

His Worship the Mayor  
Councillors  
City of Marion

## **Notice of Special General Council Meeting**

Council Chamber, Council Administration Centre  
245 Sturt Road, Sturt

**Tuesday, 30 August 2022 at 6.30 pm**

The CEO hereby gives Notice pursuant to the provisions under Section 83 of the *Local Government Act 1999* that a General Council Meeting will be held.

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

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



Tony Harrison  
Chief Executive Officer

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## 1 Open Meeting

## 2 Kaurna Acknowledgement

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

## 3 Disclosure

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

## 4 Elected Member Declaration of Interest (if any)

## 5 Committee Recommendations

### 5.1 Confirmation of Minutes of the Finance, Risk and Audit Committee meeting held on 16 August 2022

<b>Report Reference</b>	SGC220830R5.1
<b>Originating Officer</b>	Business Support Officer - Governance and Council Support – Cassidy Ryles
<b>Corporate Manager</b>	Manager Office of the Chief Executive - Kate McKenzie
<b>General Manager</b>	Chief Executive Officer - Tony Harrison

## REPORT OBJECTIVE

The purpose of this report is to facilitate the receiving and noting of the minutes of the Finance, Risk and Audit Committee meeting held on 16 August 2022.

## EXECUTIVE SUMMARY

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

### Reports for Discussion

- Meeting with Internal Auditors in Confidence
- Council Member Report
- Annual Insurance and Claims Report
- Quarterly Risk Report
- Aged Care Quality Standards
- Interim External Audit 2021-2022
- Asset Valuations (item not considered)
- Internal Audit Program – Implementation of Recommendations (item not considered)
- Internal Audit Plan 2022 – 2023
- Finance and Audit Committee Annual Report to Council (item not considered)

### Reports for Noting

- Australian Service Excellence Standards – Update (item not considered)
- DTP – Quarterly Status Update (item not considered)

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

- 1. Receives and notes the minutes of the Finance, Risk and Audit Committee meeting held on 16 August 2022.**
- 2. Notes that separate reports will be brought to Council for consideration of any recommendations from the Finance, Risk and Audit Committee.**

**ATTACHMENTS**

1. FRAC220816 - Minutes [**5.1.1** - 11 pages]





**Minutes of the Finance, Risk and Audit Committee  
held on Tuesday, 16 August 2022 at 4.00 pm  
Council Chamber, Council Administration Centre  
245 Sturt Road, Sturt**





2

**PRESENT**

Ms Emma Hinchey (Chair)  
Ms Nicolle Rantanen  
Mr David Papa  
Councillor Maggie Duncan

**In Attendance**

Chief Executive Officer - Tony Harrison  
General Manager City Services - Ben Keen  
General Manager City Development - Tony Lines  
Chief Financial Officer - Ray Barnwell  
Manager Office of the CEO - Kate McKenzie  
Unit Manager Governance and Council Support - Victoria Moritz  
Manager IT Operations - Micheal Bowden  
Juliano Freitas, Audit Director from Galpins  
Eric Beere, Director KMPG  
Chantal Milton, Principal Consultant Holmes Dyer

**1 Open Meeting**

The Chair opened the meeting at 4.00pm.

**2 Kurna Acknowledgement**

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

**3 Elected Member Declaration of Interest (if any)**

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

The following interests were disclosed:

- Ms Rantanen disclosed that she is now a member on the Local Government Finance Authority Audit and Risk Committee.

**4 Confirmation of Minutes**

**4.1 Confirmation of Minutes of the Finance, Risk and Audit Committee Meeting held on 17 May 2022**

**Report Reference** FRAC220816R4.1

**Moved Ms Rantanen**

**Seconded Councillor Duncan**

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FRAC220816 - Finance, Risk and Audit Committee - 16 August 2022



That the minutes of the Finance, Risk and Audit Committee Meeting held on 17 May 2022 be taken as read and confirmed.

**Carried Unanimously**

## 5 Business Arising

### 5.1 Business Arising Statement - Action Items

**Report Reference** FRAC220816R5.1

The Committee suggested looking at the Schedule of Items for next year and consider whether an additional meeting would be required to ensure quality discussion on all the items presented.

Management acknowledged the number of items listed on the agenda and have committed to reviewing current items to determine their relevance and value to the committee. The preference from Management would be to look at an extension where required rather than scheduling an additional meeting. It was noted that a special meeting could be called during the year if necessary.

**Moved Ms Rantanen**

**Seconded Councillor Duncan**

That the Finance, Risk and Audit Committee:

1. Notes the business arising statement, meeting schedule and upcoming items.

**Carried Unanimously**

The Chair sought and was granted leave of the meeting to vary the order of the agenda and consider the item 7.6 *Interim External Audit – 2021-2022* next in the meeting.

### 7.6 Interim External Audit - 2021-2022

**Report Reference** FRAC220816R7.6

Juliano Freitas, Audit Director from Galpins was present for the item and provided an overview of the Interim External Audit 2021-2022 findings. Overall, the external auditors found that Council demonstrated a high level of compliance with the implementation of an internal control framework consistent with the principles within the Better Practice Model. During their interim visit they found that the majority of key internal controls reviewed were in place and were operating effectively (92 out of 100 core controls reviewed). The report noted 8 findings none of which were rated high with 5 findings with a moderate risk rating and 3 rated low risk.

The following discussion points were noted:

- The Committee sought to understand the risk rating given to the findings relating to purchase and procurement / contracting (findings 2.3.1 and 2.3.2) and expressed their concerns with this finding.
- The sample size was also discussed noting that the internal procurement process had not been completely followed on three occurrences,
- The Committee questioned how this would be prevented in the future and if system controls could ensure a preventative control is in place to avert any further instances.



- The Committee questioned the approach to assurance testing to determine if these were isolated.
- Mr Freitas (Galpins) commented these were a one-off occurrence and not systemic. From an external audit perspective, these would not be considered high given the number of appropriate audit controls in place. The controls in place include the framework, purchase orders which are appropriately approved and checking systems. The incidents relate to one phase or element of the process and would not specifically cause the financial report to be of a different opinion. It considered whether this was more relevant to the internal audit, given it does not affect the number in the accounts and should be considered from an internal process perspective.
- Management acknowledged these instances were disappointing, however provided examples of internal controls that had been put in place to mitigate this in the future including checklists that had been implemented as part of the tender process. Assurance was provided that these checklists prevent the process from progressing to the point of sign-off and approval.
- The Committee provided comment on finding 2.2.2 regarding the disposals of infrastructure and questioned how the figures are recorded. Mr Freitas commented the amount related to disposals of infrastructure assets are not separately identified but instead included in the revaluation decrement in the asset movement. The Chief Finance Officer provided an explanation, noting the net valuation figures are correct, however the disposal value is not separately identified. The finding has been communicated to the project implementation team for the new Asset System to address the requirements. This movement will be documented in future years.
- Discussions will occur between Galpins and the Finance team to determine an appropriate value for this movement in the 2021/22 accounts.
- The Committee queried the sign off of CEO Credit Card Statements given the recent value the Ombudsman has placed over these in recent times. The Committee suggested that the Mayor should be signing off on the CEO Credit Card Statement.

**ACTION: Inform internal Auditors of the findings in relation to Purchase and Procurement / Contracting**

**ACTION: Perform a self-assessment on procurement internal controls.**

**ACTION: Moving forward the Mayor is to review the CEO Credit Card Statement.**

**Moved Ms Rantanen**

**Seconded Mr Papa**

That the Finance, Risk and Audit Committee:

1. Receive and Note the Interim External Audit Report for 2021-2022

**Carried Unanimously**



## 6 Confidential Items

### 6.1 Cover Report - Cybersecurity - Quarterly Update

Report Reference FRAC220816F6.1

**Moved Ms Rantanen**

**Seconded Mr Papa**

That pursuant to Section 90(2) and (3)(b)(i) and (ii) of the Local Government Act 1999, the Committee orders that all persons present, with the exception of the following persons: Chief Executive Officer, General Manager City Development, General Manager Corporate Services, General Manager City Services, Manager Office of the CEO, Chief Financial Officer, Senior Digital Transformation Program IT Manager, Unit Manager Governance and Council Support and Governance Officer, Manager IT Operations be excluded from the meeting as the Committee receives and considers information relating to Cyber security of CoM, upon the basis that the Committee is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to the current status of the CoM Cyber Security and the impact on contractual expectations.

**Carried Unanimously**

4.25pm the meeting went into confidence

**Moved Councillor Duncan**

**Seconded Ms Rantanen**

In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the committee members order that this report, Cybersecurity – Quarterly Update, any appendices and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(matters affecting the security of the council, members or employees of the council, or council property, or the safety of any person) of the Act, except when required to effect or comply with Council's resolution(s) regarding this matter, be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2022.

**Carried Unanimously**

4.36pm the meeting came out of confidence

### 6.2 Cover Report - City of Marion Property Asset Strategy (CoMPAS) Overview

Report Reference FRAC220816F6.2

**Moved Ms Rantanen**

**Seconded Councillor Duncan**

That pursuant to Section 90(2) and (3)(b) of the Local Government Act 1999, the Committee orders that all persons present, with the exception of the following persons: Chief Executive Officer, General Manager City Development, General Manager City Services, General Manager Corporate Services, Manager Office of the CEO, Manager City Property, Chief Financial Officer, Unit Manager Governance and Council Support and Governance Officer, be excluded from the meeting as the Committee receives and considers information relating to City of Marion Property Asset Strategy (CoMPAS) Overview upon the basis that the Committee is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to commercial information and



the receipt, consideration or discussion of the information or matter in an information or briefing session open to the public would, on balance, be contrary to the public interest.

**Carried Unanimously**

**Moved Councillor Duncan**

**Seconded Mr Papa**

That the Finance, Risk and Audit Committee:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the committee members order that this report, City of Marion Property Asset Strategy (CoMPAS), any attachments and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(b) of the Act, except when required to effect or comply with Council's resolution(s) regarding this matter, be kept confidential and not available for public inspection until Council resolves and commence consultation on the CoMPAS. This confidentiality order will be reviewed at the General Council Meeting in December 2022.

**Carried Unanimously**

5.06pm the meeting came out of confidence

## 7 Reports for Discussion

### 7.1 Meeting with the Internal Auditors in Confidence

Report Reference FRAC220816R7.1

Mr Eric Beere, Director KPMG entered the meeting

**Moved Mr Papa**

**Seconded Ms Rantanen**

That the Finance and Audit Committee:

1. Pursuant to Section 90(2) and (3)(g) of the Local Government Act 1999, orders that all persons present, be excluded from the meeting, with the exception of Eric Beere and Heather Martens from KPMG, as the Finance and Audit Committee meets with Council's Internal Auditors, on the basis that the Finance and Audit Committee is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to commercial information of the Council.
2. Include the following comments within the minutes:
  - The auditors are looking forward to performing the Digital transformation Program Internal Audit as it has been in the plan for a while now.
  - The Auditor noted:
    - A steady level of improvement year on year
    - That KPMG are not following up on outstanding actions
    - That we need to review closure of audit actions as part of the audit program in the future
    - Issues discussed regarding timelines for actioning of audit findings
    - Discussed staff turnover and operational day to day issues – not major

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FRAC220816 - Finance, Risk and Audit Committee - 16 August 2022



- Scope setting is collaborative
- Good attitude towards internal audit
- Need to complete the Digital Transformation Program audit

**Carried Unanimously**

The Chair sought and was granted leave of the meeting vary the order of agenda items and bring forward the item *7.9 Internal Audit Plan 2022-2023* to be considered next in the meeting.

#### 7.9 Internal Audit Plan 2022 - 2023

**Report Reference**                      FRAC220816R7.9

The Manager Officer of the CEO introduced the item and provided a brief overview of the Internal Audit Plan for 2022-2023.

The Committee provided the following feedback and comments:

- Suggested a review of the audits and implementation of recommendations. Questions arose around the process for closing out of high rated findings and the Committee highlighted the importance of ensuring there was a robust and vigorous process around this.
- The Committee discussed whether previous conversations around purchasing, and procurement findings should be brought into an audit. Management advised both contract management and procurement audit had been undertaken at separate times recently, however committed to following up previous audits and identifying and relevant findings and recommendations and bringing these back to the Committee.
- Management also suggested one of the findings relating to the DTP tender could be included and covered off in the review as part of the DTP health check
- The Committee commented the DTP health check scope looks more like a project management audit and was seeking assurance that the same project management findings wouldn't come back. Mr Beere confirmed this won't be a general high-level audit. It will look at operating models, change management and a deep dive into different streams looking into issues.
- The Committee also questioned whether the project management finding had been applied through this scope. Management advised multiple improvements had been made to ensure accountability and robustness in governance. Management emphasised this was a health check with significant long-term opportunity to review the transformation project and look at advocating what is being delivered and what the objective are. It was not in the best interest of the organisation to look at the project management of the DTP.
- The Community Consultation scope was discussed with the Committee questioning if there was any best practice comparison against other councils, suggesting there is a lot to be learnt from other Councils who attract higher consultation participation rates. Mr Beere confirmed the scope identifies benchmarking both locally and interstate.
- Management were pleased to advise recent community consultation had shown improved participation rates through some different approaches.
- It was acknowledged this was a good time to conduct the audit with the team looking for opportunities in this space.

**ACTION: Include an Audit for the implementation of recommendations.**

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FRAC220816 - Finance, Risk and Audit Committee - 16 August 2022



**ACTION:** Include the finding regarding the DTP tender as part of the review of the DTP health check.

**ACTION:** Review findings of previous Contract Management and Procurement Audits to determine any relevant findings and recommendations. These are to be highlighted and brought back to the Committee.

**Moved Councillor Duncan**

**Seconded Mr Papa**

That the Finance, Risk and Audit Committee:

1. Notes the progress of the Internal Audit Program.
2. Considers and provides feedback on the:
  - a. Digital Transformation Health Check scope (Attachment 1)
  - b. Community Consultation Scope (Collaborative) (Attachment 2)

**Carried Unanimously**

## 7.2 Council Member Report

**Report Reference** FRAC220816R7.2

**Moved Mr Papa**

**Seconded Ms Rantanen**

That the Finance, Risk and Audit Committee:

1. Notes this report.

**Carried Unanimously**

## 7.3 Annual Insurance and Claims Report

**Report Reference** FRAC220816R7.3

The Annual Insurance and Claims Report was taken as read. The Committee queried the number of incidents which had significantly decreased and whether this was a short-term trend as a result of COVID-19 and whether we expect to see an increase in this number. Management commented the usage of community centres was tracking lower as a result of COVID-19 with some closed through this period and also acknowledged the change in system with incidents now being recorded in Salesforce. This figure may increase, however hard to predict.

The Committee requested an update on the Sam Willoughby BMX item at the October meeting.

**ACTION:** Prepare a report to be presented at the October meeting regarding Sam Willoughby BMX.





**ACTION:** Review how incidents are categorised and captured in Salesforce to verify there is no loss of reporting data.

**Moved Mr Rantanen**

**Seconded Councillor Duncan**

That the Finance and Audit Committee:

1. Notes the report and claim information provided in Attachment 1.

**Carried Unanimously**

#### 7.4 Quarterly Risk Report

**Report Reference** FRAC220816R7.4

The Quarterly Risk Report was taken as read. The Committee commented on the increased risk rating regarding the ability to attract employees, questioning if this is the new normal and if the long-term trend just needs to be managed. Management commented they had discussed this at length, however with a retention rate of 80% acknowledged there was increased pressures to attract employees and felt the risk had heightened in the last few months. This will continue to be monitored and if appears this is becoming normal, the risk rating will be adapted.

The Committee also questioned the last time the hardship policy was tested given the current inflation rates. Management confirmed this was last tested during COVID-19, however had not seen any increases in this regard. This will be regularly monitored and assessed if required.

Management acknowledged the internal rating control had not yet been included and committed to including this in the October report.

**Moved Ms Rantanen**

**Seconded Mr Papa**

That the Finance, Risk and Audit Committee:

1. Notes the Corporate Risk Register Report (Attachment 1) and provides feedback on the review outcomes.
2. Notes the changes made to the DTP01 risk with the completed treatments being implemented as controls as queried by the FRAC on the 17 May 2022.
3. Endorses the risk rating changes for PCU01 moving from Medium to High risk, as detailed in Attachment 2.

**Carried Unanimously**



### 7.5 Aged Care Quality Standards

Report Reference FRAC220816R7.5

The Committee discussed the outcomes of the Aged Care Quality Standards Audit and provided the following comments:

- Questions were asked around the time it takes for some member of the community to receive services from the City of Marion, indicating this may be up to 18months. Staff clarified the process with referrals being received through the *my aged care portal* and not direct from community members. Once referrals are received, they are processed within two weeks. When the City of Marion services are at capacity, the portal is closed. Assessors can see what portals are open and look elsewhere if they are closed. There is also an option to be placed on a waitlist if they do not choose to look elsewhere.
- The Committee acknowledged that unfortunately it is quite common to see portals closed.
- The Committee discussed the non-compliant items that had been identified and queried whether there were any concerns around reputational risk given they would be published on the Aged Care website and whether there was any threat to funding or subsidies because of the non-compliance. Staff acknowledged there was a reputational risk, however, also comments that all audits are published on the same website. There would be a risk to funding if there was extreme non-compliance, however it was noted that those identified were minor and teams were working towards addressing these.
- Management commented on the unique circumstances and potential confusion around the standards and amalgamation of new audit regime. Management will focus on remedial action required with these reported fortnightly through to the Executive Leadership Team to ensure compliance as soon as possible.
- The Committee questioned whether there is an internal assessment program to ensure the organisation is on top of this. Management commented first and foremost the internal audit system must go through the audit process to test internal systems. An independent audit assessment will always be needed to ensure the organisation is held accountable. It is expected this will become a routine program conducted annually and subject to independent assessment every three years.
- The Committee noted the importance of closing the loop from the groundwork through to the administration work and ensuring actions are fully implemented when completing.

**Moved Mr Papa**

**Seconded Ms Rantanen**

That the Finance, Risk and Audit Committee:

1. Notes the report from the Aged Care Quality and Safety Commission dated 6 May 2022.

**Carried Unanimously**

### Meeting Closure

The meeting was declared closed at 6.10pm.

CONFIRMED THIS 11 DAY OF OCTOBER 2022

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CHAIRPERSON

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FRAC220816 - Finance, Risk and Audit Committee - 16 August 2022



The Following Items were not considered:

- 7.7 Asset Valuations
- 7.8 Internal Audit Program – Implementation of Recommendations
- 7.10 Finance and Audit Committee Annual Report to Council
- 8.1 Australian Service Excellence Standards – Update
- 8.2 DTP – Quarterly Status Update

**6 Workshop / Presentation Items****6.1 Glenthorne Nature Play - Presentation from Department for Environment and Water**

<b>Report Reference</b>	SGC220830R6.1
<b>Originating Officer</b>	Manager City Activation – Charmaine Hughes
<b>Corporate Manager</b>	Manager City Activation - Charmaine Hughes
<b>General Manager</b>	General Manager City Development - Tony Lines

**REPORT OBJECTIVE**

Jarrold Eaton, Project Manager, Department for Environment and Water, and Mike Williams, Executive Director, National Parks and Wildlife Service will provide a five-minute presentation and update on the Glenthorne Nature Play Space.

**RECOMMENDATION**

**That Council:**

- 1. Note the Presentation from the Department of Environment and Water regarding the Glenthorne Nature Play Space.**

## 7 Petitions

### 7.1 Petition - 1 Cumbria Court, Mitchell Park

<b>Report Reference</b>	GC220830P7.1
<b>Originating Officer</b>	Business Support Officer - Governance and Council Support – Cassidy Ryles
<b>Corporate Manager</b>	Manager Office of the Chief Executive - Kate McKenzie
<b>General Manager</b>	Chief Executive Officer - Tony Harrison

#### **PETITION FROM**

Ms Nadia Clancy MP

#### **NUMBER OF SIGNATORIES**

33 signatories

#### **DATE PETITION RECEIVED**

24 August 2022

#### **CORRESPONDENCE**

The petition of Residents of the City of Marion draws the attention of the Council Proposed rezoning of 1 Cumbria Court to no longer be a community space.

The petitioners therefore request that the Council resolve to reverse this decision and keep this important community space for the community.

#### **ORIGINATING OFFICER COMMENTS**

It is recommended that Council Members consider the content of this petition as part of their discussions and decisions in relation the report on 1 Cumbria Court contained in this Special Council Meeting Agenda.

#### **RECOMMENDATION**

**That Council:**

- 1. Notes the petition from Ms Nadia Clancy MP.**
- 2. Notes the outcomes of the Report SGC220830R8.1.**
- 3. Advises the head petitioner of the outcome.**

#### **ATTACHMENTS**

1. Petition - Cumbria Court [7.1.1 - 4 pages]

**PETITION – CITY OF MARION**

To His Worship the Mayor and Councillors of the City of Marion

Office Use Only
Date Petition Received

Date Petition Initiated: 13 August 2022

Petition Contact Person: Nadia Clancy MP

Address: 2/212 Belair Road, Hawthorn

Telephone: (08) 8374 1939

Email: elder@parliament.sa.gov.au

The petition of (identify the individuals or group, e.g. residents of the City of Marion)

Residents of the City of Marion

Draws the attention of the Council (identify the circumstances of the case)

Proposed rezoning of 1 Cumbria Court to no longer be a community space

The petitioners therefore request that the Council (outline the action that the Council should or should not take)

Resolve to reverse this decision and keep this important community space for the community

Name	Address (if you reside outside of the City of Marion, please indicate if you own a property or business within the City of Marion) Y/N	Signature
JOHN OAKLEY	327 STURT RD BEDFORD	
KUMAR VIDYA	19A SCOTT AVENUE CLOVELLY PARK SA-5042	
Jeena Varghese	73, Alawooda Avenue Mitchell Park 5043	
Tania Rabbi	8 Harkin Ave 5043	
Ahmad Zakwani	19 Minkie Ave Mitchell Park	
NADINE LANG	1/71 CASTLE ST, EDWARDSHAW	
Michael North	18 Spiers Ave. Pasadena, 5042	
Krystal Hosking	5 Karri Crescent Mitchell Park 5043	

This petition is a public document. By signing it, I understand that my name, address and signature will be made available in the public realm. The City of Marion will record these details for the purpose of this petition only.





# PETITION – CITY OF MARION

To His Worship the Mayor and Councillors of the City of Marion

Office Use Only
Date Petition Received

Date Petition Initiated: 13 August 2022

Petition Contact Person: Nadia Clancy MP

Address: 21212 Belair Rd, Hawthorn

Telephone: (08) 8374 1939

Email: elder@parliament.sa.gov.au

The petition of (identify the individuals or group, e.g. residents of the City of Marion)

Residents of the City of Marion

Draws the attention of the Council (identify the circumstances of the case)

Proposed rezoning of 1 Cumbrina Court to no longer be a community space

The petitioners therefore request that the Council (outline the action that the Council should or should not take)

Resolve to reverse this decision and keep this important community space for the community

Name	Address (if you reside outside of the City of Marion, please indicate if you own a property or business within the City of Marion) Y / N	Signature
Anne Marie McGlasson	36 Byard Terrace Mitchell Park	adley McGlasson
Helen Macpherson	8 Llanark Ave Mitchell Park	helen macpherson
Brady Dawkins	8 Llanark Ave Mitchell Park	Brady Dawkins
Elly Vink	13 Woodland Rd Mitchell Park	Elly Vink
Erk Rasmussen	21 Digital Dr Tonsley	Erk Rasmussen
Nick Combes	8 Kelly Carove	Nick Combes
MARGARET LITTLEWOOD	McINERNEY AVE	Margaret Littlewood
JACK ANNEAR	83 McInerney Avenue Mitchell Park	Jack Annear
DARRYL BULLEN	102/42 MAR COT TONSLEY	Darryl Bullen
Ben Falcon	6 Abbey Rd, Mitchell Park	Ben Falcon

This petition is a public document. By signing it, I understand that my name, address and signature will be made available in the public realm. The City of Marion will record these details for the purpose of this petition only.





## 8 Confidential Items

### 8.1 Cover Report - Confirmation of Minutes of the Confidential Finance, Risk and Audit Committee Meeting held on 16 August 2022

Report Reference	SGC220830F8.1
Originating Officer	Business Support Officer - Governance and Council Support – Cassidy Ryles
Corporate Manager	Manager Office of the Chief Executive - Kate McKenzie
General Manager	Chief Executive Officer - Tony Harrison

#### REASON FOR CONFIDENTIALITY

##### ***Local Government Act (SA) 1999 S 90 (2) 3***

(b) information the disclosure of which (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and (ii) would, on balance, be contrary to the public interest

#### RECOMMENDATION

That pursuant to Section 90(2) and (3)(b) of the Local Government Act 1999, the Council orders that all persons present, with the exception of the following persons: Chief Executive Officer, General Manager City Development, General Manager City Services, Manager Office of the CEO, Unit Manager Governance and Council Support and Governance Officer, be excluded from the meeting as the Council receives and considers information relating to Confirmation of Minutes of the Confidential Finance, Risk and Audit Committee Meeting held on 16 August 2022, upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to commercial information.

**8.2 Cover Report - City of Marion Water Business Update**

Report Reference	SGC220823F8.2
Originating Officer	Water Resources Coordinator – Glynn Ricketts
Corporate Manager	Manager Engineering, Assets and Environment - Mathew Allen
General Manager	General Manager City Services - Ben Keen

**REASON FOR CONFIDENTIALITY*****Local Government Act (SA) 1999 S 90 (2) 3***

(b) information the disclosure of which (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and (ii) would, on balance, be contrary to the public interest

**RECOMMENDATION**

**That pursuant to Section 90(2) and (3)(b) of the Local Government Act 1999, the Council orders that all persons present, with the exception of the following persons: Chief Executive Officer, General Manager City Services, General Manager City Development, General Manager Corporate Services, Chief Financial Officer, Manager Engineering, Assets and Environment, Manager Office of the Chief Executive, Chief Financial Officer, Water Resources Coordinator, Unit Manager Governance and Council Support and Governance Officer, be excluded from the meeting as the Council receives and considers information relating to an update on the City of Marion Water Business, 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 matters that may impact commercial contracts with 3rd parties.**

## 9 Corporate Reports for Decision

### 9.1 Glenthorne Nature Play - Update

<b>Report Reference</b>	SGC220830R9.1
<b>Originating Officer</b>	Unit Manager Open Space & Recreation – Renee Pitcher
<b>Corporate Manager</b>	Manager City Activation - Charmaine Hughes
<b>General Manager</b>	General Manager City Development - Tony Lines

#### REPORT OBJECTIVE

The purpose of this report is to provide Council with an update on the Glenthorne City Wide Attraction which is being delivered by the Department for Environment and Water (DEW), and to consider additional funding for components that aren't able to be delivered with the current budget.

#### REPORT HISTORY

<b>Report Reference</b>	<b>Report Title</b>
GC200609F02	City Wide Attraction - Glenthorne National Park
GC210928R5.1	Glenthorne National Park City Wide Attraction

#### EXECUTIVE SUMMARY

At the General Council meeting on 9 June 2020, Council endorsed a grant of \$2.0 million towards the construction of the Glenthorne City Wide Attraction and noted a commitment from the State Government towards the Nature Play Area (Glenthorne Hub) and immediate surrounding facilities.

At a Special General Council Meeting on 28 September 2021, Council endorsed the final design prior to DEW calling tenders for construction. At this meeting Council approved the release of the second and final instalment of \$1.0 million in line with the Grant Funding Agreement. Council also noted that Administration would monitor the project in line with the Grant Funding Agreement.

The DEW nature play concept design is shown in Attachment 1. This document outlines the provision within the Deed for the required scope of works and Council's endorsed service levels for a City Wide Attraction.

The recent increase in construction cost across the industry has meant that the original scope of works cannot be delivered for the budget committed. Council may consider adding to the budget to achieve more of the original scope. The State Government has recently contributed an additional \$200,000 for contingencies.

#### RECOMMENDATION

**That Council:**

- 1. Notes the update on the Glenthorne City Wide Attraction nature play project.**
- 2. Allocates additional funding of up to \$200,000 to ensure the delivery of the Glenthorne City Wide Attraction is in line with the original concept design, noting that the current DEW contingency of \$200,000 would be used before any additional Council funding.**

3. Notes that the additional funding will be incorporated in the second quarterly review of the 2022/23 budget.
4. Gives preference to the following items being included in the project as additionally funded by Council:
  - a. X [to be included during the council meeting]
  - b. X
5. Notes that the Chief Executive Officer under delegated authority will extend the Deed acquittal date as required by DEW.

## DISCUSSION

Throughout the project Administration has attended Project Control Group meetings which have been held every 6-8 weeks in line with works progressing on site. Staff information updates have been provided through capital works meetings, Southern Hills Ward Briefings and the Mayors 'table of unresolved issues'.

As the construction of the City Wide Attraction at Glenthorne National Park on Majors Road progressed, DEW now has a better idea of the variations required on site to ensure the project can be constructed within budget. Initial feedback provided by DEW was the need to reduce the rock escarpment and soft fall areas across the site. However Administration has taken a lead on quantifying these omissions and pressed DEW to confirm them. In the week commencing 9 August 2022 it became obvious that further scope changes are required.

It should be noted that DEW has undertaken a different approach to delivering an open space project than Council does. Council finalises the project design, goes to tender, and then if necessary makes adjustments to scope and price to ensure budget is achieved. DEW has let the tender before finalising the project scope, and is making scope adjustments as they proceed through the project. They are delivering the project over two phases to best manage the scope and budget.

As with Council construction projects, price increases in construction materials, play equipment items and facilities have put a strain on budgets in recent times.

The following reductions are being proposed by DEW for Glenthorne City Wide Attraction:

- Reduction of the Rock Escarpment – the reduction amount is dictated by the rock available on site and the ability to construct the rock to the design elements
- Reduction of rubber soft fall areas
- Gum Nut sound sculptures x3 - reduced to 1
- Log tables x3 – reduced to 2
- Monkey bar x4 – reduced to 2
- Wide and Accessible Creek Crossing x6 – reduced to 3 (noting that there will also be shaped logs at each of the crossings)
- Gumnut spinner (bespoke) – changed to 2 off-the-shelf spinners

The following items are also being proposed to be omitted from the initial construction (Phase1):

- Rock Fossils for etching and rubbings (\$10,000)
- Climbing Ropes with platform (\$18,000)

- Balance Rope and Stone Crossings (\$16,500)
- Amphitheatre (\$25,000)

DEW has awarded the phased construction of the playground to construction company Climbing Tree. Phase 1 is underway. Phase 2 has been worked through by DEW and sent to Climbing Tree to quote and, until this is reviewed, the final scope options cannot be confirmed. Importantly, while there are reductions and omissions, most of the play value included in the initial design is still being constructed.

Other items that could be included in the scope, subject to additional project funding, include:

- Flying Fox (\$75,000)

DEW has contributed another \$200,000 to the nature play area which allows for a suitable construction contingency. Should there be sufficient contingency remaining at the conclusion of the project, Administration recommends that a Flying Fox would suit the remaining linear space available.

Prioritising any contingency may extend the project, coupled with delays due to weather. DEW is seeking a further extension of the Deed, and the Chief Executive Officer can agree that under delegated authority.

Scope options are best viewed in the context of the site, and as such Administration organised a site meeting with DEW, the Mayor and available Southern Hills Ward Members on Thursday 18 August 2022.

DEW staff (Jarrod Eaton, Project Manager, Department for Environment and Water, Mike Williams, Executive Director, National Parks and Wildlife Service) will present a project update at the Special General Council Meeting on 30 August 2022, including images of the progress on site.

## **ATTACHMENTS**

1. DEW TCL NATURE PLAY - CONCEPT DESIGN Council Presentation Sept 21 [9.1.1 - 34 pages]



# Glenthorne National Park

## Nature Play





## Deed Requirements

### Budget / Contributions:

- **Nature Play Elements - \$2m from CoM**
- **Main Visitor Hub - \$5.2m.**  
(Inclusive of nature play zone & supportive infrastructure roads, car parking, watercourse rehabilitation, toilets, BBQ facilities, shelters, landscaping and class 1 trails)
- **Trail network outside the visitor hub \$1.2m**
- **Heritage building restoration works \$0.51m**
- **Environmental restoration (planting and land management) \$1.7m**



## Deed Requirements

### Council responsible for:

- Member of the Project Control Group (PCG)
- Consultation with Executive and Elected Members) and Community stakeholders on playground options
- Council endorsement of final design prior to calling for tenders for construction
- Attend site meetings as a member of the PCG
- An acquittal process that DEW must report in
- References the Council as an equal funding partner in all media
- Council is a part of sod turning and opening event
- Any plaques etc includes the council

### DEW responsible for:

- Chair PCG
- Budget, & reporting
- Approvals
- Community and stakeholder consultation
- Management of the consultants and contractors
- Construction
- Consult with Council
- Maintenance and upkeep
- Asset Ownership

## **Council's Project Vision and Objectives:**

- High quality, unique play area that will attract residents and tourists
- Nature play style playground similar to Mukanthi play space at Morialta Conservation Park
- A play area that reflects the site history

## **DEW's Vision and Objectives:**

The Nature Play Precinct will be an innovative place for children of all ages, cultures and degrees of mobility to enjoy imaginative and creative play in a natural setting. Through play, children will learn about conservation issues that are relevant to Adelaide, Glenthorne and the South.

- Improve social, environmental and commercial benefits from investments in Glenthorne
- Increase visitation and revenue to Glenthorne by promotion of this outstanding facility to a wider audience
- Set the benchmark for Glenthorne National Park and any future work,
- Improve the quality of experiences for Glenthorne visitors
- Provide an opportunity for children to exercise and play in a creative, imaginative space
- Showcase the role DEW plays in conservation and land management
- Engage children in key conservation themes
- Connect Glenthorne visitors to their role in environmental sustainability and water conservation

## Deed Requirements

### Scope of Work:

- **Palette of natural materials**
- **Iconic elements with a WOW factor**
- **Accessible elements**
- **Transition to nature play areas from the picnic area**
- **Use of hill and mature trees (not relevant to site)**
- **Interpretive, imaginative elements relating to the history of the site**
- **Designs to include a transition from toddler play to more challenging destinations**
- **Signage reflecting the partnership with Council.**

## Deed Requirements

### Guide for types of facilities that may occur within a City Wide Attraction:

- Extensive play equipment – ie swings, slide, combination system, climbing structures, nature play
- Opportunity for site specific play elements
- Soft fall
- Seats, multiple picnic facilities, BBQ, drink fountains
- Vegetation amenity plantings including adequate plantings for shade
- Pathways
- Shade and Shelter. Potential for artificial shade over play equipment.
- Landscaping
- Car parking / Storm water works
- Integrated Public art
- Toilets

**Service levels are site dependent and should respond to site conditions**



# National Park Stage 1 Master Plan



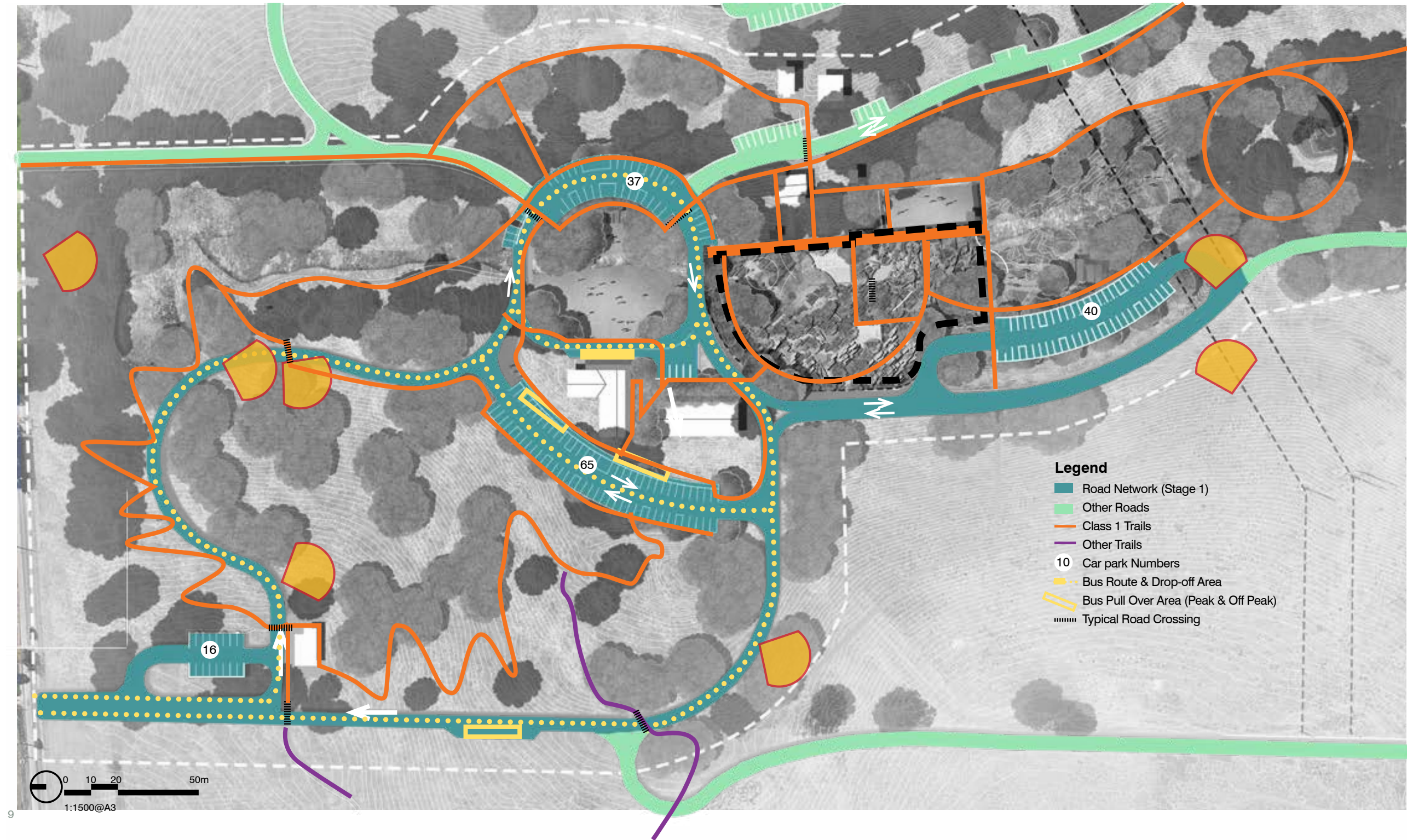






# National Park Stage 1 Master Plan

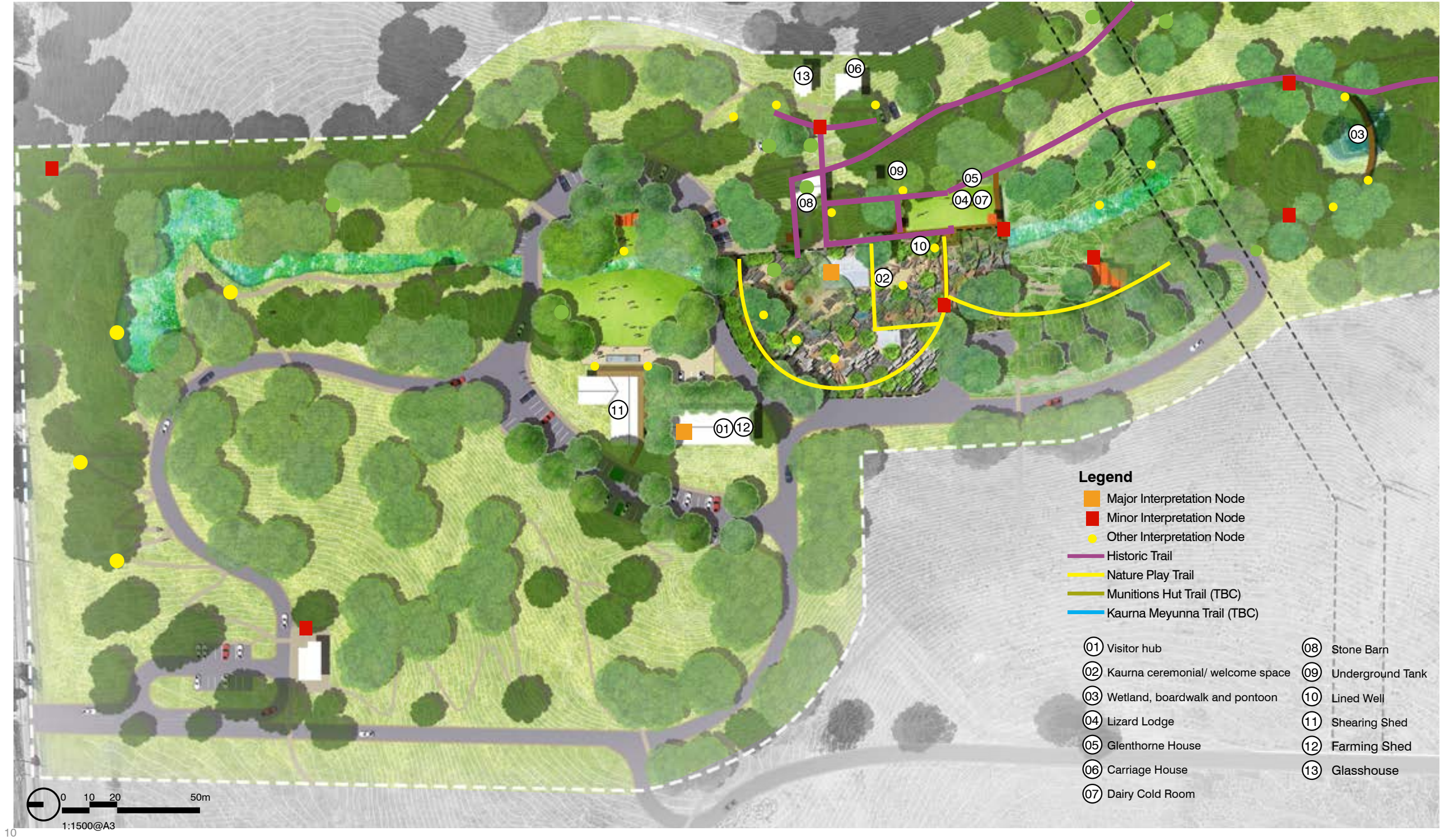
## Access Roads and Trails





# National Park Stage 1 Master Plan

## Interpretation





## Interpretation

### *Primary Theme*

**The creation of Glenthorne National Park-Ityamaiipinna Yarta offers us opportunities to reflect on our past and take action towards a future that places the health of people and nature at its centre.**

### *Sub - themes*

- 1. Kurna Meyunna's deep and abiding connection to the land and waters on which Glenthorne National Park - Ityamaiipinna Yarta is situated presents us with an opportunity to celebrate the traditional custodians of this land, and reflect on the steps we can take towards reconciliation today.**
- 2. Spending time in nature is fundamentally important to our health, wellbeing and happiness. The Glenthorne Precinct connects living landscapes across Adelaide's southern suburbs so that locals and visitors can benefit from exploring, playing and learning in nature.**
- 3. Understanding how to restore natural spaces is a challenge being faced around the world. At Glenthorne, we're combining the latest science with the collective energy of an entire community to chart a course towards a thriving national park and precinct.**
- 4. A determination to succeed underpins nearly two centuries of agricultural farming and scientific research at Glenthorne. The triumphs along the way and the path taken to get there had consequences that reached well beyond Glenthorne's farm gate and are still felt to this day.**
- 5. Glenthorne was once a place where people built families, gathered together as a community and forged connections with Country and each other. This tradition is continuing with the creation of Glenthorne as a national park.**



# Concept Design Plan





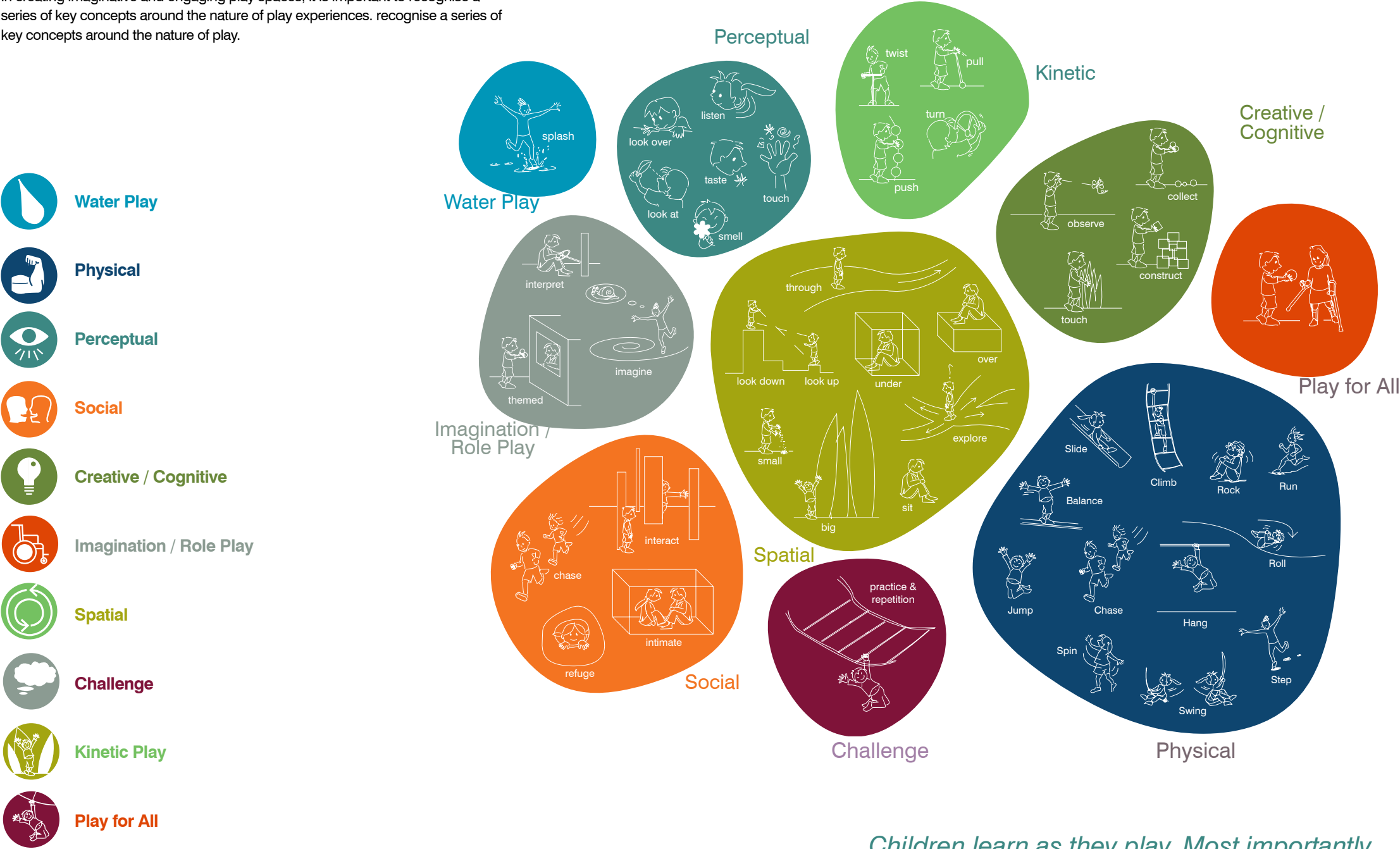
# Concept Design Plan





# Concept Design Plan

In creating imaginative and engaging play spaces, it is important to recognise a series of key concepts around the nature of play experiences. recognise a series of key concepts around the nature of play.

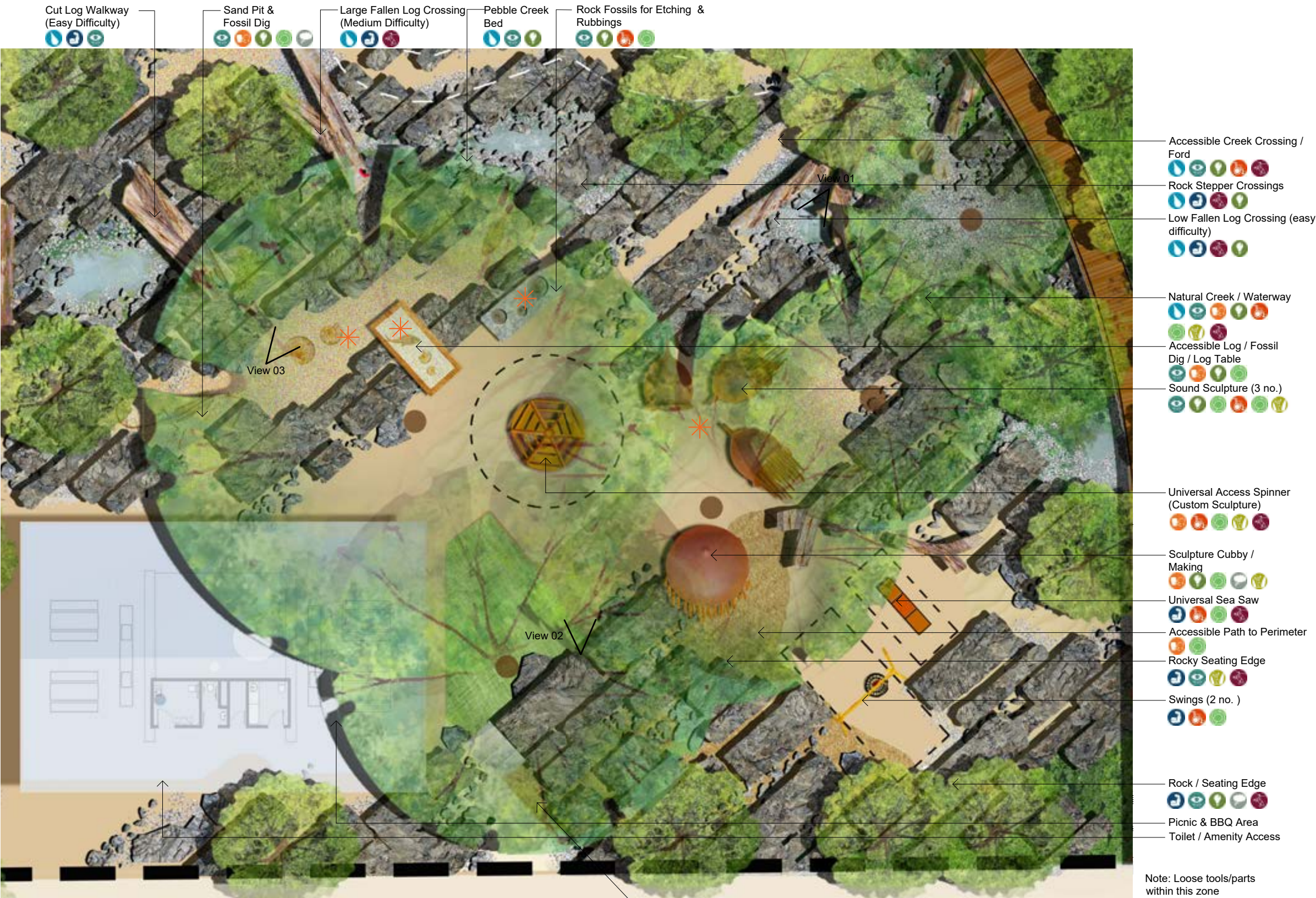


*Children learn as they play. Most importantly,  
in play children learn how to learn.*

O. Fred Donaldson



# Entry Play





## Entry Play



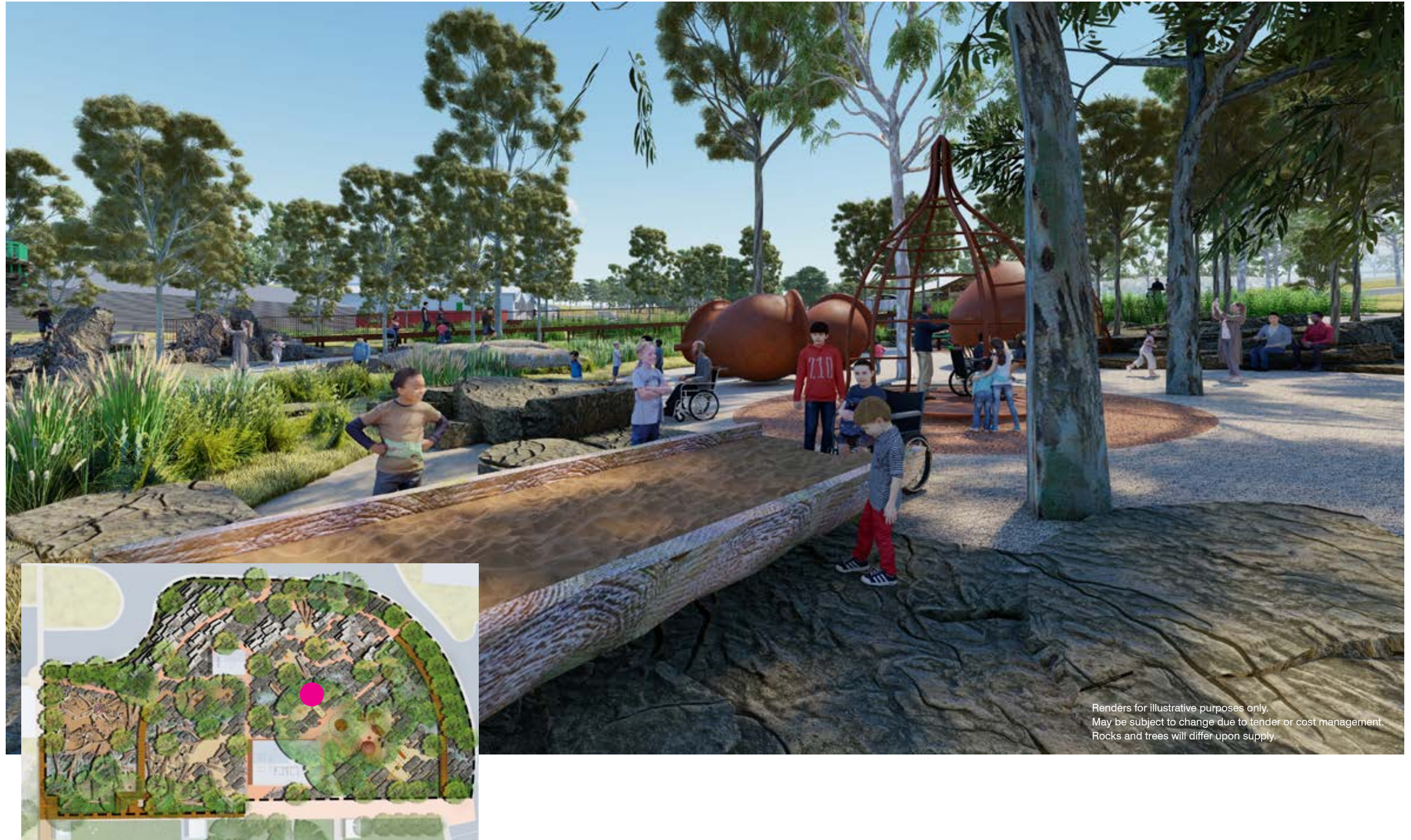


## Entry Play





## Entry Play



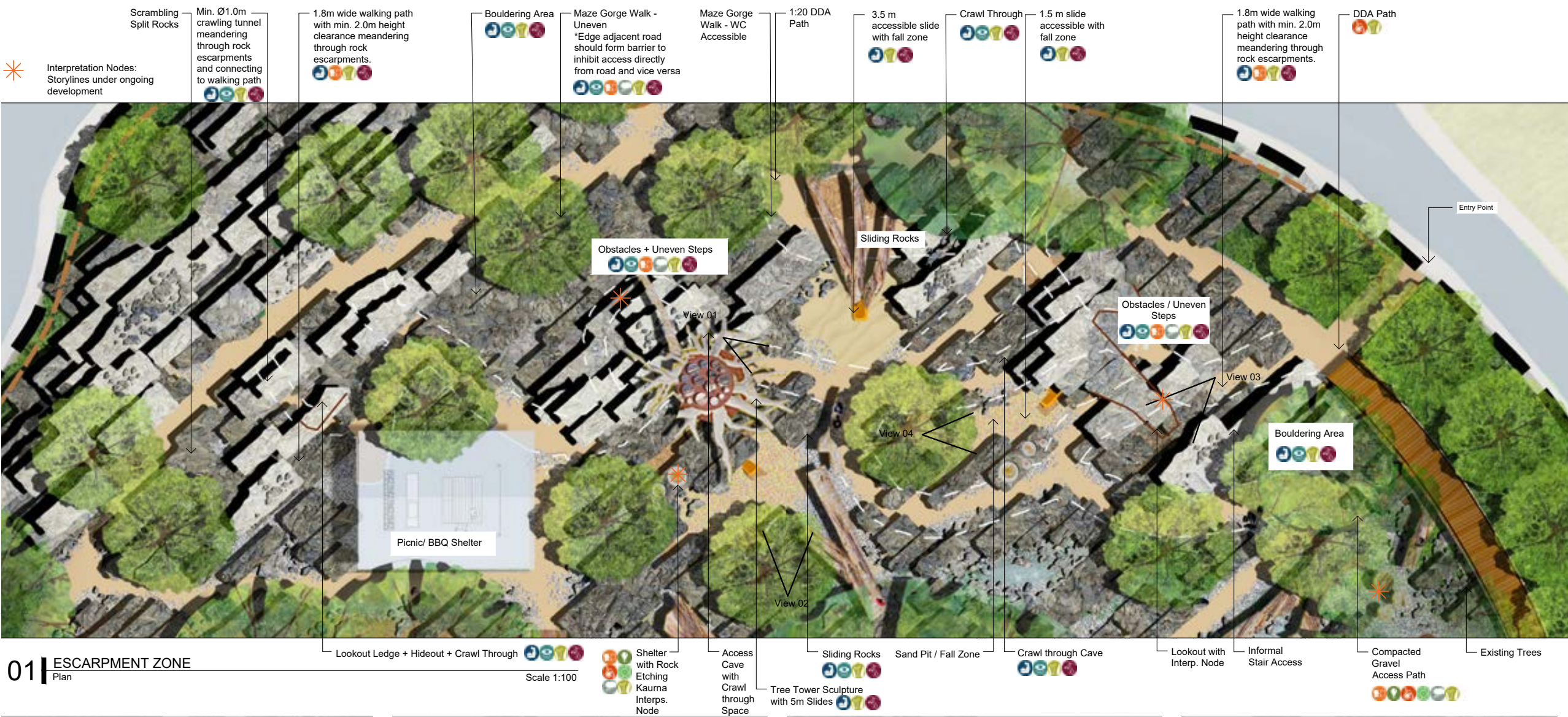


## Entry Play





# Escarpment





# Escarpment





# Escarpment





# Escarpment





# Escarpment





# Escarpment





# Escarpment



01 | Escarpment  
Section



03 | Escarpment  
Section



02 | Escarpment  
Section



04 | Escarpment - Key plan  
Section



# Log Forest & Ceremony Space





## Log Forest & Ceremony Space





## Log Forest & Ceremony Space





# Adventure Play





## Adventure Play



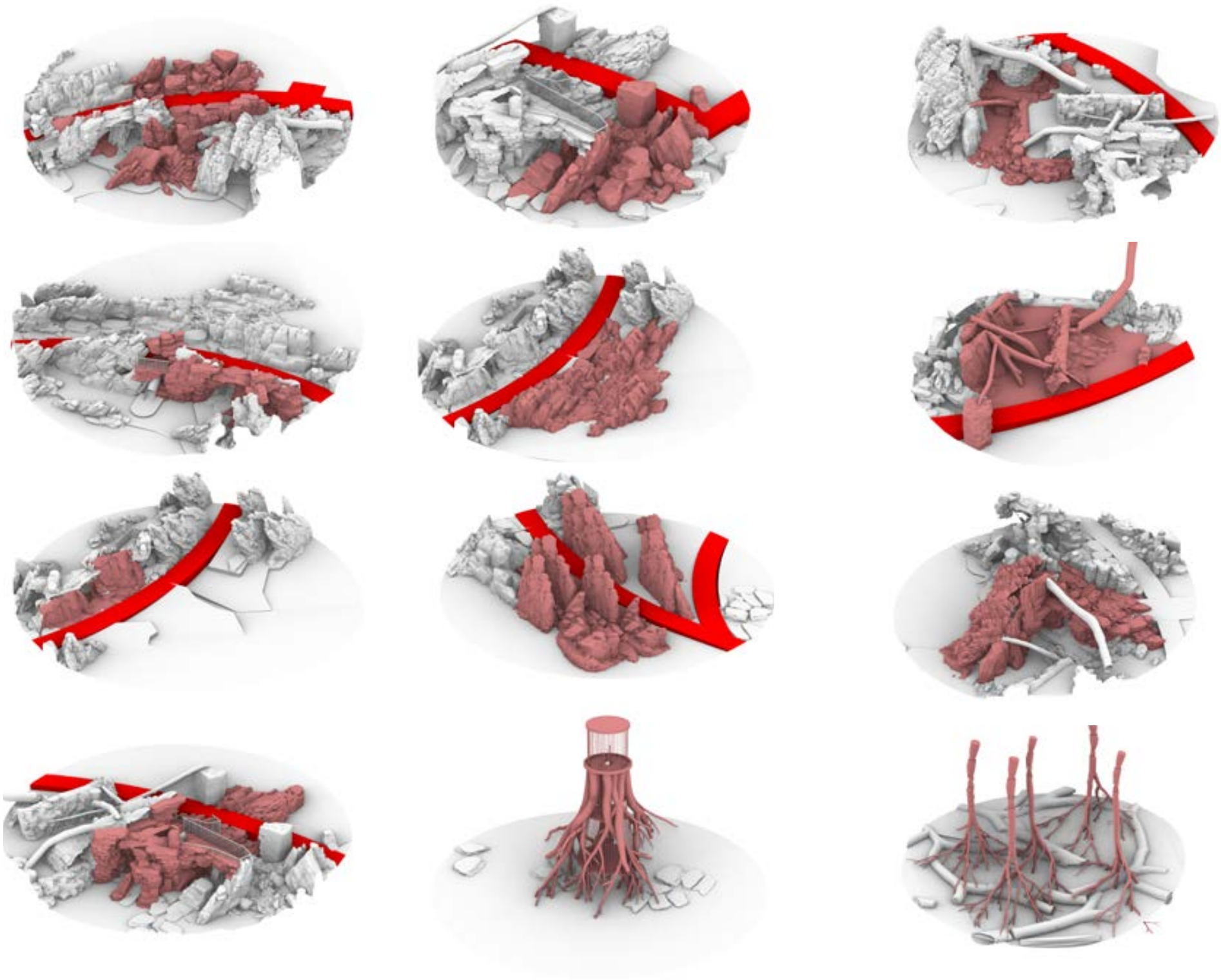


## Adventure Play

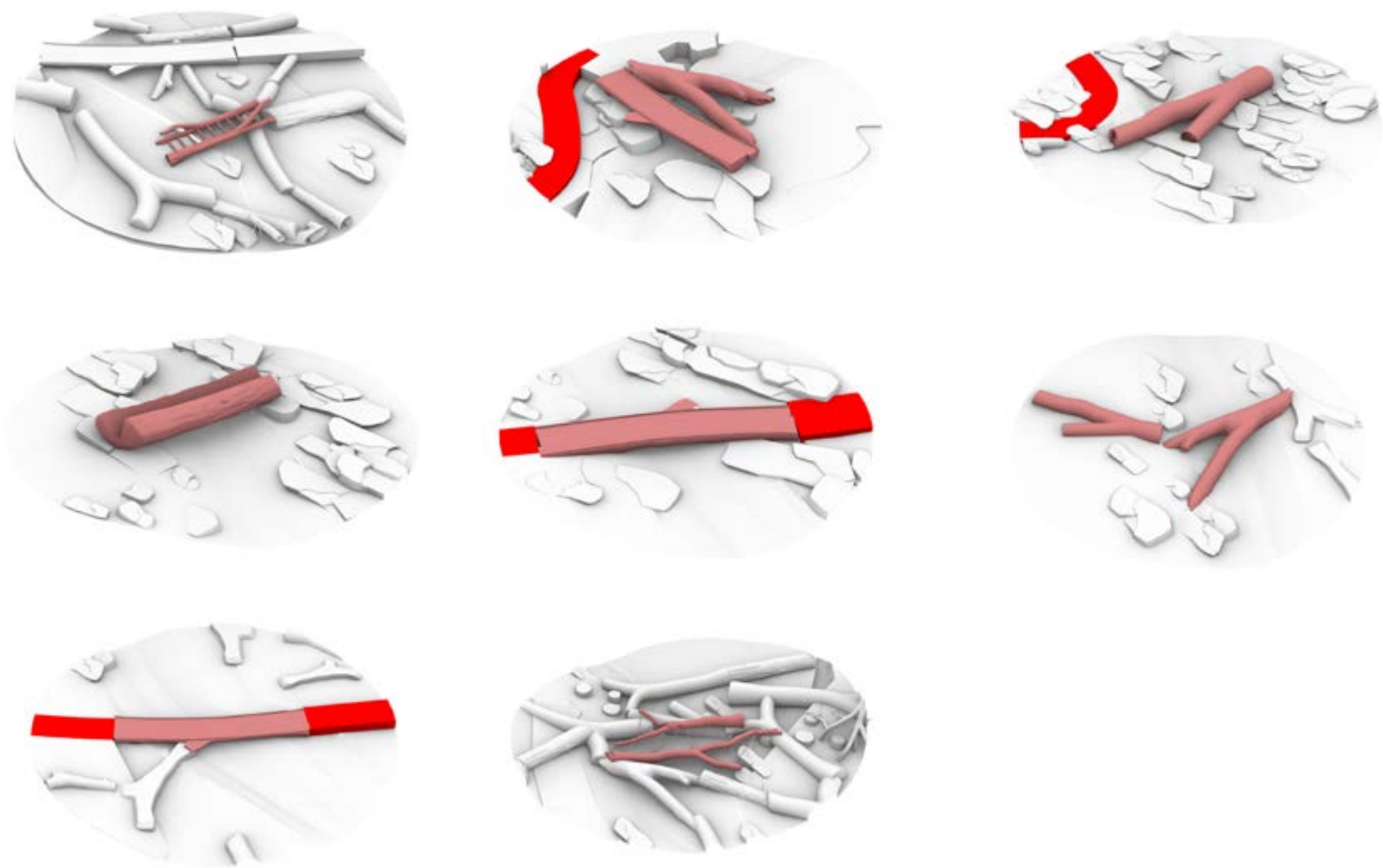




# Summary of Play Elements



# Summary of River Crossings





## 9.2 Cumbria Court, Mitchell Park - Revocation of Community Land Classification

<b>Report Reference</b>	SGC220830R9.2
<b>Originating Officer</b>	Unit Manager Land and Property – Michael Collins
<b>Corporate Manager</b>	Manager City Property – Thuyen Vi-Alternetti
<b>General Manager</b>	General Manager City Development – Tony Lines

### REPORT OBJECTIVE

To provide Council with:

1. The outcomes from the public consultation under Section 194(2)(b) of the Local Government Act 1999 for the revocation of the community land classification for the whole of the land situated at 1 Cumbria Court Mitchell Park (formerly known as Mitchell Park Neighbourhood Centre) and portion of the land 30 Lanark Avenue Mitchell Park (Leased Land) for potential disposal on the open market.
2. Further information to enable a decision to be made for the future use of the site.

### REPORT HISTORY

<b>Report Reference</b>	<b>Report Title</b>
GC220614R11.4	Cumbria Court, Mitchell Park – Future Use
GC220726R12.1	Cumbria Court – Section 194(2)(a) Report for Consultation

### EXECUTIVE SUMMARY

At its General Council meeting held on 26 July 2022, Council declared the land at 1 Cumbria Court Mitchell Park surplus to requirements and resolved to commence public consultation for the revocation of the community land classification for the whole of the land situated at 1 Cumbria Court Mitchell Park, and portion of the land 30 Lanark Avenue Mitchell Park which Council leases from the Department for Education (together referred as the Subject Land Parcels and bordered in yellow on Attachment 1).

Public consultation for the revocation of the Community Land classification for the Subject Land Parcels was undertaken from 29 July 2022 to 22 August 2022. The consultation included a direct mail out to stakeholders and residents living within 400m of the Subject Land Parcels, Making Marion website publication, and notice in The Advertiser.

#### Revocation of Community Land

43 submissions were received and the overall level of support for Council's proposal to revoke the Community Land Classification of the Subject Land Parcels is as follows:

- 90% of respondents do not support or strongly do not support the proposal
- 5% of respondents are undecided
- 5% respondents support or strongly support the proposal

Of the 43 submission, 21 submissions were received from residents of Mitchell Park responding to the proposal to revoke the community land status as outlined below:

- 85% of respondents do not support or strongly do not support the revocation
- 5% of respondents are undecided
- 10% respondents support or strongly support the revocation

In addition to the 43 submissions, Council received a letter from the Department for Education

(contained in Attachment 4) advising that the Department has no objection to the community land status being revoked from the Leased Land.

#### Sale on the Open Market

43 submissions were received and the overall level of support for Council's proposal to sell the Subject Land Parcels on the open is as follows:

- 93-4% of respondents do not support or strongly do not support the proposal
- 2-3% of respondents are undecided
- 2-3% respondents support or strongly support the proposal

Of the 43 submission, 20 submissions were received from residents of Mitchell Park responding to the proposal to sell on the open market, as outlined below:

- 95% of respondents do not support or strongly do not support the sale on the open market
- 0% of respondents are undecided
- 5% respondents support or strongly support the sale on the open market

A summary of the consultation is contained in the Community Engagement Report (Attachment 2) and a copy of the submissions are contained in Attachment 3.

Full details of the number of respondents for each level of support and their place of residence are included in this report.

## **RECOMMENDATION**

### **That Council:**

- 1. Notes the outcome of the community consultation process undertaken for the revocation of the community land classification for the whole of the land situated at 1 Cumbria Court Mitchell Park (Allotment 102 in Deposited Plan 24889, Certificate of Title Volume 5808 Folio 815) and portion of the land 30 Lanark Avenue Mitchell Park (Allotment 167 in Deposited Plan 6473, Certificate of Title Volume 5214 Folio 25) for the potential disposal on the open market.**

## **2. SELECT OPTION**

### **Option 1 (Proceed with Revocation and Disposal on the Open Market)**

- a. Having considered the submissions received, resolves to proceed with the process to revoke the whole of the land situated at 1 Cumbria Court Mitchell Park for the potential disposal on the open market and portion of land situated at 30 Lanark Avenue Mitchell Park (being the Subject Land Parcels) to either surrender the current lease between Council and The Minister for Education or purchase the portion for amalgamation with 1 Cumbria Court and disposal on the open market.**
- b. Approves that a request be forwarded to the Minister for Local Government for approval to revoke the Subject Land Parcels from its community land classification for the potential disposal on the open market.**
- c. Notes that a final report will be presented to Council upon receipt of the determination from the Minister for Local Government in relation to the revocation, to enable finalisation of the revocation and disposal process.**

### **Option 2 (Return to Open Space)**



- a. Proceeds with the revocation of community land classification for the Leased Land being portion of 30 Lanark Avenue Mitchell Park (Allotment 167 in Deposited Plan 6473, Certificate of Title Volume 5214 Folio 25) and writes to the Minister for Local Government seeking their authorisation for the revocation for the purposes of surrendering the lease between the Minister for Education and Council.
- b. Writes to the Minister for Education requesting their consent to either surrender the lease agreement or for the Permitted Use in the Lease to be varied from 'Neighbourhood Centre Purposes' to 'Open Space'.
- c. Allocates up to \$50,000 through Council's quarterly budget review process to demolish the building and carpark.
- d. Allocates up to \$60,000 through Council's quarterly budget review process to return the site to open space.
- e. Allocates \$6,000 per annum to the Open Space Operations budget in 2023/24 onwards for ongoing maintenance of the additional open space.
- f. Notes that a further report will be presented to Council following receipt of a determination from the Minister for Local Government on the community land revocation, and a decision from the Minister for Education in relation to either the surrender of the lease, or the consent to change the permitted use of the lease from Neighbourhood Centre Purposes to Open Space.

**Option 3 (Lease Building to Puddle Jumpers and retain residual as open space)**

- a. Does not proceed with the revocation of community land classification, and retains the Leased Land and building at 1 Cumbria Court, Mitchell Park.
- b. Allocates up to \$150,000 through Council's quarterly budget review process to upgrade the building for the incoming lessee (works to include, compliant ramp, Disability Discrimination Act (DDA) compliant entrance and toilets, kitchen, fixing of roof leaks).
- c. Writes to the Department for Education to seek consent to sub-let and change the permitted use of the Leased Land.
- d. Subject to the consent of the Minister for Education and any applicable statutory requirements, commences negotiations with Puddle Jumpers to enter into a 5 year lease agreement at a rent in accordance with Council's Leasing and Licencing of Council Owned Facilities Policy (\$2,149.00 per annum plus outgoings).

**Option 4 (Undertake further EOI for building use)**

- a. Does not proceed with the revocation of community land classification for the open space portion of 1 Cumbria Court, Mitchell Park.
- b. Defers a decision on the revocation of community land for the remainder of 1 Cumbria Court pending the outcomes of a further process to seek Expressions of Interest (EOI) from City of Marion focused community organisations for the lease or licence of the premises, or from any organisation for the purchase of the premises, noting that Puddle Jumpers would be able to submit an application through this further process, and requests a further report back to Council following the conclusion of the EOI.
- c. Notes that Council can then assess any Expressions of Interest for the lease, licence or purchase of the premises, and re-consult with the community on any

**preferred outcomes (including leasing, licencing, sale, or retention as open space).**

- d. Notes that any retention of the building will require the allocation of up to \$150,000 to upgrade the building for an incoming lessee (works to include, compliant ramp, Disability Discrimination Act (DDA) compliant entrance and toilets, kitchen, fixing of roof leaks).**

## **DISCUSSION**

The old Mitchell Park Neighbourhood Centre (MPNC) located at 1 Cumbria Court, Mitchell Park straddles the boundary between Department for Education land (highlighted in green on Attachment 1) and land owned by the City of Marion (shaded in blue on Attachment 1).

With the construction of the new Mitchell Park Sports and Community Centre, the building at 1 Cumbria Court has become redundant and surplus to current requirements.

A period of public consultation was undertaken between 29 July 2022 to 22 August 2022 in relation to the proposed revocation of the community land classification. The engagement activities included:

Making Marion project page:

- Purpose and overview
- A Survey asking for feedback around the site
- Answers to frequently asked questions
- A copy of the Section 194 Report for Consultation
- A plan of the Subject Parcels of Land for Consultation for revocation
- Copy of Minutes from GC220614
- Copy of Minutes and Report from GC220726

Promoting and directing the community to the Making Marion website content via:

- Direct mail to 734 stakeholders and residents identified zone surrounding the consultation area
- Public Notice in The Advertiser newspaper

The outcome from the public consultation indicated that the majority of respondents (over 90%) are opposed to the revocation and disposal of the Subject Land Parcels on the open market.

A number of respondents were supportive of:

1. Returning 1 Cumbria Court to open space
2. Leasing the building to Puddle Jumpers or other community groups
3. Other interested parties have expressed interest in the site
4. Repurpose the land (community garden / food hub)

Following the outcome of the public consultation, staff have provided the following information for Council to make a decision for the future use of the site.

### Leased Land Considerations

Further discussions between Council and the Department for Education staff have occurred since the 26 July 2022 Meeting. The Department's representative advised that previous investigations into the Mitchell Park Kindergarten indicated this kindergarten and surrounding area is not at capacity for kindergartens enrolments. The area Council leases from the Department has not been available to the kindergarten previously and should not be required by the Department for future expansion.



Council received a letter from the Department for Education (contained in Attachment 4) advising the Department has no objection to the community land status being revoked from the Leased Land. Should the Council resolve to return 1 Cumbria Court to open space, the Leased Land will need to be revoked from the community land status in order to surrender the Lease and return the Lease Land to the Minister for Education. Alternatively Council could seek to retain this portion of land under lease, and seek a variation of the Permitted Use from 'Neighbourhood Centre Purposes' to 'Open Space'

Should Council resolve to lease or licence the building, revocation of the community land classification is not required. Council will need to write to the Minister for Education to seek consent to sub-let and change the permitted use of the leased land.

Council's Building team has advised the building structure is classified as class 9B under the building code. If an incoming tenant does not change the classification, the building is not required to be DDA compliant.

With a change in building use, or if the building is structurally altered, the building will need to be made DDA compliant. An indicative estimate of these DDA compliance works includes:

Description	Estimate	Notes
DDA Toilets	\$80,000	DDA Compliance Works (Required)
Entrance	\$25,000	DDA Compliance Works (Required)
Kitchen	\$25,000	Original Condition – Upgrade Recommended
Contingency	\$20,000	Contingency against significantly increasing costs
<b>Estimated Total</b>	<b>\$150,000</b>	

There is no approved budget for these building compliance works. The cost of these works will need to be met either by Council or an incoming Lessee.

In addition, Council will continue to be responsible for the ongoing annual building insurance, repairs and renewal costs for the building in the event the building is leased. These costs are not currently budgeted for as the building has been declared surplus to requirements.

The annual market rental valuation as at 30 June 2022 for the building is \$30,700 + GST. In accordance with Council's Leasing and Licensing of Council Owned Facilities Policy, 7% of market value is \$2,149 per annum + GST. Utility costs, security, cleaning and general building maintenance etc. will be the responsibility of the Lessee.

The Section 48 Prudential report prepared in 2019 for the new Mitchell Park facility states that it is: *"to provide upgraded accommodation for the existing Mitchell Park Neighbourhood Centre which will replace an aging facility and provide scope to improve or increase the range of services and programs offered, if that decision is made by Council."*

The draft 2022-32 CoMPAS has 1 Cumbria Court surplus to Council requirements and recommended for repurposing or disposal.

### Open Space Considerations

Council's Open Space Team has confirmed that the site is next to an established reserve, and that Mitchell Park is well serviced for open space.

There is no approved budget for demolition and conversion to open space and ongoing maintenance.

### Disposal Considerations

Council can decide to continue with the revocation and disposal of the Subject Land Parcels and seek the consent from the Minister for Local Government to the revocation and disposal on the open market.

The Minister for Education will need to give their consent to either the revocation and surrender of the lease, or to the revocation and sale of the Minister for Education's land to Council.

Net proceeds from the revocation and disposal process would be assigned to the Open Space Reserve Fund.

Should Council resolve to proceed with a revocation and disposal option that is inconsistent with the Section 194(2)(a) Report and public consultation detailed in this report, further public consultation is likely to be required.

### **Options for Council Consideration**

#### **Option 1 (Proceed with Revocation and Disposal on the Open Market)**

If Council would like to proceed with the revocation of community land classification with a view to sale of the land, then it will need to resolve to seek the consent of the Minister for Local Government to the revocation of both parcels of land. In the case of the land leased from the Minister for Education it will be either to facilitate the surrender of the lease, or for the potential purchase of the land from the Minister and subsequent disposal.

Following a determination from the Minister for Local Government on the revocation of community land classification, and a decision from the Minister for Education in relation to the leased land, a further report will need to be presented to Council for a final decision.

#### **Option 2 (Return to Open Space)**

This would involve either:

- a. Proceeding with the revocation of community land classification for the leased land being the portion of 30 Lanark Avenue Mitchell Park and writing to the Minister for Local Government seeking their authorisation for the revocation for the purposes of surrendering the lease between the Minister for Education and Council, and writing to the Minister for Education requesting their consent to Council surrendering the lease agreement and demolishing the building subject to revocation authorisation being received from the Minister, OR
- b. Not proceeding with the revocation of either parcel of land, and subject to the consent of the Minister for Education to changing the permitted use of the leased land from 'Neighbourhood Centre Purposes' to 'Open Space', Council retains the leased land as open space together with the balance of land at 1 Cumbria Court.

Both of these options will require a further report to be presented to Council following either receipt of a determination from the Minister for Local Government on the community land revocation, and a decision from the Minister for Education in relation to either the surrender of the lease, or the consent to change the permitted use of the lease from Neighbourhood Centre Purposes to Open Space.

There would be costs associated with this option including the costs of demolition, returning the land to open space, and ongoing irrigation and maintenance costs.

Mitchell Park is already well serviced with open space. An option would be to consider the sale of the portion on Harkin Avenue instead.



### **Option 3 and 4 (Lease Building / EOI)**

Council may wish to proceed with retaining the building and seeking to grant a lease or licence to a City of Marion focussed community organisation. If it is looking to retain the building and grant a lease or licence it should not proceed with the revocation of community land classification.

Council may wish to consider, subject to the consent of the Minister for Education and any applicable statutory requirements, commencing negotiations with Puddle Jumpers to enter into a 5 year lease agreement for the premises, at a rent in accordance with Council's Leasing and Licencing of Council Owned Facilities Policy (\$2,149.00 per annum plus outgoings). Council should note the ongoing community concerns about the other Puddle Jumpers site located close to City of Marion residents, the envisaged 700 visitors to Cumbria Court each week, and that Marion Life undertakes similar services within a short distance of Cumbria Court.

Alternatively Council could, subject to the consent of the Minister for Education to sub-let and change the permitted use of the Leased Land, undertake a new specific Expression of Interest (EOI) process for interest from City of Marion focused community organisations for the lease or licence of the premises, or from any organisation for the purchase of the premises, noting that Puddle Jumpers would be able to submit an application through this further process. Council has since been contacted by organisations who would be interested in submitting an EOI, including one Non-Government Organisation who could potentially be interested in purchasing the building and land from Council and the Minister for Education. If Council were to undertake a further EOI process then it should defer a decision on the community land revocation pending the outcomes of the EOI.

### **ATTACHMENTS**

1. Plan of Subject Land Parcels for Consultation [**9.2.1** - 1 page]
2. 1 Cumbria Court - Community land revocation Feedback [**9.2.2** - 17 pages]
3. Letter from the Department for Education [**9.2.3** - 1 page]
4. Detailed Submissions Received [**9.2.4** - 47 pages]





# 1 Cumbria Court – Community Land revocation – Community feedback report

## COMMUNITY ENGAGEMENT

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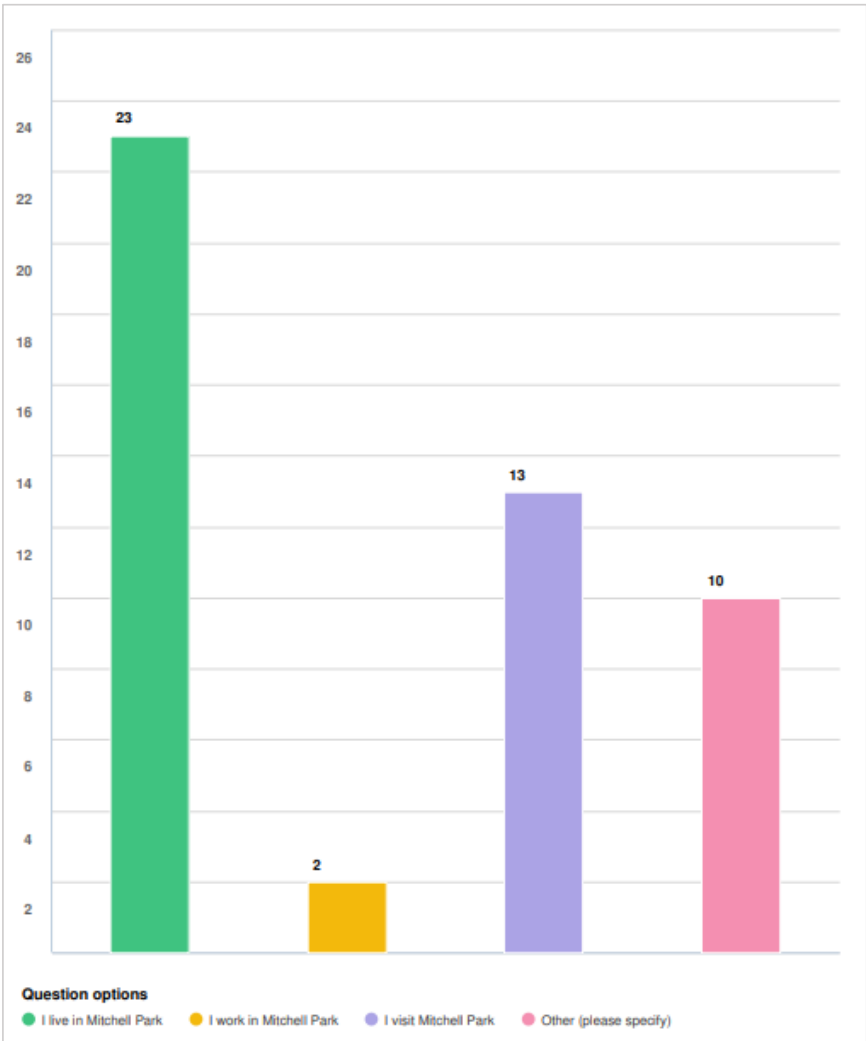


Community feedback report

Consultation overview

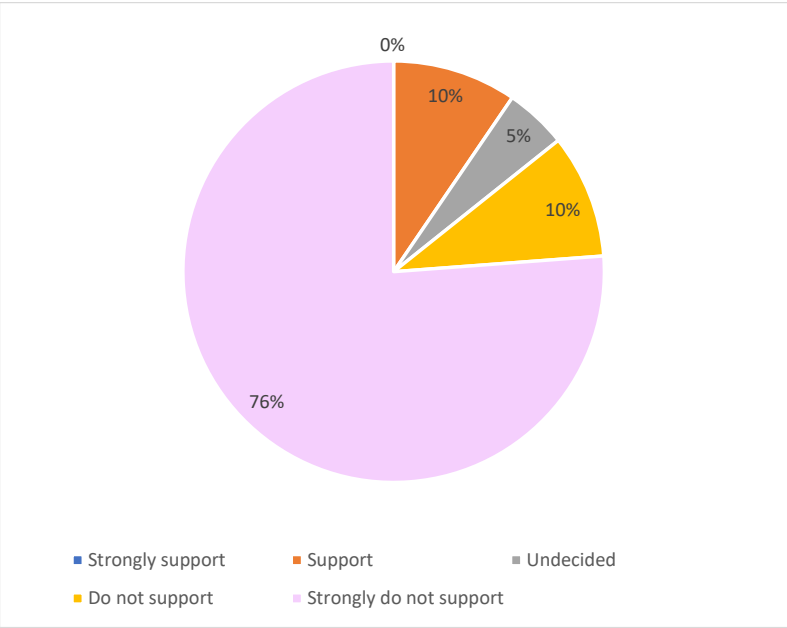
- Feedback was opened on July 29, 2022
- Feedback closed on August 22, 2022
- A direct mail [Letter drop](#) was undertaken to 743 properties (Appendix 1) encouraging local residents to visit [Making Marion](#) where they could complete a short survey
- Advertisement in the Advertiser July 29, 2022 (Appendix 2)
- 43 responses have been received
- Approximately 50% of respondents live in Mitchell Park

What is relationship do you have to Mitchell Park?

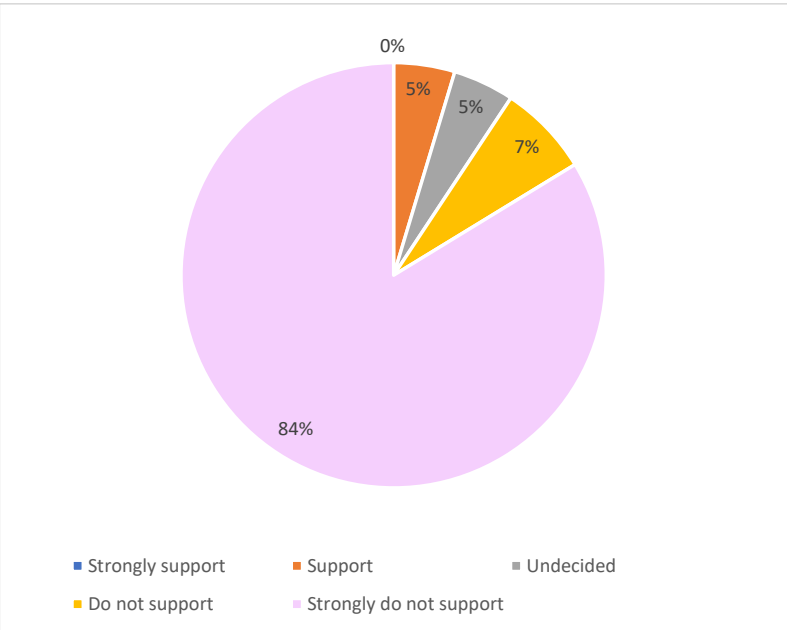


Overall, do you support Council’s proposal to revoke the community Land classification of 1 Cumbria Court, Michell Park?

**Mitchell Park residents (21 responses):**



**Overall (43 responses):**





## Tell us why (Mitchell Park residents)

Street name	Comments
1 Trowbridge Ct	Building should be kept & rented out to local groups. The new facility is currently useless for this
Bradley Grove	<p>The Kindergarten &amp; children would suffer the most detriment : The kids use the reserve there to play, collect leaves for play &amp; learning activities and outdoor activities. There are bbq facilities and benches there and STRONGLY disagree with the move to Harkin Reserve as that place is not safe for children, police are often called there to deal with residents in that housing area. Nobody uses that reserve as there are a lot of "issues" with the residents in those houses nearby and it's just full of dog poop.</p> <p>Suggestion: It would be far more beneficial for the old building to be rented out to a community centered group that would serve the community better (there are many underprivileged families in this area). They can maintain the building as well so Marion is not out of pocket. Alternatively, keep the land as open reserve or build a community garden where the neighbourhood would benefit and be a better sustainable development for the area.</p> <p>The children who use that area are the most affected by this decision and selling the land to put money into the Open Reserve Fund does not make any sense. It takes away something from the children today to put into another area that will not benefit them.</p>
Bradley Grove	Privatization of the land, if done, will be done at the expense of the best interest of the children that attend Mitchell Park Kindergarten and Occasional Care Services. The land currently allows for an adequately large area for the children to mingle about safely.
Lynton Ave	You want to sell open space to put it in a budget to help other open space? Doesn't that sound stupid? It will just disappear into a big black hole never to be seen again. Of course the fact that you will sell the land and then get revenue for it for rates has absolutely nothing to do with your decision right? You did the same with the Centre in the Bradley Grove - Timothy Court area. Left it abandoned for two years and then said "Oh it's going to cost us far too much to fix up so we'll just knock it down ok?". You can't even be bothered getting rid of the excessive car parks there for goodness sake. How about you just level it, plant some grass and trees and leave it as open space for the community? They might enjoy picnics there or kicking the footy. You can't even get the bins emptied properly so can't expect you to listen anyway. Fake process to make yourselves feel better and hope people make your decision for you.
bradley grove	The council should repurpose the land, not sell it.
Lanark Avenue	No comment left

Street name	Comments
Minkie Avenue	It would be a great shame to sell this to private developers and put just more housing there. It should be either a pocket park for the community or extra outdoor space for the kindy. We can't be losing more precious green space!
Bradley Grove	The reserve is a beautiful little space which is extremely important for the kindy and surrounding residents. Nature areas are extremely important for mental health and to native wildlife
Byard Tce	<p>I speak as a resident who was born in this council, grew up here and have paid rates here for 20 years. I am speaking up for the new residents who may struggle to find their voices.</p> <p>The nature reserve is currently being used for play-based excursions and outdoor learning for the kindergarten. It is also used by new migrant families connecting and supporting each other. A group of Dads meet in the park after dropping their children at kindy. This green space is necessary for mental health and well-being, counteracting isolation and hence, to prevent anxiety, depression and suicide. The situation with male suicide is such that I believe we cannot morally justify taking this space from them.</p> <p>We know that children who walk between their safe spaces in the community (eg kindy to park) are more emotionally regulated and feel safer in their neighbourhoods - issues which are critical to their readiness for learning. Research shows that children's 'readiness for school' as a function of their social competence and emotional regulation has declined significantly in past years. To date, the Mitchell Park Play Group has used the neighbourhood centre at no cost which means that socio-disadvantaged families can drop a child at kindy and a toddler at play group. The transition between kindy and playgroup is eased by this integrated system. Siblings remain connected, they know where they will go to kindy, and it is made easy for families. When we consider the socio-economic disadvantage, trauma-based histories and complicated health issues being managed by these families, I believe transitioning the playgroup to the new Sports and Community centre is the wrong decision. There is a cost attached to renting the new space and I believe a name change has been required. This decision removes the benefits to children and families of the closeness between playgroup and kindy and both cost and distance may discourage some families attending playgroup. This is a critical child protection issue. Playgroups and kiddies are necessary for oversight of the welfare of vulnerable children. I believe the decision to relocate the playgroup is of no benefit to children or families, and may have consequences.</p> <p>The nature space functions with the neighbourhood centre to create strong community and help newcomers integrate into Australian culture. This function could be expanded upon for further benefits. I would suggest that a sustainable community garden focused on the education of children is a necessary and innovative project, with opportunities to strengthen community, create a sustainable gardening that integrates early childhood education (to add to Marion Council's other sustainability projects), trial sustainability research &amp; innovation from other countries, network with local urban farming businesses and early learning educational programs at Flinders University, as well as feed people. Food security is an issue with global supply chains hampered by Covid and the cost of groceries</p>



Street name	Comments
	<p>increasing significantly over past months, so feeding people is an added benefit to strengthening community, health and wellbeing.</p> <p>An innovative sustainable garden could attract visitors - international students in the master's programs at Flinders University would be interested - so this space could also be a venue for gastronomical and/or sustainability events. Most importantly for me, children who follow their food from plot to plate are healthier and happier, with less physical and mental health problems, more ready for school learning (and less of a burden on the local and state governments), and in the end isn't that what it's all about. They are all our children. They are our future. They do not deserve community to be stolen from them by business developers.</p>
Deepdene ave	I don't believe any land held by the council for the benefit of residents should be revoked for private use
Karu Crescent	The children love the nature play. My granddaughter is a student of the kindergarten and she adores the garden and I would love if my grandson gets the same experience as she has had
Bradley Grove	Surely this is community land. I believe it should stay that way.
Woodmere	That community space could be put to better use for the community such as a food hub. More help in the area is need to access food n support. This would be the perfect place n opportunity for the city of marion
12 Sampson road	It is the space attached with kindergartens and their is not enough space for kids and car park for kindy staff and visitors too. As it is already listed as community land it is good idea to leave as it is ,so that the community and kids can have fresh air and sunshine.Thanks.
Hewett Ave	It is community space that is really nice, if sold it will never be returned as community space. It is just tragic to get rid of green community space like this. This just seems short sighted. The reason given that there is similar space is quite weak; this is great space, and having more of it is great.
Karu Crescent	In Mitchell Park many houses have been demolished and replaced with multiple houses, I feel that it is important to maintain as much grass/community land as possible to support the number of residents. Also when houses are built next to kindergartens it is almost guaranteed the people living in the newly built houses will complain about the kindy. We don't need more houses.
Abbey Road	I walk through this area daily with my wife, baby, and dog. We want to send our child to the kindergarten in a few years and would love this space available for community use and particularly for the children of the kindergarten. Further housing development would close in space in a suburb increasingly crowded with small dwellings. Community land needs to be kept as community land!
Abbey Road	My husband, baby, dog and I enjoy this area on a daily basis. We appreciate having community shared spaces to enjoy because we live in a townhouse with minimal backyard space, so this makes community parks important to us. We believe that it is important to keep community land as community land. Marion Council is already gaining more council rates from many properties that have been sub-divided and smaller houses built. This trend makes community land even more essential. The location of the kindergarten and community centre is walking distance from us and we would like to continue enjoying those facilities for years to come.

Street name	Comments
Burnley Grove	When the suburb of Mitchell Park was created, the Council at the time considered the future needs for community space. This was an insightful decision. With increasing population and housing infill it is very important to retain and value the existing community land and not sell it.
	When the suburb of Mitchell Park was created, the amount of community land incorporated into the design was an insightful decision of the Council at the time. I strongly believe the site should be retained and used as open green space. With increasing population and housing infill I believe it is very important to retain and value the existing community land space we have and not sell it.
Mills	No comment left

### Tell us why (non-Mitchell Park residents)

Should be used for community programs
I am in favour of the land to remain classified as community land as there are many benefits to the community and the kindergarten which uses the reserve regularly. The kindergarten uses the reserve and nature play elements to enhance many areas of the curriculum such as an extension of its sustainability/ environmental/ biodiversity curriculum. The kindergarten uses the reserve for events such as family picnics, wheels days and other planned physical , numeracy and literacy activities. The reserve is also used by parents to meet while their children attend kindergarten. Retaining the area as community land is important for many social and community reasons . Green spaces offer better psychological outcomes and has a positive impact on wellbeing and physical activity for everyone. The kindergarten opposes to the sale of its portion of the land . The kindergarten community also uses the existing carpark which is a safer option when children are arriving or being collected from kindergarten.
This has been a space where we spend family time and taking this away will take away a space where we cherish.
I believe that this may diminish the community benefit to this site. Furthermore, I have no recollection of being informed how the community will benefit, if at all should there be any change. If there will be further infrastructure, will there be additional need for parking? If so, how will this be addressed along with any disturbance to the nearby vicinity?
Should be a community centre
Who will selling the land benefit? What is the community gaining by this?
The neighbourhood centre can be repurposed. I have been in contact with several community groups in need of space. The attached park area (barbecue, table, chairs etc.) is also valuable to local children and residents. Removal and sale of this land takes away a local gathering spot that would otherwise continue to bring life to the suburb in a uniquely Australian fashion.
family use of nature play area



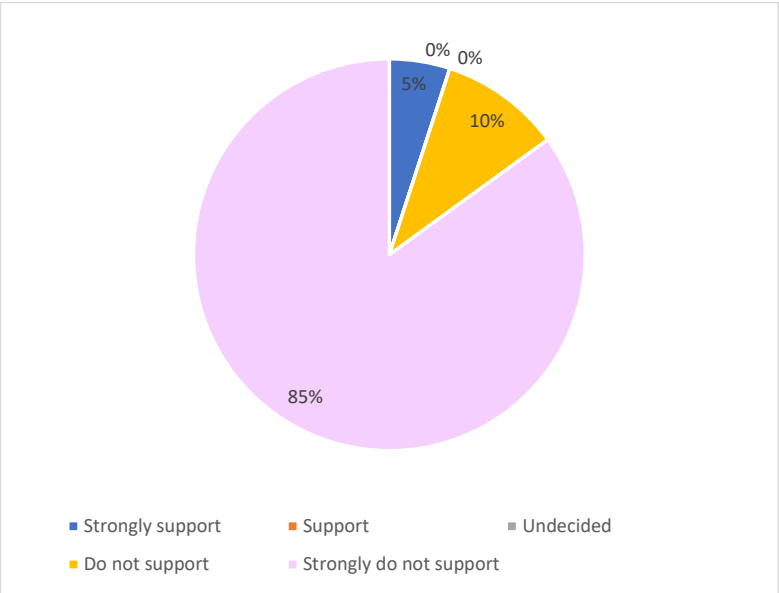
It is vital that the council retains all community owned property
<p>You have local people in need. Cost of living is rising, fuel cost is about to increase again.</p> <p>'Real wages' have reduced. It's getting hard to survive from pay to pay.</p> <p>Puddle Jumpers really need a local centre to help local people!</p> <p>There's no local food assistance or drop in centre for people in need of relief from food insecurity.</p> <p>Maybe the Council don't appreciate how many families cut meals in their days to be able to pay the utilities and other essentials. Parents go without meals to see their children fed.</p> <p>This centre would be pivotal within the community to provide food items, tea, coffee and a friendly chat with someone who's a peer.</p> <p>There's a centre on Port Road at Hindmarsh. It runs effectively and it's contributing to the well being within the community.</p> <p>I've driven there for food assistance. I've been met with friendly faces. We've been able to sit a have a cuppa then soup and a simple hot meal.</p> <p>I've been provided with pre-cooked frozen meals for another night's dinner.</p> <p>Then we could choose fruit, vegetables, bread and a few pantry items for a small donation - if we have some spare funds.</p> <p>How does this not fit in with the Marion Council Community spirit?</p> <p>It's a simple ethos at a time where people are suffering the worst mental health ever.</p> <p>Families are struggling and their children know their parents are finding finances difficult.</p> <p>New stats are showing 40% of teens and young people identify with depression and mental health concerns. These are the adults of the future.</p> <p>Allowing redevelopment of this land means Marion Council has 'sold out' in their local community. A community in need.</p> <p>Please reconsider your decision.</p> <p>Puddle Jumpers need to be in there helping the community help itself!</p>
<p>I strongly agree with councillor Shara Phillips (apologies if her name has not been correctly spelt) when she spoke as the Mitchell Park Kindergarten Governing Council Chair. Every point she makes is clear and obvious and supports the inclusion and financial needs of the local community and the children that live within it. I also believe having Puddle Jumpers come on board to use the space is an excellent idea as it will support many vulnerable families. I am working towards becoming a child and adolescent psychologist, I am also a registered teacher and am a parent member of the Marion council collective impact run by Karina Fraser. I have a good understanding of how having a secure base for vulnerable children and families can support them in terms of healthy development, reducing domestic violence, improving educational outcomes and strengthening community. Please accept Shara Phillips proposal in its entirety. This will support building our community to become financially prosperous long term when our children's needs are at the forefront of our mind.</p>
U are closing programs that could use the building to help feed hungry, could help family's
<p>As a member of the community, I want the title stay as it is! The surrounding land and the building should be retained for community use only, not to sell off it's land for profit! I strongly disagree with this space being removed from the community!</p>
<p>This land and this building should be retained for community use. We strongly disagree with this space being removed from the community! The 100's of voices from the community should be listened to with it being retained and used for community space. The community is hurting and you're not listening to them. This building should be used by Puddle Jumpers Inc to use for the community working with the Kindy.</p>

Support the continuation of open space - the Mayor is handing on greening City of Marion so supporting open space.
My first child goes to Mitchell Park Kindergarten which is next to the reserve. Kids go and play there after Kindy, we parents also gather there for a while every morning after dropping off our kids to kindy. My second child will also probably go to same kindy in 3 yrs so I would like the reserve to be there for kids and us to gather and enjoy our time before or after kindy
This open green space is used by the children of the kindergarten, parents after kindergarten drop off, and the local community. It is community land for a reason and should remain that way. The carpark provides a safer way to drop children at the Kindergarten, a place for staff and visitors to park, and a place for those using the green space to park to access the area. Parking is difficult in the heavily populated Court. I imagine residents would not be keen on more on street parking to access the kindergarten. It seems counter intuitive to sell of established green space to "maximise the net sale proceeds paid into the Open Space Reserve Fund". There is already an open space there that is being utilised! I strongly oppose the selling off of this green space
Retain the land for inclusive and open community uses
This land and this building should be retained for community use. We strongly disagree with this space being removed from the community! The 100's of voices from the community should be listened to with it being retained and used for community space.
As a current resident of the area and an advocate for children's rights and education, I do not support this proposal. This piece of land is vital for the families and their children who attend the community kindergarten. It serves as a nature play space, which furthers children's chance to develop, connect with, and nurture their appreciation and love for nature. It also promotes health and wellbeing for these young children and sets them up to succeed not just emotionally and behaviourally but also academically, as there are endless learning opportunities through nature play.  In addition to benefit of the children, this space is used by the children's families as a place to connect with one another easily, providing community for the diverse families as well.  Furthermore, revoking the space with the intent to build high density housing will likely disrupt the peace and privacy of the young children who attend the kindergarten (at the very least during construction if not much further later on). This could have implications for children's safety. There will be lasting impacts on this decision that will negatively impact the local community's children and their families if the land is revoked. Please consider the future of these children and care for them and their families.
Community organisations need that place Eg Puddlejumpers
The Kindergarten is in an essential location for local residents and cannot be moved. Families will face severe financial hardship and it will disrupt connections with local school.

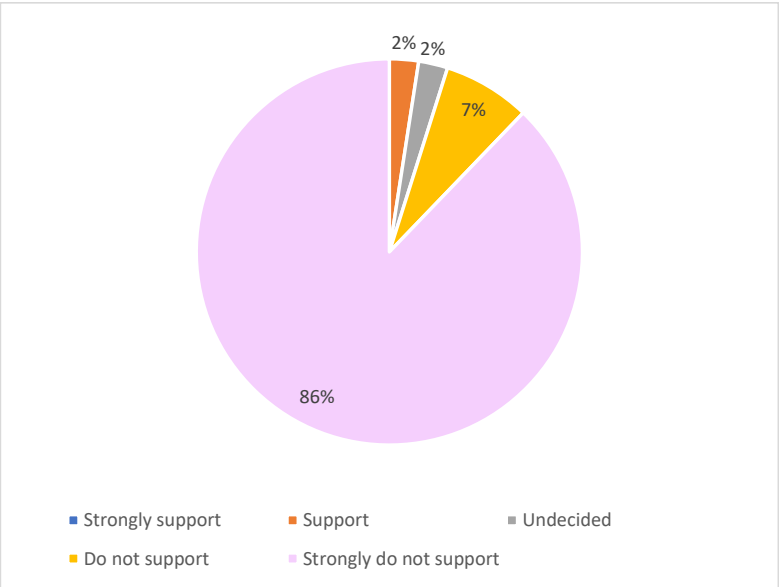


Do you support the proposal to sell 1 Cumbria Court, Mitchell Park on the open market – to maximise return to council

**Mitchell Park residents (20 responses):**



**Overall (43 responses):**



Tell us why (Mitchell Park residents)

Street name	Comments
1 Trowbridge Ct	No Comment left
Bradley Grove	To make money on the back of taking an outdoor green space away from children and families who may not have much backyard space is a hugely terrible decision. Marion must be in dire financial straits to do something like this. The area is small and already congested, to sell it to private parties to simply put up more development will cause more congestion to the already cramped area.
Bradley Grove	For the same reasons mentioned above.
Lynton Ave	Think I said it all before. Money hungry council.
bradley grove	Land is valuable for council to keep
Lanark Avenue	I don't support the sale of the land to gain maximum financial profit to the council. The proceeds should benefit the home owners around the land.
Minkie Avenue	Should be about the community not the money. The right buyer for the right use of the space is key.
Bradley Grove	Leave the nature reserve alone. Leave it as a green space there are many opportunities to rent out the old community centre so why not do that?? Don't ruin a beautiful little park.
Byard Tce	As per previous comment
Deepdene ave	I don't believe any land held by the council for the benefit of residents should be revoked for private use
Karu Crescent	There is more to life than financial gain. It's about the future of the next generation
Bradley Grove	I believe it should be used for the community.
Woodmere	Would rather see it used for the community. This was built when I was in primary school at tonsley Park. The area still needs this centre. The reason may have change but its purpose which is being for the neighbourhood hasn't
12 Sampson road	As it is community land leave it for community. Thanks
Hewett Ave	Anything that removes this from community control is bad.
Karu Crescent	What will happen to the land once it is sold???
Abbey Road	There is no value in a financial return to the council if there is less community land to spend that money on. This would be a short sighted decision detrimental to the wellbeing and amenity of my family and other local residents.
Abbey Road	I believe well-being of residents is more important than financial gain, and the current park gives improved well-being to us and our neighbours.



Street name	Comments
Burnley Grove	When the suburb of Mitchell Park was created, the Council at the time considered the future needs for community space. This was an insightful decision. With increasing population and housing infill it is very important to retain and value the existing community land and not sell it.
Burnley Grove	When the suburb of Mitchell Park was created, the amount of community land incorporated into the design was an insightful decision of the Council at the time. I strongly believe the site should be retained and used as open green space. With increasing population and housing infill I believe it is very important to retain and value the existing community land space we have and not sell it.
Mills	No comment left

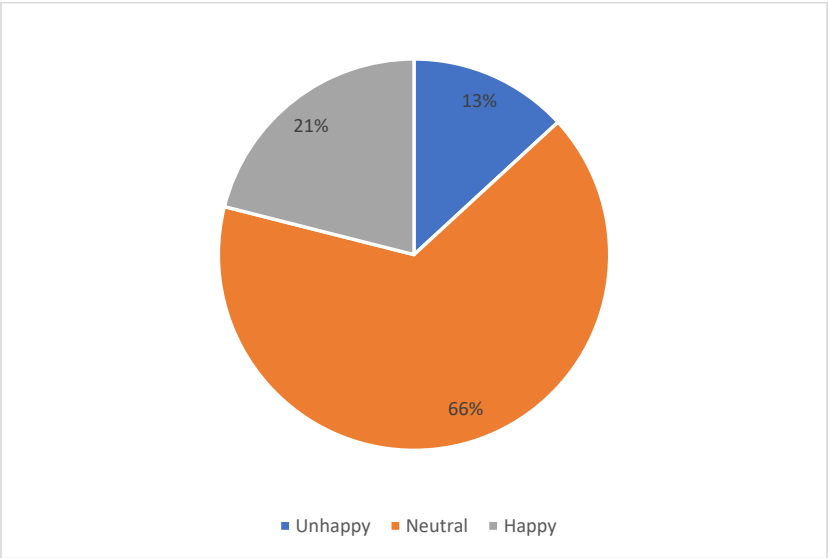
#### Tell us why (non-Mitchell Park residents)

Do not support as the land/building could be used for community programs
I believe that more houses would be built in the space which would contribute to the congestion of Cumbria court and possibly overlook the kindergarten which could pose a child safety issue. Retaining the reserve and green space is more important to me than creating further housing. Does the council really need to benefit financially over the benefits of green space for the community?
Same as previous
Furthermore, I have no recollection of being informed how the community will benefit, if at all should there be any change. If there will be further infrastructure, will there be additional need for parking? If so, how will this be addressed along with any disturbance to the nearby vicinity? Quite frankly, I, along with thousands of other rate payers pay for the services that we receive. Depriving rate payers of this service, I believe, is a disadvantage to the ratepayers to whom the City of Marion representatives answer to.
Should stay as a community centre for everyone
I would prefer some potential plans for the site or what it could be redeveloped as. Rather than just a straight sell.
The open market is the most reliable in avoiding any corruption or deals being made directly with the local government members.
Needed by the community as open space
public assets should never be sold off to achieve short term financial goals
You have local people in need. Cost of living is rising, fuel cost is about to increase again. 'Real wages' have reduced. It's getting hard to survive from pay to pay. Puddle Jumpers really need a local centre to help local people! There's no local food assistance or drop in centre for people in need of relief from food insecurity. Maybe the Council don't appreciate how many families cut meals in their days to be able to pay the utilities and other essentials. Parents go without

meals to see their children fed. This centre would be pivotal within the community to provide food items, tea, coffee and a friendly chat with someone who's a peer. There's a centre on Port Road at Hindmarsh. It runs effectively and it's contributing to the well being within the community. I've driven there for food assistance. I've been met with friendly faces. We've been able to sit a have a cuppa then soup and a simple hot meal. I've been provided with pre-cooked frozen meals for another night's dinner. Then we could choose fruit, vegetables, bread and a few pantry items for a small donation - if we have some spare funds. How does this not fit in with the Marion Council Community spirit? It's a simple ethos at a time where people are suffering the worst mental health ever. Families are struggling and their children know their parents are finding finances difficult. New stats are showing 40% of teens and young people identify with depression and mental health concerns. These are the adults of the future. Allowing redevelopment of this land means Marion Council has 'sold out' in their local community. A community in need. Please reconsider your decision. Puddle Jumpers need to be in there helping the community help itself!
Please refer to Shara Phillips comments at the previous council meeting.
1 Cumbria Court, Mitchell Park building and surrounding land belongs to the community for community use. Not for council profits!
This land and this building should be retained for community use. We strongly disagree with this space being removed from the community! The 100's of voices from the community should be listened to with it being retained and used for community space. The community is hurting and you're not listening to them. This building should be used by Puddle Jumpers Inc to use for the community working with the Kindy.
Keep open space within the City of Marion to support greening the area.
Money is not everything, you are definitely going to get good value for that land but as a community member of this council we will loose the land where we have more interactions with other kids who go to the same kindy and their families
This land and this building should be retained for community use. We strongly disagree with this space being removed from the community! The 100's of voices from the community should be listened to with it being retained and used for community space.
If the intent is to then build high density housing or anything that does not further benefit the community kindergarten, the children, and their families, the cons overwhelmingly outweigh the pros.
Community needs facility still
The Kindergarten is in an essential location for local residents and cannot be moved. Families will face severe financial hardship and it will disrupt connections with local school.



How satisfied were you with this survey?



Appendix 1 – Letter drop catchment map





## Appendix 2: Advertiser advertisement

18 NEWS

FRIDAY JULY 29 2022 ADVERTISER.COM.AU

# Taipan's crimes quashed

JORDANNA SCHRIEVER  
COURT REPORTER

## Alleged cult leader to face third child-sex trial

AN alleged cult leader, who has been convicted twice of abusing a child, has had his conviction quashed a second time and been ordered to stand trial again.

The Court of Appeal on Thursday remitted the case of James Gino Salerno - known as "Taipan" to members of the alleged cult - back to the District Court for retrial.

The 75-year-old was also granted release on bail from Mount Gambier Prison.

Court of Appeal Justices Sam Doyle, Chris Bleby and Sophie David unanimously allowed the appeal on the ground an inadmissible document containing hearsay evidence had been admitted during the trial.

They found exposing the document to the jury constituted a "miscarriage of justice".

They ruled the judge who presided over the trial "erred in admitting the document",

which contained messages from the alleged victim disclosing the alleged abuse to a family member.

"The document apparently prepared by (the family member) had the potential to interfere markedly in the jury's assessment of (the alleged victim's) credibility and reliability," the court found.

Mr Salerno was found guilty after a jury deliberated for four hours last October to

find him guilty of six counts of unlawful sexual intercourse but not guilty of two other counts of the same charge.

He was sentenced last December to almost eight years in prison with a non-parole period of six years.

After his first trial, in 2018, Mr Salerno was found guilty of eight offences and jailed for 10 years. That conviction was also overturned on appeal.

At trial, prosecutors had al-

leged Mr Salerno was the leader of an Adelaide Hills cult with the stated goal of creating the "ideal human environment".

Alleged members of the group were required to align their "thought patterns" with those of Mr Salerno, while those who failed to meet the standards were allegedly subjected to discipline.

The alleged victim claimed she had been trained from 13 to "service" Mr Salerno's needs



James Gino Salerno.

and threatened with punishment if she disobeyed him.

Mr Salerno and his followers have rejected the cult label, insisting they are merely an "unorthodox family" dedicated to assisting those in need.



## CARLY'S A HAPPY CAMPER IN NEW MOBILE 'HOME'

Carly has been given a caravan to live in. Picture: Dean Martin

## KITTY BARR

CARLY McIntyre, 40, and her son Cooper, 17, have scored a double victory after they were left homeless and forced to live in a car.

Talking Caravans boss Graham Potiphar has given Ms McIntyre a caravan rent-free for three months and

## Driven to living in a car



Levi Caravan Park has matched that with free site rental. "I heard the story a

few times (on the radio) and I thought she seems pretty genuine ... it was quite a sad story," Mr Potiphar said.

"Carly's not paying for the van or the actual site, which is good."

"It (the van) has a full queen bed, a bed for Cooper with a bunk on the front, toilet and shower are

separate ... a large fridge, a full oven, air conditioning, heating and cooling. It's a good van."

Ms McIntyre on Thursday described Mr Potiphar as "such a genuine, humble, down-to-earth man. He's just a gem".

"He didn't at one point make me feel like I owed him

anything or uncomfortable. It was like I have known him forever and he's just doing a mate a favour," she said.

Ms McIntyre had been living in her car for eight months and applied for more than 300 rental properties.

She lost her job as it required her to work from home. PAGE 22 EDITORIAL

## Ex-arts boss loses jail appeal

JORDANNA SCHRIEVER

RENOWNED musician Timothy Sexton, who was last year jailed for a near-record 14 years, has lost an appeal against his conviction.

Sexton, 60, inset, appeared via video link from prison to hear the Court of Appeal dismiss his appeal application.

A District Court jury deliberated for less than four hours last February to find

Sexton guilty of two separate counts of maintaining unlawful sexual relationships with two victims in the 1980s.

Both girls were teenagers and under the age of legal consent.

He was found not guilty of a further charge against a third girl who had also made allegations.

Sexton's bail was revoked after the verdict and he was later jailed in July last year.

Sexton, of Birdwood, joined the State Opera in 2011. In May 2017 he stood down as its chief executive and artistic director.

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### REVOCATION AND DISPOSAL OF COMMUNITY LAND - WHOLE OF 1 CUMBRIA COURT MITCHELL PARK AND PORTION OF 30 LANARK AVENUE MITCHELL PARK

Pursuant to Section 194 of the Local Government Act 1999, the City of Marion proposes to revoke the classification of Community Land over Allotment 102 in Deposited Plan 24889 and portion of Allotment 167 in Deposited Plan 6473 held under registered lease Number 7762672 from the Minister for Education, Training and Skills - commonly known as 1 Cumbria Court Mitchell Park former Mitchell Park Neighbourhood Centre).

**Council is considering the revocation and disposal of the land on the open market as the site is surplus to current requirements.**

A Report for Consultation giving more details of the proposal is available at [makingmarion.com.au/cumbria-court-revocation](http://makingmarion.com.au/cumbria-court-revocation) and at our main Administration Office at 245 Sturt Road, Marion.

Representations must be lodged via the Making Marion website (above) or in writing to the City of Marion at PO Box 21 Oaklands Park SA 5047 by 5pm, 22 August 2022.

**For more information, please contact Council's Land and Property Team on 08 7420 6410.**

Tony Harrison, Chief Executive Officer



**Government of South Australia**  
Department for Education

10 August 2022

City of Marion  
Thuyen Vi-Alternetti  
Manager City Property  
PO Box 21  
Oaklands Park SA 5046

Capital Programs and Asset  
Services  
Education Support Hub  
Level 2  
8 Milner Street  
Hindmarsh SA 5007

GPO Box 1152  
Adelaide SA 5001  
DX 541  
Tel: 8226 7026

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

Dear Thuyen

**RE: Mitchell Park Community Centre site**

The City of Marion (council) has recently advised the department of its intention to remove the 'community land' status of the land at the Mitchell Park Community Centre. As part of the discussions, council has advised that the community land status extends to the adjoining Minister for Education land leased to the council for the Mitchell Park Community Centre site.

After reviewing council's intention to remove the 'community land' status over the Minister for Education land leased to the council and contained within portion of the Certificate of Title Volume 5214 Folio 25, the department can confirm that there is no objection to the community land status being revoked.

It would be appreciated that if the council could provide updates regarding this process as they become available.

The department has also noted that the council is considering the option to request to purchase the leased portion of the site. If the council intends to investigate this further, a formal request will need to be submitted to the department so that this can be properly investigated.

If you require any further information, please do not hesitate to contact me on 8226 2487 or by email at [adam.daly2@sa.gov.au](mailto:adam.daly2@sa.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'Adam Daly'.

Adam Daly  
**Property Coordinator**



Survey Responses

30 August 2011 - 22 August 2022

Cumbria Court Revocation Consultation

Making Marion

Project: 1 Cumbria Court Community Land Revocation



VISITORS					
255					
CONTRIBUTORS			RESPONSES		
43			43		
43	0	0	43	0	0
Registered	Unverified	Anonymous	Registered	Unverified	Anonymous



Respondent No: 1

Login: Registered

Responded At: Jul 29, 2022 11:45:37 am

Last Seen: Aug 09, 2022 02:45:50 am

Q1. What is your relationship with Mitchell Park? (select all that apply)	I live in Mitchell Park
Q2. Where do you work in Mitchell Park?	not answered
Q3. Which Suburb do you live in?	Mitchell Park
Q4. Which street do you live on?	1 Trowbridge Ct
Q5. Overall, do you support Council's proposal to revoke the Community Land classification of 1 Cumbria Court, Mitchell Park	Strongly do not support
Q6. Tell us why	Building should be kept & rented out to local groups. The new facility is currently useless for this
Q7. Do you support the proposal to sell 1 Cumbria Court, Mitchell Park on the open market – to achieve maximum net financial return to Council	not answered
Q8. Tell us why	not answered
Q9. Any other feedback	not answered
Q10. How satisfied are you with this survey?	Neutral





Respondent No: 2

Login: Registered

Responded At: Jul 29, 2022 13:11:22 pm

Last Seen: Jul 29, 2022 02:55:40 am

Q1. What is your relationship with Mitchell Park? (select all that apply)	I work in Mitchell Park
<hr/>	
Q2. Where do you work in Mitchell Park?	Mitchell Park Kindergarten
<hr/>	
Q3. Which Suburb do you live in?	Other (please specify) Pasadena
<hr/>	
Q4. Which street do you live on?	Cashel st
<hr/>	
Q5. Overall, do you support Council's proposal to revoke the Community Land classification of 1 Cumbria Court, Mitchell Park	Strongly do not support
<hr/>	
Q6. Tell us why	
<p>I am in favour of the land to remain classified as community land as there are many benefits to the community and the kindergarten which uses the reserve regularly. The kindergarten uses the reserve and nature play elements to enhance many areas of the curriculum such as an extension of its sustainability/ environmental/ biodiversity curriculum. The kindergarten uses the reserve for events such as family picnics, wheels days and other planned physical , numeracy and literacy activities. The reserve is also used by parents to meet while their children attend kindergarten. Retaining the area as community land is important for many social and community reasons . Green spaces offer better psychological outcomes and has a positive impact on wellbeing and physical activity for everyone. The kindergarten opposes to the sale of its portion of the land . The kindergarten community also uses the existing carpark which is a safer option when children are arriving or being collected from kindergarten.</p>	
<hr/>	
Q7. Do you support the proposal to sell 1 Cumbria Court, Mitchell Park on the open market – to achieve maximum net financial return to Council	Strongly do not support
<hr/>	
Q8. Tell us why	
<p>I believe that more houses would be built in the space which would contribute to the congestion of Cumbria court and possibly overlook the kindergarten which could pose a child safety issue. Retaining the reserve and green space is more important to me than creating further housing. Does the council really need to benefit financially over the benefits of green space for the community?</p>	
<hr/>	
Q9. Any other feedback	
<p>Retaining the land as community land has great benefits for the kindergarten, surrounding residents and the local community.</p>	
<hr/>	
Q10. How satisfied are you with this survey?	Neutral
<hr/>	



Respondent No: 3

Login: Registered

Responded At: Jul 29, 2022 12:56:32 pm

Last Seen: Aug 03, 2022 09:45:05 am

Q1. What is your relationship with Mitchell Park? (select all that apply)	I live in Mitchell Park  <b>Other (please specify)</b> My children attend the Mitchell Park Kindergarten & Occasional Care
<hr/>	
Q2. Where do you work in Mitchell Park?	not answered
<hr/>	
Q3. Which Suburb do you live in?	Mitchell Park
<hr/>	
Q4. Which street do you live on?	Bradley Grove
<hr/>	
Q5. Overall, do you support Council's proposal to revoke the Community Land classification of 1 Cumbria Court, Mitchell Park	Strongly do not support
<hr/>	
Q6. Tell us why	
<p>The Kindergarten &amp; children would suffer the most detriment : The kids use the reserve there to play, collect leaves for play &amp; learning activities and outdoor activities. There are bbq facilities and benches there and STRONGLY disagree with the move to Harkin Reserve as that place is not safe for children, police are often called there to deal with residents in that housing area. Nobody uses that reserve as there are a lot of "issues" with the residents in those houses nearby and it's just full of dog poop. Suggestion: It would be far more beneficial for the old building to be rented out to a community centered group that would serve the community better (there are many underprivileged families in this area). They can maintain the building as well so Marion is not out of pocket. Alternatively, keep the land as open reserve or build a community garden where the neighbourhood would benefit and be a better sustainable development for the area. The children who use that area are the most affected by this decision and selling the land to put money into the Open Reserve Fund does not make any sense. It takes away something from the children today to put into another area that will not benefit them.</p>	
<hr/>	
Q7. Do you support the proposal to sell 1 Cumbria Court, Mitchell Park on the open market – to achieve maximum net financial return to Council	Strongly do not support
<hr/>	
Q8. Tell us why	
<p>To make money on the back of taking an outdoor green space away from children and families who may not have much backyard space is a hugely terrible decision. Marion must be in dire financial straits to do something like this. The area is small and already congested, to sell it to private parties to simply put up more development will cause more congestion to the already cramped area.</p>	
<hr/>	
Q9. Any other feedback	
<p>The Community had already done a survey prior and the conclusion was that the community wanted the building to remain and be used in a community centered manner OR be left as open reserves. Please listen to the community.</p>	
<hr/>	
Q10. How satisfied are you with this survey?	Neutral
<hr/>	





Respondent No: 4

Login: Registered

Responded At: Jul 29, 2022 12:46:17 pm

Last Seen: Jul 29, 2022 03:13:37 am

Q1. What is your relationship with Mitchell Park? (select all that apply)	I live in Mitchell Park
<hr/>	
Q2. Where do you work in Mitchell Park?	not answered
<hr/>	
Q3. Which Suburb do you live in?	Mitchell Park
<hr/>	
Q4. Which street do you live on?	Bradley Grove
<hr/>	
Q5. Overall, do you support Council's proposal to revoke the Community Land classification of 1 Cumbria Court, Mitchell Park	Do not support
<hr/>	
Q6. Tell us why	
Privatization of the land, if done, will be done at the expense of the best interest of the children that attend Mitchell Park Kindergarten and Occasional Care Services. The land currently allows for an adequately large area for the children to mingle about safely.	
<hr/>	
Q7. Do you support the proposal to sell 1 Cumbria Court, Mitchell Park on the open market – to achieve maximum net financial return to Council	Do not support
<hr/>	
Q8. Tell us why	
For the same reasons mentioned above.	
<hr/>	
Q9. Any other feedback	
not answered	
<hr/>	
Q10. How satisfied are you with this survey?	Neutral
<hr/>	



Respondent No: 5

Login: Registered

Responded At: Jul 29, 2022 15:07:24 pm

Last Seen: Jul 31, 2022 07:23:39 am

Q1. What is your relationship with Mitchell Park? (select all that apply)	I visit Mitchell Park
Q2. Where do you work in Mitchell Park?	not answered
Q3. Which Suburb do you live in?	Marion
Q4. Which street do you live on?	Parsons
Q5. Overall, do you support Council's proposal to revoke the Community Land classification of 1 Cumbria Court, Mitchell Park	Strongly do not support
Q6. Tell us why  family use of nature play area	
Q7. Do you support the proposal to sell 1 Cumbria Court, Mitchell Park on the open market – to achieve maximum net financial return to Council	Strongly do not support
Q8. Tell us why  Needed by the community as open space	
Q9. Any other feedback  Demolish the building and plant trees on this land	
Q10. How satisfied are you with this survey?	Unhappy





Respondent No: 6

Login: Registered

Responded At: Jul 29, 2022 16:37:31 pm

Last Seen: Jul 29, 2022 06:56:21 am

Q1. What is your relationship with Mitchell Park? (select all that apply)	I live in Mitchell Park
<hr/>	
Q2. Where do you work in Mitchell Park?	not answered
<hr/>	
Q3. Which Suburb do you live in?	Mitchell Park
<hr/>	
Q4. Which street do you live on?	Lynton Ave
<hr/>	
Q5. Overall, do you support Council's proposal to revoke the Community Land classification of 1 Cumbria Court, Mitchell Park	Strongly do not support
<hr/>	
Q6. Tell us why	
<p>You want to sell open space to put it in a budget to help other open space? Doesn't that sound stupid? It will just disappear into a big black hole never to be seen again. Of course the fact that you will sell the land and then get revenue for it for rates has absolutely nothing to do with your decision right? You did the same with the Centre in the Bradley Grove - Timothy Court area. Left it abandoned for two years and then said "Oh it's going to cost us far to much to fix up so we'll just knock it down ok?". You can't even be bothered getting rid of the excessive car parks there for goodness sake. How about you just level it, plant some grass and trees and leave it as open space for the community? They might enjoy picnics there or kicking the footy. You can't even get the bins emptied properly so can't expect you to listen anyway. Fake process to make yourselves feel better and hope people make your decision for you.</p>	
<hr/>	
Q7. Do you support the proposal to sell 1 Cumbria Court, Mitchell Park on the open market – to achieve maximum net financial return to Council	Strongly do not support
<hr/>	
Q8. Tell us why	
<p>Think I said it all before. Money hungry council.</p>	
<hr/>	
Q9. Any other feedback	
<p>not answered</p>	
<hr/>	
Q10. How satisfied are you with this survey?	Neutral
<hr/>	



Respondent No: 7

Login: Registered

Responded At: Jul 29, 2022 22:08:39 pm

Last Seen: Jul 29, 2022 12:22:45 pm

Q1. What is your relationship with Mitchell Park? (select all that apply)	I live in Mitchell Park
Q2. Where do you work in Mitchell Park?	not answered
Q3. Which Suburb do you live in?	Mitchell Park
Q4. Which street do you live on?	bradley grove
Q5. Overall, do you support Council's proposal to revoke the Community Land classification of 1 Cumbria Court, Mitchell Park	Do not support
Q6. Tell us why	The council should repurpose the land, not sell it.
Q7. Do you support the proposal to sell 1 Cumbria Court, Mitchell Park on the open market – to achieve maximum net financial return to Council	Strongly do not support
Q8. Tell us why	Land is valuable for council to keep
Q9. Any other feedback	not answered
Q10. How satisfied are you with this survey?	Happy





Respondent No: 8

Login: Registered

Responded At: Jul 31, 2022 12:45:49 pm

Last Seen: Aug 08, 2022 07:26:13 am

Q1. What is your relationship with Mitchell Park? (select all that apply)	I live in Mitchell Park
Q2. Where do you work in Mitchell Park?	not answered
Q3. Which Suburb do you live in?	Mitchell Park
Q4. Which street do you live on?	Lanark Avenue
Q5. Overall, do you support Council's proposal to revoke the Community Land classification of 1 Cumbria Court, Mitchell Park	Support
Q6. Tell us why	not answered
Q7. Do you support the proposal to sell 1 Cumbria Court, Mitchell Park on the open market – to achieve maximum net financial return to Council	Do not support
Q8. Tell us why	I don't support the sale of the land to gain maximum financial profit to the council. The proceeds should benefit the home owners around the land.
Q9. Any other feedback	not answered
Q10. How satisfied are you with this survey?	Unhappy



Respondent No: 9

Login: Registered

Responded At: Aug 01, 2022 08:15:55 am

Last Seen: Jul 31, 2022 22:41:38 pm

Q1. What is your relationship with Mitchell Park? (select all that apply)	I visit Mitchell Park
Q2. Where do you work in Mitchell Park?	not answered
Q3. Which Suburb do you live in?	Ascot Park
Q4. Which street do you live on?	Pildappa Avenue
Q5. Overall, do you support Council's proposal to revoke the Community Land classification of 1 Cumbria Court, Mitchell Park	Strongly do not support
Q6. Tell us why	This has been a space where we spend family time and taking this away will take away a space where we cherish.
Q7. Do you support the proposal to sell 1 Cumbria Court, Mitchell Park on the open market – to achieve maximum net financial return to Council	Strongly do not support
Q8. Tell us why	Same as previous
Q9. Any other feedback	not answered
Q10. How satisfied are you with this survey?	Happy





Respondent No: 10

Login: Registered

Responded At: Aug 02, 2022 14:38:54 pm

Last Seen: Aug 15, 2022 04:46:57 am

Q1. What is your relationship with Mitchell Park? (select all that apply)	I live in Mitchell Park
Q2. Where do you work in Mitchell Park?	not answered
Q3. Which Suburb do you live in?	Mitchell Park
Q4. Which street do you live on?	Hurley Court
Q5. Overall, do you support Council's proposal to revoke the Community Land classification of 1 Cumbria Court, Mitchell Park	Do not support
Q6. Tell us why	Support the continuation of open space - the Mayor is handing on greening City of Marion so supporting open space.
Q7. Do you support the proposal to sell 1 Cumbria Court, Mitchell Park on the open market – to achieve maximum net financial return to Council	Strongly do not support
Q8. Tell us why	Keep open space within the City of Marion to support greening the area.
Q9. Any other feedback	not answered
Q10. How satisfied are you with this survey?	Neutral



Respondent No: 11

Login: Registered

Responded At: Aug 02, 2022 21:40:51 pm

Last Seen: Aug 08, 2022 03:08:35 am

Q1. What is your relationship with Mitchell Park? (select all that apply)	I live in Mitchell Park
Q2. Where do you work in Mitchell Park?	not answered
Q3. Which Suburb do you live in?	Mitchell Park
Q4. Which street do you live on?	Minkie Avenue
Q5. Overall, do you support Council's proposal to revoke the Community Land classification of 1 Cumbria Court, Mitchell Park	Undecided
Q6. Tell us why	It would be a great shame to sell this to private developers and put just more housing there. It should be either a pocket park for the community or extra outdoor space for the kindy. We can't be losing more precious green space!
Q7. Do you support the proposal to sell 1 Cumbria Court, Mitchell Park on the open market – to achieve maximum net financial return to Council	Strongly do not support
Q8. Tell us why	Should be about the community not the money. The right buyer for the right use of the space is key.
Q9. Any other feedback	not answered
Q10. How satisfied are you with this survey?	Happy





Respondent No: 12

Login: Registered

Responded At: Aug 02, 2022 18:40:41 pm

Last Seen: Aug 02, 2022 09:04:29 am

Q1. What is your relationship with Mitchell Park? (select all that apply)	I visit Mitchell Park
Q2. Where do you work in Mitchell Park?	not answered
Q3. Which Suburb do you live in?	Marion
Q4. Which street do you live on?	andrew ave
Q5. Overall, do you support Council's proposal to revoke the Community Land classification of 1 Cumbria Court, Mitchell Park	Strongly do not support
Q6. Tell us why	It is vital that the council retains all community owned property
Q7. Do you support the proposal to sell 1 Cumbria Court, Mitchell Park on the open market – to achieve maximum net financial return to Council	Strongly do not support
Q8. Tell us why	public assets should never be sold off to achieve short term financial goals
Q9. Any other feedback	not answered
Q10. How satisfied are you with this survey?	Neutral



Respondent No: 13

Login: Registered

Responded At: Aug 02, 2022 21:37:26 pm

Last Seen: Aug 02, 2022 11:57:49 am

Q1. What is your relationship with Mitchell Park? (select all that apply)	I live in Mitchell Park
<hr/>	
Q2. Where do you work in Mitchell Park?	not answered
<hr/>	
Q3. Which Suburb do you live in?	Mitchell Park
<hr/>	
Q4. Which street do you live on?	Bradley Grove
<hr/>	
Q5. Overall, do you support Council's proposal to revoke the Community Land classification of 1 Cumbria Court, Mitchell Park	Strongly do not support
<hr/>	
Q6. Tell us why	
The reserve is a beautiful little space which is extremely important for the kindy and surrounding residents. Nature areas are extremely important for mental health and to native wildlife	
<hr/>	
Q7. Do you support the proposal to sell 1 Cumbria Court, Mitchell Park on the open market – to achieve maximum net financial return to Council	Strongly do not support
<hr/>	
Q8. Tell us why	
Leave the nature reserve alone. Leave it as a green space there are many opportunities to rent out the old community centre so why not do that?? Don't ruin a beautiful little park.	
<hr/>	
Q9. Any other feedback	
Stop selling of community land to make money. This does not benefit the community.	
<hr/>	
Q10. How satisfied are you with this survey?	Neutral
<hr/>	





Respondent No: 14

Login: Registered

Responded At: Aug 03, 2022 10:59:04 am

Last Seen: Aug 03, 2022 00:51:39 am

Q1. What is your relationship with Mitchell Park? (select all that apply)	Other (please specify) My child goes to Kindergarten at Mitchell Park
Q2. Where do you work in Mitchell Park?	not answered
Q3. Which Suburb do you live in?	Clovelly Park
Q4. Which street do you live on?	Australian Avenue
Q5. Overall, do you support Council's proposal to revoke the Community Land classification of 1 Cumbria Court, Mitchell Park	Strongly do not support
Q6. Tell us why  My first child goes to Mitchell Park Kindergarten which is next to the reserve. Kids go and play there after Kindy, we parents also gather there for a while every morning after dropping off our kids to kindy. My second child will also probably go to same kindy in 3 yrs so I would like the reserve to be there for kids and us to gather and enjoy our time before or after kindy	
Q7. Do you support the proposal to sell 1 Cumbria Court, Mitchell Park on the open market – to achieve maximum net financial return to Council	Strongly do not support
Q8. Tell us why  Money is not everything, you are definitely going to get good value for that land but as a community member of this council we will loose the land where we have more interactions with other kids who go to the same kindy and their families	
Q9. Any other feedback  Please do not sell the land	
Q10. How satisfied are you with this survey?	Neutral



Respondent No: 15

Login: Registered

Responded At: Aug 03, 2022 13:49:43 pm

Last Seen: Aug 03, 2022 03:24:40 am

- Q1. **What is your relationship with Mitchell Park?**  
(select all that apply)
- I live in Mitchell Park  
I work in Mitchell Park
- 
- Q2. **Where do you work in Mitchell Park?**
- Volunteer at Mitchell Park Kindergarten and Student at Flinders University
- 
- Q3. **Which Suburb do you live in?**
- Mitchell Park
- 
- Q4. **Which street do you live on?**
- Byard Tce
- 
- Q5. **Overall, do you support Council's proposal to revoke the Community Land classification of 1 Cumbria Court, Mitchell Park**
- Strongly do not support
- 

**Q6. Tell us why**

I speak as a resident who was born in this council, grew up here and have paid rates here for 20 years. I am speaking up for the new residents who may struggle to find their voices. The nature reserve is currently being used for play-based excursions and outdoor learning for the kindergarten. It is also used by new migrant families connecting and supporting each other. A group of Dads meet in the park after dropping their children at kindy. This green space is necessary for mental health and well-being, counteracting isolation and hence, to prevent anxiety, depression and suicide. The situation with male suicide is such that I believe we cannot morally justify taking this space from them. We know that children who walk between their safe spaces in the community (eg kindy to park) are more emotionally regulated and feel safer in their neighbourhoods - issues which are critical to their readiness for learning. Research shows that children's 'readiness for school' as a function of their social competence and emotional regulation has declined significantly in past years. To date, the Mitchell Park Play Group has used the neighbourhood centre at no cost which means that socio-disadvantaged families can drop a child at kindy and a toddler at play group. The transition between kindy and playgroup is eased by this integrated system. Siblings remain connected, they know where they will go to kindy, and it is made easy for families. When we consider the socio-economic disadvantage, trauma-based histories and complicated health issues being managed by these families, I believe transitioning the playgroup to the new Sports and Community centre is the wrong decision. There is a cost attached to renting the new space and I believe a name change has been required. This decision removes the benefits to children and families of the closeness between playgroup and kindy and both cost and distance may discourage some families attending playgroup. This is a critical child protection issue. Playgroups and kiddies are necessary for oversight of the welfare of vulnerable children. I believe the decision to relocate the playgroup is of no benefit to children or families, and may have consequences. The nature space functions with the neighbourhood centre to create strong community and help newcomers integrate into Australian culture. This function could be expanded upon for further benefits. I would suggest that a sustainable community garden focused on the education of children is a necessary and innovative project, with opportunities to strengthen community, create a sustainable gardening that integrates early childhood education (to add to Marion Council's other sustainability projects), trial sustainability research & innovation from other countries, network with local urban farming businesses and early learning educational programs at Flinders University, as well as feed people. Food security is an issue with global supply chains hampered by Covid and the cost of groceries increasing significantly over past months, so feeding people is an added benefit to strengthening community, health and wellbeing. An innovative sustainable garden could attract visitors - international students in the Masters programs at Flinders University would be interested - so this space could also be a venue for gastronomical and/or sustainability events. Most importantly for me, children who follow their food from plot to plate are healthier and happier, with less physical and mental health problems, more ready for school learning (and less of a burden on the local and state governments), and in the end isn't that what it's all about. They are all our children. They are our future. They do not deserve community to be stolen from them by business developers.



Q7. Do you support the proposal to sell 1 Cumbria Court, Mitchell Park on the open market – to achieve maximum net financial return to Council	Strongly do not support
<hr/>	
Q8. Tell us why	
As per previous comment	
<hr/>	
Q9. Any other feedback	
As per previous comment	
<hr/>	
Q10. How satisfied are you with this survey?	Neutral
<hr/>	



Respondent No: 16

Login: Registered

Responded At: Aug 03, 2022 16:36:51 pm

Last Seen: Aug 03, 2022 07:01:22 am

Q1. What is your relationship with Mitchell Park? (select all that apply)	I visit Mitchell Park
<hr/>	
Q2. Where do you work in Mitchell Park?	not answered
<hr/>	
Q3. Which Suburb do you live in?	<b>Other (please specify)</b> Aldinga Beach
<hr/>	
Q4. Which street do you live on?	Illman Crescent
<hr/>	
Q5. Overall, do you support Council's proposal to revoke the Community Land classification of 1 Cumbria Court, Mitchell Park	Strongly do not support
<hr/>	
Q6. Tell us why	
The Kindergarten is in an essential location for local residents and cannot be moved. Families will face severe financial hardship and it will disrupt connections with local school.	
<hr/>	
Q7. Do you support the proposal to sell 1 Cumbria Court, Mitchell Park on the open market – to achieve maximum net financial return to Council	Strongly do not support
<hr/>	
Q8. Tell us why	
The Kindergarten is in an essential location for local residents and cannot be moved. Families will face severe financial hardship and it will disrupt connections with local school.	
<hr/>	
Q9. Any other feedback	
not answered	
<hr/>	
Q10. How satisfied are you with this survey?	Neutral
<hr/>	





Respondent No: 17

Login: Registered

Responded At: Aug 03, 2022 18:07:07 pm

Last Seen: Aug 03, 2022 08:34:44 am

Q1. What is your relationship with Mitchell Park? (select all that apply)	I live in Mitchell Park
<hr/>	
Q2. Where do you work in Mitchell Park?	not answered
<hr/>	
Q3. Which Suburb do you live in?	Mitchell Park
<hr/>	
Q4. Which street do you live on?	Deepdene ave
<hr/>	
Q5. Overall, do you support Council's proposal to revoke the Community Land classification of 1 Cumbria Court, Mitchell Park	Strongly do not support
<hr/>	
Q6. Tell us why	I don't believe any land held by the council for the benefit of residents should be revoked for private use
<hr/>	
Q7. Do you support the proposal to sell 1 Cumbria Court, Mitchell Park on the open market – to achieve maximum net financial return to Council	Strongly do not support
<hr/>	
Q8. Tell us why	I don't believe any land held by the council for the benefit of residents should be revoked for private use
<hr/>	
Q9. Any other feedback	not answered
<hr/>	
Q10. How satisfied are you with this survey?	not answered
<hr/>	



Respondent No: 18

Login: Registered

Responded At: Aug 03, 2022 21:01:20 pm

Last Seen: Aug 03, 2022 11:18:07 am

Q1. What is your relationship with Mitchell Park? (select all that apply)	I visit Mitchell Park
Q2. Where do you work in Mitchell Park?	not answered
Q3. Which Suburb do you live in?	Oaklands Park
Q4. Which street do you live on?	Albany cres
Q5. Overall, do you support Council's proposal to revoke the Community Land classification of 1 Cumbria Court, Mitchell Park	Undecided
Q6. Tell us why  Who will selling the land benefit? What is the community gaining by this?	
Q7. Do you support the proposal to sell 1 Cumbria Court, Mitchell Park on the open market – to achieve maximum net financial return to Council	Undecided
Q8. Tell us why  I would prefer some potential plans for the site or what it could be redeveloped as. Rather than just a straight sell.	
Q9. Any other feedback  not answered	
Q10. How satisfied are you with this survey?	Neutral





Respondent No: 19

Login: Registered

Responded At: Aug 07, 2022 14:49:18 pm

Last Seen: Aug 07, 2022 05:18:56 am

Q1. What is your relationship with Mitchell Park? (select all that apply)	I visit Mitchell Park
<hr/>	
Q2. Where do you work in Mitchell Park?	not answered
<hr/>	
Q3. Which Suburb do you live in?	<b>Other (please specify)</b> Bedford Park
<hr/>	
Q4. Which street do you live on?	Riverside Drive
<hr/>	
Q5. Overall, do you support Council's proposal to revoke the Community Land classification of 1 Cumbria Court, Mitchell Park	Strongly do not support
<hr/>	
Q6. Tell us why	
<p>As a current resident of the area and an advocate for children's rights and education, I do not support this proposal. This piece of land is vital for the families and their children who attend the community kindergarten. It serves as a nature play space, which furthers children's chance to develop, connect with, and nurture their appreciation and love for nature. It also promotes health and wellbeing for these young children and sets them up to succeed not just emotionally and behaviourally but also academically, as there are endless learning opportunities through nature play. In addition to benefit of the children, this space is used by the children's families as a place to connect with one another easily, providing community for the diverse families as well. Furthermore, revoking the space with the intent to build high density housing will likely disrupt the peace and privacy of the young children who attend the kindergarten (at the very least during construction if not much further later on). This could have implications for children's safety. There will be lasting impacts on this decision that will negatively impact the local community's children and their families if the land is revoked. Please consider the future of these children and care for them and their families.</p>	
<hr/>	
Q7. Do you support the proposal to sell 1 Cumbria Court, Mitchell Park on the open market – to achieve maximum net financial return to Council	Strongly do not support
<hr/>	
Q8. Tell us why	
<p>If the intent is to then build high density housing or anything that does not further benefit the community kindergarten, the children, and their families, the cons overwhelmingly outweigh the pros.</p>	
<hr/>	
Q9. Any other feedback	
not answered	
<hr/>	
Q10. How satisfied are you with this survey?	Happy
<hr/>	



Respondent No: 20

Login: Registered

Responded At: Aug 04, 2022 19:47:20 pm

Last Seen: Aug 04, 2022 10:08:27 am

Q1. What is your relationship with Mitchell Park? (select all that apply)	I live in Mitchell Park
<hr/>	
Q2. Where do you work in Mitchell Park?	not answered
<hr/>	
Q3. Which Suburb do you live in?	Mitchell Park
<hr/>	
Q4. Which street do you live on?	Karu Crescent
<hr/>	
Q5. Overall, do you support Council's proposal to revoke the Community Land classification of 1 Cumbria Court, Mitchell Park	Strongly do not support
<hr/>	
Q6. Tell us why	
The children love the nature play. My grand daughter is a student of the kindergarten and she adores the garden and I would love if my grandson gets the same experience as she has had	
<hr/>	
Q7. Do you support the proposal to sell 1 Cumbria Court, Mitchell Park on the open market – to achieve maximum net financial return to Council	Strongly do not support
<hr/>	
Q8. Tell us why	
There is more to life than financial gain. It's about the future of the next generation	
<hr/>	
Q9. Any other feedback	
We don't need nor want more townhouses that are jammed in on tiny blocks of land creating more parking issues on our already small and narrow streets.	
<hr/>	
Q10. How satisfied are you with this survey?	Neutral
<hr/>	



Respondent No: 21

Login: Registered

Responded At: Aug 06, 2022 19:28:07 pm

Last Seen: Aug 06, 2022 09:48:59 am

Q1. What is your relationship with Mitchell Park? (select all that apply)	I visit Mitchell Park  <b>Other (please specify)</b> bring young relatives to play around there
<hr/>	
Q2. Where do you work in Mitchell Park?	not answered
<hr/>	
Q3. Which Suburb do you live in?	Morphettville
<hr/>	
Q4. Which street do you live on?	Gordon Terrace
<hr/>	
Q5. Overall, do you support Council's proposal to revoke the Community Land classification of 1 Cumbria Court, Mitchell Park	Strongly do not support
<hr/>	
Q6. Tell us why	
The neighbourhood centre can be repurposed. I have been in contact with several community groups in need of space. The attached park area (barbecue, table, chairs etc.) is also valuable to local children and residents. Removal and sale of this land takes away a local gathering spot that would otherwise continue to bring life to the suburb in a uniquely Australian fashion.	
<hr/>	
Q7. Do you support the proposal to sell 1 Cumbria Court, Mitchell Park on the open market – to achieve maximum net financial return to Council	Support
<hr/>	
Q8. Tell us why	
The open market is the most reliable in avoiding any corruption or deals being made directly with the local government members.	
<hr/>	
Q9. Any other feedback	
not answered	
<hr/>	
Q10. How satisfied are you with this survey?	Neutral
<hr/>	





Respondent No: 22

Login: Registered

Responded At: Aug 08, 2022 09:56:27 am

Last Seen: Aug 08, 2022 00:16:34 am

Q1. What is your relationship with Mitchell Park? (select all that apply)	Other (please specify) Child attends mitchell park kindergarten
Q2. Where do you work in Mitchell Park?	not answered
Q3. Which Suburb do you live in?	Clovelly Park
Q4. Which street do you live on?	Saxon street
Q5. Overall, do you support Council's proposal to revoke the Community Land classification of 1 Cumbria Court, Mitchell Park	Strongly do not support
<p>Q6. Tell us why</p> <p>This open green space is used by the children of the kindergarten, parents after kindergarten drop off, and the local community. It is community land for a reason and should remain that way. The carpark provides a safer way to drop children at the Kindergarten, a place for staff and visitors to park, and a place for those using the green space to park to access the area. Parking is difficult in the heavily populated Court. I imagine residents would not be keen on more on street parking to access the kindergarten. It seems counter intuitive to sell of established green space to "maximise the net sale proceeds paid into the Open Space Reserve Fund". There is already an open space there that is being utilised! I strongly oppose the selling off of this green space</p>	
Q7. Do you support the proposal to sell 1 Cumbria Court, Mitchell Park on the open market – to achieve maximum net financial return to Council	Strongly do not support
<p>Q8. Tell us why</p> <p>not answered</p>	
<p>Q9. Any other feedback</p> <p>not answered</p>	
Q10. How satisfied are you with this survey?	Neutral



Respondent No: 23

Login: Registered

Responded At: Aug 08, 2022 12:16:16 pm

Last Seen: Aug 08, 2022 02:42:40 am

Q1. What is your relationship with Mitchell Park? (select all that apply)	Other (please specify) WE work with many families who live in the Mitchell Park and Marion areas.
<hr/>	
Q2. Where do you work in Mitchell Park?	not answered
<hr/>	
Q3. Which Suburb do you live in?	Other (please specify) Camden Park
<hr/>	
Q4. Which street do you live on?	Patricia Avenue
<hr/>	
Q5. Overall, do you support Council's proposal to revoke the Community Land classification of 1 Cumbria Court, Mitchell Park	Strongly do not support
<hr/>	
Q6. Tell us why	
This land and this building should be retained for community use. We strongly disagree with this space being removed from the community! The 100's of voices from the community should be listened to with it being retained and used for community space.	
<hr/>	
Q7. Do you support the proposal to sell 1 Cumbria Court, Mitchell Park on the open market – to achieve maximum net financial return to Council	Strongly do not support
<hr/>	
Q8. Tell us why	
This land and this building should be retained for community use. We strongly disagree with this space being removed from the community! The 100's of voices from the community should be listened to with it being retained and used for community space.	
<hr/>	
Q9. Any other feedback	
This land and this building should be retained for community use. We strongly disagree with this space being removed from the community! The 100's of voices from the community should be listened to with it being retained and used for community space. The community is hurting and you're not listening to them. This building should be used by Puddle Jumpers inc to use for the community working with the kindy.	
<hr/>	
Q10. How satisfied are you with this survey?	not answered
<hr/>	



Respondent No: 24

Login: Registered

Responded At: Aug 08, 2022 12:48:01 pm

Last Seen: Aug 08, 2022 03:00:39 am

Q1. What is your relationship with Mitchell Park? (select all that apply)	Other (please specify) I am a resident and home owner within the City of Marion and visit Mitchell Park.
Q2. Where do you work in Mitchell Park?	not answered
Q3. Which Suburb do you live in?	Park Holme
Q4. Which street do you live on?	Tiparra Avenue
Q5. Overall, do you support Council's proposal to revoke the Community Land classification of 1 Cumbria Court, Mitchell Park	Strongly do not support
<p>Q6. Tell us why</p> <p>I believe that this may diminish the community benefit to this site. Furthermore, I have no recollection of being informed how the community will benefit, if at all should there be any change. If there will be further infrastructure, will there be additional need for parking? If so, how will this be addressed along with any disturbance to the nearby vicinity?</p>	
Q7. Do you support the proposal to sell 1 Cumbria Court, Mitchell Park on the open market – to achieve maximum net financial return to Council	Strongly do not support
<p>Q8. Tell us why</p> <p>Furthermore, I have no recollection of being informed how the community will benefit, if at all should there be any change. If there will be further infrastructure, will there be additional need for parking? If so, how will this be addressed along with any disturbance to the nearby vicinity? Quite frankly, I, along with thousands of other rate payers pay for the services that we receive. Depriving rate payers of this service, I believe, is a disadvantage to the ratepayers to whom the City of Marion representatives answer to.</p>	
<p>Q9. Any other feedback</p> <p>Should the City of Marion choose to deprive the community of this area, will the representatives pay from their own pockets for the loss of service to the community (ie moving in Puddle Jumpers) for any organisation that can willingly accept this space. In other words, given that there is at least one interested charitable party willing to take up this space, will the City of Marion representatives offer this space to this organisation, still try to sell it, or will the City of Marion representatives pay Puddle Jumpers' rent for a like for like facility within the same local government area?</p>	
Q10. How satisfied are you with this survey?	Unhappy





Respondent No: 25

Login: Registered

Responded At: Aug 08, 2022 13:06:16 pm

Last Seen: Aug 08, 2022 03:33:14 am

Q1. What is your relationship with Mitchell Park? (select all that apply)	I visit Mitchell Park
<hr/>	
Q2. Where do you work in Mitchell Park?	not answered
<hr/>	
Q3. Which Suburb do you live in?	Clovelly Park
<hr/>	
Q4. Which street do you live on?	Australian Avenue
<hr/>	
Q5. Overall, do you support Council's proposal to revoke the Community Land classification of 1 Cumbria Court, Mitchell Park	Strongly do not support
<hr/>	
Q6. Tell us why	
Retain the land for inclusive and open community uses	
<hr/>	
Q7. Do you support the proposal to sell 1 Cumbria Court, Mitchell Park on the open market – to achieve maximum net financial return to Council	Strongly do not support
<hr/>	
Q8. Tell us why	
not answered	
<hr/>	
Q9. Any other feedback	
not answered	
<hr/>	
Q10. How satisfied are you with this survey?	not answered
<hr/>	



Respondent No: 26

Login: Registered

Responded At: Aug 08, 2022 13:57:54 pm

Last Seen: Aug 08, 2022 04:07:15 am

Q1. What is your relationship with Mitchell Park? (select all that apply)	I visit Mitchell Park
<hr/>	
Q2. Where do you work in Mitchell Park?	not answered
<hr/>	
Q3. Which Suburb do you live in?	Edwardstown
<hr/>	
Q4. Which street do you live on?	Collins Ave
<hr/>	
Q5. Overall, do you support Council's proposal to revoke the Community Land classification of 1 Cumbria Court, Mitchell Park	Strongly do not support
<hr/>	
Q6. Tell us why	
As a member of the community, I want the title stay as it is! The surrounding land and the building should be retained for community use only, not to sell off it's land for profit! I strongly disagree with this space being removed from the community!	
<hr/>	
Q7. Do you support the proposal to sell 1 Cumbria Court, Mitchell Park on the open market – to achieve maximum net financial return to Council	Strongly do not support
<hr/>	
Q8. Tell us why	
1 Cumbria Court, Mitchell Park building and surrounding land belongs to the community for community use. Not for council profits!	
<hr/>	
Q9. Any other feedback	
Removing community spaces is an deterrent to our community. Community spaces provides support for the community in many ways!	
<hr/>	
Q10. How satisfied are you with this survey?	Unhappy
<hr/>	



Respondent No: 27

Login: Registered

Responded At: Aug 08, 2022 15:18:48 pm

Last Seen: Aug 08, 2022 05:28:09 am

Q1. What is your relationship with Mitchell Park?

(select all that apply)

I visit Mitchell Park

Other (please specify)

I'm near Mitchell Park and care about the Community Centre.

Q2. Where do you work in Mitchell Park?

not answered

Q3. Which Suburb do you live in?

Clovelly Park

Q4. Which street do you live on?

Australian Ave

Q5. Overall, do you support Council's proposal to  
revoke the Community Land classification of 1  
Cumbria Court, Mitchell Park

Strongly do not support

Q6. Tell us why

You have local people in need. Cost of living is rising, fuel cost is about to increase again. 'Real wages' have reduced. It's getting hard to survive from pay to pay. Puddle Jumpers really need a local centre to help local people! There's no local food assistance or drop in centre for people in need of relief from food insecurity. Maybe the Council don't appreciate how many families cut meals in their days to be able to pay the utilities and other essentials. Parents go without meals to see their children fed. This centre would be pivotal within the community to provide food items, tea, coffee and a friendly chat with someone who's a peer. There's a centre on Port Road at Hindmarsh. It runs effectively and it's contributing to the well being within the community. I've driven there for food assistance. I've been met with friendly faces. We've been able to sit a have a cuppa then soup and a simple hot meal. I've been provided with pre-cooked frozen meals for another night's dinner. Then we could choose fruit, vegetables, bread and a few pantry items for a small donation - if we have some spare funds. How does this not fit in with the Marion Council Community spirit? It's a simple ethos at a time where people are suffering the worst mental health ever. Families are struggling and their children know their parents are finding finances difficult. New stats are showing 40% of teens and young people identify with depression and mental health concerns. These are the adults of the future. Allowing redevelopment of this land means Marion Council has 'sold out' in their local community. A community in need. Please reconsider your decision. Puddle Jumpers need to be in there helping the community help itself!

Q7. Do you support the proposal to sell 1 Cumbria  
Court, Mitchell Park on the open market – to  
achieve maximum net financial return to  
Council

Strongly do not support



**Q8. Tell us why**

You have local people in need. Cost of living is rising, fuel cost is about to increase again. 'Real wages' have reduced. It's getting hard to survive from pay to pay. Puddle Jumpers really need a local centre to help local people! There's no local food assistance or drop in centre for people in need of relief from food insecurity. Maybe the Council don't appreciate how many families cut meals in their days to be able to pay the utilities and other essentials. Parents go without meals to see their children fed. This centre would be pivotal within the community to provide food items, tea, coffee and a friendly chat with someone who's a peer. There's a centre on Port Road at Hindmarsh. It runs effectively and it's contributing to the well being within the community. I've driven there for food assistance. I've been met with friendly faces. We've been able to sit a have a cuppa then soup and a simple hot meal. I've been provided with pre-cooked frozen meals for another night's dinner. Then we could choose fruit, vegetables, bread and a few pantry items for a small donation - if we have some spare funds. How does this not fit in with the Marion Council Community spirit? It's a simple ethos at a time where people are suffering the worst mental health ever. Families are struggling and their children know their parents are finding finances difficult. New stats are showing 40% of teens and young people identify with depression and mental health concerns. These are the adults of the future. Allowing redevelopment of this land means Marion Council has 'sold out' in their local community. A community in need. Please reconsider your decision. Puddle Jumpers need to be in there helping the community help itself!

**Q9. Any other feedback**

You have local people in need. Cost of living is rising, fuel cost is about to increase again. 'Real wages' have reduced. It's getting hard to survive from pay to pay. Puddle Jumpers really need a local centre to help local people! There's no local food assistance or drop in centre for people in need of relief from food insecurity. Maybe the Council don't appreciate how many families cut meals in their days to be able to pay the utilities and other essentials. Parents go without meals to see their children fed. This centre would be pivotal within the community to provide food items, tea, coffee and a friendly chat with someone who's a peer. There's a centre on Port Road at Hindmarsh. It runs effectively and it's contributing to the well being within the community. I've driven there for food assistance. I've been met with friendly faces. We've been able to sit a have a cuppa then soup and a simple hot meal. I've been provided with pre-cooked frozen meals for another night's dinner. Then we could choose fruit, vegetables, bread and a few pantry items for a small donation - if we have some spare funds. How does this not fit in with the Marion Council Community spirit? It's a simple ethos at a time where people are suffering the worst mental health ever. Families are struggling and their children know their parents are finding finances difficult. New stats are showing 40% of teens and young people identify with depression and mental health concerns. These are the adults of the future. Allowing redevelopment of this land means Marion Council has 'sold out' in their local community. A community in need. Please reconsider your decision. Puddle Jumpers need to be in there helping the community help itself!

**Q10. How satisfied are you with this survey?**

Neutral



Respondent No: 28

Login: Registered

Responded At: Aug 08, 2022 18:00:47 pm

Last Seen: Aug 08, 2022 08:28:19 am

Q1. What is your relationship with Mitchell Park? (select all that apply)	I visit Mitchell Park
Q2. Where do you work in Mitchell Park?	not answered
Q3. Which Suburb do you live in?	Ascot Park
Q4. Which street do you live on?	Wolseley
Q5. Overall, do you support Council's proposal to revoke the Community Land classification of 1 Cumbria Court, Mitchell Park	Strongly do not support
Q6. Tell us why	Community organisations need that place Eg Puddlejumpers
Q7. Do you support the proposal to sell 1 Cumbria Court, Mitchell Park on the open market – to achieve maximum net financial return to Council	Strongly do not support
Q8. Tell us why	Community needs facility still
Q9. Any other feedback	Please use the existing buildings and allow other organisations to use the facilities
Q10. How satisfied are you with this survey?	Neutral



Respondent No: 29

Login: Registered

Responded At: Aug 08, 2022 20:13:32 pm

Last Seen: Aug 08, 2022 10:39:37 am

Q1. What is your relationship with Mitchell Park? (select all that apply)	I live in Mitchell Park <b>Other (please specify)</b> I care about sa and community programs
<hr/>	
Q2. Where do you work in Mitchell Park?	not answered
<hr/>	
Q3. Which Suburb do you live in?	not answered
<hr/>	
Q4. Which street do you live on?	Dellvale Drive
<hr/>	
Q5. Overall, do you support Council's proposal to revoke the Community Land classification of 1 Cumbria Court, Mitchell Park	Strongly do not support
<hr/>	
Q6. Tell us why	U are closing programs that could use the building to help feed hungry, could help family's
<hr/>	
Q7. Do you support the proposal to sell 1 Cumbria Court, Mitchell Park on the open market – to achieve maximum net financial return to Council	Strongly do not support
<hr/>	
Q8. Tell us why	not answered
<hr/>	
Q9. Any other feedback	not answered
<hr/>	
Q10. How satisfied are you with this survey?	Unhappy
<hr/>	





Respondent No: 30

Login: Registered

Responded At: Aug 08, 2022 20:17:19 pm

Last Seen: Aug 08, 2022 10:45:01 am

Q1. What is your relationship with Mitchell Park? (select all that apply)	I visit Mitchell Park
Q2. Where do you work in Mitchell Park?	not answered
Q3. Which Suburb do you live in?	Other (please specify) Parafield Gardens
Q4. Which street do you live on?	Salisbury Highway
Q5. Overall, do you support Council's proposal to revoke the Community Land classification of 1 Cumbria Court, Mitchell Park	Strongly do not support
Q6. Tell us why	Should be a community centre
Q7. Do you support the proposal to sell 1 Cumbria Court, Mitchell Park on the open market – to achieve maximum net financial return to Council	Strongly do not support
Q8. Tell us why	Should stay as a community centre for everyone
Q9. Any other feedback	not answered
Q10. How satisfied are you with this survey?	Neutral



Respondent No: 31

Login: Registered

Responded At: Aug 08, 2022 20:30:59 pm

Last Seen: Aug 08, 2022 10:58:59 am

Q1. What is your relationship with Mitchell Park? (select all that apply)	Other (please specify) Live in Marion council. Sometimes visit. Have family there
Q2. Where do you work in Mitchell Park?	not answered
Q3. Which Suburb do you live in?	Warradale
Q4. Which street do you live on?	Louise
Q5. Overall, do you support Council's proposal to revoke the Community Land classification of 1 Cumbria Court, Mitchell Park	Strongly do not support
Q6. Tell us why	Should be used for community programs
Q7. Do you support the proposal to sell 1 Cumbria Court, Mitchell Park on the open market – to achieve maximum net financial return to Council	Do not support
Q8. Tell us why	Do not support as the land/building could be used for community programs
Q9. Any other feedback	not answered
Q10. How satisfied are you with this survey?	Neutral



Respondent No: 32

Login: Registered

Responded At: Aug 09, 2022 06:38:57 am

Last Seen: Aug 08, 2022 21:01:32 pm

Q1. What is your relationship with Mitchell Park? (select all that apply)	I visit Mitchell Park
Q2. Where do you work in Mitchell Park?	not answered
Q3. Which Suburb do you live in?	Edwardstown
Q4. Which street do you live on?	Emerald St
Q5. Overall, do you support Council's proposal to revoke the Community Land classification of 1 Cumbria Court, Mitchell Park	Strongly do not support
Q6. Tell us why	<p>This land and this building should be retained for community use. We strongly disagree with this space being removed from the community! The 100's of voices from the community should be listened to with it being retained and used for community space. The community is hurting and you're not listening to them. This building should be used by Puddle Jumpers Inc to use for the community working with the Kindy.</p>
Q7. Do you support the proposal to sell 1 Cumbria Court, Mitchell Park on the open market – to achieve maximum net financial return to Council	Strongly do not support
Q8. Tell us why	<p>This land and this building should be retained for community use. We strongly disagree with this space being removed from the community! The 100's of voices from the community should be listened to with it being retained and used for community space. The community is hurting and you're not listening to them. This building should be used by Puddle Jumpers Inc to use for the community working with the Kindy.</p>
Q9. Any other feedback	<p>Community buildings and land should be up kept and stay in the hands of the community for use by the community. Selling for a one-off gain is shortsighted and doesn't do the community long term good. Growing communities need space to come together when homes are ever-shrinking.</p>
Q10. How satisfied are you with this survey?	Neutral





Respondent No: 33

Login: Registered

Responded At: Aug 09, 2022 19:28:46 pm

Last Seen: Aug 09, 2022 09:54:03 am

Q1. What is your relationship with Mitchell Park? (select all that apply)	I live in Mitchell Park
<hr/>	
Q2. Where do you work in Mitchell Park?	not answered
<hr/>	
Q3. Which Suburb do you live in?	Mitchell Park
<hr/>	
Q4. Which street do you live on?	Bradley Grove
<hr/>	
Q5. Overall, do you support Council's proposal to revoke the Community Land classification of 1 Cumbria Court, Mitchell Park	Strongly do not support
<hr/>	
Q6. Tell us why	
Surely this is community land. I believe it should stay that way.	
<hr/>	
Q7. Do you support the proposal to sell 1 Cumbria Court, Mitchell Park on the open market – to achieve maximum net financial return to Council	Strongly do not support
<hr/>	
Q8. Tell us why	
I believe it should be used for the community.	
<hr/>	
Q9. Any other feedback	
Puddle Jumpers desperately need a space for food which is closer to the southern suburbs. Presently they are having to cart food from closer to the city for low socioeconomic people in the Marion area. Please consider this.	
<hr/>	
Q10. How satisfied are you with this survey?	Happy
<hr/>	



Respondent No: 34

Login: Registered

Responded At: Aug 09, 2022 21:15:34 pm

Last Seen: Aug 09, 2022 11:35:22 am

Q1. What is your relationship with Mitchell Park? (select all that apply)	I live in Mitchell Park
<hr/>	
Q2. Where do you work in Mitchell Park?	not answered
<hr/>	
Q3. Which Suburb do you live in?	Mitchell Park
<hr/>	
Q4. Which street do you live on?	Woodmere
<hr/>	
Q5. Overall, do you support Council's proposal to revoke the Community Land classification of 1 Cumbria Court, Mitchell Park	Strongly do not support
<hr/>	
Q6. Tell us why	
That community space could be put to better use for the community such as a food hub. More help in the area is need to access food n support. This would be the perfect place n opportunity for the city of marion	
<hr/>	
Q7. Do you support the proposal to sell 1 Cumbria Court, Mitchell Park on the open market – to achieve maximum net financial return to Council	Strongly do not support
<hr/>	
Q8. Tell us why	
Would rather see it used for the community. This was built when I was in primary school at tonsley Park. The area still needs this centre. The reason may have change but its purpose which is being for the neighbourhood hasn't	
<hr/>	
Q9. Any other feedback	
I know that a foodbank charity is wanting to use this area. Currently to get access to this hub ppl in our community need to drive to Hindmarsh road towards Port Adelaide. It would be awesome if we could get a food hub of some sort in this building to help this community closer to home	
<hr/>	
Q10. How satisfied are you with this survey?	not answered
<hr/>	



Respondent No: 35

Login: Registered

Responded At: Aug 12, 2022 10:09:51 am

Last Seen: Aug 12, 2022 00:24:21 am

Q1. What is your relationship with Mitchell Park? (select all that apply)	I live in Mitchell Park
<hr/>	
Q2. Where do you work in Mitchell Park?	not answered
<hr/>	
Q3. Which Suburb do you live in?	Mitchell Park
<hr/>	
Q4. Which street do you live on?	12 Sampson road
<hr/>	
Q5. Overall, do you support Council's proposal to revoke the Community Land classification of 1 Cumbria Court, Mitchell Park	Strongly do not support
<hr/>	
Q6. Tell us why	
<p>It is the space attached with kindergartens and their is not enough space for kids and car park for kindy staff and visitors too. As it is already listed as community land it is good idea to leave as it is ,so that the community and kids can have fresh air and sunshine.Thanks.</p>	
<hr/>	
Q7. Do you support the proposal to sell 1 Cumbria Court, Mitchell Park on the open market – to achieve maximum net financial return to Council	Strongly do not support
<hr/>	
Q8. Tell us why	
<p>As it is community land leave it for community. Thanks</p>	
<hr/>	
Q9. Any other feedback	
<p>Land is very useful for growing community and their kids who goes to the kindergarten nearby. Thanks</p>	
<hr/>	
Q10. How satisfied are you with this survey?	Happy
<hr/>	





Respondent No: 36

Login: Registered

Responded At: Aug 12, 2022 15:55:03 pm

Last Seen: Aug 12, 2022 06:16:42 am

Q1. What is your relationship with Mitchell Park? (select all that apply)	I live in Mitchell Park
<hr/>	
Q2. Where do you work in Mitchell Park?	not answered
<hr/>	
Q3. Which Suburb do you live in?	Mitchell Park
<hr/>	
Q4. Which street do you live on?	Hewett Ave
<hr/>	
Q5. Overall, do you support Council's proposal to revoke the Community Land classification of 1 Cumbria Court, Mitchell Park	Strongly do not support
<hr/>	
Q6. Tell us why	
<p>It is community space that is really nice, if sold it will never be returned as community space. It is just tragic to get rid of green community space like this. This just seems short sighted. The reason given that there is similar space is quite weak; this is great space, and having more of it is great.</p>	
<hr/>	
Q7. Do you support the proposal to sell 1 Cumbria Court, Mitchell Park on the open market – to achieve maximum net financial return to Council	Strongly do not support
<hr/>	
Q8. Tell us why	
<p>Anything that removes this from community control is bad.</p>	
<hr/>	
Q9. Any other feedback	
<p>I just think that selling this space is disgusting. Once sold it is gone forever. The report says that the money will be used to fund other developments. This doesn't make any sense; you are disposing of an asset *forever* to make up the budget temporarily for some other projects. This just makes no sense and it will be a great loss to the community.</p>	
<hr/>	
Q10. How satisfied are you with this survey?	not answered
<hr/>	



Respondent No: 37

Login: Registered

Responded At: Aug 12, 2022 22:28:33 pm

Last Seen: Aug 12, 2022 12:41:08 pm

Q1. What is your relationship with Mitchell Park? (select all that apply)	I live in Mitchell Park
<hr/>	
Q2. Where do you work in Mitchell Park?	not answered
<hr/>	
Q3. Which Suburb do you live in?	Mitchell Park
<hr/>	
Q4. Which street do you live on?	Karu Crescent
<hr/>	
Q5. Overall, do you support Council's proposal to revoke the Community Land classification of 1 Cumbria Court, Mitchell Park	Strongly do not support
<hr/>	
Q6. Tell us why	
<p>In Mitchell Park many houses have been demolished and replaced with multiple houses, I feel that it is important to maintain as much grass/community land as possible to support the number of residents. Also when houses are built next to kindergartens it is almost guaranteed the people living in the newly built houses will complain about the kindy. We don't need more houses.</p>	
<hr/>	
Q7. Do you support the proposal to sell 1 Cumbria Court, Mitchell Park on the open market – to achieve maximum net financial return to Council	Strongly do not support
<hr/>	
Q8. Tell us why	
<p>What will happen to the land once it is sold???</p>	
<hr/>	
Q9. Any other feedback	
<p>not answered</p>	
<hr/>	
Q10. How satisfied are you with this survey?	Neutral
<hr/>	



Respondent No: 38

Login: Registered

Responded At: Aug 13, 2022 12:08:21 pm

Last Seen: Aug 13, 2022 02:33:42 am

Q1. What is your relationship with Mitchell Park? (select all that apply)	I live in Mitchell Park
Q2. Where do you work in Mitchell Park?	not answered
Q3. Which Suburb do you live in?	Mitchell Park
Q4. Which street do you live on?	Abbey Road
Q5. Overall, do you support Council's proposal to revoke the Community Land classification of 1 Cumbria Court, Mitchell Park	Strongly do not support
Q6. Tell us why	I walk through this area daily with my wife, baby, and dog. We want to send our child to the kindergarten in a few years and would love this space available for community use and particularly for the children of the kindergarten. Further housing development would close in space in a suburb increasingly crowded with small dwellings. Community land needs to be kept as community land!
Q7. Do you support the proposal to sell 1 Cumbria Court, Mitchell Park on the open market – to achieve maximum net financial return to Council	Strongly do not support
Q8. Tell us why	There is no value in a financial return to the council if there is less community land to spend that money on. This would be a short sighted decision detrimental to the wellbeing and amenity of my family and other local residents.
Q9. Any other feedback	Please retain this land and offer use of the community centre to the department of education kindergarten or a suitable community organisation like Puddle Jumpers.
Q10. How satisfied are you with this survey?	Neutral





Respondent No: 39

Login: Registered

Responded At: Aug 13, 2022 12:18:43 pm

Last Seen: Aug 13, 2022 02:41:29 am

Q1. What is your relationship with Mitchell Park? (select all that apply)	I live in Mitchell Park
<hr/>	
Q2. Where do you work in Mitchell Park?	not answered
<hr/>	
Q3. Which Suburb do you live in?	Mitchell Park
<hr/>	
Q4. Which street do you live on?	Abbey Road
<hr/>	
Q5. Overall, do you support Council's proposal to revoke the Community Land classification of 1 Cumbria Court, Mitchell Park	Strongly do not support
<hr/>	
Q6. Tell us why	
<p>My husband, baby, dog and I enjoy this area on a daily basis. We appreciate having community shared spaces to enjoy because we live in a townhouse with minimal backyard space, so this makes community parks important to us. We believe that it is important to keep community land as community land. Marion Council is already gaining more council rates from many properties that have been sub-divided and smaller houses built. This trend makes community land even more essential. The location of the kindergarten and community centre is walking distance from us and we would like to continue enjoying those facilities for years to come.</p>	
<hr/>	
Q7. Do you support the proposal to sell 1 Cumbria Court, Mitchell Park on the open market – to achieve maximum net financial return to Council	Strongly do not support
<hr/>	
Q8. Tell us why	
<p>I believe well-being of residents is more important than financial gain, and the current park gives improved well-being to us and our neighbours.</p>	
<hr/>	
Q9. Any other feedback	
<p>Please retain this land and offer use of the community centre to DECD kindergarten or other community organisations, as well as retaining the grassed area.</p>	
<hr/>	
Q10. How satisfied are you with this survey?	Neutral
<hr/>	



Respondent No: 40

Login: Registered

Responded At: Aug 14, 2022 18:57:34 pm

Last Seen: Aug 14, 2022 08:28:12 am

Q1. What is your relationship with Mitchell Park? (select all that apply)	I live in Mitchell Park
<hr/>	
Q2. Where do you work in Mitchell Park?	not answered
<hr/>	
Q3. Which Suburb do you live in?	Mitchell Park
<hr/>	
Q4. Which street do you live on?	Burnley Grove
<hr/>	
Q5. Overall, do you support Council's proposal to revoke the Community Land classification of 1 Cumbria Court, Mitchell Park	Strongly do not support
<hr/>	
Q6. Tell us why	
<p>When the suburb of Mitchell Park was created, the Council at the time considered the future needs for community space. This was an insightful decision. With increasing population and housing infill it is very important to retain and value the existing community land and not sell it.</p>	
<hr/>	
Q7. Do you support the proposal to sell 1 Cumbria Court, Mitchell Park on the open market – to achieve maximum net financial return to Council	Strongly do not support
<hr/>	
Q8. Tell us why	
<p>When the suburb of Mitchell Park was created, the Council at the time considered the future needs for community space. This was an insightful decision. With increasing population and housing infill it is very important to retain and value the existing community land and not sell it.</p>	
<hr/>	
Q9. Any other feedback	
not answered	
<hr/>	
Q10. How satisfied are you with this survey?	Neutral
<hr/>	



Respondent No: 41

Login: Registered

Responded At: Aug 14, 2022 19:56:25 pm

Last Seen: Aug 14, 2022 10:28:18 am

Q1. What is your relationship with Mitchell Park? (select all that apply)	I live in Mitchell Park
Q2. Where do you work in Mitchell Park?	not answered
Q3. Which Suburb do you live in?	Mitchell Park
Q4. Which street do you live on?	Burnley Grove
Q5. Overall, do you support Council's proposal to revoke the Community Land classification of 1 Cumbria Court, Mitchell Park	Strongly do not support
Q6. Tell us why	When the suburb of Mitchell Park was created, the amount of community land incorporated into the design was an insightful decision of the Council at the time. I strongly believe the site should be retained and used as open green space. With increasing population and housing infill I believe it is very important to retain and value the existing community land space we have and not sell it.
Q7. Do you support the proposal to sell 1 Cumbria Court, Mitchell Park on the open market – to achieve maximum net financial return to Council	Strongly do not support
Q8. Tell us why	When the suburb of Mitchell Park was created, the amount of community land incorporated into the design was an insightful decision of the Council at the time. I strongly believe the site should be retained and used as open green space. With increasing population and housing infill I believe it is very important to retain and value the existing community land space we have and not sell it.
Q9. Any other feedback	not answered
Q10. How satisfied are you with this survey?	Neutral





Respondent No: 42

Login: Registered

Responded At: Aug 19, 2022 16:00:37 pm

Last Seen: Aug 19, 2022 06:13:38 am

Q1. What is your relationship with Mitchell Park? (select all that apply)	Other (please specify) I used to be part of the sewing group in Mitchell Park
Q2. Where do you work in Mitchell Park?	not answered
Q3. Which Suburb do you live in?	Glengowrie
Q4. Which street do you live on?	Hardy Ave
Q5. Overall, do you support Council's proposal to revoke the Community Land classification of 1 Cumbria Court, Mitchell Park	Strongly do not support
<p>Q6. Tell us why</p> <p>I strongly agree with councillor Shara Phillips (apologies if her name has not been correctly spelt) when she spoke as the Mitchell Park Kindergarten Governing Council Chair. Every point she makes is clear and obvious and supports the inclusion and financial needs of the local community and the children that live within it. I also believe having Puddle Jumpers come on board to use the space is an excellent idea as it will support many vulnerable families. I am working towards becoming a child and adolescent psychologist, I am also a registered teacher and am a parent member of the Marion council collective impact run by Karina Fraser. I have a good understanding of how having a secure base for vulnerable children and families can support them in terms of healthy development, reducing domestic violence, improving educational outcomes and strengthening community. Please accept Shara Phillips proposal in its entirety. This will support building our community to become financially prosperous long term when our children's needs are at the forefront of our mind.</p>	
Q7. Do you support the proposal to sell 1 Cumbria Court, Mitchell Park on the open market – to achieve maximum net financial return to Council	Strongly do not support
<p>Q8. Tell us why</p> <p>Please refer to Shara Phillips comments at the previous council meeting.</p>	
<p>Q9. Any other feedback</p> <p>not answered</p>	
Q10. How satisfied are you with this survey?	Happy



Respondent No: 43

Login: Registered

Responded At: Aug 20, 2022 06:38:32 am

Last Seen: Aug 12, 2022 22:48:36 pm

Q1. What is your relationship with Mitchell Park?  
(select all that apply)

I live in Mitchell Park

Q2. Where do you work in Mitchell Park?

not answered

Q3. Which Suburb do you live in?

Mitchell Park

Q4. Which street do you live on?

Mills

Q5. Overall, do you support Council's proposal to  
revoke the Community Land classification of 1  
Cumbria Court, Mitchell Park

Support

Q6. Tell us why

not answered

Q7. Do you support the proposal to sell 1 Cumbria  
Court, Mitchell Park on the open market – to  
achieve maximum net financial return to  
Council

Strongly support

Q8. Tell us why

not answered

Q9. Any other feedback

not answered

Q10. How satisfied are you with this survey?

Happy





### 9.3 Expert Panel Review of SA Planning System

<b>Report Reference</b>	SGC220830R9.3
<b>Originating Officer</b>	Manager Development and Regulatory Services – Warwick Deller-Coombs
<b>Corporate Manager</b>	N/A
<b>General Manager</b>	General Manager City Development – Tony Lines

#### REPORT OBJECTIVE

To advise Council of the State Government's appointment of an Expert Panel to review the State Planning System and to seek Council's feedback on the matters to be raised in the submission.

#### REPORT HISTORY

<b>Report Reference</b>	<b>Report Title</b>
SUPC200204	Formal submission on the Draft Planning and Design Code
GC200211R09	Formal submission on the Draft Planning and Design Code

#### EXECUTIVE SUMMARY

The Minister for Planning has informed the Mayor and CEO of an Expert Panel review of the South Australian Planning System. The review is broad and includes legislation, the ePlanning portal, and the Planning and Design Code (P&D Code).

Council previously made submissions on the draft P&D Code and, while some issues were resolved, others still need to be addressed.

It is recommended that Council review and endorse a list of high-level issues to raise in the submission, and authorises Administration to continue to prepare detailed feedback on the technical issues of the planning system.

#### RECOMMENDATION

**That Council:**

- 1. Notes the matters to be included in response to the State Government's review of the State Planning System (outlined in Attachment 3), with the addition of:**
  - a. XXX [to be included as necessary at the council meeting].**
- 2. Endorses Administration to finalise the submission on Council's behalf, noting that it will be signed off by both the Mayor and CEO.**

#### DISCUSSION

The State Government, with the assistance of an Expert Panel, is reviewing the Planning, Development and Infrastructure Act 2016 and the implementation of the Planning and Design Code (P&D Code). The Panel has been tasked with "ensuring future planning decisions encourage a more liveable, competitive, and sustainable long-term growth strategy for Greater Adelaide and the regions".

The scope of the review will include:

- The *Planning, Development and Infrastructure Act, 2016*
- The P&D Code (and related instruments) as it relates to infill policy, trees, character, heritage, and car parking
- The ePlanning system with a view to ensuring that it is delivering an efficient and user-friendly process and platform
- The PlanSA Website with a view to ensuring its usability and access to information by the community.

As part of the review, Council has been given an opportunity to provide views and feedback on the future of South Australia's Planning System.

Council was advised of the review by the Minister for Planning on 5 August 2022 (refer Attachment 1). Submissions/feedback are to be lodged by 16 December 2022. Administration has confirmed through Manager OCE and with the State Government (Planning and Land Use Services) that Council may submit the feedback with the Mayor's signature during the caretaker period.

Administration has created a table which outlines the matters previously provided to the State Government as part of Council's formal submission on the (then) draft P&D Code and other matters that have become apparent since the commencement of the Code in March 2021.

Of the 22 high level issues Council raised in previous submissions on the draft P&D Code, 16 were resolved or are in the process of being resolved through Code Amendments and six remain outstanding or unactioned (refer Attachment 2).

Administration has identified a number of further issues since commencement of the P&D Code in March 2021. However, given the breadth of the review being greater than just the P&D Code, the Development Services Team requires 4-6 weeks to further refine and detail issues with the Planning System. Other teams will also need to contribute to Council's response.

A draft list of issues to be included in the submission is included in Attachment 3. Council should consider whether any further high-level issues should be included, noting that Administration will develop the submission further prior to seeking sign-off from the Mayor and CEO.

## ATTACHMENTS

1. Letter from Minister for Planning - Mayor Kris Hanna - Expert Panel Review [9.3.1 - 1 page]
2. Table of Previous Issues - Status Update [9.3.2 - 7 pages]
3. Proposed CoM Submission to Expert Panel [9.3.3 - 3 pages]

**Hon Nick Champion MP**

22MP07950

Mayor Kris Hanna  
City of Marion

By email: [council@marion.sa.gov.au](mailto:council@marion.sa.gov.au)

Dear Mayor

I am pleased to announce the Malinauskas Labor Government is honouring its election commitment to review the *Planning, Development and Infrastructure Act 2016* and the implementation of the Planning and Design Code with the assistance of an Expert Panel.

The Expert Panel will be chaired by Mr John Stimson and will be tasked with ensuring future planning decisions encourage a more liveable, competitive and sustainable long-term growth strategy for Greater Adelaide and our regions.

This is your opportunity to have your say on the future of South Australia's Planning System and we welcome your views and feedback.

The scope of the review will include:

- The *Planning, Development and Infrastructure Act 2016*;
- The Planning and Design Code (and related instruments) as it relates to infill policy, trees, character, heritage and car parking;
- The e-planning system with a view to ensuring that it is delivering an efficient and user-friendly process and platform; and
- The PlanSA Website with a view to ensuring its usability and access to information by the community.

There are a few ways to participate in this process and contribute to the Expert Panel deliberations.

- Via Email: [DTI.PlanningReview@sa.gov.au](mailto:DTI.PlanningReview@sa.gov.au)
- Via Post: Attention: Expert Panel, GPO Box 1815 ADELAIDE SA 5001
- Via Phone: 08 7133 3222

Further information regarding the Expert Panel is available on the PlanSA website at [www.plan.sa.gov.au/planning\\_review](http://www.plan.sa.gov.au/planning_review).

I thank you for your interest in our shared common goals in achieving good planning outcomes for Adelaide and our regions and I hope you participate in the process.

Yours sincerely



**Hon Nick Champion MP**  
Minister for Planning

5 August 2022

**Government  
of South Australia**

Minister for Trade and  
Investment

Minister for Housing and  
Urban Development

Minister for Planning

GPO Box 11032  
ADELAIDE SA 5001

T: (08) 8235 5580

E: [ministerchampion@sa.gov.au](mailto:ministerchampion@sa.gov.au)





## Planning System Implementation Review - 2022

### Summary of Previous Issues Raised

#### Marion Council Submission on the Draft Planning & Design Code – February 2020

	Issue 2020	Summary of Issue	Resolved in the Code and/or proposed Amendment	Recommended to be included in the new submission.
1	Oaklands Park Policy Area 14 to General Neighbourhood Zone ( <i>Wetlands Area</i> )	Seek that area be transitioned to the Open Space Zone	Yes	No
2	Marion Plains Policy Area 8 to General Neighbourhood Zone	Seek that affected properties be transitioned to Suburban Neighbourhood Zone with TNVs that reflect site dimensions of former Marion Policy Area	No - Affected Areas remain in GNZ.	Yes
3	Suburban Activity Zone (Laffers Triangle) to Urban Neighbourhood Zone	Unclear how proposed density of 150 dwellings/ha could be achieved with the building level limitations.	Yes – now references medium to high density accommodation without a specific density.	No
4	Industry Zone, Precinct 4 Industry Interface to Suburban Employment Zone	Types of uses envisaged in the SEZ did not offer an interface transition space to residential areas	Yes – Rezoned to Employment Zone which envisages low impact activities that do not affect local amenity.	No
5	Industry Zone, Winery Policy Area 8 to Suburban Employment Zone	The SEZ does not provide specific restrictions on type of use and built form outcomes (winery and ancillary activities). Council was seeking a sub zone which placed restrictions on future use.	No – rezoned to Employment Zone which envisages low impact activities that do not affect local amenity. Provides opportunity for other forms of light industry, commercial and business activities.	Yes
6	Dwelling site exclusivity definitions issue	Particular dwelling types, (i.e. detached, semi-detached etc.) are referenced as 'Deemed-to Satisfy' and 'Performance Assessed Development'. A 'dwelling' is not listed in these tables. Also the Code designates minimum site areas and allotment frontages etc. for each form of dwelling type. It does not designate these criteria to 'dwelling', making assessment troublesome.	The term 'Dwelling' is now included in the types of development envisaged in relevant zones.  The definition of dwelling has been amended to address this issue.	No

## Planning System Implementation Review - 2022

### Summary of Previous Issues Raised

#### Marion Council Submission on the Draft Planning & Design Code – February 2020

7	Cement Hill Policy Area 10, Hills Policy Area 11, Foothills and Seaside Policy Area 23, Southern Policy Area 18, Worthing Mine Policy Area 20 to General Neighbourhood Zone (GNZ)	Allotment sizes allowed in the GNZ are too small for sloping land. Council seeks rezoning to Suburban Neighbourhood Zone with TNVs that seek appropriate lot sizes relating to the slope of the land.	Yes – former Hills Policy Area 11, Foothills and Seaside Policy Area 23, Worthing Mine Policy Area 20 rezoned to Hills Neighbourhood Zone and former Cement Hill Policy Area 10, and Southern Policy Area 18 have been rezoned to Suburban Neighbourhood Zone. TNVs reflecting site dimensions and slope of former policy areas have been applied.  Council is currently undertaking a Code Amendment that proposes rezoning all southern areas to the Hills Neighbourhood Zone and applying one set of appropriate site dimension/slope gradient criteria.	No
8	Mixed Use (PA 12 Castle Plaza Environmental Assessment Area) to Suburban Main Street Zone Mixed Use Zone (no precinct) to Suburban Activity Centre Zone Mixed Use (PA 13 Limited Residential Development) to Suburban Business and Innovation Zone	Type of development and built form outcomes desired not reflected in proposed zones.  Loss of Concept Plan showing types and location of desired development.  Reference to site contamination should be retained	<u>North of Raglan</u> = predominantly Urban Neighbourhood (mixed use comprising med-high density accommodation and commercial/light industrial activities) and partly Suburban Activity Centre Zone (see below)  <u>Existing Castle Plaza site</u> = Suburban Activity Centre Zone (active commercial precinct supporting neighbourhood-scale shopping, business, entertainment and recreation facilities)  Concept Plan has been included in the Code but only references transport and access links.  Code now contains general policy on 'Site Contamination' that requires land is suitable for use when changed to a more sensitive use.	No

## Planning System Implementation Review - 2022

### Summary of Previous Issues Raised

#### Marion Council Submission on the Draft Planning & Design Code – February 2020

9	Regional Activity Zone (Tonsley and Laffer's Triangle) to Innovation Zone	Innovation Zone does not assist in guiding the location, form and outcome of development throughout the precinct. Shops to be a maximum of 250m <sup>2</sup> gla	Two zones cover area: <u>Strategic Innovation Zone</u> = Health, education and research activities with shops to 250m <sup>2</sup> – Activity Node Subzone = Retail Activity focussed in key locations <u>Urban Neighbourhood Zone</u> = Mixed use -med to high density residential and non-residential – shops to 500m <sup>2</sup> /1000m <sup>2</sup>	No
10	Local Centre Zone to Suburban Activity Centre Zone Neighbourhood Centre Zone to Suburban Activity Centre Zone	Provide further guidance as to where a dwelling can be constructed (and in what situation) to preserve centres from being developed purely for residential developments and ensure the intent of the Zone to serve the local community remains.	Now contains policy requiring that: Residential development does not prejudice the operation of existing non-residential development and the long-term provision of services and facilities for wider community benefit. Dwellings are developed only in conjunction with non-residential uses to support business, entertainment and recreational activities.	No
11	District Centre Zone to Community Facilities Zone (Precinct 2 Community Hallett Cove) District Centre Zone to Suburban Activity Centre Zone (Precinct 3 Retail Core Hallett Cove)	<i>As above</i>	<i>As above</i>	No
12	Mineral Extraction Zone to Resource Extraction Zone Hills Face Zone to Hills Face Zone	Current non-complying development should be transitioned to 'Restricted Development'. Prescribed mining operations should be included as 'deemed to satisfy' development.	'Resource extraction operation' is listed as a 'Deemed to satisfy Criteria' Dwelling and land division are listed as 'Restricted Development'	No
13	Community Zone (Recreation PA 22) to Recreation Zone Community Zone to Community Facilities Zone	Increase scope of development listed in Procedural Matters table which is to be exempt from requiring public notification. - To allow anticipated development within this zone to be streamlined through the assessment process.	Scope of development has been increased to include anticipated uses.	No



## Planning System Implementation Review - 2022

### Summary of Previous Issues Raised

#### Marion Council Submission on the Draft Planning & Design Code – February 2020

14	Racecourse (Morphettville) Zone to Recreation Zone	<p>New Zone does not have a Desired Character or Desired Outcomes that relate to uniqueness of the Zone.</p> <p>Streamline the processing of applications for what is generally anticipated to occur in the zone (i.e. horse related activities, commercial buildings/uses typically found within a racecourse).</p>	<p>Deemed to Satisfy table includes 'racecourse and associated facilities' and 'office' and 'shop' ancillary to recreation facility.</p> <p>List of development uses that are excluded from notification includes uses that can be associated with a racecourse.</p>	No
15	Metropolitan Open Space System (MOSS) to Open Space Zone	<p>Retain all existing land currently located within the Metropolitan Open Space System (MOSS) as land within the MOSS Zone to ensure native vegetation is protected in accordance with Native Vegetation Act.</p> <p>Include specific provisions relating to conservation, landscape/wildlife corridors, rehabilitation and restoration of ecosystems, and landscaping within the Open Space Zone, or alternatively, create a sub-zone which provide greater control in these areas.</p>	<p>Although areas of natural open space for biodiversity, tree canopy etc are mentioned there does not appear to be the protection for native vegetation that was afforded under the former MOSS zone.</p>	Yes
16	Spatial Map Zone and Overlay Issues	<p>The State Heritage Place Overlay contained within the Planning &amp; Design Code at Sturt Triangle is larger than the current allotment where the Heritage Places are contained preventing zone-specified deemed-to-satisfy developments from occurring in an appropriate zone.</p> <p>The proposed spatial mapping boundaries provided as part of the P&amp;D Code for the new Zones at Castle Plaza are not consistent with the existing Precinct</p>	<p>The State Heritage Place Overlay has been amended and now only covers the allotment where the heritage places are located.</p> <p>The spatial mapping on SAPPa has been amended so that the boundaries reflect the former precinct boundaries.</p>	<p>No</p> <p>No</p>

## Planning System Implementation Review - 2022

### Summary of Previous Issues Raised

#### Marion Council Submission on the Draft Planning & Design Code – February 2020

		boundaries illustrated within the Development Plan.	The final zones chosen in the transition to the Code better reflect the policy intent of the previous policy areas (in former Development Plan) – <i>refer item 8</i>	
17	Rezoning of land adjacent Marion Road from Urban Corridor Zone	Council sought that relevant areas of Marion Road be zoned 'Urban Corridor' or similar as previously proposed by the Housing Diversity DPA.	<p>Marion Road was not rezoned to Urban Corridor as part of the Code.</p> <p>Following further analysis of Marion Road, Council has decided not to proceed with an urban corridor zone but rather rezone existing residentially zoned properties (predominantly in the General Neighbourhood Zone) to the Housing Diversity Zone which provides opportunity for a greater diversity of dwelling types.</p> <p>A Code Amendment proposing the rezoning is currently underway.</p>	No
18	Reduction in on-site and on-street car parking requirements	<p>Code proposed a reduction in both off-street and on-street car parking requirements compared to Council's criteria, which would likely result in an increase in demand for on-street parking.</p> <p>Council sought a retention of existing requirements.</p>	<p>Off-street parking requirement was amended so that dwellings with 2 bedrooms or more require a minimum of 2 spaces, which is an improvement, however, Council's previous criteria required 3 car parks for 4 or more bedrooms.</p> <p>On-street parking remains 1 per 3 dwellings which is less than Council's previous requirement of 1 per 2 dwellings.</p>	Yes
19	Limited Provision of Urban Design Standards	<p>The Code provides a range of design features. However, specific Policy Area criteria informing and providing guidance on built form outcomes has been removed.</p> <p>Council sought the provision of:</p> <ul style="list-style-type: none"> <li>– Greater design and appearance requirements.</li> </ul>	<p>Design related policy was amended /improved but still does not provide appropriate control / guidance on built form.</p> <p>PlanSA launched the Local Design Review Scheme where applications could be put before Design Review Panels for critique. This scheme</p>	Yes

## Planning System Implementation Review - 2022

### Summary of Previous Issues Raised

#### Marion Council Submission on the Draft Planning & Design Code – February 2020

		– Provision of Design Standards /Guidelines which provides guidance on the types of high-quality design outcomes desired for infill/small scale residential development.	has not received a great deal of uptake by Councils/the development industry.  Better design criteria within the Code is required.	
20	Character Area Statements ( <i>for former Character Areas</i> )	The Character Area Statements each contain an attribute table which provides guidance as to the valued character attributes sought for new development. However, it appears that there are no accompanying provisions within the Code to ensure new development reflects the desired character.	Each property / area is covered by a Character Area overlay. Within the overlay the 'Desired Outcome' and 'Performance Outcome' makes reference to development having consideration of the Character Area Statement.	No
21	Flooding Overlay/General Policies		<i>To be considered further and added by staff if appropriate.</i>	
22	Stormwater/Retention Tanks		<i>To be considered further and added by staff if appropriate.</i>	
General	What constitutes a 'Minor Variation'	What constitutes a 'minor' variation is unclear. Under the former planning system there was limited direction as to what can be considered a 'minor variation' and subsequently what is 'minor' is interpreted differently.  It was suggested a Practice Direction accompany the Planning & Design Code outlining what can be considered 'minor', how this will be implemented in practice, and rules/ a method outlining how this will be considered during the assessment process.	Issue has not been resolved in the Code.	Yes
	Public Notification and general code drafting errors		<i>To be considered further and added by staff if appropriate.</i>	



## Planning System Implementation Review - 2022

### Summary of Previous Issues Raised

#### Marion Council Submission on the Draft Planning & Design Code – February 2020

	Private Open Space	It is noted Table 1 – Outdoor Open Space includes a list of dwelling types that require minimum open space areas and dimensions. It is noted this table does not include 'residential flat-building' or 'dwelling'. It is unclear whether this is an omission or it is intended for residential flat-buildings and undefined dwellings to be excluded from open space requirements. Council is of the opinion residential flat-buildings should be included within Table 1, whilst further consideration to open space requirements for undefined 'dwellings' should be had.	Dwelling (covering all types of dwellings other than residential flat building) is now included in Table 1 POS for residential flat buildings are covered separately as they involve different open space requirements. The minimum requirement for private open space is considered inappropriate (site area <301m <sup>2</sup> = 24m <sup>2</sup> / site area >301m <sup>2</sup> = 60m <sup>2</sup> )	Yes
	Overshadowing		<i>To be considered further and added by staff if appropriate.</i>	
	Site Contamination Overlay		<i>To be considered further and added by staff if appropriate.</i>	
	Landscaping		<i>To be considered further and added by staff if appropriate.</i>	
	Other		<i>To be considered further and added by staff if appropriate.</i>	

## Planning System Implementation Review - 2022

### Draft Marion Council Submission to the Expert Panel

	Previous Issues Raised - Unresolved	Summary of Issue
1	Marion Plains Policy Area 8 to General Neighbourhood Zone	Seek that affected properties be transitioned to Suburban Neighbourhood Zone with TNVs that reflect site dimensions of former Marion Policy Area
2	Reduction in on-site and on-street car parking requirements	Code proposed a reduction in both off-street and on-street car parking requirements compared to Council's criteria, which would likely result in an increase in demand for on-street parking.  Council sought a retention of existing requirements.
3	Limited Provision of Urban Design Standards	The Code provides a range of design features. However, specific Policy Area criteria informing and providing guidance on built form outcomes has been removed. Council sought the provision of: – Greater design and appearance requirements. Provision of Design Standards /Guidelines which provides guidance on the types of high-quality design outcomes desired for infill/small scale residential development.
4	What constitutes a 'Minor Variation'	What constitutes a 'minor' variation is unclear. Under the former planning system there was limited direction as to what can be considered a 'minor variation' and subsequently what is 'minor' is interpreted differently.  It was suggested a Practice Direction accompany the Planning & Design Code outlining what can be considered 'minor', how this will be implemented in practice, and rules/ a method outlining how this will be considered during the assessment process.
5	Industry Zone, Winery Policy Area 8 to Suburban Employment Zone	The SEZ does not provide specific restrictions on type of use and built form outcomes (winery and ancillary activities). Council was seeking a sub zone which placed restrictions on future use.
6	Metropolitan Open Space System (MOSS) to Open Space Zone	Retain all existing land currently located within the Metropolitan Open Space System (MOSS) as land within the MOSS Zone to ensure native vegetation is protected in accordance with Native Vegetation Act. Include specific provisions relating to conservation, landscape/wildlife corridors, rehabilitation and restoration of ecosystems, and landscaping within the Open Space Zone, or alternatively, create a sub-zone which provide greater control in these areas.
7	Private Open Space	It is noted Table 1 – Outdoor Open Space includes a list of dwelling types that require minimum open space areas and dimensions. It is noted this table does not include 'residential flat-building' or 'dwelling'. It is unclear whether this is an omission or it is intended for residential flat-buildings and undefined dwellings to be excluded from open space requirements. Council is of the opinion residential flat-buildings should be included within Table 1, whilst further consideration to open space requirements for undefined 'dwellings' should be had.

## Planning System Implementation Review - 2022

### Draft Marion Council Submission to the Expert Panel

	New Issues Arising	Summary of Issue
8	Infill	The list of issues created by general infill continues to be an issue, car parking, tree loss (both on private land and within Council verges), urban heat island effect are the main issues.
9	Developer contributions	Councils have limited control of seeking contributions to infrastructure outside of a development site.
10	Trees	Unfettered destruction of trees on private land continues to be an issue for environmental and tree canopy targets.
11	Demolition controls	The confusion surrounding some demolition types being exempt from approval has caused many issues. Unauthorised demolition of part of semi-detached dwellings and damage to Council infrastructure are the biggest issues.

	Technical Issues Raised by Administration	Summary of Issue
12	Demolition	The confusion surrounding some demolition types being exempt from approval has caused many issues. Unauthorised demolition of part of semi-detached dwellings and damage to Council infrastructure are the biggest issues.
13	Design Criteria	Greater design techniques and policies are required to ensure a higher standard and quality of material are incorporated into future proposals.
14	Rear Setbacks	The dimensions designated are too small to provide meaningful and practical/usable areas of open space and distances between buildings. Also would be out of character with the existing pattern of development.
15	Private Open Space	Under the Development Plan open space was calculated via a percentage of the site (i.e., the larger the allotment the more private open space was required). The Code has set requirements regardless the size of the allotment or the number of bedrooms – the amount of private open space required should be commensurate with the size of the site and the number of bedrooms proposed.
16	Sloping Sites	Setbacks / building on boundary / Site Area vs Gradients = major discrepancies between Councils Building on boundary
17	Land Use Definitions	The land use definitions should be reviewed and modernized (i.e. there is not definition or supporting policy for Electric Vehicle Charging stations)
18	Administrative Terms and Definitions	Building Height / Building Line / Wall height require review – current definitions unclear to general public or planning industry.
19	Best Fit Choice for Zone	Hasn't always been an appropriate transition. Nature of desired character changed in a number of instances resulting in undesired outcomes (i.e. SNZ – southern area)



## Planning System Implementation Review - 2022

### Draft Marion Council Submission to the Expert Panel

20	Notification	The notification process need refinement so that development applications which will, or are considered to, have significant on the wider locality are properly notified, whereas applications which only impact the adjacent property (I.e. wall on a boundary) have limited notification.
21	Transport Route Overlay	Overlay is relevant to large scale land divisions but currently captures smaller developments unnecessarily.
22	Referrals	Needs review
23	Requirement for a Tree	Policy needs review – unclear long term resourcing needs for Council to inspect properties – will future residents be aware the need to keep and maintain trees on their private land (which aren't Regulated or Significant)?
24	Significant and Regulated Trees	Needs to be refined to include other species within 10 metres
25	Verification and assessment timeframes	Require longer verification time – first time needs to be longer An initial submitted/verification fee should be paid.
26	SAPPA website	Does not provide full details on a property/zone etc.so requires user to seek further information within the Code. i.e. – 'Restricted' Does not result in a 'seamless' procedure.
27	Stormwater Management Overlay	Stormwater Management Overlay is only applicable to some Residential Areas – this needs to be reviewed and expanded to include all residential and commercial areas. Greater assessment policy should be introduced.

## 9.4 MAB Circuit Road Closure

<b>Report Reference</b>	SGC220830R9.4
<b>Originating Officer</b>	Property Officer – Leane Spain
<b>Corporate Manager</b>	Manager City Property – Thuyen Vi-Alternetti
<b>General Manager</b>	General Manager City Development – Tony Lines

### REPORT OBJECTIVE

The purpose of this report is to enable Council to consider the outcome of the community consultation following the public notification of the proposed road closure of 107 square metres of land at MAB Circuit Tonsley adjacent the Boiler House land.

### REPORT HISTORY

<b>Report Reference</b>	<b>Report Title</b>
GC21112311.6	MAB Circuit Tonsley – Partial Road Closure

### EXECUTIVE SUMMARY

Renewal SA (RSA) requested that a portion of MAB Circuit be closed and merged with the Boiler House land to enable additional car parking to be established at the Boiler House site.

The community consultation for the road closure process for the portion of road adjacent Allotment 335 in Deposited Plan 129227 MAB Circuit, Tonsley, more particularly delineated and lettered “A” on Preliminary Plan 22/0005 in Attachment 1 has been undertaken in accordance with the Roads (Opening and Closing) Act 1991 (the Act).

Consultation commenced on 17 February 2022 and concluded on 17 March 2022.

One objection to the proposal was received in response to the community consultation and this objection has subsequently been withdrawn as detailed in this report.

Authorisation to raise the Road Process Order in accordance with the Act will facilitate the closure of 107 square metres of road to be transferred to the Urban Renewal Authority and merged with the adjacent land at Allotment 335 in Deposited Plan 129227 comprised in Certificate of Title Volume 6271 Folio 95.

### RECOMMENDATION

**That Council:**

- 1. Notes the responses received in response to the community consultation required under the *Roads (Opening and Closing) Act 1991*.**
- 2. Resolves to make a Road Process Order pursuant to the *Roads (Opening and Closing) Act 1991* to close and merge the road lettered ‘A’ in Preliminary Plan 22/0005 with Allotment 335 In Deposited Plan 129227 contained in Certificate of Title Volume 6271 Folio 95.**
- 3. Pursuant to Section 37(b) of the *Local Government Act 1999* authorises the Chief Executive Officer to enter into and sign all documentation necessary to complete the road closure process under the *Roads (Opening and Closing) Act 1991*.**

## DISCUSSION

Council at its meeting held 23 November 2021, resolved (GC21112311.6):

*That Council:*

1. *Authorises the commencement of the Roads (Opening and Closing) Act process to close approximately 107 square metres of MAB Circuit Tonsley adjacent Q625 in D127146 which requires:*
  - *Preparation of a preliminary plan.*
  - *Preparation of a statement of affected parties and*
  - *Undertaking of public consultation.*
2. *Notes that the closed road will be merged with the adjacent land at Q625 in D127146 being portion of the land in Certificate of Title Volume 6255 Folio 330.*
3. *Authorises the preparation and execution of a Preliminary Agreement with the current owners of Q625 in D127146 for the transfer of land subject to:*
  - *The outcome and Council resolution as a result of the public consultation process; and*
  - *Successful completion of the road closure process.*
4. *Notes that a report will be brought to Council for consideration of the outcome of the consultation under the Roads (Opening and Closing) Act 1991.*
5. *Pursuant to Section 37(b) of the Local Government Act 1999 authorises the Chief Executive Officer to enter into and execute all documentation necessary to commence the road closure process.*
6. *The transfer of land to the owners of Q625 in D127146 is to be:*
  - *Exempt from the Disposal of Land and Assets Policy in all respects;*
  - *For no monetary consideration; and*
  - *Council will not seek valuations from a Licenced Valuer.*

The Boiler House is a part of Tonsley's industrial heritage and is set to become an integral part of Tonsley's retail and entertainment precinct. Renewal SA (RSA) has been negotiating the sale of this site for a development which may incorporate hospitality, food and beverage or other catering offerings including restaurants and/or bars.

It is noted that the previous Council report referred to the Boiler House site as being Q625 in Deposited Plan 127146 being portion of the land in Certificate of Title Volume 6255 Folio 330. This title has subsequently been part of a land division involving the granting of easements that are not over the Boiler House site and a new title has been issued. The Boiler House site is now identified as Allotment 335 in Deposited Plan 129227 being whole of the land in Certificate of Title Volume 6271 Folio 95.

To support the proposed development of the Boiler House site, RSA requested that a portion of MAB Circuit be closed and merged with the Boiler House land to enable additional car parking to be established at the Boiler House site.

The road closure process, including community consultation, was commenced and undertaken in accordance with the requirements of the Act, specifically:



- Notices of the proposed closures were added to the SA.GOV.AU website (Attachment 2) and published in the Government Gazette on the 17 February 2022 (Attachment 3).
- The Preliminary Plans and statement of affected persons (within the meaning of the Roads (Opening and Closing) Act 1991) were available for inspection at the Council's offices during the consultation period.
- Copy of the notice published in the Gazette was deposited at the Officer of the Surveyor-General in addition to the Preliminary Plans for the road closures.
- Written notice of the proposed road closures was served on each person affected within the meaning of the Act.

One objection was received from Australian Gas Networks (SA) Ltd/APA Group (APA) who identified a 160mm Polyethylene High Pressure Gas Main within the locality of the proposed road closure (Attachment 4). RSA engaged directly with APA and upon further investigation it was established that the gas main was in fact located outside of the road closure area. Accordingly, APA has withdrawn their objection (Attachment 5).

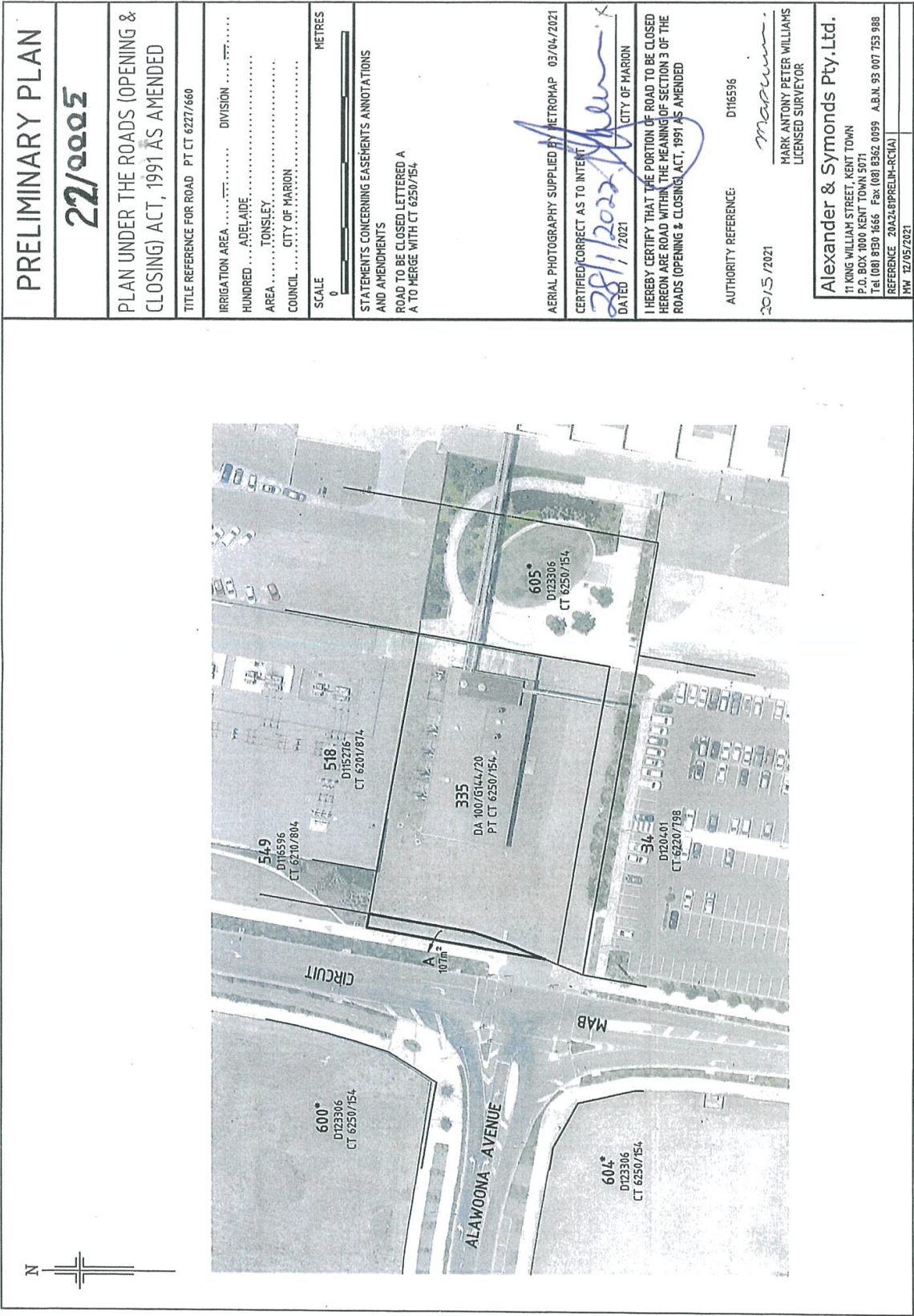
No other responses were received during the consultation period.

Now that the objection has been withdrawn, it is considered appropriate for Council to proceed with the road closure.

It is recommended that Council raise a Road Process Order to enable the portion of road lettered "A" on Preliminary Plan 22/0005 to be closed and merged with the adjacent land at Allotment 335 in Deposited Plan 129227 comprised in Certificate of Title Volume 6271 Folio 95.

## **ATTACHMENTS**

1. Preliminary Plan 22/0005 [9.4.1 - 1 page]
2. Published notice on SA.GOV.AU website [9.4.2 - 2 pages]
3. Government Gazette notice 17 February 2022 [9.4.3 - 1 page]
4. Objection to the proposed closed road [9.4.4 - 1 page]
5. Withdrawal of objection from APA [9.4.5 - 1 page]



# SA.GOV.AU

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## Road opening and closing proposals

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[2022](#)

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[2020](#)

[2019](#)

[2017/18](#)

[Legislation](#)

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The closing of public roads and the opening of some public roads in South Australia is managed by local councils.

Refer to the [Surveyor-General's Guidelines \(1.7 MB PDF\)](#) to prepare and lodge applications to open and close roads.

People who are affected by a road opening or closure can lodge an objection or apply for easement rights as part of a 28-day public consultation process.

[Make an objection or request for easement rights](#)

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**2022**



Description of proposal	Preliminary plan	Gazette notice	Deadline for objection	Outcome
Proposed road closure: Jenkins Street (portion), <b>Gillman</b> City of Port Adelaide Enfield	<a href="#">PP 22/0008</a>	<a href="#">24 February 2022</a> (page 617) (141.8 KB PDF)	24 Mar 2022	
Proposed road closure: Victoria Parade (portions), <b>Hindmarsh Island</b> Alexandrina Council	<a href="#">PP 22/0006</a>	<a href="#">10 February 2022</a> (page 368) (26.1 KB PDF)	10 Mar 2022	<b>Completed</b> <a href="#">Gazetted 9 June 2022</a> (page 1424) (176.4 KB PDF)
Proposed road closure: MAB Circuit (portion), <b>Tonsley</b> City of Marion	<a href="#">PP 22/0005</a>	<a href="#">17 February 2022</a> (page 538) (55.5 KB PDF)	17 Mar 2022	

No. 9 p. 538

THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

17 February 2022

## LOCAL GOVERNMENT INSTRUMENTS

### CITY OF MARION

#### ROADS (OPENING AND CLOSING) ACT 1991

##### *Notice of Proposed Road Closure—MAB Circuit, Tonsley*

In accordance with section 10 of the *Roads (Opening & Closing) Act 1991*, NOTICE is hereby given that City of Marion proposes to make a Road Process Order to close and transfer to the adjoining owner a portion of MAB Circuit adjoining piece 625 in D127146 that is more particularly delineated and lettered 'A' on Preliminary Plan 22/0005.

A copy of the Preliminary Plan, and a statement of persons affected, are available for public inspection at the City of Marion at 245 Sturt Road, Sturt between the hours of 8.30am and 5.00pm, Monday to Friday or at the Adelaide office of the Surveyor-General, Level 2 101 Grenfell Street Adelaide during normal office hours. The Preliminary Plan can also be viewed at [www.sa.gov.au/roadsactproposals](http://www.sa.gov.au/roadsactproposals).

Any person is entitled to object to the proposed road closure via written submission. An objection must state whether the objector wishes to make submissions to the Council at any meeting held by the Council for this purpose. A person affected by the proposed closure is entitled to apply for an easement to be granted in that person's favour over the land subject to the proposed closure.

An objection or application for an easement must set out the full name and address of the person making the objection or application and must be fully supported by reasons.

An application for an easement must give full particulars of the nature and location of the easement that is being applied for and, where made by a person as the owner of adjoining or nearby land, specify the land to which the easement is to be annexed.

Any objection or application for an easement must be made in writing setting out full details and must be submitted to the Council by post to PO Box 21 Oaklands Park SA 5046, or via email to [council@marion.sa.gov.au](mailto:council@marion.sa.gov.au) within 28 days of the date of publication of this notice and a copy must be forwarded to the Surveyor-General at GPO Box 1354, Adelaide, SA 5001.

Where an objection or application for an easement is received, the Council will give notification of a meeting at which the matter will be considered so that the objector and/or applicant may attend if so desired.

Dated: 17 February 2022

TONY HARRISON  
Chief Executive Officer

### DISTRICT COUNCIL OF FRANKLIN HARBOUR

#### LOCAL GOVERNMENT ACT 1999

##### *By-Law No. 1 of 2021 – Permits and Penalties By-Law 2021*

A By-law to create a permit system for Council By-laws, to fix maximum and continuing penalties for offences, and for the construction of Council By-laws.

#### PART 1 – PRELIMINARY

##### 1. Short Title

This By-law may be cited as the *Permits and Penalties By-law 2021*

##### 2. Authorising law

This By-law is made under section 246 of the Act.

##### 3. Purpose

The objectives of this By-law are to provide for the good rule and government of the Council area, and for the convenience, comfort and safety of its community by:

- 3.1 creating a permit system for Council By-laws;
- 3.2 providing for the enforcement of breaches of Council By-laws and fixing penalties; and
- 3.3 clarifying the construction of Council By-laws.

##### 4. Commencement, Revocation and Expiry

4.1 The following By-Laws previously made by the Council are revoked from the day on which this By-Law comes into operation:

- 4.1.1 By-Law No. 1 Permits & Penalties 2010

4.2 This By-law will expire on 1 January 2029.

##### 5. Application

5.1 This By-law applies throughout the Council area.

##### 6. Interpretation

In this By-law, unless the contrary intention appears;

- 6.1 *Act* means the *Local Government Act 1999*;
- 6.2 *Council* means District Council of Franklin Harbour;
- 6.3 *person* includes a body corporate.

##### 7. Construction of By-laws generally

7.1 Every By-law of the Council is subject to any Act of Parliament and Regulations made thereunder.

7.2 In any By-law of the Council, unless the contrary intention appears *permission* means permission of the Council, granted in writing prior to the act, event or activity to which it relates.

Australian Pipeline Limited ACN 091 344 704  
Level 25, 580 George Street, Sydney NSW 2000  
PO Box R41, Royal Exchange NSW 1225  
P: +61 2 9693 0000 | F: +61 2 9693 0093  
APA Group | apa.com.au



28<sup>th</sup> February 2022

Office of Surveyor-General  
GPO Box 1354  
Adelaide, SA 5001

To whom it may concern,

**PROPOSED ROAD CLOSURE – MAB Cct, Tonsley – PP 22/0005**

Australian Gas Networks (SA) Ltd / APA Group have identified a 160mm Polyethylene High Pressure Gas Main within the proposed road closure of MAB Cct, Tonsley and would object to this proposed closure.

When further information is received pertaining to the proposed useage of the land then a decision will be made whether to accept an easement or if an easement is not practical, the gas main could be relocated to a position outside the road closure area however the costs to undertake these works would be borne by third parties and be conditional on the removal of any objections.

Australian Gas Networks (SA) Ltd is the owner of the gas distribution networks in South Australia. APA Group has been appointed by Australian Gas Networks (SA) Ltd to operate and manage these gas network assets on their behalf.

Should you require additional information or clarification, I can be contacted on the number below.

Kind Regards,

**Daniel Cooper**  
**Technical Officer – Third Party Works**

**APA Group**  
Planning and Integrity  
330 Grange Rd, Kidman Park SA 5025  
PO Box 171, Findon SA 5023

**p** +61 08 8159 1739  
**e** [daniel.cooper@apa.com.au](mailto:daniel.cooper@apa.com.au)  
**w** [www.apa.com.au](http://www.apa.com.au)

APA Group comprises two registered investment schemes, Australian Pipeline Trust (ARSN 091 678 778) and APT Investment Trust (ARSN 115 585 441), the securities in which are stapled together. Australian Pipeline Limited (ACN 091 344 704) is the responsible entity of those trusts. The registered office is HSBC building, Level 19, 580 George Street, Sydney NSW 2000.

Page 1

**energy. connected.**



Australian Pipeline Limited ACN 091 344 704  
Level 25, 580 George Street, Sydney NSW 2000  
PO Box R41, Royal Exchange NSW 1225  
P: +61 2 9693 0000 | F: +61 2 9693 0093  
APA Group | apa.com.au



16<sup>th</sup> August 2022

Office of the Surveyor General  
PO Box 1354,  
Adelaide, SA 5001

To whom it may concern,

**PROPOSED ROAD CLOSURE – MAB Cct, Tonsley – PP 22/0005**

Australian Gas Networks (SA) Ltd / APA Group had identified a 160mm Polyethylene High Pressure Gas Main within the proposed road closure of MAB Cct, Tonsley.

On 28<sup>th</sup> February 2022 APA objected to the proposal to close a portion of MAB Cct, Tonsley due to the abovementioned infrastructure in the location. Upon further investigation it has been proven that the boundary of the proposed road closure excludes the gas infrastructure and as a result, the previous objection can now be removed.

Australian Gas Networks (SA) Ltd is the owner of the gas distribution networks in South Australia. APA Group has been appointed by Australian Gas Networks (SA) Ltd to operate and manage these gas network assets on their behalf.

Should you require additional information or clarification, I can be contacted on the number below.

Kind Regards,

**Daniel Cooper**  
**Technical Officer – Third Party Works**

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330 Grange Rd, Kidman Park SA 5025  
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**w** [www.apa.com.au](http://www.apa.com.au)

## 9.5 Grant Funding Deed Coach House Affixation of Common Seal

<b>Report Reference</b>	SGC220830R9.5
<b>Originating Officer</b>	Unit Manager Land & Property – Michael Collins
<b>Corporate Manager</b>	Manager City Property – Thuyen Vi-Alternetti
<b>General Manager</b>	General Manager City Development – Tony Lines

### REPORT OBJECTIVE

The purpose of this report is to seek Council's approval for the execution of and to affix the Common Seal of the Corporation of the City of Marion to a Deed of Variation to the Grant Deed between Council and The Treasurer for \$750,000 towards funding the restoration works to the Coach House and pedestrian bridge upgrade at Warriparinga.

### REPORT HISTORY

Report Reference	Report Title
GC210727R	Local Government Infrastructure Partnership Program LKCC Coach House Restoration.

### EXECUTIVE SUMMARY

On 22 March 2021 the State Government advised that funding was successful for the LKCC / Warriparinga project. The City of Marion will receive \$750,000 as part of the 50/50 funding partnership approach, following the successful completion of each performance milestone.

Following a resolution of Council, the Common Seal of the Corporation of the City of Marion was affixed to the Grant Funding Deed.

The project includes:

- Restoration of the Coach House external façade, basement, internal walls and flooring
- Connecting Coach House building services including water, sewer and electrical services
- Restoration of the adjacent Pump House
- Landscaping adjacent surrounds of the Coach House and Pump House
- Replacement of the two pedestrian bridges located within the precinct that form a section of the Sturt River Linear trail with new pedestrian bridges.

The funding Deed includes keys dates being:

- Project Commencement Date – 1 December 2021
- Project Completion Date – 28 June 2022
- Last Date to Claim – 28 September 2022
- Expiry Date – 28 June 2023

Due to unavoidable delays in the design, approval and procurement stages, Council has sought and had approval for a variation to the Grant Deed to amend three of the above dates to:

- Project Completion Date – 28 February 2023
- Last Date to Claim – 30 June 2023
- Expiry – 31 December 2023

This report seeks Council approval to authorise the Mayor and Chief Executive Officer to affix the Common Seal of the Corporation of the City of Marion to the Deed of Variation of the Grant Deed included in **Attachment 1**.

## **RECOMMENDATION**

### **That Council:**

1. **Notes the amended dates contained in the Deed of Variation of the Grant Deed for funding towards the restoration of the Coach House and upgrade of the pedestrian bridges at Warriparinga.**
2. **Authorises the Mayor and Chief Executive Officer to attest to the affixation of the Common Seal of the Corporation of the City of Marion to the Deed of Variation contained in Attachment 1.**

## **ATTACHMENTS**

1. M 00203556 F S 11760033 **[9.5.1 - 9 pages]**



**DATED** \_\_\_\_\_ **DAY OF** \_\_\_\_\_ **2022**

## **DEED OF VARIATION**

**LOCAL GOVERNMENT INFRASTRUCTURE PARTNERSHIP PROGRAM**

**BETWEEN**

**THE TREASURER**  
**("Treasurer")**

**AND**

**THE CORPORATION OF THE CITY OF MARION**  
**ABN 37 372 162 294**  
**("Grantee")**

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**DEED OF VARIATION** dated                      day of                      2022

**BETWEEN:**

**TREASURER OF SOUTH AUSTRALIA** a body corporate under the Administrative Arrangements Act, 1994 of State Administration Centre, 200 Victoria square, Adelaide, 5000, South Australia ("Treasurer")

**AND**

The entity named in Item 1 of the Schedule to this Deed ("Grantee")

**BACKGROUND:**

- A. The Grantee and the Treasurer are parties to the Agreement.
- B. At the request of the Grantee, the parties have agreed to amend the Agreement, subject to the terms and conditions set out in this Deed.

**IT IS AGREED:**

**1. DEFINITIONS AND INTERPRETATION**

**1.1 Definitions**

In this Deed the following terms shall have the following meanings, unless the context otherwise requires:

- 1.1.1 "**Agreement**" means the Grant Deed described in Item 2 of the Schedule to this Deed;
- 1.1.2 "**Business Day**" means a day which is not a Saturday nor a Sunday nor a public holiday and bank holiday within the meaning attributed by the *Holidays Act 1910* (SA);
- 1.1.3 "**Deed**" means this Deed between the parties and any Annexures to this Deed; and
- 1.1.4 "**State**" means the State of South Australia.

**1.2 Interpretation**

- 1.2.1 The following rules apply in the interpretation of this Deed unless the context requires otherwise:
  - (a) the singular number includes the plural number and vice versa;
  - (b) any gender includes all other genders;

- (c) no rules of construction shall apply to the disadvantage of one party on the basis that that party put forward the Deed or any part thereof;
- (d) references to a person, corporation, trust, partnership, unincorporated body or other entity includes any of them;
- (e) references to the whole of a matter or thing include a part of the matter or thing;
- (f) derivatives of words or phrases defined in this Deed have a corresponding meaning;
- (g) a reference to a deed, agreement or other document includes a reference to that deed, agreement or document as varied, novated, supplemented or replaced from time to time;
- (h) a reference to writing includes any mode of reproducing words in a visible form, and includes telex, e-mail or facsimile transmission;
- (i) a reference to a person includes a reference to the persons, successors, substitutes (including, without limitation, persons taking by novation) and assigns;
- (j) headings are for convenience only and do not affect interpretation;
- (k) references to parties, clauses, schedules, exhibits or annexures are references to parties, clauses, schedules exhibits and annexures to or of this Deed unless it is expressly stated otherwise, and a reference to this Deed includes any schedule, exhibit or annexure to this Deed;
- (l) a reference to dollars, unless otherwise specified, is a reference to Australian dollars;
- (m) mentioning anything after the words "include", "includes" or "including" does not limit what else might be included;
- (n) a reference to two or more persons is a reference to those persons jointly and severally; and
- (o) a reference to a statute, regulation, proclamation, ordinance or by-law includes all statutes and regulations consolidating or replacing it and a reference to a statute includes all regulations, proclamations, ordinances and by-laws issued under the statute.

- 1.3 If there is any inconsistency between any term of this Deed and the Agreement then to the extent of the inconsistency, the term of this Deed shall prevail over the Agreement.

## 2. BACKGROUND

The parties agree that the matters referred to in the Background under the Deed are true and correct in every material particular and that the Background forms part of the Deed.



**3. AMENDMENT OF THE AGREEMENT**

The parties agree that the following amendments are made to the Agreement:

- 3.1 The date in Item 5 of Attachment 1 is deleted and replaced with the date in Item 3 of the Schedule to this Deed.
- 3.2 The date in Item 6 of Attachment 1 is deleted and replaced with the date in Item 4 of the Schedule to this Deed.
- 3.3 The date in Item 7 of Attachment 1 is deleted and replaced with the date in Item 5 of the Schedule to this Deed.

**4. CONFIRMATION OF THE AGREEMENT**

- 4.1 Subject only to the amendments contained herein and such other alterations (if any) as may be necessary to make the Agreement consistent with this Deed, the Agreement remains in full force and effect and will be read and construed and be enforceable as if the terms of this Deed were inserted therein by way of addition or substitution (as the case may be).
- 4.2 Nothing in this Deed will abrogate, prejudice or diminish or otherwise affect any rights, remedies, obligations or liabilities of any of the parties arising with respect to any matter or thing done or effected or otherwise arising under the Agreement.

**5. COSTS AND STAMP DUTY**

Each of the parties to this Deed will bear that party's own legal or other costs of and incidental to the negotiation, preparation and execution of this Deed. The stamp duty (if any) will be borne by Grantee.

**6. COUNTERPARTS**

This Deed may be executed in any number of counterparts each of which is taken to be an original. All of those counterparts taken together constitute one instrument.

**7. OPERATION OF THE DEED**

The variations effected by this Deed shall operate from the date of this Deed.

**8. AUDITOR GENERAL**

Nothing in this Deed derogates from the powers of the Auditor-General under the *Public Finance and Audit Act 1987* (SA).

**9. SEVERABILITY**

If any part of this Deed is or becomes void or unenforceable, or if this Deed would, if any part were not omitted, be or become void or unenforceable, then:

9.1 that part will be severable without affecting the remainder of this Deed and this Deed will then be read as if that part were not contained in it; and

9.2 the parties will attempt to renegotiate that part in good faith.

#### 10. **PROPER LAW**

10.1 This Deed is made in the State and is governed by the laws of the State.

10.2 The courts of the State have exclusive jurisdiction in connection with this Deed.

10.3 Any proceeding brought by a party in a Federal Court in relation to this Deed must be instituted in the Adelaide Registry of that Federal Court and the parties must not apply to transfer that proceeding to any other Registry of the Federal Court.

#### 11. **MODIFICATION**

No addition to or modification of any provision of this Deed shall be binding upon the parties unless made by written instrument signed by the Parties.

#### **EXECUTED AS A DEED**

**THE COMMON SEAL** of the **TREASURER** )  
**OF SOUTH AUSTRALIA** )  
 was hereunto affixed )  
 in the presence of: )

.....  
 Witness  
 Print Name: .....

**THE COMMON SEAL** of **THE CORPORATION** )  
**OF THE CITY OF MARION** was hereunto )  
 affixed in the presence of: )

.....  
 Witness  
 Print Name: .....

**SCHEDULE**

Item 1	Grantee	The Corporation of the City of Marion
Item 2	Agreement	The Local Government Infrastructure Partnership Program Grant Deed between the Treasurer and the Grantee dated 4 September 2021
Item 3	Project Completion Date	28 February 2023
Item 4	Last Date to Claim	30 June 2023
Item 5	Expiry	31 December 2023



**10 Meeting Closure**

Council shall conclude on or before 9.30pm unless there is a specific motion adopted at the meeting to continue beyond that time.