

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 27 January 2015

Commencing at 7.00 p.m.

In the Council Chamber

Council Administration Centre

245 Sturt Road, Sturt

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

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

A handwritten signature in blue ink, appearing to read "Mark Searle", is written over a horizontal line.

**Mark Searle
CHIEF EXECUTIVE OFFICER**

22 January 2015

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**CITY OF MARION
GENERAL COUNCIL AGENDA
FOR MEETING TO BE HELD ON
TUESDAY 27 JANUARY 2015
COMMENCING AT 7.00PM**



1. OPEN MEETING

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. DISCLOSURE

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

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

5. CONFIRMATION OF MINUTES

Confirmation of the Minutes for the General Council meeting held on
9 December 2014 7

6. COUNCIL COMMUNICATIONS

Mayoral Report 84

Deputy Mayor Report 88

Elected Members

7. YOUTH ADVISORY COMMITTEE (YAC) UPDATE

Nil

8. DEPUTATIONS

Deputation - Parking Restrictions Norfolk and Township Roads Marion

Maureen Thomas

Graham Garfoot

GC270115D01 89

9. PETITIONS

Petition - Parking Restrictions Norfolk and Township Roads Marion

GC270115P01 90

10. ADJOURNED ITEMS

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GC091214M01	100
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Streetscape Working Party	
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Consideration of Opportunities for Low Rate Strategy	
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11. COMMITTEE RECOMMENDATIONS

Confirmation of the Minutes from the Audit Committee Meeting held on 16 December 2014	
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12. WORKSHOP / PRESENTATION ITEMS

Nil

13. CORPORATE REPORTS FOR DECISION

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Local Heritage Development Plan Amendment	
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Nominations for LGA President and Board Members and Deputy Board Members representing Metropolitan Local Government Group	
GC270115R10	202

Nominations sought for the Development Assessment Commission	
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14. CORPORATE REPORTS FOR INFORMATION/NOTING

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MATTERS RAISED BY MEMBERS

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City of Marion Staffing Levels	
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Additional Services and Grants provided by City of Marion	
GC270115Q03	247

Purchasing “Green Power” for Street Lighting	
GC270115Q04	250

Staffing and Recruitment	
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16. Motions with Notice

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17. Questions without Notice

18. Motions without Notice

19. CONFIDENTIAL ITEMS

Marion Leisure and Fitness

GC270115F01255

Ombudsman Report

GC270115F02258

20. LATE ITEMS

CEO Review Committee Minutes (CONFIDENTIAL)

GC270115F03 (to be distributed separately)

21. MEETING CLOSURE

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

MINUTES OF THE GENERAL COUNCIL MEETING
HELD AT ADMINISTRATION CENTRE
245 STURT ROAD, STURT
ON TUESDAY 9 DECEMBER 2014



PRESENT

His Worship the Mayor Kris Hanna

Councillors

Coastal Ward

Ian Crossland
 Tim Gard (from 7.01pm)

Mullawirra Ward

Jerome Appleby
 Jason Velsikou

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 Mark Searle
 Ms Kathy Jarrett
 Ms Heather Montgomerie
 Mr Vincent Mifsud
 Ms Kate McKenzie
 Ms Jaimie Thwaites

Chief Executive Officer
 Director
 Director
 Director
 Manager Governance
 Unit Manager Council Support

COMMENCEMENT

The meeting commenced at 7.00pm.

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.

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.

7.01pm Councillor Gard entered the meeting

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.

- Cr Telfer declared a conflict of interest in the item 'Marion Leisure and Fitness Centre Lease' (GC091214F01)

CONFIRMATION OF MINUTES

Moved Councillor Telfer, Seconded Councillor Westwood that the minutes of the General Council meeting held on 25 November 2014 be taken as read and confirmed.

Carried Unanimously

ADJOURNED ITEMS

Nil

DEPUTATIONS

Nil

PETITIONS

Nil

YOUTH ADVISORY COMMITTEE (YAC UPDATE)

Hope and Ethan provided the bi-monthly Youth Advisory Committee Update. The Report is attached as Appendix 1

MATTERS LYING ON THE TABLE

Nil

COMMITTEE RECOMMENDATIONS

Nil

WORKSHOP / PRESENTATION ITEM

An update was provided on the Clovelly Park Contamination. In attendance was:

Andrew Pruszinski: Manager, Site Contamination, Environmental Protection Agency

Professor Brian Priestly: Monash University

Steve Dangerfield: Senior Manager, Stakeholder Engagement

CORPORATE REPORTS FOR DECISION

Department of Planning Transport and Infrastructure Open Space Grant Funding Report Reference: GC091214R02

Moved Councillor Pfeiffer, Seconded Councillor Kerry that Council:

1. Enter into a funding agreement with the Department of Planning Transport and Infrastructure to utilise the \$300,000 grant funding for Stage 1 Implementation of Jervois Street reserve development.
2. Enter into a funding agreement with the Department of Planning, Transport and Infrastructure to utilise the \$250,000 grant funding for the play space and open space improvements at the southern end of Edwardstown Soldiers Memorial Oval.

Carried Unanimously

Moved Councillor Byram, Seconded Councillor Crossland that Council:

1.
 - a) Enter into a funding agreement with the Department of Planning Transport and Infrastructure to utilise the \$100,000 grant funding towards a toilet block at the Southbank Boulevard Reserve, Sheidow Park.
 - b) Endorse the whole of life costs associated with the toilet block being incorporated into the Long Term Financial Plan.
 - c) Utilise \$69,500 of funding from the Asset Sustainability Reserve to fund the gap in funding required to install a toilet block at Southbank Boulevard Reserve

Carried Unanimously

Moved Councillor Byram, Seconded Councillor Crossland that Council:

1. Enter into a funding agreement with the Department of Planning, Transport and Infrastructure to utilise the \$100,000 offered to establish a dog park in Trott Park.

Carried Unanimously

Play Spaces at Plympton and Edwardstown Ovals
Report Reference: GC091214R01

Moved Councillor Veliskou, Seconded Councillor Hull that Council:

1. Endorse the construction of a playspace for the Plympton Oval site of up to a value of \$140,000 with elements to be further clarified through the ward briefing process having regard to the outcomes of community consultation and the expert advice of Council's landscape architect.
2. Note the corresponding whole of life costs (operating, maintenance and renewal costs) associated with the endorsed options.

Carried

Councillor Hull called for a division:

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

Those Against: Councillor Appleby

Carried

Moved Councillor Pfeiffer, Seconded Councillor Kerry that Council:

1. Endorse Option C for the Edwardstown Memorial Oval Play Space site with elements to be further clarified through the ward briefing process having regard to the outcomes of community consultation and the expert advice of Council's landscape architect.
2. Note the corresponding whole of life costs (operating, maintenance and renewal costs) associated with the endorsed options.
3. Use of the Long Term Financial Plan sum of \$100,000 and supplement it with the State Government's Open Space Grant Funding specified for this site.

Carried

8.38pm Councillor Veliskou left the meeting

Landlords Approval for Balcony and first floor toilets upgrade, Cove Sports and Community Club, Oval Road Hallett Cove, Certificate of Title Volume 4006 Folio 463,
Report Reference: GC091214R03

Moved Councillor Byram, Seconded Councillor Crossland that Council:

1. Grant landlord's consent to the installation of a balcony at Cove Sports and Community Club, Oval Road, Hallett Cove, Certificate of Title Volume 4006 Folio 463, subject to full Development consent being granted for the balcony.
2. Grant landlord's consent to the upgrade of the first floor toilets at Cove Sports and Community Club, Oval Road, Hallett Cove, Certificate of Title Volume 4006 Folio 463.
3. Council delegate to the Team Leader Land and Property approval to authorise any works required to facilitate the balcony and toilet upgrade works.

4. Council require the Cove Sports and Community Club Inc to be responsible for all costs associated with the works, future maintenance, improvements and fit out in accordance with the lease agreement.

8.41pm Councillor Veliskou re-entered

8.41pm Councillor Pfeiffer left the meeting

Carried

Councillor Hull called for a Division

Those For: Councillors Kerry, Telfer, Hutchinson, Prior, Westwood, Byram, Veliskou, Appleby, Gard, Crossland

Those Against: Councillor Hull

Carried

8.44pm Councillor Pfeiffer re-entered

8.44pm Gard left the meeting

Reconfiguration of a Reserve at Travers Street Sturt

(Certificates of Title Volume 3696 Folio 107 and Volume 5576 Folio 122)

Reference No: GC091214R04

Moved Councillor Hutchinson, Seconded Councillor Telfer that Council:

1. Authorises the transfer of portion of the land owned by Housing SA at Travers Street, Sturt to Council and the transfer of portion of the land owned by Council to Housing SA for no monetary consideration, to effect the creation of one superlot of approximately 2650m² and one residential allotment fronting Travers Street of approximately 378m² in the name of Housing SA and the balance of the land to be in the name of The Corporation of the City of Marion as a reserve
2. Authorises the creation of two residential allotments from the reserve land of approximately 340 m² each, by a land division, for disposal
3. All costs associated with transfers of land, the relocation of the path and path lights and associated costs including the provision of a contamination report are to be funded from the Open Space Reserve Fund and the proceeds of the sales of the two residential allotments are to be subsequently contributed to the Open Space Reserve Fund
4. Delegates to the Team Leader Land and Property the authority to negotiate the sale of the two residential allotments subject to the deposit of the plan of division in the Lands Titles Office
5. Council pursuant to Section 37(b) of the Local Government Act 1999 authorises the Mayor and Chief Executive Officer to enter into and sign and seal all documentation necessary to facilitate the land divisions, land transfers and the Land Management Agreement

8.47pm Councillor Gard re-entered the meeting

Carried

Coastal Sign Audit and Replacement
Report Reference: GC091214R05

Moved Councillor Crossland, Seconded Councillor Gard that Council:

1. Note the attached SLSSA Aquatic Access, Risk and Safety Signage Report and Recommendations. (Appendix 2 and 3)
2. Refers funding for 'Stage 2: Graphics, Manufacture and Installation of signage', for consideration in the strategic prioritisation process for the annual business plan and budget 2015/16.

8.53pm Councillor Kerry left the meeting

8.54pm Councillor Prior left the meeting

Carried

8.55pm Councillor Kerry re-entered the meeting

8.56pm Councillor Prior re-entered the meeting

ANZAC Day Eve Youth Vigil
Report Reference: GC091214R06

Moved Councillor Crossland, Seconded Councillor Byram that Council:

1. Adopts option 2 to deliver the Anzac Day Youth Vigil including youth performances and unveiling of the memorial at Heron Way Reserve subject to entering into a Memorandum of Understanding to partner with the Lions Club of Hallett Cove for the delivery of the Anzac Day Youth Vigil and the Anzac Day Dawn Service to a standard that complies with appropriate risk and safety requirements for a public event.
2. That the event is delivered within a total budget of \$14,021 and the budget gap of \$9,021 could be sourced from verified savings identified from the audited 2013/14 annual accounts.
3. Contact is made with Head Office of the RSL from the Council requesting opportunity for further support as part of their promotional material of the centenary.

Carried Unanimously

Elected Member Liaison Roles on External Bodies
Reference No: GC091214R07

Moved Councillor Veliskou, Seconded Councillor Telfer that Council:

1. Endorses the nomination of:
 - 2.1 Councillor Nick Kerry to act as Council liaison to the Active Elders Association Incorporated for a period of two years, to be reviewed by January 2017.
 - 2.2 Councillor Nick Kerry to act as Council liaison to the Clovelly Park Community Centre Committee of Management for a period of two years, to be reviewed by January 2017.

- 2.3 Councillor Raelene Telfer to act as Council liaison to the Cosgrove Hall Committee of Management of Management for a period of two years, to be reviewed by January 2017.
- 2.4 Councillors Ian Crossland and Nick Westwood to act as Council liaison to the Council on the Ageing (SA) Incorporated for a period of two years, to be reviewed by January 2017.
- 2.5 Councillor Nick Westwood to act as Council liaison to the Council on the Cove Youth Service for a period of two years, to be reviewed by January 2017.
- 2.6 Councillor Tim Pfeiffer to act as Council liaison to the Edwardstown Soldiers Memorial recreation Ground Committee of Management for a period of two years, to be reviewed by January 2017.
- 2.7 Councillor Janet Byram to act as Council liaison to the Friends of the Library for a period of two years, to be reviewed by January 2017.
- 2.8 Councillor Ian Crossland to act as Council liaison to the Hallett Cove School Council Incorporated for a period of two years, to be reviewed by January 2017.
- 2.9 Councillor Luke Hutchinson to act as Council liaison to the Hamilton Secondary School Council Incorporated for a period of two years, to be reviewed by January 2017.
- 2.10 Councillor Tim Gard to act as Council liaison to the Marino Residents Association for a period of two years, to be reviewed by January 2017.
- 2.11 Councillors Tim Pfeiffer and Nick Westwood to act as Council liaison to the Marion City Band for a period of two years, to be reviewed by January 2017.
- 2.12 Councillor Raelene Telfer to act as Council liaison to the Mitchell Park Sports Club Incorporated for a period of two years, to be reviewed by January 2017.
- 2.13 Councillor Jason Veliskou to act as Council liaison to the Morphetville Park Sporting Club Incorporated for a period of two years, to be reviewed by January 2017.
- 2.14 Councillor Jason Veliskou to act as Council liaison to the Park Holme Community Hall for a period of two years, to be reviewed by January 2017.
- 2.15 Councillor Jerome Appleby to act as Council liaison to the Plympton Sporting and Recreation Club Incorporated for a period of two years, to be reviewed by January 2017.
- 2.16 Councillor Jason Veliskou to act as Council liaison to the Red House Group for a period of two years, to be reviewed by January 2017.
- 2.17 Councillor Janet Byram to act as Council liaison to the Seaview High School Council for a period of two years, to be reviewed by January 2017.
- 2.18 Councillor Janet Byram to act as Council liaison to the Suneden Special School for a period of two years, to be reviewed by January 2017.
- 2.19 Councillor Janet Byram to act as Council liaison to the Cove Sports and Community Club Incorporated for a period of two years, to be reviewed by January 2017.
- 2.20 Councillor Tim Gard to act as Council liaison to the Marino Hall Committee of Management for a period of two years, to be reviewed by January 2017.

- 2.21 Councillor Raelene Telfer to act as Council liaison to the Marion Historic Village Project for a period of two years, to be reviewed by January 2017.
 - 2.22 Councillor Luke Hutchinson to act as Council liaison to The Marion Historical Society Incorporated for a period of two years, to be reviewed by January 2017.
 - 2.23 Councillors Nick Westwood and Jason Veliskou to act as Council liaison to the Youth Advisory Committee for a period of two years, to be reviewed by January 2017.
- 3 Administration advises each of the external bodies of their nominated Council Liaison.

Carried Unanimously

Pensioner Concessions
Report Reference: GC091214R08

Moved Councillor Veliskou, Seconded Councillor Kerry that Council consider the following recommended resolutions from the Local Government Association:

- 1. Will not replace the withdrawn Federal and State Government funding for pensioner concession.
- 2. Agrees to participate in the LGA's campaign to seek reinstatement of the concessions.

Amendment:

Moved Councillor Westwood, Seconded Councillor Byram that Council consider the following recommended resolutions from the Local Government Association:

- 1. Will not replace the withdrawn Federal and State Government funding for pensioner concession.
- 2. Agrees to participate in the LGA's campaign to seek reinstatement of the concessions.
- 3. Agrees to insert a flyer in the next quarterly Council rates notice alerting ratepayers to the impact of removal of pensioner concessions on rates.

Carried

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

Councillor Hull Division

Those for: Councillors Telfer, Hutchinson, Prior, Westwood, Byram, Veliskou, Gard and Crossland

Those against: Councillors Pfeiffer, Kerry, Hull and Appleby

Carried

Spending On Future Naval Fleet of Ships and Submarines
Report Reference: GC091214R09

Councillor Appleby declared a conflict of interest in this matter as he has a working relationship with those involved in the item and left the meeting.

9.29pm Councillor Appleby left the meeting

Moved Councillor Pfeiffer, Seconded Councillor Telfer that:

1. Council write to Federal and State Government members urging them to call for an open, competitive tender and to support local jobs regarding the construction of naval ships and submarines in South Australia.

Carried Unanimously

9.29pm Councillors Kerry and Hutchinson left the meeting

9.30pm Councillor Appleby re-entered

Nominations Sought for the South Australian Local Government Grants Commission
Reference No: GC091214R10

Moved Councillor Pfeiffer, Seconded Councillor Prior that Council:

1. Notes the report *Nominations Sought for the South Australian Local Government Grants Commission* Report Reference GC091214R10
2. Nominates Councillor Nick Kerry and Councillor Luke Hutchinson to the LGA for consideration as the Local Government Member on the South Australian Local Government Grants Commission
3. Administration forwards the above nomination/s to the Local Government Association by 12 January 2015.

Carried Unanimously

9.31pm Councillor Kerry and Hutchinson re-entered the meeting

9.31pm Councillor Byram left the meeting

9.33pm Councillor Byram re-entered the meeting

9.34pm Councillor Crossland left the meeting

9.36pm Councillor Crossland re-entered the meeting

Review of Confidential Orders

Councillors Telfer, Hutchinson, Hull and Westwood declared a conflict of interest in one or more of the following items to be moved on block: GC091214R11 - (17), GC091214R11 – (38), GC091214R11 - (41) to GC091214R11 – (42) and GC091214R11 - (46) to GC091214R11 – (51).

9.36pm Councillors Telfer, Hutchinson, Hull and Westwood left the meeting

Moved Councillor Veliskou, Seconded Councillor Crossland that Items GC091214R11 - (17), GC091214R11 – (38), GC091214R11 (41) to GC091214R11 – (42) and GC091214R11 - (46) to GC091214R11 – (51) be moved on block.

Carried Unanimously

Review of Confidential Order for the Item:

Public Trustee Land - Glandore Laneways, Certificates of Title Volume 5658 Folio 602 and Volume 5992 Folio 848

Report Reference: GC091214R11 - (17)

Moved Councillor Veliskou, Seconded Councillor Crossland that:

1. Pursuant to Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the Report, "Public Trustee Land – Glandore Laneways, Certificates of Title Volume 5658 Folio 602 and Volume 5992 Folio 848 ", minutes and the minutes arising from the report be kept confidential on the basis that they contain information, the disclosure of which could reasonably be expected to confirm a commercial advantage on a person with whom the Council is conducting, or proposing to conduct business, or to prejudice the commercial position of the Council, and on balance would be contrary to the public interest (*Section 90(3)(b), and (d) of the Local Government Act 1999*).

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. This confidential order be reviewed at the December 2015 meeting of Council.

Carried Unanimously

Review of Confidential Order for the Item:

Cove Sports and Community Club, SGC010205F01

Report Reference: GC091214R11 - (38)

Moved Councillor Veliskou, Seconded Councillor Crossland that:

1. Pursuant to Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the Appendices to the Report, "Cove Sports and Community Club, SGC010205F01" be kept confidential on the basis that they contain information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of nominees to the Board of Management of the Cove Sports and Community Club Inc. in the form of application forms (*Section 90(3)(a) of the Local Government Act 1999*).

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. This confidential order be reviewed at the December 2015 meeting of Council.

Carried Unanimously

Review of Confidential Order for Item:

Code of Conduct

GC270514F02

Report Reference: GC091214R11 – (41)

Moved Councillor Veliskou, Seconded Councillor Crossland that:

1. That the confidentiality order pertaining to the Report 'Review of Confidential Order for the Item "Code of Conduct GC270514F02" together with the minutes arising from the report be retained on the grounds that it relates to information that must be considered in confidence in order to ensure that the council does not breach any legal obligation or duty (Section 90(2) and (3)(e), (f) and (g) of the Local Government Act 1999).

This order is to remain in force until such time as the conditions of confidentiality no longer exist.

2. This confidential order be reviewed at the December 2015 meeting of Council.

Carried Unanimously

Review of Confidential Order for Item:

Code of Conduct Complaint

GC240614F01

Report Reference: GC091214R11 – (42)

Moved Councillor Veliskou, Seconded Councillor Crossland that:

1. the confidentiality order pertaining to the Report 'Review of Confidential Order for the Item "Code of Conduct Complaint GC240614F01" together with the minutes arising from the report be retained on the grounds that it relates to information that must be considered in confidence in order to ensure that the council does not breach any legal obligation or duty (Section 90(2) and (3)(g) of the Local Government Act 1999).

This order is to remain in force until such time as the conditions of confidentiality no longer exist.

2. This confidential order be reviewed at the December 2015 meeting of Council.

Carried Unanimously

Moved Councillor Crossland, Seconded Councillor Byram that Items GC091214R11 - (46) to GC091214R11 – (51) be moved on block.

Carried Unanimously

Review of Confidential Order for the Item:

Alleged Breaches of the Code of Conduct for Elected Members GC270104F01

Report Reference: GC091214R11 - (46)

Moved Councillor Crossland, Seconded Councillor Byram that:

1. Pursuant to Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the Report, “*Alleged Breaches of the Code of Conduct for Elected Members, GC270104F01*” together with all annexure and the minutes arising from the Report be kept confidential on the basis that it deals with:
 - a. Information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) (Section 90(3)(a) of the *Local Government Act 1999*).
 - b. Matters that must be considered in confidence in order to ensure that Council does not breach any law or other legal obligation or duty (Section 90(3)(g) of the *Local Government Act 1999*).

This order is to remain in force until 2 years after any persons involved in the matter leaves the employment of the City of Marion.

2. Council requests the Chief Executive Officer to undertake further investigation and consultation with the view to releasing this matter based on the outcomes of such investigation and consultation.
3. Council delegates the power to revoke this order of confidentiality to the Chief Executive Officer, subject to no reasonable objections from relevant third parties or Elected Members.
4. This confidential order be reviewed at the December 2015 meeting of Council.

Carried Unanimously

Review of Confidential Order for the Item:

Legal Advice, CC100204F01

Report Reference: GC091214R11 - (47)

Moved Councillor Crossland, Seconded Councillor Byram that:

1. Pursuant to Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the Report, “*Legal Advice CC100204F01*” together with all annexure and the minutes arising from the Report be kept confidential on the basis that it deals with:

- a. Information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) (Section 90(3)(a) of the *Local Government Act 1999*).
- b. Matters that must be considered in confidence in order to ensure that Council does not breach any law or other legal obligation or duty (Section 90(3)(g) of the *Local Government Act 1999*).

This order is to remain in force until 2 years after any persons involved in the matter leaves the employment of the City of Marion.

2. Council requests the Chief Executive Officer to undertake further investigation and consultation with the view to releasing this matter based on the outcomes of such investigation and consultation.
3. Council delegates the power to revoke this order of confidentiality to the Chief Executive Officer, subject to no reasonable objections from relevant third parties or Elected Members.
4. This confidential order be reviewed at the December 2015 meeting of Council.

Carried Unanimously

**Review of Confidential Order for Item:
Alleged Breach of Elected Members' Code of Conduct
CC110504F01
Report Reference: GC091214R11 - (48)**

Moved Councillor Crossland, Seconded Councillor Byram that:

1. Pursuant to Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the Report, "*Alleged Breach of Elected Members Code of Conduct, CC110504F01*" together with all annexure and the minutes arising from the Report be kept confidential on the basis that it deals with:
 - a. Information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) (Section 90(3)(a) of the *Local Government Act 1999*).
 - b. Matters that must be considered in confidence in order to ensure that Council does not breach any law or other legal obligation or duty (Section 90(3)(g) of the *Local Government Act 1999*).

This order is to remain in force until 2 years after any persons involved in the matter leaves the employment of the City of Marion.

2. Council requests the Chief Executive Officer to undertake further investigation and consultation with the view to releasing this matter based on the outcomes of such investigation and consultation.

3. Council delegates the power to revoke this order of confidentiality to the Chief Executive Officer, subject to no reasonable objections from relevant third parties or Elected Members.
4. This confidential order be reviewed at the December 2015 meeting of Council.

Carried Unanimously

**Review of Confidential Order for Item:
Occupational Health, Safety and Welfare
GC250105F03
Report Reference: GC091214R11 - (49)**

Moved Councillor Crossland, Seconded Councillor Byram that:

1. Pursuant to Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the Report, “*Occupational Health, Safety and Welfare, GC250105F03*” together with all annexure and the minutes arising from the Report be kept confidential on the basis that it deals with:
 - a. Information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) (Section 90(3)(a) of the *Local Government Act 1999*)
 - b. Matters that must be considered in confidence in order to ensure that Council does not breach any law or other legal obligation or duty (Section 90(3)(g) of the *Local Government Act 1999*).

This order is to remain in force until 2 years after any persons involved in the matter leaves the employment of the City of Marion.

2. Council requests the Chief Executive Officer to undertake further investigation and consultation with the view to releasing this matter based on the outcomes of such investigation and consultation.
3. Council delegates the power to revoke this order of confidentiality to the Chief Executive Officer, subject to no reasonable objections from relevant third parties or Elected Members.
4. This confidential order be reviewed at the December 2015 meeting of Council.

Carried Unanimously

**Review of Confidential Order for the Item:
Occupational Health, Safety and Welfare, GC270905F01
Report Reference: GC091214R11 – (50)**

Moved Councillor Crossland, Seconded Councillor Byram that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, '*Occupational Health, Safety and Welfare, GC270905F01*' and the minutes arising from the report be kept confidential and not available for public inspection on the basis that it deals with:
 - a. Information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) (Section 90(3)(a) of the *Local Government Act 1999*).
 - b. Matters that must be considered in confidence in order to ensure that Council does not breach any law or other legal obligation or duty (Section 90(3)(g) of the *Local Government Act 1999*).

This order is to remain in force until 2 years after any persons involved in the matter leaves the employment of the City of Marion.

2. Council requests the Chief Executive Officer to undertake further investigation and consultation with the view to releasing this matter based on the outcomes of such investigation and consultation.
3. Council delegates the power to revoke this order of confidentiality to the Chief Executive Officer, subject to no reasonable objections from relevant third parties or Elected Members.

This confidential order be reviewed at the December 2015 meeting of Council

Carried Unanimously

**Review of Confidential Order for the Item:
Legal Advice, GC280206F01
Report Reference: GC091214R11 – (51)**

Moved Councillor Crossland, Seconded Councillor Byram that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, '*Legal Advice, GC280206F01*' and the minutes arising from the report be kept confidential and not available for public inspection on the basis that it deals with:
 - a. Information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) (Section 90(3)(a) of the *Local Government Act 1999*).
 - b. Matters that must be considered in confidence in order to ensure that Council does not breach any law or other legal obligation or duty (Section 90(3)(g) of the *Local Government Act 1999*).

This order is to remain in force until 2 years after any persons involved in the matter leaves the employment of the City of Marion.

2. Council requests the Chief Executive Officer to undertake further investigation and consultation with the view to releasing this matter based on the outcomes of such investigation and consultation.
3. Council delegates the power to revoke this order of confidentiality to the Chief Executive Officer, subject to no reasonable objections from relevant third parties or Elected Members.

This confidential order be reviewed at the December 2015 meeting of Council.

Carried Unanimously

9.42pm Councillors Telfer, Hutchinson, Hull and Westwood re-entered the meeting

Moved Councillor Veliskou, Seconded Councillor Appleby that Items GC091214R11 - (01) to GC091214R11 – (04) be moved on block.

Carried Unanimously

Review of Confidential Order for the Item:
Review of Confidential Items 2003, GC161203F02
Report Reference: GC091214R11 - (01)

Moved Councillor Veliskou, Seconded Councillor Appleby that:

1. The confidentiality order pertaining to Appendices 2 and 3 of the Report “*Review of Confidential Items 2003, GC161203F02*” be revoked.

Carried Unanimously

Review of Confidential Order for the Item:
Acquisition of Land for Drainage Reserve – 40a Jervois Terrace Marino, GC100712F01
Report Reference: GC091214R11 – (02)

Moved Councillor Veliskou, Seconded Councillor Appleby that:

1. the confidentiality order pertaining to the Report ‘*Review of Confidential Order for the Item “Acquisition of Land for Drainage Reserve – 40a Jervois Terrace Marino, GC100712F01 ”*’ together with the minutes arising from the report be revoked.

Carried Unanimously

**Review of Confidential Order for the Item:
 Internal Audit Report - Enterprise Bargaining Calculations, AC100810F02
 Report Reference: GC091214R11 - (03)**

Moved Councillor Veliskou, Seconded Councillor Appleby that:

1. the confidentiality order pertaining to the Report 'Review of Confidential Order for the Item "Internal Audit Report - Enterprise Bargaining Calculations, AC100810F02" together with the minutes arising from the report be revoked.

Carried Unanimously

**Review of Confidential Order for the Item:
 External Audit Tender, AC011211F6.1
 Report Reference: GC091214R11 – (04)**

Moved Councillor Veliskou, Seconded Councillor Appleby that:

1. That the Report 'External Audit Tender, AC011211F6.1' and the minutes arising from the report be released.

Carried Unanimously

Moved Councillor Veliskou, Seconded Councillor Crossland that Items GC091214R11 - (05) to GC091214R11 – (16), GC091214R11 – (18) to GC091214R11 – (37), GC091214R11 (39) to GC091214R11 – (40) and GC091214R11 – (43) be moved on block.

Carried

**Review of Confidential Order for the Item:
 Cove Sports and Community Club, CC140605R07
 Report Reference: GC091214R11 - (05)**

Moved Councillor Telfer, Seconded Councillor Byram that

1. Pursuant to Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the Appendix 2 to the Report, "Cove Sports and Community Club, CC140605R07" be kept confidential on the basis that it deals with information the disclosure of which will involve the unreasonable disclosure of commercial information of a confidential nature, which, on balance, would be contrary to the public interest (Section 90(3)(d) of the *Local Government Act 1999*).

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

Review of Confidential Order for the Item:

Lease and Operation of Marion Leisure and Fitness Centre GC280904F01

Report Reference: GC091214R11 - (06)

Moved Councillor Telfer, Seconded Councillor Byram that:

1. Pursuant to Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that Appendix 1 to the Report, “*Lease and Operation of Marion Leisure and Fitness Centre, GC280904F01*” be kept confidential on the basis that the matter relates to a tender for the provision of services and the carrying out of works for the Council (Section 90(3)(k) of the *Local Government Act 1999*).

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

Review of Confidential Order for the Item:

Provision of Advertising Bus Shelters to the City of Marion GC270207F01

Report Reference GC091214R11 - (07)

Moved Councillor Telfer, Seconded Councillor Byram that

1. Pursuant to Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the Report, annexure and minutes titled “*Provision of Advertising Bus Shelters to the City of Marion, GC270207F01*” be kept confidential on the basis that the matter relates to commercial information of a confidential nature (Section 90(3)(d) of the *Local Government Act 1999*).

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

Review of Confidential Order for the Item:

Abbeyfield, GC260509F02

Ref No: GC091214R11 - (08)

Moved Councillor Telfer, Seconded Councillor Byram that:

1. Pursuant to Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the Report “*Abbeyfield, GC260509F02*” together with the attachments and minutes arising from the report be kept confidential on the basis that they contain information the disclosure of which:

(a) *could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party (Section 90(3)(d) of the Local Government Act 1999); and*

(b) would, on balance, be contrary to the public interest.

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

Review of Confidential Order for the Item:

**Program Evaluation and Business Improvement Service Provisions, AC020610F01
Report Reference: GC091214R11 - (09)**

Moved Councillor Telfer, Seconded Councillor Byram that:

1. Pursuant to Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the Report, "*Program Evaluation and Business Improvement Service Provisions, AC020610F01*" together with the appendices and minutes arising from the report be kept confidential on the basis that they contain information the disclosure of which:
 - (a) *could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party (Section 90(3)(d) of the Local Government Act 1999); and*
 - (b) would, on balance, be contrary to the public interest;

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

Review of Confidential Order for the Item:

**Program Evaluation and Business Improvement Service Provisions, AC100810F01
Report Reference: GC091214R11 - (10)**

Moved Councillor Telfer, Seconded Councillor Byram that:

1. Pursuant to Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the Report, "*Program Evaluation and Business Improvement Service Provisions, AC100810F01*" together with the appendices and minutes arising from the report be kept confidential on the basis that they contain information the disclosure of which:
 - a) *could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party (Section 90(3)(d) of the Local Government Act 1999); and*
 - b) would, on balance, be contrary to the public interest;

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

**Review of Confidential Order for the Item:
Program Evaluation and Business Improvement Service Provisions, GC240810F02
Report Reference: GC091214R11 - (11)**

Moved Councillor Telfer, Seconded Councillor Byram that:

1. Pursuant to Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the Report, "*Program Evaluation and Business Improvement Service Provisions, GC240810F02*" together with all appendices and minutes arising from the report be kept confidential on the basis that they contain information the disclosure of which:
 - (a) *could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party (Section 90(3)(d) of the Local Government Act 1999); and*
 - (b) would, on balance, be contrary to the public interest;

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

**Review of Confidential Order for the Item:
Payroll Services and 6th Ranking Process, AC011211F6.2
Report Reference: GC091214R11 – (12)**

Moved Councillor Telfer, Seconded Councillor Byram that Council:

1. That in accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report *Payroll Services and 6th Ranking Processes* (reference AC011211F02) together with any attachments, having been considered in confidence under Section 90(2) and (3)(b) of the Act be kept confidential and not available for public inspection on the basis the report contains information the disclosure of which could reasonably be expected to prejudice the commercial position of the council, and on balance, disclosure would be contrary to the public interest.

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. This confidentiality order will be reviewed at the General Council meeting in December 2015.

Carried

**Review of Confidential Order for the Item:
External Audit – Tender for Services, AC070212
Report Reference: GC091214R11 – (13)**

Moved Councillor Telfer, Seconded Councillor Byram that Council:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report *External Audit – Tender for Services, AC070212*, the minutes arising from this report and any other information distributed at the meeting having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection on the basis it contains information relating to the tender for the provision of external audit services and is of a commercial nature, and the release would, on balance, be contrary to the public interest.

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. This confidentiality order will be reviewed at the General Council meeting in December 2015.

Carried

**Review of Confidential Order for the item:
Kerbside Waste Collection Contract – GC120612F01
Report Reference: GC091214R11 - (14)**

Moved Councillor Telfer, Seconded Councillor Byram that Council:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that this report, *Kerbside Waste Collection Contract, GC120612F01* and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection on the basis it relates to commercial information of a confidential nature.

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

**Review of Confidential Order for the Item:
Commercial Arrangements, GC240112F01
Report Reference: GC091214R11 – (15)**

Moved Councillor Telfer, Seconded Councillor Byram that Council:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report *Commercial Arrangements, GC240112F01*, the minutes arising from this report and any other information distributed at the meeting having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection on the basis that it relates to proposed commercial arrangements which could reasonably be expected to prejudice the commercial position of the person who supplies the information, or to confer a commercial advantage to a third party, and the release would, on balance, be contrary to the public interest.

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. This confidentiality order will be reviewed at the General Council meeting in December 2015.

Carried

**Review of Confidential Order for the Item:
Commercial Arrangements, GC240712F01
Report Reference: GC091214R11 – (16)**

Moved Councillor Telfer, Seconded Councillor Byram that Council:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report *Commercial Arrangements, GC240712*, the minutes arising from this report and any other information distributed at the meeting having been considered in confidence under Section 90(2) and (3)(d) and (k) of the Act be kept confidential and not available for public inspection on the basis that it relates to proposed commercial arrangements which could reasonably be expected to prejudice the commercial position of the person who supplies the information, or to confer a commercial advantage to a third party, and release would, on balance, be contrary to the public interest.

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. This confidentiality order will be reviewed at the General Council meeting in December 2015.

Carried

**Service Review Project Report – Marion Swimming Centre AC120213F01
Ref No: GC091214R11 - (18)**

Moved Councillor Telfer, Seconded Councillor Byram that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Committee orders that this report including any appendices to this report and the minutes arising from this report, having been considered in confidence under Section 90(2) and (3)(b) and (3)(e) of the Act be kept confidential and not available for public inspection (with the exception of City of Marion staff at the Marion Swimming Centre) as it includes information, which could reasonably be expected to either prejudice the commercial position of the Council or affect the security of council employees or council property, and the disclosure would, on balance, be contrary to the public interest.

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

**Review of Confidential Order for the Item:
Oaklands Wetland – Cost Estimate, GC140812F01
Report Reference: GC091214R11 – (19)**

Moved Councillor Telfer, Seconded Councillor Byram that Council:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that this report, *Oaklands Wetland – Cost Estimate, GC140812F01* and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(b) of the Act be kept confidential and not available for public inspection on the basis the information relates to information the disclosure of which would:
 - (a) reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
 - (b) on balance, be contrary to the public interest.

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. This confidentiality order will be reviewed at the General Council meeting in December 2015.

Carried

**Review of Confidential Order for the Item:
Oaklands Wetland – Award of Construction, GC131112F01
Report Reference: GC091214R11 – (20)**

Moved Councillor Telfer, Seconded Councillor Byram that

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that Appendix A: Tender Assessment Reports to the Oaklands Wetland Cost Breakdown and Appendix B: Oaklands Wetland Tender Evaluation in relation to the Report Oaklands Wetland – Award of Construction, GC131112F01 having been considered in confidence under Section 90(2) and (3)(b) and (3)(k) of the Act be kept confidential and not available for public inspection on the basis the information relates to the tender for the carrying out of works and disclosure of the information would:
 - (a) reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the Council; and
 - (b) on balance, be contrary to the public interest.

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. This confidentiality order will be reviewed at the General Council meeting in December 2015.

Carried

**Review of Confidentiality Order:
City Services Redevelopment AC140313 F01
Report Reference: GC091214R11 – (21)**

Moved Councillor Telfer, Seconded Councillor Byram that:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the Report, Appendices and the Minutes arising from this report be kept confidential as the information relates to a tender for the carrying out of works, and the disclosure of the information could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council, and the disclosure of this information would, on balance, be contrary to the public interest as it could prejudice Council's ability to be able to negotiate a cost effective proposal for the benefit of the Council and the community (S 90(2) and (3)(b) and (3)(k) of the Act)

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. This confidentiality order will be reviewed at the General Council meeting in December 2015.

Carried

**Review of Confidentiality Order: Draft Confidential Minutes from March 2013 Audit
Committee Meeting GC260313F01
Report Reference: GC091214R11 – (22)**

Moved Councillor Telfer, Seconded Councillor Byram that:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the Report and any appendices to the report having been considered in confidence by the Audit Committee under Section 90(2) and (3)(b) and (3)(k) of the Act be kept confidential and not available for public inspection on the basis that the information relates to a tender for the carrying out of works, and the disclosure of the information would:
 - (a) reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council, and
 - (b) on balance, be contrary to the public interest.

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. This confidentiality order will be reviewed at the General Council meeting in December 2015.

Carried

Review of Confidentiality Order:**City Services Redevelopment GC260313F03, SGC020413, SGC090413****Report Reference: GC091214R11 – (23)****Moved Councillor Telfer, Seconded Councillor Byram that:**

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the appendices to this report having been considered in confidence under Section 90(2) and (3)(b) and (3)(k) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting as the information relates to a tender for the carrying out of works, and the disclosure of the information could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council, and the disclosure of this information would, on balance, be contrary to the public interest as it could prejudice Council's ability to be able to negotiate a cost effective proposal for the benefit of the Council and the community.

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. This confidentiality order will be reviewed at the General Council meeting in December 2015.

Carried**Review of Confidentiality Order:****City Services Redevelopment Award of Construction Tender, SGC190814F01****Report Reference: GC091214R11 – (24)****Moved Councillor Telfer, Seconded Councillor Byram that**

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the appendices to this report having been considered in confidence under Section 90(2) and (3)(b) and (3)(k) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting as the information relates to a tender for the carrying out of works, and the disclosure of the information could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council, and the disclosure of this information would, on balance, be contrary to the public interest as it could prejudice Council's ability to be able to negotiate a cost effective proposal for the benefit of the Council and the community.

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. This confidentiality order will be reviewed at the General Council meeting in December 2015.

Carried

Review of Confidentiality Order:

Hallett Cove Library and Community Centre Award of Construction Tender GC270813F02
Report Reference: GC091214R11 – (25)

Moved Councillor Telfer, Seconded Councillor Byram that:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the Report 'Hallett Cove Library and Community Centre Award of Construction Tender' be kept confidential and not available for public inspection as the information relates to the tender for the carrying out of works and disclosure of the information could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council, and the disclosure of this information would, on balance, be contrary to the public interest as it could prejudice Council's ability to be able to negotiate a cost effective proposal for the benefit of the Council and the community (S 90(2) and (3)(b) and (3)(k) of the Act)

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. This confidentiality order will be reviewed at the General Council meeting in December 2015.

Carried

Review of Confidential Order for the Item:

Consultants Details, GC101213F01
Report Reference: GC091214R11 – (26)

Moved Councillor Telfer, Seconded Councillor Byram that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the Report *Consultants Details, GC101213F01* and minutes having been considered in confidence under Section 90(2) and (3)(b) of the Act be kept confidential and not available for public inspection on the basis the information relates to information the disclosure of which would:
 - a. reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
 - b. on balance, be contrary to the public interest

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. This confidentiality order will be reviewed at the General Council meeting in December 2015.

Carried

Review of Confidential Order for the Item:
Kerbside Waste & Recycling Collection Contract 2005, SGC210605F01
Report Reference: GC091214R11 - (27)

Moved Councillor Telfer, Seconded Councillor Byram that:

1. Pursuant to Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the Report, "*Kerbside Waste & Recycling Collection Contract 2005, SGC210605F01*" together with the appendices and minutes arising from the report be kept confidential on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning tenders for the supply of goods, the provision of services or the carrying out of works (Section 90(3)(k) of the *Local Government Act 1999*).

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

Review of Confidential Order for the Item:
Internal Audit Project Report - Accounts Payable, AC040609F01
Report Reference: GC091214R11 – (28)

Moved Councillor Telfer, Seconded Councillor Byram that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the Appendix to the report, '*Internal Audit Project Report - Accounts Payable, AC040609F01*' be kept confidential and not available for public inspection on the basis that the Appendix to the Report contains information the disclosure of which could reasonably be expected to affect the security of Council property (Section 90(3)(e) of the *Local Government Act 1999*).

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

3. This confidential order be reviewed at the December 2015 meeting of Council

Carried

Review of Confidential Order for the Item:
Internal Audit Project Report - Assurance & Cash Receipting, AC040609F02
Report Reference: GC091214R11 – (29)

Moved Councillor Telfer, Seconded Councillor Byram that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the Appendix to the report, '*Internal Audit Project Report - Assurance & Cash Receipting, AC040609F02*' be kept confidential and not available for public inspection on the basis that the Appendix to the Report contains information the disclosure of which could reasonably be expected to affect the security of Council property (Section 90(3)(e) of the *Local Government Act 1999*).

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

**Review of Confidential Order for the Item:
Glandore Community Centre, GC240407F01
Report Reference: GC091214R11 - (30)**

Moved Councillor Telfer, Seconded Councillor Byram that:

1. Pursuant to Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the Report, “*Glandore Community Centre GC240407F01*” be kept confidential on the basis that it contains legal advice (Section 90(3)(b) of the *Local Government Act 1999*).

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

**Review of Confidential Order for the Item:
Community Bus Negotiations, GC240309F01
Report Reference: GC091214R11 - (31)**

Moved Councillor Telfer, Seconded Councillor Byram that:

1. Pursuant to Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the Report, “*Community Bus Negotiations, GC240309F01*” together with all annexure and the minutes arising from the report be kept confidential on the basis that it is legal advice (*Section 90(3)(h) of the Local Government Act 1999*).

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

**Review of Confidential Order for the Item:
External Audit Tender, GC140212F01
Report Reference: GC091214R11 – (32)**

Moved Councillor Telfer, Seconded Councillor Byram that:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that Appendix 1 to the report *External Audit Tender, GC140212F01*, having been considered in confidence under Section 90(2) and (3)(d) of the Act, be kept confidential and not available for public inspection on the basis the information is of a commercial nature, and disclosure would on balance be contrary to the public interest.

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. This confidentiality order will be reviewed at the General Council meeting in December 2015.

Carried

**Review of Confidential Order for the Item:
Legal Advice, GC100712F02
Report Reference: GC091214R11 – (33)**

Moved Councillor Telfer, Seconded Councillor Byram that:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report *Legal Advice, GC100712F02* and the minutes arising from this report having been considered in confidence under section 90(2) and (3)(h) of the Act be kept confidential and not available for public inspection on the basis the report contains information relating to the provision of legal advice.

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. This confidentiality order will be reviewed at the General Council meeting in December 2015.

Carried

**Review of Confidential Order for the Item:
Report on Glandore Community Centre GC261004F02
Report Reference: GC091214R11 - (34)**

Moved Councillor Telfer, Seconded Councillor Byram that:

1. Pursuant to Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the Report, "*Report on Glandore Community Centre GC261004F02*" and the minutes arising from the Report be kept confidential on the basis that they contain information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) (Section 90(3)(a) of the *Local Government Act 1999*).

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

**Review of Confidential Order for the Item:
Glandore Community Centre GC220305F03
Report Reference: GC091214R11 - (35)**

Moved Councillor Telfer, Seconded Councillor Byram that:

1. Pursuant to Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the Report, “*Glandore Community Centre GC220305F03*” together with any attachments and the minutes arising from the Report be kept confidential on the basis that they contain information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) (Section 90(3)(a) of the *Local Government Act 1999*).

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

**Review of Confidential Order for the Item:
Living Kurna Cultural Centre, GC250105F02
Ref No: GC091214R11 – (36)**

Moved Councillor Telfer, Seconded Councillor Byram that:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, ‘*Living Kurna Cultural Centre, GC250105F02*’ together with the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) (Section 90(3)(a) of the *Local Government Act 1999*).

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

4. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

**Review of Confidential Order for the Item:
Living Kaurna Cultural Centre, GC220305F01
Report Reference: GC091214R11 – (37)**

Moved Councillor Telfer, Seconded Councillor Byram that:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, '*Living Kaurna Cultural Centre, GC220305F01*' together with the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) (Section 90(3)(a) of the *Local Government Act 1999*).

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

**Review of Confidential Order for the Item:
Personal Matter, GC090805F02
Report Reference: GC091214R11 – (39)**

Moved Councillor Telfer, Seconded Councillor Byram that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, '*Personal Matter, GC090805F02*' together with any attachments and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information:
 - a. the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) (Section 90(3)(a) of the *Local Government Act 1999*);
 - b. that is subject to legal professional privilege (Section 90(3)(h)).

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2015 meeting of Council

Carried

Review of Confidential Order for the Item:

Reserve at Elizabeth Crescent Hallett Cove – Cancellation of Contract for the Sale and Purchase of Land, GC271112

Report Reference:GC091214R11 – (40)

Moved Councillor Telfer, Seconded Councillor Byram that Council:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, *Reserve at Elizabeth Crescent Hallett Cove – Cancellation of Contract for the Sale and Purchase of Land, GC271112F01* and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(a) of the *Local Government Act 1999* be kept confidential and not available for public inspection on the basis the information relates to information, the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. This confidentiality order will be reviewed at the General Council meeting in December 2015.

Carried

Review of Confidential Orders for multiple items re:

Personnel Matter – CEO Performance Reviews

Report Reference: GC091214R0 (43)

As outlined in attachments to this report and as follows:

Review of Confidential Order for the Item:

Personnel Matter – CEO Performance Review 2003, CC300404F01

Report Reference GC091214R11– (43) Appendix 1

Moved Councillor Telfer, Seconded Councillor Byram that:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, '*Personnel Matter – CEO Performance Review 2003, CC300404F01*' together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer (Section 90(3)(a) of the *Local Government Act 1999*).

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2015 meeting of Council

Carried

Review of Confidential Order for the Item:**Personnel Matter – CEO Performance Review 2003, CRC150604F01****Report Reference: GC091214R11 – (43) Appendix 2****Moved Councillor Telfer, Seconded Councillor Byram that:**

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, '*Personnel Matter – CEO Performance Review 2003, CRC150604F01*' together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer (Section 90(3)(a) of the *Local Government Act 1999*.

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2015 meeting of Council

Carried**Review of Confidential Order for the Item:****Personnel Matter – CEO Performance Review 2003, GC220604F01****Report Reference: GC091214R11 – (43) Appendix 3****Moved Councillor Telfer, Seconded Councillor Byram that:**

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, '*Personnel Matter – CEO Performance Review 2003, GC220604F01*' together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer (Section 90(3)(a) of the *Local Government Act 1999*.

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2015 meeting of Council.

Carried**Review of Confidential Order for the Item:****Personnel Matter – CEO Performance Review 2004, GC280605F04****Report Reference: GC091214R11 – (43) Appendix 4****Moved Councillor Telfer, Seconded Councillor Byram that:**

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, '*Personnel Matter – CEO Performance Review 2004, GC280605F04*' together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal

affairs of a person being the Chief Executive Officer (Section 90(3)(a) of the *Local Government Act 1999*).

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

Review of Confidential Order for the Item:

Personnel Matter – CEO Performance Review 2004, CRC060505F01

Report Reference: GC091214R11 – (43) Appendix 5

Moved Councillor Telfer, Seconded Councillor Byram that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, '*Personnel Matter – CEO Performance Review 2004, CRC060505F01*' together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer (Section 90(3)(a) of the *Local Government Act 1999*).

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

Review of Confidential Order for the Item:

Personnel Matter – CEO Performance Review 2004, CRC200605F01

Report Reference: GC091214R11 – (43) Appendix 6

Moved Councillor Telfer, Seconded Councillor Byram that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, '*Personnel Matter – CEO Performance Review 2004, CRC200605F01*' together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer (Section 90(3)(a) of the *Local Government Act 1999*).

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

Review of Confidential Order for the Item:**Personnel Matter – CEO Performance Review 2005, CRC281105F01****Report Reference: GC091214R11 – (43) Appendix 7****Moved Councillor Telfer, Seconded Councillor Byram, that:**

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, '*Personnel Matter – CEO Performance Review 2005, CRC281105F01*' together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer (Section 90(3)(a) of the *Local Government Act 1999*).

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2015 meeting of Council.

Carried**Review of Confidential Order for the Item:****CRC Committee Recommendations – re Personnel Matter – CEO Performance Review 2005, GC061205F02****Report Reference: GC091214R11 – (43) Appendix 8****Moved Councillor Telfer, Seconded Councillor Byram that:**

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, '*CRC Committee Recommendations – re Personnel Matter – CEO Performance Review 2005, GC061205F02*' together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer (Section 90(3)(a) of the *Local Government Act 1999*).

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2015 meeting of Council

Carried**Review of Confidential Order for the Item:****Personnel Matter – Chief Executive Review 2004/2005, CRC110506F01****Report Reference: GC091214R11 – (43) Appendix 9****Moved Councillor Telfer, Seconded Councillor Byram that:**

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, '*Personnel Matter – Chief Executive Review 2004/2005, CRC110506F01*' together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains

information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer (Section 90(3)(a) of the *Local Government Act 1999*.

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

Review of Confidential Order for the Item:

Personnel Matter – Chief Executive Employment Agreement Review, CRC110506F02
Report Reference: GC091214R11 – (43) Appendix 10

Moved Councillor Telfer, Seconded Councillor Byram that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, *Personnel Matter – Chief Executive Employment Agreement Review, CRC110506F02* together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer (Section 90(3)(a) of the *Local Government Act 1999*.

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

Review of Confidential Order for the Item:

Personnel Matter – CEO Performance Review 2005, SGC160506F01
Report Reference: GC091214R11 – (43) Appendix 11

Moved Councillor Telfer, Seconded Councillor Byram that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, '*Personnel Matter – CEO Performance Review 2005, SGC160506F01*' together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer (Section 90(3)(a) of the *Local Government Act 1999*).

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2015 meeting of Council

Carried

Review of Confidential Order for the Item:**Personnel Matter – CEO Employment Agreement Review, SGC160506F02****Report Reference: GC091214R11 – (43) Appendix 12****Moved Councillor Telfer, Seconded Councillor Byram that:**

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, '*Personnel Matter – CEO Employment Agreement Review, SGC160506F02*' together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer (Section 90(3)(a) of the Local Government Act 1999).

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2015 meeting of Council

Carried**Review of Confidential Order for the Item:****Personnel Matter – CEO Performance Review 2006-2007, CRC250707F01****Report Reference: GC091214R11 – (43) Appendix 13****Moved Councillor Telfer, Seconded Councillor Byram that:**

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, '*Personnel Matter – CEO Performance Review 2006-2007, CRC250707F01*' together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer (Section 90(3)(a) of the *Local Government Act 1999*).

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2015 meeting of Council.

Carried**Review of Confidential Order for the Item:****Personnel Matter – CEO Performance Review, GC140807F01****Report Reference: GC091214R11 – (43) Appendix 14****Moved Councillor Telfer, Seconded Councillor Byram that:**

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, '*Personnel Matter – CEO Performance Review, GC140807F01*' together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal

affairs of a person being the Chief Executive Officer (Section 90(3)(a) of the Local Government Act 1999).

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2015 meeting of Council

Carried

Review of Confidential Order for the Item:

Personnel Matter – CEO Remuneration Review 2006-2007, CRC061107F01

Report Reference: GC091214R11 – (43) Appendix 15

Moved Councillor Telfer, Seconded Councillor Byram that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, *Personnel Matter – CEO Remuneration Review 2006-2007, CRC061107F01* together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer (Section 90(3)(a) of the *Local Government Act 1999*.

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

Review of Confidential Order for the Item:

Personnel Matter – CEO Remuneration Review, GC131107F01

Report Reference: GC091214R11 – (43) Appendix 16

Moved Councillor Telfer, Seconded Councillor Byram that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, '*Personnel Matter – CEO Remuneration Review, GC131107F01*' together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer (Section 90(3)(a) of the *Local Government Act 1999*).

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2015 meeting of Council

Carried

Review of Confidential Order for the Item:**Personnel Matter – CEO Remuneration Review, GC131107F02****Report Reference: GC091214R11 – (43) Appendix 17****Moved Councillor Telfer, Seconded Councillor Byram that:**

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, '*Personnel Matter – CEO Remuneration Review, GC131107F02*' together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer (Section 90(3)(a) of the *Local Government Act 1999*).

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2015 meeting of Council

Carried**Review of Confidential Order for the Item:****Personnel Matter – CEO Performance Review 2007-2008, CRC140708F01****Report Reference: GC091214R11 – (43) Appendix 18****Moved Councillor Telfer, Seconded Councillor Byram that:**

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, '*Personnel Matter – CEO Performance Review 2007-2008, CRC140708F01*' together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer (Section 90(3)(a) of the *Local Government Act 1999*).

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2015 meeting of Council

Carried**Review of Confidential Order for the Item:****Personnel Matter – CEO Remuneration Review, CRC151208F01****Report Reference: GC091214R11 – (43) Appendix 19****Moved Councillor Telfer, Seconded Councillor Byram that:**

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, '*Personnel Matter – CEO Remuneration Review, CRC151208F01*' together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal

affairs of a person being the Chief Executive Officer (Section 90(3)(a) of the *Local Government Act 1999*.

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

Review of Confidential Order for the Item:

Personnel Matter – CEO Performance Review 2007-2008, CRC030209F01

Report Reference: GC091214R11 – (43) Appendix 20

Moved Councillor Telfer, Seconded Councillor Byram that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, '*Personnel Matter – CEO Performance Review 2007-2008, CRC030209F01*' together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer (Section 90(3)(a) of the *Local Government Act 1999*).

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2015 meeting of Council

Carried

Review of Confidential Order for the Item:

Personnel Matter – CEO Performance Review 2007-2008, GC100209F01

Report Reference: GC091214R11 – (43) Appendix 21

Moved Councillor Telfer, Seconded Councillor Byram that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, '*Personnel Matter – CEO Performance Review 2007-2008, GC100209F01*' together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer (Section 90(3)(a) of the *Local Government Act 1999*).

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2015 meeting of Council

Carried

Review of Confidential Order for the Item:**Personnel Matter – CEO Performance Review 2008-2009, CRC290909F01****Report Reference: GC091214R11 – (43) Appendix 22****Moved Councillor Telfer, Seconded Councillor Byram that:**

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, '*Personnel Matter – CEO Performance Review 2008-2009, CRC290909F01*' together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer (Section 90(3)(a) of the *Local Government Act 1999*).

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2015 meeting of Council

Carried**Review of Confidential Order for the Item:****Personnel Matter – CEO Performance & Remuneration Review 2008-2009, SGC201009F01****Report Reference: GC091214R11 – (43) Appendix 23****Moved Councillor Telfer, Seconded Councillor Byram that:**

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, '*Personnel Matter – CEO Performance & Remuneration Review 2008-2009, SGC201009F01*' together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer (Section 90(3)(a) of the *Local Government Act 1999*).

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2015 meeting of Council

Carried**Review of Confidential Order for the Item:****Personnel Matter – CEO Performance Review 2008-2009, CRC101109F01****Report Reference: GC091214R11 – (43) Appendix 24****Moved Councillor Telfer, Seconded Councillor Byram that:**

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, '*Personnel Matter – CEO Performance Review 2008-2009, CRC101109F01*' together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information

concerning the personal affairs of a person being the Chief Executive Officer (Section 90(3)(a) of the Local Government Act 1999).

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2015 meeting of Council

Carried

Review of Confidential Order for the Item:

Minutes of Chief Executive Review Committee Meeting, GC241109F01

Report Reference: GC091214R11 – (43) Appendix 25

Moved Councillor Telfer, Seconded Councillor Byram that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, 'Minutes of Chief Executive Review Committee Meeting, GC241109F01' together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer (Section 90(3)(a) of the *Local Government Act 1999*).

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2015 meeting of Council

Carried

Review of Confidential Order for the Item:

Personnel Matter – CEO Performance and Remuneration Review 2008-2009, CRC111209F01

Report Reference: GC091214R11 – (43) Appendix 26

Moved Councillor Telfer, Seconded Councillor Byram that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, 'Personnel Matter – CEO Performance and Remuneration Review 2008-2009, CRC111209F01' together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer (Section 90(3)(a) of the *Local Government Act 1999*).

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

Review of Confidential Order for the Item:

Personnel Matter – CEO Performance and Remuneration Review 2008-2009, CRC171209F01
Report Reference: GC091214R11 – (43) Appendix 27

Moved Councillor Telfer, Seconded Councillor Byram that:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, '*Personnel Matter – CEO Performance and Remuneration Review 2008-2009, CRC171209F01*' together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer (Section 90(3)(a) of the Local Government Act 1999).

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

Review of Confidential Order for the Item:

Personnel Matter – CEO Performance and Remuneration Review 2008-2009, GC090210F01
Report Reference: GC091214R11 – (43) Appendix 28

Moved Councillor Telfer, Seconded Councillor Byram that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, '*Personnel Matter – CEO Performance and Remuneration Review 2008-2009, GC090210F01*' together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer (Section 90(3)(a) of the *Local Government Act 1999*).

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

Review of Confidential Order for the Item:

Personnel Matter – CEO Performance and Remuneration Review 2009-2010, GC110510F01
Report Reference: GC091214R11 – (43) Appendix 29

Moved Councillor Telfer, Seconded Councillor Byram that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, '*Personnel Matter – CEO Performance and Remuneration Review 2009-2010, GC110510F01*' together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of

information concerning the personal affairs of a person being the Chief Executive Officer (Section 90(3)(a) of the *Local Government Act 1999*).

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

Review of Confidential Order for the Item:

**Personnel Matter – CEO Performance and Remuneration Review 2009-2010, CRC170810F01
Report Reference: GC091214R11 – (43) Appendix 30**

Moved Councillor Telfer, Seconded Councillor Byram that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, '*Personnel Matter – CEO Performance and Remuneration Review 2009-2010, CRC170810F01*' together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer (Section 90(3)(a) of the *Local Government Act 1999*).

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

Review of Confidential Order for the Item:

**Personnel Matter – CEO Performance and Remuneration Review 2009-2010, GC240810F01
Report Reference: GC091214R11 – (43) Appendix 31**

Moved Councillor Telfer, Seconded Councillor Byram that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, '*Personnel Matter – CEO Performance and Remuneration Review 2009-2010, GC240810F01*' together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer (Section 90(3)(a) of the *Local Government Act 1999*).

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

Review of Confidential Order for the Item:**Personnel Matter - CEO Performance Criteria 2010-2011, GC140910F01****Report Reference: GC091214R11 – (43) Appendix 32****Moved Councillor Telfer, Seconded Councillor Byram that:**

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, '*Personnel Matter - CEO Performance Criteria 2010-2011, GC140910F01*' together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer (Section 90(3)(a) of the *Local Government Act 1999*).

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2015 meeting of Council.

Carried**Review of Confidential Order for the Item:****CEO Performance & Remuneration Review 2010-2011, CRC251011F01****Report Reference: GC091214R11 – (43) Appendix 33****Moved Councillor Telfer, Seconded Councillor Byram that:**

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, '*CEO Performance & Remuneration Review 2010-2011, CRC251011F01*' together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer (Section 90(3)(a) of the *Local Government Act 1999*).

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2015 meeting of Council.

Carried**Review of Confidential Order for the Item:****Draft CEO Review Committee Meeting Minutes, GC081111F01****Report Reference: GC091214R11 – (43) Appendix 34****Moved Councillor Telfer, Seconded Councillor Byram that:**

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, '*Draft CEO Review Committee Meeting Minutes, GC081111F01*' together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal

affairs of a person being the Chief Executive Officer (Section 90(3)(a) of the *Local Government Act 1999*).

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

Review of Confidential Order for the Item:

Personnel Matter – CEO Performance Review – Appointment of External Consultant, CRC291111F01

Report Reference: GC091214R11 – (43) Appendix 35

Moved Councillor Telfer, Seconded Councillor Byram that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, *Personnel Matter – CEO Performance Review – Appointment of External Consultant, CRC291111F01* together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer (Section 90(3)(a) of the *Local Government Act 1999*).

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

Review of Confidential Order for the Item:

Draft CEO Review Committee Meeting Minutes, GC131211F01

Report Reference: GC091214R11 – (43) Appendix 36

Moved Councillor Telfer, Seconded Councillor Byram that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report *Draft CEO Review Committee Meeting Minutes, GC131211F01* and associated appendices and the minutes arising from this report be kept confidential and not available for the public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning a tender for the provision of services (Section 90(3)(a) and (k) of the *Local Government Act 1999*).

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

Review of Confidential Order for the Item:

CEO Performance Review 2010 – 2011 & Employment Agreement Review, CRC140212F01
Report Reference: GC091214R11 – (43) Appendix 37

Moved Councillor Telfer, Seconded Councillor Byram that:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report *CEO Performance Review 2010-2011 & Employment Agreement Review, CRC140212F01* and the minutes arising from this report be kept confidential and not available for the public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Office of the Council. (Section 90(3)(a) of the *Local Government Act 1999*).

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

Review of Confidential Order for the Item:

Personnel Matter – CEO Performance and Employment Agreement Review, SGC270212F02
Report Reference: GC091214R11 – (43) Appendix 38

Moved Councillor Telfer, Seconded Councillor Byram that:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report *Personnel Matter – CEO Performance and Employment Agreement Review, SGC270212F02* and the minutes arising from this report be kept confidential and not available for the public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person living or dead being the Chief Executive Officer. (Section 90(3)(a) of the *Local Government Act 1999*).

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

Review of Confidential Order for the Item:

Confirmation of Minutes, GC130312F01
Report Reference: GC091214R11 – (43) Appendix 39

Moved Councillor Telfer, Seconded Councillor Byram that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report *Confirmation of Minutes, GC130312F01*, the minutes arising from this report and any other information distributed at the meeting be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal

affairs of a person living or dead being the Chief Executive Officer (*Section 90(2) and (3)(a) of the Local Government Act 1999*).

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

Review of Confidential Order for the Item:

**Personnel Matter – CEO Performance and Employment Agreement Review, CRC060312F01
Report Reference: GC091214R11 – (43) Appendix 40**

Moved Councillor Telfer, Seconded Councillor Byram that:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report *CEO Performance and Employment Agreement Review, CRC060312F01* and the minutes arising from this report be kept confidential and not available for the public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information relating to the conduct of the Chief Executive Officer's 2010-2011 performance and remuneration and Employment Agreement review. (*Section 90(3)(a) of the Local Government Act 1999*).

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

Review of Confidential Order for the Item:

**Personnel Matter – CEO Performance Review 2010-2011 and Employment Agreement Review, SGC050412F01
Report Reference: GC091214R11 – (43) Appendix 41**

Moved Councillor Telfer, Seconded Councillor Byram that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report *Personnel Matter – CEO Performance Review 2010-2011 and Employment Agreement Review, SGC050412F01* the minutes arising from this report and any other information distributed at the meeting be kept confidential and not available for public inspection on the basis that it deals with information concerning the personal affairs of a person living or dead being the Chief Executive Officer (*Section 90(3)(a) of the Local Government Act 1999*)

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

Review of Confidential Order for the Item:
CEO Performance & Remuneration Review, CRC160412F01
Report Reference: GC091214R11 – (43) Appendix 42

Moved Councillor Telfer, Seconded Councillor Byram that:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report *CEO Performance & Remuneration Review, CRC160412F01*, the minutes arising from this report and any other material distributed at the meeting be kept confidential and not available for the public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person living or dead being the Chief Executive Officer. (Section 90(3)(a) of the *Local Government Act 1999*).

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

Review of Confidential Order for the Item:
Minutes of the CEO Review Committee Meeting Held 16 April 2012, GC240412F02
Report Reference: GC091214R11 – (43) Appendix 43

Moved Councillor Telfer, Seconded Councillor Byram that:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report *Minutes of the CEO Review Committee Meeting held 16 April 2012, GC240412F02* and the minutes arising from this report be kept confidential and not available for the public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Office of the Council. (Section 90(3)(a) of the *Local Government Act 1999*).

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

Review of Confidential Order for the Item:
Personnel Matter CEO Performance & Remuneration Review 2010-2011, GC260612F01
Report Reference: GC091214R11 – (43) Appendix 44

Moved Councillor Telfer, Seconded Councillor Byram that:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report *Personnel Matter CEO Performance & Remuneration Review 2010-2011, GC260612F01* and the minutes arising from this report be kept confidential and not available for the public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal

affairs of a person being the Chief Executive Office of the Council. (Section 90(3)(a) of the *Local Government Act 1999*).

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

Review of Confidential Order for the Item:

**Personnel Matter – CEO Performance and Remuneration Review 2011-2012, CRC210812F01
Report Reference: GC091214R11 – (43) Appendix 45**

Moved Councillor Telfer, Seconded Councillor Byram that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, *Personnel Matter – CEO Performance and Remuneration Review 2011-2012, CRC210812F01* together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer (Section 90(3)(a) of the *Local Government Act 1999*).

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

Review of Confidential Order for the Item:

**Confirmation of Minutes of CEO Review Committee Meeting held 21 August 2012, GC280812F01
Report Reference: GC091214R11 – (43) Appendix 46**

Moved Councillor Telfer, Seconded Councillor Byram that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report *Confirmation of Minutes of CEO Review Committee Meeting held 21 August 2012, GC280812F01* and the minutes arising from this report having been considered in confidence under Section 90(2)(3)(a) of the Act be kept confidential and not available for public inspection on the basis it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person living or dead being the Chief Executive Officer.

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

Review of Confidential Order for the Item:

Personnel Matter – CEO Professional Development Update, CRC021012F01

Report Reference: GC091214R11 – (43) Appendix 47

Moved Councillor Telfer, Seconded Councillor Byram that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that this report *Personnel Matter – CEO Professional Development Update*, the minutes arising from this report and any other material distributed at the meeting be kept confidential and not available for public inspection on the basis it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person living or dead being the Chief Executive Officer. (*Section 90(3)(a) of the Local Government Act 1999*)

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

Review of Confidential Order for the Item:

Personnel Matter – 2011/2012 CEO Performance & Remuneration Review, CRC021012F02

Report Reference: GC091214R11 – (43) Appendix 48

Moved Councillor Telfer, Seconded Councillor Byram that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the council orders that this report *Personnel Matter – 2011/2012 CEO Performance & Remuneration Review*, the minutes arising from this report and any other material distributed at the meeting be kept confidential and not available for public inspection on the basis it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person living or dead being the Chief Executive Officer – *Section 90(2) and (3)(a) of the Local Government Act 1999*

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

Review of Confidential Order for the Item:

Confirmation of Minutes of CEO Review Committee Meeting held 2 October 2012, GC091012F02

Report Reference: GC091214R11 – (43) Appendix 49

Moved Councillor Telfer, Seconded Councillor Byram that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report *Confirmation of Minutes of CEO Review Committee Meeting held 2 October 2012, GC091012F02*, and the minutes arising from this report be kept confidential

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and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Office of the Council – Section 90(2) and (3)(a) of the *Local Government Act 1999*.

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

Review of Confidential Order for the Item:

Personnel Matter – CEO Professional Development Update, CRC201112F01

Report Reference: GC091214R11 – (43) Appendix 50

Moved Councillor Telfer, Seconded Councillor Byram that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that this report *Personnel Matter – CEO Professional Development Update, CRC201112F01* this minutes arising from this report and any other material distributed at the meeting be kept confidential and not available for public inspection on the basis it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person living or dead being the Chief Executive Officer. (Section 90(2) and (3)(a) of the *Local Government Act 1999*)

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

Review of Confidential Order for the Item:

Personnel Matter – CEO Performance and Remuneration Review 2011 – 2012, CRC201112F01

Report Reference: GC091214R11 – (43) Appendix 51

Moved Councillor Telfer, Seconded Councillor Byram that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report *Personnel Matter – CEO Performance and Remuneration Review 2011 – 2012, CRC201112F02* and minutes arising from this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Office of the Council (Section 90(2) and (3)(a) of the *Local Government Act 1999*).

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

Review of Confidential Order for the Item:

Confirmation of Minutes of CEO Review Committee Meeting held 20 November 2012, GC271112F02

Report Reference: GC091214R11 – (43) Appendix 52

Moved Councillor Telfer, Seconded Councillor Byram that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report *Confirmation of Minutes of CEO Review Committee Meeting held 20 November 2012, GC271112F02* the minutes and any other material distributed in conjunction with this report be kept confidential and not available for public inspection on the basis it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer of the Council (*Section 90(2) and (3)(a) of the Local Government Act 1999*).

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

Review of Confidential Order for the Item:

Personnel Matter – CEO Performance Criteria 2012 – 2013, CRC020413F01

Report Reference: GC091214R11 – (43) Appendix 53

Moved Councillor Telfer, Seconded Councillor Byram that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report *Personnel Matter – CEO Performance Criteria 2012 – 2013, CRC020413F01* and minutes arising from this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Office of the Council (*Section 90(2) and (3)(a) of the Local Government Act 1999*).

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

Review of Confidential Order for the Item:

Personnel Matter – CEO Performance Criteria 2012 – 2013, GC090413F01

GC091214R11 – (43) Appendix 54

Moved Councillor Telfer, Seconded Councillor Byram that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report *Personnel Matter – CEO Performance Criteria 2012 – 2013, GC090413F01* and minutes arising from this report be kept confidential and not available for

public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Office of the Council (Section 90(2) and (3)(a) of the *Local Government Act 1999*).

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

Review of Confidential Order for the Item:

Personnel Matter – 2012/13 CEO Performance and Remuneration Review, GC130813F02 / GC270813F01

Report Reference: GC091214R11 – (43) Appendix 55

Moved Councillor Telfer, Seconded Councillor Byram that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report *Personnel Matter – 2012/13 CEO Performance and Remuneration Review, GC130813F02 / GC270813F01* and minutes arising from this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Office of the Council (Section 90(2) and (3)(a) of the *Local Government Act 1999*).

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

Review of Confidential Order for the Item:

Personnel Matter – CEO Performance and Remuneration Review 2012 – 2013, CRC170913F01

Report Reference: GC091214R11 – (43) Appendix 56

Moved Councillor Telfer, Seconded Councillor Byram that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report *Personnel Matter – CEO Performance and Remuneration Review 2012 – 2013, CRC170913F01* and minutes arising from this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Office of the Council (Section 90(2) and (3)(a) of the *Local Government Act 1999*).

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

Review of Confidential Order for the Item:

Confirmation of Minutes of CEO Review Committee Meeting held 17 September 2013, GC240913F02

Report Reference: GC091214R11 – (43) Appendix 57

Moved Councillor Telfer, Seconded Councillor Byram that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report *Confirmation of Minutes of CEO Review Committee Meeting held 17 September 2013, GC240913F02* and minutes arising from this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Office of the Council (Section 90(2) and (3)(a) of the *Local Government Act 1999*).

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

Review of Confidential Order for the Item:

Personnel Matter – CEO Performance and Remuneration Review 2012 – 2013, CRC251113F01

Report Reference: GC091214R11 – (43) Appendix 58

Moved Councillor Telfer, Seconded Councillor Byram that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report *Personnel Matter – CEO Performance and Remuneration Review 2012 – 2013, CRC251113F01* and minutes arising from this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Office of the Council (Section 90(2) and (3)(a) of the *Local Government Act 1999*).

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

Review of Confidential Order for the Item:

Personnel Matter - CEO Performance and Remuneration Review 2012-2013, GC101214F03

Report Reference: GC091214R11 – (43) Appendix 59

Moved Councillor Telfer, Seconded Councillor Byram that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report *Personnel Matter - CEO Performance and Remuneration Review 2012-*

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2013, GC101214F03 and minutes arising from this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Office of the Council (Section 90(2) and (3)(a) of the *Local Government Act 1999*).

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

Review of Confidential Order for the Item:

2013-2014 CEO Performance and Remuneration Review, GC 080714F01

Report Reference: GC091214R11 – (43) Appendix 60

Moved Councillor Telfer, Seconded Councillor Byram that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report *2013-2014 CEO Performance and Remuneration Review, GC 080714F01* and Appendix to this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Office of the Council (Section 90(2) and (3)(a) of the *Local Government Act 1999*).

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

Review of Confidential Order for the Item:

CEO Performance and Remuneration Review, CRC120814F01

Report Reference: GC091214R11 – (43) Appendix 61

Moved Councillor Telfer, Seconded Councillor Byram that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report *CEO Performance and Remuneration Review, CRC120814F01*, minutes arising from this report and any Appendix to this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Office of the Council (Section 90(2) and (3)(a) of the *Local Government Act 1999*).

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

Review of Confidential Order for the Item:
CEO Performance and Remuneration Review, GC260814F01
Report Reference: GC091214R11 – (43) Appendix 62

Moved Councillor Telfer, Seconded Councillor Byram that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report *CEO Performance and Remuneration Review, GC260814F01* minutes arising from this report and any Appendix to this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Office of the Council (Section 90(2) and (3)(a) of the *Local Government Act 1999*).

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

Moved Councillor Hutchinson, Seconded Councillor Prior that Items GC091214R11 - (44) to GC091214R11 –(45), GC091214R11 (52) to GC091214R11 – (70) be moved on block.

Carried

Review of Confidential Order for the Item:
Development Assessment Panel, GC270503F101
Report Reference: GC091214R11 - (44)

Moved Councillor Hutchinson, Seconded Councillor Prior that:

1. Pursuant to Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the Appendices to the Report, “*Development Assessment Panel GC270503F101*” be kept confidential on the basis that they contain information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of nominees to Council’s Development Assessment Panel in the form of resumes (Section 90(3)(a) of the *Local Government Act 1999*).

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. Council requests the Chief Executive Officer to undertake further investigation and consultation with the view to releasing this matter based on the outcomes of such investigation and consultation.
3. Council delegates the power to revoke this order of confidentiality to the Chief Executive Officer, subject to no reasonable objections from relevant third parties or Elected Members.
4. Unless revoked prior, this confidential order be reviewed at the December 2015 meeting of Council.

Carried

Review of Confidential Order for the Item:

Development Assessment Panel – Nomination for Independent Membership, GC280605F01
Report Reference: GC091214R11 - (45)

Moved Councillor Hutchinson, Seconded Councillor Prior that:

1. Pursuant to Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the Report, "*Development Assessment Panel – Nomination for Independent Membership, GC280605F01*" together with any attachments and the minutes arising from the report be kept confidential on the basis that it contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of nominees to Council's Development Assessment Panel (Section 90(3)(a) of the *Local Government Act 1999*).

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. Council requests the Chief Executive Officer to undertake further investigation and consultation with the view to releasing this matter based on the outcomes of such investigation and consultation.
3. Council delegates the power to revoke this order of confidentiality to the Chief Executive Officer, subject to no reasonable objections from relevant third parties or Elected Members.
4. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

Review of Confidential Order for Item:

Development Assessment Panel Processes, GC230908F01
Report Reference: GC091214R11 - (52)

Moved Councillor Hutchinson, Seconded Councillor Prior that:

1. Pursuant to Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the Report, "*Development Assessment Panel Processes, GC230908F01*" together with all annexure and the minutes arising from the Report be kept confidential on the basis that it deals with:
 - a. Information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) (Section 90(3)(a) of the *Local Government Act 1999*).

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. Council requests the Chief Executive Officer to undertake further investigation and consultation with the view to releasing this matter based on the outcomes of such investigation and consultation.

3. Council delegates the power to revoke this order of confidentiality to the Chief Executive Officer, subject to no reasonable objections from relevant third parties or Elected Members.
4. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

Review of Confidential Order for the Item:
Development Assessment Panel Process, GC251108F01
Report Reference: GC091214R11 - (53)

Moved Councillor Hutchinson, Seconded Councillor Prior that:

1. Pursuant to Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the Report, “*Development Assessment Panel Process, GC251108F01*” together with all annexure and the minutes arising from the Report be kept confidential on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) (Section 90(3)(a) of the *Local Government Act 1999*).

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. Council requests the Chief Executive Officer to undertake further investigation and consultation with the view to releasing this matter based on the outcomes of such investigation and consultation.
3. Council delegates the power to revoke this order of confidentiality to the Chief Executive Officer, subject to no reasonable objections from relevant third parties or Elected Members.
4. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

Review of Confidential Order for the Item:
Renaming of Vinall Street, Section 270 Review, GC140910F01
Report Reference: GC091214R11 – (54)

Moved Councillor Hutchinson, Seconded Councillor Prior that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the appendices to the report, ‘*Renaming of Vinall Street, Section 270 Review, GC140910F01*’ be kept confidential and not available for public inspection on the basis that they contain information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person (Section 90(3)(a) of the *Local Government Act 1999*).

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. Council requests the Chief Executive Officer to undertake further investigation and consultation with the view to releasing this matter based on the outcomes of such investigation and consultation.
3. Council delegates the power to revoke this order of confidentiality to the Chief Executive Officer, subject to no reasonable objections from relevant third parties or Elected Members.
4. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

Review of Confidential Order for the Item:
Marion South Plan – Craven Deed, SGC161104F01
Report Reference: GC091214R11 - (55)

Moved Councillor Hutchinson, Seconded Councillor Prior that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, '*Marion South Plan – Craven Deed, SGC161104F01*' together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which:
 - (a) *could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party (Section 90(3)(d) of the Local Government Act 1999); and*
 - (b) would, on balance, be contrary to the public interest;
 - (c) would breach a duty of confidence (Section 90(3)(g) of the *Local Government Act 1999*).

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. Council requests the Chief Executive Officer to undertake further investigation and consultation with the view to releasing this matter based on the outcomes of such investigation and consultation.
3. Council delegates the power to revoke this order of confidentiality to the Chief Executive Officer, subject to no reasonable objections from relevant third parties or Elected Members.

This confidential order be reviewed at the December 2015 meeting of Council.

Carried

Review of Confidential Order for the Item:
Marion South Plan – Etiria No 25 Pty Ltd Deed (Makris Group), SGC161104F02
Report Reference: GC091214R11 - (56)

Moved Councillor Hutchinson, Seconded Councillor Prior that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, '*Marion South Plan – Etiria No 25 Pty Ltd Deed (Makris Group)*,

SGC161104F02' together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which:

- (a) *could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party (Section 90(3)(d) of the Local Government Act 1999); and*
- (b) would, on balance, be contrary to the public interest;
- (c) would breach a duty of confidence (Section 90(3)(g) of the Local Government Act 1999).

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

- 2. Council requests the Chief Executive Officer to undertake further investigation and consultation with the view to releasing this matter based on the outcomes of such investigation and consultation.
- 3. Council delegates the power to revoke this order of confidentiality to the Chief Executive Officer, subject to no reasonable objections from relevant third parties or Elected Members.
- 4. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

Review of Confidential Order for the Item:

Marion South Plan – Craven & Etiria Deeds, GC260405F01

Report Reference: GC091214R11 - (57)

Moved Councillor Hutchinson, Seconded Councillor Prior that:

- 1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, 'Marion South Plan – Craven & Etiria Deeds, GC260405F01' together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains commercial information of a confidential nature the disclosure of which:
 - (a) *could reasonably be expected to prejudice the commercial position of the Craven and Makris Groups which supplied the information, or to confer a commercial advantage on a third party (Section 90(3)(d) of the Local Government Act 1999); and*
 - (b) would, on balance, be contrary to the public interest;
 - (c) would breach a duty of confidence to the Craven and Makris Groups (Section 90(3)(g) of the *Local Government Act 1999*).

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. Council requests the Chief Executive Officer to undertake further investigation and consultation with the view to releasing this matter based on the outcomes of such investigation and consultation.
3. Council delegates the power to revoke this order of confidentiality to the Chief Executive Officer, subject to no reasonable objections from relevant third parties or Elected Members.
4. This confidential order be reviewed at the December 2015 meeting of Council

Carried

**Review of Confidential Order for the Item:
Marion South Plan – Craven Deed, GC191206F01
Report Reference: GC091214R11 - (58)**

Moved Councillor Hutchinson, Seconded Councillor Prior that:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, '*Marion South Plan – Craven Deed, GC191206F01*' together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which:
 - (a) *could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party (Section 90(3)(d) of the Local Government Act 1999); and*
 - (b) would, on balance, be contrary to the public interest;
 - (c) would breach a duty of confidence (Section 90(3)(g) of the *Local Government Act 1999*).

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. Council requests the Chief Executive Officer to undertake further investigation and consultation with the view to releasing this matter based on the outcomes of such investigation and consultation.
3. Council delegates the power to revoke this order of confidentiality to the Chief Executive Officer, subject to no reasonable objections from relevant third parties or Elected Members.
4. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

Review of Confidential Order for the Item:
Marion South Plan – Etrira Deed, GC130307F01
Report Reference: GC091214R11 - (59)

Moved Councillor Hutchinson, Seconded Councillor Prior that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, '*Marion South Plan – Etrira Deed, GC130307F01*' together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which:
 - (a) *could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party (Section 90(3)(d) of the Local Government Act 1999); and*
 - (b) would, on balance, be contrary to the public interest;
 - (c) would breach a duty of confidence (Section 90(3)(g) of the *Local Government Act 1999*).

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. Council requests the Chief Executive Officer to undertake further investigation and consultation with the view to releasing this matter based on the outcomes of such investigation and consultation.
3. Council delegates the power to revoke this order of confidentiality to the Chief Executive Officer, subject to no reasonable objections from relevant third parties or Elected Members.
4. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

Review of Confidential Order for the Item:
Marion South Plan – Tender for Construction, GC250907F01
Report Reference: GC091214R11 - (60)

Moved Councillor Hutchinson, Seconded Councillor Prior that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, '*Marion South Plan – Tender for Construction, GC250907F01*' together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which:
 - (a) *could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party (Section 90(3)(d) of the Local Government Act 1999); and*
 - (b) would, on balance, be contrary to the public interest;

- (c) would breach a duty of confidence (Section 90(3)(g) of the Local Government Act 1999).

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. Council requests the Chief Executive Officer to undertake further investigation and consultation with the view to releasing this matter based on the outcomes of such investigation and consultation.
3. Council delegates the power to revoke this order of confidentiality to the Chief Executive Officer, subject to no reasonable objections from relevant third parties or Elected Members.
4. This confidential order be reviewed at the December 2015 meeting of Council

Carried

Review of Confidential Order for the Item:
Oaklands Regeneration Project, State Aquatic Centre, SGC300608F01
Report Reference: GC091214R11 - (61)

Moved Councillor Hutchinson, Seconded Councillor Prior that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the Appendix 1 to the report, 'Oaklands Regeneration Project, State Aquatic Centre, SGC300608F01' be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which:
 - (a) *could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party (Section 90(3)(d) of the Local Government Act 1999); and*
 - (b) would, on balance, be contrary to the public interest;
 - (c) would breach a duty of confidence (Section 90(3)(g) of the *Local Government Act 1999*).

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. Council requests the Chief Executive Officer to undertake further investigation and consultation with the view to releasing this matter based on the outcomes of such investigation and consultation.
3. Council delegates the power to revoke this order of confidentiality to the Chief Executive Officer, subject to no reasonable objections from relevant third parties or Elected Members.
4. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

**Review of Confidential Order for the Item:
 Internal Audit Service Provision AC030706F01
 Report Reference: GC091214R11 – (62)**

Moved Councillor Hutchinson, Seconded Councillor Prior that:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, '*Internal Audit Service Provision, AC030706F01*' together with the minutes arising from the report be kept confidential on the basis that the matter relates to commercial information of a confidential nature (Section 90(3)(d) of the *Local Government Act 1999*).

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. Council requests the Chief Executive Officer to undertake further investigation and consultation with the view to releasing this matter based on the outcomes of such investigation and consultation.
3. Council delegates the power to revoke this order of confidentiality to the Chief Executive Officer, subject to no reasonable objections from relevant third parties or Elected Members.
4. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

**Review of Confidential Order for the Item:
 Representation Review – Appointment of External Consultant, GC240209F01
 Report Reference: GC091214R11 - (63)**

Moved Councillor Hutchinson, Seconded Councillor Prior that:

1. Pursuant to Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the Appendix to the Report, "*Representation Review – Appointment of External Consultant, GC240209F01*" be kept confidential on the basis that the Appendix contains information the disclosure of which:
 - (a) *could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party (Section 90(3)(b) of the Local Government Act 1999); and*
 - (b) would, on balance, be contrary to the public interest;
 - (c) would involve the unreasonable disclosure of information concerning tenders for the supply of goods, the provision of services or the carrying out of works (Section 90(3)(k) of the *Local Government Act 1999*).

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. Council requests the Chief Executive Officer to undertake further investigation and consultation with the view to releasing this matter based on the outcomes of such investigation and consultation.

3. Council delegates the power to revoke this order of confidentiality to the Chief Executive Officer, subject to no reasonable objections from relevant third parties or Elected Members.
4. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

Review of Confidential Order for the Item:

Representation Review – Appointment of Authorised Person, GC091012F01

Report Reference: GC091214R11 – (64)

Moved Councillor Hutchinson, Seconded Councillor Prior that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that Appendices 2 and 3 of the Report *Representation Review – Appointment of Authorised Person, GC091012F01* having been considered in confidence under Section 90(2) and (3)(b) of the Act be kept confidential and not available for public inspection on the basis the information relates to information the disclosure of which would:
 - a. reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
 - b. on balance, be contrary to the public interest

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. Council requests the Chief Executive Officer to undertake further investigation and consultation with the view to releasing this matter based on the outcomes of such investigation and consultation.
3. Council delegates the power to revoke this order of confidentiality to the Chief Executive Officer, subject to no reasonable objections from relevant third parties or Elected Members.
4. This confidentiality order will be reviewed at the General Council meeting in December 2015.

Carried

Review of Confidential Order for the Item:

City Services Redevelopment – Section 48 Prudential Report, AC190511R6.1

Report Reference: GC091214R11 - (65)

Moved Councillor Hutchinson, Seconded Councillor Prior that:

1. Pursuant to Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the Report "*City Services Redevelopment - Section 48 Prudential Report, AC190511R6.1*" together with the minutes arising from the report be kept confidential on the basis that they contain information the disclosure of which:
 - (a) *could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting, or proposing to conduct, business, or to prejudice the*

commercial position of the Council (Section 90(3)(b) of the Local Government Act 1999); and

(b) would, on balance, be contrary to the public interest.

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. Council requests the Chief Executive Officer to undertake further investigation and consultation with the view to releasing this matter based on the outcomes of such investigation and consultation.
3. Council delegates the power to revoke this order of confidentiality to the Chief Executive Officer, subject to no reasonable objections from relevant third parties or Elected Members.
4. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

Review of Confidential Order for the Item:
City Services Redevelopment – Cost Estimate, GC110912F01
Report Reference: GC091214R11 – (66)

Moved Councillor Hutchinson, Seconded Councillor Prior that:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report *City Services Redevelopment – Cost Estimate, GC110912F01* and the minutes arising from this report having been considered in confidence under Section 90(2) and 90(3)(b) of the Act be kept confidential and not available for public inspection on the basis the information relates to information the disclosure of which would:
 - a. reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
 - b. on balance, be contrary to the public interest.

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. Council requests the Chief Executive Officer to undertake further investigation and consultation with the view to releasing this matter based on the outcomes of such investigation and consultation.
3. Council delegates the power to revoke this order of confidentiality to the Chief Executive Officer, subject to no reasonable objections from relevant third parties or Elected Members.
4. This confidentiality order will be reviewed at the General Council meeting in December 2015.

Carried

**Review of Confidentiality Order:
 City Services Redevelopment – Update GC290113 F01
 Report Reference: GC091214R11 – (67)**

Moved Councillor Hutchinson, Seconded Councillor Prior that:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the appendices to the report '*City Services Redevelopment – Update*' having been considered in confidence under Section 90(2) and (3)(b) and (3)(k) of the Act be kept confidential and not available for public inspection on the basis that the information relates to financial and scope options as part of the tender process to manage the project, and the disclosure of the information would:
 - (a) reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council, and
 - (b) on balance, be contrary to the public interest.

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. Council requests the Chief Executive Officer to undertake further investigation and consultation with the view to releasing this matter based on the outcomes of such investigation and consultation.
3. Council delegates the power to revoke this order of confidentiality to the Chief Executive Officer, subject to no reasonable objections from relevant third parties or Elected Members.
4. This confidentiality order will be reviewed at the General Council meeting in December 2015.

Carried

**Review of Confidential Order for the Item:
 Commercial Arrangements, GC230811F02
 Report Reference: GC091214R11 - (68)**

Moved Councillor Hutchinson, Seconded Councillor Prior that:

1. Pursuant to Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the Report, Appendix and minutes relating to the report "*Commercial Arrangements, GC230811F02*" be kept confidential on the basis that they contain information the disclosure of which:
 - (a) *could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party (Section 90(3)(d) of the Local Government Act 1999); and*
 - (b) would, on balance, be contrary to the public interest;

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. Council requests the Chief Executive Officer to undertake further investigation and consultation with the view to releasing this matter based on the outcomes of such investigation and consultation.
3. Council delegates the power to revoke this order of confidentiality to the Chief Executive Officer, subject to no reasonable objections from relevant third parties or Elected Members.
4. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

**Review of Confidential Order for the Item:
Commercial Arrangements, GC111212F01
Report Reference: GC091214R11 - (69)**

Moved Councillor Hutchinson, Seconded Councillor Prior that:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that this report, appendices and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(d) and (k) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting as the information relates proposed commercial arrangements the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage to a third party, and that on balance disclosure would be contrary to the public interest.

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. Council requests the Chief Executive Officer to undertake further investigation and consultation with the view to releasing this matter based on the outcomes of such investigation and consultation.
3. Council delegates the power to revoke this order of confidentiality to the Chief Executive Officer, subject to no reasonable objections from relevant third parties or Elected Members.
4. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

**Review of Confidential Order for the Item:
Commercial Arrangements, GC260313F02
Report Reference: GC091214R11 - (70)**

Moved Councillor Hutchinson, Seconded Councillor Prior that:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that this report, appendices and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(d) and (k) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting

as the information relates proposed tender and commercial arrangements, the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or confer a commercial advantage to a third party, and that on balance disclosure would be contrary to the public interest.

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. Council requests the Chief Executive Officer to undertake further investigation and consultation with the view to releasing this matter based on the outcomes of such investigation and consultation.
3. Council delegates the power to revoke this order of confidentiality to the Chief Executive Officer, subject to no reasonable objections from relevant third parties or Elected Members.
4. This confidential order be reviewed at the December 2015 meeting of Council.

Carried

Review of Confidential Orders 2014 - Overview
Report Reference: GC091214R11

Moved Councillor Pfeiffer, Seconded Councillor Gard that Council:

1. notes the report, '*Review of Confidential Orders 2014 - Overview*'.

Carried

CORPORATE REPORTS FOR INFORMATION NOTING

Nil

MATTERS RAISED BY MEMBERS

QUESTIONS WITH NOTICE

Rates for Work conducted on Weekends
Report Reference: GC091214Q01

QUESTION:

When council employs contractors, such as concreters and road re-seal teams, does council pay a premium for work conducted on weekends (such as a penalty rate, whether explicit or otherwise)?

COMMENTS:**Colin Heath, Manager Contracts**

When engaging contractors, Council's standard position is to request fixed pricing to undertake relevant work during normal week day hours.

For such engagements, where a Contractor requests to undertake work outside of the normal week day hours, this does not result in additional cost to Council.

Where Council directs the Contractor to undertake work outside of normal week day hours (eg emergency works, to address access issues, to minimise disruption to residents etc), Council may accordingly incur additional costs.

Street Trees**Report Reference: GC091214Q02****QUESTION:**

Does council track the number of street trees that die following planting in their first year? What is the City of Marion's success rate of tree plantings over the past 12 months?

COMMENTS:**Anthony Harris, Acting Unit Manager Open Space Operations**

Council does not collect specific data regarding the number of Street Trees that die within the first year. Observations from the City of Marion Street Tree team in conjunction with Customer Service Requests received, are used to identify when and where any Street Tree may need attention or replacement.

Street planting for this year ceased at the end of September 2014. Observations from the City of Marion Street Tree team in conjunction with Customer Service Requests indicate that the average success rates are between 85 and 90 per cent from the planting season this year. This success rate fluctuates year to year due to climatic variations, timing of plantings, size and species of plantings and levels of vandalism.

Organisational Development**Report Reference: GC091214Q03****QUESTIONS:**

1. What has the City of Marion spent on the recruitment of staff over the past 4 years? (including recruitment agents, advertisements etc).
2. Excluding annual and sick leave entitlements, what has been the City of Marion's financial liability of staff over the past 4 years to date, who are, or have not been contributing to the organisation's output / not at work?

Such as those being paid by the City of Marion whilst serving a suspension, paid time off due to injury - excluding sick leave, paid whilst an investigation has been undertaken and the like.

3. What has the City of Marion spent on ex-gratia payments made to staff/former staff over the past 4 years?

COMMENTS:

Andrew Lindsay, Manager Organisational Development

- 1. What has the City of Marion spent on the recruitment of staff over the past 4 years? (including recruitment agents, advertisements etc).**

2011	\$326,903
2012	\$248,304
2013	\$194,868
2014	\$135,014

Includes recruitment with external agencies, medicals, advertising, psychometric testing and internal recruitment.

- 2. Excluding annual and sick leave entitlements, what has been the City of Marion's financial liability of staff over the past 4 years to date, who are, or have not been contributing to the organisation's output / not at work? Such as those being paid by the City of Marion whilst serving a suspension, paid time off due to injury - excluding sick leave, paid whilst an investigation has been undertaken and the like.**

2011	\$15,701
2012	\$12,073
2013	\$36,655
2014	\$46,851

- 3. What has the City of Marion spent on ex-gratia payments made to staff/former staff over the past 4 years?**

2011	\$13,213
2012	-
2013	\$33,456
2014	\$43,348

Legal Fees

Report Reference: GC091214Q04

QUESTION:

What has council expensed on legal fees in the previous 2 financial years? What is the current budget for legal expenses?

COMMENTS:

John Stewart, Financial Coordinator

Legal Fee Expenditure:-

2012/13 (Actual)	\$312,426
2013/14 (Actual)	\$440,155
2014/15 (Budget)	\$302,227

MOTIONS WITH NOTICE

The following items were deferred until the January 2015 General Council meeting

- Play Equipment Audit (Report Reference: GC091214M01)
- Ideas for Planning Reform (Report Reference: GC091214M02)
- Streetscape Working Party (Report Reference: GC091214M03)
- Consideration of Opportunities for a Low Rating Strategy (Report Reference: GC091214M04)

QUESTIONS WITHOUT NOTICE

Nil

MOTIONS WITHOUT NOTICE

Nil

Meeting Extension

Moved Councillor Pfeiffer, seconded Councillor Hutchinson that the meeting be extended for a period of 30 minutes (until 10.30pm).

Carried Unanimously

9.57pm meeting extended

CONFIDENTIAL ITEMS

**Marion Leisure and Fitness Centre
Lease to CASA Leisure Pty Ltd
Reference No: GC091214F01**

Councillor Telfer declared a conflict of interest in the matter as she holds an expired membership for CASA and her husband has an active membership and left the meeting.

9.58pm Councillor Telfer left the meeting

Moved Councillor Hutchinson, Seconded Councillor Veliskou 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: Mark Searle, Kathy Jarrett, Vincent Mifsud, Heather Montgomerie, Kate McKenzie, Jaimie Thwaites, Craig Clarke, Peter Patterson, Mark Gibson and Heather Michell be excluded from the meeting as the Council receives and considers information relating to the Marion Leisure Fitness Centre Lease to CASA Leisure Pty Ltd, upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to commercial information of a commercial nature (not being a trade secret) the disclosure of which (i) could reasonably be expected to prejudice the commercial position of a person who supplied the information, or to confer a commercial advantage on a third party; and (ii) would, on balance, be contrary to the public interest.

Carried Unanimously

9.58pm the meeting went into confidence

Moved Councillor Hutchinson, seconded Councillor Prior that formal proceedings be suspended to enable discussion on the item.

Carried Unanimously

**9.59pm formal proceedings suspended
10.23pm formal proceedings resumed**

Moved Councillor Appleby, Seconded Councillor Hull that in accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that this report, Marion Leisure and Fitness Centre, Lease to CASA Licence Pty Ltd and the Minutes arising from this report having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2015.

Carried Unanimously

10.28pm the meeting came out of confidence

**Recommendations of the 5 December 2014 CEO Review Committee Meeting Minutes
 Reference No:GC091214F02**

Moved Councillor Pfeiffer, Seconded Councillor Kerry 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 Kathy Jarrett, Director be excluded from the meeting as the Committee 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 consider a report dealing with a review of the Chief Executive Officer's Employment Agreement and performance and remuneration review processes.

Carried

10.29pm the meeting went into confidence

Meeting Extension

Moved Councillor Pfeiffer, Seconded Councillor Hutchinson that the meeting be extended for a further 10 minutes.

10.30pm meeting extended

Carried

10.30pm Cr Telfer re-entered the meeting

Moved Councillor Hutchinson, Seconded Councillor Hull that in accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that this report and any appendices to this report be kept confidential and not available for the public inspection for the period that the Chief Executive Officer remains in gainful employment on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Office of the Council. This order will be reviewed at the General Council meeting in December 2015.

Carried

10.37pm the meeting came out of confidence

CLOSURE - Meeting Declared Closed at 10.37pm.

CONFIRMED THIS 27 JANUARY 2015

.....

CHAIRPERSON

Youth Advisory Committee

Council Report



9th December 2014 7pm

Introduction to YAC

Hi my name is Ethan and this is Hope and we are members of the City of Marion Youth Advisory Committee, the YAC. The YAC is open to young people 12-25 that are passionate about being active in their community and being a voice for other young people. The Youth Advisory Committee's main aim is continually make the City of Marion a great place to live, work, study and socialise for young people. YAC has been running for over 20 years.

This year there have been 16 young people involved in the committee. We met monthly and fortnightly leading up to events or in busy parts of the year to work on a number of activities including events and initiatives.

What's been happening

Mostly recently in November we had a stall and chill out space at the Cove Family Fair event held by the Hallett Cove Lions Club and Cove Sports Club. On the day we went around and talked to people, asking them questions about community events, ran a guess the glow stick competition and provided information about YAC and local youth activities. The YAC members who attended the event really enjoyed the variety of stuff on offer and the Hallett Cove School artwork display and food stalls were favourites.

Recap of this year

This year as a YAC we have:

- Hosted a movie day where we watched the Lego movie and launched the YAC survey
- Promoted the YAC survey that received over 400 responses
- Participated in the honour guard and activities at the ANZAC Day Youth Vigil
- Helped host and organise the annual City of Marion Youth Recognition Awards
- Been involved in a training day at the start of the year and event management and communication training throughout the year
- Participated in consultation about the Oaklands and Jervois Street reserve development projects in the City of Marion
- Gave feedback to the Tonsley Redevelopment Place Making project
- Participated in the Cove Family Fair

What's coming up

This weekend on Saturday 13th December the YAC will be involved in 'The Block Party'. The Block Party is a free youth event to celebrate the end of the school year. At the event there will be a skate, scooter and BMX comp, DJ, free BBQ, chill out lounge, jumping castle, smoothie bike, fairy floss and prizes and giveaways. The YAC are looking forward to helping

run the event on the day and giving out goodie bags.

The Block Party is our last event for the year and we are currently finishing up for 2014. Tomorrow we will have our end of year celebration to say goodbye to the YAC members that are not staying on next year and celebrate our achievements and soon we will be recruiting for new YAC members to join the committee for 2015.

YAC member updates

Ethan:

I am not staying on for YAC next year but I hope to stay involved informally. I joined YAC this year for the experience and have enjoyed meeting people.

As I am leaving YAC this year I wanted to leave you with a brief overview of a youth issue I am passionate about. At our recent meeting we discussed the use of drugs and alcohol among young people. We particularly got onto this issue due to the recent schoolies celebrations and news coverage about drug overdoses and arrests. This is an issue I think is very important to discuss as it affects young people of all ages.

As we have only recently started to discuss this issues we have not had much time to come up with actions but we have asked for these issues to be included in the end of year YAC report and be proposed to the YAC in 2015 as an issue to take more action on.

Personally I think some of the best ways to respond to drug and alcohol issues is to increase the amount of youth targeted advertising about the issue through for example youtube clips. I also think having other young people talk to people my age about this issues is important as older people and parents can feel like they are judging you and don't really know what they are taking about. Whereas people that are still young are more likely to give advice and understand what it is currently like. This means young people are more likely to listen and learn something from them.

Hope:

Next year I am hoping to continue on as a YAC member. I have had a fabulous time in 2014 due to the amazing YAC members and great YAC coordinator, Lisa. Late last year I tried out for YAC due to a desire of being a productive community member and help the Marion Council young people in any which way I can.

I have had a great experience with many learning opportunities. Earlier this year it was decided that I was to be the YAC secretary. This role has let me have a more in depth view and help The Marion Youth Advisory Committee. I have had opportunities galore to help further my interest in helping ones community.

I look forward to widening my skills further next year in 2015.

We look forward to sharing more of YAC at our YAC reports in 2015. Thank you.

Elected Member Communication Reports

Date of Council Meeting:

27 January 2015

Name of Elected Member:

Mayor Kris Hanna

Date	Event	Comment
25 November 2014	Attended the White Ribbon Breakfast Adelaide Convention Centre	
27 November	Hosted the Mayor's End of Year Business Function Glandore Community Centre	
27 November	Attended a Celebration of new BBQ and Playspace Clovelly Park Memorial Community Centre	
28 November	Attended Christmas in the Garden - celebration with local volunteers Kingston House, Kingston Park	
28 November	Made welcome speech at the Keep Australia Beautiful Sustainable Cities Awards Dinner Tonsley TAFE	
29 November	Attended the Warradale Meals on Wheels 2014 Volunteers Awards Presentation and Christmas Party Meals on Wheels Reserve, Warradale	
30 November	Launched the 13th Annual City of Marion Community Exhibition Gallery M, Marion Cultural Centre	
30 November	Attended the Marion Church of Christ final service for John Lunnay Mitchell Park	
01 December	Met with Professor Michael Barber Flinders University, Bedford Park	
03 December	Met with Principal Seaview High School Seacombe Road, Seacombe Heights	
03 December	Spoke at the Edwardstown Regional Business Association (ERBA) end of year celebration Oaklands Wetland	

Elected Member Communication Reports

continued...

03 December	Spoke at the Glandore Christmas Carols Glandore Community Centre	
05 December	Attended the City of Onkaparinga Mayor's Christmas Business Function St Francis Winery Restaurant, Reynella	
06 December	Hosted Marion Stakes Day Morphettville Race Course, Morphettville	
06 December	Spoke at the Welcome to Australia Day Oaklands Park	
07 December	Attended the Plympton Bulldogs Family Christmas Party Plympton Sports & Rec Club, Plympton Park	
07 December	Attended the Sahra Festival Nexus Multicultural Arts Centre, Adelaide	
07 December	Attended the Friends of Glenthorne Vision Day Subcommittee meeting Darlington	
08 December	Spoke at the Community Care Volunteer Christmas Thank You Event Council Chamber, City of Marion	
08 December	Attended the Outdoor Pool Group Christmas Party Duncan Avenue, Park Holme	
10 December	Spoke at the Active Elders Christmas Luncheon Active Elders Hall, Ascot Park	
10 December	Attended the Migrant Resource Centre SA 2014 AGM and Awards Ceremony King William Street, Adelaide	
11 December	Attended the Edwardstown Meals on Wheels Christmas Breakup Party Aberfeldy Avenue, Edwardstown	
11 December	Conducted Citizenship Ceremony Marion Cultural Centre	

Elected Member Communication Reports

continued...

12 December	Attended the Vietnam Veterans' Federation SA Christmas Luncheon Addison Road, Warradale	
13 December	Attended the Rajah Street Reserve Community Christmas Party Rajah Street Reserve, Oaklands Park	
13 December	Hosted the Mayor's Christmas Drinks Club Marion, Sturt	
14 December	Attended the Friends of Glenthorne Christmas lunch Marion	
14 December	Attended the Park Holme / Plympton Park Christmas in the Park and Art Exhibition Duncan Avenue Reserve, Park Holme	
17 December	Attended the Trott Park Fencing Club come and try event Sheidow Park Primary School, Sheidow Park	
19 December	Opened a new business - Hadi Fitness Marion Road, Marion	
10 January 2015	Met with the Edwardstown Community Church Governance Team Towers Terrace, Edwardstown	
11 January	Presented the 120 metre winners sash and prize money at the 2015 Marion Gift Carnival Marion Sports and Community Club, Sturt	
19 January	Met with Superintendent Tom Rieniets, Sturt Police City of Marion	
20 January	Attended the Hallett Cove Lions meeting The Barn, Hallett Cove	
21 January	Met with representative from Minda Inc. City of Marion	

Elected Member Communication Reports

continued...

21 January	Met with representative from Gymnastics SA City of Marion	
22 January	Participated in radio segment with Coast FM Glandore Community Centre	
23 January	Attended the City of Marion Australia Day Event –Conducted a Citizenship Ceremony and presented the City of Marion Australia Day Awards Glandore Community Centre	
26 January	Spoke at the Lions Club and Rotary Club of Hallett Cove Australia Day Breakfast Heron Way, Hallett Cove	
26 January	Attended the Multifaith Service organised by Order of Australia Association Pilgrim Church, Flinders Street, Adelaide	
In addition the Mayor has met with numerous residents, local MP's and also with the CEO and Council staff regarding various issues.		

Deputy Mayor Communication Report

Date of Council Meeting: 27 January 2015

Name of Elected Member: Deputy Mayor Luke Hutchinson

Date	Event	Comment
11-Nov-14	Introduction Meeting for Elected Members	Attended
12-Nov-14	Darlington Road Upgrade Stakeholder Meeting	Attended
18-Nov-14	Swearing in Ceremony	Attended
22-Nov-14	Induction Weekend Saturday	Attended
23-Nov-14	Induction Weekend Sunday	Attended
25-Nov-14	General Council Meeting	Attended
26-Nov-14	Graffiti Volunteers End of Year Thank You Event	Attended / Spoke on Behalf of Council
27-Nov-14	Business Community End of Year Event	Attended
30-Nov-14	GalleryM 2014 Exhibition	Attended
2-Dec-14	Warriparinga Ward Briefing	Attended
2-Dec-14	Elected Member Forum	Attended
5-Dec-14	CEO Performance Review Committee	Attended
6-Dec-14	SAJC Marion Race Day	Attended
9-Dec-14	General Council Meeting	Attended
10-Dec-14	Active Elders Association Christmas Celebration	Attended
13-Dec-14	Mayors Christmas Function	Attended
16-Dec-14	Elected Member Forum	Attended
17-Jan-15	Elected Member Bus Tour of facilities	Attended
23-Jan-15	CEO Performance Review Committee	Attended

**CITY OF MARION
GENERAL COUNCIL MEETING
27 January 2015**

Originating Officer: Victoria Moritz, Governance Officer

Corporate Manager: Kate McKenzie, Manager Governance

Director: Kathy Jarrett

Subject: Deputation – Parking Restrictions Norfolk and Township Roads Marion

Ref No: GC270115D01

SPEAKERS:

Mrs Maureen Thomas

Mr Graham Garfoot

ORGANISATION/GROUP REPRESENTED BY SPEAKERS:

Norfolk Estate

COMMENTS:

Mrs Thomas and Mr Garfoot have requested to give a deputation to Council in relation to parking on Township Road and Norfolk Road Marion. A Petition has also been received in relation to this matter to be considered by Council.

**CITY OF MARION
GENERAL COUNCIL MEETING
27 January 2015**

Submitted by: Mark Griffin, Unit Manager Engineering

Corporate Manager: Mathew Allen, Manager Infrastructure

Director: Heather Montgomerie, Director

Subject: Petition - Parking Restrictions Norfolk and Township Roads Marion

Reference No: GC270115P01

PETITION FROM: Mrs Maureen Thomas & Mr Graham Garfoot

NO OF SIGNATORIES: 173 signatories, consisting of 83 from Norfolk Road (72 of from the Norfolk Estate), 34 from Township Road (30 of these from the Resthaven Unit complex) and 56 from other locations.

DATE PETITION RECEIVED: 19 January 2015

CORRESPONDENCE:

This petition was received on 19 January 2015 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. **Refer to Appendix 1.**

COMMENTS:

No Stopping Zones can be either installed by using signs (particularly used to impose a restriction over a specific time or day) or by yellow line marking, which is a 24 hour 7 day a week restriction.

The existing parking controls on both Township Road and Norfolk Road are as follows:

Township Road

- No stopping Zone (signs), from 7.30am to 5.00pm – Monday to Fridays, along the entire western side of Township Road. This zone is meant to ensure that traffic can easily move along Township Road (in both directions) during the business hours, while providing for some car parking for both visitor and employees. It should also be noted that this zone also ensures that outside the restriction times local residents are able to manoeuvre and/or park vehicles in their street.
- No Stopping Zone (signs) on the eastern side of road, adjacent to the Uniting Church, indicated no stopping between 9.00am and 12 noon on Sundays.
- No Stopping Zones (yellow line marking) on the eastern side of Township Road either side of Church Crescent, to maintain sight distances.

Report Reference: GC270115P01

Norfolk Road

- No Stopping Zone (signs), 6.00am to 11am – Monday to Friday, from the entrance to the Marion RSL to Osmond Road.
- No Stopping Zone (yellow line marking) on the southern side of the road from Township Road to 30 metres east of the entrance to the Norfolk Estate (a total distance of 60 metres). This restriction was implemented at the request of residents of the Norfolk Estate to improve sight distances along the road when exiting.
- No Stopping Zone (yellow line marking) on the southern side of Norfolk Road from the eastern boundary of the tennis courts to the western side of the Marion Sports complex. This restriction was implemented to prevent the road from becoming blocked as a result of parking associated to the Basketball Stadium.

These Zones are depicted on the attached plan, **Appendix 2**.

Norfolk Road not only services the residential properties in the area, it also provides access to the light industrial area (northern side of Norfolk Road, between Marion Road and Township Road) and community facilities along the road, in particular the RSL Hall, tennis courts and basketball stadium.

Conclusion

Although parking restrictions already exist along both Township Road and Norfolk Road it is apparent that a sufficient number of residents consider that additional controls are required. However, as the signatories are generally from two residential developments it is considered that Council staff should survey all residents along both streets to ascertain their views on the possible installation of No Stopping Zones.

The proposed No Stopping Zones to be surveyed are:

- The western side of Township Road, replacing the signs depicting no stopping between 7.30am to 5.00pm – Monday to Fridays.
- On the southern side Norfolk Road

RECOMMENDATIONS (3):

Due Date:

- | | |
|---|----------------------|
| 1. Council staff undertake a survey of all residents along both Township Road and Norfolk Road to ascertain their views on the install of a No Stopping Zone on one side of each road. | March 2015 |
| 2. Report back to Council on the results of the survey. | April 2015 |
| 3. The petition organisers be advised of Council's resolution | February 2015 |

Appendix 1: Petition

Appendix 2: Plan of the Existing Parking Zones

[illegible]

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[illegible]

I request that the City of Marion Council please mark yellow lines on both Township Road and Norfolk Road Marion - Such that parking only be permissible on one side of road at any given point.

Name	Address	Signature
Michael Williams	20a Alison Dr Happy Valley	M Williams
Jimmy Francis	67/30A Worfold Road	J Francis
J Scheer	301 Start Rd. Start.	J Scheer
Eda Laine	90/30A Norfolk Rd.	Eda Laine
Lyn Martin	34/30a Norfolk Rd	L Martin
Kevin Martin	" "	K Martin
Smithy Wiff	105/30A NORFOLK RD	R Wiff
Ruth Buckingham	107/30A Norfolk Rd	Ruth Buckingham
Maureen Donstove	106/30a Norfolk Rd	M Donstove
Graeme Dunbar	" "	G Dunbar
Ed. Drown	48/30a Norfolk	E Drown
Coralie Henning	Unit 56, 30A Norfolk Rd. Marion	C Henning
Rich Henning	56/30A NORFOLK RD MARION	R Henning
Sha Trewartha	60/30a Norfolk Rd Marion	S Trewartha
Pat Truman	83/30a Norfolk Rd Marion	P Truman
John Truman	83/30A NORFOLK RD MARION	J Truman
Elton Campbell	53/30A Norfolk Rd	E Campbell
NEIL KITSON	12/30A NORFOLK RD	N Kitson
Tony Adams	21/30A Norfolk Rd.	T Adams
Edna Harbert	33/30A Norfolk Rd	E Harbert
Kath Robinson	48/30A Norfolk Rd	K Robinson
M. Beaumont	64 30A Norfolk Rd	M Beaumont
Ben Admiral	26/30 Norfolk Rd	B Admiral
Dorothy Roberts	59/30A Norfolk Rd	D Roberts
Don & Madeline Rafter	121/30A Norfolk Rd	D Rafter
Ken & Josie Peyer	180 30a Norfolk Rd Marion	K Peyer
Ann Fahy	54A Illawarra Ave Hove	A Fahy

I request that the City of Marion Council please mark yellow lines on both Township Road and Norfolk Road Marion - Such that parking only be permissible on one side of road at any given point.

Name	Address	Signature
KALMAI DENTON	2 BRADMAN ST STURT	K Denton
GERALD BROWN	4 LINCOLN AVE WARRADALE	G Brown
KEITH JACOBS	14 CANTONIA RD. BENTLEY	K Jacobs
DUDLEY DENTON	2 BRADMAN ST STURT	D Denton
KRYIN DENTON	40A RALPH ST STURT	K Denton
SHAUNA THOMAS	16/30a NORFOLK RD MARION	S Thomas
THELMA GARRICK	100/30a NORFOLK RD MARION	T Garrick
MAXENE GORDON	76/30A NORFOLK RD MARION	M Gordon
RUTH TENNY	1 MASTERS CR MARION	R Tenny
PHIL SCHERER	680 MORPHETT RD SEAVIEW POUNDS	P Scherer
JOHN LOUKLESS	5 RIVERSIDE DR BEDFORD PK	J Loukless
JACK TODD	13 LAYBENLE ST.	J Todd
PETER DICKS	1190 Inman Valley Rd	P Dicks
Linda Wadden	68 Vincent Av. Hall Place	L Wadden
GRAHAM BROWN	16 SANDERY AVE SEACOMBE GARD	G Brown
Sharon Brown	16 Sandery Ave Seacombe Gds	S Brown
RA BRENCH	5 Sweet-water S Seacombe Gds	R Brench
JOHN SAFFIN	13/30A Norfolk Rd Marion	J Saffin
IAN CRILLY	7 DUNCAN ST STURT	I Crilly
Shirley Thompson	103/30A Norfolk Rd Marion	S Thompson
ROSALIE HEERON	96/30A NORFOLK RD MARION	R Heeron
DEANÉ THOMPSON	102/30A NORFOLK RD MARION	D Thompson
NEIL PRICE	47/30A NORFOLK RD MARION	N Price
MAN BOYS	46/30A NORFOLK RD MARION	M Boys
JENNY BOYS	46/30A NORFOLK RD MARION	J Boys
BETTY PRICE	47/30A NORFOLK RD MARION	B Price
KEW MORRISON	01/4 Coventry St DAK PARK	K Morrison
MARGARET MORRISON	1/4 COVENTRY ST DAKLANDS	M Morrison
Jackie Williams	20a Alison Drive, Hoppy Valley	J Williams

I request that the City of Marion Council please mark yellow lines on both
 Township Road and Norfolk Road Marion - Such that parking only be
 permissible on one side of road at any given point.

Name	Address	Signature
Audrey Gally	491 Marion Norfolk Rd	A.G. Gally
Marguerite Thomas	494 Norfolk Rd	M. Thomas
Ray Brant	1193 Norfolk Rd	Ray Brant
Betty Hocking	1554 Norfolk Estate, Norfolk Rd.	B. Hocking
J. Rana	" " "	J. Rana
Sheila Hyams	98 Norfolk Estate, Norfolk Rd	Sheila Hyams
M. DICKETSON	122/30A Norfolk Rd	M. Dickeson
H. Grosse	122/30A Norfolk Rd	H. Grosse
GRAHAM GARFOT	116/30A Norfolk Rd	G. Garfot
John Rodda	49/30A NORFOLK RD	J. Rodda
Joyce & Brian Richardson	26A HIGH ST GLENELG	J. Richardson
Helen Williams	107/12-16 Durham St Glenelg	H. Williams
Janet Sherwell	15/30A Norfolk Rd Marion	J. Sherwell
Ram Wolfe	26/30A Norfolk Rd Marion	R. Wolfe
Margaret Robert	124/30A Norfolk Rd	M. Robert
Joy M. Vetting	50 Norfolk Estate	J. Vetting
K. B. Neeley	150 30A Norfolk Rd Marion	K. B. Neeley
M. Muirhead	Semaphore Rd.	M. Muirhead
Daniel Smith	Miami Ave; West Beach	D. Smith
Josie Riches	7 NORFOLK Estate.	J. Riches
Lheonne Tyler	65 Norfolk Estate	L. Tyler
Barb Blake	74 Norfolk Estate	B. Blake
Brian Blake	74 Norfolk Estate	B. Blake
MARION McINTYRE	55 Norfolk Estate	M. McIntyre
Graham THOMAS	16/30A Norfolk Rd Marion	G. Thomas
Betty Brown	4 Lincoln Ave Warradale	B. Brown
MARG. DENTON	40A RALPH ST STURT	M. Denton
MARGARET JACOBS	14 CHITUNG RD; EDEN HILLS	M. Jacobs

I request that the City of Marion Council please mark yellow lines on both Township Road and Norfolk Road Marion - Such that parking only be permissible on one side of road at any given point.

Name	Address	Signature
LORNA BELCHER	U29/12 TOWNSHIP RD ^{MARION}	Lorna Belcher
Rex Coleman	U29/12 TOWNSHIP Rd ^{MARION}	R Coleman
HEATHER BUTLER	39/12 TOWNSHIP RD, MARION	Heather Butler
DS WILLIAMS	260 CT BROOKLYN	DS Williams
G. O'Garra	Maesbury CT Sturt.	G. O'Garra
JOANNA NIESZPORK	17 VENDAILE DRIVE ^{FLAGSTAFF HILL}	Joanna Niespork
ROMA DOUGLAS	28 TOWNSHIP RD ^{MARION SA}	Roma Douglas
Roma Riley	23B North Pole STRATHALBY	Roma Riley
NETI PHILLIPS	12 TOWNSHIP Rd	Neti Phillips
BETTY MOORE	1/12 TOWNSHIP RD.	B. E. Moore
Robert Wilson	2/12 Township Rd.	R. Wilson
PAT ALDAM	3/12 TOWNSHIP RD	Pat Aldam
Cliffson Keen	4/12 Township	Cliffson Keen
Pat Mackay	15/12 Township Rd	Pat Mackay
Catalie Good	37/12 Township Rd	C. Good
Shirley McCall	33/12 Township Rd.	S. S. McCall
PAUL SMITH J.	27/16 OXFORD ST BLACKTOWN NSW	Paul Smith
EDWINA PEARCE	5/12 TOWNSHIP RD	Edwina Pearce
MARY George	11/12 " "	M. George
MARTIN GIBS	21 WARRIOR RD TROTTER	Martin Gibbs
Rachy Burton	8/12 Township Rd	R Burton
Shirley Fountain	9/12 Township Rd	Shirley Fountain
L.E. KENNEDY	7/12 Township Rd.	L.E.K.
Phil Mayo	19/12 Township Rd.	Phil Mayo
B Davies	16/12 Township Rd Marion	B Davies
G. Welsh	24/12 Township Rd. Marion	G. Welsh
L. COLEMAN	29/12 Township Rd.	L. Coleman
O McKinnon	13/222 PAYNCHAP Rd	O McKinnon
JACKIRAN BASWA	14/ Township rd	Jackiran Baswa

About this Document

This map has been created for the purpose of showing basic locality information and is a representation of the data currently held by The City of Marion. This information is provided for private use only.

Disclaimer

While every effort has been made to ensure the accuracy of the product, Council accepts no responsibility for any errors or omissions. Property boundary line network data is supplied by State Government.

Map Width: 840.1 m

Created by eng
Monday, 19 January 2015



**CITY OF MARION
GENERAL COUNCIL MEETING
9 December 2014**

Notice Received from: Councillor Hutchinson

Subject: Play Equipment Audit

Ref No: GC091214M01

MOTION:

1. That the City of Marion undertake an audit of playground equipment to identify the risks associated with super heating of surfaces, in particular those that may come into contact with skin; and

2. Appropriate risk mitigation strategies are developed and implemented within 4 weeks.

COMMENTS: Councillor Hutchinson

In light of the recent and tragic incident of a young child receiving extensive burns on play equipment with the City of Port Adelaide Enfield, I believe we must undertake an audit of our play equipment to ensure materials that could reach excessive temperatures are identified and that the risk posed to our children is managed appropriately.

COMMENTS:

Peter Paterson, Manager Open Space, Kate McKenzie, Manager Governance

The City of Marion procurement processes require that playground equipment is purchased and installed in accordance with the Australian Standards set for playgrounds.

The City of Marion's 105 Playgrounds are monitored and maintained via a programme of inspection. Each playground is inspected weekly to identify hazards from vandalism, use or weather conditions. Each playground is also inspected quarterly for operational checks to ensure equipment is in good working order.

Comprehensive inspections are undertaken as part of our newly installed playgrounds to ensure independent certification against current Australian Standards. These inspections assess the long term levels of safety, standard compliance, quality control, etc.

It is acknowledged that all surfaces, including ground and soft-fall, will heat up if exposed directly to the sun. This is not uncommon due to the Australian climatic conditions. Council has sought advice from a peak body for playground equipment and the advice provided acknowledges whilst young children may not be old enough to determine the risk of heat, they should be appropriately supervised in all public open spaces.

The City of Marion has received limited incident reports associated with playgrounds in the past three years, none of which relate to burns.

Due to resources and expertise required, an audit to assess risks associated with super heating surfaces would need to be outsourced and is estimated to costs \$6,500 plus GST. This cost currently is not included within Councils budget.

As this is a sector wide issue and based on Councils current inspection program and risk assessment, it is recommended that further information be sought from the Local Government Association Mutual Liability Scheme regarding appropriate response to this issue. Council may like to consider an alternative motion as follows:

“that advice is sought from the Local Government Mutual Liability Scheme regarding appropriate actions for Council to be undertaking based on the risks associated with super heating of surfaces, in particular those that may come into contact with skin”

**CITY OF MARION
GENERAL COUNCIL MEETING
27 January 2015**

Notice Received from: Councillor Veliskou
Subject: Ideas for Planning Reform
Ref No: GC270115M01

MOTION:

That Council make a further submission regarding “South Australia’s Expert panel “Ideas for Planning Reform” which indicates that decisions made by any planning group, in place of Local Council development assessment panels, includes measures that ensure transparency for the public interest (including their deliberations).

Further that Council write to the relevant minister and shadow minister advising of this position.

COMMENTS: Councillor Veliskou

Nil

COMMENTS: Steve Hooper, Manager Development Services

Further to correspondence prepared for the Council Meeting on 9 December 2014, (as attached) I advise that South Australia’s Expert Panel’s Final Report “The Planning System We Want” was delivered to the Minister on 12 December 2014.

The report contains 22 recommended planning reforms. A link to the report was forwarded to Elected Members on 9 January 2015.

Prior to the release of this final report, in August 2014, the Expert Panel on Planning Reform released its second public report “Our Ideas for Reform” for a 7 week consultation period which ended on 26 September 2014. The previous Council endorsed a submission on this report at its meeting on 23 September 2014.

There is one final opportunity to submit any comments on *The Planning System We Want*.

Comments can be emailed to DPTI.PDPlanningReform@sa.gov.au by 5pm Friday 13th February 2015. As the Expert Panels work is complete, it is expected that the State Government will formalise any proposed legislative reform program at some stage in 2015.

Council could consider the motion from Councillor Veliskou as part of its consideration of the final report which is the subject of a separate item on this General Council Meeting Agenda.

**CITY OF MARION
GENERAL COUNCIL MEETING
9 December 2014**

Notice Received from: Councillor Veliskou
Subject: Ideas for Planning Reform
Ref No: GC091214M02

MOTION:

That Council make a further submission regarding “South Australia’s Expert panel “Ideas for Planning Reform” which indicates that decisions made by any planning group, in place of Local Council development assessment panels, includes measures that ensure transparency for the public interest (including their deliberations).

Further that Council write to the relevant minister and shadow minister advising of this position.

COMMENTS: Councillor Veliskou

Nil

COMMENTS: Steve Hooper, Manager Development Services

Submissions on the “Our Ideas for Reform Paper” closed on 26 September 2014 and the Expert Panel has announced that it will deliver its final recommendations this month.

It is therefore likely that the Panel has concluded its deliberations and considered all submissions received during the consultation period.

An alternative approach that Council may consider is to write to the Planning Minister and Shadow Planning Minister requesting that any legislative reform to planning legislation have regard to the above-mentioned position.

**CITY OF MARION
GENERAL COUNCIL MEETING
9 December 2014**

Notice Received from: Councillor Veliskou
Subject: Streetscape Working Party
Ref No: GC091214M03

MOTION:

That council establish a streetscape working party for the incoming council to provide input in the development of the Council's streetscape policy draft before it goes to consultation.

That council aims to establish and convene the streetscape working party early in 2015 and that their input be incorporated into the draft policy being worked on.

That council build on the work done by council staff on this to date.

COMMENTS: Councillor Veliskou

This process will give the new council the opportunity to shape the draft streetscape policy which will be presented to the community.

It is quite evident from the induction session that the new council is very committed to having the right guidelines in place for our footpaths, roads and verges.

The working party would provide the opportunity for discussing different aspects of streetscape and how they interact.

It could provide input into policy through a bottom up approach where issues in detail shape strategy as well as through direct strategic statements.

Once in place and running the working party may wish to run one or a few open workshops to invite the community to participate as part of the consultation process.

The main assets of council are not the exciting sports hubs or new community facilities, they are the roads and walkways that connect us across the 56sq KM of the council area.

This policy affects our residents the minute they leave their premises and in some cases the policy can impact on whether they can or choose to leave their premises.

For more frail residents the impact of poorly placed or maintained footpaths have significantly negative life changing effects.

COMMENTS: Heather Montgomerie, Director

A report was presented to Council on 12 August 2014 (GC120814R02) proposing principles for a streetscape policy, and seeking Council's feedback on the nature and content of such a policy. A draft policy has been substantially prepared on the basis of the principles that were presented at that time.

A working party may assist in providing feedback to staff to further inform the policy, and to clarify what matters should be addressed in policy, and what is better suited to implementation guidelines or operational procedures.

A working party could be supported by existing personnel in the Infrastructure, Assets, Strategy and Communications Departments, as required.

The due date for the resolution to bring back a draft policy to Council will need to be adjusted to accommodate the timeframes of a working party.

**CITY OF MARION
GENERAL COUNCIL MEETING
9 December 2014**

Notice Received from: Councillor Kerry

Subject: Consideration of Opportunities for a Low Rating Strategy

Ref No: GC091214M04

MOTION:

"That:

1. Council declare its commitment to a low rating strategy for the next 4 years, whilst ensuring long term financial sustainability.
2. A report be prepared for the March 2015 General Council Meeting outlining opportunities for a low rating strategy including consideration of a rate rise no greater than the Adelaide CPI for the 2015/16 financial year, whilst also ensuring long term financial sustainability."

COMMENTS: Councillor Kerry

Nil.

COMMENTS: Vincent Mifsud, Director

A series of Forums are planned for Elected Members in early 2015 with the purpose of providing financial data, information and modelling that will inform members of the outcomes and consequences of potential rating options. This will support members in making sound and well informed prudential decisions in the development of the 2015/16 Annual Business Plan & Budget (ABP&B), whilst ensuring a focus on maintaining Councils long term financial sustainability.

This will underpin the provision of a report to Council in March 2015, outlining opportunities for a low rating strategy, including consideration of a rate rise no greater than the Adelaide CPI for the 2015/16 ABP&B, whilst also ensuring Council's long term financial sustainability and responsible use of community funds. In turn this will facilitate and inform the public consultation process that is legislatively required to be conducted, before Council can formally adopt the ABP&B.

**CITY OF MARION
GENERAL COUNCIL MEETING
27 January 2015**

Originating Officer: Kate McKenzie, Manger Governance

Director: Kathy Jarrett

Subject: Audit Committee Confirmation of Minutes of Meeting held on 16 December 2014

Report Reference: GC270115R01

REPORT OBJECTIVES:

The Audit 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 Audit Committee held a meeting on Tuesday 16 December 2014. The minutes of that meeting are herewith forwarded to Council for adoption (Appendix 1).

RECOMMENDATIONS (1)

DUE DATES

That Council:

1. Receive and adopt the minutes of the Audit Committee meeting of 16 December 2014 (Appendix 1).

27 January 2015

**MINUTES OF THE AUDIT COMMITTEE MEETING
HELD AT THE ADMINISTRATION CENTRE
245 STURT ROAD, STURT
ON TUESDAY 16 DECEMBER 2014**



PRESENT

Mr Greg Connor (Chair), Mr Lew Owens, Councillor Tim Pfeiffer

In Attendance

Mr Mark Searle	Chief Executive Officer
Mr Vincent Mifsud	Director
Ms Kathy Jarrett	Director
Ms Kate McKenzie	Manager Governance
Mr Ray Barnwell	Manager Finance

1. OPEN MEETING

The meeting commenced at 2.02 pm. The Chair welcomed all those present to the meeting.

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

No interests were declared.

4. CONFIRMATION OF MINUTES

Moved Mr Owens, Seconded Councillor Pfeiffer that the minutes of the Audit Committee meeting held on 14 October 2014 be confirmed as a true and correct record of proceedings.

The Committee noted that the minutes from the previous meeting stated that a truncated version of the Local Government Association Mutual Liability Scheme Risk Review was completed. A formal report has not been received to date. The Committee noted that the Scheme has provided a rebate to the Council of approximately \$120,000 due to the performance of the scheme.

Action: Follow up and report to the Committee if a formal report will be received regarding the truncated risk review.

Carried

4.1 Elected Member Representative Report to Audit Committee Report Reference: AC161214R4.1

Councillor Pfeiffer presented the report as read noting that much of this last period was in Caretaker mode because of the local government elections held in November 2014.

Notwithstanding this, Council had adopted the end of year financial statements for the period ending June 2014 and the associated investment performance report. He noted that this was a great result and thanked the finance team for their work.

Councillor Pfeiffer advised the Committee that the new Council was significantly different with a new Mayor and seven new Councillors. The new Council has a positive achievement focus with a strong financial drive. The Council has expressed an interest in savings and lower rate rises. This will require discipline, especially if Council wishes to deliver capital projects.

Finally, Councillor Pfeiffer also advised the Committee that \$750,000 grant funding had been received from the Department of Planning, Transport and Infrastructure (DPTI) following election pledges made during the state government election earlier in 2014. This creates a significant opportunity for improvement infrastructure and enables Council to progress with a number of key projects. These grants require no financial contribution from the Council.

The Audit Committee welcomed the approach and offered to assist Council wherever the Committee can provide advice and support, including attendance at Elected Member Forums as part of the development of the Annual Business Plan and Budget 2015/16.

Moved Councillor Pfeiffer, Seconded Mr Owens the Audit Committee note the report.

Carried

5. BUSINESS ARISING

The statement identifying business arising from previous meetings of the Committee was reviewed and progress achieved against identified actions was noted. The following was noted by the Committee;

- The revised due date in item 1 requires changing to April 2015.
- The Acquisition and Disposal of Land Policy was discussed in the context of the excess land at City Services. It was noted that this would be considered by Council in the new year with a decision to be made regarding the strategy and approach for disposal of the excess land.
- Three of the five audit recommendations relating to ICT have been closed. The other two are in progress. A progress report will be brought to the Audit Committee in June 2015.

Action: Progress report to be presented to the June 2015 Audit Committee meeting, including a formal response from Civica.

- The work scheduled had been amended with the Corporate Risk Review and the Ombudsman Annual Report being reported to the April 2015 meeting.

The Committee requested that the size of the agenda for the April meeting be manageable and not too large.

6. REPORTS

Corporate and Financial Management

The Chief Executive advised the Committee that clear direction had been received from Council regarding lower rates, efficiencies and effectiveness. The previous Council had resolved to progress the preparation of the Annual Business Plan and Budget for 2015/16 with a savings target of 5% and the new Council has expressed a focus on openness, outcomes and frugality.

Budget preparation will progress through the Christmas period. Savings of \$3.8m are being targeted, without any impact on service delivery.

6.1 Financial Indicators – Summary Report Report Reference: AC161214R6.1

In May 2014, the Committee noted that the current mandated financial indicators were not entirely reflective of the Council's true financial position. At this time, the Committee requested that research be completed on a set of indicators that would represent a more holistic approach and look beyond the operating statement and consider Council's long term cashflow and funding position.

After research, three indicators have been presented for consideration. These are:

- Working Capital Ratio (Quick Ratio)
- Debt Service Coverage Ratio
- Operating Cash Flow Coverage Ratio

The Committee made the following comments about the proposed ratios:

- The ratios are a step in the right direction but are concerned that the underpinning philosophy reflects a cautious and conservative approach towards borrowings.
- Consideration should be given for debt to contribute towards assets if the debt is associated with extending the life of the asset. The cost will therefore be shared across the generations that will use the asset into the future.
- The concept of 'intergenerational fairness' should be explored further and reflected within Council's Treasury Management Policy to ensure Council is not asking too much of today's residents.
- A reasonable amount of debt is appropriate, taking into consideration the environment in which Council operates. This should be considered in the context of what is an appropriate level of debt based on the Council's risk appetite and profile. Further consideration should be given regarding the target ranges.

Further explanation was provided to the Committee stating that:

- Councils approach has been to fund maintenance and renewal of assets from operating cash flow as this is a large part of Councils 'normal' business. It is not the intent to have zero borrowings. If Council chooses to fund a new strategic initiative, there is a case to borrow funds.
- The indicators need to be considered as a suite. The importance of cash flow and funding is critical to ensure that Council can service any new loans.
- The Debt Service Coverage ratio is useful as it demonstrates what 'good debt' can be. Long term infrastructure costs could potentially be funded by an appropriate level of debt, if Council can afford the loan service requirements.

The Committee noted it would be useful to see what the ratios would present with either historical or projected figures. This would assist the Committee to have meaningful discussion.

ACTION:

1. **Review the current treasury management policy in conjunction with the debt servicing ratio and incorporate the concept of intergenerational funding.**
2. **Use the proposed ratios as part of the preparation of the Annual Business Plan and Budget for 2015/16 as a test of their usefulness.**

Moved Mr Owens, Seconded Councillor Pfeiffer that:

1. **The Audit Committee accepts the ratios provided within the report but that further work be progressed regarding the target ranges (in particular for the Debt Service Coverage ratio).**
2. **Category 3 being an Operating Surplus ratio of 0% to 5%, is to be retained as an indicator.**

Carried

**6.2 Savings Strategy Discussion – Summary Report
Report Reference: AC161214R6.2**

The Committee noted the approach and provided the following comments:

- The previous Council set a rate rise of 4.1% for the 2014/15 financial year that required a budget saving of \$564,000. Savings of this nature were presented to Council with just over half being derived from the capital budget. Council requested that this money be reinvested into capital and the savings be found within operations with no impact on services.
- The likelihood of the introduction of economic regulation for local government was high. Implementing rate increases of CPI would create a sustainable future and set Marion as the sector leader in this space. This was a good discipline to consider into the future.

The following comments were provided to the Committee:

- The Council is focused on achieving efficiency savings which will enable it to be in the position to provide lower rate rises to the community. Budget officers are looking for areas where these might be found so savings can be passed onto the rate payer to reduce the financial burden on the community.
- Council's approach to budgeting is 'zero based' and this will be applied with appropriate robustness and rigour.
- Savings should be ongoing (ie. recurrent) wherever possible.

6.3 Review Recommendations Update (Core Assurance and Service Reviews) Report Reference: AC161214R6.3

The Committee noted progress achieved and that this program was critical for the savings targets of Council. It was noted that the tender for this contract will be released in the new year.

Part of Council's continuous improvement opportunities is to build an ongoing process of continuous review and improvement into operations to maintain and sustain savings and efficiencies into the future.

The Committee noted that the Project management review was to be presented to the Committee at this meeting. Two bodies of work have been completed, one by BDO and one by Thinc Projects. Work is progressing on combining these two pieces of work and bringing these as a combined report to the April 2015 Audit Committee meeting.

ACTION: Project Management Report to be presented to the April Audit Committee Meeting.

The Committee queried the Expense, Benefit and Entitlement Procedures review, asking whether this was a compliance or service review. It was noted that this was a compliance review, forming part of good governance practices associated with a change in Council. The new Council will review the Policy position within the next 6 months.

Moved Councillor Pfeiffer, Seconded Mr Owens that the Audit Committee:

1. Note the progress achieved against Council's Core Assurance and Service Review program.

Carried

6.4 Core Assurance Health Check: Goods & Services Tax (GST) and Fringe Benefits Tax (FBT) (Deferred GC141014R6.8) Report Reference: AC161214R6.4

Overall Council performed well in this review with only minor areas recommended for improvement. The Committee queried and noted the following:

- If the Council was audited by the Taxation Department it would be well placed to respond to an audit
- The Use of Council's Asset Policy may require further work to manage risk associated with employees using Council equipment for personal use. It was noted that this had been significantly restricted in recent years and employees could not borrow any equipment that they did not have appropriate 'tickets' to operate. It was confirmed that no Council equipment is used for commercial gain.

6.5 Service Review Project Briefs Grant Management Funding to the Community Report Reference: AC161214R6.5

The Committee noted the two scopes for Grants (funding being received) and funding/sponsorship (funding being given out). It was noted that the reviews are different

and will be conducted as two separate reviews. The Committee noted the scopes and requested that the following be addressed:

Grants:

- Who can apply for grants on behalf of Council?
- How the grant is controlled and approved for submission?
- Quality of the application.

Funding/Sponsorship

- Are the relevant guidelines adequate when funding and sponsorship is provided?
- Are there circumstances when small monetary amounts are provided without the need for a report back to Council to avoid red tape and bureaucracy?
- Does Council have Corporate Citizen responsibilities and how is this applied in this function?

The Committee requested that the due dates be reviewed.

6.6 Audit Committee Work Program & Meeting Schedule for 2015 Reference No: AC161214R6.6

The Committee noted that the Council would be focusing on the Business Plan and Budget throughout February and March 2015 and hence the first Audit Committee Meeting for 2015 was scheduled for April.

This was noted by the Committee and it was proposed that if required, a special meeting of the Audit Committee be held in this period to focus on the budget or alternatively, Audit Committee Members may be invited to attend relevant Elected Member Forums to support the Council in this process.

The Committee also queried the timing of the Annual accounts and if this could be reviewed by the Committee earlier than October. It was noted that the accounts need to be lodged by 30th November each year and management is progressing towards bringing this timing forward each year. The Committee requested if there would be any benefit in reviewing the unaudited statements in August and it was agreed this could be a good approach to adopt.

Moved Councillor Pfeiffer, Seconded Mr Owens that the Audit Committee:

1. Notes the proposed work program for 2015 identified at Appendix 1 to the report.
2. If required, hold a special meeting of the Audit Committee in February 2015 to focus on budget preparations.
3. Adopts the following indicative schedule of meetings for 2014;
 - a) TUESDAY, 14 April 2015 (3.00 – 6.00 pm)
 - b) TUESDAY, 9 June 2015 (3.00 – 6.00 pm)
 - c) TUESDAY, 18 August 2015 (4.00 – 6.00 pm, followed by joint workshop with Council from 7.00 – 9.00 pm)
 - d) TUESDAY, 13 October 2015 (3.00 – 6.00 pm)
 - e) TUESDAY 15 December 2015 (3.00 – 6.00 pm)

7. CONFIDENTIAL ITEMS

Nil

8. ANY OTHER BUSINESS

The Committee thanked Ms Cathy Cooper for her services and contribution to the City of Marion Audit Committee for the past eight years. The Committee noted she was a strong supporter and valuable member.

The Committee noted that the recruitment process to replace Ms Cooper would commence in the new year with the intent to have a new independent member appointed by the April 2015 Audit Committee Meeting.

Mr Owens advised the Committee that he would be absent for the 9 June 2015 meeting.

9. MEETING CLOSURE

The meeting was declared closed at 3.33 pm

10. NEXT MEETING

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

Time: 3.00 pm - 6.00 pm

Date: 14 April 2015

Venue: Chamber

.....
CHAIRPERSON

/ /

**CITY OF MARION
GENERAL COUNCIL MEETING
27 January 2015**

Originating Officer: David Melhuish Senior Policy Planner

Corporate Manager: Steve Hooper, Manager Development Services

Director: Kathy Jarrett

Subject: Residential (General) Development Plan Amendment (DPA)
– Committee

Report: GC270115R02

REPORT OBJECTIVES:

The purpose of this report is for Council to appoint a Committee to consider any representations made on the Residential (General) DPA (both written submissions received during the consultation period and verbal submissions received at the public meeting (if required)) and recommend to council any amendments required to be made to the DPA.

EXECUTIVE SUMMARY:

At the 9 September 2014 meeting Council resolved to endorse the Residential (General) DPA and for it to be placed on public and agency notification.

Notification commenced on 30 October 2014 and finished on 9 January 2015.

A Public Meeting is to be held on 19 February 2015 (if required) to provide those persons affected by the DPA, and who put in a submission, an opportunity to verbally comment on the DPA.

Prior to this meeting Council will need to appoint a Committee to consider any representations made (both written submissions received during the consultation period and verbal submissions received at the public meeting) and recommend to council any amendments required to be made to the DPA.

Once the public consultation process has been completed the DPA will be amended as required and presented back to Council for consideration prior to being forwarded to the Minister for authorisation.

RECOMMENDATIONS: (1)

DUE DATES

That Council:

- 1. Appoint a Committee to consider representations made by the public/agencies on the Residential (General) DPA at a meeting to be held on 19 February 2015 and subsequently recommend to council amendments required to be made to the DPA.** **27/01/15**

BACKGROUND:

During 2012 Council considered numerous planning policy issues which had become apparent generally as a result of the following:

- observations by planning staff and Council's Development Assessment Panel whilst undertaking the assessment process
- observations by Council's Elected Members as part of a general policy review
- legal interpretations and case law
- other research/investigations (i.e.: "Coastal Management Study" which identified properties that are possibly subject to impacts from future sea level rise.)

As a result of these observations Council, at two separate workshops, considered whether amendments were required to Council's Development Plan in order to:

- better clarify the intentions of existing policy
- address some deficiencies within the policy
- correct unintended errors and/or omissions within the policy
- create new policy to cover issues currently not covered in the Development Plan
- address inconsistencies in notification requirements between Council's Development Plan and Schedule 1A and 4 of the Development Regulations

A DPA was prepared on the basis of the issues identified throughout this process.

DISCUSSION:

The DPA

The subject DPA involves a number of generally minor amendments to some of the policy relating to residential development within the City of Marion Development Plan (both within the General and Zone Sections).

It also proposes a new policy area within the residential zone which provides policy guidance/protection for an area adjacent the coast at Hallett Cove that has been identified as being potentially subject to the impacts/consequences of future sea level rise.

Public Meeting

The DPA documents were on public consultation from 30 October 2014 to 9 January 2015.

A total of 11 representations were received by Council. Of these, one person has advised that they wished to be heard by Council.

A Public Meeting will be held on 19 February 2015 to provide persons affected by the DPA an opportunity to verbally comment on the DPA before Council.

Pursuant to Section 25(11)(c) of the Development Act 1993, Council needs to appoint a Committee to consider any representations received in relation to the DPA (both written submissions received during the consultation period and verbal submissions received at the public meeting) and recommend to council any amendments required to be made to the DPA.

If no person wishes to be heard, there will no public meeting; however it is an opportune time for the Committee to meet to consider the written representations received during the consultation period.

The number of persons on the committee on previous situations has been between 3 and 4, however there is no limit prescribed in the legislation.

Strategic Directions Committee (SDC) Meeting – 3 February 2015

It is proposed that one of the items for the forthcoming SDC meeting be a workshop that facilitates Committee members' feedback gathered over the past 12 months and specifically through the most recent council elections. The information captured will help further develop and define the strategic directions of Council.

Feedback received in relation to urban development as part of the workshop may be relevant to and aid consideration of the representations received during the consultation process for the Residential (General) DPA by the DPA Committee. Beyond the Residential DPA, the feedback may also be relevant for future DPAs to be discussed as part of the "Strategic Directions Report" item to be considered at the SDC meeting of 3 February.

Final Draft of DPA

Once the public consultation process (which includes the public meeting) has been completed the DPA will be amended as required and presented back to Council for consideration prior to being forwarded to the Minister for authorisation.

INTERNAL ANALYSIS:

Consultation:

Consultation has occurred with Elected Members of Council and relevant City of Marion staff regarding process and scope of the DPA. The reporting of the matter at the General Council meetings has also ensured continued consultation with Elected Members.

Policy Implications

The DPA would result in amendments to residential policy which address the current shortfalls within Council's Development Plan.

CONCLUSION:

Council is to appoint a Committee to consider any representations made (both written submissions received during the consultation period and verbal submissions received at the public meeting) and recommend to council any amendments required to be made to the DPA.

**CITY OF MARION
GENERAL COUNCIL MEETING
27 January 2015**

Originating Officer: David Melhuish Senior Policy Planner

Corporate Manager: Steve Hooper, Manager Development Services

Director: Kathy Jarrett

Subject: Local Heritage Places Development Plan Amendment

Report: GC270115R03

REPORT OBJECTIVES:

The purpose of this report is for:

- Council to consider changes to the content of the Local Heritage Places Development Plan Amendment (DPA) recommended by the Minister for Planning.

EXECUTIVE SUMMARY:

At the meeting on 26 August 2014 Council considered the recommendations of the Public Meeting Committee and chose which proposed items were to be retained and which were to be removed from the Local Heritage List. The DPA was changed accordingly and then forwarded to the Minister for consideration and authorization.

On 12 December 2014 Council received correspondence from the Minister in which he advised that he is considering alterations to the DPA, in particular, the reinstatement of 3 of the 16 properties that Council had resolved to remove.

Council is to consider the proposed changes and advise the Minister of its decision on the matter.

RECOMMENDATIONS: (3)

DUE DATES

That Council:

- | | |
|--|-----------------|
| 1. Consider the Minister's proposed alterations to the Local Heritage Places Development Plan Amendment. | 27/01/15 |
| 2. Advise the Minister that Council has no objection to the reinstatement of the following properties to the Local Heritage Places list: | 30/01/15 |
| <ul style="list-style-type: none"> • Dwelling (former farmhouse) – 6 Norfolk Road, Marion • Dwelling (former farmhouse) – 32 Galway Avenue, Seacombe Heights • Vermont Uniting Church, 574-578 Cross Road, South Plympton | |
| 3. Forward an amended version of Table Mar/3 – Local Heritage Places, with amended descriptions/extent for the Local Heritage items, to the Minister. | 30/01/15 |

BACKGROUND:

Since the previous Local Heritage DPA in 1998, Council has become aware of additional properties of potential heritage value that did not receive recognition in the 1990 survey or were not recommended for listing as local heritage places in the 1995 survey but are worthy of further consideration. Council received a monetary grant from Heritage SA to help fund the survey/s, conditional on the above.

The “City of Marion Heritage Survey: 2008-2009” and “City of Marion Heritage Survey: 2009: 1866-1945 Places” undertaken by Donovan & Associates identified, reviewed and evaluated places of heritage interest that are not currently listed as local heritage places within the City of Marion Development Plan.

As a result of these surveys, Council undertook the Local Heritage DPA to add places to its Local Heritage List.

Local Heritage Places Development Plan Amendment

The Local Heritage Places DPA was approved for Interim Operation/Public Consultation by the Minister for Planning on 10 February 2014. *“Interim Operation” is generally sought which gives the proposed properties, the subject of the DPA, “heritage status in the interim” (whilst the DPA process is occurring) to ensure that demolition or significant changes do not occur before the heritage value of the properties have been assessed and formalised.* The DPA sought to list 36 individual places for Local Heritage status.

Interim Operation and the consultation process commenced on 13 March 2014 and the consultation period concluded on 15 May 2014.

As a result of the consultation, Council received a total of 20 submissions (17 from the public and 3 from government agencies). Most of the public submissions received comprised objections to the proposed listing of their property. Of these submissions 4 requested the opportunity to be heard at the public meeting held on 12 June 2014.

Council appointed a 4 member committee for the purpose of hearing and considering any verbal submissions received at the public meeting.

As a result of the submissions received during the consultation process Grieve Gillett (heritage architects) was asked to provide an independent evaluation and/or advice on a number of the recommended places in response to the objections and/or issues Council required clarification on.

At the Council meeting on 26 August 2014 Council chose which proposed items were to be retained and which were to be removed from the Local Heritage List.

In total 20 of the original 36 places listed and placed on public notification/Interim Approval were listed in an amended version of the DPA and forwarded to the Minister for consideration and authorization.

DISCUSSION:

Prior to the Minister making a final decision on the DPA, those property owners who were unhappy with Council’s decision on the listing of their particular property were given the opportunity to appear before the State Government’s Local Heritage Advisory Committee (LHAC). LHAC is a Committee that, among other duties, provides heritage advice to the

Minister. Two parties chose to speak before the LHAC in support of Council's decision to remove their properties from the Local Heritage List. These properties remain off the proposed List.

The Minister has also received advice from the Development Policy Advisory Committee (DPAC) and the Department of Planning, Transport and Infrastructure (DPTI). The Minister has now considered Council's report and advice/recommendations from the various Departments as part of the decision making process.

On 12 December 2014 Council received correspondence from the Minister in which he advised that he is considering alterations to the DPA, in particular, the reinstatement of 3 of the 16 properties that Council had resolved to remove.

The 3 properties are:-

- Dwelling (former farmhouse) – 6 Norfolk Road, Marion
- Dwelling (former farmhouse) – 32 Galway Avenue, Seacombe Heights
- Vermont Uniting Church, 574-578 Cross Road, South Plympton

None of the owners of the above properties chose to appear before the LHAC to support the removal of their properties from the List.

The Minister is seeking Council's response to the recommended changes for his further consideration of the DPA. Council may wish to consider whether all, none or some of these properties warrant reinstating.

For Members information, all 3 properties have been recommended for Local Heritage listing by 2 separate heritage consultants: Donovan & Associates (*heritage consultants that undertook the original 2008 and 2009 heritage surveys*), Grieve Gillett (*heritage consultants that undertook a review/evaluation of a number of specific properties whose owners had voiced objection/clarification during the consultation stage*). Further, the Minister, via LHAC, has chosen to reinstate the 3 properties on the List.

For Council's consideration of the 3 properties in question, a copy of all relevant information relating to each is attached as *Appendix A*.

The Minister has also asked that Council '*consider amending the 'descriptions/extent' for the Local Heritage items proposed in the DPA to focus more on what is being excluded from the listing and to avoid descriptions that are open to interpretation (e.g. using the 'cover all' term 'Dwelling' as opposed to terms like 'Villa' or 'Cottage'*'.

This is considered an appropriate approach so all descriptions have now been altered to reflect that approach.

A copy of the Minister's letter is attached as Appendix B.

An amended version of Table Mar/3 – Local Heritage Places (with the 3 subject properties reinstated (and highlighted) and the description of each property amended (where appropriate)) is attached as Appendix C.

Following Council's decision on the matters correspondence on the same will be forwarded to the Minister along with any required amendments to the DPA.

INTERNAL ANALYSIS:

Financial Implications:

Council has received a total of \$10,000 from Heritage SA to help fund various aspects of the DPA process. A grant of \$5,000 was received and used during the 2008/2009 budgetary year to help fund the Heritage Survey and a further \$5,000 was received in the 2009/2010 financial year which was used for consultation and promotion of the DPA.

A total of \$5,000 is allocated to council's Local Heritage Incentive Fund in the budget each financial year. The call on the Fund in the past has been relatively minimal. If, as a result of the additional places to be included on the Local Heritage List, there is greater call on the Fund than the sum budgeted, the matter will follow the normal budget approval processes.

EXTERNAL ANALYSIS:

Social / Cultural Impact:

The surveys and subsequent DPA will result in additional places from the City of Marion's heritage being formally recognised and Council being provided with greater control of their future.

CONCLUSION:

Protection of the City of Marion's heritage is important and becoming increasingly more so with the anticipated higher density development occurring as part of the 30 Year Plan.

The Local Heritage Places DPA is nearing the end of the process with the Minister seeking Council's response to proposed Ministerial amendments prior to the Minister making a determination on the DPA.

Council is to consider whether the reinstatement of the following properties to the Local Heritage Places list is warranted:

- Dwelling (former farmhouse) – 6 Norfolk Road, Marion
- Dwelling (former farmhouse) – 32 Galway Avenue, Seacombe Heights
- Vermont Uniting Church, 574-578 Cross Road, South Plympton

Given the Minister's position, with the advice of LHAC and the reports of 2 heritage consultants, the weight of expert analysis supports these properties being reinstated onto the Local Heritage list.

Appendices

Appendix A	<i>Relevant Information for 3 properties in question</i>
Appendix B	<i>Copy of Minister's letter to Council – 12 December 2014</i>
Appendix C	<i>Amended version of Table Mar/3 – Local Heritage Places (if amendments approved by Council)</i>

32 Galway Avenue,
Seacombe Heights

Local Heritage Places Development Plan Amendment



Local Heritage Places Development Plan Amendment (DPA) Submission Form

Please read the information sheet prior to filling in this form to help inform your decision and provide your feedback.

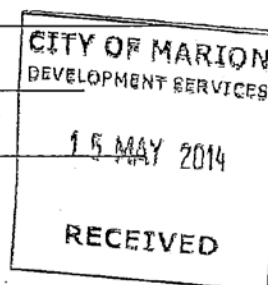
My property is identified as a proposed Local Heritage Place
(if yes please fill in the street name and address)

Yes ☒ No ☐

Street Number 32

Street: GALWAY AVE

Suburb: SEACOMBE HEIGHTS



Please tick a box which best describes your position;

☐

I have identified an error or anomaly

☒

I object to my property being listed as a Local Heritage Place

Please provide comments on the next page (or provide attachment) regarding your views about the amendment.

I wish this Feedback Sheet to be considered as a Formal Submission*

Yes ☒ No ☐

I wish to be heard at the Public Meeting

Yes ☐ No ☐

(If yes for either, you must provide your details below)

Name: [REDACTED] PLUCKHANS

Postal Address 32 GALWAY AVE

SEACOMBE HGTS

To be received by the City of Marion by 15 May 2014.

*To be recognized as a formal submission you must include your full name and address is provided, and submit it to the City of Marion by 5pm Friday 15 May 2014. Copies of all submissions received (including Feedback Sheets recognized as formal submissions) will be available for inspection at the City of Marion Administration Centre, 245 Sturt Road, Sturt until the Public Meeting. Only the respondent's surname will be made public.

14/05/2014

ATT: David Melhuish

Re; our discussion on 8/5/14

Re: Local Heritage Places Development Plan Amendment [DPA] property location
32 Galway Ave, Seacombe Heights.

Dear Sir/Madam,

As the owners of the above address we have previously been through this process. A lot of hours and research was put into our argument against the listing of this property. In 1997 we had it removed from the DPA. It involved open and closed council meetings and at the last meeting it was voted by the councillors that the case for heritage listing was inappropriate.

We were surprised and slightly amazed that the subject has been brought up again.

The letter sent 13 March 2014 states "This place is of little architectural merit, though is of interest for its simple vernacular design. It is of primary heritage value because of its associations with people of importance in the history of the district and their association with the early primary industries of the district."

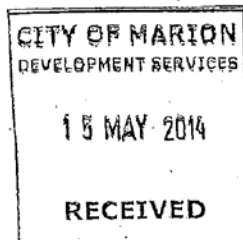
The simple design has been hidden by add ons built by previous owners. The notable local personalities have already been briefly documented most of which is supposition according to the Marion Heritage Survey.

Paul Beadle might have been a colourful character but only owned the property for two years.

We request the house and land not be included in the DPA as we do not believe it meets either criteria [a] [e]

Regards,

 Pluckhahn







City of Marion Heritage Survey (2009)

NAME: *Villa, 32 Galway Avenue, Seacombe Heights*

CURRENT USE: Dwelling

FORMER USE: Dwelling

CONSTRUCTION PERIOD: 1901–02

LOCATION: 32 Galway Avenue
SEACOMBE HEIGHTS, SA, 5047

LOCAL GOVERNMENT AREA: City of Marion

LAND DESCRIPTION: CT-5283/619

OWNER: NR & EJ Pluckham

HERITAGE STATUS: Nil

OTHER ASSESSMENTS City of Marion Heritage Survey 1995



Villa, 32 Galway Avenue, Seacombe Heights
View to East

City of Marion Heritage Survey (2009)

NAME: *Villa, 32 Galway Avenue, Seacombe Heights*

DESCRIPTION:

A single storey building with hipped roof form. The walls are of timber and fibro cladding, and there are French style windows and modern doors. The roof is of corrugated galvanised iron and is of a high pitch. The continuation of the roof line with a change of pitch forms the verandah. There are later timber posts, and sleepouts have been added under the verandah. These additions effectively conceal the building. There appears to be a cellar under the house with vents to the front verandah. There is no front fence.

BRIEF HISTORICAL BACKGROUND:

Assessment records indicate that at the time of the formation of local government in the area, Section 138 was occupied by Abraham Parslow and owned by Walter Thompson. The Parslow family later acquired the property and owned it until the 1890s, when it passed to Mrs J. Cracknell. Nora Herring evidently acquired the property from Stanley James Cracknell, a farmer of Brighton, for £280 on 17 August 1901. There was no building noted in the assessment records until the 20-acre property was acquired by Nora Herring.

Nora Herring operated a vineyard on the southern side of Seacombe Road. She initially purchased 20 acres of land in 1901, part of section 138, but increased this to 65 acres over time. The assessment records of the Council suggest that the dwelling was built during the financial year 1901–02.

In 1898 Nora Herring applied to Roseworthy Agricultural College to undertake a Diploma Course but her application was refused. In the meantime she managed her brother's vineyard at Sturt until she purchased her land and planted her vineyard. Henriette De Mole later joined her, and Herring continued to run her property, although in the 1930s and 1940s she leased her vineyard to several local growers before the property was subdivided in 1945 and sold in 1946 to Wallace and Jessie Dingle. As noted by Alison Dolling:

Nora Herring and Henriette de Mole, who lived south-west of Diagonal and Sturt Roads in an Indian-type bungalow with a red roof shaped like a pyramid. They ran their vineyard like men, dressed in jodhpurs and top boots, and drove a dog-cart to deliver fruit to the Adelaide market. At various times they employed and trained boys from the State Children's Department, and if any local boys handed out cheek, the strong-minded pair waved their whips and threatened to 'give you boys a good whipping.'

Herring's home was known locally as 'The Beehive.' She died in November 1949 at Murrumbeena, Victoria.

When Wallace and Jessie Dingle sold the property in 1959 to Paul and Nancye Beadle, Paul Beadle was at that time an 'energetic and progressive' Principal of the South Australian School of Arts and Crafts to which he had been appointed in February 1958.

Paul Beadle was a sculptor and was born in Hungerford, Berkshire, England. He received his early training at the Cambridge Technical College and Arts School. This was followed by studies at the studio of Alfred Southwick, RBS, the Central School of Arts and Crafts in London, and private study in Copenhagen. Following a period of five years serving in the Royal Navy, Beadle was demobilised in Australia.

From 1940 to 1951 he taught at the National Art School in Sydney, was appointed teacher in charge of art studies at the Technical College, Newcastle, in 1952, and in 1954 was appointed head teacher of art and head of the school. Not long after taking up his position in Adelaide, in October 1958, Paul Beadle was elected President of the Royal South Australian Society of the Arts, a position he held for one year. In 1960 he was appointed Arts Critic for the *News* in Adelaide. He subsequently resigned as Principal of the South Australian School of Arts and Crafts in December 1960 when it was announced that he had accepted the position of Chair of Fine Arts at the Auckland University. He was appointed Permanent Dean of the Faculty in 1961.

At the time of this appointment, prominent South Australian artist John Dowie, who succeeded Beadle as President of the Royal South Australian Society of the Arts, noted:

"Bohemian" is one of those de-valued words that one tries to get along without as much as possible, but it would be difficult to do justice to the character of Paul Beadle without using it.

It conjures up an assortment of qualities: impulsiveness, informality, a little arrogance, indifference to the opinions of the "respectable," and a delight in challenging the accepted and traditional, which are all elements of this colourful personality.

He combines the destructive and creative in about equal parts, which fitted him ideally for the role of new broom, both at the School of Art and as President of this Society.

Old things - some good, many bad - went by the board, and innovations of the same order came in, but I feel that his most important contribution was the ability to create a disturbance.

Backwatermanship, deeply entrenched in our city, took a severe shaking up at his hands, and whether in favour or not, we are all wider awake than we were because of his activities.

Consolidation and development must follow, and these are not perhaps his forte. It may be that his work was complete, but his departure is none the less regretted. He leaves behind indelible evidence of his years in Adelaide, and takes with him to his post of Professor of Art in Auckland the good wishes of his many friends here.

Paul Beadle's many commissions include the American Eagle on the Australian-American War Memorial in Canberra (1954) and 4 high relief carvings in jarrah for Seaview Winery, McLaren Vale (1960). He also produced the victory and commemorative medals for the 10th Commonwealth Games at Christchurch, New Zealand, in 1974.

Paul and Nancye Beadle sold the property in Galway Avenue in 1961.

The building continues to be used as a residence.

STATEMENT OF HERITAGE VALUE:

This place is of little particular architectural merit, though is of interest for its simple vernacular design. It is of primary heritage value because of its associations with people of importance in the history of the district and their association with the early primary industries of the district.

RELEVANT CRITERIA (Under Section 23(4) of the *Development Act 1993*):

This building is recommended for Local Heritage listing because it meets the following criteria:

- (a) it displays historical, economical or social themes that are of importance to the local area which was once predominantly residential; and
 - (e) the building is associated with notable local personalities, especially Nora Herring, Henriette De Mole, and Paul Beadle.
-

REFERENCES:

Department for Transport, Energy and Infrastructure, Land Services Group, Land Titles Office: CT.588/100; Memorandum of Transfer 371004; CT.681/71; CT.2174/153; CT.2667/108; CT.3018/129.

Dolling, A., *The History of Marion on the Sturt: The Story of a Changing Landscape and its People*, Peacock Publications, Frewville, 1981, pp. 138, 152.

Ioannou, N., *Ceramics in South Australia 1836-1986: From Folk to Studio Pottery*, Adelaide, 1986, p. 325.

Kalori, Magazine of South Australian Society of the Arts, March 1961, editorial by John Dowie.


Scarlett, K., *Australian Sculptors*, Nelson, West Melbourne, 1980, pp. 53-54.

The Advertiser, 8 February 1958, p. 21; 25 October 1958, p. 5f; 17 December 1960, p. 25c.

State Records — Marion Assessment Records, MRG 36/4/2, 36/4/14.

City of Marion Local Heritage Review (objection)

Local Heritage Places

<p>Property</p> <p>Dwelling</p> <p>Address</p> <p>32 Galway Ave, Seacombe Heights</p> 	<p>(a) It displays historical, economic or social themes that are of importance to the local area</p> <p><i>Objector concerned as property was assessed previously (1997) and rejected at the time.</i></p> <p><i>Owners note that they see no historic association between the place and its past inhabitants</i></p> <p>(b) It represents customs or ways of life that are characteristic of the local area</p> <p>(c) It has played an important part in the lives of local residents</p> <p>(d) It displays aesthetic merit, design characteristics, or construction techniques of significance to...</p> <p>(e) It is associated with a notable local personality or event</p> <p>(f) It is a notable landmark in the area</p> <p>(g) in the case of a tree, ...</p> <p>Comparative analysis</p> <p>Statement of Heritage Value</p>	<p>C 1901 farm house was home to N Herring and H De Mole – who planted & ran a substantial vineyard/ orchard enterprise in the surrounding paddocks 1901-1945. Viticulture and horticulture is an historic/ economic theme of importance to Marion, especially prior to closer suburban subdivision. The vineyards and orchards are no longer extant, but the period style of the dwelling still illustrates dwellings associated with the early agricultural early settlement of the area. While the dwelling has been modified to the side and rear, the original form of the place is still obvious from the street. The 1901 form, wrap-around verandah, timber French doors and simple architectural detailing are sufficient in integrity to display the historic theme of local viticulture and horticulture and its importance in the early development of Marion. The place remains as evidence of early settlement agriculture in the locale. Criterion (a) does apply.</p> <p>n/a</p> <p>n/a</p> <p>n/a</p> <p>Association with Nora Herring/ Harriette de Mole – both erected/ occupied the house for a 30 year period, growing grapes. While this is an important early agricultural theme for the Local Area and the social story is of merit, both ladies are not considered 'notable' in the development of Marion, as they do not feature in the developmental history of the region – except as local (female) farmers. Their impact is <u>not of sufficient</u> historic significance to warrant consideration as a 'notable' association.</p> <p>Association with Paul Beadle tenuous – he only lived in the house for 2 years – previously living in Sydney and after in Auckland. No notable works of art were associated with his occupation of the place. Association not supported. Criterion (e) does not apply</p> <p>n/a</p> <p>n/a</p> <p>(approx – style/ age) early farm villa of Marion.</p> <p>Needs re-writing to exclude criterion (e)</p>
<p>History</p> <p>Erected c 1901 by/for Ms Nora Herring, who planted up to 69 acres of vines during her years on the site. The property was subdivided and sold 1946. Nora lived in the house with Harriette De Mole for many years and ran the vineyard together. Vineyards were leased to other growers 1930-40s. Dwelling owned by a succession of owners to today.</p> <p>Description & Context</p> <p>Single storey 'farmhouse' with single, CGI clad pyramid form roof. Roof is cranked at perimeter to form wrap-around verandah. Verandah to sides enclosed and rear lean-to structure added.</p> <p>Physical Assessment</p> <p>In fair condition from exterior. Interior not inspected (Access not granted)</p> <p>Front walls re-clad at some time with asbestos sheeting and different profile planking.</p>	<p>Recommendation</p> <p>Revised Statement of Heritage Value</p> <p>Elements of Heritage Value</p>	<p>Do not agree with Objector. Support consideration of 32 Galway Avenue, Seacombe Heights as LHP under criterion (a).</p> <p>The c1901 dwelling at 32 Galway Ave, Seacombe Heights is of local historical significance, as</p> <ul style="list-style-type: none">- a rare illustration of the early, pre-subdivision settlement and <u>viticultural/ horticultural</u> development of this part of the City of Marion. The architectural features and materials illustrate the provenance of the place. <p>Criterion (a) applies.</p> <p>Extent of listing: single storey, CGI clad pyramid roof cottage, with timber framed wrap around verandah</p> <p>Exclusions: later additions to rear, later enclosure of verandahs, fencing.</p>

Criteria (Sec 23 (4) SA Dvt Act)	Objector's concerns (summary)	Assessment
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Vermont Uniting Church –
574-578 Cross Road, South Plympton

Vermont Uniting Church
 578 Cross Road
 South Plympton 5038
vermontuc@internode.on.net

April 2014

Local Heritage Places DPA
 Chief Executive Officer
 City of Marion
 PO Box 21
 Oaklands Park 5046

RECEIVED	
CITY OF MARION	
INFORMATION MANAGEMENT	
12 MAY 2014	
Original	<input type="checkbox"/>
Fwd:	<input type="checkbox"/>
File No:	3.20.3.1
	5 6 7 8 9 10

SCANNED

Dear Sir

Proposed Local Heritage Listing of Vermont Uniting Church

This submission is made on behalf of the Vermont Uniting Church and relates to the proposed local heritage listing of the church building.

The Vermont Uniting Church council (VUCc) understands and has sympathy with the Marion Council's belief that it is important to retain the special heritage qualities of the Council areas. Unfortunately this cannot be achieved without imposing financial costs or penalties upon the individual property owners which are affected by 'heritage listing'. The VUCc is concerned that the proposed local heritage listing of the Vermont Uniting Church building will have a detrimental impact on its ability to manage the property.

The Vermont Uniting Church council (VUCc) raises the following points concerning the Marion Council Development Plan document:

1. The document describes and has a photograph of the church building only. No mention is made of the halls which were built in the 1950s as cheaply as possible using building materials then available under post-war building restrictions. The VUCc believes it would be folly to consider these buildings for heritage listing.
2. The church building, opened in 1965, is typical of a design fashion used by architects at the time. It also employs a since abandoned method of constructing the footings which has doomed the building to the ravages of salt damp. The VUCc has been aware of this for some years but has been unable to contemplate raising the finance required for the labour-intensive process of undersetting, ie manually removing the faulty foundation metre by metre and replacing each section with a properly designed foundation. Widely advertised injection methods for treating salt damp will not solve the problem of the badly designed footings. There are also damaged bricks to be replaced around the outside and inside leaves of the cavity walls. The dwarf walls supporting the floor will also need to be replaced.

3. The Vermont UC congregation consists predominantly of aged persons (most are in their 80's). If it were possible to encourage younger families to become involved in the life of the church then it is likely that substantial changes may be required to the buildings eg crèche, childcare, sporting facilities etc. An entirely new complex may be the best option. This may be financially feasible with the added income from a rejuvenated congregation but may be impeded by the limitations imposed by the heritage protection and the heavy future maintenance demands of the existing buildings.

4. Our current congregation has limited financial resources and prefers to put these towards our mission and the service of the local community rather than to the maintenance of the buildings. Should we need to disband due to this any other church group using the buildings would likely be dissuaded from considering a takeover because of the limitations imposed on them by the heritage listing and the heavy maintenance demands it imposes.

5. Church buildings have a very limited market for resale in their present form and for their present 'type' of use. It is important to think realistically about the long term use of these buildings.

If no alternative church-related use for the buildings is found and the existing congregation disbands by transferring to other congregations then the property will have to be put up for sale. A heritage listing will scare off potential developers. The buildings will be disused (abandoned) and will inevitably deteriorate to the point that demolition becomes mandatory.

The VUCc poses the following questions:

- a. What is the situation if the church cannot afford to upgrade the building but is prevented by a heritage listing from demolishing it? If the prohibition upon demolition imposed by the heritage listing prevails can the Marion Council maintain the building and manage its use into the future?
- b. What if the congregation no longer requires the building and wishes to put the property up for commercial sale. Will the Marion Council purchase it? Because of the unwillingness of potential buyers to consider purchase the heritage listing property in poor condition. Such a sale will impose an immediate financial penalty on the congregation.

In opposing the heritage listing of the church building, the main concerns expressed in this submission relate to:

- the non-heritage value of the other buildings on the site.
- the poor state of the fabric of the church building caused by the poor method of construction.
- the limitation of development opportunities with a consequent immediate reduction in the market value of the property.
- the imposition of additional cost burdens in maintaining property.

SCANNED

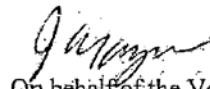
- the limitations of having a building locked in time and being unable to easily adapt and change as the needs and circumstances of the occupiers change.

The VUCc asks that you take these concerns into account when considering the proposed local heritage listing of this property. The VUCc does not want to be unreasonably obstructive and it is certainly not lacking in civic pride. It is concerned, however, with the financial implications that may impinge now and in the future upon the ability of the church to best meet the communities' needs.


Thank you for the opportunity to express these concerns. If there are any issues which require clarification I would be pleased to provide further information.


Vermont Uniting Church council members wish to support this submission at the public hearing on 12th June.

Yours sincerely



On behalf of the Vermont Uniting Church council

 Megaw


Chairman
Vermont Uniting Church

SCANNED



City of Marion Heritage Survey (2008–09)

NAME: *Vermont Uniting Church, 574–578 Cross Road, South Plympton*

CURRENT USE: Church

FORMER USE: Church

DATE(S) OF CONSTRUCTION: 1964

LOCATION: 574–578 Cross Road
South Plympton

LOCAL GOVERNMENT AREA: City of Marion

LAND DESCRIPTION: CT-5787/304

OWNER: The Uniting Church in Australia

HERITAGE STATUS: Nil

OTHER ASSESSMENTS Nil



Vermont Uniting Church, 574–578 Cross Road, South Plympton — View to north

City of Marion Heritage Survey (2008–09)

NAME: *Vermont Uniting Church, New Street, South Plympton*

DESCRIPTION:

This is a single storey A-frame building of a style common in the 1950s and 1960s. It is essentially rectangular in plan form though with small rooms leading from the nave. Walling is of cream brick with decorative concrete blocks forming vertical features on the southern elevation together with a large cross. The roof is gables with a steep pitch and clad with tiles. The roof extends beyond the main side walls at a shallow angle to cover side rooms and form a verandah. Windows are metal framed and glazed with amber mottled glass.

BRIEF HISTORICAL BACKGROUND:

The property on which the church was built was originally farmland. In 1914 it was owned by James Edward Ryan, chaff merchant of Plympton, whose family had extensive farming property in the area and a major chaff mill further south on Marion Road. Lots 42 and 43 — on which the church was built — were acquired by Methodist ministers William Orange Harris, William Hutchinson Robinson and William Thomas Shapley on 26 September 1940.

The foundation stone for the present church in the southern elevation indicates that the stone was laid by AW Kelly on 2 August 1964.

The Church was built prior to the formation of the Uniting Church in Australia on 22 June 1977 and reflects the history associated with the Church since.

STATEMENT OF HERITAGE VALUE:

The building is of heritage value because of its distinctive design which was typical of much church architecture in the boom period after World War II. It is also of heritage value for the manner in which its reflects development of Methodism in the district. Its distinctive design also makes it something of a landmark on Cross Road.

RELEVANT CRITERIA (Under Section 23(4) of the *Development Act 1993*):

This building is recommended for Local Heritage listing because it meets the following criteria:

(a) it displays historical, economical or social themes that are of importance to the local area that reflects both the residential development there and the wish of the church to provide facilities in which its members might worship; and

(d) it displays aesthetic merit, design characteristics or construction techniques of significance to the local area reflected in the high quality of the design and detailing which is typical of the era in which it was built in the period of gathering boom after World War II; and

(e) it is associated with a notable local group, namely the Uniting Church community of Edwardstown


(f) it is a notable landmark in the area because of its prominent location on Cross Road.

REFERENCES:

Department for Transport, Energy and Infrastructure, Land Services Group, Land Titles Office: CT-538/154, CT-849/96, CT-968/194, CT-1759/68, CT-2500/11, CT-5787/304

City of Marion Local Heritage Review (objector)

Local Heritage Places

Property	Criteria (Sec 23 (4) SA Dvt Act)	Objector's concerns (summary)	Assessment
Vermont Uniting Church Address 574-578 Cross Rd, South Plympton 	<p>(a) <i>It displays historical, economic or social themes that are of importance to the local area</i></p> <p>(b) <i>It represents customs or ways of life that are characteristic of the local area</i></p> <p>(c) <i>It has played an important part in the lives of local residents</i></p> <p>(d) <i>It displays aesthetic merit, design characteristics, or construction techniques of significance to the local area</i></p> <p>(e) <i>It is associated with a notable local personality or event</i></p> <p>(f) <i>It is a notable landmark in the area</i></p> <p>(g) <i>in the case of a tree,</i></p> <p>Comparative analysis</p> <p>Statement of Heritage Value</p>	<p><i>Opposed to heritage listing. Impact on the Church's ability to manage the site into the future, as the congregation reduces in size (impacts on redevelopment potential)</i></p> <p><i>Claimed rising damp issue with footings.</i></p>	<p>The 1964 church building reflects social/ historical themes – growth of suburban areas, increasing population and need for churches to meet religious needs of the community. This theme is important to the City of Marion, especially in the post WW11 era when farmland was rapidly replaced by new suburban development. Methodists were well represented in the area post war (1966 census). The place is of historic value as it displays the religious needs of residents associated with the important local historic theme - Marion's rapid post WW11 suburban growth - Criterion (a) does apply in this instance. 1950 Hall also relates to this theme, but is of low integrity and has been substantially altered. Church better displays theme in this instance.</p> <p>n/a</p> <p>n/a</p> <p>Architectural features are of note – 'Post-war Ecclesiastical' in style Church reflects changing liturgical approaches – non-traditional plan, but gable roof external form (gothic reference) still directs upwards. Use of modern materials/ construction methods also of note – portal frame, clear span spaces, use of brick screens panels and slot windows. Stylistically comparable with Marion Uniting Church and St Anthony's Church, Edwardstown. Criterion (d) does apply.</p> <p>The Planning Bulletin defines 'personality' as a person, not a community group – so the Uniting Church as a group cannot be considered under this criterion.– Criterion (e) does not apply</p> <p>No – of reasonable scale, but not a place of reference for community along Cross Rd streetscape. Criterion (f) does not apply.</p> <p>n/a</p> <p>One of 8 Uniting Churches in Marion of varying age – Very comparable in architectural style and era with Marion Uniting Church and less closely, but still arguably with St Anthony's Catholic Church, Edwardstown.</p> <p>Needs re-writing in general and to exclude criterion (e)</p>
History Erected 1964 as a Methodist Church. Hall adjacent may be earlier (date unknown, but architectural style earlier). Architect Hall – Gordon Brown (Brown Falconer) Church : LG & MK Golding (LG mostly known for traditional domestic work – probably MK Golding)			
Description & Context 1964 single storey 'A frame' church of crème brick walls and red tile roof. Style common to period for churches, referencing historic forms, but in contemporary manner, human in scale and modern in material and structural possibilities. Hall erected 1950.			
Physical Assessment Good condition. Hall substantially altered since construction – integrity substantially compromised. Church in original condition – high integrity.	Recommendation Revised Statement of Heritage Value Elements of Heritage Value	<p>Do not agree with Objector. Support consideration of Vermont Uniting Church, 574-578 Cross Rd, Plympton Park as LHP under criterion (a) and (d)</p> <p>The Vermont Uniting Church, 574-578 Cross Rd, South Plympton is of local historical and aesthetic significance as:</p> <ul style="list-style-type: none"> - a representation of the religious needs of the considerable number of Methodist residents associated with the important local historic theme - Marion's rapid post WW11 suburban growth - an example of late 1950s 'Post-war Ecclesiastical' style architecture of merit within Marion. The form and plan reflect changing liturgical ideology of the time. The construction method and creative use of external materials reflect the technological possibilities of the period. Criterion (a) and (d) applies. <p>Extent of listing: church building under main roof, tiled roof, coloured glass windows, cross to front facade.</p> <p>Exclusions: adjacent hall, rear outbuildings.</p>	

6 Norfolk Ave Marion

Local Heritage Places Development Plan Amendment



Local Heritage Places Development Plan Amendment (DPA) Submission Form

Please read the information sheet prior to filling in this form to help inform your decision and provide your feedback.

My property is identified as a proposed Local Heritage Place
(if yes please fill in the street name and address)

Yes ☒ No ☐

Street Number 6

Street: NORFOLK ROAD

Suburb: MARION

Please tick a box which best describes your position;

☐ I have identified an error or anomaly

☒ I object to my property being listed as a Local Heritage Place

Please provide comments on the next page (or provide attachment) regarding your views about the amendment.

I wish this Feedback Sheet to be considered as a Formal Submission*

Yes ☒ No ☐

I wish to be heard at the Public Meeting

Yes ☐ No ☐

(If yes for either, you must provide your details below)

Name: [REDACTED] HOCKING

Postal Address: [REDACTED]

To be received by the City of Marion by 15 May 2014.

SCANNED

*To be recognized as a formal submission you must include your full name and address is provided, and submit it to the City of Marion by 5pm Friday 15 May 2014. Copies of all submissions received (including Feedback Sheets recognized as formal submissions) will be available for inspection at the City of Marion Administration Centre, 245 Sturt Road, Sturt until the Public Meeting. Only the respondent's surname will be made public.

See attached typed comments

DA 2 00 Hocking
6 Norfolk Road
MARION SA 5043
Ph H: 82960520
Mob M: 0423 295 040

28 April 2014

City of Marion
Attention: Mr David Melhuish
245 Sturt Road
STURT SA 5047

Dear Mr Melhuish:

Re: "Local Heritage Places Development Plan Amendment (DPA)" –
For Public Consultation
Property Location – 6 Norfolk Road, MARION

We, as the owners, object to the proposed listing of the above property as a local heritage place and provide the following reasons for consideration.

Statement of Heritage Value

'It is of design and style, typical of the period of its construction'

This is no longer true due to the extensive changes that have been made to the original building.

- When the house was approximately 50 years old, two extra rooms and a return veranda were added when the property was re-roofed.
- The chimneys were extended in non-original, plain brickwork, concealing the original, ornate chimneys.
- In about 1952, approximately half of the rear veranda was enclosed in timber cladding, which concealed the external bluestone wall.
- Between 1991 and 1994, the previous owners added a large, modern style, timber framed family room, consisting of aluminium windows, low ceilings and a concrete floor, from the kitchen area.
- The original, external kitchen wall was removed.
- During the construction of the family room and enclosure of a section of the veranda on the eastern side of the house to incorporate a modest, modern style bathroom and laundry, all of the remaining bluestone wall on the eastern side of the home was plastered over and the existing veranda posts were removed. There is no longer **ANY** exposed external bluestone wall on the eastern side of the building.
- In 2006, the remaining southern veranda area was enclosed to incorporate an ensuite. By doing so, the last section of external bluestone wall on the southern side was concealed.
- There are only two external walls of the building that are exposed bluestone. The remainder is no longer original.
- In 2010, the majority of the street facing (north) corrugated iron roof was concealed by the installation of 24 solar panels.

SCANNED

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As can be seen from the multiple changes which have been made to the external and internal aspects of the building, the property no longer reflects the design and style, typical of the period of its construction.

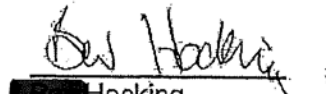
Due to the extensive changes, alterations and additions which would not have complied with a heritage style property and over 50 percent of the external walls not being either bluestone or original, we consider that the property does not meet the criteria to be listed as a local heritage place.

The abovementioned non-heritage alterations which have been made to the property since its original construction of just four rooms, are the reasons why we do not agree with the criteria under section 23(4) of the *development Act 1993* that you have proposed is relevant for our property.

Yours faithfully


[redacted] Hocking

28/4/14


[redacted] Hocking

28/4/14

SCANNED



City of Marion Heritage Survey (2008–09)

NAME: *Villa, 6 Norfolk Road, Marion*

CURRENT USE: Dwelling

FORMER USE: Dwelling

DATE(S) OF CONSTRUCTION: c.1915

LOCATION: 6 Norfolk Road
Marion, SA, 5043

LOCAL GOVERNMENT AREA: City of Marion

LAND DESCRIPTION: CT-5138/558

OWNER: RA & BS Hocking

HERITAGE STATUS: Nil

OTHER ASSESSMENTS Nil



Villa, 6 Norfolk Road, Marion — View to south

City of Marion Heritage Survey (2008–09)

NAME: *Villa, 6 Norfolk Road, Marion*

DESCRIPTION:

This is a single-storey, double-fronted villa oriented to the west. The walling is of bluestone on a bluestone foundations, with red brick quoins and door and window surrounds and string course above the plinth. The roof is hipped-gablet and of corrugated iron with plain chimneys. Windows and door are timber-framed; windows are double-hung sash; the door is timber-panelled and features side and top lights. There is a timber-framed return verandah formed by the extension of the roof line.

The western orientation of the building suggests it was part of a larger property since subdivided.

BRIEF HISTORICAL BACKGROUND:

The property was owned by William Henry Shephard, a chaff merchant, in February 1889. He died on 28 May 1894, and after the estate was finalized it passed to the widow Sarah Parslow on 3 August 1898. At this time it was associated with eight acres of land. Assessment records give the name of this property as Elmwood. Assessment records indicate a house on four acres of land being erected for D Parslow in about 1915.

The property was subdivided into three lots in 1924 with this piece being transferred to one of Sarah's sons, Malcolm Henry Edgar Parslow, on 20 October 1924. Malcolm Parslow died on 13 November 1958 when title passed to his executors. The property passed to schoolteacher Michael Bull and Patricia Bull on 17 November 1972.

STATEMENT OF HERITAGE VALUE:

The villa has no evident associations with people of note. It is of a design and style typical of the period of its construction. Its heritage value derives largely from its relatively early construction before the closer subdivision of the area. It was evidently part of a large farm and thereby reflects features of the early history and development of the area. It is of value too because it retains original fabric, scale and form.

RELEVANT CRITERIA (Under Section 23(4) of the *Development Act 1993*):

This building is recommended for Local Heritage listing because it meets the following criteria:

(a) it displays historical, economical or social themes that are of importance to the local area that reflects the residential development there; and

(d) it displays aesthetic merit, design characteristics and construction techniques of significance to the local area reflected in the high quality of the detailing.


REFERENCES:

Department for Transport, Energy and Infrastructure, Land Services Group, Land Titles Office: CT-528/30, CT-1353/51, CT-2522/112, CT-3101/189, CT-5138/558.

Marion Council Assessment Records, MRG 36/4, State Records.

City of Marion Local Heritage Review (objections)

Local Heritage Places

Property	Criteria (Sec 23 (4) SA Dvt Act)	Objector's concerns (summary)	Assessment
Dwelling Address 6 Norfolk Rd, Marion 	<p>(a) <i>It displays historical, economic or social themes that are of importance to the local area</i></p> <p>(b) <i>It represents customs or ways of life that are characteristic of the local area</i></p> <p>(c) <i>It has played an important part in the lives of local residents</i></p> <p>(d) <i>It displays aesthetic merit, design characteristics, or construction techniques of significance to the local area</i></p> <p>(e) <i>It is associated with a notable local personality or event</i></p> <p>(f) <i>It is a notable landmark in the area</i></p> <p>(g) <i>in the case of a tree, it is of special historical or social significance or importance within the local area</i></p> <p>Comparative analysis</p> <p>Statement of Heritage Value</p>	<p><i>Residence greatly altered since this period – heritage fabric no longer evident</i></p>	<p>Residence most likely dates from 1915, but has been reputedly reasonably altered after this period (notes from owner, but could not confirm as site visit not offered). S of Sig notes its value 'as a home on a large farm, before closer subdivision of the area'.</p> <p>Suggest dwelling is actually typical of farmhouses of the area during the early subdivision period – many farms still existing during this period. Use as a farm during pre WW1 period is still an important historic/ economic theme. While dwelling does not formally present to Norfolk Rd, its form, materials and remnant architectural detailing of the 1915 period is sufficient in integrity to display themes. Criterion (a) does apply.</p> <p>n/a</p> <p>n/a</p> <p>Architectural features of the place are typical of dwellings of the 1915 era in Marion and wider locality. Wrap-around verandah on several sides suggests that the house addressed a larger garden/ property at time of construction. Criterion (d) applies.</p> <p>n/a</p> <p>n/a</p> <p>n/a</p> <p>(approx – style/ age) 6 similar era villas already LHPs in Marion. Rare but not unusual for the period.</p> <p>Poorly structured – doesn't explain heritage value.</p>
History <p>Eight acre property owned by Sarah Parslow 1898 – known as 'Elmwood' –(but so was suburb name of Marion at the time). Erected c 1915, for D Parslow, on 4 acres of land.</p> <p>Property further subdivided 1924 into 3 lots. Reputedly added to, '50yrs after construction' (two rooms added and roof & verandah rebuilt – current owner)</p> <p>Further additions to enclose verandah, replace chimneys and large side addition 1990s – present</p>			
Description & Context <p>Single story villa with distinctive 'wrap-around' verandah. Front door faces west. (side of property) Bluestone construction, with red brick dressings. CGI clad gambrel roof and timber framed windows/ doors and verandah.</p>			
Physical Assessment <p>Good condition (viewed from distance in street). Access not provided by owner.</p>	<p>Recommendation</p> <p>Revised Statement of Heritage Value</p> <p>Elements of Heritage Value</p>	<p>Disagree with objector. Support consideration of 6 Norfolk Rd, Marion as LHP under criterion (a) and (d)</p> <p>The c1915 dwelling at 6 Norfolk Rd, Marion is of local historical significance, as:</p> <ul style="list-style-type: none"> - an intact illustration of early closer settlement and associated smaller scale agricultural pursuits in this part of the City of Marion. The architectural features and materials illustrate the provenance of the place in style and purpose – an extant farm house of the pre-WW1 period. <p>Criteria (a) and (d) applies.</p> <p>Extent of listing: Single story bluestone villa with red brick dressings. CGI clad gambrel roof and timber framed windows/ doors and verandah.</p> <p>Exclusions: later rear (to east) additions, enclosed verandah walling, pool house and pool, fencing.</p>	

The Hon John Rau MP

9074262

12 December 2014

Mr Mark Searle
Chief Executive Officer
City of Marion
PO Box 21
OAKLANDS PARK SA 5046

Attention: Mr Steve Hooper

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RECEIVED
CITY OF MARION
INFORMATION MANAGEMENT

17 DEC 2014

Original ☐
Fwd: ☐

File No: 3-641.1.

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SCANNED

Appendix B



Government
of South Australia

Deputy Premier
Attorney-General
Minister for Justice Reform
Minister for Planning
Minister for Housing and Urban
Development
Minister for Industrial Relations

45 Pirie Street
Adelaide SA 5000
GPO Box 464
Adelaide SA 5001
DX 336
Tel 08 8207 1723
Fax 08 8207 1736

Dear Mr Searle

Thank you for your request that the Local Heritage Development Plan Amendment (DPA) be given Approval.

I have given careful consideration to this matter pursuant to section 25(15) of the *Development Act 1993* and following advice from the Local Heritage Advisory Committee, the Development Policy Advisory Committee and the Department of Planning, Transport and Infrastructure (the Department), I am writing to Council to advise that I am considering alterations to the DPA as provided in **Attachment 1**.

Of particular note and consistent with the heritage advice of Council's consultant, I am seeking to reinstate 3 of the 10 properties that Council resolved to remove from the Local Heritage list post consultation.

In addition to these amendments, I ask that Council, in line with the attached alterations, consider amending the 'descriptions / extent' for the remaining 16 Local Heritage items proposed in this DPA to focus more on what is being excluded from the listing and to avoid descriptions that are open to interpretation (e.g, consider using the 'cover all' term 'Dwelling' as opposed to terms like 'Villa' or 'Cottage').

You are advised that I will consider Council's response to the recommended changes, any supporting material and an amended DPA in my consideration of the DPA for approval.

Interim operation of the DPA will cease on 13 March 2015 therefore I seek Council's urgent attention to this matter and request that a response be provided by close of business 30 January 2015.

Please note I will assume, if no response is received by this date that Council has no objection or comment to make on the proposed alterations.



Once I have received Council's comments I shall determine what further action I shall take.

If you have any questions on this matter, please contact David Gibson on 7109 7032 or by email at David.Gibson@sa.gov.au.

Yours sincerely

A handwritten signature in blue ink, appearing to be "John Rau", written over a large, light blue circular scribble.

John Rau
Deputy Premier
Minister for Planning

Att. 1. Proposed Amendments to DPA

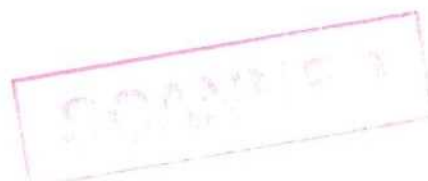
SCANNED

Attachment 1

**Proposed Amendments to Local Heritage Listings
(Table Mar/3 – Local Heritage Places)**

No. (LHAC folder reference)	Property	Recommendation
1. (1)	1 Castle street, Edwardstown St Anthony's Church / School	RETAIN listing with criterion (a) only as per Council resolution. Amend Description to: <i>St Anthony's Church and School; Red brick 1929 building facing Castle Street including side porch and rear lean-to.</i> <i>Exclusions:- infill structure behind west boundary parapet wall, fencing.</i>
2. (8)	574-578 Cross road, South Plympton Vermont Uniting Church	RETAIN listing with criterion (a) and (d) . Amend Description to: <i>Vermont Uniting Church; Church building.</i> <i>Exclusions:-adjacent hall, rear outbuildings.</i>
3. (12)	3 Wright street, Edwardstown Villa and attached shop	RETAIN listing with criterion (a) and (b) as per Council recommendation. Amend Description to: <i>Former shop and attached dwelling;</i> <i>Exclusions:-later additions and shopfront alterations.</i>
4. (6)	6 Norfolk Road, Marion Bluestone Villa	RETAIN listing with criterion (a) and (d) . Amend Description to: <i>Dwelling (former farmhouse);</i> <i>Exclusions:-later rear (to east) additions, enclosed verandah walling, pool house and pool, fencing.</i>

No. (LHAC folder reference)	Property	Recommendation
5. (4)	44a and 44b Ramsay avenue, Seacombe Gardens Villa's	RETAIN listing with criterion (a) and (d) . Amend Description to: <i>Dwelling (former farmhouse); including verandah.</i> <i>Exclusions:-later additions, alterations and fencing.</i>
6. (10)	32 Galway avenue, Seacombe Heights Cottage	RETAIN listing with criterion (a), (d) and (e) . Amend Description to: <i>Dwelling (former farmhouse); including verandah.</i> <i>Exclusions:-later additions to rear, later enclosure of verandahs, fencing.</i>
7. (3)	17-19 Bundarra drive, Marino Villa	RETAIN listing with criterion (d) only . Amend Description to: <i>Dwelling; including bluestone terrace steps and garden wing walls.</i> <i>Exclusions:-later additions to rear under verandah, later pergola and patio area, later garage fronting Bundarra Drive.</i>



Marion Council
Table Section
Table Mar/3 - Local Heritage Places

Table Mar/3 - Local Heritage Places

	Description and/or Extent of Listed Place	Lot No. or Part Sec	Plan No.	Certificate of Title	Section 23(4) Criteria	DPLG ID
<i>1 Castle Street EDWARDSTOWN</i>	<i>St Anthony's Church and School; Red brick 1929 building facing Castle Street including side porch and rear lean-to.</i> <i>Exclusions:- infill structure behind west boundary parapet wall, fencing</i>	<i>A211</i>	<i>F9330</i>	<i>CT 5897/583</i>	<i>a</i>	<i>26052</i>
<i>Messines Avenue EDWARDSTOWN</i>	<i>War Memorial; Avenue of trees located either side of Messines Avenue</i>				<i>a e</i>	<i>26053</i>
<i>1/57 Raglan Avenue EDWARDSTOWN</i>	<i>Dwelling</i> <i>Exclusions:- later additions, carports, outbuildings</i>	<i>U1</i>	<i>S12259</i>	<i>CT 5107/136</i>	<i>a b</i>	<i>4349</i>
<i>926-928 South Road EDWARDSTOWN</i>	<i>Maid of Auckland Hotel.</i> <i>Exclusions:- later additions, freestanding buildings.</i>	<i>A284 A283</i>	<i>F10796 F10796</i>	<i>CT 6028/35 CT 6028/36</i>	<i>a c f</i>	<i>4351</i>
<i>3 Wright Street EDWARDSTOWN</i>	<i>Former shop and attached dwelling</i> <i>Exclusions:- later additions and shopfront alterations.</i>	<i>A18</i>	<i>D3553</i>	<i>CT 5604/282</i>	<i>a b</i>	<i>26055</i>
<i>3 Maud Street GLANDORE</i>	<i>Dwelling</i> <i>Exclusions:- later additions, garage/outbuilding</i>	<i>A28</i>	<i>F7397</i>	<i>CT 5219/284</i>	<i>a d</i>	<i>26057</i>
<i>5 Maud Street GLANDORE</i>	<i>Dwelling</i> <i>Exclusions:- later additions, garage/outbuilding</i>	<i>A29</i>	<i>F7397</i>	<i>CT 5658/603</i>	<i>a d</i>	<i>26058</i>
<i>5 Mersey Street GLANDORE</i>	<i>Dwelling</i> <i>Exclusions: later additions, outbuildings, fencing</i>	<i>A78</i>	<i>F7587</i>	<i>CT 5481/965</i>	<i>a d</i>	<i>26059</i>
<i>7 Mersey Street GLANDORE</i>	<i>Dwelling</i> <i>Exclusions: later additions,</i>	<i>A79</i>	<i>F7587</i>	<i>CT 5336/919</i>	<i>a d</i>	<i>26060</i>

Note: Items printed in blue italics are proposed heritage places/items only.

	<i>outbuildings.</i>					
<i>50 Pleasant Avenue GLANDORE</i>	<i>Dwelling</i> <i>Exclusions: later additions, fencing</i>	<i>A101</i>	<i>F9523</i>	<i>CT 5547/513</i>	<i>a</i>	<i>26061</i>
49 - 51 Vennachar Drive HALLETT COVE	Dwelling Exclusions:- later additions, outbuildings, swimming pool	A34	D22359	CT 5883/558	a e	4362
<i>17-19 Bundarra Drive MARINO</i>	<i>Dwelling; including bluestone terrace steps and garden wing walls.</i> <i>Exclusions:- Later additions to rear under verandah, later pergola and patio area, later garage fronting Bundarra Drive.</i>	<i>A204 A205</i>	<i>D2194 D2194</i>	<i>CT 5286/880 CT 5286/880</i>	<i>d</i>	<i>26063</i>
<i>25 Coolinga Road MARINO</i>	<i>Dwelling</i> <i>Exclusions: later additions, later enclosure of verandah under main roof, garage, outbuildings</i>	<i>A54</i>	<i>F148392</i>	<i>CT 5477/266</i>	<i>a d</i>	<i>26064</i>
<i>Marino Conservation Park MARINO</i>	<i>Tower of Lighthouse</i> <i>Exclusions: All later communications equipment, huts, compound fencing</i>	<i>S1529</i>	<i>DP105500</i>	<i>CT 6125/133</i>	<i>a f</i>	<i>26062</i>
6 Finniss Street MARION	Former Marion Inn Exclusions:- later additions	A13	F104983	CT 5153/935	a c f	4334
17 Finniss Street MARION	St Ann's Catholic Church. Exclusions:- later additions	A33	F147367	CT 5358/186	a c f	4335
34 Finniss Street MARION	Dwelling (former Police Station). Exclusions:- later additions, outbuildings.	A29	F147363	CT 5414/684	a c e	4336
<i>38 Finniss Street MARION</i>	<i>Dwelling</i> <i>Exclusions: later additions, carport, freestanding brick garage, fencing, later aluminium windows</i>	<i>A12</i>	<i>F101877</i>	<i>CT 5116/551</i>	<i>a d</i>	<i>26068</i>
51 Finniss Street MARION	Dwelling. Exclusions:- later alterations, outbuildings.	A31	D31061	CT 5131/780	a e	4337
28 George Street MARION 	Dwelling. Exclusions:- later additions, outbuilding	A103	D23866	CT 5429/260	a b e	4339

Note: Items printed in blue italics are proposed heritage places/items only.

	S					
45 George Street MARION	Dwelling (Annie Doolan's Cottage). Exclusions:- later additions, picket fence.	A32	F147366	CT 5358/170	a e	4338
Market Street Intersection of Market and Nixon Street MARION	Light Square; Location of the Square as the original centre of the village of Marion				a c e f	4374
<i>5 Market Street MARION</i>	<i>Dwelling (Rose Cottage). Exclusions:- later additions, carports, fencing.</i>	<i>U1 U2</i>	<i>S6075 S6075</i>	<i>CT 5011/187 CT 5011/188</i>	<i>a d</i>	<i>26070</i>
38 Nixon Street MARION	Dwelling (Laurel Cottage and City of Marion's first Post Office). Exclusions:- later additions	A7	F12757	CT 5238/702	a b c e	4347
<i>6 Norfolk Road MARION</i>	<i>Dwelling (former farmhouse) Exclusions: - later rear (to east) additions, enclosed verandah walling, pool house and pool, fencing.</i>	<i>A4</i>	<i>D5554</i>	<i>CT 5138/558</i>	<i>a d</i>	<i>26071</i>
31 - 39 Norfolk Road MARION	War Memorial.	A5	D38832	CT 5220/315	a e	4348
<i>55 Oliphant Avenue MARION</i>	<i>Remnant Almond Grove; Remaining almond trees generally at the south western and south eastern end of the reserve</i>	<i>Q1 & Q2</i>	<i>F40315</i>	<i>CT 5750/282</i>	<i>a e</i>	<i>26072</i>
240 Sturt Road MARION	Dwelling. Exclusions:- later additions, outbuildings.	A2	F147236	CT 5477/260	a e	4352
284-286 Sturt Road MARION	School building (former Sturt School). Exclusions:- later additions, school related facilities.	A300	F34283	CT 5182/5	a c f	4355
288 Sturt Road MARION	School (former District Hall). Exclusions:- later additions, school related facilities.	A1	F125809	CT 5223/663	a b c d f	4356
290 Sturt Road MARION	Dwelling (former Marion Council Chambers). Exclusions:- later additions, outbuildings.	A314	D34679	CT 5106/706	a c d e f	4357
8 to 10 Township Road	Dwellings (former Workmen's Cottages).	A1	F147335	CT 5763/932	a e	4359

Note: Items printed in blue italics are proposed heritage places/items only.

MARION	Exclusions:- later additions and carparking area					
16 Township Road MARION	Dwelling. Exclusions:- later additions and outbuildings.	A3	D38832	CT 5220/313	a e	4360
23 Township Road MARION	Dwelling. Exclusions:-later additions, outbuildings and fencing.	A15	D6848	CT 5663/876	a e	4361
4 Gordon Terrace MORPHETTVILLE	Cobham Hall - Supported Care Facility (former dwelling). Exclusions:- later additions, outbuildings and carparking areas.	A87	F10804	CT 5597/865	a d e	4340
8 Boyle Street OAKLANDS PARK	Dwelling (Wyndham). Exclusions:- later additions, outbuildings and fencing	A240	D4668	CT 5209/477	a e	4331
8 Ella Crescent OHALLORAN HILL	Dwelling. Exclusions:- later additions, outbuildings and fencing	A40 A56	D10193 D10193	CT 5179/890 CT 5179/890	a e	4333
Section 127 Main South Road OHALLORAN HILL	Pea Farm; - Dwelling and barn (both ruins).	Q22	D88148	CR 6088/98	a e	4342
1708 - 1710 Main South Road OHALLORAN HILL	Christ Church and Christ Church Cemetery, O'Halloran Vault, Moore Vault, Chittleborough grave, Samuel Myles grave, Moreau grave, Tapket grave site, Reynell Vault. Exclusions:- later additions, outbuildings and carparking	A73	F148109	CT 5775/21	a e	4343
5B Majors Road O'HALLORAN HILL	Dwelling (Weblyn) . Exclusions:- later additions and outbuildings	A1	F6718	6110/936	a e f	4344
<i>222R Hendrie Street Adjacent Oaklands Road PARK HOLME</i>	<i>Vineyard; All extant rows of the remaining grape vines</i>	<i>A120</i>	<i>D32977</i>	<i>CT 5102/220</i>	<i>a e f</i>	<i>26080</i>
16 Tora Court PARK HOLME	Dwelling (Ayrwood) - Bleak House #2. Exclusions:- later additions, outbuildings, fencing.	A406	F11323	CT 5150/498	a c d e	4358
<i>5 to 6 Wattle Street PLYMPTON PARK</i>	<i>Dwelling</i>	<i>U6</i>	<i>S5658</i>	<i>CT 5018/589</i>	<i>a d</i>	<i>26083</i>

Note: Items printed in blue italics are proposed heritage places/items only.

	<i>Exclusions:-later additions, outbuilding, fencing</i>					
44a & 44b Ramsay Avenue SEACOMBE GARDENS	Dwelling (former farmhouse); including verandah <i>Exclusions: later additions, alterations and fencing.</i>	A2	F147036	CT 5817/985	a d	26084
32 Galway Avenue SEACOMBE HEIGHTS	Dwelling (former farmhouse); including verandah. <i>Exclusions:- later additions to rear, later enclosure of verandahs, fencing.</i>	A45	F148783	CT 5283/619	a d e	26087
198 Seacombe Road SEAVIEW DOWNS	Dwelling (Thiselton). <i>Exclusions:- later additions, outbuildings, swimming pool and fencing.</i>	A89	F148727	CT 5531/694	a e	4350
574-578 Cross Road SOUTH PLYMPTON	Vermont Uniting Church; Church building. <i>Exclusions:- adjacent hall, rear outbuildings.</i>	A207	F8596	CT 5787/304	a d	26088
Robert Street Corner of Robert Street and Raglan Avenue SOUTH PLYMPTON	Gates of Remembrance; Location and form of the original gates	A1	F11102	CT 5859/178	a f	4373
1 Waterhouse Road SOUTH PLYMPTON	Dwelling <i>Exclusions:- later additions, fencing</i>	A14	F8869	CT 5080/260	a	26093
5 Hawkesbury Avenue STURT	Dwelling and Stable. <i>Exclusions:- later additions outbuildings and fencing</i>	A56	F147190	CT 5876/866	a	4341
257 Sturt Road STURT	Dwelling. <i>Exclusions:- later additions, outbuildings and fencing</i>	A101	D45948	CT 5391/988	a e	4353
269 Sturt Road STURT	Shop and Dwelling. <i>Exclusions:- later additions, outbuildings and shop front alterations</i>	A25	F4084	CT 5301/482	a b e	4354
14 Travers Street STURT	Dwelling <i>Exclusions: later additions, fencing</i>	A1	D34808	CT 5086/664	a	26094
376 Morphett Road WARRADALE	Dwelling. <i>Exclusions:- later additions,</i>	A2	F11479	CT 5493/427	a	4346

Note: Items printed in blue italics are proposed heritage places/items only.

	outbuildings and fencing					
<i>175 Oaklands Road WARRADALE</i>	<i>Marion Community House (former dwelling), view of front of dwelling from Oaklands Rd (retaining open space between front façade and Oaklands Rd/Morphett Rd) Exclusions:- Additions to south, internal fabric, outbuildings, stand of trees adjacent boundary to Morphett Rd and Oaklands Rd</i>	<i>A10</i>	<i>F6407</i>	<i>CT 5502/565</i>	<i>a d e</i>	<i>26096</i>
11 to 13 Walkley Avenue WARRADALE	Dwelling (Ballara). Exclusions:- later additions, outbuildings and fencing.	A1	F121383	CT 5215/175	a e	4363

Note: Items printed in blue italics are proposed heritage places/items only.

**CITY OF MARION
GENERAL COUNCIL MEETING
27 JANUARY 2015**

Originating Officer: David Melhuish Senior Policy Planner

Corporate Manager: Steve Hooper, Manager Development Services

Director: Kathy Jarrett

Subject: Expert Panel on Planning Reform – Final Report

Report Reference: GC270115R04

REPORT OBJECTIVES:

To enable Council to provide feedback (if any) to the Minister on the Expert Panel on Planning Reform's "Final Report" *"The Planning System We Want"*, which contains 22 recommended Planning Reforms with respect to creating a new planning system for South Australia.

EXECUTIVE SUMMARY:

Following consideration by the Expert Panel on Planning Reform of the submissions received during the consultation period on the Panel's second public report *"Our Ideas for Reform"* the Panel has created a final report *"The Planning System We Want"*. This report was delivered to the Minister on 12 December 2014 for his consideration.

The final report contains 22 recommended Planning Reforms. Each reform includes a number of "reform principles" which clarify how the reform would operate from a governance perspective and key outcomes the reform is to achieve.

Any submissions on the final report are to be received by the Minister/DPTI by 13 February 2015.

It is noted that Council made a previous submission in September 2014. In response to this call for feedback, Council may wish to reinforce the matter raised by Councillor Veliskou in his motion with notice relating to the transparency of planning decisions.

RECOMMENDATIONS (2)

DUE DATES

That Council:

- | | |
|---|-------------|
| 1. Notes the Expert Panel on Planning Reform's final report. | 27 Jan 2015 |
| 2. Council consider writing to the Minister / DPTI indicating that decisions made by any planning group, in place of Local Council development assessment panels, includes measures that ensure transparency for the public interest (including their deliberations). | 27 Jan 2015 |

BACKGROUND:

In February 2013, the Minister for Planning, the Hon John Rau MP, announced the formation of the Expert Panel to facilitate the review of the Development Act, 1993.

Five members were appointed to the Panel with terms of reference to review the State's planning system, focusing on the current 20 year old planning legislation (Development Act 1993) and also looking at all legislation that intersects with planning, as well as any other factors that have an impact on the planning system.

From July to December 2013, the panel undertook an extensive engagement program. Over 1200 people attended workshops and briefings to inform the Panel on key areas for reform.

These ideas were outlined in the Panel's first public report, *"What We Have Heard."*

Over the first half of 2014, the Panel developed options for reform, with support from two Reference Groups. The Panel's second public report *"Our Ideas for Reform"*, containing 27 key reforms, was released for a 7 week consultation period on 6 August 2014, concluding on 26 September 2014. The Panel also conducted a public debate on the options it was considering for reform.

At the 23 September 2014 General Council Meeting council considered and endorsed a written submission to the Panel clarifying council's position on the reforms together with a more detailed document that provided feedback on each of the 27 key reforms. Council were generally supportive of most of the proposed reforms. *(A copy of the Council submission is available in the Elected Members room and on the EM Extranet).*

ANALYSIS:

Following consideration by the Panel of the submissions received from councils and other interested parties during the consultation period the Panel has created a final report *"The Planning System We Want"* containing the Panel's final recommendations for reform of the South Australian planning system. This report was delivered to the Minister on 12 December 2014 for his consideration.

Prior to making a decision on the Panel's final report *"The Planning System We Want"* the Minister/DPTI is providing an opportunity for persons to submit further comment on the recommended reforms.

An electronic link to the final report was forwarded to Members on 9 January 2015. A copy of the report is also available in the Elected Members room and on the EM Extranet.

The final report contains 22 recommended Planning Reforms. Each reform includes a number of "reform principles" which clarify how the reform would operate from a governance perspective and key outcomes the reform is to achieve.

In general terms the Reforms have not changed substantially from the initial 27 reforms contained in the report *"Our Ideas for Reform"* considered by Council in September 2014. A number of the reforms have been amalgamated into other reforms thereby reducing the overall number. Others have been reworded to provide greater clarity whilst retaining context.

It is noted that the LGA has created a preliminary summary on the final report *(for information purposes only – has not been endorsed by the LGA Board)* and will be providing an endorsed response on the final report to the Minister/DPTI on behalf of local councils.

A copy of the LGA's Preliminary Summary is available in the Elected Members room and on the EM Extranet.

CONCLUSION:

Prior to making a decision on the Panel's final report "The Planning System We Want" the Minister/DPTI is providing an opportunity for persons to submit further comment on the recommended reforms.

Council is asked to consider whether the subject matter covered in the motion from Councillor Veliskou be forwarded to the Minister/DPTI as a submission on the Expert Panel's final report.

**CITY OF MARION
GENERAL COUNCIL MEETING
27 January 2015**

Originating Officer: Amy Liddicoat, Open Space & Recreation Planner

Corporate Manager: Peter Patterson, Manager Open Space & Facilities

Director: Heather Montgomerie, Director

Subject: Oaklands Inclusive Playspace

Report Reference: GC270115R05

REPORT OBJECTIVES:

To provide an interim report on the Oaklands Inclusive Playspace project in order to seek endorsement to submit a grant application to the State Government Open Space and Places for People Funding program, and to seek an allocation of matching funding from Council, having regard to the Asset Management Policy, Long Term Financial Plan and Play Space Strategy (2009).

EXECUTIVE SUMMARY:

The Oaklands Inclusive Playspace project is in the design development phase. An opportunity for State Government funding is available but requires matching funding from Council.

The City of Marion adopted a Play Space Strategy in 2009 (GC271009R05). The Play Space Strategy is a strategic document that directs and assists in the long term management of play spaces and associated facilities.

The Playspace Strategy defines Oaklands Reserve as a precinct level open space and identified the site for a playspace upgrade in 2010/11. The upgrade was put on hold pending the development of a masterplan and the construction of the Oaklands Wetland.

The Oaklands Wetland and Reserve Master Plan was endorsed in 2012 (GC120612R02) and the planning for the reserve & playspace elements subsequently commenced.

During the initial planning phase of the reserve and playspace project, a partnership opportunity arose with the Touched by Olivia Foundation (TBOF) to develop an inclusive playspace at the site.

Additionally, Council's playspace strategy supports the development of an inclusive play space and the installation of accessible equipment was further requested by Council in 2013 (GC121113M03).

The partnership with the TBOF was endorsed by Council in 2014 (GC110314R03) and was formalised with a Memorandum of Understanding (MOU). The MOU identified various options for funding of the site based on council, TBOF and State government contributions.

Following the signing of the MOU, the planning stages of the project have been substantially progressed and an extensive consultation and engagement process with the community and stakeholders was undertaken in mid-2014.

The project is now in the design development stage.

The opportunity has arisen to apply for grant funding from the Department of Planning Transport and Infrastructure (DPTI) with a funding round closing on 30 January 2015, hence consideration of this item outside the forthcoming prioritisation process.

RECOMMENDATIONS (2)

DUE DATES

That Council:

- | | |
|--|---------------|
| 1. Endorse the allocation of \$250,000 out of the available \$425,000 from the 2015/16 playspace budget for Stage 1 of the Oaklands Inclusive Playspace development. | 27 January 15 |
| 2. Endorse the submission of a matched funding application for \$250,000 to DPTI's 2015 Open Space and Places for People Grant Funding program. | 27 January 15 |

BACKGROUND

At the General Council Meeting held on 11 March 2014 (GC110314R03), Council resolved:

Moved Councillor Hull, Seconded Councillor Bouwens that Council:

1. *Endorses the partnership with the Touched by Olivia Foundation to explore the development of an inclusive play space at Oaklands Reserve, Oaklands Park.*
2. *Authorises the entering into a Memorandum of Understanding with the Touched by Olivia Foundation in order to explore the development of an inclusive play space at Oaklands Reserve, Oaklands Park.*
3. *Receive a further report detailing proposed funding arrangements, final concept plan and design, prior to commencing construction.*

The Oaklands Inclusive Playspace and Reserve Project is part of a wider precinct project to develop the site as a wetland and reserve. A masterplan for the site was endorsed by Council in 2012. The Wetland is now complete and the Recreation Plaza is currently in construction. The existing council funding in the LTFP and the opportunity to partner with the Touched by Olivia Foundation provided the basis for commencing the playspace and reserve project. The MOU with the Touched by Olivia Foundation was signed in July 2014 with the understanding that Council had allocated funds in the LTFP for the project.

Substantial engagement activities were also undertaken in 2014 and the project has now progressed to design development. A detailed consultation findings report is available on Councils website.

DISCUSSION

Grant Funding

The State Government will partner with local councils over the next four years to improve public open spaces. They will invest in significant open space and public realm initiatives, playgrounds and reserve developments through its Open Space and Places for People Grant Funding Program.

There is a total funding pool of \$16 million over the next four year period (2014/15 – 2017/18) to be distributed state wide.

A portion of the \$4 million funding for 2014/15 has been pre-allocated to various councils through election pledges made throughout the 2014 State election campaign. The City of Marion will receive \$750,000 of the pre-allocated funds as per GC091214R02 for the Jervois Street Reserve development, Edwardstown Oval Soldiers Memorial Reserve development, the installation of a toilet facility at Southbank Boulevard Reserve and the development of a dog park in the Trott Park area.

Formal applications for this round require matching funding from Council and close on 30 January 2015. The next funding round is expected in January 2016.

The Department of Planning Transport and Infrastructure (DPTI) Open Space and Places for People funding programs is one of the key funding opportunities for the Oaklands Inclusive Playspace project and to date they have contributed to the development of the Oaklands Recreation Plaza, the new bridge from the reserve across the Sturt River Linear Trail and the Sturt River Linear Trail path upgrade.

The MOU with the Touched by Olivia Foundation requires a financial contribution from Council and indicates that Council will additionally seek State Government funding.

Project Update

The initial community engagement phase of the project is now complete and design development is in progress. The indicative design budget for the development of the Inclusive Playspace (Stage 1), incorporating an upgrade of the toilet, is \$900,000. Each of the stages has been summarised in the table below.

Stage 1 Inclusive Playspace			
	Elements	Estimated Capital Cost	Proposed Funding Breakdown
Playspace	Inclusive and Accessible Playspace, landscaping and pathways, artwork, shelter and picnic setting, drinking fountain, bbq, bins, fencing, seating	\$650k	Council \$250k DPTI \$250k TBOF \$400k (TBOF funding to be confirmed throughout 2015)
Toilet	Twin accessible, an automated Exeloo with DDA provisions, power, sewer and water connecions	\$250k	
Stage 2 Inclusive Playspace			
Carpark	Carpark, DDA carparking, drop off and layover area, stormwater management	\$150k	Council \$150k
Stage 3 Reserve Development			
Reserve Development	Landscaping and Pathways	To be advised as part of design development	Council TBA DPTI TBA
	Japanese Garden		
	Vineyard		
	Biodiversity Corridor		
	Duck pond treatment		
	Irrigation Upgrade		

Following the design development stage, further stakeholder, community & Elected Member engagement is due to be undertaken prior to the final design, costings and financial budgeting being presented to Council, as per GC110314R03;

That Council

- 3 *Receive a further report detailing proposed funding arrangements, final concept plan and design, prior to commencing construction.*

ANALYSIS:

Financial Implications

When the Play Space Strategy was adopted in 2009, a budget of \$250,000 was allocated to the Oaklands playspace upgrade.

The inclusive playspace (Stage 1) requires an estimated budget of \$900,000. With \$250,000 being sought from DPTI, \$250,000 matching funding from Council and \$400,000 anticipated through the Touched by Olivia Foundation.

Originally \$526,206 has been allocated to the Oaklands Reserve in the Long Term Financial Plan (2015/16) for upgrade of the other reserve elements. These elements included the skate park and footbridge which the state government has since funded. Removing the funding that was set aside for these items leaves \$301,997 for upgrade of the other reserve elements.

\$425,000 is contained within the 2015/16 budget for the Play Space Capital Works Program. If \$250,000 of this money is set aside for the Oaklands playspace, this will leave \$175,000 available for other playspace projects in 2015/16. Playspaces proposed for upgrade within 2015/16 will be part of the Strategic Prioritisation Process in line with the recently adopted Strategic Asset Management Framework and Asset Management Policy.

The MOU with the Touched by Olivia Foundation was developed with the expectation of matching funds being provided.

As final funding arrangements have not been confirmed, it is not currently possible to accurately provide 'whole of life' costs for the proposed project. Implications need to be considered in determining the level of investment across the site and in consideration of grant funding opportunities. This information will be provided in the further report detailing the concept design, project costs and funding arrangements.

Policy Implications

The Play Space Strategy identifies this reserve as a precinct level open space and identified the site for upgrade in 2010/11.

CONCLUSION:

Prioritisation of play space upgrades would generally occur as part of Council's prioritisation process, however in this instance the potential availability of grant funding has brought forward consideration of this play space. Planning for the proposed project is substantially advanced and partnership arrangements with the Touched By Olivia Foundation are in place to supplement Council's contribution.

It is therefore proposed that Council allocate funds to the Oaklands Inclusive Playspace and support an application for State Government funding.

CITY OF MARION GENERAL COUNCIL MEETING 27 January 2015

Originating Officer: Heath Harding, Management Accountant

Corporate Manager: Ray Barnwell, Manager Finance

Director: Vincent Mifsud

Subject: 1st Budget Review 2014/15 and 2013/14 Savings

Report Reference: GC270115R06

REPORT OBJECTIVE AND EXECUTIVE SUMMARY

The purpose of this report is to provide the financial results for the 1st Budget Review for 2014/15 and confirm the 2013/14 year end savings.

1st Budget Review

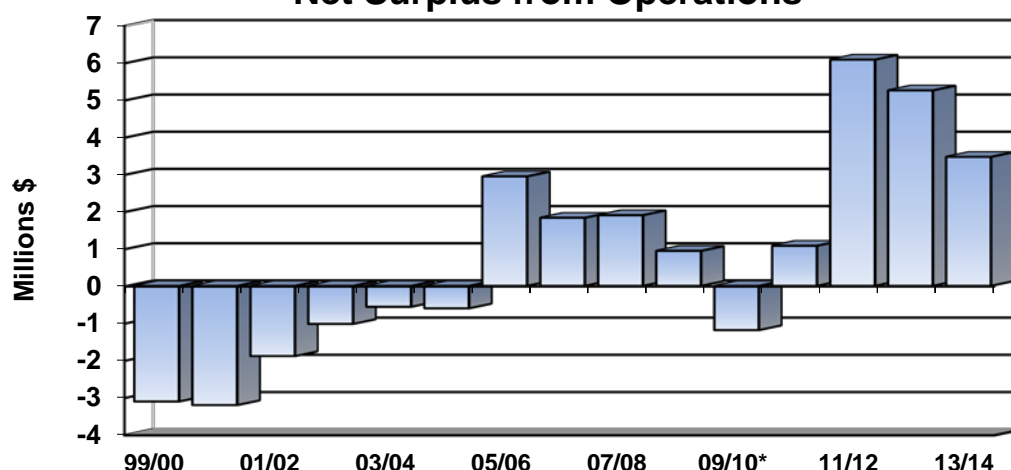
Funding/Cash

The 1st Budget Review forecasts a full year funding deficit of \$1.263m (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 \$1.012m.

Operating

The 1st Budget Review forecasts a full year operating budget surplus of \$2.491m, a decrease of \$1.252m from the original budget surplus of \$3.743m. This decrease is mainly attributed to 2013/14 carryovers and unexpended grants of \$1.925m, offset by a reduction in Employee Costs through the use of the Vacancy Management Policy of \$0.385m and the unexpected receipt of additional untied Grants Commission funding of \$0.135m. The 1st Budget Review operating budget surplus is within the financial sustainability target ranking of Category 3 for this financial year and has maintained an average category 3 over the last five years.

Financial Performance Indicators Net Surplus from Operations



* 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

2013/14 Year End Savings

Our independent audit of the financial statements for the year ended 30th June 2014 has now been completed and identified that once-off savings of \$0.316m have been achieved for the past financial year.

RECOMMENDATIONS (2):

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. | 27 January 2015 |
| 2. That Council transfers the identified once-off savings from the 2013/14 audited financial statements of \$0.316m to the Asset Sustainability Reserve in full for further consideration as part of Council's upcoming strategic prioritisation process. | 27 January 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 1st Budget Review forecasts an overall funding deficit of \$1.263m which is a favourable adjustment of \$1.012m from the original budget. The table below reflects the major budget adjustments since adopting the original budget:

Original Funding Surplus/(Deficit)		\$0m
Retimed Capital works from 2013/14		(\$2.275m)
Budget Adjustments		
- Employee Costs - Favourable	\$0.385m	
- Grant Funding - Favourable	\$0.135m	
- Various other net adjustments – Favourable	\$0.492m	<u>\$1.012m</u>
1 st Review Funding Surplus/(Deficit)		<u>(\$1.263m)</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 \$1.012m.

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 1st Budget review is based upon actual results to the end of September 2014 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 1st Budget Review forecasts a full year operating budget surplus of \$2.491m, a decrease of \$1.252m from the original budget surplus of \$3.743m. This decrease is mainly attributed to 2013/14 carryovers and unexpended grants of \$1.925m, offset by a reduction in Employee Costs through the use of the Vacancy Management Policy of \$0.385m. The 1st Budget Review operating budget surplus is within the financial sustainability target ranking of Category 3 for this financial year and has maintained an average category 3 over the last five years.

Capital Budget

The 1st Budget Review forecasts expenditure on new capital assets increasing from \$14.516m to \$24.087m. The net increase is mainly due to budget carry overs from 2013/14 into 2014/15 (\$13.919m).

Expenditure on renewal of Capital Assets is forecast to increase from \$13.914m to \$17.231m. The net increase is primarily due to budget carry overs from 2013/14 into 2014/15 (\$2.930m).

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 meet its performance indicator target of 95 – 100%.

Report Reference: GC270115R06

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 1st Budget Review forecasts a decrease of \$2.512m to the level of loan funding from the original budget. This is due to loan funding for the Cove Civic Centre being brought forward from 2014/15 into 2013/14. Accordingly loan principal repayments have increased by \$0.155m to \$1.572m to reflect this.

Cash & Reserves

The 1st Budget Review reports an increase in the use of Cash & Reserves of \$15.398m predominantly due to carryovers and unexpended grants.

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

	30 June 2014
Open Space Reserve	\$1.288m
Asset Sustainability Reserve	<u>\$3.029m</u>
Total Reserves	<u>\$4.317m</u>

Operating Grants & Subsidies

Forecast operating grants and subsidies have increased by \$0.235m to \$5.902m. This increase is predominantly due to an increase in funding received from the Grants Commission (\$0.135m) and the unexpected receipt of other minor grants.

Investment Income

Forecast investment income has increased by \$0.172m due to higher interest revenue as a result of forecast larger average cash deposits being held throughout the year.

Employee Costs

Forecast employee costs have decreased by \$0.385m (1.2%) from the original budget to \$32.392m. This is mainly due to the existence of temporary vacant positions through the use of the Vacancy Management Policy.

Carryovers and Unexpended Grants

The 1st Budget Review includes changes that were accepted as part of the finalisation of the 2013/14 Financial Statements including Carryovers and Unexpended Grants totalling \$18.774m (Carryovers \$16.281m, Unexpended Grants \$2.493m). The approval of carryovers is subject to the ability of Council to fund these from any funding surplus achieved from the previous financial year.

Carryovers included the following significant items:

- Cove Civic Centre \$6.207m
- Sporting club master plan capital works \$0.709m
- Ragamuffin Drive drainage works \$0.680m
- Outdoor pool waterslide \$0.654m
- Glandore Laneways \$0.527m

- Fleet vehicle replacement \$0.482m
- Community Facilities Partnership Program \$0.469m

The unexpended grants totalling \$2.493m relates to those monies received from funding bodies that were not fully expended by 30 June 2014. These grant monies were tied to a particular purpose or expenditure and therefore were required to be carried over.

2013/14 Year End Savings

Our independent audit of the financial statements for the year ended 30th June 2014 has now been completed and identified that once-off savings of \$0.316m have been achieved for the past financial year.

Section 7 (2) of the Local Government (Financial Management) Regulations requires that the first reconsideration of a budget in a particular financial year must include a review which takes account of the financial outcomes of the council, council subsidiary or regional subsidiary for the previous financial year.

Corporate KPI – Performance against Council's Adopted Budget

Council's key financial indicators have been updated to reflect adjustments associated with the 1st Budget Review. The major change relate to an unfavourable revision in the forecast operating surplus for the 2014/2015 financial year. Although there has been an unfavourable revision of the operating surplus Council is still on track to achieve an operating surplus for the 2014/15 financial year and meet its financial target. Commentary in relation to the indicators is provided in Appendix 1.

CONCLUSION:

The 1st Budget Review forecasts a full year funding deficit of \$1.263m. 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 \$1.012m

Appendix 1

Budgeted Funding Statement

The following report details the proposed budget changes for the 1st Budget Review.

CITY OF MARION					
Budgeted Funding Statement					
	Budget Original \$000's	Carryovers \$000's	1st Review \$000's	Revised Budget \$000's	
OPERATING REVENUE					
Rates					
General	65,480	-	113	65,593	
Other	1,571	-	(54)	1,517	
Statutory Charges	1,803	-	(126)	1,677	
User Charges	1,717	-	(43)	1,674	
Operating Grants and Subsidies	5,667	-	235	5,902	
Investment Income	560	-	172	732	
Reimbursements	910	-	28	938	
Share of Profit SRWRA	246	-	60	306	
Other	399	-	9	408	
	78,353	-	394	78,747	
OPERATING EXPENSES					
Employee Costs	32,777	-	(385)	32,392	
Contractual Services	16,293	1,814	53	18,160	
Materials	5,086	51	(124)	5,013	
Finance Charges	770	-	32	802	
Depreciation	12,958	-	238	13,196	
Other	6,726	60	(93)	6,693	
Less	74,610	1,925	(279)	76,256	
	Operating Surplus/(Deficit) before Capital rev's	3,743	(1,925)	2,491	
Add					
(a) Capital Revenue	2,157	-	15	2,172	
Equals	Net Surplus/(Deficit) resulting from operations	5,900	(1,925)	688	
				4,663	
Add	Depreciation	12,958	-	238	13,196
Less	Share of Profit SRWRA	246	-	-	246
Equals	Funding available for Capital Investment exp	18,612	(1,925)	926	17,613
Capital					
Less	Capital Expenditure - Renewal	13,914	2,930	387	17,231
Less	Capital Expenditure - New	14,516	13,919	(4,348)	24,087
Less	Capital - contributed assets	1,500	-	-	1,500
Equals	Net Overall funding Surplus/(Deficit)	(11,318)	(18,774)	4,887	(25,205)

CITY OF MARION				
Budgeted Funding Statement				
	Original Budget \$000's	Carryovers	1st Review \$000's	Revised Budget \$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)	12,628	-	(2,512)	10,116
Loan Receipts from Sporting Clubs (Net)	-	-	-	-
Less Loan Principal Payments	1,417	-	155	1,572
Loan funding (Net)	11,211	-	(2,667)	8,544
Movement in level of cash & accruals				
(b) Cash Surplus/(Deficit) funding requirements	-	-	(1,263)	(1,263)
Less Reserves (Net)	107	18,774	(3,483)	15,398
Cash/Investments/Accruals Funding	(107)	(18,774)	2,220	(16,661)
<i>Equals</i> Funding Transactions	11,318	18,774	(4,887)	25,205

(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 1st Budget Review provides an analysis of the movements in the Budgeted Funding Statement (revenues, expenditures, capital, loans and reserves).

The 1st Budget Review reports a net funding deficit of \$1.263m, with a forecast underlying funding surplus for the year of \$1.012m.

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 1st Budget Review 2014/2015 and whether the target has been achieved.

Key Financial Indicator	2014/15	Target	Result 5 Yr Avg
Operating Surplus/(Deficit)	\$2.521m	\$0 - \$3.280m	↑
Operating Surplus Ratio	3.8%	0 - 5%	↑
Net Financial Liabilities	\$18.9m	\$0 - \$39.4m	✓
Net Financial Liabilities Ratio	24.0%	0 - 50%	✓
Interest Cover Ratio	1.2%	0 - 5%	✓
Asset Sustainability Ratio	129%	95 - 100%	↑
Asset Consumption Ratio	89%	80 - 100%	✓

✓ = Within target

↑ = Exceeding target

In all instances the 1st Budget Review 2014/2015 is meeting or exceeding the required targets and is within range of Council meeting its objective of financial sustainability.

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 – Budgeted Funding Statement
Attachment 6 – Consultants

ATTACHMENT 1

CITY OF MARION Budgeted Income Statement		
	Actual 2014 \$000's	1st Review 2015 \$000's
OPERATING REVENUE		
Rates		
General	62,269	65,593
Other	1,496	1,517
Statutory Charges	1,715	1,677
User Charges	1,571	1,674
Operating Grants and Subsidies	5,391	5,902
Investment Income	793	732
Reimbursements	898	938
Net Gain - Equity Accounted Council Businesses	446	306
Other	315	408
TOTAL OPERATING REVENUE	74,894	78,747
OPERATING EXPENSES		
Employee Costs	31,532	32,392
Contractual Services	10,745	18,160
Materials	5,052	5,013
Finance Charges	358	802
Depreciation	12,556	13,196
Other	10,213	6,693
TOTAL OPERATING EXPENSES	70,456	76,256
Operating Surplus/(Deficit) before Capital Revenues	4,438	2,491
CAPITAL REVENUES		
Capital Grants, Subsidies and Monetary Contributions	438	672
Physical resources received free of charge	1,490	1,500
Gain/(Loss) on disposal of assets	(527)	-
Net Surplus/(Deficit) resulting from Operations	5,839	4,663

ATTACHMENT 2

CITY OF MARION Budgeted Balance Sheet		
	Actual 2014 \$000's	1st Review 2015 \$000's
<u>CURRENT ASSETS</u>		
Cash	28,065	11,434
Receivables	3,545	3,545
Inventory	172	172
TOTAL CURRENT ASSETS	31,782	15,151
<u>CURRENT LIABILITIES</u>		
Creditors	6,408	6,408
Provisions	4,932	4,932
Loans	1,572	2,046
TOTAL CURRENT LIABILITIES	12,912	13,386
Net Current Assets/(Liabilities)	18,870	1,765
<u>NON-CURRENT ASSETS</u>		
Investment in SRWRA & Council Solutions	4,363	4,609
Land	341,918	343,835
Buildings	91,170	109,397
Infrastructure	636,078	645,026
Equipment	7,145	7,606
Furniture & Fittings	283	336
Other	9,614	9,930
TOTAL NON-CURRENT ASSETS	1,090,571	1,120,739
<u>NON-CURRENT LIABILITIES</u>		
Provisions	527	527
Loans	11,900	19,970
TOTAL NON-CURRENT LIABILITIES	12,427	20,497
NET ASSETS	1,097,014	1,102,007
<u>EQUITY</u>		
Accumulated surplus	340,053	360,444
Reserves	756,961	741,563
TOTAL EQUITY	1,097,014	1,102,007

ATTACHMENT 3

CITY OF MARION		
Budgeted Statement of Changes in Equity		
	Actual	1st
	2014	Review
	\$000's	2015
		\$000's
ACCUMULATED SURPLUS		
Balance at beginning of period	333,847	340,053
Net Surplus/(Deficit)	4,868	4,993
Transfers from Reserves	18,324	15,809
Transfers to Reserves	(16,986)	(411)
Balance at end of period	340,053	360,444
ASSET REVALUATION RESERVE		
Balance at beginning of period	707,427	736,779
Net change this year	29,352	-
Balance at end of period	736,779	736,779
OPEN SPACE RESERVES		
Balance at beginning of period	3,960	1,288
Net change this year	(2,672)	33
Balance at end of period	1,288	1,321
OTHER RESERVES		
Balance at beginning of period	17,560	18,894
Net change this year	1,334	(15,431)
Balance at end of period	18,894	3,463
Total Reserves	756,961	741,563
TOTAL EQUITY	1,097,014	1,102,007

ATTACHMENT 4

CITY OF MARION Budgeted Statement of Cash Flows		
	Actual 2014 \$000's	1st Review 2015 \$000's
CASH FLOWS FROM OPERATING ACTIVITIES		
<i>Receipts</i>	80,261	78,801
<i>Payments</i>	(60,178)	(63,030)
NET CASH PROVIDED BY OPERATING ACTIVITIES	20,083	15,771
CASH FLOWS FROM FINANCING ACTIVITIES		
<i>Receipts</i>		
Loans Received	9,000	10,116
Loans From Sporting Clubs	-	-
<i>Payments</i>		
Principal	(1,063)	(1,572)
NET CASH (USED IN) FINANCING ACTIVITIES	7,937	8,544
CASH FLOWS FROM INVESTING ACTIVITIES		
<i>Receipts</i>		
Capital Grants/Subsidies & Contributions/Investments	168	672
Sale of Equipment	601	-
<i>Payments</i>		
Purchase of Land	(4,299)	(1,897)
Purchase of Buildings	(3,394)	(22,070)
Purchase/Construction of Infrastructure	(12,827)	(14,372)
Purchase of Equipment	(1,696)	(1,809)
Purchase of Furniture & Fittings	(24)	(98)
Purchase/Construction of Other Assets + Investments	(928)	(1,372)
NET CASH (USED IN) INVESTING ACTIVITIES	(22,399)	(40,946)
NET INCREASE/(DECREASE) IN CASH HELD	5,621	(16,631)
CASH AT BEGINNING OF REPORTING PERIOD	22,444	28,065
CASH AT END OF REPORTING PERIOD	28,065	11,434

ATTACHMENT 5

CITY OF MARION Budgeted Funding Statement		Actual 2014 \$000's	1st Review 2015 \$000's
OPERATING REVENUE			
Rates			
	General	62,269	65,593
	Other	1,496	1,517
Statutory Charges		1,715	1,677
User Charges		1,571	1,674
Operating Grants and Subsidies		5,091	5,902
Investment Income		793	732
Reimbursements		898	938
Net Gain - Equity Accounted Council Businesses		446	306
Other		315	408
		74,594	78,747
OPERATING EXPENSES			
Employee Costs		31,532	32,392
Contractual Services		15,220	18,160
Materials		4,939	5,013
Finance Charges		358	802
Depreciation		12,556	13,196
Other		6,822	6,693
		71,427	76,256
<i>Operating Surplus/(Deficit) before Capital Revenues</i>		3,167	2,491
Capital Revenue		439	2,172
<i>Net Surplus/(Deficit) resulting from operations</i>		3,606	4,663
Depreciation		12,556	13,196
Share of Profit Equity Accounted Council Business (excl div)		371	246
Gain/(Loss) on disposal of assets		(527)	-
<i>Funding available for Capital Investment expenditure</i>		15,264	17,613
CAPITAL			
Capital Expenditure - Renewal		7,269	17,231
Capital Expenditure - New		15,312	24,087
Capital - contributed assets		1,490	1,500
Net Overall funding Surplus/(Deficit)		(8,807)	(25,205)

CITY OF MARION
Budgeted Funding Statement

		Actual 2014 \$000's	1st Review 2015 \$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)	9,000	10,116
	Loan Receipts from Sporting Clubs (Net)	-	-
Less	Loan Principal Payments	1,063	1,572
	Loan funding (Net)	7,937	8,544
Movement in level of cash, investments & accruals			
	(c) Cash Surplus/(Deficit) funding requirements	469	(1,263)
Less	Reserves (Net)	1,339	15,398
	Cash/Investments/Accruals Funding	(870)	(16,661)
<i>Equals</i>	Funding Transactions	8,807	25,205

ATTACHMENT 6**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 (30/11/14) expenditure versus full year actuals for 2013/14 relating to expenditure on Consultants of an operating nature:

Legal Consultants

As at 30 November 2014 1st Budget review

	Full Year Actual 2013/14	Actual YTD 2014/15
Organisational Development <i>(Employment advice)</i>	80,264	10,586
Cultural Development	1,101	-
Libraries	1,640	261
Community Management	1,388	-
Community Centres	-	27
Environmental Health	210	3,570
General Inspection <i>(Dog/Cat & Parking Control)</i>	14,324	9,828
Governance	66,027	46,600
Financial Services	9,004	1,125
Strategic Projects	25,908	-
Asset Management	26,917	15,488
Development Assessment	185,868	57,482
Infra Mgt (Engineering)	4,979	1,858
Civil Services	5,959	-
	424,451	146,825
Full Year Budget		302,227

Other Consultants (not including legal)

As at 30 November 2014 1st Budget review

	Actual Full year 2013/14	Actual YTD 2014/15
Crime Prevention	4,687	-
Strategic Development	7,696	6,300
Organisational Development	119,902	21,403
Community Development	(a) 223,180	(a) 10,036
Community Centres	1,060	128
Corporate Development	8,182	-
Occupational Health & Safety	450	21,775
Information Mgt & Technology	-	-
Community Care	298	680
Cultural Development	38,275	13,850
Libraries	24,500	-
Commercial Facilities	11,869	3,400
Environmental Health	1,778	-
Governance	(b) 70,748	(b) 14,400
Strategic Projects	(c) 223,385	(c) 1,098
Finance	4,250	-
Asset Management	27,795	674
Waste & Recycling	-	-
Development Assessment	28,936	32,660
Infrastructure Management (Engineering)	94,096	34,796
Civil Services	8,439	11,345
Open Space Services	49,419	41,860
Depot	2,240	-
Recruitment	202,824	51,198
	1,154,009	265,603
Full Year Budget		708,871

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

**CITY OF MARION
GENERAL COUNCIL MEETING
27 January 2015**

Originating Officer: Kate McKenzie, Manager Governance

Director: Kathy Jarrett

Subject: Recruitment of an Independent Audit Committee Member

Reference No: GC270115R07

REPORT OBJECTIVES:

To appoint a Selection Committee for the recruitment of a third independent Audit Committee Member.

EXECUTIVE SUMMARY:

At its meeting on 25 November 2014, Council adopted the Audit Committee Policy and Terms of Reference and resolved to *"thank Ms Cathy Cooper for her term expiring on 28 November 2014 and source an appointment of an external representative as per the Audit Committee Policy 3.11, 3.12, 3.13"*

Council is required to appoint a Selection Advisory Committee as outline in section 3.11 of the Audit Committee Policy (**Appendix 1**) to commence this recruitment process. This process includes appointing an Executive Recruitment firm to manage and co-ordinate the recruitment process via an executive search rather than by general advertisement.

The purpose of the Selection Advisory Committee is to seek expressions of interest, evaluate interested persons, and then recommend to Council a suitable candidate to act as independent member(s) of the Audit Committee.

RECOMMENDATIONS (1)

DUE DATES

That Council;

- 1. Endorse 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 XX and Councillor XX.**

January 2015

BACKGROUND/DISCUSSION

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.

The process for recruitment of an independent member is outlined within the Policy which states the following:

(Sections 3.11, 3.12, 3.13)

3.11 The Council will appoint a Selection Advisory Panel consisting of the Mayor, two Elected Members and the Chief Executive Office to source external representative(s) for the Audit Committee.

3.12 This panel will be supported by the Manager Governance.

3.13 The process to be followed by the Panel is:

- 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 above process was used when originally forming the Audit Committee in 2005/06 and for the recruitment of current independent members Mr Greg Connor and Mr Lew Owens. This approach ensures the achievement of two key outcomes with respect to the composition of Council's Audit Committee:

1. An "arm's length" process, which in turn provided a level of assurance that the persons appointed are independent to the City of Marion as defined by better governance practices.

2. The sourcing of appropriately qualified, and highly skilled persons as members of the Audit Committee, which in turn has resulted in a high performing Committee that adds significant value to Council's deliberations on financial management, risk management, and internal audit matters.

The following timetable has been developed as a guide to provide the best opportunity to finalise the recruitment by the April 2015 Audit Committee meeting:

Action	Due Date	Responsibility
Selection panel to agree process and commence.	Friday, 30 January 2015	Selection Panel
Appointment recruitment firm	Tuesday, 10 February 2015	Selection Panel
Executive Search and list of interested candidates.	Wednesday, 25 February 2015	Recruitment Firm
Short List	Tuesday, 3 March 2015	Selection Panel
Interviews	4 – 13 March 2015	Selection Panel
Recommendation to Council to appoint independent Member to Audit Committee	General Council Meeting 24 March 2015	Manager Governance

INTERNAL ANALYSIS

Financial Implications

The processes for sourcing candidates for membership of the City of Marion Audit Committee are internal in nature and as such, have minimal financial implications. Any costs associated with undertaking an executive search to identify potential candidates can be accommodated within the existing Audit Committee budget.

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.

The process outlined in this report to source and evaluate future independent members of the Audit Committee will result in persons of high calibre being identified and recommended to Council for appointment.

Appendix 1

AUDIT COMMITTEE POLICY



1. POLICY STATEMENT

1.1 The City of Marion will establish an Audit Committee to operate as an independent and objective advisory Committee to Council.

1.2 Section 59 of the *Local Government Act 1999* provides that the role of members of Councils includes a responsibility to keep the council's:

- Objectives and policies under review to ensure that they are appropriate and effective.
- Resource allocation, expenditure and activities, and the efficiency and effectiveness of its service delivery under review.

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

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

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

2. BASIS FOR OPERATION

2.1 The Audit Committee is a formally constituted Committee of Council pursuant to Section 41 of the *Local Government Act 1999* and is responsible to Council. The Audit Committee does not have any delegations or authority to implement actions in areas over which the Chief Executive Officer has responsibility. The Audit Committee does not have any management functions and is therefore independent of management.

- 2.2 The Committee's role is to report to Council and provide appropriate advice and recommendations on matters relevant to this Policy and the Committee's Terms of Reference in order to facilitate decision-making by Council in relation to the discharge of its responsibilities.
- 2.3 The City of Marion considers that the ability of the Audit Committee to operate in a manner that adds value and also maintain independent judgement is vital. As such, the City of Marion has based this Policy on the ASX Principles of Good Corporate Governance and the Australian Standard AS 8000-2003 Good Governance Principles.

3. MEMBERSHIP

- 3.1 The Audit Committee will comprise four members – 1 Elected Member (who is not the Mayor) and three external independent representatives. The Elected Member representative may have a proxy appointed by Council.

Elected Member Representative

- 3.2 Ideally, the Elected Member representative will have experience in business, legal, audit or financial management / reporting knowledge and experience.
- 3.3 Appointment of the Elected Member representative will be made by Council on a rotational basis as resolved from time to time. Council may resolve to re-appoint an Elected Member representative for consecutive terms.
- 3.4 No additional allowance will be paid to the Elected Member representative over and above the allowance already received by the Elected Member.
- 3.5 If required, training and development will be sourced and provided to the Elected Member Representative on matters/subjects within the Audit Committee Terms of Reference.

External Representatives

- 3.6 External independent representatives will have senior business, legal, audit knowledge and experience, and be conversant with the local government environment.
- 3.7 At least one external independent representative will have expertise and knowledge in financial management/reporting.
- 3.8 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.
- 3.9 If Council proposes to remove an external representative from the Committee, it must give written notice to the external representative of its intention to do so and provide that external representative with the opportunity to be heard at a Council meeting which is open to the public, if that external representative so requests.
- 3.10 Remuneration will be paid to each external representative of the Committee to be set by Council from time to time. At a minimum, the remuneration paid to external representatives will be reviewed within 12 months from the date of a Council (periodic) election. The basis will be a set fee per meeting, with an additional amount paid to the Chairperson.

Process to Source Appointment of External Representatives

- 3.11 The Council will appoint a Selection Advisory Panel consisting of the Mayor, two Elected Members and the Chief Executive Office to source external representative(s) for the Audit Committee.
- 3.12 This panel will be supported by the Manager Governance.
- 3.13 The process to be followed by the Panel is:
 - 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.

4. COMMITTEE OPERATIONS

- 4.1 An Audit Committee Terms of Reference will outline the scope of the Committee's review activities. The Audit Committee Terms of Reference will be subject to Council adoption.
- 4.2 Council or the Chief Executive may refer any matter to the Audit Committee within its Terms of Reference.
- 4.3 The Chairperson of the Committee shall be appointed from the external representatives of the Committee by the Audit Committee. In the absence of the appointed Chairperson from a meeting, the meeting will appoint an acting Chairperson from the external members present.
- 4.4 A quorum shall be two members – 1 Elected Member and 1 independent representative.
- 4.5 The Audit Committee, through the Chief Executive Officer, may seek information or obtain expert advice on matters of concern within the scope of its responsibilities.
- 4.6 The Chief Executive Officer will attend all meetings on an ex-officio basis, except when the Committee chooses otherwise. Other Elected Members or staff may be invited to attend at the discretion of the Committee to advise and provide information when required.
- 4.7 The Audit Committee will review its performance at least on a bi-annual basis to ensure the continual improvement to its performance.
- 4.8 Representatives of the external auditor will be invited to attend meetings at the discretion of the Committee, but must attend meetings at which there will be consideration of the annual financial report and results of the external audit.
- 4.9 The Audit Committee will meet with both the external auditor and program evaluation service provider without management present at least once a year.
- 4.10 The Manager Governance will provide administrative support to the Committee, and will attend all Committee meetings for this purpose.

Meetings

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

Reporting

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

Authority

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

5. RESPONSIBILITIES / COMMITMENT

Council:

- 5.1 Establish Audit Committee to add value and improve the City of Marion's operations.
- 5.2 Appoint 1 Elected Member and 3 external representatives as members of the Audit Committee.
- 5.3 Determine appropriate levels of remuneration to be paid to the external representatives on the Audit Committee

- 5.4 Adopt the Terms of Reference of the Audit Committee.
- 5.5 Receive and review reports from the Audit Committee and monitor that effective controls have been implemented.
- 5.6 Review the effectiveness of the Committee at least biannually as a formal process.

Audit Committee:

- 5.7 Undertake all responsibilities as identified in the Audit Committee Policy and Terms of Reference with respect to financial management, risk management, internal controls, financial reporting and other accountability and governance processes.
- 5.8 Report to Council outcomes from Audit Committee meetings.
- 5.9 Make recommendations to Council regarding risk management and audit outcomes.

Elected Member Representative

- 5.10 Act as a conduit of information between Council and the Committee, and the Committee and Council.
- 5.11 Raise matters (within the scope of the Audit Committee Terms of Reference) with the Audit Committee, on behalf of Council.
- 5.12 Provide a verbal report to Council on the key matters and recommendations within the Audit Committee meeting, when the minutes and / or Audit Committee recommendation reports, are presented to Council for adoption.
- 5.13 Provide a report to the Audit Committee on any Council decisions or discussions that are relevant to the Audit Committee's Terms of Reference.

Chief Executive Officer:

- 5.14 Ensure appropriate support is provided to the Audit Committee.

REFERENCES

Other Related References:

City of Marion Risk Management Policy (**GC120313R01**)

City of Marion Audit Committee Terms of Reference

Australian Standard AS 8000-2003 Good Governance Principles

Previous Versions

Reference GC281106R05

Reference GC091208R18

Reference GC270911R09

Reference GC110314R02

Adopted by Council: 25 November 2014

AUDIT COMMITTEE TERMS OF REFERENCE



PREAMBLE

Pursuant to sections 41 and 126 of the *Local Government Act 1999* (the Act) the Council has established an Audit Committee.

OBJECTIVES

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

1. External Audit

- 1.1 Review and recommend for endorsement by Council the engagement of the City of Marion's external auditor. The review should look to satisfy Council that the provider of external audit services can demonstrate adequate independence from the operations of the City of Marion.
- 1.2 Critically analyse and follow up any external audit report that raises significant issues relating to risk management, accounting, internal controls, financial reporting and other accountability or governance issues. Review management's response to, and actions taken as a result of, issues raised.
- 1.3 Liaise with the City of Marion's external auditor including discussion on:
 - a) The scope and planning of annual audits.
 - b) Any issues arising from audits, including any management letter issued by the auditor and the resolution of such matters.
- 1.4 Recommend to Council, if considered appropriate, that the external auditor, or some other person suitably qualified in the circumstances, examine and report on any matter related to financial management, or the efficiency and economy with which the City of Marion manages or uses its resources to achieve its objectives, that would not otherwise be addressed or included as part of the annual audit (under Div. 4 of Part 3 of Ch. 8 of the Act).

2 Internal Audit and Program Evaluation

- 2.1 Review and recommend for endorsement by Council the engagement of the City of Marion's internal audit and program evaluation service provider. The review should look to satisfy Council that the provider of the services can demonstrate adequate independence from the operations of the City of Marion.
- 2.2 Review, and provide information relevant to, the scope of the internal audit and program evaluation program, including whether the program systematically addresses:

- Internal controls over significant risk, including non-financial management control systems.
 - Internal controls over revenue, expenditure, assets and liability processes.
 - The efficiency, effectiveness and economy of significant Council programs and activities.
 - Compliance with regulations, policies, best practice guidelines, instructions and contractual arrangements,
 - Whether employees have sufficient competencies (facilitated by up to date training) to enable them to fulfil their roles.
 - A review of the City of Marion's strategic management plans and annual business plans to ensure appropriate allocation of resources necessary to achieve the objectives of the plans.
- 2.3 Critically analyse and follow up any internal audit or program evaluation report that raises significant issues and review management's response to, and actions taken as a result of issues raised.
- 2.4 Review the appropriateness of special assignments undertaken by the internal audit and program evaluation service provider at the request of the Chief Executive.
- 2.5 Review the level of resources allocated to program evaluation and the scope of its services and authority.
- 2.6 Facilitate liaison between the internal audit/program evaluation provider, and external auditor to promote compatibility, to the extent appropriate, between their programs.

3. Service Reviews

- 3.1 Review and provide advice on service reviews, and in particular:
- a) the scope of the review before it is commenced
 - b) input into the questions to be asked and the data to be collected and analysed
 - c) comment on all draft service review reports before the final report is presented to Council.

4. Financial Reporting and Prudential Requirements

- 4.1 Review Council's annual financial statements to ensure that they present fairly the state of affairs of the City of Marion, including focus on:
- Accounting policies and practices and any changes to them.
 - The process used in making significant accounting estimates.
 - Significant adjustments to the financial report (if any) arising from the audit process.
 - Compliance with accounting standards and other reporting requirements.
 - Significant variances from prior years.

- 4.2 Provide comment on the assumptions underpinning Council's Strategic Management Plans (Strategic Plan, Annual Business Plan, Budget and Long Term Financial Plan), the consistency between plans, and the adequacy of Council's plans in the context of maintaining financial sustainability.
- 4.3 Recommend adoption of the annual financial statements to Council. Review any significant changes that may arise subsequent to any such recommendation but before the financial report is signed.
- 4.4 Review the recommendations of business cases developed by Management in association with significant activities or major projects. Such reviews should have regard to the requirements of Section 48 of the *Local Government Act 1999* which relates to prudential requirements for certain activities.

5. Internal Controls and Risk Management Systems

- 5.1 Review the City of Marion's annual Risk Profile and monitor the risk exposure of Council. Review risk management processes and management information systems.
- 5.2 Review the adequacy of the accounting, internal control, reporting and other resource and financial management systems and practices of the City of Marion on a regular basis.

6. Other

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

REFERENCES:

City of Marion Risk Management Policy
City of Marion Audit Committee Policy

Previous Versions:

Reference GC281106R05, GC091208R18, Reference GC270911R09, GC110314R02

Adopted by Council: 25 November 2014

**CITY OF MARION
GENERAL COUNCIL MEETING
27 January 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support

Corporate Manager: Kate McKenzie, Manager Governance

Director: Kathy Jarrett

Subject: Elected Member Private Email Accounts – Ombudsman Advice

Report Reference: GC270115R08

REPORT OBJECTIVES:

To inform Council of the SA Ombudsman's advice in relation to the use of personal email accounts and Council's obligations under the *State Records Act 1997*.

EXECUTIVE SUMMARY:

Correspondence has been received from Mr Wayne Lines, SA Ombudsman dated 7 January 2015, drawing attention to the matter of council member use of private email address for conducting council business and the requirements of the *State Records Act 1997* (refer Appendix one).

In the letter the Ombudsman recommends that all councils should consider a relevant Elected Member Records Management Policy in the first year of elected office. As such, Administration will prepare a draft policy regarding Elected Members Records Management for Council to consider in the near future.

The Ombudsman's letter serves as a reminder that under Section 5 of the *State Records Act 1997* council '*must ensure that official records of enduring evidential or informational value are preserved for future reference*'.

RECOMMENDATION (1)

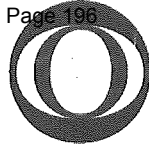
DUE DATES

That :

- 1. Council note the attached correspondence from Mr Wayne Lines, SA Ombudsman regarding 'Personal email accounts and council members'.**

27 Jan 2015

Appendix 1 – Letter to CEO from Mr Wayne Lines, SA Ombudsman



OmbudsmanSA

Appendix 1

RECEIVED									
CITY OF MARION									
08 JAN 2015									
File No: 10-46-1-1									
2	5	6	7	8	10	P			

Enquiries: Mr Kym Davey
 Telephone: (08) 8226 8681
 Ombudsman reference: AF2014/000124

Mr Mark Searle
 Chief Executive Officer
 City of Marion
 PO Box 21
 OAKLANDS PARK SA 5046

Dear Mr Searle

Personal email accounts and council members

I write to you on the matter of council member use of private email addresses for contact with residents and ratepayers and for council business.

In recent months my office has received complaints that some council members appear to be using private email addresses for contact with residents and ratepayers and for council business.

In one instance, my office has investigated such a complaint and found the council had been wrong to permit the forwarding of emails to private email addresses without ensuring that the necessary practice and policies were put in place to prevent breaches of the *State Records Act 1997*. The council has now rectified the problem.

The purpose of this letter is to remind all council members of their obligations under the State Records Act, and to encourage councils to take steps to ensure that all council members use their council provided email addresses. I have sent letters to this effect to all other councils and Ms Wendy Campana of the Local Government Association of South Australia (LGA).

I would appreciate you tabling this letter at the next meeting of the council for the information of all council members.

By way of a positive example, I am advised that the City of Prospect has recently resolved to endorse an Elected Members Records Management Policy which outlines and directs the practices of councillors in relation to the management of their records.

Clause 6.3.7 of the Policy reads:

- (1) The Mayor and Elected Members will only utilise Council systems for official correspondence created or received in the conduct of their role in Council, i.e. personal email accounts will not be used.

The policy is available on the council's website at www.prospect.sa.gov.au.

I consider the City of Prospect policy to be leading practice in this area of public administration. Other councils may have initiated, or be considering a similar policy setting. I encourage all to do so as early as practicable in this, the first year of council elected office.

As you may be aware, the use of private email addresses is not, in itself, contrary to the *Local Government Act 1999* or the *State Records Act 1997*. However, under the State Records Act, the council 'must ensure that official records of enduring evidential or informational value are preserved for future reference'.³²

In any event, you will be aware that documents created or received by council officers and council members during the course of their duties, will always be subject to the operation of the *Freedom of Information Act 1991*. In my view, this is whether or not their email is created using council or personal email addresses.

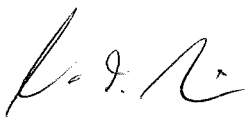
I note that the LGA also has in place a Records Management Model Policy which also provides guidance to councils in this area. I urge you to contact the LGA if you require advice or support in records management policy or procedure.

Please note that I intend to monitor this area of local government administration in 2015. I may decide that an audit on compliance with the State Records Act and the Local Government Act is necessary under section 14A of the *Ombudsman Act 1972*. Please contact my office if you wish to discuss this matter with me.

I take this opportunity to advise you that I was appointed, as of 18 December 2014, to the role of South Australian Ombudsman. I look forward to working with all councils in the interests of public sector administrative improvement and capacity building.

My best wishes for the New Year to you, your staff and to council members.

Yours sincerely



Wayne Lines
SA OMBUDSMAN

7 January 2015

³² Section 5 *State Records Act 1997*.

**CITY OF MARION
GENERAL COUNCIL MEETING
27 January 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support

Corporate Manager: Kate McKenzie, Manager Governance

Director: Kathy Jarrett

Subject: The John Legoe Award

Report Reference: GC270115R09

REPORT OBJECTIVES AND EXECUTIVE SUMMARY:

The purpose of this report is to determine if Council wish to submit a nomination in response to the Local Government Association of SA (LGA) call for nominations for the 2012/2013 John Legoe Award.

The John Legoe Awards were established in 2006 in honor of Former President of the LGA, the late Councillor John Legoe who passed away in December 2005. The Award was established to recognise his own exemplary performance as a community leader over many years and to recognise the personal and professional development of current Council Members and their commitment and service to their communities.

RECOMMENDATIONS (3)

DUE DATES

That Council:

- | | |
|---|-----------|
| 1. Council notes the report 'The John Legoe Award'. | 27 Jan 15 |
| 2. Council nominates to the LGA for the John Legoe Award. | 27 Jan 15 |
| 3. Administration forwards the above nominations to the Local Government Association by 23 February 2015. | 23 Feb 15 |

BACKGROUND

The LGA is calling for nominations for the John Legoe Award 2014/15. If Council choose to submit a nomination the appropriate documentation will be completed and forwarded to the LGA by 23 February 2015.

To be eligible for the Award all Nominees must be a current serving Council Member at the time of the call for nominations (i.e. 31 October 2014) and the nomination needs to be from their Council.

An Awards Committee is responsible for the judging of nominations. The Committee consists of the LGA President, the LGA Chief Executive Officer, Mrs Gayle Legoe, and the Minister for State / Local Government Relations (or his/her nominated representative) and the winner will be announced at the 30 April 2015 LGA Showcase Dinner.

The following recipients have been recognised for this Award:

2006

- **Mayor Kym McHugh** (Alexandrina Council) – Winner
- **Cr Glenn Docherty** (City of Playford) – Encouragement Award

2007

- **Mayor Felicity-ann Lewis** (City of Marion) - Winner

2008

- **Mayor James Maitland** (Wakefield Regional Council) - Winner
- **Cr George Demetriou** (City of West Torrens) - Winner

2009

- **Mayor Joy Baluch AM** (Port Augusta City Council) - Winner
- **Mayor Paul Thomas** (District Council of the Copper Coast) - Certificate of Recognition
- **Cr Jane Muras**, (Campbelltown City Council) - Encouragement Award

2010

- **Mayor Brian Hurn OAM** (Barossa) - Winner
- **Cr Jill Whittaker** (Campbelltown) - Encouragement Award

2011/12

- **Cr John Ross AM** (Tatiara) - Winner
- **Cr David Plumridge AM** (Adelaide) - Winner
- **Mayor Julie Low** (Lower Eyre Peninsula) - Encouragement Award

2012/13

- **Mayor Jayne Bates** (Kangaroo Island) - Winner
- **Mayor Erika Vickery** (Naracoorte Lucindale) - Encouragement Award

2013/14

- **Cr Peter Solomon** (Port Augusta) - Winner
- **Cr Carol Martin** (Port Adelaide Enfield) - Encouragement Award

Further background into the Award and reasons for nominating can be found in the Award Flyer attached as **Appendix 1**.

CONCLUSION:

If Council wish to submit a nomination to the LGA for the John Legoe Award 2014/2015 all appropriate documentation will be forwarded to the LGA by 23 February 2015.

The John Legoe Award

In recognition of personal and professional development of Council Members and their commitment and service to their communities



Introduction:

The late Councillor John Legoe, former President of the LGA of SA passed away in December 2005. He was a strong supporter of, and gave encouragement to, people (particularly younger people) nominating and participating in Local Government. He was an advocate for improved education, training and development of Council Members as community leaders and representatives. This Award was established by the LGA in honour of his own exemplary performance as a community leader over many years. The Award is promoted and presented annually.

In 2010 the Judging Panel determined that given the intent of the award was to recognise personal development as well as achievement, it would be valuable to have a two-tiered approach to the judging of nominations as follows:

1. The John Legoe Award (certificate, engraved glass and complimentary registration at Council Members residential) awarded for excellence in carrying out the role; and
2. The John Legoe Encouragement Award (Certificate) awarded to a person who is progressing their personal development and enhancing achievements in their role.

Eligibility:

To enter you must be a current serving Council Member at the time of the call for nominations and you must be nominated by your Council.

Why you should be nominated:

There are many benefits from entering the Award, including:

- recognition of leadership
- highlighting excellence
- identifying strong commitment and high level performance
- promoting Local Government

Timetable:

31 October 2014	Nominations open
23 February 2015	Nominations close
March 2015	Judging Panel meets
30 April 2015	Award presentation at LG Showcase & Ordinary General Meeting Dinner

Awards Committee:

An Awards Committee is responsible for the judging of nominations. The Panel comprises the LGA President and Chief Executive Officer, Mrs Gayle Legoe and the Minister for State/Local Government Relations (or her/his representative). The Panel may co-opt other members as necessary to undertake research / interviews.

Nominee Information:

Nominations should demonstrate the nominees:

a) commitment to personal development:

Examples:

- *Attendance at ALGA National General Assembly*
- *Attendance at LGA General, AGM and/or President's Forums*
- *Participation in regional functions or collaboration with colleagues in adjoining Councils or with Councils with similar interest*
- *Attendance at conferences/seminars/workshops addressing Local Government issues*
- *Research and networking on issues of interest to the individual and/or his/her community and/or Council*
- *Representative for Local Government on outside body/bodies*
- *Formal studies/qualifications*

b) commitment and involvement in promoting the local Council, community or similar:

Examples:

- *Attendance at community events*
- *Development of good relationships with community groups*
- *Active involvement with schools, civic education or Council projects*
- *Commitment to citizen engagement in civic affairs beyond effective consultation on particular issues*

c) community service activities:

Examples:

- *Direct involvement in a community issue that resulted in an improvement to the community eg through extra services, successful in gaining grants, promoted an activity/issue resulting in a positive outcome for the community or a proportion of it*
- *Ongoing liaison/connection with community groups/organisations*
- *Must show a higher level of involvement in community issues than generally is the case for his/her colleagues*
- *Volunteer work (ie charity/not for profit organisation)*

Nominations Forms:

Nomination forms can be downloaded from the LGA website www.lga.sa.gov.au/goto/legoe. Nominations close on 23 February 2015 and completed forms and supporting documentation should be forwarded to rebecca.wake@lga.sa.gov.au.

For further information contact:

Rebecca Wake, Administration/Events Assistant, Executive Services on (08) 8224 2047 or rebecca.wake@lga.sa.gov.au.

**CITY OF MARION
GENERAL COUNCIL MEETING
27 January 2015**

Originating Officer: Victoria Moritz, Governance Officer

Corporate Manager: Kate McKenzie, Manager Governance

Director: Kathy Jarrett

Subject: Nominations for LGA President and Board Members and Deputy Board Members representing Metropolitan Local Government Group

Report Reference: GC270115R10

REPORT OBJECTIVES:

The purpose of this report is to determine if Council wish to submit any nominations in response to the Local Government Association (LGA) call for nominations to fill the positions of the LGA President, Board Members and Deputy Board Members representing Metropolitan Local Government Group (MLGG).

The term of the incumbent President, Board Members and Deputy Board Members of the LGA Board will conclude at the LGA Ordinary General Meeting to be held on 1 May 2015.

EXECUTIVE SUMMARY:

The LGA has written to Council inviting nominations for the available positions. Pursuant to Clause 49.3 of the Constitution the number of positions available to represent the MLGG are up to 8 Board Members and 4 Deputy Board Members. If the number of nominations exceeds the number of vacancies, the representative will be elected from those persons who are nominated.

RECOMMENDATIONS (4)

DUE DATES

That Council:

- | | |
|--|-------------|
| 1. Notes the Report <i>Nominations for LGA President and Board Members and Deputy Board Members representing Metropolitan Local Government Group</i> | 27 Jan 2015 |
| 2. Nominates to the LGA for LGA President. | 27 Jan 2015 |
| 3. Nominates to the LGA for the Positions of Board Members and Deputy Board Members representing the Metropolitan Local Government Group | 27 Jan 2015 |
| 4. Administration forwards the above nominations to the LGA by 5.00pm Friday 13 February 2015 | 13 Feb 2015 |

BACKGROUND / ANALYSIS

If Council wish to submit a nomination to the LGA, the appropriate Nomination form provided in **Appendix 1** and the LGA Board Member Candidate Information provided in **Appendix 2** will be forwarded to the LGA by 5.00pm on 13 February 2015. Attached as **Appendix 3** are the Specifications for the Provision of Candidate Information.

Appendix 4 contains a list of persons eligible for nomination as President and **Appendix 5** contains a list of current Board Members and Deputy Board Members. Clause 57 of the LGA Constitution states that:

Pursuant to Clause 57 of the LGA Constitution, a nomination for election as President, Board Member or Deputy Board Member requires that:

1. In order to be eligible for nomination to the Office of President a person must be a Councillor or Mayor who has served as a Board Member of the LGA Board for at least 12 continuous months from the conclusion of the previous Ordinary General Meeting, being 12 April 2014, to the date of the call for nominations for President. The office of President must be occupied on a rotational basis by a member of a 'county' Council (being any Council that is not a member of the Metropolitan Local Government Group) and then, a member of a constituent Council of the Metropolitan Local Government Group. Commencing in May 2015 the Office of the President will be occupied by a member of a 'country' Council for a two year term;
2. In order to be eligible for nomination as a Board Member or Deputy Board Member representing the Metropolitan Local Government Group, a person must be a member of a constituent Council of the Metropolitan Local Government Group. That is, a member of one of the following Councils:
 - Adelaide City Council
 - Adelaide Hills Council
 - City of Burnside
 - Campbelltown City Council
 - City of Charles Sturt
 - Town of Gawler
 - City of Holdfast Bay
 - City of Marion
 - City of Mitcham
 - City of Norwood, Payneham & St Peters
 - City of Onkaparinga
 - City of Playford
 - City of Port Adelaide Enfield
 - City of Prospect
 - City of Salisbury
 - City of Tea Tree Gully
 - City of Unley
 - Town of Walkerville
 - City of West Torrens;
3. A Council may nominate one eligible person to act as a Board Member or Deputy Board Member from their own Council. However, only one member of any Council may be nominated for office;
4. For the avoidance of doubt, a nomination may only be made by resolution of the Council and using the enclosed form. The form must be signed by both the candidate

nominated by the Council to indicate his/her willingness to stand for election, and by the Chief Executive Officer of the nominating Council;

5. Unless stated otherwise, a nomination to act as a Board Member includes a nomination to act as a Deputy Board Member.

If the number of nominations for the above positions exceed the required number of candidates, a postal ballot is required. If a ballot is required, the distribution of ballot papers to Councils will include any information provided by the candidates. Pursuant to the LGA Constitution if an election is required, a preferential voting system will be used.

CONCLUSION:

If Council wish to submit a nomination to the LGA for the positions of the LGA President, Board Members and Deputy Board Members representing the Metropolitan Local Government Group, the appropriate information will be forwarded to the LGA by 5.00pm on 13 February 2015.

Appendix 1 – Nomination Forms

Appendix 2 – LGA Board Member Candidate Information

Appendix 3 – Specifications for the Provision of Candidate Information.

Appendix 4 - a list of persons eligible for nomination as President

Appendix 5 - a list of current Board Members and Deputy Board Members of the LGA Board (representing MLGG).

**LOCAL GOVERNMENT ASSOCIATION
OF SOUTH AUSTRALIA**



**2015
NOMINATION FORM
PRESIDENT**

The
(Name of Council making the nomination)

hereby nominates
(Full Name)

of
(Name of Council of which the nominee is a member)

being a Member of such Council to the position of

LGA PRESIDENT

Dated this day of 2014/15

.....
(Signature of Chief Executive Officer)

and I, the person nominated, hereby accept such nomination and
consent to act as President if so elected.

.....
(Signature of Candidate)

Close of Nominations: 5.00pm 13 February 2015

LOCAL GOVERNMENT ASSOCIATION
OF SOUTH AUSTRALIA



**2015
NOMINATION FORM
REPRESENTATIVE OF METROPOLITAN LOCAL
GOVERNMENT GROUP**

The
(Name of Council making the nomination)

hereby nominates
(Full Name)

of
(Name of Council of which the nominee is a member)

being a Member of such Council to the position of

**BOARD MEMBER OR DEPUTY BOARD MEMBER
REPRESENTING THE METROPOLITAN LOCAL GOVERNMENT
GROUP**

Dated this day of 2014/15

.....
(Signature of Chief Executive Officer)

and I, the person nominated, hereby accept such nomination and consent to act as
a Board Member or Deputy Board Member if so elected.

.....
(Signature of Candidate)

Close of Nominations: 5.00pm 13 February 2015

Call for Nominations for LGA President; and Board Members and Deputy Board Members representing Metropolitan Local Government Group

LGA BOARD MEMBER CANDIDATE INFORMATION

Position Sought (tick whichever position applicable):

- ☐ **LGA President or**
- ☐ **Board Member Representative of Metropolitan Local Government Group**

Word Limit is strictly 1,000 words (pursuant to clause 64.2 of the Constitution)

1. NAME

2. COUNCIL

3. CURRENT COUNCIL POSITION(S)

4. LOCAL GOVERNMENT EXPERIENCE/KNOWLEDGE

5. LOCAL GOVERNMENT POLICY VIEWS & INTERESTS

6. OTHER INFORMATION

This information must accompany a nomination form and must be received by the Returning Officer by 5.00pm on 13 February 2015.

Call for Nominations for LGA President, and Board Members and Deputy Board Members representing Metropolitan Local Government Group

Specifications for the Provision of Candidate Information

LGA President / Board Member Representative of Metropolitan Local Government Group

The information must:

- be typed in the attached format (and must not exceed one side of an A4 sheet of paper);
- be provided under the following headings:
 - Name of Candidate
 - Name of Council
 - Current Council Position(s)
 - Local Government Experience/Knowledge
 - Local Government Policy Views and Interests
 - Other Information;
- not contain any references, direct or otherwise, to any other candidates;
- not include a photograph;
- be supplied in a manner that is suitable and ready for photocopying; and
- not contain any statement purporting to be a fact that is inaccurate or misleading.

Please note:

1. The information does not need to be authorised by anyone.
2. The Returning Officer reserves the right to determine whether or not the information provided fits within the above requirements. In the event that the Returning Officer determines that it does not, the Returning Officer will endeavour to contact the candidate to discuss the matter.
3. The information must be received by the Returning Officer by 5.00pm on 13 February 2015.

Wendy Campana
Returning Officer

Appendix 4

PERSONS ELIGIBLE FOR NOMINATION AS PRESIDENT

Mayor Allan Aughey (Clare & Gilbert Valleys)
Mayor Julie Low (Lower Eyre Peninsula)
Mayor David Burgess (Mid Murray)
Mayor Peter Hunt (Berri Barmera)
Mayor Ann Ferguson OAM (Mt Barker)

**METROPOLITAN LOCAL GOVERNMENT GROUP
INCUMBENT BOARD MEMBER & DEPUTY BOARD MEMBER
REPRESENTATIVES AS AT NOVEMBER 2014**

Board Members

Mayor Gillian Aldridge	(Salisbury)
Mayor Robert Bria	(Norwood Payneham & St Peters)
Mayor Lachlan Clyne	(Unley)
Cr Peter Jamieson	(Port Adelaide Enfield)
Mayor David Parkin	(Burnside)
Mayor Lorraine Rosenberg	(Onkaparinga)
Mayor Bill Spragg	(Adelaide Hills)
Cr Jill Whittaker	(Campbelltown)

Deputy Board Members

Mayor Kevin Knight	(Tea Tree Gully)
Mayor Glenn Spears	(Mitcham)

SCANNED

**CITY OF MARION
GENERAL COUNCIL MEETING
27 January 2015**

Originating Officer: Victoria Moritz, Governance Officer

Director: Kathy Jarrett

Corporate Manager: Kate McKenzie, Manager Governance

Subject: Nominations Sought for the Development Assessment Commission

Reference No: GC270115R11

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 Local Government Member on the Development Assessment Commission.

The call for nominations is at the request of the Department of Planning, Transport and Infrastructure for a term commencing on 1 April 2015 and concluding 30 June 2016.

The LGA has asked for nominations to be forwarded by COB Tuesday 27 January 2015. However due to the General Council Meeting not occurring until 7pm on 27 January 2015, the LGA will accept nominations before 9.00am Wednesday 28 January 2015. The Board Members will be advised that the nominations were received after the cut off date but will be advised that the reason is due to very tight timeframes from the Government.

Councillor Luke Hutchinson has expressed an interest in being nominated to the Development Assessment Commission.

RECOMMENDATIONS (3)

DUE DATES

That Council:

- | | |
|--|-------------|
| 1. Notes the report <i>Nominations Sought for the Development Assessment Commission</i> Report Reference GC270115R0. | 27 Jan 2015 |
| 2. Nominates Councillor Hutchinson to the LGA for consideration as the Local Government Member on the Development Assessment Commission. | 27 Jan 2015 |
| 3. Administration forwards the above nomination/s to the Local Government Association by 9.00am 28 January 2015 | 28 Jan 2015 |

BACKGROUND / ANALYSIS

The Development Assessment Commission is established pursuant to the Development Act 1993.

- (1) The Development Assessment Commission has the following functions:
 - (a) to participate in the assessment of development proposals where appropriate;
 - (d) to perform other functions assigned to the Development Assessment Commission under this Act.
- (1a) The Development Assessment Commission may, as it thinks fit, provide advice and reports to the Minister on trends, issues and other matters that have become apparent or arisen through its assessment of applications under this Act.
- (2) Except where the Development Assessment Commission makes or is required to make a recommendation or report, is required to give effect to an order of a court or tribunal constituted by law, or has a discretion in relation to the granting of a development authorisation, the Development Assessment Commission is, in the exercise and discharge of its powers, functions or duties, subject to the direction and control of the Minister.

The Primary function of the Development Assessment Commission is to assess and determine development applications referred to it under the Act. The Commission has complete discretion in making decisions on applications, however in all other aspects it is subject to the discretion and control of the Minister for Planning.

The Development Assessment Commission meets on the second and fourth Tuesday of each month, commencing around midday for approximately three to four hours per meeting. Where site meetings are required, these will most likely occur on the morning of the meeting.

Nominations addressing the Selection Criteria provided in **Appendix 1** must be forwarded to the LGA by a Council using the attached form (**Appendix 2**) by 9.00am Wednesday 28 January 2015.

LGA nominations on outside bodies will, unless determined otherwise by the LGA Board or Executive Committee, be currently serving Council Members or Council Staff.

The LGA Board will consider nominations received at its meeting on Thursday 29 January 2015.

CONCLUSION:

If Council wish to submit a nomination to the LGA for the Development Assessment Commission, all appropriate documentation will be forwarded to the LGA by 28 January 2015.

Appendix 1 – Selection criteria
Appendix 2 - Nomination form

Representatives on Outside Bodies



PART A

Name of Body	Development Assessment Commission (DAC)
Legal Status of Body	Body Corporate
Summary Statement	The DAC primarily deals with the assessment of development proposals at a State level. It also reports to the Minister on matters relevant to the development of land and makes recommendations as to the regulations that should be made under the Development Act.
<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>	No formal qualifications are required.
Industry Experience	<ul style="list-style-type: none"> • Practical knowledge of, and extensive experience in, Local Government. • Sound knowledge and understanding of the planning and development assessment system.
Board / Committee Experience	<ul style="list-style-type: none"> • Experience in working with intergovernmental boards or committees is desirable. • Familiarity with the DAC decision making processes is desirable.
Key Expertise <i>(other relevant experience i.e. those requirements established for a Board/Committee under an Act)</i>	<ul style="list-style-type: none"> • Knowledge and understanding of the Development Act and Regulations and the associated statutory framework including the Planning Strategy and Development Plans. • Sound knowledge of the matters against which a development must be assessed. • Considerable practical experience in development assessment.
<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

Representatives on Outside Bodies



PART B: This form must be completed by Council electronically and emailed as a word document to:
danielle.bailey@lga.sa.gov.au
 (Nominee's details must not exceed this single page)

Name of Body: Development Assessment Commission

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
27 January 2015**

Originating Officer: Kathy Jarrett, Director

Subject: SA Ombudsman Report – Complaint by Mr and Mrs Stevens

Report Reference: GC270115R12

EXECUTIVE SUMMARY / DISCUSSION:

The purpose of this report is to inform Council of the SA Ombudsman's report (refer Appendix 1) following an investigation into a complaint made by Mr and Mrs Stevens regarding whether council's decision not to repair their crossover was reasonable and whether or not council properly dealt with Mr and Mrs Stevens' complaint.

As will be noted, the SA Ombudsman found that:

- In relation to the decision to not repair the crossover, Council did not act in a manner that was unlawful, unreasonable or wrong within the meaning of section 25(1)* of the Ombudsman Act;
- That Council acted in a manner that was wrong within the meaning of section 25(1) of the Ombudsman Act in the way it managed Mr and Mrs complaint.

The provisions of section 25(1) of the Ombudsman's Act are outlined at Appendix 2 for information purposes.

Since the commencement of this matter, a review of Council's complaints management and claims processes has commenced using the Ombudsman's report and feedback from the LGA Mutual Liability Scheme as a basis for improvement. In relation to responding specifically to the matters raised by Mr and Mrs Stevens, council's approach in this regard is outlined in a further confidential report presented during the 27 January 2015 meeting.

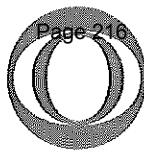
RECOMMENDATION (1)

DUE DATES

That :

- 1. Council note the SA Ombudsman's report following an investigation into a complaint made by Mr and Mrs Stevens**

27 Jan 2015



OmbudsmanSA

Report
Full investigation - *Ombudsman Act 1972*

Complainants	Mr Graham and Ms Kathy Stevens (the complainants)
Council	City of Marion (the council)
Ombudsman reference	2014/06021
Date complaint received	24 July 2014
Issues	<ol style="list-style-type: none">1. Whether the council's decision not to repair the crossover was reasonable2. Whether the council properly dealt with the complainants' complaint

Jurisdiction

The complaint is within the jurisdiction of the Ombudsman under the *Ombudsman Act 1972*.

Investigation

My investigation has involved:

- assessing the information provided by the complainants
- seeking a response from the City of Marion (the council)
- considering sections 218 and 245 of the *Local Government Act 1999* (SA) and the council's 'Tree Management Policy' and 'Complaints and Grievance Policy'.
- providing the council and the complainants with my provisional report for comment, and considering their responses
- preparing this report.

Standard of proof

The standard of proof I have applied in my investigation and report is on the balance of probabilities. However, in determining whether that standard has been met, in accordance with the High Court's decision in *Briginshaw v Briginshaw* (1938) 60 CLR 336, I have considered the nature of the assertions made and the consequences if they were to be upheld. That decision recognises that greater care is needed in considering the evidence in some cases.¹ It is best summed up in the decision as follows:

The seriousness of an allegation made, the inherent unlikelihood of an occurrence of a given description, or the gravity of the consequences flowing from a particular finding, are considerations which must affect the answer to the question whether the issue has been proved ...²

¹ This decision was applied more recently in *Neat Holdings Pty Ltd v Karajan Holdings Pty Ltd* (1992) 110 ALR 449 at pp449-450, per Mason CJ, Brennan, Deane and Gaudron JJ.

² *Briginshaw v Briginshaw* at pp361-362, per Dixon J.

Response to my provisional report

In response to my provisional report the council responded by email dated 14 November 2014, noting the findings made but having no additional comments to make.

The complainants responded by a letter dated 21 November 2014 with the following submissions.

- the council's internal assessment of the damage to the crossover does not correlate with the engineer's report yet the council appeared to accept the opinion of its Unit Manager Mr Natt despite this being contrary to the engineer's report in relation to the movement of the foundations
- it appears the tree's removal was not in accordance with the tree policy in any event
- the council misspelt the complainants' names on many occasions
- that the Local Government Association's Mutual Liability Scheme (LGAMLS) were not given clear information from the council as the complaint was about not only damage to the crossover but 40 cm outside the boundary of the crossover
- the complainants' believe they gave notice under section 245(2) of the Local Government Act for the council to take reasonable action to avert a risk of damage but that the council has failed to take reasonable action in response to the request because the damage still exists.

I have considered the points raised by the complainants and agree with their assessment in relation to the handling of the complaint by the council being unsatisfactory, particularly in relation to delay. I have made a recommendation to the council in relation to this. However, I am not persuaded by the complainants' argument in relation to the council's decision not to repair the crossover. I consider the complainants' grievance is with the council's immunity in respect of section 245 of the Local Government Act. The legislative scheme envisages that councils will not be held liable in those types of situations. I consider that there are good policy reasons for this. Should the complainants feel that the LGAMLS claim was not put in the correct terms then they need to confer with the council in relation to that issue.

Background

1. The complainants live at 70 Lascelles Ave, Warradale (**the property**). The house was built in 2003, along with 70a Lascelles Ave (**the neighbouring property**) previously owned by a Mr Cagney. At the time the properties were built, a mature tree (*celtis australis*) was growing at the front of the property on the road reserve. It was not a regulated or significant tree according to legislation. The footpath was located between the tree and the property.
2. At the time of the construction of the properties in 2003, the owners of both properties approached the council to remove the tree. The council refused, and instead provided a root barrier to prevent damage by the tree. The conditions of approval on the development (dated 22 January 2003) stated at item 7:

The driveways/crossovers servicing the development shall be located so that they are a minimum of 1 metre from the street tree, which is located within the road reserve, in front of the subject site. (The street tree shall not be removed).

3. On 10 March 2013 the complainants complained via an on-line form to the council about damage caused to the property. The complaint records as follows:

The roots of a tree on the footpath outside our residence is lifting the apron to our house, causing a drop of about 50 mm to our driveway. Some of our driveway pavers are also breaking.

4. On 10 April 2013, the council's arborist assessed the tree. The arborist recorded that the tree was now 10 metres high with an 8 metre spread and was approximately 20-25 years old. The arborist stated:

The basal flare appears normal, however the proximity in relation to hard surfaces appears to have led to some displacement, and the recently laid concrete has lifted in sections.³

5. The council determined at this time not to remove the tree as it did not qualify for removal in accordance with its 'Tree Management Policy' (**the tree policy**), as the tree was healthy and did not present a risk to public safety. The council determined instead to repair the footpath.
6. On 1 May 2013, the council's Risk Unit was notified of the complaint. The Risk Unit is responsible for public liability claims.
7. On 31 May 2013, the complainants rang the council and advised that someone had tripped over the footpath. The council inspected the footpath and found no tripping hazard near the tree. However, the inspector found a trip hazard on the other side of the property's driveway away from the tree, and repaired 1.5 metres of footpath.
8. On 2 June 2013, the complainants sent an email to the council seeking a response to their concerns about damage to the crossover and footpath. The email stated:

The tree in question was noted several years ago as causing problems with the roots entering our property and that of the our (sic) neighbors (sic) and Council have installed 2 root barriers in the past, to help prevent the problem and the council have already replaced kerbing and footpath because a (sic) tree damage.

We do not wish the tree to be removed but we would expect that damage caused by the tree, which is owned by the council be rectified by the council, as you would have already acknowledged the problem caused by the root system.

The damage caused by the tree is becoming a safety risk with the area now uneven when walking and the damage will become more of an issue in the future.

I see this to be an ongoing problem and prompt rectification of the problem could prevent a major and more costly repairs in the future.

9. On 3 June 2013 this email was forwarded to LGAMLS by the council. The email contained a summary of events and stated that communication with the complainants had been confusing because the council inspector had thought that he had kept the owners informed when visiting the property; however he had learned that he had been communicating with the tenants of the neighbouring property. The council then wrote:

To put it simply the whole thing is a mess. When talking to Mrs Graham (sic) I informed her that the tree has immunity under section 245 of the Act and that the driveway is their responsibility. I'm about to shoot off a letter to her letting her know that I have passed the matter on to LGAMLS and the sections of the Act she was looking for. Please let me know if there is any thing else you need thanks, have a great day.

10. On 19 June 2013, the LGAMLS requested further information from the council. On 12 July 2013, the council's Risk Unit notified the LGAMLS that the footpath would be repaired, the tree was not a significant tree (as defined by the legislation), and that a root barrier was in place.
11. On 16 July 2013, the LGAMLS rejected the complainants' claim, stating that the council had statutory immunity under section 245 of the Local Government Act and it had acted

³'Arboricultural Assessment' prepared by Mr Heath Reynolds for the council following a site inspection on 10 April 2014, p 2.

in accordance with its policies and practices in relation to not removing a healthy tree and providing a root barrier.

12. However, on 15 November 2013, the tree was removed by the council. The council explains the reason for the removal to the complainants:

The tree was removed on 15 November 2013 by Council's contractors because the tree roots had developed and affected the surrounding concrete footpath since the previous inspections. Pruning was required which in turn could make the tree unstable. Removing the whole tree was considered the most appropriate action in light of the public safety risks.⁴

13. On 12 December 2013, a site inspection took place with the complainants and council staff. At the site inspection, it was agreed that a review pursuant to section 270 of the Local Government Act would be undertaken, to address whether sufficient information was forwarded to the LGAMLS in order for it to make an informed decision regarding liability for the damage. The review panel consisted of three council staff who had had no previous involvement with the matter.
14. On 17 February 2014, an engineer from Magryn & Associates Pty Ltd was instructed by the council to inspect the front of the property and the neighbouring property and provide an explanation as to possible causes of the damage. The engineer's report (**engineer's report**) states: 'the driveways of both properties do not show major movement and appear to be at the level as originally installed.' It noted that the level difference between the property's driveway and northern side of the crossover was 37mm. The engineer's report concluded that:

It is believed that roots of the removed tree have caused sections of the concrete and part of the boundary fence to lift.

Tree roots tend to grow towards wet soils. It appears that a major root has grown from the street tree towards the garden bed at the south-western corner of property No.70, where presumably plants are being watered regularly and therefore the ground is wet. This root has caused the concrete (...) over to lift, with the locations of the raised concrete indicating the line of the tree root.

15. In early April 2014, the council's section 270 report was provided to the complainants. The council's review panel concluded:

- That the damage to the sections of concrete footpath and the fence has most likely been caused by the street tree roots.
- The driveway subsiding seems inconsistent with the street tree roots causing other areas to lift.
- The street tree was removed as the roots were causing damage to the footpath, not because of the health of the tree. If the tree remained, root pruning would be required which may destabilize the tree causing a public safety risk.
- The root barrier was installed at the time of development and has been effective until recent times. There has been no report of any alleged damaged (sic) until early 2013.
- The information provided to the LGA MLS was clear and provided adequate satisfactory detail for the LGA MLS to make an informed decision regarding liability.
- The advice to the LGA MLS from the Council was that the tree would remain. This position changed after subsequent site inspections that demonstrated damage to the footpath with limited options to address a deteriorating problem other than removal of the tree.
- The initial request to remove the tree was based on future building work. The residents were aware of the existence of the street tree when the property was built

⁴Page 2 of the council's internal review pursuant to section 270 of the *Local Government Act 1999*.

and that it was not going to be removed. Mr & Mrs Stevens built their property knowing that the existing street tree would remain but made little allowance for the tree and its future growth.

- The customer service received by Mr & Mrs Stevens in relation to the time taken to respond to their claim enquiries was not satisfactory.

16. On 24 July 2014, the complainants complained to my office. The complainants stated that they were not claiming for any damage to their own property but only damage to the crossover which, they state, is council property.
17. On 15 August 2014, I wrote to the council asking it for its views in relation to the complaint.
18. The council replied by letter dated 5 September 2014. The council reiterated its position that the crossover does not show signs of damage by tree roots (as it is not cracked like the footpath either side of the crossover was), but rather the height difference has occurred through the subsidence of the paved driveway. The council state 'Two of the review panel members (...) are experienced in the building industry believed that the issue with the driveway was due to poor compaction rather than the concrete crossover lifting as a result of the tree roots.'⁵
19. The council produces an information sheet for residents in relation to driveways, which it included in its response to my office. The information sheet defines a driveway crossover as 'the section of the driveway located between the driveway invert/kerb and the front property boundary.' In relation to ongoing maintenance, it states:

Once installed, it is the responsibility of the property owner to repair and/or maintain the new driveway invert and/or crossover in a safe and serviceable condition at all times. This maintenance responsibility also extends to all existing driveway inverts and crossovers.

20. I note in the material that the council forwarded with its response, an email dated 4 December 2013 from Ms Amanda-Jane Culpin (Insurance/ Claims Management) to Mr Mark Gibson (the council's Acting Manager, Governance) answering a proposed notice of motion by Councillor Bruce Hull on behalf of the complainants. The notice of motion asked the council to acknowledge responsibility, reinstate the crossover, and not continue to refer complaints about damage caused by the tree to the LGAMLS. The reply by Ms Culpin stated:

In order to make a claim in SA a claimant needs to provide some evidence that the Council has not 'acted reasonably in relation to their systems, policies, resources and in accordance with their legal obligations as stated in letter sent to Stevens from LGAMLS dated 16/7/2013 (copy attached).

- Council has inspected the tree whenever requested by either Stevens or Cagney.
- Council has pruned when necessary.
- Council installed two lots of root barrier.
- Although the tree didn't meet Councils (sic) removal criteria it was removed as an act of goodwill towards Stevens & Cagney.
- The trees (sic) removal is not evidence of liability or responsibility.
- Council staff still believe the cross over has not been damaged by tree roots.
- When notified by residents Council staff repaired tripping hazards on footpath and a section of kerb & water table.

21. I note that the reason the council has given for removal of the tree in the email above does not correspond with what it informed the complainants or my office.
22. I also note an internal email dated the same day of 4 December 2013 by Mr Colin Natt, (Unit Manager Civil Services) to Mr Gibson:

⁵Letter from the council to my office dated 5 September 2014, p 2.

Below are some dot points and pics of 70 and 70a Lascelles.

- The kerb that was lifted by the tree roots has been repaired. (001 JPG showing the new kerb)
- The section of footpath between 68 and 70 has been repaired. (006. JPG showing the repaired area)
- The footpath on the right hand side of the cross over has lifted by approximately 10mm causing a trip hazard. Council will arrange repair (sic) footpath. (005 JPG showing the trip hazard. CSR 13070909 had been raised for repairs)
- The cross over hasn't moved and is in the same state as it was originally constructed.
- The pavers at number 70 have dropped by approximately 20mm due to poor compaction of the base work. Vehicle traffic is what appears to have caused the pavers to sink. The base work hasn't been compacted to take the weight of traffic. (004 JPG showing the pavers have dropped from the original levels. One paver has cracked as a result of this).
- The foundation under the concrete pillar of the fence at number 70a doesn't appear to have sound foundations. The fence has moved as a result. (002 and 003 JPG showing the concrete pillars leaning. 002 JPG pillar appears to be out of the root zone of the tree which has also moved due to poor foundation construction.)

I can organise an independent assessment in relation to the paver movement rather than the crossover being affected by the tree roots as required.

23. I note that this email subscribes to the view that the complainants' driveway has subsided, and that there has been no movement in the crossover.

Relevant law

24. Section 218 of the Local Government Act provides:

218—Power to require owner of adjoining land to carry out specified work

- (1) A council may, by order in writing to the owner of land adjoining a road, require the owner to carry out specified work to construct, remove or repair a crossing place from the road to the land.
- (2) Divisions 2 and 3 of Part 2 of Chapter 12 apply with respect to—
 - (a) any proposal to make an order; and
 - (b) if an order is made, any order, under subsection (1).

25. Section 245 provides:

245—Liability for injury, damage or loss caused by certain trees

- (1) A council is not liable for any damage to property which results from—
 - (a) the planting of a tree in a road; or
 - (b) the existence of a tree growing in a road (whether planted by the council or not).
- (2) However, if—
 - (a) the owner or occupier of property adjacent to the road has made a written request to the council to take reasonable action to avert a risk of damage to property of the owner or occupier from the tree; and
 - (b) the council has failed to take reasonable action in response to the request, the council may be liable for any damage to property that would have been averted if the council had taken reasonable action in response to the request.

Whether the council's decision not to repair the crossover was reasonable

-
26. From the information I have been provided from the council, there is a dispute as to whether the crossover is damaged, and if so, what has caused the damage.
27. I summarise the complainants' argument as follows:
- the roots of the street tree lifted the crossover or apron of their driveway causing damage to the crossover, footpath, driveway and fence
 - the council's tree has caused the damage therefore it should repair the damage caused to the public infrastructure
 - the crossover is council property, it should repair it
 - the engineer's report notes that the driveway is at the original height that it was when installed, and that the tree roots have caused 'the concrete over to lift'. The complainants believe that this refers to the crossover.
28. The council's argument can be summarised, thus:
- the crossover is the responsibility of the complainants to repair and maintain, as stated in its information brochure
 - section 218 of the Local Government Act gives the council the power to require land owners to repair the crossover
 - in any event, section 245 of the Local Government Act states that the council cannot be held responsible for damage caused by a street tree
 - the council has averted the risk of damage caused by the tree by removing it and repairing the lifted section of footpath
 - the council's site inspector found that the crossover had not moved, but rather the driveway had subsided due to poor compaction causing the pavers to sink, giving the appearance of the crossover being lifted. This view is supported by two of the review panel members who reportedly have experience in the building industry
 - the engineer's report was only based on a visual inspection, and it is inconclusive regarding why the driveway has subsided.
29. I consider that the original complaint form on 10 March 2013 and the email from the complainants dated 2 June 2014 are written requests from the owners of the property adjacent to the street tree to take action with regard to the safety risk posed by the tree roots to the footpath.
30. One question is whether the council averted that risk following these requests. The arborist assessment was completed a month after the complaint. The footpath was repaired between July and December 2013. The tree was removed in November 2013. An engineer was engaged in April 2014 to ascertain what was causing the damage. I consider that this action reasonably averted the risk that the council was alerted to by the complainants.
31. However, I do note that the council has not been consistent in informing the complainants about what it thought caused the damage, and to what infrastructure. I consider that it would have been helpful for the council to have put in writing to the complainants the following:
- that it did not agree with the engineer's report that the driveway had not subsided and was at its original level
 - that it was the responsibility of the property owner to repair the crossover pursuant to sections 218 and 245 in the Local Government Act
 - that the arborist's opinion (and two of the panel members) was that the crossover had not moved and was in its original position
 - the reason for the removal of the tree (contradicted in the council's own internal email in which it had previously claimed did not qualify for removal pursuant to the tree policy).

32. I consider that the council should have been clear with the complainant initially, as to whether it considered it was liable for the damage to the crossover, or footpath, or indeed the complainants' property. However, I do not consider that the council's decision not to repair the crossover was unreasonable.

Opinion

In light of the above, I consider that the council did not act in a manner that was unlawful, unreasonable or wrong within the meaning of section 25(1) of the Ombudsman Act.

Whether the council properly dealt with the complainants' complaint

33. The complainants first complained to the council via an on-line form on 10 March 2013. The complaint form was not acknowledged by the council.
34. On 10 April 2013 an arborist, Mr Heath Reynolds was sent by the council to conduct a site visit of the tree and report on what he thought was the cause of the damage. The arborist verbally assured the complainants he would pass his findings to the council for further investigation and let the complainants know. However, following the arborist's assessment, the complainants received no contact from the council.
35. When the complainants rang the council for further information, they were told that the council assumed that no further action was being taken because of the arborist's report that the tree was healthy and not being removed.
36. On 31 May 2013, the complainants rang the council reporting that a passer-by tripped on the footpath in front of the property. The council recorded in its record of the conversation 'They and the neighbours at 70a have claims against Council at the moment re damage to their properties caused by the street tree.'
37. On 2 June 2013 the complainants sent an email to Ms Culpin at the council to 'please note and follow up this complaint.' The email stated:

The Arborist left the meeting indicating he would pass on his findings to the Claims Department for further investigation.

This clearly did not happen as you have indicated to me in the last phone call that the Claims Department was not notified and that you believed from the Arborist's report we were happy with no further action. This is certainly not the case and is the reason that we have made several more phone calls to the council before speaking to your self (sic).

Over the next 4 weeks several other calls were made to the Council Office when on each occasion we were told the complaint was still in the process of being investigated and on one occasion I was told that I would get a report of the outcome when the matter had been investigated. I now know this to be incorrect.

My last call to yourself (sic) on the 23 May 2013 when I tried to no avail to explain that the Council's tree is causing damage to the foot path and crossover cement that was installed by the council....

We would expect a prompt outcome to this complaint as it is now several months since the first contact was made with the council regarding this matter.

We also have some concerns regarding the lack of communication at the Council as we have emailed Ms Amanda Culpin (23rd May 13) and requested information on the By-laws relating to the damaged caused by the Council owned trees and nearly 2 weeks later there has still been no reply. We again phoned to speak with Ms Culpin (30th May 13) and were advised she was busy and a message was left to return our call. There has been no reply to that request either.

We would appreciate some form of response to this email.

38. As shown above, the council admits to some confusion following the arborist's visit as to whether he was updating the complainants or not.
39. The council has a 'Complaints and Grievance Policy' (**complaint policy**) which guides the principles of its complaint handling and council review of its decisions. In relation to complaint handling, a flowchart sets out the proper procedure. It states that upon receipt of a complaint, it is electronically recorded (which was done in this instance) and then assigned to the appropriate council officer. The complaint is then assessed, investigated and a decision made. If the complaint is not resolved at this stage, then the complaint is escalated to the next level of authority (the divisional manager or CEO) for another assessment, investigation and decision made.
40. The council has provided me with the original on-line complaint form. It is stamped 'processed' and dated 10 April 2013, a month after the complaint was lodged. There is another stamp 'incident/hazard report form' which has a box that has not been completed. There is a handwritten note 'Inspected by Heath Reynolds. Heath believes the tree is pushing up the footpath. He will reinspect to get the trees details - now attached.' The complaint form is attached to several photographs, and the completed arborist assessment. There is a handwritten note under the first photograph 'Heath spoke to the owner the 1st time he was on site - He said all good.'
41. It appears from the above documentation that there has been a communication error between the arborist and the council in relation to whether the complainants were satisfied with the council's response. Either way, it is clear that the council did not properly respond to the complainants' complaint, because it was never acknowledged; the timelines and process for how the council would deal with the complaint was never discussed with the complainants; and it was only apparently through the complainants' persistence that the council continued to communicate with the complainants about the status of the tree and council works to repair damage. This communication breakdown meant that the complainants were not informed about whether the council had received their complaint; what action, if any was being taken; the ongoing status of their complaint and what outcomes, if any could be expected.
42. The complaint policy states:

The complainant raises a complaint with the City of Marion who will, without prejudice, investigate the issue fully. Once the investigations are complete the complainant will be offered a resolution. If the complainant is satisfied with the resolution then the resolution is actioned and the complaint is closed.
43. In its section 270 report, the council has already concluded that it did not handle the complainants' complaint in a satisfactory way. The panel wrote:

Mr & Mrs Stevens did not receive prompt customer service that would be expected in a matter such as this which has aggravated an already difficult matter.

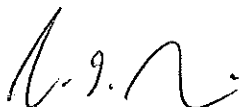
Based on this information, the Panel recommends that:

A review of the current claims management process is undertaken to ensure that claims correspondence is acknowledged and appropriate actions are undertaken in a timely manner.
44. I am satisfied that as a result of the section 270 report, the council is undertaking to review its complaints management process to improve on its customer service.

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45. I comment that the complaint policy is silent in relation to the complainants' expectations. In accordance with best practice complaint handling, I suggest that the complaint policy address what complainants can expect when they make a complaint in terms of acknowledgement, communication and timing.

Opinion

In light of the above, my final view is that the council acted in a manner that was wrong within the meaning of section 25(1) of the Ombudsman Act in the way it managed the complainants' complaint.



Wayne Lines
SA OMBUDSMAN

5 January 2015

Appendix 2 - Ombudsman Act 1972

25—Proceedings on the completion of an investigation

- (1) This section applies to any investigation conducted by the Ombudsman as a result of which the Ombudsman is of the opinion that the administrative act to which the investigation relates—
 - (a) appears to have been made contrary to law; or
 - (b) was unreasonable, unjust, oppressive or improperly discriminatory; or
 - (c) was in accordance with a rule of law or a provision of an enactment or a practice that is or may be unreasonable, unjust, oppressive or improperly discriminatory; or
 - (d) was done in the exercise of a power or discretion and was so done for an improper purpose or on irrelevant grounds or on the taking into account of irrelevant considerations; or
 - (e) was done in the exercise of a power or discretion and the reasons for the act were not but should have been given; or
 - (f) was based wholly or in part on a mistake of law or fact; or
 - (g) was wrong.
- (1a) This section does not apply to an investigation conducted under section 14.
- (2) In the case of an investigation to which this section applies in which the Ombudsman is of the opinion—
 - (a) that the subject matter of the investigation should be referred back to the appropriate agency for further consideration; or
 - (b) that action can be, and should be, taken to rectify, or mitigate or alter the effects of, the administrative act to which the investigation related; or
 - (c) that the practice in accordance with which the administrative act was done should be varied; or
 - (d) that any law in accordance with which or on the basis of which the action was taken should be amended or repealed; or
 - (e) that the reason for any administrative act should be given; or
 - (f) that any other steps should be taken,

the Ombudsman must report that opinion and the reasons for it to the principal officer of the relevant agency and may make such recommendations as the Ombudsman thinks fit.
- (3) The Ombudsman must send a copy of any report or recommendation made under subsection (2) to the responsible Minister and, in the case of a report or recommendation relating to the sheriff, to the State Courts Administration Council.
- (4) The principal officer of an agency in relation to which a recommendation is made under subsection (2) must, at the request of the Ombudsman, report to the Ombudsman within a time allowed in the request on what steps have been taken to give effect to the recommendation and, if no such steps have been taken, the reason for the inaction.
- (5) If it appears to the Ombudsman that appropriate steps have not been taken to give effect to a recommendation made under this section, the Ombudsman may make a report on the matter (containing a copy of the earlier report and the recommendation) to the Premier.
- (6) Where the Ombudsman reports to the Premier under subsection (5), the Ombudsman may forward copies of the report to the Speaker of the House of Assembly and the President of the Legislative Council with a request that they be laid before their respective Houses.

**CITY OF MARION
GENERAL COUNCIL MEETING
27 January 2015**

Originating Officer: David Harman, Financial Accountant

Corporate Manager: Ray Barnwell, Manager Finance

Director: Vincent Mifsud

Subject: Finance Report – December 2014

Report Reference: GC270115R13

REPORT OBJECTIVES AND EXECUTIVE SUMMARY:

This report provides Council with information relating to the management of financial resources under its control as at December 2014. 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 – December 2014”. | 27 January 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 an Income Statement 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)

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

	2014/15 Actual + Committ YTD 31/12/2014	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	(2,187,044)	(8,387,095)	(13,400,000)
Total Expenditure	(2,187,044)	(8,387,095)	(13,400,000)
Project Result Surplus/(Deficit)	(2,187,044)	(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 beyond 2013/14 will be required for this Community Facility. This is 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 31/12/2014	2014/15 Budget	Project Cost At Completion
Income			
Total Income			-
Expenditure			
Operating	-	-	-
Capital Construction	(1,983,376)	(7,836,623)	(14,332,000)
Total Expenditure	(1,983,376)	(7,836,623)	(14,332,000)
Project Result Surplus/(Deficit)	(1,983,376)	(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 (GC250314R001) 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 1

(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 an Income Statement and Balance Sheet that are adopted as part of the Annual Budget Report. It details Council's:

Income Statement - 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 \$3.277m.

Comment: Council has a net surplus result of \$5.631m before capital revenues, against a year end forecast from Budget of \$2.491m 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 36.9% of the full year financial Capital Budget has been spent or committed. The actual progress to date of Capital Expenditure programs is detailed in the attached graphs.

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 due 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 \$15.398m include the following:

Transfers from Reserve

Grants & Carryovers Reserve	\$ 15,669k
Asset Sustainability Reserve	\$ 140k

Transfers to Reserve

Open Space Development Contribution and Interest	(\$ 33k)
Grants & Carryovers Reserve	(\$ 378k)

A net cash deficit of \$1.263m is forecast to occur in 2014/15. Of this amount \$2.275m relates to uncompleted projects retimed and fully funded from 2013/14, offset by \$1.012m from savings identified through the first Budget Review.

Funding Statement

As At 31 December 2014 (Against First Budget Review)

Original Adopted Budget \$'000		YTD Actual + Committ \$'000	YTD Budget \$'000	YTD Variance \$'000		Annual Budget \$'000	Note
	Operating Revenue						
67,051	Rates	34,014	33,882	132	F	67,110	A
1,803	Statutory Charges	1,012	839	173	F	1,677	B
1,717	User Charges	793	830	(37)	U	1,674	
5,667	Operating Grants & Subsidies	3,318	3,109	209	F	5,902	C
560	Investment Income	315	331	(16)	U	732	
910	Reimbursements	420	471	(51)	U	938	
399	Other	693	202	491	F	408	D
246	Net gain - SRWRA	30	-	30	F	306	
78,353		40,595	39,664	931	F	78,747	
	Operating Expenses						
32,777	Employee Costs	13,649	16,035	2,386	F	32,392	E
16,293	Contractual Services	8,812	9,249	437	F	18,160	F
5,086	Materials	2,050	2,617	567	F	5,013	G
770	Finance Charges	349	349	-	-	802	
12,958	Depreciation	6,534	6,576	42	F	13,196	
6,726	Other	3,570	3,729	159	F	6,693	H
74,610		34,964	38,555	3,591	F	76,256	
3,743	Operating Surplus/(Deficit) before Capital Revenues	5,631	1,109	4,522	F	2,491	
	Capital Revenue						
657	Capital Grants & Subsidies	809	672	137	F	672	I
1,500	Contributed Assets	-	-	-	U	1,500	
-	Gain/(Loss) on Asset Disposal	60	-	60	F	-	
2,157		869	672	197	F	2,172	
5,900	Net Surplus/(Deficit) resulting from operations	6,500	1,781	4,719	F	4,663	
12,958	add Depreciation	6,534	6,576	42		13,196	
(246)	less Share of Profit SRWRA (excluding dividend)	-	-	-		(246)	
18,612	Funding available for Capital Investment	13,034	8,357	(4,677)	F	17,613	
	Capital						
13,914	less Capital Expenditure - Renewal	9,289	8,379	(910)	U	17,231	J
14,516	less Capital Expenditure - New	5,962	11,910	5,948	F	24,087	K
1,500	less Capital - contributed assets	-	-	-	U	1,500	
(11,318)	Net Overall lending/(borrowing)	(2,217)	(11,932)	9,715	F	(25,205)	

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	706	283	423	-	1,572
11,211	Loan Funding (Net)	(706)	(283)	(423)	-	8,544
Movement in level of cash, investments and accruals						
-	Cash Surplus/(Deficit) funding requirements	15,070	3,213	11,857		(1,263)
107	less Reserves (Net)	17,993	15,428	2,565		15,398
(107)	Cash/Investments/Accruals Funding	(2,923)	(12,215)	9,292		(16,661)
11,318	Funding Transactions	2,217	11,932	(9,715)	F	25,205 L

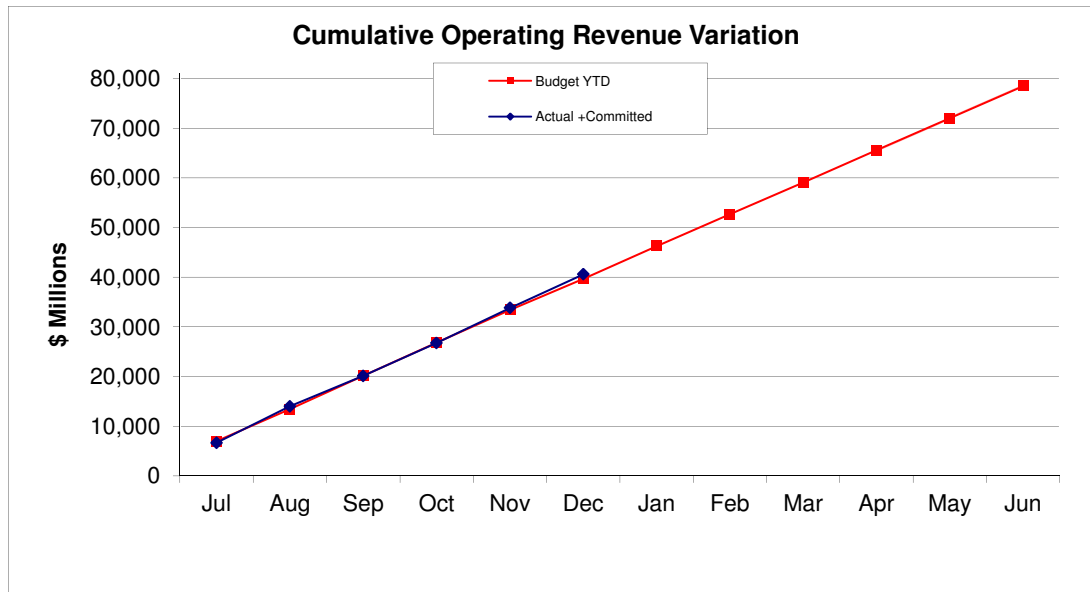
Variation Notes

A	Rates	Favourable \$132k	Reflects budget timing variances in relation to rate rebates expected for SA Housing Trust stock transfer that has not yet occurred.
B	Statutory Charges	Favourable \$173k	Predominantly reflects budget timing variances in relation to Dog Registration fees – majority of fees were received in August.
C	Operating Grants & Subsidies	Favourable \$209k	Reflects budget timing variance in relation to Library Book grant from State Government.
D	Other Revenue	Favourable \$491k	Relates to contributions received from Cove Sports, Mitchell Park Sports and Edwardstown Sporting Club to be used for Council approved capital works (\$301k), and unbudgeted SAHT Open Space contribution (\$211k).
E	Employee Costs	Favourable \$2,386k	Predominantly reflects budget timing variances arising from the way pay weeks fall, as well as the existence of some temporarily vacant positions.
F	Contractual Services	Favourable \$437k	Predominantly reflects a number of monthly budget timing variations, none of which are individually significant.
G	Materials	Favourable \$567k	Predominantly reflects budget timing variations in regards to water charges (\$173k) and electricity (\$164k).
H	Other Expenses	Favourable \$159k	Predominantly reflects a number of monthly budget timing variations, none of which are individually significant.
I	Capital Grants & Subsidies	Favourable \$137k	Relates to unbudgeted grants received for the Mike Turtur Bikeway and the Oaklands wetland.
J	Capital Expenditure (Renewal)	Unfavourable \$910k	Predominantly reflects budget timing variations in regards to Road Reseals.
K	Capital Expenditure (New)	Favourable \$5,948k	Predominantly reflects budget timing variations in regards to the Cove Civic Centre (\$2,141k), drainage construction (\$811k), and City Services Redevelopment (\$2,832k).
L	Funding Transactions	Favourable \$9,715k	The increase in cash/investments/accruals funding is attributable to the corresponding net overall lending/(borrowing) position.

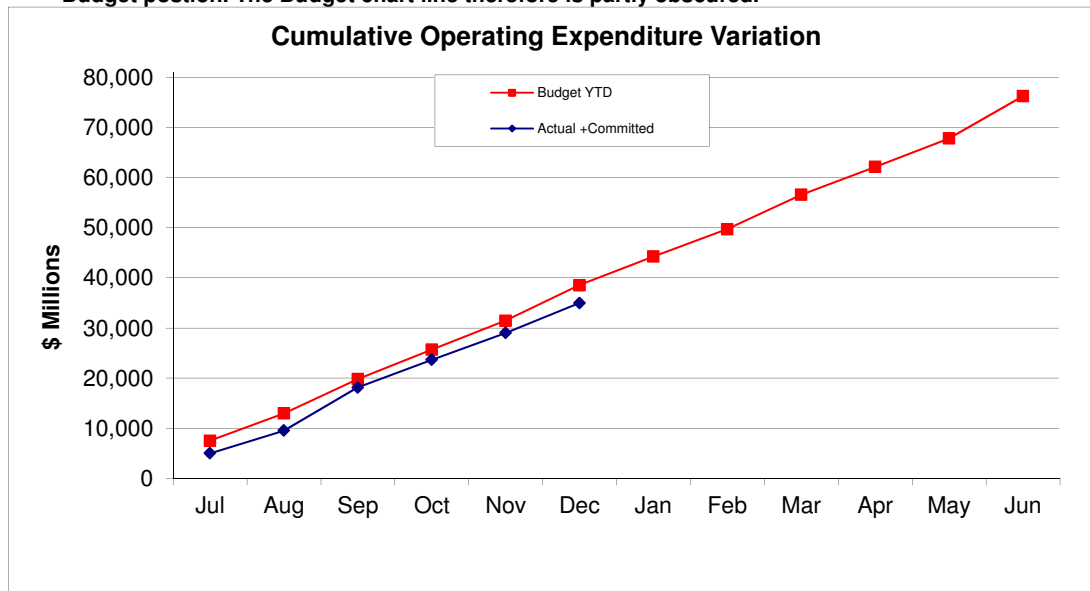
The above comments referring to budget timing variations are where some monthly budget estimates are not reflective of the actual expenditure patterns as at the reporting date.

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.

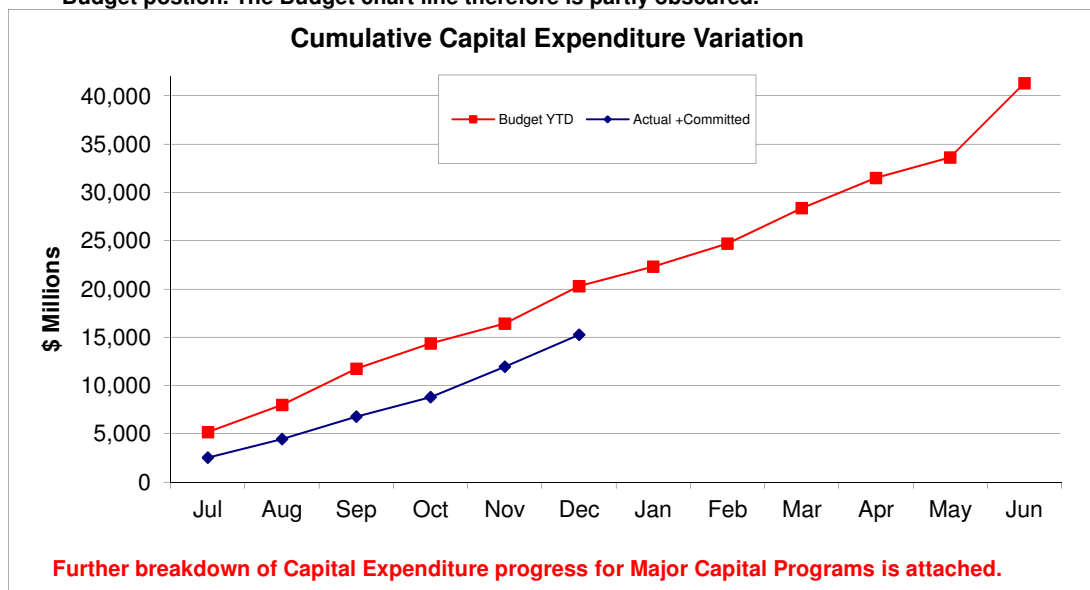
Funding Statement Cumulative Position - 2014/15

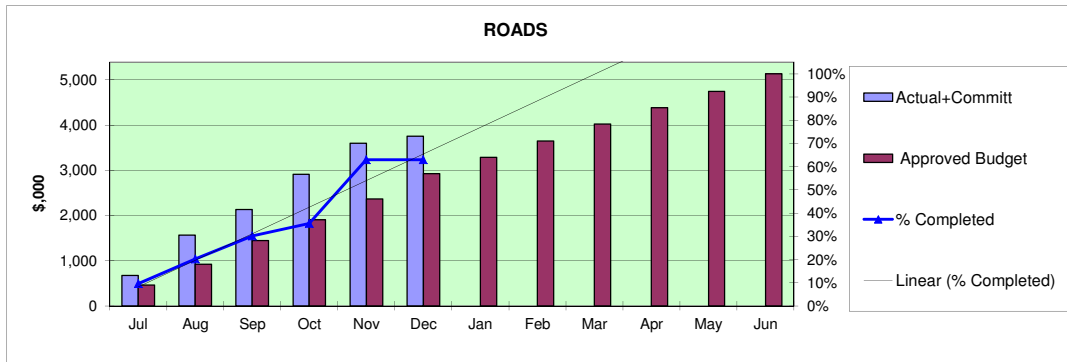


Note - The Year to Date Actual + Committed position result is accurately aligned to the Year to Date Budget position. The Budget chart line therefore is partly obscured.

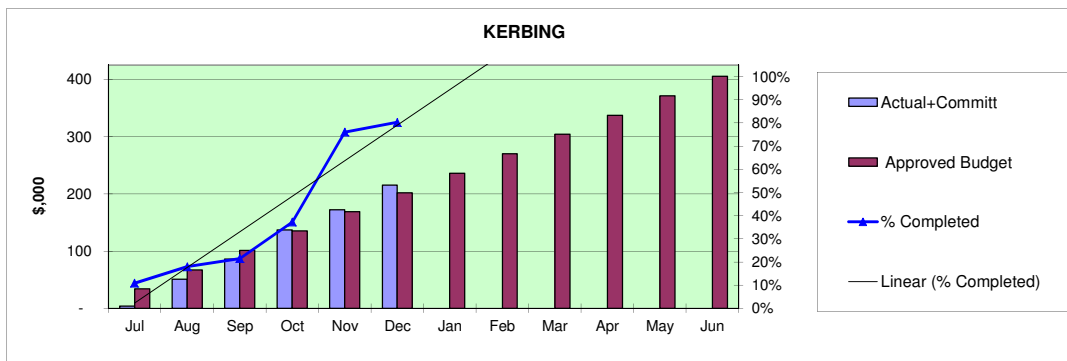


Note - The Year to Date Actual + Committed position result is accurately aligned to the Year to Date Budget position. The Budget chart line therefore is partly obscured.

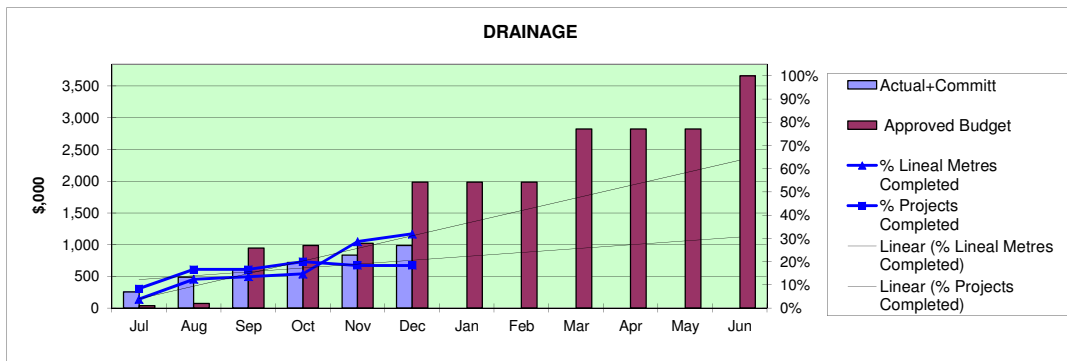




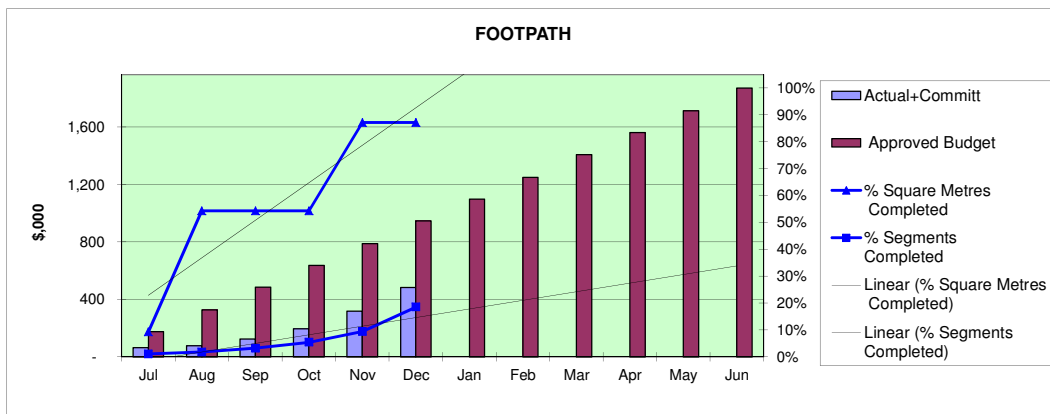
• Road seal program in progress, 63% completed.



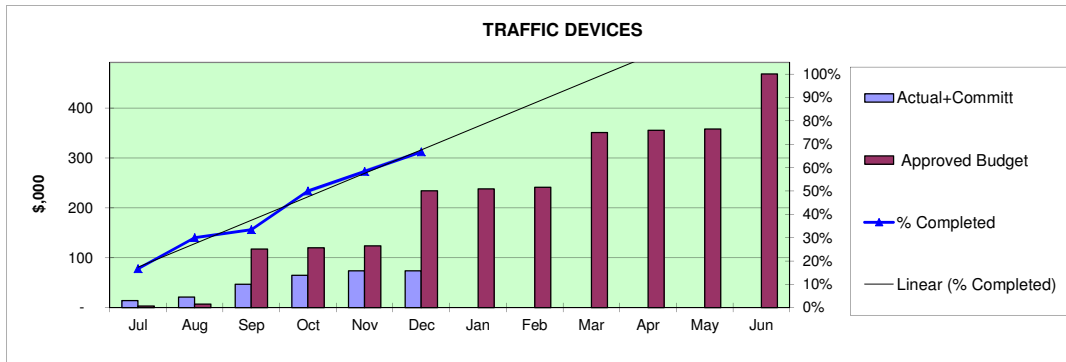
• Kerb program in progress, 80% completed.



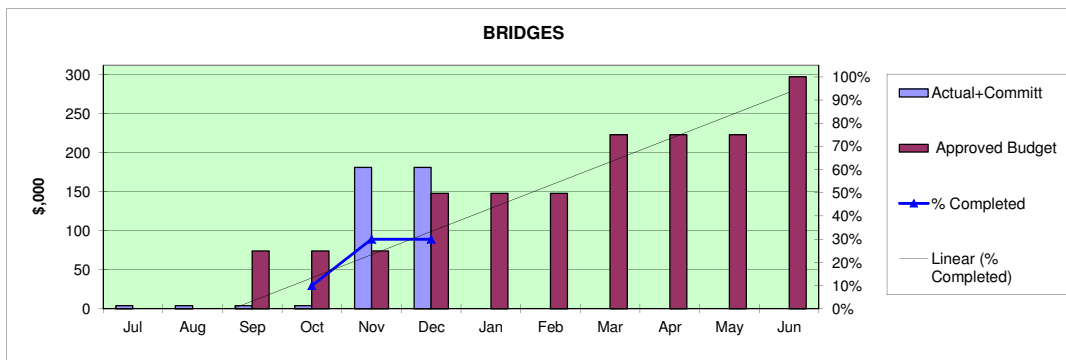
• Ramrod Ave drain, Coolah Ave box drain, Graham Road Side Entry Pit, in progress.
• Waterfall Creek retention structures, Ragamuffin Ave drain completed.



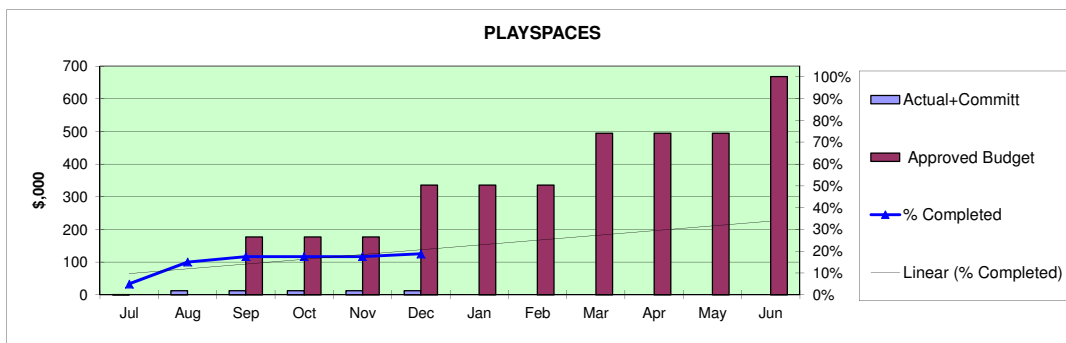
• Footpath construction in progress, 87% completed.
• Proactive works in progress, 19% completed.



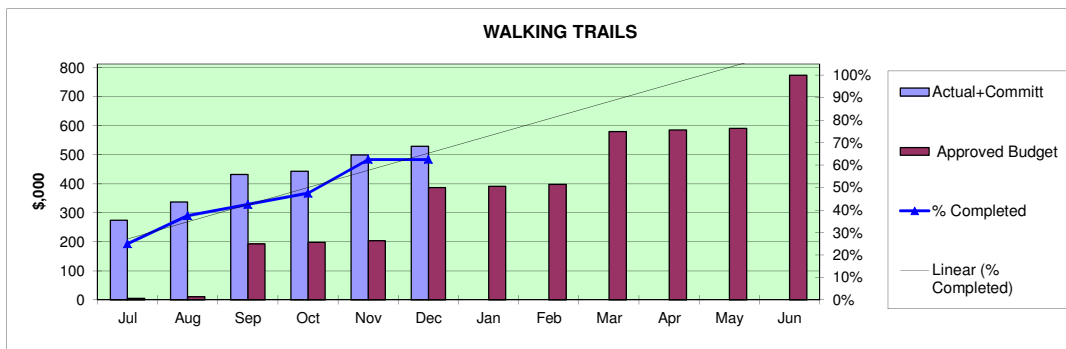
- Traffic Devices program 67% completed.
- Trott Grove parking bay, Towers Tce parking bay, Quailo Ave, Nottingham Tce parking bays completed.
- Hazel Street Park and Ride, and Railway Tce Greenway in progress.



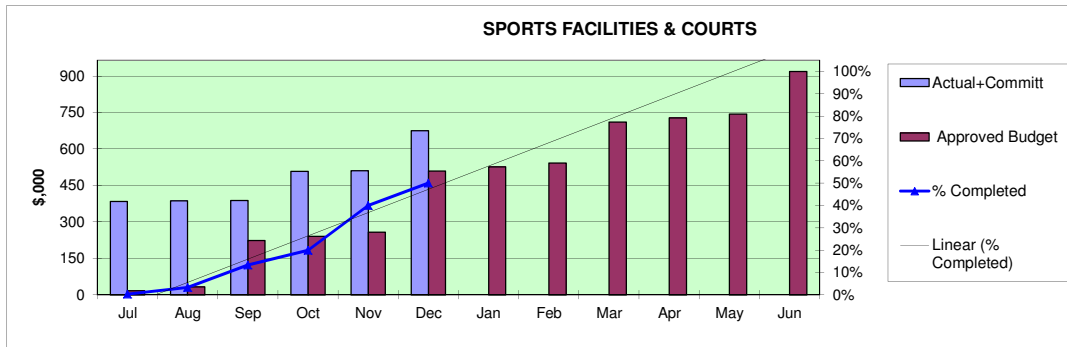
- Gannett Court bridge works commenced, due for completion February 2015.



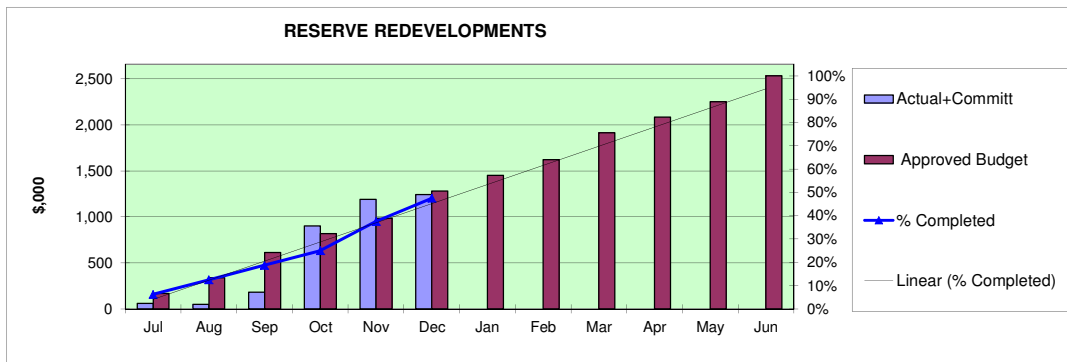
- Playspace program 19% completed.
- Plympton Oval upgrade and Edwardstown Oval upgrade consultation complete.
- York Street Reserve completed.



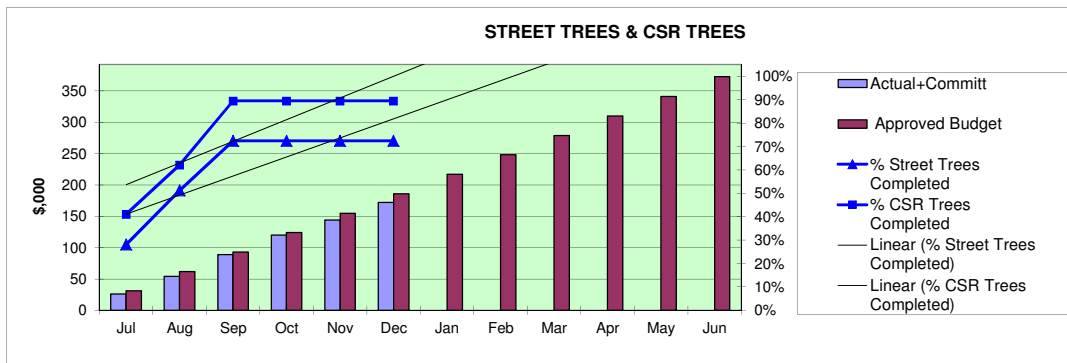
- Walking Trail program 63% completed.
- Sturt Linear Park Stage 1 completed.
- Sturt Linear Park Stage 2 and Linear Park (Barramundi) in progress.



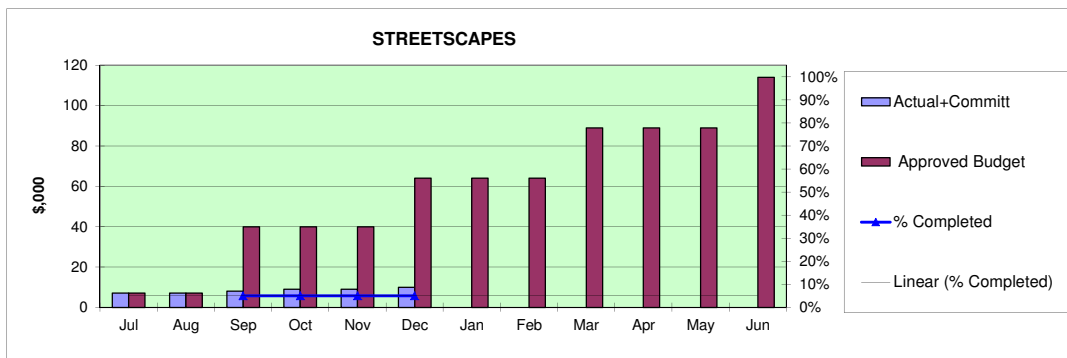
- Sports Facilities & Courts Program 50% completed.
- Mitchell Park Oval, lighting completed fitness equipment design in progress.
- Edwardstown Multipurpose Courts consultation completed, design and specification in progress.
- Cove Sports tender for change rooms and light towers completed. Construction of change rooms commenced.



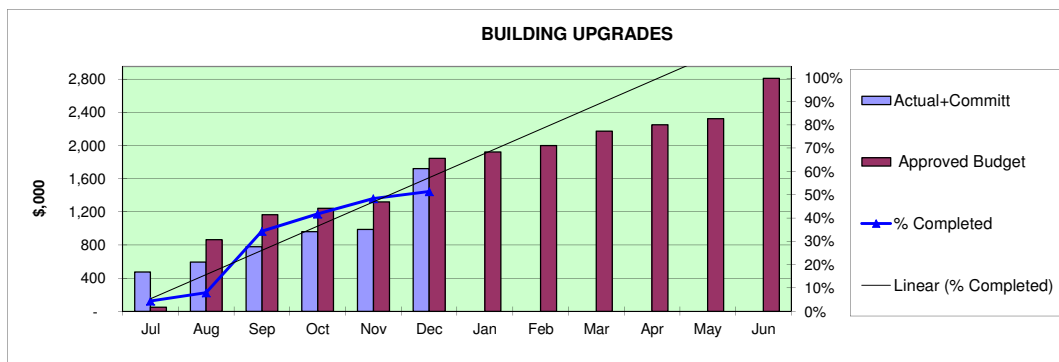
- Reserve Redevelopments program 48% completed.
- Oaklands Recreation Plaza tender awarded - construction commenced, 20% complete.
- Hallett Cove Beach Stage 1 tender awarded, 30% complete.
- Oaklands Reserve Inclusive Playspace concept and Jervois Street Reserve designs commenced.



- CSR Tree Planting Program 89% completed.
- Street Tree Planting Program 72% completed.
- Planting program will recommence in April / May 2015 depending on weather.



- Streetscape program civil construction / open space planning in progress.
- Works expected to commence early 2015.



• Building Upgrade program 51% completed.

Completed

- Marion Golf Park asbestos removal.
- Outdoor Pool pipework replacement, tiling and water slide.
- 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.

In Progress

- Marion Golf Park water tank.
- Glandore Community Buildings Fitzjames windows, Slade carpet and Malwa air-conditioning.
- Coovinda veranda, painting and doors.
- Outdoor Pool sign replacement.
- Tjilbruke Gateway renewal.
- MCC security system and cameras.
- Plympton Sports firewall.
- Hallett Cove Sports Club DDA upgrade.
- Glandore Oval lighting and scoreboard.
- Administration building signs.
- MCC furniture renewal.

**CITY OF MARION
GENERAL COUNCIL MEETING
27 January 2015**

Director: Mark Searle, Chief Executive Officer
Heather Montgomerie
Kathy Jarrett
Vincent Mifsud

Subject: Strategic Activities as at 27 January 2015

Report Reference: GC270115R14

REPORT OBJECTIVES:



The six themes of the City of Marion's Community Plan are all interconnected, contributing to wellbeing.

The themes represent the shared values and aspirations of our community, and guide how our city develops in line with the Community's Vision.

With this as our guide, Council's decisions and actions are all aligned to ensure they support these aspirations.

The purpose of this report is to provide an update on strategic activities undertaken by the CEO and Directors during the month that progress our leadership in contributing to the wellbeing of our City.

A copy of the Council resolutions progress report has also been updated and is available on the Elected Member Extranet and as a hard copy in the Elected Member's room.

RECOMMENDATIONS (1)

DUE DATES

That the Strategic Activities as at 27 January 2015 undertaken by the CEO and the Directors be noted.

**27 January
2015**

Chief Executive Officer – Mark Searle

27 November 2014	Adelaide & Mt Lofty Ranges Natural Resources Management Board – Board Meeting No 103	Attended as a Board Member
27 November 2014	Mayor's End of Year Business Celebration	Attended
28 November 2014	Local Government Professionals SA, CEO's Network Forum	Network Chair
28 November 2014	Keep Australia Beautiful Sustainable Cities Awards Dinner	Attended
30 November 2014	Gallery M 13 th Annual City of Marion Community Art Exhibition	Attended
02 December 2014	EPA initiated meeting with Council and Kuarna representatives to the EPA's liaison / facilitator proposal	Attended
03 December 2014	Edwardstown Region Business Association End of Year Christmas Function	Attended
03 December 2014	Glandore Christmas Carols	Attended
05 December 2014	Local Government Association Asset Mutual Fund Overview Committee Meeting	Attended
05 December 2014	Local Government Professionals SA, Board Meeting and Planning Day	Attended as a Board Member
10 December 2014	Council Solutions Board Meeting	Attended as a Board Member
11 December 2014	Citizenship Ceremony	MC
17 to 19 December 2014	Annual Leave	
23 December 2014 to 2 January 2015	Annual Leave	
08 January 2015	Meeting with Mr Terry Burgess, Chair of the Tonsley Redevelopment Project Steering Committee	Attended
12 January to 16 January 2015	Annual Leave	
21 January 2015	Metropolitan Local Government Group Meeting	Attended
23 January 2015	Australia Day Awards and Citizenship Ceremony	Attended

Director – Heather Montgomerie

12 to 16 December 2014	Annual Leave	
17 December 2014	Tonsley Strategy Meeting	Attended
12 to 16 January 2015	Annual Leave	

Director – Kathy Jarrett

28 November 2014	Creative Bureaucracies	Attended
28 November 2014	Keep Australia Beautiful Sustainable Cities Awards Dinner	Attended
20 January 2015	Centre of Social Innovation	Met with representative for strategy development discussion
23 January 2015	Australia Day Awards and Citizenship Ceremony	Attended

Director – Vincent Mifsud

8 December 2014	Statutory Authorities Review Committee of SA Parliament Inquiry into the EPA's management of contamination at Clovelly Park and Mitchell Park	Attended
10 December 2014	Southern Region Recycling Centre Joint Venture Meeting	Attended
10 December 2014	Meeting with Warriparinga Working Group	Attended
19 December 2014	Regular meeting with State Government representatives re contamination in Clovelly Park/Mitchell Park	Attended
22 December 2014	SRWRA Board Meeting	Attended
29 December 2014 – 12 January 2015	Annual leave	
20 January 2015	Centre of Social Innovation	Met with representative for strategy development discussion

**CITY OF MARION
GENERAL COUNCIL MEETING
27 January 2015**

Question Received from: Councillor Ian Crossland

Subject: Residential Rate Income

Ref No: GC270115Q01

File No: 9.24.1.5 & 9.33.3.30

QUESTION:

What is the total amount of residential rate income collected per council ward and what is the average household payment within those wards? As a comparison of costs, if the wards were within the City of Onkaparinga or Holdfast Bay what would each ward be contributing and what would the average household payment be?

COMMENTS:

David Harman, Acting Manager Finance

The residential rate income collected per council ward and the average household payment for those wards for 2014/15 are listed below.

Ward	Total Residential Rate Income	Average Rate per household
Mullawirra	9,282,108	1,443
Woodlands	9,321,741	1,292
Warracowie	9,689,577	1,367
Warriparinga	9,689,577	1,320
Coastal	8,211,294	1,521
Southern Hills	7,248,222	1,366
TOTAL	52,190,705	1,319

There are a number of factors that impact a council's average residential rate, including:-

- Property portfolio - each council has a different residential property portfolio and therefore different average residential capital values.
- Land use types - each council has a different mix of land use types (residential, commercial, industrial, primary production, vacant land and other) and differential rates that apply to those land uses, which results in different proportionate rating revenue amounts being derived from each land use.
- Property values - are affected by many factors, including location, amenities, transport, lifestyle, as well as the type and quality of other properties in the area.
- Services – the level and types of services provided vary from council to council.

As such it is not possible to determine what capital value a residential property in Marion may have, if that same property were physically located in another council as it would, for a number of reasons, have a different and unknown capital value to the one it has in Marion.

The best and most appropriate way to compare residential rates between one council and another is by comparing the average rates for those councils:

2014/15 Average Residential Rate	
Marion	\$1,319
Onkaparinga	\$1,361
Holdfast Bay	\$1,372

**CITY OF MARION
GENERAL COUNCIL MEETING
27 January 2015**

Question Received from: Councillor Ian Crossland

Subject: City of Marion Staffing Levels

Ref No: GC270115Q02

File No: 9.24.1.5 & 9.33.3.30

QUESTION:

What were the City of Marion staffing levels 5, 10 and 15 years ago. What was the total income to council in those years and what percentage of that income was used to pay staff?

COMMENTS:

Andrew Lindsay, Manager Organisational Development

The data in the following table has been sourced from City of Marion Annual reports for the years ending June 2000, 2004, 2009 and 2014 and represent the figure as at 30 June each year but does not include any vacant positions. Employee numbers are not available for year ending 1999.

It should be noted that while employee numbers have been included in the Annual Financial Statements since 2001, the method of calculation has changed over time to be more inclusive, with agency staff filling positions temporarily only being included from 2007. The influence of this changed reporting method can be seen in the full time equivalent variation between 2004 and 2009.

	What were the City of Marion staffing levels 5, 10 and 15 years ago? (FTE)	What was the total income to council in those years? (\$000's)	What percentage of that income was used to pay staff?
1999/2000	271	\$33,397	35.8%
2003/2004	274	\$40,087	37.4%
2008/2009	342	\$57,520	40.9%
2013/2014	351	\$74,894	42.1%

**CITY OF MARION
GENERAL COUNCIL MEETING
27 January 2015**

Question Received from: Councillor Ian Crossland

Subject: Additional Services and Grants Provided by City of Marion

Ref No: GC270115Q03

File No: 9.24.1.5 & 9.33.3.30

QUESTION:

Other than essential services such as road maintenance, management of parks and maintenance of assets etc please could I have a list of additional services and grants provided by the City of Marion Council together with the annual cost of each of those services?

COMMENTS:

David Harman, Acting Manager Finance

Non-Mandatory/Statutory Services

Council delivers a number of Mandatory/Statutory services required under both the Local Government Act 1999 and other forms of legislation. Attached in Appendix 1 is a list providing budgeted costs of services that are not Mandatory/Statutory and are therefore discretionary by nature.

Community Grants Program

In 2013/2014 Council provided funding of \$75,000 towards its Community Grants program. As noted by Council on 27 May 2014 (GC270514R02) since 2005 the City of Marion's Community Grants Program has contributed \$800,000, supporting 441 projects valued at \$2,264,879 from 254 organisations.

Service	Budgeted Operating Revenue 2014/15 \$'000	Budgeted Operating Expenditure 2014/15 \$'000	Budgeted Net Operating Revenue/ (Expenditure) 2014/15 \$'000
Arts & Cultural Development			
Citizenship Ceremonies	0	9	(9)
Culture & Tourism	10	726	(716)
Asset Management			
Property Management	6	1,659	(1,654)
Community Care			
Transport	28	132	(104)
Home & Community Care (HACC) Services	1,875	1,905	(30)
Community Care	0	483	(483)
Youth Services	6	581	(575)
Community Development			
Neighbourhood Development	0	607	(607)
Leisure & Sport	570	3,395	(2,825)
Marion Swimming Centre	538	976	(438)
Community & Corporate Development	0	203	(203)
Community Safety			
Crime Prevention	0	374	(374)
Economic Development			
Economic Development	16	528	(512)
Environmental Health			
Immunisation	27	78	(51)
Libraries (Park Holme, Marion Cultural Centre and Hallett Cove)			
Parkholme Library	73	1,211	(1,138)
Hallett Cove Library	73	1,298	(1,225)
Cultural Centre Library	137	1,401	(1,264)
Libraries Unit Overheads	0	1,150	(1,150)
Living Kurna Cultural Centre			
Warriparinga - Living Kurna Cultural Centre	59	446	(387)
Marion Cultural Centre			
Cultural Centre Management	214	1,272	(1,058)
Neighbourhood Centres (Cooinda, Mitchell Park, Trott Park and Glandore Neighbourhood Centres)			
Cooinda Elderly Recreation Centre	157	555	(398)
Trott Park Neighbourhood Centre	38	251	(213)
Mitchell Park Neighbourhood Centre	132	288	(156)
Glandore Community Centre	174	640	(465)

Service	Budgeted Operating Revenue	Budgeted Operating Expenditure	Budgeted Net Operating Revenue/ (Expenditure)
	2014/15	2014/15	2014/15
	\$'000	\$'000	\$'000
Open Space Services			
Street Furniture Maintenance	0	30	(30)
City Landscape Management	3	792	(790)
Reserve Development Projects	0	268	(268)
Streetscape Development	0	539	(539)
Weeds Maintenance	0	145	(145)
Streetscape Maintenance	0	728	(728)
Reserves Maintenance	26	2,783	(2,757)
Parks & Gardens - Vandalism	0	13	(13)
Playground Maintenance	0	675	(675)
Ovals Maintenance	1	174	(173)
Parks & Gardens Area Management	0	960	(960)
Public Conveniences	0	196	(196)
Public Infrastructure Management			
Wetland Construction	0	8	(8)
Vehicle Replacement	10	101	(91)
Plant Operating (Hired)	40	2,402	(2,362)
Electrical & Undergrounding	0	1,463	(1,463)
Strategic Projects			
Strategic Projects	0	663	(663)
Strategy Organisational Excellence			
Social & Cultural Planning	0	30	(30)
Organisational Excellence	0	392	(392)
Trees			
Nursery	3	388	(385)
Customer Service Centre			
Customer Services	0	958	(958)
Governance			
Council Receptions	0	26	(26)
Discretionary Elected Member Expenses	0	107	(107)
Governance	0	1,390	(1,390)
Sister Cities	0	1	(1)
Bulk Printing	0	120	(120)
TOTAL	4,215	35,520	(31,305)

**CITY OF MARION
GENERAL COUNCIL MEETING
27 January 2015**

Question Received from: Councillor Jerome Appleby
Subject: 'Green Power' for Street Lighting
Ref No: GC270115Q04
File No: 9.24.1.5 & 9.33.3.20

QUESTION:

How much extra expense does the City of Marion incur in purchasing "green" power for street lighting?

COMMENTS:

Mathew Allen, Manager Infrastructure

The additional cost for Green Power during 2013/2014 financial year was \$35,929.
(3% of the overall street lighting cost)

Purchasing Green Power ensures the purchase of electricity is from accredited renewable energy generators, which generate electricity from sources such as wind and solar energy.

**CITY OF MARION
GENERAL COUNCIL MEETING
27 January 2015**

Question Received from: Councillor Jerome Appleby

Subject: Staffing and Recruitment

Ref No: GC270115Q05

File No: 9.24.1.5 & 9.33.3.20

QUESTION:

- 1) How many vacancies did the City of Marion seek to fill in each of the past four years?
- 2) How many of these vacancies were filled from within the organisation?
- 3) What was the average spent on costs related to recruitment in each of the last four years?

COMMENTS:

Andrew Lindsay, Manager Organisational Development

The following data has been collated and analysed on a 12 month January to December basis. Vacancies include recruitment activity arising from staff leaving the organisation as well as backfill arrangements associated with temporary vacancies. The data excludes recruitment activity associated with maintaining the Library casual pool.

Recruitment cost has been calculated using actual costs associated with the use of external recruitment consultants as well as recruitment managed internally (excluding staff costs) and includes those costs associated with pre-employment medical, psychometric testing and advertising.

Year	Question 1 How many vacancies did the City of Marion seek to fill in each of the past four years?	Question 2 How many of these vacancies were filled from within the organisation?	Question 3 What was the average spent on costs related to recruitment in each of the last four years?
2014	52	18	\$2,596
2013	67	24	\$2,908
2012	89	44	\$2,790
2011	72	24	\$4,540

**CITY OF MARION
GENERAL COUNCIL MEETING
27 January 2015**

Question Received from: Councillor Jerome Appleby
Subject: Strategic Directions Committee Costs
Ref No: GC270115Q06
File No: 9.24.1.5 & 9.33.3.20

QUESTION:

What was the total cost of the Strategic Directions Committee for the previous term of council including staff costs?

COMMENTS:

Fiona Harvey, Manager Strategy

The Strategic Directions Committee (SDC) was established to meet the legislative requirement in the Development Act 1993 S101A whereby councils must establish a strategic planning and development committee. The SDC in its current form was adopted by Council in 2011 (GC111011R07) and is comprised of four Independent Members and all Elected Members.

Over the previous term of Council the SDC met 24 times between November 2011 and October 2014. This included three induction meetings and three induction site visits for the Committee early in its term, and two annual joint forums with the Audit Committee in 2013 and 2014. This equates to over 300 hours of Independent Members' time committed for attendance at SDC meetings and workshops. This does not include other time committed such as meeting preparation time, travel etc. The total cost of the SDC inclusive of Independent Member fees and catering for meetings for Elected Members, Independent Members and Staff, over this period was \$97,990.

Preparation for, and attendance at, SDC meetings is a component of staffs' existing roles and therefore covered by existing labour costs. The only additional cost associated with staff attendance at SDC meetings is if staff choose to have a meal prior to the meeting. Over the previous term of council this cost can be reasonably estimated to be \$1,875.

**CITY OF MARION
GENERAL COUNCIL MEETING
27 January 2015**

Notice Received from: Councillor Luke Hutchinson

Subject: Final Outcome regarding Code of Conduct Complaint

Ref No: GC270115M02

MOTION:

Council writes to the SA Ombudsman seeking a final outcome on elected member benefits for travel expenses that gave rise to the code of conduct complaint between Cr Allen and Cr Hull earlier this year.

COMMENTS: Councillor Hutchinson

The Ombudsman referred the matter to further legal advice on the validity of the elected member benefits, particularly its reference in the Local Government Act. This was many months ago and council has not been provided with a definitive answer. The matter has been clouding the City of Marion council since these events earlier this year. A resolution will not only close the door on the matter but also provide the new council clarity around the intention of the Act as well as informing our elected member benefits policy as we seek to review it.

COMMENTS: Kathy Jarrett, Director

Should Council resolve, a letter can be forwarded to the SA Ombudsman seeking an update, and final outcome on elected member benefits for travel expenses that gave rise to the code of conduct complaint between former Cr Allen and Cr Hull during 2014.

**CITY OF MARION
GENERAL COUNCIL MEETING
27 January 2015**

Notice Received from: Councillor Luke Hutchinson

Subject: Parking Restrictions Norfolk and Township Roads Marion

Ref No: GC270115M03

MOTION:

In the interests of community safety:

1. Council introduce additional yellow line restrictions along Norfolk and Township Roads Marion such that at any given point parking only be available on one side of the road.
2. Parking opposite the entry of the Norfolk Estate Village be also restricted by a yellow line.

COMMENTS: Councillor Hutchinson

The challenges of Norfolk and Townships include: high density community living abutting commercial business, as well as the location being thoroughfare between Marion and Diagonal Roads. Many residents in the immediate vicinity are seniors require protection from those who unfortunately abuse the street usage as a 'high speed' way to move across the suburb. The complexity of this, is the visibility from both the entrance of Norfolk Estate and Township Road given the on street parking as it stands. Residents have been increasingly concerned over the on street parking which inhibits safe traversing of these streets. In order to improve viability and manoeuvrability, and more importantly the safety of our residents a petition, deputation and this motion have been commended to you.

COMMENTS: (Kate McKenzie, Manager Governance)

As this motion relates to item "*Parking on Township Road and Norfolk Road Marion - GC270115P01*" it is recommended that it be considered at the same time as the petition to ensure one approach is adopted by Council.

**CITY OF MARION
GENERAL COUNCIL MEETING
27 JANUARY 2015**

CONFIDENTIAL REPORT

Originating Officer: Heather Michell, Land Asset Officer

Corporate Manager: Peter Patterson, Manager Open Space & Facilities

Director: Heather Montgomerie

Subject: Marion Leisure & Fitness Centre
Lease to CASA Leisure Pty Ltd

Reference No: GC270115F01

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



Mark Searle
Chief Executive Officer

RECOMMENDATION:

1. That pursuant to Section 90 (2) and (3)(d) of the Local Government Act 1999, the Council orders that all persons present, with the exception of the following persons: Mark Searle, Kathy Jarrett, Heather Montgomerie, Peter Patterson, Mark Gibson, Heather Michell, Kate McKenzie, Ray Barnwell and Craig Clarke be excluded from the meeting as the Council receives and considers information relating to the Marion Leisure Fitness Centre Lease to CASA Leisure Pty Ltd, upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to commercial information of a commercial nature (not being a trade secret) the disclosure of which (i) could reasonably be expected to prejudice the commercial position of a person who supplied the information, or to confer a commercial advantage on a third party; and (ii) would, on balance, be contrary to the public interest.

**CITY OF MARION
GENERAL COUNCIL MEETING
27 JANUARY 2015**

CONFIDENTIAL REPORT

Originating Officer: Kathy Jarrett, Director

Subject: Ombudsman Report

Ref No: GC270115F02

If the Council so determines, this matter may be considered in confidence under Sections 90(2) and (3)(g) of the Local Government Act 1999 on the grounds that the report contains information relating to matters that must be considered in confidence in order to ensure that the Council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, any other legal obligation or duty.



Mark Searle
Chief Executive Officer

1. Pursuant to Section 90(2) and (3)(g) of the Local Government Act 1999 the Council orders that all persons present, with the exception of the following Mark Searle, Chief Executive Officer; Heather Montgomerie, Director; Vincent Mifsud, Director; Kathy Jarrett, Director; Kate McKenzie, Manager Governance; Craig Clarke, Unit Manager Communications; and Victoria Moritz, Governance Officer be excluded from the meeting as the Council receives and considers a report in relation to a matter in association with an Ombudsman's Report on 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 the consideration of the matter confidential in order to ensure that the council does not breach any legal obligation or duty.