consecutive meetings of the DAP without the DAP having previously resolved to grant a leave of absence to the DAP member; or
 - 4.3.9 breach of the DAP Code of Conduct adopted under 21A of the Act..
- 4.4. The Council must give written notice to a DAP Member of its intention to consider removing the DAP Member from office for any of the behaviours set out in Clause 4.3 above. Further, the Council must give the DAP Member an opportunity to respond to an allegation of inappropriate behaviour (either verbally or in writing). Any response provided by the DAP Member must be taken into account before the Council makes a determination on whether to remove the DAP Member from office.
- 4.5. Particulars of an allegation of inappropriate behaviour must be communicated in writing to the DAP Member at least seven days before the meeting of the Council at which the matter will be determined.
- 4.6. The decision of the Council in consideration of an allegation of inappropriate behaviour will have immediate effect and must be communicated to the DAP Member in writing.
- 4.7. Should a vacancy in the membership of the DAP occur for whatever reason, the Council will fill that vacancy at the earliest opportunity in accordance with this Terms of Reference.

- 4.8. A replacement DAP Member shall be appointed to serve the remainder of the term of the DAP Member whose position is to be filled and shall enjoy the same rights and obligations as that DAP Member.
- 4.9. The appointment of a Replacement DAP Member should be made expeditiously, but need not be made in the instance where the vacancy to be filled will be for a period of less than three months.
- 4.10. A vacancy in the membership of the DAP will not invalidate any decision by the remaining DAP Members, provided a quorum is maintained during meetings.

5. **ROLE OF THE DAP**

- 5.1. The primary role and objective of the DAP is to ensure that DAP decisions are consistent with the law and the policy intent of the Development Plan.
- 5.2. The DAP is responsible for all matters prescribed to it under Section 56A(2) of the Act and;
 - 5.2.1 must act in strict accordance with the Act and the Development Regulations 2008 and in accordance with the terms of delegations, policies, procedures and protocols which are relevant to the DAP. In that regard, the DAP must prepare and adopt an operating procedure, which sets out the manner in which the DAP conducts its business; and
 - 5.2.2 has no obligation to report to the Council on its development application decisions, except by the publication of the DAP Minutes.
- 5.3. The DAP must ensure that its procedures:
 - 5.3.1 are fair and contribute to informed decision-making; and
 - 5.3.2 reflect the levels of formality appropriate to the nature and scope of responsibilities exercised at that meeting; and

5.3.3 are sufficiently certain to give the community and decision makers confidence in the deliberations undertaken at the meeting.

5.4. The DAP shall on an annual basis determine a schedule of ordinary meetings.

5.5. The DAP will determine the distribution and presentation requirements for Agenda & Reports for DAP Members and the distribution requirement for Agenda & Reports to the Public.

5.6. The DAP shall ensure that accurate minutes are kept of its proceedings.

6. OBLIGATIONS OF DAP MEMBERS

6.1. A DAP Member having a direct or indirect personal or pecuniary interest, in accordance with Sections 56A(7) and (8) of the Act:

6.1.1 must as soon as he or she becomes aware of his or her interest in a matter at a meeting, disclose the nature and extent of the interest to the DAP; and

6.1.2 must not take part in any hearings conducted by the DAP or in any deliberations or decisions of the DAP on the matter and must be absent from the meeting when any deliberations are taking place or a decision is being made.

6.1.3 Must act in accordance with these provisions when the interest is that of an associate of the DAP Member.

6.2. For the purposes of Clause 6.,1 a conflict of interest will include:

6.2.1 when a DAP Member's ability to objectively perform his or her duties and responsibilities is compromised; or

6.2.2 when an independent observer might reasonably question whether the DAP Member's interests are improperly influenced by considerations of a personal relationship, financial gain and the like related to the development application, the applicant or a representor (or their agent); or

- 6.2.3 when the DAP Member has a relationship with the applicant or a representor (or their agent), has competing professional or personal interests with the application, the applicant or representor (or their agent), which will or may be perceived objectively to influence their decision; or
- 6.2.4 when the DAP Member will financially benefit, whether directly or indirectly from their relationship with the applicant or a representor (or their agent), or otherwise in relation to the development application.
- 6.3. Every DAP Member must vote on the determination of a development application and/or any other matter arising for decision by the DAP, unless the Member has previously declared a conflict of interest in the matter.
- 6.4. DAP members must disclose an interest in a matter before the DAP, in writing to the Presiding Member, before the matter is considered by the Panel and must not partake in any assessment processes involving that matter.
- 6.5. DAP members may publicly acknowledge relationships with applicants and representors which do not give rise to an interest by stating the relationship and declaring that the relationship does not give rise to an interest.
- 6.6. Independent Representatives must disclose their financial interests in accordance with Section 56A(6) and Schedule 2 of the Act. Failure to do so may result in removal of the DAP Member from office pursuant to Section 4.3.7 of this Terms of Reference.
- 6.7. A DAP Member must not privately initiate discussions with an applicant(s), a representor(s), a member(s) of the public or government agency in relation to any matter before the DAP for consideration or likely to be considered by the DAP.
- 6.8. In a situation where a person seeks to provide information to a DAP Member outside of a meeting, the DAP Member must not make comment or express an opinion upon the merits or otherwise of the particular development application. A DAP Member may indicate that

the only decision to be made will be that of the DAP at a properly convened meeting, and the person should be encouraged to provide the information to the DAP through the Executive Officer.

- 6.9. A DAP Member approached in any way outside of a DAP meeting must disclose the nature and extent of the approach at the next DAP meeting.
- 6.10. Subject to collective DAP site visits as organised by the Executive Officer, a DAP Member must avoid entering development sites, even if invited by the land owner or a neighbouring property owner.

7. EXECUTIVE OFFICER AND PUBLIC OFFICER

- 7.1. The Council will appoint an Executive Officer to support the DAP in undertaking its functions.
- 7.2. The Council will appoint a Public Officer to fulfil the obligations prescribed in Section 56A (24) of the Act. The functions of the Public Officer shall include ensuring the proper investigation of complaints about the conduct of a DAP Member or of operations of the DAP.

8. REPORTS TO COUNCIL

- 8.1. The DAP shall report to Council on an "as needs" basis, detailing issues for consideration by the Council. The report shall include advice on trends, issues and other matters relating to planning or development that have become apparent or arisen through the DAP's assessment of development applications.

**CITY OF MARION
GENERAL COUNCIL MEETING
26 MAY 2015**

Originating Officer: Kate McKenzie, Manager Governance
Director: Fiona Harvey (Acting)
Subject: Appointment of Audit Committee Member
Report Reference: GC260515R05

REPORT OBJECTIVES:

To consider and appoint (if appropriate) an independent representative to the Audit Committee.

EXECUTIVE SUMMARY:

The Audit Committee is established pursuant to section 126 of the *Local Government Act 1999*. Under the Audit Committee's Policy and Terms of Reference, the Committee will comprise of four (4) members – one (1) elected member and three (3) independent members.

At its meeting of 25 November 2014, Council resolved *to thank Ms Cathy Cooper for her term expiring on 28 November 2014 and to source an appointment of an external representative as per the Audit Committee Policy.*

Following this, at the 27 January 2015 Council Meeting, Council *endorsed the composition of a Selection Advisory Panel to source and evaluate potential candidates for appointment as independent members of the Audit Committee as being the Mayor, the Chief Executive Officer and Councillor Velsikou and Councillor Byram.*

The Selection Panel has now completed its selection process and recommends that Ms Kathryn Presser be appointed to the Audit Committee as an independent member until 30 November 2017.

RECOMMENDATIONS (3)

DUE DATES

That Council;

- 1. Offer to Ms Kathryn Presser the role of Independent Member to the Audit Committee until 30 November 2017.**

June 2015

BACKGROUND

The City of Marion Audit Committee is based on a best practice model. The sourcing of appropriately qualified, and highly skilled persons as members of this Committee, has in turn resulted in a high performing Committee that adds value to Council's deliberations on financial management, risk management, governance and internal audit matters.

The City of Marion Audit Committee Policy identifies the following requirements for external members of the Audit Committee:

- The Committee is to have four members – 1 Elected Member (who is not the Mayor) and three external independent representatives.
- External independent representatives will have senior business, legal, audit knowledge and experience, and be conversant with the local government environment.
- At least one external independent representative will have expertise and knowledge in financial management/reporting.
- Appointment of external representatives will be made by Council for a term to be determined by Council. To ensure succession planning for the Committee, the terms of appointment should be arranged on a rotational basis and continuity of membership despite changes to Council's elected representatives. Council may resolve to re-appoint an external representative for consecutive terms.

At the 27 January 2015 Council Meeting, a process was outlined for recruitment of a third independent member being:

- Appoint a Selection Advisory Panel to oversee the recruitment process.
- Via a select quote process, appoint an Executive Recruitment firm to manage and co-ordinate the recruitment process.
- Identification of potential candidates via an executive search rather than general advertisement.
- Short list candidates for interviews/discussion.
- Interviews with candidates to determine suitability for membership of Audit Committee.
- Determine a preferred candidate and confirm their preparedness to be nominated for appointment to the Audit Committee.
- Make recommendation to Council on preferred candidate.

ANALYSIS

The Selection Advisory Panel has followed this process by:

- Appointing an Executive Recruitment Firm to provide a suitable list of candidates.
- Reviewing the potential candidates and short listing three for expressions of interest.
- Following this, two candidates expressed their interest via a letter and short biography.
- Discussions were held with both candidates and the candidates were assessed based on best fit for the Audit Committee.

- Based on this assessment by the Selection Advisory Panel, the Panel recommends to Council that Ms Kathryn Presser is appointed to the Audit Committee based on her demonstrated strong business acumen with focus on financial management, monitoring strategy, business development and workforce planning.
- The Panel recommends that Ms Presser's appointment be until November 2017 to ensure that the renewal of the independent members is staggered to maintain continuity.

CONCLUSION

The appointment of high calibre persons as independent members of the Audit Committee promotes a culture of accountability and transparency. Such persons have proven to significantly contribute to the City of Marion's internal structures that provide for the independent review of processes and decision-making and therefore assist Council to meet its accountability to stakeholders.

**CITY OF MARION
GENERAL COUNCIL MEETING
26 May 2015**

Originating Officer: Fiona Harvey, Manager Strategy

Director: Kathy Jarrett

Subject: Corporate Performance Report- 3rd Quarter 2014-15:
January to March 2015

Report Reference: GC260515R06

REPORT OBJECTIVES:

This report provides Council with the third quarter status report on Corporate Performance Measures adopted in the 2014-15 Annual Business Plan and Budget (**Appendix 1**). It forms part of the regular Corporate Performance Reporting to Council, in conjunction with the quarterly budget review reporting. In addition, a further measure 'Personal Leave' has been included in the report in response to a recommendation from the Chief Executive's Performance Review Committee on 14 April, and resolved by Council on 28 April 2015, to include sick leave in the corporate performance report. Personal Leave includes sick leave, carers/family leave and bereavement leave.

EXECUTIVE SUMMARY:

The Corporate Performance reporting process provides Council with regular status updates on the key governing systems in place to support delivery of outcomes for the Community.

The report shows that four of the eight corporate performance measures have met or exceeded their targets for the quarter. The four measures where the target was not met were:

KPI1 – progress towards delivering Council's strategic plans which has been delayed:

- The delay in finalising the 10 year Council Plan is being addressed with a Plan expected to be adopted in 2015

KPI2 - Delivery against Council's adopted Capital Works Program which has been delayed:

- The delays in delivery of Council's adopted Capital Works Program are primarily due to unexpected events which are being addressed and unscheduled works resulting in reprioritisation of planned works. It is forecast that the full year target of 85% complete for the Program will be reached at year end.

KPI3 – progress towards delivering Council's key strategic projects which has been delayed:

- The delay in completion of the Cove Civic Centre project has been reviewed with the project scheduled for completion in July 2015.

KPI8 –Lost time Injury Frequency Rate (LTIFR), which is tracking above the 5 year target:

- A systematic review of injury management and resulting LTIFR is being undertaken as part of ongoing continuous improvement in the Work, Health and Safety area to address KPI8.

RECOMMENDATIONS (2)

DUE DATES

That Council:

- | | |
|--|-------------|
| 1. Note the Corporate Performance Report – Third Quarter 2014-15: January to March 2015, as provided in Appendix 1. | 26 May 2015 |
| 2. Note that sick leave has been included in the report as an additional measure (represented by the indicator Personal Leave) as resolved by the Chief Executive's Review Committee on 14 April 2015. | 26 May 2015 |

BACKGROUND

Attached is the 2014-15 third quarter Corporate Performance Report (**Appendix 1**). The report provides progress and performance on the suite of corporate KPIs adopted in the 2014-15 Annual Business Plan and Budget and is prepared in line with the quarterly budget review.

The report also includes an additional measure 'Personal Leave'. The Chief Executive's Review Committee resolved to include this measure in the Corporate Performance Report in April 2015. This measure does not have a target, and hence baseline information is provided in the report for Council's further consideration.

DISCUSSION

Third Quarter Summary Status:

KPI1 Progress towards delivering Council's adopted plans

- Progress delayed, with 96% progress achieved to date. With the holding of 2014 Council elections, presentation and adoption of the 10 year Council Plan was held over to be presented to the incoming Council. The Plan is scheduled to be considered by Council in line with their consideration of unfunded/unprioritised items and the revised Asset Management Plans.
- The State Government's Department of Planning, Transport and Infrastructure has recently announced a review process to update the 30-Year Plan for Greater Adelaide. This process will incorporate the work done on the Southern Corridor structure planning, and is anticipated to run from March to December 2015. City of Marion will contribute to the update of the Plan throughout this period.

KPI2 Delivery against Council's adopted Capital Works Program

- Progress delayed with 82% of planned works delivered, which is outside the target range of 83%-88%. The delays in progressing planned works are due to two factors; unexpected issues with progressing planned works including structural issues with trenching for a drainage project at Ramrod Avenue, and the need to schedule three new capital works projects as a result of a State Government grant. This has required planned works to be reprioritised for a later date. It is forecast that 87% of the adopted capital works program will be completed by the end of 2014/15, unadjusted for extraordinary circumstances.

KPI3 Progress towards delivering Council's key project commitments

- Progress delayed, with the projects 87% complete against plans. The delivery of the Cove Civic Centre project has been delayed by 4 months from the original completion date of March 2015 due to the technically complicated design and some building component supply issues. The construction of the Centre is expected to be completed in June 2015, with the Centre opening to the public in July 2015.

KPI4 Performance against Council's adopted budget

- Currently on track and forecasting a full year operating surplus of \$4.091m

KPI5 Delivering Council's resolutions

- 100% of Council's resolutions are on track or completed.

KPI6 Delivering quality customer services

- Target of 95% was achieved with a quarter average of 96%.

KPI7 Employee retention

- The quarter result of 98% continues the trend of high employee retention over the previous financial year.

KPI8 Think Safe Live Well

- Lost Time Injury Frequency Rate (LTIFR) - target of below the 5-year average (22.5) was not achieved with a cumulative result for the quarter of 23.8. This quarter's result shows a decrease in LTIFR compared with last quarter's result of 35.7 but is still tracking slightly above the 5-year average and the average for 2013-14. This continued tracking about the target is primarily due to the high number of new injuries and reaggravation of previous injuries (12) reported in the second quarter, and again in the third quarter (10). The comprehensive review of hazard management and injury management continues to be implemented. Council is also seeking advice and training from the LGA with respect to changes in legislation and improvements to reporting systems.

The LTIFR is trending towards the target of a 5-year average of 22.5, however due to the unpredictability of workplace injuries and resultant Workers Compensation claims it is difficult to forecast the end of financial year result.

KPI9 Personal Leave

- Personal leave, made up of sick leave, carers/family leave and bereavement leave has been included in this quarter's report. The average personal leave per FTE is 1.7 days per quarter. Given a target has not be set for this measure, baseline trend data will continued to be monitored and reported for information purposes.

CONCLUSION:

The Corporate Performance Report demonstrates Council's commitment to tracking progress and delivering outcomes consistent with the 2014-15 Annual Business Plan and Budget.










Corporate Performance Report 3rd Quarter 2014/15: January – March 2015



This Corporate Performance Report provides both an overall dashboard view and a progress update for each of the measures.

Dashboard Status icons

	Target met/ exceeded Includes items that are currently on track or have been completed on or ahead of schedule
	Target not currently met but can get back on track Off track performance is being reviewed and corrective action/improvement taken as appropriate
	Target not met or in danger of not being achieved Off track performance is being reviewed and corrective action/improvement taken as appropriate
	No target set Collection and analysis of baseline data is underway

Measure		Target	Quarterly Results	
1	Progress towards delivering Council's adopted plans	On track against plan	96% on track against plan	
2	Delivery against Council's adopted Capital Works Program	85% delivery of planned Capital Works Program adjusted for extraordinary events, range > 83% and < 88%	82% of capital works delivered, expecting full year target to be achieved	
3	Progress towards delivering Council's key project commitments	On track against plan	87% on track against plan	
4	Performance against Council's adopted budget	Delivery of an operating surplus against original budget adjusted for extraordinary items eg. Receipt of once-off untied grants not originally budgeted	On track, forecasting a full year operating surplus of \$4.091m	
5	Delivering Council's resolutions	95% on time within Council's control, range > 92% and < 99%	100% of resolutions on time	
6	Delivering quality customer services	> 95% achieved, range > 87% and < 95%	96% composite score	
7	Employee retention	> 90% retention, range > 87% and < 93%	98% of the workforce retained	
8	Think Safe Live Well	Lost time injury frequency rate below 5-year average (22.5)	23.8 Lost time injury frequency rate	
9	Personal Leave	New measure - No target set	1.7 days (average per FTE)	

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KPI 3: Progress towards delivering Council's key project commitments	<u>8</u>
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KEY PERFORMANCE INDICATOR 1: Progress towards delivering Council's adopted plans

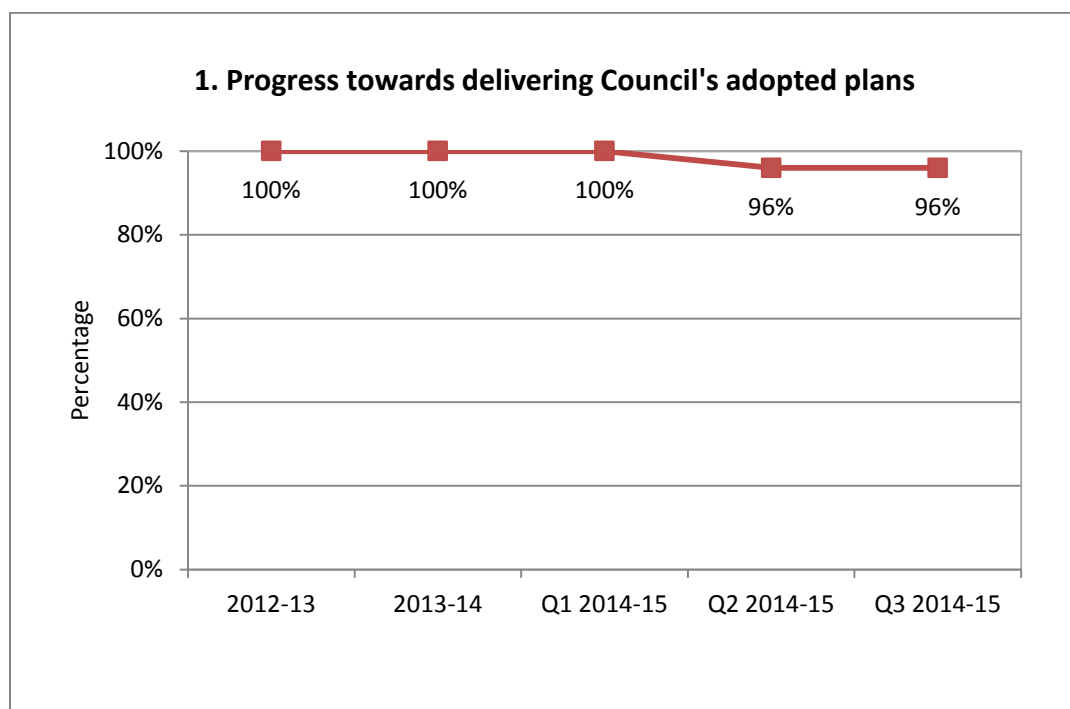
TARGET: On track against plan

This measure represents a composite score of the progress towards delivering strategic plans:

1. Suite of Strategic Council Plans
2. Structure Planning

All data in the composite is evenly weighted.

PERFORMANCE:  96% on track against plan (quarter result)



1. Suite of Strategic Council Plans

Council's Strategic Management Framework (SMF) provides the overarching framework for the alignment and integration of Council's strategic and operational plans.

The Council's suite of Strategic Plans comprises:

- the 30 year Community Plan
- the 10 year Council Plan
- Asset Management Plans
- Long Term Financial Plan
- the Development Plan
- Annual Business Plan and Budget

These are all supported by 4 year work area plans, the combined first year of which forms the Annual Business Plan and Budget.

The Community Plan- Towards 2040 was adopted by Council in December 2013 and articulates the high level aspirations of the Community.

The Council Plan is set over a 10 year horizon. It captures key outcome areas, and services and funded strategic projects. The draft Council Plan was presented to the Strategic Directions Committee for feedback at its meetings on Tuesday 6 August 2013 and on 4 February 2014. A key input into the finalisation of the Council Plan is decisions on strategic priorities/projects. The council elections and caretaker period in late 2014 delayed this process and subsequently delayed finalisation of the Council Plan. The draft Council Plan will be presented to the new Council for consideration once Council has considered its strategic priorities/projects.

The review of the Development Plan was completed in 2014, the Asset Management Plans are due for completion by June 2015 and the 2014-15 LTFP is in place and being considered as part of 2015-16 planning. Work Area Plans for all business units across the organisation are progressing and due for first stage completion by mid-March 2015. Plans will be finalised following Council priority setting and in preparation for 2015/16.

2. Structure Planning

The Department of Planning, Transport and Infrastructure (DPTI) has announced a review process to update the 30-Year Plan for Greater Adelaide. This update process will:


- Focus on infill and renewal and jobs growth
- Distribute revised population and dwelling targets
- Update land and housing supply assumptions
- Set locations and directions for 'next generation' of infill and medium density housing
- Set a stronger urban growth boundary
- Link to plans aimed at activating employment lands
- Pick up Council strategies/opportunities (where they align)

The update of the 30-Year Plan for Greater Adelaide will incorporate the work done on structure planning in the key regions, including the Southern Adelaide Corridor of which City of Marion is a key partner.

The update process is scheduled to run through March-December 2015, and Council will play a key role in contributing to the process, including providing State Government with feedback on current key issues and opportunities within the City of Marion and communication and engagement with the local community.

KEY PERFORMANCE INDICATOR 2: Delivery against Council's adopted Capital Works Program

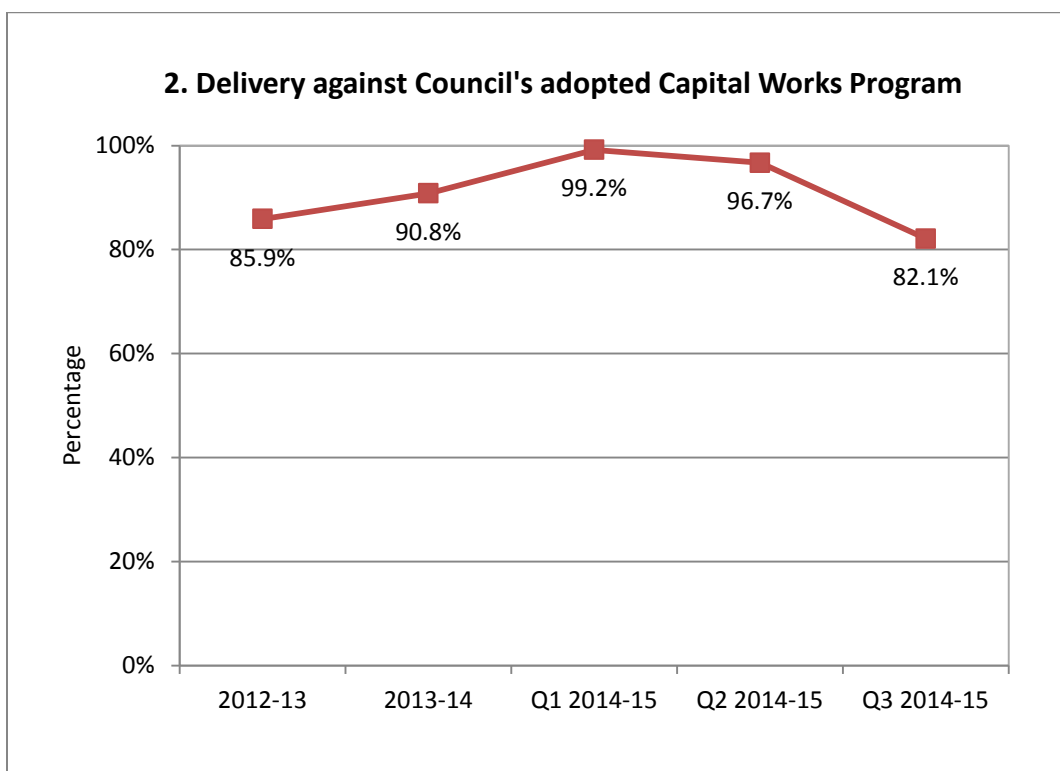
TARGET: 85% delivery of planned Capital Works Program adjusted for extraordinary events
Range > 83% and < 88%

PERFORMANCE:  82% of planned Capital Works Program delivered

Background

The Council's annual Capital Works Program consists of projects undertaken in the asset classes of planned drainage, roads, footpath construction, kerb and water table, public toilets, traffic control devices, bridges, playspaces, walking trails, sports facilities / courts, reserve redevelopments, street tree planting and street scaping, building upgrades and bores.

Performance



The Capital Works Program in Quarter 3 of 2014-15 is slightly below target, with 82% of scheduled works completed.

The projected end of year result is 87% unadjusted which is within the target range.

The drainage project at Ramrod Avenue has been impacted by issues with rock and collapsing trenches due to water main leaks resulting in SafeWork SA prohibition notices. While this project has been completed the delays have impacted on other drainage works, including Jervois / Newland Avenue, Nanagai Avenue and Crozier Terrace.

Although originally scheduled in 2014-15, it is intended that the Greenway footpath works will be carried out as part of a training scheme and as a result this work will be undertaken in 2015-16. Traffic control devices at Hazel Street Park and Ride will be completed as part of the Railway Terrace Greenways project. Streetscape landscaping will commence in April 2015 and will be carried over to 2015-16. This part of the project was delayed due to the electrification works and uncertainty of the boundary as well as the project being retendered due to cost.

Proactive footpath works have been impacted by an increase in customer requests and a reduction in staff resources. Playspace projects have been delayed due to additional projects being added to the works program and two upgrade projects are pending Council's consideration and prioritisation. It is anticipated that these two projects will not be completed this year.

The Trott Park Dog Park, Edwardstown Oval Open Space and the provision of a public toilet at Southbank Reserve have been added to the works program in February 2015 as a result of a State Government grant. These projects have taken priority over other open space projects.

Key outcomes achieved during the quarter included:

- Works completed on a bridge over Field River at Gannett Court
- Stage 2 of the Sturt Linear Park and Linear Park (Barramundi) Walking Trail completed
- Signage replaced at the Marion Swimming Pool
- New carpet laid at Glandore Community Centre
- Footpath construction completed for all projects except Railway Terrace
- Construction completed on change rooms at Cove Sports and Community Club

In the next quarter, we can expect to see:

- Disability Discrimination Act compliant upgrades and lighting upgrade at Cove Sports and Community Club
- Construction of fitness equipment, trail, shelter and barbeque at Mitchell Park Oval
- Qualio Shared Path upgrade
- Street scaping of roundabouts on The Cove Road
- Building upgrades commenced at Glandore Oval, Marion Cultural Centre, Marion Golf Park, Ascot Park Vermont Tennis Club and Plympton Park Sports Club.

KEY PERFORMANCE INDICATOR 3: Progress towards delivering Council's key project commitments

TARGET: On track against plan

This measure represents a combined score of the progress towards delivering two key Council projects:

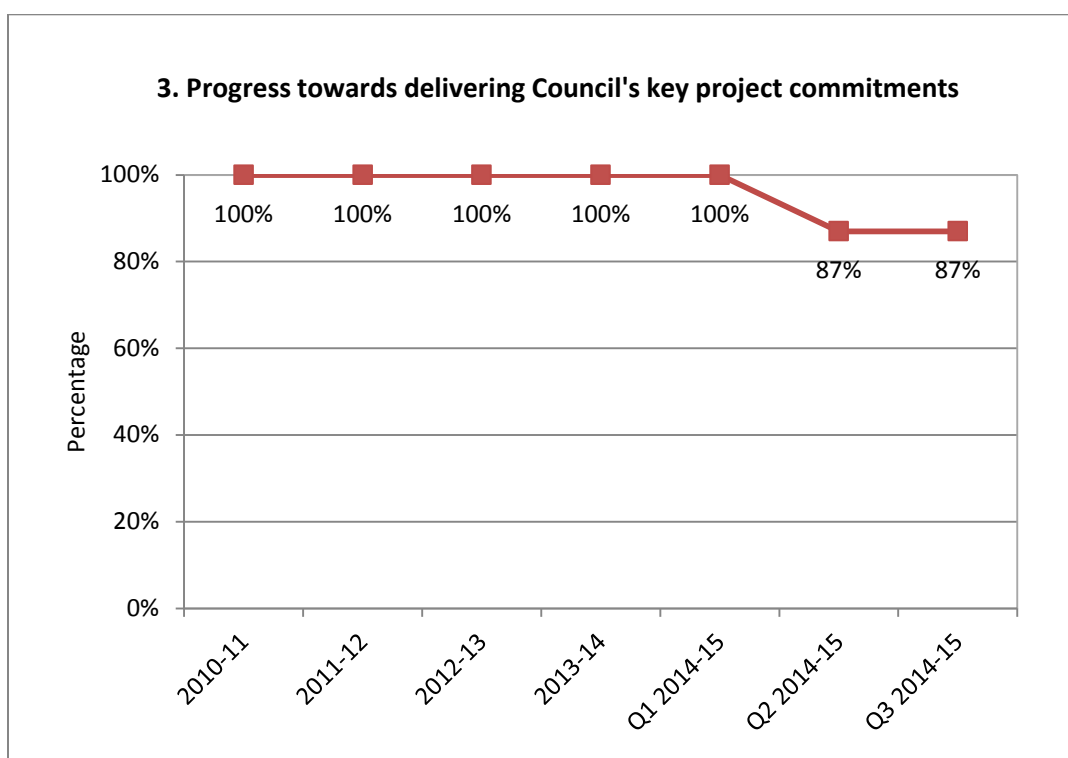
1. City Services Redevelopment
2. Cove Civic Centre

All data in the composite is evenly weighted.

PERFORMANCE:



87% on track against plan (quarter result)



Background

The City of Marion undertakes or facilitates Major Projects which support the development of services and facilities for the community and enhance the environmental sustainability of the area. A project is formally considered a Major Project based on the level of investment, scale and / or the dependency on the partnering support and commitment from key strategic partners, from both the public and private sectors.

Specifically Major Projects have the following characteristics:

- an investment by Council of over \$4 million
- more than 12 months to deliver the project
- generally involves a project partner(s).

Performance

There are currently two Major Projects:

i) City Service Redevelopment

The City Services site on Marion Road first commenced operations in 1962. The redevelopment will ensure Council has the capacity to deliver efficient services in the community over the long term.

The project deliverables include:

Service Delivery

- Improve the operating effectiveness and efficiency of City Services to support the ongoing provision of core services to the community.

Statutory Compliance & Land Use

- Rectification of current OH&S deficiencies within mechanical workshops;
- Compliance with EPA requirements for dust suppression and stormwater treatment from the site; and
- Improvement in property utilisation to minimise the operational footprint and develop options for the utilisation of any excess land.

Accommodation Strategy

- Transfer of 24 staff from the Administration Building to relieve existing pressure in office accommodation as recommended in the Accommodation Masterplan 2009-2013.

Accommodation Standards

- Replace the temporary demountable buildings with suitable office accommodation;
- Improve the environmental performance of buildings;
- Provision of new office facilities, stores and workshops with provision for future growth at City Services;

Financial Framework

- Ensure the project does not impact on Council's Key Financial Indicator Targets and is financially responsible and reasonable.

The project will provide a full redevelopment of accommodation at City Services including new office building, upgraded stormwater drainage system, covered material storage bays, vehicle servicing area (with provision for hoists). The new office building will be capable of housing staff currently located at City Services and 24 staff to be relocated from the Administration Building and growth projected for City Services staff (15).

The project will improve the energy efficiency of the accommodation and management and control of stormwater and dust to EPA standards (as identified in EMS Audit).

Council approved a report in February 2014 for the allocation of a budget and approval to call the tender to deliver the project following the timelines in the table below. After the Expressions of

Interest process and subsequent select tender process Council considered and approved Badge Construction as the contractor to progress the project.

The project is on schedule to be completed at the end of 2015.

Actions		Timeline
1	Council report	Feb 2014
2	Call open Expression of Interest (EOI)	Mar 2014
3	Assess EOI, call Select Tenders	May 2014
4	Assess Select Tenders	Jun / Jul 2014
5	Council consideration of recommended tenderer	Aug 2014
6	Subject to Council approval of tenderer – Contract negotiation	Aug / Sep 2014
7	Construction commencement	Sep 2014
8	Construction completion	End 2015

ii) Cove Civic Centre

The \$13.4 million Cove Civic Centre (CCC) funded by Council (\$10 million) and the Federal Government (\$3.4 million) is being built on Ramrod Avenue adjacent to Hallett Cove Shopping Centre with the cooperation of the adjacent Baptist and Lutheran churches. The CCC will feature:


- A modern library with an estimated 35,000 books, e-books, magazines and DVDs
- A community hall for up to 280 people and meeting rooms
- A computer training suite with wi-fi and broadband
- Meeting facilities and resources for local businesses
- A children's toy library
- A plaza that incorporates public art.

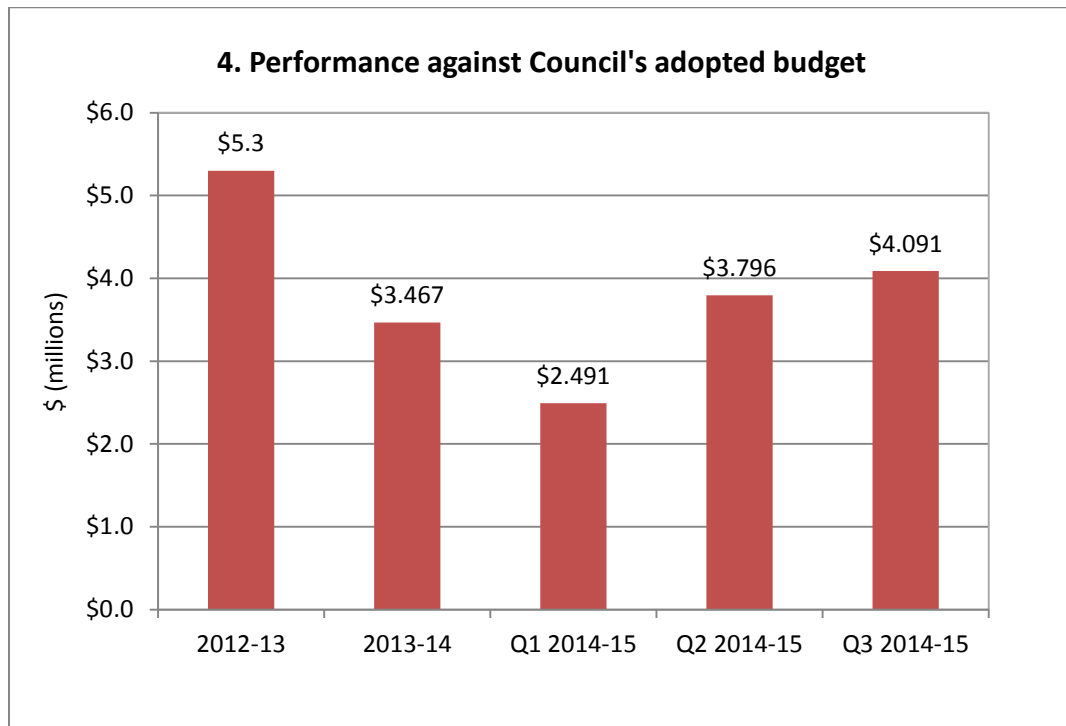
The CCC is being constructed by Mossop Construction and Interiors and construction commenced in October 2013. The original completion date for the project was March 2015 however the project has been delayed due to the technically complicated design and some building component supply issues. The project delivery timeframe has been extended by 4 months to June 2015 for completion of construction, and opening to the public in late July 2015.

Actions		Timeline
1	Complete church car parks	Mar 2014
2	Complete underground services and floor slab	Mar 2014
3	Complete external structure	Dec 2014
4	Complete internal fit out	Jun 2015
5	Complete Ragamuffin Drive	Dec 2014
6	Construction complete	Jun 2015
7	Transfer operations and prepare for public opening	Jul 2015
8	Commence public operations	Jul 2015

KEY PERFORMANCE INDICATOR 4: Performance against Council's adopted budget

TARGET: Delivery of an operating surplus adjusted for extraordinary items eg. Receipt of once-off untied grants not originally budgeted

PERFORMANCE:  On track, forecasting a full year operating surplus of \$4.091m.



Background

Council is required to reconsider the approved budget three times during the year in accordance with Section 123 (13) of the Local Government Act 1999 and Section 7 of the Local Government Regulations.

The original 2014-15 budget was developed within the context of a long term framework to achieve a balance between meeting the objectives of the Community Plan and attaining financial sustainability in the long term.

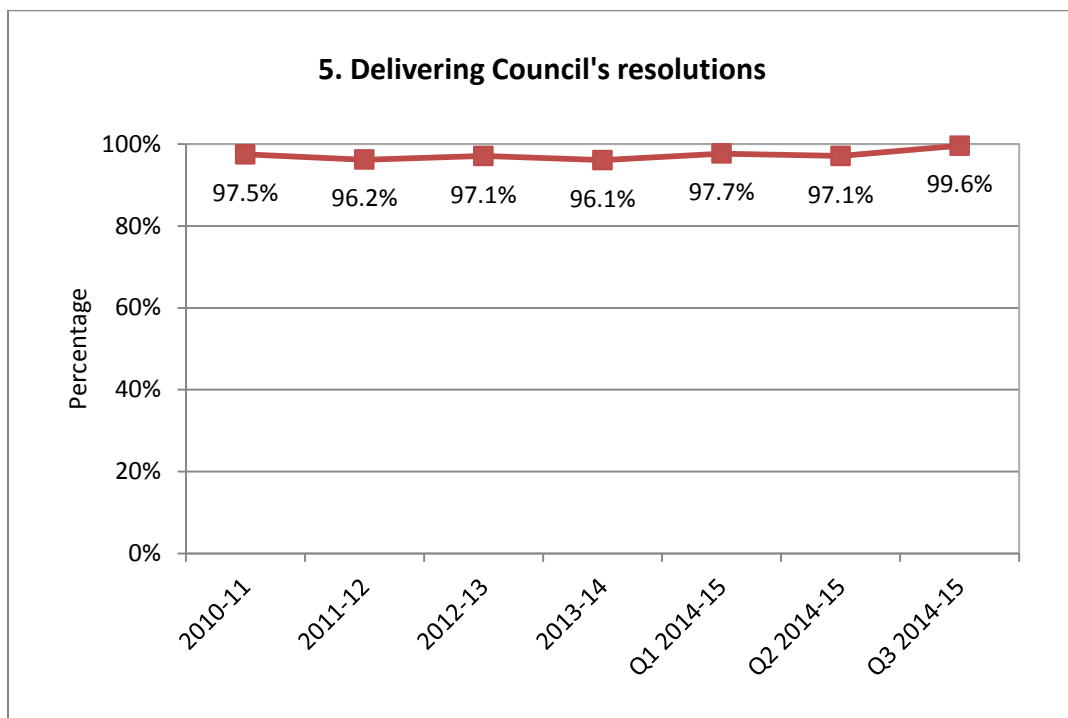
Performance

Council's budget is currently on track and forecasting a full year operating surplus of \$4.091m. This is an increase of \$0.295m from the 2nd Budget Review surplus of \$3.796m. The forecasted operating budget surplus currently exceeds our financial sustainability target ranking of an average of Category 3 (an Operating Surplus of 0-5%) for the five years to 30 June 2015, adjusting for extraordinary items.

KEY PERFORMANCE INDICATOR 5: Delivering Council's resolutions

TARGET: 95% on time within Council's control
Range > 92% and < 99%

PERFORMANCE:  100% (quarter average)



Performance

	Jan 2015	Feb 2015	Mar 2015	TOTAL
Resolutions completed	17	14	21	52
On track	57	64	69	190
Not on track	0	0	0	0
Progress not updated	0	0	1	1
TOTAL	74	78	91	243
% Council Resolutions Completed / On track	100%	100%	98.9%	99.6%

- The total number of resolutions during this quarter was 243, with 99.6% being on track or completed on time.
- The number of resolutions this quarter represents an increase of 1.7% when compared to 239 resolutions in Quarter 2 2014-15.

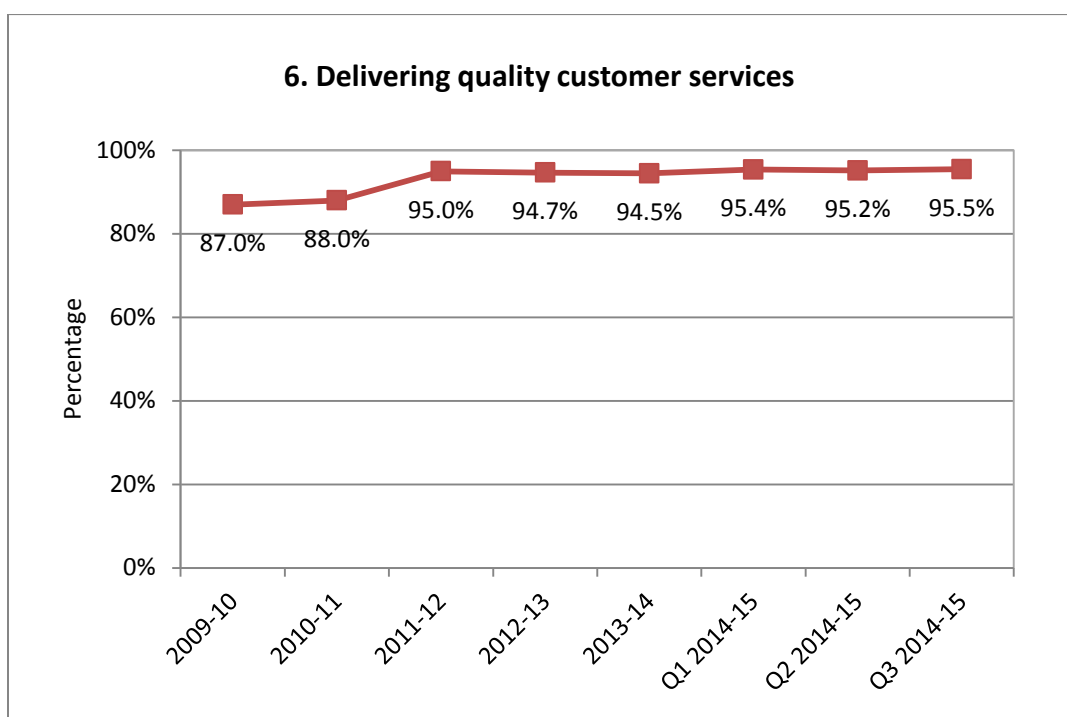
KEY PERFORMANCE INDICATOR 6: Delivering quality customer services

TARGET: > 95% achieved
Range > 87% and < 95%

This measure represents a combined score of the following customer services:

1. Incoming direct dial telephone calls during office hours
2. Customer service requests
3. Inbound correspondence

PERFORMANCE:  96% (quarter average)



Background

Quality customer services are an index composite of the following service standards:

- > 95% incoming direct dial telephone calls (during office hours) answered within 5 rings or 15 seconds
- > 90% customer service requests closed within time or within rescheduled time
- > 90% inbound correspondence responded to within time or within rescheduled time.

All data in the composite is evenly weighted.

Performance

The Quarter 3 composite result for delivering quality customer services was 95.5%.

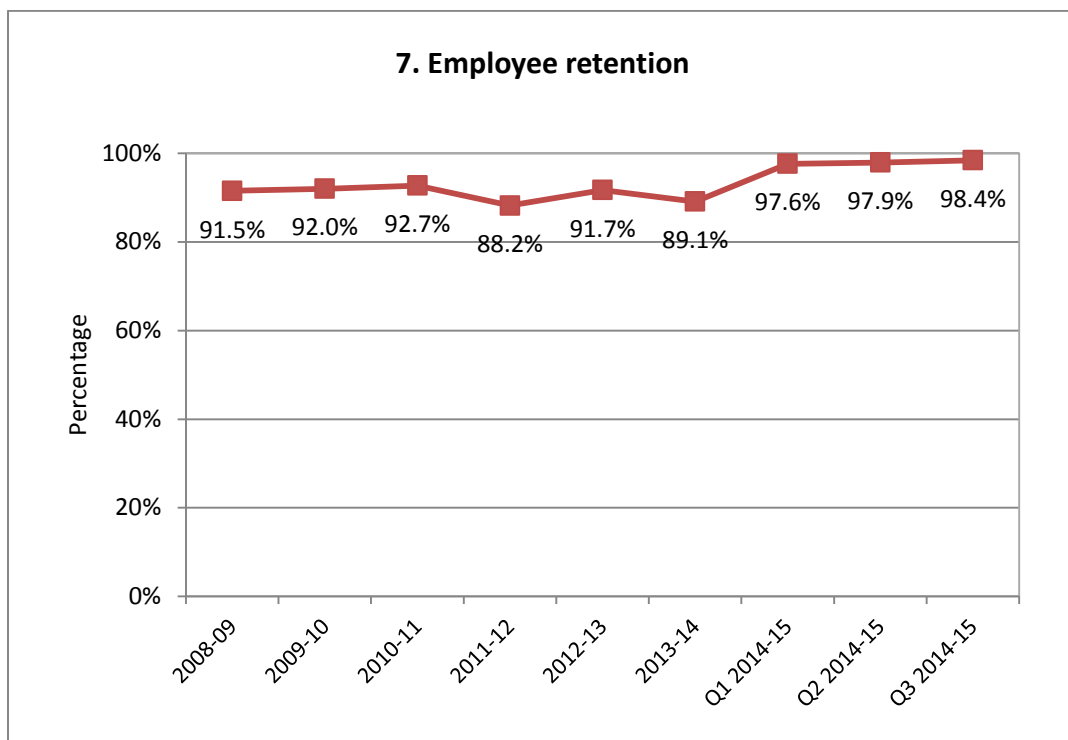
	Target	2012-13	2013-14	Q1 2014-15	Q2 2014-15	Q3 2014-15
Incoming direct dial telephone calls (during office hours)	≥ 95%	94.0%	93.8%	95.0%	95.7%	96.4%
Customer service requests closed within time or within rescheduled time	≥ 90%	95.0%	94.6%	95.3%	94.4%	94.8%
Inbound correspondence responded to within time or within rescheduled time	≥ 90%	95.0%	95.2%	95.9%	95.5%	95.3%
AVERAGE		94.7%	94.5%	95.4%	95.2%	95.5%

In December 2013 a targeted program to improve direct dial telephone calls was introduced. On-going monitoring and close collaboration with high call volume areas continues to support improvement in this area.

KEY PERFORMANCE INDICATOR 7: Employee retention

TARGET: > 90% retention
Range > 87% and < 93%

PERFORMANCE: 98% (quarter result)



Background

The retention rate is calculated as the number of staff that have left the organisation at a specific point in time, divided by the total number of employees, and displayed in terms of the percentage of staff retained by the organisation.


Performance

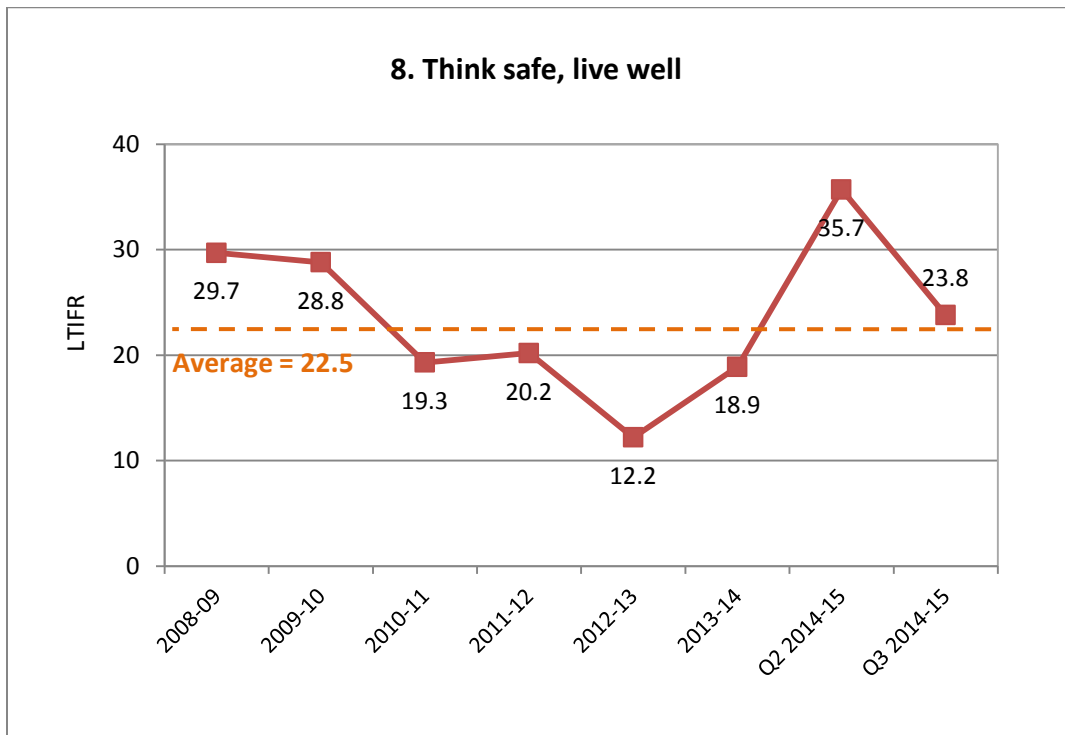
Quarter 3 2014-15	Jan 2015	Feb 2015	Mar 2015	TOTAL
Turnover Rate	0.3%	0.8%	0.5%	2.1%
Retention Rate	99.7%	99.2%	99.5%	97.9%

There were six staff that left the organisation during Quarter 3 2014-15; of these three resigned, two staff contracts ended and one staff member that passed away.

KEY PERFORMANCE INDICATOR 8: Think Safe, Live Well

TARGET: Lost time injury frequency rate equivalent to 5-year average of 22.5

PERFORMANCE:  23.8 (cumulative result at March 2015)

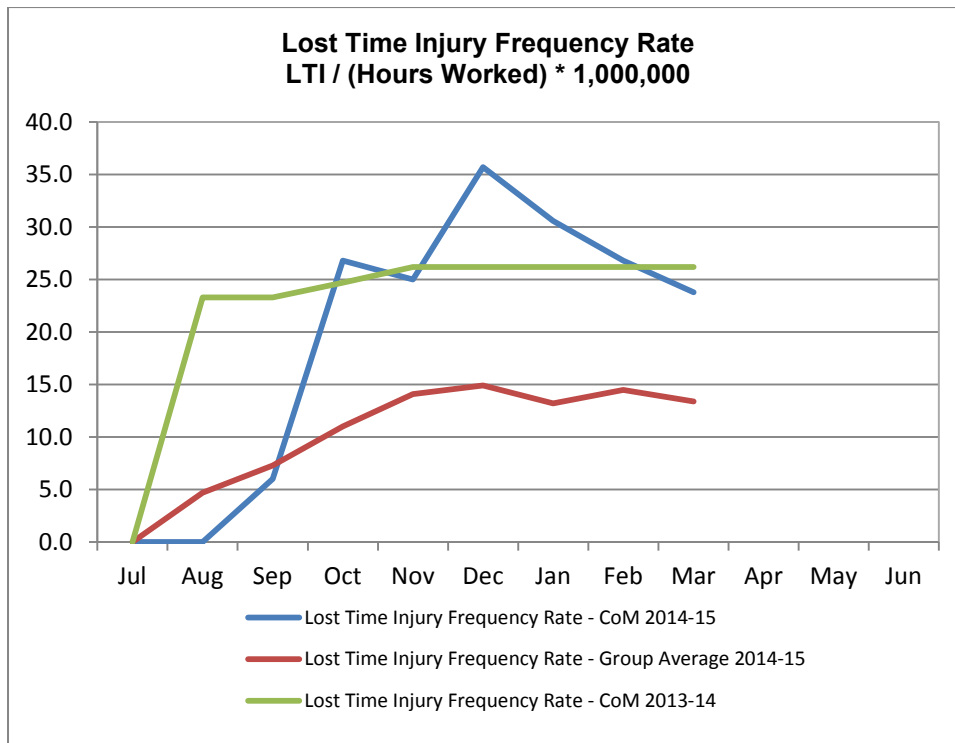


Note – quarter 1 2014-15 data is not represented on the graph due a data integrity issue relating to a lag in reporting and processing of injury claims.

Background

Lost Time Injury Frequency Rates (LTIFR) is widely recognised as a lag performance indicator that measures injury management performance and is calculated as the 'Total number of Lost Time Injuries/Total Hours Worked)*1,000,000' (Australian Standard 1885.1).

The statistics on LTIFR, provided by the Local Government Association Worker's Compensation Scheme (LGAWCS), are subject to variation due to a considerable lag between the date of injury and the processing of claims and therefore may be adjusted in the future.



Performance

The graphs above track Council's LTIFR performance annually and by month (during 2014-15). The second graph also provides a comparison of a group average (councils that have more than 200 employees).

The 2014-15 third quarter result shows LTIFR has levelled out to 23.8 but is still tracking slightly above the target of 22.5. This high cumulative result is due to a number of factors including new injuries (six in the third quarter), reagravation of previous injuries (four in the third quarter) and data lag issues. The number of new and reagravated injuries in quarter three (10) has decreased slightly compared with the injuries registered in quarter two (12), however these injury numbers are still tracking generally higher than seen in previous years. A comprehensive review of injury management is being undertaken, as part of the continuous improvement program for Work, Health and Safety which will closely consider this data to improve controls to proactively prevent and manage lost time injuries.

The LTIFR is trending towards the target of a 5-year average of 22.5, however due to the unpredictability of workplace injuries and resultant Workers Compensation claims it is difficult to forecast the end of financial year result.

Actions


The City of Marion continues to respond immediately to any injury to staff or Community members. Each case is immediately assessed to ensure safety is quickly and adequately managed. Data analysis and understanding is also being undertaken to gather improved evidence relating to types and patterns of injuries to ensure appropriate interventions can be put in place.

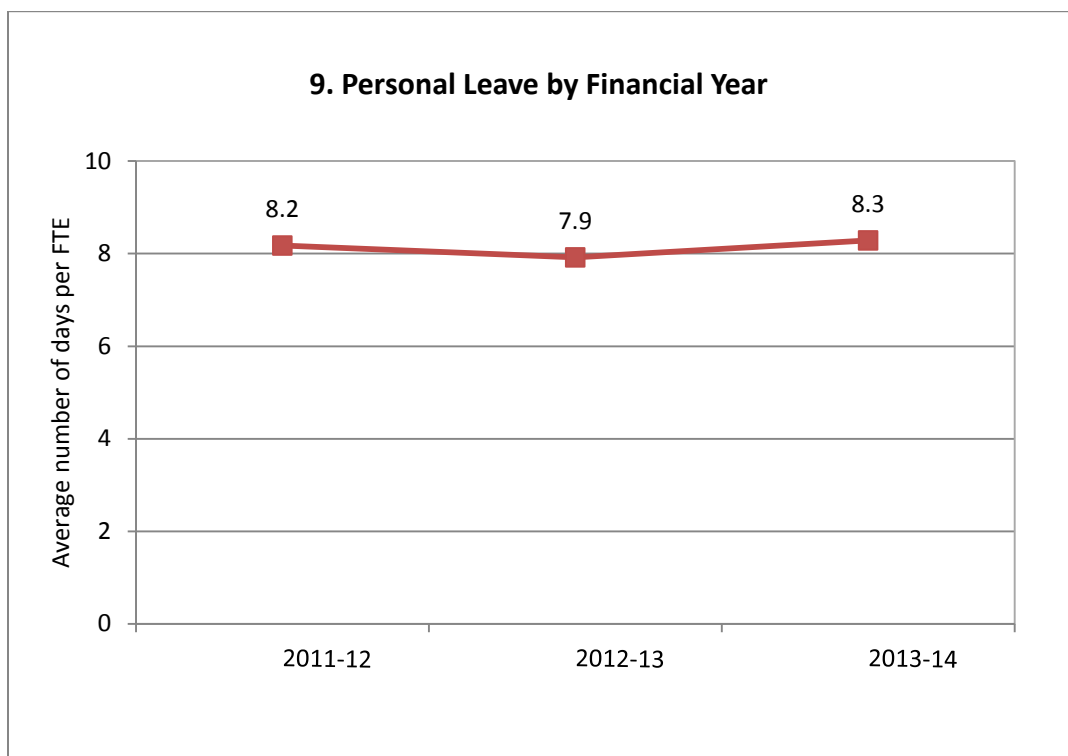
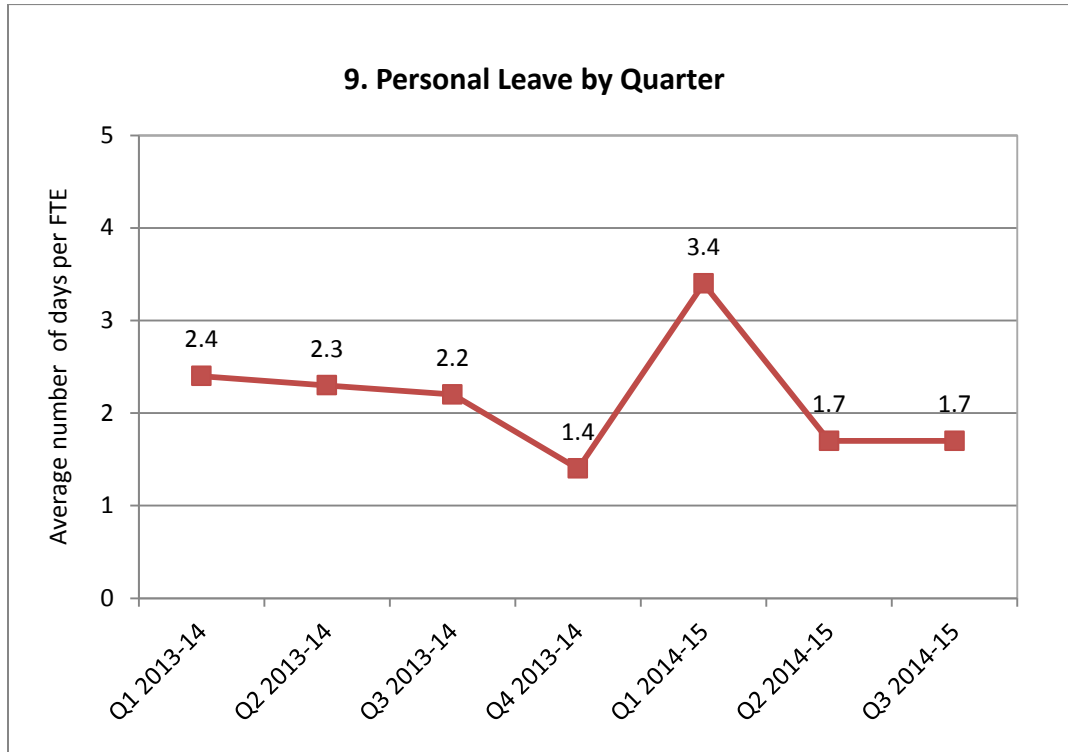
Council is seeking advice and training from the LGA with respect to changes in legislation and improvements to reporting systems. A focused hazard management project is in planning for roll out across the organisation in the coming months. This project is intended as a catalyst for the reduction of WHS risk, increased awareness of potential mechanisms of injury, improved wellbeing and reduction of injury and harm to our people.

The Audit Committee also plays a key oversight role in Work, Health and Safety, and Risk Management. LTIFR is reported annually to the Audit Committee in conjunction with the WHS program to monitor and analyse the data and WHS systems.

KEY PERFORMANCE INDICATOR 9: Personal leave

TARGET: New measure – no target set

PERFORMANCE:  1.7 days per FTE (quarter result)



Background

Personal leave includes sick leave, personal/carers leave and bereavement leave. A quarterly average of personal leave per full time equivalent staff (FTE) member has been calculated based on the number of FTE's reported in the relevant Annual Report.

Performance

The first graph above shows a large spike during Quarter 1 in 2014-15 and this is partially due to eight staff each taking over 3 weeks in personal leave. Removing these eight outliers results in an average of 2.8 days absent. It also should be noted that the observed spike has occurred during the quarter that traditionally experiences the greatest number of sick days due to the influenza season.

Personal leave averages at the City of Marion have been relatively consistent over the past 3 years and more recently the average has declined. Whilst no data for the sector in SA is available publically, it is understood through discussions with other councils that the personal leave averages at the City of Marion compare favourably with other like metropolitan councils. In comparison to other public sectors (state and national) the annual average personal leave rate of around 8 days per FTE also compares favourably.

CITY OF MARION GENERAL COUNCIL MEETING 26 May 2015

Originating Officer: Heath Harding, Management Accountant

Corporate Manager: Ray Barnwell, Manager Finance

Director: Vincent Mifsud

Subject: 3rd Budget Review 2014/15

Report Reference: GC260515R07

REPORT OBJECTIVE AND EXECUTIVE SUMMARY

The purpose of this report is to provide the financial results for the 3rd Budget Review for 2014/15.

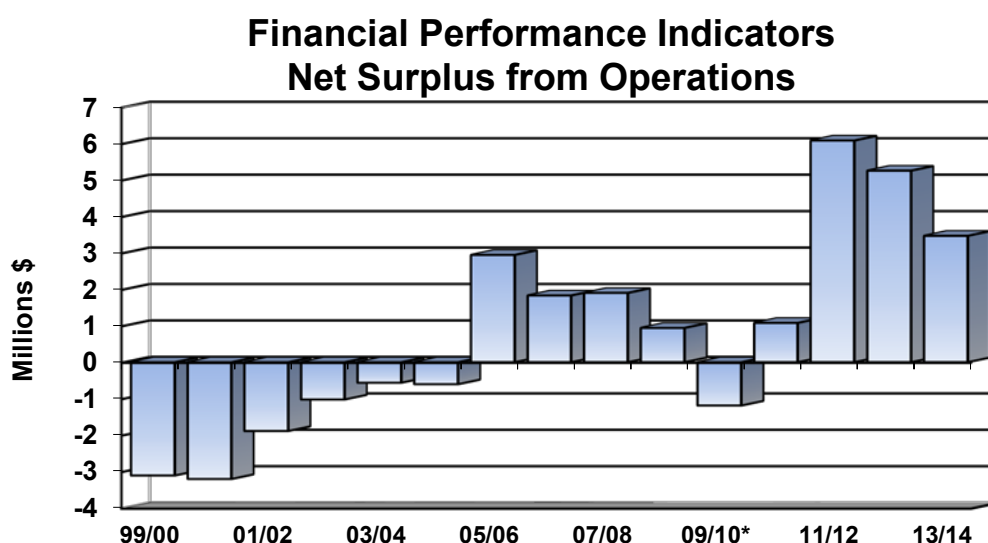
3rd Budget Review

Funding/Cash

The 3rd Budget Review forecasts a full year funding surplus of \$1.076m (refer Appendix 1 Budgeted Funding Statement – “Movement in levels of Cash/ Accruals”). However, after taking into consideration the retimed Capital Works from 2013/14 of \$2.275m this results in an underlying full year funding surplus for the 2014/15 financial year of \$3.351m.

Operating

The 3rd Budget Review forecasts a full year operating budget surplus of \$4.091m, reflecting an increase of \$0.295m from the 2nd Budget Review surplus of \$3.796m. The 3rd Budget Review remains on track to achieve an operating surplus for the year and is currently forecast to exceed our financial sustainability target ranking of an average of Category 3 (an Operating Surplus of 0-5%) for the five years to 30 June 2015, adjusting for extraordinary items.



* The underlying operating surplus for 2009/10 after adjusting for the once-off Domain Land transfer for the State Aquatic Centre is an Operating Surplus of \$4.787m.

** The underlying operating surplus for 2010/11 after adjusting for the once-off cash contribution for the SA Aquatic and Leisure Centre is \$6.078m

RECOMMENDATIONS (1):

DUE DATE

That Council:

- 1. Adopt, as presented in Appendix 1, the revised budgeted statements including the Income Statement, Balance Sheet, Statement of Changes in Equity and Statement of Cash Flows.**

26 May 2015

BACKGROUND:

Council is required to reconsider the approved budget three times during the year in accordance with Section 123 (13) of the Local Government Act 1999 and Section 7 of the Local Government Regulations.

The original 2014/15 budget was developed within the context of a long term framework to achieve a balance between meeting the objectives of the Strategic Plan and attaining financial sustainability in the long term.

Framework

This budget review continues the focus on achieving the framework set by Council when developing the 2014/15 budget, this being:

- Support the achievement of the City of Marion's Strategic Directions;
- Address issues arising from internal audit reviews and business excellence assessments;
- Maintain a financial position at an average of category 3 over any five consecutive years, with a primary focus being on Cash Flow and Funding;
- Continue to improve the maintenance of assets in accordance with Council's Asset Management Plans, with a priority on maintenance before renewal, and renewal before new where it is cost effective to do so;
- Review existing services and assets to ensure they meet prioritised community needs;
- Council only considers new Major Projects where it has the identified funding capacity to do so;
- Maintain Council's position for average residential rate between mid range and 5th lowest rating metropolitan Council;
- Implement responses for progressing liveable cities strategies and funding opportunities within Marion.

DISCUSSION:**Funding Result**

The 3rd Budget Review forecasts an overall funding surplus of \$1.076m which is a favourable adjustment of \$1.351m from the 2nd Budget Review. The table below reflects the major budget adjustments since the 2nd Budget Review:

2 nd Budget Review Surplus/ (Deficit)		(\$0.275m)
Budget Adjustments		
- User Charges – favourable	\$0.079m	
- Additional net grant income - favourable	\$0.264m	
- Investment Income – favourable	\$0.072m	
- Reimbursements & other operating revenue – favourable	\$0.055m	
- Employee costs - favourable	\$0.355m	
- Utilities costs – favourable	\$0.117m	
- Capital Works – favourable	\$0.122m	
- Various other net adjustments – favourable	<u>\$0.287m</u>	<u>\$1.351m</u>
3 rd Review Funding Surplus/ (Deficit)		<u>\$1.076m</u>

However, after taking into consideration the retimed Capital Works from 2013/14 of \$2.275m this results in an underlying full year funding surplus for the 2014/15 financial year of \$3.351m.

The funding result:

- Identifies the difference between total revenues and expenditures of Council after allowing for funding from loans, investments, cash draw downs and reserves.
- Includes capital expenditures, which are excluded from the operating result.
- Provides information of changes in uncommitted financial resources available to Council.
- Returns a surplus where savings arise from the original budget, representing an increase in uncommitted financial resources or returns a deficit when costs are greater than the original budget, representing a decrease in available financial resources.

The 3rd Budget review is based upon actual results to the end of March 2015 and forecast to June 2015. In accordance with the Local Government (Financial Management) Regulations 1999 a revised budgeted income statement, balance sheet, statement of changes in equity and statement of cash flows are provided in the attachments to appendix 1.

Operating Result

The 3rd Budget Review forecasts a full year operating budget surplus of \$4.091m, reflecting an increase of \$0.295m from the 2nd Budget Review surplus of \$3.796m. This increase is mainly attributed to a forecast increase in operating revenue (\$0.376m) and a reduction in employee costs due to the existence of temporary vacant positions through the use of the Vacancy Management Policy (\$0.355m), with these being partially offset by an accounting reclassification of capital works to operating (\$0.211m) and forecast expenditure for the Marion Outdoor Pool Master Plan (\$0.140m). The 3rd Budget Review remains on track to achieve an operating surplus for the year and is currently forecast to exceed our financial sustainability target ranking of an average of Category 3 (an Operating Surplus of 0-5%) for the five years to 30 June 2015, adjusting for extraordinary items.

Capital Budget

The 3rd Budget Review forecasts expenditure on new capital assets increasing by \$0.623m from \$24.777m to \$25.400m. The net increase is mainly due to the provision of up to \$0.650m from the Open Space Reserve to enable the completion of Stage 2 and 3 of the Jervois Street Reserve Development (GC240315R02).

Expenditure on renewal of Capital Assets is forecast to decrease from \$17.389m to \$16.644m. The net decrease is primarily due to a number of minor favourable capital works adjustments that have been achieved.

The Capital Budget is linked to one of Council's key financial indicators, the Asset Sustainability Ratio, which indicates that Council is on track to exceed its performance indicator target of 95 – 100%.

Loans

Council's Treasury Management Policy indicates that in the management of its finances, any funds that are not required to meet approved expenditure can be used to reduce the level of borrowings that would otherwise be required. The current Long Term Financial Plan incorporates a significant upcoming borrowing program and it is considered good Treasury Management to offset some future borrowing requirements where possible. In addition, the guidelines of Council's Annual Savings Initiative have the objective to ensure continued improvement in financial performance. One of the three focus areas is to reduce the borrowing program to assist with Long Term Financial Planning.

The 3rd Budget Review forecasts no change to the level of loan funding from the 2nd Budget Review of \$10.116m. Loan principal repayments have remained unchanged at \$1.572m.

Cash & Reserves

The 3rd Budget Review reports an increase in the use of Cash & Reserves of \$0.792m predominantly due to transfers from the Open Space Reserve for the Jervois Street Reserve Development (\$0.650m) and from the Asset Sustainability Reserve for the Marion Outdoor Pool Master Plan (\$0.140m).

The balances held in the Reserves prior to the budget review, excluding Grants & Carryovers Reserve, were as follows:

	31 March 2015
Open Space Reserve	\$1.540m
Asset Sustainability Reserve	<u>\$3.029m</u>
Total Reserves	<u>\$4.569m</u>

Operating Grants & Subsidies

Forecast operating grants and subsidies have increased by \$0.083m to \$5.903m. This increase is mainly due to the accounting reclassification of sporting club contributions received in regards to planned capital works from grant income to contribution income (\$0.167m), partially offset by additional minor operating grants received.

Investment Income

Forecast investment income has increased by \$0.072m due to higher interest revenue earned as a result of larger than forecast average cash deposits being held throughout the year.

Employee Costs

Forecast employee costs have decreased by \$0.355m (1.1%) from the 2nd Budget Review to \$31.692m. This saving is mainly due to the existence of temporary vacant positions through the use of the Vacancy Management Policy.

Contractual Services

Forecast contractual services expenditure has increased by \$0.614m mainly due to funding transferred from reserves for the Marion Outdoor Pool Master Plan (\$0.140m), accounting reclassification of capital works to operating (\$0.274m) and various other minor adjustments.

Materials

Forecast materials expenditure has decreased by \$0.123m mainly due to lower than anticipated utilities costs (\$0.117m) and fuel costs for fleet vehicles (\$0.020m).

Corporate KPI – Performance against Council's Adopted Budget

Council's key financial indicators have been updated to reflect adjustments associated with the 3rd Budget Review. The major change relates to a favourable revision in the forecast operating surplus for the 2014/2015 financial year. Council remains on track to achieve an operating surplus for the 2014/15 financial year and currently forecasts to exceed its financial target. Commentary in relation to the indicators is provided in Appendix 1.

CONCLUSION:

The 3rd Budget Review forecasts a full year funding surplus of \$1.076m. However, after taking into consideration the retimed Capital Works from 2013/14 of \$2.275m this results in an underlying full year funding surplus for the 2014/15 financial year of \$3.351m

Appendix 1

Budgeted Funding Statement

The following report details the proposed budget changes for the 3rd Budget Review.

CITY OF MARION Budgeted Funding Statement				
		2nd Review 2014/15 \$000's	3rd Review 2014/15 \$000's	Variance \$000's
OPERATING REVENUE				
Rates				
General		65,696	65,783	87
Other		1,517	1,517	0
Statutory Charges		1,762	1,762	0
User Charges		1,620	1,699	79
Operating Grants and Subsidies		5,820	5,903	83
Investment Income		831	903	72
Reimbursements		898	935	37
Share of Profit SRWRA		306	306	0
Other		1,070	1,088	18
		79,520	79,896	376
OPERATING EXPENSES				
Employee Costs		32,047	31,692	(355)
Contractual Services		18,022	18,636	614
Materials		4,945	4,822	(123)
Finance Charges		830	830	0
Depreciation		13,196	13,136	(60)
Other		6,684	6,689	5
<i>Less</i>		75,724	75,805	81
	Operating Surplus/(Deficit) before Capital rev's	3,796	4,091	295
<i>Add</i>				
(a) Capital Revenue		2,853	3,055	202
<i>Equals</i>	Net Surplus/(Deficit) resulting from operations	6,649	7,146	497
<i>Add</i>	Depreciation	13,196	13,136	(60)
<i>Less</i>	Share of Profit SRWRA	246	246	0
<i>Equals</i>	Funding available for Capital Investment exp	19,599	20,036	437
Capital				
<i>Less</i>	Capital Expenditure - Renewal	17,389	16,644	(745)
<i>Less</i>	Capital Expenditure - New	24,777	25,400	623
<i>Less</i>	Capital - contributed assets	1,500	1,500	0
<i>Equals</i>	Net Overall funding Surplus/(Deficit)	(24,067)	(23,508)	559

CITY OF MARION Budgeted Funding Statement			
	2nd Review \$000's	3rd Review \$000's	Variance \$000's
Funding transactions associated with accomodating the above net overall funding deficit (or applying the net overall funding surplus) are as follows:			
LOANS			
Loan Principal Receipts (Net)	10,116	10,116	-
Loan Receipts from Sporting Clubs (Net)	-	-	-
Less Loan Principal Payments	1,572	1,572	-
Loan funding (Net)	8,544	8,544	-
Movement in level of cash & accruals			
(b) Cash Surplus/(Deficit) funding requirements	-	-	-
Less Reserves (Net)	15,248	16,040	792
Funding Surplus (Deficit)	(275)	1,076	1,351
Cash/Investments/Accruals Funding	(15,523)	(14,964)	(559)
Equals Funding Transactions	24,067	23,508	(559)

(a) Capital Revenue excludes book gains/loss on sale of assets

(b) Relates to use of cash to fund major projects

Analysis of Budgeted Funding Statement

This section of the 3rd Budget Review provides an analysis of the movements in the Budgeted Funding Statement (revenues, expenditures, capital, loans and reserves).

The 3rd Budget Review reports a net funding deficit of \$1.076m, with a forecast underlying funding surplus for the year of \$3.351m.

Financial Indicators

To assist Council in meeting its objective of financial sustainability a series of financial indicators endorsed by the Local Government Association are provided. Where a Council target has not been adopted the recommended Local Government Association (LGA) target has been provided. The following table provides a matrix of indicators of the 3rd Budget Review 2014/2015 and whether the target has been achieved.

Key Financial Indicator	Forecast 2014/15 Result	Target	Result 5 Yr Avge
Operating Surplus/(Deficit)	\$4.091m	\$0 - \$3.289m	↑
Operating Surplus Ratio	6.9%	0 - 5%	↑
Net Financial Liabilities	\$17.2 m	\$0 - \$40.0m	✓
Net Financial Liabilities Ratio	21.6%	0 - 50%	✓
Interest Cover Ratio	1.3%	0 - 5%	✓
Asset Sustainability Ratio	125%	95 - 100%	↑
Asset Consumption Ratio	89.3%	80 - 100%	✓

✓ = Within target

↑ = Exceeding target

In all instances the 3rd Budget Review 2014/2015 is meeting or exceeding the required targets.

Further detail is provided below which explains the basis of each indicator:

Operating surplus – being the operating surplus (deficit) before capital amounts

Operating Surplus Ratio – This ratio expresses the operating surplus (deficit) as a percentage of general and other rates, net of rebates.

Net Financial Liabilities – total liabilities less financial assets. This measures a Council's net indebtedness.

Net Financial Liabilities Ratio – indicates the extent to which net financial liabilities of Council can be met by Council's total operating revenue

Interest Cover Ratio – indicates the extent to which Council's interest expenses are met by total operating revenues

Asset Sustainability Ratio – indicates whether Council is renewing or replacing existing assets at the rate of consumption.

Asset Consumption Ratio – indicates the remaining useful life of Council's assets or the asset stock at a point in time.

Attachments to Appendix 1

- Attachment 1 – Budgeted Income Statement
- Attachment 2 – Budgeted Balance Sheet
- Attachment 3 – Budgeted Statement of Changes in Equity
- Attachment 4 – Budgeted Statement of Cash Flows
- Attachment 5 – Consultants

ATTACHMENT 1

CITY OF MARION		
Budgeted Income Statement		
	2nd Review 2014/15 \$000's	3rd Review 2014/15 \$000's
OPERATING REVENUE		
Rates		
General	65,696	65,783
Other	1,517	1,517
Statutory Charges	1,762	1,762
User Charges	1,620	1,699
Operating Grants and Subsidies	5,820	5,903
Investment Income	831	903
Reimbursements	898	935
Net Gain - SRWRA	306	306
Other	1,070	1,088
TOTAL OPERATING REVENUE	79,520	79,896
OPERATING EXPENSES		
Employee Costs	32,047	31,692
Contractual Services	18,022	18,636
Materials	4,945	4,822
Finance Charges	830	830
Depreciation	13,196	13,136
Other	6,684	6,689
TOTAL OPERATING EXPENSES	75,724	75,805
Operating Surplus/(Deficit) before Capital Revenues	3,796	4,091
CAPITAL REVENUES		
Capital Grants, Subsidies and Monetary Contributions	1,353	1,555
Physical resources received free of charge	1,500	1,500
Gain/(Loss) on disposal of assets	-	-
Net Surplus/(Deficit) resulting from Operations	6,649	7,146

ATTACHMENT 2

CITY OF MARION Budgeted Balance Sheet		
	2nd Review 2014/15 \$000's	3rd Review 2014/15 \$000's
<u>CURRENT ASSETS</u>		
Cash	12,542	12,801
Receivables	3,545	3,545
Inventory	172	172
TOTAL CURRENT ASSETS	16,259	16,518
<u>CURRENT LIABILITIES</u>		
Creditors	9,049	9,049
Provisions	2,291	2,291
Loans	2,152	2,169
TOTAL CURRENT LIABILITIES	13,492	13,509
Net Current Assets/(Liabilities)	2,767	3,009
<u>NON-CURRENT ASSETS</u>		
Investment in SRWRA	4,609	4,609
Land	343,961	343,922
Buildings	109,800	109,499
Infrastructure	645,210	644,802
Equipment	7,603	7,642
Furniture & Fittings	315	299
Other	9,789	10,752
TOTAL NON-CURRENT ASSETS	1,121,287	1,121,525
<u>NON-CURRENT LIABILITIES</u>		
Provisions	527	527
Loans	19,864	19,847
TOTAL NON-CURRENT LIABILITIES	20,391	20,374
NET ASSETS	1,103,663	1,104,160
<u>EQUITY</u>		
Accumulated surplus	361,950	363,239
Reserves	741,713	740,921
TOTAL EQUITY	1,103,663	1,104,160

ATTACHMENT 3

CITY OF MARION		
Budgeted Statement of Changes in Equity		
	2nd Review 2014/15 \$000's	3rd Review 2014/15 \$000's
ACCUMULATED SURPLUS		
Balance at beginning of period	340,053	340,053
Net Surplus/(Deficit)	6,649	7,146
Transfers from Reserves	15,878	16,668
Transfers to Reserves	(630)	(628)
Balance at end of period	361,950	363,239
ASSET REVALUATION RESERVE		
Balance at beginning of period	736,779	736,779
Net change this year	-	(349)
Balance at end of period	736,779	736,430
OPEN SPACE RESERVES		
Balance at beginning of period	1,288	1,288
Net change this year	252	(400)
Balance at end of period	1,540	888
OTHER RESERVES		
Balance at beginning of period	18,894	18,894
Net change this year	(15,500)	(15,291)
Balance at end of period	3,394	3,603
Total Reserves	741,713	740,921
TOTAL EQUITY	1,103,663	1,104,160

ATTACHMENT 4

CITY OF MARION Budgeted Statement of Cash Flows		
	2nd Review 2014/15 \$000's	3rd Review 2014/15 \$000's
CASH FLOWS FROM OPERATING ACTIVITIES		
<i>Receipts</i>	79,274	79,650
<i>Payments</i>	(62,528)	(62,669)
NET CASH PROVIDED BY OPERATING ACTIVITIES	16,746	16,981
CASH FLOWS FROM FINANCING ACTIVITIES		
<i>Receipts</i>		
Loans Received	10,116	10,116
<i>Payments</i>		
Principal	(1,572)	(1,572)
NET CASH (USED IN) FINANCING ACTIVITIES	8,544	8,544
CASH FLOWS FROM INVESTING ACTIVITIES		
<i>Receipts</i>		
Capital Grants/Subsidies & Contributions/Investments	1,353	1,555
Sale of Equipment	-	-
<i>Payments</i>		
Purchase of Land	(2,023)	(1,984)
Purchase of Buildings	(22,473)	(22,130)
Purchase/Construction of Infrastructure	(14,556)	(14,150)
Purchase of Equipment	(1,807)	(1,834)
Purchase of Furniture & Fittings	(77)	(57)
Purchase/Construction of Other Assets + Investments	(1,230)	(2,189)
NET CASH (USED IN) INVESTING ACTIVITIES	(40,813)	(40,789)
NET INCREASE/(DECREASE) IN CASH HELD	(15,523)	(15,264)
CASH AT BEGINNING OF REPORTING PERIOD	28,065	28,065
CASH AT END OF REPORTING PERIOD	12,542	12,801

ATTACHMENT 5**CONSULTANTS**

Council resolved at the Council meeting held 8 December 1998 that future budget reviews include an Executive Summary with reference to consultants.

Consultants are defined as an expert called on to provide professional or technical advice not currently available within the organisation. An analysis of Council's accounts reveals the following information of actual + committed year to date (10/03/15) expenditure versus full year actuals for 2013/14 relating to expenditure on Consultants of an operating nature:

Legal Consultants

As at 11 May 2015 3rd Budget review

	Full Year Actual 2013/14	Actual YTD 2014/15
Organisational Development <i>(Employment advice)</i>	80,264	61,756
Cultural Development	1,101	-
Libraries	1,640	261
Community Management	1,388	-
Community Centres	-	27
Environmental Health	210	7,728
General Inspection <i>(Dog/Cat & Parking Control)</i>	14,324	15,031
Governance	66,027	82,013
Financial Services	9,004	1,980
Strategic Projects	25,908	8,450
Asset Management	26,917	28,997
Development Assessment	185,868	93,556
Infra Mgt (Engineering)	4,979	12,090
Civil Services	5,959	2,794
	424,451	314,683
Full Year Budget		353,467

Other Consultants (not including legal)

As at 11 May 2015 3rd Budget review

	Actual Full year 2013/14	Actual YTD 2014/15
Crime Prevention	4,687	-
Strategic Development	7,696	11,300
Organisational Development	119,902	54,275
Community Development	(a) 223,180	(a) 21,274
Community Centres	1,060	128
Corporate Development	8,182	-
Occupational Health & Safety	450	-
Information Mgt & Technology	-	-
Community Care	298	680
Cultural Development	38,275	18,140
Libraries	24,500	880
Environmental Health	1,778	-
Governance	(b) 70,748	(b) 36,659
Strategic Projects	(c) 223,385	(c) 3,419
Finance	4,250	-
Asset Management	27,795	674
Commercial Facilities	(d) 11,869	(d) 35,659
Waste & Recycling	-	-
Development Assessment	(e) 28,936	(e) 57,350
Infrastructure Management (Engineering)	94,096	43,421
Civil Services	8,439	3,587
Open Space Services	49,419	53,521
Depot	2,240	-
Recruitment	202,824	79,573
	1,154,009	420,540
Full Year Budget		885,237

Notes

(a) Includes Sporting Club Master Plan	\$167,425	\$0
(b) Includes Representation Review	\$18,895	\$0
(c) Includes MCC Plaza design work & costing analysis	\$209,160	\$0
(d) Includes Outdoor Pool Master Plan	\$0	\$32,259
(e) Includes Local Heritage DPA Review	\$1,425	\$15,250

**CITY OF MARION
GENERAL COUNCIL MEETING
26 MAY 2015**

Originating Officer: Anna White, Team Leader Community Safety Inspectorate

Corporate Manager: Margi Whitfield, Manager Community Participation

Director: Vincent Mifsud

Subject: Dog and Cat Management (Miscellaneous) Amendment Bill 2015

Report Reference: GC260515R08

REPORT OBJECTIVES:

To inform Council of the draft South Australian Dog and Cat Management (Miscellaneous) Amendment Bill 2015 (the Bill) (Appendix 3) proposing changes to the *Dog and Cat Management Act 1995* (the Act) and to seek its views on the amendments.

In addition the Local Government Association (LGA) is seeking feedback on the introduction of mandatory desexing for dogs and cats. Mandatory desexing is not included in the current draft amendment Bill.

Feedback is to be provided to the LGA by the **29 May 2015** and a draft letter in this regard is attached (Appendix 1).

EXECUTIVE SUMMARY:

The LGA has provided a draft of the Bill and has requested council feedback with regards to the proposed changes and additional feedback relating to mandatory desexing of dogs and cats. The City of Marion will also be providing feedback to the Department of Environment Water and Natural Resources as part of the consultation process.

RECOMMENDATIONS (2):

DUE DATES

That Council:

- | | |
|---|--------------------|
| 1. Endorse the response to the Local Government Association of South Australia (Appendix 1) by 29 May 2015, subject to any additional feedback provided in the General Council meeting of the 26 May 2015. | 26 May 2015 |
| 2. Endorse the response to the Department of Environment Water and Natural Resources regarding the dog and cat reforms (Appendix 2), subject to any additional feedback provided in the General Council meeting of the 26 May 2015. | 26 May 2015 |

BACKGROUND

The Dog and Cat Management Act was proclaimed in 1995 to encourage responsible dog and cat ownership and to promote the effective management of dogs and cats in the community.

The South Australian Government is proposing changes to the Dog and Cat Management Act 1995 to deliver on its commitment to improve the management of dogs and cats in the community. Specific aims of the proposed changes are to:

- Improve the ability of pounds and shelters to return lost dogs and cats to their homes
- Reduce the number of lost dogs and cats that end up in shelters
- Provide assurance to people that the puppy or kitten they are buying comes from a reputable breeder
- Enhance the ability of authorities to detect and prosecute 'puppy farms'
- Enhance local Councils' capacity to manage dogs and cats

The Bill is proposing a number of key amendments that have long been sought by Councils, including mandatory microchipping for dogs and cats. In addition, the proposals include changing the title of animal management officers to 'authorised persons' and increasing the powers to bring them into line with the powers available to authorised persons under the [Local Government Act](#).

The Bill also introduces a new definition of a 'standard dog' for the purpose of registration and mandatory rebates. A 'standard dog' will be one that is microchipped and desexed and the current rebate scheme will apply to such dogs. Rebate requirements for dogs that have undergone specified training programs have been deleted. The Bill also significantly increases expiation fees and penalties for some offences.

The proposed changes to the Act are based on joint recommendations of the Dog and Cat Management Board, the Local Government Association and findings of the Select Committee on Dog and Cats as Companion Animals.

The current draft amendment Bill does not provide for mandatory desexing for dogs and cats. The LGA is also seeking feedback on this issue in order to form an up-to-date policy position on whether mandatory desexing should be introduced.

ANALYSIS:

Attached in Appendix 3 is the draft Dog and Cat Amendment Bill 2015 showing all the amendments to be made. The major proposed changes include:

- The introduction of mandatory microchipping for all dogs and cats by a certain age, currently proposed to be three months
- A requirement for anyone who breeds dogs and cats for sale to register with the Dog and Cat Management Board or an approved organisation
- Giving council officers clearer and stronger powers to manage dog and cat issues in their local area
- Increased penalties for people who allow their dog to wander or attack
- Improvements to the current system of dog accreditation in relation to disability dogs

In addition to feedback relating to the Bill the LGA has also sought feedback in relation to mandatory desexing. The City of Marion already has mandatory desexing of cats under By-law No. 6, Cats. The By-law states *A person must not, without permission, keep a cat unless the cat is desexed.* However desexing of dogs is not compulsory in the City of Marion. The City of Marion offers a reduction in dog registration fees for those dogs that are desexed and continues to educate owners on the benefits of responsible dog ownership.

If Council was to consider supporting mandatory desexing of dogs there are some advantages and disadvantages. The advantages include:

- Preventing the birth of unwanted puppies
- Reduction of aggressive behaviour in some dogs
- Improvement of the temperament of some dogs
- Reduction of other anti-social behaviour such as wandering and urine marking
- Potential health benefits include lowering the risk of cancer and contraction of infections

The disadvantages include:

- Increased cost to dog owners
- Removal of the freedom of choice regarding desexing the dog that they own

Desexing of dogs is something that is regularly encouraged. Should Council choose to support this, it would potentially further encourage responsible dog ownership in the community.

CONCLUSION:

The proposed changes aim to ensure that the law meets the community's expectations of dog and cat management in 2015 and seeks to improve the consistency of legislation across a number of Local Government Acts.

Appendix 1 – Draft response to Local Government Association

Appendix 2 – Draft response to Department of Environment Water and Natural Resources

Appendix 3 – Draft Dog and Cat Management (Miscellaneous) Amendment Bill 2015.

Access to the Dog and Cat Management (Miscellaneous) Amendment Bill 2015 provided by hyperlink here: [Dog and Cat Management \(Miscellaneous\) Amendment Bill 2015](#)

26th May 2015

Ms Andrea Malone
Local Government Association of South Australia
GPO Box 2693
ADELAIDE SA 5001

Dear Ms Malone

**RE: FEEDBACK – AMENDMENTS TO THE DOG AND CAT MANAGEMENT ACT
(CIRCULAR 17.1)**

The City of Marion welcomes the opportunity to have input regarding proposed amendments to the Dog and Cat Management Act.

Changes of Titles

The City of Marion supports the proposed changes to the title of animal management officers to 'authorised persons' therefore increasing their powers to bring them into line with the powers available to authorised persons under the Local Government Act.

Microchipping

It is acknowledged that compulsory microchipping would enhance the ability of the City of Marion to manage both dogs and cats.

The City of Marion supports the legislated compulsory microchipping of cats. This change of legislation would align with the current By-laws that already exists within the City of Marion. Compulsory microchipping of all cats in the State would assist with the quick return of missing cats to their owners and reduce the number of lost cats entering shelters.

Microchipping of dogs would complement the compulsory registration of dogs that currently exists under the Dog and Cat Management Act. Compulsory microchipping of all dogs in the State would assist with the quick return of missing dogs to their owners and reduce the number of lost dogs entering shelters.

The City of Marion would support:

- Penalties imposed for those owning an un-microchipped dog or cat and for not updating details in the current microchip registry
- Regulations to specify who can implant microchips in South Australia

The City of Marion is not supportive of the requirement of Council to obtain a register of all cats microchipped in the area. Currently there are a number of private agencies that provide this information free of charge and the introduction of this would have a negative financial and resource impact on the City of Marion.

Breeder Registration

The City of Marion is supportive of the proposed legislation to tighter regulation of dog and cat breeding within South Australia. Positive changes will include anyone who breeds a dog or cat for sale will be defined as a 'breeder'. Requirements for breeders are to display breeder registration numbers when placing dogs or cats for sale and penalties for those failing to register as a breeder.

Disability Dog Regulation

The proposed changes of replacing the terms of 'Disability Dog', 'Guide Dog' and Hearing Dog with the term 'Assistance Dog' is an opportunity to align terminology with the rest of Australia, therefore creating a standardised understanding. Other amendments include providing assistance dogs in training with public access rights when accompanied by an accredited trainer and broadening the range of bodies that can accredit Assistance Dogs. This is seen as a positive step to understanding what Assistance Dogs are and the role they play in the community. The City of Marion supports these changes.

Dog Registration

The simplification of the dog registration process through the introduction of a 'Standard Dog' would be welcomed by the City of Marion as the legislation would still enable the City of Marion the option of providing some additional rebates. The City of Marion does not support the removal of the trained registration rebate for dogs. Although there is limited uptake of the training rebate this rebate is considered an incentive for dog owners. Instead, the City of Marion would be supportive of policy development around the accreditation and regulation of training providers.

Increased Expiation And Penalties

The City of Marion fully supports the proposal to increase fines and penalties for dog attack offences, nuisance barking and wandering dogs as well as all other existing offences.

Desexing

The City of Marion already has mandatory desexing of cats under By-law No. 6, Cats. The By-law states *A person must not, without permission, keep a cat unless the cat is desexed.* However desexing of dogs is not compulsory in the City of Marion. The City of Marion offers a reduction in dog registration fees for those dogs that are desexed and continues to educate owners on the benefits of responsible dog ownership.

The City of Marion supports the mandatory desexing of dogs due to the positive benefits for both the dog, owner and the community including:

- Preventing the birth of unwanted puppies
- Reduction of aggressive behaviour in some dogs
- Improvement of the temperament of some dogs
- Reduction of other anti-social behaviour such as wandering and urine marking
- Potential health benefits include lowering the risk of cancer and contraction of infections

Although not part of the proposed Amendment Bill, the City of Marion would be supportive of the introduction of mandatory desexing for both dogs and cats.

If you require any further details or clarification, please contact me on (08) 8375 6619 or email anna.white@marion.sa.gov.au

Yours sincerely

Geoff Whitbread
Acting Chief Executive Officer

26th May 2015

Dog and Cat Reforms
Conservation and Land Management Branch
Department of Environment Water and Natural Resources
GPO Box 1047
ADELAIDE SA 5001

To whom it may concern,

**RE: FEEDBACK – AMENDMENTS TO THE DOG AND CAT MANAGEMENT ACT
(CIRCULAR 17.1)**

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If you require any further details or clarification, please contact me on (08) 8375 6619 or email anna.white@marion.sa.gov.au

Yours sincerely

Geoff Whitbread
Acting Chief Executive Officer

Draft for comment

(4)

South Australia

**Dog and Cat Management (Miscellaneous)
Amendment Bill 2015**

A BILL FOR

An Act to amend the *Dog and Cat Management Act 1995*; and to make related amendments to the *Criminal Law Consolidation Act 1935*, the *Equal Opportunity Act 1984* and the *Major Events Act 2013*.

Contents**Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Amendment provisions

Part 2—Amendment of *Dog and Cat Management Act 1995*

- 4 Amendment of section 4—Interpretation
- 5 Amendment of section 5—Owner of dog or cat
- 6 Amendment of section 6—Person responsible for control of dog or cat
- 7 Amendment of section 21—Functions of Board
- 8 Amendment of section 21A—Accreditation of assistance dogs
- 9 Insertion of section 23A
 - 23A Delegation
- 10 Amendment of heading to Part 3
- 11 Insertion of Part 3 Division 1
 - Division 1—Authorised persons
 - 25A Appointment of authorised persons
 - 25B Identification of authorised persons
 - 25C Area limitation on authorised persons appointed by councils
 - 25D General powers of authorised persons
 - Division 2—Council responsibility for administration and enforcement
- 12 Amendment of section 26—Council responsibility for management of dogs and cats
- 13 Amendment of section 26A—Plans of management relating to dogs and cats
- 14 Repeal of sections 27 to 30
- 15 Amendment of section 31—Offence to hinder etc authorised person
- 16 Amendment of section 32—Offences by authorised persons
- 17 Amendment of heading to Part 4
- 18 Amendment of section 33—Dogs must be registered
- 19 Amendment of section 37—Notifications to ensure accuracy of registers
- 20 Amendment of section 38—Transfer of ownership of dog
- 21 Repeal of section 40

Dog and Cat Management (Miscellaneous) Amendment Bill 2015**Contents**

22	Amendment of section 41—Applications and fees
23	Repeal of section 42
24	Insertion of Part 4A
	Part 4A—Microchipping and other identification
	42A Dogs and cats to be microchipped
	42B Further offence if certain dogs and cats not microchipped following offence against section 42A
	42C Board may keep register relating to desexed and microchipped dogs and cats
	42D Further requirements relating to identification of certain dogs and cats
25	Amendment of heading to Part 5
26	Amendment of section 43—Dogs not to be allowed to wander at large
27	Amendment of section 44—Dogs not to be allowed to attack etc
28	Amendment of section 45—Transporting unrestrained dogs in vehicles
29	Amendment of section 45A—Miscellaneous duties relating to dogs
30	Substitution of heading to Part 5 Division 1A
31	Amendment of section 45B—Dogs of prescribed breed
32	Amendment of section 45C—Greyhounds
33	Amendment of section 45D—Attack trained dogs, guard dogs and patrol dogs
34	Repeal of section 45E
35	Amendment of section 47—Court's power to make orders in criminal proceedings
36	Repeal of Part 5 Division 2
37	Amendment of heading to Part 5 Division 3
38	Amendment of section 50—Destruction and control orders
39	Substitution of section 51
	51 Grounds on which orders may be made
40	Amendment of section 52—Procedure for making and revoking orders
41	Amendment of section 55—Contravention of order
42	Amendment of section 56—Notification to council
43	Amendment of section 57—Notification of order to proposed new owner of dog
44	Repeal of section 58
45	Amendment of section 59A—Prohibition orders
46	Amendment of section 59B—Contravention of Prohibition Order
47	Repeal of section 59C
48	Substitution of heading to Part 5 Division 4
49	Insertion of section 59D
	59D Power to destroy etc dogs and cats
50	Amendment of section 60—Power to seize and detain dogs and cats
51	Amendment of section 61—Procedure following seizure of dog or cat
52	Insertion of section 61A
	61A Animal welfare organisations etc may microchip and desex seized dogs and cats
53	Amendment of section 62—Limits on entitlement to return of dog or cat
54	Amendment of section 63—Destruction or disposal of seized dog or cat
55	Insertion of section 63A
	63A Notification to owner of dog or cat destroyed etc under Division
56	Amendment of section 64—Recovery of costs of seizure, detention or destruction
57	Amendment of section 66—Liability for dogs ¹
58	Substitution of Part 7
	Part 7—Breeding and sale of dogs and cats
	68 Registration of breeders
	69 Offence for breeder to sell dogs or cats unless registered
	70 Offences relating to sale of certain dogs and cats
	71 Certain information to be given to buyers
	Part 7A—Review of decisions by SACAT
72	Review of certain decisions by South Australian Civil and Administrative Tribunal

- 59 Insertion of section 80A
 80A Board may grant exemptions from Act
- 60 Amendment of section 81—Assistance dogs
- 61 Amendment of section 81A—Interference with dog or cat in lawful custody
- 62 Insertion of section 81B
 81B Offence to interfere with identification of dog or cat
- 63 Amendment of section 83—No liability for action taken under Act
- 64 Amendment of section 85—Continuing offences
- 65 Amendment of section 88—Evidence
- 66 Amendment of section 88A—Liability of vehicle owners in relation to transporting
 unrestrained dogs
- 67 Amendment of section 90—By-laws
- 68 Amendment of section 91—Regulations

Schedule 1—Related amendments and transitional provisions

Part 1—Amendment of *Criminal Law Consolidation Act 1935*

- 1 Amendment of section 83H—Interpretation
- 2 Amendment of section 83L—Evidentiary

Part 2—Amendment of *Equal Opportunity Act 1984*

- 3 Amendment of section 5—Interpretation

Part 3—Amendment of *Major Events Act 2013*

- 4 Amendment of section 26—Powers of authorised persons at major event venues

Part 4—Transitional provisions

- 5 Accreditation of assistance dogs to continue
 - 6 Certain exemptions under section 45E to continue
 - 7 Dog management officers taken to be authorised persons
 - 8 Cat management officers taken to be authorised persons
 - 9 Designated areas
-

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

- 5 This Act may be cited as the *Dog and Cat Management (Miscellaneous) Amendment Act 2015*.

2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

3—Amendment provisions

- 10 In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Dog and Cat Management Act 1995*

4—Amendment of section 4—Interpretation

- (1) Section 4—after the definition of *accredited* insert:

animal welfare organisation means—

- (a) the Royal Society for the Prevention of Cruelty to Animals (South Australia) Incorporated; or
- (b) the Animal Welfare League of South Australia Inc; or
- (c) any other person or body declared by the regulations to be an animal welfare organisation;

- (2) Section 4—after the definition of *area* insert:

assistance dog means a dog trained and used for the purpose of assisting a person who is wholly or partially disabled and includes a dog undergoing training of a kind approved by the Board for the purposes of this definition;

- (3) Section 4—after the definition of *attack trained dog* insert:

authorised person means—

- (a) a police officer; or
- (b) a person appointed as an authorised person under section 25A;

- (4) Section 4, definition of *cat management officer*—delete the definition

- (5) Section 4, definition of *dangerous dog*—after "council" insert:

or the Board

- (6) Section 4—after the definition of *dangerous dog* insert:

desex means to castrate or spay an animal so as to permanently render the animal incapable of reproducing (and *desexed* has a corresponding meaning);

- (7) Section 4, definition of *disability dog*—delete the definition

- (8) Section 4, definition of *dog management officer*—delete the definition

- (9) Section 4, definition of *guide dog*—delete the definition

- (10) Section 4, definition of *hearing dog*—delete the definition

- (11) Section 4—after the definition of *Magistrates Court* insert:

microchip means an electronic device that is capable of being permanently implanted in an animal and that is designed to record information in a manner that can be electronically retrieved;

microchipped or *to microchip*—an animal is microchipped if a microchip is implanted in the animal;

- (12) Section 4—after the definition of *responsible for the control* insert:

sale or *sell* includes—

- (a) auction, barter or exchange; or

- (b) offer for sale, auction, barter or exchange; or
- (c) cause or permit to be offered for sale, auction, barter or exchange; or
- (d) possess for the purposes of sale, auction, barter or exchange;

(13) Section 4, definition of *unidentified cat*—delete the definition and substitute:

unidentified cat means a cat that—

- (a) is not microchipped; and
- (b) is not identified in the manner set out in the regulations;

(14) Section 4, definition of *registered veterinary surgeon*—delete "*Veterinary Surgeons Act 1985*" and substitute:

Veterinary Practice Act 2003

5—Amendment of section 5—Owner of dog or cat

(1) Section 5(1)—after "dog" wherever occurring insert:

or cat

(2) Section 5(2)—after "dog" wherever occurring insert:

or cat

6—Amendment of section 6—Person responsible for control of dog or cat

(1) Section 6(1)—after "dog" wherever occurring insert:

or cat

(2) Section 6(2)—after "dog" wherever occurring insert:

or cat

(3) Section 6(3)—after "dog" wherever occurring insert:

or cat

7—Amendment of section 21—Functions of Board

(1) Section 21(1)(b)—after "dogs" wherever occurring insert:

and cats

(2) Section 21(1)(b)(ii)(B)—delete "dog management officer" and substitute:

authorised person

(3) Section 21(1)(b)(ii)(F)—after "keeping" insert:

and inspection

(4) Section 21(1)(ba)—delete "disability dogs, guide dogs or hearing dogs" and substitute:

assistance dogs

(5) Section 21(1)—after paragraph (ba) insert:

(bb) to keep and maintain registers for the purposes of this Act;

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(6) Section 21(1)—after paragraph (g) insert:

(ga) to fix fees and charges for the purposes of this Act;

8—Amendment of section 21A—Accreditation of assistance dogs

(1) Section 21A(1)—delete subsection (1) and substitute:

(1) Subject to this section, a prescribed accreditation body may, on application, accredit a dog, or renew the accreditation of a dog, as an assistance dog.

(1a) A prescribed accreditation body (other than the Board) may only accredit a dog, or renew the accreditation of a dog, of a kind approved by the Board in respect of the prescribed accreditation body.

(2) Section 21A(2)(a)—delete "the Board in the manner and form approved by the Board" and substitute:

a prescribed accreditation body in the manner and form determined by the prescribed accreditation body

(3) Section 21A(3)—delete "the Board with any information required by the Board" and substitute:

a prescribed accreditation body with any information required by the prescribed accreditation body

(4) Section 21A(4)—delete "unless it is earlier revoked by the Board or surrendered by the owner of the dog," and substitute:

unless—

(a) it is revoked by the Board or the prescribed accreditation body that accredited the dog; or

(b) it is surrendered by the owner of the dog.

(5) Section 21A(5)—delete "by the Board"

(6) Section 21A(6)—delete "The Board may only revoke the accreditation of a dog if the Board" and substitute:

The accreditation of a dog may only be revoked if the Board or the prescribed accreditation body that accredited the dog

(7) Section 21A(6)—delete "a disability dog, guide dog or hearing dog (as the case may be)" wherever occurring and substitute in each case:

an assistance dog

(8) Section 21A—after subsection (6) insert:

(7) In this section—

prescribed accreditation body—the following are prescribed accreditation bodies:

(a) the Board;

(b) The Royal Society for the Blind of SA Inc;

- (c) the Guide Dogs Association of South Australia and Northern Territory Inc;
- (d) Lions Hearing Dogs Inc;
- (e) any other person or body declared by the regulations to be a prescribed accreditation body.

9—Insertion of section 23A

After section 23 insert:

23A—Delegation

- (1) Subject to this section, the Board may delegate functions or powers (other than a prescribed function or power) to any person or body of persons that is, in the Board's opinion, competent to perform or exercise the relevant functions or powers.
- (2) A delegation under this section—
 - (a) must be in writing; and
 - (b) may be conditional or unconditional; and
 - (c) is revocable at will; and
 - (d) does not prevent the delegator from acting in any matter.
- (3) A function or power delegated under this section may, if the instrument of delegation so provides, be further delegated.

10—Amendment of heading to Part 3

Heading to Part 3—delete "of provisions relating to dogs" and substitute:
and enforcement

11—Insertion of Part 3 Division 1

Before section 26 insert:

Division 1—Authorised persons

25A—Appointment of authorised persons

- (1) The Board or a council may appoint suitable persons (other than members of the council) to be authorised persons for the purposes of this Act.
- (2) An appointment may be made subject to conditions specified in the instrument of appointment.
- (3) The appointment of an authorised person by the Board or a council may, at any time, be revoked, or the conditions of appointment varied or revoked, by—
 - (a) if the authorised person was appointed by the Board—the Board; or

- (b) if the authorised person was appointed by a council—the council.

25B—Identification of authorised persons

- (1) An authorised person appointed by the Board or a council must be issued with an identity card in a form approved by the Board.
- (2) If the powers of the authorised person have been limited by conditions, the identity card issued to the person must contain a statement of those conditions.
- (3) An authorised person appointed by the Board or a council must, at the request of a person in relation to whom the person intends to exercise powers under this Act, produce for the inspection of the person his or her identity card.

25C—Area limitation on authorised persons appointed by councils

An authorised person appointed by a council may (subject to any conditions of the appointment of the person) exercise powers under this Act—

- (a) within the area of the council; or
- (b) outside the area of the council for the purposes of—
- (i) seizing or destroying a dog or cat under this Act that has been pursued from within the area of the council; or
- (ii) investigating an offence against this Act committed, or suspected to have been committed, within the area of the council; or
- (c) within the area of another council pursuant to an arrangement between the councils or at the request of an authorised person appointed by the other council.

Note—

This section does not apply to authorised persons appointed by the Board.

25D—General powers of authorised persons

- (1) An authorised person may (subject to any conditions of the appointment of the person) for the purposes of the administration or enforcement of this Act—
- (a) subject to subsection (2), enter and inspect any place or vehicle and use such force as may be reasonably necessary to gain entry; or
- (b) require a person to produce a dog or cat in the person's possession or control for inspection; or

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- (c) require a person who owns or is responsible for the control of a dog or cat to produce evidence that the dog or cat is desexed or microchipped; or
 - (d) require a person to produce documents (which may include a written record reproducing in an understandable form information stored by computer, microfilm or other process) as reasonably required in connection with the administration or enforcement of this Act; or
 - (e) examine, copy or take extracts from documents or information so produced or require a person to provide a copy of any such document or information; or
 - (f) carry out tests, make measurements or take photographs, films or video recordings as reasonably necessary in connection with the administration or enforcement of this Act; or
 - (g) subject to Part 5 Division 4, seize and retain anything that the authorised person reasonably suspects may constitute evidence of a contravention of this Act; or
 - (h) require a person whom the authorised person reasonably suspects to have committed, or to be committing or about to commit, any breach of this Act to state the person's full name and usual place of residence and to produce evidence of the person's identity; or
 - (i) require a person who the authorised person reasonably suspects has knowledge of matters in respect of which information is reasonably required for the administration or enforcement of this Act to answer questions in relation to those matters; or
 - (j) give expiation notices to persons alleged to have committed expiable offences under this Act; or
 - (k) give any directions reasonably required in connection with the exercise of a power conferred above or otherwise in connection with the administration or enforcement of this Act.
- (2) An authorised person cannot exercise the power conferred by subsection (1)(a) except—
- (a) with the consent of the owner or occupier of the place or the owner or person in charge of the vehicle; or
 - (b) on the authority of a warrant issued by a justice; or
 - (c) to seize a dog found wandering at large; or
 - (d) to seize a dog under this Act in circumstances in which the authorised person believes on reasonable grounds that urgent action is required.

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- (3) A justice must not issue a warrant under subsection (2) unless satisfied, by information given on oath, that the warrant is reasonably required in the circumstances.
- (4) An application for a warrant under this section cannot be made to a justice who is a member, officer or employee of a council.
- (5) In the exercise of powers under this Act, an authorised person may be assisted by such persons, and may use such equipment or materials, as he or she considers necessary in the circumstances.

Division 2—Council responsibility for administration and enforcement

12—Amendment of section 26—Council responsibility for management of dogs and cats

- (1) Section 26(1)—delete "Each council is required to administer and enforce the provisions of this Act relating to dogs" and substitute:
- Subject to this Act, each council is required to administer and enforce the provisions of this Act relating to dogs and cats
- (2) Section 26(1)(a)—delete "that is to be readily available for public inspection"
- (3) Section 26(1)—after paragraph (ab) insert:
- (ac) maintain such other registers as may be required by the Board; and
- (ad) make the registers kept under the Act available for inspection by members of the public in accordance with any guidelines issued by the Board; and
- (4) Section 26(1)(d)—delete "one full-time dog management officer or make other satisfactory arrangements for the exercise of the functions and powers of dog management officers" and substitute:
- 1 full-time authorised person or make other satisfactory arrangements for the exercise of the functions and powers of authorised persons
- (5) Section 26(1)(e)—after "dogs" insert:
- and cats
- (6) Section 26(3)—after "dogs" insert:
- and cats
- (7) Section 26(4)—after "dogs" insert:
- and cats
- (8) Section 26(6)—after paragraph (a) insert:
- (ab) fees for the receipt and management of information relating to a register contemplated by subsection (1)(ac); and
- (9) Section 26(6)(b)(i)—delete "Part 5" and substitute:
- Part 4

(10) Section 26(6)(b)—delete ") approved by the Minister" and substitute:

but which must not exceed an amount prescribed by the regulations for the purposes of this paragraph)

(11) Section 26(7)—delete subsection (7) and substitute:

(7) Without otherwise limiting a council's ability to set registration fees, a council must, in the case of a standard dog or cat, provide for a percentage rebate of a fee that would otherwise be charged for the registration of a dog or cat under this Act.

(8) In this section—

standard dog or cat means a dog or cat (as the case requires) of 1 of the following kinds:

(a) a dog or cat that is both desexed and microchipped in accordance with this Act;

(b) a dog or cat that is exempt from any requirement under this Act to be both desexed and microchipped;

(c) a dog or cat that is exempt from a requirement under this Act to be desexed but is microchipped;

(d) a dog or cat that is exempt from a requirement under this Act to be microchipped but is desexed.

13—Amendment of section 26A—Plans of management relating to dogs and cats

Section 26A(3)—delete subsection (3) and substitute:

(3) A plan of management must cover 5 year periods and each plan must be prepared and presented to the Board at least 6 months before it is to take effect.

14—Repeal of sections 27 to 30

Sections 27 to 30—delete sections 27 to 30 (inclusive)

15—Amendment of section 31—Offence to hinder etc authorised person

Section 31—delete "a dog management officer" wherever occurring and substitute in each case:

an authorised person

16—Amendment of section 32—Offences by authorised persons

Section 32—delete "a dog management officer" wherever occurring and substitute in each case:

an authorised person

17—Amendment of heading to Part 4

Heading to Part 4—delete "of dogs"

18—Amendment of section 33—Dogs must be registered

- (1) Section 33(2), penalty provision and expiation provision—delete the provisions and substitute:

Maximum penalty:

- (a) if the dog is a dangerous dog or a dog of a prescribed breed—\$5 000;
 (b) in any other case—\$2 500.

Expiation fee:

- (a) if the dog is a dangerous dog or a dog of a prescribed breed—\$750;
 (b) in any other case—\$315.

- (2) Section 33(3), penalty provision and expiation provision—delete the provisions and substitute:

Maximum penalty:

- (a) if the dog is a dangerous dog or a dog of a prescribed breed—\$5 000;
 (b) in any other case—\$2 500.

Expiation fee:

- (a) if the dog is a dangerous dog or a dog of a prescribed breed—\$750;
 (b) in any other case—\$315.

- (3) Section 33(4)(b)(iii)—delete "a dog management officer" and substitute:
 an authorised person

- (4) Section 33(5)(b)—delete paragraph (b) and substitute:

- (b) to a dog while held in the custody of—
 (i) a police officer acting in that capacity; or
 (ii) a person acting under this or any other Act; or
 (iii) a person or body, or a person or body of a class, specified by
 the regulations.

19—Amendment of section 37—Notifications to ensure accuracy of registers

- (1) Section 37(1), penalty provision and expiation provision—delete the provisions and substitute:

Maximum penalty: \$1 250.

Expiation fee: \$210.

- (2) Section 37(2), penalty provision and expiation provision—delete the provisions and substitute:

Maximum penalty: \$1 250.

Expiation fee: \$210.

20—Amendment of section 38—Transfer of ownership of dog

Section 38, penalty provision and expiation provision—delete the provisions and substitute:

Maximum penalty: \$1 250.

Expiation fee: \$210.

21—Repeal of section 40

Section 40—delete the section

22—Amendment of section 41—Applications and fees

(1) Section 41(1)(c)—delete "appropriate" and substitute:

fee fixed by the relevant council

(2) Section 41(2)—delete "disability dog, guide dog or hearing dog" and substitute:

assistance dog

23—Repeal of section 42

Section 42—delete the section

24—Insertion of Part 4A

After Part 4 insert:

Part 4A—Microchipping and other identification

42A—Dogs and cats to be microchipped

(1) The owner of a dog or cat must ensure that the dog or cat is microchipped in accordance with any requirements set out in the regulations.

(2) An owner of a dog or cat who contravenes subsection (1) is guilty of an offence.

Maximum penalty:

(a) if the dog is a dog of a prescribed breed, or an attack trained dog, guard dog or patrol dog—\$5 000;

(b) in any other case—\$2 500.

Expiation fee:

(a) if the dog is a dog of a prescribed breed, or an attack trained dog, guard dog or patrol dog—\$750;

(b) in any other case—\$315.

(3) Subsection (1) does not apply to, or in relation to—

(a) an animal welfare organisation (other than in relation to a guard dog or patrol dog owned by an animal welfare organisation); or

(b) a person or body detaining a dog or cat that has been seized under this Act; or

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(c) a dog or cat that is not usually kept within the State.

(4) In proceedings for an offence against this section it is a defence for the defendant to prove that he or she believed on reasonable grounds that the dog or cat had, in fact, been microchipped.

(5) Without limiting the regulations that may be made for the purposes of this section, the regulations may—

(a) prescribe a period or periods (whether by reference to the age of an animal or the sale of an animal or otherwise) within which dogs and cats must be microchipped; and

(b) prescribe a minimum or maximum age at which dogs and cats may be required to be microchipped; and

(c) prescribe requirements relating to who can microchip a dog or cat; and

(d) exempt a person or body, or dogs or cats, of a specified class from the operation of this section (whether conditionally or unconditionally).

(6) Nothing in this section limits the operation of section 42D.

42B—Further offence if certain dogs and cats not microchipped following offence against section 42A

(1) If—

(a) a person is found guilty of, or expiates, an offence against section 42A; and

(b) the person refuses or fails without reasonable excuse to have the dog or cat that was the subject of the offence microchipped,

the person is guilty of a further offence for each period of 3 months after the day on which the person is found guilty or expiates the offence (as the case requires) during which the dog or cat is not microchipped.

Maximum penalty:

(a) if the dog is a dog of a prescribed breed—\$5 000;

(b) in any other case—\$2 500.

Expiation fee:

(a) if the dog is a dangerous dog or a dog of a prescribed breed—\$750;

(b) in any other case—\$315.

(2) Subsection (1) does not apply to a person to the extent that they are complying with an order of a court that is inconsistent with that subsection, or that the refusal or failure to microchip is otherwise authorised under this or any other Act.

42C—Board may keep register relating to desexed and microchipped dogs and cats

(1) The Board may keep a register relating to the microchipping of dogs and cats in accordance with this or any other Act.

(2) The Register may—

- (a) contain such information as the Board thinks fit; and
- (b) subject to this Act, be kept in any manner the Board thinks appropriate (including in an electronic form) and may be combined with another register.

(3) The regulations may make further provision in relation to a register under this section (including, without limiting the generality of this subsection, provisions requiring the provision of such information to the Board as the Board may reasonably require and provisions regulating access to the register by members of the public).

42D—Further requirements relating to identification of certain dogs and cats

(1) This section applies to—

- (a) a dog or cat that is not required to be microchipped under this Act; and
- (b) a dog or cat that is required to be microchipped under this Act once it reaches a specified age or has been owned for a specified period, but has not yet reached that age or been owned for that period,

but does not apply to a dog or cat, or dog or cat of a class, declared by the regulations to be excluded from the operation of this section.

(2) The owner of a dog or cat to which this section applies must ensure that the dog or cat (as the case requires), at all times while the dog or cat is not effectively confined to premises of which the person is the occupier, wears a collar around its neck to which is attached—

- (a) if the dog or cat is required to be registered under this Act—the registration disc last issued for the dog or cat; and
- (b) in any case—a tag legibly setting out—

- (i) the name of the owner of the dog or cat, or of a person entitled to possession of the dog or cat; and

- (ii) either—

- (A) the address of the owner or other person; or

- (B) the telephone number of the owner or other person.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (3) In proceedings for an offence against subsection (2), it is a defence for the defendant to prove that the dog or cat was, at the relevant time, suffering from injury, disease or sickness to the extent that the wearing of a collar would be injurious to its health.

25—Amendment of heading to Part 5

Heading to Part 5—after "dogs" insert:
 and cats

26—Amendment of section 43—Dogs not to be allowed to wander at large

Section 43(1), penalty provision and expiation provision—delete the provisions and substitute:

Maximum penalty:

- (a) if the dog is a dangerous dog or a dog of a prescribed breed—
 - (i) for a first offence—\$5 000;
 - (ii) for a subsequent offence—\$10 000.

- (b) in any other case—\$2 500.

Expiation fee:

- (a) if the dog is a dangerous dog or a dog of a prescribed breed—\$750;
- (b) in any other case—\$315.

27—Amendment of section 44—Dogs not to be allowed to attack etc

Section 44(2), penalty provision and expiation provision—delete the provisions and substitute:

Maximum penalty:

- (a) if the dog is a dangerous dog or a dog of a prescribed breed—
 - (i) for a first offence—\$5 000;
 - (ii) for a subsequent offence—\$10 000.

- (b) in any other case—\$2 500.

Expiation fee:

- (a) if the dog is a dangerous dog or a dog of a prescribed breed—\$750;
- (b) in any other case—\$315.

28—Amendment of section 45—Transporting unrestrained dogs in vehicles

- (1) Section 45(1), penalty provision and expiation provision—delete the provisions and substitute:

Maximum penalty: \$1 250.

Expiation fee: \$210.

- (2) Section 45(2)—delete "a dog management officer reasonably suspects that a vehicle has been used to transport a dog contrary to this section, the officer" and substitute:

an authorised person reasonably suspects that a vehicle has been used to transport a dog contrary to this section, the authorised person

- (3) Section 45(4)—delete "guide" and substitute:

assistance

29—Amendment of section 45A—Miscellaneous duties relating to dogs

- (1) Section 45A(1), penalty provision and expiation provision—delete the provisions and substitute:

Maximum penalty:

- (a) if the dog is a dangerous dog or a dog of a prescribed breed—\$5 000;
- (b) in any other case—\$2 500.

Expiation fee:

- (a) if the dog is a dangerous dog or a dog of a prescribed breed—\$750;
- (b) in any other case—\$315.

- (2) Section 45A(2)—delete "disability dog, guide dog or hearing dog" and substitute:

assistance dog

- (3) Section 45A(2), penalty provision and expiation provision—delete the provisions and substitute:

Maximum penalty:

- (a) if the dog is a dangerous dog or a dog of a prescribed breed—\$5 000;
- (b) in any other case—\$2 500.

Expiation fee:

- (a) if the dog is a dangerous dog or a dog of a prescribed breed—\$750;
- (b) in any other case—\$315.

- (4) Section 45A(3)—delete "disability dog, guide dog or hearing dog" and substitute:

assistance dog

- (5) Section 45A(3), penalty provision and expiation provision—delete the provisions and substitute:

Maximum penalty:

- (a) if the dog is a dangerous dog or a dog of a prescribed breed—\$5 000;
- (b) in any other case—\$2 500.

Expiation fee:

- (a) if the dog is a dangerous dog or a dog of a prescribed breed—\$750;
- (b) in any other case—\$315.

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- (6) Section 45A(4), penalty provision and expiation provision—delete the provisions and substitute:

Maximum penalty:

- (a) if the dog is a dangerous dog or a dog of a prescribed breed—\$5 000;
 (b) in any other case—\$2 500.

Expiation fee:

- (a) if the dog is a dangerous dog or a dog of a prescribed breed—\$750;
 (b) in any other case—\$315.

- (7) Section 45A(5), penalty provision and expiation provision—delete the provisions and substitute:

Maximum penalty: \$1 250.

Expiation fee: \$210.

- (8) Section 45A(6)—delete "guide dog" and substitute:

assistance dog

- (9) Section 45A(6), penalty provision and expiation provision—delete the provisions and substitute:

Maximum penalty: \$1 250.

Expiation fee: \$210.

30—Substitution of heading to Part 5 Division 1A

Heading to Part 5 Division 1—delete the heading and substitute:

Division 1A—Provisions relating to certain breeds etc of dogs

31—Amendment of section 45B—Dogs of prescribed breed

- (1) Section 45B(1)—delete subsection (1) and substitute:

- (1) A person who owns or is responsible for the control of a dog of a prescribed breed must ensure that, at any time the dog is not confined in premises of which that person is the occupier—

- (a) the dog has a muzzle securely fixed on its mouth capable of preventing it from biting any person or animal; and

- (b) the dog is under the effective control of a person by means of physical restraint.

Maximum penalty: \$5 000.

Expiation fee: \$750.

- (2) Section 45B(2) and (3)—delete subsections (2) and (3)

- (3) Section 45B(4), penalty provision—delete "\$2 500" and substitute:

\$5 000

32—Amendment of section 45C—Greyhounds

(1) Section 45C(1)—delete subsection (1) and substitute:

(1) A person who owns or is responsible for the control of a greyhound must ensure that, at any time the greyhound is not confined in premises of which that person is the occupier—

(a) in the case of a greyhound exempted from the requirement to wear a muzzle—the greyhound is under the effective control of a person by means of physical restraint; or

(b) in any other case—

(i) the greyhound has a muzzle securely fixed on its mouth capable of preventing it from biting any person or animal; and

(ii) the greyhound is under the effective control of a person by means of physical restraint.

Maximum penalty: \$5 000.

Expiation fee: \$315.

(2) Section 45C(2)(a)—after "land" first occurring insert:

(not being a public dog park provided by a council)

33—Amendment of section 45D—Attack trained dogs, guard dogs and patrol dogs

(1) Section 45D(1)(a) and (b)—delete paragraphs (a) and (b)

(2) Section 45D(1), penalty provision—delete the penalty provision and substitute:

Maximum penalty: \$5 000.

Expiation fee: \$315.

34—Repeal of section 45E

Section 45E—delete the section

35—Amendment of section 47—Court's power to make orders in criminal proceedings

(1) Section 47(1)—delete "Division 1 or 1A" and substitute:

this Act

(2) Section 47(1)(a)—after "dog" insert:

or cat

(3) Section 47(1)(c)—after "dog" insert:

or cat

(4) Section 47(1)(ca)—after "dog" insert:

or cat

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(5) Section 47(1)(cb)—after "dog" insert:

or cat

(6) Section 47(1)(d)—after "dog" insert:

or cat

5 (7) Section 47(1)(e)—after "dog" insert:

or cat

(8) Section 47(1)(ea)—after "dog" insert:

or cat

(9) Section 47(1)(eb)—after "dog" insert:

10 or cat

(10) Section 47(1)(f)—after "dog" insert:

or cat

(11) Section 47(4)—after "dog" wherever occurring insert:

or cat

15 (12) Section 47(5)—delete "a dog management officer" and substitute:

an authorised person

(13) Section 47(5)—after "the dog" wherever occurring insert:

or cat

36—Repeal of Part 5 Division 2

20 Part 5 Division 2—delete Division 2

37—Amendment of heading to Part 5 Division 3

Heading to Part 5 Division 3—delete "Council powers to make"

38—Amendment of section 50—Destruction and control orders

(1) Section 50(1)—after "council" insert:

25 or the Board

(2) Section 50(2)(b)—after "council" insert:

or the Board (as the case requires)

(3) Section 50(3)(a)—before "the dog" insert:

if the dog has not been desexed—

30 (4) Section 50(3)(b)—delete paragraph (b) and substitute:

(b) if the dog has not been microchipped—the dog to be microchipped
within the period specified in the order; and

(5) Section 50(3)(e)(i)—delete "so as to prevent" and substitute:

capable of preventing

(6) Section 50(3)(g)—delete paragraph (g) and substitute:

(g) the dog or the person or both to undertake such approved training courses as may be specified in the order; and

(7) Section 50(4)(a)—delete paragraph (a) and substitute:

5 (a) if the dog has not been microchipped—the dog to be microchipped within the period specified in the order; and

(8) Section 50(4)(d)(i)—delete "so as to prevent" and substitute:

capable of preventing

(9) Section 50(4)—after paragraph (d) insert:

10 (da) the dog or the person or both to undertake such approved training courses as may be specified in the order; and

(10) Section 50(5)(a)—delete "in an enclosure that is constructed so as to prevent the dog escaping from it" and substitute:

15 for the premises to be fenced so as to prevent the dog escaping from the premises

(11) Section 50(4)—after paragraph (b) insert:

(ba) the dog or the person or both to undertake such approved training courses as may be specified in the order; and

20 (12) Section 50(6)—delete "requires all reasonable steps to be taken to prevent the dog repeating the behaviour that gave rise to the order." and substitute:

requires—

(a) all reasonable steps to be taken to prevent the dog repeating the behaviour that gave rise to the order; and

25 (b) the dog or the person or both to undertake such approved training courses as may be specified in the order.

(13) Section 50(7)—delete "subsection (3)" and substitute:

this section

39—Substitution of section 51

Section 51—delete the section and substitute:

30 51—Grounds on which orders may be made

A council or the Board may make an order in relation to a dog under this Division if satisfied that—

(a) in the case of a Destruction Order—

(i) the dog is unduly dangerous; and

35 (ii) the dog has attacked, harassed or chased a person or an animal or bird owned by or in the charge of a person in circumstances that would constitute an offence against this Act; or

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(b) in the case of a Control (Dangerous Dog) Order—

(i) the dog—

(A) is dangerous; and

(B) has attacked, harassed or chased a person or an animal or bird, or is likely to do so, in circumstances that would constitute an offence against this or any other Act; or

(ii) the dog is subject to an order made under a law of another jurisdiction that corresponds with a Control (Dangerous Dog) Order; or

(c) in the case of a Control (Menacing Dog) Order—

(i) the dog—

(A) is menacing; and

(B) has attacked, harassed or chased a person or an animal or bird, or is likely to do so, in circumstances that would constitute an offence against this or any other Act; or

(ii) the dog is subject to an order made under a law of another jurisdiction that corresponds with a Control (Menacing Dog) Order; or

(d) in the case of a Control (Nuisance Dog) Order—

(i) the dog—

(A) is a nuisance; and

(B) has attacked, harassed or chased a person or an animal or bird, or is likely to do so, in circumstances that would constitute an offence against this or any other Act; or

(ii) the dog is subject to an order made under a law of another jurisdiction that corresponds with a Control (Nuisance Dog) Order; or

(e) in the case of a Control (Barking Dog) Order—

(i) the dog is a nuisance; and

(ii) the dog has created noise by barking or otherwise in circumstances that would constitute an offence against this or any other Act.

40—Amendment of section 52—Procedure for making and revoking orders

(1) Section 52—before subsection (1) insert:

(a1) A council or the Board may make an order under this Division on its own initiative or on an application made in a manner and form determined by the council or the Board (as the case requires).

(2) Section 52(1)—after "council" first occurring insert:

or the Board (as the case requires)

(3) Section 52(1)(b)(iii)—after "council (within 7 days or such longer period as is allowed by the council) with respect to the matter" insert:

5 or the Board (as the case requires) in respect of the matter within 7 days or such longer period as is allowed by the council or the Board (as the case requires)

(4) Section 52(2)—after "order" first occurring insert:

made by a council

10 (5) Section 52(3)—after "council" insert:

or the Board (as the case requires)

(6) Section 52(4)—delete "order may be revoked by a council " and substitute:

made by a council order may be revoked by the council

(7) Section 52—after subsection (5) insert:

15 (6) An order made by the Board—

(a) takes effect when the Board first gives a copy of the order to a person who owns or is responsible for the control of the dog; and

20 (b) may be revoked by the Board by written notice to a person who owns or is responsible for the control of the dog; and

(c) must, at the request of the Board, be noted in the register kept under this Act by the council in whose area the dog is usually kept.

41—Amendment of section 55—Contravention of order

25 (1) Section 55(1), penalty provision—delete the penalty provision and substitute:

Maximum penalty:

(a) in the case of a contravention of a Destruction order, a Control (Dangerous Dog) Order or a Control (Menacing Dog) Order—\$10 000;

30 (b) in the case of a contravention of a Control (Nuisance Dog) Order—\$2 500;

(c) in the case of a contravention of a Control (Barking Dog) Order—\$1 250.

Expiation fee:

35 (a) in the case of a contravention of a Destruction order, a Control (Dangerous Dog) Order or a Control (Menacing Dog) Order—\$750;

(b) in any other case—\$315.

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- (2) Section 55(3)—delete "a dog management officer may take reasonable steps to give effect to the order and the council concerned may recover the cost of that action" and substitute:

an authorised person may take reasonable steps to give effect to the order and the cost of that action may be recovered

42—Amendment of section 56—Notification to council

- (1) Section 56(1), penalty provision and expiation provision—delete the provisions and substitute:

Maximum penalty:

- (a) if the dog is a dangerous dog or a dog of a prescribed breed—\$2 500;
 (b) in any other case—\$1 250.

Expiation fee:

- (a) if the dog is a dangerous dog or a dog of a prescribed breed—\$315;
 (b) in any other case—\$210.

- (2) Section 56(2), penalty provision and expiation provision—delete the provisions and substitute:

Maximum penalty:

- (a) if the dog is a dangerous dog or a dog of a prescribed breed—\$2 500;
 (b) in any other case—\$1 250.

Expiation fee:

- (a) if the dog is a dangerous dog or a dog of a prescribed breed—\$315;
 (b) in any other case—\$210.

- (3) Section 56—after subsection (2) insert:

- (3) In the case of an order made by the Board, the Registrar must notify the Board of any information received under this section.

43—Amendment of section 57—Notification of order to proposed new owner of dog

Section 57, penalty provision and expiation provision—delete the provisions and substitute:

Maximum penalty: \$1 250.

Expiation fee: \$210.

44—Repeal of section 58

Section 58—delete the section

45—Amendment of section 59A—Prohibition orders

- (1) Section 59A(1)—after "council" insert:

or the Board

(2) Section 59A(2)(b)(ii)—after "council" insert:

or the Board (as the case requires)

(3) Section 59A(3)—after "council" insert:

or the Board

5 (4) Section 59A—after subsection (3) insert:

(3a) A council or the Board may, on its own initiative or on application, make a Prohibition Order against a person if satisfied that the person is subject to a supervision order under section 269O of the *Criminal Law Consolidation Act 1935*.

10 (5) Section 59A(4)—after "council" wherever occurring insert:

or the Board

(6) Section 59A(5)—after "order" insert:

made by a council

(7) Section 59A(6)—delete "order may be revoked by a council " and substitute:

15 made by a council order may be revoked by the council

(8) Section 59A—after subsection (7) insert:

(8) An order made by the Board—

(a) takes effect when the Board gives a copy of the order to the person against whom it is made; and

20 (b) may be revoked by the Board by written notice to a person who owns or is responsible for the control of the dog; and

(c) must, at the request of the Board, be noted in the register kept under this Act by the council in whose area the dog is usually kept.

25 **46—Amendment of section 59B—Contravention of Prohibition Order**

(1) Section 59B(1), penalty provision—delete "\$2 500" and substitute:

\$5 000

(2) Section 59B(3)—delete "a dog management officer may take reasonable steps to give effect to the order and the council concerned may recover the cost of that action" and substitute:

30

an authorised person may take reasonable steps to give effect to the order and the cost of that action may be recovered

47—Repeal of section 59C

Section 59C—delete the section

35 **48—Substitution of heading to Part 5 Division 4**

Heading to Part 5 Division 4—delete the heading and substitute:

Division 4—Destruction and seizure etc of dogs and cats

49—Insertion of section 59D

Before section 60 insert:

59D—Power to destroy etc dogs and cats

- (1) A person may lawfully destroy or injure a dog in the following circumstances:
- (a) if that action is reasonable and necessary for the protection of life or property;
 - (b) if the person is the owner or occupier of land, or a person acting under the authority of the owner or occupier of land, and the dog, unaccompanied by a person, is found in an enclosed paddock or other enclosed place in which an animal that is being farmed is confined;
 - (c) if the person is a warden under the *National Parks and Wildlife Act 1972* and—
 - (i) the dog is attacking or harassing a protected animal within the meaning of that Act on a reserve within the meaning of that Act; and
 - (ii) there is no other way of protecting the protected animal.

Note—

See also section 63.

- (2) A person may lawfully destroy or injure a cat in the following circumstances:
- (a) if that action is reasonable and necessary for the protection of property;
 - (b) if the person is a warden under the *National Parks and Wildlife Act 1972* or the *Wilderness Protection Act 1992* and the cat is in a reserve or sanctuary (within the meaning of the *National Parks and Wildlife Act 1972*) or a wilderness protection area or zone (within the meaning of the *Wilderness Protection Act 1992*);
 - (c) if the person is the owner or occupier of a designated area, or a person authorised for the purpose by the owner or occupier of a designated area and the cat is found in the designated area;
 - (d) if the cat is found in a place that is more than 1 kilometre from any place genuinely used as a place of residence;
 - (e) if the cat is unidentified and—
 - (i) the person is an authorised officer under the *Crown Land Management Act 2009* and the cat is found in an area in respect of which the authorised officer is authorised to exercise powers under that Act; or

- (ii) the person is an authorised officer under the *Natural Resources Management Act 2004* and—
- (A) the cat is found by a State authorised officer under that Act; or
- (B) the cat is found by a regional authorised officer under that Act in the region in which the regional authorised officer is authorised to act; or
- (iii) the person is an inspector under the *Prevention of Cruelty to Animals Act 1985* and the cat is found while the person is acting in the ordinary course of his or her duties under that Act; or
- (iv) the person is a registered veterinary surgeon acting in the ordinary course of his or her profession; or
- (v) the person is acting for or on behalf of 1 of the following bodies or persons in respect of a cat that has been delivered to a facility operated by the person or body:
- (A) the *Royal Society for the Prevention of Cruelty to Animals (South Australia) Incorporated*;
- (B) the *Animal Welfare League of South Australia, Incorporated*;
- (C) a body or person specified by the regulations.
- (3) Without limiting subsection (1) or (2), an authorised person may lawfully destroy or injure a dog or cat in any of the circumstances specified in those subsections.
- (4) Nothing in this section limits the operation of section 34B of the *Animal Welfare Act 1985*.

50—Amendment of section 60—Power to seize and detain dogs and cats

- (1) Section 60(1)—delete "a dog management officer" and substitute:
an authorised person
- (2) Section 60(1)(b)—delete "officer" and substitute:
authorised person
- (3) Section 60(1)(c)—delete "officer" and substitute:
authorised person
- (4) Section 60(1)—after paragraph (c) insert:
- (ca) if the dog is the subject of an order under Division 3 and the authorised person reasonably suspects that the person who owns or is responsible for the control of the dog has contravened the order;

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(cb) if the person who owns or is responsible for the control of the dog is subject to a Prohibition Order under Division 3A;

(5) Section 60(1)(d)—delete "officer" and substitute:

authorised person

(6) Section 60—after subsection (1) insert:

(1a) A person may seize and detain a cat in any of the following circumstances:

(a) the circumstances set out in section 59D(2);

(b) any other circumstances set out in the regulations.

(1b) A person may seize and detain an unidentified cat for the purpose of delivering it within 12 hours to—

(a) a registered veterinary surgeon; or

(b) an authorised person; or

(c) a facility for the care of cats operated by—

(i) the *Royal Society for the Prevention of Cruelty to Animals (South Australia) Incorporated*; or

(ii) the *Animal Welfare League of South Australia, Incorporated*; or

(iii) a body or person specified by the regulations,

however nothing in this subsection authorises the person to destroy the cat.

(7) Section 60(2)—delete "a dog management officer" and substitute:

an authorised person

(8) Section 60(3)—delete "dog management officer" and substitute:

authorised person

(9) Section 60(4)—delete "*Prevention of Cruelty to Animals Act 1985* may exercise the powers of a dog management officer " and substitute:

Animal Welfare Act 1985 may exercise the powers of an authorised person

51—Amendment of section 61—Procedure following seizure of dog or cat

(1) Section 61(1)—after "dog" wherever occurring insert:

or cat

(2) Section 61(4a)(a)—delete "not identified in the manner specified in the order—cause the dog to be so identified" and substitute:

that is required to be, but is not, microchipped—cause the dog to be microchipped

(3) Section 61(5)—delete subsection (5)

52—Insertion of section 61A

After section 61 insert:

**61A—Animal welfare organisations etc may microchip and
desex seized dogs and cats**

- 5 (1) Despite any other provision of this Act, or any other Act or law, an
animal welfare organisation or council that is detaining a dog or cat
seized under this or any other Act may, in accordance with any
guidelines determined by the Board for the purposes of this section,
do 1 or more of the following:
- 10 (a) desex the dog or cat;
- (b) microchip the dog or cat;
- (c) cause the dog or cat to be desexed or microchipped.
- (2) An animal welfare organisation or council (as the case requires) may
recover the cost of taking action under this section as a debt from a
15 person who owns or is responsible for the control of the dog or cat.

53—Amendment of section 62—Limits on entitlement to return of dog or cat

- (1) Section 62—after "dog" first occurring insert:
or cat
- (2) Section 62(a) and (b)—after "dog" wherever occurring insert:
20 or cat
- (3) Section 62(c)—delete paragraph (c) and substitute:
- (c) in the case of a dog or cat that is required to be registered under this
Act but is not so registered—registers the dog or cat if required to do
so by the person responsible for the dog or cat while detained.

54—Amendment of section 63—Destruction or disposal of seized dog or cat

- (1) Section 63—after subsection (1) insert:
- (1a) If a cat is seized and detained under this Division, the person
responsible for the cat while detained under this Division may cause
the cat to be destroyed or otherwise disposed of.
- 30 (1b) If a dog or cat is destroyed or otherwise disposed of under this
section then, for the purposes of the laws of this State—
- (a) ownership of the dog or cat will be taken to have vested in
the operator of the facility at which the dog or cat had been
detained immediately before the dog or cat was destroyed or
35 otherwise disposed of; and
- (b) no compensation will be payable to a previous owner of the
dog or cat in respect of its destruction or disposal,
- (however, nothing in this section limits the operator of the facility
from recovering charges or costs of taking action under this Act in
40 accordance with section 64 or any other provision this Act).

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Ownership of an animal does not vest in the operator of the facility or any other person merely because a period of time has elapsed after which the animal may be disposed of.

- (2) Section 63(2)—delete "is disposed of under subsection (1) by sale, the proceeds of the sale are the property of the operator of the facility at which the dog" and substitute:

or cat is disposed of under this section by sale, the proceeds of the sale are the property of the operator of the facility at which the dog or cat

- (3) Section 63(3)—after "dog" wherever occurring insert:

or cat

- (4) Section 63(4)—delete subsection (4)

55—Insertion of section 63A

After section 63 insert:

63A—Notification to owner of dog or cat destroyed etc under Division

- (1) A person who destroys, injures, seizes or detains a dog or an identified cat under this Division must, as soon as practicable—
- (a) take reasonable steps to inform the owner of the dog or cat of the action taken; and
 - (b) notify—
 - (i) a police officer; and
 - (ii) the council of the area in which the action was taken.

Maximum penalty: \$1 250.

Expiation fee: \$210.

- (2) Subsection (1)(b) does not apply in the following circumstances:
- (a) if the person destroying, injuring, seizing or detaining a dog or cat is a prescribed person; or
 - (b) any other circumstances prescribed by the regulations.
- (3) In this section—
- prescribed person*** means—
- (a) an authorised person; or
 - (b) a warden under the *National Parks and Wildlife Act 1972* or the *Wilderness Protection Act 1992*; or
 - (c) an authorised officer under the *Crown Land Management Act 2009*; or
 - (d) an authorised officer under the *Natural Resources Management Act 2004*; or

- (e) an inspector under the *Prevention of Cruelty to Animals Act 1985*; or
- (f) a registered veterinary surgeon; or
- (g) a person acting for or on behalf of 1 of the following bodies or persons in respect of a dog or cat that has been delivered to a facility operated by the person or body:
 - (i) the *Royal Society for the Prevention of Cruelty to Animals (South Australia) Incorporated*;
 - (ii) the *Animal Welfare League of South Australia, Incorporated*;
 - (iii) a body or person specified by the regulations; or
- (h) any other person prescribed by the regulations.

56—Amendment of section 64—Recovery of costs of seizure, detention or destruction

Section 64—after "dog" wherever occurring insert:
or cat

57—Amendment of section 66—Liability for dogs¹

Section 66—delete "*Wrongs Act 1936*" wherever occurring and substitute in each case:

Civil Liability Act 1936

58—Substitution of Part 7

Part 7—delete Part 7 and substitute:

Part 7—Breeding and sale of dogs and cats

68—Registration of breeders

- (1) The Board may, on application, register a person as a breeder.
- (2) An application must—
 - (a) be made in a manner and form determined by the Board; and
 - (b) be accompanied by such documentation and information as the Board may reasonably require; and
 - (c) be accompanied by the fee fixed by the Board.
- (3) The Board may impose such conditions on a registration under this Part as the Board thinks fit (including, to avoid doubt, a condition requiring the breeder to comply with a code of practice under another Act).
- (4) The Board may, by notice in writing, vary, revoke or add a condition of registration.

(5) The Board may, by notice in writing, revoke a registration under this Part for a contravention of a condition of registration or for any other reason it thinks fit.

(6) The Board must keep and maintain a register for the purposes of this Part.

69—Offence for breeder to sell dogs or cats unless registered

(1) A person must not sell a dog or cat that he or she has bred unless—

- (a) he or she is registered as a breeder under this Part; or
- (b) he or she is registered (however described) as a breeder with an approved representative body; or
- (c) he or she is registered as a breeder under a law of another jurisdiction dealing with the breeding of dogs or cats.

Maximum penalty: \$5 000.

Expiation fee: \$315.

(2) Nothing in this section authorises a person to breed a dog of a prescribed breed.

(3) For the purposes of this section, a person will be taken to have bred a dog or cat if the person takes action of a kind prescribed by the regulations in relation to the breeding of the dog or cat.

(4) In this section—

approved representative body means a body declared by the regulations to be an approved representative body for the purposes of this section.

70—Offences relating to sale of certain dogs and cats

(1) A person must not sell a dog or cat unless the dog or cat has been micro-chipped in accordance with any requirement set out in the regulations.

Maximum penalty: \$5 000.

Expiation fee: \$315.

(2) Subsection (1) applies whether or not—

- (a) the dog or cat is required to be microchipped under section 46A; or
- (b) the person was the breeder of the dog or cat.

(3) This section does not apply to a sale of a dog or cat occurring in circumstances prescribed by the regulations for the purposes of this section.

(4) Nothing in this section authorises a person to sell a dog of a prescribed breed.

71—Certain information to be given to buyers

- (1) A person who sells a dog or cat must give to the new owner a written notice setting out—

- (a) the information required by the regulations relating to the identity of the breeder or breeders of the dog or cat; and
- (b) the information required by the regulations relating to vaccinations and other treatments given to the dog or cat; and
- (c) the information required by the regulations relating to the dog's or cat's micro-chip; and
- (d) any other information required by the regulations in respect of a sale of the relevant kind.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (2) A person who publishes an advertisement in relation to the sale of a dog or cat must ensure that the advertisement contains—

- (a) the information required by the regulations relating to the identity of the breeder or breeders of the dog or cat; and
- (b) the information required by the regulations relating to vaccinations and other treatments given to the dog or cat; and
- (c) the information required by the regulations relating to the dog's or cat's micro-chip; and
- (d) any other information required by the regulations in respect of an advertisement of the relevant kind.

Maximum penalty: \$5 000.

Expiation fee: \$315.

Part 7A—Review of decisions by SACAT

72—Review of certain decisions by South Australian Civil and Administrative Tribunal

- (1) The South Australian Civil and Administrative Tribunal is, by force of this section, conferred with jurisdiction to deal with matters consisting of the review of a reviewable decision.
- (2) An application for review of a reviewable decision may be made to the South Australian Civil and Administrative Tribunal within 14 days after the applicant receives notice of the relevant decision (or such longer period as the Tribunal may allow).
- (3) However, the South Australian Civil and Administrative Tribunal may only allow an extension of time under subsection (2) if satisfied that—
 - (a) special circumstances exist; and

- (b) another party will not be unreasonably disadvantaged because of the delay in commencing the proceedings.

- (4) In this section—

reviewable decision—the following are reviewable decisions:

- (a) a decision of a council or the Board to make an order under Part 5 Division 3 or 3A;
- (b) a decision of a person to refuse to allow the release of a dog or cat that is being detained under this Act;
- (c) any other decision under this Act of a kind declared by the regulations to be included in the ambit of this definition.

59—Insertion of section 80A

Before section 81 insert:

80A—Board may grant exemptions from Act

- (1) The Board may, by notice in writing, on application or on its own initiative, exempt a person or body from the operation of a specified provision or provisions of this Act.
- (2) An application must—
 - (a) be made in a manner and form determined by the Board; and
 - (b) be accompanied by such documentation and information as the Board may reasonably require; and
 - (c) be accompanied by the fee fixed by the Board.
- (3) An exemption—
 - (a) may be granted or refused at the discretion of the Board; and
 - (b) may operate indefinitely or for a period specified in the instrument of exemption; and
 - (c) is subject to any conditions specified in the instrument of exemption.
- (4) The Board may, by notice in writing, vary, revoke or add a condition of an exemption.
- (5) The Board may, in its discretion, revoke an exemption for a contravention of a condition of the exemption, or for any other reason it thinks fit.

60—Amendment of section 81—Assistance dogs

- (1) Section 81(1)(a)—delete "disability dog, guide dog or hearing dog" and substitute:
 assistance dog
- (2) Section 81(1)(b)—delete "a disability dog, guide dog or hearing dog" and substitute:
 an assistance dog

- (3) Section 81(1), penalty provision—delete the penalty provision and substitute:

Maximum penalty: \$1 250.

Expiation fee: \$210.

- (4) Section 81(2)—delete subsection (2) and substitute:

- (2) A person must not claim that a dog is an assistance dog unless the dog—

(a) is accredited as an assistance dog under section 21A; or

(b) is an assistance animal (within the meaning of the *Disability Discrimination Act 1992* of the Commonwealth.

Maximum penalty: \$1 250.

Expiation fee: \$210.

61—Amendment of section 81A—Interference with dog or cat in lawful custody

- (1) Section 81A—after "dog" insert:

or cat

- (2) Section 81A, penalty provision—delete "\$2 500" and substitute:

\$5 000

62—Insertion of section 81B

After section 81A insert:

81B—Offence to interfere with identification of dog or cat

A person must not, without reasonable excuse, interfere with or remove—

(a) a microchip; or

(b) any other form of identification worn by or attached to the dog or cat,

(whether or not the microchip or other identification is required under this Act).

Maximum penalty: \$5 000.

Expiation fee: \$315.

63—Amendment of section 83—No liability for action taken under Act

Section 83—after "against a dog" insert:

in respect of a dog or cat

64—Amendment of section 85—Continuing offences

Section 85(1)—after "section 33" insert:

42A, 42B or 42C

65—Amendment of section 88—Evidence

- (1) Section 88(a)(i)—delete "dog" and substitute:
 a specified dog or cat
- (2) Section 88(a)—after subparagraph (ii) insert:
 - (iia) a specified dog or cat was, or was not, at a specified time registered under this Act; or
 - (iib) a specified dog or cat was, at a specified time, less than a specified age; or
- (3) Section 88(a)(iii)—delete "dog of a prescribed breed" and substitute:
 a specified dog or cat
- (4) Section 88(a)—after subparagraph (iii) insert:
 - (iiia) a specified dog or cat was not at a specified time microchipped; or
 - (iiib) a specified person was, or was not, at a specified time registered as a breeder under Part 7;
- (5) Section 88(a)(iv)—delete "a dog management officer or cat management officer" and substitute:
 an authorised person
- (6) Section 88(b)—delete paragraph (b)

66—Amendment of section 88A—Liability of vehicle owners in relation to transporting unrestrained dogs

- Section 88A(4)—delete "officer" and substitute:
 authorised person

67—Amendment of section 90—By-laws

- Section 90(2)(e)—delete "and encourage the desexing of cats"

68—Amendment of section 91—Regulations

- (1) Section 91(2)(a) and (b)—after "dogs" wherever occurring insert:
 or cats
- (2) Section 91(2)(c)—after "dogs" insert:
 and cats
- (3) Section 91(2)(f)—delete "\$2 500" and substitute:
 \$5 000
- (4) Section 91(2)—after paragraph (f) insert:
 - (g) fix expiation fees, not exceeding \$750, for offences against this Act or the regulations; and
 - (h) provide for the facilitation of proof of the commission of offences against the regulations.

(5) Section 91(3)(c)—delete "or a council" and substitute:

, a council or a specified person or body

(6) Section 91—after subsection (3) insert:

(4) The regulations may refer to or incorporate, wholly or partially and with or without modification, a code, standard or other document prepared or published by a prescribed body, either as in force at the time the regulations are made or as in force from time to time.

(5) If a code, standard or other document is referred to or incorporated in the regulations—

(a) a copy of the code, standard or other document must be kept available for public inspection, without charge and during ordinary office hours, at an office or offices specified in the regulations; and

(b) evidence of the contents of the code, standard or other document may be given in any legal proceedings by production of a document apparently certified by the Minister to be a true copy of the code, standard or other document.

Schedule 1—Related amendments and transitional provisions

Part 1—Amendment of *Criminal Law Consolidation Act 1935*

1—Amendment of section 83H—Interpretation

(1) Section 83H(1), definition of *accredited guide dog*—delete "guide" first occurring and substitute:

assistance

(2) Section 83H(1), definition of *accredited guide dog*, (a)—delete "a guide" and substitute:

an assistance

(3) Section 83H(1), definition of *accredited guide dog*, (b)—delete "a guide" first occurring and substitute:

an assistance

(4) Section 83H(1), definition of *guide dog*—delete the definition

(5) Section 83H(1), definition of *working animal*, (d)—delete "guide" and substitute:

assistance

2—Amendment of section 83L—Evidentiary

Section 83L(2)—delete "a guide" and substitute:

an assistance

Part 2—Amendment of *Equal Opportunity Act 1984*

3—Amendment of section 5—Interpretation

Section 5(1), definition of assistance animal—delete "guide dog, an accredited hearing dog or an accredited disability dog" and substitute:

assistance dog

Part 3—Amendment of *Major Events Act 2013*

4—Amendment of section 26—Powers of authorised persons at major event venues

(1) Section 26(2)—delete "a guide" and substitute:

an assistance

(2) Section 26(8)—before the definition of *authorised person* insert:

assistance dog has the same meaning as in the *Dog and Cat Management Act 1995*;

(3) Section 26(8), definition of *guide dog*—delete the definition

Part 4—Transitional provisions

5—Accreditation of assistance dogs to continue

An accreditation of a disability dog, guide dog or hearing dog under section 21A of the *Dog and Cat Management Act 1995* that is in force immediately before the commencement of this clause—

- (a) will, subject to this Act, be taken to continue in force according to its terms; and
- (b) will be taken to be an accreditation as an assistance dog under section 21A of the *Dog and Cat Management Act 1995* as amended by this Act.

6—Certain exemptions under section 45E to continue

An exemption under section 45E of the *Dog and Cat Management Act 1995* that is in force immediately before the commencement of this clause—

- (a) will, subject to this Act, be taken to continue in force according to its terms; and
- (b) will be taken to be an exemption under section 80A of the *Dog and Cat Management Act 1995* as enacted by this Act.

7—Dog management officers taken to be authorised persons

- (1) A person who is, immediately before the commencement of this clause, a dog management officer appointed by a council will be taken to be an authorised person appointed by the council.
- (2) The appointment of an authorised person contemplated by subclause (1) will be taken to be subject to any conditions or limitations applying to the appointment immediately before the commencement of this clause.

8—Cat management officers taken to be authorised persons

- (1) A person who is, immediately before the commencement of this clause, a cat management officer appointed by a council will be taken to be an authorised person appointed by the council.
- 5 (2) A person who is, immediately before the commencement of this clause, a cat management officer appointed by the Board will be taken to be an authorised person appointed by the Board.
- 10 (3) The appointment of an authorised person contemplated by this clause will be taken to be subject to any conditions or limitations applying to the appointment immediately before the commencement of this clause.

9—Designated areas

- 15 Land that was, immediately before the commencement of this clause, a designated area pursuant to a proclamation under section 73 of the *Dog and Cat Management Act 1995* will, subject to that Act, be taken to be a designated area for the purposes of section 45G of that Act (as enacted by this Act).

**CITY OF MARION
GENERAL COUNCIL MEETING
26 May 2015**

Originating Officer: Alicia Clutterham, Team Leader Open Space & Facilities
Corporate Manager: Peter Patterson, Manager Open Space & Facilities
A/Director: Fiona Harvey
Subject: Coast Protection Board Grant Application – Hallett Cove Foreshore
Report Reference: GC260515R09

REPORT OBJECTIVES:

To enable Council to consider whether it wishes to support a grant application for Coast Protection Board (Department for Environment, Water and Natural Resources) 2015/16 funding and to commit the necessary Council funding contribution for the foreshore/embankment stage of the Hallett Cove Foreshore Masterplan.

EXECUTIVE SUMMARY:

Council has recently received correspondence advising that applications are invited for 2015/16 Coast Protection Board Grants with applications closing 5 June 2015 (Refer Appendix 1).

Council has the opportunity to apply for funds in respect to the Hallett Cove Foreshore Masterplan for which the Coast Protection Board may fund up to 80% of the total cost of approved coastal projects.

The proposed scope of works is for erosion control protection measures, minor earthworks grading to profile dune stabilisation and substantial revegetation and establishment, which is budgeted at \$310,000 (inclusive of contingency). This would require council to contribute up to \$62,000 (20% of the proposed cost) to support the funding application. There is currently \$986,000 within the 2014/15 budget for the Heron Way Reserve development (that has not yet been prioritised or approved for expenditure) from which it could consider an allocation of these funds (\$62,000).

RECOMMENDATIONS (2)

DUE DATES

That Council:

- | | |
|--|-----------|
| 1. Endorses a funding application be made for Coast Protection Board grant funding for the foreshore/embankment works identified in the Hallett Cove Beach Foreshore Masterplan. | 26 May 15 |
| 2. Endorses the utilisation of up to \$62,000 available in the 2014/15 budget (20% of total cost of project for which grant funding is sought) to support the funding application for the Heron Way Reserve Development. | 26 May 15 |

BACKGROUND

Council endorsed the Hallett Cove Foreshore Masterplan in March 2014 (GC250314M03).

A background study to the Masterplan (Hallett Cove Coastal Management Study) was supported by the Coastal Protection Board both financially and through technical advice, and endorsed by Council in June 2012 (GC260612R02). This study was undertaken by a coastal engineer and informed the foreshore/embankment components of the Hallett Cove Beach Foreshore Masterplan.

More recently in February 2015, Council resolved in relation to this project to (GC240215M03):

3 Investigate alternative funding options to deliver the next stage of the project being the embankment works.

3. Request and work with administration to review the master plan and provide options to scale back the size of the master plan and to consider as part of the upcoming budget discussions as well as seeking alternative funding options should such funding become available.

In respect to the broader Masterplan size, scale, staging and future implementation, a further report is to be considered by Council in July 2015.

ANALYSIS

An opportunity has arisen for Council to seek grant funding from the Coast Protection Board to pursue the foreshore/embankment component of the Hallett Cove Beach foreshore Masterplan.

As part of the Hallett Cove Management Study, all available management options were considered for independent sections of the beach with an overarching approach to management of the Hallett Cove foreshore being to '*adopt a sympathetic and non-confrontational approach over time*'. It was also recommended '*where possible, the management measures should be minimal and in keeping with the exceptional natural and heritage values of the area*'.

The Masterplan has considered the coastal edge as a climate resilience project which seeks to provide erosion control protection measures with rock revetment located near access points to the beach, minor earthworks grading to profile dune stabilisation and substantial revegetation and establishment (Refer Appendix 2).

Should these works proceed detailed plans will need to be lodged for development approval prior to implementation which will in turn be referred to the Coastal Protection Board pursuant to Schedule 8 of the Development Regulations 2008.

Financial

In accordance with the funding guidelines, the Coast Protection Board may provide up to 80% of the total cost of the approved project with Council contributing at least 20%. To this end, it is proposed that Council provide up to \$62,000 supporting cash contribution from the

available 2014/15 Heron Way Reserve Development project budget and apply for a \$248,000 grant from the Coast Protection Board.

The scope of the project and associated budget required is provided in the table below. Whole of life costs are provided in Appendix 3.

Scope	CoM cash contribution	CPB cash contribution
Revetment walls at access point to the beach		\$190,000
Soil, Environmental Management, Earthworks and grading to steep profile embankments		\$50,000
Revegetation and establishment	\$60,000	
Engineers Certification	\$2,000	\$8,000
	\$62,000	\$248,000
Total (inclusive of contingency) \$310,000		

Should Council be successful in attracting grant funding the grant disbursement method is payment upon completed works by Council, therefore Council will need to pay for the works prior to being reimbursed by the Coast Protection Board.

Resource Implications

Should Council be successful with this funding application, this project will be considered a 'new' project within Council's Strategic Asset Management Decision Making Matrix within the Asset Management Policy and will need to be incorporated into the 2015/16 capital works program.

The Heron Way Foreshore / Hallett Cove Beach redevelopment currently sits on the unfunded / unprioritised items list. If Council was successful in attracting grant funding for this stage, the remainder of the project will remain on the unfunded/unprioritised items list for further consideration.

The Coast Protection Board's expectation on the delivery timeframe for successful projects is 30 June 2016. Staff resources will need to be attributed to project management over a 6 month project time frame. This will be an additional City of Marion 'in-kind' contribution as the Coast Protection Board funds do not extend to pay for staff time. This may impact on the programming of projects already committed in 2015/16, and will require further detailed analysis, project planning and resource consideration if the grant submission is successful.

CONCLUSION:

An opportunity has arisen to apply for external funding through the 2015/16 Coast Protection Board grant funding program to pursue the foreshore / embankment component of the Hallett Cove Beach Foreshore Masterplan. Applications close 5 June 2015.

Council has requested (GC240215M03) that staff 'investigate alternative funding options to deliver the next stage of the project being the embankment works'.

It is recommended that Council endorse the utilisation of up to \$62,000 (20%) of available project funding to apply for up to \$248,000 (80%) of the project works and endorse the submission of a funding application.



Government of South Australia

Department of Environment,
Water and Natural Resources

Ref. CPB/100/10/22-12

Date: 8 May 2015

Chief Executive
City of Marion
PO Box 21
Oaklands Park S.A. 5046



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1 Richmond Road
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Adelaide SA 5001
Australia
Ph: +61 8 8124 4907

www.environment.sa.gov.au

Dear Sir or Madam



Applications Invited for 2015-16 Coast Protection Board Grants – Closing Date 5 June 2015

The Department for Environment, Water and Natural Resources (DEWNR) administers the Coast Protection Board's annual grants programme for coastal management projects. In accordance with the *Coast Protection Act 1972*, the Board can provide grants of up to 80% of the total cost of approved coastal projects. Councils must contribute a minimum of 20 percent of the total project costs.

As discussed in the Board's Policy Document, the grant funding is intended for "*situations that have arisen because of some previous mistake or lack of understanding about coastal processes*". The grants are not intended for "*protection of new development approved unwisely and against the Board or Department's advice*". The Board also requires that any grant funded protection works have outcomes that benefit the general public, such as maintenance of public access along the coast.

Examples of the types of projects that have received grants in the past include:

- Preparation of coordinated flood protection and erosion management strategies
- Construction of erosion control or flood protection works such as seawalls or levees
- Cliff stability studies and works
- Repair of storm damaged coastal protection structures
- Beach replenishment (for coastal protection purposes)

Applications must be submitted on the enclosed application form, which is also available electronically at [http://www.environment.sa.gov.au/get-involved/grants-and-funding/Coast protection fund grants](http://www.environment.sa.gov.au/get-involved/grants-and-funding/Coast%20protection%20fund%20grants).

Applications close 5 June 2015.

Please note that if you lodged an unsuccessful application for a grant in 2014-15 and the details of the project remain unchanged, a new application for that project does not need to be submitted. Unsuccessful applications from 2014-15 will be reconsidered. If details require updating, please submit a new application.

Completed application forms should be emailed to james.guy@sa.gov.au or posted to James Guy, Coast and River Murray Unit DEWNR, GPO Box 1047, Adelaide SA 5001.

For further information, please contact me on 8124 4907 or the above email.

Yours Sincerely

James Guy
Team Leader Coastal Programmes

Coast Protection Fund Grants Application Form
--

7	Project details, objectives and expected outcomes
Provide details of the issues to be addressed by the project, details of the project (attach designs for support) and expected outcomes from the project. Provide details of any approvals (native title, native vegetation, planning, etc.) being sought. Attach additional pages if required.	

8	Project status		
Will this funding complete the project?		Yes	No
If 'No', please detail how the project will be completed and in what time frame.			

9	Signature		
Signature of council representative			
Name of representative			
Position			
Signature of representative		Date	/ /

10	Coast Protection Board approval		
CPB Meeting Date			
Item Number		Date	/ /

Coast Protection Fund Grants Application Form

11 Budget summary and work plan timetable for this project application

Project estimates:

- Describe what will be done, when, how and by whom.
- Itemise all other contributions from all sources (including all cash and 'in kind' contributions). **Council contribution must be a minimum of 20% of the total costs to comply with Section 32(3)(b) of the *Coast Protection Act 1972*.**
- Identify funding sought from the Coast Protection Board.
- All costing to be GST exclusive.
- Provide sub-totals for the cost of each activity in column E.
- Transfer totals for columns A–E to the bottom of page 1.

Project activity	Timing		B. Council contribution (\$)	C. Other contributions (\$)	D. Funding from Board (\$)	E. Total activity costs (\$)
	Start Mth/Yr	Finish Mth/Yr				

Totals for each column

\$	\$	\$	\$
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NB. Transfer the totals to the appropriate boxes in **Question 6** at the bottom of page 1.



Whole of Life Cost Analysis- Hallett Cove Foreshore Dune Protection												
Description	Lifecycle Yrs	Acquistion Cost	Projected Operating Costs pa	Projected Maint Costs pa	Total Projected O&M pa	Less Existing O&M pa	Net Increase O&M pa	Projected Depn/ Renewal pa	Existing Depn/ Renewal pa	Net Increase Depn/ Renewal pa	Whole of Life Cost of Proposal	Whole of Life Increase Cost of Proposal
Earthworks (no depreciable assets)	0	\$ 50,000	\$ -		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 50,000	\$ 50,000
Hardscape rock revetment including engineers consultancy certification	80	\$ 200,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,500	\$ -	\$ 2,500	\$ 400,000	\$ 400,000
Revegetation	20	\$ 60,000	\$ -	\$ 2,100	\$ 2,100	\$ -	\$ 2,100	\$ -	\$ -	\$ -	\$ 102,000	\$ 102,000
Total		\$ 310,000					\$ 2,100			\$ 2,500	\$ 552,000	\$ 552,000

*Whole of life costs include acquisition, operating & maintenance expenditure and depreciation/renewal using current values.

**CITY OF MARION
GENERAL COUNCIL MEETING
26 May 2015**

Originating Officer: David Sharp, Unit Manager Community Development
Corporate Manager: Margi Whitfield, Manager Community Participation
Director: Vincent Mifsud
Subject: Cove Youth Service Operational Options
Report Reference: GC260515R10

REPORT OBJECTIVES:

To inform Council of the options available to deliver the City of Marion's Youth Plan and the future role of the Cove Youth Service building based at Hallett Cove.

EXECUTIVE SUMMARY:

The current City of Marion Youth Plan 2012-2016 was endorsed by Council in October 2012 (GC091012R02). The Youth Plan required that the role of the Cove Youth Service would be progressively moved away from a direct service provider to a community development model across the whole of Council.

The Cove Youth Service is located adjacent to the existing Hallett Cove library and the upcoming relocation of the library provides the opportunity to review the location of the Cove Youth Service in order to meet the Youth Plan objectives in an effective manner.

This report provides three options for the future of the Cove Youth Service building for Council consideration, subject to the appropriate consultation requirements with staff and the community being finalised. The three options are:

1. Move the City of Marion's Youth Services to the Administration Building
2. Move the City of Marion's Youth Services to a site co-located with an existing local youth organisation
3. Maintain the City of Marion's Youth Services at the current Hallett Cove site

Option One is recommended for Council's consideration.

RECOMMENDATIONS (2)

DUE DATES

That Council:

1. Ensures consultation requirements under applicable enterprise agreements are undertaken prior to confirmation of any decision that will impact on employees.
2. Ensures consultation occurs with the community to ensure that any impact on young people is minimised by the relocation.

May 2015

May 2015

3. Subject to the consultation outcomes, that the Cove Youth Service currently located in Hallett Cove is moved to the City of Marion's Administration Building.

BACKGROUND:

The Cove Youth Service is responsible for the delivery of The City of Marion Youth Plan and as such, delivers services and programs to the community in the following five key policy areas:

- Develop opportunities for youth participation and citizenship
- Work collaboratively to build community and youth sector capacity
- Promote healthy lifestyles and wellbeing for young people
- Contribute to the development of a safer community for young people to grow up in
- Improve young peoples' access to relevant information and services

During the past two years, the Cove Youth Service has worked in partnership with thirty two youth focussed organisations to deliver programs and services to the community. Examples of these partnerships include, Mission Australia, six local high schools, Sammy D Foundation, Skate Boarding Australia and Family Drug Support Group. This approach moves the City of Marion's youth services away from directly coordinating many of the programs and services for young people and repositions the City of Marion as a partner with government, non-government and community organisations to deliver programs that achieve the aims of the Youth Plan.

The Cove Youth Service has been the driver for this whole of Council approach and while this has resulted in the reduction of programs being offered at the Hallett Cove site, it has increased partnerships with organisations across Council. This has resulted in more programs overall and a wider range of services being offered to young people and the City of Marion community.

It was originally envisaged that in 2016 when the Youth Plan is due to be reviewed, that the location of the Cove Youth Service would also be reviewed with an option that it could be relocated to a more central position. However, the impending move of the library adjacent to the Cove Youth Service has presented the opportunity to bring this discussion forward.

DISCUSSION:

Formerly called the Hallett Cove Youth Project, the Cove Youth Service was established approximately 20 years ago to meet the needs of young people who lived in the southern end of the City of Marion. The combination of poor public transport and the area falling between the service centres of Noarlunga and Marion made it difficult for young people to access services and recreational activities.

Since 2012, the implementation of the Youth Plan has been redefining Council's role in the area of youth services. Council's youth services are progressively being moved away from direct service provision in favour of developing the community's capacity to deliver a range of programs and services across the whole of Council. This is being achieved through:

- The development of community partnerships
- Training and supporting local organisations
- Attracting new resources to the region
- Actively engaging with local organisations, the government and non -government youth sector.

The implementation of the Youth Plan over the last three years has resulted in a change to the role of the Cove Youth Service facility at Hallett Cove. To achieve this effectively it is recommended that the Cove Youth Service move out of the facility at Hallett Cove to a more central location. This will allow the resources required to manage the Cove Youth Service facility to be focussed on supporting and developing local responses to youth needs across the City of Marion.

If Council resolves to move its youth services from the Hallett Cove site, two options can be considered:

- Staff to operate out of the City of Marion's Administration building
- Staff move to a new site and collocate with an existing locally based youth organisation and share the facility.

Both of these options have the ability to deliver the youth plan at a reduced cost to Council. The tables below provide an outline of the advantages and disadvantages of these two options and also provide a third option of remaining at the current Hallett Cove site although this option is not recommended.

Option 1.

Close the Cove Youth Service facility and deliver the Youth Plan based centrally at the City of Marion Administration Centre

Advantage	<ul style="list-style-type: none"> • Least expensive of the three options • Staff cost reduced as no building to manage reduces the need for the 0.8 FTE Operational Support • No building to maintain – reduced cost • Opportunity to develop alternative youth dedicated sites in partnership with other youth organisations • Staff located more centrally • Supports the Youth Plan objective of moving away from direct service provision in favor of developing the community's capacity to deliver a range of programs and services across the whole of Council • Opportunity to consider the disposal of the library building and adjacent Cove Youth Service as one entity
Disadvantage	<ul style="list-style-type: none"> • No dedicated youth site within the City of Marion • Initial reduced service to Hallett Cove area that will need to be appropriately managed • Current site provides low cost meeting places for community led youth programs and space for not for profit organisations to work out of • Consultation with young people, current partners and stakeholders will be required to manage the change • Support required for current users of the Cove Youth Service that will require re-location
Staff Required	<ul style="list-style-type: none"> • 1.0 FTE - Youth Development Coordinator • 1.0 FTE - Youth Development Officer Total 2.0 FTE (Reduction of 0.8 FTE)
Building Cost	Nil
Budget impact	<ul style="list-style-type: none"> • Staff – Nil as the two existing staff positions are currently budgeted for in 2015/16 • Savings of \$40,150 pa in property management and operational costs • Benefit of potential sale or rental of the Hallett Cove site

Option 2.

The Cove Youth Service co-locate with another youth organisation that is based at a more centrally located location.

Advantage	<ul style="list-style-type: none"> • Shared usage of a facility - therefore reduced cost • Combining resources with another locally based organisation can provide a better service to the community at a reduced cost • Maintains a youth dedicated site within the City of Marion • Ability to work in direct partnership with local youth organisations • Becoming a tenant of a site rather than an owner, can exit this arrangement as the community needs change • Cost would be less than Option 3
Disadvantage	<ul style="list-style-type: none"> • Costs would be higher than Option 1 • Need to identify a suitable site and partnering organisation • Initial reduced service to Hallett Cove area that will need to be managed • Consultation with young people, current partners and stakeholders will be required to manage the change • Support required for current users of the Cove Youth Service that will require re-location
Staff Required	<ul style="list-style-type: none"> • 1.0 FTE - Youth Service Coordinator • 1.0 FTE - Youth Development Officer Total 2.0 FTE (Reduction of 0.8 FTE)
Building Cost	Estimated \$17,000 pa to co-locate (rental and operational costs)
Budget impact	<ul style="list-style-type: none"> • Staff – Nil as the two existing staff positions are currently budgeted for in 2015/16 • Net savings of \$23,150 pa (\$40,150 in building operational costs of Hallett Cove site less the estimated \$17,000 pa to co-locate with another agency) • Benefit of potential sale or rental of the Hallett Cove site

Option 3.

Maintain the existing service based at the Hallett Cove location at the 2014 levels

Advantage	<ul style="list-style-type: none"> • Maintaining a youth dedicated site within the City of Marion that young people can identify with • Ability to collocate with a number of smaller youth organisations on one site • Autonomy over building spaces that can be changed to accommodate changing needs • Maintains a long established level of service in the Hallett Cove area
Disadvantage	<ul style="list-style-type: none"> • Cost and resources required to maintain the current Hallett Cove site represents the highest cost of all options • Resources clustered only in the southern region of Council
Staff Required	<ul style="list-style-type: none"> • 1.0 FTE - Youth Service Coordinator • 1.0 FTE - Youth Development Officer • 0.8 FTE - Operational Support Officer Total 2.8 FTE
Building Cost	\$40,150 pa – property related costs
Budget impact	Increase cost of \$74,184 to restore the 0.8 FTE position to the 2015/16 budget

Option One is recommended as it provides the most cost effective method of delivering the City of Marion Youth Plan with a whole of Council approach and is summarised as below.

Community Benefit

- Foster and demonstrate a greater whole of Council approach to youth services
- Resources being directed away from facility management to supporting greater community based initiatives that is, community capacity building

Cost Benefit

- \$40,150 pa savings on property related costs
- Sale or rental of the site and the ability to consider the future disposal of the Hallett Cove library and Cove Youth Service buildings as a whole

Table comparing staff and property costs of each option

	Option 1.	Option 2.	Option 3.
Staff Required	2.0 FTE	2.0 FTE	2.8 FTE
Property Costs	\$0	\$17,000	\$40,150
Total Estimated Budget	\$198,932	\$215,932	\$313,266

ANALYSIS:

Consultation

Industrial awards and enterprise agreements applying to the City of Marion require a consultative process to be undertaken with employees and their representative union where those employees will be impacted by the formulation of plans that have a direct impact on them. This requirement applies where the formulation of plans impacts on the composition, operation, size of the workforce or in the skills required, alteration of the hours of work, the need for retraining or transfer of employees to other work locations & the restructuring of jobs.

The purpose of these industrial arrangements is to provide an opportunity for employees and their union to have their viewpoints heard and taken into account prior to a decision being made.

Young people who may be disadvantaged by the move would need to be consulted to minimise the impact upon them and their families. Moving the Cove Youth Service would also require consultation with existing users of the building and to assist those users to locate to alternative premises. Organisations in the Hallett Cove area that would be affected by the move of the Cove Youth Service would need to be advised and their support sought to identify any areas that may disadvantage young people.

Financial Implications

The financial implications have been identified in this report. The two options of moving the youth services away from the Hallett Cove building provide ongoing savings to Council through the reduction of building costs and the potential sale or rental of the site with Option One delivering the most cost effective outcomes.

Resource (capacity) Impact

The option of moving the Cove Youth Services can be achieved with reduced resources.

CONCLUSION:

The Cove Youth Service has been providing a service to the Hallett Cove area for twenty years and since the adoption of the Youth Plan has been responsible for the delivery of the City of Marion Youth Plan 2012-16.

The Cove Youth Service has served the community well, but the recommended changes to the delivery of the Youth Plan by relocating the Cove Youth Services provides the opportunity to support the estimated 16,000 residents within the City of Marion that are under the age of 21, in an effective, innovative and efficient service structure that has a whole of Council approach.

**CITY OF MARION
GENERAL COUNCIL MEETING
26 May 2015**

Originating Officer: Mark Griffin, Unit Manager Engineering
Manager: Mathew Allen, Manager Infrastructure
Director: Kathy Jarrett
Subject: George Street & Dwyer Road Traffic Alternatives
Reference No: GC260515R11

REPORT OBJECTIVE AND EXECUTIVE SUMMARY:

In response to a petition requesting the installation of a 40 km/h speed limit along George Street and Dwyer Road and the subsequent Workshop involving residents of the Oaklands Park/Marion area, Council at its meeting dated 24 March 2015, resolved that:

- 1. Council prepare a report by the end of May 2015 containing costed options for alternative traffic treatments and devices for the local area in question*
- 2. Council endorses making a submission to the Department of Planning, Transport and Infrastructure (including the community consultation) to obtain approval for implementation of a 40 km/h precinct speed limit subject to the minimum level of survey support being 66% of those responding.*

This report is to provide Council information and costings in regards to the possible provision of various traffic control devices (as per point 1, above) which could be installed along George Street and Dwyer Road.

Please note that work has commenced in relation to the second Council resolution.

RECOMMENDATIONS (4):

That Council:	DUE DATES
1. Notes the report.	May 2015
2. Endorses Community Consultation for the development of three raised pavement sections along George Street, Dwyer Road and Crew Street to discourage through traffic and enhance pedestrian movements.	May 2015
3. Note funding of \$120,000 to allow for design, consultation and installation, for one raised pavement section to be installed at the junction of Finnis Street and George Street, Marion has been incorporated into the 2015/16 draft Traffic Capital works budget	May 2015

4. Refer the remaining raised pavement sections for inclusion In subsequent traffic capital works budgets

May 2015

BACKGROUND:

In 2013 as a result of community concerns Council undertook a Local Area Traffic Management study (LATM) of the area bounded by Marion Road, Sturt Road, Diagonal Road, the rail corridor and the Sturt River. While the study concluded that traffic volumes were higher than expected on the collector roads, treatment options were rejected by the community and an additional option of “Do Nothing” was suggested and favoured by residents. Subsequently a Report was presented to Council on the 12 November 2013 resulting in the following resolutions:

5. *Council note the report.*
6. *This LATM report is revisited by Council at the 1st Council meeting in July 2014 with the latest traffic counts and other related data for Crew Street, Dwyer Road and George Street, Oaklands Park.*

Simultaneously residents of George Street and Dwyer Road presented a petition to Council (consisting of 123 signatories) requesting the installation of a 40 km/h speed zone in the area and “Local Traffic Only” signs at all logical entry points. As a consequence Council resolved the following:

1. *Council note the Report.*
2. *Council staff to arrange the installation of “Local Traffic Only” signs at all logical entry points to the area.*
3. *Council staff to continue to monitor the situation and work with local residents in an attempt to solve particular problems being experienced.*
4. *Council staff to meet with the petition organiser to discuss future directions.*
5. *The petition organisers be advised of Council’s resolutions.*

The ‘Local Traffic Only’ signs have been installed.

A community workshop was held on the 10 September 2014 and was attended by 84 residents. Attendees broke into groups and were asked:

- What makes the traffic volumes so high in George Street and Dwyer Road?
- What can do done about the traffic volumes?

Subsequently attendees were asked to identify priorities, these were:

Priority	Issue / Treatment	Score
1	Construct the rail overpass at Oaklands	11
	Stop traffic entering the area	11
2	40 km/h speed limit	10
3	Slow points/chicanes	6
	Strategies to reduce through traffic	6
	Reduce local traffic speeds	6

A report dated 24 March 2015, detailing the outcomes of the Workshop, was then presented to Council for consideration.

DISCUSSION:

The provision of traffic control devices along both George Street and Dwyer Road is complex, in that the information obtained from the Local Area Traffic Management study and the Workshop have revealed competing views, namely:

- Reduce traffic and/or speeds by implementing traffic control devices
- Do not transfer traffic to other local streets in the network
- Do not restrict access and or mobility for local residents

With this in mind, various traffic control devices have been reviewed and their advantages, disadvantages and estimated costs are listed in **Appendix 1**.

It should be noted that the following treatments were excluded from consideration:

- **Speed Humps** – as these were previously installed in George Street in the 1990's which resulted in a transfer of traffic to Nixon Street and/or Oliphant Avenue. Subsequently at the request of residents in those streets, the humps were removed.
- **Road Closures** (both full and part) – various closure options were proposed as part of the LATM study conducted in the area however these treatments were rejected by the community.

EXTERNAL ANALYSIS:

Consultation:

While extensive consultation has been undertaken within the area as part of the Local Area Traffic Management study (2012) and the Workshop (2014) residents have not had the opportunity to comment on the installation of a particular device and proposed locations. Therefore it is considered appropriate that prior to the installation of any traffic control device(s) that community consultation should be undertaken.

INTERNAL ANALYSIS:

Funding Arrangements

During 2012/13 the original budget allocation was \$30,000. Of the original budget allocated in 2012/13 \$20,780 was not used and carried over into 2013/14.

In 2013/14 \$120,000 was allocated to capital works for design and installation of anticipated traffic control devices. As a result of the LATM study the budget for this project was not utilised and was handed back as part of 2nd budget review with the exception of \$30,000 which has been retimed into 2014/15 budget.

The draft 2015/2016 traffic capital works budget includes \$120,000 to allow for design, consultation and installation, for one raised pavement section to be installed at the junction of Finnis Street and George Street, Marion.

It is proposed that the design and construction of the remaining raised pavement sections be considered as part of 2016/2017 traffic capital works budget.

CONCLUSION:

In this circumstance it is important that the implementation of any traffic control device achieves several objectives, these being the reduction of through traffic along both George Street / Dwyer Road, not transferring traffic to other roads in the local network and maintaining access for local residents.

Accordingly, it is recommended that three Raised Pavement Sections be installed along the roads to reduce traffic volumes/speeds, enhance pedestrian movements and provide landscaping opportunities thus improving the environment. These raised pavement sections are proposed at the following locations:

- (1) The intersection of George Street & Finnis Street (this would also enhance the Marion Historic Village);
- (2) The 'S' bend at Boyle Street (linking with the laneways leading to the Kenton Reserve);
- (3) The junction Diagonal Way and Crew Street (to facilitate safe movement of pedestrians to the Oaklands Railway Station)

Appendix 1

Consideration of Traffic Control Devices George Street and Dwyer Road

Raised Pavement - is a section of roadway ramped up from the normal level of the street by approximately 90-100mm and extending for at least 6metres. It can be located either mid -block or across the apron of an intersection and usually installed in a series.

Along George Street and Dwyer Road, these devices could be used to enhance the amenity of the area and encourage pedestrian movements. There is possibly 3 raised pavement sections that could be implemented; (1) at George Street & Finnis Street (to enhance the Marion Historic Village), (2) at the 'S' bend at Boyle Street, (3) at Diagonal Way & Crew Street, to facilitate safe movement of pedestrians to the Oaklands Railway Station.

Advantages:

- ◆ Will reduce traffic speeds
- ◆ May reduce traffic volumes, including through traffic
- ◆ Possible landscaping opportunities, (depending on road width)
- ◆ The possible provision of WSUD treatments
- ◆ Can be used to enhance pedestrian movements
- ◆ Improve the amenity of the area

Disadvantages:

- ◆ May increase in noise level due to braking and accelerating
- ◆ May result in a reduction of on-street parking (depending on road width and design)
- ◆ Possible minor diversion of traffic to other streets

Estimated Cost - \$390,000 (for 3 devices)

Speed Cushions – these are similar to road humps however they occupy only part of the road way, usually in the centre of the driving lane. They are installed in a series, generally at 90 metre intervals.

On George Street and Dwyer Road, this would mean some 16 sets along the route (excluding Finnis Street). This treatment is unlikely to be supported by residents due to the previous installation of road humps in George Street, which were subsequently removed.

Advantages:

- ◆ A reduction of vehicle speeds to or just below the speed limit
- ◆ They are sympathetic to cyclist, buses and emergency vehicles

Disadvantages:

- ◆ An increase in traffic noise level around the cushion
- ◆ Not effective in reducing motorbike speeds
- ◆ Drivers can reduce the effect of the devices by straddling the cushion
- ◆ Unlikely to reduce traffic volumes
- ◆ Likely to result in a transfer of traffic to other streets

Estimated Cost - \$90,000 (16 sets)

Roundabouts – these devices are installed at intersections or junctions to control vehicles movements and improve safety.

There are 2 existing roundabouts along the route, possible further 3 locations could be; (1) the junction of Crew Street & Dwyer Road; (2) the junction of Boyle Street & Dwyer Road; (3) the intersection of George Street & Finnis Street.

The provision of a roundabout at the intersection of George Street & Finnis Street may adversely affect any future development of the Marion Historic Village in this location.

Advantages:

- ◆ A reduction in vehicles speeds at the device (50 metres prior to and after)
- ◆ A reduction in conflict
- ◆ Assist turning movements

Disadvantages:

- ◆ Increase in noise level due to braking and accelerating
- ◆ A reduction in on-street parking
- ◆ May require the purchase of land to accommodate the provision of the device
- ◆ Possible diversion of traffic to other streets
- ◆ May enhance traffic movements as they give priority to turning vehicles
- ◆ Limit access to those properties immediately adjacent to the roundabout
- ◆ Cyclists have difficulties safely negotiating a roundabout
- ◆ Costly to install

Estimated Cost - \$750,000 (for 3, however this does not including any land acquisition)

Angled Slow Points - (either single or two-way) - consist of triangular shaped islands on either side of the road which force drivers to undertake an 'S' movement. These devices are generally installed in lower volumes streets (local roads). They are installed in a series, at 80 to 120 metre intervals.

On George Street and Dwyer Road, this would mean the provision of some 15 sets along the route (excluding Finnis Street).

Advantages of Angled Slow Points include:

- ◆ Will reduce traffic speeds
- ◆ May reduce traffic volumes
- ◆ Minor landscaping opportunities (including WSUD)

Disadvantages of Angled Slow Points include:

- ◆ Increase in noise level due to braking and accelerating
- ◆ Minor restriction for emergency vehicles
- ◆ Will reduce on-street parking in the vicinity of devices
- ◆ Diversion of traffic to other streets
- ◆ Difficult for larger vehicles (trucks & buses) to negotiate
- ◆ Not suitable for narrow streets
- ◆ May relocate traffic to other streets
- ◆ High maintenance requirements

Estimated Cost - \$255,000 (15 sets)

Driveway Links - is a single lane two-way raised meandering path extending over two or more properties. The aim of the driveway link is to give the appearance of a closed road with a heavy reliance on the form and depth of the landscaping.

In this case, it is considered that at least three devices would be needed, on George Street east of Seccafien Ave, in the 'S' bend on Boyle Street and Dwyer Road west of Johnstone Road.

Advantages:

- ◆ A reduction in vehicle speed
- ◆ Discourage through traffic
- ◆ Visually enhanced street scape

Disadvantages:

- ◆ May restrict emergency vehicles
- ◆ Will reduce amount of on-street parking
- ◆ Minor inconvenience to local residents
- ◆ Possible increase in traffic noise due to braking and accelerating
- ◆ Confrontation between opposing drivers may occur and it may be unclear as to who gives way
- ◆ Difficulties can be experienced accessing the private driveways within the devices
- ◆ Not desirable on high traffic volumes roads, due to the on-way flows
- ◆ High level of maintenance required
- ◆ May relocate traffic to other streets
- ◆ Can restrict stormwater flows, resulting in water pooling

Estimated Cost - \$130,000 (for 3 devices)

Entry Statements – these are installed at intersections or junctions abutting a main road to provide a visual and tactile cue to drivers of entry into a residential environment.

This type of device would need installed at all main entry points – in this situation, possibility 7 locations (Finniss Street, Township Road, Pemberton Street, Lambton Street, Kelmscott Street, Trott Grove and Crew Street).

Advantages:

- ◆ Control turning movements into the street
- ◆ Improve appearance entering the area

Disadvantages:

- ◆ Generally there is minimal effect of driver behavior
- ◆ No evident that the devices reduce traffic volumes and/or speeds
- ◆ The amount of on-street parking will be reduced
- ◆ May effect property access in the vicinity of the device
- ◆ Can be mistaken as a pedestrian crossing – possibility hazardous as pedestrians may believe they have 'right of way' which they do not

Estimated Cost - \$95,000 (for seven)

NOTE:

- The estimated costs do not include the possible relocation of services, which in some incidences could double the costs. Detailed project cost can be established during the design process.
- The following treatments were excluded from consideration:
 - **Speed Humps** – as these were previously installed in George Street in the 1990's which resulted in a transfer of traffic to Nixon Street and/or Oliphant Avenue. Subsequently at the request residents in those streets, the humps were removed.
 - **Road Closures** (both full and part) – as these were proposed as part of the LATM study conducted in the area, however these treatments were rejected by the Community.

**CITY OF MARION
GENERAL COUNCIL MEETING
26 May 2015**

Originating Officer: Mark Griffin, Unit Manager Engineering
Corporate Manager: Mathew Allen, Manager Infrastructure
Director: Kathy Jarrett
Subject: Norfolk Road - Parking Consultation Report
Reference No: GC260515R12

REPORT OBJECTIVES:

The purpose of this report is to provide Council with information regarding the consultation undertaken in relation to the proposed parking restrictions on Norfolk Road, Marion.

EXECUTIVE SUMMARY:

At its meeting dated 24 March 2015, Council endorsed that community consultation should be undertaken in relation to the proposed installation of:

- A Loading Zone on the northern side of Norfolk Road, between Marion Road and Township Road; and
- A No Stopping Zone on the northern side of Norfolk Road opposite the entrance to Norfolk estate.

Subject to favourable consultation the zones should be installed.

The subsequent consultation (undertaken during April 2015) revealed the following:

- Loading Zone - the majority of residents were supportive of the provision of the Zone; (zone to be installed)
- No Stopping Zone – only one of the three abutting property owners (adjacent to the entrance to the Norfolk Estate) replied to the survey, indicating 'No'.

However, in regard to the No Stopping Zone it should be noted that 64 residents of the Norfolk Estate signed the petition requesting parking controls on one side of the road.

Therefore it is considered that the No Stopping Zone should be installed.

RECOMMENDATIONS (2)

That Council:

DUE DATES

- | | |
|---|-----------------|
| 1. Notes the report | May 2015 |
| 2. Endorses the installation of a No Stopping Zone on the northern side of Norfolk Road opposite the entrance to the Norfolk Estate. | May 2015 |

DISCUSSION:

On the 19 January 2015, Council received a petition requesting that the City of Marion mark yellow lines on both Township Road and Norfolk Road, Marion – such that parking only be permissible on one side of the road at any given point. This petition consisted of 150 signatories, with 64 from Norfolk Road (all from the Norfolk Estate), 32 from Township Road (30 of these from the Resthaven Unit complex) and 52 from other locations.

Subsequently, Council requested a report on the parking options available.

At its meeting dated 24 March 2015, Council resolved the following:

1. Endorses Option 1 for Township Road and Options 3 and 5 for Norfolk Road being:
 - Township Road - No change to existing controls – 'No Stopping Zone' along the western side of Township Road (from 7.30am to 5.00pm, Monday to Friday). Parking available on the eastern side.
 - Norfolk Road - no stopping zone on the northern side of Norfolk Road opposite the entrance to Norfolk estate and a Loading Zone on the northern side of Norfolk Road (adjacent the businesses), from 7.00am to 5.00pm Monday to Friday. No change to the remaining section of the road
2. Undertakes the necessary community consultation to implement Options 3 and 5 on Norfolk Road and subject to favourable consultation, proceed with the installation of a no stopping zone and the loading zone.
3. The petition organisers be advised accordingly.

The community consultation has been summarised below.

Treatment	Survey Details	Result
Loading Zone Northern side of Norfolk Road, between Marion Road and Township Road	11 Houses (southern side) 21 Business (northern side)	Majority supported the treatment
No Stopping Zone Northern side of Norfolk Road opposite to the entrance to the Norfolk Estate	3 affected properties adjacent to the entrance (northern side)	Only one survey returned, indicating No

Loading Zone

The community has been advised that the Loading Zone will be installed.

No Stopping Zone

The survey numbers do not include the 64 residents within the Norfolk Estate who signed the abovementioned petition requesting the implementation of parking controls such that parking is only permissible on one side of the road at any given point.

Funding

Funds are available in this year's minor traffic control budget to implement the loading zone and no stopping zone.

CONCLUSION:

The community consultation in relation to the implementation of parking restrictions along Norfolk Road (Loading Zone and a No Stopping Zone) has been undertaken in accordance with Council resolution dated 24 March 2015.

The Loading Zone was supported by the majority of residents and therefore will be installed.

In regard to the No Stopping Zone, only one of the abutting property owners replied to survey indicated 'No'. However as 64 residents of the Norfolk Estate signed a petition requesting parking controls it is considered that the No Stopping Zone opposite the entrance of the Norfolk Entrance should be installed.

**CITY OF MARION
GENERAL COUNCIL MEETING
26 MAY 2015**

Originating Officer: Deborah Horton, Unit Manager Executive Support

Corporate Manager: Kate McKenzie, Manager Governance

Director: Kathy Jarrett

Subject: Local Government (Accountability and Governance)
Amendment Bill 2015

Report Reference: GC260515R13

REPORT OBJECTIVES:

To inform Council of the draft *Local Government (Accountability and Governance) Amendment Bill 2015* (SA) (the Bill) proposing changes to the *Local Government Act 1999* (SA) (the Act) and to seek its views in order to provide feedback to the Local Government Association (the LGA) by **29 May 2015**.

EXECUTIVE SUMMARY:

Further to a discussion paper presented to and supported by Council in February 2015, the LGA has provided the Bill with some additional amendments for Council's consideration and response.

RECOMMENDATIONS (1)

DUE DATES

That Council:

- | | |
|---|--------------------|
| 1. Endorse the responses provided (Appendix 2) to be forwarded to the Local Government Association of South Australia by 29 May 2015 regarding the draft <i>Local Government (Accountability and Governance) Amendment Bill 2015</i> (SA) subject to any additional feedback provided in the general council meeting of the 26 May 2015. | 26 May 2015 |
|---|--------------------|

BACKGROUND

The Office of Local Government and the LGA released a discussion paper in February 2015 on proposals to amend the Act, with particular attention given to conflict of interest provisions, to inform the preparation of this Bill. This discussion paper was presented to Council at its meeting on the 24 February 2015 (GC240215R05) which Council supported.

Further to this discussion paper, the Bill has been drafted with proposed amendments aimed at improving, clarifying, or correcting minor technical matters to a number of governance functions undertaken by local government for Council to consider and provide feedback.

Responses from Councils regarding the Bill are encouraged by the LGA however, as the Minister is seeking to introduce this Bill to parliament in June 2015, the LGA have advised that there will be no further opportunity to introduce new proposals recommended by Councils as a part of this consultation. A new Bill is being considered for 2016 by the LGA to include other major policy proposals which should provide opportunity for the inclusion of any new matters this consultation reveals.

ANALYSIS:

Attached in appendix one is a table showing the key amendments to be made with a brief summary of comments from the LGA in one column, then another column allocated for Council comment.

The LGA have identified two clauses (listed below) seeking Council feedback due to a difference between the LGA proposal/feedback during development of the Bill and the Bill as it currently exists;

- Clause 4 – this clause was not the amendment proposed by the LGA. The LGA asked for the deletion of the requirement to publish in a state newspaper and replace it with the publication on the website.
- Clause 13 – The LGA's earlier submission strongly opposed this provision due to such information being included on the web indefinitely and council feedback is encouraged. If supported, such information would include:
 - income sources or employer of an Elected Member
 - the name of any political party, or association formed for political purposes of which the member is a member
 - any trade or professional organisation of which the member is a member
 - any hospitality or gifts received by the member.

CONCLUSION:

The Bill, to be administered through the Act and associated regulations provide for the legislative framework in which Councils operate. This framework is designed to provide for an open, accountable, efficient and effective sphere of government with broad powers, responsibilities and discretion in relation to local areas.

Appendix 1 - Analysis of '*Local Government (Accountability and Governance) Amendment Bill 2015*'

Access to the *Local Government (Accountability and Governance) Amendment Bill 2015* (SA) provided by hyperlink here: [Local Government \(Accountability and Governance\) Amendment Bill 2015](#)

Local Government (Accountability and Governance) Amendment Bill 2015 (SA)
Analysis of clauses for Council consultation

Appendix 1

#	Changes identified	LGA comment	Council comment
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4 – Amendment of Section 4 - Interpretation

	<p>public notice means notice published in the Gazette and in a newspaper circulating generally throughout the State;</p> <p>To now read:</p> <p>For the purposes of this Act, public notice is given if—</p> <p>(a) notice is published—</p> <p> (i) in the Gazette; and</p> <p> (ii) —</p> <p> (A) in the case of a notice to be published by a council—on a website determined by the chief executive officer; or</p> <p> (B) in the case of a notice to be published by another person or body—on a website determined by the person or body; and</p> <p>(b) notification of the fact of publication of the notice and the manner in which it may be accessed is published in a newspaper circulating generally throughout the State.</p>	<p>This is not the amendment proposed by the LGA. The LGA asked for the deletion of the requirement to publish public notices of Council in a State-wide newspaper and replace it with publishing on a website.</p>	<p>The amendment as written does not reflect the original intention to update the Act to reflect modern methods of publication. Do not support.</p>
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7 – Amendment of Section 48 – Prudential requirements for certain activities

48(1)(b) (i)	<p>To now read:</p> <p>(i) where the expected expenditure operating expenses calculated on an accrual basis of the council over the ensuing five years is likely to exceed 20 per cent of the council's average annual operating expenses over the previous five financial years (as shown in the council's financial statements); or</p>		<p>Support amendment as it provides a clearer definition regarding operating expenditure being on accruals rather than actual basis. This has no impact on the City of Marion.</p>
48(2)	<p>To insert after paragraph (i):</p> <p>(j) if the project involves the sale or disposition of land, the valuation of the land by a qualified valuer under the <i>Land Valuers Act 1994</i>.</p>		<p>Support amendment as it should be considered a prudential issue for any Section 48 Report. Ensuring that a valuation is carried out by an appropriately qualified person further strengthens the quality of financial information provided in the report.</p>

Local Government (Accountability and Governance) Amendment Bill 2015 (SA)
Analysis of clauses for Council consultation

Appendix 1

#	Changes identified	LGA comment	Council comment
9 – Amendment of section 54 – Casual vacancies			
54(1)(d)	<p>(d) is removed from office by the council on the ground that he or she has been absent, without leave of the council, from three or more consecutive meetings (the first of which having been held three months or more before the last); or</p> <p>To now read:</p> <p>(d) is removed from office by the council on the ground that he or she has been absent, without leave of the council, for a period of 12 weeks or more (commencing from the date that he or she was first absent from a council meeting without leave of the council);</p>	The trigger for a council vacancy to be created by a member failing to attend council meetings has been simplified to an absence of 12 weeks.	Support.
10 – Amendment of section 62 – General duties			
62(4)	<p>To insert after paragraph 62(4):</p> <p>(4a) A member or former member of a council must not knowingly disclose information or a document, in relation to which there is an order of a council or council committee in effect under section 90 requiring the information or document to be treated confidentially.</p> <p>Maximum penalty: \$10 000 or 2 years imprisonment.</p> <p>(4b) Nothing in subsection (4a) prohibits the disclosure of information or a document is required or authorised by law.</p>	General duties now include a prohibition on disclosing material that is the subject of a confidentiality order under s90 of the Local Government Act.	Support.
11 – Substitution of section 67 – Form and content of returns			
67	<p>A member of a council who has submitted a return under this Division may at any time notify the chief executive officer of a change or variation in the information appearing on the Register in respect of the member or a person related to the member within the meaning of Schedule 3.</p> <p>To now read:</p> <p>(1) A member of a council who has submitted a return under this Division must notify the chief executive officer of a change or variation in the information appearing on the Register in respect of the member or a person related to the member (within the meaning of Schedule 3) within 1 month of the change or variation.</p>	Primary or ordinary returns must be updated by a member within 30 days of a change or variation to the information contained in the return.	Support.

Local Government (Accountability and Governance) Amendment Bill 2015 (SA)
Analysis of clauses for Council consultation

Appendix 1

#	Changes identified	LGA comment	Council comment
	<p>Maximum penalty: \$10 000.</p> <p>(2) It is a defence to a prosecution for an offence against subsection (1) to prove that the member did not know, and could not reasonably be expected to have known, of the relevant change or variation.</p>		
12 – Amendment of section 68 – Register of Interests			
68(4)(a)(b)	<p>To insert after paragraph 68(3):</p> <p>(4) Despite this Division and Schedule 3, if the chief executive officer is satisfied that—</p> <p>(a) the inclusion in the Register of the address of a person would place at risk the personal safety of that person, a member of that person's family or any other person, the chief executive officer may suppress the address from the Register; or</p> <p>(b) a person's address is suppressed from the roll under the <i>Electoral Act 1985</i>, the chief executive officer must suppress the person's residential address from the Register.</p>	A member's address can be suppressed from the member's return where there may be a risk to personal safety.	Support.
13 – Amendment of section 70 – Inspection of Register			
70(a1)	<p>To insert before paragraph (1):</p> <p>(a1) A council must publish, in accordance with the regulations, the following details in relation to each member of the council contained in the Register on a website determined by the chief executive officer (and cause the details on the website to be updated at regular intervals):</p> <p>(a) the member's income sources or employer;</p> <p>(b) the name of any political party, anybody or association formed for political purposes or any trade or professional organisation of which the member is a member;</p> <p>(c) any hospitality benefits received by the member;</p> <p>(d) any gifts received by the member.</p>	Requires a council to publish certain information provided by a member on the council's website, including income sources and memberships of political parties, etc. The LGA's earlier submission strongly opposed this provision.	Do not support.

Local Government (Accountability and Governance) Amendment Bill 2015 (SA)
Analysis of clauses for Council consultation

Appendix 1

#	Changes identified	LGA comment	Council comment
70(3)	To delete: (3) However, an application to inspect the Register or to obtain a copy of the Register (other than by a member of the council) must be made in writing to the chief executive officer.		Do not support.
70(4)	To delete: (4) A member of the council is entitled at any reasonable time to inspect an application made under subsection (3).		Do not support.
14 – Substitution of Chapter 5 Part 4 Division 3 – Material conflicts of Interest (73)			
73	<p>(1) A member of a council has an interest in a matter before the council if—</p> <p>(a) the member or a person with whom the member is closely associated would, if the matter were decided in a particular manner, receive or have a reasonable expectation of receiving a direct or indirect pecuniary benefit or suffer or have a reasonable expectation of suffering a direct or indirect pecuniary detriment; or</p> <p>(b) the member or a person with whom the member is closely associated would, if the matter were decided in a particular manner, obtain or have a reasonable expectation of obtaining a non-pecuniary benefit or suffer or have a reasonable expectation of suffering a non-pecuniary detriment, (not being a benefit or detriment that would be enjoyed or suffered in common with all or a substantial proportion of the ratepayers, electors or residents of the area or a ward or some other substantial class of persons).</p> <p>(2) A person is closely associated with a member of a council—</p> <p>(a) if that person is a body corporate of which the member is a director or a member of the governing body; or</p> <p>(b) if that person is a proprietary company in which the member is a shareholder; or</p> <p>(c) if that person is a beneficiary under a trust or an object of a discretionary trust of which the member is a trustee; or</p> <p>(d) if that person is a partner of the member; or</p> <p>(e) if that person is the employer or an employee of the member; or</p>	<p>Repeal of existing conflict of interest provisions and the substitution of new provisions. These proposals were consulted on earlier this year in a discussion paper (GC240215R05). The provisions divide conflict of interest into two key types;</p> <ol style="list-style-type: none"> 1. Material conflict of interest. 2. Other conflicts of interest. <p>The first is the more serious with criminal penalties attached. The second is less serious and would be treated as an administrative failure.</p>	Support.

Local Government (Accountability and Governance) Amendment Bill 2015 (SA)
Analysis of clauses for Council consultation

Appendix 1

#	Changes identified	LGA comment	Council comment
	<p>(f) if that person is a person from whom the member has received or might reasonably be expected to receive a fee, commission or other reward for providing professional or other services; or</p> <p>(g) if that person is a relative of the member.</p> <p>(3) A member of a council who is a member, officer or employee of an agency or instrumentality of the Crown, will be regarded as having an interest in a matter before the council if the matter directly concerns that agency or instrumentality but otherwise will not be regarded as having an interest in a matter by virtue of being a member, officer or employee of the agency or instrumentality.</p> <p>(4) In this section—</p> <p>agency or instrumentality of the Crown includes—</p> <p>(a) an administrative unit of the Public Service;</p> <p>(b) a body corporate comprised of, or including or having a governing body comprised of or including, a Minister or Ministers of the Crown or a person or persons appointed by the Governor or a Minister or other agency or instrumentality of the Crown.</p> <p>To now read:</p> <p>(1) Subject to this section, for the purposes of this Subdivision, a member of a council has a material conflict of interest in a matter to be discussed at a meeting of the council if any of the following persons stands to gain a benefit, or suffer a loss, (whether directly or indirectly and whether of a personal or pecuniary nature) depending on the outcome of the consideration of the matter at the meeting:</p> <ul style="list-style-type: none"> (a) the member; (b) a relative of the member; (c) a body corporate of which the member is a director or a member of the governing body; (d) a proprietary company in which the member is a shareholder; (e) a beneficiary under a trust or an object of a discretionary trust of which the member is a trustee; (f) a partner of the member; 		

Local Government (Accountability and Governance) Amendment Bill 2015 (SA)
Analysis of clauses for Council consultation

Appendix 1

#	Changes identified	LGA comment	Council comment
	<p>(g) the employer or an employee of the member;</p> <p>(h) a person from whom the member has received or might reasonably be expected to receive a fee, commission or other reward for providing professional or other services; a person of a prescribed class.</p> <p>(2) Despite subsection (1), a member of a council will be taken not to have a material conflict of interest in a matter to be discussed at a meeting of the council—</p> <p>(a) if the relevant benefit or loss is no greater than that of other persons in the council area; or</p> <p>(b) on account of an interest under that subsection of a relative of the member, other than the member's spouse or domestic partner, if the member does not know, and could not reasonably be expected to know, of the interest.</p>		
14 – Substitution of Chapter 5 Part 4 Division 3 – Dealing with material conflicts of interest (74)			
74	<p>74—Members to disclose interests</p> <p>(1) A member of a council who has an interest in a matter before the council must disclose the interest to the council.</p> <p>(2) A member in making a disclosure under subsection (1) must provide full and accurate details of the relevant interest.</p> <p>(3) A disclosure made under subsection (1) must be recorded in the minutes of the council (including details of the relevant interest).</p> <p>(4) A member of a council who has an interest in a matter before the council must not—</p> <p>—(a) propose or second a motion relating to the matter; or</p> <p>—(b) take part in discussion by the council relating to that matter; or</p> <p>—(c) while such discussion is taking place, be in, or in the close vicinity</p>	<p>Repeal of existing conflict of interest provisions and the substitution of new provisions. These proposals were consulted on earlier this year in a discussion paper (GC240215R05). The provisions divide conflict of interest into two key types;</p> <ol style="list-style-type: none"> 1. Material conflict of interest. 2. Other conflicts of 	Support.

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#	Changes identified	LGA comment	Council comment
	<p>of, the room in which or other place at which that matter is being discussed; or (d) vote in relation to that matter.</p> <p>(4a) The following qualifications apply: (a) subsections (1) and (4) do not apply — — (i) to questions relating to allowances or benefits that a council is empowered to pay to, or confer on, members, their spouses, domestic partners or members of their families; or — (ii) to matters of a class exempted by regulation from the provisions of those subsections; or — (iii) to matters in relation to which the Minister has granted an exemption from the provisions of those subsections;</p> <p>(b) a member of a council who has disclosed an interest under subsection (1) may, by permission of the council, attend during proceedings of the council on the relevant matter in order to ask or answer questions, provided that the meeting is open to the public, the member withdraws from the room after asking or answering the questions, and the member does not in any other way take part in any debate or vote on the matter;</p> <p>(4b) In addition, subsection (4) does not apply in a case where the interest of the member arises because of 1 or both of the following circumstances: — (a) the member or a person closely associated with the member is a member of, or director or member of the governing body of, a non-profit association; — (b) the member or a person closely associated with the member is a member of a body (whether incorporated or unincorporated) comprised of or including, or having a governing body comprised of or including, a person or persons appointed or nominated by the council.</p>	<p>interest. The first is the more serious with criminal penalties attached. The second is less serious and would be treated as an administrative failure.</p>	

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#	Changes identified	LGA comment	Council comment
	<p>(4) The fact that a member or members of a council have failed to comply with this section in relation to a particular matter does not, of itself, invalidate a resolution or decision on that matter but, if it appears that the non-compliance may have had a decisive influence on the passing of the resolution or the making of the decision, the District Court may, on the application of the council, the Minister or a person affected by the resolution or decision, annul the resolution or decision and make such ancillary or consequential orders as it thinks fit.</p> <p>(6) In this section— non-profit association means a body (whether corporate or unincorporate)— (a) that does not have as its principal object or one of its principal objects the carrying on of a trade or the making of a profit; and (b) that is so constituted that its profits (if any) must be applied towards the purposes for which it is established and may not be distributed to its members, and includes the LGA.</p> <p>To now read: 74—Dealing with material conflicts of interest (1) If a member of a council has a material conflict of interest in a matter to be discussed at a meeting of the council, the member must— (a) inform the meeting of the member's material conflict of interest in the matter; and (b) leave the meeting room (including any area set aside for the public), and stay out of the meeting room while the matter is being discussed and voted on.</p> <p>Maximum penalty: (a) if the member votes on the matter with an intention to gain a benefit, or avoid a loss, for the member or another person—\$15 000 or 4 years imprisonment; or</p>		

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#	Changes identified	LGA comment	Council comment
	<p>(b) in any other case—\$5 000.</p> <p>(2) However, a member of the council does not contravene subsection (1) by taking part in the meeting, or being in the chamber where the meeting is being conducted, if the member—</p> <p>(a) has been granted an approval under subsection (3); and</p> <p>(b) is complying with the conditions of the approval.</p> <p>(3) The Minister may grant an approval in writing to a member of the council to take part in the meeting, or to be in the chamber where the meeting is being conducted, if—</p> <p>(a) because of the number of members subject to the obligation under this section, conduct of the meeting would be obstructed if the approval were not given; or</p> <p>(b) it appears to the Minister to be in the interests of the council's community and area.</p> <p>(4) The Minister may grant an approval under subsection (3) subject to any conditions determined by the Minister.</p> <p>(5) If a member of a council discloses a material conflict of interest or a potential material conflict of interest in a matter to be discussed at a meeting of the council, the following details must be recorded in the minutes of the meeting and on a website determined by the chief executive officer:</p> <p>(a) the member's name;</p> <p>(b) the nature of the interest or potential interest, as described by the member;</p> <p>(c) if the member took part in the meeting, or was in the chamber during the meeting, under an approval under subsection (3), the fact that the member took part in the meeting, or was in the chamber during the meeting (as the case requires).</p> <p>(6) This section does not apply to a matter of ordinary business of the council of a kind prescribed by regulation for the purposes of this section.</p>		

Local Government (Accountability and Governance) Amendment Bill 2015 (SA)
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#	Changes identified	LGA comment	Council comment
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Substitution of Chapter 5 Part 4 Division 3 – Subdivision 2 - Other conflicts of interest (75)

75	<p>75—Application of Division to members of committees and subsidiaries (1) The provisions of this Division extend to committees and to members of committees established by councils as if— —(a) a committee were a council; and —(b) a member of a committee were a member of a council.</p> <p>(2) The provisions of this Division extend to subsidiaries and to board members of subsidiaries as if— —(a) a subsidiary were a council; and —(b) a board member of a subsidiary were a member of a council.</p> <p>To now read:</p> <p>75—Other conflicts of interest</p> <p>(1) In this subdivision— actual conflict of interest—see section 75A(1)(a); conflict of interest—see subsections (2) and (3); perceived conflict of interest—see section 75A(1)(b).</p> <p>(2) For the purposes of this Subdivision, a conflict of interest is a conflict between— (a) a member of a council's interests (whether direct or indirect personal or pecuniary); and (b) the public interest, that might lead to a decision that is contrary to the public interest.</p> <p>(3) However, a member of a council— (a) who takes part in an engagement with a community group, sporting club or similar organisation in his or her capacity as a member; or; (b) who is a member of a community group, sporting club or similar</p>	<p>Repeal of existing conflict of interest provisions and the substitution of new provisions. These proposals were consulted on earlier this year in a discussion paper (GC240215R05). The provisions divide conflict of interest into two key types;</p> <ol style="list-style-type: none"> 1. Material conflict of interest. 2. Other conflicts of interest. <p>The first is the more serious with criminal penalties attached. The second is less serious and would be treated as an administrative failure.</p>	<p>Support.</p>
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#	Changes identified	LGA comment	Council comment
	<p>organisation (if the councillor is not an office holder for the group, club or organisation); or</p> <p>(c) who studied at a particular school or who is or was involved with a particular school as parent of a student at the school; or</p> <p>(d) who is nominated by a council to be, or appointed as, a member of a board of a corporation or other association, will not be taken to have a conflict of interest in a matter for the purposes of this subdivision by reason only of the engagement, membership, study, involvement, nomination or appointment (as the case requires).</p> <p>75A—Dealing with other conflicts of interest</p> <p>(1) If, in relation to a matter to be discussed at a meeting of a council, a member of the council—</p> <p> (a) has a conflict of interest in the matter (an actual conflict of interest); or</p> <p> (b) could reasonably be taken, from the perspective of an impartial, fair-minded person, to have a conflict of interest in the matter (a perceived conflict of interest), the member must deal with the actual or perceived conflict of interest in a transparent and accountable way.</p> <p>(2) Without limiting subsection (1), the member must inform the meeting of—</p> <p> (a) the member's personal interests in the matter; and</p> <p> (b) if the member participates in the meeting in relation to the matter, how the member intends to deal with the actual or perceived conflict of interest.</p> <p>(3) If a quorum at a meeting cannot be formed because a member of a council proposes to exclude himself or herself from the meeting in order to comply with subsection (1), the member will not be taken to have contravened subsection (1) by participating (including by voting, for example) in the meeting in relation to the matter if the attendance of the member, together with any other required number of members,</p>		

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	<p>forms a quorum for the meeting.</p> <p>(4) If a member of a council discloses an actual or perceived conflict of interest a matter to be discussed at a meeting of the council, the following details must be recorded in the minutes of the meeting and on a website determined by the chief executive officer:</p> <ul style="list-style-type: none"> (a) the member's name; (b) the nature of the interest, as described by the member; (c) the manner in which the member dealt with the actual or perceived conflict of interest; (d) if the member voted on the matter, the manner in which he or she voted; (e) the manner in which the majority of persons who were entitled to vote at the meeting voted on the matter. <p>(5) To avoid doubt, it is declared that non-participation in a meeting of a council is not the only way in which a member of the council may appropriately deal in a transparent and accountable way with an actual or perceived conflict of interest of the member in a matter to be discussed at the meeting.</p> <p>(5) This section does not apply to a matter of ordinary business of the council of a kind prescribed by regulation for the purposes of this section.</p> <p>Subdivision 3—Other matters</p> <p>75B—Application of Division to members and meetings of committees and subsidiaries</p> <p>(1) The provisions of this Division extend to committees and to members of committees established by councils as if—</p> <ul style="list-style-type: none"> (a) a committee were a council; and (b) a member of a committee were a member of a council. <p>(2) The provisions of this Division extend to subsidiaries and to board members of subsidiaries as if—</p> <ul style="list-style-type: none"> (a) a subsidiary were a council; and 		

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#	Changes identified	LGA comment	Council comment
	(b) a board member of a subsidiary were a member of a council.		
15 – Amendment of section 76 - Allowances			
76(8)	<p>To now read:</p> <p>(8) An allowance determined under this section will, in relation to the members of a particular council, take effect from the first ordinary meeting of the council held after the conclusion of the relevant periodic election. be payable for the period -</p> <p>(a) commencing on the conclusion of the relevant periodic election; and</p> <p>(b) concluding at the time at which the last result of the next periodic elections is certified by the returning officer under the <i>Local Government (Elections) Act 1999</i> (even in respect of a particular member of the council for whom the conclusion of the next periodic elections is, for the purposes of this Act (other than this section), the last business day before the second Saturday of November of the year of the elections as a result of the operation of section 4(2)(a)).</p>	<p>This change is designed to overcome the anomaly of the hiatus in the payment of members' allowances after an election and the different commencement dates for the new allowance. Under this provision, the current allowances would continue to be paid to members until certification of the election, including for uncontested candidates who are deemed to be elected at the close of polling. Following the certification of the last results of the election, the new allowance will commence. There will no longer be a requirement for the new allowance to commence from the first council meeting after the election.</p>	Support.

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#	Changes identified	LGA comment	Council comment
76(11)	To now read: (11) A Subject to subsection (8), a member of a council who holds an office for part only of the period in respect of which an allowance is payable is entitled to the proportion of the allowance that the period for which the member held the office bears to the total period.	Minor amendment.	Support.
17 – Amendment of section 90 – Meetings to be held in public except in special circumstances			
90(4)	To insert after paragraph (b): or (c) involve discussion of a matter that is controversial within the council area or the State; or (d) arouse strong feelings or reaction within the council area or the State; or (e) make the council susceptible to adverse criticism.	This provision requires council to develop a policy on managing 'informal gatherings'.	Support.
90(7)	To now read: (6) If an order is made under subsection (2), a note must be made in the minutes of the making of the order and of the grounds on which it was made as to – (a) the grounds on which the order was made; and (b) the basis on which the information or matter to which the order relates falls within the ambit of each ground on which the order was made; and (c) if relevant, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest.	This provision requires council to develop a policy on managing 'informal gatherings'	Support.
90(8)	To be inserted after subsection (8): (8a) In addition, an informal gathering or discussion under subsection (8) may only be held if- (a) the council has adopted a policy on the holding of informal gatherings or discussions; and (b) the informal gathering or discussion complies with the policy. (8b) A policy adopted under subsection (8a) must comply with any requirements prescribed by the regulations, and the regulations may	This provision requires council to develop a policy on managing 'informal gatherings'	Support.

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#	Changes identified	LGA comment	Council comment
	<p>(for example) include requirements that the policy provide for-</p> <p>(a) the imposition of limitations on the holding of informal gatherings or discussions; and</p> <p>(b) procedures for approval of information gatherings or discussions; and</p> <p>(c) the capacity of the council to impose conditions on an approval. and</p> <p>(8c) A council may from time to time alter its policy, or substitute a new policy.</p> <p>(8d) A person is entitled to inspect (without charge) a policy under subsection (8a) at the principal office of the council during ordinary office hours.</p> <p>(8e) A person is entitled, on payment of a fee fixed by the council, to a copy of a policy under subsection (8a).</p>		
19 – Amendment of section 97 – Vacancy in office			
97(4)	<p>To insert after subsection (3):</p> <p>(4) Subject to subsection (5), a chief executive officer who resigns under subsection (2)(a) may, before the date that the resignation takes effect, withdraw the resignation by notice in writing.</p> <p>(5) A withdrawal under subsection (4) is void and of no effect unless the council, by resolution, concurs in the withdrawal.</p>	Minor amendment.	Support.
20 – Insertion of section 110A – Duty to protect confidential information			
110A	<p>To insert after section 110:</p> <p>(1) An employee or former employee of a council must not disclose information or a document, in relation to which there is an order of a council or council committee in effect under section 90 requiring the information or document to be treated confidentially. Maximum penalty: \$10 000 or 2 years imprisonment.</p> <p>(2) Nothing in subsection (1) prohibits the disclosure of information or a document where the disclosure is required or authorised by law.</p>	This is a new provision prohibiting council employees or former employees disclosing material that is the subject of a confidentiality order under s90 of the Local Government Act.	Support.

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#	Changes identified	LGA comment	Council comment
22 – Amendment of section 123 – Annual business plans and budgets			
123(4)(a)	To now read: (a) the publication in a newspaper circulating within the area of the council and on a website determined by the chief executive officer of a notice informing the public of the preparation of the draft annual business plan and inviting interested persons—	Minor amendment.	Support.
123(5)	To now read: (5) The council must ensure that copies of the draft annual business plan are available at the meeting under subsection (4)(a)(i), and for inspection (without charge) and purchase (on payment of a fee fixed by the council) at the principal office of the council and on the website at least 21 days before the date of that meeting.	Minor amendment.	Support with the suggestion to change the wording 'and on a website' to ' and on a website determined by the chief executive officer ' to be consistent with s123 (a) and (c).
123(9)	To insert after paragraph (b): and (c) ensure that electronic copies of the annual business plan and the budget (as adopted) are published on a website determined by the chief executive officer.	Minor amendment.	Support.
25 – Amendment of section 161 – Rebate of rates – community services			
161(1)	To insert after subsection (1): (1a) Subsection (1) does not apply to rates on land being predominantly used for the provision of prescribed accommodation by a community housing provider registered under the Community Housing Providers National Law. (1b) For the purposes of subsection (1a), prescribed accommodation means accommodation— (a) where the responsibility for the management and control of the accommodation is, or has been, transferred from the South Australian Housing Trust to the community housing provider; and (b) which is identified (either individually or as a class) by the Minister responsible for the South Australian Housing Trust Act 1995 by notice published in the Gazette as prescribed accommodation for the purposes of subsection (1a).		Support. This amendment refers to the Council's legal requirement to provide a 75% rebate of rates on land being predominantly used for service delivery of administration by a community service organisation. Currently we receive 100% rates from property held by South Australia Housing Trust (SAHT). Should this amendment <u>not</u> be enacted the City of Marion would be legally obliged under the Act to provide a 75% rebate of rates to community housing provider in receipt of the large transfer of properties (in the order of 600 houses) from SAHT. This is

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			a welcome amendment and will offer Council's with large stocks of SAHT properties relief against a considerable loss of rating income on these large block transfers. Supporting this amendment could have a favourable financial impact on Council up to an estimated \$415K in 2015/16.
26 – Amendment of section 169 – Objections to valuations made by council			
169(1)(b)	To delete: (b) apply to SACAT for a review of the valuation.	Amendments ensure that any valuation objections against valuations by a valuer employed or engaged by a council must be lodged with the council (unless the objection is based on an error of law). This prevents an objector from seeking a first review by SACAT, rather than a first review by Council.	Support.
169(15)	(15) If an objector, or the council, is dissatisfied with the valuation after the further review, the objector or the council may apply to SACAT for a review of the valuation. To now read: (15) A person who is dissatisfied with— (a) the decision of a valuer on reconsideration of a valuation on an objection under subsection (1)(a); or (b) the decision of a valuer after a further review on a request under subsection (8),	(See comment above)	Support.

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	may apply to SACAT for a review of the decision. (15aa) However, the right of review conferred by subsection (15)(a) may not be exercised by the council.		
169(15a)	(15a) In connection with the operation of subsections (1)(b) and 15 — To now read: (15a) In connection with the operation of subsection (15) —	(See comment above)	Support.
169(15a)	(a) an application for a review by SACAT must be made— To now read: (a) an application for a review by SACAT must be made within 21 days after the applicant receives notice of the relevant decision (unless SACAT, in its discretion, allows an extension of time for making the application); and	(See comment above)	Support.
27 – Amendment of section 174- Inspection of assessment record			
174(3)	To insert after subsection (2): (2) A person who inspects the assessment record or obtains a copy of an entry made in the assessment record under this section must not use the information so obtained for advertising or marketing activities for commercial purposes. Maximum penalty: \$10 000	This amendment makes it an offence to use information from assessment records from being used for commercial or marketing purposes.	Support. Whilst a welcome amendment, the monitoring and enforcement of this provision may prove difficult.

**CITY OF MARION
GENERAL COUNCIL MEETING
26 May 2015**

Originating Officer: Pauline Corcoran, Elected Member Support Officer

Director: Kathy Jarrett

Corporate Manager: Kate McKenzie, Manager Governance

Subject: Nominations Sought for the Storm Water Management Authority

Reference No: GC260515R14

REPORT OBJECTIVE:

The purpose of this report is to determine if Council wish to submit any nominations in response to the Local Government Association of SA (LGA) call for a Presiding Member and Members on the Storm Water Management Authority (SMA) (circular 19.2).

The call for nominations is at the request of the Minister for Local Government. Appointments to the SMA are for a 12 month term concluding on June 30, 2016.

Nominations must be forwarded to the LGA by close of business 1 June 2015.

Councillor Raelene Telfer has nominated Glynn Ricketts to the Storm Water Management Authority.

RECOMMENDATIONS (3)

DUE DATES

That Council:

- | | |
|--|--------------------|
| 1. Notes the report Nominations Sought for the Storm Water Management Authority GC260515R0 | 26 May 2015 |
| 2. Nominates Mr Glynn Rickets, Water Resources Coordinator, to the LGA for consideration as a Local Government Member on the Storm Water Management Authority | 26 May 2015 |
| 3. Administration forwards the above nomination/s to the Local Government Association by 1 June 2015. | 1 Jun 2015 |

BACKGROUND / ANALYSIS

The Stormwater Management Authority (SMA) is established pursuant to Schedule 1A of the *Local Government Act 1999* to facilitate and coordinate stormwater management planning by Councils and to ensure relevant public authorities cooperate in relation to facilitating this outcome.

The Presiding Member of the Authority Board is appointed by the Governor from a panel of three (3) people nominated by the LGA.

The LGA must now provide three (3) nominations to the Minister for consideration for appointment as the Presiding Member of the SMA Board.

The LGA must also provide three (3) nominations for Board Members, each nominee representing northern metropolitan Councils, southern metropolitan Councils and non-metropolitan Councils.

The SMA Board also comprises of another three (3) Members appointed on the nomination of the Minister. At least one (1) Member of the board must be a woman and at least one (1) Member must be a man.

The functions of the SMA are:

- (a) to liaise with relevant public authorities with a view to ensuring the proper functioning of the State's stormwater management system;
- (b) to facilitate and co-ordinate stormwater management planning by Councils;
- (c) to formulate policies and provide information to councils in relation to stormwater management planning (including policies and information promoting the use of stormwater to further environmental objectives and address issues of sustainability including the use of stormwater for human consumption, for the maintenance of biodiversity and other appropriate purposes);
- (d) to facilitate programs by councils promoting the use of stormwater to further environmental objectives and address issues of sustainability including the use of stormwater for human consumption, for the maintenance of biodiversity and other appropriate purposes;
- (e) to undertake functions in accordance with Division 3 in relation to stormwater management plans;
- (f) to administer the Fund in accordance with Division 5;
- (g) to ensure that relevant public authorities co-operate in an appropriate fashion in relation to stormwater management planning and the construction and maintenance of stormwater management works;
- (h) to undertake stormwater management works in circumstances provided for by this Schedule;
- (i) to provide advice to the Minister in relation to the State's stormwater management system.

The remuneration of eligible members of the SMA Board is \$18,574 per annum for the Presiding Member and \$12,383 per annum for Board Members. Remuneration is not payable

to a member who has been appointed as an officer or employee of a Public Authority (ie Council).

The SMA normally meets every second month during business hours, and some site visits may be required. The appointment is for a 12-month term concluding on 30 June 2016.

Nominations addressing the Selection Criteria provided in **Appendix 1** must be forwarded to the LGA by a Council using the attached form (**Appendix 2 or 3**) by close of business on 1 June 2015.

The LGA Executive Committee will consider nominations received at its meeting on Thursday 18 June 2015.

CONCLUSION:

If Council wish to submit a nomination to the LGA for the Storm Water Management Authority, all appropriate documentation will be forwarded to the LGA by 1 June 2015.

Appendix 1 – Selection criteria
Appendix 2 - Nomination form – Presiding Member
Appendix 3 – Nomination form - Member

Nominations to Outside Bodies



PART A

Name of Body	Stormwater Management Authority (SMA)
Legal Status of Body	Statutory Authority
Summary Statement	The Stormwater Management Authority is established under Schedule 1A of the <i>Local Government Act 1999</i> . The Authority oversees stormwater management planning on a catchment basis including priority works and funding arrangements.
<u>SELECTION CRITERIA FOR MEMBERSHIP ON OUTSIDE BODIES</u> The following selection criteria must be addressed when completing Part B	
Qualifications Required <i>(formal qualifications relevant to the appointment)</i>	Qualifications in disciplines relevant to public administration and stormwater management would be desirable.
Industry Experience	Relevant experience in public administration and stormwater management.
Special Condition	The State Executive Committee (now the LGA Board) has determined that nominees for the position of Presiding Member for the SMA should not be a currently serving Council Member or Local Government employee.
Board / Committee Experience	Extensive experience serving on high level intergovernmental boards or committees is essential. Previous experience as a presiding member of such boards or committees is highly desirable.
Key Expertise <i>(other relevant experience i.e. those requirements established for a Board/Committee under an Act)</i>	Knowledge of current policy and funding issues associated with stormwater management and flood mitigation in South Australia. Understanding of Local and State Government decision making processes. Ability to preside over high level board meetings, provide leadership, facilitate problem solving and negotiate agreed outcomes with Local and State Government stakeholders.
<u>LIABILITY AND INDEMNITY COVER</u> The LGA requires that representatives on outside bodies be appropriately insured throughout the period of their appointment and seeks to collect details of the insurances provided by that organisation (on an annual basis)	
Insurance information (Certificates of Currencies or equivalent) supplied by the Outside Body	Yes
Insurance Policies are Valid & Current	Yes

Nominations to Outside Bodies

PART B: This form must be completed by Council electronically and emailed as a WORD document to:
lisa.colquhoun@lga.sa.gov.au
 (Nominee's details must not exceed this single page)

Name of Body: Stormwater Management Authority - Presiding Member

Council Name:			
Full Name of Nominee:			
Position/Title:			
Address:			
Work Phone:		Facsimile:	
A/H Phone:		Mobile:	
Email:			
1. <u>Summary of relevant skills, knowledge and/or experience</u>			
2. <u>Other comments in relation to this role</u>			

DO NOT EXCEED ONE PAGE

An email confirming receipt of your nomination will be forwarded

Nominations to Outside Bodies

PART B: This form must be completed by Council electronically and emailed as a WORD document to:
lisa.colquhoun@lga.sa.gov.au
 (Nominee's details must not exceed this single page)

Name of Body: Stormwater Management Authority - Presiding Member

Council Name:			
Full Name of Nominee:			
Position/Title:			
Address:			
Work Phone:		Facsimile:	
A/H Phone:		Mobile:	
Email:			
1. <u>Summary of relevant skills, knowledge and/or experience</u>			
2. <u>Other comments in relation to this role</u>			

DO NOT EXCEED ONE PAGE

An email confirming receipt of your nomination will be forwarded

**CITY OF MARION
GENERAL COUNCIL MEETING
26 May 2015**

Originating Officer: David Harman, Financial Accountant
Corporate Manager: Ray Barnwell, Manager Finance
Director: Vincent Mifsud
Subject: Finance Report – April 2015
Report Reference: GC260515R15

REPORT OBJECTIVES AND EXECUTIVE SUMMARY:

This report provides Council with information relating to the management of financial resources under its control as at April 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 – April 2015”.**

26 May 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**

	2014/15 Actual + Committ YTD 30/04/2015	2014/15 Budget	Project Cost At Completion
Income			
Federal Budget Grant 2011-12 Contribution			3,400,000
Total Income			3,400,000
Expenditure			
Operating	-	-	-
Capital Construction	(4,735,077)	(8,387,095)	(13,400,000)
Total Expenditure	(4,735,077)	(8,387,095)	(13,400,000)
Project Result Surplus/(Deficit)	(4,735,077)	(8,387,095)	(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 and is now included in the current Long Term Financial Plan to take place over the 2013/14 and 2014/15 financial years. On the 14 February 2012 (GC140212R02) Council resolved to support a design-led approach to provide greater certainty regarding design and project costs.

The Federal Budget announcement on the 8 May 2012 advised that the Government would provide \$3.4 million which was received in June 2012 as a contribution to the Cove Civic Centre. At the 13 November 2012 Council Meeting, a Section 48 Prudential report (GC131112R01) was considered and adopted by Council.

Operating costs from the existing Hallett Cove Library will be transferred and additional net annual operating costs once the new Cove Civic Centre is opened will be required. These funds are now incorporated in the current Long Term Financial Plan as outlined in the Section 48 Prudential Report.

(b) City Services Redevelopment

	2014/15 Actual + Committ YTD 30/04/2015	2014/15 Budget	Project Cost At Completion
Income			
Total Income			-
Expenditure			
Operating	-	-	-
Capital Construction	(5,916,181)	(7,836,623)	(14,332,000)
Total Expenditure	(5,916,181)	(7,836,623)	(14,332,000)
Project Result Surplus/(Deficit)	(5,916,181)	(7,836,623)	(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 2014/15 means a targeted operating surplus of between \$0 and \$3.285m.

Comment: Council has a net operating surplus result of \$8.390m before capital revenues, against a year end forecast from Budget of \$3.796m surplus.

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 year to date actual to budget position reveals that 85% of the financial Capital Renewal Budget to date 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 \$10.116m for Cove Civic Centre and for the City Services Redevelopment, are included in the 2014/15 budget as part of Council's Major Projects. Principal repayments of \$1.572m mean that the overall loan liability balance is forecast to increase by \$8.544m.

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 \$15.248m include the following:

Transfers from Reserve

Grants & Carryovers Reserve	\$ 15,669k
Asset Sustainability Reserve	\$ 208k

Transfers to Reserve

Open Space Development Contribution and Interest	(\$ 251k)
Grants & Carryovers Reserve	(\$ 378k)

A net cash deficit of \$0.275m is forecast to occur in 2014/15.

Funding Statement

As at 30 April 2015

Original Adopted Budget \$'000		YTD Actual + Committ \$'000	YTD Budget \$'000	YTD Variance \$'000		Annual Budget \$'000	Note
	Operating Revenue						
67,051	Rates	56,303	56,159	144	F	67,213	A
1,803	Statutory Charges	1,445	1,456	(11)	U	1,762	
1,717	User Charges	1,435	1,361	74	F	1,620	
5,667	Operating Grants & Subsidies	5,396	4,881	515	F	5,820	B
560	Investment Income	739	728	11	F	831	
910	Reimbursements	755	768	(13)	U	898	
399	Other	777	969	(192)	U	1,070	C
246	Net gain - SRWRA	60	60	-	-	306	
78,353		66,910	66,382	528	F	79,520	
	Operating Expenses						
32,777	Employee Costs	23,819	26,445	2,626	F	32,047	D
16,293	Contractual Services	14,857	14,451	(406)	U	18,022	E
5,086	Materials	3,635	4,058	423	F	4,945	F
770	Finance Charges	364	364	-	-	830	
12,958	Depreciation	10,876	10,990	114	F	13,196	G
6,726	Other	4,969	5,332	363	F	6,684	H
74,610		58,520	61,640	3,120	F	75,724	
3,743	Operating Surplus/(Deficit) before Capital Revenues	8,390	4,742	3,648	F	3,796	
	Capital Revenue						
657	Capital Grants & Subsidies	1,581	1,353	228	F	1,353	I
1,500	Contributed Assets	-	-	-	U	1,500	
-	Gain/(Loss) on Asset Disposal	65	-	65	F	-	
2,157		1,646	1,353	293	F	2,853	
5,900	Net Surplus/(Deficit) resulting from operations	10,036	6,095	3,941	F	6,649	
12,958	add Depreciation	10,876	10,990	(114)		13,196	
(246)	less Share of Profit SRWRA (excluding dividend)	-	-	-		(246)	
18,612	Funding available for Capital Investment	20,912	17,085	3,827	F	19,599	
	Capital						
13,914	less Capital Expenditure - Renewal	10,168	11,967	1,799	F	17,389	J
14,516	less Capital Expenditure - New	13,664	20,138	6,474	F	24,777	K
1,500	less Capital - contributed assets	-	-	-	U	1,500	
(11,318)	Net Overall lending/(borrowing)	(2,920)	(15,020)	12,100	F	(24,067)	

Original Adopted Budget \$'000		YTD Actual + Committ \$'000	YTD Budget \$'000	YTD Variance \$'000	Annual Budget \$'000	Note
Funded by;						
Loans						
12,628	Loan Principal Receipts (Net)	-	-	-	-	10,116
-	Loan Receipts/(Payments) from Sporting Clubs (Net)	-	-	-	-	-
1,417	less Loan Principal Repayments	856	856	-	-	1,572
11,211	Loan Funding (Net)	(856)	(856)	-	-	8,544
Movement in level of cash, investments and accruals						
-	Cash Surplus/(Deficit) funding requirements	11,821	(591)	12,412	(275)	
107	less Reserves (Net)	15,597	15,285	312	15,248	
(107)	Cash/Investments/Accruals Funding	(3,776)	(15,876)	12,100	(15,523)	
11,318	Funding Transactions	2,920	15,020	(12,100)	F	24,067 L

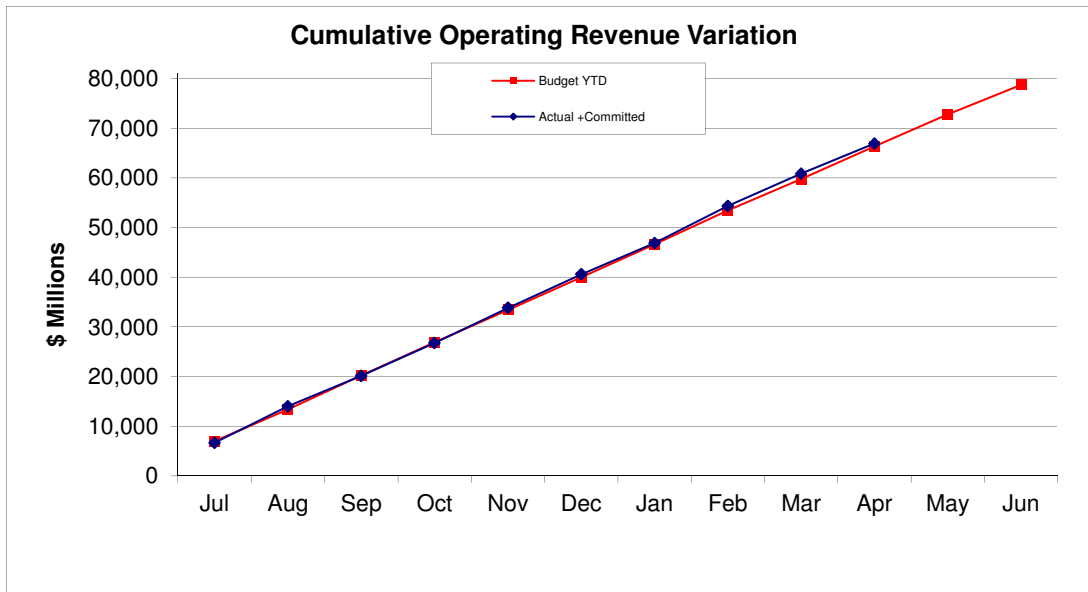
Variation Notes

A	Rates	Favourable \$144k	Predominantly reflects budget timing variances in relation to rate rebates expected for SA Housing Trust stock transfer that has not yet occurred.
B	Operating Grants & Subsidies	Favourable \$515k	Predominantly reflects budget timing variations in Roads 2 Recovery grant (\$169k) and Library operating grant (\$249k).
C	Other Revenue	Unfavourable \$192k	Predominantly reflects a number of monthly budget timing variations, none of which are individually significant.
D	Employee Costs	Favourable \$2,626k	Predominantly reflects budget timing variances arising from the way pay weeks fall, as well as the existence of some temporarily vacant positions.
E	Contractual Services	Unfavourable \$406k	Predominantly reflects a number of monthly budget timing variations.
F	Materials	Favourable \$423k	Predominantly reflects budget timing variations in regards to electricity (\$206k) as well as a number of other variations, none of which are individually significant.
G	Depreciation	Favourable \$114k	Predominantly reflects budget timing variations in regards to capital program completion timing.
H	Other Expenses	Favourable \$363k	Predominantly reflects a number of monthly budget timing variations, none of which are individually significant.
I	Capital Grants & Subsidies	Favourable \$228k	Predominantly relates to an unbudgeted grant received for the Oaklands Park Stormwater Re-use Scheme (\$181k).
J	Capital Expenditure (Renewal)	Favourable \$1,799k	Reflects budget timing variations including footpath construction (\$350k) and road reseals (\$429k).
K	Capital Expenditure (New)	Favourable \$6,474k	Predominantly reflects budget timing variations in regards to the Cove Civic Centre (\$2,397k), drainage construction (\$1,218k) and reserve redevelopments (\$2,109k).
L	Funding Transactions	Favourable \$12,100k	The increase in cash/investments/accruals funding is attributable to the corresponding net overall lending/(borrowing) position.

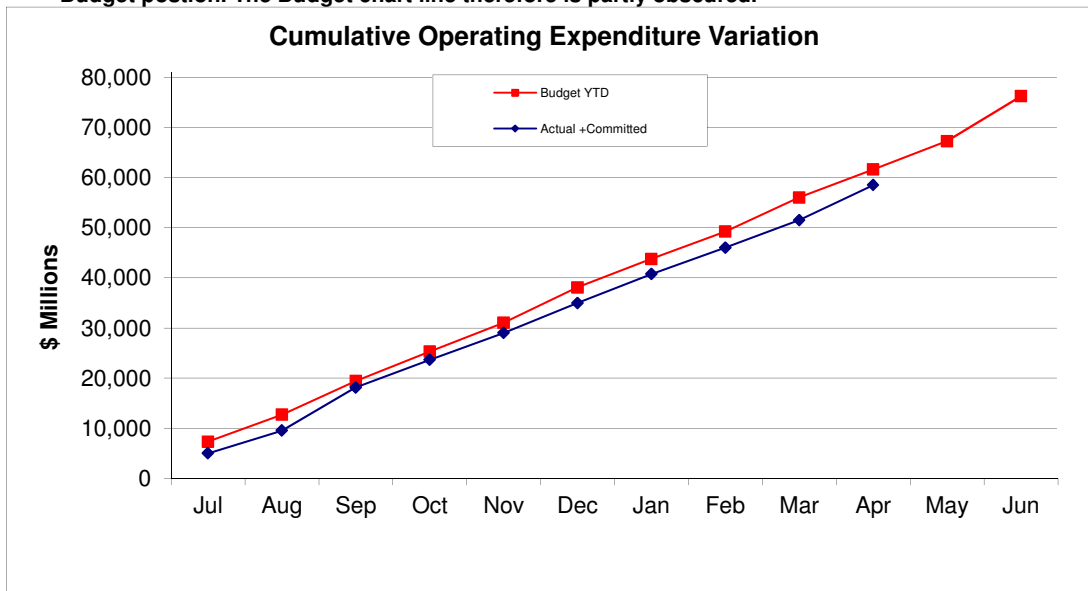
The above comments referring to budget timing variations are where some monthly budget estimates are not reflective of the actual expenditure patterns as at the reporting date.

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.

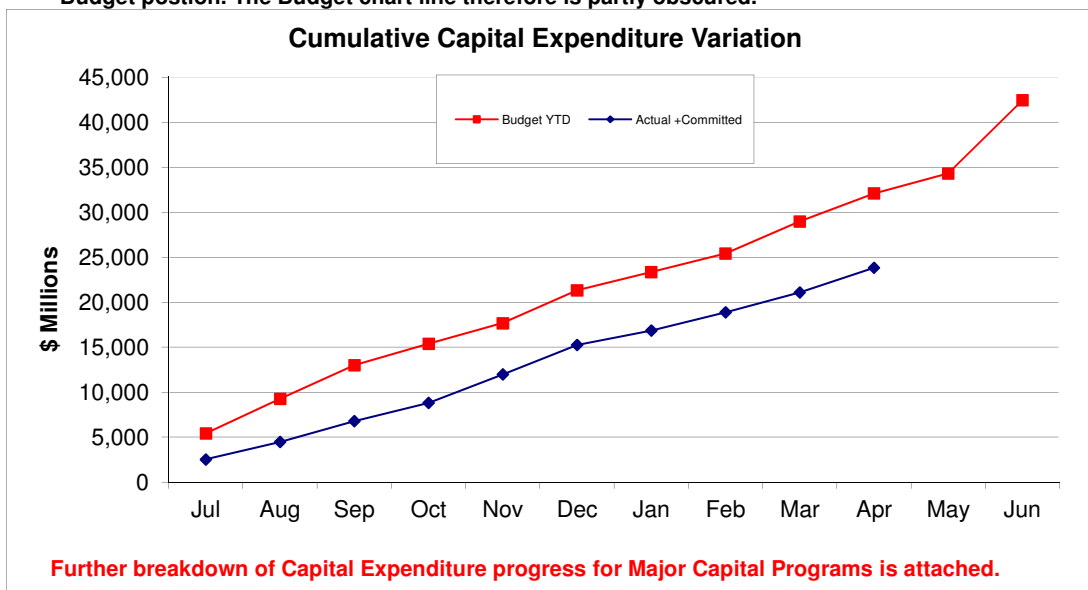
Funding Statement Cumulative Position - 2014/15

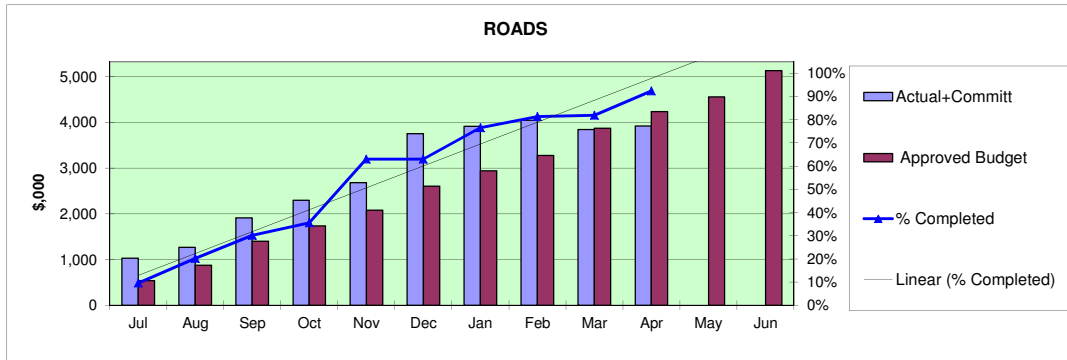


Note - The Year to Date Actual + Committed position result is accurately aligned to the Year to Date Budget position. The Budget chart line therefore is partly obscured.

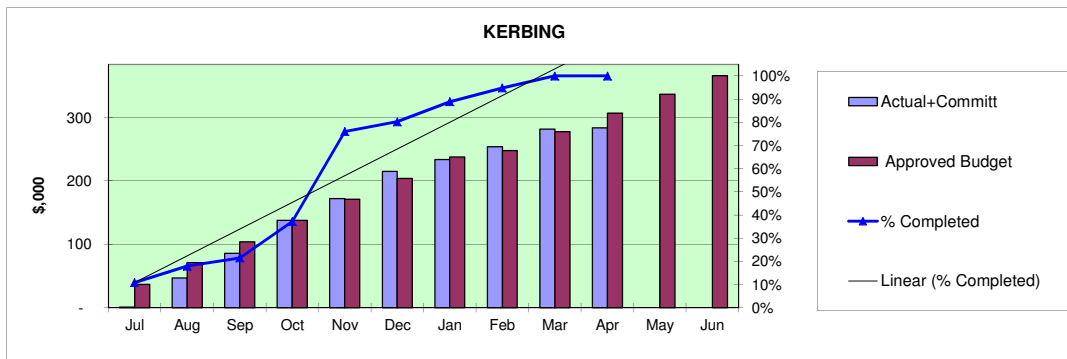


Note - The Year to Date Actual + Committed position result is accurately aligned to the Year to Date Budget position. The Budget chart line therefore is partly obscured.

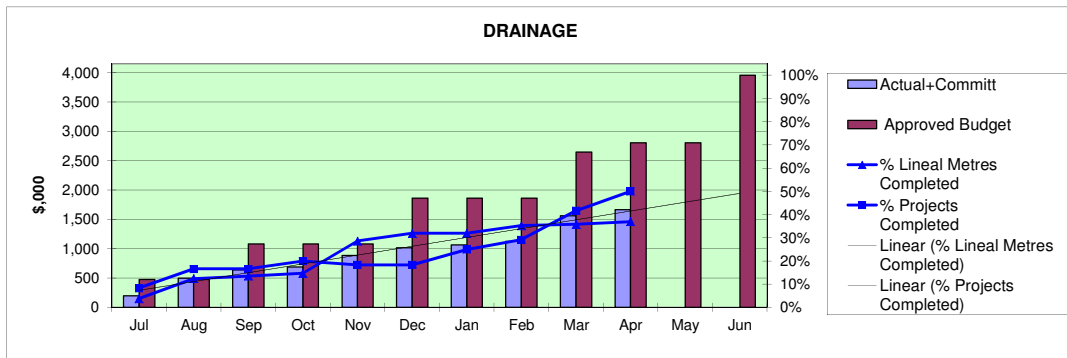




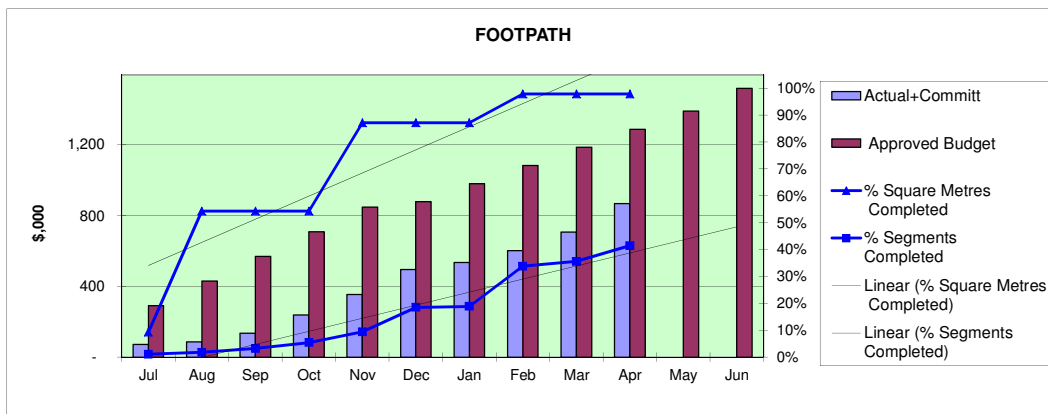
- Road seal program in progress, 92% complete.



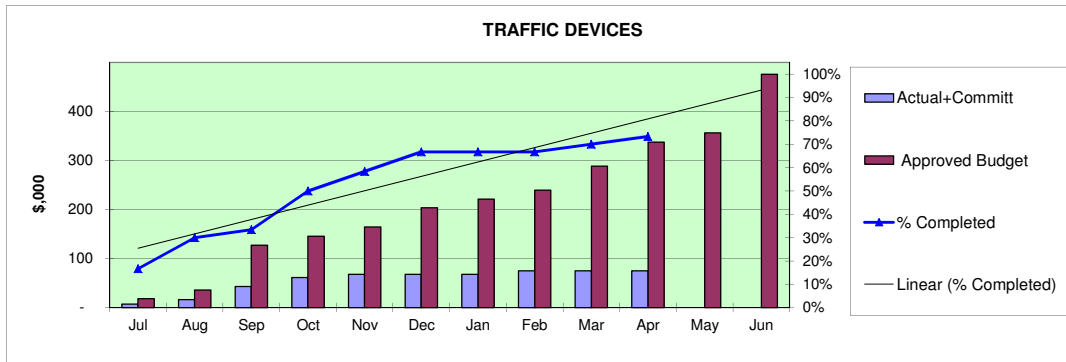
- Kerb program complete.



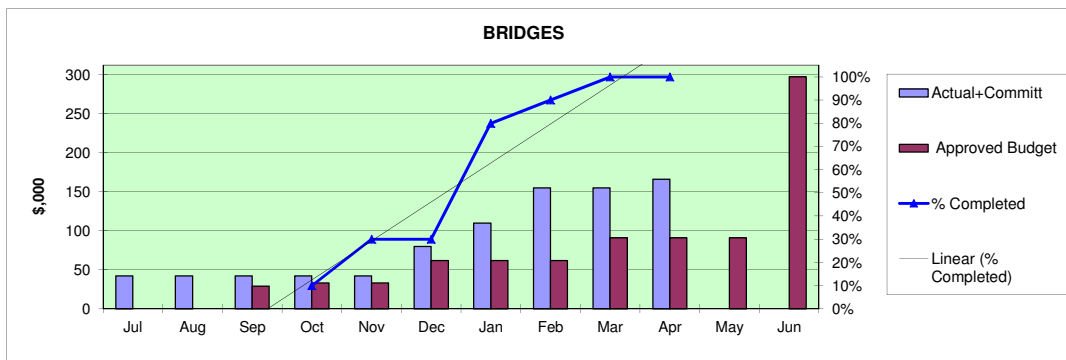
- Waterfall Creek retention structures, Ragamuffin Ave drain Ramrod Ave drain and Graham Road SEP, Waterfall Creek retention structures, complete.
- Coolah Ave box drain, Crozier Tce drain, Travers Street drain, Radstock Ave Stage 1 drain, Nanagai Ave drain Harbrow Grove spoon drain, Brigalow Ave spoon drain, West Street spoon drain, in progress.



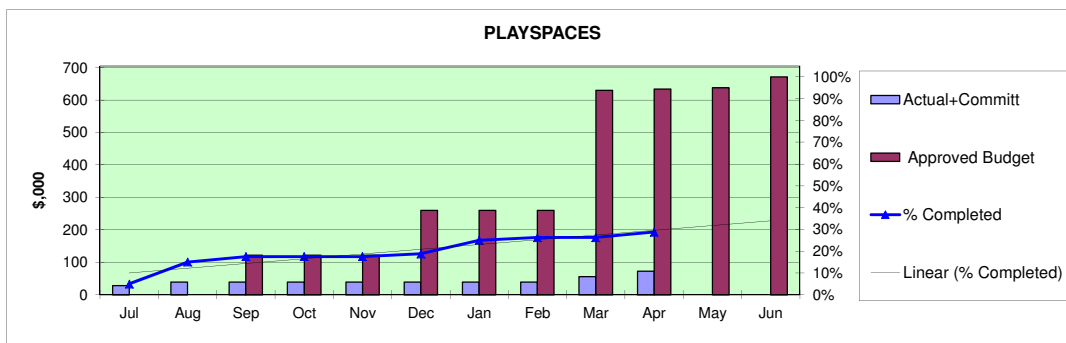
- Footpath construction in progress, 98% complete.
- Proactive works in progress, 41% complete.



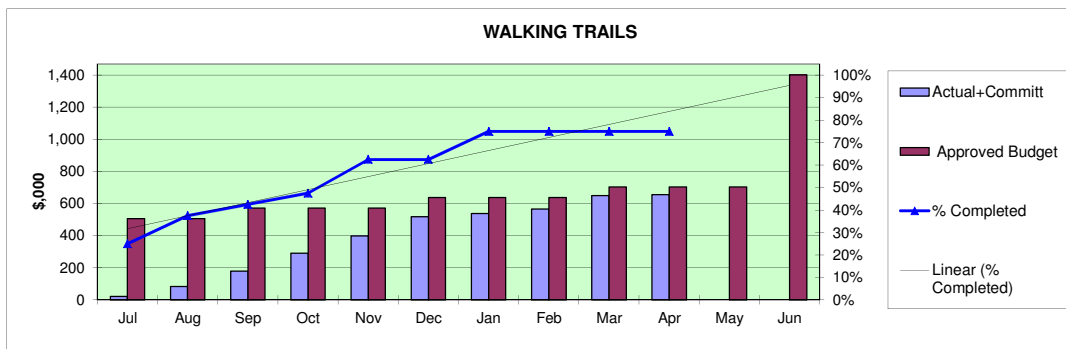
- Traffic Devices program 73% complete.
- Trott Grove parking bay, Towers Tce parking bay, Quailo Ave, Nottingham Tce parking bays complete.



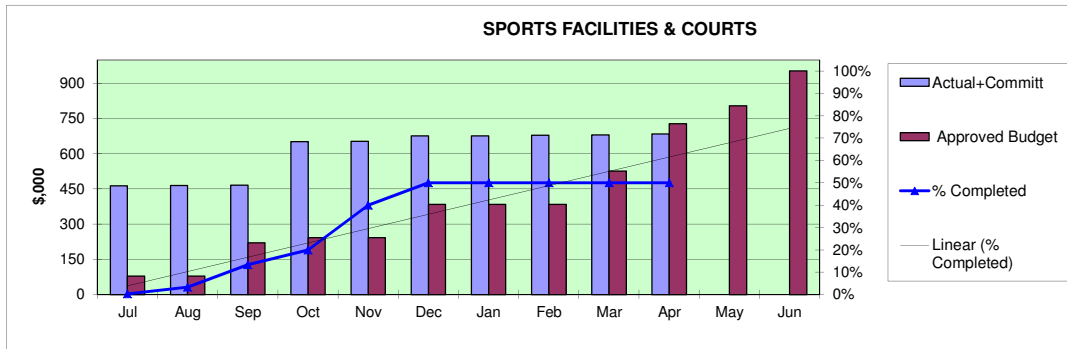
- Gannett Court bridge complete - program 100% complete.



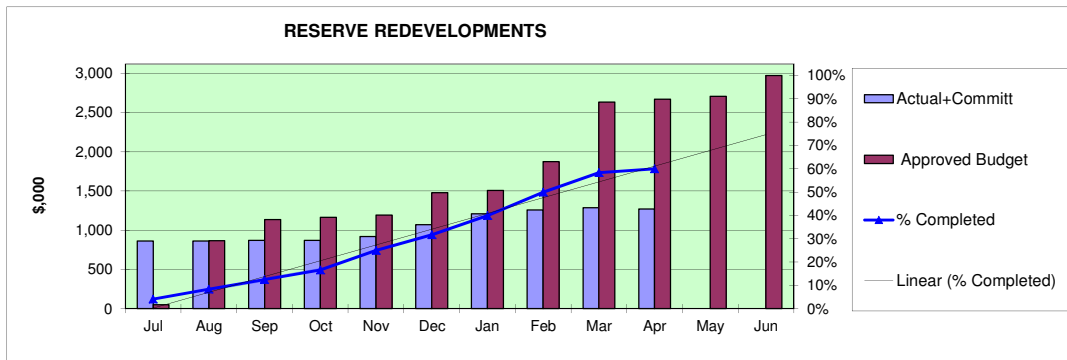
- Playspace program 29% complete.
- Plympton Oval upgrade and Edwardstown Oval upgrade consultation complete.
- York Street Reserve complete.



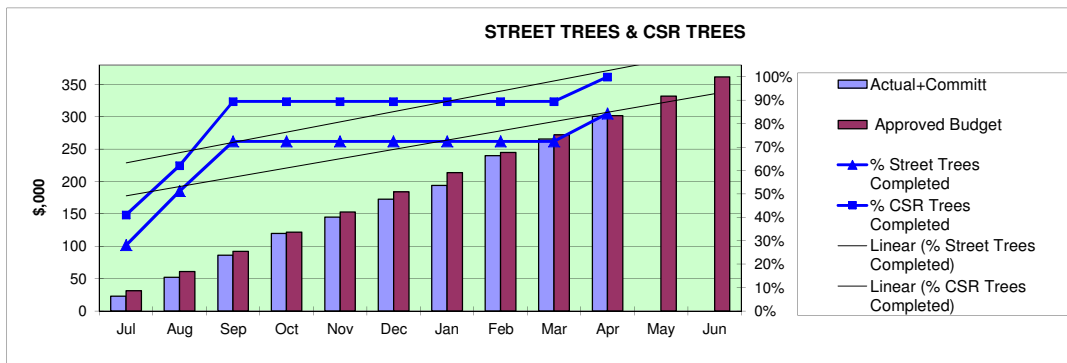
- Walking Trail program 75% complete.
- Sturt Linear Park Stage 1, Sturt Linear Park Stage 2 and Linear Park (Barramundi) complete.
- Quailo Shared Path in progress.



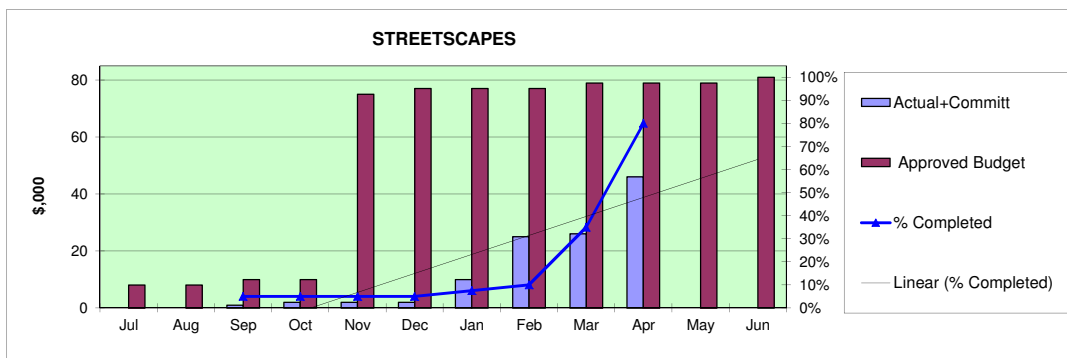
- Sports Facilities & Courts Program 50% complete.
- Mitchell Park Oval, lighting complete and fitness equipment design in progress.
- Edwardstown Multipurpose Courts consultation complete, design and specification in progress.
- Cove Sports tender for change rooms and light towers, change rooms commenced, connection of power expected in May.



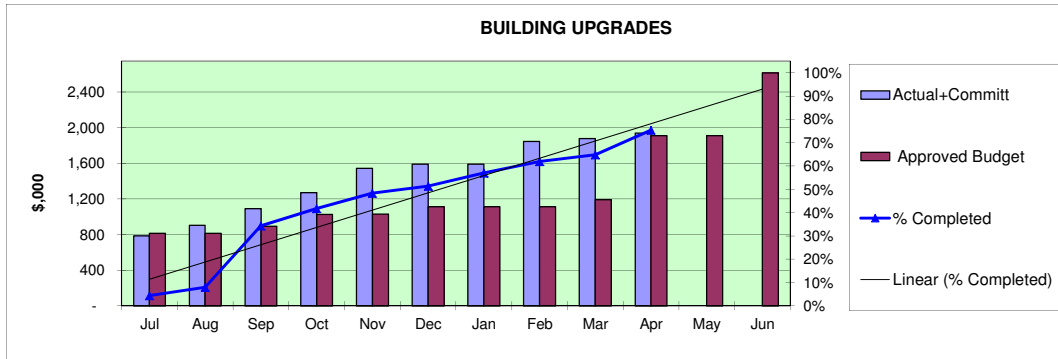
- Reserve Redevelopments program 60% complete. Works program increased to 7 projects.
- Oaklands Recreation Plaza construction commenced, 70% complete.
- Hallett Cove Beach Stage 1, complete.
- Oaklands Reserve Inclusive Playspace concept and Jervois Street Reserve in progress.
- Edwardstown Oval open space improvement and Trott Park Dog Park projects added to works program February 2015.



- CSR Tree Planting Program 100% complete. **Original program was for 190 trees, currently CSR planting total 283, this will be adjusted each month.**
- Street Tree Planting Program 84% complete.
- Planting program recommenced, total trees planted to date 1,146.



- Streetscape program 80% complete.
- Streetscape program civil construction / open space in progress.



• Building Upgrade program 75% complete.

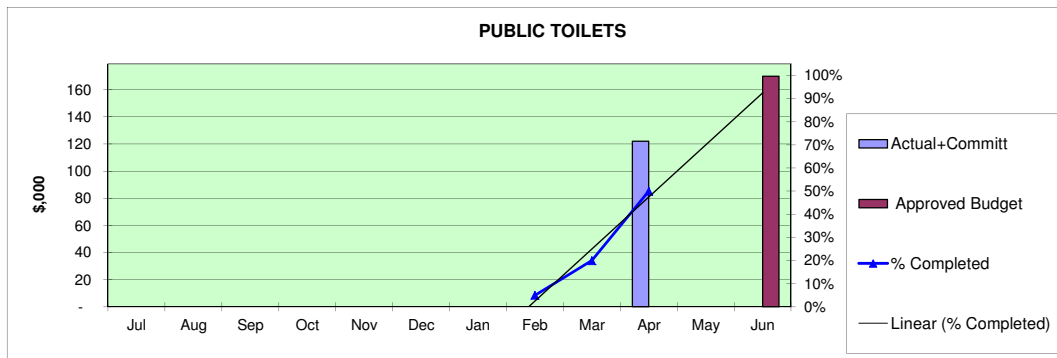
Complete

- Marion Golf Park asbestos removal.
- Outdoor Pool pipework replacement, tiling, water slide, sign.
- DDA Clovelly Park Tennis Club.
- DDA Southbank Tennis Club.
- Glandore Community Centre Clark building lighting.
- Edwardstown Rotary Club carpark.
- Seacombe Heights Tennis Club retaining wall.
- Abbeyfield House switchboard upgrade.
- Red House air-conditioning.
- Plympton Sports firewall.
- Glandore Community Buildings - Fitzjames windows, Slade carpet and Malwa air-conditioning.

- Cooinda veranda, painting and doors.
- Tjilbruke Gateway renewal.
- Hallett Cove Sports Club DDA upgrade.

In Progress

- Marion Golf Park water tank.
- MCC security system and cameras.
- MCC furniture renewal.
- MCC Library fit-out.
- Glandore Oval lighting and scoreboard.
- Glandore Oval asbestos removal.
- Ascot Park Vermont Tennis Club asbestos removal.
- Plympton Park Sports Club fence replacement.



• Southbank Reserve public toilet project added to works program February 2015 - procurement in progress.

Sundry Debtors Report - Aging report as at 30 April 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	16,966.66	1,137.41	604.00	.00	.00	15,225.25	6%	Predominantly relates to one debtor on an ongoing payment regarding illegal tree removal (repayment plan is in place).
Hire of Council Facilities Total	27,388.95	.00	4,122.20	3,507.08	3,011.68	16,747.99	7%	Made up of 19 out of 32 debtors in this category, with none individually significant.
Land Clearing Total	2,146.45	.00	.00	2,146.45	.00	.00	0%	
Sporting Clubs & Other Leases Total	175,391.62	2,352.08	3,568.86	13,576.47	32,750.00	123,144.21	52%	Made up of 10 out of 19 debtors in this category. One accounts for \$54,550.54 - almost 50% of the total aged debt. One debtor on a payment plan (\$4,352.88) was sent a notice of intention to commence legal action sent out 20/2/2015, and has recommenced making payments in March. One debtor has since paid (\$2,315.52).
Extra Works Total	43,407.50	7,100.00	5,755.00	7,550.00	.00	23,002.50	10%	Made up of 15 out of 26 debtors in this category, with none individually significant, one debtor has been put on a payment plan.
Swim Centre Debtors Total	11,942.40	.00	3,160.70	5,066.15	.00	3,715.55	2%	Made up of 5 out of 11 debtors in this category, with none individually significant.
Grants & Subsidies Total	226,739.52	32,934.27	33,370.24	.00	119,322.50	41,112.51	18%	\$33,000 relates to one debtor for Community Rec & Sports Funding - have received a total of \$143,000 for the project, with the remaining balance being actively followed up with the debtor.
Environmental Health Total	11,008.69	.00	1,915.50	984.00	1,025.00	7,084.19	3%	Made up of 46 out of 75 debtors in this category, with none individually significant.
Impoundment	180.00	.00	180.00	.00	.00	.00	0%	
Tree Funds Total	3,273.84	330.00	246.00	752.00	.00	1,945.84	1%	Made up of 10 out of 15 debtors in this category, with none individually significant.
Marion Cultural Centre Total	11,812.25	3,360.00	1,263.50	741.50	3,745.50	2,701.75	1%	Made up of 3 out of 11 debtors in this category.
Total	530,257.88	47,213.76	54,186.00	34,323.65	159,854.68	234,679.79		
Total Aging Profile		9%	10%	6%	30%	44%		

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.
Tree Funds	Includes contribution from residents and/or developers for the removal and/or replacement of Council Street Trees and significant trees.
Marion Cultural Centre	For invoices relating to the Marion Cultural Centre

Rates Report - Collection of Rates to 30 April 2015

ANALYSIS OF OUTSTANDING RATES AS AT 30 APRIL 2015

	<u>Note</u>		% of Total Annual Rates
CURRENT	1	\$ 12,314,000	18.3%
OVERDUE	2	\$ 1,108,611	1.7%
ARREARS	3	\$ 631,555	0.9%
POSTPONED	4	\$ 83,696	0.1%
LEGALS	5	\$ 22,310	0.0%
		\$ 14,160,172	21.1%
TOTAL ANNUAL RATES FOR 2014/15		\$ 67,110,000	

Note 1: Current

Current rates represent the total amount of rates levied in the current financial year that are not yet due for payment. For example at 1st January this represents Quarter 3 & Quarter 4 rates unpaid.

Note 2: Overdue

Overdue rates represent rates levied in the current financial year that remain unpaid past their due payment date. For example on 1st January, this represents rates from Quarter 1 and Quarter 2 that remain unpaid.

Note 3: Arrears

Rates in arrears represent rates and charges levied in previous financial years that remain unpaid .

Note 4: Postponed

Postponed rates represent any rates amount due by seniors that have been granted a deferral, until the eventual sale of their property, as allowable under the Local Government Act. Interest is charged on these deferred rates and is recoverable when the property is sold.

Note 5: Legals

Legals represent any legal fees, court costs that have been incurred by Council in the collection of rates in the current financial year. These amounts represent costs that have been on-charged to the defaulting ratepayers and are currently outstanding.

**CITY OF MARION
GENERAL COUNCIL MEETING
26 May 2015**

Question Received from: Councillor Hutchinson

Subject: Art Collection

Ref No: GC260515Q01

File No: 9.33.3.24 & 9.24.1.5

QUESTION:

What is the total value of council's art collection?

What has council budgeted for the purchase of art in the 2015/16 budget?

What has council spent in 2014/15 in the purchase of art?

What are the annual staffing costs associated with maintaining the art collection?

What are all the other annual costs associated with the art collection such as storage, repairs and the like?

COMMENTS: M arg Edgecombe, Unit Manager Community Cultural Development

The Art Collection, established in the early 1980s, is currently valued by Maloney Field Services at \$188,500.

Council has budgeted \$4,000 for the purchase of art in the 2015/2016 budget.

To date in 2014/15 Council has purchased three works of art at a total cost of \$1,949.

The annual staffing costs associated with maintaining the art collection are approximately \$2,500 per year which includes processing and cataloguing new artwork; annual auditing and valuation and an additional \$3,800 every four to five years when the total collection is rehung across all Council public buildings.

There is minimal regular on-going annual cost associated with the art collection. Over the past five years \$260 has been spent on maintenance items such as framing, repairs to glass in frame and cleaning products. An art storage compactus was purchased in 2012/13 at a cost of \$9,180 to ensure adequate storage of works not currently being displayed. This is also utilised by the Heritage Research Centre for the storage of other cultural heritage items. A roll of archival storage material (Tyvek) was also purchased in 2012/13 at a cost of \$357. This is sufficient to last for several years and is recycled between works being stored. The entire collection was professionally photographed in 2014 at a once-off cost of \$4,450 to ensure effective cataloguing and with a view to providing digital access (copyright permitting) to the collection online. Processes are in place for on-going digitisation and this is funded within existing staff resources.

**CITY OF MARION
GENERAL COUNCIL MEETING
26 May 2015**

Question Received from: Councillor Jason Veliskou

Subject: Illegal Rubbish Dumping

Ref No: GC260515Q02

QUESTIONS:

What measures does the city of Marion take to deter people from the illegal dumping of rubbish within the council area? Please outline both positive incentives and the disincentives used as deterrents.

How much did illegally dumped rubbish cost the ratepayers so far this financial year?

How many people were caught and fined for dumped rubbish so far this financial year?

What does the city of Marion plan to do to catch more people illegally dumping rubbish in order to create a deterrent for others?

DISCUSSION: Councillor Veliskou

The streets of Marion often find themselves as dumping grounds for unwanted furniture, building waste, tyres, chemicals, tree prunings, household items left by tenants, electrical goods and even large bags marijuana.

Most of our residents, who take pride in their suburbs and their homes are paying for the deliberate actions of an inconsiderate few.

I would be interested to see how the council is addressing the issue of catching offenders to make an example of them and to ultimately save ratepayers money and prevent our streets from looking like a tip.

COMMENTS: Mathew Allen, Manager Infrastructure

The City of Marion has a range of tools to proactively deter people from illegally dumping rubbish, namely:

- Waste education
- Hard waste refuse collection
- Information on how to dispose of waste appropriately
- Hazardous Waste collection events
- E-Waste disposal programs
- Installation of illegal dumping warning signage at various locations.

City of Marion also has a thorough process in place to manage illegally dumped rubbish. Illegally dumped rubbish is recorded through Council's Customer Event System. Once an event for illegally dumped rubbish has been raised, the site is initially inspected and any

evidence of a perpetrator is referred to the Community Safety Inspectorate for further investigation and possible expiation. The area of dumped rubbish is taped off and adjoining residents are letter dropped. This process achieves a recovery rate of the dumped rubbish of approximately 30%. If no evidence of the perpetrator is found the illegally dumped rubbish is removed and disposed of at a waste transfer station.

The cost of collection of illegally dumped rubbish is \$82,076 for this financial year.

No expiations have been issued for dumped rubbish this financial year. In terms of issuing expiation notices each case is dealt with on its merit. Where the offender is known, the Community Safety Inspectors will ask the person to remove the goods.

The City of Marion will continue to educate responsible disposal of waste including opportunities for recycling, use of Council's hard waste collection service and other initiatives including Hazardous Waste collection events, e-waste disposal and warning signage at known hot spot locations. In addition, the City of Marion will work with adjoining Councils, the EPA, Zero Waste and Housing Trust to explore opportunities to reduce illegally dumped rubbish.

Opportunities to expiate offenders will be pursued on a case by case basis.

**CITY OF MARION
GENERAL COUNCIL MEETING
26 MAY 2015**

Notice Received from: Councillor Jerome Appleby

Subject: Rates Notice

Ref No: GC260515M01

File No: 9.24.1.4 & 9.33.3.20

MOTION:

That the City of Marion send out with Rates Notices a bar graph diagram similar to that sent by the Australian Tax Office with its Notice of Assessment detailing the breakdown in dollar terms where rates will be spent.

COMMENTS: Councillor Appleby

See Australian Taxation Office Example attached as Appendix 1.

COMMENTS: Ray Barnwell (Manager Finance) Fiona Harvey (Manager Strategy)

The indicative cost of inserting a separate A4 colour insert with the Notice of Assessment would be approximately \$1,500 including production and printing. In keeping with Council's drive to achieve efficiencies, we would not recommend that an additional separate insert be sent out with the Notice of Assessment.

However, Council is required under S123-9a (ii) of the Local Government Act 1999 to ensure a copy of the summary of the Annual Business Plan and Budget accompanies the first rates notice sent to ratepayers after the declaration of its rates for the financial year. Council currently includes in the summary a pie chart representing the proportion of rates spent on services at a high level (refer Appendix 2) and a cost per resident of key services in the Annual Report as below.

COST PER RESIDENT OF KEY SERVICES PER ANNUM - From 13/14 Annual Report

SERVICE	ANNUAL COST	COST PER RESIDENT
Waste Collection	\$6,090,775	\$69.55
Neighbourhood Centres	\$1,237,213	\$14.13
Libraries	\$3,952,953	\$45.14
Marion Outdoor Swimming Centre	\$519,039	\$5.93
Open Space	\$7,114,511	\$81.24
Footpaths	\$2,393,912	\$27.34
Stormwater	\$1,170,518	\$13.37

It would be possible to insert a chart laid out in a similar format to the one suggested that would display a detailed breakdown in dollar terms of where the 'average residential rate' will be spent.

Council does not have the systems in place to generate this information at an individual ratepayer level. Including the diagram in the summary of the Annual Business Plan and Budget, should achieve the desired outcome without additional cost.

It is therefore recommended that this motion be amended to read:

"That the City of Marion includes a diagram similar to that sent by the Australian Tax Office in the summary of the Annual Business Plan and Budget that accompanies the first rates notice sent to ratepayers after the declaration of its rates for the financial year, based on the average residential rate and broken down dollar terms where rates will be spent in 2015/16."

TAX RECEIPT



Australian Government

Our reference:

Dear

The Australian Government thanks you for your tax contribution for 2013-14. This statement details Australian Government debt levels and where your personal tax was spent, based on 2014-15 Budget estimates.

Level of Australian Government gross debt

This year: \$320 billion

Last Year: \$257 billion

Interest payments on gross debt this year: \$13.2 billion

Welfare		\$
Aged		\$
Families		\$
Disability		\$
Unemployed		\$
Other		\$
Health		\$
Defence		\$
Education		\$
General public services		\$
Interest on Government debt		\$
Transport and communication		\$
Housing and community		\$
Fuel and energy		\$
Foreign affairs and economic aid		\$
Industry assistance		\$
Immigration		\$
Public order and safety		\$
Recreation and culture		\$
Other purposes*		\$

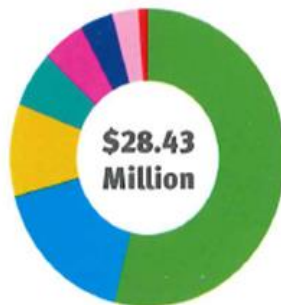
*Includes transfers to state and local governments (except for GST) and other economic affairs. Estimates and categories were based on information from the Department of Treasury.

Your total tax assessed: \$



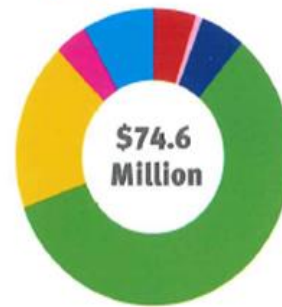
Financial overview

Budgeted capital expenditure 2014/15



Buildings	(\$15.401 M)	54%
Roads	(\$4.749 M)	17%
Drains	(\$2.711 M)	10%
Footpaths	(\$1.824 M)	6%
Other	(\$1.316 M)	5%
Plant/Equipment/Furniture & Fittings/Intangibles	(\$1.218 M)	4%
Traffic Devices/Other Infrastructure	(\$0.791 M)	3%
Land	(\$0.42 M)	1%

Total operating expenditure 2014/15



Public Infrastructure & Places	(\$43.567 M)	58%
Culture and Recreation	(\$13.784 M)	19%
Health and Community Care	(\$6.022 M)	8%
Environmental Sustainability	(\$3.857 M)	5%
Urban Development	(\$3.535 M)	5%
Community Capacity Building	(\$3.205 M)	4%
Economic Development	(\$0.641 M)	1%

Council is committed to maintaining all services, including:

- › Street cleaning and rubbish collection
- › Provision of street trees and vegetation
- › The outdoor Marion Swimming Centre
- › Development planning and control
- › Environmental health services
- › Animal management
- › Libraries
- › Community care



**CITY OF MARION
GENERAL COUNCIL MEETING
26 May 2015**

Notice Received from: Councillor Bruce Hull

Subject: Marion Swimming Pool Signage

Ref No: GC260515M02

File No: 9.24.1.4 & 9.33.3.27

MOTION:

That a report be brought to Council advising of the total estimated cost to install a double sided LED, fully inclusive of the costs associated with installation and connection to the power source. That in so doing the report provide Council with details of suitable options of implementing such an initiative, including consideration of using solar power as an energy source. That the necessary funding required for the complete installation of the LED be taken from the pending LGA overcharging refund monies.

COMMENTS: Councillor Hull

The new sign for the Marion Outdoor Pool on Oaklands Road is LED capable. The installation of a programmable LED sign would be a plus for the marketing of our Pool and more importantly would advise pool patrons of operating hours and events. It could also be used to advise residents of events at the nearby Oaklands Wetland, Recreation Precinct and Inclusive Playspace.

COMMENTS: Abby Dickson, Manager Libraries & Cultural Development

Should Council wish to support this motion an appropriate report will be prepared for Council providing the information requested.

**CITY OF MARION
GENERAL COUNCIL MEETING
26 MAY 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support

Corporate Manager: Kate McKenzie, Manager Governance

Director: Kathy Jarrett

Subject: Chief Executive Review Committee Confirmation of Minutes of Meetings held on 25 May 2015

Report Reference: GC260515R16

REPORT OBJECTIVES:

The Chief Executive Review Committee is a formally constituted Committee of Council pursuant to Section 41 of the Local Government Act 1999 and is responsible to Council.

EXECUTIVE SUMMARY:

The Chief Executive Review Committee held meeting on Monday 25 May 2015. The minutes of those meetings are herewith forwarded to Council for adoption (Appendix 1).

Note that if Council wishes to discuss in detail any of the candidates during the meeting, Council may want to consider ordering that the public be excluded from the meeting pursuant to Sections 90(2) and (3)(a) on the basis that the discussion could involve the unreasonable disclosure of information concerning the personal affairs of a living person.

RECOMMENDATIONS (2):

DUE DATES:

That Council:

1. Receive and note the minutes of the Chief Executive Review Committee meeting of 25 May 2015 (Appendix 1).

26 May 2015

2. Endorse the recommendation that:

26 May 2015

- i. Candidate 1 be invited to attend a General Council meeting or Elected Member Forum to confidentially engage with Council;

OR

- i. Candidate 1 and Candidate 2 be invited to attend a General Council meeting or Elected Member Forum to confidentially engage with Council.

**MINUTES OF THE CHIEF EXECUTIVE REVIEW COMMITTEE
MEETING
HELD IN THE MAYOR'S PARLOUR, ADMINISTRATION CENTRE
245 STURT ROAD, STURT
ON MONDAY 25 MAY 2015 AT 5.50PM**



PRESENT

Councillors

Councillor Hutchinson
Councillor Telfer

In Attendance

Jaimie Thwaites

Unit Manager Council Support

COMMENCEMENT

The meeting commenced at 5.55pm.

APPOINTMENT OF THE CHAIR

The meeting acknowledged that in the absence of the Mayor, that Councillor Hutchinson will take the Chair.

Councillor Hutchinson took the Chair.

KAURNA ACKNOWLEDGEMENT

Councillor Hutchinson began the meeting by acknowledging the Kurna people, the traditional custodians of this land and paid respect to their elders past and present.

MEMBER'S DECLARATION OF INTEREST (if any)

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

Nil

CONFIRMATION OF MINUTES

Moved Councillor Telfer, Seconded Councillor Hutchinson that the Minutes of the Chief Executive Review Committee Meeting held 19 May 2015 be taken as read and confirmed.

Carried Unanimously

ITEMS FOR DISCUSSION

Recruitment Process for Chief Executive Officer CRC250515R01

The item was noted.

LATE ITEM

Selection Panel Report CRC250515R02

Moved Councillor Telfer, Seconded Councillor Hutchinson that the Chief Executive Review Committee recommended to Council on 26 May 2015 as a late item that:

1. Candidate 1 be invited to attend a General Council meeting or Elected Member Forum to confidentially engage with Council;

OR

1. Candidate 1 and Candidate 2 be invited to attend a General Council meeting or Elected Member Forum to confidentially engage with Council.

Carried Unanimously

CONFIDENTIAL ITEMS

Nil

CLOSURE

The meeting was declared closed at 6.05pm.

CONFIRMED

.....
CHAIRPERSON

...../...../.....