

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 14 February 2017

Commencing at 6.30 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", is written over a faint, light-colored rectangular stamp or watermark.

Adrian Skull
CHIEF EXECUTIVE OFFICER

9 February 2017

**CITY OF MARION
GENERAL COUNCIL AGENDA
FOR MEETING TO BE HELD ON
TUESDAY 14 FEBRUARY 2017
COMMENCING AT 6.30PM**



1. OPEN MEETING

2. KAURNA ACKNOWLEDGEMENT

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

3. DISCLOSURE

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

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

5. CONFIRMATION OF MINUTES

Confirmation of the Minutes for the General Council meeting held on 24 January 2017...5

6. DEPUTATIONS

Nil

7. PETITIONS

Petition - McConnell Reserve Courts
Report Reference: GC140217P0120

Petition - Resolute Crescent Reserve
Report Reference: GC140217P0233

8. COMMITTEE RECOMMENDATIONS

Nil

9. WORKSHOP / PRESENTATION ITEMS

Nil

10. CORPORATE REPORTS FOR DECISION

Section 270 – Removal of Playspace (Resolute Crescent, Hallett Cove) Report Reference: GC140217R01	41
Update to the Schedule of Delegations - Local Nuisance & Litter Control Act 2016 Report Reference: GC140217R02	42
Constitution (Council Member Contesting Election) Amendment Bill 2016 Report Reference: GC140217R03	60
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Corporate Performance Report (Organisational Key Performance Indicators 2016/17) – 2 nd Quarter 2016-17 YTD Report Reference: GC140217R05	79

11. CORPORATE REPORTS FOR INFORMATION/NOTING**MATTERS RAISED BY MEMBERS****12. Questions with Notice****13. Motions with Notice**

Opportunity to Email Rates Notices to Ratepayers Report Reference: GC140217M01	86
Travers Reserve Land Report Reference: GC140217M02	88
Hallett Cove Foreshore Report Reference: GC140217M03	89

14. Questions without Notice

Art of Respect Report Reference: GC140217Q01	95
Street Trees Forming a Partial or Full Canopy Report Reference: GC140217Q02	97

15. Motions without Notice

16. CONFIDENTIAL ITEMS

Code of Conduct
Report Reference: GC140217F01101

17. OTHER BUSINESS

Verbal update regarding Development Assessment Panel – Vacancy for independent members

18. LATE ITEMS

19. MEETING CLOSURE

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

**MINUTES OF THE GENERAL COUNCIL MEETING
HELD AT ADMINISTRATION CENTRE
245 STURT ROAD, STURT
ON TUESDAY 24 JANUARY 2017**



PRESENT

His Worship the Mayor Kris Hanna

Councillors

Coastal Ward

Ian Crossland
Tim Gard

Southern Hills

Janet Byram
Nick Westwood

Warriparinga Ward

Luke Hutchinson
Raelene Telfer

Mullawirra Ward

Jason Veliskou (from 6.37pm)
Jerome Appleby

Warracowie Ward

Bruce Hull

Woodlands Ward

Tim Pfeiffer (from 6.37pm)
Nick Kerry

In Attendance

Mr Adrian Skull
Mr Vincent Mifsud
Ms Abby Dickson
Mr Tony Lines
Ms Jaimie Thwaites
Ms Yvette Zaric

Chief Executive Officer
General Manager Corporate Services
General Manager City Development
General Manager Operations
Acting Manager Corporate Governance
Governance Officer

COMMENCEMENT

The meeting commenced at 6.33pm.

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.

ELECTED MEMBER'S DECLARATION OF INTEREST

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

Nil

CONFIRMATION OF MINUTES

6.34pm Moved Councillor Telfer, Seconded Councillor Hutchinson that the minutes of the General Council Meeting held on 13 December 2016 taken as read and confirmed.

Carried Unanimously

DEPUTATIONS

6.34pm Deputation – Asset Optimisation of Council Property – Vacant Land - Louise Avenue Reserve

Mr Peter Thomson

Report Reference: GC240117D01

Mr Peter Thomson provided a deputation to Council in relation to the future use of Louise Avenue Reserve Report Reference GC240117R03, Appendix 4.

6.37pm Cr Pfeiffer entered the meeting

6.37pm Cr Veliskou entered the meeting

6.39pm Cr Hull left the meeting

6.39pm Cr Hull re-entered the meeting

PETITIONS

6.42pm Petition – Preservation of the Nannigai Reserve Playspace and Tennis Court
Report Reference: GC240117P01

Moved Councillor Crossland, Seconded Councillor Byram that Council:

1. Notes the petition and comments provided by Administration.
2. Requests the head petitioner be advised that Council has noted the petition.
3. Notes further consideration to directions for the tennis courts, playspace and toilet block at Nannigai Reserve will occur at the 28 February 2017 General Council meeting.

Carried Unanimously

COMMITTEE RECOMMENDATIONS

6.45pm Confirmation of the Minutes for the Finance and Audit Committee Meeting held on 15 December 2016
Report Reference: GC240117R01

Moved Councillor Telfer, Seconded Councillor Hutchinson that Council:

1. Receives and notes the minutes of the Finance and Audit Committee meeting of 15 December 2016 (Appendix 1).
2. Notes that separate reports will be brought to Council for consideration of any recommendations from the Finance and Audit Committee.

Carried Unanimously

WORKSHOP / PRESENTATION ITEMS

Nil

CORPORATE REPORTS FOR DECISION

6.46pm Final Draft Open Space Policy
Report Reference: GC240117R02

Moved Councillor Veliskou, Seconded Councillor Crossland that Council:

1. Adopts the final Open Space Policy as provided in Appendix 1.

Carried Unanimously

6.46pm Asset Optimisation of Council Property
Report Reference: GC240117R03

Moved Councillor Telfer, Seconded Councillor Byram that Council:

1. Declares that the retention of the land known as:
 - Luke Court Reserve at Allotment 58 in Deposited Plan 10466, Certificate of Title Volume 5552 Folio 397.
 - Louise Avenue Reserve at Allotment 31 in Deposited Plan 6514, Certificate of Title Volume 2284 Folio 135.
 - Ranger St Reserve at Allotment 535 in Deposited Plan 9597, Certificate of Title Volume 5110 Folio 876.

do not contribute to Council's strategic objectives and are surplus to Council's requirements and subject to Ministerial approval, the net sale proceeds will be paid into the Open Space Reserve Fund.

2. Endorses an allocation of up to \$30,000 for Administration to undertake further site investigations by a qualified consultant into the potential contamination of the land known as
 - Luke Court Reserve at Allotment 58 in Deposited Plan 10466, Certificate of Title Volume 5552 Folio 397.
 - Louise Avenue Reserve at Allotment 31 in Deposited Plan 6514, Certificate of Title Volume 2284 Folio 135.
 - Ranger St Reserve at Allotment 535 in Deposited Plan 9597, Certificate of Title Volume 5110 Folio 876.
 - Oliphant Court Reserve at Allotment 23 in Deposited Plan 5712, Certificate of Title Volume 2652 Folio 17.

3. Endorses an allocation of up to \$7,800 for Administration to undertake consultation and bring a report to Council for consideration of the outcome of the public consultation under Section 194(2)(b) of the Local Government Act 1999 for the potential disposal of:
 - Luke Court Reserve at Allotment 58 in Deposited Plan 10466, Certificate of Title Volume 5552 Folio 397
 - Louise Avenue Reserve at Allotment 31 in Deposited Plan 6514, Certificate of Title Volume 2284 Folio 135
 - Ranger St Reserve at Allotment 535 in Deposited Plan 9597, Certificate of Title Volume 5110 Folio 876.

4. Resolves to allocate additional funds of up to \$37,800 required for site investigations and community consultation through the 2016/17 second budget review process, noting that these additional costs will be offset should the sale of properties proceed.

5. Requires Administration to bring a report to Council for consideration of disposal subject to the outcome of potential soil contamination of Oliphant Court Reserve at Allotment 23 in Deposited Plan 5712, Certificate of Title Volume 2652 Folio 17.

Carried

6.55pm Playspace Framework
Report Reference: GC240117R04

6.57pm Cr Veliskou left the meeting

6.58pm Cr Veliskou re-entered the meeting

Moved Councillor Gard, Seconded Councillor Kerry that Council:

1. Endorses the draft Playspace Policy including the proposed standardised palette approach and draft Playspace Service Levels as provided in Appendix 1 and Appendix 2, except that the term 'Playground' shall be used instead of 'Playspace'.
2. Endorses community consultation on the draft Playspace Policy and draft Playspace Service Levels for a three week period in February 2017.
3. Notes the final Playspace Policy and Playspace service levels will be presented to Council as part of the Playspace Framework for consideration and adoption in March 2017.

Amendment:

Moved Councillor Veliskou, Seconded Councillor Pfeiffer that Council

1. Endorses the draft Playspace Policy including the proposed standardised palette approach and draft Playspace Service Levels as provided in Appendix 1 and Appendix 2, except that the term 'Playground' shall be used instead of 'Playspace', with the following amendments:
 - Neighbourhood level and above include consideration of shade over playground equipment.
2. Endorses community consultation on the draft Playspace Policy and draft Playspace Service Levels for a three week period in February 2017.
3. Notes the final Playspace Policy and Playspace service levels will be presented to Council as part of the Playspace Framework for consideration and adoption in March 2017.

7.12pm Cr Hutchinson left the meeting

7.18pm Cr Hutchinson re-entered the meeting

The amendment was **Carried**
 The motion as amended was **Carried Unanimously**

**7.22pm Oaklands Round House Demotion Costs
 Report Reference GC240117R05**

Moved Councillor Crossland, Seconded Councillor Westwood that Council:

1. Notes the report.
2. Resolves to allocate funds of up to \$78,500 for demolition and site works required to demolish the Round House.
3. Resolves to fund the \$78,500 demolition cost from the second budget review process.
4. Notes that a further report will be presented to Council in February 2017 on concept designs and estimated costs for Stage 2 of the Recreation Plaza and the area occupied by the Round House.

Carried

Councillor Hull called for a division:

Those For: Councillors Pfeiffer, Kerry, Telfer, Westwood, Byram, Veliskou, Appleby, Gard and Crossland
Those Against: Councillors Hutchinson and Hull

Carried

7.35pm Cr Crossland left the meeting

**7.37pm Liquor Licence Applications – amendments to Governance Policy
Report Reference GC240117R06**

7.37pm Cr Crossland re-entered the meeting

Moved Councillor Hull, Seconded Councillor Hutchinson that Council:

1. Adopts the Liquor Licence Applications Policy contained in Appendix 1, and the Liquor Licence Applications Procedures contained in Appendix 2.
2. Adopts the additional “Option 2” public consultation procedures/exemptions detailed in Appendix 3.
3. Notes that the Liquor Licence Applications Policy and Procedures would need to be amended and brought back to Council for consideration in the event that new legislation replaces the Liquor Licensing Act 1997.

Carried Unanimously

**7.41pm Southern Regional Football Facility
Report Reference GC240117R07**

7.42pm Cr Kerry left the meeting.

Moved Councillor Byram, Seconded Councillor Crossland that Council:

1. Notes the report and resolves to support the development of a Southern Regional Football Facility at Majors Road, O’Halloran Hill, (adjacent the Sam Willoughby UCI BMX Track).
2. Allocates up to \$2.5million in the Draft 2017 / 2018 Council budget for the development of a Southern Regional Football Facility at Majors Road subject to matching funding from the State Government.
3. Notes that subject to State Government matching funding of \$2.5million a Section 48 report would be prepared for Council’s consideration in relation to the design, whole of life costs, roles and responsibilities of the parties, fit with Council’s strategic directions, economic impact and related matters.

7.45pm Cr Kerry re-entered the meeting.

Carried

**7.53pm Complaints and Grievance Policy Review
Report Reference GC240117R08**

Moved Councillor Hutchinson, Seconded Councillor Byram that Council:

1. Adopts the revised Complaints and Grievance Policy (Appendix 2) and Procedure (Appendix 3).

2. Updates the Complaints and Grievance Policy on the City of Marion Website within the Policy section and creates a further category for complaint handling information with a direct link to the Complaints and Grievance Policy and Procedure.
3. The CEO provides a response to the Ombudsman's recommendations as detailed in appendix 1.

Carried Unanimously

**8.03pm Elected Member Liaison on External Bodies
 Report Reference GC240117R09**

Moved Councillor Telfer, Seconded Councillor Pfeiffer that:

1. This item be adjourned until the 14th March 2017 General Council Meeting to receive a developed list of responses from external bodies and a list of potential Elected Members offering to take up each of the requested liaison roles.
2. Current liaison positions remain valid until new positions are resolved.

Councillor Telfer with the consent of Councillor Pfeiffer sought and was granted leave of the meeting to vary the motion as follows:

1. This item be adjourned until the 14th March 2017 General Council Meeting to receive a developed list of responses from external bodies and a list of potential Elected Members offering to take up each of the requested liaison roles.
2. Current liaison positions remain valid until new positions are resolved.
3. External bodies which currently have a liaison Elected Member shall be excluded from these enquiries.

Amendment

Moved Councillor Westwood, Seconded Councillor Kerry that:

1. This item be adjourned until the 14th March 2017 General Council Meeting to receive a developed list of responses from external bodies and a list of potential Elected Members offering to take up each of the requested liaison roles.
2. Current liaison positions remain valid until new positions are resolved.

The amendment was **Lost**

Moved Councillor Appleby, Seconded Councillor Gard that the Motion be put.

Carried Unanimously
 The original motion as varied was put and **Carried**

CORPORATE REPORTS FOR INFORMATION/NOTING

8.25pm WHS Report – November and December 2016 Report Reference: GC240117R10

Moved Councillor Hull, Seconded Councillor Gard that Council:

1. Notes the report and statistical data contained therein.

Carried Unanimously

8.27pm Finance Report - December 2016 Report Reference: GC240117R11

Moved Councillor Telfer, Seconded Councillor Kerry that Council:

1. Receives the report “Finance Report – December 2016”.

8.31pm Cr Pfeiffer left the meeting.

8.34pm Cr Pfeiffer re-entered the meeting

Carried Unanimously

MATTERS RAISED BY MEMBERS

Questions with Notice

8.34pm Hendrie Street – Touched by Olivia Foundation (TBOF) Report Reference: GC240117Q01

QUESTION:

If there are 5 play spaces being designed this year, how many FTE are involved in this?

COMMENTS: Councillor Luke Hutchinson
Nil

COMMENTS: Fiona Harvey, Manager Innovation and Strategy

A total of 0.882 FTE is currently committed to the design phase (consultation, concept design, detail design and opinion of costs) for 5 local and neighbourhood playspaces. The 5 playspaces being designed are:

- Breakout Creek Glengowrie
- Sixth Avenue Ascot Park
- Clare Avenue Sheidow Park
- Gully Road Reserve North (including public toilet) Seaview Downs
- Appleby Reserve Morphettville

There are also designs being developed for three regional playspaces (Hallett Cove Foreshore playspace; Hendrie Street Reserve Inclusive playspace; and Oaklands Estate Playspace). A total of 0.92 FTE is dedicated to these projects for 2016/17.

In total 1.8 FTE is committed to playspace design in 2016-17. There is also a \$87,100 budget for consultants associated with the playspace projects in 2016/17.

Attachment 1 provides a breakdown of resource commitments for 2016-17 project works. The resources required for playspace design and development will vary from year to year and are dependent on the size, scope and stage of each project.

The commitment of resources (including staff and consultants) is in line with Council's adoption of the open space works program for 2016-2019 (attachment 2) at its meeting in April 2016 (GC260416R10).

Attachment 1

Projects 2016-2017	Consultants Fees	Average FTE16/17
Breakout Creek Playspace - Concept design - Community consultation - Detailed design documentation and specification	\$11,400	0.183
Sixth Avenue Playspace - Concept design - Community consultation - Detailed design documentation and specification	\$14,400	0.183
Clare Avenue Playspace - Concept design - Community consultation - Detailed design documentation and specification	\$11,400	0.183
Gully Rd Playspace + public toilet - Concept design - Community consultation - Detailed design documentation and specification	\$17,400	0.183
Appleby Reserve Playspace - Concept design - Community consultation - Detailed design documentation and specification	Renewal SA	0.15
Sub Total Local and Neighbourhood Playspace	\$54,600	0.882
Playspace removals - Concept design - Community consultation - Tender procurement - Contract administration - Council reports (section 270)/Petitions		0.125
Sub Total Playspace Removals		0.125
Hallett Cove Detailed Design Stage 4 Playspace - Finalise Concept - Detailed design/ documentation and specification - Council report	\$15,000 Engineers /artist	0.16
Hendrie Inclusive Playspace - Detailed design documentation and specification - TBOF fund raising support - Council report		0.56

- Tender and procurement		
Oaklands Estate Playspace Development	\$17,500 (playspace)	0.20
- Concept design		
- Community consultation		
- Opinion of Cost		
Sub Total Regional Playspace	\$32,500	0.92
Oaklands Estate Reserve Development	\$27,500 (reserve/open space)	0.24
- Concept design		
- Community consultation		
- Opinion of Cost		
Hallett Cove Detailed Design Stage 5 Amphitheatre	\$15,000 Engineers /artist	0.34
- Detailed design/ documentation and specification		
- Council report		
- Development approvals		
- Tender		
- Construction admin		
Oaklands Recreation Plaza Stage 2 and Roundhouse Landscape		0.3
- Concept design		
- Community consultation		
- Detailed design documentation and specification		
Jervois Terrace Reserve		0.16
- Construction Administration		
- Reserve Evaluation		
Edwardstown Oval Southern Landscape		0.225
- Detail Design		
- Tender		
- Construction Administration		
Public toilets		0.05
- Concept design		
- Community consultation		
- Tender procurement		
- Contract administration		
Sub Total Reserve Development	\$42,500	1.315
Playspace Strategy Review		0.3
Open Space Strategy review		0.325
Sub Total Strategy Review		0.625
Other		1.65
- Reserve Signs		
- Streetscape guidelines		
- Charles Street streetscape concept		
- Sports court removals		
- Tonsley RSA		
- Morphetville RSA		
- Dog Park Follow Up		
- Operating other (stakeholder projects across council)		
Team Leader		1
Total		6.517

Attachment 2**Option 3**

Projects	Project Program			Comment
	2016/17	2017/18	2018/19	
Operating				
Playspace Strategy	PF			Finalise Playspace Strategy
Playspace Removals	C, DD, PI	C,DD, PI	C, DD, PI	Remove Playspaces in line with Playspace Strategy
Reserve Signs	DD, PI	DD, PI	DD, PI	Annual upgrade for old Reserve Signs
Open Space Asset Management Planning	O	O	O	Annual planning for new/renewal/removal open space assets. Review and provide info for AMP
Capital				
Jervois Street Reserve	PI			Finalise reserve construction
Edwardstown Oval South East Corner	PI			Manage onground works for open space improvements in line with grant funding
Hallett Cove Beach Stage 2				Detailed Design complete. Works subject to available funding. Engineering expertise for contract admin.
Hallett Cove Beach Stage 4	DD	PI		Reserve and Playspace Detailed Design 16/17. Implementation subject to funding available
Hallett Cove Beach Stage 5	DD	PI		Amphitheatre Detailed Design 16/17. Implementation subject to Council endorsement and funding available
Hallett Cove Beach Stage 6			DD	Carpark, remaining reserve (northern end) and connection to Hallett Cove Conservation Park
Hendrie TBOF Inclusive Playspace	DD,PI	PI		Implementation subject to Council endorsement of Final Concept Plan July/August 2016 and funding agreement with TBOFF
Appleby Reserve Playspace	C,DD	PI		Renewal SA Partnership with Morphettville Renewal Concept Development 2016/17
*Playspace Capital Works - Gully Road Reserve including replacement of cricket nets/bball	C,DD	PI		Consultation & Concept Development 2016/17 Detail Design 2016/17 Implementation 2017/18
Oaklands Reserve Development	C	DD,PI	PI	Consultation & Concept Plan 2016/17 Detail Design and Stage 1 Implementation 2017/18 Stage 2 Implementation 2018/19
Playspace Capital Works -Sixth Avenue, Ascot Park -Clare Avenue, Sheidow Park -Breakout Creek, Glengowrie	C,DD	PI		Consultation & Concept Development 2016/17 Detail Design 2016/17 Implementation 2017/18
Capella Reserve Development		C,DD	PI	Consultation & Design Development 2017/18 Implementation subject to Council endorsement and funding availability 2018/19. Potential for staging
Bandon Terrace Reserve		C,DD	PI	Consultation & Concept Development 2017/18 Detail Design 2018/19
2 nd Dog Park		C,DD	PI	Investigate Locations, Design Development 2017/18 Implementation 2018/19
Playspace Development x 3		C, DD	PI	Playspace Strategy Local / Neighbourhood Playspaces as per matrix
Playspace Development x 4			C,DD	Playspace Strategy Local / Neighbourhood Playspaces as per matrix
Tennis Court Renewal				On hold until completion of Tennis and Netball review. Refer any works to reviewed program.

C Consultation/Concept PI Procurement and Implementation O Operating
DD Detail Design PF Policy/Framework

**8.35pm Obesity Prevention and Lifestyle (OPAL) Program Costs
 Report Reference: GC240117Q02**

QUESTION:

How much did the City of Marion expend on the Obesity Prevention and Lifestyle (OPAL) program?

COMMENTS: Councillor Jerome Appleby

The following is from an *InDaily* article dated 21 December 2016:

SA's \$35m childhood anti-obesity program to be abandoned

The most significant taxpayer-funded childhood obesity prevention program in the history of South Australia is set to be abandoned after an evaluation found no evidence it had any effect on children's weight.

<http://indaily.com.au/news/local/2016/12/21/sas-35m-childhood-anti-obesityprogram-to-be-abandoned/>

COMMENTS: Ray Barnwell, Manager Finance & Liz Byrne, Manager Community & Cultural Services

The OPAL program in South Australia was based on a French program called EPODE (translated as 'together we can prevent childhood obesity') which is a community based obesity prevention initiative. The aim of the program was to work with communities to positively change attitudes and behaviours about healthy eating and physical activity.

*"Being overweight can affect the emotional and social wellbeing of children. Overweight children are very likely to become overweight adults, with a greatly increased risk of heart disease, diabetes and other chronic health problems."*¹

The City of Marion was one of six local governments selected to participate in the program and worked in partnership with State Government, after a positive trial. The financial contribution from the State Government included a Project Manager and Graduate Officer seconded into each Council (up to \$135,000 per annum) in addition to \$279,000 project support funding to the City of Marion over the life of the program.

¹ "Introducing OPAL" brochure

The City of Marion contributed in the order of \$194,000 funding to the program.

The table below summarises the annual expenditure over the duration of the partnership which was funded by State Government funding (\$279 k) and Council's funding contribution (\$194 k).

The City of Marion ended its involvement with the OPAL program in September 2015.

Some councils are still involved with the OPAL program and state government funding will continue until June 2017.

8.36pm Developer Bonds
Report Reference: GC240117Q03

QUESTION:

- 1) **Did the existence of developer bonds make it easier for council to get better quality and more timely restitution of council property damaged as a result of a development, compared to the period without such bonds?**
- 2) **What was the average amount of developer bond held by council?**
- 3) **What is the current status of developer bonds legislation/regulation?**

COMMENTS: Councillor Jason Veliskou

Nil

COMMENTS: Brett Jaggard, Acting Manager, Engineering & Field Services

- 1) Anecdotal evidence from staff suggests that development bonds are an effective system for Council to hold funds to enable Administration to recoup the costs associated with the replacement of damaged infrastructure. It intuitively provides greater certainty than seeking to recoup post damage rectification costs.
- 2) Based on the total amount of receipted transactions in the period between June 2010 to February 2011 the average amount of developer bonds held by Council was \$2,765.
- 3) Council has contacted the legislative reform branch at the Department of Planning, Transport and Infrastructure seeking clarification as to whether the new planning and development legislation to be implemented in stages over the next 5 years expressly contemplates the introduction of developer bonds associated with applications for demolition of old buildings and the construction of new buildings. At this stage, the legislative reform branch has not expressly dealt with the issue of developer bonds and the legislative reform remains in its early stages of implementation.

Motions with Notice

8.37pm Travers Reserve Land Division
Report Reference: GC240117M01

The item was withdrawn.

8.38pm Developer Bonds
Report Reference: GC240117M02

Moved Councillor Veliskou, Seconded Councillor Gard that:

1. That council write to the Relevant Minister asking for the reintroduction of Developer bonds to ensure that council property is reinstated promptly and appropriately after the completion of a development.

2. Further that the council write to the appropriate Shadow Minister to ask them their position on the matter.

Carried

Questions without Notice

Nil

Motions without Notice

Nil

CONFIDENTIAL ITEMS

8.42pm Finance and Audit Committee Confidential Minutes Report Reference: GC240117F01

Moved Councillor Gard, Seconded Councillor Crossland that:

1. Pursuant to Section 90(2) and (3)(e) 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; Vincent Mifsud, General Manager Corporate Services; Abby Dickson, General Manager City Development; Tony Lines General Manager Operations; Jaimie Thwaites, Acting Manager Corporate Governance; Yvette Zaric, Governance Officer, be excluded from the meeting as the Council receives and considers the confidential minutes of the Finance and Audit Committee, upon the basis it 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 on the grounds that the report contains information relating to commercial information of a commercial nature (not being a trade secret) the disclosure of which (i) could reasonably be expected to prejudice the commercial position of a person who supplied the information, or to confer a commercial advantage on a third party; and (ii) would, on balance, be contrary to the public interest.

Carried

8.43pm The meeting went into confidence.

Moved Councillor Telfer, Seconded Councillor Kerry that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* orders that this report and Appendix 1 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 2017.

Carried Unanimously

8.44pm The meeting came out of confidence.

**8.45pm Marion Outdoor Swimming Pool Service Review
 Report Reference: GC240117F02**

Moved Councillor Pfeiffer, Seconded Councillor Crossland that:

1. Pursuant to Section 90(2) and (3)(d) of the *Local Government Act 1999*, the Council orders that all persons present, with the exception of the following persons: Adrian Skull, Abby Dickson, Vincent Mifsud, Jaimie Thwaites, Yvette Zaric, Carol Hampton and Tyson Brown, be excluded from the meeting as the Council receives and considers information relating to the City of Marion Outdoor Swim 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 relating to commercial information of a commercial nature (not being a trade secret) the disclosure of which (i) could reasonably be expected to prejudice the commercial position of a person who supplied the information, or confer a commercial advantage on a third party: and (ii) would, on balance, be contract to public interest.

Carried

8.45pm The meeting went into confidence.

Moved Councillor Veliskou, Seconded Councillor Hull that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that this report, Marion Outdoor Swimming Pool – Service Review and the minutes arising from this report having been considered in confidence under Section 90(2) and (3) of the *Local Government Act 1999*, 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 2017.

Carried

9.02pm The meeting came out of confidence.

CLOSURE - Meeting Declared Closed at 9.02pm.

CONFIRMED THIS 14 FEBRUARY 2017

.....
CHAIRPERSON

**CITY OF MARION
GENERAL COUNCIL MEETING
14 FEBRUARY 2017**

Originating Officer: Carol Hampton, Manager City Property
General Manager: Abby Dickson, General Manager City Development
Subject: Petition – McConnell Reserve Courts
Reference No: GC140217P01

REPORT OBJECTIVES

This report is to inform Council of a petition received from residents as a result of the community consultation undertaken in relation to the future of the tennis courts located on McConnell Reserve, Marino.

PETITION FROM: Trevor Smith on behalf of - Residents of Marion / Users of McConnell Reserve

NO OF SIGNATORIES: 190

DATE PETITION RECEIVED: 24 January 2017

CORRESPONDENCE:

Please find attached petition pertaining to the McConnell Reserve Courts - which are located on the eastern and western side of McConnell Avenue, Marino.

Residents of the City of Marion and users of the McConnell Reserve Courts draws the attention of the Council to the continued provision of tennis courts and multi-use open space at the McConnell Reserve Courts.

The McConnell Reserve Courts provide an accessible and safe location for City of Marion residents to enjoy tennis, other outdoor recreational activities and social interaction in an environment unique to Marino.

The petitioners therefore request the Council retain, renew and maintain the McConnell Reserve Courts. This petition is endorsed by the Marino Residents Association. Furthermore, I have received support from Ms Nicol Flint, Federal Member for Boothby and Mr David Speirs, Member for Bright regarding this issue.

Thank you for your consideration. Please contact me with any questions or comments.

A copy of the petition is attached as **Appendix 1**.

COMMENTS: Carol Hampton, Manager City Property

The petition will be considered as part of the Tennis and Netball review at the General Council Meeting scheduled on Tuesday 28 February 2017.

As part of the Tennis and Netball review a number of sites were identified as community courts that were not used by any organized sporting groups or associations. The McConnell Reserve

courts are solely community courts with no club affiliations or usage by organized groups. As part of the Tennis and Netball review, community consultation was undertaken to seek feedback from the community on four sites to understand their value to the community, how they are used, level of awareness of other community courts in surrounding the site and what people value about this space. Details of the feedback from the consultation and the petition will be included in the report to be provided to Council on 28 February 2017.

RECOMMENDATIONS

DUE DATES

That Council:

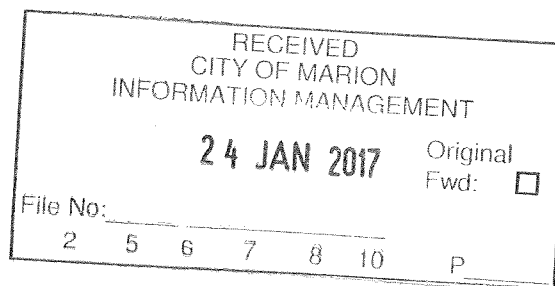
- | | |
|---|-------------------------|
| 1. Notes the petition and comments provided by Administration. | 14 February 2017 |
| 2. Requests the head petitioner be advised that Council has noted the petition. | 20 February 2017 |
| 3. Notes that McConnell Reserve Courts will be considered by Council as part of the Tennis and Netball review at the 28 February 2017 General Council meeting. | 28 February 2017 |

Appendix 1: Petition

Mr Travis Smith
10 North Street
MARINO SA 5049

23 January 2017

His Worship The Mayor
245 Sturt Road
STURT SA 5047



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

RE: MC CONNELL RESERVE COURTS

Please find attached petition pertaining to the McConnell Reserve Courts - which are located on the eastern and western side of McConnell Avenue, Marino.

Residents of the City of Marion and users of the McConnell Reserve Courts draws the attention of the Council to the continued provision of tennis courts and multi-use open space at the McConnell Reserve Courts.

The McConnell Reserve Courts provide an accessible and safe location for City of Marion residents to enjoy tennis, other outdoor recreational activities and social interaction in an environment unique to Marino.

The petitioners therefore request the Council retain, renew and maintain the McConnell Reserve Courts.

This petition is endorsed by the Marino Residents Association. Furthermore, I have received support from Ms Nicol Flint, Federal Member for Boothby and Mr David Speirs, Member for Bright regarding this issue.

Thank you for your consideration. Please contact me with any questions or comments.

Yours faithfully

Travis Smith
Resident - City of Marion

Office Use Only:
Date Petition Received:

CITY OF MARION

PETITION

TO HIS WORSHIP THE MAYOR AND COUNCILLORS OF THE CITY OF MARION

Petition Contact Person: Travis Smith
 Telephone Number: ...0415855413
 Address: ...10 North Street, Marino, SA, 5049
 Date Petition Initiated: 14th December 2016

The petition of *(identify the individuals or group, eg residents of the City of Marion)*
 residents of the City of Marion and users of the McConnell Reserve Courts

draws the attention of the Council *(identify the circumstances of the case)*
 to the continued provision of tennis courts and multi-use space at the McConnell Reserve
 Courts. The McConnell Reserve Courts provide an accessible and safe location for
 City of Marion residents to enjoy tennis and other outdoor recreational activities & social
 interaction in an environment unique to Marino.

The petitioners therefore request that the Council*(outline the action that the
 Council should or should not take)*
 retain, renew and maintain the McConnell Reserve Courts.

Name	Address	Signature
TRAVIS SMITH	10 NORTH ST. MARINO	<i>[Signature]</i>
BERYL HALL	104 JERVOIS TCE	<i>[Signature]</i>
Tom MARSH	100 JERVOIS TCE	<i>[Signature]</i>
Jordan Marsh	100 JERVOIS TCE	<i>[Signature]</i>
Carrie Marsh	100 JERVOIS TCE MARINO	<i>[Signature]</i>
JOHN COBB	98 JERVOIS TCE MARINO	<i>[Signature]</i>
WENDY COBB	98 JERVOIS TCE MARINO	<i>[Signature]</i>

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

(Identify the details of the petition on each page)

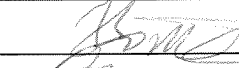



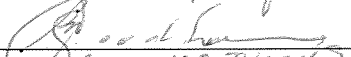





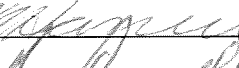

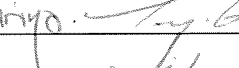
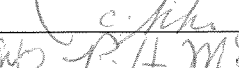
The petitioners therefore request that the council retain, renew and maintain the.....
 McConnell Reserve Courts

Name	Address	Signature
Nigel Wesson	1 McConnell Ave Marino	<i>Nigel</i>
JACK WESSON	1 McConnell Avenue Marino	<i>JW</i>
Amy Lynch	16/50 Roseberry St.	<i>Amy L</i>
KAY DAVIS	8 KEITH CRES	<i>KD</i>
CORA STEVENS	90 JERVOIS TCE MARINO	<i>C Stevens</i>
Chris Pollard	88 Jervois Tce Marino	<i>C Pollard</i>
Catherine Schraides	13 Ronald Cres Marino	<i>C Schraides</i>
BRAD ANKLEY	6 RONALD CRES	<i>Brad Ankley</i>
Dominic Burns	43 Jervois Tce Marino	<i>DB</i>
Wendy Hall	16 Myer A, Plympton	<i>W Hall</i>
CHRIS BURNS	4 JETTY RD BRIGHTON	<i>CB</i>
Tony Monaghan	16 Myer Ave Plympton	<i>T Monaghan</i>
Sue Burns	43 Jervois Tce Marino	<i>Sue Burns</i>
Ann Burns	4 JETTY RD, BRIGHTON	<i>Ann Burns</i>
DAVID BAUSHAW	13 SHAPTEBURY TCE	<i>David Baushaw</i>
Elizabeth WESSON	10 Lifford Parade.	<i>E M J Wesson</i>
Shannon M'Leay	18 Ronald Cres	<i>Shannon M'Leay</i>
GRANVILLE PEEK	4 Ronald St	<i>Graville Peek</i>
John Butler	8 North St Marino	<i>John Butler</i>
Tania Densley	" " " "	<i>Tania Densley</i>
BOA RODDA	24 ANGAS GRES	<i>Boa Rodda</i>
GREG HALL	28 ANGAS CRES.	<i>Greg Hall</i>
CHMS HALL	28 ANGAS CRES.	<i>Chms Hall</i>
ALICIA HARRISON	DRING CRES	<i>Alicia Harrison</i>
		Attach additional sheets if required

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

(Identify the details of the petition on each page)

.....
 .The petitioners therefore request that the council retain, renew and maintain the.....
 .McConnell Reserve Courts.....

Name	Address	Signature
Fran Southern	2 Dring Cres Marina	
Lisa Balmore	21 Ronald Cr Marina	
Richard Lythe Stewart	16 Ronald Cres Marina	
Lorraine Palford	16 Ronald Cr Marina	
 R.G. Hunter	14 Ronald Cr Marina	
Lynda Gray	15 Ronald Cr Marina	
Cath Harrison	16 North St Marina	
Karen Hansen	16 North St	
ANDRE RIVENELL	18 ANGAS CRES MARINA	
Tracey Ann Paterson	5 Angas Crescent Marina	
Charlotte Fisher	11 Angas Crescent, Marina	
TRISH MINTYRE	17 Angas Cres Marina	
Elaine Seay	7, Keith Cr, Marina	
		Attach additional sheets if required

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Office Use Only:
Date Petition Received:

CITY OF MARION

PETITION

TO HIS WORSHIP THE MAYOR AND COUNCILLORS OF THE CITY OF MARION

Petition Contact Person: Travis Smith
 Telephone Number: ...0415855413
 Address: ...10 North Street, Marino, SA, 5049
 Date Petition Initiated: 14th December 2016

The petition of (identify the individuals or group, eg residents of the City of Marion)
 residents of the City of Marion and users of the McConnell Reserve Courts

draws the attention of the Council (identify the circumstances of the case)
 to the continued provision of tennis courts and multi-use space at the McConnell Reserve
 Courts. The McConnell Reserve Courts provide an accessible and safe location for
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 interaction in an environment unique to Marino.

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

retain, renew and maintain the McConnell Reserve Courts.

Name	Address	Signature
Jamie Griffiths		Jamie Griffiths
Andrew Densley		Andrew Densley
John Miller	18 NEWLAND AVE	John Miller
LEK MILLER	" "	Lek Miller
NATALIE MILLER	" "	Natalie Miller
LIAM MILLER	" "	Liam Miller
Georgia Simpson	8 North St Marino.	Georgia Simpson

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 these details for the purpose of this petition only.

(Identify the details of the petition on each page)

The petitioners therefore request that the council retain, renew and maintain the
 McConnell Reserve Courts

Name	Address	Signature
JEFF LAVBSON	2 KEITH CRESCENT	
Jill Jones	4 Keith Crs	
Alana Burnis	11 Keith Crts	
KATHY BRUCE	9 Angas Crescent	
Tulani Kertes	116 Davenport Tce	
Roscoe Dix	1 Keith Crescent	
PAT DRAPER	19 ANGAS CRES	
Alphaca Peate	21 Angas Crs	
Jordan Torres	21 Ronald cres	
Vanessa Richards	32 Angas Crescent	
Jaelee Holland	25 Angas Cres	
Jackie Saunders	36 Angas Crs	
Ronnie Skov	36 Dudley Crs	
B. Neashus	46 ANGAS CRT MANS	
H. MARENGER	26 NEWLAND AVK	
K. WAINANT	26B " "	
RACHEL TEBBETT	3/45 JETTY RD BRIGHTON	
Sallyanne Scholfield	226 Deering Rd Wormadale	
Eva Martin	15 SHAFTESBURY TCE	
Rose Edward	47 Scholfield Rd	
Angela Faulkner	10 Nungamoora St	
Emilia Faulkner	2 Strickland Ave	
OLIVER PULKE	86 JERVOIS TCE	
Chris Norman	78 Jervois Tce	
Tarsh BUTLER	8. NORTH ST MARION	 Attach additional sheets if required

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(Identify the details of the petition on each page)

The petitioners therefore request that the council retain, renew and maintain the
 McConnell Reserve Courts

Name	Address	Signature
NEIL FERLENO	74 JERVOIS TERRACE	
Shane Heemskerk	37 Jervois Tce.	
Edwina Lawson-Smith	35 Jervois Tce	
Sarah Davids	70 Jervois Tce.	
Georgia Tolson	6 North Street	
Rebecca Methuen	5 Keith Cres	
Sharyn Faulkner	12 North Street	
Sally Bevan	7 NORTH STREET	
FOOYE BEVAN	7 NORTH STREET	
Rebecca Story	3 Keith cres	
CHAD METHUEN	5 KEITH CRES	
STEVE ADDELEY	14 ANGAS CRES	
Jack Bunker	7 North St	
Carne Marsh	100 JERVOIS TCE	
Tommy MARSH	100 JERVOIS TCE	
MATHEW MARSH	100 JERVOIS TCE	
Jordan Marsh	100 JERVOIS TCE	
Paige Marsh	100 Jervois Tce	
Emma Bransen	100 Jervois tce	
Tess Balwore	21 Ronald Cres manna	
GASON LOVEDAY	21 RONALD CRES MARINA	
Madelyn Birmingham	51 Brookside Rd	
LEGGY RYEN	4 THE COVE RD	
Ruth Robinson	5 The Cove Rd	
		Attach additional sheets if required

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(Identify the details of the petition on each page)

The petitioners therefore request that the council retain, renew and maintain the
 McConnell Reserve Courts

Name	Address	Signature
Shaun Story	3 Keith Cres	
Adam Jablonskas	9 The Cove Rd	
Cherry Jablonskas	9 The Cove Rd	
Korren O'Brien	4 The Cove Rd	
Tina Feleday	24A Nimboya Rd	
Ellen Watson	18 Nimboya Road	
Greg Reynolds	16 Nimboya Rd	
Jim Krecu	25 Nimboya Rd	
Mia Krecu	25 Nimboya Rd	
Jim Krecu	25 Nimboya Rd	
Vicki Johnson	9 BARUA RD	
Mary Sims	10 DUDLEY CRES	
Helen McMillan	9 BARUA RD	
Ryan McMillan	9 BARUA RD	
Kevin McMillan	9 BARUA RD	
Ron Johnson	10 DUDLEY CRE	
Amanda Gotts	59 Trumara Rd	
Josh Rosh	59 Trumara Rd	
Alex Scarabotti	59 Trumara Rd	
Nick Scarabotti	59 Trumara Rd	
William Hamilton	59 Trumara Rd	
Virginia Johnston	59 Trumara Rd	
India Atward-Henderson	1a Knowles cres	
		Attach additional sheets if required

Gardian of
 children.

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

(Identify the details of the petition on each page)

The petitioners therefore request that the council retain, renew and maintain the
 McConnell Reserve Courts

Name	Address	Signature
Jenni Henderson	1a Knowles Cres ^{Marino}	
ANTHONY TURTON	1 Knowles Cres ^{Marino}	
Sonia Turton	1 Knowles Cres ^{Marino}	
Stephen Willcox	12 Newland Ave ^{Marino}	Jo Willcox
Holly Willcox	" " "	
DAVID PARSONS	17 Dudley Cres ^{Marino}	
Mark PARSONS	" " " "	
Michelle Parsons	17 Dudley Cres ^{Marino}	
Sarah Cook	7 Newland Ave	
Trisha Taylor	11 Keith Cres ^{Marino}	
Jonathan Cook	7 Newland Ave	
Renee Binns	20 Newland Ave	
Jenny Phillips	6 Newland Ave	
KELLY SIKOV	24 NEWLAND AVE	
Lan Westwood	15 Dudley Cres	
VAL CARLE	13. Dudley Cr. ^{Marino}	V. Carle
Glenis Vallance	19 Dudley Cr. ^{Marino}	Glenis Vallance
David Steele	28 Dudley Cres ^{Marino}	
AARON COBBY	4 NEWLAND DR	
M. LAING	2 NEWLAND DR	ally Laing
KEH ATTWOOD	2/1 NEWLAND AVE	
Emily ATTWOOD	2/1 Newland Ave	
Nathan McPherson	10 Newland Ave	
PAUL McPHERSON	10 Newland Ave	
		Attach additional sheets if required

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(Identify the details of the petition on each page)

The petitioners therefore request that the council retain, renew and maintain the
McConnell Reserve Courts

Name	Address	Signature
Jayne Pyke	86 Jervois Tce	
Leon Humphrey	94 Jervois Tce	
Ian Bademan	3 Short St	
JILL BAWDEN	1 SHORT ST	
7A Orlinier	12 Ronald Cres	
PAUL SCHLEIN	8 RONALD CRES	
Andrea Brubaker	10 RONALD CRES	
DARRY WICKHAM	2 MCCONNELL AV	
J.D. Wickham	2 MC CONNELL AVS	
Tim Ramm	102 JERVOIS TCE	
MATT JENKINS	3 NORTH ST	
RALPH DODDS	4 RONALD PRESIDENT	
leigh Dodds	4 Ronald Crescent	
Shantee Gardner	5 North st	
Shane McLaughlin	8 North St	
Bec Jenkins	3 North St	
John Donnitorene	2 Ronald Cres	
Jane Donnitorene	2 RONALD CR	
Leeann Barila	2 North St Marino	
Talia Barila	2 North St Marino	
Filippo Barila	2 North St Marino	
Enrico Barila	2 North St Marino	
Elen Boswell	9 North St Marino	
Trevor Barber	3 McConnell Ave.	
		Attach additional sheets if required

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

**CITY OF MARION
GENERAL COUNCIL MEETING
14 FEBRUARY 2017**

Originating Officer: Alicia Clutterham, Team Leader, Open Space and Recreation
Corporate Manager: Fiona Harvey, Manager Innovation and Strategy
General Manager: Abby Dickson, General Manager City Development
Subject: Petition – Resolute Crescent Reserve
Reference No: GC140217P02

REPORT OBJECTIVES

This report is to inform Council of a petition received from residents in relation to the removal of the playground at Resolute Crescent Reserve, Hallett Cove.

PETITION FROM: Terri Mayr on behalf of - Residents of Marion / Users of Resolute Crescent Reserve

NO OF SIGNATORIES: 38

DATE PETITION RECEIVED: 30 January 2017

CORRESPONDENCE:

This petition was received on 30 January 2017 lodging objection *to the proposed removal of the existing play equipment in Resolute Crescent Reserve as per the review of Play space strategy (Ref GC270916R07) Refer to Appendix 1.*

The petitioners request *“that the council reconsider the decision and treat this particular playspace as falling outside the general policy because of the essential local community value. We would like to keep our area kids, families and aged people friendly. We would like the Council to maintain the reserve kids safe and accessible to people with mobility issues. In addition, we would like the park to become a welcoming space for the residents to build a stronger community connections and foster a friendly neighbourhood spirit. Therefore, we would encourage the Council to invest additional benches, table, shelter, bbq, recreation equipment and plants”.*

COMMENTS:

At its meeting of 27 September 2016, Council resolved to remove 11 playgrounds across the Council including the playspace at Resolute Crescent, Hallett Cove.

Subsequently, consultation on the removal of the playspace took place 28 October through to 22 November 2016.

A formal grievance and a request to review the decision was received on 5 December 2016.

At its meeting on 13 December 2016 (GC131216R22) Council resolved:

1. *Notes the grievance received regarding the removal of a playspace (Resolute Crescent, Hallett Cove).*

2. *Notes that the resolution of Council on 27 September 2016 (Review of Playspace Strategy Ref: GC270916R07) was as follows:*
 1. *Affirms in principle support for the playspace framework which incorporates:*
 - a. *Policy (including hierarchy)*
 - b. *Service Levels*
 - c. *Prioritised Works List*
 - d. *Project Methodology (including Community Engagement Approach).*
 2. *Refer the matter for further discussion at a future forum to progress the policy, discuss spatial layout of hierarchy and budget implications over the life of the long term financial plan.*
 3. *Endorse the removal of the 11 additional playspaces listed in this report*
 4. *Start an investigation into a suitable site for a neighbourhood play space in Hallett Cove Heights.*
3. *Adopts option 1 (internal review panel) to undertake the Section 270 Review for the Removal of Playspace (Resolute Crescent, Hallett Cove).*
4. *That the matter be reported back to Council at its meeting of 14 February 2017.*
5. *The complainant be advised of the Petition Process if they wish to object to the decision to remove the playspace.*

The complainant was advised of the petition process in December 2016 and a petition objection to the removal of the playground was received on 30 January 2017.

The Section 270 review is currently underway and a report on the removal of the playground at Resolute Crescent Reserve will be prepared at the conclusion on the review.

RECOMMENDATIONS

That Council:

DUE DATES

- | | |
|---|-------------------------|
| 1. Notes the petition and comments provided by Administration. | 14 February 2017 |
| 2. Requests the head petitioner be advised that Council has noted the petition. | 14 February 2017 |
| 3. Notes that a report on the removal of the playground at Resolute Crescent Reserve, Hallett Cove will be prepared for Council consideration at the conclusion on the Section 270 review. | 28 February 2017 |

Appendix 1: Petition

Office Use Only:
Date Petition Received:
CITY OF MARION
30/1/17

CITY OF MARION

PETITION

TO HIS WORSHIP THE MAYOR AND COUNCILLORS OF THE CITY OF MARION

Petition Contact Person: TERRI MAYR
 Telephone Number: 0413 994 690
 Address: 1 RESOLUTE CRESCENT
HALLST COVE 5158
 Date Petition Initiated: 11/1/2017

The petition of *(identify the individuals or group, eg residents of the City of Marion)*
 Residents of the City of Marion who are committed to Resolute Crescent Reserve as an intergral
 part of their local community.

draws the attention of the Council *(identify the circumstances of the case)*

To the proposed removal of play equipment in Resolute Crescent Reserve as per the Review of Play
 space strategy REF GC 270916R07

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

Reconsider the decision and treat this particular playspace as falling outside the general policy because of the essential
 local community value. We would like to keep our area kids, families and aged people friendly. We would like the Council
 to maintain the Reserve kids safe and accessible to people with mobility issues. In addition, we would like the park to
 become a welcoming space for the residents to build stronger community connections and foster a friendly neighbourhood
 spirit. Therefore, we would encourage the Council to invest additional benches, table, shelter, bbq, recreation equipment
 and plants.

Name	Address	Signature
Rilla McEvoy	5 Valkyrie St. H.C.	Rilla McEvoy
David McEvoy	5 Valkyrie St H.C.	David McEvoy
Amanda Sutton	7 Valkyrie St H.C.	AS
Julie-Anne Popple	11 Valkyrie St SA	J. Popple
Kay White	12 Valkyrie St SA	Kay White
Edith White	12 Valkyrie St	Edith White
Emma White	60 Yang St Repella	Emma White

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

SCANNED

Office Use Only: *ed by*
 Date Petition Received: **30/1/17**

CITY OF MARION

PETITION

TO HIS WORSHIP THE MAYOR AND COUNCILLORS OF THE CITY OF MARION

Petition Contact Person: *TERRI MAYR*
 Telephone Number: *0413 994 690*
 Address: *1 RESOLUTE CRESCENT*
HAUETT COVE 5158
 Date Petition Initiated: *11/1/2017*

The petition of *(identify the individuals or group, eg residents of the City of Marion)*
 Residents of the City of Marion who are committed to Resolute Crescent Reserve as an intergral part of their local community.

draws the attention of the Council *(identify the circumstances of the case)*

To the proposed removal of play equipment in Resolute Crescent Reserve as per the Review of Play space strategy REF GC 270916R07

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

Reconsider the decision and treat this particular playspace as falling outside the general policy because of the essential local community value. We would like to keep our area kids, families and aged people friendly. We would like the Council to maintain the Reserve kids safe and accessible to people with mobility issues. In addition, we would like the park to become a welcoming space for the residents to build stronger community connections and foster a friendly neighbourhood spirit. Therefore, we would encourage the Council to invest additional benches, table, shelter, bbq, recreation equipment and plants.

Name	Address	Signature
Julie Zanker	2 Ranger St, HC	<i>[Signature]</i>
Jon Ault	2 Ranger St, HC	<i>[Signature]</i>
MURRAY COOPER	15 Valkyrie St. HC	<i>M. Cooper</i>
ANNIE COOPER	15 VALKYRIE ST HC	<i>[Signature]</i>
Heather Liddiard	8 VALKYRIE ST HC	<i>[Signature]</i>
Rosemary Lange	4 Valkyrie St. HC	<i>[Signature]</i>
D. A. W. SAMBSON	15 VALKYRIE ST HC	<i>[Signature]</i>

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SCANNED

Office Use Only:
 Date Petition Received:
 CITY OF MARION
 DA 30/1/17

CITY OF MARION

PETITION

TO HIS WORSHIP THE MAYOR AND COUNCILLORS OF THE CITY OF MARION

Petition Contact Person: TERRI MAUR
 Telephone Number: 0413 994 690
 Address: 1 RESOLUTE CRESCENT
HALLETT COVE 5158
 Date Petition Initiated: 11/1/2017

The petition of *(identify the individuals or group, eg residents of the City of Marion)*
 Residents of the City of Marion who are committed to Resolute Crescent Reserve as an intergral
 part of their local community.

draws the attention of the Council *(identify the circumstances of the case)*

To the proposed removal of play equipment in Resolute Crescent Reserve as per the Review of Play
 space strategy REF GC 270916R07

The petitioners therefore request that the Council*(outline the action that the
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Reconsider the decision and treat this particular playspace as falling outside the general policy because of the essential
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 spirit. Therefore, we would encourage the Council to invest additional benches, table, shelter, bbq, recreation equipment
 and plants.

Name	Address	Signature
HENRIKE GREBNEFF	2 MISTRAL COURT	[Signature]
NICK GREBNEFF	2 MISTRAL COURT	[Signature]
Robini Lange	4 Valkyrie St H/C	[Signature]
Pratiksha Vyas	255 The Cove Rd, H/C	[Signature]
PETER JEFFREY	3 RESOLUTE CR. HALLETT COVE	[Signature]
TERRI MAUR	1 RESOLUTE CR H/C	[Signature]
Linda Maur	1 Resolute cres H/C	[Signature]

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

SCANNED

Office Use Only:
Date Petition Received:

30/1/17

CITY OF MARION

PETITION

TO HIS WORSHIP THE MAYOR AND COUNCILLORS OF THE CITY OF MARION

Petition Contact Person: Terri Mayr
 Telephone Number: 0413 994 690
 Address: 1 Resolute Cres
 Hallett Cove
 Date Petition Initiated: 11/1/17

The petition of (identify the individuals or group, eg residents of the City of Marion) Residents of the City of Marion who are committed to Resolute Crescent Reserve as an intergral part of their local community.

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

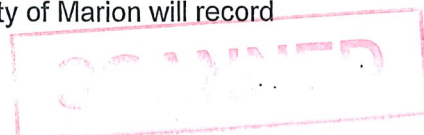
To the proposed removal of play equipment in Resolute Crescent Reserve as per the Review of Play space strategy REF GC 270916R07

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

Reconsider the decision and treat this particular playspace as falling outside the general policy because of the essential local community value. We would like to keep our area kids, families and aged people friendly. We would like the Council to maintain the Reserve kids safe and accessible to people with mobility issues. In addition, we would like the park to become a welcoming space for the residents to build stronger community connections and foster a friendly neighbourhood spirit. Therefore, we would encourage the Council to invest additional benches, table, shelter, bbq, recreation equipment and plants.

Name	Address	Signature
Julie Collins	12 Resolute Cres Hallett Cove 5158	J Collins
ROBERT COLLINS	12 Resolute Cres Hallett Cove 5158	R Collins
LINDSAY ELLIS	15 Resolute Cres Hallett Cove	L Ellis
MIRIAM WILLIAMS	8 Resolute Cres Hallett Cove	M Williams
FRANK FINN	8 Resolute Cres Hallett Cove	F Finn
MAY FINN	8 Resolute Cres Hallett Cove	M Finn
TOM FINN	8 Resolute Cres Hallett Cove	T Finn

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



Office Use Only:
Date Petition Received:

30/1/17

CITY OF MARION

PETITION

TO HIS WORSHIP THE MAYOR AND COUNCILLORS OF THE CITY OF MARION

Petition Contact Person: Terr. 1. Mayor
 Telephone Number: 0413 994690
 Address: 1 Resolute Cres
 Hallett Cove
 Date Petition Initiated: 11/1/17

The petition of (identify the individuals or group, eg residents of the City of Marion) Residents of the City of Marion who are committed to Resolute Crescent Reserve as an intergral part of their local community.

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

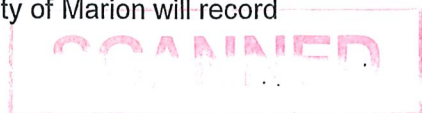
To the proposed removal of play equipment in Resolute Crescent Reserve as per the Review of Play space strategy REF GC 270916R07

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

Reconsider the decision and treat this particular playspace as falling outside the general policy because of the essential local community value. We would like to keep our area kids, families and aged people friendly. We would like the Council to maintain the Reserve kids safe and accessible to people with mobility issues. In addition, we would like the park to become a welcoming space for the residents to build stronger community connections and foster a friendly neighbourhood spirit. Therefore, we would encourage the Council to invest additional benches, table, shelter, bbq, recreation equipment and plants.

Name	Address	Signature
Annette Purdey	10 Resolute Cres Hallett Cove SA 5188	Annette L. Purdey
Laurie Davis	7 SOVEREIGN ST. Hallett Cove SA 5188	L. Davis
Nancy Davis	7 Sovereign St Hallett Cove	Nancy Davis
Mitchell Moulds	1 SOVEREIGN STREET Hallett Cove	M. Moulds
Barbara Moulds	1 SOVEREIGN STREET HALLETT COVE	B. Moulds
James Moulds	15 Carlisle Ct Hallett Cove	J. Moulds
Kathy Moulds	15 Carlisle Ct Hallett Cove	K. Moulds

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Office Use Only:
Date Petition Received:

30/1/17

CITY OF MARION

PETITION

TO HIS WORSHIP THE MAYOR AND COUNCILLORS OF THE CITY OF MARION

Petition Contact Person: Terri Mayr
 Telephone Number: 0413994690
 Address: 1 Resolute Cres
Hallett Cove
 Date Petition Initiated: 11/1/17

The petition of *(identify the individuals or group, eg residents of the City of Marion)*
 Residents of the City of Marion who are committed to Resolute Crescent Reserve as an intergral
 part of their local community.

draws the attention of the Council *(identify the circumstances of the case)*

To the proposed removal of play equipment in Resolute Crescent Reserve as per the Review of Play
 space strategy REF GC 270916R07

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

Reconsider the decision and treat this particular playspace as falling outside the general policy because of the essential
 local community value. We would like to keep our area kids, families and aged people friendly. We would like the Council
 to maintain the Reserve kids safe and accessible to people with mobility issues. In addition, we would like the park to
 become a welcoming space for the residents to build stronger community connections and foster a friendly neighbourhood
 spirit. Therefore, we would encourage the Council to invest additional benches, table, shelter, bbq, recreation equipment
 and plants.

Name	Address	Signature
Steph Wilson	2 Apollo Drive	[Signature]
Michael Wilson	Hallett Cove	[Signature]
Mirjana Zirkovic	17 Resolute Cresc	M. Zirkovic



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 address and signature will be made available in the public realm. The City of Marion will record
 these details for the purpose of this petition only.

**CITY OF MARION
GENERAL COUNCIL MEETING
14 FEBRUARY 2017**

Originating Officer: Deborah Horton, Unit Manager Performance & Improvement

Manager: Jaimie Thwaites, Acting Manager Corporate Governance

General Manager: Vincent Mifsud, General Manager Corporate Services

Subject: Section 270 Review – Removal of Playspace (Resolute Crescent, Hallett Cove)

Report Reference: GC140217R01

REPORT OBJECTIVES

To advise of the status of the internal review panel in reviewing Council's decision to remove the playspace at Resolute Crescent, Hallett Cove satisfying Council's resolution made 13 December 2016 (GC131216R22).

EXECUTIVE SUMMARY:

At its meeting of 27 September 2016 (GC270916R07), Council resolved to remove a number of playspaces across the Council including the playspace at Resolute Crescent, Hallett Cove.

A formal grievance and a request to review the decision was received by administration on 5 December 2016. At its meeting on 13 December 2016 (GC131216R22), Council adopted the option of an internal review panel to undertake a Section 270 Review and that the matter be reported back to the Council at its meeting of 14 February 2017.

An internal review panel was formed on 9 January 2017 with three members and an administrative support person. The panel has met to-date on two occasions, reviewed various documents and met with key staff however further time is required to conclude the review and its resulting report.

The panel anticipates that a preliminary report with findings and recommendations will be presented to Council at its meeting scheduled for 28 February 2017.

RECOMMENDATIONS

DUE DATES

That Council:

- | | |
|--|--------------------|
| 1. Note this update report. | 14 Feb 2017 |
| 2. A preliminary report entitled " <i>Section 270 Review – Removal of Playspace (Resolute Crescent, Hallett Cove)</i> " be presented to Council on 28 February 2017. | 28 Feb 2017 |

**CITY OF MARION
GENERAL COUNCIL MEETING
14 FEBRUARY 2017**

Originating Officer: Jaimie Thwaites, Acting Manager Corporate Governance

General Manager: Vincent Mifsud, General Manager Corporate Services

Subject: Update to the Schedule of Delegations – Local Nuisance and Litter Control Act 2016

Reference No: GC140217R02

REPORT OBJECTIVE AND EXECUTIVE SUMMARY:

The Local Government Act 1999 and other Acts provide that Council may delegate a power or function vested or conferred by legislation. The Act also provides that the Chief Executive Officer may delegate (or sub-delegate) a power or function that has been vested or conferred on him/her. Council is required to keep a separate record of its delegations and sub-delegations.

The Local Nuisance and Litter Control Act 2016 (the Act) was assented to in May 2016 and will commence in a staged approach from 1 February 2017.

Updates to the Schedule of Delegations are recommended due to this new legislation and subsequent changes to the Local Government Association delegation templates.

This report provides details of new delegations for the Local Nuisance and Litter Control Act 2016 and seeks Council's adoption of these delegations.

RECOMMENDATIONS:

DUE DATES

That the Council:

- | | |
|--|------------------------|
| <p>1. In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the following Acts and specified in the proposed Instruments of Delegation contained in Appendix 1 are hereby delegated this 14th day of February 2017 to the person occupying the office of Chief Executive Officer, subject to the conditions and or limitations specified herein, or in the Schedule of Conditions in each such proposed Instrument of Delegation.</p> <p style="padding-left: 40px;">i. Local Nuisance and Litter Control Act 2016 (Appendix 1).</p> | <p>Feb 2017</p> |
| <p>2. Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the Local Government Act 1999 as the Chief Executive Officer sees fit, unless otherwise indicated herein, or in the Schedule of Conditions contained in each such proposed Instrument of Delegation.</p> | <p>Feb 2017</p> |

BACKGROUND:

Councils have certain duties which they must perform, and certain powers which they may exercise, pursuant to the Local Government Act 1999 as well as a range of other Acts. In most cases, the relevant Acts grant those obligations and powers directly on the Council as a body.

It is not practical or efficient for the Council as a body of elected members to perform the many functions or undertake the many activities that are required in the day-to-day administration of the Council's roles and functions. Delegations are the way in which the Council enables other people/bodies (usually Council officers) to undertake these steps on its behalf.

Therefore, it is necessary for Council to take formal steps to delegate to such people/bodies the authority and power to make decisions, perform functions or undertake activities on behalf of the Council.

As a matter of best practice, it is usual for delegations to be made by the Council to the Chief Executive Officer. Once the delegations to the Chief Executive Officer have been made, the Chief Executive Officer may then make sub-delegations to relevant Council officers (or such other bodies as are allowable, such as committees in some cases).

Section 44 of the *Local Government Act 1999* provides the framework within which delegations may be made including the identification of a number of areas that cannot be delegated.

DISCUSSION:

The objective of the *Local Nuisance and Litter Control Act 2016* is to assist in resolving local nuisance complaints through councils. There is also a strong focus with the Act on managing littering and illegal dumping. The Act confers a significant role on councils to implement the legislation.

The Act will be formally introduced in a staged approach. The littering elements of the legislation, which includes public litter reporting, will come into effect on 1 February 2017. The local nuisance provisions will be effective from 1 July 2017.

Delegation is required to enable the administration to carry out the functions and activities outlined in the legislation.

Attached to this report as Appendix 1 is a section of the *Local Nuisance and Litter Control Act 2016* pertaining to the City of Marion Schedule of Delegations. This has been included on the basis of recent legislative changes that have occurred and amendments made to the delegation templates on the Local Government Association's secure website.

CONCLUSION:

Delegation updates ensures Council's compliance with legislation and the effective administration of Council's powers, functions and duties.

Updating the schedule of delegations, particularly in relation to legislative changes, is essential to ensure that the Council continues to act *intra vires*.

APPENDIX 1

**INSTRUMENT OF DELEGATION UNDER THE
LOCAL NUISANCE AND LITTER CONTROL ACT 2016**

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

	Sub-Delegation
1. Authorised Officers	
1.1 The power pursuant to Section 12(3) of the Local Nuisance and Litter Control Act 2016 (the Act), to appoint:	
1.1.1 specified officers or employees of the Council; or	
1.1.2 a specified class of officers or employees of the Council,	
to be authorised officers for the purposes of the Act.	
1.2 The power pursuant to Section 12(4) of the Act to make an appointment subject to conditions specified in the instrument of appointment.	
1.3 The power pursuant to Section 12(6) of the Act to, at any time, revoke an appointment, or vary or revoke a condition specified in the instrument of an appointment or impose a further such condition.	
2. Identity Cards	
2.1 The duty pursuant to Section 13(2) of the Act where the Minister has not designated a card issued by the Council to an authorised officer appointed by the Council as an identity card for the purposes of the Act, to issue an authorised	

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**INSTRUMENT OF DELEGATION UNDER
THE LOCAL NUISANCE AND LITTER CONTROL ACT 2016**

	officer appointed under the Act, with an identity card in a form approved by the Minister:	
2.1.1	containing the person's name and a recent photograph of the person; and	
2.1.2	stating that the person is an authorised officer for the purposes of the Act; and	
2.1.3	specifying the name of the Council.	
2.2	The duty pursuant to Section 13(3) of the Act to issue an identity card as soon as is reasonably practicable after the appointment is made.	
3.	Limit of Area of Authorised Officers Appointed by Councils	
3.1	The power pursuant to Section 15(a) of the Act to agree in writing to an authorised officer appointed by another council exercising powers under the Act in the Council's area.	
4.	Provisions Relating to Seizure	
4.1	The duty pursuant to Section 16(1)(a) of the Act if a substance, material or thing has been seized under Division 3 of the Act, to hold the substance, material or thing seized pending proceedings for an offence against the Act.	
4.2	The power pursuant to Section 16(1)(a) of the Act, on application, authorise the release of the substance, material or thing seized to the person from whom it was seized, or to any person who had legal title to it at the time of its seizure, subject to such conditions as the delegate thinks fit.	
4.3	The power pursuant to Section 16(1)(e) of the Act if a person is, under section 16 of the Act, entitled to recover any substance, material or thing, to request the person do so.	
4.4	The power pursuant to Section 16(1)(f) of the Act to direct that any substance, material or thing forfeited under Section 16 of the Act be disposed of.	
5.	Exemptions from Application of Section 18	
5.1	The power pursuant to Section 19(1) of the Act to declare by notice in writing in accordance with Section 19 of the Act that a person is exempt from the application of Section 18 of	

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**INSTRUMENT OF DELEGATION UNDER
THE LOCAL NUISANCE AND LITTER CONTROL ACT 2016**

	the Act in respect of a specified activity to be carried on in the Council's area.	
5.2	The power pursuant to Section 19(2) of the Act to require an application for a declaration under Section 19 of the Act made to the Council to be accompanied by any other information in connection with the application that the delegate may require.	
5.3	The duty pursuant to Section 19(3) of the Act to not make a declaration under Section 19 of the Act unless the delegate is satisfied that:	
5.3.1	there are exceptional circumstances that justify the making of the declaration; and	
5.3.2	the applicant's nuisance management plan adequately sets out the measures that the person will take to prevent, minimise or address any anticipated adverse effects from the specified activity on the amenity value of the area concerned.	
5.4	The power pursuant to Section 19(4) of the Act to make a declaration unconditional or subject to conditions, including (but not limited to) conditions relating to:	
5.4.1	the permitted times or periods of time for carrying on the activity; or	
5.4.2	the manner of carrying on the activity.	
5.5	The power pursuant to Section 19(5) of the Act to, by further notice in writing, vary or revoke a declaration under Section 19 of the Act.	
5.6	The:	
5.6.1	power pursuant to Section 19(7) of the Act to determine the website for publishing a declaration made under Section 19 of the Act and any variations of the declaration; and	
5.6.2	duty pursuant to Section 19(7) of the Act to publish a declaration made under Section 19 of the Act and any variations of the declaration, on a website determined by the Council or the delegate.	

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**INSTRUMENT OF DELEGATION UNDER
THE LOCAL NUISANCE AND LITTER CONTROL ACT 2016**

6. Disposing of Litter	
6.1 The power pursuant to Section 22(3)(a)(i) of the Act to provide a bin or other receptacle in the Council's area for the disposal of litter.	
6.2 The power pursuant to Section 22(3)(a)(ii) of the Act to approve or authorise the manner of the disposal of litter in the Council's area.	
7. Liability of Vehicle Owners	
7.1 The duty pursuant to Section 26(3) of the Act, to accompany an expiation notice or expiation reminder notice given under the Expiation of Offences Act 1996 to the owner of a vehicle for an alleged offence against Section 26 of the Act involving the vehicle with a notice inviting the owner, if he or she was not the alleged principal offender, to provide the Council or officer specified in the notice, within the period specified in the notice, with a statutory declaration:	
7.1.1 setting out the name and address of the person who the owner believes to have been the alleged principal offender; or	
7.1.2 if he or she had transferred ownership of the vehicle to another prior to the time of the alleged principal offence and has complied with the Motor Vehicles Act 1959 or the Harbors and Navigation Act 1993 (as the case may require) in respect of the transfer – setting out details of the transfer (including the name and address of the transferee).	
7.2 The power pursuant to Section 26(4) of the Act, to bring a prosecution for an offence against Section 26 of the Act against one of the owners or against some or all of the owners jointly as co-defendants.	
7.3 The duty pursuant to Section 26(5) of the Act, before proceedings are commenced against the owner of a vehicle for an offence against Section 26 of the Act to send the owner a notice:	
7.3.1 setting out particulars of the alleged principal offence; and	
7.3.2 inviting the owner, if he or she was not the alleged principal offender or the owner of the vehicle at the	

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**INSTRUMENT OF DELEGATION UNDER
THE LOCAL NUISANCE AND LITTER CONTROL ACT 2016**

	time of the alleged principal offence, to provide the Council, within 21 days of the date of the notice, with a statutory declaration setting out any matters referred to in subsection 3(a)(and (b).	
7.4	The duty pursuant to Section 26(9) of the Act, if:	
7.4.1	an expiation notice is given to a person named as the alleged principal offender in a statutory declaration under Section 26, or	
7.4.2	proceedings are commenced against such a person,	
	to accompany the notice or summons, as the case may be, with a notice setting out particulars of the statutory declaration that named the person as the alleged principal offender.	
7.5	The duty pursuant to Section 26(10) of the Act to not include in the particulars of the statutory declaration provided to the alleged principal offender the address of the person who provided the statutory declaration.	
8.	Notification of EPA of Serious or Material Environmental Harm	
8.1	The duty pursuant to Section 29 of the Act, if the delegate has reason to believe that an offence committed under Sections 18 or 22 of the Act has, or may have, resulted in material environmental harm, or serious environmental harm, within the meaning of the Environment Protection Act 1993, to, as soon as practicable, notify the Environment Protection Authority of that belief.	
9.	Nuisance and Litter Abatement Notices	
9.1	The power pursuant to Section 30(1)(a) of the Act to issue a nuisance abatement notice for or in connection with securing compliance with Part 4 Division 1 of the Act.	
9.2	The power pursuant to Section 30(1)(b) of the Act to issue a litter abatement notice for or in connection with securing compliance with Part 4 Division 2 of the Act.	
9.3	The:	

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**INSTRUMENT OF DELEGATION UNDER
THE LOCAL NUISANCE AND LITTER CONTROL ACT 2016**

9.3.1	duty pursuant to Section 30(2) of the Act in relation to a notice under Section 30 of the Act to ensure it:	
9.3.1.1	is in the form of a written notice served on the person to whom it is issued; and	
9.3.1.2	specifies the person to whom it is issued (by name or by a description sufficient to identify the person); and	
9.3.1.3	specifies the purpose for which it is issued; and	
9.3.2	power pursuant to Section 30(2) of the Act, in relation to a notice under Section 30 of the Act, to:	
9.3.2.1	direct two or more persons to do something specified in the notice jointly; and	
9.3.2.2	impose a requirement that the person do one or more of the following:	
(a)	discontinue, or not commence, a specified activity indefinitely or for a specified period or until further notice;	
(b)	not carry on a specified activity except at specified times or subject to specified conditions;	
(c)	take specified samples or conduct specified tests, examinations, monitoring or analyses at specified times or intervals or for a specified period or until further notice;	
(d)	furnish to the Council specified results or reports within a specified period;	
(e)	clean up litter that the Council or delegate considers to have been caused by a contravention of this Act;	

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**INSTRUMENT OF DELEGATION UNDER
THE LOCAL NUISANCE AND LITTER CONTROL ACT 2016**

(f)	make good any damage to property that the Council or delegate considers to have been caused by a contravention of this Act;	
(g)	prepare, in accordance with specified requirements and to the satisfaction of the Council or delegate, a plan of action for the purposes of securing compliance with any requirement of the Act or preventing any future contravention of the Act;	
(h)	take such other specified action in a specified way, and within a specified period or at specified times or in specified circumstances; and	
(i)	in the case of a litter abatement notice, impose a requirement that the person prepare, in accordance with specified requirements and to the satisfaction of the Council or delegate, a plan of action for the purposes of:	
	A. preventing the escape of litter from business premises; or	
	B. keeping a specified area (not exceeding 100 metres) around business premises free from litter; and	
(j)	impose any other requirement prescribed by regulation; and	
(k)	ensure it states that the person may, within 14 days, appeal against the notice to the Environment Resources and Development Court.	

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**INSTRUMENT OF DELEGATION UNDER
THE LOCAL NUISANCE AND LITTER CONTROL ACT 2016**

9.4	The power pursuant to Section 30(3) of the Act to issue a notice under Section 30 of the Act jointly with one or more other councils to prevent the person contravening a provision of the Act in those council areas.	
9.5	The power pursuant to Section 30(4) of the Act to issue a notice under Section 30 of the Act that relates to an activity or conditions on premises to:	
9.5.1	the owner or occupier of the premises; or	
9.5.2	a person who has the management or control of the premises; or	
9.5.3	a person who is the trustee of a person referred to in paragraph (a) or (b) or Section 30(4) of the Act, or is managing the affairs of such a person on some other basis.	
9.6	The duty pursuant to Section 30(6) of the Act, if an emergency notice issued orally, to advise forthwith the person to whom the notice is issued of the person's right to appeal against the notice to the Environment, Resources and Development court.	
9.7	The power pursuant to Section 30(8) of the Act, to, by written notice served on a person to whom a notice under section 30 of the Act has been issued by the Council, vary or revoke the notice.	
10.	Action on Non-compliance with Notice	
10.1	The power pursuant to Section 31 of the Act, if the requirements of a nuisance abatement notice or litter abatement notice issued by Council are not complied with, to take any action required by the notice.	
10.2	The power pursuant to Section 31(2) of the Act to authorise a person to take action under section 31(1) of the Act on behalf of the Council.	
10.3	The duty pursuant to Section 30(3) of the Act, if the delegate authorises a person to take action under section 31(2) of the Act to issue the person with an instrument of authority.	
10.4	The power pursuant to Section 31(5) of the Act to recover the reasonable costs and expenses incurred by the Council	

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**INSTRUMENT OF DELEGATION UNDER
THE LOCAL NUISANCE AND LITTER CONTROL ACT 2016**

	in taking action under Section 31 of the Act as a debt from the person who failed to comply with the requirements of the notice.	
10.5	The power pursuant to Section 31(6) of the Act, if an amount is recoverable from a person under Section 31 of the Act, to by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person, and, if the amount is not paid by the person within that period, the person is liable to pay interest charged at the prescribed rate per annum on the amount unpaid.	
11.	Civil Remedies	
11.1	The power pursuant to Sections 33(1) and (6) of the Act to apply to the Environment, Resources and Development court for one or more of the following orders:	
11.1.1	if a person has engaged, is engaging or is proposing to engage in conduct in contravention of the Act – an order restraining the person from engaging in the conduct and, if the court considers it appropriate to do so, requiring the person to take any specified action;	
11.1.2	if a person has refused or failed, is refusing or failing or is proposing to refuse or fail to take any action required by the Act – an order requiring the person to take that action;	
11.1.3	if a person has caused damage to property by a contravention of the Act – an order requiring the person to take specified action to make good the damage and, if appropriate, to take specified action to prevent or mitigate further damage;	
11.1.4	if the Council has incurred costs or expenses in taking action to prevent or mitigate damage caused by a contravention of the Act, or to make good resulting damage – an order against the person who committed the contravention for payment of the reasonable costs and expenses incurred in taking that action;	
11.1.5	if the Council has suffered injury or loss or damage to property as a result of a contravention of the Act, or incurred costs and expenses in taking action to	

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**INSTRUMENT OF DELEGATION UNDER
THE LOCAL NUISANCE AND LITTER CONTROL ACT 2016**

	prevent or mitigate such injury, loss or damage – an order against the person who committed the contravention for payment of compensation for the injury, loss or damage, or for payment of the reasonable costs and expenses incurred in taking that action;	
11.1.6	if the court considers it appropriate to do so, an order against a person who has contravened the Act for payment to the Council.	
11.2	The power pursuant to Section 33(6) of the Act to make an application under Section 33 of the Act.	
11.3	The power pursuant to Section 33(8) of the Act to serve a copy of the application on the Minister within three days after filing the application with the court.	
11.4	The power pursuant to Section 33(9) of the Act to apply to the court for the Council to be joined as a party to the proceedings.	
11.5	The power pursuant to Section 33(10) of the Act to make an application under Section 33 of the Act in a representative capacity (provided the consent of all persons on whose behalf the application is made is obtained).	
11.6	The power pursuant to Section 33(11) of the Act to make an application without notice to any person.	
11.7	The power pursuant to Section 33(14) of the Act to apply for an interim order without notice to any person.	
11.8	The power pursuant to Section 33(19) of the Act to apply to the court to vary or revoke an order previously made under Section 33 of the Act.	

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**INSTRUMENT OF DELEGATION UNDER
THE LOCAL NUISANCE AND LITTER CONTROL ACT 2016**

<p>12. Minister or Council May Recover Civil Penalty in Respect of Contravention</p>	
<p>12.1 The power pursuant to Section 34(1) of the Act, subject to Section 34 of the Act, if the delegate is satisfied that a person has committed an offence by contravening a provision of the Act, to, as an alternative to criminal proceedings, recover, by negotiation or by application to the Environment, Resources and Development court an amount as a civil penalty in respect of the contravention.</p>	
<p>12.2 The duty pursuant to Section 34(2) of the Act to not recover an amount under Section 34 of the Act, in respect of a contravention if the relevant offence requires proof of intention or some other state of mind, and to, in respect of any other contravention, determine whether to initiate proceedings for an offence or take action under Section 34 of the Act, having regard to the seriousness of the contravention, the previous record of the offender and any other relevant factors.</p>	
<p>12.3 The duty pursuant to Section 34(3) of the Act to not make an application to the court under Section 34 of the Act to recover an amount from a person as a civil penalty in respect of a contravention:</p>	
<p>12.3.1 unless the Council or the delegate has served on the person a notice in the prescribed form advising the person that the person may, by written notice to the Council, elect to be prosecuted for the contravention and the person has been allowed not less than 21 days after service of the notice to make such an election; or</p>	
<p>12.3.2 if the person serves written notice on the Council, before the making of such an application, that the person elects to be prosecuted for the contravention.</p>	
<p>12.4 The power pursuant to Section 34(4) of the Act to recover by negotiation as a civil penalty in respect of a contravention a maximum amount being the sum of the amount specified by the Act as the criminal penalty in relation to that contravention and the amount of any economic benefit acquired by the person, or accrued or accruing to the person, as a result of the contravention.</p>	

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**INSTRUMENT OF DELEGATION UNDER
THE LOCAL NUISANCE AND LITTER CONTROL ACT 2016**

12.5	The power pursuant to Section 34(5) of the Act to apply to the Environment, Resources and Development court for an order the person pay to the Council an amount as a civil penalty (but not exceeding the sum of the amount specified by the Act as the criminal penalty in relation to that contravention and the amount of any economic benefit acquired by the person, or accrued or accruing to the person, as a result of the contravention).	
12.6	The power pursuant to Section 34(8) of the Act, if conduct of a person constitutes a contravention of two or more provisions of the Act, to recover an amount from the person under Section 34 of the Act in relation to the contravention of one or more of those provisions (provided that the person is not liable to pay more than one amount as a civil penalty in respect of the same conduct).	
12.7	The power pursuant to Section 34(13) of the Act to apply to the Attorney-General for authorisation to commence proceedings for an order under Section 34 of the Act more than three years and within 10 years after the date of the alleged contravention.	
13.	Statutory Declaration	
13.1	The power pursuant to Section 40 of the Act if a person is required by or under the Act to provide information to the Council, to require that the information be verified by statutory declaration and, in that event, the person will not be taken to have provided the information as required unless it has been so verified.	
14.	Orders in Respect of Contraventions	
14.1	The power pursuant to Section 45(1) of the Act, if, in proceedings under the Act, the court finds that the defendant contravened the Act and the contravention has resulted in injury to the Council or loss or damage to property, to apply to the court, in addition to any penalty it may impose, one or more of the following:	
14.1.1	an order the person to take specified action to make good any damage and, if appropriate, to take specified action to prevent or mitigate further damage;	

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**INSTRUMENT OF DELEGATION UNDER
THE LOCAL NUISANCE AND LITTER CONTROL ACT 2016**

14.1.2	an order the person to take specified action to publicise the contravention and its consequences and any other orders made against the person;	
14.1.3	an order the person pay to the Council if the Council has incurred costs or expenses in taking action to prevent or mitigate or make good any damage (including, in the case of litter, taking action to remove or clean up, and lawfully dispose of the litter);	
	the reasonable costs and expenses so incurred, or compensation for the injury, loss or damage so suffered, as the case may be, in such a manner as is determined by the Court.	
14.2	The power pursuant to Section 45(2) of the Act if a person is found by a court to have contravened the Act, to apply to the court, for, in addition to any penalty it may impose, an order the person to pay to the Council an amount not exceeding the court's estimation of the amount of the economic benefit acquired by the person, or accrued or accruing to the person, as a result of the contravention.	
14.3	The power pursuant to Section 45(5) of the Act to apply to the court for an order under Section 45 of the Act, fixing a period for compliance and imposing any other requirements the court considers necessary or expedient for enforcement of the order.	
15.	Recovery of Administrative and Technical Costs Associated with Contraventions	
15.1	The power pursuant to Section 48(1) of the Act, if a person has contravened this Act and the Council:	
	15.1.1 has taken action to:	
	15.1.1.1 investigate the contravention; or	
	15.1.1.2 issue a nuisance abatement notice or litter abatement notice in respect of the contravention; or	
	15.1.1.3 ensure that the person has complied with requirements imposed in relation to the contravention by a nuisance abatement	

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**INSTRUMENT OF DELEGATION UNDER
THE LOCAL NUISANCE AND LITTER CONTROL ACT 2016**

	notice or litter abatement notice or by an order of a court under the Act; or	
15.1.2	has, in taking such action, incurred costs and expenses in taking samples or in conducting tests, examinations, monitoring or analyses,	
	to, by notice in writing served on the person, require the person to pay to the Council the reasonable costs and expenses incurred by the Council in taking such action.	
15.2	The power pursuant to Section 48(2) of the Act to specify in the notice the period within which an amount payable to the Council in accordance with a notice under Section 48 of the Act must be paid.	
15.3	The power pursuant to Section 48(3) of the Act, on application by a person who has been served a notice under Section 48 of the Act to, by notice in writing:	
15.3.1	extend the time for payment of an amount payable in accordance with the notice; or	
15.3.2	waive payment of such an amount or reduce the amount payable.	
15.4	The power pursuant to Section 48(6) of the Act, if an amount payable to the Council is not paid in accordance with Section 48 of the Act to recover the amount as a debt.	
16.	Assessment of Reasonable Costs and Expenses	
16.1	The duty pursuant to Section 49 of the Act, to for the purposes of the Act, assess the reasonable costs and expenses that have been or would be incurred by the Council or some other person or body in taking any action by reference to the reasonable costs and expenses that would have been or would be incurred in having the action taken by independent contractors engaged for that purpose.	
17.	Evidentiary Provisions	
17.1	The power pursuant to Section 50(4) of the Act to execute a certificate certifying as to the matter relating to:	
17.1.1	the appointment or non-appointment of a person as an authorised officer under the Act; or	

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**INSTRUMENT OF DELEGATION UNDER
THE LOCAL NUISANCE AND LITTER CONTROL ACT 2016**

17.1.2	a delegation or authority under the Act; or	
17.1.3	a notice, requirement or direction of the Council or an authorised officer under the Act; or	
17.1.4	the receipt or non-receipt by the Council or an authorised officer of a notification, report or information given or required to be given or furnished to the Council or authorised officer under the Act.	
17.2	The power pursuant to Section 50(5) of the act to execute a certificate detailing the costs and expenses incurred by the Council and the purpose for which they were incurred.	

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**INSTRUMENT OF DELEGATION UNDER
THE LOCAL NUISANCE AND LITTER CONTROL ACT 2016**

SCHEDULE OF CONDITIONS

**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

[Instructions for use: any conditions or limitations which apply to delegations under this Act should be inserted here – DELETE this note once conditions/limitations are entered. If no conditions apply insert 'NIL']

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
Nil	Nil

**CITY OF MARION
GENERAL COUNCIL MEETING
14 FEBRUARY 2017**

Originating Officer: Jaimie Thwaites, Acting Manager Corporate Governance

General Manager: Vincent Mifsud, General Manager Corporate Services

Subject: Constitution (Council Member Contesting Election) Amendment Bill 2016

Report Reference: GC140217R03

REPORT OBJECTIVE:

To inform Council of the draft *Constitution (Council Member Contesting Election) Amendment Bill 2016* (the Bill) proposing changes to the *Constitution Act 1934* and *Local Government Act 1999* (SA) (the Act) and to seek its views in order to provide feedback to the Local Government Association (the LGA) by **24 February 2017**.

EXECUTIVE SUMMARY:

The LGA is seeking feedback (via Circular 50.1) on a Bill proposed by Hon Tung Ngo MLC, that would amend the SA Constitution to require council members to take leave of absence if standing for election to the state parliament. The Bill also amends the Local Government Act to require councils to provide leave of absence to council members who are candidates in a state election. A copy of the correspondence from Hon Tung Ngo MLC (including a copy of the Bill) is attached at Appendix 1.

Currently there is no requirement for candidates in a State or Federal Election to step down from their position as Mayor or Elected Member. However, some individual Members at different Councils have chosen to take this approach in the past.

At the General Council meeting on 25 February 2014 Council resolved to submit the following motion to the Local Government Association for consideration at the Local Government Association General Meeting to be held on Friday 11 April 2014:

'Supports Mayor Bria from Norwood Payneham St Peters Council, in his position that Elected Member candidates in a State or Federal election, step down from their position as an Elected Member from when the writs are issued to the date of the election.' (Report Reference: GC250214R06)

The Bill proposed by the Hon Tung Ngo MLC is consistent with the motion submitted to the LGA in 2014 and therefore it is recommended that the LGA be advised that the City of Marion is supportive of the draft *Constitution (Council Member Contesting Election) Amendment Bill 2016* proposed by Hon Tung Ngo MLC.

RECOMMENDATION:**DUE DATE****That Council:**

- | | |
|---|--------------------|
| <ol style="list-style-type: none"> 1. Advise the Local Government Association that the City of Marion is supportive of the draft <i>Constitution (Council Member Contesting Election) Amendment Bill 2016</i> proposed by Hon Tung Ngo MLC. | 23 Feb 2017 |
|---|--------------------|



Tung Ngo MLC

Member of State Parliament



Parliament House, North Terrace, Adelaide SA 5000 | Tel: 8237 9276 | Email: tung.mlc@parliament.sa.gov.au

Tuesday 6th December 2016

Mr Matt Pinnegar
Chief Executive Officer
Local Government Association
148 Frome Street
ADELAIDE SA 5000



Dear Mr Pinnegar,

Constitution (Council Member Contesting Election) Amendment Bill 2016

I write to consult with you on the above Bill which I am seeking to introduce into parliament early next year. I have enclosed a copy of the Bill for your perusal.

This Bill seeks to address the current uncertainty that surrounds the requirements of a Councillor's/Mayor's duties whilst acting as a candidate for a State Election.

Currently there are no laws that dictate that a Councillor/Mayor must take leave of absence during an official State Election period if serving as a candidate at that particular election.

My Bill will implement this practice by amending the Constitution Act, whilst ensuring that individual Council's must grant such requests for Leave of Absence in accordance with my amendment to the Local Government Act.

I believe these legislative changes appropriately deal with the current confusion that exists where some Councillors/Mayors have decided to take Leave of Absence of their own volition, whilst others have refused to do so.

I look forward to your feedback on this Bill and hope to work with you in the future on initiatives that can be implemented to further improve local government in South Australia

Yours sincerely,

Hon Tung Ngo MLC
Member of the Legislative Council

enc

Draft for the Hon Tung Ngo MLC
24.11.2016 (1)

South Australia

**Constitution (Council Member Contesting
Election) Amendment Bill 2016**

A BILL FOR

An Act to amend the *Constitution Act 1934* and to make a related amendment to the *Local Government Act 1999*.

Contents

Part 1—Preliminary

- 1 Short title
- 2 Amendment provisions

Part 2—Amendment of *Constitution Act 1934*

- 3 Insertion of section 45A
45A Council member contesting election

Schedule 1—Related amendment to *Local Government Act 1999*

- 1 Insertion of section 55A
55A Leave of absence to contest State election
-

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

5 This Act may be cited as the *Constitution (Council Member Contesting Election) Amendment Act 2016*.

2—Amendment provisions

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

Part 2—Amendment of *Constitution Act 1934*

3—Insertion of section 45A

After section 45 insert:

45A—Council member contesting election

5 If a person holding office as a member of a council (within the
 meaning of the *Local Government Act 1999*) stands as a candidate
 for election as a member of Parliament, the person cannot be elected
 10 unless the person takes leave of absence from the office of member
 of the council from the date on which nominations for the election
 close until the date of the declaration of the poll.

Drafting note—

15 Section 44(iv) of the Commonwealth Constitution provides for the disqualification of a person who
 holds "any office of profit under the Crown" from being chosen as a Senator or Member of the
 House of Representatives. As discussed, in my view, a State law that purported to provide for a
 different criteria for disqualification from candidacy for the Commonwealth Parliament would be
 likely to be held to be inconsistent with the Commonwealth Constitution. Accordingly, this Bill
 only deals with council members standing as candidates for State Parliament.

Schedule 1—Related amendment to *Local Government Act 1999*

1—Insertion of section 55A

20 After section 55 insert:

55A—Leave of absence to contest State election

A council must grant a member of the council leave of absence to
 stand as a candidate for election as a member of Parliament in
 accordance with section 45A of the *Constitution Act 1934*.

**CITY OF MARION
GENERAL COUNCIL MEETING
14 FEBRUARY 2017**

Originating Officer: Heath Harding, Management Accountant
Corporate Manager: Ray Barnwell, Manager Finance
General Manager: Vincent Mifsud, General Manager Corporate Services
Subject: 2nd Budget Review 2016/17
Report Reference: GC140217R04

REPORT OBJECTIVE AND EXECUTIVE SUMMARY

The purpose of this report is to provide the financial results for the 2nd Budget Review for 2016/17. 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.

Cash Position

The completion of the 2nd Budget Review has identified a favourable Cash adjustment of **\$1.505m**. This when added to the 1st Review Cash Surplus of \$0.328m brings the full year forecast Cash Surplus to \$1.833m (refer Appendix 1 Budgeted Funding Statement – “Movement in levels of Cash/Accruals”). This budget review’s favourable adjustment is attributable to the following adjustments from the 1st Budget Review of 2016/17;

- Investment Income	\$0.200m (F)
- Labour Budget Temporary Vacant Positions	\$0.481m (F)
- Waste Collection	\$0.100m (F)
- Open Space Water Charges	\$0.550m (F)
- Fleet Operation - Revised fuel costs	\$0.124m (F)
- Community Capacity Building - Program Alignment	\$0.114m (F)
- Corporate Learning & Development	\$0.095m (F)
- Council Solutions Optimisation Review	(\$0.083m) (U)
- Other various net adjustments	<u>(\$0.076m) (U)</u>
Net favourable Cash adjustments	<u>\$1.505m (F)</u>

Operating

The 2nd Budget Review forecasts a full year Operating Surplus for 2016/17 of \$6.611m (7.68%), an increase of \$1.400m from the 1st Budget Review surplus of \$5.211m (6.11%). This increase is mainly attributed to the favourable cash adjustments as noted above as adjusted for the following items;

1st Review Operating Surplus - (6.1%)	\$5.211m
Add: - Net favourable cash adjustments as noted above	\$1.505m (F)
- Reclassification Bus Shelter Works (Operating to Capital)	\$0.099m (F)
Less: - Reclassification of Glandore Laneways expenditure (Capital to Operating)	(\$0.209m) (U)
- Depreciation Increase	(\$0.106m) (U)
Add: - Other various minor adjustments	<u>\$0.111m (F)</u>
2nd Review Operating Surplus - (7.7%)	<u>\$6.611m</u>

The 2nd Budget Review operating budget surplus of \$6.611m (7.7%) currently exceeds the target set in the Annual Business Plan and Budget of \$0 - \$4.303m (0 – 5%).

Sale of the Hallett Cove Library

The net proceeds received from the sale of the Hallett Cove Library (\$1.560m) will be accounted for as part of the 2nd Budget review. It is recommended that Council quarantine these funds in the Asset Sustainability Reserve to fund its long term Asset Management objectives.

RECOMMENDATIONS:

DUE DATES

That Council:

- | | |
|---|-------------------------|
| <ol style="list-style-type: none"> 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. | 14 February 2017 |
| <ol style="list-style-type: none"> 2. Approves the transfer of the net proceeds from the sale of the Hallett Cove Library (\$1.560m) to the Asset Sustainability Reserve and the funds be quarantined to assist Council fund its long term Asset Management objectives. | 14 February 2017 |

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 2016/17 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 2016/17 budget, this being:

- Support the achievement of the City of Marion's Strategic Directions;
- Address issues arising from internal audit reviews and assessments;
- Maintains an operating surplus ratio of between 0-5% 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 approves 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:

Cash Result

The 2nd Budget Review forecasts a favourable Cash adjustment of **\$1.505m**. This when added to the 1st Review Cash Surplus of \$0.328m brings the full year forecast Cash Surplus to \$1.833m.

1 st Review Cash Surplus/(Deficit)	\$0.328m
2 nd Budget Review Adjustments - Favourable	<u>\$1.505m</u>
2 nd Review Cash Surplus/(Deficit)	<u>\$1.833m</u>

The cash 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 2nd Budget review is based upon actual results to the end of December 2016 and forecast to June 2017. 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 2nd Budget Review forecasts a full year operating budget surplus for 2016/17 of \$6.611m, an increase of \$1.400m from the 1st Budget Review surplus of \$5.211m. This increase is primarily as a result of the favourable cash adjustments identified as part of the 2nd budget review.

The 2nd Budget Review operating budget surplus of \$6.611 (7.7%) currently exceeds the target set in the Annual Business Plan of \$0 - \$4.303m (0 – 5%).

Capital Budget

The 2nd Budget Review forecasts expenditure on capital assets increasing by \$0.182m from \$26.205m to \$26.387m (Renewal \$15.903m, New \$10.484m). The net increase is mainly due to required capital works at Glade Crescent Wetlands Embankment (\$0.325m). As resolved by Council in December 2016 (GC131216R05), these works will be funded from Council's Asset Sustainability Reserve.

The Capital Budget is linked to one of Council's key financial indicators, the Asset Sustainability Ratio, which indicates that Council is slightly below its performance indicator target of 95 – 100% at 92.9%.

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 modest 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 2nd Budget Review forecasts no change in the level of loan funding. Loan principal repayments for 2016/17 remain unchanged.

Reserves

The 2nd Budget Review reports a net increase in Transfers to Reserves of \$1.390m. This increase is primarily due to the following Reserve movements;

Transfers To Reserve:

- Recommended transfer of the net proceeds from the sale of the Hallett Cove Library (\$1.560m) to the Asset Sustainability Reserve (ASR)
- Developer Contributions received – Transferred to the Open Space Reserve (\$0.129m)

Transfers From Reserve:

- Funding allocated from the ASR (GC131216R05) for required capital works at Glade Crescent Wetlands Embankment (\$0.325m)

Below is a detailed breakdown of the funding currently quarantined in the Asset Sustainability Reserve. This breakdown highlights funding allocated as part of the 2016/17 budget and allocations committed not yet spent.

Asset Sustainability Reserve								
Council Report Ref		Major Infrastructure		Walk & Cycling	Energy Efficiency	CFPP	CFPP Major New Projects	Total
		Failure	General					
1-Jul-16	Opening Balance	2,000,000	1,127,064	-	-	2,922,754	4,197,462	10,247,280
Funding allocated as per 2016/17 budget:								
1-Jul-16	SGC120716R02					1,900,000		1,900,000
1-Jul-16	GC080915R03			200,000				200,000
1-Jul-16	GC280715R06				40,000			40,000
Other Funds Quarantined in ASR								
25-Oct-16	GC251016R01		1,769,000					1,769,000
		-	1,769,000	200,000	40,000	1,900,000	-	3,909,000
Allocations committed but not yet spent:								
11-Aug-15	GC110815R01		(15,000)					(15,000)
11-Aug-15	GC110815R01		(293,000)					(293,000)
8-Dec-15	GC081215R05					(8,051)		(8,051)
19-Jan-16	GC190116M02					(30,000)		(30,000)
22-Mar-16	GC220316R11					(45,250)		(45,250)
22-Mar-16	GC220316R13					(38,000)		(38,000)
	GC240516R23/							
24-May-16	GC131216R11					(40,000)		(40,000)
14-Jun-16	GC140616R08					(62,344)		(62,344)
13-Dec-16	GC131216R05		(325,000)					(325,000)
		-	633,000	-	-	(223,645)	0	(856,645)
Unallocated - Fund Availability 31.12.16		2,000,000	2,263,064	200,000	40,000	4,599,109	4,197,462	13,299,635

***Please note the net proceeds from the sale of the Hallett Cove Library of \$1.560m are yet to be transferred and is therefore not included in the above table.**

Investment Income

Investment income is forecast to increase by \$0.200m as a result of larger average cash deposits expected to be held throughout the year.

Employee Costs

Forecast employee costs have decreased by \$0.481m (1.4%) from the 1st Budget Review to \$32.929m. This is primarily due to funding not required for temporarily vacant positions.

Contractual Services

Expenditure on Contractual Services is forecast to increase by \$0.486m to \$17.685m. This increase includes the net reclassification between Capital & Operating (\$0.110m), funding for the demolition of the Round House (GC240117R05)(\$0.079m), funding required for site investigations and community consultation as part of the Optimization of Council Property project (GC240117R03)(\$0.038m), Council Solutions Optimisation Review (\$0.083m) and expenditure on Grant Funded projects (\$0.025m).

Materials

Expenditure on Materials is forecast to decrease by \$0.682m to \$4.625m. This decrease is mainly due to a reduction in forecast Open Space Water expenditure (\$0.550m) and fleet operating fuel costs (\$0.124m).

Corporate KPI – Performance against Council's Adopted Budget

Council's key financial indicators have been updated to reflect adjustments associated with the 2nd Budget Review. Commentary in relation to the indicators is provided in Appendix 1.

CONCLUSION:

The 2nd Budget Review forecasts a favourable Cash adjustment of **\$1.505m**. This when added to the 1st Review Cash Surplus of \$0.328m brings the full year forecast 2016/17 Cash Surplus to \$1.833m.

Appendix 1

Budgeted Funding Statement

The following report details the proposed budget changes for the 2nd Budget Review.

CITY OF MARION			
Budgeted Funding Statement			
	2016/17 1st Review \$000's	2016/17 2nd Review \$000's	Variance \$000's
OPERATING REVENUE			
Rates			
General	70,837	70,837	0
Other - NRM	1,683	1,683	0
Statutory Charges	1,714	1,755	41
User Charges	1,621	1,742	121
Operating Grants and Subsidies	7,497	7,604	107
Investment Income	504	704	200
Reimbursements	645	785	140
Share of Profit SRWRA	324	324	0
Other	414	630	216
	85,239	86,064	825
OPERATING EXPENSES			
Employee Costs	33,410	32,929	(481)
Contractual Services	17,199	17,685	486
Materials	5,307	4,625	(682)
Finance Charges	613	613	0
Depreciation	17,003	17,108	105
Other	6,496	6,493	(3)
	80,028	79,453	(575)
Operating Surplus/(Deficit) before Capital rev's	5,211	6,611	1,400
<i>Add</i>			
(a) Capital Revenue	3,500	3,500	-
<i>Equals</i> Net Surplus/(Deficit) resulting from operations	8,711	10,111	1,400
<i>Add</i> Depreciation	17,003	17,108	105
<i>Less</i> Share of Profit SRWRA	324	324	-
<i>Equals</i> Funding available for Capital Investment exp	25,390	26,895	1,505
Capital			
<i>Less</i> Capital Expenditure - Renewal	16,230	15,903	(327)
<i>Less</i> Capital Expenditure - New	9,975	10,484	509
<i>Less</i> Capital - contributed assets	1,500	1,500	-
<i>add</i> Proceeds from Sale of Surplus Land	-	(1,572)	(1,572)
<i>Equals</i> Net Overall funding Surplus/(Deficit)	(2,315)	580	2,895

CITY OF MARION			
Budgeted Funding Statement			
	2016/17	2016/17	
	1st Review	2nd Review	Variance
	\$000's	\$000's	\$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)	-	-	-
Loan Receipts from Sporting Clubs (Net)	-	-	-
Loan Principal Payments	(1,126)	(1,126)	-
Loan funding (Net)	(1,126)	(1,126)	-

Movement in level of cash & accruals

(b) Cash Surplus/(Deficit) funding requirements	328	1,833	1,505
Reserves Net - Transfer to/(Transfer from)	(3,769)	(2,379)	1,390
Cash/Investments/Accruals Funding	(3,441)	(546)	2,895

Equals **Funding Transactions**

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

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

2,315	(580)	(2,895)
--------------	--------------	----------------

Analysis of Budgeted Funding Statement

This section of the 2nd Budget Review provides an analysis of the movements in the Budgeted Funding Statement (revenues, expenditures, capital, loans and reserves).

The 2nd Budget Review forecasts a cash surplus of \$1.833m, a favourable adjustment of \$1.505m from the 1st Budget Review surplus of \$0.328m.

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 2nd Budget Review 2016/17 and whether the target has been achieved.

Key Financial Indicator	2016/17 2 nd Budget Review	Target	Result 5 Yr Avg
Operating Surplus/(Deficit)	\$6.611m	\$0 - \$4.303m	↑
Operating Surplus Ratio	7.68%	0 - 5%	↑
Net Financial Liabilities	(\$2.45m)	\$0 - \$43.03m	✓
Net Financial Liabilities Ratio	(2.85%)	0 - 50%	✓
Interest Cover Ratio	(0.11%)	0 - 5%	✓
Asset Sustainability Ratio	92.9%	95 - 100%	↓
Asset Consumption Ratio	77.71%	80 - 100%	↓

In most instances the 2nd Budget Review 2016/17 is meeting or exceeding the required targets or is within range of Council meeting its objective of financial sustainability.

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

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

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

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

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

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

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

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

Attachments to Appendix 1

- Attachment 1 – Budgeted Income Statement
- Attachment 2 – Budgeted Statement of Financial Position
- 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	2nd
	2015/16	Review
	\$000's	2016/17
		\$000's
OPERATING REVENUE		
Rates		
General	68,435	70,837
Other	1,562	1,683
Statutory Charges	1,813	1,755
User Charges	1,771	1,742
Operating Grants and Subsidies	6,482	7,604
Investment Income	696	704
Reimbursements	814	785
Net Gain - Equity Accounted Council Businesses	540	324
Other Revenue	515	630
	82,628	86,064
OPERATING EXPENSES		
Employee Costs	31,783	32,929
Contractual Services	16,293	17,685
Materials	4,740	4,625
Finance Charges	700	613
Depreciation	13,634	17,108
Other Expenses	5,594	6,493
Net Loss - Equity Accounted Council Businesses	1	-
	72,745	79,453
Operating Surplus/(Deficit) before Capital Revenues	9,883	6,611
CAPITAL REVENUES		
Capital Grants, Subsidies and Monetary Contributions	540	2,000
Physical resources received free of charge	655	1,500
Gain/(Loss) on disposal of assets	(233)	-
Net Surplus/(Deficit) resulting from Operations	10,845	10,111

ATTACHMENT 2

CITY OF MARION		
Budgeted Statement of Financial Position		
	Actual	2nd
	2015/16	Review
	\$000's	2016/17
		\$000's
<u>CURRENT ASSETS</u>		
Cash & Cash Equivalents	24,471	21,195
Receivables	4,754	3,920
Inventory	176	223
TOTAL CURRENT ASSETS	29,401	25,338
<u>CURRENT LIABILITIES</u>		
Creditors	6,082	7,625
Provisions	5,192	5,140
Loans	1,126	1,197
TOTAL CURRENT LIABILITIES	12,400	13,962
Net Current Assets/(Liabilities)	17,001	11,376
<u>NON-CURRENT ASSETS</u>		
Investment in SRWRA & Council Solutions	5,659	5,983
Infrastrutre, Property, Plant & Equipment	1,113,999	1,128,266
TOTAL NON-CURRENT ASSETS	1,119,658	1,134,249
<u>NON-CURRENT LIABILITIES</u>		
Provisions	744	796
Loans	9,102	7,905
TOTAL NON-CURRENT LIABILITIES	9,846	8,701
NET ASSETS	1,126,813	1,136,924
<u>EQUITY</u>		
Accumulated surplus	369,211	381,701
Reserves	757,602	755,223
TOTAL EQUITY	1,126,813	1,136,924

ATTACHMENT 3

CITY OF MARION		
Budgeted Statement of Changes in Equity		
	Actual	2nd
	2015/16	Review
	\$000's	2016/17
		\$000's
ACCUMULATED SURPLUS		
Balance at beginning of period	360,929	369,211
Net Surplus/(Deficit)	10,845	10,111
Transfers from Reserves	15,522	7,155
Transfers to Reserves	(18,085)	(4,776)
Balance at end of period	369,211	381,701
ASSET REVALUATION RESERVE		
Balance at beginning of period	740,335	735,835
Net change this year	(4,500)	-
Balance at end of period	735,835	735,835
OPEN SPACE RESERVES		
Balance at beginning of period	857	1,014
Net change this year	157	150
Balance at end of period	1,014	1,164
OTHER RESERVES		
Balance at beginning of period	18,347	20,753
Net change this year	2,406	(2,529)
Balance at end of period	20,753	18,224
Total Reserves	757,602	755,223
TOTAL EQUITY	1,126,813	1,136,924

ATTACHMENT 4

CITY OF MARION		
Budgeted Statement of Cash Flows		
	Actual	2nd
	2015/16	Review
	\$000's	2016/17
		\$000's
CASH FLOWS FROM OPERATING ACTIVITIES		
<i>Receipts</i>	85,878	86,805
<i>Payments</i>	(64,969)	(67,639)
NET CASH PROVIDED BY OPERATING ACTIVITIES	20,909	19,166
CASH FLOWS FROM FINANCING ACTIVITIES		
<i>Receipts</i>		
Loans Received	-	-
Proceeds from Bonds & Deposits	21	-
<i>Payments</i>		
Loan Principal	(1,672)	(1,126)
NET CASH (USED IN) FINANCING ACTIVITIES	(1,651)	(1,126)
CASH FLOWS FROM INVESTING ACTIVITIES		
<i>Receipts</i>		
Capital Grants/Subsidies & Contributions/Investments	540	2,000
Sale of Equipment	559	1,572
Distributions form Equity Accounted Investments	-	-
<i>Payments</i>		
Purchase of IPP&E	(18,324)	(24,888)
NET CASH (USED IN) INVESTING ACTIVITIES	(17,225)	(21,316)
NET INCREASE/(DECREASE) IN CASH HELD	2,033	(3,276)
CASH AT BEGINNING OF REPORTING PERIOD	22,438	24,471
CASH AT END OF REPORTING PERIOD	24,471	21,195

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 (03/02/17) expenditure versus full year actuals for 2015/16 relating to expenditure on Consultants of an operating nature:

Legal Consultants

As at 3 February 2017 2nd Budget review

	Full Year Actual 2015/16	Actual YTD 2016/17
Organisational Development <i>(Employment advice)</i>	93,638	13,150
Libraries	1,170	-
Open Space Services	312	25
Environmental Health	13,869	2,326
General Inspection <i>(Dog/Cat & Parking Control)</i>	23,843	11,676
Governance	35,504	17,996
Financial Services	-	1,230
Strategic Projects	16,101	1,428
Asset & Property Management	41,951	6,435
Development Assessment	194,394	135,205
Infra Mgt (Engineering)	2,534	800
Civil Management	750	3,044
	424,066	193,315
Full Year Budget		291,547

Other Consultants (not including legal)

As at 3 February 2nd Budget review

	Actual Full Year 2015/16	Actual YTD 2016/17
Strategic Development	73,594	35,109
Organisational Development	73,665	8,358
Community Development	(a) 326,409	(a) 23,458
Community Centres	383	-
Occupational Health & Safety	250	-
Cultural Development	3,053	540
Commercial Facilities	(b) 86,167	-
Governance	58,093	23,500
City Management	9,925	(c) 100,533
Corporate Development	-	(d) 50,600
Strategic Projects	43,642	16,945
Asset & Property Management	27,610	34,065
Development Assessment	44,371	37,986
Infrastructure Management (Engineering)	107,309	33,092
Civil Services	25,906	2,316
Open Space Services	9,955	(e) 114,570
Depot	335	-
Recruitment	67,344	29,862
	958,011	510,934
Full Year Budget		837,891

(a)	Edwardstown Memorial Master Plan	125,749	-
	Mitchell Park Sports Club Development Concept Plan	185,920	17,375
	Other expenditure	<u>14,740</u>	<u>6,083</u>
		<u>326,409</u>	<u>23,458</u>
(b)	Marion Outdoor Pool Master Plan	86,167	-
(c)	Council Solutions Optimisation Review	-	83,000
	Other expenditure	-	<u>17,533</u>
		-	<u>100,533</u>
(d)	Streetscape Program Design Guide	-	50,000
(e)	Heron Way Reserve Development (stage 4 & 5)	-	30,140
	Open Space Works Program (Playspace Design)	-	54,600
	Marino Rocks Greenway Concept Plan	-	28,030
	Other expenditure	-	<u>1,800</u>
			<u>114,570</u>

**CITY OF MARION
GENERAL COUNCIL MEETING
14 FEBRUARY 2017**

Originating Officer: Deborah Horton, Unit Manager Performance & Improvement

Manager: Jaimie Thwaites, Acting Manager Corporate Governance

General Manager: Vincent Mifsud, General Manager Corporate Services

Subject: Corporate Performance Report (Organisational Key Performance Indicators 2016/17) – 2nd Quarter 2016-17 YTD

Report Reference: GC140217R05

REPORT OBJECTIVES

This report provides Council with the second quarter YTD status report on Corporate Performance Measures (Organisational Key Performance Indicators 2016/17) as adopted on 14 June 2016 (GC140616R06). It forms part of the regular Corporate Performance Reporting to Council, in conjunction with the quarterly budget review reporting.

Processes and tools to assist with the collation of data for organisational KPI's E and F are in development.

EXECUTIVE SUMMARY

KPI	Key Performance Indicator	Measure/Range 2016/17	YTD Performance		
			Qtr 1	Qtr 2	Qtr 2 comment
A	Delivery within 5% parameters of agreed annual budget costs	95%-105%	111% 	104% 	
B	Delivery of agreed projects identified in the Annual Business Plan and the first year targets in the 3 year Plan	95% or greater	1% 	7% 	The organisation is on track to achieve 100% of 14 projects by 30 June 2017.
C	Lost Time Injury Frequency Rate	Reduction of 25% in the LTIFR from the previous year's result	77% 	68% 	
D	Staff net numbers (full time equivalent, employee and agency)	A reduction	.95% 	+2.1% 	The swim season (hiring of 27 agency staff) has significantly impacted upon meeting this measure.
E	Retention of key staff	Equal to or greater than 95%	N/A	N/A	
F	Community Satisfaction. Overall satisfaction with each of: 1. Community facilities 2. Sports facilities 3. Events	Greater than 75%	N/A	N/A	

RECOMMENDATIONS

That Council:

- Note the Corporate Performance Report (Organisational Key Performance Indicators 2016/17) – 2nd Quarter 2016-17 YTD and Appendix 1.

DUE DATES

14 Feb 2017

Corporate Performance Report 2016/17 Quarter Two YTD



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

Key Performance Indicator		Measure/Range	Qtr 1	Qtr 2	Qtr 3	Qtr4	Overall
A	Delivery within 5% parameters of agreed annual budget costs	95%-105%	111% 	104% 			
B	Delivery of agreed projects identified in the Annual Business Plan and the first year targets in the 3 year Plan	95% or greater	1% 	7% 			
C	Lost Time Injury Frequency Rate	Reduction of 25% in the LTIFR from the previous year's result.	77% 	68% 			
D	Staff net numbers (full time equivalent, employee and agency)	A reduction	Agency (-9.19%) Employee (+1.78%) Overall (+0.95%) 	Agency (+41.3%) Employee (-0.77%) Overall (+2.1%) 			
E	Retention of key staff	Equal to or greater than 95%	-	-			
F	Community satisfaction. Overall satisfaction with each of; 1. Community Facilities 2. Sports Facilities 3. Events	Greater than 75%	-	-			

Dashboard Status icons

	Target met		Target not met		Target acceptable	-	Not measured
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KEY PERFORMANCE INDICATOR A:

Delivery within 5% parameters of agreed annual budget costs.

TARGET: 95% - 105%

QUARTER 2 YTD PERFORMANCE:  **104%**

Background

This KPI has been calculated by comparing the total actual Operating Expenditure per the December Monthly Finance Report (\$39,976k) against the adopted budget per Council's Annual Business Plan (a total of \$76,957k – or \$38,479k to December).

Performance

One item has had a significant impact on this result for the second quarter being;

Depreciation: Due to the full implementation of Accounting Standard AASB 116, Council is no longer able to recognise the residual value of certain assets, particularly infrastructure assets such as roads.

As part of the comprehensive independent valuation of infrastructure assets at 30 June 2016, the residual value of some assets has been reduced to zero to ensure full compliance with this standard. This has had the impact of increasing the accounting provision for depreciation of such assets going forward, with the impact for the quarter to 31 December 2016 being an additional depreciation charge of \$1.6m. It should be noted that this is a non-cash accounting provision which, while impacting on operating expenses, has no cash impact on Council's adopted budget.

It should be noted that following the completion of the first budget review the full year operating expenses for 2016/17 (\$80,028k) are now forecast to be 103.99% of the adopted annual budgeted operating costs (\$76,957k).

KEY PERFORMANCE INDICATOR B:

Delivery of agreed projects identified in the Annual Business Plan and 1st year targets in the 3-year Plan

TARGET: 95%≥

QUARTER 2 YTD PERFORMANCE:  1 project completed to date (7%)
100% forecast by 30 June 2017

Background

There are 74 projects in the 2016 -19 Business Plan, 73 are due to start in 2016/17. Of these 73 projects, 14 are due to be completed in their entirety by the end of 2016/17, with the remaining 59 projects being completed in stages (to 2019).

This KPI measures the percentage of projects completed that are due to be completed by 30 June 2017.

Performance

Of the 14 projects to be completed by the end of 2016/17, 1 project (Liveable – Better manage Traffic in Marion and Oaklands Park) has been completed by December 2016, the remaining 13 projects are;

- Liveable – Present the Marion Outdoor Pool Masterplan
- Liveable – Deliver Jervois Street south Plympton Playspace
- Liveable – Review under-utilised council reserves and facilities to ensure community use is optimised
- Liveable – Undertake an evaluation and review of at least 9 council services to ensure they continue to provide maximum value to our community, now and into the future
- Valuing Nature – Develop a business case and commence delivery of the transition to safe and sustainable street and public lighting
- Valuing Nature – Design the final stages of the Oaklands Reserve redevelopment
- Valuing Nature – Strive for the opening up of Glenthorne Farm for community benefit in partnership arrangements
- Engaged – Pilot a place activation project focused on the use of vacant commercial properties in partnership with local community groups
- Innovative – Deliver a solar panel network at key council sites across the City
- Prosperous – Re-invigorate the Southern Adelaide Economic Development Board to establish and industry-led, independent advocacy group for the southern Adelaide region
- Prosperous – Deliver the Tonsley Small Business Advisory Service, providing free advice to start up and early stage business
- Connected – Expand the walking and cycling network linking key destinations across the City and beyond
- Connected – Develop a business case for an innovative ‘Creative Space’ that showcases leading edge technologies for the community’s creative and learning opportunities

100% of the 59 projects commencing in 2016/17 and being completed in stages over a number of years are expected to be to a satisfactory state of progression by 30 June 2017.

KEY PERFORMANCE INDICATOR C:

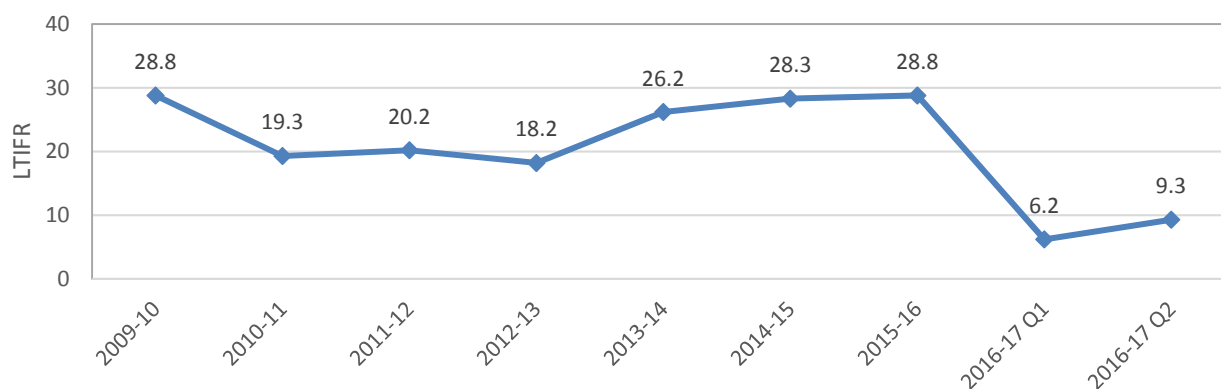
Lost Time Injury Frequency Rate compared with last year (2015/16 – 28.8) ¹

TARGET: reduction of 25% in the LTIFR from the previous year's result

QUARTER 2 YTD PERFORMANCE:  **68% reduction**

Background

Safety performance is measured and monitored against the industry standard performance indicator, Lost Time Injury Frequency Rate (LTIFR). Claims statistics are collected from the Local Government Association's (LGA) Member Centre and measurement is then calculated as per the Australian Standard 1885.1: 'Total number of Lost Time Injuries/Total Hours Worked' * 1,000,000'.

Performance

Although four LTIs are recorded as at the end of December (for which claims have been lodged with the LGAWCS) the LGAWCS claims data reports an LTIFR of 9.3. This figure is only representative of three LTIs due to the fourth LTI being deferred for further investigation.

The four LTI's recorded have been categorised into three primary classes of injuries;

1. One x Manual handling (muscular stress while lifting or carrying).
A back injury whilst sorting concrete from recycling piles.
2. One x Falls from the same and differing levels (slips, trips and falls)
A broken ankle whilst walking on a wet slippery surface.
3. One x Repetitive movement (low muscle loading)
An elbow strain from a manual labour task ie repetitive spreading of mulch.
4. One x Mental disorder (exposure to mental stress factors)
An accusation of bullying which is currently under investigation.

Four LTI incidents have been reported to date in 2016/17 compared to nine at the same time the previous year. If the current downward trend continues, the forecasted LTIFR for the end of period reporting is likely to be 12.4 which, if achieved, would represent a reduction of 57% on the reported and updated LTIFR for 2015/16.

¹ An incident occurred and was reported via the incident reporting system in May 2016, but the injured worker did not initially lose time from work or lodge a claim. However, due to ongoing soreness which escalated over some weeks they sought medical treatment and subsequently lost time from work due to undergoing a medical procedure in September 2016. This LTI has appropriately been retrospectively allocated into the May 2016 figures, which alters the previously reported total LTIs for 2015/16 from 18 to 19 and therefore also revises the previously reported LTIFR for 2015/16 from 27.3 to 28.8.

KEY PERFORMANCE INDICATOR D:

Staff net numbers (full time equivalent employee and agency)

TARGET: A reduction

QUARTER 2 YTD PERFORMANCE:	Agency		+41.3%	Target not met
	Employee		-0.77%	Target met
	Overall		+2.1%	Target not met

Background

This performance indicator calculates the percentage of full time equivalent employee and agency numbers employed across the organisation by comparing actual staff and agency employment numbers from 1 September 2016 to the figures captured on 31 December 2016.

Performance

	September 2016	December 2016	Variance	%
Agency numbers	23.7	33.49	9.79	+41.3
Employee numbers	321.89	319.39	-2.5	-0.77
TOTAL	345.59	352.88	+7.29	+2.1%
Adopted budget FTE 2016/17: 350.3 (inc casual exc temporary staff)				

The 9.79 FTE agency staff increase relates to 27 additional staff employed on a casual basis (lifeguards and instructors) to cover the Marion Outdoor Swim Centre operating hours and programs during the swim season.

KEY PERFORMANCE INDICATOR E:

Retention of key staff

TARGET: Equal to or greater than 95%

QUARTER 2 YTD PERFORMANCE: **N/A** Not Measured to date

Background

The intention of measuring this performance indicator is to calculate the percentage of retained key staff as defined by the Executive Leadership Team by comparing these staff numbers from 1 July 2016 to the numbers captured on 31 December 2016.

Performance

This measure is under development.

KEY PERFORMANCE INDICATOR F:

Community satisfaction. Overall satisfaction with each of:
(1) Community facilities (2) Sports facilities (3) Events (external)

TARGET: Greater than 75%

QUARTER 2 YTD PERFORMANCE: **N/A** Not Measured to date

Performance

Staff are currently developing a model that will provide a consistent approach to evaluating resident satisfaction levels for the measurement and reporting of this KPI.

**CITY OF MARION
GENERAL COUNCIL MEETING
14 FEBRUARY 2017**

Notice Received from: Councillor Telfer
Subject: Opportunity to Email Rates Notices to Ratepayers
Ref No: GC140217M01

MOTION:

That opportunities for email rates notices to ratepayers be explored.

COMMENTS: Councillor Telfer

The annual rate notice comes by post with other hardcopy information.

There may be an opportunity for ratepayers to register and authorise to have 2nd, 3rd, and 4th quarter notices emailed to them, with an electronic return message confirming receipt to the email site. This may create a data base of emails for future years and would save on postage.

COMMENTS: Ray Barnwell, Manager Finance

There is considerable merit in exploring the opportunity to provide alternative methods in delivering our rates notices to our ratepayers, particularly in an environment of ever increasing Australia post costs.

To this end our Rates team have recently completed a project which has seen the City of Marion launch electronic billing via Bpay View. This allows registered users to receive all rates notices, including the annual notice and hardcopy inserts such as the Annual Business Plan Summary via email. Ratepayers can register for this service via their financial institution.

Since its inception in November last year 280 ratepayers have registered for this service. A conservative estimate of 500 registrations is expected within the first year with similar growth expected each year thereafter. To support this growth, marketing is underway with flyers included in rates notices, advertising on the TV monitor in the Admin foyer, messages on hold and the council website earmarked for advertising also.

This service however does not provide Council with a database of email addresses for registered ratepayers as the emails are administered by the ratepayer's financial institution.

An additional electronic delivery method to be further explored is an option called Ezybill recently launched by our printing provider. This method enables registrations to be taken via a portal linked to the Council website. This option also allows for hardcopy inserts to be sent with the rates notice via email. While our printing provider administer this service, the Council is the owner of the email list and has access to download this information from the portal at any time.

While these options provide ratepayers with an alternative to paper billing, they also provide council with an opportunity to guide ratepayers to the most cost effective notice delivery and payment methods.

Below is a comparison of the estimated unit cost of delivering each rates notice through the alternative delivery methods:

Paper Bill - \$0.95 (Includes costs to print \$0.15 plus Australia Post postage charge \$0.80)

Bpay View - \$0.41 (Note \$500 Annual Fee not included)

Ezybill - \$0.50

Should Council support this motion we will continue to explore the options available to offer email as an alternative method of delivery for rates notices to ratepayers.

**CITY OF MARION
GENERAL COUNCIL MEETING
14 FEBRUARY 2017**

Notice Received from: Councillor Hutchinson

Subject: Travers Reserve Land

Ref No: GC140217M02

MOTION:

- 1. Council defers a decision on Travers Reserve sale until further information is gathered.**
- 2. Council as the owner of the land seek a report from a qualified Landscape Architect on the amenity value of the tree and thereafter lodge a new application with this report being furnished with the application.**

COMMENTS: Councillor Hutchinson

Nil

COMMENTS: Steve Hooper, Manager Development & Regulatory Services

As the development application has been refused by the Development Assessment Panel, the appropriate approach to have the matter revisited is via a new development application. In this respect I am advised that Council cannot appeal a decision of its own Development Assessment Panel.

It is recommended that with any new application, Council furnish additional information which might be useful to be considered by the Panel. In this regard, I would recommend that Council engage a qualified Landscape Architect who would independently assess the amenity value of the tree. The reason for engaging a Landscape Architect is the case law has demonstrated that this profession is most appropriate when considering the character and amenity contribution of a tree. This can be achieved within existing operational budgets.

In the event, the character and amenity value of the tree is considered to be of low or moderate value, this would assist in the determination of a new application.

**CITY OF MARION
GENERAL COUNCIL MEETING
14 FEBRUARY 2017**

Notice Received from: Councillor Crossland
Subject: Hallett Cove Foreshore
Ref No: GC140217M03

MOTION:

That council amends the endorsed concept plan and subsequent detailed design documentation by:

1. Removing the biodiversity area above the amphitheatre and Grand Central Reserve and considers alternative options including irrigated and non irrigated turf and mulched planted areas.
2. Amends the event area to the south of the memorial wall to include a flat irrigated turf area that is suitable for events and the placement of tents and marquees.

COMMENTS: Councillor Crossland

Nil

COMMENTS: Alicia Clutterham, Team Leader, Open Space and Recreation

BACKGROUND

Council endorsed a revised Hallett Cove Beach Masterplan (Appendix 1) at its meeting 22 November 2016 and resolved:

1. *Notes the consultation findings report provided in Appendix 1.*
2. *Endorses the revised concept master plan for Hallett Cove Foreshore (Appendix 2) and commencement of stage 4 (Playspace and Reserve), and stage 5 (Amphitheatre) detailed design.*
3. *Endorses progressing Stages 4 and 5 separately – for program delivery and council reporting for detailed design, opinion of whole of life costs and funding options.*
4. *Receives a report with Stage 5 Amphitheatre detailed design and whole of life costs in March 2017.*
5. *Receives a report with Stage 4 Playspace and Reserve detail design and whole of life costs in August 2017.*
6. *Provides endorsement to submit a grant funding application to DPTI for Open Space Funds (2016/17 grant application) leveraging Council existing funds allocated to this project.*

Detailed design and documentation for Stage 5 (Amphitheatre) is currently in progress in line with the endorsed Concept Plan (Refer Appendix 1). The project budget for Stage 5 as identified within the council report (GC221116R08) is \$920,000.

DISCUSSION

Amphitheatre / Grand Central Reserve Biodiversity Area

The endorsed Concept Plan includes a biodiversity area (3134m²) to the rear of the formal amphitheatre space. The biodiversity area substantially contains existing native grasslands including windmill grass and other native grass species as well as native lilies.

Some concerns have been raised by adjacent residents about the volume of windmill grass seed heads that have blown into their properties requiring clean up and disposal and they have requested an alternative landscape treatment be considered, with turf and irrigation an option.

Options for the amphitheatre / Grand Central Reserve space have been investigated and a Council decision is required on the landscape treatment for this area to enable detailed design and documentation to be finalised within agreed timeframes with the project delivered in time for the Concert in The Cove event planned in March 2018.

No community consultation has been undertaken on these options.

2 out of 3 of the options presented have additional financial expenditure.

OPTIONS

Three options are presented for Council consideration. Note an option considering non-irrigated turf (as per part 1 of the motion) has not been provided as provision of non-irrigated turf is considered to be unsustainable as the turf will die off resulting in dust and weed problems.

Option 1 - Irrigated Grass

An additional irrigated grass area (3134m²) will necessitate the following additional works.

- Weed management
- Earthworks
- Turf (including 30mm 80/20 sandy loam)
- Irrigation Design
- Irrigation

Additional Capital - \$124,945

Additional Annual Operating and Maintenance - \$10,631

Option 2 - Tubestock revegetation and mulching

A shrub and mulched area (3134m²) will necessitate the following additional works.

- Weed management
- Shrub Planting (2m²)
- Tree guard core flute
- Mulch 75mm deep

Additional Capital - \$71,590

Additional Annual Operating and Maintenance - \$2012

Option 3

Do not change the endorsed concept plan and maintain the biodiversity area

Additional Capital \$0

Additional Annual Operating and Maintenance \$0

	Considerations
Option 1	Irrigated Turf <ul style="list-style-type: none"> - Will provide additional turf area for larger gatherings at events - 13.5% increase in capital cost - Significant increase in operating and maintenance cost - Removes biodiversity area, native vegetation and significant increase in water use
Option 2	Tubestock revegetation and mulching <ul style="list-style-type: none"> - Will provide native vegetation for area - 7.5% increase in capital cost - Lower costs for maintenance - Plants to be planted at low height (1 to 1 and half metres) - Does not include re-profiling limiting future expansion to turf area if deemed necessary
Option 3	No change <ul style="list-style-type: none"> - Nearby residents have raised concerns regarding windmill seed biomass - No additional costs - This option is in line with endorsed masterplan and broader community consultation - Biodiversity provision with existing and enhanced grasslands

South Western Event Area

In addition, there has been a request to review the event area to the south of the memorial wall in Stage 5. The area is outlined in orange in Appendix 2.

It had been planned to leave this area at the gradient/profile that exists in the endorsed Concept Plan, however should the area be utilised as a formal events space with tents and marquees then re-profiling works will be needed to create an area flatter with consideration of matching into the existing landforms towards the dune edge. The proposed scope would include:

- Earthworks fill and trim
- Turf (including 30mm 80/20 sandy loam)
- Irrigation modifications

These works are estimated at \$12,230.

Council may wish to consider an alternate motion as follows:

That Council:

- 1. Selects option 1, 2 or 3 in relation to the landscape treatment for the Amphitheatre / Grand Central Reserve area outlined in blue in Appendix 2 and endorses the additional xx capital (2017/18) and xx operating**

(ongoing per annum) and maintenance funding for these works

- 2. Allocates an additional \$12,230 capital (2017/18) to the project budget for the re-profiling works for the area outlined in orange in Appendix 2**
- 3. Incorporates these changes into the detailed design works and whole of life costs being undertaken for Stage 5 (Amphitheatre) that will be considered by Council at its meeting on 28 March 2017**



- Appendix 1
- LEGEND**
- PROPOSED EVERGREEN TREE
 - EXISTING TREE TO BE RETAINED
 - RETENTION OF EXISTING REVEGETATION
 - PROPOSED GARDEN BED SHRUBS, GROUND COVER AND GRASSES WITH ORGANIC MULCH
 - PROPOSED EXPOSED AGGREGATE CONCRETE PAVING TYPE 1
 - PROPOSED EXPOSED AGGREGATE CONCRETE PAVING TYPE 2
 - PROPOSED CONCRETE PAVING
 - PROPOSED UNIT PAVERS TYPE 1
 - PROPOSED UNIT PAVERS TYPE 2
 - PROPOSED COMPACTED RUBBLE CEMENT TREATED
 - PROPOSED IRRIGATED TURF
 - RUBBER SOFTFALL
 - PROPOSED SAND PIT
 - PROPOSED AMPHITHEATRE SEATING WALL (W1)
 - PROPOSED SEATING RETAINING WALL (W2)
 - PROPOSED RETAINING WALL (W3)
 - PROPOSED BENCH SEAT (B)
 - PROPOSED SEAT WITH BACK REST (S)
 - PROPOSED TIMBER DECKING
 - PICNIC TABLE
 - PROPOSED SHELTER
 - PROPOSED SHADE SAILS OVER PLAY SPACE SLIDE
 - PROPOSED RUBBISH BIN (RB)
 - PROPOSED DRINK FOUNTAIN (DF)
 - PROPOSED BBQ (BBQ)
 - PROPOSED ROCK RETAINING
 - PROPOSED ROCK LINED SWALE
 - PROPOSED PRAM RAMP

Appendix 1

HALLETT COVE FORESHORE MASTER PLAN

NOVEMBER 2016

PREPARED BY OPEN SPACE & RECREATION PLANNING - CITY OF MARION


FINAL CONCEPT

Design BG 02/11/16	Drawn BG 02/11/16	Checked BG	Authorised for Issue ORIGINAL SIGNED BY: BG
Drawing Number / Sheet HC-SK01		Issue A	



OPTIONS FOR REVISED DETAILED DESIGN

 WESTERN TURF AREA

 CURRENT BIODIVERSITY AREA



**CITY OF MARION
GENERAL COUNCIL MEETING
14 FEBRUARY 2017**

Question Received from: Councillor Luke Hutchinson

Subject: Art of Respect

Reference No: GC140217Q01

QUESTION: How much money has been spent on the Art of Respect since 2009/2010 FY (broken down by FY) including:

1. How much CoM has spent for launches, purchasing and installation;
2. What external funding was provided from grants during each of the FY's?
3. How much staff time has gone into this program each FY?

COMMENTS: Councillor Luke Hutchinson

Nil

COMMENTS: Liz Byrne, Manager Community and Cultural Services

The Art of Respect program provides aerosol art workshops run by professional and peer trained artists, culminating in an opportunity to exhibit participants work either in a gallery setting or as a public mural. The program aims to foster respect between the community and young artists, develop their artistic skills, recognise aerosol art as a valid artistic medium and provide a positive platform for the young people to express themselves.

1. The Art of Respect program is in its twelfth year and the total expenditure/budget since 2009/2010 is as follows:

Table 1

2009/10	\$ 9,506
2010/11	\$ 4,779
2011/12	\$ 5,437
2012/13	\$ 2,694
2013/14	\$ 8,774
2014/15	\$ 7,272
2015/16	\$ 5,229

Expenditure includes workshop materials (canvases, paints), artist fees, catering, advertising and costs for launches.

Expenditure for Launches, including Hire of Gallery M, invitation printing, catering and installation materials each year (included in the totals in Table 1) is as follows:

Table 2

Year	Amount	Notes
2009/10	\$1687	Reconciliation Exhibition at Gallery M and Launch at Hallett Cove shopping Centre
2010/11	\$121	Outdoor exhibition associated with Tram Stop 6 mural
2011/12	\$602	Exhibition at Living Kaurna Cultural Centre
2012/13	No launch	Mural project on toilets
2013/14	\$712	Expressway bridge mural
2014/15	\$870	10 th Anniversary Exhibition in Gallery M
2015/16	\$140	Exhibition in Chambers Gallery

NB: when the launches are held in Gallery M, in-kind support is received from Patrilli Wines towards catering as per usual Gallery M arrangements.

- External funding for additional mural programs utilising the same Art of Respect model was sought and received during this time period as follows:

Table 3

Year	Amount	Funds received from	Project
2010/2011	\$10,850	Attorney General's Department	Tram Stop 6 mural
2013/2014	\$11,831 (spent \$9,522)	Attorney General's Department	TAKE PART Community mural project at Trott Park Neighbourhood Centre

These amount are over and above the figures in Table 1

- The program is a collaboration between the Community Health and Safety Team's Graffiti Program and the Arts and Cultural Development Team's Community Arts program. Staff spend approximately 230 hours per year and this includes program planning, artist contract management and project management, facilitation of workshops, marketing, organisation of launches and on-going communication with the participating youth and artists.

**CITY OF MARION
GENERAL COUNCIL MEETING
14 FEBRUARY 2017**

Question Received from: Councillor Bruce Hull

Subject: Street Trees Forming a Partial or Full Canopy

Reference No: GC240117Q02

QUESTION: By percentage how many of the Cities street trees have any realistic prospect of forming (1) a partial street canopy and (2) a complete street canopy?

COMMENTS: Councillor Bruce Hull

Nil

COMMENTS: David Sheldrick, Coordinator Arboriculture

The following table (Appendix 1) lists the street tree species planted throughout the City of Marion and the amount and percentages each contributes to the street tree population. The fourth and fifth columns consider each species ability to achieve a full or partial street canopy.

A full street canopy exists when the crowns of two street trees meet in the centre of the road, a partial canopy exists when two crowns do not meet at maturity. Such a measurement considers size of tree species at maturity (within a street environment), average local road width and the typical Local Government street tree maintenance requirements over the life of a tree.

The City of Marion has approximately 28,500 trees. Of these, approximately 64% could achieve at least a partial street canopy, and 27% could achieve a full street canopy.

Ann Gibbons, Environmental Sustainability Manager

An analysis of urban thermal imagery¹ completed by consultants, ArborCarbon, for the Resilient South Program in 2016 showed that the suburbs of Ascot Park, Clovelly Park, Mitchell Park and O'Halloran Hill had the hottest mean surface temperatures in the City of Marion.

¹ ArborCarbon Pty Ltd 'Urban Thermal Imagery and Analysis 2016' prepared for Resilient South, May 2016 (http://www.onkaparingacity.com/onka/living_here/sustainable_onkaparinga/climate_change/resilient_south/project_outputs.jsp - accessed 8 Feb 2017)

One of the best ways to reduce the urban heat island effect is by increasing the amount of vegetation in a city. Public parks, remnant vegetation, residential gardens, nature strips, street trees, green roofs, green walls, and rain gardens all play a part in keeping the temperatures of a city down and improving its liveability.

A study² by Institute for Sustainable Futures (UTS) in 2014 showed that South Australia's metropolitan areas are marked by relatively low levels of tree canopy when compared to other Australian capitals. Of the assessed LGAs, tree canopy ranges from 44% in the Adelaide Hills to 12% in Port Adelaide Enfield; the City of Marion had 15% tree canopy cover.

Further analysis will be required to more accurately determine the precise relationships between vegetation cover types (i.e. canopy versus non-canopy) and surface temperature; this information could then be used to develop KPIs for vegetation/canopy cover in different land use zones, including streets, across the city.

² Jacobs, B., Mikhailovich, N., and Delaney, C. (2014) Benchmarking Australia's Urban Tree Canopy: An i-Tree Assessment, prepared for Horticulture Australia Limited by the Institute for Sustainable Futures, University of Technology Sydney.
(http://2020vision.com.au/media/7141/benchmarking_australias_urban_tree_canopy.pdf - accessed 8 Feb 2017)

Genus and Species	Common names	Can achieve a full street canopy	Can achieve a partial street canopy	No of species in population	percentage of population
TOTAL				18606	64.39
Lophostemon confertus	Queensland Box	y	y	2313	8.00
Jacaranda mimosifolia	Jacaranda	y	y	1838	6.36
Callistemon Kings Park Special	Bottlebrush	n	n		0.00
Pyrus Bradford	Ornamental Pear	n	y	1744	6.04
Pyrus ussuriensis	Ornamental Pear	n	y	1654	5.72
Callistemon viminalis	Bottlebrush	n	n		0.00
Agonis flexuosa	Willow Myrtle	n	y	1286	4.45
Callistemon Harkness	Bottlebrush	n	n		0.00
Eucalyptus leucoxylon ssp megalocarpa	SA Blue Gum	y	y	1092	3.78
Cupaniopsis anacardioides	Tuckeroo	n	n		0.00
Koelreuteria paniculata	Golden Rain Tree	n	y	887	3.07
Harpullia pendula	Tulipwood	n	y	707	2.45
Celtis australis	Hackberry	y	y	691	2.39
Eucalyptus leucoxylon rosea	SA Blue Gum	n	y	579	2.00
Eucalyptus eremophila	WA sand mallee	n	n		0.00
Eucalypt sp	Gum	y	y	503	1.74
Fraxinus griffithii	Evergreen Ash	n	n		0.00
Eucalyptus torquata	Coral Gum	n	y	446	1.54
Acer negundo	box Elder	n	y	375	1.30
Lagerstroemia indica cultivars	Crepe Myrtle	n	y	348	1.20
Ulmus parvifolia	Chinese Elm	n	y	326	1.13
Acacia pendula	Wattle	n	y	307	1.06
Koelreuteria bipinata	Chinese Rain Tree	n	y	254	0.88
Zelkova serrata	Zelkova	n	y	251	0.87
Prunus Nigra	Cherry plum	n	n		0.00
Ulmus glabra	Golden Elm	n	y	197	0.68
Prunus Blieriana	Cherry plum	n	n		0.00
Eucalyptus platypus	Platypus Gum	n	y	181	0.63
Fraxinus ornus	Ash	n	n		0.00
Eucalyptus camaldulensis	River Red Gum	y	y	167	0.58
Pyrus betulaefolia	Ornamental Pear	n	n		0.00
Acacia melanoxylon	Blackwood	n	y	147	0.51
Callistemon saligna	Bottlebrush	n	n		0.00
Geijera parviflora	Wilga	n	n		0.00
Melaleuca armillaris	Bracelet Myrtle	n	y	137	0.47
Pittosporum undulatum	Sweet Daphne	n	y	137	0.47
Platanus x acerifolia	London Plane	y	y	137	0.47
Corymbia var Baby Scarlet	Flowering gum	n	n		0.00
Angophora costata	Smooth barked apple	y	y	125	0.43
Fraxinus Raywoodii	Claret Ash	y	y	124	0.43
Robinia pseudoacacia	False Acacia	n	y	119	0.41
Metrosideros excelsa	NZ Xmas tree	n	n		0.00
Platanus orientalis digitata	London Plane	y	y	115	0.40
Pyrus Winter Glow	Ornamental Pear	n	n		0.00
Banksia integrifolia	Silver Banksia	n	n		0.00
Hebe Veronica lobelioides	Hebe Veronica lobelioides	n	n		0.00
Pistacia chinensis	Chinese pistachio	n	y	94	0.33
Nerium Oleander	Oleander	n	n		0.00
Pyrus Redspire	Ornamental Pear	n	n		0.00

<i>Corymbia citridora</i>	Lemon Scented Gum	y	y	89	0.31
<i>Melaleuca linarifolia</i>	Melaleuca	n	n		0.00
<i>Hymenosporum flavum</i>	Native frangipani	n	y	85	0.29
<i>Acmena smithii</i>	Lilly Pilly	y	y	81	0.28
<i>Celtis occidentalis</i>	Hackberry	y	y	77	0.27
<i>Tristaniopsis laurina</i>	Water gum	n	n		0.00
<i>Corymbia ficofolia</i>	WA flowering gum	n	y	71	0.25
<i>Corymbia maculata</i>	Spotted Gum	y	y	68	0.24
<i>Callitris preissii</i>	Native Pine	n	n		0.00
<i>Malus spectabilis Plena</i>	Flowering apple	n	n		0.00
<i>Melia azedarach</i>	White Cedar	y	y	59	0.20
<i>Eucalyptus steedmannii</i>	Steedmans gum	n	y	53	0.18
<i>Shinus sp</i>	Peppercorn	y	y	53	0.18
<i>Robinia decaisneana</i>	Robinia	n	y	52	0.18
<i>Eucalyptus sideroxylon rosea</i>	Red Iron Bark	n	y	49	0.17
<i>Gleditias sp.</i>	Gleditsia	y	y	48	0.17
<i>Eucalyptus erythocorys</i>	Red Capped Gum	n	n		0.00
<i>Photinia robusta</i>	Photinia	n	y	41	0.14
<i>Corymbia maculata Nana</i>	Spotted Gum	n	n		0.00
<i>Eucalyptus stricklandii</i>	Stricklands Gum	n	y	40	0.14
<i>Eucalyptus diptera</i>	Gum	n	y	39	0.13
<i>Ginkgo biloba</i>	Ginkgo	n	y	38	0.13
<i>Sophora japonica</i>	Japanese Pagoda	y	y	36	0.12
<i>Brachychiton populeus</i>	Kurrajong	y	y	35	0.12
<i>Eucalyptus spathulata</i>	Swamp Mallet	y	y	34	0.12
<i>Eucalyptus Torwood</i>	Torwood	n	y	34	0.12
<i>Hakea laurina</i>	Pincushion Hakea	n	n		0.00
<i>Eucalyptus cladoclayx</i>	Sugar Gum	y	y	32	0.11
<i>Brachychiton acerifolia</i>	Illawarra Flame Tree	n	n		0.00
<i>Casuarina cunninghamiana</i>	Casuarina	y	y	29	0.10
<i>Fraxinus excelsior Aurea</i>	Golden Ash	n	n		0.00
<i>Grevillea robusta</i>	Silky Oak	n	y	28	0.10
<i>Cotoneaster spp.</i>	Cotoneaster	n	n		0.00
<i>Melaleuca styphelioides</i>	Prickly Leaf Paperbark	n	y	27	0.09
<i>Lagunaria patersonia</i>	Pyramid tree	n	y	26	0.09
<i>Eucalyptus landsdowneana</i>	Gum	n	n		0.00
<i>Eucalyptus erythronema</i>	Gum	n	n		0.00
<i>Malus ionensis Plena</i>	Flowering apple	n	n		0.00
<i>Ulmus procera</i>	English Elm	y	y	22	0.08
<i>Eucalyptus campaspe</i>	Gum	n	y	21	0.07
<i>Citharexylum spinosum</i>	Fiddlewood	n	y	19	0.07
<i>Photinia x fraseri</i>	Photinia	n	y	19	0.07
<i>Photinia serrulata</i>	Photinia	n	n		0.00
<i>Prunus serrulata</i>	Cherry plum	n	n		0.00
<i>Melaleuca decussata</i>	Melaleuca	n	n		0.00
<i>Eucalyptus lehmannii</i>	Gum	n	n		0.00
<i>Pittosporum crassifolium</i>	Sweet Daphne	n	n		0.00
<i>Pittosporum phylliraeoides</i>	Pittosporum	n	y	8	0.03
<i>Quercus robur</i>	English Oak	y	y	7	0.02
<i>Ceratonia siliqua</i>	Carob	y	y	5	0.02

**CITY OF MARION
GENERAL COUNCIL MEETING
14 February 2017**

Originating Officer: Adrian Skull, Chief Executive Officer

Subject: Code of Conduct Complaint

Ref No: GC140217F01

If the Council so determines, this matter may be considered in confidence under Sections 90(2) and (3)(a) of the Local Government Act 1999 on the grounds that it relates to matters that may affect personal affairs of a person living or dead.



Adrian Skull
Chief Executive Officer

1. Pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999 the Council orders that all persons present, with the exception of the following [Adrian Skull, Chief Executive Officer; Abby Dickson, General Manager City Development; Jaimie Thwaites, Acting Manager Corporate Governance], be excluded from the meeting as the Council considers that the requirement for the meeting to be conducted in a place open to the public has been outweighed in circumstances where the Council will receive and consider information pertaining to Code of Conduct for Council Members issues.