

His Worship the Mayor
Councillors
CITY OF MARION



**NOTICE OF
GENERAL COUNCIL MEETING**

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

Tuesday 8 December 2015

Commencing at 7.00 p.m.

In the Council Chamber

Council Administration Centre

245 Sturt Road, Sturt

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

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

A handwritten signature in black ink, appearing to read "Adrian Skull", with a horizontal line underneath.

Adrian Skull
CHIEF EXECUTIVE OFFICER

3 December 2015

**CITY OF MARION
GENERAL COUNCIL AGENDA
FOR MEETING TO BE HELD ON
TUESDAY 8 DECEMBER 2015
COMMENCING AT 7.00PM**



1. OPEN MEETING

2. KAURNA ACKNOWLEDGEMENT

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

3. DISCLOSURE

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

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

5. CONFIRMATION OF MINUTES

Confirmation of the Minutes for the General Council meeting held on
24 November 2015.....5

6. YOUTH ADVISORY COMMITTEE (YAC) UPDATE

Nil

7. DEPUTATIONS

Sandra Fisher – Peppertree Grove Reserve
GC081215D0120

8. PETITIONS

Nil

9. COMMITTEE RECOMMENDATIONS

Nil

10. PRESENTATIONS

Nil

11. ADJOURNED ITEMS

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12. CORPORATE REPORTS FOR DECISION

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Resources required for Development Plan Amendments	
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Review of Confidential Orders	
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13. CORPORATE REPORTS FOR INFORMATION/NOTING

Nil

14. MATTERS RAISED BY MEMBERS

Questions with Notice

Motions with Notice

Peppertree Grove Reserve	
GC081215M01	630

Legal Fee Policy

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Questions without Notice

Motions without Notice

15. CONFIDENTIAL ITEMS

16. LATE ITEMS

17. MEETING CLOSURE

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

**MINUTES OF THE GENERAL COUNCIL MEETING
HELD AT ADMINISTRATION CENTRE
245 STURT ROAD, STURT
ON TUESDAY 24 NOVEMBER 2015**



PRESENT

His Worship the Mayor Kris Hanna

Councillors

Coastal Ward

Ian Crossland

Mullawirra Ward

Jerome Appleby
Jason Veliskou

Southern Hills

Nick Westwood

Warracowie Ward

Bruce Hull
Nathan Prior

Warriparinga Ward

Luke Hutchinson
Raelene Telfer

Woodlands Ward

Nick Kerry
Tim Pfeiffer

In Attendance

Mr Adrian Skull
Ms Abby Dickson
Ms Kate McKenzie
Ms Victoria Moritz

CEO
Acting Director
Manager Governance
Governance Officer

COMMENCEMENT

The meeting commenced at 7.00pm.

KAURNA ACKNOWLEDGEMENT

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

DISCLOSURE

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

MEMBERS DECLARATION OF INTEREST

The Chair asked if any Member wished to disclose an interest in relation to any item being considered at the meeting and the following declaration was made:

- Councillor Prior declared a conflict of interest in the item *Former Hallett Cove Library & Youth Services Building Report Reference GC241115F01*.

CONFIRMATION OF MINUTES

Special General Council meeting held on 9 November 2015

Moved Councillor Crossland, Seconded Councillor Pfeiffer that the minutes of the Special General Council meeting held on 9 November 2015 be taken as read and confirmed.

Carried Unanimously

General Council meeting held on 10 November 2015

Moved Councillor Prior , Seconded Councillor Crossland that the minutes of the General Council meeting held on 10 November 2015 be taken as read and confirmed.

Carried Unanimously

COMMUNICATION - HIS WORSHIP THE MAYOR

Report on Mayoral Activities for October and November 2015

Date	Event	Comment
23 October 15	ERBA – Hallett Cove Business Breakfast	Attended
25 October 15	Hallett Cove Baptist Church Community Breakfast	Attended
25 October 15	The Cove Family Fair Day	Attended and Opened the Event
25 October 15	Marion Football Club AGM	Attended
25 October 15	Meeting with Darryl Gray, Club Marion	Attended
26 October 15	Meeting with Employers Mutual SA	Attended
26 October 15	Victim Support Service AGM	Attended
26 October 15	Oaklands Estate Residents' Association AGM	Attended
26 October 15	Hallett Cove School Year 12 Graduation Evening	Attended
27 October 15	Meeting with Andrew Southcott re CCTV Cameras	Attended

3 November 15	Meeting with Richard McLachlan, Renewal SA and CEO, Adrian Skull	Attended
4 November 15	Ceremonial Council Meeting in recognition of the Inaugural Meeting of Adelaide City Council	Attended
4 November 15	Seaview High School Annual Art Exhibition	Attended
5 November 15	Discussions re Basketball / Indoor Stadium with Basketball SA	Attended
5 November 15	Sister City relationship with Kokubunji in Japan Meeting	Attended
6 November 15	Hope Church Meeting	Attended
6 November 15	Minister for Roads, Paul Fletcher, and Minister for Transport, Stephen Mulligan re Darlington Project	Attended
6 November 15	Farewell for Kathy Jarrett	Attended
8 November 15	Hallett Cove School Fair	Attended
8 November 15	Hindu Society of SA – Celebration of Dewali Funtation	Attended
9 November 15	Meeting with Ms Nat Cook MP	Attended
11 November 15	2015 EPA Board Forum	Attended
11 November 15	The Cove Football Club AGM	Attended
14 November 15	Warradale Meals on Wheels 25 th Anniversary and Awards Presentation Dinner	Attended
15 November 15	Park Holme / Plympton Park Arts Group	Attended and officially opened exhibition
17 November 15	National Seniors Aust - Brighton Branch meeting	Attended
17 November 15	Meeting with Mayor s Rosenberg, Spear and Patterson	Attended
18 November 15	Glandore Laneways Community 'drop in' session	Attended
18 November 15	2015 Seaview High School Year 12 Graduation and Presentation of Awards Ceremony	Attended
In addition the Mayor has met with residents and also with the CEO and Council staff regarding various issues.		

Moved Councillor Telfer, Seconded Councillor Pfeiffer that the report by the Mayor be received.

Carried Unanimously

COMMUNICATION – DEPUTY MAYOR

Date	Event	Comment
29 September 15	Meeting with Hope Church Committee	Attended
1 November 15	Marion Life Church 30 th Anniversary	Attended
3 November 15	SAJC Melbourne Cup Function	Attended
3 November 15	Warriparinga Ward Tour	Attended
5 November 15	Streetscaping Working Part Meeting	Attended
10 November 15	People & Culture Committee Meeting	Attended
11 November 15	Australian of the Year Awards	Attended
22 November 15	Marion Inclusive Place Space Opening	Attended
23 November 15	Mayors Multicultural Forum	Attended

Moved Councillor Telfer, Seconded Councillor Pfeiffer that the Deputy Mayoral Report be received.

Carried Unanimously

COMMUNICATION – ELECTED MEMBERS

Date	Event	Comment
4 November 15	Warriparinga Ward Briefing	Attended
22 November 15	Marion Outdoor Pool Family Open Day	Attended
23 November 15	Cosgrove Hall Management Meeting	Attended
23 November 15	Mayor’s Multicultural Forum	Attended

Moved Councillor Telfer, Seconded Councillor Pfeiffer that the Elected Member Communication Reports be received.

Carried Unanimously

COMMUNICATION – CEO AND EXECUTIVE REPORTS

Report on CEO and Executive Activities for October and November 2015

Date	Activity	Attended by	Comments
23 September	Meeting with Auditor General Officers	Adrian Skull	
24 September	Meeting with LGA Leadership Team	Adrian Skull	

25 September	Meeting with Richard McLachlan, Renewal SA (Project Director Tonsley)	Adrian Skull	
06 October	Introduction to Laurie Kozlovic , General Manager Veolia and Joe Borrelli, Chief Executive IWS Group	Adrian Skull	
10 October	Attended opening of Oaklands Skate Park	Adrian Skull	
12 October	Meeting with DPTI and City of Mitcham regarding the Darlington DPA	Adrian Skull	
12 October	Meeting with Rick Cairney, Business SA	Adrian Skull	
14 October	Meeting between City of Marion and City of Mitcham – Tonsley Precinct and Darlington Update	Adrian Skull	
15 October	Meeting with Graham Brown, CEO Junction Australia	Adrian Skull	
17 October	Citizenship Ceremony	Adrian Skull	
26 October	Council Solutions Meeting	Vincent Mifsud	
Adrian Skull, CEO on leave from 20 – 28 October 2015			
27 October	Attended joint Council meeting discussion with the City of Mitcham	Kathy Jarrett	
27 October	Attended meeting with Mayor Hanna and Andrew Southcott MP	Abby Dickson	
29 October	Participated in a Darlington Workshop	Adrian Skull	
02 November	Southern Region Waste Resource Authority (SRWRA) Board Meeting	Vincent Mifsud	
02 November	Attended meeting with Cove Sports	Abby Dickson	
03 November	Meeting with Richard McLachlan, Renewal SA and Mayor Hanna	Adrian Skull	
03 November	Meeting with AWU	Kathy Jarrett	
03 November	Attended meeting with ASU re service reviews	Abby Dickson	

04 November	Attended Local Government CEO Dinner	Adrian Skull	
05 November	Attended Renewal SA presentation - Renewing our Streets & Suburbs (ROSAS)	Adrian Skull	
05 November	Attended meeting with Basketball SA regarding Basketball / Indoor Stadium	Adrian Skull	
05 November	Opened the Community Centres SA Conference	Abby Dickson	
05 November	Attended the Official Opening of the Drew Court Community Room – Social Housing	Abby Dickson	
06 November	Attended DPTI meeting regarding the Darlington Upgrade - Project Update	Adrian Skull	
06 November	Attended Darlington discussions with Ministers Fletcher and Mullighan / Cities of Mitcham and Marion and Flinders University	Adrian Skull	
11 November	Attended Metropolitan Local Government Group (MLGG) meeting	Adrian Skull	
13 November	Lorenzin Site - Meeting with Proponents about progressing the Development Plan Amendment (DPA)	Adrian Skull	
13 November	Attended the Hallett Cove BioBlitz event	Adrian Skull	
16 November	Meeting with KPMG Internal Audit	Adrian Skull Vincent Mifsud	
16 November	Attended Council Solutions Board Planning Day	Adrian Skull Vincent Mifsud	
Abby Dickson, Acting General Manager City Development on leave 16 – 20 November			
19 November	Attended Trott Park Neighbourhood Centre International Men's Day Lunch	Adrian Skull	

Moved Councillor Telfer, Seconded Councillor Pfeiffer that the report by the CEO and Executive be received.

Carried Unanimously

YOUTH ADVISORY COMMITTEE (YAC) UPDATE

Nil

DEPUTATIONS

7.05pm **Deputation: Mr Des Huston – Marion Leisure & Fitness Centre Review of Decision**
Ref No: GC241115D01

Mr Huston gave a five minute deputation to Council in relation to the Marion Leisure & Fitness Centre, Review of Decision.

PETITIONS

Nil

COMMITTEE RECOMMENDATIONS

Nil

WORKSHOP / PRESENTATION ITEMS

Nil

ADJOURNED ITEMS

7.16pm Councillor Veliskou left the meeting.

7.16pm **Former Hallett Cove Library and Youth Services Building**
Reference No: GC241115F01

Moved Councillor Crossland, Seconded Councillor Telfer that this item be further adjourned and dealt with as the first item under Confidential Items.

Carried Unanimously

CORPORATE REPORTS FOR DECISION

7.17pm Cr Velsikou re-entered the meeting.

7.18pm **Section 270 Review, Closure of Wet Areas at Marion Leisure and Fitness**
Report Reference: GC241115R01

7.34pm Councillor Crossland left the meeting

7.36pm Councillor Crossland re-entered the meeting

Moved Councillor Appleby, Seconded Councillor Westwood that the item be adjourned until 8 December 2015 General Council Meeting to seek further advice on waiver agreements.

Carried Unanimously

7.38pm **Advertising on Bus Shelters**
Reference No: GC241115R02

Moved Councillor Veliskou, Seconded Councillor Westwood that:

1. Council note the report.
2. Advertising companies be advised of Council's intention to consider the inclusion of a restriction on junk food advertising on bus shelters within immediate proximity (200m) of schools and kindergartens, as part of the next re-negotiation of their existing contracts.
3. Council look at the opportunity to provide positive lifestyle choices advertising within bus shelters, such as walking and cycling initiatives and benefits.
4. Council thank the current bus shelter advertising companies for their response., In the continued spirit of cooperation, council write to the advertisers to ask them if they feel they could change the placement of advertisements to balance their contractual obligation with the desire of Council to minimise junk food advertising amongst schools.

Amendment

Moved Councillor Hull seconded Councillor Pfeiffer that:

1. Council note the report.
2. Advertising companies be advised of Council's intention to consider the inclusion of a restriction on junk food (as defined in the Collins Dictionary as: *food that is low in nutritional value, often highly processed or ready-prepared, and eaten instead of or in addition to well-balanced meals*) advertising on bus shelters within immediate proximity (200m) of schools and kindergartens, as part of the next re-negotiation of their existing contracts.
3. Council look at the opportunity to provide positive lifestyle choices advertising within bus shelters, such as walking and cycling initiatives and benefits.
4. Council thank the current bus shelter advertising companies for their response., In the continued spirit of cooperation, council write to the advertisers to ask them if they feel they

could change the placement of advertisements to balance their contractual obligation with the desire of Council to minimise junk food advertising amongst schools.

That the amendment become the motion was **Carried**
The motion was **Carried**

Councillor Appleby called for a division:

Those for: Councillors Pfeiffer, Telfer, Hutchinson, Hull, Westwood, and Veliskou

Those Against: Councillors Kerry, Prior, Appleby and Crossland

Carried

7.51pm **Marion Cultural Centre Plaza – Amenity Improvements**
Report Reference: GC241115R03

Moved Councillor Hull, Seconded Councillor Prior that Council:

1. Refers the allocation of up to \$40,000 for improving the amenity of the Marion Cultural Centre Plaza to the 2016/17 Annual Business Plan and Budget Process, for further consideration and prioritisation.
2. Requests that a report be brought back to Council in April 2016 outlining the final design and whole of life costs to deliver the capital works required to improve the amenity of the Marion Cultural Centre Plaza.

Carried Unanimously

ORDER OF AGENDA ITEMS

The Mayor sought leave of the meeting and the meeting agreed to bring forward the item *Edwardstown Rotary Club Donation to the Jervois Street Reserve – Report Reference: GC241115M01*.

Motions with Notice

8.05pm **Edwardstown Rotary Club donation to the Jervois Street Reserve**
Ref No: GC241115M01

Moved Councillor Pfeiffer, Seconded Councillor Kerry that the Council:

1. Acknowledge and formally thank the Edwardstown Rotary Club for their generous donation to Council of \$50,000 towards the development of the Jervois Street Reserve.
2. Use the donation for a specific element of the Jervois Street Reserve design and appropriately acknowledge the Edwardstown Rotary Club in a permanent manner on site (through a plaque or similar).

Carried Unanimously

8.14pm **South Park Holme Tennis Club Outstanding Debt**
Report Reference: GC241115R04

Moved Councillor Veliskou, Seconded Councillor Crossland that Council:

1. Authorises the Chief Executive Officer to write off the amount of \$15,894.74 comprising amounts owed by the Park Holme Tennis Club for Building Insurance, Emergency Service Levy and repairs to lighting towers.
2. Notes the interim arrangements that have been put in place for the Morphettville Tennis Club to have access to the courts until 30 June 2016.

8.15pm Councillor Prior left the meeting

8.16pm Councillor Prior re-entered the meeting

Carried

**8.27pm Community Energy Opportunities
Report Reference: GC241115R05**

Moved Councillor Prior, Seconded Councillor Veliskou that Council:

1. Allocate resources of up to \$4,000 from within existing budgets to further investigate the feasibility (cost, risk, benefit, etc.) of:
 - A solar farm at a site to be determined;
 - Installation of solar PV on Council buildings.

Carried

**8.39pm Appointment of Public Officer to the DAP
Report Reference: GC241115R06**

Moved Councillor Westwood, Seconded Councillor Prior that:

1. Council appoints Ms Abby Dickson to the position of Public Officer pursuant to Section 56(22) of the Development Act, 1993.

Carried Unanimously

CORPORATE REPORTS FOR INFORMATION / NOTING

**8.41pm Finance Report – October 2015
Report Reference: GC241115R07**

8.41pm Councillor Appleby left the meeting

8.43pm Councillor Appleby re-entered the meeting

Moved Councillor Telfer, Seconded Councillor Veliskou that Council:

1. Receive the report "Finance Report – October 2015".

Carried Unanimously

MATTERS RAISED BY MEMBERS

Questions with Notice

Residential Bins Ref No: GC241115Q01

QUESTION:

What is the process for residents wishing to replace a damaged residential bin within the City of Marion?

What are the criteria under which a residential bin is considered damaged enough to replace?

How many bin replacements have taken place over the last 2 years and are there any trends that direct future replacement schedules?

What has the City of Marion been doing to date to maintain the condition of the residential bin stock?

What else could be done to increase resident knowledge of the processes and the circumstances under which residential bins are replaced?

COMMENTS: Colin Heath, Manager Contracts

The City of Marion's ("COM") kerbside waste collection contractor Solo Resource Recovery ("Solo") is responsible for the supply and repair/replacement of all damaged residential bins, at their cost, within 2 working days of a request by residents.

Residents are asked to contact Solo on (08) 8295 5077 or email adelaideops@solo.com.au to request the repair of damaged bins. Solo will assess the damage, and replace the bin where the damage is deemed to make the bin 'unserviceable'.

Factors considered in this assessment include whether the damage:

- represents a physical risk to residents/public
- enables vermin to access waste
- increases the risk of spilling material/liquids (location of splits impacts this for example)

Bins with major graffiti are also generally replaced (minor is not).

COM has in the order of 110,000-120,000 bins which were collected 3.2 million times during the 2014/15 financial year.

Solo has replaced

- 2,818 bins in 2013/14 and 2,259 in 2014/15
- an average of approx. 2,000 per annum over the past 5 financial years, or 1.7% of the estimated number of total bins.

Current strategies adopted to maintain the condition of the residential bin stock include:

- promoting bin replacement processes via:
 - the annual distribution of Bin Collection Calendar and Waste Recycling Guide's to all households
 - COM website

- COM's customer call centre scripts
 - Waste Administration Officer and other staff being observant while moving through our council boundaries and identifying damaged bins and proactively requesting replacement bins on behalf of residents (including while undertaking regular bin audits)
 - Partnering with Solo management to emphasize the importance of their driver's ability to proactively identify and replace damaged bins
 - ad-hoc Elected Member promotion/focus to residents eg. articles in City Limits

Additional strategies that could potentially be considered include:

- using photographs on COM's website to better demonstrate circumstances under which residential bins are replaced
- promotional stories within City Limits and COM's social media channels

Questions without Notice

Nil

Motions without Notice

Nil

CONFIDENTIAL ITEMS

Councillor Prior declared a conflict of interest in the item *Former Hallett Cove Library and Youth Services Building Report Reference GC241115F01* due to a personal relationship.

8.44pm Councillor Prior left the meeting.

8.44pm Former Hallett Cove Library and Youth Services Building Reference No: GC241115F01

Moved Councillor Veliskou, Seconded Councillor Westwood that:

1. Pursuant to Section 90(2) and (3)(b) and (d) of the *Local Government Act 1999*, the Council orders that all persons present, with the exception of the following persons: Adrian Skull, Abby Dickson, Kate McKenzie, Victoria Moritz, John Valentine and Craig Clarke be excluded from the meeting as the Council receives and considers information relating to the disposal of the former Hallett Cove Library (and Youth Services) building, and the appointment of commercial agent, upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to a matter that could confer a commercial advantage to a third party and is of a commercial nature.

Carried Unanimously

8.44pm the meeting went into confidence

Moved Councillor Crossland, Seconded Councillor Westwood that:

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

Moved Councillor Crossland, Seconded Councillor Hutchinson that formal meeting procedures be suspended to allow further informal discussions on the item *Former Hallett Cove Library & Youth Services Building*.

Carried

8.51pm formal meeting procedures suspended.

Moved Councillor Crossland, Seconded Councillor Appleby that formal meeting procedures resume.

Carried Unanimously

9.07pm formal meeting procedures resumed.

The Motion was Carried Unanimously

9.13pm the meeting came out of confidence.

9.14pm **Marion Leisure & Fitness Centre: Future Options Review**
Report Reference: GC241115F02

Moved Councillor Veliskou, Seconded Councillor Kerry that:

1. pursuant to Section 90 (3)(b) of the *Local Government Act 1999*, the Council orders that all persons present, with the exception of the following persons: Adrian Skull, Chief Executive Officer; Acting General Manager; Abby Dickson, Kate McKenzie, Manager Governance; David Barrett, Unit Manager Cultural Facilities; Victoria Moritz, Governance Officer; Craig Clarke, Unit Manager Communications, be excluded from the meeting as the Council receives and considers information relating to Marion Leisure & Fitness Centre upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to commercial operations of a confidential nature the disclosure of which could reasonably be expected to prejudice the commercial position of Council

Carried Unanimously

9.14 pm the meeting went into confidence.

9.14 Councillor Prior re-entered the meeting.

Moved Councillor Veliskou, Seconded Councillor Prior that formal meeting procedures be suspended to allow for informal discussion on the item *Marion Leisure & Fitness Centre: Future Operations Review*.

Carried

9.30pm formal meeting procedures suspended

9.43pm formal meeting procedures resumed

Moved Councillor Hutchinson, Seconded Councillor that Council:

1. Receives the Marion Leisure Futures Directions report which is attached as appendix 1 to this report
2. Authorises the CEO to urgently request Proposals for tenancy or purchase of all or any combination of the 4 main components of the Marion Leisure and Fitness site at Oaklands Road Morphettville ie the current fitness centre and related areas, the stadium areas (3 courts), the areas currently used by Gymnastics SA, and the building used by Koorana Gymnastics Club. The Request for Proposal must disclose in detail the current extent of use of each component of the site (without directly disclosing the financial affairs of any party). Such Proposals are to be received by [29th February 2016](#) and must address:
 - a) Financial benefit to the City of Marion
 - b) Activities proposed on site, particularly in terms of meeting demonstrated community needs
 - c) Willingness to contribute capital funds to improve the site
 - d) Willingness to contribute to ongoing maintenance of the site
 - e) Financial soundness of the interested party
3. Offer to extend the current arrangement with YMCA to 31st May 2016 if the YMCA undertakes to provide refunds to customers with membership contracts beyond 31st May 2016
4. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that this report, Marion Leisure & Fitness Centre: Future Options Review and appendix to this report having been considered in confidence under Section 90 (3)(b) of the Act shall, except when required to effect or comply with Council's resolution(s) regarding this matter, be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2015.

Amendment

Moved Councillor Appleby, Seconded Councillor Veliskou that Council:

1. Receives the Marion Leisure Futures Directions report which is attached as appendix 1 to this report
2. Authorises the CEO to urgently request Proposals for tenancy of all or any combination of the 4 main components of the Marion Leisure and Fitness site at Oaklands Road Morphettville ie the current fitness centre and related areas, the stadium areas (3 courts), the areas currently used by Gymnastics SA, and the building used by Koorana Gymnastics Club. The Request for Proposal must disclose in detail the current extent of use of each component of the site (without directly disclosing the financial affairs of any party). Such Proposals are to be received by [29th February 2016](#) and must address:

- a) Financial benefit to the City of Marion
 - b) Activities proposed on site, particularly in terms of meeting demonstrated community needs
 - c) Willingness to contribute capital funds to improve the site
 - d) Willingness to contribute to ongoing maintenance of the site
 - e) Financial soundness of the interested party
3. Council offer to extend the current arrangement with YMCA to 31st May 2016 if the YMCA undertakes to provide refunds to customers with membership contracts beyond 31st May 2016
 4. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that this report, Marion Leisure & Fitness Centre: Future Options Review and appendix to this report having been considered in confidence under Section 90 (3)(b) of the Act shall, except when required to effect or comply with Council's resolution(s) regarding this matter, be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2015.

That the amendment become the motion was **Carried**
The Motion was **Carried**

The Mayor sought and was granted leave of the meeting to note the refusal of a Deputation requested by Gym SA on the basis it was premature for an interested party to address Council while entering into a process where new arrangements for the Marion Leisure & Fitness site are being considered.

The Mayor noted that Gym SA responded to the refusal by emailing information to Elected Members prior to the meeting.

9.57pm Councillor Crossland left the meeting
9.59pm Councillor Crossland re-entered the meeting

Elected Member Communications

Verbal updates were provided by Councillors Veliskou and Hull.

CLOSURE - Meeting Declared Closed at 10.00pm.

CONFIRMED THIS 8 December 2015

.....
CHAIRPERSON

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Victoria Moritz, Governance Officer
Manager: Kate McKenzie, Manager Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Deputation: Ms Sandra Fisher – Peppertree Grove Reserve
Ref No: GC081215D01

SPEAKERS:

Ms Sandra Fisher

ORGANISATION/GROUP REPRESENTED BY SPEAKERS:

Residents / Ratepayers of the City of Marion

COMMENTS:

Ms Fisher has requested to give a deputation to Council in relation to Peppertree Grove Reserve

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**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

ADJOURNED ITEM

Originating Officer: Kate McKenzie, Manager Corporate Governance
General Manager: Abby Dickson, City Development (Acting)
Subject: Section 270 Review, Closure of Wet Areas at Marion Leisure and Fitness
Report Reference: GC081215R01

ADJOURNED ITEM:

This item was adjourned at the 24 November 2015 General Council meeting to seek further advice on waiver agreements.

Attachment 1 contains the report as presented on 10 November 2015 (including appendices 1 and 2).

Advice has been obtained from the LGA Mutual Liability Scheme who sought further advice from their legal advisors which states:

“Waivers or notices disclaiming any responsibility for any loss may offer some (limited) contractual protection for the operator of the facility but they will not protect patrons from injury or the facility from consequential damage to the owner’s business (including Council business) or its reputation in the wider community. Such measures can provide some financial indemnity but does not protect the Council from the common post incident investigation and review by authorities including SAPOL or (in a worst case scenario) the Coroner’s office.”

A full copy of this advice is included at **Attachment 2**.

In addition to the above, advice has been received from the Ombudsman’s which is included as **Attachment 3**.

Advice is also being sought from the YMCA SA in regards to the potential use of CCTV cameras to mitigate the risk. This will be circulated once received.

In accordance with the *Local Government (Procedures at Meetings) Regulations*, the debate on an adjourned item will resume and continue at the point it was adjourned. The motion has not yet been Moved or Seconded. Questions have been asked by Mayor Hanna, Councillors Appleby, Hull, Crossland and Veliskou.

The current recommendation is as follows:

That Council adopts:

- Option 1 – Confirm that the wet area is to remain closed.
- Option 2 – That Council accept the risk and operate the wet area without a lifeguard present.
- Option 3 – Seek a further report outlining the options to re-open the wet area with a life guard including financial analysis and budget implications.
- Option 4 – Seek a further report outlining the option to re-open the wet area with a life guard and seek additional contributions from those who use the wet area to cover the costs.

**CITY OF MARION
GENERAL COUNCIL MEETING
24 November 2015**

Originating Officer: Kate McKenzie, Corporate Governance

General Manager: Abby Dickson, City Development (Acting)

Subject: Section 270 Review, Closure of Wet Areas at Marion Leisure and Fitness

Report Reference: GC241115R01

REPORT OBJECTIVES:

To seek Councils direction regarding the review of the decision to close the wet areas of Marion Leisure and Fitness Centre.

EXECUTIVE SUMMARY:

Section 270(1a)(b) of the *Local Government Act 1999* requires that Council must develop and maintain policies, practices and procedures for dealing with complaints about the actions of the council, employees of the council, or other persons acting on behalf of the council. To comply with this section Council has adopted the Complaints and Grievance Policy which is available on the City of Marion website (www.marion.sa.gov.au).

A complaint has been received regarding the decision to close the wet areas of Marion Leisure and Fitness. This matter has been reviewed via the provisions of section 270 of the Local Government Act 1999.

This report provides an overview of the complaint to date, a copy of the final section 270 review and options for Council to consider regarding how to progress.

RECOMMENDATIONS (1)

DUE DATES

That Council adopts:

- **Option 1 – Confirm that the wet area is to remain closed.**
- **Option 2 – That Council accept the risk and operate the wet area without a lifeguard present.**
- **Option 3 – Seek a further report outlining the options to re-open the wet area with a life guard including financial analysis and budget implications.**
- **Option 4 – Seek a further report outlining the option to re-open the wet area with a life guard and seek additional contributions from those who use the wet area to cover the costs.**

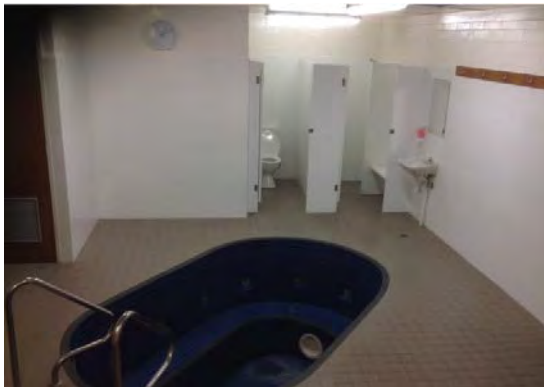
**November
2015**

BACKGROUND:

In May 2015, the YMCA wrote to Council indicating that the spa, plunge pool and sauna did not comply with the Royal Life Saving Society Guidelines that require a qualified lifeguard to be in the wet area at all times and the YMCA sought Council's advice on how to progress.

After consultation with council's insurer (LGA Mutual Liability Scheme), it was confirmed that the area was a unique set up for a council facility and the Royal Life Saving Society guidelines was best practice risk management. The Scheme concurred that a life guard was warranted. The LGA Mutual Liability Scheme provided options for consideration to keep the wet areas open.

The options to operate the wet areas were then based on the requirement to have life guard present. The YMCA provided Council with options for full or limited use of lifeguards at a cost ranging from \$34k to \$88k per annum. It was determined to close the wet areas of Marion Leisure and Fitness.

Photo 1 – Spa**Photo 2 – Plunge pool**

Correspondence was received by the Mayor on the 29th May 2015 (**Attachment 1**) and also the 30 June 2015 (**Attachment 1a**) regarding the decision to close the wet areas at Marion Leisure and Fitness centre. The complainant expressed concern over the decision and that the information Council has received from the YMCA and Council's Insurer (LGA Mutual Liability Scheme) was flawed as the application of the Royal Life Saving Guideline had been applied incorrectly.

The complainant was notified via correspondence dated 14 July 2015, that this matter would be reviewed under the provisions of section 270 of the Local Government Act 1999.

In accordance with the procedure, an internal review panel was established to review the decision to close the wet areas of Marion Leisure and Fitness. The review took approximately one month and a preliminary report was produced by the Panel and provided to the complainant to ensure procedural fairness. Comments were received by the complainant and taken into consideration before finalising the report. A final report was produced and sent to the complainant on 22 October 2015 (**Attachment 2**).

The complainant is not satisfied with the outcomes of the review and has requested, through the Mayor, that the matter be brought to Council for further consideration. The matters raised by the complainant include:

- The Royal Life Saving Guidelines have no legitimacy at present and they guidelines must be ignored in respect of the spa/sauna facility
- The guidelines are used to self-regulate the aquatic centre industry and the wet area of Marion Leisure and Fitness is not an aquatic centre.

- The advice from Minter Ellison Lawyers compromises the independence of the review panel.
- The description of the location in the report is incorrect.
- The risk assessment is flawed.

The complainant has requested (and been granted) a deputation for the 24th November Council Meeting.

The matter has also been referred to the Ombudsman, who has informally notified Council and is undertaken some preliminary enquiries.

ANALYSIS:

It is acknowledged that the floor plan provided in Appendix 2 of Attachment 2 is an old floor plan of the centre. The wet areas are located behind the reception area and access is through a door behind the reception area. It is noted that staff would still require some time to access the wet area in the case of an emergency and an immediate response would not be achievable.

The report in Attachment 2 outlines the position of the review panel which is based on the advice from the YMCA, LGA Mutual Liability Scheme and Minter Ellison. The report confirms that the decision to close the wet areas of Marion Leisure and Fitness was reasonable based on:

- The decision followed a process based on risk and compliance.
- The determination that the Royal Life Saving Society of SA Guidelines were applied appropriately in the lack of legislation or regulations.
- The advice that the Guidelines would likely be accepted by a court.
- Other options were canvassed but not deemed suitable.

It is important for Council to note the following indemnity provision is included within the agreement between the YMCA and the Council. This indemnity states that the Council will be indemnified for any liability caused or contributed to by the YMCA.

“The YMCA SA (with respect to the management and operation of the MLFS hereby indemnified and keeps the Council indemnified against all claims, demands, expenses, loss or damage to any property, or death of or personal injury to a person, caused or contributed to (but only to the extent contributed to) by the YMCA SA, a breach by the YMCA SA of any of the terms of the LOI, a wilful, unlawful or negligent act or omission of the YMCA SA and any claim, action or proceeding by a third party against the Council caused or contributed to by the YMCA SA”.

If Council determines to re-open the wet areas without of life guard present, it should be noted that it is unlikely the above indemnity will apply. Council will also be required to notify to the LGA Mutual Liability Scheme as they have indicated to operate the spa with no public safety supervision is not an acceptable option.

If a drowning or serious injury was to occur and liability was established against the Council, a compensation claim could be large.

The options for Council to consider are outlined below:

Option 1 – Confirm that the wet area is to remain closed.

Option 2 – The Council accept the risk and operate the wet area without a lifeguard present.

Option 3 – Open the wet area with a life guard and provide the appropriate budget to do so.

Option 4 – Open the wet area with a life guard and seek additional contributions from those who use the wet area to cover the costs.

If Council resolves either option 3 or 4, a further report with operational requirements and budget implications would need to be considered by Council.

CONCLUSION:

This matter has been thoroughly investigated and a decision of Council regarding how to progress will conclude the matter.



Kris Hanna

Mayor of Marion

CC Kathy Jarrett

Reference: Marion Leisure & Fitness Centre: Change of Management.

Since the YMCA took over the role of Caretaker managers, there have been constant problems with spa being closed too often by "James Lomax" with latest closure having lasted now three weeks and there is no information on when it will re-open.

If the so called YMCA experts had left the control system alone, it probably would be still working, as before they arrived we had no problems, with the water tested daily and the council checking it regularly, the spa was working perfectly.

When the spa had not been working previously, CASA simply put a sign across the safety rails at the entrance, and members were able to continue to use the sauna, but James closes off both facilities.

Not long after YMCA took over and without any consultation, James changed the spa opening hours (including the sauna) from the normal 6.00am each day to 8.00am weekdays and on weekends restricted to 8.00am to 11.30am. This has angered many members particularly those who attend early morning classes at 6.00am and then had a spa/sauna before proceeding to work.

On weekends I have been usually having a spa on Sat/Sun afternoons which has now been stopped. Many others have also been inconvenienced.

We have been used to the professionalism of CASA with their transparency and connection with members. James and his cohorts are amateurs by contrast. In the gym there used to be a vibrant atmosphere, now it's morbid with much less numbers at any time. I understand over 100 members have left and if this saga with the spa (and sauna) is not resolved quickly, there may be many more.

It's unfortunate that James is not prepared to be honest with members, the attached memo he issued is garbage and just rhetoric with no substance. I sent him a response (copy attached), suggesting the action he should take.

////2

SCANNED

....2....

I am aware a number of members have verbally complained to the Council, we are all hoping this issue will not escalate into the same as fixing the spa leak that the council took 3 ½ months to complete last year.

It is suggested that the Council now become involved in this issue to resolve quickly.

Members would like to know that, as YMCA has a contract for a caretaker period, what is the extent of their involvement and role during this period because their behaviour and changes being made, suggest a long term period.

I have a number of other concerns, but these will be the subject of a separate submission.

Regards,



Des Huston

28 May 2015

SCANNED

James,

Re Memo Spa Operations dated 22 May 2015.

Instead of the garbage you put in the memo, why not be transparent and tell the truth which is what the members want to know.

You have dispute with the council over who is responsible to pay for repairs to the spa control system which is delaying completion of repair work.

If you have the same lease agreement as CASA, responsibility rests with the lessee to pay for all repairs. The precedent is that CASA previously paid for all repairs and upgrades to the system.

Replacement of a burnt out pump motor was normally completed within 3 working days.

While the spa was out of operation, a notice was attached to the safety rails on the pool and the sauna room was continued to be used by members.

There appears to be no logical reason why the sauna cannot be continued to be used while the spa is being fixed.

In place of those hollow statements, and if you want to match the excellent customer service provided by CASA, you will arrange for the repairs to be carried out urgently and then argue the merits of payment responsibility afterwards.

The spa has not been available now for nearly 3 weeks, you initially estimated it would be closed for one week. Why are repairs taking so long, it suggests incompetence on your part?

I am aware complaints have been lodged with the council and I will be sending an email shortly to convey my displeasure.

The system was operating perfectly before you arrived; it was checked daily by staff and regularly by the council, with member's satisfaction for tempt and water condition. It all changed when you interfered with it. If you had left it alone to operate in the same manner, it may be working today and those repairs unnecessary.

I am still checking standards and guidelines for spas and the mandatory requirements by law, plus the legal implications

SCANNED



22nd May 2015

Re: Spa Operations

Dear Member,

As you are aware, the spa and sauna facilities are currently unavailable. The closure is due to maintenance requirements and the need to review safety operational requirements. We appreciate the inconvenience caused to customers. This matter is being reviewed as a matter of priority and we will be able to provide customers with an update as soon as these matters are resolved.

The safety of our customers is of the highest priority and we appreciate your understanding as we work through this matter through. We will contact you once the matter is fully resolved.

These changes do not affect any other services currently offered at the Centre.

Yours Sincerely

J Lomax

James Lomax
Centre /Area Manager

YMCA South Australia
Marion Leisure & Fitness Centre
Corner Oaklands Road
& Rosedale Avenue
Morphettville, SA 5043
08 8294 6488
james.lomax@ymca.org.au



The Mayor,
City of Marion
242 Sturt Road,
STURT SA 5047

RECEIVED
CITY OF MARION
INFORMATION MANAGEMENT
30 JUN 2015 Original Fwd:
File No: 16-67-2-1
2 5 6 7 8 10 P

Received by
CITY OF MARION
DATED 30-6-15
8:40 AM

Attention: Kathy Jarrett

Reference : Marion Leisure & Fitness Centre.

With reference to your letter dated 17 June 2015, I have concerns in respect of the content of your letter, the following comments and observations are provided:

- 1 In the first weeks of YMCA taking over there was chaos with no checks if persons using the gymnasium were members, no clear direction on how the transition was being implemented, and confusion at why there was a need to sign new agreement forms with YMCA. The initial reason given was the banks would not accept their direct debit requests. I argued that those members that paid direct, the previous forms could simply be assigned. The reason being the YMCA conditions were very legalistic and staff were not able to provide or advise on the schedules included in the conditions, so how were members expected to sign a document that was not fully understood. When staff insisted the new forms must be signed, it was decided that as YMCA were only caretakers for a short period of approximately 6 months, we signed their form.

I doubt that the closing of the spa/sauna area could be included as "some changes" expected when a caretaker is installed. Similarly the comments in the "City Limits" issue 48 that the changes were an opportunity to improve the centre have not materialised.

- 2 I would suggest that the review of the facilities was flawed in that the YMCA and your Insurers are not experts in the application of the Royal Life Saving guidelines outside of an aquatic facility for which they were intended. Both SU1 & SU11 under item 3 "PURPOSE" stipulate that they provide guidance for users within an aquatic centre and isolated areas within those facilities. The unilateral application of the guidelines to other areas is not defined and therefore are not relevant to the Marion Centre given that it is a different type of facility and the spa/sauna area is within a small confined space that can only be accessed by mature adult members through the issue of individual keys on the surrender of their membership card

The insurers are self interest in that they will agree to any measures that will reduce their risk liability. The LGAMLC as part of the assessment should have been made aware that over the past 20 years there has never been an incident, injury or claim resulting in a nil risk level

SCANNED

...2...

I wonder if any consideration was given to the determination of an acceptable risk level for the area given the past record and any projected future risk level.

I would suggest that the Royal Life Saving Society Australia be contacted to obtain their opinion of the relevance, if any, of their guidelines to the Marion Centre facility. Their SA branch phone number is 08 82104500.

- 3 Prior to the YMCA taking over, the spa was working perfectly, with the automatic chlorine dosing machine maintaining the required level. The water quality was checked once a day with the Council checking it regularly. There were no problems until James Lomax and his so called experts arrived and interfered with the control equipment, adding extra acid and continually recalibrating the dosing machine. In all probability it also resulted in a burnt out pump motor. At the same time he tried to introduce some guidelines for the "Operation of Swimming Pools and Spa Pools in SA" put out by the Department of Human Services in which he claimed the water must be tested before use and every 4 hours, and as a result introduced restricted spa/sauna hours that angered many members.

In the weeks before closure, he continued to indicate that the spa /sauna would be reopened as soon as possible which simply means he lied to the members. In addition he refused to keep the sauna open.

- 4 Not being privy to Lomax's submission, I can only assumed you were ill advised on using a "lifeguard" to supervise the area given that he must be positioned not only to have line of sight for the surface of the pool but also the floor of the pool. In addition, the guidelines call for areas such as change rooms and toilets to be checked and inspected at minimum of 30 to 60 minutes at random intervals.

In practical terms, with the lifeguard seated almost adjacent and overlooking the spa, can you visualize and appreciate the concerns of anyone in the spa as to how stupid it would appear.

It is beyond belief that normal responsible persons could make use of such pedantry for a small spa/sauna area. Given its design, layout and controlled entry, the safety of users must be carefully considered having regard to the type of persons who regularly use the facility.

A survey of members who regularly use the facility has revealed not one person would use the spa if you deployed a "lifeguard" to watch over them. Most were extremely angry given that some have been using the facility for over 20 years, and the majority are in the over 50 year old age group.

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SCANNED

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Comments received on the need for a lifeguard can be summarised as totally wrong, totally stupid, totally ridiculous and totally unwarranted with some individual criticism as follows:

- Too embarrassing to be constantly watched
- Discrimination against older persons
- Too intimidating with lifeguard so close
- Do not like being treated like a child
- Utterly ridiculous, felt safe before
- Why now, never any problems in the past
- Kick out YMCA & bring back CASA
- I don't want any pervert looking at my body.

The area manager seems not to understand. Older members who not only used the facility for the therapeutic benefits, but also to relieve suffering from back aches, arthritis and other pains, now continue to suffer due to the closure of the spa.

Example of members who used the facility,

two members who every day for many years arrived at 6.00am, had an hour sauna, a shower and then went home.

An elderly woman for many years caught 2 buses from Norwood, did a class and used the sauna/spa.

Many members have been using the facility for over 10 years.

5 I believe that there needs to be an investigation into why the Council did not negotiate an extension to CASA's contract This is based on the following

Was a cost benefit analysis undertaken to determine the most cost effective option to cover the caretaker period?

Was the previous Centre Managers performance taken into account and ability to cover a further short extension?

Was the cost to taxpayers a determining factor?

My experience in this area indicates that unless you have non performance issues, it would be the most cost effective option and less disruptive to the operation of the centre, to have extend the existing contract.

Most believe the Council acted irresponsibly in not extending CASA's contract which would have avoided the turmoil, closure of the spa/sauna, and dissatisfaction that continues to exist. Since YMCA took over 250 members have left, possibly another 30-40 members will go after the decision to close the spa/sauna and I am aware of the possibility a further 100 members may be leaving.

SCANNED

...4...

- 6 I am not just disappointed, I am angry that the Council closed a wonderful refurbished facility that benefits many older users. When I joined over 10 years ago, the spa/sauna area was dilapidated, old, unhygienic and in need of attention. Over the next 7 years, it deteriorated so much, I could not understand why OH&S committee had not condemned it or it was not subject to your annual building maintenance inspections. It became so bad, management were embarrassed to show prospective members through it. I had phoned the Council many times to complain about its condition. Then about 3 years ago CASA upgraded both wet areas over an 18 months period and at last we had a great facility including the spa being retiled and the timber walls in the sauna being replaced. We had an excellent facility, but it was closed last August for the Council to fix a leaking pipe to the spa that, due to the Council's incompetence in holding up completion, it was 3 1/2 months before it was reopened. So you may understand member's frustration in it now being closed for what members consider no legitimate reason.

For my part, the entire gymnasium spa's I have used over 55 years did not have supervision nor did it warrant it. And I don't believe it is necessary at the Marion centre; if you use common sense in determining the OH&S requirements, the level of safety can be easily determined. YMCA interest in having the facility closed is purely a cost saving measure without any regard for the member's needs or the benefits to the Centre.

- 7 When you say past practices are not relevant, you are in fact saying those that were in place in February this year, acceptable to the Council, Centre manager and their insurers, are now not acceptable a month later. This I find difficult to accept when you realise nothing has changed.

While I accept that your Council cannot ignore safety advice, it is the quality of the advice that must be analysed to determine relevance and appropriate to its application.

It may be appropriate to ask the spa users their opinion on the safety requirements instead of imposing on them inappropriate measures that in practice does nothing to improve safety measures.

The only additional measure that has been discussed was putting an alarm button such as those installed in hospital toilets/showers, to alert reception staff that help was required. It was rejected as not necessary by users, but may now be worthy of consideration.

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SCANNED

8 Rumours going around the Centre are:

YMCA have been given a lease free period which would complicate 5 above.

Membership fees will rise to \$600 as from 1 July 2015

9 In a recent discussion with James Lomax, he indicated that if instructed by the Council the spa/sauna facility would be reopened which he suggested could be done in a short period of time.

10 In summary, I request on behalf of the facility users and with the support of other gymnasium members that Council takes immediate action to reopen the spa/sauna facility as soon as possible to help the older members and prevent further loss of members.

We believe an acceptable solution can be found to the safety issue if the needs of users are addressed.

I look forward to meeting with you on Wednesday,

Yours Faithfully,



Des Huston

29/06/2015

SCANNED

22 October 2015

Mr Des Hutson

PO Box 21, Oaklands Park
South Australia 5046
245 Sturt Road, Sturt
South Australia 5047
T (08) 8375 6600
F (08) 8375 6699
E council@marion.sa.gov.au

Dear Mr Hutson,

Thank you for your further correspondence of 29 September 2015 in relation to the preliminary report forwarded to you on 16 September 2015. Your comments have been noted and some amendments have been made to the final report attached to this correspondence.

In regards to the specific matters you have raised, the following response is provided:

1. Application of the RLSSA guidelines

As the relevance of these guidelines differs between yourself and Council, a legal opinion has been sought from Minter Ellison Lawyers on this matter. In summary, the advice obtained by Minter Ellison states *"although the Guidelines have no statutory or regulatory 'standing' such that the Council (or the current Centre manager) is bound or otherwise compelled to comply with them, it's our view that the Guidelines would likely be accepted by the Courts as applicable to the Centre. We have not been able to identify any other legislative or regulatory standard, code or guideline that would or could otherwise be applied to the management of the Centre"*. A copy of legal advice is attached to the report.

2. Definitions

The legal advice also addresses the issues of definitions raised within your correspondence.

3. Risk Advice

The risk assessment provided by the YMCA has been reviewed by the Panel and comments are provided within the report. The contributing factors to consider with the risk assessment are the age of members and other medical conditions of the users of the wet area. If a member was to faint, slip or commence cardiac arrest within the spa, the risk of drowning would be high.

4. Alternative options

The City of Marion is a public authority and hence must apply the appropriate duty of care prescribed pursuant to the *Civil Liabilities Act 1936*. Section 31 of this Act states *"For determining whether a person (the defendant) was negligent, the standard of care required of the defendant is that of a reasonable person in the defendant's position who was in possession of all information that the defendant either had, or ought reasonably to have had, at the time of the incident out of which the harm arose."*

With the advice received from the YMCA, Local Government Association Mutual Liability Scheme and Minter Ellison, the City of Marion cannot accept the risk to re-open the wet areas of the Marion Leisure and Fitness Centre without the presence of a trained supervisor.

The City of Marion acknowledges it is part of Kaurna land and recognises the Kaurna people as the traditional and continuing custodians of the land.

Appeal Process

The City of Marion takes all complaints seriously as they provide the Council with an opportunity to review how we administer services and interact with our residents. If you are not satisfied with this review, you are entitled to raise your concerns with the Ombudsman's Office should you wish to pursue the matter further.

The Ombudsman's contact details are:

SA Ombudsman
PO Box 3651
Rundle Mall SA 5000

Phone: 82268699

Email: ombudsman@ombudsman.sa.gov.au

As this now concludes this review, I thank you for raising your concerns with the City of Marion.

Yours Sincerely

A handwritten signature in blue ink, appearing to read 'McKenzie', is written over a light blue rectangular background.

Kate McKenzie
Manager Governance



City of Marion Section 270 Review of Decision Marion Leisure and Fitness Centre Closure of Wet Areas

Date of Report: 20 October 2015

1. BACKGROUND

Marion Leisure and Fitness is a Council owned building and currently managed by the YMCA. This management agreement was formalised within a letter of intent (LOI) dated 13 March 2015 for the YMCA to operate and manage the Centre due to the conclusion of the previous lease and management agreement.

On 11 May 2015, the YMCA wrote to the City of Marion indicating that the spa, plunge pool and sauna did not comply with Royal Life Saving Society Guidelines that required qualified lifeguards to be in the wet area at all times and sought Council's advice.

The City of Marion sought advice from the Local Government Mutual Liability Scheme (LGA MLS), who provide public liability insurance to the City of Marion, regarding the relevance and application of the Royal Life Saving Society Guidelines. The LGA MLS confirmed that the application of the Royal Life Saving Society Guidelines is best practice risk management and concurred that a life guard was warranted.

The LGA MLS did provide Council with options to operate the spa and sauna facility, on the basis that a lifeguard was required to be in attendance. The YMCA provided Council with options for full and limited use of lifeguards at a cost ranging from \$34,000 to \$88,000 a year.

The YMCA in consultation with the City of Marion decided to permanently close the spa, plunge pool and sauna effective from 22 May 2015. Both the YMCA and the City of Marion received a number of complaints from members whom regularly utilized the facilities under the previous management, hence the catalyst for this review.

2. SCOPE OF THE REVIEW

The purpose of a section 270 review is to consider whether the process and merit of a decision is fair, reasonable and lawful and to determine if the process effected the decision unreasonably or unfairly.

The scope of this review includes;

1. The process that led to the decision to close the wet areas.
2. Assessment against industry standards.
3. Identify other options that may have been overlooked in the original decision.

This review applies to the processes undertaken by the City of Marion decision only.

A copy of this report will also be forwarded to the YMCA.

3. METHODOLOGY AND PROCESS

In accordance with Section 270 of the *Local Government Act 1999* (SA) and the City of Marion "*Complaints and Grievance Policy*", a panel comprising of the following members was established to review the decisions of the City of Marion in managing complaints:

- Fiona Harvey Manager Strategy
- Ray Barnwell Manager Finance

- Con Theodoroulakes Development Engineer
- Craig Clarke Unit Manager Communications
- Deborah Horton Unit Manager Executive Support

Members of the panel have not previously had involvement with any decisions in relation to the closure of the wet areas in relation to this section 270 review.

In conducting the review, the panel considered a range of documents, including legislation, guidelines, delegations, authorisations and advice from relevant external bodies.

4. MARION LEISURE AND FITNESS CENTRE

It is estimated by the YMCA that approximately 2% of the 750 members at the center use the wet areas. The wet areas (see photo) at Marion Leisure and Fitness is located at the rear of the property (see floor plan in **Appendix 2**) and is considered to be an isolated area. Access to the wet areas, is through the men's and women's change rooms. If an emergency was to occur and immediate action taken, the time from the reception to the wet areas is approximately 30 seconds.

Plunge Pool



Spa



5. LEGISLATIVE AND SUBORDINATE REGULATIONS

South Australian legislation, regulations and standards all provide information regarding pools, spas and saunas, however the primary focus of the legislation is in regard to public health due to water quality and technical aspects of the manufacture and installation of equipment.

All legislation and regulations identified were consistent in terms of safety notices that are required to be visible during the use / operation of the particular pool.

It should be noted that legislation takes precedence over any regulations or industry guidelines that may be applicable.

A list of identified legislation, regulations and guidelines that could be applied in this matter is included within **Appendix 1**. The table below summarizes the legislation and its relevance:

Legislation/Regulation	Relevance
Swimming Pools (Safety) Act 1972	Legislation Repealed
Development Act 1993	Not Applicable
South Australian Public Health Act 2011 (SA) and South Australian Public Health (General)	Not Applicable
Standard for the Operation of Swimming Pools and Spa Pools in South Australia Code – South Australian Health Commission	Whilst this code applies there are no direct statements regarding safety measures between the use of lifeguards and staff available to assist.
Australian Standards - SA 2610.1-2007 Part 1:Public spas,	Whilst this code applies there are no direct statements regarding safety measures between the use of lifeguards and staff available to assist.
Guidelines - Royal Life Saving Society Australia (RLSSA)	Industry standard (recreational and aquatic industry) in the absence of specific legislation. <u>SU1: Bather Supervision</u> <u>SU11: Supervision of Isolated Areas, 14 November 2005</u>

6. RELEVANCE OF THE ROYAL LIFE SAVING SOCIETY AUSTRALIA GUIDELINES TO THE MARION LEISURE CENTRE

The assessment has determined that Guidelines produced from the Royal Life Saving Society Australia is the most applicable to this matter as they provide specific guidance for bather supervision (SU1) and supervision of isolated areas (SU11). All other legislation and/or regulations did not provide information or guidance regarding safety measures between the use of lifeguards and public safety risk.

These guidelines were provided by the YMCA to Council on the 5 May 2015 and again on the 11 May 2015 as being the industry standard (recreational and aquatic industry) in the absence of specific legislation. It was recommended by the YMCA to Council that these guidelines should be adhered to in managing any risk of a serious incident or drowning occurring at the facility.

Council's public liability insurer (LGA MLS) also provided advice through the decision making which stated:

"The spa and plunge pool which are open to the public meet the criteria for complying with the Royal Life Saving Safety Standards. In the event someone is injured/drowns while using the facilities and the manager (YMCA/Council) have failed to comply with the safety requirements as set out in the guidelines, any public inquiry would focus on this aspect and the manager could be found liable."

Further comment was sought from the LGA MLS during the course of this review which confirmed:

"The option to do nothing and allow the spa to operate with no public safety supervision is not an acceptable option".

This advice was taken into consideration providing significant weight with regard to the closure given the safety of patrons is of high concern to Council.

Advice was also sought directly from the Royal Life Saving SA (RLSSA) who provided the following advice:

"I can confirm that the Royal Life Saving Guidelines for Safe Pool Operation (GSPO) would apply to the Spa pool located at the recreation centre. I refer specifically to the GSPO section SU 1. In particular the following sections which apply to a spa pool.

Definition - This Guideline refers to all bodies of water into which pool users may enter. This includes (but is not limited to) pools used for lap swimming of whatever size, leisure pools, toddlers pools,

learn to swim pools, hydrotherapy pools, spa pools, dive pools (when dive tower/boards are closed), wave pools (when waves are not in action) and running rivers (when not in motion).

Description 5.2 (a) A minimum of one qualified lifeguard should be supervising, facing and watching the people in the water at all times.”

As you may be aware, there are other sections of the GSPO which would apply to the Spa pool if it were remain open which need to be considered if it were to be opened and operated to meet compliance. The Royal Life Saving Society recommends that the spa pool be closed if it not being supervised by a qualified lifeguard.”

In addition to the above, further legal advice has been obtained which is provided in **Appendix 3** to this report. In summary, the advice states:

“Although the Guidelines have no statutory or regulatory 'standing' such that the Council (or the current Centre manager) is bound or otherwise compelled to comply with them, it's our view that the Guidelines would likely be accepted by the Courts as applicable to the Centre.

We have not been able to identify any other legislative or regulatory standard, code or guideline that would or could otherwise be applied to the management of the Centre.

We have not been provided with a copy of the original report to Council regarding the closure of the spa and sauna but it appears that Council has considered the most relevant of issues for the purposes of making its decision. Importantly this includes obtaining the advice of the Mutual Liability Scheme.”

7. RISK ASSESSMENT SERVICES – ROYAL LIFE SAVING SOCIETY SOUTH AUSTRALIA

In 2014, the Royal Life Saving Society Australia produced a National Drowning Report. This report outlines that the risk factors that can increase a persons chance of drowning include age, gender, socio-economic status, presence of underlying medications, skill level and agent factors such as the consumption of alcohol. These factors have been taken into consideration in the risk assessment completed by the YMCA.

In line with the guidelines, the RLSSA has a risk assessment service to assist with the interpretation and implementation of the 'Guidelines for Water Safety' as drafted by the RLSSA. The service includes;

- The identification of risk and safety concerns,
- A compliance assessment,
- Recommendations to improve the safety and compliance.

A risk assessment was completed by the YMCA and provided to Council on 3 September 2015. Key factors such as age and underlying medical conditions have been taken into consideration during the risk assessment. Five risks were identified and assessed as follows:

Risk	Residual Risk Rating
Drowning	Medium Risk
Diving in and causing injury	Medium Risk
Slip, trip or fall	Medium Risk
Heart attack or stroke	Medium Risk
Rough conduct/drug/alcohol use	Low risk

These risks have been reviewed by the Panel in conjunction with the City of Marion's Risk Management Framework and it is considered that the risks have been rated cautiously. For example, the worst case scenario of a drowning would be death and hence categorized as severe. Using the matrix below, if the likelihood was rare or unlikely, the risk of drowning would be rated as high.

Likelihood Ratings	Consequence Ratings				
	Insignificant	Minor	Moderate	Major	Severe
Almost Certain	MEDIUM	HIGH	HIGH	EXTREME	EXTREME
Likely	LOW	MEDIUM	HIGH	HIGH	EXTREME
Possible	LOW	MEDIUM	MEDIUM	HIGH	HIGH
Unlikely	LOW	LOW	MEDIUM	MEDIUM	HIGH
Rare	LOW	LOW	LOW	MEDIUM	HIGH

8. YMCA PROPOSAL FOR MANAGEMENT OF MARION LEISURE AND FITNESS CENTRE AND YMCA INTERNAL POLICY/PROCEDURE REGARDING SAFETY STANDARDS

In the YMCA proposal to the City of Marion (which was received February 2015), various references to safe management practices were included. It concludes with the City of Marion being guaranteed of 'industry best practice systems'.

It is assumed by the panel that the RLSSA guidelines are adopted by the YMCA as 'industry best practice systems' as there is no other industry benchmark or legislation, nor other policy direction provided by the YMCA.

9. RECREATION SOUTH AUSTRALIA – (AQUATIC INDUSTRY ADVISORY WORKGROUP)

At the time of writing this report, this industry representative body is seeking interested persons to convene a working group that will look to create a code that can be utilized by the recreation industry in the absence of legislation.

10. ALTERNATIVE OPTIONS

Advice was sought from the LGA MLS about the use of alternative options such as an emergency button or CCTV to monitor the wet area to manage the risk of injury or drowning. The advice received was if a major incident was to occur, an immediate response would be required. The use of an emergency button would not be effective if the individual was alone and unconscious. CCTV may be an option but would require monitoring at all times and therefore would need a dedicated resource to monitor and respond to the system.

11. FACTS AND TIMELINE

- The YMCA has the authority to make operational decisions regarding the fixtures and fittings for the safety of staff and patrons of the Marion Leisure and Fitness Centre.
- The Public Liability Insurance for the Marion Leisure and Fitness Centre is provided by the LGA MLS.
- The YMCA advised the City of Marion of various options available to keep various wet areas of the plunge pool, spa and sauna operating however all options required a trained supervisor and therefore recommended for the closure of the wet areas as their preferred option.
- The City of Marion delegations provide the CEO has sub delegated to the role of Director the authority to; '*... do anything necessary, expedient or incidental but within any policy or budgetary constraints set by the Council to perform or discharge the Council's functions or duties or to achieve the Councils' objectives.*' The decision of the Director to endorse the YMCA proposal and proceed with such on the basis of

receiving advice from Mutual Liability Scheme advice is satisfied in consideration of this delegation.

- The City of Marion considers the safety of staff and patrons are (and continues to be) the highest priority and principle factor in closing the wet areas.
- A risk assessment undertaken by the YMCA indicates that the risk to the centre was medium to low risk. All identified risks required mitigating actions.
- It was noted that the facility has operated for the past 20 years with no known or reported prior injury or insurance claim to the City of Marion or previous lease arrangements that the panel is aware of regarding the use of the wet areas. Although there is no known previous incidents, the risk is still assessed as a medium (or under Councils Risk Management Framework, high) and therefore requires mitigation.
- Consideration should also be given to the RLSSA Guidelines requiring trained staff (via the RLSSA) to be supervising bather safety in pools, spas and sauna areas at the Marion Leisure and Fitness Centre.

12. PROCESS APPLIED IN THE DECISION MAKING:

From the information obtained, it is evident that a decision making process was applied as follows:

- An issue regarding safety was raised by the YMCA and brought to the Council's attention.
- Independent advice was sought from the MLS regarding the application of the RLSSA Guidelines and potential liability exposures to Council.
- Risk assessments of the site occurred.
- Options were considered.
- A decision was made based on the information obtained.
- Members of the Centre were notified and the wet areas were closed.
- During the section 270 review period, further legal advice was obtained regarding the application of the RLSSA Guidelines.

13. BENCHMARK THE DECISION AGAINST INDUSTRY STANDARDS

At the time, City of Marion officers relied upon the advice received from the YMCA and the MLS as having the relevant expertise in order to make a decision. There was no further reference to benchmark this decision against other Council facilities at the time. This was considered fair and reasonable.

The panel has since ascertained that the Revive Centre on Marion Road recently closed its spa/sauna facilities on 5 July 2015 due to limited users and the supervisory costs involved.

14. IDENTIFY OTHER OPTIONS THAT MAY HAVE BEEN OVERLOOKED IN THE ORIGINAL DECISION

Council wrote to the Mutual Liability Scheme (MLS) seeking a risk assessment for the facility to continue to operate part of the wet areas at the Marion Leisure and Fitness Centre. This included the closure of the plunge pool given its depth, but to retain the spa and sauna. In doing so, the following would be complied with:

- The Australian Standards
- The South Australian Health Commission Code

- RSSLA – SU11 but not SU1

The following options have been supplied by the MLS retrospective to the wet area permanent closure on 22 May 2015;

- **Reopen the operation of ALL wet areas** (spa, pool and Sauna) on the basis that a suitably qualified supervisor is available when the wet areas are open to ensure SU1 is complied with. The wet areas could be opened at all times or specified times. The matter regarding the cost of the qualified supervisor could be further explored with the members of the centre who use the wet areas. Members may agree to pay an additional membership fee to cover the costs.
- **Access is provided to the sauna only** on the basis that showers are available in the facility for the purpose of cooling after the use of the sauna and that the sauna will be regularly surveyed (every 20 minutes) which according to the MLS has been the practice. This will include decommissioning the plunge pool and spa permanently (including any access).

15. DELEGATION/AUTHORISATION

The City of Marion delegations allow for expedient decision making in the interest of Council in accordance with the Local Government Act 1999 (SA).

16. PANEL FINDINGS

The panel concludes;

1. The process that the City of Marion undertook to determine the closure of the wet areas of the Marion Leisure and Fitness Centre is found to be reasonable, lawful and fair.
2. The City of Marion has explored all legislation, regulations, standards and guidelines as appropriately applied the RLSSA Guidelines.
3. Records available demonstrate that the City of Marion gathered sufficient advice from external parties and in doing so acted reasonably and did not act unlawfully or unfairly in the processes of upholding the decision to close the wet areas of the Marion Leisure and Fitness Centre.
4. Further options have been identified and explored through the process.

17. RECOMMENDATIONS OF THE PANEL

1. Based on the information obtained during this review, the decision to close the wet areas of the Marion Leisure and Fitness was reasonable based on:
 - The decision followed a process based on risk and compliance.
 - The determination that the RLSSA guidelines were applied appropriately in the lack of legislation or regulations to guide the decision.
 - Other options were canvassed but deemed not suitable.
2. That Council writes to Mr Huston advising of the results of this review.
3. That Council writes to the YMCA Centre Management advising of the results of this review.

Appendix 1 – Legislation and Regulations framework assessed

Swimming Pools (Safety) Act 1972 (SA)

This Act provides for fencing and other safety measures for pools that have a water surface area over five square meters, depths of more than 0.3mtrs and not made available to the general public whether admitted via payment of money or otherwise. This legislation has been repealed as therefore no longer operational or applicable.

Development Act 1993 (SA) and Development Regulations 2008 (SA)

The Act and subordinate regulations provide for swimming and spa pool construction in a residential development context. This legislation and regulations are therefore not relevant.

South Australian Public Health Act 2011 (SA) and South Australian Public Health (General) Regulations 2013 (SA)

This Act provides for the protection of the public's health to reduce the incidents of preventable illnesses, injury and disability. The Act is silent with regard to user safety of plunge pools, spas or saunas rather it provides for general public health in terms of utilising public areas.

The regulations provide the detail silent in the statute. Whilst the regulations identify spa and swimming pools, the focus is regarding the water quality requirements and maintenance levels but not user safety requirements.

Therefore, the legislation listed above and their subordinate regulations are not relevant.

Standard for the Operation of Swimming Pools and Spa Pools in South Australia Code – South Australian Health Commission

This code was developed to assist local councils in the administration of public swimming pools, spa pools, waterslides and hydrotherapy pools as a State Government initiative. The standard informs agencies responsible for the administration and operation of public swimming and spa pools with particular reference to water quality. Bather warning notices are however identified to be positioned in a prominent position immediately adjacent to the spa where it can be read by bathers intending to enter the spa as a safety feature in the standard which include;

- DO NOT put your head under the water.
- DO NOT use the spa while under the influence of drugs or alcohol.
- DO NOT use the spa for more than 20 minutes at a time.
- DO NOT allow children to use the spa unsupervised.
- DO NOT swallow spa water.
- DO NOT use the spa if you have an open wound, feel unwell or are pregnant.

Whilst this code applies there is no direct correlation regarding safety measures between the use of lifeguards and staff available to assist.

Australian Standards - SA 2610.1-2007 Part 1:Public spas,

The safety requirements for patrons in utilising a public spa are included to ensure safety to patrons using spa areas, including depth areas, points of entry and exit, surfaces and protrusions and safety notices.

As with the South Australian Code, operators of the spa pool should ensure that spa pool safety notices are displayed.

Again, whilst this code applies there is no direct correlation regarding safety measures between the use of lifeguards and staff available to assist.

Guidelines - Royal Life Saving Society Australia (RLSSA)

The Royal Life Saving Society provide comprehensive written guidelines for the effective management of public pools, spas and saunas. A summary of the two relevant guidelines are provided below:

SU1: Bather Supervision, 14 November 2005

The guideline provides supervision ratio quotas of areas in aquatic facilities that have bodies of water during operating times and recreational swimming times. This guideline establishes;

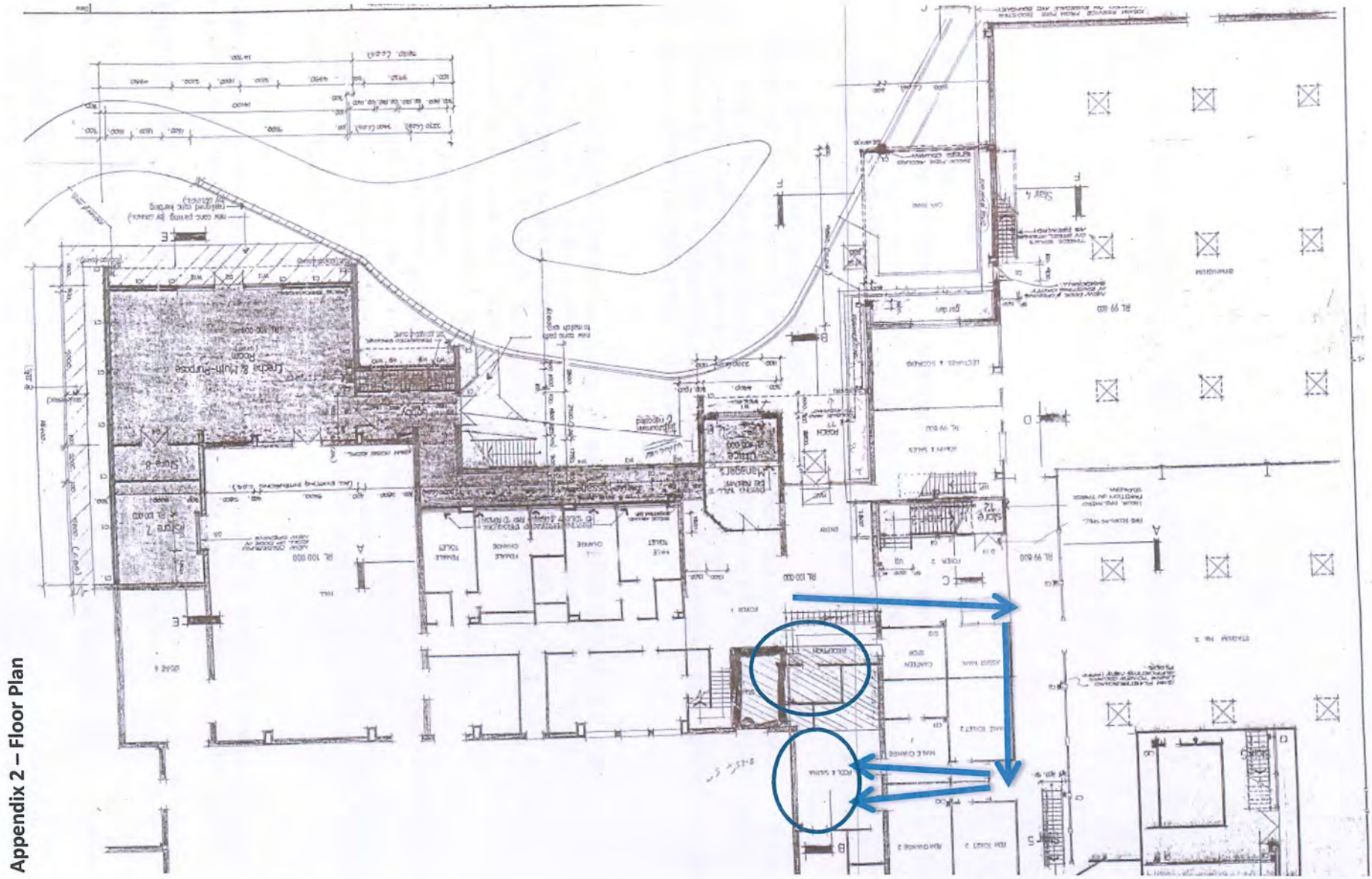
- That it applies to '*bodies of water into which pool users may enter*'
- One qualified life guard be available at all times in swimming/wet areas to be capable of supervising the water
- One qualified person with a Level 2 (Senior) First Aid qualification
- Reference to further guidelines LP1 – low patronage
- Risk assessment should be completed by facility operators prior to establishing lifeguard ratios, with a reference to 'G07 Risk Management'
- Facility operator should consider a range of factors such as: anticipated attendance, average attendance, capabilities, special needs of individuals and groups, etc

SU11: Supervision of Isolated Areas, 14 November 2005

The guideline provides supervision standards where a supervising staff member is not ordinarily present at aquatic facilities. This guideline establishes;

- Inspections and checks of wet areas are not required to be qualified pool lifeguards
- Inspections for wet areas such as saunas and spas, that frequency of checks of areas should be 15 – 30 minutes at a time.

These guidelines were provided by the YMCA to Council on the 5 May 2015 and again on the 11 May 2015 as being the industry standard (recreational and aquatic industry) in the absence of specific legislation. It was recommended by the YMCA to Council that these guidelines should be adhered to in managing any risk of a serious incident or drowning occurring at the facility.



Appendix 2 – Floor Plan

MinterEllison

20 October 2015

BY EMAIL: kate.mckenzie@marion.sa.gov.au

Ms Kate McKenzie
Manager, Governance
City of Marion
245 Sturt Road
STURT SA 5047

Dear Kate

S270: Marion Leisure Centre

I refer to your recent email regarding the closure of the Marion Leisure Centre's spa, sauna and plunge pool and the subsequent section 270 internal review in relation to the matter. I confirm you have sought specific advice on the following aspects of the decision:

1. The application of the Royal Life Saving Guidelines (**Guidelines**) but in particular whether a court with apply the guidelines if an incident was to occur; and
2. Is there any other legislation, regulation or standard that could apply (to the Centre's facilities); and
3. Are there any other issues for consideration.

Summary of Advice

- Although the Guidelines have no statutory or regulatory 'standing' such that the Council (or the current Centre manager) is bound or otherwise compelled to comply with them, it's our view that the Guidelines would likely be accepted by the Courts as applicable to the Centre.
- We have not been able to identify any other legislative or regulatory standard, code or guideline that would or could otherwise be applied to the management of the Centre.
- We have not been provided with a copy of the original report to Council regarding the closure of the spa and sauna but it appears that Council has considered the most relevant of issues for the purposes of making its decision. Importantly this includes obtaining the advice of the Mutual Liability Scheme.

1. Application of the Guidelines – consideration by a court

I do not intend to comment on the functions or duties of Council that give rise to an obligation to provide lifeguards and supervision in the wet areas of the Centre. This position and requirement is not in contention. This advice is limited therefore to whether

the application and consideration of the Guidelines by the Council would be considered appropriate by a court.

As you know, the Guidelines are just that, guidelines. The application and compliance by Council with them is entirely voluntary.

We are of the view however that a court, having competent jurisdiction, would likely deem it appropriate but more likely necessary, for the Council to consider and apply the Guidelines in the current circumstances.

Our reasoning's are as follows:

- In a 1981 decision of the Federal Court of Australia, Sean Investments Pty Ltd v MacKellar, amongst other things, the court made the following observation:

"...where relevant considerations are not specified, it is largely for the decision-maker, in the light of matters placed before him by the parties, to determine which matters he regards as relevant and the comparative importance to be accorded to matters which he so regards."

Applied to the current situation, the above statement means that if there is an absence of prescriptive factors set out in any applicable statutory provisions, the Council can and needs to determine what matters will be relevant for consideration and what weight should be given to them.
- Presently, there is an absence of statutory or regulatory provisions that prescribe what factors or matters the Council (or the manager of the Centre) must comply with in these circumstances, i.e. the supervision of the wet areas in the Centre. (I refer to further comments below).
- It appears from our reading that the Guidelines are considered as the generally accepted industry practice on matters pertaining to the supervision of activities in aquatic facilities and for bodies of water. Indeed, the Royal Life Saving Society website states that the guidelines have been "*primarily designed for application in municipal owned public facilities*".
- Although Guidelines SU1 and SU11 do not define 'aquatic facilities', it appears that the spa and plunge pool would clearly be encompassed by the general definition provided in clause 4 of SU1.

2. **Other Appropriate Standards/Guidelines**

As part of considering whether there are any other statutory, regulatory or other standards of codes that may be applicable, I have considered the *Swimming Pools (Safety) Act 1972* mentioned in the Report. That Act was repealed on 1 October 2008 and is therefore no longer operational or applicable. Further, the Development Act 1993, in relation to pools, creates requirements for the development of swimming pools but does not provide any relevant requirements for the safe operation and supervision of established pools. The *Standard for the Operation of Swimming Pools and Spa Pools in South Australia Code* by the South Australian Health Commission and *Australian Standards AS 2610.1-2007*

relate to water quality, pump standards and structural design requirements for pool safety but do not provide any appropriate guidance for the supervision requirements of pools.

Noting the materials referred to in 'appendix 1' of the Report, I have not located any further legislation, regulations or standards, other than that mentioned within this advice, that would provide any other appropriate guidance to the Council in this matter.

3. Other matters for consideration

As mentioned above, although I have not been provided with the original report to Council upon which the decision to close the pool was made, or any other materials relevant to the decision – I am of the view that Council considered issues of a material nature including applying the Guidelines.

Should you have any questions in relation to this advice, please do not hesitate to contact me.

Yours sincerely



Susie Inat
Special Counsel

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susie.inat@minterellison.com
Partner: Jeremy Hill T: +61 8 8233 5652
OUR REF: 25653/230046 | AJYH | SMI

Attachment 2 – Advice from LGA Mutual Liability Scheme

From: Melanie Burton [mailto:melanie.burton@wallmans.com.au]
Sent: Wednesday, 2 December 2015 5:54 PM
To: Daly, Robyn - AUS ARS
Subject: Risk Management Query - City of Marion / Marion Swim Centre [WALL-Matters.FID292517]
Importance: High

Dear Robyn,

I understand that the City of Marion are contemplating risk management advice received from the LGAMLS that the Marion Leisure Centre should only offer patrons access to on site spa facilities if it is able to staff the facility with a person qualified to supervise users of the facility.

For the purpose of this advice, the RLSSA Guidelines recommend that all public pool or spa facilities such as the Marion Leisure Centre should be supervised by a suitably qualified staff member or volunteer.

The RLSSA Guidelines are similar to Australian Standards for best practice - they provide a guide as to ideal technical standards and are not mandatory with legislative force. Non-compliance with the Guidelines does not mean that the owner of the facility is negligent, however it is persuasive evidence that the owner was in breach of a general duty of care to patrons the risk (eg of drowning or injury) was foreseeable and that the owner did not take reasonable step to reduce the risk.

It is true that a clear warning to patrons that the facility is not stationed by a lifeguard can go some way to satisfy the Council's duty of care. However, it will not necessarily do so in circumstances where a (paying or authorised) patron does not see or understand the warning for reasons of age (young or old), level of physical and mental capacity, linguistic diversity etc.

If the Council allows any person - able bodied or not - to pay a fee (inc membership fee) to enter and use a Council facility, especially one with physical challenges, it will have a duty to take a proactive risk management approach. If it is unable, for cost or even cost vs usage reasons, to comply with a Guideline requirement to employ a supervisor, then it does owe a duty to do all that it reasonably can to reduce that risk by taking alternate risk treatments. To not do so, leaves the Council exposed to risk of a liability in the event that one or any of the patrons are injured (or worse) during their visit.

My understanding of the LGAMLS' actual claims experience over the past decade is that public pools are a source of physical risk emanating from depth of pools, broken tiles, malfunctioning chemical supply systems or even the more severe impacts of otherwise minor incidents of epilepsy, asthma, concussion when they occur in water. For that reason alone my view is that the Guidelines should be carefully followed, and where compliance is impossible or manifestly uncommercial other options to minimise the risk should be explored.

See attached article I did recently relating to the general benefit of warnings, waivers and/or releases.

Waivers or notices disclaiming any responsibility for any loss may offer some (limited) contractual protection for the operator of the facility but they will not protect patrons from injury or the facility from

consequential damage to the owner's business (including Council business) or its reputation in the wider community. Such measures can provide some financial indemnity but does not protect the Council from the common post incident investigation and review by authorities including SAPOL or (in a worst case scenario) the Coroner's office.

I hope the above assists.

Regards,

Mel

Melanie Burton
Partner
Wallmans Lawyers

Running a risky business – preventing damage to your patrons, your brand and your bottom line

Read this if you want to know...

- *Why* managing liability risk is good business
- *Whether* your business is exposed to liability
- *What* you can do about it

Travel adventures are all about taking risks, nowhere more so than in South Australia with all it has to offer by way of tour experiences at sea and in rivers, across rugged terrain, underground and even in the sky. Rustic accommodation, bicycle and quad bike rides, helicopter rides, skydiving, jumping pillows, horse riding, swimming pools and even cooking classes all present foreseeable risks of injury to your visitors and participants.

Awareness and proactive management of risks to public safety is essential to protect you and your business from financial loss, statutory penalties and adverse publicity. As a bonus, robust risk management also builds strong and resilient business.

Better to be safe...

Benefits to business aside, no one wants to see their visitors or staff get injured (or worse) while they are working or paying to have fun, no matter how risky the activity might be.

All Australian states have mandatory work, health and safety and consumer law requirements which set minimum standards as a foundation for safe premises and practices.

Who's liable if something goes wrong?

It could be your business. If a person is injured due to a failure on the part of an occupier of premises or a provider of facilities, goods or services to take *reasonable steps* to alleviate, minimise or warn of *foreseeable* risks of harm then the person could succeed in a claim for

damages against the provider.

A business will usually be liable for negligent acts or omissions of their staff.

Earlier this year the NSW Court of Appeal awarded a 12 year old girl damages against a recreational facility for injuries sustained by her when she fell from a quad bike during a supervised ride. The Court found that the instructor was riding faster than was safe and that that was not a risk which was inherent to quad biking or obvious in the circumstances*.

What about warnings?

Australian courts have long held that there is no duty to warn of an "obvious risk". Whether a risk is "obvious" or not in the circumstances can be difficult to assess (as demonstrated by the quad bike case above).

In another more recent example, the NSW Court of Appeal held that a sign warning pool users to use 10 metre diving platform at their own risk was sufficient in that the injuries sustained were simply the materialisation of an obvious risk of the dangerous recreational activity of platform diving**. If, for example, the platform had snapped due to a faulty component, this would likely *not* have been a risk which would have been 'obvious' to pool users.

The onus will be on the provider of the service or activity, to prove that a warning was clear and capable of conveying the risk to all foreseeable entrants. This can be difficult considering the

Tourism Law Insights: Wallmans Lawyers

range in ages, ethnicity, language and intellectual capability of tourists and even local visitors.

What about waivers?

The short answer is that they can *help* to minimise risk – by making your patrons *aware* of risks that are inherent to the activity – but they do not provide a 'watertight' defence to any claim.

The Australian Consumer Law says that services must be provided with due care and skill, and generally speaking this guarantee can't be restricted by agreement from the consumer.

However, in South Australia, "*recreational service*" providers (as defined in the legislation) can ask a consumer to agree to limit any liability arising from a failure to use due care and skill, but this is also subject to some important requirements and restrictions. For example, use of the prescribed form, timing of the form being brought to the attention of the consumer and strict signing and witnessing requirements.

The form, which can exclude, restrict or modify liability, cannot do so if you – or your staff - are "reckless" in providing the service. An example might be knowing that a horse is unwell or injured and incapable of carrying the weight of a rider but proceeding with the tour regardless. Or, being aware of a fault in a BBQ gas connection but allowing guests to use it anyway.

Children cannot agree to limits of liability and parents cannot legally do so on their behalf.

In the quad bike case mentioned above, the child's guardian had signed a standard 'waiver' contained in the application to undertake the activity. The Court did not accept that the warning had covered the risk which eventually materialised, and that there was no enforceable agreement limiting the operator's liability.

Transferring the risk...

Having complete public liability insurance will not address the safety risk to your patrons, the risk to

the reputation and brand of your business or the potential exposure to statutory penalties.

What it will do is reduce your exposure to potentially devastating damages claims and the legal costs of defending and/or settling those claims.

Robust and tailored insurance cover is imperative.

The take home tips.....

- ✓ proactive risk identification & management is the first line of defence
- ✓ warning signs and notices should be clear and informative
- ✓ waivers are a tool not a shield and need to be used carefully
- ✓ insurance is crucial but it shouldn't stop there

Wallmans Lawyers have a dedicated liability and risk management team which can assist Tourism businesses in managing their risk profile including legal compliance audits, liability risk identification and guidance, staff awareness and training, and risk transfer via insurance options.

Wallmans provide all SATIC members with a free 15 minute call to discuss any legal issue. If you are interested in discussing how risk may affect your business, please call:



Melanie Burton, Partner

Risk & Liability

P (08) 8235 3029

E melanie.burton@wallmans.com.au

Tourism Law Insights: Wallmans Lawyers

Other SATIC key contacts:

Employment and Industrial Relations issues



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Hospitality, Licensing, Planning and Development

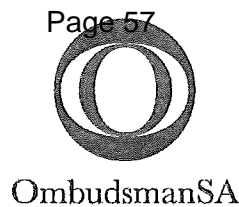


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Commercial, Business, Property and Disputes (and all other matters)



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Enquiries: Mr Romeo Rigon
 Telephone: (08) 8226 8699
 Ombudsman reference: 2015/09034

Dear

Your complaint about the City of Marion (the council)

I refer to my letter dated 30 October 2015 and your complaint about the council under the *Ombudsman Act 1972*.

You have complained that you are dissatisfied at the council's decision to close the spa facility at the Marion Leisure Centre (**MLC**) because it will cause you '...a lot of health problems.' In your letter to my Office you ask that, if in my capacity as the State Ombudsman, that I '...can persuade the Marion Council to reopen the spa facility at the [MLC].'

My enquires

In my enquiries, my Office:

- assessed the information provided by you
- obtained a response from the council which included the:
 - outcome of the council's "Section 270" Review of Decision - Marion Leisure and Fitness Centre *Closure of Wet Areas (the Review)*;
 - council's letter dated 22 October 2015 to Mr Des Hutson referring to his comments to council about the preliminary report [into the closure of the "wet areas at the MLC];
 - legal advice about the council's 'Section 270 review' provided by Minter Ellison Lawyers; and
 - your email to the council dated 24 June 2015 in which you raised your dissatisfaction with the council's decision to close the "wet areas" and the council's response dated 8 July 2015.
- obtained further details from you about your complaint
- considered the *Local Government Act 1999 (the LGA Act)*
- considered the council's:
 - Complaints and Grievance Policy (SP-50);
 - Corporate Procedure - Review of Decisions: CPR-6.00; and
 - Community Consultation Policy.
- The YMCA's letter dated 22 May 2015 to "members" re: Spa operations
- prepared this letter to you.

My assessment of your complaint

The first issue you raise is the substantive decision to close the spa. In your letter to me you have stated that the council's decision will cause you to '...suffer a lot of health problems...which...is now made worse, by the loss of the spa facility.'

Under the *Ombudsman Act 1972*, my role is to investigate complaints about the administrative acts of state government agencies and local councils. I am not able to investigate policy decisions of those bodies¹. I consider the decision to close the spa to be one of policy, over which I have no jurisdiction.

The second issue raised by your complaint is the failure by the council to take into account the views of the people in relation to its decision to close the spa. In your email to this Office dated 14 November 2015 (10:11 AM) you state that the '...YMCA and the [council] decided to close the spa without giving the users of the spa any input.'

I have confirmed with the council that, because of the risks associated with the continued operation of the wet areas, consultation with the community and users of the facility did not occur before it was decided to close the wet facilities at the MLC. The council however, has advised my Office that it had received '...a number of complaints from members whom regularly utilized the facilities under the previous management, hence the catalyst for [the Review].'

In response to my Office's enquiries about its response to your concerns about the closure of the MLC, a copy of Ms Abby Dickson's (Acting Director, City of Marion) email to you dated 8 July 2015 (1:38 PM) was provided to me. In that email, I note that you were advised of the following:

As a result of the feedback provided by you and other interested persons about the closure '...[the council] will be undertaking a review of the decision Council has made in line with [their] Complaints and Grievance policy...and...I will be in contact with you once the [Review] has been undertaken to inform you of the outcomes

My Office has been advised that Ms Kate McKenzie, Manager Governance, City of Marion (email dated 22 October 2015 (3:35 PM)) provided you with a copy of its Report dated 20 October 2015.

A copy of the Review has been provided to me and I have considered its contents. In my view, the council has not erred in the manner in which it made and reviewed the decision to close the spa. In particular I note:

- in my view it was reasonable for the council to close the spa as soon as it became aware of the risks involved
- in failing to consult the public initially, the council did not breach the LGA Act or the council's Community Consultation Policy
- in any event, you were provided with the opportunity to comment on the decision through the Review
- in conducting the Review, I consider the council complied with section 270 of the LGA Act and the Complaints and Grievance Policy.

Outcome of my enquiries

In light of my assessment above and on the basis of the evidence available, it appears the council has not acted in a way that is unlawful, unreasonable or wrong within the meaning of the Ombudsman Act. Accordingly, I do not consider that further enquiries into your complaint by my Office are necessary or justifiable.

I understand that this may not be the outcome you wanted, but on the evidence currently available to me, I do not think further enquiries would achieve a different result. Nevertheless, the council has advised me that despite the outcome of the Review, those who continue to be aggrieved with the council's decision to close the wet areas at the MLC, may wish to raise

¹ *City of Salisbury v Biganovsky (1990) 54 SASR 177*

this matter with their respective council Ward Councillors for consideration of a motion to council for funding approval for a "trained supervisor" for the wet areas at the MLC.

I intend to end my consideration of your complaint, unless you are able to identify an error in my assessment of the matter. If you think you are able to identify such an error, I ask you to contact my Office by **11 December 2015** with your reasoning. If you do not contact my Office within that time, I will close the file.

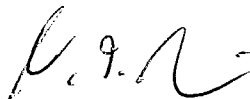
The Ombudsman Act imposes certain obligations² on my office and others, including complainants and officers in a department, to keep information about my assessment confidential.

However, if I consider that disclosure of that information is in the public interest, then I may authorise or require its disclosure.

In my opinion, there is a public interest in disclosure of my decisions under the Ombudsman Act. Therefore, once I have closed the file, I authorise disclosure of this letter by you and the council as you see fit.

I have sent a copy of this letter to the council.

Yours sincerely



Wayne Lines
SA OMBUDSMAN

1 December 2015

Cc Mr Adrian Skull
Chief Executive
City of Marion
PO Box 21
Oaklands Park SA 5046

² *Ombudsman Act 1972*, section 26.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Anna White, Team Leader Community Safety Inspectorate
Sharon Perin, Unit Manager Community Health and Safety

Manager: Steve Hooper, Manager Development and Regulatory Services

General Manager: Abby Dickson (Acting), City Development

Subject: Dog By-law Amendment

Report Reference: GC081215R02

REPORT OBJECTIVES:

At the General Council Meeting of Tuesday 10 November 2015 (GC101115R04), Council passed the following resolutions:

1. Council endorses Option 2 "Expansion of nominated dog on leash areas with all other areas being designated as dog exercise (dog off leash)."
2. Council endorse the allocation of up to \$31,250 to fund the implementation of Option 2.
3. Funding options be identified and brought back to Council within three months.
4. That Council reconsider this regime in twelve month's time.

The purpose of this report is to provide Elected Members with possible options for funding the implementation of expanding nominated dog on leash areas with all other areas being designated as dog exercise (dog off leash).

RECOMMENDATIONS (1):

DUE DATES

That Council:

- | | |
|---|-------------------|
| 1. Approve that when the priority of items on the Unfunded Initiatives list is next reviewed, Council will consider an allocation of up to \$31,250 to fund signage for the expansion of nominated dog on leash areas with all other areas being designated as dog exercise (dog off leash). | March 2016 |
|---|-------------------|

DISCUSSION:

At the General Council Meeting of 10 November, 2015, Council endorsed the allocation of up to \$31,250 to fund the implementation of the "expansion of nominated dog on leash areas with all other areas being designated as dog exercise (dog off leash)". Council made a resolution that Administration identify funding options to implement this change.

A number of funding options have been considered including the current operational budget, grant funding, use of Asset Sustainability Reserve and referral to Council's Quarterly Budget review process where unfunded initiatives are given further consideration and prioritised

There is no funding capacity within the existing 2015/2016 operational budget. An assessment has been made of the grants currently available and there are no suitable grants for this purpose.

The matter is not considered urgent and therefore the allocation of funds towards signage will be considered when the priority of items on the Unfunded Initiatives list is next reviewed by Council.

To implement the changes the following tasks will need to be undertaken:

- Notification in Government Gazette;
- Notification in local newspaper;
- Design and construction of signage;
- Scheduling of works for implementation.

The above activities will be undertaken concurrently if and when the project becomes funded.

The resolution of: "Council reconsider this regime in twelve months' time" will commence at the start of implementation.

CONCLUSION:

The referral of this new initiative to Council's Quarterly Budget review process for further consideration and prioritisation enables Council to prudently consider this matter alongside other unfunded initiatives.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Glynn Ricketts, Water Resources Coordinator
Corporate Manager: Mathew Allen, Manager Engineering and Field Services
General Manager: Vincent Mifsud, Corporate Services
Subject: Glade Crescent Wetlands – Stage Implementation
Reference No: GC081215R03

REPORT OBJECTIVES:

The objective of this report is to update Council on the status of the project and recommend that the Glade Crescent Wetlands proceed to construction of the first Stage.

EXECUTIVE SUMMARY:

At a Council Forum dated 24 June 2015, a report was presented discussing the Unfunded and Unprioritised Items. As a result the following outcomes were recorded in relation to the Glade Crescent Wetland Project:

- Progress a submission to the Adelaide and Mount Lofty Ranges Natural Resource Board (AMLR NRM Board) seeking in-principle support for funding for the next stage of the project;
- A report to Council detailing the outcomes of the submission for AMLR NRM Board funding and seeking matched council funding, as well as a contribution from the Stormwater Management Authority (SMA); and
- Defer consideration of scope and staging of further elements of the project until outcome of NRM funding is known.

Both the SMA and the AML NRM Board have been approached in regards to funding the Glade Crescent Wetlands, resulting in:

- SMA's General Manager has been briefed about the project and anticipates a grant application from the City of Marion; and
- The AML NRM Board has confirmed "in-principle" funding support for this current financial year and 2016/17 for Stage 1 of the project.

This report only relates to Stage 1 of this project, at an estimated total capital cost of \$1.6 million over 2 years (2015/16 and 2016/17), and is subject to Council being successful in receiving partnership funding from the AML NRM Board. Implementation of further stages of this project are subject to attraction of future partnership funding opportunities and further consideration and approval by Council.

Furthermore, as part of the Hallett Cove Creeks Stormwater Management Plan the entire catchment has been reviewed resulting in a new design for the Wetlands which has improved ecological and water quality benefits whilst reducing total estimated capital costs for completion of all stages of the project, from an estimated \$5.6M to \$4.5M (entire scheme).

RECOMMENDATIONS (7)**DUE DATES**

That Council:

- | | |
|---|----------|
| 1. Notes the Report and the current project status. | Dec 2015 |
| 2. Notes the funding commitments and opportunities from the AML NRM Board and the SMA. | Dec 2015 |
| 3. Notes that there is currently an allocation of \$520,000 from Council's endorsed 2015/2016 Capital Works budget to deliver Stage 1 of this project. | Dec 2015 |
| 4. Notes that the additional operating and maintenance costs to be incorporated into the Long Term Financial Plan from 2017/18 is estimated at \$15,000 per annum, for completion of Stage 1 of the project. | Dec 2015 |
| 5. Endorses the allocation of up to \$480,000 from the 2016/17 drainage capital works budget subject to Council receiving partnership funding from the Adelaide and Mount Lofty Ranges Natural Resource Board. | Dec 2015 |
| 6. Endorses proceeding to public consultation and construction of Stage 1 of the Glade Crescent Wetlands subject to receiving confirmation of funding from the Adelaide and Mount Lofty Ranges Natural Resource Board over a two year period. | Dec 2015 |
| 7. Requests a further report be brought to Council regarding the implementation and future funding considerations for the remaining stages of the Wetlands. | Aug 2016 |

BACKGROUND:

Extensive work in relation to planning and development of the Glade Crescent Reserve Wetlands has been undertaken over a number of years, this is summarised in the Timeline table below.

Timeline

Date	Details
March 2007	A concept plan was endorsed by Council for community consultation in relation to the re-development of the Glade Crescent Reserve (GC270307R06).
June 2007	A report summarising the comprehensive community consultation and recommending to proceed to preliminary design of Glade Crescent Reserve was endorsed by Council (GC260607R02).
April 2009	The draft Glade Crescent Master Plan and preliminary design was presented to Council for endorsement and community information/comment (GC070409R01).

2009/10	Detailed design incorporating the community feedback was subsequently undertaken.
May 2011	A report was presented to Council summarising the components of the Glade Crescent development and the estimated capital & maintenance expenditure. Note; the details and design of the play space were not included (GC240511R01).
Nov 2013	The draft Hallett Cove Creeks Stormwater Management Plan, developed as per a requirement of the Local Government Act, was presented to Council for endorsement & community consultation. This Plan suggested: <ul style="list-style-type: none"> • A new design for the Wetlands; and • A change in priorities, indicating that the Waterfall Creek should be rehabilitated first (GC121113R03).
Feb 2014	Following the community consultation Council endorsed the draft Hallett Cove Creeks Stormwater Management Plan and its identified priorities (GC110214R02).
April 2014	A report recommending that Council accept a \$200,000 grant from AML NRM Board for the rehabilitation and erosion works along Waterfall Creek, with matching funding of \$200,000 from Council. Report endorsed by Council (GC080414R02).
2014/15	As part of Council's drainage program for 2014/15, two detention structures were built and biodiverse re-vegetation of Waterfall Creek was undertaken.
June 2015	Elected Members Forum – Listed for discussion as an Unfunded & Unprioritised Item, resulting in the following conclusions: <ul style="list-style-type: none"> • Progress a submission to the AMLR NRM Board seeking in-principle support for funding for the next stage of the project. • A report to Council detailing outcomes of a submission for NRM funding and seeking matched Council funding, as well as a contribution from the SMA. • Defer consideration of scope and staging of further elements of the project until outcome of the NRM funding is known

DISCUSSION:

As part of the Hallett Cove Creeks Stormwater Management Plan the entire catchment hydrology was reviewed, resulting in a significant change to the Glade Crescent Wetland design (Glade Crescent Master Plan). This new design focused on improving water quality, ecological objectives and reducing the overall costs.

The first stage of the project, which has been designed & costed by a qualified and experienced engineering consultant and reviewed by engineering staff of both the AML NRM Board and Council, is estimated at \$1.6M and consists of:

1. An access road
2. A Gross Pollution Trap
3. A sedimentation basin
4. High flow bypass channel
5. The first wetland cell
6. Planting, paths and landscaping

For details of the new design refer to **Appendix 1**

Due to the cost involved and the requirement to undertake construction activities during the dry seasons of the year, it is proposed to undertake this first stage over 2 years. This means that elements 1 to 4 (above) are proposed to be constructed this summer/autumn 2015/16, with elements 5 and 6 the following financial year.

Funding Options

Both the SMA and the AML NRM have been engaged in discussion about possible funding opportunities and these have been summarised below:

- The SMA's General Manger has been briefed about the project and is expecting a grant application from the City of Marion. The success of this is uncertain because the project does not have any flood mitigation outcomes but does meet other grant funding criteria.
- The AMLR NRM Board has been involved in the project since its inception and is expecting the City of Marion to continue with the staged implementation. Subsequently the Board has indicated that they have confirmed "in-principle" funding support for this financial year and 2016/17.

In view of the above, two possible funding options have been developed, as per the table below.

Stage 1 - Funding Options

Organisation	2015/16	2016/17	Total
Option A			
CoM	\$520,000	\$200,000	\$720,000
AML NRM	\$200,000	\$100,000	\$300,000
SMA	\$0	\$580,000	\$580,000
Total			\$1,600,000
Option B			
CoM	\$520,000	\$680,000 *	\$1,200,000
AML NRM	\$200,000	\$200,000	\$400,000
SMA	\$0	\$0	\$0
Total			\$1,600,000

* This involves \$200,000 from the annual Glade Crescent Reserve Development budget and \$480,000 from the 2016/17 drainage capital works budget in line with the drainage matrix.

Capital Works Budget

There is a possibility of utilising two budget lines to undertake this project

- The Glade Crescent Wetlands budget – currently there is \$520,000 within the specific budget for this project.
- The drainage budget – this budget is allocated from the priority score within the Drainage Matrix. Presently the Glade Crescent Wetlands is high in priority

Whole of Life Costs

The whole of life costings were previously detailed in a report to Council dated 24 May 2011 (GC240511R01). This report, amongst other issues, discussed the funding of the entire reserve development, stating that there is a requirement to increase the annual operating budget for maintenance of Council's reserves and open spaces to include Glade Crescent Reserve which is estimated to be \$45,000 p.a. once the reserve is fully developed.

Due to the staged construction approach, it is estimated that the annual operating budget required will be \$15,000 p.a. for the 2017/18 financial year for completed Stage 1 works, increasing to \$45,000 p.a. by 2020/21 if and when the remaining stages are implemented (subject to attraction of future partnership funding opportunities and further consideration and approval by Council).

INTERNAL ANALYSIS:

The development of the Stormwater Management Plan, which includes the Glade Crescent Wetlands, has been subject to extensive internal consultation, involving the following sections:

- Strategic Assets
- Planning
- Open Space Planning & Operations (including the Biodiversity Officer)
- Engineering (drainage design)
- Strategic Projects
- Finance

Significant investment has already been made by Council in planning and design of the Wetland, delivering the precinct level playground, access paths and remediating the subject area.

Environmental Benefits

The Environmental benefits of this scheme have been quantified within the Stormwater Management Plan, as follows:

- Water quality improvement within the Creek, through the Conservation Park and out into the Gulf;
- Significant ecological improvement to both flora and fauna;
- Minor flood mitigation;
- The removal of possible contaminated silt and litter; and
- Limited stormwater harvesting opportunities have also been identified.

EXTERNAL ANALYSIS:

As is evident in the Timeline table on page 2 of this report, there has been extensive community consultation in relation to the planning, development and delivery of the Glade Crescent Wetland.

Two highly successful Bush for Life sites have been established in the project area to protect and enhance the native trees, bushes, spring flowers and grasses that are present within the area. The Green Army has removed weeds and re-vegetated approximately 0.3 acres of native landscape. Subsequently the site provides a fantastic platform for further community and volunteer groups to develop vegetation events and improve the nature amenity.

CONCLUSION:

This report only relates to Stage 1 of this project, at an estimated total capital cost of \$1.6 million over 2 years (2015/16 and 2016/17), and is subject to Council being successful in receiving partnership funding from the AML NRM Board. Implementation of further stages of this project are subject to attraction of future partnership funding opportunities and further consideration and approval by Council.

A new design for the Glade Crescent Wetlands has been developed as a result of the review undertaken as part of the Hallett Cove Creeks Stormwater Management Plan. This design includes improved water quality and ecological objectives, whilst reducing total estimated capital costs for all stages of the project, from an estimated \$5.6M (original scheme) to \$4.5M (revised scheme).

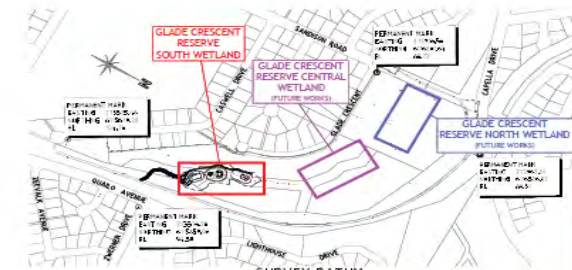
GLADE CRESCENT RESERVE SOUTH WETLAND HALLETT COVE



SHEET INDEX

SHEET NO.	SHEET DESCRIPTION
1	OVERALL PLAN
2	DEMOLITION PLAN AND NOTES
3	WETLAND PLAN VIEW
4	WETLAND LONGITUDINAL SECTION
5	WETLAND TYPICAL SECTIONS
6	ACCESS TRACK PLAN VIEW
7	ACCESS TRACK LONGITUDINAL SECTIONS
8	ACCESS TRACK CROSS SECTIONS
9	DRY-PHASE LONGITUDINAL SECTIONS
10	GET GENERAL ARRANGEMENT PLAN
11	WETLAND CROSS SECTIONS - SHEET 1
12	WETLAND CROSS SECTIONS - SHEET 2

SHEET NO.	SHEET DESCRIPTION
13	JUNCTION BOX DETAILS
14	WETLAND MAINTENANCE PIPE DETAILS
15	WEIR 1 SECTIONS AND DETAILS
16	WEIR 2 SECTIONS AND DETAILS
17	WEIR 3 SECTIONS AND DETAILS
18	STANDARD DETAILS
19	DIVERSION CHAMBER DETAILS
20	STANDARD NOTES
21	DESIGN SURFACE ON-TAIR PLAN - SHEET 1
22	DESIGN SURFACE ON-TAIR PLAN - SHEET 2
23	BELOW GCL SURFACE ON-TAIR PLAN
24	SETOUT PLAN AND TABLES



SURVEY DATUM INFORMATION

DRAWING No.	SHEET No.	REVISION	DATE:
14039	01	A	20/05/2015



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**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Alicia Clutterham, Team Leader Open Space & Recreation
Manager: Fiona Harvey, Manager Innovation and Strategy
General Manager: Abby Dickson (Acting), City Development
Subject: Oaklands Estate Reserve Toilet Block
Report Reference: GC081215R04

REPORT OBJECTIVES:

The objective of this report is to outline the options and whole of life costs associated with the future provision of a toilet facility at Oaklands Estate Reserve in consideration of the issues experienced at the existing toilet facility as well as the masterplan adopted by Council in June 2012 (GC120612R02) and broader site development considerations.

EXECUTIVE SUMMARY:

The Oaklands Estate Reserve is a precinct open space that has an existing brick toilet block catering for visitors to the reserve. This report provides further information in response to a motion with notice (GC101115MO2) in respect to ongoing reports of sexual activity within the brick toilet block at the reserve.

Crime Prevention staff at SAPOL's Sturt Local Service Area Station have confirmed that the toilet block is and has for some time been known as a meeting location for sexual activity. They recommend that should there be a toilet block on site in the future it be one that considers Crime Prevention Through Environmental Design (CPTED) principles. Staff have consulted with SAPOL on the toilet location and style of facility in developing options.

Council currently procures and installs Exeloo toilet facilities for reserves due to high visibility and automatic and timed door features as well as other CPTED considerations.

The report outlines the recent history of planning and development at the site and considers future broader site planning issues for Council consideration in making a decision on the future of toilet facilities at this site.

RECOMMENDATIONS (2)

DUE DATES

- | | |
|---|-------------------|
| 1. That Council proceed with Option 1 in demolishing the existing brick toilet block and relocating one (1) x Exeloo at Hendrie Reserve, Park Holme and one (1) x Exeloo at Pavana Reserve, Hallett Cove to Oaklands Estate Reserve to be located in the same proximity as existing toilet block identified in Appendix C. | 8 Dec 2015 |
| 2. That Council approve funding of up to \$119,845 for Option 1 through the re-allocation of funds within the existing Oaklands Estate Reserve project budget, which are no longer required due to the Reserve bridge and skate park already funded through grant funding received. | 8 Dec 2015 |

BACKGROUND

A masterplan was adopted for the Oaklands Estate Reserve and Wetland in June 2012 (GC120612R02). At this time Council resolved:

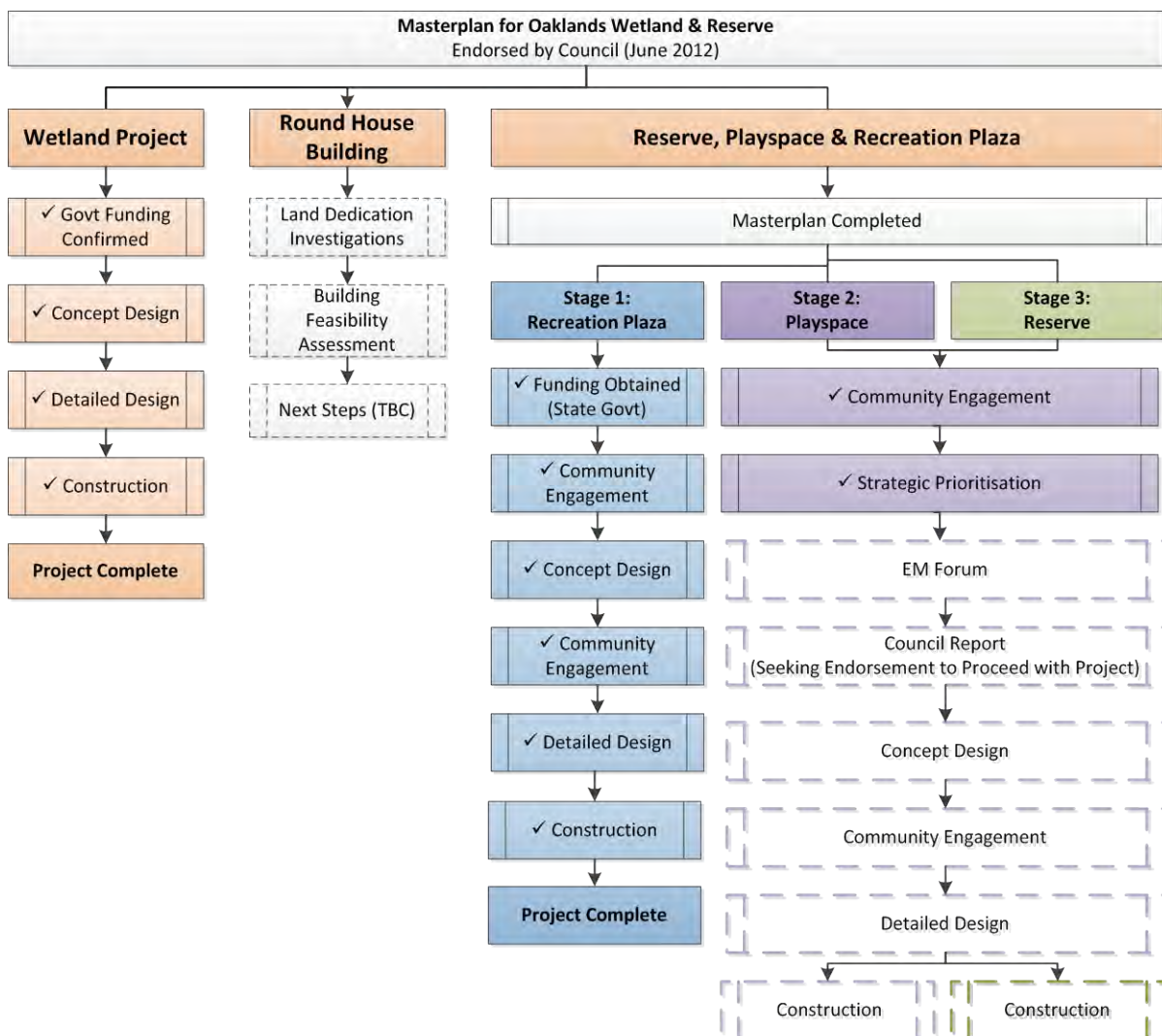
1. Council provide in principle endorsement for the Preferred Masterplan for open space and recreation components contained within Appendix 1 to Report Reference GC120612R02.

The preferred masterplan adopted by Council is attached as Appendix A.

Since this time Council has completed the Wetland development and the Recreation Plaza. Items yet to be resolved and future works for consideration include the future use of the roundhouse and immediate surrounds and the Oaklands Estate Reserve and Playspace.

Table 1 illustrates the current state and progress made with the Oaklands Wetland and Reserve Development.

Table 1: Oaklands Wetland and Reserve Development – Progress & Next Steps



DISCUSSION:

Broader Oaklands Estate Reserve

Following Council's decision to reconsider the location of the Inclusive Playspace from Oaklands Estate Reserve to Hendrie Street Reserve, the future of the remaining elements of the Oaklands Estate Reserve, playspace, associated facilities (including the toilet), park furniture, biodiversity area, duck pond, Japanese garden and vineyard are subject to further consideration.

The future of the roundhouse building is yet to be finalised with Council to consider options following clarification in relation to terms of dedication of the land upon which the building lies. Council has written to the Minister for Sustainability, Environment and Conservation regarding reconsideration of the terms of the dedication of the Roundhouse in Oaklands Park.

This Oakland Estate Reserve and Playspace initiative is currently on Council's unfunded initiatives list. Council has requested a workshop/forum discussion on this initiative as part of its on-going review of this list. In line with the Council's Asset Management Policy, no progress on this initiative will progress until Council has resolved to do so.

Community Safety

Crime Prevention staff at SAPOL's Sturt Local Service Area Station have confirmed that the toilet block is and has for some time been known as a meeting location for sexual activity.

They recommend that should there be a toilet block on site in the future it considers Crime Prevention through Environmental Design (CPTED) principles.

Should the toilet be replaced, this advice would be in line with Council's preferred toilet model, the Exeloo toilet which features high visibility at the entrance, no space for loitering or group gatherings, can be automatically closed at night times, and has timed occupation to ensure that the door opens after a pre-set time ensuring the facility is available for use by all genuine public toilet users.

The replacement of the toilet block may result in the unsavoury behaviour shifting to an alternative area of the estate reserve. Consideration of this risk could be undertaken as part of the broader Oaklands Estate Reserve master plan progress.

Usage

The Oaklands Estate Wetland and Reserve is a precinct level open space within the City of Marion and is a very popular open space.

In consideration of public amenity provision at the site, it is clear that toilet facilities are needed at this reserve which is classified as 'precinct' level and has picnic facilities including barbecues, is often used for longer stays and is a site utilised for birthday parties, weddings and other events and gatherings.

The nearest public toilets are at the northern end of the site (approximately 500 metres away) where one (1) x Exeloo is situated. This facility was installed this year. The usage data for this Exeloo is very high (Refer Appendix B).

It is envisaged that two (2) additional toilet facilities are required although there is no current usage data of the existing brick toilet block to support this.

Data on usage (number of occupations) of the Exeloo facilities across the Council area are provided in Appendix B.

The most recent year's data does show comparatively low usage for the two (2) x Exeloo facilities at Pavana Reserve, Hallett Cove. It is thought that this is due to the more recent development of a precinct level playspace at Glade Crescent Reserve.

Council may consider the need for two (2) x Exeloo facilities at Oaklands Estate Reserve in addition to the facility at the Recreation Plaza based on the precinct classification and popularity of the site for unstructured recreational use. Alternatively, one (1) x Exeloo could be installed initially with usage monitored. There would be some savings on plumbing and electrical costs with two being installed at one time.

Potential for relocation of existing exeloo

In light of the Inclusive Playspace development that is occurring at Hendrie Reserve, a review of suitability and location of the existing toilets at Hendrie Reserve is occurring currently. The existing toilet facilities at Hendrie Reserve are very well utilised (Refer Appendix B) however a new Exeloo facility meeting current DDA requirements with an adult change table in close proximity to the proposed playspace will be required as part of this development.

This presents an opportunity for Council to consider the relocation of one (1) of the two (2) existing Exeloo facilities at Hendrie Reserve or another location.

There are only three (3) reserves that have two (2) Exeloo facilities. These are Hazelmere Reserve, Glengowrie, Hendrie Reserve, Parkholme and Pavana Reserve, Hallett Cove. The toilets are able to be separated leaving one (1) toilet facility at these sites.

Location and Timing

The toilet block at Oaklands Estate Reserve is able to be demolished and replaced in the same proximity utilising existing services. Staff have met with SAPOL onsite to discuss the location of the future toilet facility. The preferred site location is illustrated in Appendix C, which is approximately 8 metres away from the existing block.

Signage would be placed on the toilet block to advise the public that the toilet block was being demolished and would be replaced by a modern toilet facility.

If it is preferred that the toilet facilities be located in another part of the reserve altogether, it is recommended that this consultation occur with the local community at the same time as the playspace and broader reserve consultation occurs. The proposed location of the toilet facility in the preferred masterplan (Appendix A) is further west and more centrally located. There is no known sewer or electrical services in this area and this would need to be further investigated and additional costs are likely with trenching and service installation.

The timing of further concept design for the playspace and reserve at Oaklands Estate is yet to be determined and is to be worked through with Council for consideration in the 2016/17.

New toilets currently require a four (4) to five (5) month lead time for ordering from the supplier.

Options

Temporary toilets were considered however ruled out due to potential misuse and vandalism and the need for a permanent solution.

Alternative toilet options may be available however would require more time for further investigation. There are a number of options for consideration including the following:

Option 1 (Recommended)	Demolish existing brick toilet block and relocate of one (1) x Exeloo at Hendrie Reserve, Park Holme and one (1) x Exeloo at Pavana Reserve, Hallett Cove to Oaklands Estate Reserve located in the same proximity as existing toilet block
Analysis:	There will be a new Exeloo installed at Hendrie Reserve with the Inclusive Playspace. An upgraded facility with additional DDA facilities is required here adjacent the playspace in providing a facility meeting current DDA requirements and the provision of an adult change table.
Estimated Cost	\$119,845
Timeframe	Early to mid 2016
Rationale	<p>PROS</p> <ul style="list-style-type: none"> -Meets objectives of demolishing toilet block/dissuading sexual activity -Proposed toilet facility in line with current suite of toilets with CPTED -Is proposing the utilisation of existing assets in a more effective manner -The relocation of Exeloo's will still provide for one (1) Exeloo at Pavana Reserve and one (1) Exeloo at Hendrie Reserve until the Inclusive Playspace is developed in addition to a new toilet facility developed as part of the playspace at Hendrie Reserve -There is proposed operating and maintenance savings -Is most cost efficient option for delivery of two (2) toilet facilities
Option 2 (Not recommended)	Demolish existing brick toilet block and relocate one (1) x existing Exeloo (TBD) to Oaklands Estate Reserve in the same proximity as the existing toilet block and monitor the usage of the facility to determine whether an additional facility is required
Analysis:	This is the only option that provides an opportunity to have one (1) Exeloo onsite in the Oaklands Estate Reserve area initially. In this option, the water meter (which requires upgrade be it one or two toilets) will be upgraded in view of future proofing the site to allow for the provision of two (2) Exeloo's.
Estimated Cost	\$76,560
Timeframe	Early to mid 2016
Rationale	<p>PROS</p> <ul style="list-style-type: none"> -Meets objectives of demolishing toilet block/dissuading sexual activity -Proposed toilet facility in line with current suite of toilets with CPTED -Is proposing the utilisation of existing assets in a more effective manner -There is proposed operating and maintenance savings <p>CONS</p> <ul style="list-style-type: none"> -May require additional toilet facility into the future -Potentially require additional project management time and service (water and electrical) connection fees to install second toilet at a time into the future
Option 3 (Not recommended)	Demolish existing brick toilet block and relocate one (1) x Exeloo (TBD) to Oaklands Estate Reserve and provide one (1) x new Exeloo in the same proximity

Analysis:	This option provides for the relocation of one (1) Exeloo and a br and new Exeloo on s ite should two (2) Exeloo s be pr eferred and the relocation of two (2) is not preferred.
Estimated Cost	\$238,810
Timeframe	Mid 2016
Rationale	<p>PROS</p> <ul style="list-style-type: none"> -Meets objectives of demolishing toilet block/dissuading sexual activity -Proposed toilet facility in line with current suite of toilets with CPTED -Is proposing the utilisation of existing assets in a more effective manner -There is proposed operating and maintenance savings <p>CONS</p> <ul style="list-style-type: none"> -Introduces additional toilet facility to suite already within Council area that may be substituted with existing assets -Will take up to five (5) months for delivery and installation of new Exeloo
Option 4 (Not recommended)	Demolish existing brick toilet block and install of 2 x new Exeloo s in the same proximity as the existing toilet block
	This would provide the regional reserve two new Exeloo s.
Estimated Cost	\$357,775
Timeframe	Mid 2016
Rationale	<p>PROS</p> <ul style="list-style-type: none"> -Meets objectives of demolishing toilet block/dissuading sexual activity -Proposed toilet facility in line with current suite of toilets with CPTED <p>CONS</p> <ul style="list-style-type: none"> -Introduces additional toilet facilities to suite of toilets already within Council area that may be substituted with existing assets -There will be additional operating and maintenance costs -Will take up to five (5) months for delivery and installation of new Exeloo -Is the most costly option
Option 5 (Not recommended)	Wait for Oaklands Estate Reserve and Playspace consultation and concept planning
Analysis:	<p>Broader planning and consultation for the Oaklands Estate Reserve and Playspace would not be able to commence until 2016/17 given other high priority projects, and would require necessary resources allocated to the planning and design as well as any capital expenditure associated with this project.</p> <p>This option would enable consultation on the location of the toilet block to occur in relation to other reserve amenities.</p>
Estimated Cost	To be determined
Timeframe	<p>2016 (Planning and Consultation – subject to Council endorsement and resource availability)</p> <p>2017 (Delivery)</p>
Rationale	<p>PROS</p> <ul style="list-style-type: none"> -Planning to occur for reserve and playspace considers holistic amenity issues and location <p>CONS</p> <ul style="list-style-type: none"> -Timeframe for delivery is extended -Site is either without toilets or existing toilet block and issues remain for an extended period of time -Any relocation of toilet facilities would incur additional costs for service trenching and installation -Probability of concept planning that would be under taken resulting in toilet facility proposed for existing location

ANALYSIS:

Consultation

It is currently unclear what the community needs are for the future provision of a toilet facility within the reserve however it is likely that should a playspace remain and be upgraded at this regional reserve, a toilet facility would be requested and the provision of one is in line with the reserve's hierarchy within Councils' open space network and level of use.

Financial Implications

The options presented range from \$76,560 to \$357,775 and have varying whole of life costs. Options 1, 2 and 3 consider the relocation of two (2) existing Council assets that may be under utilised, consider the location of existing services and/or consider the project requirements of the upcoming Inclusive Playspace project at Hendrie Reserve.

The residual life of the brick toilet block at Oaklands Estate Reserve is twelve (12) years and the asset has a remaining written down value of \$40,023. Demolishing the existing toilet block will incur a loss and disposal of \$40,023.

The Exeloo facilities at both Hendrie Reserve and Pavana Reserve were installed in 2009 and are currently seven (7) years old.

It is proposed that the costs associated with Option 1 (\$119,845) are funded through the utilisation of Council's existing budget allocation for the Oaklands Estate Reserve bridge and skate park which have been completed with the aid of grant funding allocations. Given these works are now complete, this funding can now be made available for the toilet facilities.

The recommended Option 1 provides annual operational savings of \$11,055 per annum in utilising two (2) existing assets and disposing of the existing toilet block. Option 2 and 3 provide annual operational savings of \$7,499 and \$1546 respectively. Option 4 increases operating costs by \$8086 per annum.

Whole of Life Costs are attached as Appendix D.

Resource Impact

Subject to funding availability, should Council wish to pursue the recommended Option 1, this will be able to occur in early 2016 subject to the contractor's availability. Any options involving the purchase of new toilet blocks will require a four (4) to five (5) month lead time from date of order.

CONCLUSION:

A number of issues are being experienced at the Oaklands Estate Reserve brick toilet block that require addressing through the provision of modern toilet facilities that give consideration to CPTED principles.

It is recommended that Council demolish the existing brick toilet block and replace with a more suitable toilet facility. The recommended option gives consideration to addressing the issues experienced, usage of existing toilet facilities, future planning for Hendrie Reserve and financial consideration with potential annual operating savings.

This would then provide for three (3) exelooos on site, One (1) at the northern end of the site at the Recreation Plaza and two (2) further south in the centre of the site providing for the reserve and playspace.

8.0 / Preferred Master Plan

8.1 Preferred Master Plan



ACTIVITY PRECINCTS KEY

1. Wetland and water harvesting
2. Family recreation plaza with refurbished shelter and toilets
3. Refurbished Circular Building overlooking wetland
4. Car park upgrade (and expansion as required) to include ASR infrastructure
5. Family oriented BMX park relocation and upgrade
6. Open lawn and play area with picnic facilities
7. Amphitheatre relocated to retained mound
8. Quality BBQ & picnic facilities with integrated Kaurna interpretive elements

LEGEND

- Existing building – retained
 - Existing buildings – retained
 - Internal/external road
 - Pedestrian path
 - Shared use pedestrian/cycle paths
 - Potential connections to existing or future paths/streets
 - Wetland
 - Ephemeral creek (mostly dry except for short periods following rain events)
9. Play spaces along the ephemeral creek, incl. accessible play, play for a range of age groups and adventure play, and with integrated Kaurna interpretive elements
 10. Cultivated Gardens incl:
 11. Historic Vineyard
 12. Japanese Garden
 13. Potential future water harvesting
 14. Pond upgrade and decking
 15. Toilet upgrade
 16. Access road with opportunity for parallel parking bays
 17. Biodiversity corridor and trails with integrated educational interpretation

- Pond
- Decking/lookout
- Bridge
- Potential integrated artwork opportunities
- Activity precinct
- Car park
- Sturt River culvert
- Railway

DRAFT rev ps 07.06.2012
OAKLANDS PARK MASTER PLAN REPORT

Toilet Usage Statistics as per data received from WC Innovations

No. of Occupations each month

Sites/ Reserves/ Toilets	Oct-15	Sep-15	Aug-15	Jul-15	Jun-15	May-15	Apr-15	Mar-15	Feb-15	Jan-15	Dec-14	TOTAL
George Street Reserve	438	522	409	390	399	234		431	311	539	520	4193
Glade Reserve	1046	1270	712	808	828	419		883	616	1013	980	8575
Harbrow Grove Reserve	575	572	565	528	509	230		498	818	447	488	5230
Hazelmere Reserve LH	713	714	630	701	719	327		501	457	737		5499
Hazelmere Reserve RH	609	624	404	476	625	256		630	412	566	567	5169
Hendrie Street LH	1220	1233	1212	1194	1212	523		1090	873	992	1109	10658
Hendrie Street RH	708	598	620	650	683	273		536	470	557	655	5750
Jervois Terrace (Boat Ramp)	1361	1464	1114	1004	1098	517		1276	910	1214	1082	11040
Oaklands Recreation Plaza	1359											1359
Pavana Reserve LH	509	491	289	305	411	114		384	277	414	440	3634
Pavana Reserve RH	435	505	314	324	358	219		349	281	370	433	3588
Sandery Reserve	518	741	549	461	561	174		441	320	552	503	4820
Scarborough Reserve	774	825	893	648	885	371		1027	642	925	809	7799
Southbank Blvd Reserve	767											767
TOTAL	11032	9559	7711	7489	8288	3657	0	8046	6387	8326	7586	78081



APPENDIX C



SK1

OAKLANDS ESTATE PROPOSED TOILET





SK2

LEGEND

- Existing toilet block to be removed.
- Area to be reinstated with landscape
- Proposed gravel paving matching into existing to provide access
- Proposed exeloo toilets 2x cubicles
Orientation north west towards car park with views to entry from play space (CPTED principles have informed this direction)
- Proposed exeloo toilets entry
- Angle of view of toilet entry.
Angle of building to conceal entry from residents on The Parade.
- Existing light pole to be retained

OAKLANDS ESTATE PROPOSED TOILET



Whole of Life Cost Analysis - Oaklands Estate Reserve Toilet Block Options						
Option		Lifecycle Yrs	Acquisition Cost	Net Increase O&M pa	Net Increase Depn/ Renewal pa	Whole of Life Cost of Proposal
Option 1	Demolish existing toilet block and relocate of 2 existing exeloo	30	\$ 119,845	-\$ 10,271	-\$ 784	\$ 876,275
Option 2	Demolish existing toilet block and relocate 1 existing exeloo	30	\$ 76,560	-\$ 5,748	-\$ 1,751	\$ 631,500
Option 3	Demolish existing toilet block and relocate 1 exeloo and provide 1 new exeloo	30	\$ 238,810	-\$ 4,528	\$ 2,982	\$ 963,420
Option 4	Demolish existing toilet block and replace with 2 new exeloo	30	\$ 357,775	\$ 871	\$ 7,215	\$ 1,044,565
Option 5	Wait for Oaklands Estate Reserve and Playspace Planning and Concept Design					TBD

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

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: John Valentine, Manager Strategic Projects
General Manager: Abby Dickson, City Development
Subject: Multi- purpose indoor courts and Mitchell Park Masterplan
Report Reference: GC081215R05

REPORT OBJECTIVES AND EXECUTIVE SUMMARY:

The purpose of this report is for Council to:

- consider Mitchell Park as the preferred location for the establishment of multi-purpose indoor sports courts;
- consider integrating the 2013 Mitchell Park Sports and Community Club Masterplan with the multi-purpose indoor sports courts;
- consider the draft Architectural Brief as the basis for developing a first stage design for Council to consider a project financial target at a subsequent Council meeting;
- authorise the allocation of \$200,000 for the calling of a select tender to engage a concept design team comprising architectural, civil engineering, services engineering, landscape architecture, traffic planning, geo-technical and cost management services;
- note that a Section 48 report will be brought to Council for consideration and, subject to its endorsement, an application for funding to round 4 of the National Stronger Regions Fund (NSRF) be submitted by mid – 2016;
- note that (NSRF) contributes a maximum of 50 per cent to the capital costs of projects;
- note that the Mitchell Park Sports and Community club, as with all other major sporting centres in Marion, will require a Development Plan Amendment to accommodate an indoor sports facility.

To develop a high quality application to Round 4 of the NSRF a costed concept plan will be required along with other supporting information such as a management plan, business plan, financial plan and related documentation.

The concept plan will need to be developed quickly and efficiently to enable a funding application to be submitted. The first step in developing the concept plan is for Council to endorse an Architectural Brief and authorise the calling of a select tender for architectural, civil engineering, services engineering, landscape architecture and cost management services.

RECOMMENDATIONS (5)

DUE DATES

That Council:

- 1. Endorse the Mitchell Park and Community Club site as the preferred location for the development of multi-purpose indoor sports facilities and the integrated development of facilities for existing sporting clubs and dog club and the development of a community centre to replace the Mitchell Park Community Centre.**

**8 December
2015**

- | | |
|--|----------------------------|
| 2. Endorse the Mitchell Park Sports and Community Club Architectural Brief (Appendix 2) for the development of a costed concept plan and authorise the calling of a select tender to engage architectural, civil engineering, services engineering, landscape architecture, geo-technical, contamination assessment and cost management services. | 8 December
2015 |
| 3. Endorse the preparation of a first stage concept plan for Council's consideration and subsequent establishment of a project financial target. | 8 December
2015 |
| 4. Approve funding of up to \$200,000 from the Asset Sustainability Reserve – Community Facilities Partnership Program for the engagement of specialist consultants required to develop a costed concept plan. | 8 December
2015 |
| 5. Note that the Chief Executive Officer will review resourcing required to develop the concept plan and the lodgement of the NSRF application and will allocate resources, inclusive of new resources, as required. | 8 December
2015 |

BACKGROUND

At the 14 April 2015 Council (GC140415R02) meeting the following was adopted:

1. "Endorse investigations being undertaken with peak sporting bodies, relevant clubs, funding bodies and agencies to seek partnering opportunities for the development of plans and potential funding solutions for the following sports infrastructure:
 - Options for new soccer pitches and a BMX track in the South
 - Indoor multipurpose Stadium 4-8 Court (SA regional standard)
 - Edwardstown Oval Masterplan
 - Mitchell Park Sports and Community Club building upgrade
2. Note that consultation plans will be brought to Council for consideration after initial investigations are undertaken with peak sporting bodies, relevant clubs and agencies.
3. That potential funding opportunity relevant to the above sports infrastructure be actively pursued as they arise."

DISCUSSION:

Since Council's resolution of 14 April there has been a series of meetings with Basketball SA (BSA) to determine the degree of alignment with BSA's aspirations and Council's direction and to consider potential management arrangements, complementary sports and potential sites.

There is a strong degree of alignment between BSA and Council's objectives with BSA very open to working with other sports and an overall single management structure.

BSA's locational requirements, to fit in with their overall metropolitan wide strategy, to is to have a new facility developed in the area broadly bounded by Seacombe Road, South Road, Cross Road and Marion Road.

Three potential sites have been considered namely:

- Seaview High School;
- Marion Sports and Community Club (Norfolk Road); and
- Mitchell Park Sports and Community Club (MPSCC).

Each site has different strengths and weaknesses due to their ownership, time required to deliver a funded project, location and competition for space to accommodate activities.

The development of an indoor multi-purpose facility at the Marion Sports and Community Club (MSCC) would preclude the expansion of turfed surfaces previously identified in the master plan to accommodate the large range of turf based sports at that location.

Seaview High School is owned by the state government and the time required to potentially achieve an indoor facility would be longer than on a Council owned site.

There are a number of advantages to developing an indoor facility at the MPSC. Those advantages being:

- Proximity to Tonsley with its significant number of university and TAFE students, future residents and employee growth;
- On-going residential redevelopment in Mitchell Park;
- Ability to share facilities with cricket, football and rugby;
- Ability to integrate the dog club and community centre needs;
- Greater alignment with NSRF application requirements.

Of the three sites MPSCC is BSA's preferred location.

An Architectural Brief describing the outcomes for a redeveloped MPSCC has been developed and is attached as Appendix 2 to this report. The brief has been underpinned by the following:

- 1 That the design and development of building facilities will be the basis of shared facilities and maximizing the efficient use of space;
- 2 The design and development of facilities will be consistent with the development of a single management structure across all facilities.

On Thursday 12 November 2015 approximately 70 households adjacent to the MPSCC were door knocked / letter boxed with the attached flyer titled 'A vision for Mitchell Park Sports and Community Club' (Appendix 1). Nine householders were directly spoken to. The flyer invited residents to a 'resident drop in' on Tuesday 17 November 2015 between 5:00pm and 8:00pm. The 'resident drop in' was attended by some 15 persons, two of whom were residents, others being from the dog club, football and cricket clubs.

On Thursday 12 November 2015 staff met with representatives from all clubs associated with the MPSCC, there was significant discussion and strong interest from the clubs.

Staff also met with the Dover Garden dog club on Wednesday 18 November 2015 where there was a very engaged discussion and interest from the club.

Subject to Council approving funding for a costed concept plan the clubs showed keen interest in being consulted during the design process.

ANALYSIS:

Consultation

The development of the concept plan for the MPSCC will require consultation with the clubs at MPSCC and the local community during the different stages of the project. The next stage of consultation would be during the design of the concept plans.

Financial Implications

The development of costed concept plans for MPSCC is on a significantly larger scale than the current concept planning for Edwardstown and has more diverse uses to accommodate on the one site, ie dog club, community centre and a major multi sports facility (indoor and outdoor).

There will also be the need for geo-technical and land testing given the former creek that ran through the site, fill that has been imported onto the site and the area's history of land contamination.

Given the scale and complexity of the project it is premature to set a financial target. It is recommended that a first stage concept plan be developed and costed and then be reviewed by Council and a financial target set after Council's consideration.

To appoint the necessary specialist consultants a budget of \$200,000 will be required.

To achieve lodging an application with the Federal Government by mid- 2016 the work required to develop a costed concept plan and funding application is urgent. With a federal election due within the next 12 months the opportunity exists to potentially secure major federal funding towards the project which has previously been endorsed by Council as a priority sporting infrastructure project(s), refer GC140415R02, as described above.

Development Plan Amendment

All of Council's major sporting facilities are located in residential zones which preclude the development of indoor recreation centres or stadia. It will be necessary to undertake a DPA to rezone the MPSCC site or the project will not be able to proceed. For the sake of efficiency it is recommended that all of Council's major sporting facilities be the subject of the DPA.

Resources

The internal co-ordination of the design and cost process will be undertaken using existing staff resources.

Future Management Structure

The management of the clubs and functions at the MPSCC should be reviewed as part of Council considering redeveloping the facilities and grounds. Clubs at MPSCC, in preliminary briefings have broadly endorsed this approach. A single management structure that is focused on the maintenance and capital costs of the buildings and grounds should be investigated.

Such a management arrangement should be established to ensure that the financial commitments associated with operating the buildings, functions and grounds are met and in turn frees the clubs to focus on managing their sporting activities. A new management structure would also complement Council's application to the NSRF as it would demonstrate a financially sustainable management model.

Funding Partnerships

The federal government's NSRF represents a potential opportunity to secure 50% funding towards the redevelopment of the Mitchell Park Sports and Community Club. .

During the development of the concept plans partnerships funding will be explored with Basketball SA and other parties.

Policy Implications

The redevelopment of the MPSC Oval would contribute to all of the community plan aspirations and would particularly progress strategic goals related to social connectedness, active and healthy lifestyles, developing neighbourhoods that are activated, attractive and safe, and empowering communities to work in partnership with Council.

CONCLUSION:

Round 4 of the National Stronger Regions Fund may open in the middle of 2016. Should Council resolve to lodge an application for the MPSCC a costed concept plan and a range of supporting management plans, as required by the Fund, need to be developed as a matter of urgency.

FREQUENTLY ASKED QUESTIONS

Why build an indoor sports facility at Mitchell Park Sports and Community Club?

Council has prioritised the development of sports infrastructure to meet the needs of the community. The club is ideally located to serve the local and wider communities and connect to Tonsley and Flinders University. The original elements of the 2013 masterplan will remain in the project.

What could the indoor sports facility include?

The indoor sports courts facility could include six basketball courts and accommodate netball, indoor soccer, volleyball and korfbal.

Why does basketball want to move from its base at Marion?

The indoor facility located on Norfolk Rd Marion has only two courts, is more than 50 years old and is in poor condition. The facility can no longer meet the needs of the community and accommodate the planned expansion of playing fields at Marion Sports and Community Club.

Why is the masterplan being reviewed?

Reviewing the masterplan will enable Council to plan for the additional indoor sports facilities. It will also enable Council to plan for the identified needs of existing sporting clubs, dog club and the community. The addition of an indoor facility will greatly enhance the potential of attracting Federal Government funding.

What about traffic?

The review will include an examination of car parking and the future operations of the facility to ensure traffic is managed correctly.

How much will it cost?

Full costings will be developed following the review of the masterplan and the creation of detailed concept designs.

PROVIDE YOUR FEEDBACK

recreation@marion.sa.gov.au

NEED MORE INFORMATION

Find out more, discuss the vision for the site and have your questions answered at a community information session:

Date: Tuesday, 17 November

Time: 5pm to 8pm

Venue: Mitchell Park Sports and Community Club
Bradley Grove, Mitchell Park

City of Marion Administration Centre
245 Sturt Rd
Sturt SA
T (08) 8375 6600
marion.sa.gov.au



A vision for Mitchell Park Sports and Community Club



LOOKING FORWARD The vision for Mitchell Park Sports and Community Club has the potential to create a facility that can be enjoyed by present and future generations

Marion Council is reviewing the masterplan for Mitchell Park Sports and Community Club with the aim of building indoor multipurpose sports courts on the site. This will add to new facilities which could be built for the football, rugby, cricket and dog clubs.

The indoor sports courts have the potential to become a home for basketball and host netball, volleyball, indoor soccer and korfbal.

Reviewing the masterplan provides us with an opportunity to ensure the facilities continue to develop in line with the community's needs. It will also enable us to apply for Federal Government funding.

The club is ideally located to connect to Tonsley, which continues to evolve into a high-value industry, educational and residential precinct.

The original masterplan was developed in 2013 following extensive community consultation. Since then, a new model car track has been built and work is about to begin to construct a new fitness track.

This flyer includes a draft vision for the site and details the next stages in its potential transformation.

YOU ARE INVITED

Come to an information session to find out more about the vision:

Date: Tuesday, 17 November

Time: 5pm to 8pm

Venue: Mitchell Park Sports and Community Club

INSIDE - The vision and draft site plans

A vision for Mitchell Park Sports and Community Club

BACKGROUND

Council conducted extensive community consultation to develop the masterplan for Mitchell Park Sports and Community Club in 2013.

Initial consultation and a needs analysis in late 2012 saw the development of three different options for the site which were used in a survey of local residents and the sporting clubs that use the site.

The survey was conducted in early 2013 and included more than 4200 households around Mitchell Park Sports and Community Club and asked people what they thought of the club's facilities and their ideas for the future of the site.

The results of the survey, feedback from workshops and discussions at a community open day guided the creation a draft masterplan.

The draft master plan was distributed to the community in September and, following further feedback, finalised in November 2013.

NEXT STEPS

Council will consider the indoor facility and the original masterplan at the General Council meeting of 8 December, 2015.

Masterplan developed in 2013



New vision for the site 2015



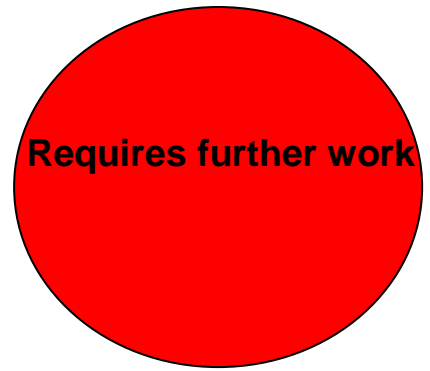
A VISION FOR THE FUTURE

The draft vision for Mitchell Park Sports and Community club adds to the original masterplan.

The inclusion of multipurpose indoor sports courts and a community centre combined with facilities for basketball, cricket, football, rugby, a playground, model car track, space for the dog club and car parking would create a facility that can be enjoyed by present and future generations.

The main differences between the original masterplan and the new vision for the site is the addition of an indoor sports courts facility.

The playground would be moved to the southwest corner and there would potentially be four, rather than six, tennis and netball courts.



PART B – PROJECT BRIEF FOR SERVICES

Tender Number:	CCxxxxx
Tender Description:	

DRAFT DOCUMENT

Mitchell Park Sports and Community Centre

Brief

December 2015

DRAFT DOCUMENT

INTRODUCTION

The City of Marion provides a diverse range of sport and recreation facilities that collectively aim to support an active and connected community.

With the large number of sport and recreation facilities spread across the city there is need to strategically plan for improvements and develop directions that will ensure facilities can appropriately respond to community needs in the future.

In reviewing its sporting infrastructure Council is considering options for the future provision of facilities across the city. Councils review has focused on identifying the highest sporting infrastructure needs of the community with an intention of prioritising suggested directions.

At the General Council meeting held 14 April 2015 Council endorsed a range of projects to be undertaken relating to sports facilities as follows:

- Options for soccer pitches and a BMX track in the south
- Indoor multipurpose stadium
- Edwardstown Oval Upgrade
- Mitchell Park Sports and Community Club upgrade

At the General Council Meeting of 8 December 2015 Council endorsed.....

Background

The existing building and sports infrastructure located at Mitchell Park Sports Club requires upgrading in the relatively near future and is important to a number a large number of organisations who would benefit from its upgrade.

Analysis shows that there is a major shortage of indoor recreation facilities in the Southern region of Adelaide and there is currently no indoor sport and recreation centre that meets the definition for a regional complex.

The existing Marion basketball stadium is inadequate in size and design to meet the basic needs of basketball and it is not feasible to consider upgrading the facility due to its age and condition. Facility reports have indicated the facility has a limited operational lifespan of between 3-5 years and that it should be a critical priority for Basketball SA, Council and other key stakeholders to plan for an alternative or new facility within the Marion (southern) region.

The Mitchell Park Neighbourhood Centre is highly valued by its users and an important community resource. However, the existing building itself is in a major need of upgrading and is not adequate for the community needs and as such an alternative building and site is required.

There is potential to establish the Mitchell Park Sports Ground with an integrated sports and community centre to provide a high quality regional level facility in partnership with user groups. Enhancing the quality of the facilities is justified due to the high level of use and forecast population change in the region.

A new indoor and outdoor sports and community complex will not only address the high need for sport and recreation facilities in the Southern region of metropolitan Adelaide but also assist all levels of government to meet set strategic objectives such as;

- Economic growth through employment opportunities
- Increasing levels of participation in active sport and recreation
- Linking to other major infrastructure investment by Federal and State Government
- More stable and viable communities
- Increase investment and build new partnerships
- Provide a viable and sustainable facility that provides for a broad range of community needs.
- Address the low SEIFA index rating for the region with program initiatives.

The preferred facility development option is for an integrated regional indoor multipurpose sports and community centre to be developed at Mitchell Park Sports and Community Club. The Mitchell Park location provides the greatest number of potential partners, economic and social benefits.

If a new complex is developed at Mitchell Park the initial list of potential stakeholders includes;

- Basketball SA
- City of Marion
- South Adelaide Basketball Club
- Existing clubs and sports that use the Mitchell Park Sports and Community Club including;
 - Mitchell Park Football Club
 - Mitchell Park Netball Club
 - Mitchell Park Rugby Club
 - Mitchell Park Cricket Club
- The Dover Gardens Dog and kennel Club
- The Mitchell Park Neighbourhood Centre
- Wildcats Netball Club

There is also potential to link with a number of schools, Flinders University, TAFE and the Tonsley Park Development which neighbour the Mitchell Park Sports and Community Club complex.

The following facility preferences are based on opportunities to maximise the potential use of facilities.

PROJECT VISION AND OBJECTIVES

The Mitchell Park Sports and Community Centre will be a regional level complex with high quality infrastructure for sport, recreation and economic and social benefit.

The project has the following objectives;

- Enhance Mitchell Park Sports and Community Centre with the creation of a multi-functional sports and community centre that has good viewing areas over the surrounding ovals and open space areas.
- Develop an indoor four to six court multipurpose sports facility that has the potential to attract state or regional level activities. Facilities will need to have the potential to support a high performance sports programs and a show court for major events.

- Review the 2013 master plan and redesign of the existing open space areas to establish sport, recreation and dog club facilities that also consider the needs of all existing user groups, potential user groups to ensure they have the potential to be used by a number of different groups and activities and cater broadly for the community.
- Integrate the design of the proposed building facilities into the broader planning and development of the site and its surrounds.
- Review the existing management structure with the intention of developing a sustainable sports and community club that will encourage shared core administration services and infrastructure and allow the clubs and community groups to lead, nurture and support the participation in activities.
- Develop a design brief that will provide quality facilities for the proposed development and consider materials which are sustainable, low maintenance, durable and support best practice ESD principles.
- Develop a project delivery plan outlining key milestones through to construction and identify the full cost of development for the Mitchell park Sports and Community Complex and its surrounds for Council's further consideration and assessment for future stages of design and potential development. The construction concept will need to be robust, enduring and fit for purpose.
- The design for the new facilities will allow for other new potential activities and services so broader economic opportunities can be explored by council to ensure the facilities have the potential to be viable and sustainable.
- The concept designs will be for facilities that are environmentally responsible and resource-efficient through design, construction, operation, maintenance.

SCOPE OF WORK

The City of Marion requires an appropriate specialised consulting service for the preparation of a master plan for the Mitchell Park Sports and Community Complex that will;

- Design a multi-functional sports, dog club and community centre by initially reviewing the 2013 Master Plan and then redesigning the existing precinct to establish a regional recreation and sports hub that considers the needs of all existing user groups, potential user groups and will cater broadly for the communities recreation and sporting needs. An important factor in the design of the facilities will be their mix and scale in order to achieve efficiency of operations and economic viability. 2013 Master plan is provided as attachment 1.
- Design options for an indoor four (4) court multipurpose sports facility (with provision to expand the number of courts to six if required) that has the potential to attract state or regional level activities. Facilities will need to have the potential to support a high performance sports programs and a show court for major events. This includes identifying the footprint, orientation, and major services requirements of the stadium within the context of the sports precinct.
- Design a new community centre intergated into the complex to replace the Mitchell Park Neighbourhood Centre.

The consultant will be required to appoint and confirm the availability of an appropriate consulting team to review the existing site and infrastructure as well as a design team that can deliver the project scope. All consultants and fees will need to be identified.

Note; Any building and planning approval will be undertaken by City of Marion.

Note: Council shall engage an independent Cost Consultant. The Consultant team shall provide necessary information to enable the Cost Consultant to prepare the necessary Cost Estimate and collaborate with Council and the Cost Consultant in finalising the Background Report and Concept Design.

BACKGROUND REPORT

Upon appointment the consulting team will undertake the following:

- A services engineer will check all service locations to ensure that the design and costing addresses upgrades and required relocations of existing services. All existing service locations are to be shown on the plans, concepts and designs. A site survey is provided as attachment 2
- Report on any geotech and site contamination issues and provide recommended directions to address any potential issues.
- Identify and consult with key stakeholders including relevant Local and Government agencies to determine issues that are likely to affect the design and redevelopment of the facility.
- Review all relevant documentation that is relevant to the project.
- Provide a return brief to finalise the requirements for the concept design

The main purpose of the Background Report will be to synthesise all information required for the next stage of redesigning the site to ensure designs are both a practical and a feasible option for council and other stakeholders to consider.

CONCEPT DESIGN

Plan for a multi-functional sports and community centre that will integrate into the broader design and development of the site and its surrounds and include;

- New shared clubrooms to meet the needs of all user groups including the indoor sports, dog club members as well as sports utilising the open space areas and oval (300 square metres)
- Four (4) indoor multipurpose courts with compliant run-off areas.
 - 1 court will be a show court with retractable seating for 500 people
 - The show court will also need to be positioned so additional temporary seating may be brought in for special or major events.
 - The concept designs will also allow for an expanded building footprint to accommodate six (6) courts and additional amenities.
- New hall/function area and meeting spaces to accommodate the needs of the Mitchell Park Neighbourhood Centre and the broader community (300 square metres) with kitchenette
- Office areas to accommodate 8 on site based staff.
- Business enterprise area (30 square metres)
- Officials meeting room (10 sqm)
- Café connected with kitchen and catering facilities to serves all areas of the building
 - Café will also need to provide space allowance for retail display and sale of sporting equipment
- Gymnasium (100 square metres)
- Toilets and amenity changerooms ; Male and female (2 x 45-50sqm*) as well as home and visitor change rooms for outdoor sports (2 x 45-50sqm*)

- Umpires room including toilet and showers (25sqm*)
- Utility/cleaners room (5sqm*)
- Massage/first aid/doctors room (15sqm)
- Cold store (10 sqm)
- Storage areas and cold store (to meet the needs of each section/area)
- Dog training room (100sqm) located adjacent a kitchenette and undercover outdoor area

Note; the spaces allocated above will need to be reviewed and informed through the background report, business case and consultation with the stakeholder groups and council staff.

New concept design for the open space areas that includes;

- Redesign the site and develop a landscape concept that establishes recreation and sports areas that considers the needs of all existing user groups and potential user groups.
- Dog Club area; Eight (15x30m) dog rinks at the southern end of the complex.
- Four outdoor multipurpose courts for netball and tennis to the western side of the main indoor sports complex.
- Retain the main oval, scoreboard and oval lighting
- Retain the model car track
- Play space
- Community Recreation spaces
- New Cricket nets – north south orientation
- Establish pedestrian links through the site as well as links to the Tonsley Park site and the two local schools to the north of the site.
- Provide for a variety of recreation activities based on community need ensuring equitable use for disadvantaged persons.
- Produce open space that uses landscaping and aesthetic qualities to encourage both formal and informal recreation and sport use of the area. Review and update the masterplan fitness trail/circuit
- Retain as many significant trees on the site as possible and replace removed trees with new plantings.
- Integration of high quality urban design and landscape treatments that link to surrounding environment.
- Integrate the existing and proposed facilities into the broader planning and development of the City of Marion.
- Best practice environmental sensitive design
- Design car park and traffic management to
 - to minimize vehicle manoeuvres within the site
 - the main car park to enter from Bradley Grove
 - provide sufficient car parking to meet the capacity need of the facility
 - provide entry points to cater for anticipated peak traffic flows
- Design connections and access
 - Consider accessibility to transport networks, pedestrian, cycle links, links to the tonsely site and other facilities
 - to provide safe and accessible transport networks, pedestrian and cycle links
 - enhance the streetscapes around the site to enhance the quality of the surrounds and the connection to the facilities.

FINALISING THE CONCEPT DESIGN

It will be important to test the practicability of the technical aspects of the concept design. This will ensure that energy use/consumption, maintenance of all technical systems and utilities and ongoing operational costs are investigated and that the most practical and cost effective options are selected based on Life Cycle Costs.

The tenderers are requested to submit alternatives and potential cost savings for council's consideration.

The consultant must prepare a construction staging and accommodation schedule and list timeframes, potential costs and quality issues.

FUNCTIONAL DESIGN BRIEF

The deliverables for this project will include the preparation of a functional design brief translating the conceptual ideas already developed into a set of parameters which will govern the final design and potential construction of the facility.

The design of a facility should be practical and flexible, based on the specific functional requirements of the facilities intended use. In addition, it should foster a "sense of place", reflecting local culture and identity. For these reasons, input from council, sites users and from the local community should be sought when preparing the design brief. Importantly, the design brief should also reflect the needs of the proposed management structure.

The design brief will be comprehensive ensuring that the outcomes of the project will match council and stakeholders expectations and achieve a positive "value for money" result. The design brief should describe the desired aesthetic characteristics, and how the facility should be integrated with adjoining community facilities.

This phase of the project will produce conceptual drawing with indicative building services and structural layouts. This phase will also include a complete understanding of the full cost of development and all implications for accommodation of the clubs as well as key stages of the project for the construction phase.

In particular the brief will set out

Design Philosophies:

- Establish a general design statement which will guide the design process.
- That the design support a single whole of site management structure.
- That the design minimize the duplication of facilities and functions.
- Describe how the facility should blend in with the neighbourhood.
- Identify any special design characteristics required.
- Consider maintenance minimisation throughout the design process.
- Advise on life cycle costing requirements.
- Outline energy conservation and management requirements.

Building Regulations, Standards and Approvals:

- Outline any conditions pertinent to a future Development Approval application.
- Set out the need to comply with building regulations.
- Require the design to comply with the standards relating to disabled access.

- Detail any specific standards relating to the building fabric, acoustics, ventilation, and the structural system.
- Consideration of DDA and CPTED requirements.

The outputs of the concept design phase include:

- Final concept plans and report, including landscape site plan and buildings.
- Final functional design brief.
- Final project budget
- Complete the community and user group consultation process as outlined in project timeframe schedule.
- Resolve any technical and design alternative issues.
- Obtain all relevant client approvals.
- 3D images of the builtform in context of the site.

The consultant will be required to meet with Council staff before the final draft is presented to Council and stakeholders.

REPORTING AND TECHNICAL REQUIREMENTS

- The consultants will submit a project plan for undertaking the project with their proposal and identify key milestones within the project including;
 - Project Schedule
 - Project resource plan
 - Project costings including budget breakdown for all key milestones
 - Engagement/consultation program
 - Project Risk Management Plan
- It will be expected that the consultants will report to Council on the achievement of each key milestone.
- The consultants must obtain approval from Council for all project scope variations.
- Coordinate presentations to council and stakeholders on project details, reports, concepts and designs
- The consultants may appoint secondary consultants but must identify the working relationship.
- The consultants will be responsible for;
 - The integration, coordination and performance delivery of service of all consultants
 - The design of the project within budget
- The consultants will obtain council approval at the completion of each milestone before commencing the next stage.
- The Consultants should obtain all approvals necessary for the project.
- The consultant will be required to liaise with Council's appointed Cost Consultant.

REGULATIONS AND AUSTRALIAN STANDARDS

The contractor will comply with the requirements and regulations of all legally constituted authorities and obtain all necessary approvals. Unless otherwise specified all materials and workmanship shall comply with Australian Standards and the Building Code of Australia.

FORMATS AND DELIVERY

All documents shall be prepared in the following formats:

Drawings:	AutoCAD 2010 or earlier
Text:	Microsoft Word (.doc files) Desktop Published – Adobe InDesign
Spreadsheet:	Microsoft Excel (.xls files)
Concepts:	Acrobat PDF

All Reports

- Three hard copies
- One electronic copy (PDF)
- An electronic copy of any Adobe InDesign or desktop published files

Drawings

- Three hard copies of each with at least 2 copies coloured
- One electronic copy (AutoCAD)

All drawings will be stamped in capital bold letters “PRELIMINARY ONLY- NOT FOR CONSTRUCTION’ where submitted for approval or ‘FINAL’ where approved by council.

PROJECT TIMEFRAME

Anticipated timeframes for the project are as follows:

Stage	Progress	Schedule	Stage Requirements
Project start up		Date xxxxxx	
Background Report	10%	Complete by xxxxxx Date xxxxxx initial meeting with Council staff Date xxxxxx present report to Council Date xxxxxx present to stakeholder group Date xxxxxx return brief	Investigations; <ul style="list-style-type: none"> ▪ A services and utilities review ▪ Initial consultation with stakeholder groups ▪ Literature and compliance review Note; Consultant will be required to liaise with Councils appointed cost consultant.
Council decision on options	Hold Point	Date xxxxxx	<ul style="list-style-type: none"> ▪ Review of return brief
Concept Design Development and Costing	75%	Date xxxxxx complete consultation on concept design Date xxxxxx Date xxxxxx meet with council	Develop concept designs for the preferred option; <ul style="list-style-type: none"> ▪ Facility Location

Stage	Progress	Schedule	Stage Requirements
		staff to review concepts Date xxxxxx present final concepts to Council Date xxxxxx present final concepts to stakeholder group	<ul style="list-style-type: none"> ▪ Facility Components ▪ Indicative Floor Plans ▪ Indicative Sections ▪ Indicative Elevations ▪ Design Options ▪ Landscape site plan ▪ Indicative Mechanical ▪ Indicative Electrical ▪ Indicative Plumbing ▪ Indicative civil works ▪ Indicative Structural ▪ Architectural intent. <p>Note; Consultant will be required to liaise with Councils appointed cost consultant.</p>
Council decision to proceed	Hold Point	Date xxxxxx	Council to review concepts and costings
Complete Concept Plans	Final 100%	Date xxxxxx meet with council staff to review concepts Date xxxxxx present final concepts to Council Date xxxxxx present final concepts to stakeholder group	Delivery of concept designs, functional design brief and final documentation Note; Consultant will be required to liaise with Councils appointed cost consultant.

PROJECT DELIVERABLES

PROGRESS REPORTS – as required.

ENGAGEMENT/CONSULTATION PROGRAM - The consultant will provide council with a finalized consultation program prior commencing the planning of the concept design.

Project Stage	Who	Why	How
Stage 1- Background Report	Council staff and Basketball SA	Project start up Council expectations Community and projects needs	Workshop (x 1 hour)
	Consult with Mitchell Park Sports and Community Club Management Committee and representatives of <ul style="list-style-type: none"> - Mitchell Park Football Club - Mitchell Park Netball Club - Mitchell Park Rugby Club - Mitchell Park Cricket Club 	Identify needs of user groups and community	Separate consultation meetings with each group (x 1 hour)
	Consult with Basketball SA		
	Consult with South Adelaide basketball Club		

Project Stage	Who	Why	How
	Consult with Wildcats Netball Club		
	Consult with Dover Gardens Dog and Kennel Club		
	Consult with Mitchell park neighbourhood Centre		
Council decision to proceed	Council and Basketball SA	Present background report and return brief to Council	Presentation at Council meeting/forum (45 mins)
Stage 2- Concept Design Development and Costing	Council and Basketball SA	Discussion of concept designs	weekly meetings x 4 (1 hour)
Decision to proceed (2)	Council	Present concept designs Decision to finalise or amend concepts	Presentation at Council meeting/forum (45mins)
	Basketball SA, Office for Recreation and Sport, Flinders University	Present concept designs	Presentation (1 hour)
Stage 3 - Complete Final Concept Plans	Council and Basketball SA	Discuss final documentaion	Meeting (1 Hour)
	Council and Basketball SA	Delivery of final concepts	Meeting (1 Hour)
	Council and Basketball SA	Present final documents and concepts	Presentation at Council meeting/forum (45mins) Presentation (45mins)
Final Presentations	Council Staff, Basketball SA, Office for Recreation and Sport, Flinders University	Present and finalise functional design brief	Meeting (2 hours)
	Council and Basketball SA	Present background report and return brief to Council	Presentation at Council meeting/forum (45 mins)
Functional design brief			

BACKGROUND REPORT

As detailed in the scope of work this report will include;

- A site, services and utilities review
- Literature and compliance review
- Consultation report
- Return brief

CONCEPT DESIGN

Concept Designs incorporating;

- Facility Location
- Facility Components
- Indicative Floor Plans
- Indicative Sections
- Indicative Elevations
- Design Options
- Indicative Mechanical
- Indicative Electrical
- Indicative Plumbing
- Indicative Structural
- Architectural intent.
- Supporting report including approved return brief and revised cost estimate (by independent Cost Consultant)
- Indicative 6 court facility footprint and car park.

Zzzzzzzzzzzz x Presentations of the concept designs will be required;

- **xxxxxxxxxxxxxx**

FUNCTIONAL DESIGN BRIEF

Following Council approval of the Concept design a functional design brief shall be prepared to facilitate transition to project delivery.

The functional design brief will include;

- Vision, objectives and goals of the project
- Comprehensive architectural and services brief and site report.
- Functional relationship diagrams of required indoor and outdoor spaces
- Identification of connectivity of spaces
- Identification of any specific mechanical or electrical requirements. including a Building Service Report indicating basic type, extent of service, costed options and operating costs
- Identification of any specific civil, structural, engineering and landscape development requirements.

EXPERIENCE OF TENDERERS

Tenderers are required to demonstrate the following:

- Experience undertaking projects of a similar type and scope
- Experience in working with State and Local Government
- Professional Indemnity insurance of not less than \$2million

BUDGET & INVOICING

Council has committed a level of funding for this project. Final budget commitment shall be confirmed pending the outcomes of this tender process.

The Contractor shall invoice Council upon the satisfactory provision of accepted key milestones associated with the completion of the project.

INTELLECTUAL PROPERTY

All intellectual property developed in undertaking of the project shall become the property of the City of Marion.

COST ESTIMATE

Council will engage a Cost Consultant / Quantity Surveyor directly.

DRAFT

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: John Valentine, Manager Strategic Projects
General Manager: Abby Dickson, (Acting) City Development
Subject: Edwardstown Oval – Design Options for National Stronger Regions Fund Application
Report Reference: GC081215R06

REPORT OBJECTIVES:

The purpose of this report is for Council to:

- consider the Background Report for the development of a costed concept plan for the Edwardstown Oval (Appendix 1);
- endorse a preferred concept option to be further developed to form the basis of the bid to the National Stronger Regions Fund (NSRF);
- note progress in consultation with stakeholders in the development of the proposal and the development of a single management structure for the site

EXECUTIVE SUMMARY

At the Council meeting of 22 September 2015 (GC220915R02) Council resolved the following:

1. Council endorsed the Edwardstown Oval Architectural Brief for the development of a costed concept plan and authorised the calling of a select tender to engage architectural, civil engineering, services engineering, landscape architecture and cost management services.
2. Council endorsed the costed concept plan being developed on the basis of recommended building and various ground improvements to a financial target of \$7 - \$8 million.
3. Council endorsed the roles and responsibilities documented for the various parties associated with the project.
4. Council approved funding of up to \$135,000 for the necessary additional staff resources and specialist consultants required to develop a concept plan and a comprehensive NSRF submission. That this funding will be sourced from the Asset Sustainability Reserve – Community Facilities Partnership Program.
5. Council noted that the Chief Executive Officer will review resourcing required to develop the concept plan and the lodgement of the NSRF application and will allocate resources, inclusive of new resources, as required.
6. Council supported an urgent full review of the management structure at this site.

Subsequently, a design team led by Hardy Milazzo Architects have been engaged and they have completed the first stage of their commission, being the background report on the state of existing facilities and their potential to be integrated into the upgraded Edwardstown Oval facility, and options for creating new facilities. In addition, an independent cost consultant has been engaged to provide cost advice. Concurrently stakeholder consultation has commenced with the existing user groups for the site in the form of face to face meetings, a survey of requirements, a combined workshop on November 5, 2015 and regular discussions with the Edwardstown Oval Committee of Management (EOMC).

The November 5 workshop focused on the development of a single management structure for the site and adoption of a new constitution. Subsequently EOMC have endorsed the proposed model of a single management structure and constitution with some amendments and have expressed a preference for one of the redevelopment options proposed by Hardy Milazzo.

In addition Council have engaged the services of Anne Petch of Funding Partnerships Australia, to assist in preparing the funding submission to the NSRF.

The conditions of the NSRF require that submissions demonstrate their capacity to deliver tangible economic and social benefits to their communities. Upgrading existing facilities for the benefit of current users alone would be insufficient to meet this requirement. With this in mind a draft long term vision statement including economic and social objectives has been developed, and features have been included in the brief that provide capacity to achieve them.

Based on the bidding for Round 1, and no information to the contrary, Round 3 of the NSRF is expected to open in December 2015 and to close in February 2016. Given the limited time available to develop this bid, concurrent refinement of the brief, the design, a single management structure framework, external and internal stakeholder consultation, bid documentation and a Section 48 report (Local Government Act requirement) is required over the December/January period. This will limit the opportunity for council to consider development of the bid in a staged manner.

RECOMMENDATIONS (4)

DUE DATES

That Council:

- | | |
|---|------------------------|
| 1. Note receipt of the Edwardstown Oval Background Report on the state of the existing facilities and their suitability for inclusion in an upgraded complex. | 8 December 2015 |
| 2. Consider report GC081215R06 and endorse option as the preferred concept to be further developed to form the basis of a Section 48 report and, subsequently, for the bid to the National Stronger Regions Fund. | 8 December 2015 |
| 3. Note progress in consultation with stakeholders in the development of the proposal and the development of a single management structure for the site. | 8 December 2015 |
| 4. Note that a separate report, as required under Section 48 of the Local Government Act, will be brought to Council for consideration describing, amongst other matters, the whole of life costs associated with the project | 8 December 2015 |

BACKGROUND

In April 2015 Council endorsed investigations being undertaken with peak sporting bodies, relevant clubs, funding bodies and agencies to seek partnering opportunities for the development of plans and potential funding solutions for the following sports infrastructure:

- Options for new soccer pitches and a BMX track in the South
- Indoor multipurpose Stadium 4-8 Court (SA regional standard)
- Edwardstown Oval Masterplan
- Mitchell Park Sports and Community Club building upgrade – (GC140415R02)

In late May the Mayor met with the Edwardstown Oval Committee of Management (EOMC) and requested that the committee consider; 1), ways of reducing the cost of the Masterplan; 2) future governance opportunities for the site and, 3) ongoing economic opportunities that could be generated by the site (a condition of the NSRF).

Following Council's resolution of September 2015 which endorsed the brief, a target budget, a resourcing strategy for the project and a review of the site management structure the following actions have occurred.

- Additional project management support has been engaged by Strategic Projects;
- A design team led by Hardy Milazzo Architects has been engaged for concept development through a selected tender process.
- An independent Cost Consultant, Chris Sales Consulting, was engaged through a selected tender process;
- Consultation has taken place with the following bodies;
 - EOMC (including local resident members, RSL and club representatives;
 - Edwardstown Bowling Club;
 - Edwardstown Football Club;
 - South Road Cricket Club;
 - South Coast Cycling;
 - Edwardstown Oval Community Hall Management Subcommittee;
 - Cycling SA;
 - Workskil;
 - Skinny Lattes Women's Cycling Group;(Results of this consultation are tabulated in Appendix 2)
- Council have engaged the services of Ann Petch of Funding Partnerships Australia, to assist in preparing the funding submission to the NSRF. She has drawn on experience in with developing similar bids to suggest options for enhancing the economic and social benefits.
- An Internal Reference Group has been established drawing relevant Council staff into the project and bid development process
- A workshop was held with EOMC and additional representatives of clubs on the 5 November 2015. This was to consider the concept of a single management structure and a draft constitution for the EOMC to accommodate such a structure. This was attended by Mayor Hanna and Councillor Pfeiffer.
- A presentation was made to EOMC on November 26 on the three concept options.

The EOMC have continued to meet fortnightly to consider broad approaches to the redevelopment of the Edwardstown Oval with ward councillors, the Mayor and/or a council staff representative in attendance.

DISCUSSION:

The initial Architectural Brief developed was underpinned by the following:

- 1 That the design and development of building facilities will be the basis of shared facilities and maximizing the efficient use of space;
- 2 The design and development of facilities will be consistent with the development of a single management structure across all facilities;
- 3 The initial brief provides for 750 square metres net of enclosed area.

This brief represents an efficient facility for shared use by the existing site users.

Grounds Works

The grounds works brief included the requirements to retain long term capability for local Football (AFL), Cricket, Lawn Bowls, Velodrome Cycling competition and training as well as informal recreation and Memorial functions. In addition it required that landscaping shall enhance the site's use for year round informal recreation and its connection and contribution to the local streetscapes and addressed parking issues to the maximum practical extent.

Prioritisation of external works elements has been subject to stakeholder consultation.

“Stronger Region” Enhancements

Requirements of the NSRF include that successful bids:

1. Contribute to economic growth, including;
 - Delivery of an economic benefit beyond the period of construction
 - Enhancing public good over the medium (5 to 10 years) and long term (10 to 20 years)
2. Address disadvantage in the area;
3. Build partnerships in the region;
4. Are viable and sustainable.

Replacement of existing infrastructure is eligible provided it demonstrates a significant increase in productivity.

This has prompted the development of the following draft long term vision for the site which has developed from internal discussion and discussion with the EOMC.

“The Edwardstown Soldier’s Memorial Recreation Ground will be a vibrant hub providing quality sport and recreation infrastructure with economic and social benefits that will be a model for a well-connected and inclusive community.”

As a consequence the design team have developed proposals, across all 3 options that include additional amenity and commercial opportunities to the site that will foster community identity and involvement, employment and business development. These include:

- Building on the fact that the site houses the only outdoor velodrome in the central and southern greater metropolitan areas (of the nation’s cycling capital), and is located close to the metropolitan Greenway network there is an opportunity to promote its use as a cycling hub for cyclists of all ages and their families.
- Adding a space for a small privately funded and operated café suitably located to attract seven day a week patronage by site users including existing sporting club members and guests.
- Including bookable, digitally enabled community meeting facilities that would serve as a resource for community based business and social initiatives

- Incorporating ground level multi use space through short or long term lease by compatible small businesses such as cycle repairers, cycle storage and hire, private gym, personal trainers and allied health providers.
- Configuring external areas to allow for community enterprises and events such as outdoor cinema, farmers market
- Servicing the site with public wifi, digital device and small electric vehicle (e.g. gophers and electric bikes) charging

The extent to which these are incorporated will be subject to further consultation with stakeholders and the limitations of the target budget.

Transition Resourcing

Achievement of the site vision under a single management structure will require a structured change process. To this end consideration needs to be given to Council resourcing a transition manager for the site for a period of one to two years from works completion whilst the new management is established and becomes operational. Tasks would include:

- Implement new management structure, recruitment of personnel for the management structure;
- Implement new property agreements, licence and sub-licences with existing users including access to clubrooms, office facilities and storage;
- Develop and manage a hiring calendar maximising use;
- Develop and manage community activation program e.g. farmers' markets, community cinema;
- Arrange term and adhoc access to community spaces;
- Liaise with cycling community regarding use and business opportunities;
- Liaise with personal training and rehab providers re use of facilities;
- Orientation and hand over to new management.

The Section 48 report that will be brought to Council in January 2016 for consideration will provide greater detail and costs for transition resourcing.

Options

Given the original brief and the enhancements listed above the design team have developed three options. The descriptions below relate to the sport facilities improvements whilst the additional elements relating to the NSRF criteria are described above. The concept designs for the 3 options are shown in Appendix 3.

In summary these comprise:

Option 1 Full refurbishment

This option utilises the existing Bowling Club and Football Club buildings, upgrades them to current regulatory and sustainable design standards, making them suitable to their ongoing functions and longevity.

Additions have been necessary to provide the additional facilities required by the brief, as current accommodation is not large enough.

This option retains the separation of the Football and Bowling clubs and consequently is not conducive to the introduction of a single management structure. In addition it limits the opportunities to improve parking and passive surveillance of the site.

The "Stronger Region" enhancements listed above are housed in the two storey extension to the Football Club.

This Option has been costed at a range of \$6.5 to \$7.2 million.

Option 2 New Building

This option demolishes all existing club buildings on site currently and provides for the required functions in an optimised position on the site, taking into account all site conditions.

This option achieves all functional requirements of the original brief. It requires full demolition of the Bowling Club which has the potential impact of disrupting its operation for one summer season and consequently jeopardising ongoing viability.

The “Stronger Region” enhancements listed above are partly integrated into the planning of the upper level and the also into a single storey wing extending over the site of the current Bowling club.

This Option has been costed at a range of \$7.6 to \$8.4 million. Adoption of this Option would require careful budget management during the concept development phase to remain within the target budget.

Option 3 Partial New, Partial Refurbishment

This option utilises the existing Bowling Club building and adapts it to consolidate functions. It also provides a second storey to contain the balance of brief requirements. Siting is largely determined by positioning of the Bowling Club building.

This option achieves all functional requirements and allows the bowling club to remain in operation with disruption minimised but gives bowlers access to enhanced facilities on the upper level in the completed facility.

The “Stronger Region” enhancements listed above are primarily housed in the excess low ceiling height assembly space in the bowling club, which will be converted to adaptable enterprise space for small scale market and entrepreneur driven operations attracted to service the various sporting and social communities served by the site

This Option has been costed at a range of \$7.1 to \$7.9 million.

The EOMC considered the 3 options at a meeting of Monday 30 November and subsequently endorsed Option 3 as their preferred option. A copy of EOMC’s correspondence in relation to this is attached as Appendix 5.

Grounds Works

All options listed above include a common package of external works. The key elements include:

- Upgrade of the Memorial Gardens;
- Upgrade of the velodrome track and adjacent safety fencing;
- Widened and improved access path around perimeter of velodrome for pedestrian access through site and informal recreation use (e.g. circuit walkers and dog walkers);
- Enlarged car park with improved layout;
- New cricket nets on the main oval site;
- Security lighting.

Whilst a site has been identified for practice cricket nets, the location requires portion of the car park area to be used each cricket season for this purpose. Further investigations are required into the cricket nets location and their use.

Plans describing the Grounds Works are attached as Appendix 4.

ANALYSIS:

Consultation

The consultation to date has revealed a high level of community support for an upgraded facility operating under a single management structure (refer Appendix 2).

Key findings of the consultation to date are:

- Bowling Club is currently in stable operation, however it no longer fields team in women's pennant competition. Its key source of new members is the Wednesday Night Owls competition. It values its current three lawn green facility which attracts large tournaments such as the annual country carnival. It contracts out greens maintenance. The Clubrooms are currently adequate for its needs and it regularly hosts third party events such as the bridge club and private parties.
- The Edwardstown Football Club has a long history, being just a few years from its centenary. It has recently struggled to sustain a viable combination of financial stability, volunteer participation and on field success. In 2016 it is moving to compete in the Amateur League. Its clubrooms are run down to the extent that the roof is in urgent need of replacement, the air conditioning system is inoperable and the kitchen facilities are seldom used. The state of these facilities reduce its attractiveness as a facility for third party functions.
- The South Road Cricket Club uses the Oval and cricket nets through summer. It has a growing membership which increasingly includes players born in India and Pakistan who have recently joined the local community. Its primary issue with the current facility is difficulty in accessing clubrooms for social events and meetings as well as the installation of onsite cricket practice nets.
- The Community Hall is operated by a subcommittee of the EOMC. This facility receives limited use. Its most regular user is a Ballroom Dancing school which particularly values its sprung timber floor.
- South Coast Cycling and Cycling SA were both consulted. South Coast Cycling uses the velodrome at least two evenings a week for practice and its summer competition. Its main concern is the deterioration of the velodrome surface and the safety risks associated with configuration of the external fence and the lack of a flat runoff circuit at oval level as well as access to clubrooms and onsite storage. Cycling SA which runs elite level cycling in SA emphasised the value of the velodrome in developing cycling in the state. It provides a safe venue for amateur track events as well as a motor-vehicle free training venue for road riding, especially junior development programs. The strong community interest in cycling at all ages creates the potential for EO's use as a vibrant hub for the sport. This would be enhanced by track improvements and amenities such as bike storage, indoor ergo training and a coffee outlet on the site. Both South Coast Cycling and Cycling SA indicated the velodrome's usage would be boosted by the installation of track lighting. Cycling SA also indicated that a key outcome of a single management structure should be independent calendar management of the facility to maximise its use.

- The RSL is represented through the chair of the EOMC. The RSL currently use the north east site for annual Anzac Day services. While this is currently disposed as a memorial garden with rose beds, they have no objection to sensitive re-landscaping to make the area suitable for other community events and informal use.
- Workskil were approached with the view to exploring their need to use facilities and the Oval for job-ready training courses. They indicated changes in funding priorities meant that these were no longer held, and priority is now for partnering in community "Work for the Dole" projects
- The EOMC including club and local community representatives emphasised the need for upgrading the facility functionally and aesthetically and developing the complex as an integrated single active place. Key community issues are safety at night and better management of parking.

Through consultation and the workshop held on 5 November 2015, there was strong support for a single management structure and the draft constitution for a skills-based board outlined by the Mayor at that event.

Through the EOMC the existing user groups and resident representatives have endorsed the following:

- Implementation of a single management structure and a new Management Committee constitution
- A preference for adoption of Concept Option 3

Financial Implications

As part of the motion considered at the 8 September 2015 Council meeting reference was made to a financial target for the overall project.

Council endorsed a financial target of \$7million to \$8 million. This financial target has been based on experience with several Federal and State government funding applications and the probability of securing funds for a project of this nature. A project of this size will require (as stipulated by the NSRF) a 50% contribution at a minimum, meaning a contribution from Council of \$3.5 million to \$4million.

The three options have been independently costed and are described in the table below.

	Option 1	Option 2	Option 3
Anticipated cost range	\$6.58 million to \$7.25 million	\$7.6 million To \$8.4 million	\$7.15 million To \$7.9 million
Predicted mid range cost	\$6.926 million	\$ 8.0 million	\$7.52 million

All costs include a cost escalation factor through to the end of 2017 and appropriate design and construction contingencies.

The costs do not allow for the appointment of an external project manager, the project would be managed ('superintended') by the architect and co-ordinated on behalf of the City of Marion by existing Strategic Projects staff.

It should be noted that investigations are still in progress in relation to the site's history and the condition and source of the fill that forms the velodrome. Should these investigations identify contamination, or any other issues, there may be a need to revise the above costs.

With the development of projects generally, and at the early concept development stage it would be prudent for an option to be adopted that has the financial capacity to deal with unexpected eventualities. These unexpected eventualities could include ground conditions or redundant services or building conditions that have not been identified to date.

In addition to the Grounds Works described above additional ground works could be achieved depending on which option is selected as the preferred option and the construction tender result. These additional ground works could include:

- Shared path along Roberts Road;
- Shelter to the spectator area;
- Fitness park and pocket park;
- Playspace;
- Establishment of a synthetic surfaced bowling green.

The cost of these additional works is not included in the table above.

A Section 48 report will be brought to Council for consideration prior to the lodging of a funding application. The Section 48 is a requirement under the Local Government Act and, amongst other matters, it will address whole of life costs, (on-going management, transition management, maintenance and depreciation costs).

Funding Partnerships

The federal government's NSRF represents a potential opportunity to potentially secure 50% funding towards the redevelopment of the Edwardstown Oval.

Policy Implications

The redevelopment of the Edwardstown Oval would contribute to all of the community plan aspirations and would particularly progress strategic goals related to social connectedness, active and healthy lifestyles, developing neighbourhoods that are activated, attractive and safe, and empowering communities to work in partnership with Council.

CONCLUSION:

Three options have been generated for Council's consideration. The three options generated are within Council's target budget of \$8 million. It should be noted however that the cost range for Option 2 is \$7.6 million to \$8.4 million with a mid-range estimate of \$8 million.

Council's preferred option will be further developed by staff and the consultant team as part of preparing an application to Round 3 of the National Stronger Regions Fund.

A Section 48 report, as required under the Local Government Act, will be brought to Council for consideration regarding the project prior to lodging the application to the National Stronger Regions Fund. The Section 48 report will include the further refinement of Council's preferred option and whole of life costs identified for the project including management, maintenance and depreciation costs.

Design Concept Report

Edwardstown Oval Redevelopment Project
for
The City of Marion

HARDY MILAZZO
architecture + interior design



Background Report

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Background Report

Introduction

Aim of Document

This document presents a process of research, in order to inform three concept options in line with the brief requirements. A detailed design framework is formulated based on Stakeholder interviews and Site findings. This framework will be kept 'live' throughout the ensuing phases as our experience shows that this process always uncovers new information.

Preceding document

This work advances and develops the findings of the 2013 master plan prepared for the City of Marion. Particularly, this master plan outlined a grouping of separate works, which were costed at between \$13 and \$15 Million. This background report identifies a selection of these works to suit an allocated budget of \$7 to \$8 Million, total project cost.

Some aspects of the master plan are already underway (playground, and upgrade of tennis/ netball courts). A concurrent design concept exercise is undertaking refinement to other aspects of the scope to assemble a multi-faceted architectural, landscape and civil scope suited to the budget and addressing Council's guiding principles.

Process to Completion

This background report is accompanied by three building Concept Options for approaches to the brief broadly costed: a full refurbishment scheme, full new building, and a combination. Following this report will be:

- Selection of the preferred Concept
- Development of the preferred scheme to enable detailed costings
- A Return Brief
- 3-Dimensional modelling of the built forms
- Review of 3-D solution through internal peer design review processes, and subsequently by City of Marion project personnel and Planning personnel
- Engineering input to inform structural systems and arrangements, and services engineering spatial requirements
- Selection of materials and colours.



Background Report

Statutory Context

Municipal Regulations	
Council	City of Marion
Zone	R (Residential)
Policy Area	13 (Northern)
Relevant Development Plan provisions	<ul style="list-style-type: none"> > Crime Prevention > Design & Appearance > Energy Efficiency > Landscaping, Fences and Walls > Open Space and Recreation > Regulated Trees > Significant Trees > Siting and Visibility > Transportation and Access > Waste
Principles of Development Control - Residential	
Land Use: Envisaged Uses	<ul style="list-style-type: none"> > Small scale non-residential uses that serve the local community, for example: <ul style="list-style-type: none"> - child care facilities - health and welfare services - open space - primary and secondary schools - recreation areas - shops, offices or consulting rooms > Non-residential development such as shops, schools and consulting rooms should be of a nature and scale that: <ul style="list-style-type: none"> (a) serves the needs of the local community (b) is consistent with the character of the locality (c) does not detrimentally impact on the amenity of nearby residents.
Northern Policy Area 13 – Relevant provisions	
<i>The provisions in this section relate entirely to residential development and do not address the functions of this site.</i>	
Off-Street Parking requirements (relevant uses)	<ul style="list-style-type: none"> > Community Centre: 10 per 100 square metres > Bowling Club: 10 per bowling green > Dining Room: 1 per 3 seats > Public Bar: 1 per 2 square metres > Football/ Cricket Ground: <i>not listed, assume assessment on a case-by-case basis</i>

Background Report – Statutory Context13 November 2015 Revision 1 – Council review

Building Code Regulations	
Building Classification	9b (Public gathering spaces)
Minimum Construction Class	2 (2-storey construction under 5000 sq.m.)
DDA Compliance	To AS 1428 part 2, minimum
Fire Protection	To satisfaction of the SAMFS
Energy Use minimisation requirements	To NCC Part J, as a minimum, or to Briefed requirements where greater, for all new and substantially refurbished works

Background Report

Stakeholder Consultation

Consultation was held with the following stakeholder groups, with City of Marion, Hardy Milazzo and WAX Design attending. In addition, a community discussion (with all clubs invited) was held at the Council Offices to discuss the constitution and formation of the United Management Structure.

Cycling Club
Bowls club
Football Club
Oval Management Committee
RSL

City of Marion prepared a questionnaire to lead discussions with the clubs, based on general club structure, management and facility issues. Findings of these interviews are included in the Appendix. The following is discussion & extrapolation of some of those matters, with some related commentary and observations.

Cycling points to consider

- Lighting is needed, but not necessarily the same lighting as needed for footy. BCA to do some research?
- Competition season could be extended with lights
- Not clear what their value propositions are, what will increase revenue & therefore increase their standing in the mix.
 1. Better track = they can charge more or attract more riders?
 2. More events (which bring money to peripheral uses)?
- Storage for bikes required (cages, hung up? How to do this efficiently? 'bike-trees')
- 'Ergo' machines (below) for off-season training



Background Report – Stakeholder Considerations

13 November 2015 Revision 1 – Council review

- Priorities:
 1. Quality of Track (incl fence)
 2. Facilities around the track: Storage, spectator viewing
 3. Lighting
 4. Dedicated clubrooms
- Brunswick Cycling Club is their dream benchmark. Aspiration to be a ‘cycling mecca’ (needs a good coffee shop!)
- [Sport England Cycling Track Design Guidelines](#)

Community Hall points to consider

- Used for weddings, parties (but not 21sts or 18ths), Kindergym potentially (would require more storage)
- Self-catering mostly, limited (domestic) kitchen with extra bench-space
- 2 important plaques – 1x wooden (Val’s family), 1x metal (Alan Davies)
- Used for training sessions also, & they would like to encourage more of this.
- No stage needed, but a dais yes.
- Sprung timber floor needed for dancing
- Acoustics are an issue
- Ceiling height currently pitching from 3m at perimeter to 4.2m in the centre
- External breakout space not available currently, but would be used
- Timber stage & flooring can be salvaged/ recycled

Bowling Club points to consider

- Night Owls season is longer than the pennant season
- Night owls is where the club growth comes from – some move into pennant
- Night Owls attract younger players
- Bar turnover is an important aspect of Night Owls & brings revenue in
- ‘A’ Green is the best (and best lit), ‘B’ green is the worst, clay base & hence lumpy (but being improved). ‘C’ green has sand base.
- Not yet being watered by the bore, but when so, the most % bore water will be 50%
- Night Owls sausage sizzle with dinner after
- Bar is open continuously, drinking whilst bowling (Night owls) is encouraged.
- Bar needs to be on ground floor direct access to greens
- Night Owls charges \$8 per player, but most of this goes to Bowls SA
- Heavily supported by volunteers who take pride in the club
- Any shut-down for construction would likely kill the club – bowlers would go elsewhere (seems to be a few clubs in action, all of whom play the same pennant competition)
- <http://www.dsr.wa.gov.au/support-and-advice/facility-management/developing-facilities/dimensions-guide/sport-specific-dimensions/bowls>

Background Report – Stakeholder Considerations

13 November 2015 Revision 1 – Council review

- Current bar is good size, but hall is too big (under-utilised? Can be upgraded to house Community Hall, with increased height....)
- Shelter along rink edge is essential
- Pool table is not essential
- The Bowling club is well looked after – furniture in good condition, kitchen in good condition, (if a bit dated), bar in good condition, finishes dated but in good condition. Reflective of the **time** the members have to volunteer to the club
- Quality of the greens is what attracts good players.
- Perception that a shared bar (between football club & bowling club) would not work – there is an attachment to the bar that is there now.
- Strong sense of ownership – ‘don’t change it’
- Some of the memorabilia could be cut back; sponsorship ads could be on a loop on TV so physical signs are not necessary
- Locker space is adequate for pennant, but there is no space for Night Owls
- Sheds: Fertiliser & Chemicals / green-keeping machinery / BBQ enclosure (in car-park?) / soils shed (low roof, accessible to car-park for deliveries)

Football Club points to consider

- Struggling under heavy financial load, hence they don’t open in the ‘off’ season, & other clubs don’t have access to their facilities
- Clubrooms condition is poor, kitchen & storage are very poor, inadequate ventilation
- A/C is very poor & needs upgrade
- Generally Footy club is in poor condition for the opposite reason to why the BC is in good condition – because members don’t have the time to volunteer. Members are generally younger, with families, jobs, more time-poor.
- Game days are when it is most heavily populated
- Currently change rooms are used by cricketers and cyclists in the off-season. Cyclists also use changerooms for storage (with FC approval)
- Equal access to the balcony is an issue
- Meals are served, from separate caterer served from their kitchen. Up to 100 people. Better kitchen would bring more people in.
- Canteen is used highly. Adelaide Oval Concessions would be a fair comparison precedent. How to combine with the central kitchen?
- Roof is structurally unsound
- Separate umpires room to the changerooms is needed.
- Match-day benches are stored under the balcony & are wheeled out due to the velodrome.
- Warm up area to be considered
- Financial input is from Sponsorship/ Fundraising/ Subs/ bar/ Canteen
- Local community came to the FC to socialise in the past, but no longer, (consider attraction for women with children? If not inviting for this, it will keep families away)

Background Report – Stakeholder Considerations

13 November 2015 Revision 1 – Council review

Cricket Club Points to consider

This meeting was not attended by Hardy Milazzo; a follow-up meeting will be organised.

RSL Points to consider

Reported to WAX Design by City of Marion staff

- 1000 people attended centenary Anzac Day service
- Potential for memorial garden to be used as a event space
- Activation of gardens desired
- Rose garden is pretty, but affects flexible use of the space
- Retention of memorial entrance gates required
- Potential for feature walls to support RSL commemoration
- Some intimate nooks, but possible CPTED issue
- Connection between this space & the rest of the facilities is not good (stairs only, inaccessible for disabled and elderly)
- Tall chain-mesh fence to Bowling, but direct access is possible still by jumping perimeter low-brick wall!
Why not open right up?

Management Committee points to consider

- Supportive of the combined structure
- Representation from each of the clubs is important, likely through nominated personnel present at board meetings, (If not part of Board)
- Business hub / 'men's shed' / public access gym/ cycling maintenance and/ or rental or the like/ café/ moonlight cinema: some profitable community-oriented commercial initiative is required to underpin the finances of the clubs to make the entire structure economically sustainable
- 'Community Village' theme – 'Club Ed'

Background Report

Site Conditions

Site Features condition / Site analysis (see appendix for site analysis diagrams)

The existing site consists of:

- three large buildings (lawn bowls club, football club and community hall);
- RSL memorial garden;
- an Australian rules football oval with cricket pitch;
- outdoor bicycle cycle velodrome track;
- an existing playground (with poor visual and physical connection to the oval); and
- a new playspace under construction with two tennis courts (one incorporating a basketball net)

The quality of the embankment around the bicycle track is poor and hinders passive surveillance of the site and creates various other “crime prevention through environmental design” (CPTED) issues. It limits access and disconnects the memorial and play spaces with the rest of the site. It also creates limited access which leads to site elements being disconnected from each other and the rest of the site and a myriad of further DA compliance, vandalism and CPTED issues. There is potential to improve the landscape quality and provide other facilities on the embankment. Terracing should also be considered as an option.



The Memorial Garden features memorial gates which are to be retained in the redevelopment. The rose gardens do not facilitate full or efficient use of the area and have the potential to be removed, pending a redesign. There is scope for the construction of a shelter with a picnic table to be incorporated. There is also capacity for a congregation space for Anzac Day and an open-air cinema. Links to the rest of the site should be addressed.



Background Report – Site Conditions

13 November 2015 Revision 1 – Council Review

Existing views from the football club to the hills, oval, velodrome and cricket pitch should be maximised and improved with the proposed new building, as well as potentially creating an additional elevated view to the lawn bowls greens.



Carparking is split across the site which affects the flow of traffic when coupled with the positioning of the buildings and the location of the entrance point. There is an opportunity to consolidate this across the site (as shown on the site analysis diagram).



The new play space, which as mentioned previously is currently under construction in the south western corner of the site, is not included in the project budget.



Background Report – Site Conditions

13 November 2015 Revision 1 – Council Review

The cycle track surface is beginning to crack and needs urgent improvement to enhance the value of the track for cyclists. Careful application of an appropriate surface material will be required to ensure the surface requirements and function are not impacted on. There is a circular path around the velodrome which could be improved with the provision of dog dispensers, disabled access, rest stops, and new paving.

The oval needs improvement of the pitch quality and a review of the lighting, including both the oval and track. Drainage conditions also need to be reviewed.



The existing viewing area is in need of an upgrade. There is potential to reduce the total area, whilst maintaining seating and congregation area. The condition of the existing trees in this area needs to be reviewed, as well as the retaining wall.



Background Report – Site Conditions

13 November 2015 Revision 1 – Council Review

Existing landscaping is of poor quality and amenity, offers little or no facilities and should be removed or modified around the site, as it limits access in certain areas. Boundary fencing could also be removed to facilitate better pedestrian and cycle access to the site.



Overall, some general site considerations include the removal of boundary fence, a review of pedestrian lighting (as an upgrade is required throughout the site), and a review of the existing trees so they can be progressively replaced.

Existing Building Condition

The three existing buildings are aged, relatively dilapidated and have numerous DDA compliance issues.

Each of the existing buildings on the site have design and function limitations, including poor connections to each other, poor accessibility and potential to improve the function space, storage, kitchen, office space and toilets.

There is opportunity to salvage a lot of the amenities of the existing buildings in the redevelopment.

The lawn bowls club have demonstrated nostalgic attachment to their building and with careful renovation and adaptation; this building could be kept as part of the redevelopment. The community is happy to relocate the functions of the community hall to the lawn bowls club.



Background Report – Site Conditions

13 November 2015 Revision 1 – Council Review

The lawn bowls club is generally in good condition with the centre green needing some attention. There is limited access around the greens, with potential to improve connections to the rest of the site. The walling both on Raglan Avenue and between the greens and the Memorial Garden needs review.



The football club is in a state of disrepair, and the spaces could be more efficiently used, and views maximised further. Both the ground and first floors are in urgent need of attention, and it has been decided that there is not much need to retain this building.



Background Report – Site Conditions

13 November 2015 Revision 1 – Council Review

The Community Hall does not provide much benefit to the site in its current state and it has been decided that this building should be demolished and uses transferred to the existing lawn bowls club.



A survey of the existing conditions of the building services concluded that there is no major plant or equipment identified worth retention.

Background Report

Sustainable Design

Potential Sustainable Design Initiatives

The outcome must be Sustainable in its broadest definition: The interwoven triple bottom line of Environmental, Social and Economic sustainability which greatly enhances a development's ability for long-term relevance. This is an area at the core of our delivery philosophy also, and might include:

- operation and environment; addressing EPA and beyond
- Life-cycle costings
- Landscape for clean air, carbon neutrality
- Materials for Carbon neutrality
- Recycling, UpCycling, re-use and renovation where possible
- Innovation where economically viable
- Scrutiny of all 'Green Star' criteria
- Climate Change 'future proofing'
- Flexibility for future refit/ re-organisation
- Creation of a healthy workplace environment, considering air quality, views to the outside, glare control, acoustic control and giving each employee a sense of being able to control their own environment, (critical for psychological well-being)

Lean Principles, demonstrated to the right and at <http://www.lean.org/whatslean/principles.cfm> and Japanese **Wabi-Sabi** are philosophies of sustainable design, which aim towards similar goals: the 'paring back' of a system or process so that only those aspects which can demonstrate value towards the end aims are kept.

Triple Bottom Line refers to the three prongs of Environmental, Social and Economic Sustainability. These three aspects reinforce each other to create a design which will have a long and productive design life without heavily impacting on its context or sacrificing any future operation.

Green Star is a rating tool which measures extensive aspects of Sustainable building practice, with both passive and active measures. Whilst this project will not be pursuing a formal rating, the principles can still be adopted.

Ultimately, the design must balance its Sustainable Design aspirations against the budget and general design philosophy. Awareness of what is possible is a start, and then careful analysis of costs and benefits should follow.



Background Report – Sustainable Design

13 November 2015 Revision 1 – Council review

Possible Sustainable Design Initiatives

	<i>benefit</i>	<i>cost</i>
Orientation of Building Plan, to influence: <ul style="list-style-type: none"> - Maximising of natural lighting, predominantly from North and South - Admittance of heat gain for winter comfort - Exclusion of heat gain for summer comfort - Taking advantage of prevailing winds for natural ventilation - Shading / protection of external breakout areas 	Environmental / economic / social	low
Choice of Building Materials, with a focus on: <ul style="list-style-type: none"> - Recycled or sustainable sourcing - Local sourcing, (to avoid additional import costs, & sustain local economy) - Recyclability - Low embodied energy in manufacturing of the material - Thermal capacities (for insulation) 	Environmental / economic	Low to high
Re-use of existing building structures where in good condition and easily adaptable to Brief requirements.	Environmental / economic / social	low
Flexibility of work and function space for future- proofing / reconfiguration	Economic / Social	low
Centrality of services for maximum access / minimising service runs / minimising loss of energy	Environmental / economic	low
Stormwater system designed to capture & retain grey water for re-use in toilets, irrigation	Environmental / economic	medium
Narrow floorplate and careful orientation of all three options to allow fresh air and daylight to penetrate all main rooms.	Environmental / economic	low
Planting across the site for shade, especially in pedestrian and carpark areas, (note carpark tree species <u>not</u> to be bird-attracting)	Environmental / Social	Low to medium
Reducing local heat island impacts through climate-clever building materials and the use of vegetation	Environmental / Social	Low to medium
Provision of external sun-shading	Environmental / Social	Low to medium
using materials with low embodied energy	Environmental / economic	low
Green roof for insulation & economies of space use	Environmental / economic	high
Concrete ceilings for thermal control	Environmental / Social	medium

Background Report – Sustainable Design

13 November 2015 Revision 1 – Council review

	<i>benefit</i>	<i>cost</i>
The use of WSUD (water sensitive urban design), in particular within the car-parking areas.	Environmental / economic	medium
A building management system (BMS) has potential to be connected to the lights and mechanical ventilation. Adjustable sun shading and the activation of this building management system could close off air-conditioning units as required.	Environmental / economic	medium
Air-conditioning systems designed to reduce power consumption through use of 'economy cycle', fresh-air only systems, and/ or systems (such as displacement and chilled-beam) which greatly reduce the need for fans. Optimal system design would need to be subject to a life-cycle cost-benefit analysis.	Environmental / economic	high

Background Report

Landscape

ITEM	DESCRIPTION FROM MASTER PLAN	DISCUSSION	FURTHER ACTIONS REQUIRED FOR MASTERPLAN
1.0	OVAL		
1.1	Main oval retained at existing shape and size	AFL sizing requires 110m wide pitch. Need to provide 1m running board to cycle track as well as runout space. Potential maximum pitch width 108.60m	Council/Football Club to confirm allowable width. Possibility of installing artificial turf in Football season.
1.2	Upgrade as required to IPOS classification 3 (local)	Irrigation issue still there – outside budget and scope for this project. Linked into IPOS measuring and monitoring. However should be mentioned as a requirement.	No further action required
1.3	Upgrade irrigation to achieve suitable IPOS standard (standard to be agreed with council and sporting clubs)	Noted	Noted
1.4	Upgrade drainage of oval	Drainage of oval adequate as long as it does not impact on cycling. Consider trafficable grates	Consider as part of masterplan and integration of drainage into runout spaces around track
1.5	Lighting (100LUX) based on AFL Facility Guidelines (local)	Oval lighting obtained funding. Confirmed local classification (AFL guidelines). Masterplan to consider velodrome lighting (20m spaced poles). Oval lighting consisting of 6 light poles (2 more than usually specified). Set back further so light can be used for casual use of velodrome. Cycle track has not got funding for lighting. Would expand capacity of facility.	Need to establish requirements for lighting for both oval and track. Review costings.
1.6	Requirement of scoreboard upgrade (electronic or manual)	Would cost \$30,000 approx. Not a high priority item for the club. Current location to be retained.	Desirable but not essential. Review as part of costings. Review as part of masterplan
1.7	Coaches boxes (3.0m x 1m and 2.5m)	Currently mobile coach boxes. Good for flexibility but require storage. Need to check quality and storage requirements.	No further action required
1.8	Requirement for behind goals netting (permanent)	Retain protection of bowling green's on northern edge. Not essential for other end but may be desired by residents.	Not critical to current scope of works, and easily retrofitted.

Background Report - Landscape

13 November 2015 Revision 1 – Council review

1.0 OVAL

1.9	Cycle track retained at existing shape and size and improve track surface.	Surface replacement of track is critical – high priority item for club. Drainage from oval sometimes interferes with track. Would like a 1m flat run off area on edge of oval. Stormwater drain grills not safe. Distance markers around the track could encourage people to use track more.	Upgrade important to cycling club – to be included in scope as a priority.
1.10	Upgrade of spectator viewing area linked to the track and oval with seating and constructed shade	Seats and surface not great. Tree leaves slippery for cyclists. Review needed on quality of tress and retaining walls. Potential excess of seating especially with new building. Review of provision needed. Cycling club requires a space at the finish line for spectators	Seating area required – potential to reduce spectator area to increase parking or other land uses. Seating area to be incorporated into building design.

2.0 BOWLING

2.1	Bowling club to consist of three bowls greens consisting of (1) synthetic green and (2) lawn greens, providing a total of 18 rinks	Bowling club does not want to give up space and considers itself a grass bowling club. Middle green is lowest in quality. Club could not afford cost of replacing a green to synthetic but council could put in funds. Council would like the best long term outcome. Potential to move a green if there were better spatial outcomes for the site.	Council to discuss with club and Bowls SA. Clear direction required from Council in relation to rink number and surface treatments.
2.2	Pedestrian access from Raglan Ave to Bowls Club	Consider as part of masterplan and encourage connections to bus stop. Supported by council. Westbound bus shelter would benefit from an upgrade	Consider as part of this scope of works. Needs formal pedestrian provision across Raglan Ave for eastbound bus stop and local area access
2.3	Seating and spectator area for bowling	Review provision in response to new club house design Potential to review fencing to create more views into the bowling club	Consider as part of embankment redevelopment for this scope of works.
2.4	Open air storage areas (additional storage outside building)	Dependent on new synthetic rink or business as usual. Review this once master planning is progressed.	Review once decision has been made on bowling greens

3.0 MEMORIAL GARDEN

	Congregation area	Interested in this space to be part of the activation of the oval. Potential to become small event space. 1,000+ people on ANZAC day. Potential for other events (outdoor cinema)	Provide open space for congregation within Memorial Gardens. Discussion needed with RSL
3.1	Improved pathway connections	Disabled ramp access supported. This applies to whole grounds. Potential to develop continuous footpath link to key direction for masterplan. Create route as part of increase activation. Opportunity to support development of community hub (speak to	Ramp access required with continuous footpath loop – pedestrian route through site.

3.0 MEMORIAL GARDEN

3.2	Grassed areas for congregation and picnics	Would be interested in an open space that could be used for small events. Services required supporting events in future.	Consider as part of this scope of works.
3.3	Constructed shelter with picnic table (2)	Required	Location to be determined. Would like more activation and places for people to linger in this space
3.4	Seating, bike racks and bins	Required	Whole of grounds. Attract more cyclists into the area. Review cycle connections in wider context. Overall scope to consider the City of Marion Walking and Cycling Strategy.
3.5	Retention of memorial gates and entrance	Absolutely required. Need to reduce memorial character of the Gardens and increase open space function and amenity.	Develop as part of this scope of works.
3.6	Redesign of landscape areas and increase amenity	Not crucial. Rose bushes planted by council.	Recommend removal of roses to create more open space.
3.7	Pedestrian lighting to improve access and safety	Required for whole site. Manage hidden areas on site.	Improve passive surveillance and safety across the site.
3.8	Feature walls to support RSL commemoration	Retention of plaque critical (could be inside the building). Keep it simple and clean with more open space.	Discuss with RSL.
3.9	Potential nature play opportunities within memorial park	Would be supported by council. Review this against what is being done with other playground	Consider as part of this scope of works, but not an essential item.
3.10	Step and ramp access to improve access to embankment and oval	Disability compliant access points to oval required. Wider and more attractive/inviting pathway around the top of the velodrome required. Potential to encourage people to explore site and connect the different parts of the grounds. Potential to open up grounds (remove outside fence) and provide multiple access points to connect on street parking.	Consider as part of this scope of works; critical, as it is central to the larger concept of EO as a community space, not just a sporting venue.
3.11	Public art	Well supported.	Potential locations to be identified, for implication in this or future scopes of work.

4.0 GENERAL REQUIREMENTS

4.1	Two multi-use courts (tennis, basketball, netball, soccer, hard surface for skateboards, scooters).	Work being undertaken. Details and plans required from Council. Work funded and being completed currently.	This is not included in the project budget. No further action required.
4.2	New play space linked to corner viewing area and multi-use courts including slide, climbing nets and step access providing district level play facility.	Work being undertaken	This is not included in the project budget. No further action required.
4.3	Exercise and training area linked to corner viewing area.	Review this. Confer with Peter at council. Could be well used due to high number of personal trainers who use the grounds.	Consider for this scope of works, but not essential, and easily retro-fitted.

4.0 GENERAL REQUIREMENTS

4.4	Redesigned car parking and separate entrance and exit to manage traffic flow, including rain gardens and landscape amenity; 1 drop off, 2 disabled, 50 parks. Could consider some drop off spaces (10/15 minute parks) on East Terrace close to the entrance adjacent a separate pedestrian access rather than on site.	Onsite car parking will not meet whole of requirements. On street car parking will always be required to support large event days. Main issues are design and vehicle flow.	Review with traffic engineers to develop balance between parking, access and potential for increased landscape amenity.
4.5	Large Vehicle access through car park. GTA can provide swept paths for appropriate vehicle.	Critical function and access must be provided through car park as part of clubrooms redevelopment	Concept to be developed.
4.6	Pathway and landscape improvements	Around whole site, as per previous comments. Potential for dog dispensers to encourage clean up behaviour	Develop circular path (1.5m to 2m wide). Integrate footpath provision for East Terrace (east side) and Wood St/Robert St footpath; consider as part of asset renewal program.
4.7	Progressive tree replacement	Review of existing trees review could be needed. Council arborist has recently changed which may provide opportunity for tree replacement and crown lifting.	Consider as part of masterplan.
4.8	Upgraded pedestrian track to top of cycle track, including rest stops	Critical. Compliant, attractive and inviting pathway that provides properly connected and safe links to the surrounding area.	Consider as part of this scope of works; critical, as it is central to the larger concept of EO as a community space, not just a sporting venue.
4.9	Bike racks at entrances	Critical. Potential to link grounds into wider cycling network. Potential for grounds to become a cycling destination and pit stop e.g. bike infrastructure, maintenance stations, cafe. Potential for gofer or scooter parking on site and gofer recharge station.	Consider as part of this scope of works; critical, as it is central to the larger concept of EO as a community space, not just a sporting venue.
4.10	Walkway, paving and signage	Disability access and compliance more of a focus	Concept to be developed.
4.11	Boundary fencing with large open entrances 4-6 m to encourage entry	Review fencing requirement for grounds. Internal fence around velodrome needed for safety – could be replaced. Council and club could be receptive to removing most of external fence. External fencing not required for club games. Council supports opening grounds up along boundary (potential removal of fence) but this needs investigation. Removal supports CPTED & 'good neighbour' principles,	Consider boundary fence removal as part of this scope of works.
4.12	Development of on-site cricket nets (synthetic) 2-3	Required	2 cricket nets would ideally be located on site. Some talk of potentially removing pine trees along boundary and placing nets there. Permanent nets desirable so community can use facility.
4.13	Development of retaining walls (refurbishment or replacement)	Need to be reviewed Important	No engineering review of these done. Need to be reviewed by council. Timing is right to review and replace if necessary.

5.0 BRIEF REQUIREMENTS

5.1	Review the master plan and redesign where required existing facilities to establish recreation and sports areas that considers the needs of all existing user groups and potential user groups		Noted
5.2	Review and redesign the memorial gardens in the north eastern corner of the site.		See section 3
5.3	Best practice environmental sensitive design	Discuss with Council	Consider opportunities throughout project and within parking area.
5.4	Enhance the landscape including reduced bitumen areas replaced with sensitive and cool surfaces such as paving, boardwalks and indigenous plantings.		Consider at part of masterplan.
5.5	Include new cricket nets into the final concept design.	Provide for 2 cricket nets. Location to be discussed. Needs to be close to clubrooms	Potential to locate as part of car park, spectator area and retaining wall redevelopment (dependant of demand for car parking). Potential to location as part of bowling rink redevelopment (dependant on finalisation of rink design)
5.6	Retain the velodrome in the concept designs	Upgrade required. Review costing for resurfacing, provision of 'duckboard', fencing and lighting.	Consider as part of masterplan.
5.7	Design car parks and traffic flow within the facility to minimise vehicle manoeuvres		Review traffic engineer.
5.8	Design sufficient car parking to meet the capacity need of the facility (to be reviewed)		Review traffic engineer.
5.9	Design entry points to cater for anticipated peak traffic flows		Review traffic engineer.
5.10	Plan for safe and accessible transport networks, pedestrian and cycle links		Concept to be developed.
5.11	Enhance the streetscapes around the Recreation Ground to enhance the quality of the surrounds and the connection to the Recreation Ground (discuss whether part of \$7-8M budget).	Requires formal pedestrian connection and crossing points on all 4 surrounding streets.	Consider as part of masterplan. Particularly entrance points, impact of existing fencing and potential for improved ramp access and circular walk.
5.12	Provide lighting to areas intended for night use.		See section 1

FURTHER COMMENTS

- Need to review footprint and location of redeveloped clubrooms.
- Need to consider car park layout and impact on landscape amenity, WSUD and access.
- To attract funding this project has to look beyond the site grounds and demonstrate an economic and social benefit.
- Open it up to the community and create an 'urban village' look and feel (Speak to Ann Peche regarding funding submission and community benefit – Council to provide funding submission documents).
- Create sports and community hub.

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- Redevelopment should be able to be staged so that the bowling club can stay open during the development – financially and club number would not sustain a year shut down.
- Project scope does not include existing cricket nets to other side of Raglan Avenue.
- Football club is moving to the lower leagues – fencing not required all the way round the outside of oval.

Background Report

Services

Introduction

BCA Engineers have been engaged by Hardy Milazzo Architects and the City of Marion to undertake Concept Design for the proposed Edwardstown Oval Soldiers Memorial Recreation Ground Master Plan Redevelopment.

The Master Plan is generally described as follows:

- Option 1; Moderate improvements fundamentally retention, refurbishment / upgrade of existing facilities
- Option 2; Demolition of existing facilities, and construction of new consolidated facility
- Option 3; Patrial retention and refurbishment of the existing Bowling Club and integrated new construction of new Football Club facility

The extent of the above is to be determined as an outcome of this Concept Design phase.

We understand the overall project brief is to conduct a review of the Edwardstown Soldiers Memorial Recreation Ground Master Plan, and together with all project stakeholders aim to rationalise the scope and reduce the overall costs to within a \$7 to \$8 Million range.

BCA Engineers scope includes the investigation and report of the mechanical, electrical, fire protection and hydraulic infrastructure and building services for Edwardstown Oval.

Basis of report

The information and subsequent recommendations presented within this report are fundamentally based upon:

- Preliminary sketches and reference documentation;
- Visual, non-invasive inspections of existing installation undertaken October and November 2015;
- Correspondence and discussions with relevant authorities.

Limitations

Please be aware of the following limitations associated with this report:

- Invasive inspections of existing installation have generally not been conducted; such as the opening of access and maintenance points into HVAC plant, opening of internal escutcheons to switchboards and distribution boards, inspection of pits, pipes or conduits, and other equipment that is otherwise not ordinarily accessible;

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- Services concealed within false ceilings, wall cavities, roof spaces or similar have generally not been examined;
- Condition and integrity of cables, pipework, etc have not been tested;
- Operation of equipment has not been witnessed.

Existing Services

Mechanical Services

Site Infrastructure

Not applicable.

Bowling Club

Existing mechanical services are summarised as follows:

- Roof mounted evaporative air conditioning units
- Window mounted air conditioning units
- Wall mounted electric air heaters
- Ceiling recessed and in-wall exhaust fans

Roof top evaporative plant was not safely accessible at the time of inspection.

Air conditioning plant and equipment appears past economic service life.

If this building is to be retained and refurbished, then we initially recommend seeking a copy of maintenance records, for a more detailed assessment of condition of systems and suitability to service the new redevelopment. Having said this, mechanical services plant and equipment locations may not suit the redevelopment from functional and aesthetic perspectives.

Mechanical services plant and equipment are otherwise considered to be of limited retained value.

Football Club

Existing mechanical services are summarised as follows:

- Roof mounted central plant packaged air conditioning unit; Carrier Weathermaker 50K8; water-cooled and ducted distribution system serving the upper floor only
- In-wall exhaust fans serving the change rooms

Roof top packaged plant was not safely accessible at the time of inspection.

Air conditioning plant and equipment appears past economic service life.

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Mechanical services plant and equipment are considered to be of limited retained value.

Community Centre

BCA Engineers understand this building is designated for demolition.

A detailed inspection has not been undertaken.

Electrical Services

Site Infrastructure

There are multiple power supply connections to the entirety of site.

- Bowling Club
- Football Club (including part Oval Lighting)
- Oval Lighting (extent separately metered from Robert Street)
- Community Centre (TBC)
- Memorial Garden (possibly Bore Water Pumping Station TBC)

BCA Engineers are in consultation with SA Power Networks regarding existing metering and points of connection to authority networks, and are awaiting confirmation of the above.

In addition, BCA Engineers recommends seeking energy accounts from all stakeholders to validate the multiple power supply connections.

Bowling Club

Existing electrical services are summarised as follows:

- Incoming electrical power supply is via overhead aerial cables from East Terrace.
- Electrical meter was not located at the time of inspection though is presumed to be located inside the building.
- Main Distribution Board rating is nominal 160/250A 415V 3Ph 4W 50Hz minimal spare physical capacity for future works; inadequate RCD protection is provided to subcircuits.
- Lighting predominantly consists of T8 linear fluorescent luminaires with prismatic diffusers and various recessed and surface mounted fixtures with compact fluorescent lamps.
- Hand dryers in bathrooms are white enamel push-button-type.
- Lighting to the Bowling Green consists of pole mounted floodlights and catenary suspended fixtures. These appear to be in operational and serviceable condition (TBC).
- There appears to be a Security System solely for the Bowling Club (not interlinked with any other buildings or systems).

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Electrical services equipment and systems are considered to be of limited retained value.

Football Club

Existing electrical services are summarised as follows:

- Incoming electrical power supply is unknown, though presumed to be underground from East Terrace.
- Electrical meter was inaccessible at the time of inspection, though is presumed to be in a locked enclosure surface mounted on the exterior of the building.
- Main Distribution Board rating is nominal 80A 415V 3Ph 4W 50Hz; minimal spare physical capacity for future works; inadequate RCD protection is provided to subcircuits.
- Lighting predominantly consists of T8 linear fluorescent luminaires with prismatic diffusers and various recessed and surface mounted fixtures with compact fluorescent lamps.
- Wiring reticulation is a combination of concealed and surface mounted conduits.
- There appears to be two incoming telecommunications connections into the Football Club; TBC.

Electrical services equipment and systems are considered to be of limited retained value.

Community Centre

BCA Engineers understand this building is designated for demolition.

A detailed inspection has not been undertaken.

Fire Protection Services

Site Infrastructure

There are no fire water connections or systems infrastructure serving the site.

BCA Engineers have initiated an application to SA Water for a Flow Test and Network Analysis to determine water flows and pressures available to the site.

Bowling Club

Portable fire extinguishers and fire blankets were observed within the building.

No other fire systems were observed within this building.

Football Club

Portable fire extinguishers and fire blankets were observed within the building.

No other fire systems were observed within this building.

Community Centre

Background Report - Services

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Description of Existing

BCA Engineers understand this building is designated for demolition.

A detailed inspection has not been undertaken.

Hydraulic Services

Site Infrastructure

Sewer: There are three (3) x 100mm dia. sewer connections to the site, all located in East Terrace connected off a 150mm dia. gravity authority sewer main. One connection serves each of the buildings. It is noted that there is also a 225mm dia. gravity authority sewer main in Raglan Ave; this could be utilised if required.

Domestic Water: There are five (5) water meters indicated to the site:

- Three (3) water meters are located in Raglan Ave served from a 150mm authority water main:
 - 32mm dia. meter on the northern boundary on the eastern side of the bowling club. Meter no. 98070419.
 - 40mm dia. meter midway along the northern boundary. Meter no. E70540063.
 - 20mm dia. meter towards the Eastern side of the oval, possibly inside a locked green services box, likely serves the Soldiers Memorial Garden. Meter no. M41102384.
- One (1) 40mm dia. water meter is located in East Terrace. Meter no. 99050067.
- One (1) new water meter has been recently installed in Wood Street. Meter no. K3084011.

BCA Engineers are unable to determine domestic water metering and reticulation arrangements by visual inspection only.

BCA Engineers are in consultation with SA Water regarding existing metering and points of connection to authority networks, and are awaiting confirmation of the above.

In addition, BCA Engineers recommends seeking water supply accounts from all stakeholders to validate the multiple power supply connections.

Bore Water: There is a bore on the site. Based on our discussion with maintenance personnel, it is understood that bore water may be used to irrigate the main oval and the memorial garden, though is not (yet) used to irrigate bowling greens. BCA Engineers recommends that bore water quality is tested to determine its suitability for irrigation, in particular for the bowling green; bore water quality may be inadequate. ie. may kill grass.

Bowling Club

Existing hydraulic services are summarised as follows:

- Sewer: appears to be served by dedicated 100mm dia. sewer connection.

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- Domestic Water: BCA Engineers are unable to determine domestic water metering and reticulation arrangements by visual inspection only. There appear to be two water meters on Raglan Avenue, 32mm and 40mm dia. water meters, one of which is interpreted to be feeding the Bowling Club and the other is feeding the bowling greens. BCA Engineers recommends seeking water accounts from the Bowling Club in an effort to validate the above.
- Two (2) exterior 'poly' tanks are mains water and fed from one of the meters. Stored water is then used to irrigate the greens via pressure pump.
- Trade Waste: there is an in-ground grease arrestor for the kitchen.
- Gas: appears to be served by gas meter No. D4138292.

The condition of sanitary tapware and fixtures are dated but are functional.

Football Club

Existing hydraulic services are summarised as follows:

- Sewer: appears to be served by dedicated 100mm dia. sewer connection.
- Domestic Water: a 40mm water meter on East Terrace serves this building (TBC).
- Trade Waste: there is an above ground grease arrestor for the kitchen.
- Gas: appears to be served by gas meter on East Terrace; meter No. AE000450.

There are new public toilets on the northern end of the building which are in good condition. Gas hot water units in the Change Rooms appear to be maintained and in serviceable condition. The condition of other sanitary tapware and fixtures are dated but are functional.

Hydraulic services plant and equipment are otherwise considered to be of limited retained value.

Community Centre

BCA Engineers understand this building is designated for demolition.

A detailed inspection has not been undertaken.

Observations:

- Sewer: appears to be served by dedicated 100mm dia. sewer connection.
- Drainage: needs replacing.
- Domestic Water: no dedicated water meter; appears to be fed from the Football Club water supply.
- Gas: appears to have been disconnected.

Master Plan**Option 1 Refurbishment Of Existing Buildings**

This Option 1 fundamentally comprises the following:

- removal of all existing redundant building engineering services
- retention as far as practical of any authority points of connection
- installation of new infrastructure where required
- new fit-out of all building services and systems, plant and equipment

Option 2 New Consolidated Building

This Option 2 fundamentally comprises the following:

- demolition of the existing Bowling Club and Football Club buildings including removal of all existing redundant building engineering services
- disconnection and removal of existing services infrastructure
- installation of new infrastructure to suit requirements of the new building scheme
- new fit-out of all building services and systems, plant and equipment

Option 3 Partial Refurbishment Of Existing Building / New Building

This Option 3 fundamentally comprises the following:

- demolition of the existing Football Club building including removal of all existing redundant building engineering services
- disconnection and removal of associated services infrastructure
- retention and refurbishment of the existing Bowling Club
- retention as far as practical of any authority points of connection
- construction of new integrated Function & Football Clubrooms facilities
- installation of new infrastructure to suit
- new fit-out of all building services and systems, plant and equipment

Summary of Recommendations**Mechanical Services**

Mechanical services recommendations and scope of works are summarised as follows:

- Existing mechanical services plant and equipment are considered to be of limited retained value.
- Provide and install new mechanical services plant and equipment to suit the proposed redevelopment.
- Air-cooled reverse-cycle air conditioning systems.
- Kitchen make-up air and exhaust systems.
- General ventilation and exhaust systems.

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- Electronic control systems.
- Allowance for Building Management System (BMS).

Electrical Services

Electrical services recommendations and scope of works are summarised as follows:

- Power supply to the Bowling Club to be reviewed as concept design progresses; Option 1) subject to further assessment of its existing capacity, could be retained if the facility can remain as a standalone separately metered connection to the authority network; Options 2 or 3 will trigger a power supply upgrade to this facility; and therefore would be proposed to be disconnected and demolished.
- Power supply to the Football Club is insufficient to cater for any significant redevelopment and is not considered suitable to be retained; and therefore is proposed to be disconnected and demolished.
- Community Centre power supply is proposed to be disconnected and demolished.
- BCA Engineers have requested indicative quotation from SA Power Networks for power supply upgrade to cater for the proposed redevelopment. The basis for this application will have to be reviewed as concept design and detailed design progress.
- It is proposed that in any development Option, a new single point of attachment to the authority network may be established with power supply capacity to service the overall development. Site power supply arrangements and separation of metering arrangements will have to be determined in consultation with all stakeholders.
 - Main Switchboard incorporating all low voltage metering facilities and equipment.
 - Low voltage distribution and reticulation systems.
 - Telecommunications services infrastructure, distribution and reticulation systems incorporating Structured Communications cabling and passive distribution equipment.
 - Allowances for security and access control systems.
 - Allowances for CCTV systems.
 - Allowances for audio and visual systems.
 - Lighting selections typically comprising LED fixtures throughout.
 - Internal functional and aesthetic luminaires in consultation with architect and interiors.
 - External lighting comprising allowances for building mounted luminaires, car parking area luminaires, functional pedestrian luminaires, and other feature landscape or area luminaires.
 - Oval Lighting nominal 100-200 Lux; initially proposed to comprise 4 poles and multiple flood lights.

Fire Protection Services

Fire services recommendations and scope of works are summarised as follows:

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- Proposed buildings under all options within the Masterplan report do not require sprinkler protection (less than 25m high).
- Proposed buildings under all options within the Masterplan report do not require fire alarm or detection systems (less than 3 storeys high).
- Any new building with a floor area over 500m² requires fire hydrant and fire hose reel protection.
- Portable fire extinguishers are required to serve new buildings.

Hydraulic Services

Hydraulic services recommendations and scope of works are summarised as follows:

- Site water and gas supply and metering arrangements will initially have to be determined with all stakeholders.
- Retain and reuse existing sewer connections if practical (TBC); allowance included for an upgrade to 150mm dia.
- Retain and reuse existing grease arrestor trade waste if practical (TBC); allowance included for a new grease arrestor trade waste if required.
- Retain and reuse existing domestic water site reticulation pipework where practical (TBC).
- Allowance for bore water to the Bowling Club.
- Retain and reuse existing gas site reticulation pipework where practical (TBC).
- Provide and install new hydraulic services plant and equipment to suit the proposed redevelopment.
- Sanitary fixtures and fittings.
- Hot water plant and equipment.

Vertical Transport Services

TBC Vertical transport services recommendations and scope of works are summarised as follows:

- New passenger lift to suit 2-storey building.

Background Report - Services

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PRELIMINARY OPINIONS OF COST

	Mechanical	Electrical	Fire	Hydraulics	VT	Sub-Totals
Infrastructure	-	\$425,000	\$185,000	\$50,000	-	\$660,000
Option 1	\$220,000	\$300,000	\$15,000	\$270,000	90,000	\$895,000
Option 2	\$180,000	\$220,000	\$15,000	\$200,000	90,000	\$705,000
Option 3	\$200,000	\$260,000	\$15,000	\$250,000	90,000	\$815,000

Notes

- a. Electrical infrastructure includes nominal \$100,000 for SA Power Networks fees and charges; subject to significant variation; to be confirmed by SA Power Networks
- b. Electrical infrastructure nominal \$250,000 allowance for new Oval Lighting
- c. Electrical infrastructure nominal \$75,000 allowance for new car parking area luminaires, functional pedestrian luminaires, and other feature landscape or area luminaires
- d. Fire infrastructure includes nominal \$35,000 for new site fire water connection and new on-site fire hydrant system.
- e. In addition it includes nominal \$150,000 for new fire water storage tanks and pumps if required; subject to pressure and flow test results from SA Water
- f. Hydraulics infrastructure includes nominal \$50,000 for domestic water and sewer infrastructure plus SA Water fees and charges; subject to variation; to be confirmed by SA Water

APPENDIX A – DIAL BEFORE YOU DIG

- A1. APA
- A2. SA Power Networks
- A3. SA Water
- A4. Telstra

APPENDIX B – DESIGN FILES

- B1. SA Power Networks
- B2. Oval Lighting Concept Design (TBC)
- B3. Flow Test & Network Analysis
- B4. Bore Water Map

Background Report

Structural & Civil

Introduction

This report has been prepared to describe the existing conditions of the civil and structural engineering features and aspects of the Edwardstown Soldiers War Memorial Oval and grounds bounded by the following streets:

- Raglan Ave to the North
- East Terrace on the West side
- Robert Street on the East side
- Wood Street on the South side

CPR Engineers are consulting engineers in the fields of civil and structural engineering and has been commissioned as part of the Hardy Milazzo team to report on these items and develop further detail of the project options.

This report will report on the condition of:

- the building structures – Bowling Clubrooms, Football Clubrooms and Community Hall;
- the condition of pavements – pathways, velodrome track and carpark areas;
- the condition and nature of retaining walls and batter slopes; and
- stormwater disposal and possible stormwater harvesting opportunities.

Site Features

Pavements

Velodrome

The Velodrome track is situated outside the oval grassed surface and slopes at approx. 1V:3H.

The surface is sealed with old bitumen of unknown thickness and is likely to have a rubble base of certain (and unknown) thickness below.

The surface appears quite smooth but its condition is variable in that there are some areas that are sound, some are cracked. The more frequently used zone of the track is more worn than other areas.

The nature of the bitumen appears that it is approx. 30 years plus old – possibly older. The surface preferred by the Cycling Club is special-purpose bitumen with exceptional smoothness and hardness. Other surfaces such as Plexi-Pave have been considered but deemed unsuitable due to failed application at other facilities.

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Carparks

The existing bitumen surface south of the Bowling Club is well worn and patched heavily in some areas. Pot holes are present and speed humps are non-compliant to SA and Australian Standards. Line marking is faded and it is in generally poor condition.

On the east side of the carpark there are irregular timber sleepers at base of the batter slope 1V:1.5H and is rotted and failed in parts.

On the west side irregular timber garden edge is present and have failed and dislodged in some areas.

The existing bitumen surface east of the Community Hall at the raised level next to the top of the velodrome track is rough and uneven in some areas (not trafficable) and is a well-worn surface.

The existing carpark south of the Football Club is worn and is patched with faded line marking and requires replacement.

The concrete sleeper retaining wall at base of stone/concrete batter slope is in sound and reasonable condition.

The existing bitumen in front of Community Hall is in good condition.

The existing concrete crossover entry/exit of carpark is in good condition.

Stormwater Disposal

Stormwater disposal from the carparks is not formalised and relies on minimum gradients to the west. There are several undersized stormwater grated inlet pits to the south of the Bowling Club.

The oval and velodrome track drains to a concrete spoon drain around the outer perimeter of the oval and the inner perimeter of the velodrome. There is minimal fall in the spoon drain as it grades to one central location east of the Football Club.

There is an existing series of grated inlets to pits and submersible pump in the pits at the single low point for drainage around the whole oval. This location may cause “boggy” patches in winter.

The bowling greens appear to drain to the open channels or ditches around the perimeter of the greens. It is expected that there is minimal stormwater runoff from these greens to the gutters.

The Buildings Stormwater:

- From the Bowling Club drains to the roof to the south edge and offers potential for collection for possible re-use.
- From the verandah of the Bowling Club and the shelter on the south side of the eastern most bowling green disposes of water haphazardly and has the potential to collect stormwater for re-use.
- From the Football Club roof and Community Hall roof disposes stormwater to small inground pits and connects to an inground system (assumed) in East Terrace.

Other Site Features

The following represent other aspects of the site worthy of reporting:

- The retaining walls on the north-west side of the oval at the boundary of the bowling green are weathered and in poor condition. A timber sleeper retaining wall is on the eastern side covered by a brick wall on the bowling green side. The wall needs replacing. There is also a concrete retaining wall in this location that shows signs of rusted reinforcement. The alignment of this wall at the top shows degrees of rotation of the wall.
- There is a walking track on the high side of the velodrome with a white post and chain fence on the outside. The outside edge of the bitumen track has been eroded by loose earth falling down the batter slope and the width and safety of the path has been compromised. To improve this path back to an appropriate standard, the options are:
 - install a retaining kerb on the velodrome side to mount a new fence open and lower the level of the path by 300 to 400mm. Repair the pathway. Provide new handrail or barrier on the outside; or
 - lower the level of the path by 300 to 400mm and reduce the width of the velodrome by 600 to 800mm and repair the pathway. Provide handrail or barrier on the outside.

Stormwater Use and Re-use Options

Water use figures from the Bowls Club indicate the following (as provided by Club Secretary from Council provided water bills):

- July 2014 – Q1 – 434KL
- October 2014 – Q2 – 107KL
- July 2015 – Q3 – 1533KL
- April 2015 – Q4 – 1211KL
- Total July 2014 to June 2015 – 3285KL

Potential re-use options include:

- collection from each building roof space into above ground tanks – minimum 20KL and provides for toilet flushing and irrigation; or
- collection from each building roof space and drainage to an inground tank in the memorial gardens to then be pumped into the aquifer via the existing bore. This scheme would require further assessment and specialised input.

Building Structures**Community Hall**

- Single storey building with metal deck roof structure supported by load bearing masonry walls, engaged reinforced masonry piers and concrete footings.
- The building does not lend itself for extension upgrades at a second floor level.

Background Report – Structural & Civil

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- Masonry walls are in generally average to good condition.

Football Clubroom

- Two storey solid masonry building with concrete floors supported on load bearing walls and steel beams. Double leaf brick walls.
- Roof structure of main building appears steel framed and supports existing AC units. Verandah roof structure is minimal and may need to be rebuilt. Roofing is also dilapidated in parts and requires replacing.
- Concrete balcony slab supported on steel framed structure is sound.
- Masonry crack and displacement of masonry to floor slab at north-east corner under the balcony requires partial demolition and repair.
- This building may lend itself to a third-storey extension, subject to feasibility.

Bowling Club Building

- Existing single storey building with limited or no capacity to take extension upgrades of a second floor.
- Roof is mono-pitch style falling to south with light weight canopy/verandah on north side.

Background Report

Traffic Planning

Edwardstown Oval Redevelopment - Transport Assessment

Subject Site

The Edwardstown Soldiers Memorial Recreation Ground is located on Raglan Avenue in South Plympton, and is bounded by Raglan Avenue, Robert Street, Wood Street and East Terrace. Raglan Avenue provides access between Marion Road and South Road.

Raglan Street functions as a connector road between South Road and Marion Road. The most recent traffic data available close to the Oval recorded a daily average of almost 8,000 vehicles west of East Terrace. Of this total, more than half exceeded the 50 km/h speed limit. Average daily traffic volumes on Robert Street (north of Wood Street) were recorded at 4,000 in 2014 and on Wood Street (west of East Terrace) were recorded as 1,200, also from 2014. In both cases there were less incidents of vehicles exceeding the speed limit, at 15% on Robert Street and 20% on Wood Street.

The Recreation Ground is approximately 250 metres from the Woodlands Park Railway Station on the Seaford and Tonsley rail lines.

The main facilities and features of the Recreation Ground include;

Football / cricket oval

Sports club facility associated with the oval used by the football club and similar groups

480m velodrome track

Three lawn bowls greens and associated clubroom

Community Hall

Memorial Park

Two community tennis courts/general use courts

Playground facilities

Walking track around the velodrome

Recreation Ground Use

The available information on participation/membership levels of the clubs and groups are summarised in Table 1 below. These levels have been used in this report to understand the likely car parking demands of the grounds.

Background Report – Traffic Planning

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Table 1: Known participant/membership levels

Use	Season	Participants
Football	Winter	90 senior
		180 junior
Cricket	Summer	70 senior (4 teams)
Lawn Bowls	Year Round	75 competition players
		80 night owls
Bridge Club	Year Round	40 participants Monday, 85 participants Friday
Cycling	Summer (Competitions)	60 riders per night

Table 2 below summarises the times and days that the current sports ground is currently used. Much of this usage would be anticipated to remain the same after upgrades, although in some cases growth in participation may increase the number of training sessions or users of facilities at each training session.

Table 2: Days and times of uses

Facilities	Use	Weekday	Weeknight	Weekend
Oval	Football (Winter)		Four weeknights for training	Saturday Games
	Cricket (Summer)		Thursday Night Training	Saturday Games
Bowls Club and Clubroom	Lawn Bowls	Wednesday Competitions Tues & Thurs Practice	Wednesday Competitions	Saturday Competitions
	Bridge Club	Friday	Tuesday and Friday	
Cycling Track	Cycling (Summer Competitions)	Triathlon Club Training two mornings and two midday sessions	Wednesday Night Practice Friday Competitions	
Community Hall	Dance lessons or other similar		Most nights	
Tennis Courts and Rec Space	General public	General public use	General public use	General public use

Background Report – Traffic Planning

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Based on the above a profile of the usage of the grounds in terms of likely number of people has been created, outlined in Table 3 below. GTA notes the winter season has been considered as football participation levels are generally much higher than cricket.

Table 3: Anticipated Usage

Sport/Facility	Weekday	Weeknight (Wednesday)	Weeknight (Friday)	Weekend
Oval (Football)	Limited Recreational Use	100	100 ¹	200
Bowls Club / Bridge Club	90	80	85	75
Cycling	20*	10*	10* ¹	20*
Community Hall (Dance lessons or other similar)	-	20*	20*	-
General Use Courts and Recreation Space	20*	20*	20*	20*
TOTAL	130	230	235	315

* estimate for general use of facilities

¹ GTA has assumed that on Friday nights preseason football training will not occur when cyclist competitions are still running

GTA notes that the weeknight uses vary across different days of the week and a Wednesday and a Friday have been considered as theoretical peaks. GTA notes that the Football club training has been calculated based on 3 teams training per night (as it is not anticipated the clubs 11/12 teams will all train at the same time every weeknight). Furthermore given the different seasonal uses of the sports park GTA has assumed the winter period will provide the greater peak given that cricket training and cyclist competitions are understood not to overlap in use, and cricket has lower numbers of participants than football.

GTA notes the weekend peak could potentially be around 315 people, although it is likely that the recreational uses and potentially the bowls club uses could be staggered through the day and may not align with the football game peak. It is also understood that an improved community hall may result in use by private bookings, such as birthday parties on weekends.

Based on the above the peak weekday (Friday) evening usage could be around 235 people at any one time.

Background Report – Traffic Planning

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Car Parking

The anticipated peak parking demands applicable to the Recreation Grounds are set out in table 5 below. The parking estimates have made assumptions in relation to car share and non-car based travel to the grounds and relate to a Friday evening use.

Table 4: Peak Car Parking Demand

Sport / Facility	Methodology / Source	Car Parking Rate	Week night Peak Usage	Weeknight Required parking	Weekend Peak Usage	Weekend Required parking
Football / Cricket	Assume 20% carpool/non-car rate (based on previous projects)	0.8 spaces/participant	100	80	200	160
Bowls Club / Bridge Club	Assume 20% carpool/non-car rate	0.8 spaces/participant	85	68	75	60
Community Centre	GTA surveyed rate for a dance studio	0.42 spaces/participant	20	8	-	-
General/ Cycling /Recreation Space	50% assumed to have walked or cycled from local areas	0.5 spaces/person	15 (assumed peak as potential for staggered demand)	8	20 (assumed peak as potential for staggered demand)	10
PARKING DEMAND				164		230

Based on the above the recreation ground could have a peak parking demand of some 165 spaces in an evening and some 230 spaces on a weekend if the use of all facilities align, and all football game participants remain at the grounds through other games.

Based on the above significant on street parking, particularly on football game days, would be occurring and expected to continue to occur without significant modal shift. The weekend level of parking demand accords with some of the anecdotal reports of the extent of overspill parking although no formal parking surveys have been completed for peak Oval parking demands or for times when the Oval is not in use to obtain a base line position.

Wider Transport Access

Information from the previous assessment identifies that nearly 20% of Edwardstown residents do not have access to a vehicle. Similar figures are likely to apply for other surrounding suburbs close to the recreation ground. The estimated 20% carpooling or use of alternative transport measures may therefore be a low estimate given the surrounding area demographic. Nonetheless the walking, cycling and public transport access to the subject site is generally poor and unlikely to encourage much change in access as discussed in the following sections.

Background Report – Traffic Planning

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Pedestrian Access

Pedestrian Facilities adjacent the subject site are generally poor, with limited or poor footpath provision and no formal crossing provision.

Footpaths are provided on either side of Wood Street, Robert Street and Raglan Avenue, and only on the western side of East Terrace. Aside from Raglan Avenue in front of the site, these footpaths are generally narrow at 1.2m on Wood Street and Robert Street adjacent the site, which are below the preferred widths identified in the City of Marion Walking and Cycling Strategy and are not ideal for gophers, wheelchairs, prams and cyclists.

The Walking and Cycling Strategy identified a preferred minimum footpath width of 1.8m and an absolute minimum of 1.2m but only permissible over a short distance where significant constraints exist. Except past trees and stobie poles, it is considered that all footpaths around such an important local facility should be a minimum of 1.8m. Where the footpath remains adjacent to the roadway, full width (property boundary to kerb) paving should be provided to minimise maintenance and the risk of trips and falls arising from level differences around unsealed verges.

Kerb ramps at the intersections surrounding the site are substandard where provided, are generally not on pedestrian desire lines, and in most cases not provided at key crossing locations.

To improve pedestrian access to the Recreation Grounds the footpaths adjacent the site should be upgraded to provide adequate width, appropriate kerb ramps should be installed at the intersections around the site and a pedestrian route on the eastern side of East Terrace should be considered. This pedestrian route could potentially form part of the site upgrades to provide access while still maintaining on street parking on East Terrace. It is unlikely that a footpath could be provided on the eastern side of East Terrace whilst maintaining on street parking on both sides of the road without severely narrowing the carriageway. There may be potential to provide a footpath and both sides of parallel parking by changing East Terrace to one-way. This will impact residential access as well as Sports Park access and may not be appropriate without confirming the existing traffic volumes on East Terrace.

Crossing facilities (i.e. median refuges with kerb ramps as a minimum) should be considered in particular adjacent to bus stop 15B on Raglan Avenue. Pedestrian surveys and an assessment of the public transport demand at the bus stops would be beneficial in this location to determine the appropriate locations and formats for pedestrian crossing facilities.

Cyclist Facilities

On street bike lanes are provided on either side of Raglan Avenue and are operational between 7:00am and 9:00am and 4:30pm to 6pm Monday to Friday. On street bike lanes on Robert Street are signed as operational between 7:00am and 9:00am and 3:00pm to 6pm Monday to Friday.

The bike lanes are generally not continuous through intersections including roundabouts and T intersections, and generally end before the intersection and start again on the other side of the intersection.

To improve cyclist access all bike lanes should ideally be continuous through roundabouts, and end of trip facilities for cyclists (namely bike racks) should be provided at the recreation grounds adjacent key areas.

Background Report – Traffic Planning

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As part of the City of Marion Walking and Cycling Strategy (2012-2017), Wood Street is identified as a proposed local cycling route, whilst Robert Street and Raglan Avenue remain as bike direct routes with bike lanes/shoulders.

Public Transport Services / Facilities

While a bus route is present on Raglan Avenue with a stop immediately adjacent the subject site the services to this stop are limited. Basic bus shelters are provided for both sides of the road, with the southern side an older style shelter. The stop is serviced by route 190 and several school bus routes. Route 190 runs between the City and Glenelg and services operate approximately half hourly between around 7:30am and 6pm on weekdays, and hourly between around 9am and 5pm on weekends.

As such the bus route does not service the Recreation Grounds during the peak evening demand periods. The limited service frequency on weekends is also likely to be unattractive for potential patrons to use given the likely restrictions around game times etc.

Woodlands Park Railway Station is located approximately 250 metres from the subject site with train services between Tonsley and the City, and Seaford and the City. Table 6 below summarises the available public transport services.

Table 5: Public Transport Service Patterns

Public Transport Route	Peak Hour Service	Weekday Daytime Service	Evening Service	Weekend Service
190 Bus Service	Every 30 minutes	Every 30 minutes	No service	Every 60 minutes
Tonsley Rail line	Every 30 minutes	Every 30 minutes	No service	No service
Seaford Rail line	<10 minutes	Every 15 minutes	Every 60 minutes	Every 30 minutes

Services can therefore be considered regular during weekday daytime periods but during the peak evening and weekend demand periods at the recreation grounds do not currently provide a viable alternative travel option. GTA does not support the assertion in the previous report that “access to the site (is) relatively easy by public transport”.

As with the streets surrounding the recreation grounds, the streets providing the walking route to and from the station (Collins Avenue and Wood Street) generally have substandard kerb ramps and narrow footpaths. Woodlands Park station provisions are basic with some shelter provided and access to the platform provided by a tunnel under the railway line. It is considered unlikely to meet relevant DDA and CPTED guidelines.

Background Report

Equal Access - DDA

The Edwardstown Soldiers Memorial Recreation Ground is located on the corner of Raglan Avenue and East Terrace, Edwardstown. Our inspection included the three main buildings on the site being a two storey Football Clubrooms, a single storey Lawn Bowls Clubroom and a single storey Community Hall.

Our compliance assessments have been based on the current 2015 version of the BCA and considered the Access to Premises Standards requirements for disability access.

Building Classification

Based on existing use all three buildings would be classified as class 9b assembly buildings

Existing buildings

The SA Development Act and Regulations outline requirements for upgrades to existing buildings. In particular, Section 53A of the Development Act stipulates if an authority assessing a building application forms the opinion the building is, unsafe, structurally unsound or in an unhealthy condition, the relevant authority may require, as a condition of consent, that building work that conforms with the requirements of the Building Rules be carried out to the extent reasonably necessary to ensure that the building is safe and conforms to proper structural and health standards.

Pursuant to Regulation 80 and Section 53A a building constructed after 1 January 2002 does not require such an assessment of the existing building – other than for disabled access as nominated in the Access to Premises Standard. The current access provisions in the BCA are more onerous than when the building was constructed with regards to access to and within the building and also in relation to the location and type of sanitary facilities provided.

Pursuant to the Disability Discrimination Act (DDA) a complaint may be made at any time in regards to perceived discrimination to access facilities in which case if the claim was successful an upgrade may be required to provide an acceptable level of disability access.

This assessment of building upgrade requirements is subject to further comment from the fire service. We have based our assessment on our experience of such matters and what we believe would be a likely scenario for any future proposed works.

Compliance Summary

We provide the following summary of identified compliance issues and potential remedial options. In general the site has a poor level of disability access. Fire safety and other BCA compliance issues are generally more easily addressed.

Background Report – Equal Access - DDA

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Football Clubrooms

The building has 3 stairs, one internal and 2 external and 3 identified internal exits which provides satisfactory egress provisions for well in excess of the available floor area of the function space. Egress distances are acceptable.

Our inspection did not determine the form of construction – for a 2 storey class 9b building the floor including support beams requires a fire resistance level (FRL) of 30 minutes. Often with older construction floor slabs are supported by unprotected steel beams. Building upgrades may trigger the requirement for protection of any steelwork supporting upper floors.

Fire Safety:

Item	Compliance Issue	Remedial Options
Internal stair to upper floor	The under stair storage area is not appropriately fire separated	The enclosed space under the stair requires upgrade to provide 60 minute fire resistance including self closing fire door or alternatively the enclosing walls require removal.
Exit signage	No exit signage provided to ground floor entry foyer exit	Provide illuminated exit sign complying with AS2293.1
Internal stair balustrade	Spacing between balusters required to be less than 125mm	Upgrade of balustrade required
External northern stair balustrade	Spacing between balusters required to be less than 125mm	Upgrade of balustrade required
External northern balcony balustrade	Balustrade height less than 1000mm above floor level is some parts (near top of northern stair)	Review floor finishes to rectify
Sanitary facilities – outside/ public	Concrete stair risers leading to external toilets do not have constant risers	Review floor finishes to rectify
Door hardware	Doors to change rooms do not have free lever handle egress from the inside	Upgrade door hardware to comply with BCA D2.21 requirements
Fire hose reels	The building exceeds 500m ² floor area and requires fire hose reel coverage. No fire hose reels were noted.	Provide fire hose reel/s complying with AS2441
Fire hydrant	The building exceeds 500m ² floor area and requires fire hydrant coverage. This may be provided by street plug.	Ensure nearest street plug has been flow and pressure tested

Background Report – Equal Access - DDA

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Disability Access:

Item	Compliance Issue	Remedial Options
Ground floor access	Ground floor access is via steps	AS1428.1 complying ramp access required
	The steps do not have tactile indicators at the top and bottom landings	Tactile indicators require installation at the top and bottom of the stairs in accordance with AS/NZS1428.4.1
	The steps do not have required contrasting nosings	Contrasting nosings require installation in accordance with AS1428.1
	The steps do not have handrails	Handrails require installation to both sides of the stairs in accordance with AS1428.1
Upper floor access	A class 9b building requires disability access to and within all areas normally used by the occupants. The building has no lift access to the upper floor	Any future works requiring a development approval is likely to trigger the requirement for a lift installation to provide complying access to the upper floor
Internal stair to upper floor	Handrail to one side only	An additional handrail requires installation in accordance with AS1428.1
	Handrails do not carry 300mm past the top and 300mm plus a riser dimension past the bottom of the stair	Handrails require upgrade to comply with AS1428.1
	No tactile indicators at top and bottom of the stairs	Tactile indicators require installation at the top and bottom of the stairs in accordance with AS/NZS1428.4.1
	Handrail is not circular or elliptical in cross section	Handrails require upgrade to comply with AS1428.1
External stairs to upper floor	Handrail to one side only	An additional handrail requires installation in accordance with AS1428.1
	Handrails do not carry 300mm past the top and 300mm plus a riser dimension past the bottom of the stair	Handrails require upgrade to comply with AS1428.1

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	No tactile indicators at top and bottom of the stairs	Tactile indicators require installation at the top and bottom of the stairs in accordance with AS/NZS1428.4.1
	The stairs do not have required contrasting nosings	Contrasting nosings require installation in accordance with AS1428.1
	The stairs do not have opaque risers	Close off risers
Canteen	No complying access for people with a disability to canteen – paving slope too steep without required handrails/ kerbs etc	Regrading of pavements and AS1428.1 complying ramp access required
	The canteen door has steps at the door threshold	Requires landing at door
	The canteen door steps do not have consistent risers	Stairs require upgrade to comply
Change rooms (note only home rooms inspected)	The change room doors have steps at the door threshold	Requires landing at door
	No disabled access – step at door and door opening width and no access facilities within change rooms	Consider with any upgrade of wet areas
Sanitary facilities – outside/ public	Handbasin to access toilet does not meet AS1428.1 dimensional requirements	Consider replacement with any wet area upgrade

Health and Amenity:

Item	Compliance Issue	Remedial Options
Entry foyer ceiling	Ceiling height less than 2.4m as required for a class 9b assembly building corridor (approx 2.2M)	Review option to raise ceiling
Sanitary facilities – inside	Male: 2 WC, 2 HB, 6 urinals (3.7m) Female: 3 WC, 3 HB Adequate for 200 maximum occupants (function user group assuming equal male and female numbers) (limited by	Access and ambulant toilets would be required if any wet area upgrades were undertaken or if complaint made under the DDA

Background Report – Equal Access - DDA

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	female pans) No access or ambulant toilets provided inside	
Sanitary facilities – outside/ public	Male: 1 WC, 2 HB, 2 urinals (1.2m) Female: 2 WC, 2 HB Adequate for 240 maximum occupants (sporting venue spectator/ patron) (limited by female pans) A unisex access toilet is also provided No ambulant toilets provided	Access and ambulant toilets would be required if any wet area upgrades were undertaken of if complaint made under the DDA. Review likely spectators and demand on outside facilities to confirm adequacy of provided fixture numbers
Sanitary facilities – change rooms	1 WC, 8 showers (2 converted to ice baths, 1 without head) Showers cater for 10 participants for each (total 50 based on 5 showers) No handbasins provided (require 1 per 10 participant). Inadequate toilets provided. Assuming to be used by male or female participants (and use wc pans in lieu of urinals) require 3 pans per 20 participants	Existing fixtures do not comply – require provision of a hand basin and additional toilet pans to cater for likely numbers

Lawn Bowls Clubrooms**Fire Safety:**

Item	Compliance Issue	Remedial Options
Exit doors	Doors swing inwards against direction of egress width	Consider altering doors to swing outwards (may have OH&S issues with doors opening onto pathway – alternatively consider door hold open devices)
Door hardware	Doors have round knobs in lieu of lever handles and have dead latches that may obstruct free exit from the building in an emergency	Upgrade door hardware to comply with BCA D2.21 requirements
Bar Egress	The bar entry doors have wrought iron	Gates require removal or upgrade to

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	gates with slide bolts and padlocks	provide complying egress from building
	The bar has a bar gate of only 360mm width which provides only exit point for a bartender	Modification of bar to provide minimum 600mm wide opening to bar bench
Ramped floor	Internal doors between the bar area and the dining hall has ramped flooring making up the level difference between floor areas – no step or ramp is allowed at an internal door threshold.	Remove doors or provide landing at door. Provide contrasting flooring to highlight ramp (potential trip hazard)
Exits	Only one exit is identified from the bar area which limits number of occupants to the space to 150	Provide additional exit signage and an additional exit point if licensed for more than 150 occupants to the bar area (excluding dining area)

Disability Access:

Item	Compliance Issue	Remedial Options
Ground floor access	Entry to site from the road has a step and doors have threshold step – no at grade or ramped entry to building	Regrading of pavements and AS1428.1 complying ramp access required
	The path providing access to the building is of inadequate width to provide required wheelchair circulation space to independently operate entrance doors (measured 1320mm to kerb – min requirement of 1450mm)	Locally widen path to comply with AS1428.1 fig 31 circulation requirements at doors
Bowling Greens and viewing area	No complying disability access due to stepping	Provision of kerb ramps to provide complying AS1428.1 access
Door openings	Door clear opening widths less than 850mm (approx. 700mm -760mm clear opening generally)	Consider modifying doors with any future works
Access toilet	Handbasin is within 1400mm of the toilet pan	Access toilet requires alteration and upgrade to comply with AS1428.1-2009
	Latchside clearance to sliding door from toilet to airlock is inadequate for wheelchair user	Access toilet requires alteration and upgrade to comply with AS1428.1-2009

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	Latchside clearance to swing door from airlock to hall is inadequate for wheelchair user and door clear opening width is less than 850mm (760mm)	Access toilet requires alteration and upgrade to comply with AS1428.1-2009
	Airlock provides inadequate circulation space to allow a wheelchair user to operate doors	Access toilet requires alteration and upgrade to comply with AS1428.1-2009
Ambulant toilets	No ambulant toilets provided	Trigger to upgrade when any wet area upgrades are undertaken

Health and Amenity:

Item	Compliance Issue	Remedial Options
Sanitary facilities	Male: 2 WC, 2 HB, 9 urinals (5.8m) Female: 6 WC, 4 HB Adequate for 400 maximum occupants (function user group assuming equal male and female numbers) (limited by male handbasins) No complying access or ambulant toilets provided inside	Access and ambulant toilets would be required if any wet area upgrades were undertaken or if complaint made under the DDA

Community Hall**Fire Safety:**

Item	Compliance Issue	Remedial Options
Ceilings	Ceilings to hall are straw type and unlikely to achieve required fire hazard indices	Consider removal/ replacement with any future development
Exits	Only one exit is identified with an illuminated exit sign from the hall area with the other doors to the east having a non illuminated exit sign. Note at time of inspection the hall exit light leading to the entrance foyer was	Provide additional illuminated exit signage to the hall doors to the eastern side

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	not operational and required maintenance.	
	Doors to the east of the hall have panic bars but also has a dead latch which may hinder egress in an emergency.	Replace dead latch with complying hardware
	The northern exit doors open to the carpark and egress path may be obstructed by parked vehicles	Consider better line marking and bollards to maintain egress path
Step at internal door	Internal doors between the hall area and the main entrance foyer has a step	Remove doors or provide landing at door. Provide contrasting flooring to highlight ramp (potential trip hazard)

Disability Access:

Item	Compliance Issue	Remedial Options
Ground floor access	Entry to site from the road has a step and doors have threshold step – no at grade or ramped entry to building	Regrading of pavements and AS1428.1 complying ramp access required
Door openings	Door clear opening widths less than 850mm (approx. 740mm clear opening generally)	Consider modifying doors with any future works
Stage	Stage is approximately 840mm high and does not provide disability access	Ensure management plan in place to cater for presentations or other activities by a person with a disability.

Health and Amenity:

Item	Compliance Issue	Remedial Options
Sanitary facilities	Male: 1 WC, 1 HB, 4 urinals (2.4m) Female: 2 WC, 1 HB Adequate for 100 maximum occupants (function user group assuming equal male and female numbers) (limited by male handbasins, female pans and	Access and ambulant toilets would be required if any wet area upgrades were undertaken or if complaint made under the DDA. Review occupancy numbers (BCA D1.13 allows max of 180 occupants based on hall floor area but sanitary facilities limit occupancy numbers to 100 – a unisex access toilet would increase

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	handbasins) No complying access or ambulant toilets provided inside	numbers to 200)
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General**Disability Access:**

Item	Compliance Issue	Remedial Options
Oval surrounds	Poor disability access to view oval / velodrome activities	Upgrade of paths of travel with ramping etc to provide AS1428.1 complying access to a viewing area
Disabled access carpark	The access carpark space is poorly marked and requires a bollard to prevent vehicles parking in the shared zone	Consider upgrade with any future carpark works
External stairs	Generally lack of tactile indicators, contrasting nosings and handrails carrying 300mm past the top and 300mm plus going dimension to the bottom to external stairs	Upgrade with any future urban landscape upgrade

Background Report

Design Parameters

The following discussion outlines design parameters for the project, drawing on the following research:

- Brief requirements
- Master plan review
- Site investigations
- Statutory & regulatory review
- Sustainable Practice literature and formal rating tools
- Discussion with stakeholders
- Discussion with council staff
- Discussion within the design team

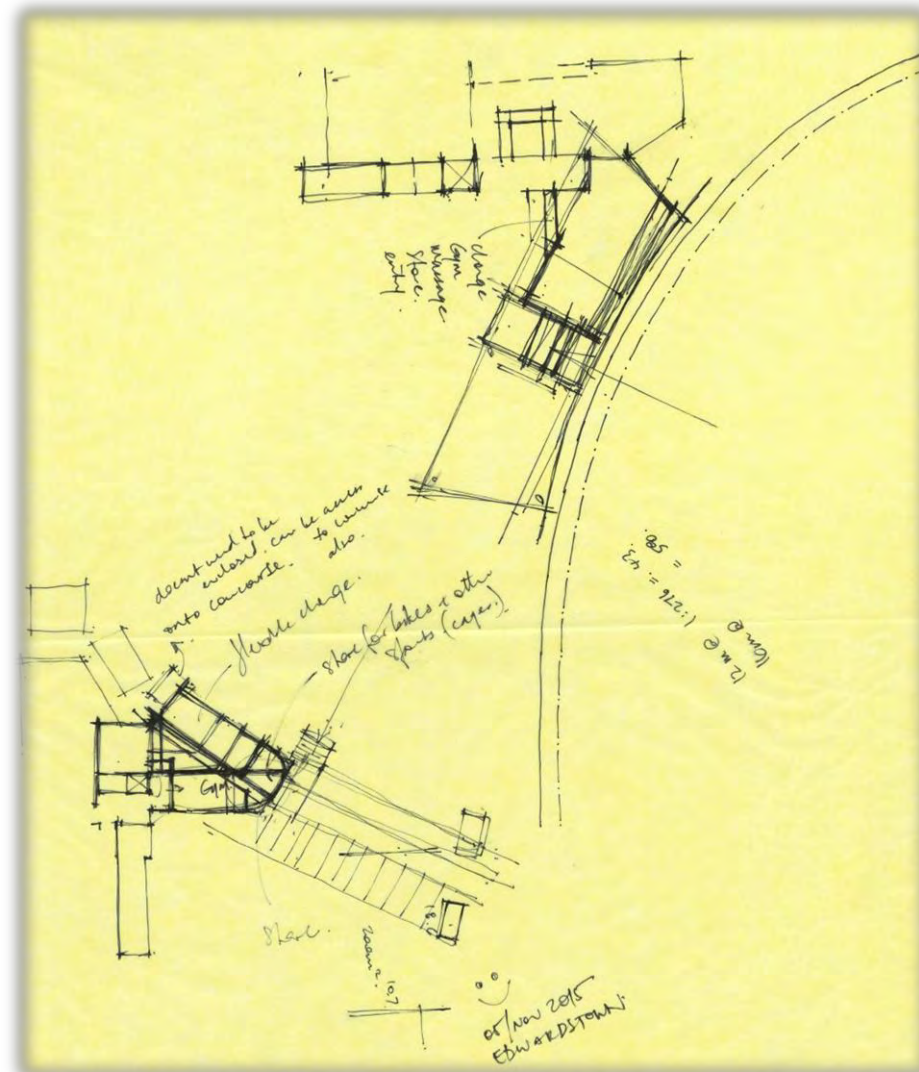
Design Parameters Framework

- Retention / re-use of existing infrastructure
- Bang for buck insertions
- Priorities for each organisation
- Bowling club is well established, well maintained. 'Respect for your elders'
- Sustainable design. Triple-bottom line
- Clubs have as their first priority the playing surface
- Bowls/ Cycling/ Cricket seasons all overlap. Football in winter with some cycling. Community hall is year-round
- Emphasis away from a Sports Club towards a Community Hub.
- Precedent: 'Sportsville' in New Zealand
- If some spaces are going to be 'multi-functional', how do we respect the differing needs of the seniors & the younger generations? Without barriers? What models exist where seniors & young have shared space successfully?

Briefed Areas

The following areas were advised as part of the initial brief.

Function	Area (sq.m.)
Shared clubroom/ bar	200
Multipurpose function	200
Change Rooms 1	50
WC/ Showers 1	25
Change Rooms 2	50
WC/ Showers 2	25
WC Public	25
Kitchen	20



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Function	Area (sq.m.)
Shared office	30
Umpires' Room	25
Cleaner's room	5
Gymnasium	25
Massage/ First Aid/ Recovery	15
Cold Store	10
Storage	30
Total net area	750
Circulation	150
Total Gross area	900

Following some discussion and an Oval Management Committee consultation session, it was identified as critical for the bid that a focus on community-oriented benefit be added, (which also increases the Social Sustainability capital for the project). To that end, the following facilities were added:

- a small scale community business hub
- a small cafe outlet possibly associated with the briefed kitchen with outdoor space with views over the sporting complex and beyond
- a zone for fitting out for pop-up or small scale business activities that may integrate well with other site uses - for example they may include
 - bike hire,
 - bike repair
 - coffee roasting
 - commercial gym or personal trainer base
 - etc

Guiding Principles

- Vision for the Site – 'Multiple activities, 1 place, 1 destination'
- Budget Sensitivity: Find the optimal balance between building and site expenditure, and between sporting codes, and balanced with the Community initiatives.
- A single core which can represent the single management structure
- Each club/ organisation needs their identity recognised
- Appropriate relationship between the buildings and the playing fields/ surfaces
- Triple Bottom Line sustainability: Economic, Social, Environmental
- Flexibility of use, function, space. The design does not impose, but is a background for the activities of the yet-to-be-seen people who will use it.
- How do we bring more people in? Make it accessible, identifiable, desirable, affordable, interesting
- A whole which is greater than the sum of the parts
- Mutual respect between organisations, and peaceful co-habitation
- The formal management structure, distilled into built form

Background Report – Design Parameters

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- Crime Prevention through Environmental Design (CPTED) – Endeavour to adopt ‘passive surveillance’ and other measures which do not create a sense of lack of trust, but instead encourage any user to feel safe. With clear views between the site and local residents, a sense of mutual protection is facilitated.
- Do the seniors need to become ‘custodians’ of the whole club; and to do this, do they need to be in control? What will encourage them to look after the collective infrastructure unless they have ownership?
- Equitable Access: This ensures the greatest possible inclusion of all members of the community. If no-one is excluded, everybody is welcome, and the facility thrives.

Edwardstown Design/ Functional initiatives

- Create a presence for the site visible from Raglan Avenue (maybe in the built structure?)
- Ground level open space – benefits CPTED, increases parking opportunity & access to oval. Raise clubrooms
- Second-level clubrooms stepping down onto terrace
- A non-club, non-denominational ‘meeting place’ – café or the like? Economically Sustainable?
- Flexible facilities as ‘framework’ or ‘setting’
- Business hub resource (mtg rooms, IT capabilities) for the community
- Linkages of pedestrian and cycling paths
- Pull the boundary fences down?
- Activate the RSL gardens – make it useful whilst protecting the heritage
- Food options:
 - Food vans
 - Cibo-style kitchen
 - Buongiorno’s – style kitchen
 - Canteen / lolly shop
 - Full meals served out of Community Hall/ Bowling club
 - Combination of above
- Flexible changerooms, so as not to double-up & have redundant spaces. Requires adaptation. Needs to ascertain schedules of use between various sports & uses.
- Positioning of cricket nets?
- Possible Gymnasium, tied to allied health outlet for sports clinic/ training/ rehab/ public membership
- Signage around the area leading to the destination
- Walking track around top of velodrome – possible to combine with a cycling track, linked to the streets?



Background Report

Concept Options

Three Concept Options for new buildings have been prepared, as has a Concept for the site development. These are included in the Appendix.

In each Option, the existing Community Hall has been removed to enable a minimum provision of on-site parking. This function has been incorporated elsewhere in the buildings.

Option 1 – Full refurbishment: This option utilises the existing Bowling Club and Football Club buildings, upgrades them to current regulatory and sustainable design standards, and suitable to their ongoing functions and longevity. Additions have been necessary to provide the additional facilities required by the brief, as current accommodation is not large enough.

Option 2 – New Building: This option demolishes all club buildings on site currently and provides the required functions in an optimised position on the site, taking into account all site conditions.

Option 3 – Partial New, Partial Refurbishment: This option utilises the existing Bowling Club building and adapts it to consolidated functions. It also provides a second-storey to contain the balance of brief requirements. Siting is largely determined by positioning of the Bowling Club building.

The following is a **Strengths and Weaknesses** discussion in light of the attributes addressed by the Brief, Design Parameters and Stakeholder discussions.

Attribute	Option 1 – Full Refurbishment	Option 2 – New Building	Option 3 – Partial New
Environmental Sustainability	Maximises Sustainable Principles of Recycling / Re-Living of buildings. Minimises demolition (<i>Strength</i>). The reduced cost of this option optimises the extent of ‘active’ initiatives which can be applied. (<i>Strength</i>)	Sustainability initiatives can be optimised for site and use, i.e. passive solar, thermal insulation, water re-use. Materials from demolished buildings can be recycled. (<i>Strength</i>). The increased cost of this option limits the extent of ‘active’ initiatives which can be applied. (<i>Weakness</i>)	Sustainability initiatives can be optimised for site and use, i.e. passive solar, thermal insulation, water re-use. Materials from demolished buildings can be recycled. (<i>Strength</i>). Re-use of a substantial amount of existing building fabric is a significant ESD positive (<i>Strength</i>).
Economic Sustainability	Older buildings require more maintenance in the same period of time (<i>Weakness</i>). New systems are retro-fitted, and likely not optimised for the spaces. (<i>Weakness</i>) Flexibility of spaces compromised. (<i>Weakness</i>). Decreased capital cost but likely balanced out by higher life-cycle costs, (<i>Neutral</i>).	Increased capital cost balanced out by possibility for lower life-cycle costs, with appropriate selection of materials, finishes and systems, (<i>Neutral</i>).	Optimal balance is possible between reduced capital and life-cycle costs. If this is made a guiding principle , then studies can inform this balance (<i>Strength</i>).
Social Sustainability	Existing buildings have a cultural value. Especially Football and Bowling club (<i>Strength</i>).	United buildings generate an enthusiasm in the united management structure, (<i>Strength</i>) and generate interest amongst the wider community. (<i>Strength</i>). Bowling club likely won’t survive closure (<i>Considerable Weakness/ Possible deal-breaker</i>).	United buildings generate an enthusiasm in the united management structure, (<i>Strength</i>) and generate interest amongst the wider community to investigate (<i>Strength</i>). Retention of Bowling Club buildings provides link with the site’s history (<i>Strength</i>).

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Attribute	Option 1 – Full Refurbishment	Option 2 – New Building	Option 3 – Partial New
Budget Sensitivity/ Value for Money	Capital cost for buildings is minimised, leaving more capital for other works (<i>Strength</i>)	Capital cost is highest (<i>Weakness</i>) but new facilities are more flexible, with greater functional value per sq.m., so life-cycle costs will be lower (<i>Strength</i>).	Capital cost not as high as complete new build, but some ageing structures will need greater on-going maintenance (<i>Neutral</i>). Use is made of higher-quality existing buildings (<i>Strength</i>).
United Management Model	Split between Bowling /Function facilities and the Football Club is not supportive of the united management model (<i>Weakness</i>)	Facilities all combined as one building, reinforcing united management structure (<i>Strength</i>).	Facilities all combined as one building, reinforcing united management structure (<i>Strength</i>).
Aspect from the various functions	Function facilities outlook does not make best use of aspect over oval (<i>Weakness</i>).	Aspect over Oval is maximised from Football Club, Cafe and Function Room (<i>Strength</i>).	Aspect over Oval is maximised from Function Room, café and Football Club, and over Bowling Greens from Football Club and Offices (<i>Strength</i>).
Building Condition	Building structure is dated; re-work required (<i>Weakness</i>)	New buildings, so no depreciation, (<i>Strength</i>).	Bowling Club is the better condition building, and will remain. Poorer condition Football Club is demolished. (<i>Neutral</i>)
Culture/ Stakeholder Support	Football Club supports re-use of clubrooms (<i>Strength</i>), but Oval Management prefers single building solution (<i>Weakness</i>)	Bowling Club requires demolition to make way for new building work. Bowling Club has reported it may not survive being closed for this time (<i>Considerable Weakness/ Possible deal-breaker</i>). To keep Bowling Club in operation, additional costs may be required in temporary accommodation (<i>Weakness</i>).	Bowling Club maintain their current facilities, which they are content with. (<i>Strength</i>) New 'hovering' Clubrooms and Function afford minimal disruption to BC, whilst providing substantial flexible space. (<i>Strength</i>)
Relationship to Sports Playing fields	Individual clubrooms have best adjacency to their respective playing surfaces (<i>Strength</i>). Under-cover cycling viewing is not over finish line. (<i>Neutral</i>)	Bowling has good adjacency; this is critical given the less active nature of the game and close adjacency of the bar (<i>Strength</i>). Football and Cricket viewing is arguably compromised being away from middle of ground. Under-cover cycling viewing is not over finish line (<i>Neutral</i>).	Bowling has good adjacency; this is critical given the less active nature of the game and close adjacency of the bar (<i>Strength</i>). Football and Cricket viewing is arguably compromised being away from middle of ground. Under-cover cycling viewing is not over finish line. (<i>Neutral</i>)
Adequacy of spaces	Function space ceiling is too low for flexible use; requires (potentially expensive) enhancement. Football change rooms are well below standard and require upgrade (<i>Weakness</i>). The 'Community-Oriented Commercial Venture' is a newly-constructed space; as such spatial requirements have been assumed which may restrict future (unknown) uses for the space (<i>Neutral</i>).	Spaces are optimised in new build (<i>Strength</i>). The 'Community-Oriented Commercial Venture' is a newly-constructed space; as such spatial requirements have been assumed which may restrict future (unknown) uses for the space (<i>Neutral</i>).	Spaces are mostly optimised in new building (<i>Strength</i>). The 'Community-Oriented Commercial Venture' is retro-fitted into the existing Bowling Club dining room, with lower height ceiling which may restrict future (unknown) uses for the space (<i>Neutral</i>).
Maintaining operation through Construction	Existing facility use will be interrupted for construction works in substantial upgrade. Project will most likely require staging to accommodate minimal adverse effects, which will add cost (<i>Weakness</i>).	Existing Bowling facility will be out of operation during construction, which will likely have a serious adverse effect on their membership (<i>Considerable Weakness/ Possible deal-breaker</i>). Football club can stay in operation during construction, then demolished later (<i>Strength</i>).	Existing Bowling facility can stay in almost full operation during construction, due to minimal works to their space. Second-storey works largely independent (<i>Strength</i>). Football club can stay in operation during construction, then demolished later (<i>Strength</i>).

Background Report – Concept Options

27 November 2015 Revision 2 – Council review

Attribute	Option 1 – Full Refurbishment	Option 2 – New Building	Option 3 – Partial New
Equitable Access	Access provisions to Football Club require substantial upgrade (<i>Weakness</i>).	Access provisions are optimised, (<i>Strength</i>).	Access provisions are optimised, (<i>Strength</i>).
Flexibility	Separated large function spaces cannot be flexibly combined into a single, larger space (<i>Weakness</i>). Catering demands require more than one kitchen (<i>Weakness</i>).	Maximises flexibility opportunity for spaces, including kitchens and change rooms which are expensive spaces to build and maintain. (<i>Strength</i>)	Substantially increases flexibility opportunity for spaces, including kitchens and change rooms which are expensive spaces to build and maintain. (<i>Strength</i>)
Community Initiative / Hub functions	Additional (new) building work required to house the commercially-focussed facilities. As such, these spaces are subject to budget pressures, and have the risk of limiting what activities can be applied to it. (<i>Neutral</i>).	‘Community-Oriented Commercial Venture’ can be fully integrated into new works (<i>Strength</i>), but as new building works, are subject to budget pressures, and have the risk of limiting what activities can be applied to it. (<i>Neutral</i>).	‘Community-Oriented Commercial Venture’ is retro-fitted into the existing Bowling Club dining room, which provides ample flexible space at a reduced cost (<i>Strength</i>). Lower height ceiling may restrict future (unknown) uses for the space (<i>Neutral</i>).
Services	Buildings require services upgrades, Football especially (<i>Neutral</i>). Site mains may require some upgrading for additional supply & infrastructure (e.g. stormwater) (<i>Neutral</i>).	All building services are new (<i>Strength</i>). Site mains may require some upgrading for additional supply & infrastructure (e.g. stormwater) (<i>Neutral</i>).	Services upgrades required for Bowling Club (<i>Neutral</i>), but remainder is new & can be closely tuned to desired functional and environmental standards (<i>Strength</i>). Site mains may require some upgrading for additional supply & infrastructure (e.g. stormwater) (<i>Neutral</i>).
Change Management	Existing ‘symbolic’ structures remain as they are, so change management will not be an issue. But questionable positive effects for long-term ‘united’ structure (<i>Neutral</i>).	New buildings symbolic of a new (and better) approach (<i>Strength</i>)	Best aspects of the existing can be retained, whilst the outdated parts are renewed (<i>Strength</i>)
Crime Prevention principles (CPTED)	Current buildings have ‘nooks and crannies’ which are contrary to good passive surveillance (<i>Weakness</i>)	Condensed footprint and northern-most positioning maximises view to & from across East Terrace from neighbours, creating passive surveillance opportunity from street into oval. (<i>Strength</i>). View from facilities to street is not as strong as Option 3 (<i>Neutral</i>).	Elevated approach maximises view to & from across East Terrace from neighbours, creating mutually beneficial passive surveillance opportunity. (<i>Strength</i>)
Functionality of Site Arrangement	Club buildings are separated by some distance, maintaining current fragmentation of car-park (<i>Weakness</i>).	Siting of new building is optimised for most functional site arrangement of parking, landscaping, cricket nets (<i>Strength</i>).	Siting of consolidated building provides substantially more functional/ flexible open area for car-parking and cricket net position (<i>Strength</i>).

**EDWARDSTOWN SMRG UPGRADE
CLUB SURVEY RESULTS**

Section	Question	Edwardstown Football Club (20/10/2015)	Edwardstown Bowling Club (20/10/2015)	Edwardstown Community Hall(20/10/2015)	South Road Cricket Club	South Coast Cycling	RSL	Management Committee
1. Contact Info		David Crockford Peter Dabinett	Tony Whennan	Val Walden	Steven Mitchell	Catherine Braithwaite Shane Harris	Keith Harrison	Keith Harrison
2. General	1. Sport played	Australian rules football 2 to 3 senior sides 9 junior sides	Lawn bowls pennant Lawn bowls social Also host bridge club	Indoor facility for hire Current regular hirers - Ball room dancing - Womens yoga Tuesday morning - Hall used weeknights 4.30pm to 8.30pm	Cricket	Track cycling (only velodrome in southern metro area)	(Memorial Dawn Service Anzac Day. Up to 1000 participants)	83% of local residents use site regularly
	2. Player numbers	Seniors 90 Juniors 180 (U8 to U16s) Members (inc Senior players 1500 Expecting juniors to increase with better pathways established	Registered pennant players 74 (95% + male and over 60) (NB no women's team) Night owls 80 to 90 (20 + teams) (mixed and much younger ave age) Bridge- Monday 40/ Friday 85	Not known	Currently 70 , anticipating growth to 90 in next two years 4 senior teams	98 financial members 60 riders per night 20-35 juniors (mixed competition) Drawn from across southern greater metro area		11 committee members
	3. Peak body	Transitioning from Southern FL to SA Amateur FL for 2016	Bowls SA	none	Adelaide and Suburban Cricket Association SA Cricket Association	Cycling SA(elite cycling)-affiliated		City of Marion
	4. Paid staff	Nil (except game based payment of senior players, \$3000 cap set by SAAFL) \$42k in 2015 Coaches \$11k Umpires \$8K	1 barman for night owls Green keeping contracted out. Player fees at top level depending on quality of competition	None (cleaner once a week)	None	None		Nil
	5. Volunteer nos	Game days - Seniors 15 - Juniors 30-40 Club org. and social - 10	15 regular volunteers	Management committee 4 people on committee	All members at some point	30		Whole committee
3. Facility info	1. Season	Oval- Playing season March to September Clubrooms -Social events - Friday nights all year - Other days in playing season Canteen - snacks/ drinks for spectators on game days	Greens - Pennant bowls early October to end March - Social bowls (night owls) early October to end March - Womens Country Carnival April - Social games all year weather and greens permitting Clubrooms - Pennant bowls early October to end March - Social bowls early October to end March - Womens Country Carnival April	External - Not applicable Hall - All year - Use is limited by committee due to loyalty to dance teachers needs	Oval and cricket nets - Summer – August to April - All 4 senior teams .t.Th....5pm -8pmSa.12-6pm	Velodrome- October to March corresponding with Daylight Saving - Wednesday Evenings practice - Friday evenings competition		All year
	2. Use of lights 3. Location/ Time of use	Yes Football Oval Tuesday to Saturday 6-8	Yes Greens Night owls on Wednesday	Not applicable	Yes if available .T..ThF – 7-10pm	Yes if available Early mornings and evenings to extend daily		Yes – enhances attractiveness to hirers Need security lighting

Section	Question	Edwardstown Football Club (20/10/2015)	Edwardstown Bowling Club (20/10/2015)	Edwardstown Community Hall(20/10/2015)	South Road Cricket Club	South Coast Cycling	RSL	Management Committee
		pm Cycling /triathlon Am weekdays Would like night games on weekends, Anzac day and juniors	night and social bowls			access period and into winter		
	4. Use of clubrooms 5. Time and intensity of use	EFC Clubroom Bar and clubroom .TWT..S 30 to 40 patronsFS. 100 + patrons (licensed for 200 patrons) Usually drinks only but external caterers provide meals to selected events Club believe meals would attract more patronage	EBC clubrooms Bar and club 6 days a week associated with practice and matches 10 am to 7.30 pm, later for night owls Hall Afternoon tea for comps Bridge Hireouts	Hall - Currently each weeknight - One morning per week - Available for hire all other times	EFC clubrooms and Changerooms Bowling club clubrooms depending on availability Selection ...Th...7.30pm to 9pm After Match presentationsSa. 6.30-10pm Social functionsSa. 7.30-10pm Would like access for club meetings	EFC clubrooms and bar for Friday presentation nights		See hall
	6. Special events	AGM, Presentation nights , fundraisers	Fundraisers		Social functions, presentation Night , AGM	Australia day comp		Anzac day service
	7. Biggest events	Bogan Bingo, Quiz nights 150 + patrons Club has no capacity for marketing their facilities	Country carnival (up to 150 players) Prawn night Night owls		Presentation night 80	Australia day comp 100 + riders 100+ spectators		Anzac Day 1000+ attend dawn service
	8. Third party use	Yes Parties, training orgs etc. (18 th and 21 st parties hirers must provide security) Lack of functioning AC is an issue	Yes Bridge Parties but not (18 th and 21 st parties) Also use by Cricket post match and Crippled Crows(social group of veteran rugby players)	Parties etc but not (18 th and 21 st parties) Short term community initiatives (e.g. workskill in 2014)	Not applicable	Triathlon and schools through Mgt committee		Triathlon groups for velodrome Solar cars Schools - oval Cycling Sa SAPSASA junior cycling Casual personal trainers Informal use
	9. Use of other facilities	No	No	No	Yes when clubrooms not available Commitment to local sponsors e.g.local hotels	Use other venues for road cycling and criterium races		No
4. Facility Planning	1. Outdoor facilities now 2. Outdoor facilities future	Quite satisfied except level of oval around cricket pitch needs reduction No change anticipated other than improved shelter for spectators	Satisfied with 3 greens (i.e. max 19 rinks) Third green attracts pennant finals and country carnivals. Lighting for Green A good, for Greens B and C requires high lux level. Greens with current greenkeeper arrangements good . Hoping for reduced water costs once bore activated. Economics of synthetic not yet favourable	Not applicable	Satisfied with Oval but need ability to store assets and equipment on site and have better access to clubrooms Need cricket nets on main site.	Velodrome- Needs track resurfacing Needs safety improvement through compliant fencing outside and a flat run-off inside Track lighting would increase usage Access to perimeter fence for sponsor ads		Overall appearance is unappealing Landscaping not conducive to uses Lack of night time safety Lack of shelter Access from onstreet parking is difficult On site parking inefficient and not well managed Could benefit from coffee food outlet Memorial gardens underutilized No meeting/ picnic space Bring cricket nets onto site Improve road safety in adjacent streets
	3. Indoor facilities now 4. Indoor facilities	Space ok but replacement upgrade required for roof, eaves,	Space sufficient. Hall rarely filled	Good- sprung timber floor perfect for dancing	Indoor facilities OK but outdated and not suited to simultaneous use.	Use football club rooms and barfor presentations. Inadequate on site storage	Incorporate Honour Board in new facility.	Outdated

Section	Question	Edwardstown Football Club (20/10/2015)	Edwardstown Bowling Club (20/10/2015)	Edwardstown Community Hall(20/10/2015)	South Road Cricket Club	South Coast Cycling	RSL	Management Committee
	future	air conditioning, kitchen Improve accommodation for umpires, gym, medical, reserve benches and coaches box, warm up		Dais useful for yoga demonstrations Kitchen good for current uses	Lack of storage	for between events and winter recess. Would use an ergo facility if available.		
5. Club Management	1. Strategic plan	None written	None written	None written	Yes	Yes – on website		None written
	2. Strategic objectives	Maintain identity and player numbers and achieve Centenary in 2019. Financial sustainability Pathways from juniors to seniors Maintain and better use volunteer support. Maintain links with past players Serve local area Facilities to be standard for hire out to third parties (use Star Club and Good Sports as resources to maintain Club health)	Maintain top team at Metro 1 level. Maintain financial sustainability Continue be welcoming to new members	Maintain facility for community use Access volunteers for long term management	Grow membership Financial Stability Volunteer recruitment / management and training	Increase participation Financial stability Improved facilities Long term lease		Physical improvements Management improvements Access to a diversifying local community
	3. Target for new members	Local communities Maintain links with past players	Night owl players	None Depends on hirer's activity	Local community, junior clubs and schools, accepting membership from all levels and ages	All ages		As required
	4. Financial status	Break even	Break even?	Break even?	Profit	Break even		Profit
	5. Support for single mgt structure	Open	Open	Yes	Yes	Yes		Yes
	6. Other mgt issues			Lacks IT infrastructure Basic prep kitchen only	Stronger governance to ensure member clubs meet obligations Promote collaboration to a unified cause.			
	7. Key mgt / financial issues for future		Could not afford to miss a season due to building works		Retaining quality volunteers Access to licensed premises for generating revenue	Certainty of access		
6 Other comments		Memorabilia is not all needed on permanent display. Use of video for history and sponsor ads ok Maintain sponsor signs on boundary fence Football club open to discussion of the new	Memorabilia is not all needed on permanent display. Use of video for history and sponsor ads ok Concerned to keep own bar and or access to takings Maintain proximity of bar and greens.	History- establishment by the local community for the local community Keep plaques or hand on to Val		Brunswick Cycling Club HQ in Melbourne is a good model. Potential for schools comps and safe cycling programs		Engage with Rotary

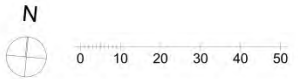
Section	Question	Edwardstown Football Club (20/10/2015)	Edwardstown Bowling Club (20/10/2015)	Edwardstown Community Hall(20/10/2015)	South Road Cricket Club	South Coast Cycling	RSL	Management Committee
		management model.	Viewing from upper level would add to experience for spectators Vandalism not currently a big issue. Current brick fence restricts public visibility (good and bad) Allow for sufficient storage for bowls , green keepers equipment etc					

DRAFT

Edwardstown Oval Redevelopment Concept Design

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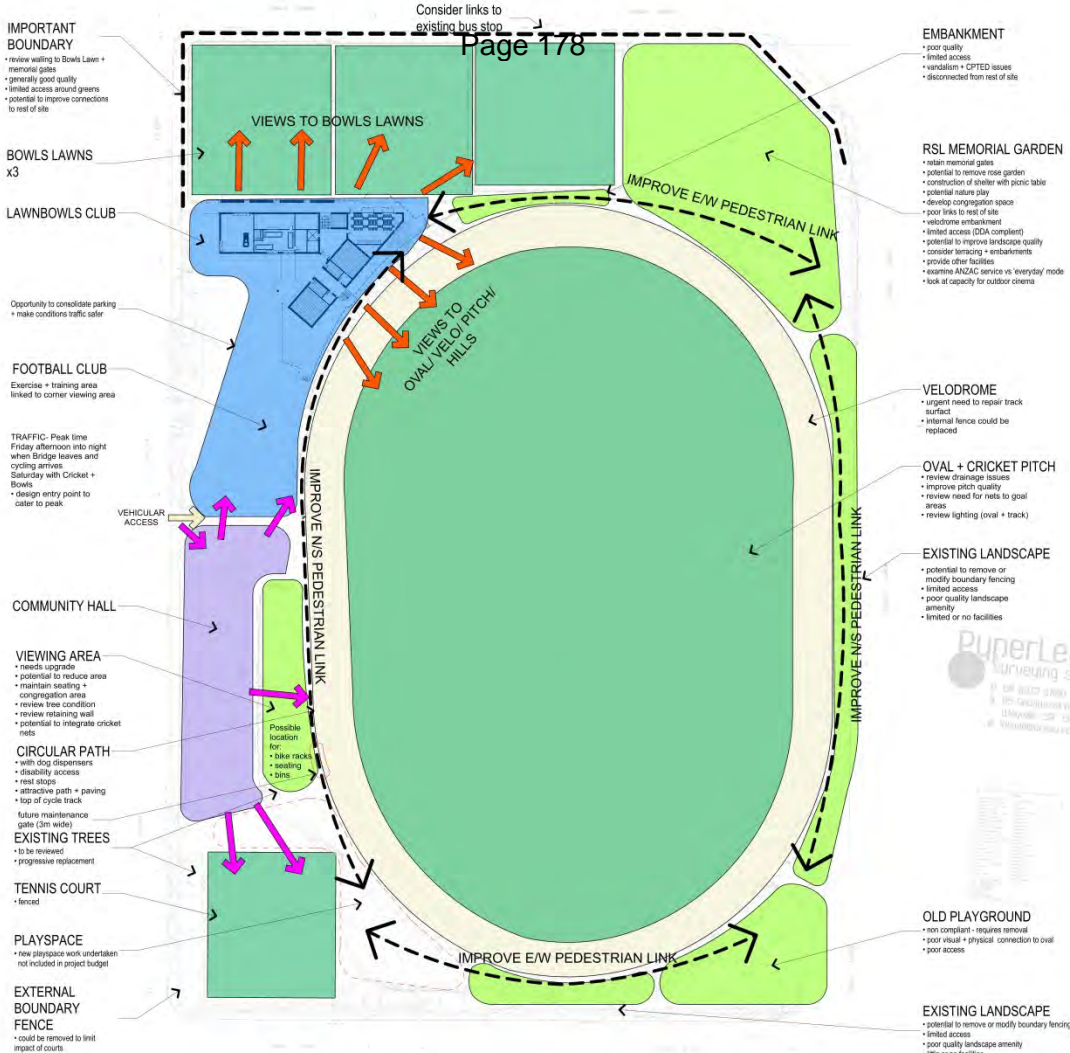
EDWARDSTOWN OVAL
REDEVELOPMENT

Existing Site Plan - 1:500 +
Analysis

OPT01
Job No. 2015 CoM
26/11/2015

Edwardstown Oval Redevelopment Concept Design

Stakeholders Forum 26 November 2015



IMPORTANT BOUNDARY
 • review walls to Bowls Lawn + memoris gates
 • generally good quality
 • limited access around grasses
 • potential to improve connections to rest of site

BOWLS LAWNs
 x3

LAWNBOWLS CLUB

Opportunity to consolidate parking
 • make conditions traffic safer

FOOTBALL CLUB
 Exercise + training area
 linked to corner viewing area

TRAFFIC - Peak time
 Friday afternoon into night
 when Bridge leaves and
 cycling arrives
 Saturday with Cricket +
 Bowls
 • design entry point to
 cater to peak

COMMUNITY HALL

VIEWING AREA
 • needs upgrade
 • potential to reduce area
 • maintain seating +
 congregation area
 • review trees condition
 • review retaining wall
 • potential to integrate cricket
 nets

CIRCULAR PATH
 • with dog dispensers
 • disability access
 • rest stops
 • attractive path + paving
 • top of cycle track
 future maintenance
 gates (2m wide)

EXISTING TREES
 • to be reviewed
 • progressive replacement

TENNIS COURT
 • fenced

PLAYSPACE
 • new playspace work undertaken
 not included in project budget

EXTERNAL BOUNDARY FENCE
 • could be removed to limit
 impact of courts

Consider links to
 existing bus stop

EMBANKMENT
 • poor quality
 • limited access
 • vandalism + CPTED issues
 • disconnected from rest of site

RSL MEMORIAL GARDEN
 • retain memorial gates
 • potential to remove rose garden
 • construction of shelter with picnic table
 • potential nature play
 • develop congregation space
 • poor links to rest of site
 • velodrome embankment
 • limited access (DDA compliant)
 • potential to improve landscape quality
 • consider landscaping + embankments
 • provide other facilities
 • examine ANZAC service vs 'everyday' mode
 • look at capacity for outdoor events

VELODROME
 • urgent need to repair track
 surface
 • internal fence could be
 replicated

OVAL + CRICKET PITCH
 • review drainage issues
 • improve pitch quality
 • review need for nets to goal
 areas
 • review lighting (oval + track)

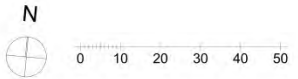
EXISTING LANDSCAPE
 • potential to remove or
 modify boundary fencing
 • limited access
 • poor quality landscape
 amenity
 • limited or no facilities

OLD PLAYGROUND
 • non compliant - requires removal
 • poor visual + physical connection to oval
 • poor access

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- MAXIMUM EXTENT OF NEW SPORTS + COMMUNITY HUB BUILDING FOOTPRINT
- CARPARKS CONSOLIDATED
 • with boundary fence for safety
 • redesign to minimise vehicle manoeuvres
- LANDSCAPE UPGRADES
 • with new amenity, access + facilities

- WHOLE OF SITE CONSIDERATIONS**
- pedestrian lighting upgrade
 - public art locations
 - wayfinding, paving + signage
- Improve transport + bike network connections



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EDWARDSTOWN OVAL
 REDEVELOPMENT

Existing Site Plan - 1:500 +
 Analysis

OPT02
 Job No. 2015 CoM
 26/11/2015

Edwardstown Oval Redevelopment Concept Design

Stakeholders Forum 26 November 2015



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BOWLS LAWNs
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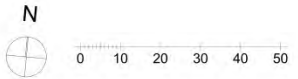
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WHOLE OF SITE CONSIDERATIONS
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 Improve transport + bike network connections



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EDWARDSTOWN OVAL
 REDEVELOPMENT

Existing Site Plan - 1:500 +
 Analysis

HARDY MILAZZO
 architecture + interior design

WAX

multivert

bca

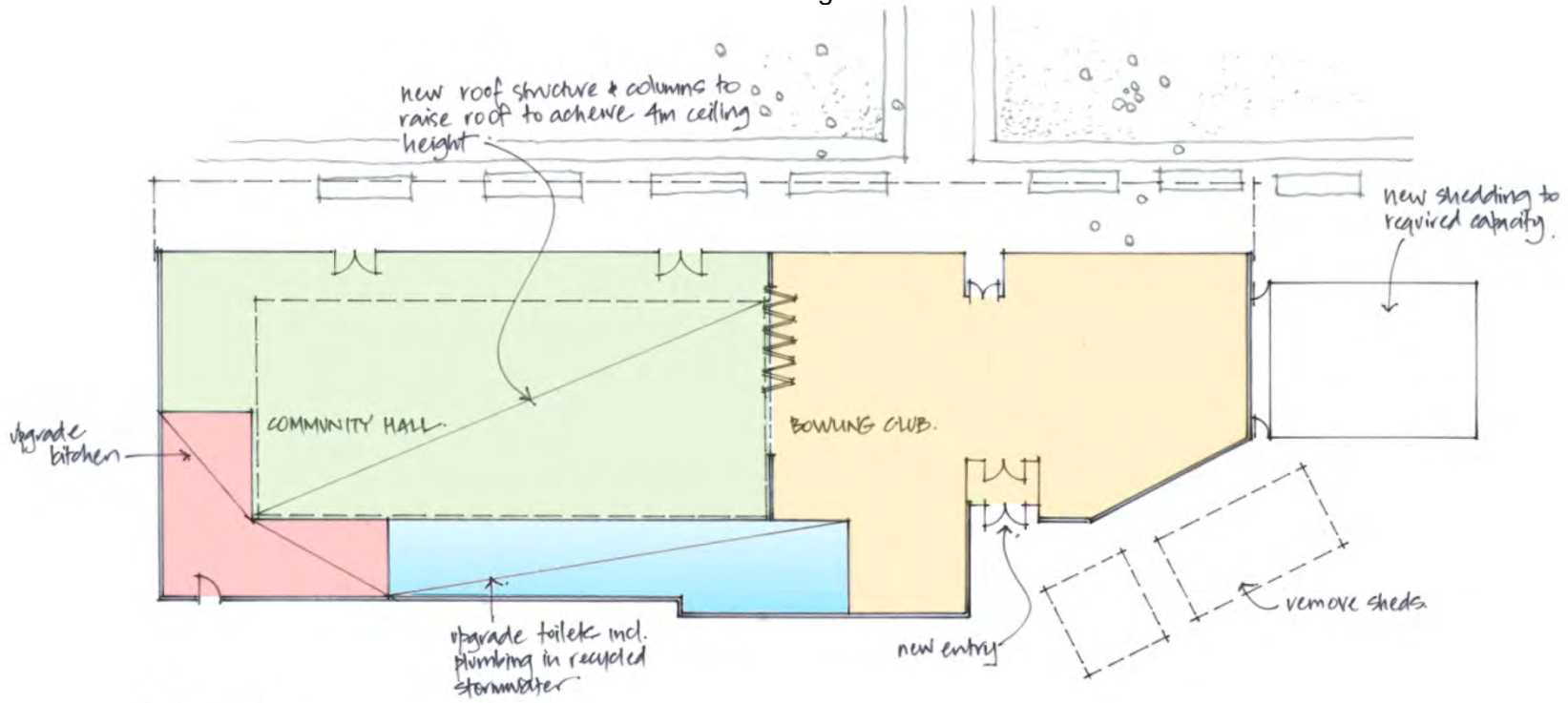
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OPT03
 Job No. 2015 CoM
 26/11/2015

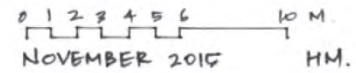
Edwardstown Oval Redevelopment Concept Design

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HARDY MILAZZO
 architecture + interior design



- + upgrade to
- insulation to meet project standards.
 - DDA / access requirements.
 - water-saving requirements.
 - I.T. / A.V.
 - NCC requirements.

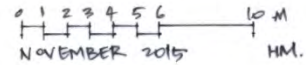
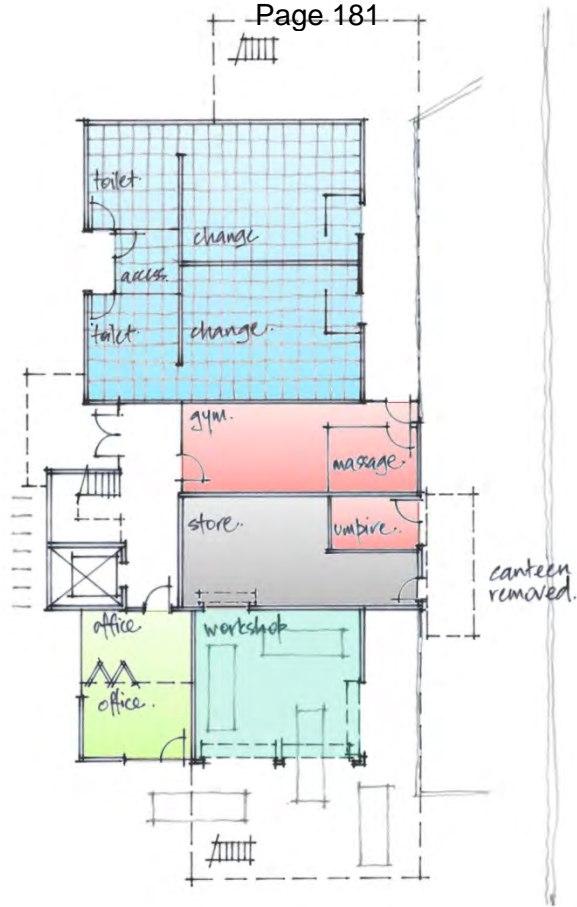


Edwardstown Oval Redevelopment
 Concept Options

Option 1 Refurbished Existing
Bowling Club

18a





Edwardstown Oval Redevelopment
Concept Options

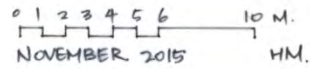
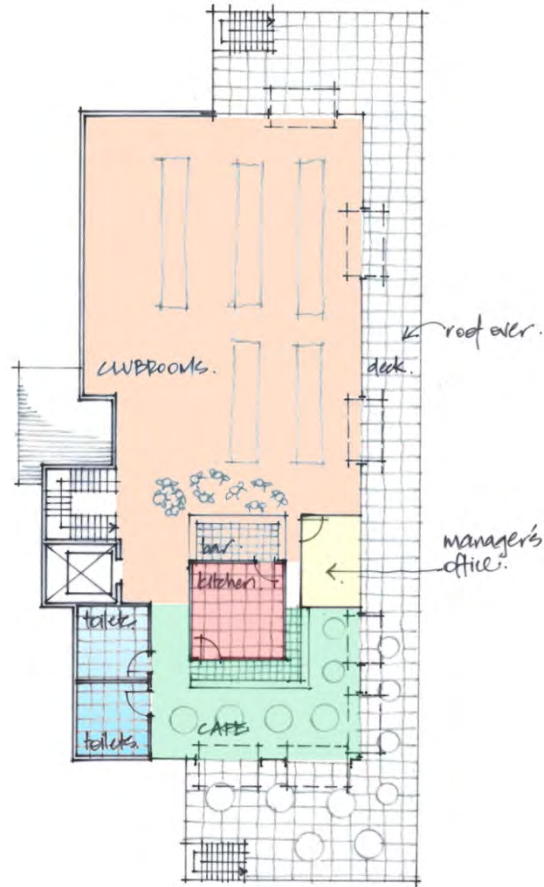
Option 1 Refurbished Existing

Ground Floor Plan

Scale as indicated | Revision: Preliminary for Concept Selection | November 20 2015

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Edwardstown Oval Redevelopment
Concept Options

Option 1 Refurbished Existing

First Floor Plan

Scale as indicated Revision: Preliminary for Concept Selection November 13 2015

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Edwardstown Oval Redevelopment

Concept Options

Option 2 New Scheme

Ground Floor Plan

20

Scale as indicated Revision: Preliminary for Concept Selection November 20 2015





Edwardstown Oval Redevelopment

Concept Options

Option 2 New Scheme

First Floor Plan

21





Edwardstown Oval Redevelopment
Concept Options

Option 3 partial Refurb & New Scheme

Ground Floor

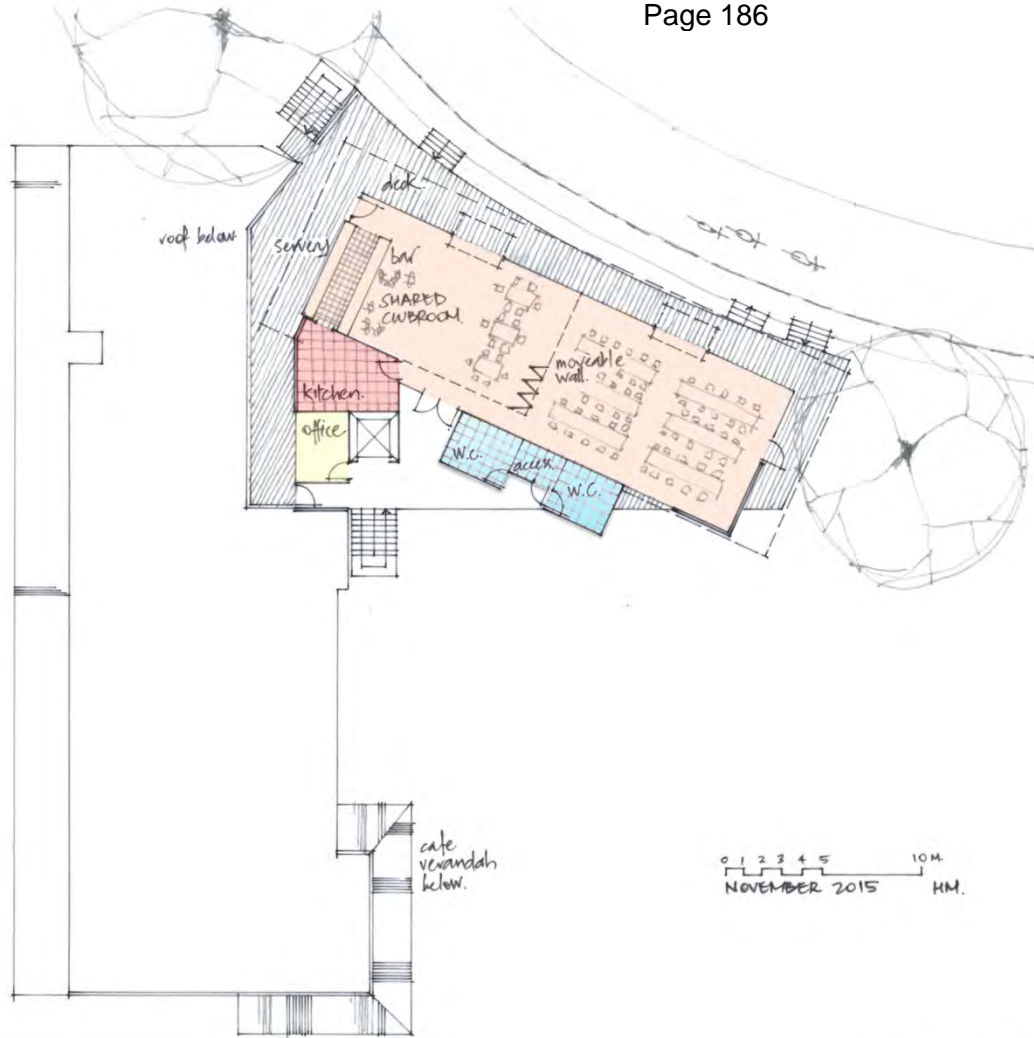
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Scale as indicated

Revision: Preliminary for Concept Selection

November 20 2015



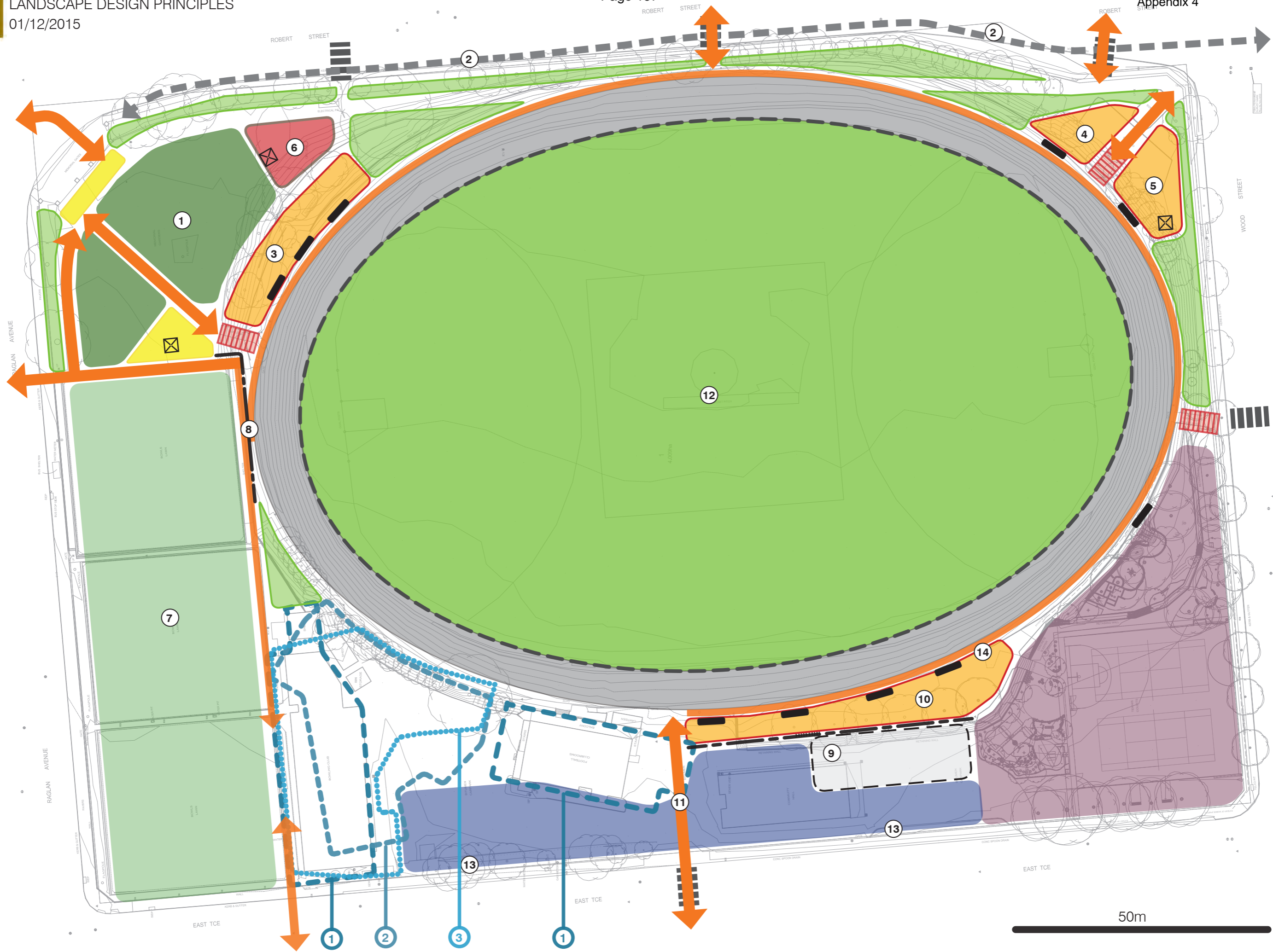
Edwardstown Oval Redevelopment
Concept Options

Option 3 partial Refurb & New Scheme


First Floor

23



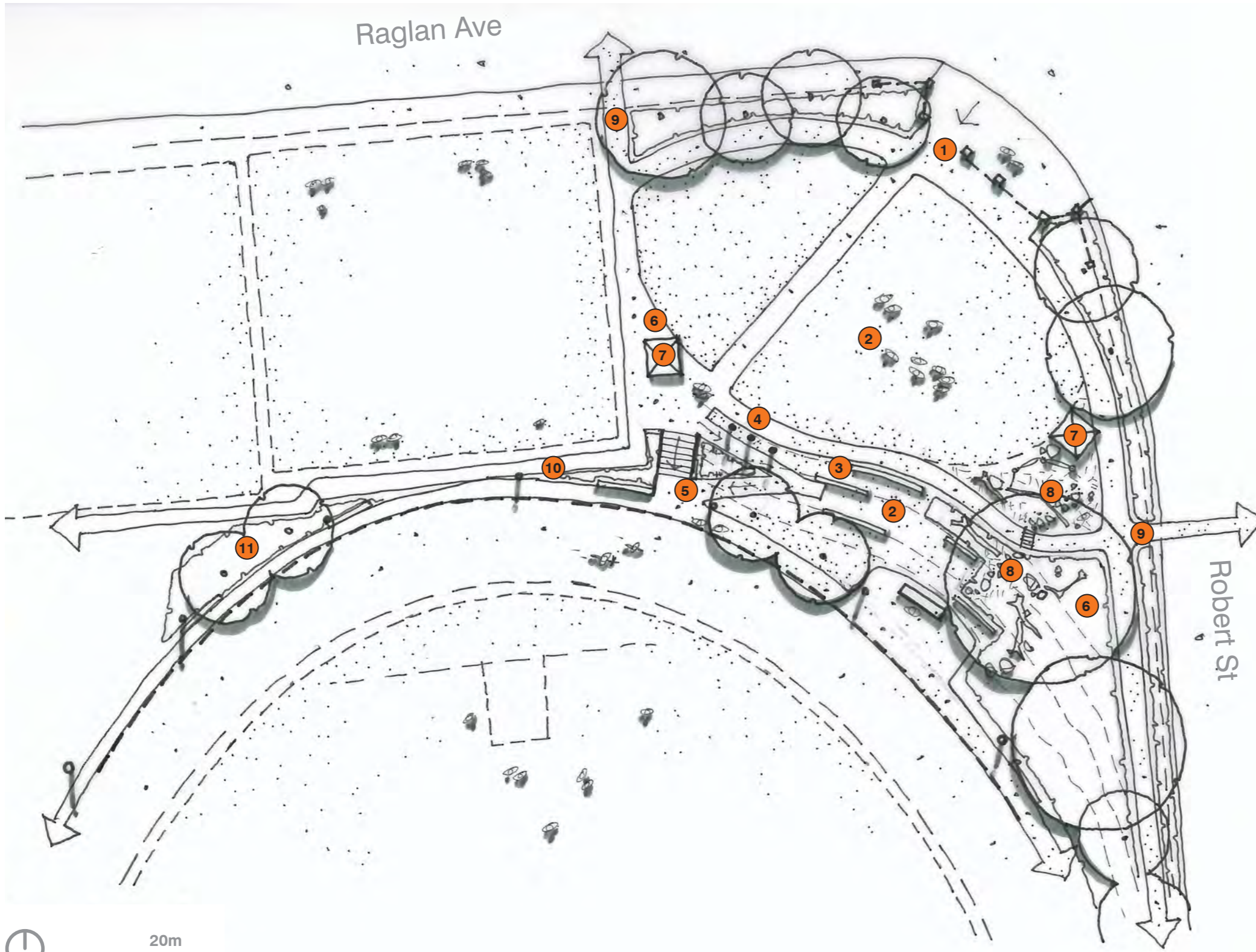


KEY:

-  OVAL (improve turf quality and drainage)
-  ACTIVITY AREAS (refer to notes)
-  VELODROME TRACK (resurface, lighting at 20 m intervals, boundary fencing)
-  CLUB ROOMS OPTION 1 (indicative footprint including verandah)
-  CLUB ROOMS OPTION 2 (indicative footprint including verandah)
-  CLUB ROOMS OPTION 3 (indicative footprint including verandah)
-  POTENTIAL CAR PARKING (refer to traffic engineer's recommendations)
-  NEW PLAYScape (nature play)
-  EXISTING PLAYSPACE (recently completed)
-  PAVING AREAS (congregation space)
-  NEW LANDSCAPE AREAS (consisting of low lying amenity plants and clear stem trees up 2.5 m)
-  NEW LAWNS AND PICNIC AREAS
-  EXISTING BOWLING GREENS (see note 8)
-  NEW CRICKET NETS
-  FOOTPATH UPGRADE
-  PRIMARY PATH CONNECTIONS (2.0 m path providing continuous access)
-  SECONDARY PATHS (1.5 m)
-  POTENTIAL PEDESTRIAN CROSSINGS (continuous footpath treatments)
-  STEPPED ACCESS (development of existing steps at 3.0 m width)
-  SHELTERS WITH SEATING (based on 3x3 m)
-  SEATING AREAS (indicative)
-  RUNOFF AREAS (1.0 m duck board)
-  NEW RETAINING WALLS

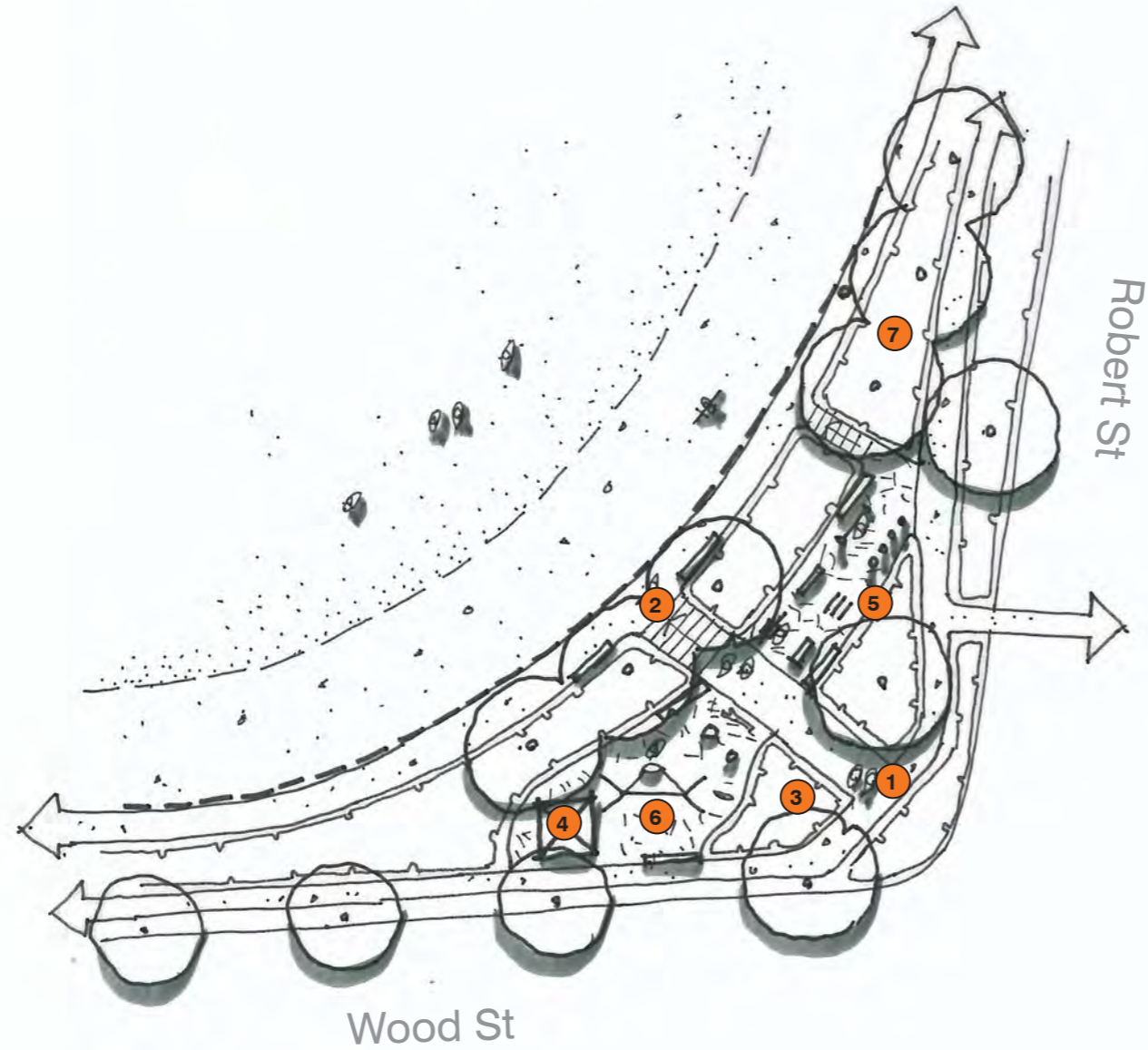
NOTES:

1. Upgrade of Memorial Garden to improve open space function, amenity and recreation opportunities while maintaining significant of the ANZAC memorial. Maintain and repair entry walls to garden.
2. Upgrade footpath along Roberts Road to maintain pedestrian connection.
3. Memorial Garden amphitheatre and embankment with steps and ramp access, lawn, bike racks, landscape areas and seating wall. Potential for RSL insignia and other commemoration to be developed as part of embankment and seating wall design.
4. Fitness park with equipment, seating and step access to oval and rest of the community precinct (future works).
5. Pocket park to provide local open space opportunities with seating, shelter, bike racks and improved landscaping. Potential for small scale junior play equipment (future works).
6. New playspace with nature play opportunities (future works).
7. Existing bowling greens to be retained (need to review future requirements in relation to the development of the precinct).
8. New retaining wall and pedestrian access to Bowling Club. Redevelopment of embankment to increase access and maintain a footpath link to top of embankment. Potential to design retaining wall to provide opportunities for signage, terraced seating and/or green walls. Develop ball stop fencing to top of wall.
9. Potential location for cricket nets [2] with a total footprint of 30 m X 7 m with an enclosed net area of 20 m X 7 m and a height of 7.5 m. Redevelopment of retaining wall and seating area to accommodate cricket nets (significant redevelopment required as well as potential loss of car park spaces).
10. Redevelopment of spectator area to increase function, including new seating, replacement of existing trees, bike racks and modification retaining wall (shelter considered as part of future works).
11. Development of pedestrian access through car park into precinct (explore potential to achieve compliant access. Allow large vehicle access onto the oval).
12. Maintain oval dimension with 3 m run out areas (including cycle track runoff). Develop lighting (100LUX) based on 6 poles.
13. Boundary fencing to car park maintain. Removed from all other locations.
14. Maintenance gate (3 m wide) to provide access to track.



WAR MEMORIAL GARDEN

1. Retain and refurbish existing entrance gates
2. Lawn and amphitheatre with embankment and informal seating for community events
3. Potential for RSL insignia and other commemoration to be developed as part of embankment and seating wall design.
4. Flag poles - shared use for RSL and sports groups
5. 3m wide steps and wheelchair accessible ramp access to velodrome, oval and rest of the community precinct
6. Bike racks
7. Shelters with seating (based on 3x3 m) potential location for drinking fountain (future works)
8. New playspace with nature play - including a range of activities with varying difficulty levels (future works)
9. New pedestrian access to Edwardstown Oval
10. New retaining wall. Redevelopment of embankment to increase access and maintain a footpath link to top of embankment. Potential to design retaining wall to provide opportunities for signage, terraced seating and/or green walls. Develop ball stop fencing to top of wall.
11. Improved landscape treatments to Bowling Club entrance.



ACTIVITY AREA 4 & 5 (FUTURE WORKS)

1. Clear entranceway into the precinct
2. 3m wide steps to velodrome, oval and rest of the community precinct
3. Bike racks
4. Shelters with seating (based on 3x3 m) potential location for picnic tables and drinking fountain
5. Fitness park with equipment - designed to allow circuit style exercise
6. Pocket park to provide local open space opportunities. Potential for small scale junior play equipment.
7. Retention of existing trees where appropriate



APPENDIX 5
GC081215R06 Edwardstown Oval Redevelopment Options
Edwardstown Oval Management Committee

John Valentine
Manager Strategic Projects
City of Marion

John

Thank you for your engagement of our committee over the past few months. The patience and understanding shown from your team toward our needs and desires is appreciated. We are excited about the prospect of a full site redevelopment.

Following the presentation with Simon and Andrew last Thursday and subsequent distribution of architectural concepts, our committee and clubs consulted their relevant constituents and we met in short time to form our preferred option.

While the concepts presented are in their preliminary stage, our committee have made their decision with the intention that any resolution will be refined through further consultation with ourselves and the user groups in the next phase.

We've reviewed the estimated capital costs of each project; but at this stage, have no understanding on any associated operational costs for each option.

In our view an advantage of 'Option 1' is in providing access to a building closer to the heart of the precinct. However, our group unanimously moved away from 'Option 1' toward the one building models.

Our committee believe that a single building model offers a new management structure the best opportunity to thrive with a greater scope to deliver the new proposed visions of the strategic opportunities to come.

While our committee is strongly in favour of 'Options 2 and 3', our preference is 'Option 3'. This decision was not made lightly and the preference of 'Option 3' was determined by the flexibility given to the continual operation of the existing users during the construction and the overall reduced budget compared to 'Option 2'.

Further – our committee is moving toward governance and management reform shortly. We have a Special General Meeting scheduled for the 14th December to adopt a fresh constitution with an independent board structure and resident based election model.

We wholeheartedly welcome a redevelopment on the Edwardstown site and trust whichever model Council select will ensure the needs of our local and broader community are met for many years to come.

Shaun Krutli
Chair
Edwardstown Oval Management Subcommittee

2/12/15

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: David Sharp, Unit Manager, Community Development
Manager: Liz Byrne (Acting) Manager Community & Cultural Services
General Manager: Abby Dickson (Acting), City Development
Subject: Youth Development
Report Reference: GC081215R07

REPORT OBJECTIVES:

This report provides Council with service delivery model options for youth development within the City of Marion and the resourcing implications of each option.

EXECUTIVE SUMMARY:

At the 23 June 2015 General Council Meeting (GC230615R01), Council determined that the Cove Youth Service would cease operations from its current site in Hallett Cove and that youth services would be based in the Administration Centre (City Services). Council also requested a series of workshops be held with the community to consider a new direction/strategy for youth programs across the City of Marion. Elected Members and representatives from relevant organisations were also encouraged to participate in the consultation process.

The recommended option to provide youth development services is a grant based and partnership model. Programs and services are delivered to the community through local organisations who have existing youth development expertise and Council's role will be to address the identified gaps within youth needs and attract new resources into the community. Key to this model is for staff to build the relationships and manage the partnerships to ensure that local organisations are well supported in their initiatives.

RECOMMENDATIONS (3)

DUE DATES

That Council:

- | | |
|---|----------------------|
| 1. Endorses option 1 – a combination of grants and partnerships to deliver programs and services - as the preferred model of service delivery of youth development services within the City of Marion. | December 2015 |
| 2. Note that a service review will be undertaken following the first 12 months of operation to assess the effectiveness of the new model. | May 2017 |

BACKGROUND:

The existing Youth Plan 2012 - 2016 endorsed by Council in 2012 is due to be reviewed and completed by October 2016.

The decisions of Council at the 23 June 2015 meeting have now been implemented:

- The Cove Youth service has ceased operating from the Hallett Cove site and staff are now based at City Services.
- A series of workshops have been held with the community.
- Elected member forums have been held on 29 September and 1 December 2015 to discuss Council's role in youth development.

Summary of Community Engagement

Consultation was undertaken through a combination of online and one-to-one surveys, workshops, meetings and forums. Whilst young people were the focus, parents, local organisations, government and non-government agencies were also represented. Fifteen workshops were undertaken with survey responses received from 153 young people, 30 parents, and 41 service providers.

Based on the results of the consultation the City of Marion is able to meet the needs of young people through developing effective partnerships; assisting young people to connect with local organisations for assistance; supporting local organisations to develop new and innovative responses to youth needs; attract new organisations/resources to meet the needs of young people; provide opportunities for young people to develop their own initiatives; provide regular forums where young people local organisations and agencies can raise issues, share ideas and work together; advocate the needs of young people and ensure their needs are represented at a regional/state level.

The service delivery model will maximise the resources available to the community through a balance of:

- Providing grants to local organisations to expand or develop new initiatives that meet youth needs
- Tendering program areas out to organisations with recognised expertise in the relevant area where local organisations are unable to meet the need
- Providing grants and support to young people to develop their own constructive responses to youth needs
- Council's main role would be:
 - Connect and link young people and youth organisations
 - Fostering partnerships and collaborative approaches
 - Providing coordination and support to local organisations
 - Promotion and provision of information
 - Monitoring, evaluation and reporting to Council
 - Ensuring that programs are not duplicated
 - Being able to respond quickly to the needs of local organisations and new issues

Since early 2015 ongoing staff savings of 0.8 FTE (\$68,761) have already been achieved.

ANALYSIS:**Proposed Model for Youth Development**

Three options are presented for Council's consideration with Option 1 being recommended to Council.

Option 1 – A combination of grants and partnerships to deliver programs and services

Option one is a grant based and partnership approach to youth development. It seeks to acquire existing youth development expertise and to address the identified gaps within youth needs.

Programs and services are delivered to the community through supporting local organisations to provide activities for young people. This would be supplemented by engaging other organisations with skills to manage larger events to provide City wide activities. Staffing levels would be reduced to allow greater resources to be available for community led initiatives.

A key role of staff is building relationships with local organisations and support their initiatives; managing partnerships; undertaking gap analysis to identify unmet needs of young people; attract new resources into the community; provide opportunities for local youth organisations to work together and share ideas and resources.

This model consists of the following components

Activity / Component	City of Marion staff role	Finance
City of Marion to provide grants to local organisations to develop youth activities. <ul style="list-style-type: none"> • Assisting organisations to expand their activities or make them more accessible to young people 	<ul style="list-style-type: none"> ➤ Administer grants and evaluations ➤ Coordinate forums for local organisations to – meet, share resources & knowledge, develop joint activities, communicate with each other & Council ➤ Connecting young people, families & services to their local community ➤ Provide & coordinate training opportunities and to be a resource to local organisations ➤ Foster joint projects between organisations including grants 	\$60,000
Tender to organisations to provide specific whole of City of Marion events/programs – provide contracts to organisations with expertise to develop City wide youth events e.g. recreation, skate, music events	<ul style="list-style-type: none"> ➤ Develop contract guidelines, administer contracts, measure outcomes and undertake evaluations ➤ Work with young people & organisations to identify the areas of need 	\$35,000
Youth initiative grants – grants to young people to develop new initiatives e.g. Youth Week	<ul style="list-style-type: none"> ➤ Promote the initiative to young people, link young people up with the appropriate mentor to develop the 	\$20,000

<ul style="list-style-type: none"> • Young people with ideas can be encouraged and supported through the provision of grants and mentoring 	project ➤ Develop the grant guidelines, administer grant, measure outcomes and undertake evaluations	
Youth forums – coordinate regular youth forums and workshops across Council that are youth led <ul style="list-style-type: none"> • Young people come together to exchange ideas and raise issues that are important to them • Allow young people to have an opportunity to have a say on issues that are important to them • Young people to gain experience in leadership and decision making 	➤ Coordinate the forums and works ➤ Report on the outcomes and follow up with the actions	\$10,000
Development of partnerships and advocating for the needs of young people – be responsible for the coordination of developing collaborative approaches between organisations and Council	➤ Identify needs of young people & local organisations & develop effective responses to meet these needs ➤ Promotion to the community of opportunities, grants and forums ➤ Attract new organisations & grants to the region ➤ Coordinate youth recognition swards and other community celebrations ➤ Respond to opportunities that arise	\$6,703
	Total:	\$131,703

Resourcing and Financial impact of option 1

This option increases the funds available for the development of community based programs by \$88,446 per annum. Through the reallocation of staffing costs to programming. There will be saving of Council's current youth budget commitment by \$40,150 due the closing the Cove Youth Service site.

This model reduces the staffing component by 0.5FTE. It is anticipated that during the 'start-up' phase of the new service delivery model a higher staffing component will be required to establish good systems, operational guidelines and implementation. It is recommended that that the additional 0.5FTE is maintained for the establishment of the new service delivery model and this will be reviewed after 12 months of operations. This position will be filled on a contract basis allowing future flexibility.

Please note that if it is the intention of Council to further reduce the FTE level below the current 2.0FTE there will be a need to ensure that all consultation requirements under the applicable enterprise agreements are undertaken. This consultation will occur prior to any confirmation of a decision that will impact on employees.

Summary of costs

Program Area	Current	Proposed
Funds available for programs to the community	\$ 87,404	\$131,703
Staff salaries and all on costs	\$198,936 (2 FTE)	\$154,673 (1.5 FTE)
Cove Youth Service Building	\$ 40,150	\$ 0
TOTAL	\$326,490	\$286,340
Total savings	\$40,150	

Strengths

- Additional \$44,299 available to community initiatives (total available \$131,703)
- Reduced staffing levels
- Higher level of support directed to club support and greater utilisation of existing community resources
- Maintains a balance of the partnership approach and Council initiatives
- Less duplication of services

Issues to Consider

- Fewer services provided by City of Marion may not meet some community expectations
- Need for staff to administer additional processes to ensure programs delivered by community groups meet the required obligations and outcomes
- Staff to ensure that Council funds are used to improve programs for young people and not absorbed into the general operational costs of clubs

Option 2 - City of Marion to provide youth programs and services to the community

Staff are responsible for the provision of the delivery of the City of Marion youth programs. The program would operate similar to the current youth plan but without the Cove Youth Service. Staff would coordinate a range of programs based on the needs identified in the consultation process. In addition to programs directly organised by staff, other services would be engaged to provide programs. Current examples of this approach include;

- YMCA engaged to provide school holiday programs
- Individual facilitators contracted to oversee some programs such as the “Beat” music programs
- Work in partnership with agencies such as Re-engage Youth Services to provide training to local groups on suicide intervention programs
- Recruit and supervised volunteers who supervise activities e.g. “Girls Connected”

Resourcing and Financial impact of Option 2

Option 2 maintains the current level of funds available for the development of youth programs and services to the community. There will be a saving in the current budget by \$40,150 due to the closing the Cove Youth Service site.

This option maintains the current staffing level of 2.0 FTE.

Summary of costs

Program Area	Current	Proposed
Funds available for staff to operate programs and engage other organisations	\$ 87,404	\$ 87,404
Staff salaries and all on costs	\$198,936 (2 FTE)	\$198,936 (2 FTE)
Cove Youth Service Building Costs	\$ 40,150	\$ 0
TOTAL	\$326,490	\$286,340
Total savings	\$40,150	

Strengths

- Continues working in the community partnership approach
- Builds staff expertise and skills within City of Marion
- Easier to respond to changing community needs

Issues to consider

- Maintains current level of funding to clubs and service providers
- Greater staff involvement
- High risk of duplication of services within the City

Option 3 - Tender out City of Marion Youth Services to an external agency

This option would see the majority of the City of Marion youth service be offered to tender to another organisation. A successful tender would require an organisation with the experience and organisational ability to be able to deliver a range of programs and services.

The benefit for the community is seen if the successful organisation is able to bring additional resources to the role rather than only providing services that are paid for. If an organisation can be identified that has its own funding and looking to establish their operations in a region such as the City of Marion then this approach has the potential of substantially benefiting the City of Marion.

This Option would need to be tested through an expression of interest process and being evaluated against pre-determined criteria based on outcomes Council wishes to achieve. Staff would be responsible for managing the contract and ensuring the outcomes are met. Staff would also be responsible for City of Marion specific activities that arise.

Previous staffing costs would be allocated to programming and therefore creating additional funds to the external agency who would be the successful tenderer.

Resourcing and Financial Impact of Option 3

Table 4 - showing how resources could be allocated

Program Area	Current	Proposed
Funds available to contract out to a single organisation	\$ 87,404	\$175,850
Staff salaries and all on costs	\$198,936 (2.0 FTE)	\$110,490 (1.0 FTE)
Cove Youth Service Building	\$ 40,150	\$ 0

TOTAL	\$326,490	\$286,340
Total saving	\$40,150	

Strengths

- \$175,850 available to contract an organisation to provide services
- A single organisation to work with
- Successful tender brings new skills, expertise and possible additional funding to the community
- Reduced staffing levels

Issues to Consider

- No funding available to other community groups
- Does not encourage existing or new organisations to develop programs in the community
- Staffing levels still required but employed through the contracted organisation
- Time required to manage contract
- Limited Council input once contract signed
- Reduced partnering approach opportunities

STRATEGIC LINKS:

Young people make up over 30% of the City of Marion's population. With "Wellbeing" as central to our Community Plan it is necessary to ensure the wellbeing of our City's future. The City of Marion is committed to working with young people and the Community to make the region a positive and inclusive place for young people to live, work and play.

The recommended model for Youth Development Services will create vital social connections and actively engage youth with their local Community, local organisations and supporting agencies and therefore establishing a liveable society and healthier lifestyle for young people.

Timeline for Implementation of Option 1

Following Council's endorsement of the new service delivery model staff will prepare guidelines and operational procedures. The new model would be implemented from May 2016 onwards. Next steps:

Guidelines developed	January – February 2016
Procedures and processes	March 2016
Launch and promotion of new model	April 2016

Evaluation

After the establishing the new youth development framework staff will undertake a Service Review at the conclusion of 12 months. This will enable Council to evaluate the effectiveness of the model appropriately.

CONCLUSION:

It is recommended that Council consider Option 2. This option has the ability to allocate more financial resources to the community and provides support and encouragement to local organisations that are seeking to form a partnership approach with Council. This option also creates a balanced and shared responsibility between Council and community based organisations.

CITY OF MARION GENERAL COUNCIL MEETING 8 December 2015

Originating Officer: Heath Harding, Management Accountant

Corporate Manager: Ray Barnwell, Manager Finance

General Manager: Vincent Mifsud, Corporate Services

Subject: 1st Budget Review 2015/16

Report Reference: GC081215R08

REPORT OBJECTIVE AND EXECUTIVE SUMMARY

The purpose of this report is to provide the financial results for the 1st Budget Review for 2015/16. The budget review is a revised forecast of the original budget and as such any savings identified during the reviews will not be confirmed until the financial statements are prepared and audited at the end of the financial year.

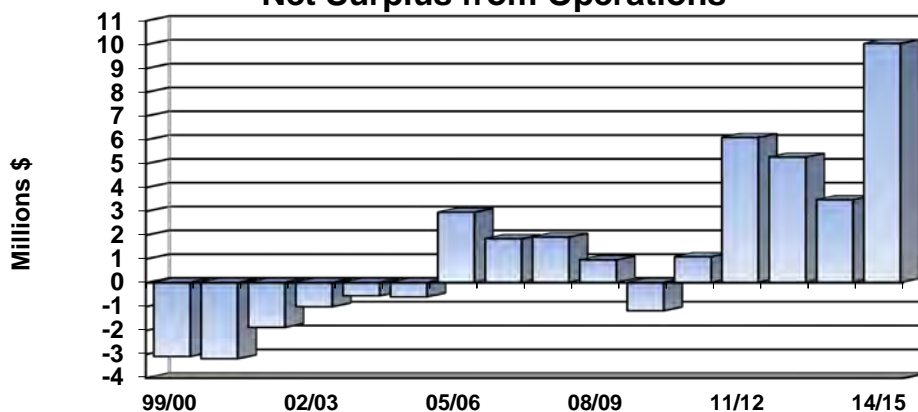
Funding/Cash

The 1st Budget Review forecasts a full year funding deficit is \$0.090m (refer Appendix 1 Budgeted Funding Statement – “Movement in levels of Cash/ Accruals”). This includes budget adjustments of \$0.401m which Council has resolved to be funded from identified annual savings from 2014/15. Adjusting for these items leaves Council with a forecast underlying 1st Budget Review **funding surplus of \$0.311m**.

Operating

The 1st Budget Review forecasts a full year operating budget surplus of \$6.547m, a decrease of \$2.353m from the original budget surplus of \$8.900m. This decrease is mainly attributed to 2014/15 carryovers and unexpended grants of \$2.822m, offset by an increase in operating revenue from Roads to Recovery grant funding of \$0.585m and an increase in interest income of \$0.281m. The 1st Budget Review operating budget surplus currently exceeds the target set in the Annual Business Plan and Budget.

Financial Performance Indicators Net Surplus from Operations



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

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

2014/15 Year End Audited Savings

In adopting the 2014/15 Annual Budget in June 2014 there was a commitment given to making a concerted effort and having a strong focus throughout the year on achieving efficiency and effectiveness savings across the organisation, without impacting on service delivery outcomes. The outcome of this effort has resulted in significant funding savings being achieved in the 2014/15 year

Our independent audit of the financial statements for the year ended 30th June 2015 has now been completed and identified that once-off savings net funding of \$3.315m have been achieved for the past financial year of which \$0.401m have already been allocated by Council resolution.

RECOMMENDATIONS (2):

DUE DATE

That Council:

- | | |
|--|--------------------------------|
| <p>1. Adopt, as presented in Appendix 1, the revised budgeted statements including the Income Statement, Balance Sheet, Statement of Changes in Equity and Statement of Cash Flows.</p> | <p>08 December 2015</p> |
| <p>2. Approves the remainder of the identified once-off savings from the 2014/15 audited financial statements of \$2.914m (total funding savings of \$3.315m less committed funds per Council resolutions of \$0.401m) be used to reduce the total level of planned and approved borrowings required for the completed City Services Redevelopment project.</p> | <p>08 December 2015</p> |

BACKGROUND:

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

The original 2015/16 budget was developed within the context of a long term framework to achieve a balance between meeting the objectives of the Strategic Plan and attaining financial sustainability in the long term.

Framework

This budget review continues the focus on achieving the framework set by Council when developing the 2015/16 budget, this being:

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

DISCUSSION:**Funding / Cash Result**

The 1st Budget Review forecasts an underlying funding surplus of \$0.311m which is a favourable adjustment of \$0.311m from the original budget. The table below reflects the major budget adjustments since adopting the original budget:

Original Funding Surplus/(Deficit)	\$0.000m
Net Budget Adjustments Unfavourable	(\$0.090m)
Budget Adjustments – Funded from 2014/15 identified savings	<u>\$0.401m</u>
1 st Review Underlying Funding Surplus/(Deficit)	<u>\$0.311m</u>

As noted above Council has resolved to fund the following budget adjustments from identified 2014/15 annual savings;

GC271015R12	Reserve Street Reserve Dog Park	\$0.126m
GC271015M05	Cove Sports Soccer Field Irrigation	\$0.110m
GC280715R05	Hendrie Street Inclusive Playspace	\$0.063m
GC220915R03	Energy Projects	\$0.015m
GC131015R08	Oaklands Crossing Campaign	\$0.084m
GC140715R04	Murray Darling Membership	<u>\$0.003m</u>

Total Budget Adjustments funded from 2014/15 annual savings **\$0.401m**

The funding result:

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

The 1st Budget review is based upon actual results to the end of September 2015 and forecast to June 2016. In accordance with the Local Government (Financial Management) Regulations 1999 a revised budgeted income statement, balance sheet, statement of changes in equity and statement of cash flows are provided in the Attachments to Appendix 1.

Operating Result

The 1st Budget Review forecasts a full year operating budget surplus of \$6.547m, a decrease of \$2.353m from the original budget surplus of \$8.900m. This decrease is mainly attributed to 2014/15 carryovers and unexpended grants of \$2.822m, offset by an increase in Roads to Recovery grant funding of \$0.585m and interest income of \$0.281m. The 1st Budget Review operating budget surplus currently exceeds the target set in the Annual Business Plan and Budget.

Capital Budget

The 1st Budget Review forecasts expenditure on new capital assets increasing from \$6.504m to \$15.143m. The net increase is mainly due to budget carry overs from 2014/15 into 2015/16 (\$8.367m).

Expenditure on renewal of Capital Assets is forecast to increase from \$13.357m to \$15.846m. The net increase is primarily due to budget carry overs from 2014/15 into 2015/16 (\$3.720m).

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

Borrowings

Council's Treasury Management Policy indicates that in the management of its finances, any funds that are not required to meet approved expenditure can be used to reduce the level of borrowings that would otherwise be required.

The current Long Term Financial Plan incorporates a significant borrowing program and it is considered good Treasury Management to offset some future borrowing requirements where possible. In addition, the guidelines of Council's Annual Savings Initiative have the objective to ensure continued improvement in financial performance. One of the three focus areas is to reduce the borrowing program to assist with Long Term Financial Planning.

The 1st Budget Review forecasts a decrease of \$1.206m to the level of required loan funding. This is due to loan funding for the Cove Civic Centre & City Services Redevelopment being realigned to actual expenditure. Accordingly loan principal repayments for 2015/16 have decreased by \$0.643m to \$1.671m to reflect this.

Council also currently has substantial cash backed reserves and further consideration of the timing of taking out future borrowings will be reviewed in the lead into the Annual Business Plan and Budgeting process for 2016/17. Interest charged on borrowings is generally higher than that earned through investments. Therefore, it is not prudent to borrow money when Council has cash reserves available to meet immediate and foreseeable funding needs. In everyday terms this could be compared to paying a minimum credit card payment, and incurring large interest charges, while sitting on money in the bank for a rainy day.

It is therefore recommended that Council consider the option of utilising the remaining savings from 2014/15 (approximately \$2.9m) to reduce its forecast borrowings. The financial impact of this would result in a positive net cash flow benefit of \$0.182m per annum. This benefit is derived from the difference between the forecast 15 year borrowing interest rate currently (4.6%) and the forecast return on investments currently (3.02%). Reducing the forecast borrowings now will also free up capacity for Council to enter into borrowings in the future in addition to the associated annual cash flow benefit.

Cash & Reserves

The 1st Budget Review reports an increase in the use of Cash & Reserves of \$10.936m.

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

	30 June 2015
Open Space Reserve	\$0.857m
Asset Sustainability Reserve	<u>\$3.136m</u>
Total Reserves	<u>\$3.993m</u>

A detailed breakdown of the movement in the Asset Sustainability Reserve since 30 June 2015 is as follows:

Asset Sustainability Reserve				
	<u>Major Infrastructure Failure</u>	<u>General</u>	<u>CFPP</u>	<u>Total</u>
Balance	2,000,000	1,135,806	-	3,135,806
<u>Additions:</u>				
Tfr 2015/16 Budgeted Funding Surplus	-	-	4,197,462	4,197,462
Tfr CFPP 2015/16 Budget Allocation	-	-	1,400,000	1,400,000
Tfr Carryover CFPP from 2014/15	-	-	1,849,703	1,849,703
	-	-	7,447,165	7,447,165
<u>Allocated:</u>				
Hallett Cove Foreshore Masterplan	-	(15,000)		(15,000)
Heron Way - Stage 4	-	(293,000)		(293,000)
Fence - Cove Sports Club	-	(9,000)		(9,000)
E'wardstown Sports Club - Concept Plan & Submission	-	-	(135,000)	(135,000)
	-	(317,000)	(135,000)	(452,000)
Unallocated - Fund Availability	2,000,000	818,806	7,312,165	10,130,971

Operating Grants & Subsidies

Forecast operating grants and subsidies have decreased from \$6.324m to \$5.932m. This decrease is predominantly due to carryover from 2014/15 of grant funding received in advance from the Grants Commission (\$1.437m) offset in part by an increase in Roads to Recovery funding (\$0.585m).

Investment Income

Forecast investment income has increased by \$0.281m due to higher interest revenue as a result of forecast larger average cash deposits being held throughout the year.

Employee Costs

Forecast employee costs have increased by \$0.094m (0.2%) from the original budget to \$32.139m. This is mainly due to the addition of a Council approved labour resource for the Hendrie Street Inclusive Playspace (GC280715R05) of \$0.063m.

Carryovers and Unexpended Grants

The 1st Budget Review includes changes that were accepted as part of the finalisation of the 2014/15 Financial Statements including Unexpended Grants of \$6.385m and Carryovers of \$8.824m (Total \$15.209m). The approval of carryovers is subject to the ability of Council to fund these from any funding surplus achieved from the previous financial year.

Carryovers included the following significant items:

• CFPP unallocated	\$1.850m
• Heron Way Reserve works	\$0.976m
• Jervois Street Reserve works	\$0.950m
• Glandore Laneways	\$0.813m
• Crozier Drainage works	\$0.730m
• Railway Terrace capital works	\$0.718m
• Newland Avenue Drainage works	\$0.372m

The unexpended grants totalling \$6.385m relates to those monies received from funding bodies that were not fully expended by 30 June 2015. These grant monies were tied to a particular purpose or expenditure and therefore were required to be carried over.

2014/15 Year End Audited Savings

Our independent audit of the financial statements for the year ended 30th June 2015 has now been completed and identified that once-off savings of \$3.315m have been achieved for the past financial year. Council has already resolved to use \$0.401m of this, leaving unallocated funding savings of \$2.914m.

	Favourable/ (Unfavourable)	
	\$000s	
Operating Revenue		
Rates	415	
Statutory Charges	(54)	
User Charges	(28)	
Grants & Subsidies	0	
Investment Income	328	
Reimbursements	(36)	
Other Revenues	150	
Equity Accounted Investments – Cash Dividend	60	835
Operating Expenses		
Employee Costs	1,020	
Contractual Services	856	
Materials	395	
Finance Charges	(30)	
Other Expenses	441	2,682
Gain/(Loss) on Disposal of Assets	(202)	(202)
Savings against original budget		3,315
Less Resolutions:		
GC271015R12 Reserve Street Reserve Dog Park	(126)	
GC271015M05 Cove Sports Soccer Field Irrigation	(110)	
GC280715R05 Hendrie Street Inclusive Playspace	(63)	
GC220915R03 Energy Projects	(15)	
GC131015R08 Oaklands Crossing Campaign	(84)	
GC140715R04 Murray Darling Membership	(3)	(401)
Remaining savings		2,914

Section 7 (2) of the Local Government (Financial Management) Regulations requires that the first reconsideration of a budget in a particular financial year must include a review which takes account of the financial outcomes of the council, council subsidiary or regional subsidiary for the previous financial year.

Corporate KPI – Performance against Council’s Adopted Budget

Council’s key financial indicators have been updated to reflect adjustments associated with the 1st Budget Review. Commentary in relation to the indicators is provided in Appendix 1.

CONCLUSION:

The 1st Budget Review forecasts an underlying full year funding surplus of \$0.311m. After taking into consideration the budget adjustments funded from the 2014/15 annual savings of \$0.401m this results in a full year funding deficit for the 2015/16 financial year of \$0.090m.

Appendix 1

Budgeted Funding Statement

The following report details the proposed budget changes for the 1st Budget Review.

CITY OF MARION				
Budgeted Funding Statement				
	Budget		1st	Revised
	Original	Carryovers	Review	Budget
	\$000's	\$000's	\$000's	\$000's
OPERATING REVENUE				
Rates				
General	68,485	-	(70)	68,415
Other	1,573	-	-	1,573
Statutory Charges	1,630	-	44	1,674
User Charges	1,633	-	(7)	1,626
Operating Grants and Subsidies	6,324	(1,437)	1,045	5,932
Investment Income	270	-	281	551
Reimbursements	770	-	(3)	767
Share of Profit SRWRA	315	-	-	315
Other	536	-	(92)	444
	81,536	-	1,198	81,297
OPERATING EXPENSES				
Employee Costs	32,139	-	94	32,233
Contractual Services	14,561	1,622	887	17,070
Materials	4,668	7	(9)	4,666
Finance Charges	1,343	-	(614)	729
Depreciation	13,821	-	-	13,821
Other	6,104	56	71	6,231
	72,636	1,685	429	74,750
Operating Surplus/(Deficit) before Capital rev's	8,900	(3,122)	769	6,547
<i>Add</i>				
(a) Capital Revenue	1,500	-	-	1,500
<i>Equals</i> Net Surplus/(Deficit) resulting from operations	10,400	(3,122)	769	8,047
<i>Add</i> Depreciation	13,821	-	-	13,821
<i>Less</i> Share of Profit SRWRA	315	-	-	315
<i>Equals</i> Funding available for Capital Investment exp	23,906	(3,122)	769	21,553
Capital				
<i>Less</i> Capital Expenditure - Renewal	13,357	3,720	(1,231)	15,846
<i>Less</i> Capital Expenditure - New	6,504	8,367	272	15,143
<i>Less</i> Capital - contributed assets	1,500	-	-	1,500
<i>Equals</i> Net Overall funding Surplus/(Deficit)	2,545	(15,209)	1,728	(10,936)

CITY OF MARION				
Budgeted Funding Statement				
	Original Budget \$000's	Carryovers	1st Review \$000's	Revised Budget \$000's

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

LOANS					
	Loan Principal Receipts (Net)	5,388	1,982	(1,206)	6,164
	Loan Receipts from Sporting Clubs (Net)	-	-	-	-
<i>Less</i>	Loan Principal Payments	2,314	-	(643)	1,671
	Loan funding (Net)	3,074	1,982	(563)	4,493
Movement in level of cash & accruals					
<i>(b)</i>	Cash Surplus/(Deficit) funding requirements	-	-	(90)	(90)
<i>Less</i>	Reserves (Net)	(5,619)	13,227	(1,255)	6,353
	Cash/Investments/Accruals Funding	5,619	(13,227)	1,165	(6,443)
<i>Equals</i>	Funding Transactions	(2,545)	15,209	(1,728)	10,936

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

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

Analysis of Budgeted Funding Statement

This section of the 1st Budget Review provides an analysis of the movements in the Budgeted Funding Statement (revenues, expenditures, capital, loans and reserves).

The 1st Budget Review reports an underlying funding surplus of \$0.311m with a net funding deficit of \$0.090m after offsetting budget funding provided from annual savings from 2014/15.

Financial Indicators

To assist Council in meeting its objective of financial sustainability a series of financial indicators endorsed by the Local Government Association are provided. Where a Council target has not been adopted the recommended Local Government Association (LGA) target has been provided. The following table provides a matrix of indicators of the 1st Budget Review 2015/2016 and whether the target has been achieved.

Key Financial Indicator	2015/16	Target	Result 5 Yr Avge
Operating Surplus/(Deficit)	\$6.247m	\$0 - \$4.105m	↑
Operating Surplus Ratio	9.1%	0 - 6%	↑
Net Financial Liabilities	\$9.6m	\$0 - \$40.3m	✓
Net Financial Liabilities Ratio	12.0%	0 - 50%	✓
Interest Cover Ratio	1.1%	0 - 5%	✓
Asset Sustainability Ratio	107%	95 - 100%	↑
Asset Consumption Ratio	90%	80 - 100%	✓

In all instances the 1st Budget Review 2015/2016 is meeting or exceeding the required targets and is within range of Council meeting its objective of financial sustainability. Whilst the Operating Surplus Ratio is forecast to exceed its target, this is primarily as a result of substantial forecast gross operational savings of \$3.2m for 2015/16.

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

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

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

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

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

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

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

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

Attachments to Appendix 1

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

ATTACHMENT 1

CITY OF MARION		
Budgeted Income Statement		
	Actual	1st
	2015	Review
	\$000's	2016
		\$000's
OPERATING REVENUE		
Rates		
General	65,942	68,415
Other	1,523	1,573
Statutory Charges	1,749	1,674
User Charges	1,689	1,626
Operating Grants and Subsidies	7,694	5,932
Investment Income	888	551
Reimbursements	874	767
Net Gain - Equity Accounted Council Businesses	817	315
Other	800	444
TOTAL OPERATING REVENUE	81,976	81,297
OPERATING EXPENSES		
Employee Costs	31,757	32,233
Contractual Services	15,529	17,070
Materials	4,715	4,666
Finance Charges	800	729
Depreciation	12,974	13,821
Other	6,174	6,231
TOTAL OPERATING EXPENSES	71,949	74,750
Operating Surplus/(Deficit) before Capital Revenues	10,027	6,547
CAPITAL REVENUES		
Capital Grants, Subsidies and Monetary Contributions	1,831	-
Physical resources received free of charge	8,242	1,500
Gain/(Loss) on disposal of assets	(202)	-
Net Surplus/(Deficit) resulting from Operations	19,898	8,047

ATTACHMENT 2

CITY OF MARION		
Budgeted Balance Sheet		
	Actual 2015 \$000's	1st Review 2016 \$000's
<u>CURRENT ASSETS</u>		
Cash	22,438	15,995
Receivables	4,036	4,036
Inventory	166	166
TOTAL CURRENT ASSETS	26,640	20,197
<u>CURRENT LIABILITIES</u>		
Creditors	10,142	10,142
Provisions	2,291	2,291
Loans	1,671	1,400
TOTAL CURRENT LIABILITIES	14,104	13,833
Net Current Assets/(Liabilities)	12,536	6,364
<u>NON-CURRENT ASSETS</u>		
Investment in SRWRA & Council Solutions	5,120	5,435
Land	342,635	346,173
Buildings	92,075	95,969
Infrastructure	651,612	660,444
Equipment	7,138	7,815
Furniture & Fittings	384	579
Other	20,054	21,586
TOTAL NON-CURRENT ASSETS	1,119,018	1,138,001
<u>NON-CURRENT LIABILITIES</u>		
Provisions	857	857
Loans	10,229	14,993
TOTAL NON-CURRENT LIABILITIES	11,086	15,850
NET ASSETS	1,120,468	1,128,515
<u>EQUITY</u>		
Accumulated surplus	360,929	375,329
Reserves	759,539	753,186
TOTAL EQUITY	1,120,468	1,128,515

ATTACHMENT 3

CITY OF MARION		
Budgeted Statement of Changes in Equity		
	Actual	1st
	2015	Review
	\$000's	2016
		\$000's
ACCUMULATED SURPLUS		
Balance at beginning of period	340,053	360,929
Net Surplus/(Deficit)	19,898	8,047
Transfers from Reserves	16,691	13,227
Transfers to Reserves	(15,713)	(6,874)
Balance at end of period	360,929	375,329
ASSET REVALUATION RESERVE		
Balance at beginning of period	736,779	740,335
Net change this year	3,556	-
Balance at end of period	740,335	740,335
OPEN SPACE RESERVES		
Balance at beginning of period	1,288	857
Net change this year	(431)	10
Balance at end of period	857	867
OTHER RESERVES		
Balance at beginning of period	18,894	18,347
Net change this year	(547)	(6,363)
Balance at end of period	18,347	11,984
Total Reserves	759,539	753,186
TOTAL EQUITY	1,120,468	1,128,515

ATTACHMENT 4

CITY OF MARION		
Budgeted Statement of Cash Flows		
	Actual	1st
	2015	Review
	\$000's	2016
		\$000's
CASH FLOWS FROM OPERATING ACTIVITIES		
<i>Receipts</i>	85,928	80,682
<i>Payments</i>	<u>(62,718)</u>	<u>(60,929)</u>
NET CASH PROVIDED BY OPERATING ACTIVITIES	23,210	19,753
CASH FLOWS FROM FINANCING ACTIVITIES		
<i>Receipts</i>		
Loans Received	-	6,164
Loans From Sporting Clubs	-	-
<i>Payments</i>		
Principal	<u>(1,572)</u>	<u>(1,671)</u>
NET CASH (USED IN) FINANCING ACTIVITIES	(1,572)	4,493
CASH FLOWS FROM INVESTING ACTIVITIES		
<i>Receipts</i>		
Capital Grants/Subsidies & Contributions/Investments	1,831	-
Sale of Equipment	721	-
Distributions form Equity Accounted Investments	60	-
<i>Payments</i>		
Purchase of IPP&E	<u>(29,877)</u>	<u>(30,689)</u>
NET CASH (USED IN) INVESTING ACTIVITIES	(27,265)	(30,689)
NET INCREASE/(DECREASE) IN CASH HELD	(5,627)	(6,443)
CASH AT BEGINNING OF REPORTING PERIOD	<u>28,065</u>	<u>22,438</u>
CASH AT END OF REPORTING PERIOD	22,438	15,995

ATTACHMENT 5**CONSULTANTS**

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

Consultants are defined as an expert called on to provide professional or technical advice not currently available within the organisation. An analysis of Council's accounts reveals the following information of actual + committed year to date (25/11/15) expenditure versus full year actuals for 2014/15 relating to expenditure on Consultants of an operating nature:

Legal Consultants

As at 25 November 2015 1st Budget review

	Full Year Actual 2014/15	Actual YTD 2015/16
Organisational Development <i>(Employment advice)</i>	82,036	32,544
Libraries	261	1,045
Commercial Facilities	902	-
Community Centres	27	158
Environmental Health	7,728	5,437
General Inspection <i>(Dog/Cat & Parking Control)</i>	17,353	11,230
Governance	99,695	31,289
Financial Services	1,980	-
Strategic Projects	15,612	6,777
Asset & Property Management	46,487	26,806
Development Assessment	134,233	76,464
Infra Mgt (Engineering)	12,090	75
Civil Services	2,794	1,087
	421,200	192,911
Full Year Budget		237,307

Other Consultants (not including legal)

As at 24 November 2015 1st Budget review

	Actual Full year 2014/15	Actual YTD 2015/16
Strategic Development	56,211	42,924
Organisational Development	66,119	40,153
Community Development	34,053	9,064
Community Centres	428	-
Occupational Health & Safety	24,990	458
Community Care	680	-
Cultural Development	16,059	1,005
Libraries	880	-
Commercial Facilities	35,659	30,533
Governance	166,970	22,599
Strategic Projects	14,619	10,692
Asset & Property Management	8,535	9,293
Economic Development	1,500	-
Development Assessment	55,220	22,031
Infrastructure Management (Engineering)	54,726	13,883
Civil Services	23,850	14,704
Open Space Services	60,353	5,852
Depot	-	335
Recruitment	96,012	24,653
	716,864	248,178
Full Year Budget		684,338

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Steve Hooper, Manager Development and Regulatory Services

General Manager: Abby Dickson (Acting), City Development

Subject: Resources required for Development Plan Amendments

Report Reference: GC081215R09

REPORT OBJECTIVES:

To update Council on how two Development Plan Amendments identified as high priorities for 2016 either via Council' Strategic Directions Committee or via recent Elected Member forum discussion will be funded.

RECOMMENDATIONS (1):

DUE DATES

That Council:

- 1. Note that the resources required in 2016 to undertake the "Housing Diversity" and "Recreation (Community Use)" Development Plan Amendments will be funded within the existing 2015-16 budget. 8 Dec 2015**

DISCUSSION:

Administration have reviewed how best to address the resourcing needs in Development Services for the next 6 months and have identified rather than requesting additional funding as part of the Sporting Facilities Projects that this can be achieved through a reallocation of funds within the 2015-16 budget.

Additional resources are required to address the increased workloads within Development Services Department. Council's Strategic Directions Report (SDR) was agreed by the Minister in January 2015. The SDR contains a list of DPA's including the following which are all high priority:

- Residential (Density Preservation) DPA
- Residential (Character Policy Area 17) DPA
- Residential (Southern Suburbs DPA
- Residential (Mixed Use) DPA
- Residential (Higher Density) DPA

These 5 DPA's are now proposed to be merged into one "Housing Diversity DPA" which will require considerable resourcing throughout 2016. This DPA has been identified as a high priority.

In addition to the above, a "Recreation (Community Use) DPA" has also been identified as a high priority as part of Council's Strategic Directions Report and following discussion at a recent Elected Members Forum.

This DPA will identify a more suitable zone and policy framework to apply to Council's sporting hubs in lieu of the current Residential Zones, to allow the envisaged forms of development to occur whilst taking due consideration of potential impacts on surrounding residential development.

There is an imperative to have this completed within 12 months to facilitate the Edwardstown and Mitchell Park Sporting Clubs being upgraded without risk of development assessment processes being problematic due to the long-standing Residential Zone which currently applies to these sporting areas.

There are other DPA's on-going which also continue to require resourcing albeit to a lesser degree as they are Developer Funded DPA's - Seacliff Park DPA and Castle Plaza DPA are not completed. Castle Plaza DPA for example will return for Council considerations of DPTI amendments in early 2016.

The existing 1FTE policy planner will not be in a position to prepare both new DPA's and undertake the level of investigations required to move these DPA's forward. The Housing Diversity DPA in particular requires a huge body of initial investigations including a yield analysis if it is to be supported by DPTI.

There are funds available within the existing budget due to staff vacancies that can be used to fund the additional resources required within Development Services. Funds in the order of \$55,000 will be reallocated to fund an additional planner for a 6 month contract ending 30 June 2016. The position will be recruited internally.

This is in line with Council's approach that when there are urgent unplanned initiatives the first point of call is to examine whether funds are available within the existing budget.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Orders 2015 - Overview
Report Reference: GC081215R10

REPORT OBJECTIVES / EXECUTIVE SUMMARY:

Section 90 of the *Local Government Act 1999* (the Act) prescribes matters which Council may consider in confidence where it considers it necessary and appropriate to do so.

Section 91 of the Act enables a Council to order that documents or part of a document relating to matters considered in confidence be kept confidential. Where Council makes such an order it must specify the duration of the order, or the circumstances in which the order will cease to apply, or a period after which the order must be reviewed.

Any order that operates for a period exceeding 12 months must be reviewed at least once a year to determine whether or not the confidentiality of the document needs to be retained.

This report provides an overview of all confidential orders to be reviewed, and has been written to enable Council to:

- review the confidentiality orders pertaining to identified documents as required by Section 91 of the Act; and
- consider whether it is appropriate for the confidentiality orders to be retained; and if so:
 - determine the appropriate period of time for the maintenance of confidential orders to ensure Council continues to adhere to both the confidentiality provisions within the Act and the principles of open government.
 - to consider whether new orders are required on documents where the orders are due to expire.

RECOMMENDATIONS (1)

DUE DATES

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

8 Dec 15

BACKGROUND

In accordance with Section 90 of the *Local Government Act 1999* (the Act) Council has, from time to time, made orders restricting public access to information. Council has also made orders pursuant to Section 91 of the Act to retain the confidentiality of certain documents and information.

At the December 2003 meeting of Council, the Management of Confidential Items Framework was endorsed. This framework included ensuring all confidentiality orders made by Council or a Council Committee are referred to the December meeting of Council each year for review, except where the Chief Executive has reviewed and revoked confidential orders in accordance with his delegation.

Appendix 1 details all confidential orders requiring review and recommendations either to release or retain the order.

ANALYSIS:

Current Review

One hundred and fifty five (154) confidential orders have been identified for review. Reports relating to each of these orders are included in the agenda (Reports GC081215R10 – (1) to GC081215R10 – (82)).

The reports are listed in the attached Schedule of Confidential Items 2003 – 2015 (Appendix 1) by recommendation, that is, release, retain (with CEO to investigate and consult during 2016 with a view to release) or retain. The subject and date, a brief description of the item and the grounds for confidentiality are also included in the table. Sixty-two (62) reports have been recommended for release, fifteen (15) to be for further investigated and consulted during 2016 with a view to release, and seventy-seven (77) orders to be retained for further review in December 2016.

Given the number of items for consideration, Council may wish to consider items “en bloc” where appropriate.

In determining whether or not a document should continue to remain confidential Council must consider whether the ground/s (in s90(3) of the Act) on which the original order was made, are still applicable. For example:

- Does Council still have a duty of confidence, or other legal obligation or duty?
- Does the document contain commercial information that the disclosure of which would on balance be contrary to the public interest?
- Does the document relate to a tender for goods or services?
- Does the document relate to matters affecting the security of the council, members or employees, or council property, or safety of any person?
- Does the document relate to litigation, or possible litigation, involving the council or a council employee?
- Does the document relate to a proposed amendment in a Development Plan that has not yet been released for public consultation under the *Development Act 1993*?

- Does the document contain legal advice that is still necessary and appropriate to be kept confidential?
- Does the information concern the personal affairs of an individual (living or dead), the disclosure of which would still be unreasonable? Council might like to also take into account the views of the person to whom the matter relates. Where the person has no objection to the matter being released to the public, it may be consistent with the principles of open government, as well as the *Freedom of Information Act 1991* to release the information.

Should the confidentiality orders be retained or new orders created, then the orders will be referred to the December 2016 meeting of Council for review, unless an alternative date or event has been resolved by Council, or Council delegates the power to review or revoke the order to the Chief Executive Officer.

Any confidential orders that are revoked will be released and made available to the public immediately upon revocation.

If Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Sections 90(2) and (3) of the *Local Government Act 1999* given the current confidentiality orders are still in force.

Analysis of Confidentiality Orders

During the preparation of this Report, an analysis of the types of confidential matters considered by Council was undertaken and the results are detailed below:

Currently, there are 154 reports with confidentiality orders. The table below summarises the grounds on which the 154 reports have been considered in confidence in accordance with the *Local government Act 1999*.

Number *	Grounds for Confidentiality	LG Act Section
82	Personal information	90(3)(a)
106	Commercial information/duty of confidence	90(3)(b), (d), (g) and/or (j)
6	Security of Council Property	90(3)(e)
1	Maintenance of Law	90(3)(f)
5	Legal advice	90(3)(h)
1	Litigation	90(3)(i)
21	Tenders for supply	90(3)(k)

* Note that one item may have more than one ground for confidentiality.

A number of the major projects Council is involved in are longer term projects which necessitate the retention of confidentiality orders until the matters associated with the projects are no longer commercial in nature.

CONCLUSION:

In order to ensure the principles of open, accessible and accountable governance and compliance with the provisions of the Act, Council must undertake an annual review of its confidentiality orders and resolve to maintain, release or release in part, reports that have been considered in confidence.

Appendix 1 – Schedule of Confidential Items 2003 -2015: Release, Consider, Retain.

**SCHEDULE OF CONFIDENTIAL ITEMS 2003 – 2015
RELEASE, CONSIDER, RETAIN**

Number	Internal reference #	Subject & Date	Description	Grounds for Confidential Order	FOR RELEASE
1 (1)-(33)		CEO Performance & Remuneration Review	<p>Various (33) reports relating to the conduct of the annual CEO Performance & Remuneration Review dating from 30 April 2004 to 9 February 2010.</p> <p>The reports contain details of the review outcomes, including provisions of the former CEO's Employment Agreement which are the subject of confidentiality clauses within the Agreement.</p> <p>Mr Mark Searle was consulted and agreed to the release of all reports up to, and including 9 February 2010.</p>	<p>Duty of confidence</p> <p>Personal information</p>	YES
2	18.	Lease and Operation of Marion Leisure and Fitness Centre GC280904F01	<p>The Report sought to formalise an Agreement for the lease and operation of the Marion Leisure and Fitness Centre with the preferred tenderer and provided, at Appendix 1, details of the tenders received.</p> <p>Release Appendix 1 with names of unsuccessful tenderers redacted.</p>	<p>Commercial information</p> <p>Relating to tenders for supply</p>	YES
3	21	Report on Glandore Community Centre GC261004F02	<p>The Report provided details about the operations of the Glandore Community Centre.</p> <p>Given the time that has elapsed it is considered the documents can be released</p>	Personal information	YES
4	36	Glandore Community Centre GC220305F03	<p>The Report provided details about the operations of the Glandore Community Centre.</p> <p>Given the time that has elapsed it is considered the documents can be released</p>	Personal information	YES

Number	Internal reference #	Subject & Date	Description	Grounds for Confidential Order	FOR RELEASE
5	54.	Personal Matter GC090805F02	This order was made on the basis that the Report contained information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person (living or dead). Affected party has been consulted and agrees to release	Personal information Legal advice	YES
6	77.	Glandore Community Centre GC240407F01	The Report contains legal advice in relation to the Glandore Community Centre. This information is to remain in confidence reviewed December 2016. Given the time that has elapsed it is considered the documents can be released	Legal Advice	YES
7	96.	Community Bus Negotiations GC240309F01	The Report contains legal advice in relation to the Community Bus. Given the time that has elapsed it is considered the documents can be released	Legal Advice	YES
8	98.	Abbeyfield GC260509F02	The report contains information relating to the Abbeyfield House Marion that is of a commercial nature and Council has a duty to keep confidential. Given the time that has elapsed it is considered the documents can be released.	Commercial information	YES
9	99.	Internal Audit Project Report – Accounts Payable AC040609F01	The Appendix to the Report is a copy of the Report prepared by Ernst & Young regarding 'Accounts Payable'. Report to be released with information affecting security of Council property redacted	Security of Council Property	YES

Number	Internal reference #	Subject & Date	Description	Grounds for Confidential Order	FOR RELEASE
10	100.	Internal Audit Project Report – Revenue Assurance & Cash Receipting AC040609F02	The Appendix to the Report is a copy of the Report prepared by Ernst & Young regarding ‘Assurance & Cash Receipting’. Report to be released with information affecting security of Council property redacted	Security of Council Property	YES
11	139	Payroll Services & 6 th Ranking Process AC011211F6.2	Report relates to a review of Payroll Services & the 6 th Ranking Process for staff wages.	Commercial Information	YES
12	159.	Oaklands Wetland Project – Cost Estimate GC140812F01	Report relates to the cost estimates for the Oaklands Wetland. Grounds for non-disclosure not relevant in 2015 ie disclosure of information is not reasonably 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	Commercial information	YES
13	167.	Oaklands Wetland – Award of Construction Reference GC131112F01	Report relates to the Award of Construction for the Oaklands Wetland. Grounds for non-disclosure not relevant in 2015 ie disclosure of information is not reasonably 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	Commercial information Relating to tenders for supply	YES Appendix A and B - sensitive information redacted
14	170.	Reserve at Elizabeth Crescent Hallett Cove Cancellation of Contract GC271112F01	Cancellation of Contract for the Reserve at Elizabeth Crescent Hallett Cove. Matter now finalized. Grounds for confidentiality no longer relevant	Personal Information	YES

Number	Internal reference #	Subject & Date	Description	Grounds for Confidential Order	FOR RELEASE
15	176.	Service Review Project Report – Marion Swimming Centre AC120213F01	Marion Swimming Centre service review and recommendations. Propose staff consult with parties in order for the information to be released December 2016.	Commercial information Security of Council, members or employees of Council, or Council property	YES
16	195.	Consultants Details GC101213F01	Report outlining various legal costs of individual legal firms. Release with \$\$ figures redacted	Commercial information	YES
17	203.	Code of Conduct Complaint GC240614F01	Code of Conduct Complaint by Councillor Allen regarding Councillor Hull Recommend release as the matter has been finalised, the affected persons have been consulted and have consented to the release of the report.	Duty of Confidence	YES
18	218a	Code of Conduct Complaint GC240215F05	Report related to a complaint that has now been finalised and information (other than reference to staff member's name and position) is public. Release with any reference to staff member's names or positions (other than former CEO) redacted.	Personal affairs of a person	YES
19	219	Appointment of Acting Chief Executive Officer CRC060315R01	Minutes only kept confidential. Minutes relate to the process to be followed for the appointment of and acting CEO upon Mark Searle's departure. Recruitment process is now complete.	Personal affairs of a person	YES

Number	Internal reference #	Subject & Date	Description	Grounds for Confidential Order	FOR RELEASE
20	219a	Recruitment Process for Chief Executive Officer CRC200315R02	Minutes only kept confidential. Minutes related to consideration of recruitment service providers for the recruitment of new CEO. Recruitment process is now complete.	Commercial advantage / public interest	YES
21	223	Recommendations of the 20 March 2015 CRC Meeting GC240315F05	Report to Council to receive and note minutes of CRC meeting and endorse recommendations Recruitment process is now complete.	Commercial advantage / public interest	YES
22	226	Marion Leisure and Fitness Centre GC120515F01	Minutes only kept confidential. Minutes relate to authorising CEO to negotiate settlement with CASA and with YMCA to continue partly performed contract. As negotiations now finalised grounds for confidentiality no longer exist	Commercial information of a confidential nature	YES
23	227	Chief Executive Officer Recruitment Process SGC140515F01	Report, appendix and minutes relate to process for recruitment of CEO. Release as process now complete	Personal affairs	YES
24	228	Chief Executive Review Committee Confirmation of Minutes of Meeting held on 25 May 2015 GC260515R16	Minutes receive and not e CRC meeting of 25 May 2015 (not confidential) and endorse recommendation for Council to confidentially engage with candidates. Release Minutes as process now complete.	Personal affairs	YES
25	229	Chief Executive Officer Recruitment Process SGC160615F01	Report, appendix and minutes relate to process for recruitment of CEO. Release as process now complete.	Personal affairs	YES
26	230	Chief Executive Officer Recruitment Process GC230615F01	Minutes relate to process for recruitment of CEO. Release as process now complete.	Personal affairs	YES

Number	Internal reference #	Subject & Date	Description	Grounds for Confidential Order	FOR RELEASE
27	237	Internal Audit and Service Review Tender GC250815F04	The report provides Council with the recommendations from the Audit Committee in relation to the tender process for Internal Audit and Service Review program. Appendix A to the report contains commercial in confidence information regarding tenderers for the provision of service reviews and internal audit services.		RELEASE report and minutes RETAIN Appendix A in confidence
28	241.	Confidential Minutes - AC180815 GC080915F02	Report considers the confidential minutes of the Audit Committee's meeting on 18 August 2015 relating to the tender assessment for internal reviews and internal audit services. Tender process now complete. Information public.	Tender / Commercial advantage /contrary to public interest	YES
29	243.	South Road Darlington Upgrade GC080915F04	Presentation from Professor Colin Stirling, Flinders University re the South Road Darlington Upgrade. Information currently in the public realm.	Info provided on a confidential basis by public authority	YES

FOR CONSULTATION WITH AFFECTED PARTIES WITH A VIEW TO CEO RELEASE					
30	33.	Cove Sports and Community Club SGC010205F01	<p>The Report provided options for the future management structure of the Cove Sports and Community Club (the Club) and contained information that reflected the “personal affairs” of nominees for the Board of Management of the Club in the form of application forms.</p> <p>Given the timeframe, it is recommended that consultation be undertaken in order for this information to be released by December 2016</p>	Personal information	NO (propose CEO to further investigate and consult during 2016)
31	113.	Program Evaluation and Business Improvement Service Provisions AC020610F01	<p>The information relates to a tender for the provision of services. Given the tender has been awarded and services rendered, it is reasonable to now consult with agencies whom had tendered in order to seek release.</p> <p>Potential for any sensitive information to be redacted which identifies sensitive information such as comparative data and weighting scores.</p>	Commercial information	NO (propose CEO to further investigate and consult during 2016)
32	117.	Program Evaluation and Business Improvement Service Provisions AC100810F01	<p>The information relates to a tender for the provision of services. Given the tender has been awarded and services rendered, it is reasonable to now consult with agencies whom had tendered in order to seek release.</p> <p>Potential for any sensitive information to be redacted which identifies sensitive information such as comparative data and weighting scores.</p>	Commercial information	NO (propose CEO to further investigate and consult during 2016)
33	121.	Program Evaluation and Business Improvement Service Provision Reference No: GC240810F02	<p>The information relates to a tender for the provision of services. Given the tender has been awarded and services rendered, it is reasonable to now consult with agencies whom had tendered in order to seek release.</p> <p>Potential for any sensitive information to be redacted which identifies sensitive information such as comparative data and weighting scores.</p>	Commercial information	NO (propose CEO to further investigate and consult during 2016)

34	141.	Commercial Arrangements GC240112F01	Information related to the recommendation of a lease for Signatures Café however the lease did not progress. Reasonable for staff to consult with parties in order for the information to be released December 2016.	Commercial Information	NO (propose CEO to further investigate and consult during 2016)
35	158.	Commercial Arrangements GC240712F01	Information related to the recommendation of a lease for Signatures Café however the lease did not progress. Reasonable for staff to consult with parties in order for the information to be released December 2016.	Commercial Information	NO (propose CEO to further investigate and consult during 2016)
36	202.	Code of Conduct GC270514F02	Code of Conduct Complaint by Councillor Allen regarding Councillor Hull Recommend that consultation be undertaken in order for this information to be released by December 2016.	Duty of Confidence	NO (propose CEO to further investigate and consult during 2016)
37	31.	Living Kaurna Cultural Centre GC250105F02	This order was made on the basis that the Report contained information concerning the personal affairs of a number of persons. Given the timeframe, it is recommended that consultation be undertaken in order for this information to be released by December 2016	Personal information	NO (propose CEO to further investigate and consult during 2016)
38	34.	Living Kaurna Cultural Centre GC220305F01	This order was made on the basis that the Report contained information concerning the personal affairs of a number of persons. Given the timeframe, it is recommended that consultation be undertaken in order for this information to be released by December 2016	Personal information	NO (propose CEO to further investigate and consult during 2016)

39	86	Oaklands Regeneration Project, State Aquatic SGC300608F01	Appendix 1 contains information over which Council still has a duty of confidence Party consulted and did NOT agree to release – commercial in confidence. Legal advice obtained by Council.	Confidential Commercial information / duty of confidence	NO (propose CEO to further investigate and consult during 2016)
40	213.	Marion Leisure and Fitness Centre GC270115F01	Report relates to Marion Leisure and Fitness Centre Lease to CASA Leisure Pty Ltd (legal advice not to release) to be reviewed December 2016. Confidential commercial information may be relevant to the tender process regarding the provision of a long-term operator of the centre and accordingly needs to be kept in confidence.	Commercial advantage/contrary to public interest and future tender	NO (propose CEO to further investigate and consult during 2016)
41	216.	Marion Leisure and Fitness Centre SGC190215F01	Report relates to Marion Leisure and Fitness Centre Lease to CASA Leisure Pty Ltd (legal advice not to release) to be reviewed December 2016. Confidential commercial information may be relevant to the tender process regarding the provision of a long-term operator of the centre and accordingly needs to be kept in confidence.	Commercial advantage/contrary to public interest and future tender	NO (propose CEO to further investigate and consult during 2016)
42	239.	Council Briefing – Nursery Operations GC250815F06	The report provides an update of the action being taken by the AWU in relation to Council's decision to cease Nursery operations.	Legal advice / litigation	NO (propose CEO to further investigate and consult during 2016)
43	218.	Cove Civic Centre – Cost and programme management GC240215F01	Report relates to cost and time issues associated with the construction of the Cove Civic Centre.	Commercial advantage contrary to public interest	NO (propose CEO to further investigate and consult during 2016)

44	244.	Cove Civic Centre GC220915F01	Report relates to the negotiated settlement to MC+1 re the Cove Civic Centre which is not yet completed therefore recommended to remain in confidence to be reviewed December 2016. Duty of confidence	Confidential commercial information/ contrary to public interest Duty of confidence	NO (propose CEO to further investigate and consult during 2016)
45	42	Cove Sports and Community Club Inc CC140605R07 Appendix 2 only confidential	The Appendix comprised the April Activity Report of the Cove Sports and Community Club (the Club) and was considered to contain commercial information that if disclosed, could reasonably be expected to prejudice the commercial position of the person who supplied the information.	Commercial information	NO (propose CEO to further investigate and consult during 2016)

NOT TO BE RELEASED					
46 (1)-(41)		CEO Performance & Remuneration Review	<p>Various (41) reports relating to the conduct of the annual CEO Performance & Remuneration Review dating from 11 May 2010 until 24 February 2015.</p> <p>The reports contain details of the review outcomes, including provisions of the former CEO's Employment Agreement which are the subject of confidentiality clauses within the Agreement.</p> <p>Mr Mark Searle was consulted and did not agree to the release these documents citing s90(3)(a), (3)(g) and (3)(h) of the <i>Local Government Act 1999</i>. In addition he made the following observations:</p> <ol style="list-style-type: none"> “1. I am currently in gainful employment and intend to continue my career for the foreseeable future; 2. The Council has a duty of confidence and legal obligations in accordance with agreements I have with council, and various other provisions of the Local Government Act and other legislation; and 3. National Privacy principles provide a benchmark of 7 years for the retention of credit/financial information.” 	s90(3)(a), (3)(g) and (3)(h) where applicable	NO
47	24	Marion South Plan – Etiria No 25 Pty Ltd Deed (Makris Group) SGC161104F02	<p>Report, attachments and minutes outline arrangements with and commitments by Makris Group to enable construction of the new connector road – commercial information of a confidential nature</p> <p>Party consulted and objected to release. Considered commercial in confidence.</p>	s90(3)(d) and (g)	NO
48	39	Marion South Plan – Craven and Etiria Deeds GC260405F01	<p>Report, attachments and minutes outline arrangements with and commitments by the Craven and Makris Group to enable construction of the new connector road – commercial information of a confidential nature</p> <p>Party consulted and objected to release. Considered commercial in confidence.</p>	s90(3)(d) and (g) Confidential Commercial information / duty of confidence	NO

49	44.	Kerbside Waste & Recycling Collection Contract 2005 SGC210605F01	<p>The report outlined details of a proposed kerbside waste and recycling contract and was considered confidential on the basis that Council was undertaking a tender process for the provision of services.</p> <p>Report relates to a current contract which is due to expire April 2018. Therefore it is recommended that information be kept in confidence until the expiration of the contract - to be reviewed in December 2016.</p>	Tender processes / confidential commercial information	NO
50	72.	Provision of Advertising on Bus Shelters to City of Marion GC270207F01	<p>Commercial arrangements associated with advertising on City of Marion bus shelters.</p> <p>The current contract is due to expire Feb 2017. Therefore it is recommended that information be kept in confidence until the expiration of the contract - to be reviewed in December 2016.</p>	Commercial information	NO
51	74	Marion South Plan Etrira Deed (Makris Group) GC130307F01	<p>Report, attachments and minutes outline arrangements with and commitments by the Craven and Makris Group to enable construction of the new connector road – commercial information of a confidential nature</p> <p>Party consulted and objected to release. Considered commercial in confidence.</p>	<p>s90(3)(d) and (g)</p> <p>Confidential Commercial information / duty of confidence</p>	NO
52	126.	City Services Redevelopment AC190511R6.1	<p>Report relates to the City Services Redevelopment.</p> <p>Party consulted and did NOT agree to release on the basis that information was commercial in confidence.</p> <p>Given the project is not yet finalised, recommend that the information be kept confidential til December 2016.</p>	Confidential Commercial information	NO
53	142	External Audit Tender AC070212F6.1	<p>Report contains information relating to the tender for the provision of external audit services.</p> <p>The contract has been awarded until 28 February 2017. Therefore it is recommended that information be kept in confidence until the expiration of the contract - to be reviewed in December 2016.</p>	Tender processes / confidential commercial information	NO

54	144.	External Audit Tender GC140212F01	<p>Report contains information relating to the tender for the provision of external audit services.</p> <p>The contract has been awarded until 28 February 2017. Therefore it is recommended that information be kept in confidence until the expiration of the contract - to be reviewed in December 2016.</p>	Tender processes / confidential commercial information	NO
55	154.	Kerbside Waste & Recycling Collection Contract 2005 GC120612F01	<p>The report outlined details of Council's kerbside waste and recycling contract.</p> <p>The contract has been awarded until April 2018. Therefore it is recommended that information be kept in confidence until the expiration of the contract - to be reviewed in December 2016.</p>	Tender processes / confidential commercial information	NO
56	157.	Legal Advice GC100712F02	<p>Report contains information relating to the provision of legal advice about a planning matter. Further legal advice provides this information should continue to remain in confidence. To be reviewed in December 2016.</p>	Legal Advice	NO
57	161.	City Services Redevelopment – Cost Estimate GC110912F01	<p>Report contains information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council.</p> <p>External party consulted and did NOT agree to release</p>	Commercial information of a confidential nature	NO
58	174.	City Services Redevelopment – Update GC291113F01	<p>Report contains information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council.</p> <p>External party consulted and did NOT agree to release</p>	Commercial information of a confidential nature	NO
59	175.	Public Trustee Land - Glandore Laneways GC290113F02	<p>The information provides an update on the Glandore Laneways Project. The resolutions allow the CEO the ability to provide information to the public without breaching confidentiality provisions that are in the best interest of the public. Recommended that this information remain confidential until the project reaches fruition/completion.</p>	Commercial advantage /contrary to public interest	NO

60	177.	City Services Redevelopment AC140313F01	Report relates to the City Services Redevelopment. Given the project is not yet finalised, recommend that the information be kept confidential til December 2016.	Commercial information Relating to tenders for supply	NO
61	178.	Draft Confidential Minutes from 14 March 2013 Audit Committee Meeting GC260313F01	Report relates to the City Services Redevelopment. Given the project is not yet finalised, recommend that the information be kept confidential til December 2016.	Commercial information Relating to tenders for supply	NO
62	179.	Commercial Arrangements GC260313F02	Information related to the recommendation of a lease for Signatures Café. Two external parties consulted in 2015 and did NOT agree to the release if documents on basis they contained confidential commercial information.	Commercial Information	NO
63	180.	City Services Redevelopment GC260313F03 SGC020413 SGC090413	Appendices contain information relating to a tender for the carrying out of works. Given the project is not yet finalised, recommend that the information be kept confidential til December 2016.	Commercial information Relating to tenders for supply	NO
64	187.	Hallett Cove Library and Community Centre Award of Construction Tender GC270813F02	Report relates to the award of Construction Tender for the Hallett Cove Library and Community Centre. Given the project is not yet finalised, recommend that the information be kept confidential til December 2016.	Commercial and tender information	NO
65	206.	City Services Redevelopment Award of Construction Tender SGC190814F01	Report relates to the City Services Redevelopment. Given the project is not yet finalised, recommend that the information be kept confidential til December 2016.	Commercial information Relating to tenders for supply	NO

66	210.	Marion Leisure and Fitness Centre GC091214F01	Report relates to Marion Leisure and Fitness Centre Lease to CASA Leisure Pty Ltd. Information contained within the report may be relevant to the tender process regarding the provision of a long-term operator of the centre and accordingly needs to be kept in confidence.	Commercial advantage/ contrary to public interest and future tender	NO
67	220.	Marion Leisure and Fitness Centre GC240315F01	Report relates to Marion Leisure and Fitness Centre Lease to CASA Leisure Pty Ltd (legal advice not to release) to be reviewed December 2016.	Commercial advantage/ contrary to public interest and future tender	NO
68	221.	Surplus Land associated with City Services Development GC240315F02	Report relates to options for dealing with surplus land associated with the City Services Development Recommend remain in confidence for review once a decision concerning surplus land has been made	Commercial information of a confidential nature / commercial advantage	NO
69	222.	Signatures Café GC240315F03	Report provides options regarding the future operations of Signatures Café. Recommend that this information continue to be kept confidential to be reviewed December 2016.	Commercial information of a confidential nature	NO
70	224	Marion Leisure and Fitness Centre GC140415F01 (adjourned from 240315)	Report relates to Marion Leisure and Fitness Centre Lease to CASA Leisure Pty Ltd) to be reviewed December 2016. Information contained within the report may be relevant to the tender process regarding the provision of future services and works in respect of the centre	Commercial advantage/ contrary to public interest and future tender	NO
71	225.	Marion Leisure and Fitness Centre Lease to CASA Leisure Pty Ltd GC280415F01	Report relates to Marion Leisure and Fitness Centre Lease to CASA Leisure Pty Ltd. Information contained within the report may be relevant to the tender process regarding the provision of future services and works in respect of the centre.	Commercial information of a confidential nature	NO

72	231	Hallett Cove Library Building GC140715F01	Report relates to the future of the Hallett Cove library building, recommend release upon sale of land expected to be prior to December 2016.	Commercial information of a confidential nature	NO
73	232.	Internal Audit and Service Reviews Tender Assessment AC180815F8.2	Report relates to the tender assessment for internal reviews and internal audit services.	Tender info	NO
74	234.	Glandore Laneways Project GC250815F01	The information provides an update on the Glandore Laneways Project. The resolutions allow the CEO the ability to provide information to the public without breaching confidentiality provisions that are in the best interest of the public. Recommended that this information remain confidential until the project reaches fruition/completion.	Commercial advantage /contrary to public interest	NO
75	235.	Cove Civic Centre GC250815F02	Report relates to handover status of the Cove Civic Centre and negotiations on the final project costs. Negotiations are still in progress and there is a duty of confidence	Commercial advantage /contrary to public interest Duty of confidence	NO
76	236.	Marion Leisure and Fitness Centre GC250815F03	Report relates to the settlement negotiated with CASA, the interim management agreement with the YMCA, review into future directions of the MLFC and the Land and property work area review. Apart from all valuation information and all of Section 2 'Management Agreement with the YMCA' the report was released.	Commercial information confidential nature contrary to public interest	NO
77	238.	Investigation GC250815F05	Report contains information into an investigation that Council has a duty to keep confidential therefore recommended to remain in confidence till December 2016.	Duty of confidence	NO
78	242.	Investigation GC080915F03	Report contains information into an investigation that Council has a duty to keep confidential therefore recommended to remain in confidence till December 2016.	Duty of confidence	NO

79	240	Signatures Café GC080915F01	Report provides an update on the operations of Signature Café, recommend further consultation in order for this information to be released December 2016.	Commercial information of a confidential nature	NO
80	245	Telecommunication Facilities Morphetville GC131015R01	Appendix 3 contains legal advice therefore recommended to remain in confidence to be reviewed December 2016.	Legal Advice	NO
81		Former Hallett Cove Library and Youth Services Building GC241115F01	Report relates to the future of the Hallett Cove library building, recommend release upon sale of land expected to be prior to December 2016.	Commercial information of a confidential nature	NO
82		Marion Leisure and Fitness Centre, GC241115F02	Report and Appendix contains the outcomes of the review of the Marion Leisure and Fitness Centre and recommends a process for Council's consideration to engage a long term operator for the Centre and establish a sustainable business model. (Minutes were not confidential)	Commercial information of a confidential nature / commercial advantage	NO

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Personnel Matter – CEO Performance Review 2003,
CC300404F01
Ref No: GC081215R10 – (1) Appendix 1

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Personnel Matter – CEO Performance Review 2003, CRC300404F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (1)

DUE DATES

That:

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| <p>1. The confidentiality order pertaining to the Report, '<i>Personnel Matter – CEO Performance Review 2003, CC300404F01</i>' together with all annexure and the minutes be revoked.</p> | <p>8 Dec 15</p> |
|---|-----------------|

BACKGROUND:

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

The confidentiality order concerning the Report and minutes relating to *Personnel Matter – CEO Performance Review 2003* reference number CRC300404F01 was last reviewed at the 9 December 2014 meeting of Council. At this meeting it was resolved that:

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

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

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

This order was made on the basis that the Report contained information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer – Section 90(3)(a) of the Act.

As required by the Act, the above confidentiality order is now due for review.

ANAYLSIS

As Mr Searle is no longer employed by the City of Marion, he was consulted and has consented to the release of the report, all annexure and minutes. Accordingly, it is recommended that the confidentiality order be revoked.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Releasing the Report *Personnel Matter – CEO Performance Review 2003* reference number CRC300404F01 demonstrates openness and transparency.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Personnel Matter – CEO Performance Review 2003,
CRC150604F01
Ref No: GC081215R10 – (1) Appendix 2

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Personnel Matter – CEO Performance Review 2003, CRC150604F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (1)

DUE DATES

That:

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| <p>1. The confidentiality order pertaining to the report Review of Confidential Order for the Item: Personnel Matter – CEO Performance Review 2003, CRC150604F01, together with all annexure and the minutes arising from the report, be revoked.</p> | <p>8 Dec 15</p> |
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BACKGROUND:

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

The confidentiality order concerning the Report and minutes relating to *Personnel Matter – CEO Performance Review 2003* reference number CRC150604F01 was last reviewed at the 9 December 2014 meeting of Council. At this meeting it was resolved that:

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

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

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

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

This order was made on the basis that the Report contained information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer – Section 90(3)(a) of the Act.

As required by the Act, the above confidentiality order is now due for review.

ANAYLSIS

As Mr Searle is no longer employed by the City of Marion, he was consulted and has consented to the release of the report, all annexure and minutes. Accordingly, it is recommended that the confidentiality order be revoked.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999 given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Releasing the Report *Personnel Matter – CEO Performance Review 2003* reference number CRC150604F01 demonstrates openness and transparency.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Personnel Matter – CEO Performance Review 2003,
GC220604F01
Ref No: GC081215R10 – (1) Appendix 3

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Personnel Matter – CEO Performance Review 2003, GC220604F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (1)

DUE DATES

That:

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| 1. The confidentiality order pertaining to the report “<i>Review of Confidential Order for the Item: Personnel Matter – CEO Performance Review 2003, GC220604F01</i>” together with all annexure and the minutes arising from the report be revoked. | 8 Dec 15 |
|---|-----------------|

BACKGROUND:

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

The confidentiality order concerning the Report and minutes relating to *Personnel Matter – CEO Performance Review 2003* reference number GC220604F01 was last reviewed at the 9 December 2014 meeting of Council. At this meeting it was resolved that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, ‘*Personnel Matter – CEO Performance Review 2003, GC220604F01*’ be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of

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

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

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

This order was made on the basis that the Report contained information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer – Section 90(3)(a) of the Act.

As required by the Act, the above confidentiality order is now due for review.

ANAYLSIS

As Mr Searle is no longer employed by the City of Marion, he was consulted and has consented to the release of the report, all annexure and minutes. Accordingly, it is recommended that the confidentiality order be revoked.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Releasing the Report *Personnel Matter – CEO Performance Review 2003* reference number GC220604F01 demonstrates openness and transparency.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Personnel Matter – CEO Performance Review 2004,
CRC060505F01
Ref No: GC081215R10 – (1) Appendix 4

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Personnel Matter – CEO Performance Review 2004, CRC060505F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (1)

DUE DATES

That:

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| 1. The confidentiality order pertaining to the report “ <i>Review of Confidential Order for the Item: Personnel Matter – CEO Performance Review 2003, CRC060505F01</i> ” together with all annexure and the minutes arising from the report be revoked. | 8 Dec 15 |
|---|----------|

BACKGROUND:

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

The confidentiality order concerning the Report and minutes relating to *Personnel Matter – CEO Performance Review 2004* reference number CRC060505F01 has been reviewed annually since 2005. The last review was at the 9 December 2014 General Council meeting where it was resolved that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, ‘*Personnel Matter – CEO Performance Review 2004, CRC060505F01*’ together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report

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

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

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

This order was made on the basis that the Report contained information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer – Section 90(3)(a) of the Act.

As required by the Act, the above confidentiality order is now due for review.

ANALYSIS

As Mr Searle is no longer employed by the City of Marion, he was consulted and has consented to the release of the report, all annexure and minutes. Accordingly, it is recommended that the confidentiality order be revoked.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Releasing the Report *Personnel Matter – CEO Performance Review 2004* reference number CRC060505F01 demonstrates openness and transparency.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Personnel Matter – CEO Performance Review 2004,
CRC200605F01
Ref No: GC081215R10 – (1) Appendix 5

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Personnel Matter – CEO Performance Review 2004, CRC200605F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (1)

DUE DATES

That:

- | | |
|--|-----------------|
| 1. The confidentiality order pertaining to the report “<i>Review of Confidential Order for the Item: Personnel Matter – CEO Performance Review 2004, CRC200605F01</i>” together with all annexure and the minutes arising from the report be revoked. | 8 Dec 15 |
|--|-----------------|

BACKGROUND:

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

The confidentiality order concerning the Report and minutes relating to *Personnel Matter – CEO Performance Review 2004* reference number CRC200605F01 has been reviewed annually since 2005. The last review was at the 9 December 2014 General Council meeting where it was resolved that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, ‘*Personnel Matter – CEO Performance Review 2004*,

CRC200605F01 together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer (Section 90(3)(a) of the Local Government Act 1999).

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

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

This order was made on the basis that the Report contained information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer – Section 90(3)(a) of the Act.

As required by the Act, the above confidentiality order is now due for review.

ANALYSIS

As Mr Searle is no longer employed by the City of Marion, he was consulted and has consented to the release of the report, all annexure and minutes. Accordingly, it is recommended that the confidentiality order be revoked.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the *Local Government Act 1999* given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Releasing the Report *Personnel Matter – CEO Performance Review 2004* reference number *CRC200605F01* demonstrates openness and transparency.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Personnel Matter – CEO Performance Review 2004,
GC280605F04
Ref No: GC081215R10 – (1) Appendix 6

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Personnel Matter – CEO Performance Review 2004, GC280605F04* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (1)

DUE DATES

That:

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|---|-----------------|
| 1. The confidentiality order pertaining to the report “<i>Review of Confidential Order for the Item: Personnel Matter – CEO Performance Review 2004, GC280605F04</i>” together with all annexure and the minutes arising from the report be revoked. | 8 Dec 15 |
|---|-----------------|

BACKGROUND:

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

The confidentiality order concerning the Report and minutes relating to *Personnel Matter – CEO Performance Review 2004* reference number GC280605F04 has been reviewed annually since 2005. The last review was at the 9 December 2014 General Council meeting where it was resolved that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, '*Personnel Matter – CEO Performance Review 2004, GC280605F04*' together with all annexure and the minutes arising from the report be kept confidential and

not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer (Section 90(3)(a) of the Local Government Act 1999).

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

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

This order was made on the basis that the Report contained information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer – Section 90(3)(a) of the Act.

As required by the Act, the above confidentiality order is now due for review.

ANALYSIS

As Mr Searle is no longer employed by the City of Marion, he was consulted and has consented to the release of the report, all annexure and minutes. Accordingly, it is recommended that the confidentiality order be revoked.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the *Local Government Act 1999* given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Releasing the Report *Personnel Matter – CEO Performance Review 2004 GC280605F04* demonstrates openness and transparency.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Personnel Matter – CEO Performance Review 2005,
CRC281105F01
Ref No: GC081215R10 – (1) Appendix 7

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Personnel Matter – CEO Performance Review 2005, CRC281105F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (1)

DUE DATES

That:

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|--|------------------------|
| <p>1. The confidentiality order pertaining to the report “<i>Review of Confidential Order for the Item: Personnel Matter – CEO Performance Review 2003, CRC281105F01</i>” together with all annexure and the minutes arising from the report be revoked.</p> | <p>8 Dec 15</p> |
|--|------------------------|

BACKGROUND:

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

The confidentiality order concerning the Report and minutes relating to *Personnel Matter – CEO Performance Review 2005* reference number CRC281105F01 has been reviewed annually since 2005. The last review was at the 9 December 2014 General Council meeting where it was resolved that:

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

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

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

This order was made on the basis that the Report contained information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer – Section 90(3)(a) of the Act.

As required by the Act, the above confidentiality order is now due for review.

ANALYSIS

As Mr Searle is no longer employed by the City of Marion, he was consulted and has consented to the release of the report, all annexure and minutes. Accordingly, it is recommended that the confidentiality order be revoked.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Releasing the Report *Personnel Matter – CEO Performance Review 2004* CRC281105F01 demonstrates openness and transparency.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support

Corporate Manager: Kate McKenzie, Manager Corporate Governance

General Manager: Vincent Mifsud, Corporate Services

Subject: Review of Confidential Order for the Item:
CRC Committee Recommendations – re Personnel Matter –
CEO Performance Review 2005, GC061205F02

Ref No: GC081215R10 – (1) Appendix 8

REPORT OBJECTIVE:

To review the confidential item relating to the Report *CRC Committee Recommendations – re Personnel Matter – CEO Performance Review 2005, GC061205F02* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (1)

DUE DATES

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|---|-----------------|
| <p>1. The confidentiality order pertaining to the report “<i>CRC Committee Recommendations – re Personnel Matter – CEO Performance Review 2005, GC061205F02</i>” together with all annexure and the minutes arising from the report be revoked.</p> | <p>8 Dec 15</p> |
|---|-----------------|

BACKGROUND:

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On the 6 December 2005, the Council ordered that the Report and minutes relating to *CRC Committee Recommendations – re Personnel Matter – CEO Performance Review 2005* reference number GC061205F02 be kept confidential until the Chief Executive retires from gainful employment, to be reviewed in December 2006. This order was made on the basis that the Report contained information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer – Section 90(3)(a) of the Act.

This order has been reviewed annually since 2006. The last review was at the 9 December 2014 General Council meeting where it was resolved that:

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

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

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

ANALYSIS

As Mr Searle is no longer employed by the City of Marion, he was consulted and has consented to the release of the report, all annexure and minutes. Accordingly, it is recommended that the confidentiality order be revoked.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Releasing the Report *CRC Committee Recommendations– re Personnel Matter – CEO Performance Review 2005 GC061205F02* demonstrates openness and transparency.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Personnel Matter – CEO Performance Review 2005,
CRC090306F01
Ref No: GC081215R10 – (1) Appendix 9

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Personnel Matter – CEO Performance Review 2005, CRC090306F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (1)

DUE DATES

The confidentiality order pertaining to the report “*Personnel Matter CEO Performance Review 2005, CRC090306F01*” together with all annexure and the minutes arising from the report be revoked.

8 Dec 15

BACKGROUND:

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On the 9th of March 2006, the CEO Review Committee ordered that the Report, Appendix, minutes arising from this report relating to *Personnel Matter – CEO Performance Review 2005* reference number CRC090306F01 be kept confidential and not available for public inspection for the period that the Chief Executive Officer remains in gainful employment. This order was made on the basis the information relates to the Chief Executive Officer’s 2004-2005 performance and remuneration review – Section 90(2) and (3)(a) of the Act.

In accordance with the Act, the above confidentiality order is due for review.

ANALYSIS

As Mr Searle is no longer employed by the City of Marion, he was consulted and has consented to the release of the report, all annexure and minutes. Accordingly, it is recommended that the confidentiality order be revoked.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Releasing the Report *Personnel Matter – Personnel Matter – CEO Performance Review 2005* CRC090306F01 is necessary to ensure that Council does not prematurely disclose personal information.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Personnel Matter – Chief Executive Review 2004/2005,
CRC110506F01
Ref No: GC081215R10 – (1) Appendix 10

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Personnel Matter – Chief Executive Review 2004/2005, CRC110506F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (1)

DUE DATES

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|---|------------------------|
| <p>1. The confidentiality order pertaining to the report “<i>Personnel Matter – Chief Executive Review 2004/2005, CRC110506F01</i>” together with all annexure and the minutes arising from the report be revoked.</p> | <p>8 Dec 15</p> |
|---|------------------------|

BACKGROUND:

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On the 11th of May 2006, the CEO Review Committee ordered that the Report, Appendix, minutes arising from this report relating to *Personnel Matter – Chief Executive Review 2004/2005, CRC110506F01* be kept confidential and not available for public inspection for the period of 12 months from the date of this meeting on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer of the Council.

The last review was at the 9 December 2014 General Council meeting where it was resolved that:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, '*Personnel Matter – Chief Executive Review 2004/2005, CRC110506F01*' together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer (Section 90(3)(a) of the Local Government Act 1999).

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

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

In accordance with the Act, and the above resolution, the above confidentiality order is due for review.

ANALYSIS

As Mr Searle is no longer employed by the City of Marion, he was consulted and has consented to the release of the report, all annexure and minutes. Accordingly, it is recommended that the confidentiality order be revoked.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Releasing the Report *Personnel Matter – Chief Executive Review 2004/2005, CRC110506F01* is necessary to ensure that Council does not prematurely disclose personal information.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Personnel Matter – Chief Executive Employment Agreement
Review, CRC110506F02
Ref No: GC081215R10 – (1) Appendix 11

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Personnel Matter – Chief Executive Employment Agreement Review, CRC110506F02* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (1)

DUE DATES

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|---|-----------------|
| 1. The confidentiality order pertaining to the report “<i>Personnel Matter – Chief Executive Employment Agreement Review, CRC110506F02</i>” together with all annexure and the minutes arising from the report be revoked. | 8 Dec 15 |
|---|-----------------|

BACKGROUND:

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On the 11th of May 2006, the CEO Review Committee ordered that the Report, Appendix, minutes arising from this report relating to *Personnel Matter – Chief Executive Employment Agreement Review*, reference number CRC110506F02 be kept confidential and not available for public inspection for the period that the Chief Executive Officer remains in gainful employment. This order was made on the basis the information relates to the Chief Executive Officer’s Employment Agreement review – Section 90(2) and (3)(a) of the Act.

The last review was at the 9 December 2014 General Council meeting where it was resolved that:

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

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

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

In accordance with the Act, and the above resolution, the above confidentiality order is due for review.

ANALYSIS

As Mr Searle is no longer employed by the City of Marion, he was consulted and has consented to the release of the report, all annexure and minutes. Accordingly, it is recommended that the confidentiality order be revoked.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Releasing the Report '*Personnel Matter - Chief Executive Employment Agreement Review, CRC110506F02*' demonstrates openness and transparency.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Personnel Matter – CEO Performance Review 2005,
SGC160506F01
Ref No: GC081215R10 – (1) Appendix 12

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Personnel Matter – CEO Performance Review 2005, SGC160506F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (1)

DUE DATES

That:

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| 1. The confidentiality order pertaining to the report “<i>Personnel Matter – CEO Performance Review 2005, SGC160506F01</i>” together with all annexure and the minutes arising from the report be revoked. | 8 Dec 15 |
|---|-----------------|

BACKGROUND:

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On the 16 May 2006, Council ordered that the Report and minutes relating to *Personnel Matter – CEO Performance Review 2005 SGC160506F01* be kept confidential until the Chief Executive retires from gainful employment, to be reviewed in December 2006. This order was made on the basis that the Report contained information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer – Section 90(3)(a) of the Act.

This order has been reviewed annually since 2006. The last review was at the 9 December 2014 General Council meeting where it was resolved that:

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

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

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

As required by the Act, the above confidentiality order is now due for review.

ANALYSIS

As Mr Searle is no longer employed by the City of Marion, he was consulted and has consented to the release of the report, all annexure and minutes. Accordingly, it is recommended that the confidentiality order be revoked.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Releasing the Report *SGC Personnel Matter – CEO Performance Review 2005 SGC160506F01* demonstrates openness and transparency.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Personnel Matter – CEO Employment Agreement Review,
SGC160506F02
Ref No: GC081215R10 – (1) Appendix 13

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Personnel Matter – CEO Employment Agreement Review, SGC160506F02* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (1)

DUE DATES

That:

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|---|-----------------|
| 1. The confidentiality order pertaining to the report “<i>Personnel Matter – CEO Employment Agreement Review, SGC160506F02</i>” together with all annexure and the minutes arising from the report be revoked. | 8 Dec 15 |
|---|-----------------|

BACKGROUND:

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On the 16 May 2006, the Council ordered that the Report and minutes relating to *Personnel Matter – CEO Employment Agreement Review* reference number SGC160506F02 be kept confidential until the Chief Executive retires from gainful employment, to be reviewed in December 2006. This order was made on the basis that the Report contained information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer – Section 90(3)(a) of the Act.

This order has been reviewed annually since 2006. The last review was at the 9 December 2014 General Council meeting where it was resolved that:

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

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

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

As required by the Act, and the above resolution, the above confidentiality order is now due for review.

ANALYSIS

As Mr Searle is no longer employed by the City of Marion, he was consulted and has consented to the release of the report, all annexure and minutes. Accordingly, it is recommended that the confidentiality order be revoked.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Releasing the Report *Personnel Matter – CEO Employment Agreement Review, SGC160506F02* demonstrates openness and transparency.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Personnel Matter – CEO Performance Review 2006-2007,
CRC250707F01
Ref No: GC081215R10 – (1) Appendix 14

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Personnel Matter – CEO Performance Review 2006-2007, CRC250707F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (1)

DUE DATES

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|--|-----------------|
| 1. The confidentiality order pertaining to the report “<i>Personnel Matter – CEO Performance Review 2006-2007, CRC250707F01</i>” together with all annexure and the minutes arising from the report be revoked. | 8 Dec 15 |
|--|-----------------|

BACKGROUND:

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On the 25th July 2007, Council ordered that the Report, Appendix, minutes arising from this report *Personnel Matter – CEO Performance Review 2006-2007, CRC250707F01*, be kept confidential and not available for public inspection for the period that the Chief Executive Officer remains in gainful employment. This order was made on the basis the information relates to the Chief Executive Officer’s Performance Review 2006-2007 – Section 90(2) and (3)(a) of the Act.

In accordance with the Act, the above confidentiality order is due for review.

ANALYSIS

As Mr Searle is no longer employed by the City of Marion, he was consulted and has consented to the release of the report, all annexure and minutes. Accordingly, it is recommended that the confidentiality order be revoked.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Releasing the Report *Personnel Matter – CEO Performance Review 2006-2007*, reference number *CRC250707F01*, demonstrates openness and transparency.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Personnel Matter – CEO Performance Review, GC140807F01
Ref No: GC081215R10 – (1) Appendix 15

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Personnel Matter – CEO Performance Review, GC140807F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (1)

That:

1. **The confidentiality order pertaining to the report “*Personnel Matter – CEO Performance Review, GC140807F01*” together with all annexure and the minutes arising from the report be revoked.** **8 Dec 15**

BACKGROUND:

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On the 14 August 2007, Council ordered that the Report and minutes relating to *Personnel Matter – CEO Performance Review* reference number GC140807F01 be kept confidential until the Chief Executive retires from gainful employment, to be reviewed in December 2007. This order was made on the basis that the Report contained information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer – Section 90(3)(a) of the Act.

This order has been reviewed annually since 2007. The last review was at the 9 December 2014 General Council meeting where it was resolved that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, ‘*Personnel Matter – CEO Performance Review, GC140807F01*’

together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer (Section 90(3)(a) of the Local Government Act 1999).

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

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

As required by the Act, the above confidentiality order is now due for review.

ANALYSIS

As Mr Searle is no longer employed by the City of Marion, he was consulted and has consented to the release of the report, all annexure and minutes. Accordingly, it is recommended that the confidentiality order be revoked.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Releasing the Report *Personnel Matter – CEO Performance Review GC140807F01* demonstrates openness and transparency.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Personnel Matter – CEO performance review 2006-2007
CRC270807F01
Ref No: GC081215R10 – (1) Appendix 16

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Personnel Matter – CEO Performance Review 2006-2007, CRC270807F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (1)

DUE DATES

That:

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| 1. The confidentiality order pertaining to the report “<i>Personnel Matter – CEO Performance Review 2006-2007, CRC270807F01</i>” together with all annexure and the minutes arising from the report be revoked. | 8 Dec 15 |
|--|-----------------|

BACKGROUND:

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On the 27th of August 2007, the CEO Review Committee ordered that the Report, Appendix, and Minutes arising from this report relating to *CEO Performance Review 2006-2007, CRC270807F01* be kept confidential and not available for public inspection for the period that the Chief Executive Officer remains in gainful employment. This order was made on the basis the information relates to the Chief Executive Officer’s Performance Review – Section 90(2) and (3)(a) of the Act.

In accordance with the Act, the above confidentiality order is due for review.

ANALYSIS

As Mr Searle is no longer employed by the City of Marion, he was consulted and has consented to the release of the report, all annexure and minutes. Accordingly, it is recommended that the confidentiality order be revoked.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Releasing the Report *CEO Performance Review 2006-2007, CRC270807F01* demonstrates openness and transparency.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Personnel Matter – CEO performance review 2006-2007
CRC100907F01
Ref No: GC081215R10 – (1) Appendix 17

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Personnel Matter – CEO Performance Review 2006-2007, CRC100907F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (1)

DUE DATES

That:

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| 1. The confidentiality order pertaining to the report “<i>Personnel Matter – CEO Performance Review 2006-2007, CRC100907F01</i>” together with all annexure and the minutes arising from the report be revoked. | 8 Dec 15 |
|--|-----------------|

BACKGROUND:

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On the 10th of September 2007, the CEO Review Committee ordered that the Report *CEO Performance Review 2006-2007, CRC100907F01* and the minutes arising from the meeting be kept confidential and not available for public inspection for the period that the Chief Executive Officer remains in gainful employment. This order was made on the basis the information relates to the Chief Executive Officer’s Performance Review – Section 90(2) and (3)(a) of the Act.

In accordance with the Act, the above confidentiality order is due for review.

ANALYSIS

As Mr Searle is no longer employed by the City of Marion, he was consulted and has consented to the release of the report, all annexure and minutes. Accordingly, it is recommended that the confidentiality order be revoked.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Releasing the Report *CEO Performance Review 2006-2007, CRC100907F01* and the Minutes from the meeting held on 10th September 2007 demonstrates openness and transparency.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
CE Review Committee Confidential Recommendations
GC250907F02
Ref No: GC081215R10 – (1) Appendix 18

REPORT OBJECTIVE:

To review the confidential item relating to the Report *CE Review Committee Confidential Recommendations, GC250907F02* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (1)

DUE DATES

That:

The confidentiality order pertaining to the report “CE Review Committee Confidential Recommendations, GC250907F02” together with all annexure and the minutes arising from the report be revoked.

8 Dec 15

BACKGROUND:

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On the 25th September 2007, Council ordered that Appendix 1 to the report relating to the report *CE Review Committee Confidential Recommendations, GC250907F02* be kept confidential and not available for public inspection for a period of 12 months from the date of the meeting on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer of the Council.

In accordance with the Act, the above confidentiality order is due for review.

ANALYSIS

As Mr Searle is no longer employed by the City of Marion, he was consulted and has consented to the release of the report, all annexure and minutes. Accordingly, it is recommended that the confidentiality order be revoked.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Releasing the Report *CE Review Committee Confidential Recommendations, GC250907F02* demonstrates openness and transparency.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Personnel Matter – CEO Performance Review 2006-2007
GC250907F03
Ref No: GC081215R10 – (1) Appendix 19

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Personnel Matter – CEO Performance Review 2006-2007, GC250907F03* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (1)

DUE DATES

That:

The confidentiality order pertaining to the report “Personnel Matter – CEO Performance Review 2006-2007, GC250907F03” together with all annexure and the minutes arising from the report be revoked.

8 Dec 15

BACKGROUND:

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On the 25th September 2007, Council ordered that the report and the minutes arising from the report *Personnel Matter – CEO Performance Review 2006-2007, GC250907F03* be kept confidential and not available for public inspection for the period of 12 months from the date of the meeting on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer of the Council.

In accordance with the Act, the above confidentiality order is due for review.

ANALYSIS

As Mr Searle is no longer employed by the City of Marion, he was consulted and has consented to the release of the report, all annexure and minutes. Accordingly, it is recommended that the confidentiality order be revoked.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Releasing the Report *Personnel Matter – CEO Performance Review 2006-2007, GC250907F03* demonstrates openness and transparency.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Personnel Matter – CEO Remuneration Review, CRC061107F01
Ref No: GC081215R10 – (1) Appendix 20

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Personnel Matter – CEO Remuneration Review, CRC061107F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (1)

DUE DATES

That:

The confidentiality order pertaining to the report “*Personnel Matter – CEO Remuneration Review, CRC061107F01*” together with all annexure and the minutes arising from the report be revoked.

8 Dec 15

BACKGROUND:

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On the 6th November 2007, the CEO Review Committee ordered that the report and the minutes arising from the report *Personnel Matter - CEO Remuneration Review, CRC061107F01* be kept confidential and not available for public inspection for the period of 12 months from the date of the meeting on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer of the Council.

On 9 December 2014, Council reviewed the order and resolved that:

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

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

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

In accordance with the Act, and the above resolution, the confidentiality order is due for review.

ANALYSIS

As Mr Searle is no longer employed by the City of Marion, he was consulted and has consented to the release of the report, all annexure and minutes. Accordingly, it is recommended that the confidentiality order be revoked.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Releasing the Report *Personnel Matter - CEO Remuneration Review, CRC061107F01* demonstrates openness and transparency.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Personnel Matter – CEO Remuneration Review 2006-2007,
GC131107F01
Ref No: GC081215R10 – (1) Appendix 21

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Personnel Matter – CEO Remuneration Review 2006-2007, GC131107F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (1)

DUE DATES

That:

The confidentiality order pertaining to the report “*Personnel Matter – CEO Remuneration Review 2006-2007, GC131107F01*” together with all annexure and the minutes arising from the report be revoked.

8 Dec 15

BACKGROUND:

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On the 13th November 2007, Council ordered that the report and the minutes arising from the report *Personnel Matter - CEO Remuneration Review 2006-2007, GC131107F01* be kept confidential and not available for public inspection for the period of 12 months from the date of the meeting on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer of the Council.

On 9 December 2015, Council reviewed the order and resolved that:

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

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

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

In accordance with the Act, and the above resolution, the confidentiality order is due for review.

ANALYSIS

As Mr Searle is no longer employed by the City of Marion, he was consulted and has consented to the release of the report, all annexure and minutes. Accordingly, it is recommended that the confidentiality order be revoked.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Releasing the Report *Personnel Matter - CEO Remuneration Review 2006-2007, GC131107F01* demonstrates openness and transparency.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Personnel Matter – CEO Remuneration Review 2006-2007
GC131107F02
Ref No: GC081215R10 – (1) Appendix 22

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Personnel Matter – CEO Remuneration Review 2006-2007, GC131107F02* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (1)

DUE DATES

That:

The confidentiality order pertaining to the report “*Personnel Matter – CEO Remuneration Review 2006-2007, GC131107F02*” together with all annexure and the minutes arising from the report be revoked.

8 Dec 15

BACKGROUND:

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On the 13th November 2007, Council ordered that the report and the minutes arising from the report *Personnel Matter - CEO Remuneration Review 2006-2007, GC131107F02* be kept confidential and not available for public inspection for the period of 12 months from the date of the meeting on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer of the Council.

On 9 December 2015, Council reviewed the order and resolved that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, '*Personnel Matter – CEO Remuneration Review 2006-2007, GC131107F02*' together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer (Section 90(3)(a) of the *Local Government Act 1999*).

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

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

In accordance with the Act, and the above resolution, the confidentiality order is due for review.

ANALYSIS

As Mr Searle is no longer employed by the City of Marion, he was consulted and has consented to the release of the report, all annexure and minutes. Accordingly, it is recommended that the confidentiality order be revoked.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Releasing the Report *Personnel Matter - CEO Remuneration Review 2006-2007, GC131107F02* demonstrates openness and transparency.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support

Corporate Manager: Kate McKenzie, Manager Corporate Governance

General Manager: Vincent Mifsud, Corporate Services

Subject: Review of Confidential Order for the Item:
Personnel Matter – CEO Performance Review 2007-2008,
CRC140708F01

Ref No: GC081215R10 – (1) Appendix 23

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Personnel Matter – CEO Performance Review 2007-2008, CRC140708F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (1)

That:

1. **The confidentiality order pertaining to the report “*Personnel Matter – CEO Performance Review 2007-2008, CRC140708F01*” together with all annexure and the minutes arising from the report be revoked.**

8 Dec 15

BACKGROUND:

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On the 14 July 2008, the Chief Executive Review Committee ordered that the Report and minutes relating to *Personnel Matter – CEO Performance Review 2007-2008* reference number CRC140708F01 be kept confidential until the Chief Executive retires from gainful employment, to be reviewed in December 2008. This order was made on the basis that the Report contained information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer – Section 90(3)(a) of the Act.

This order has been reviewed annually since 2008. The last review was at the 9 December 2014 General Council meeting where it was resolved that:

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

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

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

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order relating to the Report *Personnel Matter – CEO Performance Review 2007-2008, CRC140708F01* is again due for review.

ANALYSIS

As Mr Searle is no longer employed by the City of Marion, he was consulted and has consented to the release of the report, all annexure and minutes. Accordingly, it is recommended that the confidentiality order be revoked.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Releasing the Report *Personnel Matter – CEO Performance Review 2007-2008, CRC140708F01* demonstrates openness and accountability.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Personnel Matter – CEO Remuneration Review, CRC151208F01
Ref No: GC081215R10 – (1) Appendix 24

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Personnel Matter – CEO Remuneration Review, CRC151208F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (1)

DUE DATES

That:

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| 1. The confidentiality order pertaining to the report “<i>Personnel Matter – CEO Remuneration Review, CRC151208F01</i>” together with all annexure and the minutes arising from the report be revoked. | 8 Dec 15 |
|---|-----------------|

BACKGROUND:

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On the 15th December 2008, Council ordered that the Report, Appendix, minutes arising from this report relating to *Personnel Matter – CEO Remuneration Review, CRC151208F01*, be kept confidential and not available for public inspection for the period that the Chief Executive Officer remains in gainful employment. This order was made on the basis the information relates to the Chief Executive Officer’s Remuneration Review – Section 90(2) and (3)(a) of the Act.

The last review was at the 9 December 2014 General Council meeting where it was resolved that:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, '*Personnel Matter – CEO Remuneration Review CRC151208F01*' together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer (Section 90(3)(a) of the Local Government Act 1999).

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

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

In accordance with Section 91(9) of the Act and the above resolution, the confidentiality order relating to the Report *Personnel Matter – CEO Remuneration Review, CRC151208F01* is again due for review.

ANALYSIS

As Mr Searle is no longer employed by the City of Marion, he was consulted and has consented to the release of the report, all annexure and minutes. The report contains commercial information of a confidential nature relating to the tender for services.

Accordingly, it is recommended that the documents be released with information that identifies the unsuccessful tenderers redacted.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Releasing the report *Personnel Matter – CEO Remuneration Review, CRC151208F01* demonstrates openness and transparency. Redacting the information that identifies the unsuccessful tenderers ensures that Council does not disclose commercial information of a confidential nature or breach any duty of confidence.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Personnel Matter – CEO Performance Review 2007-2008,
CRC030209F01
Ref No: GC081215R10 – (1) Appendix 25

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Personnel Matter – CEO Performance Review 2007-2008, CRC030209F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (1)

DUE DATES

That:

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| 1. The confidentiality order pertaining to the report “<i>Personnel Matter – CEO Performance Review 2007-2008, CRC030209F01</i>” together with all annexure and the minutes arising from the report be revoked. | 8 Dec 15 |
|--|-----------------|

BACKGROUND:

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On the 3 February 2009, the Chief Executive Review Committee ordered that the Report and minutes relating to *Personnel Matter – CEO Performance Review 2007-2008* reference number CRC030209F01 be kept confidential until the Chief Executive retires from gainful employment, to be reviewed in December 2009. This order was made on the basis that the Report contained information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer – Section 90(3)(a) of the Act.

This confidentiality order was reviewed at the Council meeting held 9 December 2014 General Council meeting where it was resolved that:

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

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

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

As required by the Act, the above confidentiality order is now due for review.

ANALYSIS

As Mr Searle is no longer employed by the City of Marion, he was consulted and has consented to the release of the report, all annexure and minutes. Accordingly, it is recommended that the confidentiality order be revoked.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Releasing the Report *Personnel Matter – CEO Performance Review 2007-2008, CRC030209F01* demonstrates openness and accountability.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Personnel Matter – CEO Performance Review 2007-2008,
GC100209F01
Ref No: GC081215R10 – (1) Appendix 26

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Personnel Matter – CEO Performance Review 2007-2008, GC100209F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (1)

DUE DATES

That:

- | | |
|---|-----------------|
| 1. The confidentiality order pertaining to the report “<i>Personnel Matter – CEO Performance Review 2007-2008, GC100209F01</i>” together with all annexure and the minutes arising from the report be revoked. | 8 Dec 15 |
|---|-----------------|

BACKGROUND:

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On the 10 February 2009, Council ordered that the Report and minutes relating to *Personnel Matter – CEO Performance Review 2007-2008* reference number GC100209F01 be kept confidential until the Chief Executive retires from gainful employment, to be reviewed in December 2009. This order was made on the basis that the Report contained information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer – Section 90(3)(a) of the Act.

This confidentiality order was reviewed at the Council meeting held 9 December 2014 General Council meeting where it was resolved that:

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

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

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

As required by the Act, and the above resolution, the confidentiality order is now due for review.

ANALYSIS

As Mr Searle is no longer employed by the City of Marion, he was consulted and has consented to the release of the report, all annexure and minutes. Accordingly, it is recommended that the confidentiality order be revoked.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Releasing the Report *Personnel Matter – CEO Performance Review 2007-2008, GC100209F01* demonstrates openness and transparency.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Personnel Matter – CEO Performance Review 2008-2009,
CRC290909F01
Ref No: GC081215R10 – (1) Appendix 27

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Personnel Matter – CEO Performance Review 2008-2009, CRC290909F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (1)

DUE DATES

That:

- | | |
|--|-----------------|
| 1. The confidentiality order pertaining to the report “<i>Personnel Matter – CEO Performance Review 2008-2009, CRC290909F01</i>” together with all annexure and the minutes arising from the report be revoked. | 8 Dec 15 |
|--|-----------------|

BACKGROUND:

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On the 29 September 2009, the Acting Chief Executive officer adjourned the meeting due to a lack of a quorum. The meeting was reconvened on 13 October 2009. At the meeting the Chief Executive Review Committee ordered that the Report *Personnel Matter – CEO Performance Review 2008-2009* reference number CRC290909F01, Appendices, and Minutes arising from the meeting be kept confidential until the Chief Executive retires from gainful employment, to be reviewed in December 2009. This order was made on the basis that the Report contained information the disclosure of which would involve the unreasonable disclosure of information

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

This confidentiality order was reviewed at the Council meeting held 9 December 2014 General Council meeting where it was resolved that:

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

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

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

As required by the Act, the above confidentiality order is now due for review.

ANALYSIS

As Mr Searle is no longer employed by the City of Marion, he was consulted and has consented to the release of the report, all annexure and minutes. Accordingly, it is recommended that the confidentiality order be revoked.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Releasing the Report *Personnel Matter – CEO Performance Review 2008-2009* reference number CRC290909F01 demonstrates openness and transparency.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support

Corporate Manager: Kate McKenzie, Manager Corporate Governance

General Manager: Vincent Mifsud, Corporate Services

Subject: Review of Confidential Order for the Item: Personnel Matter – CEO Performance & Remuneration Review 2008-2009, SGC201009F01

Ref No: GC081215R10 – (1) Appendix 28

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Personnel Matter – CEO Performance & Remuneration Review 2008-2009, SGC201009F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (1)

That:

1. **The confidentiality order pertaining to the report “*Personnel Matter – CEO Performance & Remuneration Review 2008-2009, SGC201009F01*” together with all annexure and the minutes arising from the report be revoked.** **8 Dec 15**

BACKGROUND:

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On the 20 October 2009, Council ordered that the Report and minutes relating to *Personnel Matter – CEO Performance & Remuneration Review 2008-2009* reference number SGC201009F01 be kept confidential until the Chief Executive retires from gainful employment, to be reviewed in December 2009. This order was made on the basis that the Report contained information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer – Section 90(3)(a) of the Act.

This confidentiality order was reviewed at the Council meeting held 9 December 2014 General Council meeting where it was resolved that:

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

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

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

As required by the Act, the above confidentiality order is now due for review.

ANALYSIS

As Mr Searle is no longer employed by the City of Marion, he was consulted and has consented to the release of the report, all annexure and minutes. Accordingly, it is recommended that the confidentiality order be revoked.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Releasing the Report *Personnel Matter – CEO Performance & Remuneration Review 2008-2009* reference number SGC201009F01 demonstrates openness and transparency.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Personnel Matter – CEO Performance Review 2008-2009,
CRC101109F01
Ref No: GC081215R10 – (1) Appendix 29

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Personnel Matter – CEO Performance Review 2008-2009, CRC101109F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (1)

DUE DATES

That:

- | | |
|--|-----------------|
| 1. The confidentiality order pertaining to the report “<i>Personnel Matter – CEO Performance Review 2008-2009, CRC101109F01</i>” together with all annexure and the minutes arising from the report be revoked. | 8 Dec 15 |
|--|-----------------|

BACKGROUND:

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On the 10 November 2009, the Chief Executive Review Committee ordered that the Report and minutes relating to *Personnel Matter – CEO Performance Review 2008-2009* reference number CRC101109F01 be kept confidential until the Chief Executive retires from gainful employment, to be reviewed in December 2009. This order was made on the basis that the Report contained information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer – Section 90(3)(a) of the Act.

This confidentiality order was reviewed at the Council meeting held 9 December 2014 General Council meeting where it was resolved that:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, '*Personnel Matter – CEO Performance Review 2008-2009, CRC101109F01*' together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer (Section 90(3)(a) of the Local Government Act 1999).

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

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

As required by the Act, the above confidentiality order is now due for review.

ANALYSIS

As Mr Searle is no longer employed by the City of Marion, he was consulted and has consented to the release of the report, all annexure and minutes. Accordingly, it is recommended that the confidentiality order be revoked.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Releasing the Report *Personnel Matter – CEO Performance Review 2008-2009, CRC101109F01* demonstrates openness and transparency.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support

Corporate Manager: Kate McKenzie, Manager Corporate Governance

General Manager: Vincent Mifsud, Corporate Services

Subject: Review of Confidential Order for the Item:
Minutes of Chief Executive Review Committee Meeting,
GC241109F01

Ref No: GC081215R10 – (1) Appendix 30

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Minutes of Chief Executive Review Committee Meeting, GC241109F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (1)

That:

1. **The confidentiality order pertaining to the report “*Minutes of Chief Executive Review Committee Meeting, GC241109F01*” together with all annexure and the minutes arising from the report be revoked.** **8 Dec 15**

BACKGROUND:

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On the 24 November 2009, Council ordered that the Report and minutes relating to *Minutes of Chief Executive Review Committee Meeting* reference number GC241109F01 be kept confidential until the Chief Executive retires from gainful employment, to be reviewed in December 2009. This order was made on the basis that the Report contained information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer – Section 90(3)(a) of the Act.

This confidentiality order was reviewed at the Council meeting held 9 December 2014 General Council meeting where it was resolved that:

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

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

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

As required by the Act, the above confidentiality order is now due for review.

ANALYSIS

As Mr Searle is no longer employed by the City of Marion, he was consulted and has consented to the release of the report, all annexure and minutes. Accordingly, it is recommended that the confidentiality order be revoked.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Releasing the Report *Minutes of Chief Executive Review Committee Meeting, GC241109F01* demonstrates openness and transparency.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support

Corporate Manager: Kate McKenzie, Manager Corporate Governance

General Manager: Vincent Mifsud, Corporate Services

Subject: Review of Confidential Order for the Item:
Personnel Matter – CEO Performance and Remuneration
Review 2008-2009, CRC111209F01

Ref No: GC081215R10 – (1) Appendix 31

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Personnel Matter – CEO Performance and Remuneration Review 2008-2009, CRC111209F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (1)

That:

1. **The confidentiality order pertaining to the Minutes “*Personnel Matter – CEO Performance and Remuneration Review 2008-2009, CRC111209F01*” be revoked.** **8 Dec 15**

BACKGROUND:

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On the 11 December 2009, the Chief Executive Review Committee ordered that the information presented at the meeting and minutes arising from the meeting relating to *Personnel Matter – CEO Performance and Remuneration Review 2008-2009* reference number CRC111209F01 be kept confidential until the Chief Executive retires from gainful employment, to be reviewed in December 2010. This order was made on the basis that the Report contained information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer – Section 90(3)(a) of the Act.

At the Council meeting held 9 December 2014 the confidentiality order was reviewed, as required by the Act, where it was resolved that the order remain in force until such time as the Chief Executive Officer retires from gainful employment, to be reviewed at the December 2015 meeting of Council.

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is again due for review.

ANALYSIS

As Mr Searle is no longer employed by the City of Marion, he was consulted and has consented to the release of the minutes. Accordingly, it is recommended that the confidentiality order be revoked.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Releasing the Minutes to the item *Personnel Matter – CEO Performance and Remuneration Review 2008-2009*, CRC111209F01 demonstrates openness and accountability.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Personnel Matter – CEO Performance and Remuneration
Review 2008-2009, CRC171209F01
Ref No: GC081215R10 – (1) Appendix 32

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Personnel Matter – CEO Performance and Remuneration Review 2008-2009, CRC171209F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (1)

DUE DATES

That:

- | | |
|---|-----------------|
| 1. The confidentiality order pertaining to the Minutes “<i>Personnel Matter – CEO Performance and Remuneration Review 2008-2009, CRC171209F01</i>” be revoked. | 8 Dec 15 |
|---|-----------------|

BACKGROUND:

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On the 17 December 2009, the Chief Executive Review Committee ordered that the information presented at the meeting and minutes relating to *Personnel Matter – CEO Performance and Remuneration Review 2008-2009* reference number CRC171209F01 be kept confidential until the Chief Executive retires from gainful employment, to be reviewed in December 2010. This order was made on the basis that the Report contained information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer – Section 90(3)(a) of the Act.

At the Council meeting held 9 December 2014 the confidentiality order was reviewed, as required by the Act, and it was resolved that the order remain in force until such time as the Chief Executive Officer retires from gainful employment, to be reviewed at the December 2015 meeting of Council.

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is again due for review.

ANALYSIS

As Mr Searle is no longer employed by the City of Marion, he was consulted and has consented to the release of the minutes. Accordingly, it is recommended that the confidentiality order be revoked.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the *Local Government Act 1999* given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Releasing the Minutes *Personnel Matter – CEO Performance and Remuneration Review 2008-2009* reference number CRC171209F01 demonstrates openness and accountability.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Personnel Matter – CEO Performance and Remuneration
Review 2008-2009, GC090210F01
Ref No: GC081215R10 – (1) Appendix 33

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Personnel Matter – CEO Performance and Remuneration Review 2008-2009, GC090210F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (1)

DUE DATES

That:

- | | |
|--|------------------------|
| <p>1. The confidentiality order pertaining to the report “<i>Personnel Matter – CEO Performance and Remuneration Review 2008-2009, GC090210F01</i>” together with all annexure and the minutes arising from the report be revoked.</p> | <p>8 Dec 15</p> |
|--|------------------------|

BACKGROUND:

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On the 9 February 2010, the Council ordered that the Report and minutes relating to *Personnel Matter – CEO Performance and Remuneration Review 2008-2009* reference number GC090210F01 be kept confidential until the Chief Executive retires from gainful employment, to be reviewed in December 2010. This order was made on the basis that the Report contained information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer – Section 90(3)(a) of the Act.

At the Council meeting held 9 December 2014 the confidentiality order was reviewed, as required by the Act, and it was resolved that:

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

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

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

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is again due for review.

ANALYSIS

As Mr Searle is no longer employed by the City of Marion, he was consulted and has consented to the release of the report, all annexure and minutes. Accordingly, it is recommended that the confidentiality order be revoked.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Releasing the confidentiality of the Report *Personnel Matter – CEO Performance and Remuneration Review 2008-2009, GC090210F01* demonstrates openness and accountability.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Lease and Operation of Marion Leisure and Fitness Centre
GC280904F01
Ref No: GC081215R10 - (2)

REPORT OBJECTIVE / EXECUTIVE SUMMARY:

To review the confidential item relating to the Report *Lease and Operation of Marion Leisure and Fitness Centre, GC280904F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (1)

DUE DATES

That:

- | | |
|--|-----------------|
| 1. Appendix 1 to the report “<i>Lease and Operation of Marion Leisure and Fitness Centre, GC280904F01</i>” be released with the names of unsuccessful tenderers redacted. | 8 Dec 15 |
|--|-----------------|

BACKGROUND:

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 28 September 2004, Council ordered that the report and associated documents relating to the *Lease and Operation of Marion Leisure and Fitness Centre, GC280904F01* (the Report) be kept confidential for a period of 12 months, to be reviewed in December 2004. The Report sought to formalise an Agreement for the lease and operation of the Marion Leisure and Fitness Centre with the preferred tenderer and provided, at Appendix 1, details of the tenders received.

As required by the Act, the original confidentiality order was reviewed in December 2004 at which time it was resolved to retain the confidentiality order until the expiry of the current lease, to be reviewed in December 2005.

As required by the Act, this confidentiality order has been reviewed annually since December 2005. The last review was at the 9 December 2014 General Council meeting where it was resolved that:

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

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

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

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order relating to Appendix 1 to the Report *Lease and Operation of Marion Leisure and Fitness Centre, GC280904F01* is again due for review.

ANALYSIS

Appendix 1 to the Report contain details of all tenders received for the Marion Leisure and Fitness Centre, and is considered to be commercial in nature. However, given the passage of time it is recommended that the Appendix be released with the names of the unsuccessful tenderers redacted.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting prior to resolving the release or otherwise of the Report, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(k) of the *Local Government Act 1999* given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Releasing Appendix 1 of the Report *Lease and Operation of Marion Leisure and Fitness Centre, GC280904F01* demonstrates openness and accountability.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Report on Glandore Community Centre GC261004F02
Ref No: GC081215R10 - (3)

REPORT OBJECTIVE:

To review the confidential item relating to the *Report on Glandore Community Centre, GC261004F02* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (1)

That:

1. **The confidentiality order pertaining to the report “*Glandore Community Centre, GC261004F02*” and the minutes arising from the report be revoked.** **8 Dec 15**

BACKGROUND:

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 26 October 2004, Council ordered that the Report and minutes arising from the *Report on Glandore Community Centre, GC261004F02* (the Report) be kept confidential for a period of 12 months, to be reviewed in December 2004. The Report provided details about the operations of the Glandore Community Centre.

As required by the Act, this confidentiality order has been reviewed annually since December 2004. The last review was at the 9 December 2014 General Council meeting where it was resolved that:

1. *Pursuant to Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the Report, “Report on Glandore Community Centre GC261004F02” and the minutes arising from the Report be kept confidential on the basis that they contain*

information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) (Section 90(3)(a) of the Local Government Act 1999).

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

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

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order relating to the *Report on Glandore Community Centre, GC261004F02* is again due for review.

ANAYLSIS

Due to the time elapsed the grounds for keeping documents confidential no longer apply. Accordingly it is recommended that the documents be released.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting prior to resolving the release or otherwise of the Report, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999 given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Releasing the Report *Glandore Community Centre, GC261004F02* and minutes arising demonstrates openness and transparency.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager, Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Glandore Community Centre, GC220305F03
Ref No: GC081215R10 - (4)

REPORT OBJECTIVE:

To review the confidential item relating to the *Glandore Community Centre, GC220305F03* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (1)

That:

1. **The confidentiality order pertaining to the report “*Glandore Community Centre, GC220305F03*” together with all annexure and the minutes arising from the report be revoked.** **8 Dec 15**

BACKGROUND:

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 22 March 2005, Council ordered that the Report and minutes arising from the report “*Glandore Community Centre, GC220305F03*” be kept confidential for a period of 12 months, to be reviewed in December 2005. The Report provided details about the operations of the Glandore Community Centre.

As required by the Act, this confidentiality order has been reviewed annually since December 2005. The last review was at the 9 December 2014 General Council meeting where it was resolved that:

1. *Pursuant to Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the Report, “Glandore Community Centre GC220205F03” and the minutes arising from the Report be kept confidential on the basis that they contain*

information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) (Section 90(3)(a) of the Local Government Act 1999).

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

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

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order relating to the Report *Glandore Community Centre, GC220305F03* is again due for review.

ANAYLSIS

Due to the time elapsed the grounds for keeping documents confidential no longer apply. Accordingly it is recommended that the documents be released.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting prior to resolving the release or otherwise of the Report, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999 given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Releasing the Report, Appendix and Minutes *Glandore Community Centre, GC220305F03* demonstrates openness and accountability.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Personal Matter, GC090805F02
Ref No: GC081215R10 – (5)

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Personal Matter, GC090805F02* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (1)

DUE DATES

1. **The confidentiality order pertaining to the report “*Personal Matter, GC090805F02*” together with all annexure and the minutes arising from the report be revoked.**

8 Dec 15

BACKGROUND:

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 9 August 2005, Council ordered that the Report, together with any attachments and the minutes arising from the Report relating to *Personal Matter, GC090805F02* be kept confidential for a period of 12 months, to be reviewed in December 2005. This order was made on the basis that the Report contained information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person (living or dead).

The order has subsequently been reviewed annually since 2005. The last review was at the 9 December 2014 General Council meeting where it was resolved that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, ‘*Personal Matter, GC090805F02*’ together with any attachments and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information:

- the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) (Section 90(3)(a) of the Local Government Act 1999);
- that is subject to legal professional privilege (Section 90(3)(h)).

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

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

As required by the Act, and the above resolution, the above confidentiality order is again due for review.

ANALYSIS

Given the time that has elapsed, the affected person has been consulted and has consented to the release of the report, any attachments and minutes. Accordingly, it is recommended that the confidentiality order be revoked.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) and (h) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Releasing the Report *Personal Matter, GC090805F02* demonstrates openness and accountability.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager, Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Glandore Community Centre, GC240407F01
Ref No: GC081215R10 - (6)

REPORT OBJECTIVE:

To review the confidential item relating to the *Glandore Community Centre, GC240407F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (1)

That:

1. **The confidentiality order pertaining to the report “*Glandore Community Centre, GC240407F01*” together with the minutes arising from the report be revoked.** **8 Dec 15**

BACKGROUND:

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 24 April 2007, Council ordered that the Report and minutes arising from the report *Glandore Community Centre, GC240407F01* be kept confidential for a period of 12 months, to be reviewed in December 2004. The Report provided details about the operations of the Glandore Community Centre.

As required by the Act, this confidentiality order has been reviewed annually since December 2007. The last review was at the 9 December 2014 General Council meeting where it was resolved that:

1. *Pursuant to Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the Report, “Glandore Community Centre GC240407F01” and the minutes arising from the Report be kept confidential on the basis that they contain information the disclosure of which would involve the unreasonable disclosure of*

information concerning the personal affairs of any person (living or dead) (Section 90(3)(a) of the Local Government Act 1999).

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

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

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order relating to the report *Glandore Community Centre, GC240407F01* is again due for review.

ANAYLSIS

Given the time now lapsed, the grounds for keeping documents confidential no longer apply. Accordingly it is recommended that the documents be released.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting prior to resolving the release or otherwise of the Report, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999 given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Releasing the report *Glandore Community Centre, GC240407F01* demonstrates openness and accountability.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Community Bus Negotiations, GC240309F01
Ref No: GC081215R10 - (7)

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Community Bus Negotiations, GC240309F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (1)

DUE DATES

That:

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| 1. The confidential order pertaining to the report <i>Community Bus Negotiations, GC240309F01</i>, together with the minutes and any appendices arising from the report, be revoked. | 8 Dec 15 |
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BACKGROUND:

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 24 March 2009 Council ordered that the Report *Community Bus Negotiations, GC240309F01* (the Report) together with any appendices and any other information distributed at the meeting be kept confidential for a period of 12 months, to be reviewed at the General Council meeting in December 2009. This order was made on the basis that the report contained legal advice pertaining to the matter – Section 90(3)(h).

As required by the Act, this confidentiality order has been reviewed annually since December 2009. The last review was at the 9 December 2014 General Council meeting where it was resolved that:

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

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

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

In accordance with the Act, the above confidentiality order is again due for review.

ANAYLSIS

The Report *Community Bus Negotiations, GC240309F01* contains legal advice in relation to the Community Bus. However, given that the matter has now been finalised and the time that has elapsed, it is recommended that the confidentiality order be revoked.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting prior to resolving the release or otherwise of the Report, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(h) of the Local Government Act 1999 given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Releasing the Report *Community Bus Negotiations, GC240309F01* demonstrates openness and transparency.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Abbeyfield, GC260509F02
Ref No: GC081215R10 - (8)

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Abbeyfield, GC260509F02* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (1)

DUE DATES

That:

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| 1. The confidentiality order pertaining to the report <i>Abbeyfield, GC260509F02</i>, together with the minutes arising from the report, be revoked. | 9 Dec 14 |
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BACKGROUND:

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 26 May 2009, Council ordered that the to the Report *Abbeyfield, GC260509F02* and the minutes arising from the report be kept confidential for a period of 12 months, to be reviewed at the General Council meeting in December 2009.

As required by the Act, this confidentiality order has been reviewed annually since December 2009. The last review was at the 9 December 2014 General Council meeting where it was resolved that:

1. Pursuant to Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the Report "*Abbeyfield, GC260509F02*" together with the minutes arising from the report be kept confidential on the basis that they contain information the disclosure of which:
 - (a) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party (Section 90(3)(d) of the Local Government Act 1999); and

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

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

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

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order relating to the Report *Abbeyfield, GC260509F02* is now due for review.

ANALYSIS

Given that the information could not reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party, it is recommended that the confidentiality order be revoked.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(d) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Revoking the confidentiality of the Report *Abbeyfield, GC260509F02* demonstrates openness and transparency.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Internal Audit Project Report - Accounts Payable,
AC040609F01
Ref No: GC081215R10 – (9)

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Internal Audit Project Report - Accounts Payable, AC040609F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (1)

DUE DATES

That:

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| <p>1. The information affecting the security of Council property be redacted from the Appendix to the report “<i>Internal Audit Project Report - Accounts Payable, AC040609F01</i>” and the confidentiality order pertaining to the Appendix be revoked.</p> | <p>8 Dec 15</p> |
|--|------------------------|

BACKGROUND:

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 4 June 2009, the Audit Committee ordered that the Appendix to the Report *Internal Audit Project Report - Accounts Payable, AC040609F01* (the Report) be kept confidential for a period of 12 months, to be reviewed at the General Council meeting in December 2009. This order was made on the basis that the Appendix to the Report deals with information the disclosure of which could reasonably be expected to affect the security of Council property (Section 90(3)(e) of the Act).

As required by the Act, this confidentiality order has been reviewed annually since December 2009. The last review was at the 9 December 2014 General Council meeting where it was resolved that:

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

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

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

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is again due for review.

ANALYSIS

The Appendix to the Report *Internal Audit Project Report - Accounts Payable, AC040609F01* is a copy of the Report prepared by Ernst & Young regarding 'Accounts Payable'.

It is recommended that this Appendix be release with the information affecting the security of Council property – Section 90(3)(e) of the Act redacted.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(e) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Releasing the Appendix to the Report *Internal Audit Project Report - Accounts Payable, AC040609F01* demonstrates openness and accountability.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support

Corporate Manager: Kate McKenzie, Manager Corporate Governance

General Manager: Vincent Mifsud, Corporate Services

Subject: Review of Confidential Order for the Item:
Internal Audit Project Report – Revenue Assurance & Cash
Receipting, AC040609F02

Ref No: GC081215R10 – (10)

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Internal Audit Project Report - Assurance & Cash Receipting, AC040609F02* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (1)

That:

1. The information affecting the security of Council property be redacted from the Appendix to the report "*Internal Audit Project Report - Assurance & Cash Receipting, AC040609F02*" and the confidentiality order pertaining to the Appendix be revoked. 8 Dec 15

BACKGROUND:

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 4 June 2009, the Audit Committee ordered that the Appendix to the Report *Internal Audit Project Report - Assurance & Cash Receipting, AC040609F02* (the Report) be kept confidential for a period of 12 months, to be reviewed at the General Council meeting in December 2009. This order was made on the basis that the Appendix to the Report deals with information the disclosure of which could reasonably be expected to affect the security of Council property (Section 90(3)(e) of the *Local Government Act 1999*).

As required by the Act, this confidentiality order has been reviewed annually since December 2009. The last review was at the 9 December 2014 General Council meeting where it was resolved that:

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

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

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

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order relating to the Report *Internal Audit Project Report - Assurance & Cash Receipting, AC040609F02* is now due for review.

ANALYSIS

The Appendix to the Report *Internal Audit Project Report - Assurance & Cash Receipting, AC040609F02* is copy of the Report prepared by Ernst & Young regarding 'Assurance & Cash Receipting'.

It is recommended that this Appendix be release with the information affecting the security of Council property – Section 90(3)(e) of the Act redacted.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(e) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Releasing the Appendix to the Report *Internal Audit Project Report - Assurance & Cash Receipting, AC040609F02* demonstrates openness and transparency.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Payroll Services and 6th Ranking Process, AC011211F6.2
Report Reference: GC081215R10 – (11)

REPORT OBJECTIVES / EXECUTIVE SUMMARY:

To review the confidential item relating to the matter *Payroll Services and 6th Ranking Process, AC011211F6.2* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (1)

That:

1. The Report “*Payroll Services and 6th Ranking Process, AC011211F6.2*”, Appendix and Minutes arising from the Report be released. **8 Dec 15**

BACKGROUND

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 1 December 2011 Council ordered that the Report *Payroll Service and 6th Ranking Process, AC011211F6.2* and the minutes be kept confidential and not available for public inspection for a period of 12 months to be reviewed at the General Council meeting in December 2012. The order was made on the basis that the report contained information the disclosure of which could reasonably be expected to prejudice the commercial position of the council, and on balance, the disclosure would be contrary to the public interest. Section 90(2) and (3)(b) of the Act.

The confidentiality order has been reviewed annually since 2011. The last review was at the General Council Meeting on 9 December 2014, where it was resolved:

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

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

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

ANAYLSIS

On review of the original Report and Appendix, it has been noted that the grounds for keeping documents confidential no longer apply. Accordingly it is recommended that the Report and Appendix be released.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(b) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Releasing the Report *Payroll Services and 6th Ranking Process*, AC011211F6.2 demonstrates openness and accountability.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Oaklands Wetland – Cost Estimate, GC140812F01
Report Reference: GC081215R10 – (12)

REPORT OBJECTIVES / EXECUTIVE SUMMARY:

To review the confidential item relating to the matter *Oaklands Wetland – Cost Estimate, GC140812F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (1)

DUE DATES

That Council:

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| 1. The confidentiality order pertaining to the report, ' <i>Oaklands Wetlands Project – Cost Estimate, GC140812F01</i> ' be revoked. | 8 Dec 15 |
|--|-----------------|

BACKGROUND

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 14 August 2012 Council ordered that the Report *Oaklands Wetland – Cost Estimate, GC140812F01* and minutes be kept confidential and not available for public inspection to be reviewed at the General Council meeting in December 2012. The order was made on the basis that the report contained information relating to commercial information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council. Section 90 (2) and (3)(b) of the Act.

The confidentiality order has been reviewed annually since 2012. The last review was at the General Council Meeting on 9 December 2014, where it was resolved that:

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

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

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

In accordance with the Act, the above confidentiality order is due for review.

ANAYLSIS

As the information is no longer 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, the grounds for keeping the information confidential are no longer relevant. Accordingly it is recommended that the Report *Oaklands Wetland – Cost Estimate, GC140812F01* and minutes arising from the report be released.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(b) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Releasing the Report *Oaklands Wetland – Cost Estimate, GC140812F01* demonstrates openness and transparency.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Oaklands Wetland – Award of Construction, GC131112F01
Report Reference: GC081215R10 – (13)

REPORT OBJECTIVES / EXECUTIVE SUMMARY:

To review the confidential item relating to the matter *Oaklands Wetland – Award of Construction, GC131112F01* of in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (1)

DUE DATES

That:

- 1. Appendix A: Tender Assessment Reports to the Oaklands Wetland Cost Breakdown and Appendix B: Oaklands Wetland Tender Evaluation in relation to the Report *Oaklands Wetland – Award of Construction, GC131112F01* be released with confidential commercial information redacted.**

8 Dec 15

BACKGROUND

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 13 November 2012 Council ordered that Appendix A: Tender Assessment Reports to the Oaklands Wetland Cost Breakdown and Appendix B: Oaklands Wetland Tender Evaluation to the report *Oaklands Wetland – Award of Construction, GC131112F01* be kept confidential and not available for public inspection for a period of 12 months to be reviewed in December 2013. The order was made on the basis that the information relates to the award of a construction tender - Section 90(2) and (3)(b) and (k) of the Act.

The confidentiality order has been reviewed annually since 2012. The last review was at the General Council Meeting on 9 December 2014, where it was resolved that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that Appendix A: Tender Assessment Reports to the Oaklands Wetland Cost Breakdown and Appendix B: Oaklands Wetland Tender Evaluation in relation to the Report Oaklands Wetland – Award of Construction, GC131112F01 having been considered in confidence under Section 90(2) and (3)(b) and (3)(k) of the Act be kept confidential and not available for public inspection on the basis the information relates to the tender for the carrying out of works and disclosure of the information 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

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

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

In accordance with the Act, the above confidentiality order is due for review.

ANAYLSIS

Appendix A and B to the report *Oaklands Wetland – Award of Construction, GC131112F01* contain information on the Tender Assessment Reports and information on the tender evaluation and the assessment criteria. As this tender is now finalised, it is recommended that the Appendices be released with commercially sensitive information redacted.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(b) and (k) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Releasing the Appendices to the Report *Oaklands Wetland – Award of Construction, GC131112F01* demonstrates openness and transparency.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item: Reserve at Elizabeth Crescent Hallett Cove – Cancellation of Contract for the Sale and Purchase of Land, GC271112F01
Report Reference: GC081215R10 – (14)

REPORT OBJECTIVES / EXECUTIVE SUMMARY:

To review the confidential item relating to the matter *Reserve at Elizabeth Crescent Hallett Cove – Cancellation of Contract for the Sale and Purchase of Land, GC271112F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (1)

That:

1. **The confidentiality order pertaining to the report “*Elizabeth Crescent Hallett Cove – Cancellation of Contract for the Sale and Purchase of Land, GC271112F01*” together with all annexure and the minutes arising from the report be revoked.** **8 Dec 15**

BACKGROUND

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 27 November 2012 Council ordered that the Report *Reserve at Elizabeth Crescent Hallett Cove – Cancellation of Contract for the Sale and Purchase of Land, GC271112F01* and the minutes arising from this report be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting to be reviewed in December 2013. The order was made on the basis that the information relates to information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) – Section 90(2) and (3)(a) of the Act.

The confidentiality order has been reviewed annually since 2012. The last review was at the General Council Meeting on 9 December 2014, where it was resolved that:

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

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

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

In accordance with the Act, and the above resolution, the confidentiality order is due for review.

ANAYLSIS

As the matter to which this report relates is now finalised, the grounds for confidentiality no longer are relevant. Accordingly, it is recommended that the confidentiality order be revoked and the information released.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Releasing the report *Reserve at Elizabeth Crescent Hallett Cove – Cancellation of Contract for the Sale and Purchase of Land, GC271112F01* demonstrates openness and accountability.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the item: Service Review Project Report – Marion Swimming Centre, AC120213F01
Ref No: GC081215R10 - (15)

REPORT OBJECTIVE / EXECUTIVE SUMMARY:

To review the confidential item relating to the matter *Service Review Project Report – Marion Swimming Centre, AC120213F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (1)

DUE DATES

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| <p>1. The confidentiality order pertaining to the report “<i>Service Review Project Report – Marion Swimming Centre, AC120213F01</i>” together with all annexure and the minutes arising from the report be revoked.</p> | <p>8 Dec 15</p> |
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BACKGROUND:

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 12 February 2013 the Audit Committee ordered that the Report, *Service Review Project Report – Marion Swimming Centre, AC120213F01*, minutes and any other information distributed at the meeting be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting and that the order be reviewed at the December 2013 meeting.

In accordance with the Act and Council’s ‘Management of Confidential Items Framework’, the above confidentiality was last reviewed in December 2014 where it was resolved that:

- In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Committee orders that this report including any appendices to this report and the minutes arising from this report, having been considered in confidence under Section 90(2) and (3)(b) and (3)(e) of the Act be kept confidential and not available for public inspection (with the exception of City of*

Marion staff at the Marion Swimming Centre) as it includes information, which could reasonably be expected to either prejudice the commercial position of the Council or affect the security of council employees or council property, and the disclosure would, on balance, be contrary to the public interest.

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

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

This order was made on the on the grounds that the report contains information in relation to the review of services provided by the Marion Swimming Centre, including salaries and operating details, the disclosure of which could reasonably be expected to either prejudice the commercial position of the Council or affect the security of council employees or council property. Upon this basis, the Council was satisfied that disclosure of the information would, on balance, be contrary to the public interest and that the requirement for the meeting to be conducted in a place open to the public was outweighed by the need to keep consideration of the matter confidential.

ANAYLSIS

It is considered that the information contained within the Report and Appendices is no longer current or of relevance. Accordingly it is recommended that the information can be released and the confidential order revoked.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report *Service Review Project Report – Marion Swimming Centre, AC120213F01* during the meeting prior to resolving the release or otherwise of the Report and as associated minutes, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Sections 90(2) and (3)(b) and (e) of the Local Government Act 1999 given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Releasing the Report, *Report Service Review Project Report – Marion Swimming Centre, AC120213F01* demonstrates openness and accountability.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Consultants Details, GC101213F01
Report Reference: GC081215R10 – (16)

REPORT OBJECTIVES / EXECUTIVE SUMMARY:

To review the confidential item relating to the matter *Consultants Details, GC101213F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (1)

That:

1. **The confidentiality order pertaining to the report “*Consultants Details, GC101213F01*” and the minutes arising from the report be revoked.** **8 Dec 15**

BACKGROUND

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 10 December 2013 Council ordered that the report *Consultants Details, GC101213F01* and associated minutes be kept confidential and not available for a period of 12 months from the date of this meeting to be reviewed in December 2014. This order was made on the basis that the information in the report relates to information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council. Section 90(2) and (3)(b) of the Act.

The confidentiality order was reviewed at the General Council Meeting on 9 December 2014, where it was resolved that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the Report *Consultants Details, GC101213F01* and minutes having been considered in confidence under Section 90(2) and (3)(b) of the Act be kept confidential and not available for public inspection on the basis the information relates to information the disclosure of which would:

- a. reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
- b. on balance, be contrary to the public interest.

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

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

As required by the Act and the above order, this confidentiality order is due for review.

ANAYLSIS

On review of the report and minutes it is recommended that these documents be released, removing the confidential commercially sensitive information - that is with dollar figures redacted.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(b) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Releasing the Report '*Consultants Details, GC101213F01*' and minutes demonstrates openness and accountability.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for Item: Code of Conduct, Complaint GC240614F01
Report Reference: GC081215R10 – (17)

REPORT OBJECTIVES / EXECUTIVE SUMMARY:

To review the confidential item relating to the report “*Code of Conduct Complaint GC240614F01*” in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (1)

DUE DATES

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| 1. The confidentiality order pertaining to the report “Code of Conduct Complaint, GC240614F01” together with all annexure and the minutes arising from the report be revoked. | 8 Dec 15 |
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BACKGROUND

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 24 June 2014, Council ordered that the report “*Code of Conduct Complaint GC240614F01*”, and any attachment to this report and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(g) of the Act be kept confidential until such time as the conditions of confidentiality no longer exist. This confidentiality order will be reviewed at the General Council Meeting in December 2014.

In accordance with the Act and the above resolution, the confidentiality order was reviewed on 9 December 2014 where it was resolved that:

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

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

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

The orders were made on the basis that the report contains information that must be considered in confidence in order to ensure that the council does not breach any legal obligation or duty.

In accordance with Section 91(9) of the Act and the above resolutions, the order relating to the Report "*Code of Conduct Complaint, GC240614F01*" is being reviewed.

ANAYLSIS

The matter has been finalised, the affected persons have been consulted and have consented to the release of the report, any attachments and minutes. Accordingly, it is recommended that the confidentiality order be revoked.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(b) of the *Local Government Act 1999* given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Releasing the Report *Code of Conduct Complaint, GC240614F01* demonstrates openness and accountability.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for Item: Code of Conduct Complaint GC240215F05
Report Reference: GC081215R10 – (18)

REPORT OBJECTIVES / EXECUTIVE SUMMARY:

To review the confidential item relating to the report “*Code of Conduct Complaint GC240215F05*” in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (1)

DUE DATES

That:

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| 1. The report “Code of Conduct Complaint GC240215F05” and minutes arising from the report be released with any reference to a staff member’s name or position, with the exception of the former CEO, redacted. | 8 Dec 15 |
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BACKGROUND

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 24 February 2015, Council ordered that

In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that this report and the minutes arising from this report be kept confidential and not available for the public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person living or dead. This order will be reviewed at the General Council meeting in December 2015.

In accordance with the above resolution, the order relating to the Report “*Code of Conduct Complaint GC240214505*” is being reviewed.

ANAYLSIS

At its meeting on 24 March 2015, Council further considered this matter in confidence. No order was made to retain the report or appendices in confidence at that meeting.

As the matter has been finalised, and the information is in the public realm, it is recommended that the documents be released with any reference to a staff member's name or position, with the exception of the former CEO, redacted.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the *Local Government Act 1999* given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Releasing the Report "*Code of Conduct Complaint GC240215F05*" and minutes associated with the report demonstrates openness and transparency. Redacting any reference to a staff member or position ensures that Council does not breach any other legal obligation or duty.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item - Appointment of Acting Chief Executive Officer, CRC060315R01
Report Reference: GC081215R10 – (19)

REPORT OBJECTIVES / EXECUTIVE SUMMARY:

To review the confidential item *Appointment of Acting Chief Executive Officer, CRC060315R01* in accordance with Section 91(9) of the *Local Government Act 1999*.

RECOMMENDATIONS (1)

DUE DATES

That:

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| 1. The confidentiality order pertaining to the Minutes of the item <i>Appointment of Acting Chief Executive Officer, CRC060315R01</i> be revoked. | Dec 15 |
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BACKGROUND

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 6 March 2015 Council ordered that:

In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Committee orders that the minutes arising from the report 'Appointment of Acting Chief Executive Officer be kept confidential and not available for public inspection until such time as the Acting Chief Executive Officer has been appointed on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person living or dead. This order will be reviewed at the General Council meeting in December 2015.

In accordance with the Act, the above confidentiality order is due for review.

ANAYLSIS

The minutes related to the process to be followed for the appointment of an Acting CEO upon the departure of Mr Mark Searle. As this process is now finalised the confidentiality order is no longer required and can be revoked.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(b) and (k) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Releasing the Minutes to the item 'Appointment of Acting Chief Executive Officer, CRC060315R01' demonstrates openness and transparency.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item - Recruitment Process for Chief Executive Officer, CRC200315R02
Report Reference: GC081215R10 – (20)

REPORT OBJECTIVES / EXECUTIVE SUMMARY:

To review the confidential item *Recruitment Process for Chief Executive Officer CRC200315R02* in accordance with Section 91(9) of the *Local Government Act 1999*.

RECOMMENDATIONS (1)

DUE DATES

That:

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| 1. The confidentiality order pertaining to the Minutes of the item <i>Recruitment Process for Chief Executive Officer, CRC200315R02</i> be revoked. | Dec 15 |
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BACKGROUND

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 20 March 2015 Council ordered that:

In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Committee orders that the minutes arising from the report '*Recruitment Process for Chief Executive Officer*' be kept confidential and not available for public inspection for 12 months on the basis that it relates to a proposed commercial arrangement, the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or confer a commercial advantage to a third party, and that on balance disclosure would be contrary to the public interest. This order will be reviewed at the General Council meeting in December 2015.

In accordance with the Act, the above confidentiality order is due for review.

ANAYLSIS

The minutes related to the process to be followed for the appointment of an Acting CEO upon the departure of Mr Mark Searle. As this process is now finalised the confidentiality order is no longer required and can be revoked.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(b) and (k) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Releasing the Minutes to the item '*Recruitment Process for Chief Executive Officer, CRC200315R02*' demonstrates openness and transparency.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item -
Recommendations of the 20 March 2015 CEO Review
Committee Meeting Minutes, GC240315F05
Report Reference: GC081215R10 – (21)

REPORT OBJECTIVES / EXECUTIVE SUMMARY:

To review the confidential item *Recommendations of the 20 March 2015 CEO Review Committee Meeting Minutes GC240315F05* in accordance with Section 91(9) of the *Local Government Act 1999*.

RECOMMENDATIONS (1)

DUE DATES

That:

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| <p>1. The confidentiality order pertaining to the report <i>Recommendations of the 20 March 2015 CEO Review Committee Meeting Minutes, GC240315F05</i> and minutes pertaining to the report, be revoked.</p> | <p>Dec 15</p> |
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BACKGROUND

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 24 March 2015 Council ordered that:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Committee orders that the report and minutes arising from the report 'Recommendations of the 20 March 2015 CEO Review Committee Meeting Minutes' be kept confidential and not available for public inspection for 12 months on the basis that it relates to a proposed commercial arrangement, the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or confer a commercial advantage to a third party, and that on balance disclosure would be contrary to the public interest. This order will be reviewed at the General Council meeting in December 2015.

In accordance with the above resolution, the above confidentiality order is due for review.

ANAYLSIS

The report sought Council's adoption of the CEO Review Committee recommendations from its meeting on Friday 20 March 2015 and the endorsement of the recruitment agent for the Chief Executive Officer position. As this process is now finalised the confidentiality order is no longer required and can be revoked.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(d) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Releasing the Report *Recommendations of the 20 March 2015 CEO Review Committee Meeting Minutes, GC240315F05* demonstrates openness and transparency.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidentiality Order: Marion Leisure and Fitness Centre, GC120515F01
Report Reference: GC081215R10 – (22)

REPORT OBJECTIVES / EXECUTIVE SUMMARY:

To review the confidential item *Marion Leisure and Fitness Centre Lease to CASA Leisure Pty Ltd, GC120515F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (1)

DUE DATES

That:

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| 1. The confidentiality order pertaining to the Minutes of the item <i>Marion Leisure and Fitness Centre, GC120515F01</i> be revoked. | Dec 15 |
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BACKGROUND

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 12 May 2015 Council ordered that:

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

In accordance with the Act, the above confidentiality order is due for review.

ANAYLSIS

The minutes authorised the Acting CEO to negotiate:

- I. A position of settlement with CASA to the extent that the parties can execute a Deed of Settlement and Release.
- II. With the YMCA to continue the partly performed contract with the City of Marion that expires on 28 February 2016.

As negotiations with respect to these matters are now finalised the confidentiality order is no longer required and can be revoked.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(b) and (k) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Releasing the Minutes to the item "*Marion Leisure and Fitness Centre, GC120515F01*" demonstrates openness and transparency.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Confidentiality Order Review - Chief Executive Officer
Recruitment Process, SGC140515F01
Report Reference: GC081215R10 – (23)

REPORT OBJECTIVES / EXECUTIVE SUMMARY:

To review the confidential item *Chief Executive Officer Recruitment Process, SGC140515F01* in accordance with Section 91(9) of the *Local Government Act 1999*.

RECOMMENDATIONS (1)

DUE DATES

That:

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| 1. The confidentiality order pertaining to the report <i>Chief Executive Officer Recruitment Process, SGC140515F01</i>, and minutes pertaining to the report, be revoked. | Dec 15 |
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BACKGROUND

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidentiality order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 14 May 2015 Council ordered that in accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that this report, 'Chief Executive Officer Recruitment Process', any information relating to this item distributed at the meeting and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(a) of the Act be kept confidential, except for the Manager Governance and not available for public inspection until after the appointment of the CEO. This confidentiality order will be reviewed at the General Council Meeting in December 2015

In accordance with the above resolution, the above confidentiality order is due for review.

ANAYLSIS

The report sought Council's direction on how to progress to the interview stage of the CEO recruitment process. As this process is now finalised the confidentiality order is no longer required and can be revoked.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(d) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Releasing the Report *Chief Executive Officer Recruitment Process, SGC140515F01* demonstrates openness and transparency.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Confidentiality Order Review - Chief Executive Review Committee Confirmation of Minutes of Meetings held on 25 May 2015, GC260515R16
Report Reference: GC081215R10 – (24)

REPORT OBJECTIVES / EXECUTIVE SUMMARY:

To review the confidential item *Chief Executive Review Committee Confirmation of Minutes of Meetings held on 25 May 2015, GC260515R16* in accordance with Section 91(9) of the *Local Government Act 1999*.

RECOMMENDATIONS (1)

DUE DATES

That:

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| 1. The confidentiality order pertaining to the item <i>Chief Executive Review Committee Confirmation of Minutes of Meetings held on 25 May 2015, GC260515R16</i> be revoked. | Dec 15 |
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BACKGROUND

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 26 May 2015 Council ordered that in accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that any information relating to this item ('Chief Executive Review Committee Confirmation of Minutes of Meetings held on 25 May 2015') distributed at the meeting and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(a) of the Act be kept confidential, except for Manager Governance and Unit Manager Council Support and not available for public inspection until after the appointment of the CEO. This confidentiality order will be reviewed at the General Council Meeting in December 2015

In accordance with the above resolution, the above confidentiality order is due for review.

ANAYLSIS

The report sought Council's adoption of the CEO Review Committee recommendations from its meeting on Friday 25 May 2015 and the endorsement of its recommendations to progress recruitment of the Chief Executive Officer position. As this process is now finalised the confidentiality order is no longer required and can be revoked.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(d) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Releasing the Report *Chief Executive Review Committee Confirmation of Minutes of Meetings held on 25 May 2015, GC260515R16* demonstrates openness and transparency.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Confidentiality Order Review - Chief Executive Officer Recruitment Process, SGC160615F01
Report Reference: GC081215R10 – (25)

REPORT OBJECTIVES / EXECUTIVE SUMMARY:

To review the confidential item *Chief Executive Officer Recruitment Process, SGC160615F01* in accordance with Section 91(9) of the *Local Government Act 1999*.

RECOMMENDATIONS (1)

DUE DATES

That:

- 1. The confidentiality order pertaining to the item *Chief Executive Officer Recruitment Process, SGC160615F01* be revoked.** **Dec 15**

BACKGROUND

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 16 June 2015 Council ordered that in accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that this report, '*Chief Executive Officer Recruitment Process*', any information relating to this item distributed at the meeting and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(a) of the Act be kept confidential, except for Acting Chief Executive Officer, Manager Governance, Manager Organisational Development and Unit Manager Council Support and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2015.

In accordance with the above resolution, the above confidentiality order is due for review.

ANAYLSIS

The report sought Council's direction to progress the recruitment of the Chief Executive Officer position. As this process is now finalised the confidentiality order is no longer required and can be revoked.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(d) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Releasing the Report *Chief Executive Officer Recruitment Process, SGC160615F01* demonstrates openness and transparency.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Confidentiality Order Review - Chief Executive Officer Recruitment Process, GC230615F01
Report Reference: GC081215R10 – (26)

REPORT OBJECTIVES / EXECUTIVE SUMMARY:

To review the confidential item *Chief Executive Officer Recruitment Process, GC230615F01* in accordance with Section 91(9) of the *Local Government Act 1999*.

RECOMMENDATIONS (1)

DUE DATES

That:

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| 1. The confidentiality order pertaining to the item <i>Chief Executive Officer Recruitment Process, GC230615F01</i> be revoked. | Dec 15 |
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BACKGROUND

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 23 June 2015 Council ordered that in accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that this report, 'Chief Executive Officer Recruitment Process', any information relating to this item distributed at the meeting and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(a) of the Act be kept confidential, except for the Chief Executive Officer, Manager Governance and Manager Organisational Development and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2015.

In accordance with the above resolution, the above confidentiality order is due for review.

ANAYLSIS

The report sought Council's direction to progress the recruitment of the Chief Executive Officer position. As this process is now finalised the confidentiality order is no longer required and can be revoked.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(d) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Releasing the Report *Chief Executive Officer Recruitment Process, GC230615F01* demonstrates openness and transparency.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item – Internal Audit and Service Review Tender, GC250815F04
Report Reference: GC081215R10 – (27)

REPORT OBJECTIVES / EXECUTIVE SUMMARY:

To review the confidential item *Internal Audit and Service Review Tender, GC250815F04* in accordance with Section 91(9) of the *Local Government Act 1999*.

RECOMMENDATIONS (3)

That:

1. The confidentiality order pertaining to the report *Internal Audit and Service Review Tender, GC250815F04* and the minutes arising from the report be revoked. 8 Dec 15

2. In accordance with Section 91(7) and (9) of the Local Government Act 1999 Council orders that Appendix A to the report *Internal Audit and Service Review Tender, GC250815F04* having been considered in confidence under Section 90(2) and (3)(d) and (3)(g) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting, on the basis that it contains information relating to a tender assessment for the provision of services that is commercial in confidence, and the release would, on balance, be contrary to the public interest, and to ensure Council does not breach any duty of confidence. 8 Dec 15

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

3. This confidentiality order will be reviewed at the December 2016 Council meeting. Dec 16

BACKGROUND

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 25 August 2015 the Council ordered that in accordance with Section 91(7) and (9) of the Local Government Act 1999 this report, the minutes arising from this report and any other information distributed at the meeting having been considered in confidence under Section 90(2) and (3)(k) of the Act shall, except when required to effect or comply with Council's resolution(s) regarding this matter be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the December 2015 Council meeting.

In accordance with the resolution above, the confidentiality order is due for review.

ANAYLSIS

The report provides Council with the recommendations from the Audit Committee in relation to the tender process for Internal Audit and Service Review program. Appendix A to the report contains commercial in confidence information regarding tenderers for the provision of service reviews and internal audit services.

It is recommended that the report and minutes be released. Further it is recommended that the confidentiality order with respect to Appendix A remain in place as it contains commercial in confidence information the disclosure of which would, on balance, be contrary to the public interest.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(k) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Releasing the report *Internal Audit and Service Review Tender, GC250815F04* demonstrates openness and accountability. Retaining the confidentiality order over Appendix A to the report ensure that Council does not prematurely disclose commercial information, or breach any duty of confidence.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item – Confidential Minutes AC180815, GC080915F02
Report Reference: GC081215R10 – (28)

REPORT OBJECTIVES / EXECUTIVE SUMMARY:

To review the confidential item *Confidential Minutes AC180815, GC080915F02* in accordance with Section 91(9) of the *Local Government Act 1999*.

RECOMMENDATIONS (1)

DUE DATES

That:

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| 1. The confidentiality order pertaining to the report “<i>Confidential Minutes AC180815, GC080915F02</i> together with all annexure and the minutes arising from the report be revoked. | 8 Dec 15 |
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BACKGROUND

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 8 September 2015 Council ordered that in accordance with Section 91(7) and (9) of the Local Government Act 1999 this report, Confidential Minutes GC080915F02 and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(k) and (b) of the Act shall, except when required to effect or comply with Council’s resolution(s) regarding this matter, be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2015.

In accordance with the Act, the above confidentiality order is due for review.

ANAYLSIS

The report receives and notes the confidential minutes of the Audit Committee meeting of 18 August 2015. It contains information regarding tenders for the provision of service reviews

and internal audit services. Given consideration of the tenders has been completed these documents can be released.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(d) and (k) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Releasing the confidentiality of the Report *Confidential Minutes AC180815, GC080915F02* demonstrates openness and accountability.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the item - South Road
Darlington Upgrade, GC080915F04
Report Reference: GC081215R10 – (29)

REPORT OBJECTIVES / EXECUTIVE SUMMARY:

To review the confidential item relating to the matter of “*South Road Darlington Upgrade, GC080915F04*” in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (1)

- 1. The confidentiality order pertaining to the presentation and any associated documentation regarding the item “*South Road Darlington Upgrade, GC080915F04*” be revoked.** **8 Dec 15**

BACKGROUND

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 8 September 2015, the Council ordered that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the presentation provided by Professor Colin Stirling regarding the South Road Darling Upgrade and any associated documentation having been considered in confidence under Section 90(2) and (3)(j) of the Act shall, except when required to effect or comply with Council’s resolution(s) regarding this matter be kept confidential and not available for public inspection for a period of 12 months for the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2015.

In accordance with Council's resolution, the order relating to the Report "*South Road Darlington Upgrade, GC080915F04*" is being reviewed.

ANAYLSIS

Given that the information contained in the presentation provided by Professor Colin Stirling regarding the South Road Darling Upgrade is now in the public realm it is recommended that the confidentiality order associated with the presentation be revoked.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(j) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Releasing the presentation and any associated documentation relating to the item "*South Road Darlington Upgrade, GC080915F04*" demonstrates openness and accountability.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Cove Sports and Community Club, SGC010205F01
Ref No: GC081215R10 - (30)

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Cove Sports and Community Club, SGC010205F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (4)

DUE DATES

That

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| <p>1. Pursuant to Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the Appendices to the Report, “Cove Sports and Community Club, SGC010205F01” be kept confidential on the basis that they contain information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of nominees to the Board of Management of the Cove Sports and Community Club Inc. in the form of application forms (Section 90(3)(a) of the <i>Local Government Act 1999</i>).</p> <p>This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.</p> | <p>8 Dec 15</p> |
| <p>2. Council requests the Chief Executive Officer to undertake further investigation and consultation with the view to releasing this matter based on the outcomes of such investigation and consultation.</p> | <p>8 Dec 15</p> |
| <p>3. Council delegates the power to revoke this order of confidentiality to the Chief Executive Officer, subject to no reasonable objections from relevant third parties or Elected Members.</p> | <p>8 Dec 15</p> |
| <p>4. This confidential order be reviewed at the April 2016 meeting of Council.</p> | <p>April 16</p> |

BACKGROUND:

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 1 February 2005, Council ordered that the report and associated documents relating to the *Cove Sports and Community Club, SGC010205F01* (the Report) be kept confidential for a period of 12 months, to be reviewed in December 2005. The Report provided options for the future management structure of the Cove Sports and Community Club (the Club) and contained information that reflected the “personal affairs” of nominees for the Board of Management of the Club in the form of application forms.

As required by the Act, this confidentiality order has been reviewed annually since December 2005. The last review was at the 9 December 2014 General Council meeting where it was resolved that:

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

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

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

ANALYSIS

The Act defines “personal affairs” to include:

- (a) that person’s-
 - (i) financial affairs
 - (ii) criminal records
 - (iii) marital or other personal relationships
 - (iv) personal qualities, attributes or health status
- (b) that person’s employment records, employment performance or suitability for a particular position, or other personnel matters relating to the person

On reviewing the original Report, it is noted that the Appendices of the Report contain information relating to the personal affairs of the nominees for the Club’s Board of Management, which clearly fall within the definition of “personal affairs” as detailed in (b) above.

As such, it is recommended that the confidentiality order relating to the Appendices of the Report *Cove Sports and Community Club, SGC010205F01* be retained.

Given the time now lapsed, it is recommended that Council pursue release taking into consideration the views of parties involved, as well as other matters such as industry practice, Ombudsman’s advice and approaches taken with the Freedom of Information legislation.

The Chief Executive Officer can undertake relevant consultation and investigation, and if no relevant objections or material is realised then the Chief Executive Officer could revoke the confidential order under delegated authority.

Prior to any revocation the Chief Executive Officer is to also seek the views of the Elected Members.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting prior to resolving the release or otherwise of the Report, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. The previous release of the Report *Cove Sports and Community Club, SGC010205F01*, together with retaining the confidentiality of the personal information that is contained within the appendices to the Report, demonstrates a balanced approach to transparent decision-making whilst also protecting against the unreasonable disclosure of information concerning the personal affairs of any person.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item: Program Evaluation and Business Improvement Service Provisions, AC020610F01
Ref No: GC081214R10 - (31)

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Program Evaluation and Business Improvement Service Provisions, AC020610F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (4)

DUE DATES

That:

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| <p>1. Pursuant to Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the Report, "<i>Program Evaluation and Business Improvement Service Provisions, AC020610F01</i>" together with the appendices and minutes arising from the report be kept confidential on the basis that they contain information the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party, and would, on balance, be contrary to the public interest (<i>Section 90(3)(d) of the Local Government Act 1999</i>);</p> <p>This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.</p> | <p>8 Dec 15</p> |
| <p>2. Council requests the Chief Executive Officer to undertake further investigation and consultation with the view to releasing this matter based on the outcomes of such investigation and consultation.</p> | <p>8 Dec 15</p> |
| <p>3. Council delegates the power to revoke this order of confidentiality to the Chief Executive Officer, subject to no reasonable objections from relevant third parties or Elected Members.</p> | <p>8 Dec 15</p> |
| <p>4. This confidential order be reviewed at the April 2016 meeting of Council.</p> | <p>April 16</p> |

BACKGROUND:

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 2 June 2010, the Audit Committee ordered that the Report *Program Evaluation and Business Improvement Service Provisions, AC020610F01* and minutes arising from the report be kept confidential for a period of 12 months, to be reviewed at the General Council meeting in December 2010.

The confidentiality order has been reviewed annually since 2010. The last review was at the General Council Meeting on 9 December 2014, where it was resolved:

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

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

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

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order relating to the Report *Program Evaluation and Business Improvement Service Provisions, AC020610F01* is now due for review.

ANALYSIS

To ensure that integrity and probity is maintained with Council's tendering processes, it is recommended that the confidentiality order be retained on the basis that the Appendix to the Report contains information the disclosure of which would involve the unreasonable disclosure of commercial information of a confidential nature concerning tenders for the provision of services.

However given the tender has been awarded and services rendered, it is reasonable to now consult with the parties that tendered with a view to releasing the documents.

The Chief Executive Officer can undertake relevant consultation and investigation, and if no relevant objections or material is realised then the Chief Executive Officer could revoke the confidential order under delegated authority.

Prior to any revocation the Chief Executive Officer is to also seek the views of the Elected Members.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(d) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the Report *Program Evaluation and Business Improvement Service Provisions, AC020610F01* is important to ensure that Council does not prematurely disclose commercial information of a confidential nature.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item: Program Evaluation and Business Improvement Service Provisions, AC100810F01
Ref No: GC081215R10 - (32)

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Program Evaluation and Business Improvement Service Provisions, AC100810F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (4)

DUE DATES

That:

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| <p>1. Pursuant to Section 91(7) and (9) of the <i>Local Government Act 1999</i> the Council orders that the Report, "<i>Program Evaluation and Business Improvement Service Provisions, AC100810F01</i>" together with the appendices and minutes arising from the report be kept confidential on the basis that they contain information the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party, and would, on balance, be contrary to the public interest (Section 90(3)(d) of the <i>Local Government Act 1999</i>)</p> <p>This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.</p> | <p>8 Dec 15</p> |
| <p>2. Council requests the Chief Executive Officer to undertake further investigation and consultation with the view to releasing this matter based on the outcomes of such investigation and consultation.</p> | <p>8 Dec 15</p> |
| <p>3. Council delegates the power to revoke this order of confidentiality to the Chief Executive Officer, subject to no reasonable objections from relevant third parties or Elected Members.</p> | <p>8 Dec 15</p> |
| <p>4. This confidential order be reviewed at the April 2016 meeting of Council.</p> | <p>April 16</p> |

BACKGROUND:

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 10 August 2010, the Audit Committee ordered that the Report *Program Evaluation and Business Improvement Service Provisions, AC100810F01* and minutes arising from the report be kept confidential for a period of 12 months, to be reviewed at the General Council meeting in December 2010.

The confidentiality order has been reviewed annually since 2010. The last review was at the General Council Meeting on 9 December 2014, where it was resolved that:

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

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

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

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order relating to the Report *Program Evaluation and Business Improvement Service Provisions, AC100810F01* is now due for review.

ANALYSIS

To ensure that integrity and probity is maintained with Council's tendering processes, it is recommended that the confidentiality order be retained on the basis that the Appendix to the Report contains information the disclosure of which would involve the unreasonable disclosure of information concerning tenders for the provision of services.

However given the tender has been awarded and services rendered, it is reasonable to now consult with the parties that tendered with a view to releasing the documents.

The Chief Executive Officer can undertake relevant consultation and investigation, and if no relevant objections or material is realised then the Chief Executive Officer could revoke the confidential order under delegated authority.

Prior to any revocation the Chief Executive Officer is to also seek the views of the Elected Members

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(d) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the Report *Program Evaluation and Business Improvement Service Provisions, AC100810F01* is important to ensure that Council does not prejudice the integrity of the tendering process.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item: Program Evaluation and Business Improvement Service Provision, GC240810F02
Ref No: GC081214R10 - (33)

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Program Evaluation and Business Improvement Service Provision, GC240810F02* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (4)

DUE DATES

That:

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| <p>1. Pursuant to Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the Report, "<i>Program Evaluation and Business Improvement Service Provisions, GC240810F02</i>" together with the appendices and minutes arising from the report be kept confidential on the basis that they contain information the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party, and would, on balance, be contrary to the public interest (<i>Section 90(3)(d) of the Local Government Act 1999</i>);</p> <p>This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.</p> | <p>8 Dec 15</p> |
| <p>2. Council requests the Chief Executive Officer to undertake further investigation and consultation with the view to releasing this matter based on the outcomes of such investigation and consultation.</p> | <p>8 Dec 15</p> |
| <p>3. Council delegates the power to revoke this order of confidentiality to the Chief Executive Officer, subject to no reasonable objections from relevant third parties or Elected Members.</p> | <p>8 Dec 15</p> |
| <p>4. This confidential order be reviewed at the April 2016 meeting of Council.</p> | <p>April 16</p> |

BACKGROUND:

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 2 June 2010, the Audit Committee ordered that the Report *Program Evaluation and Business Improvement Service Provision, GC240810F02* and minutes arising from the report be kept confidential for a period of 12 months, to be reviewed at the General Council meeting in December 2010.

The confidentiality order has been reviewed annually since 2010. The last review was at the General Council Meeting on 9 December 2014, where it was resolved:

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

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

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

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order relating to the Report *Program Evaluation and Business Improvement Service Provisions, GC240810F02* is now due for review.

ANALYSIS

To ensure that integrity and probity is maintained with Council's tendering processes, it is recommended that the confidentiality order be retained on the basis that the Appendix to the Report contains information the disclosure of which would involve the unreasonable disclosure of commercial information of a confidential nature concerning tenders for the provision of services.

However given the tender has been awarded and services rendered, it is reasonable to now consult with the parties that tendered with a view to releasing the documents.

The Chief Executive Officer can undertake relevant consultation and investigation, and if no relevant objections or material is realised then the Chief Executive Officer could revoke the confidential order under delegated authority.

Prior to any revocation the Chief Executive Officer is to also seek the views of the Elected Members.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(d) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the Report *Program Evaluation and Business Improvement Service Provision, GC240810F02* is important to ensure that Council does not prematurely disclose commercial information of a confidential nature.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item: Commercial Arrangements, GC240112F01
Report Reference: GC081215R10 – (34)

REPORT OBJECTIVES / EXECUTIVE SUMMARY:

To review the confidential item relating to the matter *Commercial Arrangements, GC240112F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (4)

DUE DATES

That Council:

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| <p>1. In accordance with Section 91(7) and (9) of the <i>Local Government Act 1999</i> the Council orders that the report <i>Commercial Arrangements, GC240112F01</i>, the minutes arising from this report and any other information distributed at the meeting having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection on the basis that it relates to proposed commercial arrangements which could reasonably be expected to prejudice the commercial position of the person who supplies the information, or to confer a commercial advantage to a third party, and the release would, on balance, be contrary to the public interest.</p> <p>This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.</p> | <p>8 Dec 15</p> |
| <p>2. Council requests the Chief Executive Officer to undertake further investigation and consultation with the view to releasing this matter based on the outcomes of such investigation and consultation.</p> | <p>8 Dec 15</p> |
| <p>3. Council delegates the power to revoke this order of confidentiality to the Chief Executive Officer, subject to no reasonable objections from relevant third parties or Elected Members.</p> | <p>8 Dec 15</p> |
| <p>4. This confidentiality order will be reviewed at the General Council meeting in April 2016.</p> | <p>April 16</p> |

BACKGROUND

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 24 January 2012 Council ordered that the Report *Commercial Arrangements GC240112F01* and minutes be kept confidential and not available for public inspection to be reviewed at the General Council meeting in December 2012. The order was made on the basis that the report contained information relating to proposed commercial arrangements which could reasonably be expected to prejudice the commercial position of the person who supplies the information, or to confer a commercial advantage to a third party - Section 90(2) and (3)(d) of the Act.

The confidentiality order has been reviewed annually since 2012. The last review was at the General Council Meeting on 9 December 2014, where it was resolved that:

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

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

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

In accordance with the Act, and the above resolution, the above confidentiality order is due for review.

ANALYSIS

Given the report contains commercial information of a confidential nature that could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage to a third party, it is recommended that the confidentiality order associated with this report remain in place.

However, given the time now lapsed, it is recommended that Council pursue release taking into consideration the views of parties involved, as well as other matters such as industry practice, Ombudsman's advice and approaches taken with the Freedom of Information legislation.

The Chief Executive Officer can undertake relevant consultation and investigation, and if no relevant objections or material is realised then the Chief Executive Officer could revoke the confidential order under delegated authority.

Prior to any revocation the Chief Executive Officer is to also seek the views of the Elected Members

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(d) of the Local Government Act 1999 given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the Report *Commercial Arrangements, GC240112F01* is necessary to ensure that Council does not prematurely disclose commercial information.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item: Commercial Arrangements, GC240712F01
Report Reference: GC081215R10 – (35)

REPORT OBJECTIVES / EXECUTIVE SUMMARY:

To review the confidential item relating to the matter *Commercial Arrangements, GC240112F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (4)

DUE DATES

That Council:

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| <p>1. In accordance with Section 91(7) and (9) of the <i>Local Government Act 1999</i> the Council orders that the report <i>Commercial Arrangements, GC240712F01</i>, the minutes arising from this report and any other information distributed at the meeting having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection on the basis that it relates to proposed commercial arrangements which could reasonably be expected to prejudice the commercial position of the person who supplies the information, or to confer a commercial advantage to a third party, and the release would, on balance, be contrary to the public interest.</p> <p>This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.</p> | <p>8 Dec 15</p> |
| <p>2. Council requests the Chief Executive Officer to undertake further investigation and consultation with the view to releasing this matter based on the outcomes of such investigation and consultation.</p> | <p>8 Dec 15</p> |
| <p>3. Council delegates the power to revoke this order of confidentiality to the Chief Executive Officer, subject to no reasonable objections from relevant third parties or Elected Members.</p> | <p>8 Dec 15</p> |
| <p>4. This confidentiality order will be reviewed at the General Council meeting in December 2016.</p> | <p>Dec 16</p> |

BACKGROUND

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 24 July 2012 Council ordered that the Report *Commercial Arrangements, GC240712F01* and minutes be kept confidential and not available for public inspection to be reviewed at the General Council meeting in December 2012. The order was made on the basis that the report contained information relating to proposed commercial arrangements which could reasonably be expected to prejudice the commercial position of the person who supplies the information, or to confer a commercial advantage to a third party - Section 90(2) and (3)(d) of the Act.

The confidentiality order has been reviewed annually since 2012. The last review was at the General Council Meeting on 9 December 2014, where it was resolved that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report *Commercial Arrangements, GC240712F01*, the minutes arising from this report and any other information distributed at the meeting having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection on the basis that it relates to proposed commercial arrangements which could reasonably be expected to prejudice the commercial position of the person who supplies the information, or to confer a commercial advantage to a third party.

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

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

In accordance with the Act, and the above resolution, the above confidentiality order is due for review.

ANAYLSIS

Given the report contains commercial information of a confidential nature that could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage to a third party, it is recommended that the confidentiality order associated with this report remain in place.

However, given the time now lapsed, it is recommended that Council pursue release taking into consideration the views of parties involved, as well as other matters such as industry practice, Ombudsman's advice and approaches taken with the Freedom of Information legislation.

The Chief Executive Officer can undertake relevant consultation and investigation, and if no relevant objections or material is realised then the Chief Executive Officer could revoke the confidential order under delegated authority.

Prior to any revocation the Chief Executive Officer is to also seek the views of the Elected Members

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(d) of the Local Government Act 1999 given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the Report *Commercial Arrangements, GC240712F01* is necessary to ensure that Council does not prematurely disclose commercial information.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for Item: Code of Conduct, GC270514F02
Report Reference: GC081215R10 – (36)

REPORT OBJECTIVES / EXECUTIVE SUMMARY:

To review the confidential item relating to the “*Code of Conduct, GC270514F02*” in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (4)

DUE DATES

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| <p>1. That the confidentiality order pertaining to the Report “<i>Code of Conduct, GC270514F02</i>”, appendices and the minutes arising from the report be retained on the grounds that it relates to information that must be considered in confidence in order to ensure that the council does not breach any legal obligation or duty (Section 90(2) and (3)(e), (f) and (g) of the Local Government Act 1999).</p> <p>This order is to remain in force until such time as the conditions of confidentiality no longer exist.</p> | <p>8 Dec 15</p> |
| <p>2. Council requests the Chief Executive Officer to undertake further investigation and consultation with the view to releasing this matter based on the outcomes of such investigation and consultation.</p> | <p>8 Dec 15</p> |
| <p>3. Council delegates the power to revoke this order of confidentiality to the Chief Executive Officer, subject to no reasonable objections from relevant third parties or Elected Members.</p> | <p>8 Dec 15</p> |
| <p>4. This confidential order be reviewed at the April 2016 meeting of Council.</p> | <p>April 16</p> |

BACKGROUND

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 27 May 2014, Council ordered that the report “*Code of Conduct GC270514F02*”, and any attachment to this report and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(e), (f) and (g) of the Act be kept confidential until such time as the conditions of confidentiality no longer exist. This confidentiality order will be reviewed at the General Council Meeting in December 2014.

On 9 December 2014, Council reviewed the order and resolved that:

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

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

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

The orders were made on the basis that the report contains information that may affect the safety of persons and information the disclosure of which could reasonably be expected to prejudice the maintenance of law and / or breach Council’s duty of confidence.

In accordance with Section 91(9) of the Act and the above resolutions, the order relating to the Report “*Code of Conduct, GC270514F02*” is being reviewed.

ANAYLSIS

On review of the original Report it is noted that it continues to contain information that if released, could cause Council to breach a legal obligation or duty - Section 90(3)(g) of the Act.

However as the matter has now been finalised, it is recommended that Council pursue release taking into consideration the views of parties involved, as well as other matters such as industry practice, Ombudsman’s advice and approaches taken with the Freedom of Information legislation.

The Chief Executive Officer can undertake relevant consultation and investigation, and if no relevant objections or material is realised then the Chief Executive Officer could revoke the confidential order under delegated authority.

Prior to any revocation the Chief Executive Officer is to also seek the views of the Elected Members

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(e),(f) and (g) of the *Local Government Act 1999* given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the Report "*Code of Conduct, GC270514F02*" and associated attachments is necessary to ensure that Council does not breach any legal obligation or duty.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Living Kurna Cultural Centre, GC250105F02
Ref No: GC081215R10 – (37)

REPORT OBJECTIVE / EXECUTIVE SUMMARY:

To review the confidential item relating to the Report *Living Kurna Cultural Centre, GC250105F02* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (4)

DUE DATES

That:

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| <p>1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, '<i>Living Kurna Cultural Centre, GC250105F02</i>' together with the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) (Section 90(3)(a) of the <i>Local Government Act 1999</i>) and may affect the security of Council and safety of members, employees of the Council, and other persons (Section 90(3)(e)), of the <i>Local Government Act 1999</i>.</p> <p>This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.</p> | <p>8 Dec 15</p> |
| <p>2. Council requests the Chief Executive Officer to undertake further investigation and consultation with the view to releasing this matter based on the outcomes of such investigation and consultation.</p> | <p>8 Dec 15</p> |
| <p>3. Council delegates the power to revoke this order of confidentiality to the Chief Executive Officer, subject to no reasonable objections from relevant third parties or Elected Members.</p> | <p>8 Dec 15</p> |
| <p>4. This confidential order be reviewed at the April 2016 meeting of Council.</p> | <p>April 16</p> |

BACKGROUND:

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 25 January 2005, Council ordered that the Report and minutes relating to *Living Kaurna Cultural Centre, GC250105F02* be kept confidential for a period of 12 months, to be reviewed at the General Council meeting in December 2005. This order was made on the basis that the Report contained information concerning the personal affairs of a number of persons – Section 90(3)(a) of the Act.

As required by the Act this confidentiality order has been reviewed annually since December 2005. The last review was at the 9 December 2014 General Council meeting where it was resolved that:

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

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

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

ANAYLSIS

On review of the original Report, it has been noted that the category of 'personal affairs' remains relevant to the content of the Report and as such, it is recommended that the order of confidentiality pursuant to Section 90(3)(a) of the Act remain in force.

As the information contained in the reports relates to persons who are still actively employed both within and outside of Council, it is further recommended that the information be kept confidential pursuant to Section 90(3)(e) of the Act, as it potentially affects the security of Council and safety of members, employees of the Council and other persons.

The Chief Executive Officer can undertake relevant consultation and investigation, and if no relevant objections or material is realised then the Chief Executive Officer could revoke the confidential order under delegated authority.

Prior to any revocation the Chief Executive Officer is to also seek the views of the Elected Members

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the Report *Living Kaurna Cultural Centre, GC250105F02* is necessary to ensure that Council does not prematurely disclose personal information or matters affecting the security and safety of Council, members, employees or other persons.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Living Kurna Cultural Centre, GC220305F01
Ref No: GC081215R10 – (38)

REPORT OBJECTIVE / EXECUTIVE SUMMARY:

To review the confidential item relating to the Report *Living Kurna Cultural Centre, GC220305F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (4)

DUE DATES

That:

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| <p>1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, '<i>Living Kurna Cultural Centre, GC250105F02</i>' together with the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of persons (Section 90(3)(a)), and may affect the security of Council and safety of members, employees of the Council, and other persons (Section 90(3)(e)), of the <i>Local Government Act 1999</i>.</p> <p>This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.</p> | <p>8 Dec 15</p> |
| <p>2. Council requests the Chief Executive Officer to undertake further investigation and consultation with the view to releasing this matter based on the outcomes of such investigation and consultation.</p> | <p>8 Dec 15</p> |
| <p>3. Council delegates the power to revoke this order of confidentiality to the Chief Executive Officer, subject to no reasonable objections from relevant third parties or Elected Members.</p> | <p>8 Dec 15</p> |
| <p>4. This confidential order be reviewed at the April 2016 meeting of Council.</p> | <p>April 16</p> |

BACKGROUND:

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 22 March 2005, Council ordered that the Report and minutes relating to *Living Kaurna Cultural Centre, GC220305F01* be kept confidential for a period of 12 months, to be reviewed at the General Council meeting in December 2005. This order was made on the basis that the Report contained information concerning the personal affairs of a number of persons – Section 90(3)(a) of the Act.

As required by the Act this confidentiality order has been reviewed annually since December 2005. The last review was at the 9 December 2014 General Council meeting where it was resolved that:

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

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

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

In accordance with the Act and the above resolutions, the confidentiality order relating to the *Living Kaurna Cultural Centre, GC220305F01* is again due for review.

ANALYSIS

On review of the original Report, it has been noted that the category of 'personal affairs' remains relevant to the content of the Report and as such, it is recommended that the order of confidentiality pursuant to Section 90(3)(a) of the Act remain in force.

As the information contained in the reports relates to persons who are still actively employed both within and outside of Council, it is further recommended that the information be kept confidential pursuant to Section 90(3)(e) of the Act, as it potentially affects the security of Council, members and employees of the Council and the safety of other persons.

The Chief Executive Officer can undertake relevant consultation and investigation, and if no relevant objections or material is realised then the Chief Executive Officer could revoke the confidential order under delegated authority.

Prior to any revocation the Chief Executive Officer is to also seek the views of the Elected Members

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the

meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the Report *Living Kaurna Cultural Centre, GC220305F01* is necessary to ensure that Council does not prematurely disclose personal information, or matters affecting the security and safety of Council, members, employees or other persons.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Oaklands Regeneration Project, State Aquatic Centre,
SGC300608F01
Ref No: GC081215R10 - (39)

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Oaklands Regeneration Project, State Aquatic Centre, SGC300608F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (4)

DUE DATES

That:

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| <p>1. In accordance with Section 91(7) and (9) of the <i>Local Government Act 1999</i> the Council orders that the Appendix 1 to the report, '<i>Oaklands Regeneration Project, State Aquatic Centre, SGC300608F01</i>' be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party and would, on balance, be contrary to the public interest (Section 90(3)(d)), and to ensure Council does not breach a duty of confidence (Section (3)(g)).</p> <p>This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.</p> | <p>8 Dec 15</p> |
| <p>2. Council requests the Chief Executive Officer to undertake further investigation and consultation with the view to releasing this matter based on the outcomes of such investigation and consultation.</p> | <p>8 Dec 15</p> |
| <p>3. Council delegates the power to revoke this order of confidentiality to the Chief Executive Officer, subject to no reasonable objections from relevant third parties or Elected Members.</p> | <p>8 Dec 15</p> |
| <p>4. This confidential order be reviewed at the April 2016 meeting of Council.</p> | <p>April 16</p> |

BACKGROUND:

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 30 June 2008, Council ordered that the Report *Oaklands Regeneration Project, State Aquatic Centre, SGC300608F01*, together with all annexure and the relevant minutes be kept confidential until 1 December 2008, after which time the order was to be reviewed

As required by the Act, this confidentiality order has been reviewed annually since December 2008. The Report, Appendix 2 and the Minutes were released following a review in March 2014. The last review was at the 9 December 2014 General Council meeting where it was resolved that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the Appendix 1 to the report, '*Oaklands Regeneration Project, State Aquatic Centre, SGC300608F01*' be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which:

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

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

(c) would breach a duty of confidence (Section 90(3)(g) of the *Local Government Act 1999*).
This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

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

3. Council delegates the power to revoke this order of confidentiality to the Chief Executive Officer, subject to no reasonable objections from relevant third parties or Elected Members.

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

In accordance with Section 91(9) of the Act and Council's Management of Confidential Items Framework, the confidentiality order relating to the Report *Oaklands Regeneration Project, State Aquatic Centre, SGC300608F01* is again due for review.

ANAYLSIS

On review it has been found that the appendix continues to contain commercial information over which the City of Marion has a duty of confidence.

As requested by the Council the affected party was consulted with a view to releasing Appendix 1. Objection to the release of the document was advised on the grounds that the report contains information the disclosure of which could reasonably be expected to prejudice their commercial position and would, on balance, be contrary to the public interest. They also asserted disclosure would breach a duty of confidence.

Legal advice was obtained and based on the advice and the affected party's objection, it is recommended that the confidentiality order associated with Appendix 1 remains in place.

The Chief Executive Officer can undertake relevant consultation again and investigation, and if no relevant objections or material is realised then the Chief Executive Officer could revoke the confidential order under delegated authority.

Prior to any revocation the Chief Executive Officer is to also seek the views of the Elected Members

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(d) and (g) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of Appendix 1 to the Report *Oaklands Regeneration Project, State Aquatic Centre, SGC300608F01* is necessary to ensure that Council does not prematurely disclose commercial information or breach a duty of confidence.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidentiality Order: Marion Leisure and Fitness Centre, GC270115F01
Report Reference: GC081215R10 – (40)

REPORT OBJECTIVES / EXECUTIVE SUMMARY:

To review the confidential item relating to the Report *Marion Leisure and Fitness Centre, GC270115F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (4)

DUE DATES

That:

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| <p>1. In accordance with Section 91(7) and (9) of the <i>Local Government Act 1999</i> the Council orders that the report <i>Marion Leisure and Fitness Centre, GC270115F01</i> and minutes arising from this report having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting, as the information relates to information of a commercial nature (not being a trade secret, the disclosure of which could reasonably be expected to prejudice the commercial position of a person who supplied the information or to confer a commercial advantage on a third party, and the disclosure of this information would, on balance, be contrary to the public interest as it could prejudice Council's ability to be able to negotiate a cost effective proposal for the benefit of the Council and the community.</p> <p>This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.</p> | <p>8 Dec 15</p> |
| <p>2. Council requests the Chief Executive Officer to undertake further investigation and consultation with the view to releasing this matter based on the outcomes of such investigation and consultation.</p> | <p>8 Dec 15</p> |
| <p>3. Council delegates the power to revoke this order of confidentiality to the Chief Executive Officer, subject to no reasonable objections from relevant third parties or Elected Members.</p> | <p>8 Dec 15</p> |
| <p>4. This confidential order be reviewed at the April 2016 meeting of Council.</p> | <p>Dec 16</p> |

BACKGROUND

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 27 January 2015 Council ordered that:

In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that this report, Marion Leisure and Fitness Centre, Lease to CASA Licence Pty Ltd and the Minutes arising from this report having been considered in confidence under Section 90(2) and (3)(b) of the Act be kept confidential and not available for public inspection until no later than 20 February 2015.

On 19 February 2015 Council:

1. Council revokes the following resolution made at the 27 January 2015 General Council meeting:

In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that this report, Marion Leisure and Fitness Centre, Lease to CASA Licence Pty Ltd and the Minutes arising from this report having been considered in confidence under Section 90(2) and (3)(b) of the Act be kept confidential and not available for public inspection until no later than 20 February 2015.

2. Council in accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, 'Marion Leisure and Fitness Centre, Lease to CASA Leisure Pty Ltd' (Report Reference GC270115F01) and the Minutes arising from this report having been considered in confidence be kept confidential under Sections 90(2), (3)(b), (3)(i) and (3)(k) of the Act and not be available for public inspection for a period of 12 months from the date of this meeting or until such time as the tender process regarding the provision of future services and works in respect of the Centre is complete. This confidentiality order will be reviewed at the General Council Meeting in December 2015.

In accordance with the Act, the above confidentiality order is due for review.

ANAYLSIS

The Council has entered an agreement with the YMCA for the operation of the Marion Leisure and Fitness Centre as an interim measure. Information contained within the report may be relevant to the tender process regarding the provision of future services and works in respect of the centre. Therefore, it is recommended that the confidentiality order in relation to the Report and minutes arising from the report "*Marion Leisure and Fitness Centre, Lease to CASA Leisure Pty Ltd, GC270115F01*", remain in force.

The Chief Executive Officer can undertake relevant consultation and investigation, and if no relevant objections or material is realised then the Chief Executive Officer could revoke the confidentiality order under delegated authority.

Prior to any revocation the Chief Executive Officer is to also seek the views of the Elected Members

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(b) and (k) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the Report "*Marion Leisure and Fitness Centre, Lease to CASA Leisure Pty Ltd, GC270115F01*" is necessary to ensure that Council does not compromise a future tender for services.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidentiality Order: Marion Leisure and Fitness Centre Lease to CASA Leisure Pty Ltd, SGC190215F01
Report Reference: GC081215R10 – (41)

REPORT OBJECTIVES / EXECUTIVE SUMMARY:

To review the confidential item relating to the Report *Marion Leisure and Fitness Centre Lease to CASA Leisure Pty Ltd, SGC190215F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (4)

DUE DATES

That:

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| <p>1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the Report, '<i>Marion Leisure and Fitness Centre - Lease to CASA Leisure Pty Ltd</i>' (Report Reference SGC190215F01) and the Minutes arising from this report having been considered in confidence be kept confidential under Sections 90(2), (3)(b) and (3)(k) of the Act and not be available for public inspection for a period of 12 months from the date of this meeting or until such time as the tender process regarding the provision of future services and works in respect of the Centre is complete.</p> <p>This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.</p> | <p>8 Dec 15</p> |
| <p>2. Council requests the Chief Executive Officer to undertake further investigation and consultation with the view to releasing this matter based on the outcomes of such investigation and consultation.</p> | <p>8 Dec 15</p> |
| <p>3. Council delegates the power to revoke this order of confidentiality to the Chief Executive Officer, subject to no reasonable objections from relevant third parties or Elected Members.</p> | <p>8 Dec 15</p> |
| <p>4. This confidential order be reviewed at the April 2016 meeting of Council.</p> | <p>April 16</p> |

BACKGROUND

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 19 February 2015 Council ordered that:

Council in accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, 'Marion Leisure and Fitness Centre, Lease to CASA Leisure Pty Ltd' (Report Reference SGC190215F01) and the Minutes arising from this report having been considered in confidence be kept confidential under Sections 90(2), (3)(b), (3)(i) and (3)(k) of the Act and not be available for public inspection for a period of 12 months from the date of this meeting or until such time as the tender process regarding the provision of future services and works in respect of the Centre is complete. This confidentiality order will be reviewed at the General Council Meeting in December 2015.

In accordance with the Act, the above confidentiality order is due for review.

ANAYLSIS

The Council has entered an agreement with the YMCA for the operation of the Marion Leisure and Fitness Centre as an interim measure. Information contained within the report may be relevant to the tender process regarding the provision of future services and works in respect of the centre. Therefore, it is recommended that the confidentiality order in relation to the Report and minutes arising from the report "*Marion Leisure and Fitness Centre, Lease to CASA Leisure Pty Ltd, SGC190215F01*", remain in force.

The Chief Executive Officer can undertake relevant consultation and investigation, and if no relevant objections or material is realised then the Chief Executive Officer could revoke the confidentiality order under delegated authority.

Prior to any revocation the Chief Executive Officer is to also seek the views of the Elected Members

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(b) and (k) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the appendices to the Report "*Marion Leisure and Fitness Centre, Lease to CASA Licence Pty Ltd, SGC190215F01*" is necessary to ensure that Council does not compromise a future tender for services.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidentiality Order: Council Briefing – Nursery operations, GC250815F06
Report Reference: GC081215R10 – (42)

REPORT OBJECTIVES / EXECUTIVE SUMMARY:

To review the confidential item relating to the Report *Review of Confidentiality Order: Council Briefing – Nursery operations, GC250815F06* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

That:

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| <p>1. In accordance with Section 91(7) and (9) of the <i>Local Government Act 1999</i> the Council orders that the report <i>Review of Confidentiality Order: Council Briefing – Nursery operations, GC250815F06</i> and minutes arising from this report having been considered in confidence under Section 90(2), (3)(h) and (i) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting, as the information relates to legal advice the subject of actual litigation.</p> <p>This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.</p> | <p>8 Dec 15</p> |
| <p>2. Council delegates the power to revoke this order of confidentiality to the Chief Executive Officer, following finalisation of this matter within the South Australian Industrial Relations Commission.</p> | <p>8 Dec 15</p> |
| <p>3. This confidentiality order will be reviewed at the General Council meeting in December 2016, unless revoked earlier.</p> | <p>Dec 16</p> |

BACKGROUND

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 25 August 2015 Council ordered that:

1. Council, in accordance with Section 91(7) and (9) of the Local Government Act 1999, orders that the report, 'Council Briefing - Nursery Operations (Report Reference GC250815F06)', and the Minutes arising from this report having been considered in confidence be kept confidential under Sections 90(2) and (3)(h) and (i) of the Act and not be available for public inspection for a period of 12 months from the date of this meeting or until such time as the Union dispute is resolved. This confidentiality order will be reviewed at the General Council Meeting in December 2015.

In accordance with the Act, the above confidentiality order is due for review.

ANAYLSIS

On review the information discussed in the Report considers legal advice which is the subject of current litigation involving Council.

Therefore, it is recommended that the confidentiality order in relation to the Report and minutes arising from the report "*Council Briefing - Nursery Operations (Report Reference GC250815F06)*", remain in force.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(h) and (i) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the Report *Council Briefing - Nursery Operations, GC250815F06* is necessary to ensure that Council does not disclose legal advice that relates to current litigation involving Council.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Cove Civic Centre – Cost and Programme Management,
GC240215F01
Ref No: GC081215R10 - (43)

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Cove Civic Centre – Cost and Programme Management, GC240215F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (4)

DUE DATES

That:

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| <p>1. In accordance with Section 91(7) and (9) of the <i>Local Government Act 1999</i> the Council orders that the report, '<i>Cove Civic Centre – Cost and Programme Management, GC240215F01</i>' together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party, and would, on balance, be contrary to the public interest (<i>Section 90(3)(b)</i> of the <i>Local Government Act 1999</i>) and would breach a duty of confidence (<i>Section 90(3)(g)</i>).</p> <p>This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.</p> | <p>8 Dec 15</p> |
| <p>2. Council requests the Chief Executive Officer to undertake further investigation and consultation with the view to releasing this matter based on the outcomes of such investigation and consultation.</p> | <p>8 Dec 15</p> |
| <p>3. Council delegates the power to revoke this order of confidentiality to the Chief Executive Officer, subject to no reasonable objections from relevant third parties or Elected Members.</p> | <p>8 Dec 15</p> |
| <p>4. This confidential order be reviewed at the April 2016 meeting of Council.</p> | <p>April 16</p> |

BACKGROUND:

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 24 February 2015, Council ordered that the Report *Cove Civic Centre – Cost and Programme Management, GC240215F01*, and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(b)(i) and (ii) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2015.

As required by the above resolution this order is due for review.

ANALYSIS

The report provides information to Council of cost and time issues associated with the construction of the Cove Civic Centre, and seeks Council's resolution to proceed to negotiations in order to achieve a timely and cost effective completion of the project.

As negotiations are not yet finalised and there is a duty of confidence the confidentiality order needs to be retained.

The Chief Executive Officer can undertake relevant consultation and investigation, and if no relevant objections or material is realised then the Chief Executive Officer could revoke the confidential order under delegated authority.

Prior to any revocation the Chief Executive Officer is to also seek the views of the Elected Members

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Sections 90(2) and (3)(b) and (g) of Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the report, appendices and minutes to the Report "*Cove Civic Centre – Cost and Programme Management, GC240215F01*" is necessary to ensure that Council does not prematurely disclose commercial information or breach a legal obligation or duty of confidence.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Cove Civic Centre, GC220915F01
Ref No: GC081215R10 - (44)

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Cove Civic Centre, GC220915F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (4)

DUE DATES

That:

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| <p>1. In accordance with Section 91(7) and (9) of the <i>Local Government Act 1999</i> the Council orders that the report, '<i>Cove Civic Centre, GC220915F01</i>' together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains commercial information of a confidential nature and would, on balance, be contrary to the public interest (Section 90(3)(d)) and would breach a duty of confidence (Section 90(3)(g)).</p> <p>This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.</p> | <p>8 Dec 15</p> |
| <p>2. Council requests the Chief Executive Officer to undertake further investigation and consultation with the view to releasing this matter based on the outcomes of such investigation and consultation.</p> | <p>8 Dec 15</p> |
| <p>3. Council delegates the power to revoke this order of confidentiality to the Chief Executive Officer, subject to no reasonable objections from relevant third parties or Elected Members.</p> | <p>8 Dec 15</p> |
| <p>4. This confidential order be reviewed at the April 2016 meeting of Council.</p> | <p>April 16</p> |

BACKGROUND:

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 22 September 2015, Council ordered that the Report *Cove Civic Centre, GC220915F01*, and the minutes arising from this report having been considered in confidence under Section 90(3)(b)(i) and (ii) of the Act shall, except when required to effect or comply with Council's resolution(s) regarding this matter, be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2015

As required by the above resolution this order is due for review.

ANALYSIS

The report contains commercial information of a confidential nature over which Council has a duty of confidence.

Accordingly it is recommended that the confidentiality order be retained.

The Chief Executive Officer can undertake relevant consultation and investigation, and if no relevant objections or material is realised then the Chief Executive Officer could revoke the confidential order under delegated authority.

Prior to any revocation the Chief Executive Officer is to also seek the views of the Elected Members

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Sections 90(2) and (3)(b) of Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the report, appendices and minutes to the Report "*Cove Civic Centre, GC220915F01*" is necessary to ensure that Council does not prematurely disclose commercial information or breach a legal obligation or duty of confidence.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager, Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Cove Sports and Community Club, CC140605R07
Ref No: GC081215R10 - (45)

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Cove Sports and Community Club, CC140605R07* in accordance with Section 91(9) of the *Local Government Act 1999*.

RECOMMENDATIONS (4)

DUE DATES

That:

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| <p>1. Pursuant to Section 91(7) and (9) of the <i>Local Government Act 1999</i> the Council orders that the Appendix 2 to the Report, “<i>Cove Sports and Community Club, CC140605R07</i>” be kept confidential on the basis that it deals with information the disclosure of which will involve the unreasonable disclosure of commercial information of a confidential nature, which, on balance, would be contrary to the public interest (Section 90(3)(d) of the <i>Local Government Act 1999</i>).</p> <p>This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.</p> | <p>8 Dec 15</p> |
| <p>2. Council requests the Chief Executive Officer to undertake further investigation and consultation with the view to releasing this matter based on the outcomes of such investigation and consultation</p> | <p>8 Dec 15</p> |
| <p>3. Council delegates the power to revoke this order of confidentiality to the Chief Executive Officer, subject to no reasonable objections from relevant third parties or Elected Members.</p> | <p>8 Dec 15</p> |
| <p>4. This confidential order be reviewed at the December 2016 meeting of Council.</p> | <p>Dec 16</p> |

BACKGROUND:

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 14 June 2005, Council ordered that Appendix 2 to the report relating to the *Cove Sports and Community Club, CC140605R07* (the Report) be kept confidential for a period of 12 months, to be reviewed in December 2005. The Appendix comprised the April Activity Report of the Cove Sports and Community Club (the Club) and was considered to contain commercial information that if disclosed, could reasonably be expected to prejudice the commercial position of the person who supplied the information.

As required by the Act, this confidentiality order has been reviewed annually since December 2005. The last review was at the 9 December 2014 General Council meeting where it was resolved that:

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

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

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

In accordance with the Act and the above resolutions, the confidentiality order is due for review.

ANALYSIS

On reviewing Appendix 2 to the original Report, it is recommended that the confidentiality order be retained on the basis that the information provided in the Appendix could still prejudice the commercial position of the person(s) who supplied the information, and the release of the information would, on balance, be contrary to the public interest.

Given the time now lapsed, it is recommended that Council pursue release taking into consideration the views of parties involved, as well as other matters such as industry practice, Ombudsman's advice and approaches taken with the Freedom of Information legislation.

The Chief Executive Officer can undertake relevant consultation and investigation, and if no relevant objections or material is realised then the Chief Executive Officer could revoke the confidential order under delegated authority.

Prior to any revocation the Chief Executive Officer is to also seek the views of the Elected Members.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting prior to resolving the release or otherwise of the Report, Council will need to order that the public be

excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(d) of Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of Appendix 2 to the Report *Cove Sports and Community Club, CC140605R07*, is important to ensure that Council does not prejudice the commercial or confidential position of the Club.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Personnel Matter – CEO Performance and Remuneration
Review 2009-2010, GC110510F01
Ref No: GC081215R10 – (46) Appendix 1

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Personnel Matter – CEO Performance and Remuneration Review 2009-2010, GC110510F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

That:

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| <p>1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, 'Personnel Matter – CEO Performance and Remuneration Review 2009-2010, GC110510F01' together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person (Section 90(3)(a)), and to ensure Council does not breach any duty of confidence or other legal obligation or duty (Section 90(3)(g)).</p> <p>This order is to remain in force until such time as the former Chief Executive Officer retires from gainful employment.</p> | <p>8 Dec 15</p> |
| <p>2. This confidential order be reviewed at the December 2016 meeting of Council.</p> | <p>Dec 16</p> |

BACKGROUND:

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On the 11 May 2010, the Council ordered that the Report and minutes relating to *Personnel Matter – CEO Performance and Remuneration Review 2009-2010* reference number GC110510F01 be kept confidential until the Chief Executive retires from gainful employment, to be reviewed in December 2010. This order was made on the basis that the Report contained information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer – Section 90(3)(a) of the Act.

At the Council meeting held 9 December 2014 the confidentiality order was reviewed, as required by the Act, and it was resolved that:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, '*Personnel Matter – CEO Performance and Remuneration Review 2009-2010, GC110510F01*' together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer (Section 90(3)(a) of the Local Government Act 1999).

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

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

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is again due for review.

ANALYSIS

Although Mr Searle is no longer employed by the City of Marion, he remains in gainful employment. Mr Searle was consulted on the release of the report, all annexure and minutes and responded that he did not agree to the release of these documents citing s90(3)(a), (3)(g) and (3)(h) of the *Local Government Act 1999*. In addition he made the following observations:

- “1. I am currently in gainful employment and intend to continue my career for the foreseeable future;
2. The Council has a duty of confidence and legal obligations in accordance with agreements I have with council, and various other provisions of the Local Government Act and other legislation; and
3. National Privacy principles provide a benchmark of 7 years for the retention of credit/financial information.”

Mr Searle stated that he would review his position in 12 months when Council next reviewed its confidential orders.

Accordingly, it is recommended that the confidentiality order remain in place to ensure Council does not unreasonably disclose information concerning Mr Searle's personal affairs, or breach any duty of confidence or other legal obligation or duty.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the Report *Personnel Matter – CEO Performance and Remuneration Review 2009-2010* reference number GC110510F01, its Appendices and Minutes is necessary to ensure that Council does not prematurely disclose personal information, or breach any duty of confidence or other legal obligation or duty.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Personnel Matter – CEO Performance and Remuneration Review
2009-2010, CRC170810F01
Ref No: GC081215R10 – (46) Appendix 2

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Personnel Matter – CEO Performance and Remuneration Review 2009-2010, CRC170810F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

That:

- 1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, '*Personnel Matter – CEO Performance and Remuneration Review 2009-2010, GC170810F01*' together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person (Section 90(3)(a)), and to ensure Council does not breach any duty of confidence or other legal obligation or duty (Section 90(3)(g)).**

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

8 Dec 15
- 2. This confidential order be reviewed at the December 2016 meeting of Council.**

Dec 16

BACKGROUND:

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On the 17 August 2010, the Chief Executive Review Committee ordered that the Report and minutes relating to *Personnel Matter – CEO Performance and Remuneration Review 2009-2010* reference number CRC170810F01 be kept confidential until the Chief Executive retires from gainful employment, to be reviewed in December 2010. This order was made on the basis that the Report contained information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer – Section 90(3)(a) of the Act.

This confidentiality order has been reviewed annually since 2010. At the Council meeting held 9 December 2014 the confidentiality order was reviewed, as required by the Act, and it was resolved that:

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

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

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

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is again due for review.

ANALYSIS

Although Mr Searle is no longer employed by the City of Marion, he remains in gainful employment. Mr Searle was consulted on the release of the report, all annexure and minutes and responded that he did not agree to the release of these documents citing s90(3)(a), (3)(g) and (3)(h) of the *Local Government Act 1999*. In addition he made the following observations:

- “1. I am currently in gainful employment and intend to continue my career for the foreseeable future;
2. The Council has a duty of confidence and legal obligations in accordance with agreements I have with council, and various other provisions of the Local Government Act and other legislation; and
3. National Privacy principles provide a benchmark of 7 years for the retention of credit/financial information.”

Mr Searle stated that he would review his position in 12 months when Council next reviewed its confidential orders.

Accordingly, it is recommended that the confidentiality order remain in place to ensure Council does not unreasonably disclose information concerning Mr Searle's personal affairs, or breach any duty of confidence or other legal obligation or duty.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the Report *Personnel Matter – CEO Performance and Remuneration Review 2009-2010* reference number GC170810F01, its Appendices and Minutes is necessary to ensure that Council does not prematurely disclose personal information, or breach any duty of confidence or other legal obligation or duty.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Personnel Matter – CEO Performance and Remuneration Review
2009-2010, GC240810F01
Ref No: GC081215R10 – (46) Appendix 3

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Personnel Matter – CEO Performance and Remuneration Review 2009-2010, GC240810F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

That:

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|--|------------------------|
| <p>1. In accordance with Section 91(7) and (9) of the <i>Local Government Act 1999</i> the Council orders that the report, '<i>Personnel Matter – CEO Performance and Remuneration Review 2009-2010, GC240810F01</i>' together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person (Section 90(3)(a)), and to ensure Council does not breach any duty of confidence or other legal obligation or duty (Section 90(3)(g)).</p> <p>This order is to remain in force until such time as the former Chief Executive Officer retires from gainful employment.</p> | <p>8 Dec 15</p> |
| <p>2. This confidential order be reviewed at the December 2016 meeting of Council.</p> | <p>Dec 16</p> |

BACKGROUND:

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On the 24 August 2010, the Council ordered that the Report and minutes relating to *Personnel Matter – CEO Performance and Remuneration Review 2009-2010* reference number GC240810F01 be kept confidential until the Chief Executive retires from gainful employment, to be reviewed in December 2010. This order was made on the basis that the Report contained information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer – Section 90(3)(a) of the Act.

This confidentiality order has been reviewed annually since 2010. At the Council meeting held 9 December 2014 the confidentiality order was reviewed, as required by the Act, and it was resolved that:

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

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

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

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is again due for review.

ANALYSIS

Although Mr Searle is no longer employed by the City of Marion, he remains in gainful employment. Mr Searle was consulted on the release of the report, all annexure and minutes and responded that he did not agree to the release of these documents citing s90(3)(a), (3)(g) and (3)(h) of the *Local Government Act 1999*. In addition he made the following observations:

- “1. I am currently in gainful employment and intend to continue my career for the foreseeable future;
2. The Council has a duty of confidence and legal obligations in accordance with agreements I have with council, and various other provisions of the Local Government Act and other legislation; and
3. National Privacy principles provide a benchmark of 7 years for the retention of credit/financial information.”

Mr Searle stated that he would review his position in 12 months when Council next reviewed its confidential orders.

Accordingly, it is recommended that the confidentiality order remain in place to ensure Council does not unreasonably disclose information concerning Mr Searle's personal affairs, or breach any duty of confidence or other legal obligation or duty.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the Report *Personnel Matter – CEO Performance and Remuneration Review 2009-2010* reference number GC240810F01, its Appendices and Minutes is necessary to ensure that Council does not prematurely disclose personal information, or breach any duty of confidence or other legal obligation or duty

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Personnel Matter - CEO Performance Criteria 2010-2011,
GC140910F01
Ref No: GC081215R10 – (46) Appendix 4

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Personnel Matter - CEO Performance Criteria 2010-2011, GC140910F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

That:

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| <p>1. In accordance with Section 91(7) and (9) of the <i>Local Government Act 1999</i> the Council orders that the report, '<i>Personnel Matter – CEO Performance Criteria 2010-2011, GC140910F01</i>' together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person (Section 90(3)(a)), and to ensure Council does not breach any duty of confidence or other legal obligation or duty (Section 90(3)(g)).</p> <p>This order is to remain in force until such time as the former Chief Executive Officer retires from gainful employment.</p> | <p>8 Dec 15</p> |
| <p>2. This confidential order be reviewed at the December 2016 meeting of Council.</p> | <p>Dec 16</p> |

BACKGROUND:

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On the 14 September 2010, Council ordered that the Report and minutes relating to *Personnel Matter - CEO Performance Criteria 2010-2011*, reference number *GC140910F01* be kept confidential until the Chief Executive retires from gainful employment, to be reviewed in December 2010. This order was made on the basis that the Report contained information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer – Section 90(3)(a) of the Act.

This confidentiality order has been reviewed annually since 2010. At the Council meeting held 9 December 2014 the confidentiality order was reviewed, as required by the Act, and it was resolved that:

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

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

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

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is again due for review.

ANALYSIS

Although Mr Searle is no longer employed by the City of Marion, he remains in gainful employment. Mr Searle was consulted on the release of the report, all annexure and minutes and responded that he did not agree to the release of these documents citing s90(3)(a), (3)(g) and (3)(h) of the *Local Government Act 1999*. In addition he made the following observations:

- “1. I am currently in gainful employment and intend to continue my career for the foreseeable future;
2. The Council has a duty of confidence and legal obligations in accordance with agreements I have with council, and various other provisions of the Local Government Act and other legislation; and
3. National Privacy principles provide a benchmark of 7 years for the retention of credit/financial information.”

Mr Searle stated that he would review his position in 12 months when Council next reviewed its confidential orders.

Accordingly, it is recommended that the confidentiality order remain in place to ensure Council does not unreasonably disclose information concerning Mr Searle's personal affairs, or breach any duty of confidence or other legal obligation or duty.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the Report *Personnel Matter – CEO Performance Criteria 2010-2011* reference number GC140910F01, its Appendices and Minutes is necessary to ensure that Council does not prematurely disclose personal information, or breach any duty of confidence or other legal obligation or duty.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
CEO Performance & Remuneration Review 2010-2011,
CRC251011F01
Ref No: GC081215R10 – (46) Appendix 5

REPORT OBJECTIVE:

To review the confidential item relating to the Report *CEO Performance & Remuneration Review 2010-2011, CRC251011F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

That:

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| <p>1. In accordance with Section 91(7) and (9) of the <i>Local Government Act 1999</i> the Council orders that the report, '<i>CEO Performance & Remuneration Review 2010-2011, CRC251011F01</i>' together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the former Chief Executive Officer (Section 90(3)(a)), and to ensure Council does not breach any duty of confidence or other legal obligation or duty (Section 90(3)(g)).</p> <p>This order is to remain in force until such time as the former Chief Executive Officer retires from gainful employment.</p> | <p>8 Dec 15</p> |
| <p>2. This confidential order be reviewed at the December 2016 meeting of Council.</p> | <p>Dec 16</p> |

BACKGROUND:

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On the 25 October 2011, the Chief Executive Review Committee ordered that the Report and minutes relating to *CEO Performance & Remuneration Review 2010-2011*, reference number *CRC251011F01* be kept confidential until the Chief Executive retires from gainful employment, to be reviewed in December 2011. This order was made on the basis that the Report contained information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer – Section 90(3)(a) of the Act.

The above confidentiality order has been reviewed annually since 2011. It was last reviewed at the General Council Meeting on 9 December 2014 where it was resolved that:

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

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

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

ANALYSIS

Although Mr Searle is no longer employed by the City of Marion, he remains in gainful employment. Mr Searle was consulted on the release of the report, all annexure and minutes and responded that he did not agree to the release of these documents citing s90(3)(a), (3)(g) and (3)(h) of the *Local Government Act 1999*. In addition he made the following observations:

- “1. I am currently in gainful employment and intend to continue my career for the foreseeable future;
2. The Council has a duty of confidence and legal obligations in accordance with agreements I have with council, and various other provisions of the Local Government Act and other legislation; and
3. National Privacy principles provide a benchmark of 7 years for the retention of credit/financial information.”

Mr Searle stated that he would review his position in 12 months when Council next reviewed its confidential orders.

Accordingly, it is recommended that the confidentiality order remain in place to ensure Council does not unreasonably disclose information concerning Mr Searle's personal affairs, or breach any duty of confidence or other legal obligation or duty.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the Report *CEO Performance & Remuneration Review 2010-2011* reference number CRC251011F01 is necessary to ensure that Council does not breach any duty of confidence or other legal obligation or duty, or prematurely disclose personal information.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Draft CEO Review Committee Meeting Minutes, GC081111F01
Ref No: GC081215R10 – (46) Appendix 6

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Draft CEO Review Committee Meeting Minutes, GC081111F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

That:

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| <p>1. In accordance with Section 91(7) and (9) of the <i>Local Government Act 1999</i> the Council orders that the report, '<i>Draft CEO Review Committee Meeting Minutes, GC081111F01</i>' together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the former Chief Executive Officer (Section 90(3)(a)) and to ensure Council does not breach any duty of confidence or other legal obligation or duty (Section 90(3)(g)).</p> <p>This order is to remain in force until such time as the former Chief Executive Officer retires from gainful employment.</p> | <p>8 Dec 15</p> |
| <p>2. This confidential order be reviewed at the December 2016 meeting of Council.</p> | <p>Dec 16</p> |

BACKGROUND:

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On the 8 November 2011, Council ordered that the Report and minutes relating to *Draft CEO Review Committee Meeting Minutes*, reference number *GC081111F01* be kept confidential until the Chief Executive retires from gainful employment, to be reviewed in December 2011. This order was made on the basis that the Report contained information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer – Section 90(3)(a) of the Act.

The above confidentiality order has been reviewed annually since 2011. It was last reviewed at the General Council Meeting on 9 December 2014 where it was resolved that:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, '*Draft CEO Review Committee Meeting Minutes, GC081111F01*' together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer (Section 90(3)(a) of the Local Government Act 1999).

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

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

ANALYSIS

Although Mr Searle is no longer employed by the City of Marion, he remains in gainful employment. Mr Searle was consulted on the release of the report, all annexure and minutes and responded that he did not agree to the release of these documents citing s90(3)(a), (3)(g) and (3)(h) of the *Local Government Act 1999*. In addition he made the following observations:

- “1. I am currently in gainful employment and intend to continue my career for the foreseeable future;
2. The Council has a duty of confidence and legal obligations in accordance with agreements I have with council, and various other provisions of the Local Government Act and other legislation; and
3. National Privacy principles provide a benchmark of 7 years for the retention of credit/financial information.”

Mr Searle stated that he would review his position in 12 months when Council next reviewed its confidential orders.

Accordingly, it is recommended that the confidentiality order remain in place to ensure Council does not unreasonably disclose information concerning Mr Searle's personal affairs, or breach any duty of confidence or other legal obligation or duty.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999 given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the Report *Draft CEO Review Committee Meeting Minutes* reference number GC081111F01 is necessary to ensure that Council does not breach any duty of confidence or other legal obligation or duty, or prematurely disclose personal information.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Personnel Matter – CEO Performance Review – Appointment of
External Consultant, CRC291111F01
Ref No: GC081215R10 – (46) Appendix 7

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Personnel Matter – CEO Performance Review – Appointment of External Consultant, CRC291111F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

That:

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| <p>1. In accordance with Section 91(7) and (9) of the <i>Local Government Act 1999</i> the Council orders that the report, <i>Personnel Matter – CEO Performance Review – Appointment of External Consultant, CRC291111F01</i> together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the former Chief Executive Officer (Section 90(3)(a) and to ensure Council does not breach any duty of confidence or other legal obligation or duty (Section 90(3)(g).</p> <p>This order is to remain in force until such time as the former Chief Executive Officer retires from gainful employment.</p> | <p>8 Dec 15</p> |
| <p>2. This confidential order be reviewed at the December 2016 meeting of Council.</p> | <p>Dec 16</p> |

BACKGROUND:

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On the 29th November 2011, Council ordered that the Report, Appendix, minutes arising from this report relating to *Personnel Matter – CEO Performance Review – Appointment of External Consultant, CRC291111F01*, be kept confidential and not available for public inspection for the period that the Chief Executive Officer remains in gainful employment. This order was made on the basis the report contains personal information associated with the remuneration review of the Chief Executive Officer – Section 90(2) and (3)(a) of the Act.

In accordance with the Act, the above confidentiality order is due for review.

ANALYSIS

Although Mr Searle is no longer employed by the City of Marion, he remains in gainful employment. Mr Searle was consulted on the release of the report, all annexure and minutes and responded that he did not agree to the release of these documents citing s90(3)(a), (3)(g) and (3)(h) of the *Local Government Act 1999*. In addition he made the following observations:

- “1. I am currently in gainful employment and intend to continue my career for the foreseeable future;
2. The Council has a duty of confidence and legal obligations in accordance with agreements I have with council, and various other provisions of the Local Government Act and other legislation; and
3. National Privacy principles provide a benchmark of 7 years for the retention of credit/financial information.”

Mr Searle stated that he would review his position in 12 months when Council next reviewed its confidential orders.

Accordingly, it is recommended that the confidentiality order remain in place to ensure Council does not unreasonably disclose information concerning Mr Searle's personal affairs, or breach any duty of confidence or other legal obligation or duty.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the Report *Personnel Matter – CEO Performance Review – Appointment of External Consultant, CRC291111F01* is necessary to ensure that Council does not breach any duty of confidence or other legal obligation or duty, or prematurely disclose personal information.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Draft CEO Review Committee Meeting Minutes, GC131211F01
Ref No: GC081215R10 – (46) Appendix 8

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Draft CEO Review Committee Meeting Minutes, GC131211F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

That:

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| <p>1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report <i>Draft CEO Review Committee Meeting Minutes, GC131211F01</i> and associated appendices and the minutes arising from this report be kept confidential and not available for the public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person (Section 90(3)(a)), and to ensure Council does not breach any duty of confidence or other legal obligation or duty (Section 90(3)(g)).</p> | <p>8 Dec 15</p> |
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This order is to remain in force until such time as the former Chief Executive Officer retires from gainful employment.

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| <p>2. This confidential order be reviewed at the December 2016 meeting of Council.</p> | <p>Dec 16</p> |
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BACKGROUND:

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 13 December 2011, Council ordered that the Report and minutes relating to *Draft CEO Review Committee Meeting Minutes, GC131211F01* be kept confidential until the Chief Executive retires from gainful employment, to be reviewed in December 2012. This order was made on the basis that the Report contained information disclosure of which would involve the unreasonable disclosure of information concerning a tender for the provision of services. Section 90(3)(a) and (k).

The above confidentiality order has been reviewed annually since 2011. It was last reviewed at the General Council Meeting on 9 December 2014 where it was resolved that:

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

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

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

In accordance with the Act, and the above resolution, the above confidentiality order is due for review.

ANALYSIS

Although Mr Searle is no longer employed by the City of Marion, he remains in gainful employment. Mr Searle was consulted on the release of the report, all annexure and minutes and responded that he did not agree to the release of these documents citing s90(3)(a), (3)(g) and (3)(h) of the *Local Government Act 1999*. In addition he made the following observations:

- “1. I am currently in gainful employment and intend to continue my career for the foreseeable future;
2. The Council has a duty of confidence and legal obligations in accordance with agreements I have with council, and various other provisions of the Local Government Act and other legislation; and
3. National Privacy principles provide a benchmark of 7 years for the retention of credit/financial information.”

Mr Searle stated that he would review his position in 12 months when Council next reviewed its confidential orders.

Accordingly, it is recommended that the confidentiality order remain in place to ensure Council does not unreasonably disclose information concerning Mr Searle's personal affairs, or breach any duty of confidence or other legal obligation or duty.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) and (3)(k) of the Local Government Act 1999 given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the Report *Draft CEO Review Committee Meeting Minutes, GC131211F01* is necessary to ensure that Council does not breach any duty of confidence or other legal obligation or duty, or prematurely disclose personal information.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
CEO Performance Review 2010 – 2011 & Employment
Agreement Review, CRC140212F01
Ref No: GC081215R10 – (46) Appendix 9

REPORT OBJECTIVE:

To review the confidential item relating to the Report *CEO Performance Review 2010-2011 & Employment Agreement Review, CRC140212F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

That:

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| <p>1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report <i>CEO Performance Review 2010-2011 & Employment Agreement Review, CRC140212F01</i> and the minutes arising from this report be kept confidential and not available for the public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the former Chief Executive Office of the Council. (Section 90(3)(a)) and to ensure Council does not breach any duty of confidence or other legal obligation or duty (Section 90(3)(g)).</p> <p>This order is to remain in force until such time as the former Chief Executive Officer retires from gainful employment.</p> | <p>8 Dec 15</p> |
| <p>2. This confidential order be reviewed at the December 2016 meeting of Council.</p> | <p>Dec 16</p> |

BACKGROUND:

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 14 February 2012, the Committee ordered that the Report and minutes relating to the Report *CEO Performance Review 2010-2011 & Employment Agreement Review, CRC140212F01* be kept confidential until the Chief Executive retires from gainful employment, to be reviewed in December 2012. This order was made on the basis that the Report contained information relating to the conduct of the Chief Executive Officer's 2010-2011 performance and remuneration and employment agreement review. Section 90(3)(a) of the Act.

The above confidentiality order has been reviewed annually since 2012. It was last reviewed at the General Council Meeting on 9 December 2014 where it was resolved that:

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

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

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

In accordance with the Act, and the above resolution, the above confidentiality order is due for review.

ANALYSIS

Although Mr Searle is no longer employed by the City of Marion, he remains in gainful employment. Mr Searle was consulted on the release of the report, all annexure and minutes and responded that he did not agree to the release of these documents citing s90(3)(a), (3)(g) and (3)(h) of the *Local Government Act 1999*. In addition he made the following observations:

- “1. I am currently in gainful employment and intend to continue my career for the foreseeable future;
2. The Council has a duty of confidence and legal obligations in accordance with agreements I have with council, and various other provisions of the Local Government Act and other legislation; and
3. National Privacy principles provide a benchmark of 7 years for the retention of credit/financial information.”

Mr Searle stated that he would review his position in 12 months when Council next reviewed its confidential orders.

Accordingly, it is recommended that the confidentiality order remain in place to ensure Council does not unreasonably disclose information concerning Mr Searle's personal affairs, or breach any duty of confidence or other legal obligation or duty.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999 given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the Report *CEO Performance Review 2010-2011 & Employment Agreement Review, CRC140212F01* is necessary to ensure that Council does not breach any duty of confidence or other legal obligation or duty, or prematurely disclose personal information.

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

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Personnel Matter – CEO Performance and Employment
Agreement Review, SGC270212F02
Ref No: GC081215R10 – (46) Appendix 10

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Personnel Matter – CEO Performance and Employment Agreement Review, SG270212F02* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

That:

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| <p>1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report <i>Personnel Matter – CEO Performance and Employment Agreement Review, SG270212F02</i> and the minutes arising from this report be kept confidential and not available for the public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person living or dead being the former Chief Executive Officer. (Section 90(3)(a)) and to ensure Council does not breach any duty of confidence or other legal obligation or duty (Section 90(3)(g)).</p> <p>This order is to remain in force until such time as the former Chief Executive Officer retires from gainful employment.</p> | <p>8 Dec 15</p> |
| <p>2. This confidential order be reviewed at the December 2016 meeting of Council.</p> | <p>Dec 16</p> |

BACKGROUND:

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 27 February 2012, Council ordered that the Report and minutes relating to the Report *CEO Performance and Employment Agreement Review, SG270212F02* be kept confidential until the Chief Executive Officer retires from gainful employment, to be reviewed in December 2012. This order was made on the basis that the Report contained information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person living or dead being the Chief Executive Officer - Section 90(3)(a) of the Act.

The above confidentiality order has been reviewed annually since 2012. It was last reviewed at the General Council Meeting on 10 December 2013 where it was resolved that:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report *Personnel Matter – CEO Performance and Employment Agreement Review, SG270212F02* and the minutes arising from this report be kept confidential and not available for the public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person living or dead being the Chief Executive Officer. (Section 90(3)(a) of the *Local Government Act 1999*).

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

2. This confidential order be reviewed at the December 2014 meeting of Council.

In accordance with the Act, and the above resolution, the above confidentiality order is due for review.

ANALYSIS

Although Mr Searle is no longer employed by the City of Marion, he remains in gainful employment. Mr Searle was consulted on the release of the report, all annexure and minutes and responded that he did not agree to the release of these documents citing s90(3)(a), (3)(g) and (3)(h) of the *Local Government Act 1999*. In addition he made the following observations:

- “1. I am currently in gainful employment and intend to continue my career for the foreseeable future;
2. The Council has a duty of confidence and legal obligations in accordance with agreements I have with council, and various other provisions of the Local Government Act and other legislation; and
3. National Privacy principles provide a benchmark of 7 years for the retention of credit/financial information.”

Mr Searle stated that he would review his position in 12 months when Council next reviewed its confidential orders.

Accordingly, it is recommended that the confidentiality order remain in place to ensure Council does not unreasonably disclose information concerning Mr Searle's personal affairs, or breach any duty of confidence or other legal obligation or duty.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999 given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the Report *Personnel Matter – CEO Performance and Employment Agreement Review, SG270212F02* is necessary to ensure that Council does not breach any duty of confidence or other legal obligation or duty, or prematurely disclose personal information.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Personnel Matter – CEO Performance and Employment
Agreement Review, CRC060312F01
Ref No: GC081215R10 – (46) Appendix 11

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Personnel Matter – CEO Performance and Employment Agreement Review, CRC060312F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

That:

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| <p>1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report <i>CEO Performance Review 2010-2011 and Employment Agreement Review, CRC060312F01</i> and the minutes arising from this report be kept confidential and not available for the public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information relating to the conduct of the former Chief Executive Officer's 2010-2011 performance and Employment Agreement review (Section 90(3)(a)) and to ensure Council does not breach any duty of confidence or other legal obligation or duty (Section 90(3)(g)).</p> <p>This order is to remain in force until such time as the former Chief Executive Officer retires from gainful employment.</p> | <p>8 Dec 15</p> <p>Dec 16</p> |
| <p>2. This confidential order be reviewed at the December 2016 meeting of Council.</p> | |

BACKGROUND:

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 6 March 2012, the committee ordered that the Report and minutes relating to the Report *Personnel Matter – CEO Performance Review 2010-2011 and Employment Agreement Review, CRC060312F01* be kept confidential and not available for public inspection until such time as the Chief Executive Officer retires from gainful employment. This order was made on the basis that the Report contained information relating to the conduct of the Chief Executive Officer's 2010-2011 performance and remuneration and Employment Agreement Review. Section 90(3)(a) of the Act.

The above confidentiality order has been reviewed annually since 2012. It was last reviewed at the 9 December 2014 meeting of Council where it was resolved that:

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

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

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

In accordance with the Act, the above confidentiality order is due for review.

ANALYSIS

Although Mr Searle is no longer employed by the City of Marion, he remains in gainful employment. Mr Searle was consulted on the release of the report, all annexure and minutes and responded that he did not agree to the release of these documents citing s90(3)(a), (3)(g) and (3)(h) of the *Local Government Act 1999*. In addition he made the following observations:

- “1. I am currently in gainful employment and intend to continue my career for the foreseeable future;
2. The Council has a duty of confidence and legal obligations in accordance with agreements I have with council, and various other provisions of the Local Government Act and other legislation; and
3. National Privacy principles provide a benchmark of 7 years for the retention of credit/financial information.”

Mr Searle stated that he would review his position in 12 months when Council next reviewed its confidential orders.

Accordingly, it is recommended that the confidentiality order remain in place to ensure Council does not unreasonably disclose information concerning Mr Searle's personal affairs, or breach any duty of confidence or other legal obligation or duty.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999 given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the Report *Personnel Matter – CEO Performance and Employment Agreement Review*, is necessary to ensure that Council does not breach any duty of confidence or other legal obligation or duty, or prematurely disclose personal information.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Confirmation of Minutes, GC130312F01
Ref No: GC081215R10 – (46) Appendix 12

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Confirmation of Minutes, GC130312F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

That:

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| <p>1. In accordance with Section 91(7) and (9) of the <i>Local Government Act 1999</i> the Council orders that the report <i>Confirmation of Minutes, GC130312F01</i>, the minutes arising from this report and any other information distributed at the meeting be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person living or dead being the former Chief Executive Officer (<i>Section (3)(a)</i>) and to ensure Council does not breach any duty of confidence or other legal obligation or duty (<i>Section 90(3)(g)</i>).</p> <p>This order is to remain in force until such time as the former Chief Executive Officer retires from gainful employment.</p> | <p>8 Dec 15</p> |
| <p>2. This confidential order be reviewed at the December 2016 meeting of Council.</p> | <p>Dec 16</p> |

BACKGROUND:

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 13 March 2012, Council ordered that the Report *Confirmation of Minutes, GC130312F01*, the minutes arising from this report and any other information distributed at the meeting be kept confidential and not available for public inspection until such time as the Chief Executive Officer retires from gainful employment to be reviewed in December 2012. This order was made on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person living or dead being the Chief Executive Officer – Section 90(2) and (3)(a) of the Act.

The above confidentiality order has been reviewed annually since 2012. It was last reviewed at the 9 December 2014 meeting of Council. At this meeting it was resolved that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report *Confirmation of Minutes, GC130312F01*, the minutes arising from this report and any other information distributed at the meeting be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person living or dead being the Chief Executive Officer (*Section 90(2) and (3)(a) of the Local Government Act 1999*).

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

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

In accordance with the Act, the above confidentiality order is due for review.

ANALYSIS

Although Mr Searle is no longer employed by the City of Marion, he remains in gainful employment. Mr Searle was consulted on the release of the report, all annexure and minutes and responded that he did not agree to the release of these documents citing s90(3)(a), (3)(g) and (3)(h) of the *Local Government Act 1999*. In addition he made the following observations:

- “1. I am currently in gainful employment and intend to continue my career for the foreseeable future;
2. The Council has a duty of confidence and legal obligations in accordance with agreements I have with council, and various other provisions of the Local Government Act and other legislation; and
3. National Privacy principles provide a benchmark of 7 years for the retention of credit/financial information.”

Mr Searle stated that he would review his position in 12 months when Council next reviewed its confidential orders.

Accordingly, it is recommended that the confidentiality order remain in place to ensure Council does not unreasonably disclose information concerning Mr Searle's personal affairs, or breach any duty of confidence or other legal obligation or duty.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999 given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the report *Confirmation of Minutes, GC130312F01* is necessary to ensure that Council does not breach any duty of confidence or other legal obligation or duty, or prematurely disclose personal information.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Personnel Matter – CEO Performance Review 2010-2011 and
and Employment Agreement Review, SGC050412F01
Ref No: GC081215R10 – (46) Appendix 13

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Personnel Matter – CEO Performance Review 2010-2011 and Employment Agreement Review, SGC050412F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

That:

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| <p>1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report <i>CEO Performance and Employment Agreement Review - CRC060312F01</i>, minutes arising from this report and any other information distributed at the meeting be kept confidential and not available for the public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information relating to the conduct of the former Chief Executive Officer's 2010-2011 performance and remuneration and Employment Agreement review. (Section 90(3)(a)) and to ensure Council does not breach any duty of confidence or other legal obligation or duty (Section 90(3)(g)).</p> <p>This order is to remain in force until such time as the former Chief Executive Officer retires from gainful employment.</p> | <p>8 Dec 15</p> |
| <p>2. This confidential order be reviewed at the December 2016 meeting of Council.</p> | <p>Dec 16</p> |

BACKGROUND:

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 6 March 2012, the committee ordered that the Report and minutes relating to the Report *CEO Performance Review 2010-2011 and Employment Agreement Review, SGC050412F01*, be kept confidential and not available for public inspection until such time as the Chief Executive Officer retires from gainful employment. This order was made on the basis that the Report contained information relating to the conduct of the Chief Executive Officer's 2010-2011 performance and remuneration and Employment Agreement Review. Section 90(3)(a) of the Act.

The above confidentiality order has been reviewed annually since 2012. It was last reviewed at the 9 December 2014 meeting of Council where it was resolved that:

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

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

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

In accordance with the Act, the above confidentiality order is due for review.

ANALYSIS

Although Mr Searle is no longer employed by the City of Marion, he remains in gainful employment. Mr Searle was consulted on the release of the report, all annexure and minutes and responded that he did not agree to the release of these documents citing s90(3)(a), (3)(g) and (3)(h) of the *Local Government Act 1999*. In addition he made the following observations:

- “1. I am currently in gainful employment and intend to continue my career for the foreseeable future;
2. The Council has a duty of confidence and legal obligations in accordance with agreements I have with council, and various other provisions of the Local Government Act and other legislation; and
3. National Privacy principles provide a benchmark of 7 years for the retention of credit/financial information.”

Mr Searle stated that he would review his position in 12 months when Council next reviewed its confidential orders.

Accordingly, it is recommended that the confidentiality order remain in place to ensure Council does not unreasonably disclose information concerning Mr Searle's personal affairs, or breach any duty of confidence or other legal obligation or duty.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999 given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the Report , is necessary to ensure that Council does not breach any duty of confidence or *CEO Performance Review 2010-2011 and Employment Agreement Review, SGC050412F01* other legal obligation or duty, or prematurely disclose personal information.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
CEO Performance & Remuneration Review, CRC160412F01
Ref No: GC081215R10 – (46) Appendix 14

REPORT OBJECTIVE:

To review the confidential item relating to the Report *CEO Performance & Remuneration Review, CRC160412F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

That:

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| <p>1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report <i>CEO Performance & Remuneration Review, CRC160412F01</i>, the minutes arising from this report and any other material distributed at the meeting be kept confidential and not available for the public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person living or dead being the former Chief Executive Officer. (Section 90(3)(a)) and to ensure Council does not breach any duty of confidence or other legal obligation or duty (Section 90(3)(g)).</p> <p>This order is to remain in force until such time as the former Chief Executive Officer retires from gainful employment.</p> | <p>8 Dec 15</p> |
| <p>2. This confidential order be reviewed at the December 2016 meeting of Council.</p> | <p>Dec 16</p> |

BACKGROUND:

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 16 April 2012, the Committee ordered that the Report, the minutes arising from the report and any other material distributed at the meeting relating to the Report *CEO Performance & Remuneration Review, CRC160412F01* be kept confidential and not available for public inspection until the Chief Executive Officer retires from gainful employment, to be reviewed in December 2012. This order was made on the basis that the report contained information relating to the conduct of the Chief Executive Officer's 2010-2011 performance and remuneration review. Section 90(3)(a) of the Act.

The above confidentiality order has been reviewed annually since 2012. It was last reviewed at the 9 December 2014 meeting of Council where it was resolved that:

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

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

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

In accordance with the Act, and the above resolution, the above confidentiality order is due for review.

ANALYSIS

Although Mr Searle is no longer employed by the City of Marion, he remains in gainful employment. Mr Searle was consulted on the release of the report, all annexure and minutes and responded that he did not agree to the release of these documents citing s90(3)(a), (3)(g) and (3)(h) of the *Local Government Act 1999*. In addition he made the following observations:

- “1. I am currently in gainful employment and intend to continue my career for the foreseeable future;
2. The Council has a duty of confidence and legal obligations in accordance with agreements I have with council, and various other provisions of the Local Government Act and other legislation; and
3. National Privacy principles provide a benchmark of 7 years for the retention of credit/financial information.”

Mr Searle stated that he would review his position in 12 months when Council next reviewed its confidential orders.

Accordingly, it is recommended that the confidentiality order remain in place to ensure Council does not unreasonably disclose information concerning Mr Searle's personal affairs, or breach any duty of confidence or other legal obligation or duty.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999 given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the Report *CEO Performance & Remuneration Review, CRC160412F01* is necessary to ensure that Council does not breach any duty of confidence or other legal obligation or duty, or prematurely disclose personal information.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Minutes of the CEO Review Committee Meeting Held 16 April
2012, GC240412F02
Ref No: GC081215R10 – (46) Appendix 15

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Minutes of the CEO Review Committee Meeting held 16 April 2012, GC240412F02* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

That:

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| <p>1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report <i>Minutes of the CEO Review Committee Meeting held 16 April 2012, GC240412F02</i> and the minutes arising from this report be kept confidential and not available for the public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the former Chief Executive Officer of the Council. (Section 90(3)(a)) and to ensure Council does not breach any duty of confidence or other legal obligation or duty (Section 90(3)(g)).</p> <p>This order is to remain in force until such time as the former Chief Executive Officer retires from gainful employment.</p> | <p>8 Dec 15</p> |
| <p>2. This confidential order be reviewed at the December 2016 meeting of Council.</p> | <p>Dec 16</p> |

BACKGROUND:

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 24 April 2012, Council ordered that the Report and Minutes relating to the Report *Minutes of the CEO Review Committee Meeting held 16 April 2012, GC240412F02* be kept confidential until the Chief Executive retires from gainful employment, to be reviewed in December 2012. This order was made on the basis that the Report contained information relating to the appointment of an external consultant for the conduct of the Chief Executive Officer's 2010-2011 performance and remuneration and Employment Agreement review. Section 90(3)(a) of the Act.

The above confidentiality order has been reviewed annually since 2012. It was last reviewed at the 9 December 2014 meeting of Council where it was resolved that:

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

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

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

In accordance with the Act, and the above resolution, the above confidentiality order is due for review.

ANALYSIS

Although Mr Searle is no longer employed by the City of Marion, he remains in gainful employment. Mr Searle was consulted on the release of the report, all annexure and minutes and responded that he did not agree to the release of these documents citing s90(3)(a), (3)(g) and (3)(h) of the *Local Government Act 1999*. In addition he made the following observations:

- “1. I am currently in gainful employment and intend to continue my career for the foreseeable future;
2. The Council has a duty of confidence and legal obligations in accordance with agreements I have with council, and various other provisions of the Local Government Act and other legislation; and
3. National Privacy principles provide a benchmark of 7 years for the retention of credit/financial information.”

Mr Searle stated that he would review his position in 12 months when Council next reviewed its confidential orders.

Accordingly, it is recommended that the confidentiality order remain in place to ensure Council does not unreasonably disclose information concerning Mr Searle's personal affairs, or breach any duty of confidence or other legal obligation or duty.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999 given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the Report *Minutes of the CEO Review Committee Meeting held 16 April 2012, GC240412F02* is necessary to ensure that Council does not breach any duty of confidence or other legal obligation or duty, or prematurely disclose personal information.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Personnel Matter – CEO Performance and Remuneration
Review 2010-2011 CRC120612F01
Ref No: GC081215R10 – (46) Appendix 16

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Personnel Matter – CEO Performance and Remuneration Review 2010-2011 CRC120612F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

That:

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|---|-----------------|
| <p>1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report <i>Personnel Matter – CEO Performance and Remuneration Review 2010-2011 CRC120612F01</i> and the minutes arising from this report be kept confidential and not available for the public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the former Chief Executive Office of the Council. (Section 90(3)(a)) and to ensure Council does not breach any duty of confidence or other legal obligation or duty (Section 90(3)(g)).</p> <p>This order is to remain in force until such time as the former Chief Executive Officer retires from gainful employment.</p> | <p>8 Dec 15</p> |
| <p>2. This confidential order be reviewed at the December 2016 meeting of Council.</p> | <p>Dec 16</p> |

BACKGROUND:

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 12 June 2012, the Chief Executive Review Committee ordered that the Report and Minutes relating to the Report *Personnel Matter – CEO Performance and Remuneration Review 2010-2011 CRC120612F01* be kept confidential until the Chief Executive retires from gainful employment, to be reviewed in December 2012. This order was made on the basis that the Report contained information relating to the appointment of an external consultant for the conduct of the Chief Executive Officer's 2010-2011 performance and remuneration and Employment Agreement review. Section 90(3)(a) of the Act.

In accordance with the Act the above confidentiality order is due for review.

ANALYSIS

Although Mr Searle is no longer employed by the City of Marion, he remains in gainful employment. Mr Searle was consulted on the release of the report, all annexure and minutes and responded that he did not agree to the release of these documents citing s90(3)(a), (3)(g) and (3)(h) of the *Local Government Act 1999*. In addition he made the following observations:

- “1. I am currently in gainful employment and intend to continue my career for the foreseeable future;
2. The Council has a duty of confidence and legal obligations in accordance with agreements I have with council, and various other provisions of the Local Government Act and other legislation; and
3. National Privacy principles provide a benchmark of 7 years for the retention of credit/financial information.”

Mr Searle stated that he would review his position in 12 months when Council next reviewed its confidential orders.

Accordingly, it is recommended that the confidentiality order remain in place to ensure Council does not unreasonably disclose information concerning Mr Searle's personal affairs, or breach any duty of confidence or other legal obligation or duty.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999 given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the Report *Personnel Matter – CEO Performance and Remuneration Review 2010-2011 CRC120612F01* is necessary to ensure that Council does not breach any duty of confidence or other legal obligation or duty, or prematurely disclose personal information.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Personnel Matter CEO Performance & Remuneration Review
2010-2011, GC260612F01
Ref No: GC081215R10 – (46) Appendix 17

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Personnel Matter CEO Performance & Remuneration Review 2010-2011, GC260612F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

That:

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| <p>1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report <i>Personnel Matter CEO Performance & Remuneration Review 2010-2011, GC260612F01</i> and the minutes arising from this report be kept confidential and not available for the public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the former Chief Executive Office of the Council. (Section 90(3)(a)) and to ensure Council does not breach any duty of confidence or other legal obligation or duty (Section 90(3)(g)).</p> <p>This order is to remain in force until such time as the former Chief Executive Officer retires from gainful employment.</p> | <p>8 Dec 15</p> |
| <p>2. This confidential order be reviewed at the December 2016 meeting of Council.</p> | <p>Dec 16</p> |

BACKGROUND:

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 26 June 2012, Council ordered that the Report and minutes relating to the Report *Personnel Matter CEO Performance & Remuneration Review 2010-2011, GC260612F01*, be kept confidential and not available for public inspection for the period that the Chief Executive Officer remains in gainful employment. This order was made on the basis that the Report contained information relating to the outcomes of the Chief Executive Officer's 2010-2011 performance & remuneration review.

The above confidentiality order has been reviewed annually since 2012. It was last reviewed at the 9 December 2014 meeting of Council where it was resolved that:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report *Personnel Matter CEO Performance & Remuneration Review 2010-2011, GC260612F01* and the minutes arising from this report be kept confidential and not available for the public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Office of the Council. (Section 90(3)(a) of the *Local Government Act 1999*).

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

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

In accordance with the Act, and the above resolution, the confidentiality order is due for review.

ANALYSIS

Although Mr Searle is no longer employed by the City of Marion, he remains in gainful employment. Mr Searle was consulted on the release of the report, all annexure and minutes and responded that he did not agree to the release of these documents citing s90(3)(a), (3)(g) and (3)(h) of the *Local Government Act 1999*. In addition he made the following observations:

- “1. I am currently in gainful employment and intend to continue my career for the foreseeable future;
2. The Council has a duty of confidence and legal obligations in accordance with agreements I have with council, and various other provisions of the Local Government Act and other legislation; and
3. National Privacy principles provide a benchmark of 7 years for the retention of credit/financial information.”

Mr Searle stated that he would review his position in 12 months when Council next reviewed its confidential orders.

Accordingly, it is recommended that the confidentiality order remain in place to ensure Council does not unreasonably disclose information concerning Mr Searle's personal affairs, or breach any duty of confidence or other legal obligation or duty.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999 given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the Report *Personnel Matter CEO Performance & Remuneration Review 2010-2011, GC260612F01*, is necessary to ensure that Council does not breach any duty of confidence or other legal obligation or duty, or prematurely disclose personal information.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Personnel Matter – CEO Performance and Remuneration
Review 2011-2012, CRC210812F01
Ref No: GC081215R10 – (46) Appendix 18

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Personnel Matter – CEO Performance and Remuneration Review 2011-2012, CRC210812F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

That:

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| <p>1. In accordance with Section 91(7) and (9) of the <i>Local Government Act 1999</i> the Council orders that the report, <i>Personnel Matter – CEO Performance and Remuneration Review 2011-2012, CRC210812F01</i> together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the former Chief Executive Officer (Section 90(3)(a) and to ensure Council does not breach any duty of confidence or other legal obligation or duty (Section 90(3)(g)) .</p> <p>This order is to remain in force until such time as the former Chief Executive Officer retires from gainful employment.</p> | <p>8 Dec 15</p> |
| <p>2. This confidential order be reviewed at the December 2016 meeting of Council.</p> | <p>Dec 16</p> |

BACKGROUND:

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On the 21st August 2012, the Committee ordered that the Report, Appendix, minutes arising from this report relating to *Personnel Matter – CEO Performance and Remuneration Review 2011-2012, CRC210812F01*, be kept confidential and not available for public inspection for the period that the Chief Executive Officer remains in gainful employment. This order was made on the basis the report contains personal information associated with the remuneration review of the Chief Executive Officer – Section 90(2) and (3)(a) of the Act.

The above confidentiality order was last reviewed at the 9 December 2014 meeting of Council where it was resolved that:

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

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

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

In accordance with the Act, the above confidentiality order is due for review.

ANALYSIS

Although Mr Searle is no longer employed by the City of Marion, he remains in gainful employment. Mr Searle was consulted on the release of the report, all annexure and minutes and responded that he did not agree to the release of these documents citing s90(3)(a), (3)(g) and (3)(h) of the *Local Government Act 1999*. In addition he made the following observations:

- “1. I am currently in gainful employment and intend to continue my career for the foreseeable future;
2. The Council has a duty of confidence and legal obligations in accordance with agreements I have with council, and various other provisions of the Local Government Act and other legislation; and
3. National Privacy principles provide a benchmark of 7 years for the retention of credit/financial information.”

Mr Searle stated that he would review his position in 12 months when Council next reviewed its confidential orders.

Accordingly, it is recommended that the confidentiality order remain in place to ensure Council does not unreasonably disclose information concerning Mr Searle's personal affairs, or breach any duty of confidence or other legal obligation or duty.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the Report *Personnel Matter – CEO Performance and Remuneration Review 2011-2012, CRC210812F01* is necessary to ensure that Council does not prematurely disclose personal information.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Confirmation of Minutes of CEO Review Committee Meeting
held 21 August 2012, GC280812F01
Ref No: GC081215R10 – (46) Appendix 19

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Confirmation of Minutes of CEO Review Committee Meeting held 21 August 2012, GC280812F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

That:

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| <p>1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report <i>Confirmation of Minutes of CEO Review Committee Meeting held 21 August 2012, GC280812F01</i> and the minutes arising from this report having been considered in confidence under Section 90(3)(a) and (3)(g) of the Act be kept confidential and not available for public inspection on the basis it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person living or dead being the former Chief Executive Officer, and to ensure Council does not breach any duty of confidence or other legal obligation or duty .</p> <p>This order is to remain in force until such time as the former Chief Executive Officer retires from gainful employment.</p> | <p>9 Dec 15</p> |
| <p>2. This confidential order be reviewed at the December 2016 meeting of Council.</p> | <p>Dec 16</p> |

BACKGROUND:

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 28 August 2012, Council ordered that the Report and minutes relating to *Confirmation of Minutes of CEO Review Committee Meeting held 21 August 2012, GC280812F01* be kept confidential and not available for public inspection until such time as the Chief Executive Officer retires from gainful employment, to be reviewed in December 2012. This order was made on the basis that the report contains information relating to the conduct of the Chief Executive Officer's 2011-2012 Performance and remuneration review. Section 90(2) and (3)(a) of the Act.

The above confidentiality order has been reviewed annually since 2012. It was last reviewed at the 9 December 2014 meeting of Council where it was resolved that:

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

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

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

In accordance with the Act, and the above resolution, the above confidentiality order is due for review.

ANALYSIS

Although Mr Searle is no longer employed by the City of Marion, he remains in gainful employment. Mr Searle was consulted on the release of the report, all annexure and minutes and responded that he did not agree to the release of these documents citing s90(3)(a), (3)(g) and (3)(h) of the *Local Government Act 1999*. In addition he made the following observations:

- “1. I am currently in gainful employment and intend to continue my career for the foreseeable future;
2. The Council has a duty of confidence and legal obligations in accordance with agreements I have with council, and various other provisions of the Local Government Act and other legislation; and
3. National Privacy principles provide a benchmark of 7 years for the retention of credit/financial information.”

Mr Searle stated that he would review his position in 12 months when Council next reviewed its confidential orders.

Accordingly, it is recommended that the confidentiality order remain in place to ensure Council does not unreasonably disclose information concerning Mr Searle's personal affairs, or breach any duty of confidence or other legal obligation or duty.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999 given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the *Confirmation of Minutes of CEO Review Committee Meeting held 21 August 2012, GC280812F01* is necessary to ensure that Council does not breach any duty of confidence or other legal obligation or duty, or prematurely disclose personal information.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Personnel Matter – CEO Professional Development Update,
CRC021012F01
Ref No: GC081215R10 – (46) Appendix 20

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Personnel Matter – CEO Professional Development Update, CRC021012F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

That:

8 Dec 15

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

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

2. This confidential order be reviewed at the December 2016 meeting of Council.

Dec 16

BACKGROUND:

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 2 October 2012, the committee ordered that the Report, *Personnel Matter – CEO Professional Development Update, CRC021012F01* minutes arising from this report and any other material distributed at the meeting be kept confidential and not available for public inspection until such time as the Chief Executive Officer retires from gainful employment, to be reviewed in December 2012. This order was made on the basis that the report contained information relating to the CEO's professional development – Section 90(3)(a) of the Act.

The above confidentiality order has been reviewed annually since 2012. It was last reviewed at the 9 December 2014 meeting of Council where it was resolved that:

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

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

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

In accordance with the Act, and the above resolution, the confidentiality order is due for review.

ANALYSIS

Although Mr Searle is no longer employed by the City of Marion, he remains in gainful employment. Mr Searle was consulted on the release of the report, all annexure and minutes and responded that he did not agree to the release of these documents citing s90(3)(a), (3)(g) and (3)(h) of the *Local Government Act 1999*. In addition he made the following observations:

- “1. I am currently in gainful employment and intend to continue my career for the foreseeable future;
2. The Council has a duty of confidence and legal obligations in accordance with agreements I have with council, and various other provisions of the Local Government Act and other legislation; and
3. National Privacy principles provide a benchmark of 7 years for the retention of credit/financial information.”

Mr Searle stated that he would review his position in 12 months when Council next reviewed its confidential orders.

Accordingly, it is recommended that the confidentiality order remain in place to ensure Council does not unreasonably disclose information concerning Mr Searle's personal affairs, or breach any duty of confidence or other legal obligation or duty.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999 given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the Report *Personnel Matter – CEO Professional Development Update, CRC021012F01* is necessary to ensure that Council does not breach any duty of confidence or other legal obligation or duty, or prematurely disclose personal information.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Personnel Matter – 2011/2012 CEO Performance &
Remuneration Review, CRC021012F02
Ref No: GC081215R10 – (46) Appendix 21

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Personnel Matter – 2011/2012 CEO Performance & Remuneration Review, CRC021012F02* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

That:

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|--|------------------------|
| <p>1. In accordance with Section 91(7) and (9) of the <i>Local Government Act 1999</i> the council orders that this report <i>Personnel Matter – 2011/2012 CEO Performance & Remuneration Review</i>, the minutes arising from this report and any other material distributed at the meeting be kept confidential and not available for public inspection on the basis it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person living or dead being the former Chief Executive Officer – <i>Section (3)(a)</i>, and to ensure Council does not breach any duty of confidence or other legal obligation or duty (Section 90(3)(g)).</p> <p>This order is to remain in force until such time as the former Chief Executive Officer retires from gainful employment.</p> | <p>8 Dec 15</p> |
| <p>2. This confidential order be reviewed at the December 2016 meeting of Council.</p> | <p>Dec 16</p> |

BACKGROUND:

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 2 October 2012, the Committee ordered that the report *Personnel Matter – 2011/2012 CEO Performance & Remuneration Review, CRC021012F02*, minutes arising from this report and any other material distributed at the meeting be kept confidential and not available for public inspection until such time as the Chief Executive Officer retires from gainful employment, to be reviewed in December 2012. This order was made on the basis that the report contained information relating to the conduct of the Chief Executive Officer's 2011-2012 performance & Remuneration Review – Section 90(3)(a) of the Act.

The above confidentiality order has been reviewed annually since 2012. It was last reviewed at the 9 December 2014 meeting of Council where it was resolved that:

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

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

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

In accordance with the Act, and the above resolution, the confidentiality order is due for review.

ANALYSIS

Although Mr Searle is no longer employed by the City of Marion, he remains in gainful employment. Mr Searle was consulted on the release of the report, all annexure and minutes and responded that he did not agree to the release of these documents citing s90(3)(a), (3)(g) and (3)(h) of the *Local Government Act 1999*. In addition he made the following observations:

- “1. I am currently in gainful employment and intend to continue my career for the foreseeable future;
2. The Council has a duty of confidence and legal obligations in accordance with agreements I have with council, and various other provisions of the Local Government Act and other legislation; and
3. National Privacy principles provide a benchmark of 7 years for the retention of credit/financial information.”

Mr Searle stated that he would review his position in 12 months when Council next reviewed its confidential orders.

Accordingly, it is recommended that the confidentiality order remain in place to ensure Council does not unreasonably disclose information concerning Mr Searle's personal affairs, or breach any duty of confidence or other legal obligation or duty.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999 given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the Report *Personnel Matter – 2011/2012 CEO Performance & Remuneration Review, CRC021012F02* is necessary to ensure that Council does not breach any duty of confidence or other legal obligation or duty, or prematurely disclose personal information.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Confirmation of Minutes of CEO Review Committee Meeting
held 2 October 2012, GC091012F02
Ref No: GC081215R10 – (46) Appendix 22

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Confirmation of Minutes of CEO Review Committee Meeting held 2 October 2012, GC091012F02* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

That:

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|--|-----------------|
| <p>1. In accordance with Section 91(7) and (9) of the <i>Local Government Act 1999</i> the Council orders that the report <i>Confirmation of Minutes of CEO Review Committee Meeting held 2 October 2012, GC091012F02</i>, and the minutes arising from this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the former Chief Executive Office of the Council – Section (3)(a), and to ensure Council does not breach any duty of confidence or other legal obligation or duty (Section 90(3)(g)).</p> <p>This order is to remain in force until such time as the former Chief Executive Officer retires from gainful employment.</p> | <p>8 Dec 15</p> |
| <p>2. This confidential order be reviewed at the December 2016 meeting of Council.</p> | <p>Dec 16</p> |

BACKGROUND:

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 9 October 2012, Council ordered that the report *Confirmation of Minutes of CEO Review Committee Meeting held 2 October 2012, GC091012F02* and the minutes arising from this report be kept confidential and not available for public inspection for the period that the Chief Executive Officer remains in gainful employment to be reviewed in December 2012. This order was made on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Office of the Council – Section 90(2) and (3)(a) of the Act.

The above confidentiality order has been reviewed annually since 2012. It was last reviewed at the 9 December 2014 meeting of Council where it was resolved that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report *Confirmation of Minutes of CEO Review Committee Meeting held 2 October 2012, GC091012F02*, the minutes arising from this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Office of the Council – Section 90(2) and (3)(a) of the *Local Government Act 1999*.

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

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

In accordance with the Act, and the above resolution, the confidentiality order is due for review.

ANALYSIS

Although Mr Searle is no longer employed by the City of Marion, he remains in gainful employment. Mr Searle was consulted on the release of the report, all annexure and minutes and responded that he did not agree to the release of these documents citing s90(3)(a), (3)(g) and (3)(h) of the *Local Government Act 1999*. In addition he made the following observations:

- “1. I am currently in gainful employment and intend to continue my career for the foreseeable future;
2. The Council has a duty of confidence and legal obligations in accordance with agreements I have with council, and various other provisions of the Local Government Act and other legislation; and
3. National Privacy principles provide a benchmark of 7 years for the retention of credit/financial information.”

Mr Searle stated that he would review his position in 12 months when Council next reviewed its confidential orders.

Accordingly, it is recommended that the confidentiality order remain in place to ensure Council does not unreasonably disclose information concerning Mr Searle’s personal affairs, or breach any duty of confidence or other legal obligation or duty.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999 given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the report *Confirmation of Minutes of CEO Review Committee Meeting held 2 October 2012, GC091012F02* is necessary to ensure that Council does not breach any duty of confidence or other legal obligation or duty, or prematurely disclose personal information.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Personnel Matter – CEO Professional Development Update,
CRC201112F01
Ref No: GC081215R10 – (46) Appendix 23

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Personnel Matter – CEO Professional Development Update, CRC201112F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

That:

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|--|------------------------|
| <p>1. In accordance with Section 91(7) and (9) of the <i>Local Government Act 1999</i> the Council orders that this report <i>Personnel Matter – CEO Professional Development Update, CRC201112F01</i> , minutes arising from this report and any other material distributed at the meeting be kept confidential and not available for public inspection on the basis it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person living or dead being the former Chief Executive Officer. (Section (3)(a)) and to ensure Council does not breach any duty of confidence or other legal obligation or duty (Section 90(3)(g)).</p> <p>This order is to remain in force until such time as the former Chief Executive Officer retires from gainful employment.</p> | <p>8 Dec 15</p> |
| <p>2. This confidential order be reviewed at the December 2016 meeting of Council.</p> | <p>Dec 16</p> |

BACKGROUND:

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 20 November 2012, the Committee ordered that the Report, minutes arising from this report and any other material distributed at the meeting relating to *Personnel Matter – CEO Professional Development Update, CRC201112F01* be kept confidential and not available for public inspection until such times as the Chief Executive Officer retires from gainful employment to be reviewed in December 2012. This order was made on the basis that it deals with information relating to the Chief Executive Officer's professional development – Section 90(2) and (3)(a) of the Act.

The above confidentiality order has been reviewed annually since 2012. It was last reviewed at the 9 December 2014 meeting of Council where it was resolved that:

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

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

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

In accordance with the Act, and the above resolution, the confidentiality order is due for review.

ANALYSIS

Although Mr Searle is no longer employed by the City of Marion, he remains in gainful employment. Mr Searle was consulted on the release of the report, all annexure and minutes and responded that he did not agree to the release of these documents citing s90(3)(a), (3)(g) and (3)(h) of the *Local Government Act 1999*. In addition he made the following observations:

- “1. I am currently in gainful employment and intend to continue my career for the foreseeable future;
2. The Council has a duty of confidence and legal obligations in accordance with agreements I have with council, and various other provisions of the Local Government Act and other legislation; and
3. National Privacy principles provide a benchmark of 7 years for the retention of credit/financial information.”

Mr Searle stated that he would review his position in 12 months when Council next reviewed its confidential orders.

Accordingly, it is recommended that the confidentiality order remain in place to ensure Council does not unreasonably disclose information concerning Mr Searle's personal affairs, or breach any duty of confidence or other legal obligation or duty.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999 given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the report *Personnel Matter – CEO Professional Development Update, CRC201112F01* is necessary to ensure that Council does not breach any duty of confidence or other legal obligation or duty, or prematurely disclose personal information.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Personnel Matter – CEO Performance and Remuneration
Review 2011 – 2012, CRC201112F02
Ref No: GC081215R10 – (46) Appendix 24

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Personnel Matter – CEO Performance and Remuneration Review 2011 – 2012, CRC201112F02* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

That:

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|---|------------------------|
| <p>1. In accordance with Section 91(7) and (9) of the <i>Local Government Act 1999</i> the Council orders that the report <i>Personnel Matter – CEO Performance and Remuneration Review 2011 – 2012, CRC201112F02</i> and minutes arising from this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the former Chief Executive Office of the Council (Section (3)(a)), and to ensure Council does not breach any duty of confidence or other legal obligation or duty (Section 90(3)(g)).</p> <p>This order is to remain in force until such time as the former Chief Executive Officer retires from gainful employment.</p> | <p>8 Dec 15</p> |
| <p>2. This confidential order be reviewed at the December 2016 meeting of Council.</p> | <p>Dec 16</p> |

BACKGROUND:

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 20 November 2012, the Committee ordered that the Report, minutes arising from this report relating to *Personnel Matter – CEO Performance and Remuneration Review 2011 – 2012, CRC201112F02* be kept confidential and not available for public inspection for the period that the Chief Executive Officer remains in gainful employment, to be reviewed in December 2013. This order was made on the basis the information relates to the outcomes of the Chief Executive Officer's 2011 – 2012 performance and remuneration review – Section 90(2) and (3)(a) of the Act.

The above confidentiality order has been reviewed annually since 2012. It was last reviewed at the 9 December 2014 meeting of Council where it was resolved that:

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

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

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

In accordance with the Act, and the above resolution, the confidentiality order is due for review.

ANALYSIS

Although Mr Searle is no longer employed by the City of Marion, he remains in gainful employment. Mr Searle was consulted on the release of the report, all annexure and minutes and responded that he did not agree to the release of these documents citing s90(3)(a), (3)(g) and (3)(h) of the *Local Government Act 1999*. In addition he made the following observations:

- “1. I am currently in gainful employment and intend to continue my career for the foreseeable future;
2. The Council has a duty of confidence and legal obligations in accordance with agreements I have with council, and various other provisions of the Local Government Act and other legislation; and
3. National Privacy principles provide a benchmark of 7 years for the retention of credit/financial information.”

Mr Searle stated that he would review his position in 12 months when Council next reviewed its confidential orders.

Accordingly, it is recommended that the confidentiality order remain in place to ensure Council does not unreasonably disclose information concerning Mr Searle's personal affairs, or breach any duty of confidence or other legal obligation or duty.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999 given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the report *Personnel Matter – CEO Performance and Remuneration Review 2011 – 2012, CRC201112F02* is necessary to ensure that Council does not breach any duty of confidence or other legal obligation or duty, or prematurely disclose personal information.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Confirmation of Minutes of CEO Review Committee Meeting
held 20 November 2012, GC271112F02
Ref No: GC081215R10 – (46) Appendix 25

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Confirmation of Minutes of CEO Review Committee Meeting held 20 November 2012, GC271112F02* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

That:

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| <p>1. In accordance with Section 91(7) and (9) of the <i>Local Government Act 1999</i> the Council orders that the report <i>Confirmation of Minutes of CEO Review Committee Meeting held 20 November 2012, GC271112F02</i> the minutes and any other material distributed in conjunction with this report be kept confidential and not available for public inspection on the basis it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the former Chief Executive Officer of the Council (Section (3)(a)) and to ensure Council does not breach any duty of confidence or other legal obligation or duty (Section 90(3)(g)).</p> <p>This order is to remain in force until such time as the former Chief Executive Officer retires from gainful employment.</p> | <p>8 Dec 15</p> |
| <p>2. This confidential order be reviewed at the December 2016 meeting of Council.</p> | <p>Dec 16</p> |

BACKGROUND:

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidentiality order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 27 November 2012, Council ordered that the Report *Confirmation of Minutes of CEO Review Committee Meeting held 20 November 2012, GC271112F02*, the minutes and any other material distributed in conjunction with this report be kept confidential and not available for public inspection for the period that the Chief Executive Officer remains in gainful employment, to be reviewed in December 2013. This order was made on the basis that the report contains information relating to the 2011/2012 CEO Performance and Remuneration Review the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer of the Council – Section 90(2) and (3)(a) of the Act.

The above confidentiality order has been reviewed annually since 2012. It was last reviewed at the 9 December 2014 meeting of Council where it was resolved that:

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

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

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

In accordance with the Act, and the Councils scheduled annual review of confidentiality orders, the order is being reviewed.

ANALYSIS

Although Mr Searle is no longer employed by the City of Marion, he remains in gainful employment. Mr Searle was consulted on the release of the report, all annexure and minutes and responded that he did not agree to the release of these documents citing s90(3)(a), (3)(g) and (3)(h) of the *Local Government Act 1999*. In addition he made the following observations:

- “1. I am currently in gainful employment and intend to continue my career for the foreseeable future;
2. The Council has a duty of confidence and legal obligations in accordance with agreements I have with council, and various other provisions of the Local Government Act and other legislation; and
3. National Privacy principles provide a benchmark of 7 years for the retention of credit/financial information.”

Mr Searle stated that he would review his position in 12 months when Council next reviewed its confidentiality orders.

Accordingly, it is recommended that the confidentiality order remain in place to ensure Council does not unreasonably disclose information concerning Mr Searle's personal affairs, or breach any duty of confidence or other legal obligation or duty.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999 given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the *Confirmation of Minutes of CEO Review Committee Meeting held 20 November 2012, GC271112F02* is necessary to ensure that Council does not breach any duty of confidence or other legal obligation or duty, or prematurely disclose personal information.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Personnel Matter – CEO Performance Criteria 2012 – 2013,
CRC020413F01
Ref No: GC081215R10 – (46) Appendix 26

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Personnel Matter – CEO Performance Criteria 2012 – 2013, CRC020413F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

That:

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| <p>1. In accordance with Section 91(7) and (9) of the <i>Local Government Act 1999</i> the Council orders that the report <i>Personnel Matter – CEO Performance Criteria 2012 – 2013, CRC020413F01</i> and minutes arising from this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the former Chief Executive Office of the Council (Section (3)(a)), and to ensure Council does not breach any duty of confidence or other legal obligation or duty (Section 90(3)(g)).</p> <p>This order is to remain in force until such time as the former Chief Executive Officer retires from gainful employment.</p> | <p>8 Dec 15</p> |
| <p>2. This confidential order be reviewed at the December 2015 meeting of Council.</p> | <p>Dec 16</p> |

BACKGROUND:

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On the 2nd of April 2013, the Chief Executive Review Committee ordered that the Report, minutes arising from this report relating to *Personnel Matter – CEO Performance Criteria 2012 – 2013, CRC020413F01* be kept confidential and not available for public inspection for the period that the Chief Executive Officer remains in gainful employment, to be reviewed in December 2013. This order was made on the basis the information relates to the Chief Executive Officer's 2012 -2013 performance and remuneration review – Section 90(2) and (3)(a) of the Act.

On 9 December 2014, Council reviewed the above confidentiality order and resolved that:

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

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

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

In accordance with the Act, and the above resolution, the confidentiality order is due for review.

ANALYSIS

Although Mr Searle is no longer employed by the City of Marion, he remains in gainful employment. Mr Searle was consulted on the release of the report, all annexure and minutes and responded that he did not agree to the release of these documents citing s90(3)(a), (3)(g) and (3)(h) of the *Local Government Act 1999*. In addition he made the following observations:

- “1. I am currently in gainful employment and intend to continue my career for the foreseeable future;
2. The Council has a duty of confidence and legal obligations in accordance with agreements I have with council, and various other provisions of the Local Government Act and other legislation; and
3. National Privacy principles provide a benchmark of 7 years for the retention of credit/financial information.”

Mr Searle stated that he would review his position in 12 months when Council next reviewed its confidential orders.

Accordingly, it is recommended that the confidentiality order remain in place to ensure Council does not unreasonably disclose information concerning Mr Searle's personal affairs, or breach any duty of confidence or other legal obligation or duty.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999 given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the report *Personnel Matter – CEO Performance Criteria 2012 – 2013, CRC020413F01* is necessary to ensure that Council does not breach any duty of confidence or other legal obligation or duty, or prematurely disclose personal information.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Personnel Matter – CEO Performance Criteria 2012 – 2013,
GC090413F01
Ref No: GC081215R10 – (46) Appendix 27

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Personnel Matter – CEO Performance Criteria 2012 – 2013, GC090413F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

That:

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|---|-----------------|
| <p>1. In accordance with Section 91(7) and (9) of the <i>Local Government Act 1999</i> the Council orders that the report <i>Personnel Matter – CEO Performance Criteria 2012 – 2013, GC090413F01</i> and minutes arising from this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the former Chief Executive Office of the Council (Section (3)(a)), to ensure Council does not breach any duty of confidence or other legal obligation or duty (Section 90(3)(g)).</p> <p>This order is to remain in force until such time as the former Chief Executive Officer retires from gainful employment.</p> | <p>8 Dec 15</p> |
| <p>2. This confidential order be reviewed at the December 2016 meeting of Council.</p> | <p>Dec 16</p> |

BACKGROUND:

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On the 9th of April 2013, Council ordered that the Report, minutes arising from this report relating to *Personnel Matter – CEO Performance Criteria 2012 – 2013, GC090413F01* be kept confidential and not available for public inspection for the period that the Chief Executive Officer remains in gainful employment, to be reviewed in December 2013. This order was made on the basis the information relates to the Chief Executive Officer's 2012 -2013 performance and remuneration review – Section 90(2) and (3)(a) of the Act.

On 9 December 2014, Council reviewed the above order and resolved that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report *Personnel Matter – CEO Performance Criteria 2012 – 2013, GC090413F01* and minutes arising from this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Office of the Council (Section 90(2) and (3)(a) of the *Local Government Act 1999*).

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

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

In accordance with the Act and the above resolution, the above confidentiality order is due for review.

ANALYSIS

Although Mr Searle is no longer employed by the City of Marion, he remains in gainful employment. Mr Searle was consulted on the release of the report, all annexure and minutes and responded that he did not agree to the release of these documents citing s90(3)(a), (3)(g) and (3)(h) of the *Local Government Act 1999*. In addition he made the following observations:

- “1. I am currently in gainful employment and intend to continue my career for the foreseeable future;
2. The Council has a duty of confidence and legal obligations in accordance with agreements I have with council, and various other provisions of the Local Government Act and other legislation; and
3. National Privacy principles provide a benchmark of 7 years for the retention of credit/financial information.”

Mr Searle stated that he would review his position in 12 months when Council next reviewed its confidential orders.

Accordingly, it is recommended that the confidentiality order remain in place to ensure Council does not unreasonably disclose information concerning Mr Searle's personal affairs, or breach any duty of confidence or other legal obligation or duty.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999 given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the report *Personnel Matter – CEO Performance Criteria 2012 – 2013, GC090413F01* is necessary to ensure that Council does not breach any duty of confidence or other legal obligation or duty, or prematurely disclose personal information.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Personnel Matter – 2012/13 CEO Performance and
Remuneration Review, GC130813F02 / GC270813F01
Ref No: GC081215R10 – (46) Appendix 28

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Personnel Matter – 2012/13 CEO Performance and Remuneration Review, GC130813F02 / GC270813F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

That:

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|--|------------------------|
| <p>1. In accordance with Section 91(7) and (9) of the <i>Local Government Act 1999</i> the Council orders that the report <i>Personnel Matter – 2012/13 CEO Performance and Remuneration Review, GC130813F02 / GC270813F01</i> and minutes arising from this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the former Chief Executive Office of the Council (Section (3)(a)), and to ensure Council does not breach any duty of confidence or other legal obligation or duty (Section 90(3)(g)).</p> <p>This order is to remain in force until such time as the former Chief Executive Officer retires from gainful employment.</p> | <p>8 Dec 15</p> |
| <p>2. This confidential order be reviewed at the December 2016 meeting of Council.</p> | <p>Dec 16</p> |

BACKGROUND:

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On the 13th of August 2013 the item *Personnel Matter 2012/13 CEO Performance and Remuneration Review, GC130813F02 / GC270813F01* was left lying on the table to be considered at the next meeting. Then on the 27th of August 2013 Council ordered that the Report, appendix and minutes arising from this report relating to be kept confidential and not available for public inspection for the period that the Chief Executive Officer remains in gainful employment, to be reviewed in December 2013. This order was made on the basis the information relates to the Chief Executive Officer's 2012 -2013 performance and remuneration review – Section 90(2) and (3)(a) of the Act.

On 9 December 2014, Council reviewed the above order and resolved that:

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

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

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

In accordance with the Act and the above resolution, the above confidentiality order is due for review.

ANALYSIS

Although Mr Searle is no longer employed by the City of Marion, he remains in gainful employment. Mr Searle was consulted on the release of the report, all annexure and minutes and responded that he did not agree to the release of these documents citing s90(3)(a), (3)(g) and (3)(h) of the *Local Government Act 1999*. In addition he made the following observations:

- “1. I am currently in gainful employment and intend to continue my career for the foreseeable future;
2. The Council has a duty of confidence and legal obligations in accordance with agreements I have with council, and various other provisions of the Local Government Act and other legislation; and
3. National Privacy principles provide a benchmark of 7 years for the retention of credit/financial information.”

Mr Searle stated that he would review his position in 12 months when Council next reviewed its confidential orders.

Accordingly, it is recommended that the confidentiality order remain in place to ensure Council does not unreasonably disclose information concerning Mr Searle's personal affairs, or breach any duty of confidence or other legal obligation or duty.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999 given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the report *Personnel Matter – 2012/13 CEO Performance and Remuneration Review, GC130813F02 / GC270813F01* is necessary to ensure that Council does not breach any duty of confidence or other legal obligation or duty, or prematurely disclose personal information.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Personnel Matter – CEO Performance and Remuneration
Review 2012 – 2013, CRC170913F01
Ref No: GC081215R10 – (46) Appendix 29

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Personnel Matter – CEO Performance and Remuneration Review 2012 – 2013, CRC170913F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

That:

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|---|------------------------|
| <p>1. In accordance with Section 91(7) and (9) of the <i>Local Government Act 1999</i> the Council orders that the report <i>Personnel Matter – CEO Performance and Remuneration Review 2012 – 2013, CRC170913F01</i> and minutes arising from this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the former Chief Executive Office of the Council (Section (3)(a)), and to ensure Council does not breach any duty of confidence or other legal obligation or duty (Section 90(3)(g)).</p> <p>This order is to remain in force until such time as the former Chief Executive Officer retires from gainful employment.</p> | <p>8 Dec 15</p> |
| <p>2. This confidential order be reviewed at the December 2016 meeting of Council.</p> | <p>Dec 16</p> |

BACKGROUND:

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On the 17th of September 2013, the Chief Executive Review Committee ordered that the Report, minutes arising from this report relating to *Personnel Matter – CEO Performance and Remuneration Review 2012 – 2013, CRC170913F01* be kept confidential and not available for public inspection for the period that the Chief Executive Officer remains in gainful employment, to be reviewed in December 2013. This order was made on the basis the information relates to the Chief Executive Officer's 2012 -2013 performance and remuneration review – Section 90(2) and (3)(a) of the Act.

On 9 December 2014, Council reviewed the above order and resolved that:

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

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

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

In accordance with the Act and the above resolution, the confidentiality order is due for review.

ANALYSIS

Although Mr Searle is no longer employed by the City of Marion, he remains in gainful employment. Mr Searle was consulted on the release of the report, all annexure and minutes and responded that he did not agree to the release of these documents citing s90(3)(a), (3)(g) and (3)(h) of the *Local Government Act 1999*. In addition he made the following observations:

- “1. I am currently in gainful employment and intend to continue my career for the foreseeable future;
2. The Council has a duty of confidence and legal obligations in accordance with agreements I have with council, and various other provisions of the Local Government Act and other legislation; and
3. National Privacy principles provide a benchmark of 7 years for the retention of credit/financial information.”

Mr Searle stated that he would review his position in 12 months when Council next reviewed its confidential orders.

Accordingly, it is recommended that the confidentiality order remain in place to ensure Council does not unreasonably disclose information concerning Mr Searle's personal affairs, or breach any duty of confidence or other legal obligation or duty.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999 given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the report *Personnel Matter – CEO Performance and Remuneration Review 2012 – 2013, CRC170913F01* is necessary to ensure that Council does not breach any duty of confidence or other legal obligation or duty, or prematurely disclose personal information.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Confirmation of Minutes of CEO Review Committee Meeting
held 17 September 2013, GC240913F02
Ref No: GC081215R10 – (46) Appendix 30

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Confirmation of Minutes of CEO Review Committee Meeting held 17 September 2013, GC240913F02* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

That:

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|---|-----------------|
| <p>1. In accordance with Section 91(7) and (9) of the <i>Local Government Act 1999</i> the Council orders that the report <i>Confirmation of Minutes of CEO Review Committee Meeting held 17 September 2013, GC240913F02</i> and minutes arising from this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the former Chief Executive Office of the Council (Section 90 (3)(a)), and to ensure Council does not breach any duty of confidence or other legal obligation or duty (Section 90 (3)(g)) .</p> <p>This order is to remain in force until such time as the former Chief Executive Officer retires from gainful employment.</p> | <p>8 Dec 15</p> |
| <p>2. This confidential order be reviewed at the December 2016 meeting of Council.</p> | <p>Dec 16</p> |

BACKGROUND:

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On the 24th of September 2013, Council ordered that the Report, Appendix, minutes arising from this report relating to *Confirmation of Minutes of CEO Review Committee Meeting held 17 September 2013, GC240913F02* be kept confidential and not available for public inspection for the period that the Chief Executive Officer remains in gainful employment, to be reviewed in December 2013. This order was made on the basis the information relates to the Chief Executive Officer's 2012 -2013 performance and remuneration review – Section 90(2) and (3)(a) of the Act.

On 9 December 2014, Council reviewed the above order and resolved that:

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

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

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

In accordance with the Act and the above resolution, the confidentiality order is due for review.

ANALYSIS

Although Mr Searle is no longer employed by the City of Marion, he remains in gainful employment. Mr Searle was consulted on the release of the report, all annexure and minutes and responded that he did not agree to the release of these documents citing s90(3)(a), (3)(g) and (3)(h) of the *Local Government Act 1999*. In addition he made the following observations:

- “1. I am currently in gainful employment and intend to continue my career for the foreseeable future;
2. The Council has a duty of confidence and legal obligations in accordance with agreements I have with council, and various other provisions of the Local Government Act and other legislation; and
3. National Privacy principles provide a benchmark of 7 years for the retention of credit/financial information.”

Mr Searle stated that he would review his position in 12 months when Council next reviewed its confidential orders.

Accordingly, it is recommended that the confidentiality order remain in place to ensure Council does not unreasonably disclose information concerning Mr Searle's personal affairs, or breach any duty of confidence or other legal obligation or duty.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999 given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the report *Confirmation of Minutes of CEO Review Committee Meeting held 17 September 2013, GC240913F02* is necessary to ensure that Council does not breach any duty of confidence or other legal obligation or duty, or prematurely disclose personal information.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Personnel Matter – CEO Performance and Remuneration
Review 2012 – 2013, CRC251113F01
Ref No: GC081215R10 – (46) Appendix 31

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Personnel Matter – CEO Performance and Remuneration Review 2012 – 2013, CRC251113F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

That:

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| <p>1. In accordance with Section 91(7) and (9) of the <i>Local Government Act 1999</i> the Council orders that the report <i>Personnel Matter – CEO Performance and Remuneration Review 2012 – 2013, CRC251113F01</i> and minutes arising from this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the former Chief Executive Office of the Council (Section (3)(a)), and to ensure Council does not breach any duty of confidence or other legal obligation or duty (Section 90(3)(g)).</p> <p>This order is to remain in force until such time as the former Chief Executive Officer retires from gainful employment.</p> | <p>8 Dec 15</p> |
| <p>2. This confidential order be reviewed at the December 2016 meeting of Council.</p> | <p>Dec 16</p> |

BACKGROUND:

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On the 25th November 2013, the Chief Executive Review Committee ordered that the Report, minutes arising from this report relating to *Personnel Matter – CEO Performance and Remuneration Review 2012 – 2013, CRC251113F01* be kept confidential and not available for public inspection for the period that the Chief Executive Officer remains in gainful employment, to be reviewed in December 2013. This order was made on the basis the information relates to the Chief Executive Officer's 2012 -2013 performance and remuneration review – Section 90(2) and (3)(a) of the Act.

On 9 December 2014, Council reviewed the above order and resolved that:

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

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

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

In accordance with the Act and the above resolution, the confidentiality order is due for review.

ANALYSIS

Although Mr Searle is no longer employed by the City of Marion, he remains in gainful employment. Mr Searle was consulted on the release of the report, all annexure and minutes and responded that he did not agree to the release of these documents citing s90(3)(a), (3)(g) and (3)(h) of the *Local Government Act 1999*. In addition he made the following observations:

- “1. I am currently in gainful employment and intend to continue my career for the foreseeable future;
2. The Council has a duty of confidence and legal obligations in accordance with agreements I have with council, and various other provisions of the Local Government Act and other legislation; and
3. National Privacy principles provide a benchmark of 7 years for the retention of credit/financial information.”

Mr Searle stated that he would review his position in 12 months when Council next reviewed its confidential orders.

Accordingly, it is recommended that the confidentiality order remain in place to ensure Council does not unreasonably disclose information concerning Mr Searle's personal affairs, or breach any duty of confidence or other legal obligation or duty.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999 given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the report *Personnel Matter – CEO Performance and Remuneration Review 2012 – 2013, CRC251113F01* is necessary to ensure that Council does not breach any duty of confidence or other legal obligation or duty, or prematurely disclose personal information.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Personnel Matter - CEO Performance and Remuneration
Review 2012-2013, GC101214F03
Ref No: GC081215R10 – (46) Appendix 32

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Personnel Matter - CEO Performance and Remuneration Review 2012-2013, GC101214F03* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

That:

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| <p>1. In accordance with Section 91(7) and (9) of the <i>Local Government Act 1999</i> the Council orders that the report <i>Personnel Matter - CEO Performance and Remuneration Review 2012-2013, GC101214F03</i> and minutes arising from this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the former Chief Executive Office of the Council (Section (3)(a)), and to ensure Council does not breach any duty of confidence or other legal obligation or duty (Section 90(3)(g)).</p> <p>This order is to remain in force until such time as the former Chief Executive Officer retires from gainful employment.</p> | <p>8 Dec 15</p> |
| <p>2. This confidential order be reviewed at the December 2016 meeting of Council.</p> | <p>Dec 16</p> |

BACKGROUND:

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On the 10th of December 2013, Council ordered that the Report, Appendix, minutes arising from this report relating to *Personnel Matter - CEO Performance and Remuneration Review 2012-2013, GC101214F03* be kept confidential and not available for public inspection for the period that the Chief Executive Officer remains in gainful employment, to be reviewed in December 2013. This order was made on the basis the information relates to the Chief Executive Officer's 2012 -2013 performance and remuneration review – Section 90(2) and (3)(a) of the Act.

On 9 December 2014, Council reviewed the above order and resolved that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report *Personnel Matter – CEO Performance and Remuneration Review 2012 – 2013, GC101213F03* and minutes arising from this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Office of the Council (Section 90(2) and (3)(a) of the *Local Government Act 1999*).

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

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

In accordance with the Act, the above confidentiality order is due for review.

ANALYSIS

Although Mr Searle is no longer employed by the City of Marion, he remains in gainful employment. Mr Searle was consulted on the release of the report, all annexure and minutes and responded that he did not agree to the release of these documents citing s90(3)(a), (3)(g) and (3)(h) of the *Local Government Act 1999*. In addition he made the following observations:

- “1. I am currently in gainful employment and intend to continue my career for the foreseeable future;
2. The Council has a duty of confidence and legal obligations in accordance with agreements I have with council, and various other provisions of the Local Government Act and other legislation; and
3. National Privacy principles provide a benchmark of 7 years for the retention of credit/financial information.”

Mr Searle stated that he would review his position in 12 months when Council next reviewed its confidential orders.

Accordingly, it is recommended that the confidentiality order remain in place to ensure Council does not unreasonably disclose information concerning Mr Searle's personal affairs, or breach any duty of confidence or other legal obligation or duty.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999 given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the report *Personnel Matter - CEO Performance and Remuneration Review 2012-2013, GC101214F03* is necessary to ensure that Council does not breach any duty of confidence or other legal obligation or duty, or prematurely disclose personal information.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Personnel Matter - CEO Performance 2012-2013 – Feedback re
Outcomes GC110314F02
Ref No: GC081215R10 – (46) Appendix 33

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Personnel Matter - CEO Performance 2012-2013 – Feedback re Outcomes, GC110314F02* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

That:

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| <p>1. In accordance with Section 91(7) and (9) of the <i>Local Government Act 1999</i> the Council orders that the report <i>Personnel Matter - CEO Performance 2012-2013 – Feedback re Outcomes, GC110314F02</i> and minutes arising from this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the former Chief Executive Office of the Council (Section (3)(a)), and to ensure Council does not breach any duty of confidence or other legal obligation or duty (Section 90(3)(g)).</p> <p>This order is to remain in force until such time as the former Chief Executive Officer retires from gainful employment.</p> | <p>8 Dec 15</p> |
| <p>2. This confidential order be reviewed at the December 2016 meeting of Council.</p> | <p>Dec 16</p> |

BACKGROUND:

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On the 11th of March 2014, Council ordered that the Report, Appendix, minutes arising from this report relating to *CEO Performance 2012-2013 – Feedback re Outcomes, GC110314F02* be kept confidential and not available for public inspection for the period that the Chief Executive Officer remains in gainful employment, to be reviewed in December 2014. This order was made on the basis the information relates to the Chief Executive Officer's 2012 -2013 performance review – Section 90(2) and (3)(a) of the Act.

In accordance with the Act, the above confidentiality order is due for review.

ANALYSIS

Although Mr Searle is no longer employed by the City of Marion, he remains in gainful employment. Mr Searle was consulted on the release of the report, all annexure and minutes and responded that he did not agree to the release of these documents citing s90(3)(a), (3)(g) and (3)(h) of the *Local Government Act 1999*. In addition he made the following observations:

- “1. I am currently in gainful employment and intend to continue my career for the foreseeable future;
2. The Council has a duty of confidence and legal obligations in accordance with agreements I have with council, and various other provisions of the Local Government Act and other legislation; and
3. National Privacy principles provide a benchmark of 7 years for the retention of credit/financial information.”

Mr Searle stated that he would review his position in 12 months when Council next reviewed its confidential orders.

Accordingly, it is recommended that the confidentiality order remain in place to ensure Council does not unreasonably disclose information concerning Mr Searle's personal affairs, or breach any duty of confidence or other legal obligation or duty.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999 given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the report *Personnel Matter - CEO Performance and Remuneration Review 2012-2013, GC101214F03* is necessary to ensure that Council does not breach any duty of confidence or other legal obligation or duty, or prematurely disclose personal information.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item: 2013-2014 CEO Performance and Remuneration Review, GC 080714F01
Ref No: GC081215R10 – (46) Appendix 34

REPORT OBJECTIVE:

To review the confidential item relating to the Report *2013-2014 CEO Performance and Remuneration Review, GC 080714F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

That:

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| <p>1. In accordance with Section 91(7) and (9) of the <i>Local Government Act 1999</i> the Council orders that the report <i>2013-2014 CEO Performance and Remuneration Review, GC 080714F01</i> and Appendix to this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the former Chief Executive Office of the Council (Section (3)(a), and to ensure Council does not breach any duty of confidence or other legal obligation or duty (Section 90(3)(g)).</p> <p>This order is to remain in force until such time as the former Chief Executive Officer retires from gainful employment.</p> | <p>8 Dec 15</p> |
| <p>2. This confidential order be reviewed at the December 2016 meeting of Council.</p> | <p>Dec 16</p> |

BACKGROUND:

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On the 8th July 2014, Council ordered that the Report and Appendix to this report relating to *2013-2014 CEO Performance and Remuneration Review, GC 080714F01* be kept confidential and not available for public inspection for the period that the Chief Executive Officer remains in gainful employment, to be reviewed in December 2014. This order was made on the basis the information relates to the Chief Executive Officer's 2013 -2014 performance and remuneration review – Section 90(2) and (3)(a) of the Act.

On 9 December 2014, Council reviewed the above order and resolved that:

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

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

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

In accordance with the Act, the above confidentiality order is due for review.

ANALYSIS

Although Mr Searle is no longer employed by the City of Marion, he remains in gainful employment. Mr Searle was consulted on the release of the report, all annexure and minutes and responded that he did not agree to the release of these documents citing s90(3)(a), (3)(g) and (3)(h) of the *Local Government Act 1999*. In addition he made the following observations:

- “1. I am currently in gainful employment and intend to continue my career for the foreseeable future;
2. The Council has a duty of confidence and legal obligations in accordance with agreements I have with council, and various other provisions of the Local Government Act and other legislation; and
3. National Privacy principles provide a benchmark of 7 years for the retention of credit/financial information.”

Mr Searle stated that he would review his position in 12 months when Council next reviewed its confidential orders.

Accordingly, it is recommended that the confidentiality order remain in place to ensure Council does not unreasonably disclose information concerning Mr Searle's personal affairs, or breach any duty of confidence or other legal obligation or duty.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999 given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the report *2013-2014 CEO Performance and Remuneration Review, GC 080714F01* is necessary to ensure that Council does not breach any duty of confidence or other legal obligation or duty, or prematurely disclose personal information.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
CEO Performance and Remuneration Review, CRC120814F01
Ref No: GC081215R10 – (46) Appendix 35

REPORT OBJECTIVE:

To review the confidential item relating to the Report *CEO Performance and Remuneration Review, CRC120814F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

That:

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|--|-----------------|
| <p>1. In accordance with Section 91(7) and (9) of the <i>Local Government Act 1999</i> the Council orders that the report <i>CEO Performance and Remuneration Review, CRC120814F01</i>, minutes arising from this report and any Appendix to this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the former Chief Executive Office of the Council (Section (3)(a)) and to ensure Council does not breach any duty of confidence or other legal obligation or duty (Section 90(3)(g)).</p> <p>This order is to remain in force until such time as the former Chief Executive Officer retires from gainful employment.</p> | <p>8 Dec 15</p> |
| <p>2. This confidential order be reviewed at the December 2016 meeting of Council.</p> | <p>Dec 16</p> |

BACKGROUND:

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On the 12th August 2014, Council ordered that the Report and minutes arising from this report relating to *CEO Performance and Remuneration Review, CRC120814F01*, be kept confidential and not available for public inspection for the period that the Chief Executive Officer remains in gainful employment, to be reviewed in December 2014. This order was made on the basis the information relates to the Chief Executive Officer's 2013 -2014 performance and remuneration review – Section 90(2) and (3)(a) of the Act.

At the 9 December 2014 meeting of Council the confidentiality order was reviewed. Council resolved that:

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

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

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

In accordance with the Act and the above resolution, the confidentiality order is due for review.

ANALYSIS

Although Mr Searle is no longer employed by the City of Marion, he remains in gainful employment. Mr Searle was consulted on the release of the report, all annexure and minutes and responded that he did not agree to the release of these documents citing s90(3)(a), (3)(g) and (3)(h) of the *Local Government Act 1999*. In addition he made the following observations:

- “1. I am currently in gainful employment and intend to continue my career for the foreseeable future;
2. The Council has a duty of confidence and legal obligations in accordance with agreements I have with council, and various other provisions of the Local Government Act and other legislation; and
3. National Privacy principles provide a benchmark of 7 years for the retention of credit/financial information.”

Mr Searle stated that he would review his position in 12 months when Council next reviewed its confidential orders.

Accordingly, it is recommended that the confidentiality order remain in place to ensure Council does not unreasonably disclose information concerning Mr Searle's personal affairs, or breach any duty of confidence or other legal obligation or duty.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999 given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the report *CEO Performance and Remuneration Review, CRC120814F01* is necessary to ensure that Council does not breach any duty of confidence or other legal obligation or duty, or prematurely disclose personal information.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
CEO Performance and Remuneration Review, GC260814F01
Ref No: GC081215R10 – (46) Appendix 36

REPORT OBJECTIVE:

To review the confidential item relating to the Report *CEO Performance and Remuneration Review, GC260814F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

That:

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| <p>1. In accordance with Section 91(7) and (9) of the <i>Local Government Act 1999</i> the Council orders that the report <i>CEO Performance and Remuneration Review, GC260814F01</i> minutes arising from this report and any Appendix to this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the former Chief Executive Office of the Council (Section (3)(a)) and to ensure Council does not breach any duty of confidence or other legal obligation or duty (Section 90(3)(g)).</p> <p>This order is to remain in force until such time as the former Chief Executive Officer retires from gainful employment.</p> | <p>8 Dec 15</p> |
| <p>2. This confidential order be reviewed at the December 2016 meeting of Council.</p> | <p>Dec 16</p> |

BACKGROUND:

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On the 26th August 2014, Council ordered that the Report and minutes arising from this report relating to *CEO Performance and Remuneration Review, GC260814F01*, be kept confidential and not available for public inspection for the period that the Chief Executive Officer remains in gainful employment, to be reviewed in December 2014. This order was made on the basis the information relates to the Chief Executive Officer's 2013 -2014 performance and remuneration review – Section 90(2) and (3)(a) of the Act.

On 9 December 2014, Council reviewed the above order and resolved that:

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

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

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

In accordance with the Act, the above confidentiality order is due for review.

ANALYSIS

Although Mr Searle is no longer employed by the City of Marion, he remains in gainful employment. Mr Searle was consulted on the release of the report, all annexure and minutes and responded that he did not agree to the release of these documents citing s90(3)(a), (3)(g) and (3)(h) of the *Local Government Act 1999*. In addition he made the following observations:

- “1. I am currently in gainful employment and intend to continue my career for the foreseeable future;
2. The Council has a duty of confidence and legal obligations in accordance with agreements I have with council, and various other provisions of the Local Government Act and other legislation; and
3. National Privacy principles provide a benchmark of 7 years for the retention of credit/financial information.”

Mr Searle stated that he would review his position in 12 months when Council next reviewed its confidential orders.

Accordingly, it is recommended that the confidentiality order remain in place to ensure Council does not unreasonably disclose information concerning Mr Searle's personal affairs, or breach any duty of confidence or other legal obligation or duty.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999 given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the report *CEO Performance and Remuneration Review, GC260814F01* is necessary to ensure that Council does not breach any duty of confidence or other legal obligation or duty, or prematurely disclose personal information.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item: Personnel Matter -
CEO Performance and Remuneration Review, 2014-2015
GC051214F01
Ref No: GC081215R10 – (46) Appendix 37

REPORT OBJECTIVE:

To review the confidential item relating to the Report *CEO Performance and Remuneration Review, GC260814F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

That:

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| <p>1. In accordance with Section 91(7) and (9) of the <i>Local Government Act 1999</i> the Council orders that the report <i>personnel Matter - CEO Performance and Remuneration Review 2014-2015, GC051214F01</i> and minutes arising from this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the former Chief Executive Office of the Council (Section (3)(a)) and to ensure Council does not breach any duty of confidence or other legal obligation or duty (Section 90(3)(g)).</p> <p>This order is to remain in force until such time as the former Chief Executive Officer retires from gainful employment.</p> | <p>8 Dec 15</p> |
| <p>2. This confidential order be reviewed at the December 2016 meeting of Council.</p> | <p>Dec 16</p> |

BACKGROUND:

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On the 5th December 2014, Council ordered that the Report and minutes arising from this report relating to *Personnel Matter - CEO Performance and Remuneration Review, GC051214F01*, be kept confidential and not available for public inspection for the period that the Chief Executive Officer remains in gainful employment, to be reviewed in December 2015. This order was made on the basis the information relates to the Chief Executive Officer's 2014 -2015 performance and remuneration review – Section 90(2) and (3)(a) of the Act.

In accordance with the Act and the above resolution, the above confidentiality order is due for review.

ANALYSIS

Although Mr Searle is no longer employed by the City of Marion, he remains in gainful employment. Mr Searle was consulted on the release of the report, all annexure and minutes and responded that he did not agree to the release of these documents citing s90(3)(a), (3)(g) and (3)(h) of the *Local Government Act 1999*. In addition he made the following observations:

- “1. I am currently in gainful employment and intend to continue my career for the foreseeable future;
2. The Council has a duty of confidence and legal obligations in accordance with agreements I have with council, and various other provisions of the Local Government Act and other legislation; and
3. National Privacy principles provide a benchmark of 7 years for the retention of credit/financial information.”

Mr Searle stated that he would review his position in 12 months when Council next reviewed its confidential orders.

Accordingly, it is recommended that the confidentiality order remain in place to ensure Council does not unreasonably disclose information concerning Mr Searle's personal affairs, or breach any duty of confidence or other legal obligation or duty.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999 given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the report *Personnel Matter - CEO Performance and Remuneration Review, GC051214F01* is necessary to ensure that Council does not breach any duty of confidence or other legal obligation or duty, or prematurely disclose personal information.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item: Recommendations of the 5 December 2014 CEO Review Committee Meeting Minutes GC091214F02
Ref No: GC081215R10 – (46) Appendix 38

REPORT OBJECTIVE:

To review the confidential item relating to the report, *Recommendations of the 5 December 2014 CEO Review Committee Meeting Minutes GC091214F02* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

That:

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| <p>1. In accordance with Section 91(7) and (9) of the <i>Local Government Act 1999</i> the Council orders that the report <i>Recommendations of the 5 December 2014 CEO Review Committee Meeting Minutes GC091214F02</i> and any appendices to this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the former Chief Executive Office of the Council (Section (3)(a)) and to ensure Council does not breach any duty of confidence or other legal obligation or duty (Section 90(3)(g)).</p> <p>This order is to remain in force until such time as the former Chief Executive Officer retires from gainful employment.</p> | <p>8 Dec 15</p> |
| <p>2. This confidential order be reviewed at the December 2016 meeting of Council.</p> | <p>Dec 16</p> |

BACKGROUND:

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On the 9th December 2014, Council ordered that the Report and minutes arising from this report relating to *Recommendations of the 5 December 2014 CEO Review Committee Meeting Minutes GC091214F02*, be kept confidential and not available for public inspection for the period that the Chief Executive Officer remains in gainful employment, to be reviewed in December 2015. This order was made on the basis the information relates to the Chief Executive Officer's 2014 -2015 performance and remuneration review – Section 90(2) and (3)(a) of the Act.

In accordance with the Act, the above confidentiality order is due for review.

ANALYSIS

Although Mr Searle is no longer employed by the City of Marion, he remains in gainful employment. Mr Searle was consulted on the release of the report, all annexure and minutes and responded that he did not agree to the release of these documents citing s90(3)(a), (3)(g) and (3)(h) of the *Local Government Act 1999*. In addition he made the following observations:

- “1. I am currently in gainful employment and intend to continue my career for the foreseeable future;
2. The Council has a duty of confidence and legal obligations in accordance with agreements I have with council, and various other provisions of the Local Government Act and other legislation; and
3. National Privacy principles provide a benchmark of 7 years for the retention of credit/financial information.”

Mr Searle stated that he would review his position in 12 months when Council next reviewed its confidential orders.

Accordingly, it is recommended that the confidentiality order remain in place to ensure Council does not unreasonably disclose information concerning Mr Searle's personal affairs, or breach any duty of confidence or other legal obligation or duty.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999 given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the report *Recommendations of the 5 December 2014 CEO Review Committee Meeting Minutes GC091214F02* is necessary to ensure that Council does not breach any duty of confidence or other legal obligation or duty, or prematurely disclose personal information.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Personnel Matter – CEO Key Performance Indicators –
Appointment of and External Consultant CRC 230115F01
Ref No: GC081215R10 – (46) Appendix 39

REPORT OBJECTIVE:

To review the confidential item relating to the report, *CEO Key Performance Indicators – Appointment of and External Consultant CRC 230115F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

That:

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| <p>1. In accordance with Section 91(7) and (9) of the <i>Local Government Act 1999</i> the Council orders that the report <i>CEO Key Performance Indicators – Appointment of and External Consultant CRC 230115F01</i> and minutes arising from this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the former Chief Executive Office of the Council (Section (3)(a)) and to ensure Council does not breach any duty of confidence or other legal obligation or duty (Section 90(3)(g)).</p> <p>This order is to remain in force until such time as the former Chief Executive Officer retires from gainful employment.</p> | <p>8 Dec 15</p> |
| <p>2. This confidential order be reviewed at the December 2016 meeting of Council.</p> | <p>Dec 16</p> |

BACKGROUND:

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On the 9th December 2014, Council ordered that the Report *CEO Key Performance Indicators – Appointment of and External Consultant CRC 230115F01* and minutes arising from this report, be kept confidential and not available for public inspection for the period that the Chief Executive Officer remains in gainful employment, to be reviewed in December 2015. This order was made on the basis that it deals with information the disclosure of which would be unreasonable as it concerns the personal affairs of the Chief Executive Officer – Section 90(2) and (3)(a) of the Act.

In accordance with the Act, the above confidentiality order is due for review.

ANALYSIS

Although Mr Searle is no longer employed by the City of Marion, he remains in gainful employment. Mr Searle was consulted on the release of the report, all annexure and minutes and responded that he did not agree to the release of these documents citing s90(3)(a), (3)(g) and (3)(h) of the *Local Government Act 1999*. In addition he made the following observations:

- “1. I am currently in gainful employment and intend to continue my career for the foreseeable future;
2. The Council has a duty of confidence and legal obligations in accordance with agreements I have with council, and various other provisions of the Local Government Act and other legislation; and
3. National Privacy principles provide a benchmark of 7 years for the retention of credit/financial information.”

Mr Searle stated that he would review his position in 12 months when Council next reviewed its confidential orders.

Accordingly, it is recommended that the confidentiality order remain in place to ensure Council does not unreasonably disclose information concerning Mr Searle’s personal affairs, or breach any duty of confidence or other legal obligation or duty.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999 given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council’s operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the report *CEO Key Performance Indicators – Appointment of and External Consultant CRC 230115F01* is necessary to ensure that Council does not breach any duty of confidence or other legal obligation or duty, or prematurely disclose personal information.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Recommendations of the 23 January 2015 CEO Review Committee Meeting Minutes - GC270115F03
Ref No: GC081215R10 – (46) Appendix 40

REPORT OBJECTIVE:

To review the confidential item relating to the report *Recommendations of the 23 January 2015 CEO Review Committee Meeting Minutes - GC270115F03*, in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

That:

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| <p>1. In accordance with Section 91(7) and (9) of the <i>Local Government Act 1999</i> the Council orders that the report and minutes arising from this report <i>Recommendations of the 23 January 2015 CEO Review Committee Meeting Minutes - GC230115F01</i> and any appendices to this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the former Chief Executive Office of the Council (Section (3)(a)) and to ensure Council does not breach any duty of confidence or other legal obligation or duty (Section 90(3)(g)).</p> <p>This order is to remain in force until such time as the former Chief Executive Officer retires from gainful employment.</p> | <p>8 Dec 15</p> |
| <p>2. This confidential order be reviewed at the December 2016 meeting of Council.</p> | <p>Dec 16</p> |

BACKGROUND:

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On the 27th January 2015, Council ordered that the Report *Recommendations of the 23 January 2015 CEO Review Committee Meeting Minutes - GC230115F01* and any appendices to this report, be kept confidential and not available for public inspection for the period that the Chief Executive Officer remains in gainful employment, to be reviewed in December 2015. This order was made on the basis that it deals with information the disclosure of which would be unreasonable as it concerns the personal affairs of the Chief Executive Officer – Section 90(2) and (3)(a) of the Act.

In accordance with the Act, the above confidentiality order is due for review.

ANALYSIS

Although Mr Searle is no longer employed by the City of Marion, he remains in gainful employment. Mr Searle was consulted on the release of the report, all annexure and minutes and responded that he did not agree to the release of these documents citing s90(3)(a), (3)(g) and (3)(h) of the *Local Government Act 1999*. In addition he made the following observations:

- “1. I am currently in gainful employment and intend to continue my career for the foreseeable future;
2. The Council has a duty of confidence and legal obligations in accordance with agreements I have with council, and various other provisions of the Local Government Act and other legislation; and
3. National Privacy principles provide a benchmark of 7 years for the retention of credit/financial information.”

Mr Searle stated that he would review his position in 12 months when Council next reviewed its confidential orders.

Accordingly, it is recommended that the confidentiality order remain in place to ensure Council does not unreasonably disclose information concerning Mr Searle’s personal affairs, or breach any duty of confidence or other legal obligation or duty.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999 given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council’s operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the report *Recommendations of the 23 January 2015 CEO Review Committee Meeting Minutes - GC230115F01* is necessary to ensure that Council does not breach any duty of confidence or other legal obligation or duty, or prematurely disclose personal information.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Chief Executive Officer's Employment Contract SGC190215F02
Ref No: GC081215R10 – (46) Appendix 41

REPORT OBJECTIVE:

To review the confidential item relating to the report *Chief Executive Officer's Employment Contract SGC190215F02*, in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

That:

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| <p>1. In accordance with Section 91(7) and (9) of the <i>Local Government Act 1999</i> the Council orders that the information relating to this report <i>Chief Executive Officer's Employment Contract SGC190215F02</i> and the Minutes be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the former Chief Executive Office of the Council (Section (3)(a)), and to ensure Council does not breach any duty of confidence or other legal obligation or duty (Section 90(3)(g)).</p> <p>This order is to remain in force until such time as the former Chief Executive Officer retires from gainful employment.</p> | <p>8 Dec 15</p> |
| <p>2. This confidential order be reviewed at the December 2016 meeting of Council.</p> | <p>Dec 16</p> |

BACKGROUND:

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On the 19th of February 2015, Council ordered that the information relating to the report *Chief Executive Officer's Employment Contract SGC190215F02* and the Minutes be kept confidential and not available for public inspection for the period that the Chief Executive Officer remains in gainful employment, to be reviewed in December 2015. This order was made on the basis that it deals with information the disclosure of which would be unreasonable as it concerns the personal affairs of the Chief Executive Officer – Section 90(2) and (3)(a) of the Act.

In accordance with the Act, the above confidentiality order is due for review.

ANALYSIS

Although Mr Searle is no longer employed by the City of Marion, he remains in gainful employment. Mr Searle was consulted on the release of the report, all annexure and minutes and responded that he did not agree to the release of these documents citing s90(3)(a), (3)(g) and (3)(h) of the *Local Government Act 1999*. In addition he made the following observations:

- “1. I am currently in gainful employment and intend to continue my career for the foreseeable future;
2. The Council has a duty of confidence and legal obligations in accordance with agreements I have with council, and various other provisions of the Local Government Act and other legislation; and
3. National Privacy principles provide a benchmark of 7 years for the retention of credit/financial information.”

Mr Searle stated that he would review his position in 12 months when Council next reviewed its confidential orders.

Accordingly, it is recommended that the confidentiality order remain in place to ensure Council does not unreasonably disclose information concerning Mr Searle's personal affairs, or breach any duty of confidence or other legal obligation or duty.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999 given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the report *Chief Executive Officer's Employment Contract SGC190215F02* is necessary to ensure that Council does not breach any duty of confidence or other legal obligation or duty, or prematurely disclose personal information.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item: Marion South Plan – Etiria No 25 Pty Ltd Deed (Makris Group), SGC161104F02
Ref No: GC081215R10 - (47)

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Marion South Plan – Etiria No 25 Pty Ltd Deed (Makris Group)*, SGC161104F02 in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

RECOMMENDATIONS (2)

DUE DATES

That:

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| <p>1. In accordance with Section 91(7) and (9) of the <i>Local Government Act 1999</i> the Council orders that the report, '<i>Marion South Plan – Etiria No 25 Pty Ltd Deed (Makris Group)</i>, SGC161104F02' together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party and would, on balance, be contrary to the public interest (Section 90(3)(d)), and to ensure Council does not breach a duty of confidence (Section (3)(g)).</p> <p>This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.</p> | <p>8 Dec 15</p> |
| <p>2. This confidential order be reviewed following the sale of the Hallett Cove Library or at the December 2016 meeting of Council, whichever occurs earlier.</p> | <p>Dec 16</p> |

BACKGROUND:

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 16 November 2004, Council ordered that the Report *Marion South Plan – Etrira No 25 Pty Ltd Deed (Makris Group)*, SGC161104F02, together with all annexure and the relevant minutes be kept confidential for a period of 12 months, to be reviewed in December 2004. The Report outlined arrangements with and commitments by the Makris Group to enable the construction of the new connector road, and contained confidential information of a commercial nature.

As required by the Act, this confidentiality order has been reviewed annually since December 2004. The last review was at the 9 December 2014 General Council meeting where it was resolved that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, '*Marion South Plan – Etrira Deed, GC130307F01*' together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which:

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

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

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

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

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

3. Council delegates the power to revoke this order of confidentiality to the Chief Executive Officer, subject to no reasonable objections from relevant third parties or Elected Members.

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

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order relating to the *Marion South Plan – Etrira No 25 Pty Ltd Deed (Makris Group)*, SGC161104F02 is again due for review.

ANALYSIS

On review the information discussed in the Report remains 'commercial in nature' over which the City of Marion has a duty of confidence.

As requested by the Council the affected party (Makris Group) was consulted with a view to releasing the report, appendices and minutes. The Group responded objecting to the release of the documents on the grounds that report contains information the disclosure of which could reasonably be expected to prejudice their commercial position and would, on balance, be contrary to the public interest. They also asserted disclosure would breach a duty of confidence.

Legal advice has been obtained by Council. Based on this advice and in recognition of the affected parties objection, it is recommended that the confidentiality order associated with the report, appendices, and minutes remain in place, with a view to release the information either once the Hallett Cove Library is sold, or at the December 2016 meeting of Council, whichever occurs earlier.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Sections 90(2) and (3)(d) and (g) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the appendices to the Report "*Marion South Plan – Etiria No 25 Pty Ltd Deed (Makris Group), SGC161104F02*" is necessary to ensure that Council does not prematurely disclose commercial information or breach a duty of confidence.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Marion South Plan – Craven & Etiria Deeds, GC260405F01
Ref No: GC081215R10 - (48)

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Marion South Plan – Craven & Etiria Deeds, GC260405F01* in accordance with Section 91(9) of *the Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

That:

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| <p>1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, '<i>Marion South Plan – Craven & Etiria Deeds, GC260405F01</i>' together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party and would, on balance, be contrary to the public interest (Section 90(3)(d)), and to ensure Council does not breach a duty of confidence (Section (3)(g)).</p> <p>This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.</p> | <p>8 Dec 15</p> |
| <p>2. This confidential order be reviewed following the sale of the Hallett Cove Library or at the December 2016 meeting of Council, whichever occurs earlier.</p> | <p>Dec 16</p> |

BACKGROUND:

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 26 April 2005, Council ordered that the Report *Marion South Plan – Craven & Etiria Deeds, GC260405F01* together with all annexure and the relevant minutes be kept confidential for a period of 12 months, to be reviewed in December 2005. The Report outlined arrangements with and commitments by the Craven and Makris Groups to enable the construction of the new connector road, and contained confidential information of a commercial nature – Sections 90(3)(d) and (g) of the Act.

As required by the Act, this confidentiality order has been reviewed annually since December 2005. The last review was at the 9 December 2014 General Council meeting where it was resolved that:

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

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

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

ANALYSIS

On review the information discussed in the Report remains 'commercial in nature' over which the City of Marion has a duty of confidence.

As requested by the Council affected parties were consulted with a view to releasing the report, appendices and minutes. Objection to the release of the documents was advised on the grounds that the report contains information the disclosure of which could reasonably be expected to

prejudice their commercial position and would, on balance, be contrary to the public interest. They also asserted disclosure would breach a duty of confidence.

Legal advice has been obtained by Council. Based on this advice and in recognition of the affected parties objection, it is recommended that the confidentiality order associated with the report, appendices, and minutes remain in place, with a view to release the information either once the Hallett Cove Library is sold, or at the December 2016 meeting of Council, whichever occurs earlier.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Sections 90(2) and (3)(d) and (g) of the *Local Government Act 1999* given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the Report *Marion South Plan – Craven & Etiria Deeds, GC260405F01* is necessary to ensure that Council does not prematurely disclose commercial information or breach a duty of confidence.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Kerbside Waste & Recycling Collection Contract 2005,
SGC210605F01
Ref No: GC081215R10 - (49)

REPORT OBJECTIVE / EXECUTIVE SUMMARY:

To review the confidential item relating to the Report *Kerbside Waste & Recycling Collection Contract 2005, SGC210605F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

That

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| <p>1. Pursuant to Section 91(7) and (9) of the <i>Local Government Act 1999</i> the Council orders that the Report, "<i>Kerbside Waste & Recycling Collection Contract 2005, SGC210605F01</i>" together with the appendices and minutes arising from the report be kept confidential on the basis that it deals with information concerning tenders for the supply of goods, the provision of services or the carrying out of works (Section 90(3)(k) and contains confidential commercial information which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or confer an advantage on a third party and on balance the disclosure would be contrary to the public interest (Section 90(3)(d)).</p> <p>This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.</p> | <p>8 Dec 15</p> |
| <p>2. This confidential order be reviewed at the December 2016 meeting of Council.</p> | <p>Dec 16</p> |

BACKGROUND:

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidentiality order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 21 June 2005, Council ordered that the report relating to the *Kerbside Waste & Recycling Collection Contract 2005, SGC210605F01* (the Report) be kept confidential for a period of 12 months, to be reviewed in December 2005. The report outlined details of a proposed kerbside waste and recycling contract and was considered confidential on the basis that Council was undertaking a tender process for the provision of services – Section 90(3)(k) of the Act.

As required by the Act, this confidentiality order has been reviewed annually since December 2005. The last review was at the 9 December 2014 General Council meeting where it was resolved that the confidentiality order should be maintained and reviewed at the December 2015 meeting of Council.

ANALYSIS

The contract for services to which this report relates is still current having been extended in 2012 until April 2018.

The Report contains confidential commercial information which if disclosed could reasonably be expected to prejudice the commercial position of the person who supplied the information, or confer an advantage on a third party and on balance the disclosure would be contrary to the public interest.

To ensure that integrity and probity is maintained with Council's tendering processes, and Council does not prematurely divulge confidential commercial information, it is recommended that the confidentiality order be retained until the contract expires in 2018, to be reviewed in December 2016.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting prior to resolving the release or otherwise of the Report, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(k) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the Report *Kerbside Waste & Recycling Collection Contract 2005, SGC210605F01* is important to ensure that Council maintains the integrity of its tendering process, and does not prematurely disclose commercial information of a confidential nature.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item: Provision of Advertising Bus Shelters to the City of Marion, GC270207F01
Ref No: GC081215R10 - (50)

REPORT OBJECTIVE / EXECUTIVE SUMMARY:

To review the confidential item relating to the Report *Provision of Advertising Bus Shelters to the City of Marion, GC270207F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

That

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| <p>1. Pursuant to Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the Report, annexure and minutes titled "<i>Provision of Advertising Bus Shelters to the City of Marion, GC270207F01</i>" be kept confidential on the basis that the matter relates to commercial information of a confidential nature (Section 90(3)(d) of the <i>Local Government Act 1999</i>).</p> <p>This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.</p> | <p>8 Dec 15</p> |
| <p>2. This confidential order be reviewed at the December 2016 meeting of Council.</p> | <p>Dec 16</p> |

BACKGROUND:

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 27 February 2007, Council ordered that the report and associated documents relating to the *Provision of Advertising Bus Shelters to the City of Marion, GC270207F01* (the Report) be kept confidential for a period of 10 months, to be reviewed in December 2007.

As required by the Act this confidentiality order has been reviewed annually since December 2007. The last review was at the 9 December 2014 General Council meeting where it was resolved that:

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

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

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

In accordance with the Act, the above confidentiality order is now due for review.

ANALYSIS

The contract for services to which this report relates is still current and is due to expire February 2017.

The Report contains confidential commercial information which if disclosed could reasonably be expected to prejudice the commercial position of the person who supplied the information, or confer an advantage on a third party and on balance the disclosure would be contrary to the public interest.

To ensure that Council does not prematurely divulge confidential commercial information, it is recommended that the confidentiality order be retained to be reviewed when the contract expires in 2017.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting prior to resolving the release or otherwise of the Report, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(d) of Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the commercial information contained in the Report, annexure and minutes is important to ensure that Council does not prematurely disclose commercial information of a confidential nature.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Marion South Plan – Etrira Deed, GC130307F01
Ref No: GC081215R10 - (51)

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Marion South Plan – Etrira Deed, GC130307F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

That:

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| <p>1. In accordance with Section 91(7) and (9) of the <i>Local Government Act 1999</i> the Council orders that the report, '<i>Marion South Plan – Etrira Deed, GC130307F01</i>' together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party and would, on balance, be contrary to the public interest (Section 90(3)(d)), and to ensure Council does not breach a duty of confidence (Section (3)(g)).</p> <p>This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.</p> | <p>8 Dec 15</p> |
| <p>2. This confidential order be reviewed following the sale of the Hallett Cove Library or at the December 2016 meeting of Council, whichever occurs earlier.</p> | <p>Dec 16</p> |

BACKGROUND:

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 13 March 2007, Council ordered that the Report *Marion South Plan – Etrira Deed GC130307F01*, together with all annexure and the relevant minutes be kept confidential for a period of 9 months, to be reviewed in December 2007. The Report outlined arrangements with and commitments by Etrira to enable the construction of the new connector road, and contained confidential information of a commercial nature.

As required by the Act, this confidentiality order has been reviewed annually since December 2007. The last review was at the 9 December 2014 General Council meeting where it was resolved that:

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

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

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

ANALYSIS

On review the information discussed in the Report is still 'commercial in nature' over which the City of Marion has a duty of confidence.

As requested by the Council the affected party was consulted with a view to releasing the report, appendices and minutes. The party responded objecting to the release of the documents on the grounds that report contains information the disclosure of which could reasonably be expected to prejudice their commercial position and would, on balance, be contrary to the public interest. They also asserted disclosure would breach a duty of confidence.

Legal advice has been obtained by Council. Based on this advice and in recognition of the affected parties objection, it is recommended that the confidentiality order associated with the report, appendices, and minutes remain in place, with a view to release the information either once the Hallett Cove Library is sold, or at the December 2016 meeting of Council, whichever occurs earlier.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Sections 90(2) and (3)(d) and (g) of Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the report, appendices and minutes to the Report "*Marion South Plan – Etrira Deed GC130307F01*" is necessary to ensure that Council does not prematurely disclose commercial information or breach a duty of confidence.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item: City Services
Redevelopment – Section 48 Prudential Report, AC190511R6.1
Ref No: GC091214R10 - (52)

REPORT OBJECTIVE:

To review the confidential item relating to the Report *City Services Redevelopment - Section 48 Prudential Report, AC190511R6.1* in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

RECOMMENDATIONS (2)

DUE DATES

That:

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| <p>1. Pursuant to Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the Report “<i>City Services Redevelopment - Section 48 Prudential Report, AC190511R6.1</i>” together with the minutes arising from the report be kept confidential on the basis that they contain information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the Council and would, on balance, be contrary to the public interest (s.90(3)(b)), and to ensure Council does not breach any duty of confidence (s.90(3)(g)).</p> | <p>8 Dec 15</p> |
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This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

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| <p>2. This confidential order be reviewed at the December 2016 meeting of Council.</p> | <p>Dec 16</p> |
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BACKGROUND:

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidentiality order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 19 May 2011, the Audit Committee ordered that the to the Report *City Services Redevelopment - Section 48 Prudential Report, AC190511R6.1* and the minutes arising from the report be kept confidential for a period of 12 months, to be reviewed at the General Council meeting in December 2011.

As required by the Act, the above confidentiality order was reviewed at the General Council Meeting on 9 December 2014 where it was resolved that:

1. Pursuant to Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the Report "*City Services Redevelopment - Section 48 Prudential Report, AC190511R6.1*" together with the minutes arising from the report be kept confidential on the basis that they contain information the disclosure of which:
 - (a) could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the Council (Section 90(3)(b) of the Local Government Act 1999); and
 - (b) would, on balance, be contrary to the public interest.

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

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

In accordance with the Act and the above resolutions, the confidentiality order relating to the Report *City Services Redevelopment - Section 48 Prudential Report, AC190511R6.1* is now due for review.

ANAYLSIS

On review the report contains information relating to the City Services Redevelopment - Section 48 Prudential Report that is of a commercial nature.

As requested by the Council affected party was consulted with a view to releasing the report, appendices and minutes. Objection to the release of the documents was advised on the grounds that the report contains information the disclosure of which could reasonably be expected to prejudice their commercial position and would, on balance, be contrary to the public interest. They also asserted disclosure would breach a duty of confidence.

Legal advice has been obtained by Council. Based on this advice, and in recognition of the affected party's objection, and that the Redevelopment is not yet completed, it is recommended that the confidentiality order associated with the report and minutes remain in place, to be reviewed at the December 2016 meeting of Council.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(b) of the Local Government Act 1999 given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining confidentiality over the Report *City Services Redevelopment - Section 48 Prudential Report, AC190511R6.1* is necessary to ensure that Council does not prematurely disclose commercial information or breach a duty of confidence.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
External Audit – Tender for Services, AC070212F6.1
Report Reference: GC081215R10 – (53)

REPORT OBJECTIVES / EXECUTIVE SUMMARY:

To review the confidential item relating to the matter *External Audit – Tender for Services, AC070212* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report *External Audit – Tender for Services, AC070212F6.1*, the minutes arising from this report and any other information distributed at the meeting having been considered in confidence under Section 90(2) and (3)(d) and (3)(k) of the Act be kept confidential and not available for public inspection on the basis it contains information relating to the tender for the provision of external audit services and is of a confidential commercial nature, and the release would, on balance, be contrary to the public interest.

8 Dec 15

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

2. This confidentiality order will be reviewed at the General Council meeting in December 2016.

Dec 16

BACKGROUND

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 7 February 2012 the Committee ordered that the Report *External Audit – Tender for Services, AC070212F6.1* and minutes be kept confidential and not available for public inspection for a period of 12 months to be reviewed at the General Council meeting in December 2012. The order was made on the basis that the report contained information relating to the tender for the provision of external audit services and is of a commercial nature - Section 90 (2) and (3)(d) of the Act.

The confidentiality order has been reviewed annually since 2012. The last review was at the General Council Meeting on 9 December 2014, where it was resolved that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report *External Audit – Tender for Services, AC070212F6.1*, the minutes arising from this report and any other information distributed at the meeting having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection on the basis it contains information relating to the tender for the provision of external audit services and is of a commercial nature.

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

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

In accordance with the Act and the above resolutions this confidentiality order is due for review.

ANAYLSIS

The report contains confidential commercial information regarding a tender for the provision of external audit services which if disclosed could reasonably be expected to prejudice the commercial position of the person who supplied the information, or confer an advantage on a third party and on balance the disclosure would be contrary to the public interest.

The contract has been awarded until 28 February 2017.

To ensure that integrity and probity is maintained with Council's tendering processes, and Council does not prematurely divulge confidential commercial information, it is recommended that the confidentiality order associated with this report remain in place until the expiration of the contract, to be reviewed in December 2016.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(d) of the *Local Government Act 1999* given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the Report *External Audit – Tender for Services, AC070212F6.1* is necessary to ensure that Council does not prematurely disclose commercial information.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
External Audit Tender, GC140212F01
Report Reference: GC081215R10 – (54)

REPORT OBJECTIVES / EXECUTIVE SUMMARY:

To review the confidential item relating to the matter *External Audit Tender, GC140212F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

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

8 Dec 15

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

2. This confidentiality order will be reviewed at the General Council meeting in December 2016.

Dec 2016

BACKGROUND

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 14 February 2012 Council ordered that Appendix 1 to the Report *Eternal Audit Tender, GC140212F01* be kept confidential and not available for public inspection for a period of 12 months to be reviewed at the General Council meeting in December 2012. The order was made on the basis that the report contained information relating to the tender for the provision of external audit services and is of a commercial nature - Section 90 (2) and (3)(d) of the Act.

The confidentiality order has been reviewed annually since 2012. The last review was at the General Council Meeting on 9 December 2014, where it was resolved that:

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

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

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

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is due for review.

ANAYLSIS

The contract for services to which this report relates is current until February 2017. Appendix 1 contains confidential commercial information regarding tenderers for the provision of external audit services, which if disclosed could reasonably be expected to prejudice the commercial position of the person who supplied the information, or confer an advantage on a third party, and on balance the disclosure would be contrary to the public interest.

To ensure that integrity and probity is maintained with Council's tendering processes, and Council does not prematurely divulge confidential commercial information, it is recommended that the confidentiality order be retained until the contract expires in 2017.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(d) of the *Local Government Act 1999* given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the Report *External Audit Tender, GC140212F01* is necessary to ensure that Council does not prematurely disclose commercial information.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the item:
Kerbside Waste Collection Contract, GC120612F01
Report Reference: GC081215R10 - (55)

REPORT OBJECTIVES / EXECUTIVE SUMMARY:

To review the confidential item relating to the Report *Kerbside Waste Collection Contract, GC120612F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

That Council:

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| <p>1. In accordance with Section 91(7) and (9) of the <i>Local Government Act 1999</i> the Council orders that this report, <i>Kerbside Waste Collection Contract, GC120612F01</i> and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection on the basis it relates to commercial information of a confidential nature the disclosure of which would on balance be contrary to the public interest.</p> <p>This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.</p> | <p>8 Dec 15</p> |
| <p>2. This confidential order be reviewed at the December 2016 meeting of Council.</p> | <p>Dec 16</p> |

BACKGROUND

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 12 June 2012 Council ordered that the report *Kerbside Waste Collection Contract, GC1206F01* and minutes be kept confidential and not available for public inspection to be reviewed at the General Council meeting in December 2012. The order was made on the basis that the report contains information relating to commercial information of a confidential nature – Section 90(3)(d) of the Act.

The confidentiality order has been reviewed annually since 2012. The last review was at the General Council Meeting on 9 December 2014, where it was resolved that:

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

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

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

In accordance with the Act, and the above resolutions, the above confidentiality order is due for review.

ANAYLSIS

The contract for services to which this report relates is current until April 2018.

The Report contains confidential commercial information which if disclosed could reasonably be expected to prejudice the commercial position of the person who supplied the information, or confer an advantage on a third party and on balance the disclosure would be contrary to the public interest.

To ensure that integrity and probity is maintained with Council's processes, and Council does not prematurely divulge confidential commercial information, it is recommended that the confidentiality order be retained until the contract expires in 2018, to be reviewed in December 2016.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(d) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the Report *Kerbside Waste Collection Contract, GC120612F01* is necessary to ensure that Council does not prematurely disclose confidential commercial information.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Legal Advice, GC100712F02
Report Reference: GC081215R10 – (56)

REPORT OBJECTIVES / EXECUTIVE SUMMARY:

To review the confidential item relating to the matter *Legal Advice, GC100712F02* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

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

8 Dec 15

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

2. This confidentiality order will be reviewed at the General Council meeting in December 2016.

Dec 16

BACKGROUND

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 10 July 2012, Council ordered that the Report *Legal Advice, GC100712F02* and the minutes be kept confidential and not available for public inspection for a period of 12 months to be reviewed at the General Council meeting in December 2012. This order was made on the basis the report contains information relating to the provision of legal advice. Section 90(2) and (3)(h) of the Act.

The confidentiality order has been reviewed annually since 2012. The last review was at the General Council Meeting on 9 December 2014, where it was resolved that:

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

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

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

In accordance with the Act, and the Council resolution, the above confidentiality order is due for review.

ANAYLSIS

Given the report contains legal advice received by the Council in respect of which Council has a duty of confidence, it is recommended that the confidentiality order associated with this report remain in place.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(h) of the Local Government Act 1999 given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the Report *Legal Advice, GC100712F02* is necessary to ensure that Council does not prematurely disclose commercial information.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
City Services Redevelopment – Cost Estimate,
GC110912F01
Report Reference: GC081215R10 – (57)

REPORT OBJECTIVES / EXECUTIVE SUMMARY:

To review the confidential item relating to the matter *City Services Redevelopment – Cost Estimate, GC110912F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

That:

8 Dec 15

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

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

Dec 16

2. This confidentiality order will be reviewed at the General Council meeting in December 2016.

BACKGROUND

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 11 September 2012 Council ordered that the report *City Services Redevelopment – Cost Estimate, GC110912F01* and minutes be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting to be reviewed in December 2012. This order was made on the basis that the information relates to information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council – Section 90(2) and (3)(b) of the Act.

On 9 December 2014 Council reviewed the confidentiality order and resolved:

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

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

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

In accordance with the Act, the above confidentiality order is due for review.

ANAYLSIS

On review the report contains commercial information regarding an ongoing project including cost estimates.

As requested by the Council the affected party was consulted with a view to releasing the report, appendices and minutes. Objection to the release of the documents was advised on the grounds that the report contains information the disclosure of which could reasonably be

expected to prejudice their commercial position and would, on balance, be contrary to the public interest. They also asserted disclosure would breach a duty of confidence.

Legal advice was obtained and based on the advice and the affected party's objection, it is recommended that the confidentiality order associated with the report, appendices, and minutes remain in place, to be reviewed at the December 2016 meeting of Council.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(b) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the Report *City Services Redevelopment – Cost Estimate, GC110912F01* is necessary to ensure that Council does not prematurely disclose commercial information or breach a duty of confidence.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidentiality Order:
City Services Redevelopment – Update, GC290113F01
Report Reference: GC081215R10 – (58)

REPORT OBJECTIVES / EXECUTIVE SUMMARY:

To review the confidential item relating to the matter of *City Services Redevelopment – Update, GC290113F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

That

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the appendices to the report '*City Services Redevelopment – Update*', GC290113F01 having been considered in confidence under Section 90(2) and (3)(b) and (3)(k) of the Act be kept confidential and not available for public inspection on the basis that the information relates to financial and scope options as part of the tender process to manage the project, and the disclosure of the information would:

8 Dec 15

(a) reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council, and

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

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

2. This confidentiality order will be reviewed at the General Council meeting in December 2016.

Dec 16

BACKGROUND

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 29 January 2013 Council ordered that:

In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the appendices to this report having been considered in confidence under Section 90(2) and (3)(b) and (3)(k) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting and that the report (exclusive of the appendices) be released. This confidentiality order will be reviewed at the General Council Meeting in December 2013.

On 8 December 2014 Council reviewed the confidentiality order and resolved that:

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

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

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

In accordance with the Act, the above confidentiality order is due for review.

ANAYLSIS

On review the appendices contain commercial information regarding an ongoing project including financial and scope options as part of the tender process to manage the project.

As requested by the Council the affected party was consulted with a view to releasing the appendices. Objection to the release of the documents was advised on the grounds that the appendices contain information the disclosure of which could reasonably be expected to prejudice their commercial position and would, on balance, be contrary to the public interest.

Legal advice has been obtained by Council. Based on the advice and in recognition of the affected party's objection, it is recommended that the confidentiality order associated with the appendices remain in place, to be reviewed at the December 2016 meeting of Council.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(b) and (k) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality over the appendices to the Report "*City Services Redevelopment – Update, GC290113 F01*" to ensure that Council does not prematurely disclose commercial information.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Public Trustee Land - Glandore Laneways, Certificates of Title
Volume 5658 Folio 602 and Volume 5992 Folio 848,
GC290113F02
Ref No: GC081215R10 - (59)

REPORT OBJECTIVE / EXECUTIVE SUMMARY:

To review the confidential item relating to the matter *Public Trustee Land - Glandore Laneways, Certificates of Title Volume 5658 Folio 602 and Volume 5992 Folio 848, GC290113F02* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

That:

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

8 Dec 15

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

2. This confidential order be reviewed at the December 2016 meeting of Council.

Dec 16

BACKGROUND:

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 29 January 2013, Council ordered that the Report *Public Trustee Land - Glandore Laneways, Certificates of Title Volume 5658 Folio 602 and Volume 5992 Folio 848*, GC290113F02 and minutes arising from the report be kept confidential for a period of 12 months, to be reviewed at the General Council meeting in December 2013.

In accordance with the Act and Council's 'Management of Confidential Items Framework', the above confidentiality was last reviewed in December 2014 where it was resolved that:

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

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

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

In accordance with Section 91(7) and (9) of the Act and the above resolutions, the confidentiality order relating to the Report, *Glandore Laneways, Certificates of Title Volume 5658 Folio 602 and Volume 5992 Folio 848*, GC290113F02 is again being reviewed.

ANAYLSIS

Given that the report contains information relating the acquisition of land, the negotiations of which are still in progress, it is recommended that the confidential order relating to the Report *Public Trustee Land - Glandore Laneways, Certificates of Title Volume 5658 Folio 602 and Volume 5992 Folio 848* be retained.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting prior to resolving the release or otherwise of the Report and associated minutes, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Sections 90(2) and (3)(m) of the *Local Government Act 1999* given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the Report - *Glandore Laneways, Certificates of Title Volume 5658 Folio 602 and Volume 5992 Folio 848*, is necessary to ensure that Council does not prematurely disclose commercial information, the disclosure of which would, on balance, be contrary to the public interest.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidentiality Order:
City Services Redevelopment, AC140313F01
Report Reference: GC081215R10 – (60)

REPORT OBJECTIVES / EXECUTIVE SUMMARY:

To review the confidential item relating to the matter of *City Services Redevelopment, AC140313F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

DUE DATES

RECOMMENDATIONS (2)

That

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the Report '*City Services Redevelopment*', AC140313F01, Appendices and the Minutes arising from this report be kept confidential as the information relates to a tender for the carrying out of works, and the disclosure of the information could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council, and the disclosure of this information would, on balance, be contrary to the public interest as it could prejudice Council's ability to be able to negotiate a cost effective proposal for the benefit of the Council and the community (S 90(2) and (3)(b) and (3)(k) of the Act)

8 Dec 15

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

2. This confidentiality order will be reviewed at the General Council meeting in December 2016.

Dec 16

BACKGROUND

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 14 March 2013 the Audit Committee ordered that:

“in accordance with Section 91(7) and (9) of the Local Government Act 1999 the Committee orders that this report including any appendices to this report and the minutes arising from this report, having been considered in confidence under Section 90(2) and (3)(b) and (3)(e) of the Act be kept confidential and not available for public inspection 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 2013.”

As required by the Act and Council’s ‘Management of Confidential Items Framework’, the above confidentiality was last reviewed on 9 December 2014 where it was resolved that:

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

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

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

In accordance with the Act and the above resolution, the above confidentiality order is due for review.

ANAYLSIS

Given that the Report “*City Services Redevelopment –AC140313F01*” contains:

- confidential information relating to a tender for the carrying out of works, and the disclosure of the information could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council,

and

- the disclosure of this information would, on balance, be contrary to the public interest as it could prejudice Council’s ability to be able to negotiate a cost effective proposal for the benefit of the Council and the community

it is recommended that the confidentiality order remain in place.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(b) and (k) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the appendices to the Report "*City Services Redevelopment, AC140313F01*" is necessary to ensure that Council does not prematurely disclose commercial information.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidentiality Order: Draft Confidential Minutes from March 2013 Audit Committee Meeting, GC260313F01
Report Reference: GC081215R10 – (61)

REPORT OBJECTIVES / EXECUTIVE SUMMARY:

To review the confidential item relating to the matter of *Draft Confidential Minutes from March 2013 Audit Committee Meeting, GC260313F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

That:

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|---|------------------------|
| <p>1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the Report and any appendices to the report having been considered in confidence by the Audit Committee under Section 90(2) and (3)(b) and (3)(k) of the Act be kept confidential and not available for public inspection on the basis that the information relates to a tender for the carrying out of works, and the disclosure of the information would:</p> <p>(a) reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council, and</p> <p>(b) on balance, be contrary to the public interest.</p> | <p>8 Dec 15</p> |
|---|------------------------|

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

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| <p>2. This confidentiality order will be reviewed at the General Council meeting in December 2016.</p> | <p>Dec 16</p> |
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BACKGROUND

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 26 March 2013 the Council ordered that:

In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Audit Committee orders that the appendices to this report having been considered in confidence under Section 90(2) and (3)(b) and (3)(k) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting and that the report (exclusive of the appendices) be released. This confidentiality order will be reviewed at the General Council Meeting in December 2013.

As required by the Act and Council's 'Management of Confidential Items Framework', the above confidentiality was last reviewed on 9 December 2014 where it was resolved that:

1. *In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the Report and any appendices to the report having been considered in confidence by the Audit Committee under Section 90(2) and (3)(b) and (3)(k) of the Act be kept confidential and not available for public inspection on the basis that the information relates to a tender for the carrying out of works, and the disclosure of the information would:*

(a) reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council, and

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

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

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

Accordingly, the above confidentiality order is due for review.

ANAYLSIS

Given that the report "*Draft Confidential Minutes from March 2013 Audit Committee Meeting, GC260313F01*" contains

- confidential information relating to a tender for the carrying out of works, and the disclosure of the information could reasonably be expected to confer a commercial advantage on a per son with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council,

and

- the disclosure of this information would, on b alance, be c ontrary to the public interest as it could prejudice Council's ability to be able to negotiate a cost effective proposal for the benefit of the Council and the community

it is recommended that the confidentiality order remain in place.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(b) and (k) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality order of the Report "*Draft Confidential Minutes from March 2013 Audit Committee Meeting GC260313F01*" is necessary to ensure that Council does not prematurely disclose commercial information.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Commercial Arrangements, GC260313F02
Ref No: GC081215R10 - (62)

REPORT OBJECTIVE / EXECUTIVE SUMMARY:

To review the confidential item relating to the matter *Commercial Arrangements, GC260313F02* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

That:

8 Dec 15

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

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

2. Unless revoked prior, this confidential order be reviewed at the December 2016 meeting of Council.

Dec 16

BACKGROUND:

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 26 March 2013 Council ordered that the Report *Commercial Arrangements, GC260313F02*, minutes and any other information distributed at the meeting be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting and that the order be reviewed at the December 2013 meeting.

In accordance with the Act, the above confidentiality was last reviewed in December 2014 where it was resolved that:

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

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

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

This order was made on the on the grounds that the report contains information in relation to a proposed tender and commercial arrangements, the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage to a third party, and that on balance disclosure would be contrary to the public interest.

ANAYLSIS

On review the report contains commercial information. In accordance with Council's resolution above, the two affected external parties were consulted. Both did not agree with the release of the documents on the basis that the information is commercial in confidence and the disclosure of which could reasonably be expected to prejudice their commercial position, or confer a commercial advantage to a third party.

Accordingly, it is recommended that the confidentiality order be retain until the lease is due to expire in 2018, to be reviewed in December 2016.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting prior to resolving the release or otherwise of the Report and associated minutes, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Sections 90(2) and (3)(d) and (k) of the Local Government Act 1999 given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality order over the Report, *Commercial Arrangements, GC260313F02* is necessary to ensure Council does not prematurely divulge confidential commercial information, the disclosure of which would, on balance, be contrary to the public interest.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidentiality Order:
City Services Redevelopment GC260313F03, SGC020413,
SGC090413
Report Reference: GC081215R10 – (63)

REPORT OBJECTIVES / EXECUTIVE SUMMARY:

To review the confidential item relating to the matter of *City Services Redevelopment GC260313F03, SGC020413, SGC090413* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

That

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| <p>1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the appendices to this report having been considered in confidence under Section 90(2) and (3)(b) and (3)(k) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting as the information relates to a tender for the carrying out of works, and the disclosure of the information could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council, and the disclosure of this information would, on balance, be contrary to the public interest as it could prejudice Council's ability to be able to negotiate a cost effective proposal for the benefit of the Council and the community.</p> <p>This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.</p> | <p>8 Dec 15</p> |
| <p>2. This confidentiality order will be reviewed at the General Council meeting in December 2016.</p> | <p>Dec 16</p> |

BACKGROUND

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 26 March 2013 Council ordered that:

In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the appendices to this report having been considered in confidence under Section 90(2) and (3)(b) and (3)(k) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting and that the report (exclusive of the appendices) be released. This confidentiality order will be reviewed at the General Council Meeting in December 2013.

On 9 December 2014, Council reviewed the above confidentiality order and resolved that:

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

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

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

In accordance with the Act, the above confidentiality order is due for review.

ANAYLSIS

Given that the appendices to the report "*City Services Redevelopment GC260313 F03*" contain:

- confidential information relating to financial and scope options as part of the tender process to manage the project, and the disclosure of the information could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council,

and

- the disclosure of this information would, on balance, be contrary to the public interest as it could prejudice Council's ability to be able to negotiate a cost effective proposal for the benefit of the Council and the community

it is recommended that the confidentiality order associated with the appendices remain in place.

Note that these appendices were further considered in confidence at Special General Council Meetings on 2 April 2013 and 9 April 2013.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(b) and (k) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the appendices to the Report "*City Services Redevelopment GC260313F01, SGC020413 and SGC090413*" is necessary to ensure that Council does not prematurely disclose commercial information.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidentiality Order:
Hallett Cove Library and Community Centre Award of
Construction Tender, GC270813F02
Report Reference: GC081215R10 – (64)

REPORT OBJECTIVES / EXECUTIVE SUMMARY:

To review the confidential item relating to the matter of *Hallett Cove Library and Community Centre Award of Construction Tender, GC270813F02* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

DUE DATES

RECOMMENDATIONS (2)

That

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the Report 'Hallett Cove Library and Community Centre Award of Construction Tender' GC270813F02, together with all appendices and minutes be kept confidential and not available for public inspection as the information relates to the tender for the carrying out of works and disclosure of the information could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council, and the disclosure of this information would, on balance, be contrary to the public interest as it could prejudice Council's ability to be able to negotiate a cost effective proposal for the benefit of the Council and the community (S 90(2) and (3)(b) and (3)(k) of the Act)

8 Dec 15

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

2. This confidentiality order will be reviewed at the General Council meeting in December 2016.

Dec 16

BACKGROUND

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 27 August 2013, the Council ordered that:

“In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the Report ‘*Hallett Cove Library and Community Centre Award of Construction Tender*’ having been considered in confidence under Section 90(2) and (3)(b) and (3)(k) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2013.

As required by the Act and Council’s ‘Management of Confidential Items Framework’, the above confidentiality was last reviewed on 9 December 2014 where it was resolved that:

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

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

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

In accordance with the Act and the above resolution, the above confidentiality order is due for review.

ANAYLSIS

Given that the report and appendices to the report “*Hallett Cove Library and Community Centre Award of Construction Tender GC270813F02*” contain:

- confidential information relating to a tender for the carrying out of works, and the disclosure of the information could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council,

and

- the disclosure of this information would, on balance, be contrary to the public interest as it could prejudice Council’s ability to be able to negotiate a cost effective proposal for the benefit of the Council and the community

it is recommended that the confidentiality order associated with the Report, appendices and minutes remain in place.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(b) and (k) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the appendices to the Report "*Hallett Cove Library and Community Centre Award of Construction Tender*" is necessary to ensure that Council does not prematurely disclose commercial information.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidentiality Order:
City Services Redevelopment Award of Construction
Tender, SGC190814F01
Report Reference: GC081215R10 – (65)

REPORT OBJECTIVES / EXECUTIVE SUMMARY:

To review the confidential item relating to the matter of *City Services Redevelopment Award of Construction Tender, SGC190814F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

That

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that report *City Services Redevelopment Award of Construction Tender, SGC190814F01* having been considered in confidence under Section 90(2) and (3)(b) and (3)(k) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting as the information relates to a tender for the carrying out of works, and the disclosure of the information could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council, and the disclosure of this information would, on balance, be contrary to the public interest as it could prejudice Council's ability to be able to negotiate a cost effective proposal for the benefit of the Council and the community.

8 Dec 15

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

2. This confidentiality order will be reviewed at the General Council meeting in December 2016.

Dec 16

BACKGROUND

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 19 August 2013 Council ordered that:

In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that report SGC190814F01 having been considered in confidence under Section 90(2) and (3)(b) and (3)(k) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in August 2013.

In accordance with the Act, the above confidentiality was last reviewed on 9 December 2014 where it was resolved that:

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

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

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

ANAYLSIS

Given that the report "*City Services Redevelopment Award of Construction Tender, SGC190814F01*" contains:

- confidential information relating to financial and scope options as part of the tender process to manage the project, and the disclosure of the information could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council,

and

- the disclosure of this information would, on balance, be contrary to the public interest as it could prejudice Council's ability to be able to negotiate a cost effective proposal for the benefit of the Council and the community

it is recommended that the confidentiality order associated with the report remains in place.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(b) and (k) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the Report "*City Services Redevelopment Award of Construction Tender, SGC190814F01*" is necessary to ensure that Council does not prematurely disclose commercial information.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidentiality Order: Marion Leisure and Fitness Centre Lease to CASA Leisure Pty Ltd, GC091214F01
Report Reference: GC081215R10 – (66)

REPORT OBJECTIVES / EXECUTIVE SUMMARY:

To review the confidential item relating to the Report *Marion Leisure and Fitness Centre – Lease to CASA Leisure Pty Ltd GC091214F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

That:

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| <p>1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, 'Marion Leisure and Fitness Centre - Lease to CASA Leisure Pty Ltd' (Report Reference GC09121401), all appendices and the minutes arising from this report having been considered in confidence be kept confidential under Sections 90(2), (3)(d) and (3)(k) of the Act and not be available for public inspection for a period of 12 months from the date of this meeting or until such time as the tender process regarding the provision of future services and works in respect of the Centre is complete.</p> <p>This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.</p> | <p>8 Dec 15</p> |
| <p>2. This confidentiality order will be reviewed at the General Council meeting in December 2016.</p> | <p>Dec 16</p> |

BACKGROUND

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 9 December 2014 Council ordered that:

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

In accordance with the Act, the above confidentiality order is due for review.

ANAYLSIS

The Council has entered an agreement with the YMCA for the operation of the Marion Leisure and Fitness Centre as an interim measure. Information contained within the report and its appendices may be relevant to the tender process regarding the provision of a long-term operator of the centre. Therefore, it is recommended that the confidentiality order in relation to the report, appendices and minutes arising from the report "*Marion Leisure and Fitness Centre, Lease to CASA Leisure Pty Ltd GC091214F01*", remain in force.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(d) and (k) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the report "*Marion Leisure and Fitness Centre, Lease to CASA Leisure Pty Ltd, GC091214F01*" is necessary to ensure that Council does not prematurely release commercial information of a confidential nature or compromise a future tender for services.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidentiality Order: Marion Leisure and Fitness Centre Lease to CASA Leisure Pty Ltd, GC240315F01
Report Reference: GC081215R10 – (67)

REPORT OBJECTIVES / EXECUTIVE SUMMARY:

To review the confidential item relating to the Report *Marion Leisure and Fitness Centre Lease to CASA Leisure Pty Ltd, GC240315F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

That:

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| <p>1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, '<i>Marion Leisure and Fitness Centre - Lease to CASA Leisure Pty Ltd</i>' (Report Reference GC240315F01), appendices and minutes arising from this report having been considered in confidence be kept confidential under Sections 90(2), (3)(b) and (3)(k) of the Act and not be available for public inspection for a period of 12 months from the date of this meeting or until such time as the tender process regarding the provision of future services and works in respect of the Centre is complete.</p> <p>This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.</p> | <p>8 Dec 15</p> |
| <p>2. This confidentiality order will be reviewed at the General Council meeting in December 2016.</p> | <p>Dec 16</p> |

BACKGROUND

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 24 March 2015 Council ordered that:

1. Council in accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, 'Marion Leisure and Fitness Centre, Lease to CASA Leisure Pty Ltd' (Report Reference GC240315F01), its appendices and the Minutes arising from this report having been considered in confidence be kept confidential under Sections 90(2), (3)(b), (3)(i) and (3)(k) of the Act and not be available for public inspection for a period of 12 months from the date of this meeting or until such time as the tender process regarding the provision of future services and works in respect of the Centre is complete. This confidentiality order will be reviewed at the General Council Meeting in December 2015.

In accordance with the Act, the above confidentiality order is due for review.

ANAYLSIS

The Council has entered an agreement with the YMCA for the operation of the Marion Leisure and Fitness Centre as an interim measure. Information contained within the report may be relevant to the tender process regarding the provision of future services and works in respect of the centre.

Accordingly, it is recommended that the confidentiality order in relation to the Report and minutes arising from the report "*Marion Leisure and Fitness Centre, Lease to CASA Leisure Pty Ltd, GC240315F01*", remain in force.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(b) and (k) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the report "*Marion Leisure and Fitness Centre, Lease to CASA Licence Pty Ltd, GC240315F01*" is necessary to ensure that Council does not compromise a future tender for services.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidentiality Order: Surplus Land associated with City Services Redevelopment, GC240315F02
Report Reference: GC081215R10 – (68)

REPORT OBJECTIVES / EXECUTIVE SUMMARY:

To review the confidential item relating to the matter of *Surplus Land associated with City Services Redevelopment Award of Construction Tender, GC240315F02* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

That

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| <p>1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that report <i>Surplus Land associated with City Services Redevelopment, GC240315F02</i> having been considered in confidence under Section 90(2) and (3)(b) and (3)(d) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting as the disclosure of the information could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council, and the disclosure of this information would, on balance, be contrary to the public interest as it could prejudice Council's ability to be able to negotiate effectively for the benefit of the Council and the community.</p> <p>This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.</p> | <p>8 Dec 15</p> |
| <p>2. This confidentiality order will be reviewed at the General Council meeting in December 2016.</p> | <p>Dec 16</p> |

BACKGROUND

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 24 March 2015 Council ordered that:

In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that this report, Surplus land associated with City Services redevelopment, and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(b) and (d) (i)(ii) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2015.

In accordance with the above resolution, the above confidentiality order is due for review.

ANAYLSIS

The report contains confidential information relating to options relating to the surplus land associated with the City Services redevelopment about which Council is yet to make a decision. The disclosure of the information could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council, and would on balance, be contrary to the public interest as it could prejudice Council's ability to be able to negotiate effectively for the benefit of the Council and the community.

Accordingly it is recommended that the confidentiality order associated with the report, appendices and remains in place.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(b) and (k) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the Report "*Surplus Land associated with City Services Redevelopment Award of Construction Tender,*" is necessary to ensure that Council does not prematurely disclose commercial information.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Signatures Cafe, GC240315F03
Ref No: GC081215R10 - (69)

REPORT OBJECTIVE / EXECUTIVE SUMMARY:

To review the confidential item relating to the matter *Signatures Cafe, GC240315F03* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

That:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report *Signatures Cafe, GC240315F03*, appendices and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting as the information relates proposed tender and commercial arrangements, the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or confer a commercial advantage to a third party, and that on balance disclosure would be contrary to the public interest.

8 Dec 15

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

2. Unless revoked prior, this confidential order be reviewed at the December 2016 meeting of Council.

Dec 16

BACKGROUND:

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 24 March 2015 Council ordered that in accordance with Section 91(7) and (9) of the Local Government Act 1999 the Report *Signatures Cafe, GC240315F03*, and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting.

This order was made on the on the grounds that the report contains commercial information of a confidential nature, the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage to a third party, and that on balance disclosure would be contrary to the public interest.

ANAYLSIS

The report contains confidential commercial information with respect to a current contract with Council. Accordingly, it is recommended that the confidentiality order be retain until the lease is due to expire in 2018, to be reviewed at the December 2016 meeting of Council.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting prior to resolving the release or otherwise of the Report and associated minutes, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Sections 90(2) and (3)(d) of the Local Government Act 1999 given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality order over the Report *Signatures Cafe, GC240315F03*, is necessary to ensure Council does not prematurely divulge confidential commercial information, the disclosure of which would, on balance, be contrary to the public interest.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidentiality Order: Marion Leisure and Fitness Centre Lease to CASA Leisure Pty Ltd, GC140415F01 (adjourned from GC240315F01)
Report Reference: GC081215R10 – (70)

REPORT OBJECTIVES / EXECUTIVE SUMMARY:

To review the confidential item relating to the Report *Marion Leisure and Fitness Centre Lease to CASA Leisure Pty Ltd, GC140415F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

That:

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|---|------------------------|
| <p>1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, '<i>Marion Leisure and Fitness Centre - Lease to CASA Leisure Pty Ltd</i>' (Report Reference GC240315F01), appendices and minutes arising from this report having been considered in confidence be kept confidential under Sections 90(2), (3)(b) and (3)(k) of the Act and not be available for public inspection for a period of 12 months from the date of this meeting or until such time as the tender process regarding the provision of future services and works in respect of the Centre is complete.</p> <p>This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.</p> | <p>8 Dec 15</p> |
| <p>2. This confidentiality order will be reviewed at the General Council meeting in December 2016.</p> | <p>Dec 16</p> |

BACKGROUND

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 24 March Council adjourned debate on the matter 'Marion Leisure and Fitness Centre, Lease to CASA Leisure Pty Ltd' (Report Reference GC240315F01) to be resumed at its meeting on 14 April 2015.

On 14 April 2015 Council ordered that:

Council in accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, 'Marion Leisure and Fitness Centre, Lease to CASA Leisure Pty Ltd' (Report Reference GC240315F01), its appendices and the Minutes arising from this report having been considered in confidence be kept confidential under Sections 90(2), (3)(b), (3)(i) and (3)(k) of the Act and not be available for public inspection for a period of 12 months from the date of this meeting or until such time as the tender process regarding the provision of future services and works in respect of the Centre is complete. This confidentiality order will be reviewed at the General Council Meeting in December 2015.

In accordance with the Act, the above confidentiality order is due for review.

ANAYLSIS

The Council has entered an agreement with the YMCA for the operation of the Marion Leisure and Fitness Centre as an interim measure. Information contained within the report may be relevant to the tender process regarding the provision of future services and works for a long-term operator in respect of the centre. Therefore, it is recommended that the confidentiality order in relation to the Report and minutes arising from the report "*Marion Leisure and Fitness Centre, Lease to CASA Leisure Pty Ltd, GC240315F01*", remain in force.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(b) and (k) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the report "*Marion Leisure and Fitness Centre, Lease to CASA Licence Pty Ltd GC240315F01*" is necessary to ensure that Council does not compromise a future tender for services.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidentiality Order: Marion Leisure and Fitness Centre Lease to CASA Leisure Pty Ltd, GC280415F01
Report Reference: GC081215R10 – (71)

REPORT OBJECTIVES / EXECUTIVE SUMMARY:

To review the confidential item relating to the Report *Marion Leisure and Fitness Centre Lease to CASA Leisure Pty Ltd, GC280415F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

That:

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|---|------------------------|
| <p>1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, '<i>Marion Leisure and Fitness Centre - Lease to CASA Leisure Pty Ltd</i>' (Report Reference GC280415F01), appendices and minutes arising from this report having been considered in confidence be kept confidential under Sections 90(2), (3)(b) and (3)(k) of the Act and not be available for public inspection for a period of 12 months from the date of this meeting or until such time as the tender process regarding the provision of future services and works in respect of the Centre is complete.</p> <p>This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.</p> | <p>8 Dec 15</p> |
| <p>2. This confidentiality order will be reviewed at the General Council meeting in December 2016.</p> | <p>Dec 16</p> |

BACKGROUND

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 28 April 2015 Council ordered that:

In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, 'Marion Leisure and Fitness Centre, Lease to CASA Leisure Pty Ltd' (Report Reference GC240215F02), its appendices and the Minutes arising from this report having been considered in confidence be kept confidential under Sections 90(2), (3)(b), (3)(i) and (3)(k) of the Act and not be available for public inspection for a period of 12 months from the date of this meeting or until such time as the tender process regarding the provision of future services and works in respect of the Centre is complete. This confidentiality order will be reviewed at the General Council Meeting in December 2015.

In accordance with the Act, the above confidentiality order is due for review.

ANAYLSIS

The Council has entered an agreement with the YMCA for the operation of the Marion Leisure and Fitness Centre as an interim measure. Information contained within the report may be relevant to the tender process regarding the provision of future services and works for a long-term operator in respect of the centre.

Accordingly, it is recommended that the confidentiality order in relation to the Report, Appendices and Minutes arising from the report "*Marion Leisure and Fitness Centre, Lease to CASA Leisure Pty Ltd, GC280415F01*" (previously referred to as GC240215F02), remain in force.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(b) and (k) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the report "*Marion Leisure and Fitness Centre, Lease to CASA Licence Pty Ltd, GC280415F01*" is necessary to ensure that Council does not compromise a future tender for services.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidentiality Order:
Hallett Cove Library Building, GC140715F01
Report Reference: GC081215R10 – (72)

REPORT OBJECTIVES / EXECUTIVE SUMMARY:

To review the confidential item relating to the matter of *Hallett Cove Library Building, GC140715F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

That:

8 Dec 15

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report *Hallett Cove Library Building, GC140715F01*, appendices and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(b), (d) and (g) of the Act shall, except when required to effect or comply with Council's resolution(s) regarding this matter, be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting.

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

Dec 16

2. This confidentiality order will be reviewed at the General Council meeting in December 2016.

BACKGROUND

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 14 July 2014, the Council ordered that:

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

In accordance with Council's resolution, the order relating to the Report "*Hallett Cove Library Building GC140715F01*" is being reviewed.

ANAYLSIS

The report "*Hallett Cove Library Building, GC140715F01*" appendices and minutes arising from the report contain information relating to the potential disposal of the existing Hallett Cove Library (and Youth Services) building, and contains commercial information of a confidential nature, the disclosure of which on balance would be contrary to the public interest, and of which Council has a duty of confidence to a third party. Accordingly, it is recommended that the confidentiality order associated with the appendices remain in place.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(b), (d) and (g) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the report and minutes "*Hallett Cove Library Building, GC140715F01*" is necessary to ensure that Council does not prematurely disclose commercial information of a confidential nature, or breach a duty of confidence.

On 18 August 2015 the Audit Committee ordered that in accordance with Section 91(7) and (9) of the Local Government Act 1999 the Committee orders that this report, the minutes arising from this report and any other information distributed at the meeting having been considered in confidence under Section 90(2) and (3)(k) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the December 2015 Council meeting.

In accordance with the above resolution, the above confidentiality order is due for review.

ANAYLSIS

Given the report contains commercial in confidence information regarding tenderers for the provision of service reviews and internal audit services, it is recommended that the confidentiality order associated with this report remain in place.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(k) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the Report *Internal Audit and Service Reviews – Tender Assessment, AC180815F8.2* is necessary to ensure that Council does not prematurely disclose commercial information, or breach any duty of confidence.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item: Glandore Laneways, GC250815F01
Ref No: GC081215R10 - (74)

REPORT OBJECTIVE / EXECUTIVE SUMMARY:

To review the confidential item relating to the matter *Glandore Laneways, GC280515F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

That:

- 1. Pursuant to Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the Report, "*Glandore Laneways, GC280515F01*," minutes and the minutes arising from the report be kept confidential on the basis that they contain information, the disclosure of which could reasonably be expected to confirm a commercial advantage on a person with whom the Council is conducting, or proposing to conduct business, or to prejudice the commercial position of the Council, and on balance would be contrary to the public interest (*Section 90(3)(b), and (d) of the Local Government Act 1999*).**

8 Dec 15

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

- 2. This confidential order be reviewed at the December 2016 meeting of Council.**

Dec 16

BACKGROUND:

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 25 August 2015, Council ordered that the Report *Glandore Laneways GC250815F01* and minutes arising from the report be kept confidential, except when required to effect or comply with Council's resolution(s) regarding this matter, and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order to be reviewed at the General Council Meeting in December 2015.

In accordance with the above resolution, the confidentiality order relating to the Report, *Glandore Laneways, GC250815F01*, is due for review.

ANAYLSIS

Given that the report contains information relating the acquisition of land, the negotiations of which are still in progress, it is recommended that the confidential order relating to the Report *Glandore Laneways, GC250815F01*, be retained.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting prior to resolving the release or otherwise of the Report and associated minutes, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Sections 90(2) and (3)(m) of the *Local Government Act 1999* given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the Report - *Glandore Laneways Project, GC250815F01* is necessary to ensure that Council does not prematurely disclose commercial information, the disclosure of which would, on balance, be contrary to the public interest.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item: Cove Civic Centre, GC250815F02
Report Reference: GC081215R10 – (75)

REPORT OBJECTIVES / EXECUTIVE SUMMARY:

To review the confidential item relating to the Report *Cove Civic Centre, GC250815F02* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

That:

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| <p>1. In accordance with Section 91(7) and (9) of the <i>Local Government Act 1999</i> the Council orders that the report <i>Cove Civic Centre, GC250815F02</i> and minutes arising from this report having been considered in confidence under Section 90(2), (3)(b) and (d) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting, as the report contains information that could confer a commercial advantage to a third party and prejudice the commercial position of the Council, and the release would on balance be contrary to the public interest.</p> <p>This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.</p> | <p>8 Dec 15</p> |
| <p>2. This confidentiality order will be reviewed at the General Council meeting in December 2016.</p> | <p>Dec 16</p> |

BACKGROUND

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 25 August 2015 Council ordered that:

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

In accordance with the Act, the above confidentiality order is due for review.

ANAYLSIS

On review the information discussed in the Report continues to confidential commercial information the release of which would, on balance, be contrary to the public interest.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(b) and (d) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the Report "*Cove Civic Centre, GC250815F02*" is necessary to ensure that Council does not prematurely disclose confidential commercial information.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidentiality Order: Marion Leisure and Fitness Centre, GC250815F03
Report Reference: GC081215R10 – (76)

REPORT OBJECTIVES / EXECUTIVE SUMMARY:

To review the confidential item relating to the Report *Marion Leisure and Fitness Centre, GC250815F03* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

That:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that all valuation information and all of Section 2 'Management Agreement with the YMCA' contained in the report, '*Marion Leisure and Fitness Centre, GC250815F03*', having been considered in confidence be kept confidential under Section 90(3)(d) of the Act and not be available for public inspection for a period of 12 months from the date of this meeting.

8 Dec 15

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

2. This confidentiality order will be reviewed at the General Council meeting in December 2016.

Dec 16

BACKGROUND

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 25 August 2015 Council ordered that:

In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that this report and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(d) be released to the public except that all valuation information and all of Section 2 'Management Agreement with the YMCA' be redacted and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2015.

In accordance with the above confidentiality order is due for review.

ANAYLSIS

The Council has entered an agreement with the YMCA for the operation of the Marion Leisure and Fitness Centre as an interim measure. Information contained within the report may be relevant to the tender process regarding the provision of future services and works for a long-term operator in respect of the centre.

The information is commercial information of a confidential nature and its disclosure would, on balance, be contrary to the public interest. Therefore, it is recommended that the confidentiality order in relation to all valuation information and all of Section 2 'Management Agreement with the YMCA' of the report *Marion Leisure and Fitness Centre, GC250815F03* remain in force.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(d) and of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the report "*Marion Leisure and Fitness Centre, GC250815F03*" is necessary to ensure that Council does not compromise a future tender for services.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidentiality Order: Investigation,
GC250815F05
Report Reference: GC081215R10 – (77)

REPORT OBJECTIVES / EXECUTIVE SUMMARY:

To review the confidential item *Investigation, GC250815F05* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

That:

- 1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, '*Investigation, GC250815F05*' together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information over which Council has a duty of confidence or other legal obligation (Section 90(3)(g)).**

This order is to remain in force until such time as the Council no longer has a duty of confidence.

8 Dec 15
- 2. This confidential order be reviewed at the December 2016 meeting of Council.**

Dec 16

BACKGROUND

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 25 August 2015 Council ordered that:

Council in accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, '*Investigation*' (Report Reference GC250815F05), its appendices and the Minutes arising from this report having been considered in confidence be kept confidential under Sections 90(2) and (3)(g) of the Act and not be available for public inspection for a period of 12 months from the date of this meeting or until such time as Council's duty of confidence is no longer in force. This confidentiality order will be reviewed at the General Council Meeting in December 2015.

In accordance with the above resolution, the confidentiality order is due for review.

ANAYLSIS

The report contains information relating to an investigation by a third party over which Council has a legal obligation to keep confidential. Accordingly it is recommended that the confidentiality order be retained.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(g) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the Report "*Investigation GC250815F05*" is necessary to ensure that Council does not breach a duty of confidence or other legal obligation.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidentiality Order: Investigation,
GC080915F03
Report Reference: GC081215R10 – (78)

REPORT OBJECTIVES / EXECUTIVE SUMMARY:

To review the confidential item *Investigation, GC080915F03* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

That:

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| <p>1. In accordance with Section 91(7) and (9) of the <i>Local Government Act 1999</i> the Council orders that the report, '<i>Investigation, GC080915F03</i>' together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information over which Council has a duty of confidence (Section 90(3)(g)).</p> <p>This order is to remain in force until such time as the Council no longer has a duty of confidence.</p> | <p>8 Dec 15</p> |
| <p>2. This confidential order be reviewed at the December 2016 meeting of Council.</p> | <p>Dec 16</p> |

BACKGROUND

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 8 September 2015 Council ordered that:

In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, 'Investigation' (Report Reference GC080915F03), its appendices and the Minutes arising from this report having been considered in confidence be kept confidential under Sections 90(2) and (3)(g) of the Act and not be available for public inspection for a period of 12 months from the date of this meeting or until such time as Council's duty of confidence is no longer in force. This confidentiality order will be reviewed at the General Council Meeting in December 2015.

In accordance with the above resolution the confidentiality order is due for review.

ANAYLSIS

The report contains information relating to an investigation by a third party over which Council has a legal obligation to keep confidential. Accordingly it is recommended that the confidentiality order be retained.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(g) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the Report "*Investigation, GC080915F03*" is necessary to ensure that Council does not breach a duty of confidence or other legal obligation.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Signatures Cafe, GC080915F01
Ref No: GC081215R10 - (79)

REPORT OBJECTIVE / EXECUTIVE SUMMARY:

To review the confidential item relating to the matter *Signatures Cafe, GC080915F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

That:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report *Signatures Cafe, GC080915F01*, appendices and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting as the information relates proposed tender and commercial arrangements, the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or confer a commercial advantage to a third party, and that on balance disclosure would be contrary to the public interest.

8 Dec 15

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

2. Unless revoked prior, this confidential order be reviewed at the December 2016 meeting of Council.

Dec 16

BACKGROUND:

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 8 September 2015 Council ordered that in accordance with Section 91(7) and (9) of the Local Government Act 1999 the Report *Signatures Cafe, GC080915F01*, and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(d) of the Act shall, except when required to effect or comply with Council's resolution(s) regarding this matter, be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2015

This order was made on the on the grounds that the report contains commercial information of a confidential nature, the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage to a third party, and that on balance disclosure would be contrary to the public interest.

ANAYLSIS

The report and minutes contain confidential commercial information with respect to a current contract with Council. Accordingly, it is recommended that the confidentiality order be retain until the lease is due to expire in 2018, to be reviewed at the December 2016 meeting of Council.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting prior to resolving the release or otherwise of the Report and associated minutes, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Sections 90(2) and (3)(d) of the Local Government Act 1999 given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality order over the Report *Signatures Cafe, GC080915F01*, is necessary to ensure Council does not prematurely divulge confidential commercial information, the disclosure of which would, on balance, be contrary to the public interest.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidential Order for the Item:
Telecommunication Facilities Morphettville, GC131015R01
Ref No: GC081215R10 - (80)

REPORT OBJECTIVE:

To review the confidential item relating to the Report *Telecommunication Facilities Morphettville, GC131015R01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

That:

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| <p>1. In accordance with Section 91(7) and (9) of the <i>Local Government Act 1999</i> the Council orders that Appendix 3 to the report, '<i>Telecommunication Facilities Morphettville, GC131015R01</i>' be kept confidential and not available for public inspection on the basis that the report contains legal advice (Section 90(3)(h)).</p> <p>This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.</p> | <p>8 Dec 15</p> |
| <p>2. This confidential order be reviewed at the December 2016 meeting of Council, whichever occurs earlier.</p> | <p>Dec 16</p> |

BACKGROUND:

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 13 October 2015, Council ordered that Appendix 3 to the Report *Telecommunication Facilities Morphettville, GC131015R01*, be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2015.

As required by the above resolution this order is due for review.

ANALYSIS

Appendix 3 to the report *Telecommunication Facilities Morphettville, GC131015R01* contains legal advice.

Accordingly it is recommended that the confidentiality order be retained.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Sections 90(2) and (3)(b) of Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the report, appendices and minutes to the Report "*Telecommunication Facilities Morphettville, GC131015R01*" is necessary to ensure that Council does not prematurely disclose commercial information or breach a legal obligation or duty of confidence.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidentiality Order:
Former Hallett Cove Library and Youth Services Building,
GC140715F01
Report Reference: GC081215R10 – (81)

REPORT OBJECTIVES / EXECUTIVE SUMMARY:

To review the confidential item relating to the matter of *Former Hallett Cove Library and Youth Services Building, GC241115F01* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

That:

8 Dec 15

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report *Former Hallett Cove Library and Youth Services Building, GC241115F01*, appendices and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(b), (d) and (g) of the Act shall, except when required to effect or comply with Council's resolution(s) regarding this matter, be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting.

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

Dec 16

2. This confidentiality order will be reviewed at the General Council meeting in December 2016.

BACKGROUND

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 24 November 2015, the Council ordered that:

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

In accordance with Council's resolution, the order relating to the Report "*Former Hallett Cove Library and Youth Services Building, GC241115F01*" is being reviewed.

ANAYLSIS

The report "*Former Hallett Cove Library and Youth Services Building, GC241115F01*" appendices and minutes arising from the report contain information relating to the potential disposal of the existing Hallett Cove Library (and Youth Services) building, and contains commercial information of a confidential nature, the disclosure of which on balance would be contrary to the public interest, and of which Council has a duty of confidence to a third party. Accordingly, it is recommended that the confidentiality order associated with the appendices remain in place.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(b), (d) and (g) of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the report and minutes "*Former Hallett Cove Library and Youth Services Building, GC241115F01*" is necessary to ensure that Council does not prematurely disclose commercial information of a confidential nature, or breach a duty of confidence.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Review of Confidentiality Order: Marion Leisure & Fitness Centre: Future Options Review, GC241115F02
Report Reference: GC081215R10 – (82)

REPORT OBJECTIVES / EXECUTIVE SUMMARY:

To review the confidential item relating to the Report *Marion Leisure & Fitness Centre: Future Options Review, GC241115F02* in accordance with Section 91(9) of the *Local Government Act 1999* (the Act).

RECOMMENDATIONS (2)

DUE DATES

That:

- | | |
|--|-----------------|
| <p>1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that this report, <i>Marion Leisure & Fitness Centre: Future Options Review, GC241115F02</i> and appendix to this report having been considered in confidence under Section 90 (3)(b) of the Act shall be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting.</p> <p>This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.</p> | <p>8 Dec 15</p> |
| <p>2. This confidentiality order will be reviewed at the General Council meeting in December 2016.</p> | <p>Dec 16</p> |

BACKGROUND

Section 91(9) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 24 November 2015 Council ordered that:

In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that this report, Marion Leisure & Fitness Centre: Future Options Review and appendix to this report having been considered in confidence under Section 90 (3)(b) of the Act shall, except when required to effect or comply with Council's resolution(s) regarding this matter, be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2015.

In accordance with the above confidentiality order is due for review.

ANAYLSIS

The Council has entered an agreement with the YMCA for the operation of the Marion Leisure and Fitness Centre as an interim measure. Information contained within the report may be relevant to the tender process regarding the provision of future services and works for a long-term operator in respect of the centre.

Accordingly, it is recommended that the confidentiality order in relation to the Report, and Appendices arising from the report "*Marion Leisure & Fitness Centre: Future Options Review, GC241115F02*", remain in force.

Legal / Legislative and Risk Management:

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(b) and of the Act given the current confidentiality order is still in force.

CONCLUSION

Excellence in Governance occurs when Council's operations are underpinned by accountability, integrity, openness and transparency. Retaining the confidentiality of the report "*Marion Leisure & Fitness Centre: Future Options Review, GC241115F02*" and appendix is necessary to ensure that Council does not compromise a future tender for services.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Originating Officer: Pauline Corcoran, Elected Member Support Officer
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Nominations Sought for the Industrial Relations Consultative Council
Reference No: GC081215R11

REPORT OBJECTIVE:

The purpose of this report is to determine if Council wishes to submit any nominations in response to the Local Government Association of SA (LGA) call for a Local Government Member on the Industrial Relations Consultative Council (circular 48.2) – refer attached copy at Appendix 5.

The Minister for Industrial Relations, Hon. John Rau, MP has written to the LGA requesting nominations for a Local Government Member to the Industrial Relations Consultative Council for a three year term commencing in January 2016.

Mayor Hanna has expressed an interest in nominating for the Local Government Member on the Industrial Relations Consultative Council.

Nominations must be forwarded to the LGA by COB 11 December 2015.

RECOMMENDATIONS (3)

DUE DATES

That Council:

- | | |
|---|--------------------|
| 1. Notes the report Nominations Sought for the Industrial Relations Consultative Council GC081215R09 | 8 Dec 2015 |
| 2. Nominates Mayor Hanna as the Local Government Member on the Industrial Relations Consultative Council | 8 Dec 2015 |
| 3. Administration forwards the above nomination/s to the Local Government Association by 11 December 2015. | 11 Dec 2015 |

BACKGROUND / ANALYSIS

The Industrial Relations Consultative Council (IRCC) was recently formed under legislation to combine the Industrial Relations Advisory Committee, the SafeWork SA Advisory Councils and the Asbestos Advisory Committee. The IRCC will comprise of a total of 13 Members.

The Industrial Relations Consultative Council is pursuant to the *Statutes Amendment (Industrial Relations Consultative Council) Bill 2015*. (Appendix 1)

The role and functions of the IRCC are:

- 1) The functions of the Consultative Council are -
 - a. to assist the Minister in formulating, and advise the Minister on implementing policies affecting –
 - i. industrial relations and employment in the State; or
 - ii. work health and safety in the State; and
 - b. to advise the Minister on legislative proposals of –
 - i. industrial significance; or
 - ii. significance to work health and safety; and
 - c. to consider matters referred to the Consultative Council by the Minister or members of the Consultative Council; and
 - d. to perform such other functions as are conferred on it by this or any other Act.
- 2) The Consultative Council has the power to do anything necessary, expedient or incidental to the performance of its functions.

Appointments to the IRCC are for a period of three years, commencing in January 2016. As this is a new body, there are no current local government representatives. Former LGA CEO, Ms Wendy Campana previously sat on the Industrial Relations Advisory Committee with Mr Matt Pears (City of Mitcham) as her proxy. Mr Pears is eligible to nominate for a position on the IRCC.

Sitting fees will apply to this position, however fees are yet to be finalised. The number and frequency of meetings will be determined by the IRCC when they first meet. The IRCC must meet at times appointed by the Minister and the Minister must convene a meeting of the IRCC if requested to do so by four or more of its members.

LGA nominations on outside bodies will, unless determined otherwise by the LGA Board or Executive Committee, be currently serving Council Members or Council Staff.

To view the LGA Nominations to Outside Bodies Policy see (appendix 2)

Nominations addressing the Selection Criteria provided in [Part A](#) (appendix 3) for the IRCC must be forwarded to lgas@lga.sa.gov.au, attention Danielle Bailey, by a Council using the attached [Part B](#) (appendix 4) by COB Friday 11 December 2015.

The LGA Executive Committee will consider nominations received at its meeting on Thursday 17 December 2015.

Letters advising of the panel of nominees provided to the Minister by the LGA Executive Committee will be sent to the CEOs of the councils putting forward nominations shortly after 17 December 2015.

CONCLUSION:

If Council wish to submit a nomination to the LGA for the Industrial Relations Consultative Council, all appropriate documentation will be forwarded to the LGA by 11 Dec 2015.

Appendix 1 – Copy of Bill
Appendix 2 – Appointments or nominations to Outside Bodies
Appendix 3 – Part A Selection criteria
Appendix 4 – Part B Selection criteria
Appendix 5 – LGA Circular 48.2

House of Assembly

As passed all stages and awaiting assent.

This is an unofficial copy and is subject to correction.

South Australia

Statutes Amendment (Industrial Relations Consultative Council) Bill 2015

A BILL FOR

An Act to amend the *Fair Work Act 1994* and the *Work Health and Safety Act 2012*.

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Amendment provisions

Part 2—Amendment of *Fair Work Act 1994*

- 4 Amendment of section 4—Interpretation
- 5 Amendment of section 7—Industrial authorities
- 6 Repeal of Chapter 2 Part 5
- 7 Insertion of Chapter 6AA

Chapter 6AA—Industrial Relations Consultative Council

Part 1—Establishment of Consultative Council

- 218 Establishment of Consultative Council

Part 2—Functions and powers

- 218A Functions and powers of Consultative Council

Part 3—Composition of Consultative Council

- 218B Membership of Consultative Council
- 218C Terms and conditions of office
- 218D Fees Allowances and expenses

Part 4—Proceedings of Consultative Council

- 218E Meetings
- 218F Proceedings
- 218G Conflict of interest under *Public Sector (Honesty and Accountability) Act 1995*
- 218H Validity of acts

Part 5—Use of staff and facilities

- 218I Use of staff and facilities

Part 6—Committees

- 218J Committees

Part 7—Related matters

- 218K Confidentiality

8 Transitional provision

Part 3—Amendment of *Work Health and Safety Act 2012*

- 9 Amendment of section 4—Definitions
 10 Amendment of section 68—Powers and functions of health and safety representatives
 11 Amendment of section 274—Approved codes of practice
 12 Amendment of Schedule 2—Local tripartite consultation arrangements
 13 Amendment of Schedule 5—Provisions of local application
 14 Transitional provision
-

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Statutes Amendment (Industrial Relations Consultative Council) Act 2015*.

2—Commencement

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

3—Amendment provisions

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

Part 2—Amendment of *Fair Work Act 1994*

4—Amendment of section 4—Interpretation

- (1) Section 4(1), definition of *Committee*—delete the definition
- (2) Section 4(1)—after the definition of *Commonwealth (Registered Organisations) Act* insert:

Consultative Council means the *Industrial Relations Consultative Council*;

5—Amendment of section 7—Industrial authorities

- (1) Section 7(1)(c)—delete "Industrial Relations Advisory Committee" and substitute:
 Industrial Relations Consultative Council
- (2) Section 7(4)—delete subsection (4) and substitute:
 - (4) The Consultative Council is a statutory authority with the functions conferred by this or any other Act.

6—Repeal of Chapter 2 Part 5

Chapter 2, Part 5—delete Part 5

7—Insertion of Chapter 6AA

Before Chapter 6 insert:

Chapter 6AA—Industrial Relations Consultative Council

Part 1—Establishment of Consultative Council

218—Establishment of Consultative Council

The *Industrial Relations Consultative Council* is established.

Part 2—Functions and powers

218A—Functions and powers of Consultative Council

- (1) The functions of the Consultative Council are—
 - (a) to assist the Minister in formulating, and advise the Minister on implementing, policies affecting—
 - (i) industrial relations and employment in the State; or
 - (ii) work health and safety in the State; and
 - (b) to advise the Minister on legislative proposals of—
 - (i) industrial significance; or
 - (ii) significance to work health and safety; and
 - (c) to consider matters referred to the Consultative Council by the Minister or members of the Consultative Council; and
 - (d) to perform such other functions as are conferred on it by this or any other Act.
- (2) The Consultative Council has the power to do anything necessary, expedient or incidental to the performance of its functions.

Part 3—Composition of Consultative Council

218B—Membership of Consultative Council

- (1) The Consultative Council consists of 13 members of whom—
 - (a) 1 is the Minister; and
 - (b) 12 are persons appointed by the Governor—

- (i) 6 being persons who, in the opinion of the Minister, are suitable to represent the interests of employers (at least 1 being a person considered by the Minister to be suitable to represent the interests of the public sector as an employer), appointed on the recommendation of the Minister after the Minister has consulted with the South Australian Employers' Chamber of Commerce and Industry Inc (trading as Business SA), and with other associations representing the interests of employers determined to be appropriate by the Minister; and
 - (ii) 6 being persons who, in the opinion of the Minister, are suitable to represent the interests of employees (at least 1 being a person considered by the Minister to be suitable to represent the interests of employees in the public sector), appointed on the recommendation of the Minister after the Minister has consulted with the United Trades and Labor Council (trading as SA Unions), and with other associations representing the interests of employees determined to be appropriate by the Minister.
- (2) A member of the Consultative Council may, with the Minister's approval, appoint a suitable person to act as an alternate member of the Consultative Council and a person so appointed may, in the member's absence, act as a member of the Consultative Council.

218C—Terms and conditions of office

- (1) An appointed member of the Consultative Council will hold office on conditions, and for a term (not exceeding 3 years), determined by the Governor and, on the expiration of a term of appointment, is eligible for re-appointment.
- (2) The Governor may remove an appointed member from office for—
 - (a) breach of, or non-compliance with, a condition of appointment; or
 - (b) mental or physical incapacity to carry out duties of office satisfactorily; or
 - (c) neglect of duty; or
 - (d) dishonourable conduct.
- (3) The office of an appointed member becomes vacant if the member—
 - (a) dies; or
 - (b) completes a term of office and is not re-appointed; or
 - (c) resigns by written notice addressed to the Minister; or
 - (d) is found guilty of an indictable offence; or

- (e) is removed from office by the Governor under subsection (2).
- (4) On the office of an appointed member of the Consultative Council becoming vacant, a person must be appointed, in accordance with this Act, to the vacant office.
- (5) The Minister must ensure that a vacant office is filled within 6 months after the vacancy occurs.

218D—Fees Allowances and expenses

A member of the Consultative Council (other than the Minister) is entitled to fees, allowances and expenses approved by the Governor.

Part 4—Proceedings of Consultative Council

218E—Meetings

- (1) The Consultative Council must meet at times appointed by the Minister.
- (2) The Minister must convene a meeting of the Consultative Council if requested to do so by 4 or more of its members.

218F—Proceedings

- (1) The Minister must chair meetings of the Consultative Council.
- (2) A quorum of the Consultative Council consists of 8 members of whom—
 - (a) 1 must be the Minister; and
 - (b) at least 3 must be members appointed to represent the interests of employers; and
 - (c) at least 3 must be members appointed to represent the interests of employees.
- (3) A telephone or video conference between members of the Consultative Council constituted in accordance with procedures determined by the Consultative Council will, for the purposes of this section, be taken to be a meeting of the Consultative Council at which the participating members are present.
- (4) The Consultative Council must cause an accurate record to be kept of its proceedings.
- (5) Subject to this Act, the proceedings of the Consultative Council will be conducted in a manner determined by the Consultative Council.

218G—Conflict of interest under *Public Sector (Honesty and Accountability) Act 1995*

- (1) A member of the Consultative Council will not be taken to have a direct or indirect interest in a matter for the purposes of the *Public Sector (Honesty and Accountability) Act 1995* by reason only of the fact that the member has an interest in a matter that is shared in common with employers or employees generally, or a substantial section of employers or employees.
- (2) Despite the *Public Sector (Honesty and Accountability) Act 1995*, a member of the Consultative Council who has made a disclosure of an interest in a matter decided or under consideration by the Consultative Council may, with the permission of a majority of the members of the Consultative Council who may vote on the matter, attend or remain at a meeting when the matter is under consideration in order to ask or answer questions, or to provide any other information or material that may be relevant to the deliberations of the Consultative Council, provided that the member then withdraws from the room and does not in any other way take part in any deliberations or vote on the matter.

218H—Validity of acts

An act or proceeding of the Consultative Council is not invalid by reason only of a vacancy in its membership or a defect in the appointment of a member.

Part 5—Use of staff and facilities

218I—Use of staff and facilities

- (1) The Consultative Council may, by agreement with the Minister responsible for an administrative unit in the Public Service, make use of the services of the staff, equipment or facilities of that administrative unit.
- (2) The Consultative Council may, by agreement with the relevant agency or instrumentality, make use of the services of the staff, equipment or facilities of any other agency or instrumentality of the Crown.

Part 6—Committees

218J—Committees

- (1) The Consultative Council may establish such committees as it thinks fit to advise the Consultative Council on, or to assist it with respect to, any aspect of its functions under this or any other Act.
- (2) A committee established under subsection (1)—
 - (a) must consist of at least 2 members of the Consultative Council; and

- (b) must be chaired by a member of the Consultative Council; and
 - (c) must be established to consider a specific issue or range of issues; and
 - (d) must be established for a specified duration determined by the Consultative Council (but may then be re-established if the Consultative Council thinks fit); and
 - (e) must report to the Consultative Council as required by the Consultative Council; and
 - (f) may invite persons with experience or knowledge relevant to a matter to be considered at a meeting of the committee to attend and participate in the meeting.
- (3) The procedures to be observed by the committee will be—
- (a) as determined by the Consultative Council; or
 - (b) insofar as the procedure is not determined under paragraph (a)—as determined by the committee.

Part 7—Related matters

218K—Confidentiality

- (1) A member of the Consultative Council who, as a member of the Consultative Council, acquires information that—
- (a) the member knows to be of a commercially sensitive nature, or of a private confidential nature; or
 - (b) the Consultative Council classifies as confidential information,
- must not divulge the information without the approval of the Consultative Council.
- Maximum penalty: \$10 000.
- (2) Subsection (1) extends to members of a committee established by the Consultative Council as if—
- (a) the committee were the Consultative Council; and
 - (b) a member of the committee were a member of the Consultative Council.

8—Transitional provision

A member of the Industrial Relations Advisory Committee established under the *Fair Work Act 1994* ceases to hold office on the commencement of this section.

Part 3—Amendment of *Work Health and Safety Act 2012*

9—Amendment of section 4—Definitions

- (1) Section 4, definition of *Advisory Council*—delete the definition

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

Consultative Council means the *Industrial Relations Consultative Council* established under the *Fair Work Act 1994*;

10—Amendment of section 68—Powers and functions of health and safety representatives

- Section 68(4)(c)(i)—delete "Advisory Council" and substitute:

Consultative Council

11—Amendment of section 274—Approved codes of practice

- (1) Section 274(2)—delete "Advisory Council" and substitute:

Consultative Council

- (2) Section 274(3)—delete subsection (3) and substitute:

- (3) On each occasion that the Consultative Council is required to make a recommendation under subsection (2), the Consultative Council must—

- (a) establish a committee to advise it on, and assist it with, the making of the recommendation; and
- (b) consult the Small Business Commissioner so that the Commissioner may assess whether the code of practice would affect small business if implemented and, if so, provide any comments or advice that the Commissioner considers to be appropriate in the circumstances (including that the code be varied).

- (3a) A committee established under subsection (3)(a) must consist of—

- (a) at least 2 members of the Consultative Council; and
- (b) such other members as are determined by the Consultative Council.

12—Amendment of Schedule 2—Local tripartite consultation arrangements

- (1) Schedule 2, Part 1—delete Part 1

- (2) Schedule 2, Part 2, clause 12(2)(a)—delete "Advisory Council" and substitute:

Consultative Council

- (3) Schedule 2, Part 2, clause 13(6)—delete "in conjunction with the annual report of the Advisory Council for the relevant financial year (and laid before both Houses of Parliament by the Minister together with the Advisory Council's annual report)" and substitute:

and laid before both Houses of Parliament by the Minister

13—Amendment of Schedule 5—Provisions of local application

- Schedule 5, clause 1(1)—delete "Advisory Council" and substitute:

Consultative Council

14—Transitional provision

A member of the SafeWork SA Advisory Council established under the *Work Health and Safety Act 2012* ceases to hold office on the commencement of this section.

Title: Appointments or Nominations to Outside Bodies

DATE OF POLICY:	July 2006
DATE OF LAST REVIEW BY	May 2013
LGA:	May 2014

Requests for Local Government nominees on boards and committees are received from Ministers, Government Agencies and other organisations regularly. The importance of Local Government nominations to boards and committees is recognised by the LGA and appointments/nominations will be made on merit based principles giving due weight to gender balance. Appointees or nominees to outside bodies are not expected to 'represent' Local Government, or the views of any particular stakeholder or interest group. They are expected to apply their skills and experience, particularly their skills and experience arising from their participation in Local Government, to the betterment of the work and understanding of the board or committee to which they are appointed.

Appointments by Minister/Governor

Appointments to be made by the Minister or Governor, drawn from nominations from the LGA, will be determined by the LGA Board or between meetings the LGA Executive Committee. The Secretariat will call for nominations from Member Councils using the proforma (attachment 1) and upon the close of nominations (attachment 2) prepare a report for consideration. The template (attachment 3) is to be prepared by the Secretariat and tabled at the relevant meeting to assist with the assessment of the most appropriate nominations. However, where the appointments are to be made to non-statutory boards or committees, the nomination selection process may be delegated to the LGA Executive Committee.

Right to Decline Nomination

The LGA reserves the right to decline to appoint or nominate a person to a board or committee, unless it is required by law. The LGA Board (or between meetings the LGA Executive Committee) will consider recommendations from the Secretariat that the LGA decline to appoint or nominate a person to a board or committee. A brief report stating the reasons for declining to appoint or nominate will be prepared by the Secretariat to be considered by the LGA Board (or between meetings, the LGA Executive Committee).

Nominees to be Current Council Members or Staff

LGA nominees to outside bodies will, unless determined otherwise by the LGA Board/LGA Executive Committee, be current Council Members or staff of a Member Council or other Local Government entity.

When an existing appointment to an outside body ceases to be a Council or staff Member or a member of another Local Government entity, then under normal circumstances that person will be requested to resign his/her membership of the outside body forthwith. However the LGA Board/LGA Executive Committee may waive this requirement in circumstances where the person:

- has unique qualifications, experience or other personal qualities which allow him or her to continue to remain on the particular board or committee and/or;
- is appointed directly by a Minister or the Governor for a fixed term, and the appointment is specific to that person.

The LGA Board or LGA Executive Committee will review the list of all existing appointments following each general Local Government Election, to consider whether existing appointments comply with this policy.

Submitting Nominations to the LGA

LGA nominations to outside bodies are determined by Councils as corporate bodies. Each Council determines its own policy on how Council nominations are lodged. Only two (2) nominations will be accepted from any one Council. The LGA Board / LGA Executive Committee does not accept nominations from individual Councillors or staff.

LGA Board/LGA Executive Committee Process for Determining Appointments/Nominations

The process for determining appointments/nominations at LGA Board or LGA Executive Committee meetings is as follows:

- a) Where the LGA Board/LGA Executive Committee is being asked to appoint a member and a proxy, this will be done as two separate processes, i.e. the selection of the person to be the member is to be completed prior to the selection of who is to be the deputy. This avoids the potential problem of two names being considered at once where it is quite likely that a member is supportive of one of the people but not necessarily both.
- b) Where the appointment is to a statutory authority and is to be made by the Governor, the provisions of section 36A of the *Acts Interpretation Act 1915* apply regarding gender balance and the number of nominations to be provided (see Attachment 4). In situations where there is an insufficient number of nominations from women to achieve an appropriate gender balance, the LGA may use the Local Government Women's Register described in Attachment 5 to source the names of additional persons.
- c) If the requirement is to choose a panel of three **or more** names, this can be done 'on block'.
- d) Unless otherwise determined, the President or Chairperson for the meeting, will invite members to nominate a person, no seconder is required.
- e) If the number of nominations received exceeds the number of positions, the President or Chairperson shall then invite members to make any comment they wish on the merits of any of the persons who have been nominated.
- f) Each member shall then be invited to indicate their preference by way of a secret ballot using the confidential matrix provided.
- g) Each member shall be entitled to vote on as many occasions as there are positions to be filled. Counting will be conducted on the basis of 'first past the post'.
- h) The President or Chairperson shall indicate to members the nominee who has received the most votes and has been selected. The President or Chairperson shall then invite a member to formally move that the nominee(s) with the most votes be selected.
- i) Nominations received from Councils after the deadline stipulated in the relevant LGA Circular will be shown as having been received late. This does not in itself mean that such nominations are invalid. The relevant agenda item will stipulate the closing date. The LGA Board/LGA Executive Committee is able to consider any late nomination on merit, unless it determines otherwise.

- j) Where there are insufficient nominations the LGA Board/LGA Executive Committee may delegate to the LGA Chief Executive Officer, in consultation with the LGA President, approval to seek further nominations and forward these nominations to the relevant Minister, Government agency or organisation.

If a member of the LGA Board/LGA Executive Committee or an officer of the LGA Secretariat is nominated, that person must leave the room prior to the matter being discussed and determined.

Advising of LGA Nominees and Policy

When LGA nominees to an outside body have been determined by LGA Board/LGA Executive Committee in accordance with this policy, the names of the nominees and a copy of this policy shall be provided to the relevant Minister or agency, highlighting the conditions of the nomination.

Responsibilities of Appointees

While recognising that the deliberations of many external boards and committees are confidential in nature, this policy nevertheless requires LGA nominees and appointees to external bodies to provide a short general report annually, outlining the achievements of the board or committee which are likely to be of interest to Local Government.

Insurance for LGA Appointees

Where a Board is a Statutory Board or Committee of the State Government or a State agency the South Australian Insurance Corporation (SAICORP) provides insurance cover. In the event that insurance is not available through SAICORP the LGA through contact with the outside body or its Mutual Liability Scheme will ensure that the appointee is adequately covered.

Review

This Policy may be reviewed by the LGA Board from time to time as necessary, to ensure that it remains up to date and relevant.

Nominations to Outside Bodies**PART A**

Name of Body	
Legal Status of Body	**Delete those that don't apply: Statutory Authority Incorporated Body Committee Advisory Committee Other (please provide information)
Summary Statement	
<u>SELECTION CRITERIA FOR MEMBERSHIP ON OUTSIDE BODIES</u> The following selection criteria must be addressed when completing Part B	
Qualifications Required <i>(formal qualifications relevant to the appointment)</i>	
Industry Experience	
Board / Committee Experience	
Key Expertise <i>(other relevant experience i.e. those requirements established for a Board/Committee under an Act)</i>	
<u>LIABILITY AND INDEMNITY COVER</u> The LGA requires that nominees to outside bodies be appropriately insured throughout the period of their appointment and seeks to collect details of the insurances provided by that organisation (on an annual basis) **CHECK THE BODY INSURED**	
Insurance information (Certificates of Currencies or equivalent) supplied by the Outside Body	Yes
Insurance Policies are Valid & Current	Yes

Nominations to Outside Bodies



PART B: This form must be completed by Council electronically and emailed as a word document to:
##@lga.sa.gov.au
 (Nominee's details must not exceed this single page)

Name of Body: ****Insert name of body**

Council Name:			
Full Name of Nominee:			
Position/Title:			
Address:			
Work Phone:		Facsimile:	
A/H Phone:		Mobile:	
Email:			
1. <u>Summary of relevant skills, knowledge and/or experience</u>			
2. <u>Other comments in relation to this role</u>			

DO NOT EXCEED ONE PAGE
An email confirming receipt of your nomination will be forwarded

Attachment 4

Extract from the *Acts Interpretation Act 1915*

36A—Gender balance in nomination of persons for appointment to statutory bodies

- (1) This section applies if an Act provides for a member of a body to be appointed by the Governor or a Minister on the nomination of a non-government entity.
- (2) If the Act provides for the non-government entity to nominate a panel of persons from which the Governor or Minister is to select a person for appointment, the Act will be taken to provide that the panel—
 - (a) must include at least 1 woman and 1 man; and
 - (b) must, as far as practicable, be comprised of equal numbers of women and men.
- (3) If the Act does not provide for the non-government entity to nominate a panel of persons from which the Governor or Minister is to select a person for appointment, the Act will be taken to provide that—
 - (a) the non-government entity must nominate a panel of persons comprised of not less than twice the number of members of the body to be appointed on the nomination of the entity plus one; and
 - (b) the panel—
 - (i) must include at least 1 woman and 1 man; and
 - (ii) must, as far as practicable, be comprised of equal numbers of women and men; and
 - (c) the Governor or Minister must select the person for appointment from the panel.
- (4) This section does not derogate from the need to properly assess merit in selecting persons for appointment.
- (5) In this section—

non-government entity means a person or body other than an officer, agency or instrumentality (including a Minister) of the Crown in right of the State or the Commonwealth or another State or a Territory of the Commonwealth.

Attachment 5

Local Government Women's Board and Committee Membership Register

The LGA will establish and maintain a register of Local Government women interested in being appointed to Local Government related Boards and Committees. (The 'LG Women's Register')

The process of establishment and maintenance of the LG Women's Register will include:

- 1 An LGA Circular will advise of the establishment of the LG Women's Register and request interested women (Council Members and Council Officers) to complete a registration of interest form providing:
 - name and contact details
 - fields of interest
 - details of previous skills, knowledge and experience relevant to board or committee membership
 - names and contact details of two referees
 - permission to supply details provided above to Local Government stakeholders requiring female board or committee members.
 - advice if/when the applicant requires their details to be removed from the Register.
- 2 Information about the LG Women's Register will be provided on the LGA website on the front page under *LGA.net for Councils*, the *Women on the Move* page and the *Governance* page, with a link to the registration of interest form.
- 3 The LGA will record information on the LG Women's Register when a registration of interest is received. The LGA will use this information to assist with filling Local Government related board or committee positions, only when sufficient nominations are not received as part of its 'Representatives on Outside Bodies' Process. The LGA will not disclose the information from the LG Women's Register to a third party without the express permission of the relevant person.
- 4 The LGA will also promote the LG Women's Register to all Local Government stakeholders advising them to contact the LGA if they are seeking a female Board or Committee member.
- 5 Upon request, the LGA may provide external stakeholders with the details of individual(s) listed on the LG Women's Register, but only if the registered person(s) have consented to their information being made available to third parties. The stakeholder will be invited to contact the person(s) direct.

Nominations to Outside Bodies**PART A**

Name of Body	Industrial Relations Consultative Council
Legal Status of Body	Statutory Authority
Summary Statement	<p>The Industrial Relations Consultative Council is pursuant to the <i>Statutes Amendment (Industrial Relations Consultative Council) Bill 2015</i>.</p> <p>The role and functions of the IRCC are:</p> <ol style="list-style-type: none"> 1) The functions of the Consultative Council are - <ol style="list-style-type: none"> a) to assist the Minister in formulating, and advise the Minister on implementing policies affecting – <ol style="list-style-type: none"> i) industrial relations and employment in the State; or ii) work health and safety in the State; and b) to advise the Minister on legislative proposals of – <ol style="list-style-type: none"> i) industrial significance; or ii) significance to work health and safety; and c) to consider matters referred to the Consultative Council by the Minister or members of the Consultative Council; and d) to perform such other functions as are conferred on it by this or any other Act. 2) The Consultative Council has the power to do anything necessary, expedient or incidental to the performance of its functions.

SELECTION CRITERIA FOR MEMBERSHIP ON OUTSIDE BODIES

The following selection criteria must be addressed when completing Part B

Qualifications Required <i>(formal qualifications relevant to the appointment)</i>	No formal qualifications are required.
Industry Experience	<p>Nominees should have relevant experience in both industrial relations and work health and safety.</p> <p>Nominees need to be able to represent the view of the organisation or association that they represent.</p>
Board / Committee Experience	Experience on professional boards and/or committee would be an advantage
Key Expertise <i>(other relevant experience i.e. those requirements established for a Board/Committee under an</i>	Able to represent the interests of employers and employees.

Act)	
<p><u>LIABILITY AND INDEMNITY COVER</u></p> <p>The LGA requires that representatives on outside bodies be appropriately insured throughout the period of their appointment and seeks to collect details of the insurances provided by that organisation (on an annual basis)</p>	
<p>Insurance information (Certificates of Currencies or equivalent) supplied by the Outside Body</p>	<p>Yes</p>
<p>Insurance Policies are Valid & Current</p>	<p>Yes</p>

PART B: Nominations to Outside Bodies

This form:

- must not exceed 2 pages;
- must be submitted by a Council; and
- must be emailed in PDF format to lgasa@lga.sa.gov.au Att: Danielle Bailey
- upon receipt at the LGA, will be acknowledged by return email.

Name of Body: Industrial Relations Consultative Council

COUNCIL DETAILS				
Name of Council submitting the nomination				
Name of person submitting this form on behalf of Council		Name: Email: Telephone:		
NOMINEE DETAILS				
Name of Nominee	Title	First name	Surname	
<input type="checkbox"/> Current Elected Member		<u>OR</u>	<input type="checkbox"/> Current Council Officer	
Home / Postal Address				
Work Phone		Facsimile:		
A/H Phone		Mobile:		
Email				
INFORMATION RELEVANT TO THE APPOINTMENT SOUGHT (forms part of the selection criteria for nomination)				
Formal qualifications:				
Experience:				
Board/Committee Experience:				
Key Expertise:				
Any other comments:				
Undertaking:				
The LGA Board resolved in January 2015 to ensure that appointees to external Boards and Committees remain current Local Government Members or officers. If you leave Local Government for any reason during the term of your appointment, are you prepared to resign your appointment if requested to do so by the LGA?				
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	
Signature of Nominee:		_____		



[Home](#) > [Nominations sought for the Industrial Relations Consultative Council](#)

Nominations sought for the Industrial Relations Consultative Council - Circular 48.2

To	Chief Executive Officer Elected Members Employee Relations - Human Resources	Date	24 November 2015
Contact	Danielle Bailey Email: Danielle.Bailey@lga.sa.gov.au		
Response Required	Yes	Respond By	11 December 2015
Summary	The Minister for Industrial Relations has written to the LGA requesting nominations for a Local Government Member to the Industrial Relations Consultative Council for a three year term commencing in January 2016. Nominations must be forwarded to the LGA by COB 11 December 2015.		

The Industrial Relations Consultative Council (IRCC) was recently formed under legislation to combine the Industrial Relations Advisory Committee, the SafeWork SA Advisory Councils and the Asbestos Advisory Committee.

The Industrial Relations Consultative Council is pursuant to the *Statutes Amendment (Industrial Relations Consultative Council) Bill 2015*. [Click here](#) to view a copy of the Bill.

The role and functions of the IRCC are:

- 1) The functions of the Consultative Council are -
 - a) to assist the Minister in formulating, and advise the Minister on implementing policies affecting –
 - i) industrial relations and employment in the State; or
 - ii) work health and safety in the State; and
 - b) to advise the Minister on legislative proposals of –
 - i) industrial significance; or
 - ii) significance to work health and safety; and
 - c) to consider matters referred to the Consultative Council by the Minister or members of the Consultative Council; and
 - d) to perform such other functions as are conferred on it by this or any other Act.
- 2) The Consultative Council has the power to do anything necessary, expedient or incidental to the performance of its functions.

Appointments to the IRCC are for a period of three years, commencing in January 2016. As this is a new body, there are no current local government representatives. Former LGA CEO, Ms Wendy Campana previously sat on the Industrial Relations Advisory Committee with Mr Matt Pears (City of Mitcham) as her proxy. Mr Pears is eligible to nominate for a position on the IRCC.

Sitting fees will apply to this position – fees are yet to be finalised.

The number and frequency of meetings will be determined by the IRCC when they first meet. The IRCC must meet at times appointed by the Minister and the Minister must convene a meeting of the IRCC if requested to do so by four or more of its members.

LGA nominations on outside bodies will, unless determined otherwise by the LGA Board or Executive Committee, be currently serving Council Members or Council Staff. To view the LGA Nominations to Outside Bodies Policy [click here](#).

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Nominations addressing the Selection Criteria provided in [Part A](#) for the IRCC must be forwarded to lgasa@lga.sa.gov.au, attention Danielle Bailey, by a Council using the attached [Part B](#) by COB Friday 11 December 2015.

The LGA Executive Committee will consider nominations received at its meeting on Thursday 17 December 2015.

Letters advising of the panel of nominees provided to the Minister by the LGA Executive Committee will be sent to the CEOs of the councils putting forward nominations shortly after 17 December 2015.

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GPO Box 2693, Adelaide SA 5001 | Phone: 8224 2000 | Fax: 8232 6336 | Email: lgasa@lga.sa.gov.au

**CITY OF MARION
GENERAL COUNCIL MEETING
8 December 2015**

Notice Received from: Councillor Nathan Prior
Subject: Peppertree Reserve
Ref No: GC081215M01
File No: 9.24.1.4 & 9.33.3.29

MOTION:

That:

1. A report be brought to the 19th January 2016 council meeting to consider the irrigation management approach for the city, including the relevant costs of watering and maintenance if the number of irrigated reserves is increased (whole of life costs).
2. The irrigation to the Peppertree Reserve in Oaklands Park is resumed until such time as a further decision is made by council regarding the approach to irrigation across the city.

COMMENTS: Councillor Prior

Peppertree Reserve is one of the more unique reserves in our city. The uniqueness arises from the shape of the reserve and the proximity to our resident's properties. There are several residents for which this reserve is an intimate part of their lives, as their houses have low street appeal given the houses were oriented with their front yards facing the reserve and their back fences to the road.

Currently the lack of irrigation of the reserve is causing issues for residents such as:
Dusty environment creating a health hazard when windy
Fire hazard from dry environment
General upkeep of the reserve is poor
Large trees lacking water creates the potential of falling branches

The cost associated with irrigation of this reserve has been stated as \$4700 per annum.

COMMENTS: Mathew Allen, Manager Engineering & Field Services

Council has recently endorsed an evidence based decision making tool in relation to the irrigation of our public open space.

The tool is supported by Policy, a Management Plan with a methodology and baseline inventory, all of which follow the irrigations sectors' Code of Practice.

The tool provides direction by;

- Identifying sites to be irrigated that achieve a balance between the provision of an amenity landscape that is aesthetically pleasing, meets the needs of the community and is economically and environmentally sustainable
- Achieving a consistent approach in the provision and development of the irrigated landscape
- Providing a clear direction and framework for irrigation and water management strategies to enable accountability in relation to water usage and financial impacts
- Identifying how much of a site should be irrigated
- Identifying what standard of turf is required

This tool enables Council to prioritise water use and maintain the even distribution of irrigated open space across the city, whilst demonstrating compliance with SA Water's "Water Wise" Measures and the Industry Code of Practice.

The Irrigation Policy and decision making tool is a long term and sustainable assessment that supports our environment by balancing water use and providing public amenity.

A report can be prepared for the Council meeting on the 19 January 2016 that provides detail on the costs of watering and maintenance if the number of irrigated reserves is increased (whole of life costs) including the following 3 scenarios;

- the continuing provision of the existing 2015/16 service standard (status quo)
- increasing service standards to the extent that an additional 10 sites are irrigated and then, by using the tool, identifying which sites they would be
- the irrigated service level previously provided during 2004/05

NOTE: Should part 2 of this Motion be endorsed by Council it is estimated that annual irrigation costs for an entire season, based on recent climatic conditions, are estimated to total approximately \$5,000 per annum, comprised of increased irrigation costs of \$3,400 and maintenance costs for turf management of \$1,600.

**CITY OF MARION
GENERAL COUNCIL MEETING
8 DECEMBER 2015**

Notice Received from: Councillor Nick Kerry
Subject: Legal Fees Policy
Ref No: GC081215M02
File No: 9.33.3.32

MOTION:

That:

1) a draft Policy be prepared for Council consideration, under section 78A of the Local Government Act 1999, that establishes a scheme by which a member of a council may directly obtain legal advice at the expense of the council to assist the member in performing or discharging official functions and duties.

*2) that the draft Policy be based on the following provision:
- limit of \$2000 + GST per elected member per financial year.*

COMMENTS: Councillor Nick Kerry
Nil

COMMENTS: Kate McKenzie, Manager Corporate Governance

An Elected Member should not incur legal expenses as a result of performing and discharging their official functions and duties. This was recognised through amendments to the *Local Government Act 1999* and the inclusion of section 78A which states that a Council may:

'establish a scheme under which a member of a council may directly obtain legal advice at the expense of the council to assist the member in performing or discharging official functions and duties.'

The scheme adopted may:

- Impose limitation on the obtaining of legal advice
- Provide a process for approval of requests to obtain legal advice
- Allow for conditions to be imposed on an approval, including a condition limiting the expenditure that may be incurred
- Provide for a Council to set an overall budget for the purpose
- Include any other relevant provisions

The current position of the Council has been to not adopt a policy/scheme for access to legal advice for Council members but rather deal with a request on a case by case basis. This can be achieved via a request for legal advice direct to the Chief Executive Officer who will bring the request to the next Council meeting through a report or the Elected Member may submit a motion with notice to the next General Council meeting seeking Council agreement. An example motion may read as follows:

That Council provides Councillor X with a maximum of \$2000 plus GST to access legal advice in relation to the following matter (insert details).

This process provides transparency of the allocation of Council resources whilst still providing the Member with the appropriate advice.

The total cost of the advice would be recorded in the Elected Member Benefits and Expenses Register.

Development of a Policy

Council may choose to adopt a separate policy to seek legal advice or include the details within the Elected Member Expense, Benefit, Support and Facilities Policy.

Either of these options would require a process to be established to seek and approve the request and expenditure. It is proposed that this be achieved through a 'Request for Legal Advice form' similar to the request for Training and Development form. The form may be submitted to the Mayor for approval. Council may consider applying limits for the Mayor to approve in a similar fashion to the Elected Member Professional Development Policy. For example, any request for legal advice under \$500 could be approved by the Mayor, to a maximum amount of \$2,000 per year. Any requests above this threshold could be considered by Council.

If each elected member chooses to seek the maximum amount of \$2,000, this would equate to a total expenditure of \$26,000 per annum.

Limitations

As part of the requirements of the Local Government Act, Council can consider applying limitations to a policy/scheme.

The following are examples of what Council may consider as limitation:

- A financial limit regarding how much legal advice an individual Elected Member can access (i.e. \$2000 has been proposed)
- Personal matters outside the scope of their role as an Elected Member
- Criminal matters
- Alleged breaches of the Code of Conduct including behavioural matters, misconduct, maladministration and corruption
- Legal action where the Elected Member has not been indemnified by the Local Government Association Mutual Liability Scheme, as it has been determined that the member was not acting in good faith and in accordance with their duties

CONCLUSION:

If Council resolved the above motion, a draft policy can be brought to the 19th January 2016 Council Meeting for Council consideration.