

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 28 July 2015**

**Commencing at 7.00 p.m.**

**In the Council Chamber**

**Council Administration Centre**

**245 Sturt Road, Sturt**

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

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

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

Geoff Whitbread  
**ACTING CHIEF EXECUTIVE OFFICER**

23 July 2015

**CITY OF MARION  
GENERAL COUNCIL AGENDA  
FOR MEETING TO BE HELD ON  
TUESDAY 28 JULY 2015  
COMMENCING AT 7.00PM**

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**1. OPEN MEETING**

**2. KAURNA ACKNOWLEDGEMENT**

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

**3. DISCLOSURE**

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

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

**5. CONFIRMATION OF MINUTES**

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**Dog By-law (adjourned from 12 May 2015)**  
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**8. YOUTH ADVISORY COMMITTEE (YAC) UPDATE**

Nil

**9. DEPUTATIONS**

Nil

**10. PETITIONS**



Nil

# **11. COMMITTEE RECOMMENDATIONS**

NIL

# **12. WORKSHOP / PRESENTATION ITEMS**

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# **14. CORPORATE REPORTS FOR INFORMATION/NOTING**

NIL

## **MATTERS RAISED BY MEMBERS**

# **15. Questions with Notice**

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**17. Questions without Notice**

**18. Motions without Notice**

**19. CONFIDENTIAL ITEMS**

Nil

**20. LATE ITEMS**

**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 14 JULY 2015**



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**PRESENT**

His Worship the Mayor Kris Hanna

**Councillors**

**Coastal Ward**

Ian Crossland

**Mullawirra Ward**

Jerome Appleby  
Jason Veliskou

**Southern Hills**

Janet Byram  
Nick Westwood

**Warracowie Ward**

Bruce Hull  
Nathan Prior

**Warriparinga Ward**

Raelene Telfer

**Woodlands Ward**

Nick Kerry  
Tim Pfeiffer

**In Attendance**

Ms Kathy Jarrett  
Ms Fiona Harvey  
Ms Abby Dickson  
Mr Craig Clarke  
Ms Victoria Moritz

Director  
Acting Director  
Acting Director  
Acting Manager Governance  
Governance Officer

**COMMENCEMENT**

The meeting commenced at 6.59pm.

**KAURNA ACKNOWLEDGEMENT**

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

**DISCLOSURE**

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

## MEMBERS DECLARATION OF INTEREST

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

- Councillors Appleby, Westwood and Kerry declared a conflict of interest in the items relating to the Telecommunication Facilities at Kellett Reserve (GC140715D02, GC140715D03, GC140715D04 and GC140715R03).
- Councillor Kerry declared a conflict of interest in the item *Code of Conduct* GC140715R08.
- Councillor Pfeiffer declared a conflict of interest in the item *Murray Darling Association Membership* GC140715R04.

## CONFIRMATION OF MINUTES

**Moved Councillor Telfer, Seconded Councillor Veliskou** that the minutes of the General Council meeting held on 23 June 2015 be taken as read and confirmed.

**Carried Unanimously**

## ADJOURNED ITEMS

**Adjourned Item: Warriparinga Site**

**Report Reference: GC090615M02 (replaces GC140715R01)**

**Moved Councillor Veliskou, Seconded Councillor** that this item be adjourned until after the Item: Telecommunications Facilities at Kellett Reserve (Report Reference: GC140715R03)

**The Motion Lapsed for want of a Secunder**

The motion as adjourned follows:

**Moved Councillor Hull, Seconded Councillor Gard** that Council:

Directs staff to advise DPTI that Council will not support or make any land available for any further encroachments into the Warriparinga Site.

The Chair sought and was granted leave of the meeting to vary the motion and to call for a new seconder in the absence of the original Secunder as follows:

**Moved Councillor Hull, Seconded Councillor Telfer** that:

1. Council directs staff to advise DPTI, the Minister for Transport, The Hon Stephen Mulligan MP and the Members for Elder and Mitchell that Council will not support or make any land available for any further encroachments into the Warriparinga site.

**Carried**

## DEPUTATIONS

### **Deputation – Marion Bowling Club** **Report Reference: GC140715D01**

Mr Jeff Allen, Vice President from the Marion Bowling Club gave a 5 minute deputation to Council in relation to the installation of a solar panel system on the roof of the Marion Bowling Club at the Marion Sports and Community Club Complex.

The Chair sought and was granted leave of the meeting to amend the order of business on the agenda to bring forward the item *Marion Bowling Club Inc. Landlord's approval for Solar Panel Installation, 262 Sturt Road, Marion, CT Volume 6063 Folio 665 Report Reference: GC140715R02*

### **Marion Bowling Club Inc. Landlord's approval for Solar Panel Installation, 262 Sturt Road, Marion, CT Volume 6063 Folio 665.** **Report Reference: GC140715R02**

**Moved Councillor Telfer, Seconded Councillor Crossland that:**

1. Council Grant landlord's consent to the installation of a Solar Panel System at Marion Bowling Club, 262 Sturt Road Marion, Certificate of Title Volume 6063 Folio 665.
2. Council authorises the Acting CEO to approve any works required to facilitate the installation of a Solar Panel System on the roof of Marion Bowling Club at the Marion Sports and Community Club.
3. The Marion Sports and Community Club Management Committee be advised of Council's decision.

**Carried Unanimously**

Councillors Kerry, Westwood and Appleby declared an interest in the following deputations and report relating to the Telecommunications Tower at Kellett Reserve as they are members of the City of Marion Development Assessment Panel, and left the meeting.

7.21pm Councillors Kerry, Westwood and Appleby left the meeting

### **Deputation – Telstra** **Report Reference: GC140715D02**

Mr Mark Baade, on behalf of Telstra, gave a 5 minute Deputation to Council in relation to the proposed Telecommunication Facilities at Kellett Reserve.

### **Deputation – Matthew Luker** **Report Reference: GC140715D03**

Mr Matthew Luker gave a 5 minute Deputation to Council in relation to the proposed Telecommunication Facilities at Kellett Reserve and 142 Morphett Road.

**Deputation – Shelly Roach**  
**Report Reference: GC140715D04**

Ms Shelly Roach gave a 5 minute Deputation to Council in relation to the proposed Telecommunication Facilities at Kellett Reserve.

**Telecommunication Facilities at Kellett Reserve**  
**Report Reference: GC140715R03**

**Moved Councillor Veliskou, Seconded Councillor Prior** that Council:

1. Write to Telstra informing that Council at this point in time is not in a position to make a decision regarding entering into a commercial lease on Kellett Reserve. Rather, Council would prefer to undertake further community consultation to identify a location which has the least impact on the residential community.
2. Subject to Telstra's agreement, endorse that further community engagement be undertaken to identify a site with the least residential amenity impact including further engagement with the Morphettville Park Sports Club.
3. Should further community consultation occur, require a report be brought back to Council detailing the outcomes of the further consultation undertaken and assessment of alternative sites.

7.53pm Councillor Crossland left the meeting

7.55pm Councillor Crossland re-entered the meeting

**Carried**

**Councillor Hull called for a Division**

**Those for:** Councillors Pfeiffer, Telfer, Prior, Byram, Veliskou and Crossland

**Those against:** Councillor Hull

**Carried**

**YOUTH ADVISORY COMMITTEE (YAC) UPDATE**

Nil

**PETITIONS**

Nil

**COMMITTEE RECOMMENDATIONS**

Nil

**WORKSHOP / PRESENTATION ITEM**

Nil

## CORPORATE REPORTS FOR DECISION

7.59pm Councillors Westwood, Kerry and Appleby re-entered the meeting

### **Murray Darling Association Membership** **Report Reference: GC140715R04**

Councillor Pfeiffer declared a conflict of interest in the item *Murray Darling Association Membership* as he is employed by SA Water and left the meeting.

7.59pm Councillor Pfeiffer left the meeting

**Moved Councillor Hull, Seconded Councillor Crossland** that formal meeting procedures be suspended to discuss the Murray Darling Association Membership.

**Carried Unanimously**

8.00pm formal meeting procedures suspended

8.01pm formal meeting procedures resumed

8.02pm Councillor Byram left the meeting

**Moved Councillor Hull, Seconded Councillor Veliskou** that:

1. The City of Marion continues membership of the Murray Darling Association for the current term of Council and
  - a. allocates \$5,500 (ex GST) per annum plus the Annualised All Groups CPI for membership fees for 2015/16, 2016/17, 2017/18 and 2018/19 financial years, to be funded from the existing approved budget;

Councillor Hull with the consent from Councillor Veliskou sought, and was granted leave of the meeting to vary the motion as follows:

1. The City of Marion continues membership of the Murray Darling Association for the current term of Council with Mr Glynn Ricketts as the nominee of the Council and:
  - a. allocates \$5,500 (ex GST) per annum plus the Annualised All Groups CPI for membership fees for 2015/16, 2016/17, 2017/18 and 2018/19 financial years, to be funded from the existing approved budget;

8.08pm Councillor Byram re-entered the meeting

**Lost**

8.11pm Councillor Pfeiffer re-entered the meeting

**Privately Funded Development Plan Amendments Policy**  
**Report Reference: GC140715R05**

**Moved Councillor Veliskou, Seconded Councillor Telfer** that Council:

1. Endorses the 'Privately Funded Development Plan Amendments Policy'

**Carried**

**Jervois Street Reserve – Final Concept Design**  
**Report Reference: GC140715R06**

**Moved Councillor Pfeiffer, Seconded Councillor Hull** that Council:

1. Provide endorsement of the final concept design for the Jervois Street Reserve development.
2. Provide endorsement to proceed to detailed design, development approval, procurement and construction.
3. Note the additional \$35,934 annual operating and maintenance costs to be incorporated into the Long Term Financial Plan from 2016/17.

**Carried Unanimously**

**Oaklands Park/Marion 40 km/h Precinct Speed Limit**  
**Reference No: GC140715R07**

**Moved Councillor Telfer, Seconded Councillor Crossland** that:

1. The Report be noted.
2. Council does not proceed with a submission to the Department of Planning, Transport and Infrastructure to obtain approval for implementation of a 40 km/h precinct speed limit.
3. The petition organisers be advised accordingly.
4. The community be advised of the outcome of the survey.

**Carried**



**Code of Conduct Complaint**  
**Report Reference: GC140715R08**

Councillor Kerry provided a personal explanation in relation to report 'Code of Conduct Complaint'

*'On that Council day I received news that my divorce had been finalised. I had mixed emotions about the final breakup of my family after more than twelve years of marriage. As you can understand this is an extremely personal matter. I consumed a minimal amount of alcohol that was mixed with prescriptions before the Council meeting. This was an error of judgement and I think I should not drink alcohol while on these medications. I have already apologised for drinking alcohol prior to the Council Meeting and sincerely apologise to the community and Elected Members for my actions.'*

Councillor Kerry declared a conflict of interest in the matter as the item related to him and left the meeting

8.34pm Councillor Kerry left the meeting

**Moved Councillor Veliskou, Seconded Councillor Hull that:**

1. Council determines the conduct of Councillor Nick Kerry in presenting himself at the Council meeting in an intoxicated state to be a breach of Part 2 of the Code of Conduct for Council Members in that his general behaviour was not consistent with the following provisions:
  - 2.1 show commitment and discharge duties conscientiously
  - 2.2 Act in a way that generates community trust and confidence in the Council
2. The Council censure Councillor Nick Kerry for presenting himself to the 23 June 2015 Council in an intoxicated state.

**Carried Unanimously**

8.40pm Councillor Kerry re-entered the meeting

**CORPORATE REPORTS FOR INFORMATION NOTING**

Nil

**MATTERS RAISED BY MEMBERS**

**QUESTIONS WITH NOTICE**

**Emergency Services Levy Increases**  
**Report Reference: GC140715Q01**

**QUESTION: (Councillor Telfer)**

The voluntary groups as tenants in Marion Council community halls and other facilities have had the State Emergency Services Levy increases to pay from their fundraising. Please give us a list of all tenants and hirers that pay a portion of the Marion Council Emergency Services Levy, what they paid in 2014, what they paid in 2015 and the amount of increase as a percentage of the 2014 figures.

**COMMENTS: (Mark Gibson, Team Leader Land & Property)**

The following table provides a response to the above question:

<b>Lessee</b>	<b>2013/14 - \$</b>	<b>2014/15 - \$</b>	<b>% Increase</b>
Abbeyfield Society	57.40	124.95	118%
Active Elders Association	57.40	129.75	126%
Belair Turf Management	246.20	592.20	141%
Clovelly Park Memorial Community Centre Committee of Management	98.60	240.70	144%
Community Centres SA Inc.	0.00	77.81	
Cosgrove Hall Committee of Management	287.25	1,138.60	296%
Cove Sports and Community Club	531.00	2,257.05	325%
DECS	595.75	1,656.95	178%
Dover Square Tennis Club	206.00	765.80	272%
Edwardstown Soldiers Memorial Recreation Ground Committee	1,302.50	5,617.60	331%
Glandore Recreation Centre Board of Management	225.05	82.95	-63%
Independent Church of Australia	69.10	68.82	0%
Lions Club of Hallett Cove and District Inc.	0.00	5.73	
Marino Hall Committee of Management	44.65	89.15	100%
Marion Park Golf Club Inc.	78.85	184.20	134%
Marion RSL	527.75	2,242.10	325%
Marion Sports Club	1,980.50	9,024.20	356%
Morphettville Netball Club	178.70	640.50	258%
Morphettville Park Sports Club	514.75	2,182.45	324%
Parkholme Community Hall Committee of Management	96.15	261.75	172%
Plympton Sports and Recreation Club	553.75	2,421.05	337%
Positive Life South Australia (SA) Inc.	0.00	77.81	
RAOB GLE Grand Lodge of South Australia Inc.	0.00	51.11	
Rotary Club of Edwardstown	118.90	83.20	-30%
South Park Holme Tennis Club	232.00	885.10	282%
Southbank Tennis Club	168.00	696.05	314%
Stanley Street Tennis Club Inc.	287.25	596.30	108%
The Boatshed Café	407.25	583.94	43%
Warradale Park Tennis Club Inc.	362.00	740.80	105%
YMCA SA Inc.	100.75	246.65	145%
<b>Total</b>	<b>9,327.50</b>	<b>33,765.27</b>	<b>262%</b>

**Notes:**

For the Lessee's that are highlighted, applications were submitted to Revenue SA in December 2014, for an exemption from Emergency Services Levy pursuant to Section 4 (1) and (2) of the Recreation Grounds Rates and Taxes Exemption Act 1981. Revenue SA is still in process of considering Council's applications.

**Some Lessees were not charged in 2013-14 or have experienced a decrease in the Levy for the following reasons**

- The levy was an immaterial amount with no invoice being issued.
- The lessee was not in occupation of the building in 2013-14.
- The premises were only leased for a proportion of the year.
- Minor changes in lease arrangements

## **MOTIONS WITH NOTICE**

### **Seacliff Park DPA Membership Report Reference: GC140715M01**

**Moved Councillor Crossland, Seconded Councillor Veliskou that:**

The resolution passed by Council at the 12 May 2015 meeting in relation to Seacliff Park Residential and Centre Development Plan Amendment (DPA) - Community Consultation (reference GC120515R01) be amended by removing Councillor Tim Gard as one of the members of the joint Committee with the City of Holdfast Bay. Such amendment will result in the following resolution being passed:

That Council:

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

**Carried Unanimously**

### **Emergency Services Levy Increase on Community Facilities Report Reference: GC140715M02**

**Moved Councillor Telfer, Seconded Councillor Veliskou that Council:**

1. Writes to Revenue SA seeking a response to our December 2014 application for an exemption from the Emergency Services Levy under the Recreation Grounds Rates and Taxes Exemption Act for the groups listed below. Further, that Council writes to the Treasurer, Local Government Minister and relevant state MPs indicating the Emergency Services Levy cost is burdening the following groups who are working hard to deliver programs for our community: Belair Turf Management, Cosgrove Hall Committee, Cove Sports and Community Club, Dove Square Tennis Club, Edwardstown Soldiers' Memorial Recreation Ground Committee, Marion Sports Club, Morphetville Netball Club, Morphetville Park Sports Club, Plympton Sports and Recreation Club, South Park Holme Tennis Club, Stanley St Tennis Club, Warradale Park Tennis Club.

**Carried Unanimously**

**Illegally Dumped Rubbish**  
**Report Reference: GC140715M03**

**Moved Councillor Veliskou, Seconded Councillor Crossland that:**

1. Council changes its approach to waste management from a purely educational focus to include a focus on deterring and catching those illegally dumping rubbish within the city of Marion.
2. A workshop be held before the end of the year with elected members and waste management staff (in area of illegal dumping and hard rubbish collection) to discuss approaches and options to prevent dumped rubbish along with measures to deter and detect offenders.
3. A report is provided as a result of this workshop, for consideration by council before the end of the 2015 calendar year.

**Carried Unanimously**

**CONFIDENTIAL ITEMS**

**Hallett Cove Library building**  
**Report Reference: GC140715F01**

**Moved Councillor Prior, Seconded Councillor Veliskou** that pursuant to Section 90(2) and (3)(b), (d) and (g) of the *Local Government Act 1999*, the Council orders that all persons present, with the exception of the following persons: Abby Dickson, Fiona Harvey, Kathy Jarrett, Victoria Moritz, John Valentine and Craig Clarke be excluded from the meeting as the Council receives and considers information relating to the potential disposal of the existing Hallett Cove Library (and Youth Services) building, upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to a matter that could confer a commercial advantage to a third party, is of a commercial nature and Council has an obligation, to maintain the confidentiality of its agreement with Etiria (the Makris Group).

**Carried Unanimously**

8.59pm the meeting went into confidence

**Moved Councillor Crossland, Seconded Councillor Byram** In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that this report and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(b), (d) and (g) of the Act shall, except when required to effect or comply with Council's resolution(s) regarding this matter, be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2015

**Carried Unanimously**

8.59 pm the meeting came out of confidence

**City Services Surplus land**  
**Report Reference: GC140715F02**

**Moved Councillor Pfeiffer, Seconded Councillor Veliskou** that pursuant to Section 90(2) and (3)(b) and (d) of the *Local Government Act 1999*, the Council orders that all persons present, with the exception of the following persons: Fiona Harvey, Abby Dickson, Kathy Jarrett, Victoria Moritz, John Valentine and Craig Clarke be excluded from the meeting as the Council receives and considers information relating to surplus land at City Services, upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to a matter that could confer a commercial advantage to a third party and prejudice the commercial position of Council.

**Carried**

9.02pm the meeting went into confidence

**Moved Councillor Crossland, Seconded Councillor Westwood** that this item be left lying on the table to allow for the gathering of additional information including details of potential lease options

**Carried**

9.16pm the meeting came out of confidence

**QUESTIONS WITHOUT NOTICE**

**Moved Councillor Veliskou, Seconded Councillor Prior** that the questions asked by Councillors Hull and Prior and the answers to these are printed in the minutes.

**Carried Unanimously**

**Question: Councillor Hull**

When will punitive action be taken in relation to the telecommunications tower located at the corner of South and Cross Roads?

**Comments:**

Multiple communications have been forwarded to the owner and proponent seeking implementation of the agreed tower obstacle markings. This remains unresolved despite commitments to implement. Advice is now being sought on the next steps Council can take to effect the re-marking. This advice is expected to be provided in the week commencing 20 July. Following which the next steps will be considered. Elected Members will be kept informed as to progress.

**Question: Councillor Prior**

Could details of electricity consumption at buildings owned by Council be provided including the current rate paid per kilowatt hour?

Note that the answer to this question will be included on the agenda and minutes for the 28 July 2015 council meeting.

**MOTIONS WITHOUT NOTICE**

Nil

**LATE ITEMS**

Nil

**CLOSURE** - Meeting Declared Closed at 9.28pm.

**CONFIRMED THIS 28 JULY 2015**

.....  
**CHAIRPERSON**

**CITY OF MARION  
GENERAL COUNCIL MEETING  
28 JULY 2015**

**Originating Officer:** Anna White, Team Leader Community Safety Inspectorate  
**Corporate Manager:** Margi Whitfield, Manager Community Participation  
**Director:** Abby Dickson  
**Subject:** Adjourned Item, Dogs By-Law Amendment  
**Report Reference:** GC280715R01

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This item was adjourned at the 12 May 2015 General Council meeting.

**Appendix 1** contains the original motion as presented on the 12 May 2015

**Appendix 2** contains additional information as requested, a proposed variation to the original motion and a proposed amendment by staff.

In accordance with the *Local Government (Procedures at Meetings) Regulations*, the debate on an adjourned item will resume and continue at the point it was adjourned.

The current motion is as follows:

**Moved Councillor Hutchinson, Seconded Councillor Gard** that Council:

1. Acknowledges its commitment to:
  - a. public safety and an environment in which community members can traverse streets and use public places free of canine nuisance;
  - b. alleviating the escalating public concern of canines being a danger to others; and
  - c. responsible animal ownership and its inherent link to living harmoniously in the City of Marion.
2. Requests that administration identify a list of "Dog Exercise Areas" as described through the "Dogs By-Law", with a list to be approved by council at 28 July 2015 General Council Meeting and subsequently published to the community.
3. Amends section 5 "Dogs on Leash Areas" of the City of Marion "Dogs By-Law" to simply state:

*"A person must not allow a dog that is under their control or ownership to be present in any public place unless the dog is secured by a strong leash not exceeding 2 metres in length which is either tethered securely to a fixed object capable of securing the dog or held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons."*
4. Asks administration to take a zero tolerance approach to animal management enforcement, particularly where dogs are found in a public place without a leash. (Wandering at large).
5. Doubles the financial penalty for person's breaching the "Dog on Leash Areas" and where an owner fails to register a dog.

6. Undertakes an educative campaign, to be included in the next edition of City Limits.
7. Continues its program to educate and encourage owners to microchip canines via discounted registration fees.

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



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

**Notice Received from:** Councillor Hutchinson  
**Subject:** Dogs By-Law Amendment  
**Ref No:** GC120515M05

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**MOTION:**

That Council:

1. Acknowledges its commitment to:
  - a. public safety and an environment in which community members can traverse streets and use public places free of canine nuisance;
  - b. alleviating the escalating public concern of canines being a danger to others; and
  - c. responsible animal ownership and its inherent link to living harmoniously in the City of Marion.
2. Requests that administration identify a list of "Dog Exercise Areas" as described through the "Dogs By-Law", with a list to be approved by council at 26 May 2015 General Council Meeting and subsequently published to the community.
3. Amends section 5 "Dogs on Leash Areas" of the City of Marion "Dogs By-Law" to simply state:  
*"A person must not allow a dog that is under their control or ownership to be present in any public place unless the dog is secured by a strong leash not exceeding 2 metres in length which is either tethered securely to a fixed object capable of securing the dog or held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons."*
4. Asks administration to take a zero tolerance approach to animal management enforcement, particularly where dogs are found in a public place without a leash. (Wandering at large).
5. Doubles the financial penalty for person's breaching the "Dog on Leash Areas" and where an owner fails to register a dog.
6. Undertakes an educative campaign, to be included in the next edition of City Limits.
7. Continues its program to educate and encourage owners to microchip canines via discounted registration fees.

**COMMENTS: Councillor Hutchinson**

Overtime I have become aware of several situations in which members of our community have been on the receiving end of an encounter with a dog in a public place that has been either a close call or an uncomfortable one.

I believe with a few small changes to our policy we can provide a level of encouragement for dog owners to be both conscious of others in public places and respect their right to mutual enjoyment of the amenity council provides.

“Dog Exercise Areas” have been defined in council’s “Dogs By-Law” however have not been clearly identified. “Dogs on Leash Areas” currently don’t provide enough breadth and include too many exceptions.

This motion seeks to provide a clear and simple framework; where dogs are to be on a leash except for the nominated “Dog Exercise Areas”.

**COMMENTS: Anna White, Team Leader Community Safety Inspectorate**

1. *Acknowledges its commitment to:*
  - a. *public safety and an environment in which community members can traverse streets and use public places free of canine nuisance;*
  - b. *alleviating the escalating public concern of canines being a danger to others; and*
  - c. *responsible animal ownership and its inherent link to living harmoniously in the City of Marion.*

The City of Marion Animal Management Plan 2012 – 2017 endorsed by Council at the General Council meeting on the 14<sup>th</sup> of June 2011 (GC140611R08) supports this approach.

2. *Requests that administration identify a list of “Dog Exercise Areas” as described through the “Dogs By-Law”, with a list to be approved by council at 26 May 2015 General Council Meeting and subsequently published to the community.*

Currently the City of Marion does not have any areas set aside for the sole purpose of exercising dogs. Under the current By-law No. 4 Dogs, every reserve in the City of Marion is a ‘dog exercise area’ apart from those areas under the By-law which have been specifically declared ‘dog on leash areas’. Dog on leash areas under By-law No. 4 include:

- public roads, footpaths and public places, except parks unless specified by council By-laws
- on any park or reserve when organised sport is being played
- within 5 metres of children’s’ playground equipment
- in any wetland

‘Dog on leash areas’ require the dog to be secured by a strong leash not exceeding 2 meters in length which is either tethered securely to a fixed object capable of securing the dog, or held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons.

As a result at its General Council Meeting (GC140611R08) Council endorsed ‘that two additional dog parks be created within the City of Marion within the next five years’. Currently a concept plan is being developed for a dog park at Reserve Street Reserve, Trott Park. This will be the first formal dog park in the City of Marion and is being made possible by funding from the State Government for \$100,000. This will be a ‘dog exercise area’.

3. Amends section 5 “Dogs on Leash Areas” of the City of Marion “Dogs By-Law” to simply state:

*“A person must not allow a dog that is under their control or ownership to be present in any public place unless the dog is secured by a strong leash not exceeding 2 metres in length which is either tethered securely to a fixed object capable of securing the dog or held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons.”*

It should be noted that consultation conducted as part of the Animal Management Plan and then the Dog and Cat By-law review indicated strong community support for maintaining the current system where dogs can be exercised in any reserve on a leash or under effective control.

When the complete review of all By-laws was subsequently conducted in 2014, the community was consulted on “that dogs be kept on a lead in any reserve where there is playground equipment” (GC100614R04). Through this consultation process significant community concerns were raised with the requirement in proposed By-law No.4 Dogs, “that dogs be kept on a lead in any reserve where there is playground equipment”. The response indicated that this would severely impact the shared use of these areas, as reserves are mainly unfenced within the City of Marion, and therefore few would be suitable for exercising a dog off leash.

To alleviate these safety concerns, raised in the complete By-law review, whilst providing areas where dogs can be exercised off leash, the By-law which came into effect on the 1<sup>st</sup> of January 2015, was amended to extend the dog on leash area from three meters to five meters around childrens’ playground equipment. This also met the requirement under the Dog and Cat Management Act to provide areas where dogs can be exercised off leash.

Should Council endorse an amendment to the By-law, the following review process incorporating the legislated requirements must occur:

- The By-law must be referred to the Dog and Cat Management Board for comment in accordance with the Dog and Cat Management Act 1995 and Council must consider any recommendations made by the Board in relation to the Dog By-law.
- Community Consultation must be undertaken for no less than 21 days.
- After public consultation the proposed By-law will be reviewed and all feedback considered.
- A certificate of Validity is then required from Council’s legal advisor to certify that the By-law can be made by virtue of the powers available to the Council under the Act and that the By-law is not in conflict with the Act.
- Certified copies of the By-laws are to be forwarded to the Legislative Review Committee of State Parliament, together with a report concerning any National Competition Policy implications of the By-laws. These reports are prepared by Council’s legal advisor.
- The By-law may then be made during a meeting of the Council where two thirds of the members of Council are present, and where an absolute majority supports the associated resolution.
- Penalties applied under the By-law should also be reviewed at this point.
- Copies of the By-law must then be published without delay in the Government Gazette and the By-law will commence four months from the date of Gazettal. A notice of the creation of the By-laws must also be published in a newspaper circulating within Council’s area.
- Council must arrange for the By-law to be delivered to the Legislative Review Committee within six parliamentary sitting days after the By-law has been adopted.

It is anticipated that the review of the Dog By-law will cost approximately \$3,000. There is no provision for this in the current budget. Should Council wish to support this aspect of the motion, the relevant costs involved will need to be referred to the 2015/16 Annual Business Plan and Budget process for further consideration and prioritisation.”

4. *Asks administration to take a zero tolerance approach to animal management enforcement, particularly where dogs are found in a public place without a leash. (Wandering at large).*

A zero tolerance approach can be taken, however, in certain circumstances this type of approach would not be appropriate. For example, when there is a storm or if a person's property has been broken into and the dog escapes. The use of discretion in extenuating circumstances is important. Taking appropriate action based on the circumstances is an effective way of getting positive outcomes for the community.

5. *Doubles the financial penalty for person's breaching the "Dog on Leash Areas" and where an owner fails to register a dog.*

The current penalty for breaching the By-law is \$187.50. The penalties charged for By-law offences are contained within the City of Marion's Fees and Charges register. The Council could choose to double the penalty for breaching the 'Dog on Leash Areas' and this could be amended for the new financial year, subject to approval by Council's adoption of the fees and charges schedule, as part of the 2015/16 Annual Business Plan & Budget process.

The fine for an unregistered dog is \$80.00. This is a statutory fine set by the South Australian State Government and is not a penalty that Council has authority to amend.

6. *Undertakes an educative campaign, to be included in the next edition of City Limits.*

The use of the City Limits magazine would be a useful tool to provide dog ownership education to the general public and this can be done should Council wish to do so.

The City of Marion currently provides education to dog owners through various mediums, which includes advertisements in the newspaper, educational banners, information on the internet, hardcopy education material, use of the Dog and Cat Management Boards interactive display and mail outs to all registered dog owners.

7. *Continues its program to educate and encourage owners to microchip canines via discounted registration fees.*

The City of Marion will continue to educate and encourage responsible dog ownership as outlined in the Animal Management Plan. Discounted registration fees are legislated for dogs that are desexed, microchipped and trained under the Dog and Cat Management Act.

## Appendix 2: Adjourned Item – Additional Information

Councillor Hutchinson has indicated he would like to alter the motion to read:

1. *That council commences the process to amend the Dog By-Law in order to nominate a list of reserves and public spaces that are considered appropriate for "Dog Exercise Areas" (Dog Off Leash Areas).*
2. *Administration prepare a report on:*
  - a. *suitable "Dog Exercise Areas", where dogs maybe exercised off leash; the report include recommendations on whether time restrictions are appropriate; And*
  - b. *potential dog free spaces, where if at all, it might be appropriate to prohibit dogs.*

*The report be presented to council for consideration in 3 months time.*

The following comments were provided by Councillor Hutchinson as background to the alteration:

"The purpose of this motion is to amend the blanket ruling on dogs being able to be exercised off leash in any council reserve at any time. This motion commences the process to identify and consider where (and possibly when) it is appropriate for off leash activities. **In no way does this motion seek to limit dogs in Marion to on leash only**; rather it will provide the community with choice in whether they wish to use a public space knowing that dogs may or may not be off leash during their visit."

### Staff Comments: Anna White, Team Leader Community Safety Inspectorate

Council have a number of options with regard to changing the management of dogs on Local Government Land. If Council chose to introduce dog free areas and or time restriction for dogs, these may require a change to the By-Law. If Council wishes to change Dog on Leash and Dog Exercise Areas, this could be achieved through Council resolution.

It is recommended that before making a decision on how to proceed that a report be presented detailing the different options that could be achieved either through a change to the By-Law and or by resolution.

If Council opt for a change to the By-Law, it is anticipated that the review of the Dog By-law will cost in the order of \$8,000. There is no provision for this in this year's financial budget.

Community consultation is considered to be an important part of the process and should an amendment to the By-Law be selected this will be a legal requirement. If Council wishes to make changes through a Council resolution it is recommended that consultation also occur. Although not legally required, it is important that feedback from the community is considered during the decision making process.

It is recommended that the existing motion be amended slightly to require a report be brought back to Council outlining the options available before any decision is made to commence an amendment to the By-Law.

The following recommended amended motion has been developed in consultation with Councillor Hutchinson.

*That Council:*

*1. Require Administration prepare a report on:* 27 Oct 2015

- a. suitable "Dog Exercise Areas", where dogs maybe exercised off leash; the report include recommendations on whether time restrictions are appropriate; And*
- b. potential dog free spaces, where if at all, it might be appropriate to prohibit dogs.*

*The report be presented to council for consideration in 3 months time.*

*2. Subject to the outcomes of the report provided in October commence the process to amend the Dog By-Law in order to nominate a list of reserves and public spaces that are considered appropriate for "Dog Exercise Areas" (Dog Off Leash Areas)* 27 Oct 2015

# Elected Member Communication Reports

**Date of Council Meeting:**

**28 July 2015**

**Name of Elected Member:**

**Mayor Kris Hanna**

<b>Date</b>	<b>Event</b>	<b>Comment</b>
2 July 15	City of Marion Youth Forum	Attend and Opened the Event
3 July 15	Australian Refugee Association Exhibition Opening	Attended
4 July 15	Ramadan Dinner (Muslim Women's Association)	Attended
8 July 15	Metropolitan Local Government Group (MLGG) Meeting	Attended
9 July 15	Channel 9 Renovation Rescue Reveal	Attended and Welcomed the Family
10 July 15	Gallery M Exhibition Opening	Attended
10 July 15	Sturt Pistol Club Committee Dinner	Attended after meal
15 July 15	Siemens Tonsley Service Centre Opening	Attended
15 July 15	Marion Historical Society Meeting	Attended
15 July 15	Rajah Street Project Parks & Leisure Award Celebration	Attended and gave speech
15 July 15	Marino Residents Association Public Community Meeting "Meet your Mayors"	Attended, gave a speech and participated in question time
20 July 15	Mayors Multicultural Forum	Attended
21 July 15	Meeting with Joanne Cys Edmonds to discuss EU Centre Funding for "Welcome to Australia" studies	Attended
21 July 15	Meeting with Mondona Rafizadeh re One World LED	Attended
22 July 15	Christmas in July with Active Elders (Lunch)	Attended
22 July 15	Elected Members Tour of Cove Civic Centre	Attended
22 July 15	Glandore Laneways On-site Meeting	Attended
23 July 15	Unsung Heroes Award Presentation Night	Attended
In addition the Mayor has met with residents and also with the CEO and Council staff regarding various issues.		

## Elected Member Communication Reports

**Date of Council Meeting:**

**28 July 2015**

**Name of Elected Member:**

**Deputy Mayor Luke Hutchinson**

<b>Date</b>	<b>Event</b>	<b>Comment</b>
26 June 15	Community Grants Cheque Presentation Ceremony	Attended



# CEO and Executive Report

**Date of Council Meeting:**

**28 July 2015**

<b>Date</b>	<b>Activity</b>	<b>Attended by</b>	<b>Comments</b>
25 June	Meeting with Mark Booth; Chair Southern Region Waste Resource Authority	Geoff Whitbread	
6 July	Community Consultation Marion Outdoor Swim Centre Master Plan	Abby Dickson	
08 July	Meeting with Mark Pears; CEO City of Mitcham	Geoff Whitbread	
15 July	Meeting with Luigi Rossi; DPTI General Manager Project Delivery and Asset Management and George Giannakodakis; Principal InfraPlan	Geoff Whitbread	
17 July	Meeting with David Banks; Director of Building and Properties Flinders University and Matt Pears; CEO City of Mitcham	Geoff Whitbread	

**CITY OF MARION  
GENERAL COUNCIL MEETING  
28 JULY 2015**

**Corporate Manager:** Ray Barnwell, Manager Finance  
**Director:** Vincent Mifsud  
**Subject:** South Australian Grants Commission  
**Report Reference:** GC280715R02

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**REPORT OBJECTIVES:**

To coordinate a presentation from the South Australian Local Government Grants Commission (the Commission) lasting approximately half an hour. Ms Mary Patetsos will explain the legislative requirements of the Commission; outline its methodology for the distribution of the Financial Assistance Grants (FAGs), how the current year's grant allocations were calculated particularly for the City of Marion and what corporate plans are priorities for the future.

**EXECUTIVE SUMMARY:**

The South Australian Grants Commission undertakes triennial visits to all metropolitan Councils. The last visit to the City of Marion was in 2013 at a General Council meeting (GC260213R02). Since the last visit, Council has received the following funding;

<b>Local Government Grant Commission funds</b>		
Value	Financial year	% total revenue
\$2.57m	2011/12	3.68
\$2.61m	2012/13	3.55
\$2.71m	2013/14	3.62
\$2.72m	2014/15	3.41(est)

**SPEAKER/S:**

Mary Patetsos – Chair  
 Peter Ilee – Executive Officer  
 Jane Gascoigne - Commissioner

**RECOMMENDATION:**

**DUE DATES**

**That Council:**

1. **Note this report.**

**28 July 2015**

**CONCLUSION:**

The visit by the SA Local Government Grants Commission is a triennial program aimed at providing Council with the opportunity to receive a presentation and to raise issues or provide information that may be of interest to the Commission.

**CITY OF MARION  
GENERAL COUNCIL MEETING  
28 JULY 2015**

**Originating Officer:** Steve Hooper, Manager Development Services

**Director:** Kathy Jarrett

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

**Report Reference:** GC280715R03

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**REPORT OBJECTIVES & EXECUTIVE SUMMARY:**

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

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

The application proposes the removal of 27 Regulated or Regulated/Significant Trees and the Pruning of 5 Regulated/Significant Trees which will be impacted by the infrastructure works proposed along South Road and surrounding areas.

**RECOMMENDATIONS:**

**DUE DATE**

**That Council**

- 1. Endorses the submission as contained in Appendix II.**

**29 July 15**

**BACKGROUND:**

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

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

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

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

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

As a Crown development, the Development Assessment Commission (DAC) is the relevant authority. However, pursuant to Section 49(7a) of the Development Act 1993, the Commission is required to refer the application to Council and invite Council to provide feedback within 8 weeks of the receipt of this correspondence. Council therefore has an opportunity to provide its comments by 21 August 2015.

## **PROPOSAL:**

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

Within the City of Marion, a total of 27 regulated or significant trees are identified to be removed and 5 significant trees are proposed to undergo major pruning. A large proportion of affected trees within the City of Marion are located along Sturt Road (adjacent Bedford Park/Clovelly Park), however some are located in the vicinity of South Road (Bedford Park), South Road (Clovelly Park) Laffer Drive (Bedford Park) Oak Avenue (Clovelly Park) and Mimosa Terrace (Clovelly Park).

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

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

The applicant has advised that the trees included in this application have been identified as requiring removal or a major prune (including root impacts) as these trees are either located within the new road formation, will be impacted by relocation of services, will be subject to other impacts such as temporary pavement to relocate and maintain traffic movements during construction. DPTI also advises that the assessment of the impacts of the trees identified for removal and pruning is based on the current (alternative) concept design and anticipated construction requirements and that the intention is to minimise these impacts where possible through optimisation of design options and use of alternative construction methods. The inference being, although not stated, there may be opportunity to retain some of the affected trees.

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

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

## **DISCUSSION:**

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

Council in its formal response to the Minister of Transport and Infrastructure regarding the Darlington Upgrade Scheme in May 2015 (GC 120515R03) made specific reference to the removal of trees and advised that the retention of remnant native vegetation is strongly supported, and in particular, for the several sites in the project area containing large remnant *Eucalyptus camaldulensis*. These trees are of very high ecological and cultural significance and should be protected. This includes retaining trees where possible and ensuring any changes to environmental conditions during construction or operation of the project will not negatively impact on the health of the trees.

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

A large proportion of affected trees are within the carriageways of the widened South Road and the intersection approaches on the connecting roads will have to be removed. However, a number of trees on the periphery, leading into the approaches to the project, in medians, verges and footpaths could be retained depending on the final design road alignments and geometry, service location and construction arrangements. It is recommended that there be a requirement on any Development Approval that the removal of the trees, in particular those in these marginal locations should not proceed until final design and construction details are confirmed.

The removal of the proposed trees and in particular those on the Clovelly Park side of Sturt and South Roads, will have a significant visual and amenity impact on the adjacent community. These trees currently provide shade and a buffer between residences and adjacent arterial roads. Their removal will disaffect this community to a degree that offset replacement planting is unlikely to remedy even in the long term. It is recommended that there be a requirement on any Development Approval that the landscape plan proposed by DPTI include provision for extensive, empathetically designed, environmentally and aesthetically effective barriers which could include for example landscaped earth mounds and green walls.

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

## **COMMUNITY CONSULTATION:**

The development application is a Crown Development which is exempt from public consultation as it incorporates a cost of less than \$3million.

However, community engagement has been part of the State Government's approach to the overall Darlington Upgrade Project, incorporating the following:

- Community information days were held in early April 2015 to allow the public to find out more about the project, meet members of the project team and raise any issues and questions;

- A Community Liaison Group (CLG) has been established for the Darlington Upgrade Project to provide a forum for local residents and businesses to discuss and exchange information about the project. This group has met on five (5) occasions since September 2014, however, the agendas and minutes imply a traffic focus with very little mention of the removal of regulated and significant trees/
- Community Feedback via DPTI website (with a link provided on CoM website); and,
- Liaison with key stakeholders including Kaurana and Friends of Warriparinga.

It is acknowledged that a community engagement framework has been developed by DPTI, however, it is not known whether this consultation has closely examined the full extent of tree removal and pruning contemplated as part of the subject application. The DPTI correspondence indicates that consultation with adjacent land owners will be undertaken as part of the development process. There has been little discussion with Council officers regarding the impact of the project on trees in stakeholder meetings until now.

### **SUBMISSION:**

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

- Recognition of the strategic importance of the Darlington Upgrade for the State;
- Advising that all of the trees proposed to be removed or pruned have been examined by Council's Planning Officer - Arboriculture and are deemed to be healthy with life expectancies longer than 10 years;
- Request that DPTI in finalising the design detail and construction arrangements of the project seek to retain as many of the trees proposed to be removed or pruned as practicable and to delay the removal of the trees until these details are finalised and final tree removal numbers are confirmed.
- Acknowledgement that the applicant intends to develop a Landscape and Urban Design Plan (which includes on-ground plantings) to offset the removal of these trees, based on a ratio of 2:1 for regulated trees and 3:1 for significant trees and request this to be more community and environmentally sensitive replacement strategy which provides an effective visual and noise buffer between residents and the adjacent road traffic and also includes enhancement of medians.
- The proposal fails to comply with the City of Marion Development Plan with respect to "General Section: Natural Resources PDC 28, 29 & 30", Regulated Trees Objectives 1 & 2 and PDC's 1, 2 & 3, and Significant Trees Objectives 1 & 2, and PDC's 1, 2, & 3. These Development Plan provisions promote the retention of existing areas of natural vegetation including regulated and significant trees where possible.

### **CONCLUSION:**

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

The proposal provides for the removal of 27 regulated or significant trees and the pruning of 5 significant trees which will be impacted by the infrastructure works proposed along South Road and surrounding areas.

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

**Appendix I: Details of proposal plans**

**Appendix II: Submission to Development Assessment Commission**

# SECTION 49 & 49A – CROWN DEVELOPMENT DEVELOPMENT APPLICATION FORM

1125

APPIAN 498

PLEASE USE BLOCK LETTERS

COUNCIL: Marion and Mitcham

FOR OFFICE USE

080/V015/15 (&amp; into

APPLICANT: Department of Planning, Transport and  
Infrastructure (Darlington Upgrade Project)DEVELOPMENT No: City of Marion)ADDRESS: 77 Grenfell St, Adelaide, SA  
(GPO Box 1533 Adelaide SA 5001)

PREVIOUS DEVELOPMENT No: \_\_\_\_\_

CROWN AGENCY: DPTI

DATE RECEIVED:     /     /

## CONTACT PERSON FOR FURTHER INFORMATION

Name: Emma Fell☐ Complying

Decision: \_\_\_\_\_

Telephone: 8343 2648 [work] \_\_\_\_\_ [Ah]

☐ Merit

Type \_\_\_\_\_

Fax \_\_\_\_\_ [work] \_\_\_\_\_ [Ah]

☐ Public Notification

Finalised:     /     /

Email: emma.fell@sa.gov.au☐ Referrals

## NOTE TO APPLICANTS:

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

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

Decision  
required

Fees

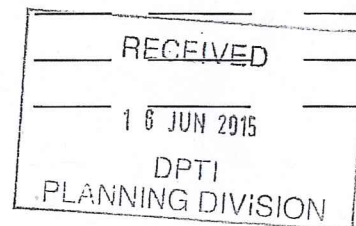
Receipt No

Date

Planning: \_\_\_\_\_

Land Division: \_\_\_\_\_

Additional: \_\_\_\_\_

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

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

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

House No: \_\_\_\_\_ Lot No: \_\_\_\_\_ Street: \_\_\_\_\_ Town Suburb: \_\_\_\_\_

Section No [full/part] \_\_\_\_\_ Hundred: \_\_\_\_\_ Volume: \_\_\_\_\_ Folio: \_\_\_\_\_

Section No [full/part] \_\_\_\_\_ Hundred: \_\_\_\_\_ Volume: \_\_\_\_\_ Folio: \_\_\_\_\_

## LAND DIVISION:

Site Area [m<sup>2</sup>] \_\_\_\_\_ Reserve Area [m<sup>2</sup>] \_\_\_\_\_ No of existing allotments \_\_\_\_\_

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

YES \_\_\_\_\_ NO \_\_\_\_\_

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

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

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

SIGNATURE: emmaDated: 5/5/15




Reference  
Contact Officer Yasmine Alliu  
Telephone 7109 7076  
Facsimile 8303 0753

23/06/2015

Dear Sir/Madam,

## MANDATORY REFERRAL

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

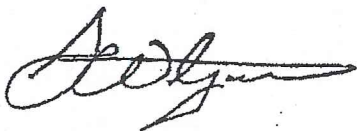
The Development Assessment Commission is seeking specific technical and environmental advice to inform a statutory assessment process and to facilitate good planning outcomes. The Commission values the professional and independent advice of state agencies on the suitability of a development proposal,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

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

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

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

Yours faithfully,



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

For DEVELOPMENT ASSESSMENT COMMISSION

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





Government of South Australia

Department of Planning,  
Transport and Infrastructure

In reply please quote: 2014/21283

Enquiries to: Ms Emma Fell

Telephone: 8343 2648

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

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

ABN 92 366 288 135

CITY OF MARION  
DEVELOPMENT SERVICES

20 JUN 2015

RECEIVED

RECEIVED

16 JUN 2015

DPTI  
PLANNING DIVISION

Dear Mr Neldner,

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

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

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

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

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

**Regulated trees**

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

**Regulated Significant trees**

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



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

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

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

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

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

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

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

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

Yours sincerely,

  
Jon Whelan  
**MANAGER,  
PROJECT DELIVERY**

18 May 2015

Enc.



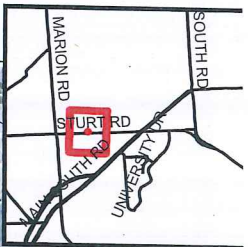
DEPARTMENT OF PLANNING, TRANSPORT & INFRASTRUCTURE										TRANSPORT SERVICES DIVISION										Road Number : 6203										Project/Road/Rail South Road Upgrade, Darlington									
VS 2014/022 EXTRACT										Marion Regulated Trees										Location : Darlington										Road Number : 6203									
DATA SHEET - VE 105										Surveyed By: RMP										Date : 26/04 to 28/11/14										Checked By: TS									
FIN No : 20140024102										LOCAL GOVERNMENT COUNCIL(S) (LGC)										1 - City of Marion										2 - City of Mitcham									
PATCHES No : 201400992										IS THE SURVEY AREA COVERED BY EITHER OR BOTH OF THE FOLLOWING ACTS										DEVELOPMENT ACT 1987										NATIVE VEGETATION ACT 1997									
LGC (ALLOCATED NUMBER)										PHOTO REFERENCE										SPECIES OR GROUP/AREA DESCRIPTION										REMARKS/NOTES									
70										Main South Rd Median - just North of Sturt River Bridge										REGULATED SIGNIFICANT TREE - 2 stems etc 3.3 / 12m, planted in median over grass										REMOVED									
70										Eucalyptus camaldulensis var camaldulensis										N										N									
74a										Between Main South Rd and Southern Expressway, East of Sturt River										REGULATED SIGNIFICANT TREE - Two stems etc 1.5m / 1.5m. In creek line on creekbank over Phragmites, Topobium and Ipomoea.										REMOVED									
74a										Eucalyptus camaldulensis var camaldulensis										N										N									
131a										Main South Rd Median - SW of Flinders Drv										REGULATED TREE - planted in median over grass. Probably more hollows not visible from ground.										REMOVED									
131b										Eucalyptus camaldulensis var camaldulensis										N										N									
131b										Eucalyptus camaldulensis var camaldulensis										N										N									
178a										Laffer Drv - in front of Mark Oliphant Building										REGULATED SIGNIFICANT TREE - planted in landscaped area around car park										REMOVED									
178a										Eucalyptus camaldulensis var camaldulensis										N										N									
209										Car park between Main South Rd and Laffer Drv										REGULATED TREE - planted in landscaped area over grass										REMOVED									
210a										Eucalyptus camaldulensis var camaldulensis										N										N									
212										Eucalyptus camaldulensis var camaldulensis										N										N									
214										Eucalyptus camaldulensis var camaldulensis										N										N									
226c										Eucalyptus camaldulensis var camaldulensis										N										N									
230										Eucalyptus camaldulensis var camaldulensis										N										N									
240										Sturt Rd - South side, West of Laffer Drv										REGULATED TREE - over mown grasses										REMOVED									
241										Eucalyptus camaldulensis var camaldulensis										N										N									
397										Sturt Rd - North side, west of Main South Rd										REGULATED SIGNIFICANT TREE - Possibly more hollows.										REMOVED									
398										Eucalyptus camaldulensis var camaldulensis										N										N									
399a										Eucalyptus camaldulensis var camaldulensis										N										N									
399b										Eucalyptus camaldulensis var camaldulensis										N										N									
399c										Eucalyptus camaldulensis var camaldulensis										N										N									
401										Eucalyptus camaldulensis var camaldulensis										N										N									
437c										Gum Tee / Sturt Rd median										REGULATED TREE - light group on island										REMOVED									
437e										Eucalyptus camaldulensis var camaldulensis										N										N									
437f										Eucalyptus camaldulensis var camaldulensis										N										N									
438										Eucalyptus camaldulensis var camaldulensis										N										N									
442c										Main South Rd - West side, North of Sturt Rd										REGULATED TREE										REMOVED									
559a										Sturt Rd Median - West of Laffer Drv										REGULATED TREE - planted over mown grasses on island, 2 stems 2.3m / 0.8m										REMOVED									
559b										Eucalyptus camaldulensis var camaldulensis										N										N									
559c										Eucalyptus camaldulensis var camaldulensis										N										N									
559d										Eucalyptus camaldulensis var camaldulensis										N										N									
559e										Eucalyptus camaldulensis var camaldulensis										N										N									
559f										Eucalyptus camaldulensis var camaldulensis										N										N									
559g										Eucalyptus camaldulensis var camaldulensis										N										N									
559h										Eucalyptus camaldulensis var camaldulensis										N										N									
559i										Eucalyptus camaldulensis var camaldulensis										N										N									
559j										Eucalyptus camaldulensis var camaldulensis										N										N									
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559m										Eucalyptus camaldulensis var camaldulensis										N										N									
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559o										Eucalyptus camaldulensis var camaldulensis										N										N									
559p										Eucalyptus camaldulensis var camaldulensis										N										N									
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559r										Eucalyptus camaldulensis var camaldulensis										N										N									
559s										Eucalyptus camaldulensis var camaldulensis										N										N									
559t										Eucalyptus camaldulensis var camaldulensis										N										N									
559u										Eucalyptus camaldulensis var camaldulensis										N										N									
559v										Eucalyptus camaldulensis var camaldulensis										N										N									
559w										Eucalyptus camaldulensis var camaldulensis										N										N									
559x										Eucalyptus camaldulensis var camaldulensis										N										N									
559y										Eucalyptus camaldulensis var camaldulensis										N										N									
559z										Eucalyptus camaldulensis var camaldulensis										N										N									
559aa										Eucalyptus camaldulensis var camaldulensis										N										N									
559ab										Eucalyptus camaldulensis var camaldulensis										N										N									
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559ae										Eucalyptus camaldulensis var camaldulensis										N										N									
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559ah										Eucalyptus camaldulensis var camaldulensis										N										N									
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559ed										Eucalyptus camaldulensis var camaldulensis										N										N									
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559eo										Eucalyptus camaldulensis var camaldulensis										N										N									
559ep										Eucalyptus camaldulensis var camaldulensis										N										N									





DEPARTMENT OF PLANNING, TRANSPORT & INFRASTRUCTURE									
TRANSPORT SERVICES DIVISION									
Revision 6 - May 2014									
VS 2014/022 EXTRACT									
Marion Regulated Trees									
DATA SHEET - VE TIS									
File No: 2014/0224/02									
PATCHES No: 201400982									
Project/Road/Rail: South Road Upgrade, Darlington									
Road Number: 10203									
Location: Darlington									
Surveyed By: RMP									
Date: 26/3/14 to 28/11/14									
Checked By: TS									
LOCAL GOVERNMENT COUNCIL(S) (LGC)									
1 - City of Marion									
2 - City of Mitcham									
3 - City of Onkaparinga									
4 -									
5 -									
6 -									
IS THE SURVEY AREA COVERED BY EITHER OR BOTH OF THE FOLLOWING ACTS									
DEVELOPMENT ACT 1993? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO									
NATIVE VEGETATION ACT 1997? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO									
SPECIES OR GROUP/AREA DESCRIPTION									
REMARKS/NOTES									
Marion Council Area Major Prunes									
LGC (ALLOCATED NUMBER)									
Plan Reference or Location									
PHOTO REFERENCE									
1 -									
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**Legend**

**DAC Type**

- Significant (Red dot)
- Regulated (Orange dot)

**WaterCourses**

- (Blue line)

**LGA**

- (Yellow box)

**Land Parcel Boundaries**

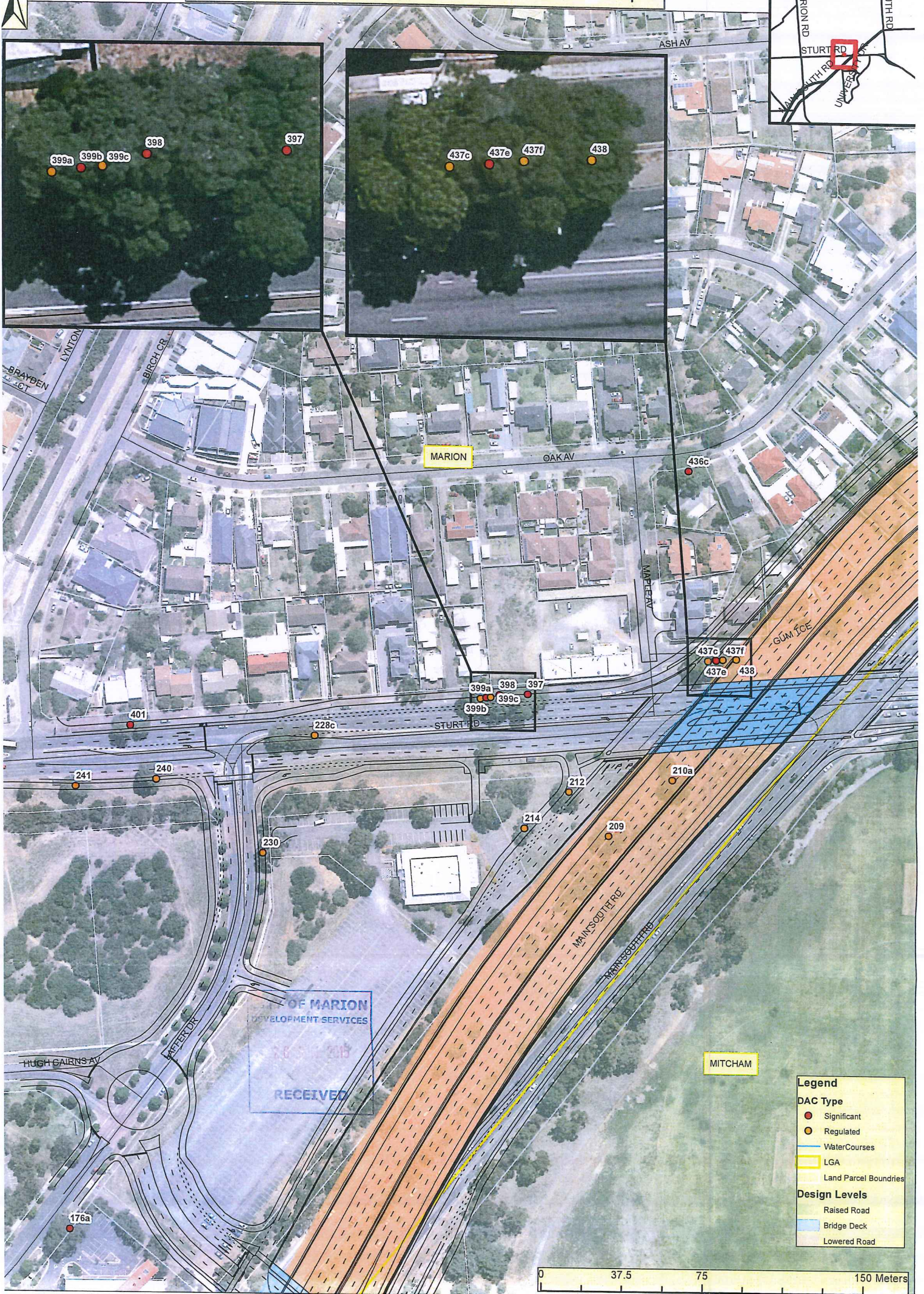
- (Thin black line)

**Design Levels**

- Raised Road (Thick black line)
- Bridge Deck (Blue shaded area)
- Lowered Road (Thin black line)







**Legend**

**DAC Type**

- Significant (Red dot)
- Regulated (Orange dot)

Water Courses (Blue line)

LGA (Yellow box)

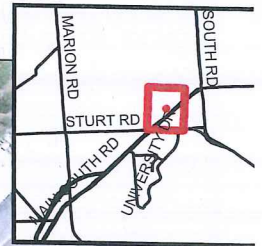
Land Parcel Boundaries (Thin black line)

**Design Levels**

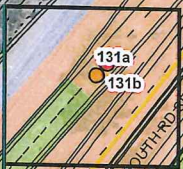
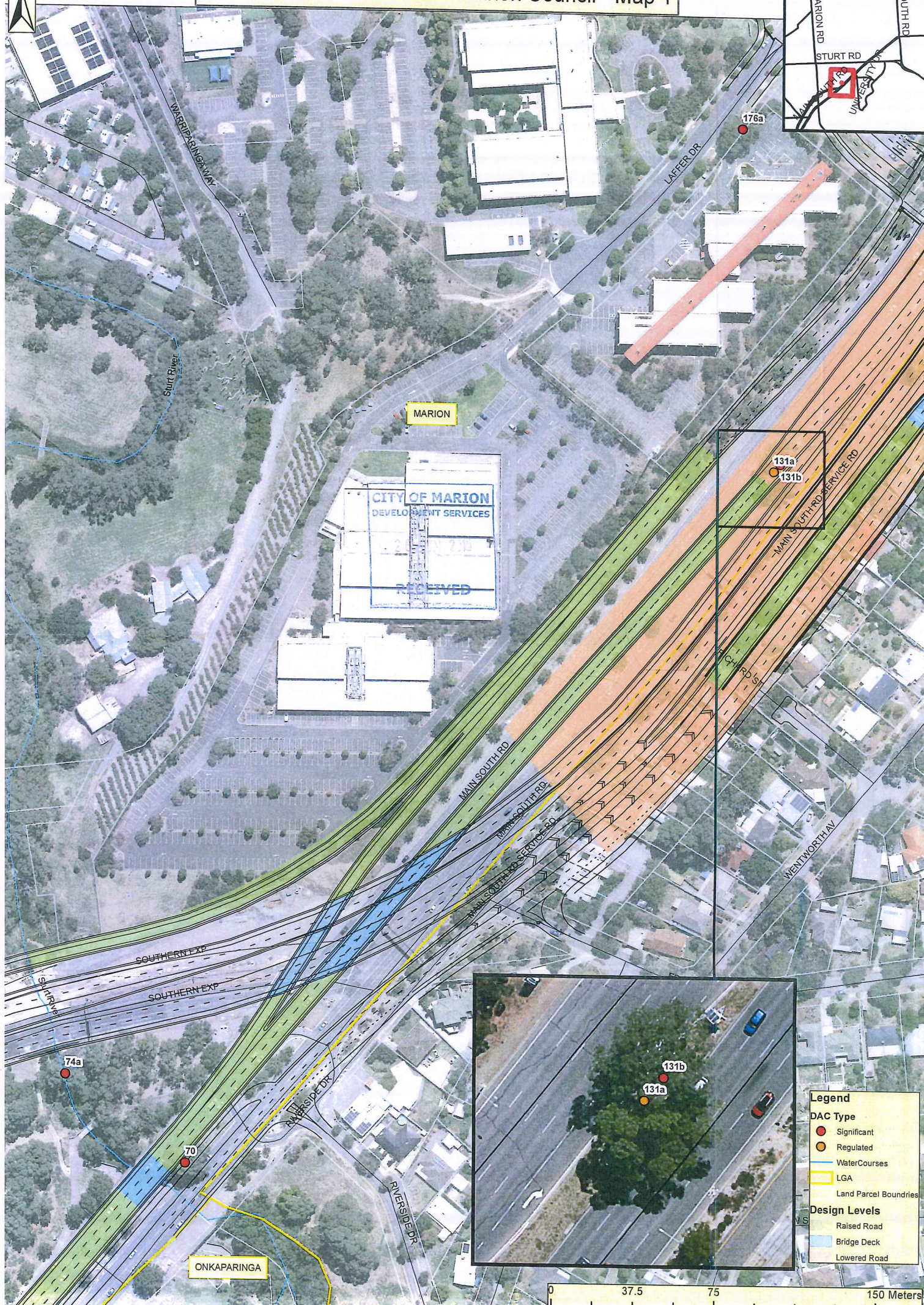
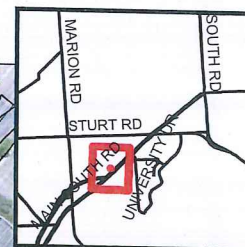
- Raised Road (Light green)
- Bridge Deck (Light blue)
- Lowered Road (Light orange)











**Legend**

**DAC Type**

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

**Design Levels**

- Raised Road (Green line)
- Bridge Deck (Blue line)
- Lowered Road (Orange line)



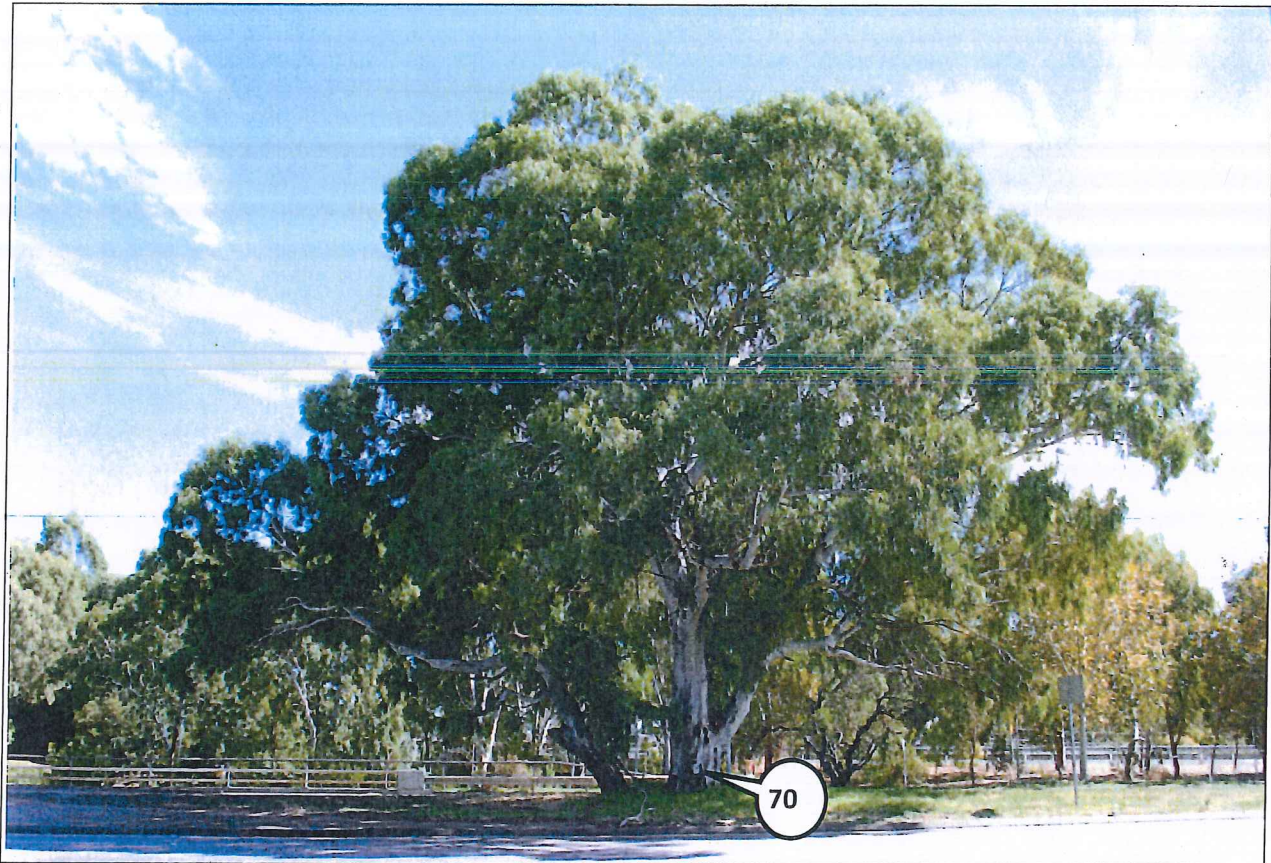


Photo 70 *Eucalyptus camaldulensis* – significant tree







Photo 74      74a *Eucalyptus camaldulensis* – significant tree



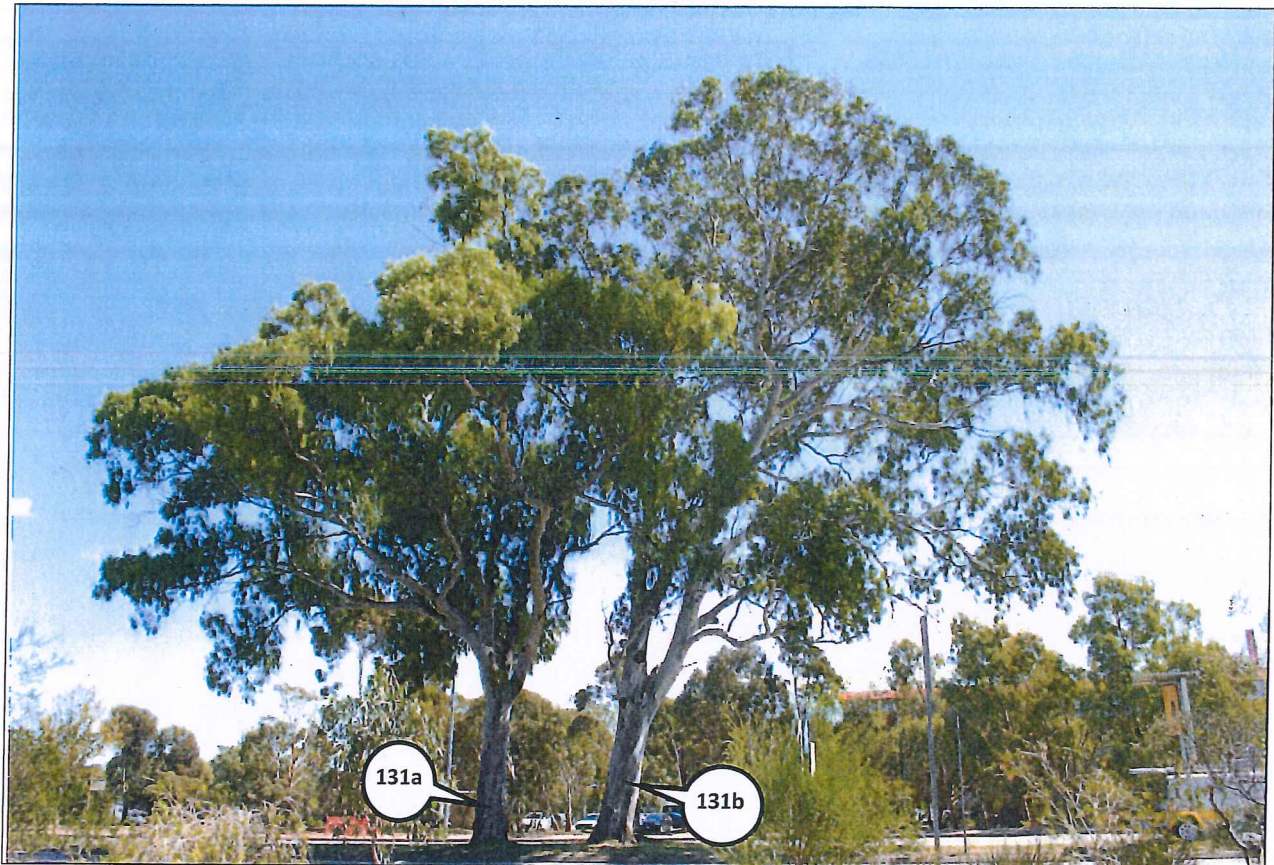


Photo 131 *Eucalyptus camaldulensis* – 131a regulated tree, 131b significant tree







Photo 176 176a *Eucalyptus camaldulensis* – significant tree





Photo 209 *Eucalyptus cladocalyx* – regulated tree



Photo 210 210a *Eucalyptus camaldulensis* – regulated tree



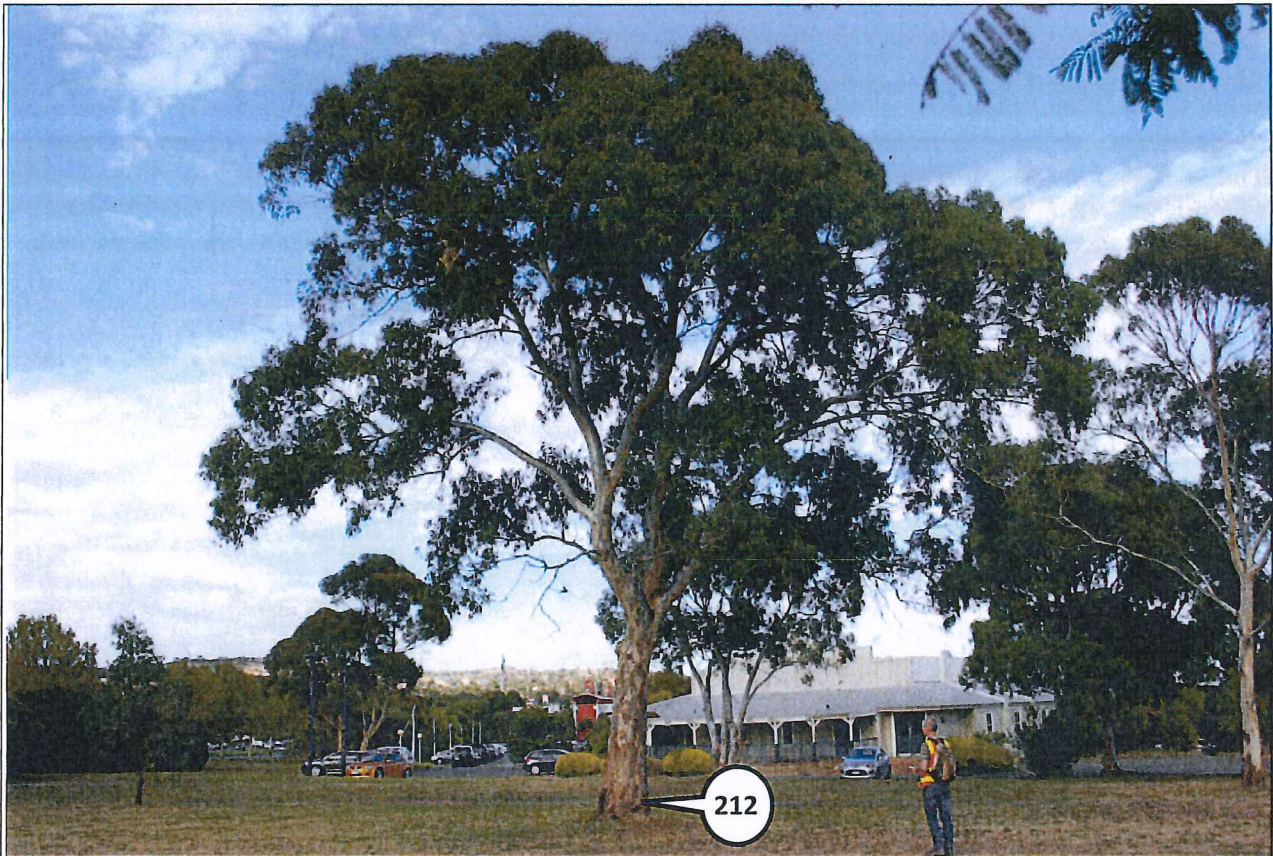


Photo 212 *Eucalyptus camaldulensis* – regulated tree



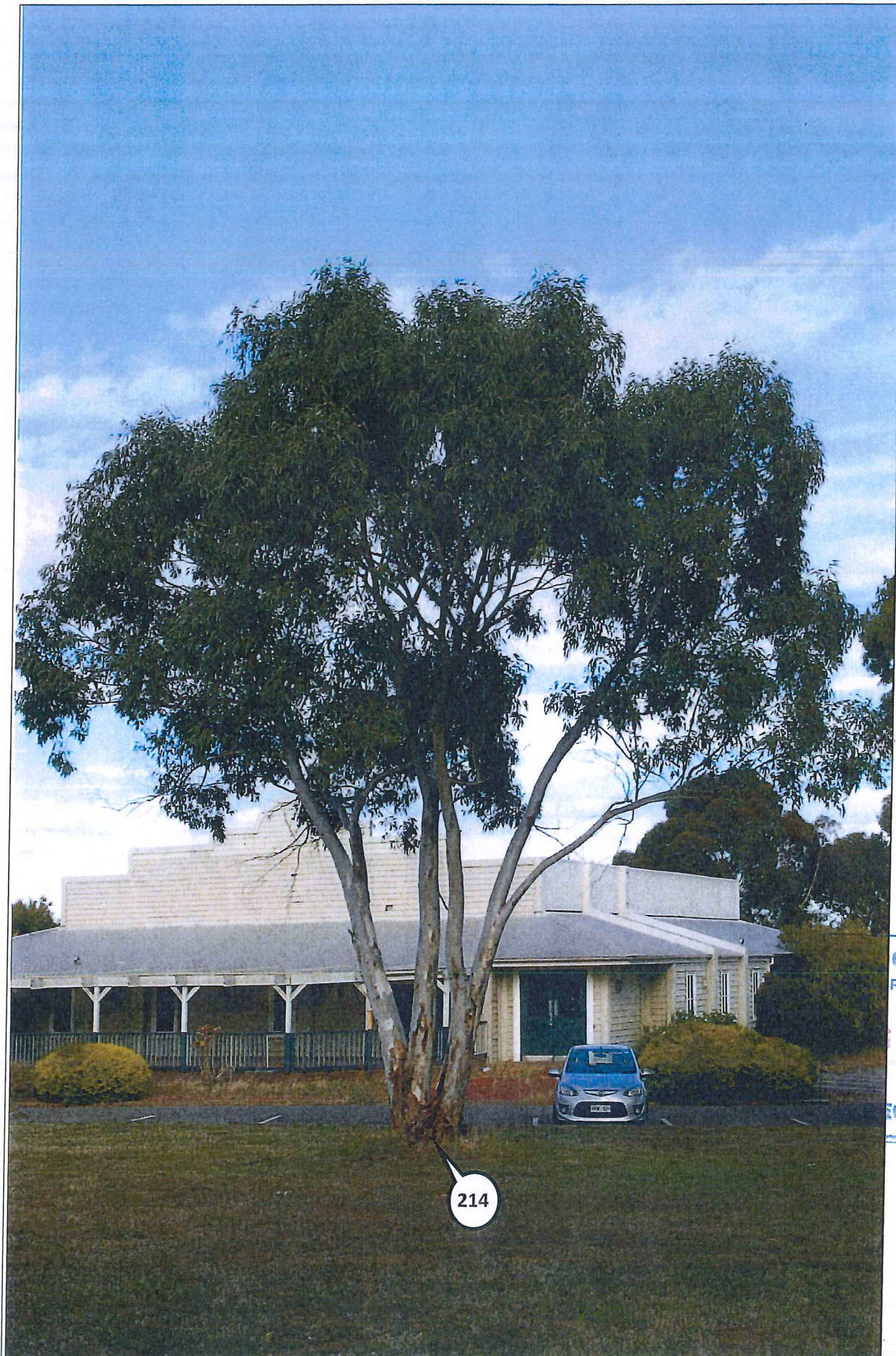


Photo 214 *Eucalyptus camaldulensis* – regulated tree





Photo 228

228c *Eucalyptus leucoxylon* – regulated tree



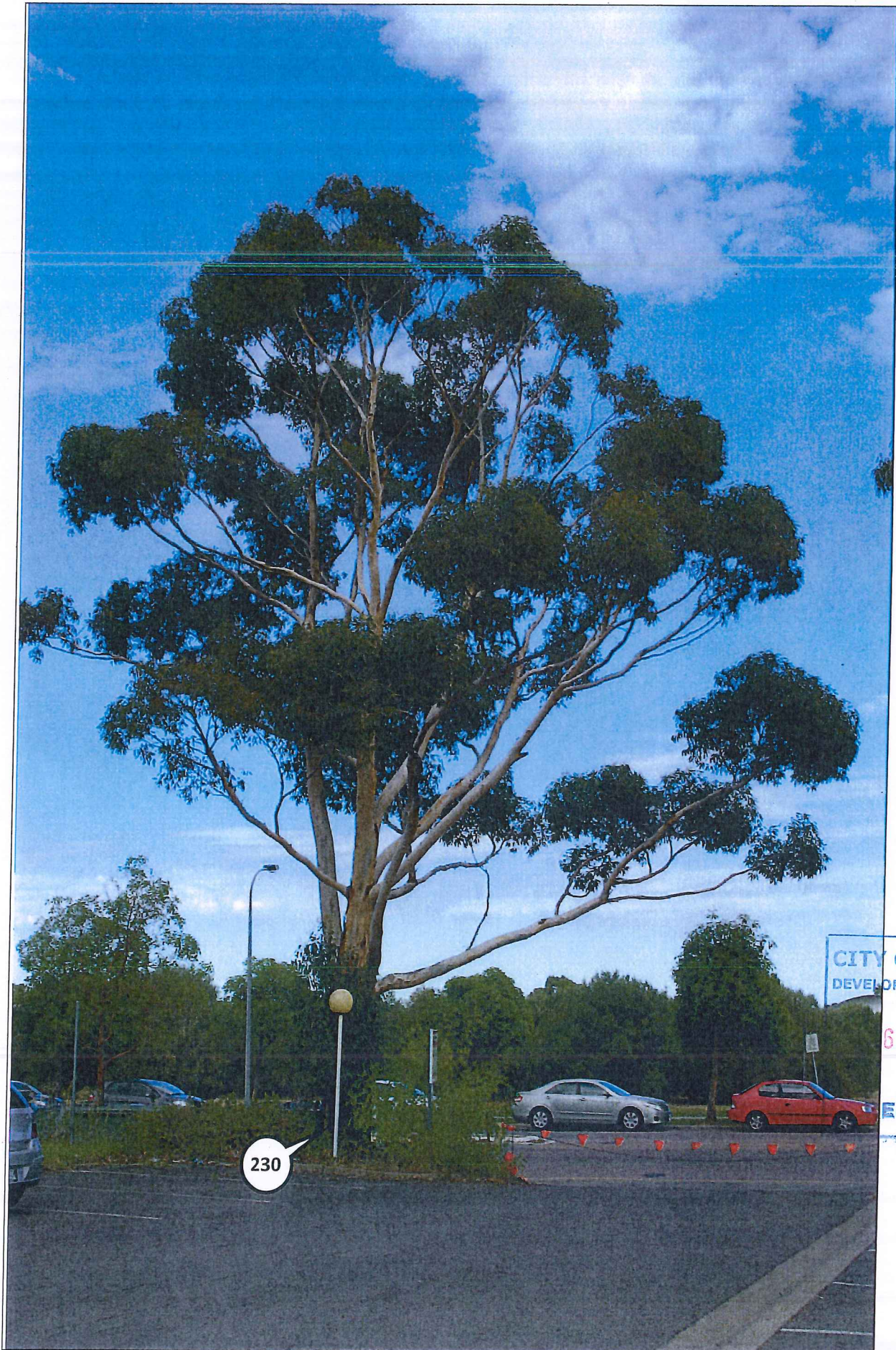


Photo 230 *Eucalyptus cladocalyx* – regulated tree





Photo 240 *Eucalyptus camaldulensis* – regulated tree



Photo 241 *Eucalyptus camaldulensis* – regulated tree



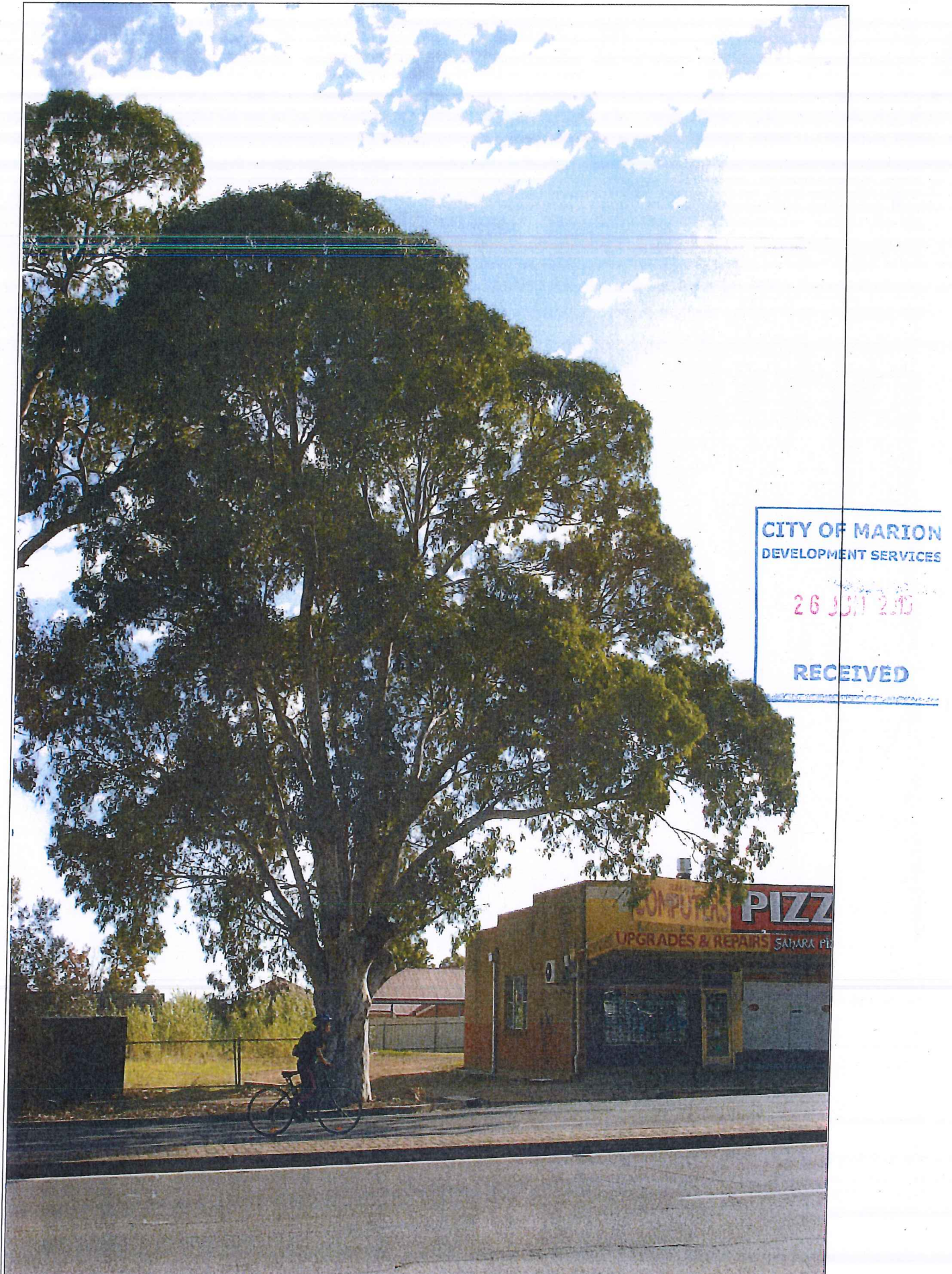


Photo 397 *Eucalyptus camaldulensis* – significant tree

Knet # 9308713





Photo 398 *Eucalyptus camaldulensis* – significant tree



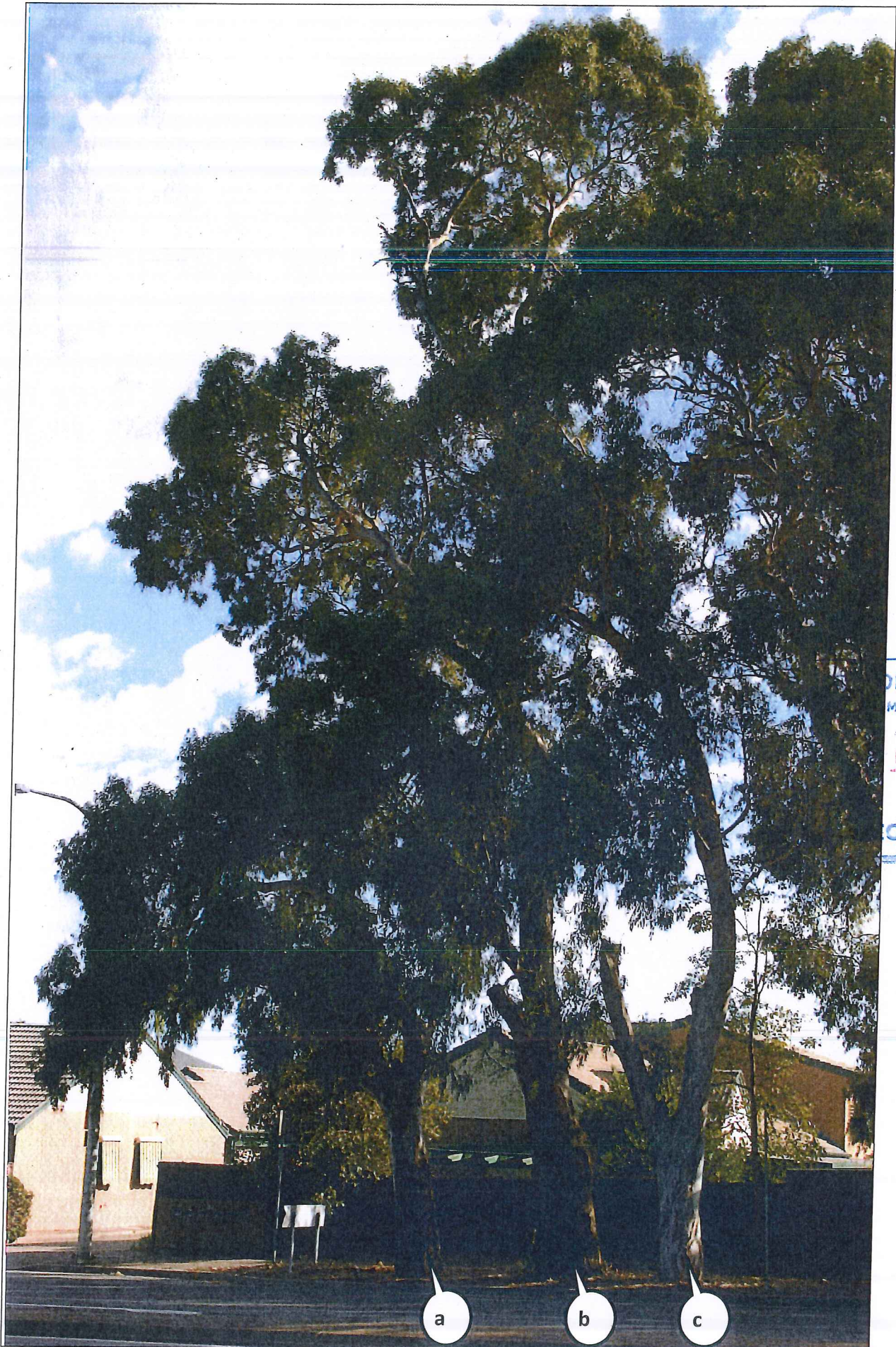


Photo 399 *Eucalyptus camaldulensis* – 399a and 399c regulated trees, 399b significant tree



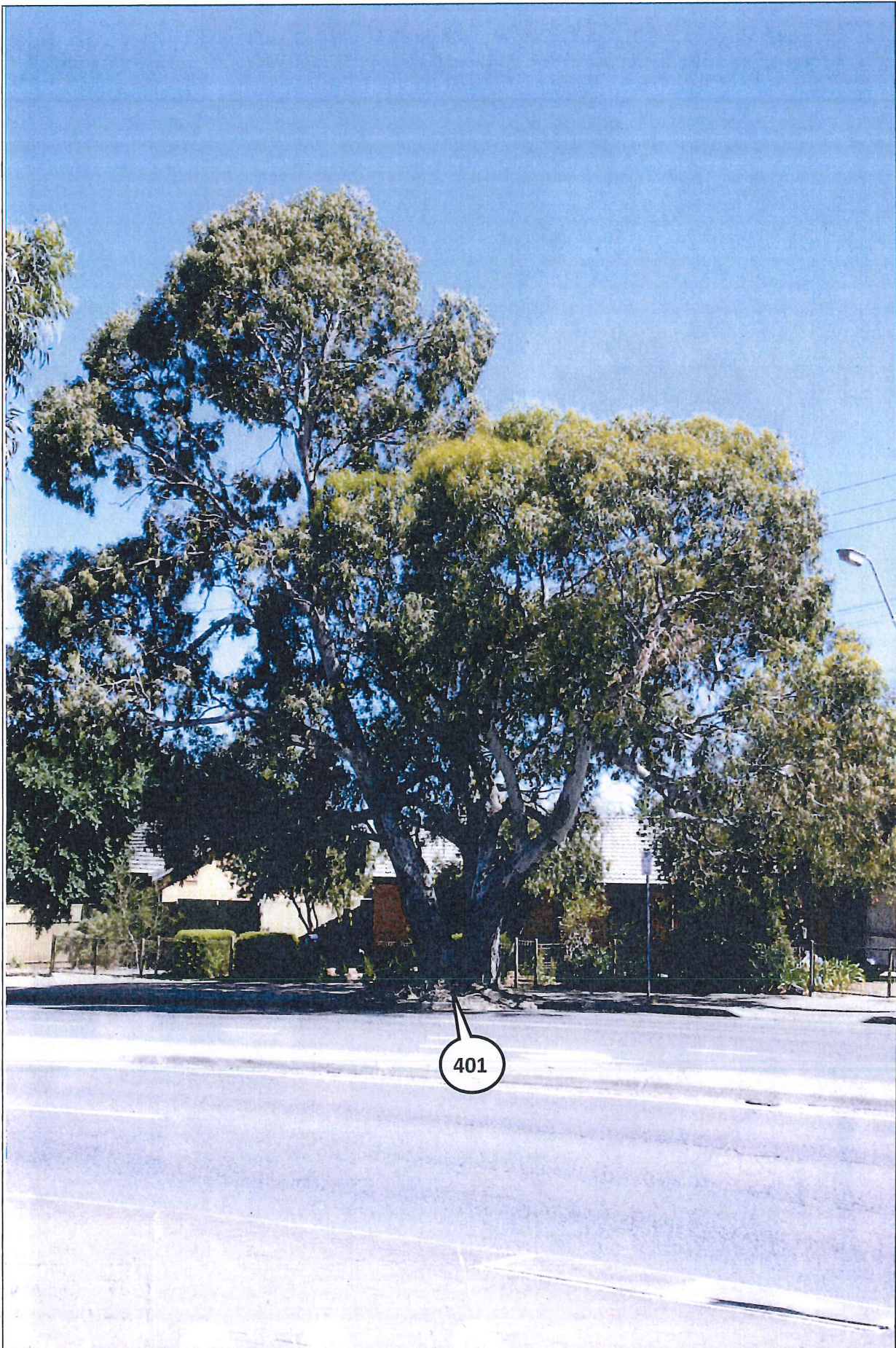


Photo 401 *Eucalyptus camaldulensis* – significant tree



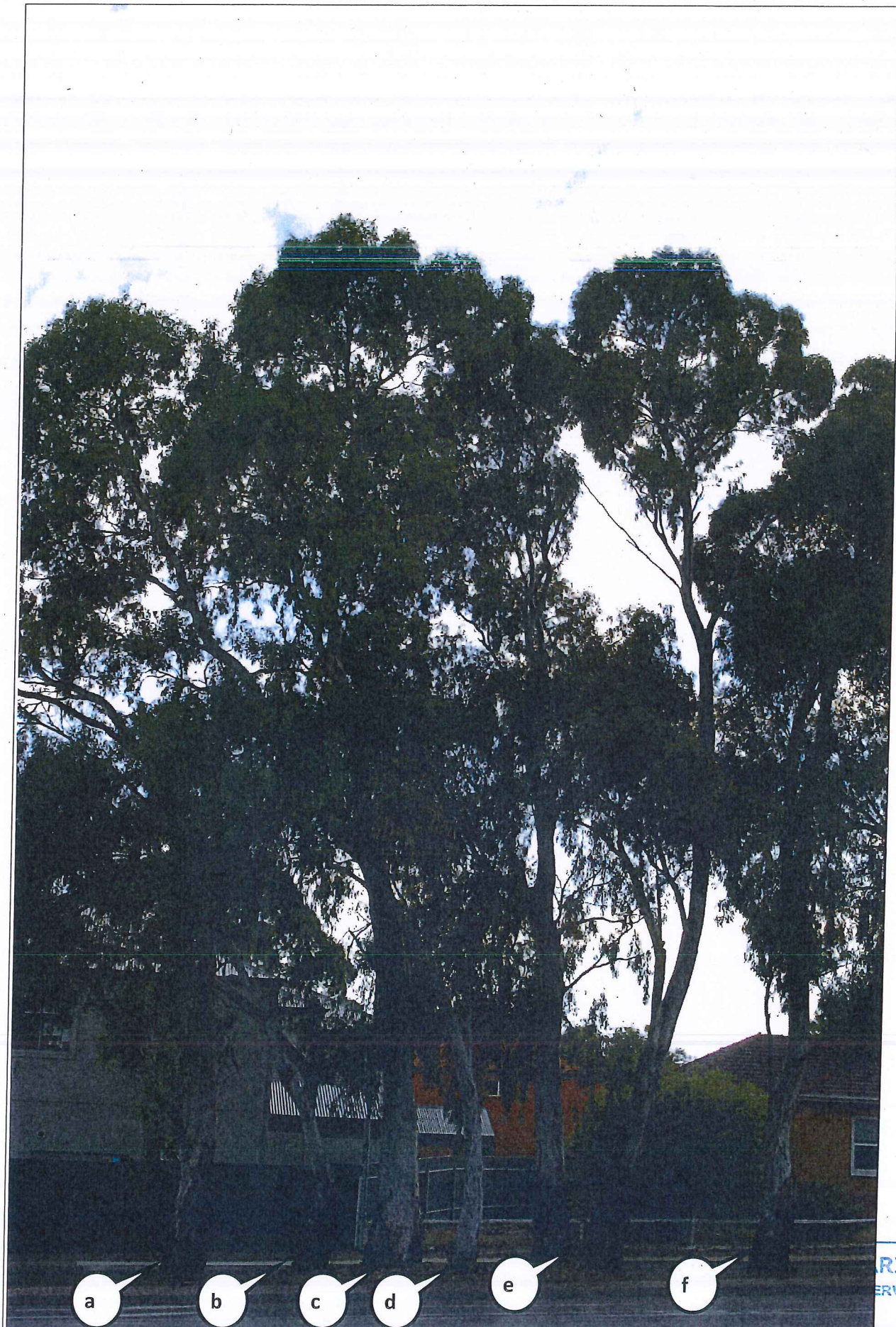


Photo 437 *Eucalyptus camaldulensis* – trees 437c and 437f – regulated trees, tree 437e – significant tree

26 JUN 2015

RECEIVED



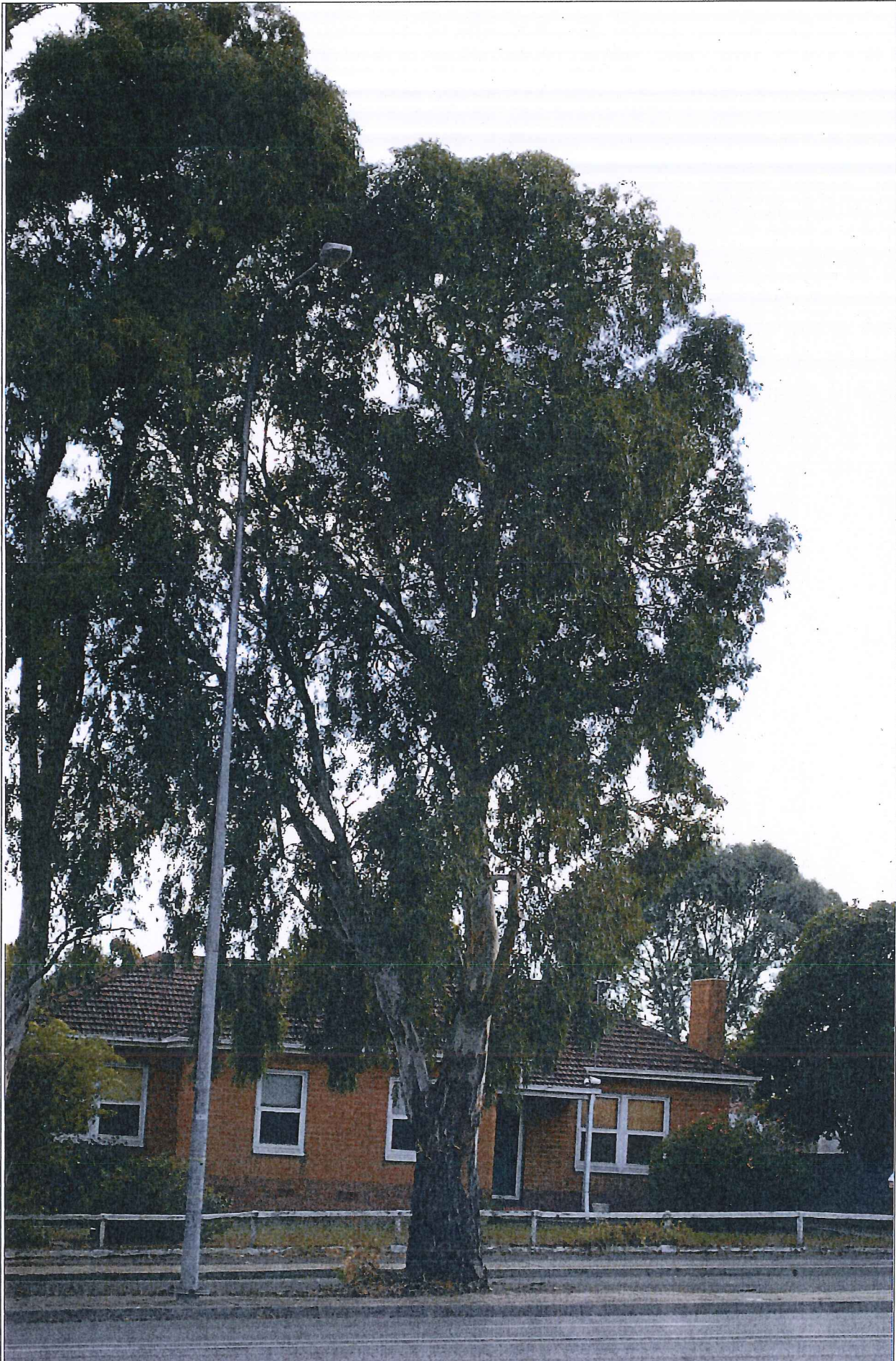


Photo 438 *Eucalyptus camaldulensis* – regulated tree

Knet # 9308713



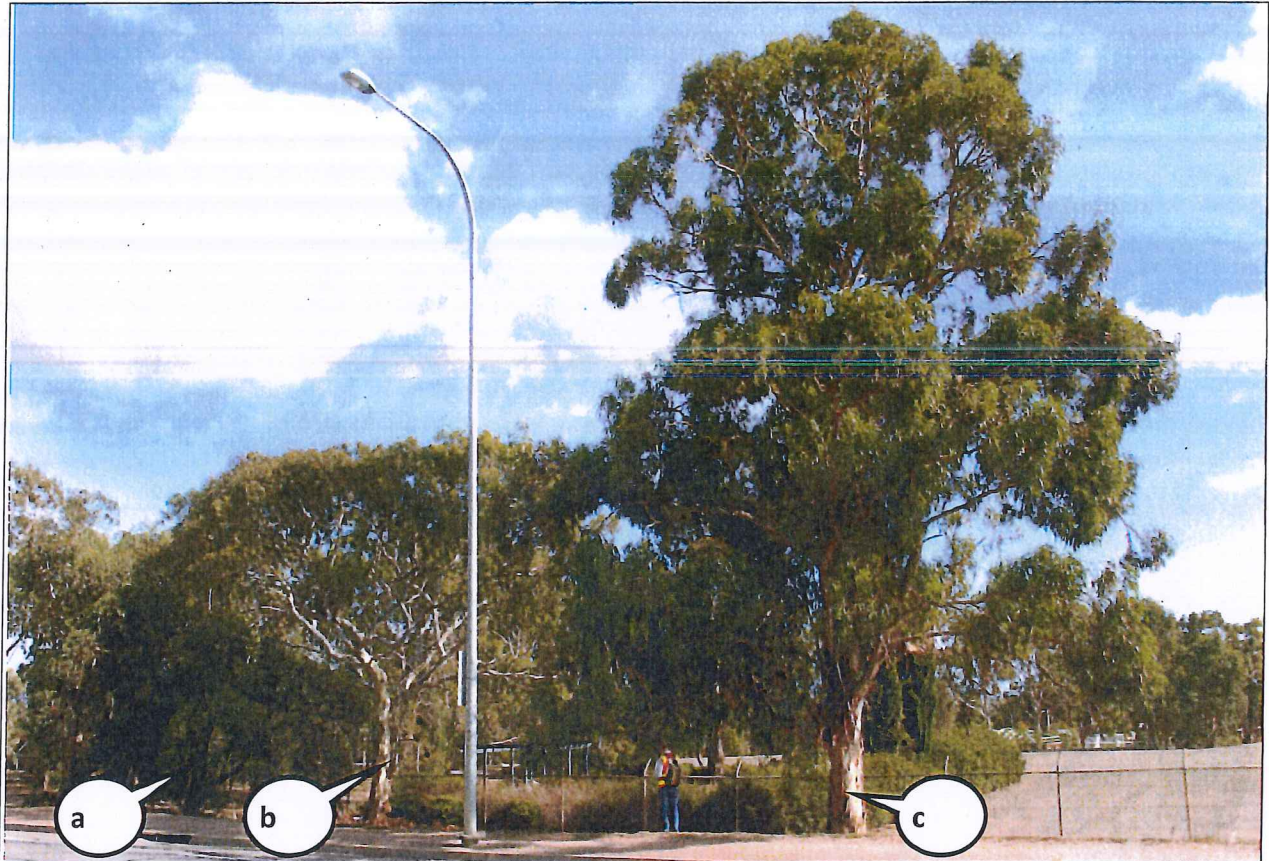


Photo 442

442c *Eucalyptus globulus* – regulated tree



Photo 559

559a *Eucalyptus camaldulensis* – regulated tree





Photo 561 561b *Eucalyptus leucoxylon* – regulated tree



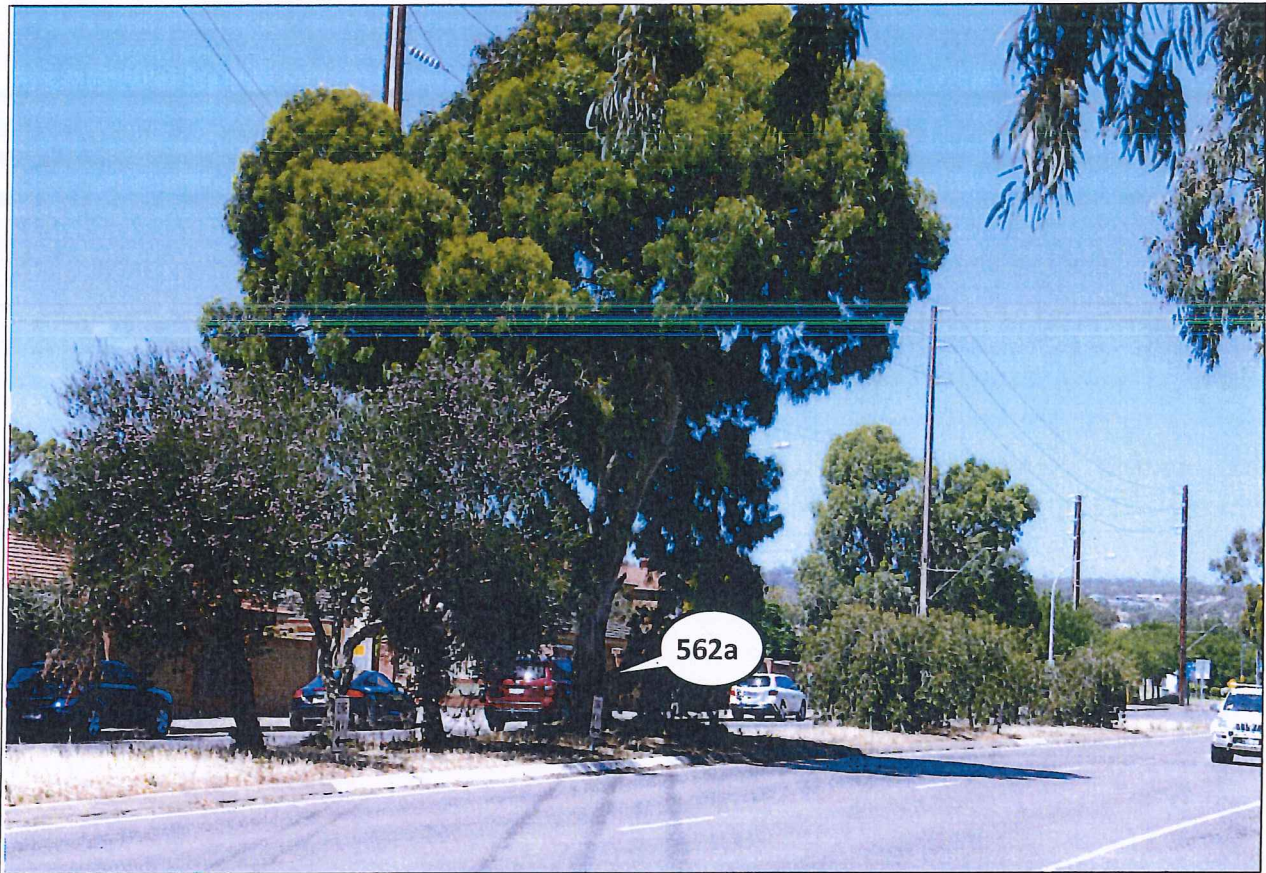


Photo 562      562a *Eucalyptus leucoxylon* – regulated tree





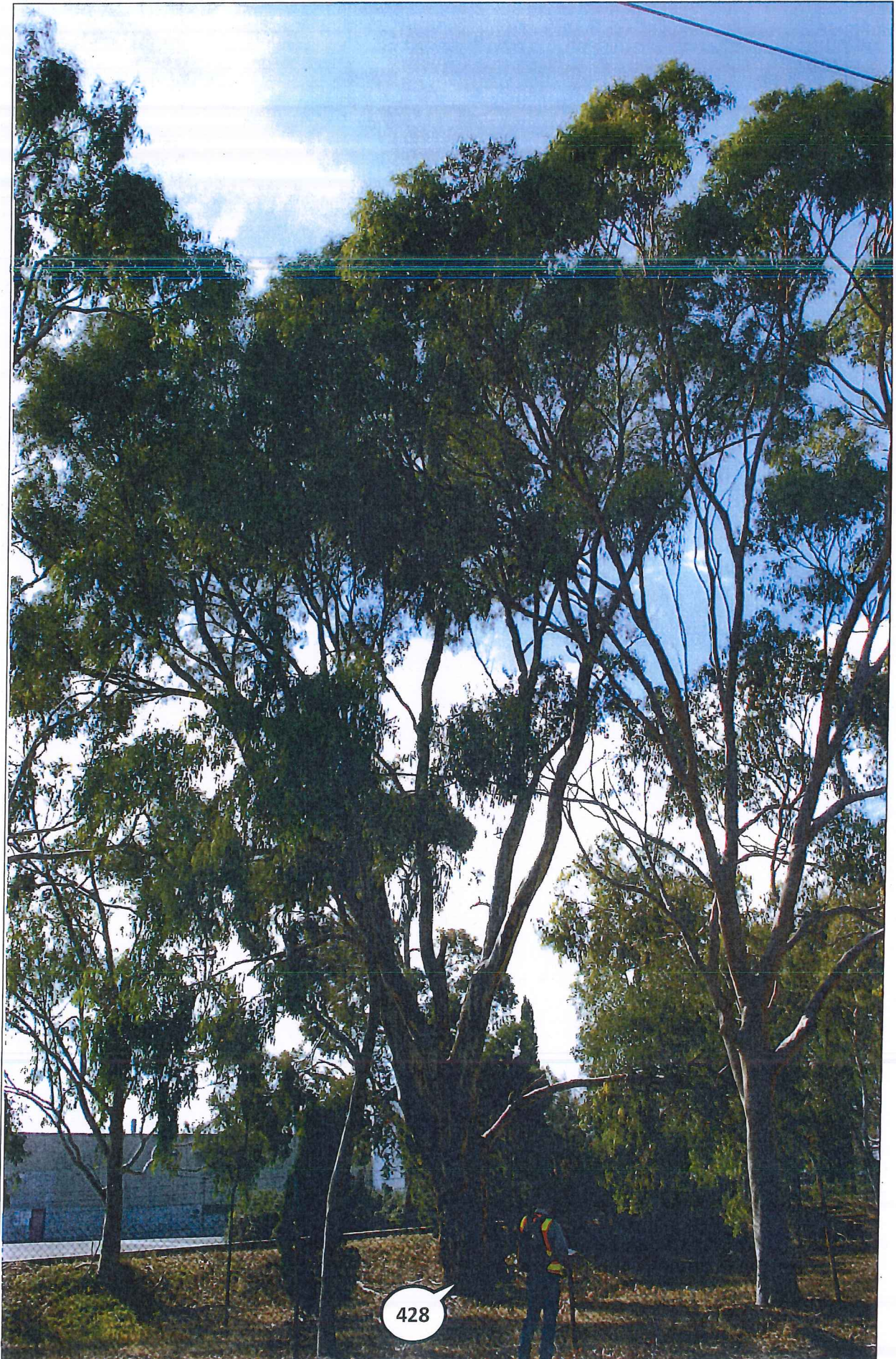


Photo 428 *Eucalyptus camaldulensis* – significant tree

Knet # 9308608

26 JUL 2015

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Photo 554 *Eucalyptus camaldulensis* – significant tree





Photo 570 *Eucalyptus camaldulensis* – significant tree



3.71.11.1

29 July 2015

Development Assessment Commission  
GPO Box 1815  
ADELAIDE SA 5001

Attention: Simone Fogarty, Presiding Member

Dear Ms Fogarty

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

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

I confirm that this application was considered by Council at the General Council Meeting held on 28 July 2015.

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

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

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

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

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

The removal of 27 Regulated or Regulated/Significant trees is therefore regrettable and should be reviewed to ensure as few trees as possible are removed in the final design.

DPTI is therefore requested (in finalising the design detail and construction arrangements for the project) to seek to retain as many of the trees as practicable and to delay the removal of the trees until these details are finalised and final tree removal numbers are confirmed. If the Development Assessment Commission resolves to approve the application, this requirement should be incorporated as a condition of consent.

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

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

Yours faithfully

Kris Hanna  
Mayor  
City of Marion

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

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

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

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

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

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

**Regulated Trees:**

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

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

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

*(b) indigenous to the locality*

*(c) a rare or endangered species*

*(d) an important habitat for native fauna.*

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

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

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

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

*(c) the tree is causing damage to a building*

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

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

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

**Significant Trees:**

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

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

**PRINCIPLES OF DEVELOPMENT CONTROL**

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

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

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

*(c) represents an important habitat for native fauna*

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

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

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

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

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

*(a) in the case of tree removal:*

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

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

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

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

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

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

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

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

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

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

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

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

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

**CITY OF MARION  
GENERAL COUNCIL MEETING  
28 July 2015**

**Originating Officer:** Brett Grimm, Landscape Architect

**Corporate Manager:** Peter Patterson, Manager Open Space & Recreation

**Director:** Abby Dickson

**Subject:** Hallett Cove Foreshore Master Plan Staging & Implementation

**Report Reference:** GC280715R04

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**REPORT OBJECTIVES:**

To provide a report that explores future funding options and staged implementation of the Hallett Cove Foreshore Master Plan which is achievable within existing resource allocation.

**EXECUTIVE SUMMARY:**

Council endorsed the Hallett Cove Foreshore Master Plan at its 25 March 2014 Council meeting (GC250314M03). In addition Council endorsed the first stage of implementation being commemorative space elements (GC080714R01). The commemorative space elements were completed April 2015.

In order to provide guidance on scope delivery and funding opportunities for the remainder of the master plan, this report outlines a practical approach to implementation and in doing so responds to the following resolutions:

Hallett Cove Foreshore  
Report Reference: GC240215M03

4. *Request and work with administration to review the master plan and provide options to scale back the size of the master plan so that the redevelopment can be delivered within the provisions in the Long Term Financial Plan as well as seeking alternative funding options should such funding become available.*

Hallett Cove Foreshore Master Plan  
Report Reference: GC250314M03

6. *A report be brought back to Council to explore future funding options and staging of the project.*

This report seeks endorsement to prioritise staging of works for design development which is achievable within existing resource allocation and takes into account future works programs.



**RECOMMENDATIONS (4)****DUE DATES****That Council:**

- |  |              |
|--|--------------|
| 1. Provide endorsement to proceed with detailed design and planning of the play space, reserve works and amphitheatre (stages 4 and 5) in 2016/17 utilising \$15,000 from Heron Way Reserve budget for engineering services.   | 28 July 2015 |
| 2. Provide endorsement to proceed with the stormwater civil works related to the Hallett Cove Foreshore Master Plan within the 2016/17 capital works program.  | 28 July 2015 |
| 3. Provide endorsement to submit a grant funding application to DPTI Open Space (2015/16 grant application) or similar opportunities leveraging the funding for the programmed 2016/17 storm water civil works of \$398,000 in addition to Heron Way budget allocation for Stage 4 of \$293,000. | 28 July 2015 |
| 4. Note that future and remaining master plan stages will remain in the identified unfunded strategic priorities project list for further consideration.   | 28 July 2016 |

**BACKGROUND:**

At the General Council meeting held on 25 March 2014 (GC240314M03), Council endorsed the Hallett Cove Foreshore Master Plan resolving:

1. *Endorse the plans for Hallett Cove Beach / Heron Way Reserve*
2. *Acknowledges the Hallett Cove Coastal Management study initiated and funded by the City of Marion and Coastal Protection Board of South Australia to identify and evaluate management strategies for Marion's coastal environment and the ongoing collaboration with the board*
3. *Noted the financial commitment of the Department of Planning, Transport and Infrastructure towards the Hallett Cove Beach Master Plan*
4. *Thanks the community for their ongoing support, engagement and contribution to the plans for Hallett Cove Beach/ Heron Way Reserve and acknowledges their ownership of the plan*
5. *Investigate how commemorative elements of the plan can be delivered for the 2015 ANZAC Centenary*
6. *A report be brought back to Council to explore future funding options and staging of the project*

At the General Council Meeting on 8 July 2014 (GC080714R01) Council endorsed the development of commemorative space elements within the Hallett Cove Beach Foreshore Master plan. These works were completed in April 2015 prior to the ANZAC Centenary celebrations.

The stages of the master plan identified are;

- Stage 1 Commemorative space (complete)
- Stage 2 Dune protection
- Stage 3 Civil storm water works
- Stage 4 Reserve and play space
- Stage 5 Grand Central amphitheatre
- Stage 6 Revegetation and car park to café and parking alterations

Stages 2, 4, 5 and 6 are not subject to construction programming in numerical order. Stage 3 is required to be implemented prior to stage 4 and 5.

At the General Council meeting on 26 May 2015 (GC260515R09) council endorsed \$62,000 (2014/15 annual budget Heron Way Reserve Development project) to be able to apply for and leverage a further \$248,000 from the Coast Protection Board which seeks to complete the dune protection section of the master plan. Notification on the success or otherwise of this grant application has not been received to date.

A practical construction approach to staging of the master plan has been considered to limit impacts of having to repair new works. This approach considers the delivery of services and stormwater as a priority. The major component of this work is storm water civil works and associated works surrounding these areas impacted by excavation. In addition the existing play space was due for renewal (2011/12) and has become a maintenance issue needing constant attention, in addition to a large number of community enquiries and requests for it to be upgraded.

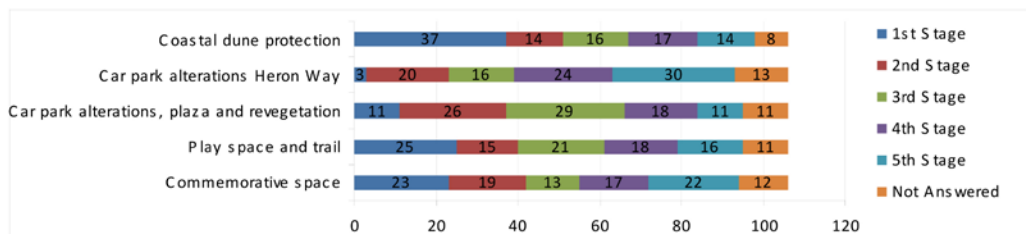
## DISCUSSION:

The master plan delivers a vision for the future development of Heron Way Reserve and Grand Central Reserve to enable a staged approach of asset renewal and upgrade to occur with respect to available funding.

The master plan vision was developed in collaboration with the community. The master plan community engagement process fostered some considered outcomes that provide sustainability to the coastal environment. The final master plan report (March 2014) illustrates the findings of community engagement and suggested priorities for staging. The findings of which are outlined below;

*Figure 1. Master plan consultation staging priorities.*

**Q3 THE MASTER PLAN IS INTENDED TO BE STAGED. CAN YOU PRIORITISE THE STAGING OF THE MASTER PLAN FROM 1 TO 5**



### Summary

Most respondents (37) chose coastal dune protection as the first stage for implementation, followed by the play space (25) and commemorative space (23). The following can be equated as preferences;

1. Coastal dune protection (51)
2. Commemorative space (42)
3. Play space (41)
4. Car park alterations, plaza and revegetation (37)
5. Car park alterations to Heron Way (23)



From the 2014 master plan consultation report summary, the main community priorities were identified as the coastal dune protection, commemorative space and the play space.

A grant funding application has been recently submitted to Coastal Protection Board (CPB) to complete the dune protection component of the master plan. Council is yet to receive notification on the award of any funds. If grant funding is successful works are planned to commence late 2015 subject to planning approvals. If unsuccessful this stage of works will need to be retimed and considered in the strategic prioritisation process and any future grant opportunities. The timing of stage 2 works will have no impact on subsequent proposed stages of work.

Council completed the first component of the commemorative space (April 2015), and will need to complete stormwater works prior to development of the play space due to the close proximity of required earthworks excavations and potential impacts on future works.

Table 1. Suggested staging of works (refer to Appendix 3 for illustration of stages)

Staging priorities	Rationale and development items	Suggested timing
<b>Stage 1</b> Commemorative space Heron Way Reserve inclusive memorial wall	ANZAC Day celebrations 2015	Complete (2015)
<b>Stage 2</b> Coastal Dune Protection	Rock revetment to access points, embankment grading stabilisation and revegetation to the dune edge	2015/16 subject to award of Coastal Protection Board grant funding application and planning approvals (GC260515R09)
<b>Stage 3</b> Civil works storm water GPT and pipe works	Replacement of 1x GPT southern end of site and associated pipe work. Installation of 1x GPT within café car park and realignment of pipe work around café.	2016/17 storm water capital works program
<b>Stage 4</b> Reserve and play space	<p>The existing play space is in need of replacement with continuous maintenance requirements and overdue for renewal. The proposed stage is inclusive of;</p> <ul style="list-style-type: none"> <li>- Coastal trail pathway connection to the café car park</li> <li>- Play space climbing structures, slides, fitness equipment, water play, adventure trail</li> <li>- Shelter structures and shade over slides</li> <li>- Retaining walls</li> <li>- Picnic furniture and BBQ</li> <li>- Planting</li> <li>- Integrated public art</li> </ul>	<p>Detailed design (2016/17)</p> <p>Opportunity to leverage storm water funding and Heron Way Reserve budget for DPTI Open Space grant 2015/16).</p> <p>Capital works (late 2016/17- 2017/18) subject to grant funding</p>
<b>Stage 5</b> Grand Central amphitheatre and toilet	<p>Development of Grand Central Reserve and Heron Way Rd pavement. The proposed scope is inclusive of;</p> <ul style="list-style-type: none"> <li>- Road unit paving and new kerbing to section of Heron Way</li> <li>- Amphitheatre retaining walls</li> <li>- Paving</li> <li>- Feature garden beds</li> <li>- Planting</li> <li>- Irrigated turf</li> <li>- Integrated public art</li> <li>- Exeloo toilet proposed to be located adjacent commemorative space</li> </ul>	<p>Detailed design (2016/17)</p> <p>Opportunity to leverage Heron Way Reserve budget for DPTI Open Space grant 2016/17).</p> <p>Capital works (late 2016/17- 2017/18) subject to grant funding</p>
<b>Stage 6</b> Revegetation and car park to café and parking alterations Heron Way	<p>This proposed scope is inclusive of;</p> <ul style="list-style-type: none"> <li>- Revegetation</li> <li>- Pathways</li> <li>- Alterations to café car park with paved alfresco area</li> <li>- Realignment of parking on Heron Way and minor alterations to traffic medians.</li> </ul>	<p>Subject to;</p> <ul style="list-style-type: none"> <li>-detailed design</li> <li>-strategic prioritisation</li> <li>- grant funding opportunities</li> </ul>



### Master plan scope and size

It is recommended that the scale and scope of future stages of the master plan will be considered in the detailed design phase. This will provide greater certainty to practical construction issues and opinion of whole of life cost prior to endorsement for funding, tendering and construction. Timing of detailed design phases will be subject to resource capacity and allocation.

Referring to council resolution to review the scope and scale of the master plan (GC240215M03), a recent Coastal and Southern Hills Ward briefing assisted to inform a brief to be referenced in the design development of the remaining stages of the master plan. The following dot points and Appendix 3 outline a revised brief;

- Maintain the integrity and design intent of the final master plan
- Consider increasing the area of turf to the north of the play space to enable large events such as Australia day
- Consider increasing the turf area to the west of the amphitheatre axial path on Grand Central reserve
- Consider minimising the planting areas to the north of the site
- Consider the play area to be in a consolidated space enabling a larger turf area to the north which will enable larger community events such as Australia Day to be facilitated.
- Consider the inclusion of the water sensitive urban design solution as per the master plan
- Consider whether there is a need for a sand pit
- Maintain the intent to include fitness equipment.
- Consider the extent of pathways and whether they are all needed for accessibility
- Retain the amphitheatre space and connection to Heron way Reserve

### Program

Works associated to the dune protection are proposed to commence onsite in 2015/16 subject to grant funding. Storm water civil capital works are proposed to be implemented in 2016/17.

Due to current resource capacity it is intended to schedule detailed design for stages 4 and 5 in 2016/17. Upon completion of detail design stage 4 and 5 a council report will be presented outlining whole of life costs and funding availability including any success in attracting grant funding.

A detailed proposed schedule of master plan implementation is attached Appendix 1.

## **ANALYSIS:**

### **Communication / Consultation**

Community engagement has been an integral part of the master plan. A number of community requests have been received since the master plan was endorsed asking when the play space is to be redeveloped. Due to this asset being overdue for renewal, it is recommended that this is prioritised and staged in a practical and efficient implementation.

Internal and external stakeholder engagement will be a component of the detailed design phase and planning approvals. Community engagement is proposed to be conducted with the detailed designs of the future stages once endorsed by Council to be presented as information illustrating scope and timing of works. This information is proposed to be disseminated through local letter box drop and councils web page.

## **Resource Implications**

Should Council endorse proceeding with Stage 4 and 5 detailed design, this project will be considered a 'new' project within Council's Strategic Asset Management Decision Making Matrix within the Asset Management Policy.

There are operating resources required to complete the Stage 4 & 5 detailed design and reporting. Currently other projects have been progressed and current human resources within the team are fully engaged in the 2015/16 program of works, hence the detailed design work is recommended to be scheduled for 2016/17.

### Option 1 (Recommended)

Detailed design for stages 4 and 5 to be programmed for internal 2016/17 work area planning. The detailed design for stage 4 and 5 will require 0.8 FTE internal Landscape Architect and 0.4 FTE Recreation Planner. Under current FTE resources this will limit the availability within the team to complete other project based works for the 2016/17 works program, however this can be accommodated with some additional structural engineering services estimated at \$15,000.

### Option 2

If this project is to be undertaken in 2015/16 by Council's Landscape Architect and Open Space Recreation Planner this will require 0.8FTE (Landscape Architect- \$84,000) and 0.4FTE (Rec Planner- \$42,000), and \$10,000 overheads in addition to existing capacity, with some additional structural engineering services \$15,000.

Consequently should Council wish to incorporate this project into the 2015/16 works program (\$151,000) in addition to current resource capacity will be required.

### Option 3

Alternatively this work could be outsourced to a consultant team (\$109,000) to deliver the detailed design package. This will require project management from internal staff equating to approximately 0.1FTE Landscape Architect- design review (\$10,500) and 0.8FTE Recreation Planner (\$84,000). This would equate to a sum of (\$203,500).

### Option 4

The option of reprioritising existing works has also been considered however 6 out of 8 current projects being undertaken with current resources have associated grant funding commitments in the 2015/16 financial year. The current programmed projects requiring planning and landscape design services in 2015/16 (in part or full) include;

- Jervois Street Reserve
- Reserve Street Reserve Dog Park
- Plympton and Edwardstown Oval Playspaces
- Southbank Boulevard Reserve Toilet Block
- Mitchell Park Oval Fitness Trail
- Oaklands Recreation Plaza
- Playspace Strategy Review



Table 2: Resource allocation options

	Resource	Estimate of cost
<b>Option 1</b>	Detail design works to be complete 2016/17  Internal Landscape Architecture and Rec Planning, Project Management, external engineering services	\$15,000  (External engineering)  Heron Way budget allocation 2015/16
<b>Option 2</b>	Internal Landscape Architecture and Rec Planning, Project Management, external engineering services	\$151,000
<b>Option 3</b>	External Landscape Architecture and engineering with internal project management	\$203,500
<b>Option 4</b>	Will need to reprioritise other works  Internal Landscape Architecture and Rec Planning, Project Management, external engineering services	\$15,000  (External engineering)  Heron Way budget allocation 2015/16

### Recommendation

Preparation of the detailed design and documentation for stages 4 and 5 is recommended to be undertaken internally 2016/17 (Option 1) due to the limited cost to council and efficiencies of internal design and project management.

### **Financial Implications**

The original project budget for Heron Way Reserve was \$1,326,000 Following completion of Stage 1 Commemorative Space \$976,000 is available to carry over to 2015/16.

In addition Council has storm water civil works of \$398,000 programmed within Councils 2016/17 capital works LTFP.

In discussions with the Department of Planning, Transport and Infrastructure, advice has been received that the upcoming funding round will have a focus on precinct and regional play space provision. This provides additional information for consideration of the recommended proposed prioritisation of staging and implementation of the master plan.

### Budget allocation Stages 3, 4 & 5

The scope and scale of the master plan has been considered. The following table 3 illustrates a proposed revised budget allocation to be referenced for detailed design.

Table 3: Design Budget

Stage	Scope	Year	Budget estimate of costs
3	Storm water civil works	2016/17	\$398,035
4	Detailed design (engineering costs)	2016/17	\$7,500
4	Proposed budget Stage 4 implementation - Play space \$385,000 - Turf repairs and irrigation \$42,500 - Ephemeral swale landscaping \$82,500 - Reserve amenities shelter, paths \$384,500 - Contingency (10%) \$89,450	Proposed works 2017/18 subject to grant funding success	\$983,950
4	Original Master Plan Stage 4 Opinion of Cost		\$1,564,250
4	Proposed budget savings from master plan opinion of cost		\$580,300
5	Detailed design (engineering costs)	2016/17	\$7,500
	Proposed budget stage 5 implementation -Demolition \$51,000 -Amphitheatre earthworks and walls \$154,000 -Paving road and paths \$376,800 -Irrigated turf \$62,500 -Planting \$30,000 -Amenities (toilet) \$161,800 -Contingency (10%) \$83,610	Proposed works 2017/18 subject to grant funding success	\$919,710
5	Original Master Plan Stage 5 Opinion of Cost		\$942,841
5	Proposed budget savings from master plan opinion of cost		\$23,131

\*Estimate of Whole of life is provided appendix 4. This is to be confirmed and reported at completion of detailed design

With reference to the proposed budget for Stage 2, 3, 4 and 5 the following table 4 illustrates a proposed funding option for implementation. This would require up to \$829,813 to be allocated from the available Heron Way Reserve project budget (\$975,930). In addition it will require storm water civil works to be completed within the 2016/17 capital works storm water budget (\$398,035) and successful DPTI grant applications for 2015/16 for (\$690,993) and future grant for (\$459,885).



Table 4: Funding options

Stage	Scope	Funding options	Year	Grant Funding Required	CoM
<b>Stage 2 Dune Protection</b>					
<b>2</b>	Capital works	Heron Way Reserve LTFP budget allocation (GC250515R09)	2015/16		\$62,000
<b>2</b>	Capital works	Coastal Protection Board (Not confirmed to date)	2015/16	CPB \$248,000	
<b>Stage 3 Storm water civil works</b>					
<b>3</b>	Capital works	Storm water civil capital works budget 2016/17	2016/17		\$398,035
<b>Stage 4 and 5 Play space, Reserve and Amphitheatre</b>					
<b>4</b>	Capital works	Future DPTI grant fund application	2015/16	DPTI \$690,993	
<b>4 &amp; 5</b>	Detailed design	Heron Way Reserve budget allocation	2016/17		\$15,000
<b>4</b>	Capital works	Heron Way Reserve budget allocation	Late 2016/17		\$292,958
<b>5</b>	Capital works	Council report to seek endorsement to submit Future DPTI grant fund application	2016/17	DPTI \$459,855	
<b>5</b>	Capital works	Heron Way Reserve budget allocation	2017/18		\$459,855
<b>Total</b>				<b>\$1,398,848</b>	<b>\$1,227,848</b>
<b>Existing CoM budget allocation</b> -Heron Way (\$975,930) -Civil storm water (\$398,035)					<b>\$1,373,965</b>
<b>Stage 6</b>	<b>Revegetation and car park to café and parking alterations</b> <b>Subject to strategic prioritisation process</b>				Remaining Heron Way Reserve budget allocation  \$146,117

On completion of stages 4 and 5 it is currently estimated that there will be an increase in annual maintenance and operating costs of \$72,260 pa requiring consideration for the Long Term Financial Plan. Current estimates of whole of life costs for stages 4 and 5 of the project are provided (Refer Appendix 4). These costs will be further refined on completion of the detailed design for stages 4 and 5. The changes to the Long Term Financial Plan will need to be considered for the 2018/19 financial year onwards including an annual increase of \$113,584 for ongoing operational, maintenance and depreciation/renewal costs which includes replacement costs for like for like assets.

## CONCLUSION

This report provides recommendations on staging of works which align with practicalities of construction, opportunities for grant funding and resource considerations. It is proposed that dune coastal protection works will commence late 2015 subject to grant funding from Coastal Protection Board and planning approvals.

The next stage of works required is the subterranean stormwater civil works (Stage 3). This has been identified within the 2016/17 stormwater capital works program. Detailed design work has been completed for the stormwater part of the project. It is proposed that council apply for DPTI Open Space Grant funding at the end of 2015/early 2016 (next available opportunity) leveraging the stormwater capital works budget allocation (\$398,000) and the proposed Stage 4 allocation (\$293,000) Heron Way Reserve project budget allocation.

Consequently it is proposed to complete Stage 4 and 5 detailed design for the play space and associated landscape reserve amenities in 2016/17 and apply for grant funding for Stage 4. Subject to the success of attracting grant funding and council endorsement it is proposed to construct Stage 4 and apply for future grant opportunities stage 5 (late 2016/17- early 2017/18).

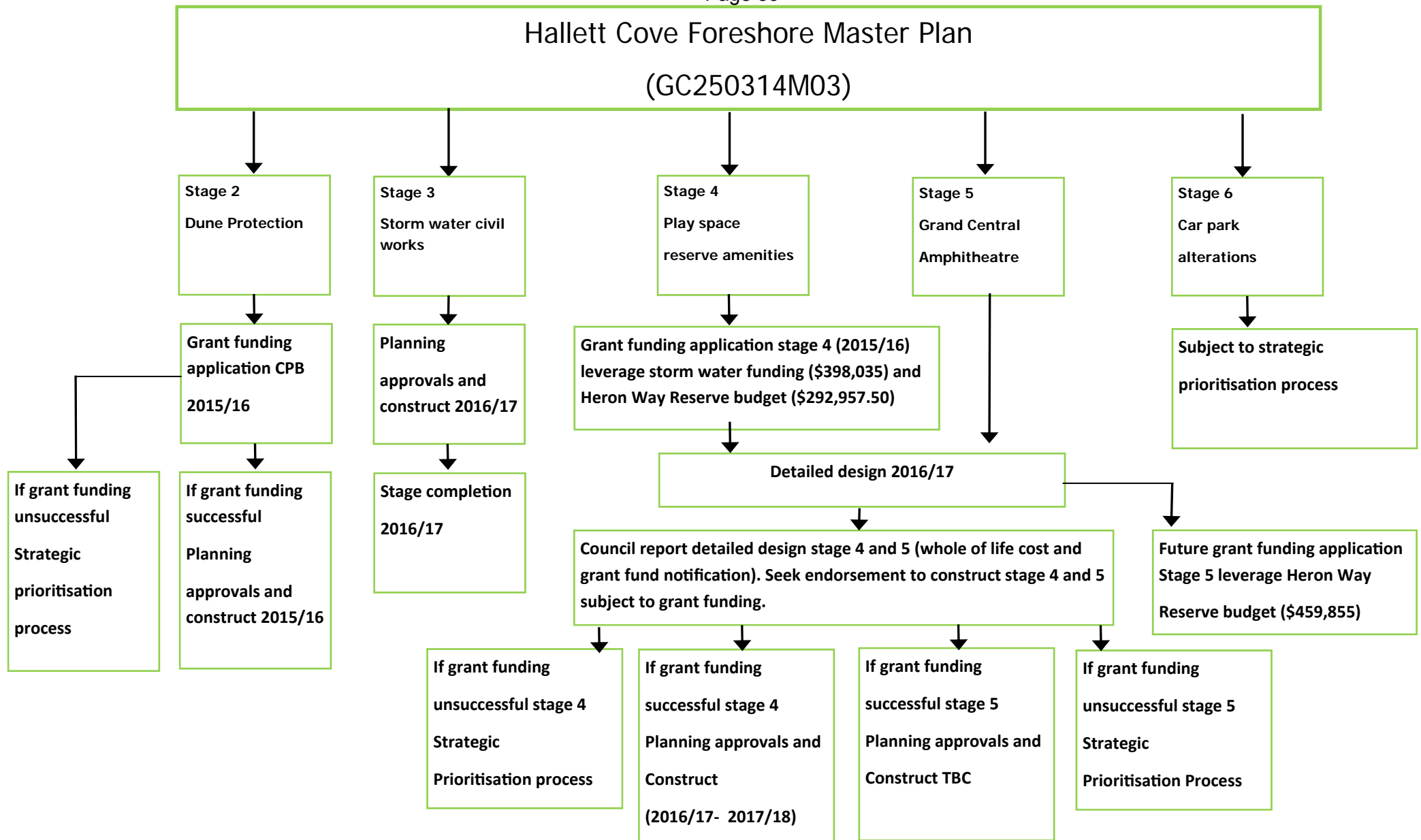
Future stages of the master plan will be subject to strategic prioritisation and funding availability.

- Appendix 1: Proposed program and flow chart*
- Appendix 2: Final Endorsed Master Plan*
- Appendix 3: Indicative staging areas and design brief*
- Appendix 4: Estimate Whole of Life Cost*



## Appendix 1 Detailed program schedule

<b>Stage 2 Dune protection</b>		
<b>Task</b>	<b>Description</b>	<b>Estimated dates</b>
Grant application CPB	Submitted and waiting for notice	Late August 2015
<b>Subject to grant success</b>		
Development Approvals	Lodge plans for planning and building rules approval	September/ October 2015
Tender and procurement	Finalise documents and tender package	October 2015
Construction	Rock revetment and plantings	November 2015- February 2016
<b>If unsuccessful with grant application scope of works to be considered in the strategic prioritisation process and future grant funding application</b>		
<b>Stage 3 Stormwater civil works (2016/17 capital works program)</b>		
<b>Task</b>	<b>Description</b>	<b>Estimated Dates</b>
Development approvals	Lodge plans for planning and building rules approval	July 2016
Tender and Procurement	Finalise documents and tender package	August 2016
Construction	On site works	October 2016 – Jun 2017 (indicative)
<b>Stage 4 Play space and reserve</b>		
<b>Task</b>	<b>Description</b>	<b>Estimated Dates</b>
Grant funding application	DPTI Open Space fund leverage from proposed stormwater capital works budget and Heron Way Reserve Development project budget for stage 4	Typically December 2015/January 2016
Detailed design stage 4 and 5	Program for 2016/17 work area planning	July 2016- January 2017
Council report	Detailed design stage 4 and 5 indicating whole of life costs and seek endorsement to construct stage 4 and 5 subject to grant funding	March 2017
Development approvals	Stage 4 and 5	March 2017- April 2017
Tender and Procurement	Tender documentation / procurement process for stage 4 and 5 subject to grant funding notification	May 2017
Construction	On site works	May 2017 – November 2017 (indicative)
Project Stage Completion	Reserve open for community use and funding acquittals	December 2017 (indicative)
<b>Stage 5 Grand Central Amphitheatre (subject to strategic prioritisation process)</b>		
<b>Task</b>	<b>Description</b>	<b>Estimated Dates</b>
Detailed design	Program for 2016/17 work area planning	July 2016- January 2017
Grant Funding application	DPTI Open Space fund leverage from remaining Heron Way Reserve budget	Typically December 2016/January 2017
Council report	Detailed design stage 4 and 5 indicating whole of life costs and seek endorsement to construct stage 5 subject to grant funding	March 2017
Development approvals	Stage 4 and 5	March 2017- April 2017
Tender and Procurement	Tender documentation / procurement process for stage 4 and 5 subject to grant funding notification	May 2017
Construction	On site works	May 2017 – November 2017 (indicative)
Project Stage Completion	Reserve open for community use and funding acquittals	December 2017 (indicative)
<b>Stage 6 Car park alterations and revegetation (subject to strategic prioritisation process)</b>		
<b>Task</b>	<b>Description</b>	<b>Estimated Dates</b>
Detailed design	Technical drawings and specifications	TBC
Implementation	Funding/ procurement and construction	TBC





APPENDIX 2

RETAINING WALL AND WIDENED PEDESTRIAN PATH TO IMPROVE PEDESTRIAN CONNECTIONS AROUND CAR PARK

ROCK ARMOURING TO THE EXISTING BEACH ACCESS RAMP

COASTAL HEATHLAND BOTANIC TRAIL

SEATING WALL TO PROVIDE SPACE FOR RESPITE AND VIEWS

ROCK ARMOURING TO THE EXISTING BEACH ACCESS RAMP

CLIMBING NET STRUCTURE AND EMBANKMENT SLIDES. CLIMBING NET TO REPRESENT THE CONSTELLATION OF ORION. SHADE SAILS OVER THE SLIDES

SHELTER STRUCTURE AND PICNIC TABLES

PLAY SPACE WITH 5 WAY SWING, FITNESS EQUIPMENT AND WATER PLAY SCULPTURES INTEGRATED WITH SWALE

SAND PIT FOR PLAY AND SUN BATHING

ROCK ARMOURING TO THE EXISTING BEACH ACCESS RAMP

BBQ AND PICNIC AREA

COMMEMORATIVE SPACE FOR EVENTS AND COMMUNITY/ FAMILY PICNICS ETC

PROPOSED NEW AUTOMATED TOILET

PROPOSED RELOCATED BUS STOP

RESHAPE PROFILE OF DUNE FOR STABILISATION

POTENTIAL KAURNA TYILBRUKE INTERPRETATIVE SITE

PAVED PLAZA SPACE WITH SEATING WALL TO FORECOURT OF CAFE. ENHANCE CONNECTIONS TO THE CONSERVATION PARK

PROPOSED NEW GPT

FORMALISED 45 DEGREE ANGLE PARKING WITH VEGETATED PROTUBERANCES

REALIGNED ENTRY TO THE CAFE ACCESS DRIVE

FORMALISED 45 DEGREE ANGLE PARKING WITH VEGETATED PROTUBERANCES

WATER SENSITIVE URBAN DESIGN COLLECTION FROM CAR PARKING KERB AND GUTTER

PROPOSED SUBTERRANEAN TANK FOR WATER HARVESTING & IRRIGATION OF TURF AREAS

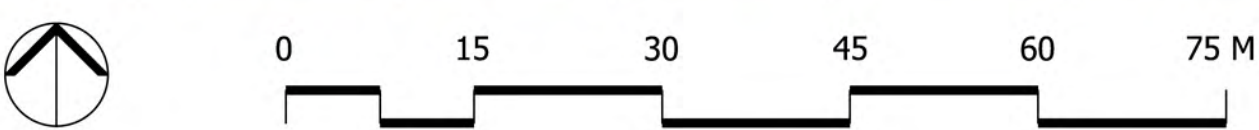
PROPOSED NEW GPT

NARROWED ROAD, UNIT PAVED TO ENHANCE PEDESTRIAN CONNECTIVITY AND SLOW VEHICLES

EVENTS SPACE/ AMPHITHEATRE TERRACED SEATING WALLS

LEGEND

- PROPOSED EVERGREEN TREE
- EXISTING TREE TO BE RETAINED
- RETENTION OF EXISTING REVEGETATION
- PROPOSED GARDEN BED GROUNDCOVER AND GRASSES WITH ORGANIC MULCH
- PROPOSED GARDEN BED SHRUBS WITH ORGANIC MULCH
- PROPOSED EXPOSED AGGREGATE CONCRETE PAVING TYPE 1
- PROPOSED EXPOSED AGGREGATE CONCRETE PAVING TYPE 2
- PROPOSED CONCRETE PAVING
- PROPOSED UNIT PAVERS TYPE 1
- PROPOSED UNIT PAVERS TYPE 2
- PROPOSED COMPACTED RUBBLE CEMENT TREATED
- PROPOSED IRRIGATED INSTANT TURF
- RUBBER SOFTFALL
- PROPOSED SAND PIT
- DRYLAND GRASS
- PROPOSED GABION WALL
- PROPOSED INSITU CONCRETE WALL
- PROPOSED GABION SEATING WALL
- PROPOSED ROCK MORTARED WALL WITH CUT STONE CAPPING
- PROPOSED BENCH SEAT
- PROPOSED SEAT WITH BACK REST
- PROPOSED TIMBER DECKING
- PICNIC TABLE
- PROPOSED RUBBISH BIN
- PROPOSED DRINK FOUNTAIN
- PROPOSED BBQ
- PROPOSED SHELTER
- PROPOSED SHADE SAILS OVER PLAY SPACE SLIDES
- ROCK LINED SWALE
- PROPOSED PRAM RAMP



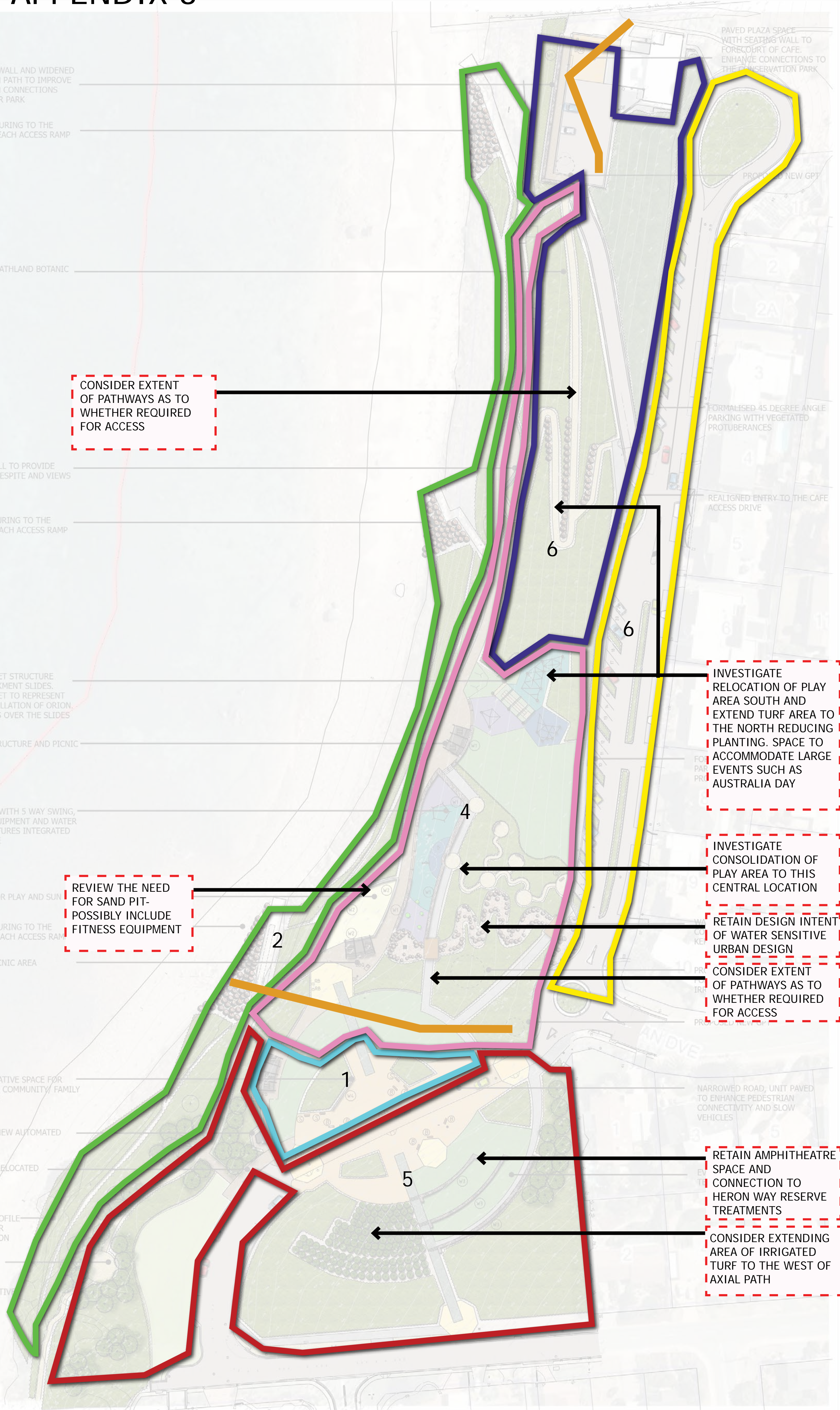
FINAL

HALLETT COVE FORESHORE MASTER PLAN

PREPARED BY OPEN SPACE & RECREATION PLANNING - CITY OF MARION

Design BG 13/12/13	Drawn JY 13/12/13	Checked BG	Authorised for Issue ORIGINAL SIGNED BY: BG
Drawing Number / Sheet HC-SK14			Issue
22			





SUGGESTED STAGES

- 1 COMMEMORATIVE SPACE ELEMENTS (COMPLETE)
- 2 COASTAL DUNE PROTECTION (APPLIED FOR COASTAL PROTECTION BOARD GRANT FUND)
- STORMWATER GPT'S AND PIPE WORK (PROGRAMED FOR 2016/17 CAPITAL WORKS)
- 4 RESERVE AND PLAY SPACE
- 5 AMPHITHEATRE, HERON WAY PAVED AREA, TOILET, PATHS AND REVEGETATION
- 6 CAFE CAR PARK ALTERATION, PLAZA AND REVEGETATION
- 6 CAR PARK ALTERATIONS HERON WAY

DETAILED DESIGN BRIEFING NOTES

PROPOSED STAGING PLAN AND DETAILED DESIGN BRIEFING NOTES  
(MASTER PLAN SUBJECT TO DETAILED DESIGN)



Estimate of Whole of Life Cost- Heron Way Stage 4 & Stage 5												
Description	Lifecycle Yrs	Acquisition Cost	Projected Operating Costs pa	Projected Maint Costs pa	Total Projected O&M pa	Less Existing O&M pa	Net Increase O&M pa	Projected Depn/ Renewal pa	Existing Depn/ Renewal pa	Net Increase Depn/ Renewal pa	Whole of Life Cost of Proposal	Whole of Life Increase Cost of Proposal
Stage 4 - (whole of life cost based upon 50 years)		\$ 983,950	\$ 16,500	\$ 42,100	\$ 58,600	\$ 25,000	\$ 33,600	\$ 30,828	\$ 8,224	\$ 22,604	\$ 5,455,352	\$ 3,794,162
Stage 5 - (whole of life cost based upon 50 years)		\$ 919,710	\$ 4,230	\$ 35,630	\$ 39,860	\$ 1,200	\$ 38,660	\$ 20,314	\$ 1,595	\$ 18,719	\$ 3,928,404	\$ 3,788,677
Stage 4 & 5 - Total (whole of life cost based upon 50 years)		\$ 1,903,660	\$ 20,730	\$ 77,730	\$ 98,460	\$ 26,200	\$ 72,260	\$ 51,142	\$ 9,818	\$ 41,324	\$ 9,383,755	\$ 7,582,839

*\*Whole of life costs include acquisition, operating & maintenance expenditure and depreciation/renewal using current values.*

Maintenance 5% pa equation

**CITY OF MARION  
GENERAL COUNCIL MEETING  
28 JULY 2015**

**Originating Officer:** Amy Liddicoat, Open Space and Recreation Planner

**Corporate Manager:** Peter Patterson, Manager Open Space and Facilities

**Director:** Abby Dickson, Acting Director

**Subject:** Oaklands Inclusive Playspace

**Report Reference:** GC280715R05

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**REPORT OBJECTIVES:**

To provide an interim report on the Oaklands Inclusive Playspace project and present options for Council consideration in providing an inclusive and accessible playspace, in partnership with the Touched by Olivia Foundation (TBOF) and the Department of Planning, Transport and Infrastructure (DPTI) within the City of Marion.

**EXECUTIVE SUMMARY:**

The Oaklands Inclusive Playspace project is currently in the planning and design phase, following community consultation that occurred in 2014.

Stakeholder feedback and further internal review of the site location during this phase has raised issues and opportunities for Council to reconsider the location of the Inclusive Playspace.

The TBOF inclusive playspace model provides a unique and exciting opportunity to deliver play experiences for a range of abilities. However the playspace model does require a large footprint, fencing, carparking and associated amenities. The suitability of Oaklands Estate reserve for this particular playspace model has been raised and subsequently explored as the natural amenity of the site may contrast with the synthetic style of development.

A site review of 10 reserves, with reference to inclusive playspace principles has been undertaken to determine the best location for the inclusive playspace. Hendrie Reserve, located across from the Oaklands Wetland site rated the highest in the review as it is accessible, possesses good passive surveillance, has existing infrastructure, with the potential to activate the site, complement the existing outdoor swimming pool and encourage utilisation of the site year round.

Locating the Inclusive playspace at Hendrie Reserve could allow for the Oaklands Estate Reserve to be further progressed with an alternative play focus, such as nature play, that may be more complimentary to the natural setting of the site. The TBOF have been briefed on the issues arising and are supportive of the change in location should it better meet their objectives.



## RECOMMENDATIONS (4)

## DUE DATES

That Council:

- |   |              |
|---|--------------|
| 1. Endorses the relocation of the Inclusive playspace to Hendrie Street Reserve and authorises Administration to undertake discussions with the project funding partners, Department of Planning Transport & Infrastructure (DPTI) and Touched by Olivia Foundation (TBOF) and negotiate any necessary amendments to the funding agreement (DPTI) and Memorandum of Understanding (TBOF) to reflect the changes in project location and timing. | 28 July 2015 |
| 2. Reallocate the \$250,000 within the Playspace Strategy for Oaklands Estate Reserve to the Hendrie Street Reserve (Swimming Pool Reserve) Playspace for the provision of an Inclusive Playspace, subject to negotiations with the funding partners.   | 28 July 2015 |
| 3. Refer the future of the Oaklands Estate Reserve (including Playspace) to the Strategic Prioritisation Process for further consideration.   | 28 July 2015 |
| 4. Endorse \$94,000 from the 2015/16 open space capital works program to be utilised for resources required for the Inclusive Playspace project.  | 28 July 2015 |

## BACKGROUND

At the General Council Meeting held on 11 March 2014 (GC110314R03), Council resolved:

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 was part of a wider precinct project to develop the Oaklands Reserve 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 nearing completion.

An MOU with the TBOF was signed in July 2014 with the understanding that both Council and the TBOF would commit funds to the project.

Community and stakeholder consultation was undertaken in 2014 to inform the development of a draft concept plan for the site.

In January 2015, Council committed \$250,000, out of the available \$425,000 from the 2015/16 playspace budget to the Oaklands Inclusive Playspace project to enable a funding application to be submitted to DPTI for matching funding of \$250,000. Council received advice in late June 2015 of the success of this funding application. The funding application made and funding deed agreement entered into are currently in line with Council's resolutions (GC270115R05) for the Inclusive Playspace at the Oaklands Estate Reserve.

## **DISCUSSION:**

During the planning and concept development phase of the project, issues have arisen and opportunities regarding the site location have emerged, requiring consideration by Council to guide the future direction of the project.

### Stakeholder Feedback

The Oaklands Estate Residents Association (OERA), who have a strong connection to the site, requested a review of the location of the Inclusive Playspace. The Association fully support the development of Inclusive play facilities and also support the development of play within the site, however they questioned whether the Oaklands Estate Reserve was the best fit for this style of play space development, given the natural amenity and current use of the Oaklands Estate Reserve.

### Touched By Olivia Foundation (TBOF) Inclusive Playspace Objectives

The TBOF objectives are to provide a playspace with a range of facilities and amenities that allow for all children to play. The foundation believes in a space where 'Everyone can play, not everyone can play on everything, but there is something for everyone'. This provides a degree of flexibility for creative design, however there are some key features that are essential in providing a fully inclusive playspace in line with the TBOF objectives. The playspace must be fully fenced with a disability compliant toilet equipped with adult change facilities as well as having a sizeable carpark (approx. 100 cars) with a coaster bus turnaround area.

The TBOF's Inclusive Playspace partnership strategy is provided as Attachment 1.

### Location Review

In consideration of the issues raised and a more detailed understanding of the TBOF objectives, an internal review of Oaklands Estate Reserve and other potential sites was undertaken to understand if an alternative location should be further considered by Council.

An assessment of 10 regional and precinct reserves was undertaken to test the sites in accordance with the TBOF objectives and relevant design criteria. The reserves assessed included:

- Oaklands Estate Reserve
- Hendrie Street Reserve
- Bandon Terrace Reserve
- Capella Reserve
- Cove Sports Complex
- Marion Sports Complex
- Mitchell Park Oval
- Marion RSL Reserve (NB: reviewed by request)
- Hugh Johnson Boulevard Reserve
- Heron Way Reserve



The reserves were assessed against the following criteria:

- DDA compliance / Accessibility
- Existing Infrastructure & Facilities
- Visibility and Location Profile
- Crime Prevention Through Environmental Design (CPTED)
- Size / Space / Capacity within Site / Functional Conflicts
- Strategic Alignment to Recreation and Economic / Stakeholder Opportunities.
- Landscape Amenity
- Maintenance Implications

Hendrie Reserve scored the highest in the assessment as the site has the necessary infrastructure, including a large carpark and an existing toilet (the toilet will require assessment for its DDA suitability), is in an area that has good access, good passive surveillance, in a complimentary environment and nearby an active recreation facility in the outdoor swimming pool. Hendrie Reserve is also located within the broader precinct of the Oaklands Reserve facility which would retain links to the wetlands and recreation plaza.

A further constraints and opportunities assessment was undertaken (Attachment 2) to compare the current site with Hendrie Street Reserve.

#### Implications and Opportunities for Oaklands Estate Reserve

Oaklands Estate Reserve is one of the most popular playgrounds within the City of Marion. Its location, ambience and surrounding facilities see high visitation rates from a broad catchment of the Council's community and as a 'precinct' space, also from people residing outside the Council area. The site is unique in that it is situated in a rare natural setting within an urban environment.

Should Council wish to consider an alternative location for the TBOF Inclusive Playspace, further consideration of the future development and classification of the playspace located at Oaklands Estate Reserve will need to occur. One option may be to develop the playspace to a nature play theme, which would improve the existing facilities and enhance play opportunities through a connection to nature without having as great an impact on the natural setting of the site. This could be further considered through the Play Space Strategy review.

The Playspace Strategy review may also consider the reclassification of the Oaklands Estate Reserve playspace to a neighbourhood level with opportunity to further review the future of associated assets such as the public toilets in the middle of the reserve near the carpark.

If Council selects an alternate site location for the Inclusive Playspace, the Oaklands Estate Reserve (including Playspace) would remain as an initiative on the unfunded/unprioritised items list. As per the discussion at the recent Strategic Prioritisation workshop held on 30 June 2015, options for progressing the Oaklands Estate Reserve components will be discussed with Council for further consideration.

#### Next Steps

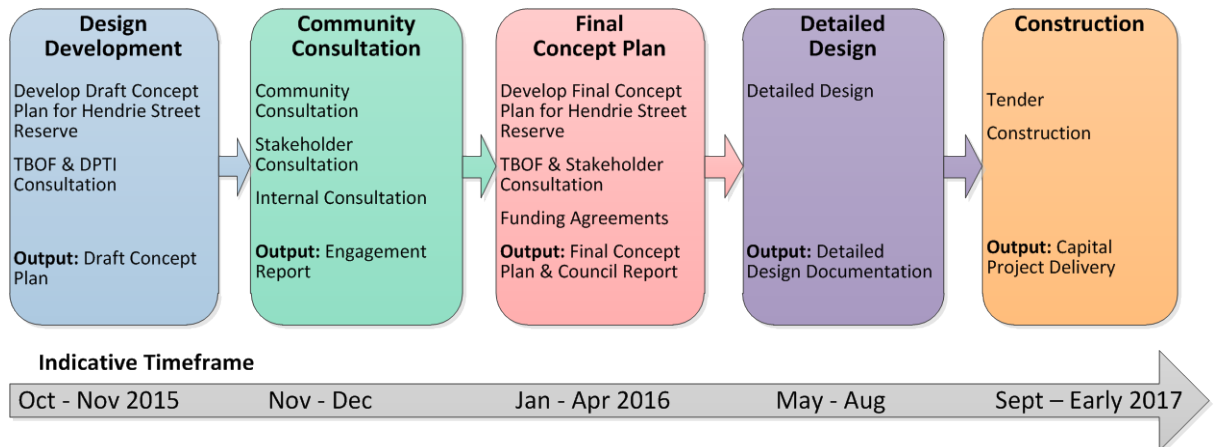
Should Council resolve to change the location of the Inclusive Playspace, the next phase of this project will be to develop a Concept Plan for the Inclusive Playspace at Hendrie Street Reserve in consultation with the community.

As initially resolved (GC110314R03), it is planned for Council to receive a further report detailing proposed funding arrangements, final concept plan and design, prior to commencing construction.

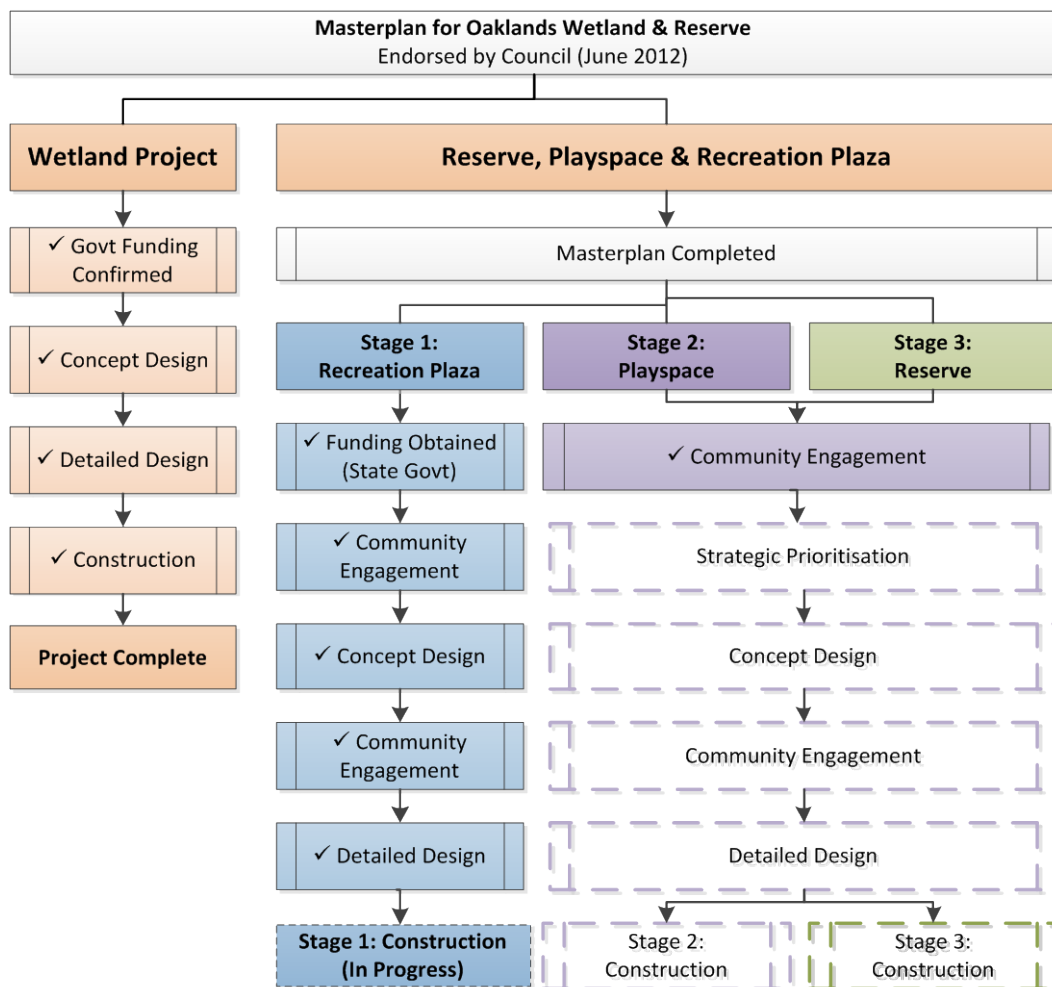
The proposed next steps for the Inclusive Playspace Development and the Oaklands Estate Reserve Development are further outlined in the tables below.

The location review has extended the delivery timeframe with the concept development and detailed design occurring through 2015 and early 2016 with construction not anticipated until mid to late 2016, should the necessary funding be realised.

**Table 1: Inclusive Playspace Development - Next Steps**



**Table 2: Oaklands Wetland and Reserve Development – Progress & Next Steps**





## Options

In consideration of the issues outlined, Council has the following options:

<b>Option 1 (Recommended)</b>	<b>Relocate the Inclusive Playspace to Hendrie Street Reserve and develop a Concept Plan.</b>
Analysis:	<p><u>Design</u> This option is likely to enable the full design intent with the TBOF design requirements able to be incorporated. The site is located in an active recreation area and provides good passive surveillance with existing infrastructure, with the potential to activate the site, complement the existing outdoor swimming pool and encourage utilisation of the site year round.</p> <p><u>Resource</u> An additional resource allocation is required to progress the project as internal resources are fully engaged in the current program of works.</p> <p><u>Partnership / Other</u> This site would require re-negotiation of funding agreements, however, initial discussions would suggest a favorable result is likely.</p>
<b>Option 2</b>	<b>Proceed with the Inclusive Playspace at Oaklands Estate Reserve and develop a Concept Plan.</b>
Analysis:	<p><u>Design</u> The design intent at this location is likely to be impacted as the TBOF objectives and requirements conflict with community feedback regarding the site.</p> <p><u>Resource</u> Additional resources would be required to progress the project as internal resources are fully engaged in the current program of works.</p> <p><u>Partnership / Other</u> This option can be progressed within current funding agreements. Low level passive surveillance at the site may increase operational costs.</p>
<b>Option 3</b>	<b>Reconsider the location of the Inclusive Playspace at an alternative location within the City of Marion and undertake further site assessments.</b>
Analysis:	<p><u>Design</u> A site assessment of 10 reserves has been undertaken to guide this review of location. There are limited options for the location of an Inclusive Playspace due to the infrastructure and access requirements.</p> <p><u>Resource</u> A further site assessment would extend the timeframe of the project and require additional resources.</p> <p><u>Partnership / Other</u> As per option 1, a further assessment and alternative site location would</p>

	require discussion and review of current funding agreements.
<b>Option 4</b>	<b>Advise the TBOF and DPTI it no longer wishes to pursue an Inclusive Playspace.</b>
Analysis:	<p><u>Design</u> This option would not require design.</p> <p><u>Resource</u> This option would not require resources.</p> <p><u>Partnership / Other</u> Significant effort has been employed to gain a funding partnership with the TBOF. The opportunity to realize an inclusive playspace aligns with Council's playspace strategy. This option would see the loss of a partnership as well as up to \$400,000 of project funding from the TBOF.</p> <p>The DPTI grant funding of \$250,000 may be able to be allocated to an alternative themed playspace at Oaklands Reserve, however this will require re-negotiation of the DPTI funding agreement as well as additional resource funding.</p>

## ANALYSIS:

### Consultation

Developing a concept plan for the Inclusive playspace at a new site, Hendrie Street Reserve, will bring different site issues in which consultation with the community will need to occur through the design development phase.

Consultation will be undertaken in a manner which is sensitive to the processes already undertaken, utilising this information effectively to inform the design, whilst also providing appropriate information and opportunity for further feedback to both the new and existing stakeholders.

### Financial Implications

In January 2015 (GC270115R05) Council committed \$250,000, out of the available \$425,000 from the 2015/16 playspace budget for the development of the Oaklands Inclusive Playspace to enable a funding application to be submitted to the State Government for matching funding of \$250,000. In late June 2015 Council was advised that the funding application was successful.

The MOU with the TBOF outlines a partnership with up to \$400,000 to be provided by the Foundation.

As previously indicated and is stipulated within the existing MOU and DPTI funding agreement, the design development would be undertaken with an indicative project budget of \$900,000.

The estimated whole of life costs are provided in Attachment 3. The detailed whole of life costs will be provided following design development for Council consideration.

### Funding Partnerships

The partnership with the TBOF was endorsed by Council in 2014 (GC110314R03) and was formalised with a Memorandum of Understanding (MOU). The MOU is linked to the



Oaklands Estate Reserve site and will therefore need to be revised. The TBOF have been briefed on the issues arising and are supportive of the change in location should it better meet their objectives.

The partnership with DPTI would also require amendment in regards to the location. Initial discussions with DPTI indicate that this would be possible to be worked through once the location is finalised.

Initial discussions with DPTI in regards to the future of Oaklands Estate Reserve has highlighted that there is still an interest from the State Government to partner with Council to further develop this site within the next 3 years in line with the State Government funding program.

### **Policy Implications**

Oaklands Estate Reserve is classified as a 'Precinct' level reserve in the Open Space Strategy and as such was earmarked for a higher level playground upgrade. The site classification is related to the size, location and use of the reserve as well as its co-location with the wetland development.

Any proposed change in play space hierarchy at each site would still be in keeping with the context of the Open Space & Recreation Strategy, the Oaklands Wetland & Reserve Master Plan and the Play Space Strategy.

Liaison with the project team associated with the swimming pool master plan has occurred to ensure that an inclusive playspace would be a complimentary facility. The project team highlighted the strengths of locating the Inclusive playspace adjacent to the pool, where assets such as the carpark would be used year round and the site would have increased activation as well as the potential to attract additional visitors to the swimming pool.

### **Resource Impact**

This project has been in a holding phase pending the outcome of the location review. As such, other projects have been progressed and current human resources within the team are fully engaged in the current program of works. Therefore progressing either location option in 2015/16 will require additional resources or reprioritisation.

Due to the grant funding and partnerships associated with this project, it does necessitate proceeding with the design development in 2015/16 to be in a position to acquit the funds.

The option of reprioritising works has been considered however 6 out of 8 current projects being undertaken with current resources have associated grant funding commitments in the 2015/16 financial year. The current programmed projects requiring planning and landscape design services in 2015/16 (in part or full) include;

- Jervois Street Reserve
- Reserve Street Reserve Dog Park
- Plympton and Edwardstown Oval Playspaces
- Southbank Boulevard Reserve Toilet Block
- Mitchell Park Oval Fitness Trail
- Oaklands Recreation Plaza
- Playspace Strategy Review

The additional project resources required to undertake this project in addition to the above current projects would include internal project coordination and landscape design (external Landscape Design would be at a much higher cost than undertaking the work internally).

The project will therefore require a 0.9FTE role which would include project coordination, management of the varying stakeholder and partnership arrangements, community consultation and landscape design in undertaking the necessary design drawings and technical reviews at a cost of \$94,000 for 12 months.

There are two options available in funding the additional resource requirements:

**Option 1:**

The funding come from Council's committed \$250,000 towards the project. This was not initially within the scope of the \$250,000 budget as the \$250,000 was committed to the capital development of the playspace.

This is not recommended as the needs for a precinct level playspace such as a toilet, fencing, pathways and connections to carpark and shade for this Inclusive Playspace will require the forecast \$900,000 design budget.

**Option 2:**

The funding come from Council's 2015/16 open space and recreation capital works budget where \$94,000 is available and fits with the development of this project.

This is the recommended option as it will fulfill the resourcing needs required for this project with the funding to contribute to design and planning services which the organisation does not have capacity for in 2015/16.

**CONCLUSION:**

The partnerships with the TBOF and DPTI provide a unique and valuable opportunity for Council and the community in the development of an Inclusive Playspace in the City of Marion.

Ensuring the project's success requires careful consideration to the most appropriate location and best fit for the inclusive playspace in ensuring the best long term community outcomes.





Come Play with Me

# Creating places for everyone to play

## Who is Touched by Olivia?

In the darkest grief an adult might experience, two inspiring parents decided that their daughter's death would not be in vain. Touched by Olivia was formed in Australia in 2006 by the Perkins Family, following the loss of their baby daughter, Olivia to a rare disease. With a strategy aimed at creating healthier and happier lives for children, our core focus centres on creating inclusive playspaces across Australia.

## Side by side, hand in hand

Through play we learn how to be part of society. Play is a fundamental part of childhood, and according to the United Nations it is a child's right to enjoy play and leisure.

Touched by Olivia has created a unique model based on partnership by bringing together communities, government and corporate Australia to deliver special places that change the way our society plays. Through extensive research, advocacy and guidelines based on the Universal Design Principles, we assist communities to create special places that encourage and invite social inclusion through play.

Many playspaces in Australia do not meet the needs of their community. Physical disabilities, coupled with childhood disorders, and the ever-changing demographic of stay at home carers, means that every detail needs to be considered for a space to be truly inclusive. It's not about installing a liberty swing and a few ramps up to a slippery slide. It means designing and creating custom made, accessible and intergenerational play equipment and amenities, incorporating accessible pathways, passive areas, sensory and tactile play and artworks, graduated challenges, points of recognition and visual cues, fencing, accessible parking and bus drop off zones.

The number 1 outcome of the National Disability Strategy is "Inclusive and Connected Communities." Touched by Olivia's inclusive playspace projects fit firmly under NDS.

## Why Inclusive Playspaces?

- 1 in 5 Australians have a disability.
- 61% of children aged 5-14 years with a disability have an intellectual disability
- 1 in 100 Australian children have an autism spectrum disorder
- Nationwide spread of high density living in units and apartments highlights the need for access to quality inclusive community spaces
- 25% of children are overweight or obese
- Over 43% of working families use grandparents to care for their young children
- Prejudice can be effectively reduced through interaction, and activities that bring children with and without disabilities together have been shown to foster more positive attitudes. Social integration benefits everyone. *Unicef 2013 State of the World's Children's Report*

All other data sourced ABS 2012



You can discover more about a person in an hour of play than in a year of conversation - PLATO





# Our Handprint

## 1. Liwi's Place National Network

Livvi's Place Inclusive Playspaces have been built in Campbelltown, Five Dock, Dubbo, Brisbane, Ryde and Melbourne, with many more in development across Australia. Touched by Olivia is committed to the continued expansion of the Livvi's Place National Network through four key areas of focus.



### Corporate Australia

Touched by Olivia is grateful for our panel of national corporate partners for their pro bono financial support including Leighton Contractors, Boral, Commonwealth Bank, Vodafone and St George Bank. It's our privilege to provide corporate Australia with a sustainable, proven vehicle to give back to communities and we welcome new partners.



### Research

Our goal of inclusion is supported by extensive academic rigor, achieved through partnerships with leading NGO's across Australia. We continue to work with these bodies to improve societal outcomes through assessment, research and post analysis and shared knowledge.



### Online Toolkit

We have developed an extensive website, funded by the Federal government, for organisations and communities wanting an inclusive playspace.

[www.inclusiveplayspace.com](http://www.inclusiveplayspace.com).



### Government Support

Our vision is enhanced through government collaboration, endorsement and funding. It is therefore paramount that we continue to build our profile with key governmental stakeholders

## 2. The Inclusive School Playspace Pilot



The school playground can be a challenging place for many children.

- 37% of children with disabilities have difficulties fitting in socially
- 1 in 4 primary school students report being bullied
- Over a quarter of Australian kids are overweight or obese
- 14% of children aged 4-17% have mental health problems

To combat these major issues, Touched by Olivia is guiding five schools to develop and activate inclusive playspaces and strategies utilising our learnings and support networks.

The outcome of this pilot is to deliver a comprehensive toolkit, endorsed by State and Federal government, that can be implemented to foster inclusive play within the school community.

Play fosters belonging - STUART BROWN



# Principles of Inclusive Play

1. Everyone can play  
Not everyone can play on everything, but there is something for everyone
2. Access to nature  
Assist and maintain a connection to nature
3. Total experience  
The total experience should invite all members of the community to enjoy the social and health benefit of play
4. A connection to community  
The community has been engaged in the process and there has been participation beyond consultation.  
*"Resurrect the Village Vibe"*
5. Play independence - I can do it myself!  
Offers and encourages play experiences for people of all abilities that promote independence and a sense of mastery
6. Friendship  
Offers and encourages play experiences for people of all abilities. Promote, plan and design for spaces to gather and share within or surrounding the playspace



In our play we reveal what kind of people we are - OVID

"The role of play in children's lives is of critical importance to their healthy development, Touched by Olivia is working to engage the whole community in planning and promoting inclusive play spaces so all children have opportunities to experience the incredible benefits of a playful childhood."

ROBYN MONRO MILLER  
VP International Play Association  
CEO Network of Community Activities

## How you can help us?

Our goal for an inclusive society connected through play can become a reality with your support.

- We need government endorsement and funding.
- We seek corporate sponsorship – pro bono and financial, as well as skilled staff volunteers.
- We love community drivers and advocates who help us bring projects to life in towns all over Australia.
- Most of all, we ask you to help us spread the word about the benefits of inclusive play.

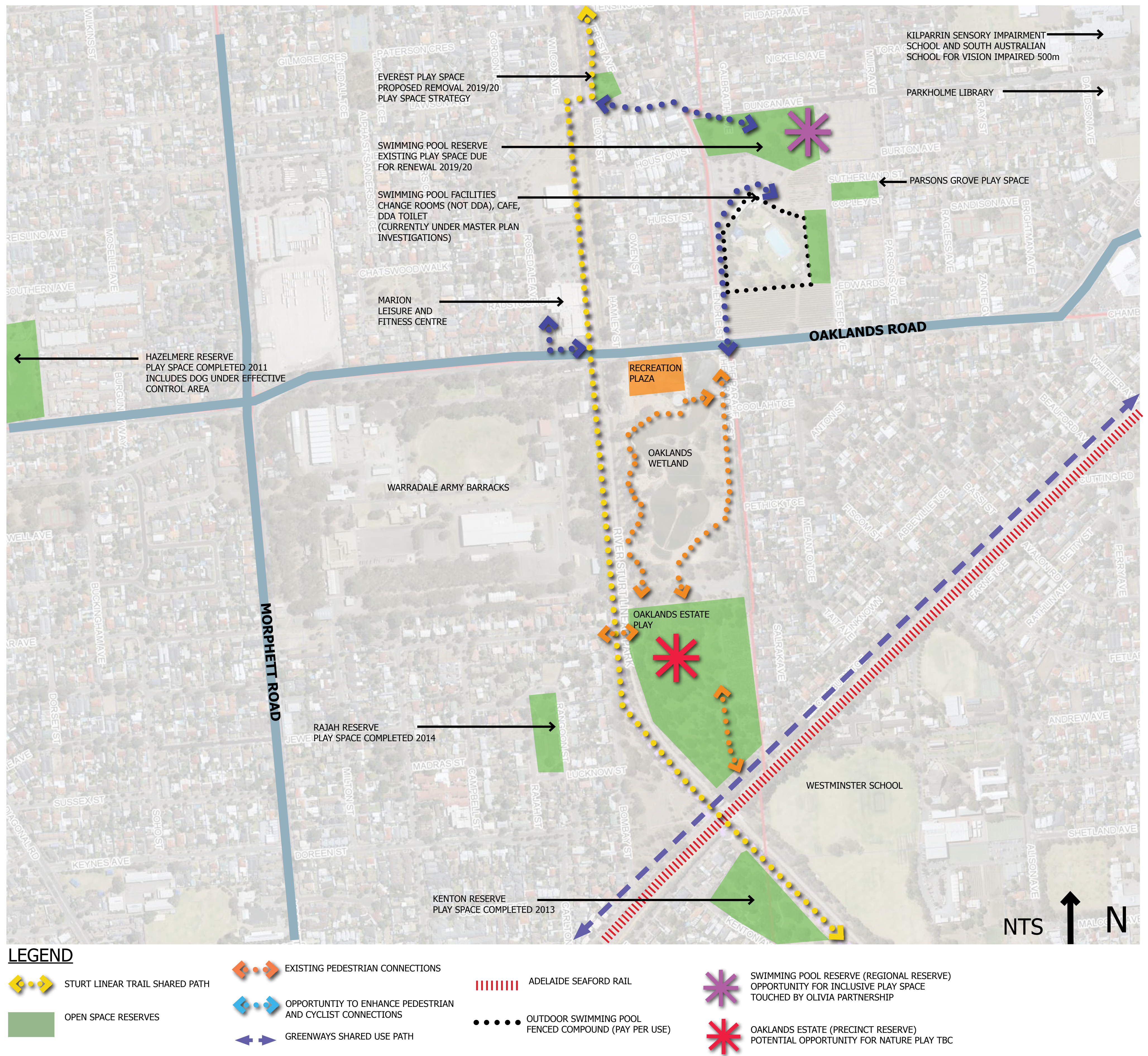
Come Play With Us

[www.touchedbyolivia.com.au](http://www.touchedbyolivia.com.au) P.O. Box 923 Drummoyne NSW 2047 P 0414 506 606





# HENDRIE STREET RESERVE AND OAKLANDS ESTATE RESERVE CONSTRAINTS AND OPPORTUNITIES ASSESSMENT





# OAKLANDS ESTATE RESERVE



## LEGEND



TREE PROTECTION ZONE



STURT LINEAR TRAIL SHARED PATH



INTERNAL PATHWAYS



HERITAGE VINEYARD



SUGGESTED PLAY AREA



GREENWAY SHARED PATH



TRAIN LINE CORRIDOR



JAPANESE GARDENS



BIODIVERSITY CORRIDOR

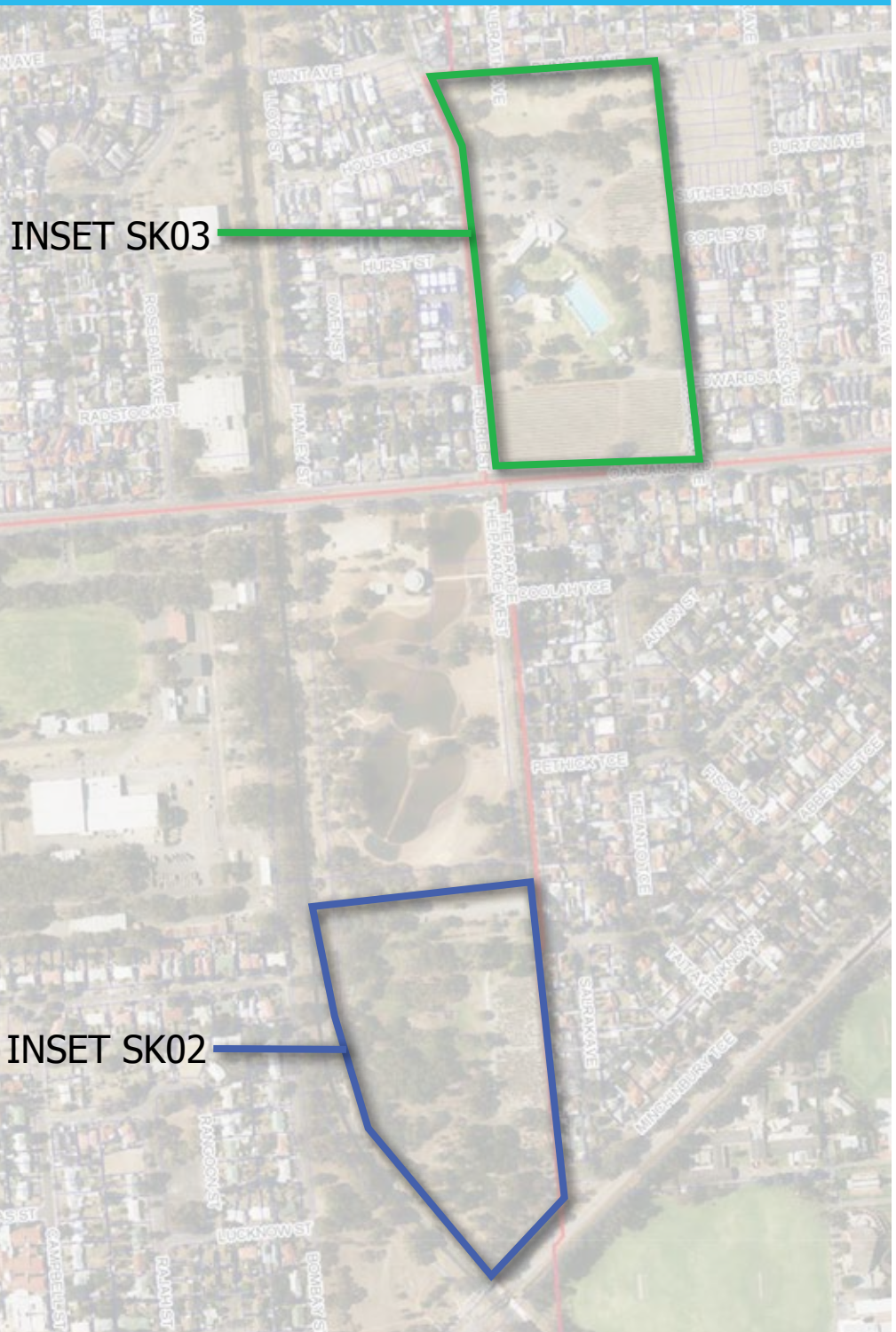
## OPPORTUNITIES

- high quality natural amenity
- integrated with wetland precinct and biodiversity initiatives for educational opportunities and passive recreation
- existing play space is scheduled for renewal within the play space strategy
- opportunities to integrate cultural heritage into the reserve and play space theme and development
- existing car parking area is sufficient for the anticipated patronage with some minor traffic line marking and speed controls
- well connected to the Sturt linear trail and greenway for cycle and pedestrian access
- recent installation of a pedestrian bridge crossing Sturt River channel
- play space located within the same reserve as the recreation plaza enhancing connectivity and safe access for families
- existing trees provide natural shade
- adventure nature play opportunities
- reserve is currently classified as precinct.
- grant funding opportunities within a precinct that has had previous support from State government.
- existing services of sewer, water and electricity already on site
- play space will activate the site enhancing crime prevention through environmental design (CPTED)

## CONSTRAINTS

- natural amenity of the landscape is not conducive to synthetic surfacing and artificial shade structures. Design to consider limiting large expanses of rubberised surfacing and use of trees for shade in preference to shade sails
- fencing the play area which is a requirement of special needs will have a visual impact on the open landscape amenity
- limited opportunities for potential cafe or alike onsite adjacent to play space. Site location does not provide street presence to support economic vitality.
- existing trees and protection zones
- limited passive surveillance (not conducive to CPTED principles)
- car parking will need to consider the addition of a sunshine coaster drop off point and parking bay
- walking distance from the existing car park area to suggested play area will need wayfinding mechanisms for visually impaired and neurological disorders
- currently the reserve has a quiet passive amenity, the proposed development will likely increase visitation
- currently there are a number of dog off leash users which has potential conflicts of children and play
- existing play space is scheduled for renewal. Maintenance and risk will determine the time of removal regardless of options
- grant funding applications have been submitted and if successful will need to be discussed with DPTI as to how and if we can utilise funds
- distance to recreation plaza and recently installed DDA compliant toilet is approximately 500m

## CONTEXT PLAN





# HENDRIE STREET RESERVE



## LEGEND



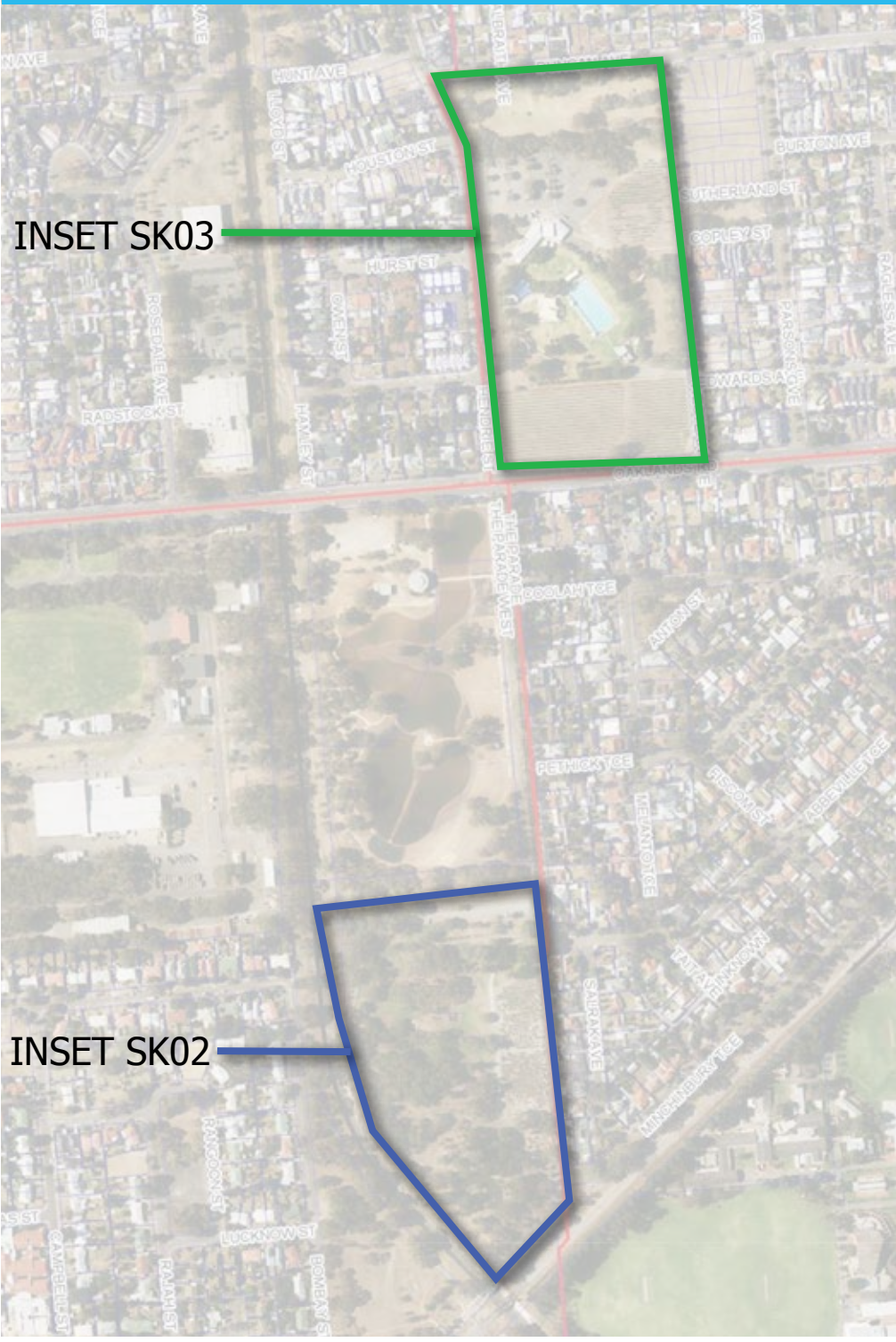
## OPPORTUNITIES

- opportunity to partner with Touched by Olivia Foundation who facilitate and develop inclusive play spaces. This opportunity will support funding in addition to social/ community benefits.
- potential to link with pool master plan as an inclusive space
- geographically well connected to special needs schools on Duncan Avenue- Kilparrin and South Australian School for Vision Impaired
- proximity to Parkholme library for potential programing of kids events and story telling in the park
- play space strategy defines Swimming Pool and Reserve as a regional park.
- opportunity to activate the site during winter which is currently quiet due to the pool closure periods. Use of car park all year round
- existing site has high activity and would be fitting with Touched by Olivia play model
- existing play space is scheduled shortly for renewal within the play space strategy and has had equipment removed over the years
- large expanse of existing car parking area and proximity to playspace
- relatively good connections to the Sturt linear trail for cycle and pedestrian access
- some periphery existing trees providing natural shade
- some undulating landforms to provide play opportunities
- existing services of sewer, water and electricity already on site
- opportunities to enhance play opportunities for water based play and nature based both internal of pool complex and external
- opportunity to rationalise play spaces within the area by consolidating play spaces at the same time as developing a regional facility.
- medium density housing development surrounding park with additional infill occurring, supporting the need for high quality and flexible inclusive play/ recreational opportunities
- landscape character is urban and conducive to artificial/ synthetic surfacing such as rubber and shade sails if required
- fencing around play space would have limited impact on the amenity of the park due to existing infrastructure and visual context.
- opportunities for good passive surveillance with houses orientated for views over the park

## CONSTRAINTS

- local heritage listed vineyard area will need detailed assessment and development approvals process if it were to be impacted.
- need to assess the capacity of the car park in summer during peak periods when the pool is open
- car parking will need to consider realignment and the addition of additional DDA parks and sunshine coaster drop off point
- grant funding applications have been submitted for Oaklands Estate site and if successful will need to be discussed with DPTI as to how and if we can utilise funds
- existing play space is currently scheduled for renewal 2019/20
- need to consider provision of an adult change table and hoist; potential retrofit to existing exeloo or pool complex facility access to be investigated.
- separation across Oaklands Rd from the youth recreation plaza
- disconnect of existing internal pool play area and external to compound fencing barriers to be investigated with pool master plan
- Oaklands Rd forms a barrier to Recreation plaza, however signalised intersection provides safe crossing point.

## CONTEXT PLAN





<b>Estimate Whole of Life Cost Analysis- Inclusive Playspace</b>												
<b>Description</b>	<b>Lifecycle Yrs</b>	<b>Acquisition Cost</b>	<b>Projected Operating Costs pa</b>	<b>Projected Maint Costs pa</b>	<b>Total Projected O&amp;M pa</b>	<b>Less Existing O&amp;M pa</b>	<b>Net Increase O&amp;M pa</b>	<b>Projected Depn/ Renewal pa</b>	<b>Existing Depn/ Renewal pa</b>	<b>Net Increase Depn/ Renewal pa</b>	<b>Whole of Life Cost of Proposal</b>	<b>Whole of Life Increase Cost of Proposal</b>
<b>Total (whole of life cost based upon 50 years)</b>		<b>\$900,000</b>	<b>\$6,000</b>	<b>\$38,000</b>	<b>\$44,000</b>	<b>\$11,400</b>	<b>\$32,600</b>	<b>\$29,411</b>	<b>\$5,880</b>	<b>\$23,531</b>	<b>\$4,570,530</b>	<b>\$3,706,530</b>



**CITY OF MARION  
GENERAL COUNCIL MEETING  
28 JULY 2015**

**Originating Officer:** Ann Gibbons, Manager Environmental Sustainability  
**Director:** Kathy Jarrett  
**Subject:** Ceasing Purchase of Green Power  
**Report Reference:** GC280715R06

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**REPORT OBJECTIVES:**

The purpose of this report is to seek direction from Council regarding:

- ongoing purchase of accredited “green” power for all electricity supply contracts; and
- options for reinvestment of savings arising from ceasing to purchase “green” power.

**EXECUTIVE SUMMARY:**

At the 14 April 2015 General Council Meeting (GC140415M04) Council resolved that:

*“the City of Marion cease purchasing “green” power for street lighting from 1 January 2017 with the savings reinvested into infrastructure that will create renewable energy.”*

Following the 14 April 2015 resolution, Council’s administration were advised by the electricity supplier for streetlighting that the City of Marion can be released from contractual obligations for Green Power purchase prior to 1 January 2017 at no cost.

In addition to streetlighting, Council has two more electricity supply contracts negotiated through LGA Procurement contracting processes that expire on 31 December 2015 (above 160MW sites) and 31 December 2017 (below 160MW sites). Purchase of “green” power is included in both of these contracts.

Based on the above Council may consider varying the resolution passed at the 14 April 2015 General Council meeting to the recommendations in this report.

Should Council resolve to cease purchasing “green” power across all electricity supply contracts, the associated savings could be quarantined for reinvestment into infrastructure that will create renewable energy.

**RECOMMENDATIONS (3)**

**DUE DATES**

**That Council amend the resolution that *“the City of Marion cease purchasing “green” power for street lighting from 1 January 2017 with the savings reinvested into infrastructure that will create renewable energy”* (GC140415M04) to:**

- 1. The City of Marion negotiate with any relevant electricity suppliers to cease purchasing all “green” power as soon as contractually possible;**

**28 July 2015**

- 2. That the achieved savings (estimated at \$39,000) be transferred to the Asset Sustainability Reserve and separately quarantined and accounted for specific reinvestment into infrastructure that will create renewable energy.**

**28 July 2015**

## **BACKGROUND:**

This report is being brought to Council within the provisions of Section 21(1) of the Local Government (Procedures at Meetings) Regulations 2013 which states that: *"The chief executive officer may submit a report to the council recommending the revocation or amendment of a resolution passed since the last general election of the council."*

The City of Marion participates in the LGA Procurement contracting processes for its three electricity supply contracts. All of these contracts include a "green" power component as follows:

- Streetlighting – estimated annual cost for "green" power is \$24,000 (addressed in GC140415M04);
- Above 160MW contract (includes large facilities such as the Administration Centre, Marion Cultural Centre and City Services) – estimated annual cost for "green" power is \$10,000 (current contract expires 31 Dec 2015); and
- Below 160MW contract (includes all smaller facilities and other activities requiring electricity such as water pumps, electric barbeques, etc.) – estimated annual cost for "green" power is \$5,000 (current contract expires 31 Dec 2017).

## **ANALYSIS:**

While purchasing "green" power does contribute to reductions in carbon emissions, consideration of the following options will help determine the best value for any investments in energy efficiency and renewable energy projects:

- Avoid: using less energy (e.g. switching off lights or equipment when not in use, purchasing less equipment, behaviour change programs for building occupants) to reduce the amount of energy required.
- Reduce: using energy efficient equipment and vehicles, and improving the efficiency of buildings (e.g. lighting and air-conditioning upgrades, high star-rated equipment, etc.) to minimise energy requirements.
- Switch: using less carbon intensive energy sources either by:
  - installation of renewable energy systems (e.g. roof-top solar, wind) to meet, as much as possible, the electricity requirements of the building after efficiency measures have been implemented;
  - purchase of renewable energy (accredited "green" power) for remaining electricity requirements; the premium paid to retailers is used to facilitate the installation of new renewable energy generators and supports the renewable energy sector in Australia.
- Offset: purchasing 'carbon credits' from accredited providers (e.g. Greenfleet, Canopy, etc.) to finance projects (e.g. tree planting, hydroelectric power, etc.) that will offset remaining emissions generated by business operations.
- Develop Sinks: actions that remove carbon from the atmosphere (e.g. tree planting programs, storage of organic carbon in soil, etc.).



Offsets and sinks are generally the least cost effective ways to reduce emissions although some may provide other environmental and social benefits such as habitat restoration and reducing the urban heat island effect.

**Legal / Legislative and Risk Management:** Following the 14 April 2015 resolution, Council's administration has been advised by the electricity supplier for streetlighting that the City of Marion can be released from contractual obligations for Green Power purchase prior to 1 January 2017 at no cost. This approach may also be possible for the remaining two electricity supply contracts and can be pursued in line with the recommendations of this report.

**Financial Implications:** An estimated \$39,000 annual savings will result from ceasing to purchase Green Power across all three electricity supply contracts.

It is recommended that the savings achieved through this approach be transferred to the Asset Sustainability Reserve and separately quarantined and accounted for future reinvestment into infrastructure that will create renewable energy.

Council may choose to invest in alternative energy efficiency and renewable energy options (e.g. energy efficiency upgrades and/or roof-top solar/photovoltaic panels on Council buildings, etc.) to reduce the organisation's carbon footprint and minimise ongoing energy costs.

Detailed business cases analysing the costs, benefits, and paybacks of the various options to better understand where investment will achieve the best outcomes will be required.

**Policy Implications:** Installing renewable energy infrastructure and improving the energy efficiency of Council buildings and facilities contributes to Marion's 'biophilic' aspiration by reducing the organisation's carbon footprint and minimising the impact of Council's operations on the climate.

Investigation of energy efficiency and renewable energy options for Council complements Strategic Directions Committee priority initiatives discussions relating to community power.

## **CONCLUSION:**

Green Power is included in all three of the City of Marion's electricity supply contracts negotiated using LGA Procurement contracting processes.

Redirecting budget savings associated with ceasing to purchase "green" power to identification and implementation of energy efficiency and renewable energy options will reduce the organisation's carbon footprint and impacts on the climate, and minimise ongoing energy costs.

**CITY OF MARION  
GENERAL COUNCIL MEETING  
28 July 2015**

**Originating Officer:** Jaimie Thwaites, Unit Manager Council Support

**Corporate Manager:** Kate McKenzie, Manager Governance

**Director:** Kathy Jarrett

**Subject:** Local Government (Elections) (Disclosure of Political Affiliation) Amendment Bill 2015

**Report Reference:** GC280715R07

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**REPORT OBJECTIVES and EXECUTIVE SUMMARY:**

To inform Council of the draft *Local Government (Elections) (Disclosure of Political Affiliation) Amendment Bill 2015* (the Bill) proposing changes to the *Local Government (Elections) Act 1999* (SA) (the Act) and to seek its views in order to provide feedback to the Local Government Association (the LGA) by 31 July 2015.

**RECOMMENDATIONS (1)**

**DUE DATES**

**That Council:**

- |   |                     |
|---|---------------------|
| <b>1. Endorse the feedback to be forwarded to the Local Government Association of South Australia by 31 July 2015 regarding the draft <i>Local Government (Elections) (Disclosure of Political Affiliation) Amendment Bill 2015</i> subject to any additional feedback provided in the General Council meeting of the 28 July 2015.</b> | <b>31 July 2015</b> |
|---|---------------------|

**BACKGROUND**

The Hon Robert Brokenshire MLC has introduced a private member's Bill into Parliament which is proposing to amend the *Local Government (Elections) Act 1999* to require all candidates for election to Local Government to disclose their memberships of political parties. The LGA is seeking feedback on the proposal (Circular 24.3).

On 15 July 2015 the Hon Robert Brokenshire MLC wrote to the LGA advising a drafting error had been made on the Bill and an amendment would be filed to delete Clause 6 – Amendment of section 29 – Ballot papers.

A copy of the correspondence and draft *Local Government (Elections) (Disclosure of Political Affiliation) Amendment Bill 2015* is attached at Appendix 1.

Memberships of political parties have been raised previously. For example, in the *Local Government (Accountability and Governance) Amendment Bill 2015* (GC260515R13) that was proposing that memberships of political parties (in addition to other information such as



income sources etc) be required to be published on the council website. This current Bill, however, is specifically related to disclosure of memberships of political parties during the Local Government election process.

## **ANALYSIS:**

Elected Members were asked to provide any feedback they had regarding the Bill via email on 17 June 2015.

As a result of the responses received it is recommended that the following feedback be provided to the LGA in relation to the Bill:

*The following information regarding candidates should be disclosed on the 'LGA Candidate Website' and in the candidate profile (not on the ballot paper):*

- *membership of any political parties, lobby groups or affiliation to any organization involved in the political process*
- *positions held in such political organisations (ie office bearers)*
- *plans to seek pre-selection*

*Unless the political party/affiliate has paid for or provided the printing of additional election material it should not be a requirement to include a statement of the name of each political party as it may incorrectly appear they have actually endorsed it.*

*Further that deliberate misrepresentation of such affiliation results in immediate disqualification of candidacy. If this deliberate misrepresentation is uncovered after the election and the person is elected then they are removed from office. Natural justice process would of course be followed to determine if an offense has occurred.*

*Deliberate misrepresentation would include "lying on one's CV" type offenses where a candidate could claim to be involved with a group which is either non-existent or effectively inactive.*

*It is important to balance the need to be open and transparent without potentially politicising local government. People should not be discouraged from getting involved in local government if they are members of political parties. The goal should be that people are encouraged to get involved for bettering their community and not their political or personal careers.*

Any feedback on the Bill is required by LGA by 31 July 2015.

## **CONCLUSION:**

The Bill, to be administered through the Act and associated regulations provide for the legislative framework in which Council elections operate. This framework is designed to provide for an open, accountable, efficient and effective sphere of government with broad powers, responsibilities and discretion in relation to local areas.

Appendix 1 – Letter from the Hon Robert Brokenshire MLC to the LGA and the Draft *Local Government (Elections) (Disclosure of Political Affiliation) Amendment Bill 2015*



LEGISLATIVE COUNCIL  
PARLIAMENT HOUSE  
ADELAIDE, S.A. 5000



**Hon Robert Brokenshire MLC**  
**FAMILY FIRST PARTY**  
***The Independent Party***

Ph: (08) 8237 9122

Fax: (08) 8237 9478

Parliament House, North Terrace, Adelaide, South Australia 5000

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Our Ref: 15151

15th July 2015

Ms Andrea Malone  
Director Legislation  
Local Government Association  
GPO Box 2693  
ADELAIDE SA 5001

Dear Ms Malone

Thank you for contacting my office regarding the *Local Government (Elections) (Disclosure of Political Affiliation) Amendment Bill* which I introduced to the Legislative Council on the 3<sup>rd</sup> of June 2015.

Family First greatly appreciates the work of local governments in the community.

As discussed, the intention of this Bill is to provide transparency into the matter of council elections through requiring candidates to declare whether they are a member of a political party without imposing any unnecessary burdens onto local governments.

It has come to my attention that a drafting error was made and it was never my intention to include clause 6 in the Bill. Please be advised that I no longer intend to move clause 6. I have attached a copy of an in-house amendment which will be filed shortly.

I thank you for contacting my office in relation to this Bill and I look forward to working with you closely in the future.

Yours sincerely

A handwritten signature in black ink, appearing to be 'R. Brokenshire'.

Hon Robert Brokenshire MLC

Encl



**Advance for the Hon Robert Brokenshire MLC**

South Australia

**Local Government (Elections) (Disclosure of  
Political Affiliation) Amendment Bill 2015**

A BILL FOR

An Act to amend the *Local Government (Elections) Act 1999*.

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**Local Government (Elections) (Disclosure of Political Affiliation) Amendment Bill 2015**  
**Contents**

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## **Contents**

### **Part 1—Preliminary**

- 1 Short title
- 2 Amendment provisions

### **Part 2—Amendment of *Local Government (Elections) Act 1999***

- 3 Amendment of section 4—Preliminary
  - 4 Amendment of section 19—Manner in which nominations are made
  - 5 Amendment of section 27—Publication of electoral material
  - 6 Amendment of section 29—Ballot papers
- 

**The Parliament of South Australia enacts as follows:**

### **Part 1—Preliminary**

#### **1—Short title**

This Act may be cited as the *Local Government (Elections) (Disclosure of Political Affiliation) Amendment Act 2015*.

#### **2—Amendment provisions**

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

### **Part 2—Amendment of *Local Government (Elections) Act 1999***

#### **3—Amendment of section 4—Preliminary**

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

*parliamentary party* means a political party at least 1 member of which is—

- (a) a member of the Parliament of South Australia; or
- (b) a Senator for the State of South Australia; or
- (c) a member of the House of Representatives chosen in the State of South Australia;

- (2) Section 4(1)—after the definition of *periodic election* insert:

*political party* means—

- (a) a parliamentary party; or
- (b) a political party (other than a parliamentary party) whose membership includes at least 200 electors;

#### **4—Amendment of section 19—Manner in which nominations are made**

Section 19(2)(b)—delete paragraph (b) and substitute:

- (b) a profile of the candidate that—



**Local Government (Elections) (Disclosure of Political Affiliation) Amendment Bill 2015**  
*Amendment of Local Government (Elections) Act 1999—Part 2*

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- (i) contains a statement of the name of each political party of which the candidate is a member; and
- (ii) complies with the regulations; and

**5—Amendment of section 27—Publication of electoral material**

5           Section 27—after subsection (3) insert:

- (4) If the person who authorises publication of electoral material is the candidate for election or a person acting on behalf of the candidate, the person must ensure that the material contains a statement of the name of each political party of which the candidate is a member.

10                           Maximum penalty: \$2 500.

**6—Amendment of section 29—Ballot papers**

          Section 29—after subsection (4) insert:

- (4a) A statement of the name of each political party of which the candidate is a member (as contained in the candidate's profile under section 19(2)(b)) must appear adjacent to the name of each candidate on the ballot paper.
- 15

**Legislative Council—Bill No 36**

Amendments to be moved by the Hon Robert Brokenshire MLC [1]  
Draft 15.7.15

South Australia

**Local Government (Elections) (Disclosure of Political  
Affiliation) Amendment Bill 2015**

**Amendment No 1 [Broke-1]—**

Clause 6, page 3, lines 11 to 16—

Delete clause 6



**CITY OF MARION  
GENERAL COUNCIL MEETING  
28 July 2015**

**Originating Officer:** Jaimie Thwaites, Unit Manager Council Support

**Corporate Manager:** Kate McKenzie, Manager Governance

**Director:** Kathy Jarrett

**Subject:** Elected Members' Expense, Benefit, Support & Facilities Policy

**Report Reference:** GC280715R08

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**EXECUTIVE SUMMARY:**

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

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

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

Council adopted the Elected Members' Expenses, Benefits, Support and Facilities Policy (Appendix 1) at the General Council meeting held 25 November 2014 (GC251114R08) with a review to occur by June 2015.

The current policy was discussed at the Elected Member Forums on 19 May and 30 June 2015. As a result of the discussions at these meetings the policy has been re-written and the purpose of this report is to present the revised Elected Members Expenses, Benefits, Support and Facilities Policy to Council for adoption.

**RECOMMENDATIONS (1)**

**DUE DATES**

**That Council:**

**28 July 2015**

1. **Adopts the Elected Members' Expense, Benefits, Support and Facilities Policy as provided in Appendix 1 with the following inclusion at Section 2.5:**
  - **Travel related to attendance at a "prescribed meeting" being an "eligible journey" (as defined in Regulation 3), as it is attributable to travel outside the Council area, up to a maximum of \$50 or 20km per return.**
- OR**
- **Travel related to attendance at a "prescribed meeting" being an "eligible journey" (as defined in Regulation 3), as it is**

**attributable to travel outside the Council area, up to a maximum of \$500 per financial year.**

**OR**

- **No entitlement to claim travel outside of the Council area.**

## **BACKGROUND:**

The *Local Government Act 1999* (the Act) and the *Local Government (Members Allowances and Benefits) Regulations 2010* (the Regulations) provides for the payment of Elected Member allowances, the reimbursement of expenses and the provision of facilities and support incurred or utilised in performing or discharging official functions and duties.

### Allowances

Pursuant to section 76 of the Act, a member of Council is entitled to an allowance determined by the Remuneration Tribunal. The Remuneration Tribunal reviews and sets the allowance every 4 years. This was last reviewed in 2014 and the Tribunal's determination of 28 July 2014 provides for the following allowances with respect to the City of Marion:

<b>Category</b>	<b>Payment</b>
Mayor	\$76,000
Deputy Mayor or Presiding Member of a Council Committee (inclusive of Councillor payment)	\$23,750
Councillors	\$19,000

The allowance is currently paid 3 months in advance, which is in accordance with the requirements of the Regulations.

The allowance must be indexed on the first, second and third anniversary of the local government election.

### Expenses

Section 77(1)(a) of the Act, via Regulation 5 of the Regulations prescribes the kinds of expenses for which a member of the Council will receive reimbursement.

Section 77(1)(b) of the Act also enables Council to develop a policy that details which of those additional expenses, specified within Regulation 6 of the Regulations, it wishes to reimburse to Elected Members.

### Facilities and Support

In addition, Section 78 of the Act enables Council to provide, at its discretion, facilities and other forms of support to Elected Members to assist them in the performance or discharging of their official functions and duties. These facilities and services must be made available to Elected Members on a uniform basis other than those specifically provided to the Mayor.

## **DISCUSSION:**

Provided at Appendix 1 is a revised draft Elected Member Expenses, Benefits, Support and Facilities Policy for consideration. It has been drafted to reflect the *Local Government (Members Allowances and Benefits) Regulations 2010*.



The policy has been revised to include feedback received at the Elected Member Forums on 19 May and 30 June 2015. As discussed at the Forums the following items have been removed from the Policy:

- Printer and cartridges
- Modem
- Paper
- Office automation software
- Home phone line (installed at personal residence)
- Internet connection (other than data plan on tablet device / smartphone)

The following sections have been amended:

#### Section 2.7

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

#### Section 2.8

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

#### Section 2.9

- a motor vehicle with an overall rating of 4 stars or greater according to the Australian Government Green Vehicle Guide up to the value of the top of the range Mitsubishi Outlander vehicle for the Mayor's (Council) business use.

### **Decision Required:**

The current Policy enables Elected Members to claim the following reimbursements in relation to travel:

- reimbursement for travel expenses is restricted to 'eligible journeys' (as defined in Regulation 3) provided the journey is by the shortest or most practicable route and to that part of the journey within the Council area i.e. any travelling outside the Council area in order to attend Council or Council committee meetings is not reimbursable under section 77(1)(a) of the Act.
- expenses incurred in travelling to a "function or activity on the business of Council". The following conditions apply to these expenses travel both within and outside the Council area must be incurred by the Elected Member as a consequence of attendance at a function or activity on the business of the Council. A 'function' or activity of Council means:
  - official Council functions including Mayoral/ Chairperson receptions, opening ceremonies, dinners, citizenship ceremonies and official visits, etc;

- inspection of sites within the Council area which relate to Council or Committee agenda items;
- attendance at meetings of community groups and organisations as a Council appointed delegate (but not to attend meetings of community groups or organisations when fulfilling the role of local representative, as the Elected Members allowances provides for this).

Elected Members expressed a desire for consistency in relation to the entitlement to claim reimbursement for travel outside of the Council area. Therefore Council could resolve to include one of the following in the Policy (Section 2.5):

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

OR

- Travel related to attendance at a “prescribed meeting” being an “eligible journey” (as defined in Regulation 3), as it is attributable to travel outside the Council area, up to a maximum of \$500 per financial year.

OR

- No entitlement to claim travel outside of the Council area.

**Eligible Journey** - means "a journey (in either direction) between the principal place of residence, or a place of work, of a member of a council, and the place of a prescribed meeting" (Regulation 3).

**Prescribed Meeting** - means “a meeting of the council or council committee, or an informal gathering, discussion, workshop, briefing, training course or similar activity which is directly or closely related to the performance or discharge of the roles or duties of the member.” (Regulation 3).

Note that travel by air, train or bus to attend a conference, seminar, training course or similar as approved under Council’s Professional Development Policy could still be included separately in the Policy.

## Financial Implications

Any changes to the rate of reimbursement will be managed within Council’s current budget allocation.

## CONCLUSION:

The Elected Members Expenses, Benefits, Support and Facilities Policy clarifies those expenses, incurred by Elected Members, which must be or can be reimbursed and ensures compliance with the provisions of *the Local Government Act 1999* and the *Local Government (Members Allowances and Benefits) Regulations 2010*.

Following adoption, the Elected Members Expenses, Benefits, Support and Facilities Policy will be available to the general public via Council’s website and the Administration Centre.



# Council Members' Allowances and Benefits Policy



## 1. POLICY STATEMENT

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

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

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

## 2. POLICY

### 2.1 Allowances

Council Member allowances are determined by the Remuneration Tribunal on a 4 yearly basis before the designated day in relation to each set of periodic elections held under the *Local Government (Elections) Act 1999*. Allowances to Elected Members will be paid in quarterly installments, 3 months in advance.

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

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

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

- 2.2.1 reimbursement for travel expenses is restricted to ‘eligible journeys’ (as defined in Regulation 3) provided the journey is by the shortest or most practicable route and to that part of the journey within the Council area i.e. any travelling outside the Council area in order to attend Council or Council committee meetings is not reimbursable under section 77(1)(a) of the LG Act. For reimbursement for travel outside the Council area refer to “Prescribed and Approved Reimbursements” below.
- 2.2.2 where a Council Member travels by private motor vehicle, the rate of reimbursement is at a rate equal to the appropriate rate per kilometre (determined according to the engine capacity of the vehicle) prescribed for the purposes of calculating deductions for car expenses under section 28.25 of the Income Tax Assessment Act 1997 of the Commonwealth.
- 2.2.3 travelling by taxi, bus or other means of public transport is reimbursed on the basis of expenses ‘actually and necessarily incurred’, but is still limited to ‘eligible journeys’ by the shortest or most practicable route and to the part of the journey that is within the Council area.

2.2.4 the Council may aggregate claims for reimbursement of expenses that relate to journeys that do not exceed 20 kilometres and then pay them on either a quarterly or monthly basis.

### **2.3 Mandatory Reimbursements – Child/Dependant Care (Section 77(1)(a))**

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

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

### **2.4 Prescribed and Approved Reimbursements (Section 77(1)(b))**

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

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

These additional types of reimbursed expenses are distinguished from the payment of allowances and from the mandatory reimbursement of travel and child/dependent care expenses associated with attendance at a prescribed meeting.

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

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

incurred by the Member as a consequence of the Member's attendance at a function or activity on the business of the Council (other than for which the member is reimbursed under section 77(1)(a) of the LG Act); and

- expenses incurred by the Member as a consequence of the Member's attendance at a conference, seminar, training course or other similar activity which is directly or closely related to the performance or discharge of the roles and duties of a Council Member (other than for which the member is reimbursed under section 77(1)(a) of the LG Act).



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

## **2.5 Travel**

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

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

OR

- Travel expenses related to attendance at a “prescribed meeting” being an “eligible journey” (as defined in Regulation 3), as it is attributable to travel outside the Council area, up to a maximum of \$500 per financial year.

OR

- No travel outside of the Council area.

Reimbursement is restricted to the shortest or most practicable route.

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

## **2.6 Child and Dependant Care**

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

## **2.7 Conferences/Seminars/Training**

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

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

\* Meals and incidentals will be reimbursed up to the amounts recommended by the Australian Taxation Office in accordance with Subdivision 900-B of the Income Tax Assessment Act 1997

(with the exception of meals included as part of a conference or seminar etc registration as these will be reimbursed in full).

## **2.8 Facilities and Support**

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

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

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

- 2.8.1 Each Elected Member will be entitled to a Smart phone connected to the Corporate Mobile Phone Plan. Elected Members may choose to bring their own device. Re-imbursement for Elected Members own devices will be to a maximum equivalent of the Corporate Mobile Phone Plan.
- 2.8.2 Each Elected Member will be entitled to a tablet device and corporate data plan for the purposes of Council business including but not limited to accessing corporate email, calendar and downloading minutes and agendas. . Elected Members may choose to bring their own device. Re-imbursement for Elected Members own devices will be to a maximum equivalent of the Corporate Data Plan.
- 2.8.3 A personal desktop computer or laptop
- 2.8.4 Ongoing support and training
- 2.8.5 Corporate approved applications Microsoft Office
- 2.8.6 Reimbursement of up to \$200 per annum for on-line subscriptions/applications
- 2.8.7 A Council land line will be provided to each Elected Member and diverted to their mobile number of choice. This provides ratepayers with a landline to contact Elected Members on.
- 2.8.8 All conference rooms in the Council offices can be booked if available by Elected Members for meetings, interviews and other functions.
- 2.8.9 Up to 50 Christmas cards, as approved by the Mayor, and envelopes of standard size each year and postage.
- 2.8.10 Individual electronic Elected Members' letterhead will be supplied. The electronic letterhead will not incorporate the City Of Marion logo.
- 2.8.11 Business cards
- 2.8.12 Envelopes and postage facilities for Council business only.
- 2.8.13 A meal and drinks will be provided where appropriate while attending Council meetings, Council Committee meetings, briefings and workshops.



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

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

### **2.9 Mayoral Support**

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

- Office space
- Administrative support in accordance with Council's budget.
- Mayoral letterhead
- a motor vehicle with an overall rating of 4 stars or greater according to the Australian Government Green Vehicle Guide up to the value of the top of the range Mitsubishi Outlander vehicle for the Mayor's Council business use.

## **3. EXCLUSIONS**

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

## **4. REIMBURSEMENT AND RECORDS MANAGEMENT**

### **4.1 Claims for Reimbursement**

*Council Members are required to provide details of kilometres travelled and/or evidence of expenses incurred to support all reimbursements claimed. All claims for reimbursement must be submitted to the Chief Executive Officer (or other nominated and delegated officer) on the form/s provided for this purpose on a 6 monthly basis for the purposes of maintaining the Register of Allowances and Benefits.*

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

### **4.2 Other Reimbursements**

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

#### **4.3 Register of Allowances and Benefits (template - Appendix 2)**

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

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

on a quarterly basis (see regulation 7 of the Regulations).

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

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

## **5. SUMMARY**

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

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

## **6. DEFINITIONS**



**The Act** - The Local Government Act 1999

**Regulation** - Refers to the stated regulation of the Local Government (Members Allowances & Benefits) Regulations 2010.

**Eligible Journey** - means "a journey (in either direction) between the principal place of residence, or a place of work, of a member of a council, and the place of a prescribed meeting" (Regulation 3)

**Prescribed Meeting** - means "a meeting of the council or council committee, or an informal gathering, discussion, workshop, briefing, training course or similar activity which is directly or closely related to the performance or discharge of the roles or duties of the member." (Regulation 3)

## 7. REFERENCES

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

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

*Income Tax Assessment Act 1997 (Section 28.25)*

*Professional Development - Elected Members Policy*

## 8. REVIEW AND EVALUATION

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

**CITY OF MARION  
GENERAL COUNCIL MEETING  
28 July 2015**

**Question Received from:** Councillor Hull

**Subject:** Telecommunications Tower – Corner of South & Cross Roads

**Ref No:** 9.33.3.27

**File No:** GC280715Q01

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**QUESTION:**

The following question was asked and recorded in the Minutes of the General Council Meeting on 14 July 2015:

When will punitive action be taken in relation to the telecommunications tower located at the corner of South and Cross Roads?

**COMMENTS:**

The following comments were recorded in the Minutes from the General Council Meeting on 14 July 2015:

Multiple communications have been forwarded to the owner and proponent seeking implementation of the agreed tower obstacle markings. This remains unresolved despite commitments to implement. Advice is now being sought on the next steps Council can take to effect the re-marking. This advice is expected to be provided in the week commencing 20 July. Following the receipt of this advice, the next steps will be considered. Elected Members will be kept informed as to progress.

**FURTHER UPDATE:**

At the time of preparing the advice, legal advice was yet to be received as further clarification was sought from Council's solicitors.

However, since providing the above comments, Council has received written confirmation from the owner that quotes are being received to implement the revised obstacle marking. Council has been advised that an update on these quotes will be received within 2-3 weeks.



**CITY OF MARION  
GENERAL COUNCIL MEETING  
DATE**

**Question Received from:** Councillor Prior

**Subject:** Electricity Consumption at Buildings Owned by Council

**Ref No:** GC280715Q02

**File No:** 9.33.3.29

**QUESTION:**

The following question was asked and recorded in the Minutes of the General Council Meeting on 14 July 2015:

Could details of electricity consumption at buildings owned by Council be provided including the current rate paid per kilowatt hour?

**COMMENTS: Mark Gibson (Team Leader, Land & Property)**

The following table provides the electricity consumption for all Council owned/occupied buildings for the 2014-15 financial year. The electricity consumption for Council owned/leased buildings has not been supplied at this point due to the Lessee being responsible for this expense. Should Council require this additional information, a request could be issued to each lessee to supply the required information.

<b>Building</b>	<b>Electricity Consumption - kWh</b>
Administration Building	484,504
Marion Cultural Centre & Library	425,035
Depot - City Services	185,822
Marion Swimming Centre	128,427
Parkholme Library	104,777
Glandore Community Centre - Malwa, Glandore, Clark, Naldera & Slade Buildings	73,874
Hallett Cove Library	70,717
Oaklands Wetlands - Pump House	45,517
Cooinda	41,808
Cove Civic Centre (Based on 3 months, Non operational)	34,405
Trott Park Neighbourhood Centre	23,799
Hallett Cove Youth Service	19,860
LKCC	19,134

<b>Building</b>	<b>Electricity Consumption - kWh</b>
Perry Barr Farm, Castrol Shed	18,679
Mitchell Park Neighbourhood Centre	15,443
Southern Depot	13,961
Glandore Community Centre - Rugby Building	5,130
Red House	5,126
Fairford House	2,056
Oaklands Wetlands - Round House	0

Council electricity is purchased under contracts established through LGA Procurement contracting processes. Given the commercial in confidence nature of these contracts, unit rates will be circulated separately to this report.



**CITY OF MARION  
GENERAL COUNCIL MEETING  
28 July 2015**

**Notice Received from:** Councillor Hull

**Subject:** Contamination Lead Agency

**Ref No:** GC280715M01

**File No:** 9.24.1.4 & 9.33.3.27

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**MOTION:**

**"That Council formally lodge an urgent objection in writing to the Premier in relation to the appointment of Renewal SA as the lead agency responsible for investigations, testing and defining the nature/extent of contamination to the north and west of the Tonsley site. That Council advises the Premier that we believe that the EPA is the most appropriate statutory authority to be the lead agency to undertake this important environmental responsibility and NOT the developer of the site being Renewal SA."**

**COMMENTS: Councillor Hull**

I request that the below email be attached to my motion as a discussion note please.

**Subject: Mitchell Park and Clovelly Park groundwater testing**

Dear Members,

We have been advised by the EPA that Phase 2 of groundwater testing will soon begin in Mitchell Park and Clovelly Park as part of ongoing monitoring of contamination in this area.

The purpose of the testing is to define the nature and extent of contamination to the north and west of the Tonsley site.

Responsibility for investigations has been transferred to Renewal SA as it is the lead agency for redeveloping Tonsley, but work will be overseen by the EPA. Both organisations are sending letters to about 3500 properties in the area advising of the tests, which are expected to take about six months.

**There will be a community drop in session at Mitchell Park Sports and Community Club, Moreland Avenue, on Tuesday, July 21 from 4pm to 7pm to enable residents and business operators to talk to staff from Renewal SA and the EPA.**

People are asked to contact the Renewal SA 24-hour hotline if they require more details on 1800 715 227 or email [cpmp-phase2@sa.gov.au](mailto:cpmp-phase2@sa.gov.au)

A map of the area to be tested and letters from the EPA and Renewal SA will be placed on the EM Extranet.

Please do not hesitate to contact me if you have any questions.

Regards

**Vincent Mifsud**  
**Director | City of Marion**

**COMMENTS: Fiona Harvey Acting Director**

The City of Marion received correspondence from the Environment Protection Authority (EPA) on 15 July providing a copy of a letter that EPA would be sending to residents and property owners in the Mitchell Park/Clovelly Park area to inform them of the next program of environmental investigation for potential site contamination on the industrial land between South Road and the Tonsley rail corridor (attachment 1). The initial testing of this area identified four potential sources of groundwater contamination that requires further investigation to determine the nature and extent of groundwater contamination originating from the sources.

The EPA advised that, as South Australia's environmental regulator, the EPA is overseeing these further investigations and has engaged in a formal regulatory agreement (voluntary proposal) with the State Government's urban development agency, Renewal SA. Renewal SA is currently responsible for facilitating the redevelopment of the former Mitsubishi site (the Tonsley site).

The correspondence also advised that, as part of the agreement, Renewal SA will soon commence an environmental assessment program in Mitchell Park and Clovelly Park to help determine the nature and extent of groundwater contamination to the west and north of the Tonsley site. In line with the requirements of the agreement, Renewal SA has appointed an EPA accredited site contamination auditor. The role of the auditor is to independently and objectively examine and review the accuracy and completeness of the assessment carried out by Renewal SA and to complete a site contamination audit report.

Further correspondence (attachment 2) was received from the EPA on 23 July detailing further information regarding the legislative framework within which the role of the EPA and Renewal SA are determined. In this case Renewal SA is the current landowner and responsible for facilitating the redevelopment of the former Mitsubishi site (Tonsley site). It has therefore agreed to take responsibility for further investigations of potential site contamination that has its source on this site. As advised by the EPA there are many sites that have previously been, or are currently being assessed by the responsible party across Adelaide. These include the former Hills Site at Edwardstown where Hills Limited and the Novian Property Group are responsible for undertaking the works, and the Bridgestone site at Edwardstown where Bridgestone is responsible for undertaking the works.

This correspondence also provides further information regarding the statutory agreement (the Voluntary Site Contamination Assessment Proposal) between the EPA and Renewal SA under the legislation.

Council may also wish to consider whether to invite the EPA to a forum or council meeting to discuss this matter.





EPA 05/21993; 61324

Dear Resident,

**RE: Renewal SA environmental assessment program**

Late last year, the Environment Protection Authority (EPA) undertook a comprehensive environmental assessment program in Clovelly Park and Mitchell Park. The program identified four potential sources of groundwater contamination on the industrial land between South Road and the Tonsley rail corridor. These sources require further investigation to determine the nature and extent of groundwater contamination originating from the sources.

As South Australia's environmental regulator, the EPA is overseeing these further investigations and has engaged in a formal regulatory agreement (voluntary proposal) with the State Government's urban development agency, Renewal SA. Renewal SA is currently responsible for facilitating the redevelopment of the former Mitsubishi site (the Tonsley site).

As part of this agreement, Renewal SA will soon commence an environmental assessment program in Mitchell Park and Clovelly Park to help determine the nature and extent of groundwater contamination to the west and north of the Tonsley site. In line with the requirements of the agreement, Renewal SA has appointed an EPA accredited site contamination auditor. The role of the auditor is to independently and objectively examine and review the accuracy and completeness of the assessment carried out by Renewal SA and to complete a site contamination audit report.

While the assessment program is underway, the EPA advises all residents and commercial/industrial property owners to not use bore water (groundwater) for any purpose until further notice. If you have a bore on your property, please advise the EPA at your earliest convenience. Mains water provided by SA Water and water from rainwater tanks are not affected by this issue.

Renewal SA will write to all residents and property owners in the area in the coming days to advise them of the scope of works and expected timing, along with an explanation as to how residents will be provided with information during the environmental assessment program.

In the meantime if you have any questions about the use of groundwater in the area please contact the EPA on 1800 729 175. For all other enquiries please contact Renewal SA on 1800 715 227.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Tim Saul', written over a horizontal line.

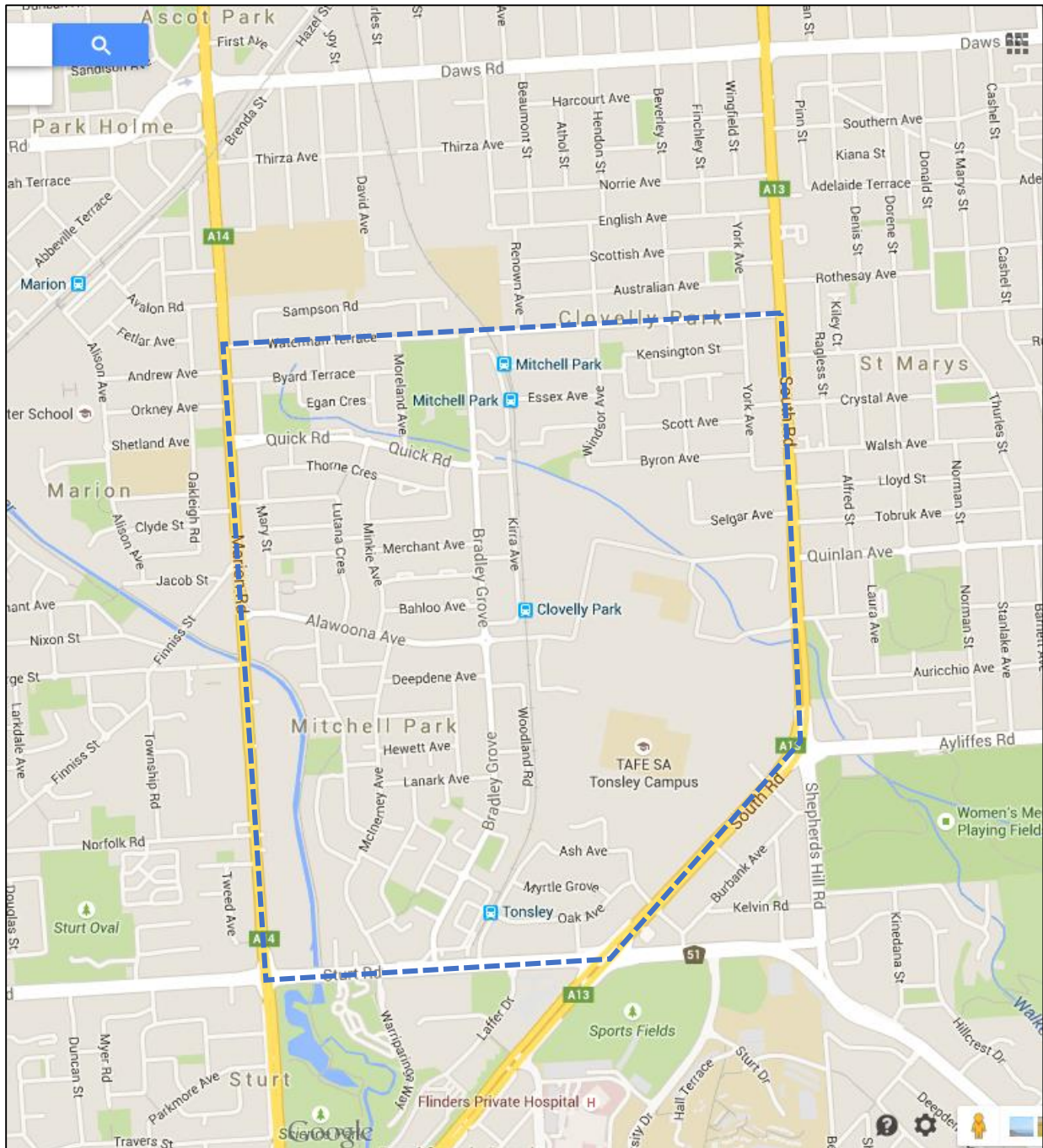
Tim Saul

**MANAGER STAKEHOLDER ENGAGEMENT  
ENVIRONMENT PROTECTION AUTHORITY**

Date: 15 July 2015

## Renewal SA engagement area

The area of Clovelly Park and Mitchell Park bordered by Waterman Terrace / Celtic Avenue to the north, Marion Road, Sturt Road and South Road.





## Appendix 2

**Mr Geoff Whitbread**  
**Acting Chief Executive**  
**City of Marion**  
**PO Box 21**  
**Oaklands Park SA 5046**

### **Renewal SA Clovelly Park environmental testing**

Dear Geoff,

I write in response to recent media reports over a proposed motion from an elected member of the City of Marion Council to address concerns over Renewal SA conducting environmental tests in Mitchell Park and Clovelly Park.

The role and functions of the Environment Protection Authority (EPA) are sometimes misunderstood and in this case, there appears to be an expectation that as an environmental regulator the EPA is responsible for conducting all, or at least, most site contamination assessments.

The site contamination provisions within the EPA's governing legislation - *Environment Protection Act 1993* (EP Act) - have existed since 2009 to assign retrospective liability for site contamination.

These provisions also provide the EPA regulatory powers to require assessment and remediation of contaminated sites and to establish a statutory site contamination audit system.

Late last year, the EPA facilitated a comprehensive environmental assessment program in Clovelly Park and Mitchell Park to help expedite the process with the need to undertake a review of human health risks that outweighed the need to identify the responsible parties and have them do the assessment work.

That assessment work identified four sources of groundwater contamination on land between South Road and the Tonsley rail corridor.

The site contamination provisions under the *Environment Protection Act 1993* are based on the nationally and internationally-accepted 'polluter-pays principle'. This means that wherever possible, responsible parties address the issues associated with the historic contamination and that taxpayers aren't left to foot the bill for the actions of another party. This is why there are many such sites that are currently being assessed by responsible parties across Adelaide. This principle is fundamental to the EP Act and is applied in law to all aspects of the EPA's regulatory functions.

Where a responsible party can be identified, the EPA as the environmental regulator will oversee the assessment and remediation of site contamination.

In cases such as previous investigations for Clovelly Park and Mitchell Park, that initially began in 2012, where the responsible party or parties remained unknown, the EPA assumed

responsibility for the assessment program to ensure that investigations or environmental testing were not delayed.

When responsibility for particular contamination cannot be determined and there is a potential risk to human health, the EPA will on behalf of the Government take the lead by engaging consultants to undertake assessment work. A key outcome of the work will be to determine the risk to human health.

As the current landowner, Renewal SA is responsible for facilitating the redevelopment of the former Mitsubishi site, known as the Tonsley site. The current round of investigations relate to site contamination that has its source on the Tonsley site. Renewal SA has agreed to a Voluntary Site Contamination Assessment Proposal (VSCAP). These proposals are legally binding statutory agreements under the Act, and are publically available through the EPA Public Register.

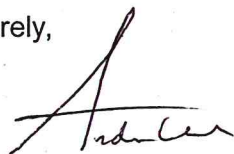
The VSCAP details further the nature and extent of groundwater contamination. The agreement also outlines Renewal SA's commitment to engage an EPA accredited site contamination auditor who will independently review all work undertaken by the environmental consultant and publish a site contamination audit report that meets all statutory requirements. The audit report will also be made available through the EPA Public Register.

The EPA, as the environmental regulator, will oversee all environmental assessment and community engagement work being undertaken at Clovelly Park and Mitchell Park.

The EPA has also agreed to a VSCAP with Monroe Australia Pty Ltd and has been working with this company to finalise its community and stakeholder engagement strategy.

I or my staff would be happy to attend your meeting to directly answer any questions you may have about either the assessment programs to be undertaken by Renewal SA and Monroe Australia Pty Ltd.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Andrew Wood', with a stylized flourish at the end.

**Andrew Wood**  
**Executive Director Operations**  
**ENVIRONMENT PROTECTION AUTHORITY**  
**DATE:** 23/7/2015



**CITY OF MARION  
GENERAL COUNCIL MEETING  
28 July 2015**

**Notice Received from:** Councillor Byram  
**Subject:** Police Clearance  
**Ref No:** GC280715M02  
**File No:** 9.24.1.4 & 9.33.3.34

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**MOTION:**

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

**COMMENTS: Councillor Byram**

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

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

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

**COMMENTS: Kate McKenzie, Manager Governance**

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

*“That a report be brought back to the 8<sup>th</sup> September 2015 Council Meeting with information regarding Council's powers to implement police clearance checks for the following:*

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

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