

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 19 January 2015

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", with a horizontal line extending from the end of the signature.

Adrian Skull
CHIEF EXECUTIVE OFFICER

14 January 2016

**CITY OF MARION
GENERAL COUNCIL AGENDA
FOR MEETING TO BE HELD ON
TUESDAY 19 JANUARY 2016
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

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7. YOUTH ADVISORY COMMITTEE (YAC) UPDATE

Nil

8. DEPUTATIONS

Nil

9. PETITIONS

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10. COMMITTEE RECOMMENDATIONS

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11. WORKSHOP / PRESENTATION ITEMS

Nil

12. ADJOURNED ITEMS

Nil

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17. Questions without Notice

18. Motions without Notice

19. CONFIDENTIAL ITEMS

Nil

20. LATE ITEMS

21. MEETING CLOSURE

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

**MINUTES OF THE GENERAL COUNCIL MEETING
HELD AT ADMINISTRATION CENTRE
245 STURT ROAD, STURT
ON TUESDAY 8 DECEMBER 2015**



PRESENT

His Worship the Mayor Kris Hanna

Councillors

Coastal Ward

Ian Crossland
Tim Gard

Mullawirra Ward

Jason Veliskou

Southern Hills

Nick Westwood

Warracowie Ward

Bruce Hull
Nathan Prior

Warriparinga Ward

Luke Hutchinson
Raelene Telfer

Woodlands Ward

Tim Pfeiffer
Nick Kerry

In Attendance

Mr Adrian Skull
Ms Abby Dickson
Mr Vincent Mifsud
Ms Kate McKenzie
Ms Jaimie Thwaites

Chief Executive Officer
Acting General Manager City Development
General Manager Corporate Services
Manager Corporate Governance
Unit Manager Council Support

COMMENCEMENT

The meeting commenced at 7.00pm.

KAURNA ACKNOWLEDGEMENT

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

DISCLOSURE

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

MEMBERS DECLARATION OF INTEREST

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

No declarations were made.

7.01pm CONFIRMATION OF MINUTES

Moved Councillor Telfer, Seconded Councillor Hutchinson that the minutes of the General Council meeting held on 24 November 2015 be taken as read and confirmed.

Carried Unanimously

YOUTH ADVISORY COMMITTEE (YAC) UPDATE

Nil

DEPUTATIONS

7.02pm Deputation: Mr Marty Fisher – Peppertree Grove Reserve
Ref No: GC081215D01

Mr Fisher gave a five minute deputation to Council in relation to Peppertree Grove Reserve.

ORDER OF AGENDA ITEMS

The Mayor sought leave of the meeting and the meeting agreed to bring forward the item Peppertree Reserve (GC081215M01).

7.09pm Peppertree Reserve
Report Reference: GC081215M01

Moved Councillor Prior, Seconded Councillor Hull that:

1. The Council turn on irrigation to all reserves with functional irrigation systems.
2. The systems remain on until a review into the irrigation policy is completed in early 2016.

Moved Councillor Veliskou, Seconded Councillor Westwood that the formal meeting procedures be suspended to enable discussion on the Peppertree Reserve item.

Carried

7.24pm meeting procedures suspended

Moved Councillor Westwood, Seconded Councillor Gard that the formal meeting procedures be resumed.

Carried Unanimously

7.43pm formal meeting procedures resumed

The motion was **Carried Unanimously**

PETITIONS

Nil

COMMITTEE RECOMMENDATIONS

Nil

ADJOURNED ITEMS

7.48pm Section 270 Review, Closure of Wet Areas at Marion Leisure and Fitness Report Reference: GC081215R01

Moved Councillor Veliskou, Seconded Councillor Gard that Council:

1. Directs the YMCA to operate the spa area without a life guard in accordance with the lease provided users sign a waiver and subject to insurance availability to cover Council for this activity either via the Local Government Mutual Liability Scheme or commercial provider.

8.08pm Councillor Westwood left the meeting

Carried Unanimously

8.12pm Councillor Veliskou left the meeting

CORPORATE REPORTS FOR DECISION

8.12pm Dog By-law Amendment Report Reference: GC081215R02

Moved Councillor Hutchinson, Seconded Councillor Prior that:

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

Carried

8.13pm Glade Crescent Wetlands – Stage Implementation Reference No: GC081215R03

Moved Councillor Crossland, Seconded Councillor Gard that Council:

1. Notes the Report and the current project status.

2. Notes the funding commitments and opportunities from the AML NRM Board and the SMA.
3. Notes that there is currently an allocation of \$520,000 from Council's endorsed 2015/2016 Capital Works budget to deliver Stage 1 of this project.
4. Notes that the additional operating and maintenance costs to be incorporated into the Long Term Financial Plan from 2017/18 is estimated at \$15,000 per annum, for completion of Stage 1 of the project.
5. Endorses the allocation of up to \$200,000 in the 2016/17 Annual Business Plan and Budget for the completion of Phase 2 (of Stage 1), subject to Council receiving partnership funding from the Adelaide and Mount Lofty Ranges Natural Resource Board (\$100,000) and the Stormwater Management Authority (\$580,000).
6. Endorses proceeding to public consultation and construction of Stage 1 of the Glade Crescent Wetlands subject to receiving confirmation of funding from the Adelaide and Mount Lofty Ranges Natural Resource Board over a two year period.
7. Requests a further report be brought to Council regarding the implementation and future funding considerations for the remaining stages of the Wetlands.

8.15pm Councillors Westwood and Veliskou re-entered the meeting

8.17pm Councillor Pfeiffer left the meeting

Carried Unanimously

**8.18pm Oaklands Estate Reserve Toilet Block
Report Reference: GC081215R04**

8.19pm Councillor Pfeiffer re-entered the meeting

Moved Councillor Hull, Seconded Councillor Prior that Council:

1. Proceed with Option 1 in demolishing the existing brick toilet block and relocating one (1) x Exeloo at Hendrie Reserve, Park Holme and one (1) x Exeloo at Pavana Reserve, Hallett Cove to Oaklands Estate Reserve to be located in the same proximity as existing toilet block identified in Appendix C.
2. Approve funding of up to \$119,845 for Option 1 through the re-allocation of funds within the existing Oaklands Estate Reserve project budget, which are no longer required due to the Reserve bridge and skate park already being funded through grant funding received.
3. A report be presented to Council regarding the other brick style toilet blocks in the Council area by June 2016.

Amendment:

Moved Councillor Veliskou, Seconded Councillor Westwood that:

1. Proceed with Option 1 in demolishing the existing brick toilet block and relocating one (1) x Exeloo at Hendrie Reserve, Park Holme (less than 6 months before another toilet being installed at this reserve) and one (1) x Exeloo at Pavana Reserve, Hallett Cove to Oaklands

Estate Reserve to be located in the same proximity as existing toilet block identified in Appendix C.

2. Approve funding of up to \$119,845 for Option 1 through the re-allocation of funds within the existing Oaklands Estate Reserve project budget, which are no longer required due to the Reserve bridge and skate park already being funded through grant funding received.
3. A report be presented to Council regarding the other brick style toilet blocks in the Council area by June 2016.

The amendment becomes the motion was **Carried**

8.29pm The Mayor vacated the Chair and left the meeting

8.29pm in the absence of the Mayor, Deputy Mayor Veliskou took the chair

8.30pm Councillor Kerry re-entered the meeting

Second Amendment:

Moved Councillor Hutchinson, Seconded Councillor Telfer that Council

1. Proceed with option 2 – demolish existing brick toilet block and relocate one (1) x existing Exeloo (from Pavana Reserve, Hallett Cove) to Oaklands Estate Reserve in the same proximity as the existing toilet block and monitor the useage of the facility to determine whether an additional facility is required.
2. Approve funding of up to \$76,560 for Option 2 through the re-allocation of funds within the existing Oaklands Estate Reserve project budget, which are no longer required due to the Reserve bridge and skate park already being funded through grant funding received.

8.43pm the Mayor re-entered the meeting and resumed the Chair.

The second amendment become the motion was **carried**

The motion was **Carried**

8.52pm Multi- purpose indoor courts and Mitchell Park Masterplan
Report Reference: GC081215R05

Moved Councillor Telfer, Seconded Councillor Hutchinson that Council:

1. Endorse the Mitchell Park and Community Club site as the preferred location for the development of multi-purpose indoor sports facilities and the integrated development of facilities for existing sporting clubs and dog club and the development of a community centre to replace the Mitchell Park Community Centre.
2. Endorse the Mitchell Park Sports and Community Club Architectural Brief (Appendix 2) for the development of a costed concept plan and authorise the calling of a select tender to engage architectural, civil engineering, services engineering, landscape architecture, geo-technical, contamination assessment and cost management services.
3. Endorse the preparation of a first stage concept plan for Council's consideration and subsequent establishment of a project financial target.

4. Approve funding of up to \$200,000 from the Asset Sustainability Reserve – Community Facilities Partnership Program for the engagement of specialist consultants required to develop a costed concept plan.
5. Note that the Chief Executive Officer will review resourcing required to develop the concept plan and the lodgement of the NSRF application and will allocate resources, inclusive of new resources, as required.

Carried Unanimously

**9.12pm Edwardstown Oval – Design Options for National Stronger Regions Fund Application
Report Reference: GC081215R06**

Councillor Kerry declared a conflict of interest in this matter as it may come before the Development Assessment Panel and left the meeting

9.13pm Councillor Kerry left the meeting

The Manager Corporate Governance advised that advice had been received that there was not a conflict of interest for Development Assessment Panel members in relation to this report as it was just considering which option was the preferred concept to be further developed. Councillor Kerry had been provided with this advice also and decided to declare a conflict and leave the meeting

Councillors Crossland and Hutchinson noted the Manager Corporate Governance's advice and remained in the meeting.

Moved Councillor Pfeiffer, Seconded Councillor Hull that Council:

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

Carried Unanimously

**9.23pm Youth Development
Report Reference: GC081215R07**

9.23pm Councillor Kerry re-entered
9.23pm Councillor Hutchinson left the meeting
9.24pm Councillor Pfeiffer left the meeting

Moved Councillor Crossland, Seconded Councillor Gard that Council:

1. Endorse option 1 – a combination of grants and partnerships to deliver programs and services - as the preferred model of service delivery of youth development services within the City of Marion.
2. Endorse the re-allocation of the Cove Youth Service annual building and maintenance budget of \$40,150 towards the delivery of youth development programs on an annual basis
3. Note that \$28,300 which is currently allocated within the 2015-16 operational budget to fund the Youth Advisory Committee, Youth week, Youth Achievement Awards will continue to be provided on an ongoing basis for youth Development.
4. Note that the allocated funds available for youth development programs equates to \$193,909 in the 2015-16 budget
5. Require Administration to undertake a service review following the first 12 months of operation to assess the effectiveness of the new model.
6. Note that the current 0.5 FTE vacancy in Youth Development staffing will be filled on a short-term contract basis until the service review of the model is undertaken to ascertain long term staffing needs

9.25pm Councillors Hutchinson and Pfeiffer re-entered the meeting

Carried Unanimously

9.26pm 1st Budget Review 2015/16
Report Reference: GC081215R08

Moved Councillor Telfer, Seconded Councillor Crossland that Council:

1. Adopt, as presented in Appendix 1, the revised budgeted statements including the Income Statement, Balance Sheet, Statement of Changes in Equity and Statement of Cash Flows.
2. Approves the remainder of the identified once-off savings from the 2014/15 audited financial statements of \$2.914m (total funding savings of \$3.315m less committed funds per Council resolutions of \$0.401m) be used to reduce the total level of planned and approved borrowings required for the completed City Services Redevelopment project.

Carried Unanimously

9.35pm Resources required for Development Plan Amendments
Report Reference: GC081215R09

Moved Councillor Telfer, Seconded Councillor Kerry that Council:

1. Note that the resources required in 2016 to undertake the “Housing Diversity” and “Recreation (Community Use)” Development Plan Amendments will be funded within the existing 2015-16 budget.

Carried Unanimously

9.37pm Review of Confidential Orders 2015 - Overview
Report Reference: GC081215R10

9.38pm Councillor Veliskou left the meeting

9.40pm Councillor Veliskou re-entered the meeting

Moved Councillor Telfer, Seconded Councillor Prior that:

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

Carried Unanimously

Moved Councillor Hutchinson, Seconded Councillor Telfer that item 1 to 29 are moved enbloc as printed in the reports.

Carried Unanimously

Review of Confidential Order for the Item:
Personnel Matter – CEO Performance Review 2003, CC300404F01
Ref No: GC081215R10 – (1) Appendix 1

Moved Councillor Hutchinson, Seconded Councillor Telfer that:

1. The confidentiality order pertaining to the Report, *'Personnel Matter – CEO Performance Review 2003, CC300404F01'* together with all annexure and the minutes be revoked.

Carried Unanimously

Review of Confidential Order for the Item:
Personnel Matter – CEO Performance Review 2003, CRC150604F01
Ref No: GC081215R10 – (1) Appendix 2

Moved Councillor Hutchinson, Seconded Councillor Telfer that:

1. The confidentiality order pertaining to the report Review of Confidential Order for the Item: Personnel Matter – CEO Performance Review 2003, CRC150604F01, together with all annexure and the minutes arising from the report, be revoked.

Carried Unanimously

Review of Confidential Order for the Item:
Personnel Matter – CEO Performance Review 2003, GC220604F01
Ref No: GC081215R10 – (1) Appendix 3

Moved Councillor Hutchinson, Seconded Councillor Telfer that:

1. The confidentiality order pertaining to the report *"Review of Confidential Order for the Item: Personnel Matter – CEO Performance Review 2003, GC220604F01"* together with all annexure and the minutes arising from the report be revoked.

Carried Unanimously

**Review of Confidential Order for the Item:
Personnel Matter – CEO Performance Review 2004, CRC060505F01
Ref No: GC081215R10 – (1) Appendix 4**

Moved Councillor Hutchinson, Seconded Councillor Telfer that:

1. The confidentiality order pertaining to the report "*Review of Confidential Order for the Item: Personnel Matter – CEO Performance Review 2003, CRC060505F01*" together with all annexure and the minutes arising from the report be revoked.

Carried Unanimously

**Review of Confidential Order for the Item:
Personnel Matter – CEO Performance Review 2004, CRC200605F01
Ref No: GC081215R10 – (1) Appendix 5**

Moved Councillor Hutchinson, Seconded Councillor Telfer that:

1. The confidentiality order pertaining to the report "*Review of Confidential Order for the Item: Personnel Matter – CEO Performance Review 2004, CRC200605F01*" together with all annexure and the minutes arising from the report be revoked.

Carried Unanimously

**Review of Confidential Order for the Item:
Personnel Matter – CEO Performance Review 2004, GC280605F04
Ref No: GC081215R10 – (1) Appendix 6**

Moved Councillor Hutchinson, Seconded Councillor Telfer that:

1. The confidentiality order pertaining to the report "*Review of Confidential Order for the Item: Personnel Matter – CEO Performance Review 2004, GC280605F04*" together with all annexure and the minutes arising from the report be revoked.

Carried Unanimously

**Review of Confidential Order for the Item:
Personnel Matter – CEO Performance Review 2005, CRC281105F01
Ref No: GC081215R10 – (1) Appendix 7**

Moved Councillor Hutchinson, Seconded Councillor Telfer that:

1. The confidentiality order pertaining to the report "*Review of Confidential Order for the Item: Personnel Matter – CEO Performance Review 2003, CRC281105F01*" together with all annexure and the minutes arising from the report be revoked.

Carried Unanimously

**Review of Confidential Order for the Item:
CRC Committee Recommendations – re Personnel Matter – CEO Performance Review 2005,
GC061205F02
Ref No: GC081215R10 – (1) Appendix 8**

Moved Councillor Hutchinson, Seconded Councillor Telfer that:

1. The confidentiality order pertaining to the report “*CRC Committee Recommendations – re Personnel Matter – CEO Performance Review 2005, GC061205F02*” together with all annexure and the minutes arising from the report be revoked.

Carried Unanimously

**Review of Confidential Order for the Item:
Personnel Matter – CEO Performance Review 2005, CRC090306F01
Ref No: GC081215R10 – (1) Appendix 9**

Moved Councillor Hutchinson, Seconded Councillor Telfer that:

1. The confidentiality order pertaining to the report “*Personnel Matter CEO Performance Review 2005, CRC090306F01*” together with all annexure and the minutes arising from the report be revoked.

Carried Unanimously

**Review of Confidential Order for the Item:
Personnel Matter – Chief Executive Review 2004/2005, CRC110506F01
Ref No: GC081215R10 – (1) Appendix 10**

Moved Councillor Hutchinson, Seconded Councillor Telfer that:

1. The confidentiality order pertaining to the report “*Personnel Matter – Chief Executive Review 2004/2005, CRC110506F01*” together with all annexure and the minutes arising from the report be revoked.

Carried Unanimously

**Review of Confidential Order for the Item:
Personnel Matter – Chief Executive Employment Agreement Review, CRC110506F02
Ref No: GC081215R10 – (1) Appendix 11**

Moved Councillor Hutchinson, Seconded Councillor Telfer that:

1. The confidentiality order pertaining to the report “*Personnel Matter – Chief Executive Employment Agreement Review, CRC110506F02*” together with all annexure and the minutes arising from the report be revoked.

Carried Unanimously

**Review of Confidential Order for the Item:
Personnel Matter – CEO Performance Review 2005, SGC160506F01
Ref No: GC081215R10 – (1) Appendix 12**

Moved Councillor Hutchinson, Seconded Councillor Telfer that:

1. The confidentiality order pertaining to the report "*Personnel Matter – CEO Performance Review 2005, SGC160506F01*" together with all annexure and the minutes arising from the report be revoked.

Carried Unanimously

**Review of Confidential Order for the Item:
Personnel Matter – CEO Employment Agreement Review, SGC160506F02
Ref No: GC081215R10 – (1) Appendix 13**

Moved Councillor Hutchinson, Seconded Councillor Telfer that:

1. The confidentiality order pertaining to the report "*Personnel Matter – CEO Employment Agreement Review, SGC160506F02*" together with all annexure and the minutes arising from the report be revoked.

Carried Unanimously

**Review of Confidential Order for the Item:
Personnel Matter – CEO Performance Review 2006-2007, CRC250707F01
Ref No: GC081215R10 – (1) Appendix 14**

Moved Councillor Hutchinson, Seconded Councillor Telfer that:

1. The confidentiality order pertaining to the report "*Personnel Matter – CEO Performance Review 2006-2007, CRC250707F01*" together with all annexure and the minutes arising from the report be revoked.

Carried Unanimously

**Review of Confidential Order for the Item:
Personnel Matter – CEO Performance Review, GC140807F01
Ref No: GC081215R10 – (1) Appendix 15**

Moved Councillor Hutchinson, Seconded Councillor Telfer that:

1. The confidentiality order pertaining to the report "*Personnel Matter – CEO Performance Review, GC140807F01*" together with all annexure and the minutes arising from the report be revoked.

Carried Unanimously

**Review of Confidential Order for the Item:
Personnel Matter – CEO performance review 2006-2007 CRC270807F01
Ref No: GC081215R10 – (1) Appendix 16**

Moved Councillor Hutchinson, Seconded Councillor Telfer that:

1. The confidentiality order pertaining to the report “*Personnel Matter – CEO Performance Review 2006-2007, CRC270807F01*” together with all annexure and the minutes arising from the report be revoked.

Carried Unanimously

Review of Confidential Order for the Item:

Personnel Matter – CEO performance review 2006-2007 CRC100907F01

Ref No: GC081215R10 – (1) Appendix 17

Moved Councillor Hutchinson, Seconded Councillor Telfer that:

1. The confidentiality order pertaining to the report “*Personnel Matter – CEO Performance Review 2006-2007, CRC100907F01*” together with all annexure and the minutes arising from the report be revoked.

Carried Unanimously

Review of Confidential Order for the Item:

CE Review Committee Confidential Recommendations GC250907F02

Ref No: GC081215R10 – (1) Appendix 18

Moved Councillor Hutchinson, Seconded Councillor Telfer that:

1. The confidentiality order pertaining to the report “*CE Review Committee Confidential Recommendations, GC250907F02*” together with all annexure and the minutes arising from the report be revoked.

Carried Unanimously

Review of Confidential Order for the Item:

Personnel Matter – CEO Performance Review 2006-2007 GC250907F03

Ref No: GC081215R10 – (1) Appendix 19

Moved Councillor Hutchinson, Seconded Councillor Telfer that:

1. The confidentiality order pertaining to the report “*Personnel Matter – CEO Performance Review 2006-2007, GC250907F03*” together with all annexure and the minutes arising from the report be revoked.

Carried Unanimously

Review of Confidential Order for the Item:

Personnel Matter – CEO Remuneration Review, CRC061107F01

Ref No: GC081215R10 – (1) Appendix 20

Moved Councillor Hutchinson, Seconded Councillor Telfer that:

1. The confidentiality order pertaining to the report “*Personnel Matter – CEO Remuneration Review, CRC061107F01*” together with all annexure and the minutes arising from the report be revoked.

Carried Unanimously

Review of Confidential Order for the Item:

Personnel Matter – CEO Remuneration Review 2006-2007, GC131107F01

Ref No: GC081215R10 – (1) Appendix 21

Moved Councillor Hutchinson, Seconded Councillor Telfer that:

1. The confidentiality order pertaining to the report “*Personnel Matter – CEO Remuneration Review 2006-2007, GC131107F01*” together with all annexure and the minutes arising from the report be revoked.

Carried Unanimously

Review of Confidential Order for the Item:

Personnel Matter – CEO Remuneration Review 2006-2007 GC131107F02

Ref No: GC081215R10 – (1) Appendix 22

Moved Councillor Hutchinson, Seconded Councillor Telfer that:

1. The confidentiality order pertaining to the report “*Personnel Matter – CEO Remuneration Review 2006-2007, GC131107F02*” together with all annexure and the minutes arising from the report be revoked.

Carried Unanimously

Review of Confidential Order for the Item:

Personnel Matter – CEO Performance Review 2007-2008, CRC140708F01

Ref No: GC081215R10 – (1) Appendix 23

Moved Councillor Hutchinson, Seconded Councillor Telfer that:

1. The confidentiality order pertaining to the report “*Personnel Matter – CEO Performance Review 2007-2008, CRC140708F01*” together with all annexure and the minutes arising from the report be revoked.

Carried Unanimously

Review of Confidential Order for the Item:

Personnel Matter – CEO Remuneration Review, CRC151208F01

Ref No: GC081215R10 – (1) Appendix 24

Moved Councillor Hutchinson, Seconded Councillor Telfer that:

1. The confidentiality order pertaining to the report “*Personnel Matter – CEO Remuneration Review, CRC151208F01*” together with all annexure and the minutes arising from the report be revoked.

Carried Unanimously

**Review of Confidential Order for the Item:
Personnel Matter – CEO Performance Review 2007-2008, CRC030209F01
Ref No: GC081215R10 – (1) Appendix 25**

Moved Councillor Hutchinson, Seconded Councillor Telfer that:

1. The confidentiality order pertaining to the report "*Personnel Matter – CEO Performance Review 2007-2008, CRC030209F01*" together with all annexure and the minutes arising from the report be revoked.

Carried Unanimously

**Review of Confidential Order for the Item:
Personnel Matter – CEO Performance Review 2007-2008, GC100209F01
Ref No: GC081215R10 – (1) Appendix 26**

Moved Councillor Hutchinson, Seconded Councillor Telfer that:

1. The confidentiality order pertaining to the report "*Personnel Matter – CEO Performance Review 2007-2008, GC100209F01*" together with all annexure and the minutes arising from the report be revoked.

Carried Unanimously

**Review of Confidential Order for the Item:
Personnel Matter – CEO Performance Review 2008-2009, CRC290909F01
Ref No: GC081215R10 – (1) Appendix 27**

Moved Councillor Hutchinson, Seconded Councillor Telfer that:

1. The confidentiality order pertaining to the report "*Personnel Matter – CEO Performance Review 2008-2009, CRC290909F01*" together with all annexure and the minutes arising from the report be revoked.

Carried Unanimously

**Review of Confidential Order for the Item: Personnel Matter – CEO Performance &
Remuneration Review 2008-2009, SGC201009F01
Ref No: GC081215R10 – (1) Appendix 28**

Moved Councillor Hutchinson, Seconded Councillor Telfer that:

1. The confidentiality order pertaining to the report "*Personnel Matter – CEO Performance & Remuneration Review 2008-2009, SGC201009F01*" together with all annexure and the minutes arising from the report be revoked.

Carried Unanimously

**Review of Confidential Order for the Item:
Personnel Matter – CEO Performance Review 2008-2009, CRC101109F01
Ref No: GC081215R10 – (1) Appendix 29**

Moved Councillor Hutchinson, Seconded Councillor Telfer that:

1. The confidentiality order pertaining to the report "*Personnel Matter – CEO Performance Review 2008-2009, CRC101109F01*" together with all annexure and the minutes arising from the report be revoked.

Carried Unanimously

**Review of Confidential Order for the Item:
Minutes of Chief Executive Review Committee Meeting, GC241109F01
Ref No: GC081215R10 – (1) Appendix 30**

Moved Councillor Hutchinson, Seconded Councillor Telfer that:

1. The confidentiality order pertaining to the report "*Minutes of Chief Executive Review Committee Meeting, GC241109F01*" together with all annexure and the minutes arising from the report be revoked.

Carried Unanimously

**Review of Confidential Order for the Item:
Personnel Matter – CEO Performance and Remuneration Review 2008-2009, CRC111209F01
Ref No: GC081215R10 – (1) Appendix 31**

Moved Councillor Hutchinson, Seconded Councillor Telfer that:

1. The confidentiality order pertaining to the Minutes "*Personnel Matter – CEO Performance and Remuneration Review 2008-2009, CRC111209F01*" be revoked.

Carried Unanimously

**Review of Confidential Order for the Item:
Personnel Matter – CEO Performance and Remuneration Review 2008-2009, CRC171209F01
Ref No: GC081215R10 – (1) Appendix 32**

Moved Councillor Hutchinson, Seconded Councillor Telfer that:

1. The confidentiality order pertaining to the Minutes "*Personnel Matter – CEO Performance and Remuneration Review 2008-2009, CRC171209F01*" be revoked.

Carried Unanimously

**Review of Confidential Order for the Item:
Personnel Matter – CEO Performance and Remuneration Review 2008-2009, GC090210F01
Ref No: GC081215R10 – (1) Appendix 33**

Moved Councillor Hutchinson, Seconded Councillor Telfer that:

1. The confidentiality order pertaining to the report "*Personnel Matter – CEO Performance and Remuneration Review 2008-2009, GC090210F01*" together with all annexure and the minutes arising from the report be revoked.

Carried Unanimously

**Review of Confidential Order for the Item:
Lease and Operation of Marion Leisure and Fitness Centre GC280904F01
Ref No: GC081215R10 - (2)**

Moved Councillor Hutchinson, Seconded Councillor Telfer that:

1. Appendix 1 to the report "*Lease and Operation of Marion Leisure and Fitness Centre, GC280904F01*" be released with the names of unsuccessful tenderers redacted.

Carried Unanimously

**Review of Confidential Order for the Item:
Report on Glandore Community Centre GC261004F02
Ref No: GC081215R10 - (3)**

Moved Councillor Hutchinson, Seconded Councillor Telfer that:

1. The confidentiality order pertaining to the report "*Glandore Community Centre, GC261004F02*" and the minutes arising from the report be revoked.

Carried Unanimously

**Review of Confidential Order for the Item:
Glandore Community Centre, GC220305F03
Ref No: GC081215R10 - (4)**

Moved Councillor Hutchinson, Seconded Councillor Telfer that:

1. The confidentiality order pertaining to the report "*Glandore Community Centre, GC220305F03*" together with all annexure and the minutes arising from the report be revoked.

Carried Unanimously

**Review of Confidential Order for the Item:
Personal Matter, GC090805F02
Ref No: GC081215R10 – (5)**

Moved Councillor Hutchinson, Seconded Councillor Telfer that:

1. The confidentiality order pertaining to the report "*Personal Matter, GC090805F02*" together with all annexure and the minutes arising from the report be revoked.

Carried Unanimously

**Review of Confidential Order for the Item:
Glandore Community Centre, GC240407F01
Ref No: GC081215R10 - (6)**

Moved Councillor Hutchinson, Seconded Councillor Telfer that:

1. The confidentiality order pertaining to the report “*Glandore Community Centre, GC240407F01*” together with the minutes arising from the report be revoked.

Carried Unanimously

**Review of Confidential Order for the Item:
Community Bus Negotiations, GC240309F01
Ref No: GC081215R10 - (7)**

Moved Councillor Hutchinson, Seconded Councillor Telfer that:

1. The confidential order pertaining to the report *Community Bus Negotiations, GC240309F01*, together with the minutes and any appendices arising from the report, be revoked.

Carried Unanimously

**Review of Confidential Order for the Item:
Abbeyfield, GC260509F02
Ref No: GC081215R10 - (8)**

Moved Councillor Hutchinson, Seconded Councillor Telfer that:

1. The confidentiality order pertaining to the report *Abbeyfield, GC260509F02*, together with the minutes arising from the report, be revoked.

Carried Unanimously

**Review of Confidential Order for the Item:
Internal Audit Project Report - Accounts Payable, AC040609F01
Ref No: GC081215R10 – (9)**

Moved Councillor Hutchinson, Seconded Councillor Telfer that:

1. The information affecting the security of Council property be redacted from the Appendix to the report “*Internal Audit Project Report - Accounts Payable, AC040609F01*” and the confidentiality order pertaining to the Appendix be revoked.

Carried Unanimously

**Review of Confidential Order for the Item:
Internal Audit Project Report – Revenue Assurance & Cash Receipting, AC040609F02
Ref No: GC081215R10 – (10)**

Moved Councillor Hutchinson, Seconded Councillor Telfer that:

1. The information affecting the security of Council property be redacted from the Appendix to the report “*Internal Audit Project Report - Assurance & Cash Receipting, AC040609F02*” and the confidentiality order pertaining to the Appendix be revoked.

Carried Unanimously

Review of Confidential Order for the Item:

Payroll Services and 6th Ranking Process, AC011211F6.2
Report Reference: GC081215R10 – (11)

Moved Councillor Hutchinson, Seconded Councillor Telfer that:

1. The Report “*Payroll Services and 6th Ranking Process, AC011211F6.2*”, Appendix and Minutes arising from the Report be released.

Carried Unanimously

Review of Confidential Order for the Item:
Oaklands Wetland – Cost Estimate, GC140812F01
Report Reference: GC081215R10 – (12)

Moved Councillor Hutchinson, Seconded Councillor Telfer that:

1. The confidentiality order pertaining to the report, „*Oaklands Wetlands Project – Cost Estimate, GC140812F01* be revoked.

Carried Unanimously

Review of Confidential Order for the Item:
Oaklands Wetland – Award of Construction, GC131112F01
Report Reference: GC081215R10 – (13)

Moved Councillor Hutchinson, Seconded Councillor Telfer that:

1. Appendix A: Tender Assessment Reports to the Oaklands Wetland Cost Breakdown and Appendix B: Oaklands Wetland Tender Evaluation in relation to the Report *Oaklands Wetland – Award of Construction, GC131112F01* be released with confidential commercial information redacted.

Carried Unanimously

Review of Confidential Order for the Item: Reserve at Elizabeth Crescent Hallett Cove – Cancellation of Contract for the Sale and Purchase of Land, GC271112F01
Report Reference: GC081215R10 – (14)

Moved Councillor Hutchinson, Seconded Councillor Telfer that:

1. The confidentiality order pertaining to the report “*Elizabeth Crescent Hallett Cove – Cancellation of Contract for the Sale and Purchase of Land, GC271112F01*” together with all annexure and the minutes arising from the report be revoked.

Carried Unanimously

Review of Confidential Order for the item: Service Review Project Report – Marion Swimming Centre, AC120213F01
Ref No: GC081215R10 - (15)

Moved Councillor Hutchinson, Seconded Councillor Telfer that:

1. The confidentiality order pertaining to the report “*Service Review Project Report – Marion Swimming Centre, AC120213F01*” together with all annexure and the minutes arising from the report be revoked.

Carried Unanimously

**Review of Confidential Order for the Item:
Consultants Details, GC101213F01
Report Reference: GC081215R10 – (16)**

Moved Councillor Hutchinson, Seconded Councillor Telfer that:

1. The confidentiality order pertaining to the report “*Consultants Details, GC101213F01*” and the minutes arising from the report be revoked.

Carried Unanimously

**Review of Confidential Order for Item: Code of Conduct, Complaint GC240614F01
Report Reference: GC081215R10 – (17)**

Moved Councillor Hutchinson, Seconded Councillor Telfer that:

1. The confidentiality order pertaining to the report “*Code of Conduct Complaint, GC240614F01*” together with all annexure and the minutes arising from the report be revoked.

Carried Unanimously

**Review of Confidential Order for Item: Code of Conduct Complaint GC240215F05
Report Reference: GC081215R10 – (18)**

Moved Councillor Hutchinson, Seconded Councillor Telfer that:

1. The report “*Code of Conduct Complaint GC240215F05*” and minutes arising from the report be released with any reference to a staff member’s name or position, with the exception of the former CEO, redacted.

Carried Unanimously

**Review of Confidential Order for the Item - Appointment of Acting Chief Executive Officer,
CRC060315R01
Report Reference: GC081215R10 – (19)**

Moved Councillor Hutchinson, Seconded Councillor Telfer that:

1. The confidentiality order pertaining to the Minutes of the item *Appointment of Acting Chief Executive Officer, CRC060315R01* be revoked.

Carried Unanimously

**Review of Confidential Order for the Item - Recruitment Process for Chief Executive Officer,
CRC200315R02**

Report Reference: GC081215R10 – (20)

Moved Councillor Hutchinson, Seconded Councillor Telfer that:

1. The confidentiality order pertaining to the Minutes of the item *Recruitment Process for Chief Executive Officer, CRC200315R02* be revoked.

Carried Unanimously

**Review of Confidential Order for the Item - Recommendations of the 20 March 2015 CEO Review Committee Meeting Minutes, GC240315F05
Report Reference: GC081215R10 – (21)**

Moved Councillor Hutchinson, Seconded Councillor Telfer that:

1. The confidentiality order pertaining to the report *Recommendations of the 20 March 2015 CEO Review Committee Meeting Minutes, GC240315F05* and minutes pertaining to the report, be revoked.

Carried Unanimously

**Review of Confidentiality Order: Marion Leisure and Fitness Centre, GC120515F01
Report Reference: GC081215R10 – (22)**

Moved Councillor Hutchinson, Seconded Councillor Telfer that:

1. The confidentiality order pertaining to the Minutes of the item *Marion Leisure and Fitness Centre, GC120515F01* be revoked.

Carried Unanimously

**Confidentiality Order Review - Chief Executive Officer Recruitment Process, SGC140515F01
Report Reference: GC081215R10 – (23)**

Moved Councillor Hutchinson, Seconded Councillor Telfer that:

1. The confidentiality order pertaining to the report *Chief Executive Officer Recruitment Process, SGC140515F01*, and minutes pertaining to the report, be revoked.

Carried Unanimously

**Confidentiality Order Review - Chief Executive Review Committee Confirmation of Minutes of Meetings held on 25 May 2015, GC260515R16
Report Reference: GC081215R10 – (24)**

Moved Councillor Hutchinson, Seconded Councillor Telfer that:

1. The confidentiality order pertaining to the item *Chief Executive Review Committee Confirmation of Minutes of Meetings held on 25 May 2015, GC260515R16* be revoked.

Carried Unanimously

**Confidentiality Order Review - Chief Executive Officer Recruitment Process, SGC160615F01
Report Reference: GC081215R10 – (25)**

Moved Councillor Hutchinson, Seconded Councillor Telfer that:

1. The confidentiality order pertaining to the item *Chief Executive Officer Recruitment Process, SGC160615F01* be revoked.

Carried Unanimously

**Confidentiality Order Review - Chief Executive Officer Recruitment Process, GC230615F01
Report Reference: GC081215R10 – (26)**

Moved Councillor Hutchinson, Seconded Councillor Telfer that:

1. The confidentiality order pertaining to the item *Chief Executive Officer Recruitment Process, GC230615F01* be revoked.

Carried Unanimously

**Review of Confidential Order for the Item – Internal Audit and Service Review Tender,
GC250815F04
Report Reference: GC081215R10 – (27)**

Moved Councillor Hutchinson, Seconded Councillor Telfer that:

1. The confidentiality order pertaining to the report *Internal Audit and Service Review Tender, GC250815F04* and the minutes arising from the report be revoked.
2. In accordance with Section 91(7) and (9) of the Local Government Act 1999 Council orders that Appendix A to the report *Internal Audit and Service Review Tender, GC250815F04* having been considered in confidence under Section 90(2) and (3)(d) and (3)(g) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting, on the basis that it contains information relating to a tender assessment for the provision of services that is commercial in confidence, and the release would, on balance, be contrary to the public interest, and to ensure Council does not breach any duty of confidence.

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

3. This confidentiality order will be reviewed at the December 2016 Council meeting.

Carried Unanimously

**Review of Confidential Order for the Item – Confidential Minutes AC180815, GC080915F02
Report Reference: GC081215R10 – (28)**

Moved Councillor Hutchinson, Seconded Councillor Telfer that:

1. The confidentiality order pertaining to the report "*Confidential Minutes AC180815, GC080915F02* together with all annexure and the minutes arising from the report be revoked.

Carried Unanimously

**Review of Confidential Order for the item - South Road Darlington Upgrade, GC080915F04
Report Reference: GC081215R10 – (29)**

Moved Councillor Hutchinson, Seconded Councillor Telfer that:

1. The confidentiality order pertaining to the presentation and any associated documentation regarding the item “*South Road Darlington Upgrade, GC080915F04*” be revoked.

Carried Unanimously

Moved Councillor Westwood, Seconded Councillor Telfer that items 30 to 45 (excluding item 36) are moved enbloc as printed in the reports.

9.46pm Councillor Pfeiffer left the meeting

9.47pm Councillor Pfeiffer re-entered the meeting

9.49pm Councillor Prior left the meeting

Carried

**Review of Confidential Order for the Item:
Cove Sports and Community Club, SGC010205F01
Ref No: GC081215R10 - (30)**

Moved Councillor Westwood, Seconded Councillor Telfer that:

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

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

2. Council requests the Chief Executive Officer to undertake further investigation and consultation with the view to releasing this matter based on the outcomes of such investigation and consultation.
3. Council delegates the power to revoke this order of confidentiality to the Chief Executive Officer, subject to no reasonable objections from relevant third parties or Elected Members.
4. This confidential order be reviewed at the April 2016 meeting of Council.

Carried

**Review of Confidential Order for the Item: Program Evaluation and Business Improvement
Service Provisions, AC020610F01**

Ref No: GC081214R10 - (31)

Moved Councillor Westwood, Seconded Councillor Telfer that:

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

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

2. Council requests the Chief Executive Officer to undertake further investigation and consultation with the view to releasing this matter based on the outcomes of such investigation and consultation.
3. Council delegates the power to revoke this order of confidentiality to the Chief Executive Officer, subject to no reasonable objections from relevant third parties or Elected Members.
4. This confidential order be reviewed at the April 2016 meeting of Council.

Carried

Review of Confidential Order for the Item: Program Evaluation and Business Improvement Service Provisions, AC100810F01

Ref No: GC081215R10 - (32)

Moved Councillor Westwood, Seconded Councillor Telfer that:

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

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

2. Council requests the Chief Executive Officer to undertake further investigation and consultation with the view to releasing this matter based on the outcomes of such investigation and consultation.
3. Council delegates the power to revoke this order of confidentiality to the Chief Executive Officer, subject to no reasonable objections from relevant third parties or Elected Members.
4. This confidential order be reviewed at the April 2016 meeting of Council.

Carried

**Review of Confidential Order for the Item: Program Evaluation and Business Improvement Service Provision, GC240810F02
Ref No: GC081214R10 - (33)**

Moved Councillor Westwood, Seconded Councillor Telfer that:

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

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

2. Council requests the Chief Executive Officer to undertake further investigation and consultation with the view to releasing this matter based on the outcomes of such investigation and consultation.
3. Council delegates the power to revoke this order of confidentiality to the Chief Executive Officer, subject to no reasonable objections from relevant third parties or Elected Members.
4. This confidential order be reviewed at the April 2016 meeting of Council.

Carried

**Review of Confidential Order for the Item: Commercial Arrangements, GC240112F01
Report Reference: GC081215R10 – (34)**

Moved Councillor Westwood, Seconded Councillor Telfer that:

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

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

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

3. Council delegates the power to revoke this order of confidentiality to the Chief Executive Officer, subject to no reasonable objections from relevant third parties or Elected Members.
4. This confidentiality order will be reviewed at the General Council meeting in April 2016.

Carried

**Review of Confidential Order for the Item: Commercial Arrangements, GC240712F01
Report Reference: GC081215R10 – (35)**

Moved Councillor Westwood, Seconded Councillor Telfer that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report *Commercial Arrangements, GC240712F01*, the minutes arising from this report and any other information distributed at the meeting having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection on the basis that it relates to proposed commercial arrangements which could reasonably be expected to prejudice the commercial position of the person who supplies the information, or to confer a commercial advantage to a third party, and the release would, on balance, be contrary to the public interest.

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

2. Council requests the Chief Executive Officer to undertake further investigation and consultation with the view to releasing this matter based on the outcomes of such investigation and consultation.
3. Council delegates the power to revoke this order of confidentiality to the Chief Executive Officer, subject to no reasonable objections from relevant third parties or Elected Members.
4. This confidentiality order will be reviewed at the General Council meeting in December 2016.

Carried

**Review of Confidential Order for the Item:
Living Kurna Cultural Centre, GC250105F02
Ref No: GC081215R10 – (37)**

Moved Councillor Westwood, Seconded Councillor Telfer that:

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

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

2. Council requests the Chief Executive Officer to undertake further investigation and consultation with the view to releasing this matter based on the outcomes of such investigation and consultation.
3. Council delegates the power to revoke this order of confidentiality to the Chief Executive Officer, subject to no reasonable objections from relevant third parties or Elected Members.
4. This confidential order be reviewed at the April 2016 meeting of Council.

Carried

**Review of Confidential Order for the Item:
Living Kurna Cultural Centre, GC220305F01
Ref No: GC081215R10 – (38)**

Moved Councillor Westwood, Seconded Councillor Telfer that:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, „*Living Kurna Cultural Centre, GC250105F02*’ together with the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of persons (Section 90(3)(a)), and may affect the security of Council and safety of members, employees of the Council, and other persons (Section 90(3)(e)), of the *Local Government Act 1999*.

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

2. Council requests the Chief Executive Officer to undertake further investigation and consultation with the view to releasing this matter based on the outcomes of such investigation and consultation.
3. Council delegates the power to revoke this order of confidentiality to the Chief Executive Officer, subject to no reasonable objections from relevant third parties or Elected Members.
4. This confidential order be reviewed at the April 2016 meeting of Council.

Carried

**Review of Confidential Order for the Item:
Oaklands Regeneration Project, State Aquatic Centre, SGC300608F01
Ref No: GC081215R10 - (39)**

Moved Councillor Westwood, Seconded Councillor Telfer that:

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

public interest (Section 90(3)(d)), and to ensure Council does not breach a duty of confidence (Section (3)(g)).

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

2. Council requests the Chief Executive Officer to undertake further investigation and consultation with the view to releasing this matter based on the outcomes of such investigation and consultation.
3. Council delegates the power to revoke this order of confidentiality to the Chief Executive Officer, subject to no reasonable objections from relevant third parties or Elected Members.
4. This confidential order be reviewed at the April 2016 meeting of Council.

Carried

**Review of Confidentiality Order: Marion Leisure and Fitness Centre, GC270115F01
Report Reference: GC081215R10 – (40)**

Moved Councillor Westwood, Seconded Councillor Telfer that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report *Marion Leisure and Fitness Centre, GC270115F01* and minutes arising from this report having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting, as the information relates to information of a commercial nature (not being a trade secret, the disclosure of which could reasonably be expected to prejudice the commercial position of a person who supplied the information or to confer a commercial advantage on a third party, and the disclosure of this information would, on balance, be contrary to the public interest as it could prejudice Council's ability to be able to negotiate a cost effective proposal for the benefit of the Council and the community.

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

2. Council requests the Chief Executive Officer to undertake further investigation and consultation with the view to releasing this matter based on the outcomes of such investigation and consultation.
3. Council delegates the power to revoke this order of confidentiality to the Chief Executive Officer, subject to no reasonable objections from relevant third parties or Elected Members.
4. This confidential order be reviewed at the April 2016 meeting of Council.

Carried

**Review of Confidentiality Order: Marion Leisure and Fitness Centre Lease to CASA Leisure Pty Ltd, SGC190215F01
Report Reference: GC081215R10 – (41)**

Moved Councillor Westwood, Seconded Councillor Telfer that:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the Report, „Marion Leisure and Fitness Centre - Lease to CASA Leisure Pty Ltd’ (Report Reference SGC190215F01) and the Minutes arising from this report having been considered in confidence be kept confidential under Sections 90(2), (3)(b) and (3)(k) of the Act and not be available for public inspection for a period of 12 months from the date of this meeting or until such time as the tender process regarding the provision of future services and works in respect of the Centre is complete.

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

2. Council requests the Chief Executive Officer to undertake further investigation and consultation with the view to releasing this matter based on the outcomes of such investigation and consultation.
3. Council delegates the power to revoke this order of confidentiality to the Chief Executive Officer, subject to no reasonable objections from relevant third parties or Elected Members.
4. This confidential order be reviewed at the April 2016 meeting of Council.

Carried

**Review of Confidentiality Order: Council Briefing – Nursery operations, GC250815F06
Report Reference: GC081215R10 – (42)**

Moved Councillor Westwood, Seconded Councillor Telfer that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report *Review of Confidentiality Order: Council Briefing – Nursery operations, GC250815F06* and minutes arising from this report having been considered in confidence under Section 90(2), (3)(h) and (i) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting, as the information relates to legal advice the subject of actual litigation.

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

2. Council delegates the power to revoke this order of confidentiality to the Chief Executive Officer, following finalisation of this matter within the South Australian Industrial Relations Commission.
3. This confidentiality order will be reviewed at the General Council meeting in December 2016, unless revoked earlier.

Carried

**Review of Confidential Order for the Item:
Cove Civic Centre – Cost and Programme Management, GC240215F01
Ref No: GC081215R10 - (43)**

Moved Councillor Westwood, Seconded Councillor Telfer that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, „Cove Civic Centre – Cost and Programme Management, GC240215F01’ together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party, and would, on balance, be contrary to the public interest (Section 90(3)(b) of the *Local Government Act 1999*) and would breach a duty of confidence (Section 90(3)(g)).

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

2. Council requests the Chief Executive Officer to undertake further investigation and consultation with the view to releasing this matter based on the outcomes of such investigation and consultation.
3. Council delegates the power to revoke this order of confidentiality to the Chief Executive Officer, subject to no reasonable objections from relevant third parties or Elected Members.
4. This confidential order be reviewed at the April 2016 meeting of Council.

Carried

**Review of Confidential Order for the Item:
Cove Civic Centre, GC220915F01
Ref No: GC081215R10 - (44)**

Moved Councillor Westwood, Seconded Councillor Telfer that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, „Cove Civic Centre, GC220915F01’ together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains commercial information of a confidential nature and would, on balance, be contrary to the public interest (Section 90(3)(d)) and would breach a duty of confidence (Section 90(3)(g)).

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

2. Council requests the Chief Executive Officer to undertake further investigation and consultation with the view to releasing this matter based on the outcomes of such investigation and consultation.
3. Council delegates the power to revoke this order of confidentiality to the Chief Executive Officer, subject to no reasonable objections from relevant third parties or Elected Members.
4. This confidential order be reviewed at the April 2016 meeting of Council.

Carried

**Review of Confidential Order for the Item:
Cove Sports and Community Club, CC140605R07
Ref No: GC081215R10 - (45)**

Moved Councillor Westwood, Seconded Councillor Telfer that:

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

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

2. Council requests the Chief Executive Officer to undertake further investigation and consultation with the view to releasing this matter based on the outcomes of such investigation and consultation
3. Council delegates the power to revoke this order of confidentiality to the Chief Executive Officer, subject to no reasonable objections from relevant third parties or Elected Members.
4. This confidential order be reviewed at the December 2016 meeting of Council.

Carried

9.51pm Councillor Prior re-entered the meeting

Personal Explanation

Councillor Hull sought and was granted leave of the meeting to give a personal explanation.

Councillor Hull gave the following personal explanation in relation to the item Review of Confidential Order for Item: Code of Conduct, GC270514F02 (Report Reference: GC081215R10 – (36)):

While there is an item held in confidence, there may be perception by some members of the community that there is something there that I may not want released. There is always that innuendo and suggestion about what that might be. I am not comfortable with it being held in confidence because the broader report as I said has been released by the Ombudsman. I think it is high time that the matter is put behind us & put out there. I am a great believer that any Elected member who has been involved in anything like this (with maybe exceptions if it is going to become a legal issue etc.) should be out in the open as we are all public officials. I want it out in the open and that is my preference.

Councillor Hull declared a conflict of interest in the item and left the meeting

9.54pm Councillor Hull left the meeting

**Review of Confidential Order for Item: Code of Conduct,
GC270514F02
Report Reference: GC081215R10 – (36)**

Moved Councillor Westwood, Seconded Councillor Veliskou that:

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

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

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

2. Council delegates the power to revoke this order of confidentiality to the Chief Executive Officer, subject to no reasonable objections from relevant third parties or Elected Members.
3. This confidential order be reviewed at the April 2016 meeting of Council.

Meeting Extension

Moved Councillor Gard, Seconded Councillor Kerry that the meeting be extended until all remaining agenda items are completed.

Carried

10.00pm the meeting was extended

The motion was **Carried**

10.03pm Councillor Hull re-entered the meeting

10.03pm Councillor Crossland left the meeting

Moved Councillor Veliskou, Seconded Councillor Telfer that items 46 – 82 (excluding 47, 48, 51, 59, 74) be moved enbloc as printed in the reports.

Carried Unanimously

Review of Confidential Order for the Item:

**Personnel Matter – CEO Performance and Remuneration Review 2009-2010, GC110510F01
Ref No: GC081215R10 – (46) Appendix 1**

Moved Councillor Veliskou, Seconded Councillor Telfer that:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, „Personnel Matter – CEO Performance and Remuneration Review 2009-2010, GC110510F01” together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person (Section 90(3)(a)), and to ensure Council does not breach any duty of confidence or other legal obligation or duty (Section 90(3)(g)).

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

2. This confidential order be reviewed at the December 2016 meeting of Council.

Carried Unanimously

**Review of Confidential Order for the Item:
Personnel Matter – CEO Performance and Remuneration Review 2009-2010, CRC170810F01
Ref No: GC081215R10 – (46) Appendix 2**

Moved Councillor Veliskou, Seconded Councillor Telfer that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, „*Personnel Matter – CEO Performance and Remuneration Review 2009-2010, GC170810F01*’ together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person (Section 90(3)(a)), and to ensure Council does not breach any duty of confidence or other legal obligation or duty (Section 90(3)(g)).

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

2. This confidential order be reviewed at the December 2016 meeting of Council.

Carried Unanimously

**Review of Confidential Order for the Item:
Personnel Matter – CEO Performance and Remuneration Review 2009-2010, GC240810F01
Ref No: GC081215R10 – (46) Appendix 3**

Moved Councillor Veliskou, Seconded Councillor Telfer that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, „*Personnel Matter – CEO Performance and Remuneration Review 2009-2010, GC240810F01*’ together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person (Section 90(3)(a)), and to ensure Council does not breach any duty of confidence or other legal obligation or duty (Section 90(3)(g)).

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

2. This confidential order be reviewed at the December 2016 meeting of Council.

Carried Unanimously

Review of Confidential Order for the Item:

**Personnel Matter - CEO Performance Criteria 2010-2011, GC140910F01
Ref No: GC081215R10 – (46) Appendix 4**

Moved Councillor Veliskou, Seconded Councillor Telfer that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, „*Personnel Matter – CEO Performance Criteria 2010-2011, GC140910F01*’ together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person (Section 90(3)(a)), and to ensure Council does not breach any duty of confidence or other legal obligation or duty (Section 90(3)(g)).

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

2. This confidential order be reviewed at the December 2016 meeting of Council.

Carried Unanimously

**Review of Confidential Order for the Item:
CEO Performance & Remuneration Review 2010-2011, CRC251011F01
Ref No: GC081215R10 – (46) Appendix 5**

Moved Councillor Veliskou, Seconded Councillor Telfer that:

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

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

2. This confidential order be reviewed at the December 2016 meeting of Council.

Carried Unanimously

**Review of Confidential Order for the Item:
Draft CEO Review Committee Meeting Minutes, GC081111F01
Ref No: GC081215R10 – (46) Appendix 6**

Moved Councillor Veliskou, Seconded Councillor Telfer that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, „*Draft CEO Review Committee Meeting Minutes, GC081111F01*’ together with all annexure and the minutes arising from the report be kept confidential and not

available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the former Chief Executive Officer (Section 90(3)(a)) and to ensure Council does not breach any duty of confidence or other legal obligation or duty (Section 90(3)(g)).

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

2. This confidential order be reviewed at the December 2016 meeting of Council.

Carried Unanimously

**Review of Confidential Order for the Item:
Personnel Matter – CEO Performance Review – Appointment of External Consultant,
CRC291111F01
Ref No: GC081215R10 – (46) Appendix 7**

Moved Councillor Veliskou, Seconded Councillor Telfer that:

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

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

2. This confidential order be reviewed at the December 2016 meeting of Council.

Carried Unanimously

**Review of Confidential Order for the Item:
Draft CEO Review Committee Meeting Minutes, GC131211F01
Ref No: GC081215R10 – (46) Appendix 8**

Moved Councillor Veliskou, Seconded Councillor Telfer that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report *Draft CEO Review Committee Meeting Minutes, GC131211F01* and associated appendices and the minutes arising from this report be kept confidential and not available for the public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person (Section 90(3)(a)), and to ensure Council does not breach any duty of confidence or other legal obligation or duty (Section 90(3)(g)).

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

2. This confidential order be reviewed at the December 2016 meeting of Council.

Carried Unanimously

Review of Confidential Order for the Item:

**CEO Performance Review 2010 – 2011 & Employment Agreement Review, CRC140212F01
Ref No: GC081215R10 – (46) Appendix 9**

Moved Councillor Veliskou, Seconded Councillor Telfer that:

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

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

2. This confidential order be reviewed at the December 2016 meeting of Council.

Carried Unanimously

Review of Confidential Order for the Item:

**Personnel Matter – CEO Performance and Employment Agreement Review, SGC270212F02
Ref No: GC081215R10 – (46) Appendix 10**

Moved Councillor Veliskou, Seconded Councillor Telfer that:

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

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

2. This confidential order be reviewed at the December 2016 meeting of Council.

Carried Unanimously

Review of Confidential Order for the Item:

**Personnel Matter – CEO Performance and Employment Agreement Review, CRC060312F01
Ref No: GC081215R10 – (46) Appendix 11**

Moved Councillor Veliskou, Seconded Councillor Telfer that:

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

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

2. This confidential order be reviewed at the December 2016 meeting of Council.

Carried Unanimously

**Review of Confidential Order for the Item:
Confirmation of Minutes, GC130312F01
Ref No: GC081215R10 – (46) Appendix 12**

Moved Councillor Veliskou, Seconded Councillor Telfer that:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report *Confirmation of Minutes, GC130312F01*, the minutes arising from this report and any other information distributed at the meeting be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person living or dead being the former Chief Executive Officer (*Section (3)(a)*) and to ensure Council does not breach any duty of confidence or other legal obligation or duty (Section 90(3)(g)).

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

2. This confidential order be reviewed at the December 2016 meeting of Council.

Carried Unanimously

**Review of Confidential Order for the Item:
Personnel Matter – CEO Performance Review 2010-2011 and and Employment Agreement Review, SGC050412F01
Ref No: GC081215R10 – (46) Appendix 13**

Moved Councillor Veliskou, Seconded Councillor Telfer that:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report *CEO Performance and Employment Agreement Review - CRC060312F01*, minutes arising from this report and any other information distributed at the

meeting be kept confidential and not available for the public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information relating to the conduct of the former Chief Executive Officer's 2010-2011 performance and remuneration and Employment Agreement review. (Section 90(3)(a)) and to ensure Council does not breach any duty of confidence or other legal obligation or duty (Section 90(3)(g)).

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

2. This confidential order be reviewed at the December 2016 meeting of Council.

Carried Unanimously

**Review of Confidential Order for the Item:
CEO Performance & Remuneration Review, CRC160412F01
Ref No: GC081215R10 – (46) Appendix 14**

Moved Councillor Veliskou, Seconded Councillor Telfer that:

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

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

2. This confidential order be reviewed at the December 2016 meeting of Council.

Carried Unanimously

**Review of Confidential Order for the Item:
Minutes of the CEO Review Committee Meeting Held 16 April 2012, GC240412F02
Ref No: GC081215R10 – (46) Appendix 15**

Moved Councillor Veliskou, Seconded Councillor Telfer that:

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

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

2. This confidential order be reviewed at the December 2016 meeting of Council.

Carried Unanimously

Review of Confidential Order for the Item:

**Personnel Matter – CEO Performance and Remuneration Review 2010-2011 CRC120612F01
Ref No: GC081215R10 – (46) Appendix 16**

Moved Councillor Veliskou, Seconded Councillor Telfer that:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report *Personnel Matter – CEO Performance and Remuneration Review 2010-2011 CRC120612F01* and the minutes arising from this report be kept confidential and not available for the public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the former Chief Executive Office of the Council. (Section 90(3)(a)) and to ensure Council does not breach any duty of confidence or other legal obligation or duty (Section 90(3)(g)).

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

2. This confidential order be reviewed at the December 2016 meeting of Council.

Carried Unanimously

Review of Confidential Order for the Item:

**Personnel Matter CEO Performance & Remuneration Review 2010-2011, GC260612F01
Ref No: GC081215R10 – (46) Appendix 17**

Moved Councillor Veliskou, Seconded Councillor Telfer that:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report *Personnel Matter CEO Performance & Remuneration Review 2010-2011, GC260612F01* and the minutes arising from this report be kept confidential and not available for the public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the former Chief Executive Office of the Council. (Section 90(3)(a)) and to ensure Council does not breach any duty of confidence or other legal obligation or duty (Section 90(3)(g)).

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

2. This confidential order be reviewed at the December 2016 meeting of Council.

Carried Unanimously

Review of Confidential Order for the Item:

**Personnel Matter – CEO Performance and Remuneration Review 2011-2012, CRC210812F01
Ref No: GC081215R10 – (46) Appendix 18**

Moved Councillor Veliskou, Seconded Councillor Telfer that:

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

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

2. This confidential order be reviewed at the December 2016 meeting of Council.

Carried Unanimously

**Review of Confidential Order for the Item:
Confirmation of Minutes of CEO Review Committee Meeting held 21 August 2012,
GC280812F01
Ref No: GC081215R10 – (46) Appendix 19**

Moved Councillor Veliskou, Seconded Councillor Telfer that:

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

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

2. This confidential order be reviewed at the December 2016 meeting of Council.

Carried Unanimously

**Review of Confidential Order for the Item:
Personnel Matter – CEO Professional Development Update, CRC021012F01
Ref No: GC081215R10 – (46) Appendix 20**

Moved Councillor Veliskou, Seconded Councillor Telfer that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that this report *Personnel Matter – CEO Professional Development Update*, the

minutes arising from this report and any other material distributed at the meeting be kept confidential and not available for public inspection on the basis it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person living or dead being the former Chief Executive Officer. (Section 90(3)(a)) and to ensure Council does not breach any duty of confidence or other legal obligation or duty (Section 90(3)(g)).

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

2. This confidential order be reviewed at the December 2016 meeting of Council.

Carried Unanimously

Review of Confidential Order for the Item:

**Personnel Matter – 2011/2012 CEO Performance & Remuneration Review, CRC021012F02
Ref No: GC081215R10 – (46) Appendix 21**

Moved Councillor Veliskou, Seconded Councillor Telfer that:

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

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

2. This confidential order be reviewed at the December 2016 meeting of Council.

Carried Unanimously

Review of Confidential Order for the Item:

**Confirmation of Minutes of CEO Review Committee Meeting held 2 October 2012,
GC091012F02
Ref No: GC081215R10 – (46) Appendix 22**

Moved Councillor Veliskou, Seconded Councillor Telfer that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report *Confirmation of Minutes of CEO Review Committee Meeting held 2 October 2012, GC091012F02*, and the minutes arising from this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the former Chief Executive Office of the Council – Section (3)(a), and to ensure Council does not breach any duty of confidence or other legal obligation or duty (Section 90(3)(g)).

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

2. This confidential order be reviewed at the December 2016 meeting of Council.

Carried Unanimously

**Review of Confidential Order for the Item:
Personnel Matter – CEO Professional Development Update, CRC201112F01
Ref No: GC081215R10 – (46) Appendix 23**

Moved Councillor Veliskou, Seconded Councillor Telfer that:

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

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

2. This confidential order be reviewed at the December 2016 meeting of Council.

Carried Unanimously

**Review of Confidential Order for the Item:
Personnel Matter – CEO Performance and Remuneration Review 2011 – 2012, CRC201112F02
Ref No: GC081215R10 – (46) Appendix 24**

Moved Councillor Veliskou, Seconded Councillor Telfer that:

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

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

2. This confidential order be reviewed at the December 2016 meeting of Council.

Carried Unanimously

**Review of Confidential Order for the Item:
Confirmation of Minutes of CEO Review Committee Meeting held 20 November 2012,
GC271112F02
Ref No: GC081215R10 – (46) Appendix 25**

Moved Councillor Veliskou, Seconded Councillor Telfer that:

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

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

2. This confidential order be reviewed at the December 2016 meeting of Council.

Carried Unanimously

**Review of Confidential Order for the Item:
Personnel Matter – CEO Performance Criteria 2012 – 2013,
CRC020413F01
Ref No: GC081215R10 – (46) Appendix 26**

Moved Councillor Veliskou, Seconded Councillor Telfer that:

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

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

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

Carried Unanimously

**Review of Confidential Order for the Item:
Personnel Matter – CEO Performance Criteria 2012 – 2013,
GC090413F01
Ref No: GC081215R10 – (46) Appendix 27**

Moved Councillor Veliskou, Seconded Councillor Telfer that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report *Personnel Matter – CEO Performance Criteria 2012 – 2013, GC090413F01* and minutes arising from this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the former Chief Executive Office of the Council (Section (3)(a)), to ensure Council does not breach any duty of confidence or other legal obligation or duty (Section 90(3)(g)).

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

2. This confidential order be reviewed at the December 2016 meeting of Council.

Carried Unanimously

Review of Confidential Order for the Item:

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

Ref No: GC081215R10 – (46) Appendix 28

Moved Councillor Veliskou, Seconded Councillor Telfer that:

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

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

2. This confidential order be reviewed at the December 2016 meeting of Council.

Carried Unanimously

Review of Confidential Order for the Item:

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

Ref No: GC081215R10 – (46) Appendix 29

Moved Councillor Veliskou, Seconded Councillor Telfer that:

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

to ensure Council does not breach any duty of confidence or other legal obligation or duty (Section 90(3)(g)).

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

2. This confidential order be reviewed at the December 2016 meeting of Council.

Carried Unanimously

**Review of Confidential Order for the Item:
Confirmation of Minutes of CEO Review Committee Meeting held 17 September 2013,
GC240913F02
Ref No: GC081215R10 – (46) Appendix 30**

Moved Councillor Veliskou, Seconded Councillor Telfer that:

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

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

2. This confidential order be reviewed at the December 2016 meeting of Council.

Carried Unanimously

**Review of Confidential Order for the Item:
Personnel Matter – CEO Performance and Remuneration Review 2012 – 2013, CRC251113F01
Ref No: GC081215R10 – (46) Appendix 31**

Moved Councillor Veliskou, Seconded Councillor Telfer that:

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

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

2. This confidential order be reviewed at the December 2016 meeting of Council.

Carried Unanimously

Review of Confidential Order for the Item:

**Personnel Matter - CEO Performance and Remuneration Review 2012-2013, GC101214F03
Ref No: GC081215R10 – (46) Appendix 32**

Moved Councillor Veliskou, Seconded Councillor Telfer that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report *Personnel Matter - CEO Performance and Remuneration Review 2012-2013, GC101214F03* and minutes arising from this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the former Chief Executive Officer of the Council (Section (3)(a)), and to ensure Council does not breach any duty of confidence or other legal obligation or duty (Section 90(3)(g)).

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

2. This confidential order be reviewed at the December 2016 meeting of Council.

Carried Unanimously

Review of Confidential Order for the Item:

**Personnel Matter - CEO Performance 2012-2013 – Feedback re Outcomes GC110314F02
Ref No: GC081215R10 – (46) Appendix 33**

Moved Councillor Veliskou, Seconded Councillor Telfer that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report *Personnel Matter - CEO Performance 2012-2013 – Feedback re Outcomes, GC110314F02* and minutes arising from this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the former Chief Executive Officer of the Council (Section (3)(a)), and to ensure Council does not breach any duty of confidence or other legal obligation or duty (Section 90(3)(g)).

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

2. This confidential order be reviewed at the December 2016 meeting of Council.

Carried Unanimously

**Review of Confidential Order for the Item: 2013-2014 CEO
Performance and Remuneration Review, GC 080714F01
Ref No: GC081215R10 – (46) Appendix 34**

Moved Councillor Veliskou, Seconded Councillor Telfer that:

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

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

2. This confidential order be reviewed at the December 2016 meeting of Council.

Carried Unanimously

**Review of Confidential Order for the Item:
CEO Performance and Remuneration Review, CRC120814F01
Ref No: GC081215R10 – (46) Appendix 35**

Moved Councillor Veliskou, Seconded Councillor Telfer that:

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

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

2. This confidential order be reviewed at the December 2016 meeting of Council.

Carried Unanimously

**Review of Confidential Order for the Item:
CEO Performance and Remuneration Review, GC260814F01
Ref No: GC081215R10 – (46) Appendix 36**

Moved Councillor Veliskou, Seconded Councillor Telfer that:

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

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

2. This confidential order be reviewed at the December 2016 meeting of Council.

Carried Unanimously

**Review of Confidential Order for the Item: Personnel Matter -
CEO Performance and Remuneration Review, 2014-2015 GC051214F01
Ref No: GC081215R10 – (46) Appendix 37**

Moved Councillor Veliskou, Seconded Councillor Telfer that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report *personnel Matter - CEO Performance and Remuneration Review 2014-2015, GC051214F01* and minutes arising from this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the former Chief Executive Office of the Council (Section (3)(a)) and to ensure Council does not breach any duty of confidence or other legal obligation or duty (Section 90(3)(g)).

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

2. This confidential order be reviewed at the December 2016 meeting of Council.

Carried Unanimously

**Review of Confidential Order for the Item: Recommendations
of the 5 December 2014 CEO Review Committee Meeting Minutes GC091214F02
Ref No: GC081215R10 – (46) Appendix 38**

Moved Councillor Veliskou, Seconded Councillor Telfer that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report *Recommendations of the 5 December 2014 CEO Review Committee Meeting Minutes GC091214F02* and any appendices to this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the former Chief Executive Office of the Council (Section (3)(a)) and to ensure Council does not breach any duty of confidence or other legal obligation or duty (Section 90(3)(g)).

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

2. This confidential order be reviewed at the December 2016 meeting of Council.

Carried Unanimously

**Personnel Matter – CEO Key Performance Indicators – Appointment of and External
Consultant CRC 230115F01
Ref No: GC081215R10 – (46) Appendix 39**

Moved Councillor Veliskou, Seconded Councillor Telfer that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report *CEO Key Performance Indicators – Appointment of and External Consultant CRC 230115F01* and minutes arising from this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the former Chief Executive Office of the Council (Section (3)(a)) and to ensure Council does not breach any duty of confidence or other legal obligation or duty (Section 90(3)(g)).

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

2. This confidential order be reviewed at the December 2016 meeting of Council.

Carried Unanimously

**Recommendations of the 23 January 2015 CEO Review Committee Meeting Minutes - GC270115F03
Ref No: GC081215R10 – (46) Appendix 40**

Moved Councillor Veliskou, Seconded Councillor Telfer that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report and minutes arising from this report *Recommendations of the 23 January 2015 CEO Review Committee Meeting Minutes - GC230115F01* and any appendices to this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the former Chief Executive Office of the Council (Section (3)(a)) and to ensure Council does not breach any duty of confidence or other legal obligation or duty (Section 90(3)(g)).

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

2. This confidential order be reviewed at the December 2016 meeting of Council.

Carried Unanimously

**Chief Executive Officer's Employment Contract SGC190215F02
Ref No: GC081215R10 – (46) Appendix 41**

Moved Councillor Veliskou, Seconded Councillor Telfer that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the information relating to this report *Chief Executive Officer's Employment Contract SGC190215F02* and the Minutes be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the

former Chief Executive Office of the Council (Section (3)(a)), and to ensure Council does not breach any duty of confidence or other legal obligation or duty (Section 90(3)(g)).

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

2. This confidential order be reviewed at the December 2016 meeting of Council.

Carried Unanimously

**Review of Confidential Order for the Item:
Kerbside Waste & Recycling Collection Contract 2005, SGC210605F01
Ref No: GC081215R10 - (49)**

Moved Councillor Veliskou, Seconded Councillor Telfer that:

1. Pursuant to Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the Report, "*Kerbside Waste & Recycling Collection Contract 2005, SGC210605F01*" together with the appendices and minutes arising from the report be kept confidential on the basis that it deals with information concerning tenders for the supply of goods, the provision of services or the carrying out of works (Section 90(3)(k) and contains confidential commercial information which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or confer an advantage on a third party and on balance the disclosure would be contrary to the public interest (Section 90(3)(d)).

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

2. This confidential order be reviewed at the December 2016 meeting of Council.

Carried Unanimously

**Review of Confidential Order for the Item: Provision of Advertising Bus Shelters to the City of Marion, GC270207F01
Ref No: GC081215R10 - (50)**

Moved Councillor Veliskou, Seconded Councillor Telfer that:

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

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

2. This confidential order be reviewed at the December 2016 meeting of Council.

Carried Unanimously

**Review of Confidential Order for the Item: City Services Redevelopment – Section 48 Prudential Report, AC190511R6.1
Ref No: GC091214R10 - (52)**

Moved Councillor Veliskou, Seconded Councillor Telfer that:

1. Pursuant to Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the Report "*City Services Redevelopment - Section 48 Prudential Report, AC190511R6.1*" together with the minutes arising from the report be kept confidential on the basis that they contain information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the Council and would, on balance, be contrary to the public interest (s.90(3)(b)), and to ensure Council does not breach any duty of confidence (s.90(3)(g)).

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

2. This confidential order be reviewed at the December 2016 meeting of Council.

Carried Unanimously

**Review of Confidential Order for the Item:
External Audit – Tender for Services, AC070212F6.1
Report Reference: GC081215R10 – (53)**

Moved Councillor Veliskou, Seconded Councillor Telfer that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report *External Audit – Tender for Services, AC070212F6.1*, the minutes arising from this report and any other information distributed at the meeting having been considered in confidence under Section 90(2) and (3)(d) and (3)(k) of the Act be kept confidential and not available for public inspection on the basis it contains information relating to the tender for the provision of external audit services and is of a confidential commercial nature, and the release would, on balance, be contrary to the public interest.

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

2. This confidentiality order will be reviewed at the General Council meeting in December 2016.

Carried Unanimously

**Review of Confidential Order for the Item:
External Audit Tender, GC140212F01
Report Reference: GC081215R10 – (54)**

Moved Councillor Veliskou, Seconded Councillor Telfer that:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that Appendix 1 to the report *External Audit Tender, GC140212F01*, having been

considered in confidence under Section 90(2) and (3)(d) and (k) of the Act, be kept confidential and not available for public inspection on the basis the information is of a commercial nature, and disclosure would on balance be contrary to the public interest.

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

2. This confidentiality order will be reviewed at the General Council meeting in December 2016.

Carried Unanimously

**Review of Confidential Order for the item:
Kerbside Waste Collection Contract, GC120612F01
Report Reference: GC081215R10 - (55)**

Moved Councillor Veliskou, Seconded Councillor Telfer that:

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

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

2. This confidential order be reviewed at the December 2016 meeting of Council.

Carried Unanimously

**Review of Confidential Order for the Item:
Legal Advice, GC100712F02
Report Reference: GC081215R10 – (56)**

Moved Councillor Veliskou, Seconded Councillor Telfer that:

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

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

2. This confidentiality order will be reviewed at the General Council meeting in December 2016.

Carried Unanimously

**Review of Confidential Order for the Item:
City Services Redevelopment – Cost Estimate,
GC110912F01
Report Reference: GC081215R10 – (57)**

Moved Councillor Veliskou, Seconded Councillor Telfer that:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report *City Services Redevelopment – Cost Estimate, GC110912F01* and the minutes arising from this report having been considered in confidence under Section 90(2) and 90(3)(b) of the Act be kept confidential and not available for public inspection on the basis the information relates to information the disclosure of which would:
 - a) reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
 - b) on balance, be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.
2. This confidentiality order will be reviewed at the General Council meeting in December 2016.

Carried Unanimously

**Review of Confidentiality Order:
City Services Redevelopment – Update, GC290113F01
Report Reference: GC081215R10 – (58)**

Moved Councillor Veliskou, Seconded Councillor Telfer that:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the appendices to the report *„City Services Redevelopment – Update’, GC290113F01* having been considered in confidence under Section 90(2) and (3)(b) and (3)(k) of the Act be kept confidential and not available for public inspection on the basis that the information relates to financial and scope options as part of the tender process to manage the project, and the disclosure of the information would:
 - a) reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council, and
 - b) on balance, be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.
2. This confidentiality order will be reviewed at the General Council meeting in December 2016.

Carried Unanimously

**Review of Confidentiality Order:
City Services Redevelopment, AC140313F01**

Report Reference: GC081215R10 – (60)

Moved Councillor Veliskou, Seconded Councillor Telfer that:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the Report „*City Services Redevelopment*’, AC140313F01, Appendices and the Minutes arising from this report be kept confidential as the information relates to a tender for the carrying out of works, and the disclosure of the information could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council, and the disclosure of this information would, on balance, be contrary to the public interest as it could prejudice Council’s ability to be able to negotiate a cost effective proposal for the benefit of the Council and the community (S 90(2) and (3)(b) and (3)(k) of the Act)

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

2. This confidentiality order will be reviewed at the General Council meeting in December 2016.

Carried Unanimously

**Review of Confidentiality Order: Draft Confidential Minutes
from March 2013 Audit Committee Meeting, GC260313F01
Report Reference: GC081215R10 – (61)**

Moved Councillor Veliskou, Seconded Councillor Telfer that:

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

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

2. This confidentiality order will be reviewed at the General Council meeting in December 2016.

Carried Unanimously

**Review of Confidential Order for the Item:
Commercial Arrangements, GC260313F02
Ref No: GC081215R10 - (62)**

Moved Councillor Veliskou, Seconded Councillor Telfer that:

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

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

2. Unless revoked prior, this confidential order be reviewed at the December 2016 meeting of Council.

Carried Unanimously

Review of Confidentiality Order:

**City Services Redevelopment GC260313F03, SGC020413,
SGC090413**

Report Reference: GC081215R10 – (63)

Moved Councillor Veliskou, Seconded Councillor Telfer that:

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

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

2. This confidentiality order will be reviewed at the General Council meeting in December 2016.

Carried Unanimously

Review of Confidentiality Order:

Hallett Cove Library and Community Centre Award of Construction Tender, GC270813F02

Report Reference: GC081215R10 – (64)

Moved Councillor Veliskou, Seconded Councillor Telfer that:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the Report „Hallett Cove Library and Community Centre Award of Construction Tender“ GC270813F02, together with all appendices and minutes be kept confidential and not

available for public inspection as the information relates to the tender for the carrying out of works and disclosure of the information could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council, and the disclosure of this information would, on balance, be contrary to the public interest as it could prejudice Council's ability to be able to negotiate a cost effective proposal for the benefit of the Council and the community (S 90(2) and (3)(b) and (3)(k) of the Act)

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

2. This confidentiality order will be reviewed at the General Council meeting in December 2016.

Carried Unanimously

Review of Confidentiality Order:

City Services Redevelopment Award of Construction Tender, SGC190814F01

Report Reference: GC081215R10 – (65)

Moved Councillor Veliskou, Seconded Councillor Telfer that:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that report *City Services Redevelopment Award of Construction Tender, SGC190814F01* having been considered in confidence under Section 90(2) and (3)(b) and (3)(k) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting as the information relates to a tender for the carrying out of works, and the disclosure of the information could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council, and the disclosure of this information would, on balance, be contrary to the public interest as it could prejudice Council's ability to be able to negotiate a cost effective proposal for the benefit of the Council and the community.

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

2. This confidentiality order will be reviewed at the General Council meeting in December 2016.

Carried Unanimously

Review of Confidentiality Order: Marion Leisure and

Fitness Centre Lease to CASA Leisure Pty Ltd, GC091214F01

Report Reference: GC081215R10 – (66)

Moved Councillor Veliskou, Seconded Councillor Telfer that:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, „Marion Leisure and Fitness Centre - Lease to CASA Leisure Pty Ltd" (Report Reference GC09121401), all appendices and the minutes arising from this report having been considered in confidence be kept confidential under Sections 90(2), (3)(d) and (3)(k) of the Act and not be available for public inspection for a period of 12 months from the

date of this meeting or until such time as the tender process regarding the provision of future services and works in respect of the Centre is complete.

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

2. This confidentiality order will be reviewed at the General Council meeting in December 2016.

Carried Unanimously

**Review of Confidentiality Order: Marion Leisure and Fitness Centre Lease to CASA Leisure Pty Ltd, GC240315F01
Report Reference: GC081215R10 – (67)**

Moved Councillor Veliskou, Seconded Councillor Telfer that:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, „*Marion Leisure and Fitness Centre - Lease to CASA Leisure Pty Ltd*’ (Report Reference GC240315F01), appendices and minutes arising from this report having been considered in confidence be kept confidential under Sections 90(2), (3)(b) and (3)(k) of the Act and not be available for public inspection for a period of 12 months from the date of this meeting or until such time as the tender process regarding the provision of future services and works in respect of the Centre is complete.

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

2. This confidentiality order will be reviewed at the General Council meeting in December 2016.

Carried Unanimously

**Review of Confidentiality Order: Surplus Land associated with City Services Redevelopment, GC240315F02
Report Reference: GC081215R10 – (68)**

Moved Councillor Veliskou, Seconded Councillor Telfer that:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that report *Surplus Land associated with City Services Redevelopment, GC240315F02* having been considered in confidence under Section 90(2) and (3)(b) and (3)(d) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting as the disclosure of the information could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council, and the disclosure of this information would, on balance, be contrary to the public interest as it could prejudice Council’s ability to be able to negotiate effectively for the benefit of the Council and the community.

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

2. This confidentiality order will be reviewed at the General Council meeting in December 2016.

Carried Unanimously

Review of Confidential Order for the Item:

Signatures Cafe, GC240315F03

Ref No: GC081215R10 - (69)

Moved Councillor Veliskou, Seconded Councillor Telfer that:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report *Signatures Cafe, GC240315F03*, appendices and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting as the information relates proposed tender and commercial arrangements, the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or confer a commercial advantage to a third party, and that on balance disclosure would be contrary to the public interest.

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

2. Unless revoked prior, this confidential order be reviewed at the December 2016 meeting of Council.

Carried Unanimously

Review of Confidentiality Order: Marion Leisure and Fitness Centre Lease to CASA Leisure Pty Ltd, GC140415F01 (adjourned from GC240315F01)

Report Reference: GC081215R10 – (70)

Moved Councillor Veliskou, Seconded Councillor Telfer that:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, „*Marion Leisure and Fitness Centre - Lease to CASA Leisure Pty Ltd*’ (Report Reference GC240315F01), appendices and minutes arising from this report having been considered in confidence be kept confidential under Sections 90(2), (3)(b) and (3)(k) of the Act and not be available for public inspection for a period of 12 months from the date of this meeting or until such time as the tender process regarding the provision of future services and works in respect of the Centre is complete.

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

2. This confidentiality order will be reviewed at the General Council meeting in December 2016.

Carried Unanimously

Review of Confidentiality Order: Marion Leisure and Fitness Centre Lease to CASA Leisure Pty Ltd, GC280415F01

Report Reference: GC081215R10 – (71)

Moved Councillor Veliskou, Seconded Councillor Telfer that:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, „*Marion Leisure and Fitness Centre - Lease to CASA Leisure Pty Ltd*“ (Report Reference GC280415F01), appendices and minutes arising from this report having been considered in confidence be kept confidential under Sections 90(2), (3)(b) and (3)(k) of the Act and not be available for public inspection for a period of 12 months from the date of this meeting or until such time as the tender process regarding the provision of future services and works in respect of the Centre is complete.

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

2. This confidentiality order will be reviewed at the General Council meeting in December 2016.

Carried Unanimously

**Review of Confidentiality Order:
Hallett Cove Library Building, GC140715F01
Report Reference: GC081215R10 – (72)**

Moved Councillor Veliskou, Seconded Councillor Telfer that:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report *Hallett Cove Library Building, GC140715F01*, appendices and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(b), (d) and (g) of the Act shall, except when required to effect or comply with Council's resolution(s) regarding this matter, be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting.

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

2. This confidentiality order will be reviewed at the General Council meeting in December 2016.

Carried Unanimously

**Review of Confidential Order for the Item – Internal Audit
and Service Reviews – Tender Assessment, AC180815F8.2
Report Reference: GC081215R10 – (73)**

Moved Councillor Veliskou, Seconded Councillor Telfer that:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Committee orders that the report *Internal Audit and Service Reviews – Tender Assessment, AC180815F8.2*, appendices to the report and minutes arising from this report having been considered in confidence under Section 90(2) and (3)(d) and (3)(g) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting, on the basis that it contains information relating to a tender assessment for the provision of services that is commercial in confidence, and the release would, on balance, be contrary to the public interest, and to ensure Council does not breach any duty of confidence.

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

2. This confidentiality order will be reviewed at the December 2016 Council meeting.

Carried Unanimously

**Review of Confidential Order for the Item: Cove Civic Centre, GC250815F02
Report Reference: GC081215R10 – (75)**

Moved Councillor Veliskou, Seconded Councillor Telfer that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report *Cove Civic Centre, GC250815F02* and minutes arising from this report having been considered in confidence under Section 90(2), (3)(b) and (d) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting, as the report contains information that could confer a commercial advantage to a third party and prejudice the commercial position of the Council, and the release would on balance be contrary to the public interest.

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

2. This confidentiality order will be reviewed at the General Council meeting in December 2016.

Carried Unanimously

**Review of Confidentiality Order: Marion Leisure and Fitness Centre, GC250815F03
Report Reference: GC081215R10 – (76)**

Moved Councillor Veliskou, Seconded Councillor Telfer that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that all valuation information and all of Section 2 „Management Agreement with the YMCA“ contained in the report, „*Marion Leisure and Fitness Centre, GC250815F03*“, having been considered in confidence be kept confidential under Section 90(3)(d) of the Act and not be available for public inspection for a period of 12 months from the date of this meeting.

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

2. This confidentiality order will be reviewed at the General Council meeting in December 2016.

Carried Unanimously

**Review of Confidentiality Order: Investigation, GC250815F05
Report Reference: GC081215R10 – (77)**

Moved Councillor Veliskou, Seconded Councillor Telfer that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, „*Investigation, GC250815F05*’ together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information over which Council has a duty of confidence or other legal obligation (Section 90(3)(g)).

This order is to remain in force until such time as the Council no longer has a duty of confidence.

2. This confidential order be reviewed at the December 2016 meeting of Council.

Carried Unanimously

**Review of Confidentiality Order: Investigation, GC080915F03
Report Reference: GC081215R10 – (78)**

Moved Councillor Veliskou, Seconded Councillor Telfer that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, „*Investigation, GC080915F03*’ together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information over which Council has a duty of confidence (Section 90(3)(g)).

This order is to remain in force until such time as the Council no longer has a duty of confidence.

2. This confidential order be reviewed at the December 2016 meeting of Council.

Carried Unanimously

**Review of Confidential Order for the Item:
Signatures Cafe, GC080915F01
Ref No: GC081215R10 - (79)**

Moved Councillor Veliskou, Seconded Councillor Telfer that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report *Signatures Cafe, GC080915F01*, appendices and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting as the information relates proposed tender and commercial arrangements, the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or confer a commercial advantage to a third party, and that on balance disclosure would be contrary to the public interest.

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

2. Unless revoked prior, this confidential order be reviewed at the December 2016 meeting of Council.

Carried Unanimously

**Review of Confidential Order for the Item:
Telecommunication Facilities Morphettville, GC131015R01
Ref No: GC081215R10 - (80)**

Moved Councillor Veliskou, Seconded Councillor Telfer that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that Appendix 3 to the report, „*Telecommunication Facilities Morphettville, GC131015R01*’ be kept confidential and not available for public inspection on the basis that the report contains legal advice (Section 90(3)(h)).

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

2. This confidential order be reviewed at the December 2016 meeting of Council, whichever occurs earlier.

Carried Unanimously

**Review of Confidentiality Order:
Former Hallett Cove Library and Youth Services Building, GC140715F01
Report Reference: GC081215R10 – (81)**

Moved Councillor Veliskou, Seconded Councillor Telfer that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report *Former Hallett Cove Library and Youth Services Building, GC241115F01*, appendices and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(b), (d) and (g) of the Act shall, except when required to effect or comply with Council’s resolution(s) regarding this matter, be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting.

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

2. This confidentiality order will be reviewed at the General Council meeting in December 2016.

Carried Unanimously

**Review of Confidentiality Order: Marion Leisure & Fitness
Centre: Future Options Review, GC241115F02
Report Reference: GC081215R10 – (82)**

Moved Councillor Veliskou, Seconded Councillor Telfer that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that this report, *Marion Leisure & Fitness Centre: Future Options Review*,

GC241115F02 and appendix to this report having been considered in confidence under Section 90 (3)(b) of the Act shall be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting.

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

2. This confidentiality order will be reviewed at the General Council meeting in December 2016.

Carried Unanimously

10.05pm Councillor Crossland re-entered the meeting

Moved Councillor Hull, Seconded Councillor Westwood that items 47, 48 and 51 be released.

Lost

Moved Councillor Veliskou, Seconded Councillor Kerry that items 47,48 and 51 be moved enbloc as printed in the report.

Carried Unanimously

**Review of Confidential Order for the Item: Marion South Plan – Etiria No 25 Pty Ltd Deed (Makris Group), SGC161104F02
Ref No: GC081215R10 - (47)**

Moved Councillor Veliskou, Seconded Councillor Kerry that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, „*Marion South Plan – Etiria No 25 Pty Ltd Deed (Makris Group), SGC161104F02*’ together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party and would, on balance, be contrary to the public interest (Section 90(3)(d)), and to ensure Council does not breach a duty of confidence (Section (3)(g)).

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

2. This confidential order be reviewed following the sale of the Hallett Cove Library or at the December 2016 meeting of Council, whichever occurs earlier.

Carried Unanimously

**Review of Confidential Order for the Item:
Marion South Plan – Craven & Etiria Deeds, GC260405F01
Ref No: GC081215R10 - (48)**

Moved Councillor Veliskou, Seconded Councillor Kerry that:

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

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

2. This confidential order be reviewed following the sale of the Hallett Cove Library or at the December 2016 meeting of Council, whichever occurs earlier.

Carried Unanimously

**Review of Confidential Order for the Item:
Marion South Plan – Etrira Deed, GC130307F01
Ref No: GC081215R10 - (51)**

Moved Councillor Veliskou, Seconded Councillor Kerry that:

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

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

2. This confidential order be reviewed following the sale of the Hallett Cove Library or at the December 2016 meeting of Council, whichever occurs earlier.

Carried Unanimously

10.09pm Councillor Hutchinson left the meeting

Moved Councillor Prior, Seconded Councillor Pfeiffer that items 59 and 74 be moved enbloc as printed in the reports.

Carried

**Review of Confidential Order for the Item:
Public Trustee Land - Glandore Laneways, Certificates of Title
Volume 5658 Folio 602 and Volume 5992 Folio 848, GC290113F02
Ref No: GC081215R10 - (59)**

Moved Councillor Prior, Seconded Councillor Pfeiffer that:

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

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

2. This confidential order be reviewed at the December 2016 meeting of Council.

Carried

**Review of Confidential Order for the Item: Glandore Laneways,
GC250815F01
Ref No: GC081215R10 - (74)**

Moved Councillor Prior, Seconded Councillor Pfeiffer that:

1. Pursuant to Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the Report, “Glandore Laneways, GC280515F01,”, minutes and the minutes arising from the report be kept confidential on the basis that they contain information, the disclosure of which could reasonably be expected to confirm a commercial advantage on a person with whom the Council is conducting, or proposing to conduct business, or to prejudice the commercial position of the Council, and on balance would be contrary to the public interest (*Section 90(3)(b), and (d) of the Local Government Act 1999*).

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

2. This confidential order be reviewed at the December 2016 meeting of Council.

Carried

10.11pm Councillor Hutchinson re-entered the meeting

Refusal of Deputation – South Adelaide Basketball Club

The Mayor sought leave of the meeting and the meeting agreed to note the refusal of a Deputation requested by South Adelaide Basketball Club. The refusal was on the basis that much of the relevant information they wished to provide is available either in the staff report or in the material circulated to Councillors electronically and their recent meeting with Councillor Telfer

10.12pm Nominations Sought for the Industrial Relations Consultative Council Report Reference No: GC081215R11

Mayor Hanna declared a conflict of interest in the matter as he was nominated and left the meeting.

10.13pm Mayor Hanna vacated the Chair, left the meeting and did not return

10.13pm In the absence of the Mayor, Deputy Mayor Veliskou resumed the Chair for the remainder of the meeting

Moved Councillor Pfeiffer, Seconded Councillor Hutchinson that Council:

1. Notes the report Nominations Sought for the Industrial Relations Consultative Council GC081215R09
2. Nominates Mayor Hanna as the Local Government Member on the Industrial Relations Consultative Council
3. Administration forwards the above nomination to the Local Government Association by 11 December 2015.

Carried

CORPORATE REPORTS FOR INFORMATION/NOTING

Nil

MATTERS RAISED BY MEMBERS

Questions with Notice

Nil

Motions with Notice

Legal Fees Policy

Report Reference: GC081215M02

Motion was withdrawn

Questions without Notice

Nil

Motions without Notice

Nil

CONFIDENTIAL ITEMS

Nil

LATE ITEMS

Nil

MEETING CLOSURE

CLOSURE - Meeting Declared Closed at 10.25pm

CONFIRMED THIS 19 JANUARY 2016

.....
CHAIRPERSON

Elected Member Communication Reports

Date of Council Meeting:

19 January 2016

Name of Elected Member:

Mayor Kris Hanna

Date	Event	Comment
19 November 15	International Men's Day Lunch	Attended
19 November 15	Marion Leisure & Fitness Centre Site Inspection	Attended
22 November 15		
22 November 15	Marion Outdoor Swimming Centre Open Day	Attended and gave speech
22 November 15	Inclusive Playspace at Hendrie Street Reserve – Community Consultation	Attended
23 November 15	Hallett Cove Business Association	Attended
23 November 15	Mayor's Multicultural Forum	Attended
25 November 15	Junction Australia Housing Celebration – Mitchell Park Project	Attended and gave speech
26 November 15	Mayor's Business Christmas Function	Attended and gave speech
27 November 15	David Speirs MP Volunteers Christmas Garden Party	Attended
27 November 15	Galleon Theatre Production	Attended
29 November 15	14 th Annual City of Marion Community Art Exhibition	Attend and officially launch event
30 November 15	Community Care Volunteer Christmas Thank you	Attended
30 November 15	SAC Precinct Business Meeting	Attended
2 December 15	Lord Mayor's Reception for supporters of Welcome to Australia	Attended
2 December 15	Glandore Carols in the Park 2015	Attended
2 December 15	Keith Harrison President Edwardstown Oval	Attended
3 December 15	Rob Winter re prayer breakfast proposal	Attended
3 December 15	Edwardstown Meals on Wheels Christmas Party	Attended
3 December 15	Westfield Precinct Business Meeting	Attended
4 December 15	Mayors Christmas Celebration 2015	Attended
8 December 15	CEO Review Committee Meeting	Attended
9 December 15	Active Elders Christmas Lunch	Attended
9 December 15	Graffiti Volunteers Celebration	Attended
9 December 15	Hamilton Secondary College Presentation Night	Attended and Presented Award
9 December 15	Community Preparation Survey Meeting	Attended

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Elected Member Communication Reports
 continued...

10 December 15	Marino Residents Association Christmas Drinks	Attended
11 December 15	Vietnam Veterans Federation Christmas Luncheon	Attended
12 December 15	Welcome to Australia Event	Attended
13 December 15	Multifaith Church Service	Attended
14 December 15	General Manager Shortlist Interviews	Attended
14 December 15	New Committee Interviews	Attended
16 December 15	Lord Mayor's 2015 Christmas Reception	Attended with Deputy Mayor Jason Veliskou
16 December 15	Trott Park Fencing Club	Attended
17 December 15	Cove Sports Christmas Drinks	Attended
18 December 15	Marion RSL Christmas Drinks and Introduction as Patron	Attended
20 December 15	Briefing on South Road upgrade by Transport Minister Stephen Mullighan	Attended
21 December 15	Meeting with South Adelaide Basketball New Facility Committee	Attended
24 December 15	Staff End of Year Celebration	Attended
10 January 15	Marion Gift Carnival	Attended and presented sash and prize money
14 January 15	Cove Sports AGM	Attended
In addition the Mayor has met with residents, MP's, Political candidates and also with the CEO and Council staff regarding various issues.		

Elected Member Communication Reports

Date of Council Meeting:

19 January 2016

Name of Elected Member:

Deputy Mayor Jason Veliskou

Date	Event	Comment
14/11/15	Bioblitz Hallett Cove	Official opening on behalf of Mayor
22/11/15	Marion Outdoor Pool Open Day	Attended and assisted with fundraising BBQ
30/11/15	Marion Community Bus Volunteer Lunch	Attended
5/12/15	Southern Western Schools Ministries Inc Breakfast	Attended on behalf of Mayor, represented City of Marion
9/12/15	Marion Graffiti Volunteer Lunch	Attended
9/12/15	Cooinda Christmas Lunch	Attended
11/12/15	Hallett Cove Carols in the Park	Attended
16/12/15	Lord Mayors Christmas Reception	Attended along with the Mayor, representing City of Marion
24/12/15	City of Marion end of Year Christmas Lunch	Attended
2/12/15	Glandore Carols in the Park	Attended
2/12/15	Glengowrie Neighbourhood Watch Christmas meeting	Attended
29/11/15	Sing Australia Glenelg Concert	Attended on behalf of Mayor, represented City of Marion – invited in appreciation of the community grant provided by the City of Marion. The organisation operates within the council area.
28/012/15	City of Holdfast Bay 179 th Proclamation Day Commemoration Old Gum Tree	Attended on behalf of Mayor, represented City of Marion
25/11/15	Trott Park Community Mural Opening	Attended

CEO and Executive Report

Date of Council Meeting:

19 January 2016

Date	Activity	Attended by	Comments
25 November	Council Solutions Board Meeting	Adrian Skull	
30 November	SA Aquatic Precinct Business Meeting	Abby Dickson	
1 December	Meeting with Football Federation South Australia	Adrian Skull	
1 December	Indigenous Land Corporation Meeting	Adrian Skull Abby Dickson	
30 November	SA Aquatic Precinct Business Meeting	Abby Dickson	
3 December	Westfield Precinct Business Meeting	Abby Dickson	Attended with Mayor
7 December	SRWRA Board Meeting	Vincent Mifsud	
9 December	City of Marion Graffiti Removal Volunteer Christmas Celebration	Adrian Skull	Attended with Mayor
9 December	Tonsley Project Steering Committee Meeting	Adrian Skull	
10 December	Marino Resident's Association Christmas Function	Adrian Skull	Attended with Mayor
13 December	City of Marion Children's Christmas Party	Adrian Skull	
18 December	Meeting with Nicolle Flint – Liberal Candidate in Boothby	Adrian Skull	Attended with Mayor
20 December	South Road Darlington Press Conference – announcement of successful tenderer	Adrian Skull	Attended with Mayor
21 December	Department of Planning Transport and Infrastructure meeting with Cities of Mitcham and Marion	Adrian Skull	
21 December	Meeting with Trinity Bay Church	Adrian Skull	

CEO and Executive Report

21 December	Meeting with South Adelaide Basketball Club	Adrian Skull	
22 December	Meeting with Amanda Rishworth MP	Adrian Skull	
23 December	Meeting with Islamic Society of SA and Annabel Digance MP	Adrian Skull	
24 December	Meeting with David Speirs MP	Adrian Skull	
4 January 2016	Meeting with Hope Church	Adrian Skull	
14 January	Meeting with Southern Connections	Adrian Skull Abby Dickson	
15 January	MC at opening of Red House Group Exhibition	Adrian Skull	

**CITY OF MARION
GENERAL COUNCIL MEETING
19 January 2016**

Submitted by: Deborah Horton, Unit Manager Executive Support
Corporate Manager: Kate McKenzie, Manager Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Petition – Barking Dog Clovelly Park
Reference No: GC190116P01

PETITION FROM: Ms Judith Johnson

NO OF SIGNATORIES: 10 signatories all residing on Tudor Ave, Clovelly Park

DATE PETITION RECEIVED: 15 December 2015

CORRESPONDENCE:

This petition was received on 15 December 2015 requesting that the City of Marion ‘*take up such action*’ in order to resolve a barking dog complaint experienced by the petitioners. **Refer to Appendix 1.**

COMMENTS:

This covering report satisfies the legislative requirements of the City of Marion’s *Code of Practice – Procedures at Meetings* (s5.1), whereby any petition received by the Council is to be placed on the agenda for the next ordinary meeting of the Council.

In the interim, a barking dog investigation has commenced with the lead petitioner and signatories being advised.

RECOMMENDATIONS (2):

Due Date:

- | | |
|---|---------------------|
| 1. Council undertakes a barking dog investigation and advise residents of the results. | January 2016 |
| 2. A further report to be provided to Council once investigations have been completed. | March 2016 |

Appendix 1: Petition

Report Reference: GC190116P01

**CITY OF MARION
GENERAL COUNCIL MEETING
19 January 2016**

Originating Officer: Steve Hooper, Manager Development & Regulatory Services
General Manager: Abby Dickson, City Development
Subject: Petition – Development Application No: 100/1816/2015 – 79
Finniss Street, Marion
Reference No: GC190116P02

PETITION FROM: Mark Walter of 4 Douglas Street, Marion SA, 5043

NO OF SIGNATORIES: 24

DATE PETITION RECEIVED: 15 December 2015

CORRESPONDENCE:

The petition raises concerns with Development Application No: 100/2015/1816 proposing three, two-storey row dwellings and incorporating a garage wall on the eastern side boundary.

The petition raises concerns that the proposed development will be out of character with existing residences in Finniss Street, does not conform with the established setbacks and will be highly visible because it will be out of alignment with all existing residences in that section of the street. The petition includes a planning report prepared by APDS Planning Consultants which also forms part of the representations submitted that oppose the proposed development.

A copy of the petition with associated documentation is attached, refer to **Appendix 1**.

COMMENTS: Steve Hooper, Manager Development & Regulatory Services

The subject land is situated within the Northern Policy Area 13 of the Residential Zone. The application is a Category 2/Consent form of development, whereby 24 owners and occupiers of adjoining land were notified of the proposal.

The Category 2 public notification of the application concluded at 5:00 pm Tuesday 15 December 2015. Five (5) valid representations were received against the proposal. All representations received have been forwarded to the applicant's representative for a response.

Pursuant to the Council's delegations, the application will be presented to the Development Assessment Panel (DAP) for a decision once a full planning assessment has been undertaken by Administration.

The petition will not be formally presented to the DAP. However, all persons who submitted a valid representation during the development application public notification process will be invited to attend and present to the DAP.

RECOMMENDATIONS (2):

Due Date:

That Council:

- | | |
|---|--------------------|
| 1. Note the petition. | 19 Jan 2015 |
| 2. Note that the head petitioner will be advised that he (and any other person who submitted a valid representation) will be provided with an opportunity to address the Development Assessment Panel, speak to his concerns with the proposal and respond to questions from the Development Assessment Panel. | 20 Jan 2015 |

Appendix 1: Petition

STATEMENT OF REPRESENTATION

Pursuant to Section 38 of the Development Act, 1993

TO: City of Marion
PO Box 21
OAKLANDS PARK SA 5046

DEVELOPMENT APPLICATION NO:
100/2015/1816

In order to make a valid representation to Council the following details must be completed:-
▪ Name of Representer(s)
▪ Postal Address
▪ Specific comments
▪ Whether or not you wish to be heard by Council

REPRESENTOR(S)

FIRST NAME: MARK SURNAME: WALTER

POSTAL ADDRESS: 4 DOUGLAS ST

POST CODE: 5043 CONTACT PHONE NUMBER: 08 82964483

EMAIL: telmark@dodo.com.au

My interests are affected as Adjoining Land Owner
(state whether owner, occupier, on behalf of a Company or other organisation, private citizen)

This representation is in regard to the proposed development by:

In Property Design

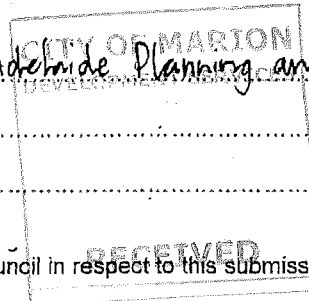
Three, two storey row dwellings, incorporating a garage wall on the eastern side boundary

At 79 Finniss Street MARION 5043

- In favour of the application
- In favour of the application subject to certain amendments or provisions being met
- Neutral regarding the outcome of the application although noting certain concerns (list below)
- Primarily against the application although my objection would be lessened if certain amendments or provisions are met (list below)
- Against the application

The specific comments I have to make with regard to the above are as follows:-
(if space is insufficient please attach additional pages)

Please refer to the statement of representation from Adelaide Planning and Development Solutions (APDS) attached.



Indicate in the appropriate box below whether or not you wish to be heard by Council in respect to this submission.

DO NOT WISH TO BE HEARD DESIRE TO BE HEARD PERSONALLY

I WILL BE REPRESENTED BY: Mark Kwiatkowski from APDS.

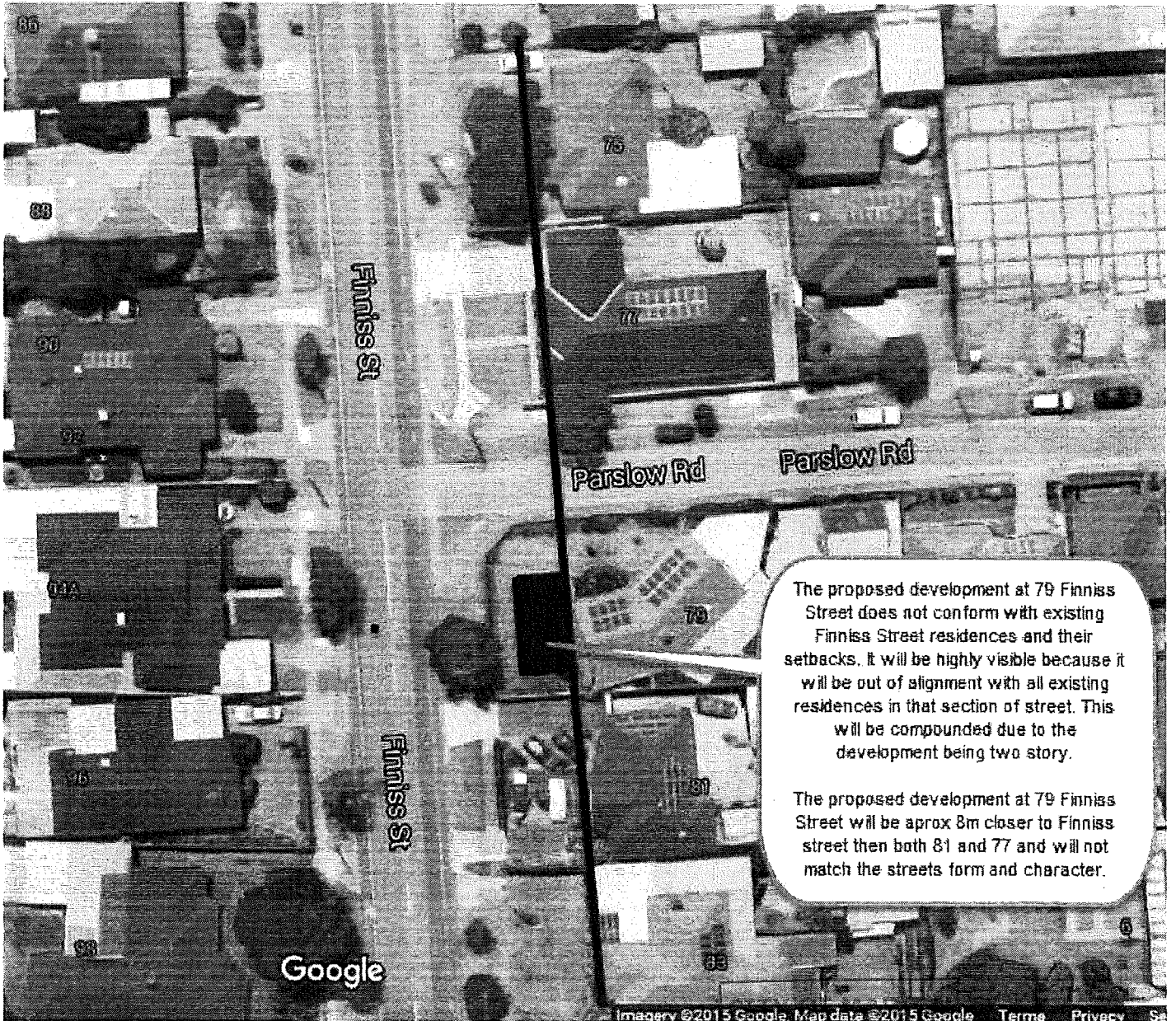
SIGNED: Mark Walter (Please Specify) DATE: 9/12/2015

We, the undersigned object to the development being proposed for 79 Finniss Street, Marion as per the attached sheets and listed objections.

Name	Address	Signature
Bill Simms	98 Finniss St Oaklands Pk	Bill Simms
John Young Eve Mar	96 Finniss St Oaklands Pk	John Young
JOHN YOUNG	100 FINNISS ST OAKLANDS PARK	John Young
ANDRAE YOUNG	" " " " "	Andrae Young
P. Ann Hughes	92 FINNISS ST, OAKLANDS PARK 5046	P. Ann Hughes
Gloria Lewis	7 DOUGLAS ST MARION 5043	Gloria Lewis
LESLEY HEDDEN	5 Parslow Rd Marion 5043	Lesley Hedden
KAVIN HODGSON	5 PARSLow RD, MARION. 5043	Kavin Hodgson
BOB HANCOCK	83 FINNISS ST - MARION 5043	Bob Hancock
JEANETTE HANCOCK	83 FINNISS ST. MARION 5043.	Jeanette Hancock
GEOFF MILLS	2A PARSLow RD MARION 5043	Geoff Mills
Joy Mills	" " " " "	Joy Mills
Robert Wells	77 Finniss St, Marion	Robert Wells
Manfred Wells (Hon 2 Hou)	77 Finniss street. Marion	Manfred Wells
Ann Ferguson	1d Parslow Rd Marion	Ann Ferguson
GARY MORIARTY	1D PARSLow RD MARION	Gary Moriarty
BARBARA WALTER	4 DOUGLAS ST MARION 5043	Barbara Walter
MARIL WALTER	4 DOUGLAS ST MARION	Maril Walter
Madeleine Said	4 PARSLow ROAD, MARION	Madeleine Said
Ben Boombay	9 Parslow Rd Marion	Ben Boombay
DAVID FINNISS	94 FINNISS ST OAKLANDS PARK	David Finnis
KEVIN WALTER	4 DOUGLAS RD MARION	Kevin Walter
ANDREA BRICE	81 FINNISS ST, MARION	Andrea Brice
GEOFF BRICE	81 FINNISS ST MARION	Geoff Brice

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FORM AND CHARACTER ISSUE

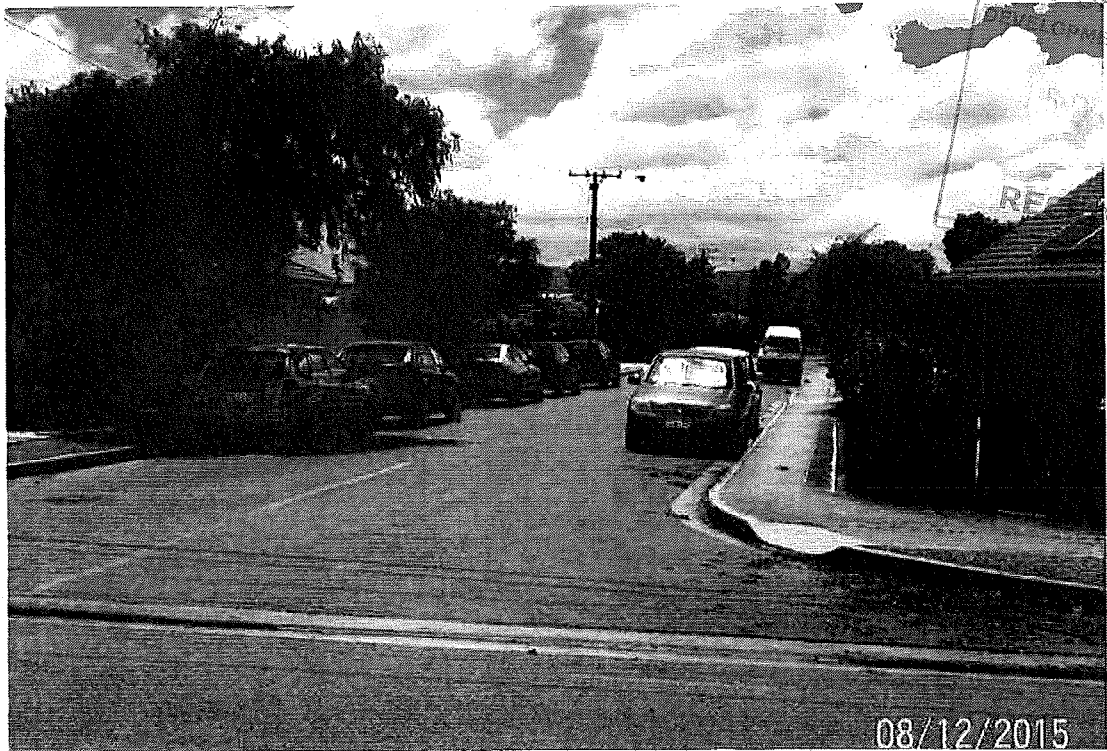
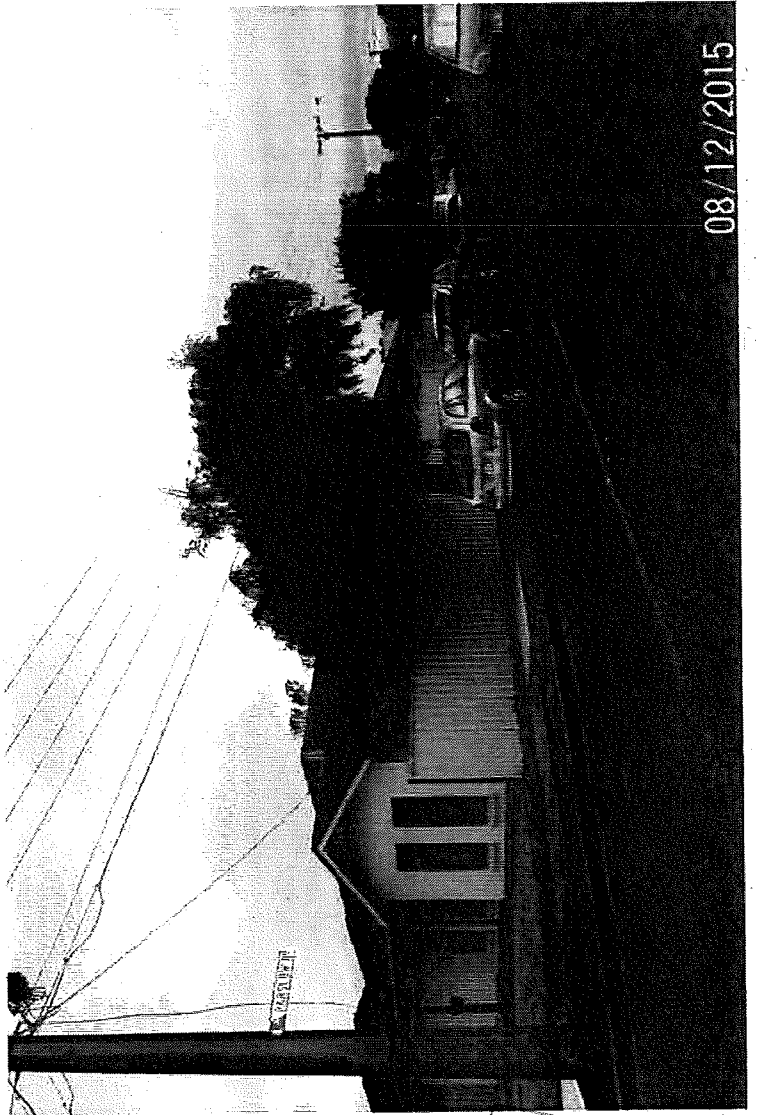
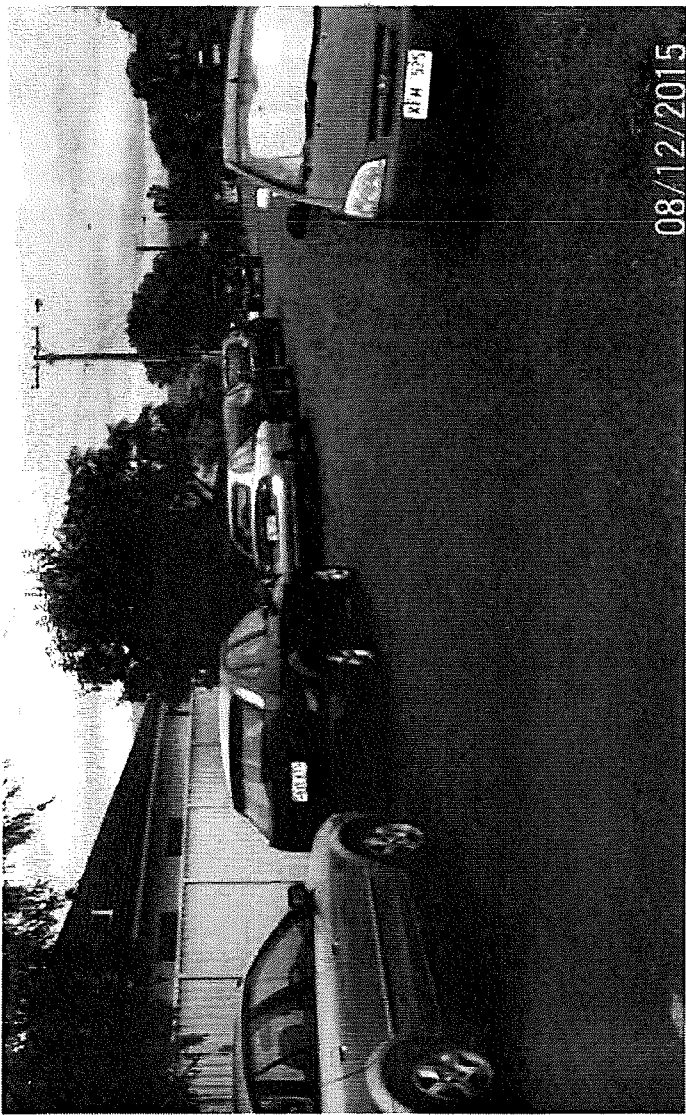


The proposed development at 79 Finniss Street does not conform with existing Finniss Street residences and their setbacks. It will be highly visible because it will be out of alignment with all existing residences in that section of street. This will be compounded due to the development being two story.

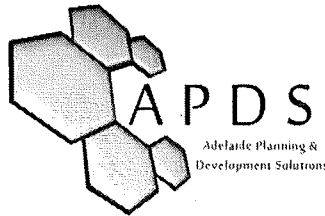
The proposed development at 79 Finniss Street will be aprox 8m closer to Finniss street then both 81 and 77 and will not match the streets form and character.

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DEVELOPMENT SERVICES
RECEIVED



12/12/2015

Mr Steven Hooper
Manager Planning
City of Marion Council

By Email: council@marion.sa.gov.au

RE: Statement of Representation

Development Application No: DA 100/2015/1816

Applicant: In Property Design (Byron Bai)
Proposed Development Three two storey row dwellings
Subject Land: 79 Finniss Street, Marion

1.0 Introduction

Adelaide Planning and Development Solutions have been requested by the following adjoining land owners to review the proposed development and provide a representation to Council, as appropriate.

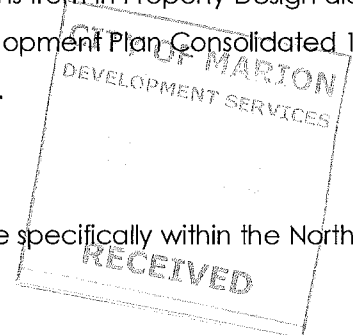
- Andrea Brice, 81 Finniss Street, Marion;
- Robert Wells, 77 Finniss Street, Marion;
- Mark Walter, 4 Douglas Street, Marion
- Geoff and Joy Mills, 2A Parslow Road, and
- Kevin Hodgson, 5 Parslow Road, Marion

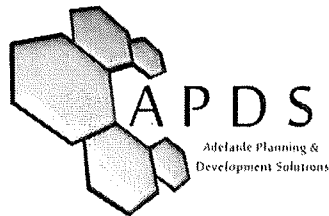
In providing this representation, I have reviewed the proposed plans from In Property Design along with the most pertinent provisions of the Marion City Council Development Plan - Consolidated 19 March 2015. I have also inspected the subject land and its locality.

2.0 Representation

The subject land is contained within the Residential Zone and more specifically within the Northern Policy Area 13.

Whilst we are generally supportive of the intent of the proposal to redevelop the subject land for residential development in keeping with the residential zoning of the land, we have concerns in relation to the bulk, scale and density of the proposal (including building design) and subsequent





impacts on the character of the immediate locality, subsequent traffic and parking issues along Parslow Road, waste impacts, amenity impacts to adjoining properties, impacts to solar panels of the adjoining property to the south and concern over existing power infrastructure to the adjoining property to the south which will have to be relocated should the development occur.

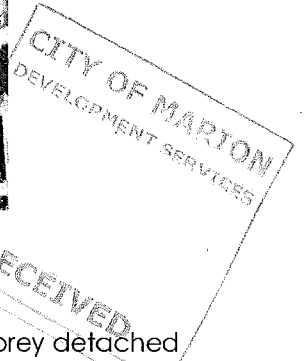
We have considered the proposal and the relevant provisions of the Development Plan and provide the following comments under the following headings:

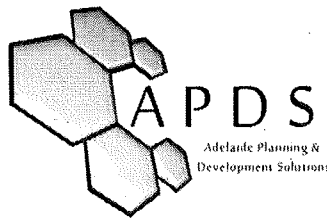
2.1 Bulk, scale and density of the proposal (including building design) and impacts on the character of the immediate locality



Figure 1 Subject land (in yellow) and locality

The locality as shown in the above figure consists of predominately single storey detached dwellings with consistent front, side and rear setbacks. Examples of infill development include the construction of a single storey row dwellings and single storey group dwellings which have been designed to complement the existing character of the locality. There are limited examples of two storey development including row dwellings or residential flat buildings in the immediate or wider locality, and we do note the two storey row dwellings along Finnis Street to the 120 metres to the south of the subject land. There is a strong consistent front setback pattern to the Finnis Street frontage.





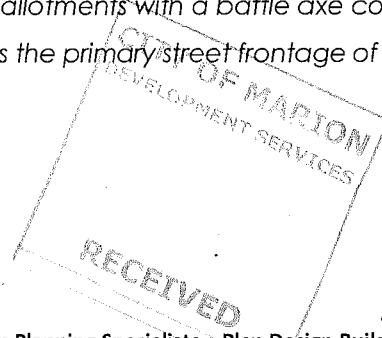
We acknowledge that the subject land is located within the Residential Zone and the Northern Policy Area 13 which encourages medium density development and a range of dwelling types developed at low to medium densities. This type of medium density development, however, should only occur in suitable locations where the development satisfies the majority of the other relevant quantitative and qualitative provisions of the Development Plan.

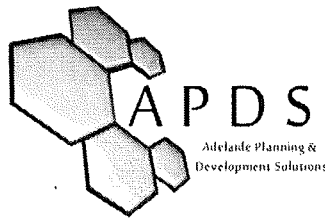
Principle of Development Control 3 of the Northern Policy Area 13 sets minimum site areas requirements for row dwellings of 250 square metres, a minimum depth of 20 metres and frontage width of 7 metres. The proposal provides two allotments with site areas than the minimum site areas envisaged by the Policy Area at 240 square metres and 241 square metres as well as an allotment depth of 18 metres for all allotments. Whilst there is a slight variance to the minimum site area requirements and allotment depth, these deficiencies should be considered with other relevant provisions of the Development Plan.

In relation to building design, Objective 1 of the General Section – Design and Appearance indicates that development should be of a high design standard and appearance that responds to and reinforces positive aspects of the local environment and built form. Further, Principle of Development Control 1 of the General Section – Design and Appearance indicates that *buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:*

- (a) *building height, mass and proportion*
- (b) *external materials, patterns, colours and decorative elements*
- (c) *roof form and pitch*
- (d) *façade articulation and detailing*
- (e) *verandas, eaves, parapets and window screens.*

Other relevant PDCs relating to Design and Appearance include Principle of Development Control 2 which states '*where a building is sited on or close to a side or rear boundary, the boundary wall should minimise the visual impact of the building as viewed from adjacent properties*' and Principle of Development Control 15 encourages '*Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated.*





It is our opinion that the proposed development does not reflect the existing character of the immediate and wider locality and the form of development envisaged by the Northern Policy Area 13.

The proposal presents a large bulky two storey built form with a width of approximately 36.5 metres to the Parslow Road frontage with a front building setback of 5 metres and provides upper and lower level rear setbacks which are not consistent with the minimum setback requirements of the Development Plan.

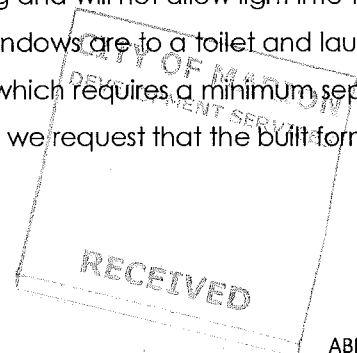
Further the side setback of the building to Finniss Street will not be consistent with the strong streetscape character with predominant setbacks of between 8 to 10 metres whilst acknowledging that this is now a secondary street setback due to the orientation of the dwellings.

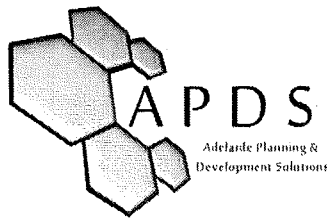
The proposal provides upper level rear setbacks ranging from 4.2 to 4.6 metres which is significantly less than the minimum upper level setback requirement of 8 metres prescribed by Residential Zone Principle of Development Control 7. This will have further impacts on the solar panels of the adjoining property to the south and will be explored further in this representation.

Further the proposed dwellings have a lower level rear setback which is less than the 6 metre requirement of the Residential Zone for all dwellings including sections of the building which come within 1.5 metres of the rear boundary.

The design of the western façade of dwelling 3 has been not been appropriately designed to address the Parslow Street frontage and proposes a relatively bland façade and poor presentation to Finniss Street frontage. Further minimal to no landscaping has been provided in this area. We request that amendments be made to the Finniss Street facing façade increasing the setback, amending the appearance to enhance streetscape presentation as well as providing additional landscaping.

The proposed boundary wall which abuts the property to the east of the subject land at 2A Parslow will completely enclose the side of the dwelling and will not allow light into two windows along its western facing façade. Whilst the windows are to a toilet and laundry, the intent of PDC 12 of the General Section – Residential (which requires a minimum separation of 1 metre between buildings) should be considered and we request that the built form be removed from the boundary.





The proposed buildings provide a range of materials and an articulated contemporary built form; however no regard has been given to the prevailing character and design of the locality where the building mass and width of buildings is significantly smaller than what is being proposed. The proposal presents a built form which is not consistent with built form, more specifically with regard to building height, mass and proportion, roof forms and use of colours and materials.

PDC 4 of Northern Policy Area 13 indicates that dwellings should have a maximum site coverage of 40% of the site. The proposal provides two dwellings which have a site coverage of 43% which is in excess of the maximum site coverage requirements of the PDC.

Collectively, the proposal is at variance with a number of principles of Development Control and should be amended to reflect the requirements of the Development Plan and more specifically in terms of built form, setbacks and site coverage. We believe that there is an opportunity to amend the proposal with a single storey built form similar to what has recently been constructed at 1 Parslow Road which would result in a more suitable built form on the subject land more in keeping with the prevailing character of the locality.

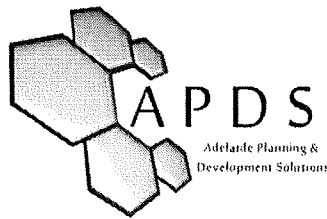
2.2 Traffic, parking and access issues

Parslow Road is a lower order residential road which currently experiences significant parking issues due to parking being restricted along Finniss Street. Surplus parking from existing residences and parking associated with people catching the bus at the nearby bus stop create parking issues often resulting in access along Parslow Road being restricted.

Whilst it is recognised that each dwelling provides parking in accordance with the Development Plan requirements, the proposal will result in further parking congestion on the street through visitors and loss of on street parking spaces.

The proposal also proposes one single and one double crossover point to the Parslow Street frontage which will result in a reduction in the number of on street parking spaces which will add to the aforementioned parking issues.





2.3 Waste

General Section – Residential PDC 30 indicates that site facilities for group dwellings, multiple dwellings and residential flat buildings should include:

- (a) mail box facilities sited close to the major pedestrian entrance to the site
- (b) bicycle parking for residents and visitors (for developments containing more than 6 dwellings)
- (c) household waste and recyclable material storage areas away from dwellings.

It is envisaged that each dwelling will require three bins (standard waste, recycling and green bin) which will be collected by Council's waste collection service. This will result in up to 6 bins to the front of the site each week. Currently on collection day there are two bins put out on the footpath which results in people needing to step off the footpath to go around the bins. With two driveways and possibly six bins out, the proposal will inconvenience pedestrians using the footpath who may need to step onto the road, particularly for elderly residents of the area.

The location of the proposed bin storage areas have also been omitted from the plans and suitable storage locations for each dwelling will need to be shown on the plans.

As aforementioned there are significant parking issues along Parslow Road, which will result in insufficient on street areas to accommodate the bins for pickup.

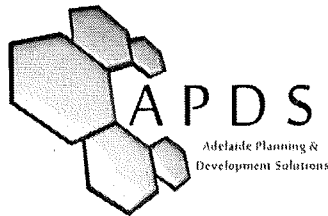
2.4 Amenity impacts

It is considered that adjoining dwellings Zone will be detrimentally impacted upon by the proposed land use in terms of amenity and interface between land uses.

The Development Plan is clear in stipulating that development should be located and designed to prevent adverse impact and conflict between land uses and should protect community health and amenity and support the operation of all desired land uses.

Further the Development Plan indicates that development should not detrimentally affect the amenity of the locality or cause unreasonable interference through noise, light spill, hours of operation and traffic impacts. The Development Plan also indicates that sensitive uses likely to conflict with the continuation of lawfully existing developments and land uses considered appropriate for the zone should not be developed or should be designed to minimise negative impacts.

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PDC 26 of the General Section – Residential indicates that noise generated by fixed noise sources such as air conditioning units and pool pumps should be located, designed and attenuated to avoid nuisance to adjoining landowners and occupiers.

Further Objective 1 and PDC 1 of the General Section – Interface between land uses indicates that *Development located and designed to minimise adverse impact and conflict between land uses and should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:*

(b) noise and (h) traffic impacts.

The issues relating to traffic impacts on the street have been considered previously in this statement however it is our opinion that the additional traffic movements will have a detrimental impact on the amenity of existing residents with a significant increase in traffic movements to and from the subject land.

No details have been provided in relation to the location of any external air-conditioning units so we are unable to ascertain if there will be any unreasonable impacts to the amenity of adjoining properties.

Again we believe that the proposed dwellings will result in impacts on the amenity of the adjoining residents in terms of traffic impacts and general amenity of the quiet residential locality.

2.5 Impact on photovoltaic cells of adjoining property at 81 Finnis Street, Marion.

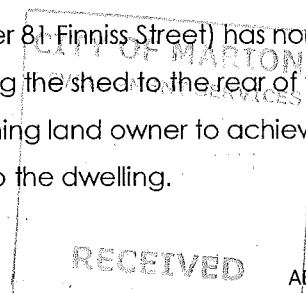
General Section – Design and Appearance Principle of Development Control 9 states *The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of:*

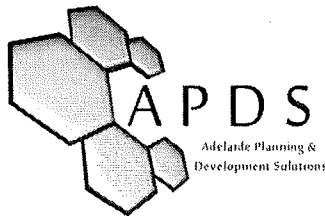
(a) windows of habitable rooms

(b) upper-level private balconies that provide the primary open space area for a dwelling

(c) solar collectors (such as solar hot water systems and photovoltaic cells).

The dwelling to the south of the development site (number 81 Finnis Street) has northern facing photovoltaic cells on the existing carport and along the shed to the rear of the site. Significant investment has been undertaken by the adjoining land owner to achieve a more sustainable lifestyle through the provision of solar power to the dwelling.





The shadow diagrams provided as part of the application documentation demonstrate that on the 22nd of June the photovoltaic cells on the rear shed will be in shadow for the majority of the day and the photovoltaic cells on the carport roof will be overshadowed by the proposed development throughout the whole day resulting in unacceptable impacts on the efficiency of the photovoltaic cells.

The impacts again result from the proposed variance to the upper level setback requirements of the development plan. We request that the proposal be amended to a single storey built form or have the upper level rear setback of the proposed dwellings increased to the requirements of the Development Plan to minimise the impacts on the existing photovoltaic cells.

2.6 Overlooking

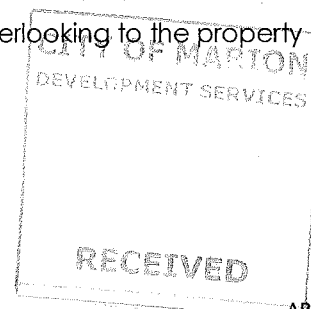
General Section – Design and Appearance Principle of Development Control 12 and 13 indicate *Buildings with upper level windows, balconies, terraces and decks should minimise direct overlooking of habitable rooms and private open spaces of dwellings through one or more of the following measures: (a) off-setting the location of balconies and windows of habitable rooms with those of other buildings so that views are oblique rather than direct*

(b) building setbacks from boundaries (including building boundary to boundary where appropriate) that interrupt views or that provide a spatial separation between balconies or windows of habitable rooms

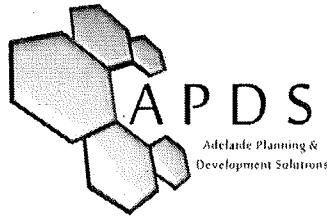
(c) screening devices (including fencing, obscure glazing, screens, external ventilation blinds, window hoods and shutters) that are integrated into the building design and have minimal negative effect on residents' or neighbours' amenity.

13 Permanently fixed external screening devices should be designed and coloured to complement the associated building's external materials and finishes.

Whilst the rear upper level windows have been designed to address the intent of the above Principles of Development Control, due to the orientation of the proposed dwellings facing on Parslow Road, the proposal will provide unacceptable overlooking to the property at 77 Finnis Street on the opposite side of the road.



ABN 55910297825



The proposal will result in front windows which will allow direct overlooking to the rear yard and habitable rooms of the adjoining property on the opposite side of Parslow Road at 77 Finniss Street. This could be resolved by ensuring that windows are provided with appropriate screening to a height of 1.7 metres to minimise overlooking to the habitable rooms and spaces associated with the neighbouring dwelling.

2.7 Electricity connection concerns

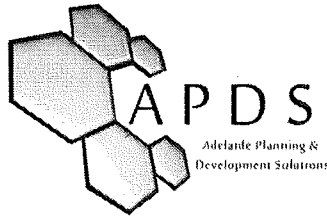
Connection for power to the subject land and 81 Finniss Street is obtained from a stobie pole on the footpath on the Council verge to the front of number 79. Power for the adjoining dwelling at 81 Finniss Street is connected across the corner of the front garden of 79 Finniss Street which will result in the existing wires being in close proximity to the proposed corner of the new dwelling. This is a common occurrence along Finniss Street where dwellings are powered from common points and power is not serviced underground. The applicant has suggested through discussions with the neighbour that they could underground the power to our house but further details have not been provided. The neighbour has relatively new driveways and a new automatically gated fence and the undergrounding of power would require considerable damaged to the property which they obviously do not want. We wish to ensure that access to power to no 81 Finniss Street is not affected as a result of the proposal.

2.8 Orderly and Sustainable Development

It is considered for the reasons aforementioned that the proposal does not constitute and orderly and economic development that creates a safe, convenient and pleasant environment in which to live. The proposal will jeopardise the continuance of the existing residential amenity in the locality and is contrary to a number of relevant Polices of the Residential Zone and General Development Plan provisions.

It is considered that the proposed dwellings will have a negative impact on the existing road network within the residential locality. The proposal will prejudice the existing residential development for its intended purposes and in my opinion is at variance with the requirements of the Development Plan.





3.0 Conclusion

Whilst we are generally supportive of the intent of the proposal to redevelop the subject land for residential development in keeping with the residential zoning of the land, we have concerns in relation to the bulk, scale and density of the proposal (including building design) and subsequent impacts on the character of the immediate locality, subsequent traffic and parking issues along Parslow Road, waste impacts, amenity impacts to adjoining properties, impacts to solar panels of the adjoining property to the south and concern over existing power infrastructure to the adjoining property to the south which will have to be relocated should the development occur.

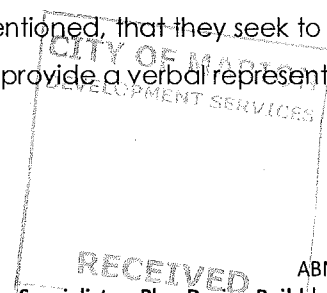
We acknowledge that the subject land is located within the Residential Zone and the Northern Policy Area 13 which encourages medium density development and a range of dwelling types developed at low to medium densities. This type of medium density development, however, should only occur in suitable locations where the development satisfies the majority of the other relevant quantitative and qualitative provisions of the Development Plan.

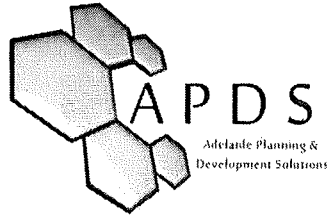
After careful consideration of the proposal, collectively, the proposal is at variance with a number of principles of Development Control and should be amended to reflect the requirements of the Development Plan and more specifically in terms of built form, setbacks and site coverage.

We believe that there is an opportunity to amend the proposal with a single storey built form similar to what has recently been constructed at 1 Parslow Road which would result in a more suitable built form on the subject land more in keeping with the prevailing character of the locality. These amendments would address the variances with the Development Plan raised and would go some way to addressing our concerns.

We would be happy to discuss these concerns with the applicant and council and look forward to working towards finding an appropriate built form solution that will be of benefit to the area. It is hoped that further dialogue may be entered into in this regard however some significant changes to the development are sought.

I confirm on behalf of the adjoining land owners aforementioned, that they seek to address the Council's Development Assessment Panel (CDAP) to provide a verbal representation by agent.





If you have any further questions regarding this application or require additional information please contact me on 0499 933 311.

Yours Sincerely,

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

Mark Kwiatkowski MPIA CPP

Director/ Urban and Regional Planner

Adelaide Planning & Development Solutions | Urban & Regional Planners



**CITY OF MARION
GENERAL COUNCIL MEETING
19 January 2016**

Originating Officer: Kate McKenzie, Manager Corporate Governance

General Manager: Vincent Mifsud, General Manager Corporate Services

Subject: Finance and Audit Committee - Confirmation of Minutes of Meeting held on 15 December 2015

Report Reference: GC190116R01

DISCUSSION:

The purpose of this report is to facilitate the receiving and noting of the minutes from the 15 December 2015 Finance and Audit Committee meeting. A summary of the items considered are noted below.

6.1 Elected Member Report

The Committee noted the written and verbal report from Councillors Gard and Telfer highlighting that the Council has been working its way through the 30 Year Plan and its short term goals and issues. An Elected Member Forum is planned for the 16th January 2016 with strategic planning and priority setting being a key focus.

7.1 Finance & Audit Committee Work Program & Meeting Schedule for 2016

The Committee adopted the work program and the following meeting dates for 2016.

- TUESDAY, 8 March 2016 (2.00 – 5.00 pm)
- TUESDAY, 31 May 2016 (2.00 – 5.00 pm)
- TUESDAY, 16 August 2016 (4.00 – 6.00 pm, followed by a joint workshop with Council from 7.00 – 9.00 pm)
- TUESDAY, 4 October 2016 (2.00 – 5.00 pm)
- TUESDAY 6 December 2016 (2.00 – 5.00 pm)

7.2 Ombudsman's Annual Report 14/15

The Committee noted the report and the number of complaints referred back to the Council from the Ombudsman had increased as the Ombudsman's Office had altered its process to allow Councils the opportunity to address complaints in the first instance.

Management confirmed that complaints referred to the Council from the Ombudsman are followed up to ensure any relevant actions have been completed.

7.3 Framework and Key Assumptions for the preparation of the 2016/17 ABP&B and Long Term Financial Plan

The Committee noted the report and provided feedback on the framework and key assumptions. Various matters were discussed such as the proposed change in the Operating Surplus ratio target and understanding the rating system. The Committee recommended that the framework for the 2016/17 ABP&B and LTFP be presented to Council for consideration and adoption.

7.7 Draft Internal Audit Plan 2015/16 – 2016/17

The Committee noted that the Internal Audit Plan for 2015/16 – 2016/17 had been developed through a considered process and agreed it was a solid approach. The work

being undertaken within 2015/16 include payroll, capital works program delivery and carryovers, purchase cards, cash handling and people, leadership and culture. Each scope and report will be reviewed by the Committee.

7.8 Internal Audit Scopes

The Committee noted and provided feedback on four internal audit scopes being:

- Preparing the draft internal audit plan;
- Payroll;
- Capital works program delivery and carry overs; and
- Purchase cards.

The Internal Audit Plan is now complete and work will commence on the Payroll and Capital Works Program Delivery audits on the 11th January 2016.

7.9 Service Review Update

The Committee noted progress on the Hard Rubbish Service Review and noted the scope for the Living Kaura Cultural Centre Service Review.

7.4 Asset Management Plan

The Committee noted the feedback received on the Asset Management Plans (AMPs) during the public consultation period. The Committee emphasised that the AMPs are based on the premise of like for like renewal which is articulated within the Plan. The AMPs reflect a good piece of work, but require on-going review to ensure they continue to develop further into better informed and accurate operational AMPs.

The Committee recommended that the AMPs be forwarded to Council for adoption.

7.5 Risk Management Policy and Framework Review

The Committee noted the changes to the Policy and Framework and suggested some minor changes prior to the Policy and Framework being presented to Council for consideration and adoption.

7.6 Local Government Association Mutual Liability Scheme (LGA MLS) Annual Risk Review 2015

The Committee noted the report, action plan and the rebate of \$41k. It was noted that the LGA MLS will be changing the review methodology in 2016.

RECOMMENDATIONS (2)

DUE DATES

That Council:

- | | |
|--|----------------------------|
| <ol style="list-style-type: none"> 1. Receive and note the minutes of the Finance and Audit Committee meeting of 15 December 2015 (Appendix 1). | <p>January 2016</p> |
| <ol style="list-style-type: none"> 2. Note that separate reports will be brought to Council for consideration of any recommendations from the Finance and Audit Committee. | <p>January 2016</p> |

**MINUTES OF THE FINANCE AND AUDIT COMMITTEE MEETING
HELD AT THE ADMINISTRATION CENTRE
245 STURT ROAD, STURT
ON TUESDAY 15 DECEMBER 2015**



PRESENT

Mr Greg Connor (Chair), Mr Lew Owens, Ms Kathryn Presser, Councillor Tim Gard, Councillor Raelene Telfer

In Attendance

Mr Adrian Skull	Chief Executive Officer
Mr Vincent Mifsud	Director
Ms Abby Dickson	Acting Director
Ms Kate McKenzie	Manager Corporate Governance
Mr Ray Barnwell	Manager Finance
Ms Fiona Harvey	Manager Innovation and Strategy

1. OPEN MEETING

The meeting commenced at 3.00 pm. The Chair welcomed all those present to the meeting and acknowledged Councillors Gard and Telfer as the new Elected Member representatives of the Committee.

2. KAURNA ACKNOWLEDGEMENT

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

3. MEMBERS DECLARATION OF INTEREST

The Chair asked if any Member wished to disclose an interest in relation to any item being considered at the meeting. No declarations were made.

4. CONFIRMATION OF MINUTES

Moved Mr Owens, Seconded Councillor Telfer that the minutes of the Audit Committee meeting held on 13 October 2015 is confirmed as a true and correct record of proceedings.

Carried Unanimously

5. BUSINESS ARISING

The statement identifying business arising from previous meetings of the Committee was reviewed and progress achieved against identified actions noted. The following points were raised:

- Item 2 relates to the Project Management Review. The Committee requested that the report be circulated out of session. Consultation is currently occurring with the new CEO to bring him up to date with the review and it will be distributed thereafter.
- Clarification was sought on item 9 regarding the recovery of rate debts greater than 3 years old (ie. Specifically relating to "Deferred Rates") from the sale of property (noting that the properties were generally deceased estates of properties for sale). It was noted that \$90k was received by City of Marion within 2 years, significantly reducing the debt.

- The Corporate Risk Profile was listed for the 15th December 2015 meeting but will be presented to the first meeting in 2016. Significant progress has been made regarding the risk review but it has yet to be considered by the Executive Leadership Team (ELT).

6. ELECTED MEMBER REPORT

6.1 Elected Member Representative Report to Audit Committee Report Reference: AC151215R6.1

Councillor Telfer spoke to the report drawing the Committee's attention to the following points:

- The Council has been working its way through the 30 Year Plan and its short term goals and issues. An Elected Member Forum is planned for the 16th January 2016 with strategic planning and priority setting being a key focus.
- Council has agreed to use the quarterly review process to progress new and unfunded items to ensure that an appropriate prioritisation and approval process is considered and applied.

The Committee advised that the challenge for the Elected Members will be what to say 'no' to. The CEO confirmed that it will be important for the council to establish a plan (potentially a three year plan in the first instance) to assist the progress of strategic priorities.

Councillor Gard agreed with the comments provided by Councillor Telfer and also contributed that further work is required to connect the Asset Management Plans with budget planning for the short, medium and long term. He suggested that the budget process can be complex and it can be difficult to connect budget with outcomes.

The Committee queried if Council had progressed any further in its decision making regarding the vacant land at the City Services site. Councillor Telfer advised that there was no agreement or further decision at this point. A discussion will be held at the 16th January 2016 Forum regarding surplus assets and the opportunities for asset consolidation and/or disposal. The Audit Committee requested an update be provided by June 2016.

ACTION: that the Audit Committee be provided with an update by June 2016 regarding the progress of surplus assets (particularly the status of the land at City Services).

7. REPORTS

Corporate and Financial Management

7.1 Finance & Audit Committee Work Program & Meeting Schedule for 2016 Reference No: AC151215R7.1

The Committee noted the report and agreed that the proposed work program covered the requirements of the Committee's Terms of Reference. It was noted that internal audit and service reviews were now listed separately on the work program.

The Committee requested that the risk profile work noted on page 134 of the agenda be added to the work program. It was advised that this work will be presented in the Corporate Risk Profile at the meeting in March 2016.

The Committee discussed the meeting dates noting that the October and December Meetings required change.

Moved Ms Presser, Seconded Councillor Gard that the Finance and Audit Committee:

1. **Note the proposed work program for 2016 identified at Appendix 1 to the report.**
2. **Adopts the following schedule of meetings for 2016;**

- a) TUESDAY, 8 March 2016 (2.00 – 5.00 pm)
- b) TUESDAY, 31 May 2016 (2.00 – 5.00 pm)
- c) TUESDAY, 16 August 2016 (4.00 – 6.00 pm, followed by joint workshop with Council from 7.00 – 9.00 pm)
- d) TUESDAY, 4 October 2016 (2.00 – 5.00 pm)
- e) TUESDAY 6 December 2016 (2.00 – 5.00 pm)

Carried Unanimously

ACTION: the Committee requested that meeting invitations be sent to all Committee Members for the 2016 meeting schedule.

7.2 Ombudsman's Annual Report 14/15

Report Reference: AC151215R07.2

The Manager Corporate Governance provided an overview of the report noting that the number of complaints referred back to the Council from the Ombudsman had increased as the Ombudsman's Office had altered its process to allow Councils the opportunity to address complaints in the first instance.

The Committee queried why some complaints were not listed in Council's record management system and it was clarified that in some instances where a complainant had gone directly to the Ombudsman and been advised to liaise direct with council, the complainant did not always follow up with Council, hence there were no records on the Council's system.

The Committee noted the report and recognised that complaints referred to the Council from the Ombudsman are followed up to ensure any relevant actions have been completed.

7.3 Framework and Key Assumptions for the preparation of the 2016/17 ABP&B and Long Term Financial Plan

Report Reference: AC151215R7.3

The Manager Finance provided an overview of the framework and key assumptions for the Annual Business Plan and Budget (ABP&B) 2016/17 and Long Term Financial Plan (LTFP) noting that the Committee last reviewed this in April 2015. The main differences between the 2015/16 and 2016/17 frameworks were listed on page 33 of the agenda. The key risks were listed on page 35 of the agenda.

The Committee queried the proposed change in the Operating Surplus ratio target from 0-5% to 0-6%. The Committee was advised that the proposed change was made to align the KPI to that adopted by Council in its 2015/16 ABP&B. It was noted that the current KPI was sitting at 9% primarily as a result of substantial forecast gross operational savings of \$3.2m being identified in the development of the 2015/16 ABP&B.

Further discussion was held in regards to the size of the operating surplus, which currently exceeds the Council endorsed KPI and it was agreed that it would be useful for an appropriate explanation to be provided in the ABP&B documentation clarifying this. As noted "above" for example the current year KPI for the Operating Surplus Ratio was exceeded in Council's adopted ABP&B primarily as a result of substantial forecast operating expenditure savings being identified in the development of the ABP&B.

Discussion was also held in regards to the applicable residential rate in the dollar for the City of Marion as compared with other Councils. The City of Marion residential rate in the dollar is higher than surrounding Councils and therefore it would be useful to explore and understand this further as part of the 2016/17 ABP&B process.

The General Manager Corporate Services advised that budgeted rate revenue is calculated through a formula which considers two key variables being (1) the required total rate revenue and (2) property values provided by the Valuer General. The rate in the dollar is the resultant

figure derived from this process and therefore these 2 key variables and the various differing factors that exist from one council to the next need to be considered in this process. Councillor Gard advised the Committee of the differences that occur from Council to Council, particularly within the City of Holdfast Bay and the City of Marion. For example, Marino residents with the same or similar property values will pay significantly less rates in Holdfast Bay than Marion, when they reside in the same suburb. Councillor Gard suggested that the rating system is archaic, complex and requires reform. As a result the average resident does not understand the system.

The Committee agreed that there is opportunity within the pending ABP&B process to explore this issue further with Elected Members, in order to provide a greater level of clarity and understanding in this area. It was proposed that as part of the ABP&B process a number of scenarios could be considered looking at the differential rates that apply to different land use codes (ie. commercial, residential, industrial, etc).

The Committee queried what percentage of rate revenue was derived from commercial properties within the Cities of Marion and Holdfast Bay. The Manager Finance advised that within City of Marion it is about 15 percent and would follow up the details for the City of Holdfast Bay.

ACTION: provide the Committee with the percentage of rate revenue derived from commercial properties for the Cities of Marion and Holdfast Bay.

Councillor Telfer advised the Committee that service delivery had been topical amongst Elected Members and that the Council was seeking some assurance from management that service levels would not be impacted and reduced as a result of the ABP&B for 2016/17.

The CEO confirmed that service levels would be consistent with the agreed plan but may be impacted by service reviews and the assumptions within the LTFP.

The Committee made the following final comments regarding the AB&B and LTFP:

- The wording on page 33 that suggests “council only considers new major projects where it has the identified funding capacity to do so” should be altered to read “council only approve new major projects....” Council should be able to consider a wide variety of matters and this amendment will facilitate this.
- It is important for the risks outlined on page 35 to be considered by Council, which are well encapsulated in the report. For example, the employee costs/increases within the current Enterprise Agreement are above the current assumptions within the LTFP. This is a difficult position for management. The new agreements will need to be negotiated based on the current employment market.
- The provision of key financial ratios, such as Interest and Debt, would be useful in future reports.

With the consideration of the above feedback, the Committee recommended that the framework for the 2016/17 ABP&B and LTFP be presented to Council for consideration and adoption.

ACTION: that the framework for the 2016/17 ABP&B and LTFP be presented to Council for consideration and adoption.

The Chair sought leave of meeting to alter the agenda to allow for those items to be considered that related to the Internal Audit. The Committee agreed.

Service Reviews and Internal Audit

4.00 pm Mr Justin Jaimison and Jared Lawrence from KPMG entered the meeting.

7.7 Draft Internal Audit Plan 2015/16 – 2016/17 Reference No: AC151215R7.7

Mr Jaminson (Audit Partner) from KPMG provided an overview of the Internal Audit Plan for 2015/16 to 2016/17 indicating that this will be the lead document to drive the internal audit program for the next two years. Mr Jaimison indicated that the following process was undertaken to develop the two year plan:

- Consultation with key stakeholders throughout the organisation including ELT, Manager Corporate Governance, Risk and Finance.
- Review and understanding of the City of Marion Community Plan, Annual Business Plan, Long Term Financial Plan, Asset Management Plan and other core documents.
- Review of the City of Marion Strategic Risk Register.

The Committee noted that the Plan focused on a back to basics approach with a mix of some strategic reviews. Mr Jaimison confirmed that the balance of core assurance reviews and strategic reviews was an important balance. The back to basics approach will address matters such as fraud exposure and process breakdown. The Plan is developed for flexibility and reviews can be moved around depending on resources and priorities.

The Committee queried the timing of some reviews (i.e. land and property review) and it was noted that the internal audit will review the implementation and operations of the system improvements that are being implemented now. The land and property internal audit review is included on the program in 2017 for this purpose.

The Committee noted that KPMG could assist Council with independent advice regarding strategic objectives if required.

The Committee noted the Plan had been developed through a considered process and agreed it was a solid approach.

7.8 Internal Audit Scopes Report Reference: AC151215R7.8

The Committee noted the four (4) scope documents within the report and made the following comments:

- No comment was made from the Committee regarding the scope for the development of the Internal Audit Plan.
- The Committee sought assurance that the Payroll Audit was comprehensive and queried if there was any opportunity within the Payroll Audit to look at cost sharing. It was confirmed that this was out of scope for this review as it would be focused on the payroll processes and internal control environment. It was suggested that this could be considered as part of a further service review.
- The Committee noted that the Capital Works audit will focus on the current issues associated with carryovers and the capital works program. The audit will focus on planning and delivery and assess Council's process. The Committee suggested that there may be an opportunity to look at contingency management and procurement at a program level rather than at a project level. The Committee also suggested that it was important that this audit looks at the efficiency and effectiveness of capital works programs.

- The Committee suggested that it would be useful if the internal audit on purchase cards was looked at holistically and addressed issues such as the use of credit cards versus accounts/invoice payment (i.e. the risks and resources required for both systems of purchasing). A recommendation of the best method for the business would be helpful within this review.

In addition discussion was held in regards to the appropriate timing for the planned IT Security audit proposed for early 2017 and it was agreed that this should not occur until after the pending Lotus Notes Replacement program has been finalised.

- 4.27 pm Mr Jaimison and Mr Lawrence left the meeting.
- 4.27 pm The Presiding Member adjourned the meeting for a short 5 minute break.
- 4.33 pm The Meeting resumed.

7.9 Service Review Update

Reference No: AC151215R7.9

Mr Owens declared that he had worked closely with Kaurna in alternative employment. He did not consider this to be a conflict of interest but requested it be recorded in the minutes.

The Committee noted that the Hard Rubbish Service Review and Community Facilities (Living Kaurna Cultural Centre (LKCC)) Service Review were selected as the first two reviews to be completed in a survey completed by Elected Members. The Hard Rubbish Service Review was progressing well and with the intent to report this to the Committee in March 2016.

The Committee noted the scope of the LKCC Service Review and the review will focus on the cost benefit and community value in the first instances. At the conclusion of the first phase and a decision point will occur regarding where to from here regarding the service delivery model for the site.

Councillor Telfer requested that Fairford House be included within the scope of the review and this was agreed.

Councillor Telfer also sought clarification regarding lot 707 which is owned by the Indigenous Land Corporation (ILC) and suggested it may be useful to explore in the second phase of the review how the LKCC could complement any development at this location.

The Committee was advised of and noted progress on both reviews.

7.4 Asset Management Plan

Report Reference: AC151215R7.4

The Committee noted that the Asset Management Plans (AMPs) had been presented to the Committee earlier in the year and were now being brought back after community consultation.

The Committee noted that two responses were received within the community consultation period. The Committee was of the opinion that the current AMPs were the foundation to develop more definitive AMPs and the current AMPs should be considered “a plan for a plan”.

It was noted that the information from the buildings and facilities review will need to be built into the AMPs. The AMPs will also need to link to other organisational plans and a three (3) year plan may be appropriate to assist at an operational level.

The Committee noted that at the Elected Member Forum in January 2016, the council would be considering surplus assets and the opportunities for potential asset disposal and/or consolidation.

Councilor Gard sought clarification as to how Council funds new/enhanced assets (i.e. such as footpath redevelopment and streetscapes) that are above the existing asset service standards and if these items would be considered as new under Council's Asset Management Policy.

The General Manager Corporate Services confirmed that the current AMP's are based on the Asset Management Policy that requires a like for like renewal of existing assets. If an item is a new or enhanced asset, it would require a separate prioritisation and approval process and then be imbedded into the AMPs.

In summary, the Committee emphasised that the AMPs are based on the premise of like for like renewal which is articulated within the Plan. The AMPs reflect a good piece of work but require on-going review to ensure they continue to develop further into better informed and accurate operational AMPs.

The Committee recommended that the AMPs be forwarded to Council for adoption.

ACTION: That the Asset Management Plans be presented to Council for consideration and adoption.

Risk Management

7.5 Risk Management Policy and Framework Review Reference No: AC151215R7.5

The Committee noted the comprehensive documents and agreed that the Framework and Policy provided rigor for the Council and its risk management practices. The Committee suggested that regular review is required and monitoring of risk treatments is critical.

The Manager Corporate Governance provided an overview regarding how risks are monitored throughout the organisation. This includes the review of operational risk reviews (annual) with the risks identified as high or extreme (outside of risk tolerance) to be monitored by the Risk Working Group (Bi-monthly) and the emerging and extreme risks monitored by ELT on a fortnightly basis.

The Committee made the following points for consideration:

- The overall responsibility for risk rests with the Council. The Committee should be used as a filter. The roles and responsibilities within the framework should reflect this.
- The measurement of effective treatments is critical and should be further embedded into the framework.
- Consideration should be given for the CEO to create a top 5 risk report that is considered on a regular basis.
- Further exploration of the Council's media monitoring could occur to review how it could assist in managing emerging risks.
- It was acknowledged that the definition of a risk within the Framework is from the Internal Risk Management Standards (31000:2009) and if Council wants to measure against the standards it would be best practice to refer to the definition within the standards. Notwithstanding this, the key element of a rigorous framework is the application of the process. It was suggested that the definition of a risk could be misleading and it was queried if there is opportunity to look at a different definition and change the word "uncertainty".
- The terminology of "risk appetite" to be amended to "risk tolerance".

With the consideration of the above, the Committee recommended that the Risk Management Policy and Framework be presented to Council for consideration and adoption.

ACTION: That the Risk Management Policy and Framework be presented to Council for consideration and adoption.

**7.6 Local Government Association Mutual Liability Scheme (LGA MLS) Annual Risk Review 2015
Reference No: AC151215R7.6**

The Committee noted the report, action plan and the rebate of \$41k. It was noted that the LGA MLS will be changing the review methodology in 2016.

The Committee queried the status of items 4.20 and 7.36 with the action plan and noted the following:

- 4.20 :The new section 41 Committee structure is required to be reported to the LGA MLS who will provide cover for any liability arising from the actions of any of the Section 41 Committees.
- 7.36 The railway Interface Guide is currently being worked through with Council staff and the LGA MLS.

The Committee queried what claims contribute to the Administration claims category representing 59% of the ‘types of claims based on cost’. This was taken on notice and will be reported through the actions arising statement.

ACTION: provide further detail regarding what is included within the 59% Administration Claims on page 142 of the agenda.

8. CONFIDENTIAL ITEMS

Nil

9. ANY OTHER BUSINESS

The new section 41 Committees of Council were noted and the Committee recommended that the operations of these Committees be reviewed during 2016. It was noted that Council resolved to review the Committees at the conclusion of 2016.

10. MEETING CLOSURE

The meeting was declared closed at 5.22 pm

11. NEXT MEETING

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

Time: 2 pm – 5 pm

Date: 8 March 2016

**Venue: City of Marion Council Chambers
245 Sturt Road, Sturt**

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CHAIRPERSON

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**CITY OF MARION
GENERAL COUNCIL MEETING
19 January 2016**

Originating Officer: Rachel Read, Acting Manager Human Resources

Subject: Recommendations of the 8 September and 8 December 2015 CEO Review Committee Meeting Minutes

Reference No: GC190116R02

REPORT OBJECTIVES & EXECUTIVE SUMMARY:

The purpose of this report is to seek Council's adoption of the CEO Review Committee recommendations from their meetings held on Tuesday 8 September and Tuesday 8 December 2015.

The Chief Executive Review Committee (the Committee) is a formally constituted Committee of Council pursuant to Section 41 of the Local Government Act 1999 and is responsible to Council. The Committee has no delegated authority, and accordingly refers all recommendations to Council for adoption.

To assist Council in this regard, attached to this report is a copy of the minutes (Appendix 1) from the 8 September 2015 meeting and the minutes (Appendix 2) from the 8 December 2015 meeting.

RECOMMENDATIONS:

That:

1. Council receives and adopts the following recommendations of the Chief Executive Review Committee as detailed in the minutes dated 8 December 2015 (Appendix 2):
 - 1.1 A report is to be prepared for the Council meeting on 19 January 2016, summarising and interpreting the results of the survey, and comparing Elected Member responses with the Chief Executive Officer's self assessment.
 - 1.2 Chief Executive Annual Performance reviews in the term of his contract are to be undertaken by the People and Culture Committee in November 2016 and 2017. The People and Culture Committee will also undertake an interim performance review of the CEO in May/June 2016, 2017 and 2018.
 - 1.3 The Chief Executive Officer provide Elected Members with a quarterly update at Elected Member Forums.
 - 1.4 The Chief Executive Performance Indicators are adopted subject to clarification of the legal requirements for disposal of Council land.

**MINUTES OF THE CHIEF EXECUTIVE REVIEW COMMITTEE
MEETING
HELD IN COMMITTEE ROOM 1, ADMINISTRATION CENTRE
245 STURT ROAD, STURT
ON TUESDAY 8 SEPTEMBER 2015 AT 5.00PM**



PRESENT

His Worship the Mayor Kris Hanna (Chair)

Councillors

Councillor Hutchinson
Councillor Telfer

In Attendance

Adrian Skull
Kate McKenzie

Chief Executive Officer
Manager Governance

COMMENCEMENT

The meeting commenced at 5.03pm.

KAURNA ACKNOWLEDGEMENT

Mayor Hanna began the meeting by acknowledging the Kaurna people, the traditional custodians of this land and paid respect to their elders past and present.

MEMBER'S DECLARATION OF INTEREST (if any)

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

No interests were declared.

CONFIRMATION OF MINUTES

Moved Councillor Telfer, Seconded Councillor Hutchinson that the Minutes of the Chief Executive Review Committee Meeting held 25 May 2015 be taken as read and confirmed.

Carried Unanimously

ITEMS FOR DISCUSSION

**Key Performance Indicators for the Chief Executive Officer
Report Reference: CRC080915R01**

This report was noted and a general discussion occurred regarding the key performance indicators for the Chief Executive Officer. The discussion included clarification on the following:

- **Human Resources:**
 KPI 2.1 - To read CMG / Unit Manager and not CMG or Unit Manager.
 KPI 2.3 - Lost Time Injury - notation added - "does not include sick leave".
- **Capital Works:**
 KPI 3.4 (Capital Works - Completion of priority list of budgeted projects - 13). Action required from Elected Members to nominate projects. Confirmation was provided to the CEO that this KPI was established to monitor project management and delivery. The suggested criteria for Elected Members to select a project was:
 - Projects that are approved and included within the budget
 - Projects potentially at a ward briefing level
 - Projects that can be monitored by the delivery of key milestones.
- The next meeting of the CEO Review Committee to be tentatively booked for 8 December 2015 to discuss the next steps and progress against KPI's.

Action:

1. Manager Governance to email Elected Members requesting that information regarding their suggested project be brought to the Elected Member forum on the 15 September 2015. The list to be considered as part of the Elected Member session.
2. Next meeting to be tentatively booked for 8 December 2015 at 5pm
3. Manager Governance to review the Committee Membership and make recommendations to Council regarding Councillor Hutchinson and Councillor Telfer continuing on the Committee until the new section 41 Committees commence in 2016.

CONFIDENTIAL ITEMS

Nil

CLOSURE

The meeting was declared closed at 6.06 pm.

CONFIRMED

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CHAIRPERSON
/...../.....

**MINUTES OF THE CHIEF EXECUTIVE REVIEW COMMITTEE
MEETING
HELD IN COMMITTEE ROOM 1, ADMINISTRATION CENTRE
245 STURT ROAD, STURT
ON TUESDAY 8 December 2015 AT 5.00PM**



PRESENT

His Worship the Mayor Kris Hanna (Chair)

Councillors

Councillor Hutchinson
Councillor Telfer

In Attendance

Adrian Skull
Rachel Read

Chief Executive Officer
Acting Manager Human Resources

COMMENCEMENT

The meeting commenced at 5.45pm.

KAURNA ACKNOWLEDGEMENT

Mayor Hanna began the meeting by acknowledging the Kaurna people, the traditional custodians of this land and paid respect to their elders past and present.

MEMBER'S DECLARATION OF INTEREST (if any)

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

No interests were declared.

CONFIRMATION OF MINUTES

Moved Councillor Telfer, Seconded Councillor Hutchinson that the Minutes of the Chief Executive Review Committee Meeting held 8 September 2015 be taken as read and confirmed.

Carried Unanimously

ITEMS FOR DISCUSSION

6. CEO Performance Review survey (CRC081215R01)

It is noted that discussion took place in regard to a number of questions in the survey. Information sharing amongst the Chief Executive Officer and Elected Members could improve and may be of benefit for the Chief Executive Officer to provide a quarterly progress report to Elected Members.

One on one meetings with Chief Executive Officer and Elected Members was discussed. It was noted that the Chief Executive Officer is happy to meet with Elected Members at any time with reasonable notice.

The next Chief Executive Officer Performance Review was discussed; a full review to take place with the relevant Committee and an interim review with the People and Culture Committee.

It is anticipated that the Elected Members will come to a view about the renewal of the Chief Executive Officer contract during February 2018. It is noted that the Chief Executive Officer is in agreement with these timeframes.

Moved Councillor Telfer, seconded by Councillor Hutchinson that:

1. A Report is to be prepared for the Council meeting on 19 January 2016, summarising and interpreting the results of the survey, and comparing Elected Member responses with the Chief Executive Officer's self-assessment.
2. (Noting the agreement of the Chief Executive Officer to this recommendation,) Chief Executive Annual Performance reviews (which shall include repeated Elected Member surveys) in the term of his contract are to be undertaken by the People and Culture Committee in about November 2016 and 2017. Consideration of CEO remuneration is consequential upon each review. The People and Culture Committee will also undertake an interim performance review of the CEO in May/June 2016, 2017 and 2018.
3. the Chief Executive Officer provide Elected Members with a quarterly update on Council Matters at Elected Member Forums.

Carried Unanimously

7. Other Business

Key Performance Indicators for the Chief Executive Officer

Discussion took place regarding the Chief Executive Officer Key Performance Indicators, appendix 1 to the minutes. The discussion included clarification on the following:

- **Capital Works:**
 - KPI 3.1 Will commence by March 2016.
 - KPI 3.2 Remain as is
 - KPI 3.3 Comment: 80% of facility leases will be renewed prior to their expiry date by 30 June 2016
 - KPI 3.4 Service review will be undertaken

- KPI 3.5 Remain as is
- KPI 3.6 Remain as is
- KPI 3.7 Remain as is
- KPI 3.8 Remain as is
- KPI 3.9 Remain as is
- KPI 3.10 legal requirements of Community Land revocation to be checked and
this KPI revised accordingly
- KPI 3.11 Remain as is
- KPI 3.12 Comment: An unexpected \$190,000 of storm water drainage works
required for George and Finnis Street.
- KPI 3.13 Comment: Effort is being made to reduce fees. The Chief Executive
officer agrees with the Key Performance Indicators.

Moved Councillor Telfer, Seconded Councillor Hutchinson that the Chief Executive Officer Key Performance Indicators are adopted subject to clarification of the legal requirements for disposal of Council land.

Carried Unanimously

CONFIDENTIAL ITEMS

Nil

CLOSURE

The meeting was declared closed at 6.20pm.

CONFIRMED

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CHAIRPERSON

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**CITY OF MARION
GENERAL COUNCIL MEETING
19 January 2016**

Originating Officer: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, General Manager Corporate Services
Subject: Section 270 Review – Phone Tower Kellett Reserve
Report Reference: GC190116R03

REPORT OBJECTIVES AND EXECUTIVE SUMMARY:

To advise Council of the outcome of the Section 270 Review completed regarding the phone tower at Kellett Reserve, Morphetville.

At its meeting of 13 October 2015, Council resolved to support the development of a telecommunications facility at Kellett Reserve, Morphetville Park Sports Club. Following this decision of Council, a complaint was received requesting that 'Council complete a full review of the process that has been undertaken by Council, as there were many mistakes'.

At its meeting of 10 November 2015, Council resolved to appoint an independent person to complete the Section 270 Review. Following this, Mr Ray Pincombe was engaged and has now completed the review (**Appendix 1**). A copy of the draft report has been provided to the complainant for procedural fairness and minimal feedback was received.

In summary, the report finds that the community consultation could have been more efficient and internally integrated to reduce the timeline and impact on the community but there is no indication that the Council has operated unlawfully or unreasonably.

The recommendations state that on the basis of the information gathered in this review, the decision to support the development of a telecommunication facility at Kellett Reserve and to enter into a commercial lease with Telstra was reasonable and should stand. This is supported by the following:

- The process followed was thorough and covered all necessary elements.
- Sufficient consideration was given to alternative options prior to making the decision.
- The views of stakeholders were widely canvassed and considered prior to the decision.
- Improvements to the site to reduce the potential impact of the facility were included in the decision making process.

The report recommends that Council review its consultation process to ensure that a more appropriate approach is developed in issues such as this to ensure that stakeholders have the opportunity to be involved earlier in the process and in a way which satisfies the need for their feedback.

RECOMMENDATIONS (2)

DUE DATES

That Council:

- | | |
|---|---------------------|
| 1. Notes the report and confirms the recommendations within the report. | January 2016 |
| 2. That the complainant and Telstra be advised of the outcome of the review. | January 2016 |

**Section 270 Review
Telecommunication
Facility
Kellett Reserve
Morphettville**

Background

Kellett Reserve is a Council owned Recreational Reserve located at Lot 61 Denham Avenue Morphettville SA 5043. The Reserve is currently leased to the Morphettville Park Sports Club (MPSC). This lease is operational until 30 June 2016.

In 2014 Telstra Corporation Limited (Telstra) lodged a Development Application (DA) to erect a Telecommunication Facility at 142 Morphett Road Glengowrie. This DA was considered by the City of Marion Development Assessment Panel on 3 September 2014 and the application was refused. The refusal of the DA is currently the subject of an appeal by the applicant.

Following the refusal discussions took place between Telstra and Council staff in regard to alternative sites and Kellett Reserve was identified as a potential site for the telecommunication facility. As Kellett Reserve is a Council owned site it would be necessary for the Council to enter a commercial lease to use the site with Telstra. As Kellett Reserve is community land, community consultation would be required prior to Council agreeing to any commercial lease.

A Development Application to erect a Telecommunications Facility on Kellett Reserve was lodged by Telstra on 6 February 2015.

A proposal for a commercial lease with Telstra was presented to the Council at the General Council meeting on 28 April 2015. At this meeting Council resolved to progress negotiations for a commercial lease with Telstra for the installation of telecommunications facility subject to development approval. The Council also resolved that following the conduct of relevant processes associated with a telecommunications facility on Kellett Reserve, that a further report be brought to Council.

On 13 May 2015 consultation on the potential commercial lease between the City of Marion and Telstra commenced. This consultation was undertaken in accordance with the Council Consultation Policy with a public notice being placed in the Messenger on 13 May 2015 and the notice was also on display in the Libraries and Council Administration Centre for 3 weeks. No representations were received during the consultation period.

A petition was received on 25 May 2015 raising concerns with the proposal by Telstra to construct a telecommunication facility on Kellett Reserve. This petition was presented to Council at the General Council meeting on 9 June 2015 by Ms Michelle Roach. The Council resolved to receive the petition. The Council also resolved, separately that the report on the commercial lease include details of further community feedback from residents surrounding both sites for which development assessment approval has been sought.

2

A Community forum was held at the Morphetville Park Sports Club on Monday 15 June 2015 and was attended by 46 residents. This was around 20% of the 229 residents who were notified at the forum. The purpose of the forum was to gather feedback to directly inform the Council to assist in its decision making process.

On 1 July 2015 the Development Assessment Panel considered the DA from Telstra to locate a telecommunications facility on Kellett Reserve and Development Plan Consent was granted.

At the General Council meeting on 14 July 2015 three deputations were received were received in regard to the proposed Telecommunication Facility at Kellett Reserve. At the same meeting a report was presented which outlined the feedback from the community consultation to date and to recommend further consultation on the location which provides the least impact on the residential community. This report provided an outline of the feedback from the Community Forum held at MPSC on Monday 15 June 2015 and identified a number of concerns raised by attendees. In addition, the report provided an assessment of the two locations, namely 142 Morphet Road and Kellett Reserve where applications had been lodged to construct the telecommunications facility. The report also identified the dependency of the DA decision at Kellett Reserve on Council approval to enter into a commercial lease with Telstra.

The recommended next steps were to engage with residents at both locations where a telecommunications facility was considered and to also engage further with the members of MPSC. The aim was to consult with as many stakeholders in the impacted area as possible.

Council resolved to undertake further community consultation to identify the location with the least impact on the community prior to making a decision on the commercial lease at Kellett Reserve. They also resolved to undertake further consultation with MPSC.

A further three deputations were received by Council at the General Council meeting held on 13 October 2015 with two in regard to a facility at 142 Morphet Road and one in regard to siting the facility at Kellett Reserve.

A report was provided to the General Council meeting on 13 October 2015 to provide the results of the survey of the residents East and West of Morphet Road and the separate survey of the MPSC members. In addition, the report considered the investigation of three alternative sites.

As an outcome of this meeting the Council resolved, in part, to support the development of a telecommunications facility at Kellett Reserve. They also agreed hold the funds from the lease, in trust, for use in capital works at Kellett Reserve.

3

Following that meeting an email was received from, a resident in McKellar Terrace which is in close proximity to Kellett Reserve. In the correspondence the resident made a number of requests in regard to the decision to Council's decision to support the development of a commercial lease at Kellett Reserve. One of the requests was for a full review of the process undertaken by Council.

At the General Council meeting held on 10 November 2015 the Council was advised of the request for a review of the process and to resolve a way forward. The Council noted the process regarding the review and resolved to appoint an independent person to undertake the review.

Scope of Review

The purpose of Section 270 is to develop procedures directed toward a review of any request or complaint in a timely, effective and fair way. The key principles of such a procedure should ensure fair treatment, accessibility, responsiveness, efficiency and integration of different areas of Council where there is overlap in responsibilities.

The scope in this review includes:

- Checking the process that lead to the decision to support the development of a commercial lease
- Examining the methods used to gain the views of relevant stakeholders
- Identifying if any alternatives may have been overlooked in the process

This review is of the processes leading to the decision by the City of Marion on 13 October to support the development of a telecommunications facility and to enter into a commercial lease with Telstra Corporation.

Methodology and Process

The Council considered the request for a review of the decision to support the development of a commercial lease to enable the installation of a telecommunications facility at Kellett Reserve at the General council meeting held on Tuesday 10 November 2015. At this meeting the Council resolved to appoint an Independent Investigator to undertake this task. This appointment was made in late November.

The consultant appointed has not had any involvement with any of the processes or decisions in regard to the telecommunications facility at Kellett Reserve or 142 Morphett Road to ensure complete independence in this S270 review.

Evidence to which the Investigation has had regard.

In conducting the review, a wide range of documentation, including the DAP reports and decision notification at both sites, copies of relevant Council reports and copies of minutes outlining Council decisions, ancillary documents including consultation reports, copies of petitions, correspondence from the Complainant, relevant legislation and Council Complaints and Grievance Policy and advice from external bodies with a bearing in this matter.

A copy of the documentation considered is attached.

In addition to the documentation set out above a number of interviews were conducted with staff to supplement the written reports and to assess the level of integration across the Council in managing the process to ensure the best possible decision. An interview was also conducted with the Complainant to ensure their expectations of this process were clear and their reasoning in making the complaint was fully understood.

The aim of reviewing this evidence was to attempt to gain a better understanding of all elements of a fairly complex matter and to then reach a decision on whether the process was fair and reasonable for all parties concerned.

Facts and Timeline

That the Council has the authority to make the decision to support the development of a commercial lease at Kellett Reserve is not in question rather whether the process of making the decision would necessitate their review of this decision.

- A development application to install a telecommunications facility at 142 Morphett Road Glengowrie was lodged by Telstra with the Council on 7 March 2014. The Council DAP considered the development application and refused to grant development plan consent to the application. This decision is currently under appeal by the applicant.
- Following the refusal of the application consultations took place between the Council and Telstra in regard to alternative locations and Kellett Reserve was identified as a site of interest. The MPSC as the licence holder at the reserve was then invited to join the negotiations. At the time both Telstra and the MPSC indicated they were supportive of this development if Council approval was provided. These negotiations were reported to Council at their General Council meeting on 28 April 2015.

- A further development application from Telstra to install a telecommunications facility at Kellett Reserve Morphettville was lodged with the Council on 6 February 2015. The Council DAP considered the development application on 1 July 2015 and granted development plan consent to the application.
- The Council has considered providing a commercial lease to Telstra for the purpose of enabling the installation of a telecommunication facility at Kellett Reserve based on reports provided to the General Council meetings held on 28 April 2015, 14 July 2015 and 13 October 2015.
- Community consultation has occurred in the following manner:
 - A public notice was placed in the Messenger newspaper on 13 May 2015 advising that council was considering a commercial lease with Telstra on Kellett Reserve and inviting feedback over a three-week period from that date. No feedback was received
 - A community forum was held at the Morphettville Park Sports Club on 15 June 2015 to gain community feedback on the commercial lease proposal for the telecommunication facility. The feedback from this forum was reported to Council at its meeting on 14 July 2015. At this meeting Council resolved to undertake further consultation with both the local community and the Morphettville Park Sports Club
 - A random survey of households in the vicinity of 142 Morphett Road and Kellett Reserve was undertaken by Harrison Research to gain feedback on views regarding the establishment of a telecommunication facility in their local neighbourhood. In addition, they conducted an electronic survey of members of the Morphettville Park Sports Club. The results of these consultation processes were reported to Council at its meeting held on 13 October 2015
- At the meeting held on 13 October 2015 the Council resolved to support the development of a telecommunications facility at Kellett Reserve and to adjust the lease at Kellett Reserve from 1 July 2016 to accommodate the development.
- On 23 October 2015 a request for a review of the process undertaken by the Council in making this decision was lodged by a resident.
- At a meeting of council held on 10 November 2015 the Council noted the request for a S270 review and authorised the CEO to appoint an independent person to undertake the review

Process Applied in the Decision Making

From the information obtained via the documentation provided and the interviews undertaken, the following process in regard to the commercial lease at Kellett Reserve was applied:

- Discussions were held with Telstra in regard to an alternative location for the telecommunication facility following the refusal to grant development plan consent for a facility at 142 Morphett Road.
- A report was provided to Council on 28 April 2015 to enable the process to develop a commercial lease to commence.
- Public notice was provided on 13 May 2015, in the local Messenger, to gain community feedback on the lease proposal.
- A community forum was held to receive community feedback on the proposal on 15 June 2015.
- Development plan consent was granted in July 2015 for the establishment of a telecommunications facility at Kellett Reserve.
- The outcomes of the community feedback to date were provided to Council in July 2015.
- Further consultation was requested by Council in July 2015.
- A consultation process was undertaken with a wider range of residents and the members of the MPSC.
- Council was advised of the results of the latest round of community consultation in October 2015.
- Council resolved to support the development of the telecommunications facility and adjust the lease arrangements from July 2016.
- Negotiations took place with the MPSC in regard to their willingness to amend their current lease to accommodate the installation of the facility prior to July 2016.
- A number of alternative options were considered.

Consultation Process

An extremely important part of the process leading to the decision in October was the community consultation undertaken. It was vital that the community were enabled to provide feedback on an issue that affected them. As outlined above the consultation took place in three parts:

- The first being a public notice in the Messenger newspaper on 13 May 2015 advising the community that the Council was considering developing a commercial lease with Telstra. A period of 3 weeks was provided for feedback. There was no community response to this part which may be an indicator of its usefulness in the process.
- The second consultative process was a community forum held at the MPSC Clubrooms with invitations being sent to 229 residents in the vicinity of the Reserve and 46 attending. A reasonable level of feedback was provided which was of assistance to the Council in deciding to undertake further consultation prior to making any decision.
- The third and final community consultation was a random survey conducted door to door in the vicinity of 142 Morphett Road (west of Morphett road) and Kellett Reserve (east of Morphett road). A total of 222 people were surveyed with 104 residing west of Morphett Road and 118 east of Morphett Road.

Alternative Options

One of the critical points raised by many different parties with an interest in this matter was the consideration of alternative sites to both 142 Morphett Road and Kellett Reserve. During the overall process including the two development applications and the Council consideration of a commercial lease a number of alternatives were considered. Apart from the two sites identified above and one other location, the Morphett Arms Hotel, none of these sites was considered viable by Telstra from a technical or locational perspective. The site at the Morphett Arms was unavailable as the relevant negotiating parties were unable to reach agreement on the use of that site.

Findings

Decisions in regard to telecommunications facilities are complex and often contentious and raise significant interest especially in the neighbouring community. It is important that sound and effective processes are followed to ensure that all interested parties understand the implications of the proposal and Council has sufficient evidence on which to base its decision. Given the nature of the proposal it would not be surprising that a number of the interested parties in the nearby community would be unhappy if the proposed installation was to proceed. This makes it all the more important for the Council to have a good and effective process to enable all parties to have an opportunity to voice their opinions.

After reviewing all provided documentation and interviewing staff and the complainant the independent Investigator concludes:

1. That while some elements, especially the community consultation, could have been better managed, the process undertaken by the City of Marion to support the development of a telecommunications facility at Kellett Reserve Morphettville was fair and reasonable.
2. The City of Marion went to great lengths to canvass the views of all parties involved in the process to ensure that the council had sufficient information on which to base their decision.
3. A wide range of alternative options were considered during the overall process before Kellett Reserve was identified as the preferred option.
4. Documents provided indicate that the City of Marion followed proper processes and gathered sufficient evidence and advice both internally and externally on which to base their decision.
5. The time taken to complete this process is considered somewhat excessive and the community consultation phase could have been more efficient and internally integrated to reduce the timeline and impact on the community.
6. Considering the high level of community interest in this matter the first phase of consultation consisting of a public notice in the local newspaper seems to be wasteful in such a contentious issue. An earlier intervention at a higher level of consultation would have been better received by the community and may have reduced the level of angst in regard to the decision. In addition, it would have the potential to speed up the decision making process without any detriment to the ultimate outcome.
7. During the investigation there was no evidence to indicate that the Council operated unlawfully or unreasonably.

Recommended Action:

1. On the basis of the information gathered in this review, the decision to support the development of a telecommunication facility at Kellett Reserve and to enter a commercial lease with Telstra was reasonable and should stand. This is supported by the following:
 - The process followed was thorough and covered all necessary elements.
 - Sufficient consideration was given to alternative options prior to making the decision.
 - The views of stakeholders were widely canvassed and considered prior to the decision
 - Improvements to the site to reduce the potential impact of the facility were included in the decision making process
2. That the Council review the consultation process to ensure that a more appropriate approach is developed in issues such as this to ensure that stakeholders have the opportunity to be involved earlier in the process and in a way which satisfies the need for their feedback.
3. That Council advise the complainant of the outcome of the review.
4. That Council advise other interested stakeholders including Telstra and MPSC of the outcome of this review.

S270 Review – Telecommunication Facility

Kellett Reserve Denham Avenue Morphettville

Documents

1. Development Application 100/376/2014
142 Morphett Road Glengowrie
 - Decision Notification Form
 - DAP minutes
 - DAP report
 - Application documentsDA registered 7 March 2014 DAP decision 3 September 2014
2. Development Application 100/208/2015
Kellett Reserve Denham Avenue Morphettville
 - Decision Notification Form
 - DAP Minutes
 - DAP Report
 - Application DocumentsDA registered 6 February 2015 DAP decision 1 July 2015
3. Report to the General Council meeting 22 April 2014. Relates to a petition re a telecommunication facility proposed by Telstra for 142 Morphett Road Glengowrie
4. Minute of the meeting Tuesday 22 April 2014 relating to the receipt of the above petition
5. Email exchange regarding lodgement of the Development Application for a proposed Telecommunication Facility at Kellett Reserve between Applicant and Council staff 23 January 2015 – 24 February 2015
6. Agenda item re Deputation by President Morphettville Park Sports Club to the General Council meeting Tuesday 28 April 2015
7. Report to the General Council meeting Tuesday 28 April 2015, providing a progress report on negotiations to enter into a commercial lease with Telstra at Kellett Reserve
8. Minute of the General Council meeting held Tuesday 28 April 2015 receiving the deputation outlined in 6 above and the decision made by council to support progressing negotiations with Telstra
9. Report to the General Council meeting held on Tuesday 9 June 2015. This report relates to a petition re a telecommunications facility proposed at Kellett Reserve

10. Notice of Motion from CR Jason Veliskou to the General Council Meeting held Tuesday 9 June 2015 relating to Council receiving further community feedback from residents surrounding the proposed sites at 142 Morphett Road and Kellett Reserve
11. Minute of the meeting held on Tuesday 9 June 2015 receiving the petition referred to in item 9 above and a resolution relating to the motion noted in 10 above
12. Deputations to the General Council Meeting held Tuesday 14 July 2015. Three speakers in relation to the Telecommunications Facility at Kellett Reserve
13. Report to the General Council Meeting Tuesday 14 July 2015 to inform Council of the outcomes of community consultation relating to proposed telecommunications facility and to recommend further consultation prior to any decision on a commercial lease with Telstra
14. Minute of the General Council Meeting held on Tuesday 14 July 2015 noting the deputations outlined in 12 above and the resolution to defer the decision on a commercial lease with Telstra at Kellett Reserve pending further community consultation
15. Agenda items relating to 3 deputations to the General Council meeting held on Tuesday 13 October 2015 regarding the proposed telecommunications facility. The first related to the site at Kellett Reserve and the other two to the proposed site at 142 Morphett Road
16. Report to General Council Meeting Tuesday 13 October 2015 providing an update on the outcomes of the broader community consultation undertaken and providing two options for the next stage of negotiations with Telstra in regard to the telecommunication facility proposal at Kellett Reserve. The report provided a summary of the consultation and an assessment of the locations at 142 Morphett Road and Kellett Reserve. The flyer that was provided to residents, the full report on the consultation and further legal advice on the matter were provided as appendices.
17. The minute from the Council meeting held on Tuesday 13 October which noted the three deputations and the decision of Council in regard to the next stage in regard to the proposed telecommunications facility at Kellett Reserve. This resolution supported the provision of a lease from 1 July 2016 incorporating the proposed development and continuation of negotiations with MPSC to vary the current lease which expires on 30 June 2016 to incorporate the proposed development.

**CITY OF MARION
GENERAL COUNCIL MEETING
19 January 2016**

Originating Officer: Mark Gibson, Team Leader Land & Property
General Manager: Abby Dickson, City Development
Subject: Capella Drive Reserve
Report Reference: GC190116R04

REPORT OBJECTIVES:

The purpose of this report to provide Council with an update in relation to the Capella Drive Reserve upgrade works.

PROJECT UPDATE:

In October 2015 Council resolved the following. (GC271015M04):

1. *Notes the opportunity to increase soccer facilities in the south through changing sports clubs leasing arrangements.*
2. *In order to pursue the opportunity to increase soccer facilities Council is to:*
 - 2.1 *Undertake preliminary investigation works, including a soil test, a review of electrical services and a concept design for the potential installation of sports floodlights at Capella Reserve.*
 - 2.2 *Endorse the funding of the investigations works (as per recommendation 2.1). Funding of \$5,000, to be sourced from the identified savings resulting from the 2014/15 financial year.*
3. *Formalise the offer from Sheidow Park Cricket Club to end their lease agreement at Capella Reserve. Funding of \$3,000, to be sourced from the identified savings resulting from the 2014/15 financial year, will be provided towards a top soil treatment at their alternative oval.*
4. *Subject to the outcomes of recommendations 2 and 3 above, enter into negotiations with the Cove Soccer club to change their current lease from use of Capella Reserve from 6 months to 12 months to play soccer.*
5. *Grant landlords approval for the installation of floodlights at Capella Reserve subject to a successful Development Application and community consultation process.*
6. *Assist Cove Soccer club through the development application process.*
7. *That a report will be brought to Council in January 2016 which outlines the outcomes of all investigative works, the cost of the floodlights, community consultation and development approval.*

The preliminary investigation works including a soil test and review of the electrical services have been completed. The concept design including the configuration of the floodlights to maximise the use of the facility is currently in progress.

A meeting has been undertaken with the cricket club and arrangements are underway for them to vacate the grounds at the end of the cricket season in March 2016.

The Cove Soccer Club has submitted their Development Application for the installation of floodlights at the reserve. However there have been some delays due to the engineer not supplying an adequate lighting plan to the Club, this is currently being followed up.

As the development application is still being assessed and pending community consultation we are not in a position to finalise a report back to Council.

It is anticipated that the development approval process will be completed in early February (subject to DAP), which will enable report to be provided to Council in late February.

Ward Councillors have been kept informed on the progress of the upgrade works.

RECOMMENDATIONS (2)

DUE DATES

That Council:

- | | |
|---|---------------------|
| 1. note the report and the current status of the project. | January 2016 |
| 2. Note that a further report will be brought for Councils consideration once the development approval process has been completed. | March 2016 |

**CITY OF MARION
GENERAL COUNCIL MEETING
19 January 2016**

Originating Officer: Neil McNish, Economic Development Manager
General Manager: Abby Dickson, City Development
Subject: Tonsley Suburb Naming
Report Reference: GC190116R05

REPORT OBJECTIVES:

To seek Council's support, subject to appropriate consultation, for the renaming of the southern portion of Clovelly Park including the Tonsley redevelopment site as the suburb of Tonsley.

EXECUTIVE SUMMARY:

Renewal SA as developers of the former Mitsubishi Motors site at Tonsley have written formally to the CEO advising of their intention to seek a renaming of the southern portion of Clovelly Park including the former Mitsubishi Motors site to Tonsley and have requested the support of Council in this regard. The renaming of a suburb is regulated by statute and the process is managed by the Office of the Surveyor General. The Tonsley site forms part of the suburb of Clovelly Park and the suggested rationale for change of name is due to the substantial change in land use currently underway, the historical association locally with the Tonsley name and assistance with identity, marketing and place making opportunities. As part of its assessment process, the Office of the Surveyor General reviews a number of matters and consults with a wide range of stakeholders including the local council, emergency services, Australia Post, local residents and local businesses. The Office has indicated its willingness to work closely with both the City of Marion and Renewal SA in this consultation process.

RECOMMENDATIONS (3)**DUE DATES****That Council:**

- | | |
|--|------------------------|
| 1. Supports, subject to appropriate consultation, the renaming of the southern portion of Clovelly Park including the Tonsley redevelopment site as shown on the attached plan as the suburb of Tonsley | 19 January 2016 |
| 2. Authorises the Chief Executive Officer to write to the Surveyor General advising that Council supports the renaming of the suburb, subject to appropriate consultation | 19 January 2016 |
| 3. Authorises the Chief Executive Officer to liaise with the Surveyor General and Renewal SA with regard to the consultation with residents and businesses impacted by the partial renaming of the suburb | 19 January 2016 |

BACKGROUND

The South Australian Government is redeveloping the former Mitsubishi Motors assembly plant in Clovelly Park, referred to as Tonsley, as an integrated employment, education and residential precinct. The site is owned by the State Government with the exception of the new Siemens facility and the infrastructure and public realm is being developed by the Urban Renewal Authority trading as Renewal SA. While the site has commonly been referred to over many years informally by the name Tonsley, the precinct is in the suburb of Clovelly Park.

Renewal SA have now written formally to the CEO advising of their intention to seek a renaming of the southern portion of Clovelly Park including the former Mitsubishi Motors site to Tonsley and have requested the in-principle support of Council in this regard.

The naming of geographical places in South Australia is regulated by the *Geographical Names Act 1991* and the process is managed by the Office of the Surveyor General. Any proposed name change must be advertised within the locality and any submissions received taken into account in considering the change. The Act specifically refers to local councils and states that Minister must invite submissions from affected councils as part of the process.

DISCUSSION:

Renewal SA is requesting a change of the suburb name for the following reasons:

- The changed land use and conditions of the area as brought about by the redevelopment and the approved Development Plan Amendment
- The historical connection of the site with the 'Tonsley' name as brought about in 1964 by Chrysler Australia and subsequently Mitsubishi Motors
- The desire for tenants and future residents to have Tonsley in their address will assist with identity, marketing and place making opportunities

The proposed suburb of Tonsley would comprise the 61 hectare former Mitsubishi Motors site and a small contiguous area of land south to Sturt Road including Monroe's manufacturing plant and the residential precinct bounded by the Tonsley rail line, Sturt Road and South Road (see attached plan). The proposal to seek a partial renaming of the suburb was first raised over two years ago and at that time advice was sought from the Surveyor General's Office regarding the scope of the area to be included. The advice received was that due to emergency service and postal concerns, the land to the south of the site should be included and that two separate locations for the Clovelly Park suburb name would not be acceptable. The land to the north of the redevelopment site up to Daws Road would continue to be in the suburb of Clovelly Park.

A change of suburb name will however affect a number of stakeholders including most importantly local residents and local businesses and therefore a thorough consultation process is needed to obtain and assess any concerns they may have. The Office for the Surveyor General has published guidelines around the altering of the names of suburbs or localities which state the following:

The names assigned to suburbs and localities in South Australia form part of the official property address and are used widely by businesses and the community.

Using assigned suburb and locality names is important for the effective provision of emergency services - eg ambulance, fire, police and the delivery of post and other services.

Alterations to suburb and locality boundaries occur when the existing boundaries impede the efficient delivery of services to an area. This often follows land development or the construction of new arterial roads such as the Southern Expressway.

Requests to alter suburb and locality names and boundaries can come from members of the public, the local council or a number of government departments. Changing address information incurs a cost to businesses and the community and can disrupt the delivery of services. As a consequence there must be a significant benefit to the general community before a change will be considered. Submissions to change names and boundaries must be made in writing to the Surveyor General and submitted to the Geographical Names Unit. They are assessed by the Surveyor-General's Office.

Submissions are assessed by considering:

- the views of police, emergency service providers and Australia Post*
- difficulties by the community in access to and from the area*
- the costs associated with the change*
- the impact on local businesses*
- the level of support from residents and council*
- the benefits of the proposal to the community as a whole*
- the size of the area and the proposed boundaries*
- if a new name is proposed, the name and its links with the area*
- submissions seeking changes for reasons of perceived status or financial benefit will not be supported.*

If the proposal is considered to have merit, the Surveyor-General will commence a formal process under the Geographical Names Act 1991.

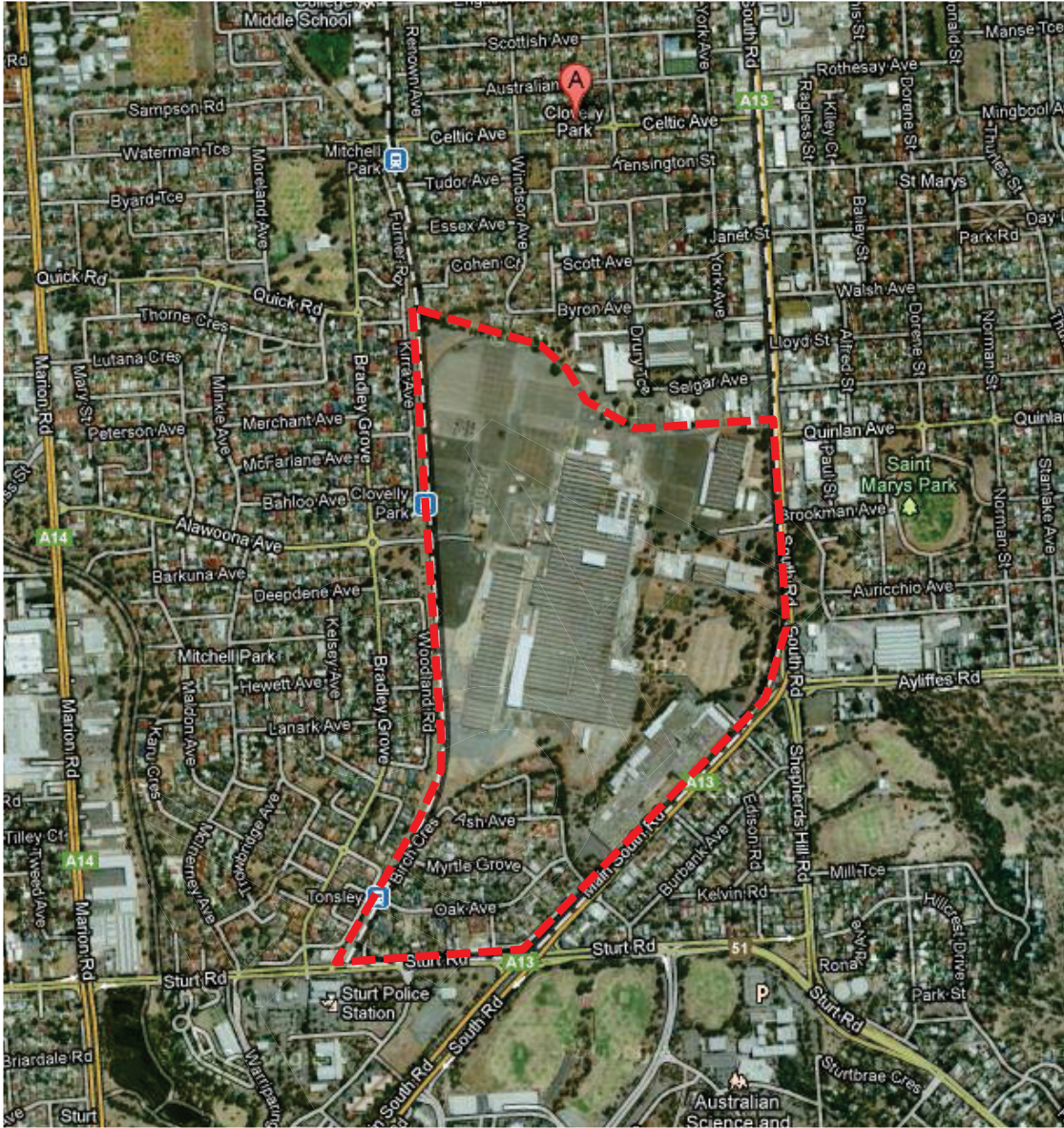
The Office of the Surveyor General has indicated a willingness to work with both Renewal SA and the City of Marion in conducting its consultation process as part of its assessment of an application for change of name and this process will involve communication with both local residents and businesses affected by the proposed change.

CONCLUSION:

The Tonsley redevelopment has state-wide if not national significance as a major urban regeneration project focusing on substantial employment creation, research, education and training together with medium to high density residential accommodation. The attraction of investment to the site is international in scope and considerable time, effort and money has already been spent on the development of the 'Tonsley' brand. It is therefore suggested that the creation of the suburb name of Tonsley will reinforce the importance and character of the area as well as its uniqueness in integrating business with further and higher education and a diversity of residents. It will also reinforce the existing local recognition and association of the area with the Tonsley name.

Consultation with local residents and businesses on the proposed name change is an essential part of the process and the City of Marion plays an important role in this. Subject to this process, it is recommended that Council endorse the attached resolutions and provide support for the suburb name change, authorise the CEO to write to the Surveyor General in these terms and to liaise with the Office of the Surveyor General and Renewal SA with regard to the public consultation process.

APPENDIX 1



**CITY OF MARION
GENERAL COUNCIL MEETING
19 January 2016**

Originating Officer: Fiona Harvey, Manager Innovation and Strategy
General Manager: Abby Dickson , City Development
Subject: Asset Management Plan
Report Reference: GC190116R06

REPORT OBJECTIVES:

This report presents the City of Marion's finalised Asset Management Plan (AMP), taking into account the feedback received through community consultation, for the Council's consideration and adoption. The plan covers transport infrastructure (roads, footpaths, kerbing, bridges, signage and traffic control devices), open space, buildings, drainage and coastal walking trail assets.

This baseline AMP provides information on Council's asset needs over the life of the 10 year Long Term Financial Plan (LTFP) with financial projections extending over 20 years. It also includes a key section detailing an on going improvement program for improved asset management.

EXECUTIVE SUMMARY:

The key objective of the AMP is to inform Council's long term investment in its assets and align forecast expenditure in the LTFP with projected asset maintenance and renewal requirements.

The AMP has been prepared in accordance with the requirements of the *Local Government Act 1999* and Council's Asset Management Policy adopted in August 2014 (GC120814R04), which places priority on maintenance before renewal, and renewal of assets before acquisition of new or upgrade of existing assets where it is cost effective to do so. Any acquisitions or upgrades will need to be prioritised by Council prior to their inclusion in future iterations of the AMP, having regard to whole of life costs.

The AMP has been prepared on the basis of the proposed 2015/16 LTFP taking into account all existing information available. New or upgrade works have not been included in this AMP unless there is a specific Council resolution or legislative requirement to do so (e.g. new stormwater works arising from adoption of Council's Stormwater Management Plans, new signage and Disability Discrimination Act building works).

The AMP represents a baseline Plan, providing a foundation for improved asset planning and management. A number of priority projects and programs are planned or progressing to inform the review of the AMP including:

- Building audit to inform development of a building renewal plan
- Service review program which will consider service levels
- Asset consolidation planning
- Leasing and licensing policy review
- Capital works programming improvement

Community consultation was undertaken on the draft AMP using the City of Marion 'Making Marion' website for a four week period in July-August 2015, with the community feedback taken into consideration in the preparation of the final version of the AMP (Appendix 1). The Audit Committee considered the community feedback and final draft version of the AMP on 15 December 2015 (AC151215R7.4) and endorsed its forwarding to Council for consideration and adoption.

RECOMMENDATIONS (2):

	DUE DATES
That Council:	
1. Notes the feedback received through the Asset Management Plan Community consultation period.	19 January 2016
2. Adopts the finalised Asset Management Plan (as attached in Appendix 1).	19 January 2016

DISCUSSION:

Community Consultation

Council is required to develop and adopt an infrastructure and asset management plan in accordance with section 122(1a)(b) of the *Local Government Act 1999* (the Act), which is taken to form part of Council's strategic management plans. As such, Council is required to undertake a period of consultation and four weeks was proposed. Although this AMP is a 'baseline' plan to maintain and renew existing assets at current service levels, any feedback received will inform future iterations which will seek to ensure community expectations are translated into appropriate and sustainable service levels.

The draft AMP was published for public consultation for a 4 week period from 27 July - 28 August 2015. Two comments were received from community members during this period:

- 1. I don't believe that there is enough focus on whether things are being done as efficiently as they could be. Before increasing rates understand whether Council could be more effective through innovation. The document fails to describe how Council will measure Levels of Service or be held accountable for poor performance. Only technical Levels of Service are described. Overall it is a poor document which has been plagiarized from various sources and lacks details about how Asset Management will be delivered. Council is failing to meet ISO 55000, based on this document.*
- 2. It's very simple*

The following key elements of the AMP address the concerns raised in these comments:

- The development of the AMP examined a number of improvements in the delivery of services including an optimised works program for roads based on least lifecycle cost resulting on predicted savings of approximately \$1 million per year; potential additional savings using alternative road treatments (rejuvenation); and an investigation on upgrade options and the provision of a sustainable budget for the Coastal Walking Trail. The Plan identifies opportunities for improving the management of the building network including the need for the development of renewal plans, rationalisation and additional data capture.
- The background plans provide detail on the individual asset classes including programs and costs. The improvement plan identifies a number of tasks including the development of service levels, operations and maintenance plans, on-going auditing, condition rating methodologies, and further integration with the LTFP.
- The document has been compiled using a national template, NAMS.PLUS3, and hence will have a standard 'look and feel'. The content, including the analysis and costing's are City of Marion specific.
- The AMP meets the legislative requirements within the *Local Government Act 1999* and is informed by the City of Marion Asset Management Policy. There is no current requirement for Local Government in SA to meet the international standards ISO 55000, ISO 51000, ISO 51002.
- The AMP includes an improvement plan (Table 7.2), which, in summary recommends an ongoing focus on continuous improvement in asset management, particularly in areas of audit and assessment, development of renewal programs and review of levels of service. This ongoing focus on improvement will ensure that the City of

Marion is well placed to understand current and future community and asset needs and proactively plan to meet these needs.

Taking into account the community feedback, and that the AMP is intended to be a baseline plan that is dynamic and will continue to be improved, the draft AMP is proposed for the Audit Committee's endorsement and forwarding to Council for adoption as a final Plan.

Strengthening the AMP will begin in 2016 and will focus on improving management of council buildings/facilities. This program has been initiated with a building audit, being undertaken by GHD consultants and will cover all City of Marion owned buildings including toilet blocks. The information gathered through the audit will support an improved proactive building/facility maintenance program, the development of a building/facility renewal plan, the ongoing consideration of asset disposal/consolidation and the review of the leasing and licensing policy.

A further program focused on open space asset management and renewal will also progress from early 2016 to improve planning and management of open space assets.

Asset Management Plan Overview

The AMP focuses on 'built' assets, rather than land, information technology, fleet or fixtures and fittings. While Council does have some vacant land assets, the majority contain buildings, sporting or recreational infrastructure. Council is currently in the process of compiling information on vacant land assets for further consideration. Information technology, fleet and fixtures and fittings are generally considered 'operational' in nature.

Current forecasts for Council to operate, maintain and renew existing assets, minor building renewals and new signage and stormwater works equates to \$216.6 million over the 10 year life of the LTFP, excluding building renewals as building renewal plans have not yet been developed. As noted by the Audit Committee on 14 April 2015 (AC140415R6.4), it is proposed that building renewal plans be developed over the coming 2 years. However, given the current consumption of building assets, it would be reasonable to initially provision \$49 million (equivalent to accumulated depreciation to 30 June 2014) for building renewals, pending the assessment of buildings and development of renewal plans.

Based on all current information the AMP demonstrates a forecast funding shortfall of \$10.2 million over 10 years when compared to forecast asset expenditure in the LTFP, as outlined below:

Draft 2015/16 LTFP Projections for operations, maintenance & renewal	\$231.3 million
Draft 2015/16 LTFP Projections for approved new stormwater works	\$24.1 million
Less Draft AMP forecasts for Operations, Maintenance & Renewal (excluding building renewals) + new stormwater works	(\$216.6 million)
Less proposed provision for Building Renewals	(\$49.0 million)
Projected funding shortfall based on draft 2015/16 LTFP & draft AMP, including provision for building renewals	(\$10.2 million)

Impacts from asset acquisitions, upgrades, grants, contract unit rates, a downward variation of rates / revenue and development of building renewal plans will impact on available funding and may necessitate review of Council's works and approach to its assets.

Council may choose to manage this shortfall through a range of measures including increasing revenue (rates and/or grant funding), asset disposal, realignment of funding in the LTFP or reducing costs elsewhere.

Council's asset management approach needs to reflect the changing priorities, focus and decisions of Council and to adapt as further assessments of asset condition are completed and community needs and expectations are clarified.

The AMP highlights areas of operational improvement by driving the development of renewal and service strategies where these do not exist to a high degree. The plan also highlights the need for on-going discussion with Elected Members and the community regarding service standards to be delivered within Council's available resources.

In endorsing the AMP, the following points should be noted:

Buildings

- Council's 106 buildings have an estimated 'like for like' renewal value of approximately \$123 million (valuation as at 30 June 2014), with an average annual operating, maintenance and minor renewal spend of \$4.6 million.
- A number of Council's buildings are approaching the later years of their lives and will require renewal, so it is critical that provision for renewal costs be incorporated into asset management planning.
- A key opportunity for improvement in the AMP will be to review utilisation, community need and development of renewal plans (or, in some cases, Council may wish to prioritise disposal of under-utilised assets). A building audit is currently being undertaken which will inform the renewal plans.
- The AMP does not include maintenance where a lease exists and maintenance is the responsibility of the leaseholder.

Open Space

- Council's open space assets include playspaces, outdoor furniture, fencing, etc with an estimated 'like for like' renewal value of approximately \$29.3 million (valuation as at 30 June 2014), requiring an average annual operating, maintenance and renewal spend in the order of \$4.8 million.
- Many open space assets are approaching the end of their useful lives, with issues including restricted access, limited parent or carer facilities, limited creative play opportunities, and limited diversity and challenge.
- The Open Space AMP originally presented to Audit Committee (AC300713R5.2) included projections of levels of service that represented significant upgrades rather than 'like for like' renewal. This had the effect of adding in the order of \$20.6 million to the forecast resource requirements over the life of the LTFP (or \$43.2 million over the 20 year life of the AMP). These forecasts have now been excluded in line with Council's adopted Asset Management Policy.
- The Playspace Strategy is currently under review, and when completed this will provide a basis for Council's setting of service standards and associated costs.

Drainage

- Council's drainage and stormwater infrastructure has an estimated 'like for like' renewal value of approximately \$206.8 million (valuation as at 30 June 2014), requiring an average operating, maintenance and renewal spend in the order of \$3.35 million.
- Council has adopted stormwater management plans (SMPs) for two of its four catchment areas. These plans have provided information on necessary stormwater works, prioritisations and cost estimates within the relative catchments.
- Outcomes of the remaining two catchment studies will be incorporated in future iterations of the plan.

Coastal Walking Trail

- The Coastal Walking Trail forms a 7.2 km section between Hallett Cove and Marino.

- Initially a State Government initiative to develop a 70 km linear park along the Adelaide metropolitan coastline from Sellicks Beach to North Haven, maintenance and renewal of sections of the Coastal Walking Trail are now the responsibility of each Council.
- The trail requires an average annual operating, maintenance and minor renewal spend in the order of \$2.234 million over 10 years.
- While the maintenance of the trail is funded within the 10 year LTFP horizon, future renewal costs fall outside the scope of the report and will need to be considered in future iterations of the AMP.

Transport

- Council's transport infrastructure covers road seals, pavements, kerbs, footpaths, bus shelters, walking and cycling trails and other transport infrastructure with an estimated 'like for like' renewal value of approximately \$565.9 million (valuation as at 30 June 2014), requiring an average annual operating, maintenance and renewal spend in the order of \$8.73 million per annum.
- Analysis of the road audit has identified opportunities to implement alternative seal treatments and the need to renew some pavements, resulting in changes to the intervention methodology. This change will be monitored over future years and the impact on the road network validated by further audits and analysis including specific inspections.

ANALYSIS:

Legal / Legislative and Risk Management

The AMP will meet the requirements of the *Local Government Act 1999* (SA). A section on risk is contained in the AMP, which has been developed in conjunction with Council's risk unit and will be incorporated into future reviews of Council's corporate risk register.

Financial Implications

As outlined above, the AMP identifies a forecast funding shortfall in the order of \$10.2 million based on information presently to hand. This forecast is likely to be low as the cost of renewal is generally greater than the accumulated depreciation. Council may choose to address this shortfall through a range of means including increasing revenue (rates and/or grant funding), asset disposal, changing service standards, realignment of funding in the LTFP or reducing costs elsewhere.

Following endorsement of the AMP the LTFP will be updated with the financial details and assumption included in the AMP.

As future decisions are made on asset acquisitions, upgrades, and disposals the AMP and LTFP will be updated.

CONCLUSION:

The finalised AMP presented provides a strong baseline plan, in accordance with the provisions of the *Local Government Act 1999* and the City of Marion's Asset Management Policy. The AMP includes a significant focus on ongoing improvement to ensure asset management continues to be proactive, dynamic and effective in meeting the community's needs.

City of Marion





Transport, Stormwater, Open Space, Buildings and Coastal Walking Trail

Asset Management Plan



Scenario 1 Version 2

December 2015

Document Control		 			
Document ID: 59.299.120815 nams.plus2 amp template v2					
Rev No	Date	Revision Details	Author	Reviewer	Approver
1	25/5/15	First draft for review	SW (AE)	JS	
2	2/12/15	Final version	SW (AE)	FH	

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1. EXECUTIVE SUMMARY

Context

Asset management planning is a comprehensive process to ensure delivery of services from infrastructure is provided in a financially sustainable manner. An asset management plan (AMP) details information about infrastructure assets including actions required to provide an agreed level of service in the most cost effective manner. The plan defines the services to be provided, how the services are provided and what funds are required to provide the services.

The AMP incorporates key information drawn from individual Transport, Stormwater, Open Space, Buildings and Coastal Walking Trail Asset Management Plans (background documents) that have recently been developed by Council.

One of the principal aims of this plan is to inform the preparation of Council's Long Term Financial Plan (LTFP). The plan uses the Draft 2015/16 10 year LTFP as its basis but ultimately proposes a realignment of funds between the different infrastructure asset types and between renewal and new / upgrade expenditure.

In the development of the plans it became clear that there was opportunity for reform particularly in the programming of the road reseal / reconstruction program. Following the ~~recent~~ adoption of Council's Asset Management Policy¹, projections of upgrade and new work have been removed, so that only projects approved by Council are included in the plan. The result of these two changes is an indicative (unrealised) surplus of \$38.8 million over the 10 years of the Draft 2015/16 LTFP based on projected budget requirements and projected budget availability. However, it is important to note that this does not include provision for major renewal of Council owned buildings, with building renewal plans to be developed over the next two years. It has been recommended that Council provision \$49 million for building renewal², being equivalent to accumulated depreciation on buildings as at June 2014. This would actually result in a net \$10.2 million deficit in renewal expenditure over the 10 year life of the LTFP, as set out below:

Draft 2015/16 LTFP Projections for operations, maintenance & renewal	\$231.3 million
Draft 2015/16 LTFP Projections for approved new stormwater works	\$24.1 million
Less Draft AMP forecasts for Operations, Maintenance & Renewal (excluding building renewals) + new stormwater works	(\$216.6 million)
Less proposed provision for Building Renewals	(\$49.0 million)
Projected funding shortfall based on currently adopted LTFP & draft AMP, including provision for building renewals	(\$10.2 million)

However, it is generally considered unreliable to draw comparisons between annual depreciation figures and sustainable renewal requirements, as infrastructure renewal requirements generally exceed depreciation. The forecast building renewal requirement outlined above is therefore considered conservative (low).

This plan does not include short term assets (such as fleet, furnishings, telecommunications equipment). While land assets are not discussed explicitly, most land assets contain building or open space infrastructure.

Assets covered by this plan and background documents include;

- Bridges
- Buildings
- Bus shelters
- Coastal walking trail
- Footpaths
- Irrigation
- Kerbing
- Playgrounds
- Reserves assets, benches / bins etc
- Road seals and pavements
- Signs
- Sports courts
- Stormwater pipes & pits
- Traffic control devices
- Wetlands

¹ <https://www.marion.sa.gov.au/webdata/resources/files/Asset-Management-Policy.pdf>

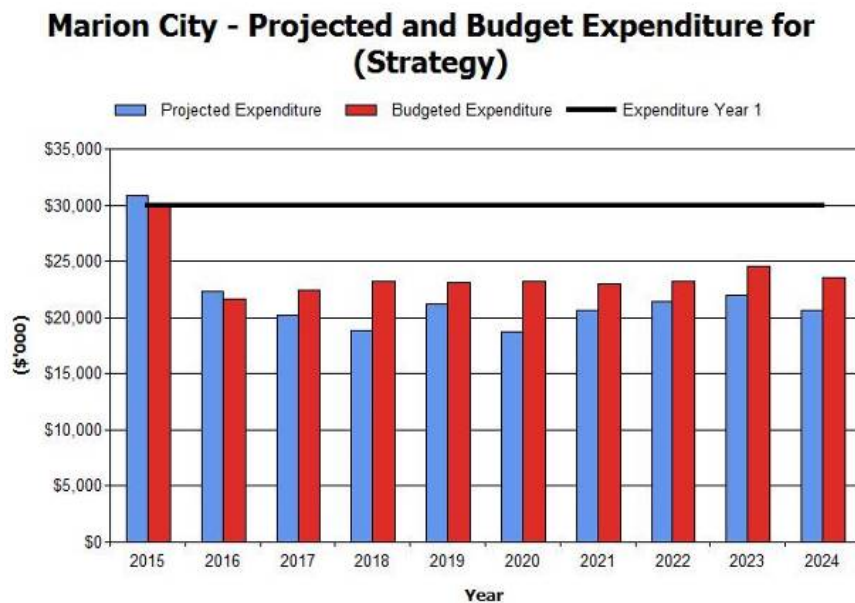
² City of Marion Audit Committee 14 April 2015 Report AC140415R6.3
<https://www.marion.sa.gov.au/webdata/resources/files/AC140415%20-%20Combined%20Agenda%20&%20Reports.pdf>

The infrastructure assets have a current replacement cost of \$938.9 million and a depreciable amount of \$609 million (Council audited valuations).

What does it cost?

The projected outlays necessary to provide the services covered by this AMP includes operations, maintenance, renewal and minor upgrade of existing assets plus approved stormwater works over the 10 year planning period is \$216.6 million or \$21.66 million on average per year, excluding major building renewals as discussed above.

Estimated available funding for this period according to the Draft 2015/16 LTFP is \$255.4 million or \$25.54 million on average per year which is 118% of the cost to provide the service, excluding major building renewals. Projected expenditure required to provide services in the AMP compared with planned expenditure currently included in the LTFP are shown in the graph below.



Changes to Council rates or service standards and the development of building renewal plans will impact on the forecasts outlined in this plan.

What is included in financial projections

We plan to provide services for the following:

- Operation, maintenance, renewal and minor upgrade of infrastructure to meet service levels set in annual budgets.
- No major upgrades within the 10 year planning period, other than currently approved Council building projects, stormwater and some signage.
- Rectify identified defects where they are deemed maintenance and renewal activities.

What is not included in financial projections

New work or upgrades beyond existing service levels have not been included in financial projections, unless there is a specific Council resolution for that work to be undertaken.

Confidence Levels

This AMP is based on medium to high level of confidence information.

2. INTRODUCTION

2.1 Background

This AMP is to demonstrate responsible management of assets (and services provided from assets), compliance with regulatory requirements, and to communicate funding needed to provide existing levels of service over a 10 year planning period, with financial projections extending over 20 years.

The AMP is based on the format for AMPs recommended in Section 4.2.6 of the International Infrastructure Management Manual³.

In the preparation of this plan, information has been drawn from a number of background papers which include more detail for transport, stormwater, open space, building and coastal walking trail assets.

Once adopted, this AMP will inform the next iteration of the LTFP. When compared to the Draft 2015/16 LTFP, available funds for approved stormwater works, asset operating, maintenance and renewal and minor upgrades amount to \$255.4 million while this plan identifies a resource requirement of \$216.6 million, resulting in a surplus of \$38.8 million before any provision is made for major building renewal plans. A range of measures have been identified, including:

- A detailed review has been undertaken of the Council's road resealing / reconstruction practices which has found significant potential savings provided that an alternative philosophy and program of works is adopted.
- In accordance with Council's current Asset Management Policy, upgrades of assets have not been included in the plan unless there is a specific Council resolution to do so.
- Other than existing building projects, stormwater assets and some signage works, construction of new assets has not been considered.
- Prior to upgrades to existing assets or construction of new assets, Council will prioritise works and have regard to whole of life costs and impacts on the LTFP.

It has been recommended that Council provision \$49 million for building renewal, being equivalent to accumulated depreciation on buildings as at 30 June 2014 and the projected depreciation of these assets over the life of the plan. This would result in a net \$10.2 million deficit in renewal expenditure over the life of the LTFP.

The infrastructure assets covered by this AMP are shown in Table 2.1. The cost to renew the asset has been calculated using asset management information including Council's estimated actual costs in undertaking renewal works or brownfield unit rates.

Table 2.1: Assets covered by this Plan

Asset category/sub-category	Dimension	Renewal Cost (\$million)
TRANSPORT		
Seals	458km	71.2
Pavements	482km	220.2
Kerb	980km	140.2
Footpath	777km	111.3
Traffic Control Devices	10758 of	13.4
Signs	14,811 of	2.7
Bus shelters	515 of	1.9
Bridges	31 of	5.0
SUB-TOTAL		565.9

³ IPWEA, 2011, Sec 4.2.6, Example of an Asset Management Plan Structure, pp 4 | 24 – 27.

Asset category/sub-category	Dimension	Renewal Cost (\$million)
STORMWATER		
Drainage pipes	258km	145.9
Drainage pits, manholes, inlets & outlets.	6.550 of	28.7
Box culverts	6.1km	12.1
GPTs and trash racks	45 of	2.2
Wetlands, dams and detention basins	12 of	17.9
SUB-TOTAL		206.8
OPEN SPACE		
Reserve general assets including park benches, bins, fences, etc	1256 of	22.5
Irrigation systems	72 of	3.0
Playgrounds (like for like)	93 of	5.2
Tennis Courts (not club courts)	29 of	1.6
SUB-TOTAL		32.2
BUILDINGS		
Structure	99 of	43.9
Roofing	99 of	13.8
Fitout	99 of	28.5
Services	99 of	31.5
Entire simple buildings	106 of	5.4
SUB-TOTAL		123.1
COASTAL WALKING TRAIL		
Path	6.5km	5.4
Benches	38 of	.076
Signs	61 of	.018
Bins	3 of	.005
Bridges	3 (37m total length)	.213
Structures	564m	3.8
Balustrade	728m	.036
Fencing	5.489km	.017
Drainage	36 items	.027
Viewing Points	5 of	.113
Links	26 of	.989
SUB-TOTAL		10.9
TOTAL		938.9

2.2 Goals and Objectives of Asset Management

The City of Marion exists to provide services to its community. Some of these services are provided by infrastructure assets. We have acquired infrastructure assets by 'purchase', by contract, construction by our staff, by donation of assets constructed by developers, by co-contribution via grant funding and others to meet increased levels of service for open space.

Our goal in managing infrastructure assets is to meet the existing level of service (as amended from time to time, in accordance with Council's Asset Management Policy) in the most cost effective manner for present and future consumers. The key elements of infrastructure asset management are:

- Providing a defined level of service and monitoring performance,
- Managing the impact of growth through demand management and infrastructure investment,

- Taking a lifecycle approach to developing cost-effective management strategies for the long-term that meet the defined level of service,
- Identifying, assessing and appropriately controlling risks, and
- Having a long-term financial plan which identifies required, affordable expenditure and how it will be financed.⁴

2.3 Plan Framework

Key elements of the plan are

- Levels of service – specifies the services and levels of service to be provided by Council,
- Future demand – how this will impact on future service delivery and how this is to be met,
- Life cycle management – how we will manage our existing and future assets to provide defined levels of service,
- Financial summary – what funds are required to provide the defined services,
- Asset management practices,
- Monitoring – how the plan will be monitored to ensure it is meeting the organisation’s objectives,
- Asset management improvement plan.

A road map for preparing an AMP is shown on the following page.

2.4 Core and Advanced Asset Management

This AMP plan has generally been prepared using advanced condition data collected at the individual asset level. Remaining lives have been estimated from this condition data and unit rates applied to the individual assets peculiar to the environment in which they are located.

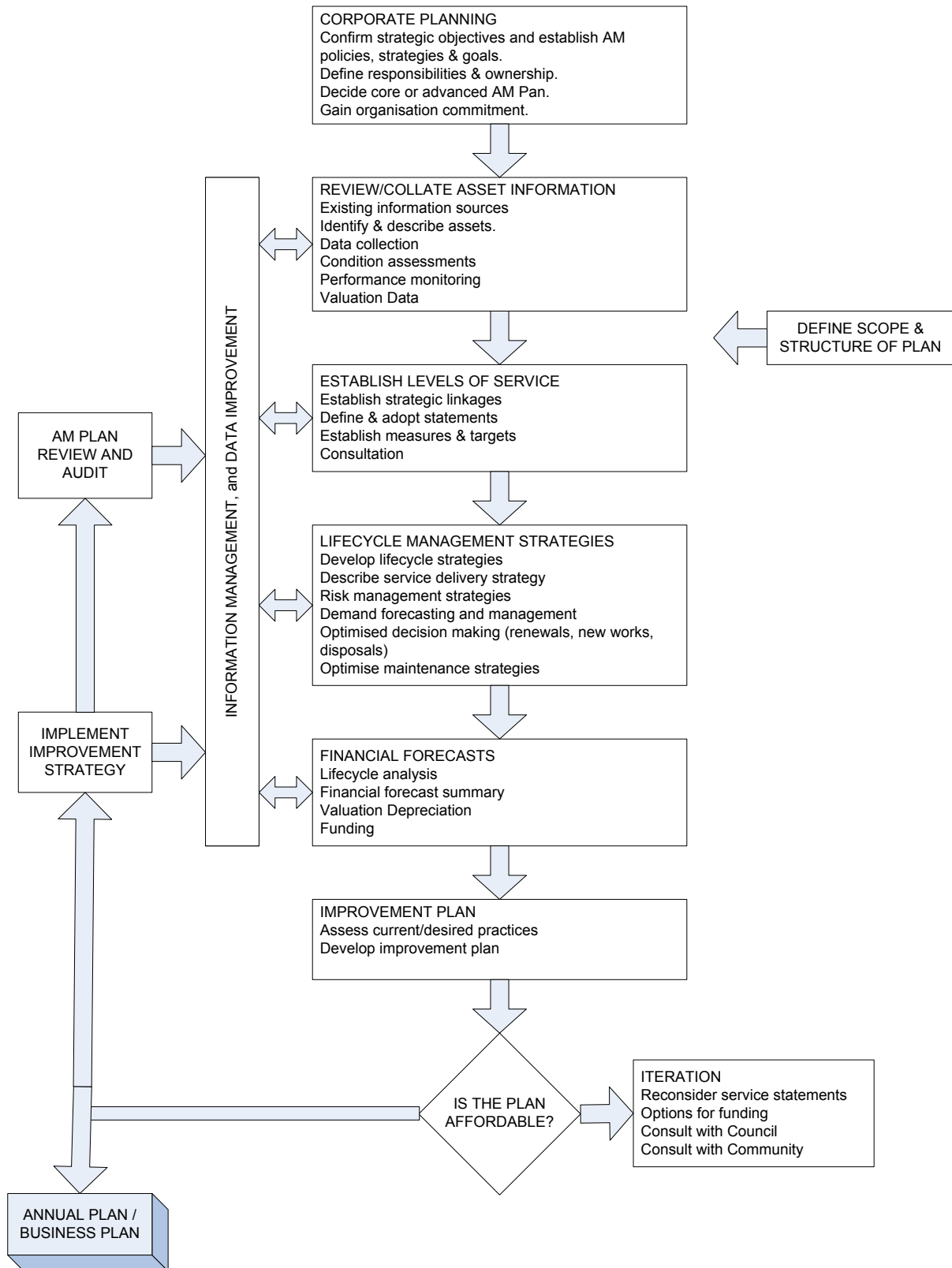
2.5 Community Consultation

Future revisions of the AMP will incorporate community consultation on desired / preferred service levels and provide clarity on the costs of providing the service. This will assist the Council and the community in aligning the level of service desired by the community, service risks and consequences with the community’s ability and willingness to pay for the service.

⁴ Based on IPWEA, 2011, IIMM, Sec 1.2 p 1|7.

Road Map for preparing an Asset Management Plan

Source: IPWEA, 2006, IIMM, Fig 1.5.1, p 1.11.



3. LEVELS OF SERVICE

3.1 Customer Research and Expectations

Council participated in the Local Government Association of South Australia Comparative Performance Assessment Measures in Local Government Customer Satisfaction survey. This telephone survey, last undertaken in 2012, polled a sample of residents on their level of satisfaction with Council's services. This most recent customer satisfaction survey reported above average satisfaction levels with Council's management of assets.

Table 3.1: Community Satisfaction Survey Levels

Performance Measure	Satisfaction Level				
	Very Satisfied	Fairly Satisfied	Satisfied	Somewhat satisfied	Not satisfied
Community satisfaction with asset management	√				

Source: LGA Customer Satisfaction Survey

While this plan largely represents existing levels of service, a community engagement approach is planned for the next iteration which will support Council to better understand customer expectations with respect to its assets. In addition, consultation will occur as part of Council's review of its Open Space and Playspace strategies (planned throughout 2015/16) and ongoing service review program, as well as on a project-by-project basis.

3.2 Strategic and Corporate Goals

This AMP is prepared under the direction of the organisation's Community Plan – Towards 2040.

Our vision is:

Wellbeing

The six themes of the Community Plan are:

- Liveable
- Biophilic
- Engaged
- Prosperous
- Innovative
- Connected

The Council is currently working on a Council Plan, which will detail how we aim to turn the community's aspirations into reality. The AMP will be updated accordingly to align with Council's strategic directions.

3.3 Legislative Requirements

Council is required to meet many requirements including Australian and State legislation and State regulations, and various standards, rules and codes, as set out in Table 3.3.

Table 3.3: Legislative Requirements

Legislation	Requirement
<i>Aboriginal Heritage Act 1988 (SA)</i>	Provides for the protection and preservation of aboriginal heritage and includes legislation for the discovery, acquisition, damage or sale of sites, objects or remains of aboriginal significance.
<i>Civil Liability Act 1936 (SA)</i>	Liability of road authorities
<i>Coastal Protection Act 1972 (SA)</i>	Council responsible for the day to day maintenance of beach and coastal facilities.
<i>Dangerous Substances Act 1979 (SA)</i>	An Act to regulate the keeping, handling, transporting, conveyance, use and disposal, and the quality, of dangerous substances.
<i>Development Act 1993 (SA)</i>	An Act to provide for planning and regulate development in the State; to regulate the use and management of land and buildings, and the design and construction of buildings; to make provision for the maintenance and conservation of land and buildings where appropriate.
<i>Disability Discrimination Act 1992 (Cth)</i>	Sets out the responsibilities of Council and staff in dealing with access and use of public infrastructure
<i>Environmental Protection Act 1993 (SA)</i>	To provide for the protection of the environment and related areas. Sets out the role, purpose, responsibilities and powers of Council relating to protection and preservation of the environment; policies include Water Quality Policy
<i>Heritage Act 1993 (SA)</i>	To conserve places of heritage value, and for other purposes.
<i>Highways Act 1926 (SA)</i>	An Act to....."make further and better provision for the construction and maintenance of roads and works, and for other purposes"
<i>Local Government Act 1999 (SA)</i>	Sets out role, purpose, responsibilities and powers of local governments including the preparation of a LTFP supported by AMPs for sustainable service delivery.
<i>Native Title Act 1993 (Cth)</i> <i>Native Title (South Australia) Act 1994 (SA)</i>	Protects native title and ensures that it cannot be extinguished contrary to the Act.
<i>Natural Resource Management Act 2004 (SA)</i>	Sets out the role, purpose, responsibilities and powers of Council relating to managing natural resources.
<i>Road Traffic Act 1961 (SA)</i>	Defines layout and format of roads within the city. Defines control requirements including use of traffic control, traffic calming, crossings, speed setting and general limitations of use
<i>South Australian Public Health Act 2011 (SA)</i>	An Act dealing with public and environmental health.
<i>Work, Health and Safety Act 2012 (SA)</i>	Proactive in occupational health, safety and welfare practices in all undertakings of Council.
Standards, Rules and Codes	Requirement
AS 1742	Manual of uniform traffic control devices
Australian Accounting Standards	Sets out the financial reporting standards relating to the (re)valuation and depreciation of infrastructure assets.
Australian Road Rules	Contain the basic rules of the road for motorists, motorcyclists, cyclists, pedestrians, passengers and others
Australian Standards AS/NZS4422 – 1996 Playground Surfacing AS4685-2004 Playground Equipment AS4486-1-1997 Playground Inspection & Maintenance	Sets out the general requirements for surfacing to be used in children's playgrounds A general standard in 6 parts that deals with playground equipment Sets out the requirements for the development, installation, inspection and maintenance of playgrounds and playground equipment
Building Code of Australia (status of building regulation in all States and Territories)	Enables the achievement of nationally consistent, minimum necessary standards of relevant safety (including structural safety and safety from fire), health, amenity and sustainability objectives efficiently.

3.4 Current Levels of Service

We have defined service levels in two terms.

Community Levels of Service measure how the community receives the service and whether the organisation is providing community value.

Community levels of service measures used in the AMP include:

Quality	How good is the service?
Function	Does it meet users' needs?
Capacity/Utilisation	Is the service over or under utilised?

Technical Levels of Service - Supporting the community service levels are operational or technical measures of performance. These technical measures relate to the allocation of resources to service activities that the organisation undertakes to best achieve the desired community outcomes and demonstrate effective organisational performance.

Technical service measures are linked to annual budgets covering:

- Operations – the regular activities to provide services such as opening hours, cleansing frequency, mowing frequency, etc.
- Maintenance – the activities necessary to retain an assets as near as practicable to an appropriate service condition (e.g. road patching, unsealed road grading, building and structure repairs),
- Renewal – the activities that return the service capability of an asset up to that which it had originally (e.g. frequency and cost of road resurfacing and pavement reconstruction, pipeline replacement and building component replacement),
- Upgrade – the activities to provide an higher level of service (e.g. widening a road, sealing an unsealed road, replacing a pipeline with a larger size) or a new service that did not exist previously (e.g. a new library). In accordance with Councils asset management policy, upgrade has not been considered in the preparation of this plan.

Asset managers plan, implement and control technical service levels to influence the customer service levels.⁵ These technical levels of service inform annual works programs and budgets.

Our current service levels are detailed in Appendix A.

In some cases current and/or optimal levels of service have not been defined. However, it is proposed that this will be the subject of community engagement in preparation for the next iteration of the plan.

⁵ IPWEA, 2011, IIMM, p 2.22

4. FUTURE DEMAND

4.1 Demand Drivers

Over recent years The City of Marion has upgraded assets to a much higher standard than what existed before. One example is the practice of upgrading playgrounds in response to community expectations for a higher level of service, being driven by the following objectives:

- Design of quality and accessible play spaces that meet both child and parent/ carer needs
- A hierarchy of play spaces based on the Open Space & Recreation Strategy 2006-2016
- Improving the play value in the various levels of play spaces
- An equitable distribution of play spaces throughout the Council area

Following the adoption of Council's Asset Management Policy in August 2014, such upgrades will in future require prioritisation and approval of Council, with full knowledge of the whole of life costs and subsequent impacts on Council's LTFP. Funding for upgrades will be in addition to that required under this AMP.

4.2 Demand Forecast

The present position and projections for demand drivers that may impact future service delivery and utilisation of the assets are identified and are documented in Table 4.3.

4.3 Demand Impact on Assets

The impact of demand drivers that may affect future service delivery and utilisation of Council assets are shown in Table 4.3.

4.4 Demand Management Plan

Demand for services may be managed through innovative renewal practices, non-asset solutions, insuring against risks and managing failures.

In accordance with Council's current asset management policy, no new or upgraded assets are included in this plan, apart from stormwater, minor building works and signage already approved by Council.

Opportunities identified to date for demand management are shown in Table 4.3. Further opportunities will be developed in future revisions of this AMP.

4.5 Asset Programs to meet Demand

In the preparation of this AMP it has been assumed that no new assets will be constructed or no substantial upgrades will be undertaken, other than stormwater, some immediate building works and signage already approved by Council. The cumulative value of upgrade / new asset construction over the 10 years of this plan is \$30.7 million. Any further upgrades or new asset construction will need to be prioritised by Council, with consideration of the whole of life costs and subsequent impacts on the LTFP. Each subsequent review of the AMP will include any new / upgraded assets constructed since the previous version of the plan.

In preparing the 2013 version of the Stormwater Asset Management Plan, \$35.375 million of drainage projects (2012 values) were identified to be constructed over 20 years. The LTFP budget projections provide sufficient funds each financial year for these works.

The new / upgrade assets relating to buildings include \$4.5 million in 2015 for the depot upgrade and \$700k between 2015 and 2017 for sustainability upgrades to buildings.

Table 4.3: Demand Drivers, Projections and Impact on Services

Demand drivers	Present position	Projection	Impact on services	Demand Management Plan
Population	<ul style="list-style-type: none"> The current population of Marion Council is estimated to be 88,304⁶ in 2015. 	<ul style="list-style-type: none"> It is estimated that the population will grow to 99,396⁷ by 2036. This equates to a growth of 12.6% between 2015 and 2036. 	<ul style="list-style-type: none"> Increased population will likely result in increased use of the asset which may result in higher maintenance costs. 	<ul style="list-style-type: none"> Prioritise maintenance activities
Seal: Expectation that roads will be sealed with 'hotmix' rather than any other treatment.	<ul style="list-style-type: none"> Approximately 99% of the network has a 'hotmix' seal with only a few segments having a spray seal treatment. 	<ul style="list-style-type: none"> Options for different treatments including rejuvenation may result in lower lifecycle network cost. 	<ul style="list-style-type: none"> If different treatments are considered then lower lifecycle costs may result. 	<ul style="list-style-type: none"> Monitor availability of treatments
Pavement: Increase in traffic loading	<ul style="list-style-type: none"> Over the last 50 years Council's road pavements have seen increased axle loadings from commercial vehicles 	<ul style="list-style-type: none"> It is likely that commercial vehicle loadings will continue to increase 	<ul style="list-style-type: none"> Accelerated deterioration of road pavements 	<ul style="list-style-type: none"> Communicate options and capacity to fund Transport Infrastructure with community. Monitor community expectations re service levels and communicate financial capacity to balance priorities with what the community is prepared to pay. Fund priority works. Continue to seek grant funding for identified projects. Improve understanding of costs and capacity to maintain current service levels. Continue to analyse cost of providing services and capacity to fund at current level of service.
Kerb:	<ul style="list-style-type: none"> Replacement of short 'failed' kerb sections precedes the resealing of a road. 	<ul style="list-style-type: none"> If different resealing treatments are used there may not be the necessity to replace sections of kerb. 	<ul style="list-style-type: none"> Increased works programming opportunities may exist where kerb does not need to be replaced prior to reseal. 	
Footpath:	<ul style="list-style-type: none"> Council's footpaths are largely 1.2m wide 	<ul style="list-style-type: none"> Current Council standards require a width of 1.5m 	<ul style="list-style-type: none"> Increase in width of entire footpath network to meet standards comes at a substantial unfunded cost. 	
Footpath: New	<ul style="list-style-type: none"> There are still streets in Council's network that are not serviced by a footpath on either side of the road. 	<ul style="list-style-type: none"> Some residents demand footpaths on low traffic streets whilst property owners to the frontage to the path may not want it. 	<ul style="list-style-type: none"> Demand for footpath needs to be balanced against available funds, substantiated risks and resident requests. 	
Bus shelters: provision of shelters to bus stops not currently serviced by shelters	<ul style="list-style-type: none"> There are a number of bus stops not currently serviced by a shelter 	<ul style="list-style-type: none"> Council is required to complete DDA compliant bus shelters by December 2020 	<ul style="list-style-type: none"> Additional shelters require funding to establish and maintain Currently there is no provision for new shelters within Council LTFP and approval mechanisms 	
Traffic Control Devices	<ul style="list-style-type: none"> Council's installation of traffic control devices has growth in response to community requests and traffic investigations 	<ul style="list-style-type: none"> Further requests from the community may continue. 	<ul style="list-style-type: none"> Demand for the installation of traffic calming measures. 	

⁶ Australian Bureau of Statistics, Catalog 3218.0 Regional Population Growth, Australia Released 31 March 2015, Table 4: Estimated Resident Population, Local Government Areas, South Australia

⁷ Estimate based on Population Forecast provided by .id Informed Decisions <http://www.id.com.au/>

Demand drivers	Present position	Projection	Impact on services	Demand Management Plan
Stormwater: Development Trends - urban infill and regeneration	<ul style="list-style-type: none"> • 39,243 dwellings as at June 2015 • Dwelling growth historic trend is 4% over 5 years • Allotment impervious area from 50% towards 90% 	<ul style="list-style-type: none"> • 30-year projection of 12,000 additional dwellings which equates to a total of 51,243 • Increase urban infill and regeneration and TODs. Dramatic increase in allotment impervious area ie towards 90% - resulting in a significant increase in allotment stormwater runoff. 	<ul style="list-style-type: none"> • Existing stormwater infrastructure has insufficient design capacity to cope with increase runoff from development – increase frequency of property flooding and damages. 	<ul style="list-style-type: none"> • Implement strategies, actions and programs contained in Stormwater Management Plans. • Design drainage works to ensure flooding is not increased downstream of the works. • Developers required to treat and reduce peak flows and volume of water entering Council's drainage system. • Stormwater inlets, outlets, trash racks, GPTs are to be regularly cleaned, repaired and emptied to ensure flows are not obstructed. • Watercourses and channels are to be maintained to ensure flows are not obstructed. • Develop WSUD schemes and guidelines. • Rehabilitate and restore watercourses, improve biodiversity and rectify erosion problems as they occur. • Develop and manage harvest/reuse schemes on Council buildings and land, encourage other property owners/users to harvest/reuse water.
Stormwater: Catchment Management	<ul style="list-style-type: none"> • Direct stormwater discharge into river and marine environment with some pollution control measures and limited stormwater reuse. 	<ul style="list-style-type: none"> • Regulated controls on quality of stormwater discharging into river and marine environment and stormwater reuse. 	<ul style="list-style-type: none"> • Increase in infrastructure to control pollutants, capture and reuse stormwater. 	
Stormwater: Climate Change	<ul style="list-style-type: none"> • Awareness that climate change is occurring and its impact on water supply and usage, increase sea levels, changes in rainfall intensities and storm events. 	<ul style="list-style-type: none"> • Rising sea levels, decreasing water supply and increasing water demand. Onsite and catchment stormwater reuse and change to parks and gardens plantings due to water restrictions. 	<ul style="list-style-type: none"> • Impacts on coastal environment, reduction in stormwater outfall capacity, stormwater capture and reuse infrastructure. 	
Open Space: Playspace (playground) upgrades	<ul style="list-style-type: none"> • One third of Councils existing playgrounds have been upgraded to the higher standard originally proposed for all playgrounds in the playspace strategy 	<ul style="list-style-type: none"> • Current proposal is replacement of playgrounds on a like for like basis, essentially duplicating the existing level of service 	<ul style="list-style-type: none"> • Nil if current proposal is realised 	<ul style="list-style-type: none"> • Further playspace upgrades to be prioritised by Council.
Open Space: Reserve irrigation	<ul style="list-style-type: none"> • Irrigation systems in many reserves are currently not active following being 'turned off' during a recent drought 	<ul style="list-style-type: none"> • Community demand for a higher level of amenity during summer months 	<ul style="list-style-type: none"> • Renewal of irrigation systems required 	<ul style="list-style-type: none"> • Fund priority works • Stormwater harvested from Sturt River channel to be treated, stored and distributed for water specified open space areas.

Demand drivers	Present position	Projection	Impact on services	Demand Management Plan
Open Space: Ageing population	<ul style="list-style-type: none"> Status Quo 	<ul style="list-style-type: none"> General aging of the population 	<ul style="list-style-type: none"> Demand for open spaces with appropriate amenities within walking distance of residences 	<ul style="list-style-type: none"> Prioritise maintenance of existing infrastructure. New or upgrade work to be prioritised by Council.
Open Space: Increase living density	<ul style="list-style-type: none"> Status Quo 	<ul style="list-style-type: none"> Urban consolidation through housing renewal 	<ul style="list-style-type: none"> Demand for increased environmental, recreational, cultural and environmental value of open spaces 	
Open Space: Community expectation of open spaces	<ul style="list-style-type: none"> Status Quo 	<ul style="list-style-type: none"> Higher level of service expected 	<ul style="list-style-type: none"> Demand for equitably distributed, accessible, safe, high quality and provide diverse settings to meet the needs of user groups 	
Open Space: Awareness of natural environment	<ul style="list-style-type: none"> Status Quo 	<ul style="list-style-type: none"> Community expecting to see action on behalf of Council 	<ul style="list-style-type: none"> Greater need to protect and enhance the natural environment 	
Buildings: Sustainability and climate change	<ul style="list-style-type: none"> The Strategic Plan lists issues that must be addressed for climate change and water and energy efficiency. 	<ul style="list-style-type: none"> Changes might be required in renewals to bring to minimum future standards, and new buildings might have to meet higher standards. 	<ul style="list-style-type: none"> Possible increases to initial/renewal costs of assets to meet minimum required standards. 	<ul style="list-style-type: none"> Develop building renewal plans to understand potential impacts.
Buildings: Legislation	<ul style="list-style-type: none"> Any existing asbestos conditions will have to be managed and planned for. Health and safety issues in e.g. aquatic centres being met. Disabled access provisions at present might reflect standards when buildings were created. 	<ul style="list-style-type: none"> Renewals might encounter complications if asbestos present. Future requirements might increase Council obligations. Renewals will have to address disability issues. 	<ul style="list-style-type: none"> Planning required to manage any existing asbestos issues. Possible increases future costs of services. Possible programs requiring capital upgrades. Possible increased renewal costs. 	
Buildings: Technology	<ul style="list-style-type: none"> Current community needs being met, though customer request are an indication of preferences. 	<ul style="list-style-type: none"> Community needs for wireless internet technology in libraries etc. likely to increase. 	<ul style="list-style-type: none"> Possible additional lifecycle costs for enhanced services. 	

Demand drivers	Present position	Projection	Impact on services	Demand Management Plan
Coastal Walking Trail: Accessibility Requirements for disabled and elderly users	At present the walking trails contain large sections that are inappropriate for some trail users including: <ul style="list-style-type: none"> • Extensive sections of steps and landings that do not meet current Australian Design Standards for access. • Some sections of trail are excessively steep and inappropriate for wider community use. • Some sections of trail are experiencing significant erosion problems due to poor and dilapidated surface treatments and unsustainable trail grades. 	<ul style="list-style-type: none"> • Increased demand to provide services to broader group of users. 	<ul style="list-style-type: none"> • Requirement to upgrade assets to provide greater access. Swanbury Penglase Architects have identified 18 potential sites for upgrades. 	<ul style="list-style-type: none"> • Council to prioritise upgrades or, where possible, undertake improvements as part of planned maintenance/ renewal if budget allows.
Coastal Walking Trail: Improve the recreational value of the trail for walking, jogging sight seeing and cycling.	<ul style="list-style-type: none"> • Presently limited facilities for cyclists. 	<ul style="list-style-type: none"> • Increased demand for a “shared path” trail suitable for pedestrians and cyclists. 	<ul style="list-style-type: none"> • Potential demand to upgrade path assets to replace structures such as stairs (upgrades are presently unfunded in this plan in accordance with Councils asset management policy) 	
Coastal Walking Trail: Links to surrounding urban environment.	<ul style="list-style-type: none"> • Series of formal and informal links to the adjacent suburbs. 	<ul style="list-style-type: none"> • Increased demand to link trail in to surrounding suburbs. 	<ul style="list-style-type: none"> • Creation of additional links and formalising existing informal links. 	

5. LIFECYCLE MANAGEMENT PLAN

The lifecycle management plan details how the organisation plans to manage and operate the assets at the agreed levels of service while optimising life cycle costs.

This section considers risk management approaches, routine operation, maintenance and renewal strategies. The data sources used to inform this section are contained at Appendix B.

5.1 Asset capacity and performance

The organisation's services are generally provided to meet design standards where these are available.

Known deficiencies in service performance are summarised in Table 5.1. Where it is consistent with Council's Asset Management Policy, these service deficiencies will be addressed in operating, maintenance and renewal programs, however some would be considered upgrade or new works, therefore requiring prioritisation by Council, with consideration of the whole of life costs and subsequent impacts on the LTFP.

Table 5.1: Known Service Performance Deficiencies

Asset Portfolio	Location	Service Deficiency
Transport	Road Pavements	There are some road pavements in poor condition which require reconstruction rather than reseal as has previously been the practice of Council
Stormwater	Stormwater drainage network	Under capacity pipe and pit drainage, lack of drainage system and property flooding.
	Stormwater quality improvements	Not all stormwater outlets have pollution control devices. Limited use of WSUD devices
	Stormwater harvesting and reuse	Limited infrastructure installed
Open Space	Playgrounds	Restricted access e.g. no paths, physical barriers such as high concrete edges Limited parent/carer facilities such as seating Predominantly equipment based play provision and therefore limited creative or quiet play opportunities Many are poorly located in terms of casual surveillance and access Very limited natural elements such as sand, boulders, plantings etc. Limited diversity Limited graduated challenge – most play spaces only provide for one particular age group
Buildings	City wide	Adequately supplied in some areas; shortages in others. Refer to Draft Community Facility Strategy 2010. Environmental, asbestos and DDA concerns.
Coastal Walking Trail	Multiple locations	Environmental Defects – Erosion, vegetation encroachment, water ponding etc. Safety – trip hazards, slippery paths Structural – corroded steel, split timber

5.2 Infrastructure Risk Management Plan

An assessment of risks associated with service delivery from infrastructure assets has identified critical risks that will result in loss or reduction in service from infrastructure assets or a 'financial shock' to the organisation. The risk assessment process identifies credible risks, the likelihood of the risk event occurring, the consequences should the event occur, develops a risk rating, evaluates the risk and develops a risk treatment plan for non-acceptable risks.

Critical risks, being those assessed as 'Very High' - requiring immediate corrective action and 'High' – requiring prioritised corrective action identified in the Infrastructure Risk Management Plan, together with the estimated residual risk after the selected treatment plan is operational are summarised in Table 5.2.

Table 5.2: Critical Risks and Treatment Plans

Risk	Risk Cause/Source	Current Controls	Likelihood	Consequence	Risk Rating	Risk Treatment Plan	Likelihood	Consequence	Risk Rating
Major asset failure	<ul style="list-style-type: none"> Lack of funding to operate, maintain and renew assets (buildings, playspaces, sporting facilities, roads, drainage, footpaths etc) Inadequate asset management planning Under estimated or unknown condition and life cycle performance of asset resulting in structural failure Under design of asset Changing environmental condition Maintenance level below Technical Level of Service/Standard 	<ul style="list-style-type: none"> Asset Management Policy AMP Planned maintenance Condition audits Review and updating of asset related information Stormwater master plan prepared for the Glenelg to Marion catchment and the Hallett Creek catchment Insurance coverage for some assets only Capital Works Plan 	L	Ma	High	<ul style="list-style-type: none"> Rigorously apply Asset Management Policy, eg "maintain before renew and renew before new" Review the lease/licence methodology and maintenance of community of assets Work has commenced on the Marion / Mitcham stormwater master plan CCTV inspection and condition rating of stormwater assets. Further integration of the AMP into LTFP 	U	Ma	Medium
Loss of opportunity to address required transport asset upgrades i.e. bus shelters, kerb ramps and new footpaths	<ul style="list-style-type: none"> Failure to budget appropriately for the required asset upgrades 	<ul style="list-style-type: none"> Annual Business Plan and Budget 	AC	Mo	High	<ul style="list-style-type: none"> Transport asset upgrades to be prioritised by Council Works undertaken 	R	Mo	Low

Risk	Risk Cause/Source	Current Controls	Likelihood	Consequence	Risk Rating	Risk Treatment Plan	Likelihood	Consequence	Risk Rating
Asset service is below Technical Level of Service/Community expectations	<ul style="list-style-type: none"> Design of assets does not meet demand/capacity Insufficient funding to operate, maintain and renew assets Deficient routine/cyclic maintenance and renewal of assets 	<ul style="list-style-type: none"> Asset Management Policy AMP & LTFP Planned maintenance Condition audits Review and updating of asset related information in relation to demand and capacity of our networks 	L	Ma	High	<ul style="list-style-type: none"> Rigorously apply Asset Management Policy, eg “maintain before renew and renew before new” Further integration of the AMP into LTFP 	U	Ma	Medium
Excessive service cuts and/or excessive rates rises to meet asset commitments	<ul style="list-style-type: none"> Inappropriate decisions made on services/assets operations, maintenance or renewal which leave an unmanageable legacy in the future 	<ul style="list-style-type: none"> Asset Management Policy AMP & LTFP Planned maintenance Condition audits Continual improvement in understanding the lifecycle and whole of life costs by decision makers 	L	Ma	High	<ul style="list-style-type: none"> Rigorously apply Asset Management Policy, eg “maintain before renew and renew before new” Further integration of the AMP into LTFP Review the lease/licence methodology and maintenance of community of assets Development of documented Maintenance Plans 	U	Ma	Medium

5.3 Routine Operations and Maintenance Plan

Operations include regular activities to provide services such as cleaning, provision of utilities, etc.

Maintenance includes all actions necessary for retaining an asset as near as practicable to an appropriate service condition including regular ongoing day-to-day work necessary to keep assets operating, e.g. replacement of corroded fasteners, isolated 'topping up' of gravel but excluding rehabilitation or renewal. Maintenance may be classified into reactive, planned and specific maintenance work activities.

Reactive maintenance is unplanned repair work carried out in response to service requests and management/supervisory directions.

Planned maintenance is repair work that is identified and managed through a maintenance management system (MMS). MMS activities include inspection, assessing the condition against failure/breakdown experience, prioritising, scheduling, actioning the work and reporting what was done to develop a maintenance history and improve maintenance and service delivery performance.

Specific maintenance is replacement of higher value components/sub-components of assets that is undertaken on a regular cycle including repainting etc. This work falls below the capital/maintenance threshold but may require a specific budget allocation.

Actual past maintenance expenditure is shown in Tables 5.3.

Table 5.3: Maintenance Expenditure Trends

Asset type	2012/13	2013/14	2014/15
Seal	480,761	517,410	513,807
Pavement	139,555	141,608	143,560
Kerb	445,799	683,993	560,926
Footpath	657,412	1,163,422	1,201,326
Traffic Control Device	3,037	3,433	3,937
Signs	268,966	220,404	252,769
Bus Shelters	433	166,939	181,123
Bridges	1,324	5,470	4,457
Stormwater – Planned and specific	597,600	596,400	661,367
Stormwater – Unplanned	398,400	397,500	342,317
Coastal Walking Trail	72,775	25,530	221,250
Open Space	2,938,430	3,030,728	3,074,616
Buildings – Planned and specific	N/A	N/A	N/A
Buildings - Unplanned	N/A	N/A	1,138,601

N/A = not available

Council will operate and maintain assets to provide the defined level of service to approved budgets in the most cost-efficient manner. The operation and maintenance activities aim to include:

- Scheduling operations activities to deliver the defined level of service in the most efficient manner,
- Undertaking maintenance activities through a planned maintenance system to reduce maintenance costs and improve maintenance outcomes. Undertake cost-benefit analysis to determine the most cost-effective split between planned and unplanned maintenance activities (50 – 70% planned desirable as measured by cost),
- Review current and required skills base and implement workforce training and development to meet required operations and maintenance needs,
- Maintain a current hierarchy of critical assets and required operations and maintenance activities,
- Develop and regularly review appropriate emergency response capability,
- Review operations and maintenance activities to ensure Council is obtaining best value for resources used.

5.3.1 Critical Assets

Critical assets are those assets which have a high consequence of failure but not necessarily a high likelihood of failure. By identifying critical assets and critical failure modes, Council can target and refine investigative activities, maintenance plans and capital expenditure plans at the appropriate time.

Operations and maintenance activities may be targeted to mitigate critical asset failure and maintain service levels. These activities may include increased inspection frequency, higher maintenance intervention levels, etc. Critical asset failure modes and required operations and maintenance activities are detailed in Table 5.3.1.

Table 5.3.1: Critical Assets and Service Level Objectives

Asset Portfolio	Critical Assets	Critical Failure Mode	Operations & Maintenance Activities
Transport	Road Pavements	Reconstruction required	Undertake reseals only on roads with a sound pavement base Identify roads requiring reconstruction at project planning phase Develop proactive deep lift patching maintenance program to treat 'pavement failures' on roads not requiring a reseal.
	Footpaths	Injury to walking public	Develop proactive costed program of maintenance / renewal works
Stormwater	Side entry pits, drain inlets and outlets	Blockage cause localised street and property flooding. Scouring downstream of drain outlets – erosion and watercourse bank collapse.	Regular cleaning of pits, inlets and outlets. More frequent cleaning of known 'hot spots' Regular street sweeping to minimise amount of pollutants entering the drainage system.
	Box Culverts and pipes	Collapse of asset	CCTV monitoring of drain lines. Repair/replace high risk defects.
	Gross Pollutant Traps (GPTs) and Trash Racks	Asset blocked by excessive pollutants causing localised flooding.	Regular cleaning and monitor and additional clean prior to heavy rain event.
Open Space	Playgrounds	Poor maintenance practices may lead to injury of users	Regular proactive inspection of playground assets
Buildings	High profile buildings offering services in demand with whole community, e.g. administration offices, libraries, depot .	Services cannot be provided because of failure of mechanical services such as air conditioners or filtration plant.	Regular inspection and servicing of plant and equipment.
Coastal Walking Trail	Bridges and Elevated Walkways	Component failure	Periodic inspection to locate and treat areas of timber rot or metal corrosion.
	Balustrade	Component failure	Periodic Inspection
	Path	Trip Hazards and uneven surface	Periodic inspections and replacement of gravel

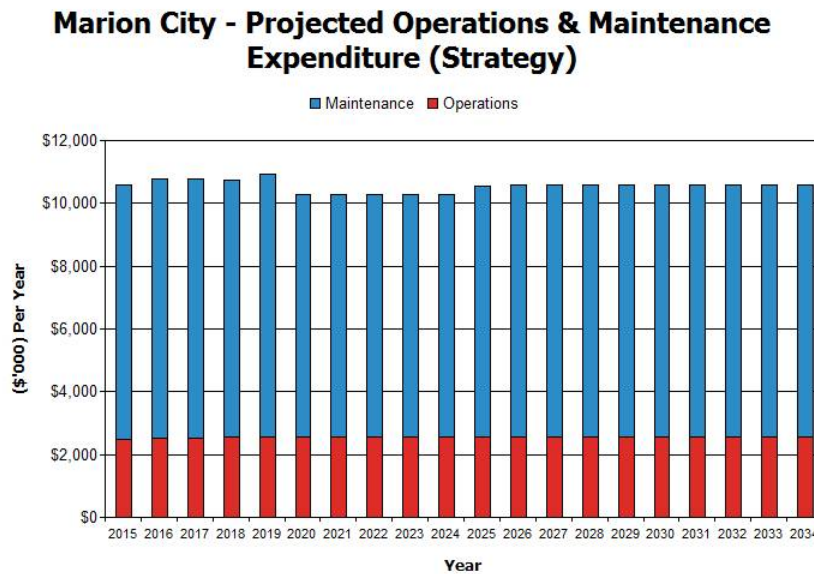
5.3.2 Standards and specifications

Maintenance work for Infrastructure contained within this plan is generally carried out by Council Staff using practices developed over many years, and in accordance with the legislative requirements, standards, rules and codes set out in 3.3 of this plan.

5.3.3 Summary of future operations and maintenance expenditures

Future operations and maintenance expenditure is forecast to trend as demonstrated in Figure 5.3.3 in line with the value of the asset stock. Note that all costs are shown in current 2014/2015 dollar values (i.e. real values).

Figure 5.3.3: Projected Operations and Maintenance Expenditure



Maintenance is funded from the operating budget where available.

5.4 Renewal/Replacement Plan

Renewal and replacement expenditure is major work which does not increase the asset’s design capacity but restores, rehabilitates, replaces or renews an existing asset to its original or lesser required service potential. Work over and above restoring an asset to original service potential is upgrade/expansion or new works expenditure.

5.4.1 Renewal plan

Assets requiring renewal/replacement are identified using asset register data to project the renewal costs using acquisition year and useful life to determine the renewal year.

Useful lives of assets are detailed in the annual valuation documents prepared by independent valuers and are reviewed by the Finance Department on an annual basis.

5.4.2 Renewal and Replacement Strategies

The City of Marion aims to plan capital renewal and replacement projects to meet level of service objectives and minimise infrastructure service risks by:

- Planning and scheduling renewal projects to deliver the defined level of service in the most efficient manner,
- Undertaking project scoping for all capital renewal and replacement projects to identify:
 - the service delivery 'deficiency', present risk and optimum time for renewal/replacement,
 - the project objectives to rectify the deficiency,
 - the range of options, estimated capital and life cycle costs for each options that could address the service deficiency,
 - and evaluate the options against evaluation criteria adopted by Council, and
 - select the best option to be included in capital renewal programs,
- Using 'low cost' renewal methods (cost of renewal is less than replacement) wherever possible,
- Review current and required skills base and implement workforce training and development to meet required construction and renewal needs,
- Maintain a current hierarchy of critical assets and capital renewal treatments and timings required ,
- Review management of capital renewal and replacement activities to ensure Council is obtaining best value for resources used.

5.4.3 Renewal ranking criteria

As part of its Asset Management Policy (2014), the City of Marion has adopted a Strategic Asset Management Decision Making Matrix that guides the process by which decisions are made as to whether an asset is maintained, renewed or upgraded.

5.4.4 Renewal and replacement standards

Renewal work is carried out in accordance with the legislative requirements, standards, rules and codes set out in 3.3 of this plan. In addition, reference is made to the following:

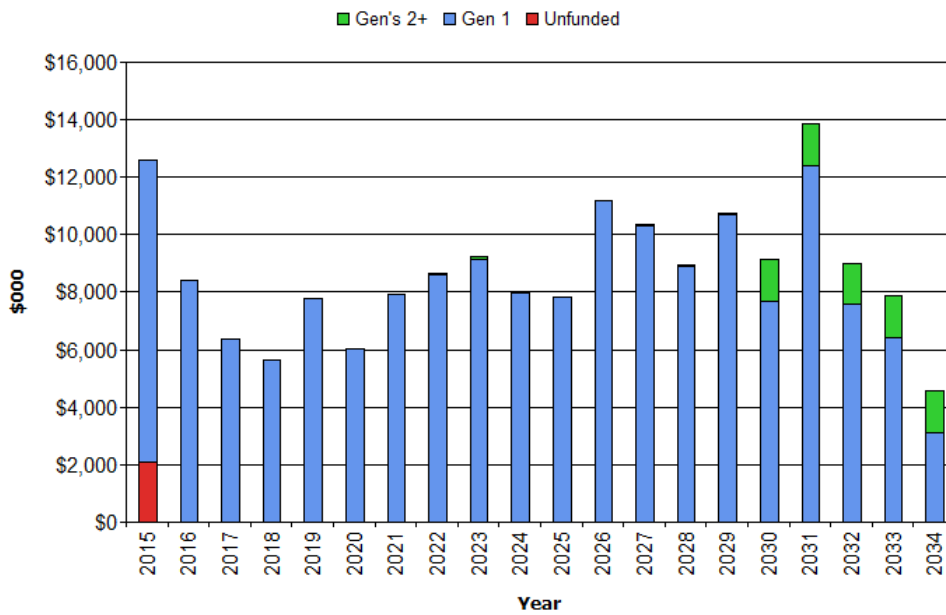
- Annual contracts & associated specifications for resealing, footpath paving and kerb laying
- Australian Rainfall and Runoff, Institution of Engineers Australia
- Australian Runoff Quality, Engineers Australia, 2006
- Australian Standards
- Council environmental and sustainability policies
- Council policies
- Council Standards and Specifications for works (developed on a project basis specific to capital asset being renewed)
- Council Standards and Specifications for works.
- Relevant AUSTRROADS publications
- Special one off contracts for bridge construction and pavement reconstruction

5.4.5 Summary of future renewal and replacement expenditure

Projected future renewal and replacement expenditures are forecast to increase over time as the asset stock ages. The expenditure is summarised in Figure 5.4.5. Note that all amounts are shown in real values. Refer Appendix B for renewal cost sources.

Figure 5.4.5: Projected Capital Renewal and Replacement Expenditure

Marion City - Projected Capital Renewal Expenditure (Strategy)



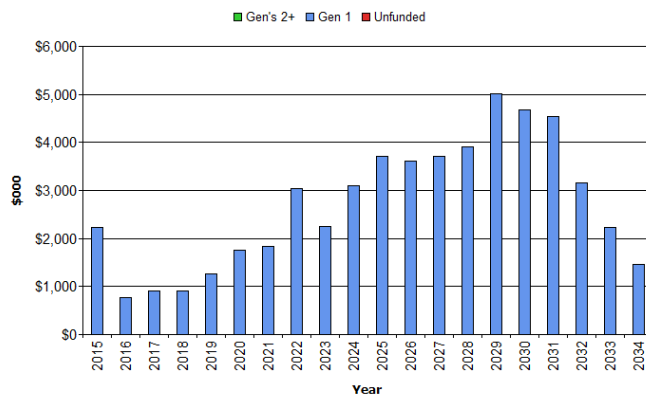
Gen 2+ renewals indicate assets that are being renewed for the second time (or more) over the 20 year forecast period. These will be assets with short useful lives such as gravel paths.

Renewals and replacement expenditure in the organisation's capital works program will be accommodated in the LTFFP.

The following graphs indicate the renewal expenditure required to support sub categories of assets within the portfolio that make up the total in Figure 5.4.5.

Seals

Marion City - Projected Capital Renewal Expenditure (Seals 2015 V1_S1_V1)



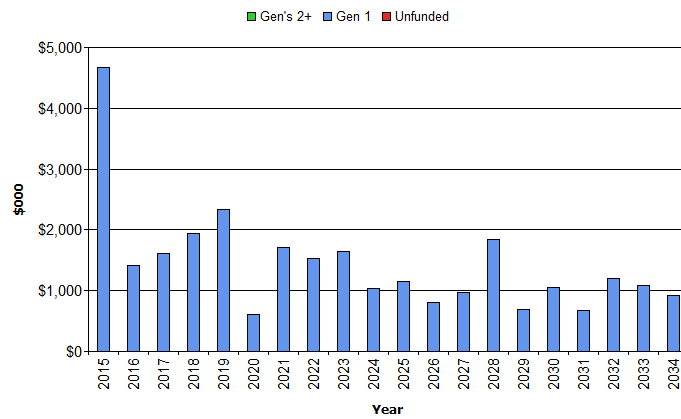
The analysis of seals undertaken in the preparation of this plan indicates that there is an opportunity to reduce existing expenditure (currently \$4.3 million pa) through a more rigorous prioritisation of works including:

- Implementation of a rejuvenation program
- For local roads (>80% of Councils network) delay of a reseal until environmental conditions (aging of the binder) dictate a reseal is required.
- Less emphasis given to cracking in determination of the remaining life
- Not undertaking a reseal on a road that requires pavement reconstruction
- Prioritisation given to roads that have programmed for resealing via the analysis conducted under this plan
- Implementation of a regime of rigorous onsite inspections and verification prior to a treatment being programmed

An average annual capital renewal of \$1.8 million pa is required over 10 years (2015/16 – 2024/25) and \$2.7 million over 20 years (2015/16 – 2034/35) to support the defined levels of service of the assets.

Pavements

Marion City - Projected Capital Renewal Expenditure (Pavements 2015 V1_S1_V1)



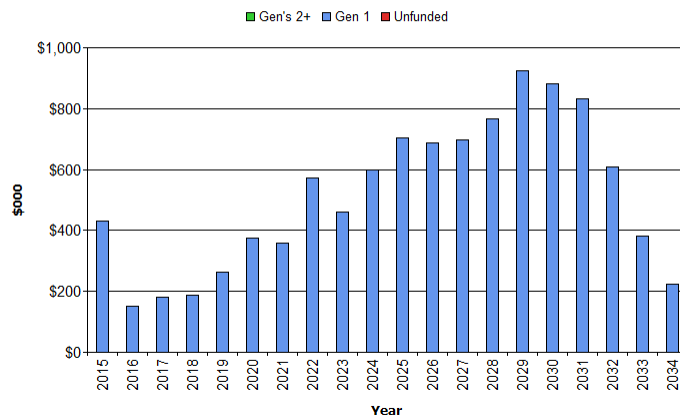
For a period of more than 10 years Council has not had a defined pavement reconstruction program. Instead, in many cases, roads have been resealed often with little rehabilitative pavement works. This has resulted in some cases in premature failure of the seal.

The analysis of pavements undertaken in the preparation of this plan indicates that pavement reconstruction is required and it will be necessary for Council to adopt a pavement reconstruction program. The graph above has been developed from a preliminary project planning perspective. It should be noted that where the required funding is shown as being high in 2015 actual projects can be delayed several years pending further detailed investigations.

An average annual capital renewal of \$1.8 million pa is required over 10 years (2015/16 – 2024/25) and \$1.4 million over 20 years (2015/16 – 2034/35) to support the defined levels of service of the assets. It is considered that the 20 year figure may be conservative since during the next 5-10 years it is expected that more pavements may show signs of structural failure due to the recent resealing practices.

Kerb

Marion City - Projected Capital Renewal Expenditure (Kerb 2015 V1_S1_V1)

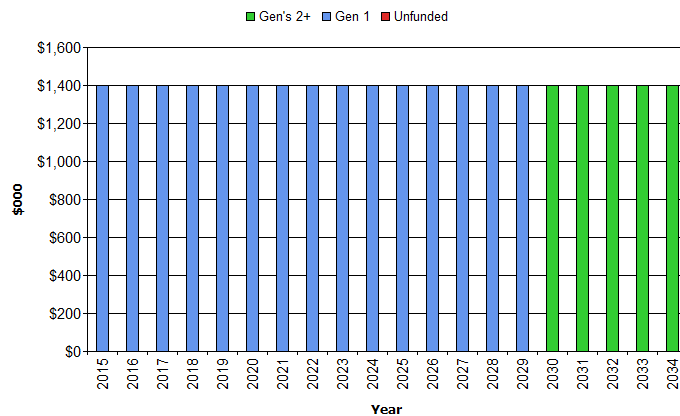


The projected renewals for kerbs can be seen to trend in line with the Seal graph. This is a result of the renewals being developed for the assumption that 5% of the kerb will be replaced on each segment of road before it is resealed.

An average annual capital renewal of \$357k pa is required over 10 years (2015/16 – 2024/25) and \$514k over 20 years (2015/16- 2034/35) to support the defined levels of service of the assets.

Footpaths

Marion City - Projected Capital Renewal Expenditure (Footpaths 2015 V1_S1_V1)

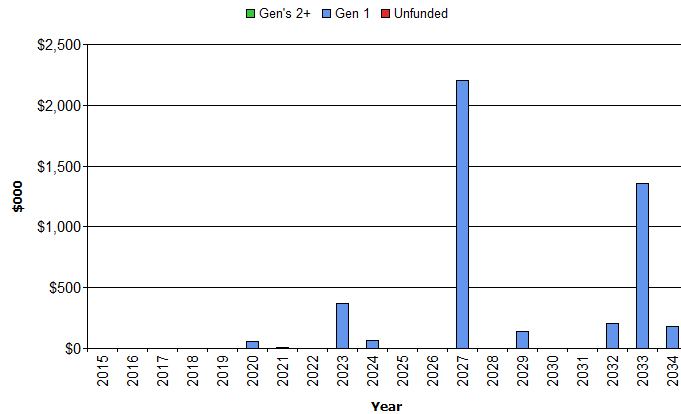


The footpath projected renewal expenditure has been derived from lifting the current service level of defect repair over the entire network from an estimated 18 years to 15 years - Refer Appendix B.

An average annual capital renewal of \$1.4 million pa is required over 10 years (2015/16 – 2024/25) and 20 years (2015/16 – 2034/35) to support the defined levels of service of the assets.

Traffic Control Devices

Marion City - Projected Capital Renewal Expenditure (TCD 2015 V1_S1_V1)

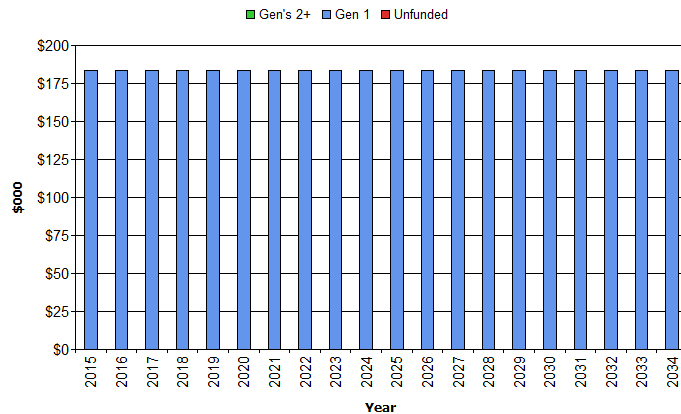


The traffic control device renewals have been estimated from valuation data.

An average annual capital renewal of \$49.6k pa is required over 10 years (2015/16 – 2024/25) and \$229.3k (2015/16 – 2034/35) over 20 years to support the defined levels of service of the assets.

Signs

Marion City - Projected Capital Renewal Expenditure (Signs 2015 V1_S1_V1)

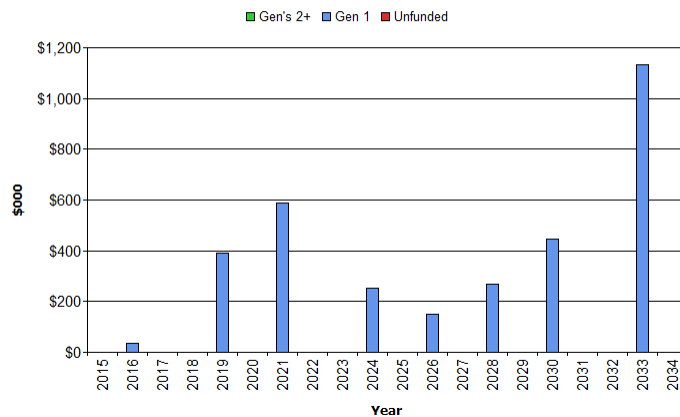


The signage renewals have been estimated from valuation data using an annual depreciation figure calculated without residuals and using straight line depreciation. This is considered satisfactory for renewal planning purposes since Council has many thousand signs all in different condition (and age) states.

An average annual capital renewal of \$184k pa is required over 10 years (2015/16 – 2024/25) and 20 years (2015/16 – 2034/35) to support the defined levels of service of the assets.

Bus Shelters

Marion City - Projected Capital Renewal Expenditure (Bus Shelters 2015 V1_S1_V1)

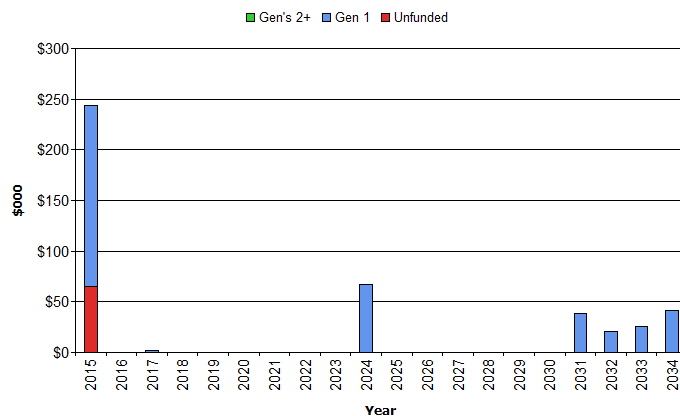


The bus shelter renewals have been estimated from valuation data.

An average annual capital renewal of \$127k pa is required over 10 years (2015/16 – 2024/25) and \$163k pa over 20 years (2015/16 – 2034/35) to support the defined levels of service of the assets.

Bridges

Marion City - Projected Capital Renewal Expenditure (Bridges 2015 V1_S1_V1)



The data used to generate the renewal profile for bridges has been drawn for valuations and a condition audit undertaken by the state road authority.

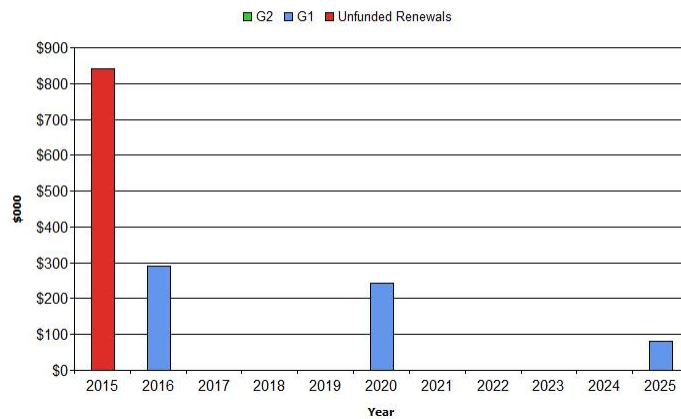
An average annual capital renewal of \$31k pa is required over 10 years (2015/16 – 2024/25) and \$22k pa over 20 years (2015/16 – 2034/35).

Stormwater assets

Due to the long life nature of the stormwater assets no renewals are predicted over the 20 year term of this plan (2015/16 – 2034/35).

Irrigation

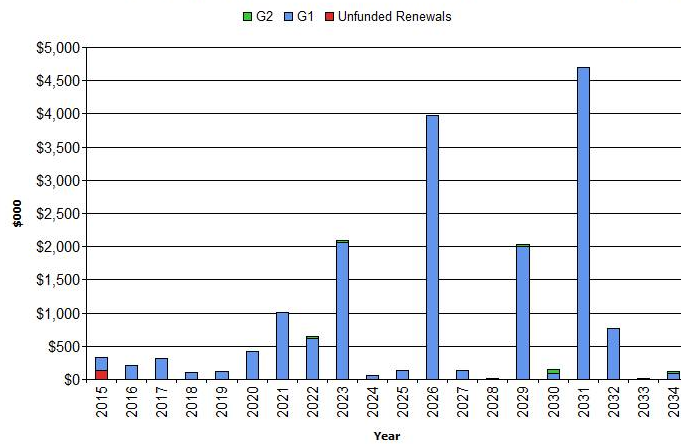
Marion City - (Open Space 2015 V10 Hub_S1_V8 - IPOS Irrigation)



Irrigation relates to optimised irrigation renewals (not including Oaklands ASR reserves) i.e. only portions of existing irrigated areas will be renewed. Only systems that are currently active are included for renewals.

Ancillary assets

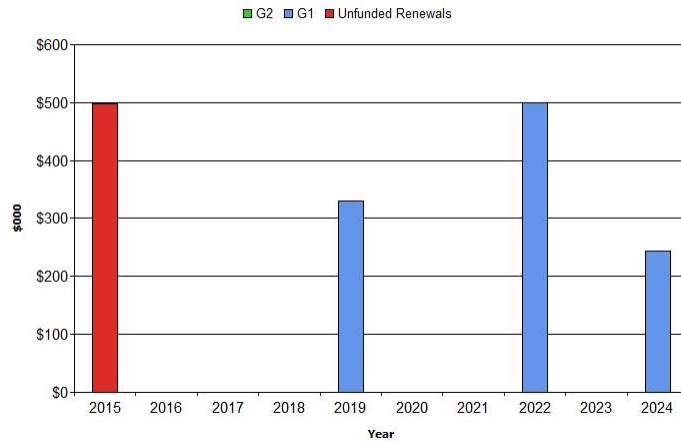
Marion City - (Open Space 2015 V10 Hub_S1_V8 - Maloney All)



The 'Maloney All' asset group relates to ancillary assets on reserves such as BBQ's, fences and seats.

Oaklands Irrigation

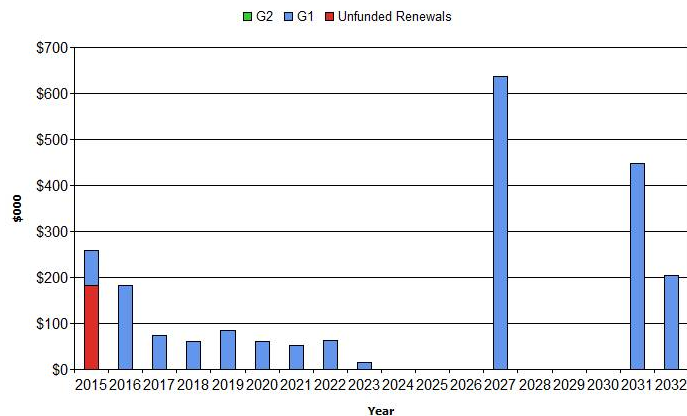
Marion City - (Open Space 2015 V10 Hub_S1_V8 - Oak IPOS Irr)



This asset group references optimised irrigation renewals on reserves proposed to be irrigated through the Oaklands Wetlands ASR scheme.

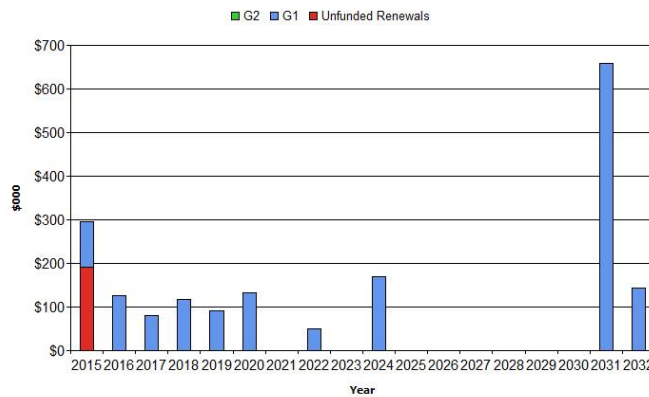
Playspace local

Marion City - (Open Space 2015 V10 Hub_S1_V8 - Playspace Local)



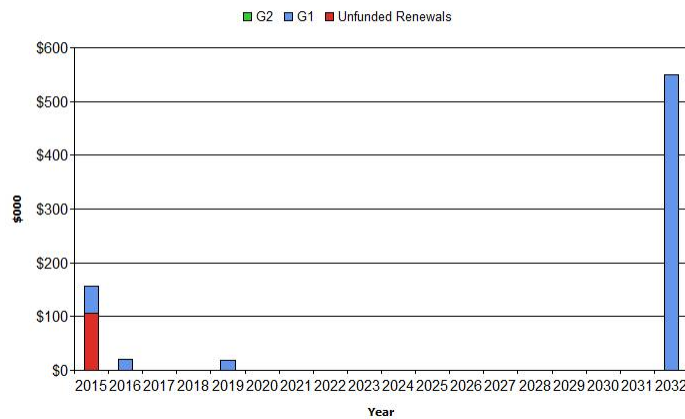
Playspace neighbourhood

Marion City - (Open Space 2015 V10 Hub_S1_V8 - Playspace Nhood)



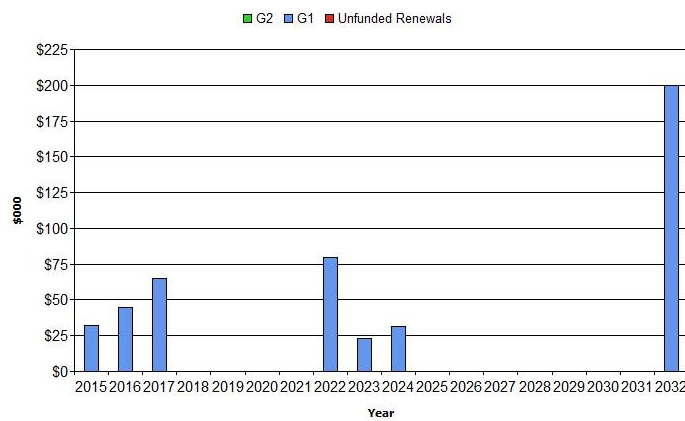
Playspace precinct

Marion City - (Open Space 2015 V10 Hub_S1_V8 - Playspace Precinct)



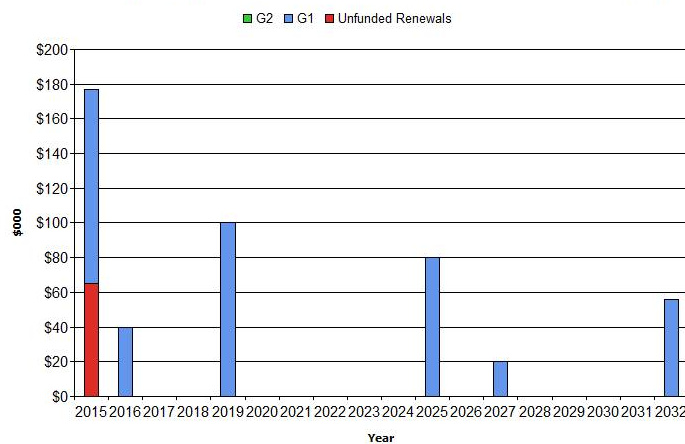
Playspace regional

Marion City - (Open Space 2015 V10 Hub_S1_V8 - Playspace Regional)



Tennis court AC surface

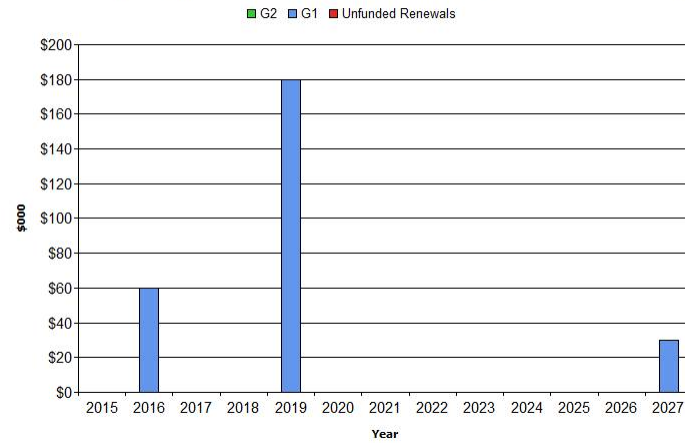
Marion City - (Open Space 2015 V10 Hub_S1_V8 - T Court AC)



This graph refers to the asphaltic concrete component of a tennis court asset.

Tennis court base

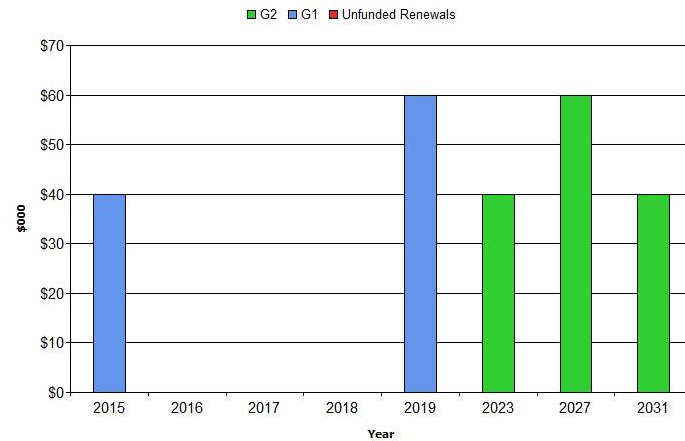
Marion City - (Open Space 2015 V10 Hub_S1_V8 - T Court Base)



This graph refers to the crushed rock base component of a tennis court asset.

Tennis court acrylic surface

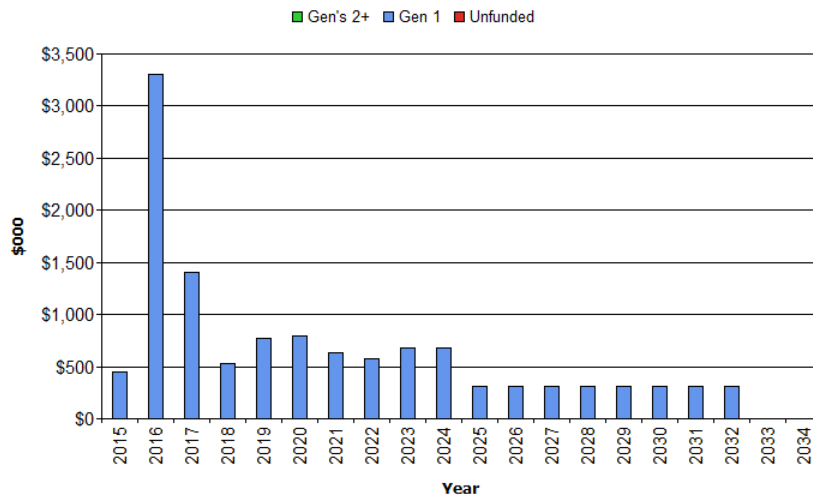
Marion City - (Open Space 2015 V10 Hub_S1_V8 - T Crt Acr Surf)



This graph refers to the coloured acrylic surfacing component of the tennis court where applicable.

Building assets

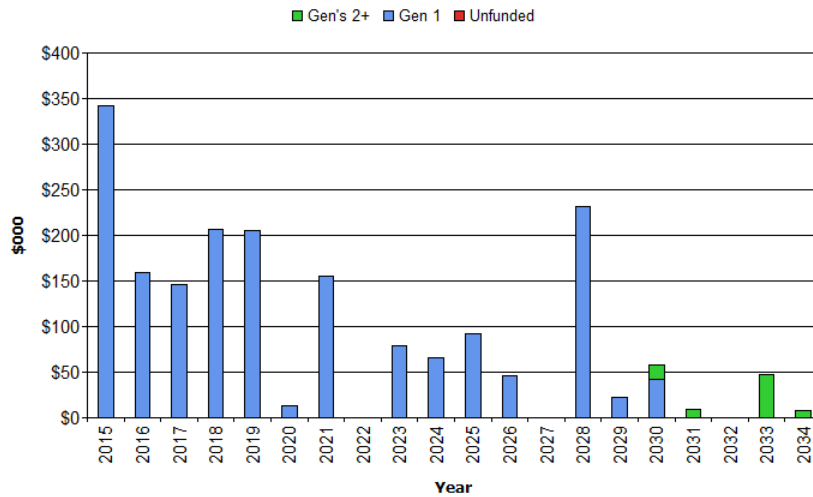
Marion City - Projected Capital Renewal Expenditure (Buildings 2015 V3_S1_V3)



Note that building renewal plans are to be developed over the coming 2 years which will more accurately inform forecast building renewal costs.

Coastal Walking Trail

Marion City - Projected Capital Renewal Expenditure (Coastal Walking Trail_S1_V5)



5.5 Creation/Acquisition/Upgrade Plan

New works are those works that create a new asset that did not previously exist, or works which upgrade or improve an existing asset beyond its existing capacity. They may result from growth, social or environmental needs. Assets may also be acquired at no cost to the organisation from land development.

5.5.1 Selection criteria

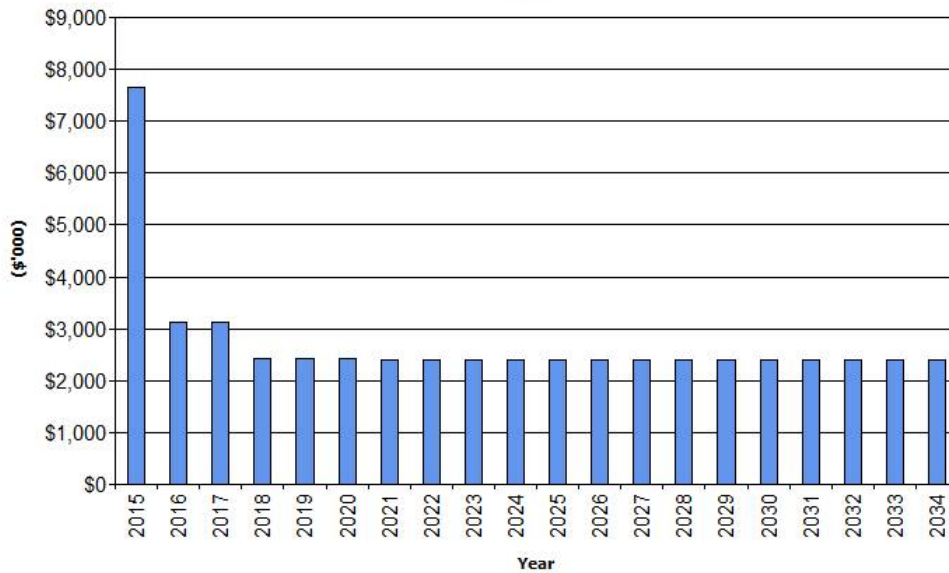
This AMP has been prepared in accordance with Council’s Asset Management Policy, essentially requiring new or upgrade works to gain Council approval, having regard to whole of life costs and subsequent impacts on the LTFP.

5.5.2 Summary of future upgrade/new assets expenditure

In accordance with the Strategic Asset Management Decision Making Matrix no new assets are proposed other than Council approved stormwater, buildings and signage as detailed in Figure 5.5.2.

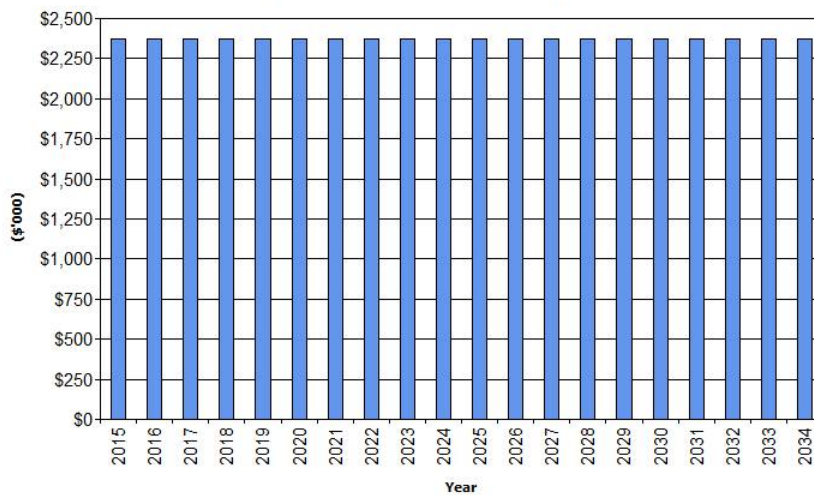
Figure 5.5.2: Projected Capital Upgrade/New Asset Expenditure

Marion City - Projected Capital Upgrade/New Expenditure (Strategy)



Stormwater assets

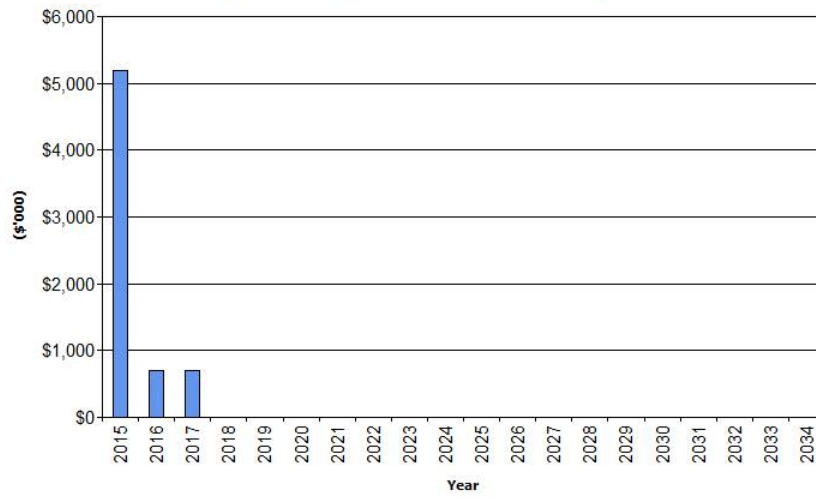
Marion City - Projected Capital Upgrade/New Expenditure (Stormwater_S1_V1)



In preparing the 2013 version of the Stormwater Asset Management Plan \$35.375 million of drainage projects (2012 values) were identified to be constructed over 20 years. The LTFP budget projections provide sufficient funds each financial year for these works.

Building assets

**Marion City - Projected Capital Upgrade/New Expenditure
(Buildings 2015 V3_S1_V3)**



The new / upgrade assets relating to buildings include \$4.5 million in 2015 for the depot upgrade and \$700k between 2015 and 2017 for sustainability upgrades to buildings.

5.6 Disposal Plan

Disposal includes any activity associated with disposal of a decommissioned asset including sale, demolition or relocation. Assets identified for possible decommissioning and disposal are shown in Table 5.6. Once decommissioning has occurred, the renewal forecasts in the AMP and LTFP will be adjusted accordingly.

Playground assets have been identified for disposal as part of the investigation conducted in preparation of the City of Marion Playspace Strategy.

Table 5.6: Assets Identified for Disposal

Playground Asset	Suburb	Reason for Disposal	Renewal Cost (\$)
Ben Pethick Reserve	Marion	Surplus as identified in playspace review	18,000
Cohen Court Reserve	Clovelly Park	Surplus as identified in playspace review	21,600
Cowra Crescent Reserve	Park Holme	Surplus as identified in playspace review	25,200
Everest Avenue Reserve	Morphettville	Surplus as identified in playspace review	30,000
Coorabie (Capella Drive) Reserve	Hallett Cove	Surplus as identified in playspace review	15,000
French Court Reserve	Trott Park	Surplus as identified in playspace review	16,800
Glandore CC - Childcare	Glandore	Surplus as identified in playspace review	20,000
Lapwing Street Reserve	Hallett Cove	Surplus as identified in playspace review	20,000
Louise Avenue Reserve	Warradale	Surplus as identified in playspace review	19,800
Luke Court Reserve	O'Halloran Hill	Surplus as identified in playspace review	19,200
Mitchell Park Oval East	Mitchell Park	Surplus as identified in playspace review	14,000
Oliphant Avenue Reserve (Small)	Oaklands Park	Surplus as identified in playspace review	25,400
Parsons Grove Reserve	Park Holme	Surplus as identified in playspace review	32,400
Ranger Street	Hallett Cove	Surplus as identified in playspace review	16,000
Waratah Square Reserve	Seacombe Gardens	Surplus as identified in playspace review	30,000
Totals			323,400

This table includes only those assets that Council has resolved to dispose of. Other assets may be identified for disposal and included in future iterations of this plan as resolved by Council.

Note that the assets identified for disposal are playspace assets only, due to their age and condition and investment in nearby facilities. Council has not resolved to dispose of the land outlined.

6. FINANCIAL SUMMARY

The preparation of this plan allows for alignment of operating, maintenance and renewal funding requirements in the LTFP to support necessary works.

This section contains the financial requirements resulting from all the information presented in the previous sections of this AMP.

Once adopted, this AMP will inform the next iteration of the LTFP. When compared to the adopted Draft 2015/16 LTFP, available funds for asset operating, maintenance and renewal amount to \$255.4 million while this plan identifies a resource requirement of \$216.6 million, resulting in a surplus of \$38.8 million (2015/16 – 2024/25), before any provision is made for major building renewal. A range of measures have been identified, including :

- A detailed review has been undertaken of the Councils road resealing / reconstruction practices which has found significant potential savings provided that an alternative philosophy and program of works is adopted.
- In accordance with Councils current Asset Management Policy upgrades of transport, open space, buildings and coastal walking trail assets have not been included in the plan unless there is a specific Council resolution to do so. Any new or upgrade works not contained in this plan will require prioritisation and approval by Council, having regard to whole of life costs and subsequent impacts on the LTFP.
- Other than some new stormwater, building and signage assets which Council has resolved to undertake, construction of new assets has not been considered.

It has been recommended that Council provision \$49million for building renewal, being equivalent to accumulated depreciation on buildings as at 30 June 2014. This would result in a net \$10.2 million deficit in renewal expenditure over the life of the LTFP.

In the following sections of the plan a comparison is made between depreciation (calculated using the valuation depreciable amount) and renewal expenditure (driven by the renewal cost), however depreciation is unlikely to reflect actual renewal costs and therefore should not be used as a method to reliably inform required renewal expenditure.

In the absence of a current AMP, the LTFP has been based on depreciation. The purpose of this iteration of the AMP is to highlight areas for improved alignment of available funding in future iterations of the LTFP, based on more current information than previous versions. Therefore, the most relevant consideration for Council is the total forecast funding available for operating, maintenance and renewal of assets (plus approved new and upgrade works) compared to the total forecast requirement. This is outlined below:

Draft 2015/16 LTFP Projections for operations, maintenance & renewal	\$231.3 million
Draft 2015/16 LTFP Projections for approved new stormwater works	\$24.1 million
Less Draft AMP forecasts for Operations, Maintenance & Renewal (excluding building renewals) + new stormwater works	(\$216.6 million)
Less proposed provision for Building Renewals	(\$49.0 million)
Projected funding shortfall based on currently adopted LTFP & draft AMP, including provision for building renewals	(\$10.2 million)

Current financial ratios are contained in Council's LTFP and will be updated following the adoption of this AMP and subsequent alignment of works budgets.

6.1 Financial Statements and Projections

The financial projections are shown in Figure 6.1 for projected operating (operations and maintenance) and capital expenditure (renewal). Note that all costs are shown in real values.

Figure 6.1: Projected Operating and Capital Expenditure

Marion City - Projected Operating and Capital Expenditure

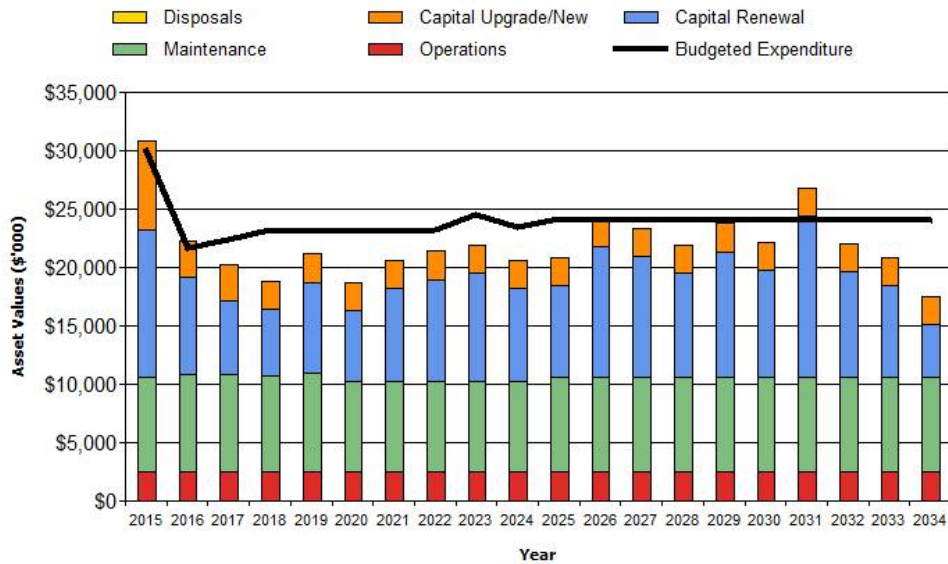


Figure 6.1.1a: Projected and LTFP Budgeted Renewal Expenditure

Marion City - Projected & LTFP Budgeted Renewal Expenditure (Strategy)

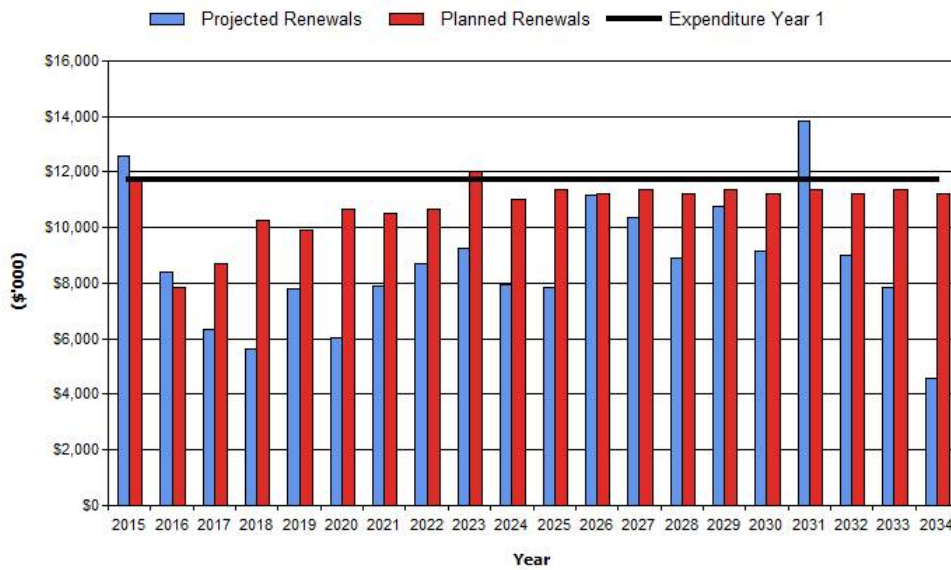


Table 6.1.1 shows the shortfall between projected renewal and replacement expenditures and expenditure accommodated in the LTFP. This does not include provision for major building renewals.

Table 6.1.1: Projected and LTFP Budgeted Renewals and Financing Shortfall

Year	Projected Renewals (\$000)	2015/16 LTFP Renewal Budget (\$000)	Renewal Financing Shortfall (\$000) (-ve Gap, +ve Surplus)	Cumulative Shortfall (\$000) (-ve Gap, +ve Surplus)
2015/16	\$12,587	\$11,747	-\$839	-\$839
2016/17	\$8,390	\$7,834	-\$556	-\$1,395
2017/18	\$6,356	\$8,681	\$2,325	\$929
2018/19	\$5,637	\$10,276	\$4,639	\$5,568
2019/20	\$7,800	\$9,918	\$2,118	\$7,686
2020/21	\$6,045	\$10,687	\$4,642	\$12,328
2021/22	\$7,921	\$10,534	\$2,613	\$14,940
2022/23	\$8,689	\$10,658	\$1,969	\$16,909
2023/24	\$9,245	\$12,012	\$2,767	\$19,676
2024/25	\$7,955	\$10,998	\$3,043	\$22,719
2025/26	\$7,848	\$11,347	\$3,499	\$26,218
2026/27	\$11,170	\$11,231	\$61	\$26,279
2027/28	\$10,369	\$11,347	\$978	\$27,257
2028/29	\$8,928	\$11,231	\$2,303	\$29,560
2029/30	\$10,789	\$11,347	\$558	\$30,118
2030/31	\$9,157	\$11,231	\$2,074	\$32,192
2031/32	\$13,837	\$11,347	-\$2,490	\$29,702
2032/33	\$9,008	\$11,231	\$2,224	\$31,925
2033/34	\$7,861	\$11,347	\$3,486	\$35,411
2034/35	\$4,554	\$11,231	\$6,677	\$42,088

Note: A negative shortfall indicates a financing gap, a positive shortfall indicates a surplus for that year.

Providing services in a sustainable manner will require matching of projected asset renewal and replacement expenditure to meet agreed service levels with **the corresponding** capital works program accommodated in the LTFP.

6.1.2 Projected expenditures for long term financial plan

Table 6.1.2 shows the projected expenditures for the 10 year LTFP.

Expenditure projections are in 2015/16 real values, and exclude provision for building renewals.

Table 6.1.2: Projected Expenditures for Long Term Financial Plan (\$000)

Year	Operations (\$000)	Maintenance (\$000)	Projected Capital Renewal (\$000)	Capital Upgrade/ New (\$000)	Disposals (\$000)
2015/16	\$2,468	\$8,120	\$12,587	\$7,645	\$0
2016/17	\$2,528	\$8,260	\$8,390	\$3,113	\$0
2017/18	\$2,536	\$8,242	\$6,356	\$3,113	\$0
2018/19	\$2,545	\$8,198	\$5,637	\$2,413	\$0
2019/20	\$2,545	\$8,392	\$7,800	\$2,413	\$0
2020/21	\$2,545	\$7,736	\$6,045	\$2,413	\$0
2021/22	\$2,545	\$7,740	\$7,921	\$2,402	\$0
2022/23	\$2,545	\$7,742	\$8,689	\$2,402	\$0
2023/24	\$2,545	\$7,745	\$9,245	\$2,402	\$0
2024/25	\$2,545	\$7,748	\$7,955	\$2,402	\$0

Table 6.1.2 is broken down into renewals by asset portfolio Figure 6.1.3 and Capital Upgrade / New by asset portfolio in Figure 6.1.4.

Table 6.1.3: Projected Capital Renewal Expenditure by Asset Portfolio for Long Term Financial Plan (\$000)

Year	Transport	Stormwater	Open Space	Buildings	Coastal Walking Trail	Projected Capital Renewal (\$000)
2015/16	9,168	0	2,630	446	342	12,587
2016/17	3,950	0	975	3,305	159	8,390
2017/18	4,277	0	530	1,402	146	6,356
2018/19	4,616	0	284	531	205	5,637
2019/20	5,839	0	980	775	205	7,800
2020/21	4,387	0	855	790	13	6,045
2021/22	6,076	0	1,060	630	155	7,921
2022/23	6,726	0	1,391	570	0	8,689
2023/24	6,307	0	2,176	683	79	9,245
2024/25	6,710	0	504	676	65	7,955

Table 6.1.4: Capital Upgrade/ New Expenditure by Asset Portfolio for Long Term Financial Plan (\$000)

Year	Transport	Stormwater	Open Space	Buildings	Coastal Walking Trail	Capital Upgrade/ New (\$000)
2015/16	74	2,371	0	5,200	0	7,645
2016/17	42	2,371	0	700	0	3,113
2017/18	42	2,371	0	700	0	3,113
2018/19	42	2,371	0	0	0	2,413
2019/20	42	2,371	0	0	0	2,413
2020/21	42	2,371	0	0	0	2,413
2021/22	31	2,371	0	0	0	2,402
2022/23	31	2,371	0	0	0	2,402
2023/24	31	2,371	0	0	0	2,402
2024/25	31	2,371	0	0	0	2,402

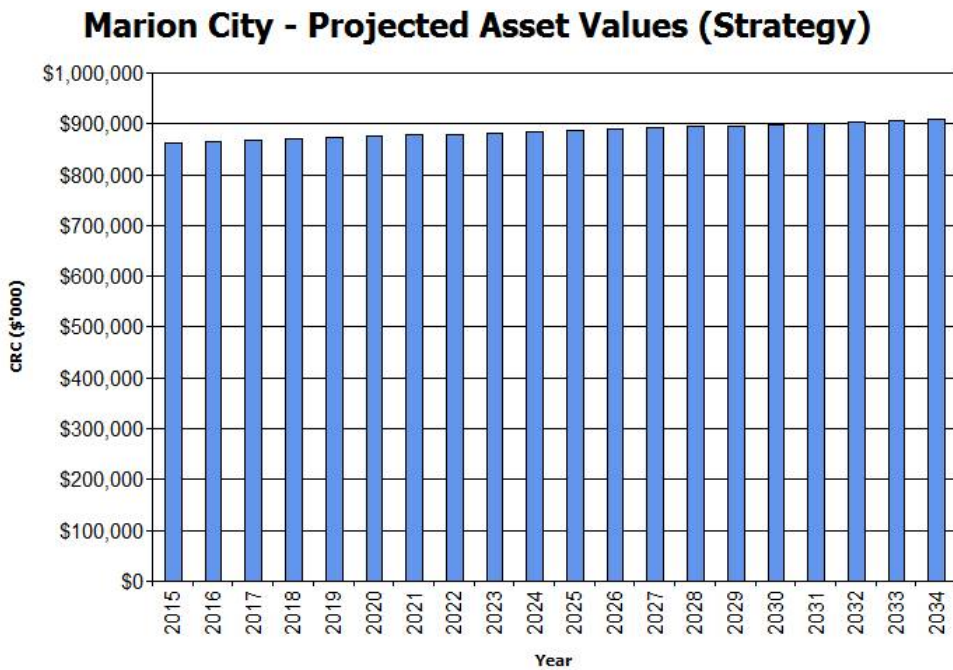
6.2 Funding Strategy

After reviewing service levels, as appropriate to ensure ongoing financial sustainability projected expenditures identified in Section 6.1.2 will be accommodated in the Council's 10 year LTFP.

6.3 Valuation Forecasts

Asset values are forecast to increase as additional assets are added to the asset stock. Figure 6.3 shows the projected replacement cost asset values over the planning period in real values. The figure shows constant values due to new / upgrades not being considered in the preparation of this plan.

Figure 6.3: Projected Asset Values



Depreciation expense values are forecast in line with asset values as shown in Figure 6.3a.

Figure 6.3a: Projected Depreciation Expense

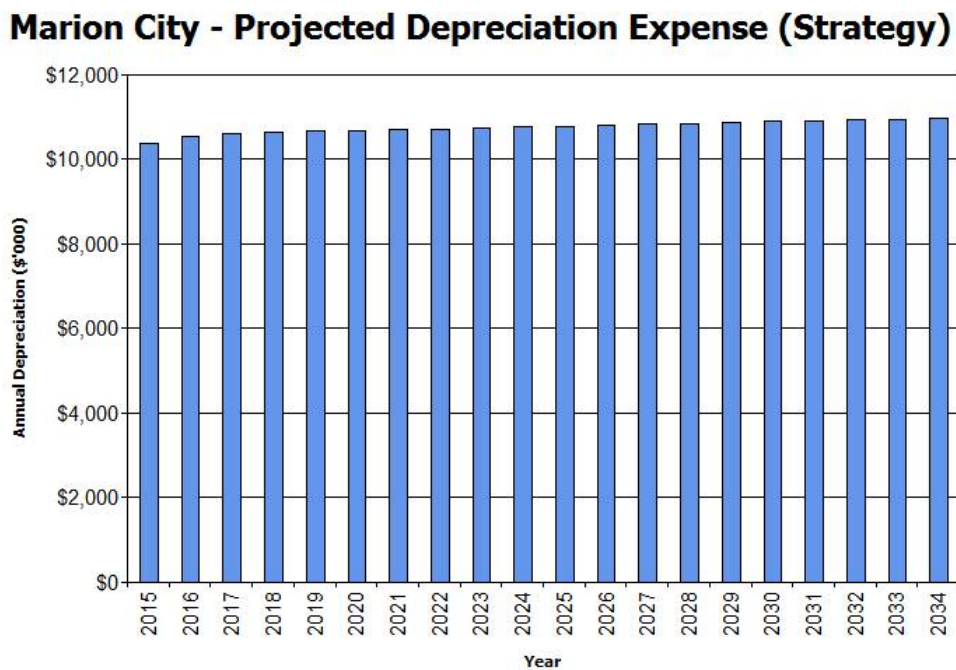
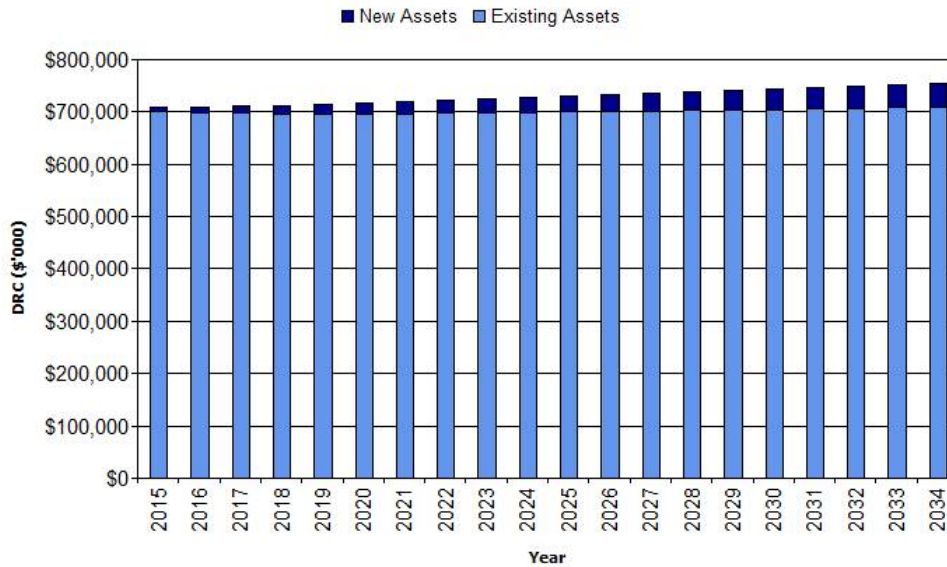


Figure 6.3b: Projected Depreciated Replacement Cost

Marion City - Projected Depreciated Replacement Cost (Strategy)



The marked increase in the depreciated replacement cost is an anomaly associated with low calculation of the CRC and hence DRC (Direct Replacement Cost) through valuations as previously noted. The DRC therefore increases as renewals associated with the higher actual renewal costs are undertaken.

6.4 Key Assumptions made in Financial Forecasts

This section details the key assumptions made in presenting the information contained in this AMP and in preparing forecasts of required operating and capital expenditure and asset values, depreciation expense and carrying amount estimates. It is presented to enable readers to gain an understanding of the levels of confidence in the data behind the financial forecasts.

Key assumptions made in this AMP and risks that these may change are shown in Table 6.4

Table 6.4: Key Assumptions made in AMP and Risks of Change

Key Assumptions	Risks of Change to Assumptions
Resealing program developed as part of this plan will be followed	The renewal forecast has been developed around an analysis of data that produces a more sustainable program of works without changes to existing service levels. This program of works will require change to be facilitated by Council in the processes that are currently adopted
Pavement reconstruction program developed as part of this plan will be followed	Analysis of data has shown that Council should develop a program of pavement reconstruction and detailed investigation. Currently in some cases roads are being resealed rather than reconstructed resulting in a short seal life and high lifecycle costs.
Kerb renewal assumptions are correct	It has been assumed that approximately 5% of the kerb length in a street will require renewal at the time of a reseal. This is based on a survey of kerb condition undertaken in 2010. Another survey of kerb condition is planned which will improve estimates on a segment by segment basis.
Assumed unit rates are correct	Unit rates in some cases have been based on valuations and in other cases have been compiled from first principles without reference to actual Council costs. In most cases however it is expected that unit rates will be reasonably accurate, particularly for the large asset groups of seals, pavements, kerb and footpaths. Where valuations have been used as a proxy for unit rates used in establishing renewal costs i.e. stormwater and open space (in some cases) the figures will be less reliable.

Key Assumptions	Risks of Change to Assumptions
Drainage network overall condition is fair to good based on remaining life derived from age profile and current CCTV information (assume 100 year useful life)	If poorer condition drain lines are identified by future CCTV this will change the service life and introduce a renewal program
No significant changes to legislation	WSUD mandatory – changes capital works program
Urban growth has a similar pattern to previous years	Increase growth changes capital works program priorities
Maintenance funds can retain existing levels of service	Additional funds required to meet desirable level of service and community expectations
Actual major storm event does not occur in the next 4 years	Extensive clean up changes maintenance and capital works priorities. Additional funds would be required for storm damage and clean up.
Design and operations staffing needs are adequately resourced staff	Unable to resource planned asset management activities
Unclear open space capitalisation threshold may mean that some renewals are being undertaken using maintenance expenditure	Estimated funds required for renewal may already be met through the maintenance budget
Assumption of 'like for like' replacement of open space assets has been made in the development of this plan, whereas historically significant upgrades have taken place	Underestimation of required budget
The desktop exercise to identify the required <u>minor</u> building renewals was comprehensive and adequate.	It is virtually certain that the desktop exercise undervalued the required renewals, which are estimated to be higher by a simple lifecycle calculation, and which should be modelled from conditions and useful lives of components, based on site inspections which take defects into account.
Existing valuations do not accurately reflect the renewable assets contained within the Coastal Walking Trail corridor that are under the control of Council. Hence sustainability ratios calculated within this plan cannot be considered reasonable.	The sustainability ratios will become more accurate following revaluations undertaken by Council.

6.5 Forecast Reliability and Confidence

The expenditure and valuations projections in this AM Plan are based on best available data. Currency and accuracy of data is critical to effective asset and financial management. Data confidence is classified on a 5 level scale⁸ in accordance with Table 6.5.

Table 6.5: Data Confidence Grading System

Confidence Grade	Description
A Highly reliable	Data based on sound records, procedures, investigations and analysis, documented properly and recognised as the best method of assessment. Dataset is complete and estimated to be accurate $\pm 2\%$
B Reliable	Data based on sound records, procedures, investigations and analysis, documented properly but has minor shortcomings, for example some of the data is old, some documentation is missing and/or reliance is placed on unconfirmed reports or some extrapolation. Dataset is complete and estimated to be accurate $\pm 10\%$
C Uncertain	Data based on sound records, procedures, investigations and analysis which is incomplete or unsupported, or extrapolated from a limited sample for which grade A or B data are available. Dataset is substantially complete but up to 50% is extrapolated data and accuracy estimated $\pm 25\%$
D Very Uncertain	Data is based on unconfirmed verbal reports and/or cursory inspections and analysis. Dataset may not be fully complete and most data is estimated or extrapolated. Accuracy $\pm 40\%$
E Unknown	None or very little data held.

The estimated confidence level for and reliability of data used in this AM Plan is shown in Tables 6.5.1. – 6.5.5

⁸ IPWEA, 2011, IIMM, Table 2.4.6, p 2|59.

Table 6.5.1: Data Confidence Assessment for Data used in AMP - Transport

Data	Confidence Assessment	Comment
Demand drivers	C	Upgrade / new expenditure has been based on Council's recently adopted Asset Management Policy. If Council resolves to increase upgrade/ new expenditure amendments to future funding will be required.
Growth projections	B	Much of the Council has already been developed and a large amount of future growth is not predicted
Operations expenditures	E	Operations expenditure has not been directly considered in this plan but has been included within maintenance expenditure
Maintenance expenditures	A	Based on Council's actual costs
Projected Renewal exps. - Asset values	B	Asset values are generally based on costs to renew the asset
- Asset residual values	C	Residual values have been ignored in renewal planning costs, since they will not be realised
- Asset useful lives	B	Established useful lives have been used
- Condition modelling	B	For seals and pavements a great deal of work has been done on modelling existing condition data, although in some cases the data has been shown to be inaccurate
- Network renewals	B	Network renewals have been used for signage and kerbing
- Defect repairs	N/A	N/A
Upgrade/New expenditures	B - C	Generally no upgrade / new expenditure has been assumed. This will be the subject of future resolutions of Council
Disposal expenditures	N/A	N/A

Table 6.5.2: Data Confidence Assessment for Data used in AMP- Stormwater

Data	Confidence Assessment	Comment
Demand drivers	B	The two Stormwater Management Plans have provided reliable information on demand drivers.
Growth projections	B	Growth projections are based development potential from Housing id Report (2011), Jensen Planning SWMP Report (2011) and 30 year plan for greater Adelaide.
Operations expenditures	C	Work orders have not been implemented for these activities.
Maintenance expenditures	C	Work orders have not been implemented for these activities.
Projected Renewal exps. - Asset values	B	Unit rates are used which are based on current contract rates and Rawlinson handbook.
- Asset residual values	B	Low salvage/reuse value.
- Asset useful lives	D	Insufficient research and testing in useful life predictions.
- Condition modelling	E	Insufficient research and testing on the correlation between useful life and condition of asset.
- Network renewals	C	Condition assessment is based on sample CCTV survey. Further condition inspections are required to improve predictions.
- Defect repairs	C	Work orders have not been implemented for these activities.
Upgrade/New expenditures	B	Decision to upgrade is based on SWMP projects, CCTV assessments, drainage capacity analysis and known flooding and pipe capacity problems.
Disposal expenditures	B	Unit rates for disposal are based on contract rates.

Table 6.5.3: Data Confidence Assessment for Data used in AMP – Open Space

Data	Confidence Assessment	Comment
Demand drivers	A	Open space planning documents detail community demand via consultation mechanisms
Growth projections	B	Growth is based on demand for new assets
Operations expenditures	C	Based on existing budget, growth predicted though increased asset base through upgrades
Maintenance expenditures	C	Based on existing budget, growth predicted though increased asset base through upgrades
Projected Renewal exps. - Asset values	C	Based on valuation data rather than condition based renewals
- Asset residual values	A	No residuals have been assumed
- Asset useful lives	C	Lives will not play a significant role in the assets requiring renewal during the course of the plan
- Condition modelling	C	Based on valuation data
- Network renewals	C	Based on valuation data
- Defect repairs	D	Defect repairs not considered
Upgrade/New expenditures	C	Asset upgrades as appearing in other open space planning documents is not considered in the development of this version of the AMP
Disposal expenditures	C	Disposal of existing playgrounds where they are not renewed is unknown

Table 6.5.4: Data Confidence Assessment for Data used in AM Plan - Buildings

Data	Confidence Assessment	Comment
Demand drivers	C	The recommendations of Councils draft facility review plan have not been allowed for in the development of this plan
Growth projections	B	The assumption of 0% growth is close to the actual situation.
Operations expenditures	B	
Maintenance expenditures	B	
Projected Renewal exps. - Asset values	D	Projected building renewal are not included in this plan. Building renewal plans are to be developed over the next 2 years.
- Asset residual values	NA	Residual values provided by external valuers.
- Asset useful lives	NA	Aged building nearing the end of their useful lives..
- Condition modelling	NA	See comments above.
- Network renewals	NA	See comments above.
- Defect repairs	D	Based on desktop identification.
Upgrade/New expenditures	B	Based on preliminary cost estimates
Disposal expenditures	B	

Table 6.5.5: Data Confidence Assessment for Data used in AM Plan – Coastal Walking Trail

Data	Confidence Assessment	Comment
Demand drivers	B	
Growth projections	A	Data based on historical records and professional opinions
Operations expenditures	A	No operations costs are considered in preparation of the plan
Maintenance expenditures	A	Proactive maintenance program has been developed
Projected Renewal exps. - Asset values	B	Renewal projections based on up to date register of assets
- Asset residual values	D	Valuations based on out of date register
- Asset useful lives	A	No residual value is expected.
- Condition modelling	B	Harsh coastal environment creates uncertainty
- Network renewals	B	Full visual condition audit has been undertaken.
- Defect repairs	E	No network assets currently considered
- Defect repairs	D	No specific data available
Upgrade/New expenditures	A	No new or upgraded assets unless approved by Council
Disposal expenditures	A	None considered

7. PLAN IMPROVEMENT AND MONITORING

7.1 Status of Asset Management Practices

7.1.1 Accounting and financial systems

The finance system used by the City of Marion is Authority, a product of Civica Pty Ltd. The financial modules within Authority include the following:

- General Ledger
- Receipting
- Payroll
- Rate Debtors/Property Management
- Purchasing
- Accounts Receivable/Accounts Payable
- Inventory
- Bank Reconciliation
- Estimates
- Contracts
- Loans
- Plant
- Work Orders
- Capital Value Register (CVR)

Within the Work Orders module, there are links to the General Ledger, the Plant Module and the AIM system.

Within the Capital Value Register, the following functions/programs are available:

- Asset capitalisation
- Asset disposal
- Depreciation
- Revaluation

All of the above programs perform automatic updates to the General Ledger via Control Accounts created for each Asset Record.

Depreciation charges are processed monthly according to the useful life (taking into consideration residual values) recorded against each Asset Record.

Infrastructure Assets are comprehensively revalued every 3-5 years and also have annual “desktop” valuations.

The Capital Value Register incorporates the following Asset Classifications:

- Land
- Buildings
- Plant & equipment
- Furniture & fittings
- Other
- Other infrastructure
- Intangibles

Infrastructure Assets including Roads, Drains, Kerb, Footpaths, Bridges and Traffic Devices are held on systems external to Authority, e.g. Pavement Management System, Spreadsheets. External Valuers use this data as a basis for providing valuations which are added to the Balance Sheet Control Accounts via a general journal.

Accountabilities for financial systems

The responsibility for the integrity of the finance system is assigned to the Finance Manager and senior Accounting staff.

Accounting standards and regulations

The accounting standards and guidelines that must be complied with are as follows:

- *Local Government Act 1999*
- Local Government General Regulations 1999
- Local Government (Financial Management) Regulations 2022
- State and Federal Legislation (e.g. taxes)
- Australian Accounting Standards set by the Australian Accounting Standards Board (AASB)
- City of Marion financial policies and procedures

Capital/maintenance threshold

Assets should have a useful life of greater than one year in order for the expenditure to be capitalised and have a value above the Materiality Thresholds described below.

Any expenditure considered to be Capital must also pass a materiality test. Materiality levels are set so as not to misstate Financial Statements and to provide a guide whether it is practical from an Administrative perspective that expenditure is capitalised.

Table 7.1: Materiality Levels

Asset Group	New/Replacement
Infrastructure	\$5,000
Land	\$5,000
Buildings	\$5,000
Furniture & Fittings	\$3,000
Equipment	\$3,000
Other	\$3,000

Networked/Aggregate Assets - Expenditure can still be capitalised on items that fall below materiality thresholds individually but operate together as a cohesive whole to form a substantial/significant total value. Examples are the Computer Network, Library Books, and Reserve Furniture.

7.1.2 Asset management system

An asset management system is a combination of processes, data and software applied to provide the essential outputs for effective AM such as reduced risk and optimum infrastructure investment.

Council utilises a number of asset management systems which contribute to the overall management of the long term planning of infrastructure. These include Stormwater Management Database in the MapInfo Exponare and MapInfo Professional GIS linked to Microsoft spreadsheets, IBM Lotus Notes Customer Request System and Authority financial and asset modules.

The current systems are being reviewed with the aim of integrating asset information into the corporate AM system.

Asset registers

A database of data collected in the field was used to compile this AMP.

Linkage from asset management to financial system

Further integration of the asset management systems and processes and the LTFP are being developed.

Accountabilities for asset management system and data maintenance

The responsibility of asset management planning system and data maintenance is assigned to the Manager Strategic Assets and Strategic Asset Services staff.

Required changes to asset management system arising from this AM Plan

Reviews and improvements to asset management systems are ongoing and part of the organisation process towards best practice. Improvements are implemented as required.

7.2 Improvement Program

The asset management improvement plan generated from this AMP is shown in Table 7.2.

Table 7.2: Improvement Plan

Task No	Task	Responsibility	Resources Required	Timeline
1	Undertake condition assessment of assets	Mgr. Strategic Assets	Recurrent	December 16
2	Develop an optimised program of infrastructure repair / renewal	Mgr. Strategic Assets & Mgr. Infrastructure	Recurrent	December 16
3	Develop a program of bus shelter renewal and compliance upgrade	Mgr. Strategic Assets & Mgr. Infrastructure	\$1.2m	2020
4	Prepare a service level and community consultation plan for assets linking with the Council Plan, LTFP and AMPs	Mgr. Strategic Assets & Mgr. Infrastructure	\$30,000	December 15
5	Implement the two adopted Stormwater Management Plans	Infrastructure	Consultancy and Infrastructure and Strategic Assets staff	2034
6	Prepare Stormwater Management Plans for the remaining catchments in the city ie east of Sturt River and urban area abutting Field River	Infrastructure	Consultancy and Infrastructure and Strategic Assets staff	2016
7	Prepare Operations and Maintenance Management Plan for infrastructure. The plan to include service levels, inspection frequency , maintenance activities and response times	Infrastructure	Infrastructure staff	2016
8	Review asset management and procedural frame work for inter-departmental/work group areas, update asset register, condition rating etc	Strategic Assets	Strategic Assets staff	2016
9	Continue annual CCTV surveys to inspect and assess the performance and condition of the stormwater assets to determine remaining life	Infrastructure and Strategic Assets	Infrastructure and Strategic Assets staff	Annual program

Task No	Task	Responsibility	Resources Required	Timeline
10	Integrate asset and financial systems	Strategic Assets	Strategic Assets staff	2016
11	Prepared long term projection of depreciation expenses on assets based on consumption.	Strategic Assets	Strategic Assets staff	2016
12	Undertake annual review and update the SAM Plan and integrate with LTFP. The capital works selection criteria and decision making process is to be included in the review	Infrastructure and Strategic Assets	Infrastructure and Strategic Assets staff	Annual program
13	Develop a reserve name and numbering system linked to GIS and Asset Management System	Strategic Assets & Open Space	Strategic Assets & Open Space Staff	2018
14	Develop condition rating methodologies for open space assets that will allow informed decision making for asset renewal	Strategic Assets & Open Space	Strategic Assets & Open Space Staff	2016
15	Undertake further research on actual renewal costs of open space assets and develop realistic unit rates for same	Strategic Assets & Open Space	Strategic Assets & Open Space Staff	2016
16	Develop unit rates for open space assets	Strategic Assets & Open Space	Strategic Assets & Open Space Staff	2016
17	Review the LTFP against proposed renewals for assets with a view to matching the funds required or altering the service levels to match sustainable funds available through the LTFP	Strategic Assets & Finance	Strategic Assets & Finance staff	Ongoing post AMP endorsement
18	Review the method of determining required renewals. Adopt forward modelling based on component replacement values, component conditions, and useful lives.	Strategic Assets & Finance	Strategic Assets & Finance Staff	2017
19	Improve asset and financial systems	Strategic Assets & Finance	Strategic Assets & Finance staff	Ongoing
20	Undertake annual review and update the Buildings AM Plan and integrate with LTFP. The capital works selection criteria and decision making process is to be included in the review.	Infrastructure and Strategic Assets	Strategic Assets & Finance staff	Annual program

7.3 Monitoring and Review Procedures

This AMP will be reviewed and updated during annual budget planning processes and amended to recognise any material changes in service levels and/or resources available to provide those services as a result of budget decisions.

The AMP has a life of 4 years, and is due for complete revision within 24 months of each Council election (November 2016) to ensure it represents the current service level, asset values, projected operations, maintenance, capital renewal and replacement, capital upgrade/new and asset disposal expenditures and projected expenditure values incorporated into the Council's LTFP.

7.4 Performance Measures

The effectiveness of the AMP can be measured in the following ways:

- The degree to which the required projected expenditures identified in this AMP are incorporated into the organisation's long term financial plan,
- The degree to which 1-5 year detailed works programs, budgets, business plans and organisational structures take into account the 'global' works program trends provided by the AMP,
- The degree to which the existing and projected service levels and service consequences (what we cannot do), risks and residual risks are incorporated into the organisation's Strategic Plan and associated plans,

- Council's Asset Renewal Funding Ratio achieving the target of 1.0.

8. REFERENCES

IPWEA, 2006, 'International Infrastructure Management Manual', Institute of Public Works Engineering Australia, Sydney, www.ipwea.org.au/IIMM

IPWEA, 2008, 'NAMS.PLUS Asset Management', Institute of Public Works Engineering Australia, Sydney, www.ipwea.org.au/namsplus.

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City of Marion, 2015 'Asset Management Policy',

City of Marion, 'Annual Plan and Budget'.

Asset Engineering Pty Ltd, 2013, 'Remaining life of road seals and comparison against Councils 14/15 Works Program

Asset Engineering Pty Ltd, 2013, 'DTIMS Works Program Review'

Asset Engineering Pty Ltd, 2014, 'Seal and Pavement, Determination of Remaining Life' (DRAFT)

9. APPENDICES

Appendix A Current and Desired Service Levels

Appendix B Data Sources and assumptions

Appendix A Current and Desired Service Levels

Current and Desired Service Levels - Transport

Key Performance Measure	Level of Service Objective	Performance Measure Process	Current Level of Service	Desired Level of Service
COMMUNITY LEVELS OF SERVICE				
Quality	<u>Seals & pavements</u> Provide a smooth road with no potholes	Customer service requests	293 requests under 'roads, maintenance'	To be reviewed
	<u>Kerb</u> Provide kerb & water table of a standard to provide the transfer of stormwater along a road with minimal pooling.	Customer service requests	94 requests under 'general enquires / inspection required'	To be reviewed
	<u>Traffic Control Devices</u> Provide an effective network of traffic control devices	Customer service requests	51 requests under 'traffic control devices'	To be reviewed
	<u>Bus shelters</u> Provide a functional network of bus shelters at key locations	Customer service requests	34 requests under 'bus shelters'	To be reviewed
Safety	<u>Bridges</u> Provide a safe network of vehicular & pedestrian bridges.	Customer service requests	3 requests under 'bridge'	To be reviewed
	<u>Footpath</u> Provide a safe network of pedestrian paths.	Customer service requests	1252 requests under 'footpaths'	To be reviewed
	<u>Signs</u> Provide an effective, safe network of traffic signs	Customer service requests	355 requests under signs: road traffic, advisory, directional, street names, traffic / school	To be reviewed
TECHNICAL LEVELS OF SERVICE				
Renewal	Seal	Adherence to revised works program	Single treatment only used for renewal (AC10) based on rudimentary intervention levels.	To be reviewed
		Budget	\$44.0m (10 years)	
	Pavement		Council has not undertaken an extensive reconstruction program for some years.	To be reviewed and validated
			\$0	\$18.5m (10 years)

Key Performance Measure	Level of Service Objective	Performance Measure Process	Current Level of Service	Desired Level of Service
	Kerb		LTFP kerb program based on increasing expenditure over that in place at the moment	Revised and optimised our works program
		Budget	\$23.7m (10 years)	\$3.6m (10 years), maintaining kerb replacement at current (2015) levels.
	Footpath	Enhanced renewals	Current defect repair over entire network (2014 budget of \$1.2m) will take approximately 18 years.	Review the defect repair time
		Budget	\$16.6m (10 years of LTFP)	\$14 million (10 years)
	Traffic Control Devices	Enhanced renewals	Provisions within LTFP are not based on detailed analysis	Maintain traffic control devices to meet community needs related to consultation through local area traffic management studies.
		Budget	\$721,000 (10 years of LTFP)	\$496,000 (10 years)
	Signs	Enhanced renewals	Budget for signage is based on historic practice.	Proposed budget is based on matching straight line depreciation calculations
		Budget	\$590k (10 years of LTFP)	\$1,840k (10 years)
	Bus shelters	Enhanced renewals	Budget for bus shelters is based on historic practice	To be reviewed. DDA compliance by 2020
		Budget	\$504k (10 years of LTFP)	\$1,271k (10 years)
	Bridges	Enhanced renewals	Budget for bridges is based on historic practice	Renewals based on replacing some footbridges and significant defect repair
		Budget	\$584k (10 years)	\$313k (10 years)
Upgrade	All apart from signage	No upgrades	Upgrades take place	Impact of upgrades / new assets not modelled in this AMP

Current and Desired Service Levels - Stormwater

Key Performance Measure	Level of Service Objective	Performance Measure Process	Current Level of Service	Desired Level of Service
COMMUNITY LEVELS OF SERVICE				
Quality	Provide an efficient method of collection and environmentally friendly disposal of stormwater runoff	Community forum feedback. Number of customer complaints.	Under review – see Improvement Plan (table 7.2)	Under review – see Improvement Plan (table 7.2)
Function	Provide a safe and effective stormwater drainage network	Frequency of property flooding.	Under review – see Improvement Plan (table 7.2)	Under review – see Improvement Plan (table 7.2)
Capacity/ Utilisation	Ensure stormwater drainage network meets capacity requirements	Number of customer requests relating to property/street flooding and pollution discharges into waterways.	Under review – see Improvement Plan (table 7.2)	Under review – see Improvement Plan (table 7.2)
TECHNICAL LEVELS OF SERVICE				
Operations & Maintenance	Programmed maintenance to clean drain and pit, street sweeping and emptying GPTs .	Number of customer requests/complaints.	Under review – see Improvement Plan (table 7.2)	Under review – see Improvement Plan (table 7.2)
		Planned maintenance activities are completed to schedule.	Under review – see Improvement Plan (table 7.2)	Under review – see Improvement Plan (table 7.2)
Renewal	Activities that review the existing condition and capacity of the drainage network	Structural assessment of poor condition drains from the annual CCTV condition and defects inspection.	Risk based approach to replace assets identified as being in poor structural condition.	Risk based approach to replace assets identified as being in poor structural condition.
Upgrade/New	Activities that improve/upgrade the existing drainage network to meet 1 in 5 ARI storm design requirements and to reduce hazardous flooding from 1 in 100 ARI storm.	Stormwater Management Plan and Flood Plain Mapping to identify drainage network deficiencies.	Implement capital works program based on Drainage Priority Matrix.	Implement capital works program based on Drainage Priority Matrix.

Current and Desired Service Levels – Open Space

Key Performance Measure	Level of Service Objective	Performance Measure Process	Current Level of Service	Desired Level of Service
COMMUNITY LEVELS OF SERVICE				
Quality	Well maintained and suitable Open Space	Customer service requests	Under review	<1,000 requests per annum for trees <500 requests for park infrastructure
Accessibility	Open Space assets will be accessible during normal operating business hours	Customer service requests relating to availability.	Under review	95% compliance. In this instance where an Open Space is closed to users for reasons such as maintenance, upgrading, renewal or a Council related public event or non-Council events, then appropriate notification shall be given to relevant users in accordance with Council's Public Consultation Policy and the requirements of Council's Community Land Management Plans.
Function	Open Space assets meet community need	To be defined	Under review	>60% customer survey satisfaction
Responsiveness	Response time to customer requests	Review of closure times for Customer Service Requests	Under review	>90% of all requests adequately responded to within target
TECHNICAL LEVELS OF SERVICE				
Condition	Condition assessment of Open Space network every 3 years	Assessment of condition data collected for valuation purposes.	Under review	Open Space condition index to be no worse than an average 3 out of a possible 5
Accessibility	Provide all weather access to category 1, 2 and 3 reserves.	Customer service requests relating to access	Under review	<20 requests / complaints relating to access of Open Space (within category 1-3)
Cost Effectiveness	Provide services in cost effective manner	Maintenance / Operational costs in line with industry standards	Under review	To be assessed
Safety	Undertake risk based inspection of Open Space network every three years	Audit of all Open Space undertaken in line with relevant standards	Under review	Reactive and proactive maintenance programs optimised against risk profiling.

Table 3.4.4: Current and Desired Service Levels - Buildings

Key Performance Measure	Level of Service Objective	Performance Measure Process	Current Level of Service	Desired Level of Service
COMMUNITY LEVELS OF SERVICE				
Quality	Ensuring that buildings are safe, clean, efficient, and accessible.	Community forum feedback. Number of customer complaints.	Under review – see Improvement Plan (table 7.2)	Under review – see Improvement Plan (table 7.2)
Function	Ensuring that the services offered by buildings are relevant and efficient.	Community forum feedback. Number of customer complaints/requests.	Under review – see Improvement Plan (table 7.2)	Under review – see Improvement Plan (table 7.2)
Capacity/ Utilisation	Ensuring that the buildings provide a useful and viable service to the community.	Community forum feedback. Number of customer complaints/requests	Under review – see Improvement Plan (table 7.2)	Under review – see Improvement Plan (table 7.2)
TECHNICAL LEVELS OF SERVICE				
Operations and maintenance.	Programmed maintenance to continue the level of services.	Number of customer requests/complaints. Planned maintenance activities are completed to schedule.	Under review – see Improvement Plan (table 7.2)	Under review – see Improvement Plan (table 7.2)
Renewal	Renewal of components at end of life to continue the level of service.	Required works identified by staff in desktop exercise are achieved.	Risk based approach to replace assets identified as being in poor structural condition.	Risk based approach to replace assets identified as being in poor structural condition.
Upgrade/New	Provide new facilities or levels of service as required.	Building Management Plan to identify future needs.	Implement capital works program based on Priority Matrix.	Implement capital works program based on Priority Matrix.

Table 3.4.5: Current and Desired Service Levels – Coastal Walking Trail

Key Performance Measure	Level of Service Objective	Performance Measure Process	Current Level of Service	Desired Level of Service
COMMUNITY LEVELS OF SERVICE				
Quality	Customer satisfaction	Customer Survey	Unknown	To be determined
Function	Meets user requirements	Customer Service Requests	10 Customer Service Requests were logged in the last year.	To be determined
Safety	Does not cause user hazard	Insurance Claims	Unknown	Nil Insurance Claims
TECHNICAL LEVELS OF SERVICE				
Condition	Average Condition of Assets (Average Weighted by CRC of assets)	Condition scores (1, good – 5, bad) at periodic inspections. (% consumption)	1.87, average all assets inspected (47%)	Maintain at current level
Condition	Assets not providing acceptable level of service	Assets past expiry	6 Assets requiring replacements	Nil Assets requiring replacements
Condition	Assets requiring immediate repair/maintenance	Defects recorded at periodic inspections	200 defects recorded at last inspection: <ul style="list-style-type: none"> • Environmental Defects – Erosion, vegetation encroachment, water ponding etc. 74 Locations • Safety Defects – Trip hazard, slippery path 65 Locations • Structural Defects – Corroded steel, split timber etc. 61 Locations 	To be determined

Appendix B Data Sources and assumptions

The following data sources and assumptions have been used in the compilation of this report:

TRANSPORT ASSET PORTFOLIO

Road Seal & Pavement

In 2012 ARRB collected road condition attribute data across the Council network, including:

- Visual data populated via interrogation of images i.e. cracking surface defects etc.
- Surface texture
- Roughness
- Rutting

This data was subsequently analysed to produce a program of works and estimated remaining life of each seal and pavement, in part initially by ARRB and later by Asset Engineering Pty Ltd. Renewal costs have been calculated with reference to council's actual costs in undertaking works, council contracts and Rawlinsons Australian Construction Cost Guide.

Kerbing

In 2010 Council undertook an extensive condition audit of its kerb network, which found approximately 5% of Councils kerb network was below level of service standards mainly due to sections of kerb that were cracked and lifted by trees mostly. Council's kerb replacement program is predominantly developed around the road resealing program with small sections of kerb being replaced prior to a reseal.

For the preparation of the AMP it has been assumed that 5% of the adjacent kerb is replaced in each street prior to a reseal taking place. Renewal costs have been calculated with reference to council's actual costs in undertaking works, council contracts and Rawlinsons Australian Construction Cost Guide.

Footpaths

Council currently (and for some time) has not undertaken renewal of footpaths on a complete segment basis, but rather continually 'repairs' defects (trip steps / cracked slabs) on footpaths through replacement of small sections of path.

Council's 2014/15 budget had a figure of \$1,191k for such works and based on the network coverage undertaken each year, the entire network would likely be expected to be completed over a period of 18 years. This AMP has been based on increasing this funding to \$1.4m per year which will enable Council to complete the entire network over a period of approximately 15 years.

On average over the last 6 years there has been \$211k pa (up to 2014/15) allocated to the construction of new footpaths. It should be noted that this AMP has not included new footpath construction.

Traffic Control Devices

The traffic control device data compiled by APV Valuers (from Council data) has been used in the development of this AMP. The remaining life documented by APV has been used in the development of the projected renewals.

Renewal Costs have been estimated from Councils valuation CRC with no allowance for a residual i.e. renewal cost = depreciable amount + residual. This was found to reflect estimated actual renewal costs.

Signage

The sign data compiled by APV Valuers (from Council data) has been used in the development of this AMP. An annual renewal cost has been estimated from the valuation register by recalculating the annual depreciation figure assuming no residual value and straight line depreciation. Since there are many thousands of signs, all in varying condition states it is considered that this method establishes a reasonable sustainable renewal estimate.

Bus Shelters

Data relating to bus shelters has been taken from 2014 valuation information and a condition assessment undertaken by Maloney Field Services. A renewal cost of \$9,000 has been defined through the preparation of this AMP to reflect a replacement of existing shelter infrastructure to current service levels and Council construction techniques.

Bridges

The renewal year of bridges has been derived from a 2011 survey of the bridge network undertaken by DPTI's Transport Services. Bridges are classified as either footbridges or road bridges and it is noted that no road bridges are due for complete renewal within the term of the AMP whereas there are several footbridges due for renewal within the term of this AMP.

Also included in the renewal costs is a list of capital partial renewal works identified by DPTI during the 2011 survey. Renewal Costs have been estimated from Councils valuation CRC with no allowance for a residual i.e. renewal cost = depreciable amount + residual. This was found to reflect estimated actual renewal costs.

STORMWATER ASSET PORTFOLIO

Closed circuit television video (CCTV) is the method of inspecting the structural condition and deterioration of underground drainage.

To date 9.3% of the total drainage network has been reviewed by the CCTV survey which represents 49.6% of the replacement value of the total drainage network. Based on this review and that the drainage network has a remaining life greater than 40 years, it is assumed that the majority of the drainage network is in fair to good condition. Further CCTV inspection of drains will be undertaken to validate this assumption and included in the next review of this AM plan.

Stormwater Management Plans have also been developed for Hallett Cove Creeks and Marion-Holdfast which have informed the preparation of this plan and the LTFP.

OPEN SPACE ASSET PORTFOLIO**Playgrounds / Playspace**

Consulting Coordination Pty Ltd audit of playgrounds was conducted in 2012 has been used to define the priority (year) for renewal of playgrounds and the cost of that renewal where available.

Maloney Valuations 2011 have been used to define the renewal costs of existing playgrounds where the Consulting Coordination Pty Ltd information was not available.

Tennis Courts

"Marion Tennis Facilities, March 2013" (Tennis SA) has been used as the basis for determining the renewal cost and date for all Council Courts not coming under the jurisdiction of clubs. In addition, courts were broken down into components (acrylic surface, asphalt, and base) and individual unit rates used to predict a renewal program.

It should be noted that tennis courts occupied exclusively by clubs and not available for public use have been removed from this version of the AMP since these are the responsibility of the clubs to maintain and renew under existing lease arrangements.

Irrigation:

This AMP has been developed using an investigation and report entitled "Landscape Irrigation Management Plan", prepared by IPOS Consulting in June 2013. This report has assumed that in line with Council's adopted Irrigation Management Plan, whereby only portions of reserves where activity is centred will be irrigated.

In addition it has assumed that reserves with an irrigation system that is currently inactive will remain that way i.e. no allowance has been made for renewal of the asset. The exception to this is where the reserve is where the reserve is one of the reserves proposed to be irrigated from the Oaklands Park Aquifer Storage and Recovery Scheme.

Ancillary Assets:

Maloney Valuations 2011: The Maloney infrastructure valuations have been used to define the renewal costs and dates of all the other assets contained within the open space asset portfolio such as sports courts, lighting, carparks, artwork, structures, fences, bins, paths etc.

BUILDING PORTFOLIO

At present, the City estimates required renewals by in desktop exercises. A recommendation is that regular condition assessments should be undertaken (e.g. every 3 years) to monitor the deterioration of the asset stock and to provide accurate information for renewal modelling. A recommendation has been included in the Improvements Plan.

COASTAL WALKING TRAIL PORTFOLIO

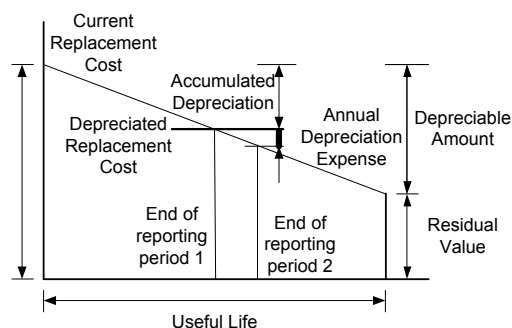
Condition was monitored by undertaking a visual inspection of every asset and logging condition attributes:

- Structural Condition – A score of 1-5 was assigned based on apparent structural adequacy of the section/item in question, identified only via a visual assessment.
- Age – A score of 1 to 5 was determined based on the apparent age of the asset as a proportion of its useful life.
- Visual – A score of 1-5 was assigned based on the visual appearance of an asset. An asset that is visually as new was assigned a 1 with assets subject to graffiti, staining etc given higher scores.

ASSET VALUATIONS

The value of assets as appearing in Councils audited financial statements as 30 June 2014 are shown below.

Current Replacement Cost	\$884.2 m
Depreciable Amount	\$609.5 m
Depreciated Replacement Cost ⁹	\$699.9 m
Annual Depreciation Expense	\$10.4 m



⁹ Also reported as Written Down Current Replacement Cost (WDCRC).

**CITY OF MARION
GENERAL COUNCIL MEETING
19 January 2016**

Originating Officer: David Melhuish - Senior Policy Planner

Manager: Steve Hooper - Manager Development & Regulatory Services

General Manager: Abby Dickson, City Development

Subject: Castle Plaza Activity Centre Development Plan Amendment (DPA) – Final Draft for Ministerial Approval (Amended)

Report Reference: GC190116R07

REPORT OBJECTIVES:

The purpose of this report is to seek Council's consideration and endorsement of the Department of Planning, Transport and Infrastructure's (DPTI's) recommended amendments to the final draft of the Castle Plaza Activity Centre DPA for Ministerial authorisation.

EXECUTIVE SUMMARY:

At the 28 April 2015 General Council Meeting, Council endorsed the final draft of the Castle Plaza Activity Centre Development Plan Amendment (DPA) as being suitable for the Minister's consideration with the proviso that final Ministerial authorisation (if considered appropriate) is subject to the endorsement of a report written by an accredited site contamination auditor, which confirms the suitability of the subject site for the intended uses outlined in the DPA.

It is understood that the EPA/DPTI are currently awaiting final documentation from the auditor.

DPTI has now reviewed the DPA and advised Council of a number of issues that require clarification and/or amendment before the document is forwarded to the Minister. The DPA has been put on-hold pending Council lodging amended documentation.

The amendments to the DPA have been undertaken and Council's consideration and endorsement are now sought.

RECOMMENDATIONS (2)

DUE DATES

That Council:

- | | |
|--|-----------------|
| 1. Endorse the amendments made to the Castle Plaza Activity Centre Development Plan Amendment and forwards the document to the Minister. | Jan 2016 |
| 2. Advises the Minister that the Castle Plaza Activity Centre Development Plan Amendment is at a stage suitable for the Minister's consideration, with the proviso that final Ministerial authorisation (if considered appropriate) is subject to the | Jan 2016 |

endorsement of a report written by an accredited site contamination auditor, which confirms the suitability of the subject site for the intended uses outlined in the DPA.

BACKGROUND

The subject land comprises the existing Castle Plaza Shopping Centre and the former Hills Industry site on the northern side of Raglan Avenue.

In summary, the DPA proposes the following:-

- A Mixed Use Zone facilitating the redevelopment and expansion of the existing shopping centre into a more intensely developed, compact and vibrant “mixed use activity centre” with a focus on integration with public transport;
- Inclusion of a range of appropriate and compatible commercial, cultural, civic and community uses;
- Creation of “active frontages” at street level to provide a sense of vitality;
- Provision for higher density housing (both stand alone and above compatible commercial and retail uses);
- Creation of a network of pedestrian and cycle paths to provide ease of movement through the area for non-vehicular modes of travel;
- Closure of a section of Raglan Avenue to create a pedestrianised mall with cafes, restaurants etc. that provide after-hours activity;
- Realignment of Ackland Street, providing a connection between Raglan Avenue and the Edward Street/South Road intersection;
- Creation of high quality open space and public plaza areas, incorporating landscaping, street furniture and public art, for people to socialise and enjoy;
- A possible future train station located adjacent the area at Raglan Avenue; the northern end of which would provide a shared use pedestrian/bicycle link to and from the centre across the railway line for residents to the west;
- Creation of a new character for the locality with high quality contemporary architectural styles at greater density, scale and height.

Public and Agency Consultation of the DPA was undertaken between 3 November 2010 and 12 January 2011.

Following consultation amendments were made to the DPA (where required) and a final draft of the DPA produced for the consideration of the Council.

At the 28 April 2015 General Council Meeting Council endorsed the DPA as being suitable for the Minister’s consideration with the proviso that final Ministerial authorisation (if considered appropriate) is subject to the endorsement of a report written by an accredited site contamination auditor, which confirms the suitability of the subject site for the intended uses outlined in the DPA.

ANALYSIS:

DPTI has now reviewed the DPA and advised Council of a number of issues that require clarification and/or amendment before the document is forwarded to the Minister. The DPA has been put on-hold pending Council lodging amended documentation.

The changes identified by DPTI are primarily a result of proposed policies within the Castle Plaza DPA duplicating policies that were introduced into the Development Plan through the Tonsley Park Redevelopment and General Amendments DPA in 2013 and therefore are no longer required in the proposed Mixed Use Zone. Although the Castle Plaza DPA pre-dates

the Tonsley Park DPA its progress has been delayed, predominantly due to contamination issues.

The policy in question within the DPA is either:

- covered in other sections/modules of the Development Plan :-
 - Medium and High Rise Development (3 or More Storeys)
 - General Residential Development
 - Transport and Access
- covered under a different heading within the Mixed Use Zone
- no longer part of the SA Planning Policy Library so has been recommended for removal
- been amended to take into consideration future changes to the South Road corridor

The amendments to the DPA have been undertaken and Council's consideration and endorsement is now sought.

(A 'tracked changes' version of the amended DPA is attached as Appendix 1)

An audit of the remediation works for the former Hills site has been undertaken by an accredited environmental auditor. The auditor has engaged with the EPA to ensure that the audit process is to their satisfaction.

It is anticipated that a final report from the auditor will be issued to the EPA for their endorsement in early 2016.

If Council is comfortable with DPTI's recommended amendments and are of the opinion that the DPA is in a suitable form for authorisation, subject to confirmation that the site is suitable for the proposed uses from the auditor, the amended document will be forwarded to the Minister for consideration.

Consultation

The DPA was placed on public and agency consultation and a public hearing was held pursuant to the standard DPA process.

Communication

The DPA process has involved communication with numerous members of staff from various departments.

Policy Implications

Approval of the proposed DPA would result in a change in land use zoning and associated policy for the subject site from Industrial to a mixed use which would facilitate the desired future development of the site.

Social / Cultural Impact

Rezoning of and development of the site in line with the DPA would enable the provision of additional mixed retail/commercial facilities, the provision of a greater choice in residential accommodation and a substantial enhancement of the aesthetic quality of the subject area and its surrounds.

Economic Impact

The uses being considered for the subject site should result in an economically viable development of the land (retail/commercial and residential uses) and provide additional employment to the area. It would also enable the much needed transition of business activity in the Marion Council area away from traditional manufacturing to a service based economy, thereby facilitating employment growth.

CONCLUSION:

A number of changes have been made to the policy within the previous version of the Castle Plaza DPA, forwarded to the Minister for Approval, to amongst other things; address the issue of duplicating policies that are currently within other sections of the Development Plan.

Council's consideration and endorsement of the amended final draft of the DPA is being sought prior to the document being forwarded to the Minister for authorisation.

Appendix 1: Tracked Changes version of Amended DPA

Development Plan Amendment

By the Council

Castle Plaza Activity Centre Development Plan Amendment

The Amendment

Marion Council

For Approval

Castle Plaza Activity Centre Development Plan Amendment

Approved by the Minister responsible for the administration of the
Development Act 1993 pursuant to Section 25 (18), of the
Development Act 1993.

.....
Minister's Signature

Date.....

Castle Plaza Activity Centre Development Plan Amendment
Marion Council
Amendment Instructions Table

Amendment Instructions Table					
Name of Local Government Area: City of Marion					
Name of Development Plan: Marion Council Development Plan					
Name of DPA: Castle Plaza Activity Centre Development Plan Amendment					
<p><i>The following amendment instructions (at the time of drafting) relate to the Marion Council Development Plan consolidated on 19 March 2015.</i></p> <p><i>Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.</i></p>					
Amendment Instruction Number	Method of Change	Detail what is to be replaced or deleted or detail where new policy is to be inserted.	Detail what material is to be inserted (if applicable, i.e., use for <u>Insert</u> or <u>Replace</u> methods of change only).	Is Renumbering required (Y/N)	Subsequent Policy cross-references requiring update (Y/N) if yes please specify.
COUNCIL WIDE / GENERAL SECTION PROVISIONS (including figures and illustrations contained in the text)					
Amendments required (Yes/No): No					
Residential Development					
1.	Replace	PDC 19 (table)	Reference to "No minimum requirement" in column 2 to: "8 square metres"	N	N
ZONE AND/OR POLICY AREA AND/OR PRECINCT PROVISIONS (including figures and illustrations contained in the text)					
Amendments required (Yes/No): Yes					
Commercial Zone					
4-2.	Replace	Precinct 1 Edwardstown District Centre Fringe heading and PDC 9 (Page 127)	All references to "District Centre" or " <u>District Centre Zone</u> " with the following: "Activity Centre"	N	N
Mixed Use Zone (proposed)					
2-3.	Insert	Immediately following the Mineral Extraction Zone	Attachment A (new Mixed Use Zone)	N	N
TABLES					
Amendments required (Yes/No): Yes					
Table Mar/5 – Bicycle Parking Requirements for Mixed Use Zone (proposed)					
3-4.	Insert	Immediately following Table Mar/4 – State heritage places	Attachment B (new Table Mar/5 – Bicycle Parking Requirements for Mixed Use Zone)	N	N

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MAPPING (Structure Plans, Overlays, Enlargements, Zone Maps, Policy Area & Precinct Maps)					
Amendments required (Yes/No): Yes					
Map Reference Table					
4-5	Delete	Within Zone Maps heading and District Centre Zone listing	References to Mar/3 and Mar/6 within Column 2	N	N
5-6	Insert	Within Zone Maps heading, immediately following the Mineral Extraction listing	Mixed Use Zone within Column 1 and Mar/3, and Mar/6 <u>and Mar/18</u> within Column 2	N	N
6-7	Replace	Within Precinct Maps heading, the Precinct 1 Edwardstown District Centre Fringe	Precinct 1 Edwardstown Activity Centre Fringe	N	N
7-8	Insert	Within Precinct Maps heading, immediately following Precinct 11 Retail Support Marion	Precinct 12 Castle Plaza Environmental Audit Area in column 1 and Mar/3, Mar/6, Mar/18 in column 2	N	N
<u>9</u>	<u>Insert</u>	<u>Within Precinct Maps heading, immediately following Precinct 12 Castle Plaza Audit Area</u>	<u>Precinct 13 Limited Residential Development in column 1 and Mar/3 and Mar/18 in column 2</u>		
8-10	Insert	Concept Plan Maps heading, immediately following Concept Plan Map Mar/87 – Sturt Triangle (Marion) Tonsley Park	Concept Plan Map Mar/98 – Castle Plaza Activity Centre Mixed Use Zone	N	N
9-11	Replace <u>Insert</u>	<u>Overlay Map Numbers for Affordable Housing</u>	<u>Mar/3, Mar/6, Mar/8 and Mar/18</u>		
<u>12</u>	Replace <u>Insert</u>	<u>Overlay Map Numbers for Noise and Air Emissions</u>	<u>Mar/3, Mar/6, Mar/8 and Mar/18</u>		
Overlay Maps Mapping					
10-13	Replace	Affordable Housing Map Mar/3 Air and Noise Emissions Map Mar/3 Zone Map Mar/3 Policy Area Map Mar/3 Precinct Map Mar/3	Attachment C (Map Series Mar/3)	N	N
11-14	Replace	Affordable Housing Map Mar/6 Air and Noise Emissions Map Mar/6 Zone Map Mar/6 Precinct Map Mar/6	Attachment D (Map Series Mar/6)	N	N
12-15	Replace	Affordable Housing Map Mar/18 Air and Noise Emissions Map Mar/18 Zone Map Mar/18 Policy Area Map Mar/18 Precinct Map Mar/18	Attachment E (Map Series Mar/18)	N	N
13-16					
Concept Plan Maps					
14-17	Insert	Following Concept Plan Map Mar/8 – Tonsley Park	Attachment F (new Concept Plan Map Mar/9)	N	N

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Amendment Instructions Table

46.18					
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ATTACHMENT A

Mixed Use Zone

Refer to the [Map Reference Tables](#) for a list of the maps that relate to this zone.

OBJECTIVES

- 1 A mixed use zone accommodating a mix of employment generating land uses and medium to high density residential development and short term accommodation in close proximity to a high frequency public transport corridor.
- 2 Retail, commercial, community, civic and residential uses within a mixed use environment that are compatible with surrounding development and do not compromise the amenity of surrounding residential areas.
- ~~3 Affordable housing that is integrated into residential and mixed use development.~~
- 43 Smaller dwellings, including innovative housing designs located close to local services and public transit stations.
- 54 Mixed use development integrated with ~~areas of a high~~ quality public realm ~~that promotes and oriented to maximise~~ walking, cycling, public transport patronage and ~~to also promote~~ positive social interaction.
- ~~5 A zone that provides a spatial separation, or transitions down, in scale and intensity to adjacent lower density residential zones.~~
- 6 Creation of a network of pedestrian and cycle routes linking retail, employment and residential activities with each other and public transport nodes and connection to cycling and walking networks outside the zone including the proposed 'Greenway' along the Adelaide - Seaford Railway Line.
- 7 Development that contributes to the desired character of the zone.

DESIRED CHARACTER

The Mixed Use Zone is intended to facilitate the redevelopment and expansion of an existing traditional retail centre into a more vibrant, compact and intensely developed mixed use activity centre with a focus on integration and connectivity between land uses and public transport facilities.

While the zone will continue to accommodate the weekly shopping and comparison goods needs of the surrounding community, it is envisaged that development will progressively expand the community and employment role of the zone through the provision of a range of appropriate and compatible commercial, cultural, entertainment, educational, civic and community uses.

The provision of high density housing will contribute to the creation of a vibrant and accessible place during both business hours and after business hours. Vitality and sense of place will be facilitated by the creation of attractive, safe and accessible public spaces that are enclosed by buildings with base podiums of at least two storeys with a cohesive and continuous built form edge, reinforcing them as key spatial elements within the built fabric.

Coordinated redevelopment of large and amalgamated sites that are developed to their full potential is strongly encouraged. Amalgamation of allotments into larger sites will enable the achievement of optimum uses of land through the development of multi-storey buildings containing a mixture of retail, commercial and community activities at ground and lower levels, with residential apartments generally located above ground level.

The substantial redevelopment of the zone allows for the creation of a new character to the locality, with bold, high quality and contemporary architectural styles encouraged. The use of iconic built form and scale is

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appropriate in gateway locations to emphasise major arrival focal points, accentuate key corners and terminate vistas. Building scale will take account of the lower scale residential areas located to the south of the zone.

[Development will make provision for the proposed future North-South Road Corridor.](#)

Development will respond to the need for a high quality pedestrian environment through the retention of human scale at key frontages, and setbacks of higher elements of buildings that prevent uncomfortable micro-climatic conditions at ground level.

Public environments will become integrated with the spaces in the private realm in a manner that creates interconnected streets and paths, with architectural features and outdoor activities that will encourage pedestrian activity. These high quality spaces will incorporate landscaping and public art, together with high quality paving, street furniture and lighting that foster a sense of place and belonging for residents, workers and visitors.

It is expected that development will facilitate the realignment of Ackland Street, as shown in **Concept Plan Map Mar/9**, as the principal vehicular connection between Raglan Avenue, west of the rail line and Edward Street / South Road. All roadways within the zone will ensure the ease of pedestrian and bicycle movements throughout the zone and adjacent areas through their location and design.

The realignment of Ackland Street will allow for the remainder of Raglan Avenue to be transformed into a pedestrianised mall that reinforces a strong pedestrian connection between the northern and southern sides of the street. It is envisaged that land uses fronting the proposed mall will primarily comprise after hours activities in the form of cafes and restaurants as well as other activities that achieve vibrancy in this location.

Development will provide for the potential future provision of a train station and bus stops adjacent the rail line and ensure any future development adjacent this area, as shown on **Concept Plan Map Mar/8-9** can be integrated with such a facility. Given the provision of a train station is uncertain at this stage, development needs to also ensure linkages to existing train and bus services are provided until such time that station location is finalised.

Development will consolidate and coordinate car parking and service vehicle access points in order to reduce conflicts with key pedestrian paths. Car parking will be located and designed to prevent the use of valuable ground level land through provision of basement, roof top or multi-level parking areas integrated within buildings. A limited number of small at grade parking areas may be appropriate if located to the side or rear of buildings, with existing large car park areas progressively redeveloped with buildings.

Land adjacent to the zone includes a range of commercial and industrial activities. Residential and other environmentally sensitive development within the zone will need to acknowledge and respond to the function of existing and potential non-residential land uses through solutions that mitigate adverse impacts without affecting the long term viability of those uses.

Precinct 12 Castle Plaza Environmental Audit Area

Land within Precinct 12 Environmental Audit Area has historically had potentially contaminating activities occur over the land. As such, it is expected that further assessment of any contaminated land (and possibly appropriate levels of additional remediation) will be undertaken prior to the introduction of residential, open spaces and other sensitive land uses into the precinct.

Precinct 13 Limited Residential Development

Land within Precinct 13 Limited Residential Development has been remediated following historic use as part of the Hills Industries manufacturing site. The site has been assessed by an accredited Auditor under the Environmental Protection Act 1993 with recommendations made for limitations on future residential development. It is expected that no habitable basements or ground floor dwellings will be established in this location in accordance with the recommendations of the auditor.

PRINCIPLES OF DEVELOPMENT CONTROL

Land Use

- 1 The following forms of development are envisaged in the zone:
 - affordable housing
 - aged care accommodation (in the form of a residential flat building)
 - community centre
 - consulting room
 - dwellings (in the form of a residential flat building)
 - entertainment venue
 - hotel
 - library
 - office
 - pre-school
 - serviced apartment
 - shop or group of shops (other than bulky goods retailing)
 - student accommodation

- 2 The following additional forms of development, or combination thereof, are only envisaged within ~~the~~ Area 2 of the zone, identified on **Concept Plan Map Mar/89**:
 - discount department store
 - supermarket

- 3 Retail land uses should:
 - (a) provide convenience goods and a range of comparison goods to serve the major weekly shopping needs of residents, workers and visitors of the surrounding district and in the zone
 - (b) be located principally at ground level with activation of public spaces
 - (c) only comprise discount department stores, supermarkets or mini-major tenancies within Area 2 identified in **Concept Plan Map Mar/9**.

- 4 Residential development should only be established outside of Area 1 identified within **Concept Plan Map Mar/9**.

- 5 Land uses that generate high levels of pedestrian activity should be located at ground level ~~and to~~ contribute to the enlivening and surveillance of the public realm.

- 6 Land uses should be established with a view to promoting after-hours use to reinforce the centre as the focus of social activity in the district.

- 7 Development listed as non-complying is generally inappropriate.

Form and Character

- 8 Development should not be undertaken unless it is consistent with the desired character for the zone.

- 9 Development should be in accordance with relevant **Concept Plan Map Mar/9**.
 - ~~1022~~ — Dwellings should achieve a minimum net residential site density of 67 dwellings per hectare.
 - ~~1123~~ — Dwellings should only be developed within residential flat buildings or mixed use buildings of 4 storeys or greater.

- ~~120~~ Development should be designed to ensure that:

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- (a) the building fronting the street or public space forms the base podium of no less than two storeys and no greater than four storeys with the highest scale of development, being four storeys or greater, in the centre of the site
- (b) the development enables an adequate level of daylight, sunlight, privacy and suitable wind patterns in relation to surrounding development and pedestrian environments
- (c) vehicle access is integrated into the design of the development
- (d) pedestrian access is safe and convenient through buildings and surrounding spaces

13~~4~~ Development along the southern side of Raglan Avenue, west of Brooks Street should be a maximum of four storeys or ~~44-16.5~~ metres in height and set back in the following manner:

- (a) buildings no greater than 3 metres in height located on the southern boundary
- (b) buildings greater than 3 metres in height set back from the southern boundary an additional 2 metres for every 1 metre height above 3 metres

Design and Appearance

14~~2~~ Buildings should be built to the property boundary of public roads and open spaces in order to:

- (a) create a continuity of frontage along streets and public spaces
- (b) provide definition, enclosure and interaction with the public realm
- (c) promote an active, interesting and vibrant frontage and streetscape ~~through:~~
 - ~~(i) including features that attract people to the locality such as frequent doors and display windows, retail shopfronts and outdoor eating or dining areas spilling out onto footpaths~~
 - ~~(ii) minimising the frontage for fire escapes, service doors, plant and equipment hatches and uninterrupted walling~~
 - ~~(iii) avoiding basement or ground floor vehicle parking that is visible from the primary street frontage~~
 - ~~(iv) using colour, vertical and horizontal elements, roof overhangs and other design techniques to provide visual interest and reduced massing~~
- (d) contribute to the safety and security of the pedestrian environment.

~~13~~ Where zero or minor setbacks are desirable, development should incorporate shelter over footpaths to enhance the quality of the pedestrian environment.

~~14~~ The ground floor level of buildings (including the foyer areas of residential buildings) should be designed to enable surveillance from public land to the inside of the building at night.

~~15~~ Dwellings and accommodation at ground floor level should contribute to the character of the locality and create active, safe streets by incorporating at least one of the following:

- ~~(a) front landscaping or terraces that contribute to the spatial and visual structure of the street while maintaining adequate privacy for occupants~~
- ~~(b) individual entries for ground floor accommodation~~
- ~~(c) opportunities to overlook adjacent public space.~~

~~16~~ Entrances to multi storey buildings should:

- ~~(a) be oriented towards the street~~

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~~(b) be clearly identifiable~~

~~(c) provide shelter, a sense of personal address and transitional space around the entry~~

~~(d) provide separate access for residential and non-residential land uses.~~

~~157~~ Development on ~~major corner or landmark sites, as identified within **Concept Plan Map Mar/9** of gateway locations~~ should:

~~(a) increase building height or roof expression at the corner to emphasise the importance of the street corner~~

~~(ba)~~ define and create a landmark building which addresses all street frontages and public spaces by incorporating ~~corner~~ elements such as verandahs, balconies and other articulation in the design of the building

~~(eb)~~ incorporate prominent entrances, windows or architectural elements.

Environmental

~~18~~ Multi-storey buildings should:

~~(a) minimise detrimental micro-climatic and solar access impacts on adjacent land or buildings, including effects of patterns of wind, temperature, daylight, sunlight, glare and shadow~~

~~(b) provide weather protection for pedestrians against rain, wind and sun~~

~~(c) incorporate roof designs that enable the provision of rain water tanks (where they are not provided at ground level or underground), photovoltaic cells and other features that enhance sustainability.~~

~~19~~ Green roofs (which can be a substitute for private or communal open space provided they can be accessed by occupants of the building) are encouraged on all new residential, commercial or mixed use buildings.

~~20~~ Development of 5 storeys or 21 metres or more in total building height should be designed to avoid wind tunnel effects by adopting one or more of the following:

~~(a) a podium at the base of a tall tower and aligned with the street to deflect wind away from the street or~~

~~(b) substantial verandahs around a building to deflect downward travelling wind flows or~~

~~(c) placing one building windward of another building.~~

~~24~~~~16~~ Public open spaces in the form of landscaped plazas, small parks and shared traffic zones should be provided in accordance with **Concept Plan Map Mar/9** and should:

(a) incorporate landscaped settings, shelter and recreational activities suitable for residents of dwellings within the zone

(b) take advantage of existing mature vegetation including significant trees

(c) provide an attractive focal point where residents, workers and visitors can stop, view, socialise and rest

(d) enable views from nearby streets and other public places to encourage active use by all residents and visitors

(e) be accessible and usable for all ages and for people with disabilities

(f) provide an appropriate setting for dwellings at higher densities, particularly taller buildings, whilst encouraging a sense of place for residents and visitors

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- (g) incorporate landscaping which includes local indigenous plantings and other treatments to complement surrounding buildings and soften built form
- (h) be designed to facilitate passive surveillance
- (i) incorporate high quality paving treatments, street furniture, lighting and public art to foster a sense of place and belonging
- (j) provide for water sensitive urban design measures.

Dwelling Configuration

~~22—Dwellings should achieve a minimum net residential site density of 67 dwellings per hectare.~~

~~23—Dwellings should only be developed within residential flat buildings or mixed-use buildings of 4 storeys or greater.~~

~~24—Buildings comprising more than 20 dwellings should provide a variety of dwelling sizes and a range in the number of bedrooms per dwelling.~~

1725 Dwellings should provide a high quality living environment by ensuring the following minimum internal floor areas:

Dwelling configuration	Minimum internal floor area (including internal storage but excluding car parking or open space) requirement.
Studio (where there is no separate bedroom)	37 square metres
1 bedroom dwelling	50 square metres
2 bedroom dwelling	75 square metres
3 + bedroom dwelling	100 square metres

Adaptability

~~26—Multi-storey buildings should include a variety of internal designs that will facilitate adaptive reuse.~~

2718 The ground and first floors of buildings should be built to dimensions including a minimum ceiling height of 4.5 metres to allow for adaptation to a range of land uses including shops, office and residential without the need for significant change to the building.

~~Building Separation and Outlook~~

~~28—Residential buildings (or the residential floors of mixed-use buildings) should:~~

- ~~(a) have adequate separation between habitable room windows and balconies to provide visual and acoustic privacy for dwelling occupants and allow the infiltration of daylight to interior and outdoor spaces~~
- ~~(b) ensure living rooms have a satisfactory short range visual outlook.~~

~~Private Open Space~~

~~29—The development of a residential flat building should include minimum private open space of at least the area shown in the following table. Private open space areas can be in the form of balconies, terraces or roof gardens directly accessible from a habitable room and should have a minimum dimension of at least 2 metres.~~

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Dwelling Configuration	Open space requirement
Studio (without separate bedroom)	8 square metres
One bedroom	8 square metres
Two bedroom	11 square metres
Three bedroom or greater	15 square metres

~~30 Up to 50 per cent of the private open space requirement may be substituted for the equivalent area of communal open space where:~~

- ~~(a) at least 50 per cent of the communal open space is visually screened from public areas of the development~~
- ~~(b) ground floor communal space is overlooked by habitable rooms to facilitate passive surveillance~~
- ~~(c) it contains landscaping and facilities that are functional, attractive and encourage recreational use.~~

~~Communal Open Space~~

~~31 Communal open space (provided for dwellings located above ground level and which is shared with more than one dwelling and is not publicly accessible) should exclude:~~

- ~~(a) any private open space~~
- ~~(b) public right of way~~
- ~~(c) private streets~~
- ~~(d) parking areas and driveways~~
- ~~(e) service and storage areas~~
- ~~(f) narrow or inaccessible strips of land.~~

~~32 Communal open space should be located and designed to:~~

- ~~(a) provide for the active and passive recreation needs of residents~~
- ~~(b) include an area of deep soil landscaping (an area of natural ground which excludes areas where there is a structure underneath, pools, and non-permeable paved areas)~~
- ~~(c) have a northerly aspect that provides at least 30 per cent of the required communal open space area with 2 hours of direct sunlight between 9.00 am and 3.00 pm on June 21~~
- ~~(d) have useable dimensions and site areas of at least 6m and 25% respectively.~~

~~33 Communal open space should only be located on elevated gardens or roof tops where the area and overall design is useful for the recreation and amenity needs of residents and is designed to:~~

- ~~(a) address acoustic, safety, security, and wind effects~~
- ~~(b) minimise overlooking into habitable room windows or onto the useable private open space of other dwellings~~
- ~~(c) facilitate landscaping and food production~~
- ~~(d) be integrated into the overall façade and composition of buildings.~~

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Movement Systems and Access

- | ~~3419~~ Development should provide for the realignment of Ackland Street and pedestrianisation of part of Raglan Avenue as shown in **Concept Plan Map Mar/9**.
- | ~~2035~~ Ackland Street should comprise an attractive, tree lined boulevard with wide footpaths and high quality pedestrian amenity and safety along its length.
- | ~~2136~~ Development should facilitate appropriate vehicular and pedestrian/bicycle movement linkages through the zone as shown in **Concept Plan Map Mar/9** through generous footpaths along the lined streets, the allocation of public open space, shared private and public open spaces, or through covered mall style thoroughfares.
- | ~~2237~~ Movement networks for vehicular, pedestrian and bicycle traffic within, through and entering/exiting the zone and surrounding areas should:
 - (a) connect any areas of open space within the zone
 - (b) provide safe and easy access to public transport routes
 - (c) ensure bicycle and pedestrian pathways are designed and landscaped so as to be easily identifiable, accessible and safe
 - (d) minimise potential conflicts between vehicular traffic, service vehicles and bicycle/pedestrian pathways
 - (e) connect with existing paths and bicycle network in surrounding locations.

Vehicle and Bicycle Parking

- | ~~2338~~ Development should be provided with the following reduced car parking requirements to reflect the level of access to public transport within the zone:

Type of Development	Number of Car Parks Required
Retail	4.1 spaces per 100m ² gross leasable floor area
Office and Commercial	1 space per 40m ² gross leasable floor area
Residential	1 space per dwelling plus
	1 space for every 5 two bedroom dwellings plus
	1 space for every 2 three bedroom dwellings
	1 space for every 5 dwellings for visitor parking

- | ~~2439~~ Secure bicycle parking facilities should be provided at the rate set out in **Table Mar/5 - Bicycle Parking Requirements for Mixed Use Zone**.
- | ~~2540~~ Development should provide coordinated car parking between land uses and should be arranged to provide orderly and convenient vehicular movement within and adjacent to the zone.
- | ~~2644~~ Development should make provision for roof top or basement car parking. The provision of additional at grade parking (other than in public streets) should be minimised, and where provided, should be located behind buildings which front public streets.
- | ~~42~~ ~~Vehicle parking spaces and multi-level vehicle parking buildings or parts of buildings should be located behind the main face of the building and should be designed to:~~
 - ~~(a) enhance active street frontages by providing land uses such as commercial, retail or other non-car park uses along ground floor street frontages~~
 - ~~(b) be designed to complement the surrounding built form in terms of height, massing and scale~~

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Attachment A

~~(c) incorporate facade treatments along major street frontages that are sufficiently enclosed and detailed to complement neighbouring buildings consistent with the desired character of the locality.~~

2743 Existing hard paved at grade car parks should be progressively redeveloped with buildings containing a mixture of land uses complementary to the retail focus of this location.

~~44 Designated parking spaces for service vehicles and loading areas should be provided in mixed use and non-residential use buildings within the boundary of the site and should not be located in areas where there is parking provided for any other purpose.~~

Comment [D1]: Updated version already in General section

Site Facilities and Storage

~~45 Dwellings should provide accessible storage facilities that meet the needs of occupants in accordance with the following:~~

Number of Dwellings	Minimum rate
Studio	6 cubic metres
1 bedroom dwelling/apartment	8 cubic metres
2 bedroom dwelling/apartment	10 cubic metres
3 plus bedroom dwelling/apartment	12 cubic metres

~~46 A total of 50 per cent of the storage space should be provided within the dwelling / apartment with the remainder provided in the basement or other communal areas.~~

~~47 A dedicated area for on-site collection and sorting of recyclable materials and refuse should be provided within all new development.~~

~~48 Development with a gross floor area of 2000 square metres or more should provide for the communal storage of waste by adopting:~~

~~(a) on-site storage and management of waste; or~~

~~(b) disposal of non-recyclable waste.~~

Comment [D2]: Updated version of this section is already in the General section of the Development Plan

Land Division

2849 Land division should amalgamate allotments and facilitate the provision of a broad range of development options, with allotments capable of accommodating:

- (a) multi-storey buildings comprising a mixture of land uses
- (b) movement networks, as identified in **Concept Plan Map Mar/9** that provide for strong connections and safe and convenient access to public facilities, public transport stops and adjacent future development sites.

PRECINCT SPECIFIC PROVISIONS

Refer to the [Map Reference Tables](#) for a list of the maps that relate to the following precinct(s).

**Castle Plaza Activity Centre Development Plan Amendment
Marion Council
Attachment A**

Precinct 12 Castle Plaza Environmental Audit Area

~~2950~~ Residential development should not occur unless:

- (a) a site contamination audit report has been prepared (by a site contamination auditor accredited by the EPA pursuant to the Environment Protection Act 1993) that assesses the suitability of the site for the intended use and
- (b) the development is undertaken in accordance with the recommendations contained in such a report.

Precinct 13 Limited Residential Development

~~3054~~ Residential development should not occur within the Precinct where it involves:

- (a) a dwelling a ground level or
- (b) a habitable basement structure.

~~3152~~ Development involving ground level private or communal open space and landscaping should be completed with a surface layer of at least 500mm depth of clean soil.

~~3253~~ Development should not include the extraction of groundwater from aquifers for any purpose.

**Castle Plaza Activity Centre Development Plan Amendment
Marion Council
Attachment A**

PROCEDURAL MATTERS

Complying Development

Complying developments are prescribed in Schedule 4 of the *Development Regulations 2008*.

Non-complying Development

Development (including building work, a change in the use of land, or division of an allotment) for the following is non-complying:

Form of development	Exceptions
Bulky goods outlet	
Detached dwelling	
Dwelling within Precinct 13 Limited Residential Development that includes a ground level dwelling or habitable basement.	
Fuel depot	
Group dwelling	
Horse keeping	
Horticulture	
Industry	Other than in the form of service industry
Intensive animal keeping	
Prescribed mining operations	
Road transport terminal	
Row dwelling	
Semi detached dwelling	
Service trade premises	
Stock sales yard	
Stock slaughter works	

**Castle Plaza Activity Centre Development Plan Amendment
Marion Council
Attachment A**

Form of development	Exceptions
Waste reception, storage, treatment or disposal	
Wrecking yard	

Public Notification

Categories of public notification are prescribed in Schedule 9 of the *Development Regulations 2008*.

Further, the following forms of development (except where the development is non-complying) are designated:

Category 1	Category 2
All kinds of development, except where the site of the development is adjacent land to land in another zone.	All kinds of development where the site of the development is adjacent land to land in another zone.

*Castle Plaza Activity Centre Development Plan Amendment
Marion Council
Attachment B*

ATTACHMENT B

**Castle Plaza Activity Centre Development Plan Amendment
Marion Council
Attachment B**

Table Mar/5 – Off-Street Bicycle Parking Requirements for Mixed Use Zone

Part 1: Bicycle Parking Ratios

The following bicycle parking requirements apply to development specifically in **Mixed Use** and **Corridor Zones**.

1. In residential and mixed use development, the provision of bicycle parking may be reduced in number and shared where the operating hours of commercial activities complement the residential use of the site.
2. Residential and mixed use development, in the form of multi-storey buildings, should provide bicycle parking in accordance with the following rates:

Form of Development	Employee/ R resident (b Bicycle P arking S paces)	Visitor/ S shopper (B bicycle P arking s Spaces)
Café / Restaurant	1 per 100m ² public area	2 spaces
Child Care Centre	1 per 20 employees	1 per 40 children
Community Centre	1 per 1500m ² gfa	2 plus 1/1500m ² gfa
Consulting Rooms	1 per 8 consulting rooms	1 per 4 consulting rooms
Dwelling	1 per dwelling	1 per 12 dwellings
Library	1 per 500m ² public area	4 plus 1 per 100m ² public area
Aged Care Accommodation / Nursing Home Residential component of multi-storey building / residential flat building	1 per 7 beds for every 4 dwellings	1 per 60 beds 1 for every 10 dwellings
Office	1 per for every 200m ² gfa square metres of gross leasable floor area	1 per 750m ² over 2 plus 1 per 1000 square metres of gross leasable floor area 4000m ²
Shop	1 per for every 300m ² gfa square metres of gross leasable floor area	1 per for every 600m ² gfa square metres of gross leasable floor area
University / Tertiary College Tourist Accommodation	1 per 10 full time students plus 1 per 20 employees 1 for every 20 employees	N/A 2 for the first 40 rooms plus 1 for every additional 40 rooms

**Castle Plaza Activity Centre Development Plan Amendment
Marion Council
Attachment B**

Part 2: Bicycle Parking Security Facilities

Security Level	Security Arrangements	Surveillance	Application
4 (High)	Bicycles are stored in a completely enclosed individual locker, such that the bicycle is protected from weather and hidden from view. A unique key is provided.	Direct surveillance not normally required, but lockers should be located in a reasonably well lit public place to deter vandalism.	All day parking where the owner continues on to a remote location (eg a public transport commuter); the facility is exposed to the general public, and no close surveillance is available.
2 (Medium)	Bicycles are stored in a secure communal compound, protected from the weather but not necessarily from view, and accessed via an attendant or by use of duplicate keys. Compounds have rails or fixtures where the bicycle can be secured with the owner's lock. Entrance gates are self closing and self locking	Where available to the general public, or in large workplaces or institutions, some level of direct surveillance may be necessary to ensure that there is no theft among users.	All day parking, where the owner may continue on to a remote location eg as a public transport commuter; or to a nearby location, eg a workplace, school or college; and some surveillance can be provided so as to ensure satisfactory operation.
3 (Low)	Bicycles are locked to a support rail to which there is open access. The rail is designed so that it supports the whole bicycle, and the frame and wheels can be locked to it using the owner's own chains and locks.	If to be used as long term parking facility, direct surveillance will be required. Short term facilities in well lit and highly visible public places may achieve a reasonable level of security without direct surveillance.	Short term parking on street or off street at eg shopping centres without direct surveillance, or for longer term parking at eg schools, colleges, workplaces, where direct surveillance is provided.

Note

1: gfa refers to gross floor area

Source: Adapted from AUSTROADS, Guide to Traffic Engineering Practice, Part 14 – Bicycles

ATTACHMENT C

Castle Plaza Activity Centre Development Plan Amendment
Marion Council
Attachment C



See enlargement map for accurate representation.
Lambert Conformal Conic Projection, GDA94

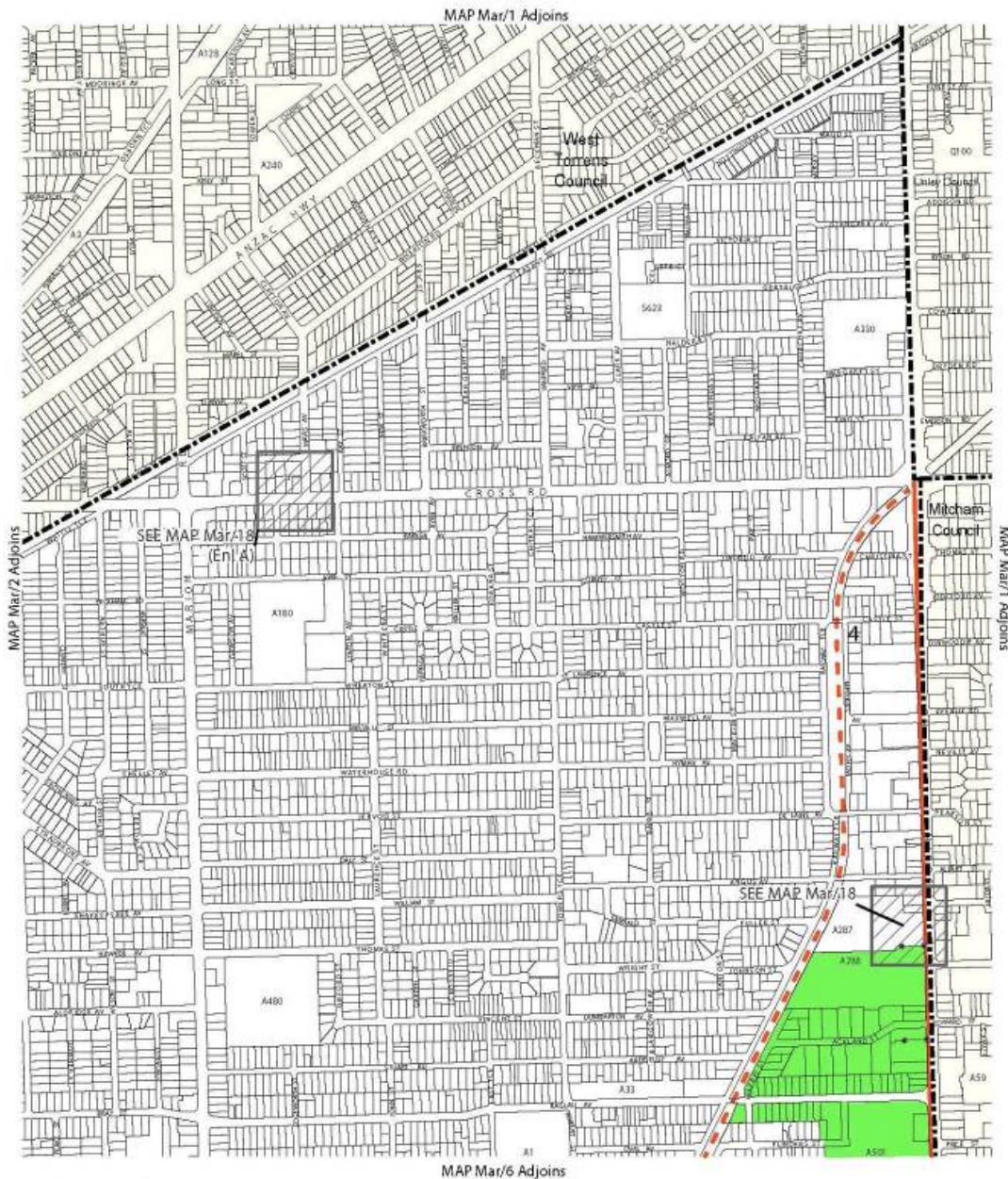


Overlay Map Mar/3 AFFORDABLE HOUSING

- Affordable Housing Designated Area
- Development Plan Boundary

MARION COUNCIL
Version A 5/4/15

Castle Plaza Activity Centre Development Plan Amendment
 Marion Council
 Attachment C



See enlargement map for accurate representation.
 Lambert's Conformal Conic Projection, GDA94

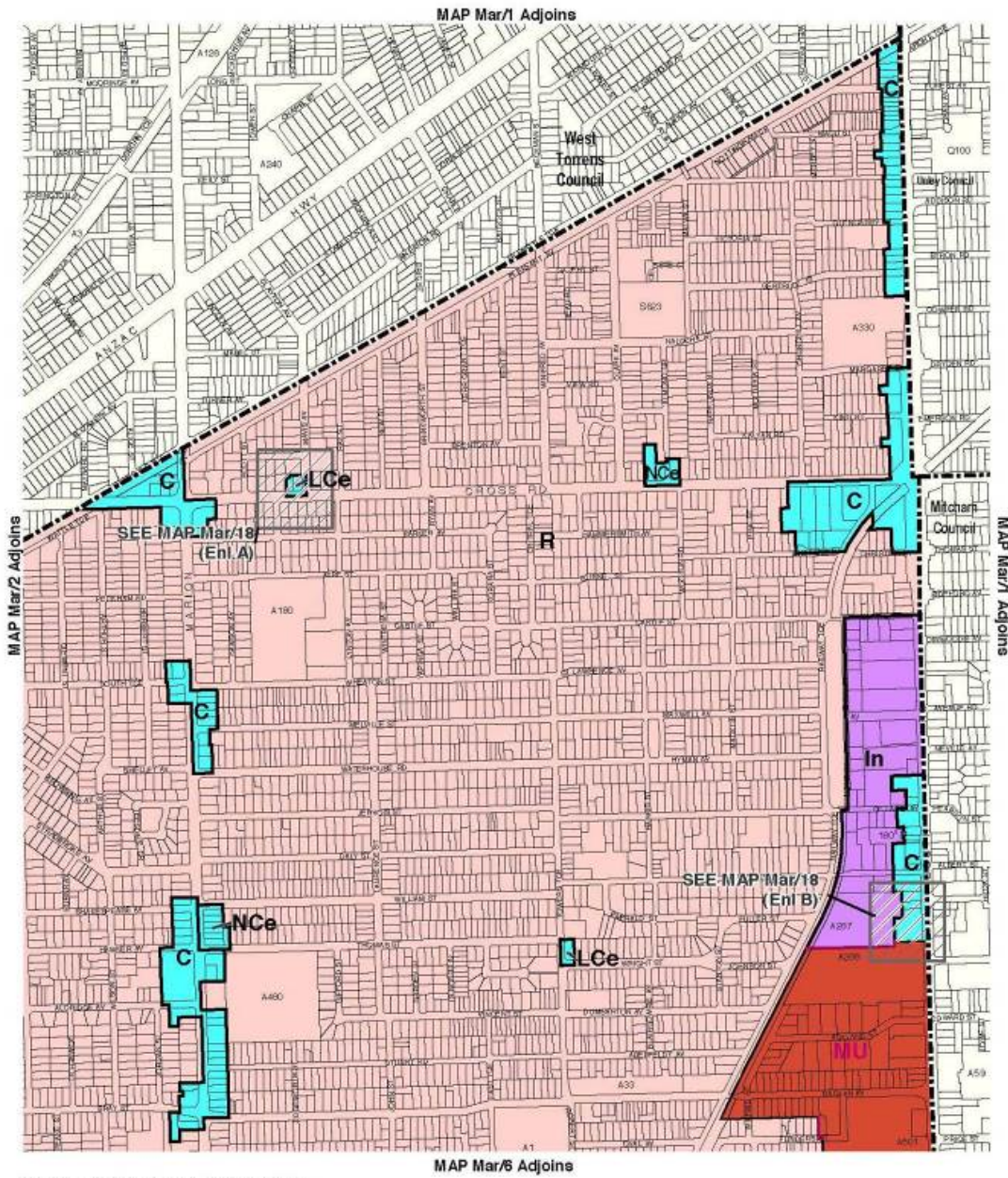


- Type A Road
- - - Train Line
- Noise and Air Emissions Designated Area
- Development Plan Boundary

Overlay Map Mar/3 NOISE AND AIR EMISSIONS

MARION COUNCIL
 Version A 5/4/15

Castle Plaza Activity Centre Development Plan Amendment
 Marion Council
 Attachment C



See enlargement map for a accurate representation.
 Lambert Conformal Conic Projection, GDA94

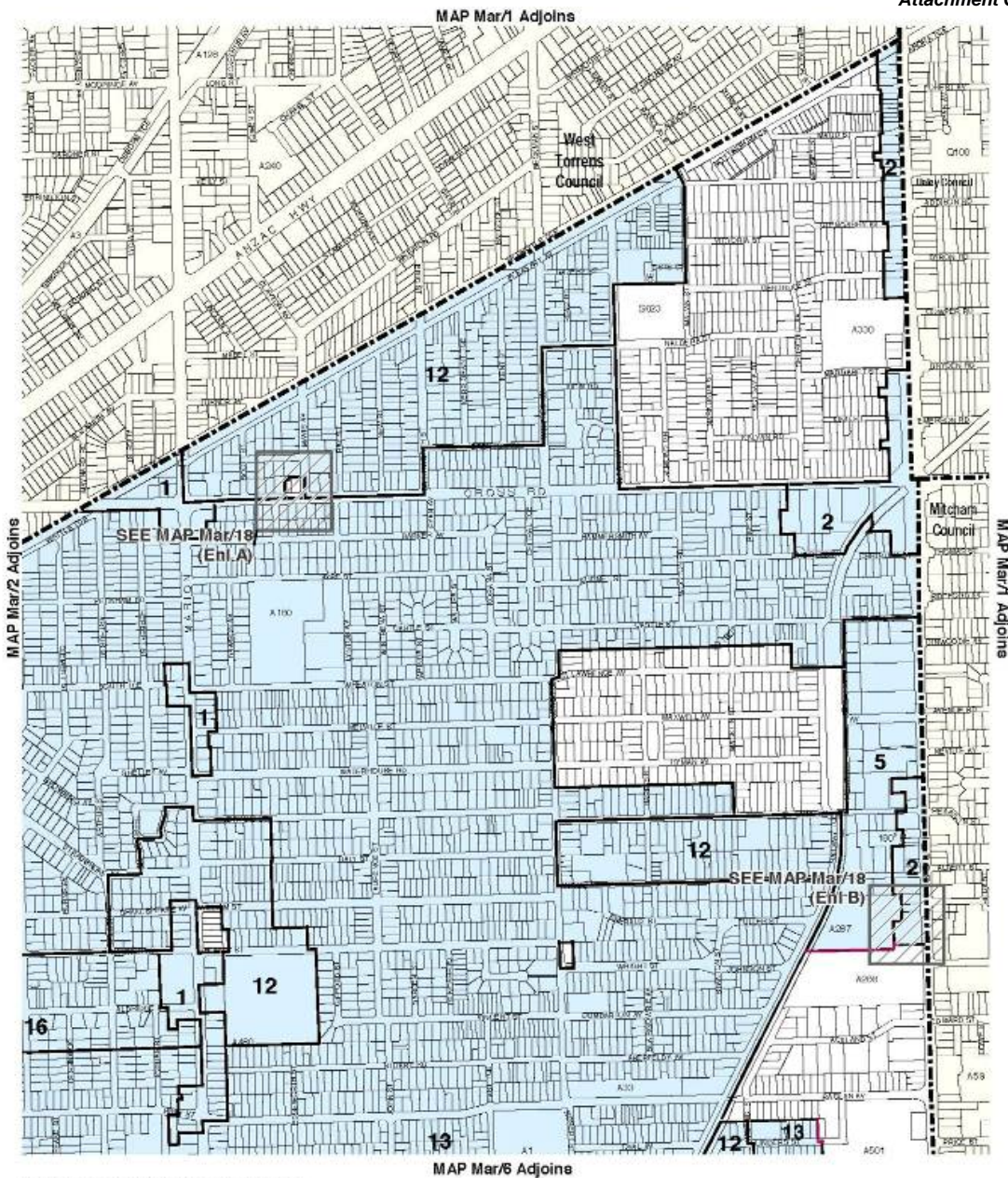


- Zones**
- Commercial
 - Industry
 - Local Centre
 - Neighbourhood Centre
 - Residential
 - Mixed Use
 - Zone Boundary
 - Development Plan Boundary

Zone Map Mar/3

MARION COUNCIL
 Version A 31/8/10

Castle Plaza Activity Centre Development Plan Amendment
 Marion Council
 Attachment C



See enlargement map for a accurate representation.
 Lambert Conformal Conic Projection, GD 4384

- Policy Area**
- 1 Marion Road
 - 12 Medium Density
 - 13 Northern
 - 16 Regeneration
 - 2 South Road
 - 5 Industry/Commerce Edwardstown

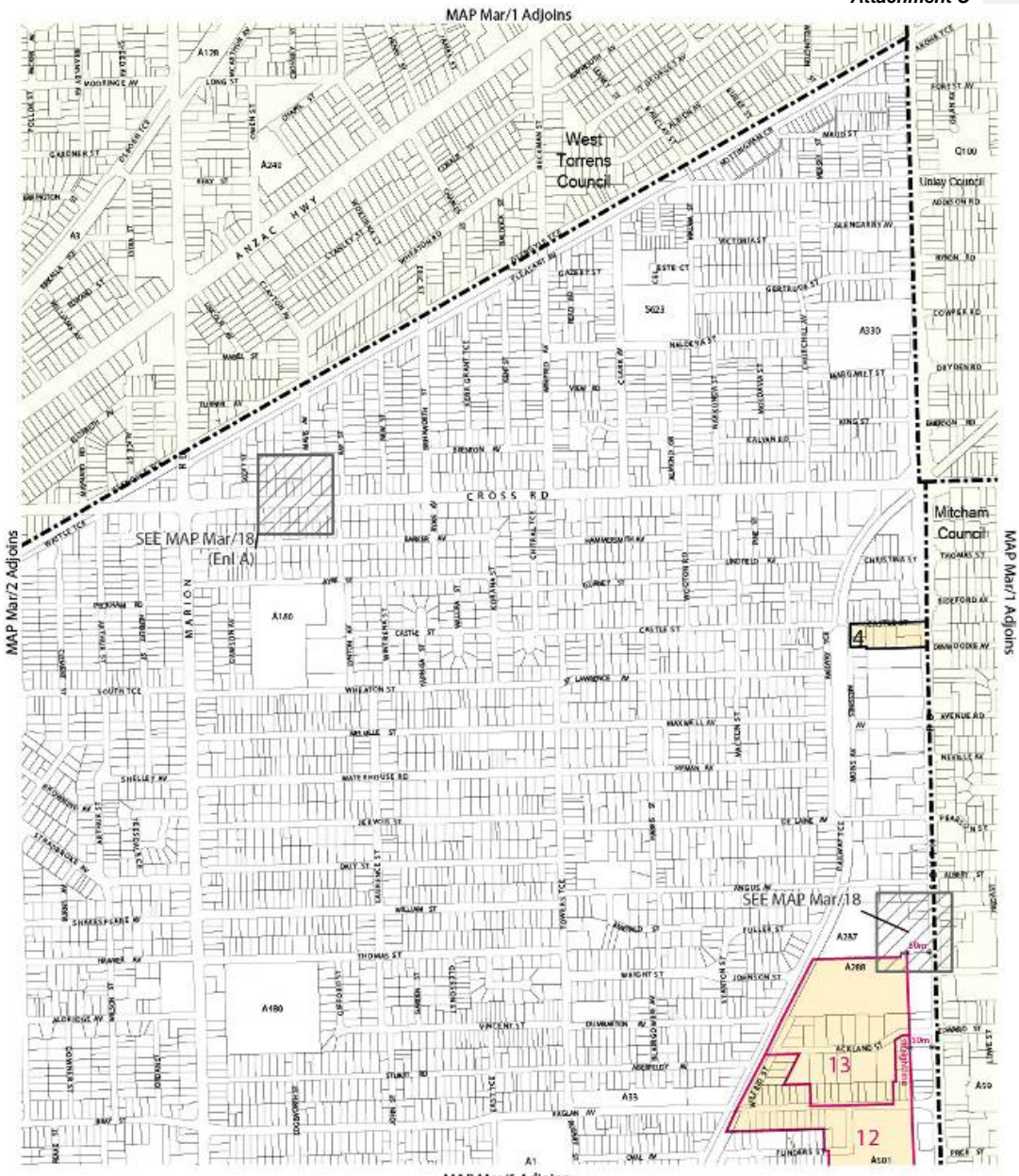


Policy Area Map Mar/3

- Policy Area Boundary
- Development Plan Boundary

MARION COUNCIL
 Version A 27/7/10

Castle Plaza Activity Centre Development Plan Amendment
 Marion Council
 Attachment C



See enlargement map for accurate representation.
 Lambert's Conformal Conic Projection, GDA94

- Precinct
- 4 Industry Interface
 - 12 Castle Plaza Environmental Audit Area
 - 13 Limited Residential Development

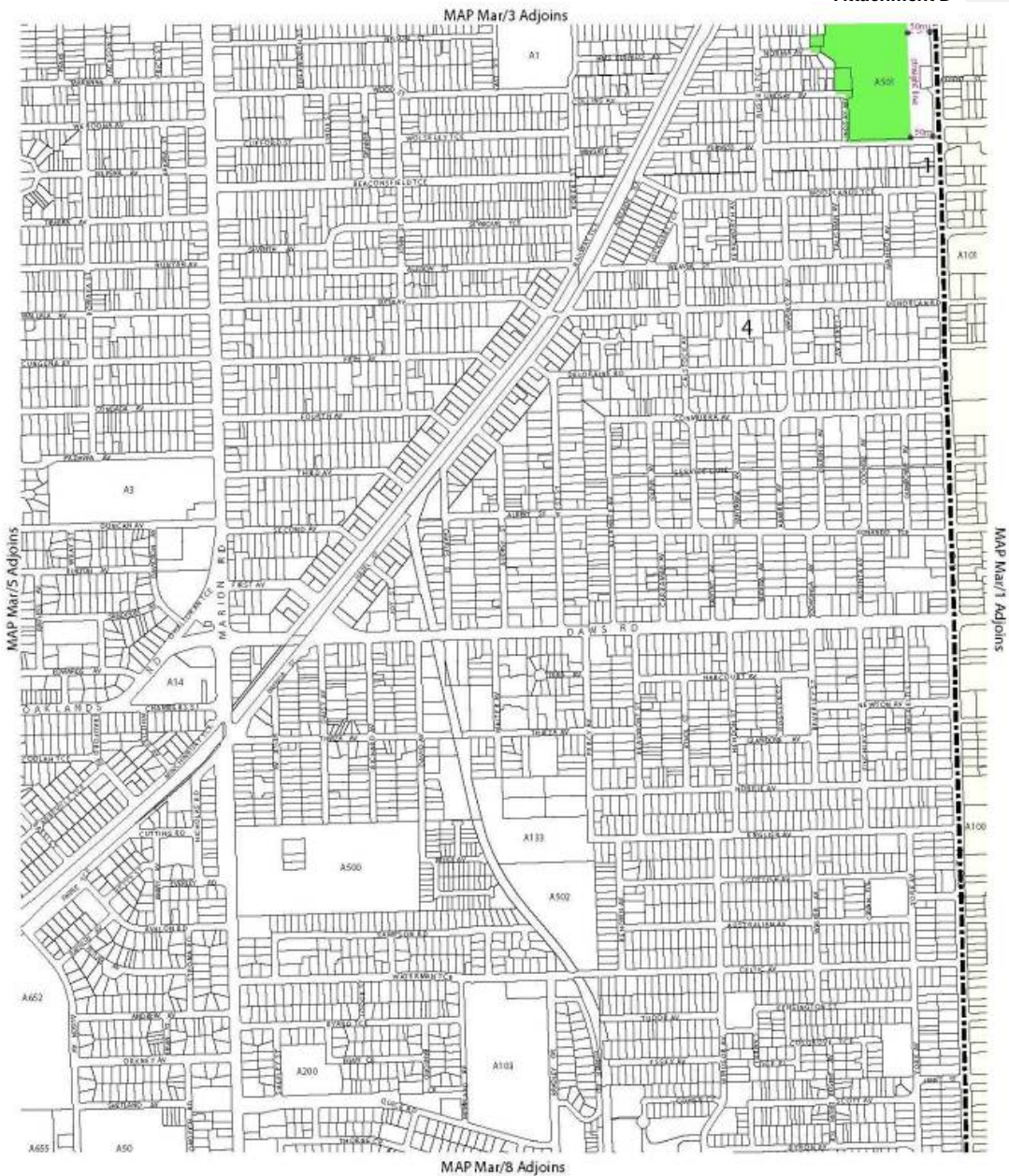
— Precinct Boundary
 - - - - - Development Plan Boundary

Precinct Map Mar/3

MARION COUNCIL
 Version B 5/4/15

ATTACHMENT D

Castle Plaza Activity Centre Development Plan Amendment
Marion Council
Attachment D



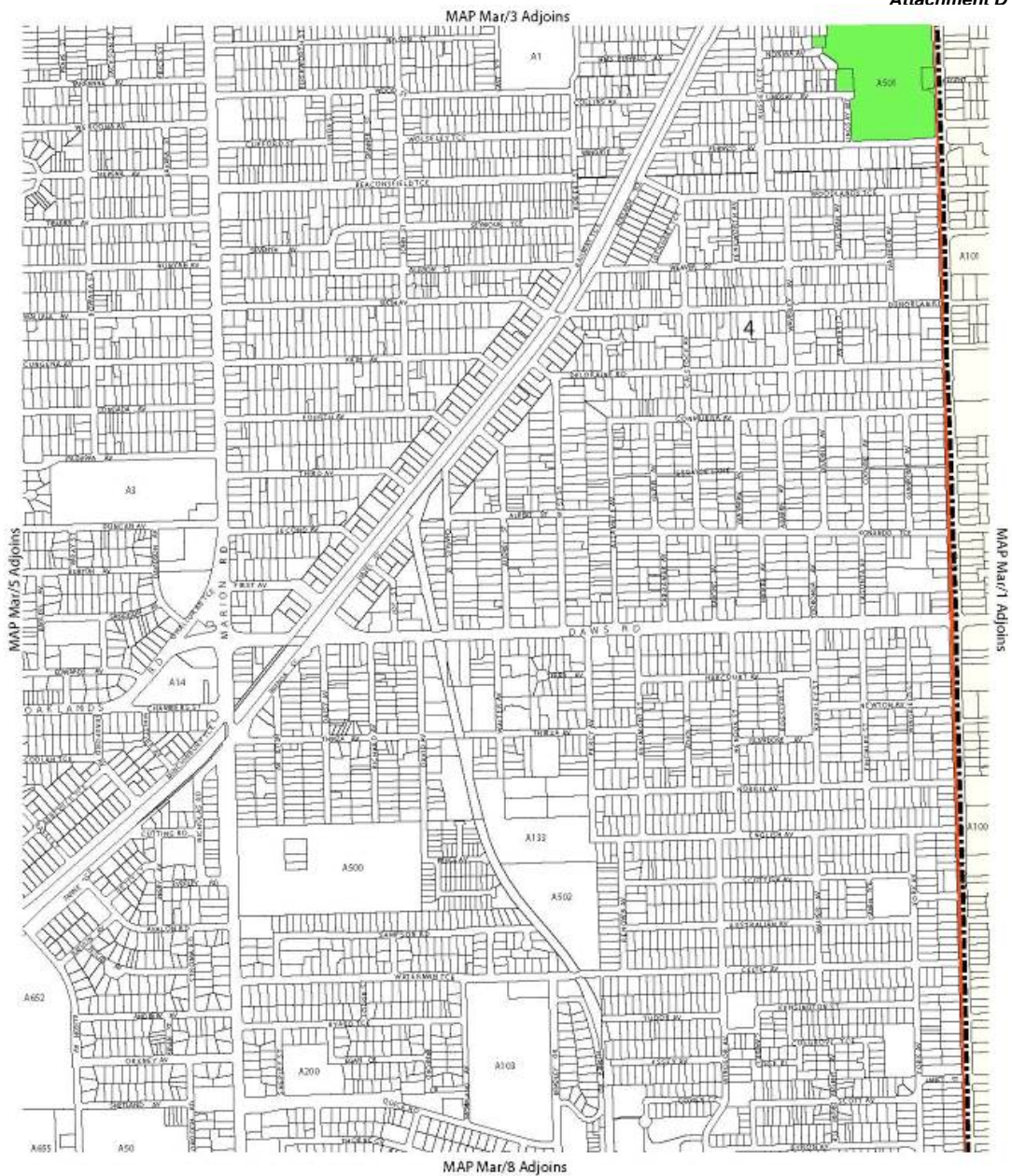
Lamberts Conformal Conic Projection, GDA94

-  Affordable Housing Designated Area
-  Development Plan Boundary

Overlay Map Mar/6 AFFORDABLE HOUSING

MARION COUNCIL
Version A 5/4/15

Castle Plaza Activity Centre Development Plan Amendment
Marion Council
Attachment D



Lambert Conformal Conic Projection, GDA84

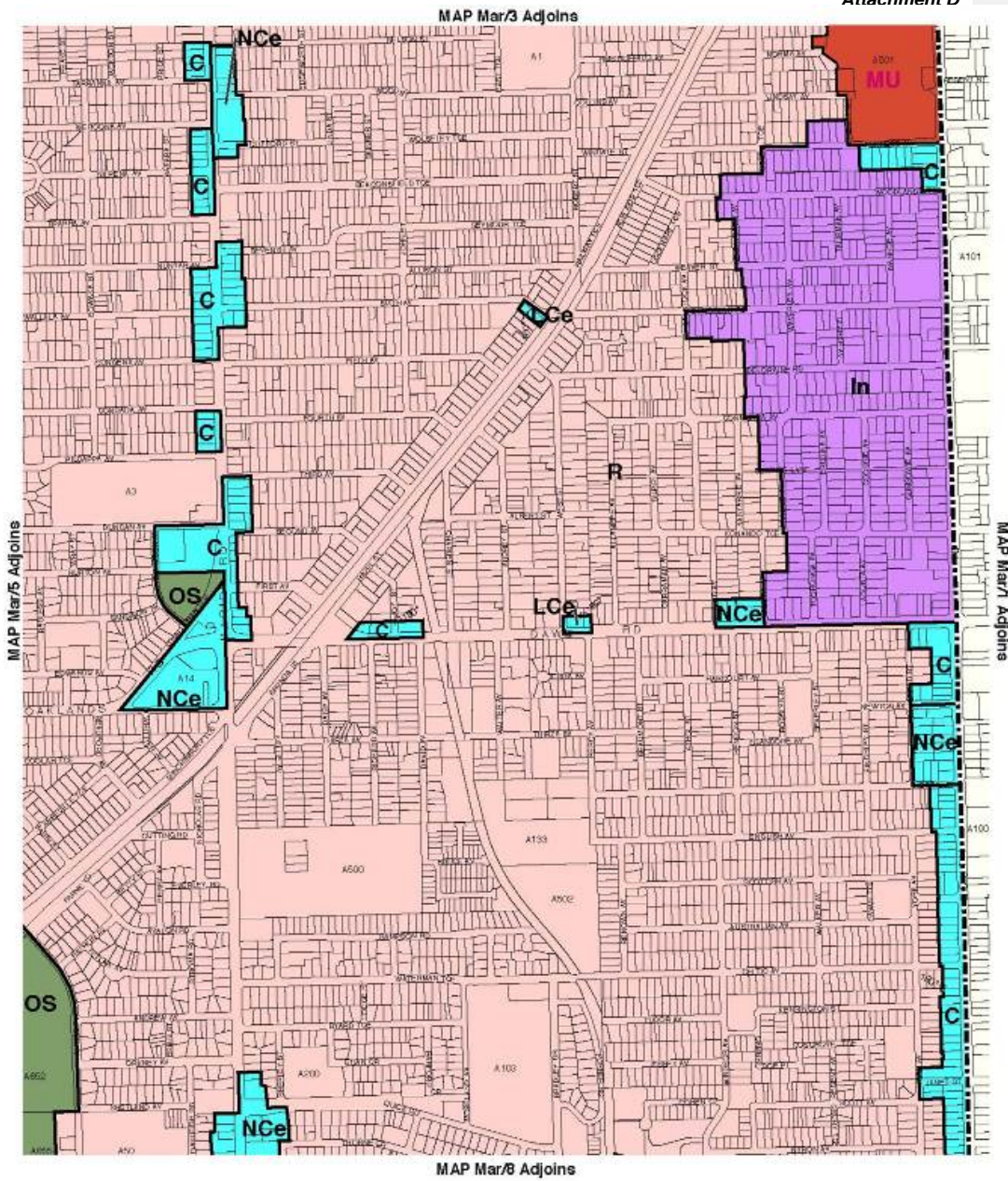


- Type A Road
- Noise and Air Emissions Designated Area
- - - - - Development Plan Boundary

Overlay Map Mar/6 NOISE AND AIR EMISSIONS

MARION COUNCIL
Version A 5/4/15

Castle Plaza Activity Centre Development Plan Amendment
 Marion Council
 Attachment D



Lamberts Conformal Conic Projection, GD 494

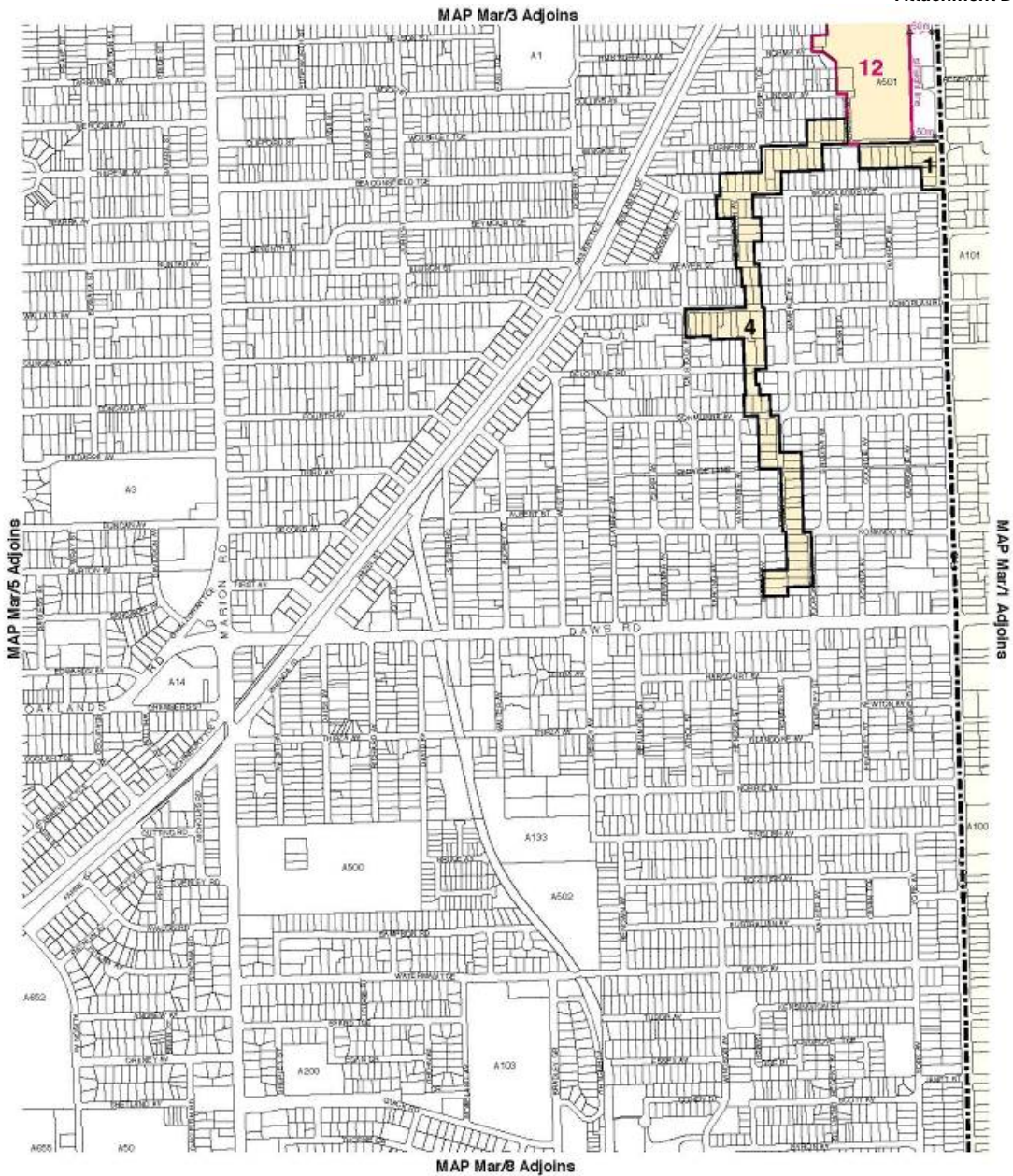
- Zones**
- Commercial
 - Industry
 - Local Centre
 - Neighbourhood Centre
 - Open Space
 - Residential
 - Mixed Use
 - Zone Boundary
 - Development Plan Boundary



Zone Map Mar/6

MARION COUNCIL
 Version A 31/8/10

Castle Plaza Activity Centre Development Plan Amendment
 Marion Council
 Attachment D



Laiberts Conformal Conic Projection, GDA94M

Precinct

- 1 Edwardstown Activity Centre Fringe
- 4 Industry Interface
- 12 Castle Plaza Environmental Audit Area



Precinct Map Mar/6

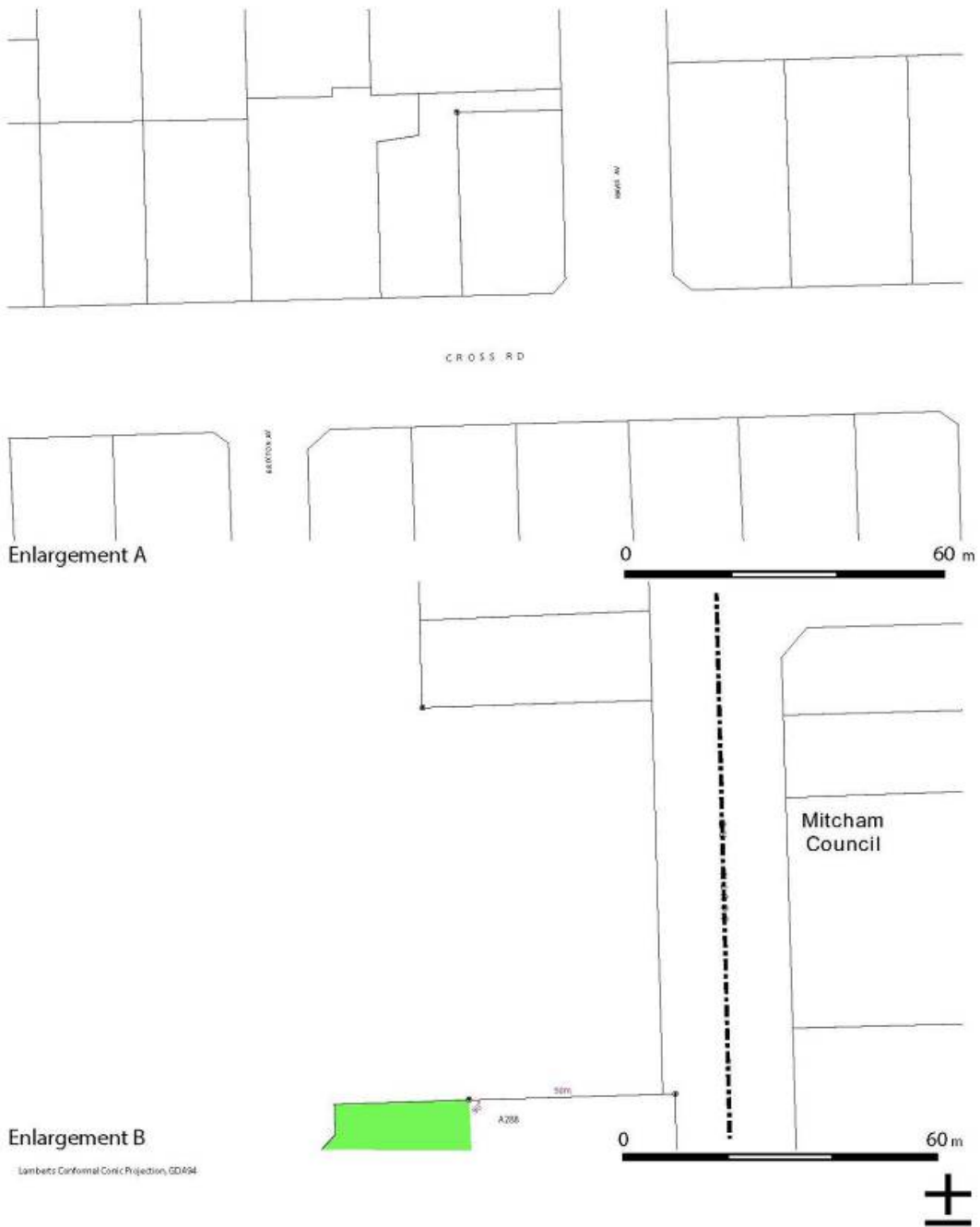
- Precinct Boundary
- Development Plan Boundary

MARION COUNCIL
 Version A 31/7/12

Castle Plaza Activity Centre Development Plan Amendment
Marion Council
Attachment E

ATTACHMENT E

Castle Plaza Activity Centre Development Plan Amendment
Marion Council
Attachment E



Enlargement B
Lambert Conformal Conic Projection, GD494

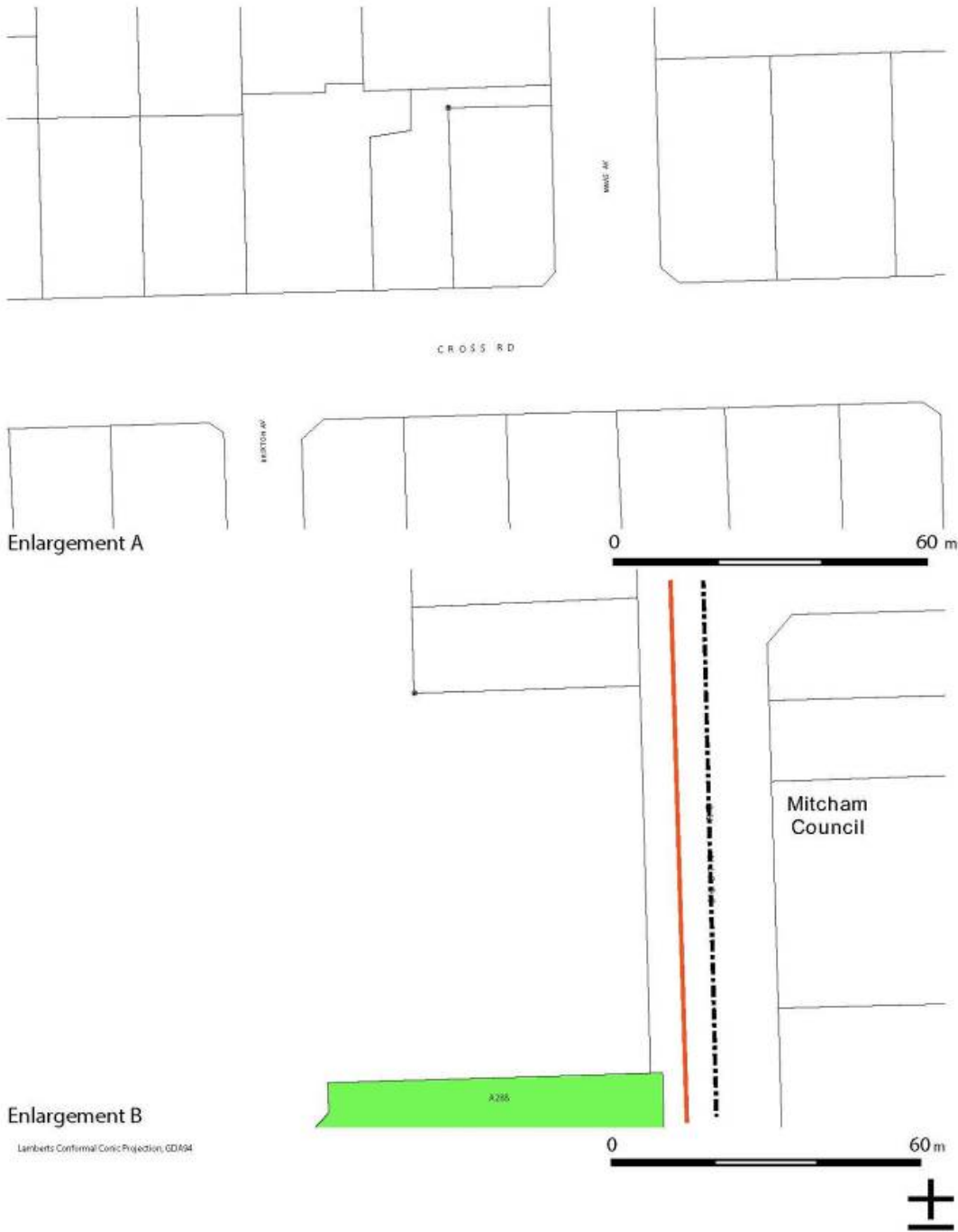
 Affordable Housing Designated Area
 Development Plan Boundary

Overlay Map Mar/18

AFFORDABLE HOUSING

MARION COUNCIL
Version A 5/4/15

Castle Plaza Activity Centre Development Plan Amendment
Marion Council
Attachment E



Enlargement B
Lamberts Conformal Conic Projection, GDA94

- Type A Road
- Noise and Air Emissions Designated Area
- Development Plan Boundary

Overlay Map Mar/18
NOISE AND AIR EMISSIONS

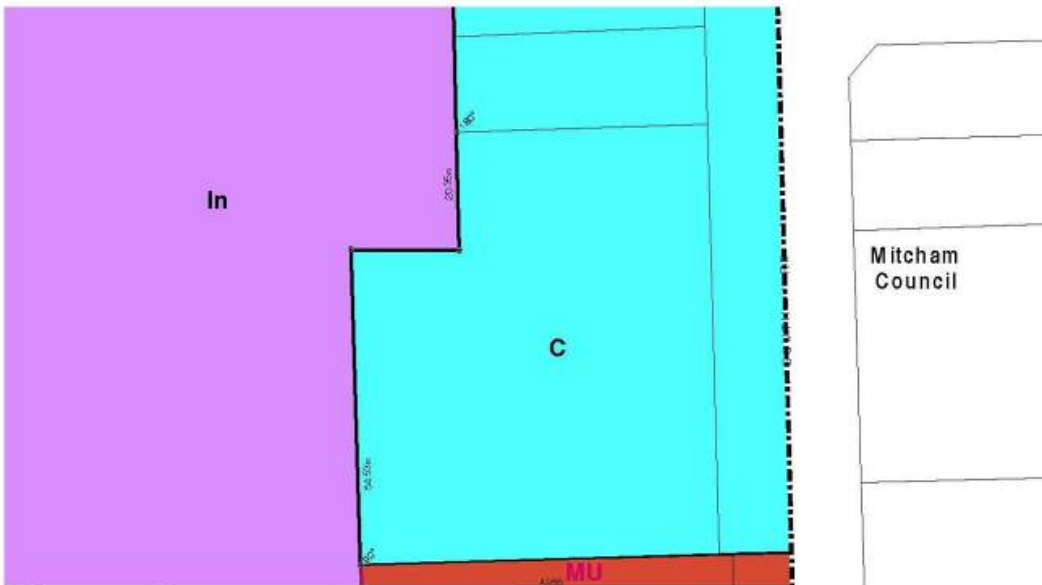
MARION COUNCIL
Version A 5/4/15

Castle Plaza Activity Centre Development Plan Amendment
 Marion Council
 Attachment E



Enlargement A

0 60 m



Enlargement B

0 60m

Lambert Conformal Conic Projection, GDA84



Zones

- C Commercial
- In Industry
- LCe Local Centre
- R Residential
- MU Mixed Use

Zone Boundary

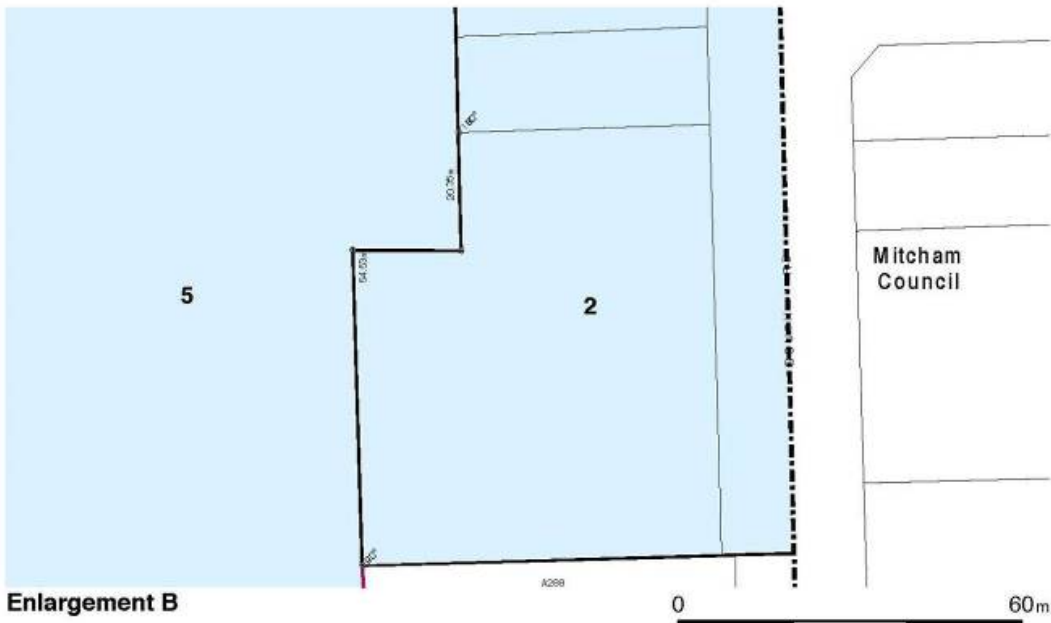
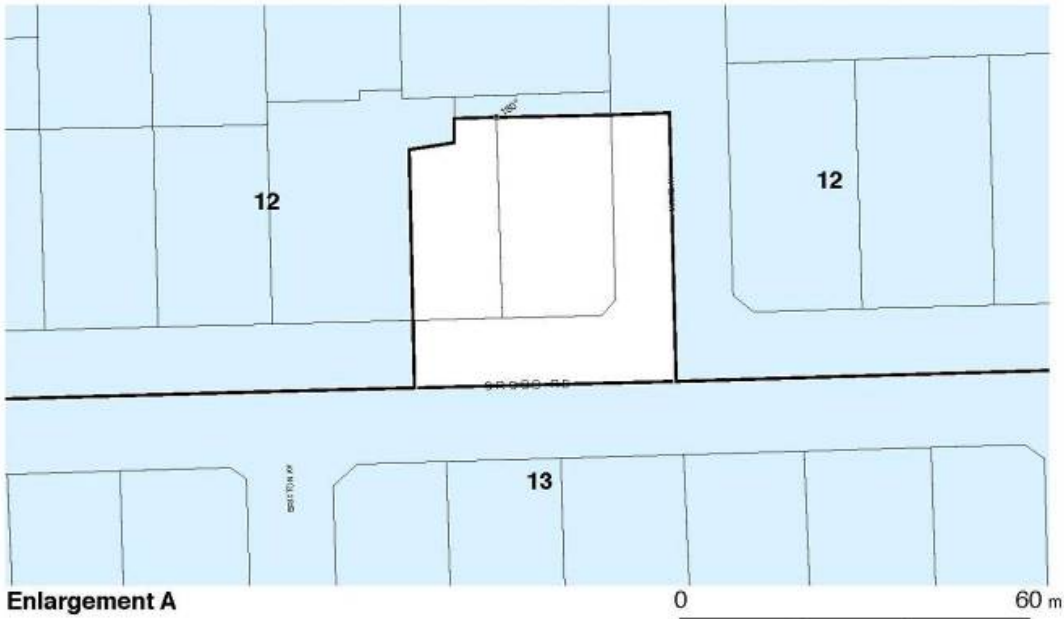
Development Plan Boundary

Zone Map Mar/18

MARION COUNCIL

Version A 27/7/10

Castle Plaza Activity Centre Development Plan Amendment
 Marion Council
 Attachment E



Lamberts Conformal Conic Projection, GDA94

Policy Area

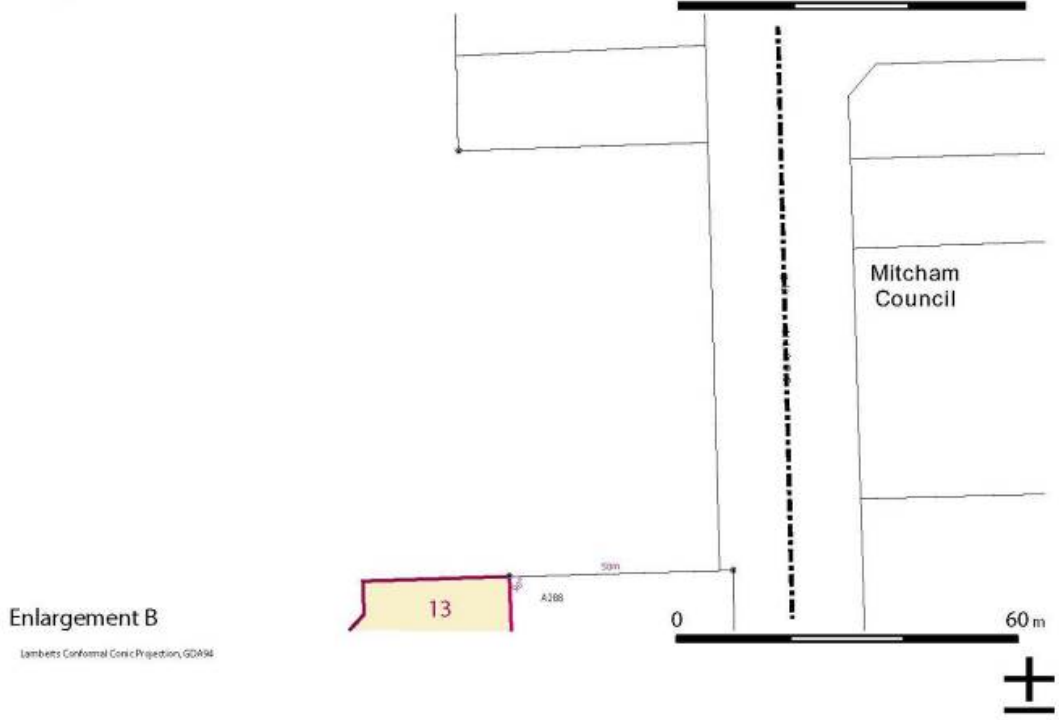
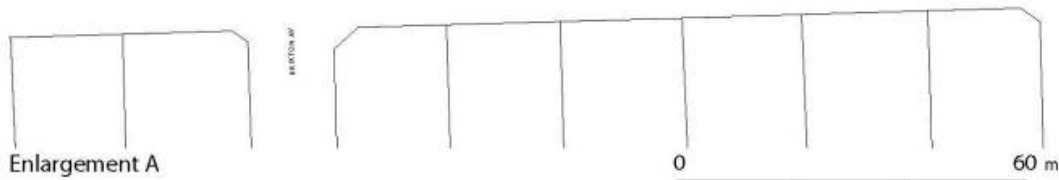
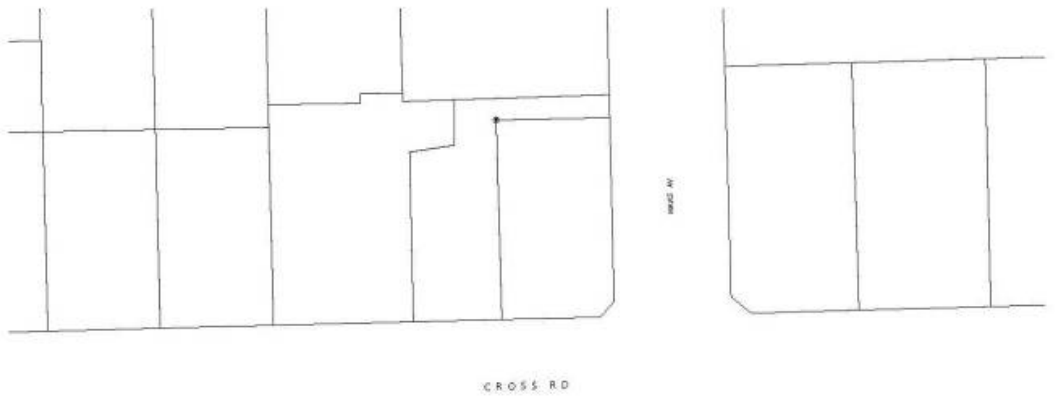
- 12 Medium Density
- 13 Northern
- 2 South Road
- 5 Industry/Commerce Edwardstown

- Policy Area Boundary
- Development Plan Boundary

Policy Area Map Mar/18

MARION COUNCIL
 Version A 27/7/10

Castle Plaza Activity Centre Development Plan Amendment
Marion Council
Attachment E



Enlargement B
Lamberts Conformal Conic Projection, GDA94

Precinct
13 Limited Residential Development

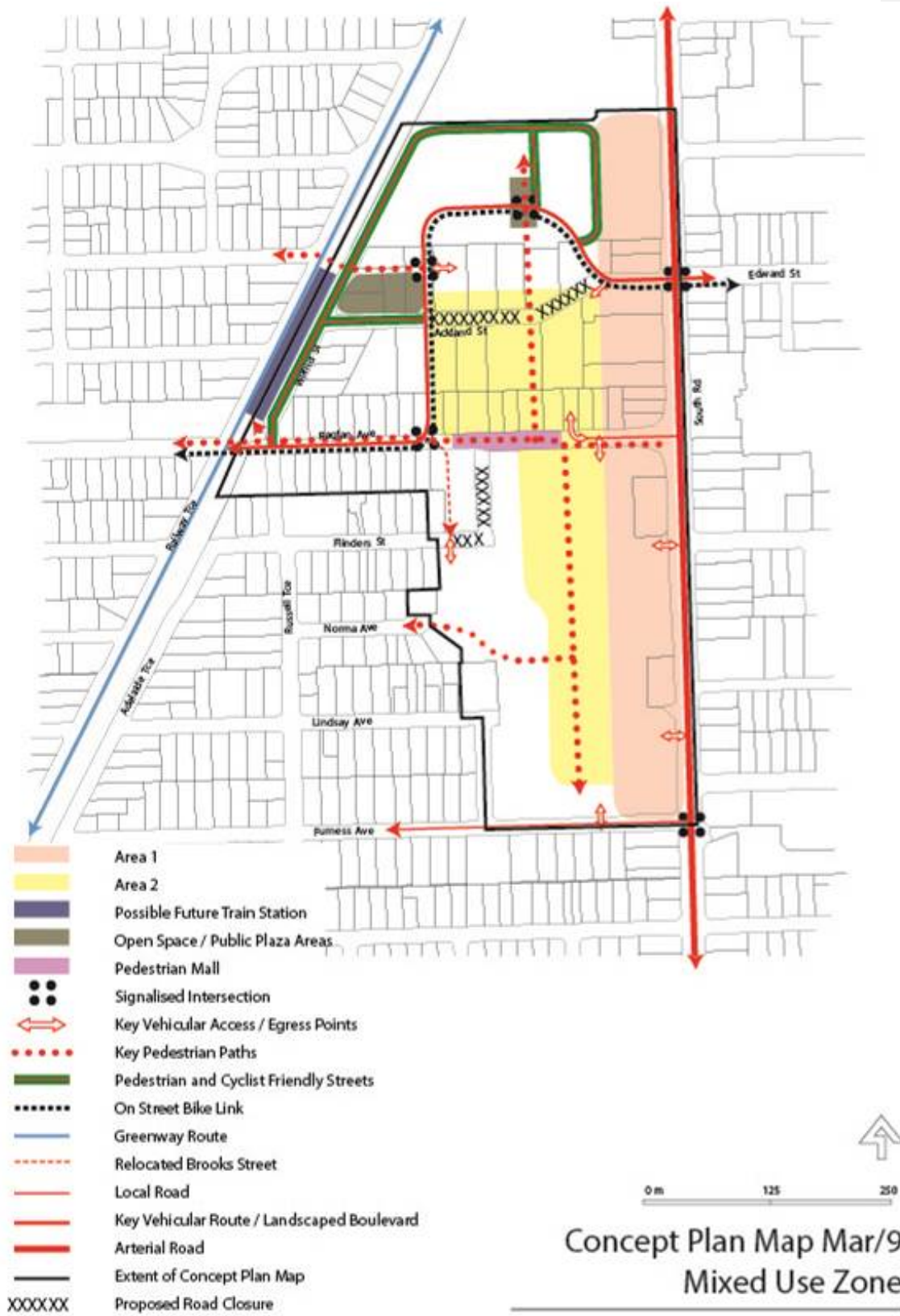
-  Precinct Boundary
-  Development Plan Boundary

Precinct Map Mar/18

MARION COUNCIL
Version B 5/4/15

Castle Plaza Activity Centre Development Plan Amendment
Marion Council
Attachment F

ATTACHMENT F



**CITY OF MARION
GENERAL COUNCIL MEETING
19 January 2016**

Originating Officer: Sherie Walczak, Unit Manager Risk
Corporate Manager: Kate McKenzie, Corporate Governance
General Manager: Vincent Mifsud, Corporate Services
Subject: Risk Management Policy and Framework Review
Report Reference: GC190116R08

REPORT OBJECTIVES:

The purpose of this report is to provide Council with a revised Risk Management Policy and supporting Risk Management Framework, ("the Framework") for adoption.

EXECUTIVE SUMMARY:

The current version of the City of Marion Risk Management Policy was last reviewed and endorsed by Council in February 2013, and scheduled for review in 2015.

Part of the review undertaken in 2015 included a joint forum with Elected Members and the Finance and Audit Committee on Tuesday, 18th August 2015 to establish a common understanding of risk tolerance and define the levels of risk acceptance in each area of risk.

Following this, a full review of the Policy and Framework has occurred with minor editorial improvements undertaken. This was submitted to the Finance and Audit Committee on Tuesday, 15th December 2015 (AC151215R7.5) for their review and feedback resulting in their recommendation to Council that the Risk Management Policy and Framework be adopted after the incorporation of their revisions as outlined in the Finance and Audit Committee meeting minutes.

RECOMMENDATIONS (1)

DUE DATES

That Council:

- | | |
|--|---------------------|
| 1. Review and adopt the Risk Management Policy and Framework with the inclusion of amendments made by the Finance and Audit Committee | January 2016 |
|--|---------------------|

BACKGROUND

The City of Marion first adopted a Risk Management Policy and Framework in 2007. Since this time, the Policy and Framework have been reviewed on a number of occasions as the risk management maturity has progressed across the organisation. This report provides an overview of the proposed amendments for both the Policy and Framework.

DISCUSSION:

Risk Management Policy (Appendix 1)

It is proposed that two primary changes be considered regarding the Risk Management Policy which includes:

- Revising the definition of Risk
- Updating the Policy to align with the current Community Plan by including the aspirational goal of “wellbeing”, and
- Providing an increased emphasis on the defined objectives in alignment with the International Risk Management Standards ISO 31000:2009. These objectives include encompassing a risk management culture, consistency of process across Council, defined responsibilities and the provision of proactive risk management strategies across all levels of Council business.
- Inclusion of a statement reaffirming that Council has the overall responsibility for risk
- Revision of the terminology from “risk appetite” to “risk tolerance”

The proposed changes to the Risk Management Policy are a reflection of the maturity of risk management systems and readiness for closer integration of risk management objectives across the organisation in alignment with the annual work area planning process.

Risk Management Framework (Appendix 2)

The purpose of the Risk Management Framework is to provide guidance for the integration of Risk Management into work programs, define roles and responsibilities, outline the framework to guide the City of Marion’s risk programs and provide a process for risk management including the provision of risk management tools.

The current version of the Risk Management Framework has been amended by:

- re-ordering components of the Framework arranged for a systematic flow
- revising the introduction to align with the Community Plan
- updating the diagrams to reflect current organisational processes
- including the requirement for a Risk Monitoring Report which will measure the effective/ineffective treatments and highlight the highest level risks
- further defining roles and responsibilities
- adding additional definitions as required (and revising the definition of risk as outlined above)
- revising the risk matrix, resulting in the risk rating of a ‘Rare’ likelihood & ‘Severe’ consequence being ‘Medium’ rather than ‘High’ to ensure consistency with the WHS risk matrix and alignment with comparable organisations using ISO 31000, with the addition of a tolerance line as a result of the EM workshop feedback.

- providing the following Risk Management Tools:
 - Strategic Risk Register Template
 - Operational Risk Register Template
 - Risk Assessment and Treatment Plan Template
 - Risk Assessment for Events held on Council Land Template

FEEDBACK FROM THE JOINT WORKSHOP WITH ELECTED MEMBERS AND FINANCE & AUDIT COMMITTEE MEMBERS

The Elected Member Forum held on 18th August 2015, provided an opportunity for Council to discuss in more detail the risk tolerance for the organisation. In general, it was expressed that Council had a lower tolerance for financial and people related risks. The dot points below provide a summary of the feedback collated:

- *Reputation and Public Administration* - there is a medium appetite for issues that adversely affect the reputation and public administration of the City of Marion;
- *Financial* - there is low appetite for decisions and processes that have a negative impact on Council's long term financial sustainability;
- *Social/Cultural* - there is medium appetite with regard to risks associated with programs and projects aimed at achieving Council's Social/Cultural objectives of optimising 'Liveability' within the City of Marion;
- *Environmental* - there is medium appetite with regard to risks relating to partnerships and initiatives aimed at optimising the Council's Environmental objective of enhancing 'Biophilia' within the City of Marion;
- *People/WHS* - there is low-medium appetite for decisions that adversely impact on Council's people or their safety and wellbeing, whilst working for the City of Marion;
- *Business Continuity/Organisational* - there is medium appetite relating to Business Continuity and Organisational effectiveness, however Council expects effective internal controls in place to manage uncertainties as they arise;
- There is considerable appetite for any improved efficiencies across Council operations that may enhance service delivery and benefit the community of the City of Marion.

This feedback has been incorporated in both the Policy and Framework to reflect the current views of the Council.

CONCLUSION

The Risk Management Policy and Framework are high level documents formalising the City of Marion's commitment to the integration of risk management across all Council operations. The proposed enhancements are intended to enable a closer link between risk management objectives and the achievement of the directions outlined in the Community Plan.

The next stage of risk management implementation at the City of Marion is the collation of the outcomes of the Risk Management workshops undertaken across all service delivery units to provide a consolidated Organisational Risk Register which will guide the revision of the Strategic Risk Register.

APPENDICES

Risk Management Policy (Appendix 1)
Risk Management Framework (Appendix 2)

1. Policy Statement

The City of Marion ('the Council') is committed to excellence in governance. Risk management is an integral contributor to good governance and fosters effective decision making to achieve of the Council's Vision and strategic ~~themes and~~ objectives, which focus on the community's ~~best interests~~ aspirational goal of Wellbeing.

~~As Risk is inherent in all aspects of the Council's activities. Council needs to take risks to achieve its Vision and Strategic objectives. T, this Policy is not intended to restrict the pursuit of~~ aimed at supporting the maximisation of all viable opportunities.

~~The integration of~~ whilst promoting a structured and consistent approach to ~~managing~~ minimising risk exposure into the Council's systems and functions. This represents good management practice and results in improved decision making, improved productivity and efficiencies, minimising business interruptions and enhancing outcomes for the community.

The purpose of this Policy is to formalise the Council's commitment to risk management and to establish responsibilities for the application of risk management within Council operations.

2. Policy Scope

This risk management policy applies to all operations and functions of the Council including operational, project and strategic.

3. Definitions

Risk – Damage, injury, loss or other unintended occurrence, (effect) resulting from an unplanned event (uncertainty), impacting on achieving Community outcomes and Council objectives ~~The effect of uncertainty on objectives~~

Risk Management – The coordinated activities to direct and control an organisation with regards to risk

Risk Management Framework – A set of components that provide the foundations and organisational arrangements for designing, implementing, monitoring, reviewing and continually improving risk management throughout the organisation

Risk Management Policy – A statement of the overall intentions and direction of an organisation related to risk management

4. ~~Principles~~ Objectives

To achieve Council's risk management ~~principles~~ objectives, the City of Marion Risk Management Framework ('the Framework') has been established and refined in accordance with the International Standard ISO 31000:2009 Risk Management – Principles and ~~g~~ Guidelines. The aim of the Framework is to provide guidance for ~~dealing~~ with maximising opportunities ~~and~~ whilst minimising risks that may impact on achievement of Council's Vision.

The following ~~principles~~ objectives underpin the City of Marion's approach to addressing uncertainty:

- Introduce and embed a risk culture and high level of risk awareness throughout all levels of CoM to support achievements aligned to our vision, strategies, services and actions.

- Implement consistent risk management processes to manage risk and opportunities throughout CoM's organisational systems and functions including planning, resource allocation priorities, internal audit and control processes, in line with risk management standards including AS/NZS ISO 31000:2009 Risk Management – Principles and Guidelines
- To clarify the responsibilities within the risk management framework to enable the consistent and systematic application of our risk management approach within all Council operations.
- ~~To guide a risk management approach to strategic, operational and strategic-project decision making to ensure proactive management strategies are implemented to mitigate against events occurring and ensure robust contingency plans to lessen the impact of events if they were to materialise, aimed at enhancing achievement of the City of Marion Vision, strategies and actions and focus on the community's best interests.~~
- ~~To proactively manage risks that could impact on achievement of the City of Marion Vision, strategies and actions in a structured and consistent manner.~~
- ~~To integrate a consistent risk management approach to organisational systems and functions including planning, resource allocation priorities, internal audit and control processes.~~
- ~~To embed risk management in the City of Marion culture and values.~~
- To strengthen the risk management program by implementing a Business Continuity Management (BCM) Framework to minimise the impact of business disruptions on the Council's critical community services.
- To protect public funds, assets and the integrity, security and reputation of the CoM by implementing a Fraud Policy which will prevent, identify, minimise and control fraudulent and/or corrupt activity.
- To provide adequate response to emergencies on behalf of the CoM residents and the community by implementing a Community Emergency Response Policy outlining our commitment to our community.
- To continually align the risk management program with the Business Excellence Framework.

5. Roles and Responsibilities

Council has the overall responsibility for risk, is responsible for setting the organisation's risk appetite tolerance, oversight of the organisation's systems for managing risk including approving and reviewing the City of Marion's Risk Management Policy and Framework.

To assist Council in discharging its responsibility in relation to risk management, the Council will seek the views of its Finance & Audit Committee. The responsibilities of the Committee are contained in the Committee's Policy and Terms of Reference.

Council has also delegated various powers and functions to the Chief Executive Officer to enable the setting of the policy and procedures to assist with the management of the City of Marion risk profile.

The Chief Executive Officer has overall accountability for an effective risk management program.

Note: The Framework provides further information on the risk management roles and responsibilities.

6. References

~~CORPORATE PLAN:~~

~~KRA1 – Objective 1.5~~

EXCELLENCE IN GOVERNANCE:

PROCEDURE REFERENCE:

COUNCIL AGENDA REFERENCE:

OTHER RELATED REFERENCES:

City of Marion Risk Management Framework

~~City of Marion OHS Policy #1 – Occupational Health, Safety & Welfare and Injury Management Policy~~

~~City of Marion General Environmental Policy – GP-1~~

City of Marion Business Continuity Policy

City of Marion Fraud Policy

City of Marion Business Excellence Framework

City of Marion Finance & Audit Committee Policy and Terms of Reference

AS/NZS ISO 31000:2009 Risk Management Principles and Guidelines



Risk Management Framework

| VERSION ~~67~~
| Endorsed by Council
| ~~Yet to be endorsed~~ ~~March 2013~~



Risk Management

Framework

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Risk Management

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Introduction

The City of Marion is committed to ~~excellence in governance.~~ ~~Risk management is an integral contributor to good governance and fosters~~ a risk management framework that ensures both good governance and effective decision making to ensure the achievement

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of the Council's Vision and strategic objectives, which focus on the community's best interests.

~~The risk management program supports Council's:~~

~~Community and Corporate Vision:~~

~~A leader in the delivery of the Community Vision — "broad horizons bright future"~~

~~An Organisation of Excellence~~

~~Excellence in governance~~

~~Service quality~~

~~Employer of choice, and~~

~~Commitment to the Excellence in Local Government Framework (EiLGF).~~

The risk management framework supports the Community Plan's aspiration of Wellbeing by optimising the following themes:

- Liveability
- Biophilic
- Innovative
- Prosperous
- Connected
- Engaged
- Organisation of Excellence

Risk is defined as the 'damage, injury, loss or other unintended occurrence, resulting from an unplanned event, impacting on achieving Community outcomes and Council objectives, effect of uncertainty on objectives'. Risk is inherent in all our activities at both corporate and community levels, and in the delivery of all our programs and services, projects, processes and decisions.

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This document sets out the framework for risk management across the City of Marion and is aligned to the International Standard ISO 31000:2009 on risk management. The document is intended to be a plain language, easy to read overview of the City of Marion's risk management program. An explanation of formal risk management definitions sourced from ISO 31000:2009 appears in Appendix 1.

The Risk Management Framework ('the Framework') should be read in conjunction with the Risk Management Policy ~~(Appendix 2)~~. The Policy outlines Council's commitment to risk management and the ~~principles for objectives for~~ the risk management program.

Integration of Risk Management across Operations

Integration of the fundamental risk principles into all activities across CoM provides a standardised approach and integrates feedback across our activities to ensure shared learnings and continual improvement resulting in many benefits to the management of our risk exposure, see Diagram 1.

CoM's risk management is a key mechanism for the continuous improvement of activities underpinning the principles documented in the Risk Management Policy. Regular reporting

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on risk management activities is presented to the Risk Working Group by the Risk Management Unit. This process improves risk management capabilities across all business areas, continuously raising overall awareness and enhancing service delivery.

Diagram 1: Integration of Risk Management

Diagram 2: CoM's Integrated Work Programs

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Risk Principles

- value creation
- integration into organisational processes
- contribute to decision making
- explicitly address uncertainties
- systematic, structured and timely
- pertinent, accurate and relevant
- accounting for human and cultural factors
- transparent and inclusive
- dynamic, iterative and responsive to change
- enhances the organisation
- provides continuous improvement

Activities

- Strategic & Operational Decision Making
- Strategic & Annual Business Planning
- Management System Integration (Work Safety/Environmental)
- Financial Management (Annual Budget/LTFP/New Initiatives/ Business Cases)
- Asset Management /Services Standards
- Project Management
- Emergency Management & Business Continuity
- Insurance
- Assurance Programme (Core Assurance Reviews)
- Feedback processes (Audit reports/ Inspections/Complaints/ Hazards/Incidents)

Benefits

- Minimise losses
- Increased likelihood of achieving objectives
- Improved learning and resilience
- Improved financial reporting & compliance
- Improved governance and stakeholder confidence
- Effective use and allocation of risk management resources
- Improved controls and operational effectiveness & efficiencies
- Enhanced health & safety performance, loss prevention and incident management
- Encourage proactive management
- Improved identification of opportunities and threats

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The deployment and review of the Risk Management Framework incorporates the Business Excellence Framework and Excellence in Local Government principles.

Strategic and Operational Decisions

A risk based approach to strategic and operational decision making leads to better informed decision making. This helps managers to understand risks associated with all options being considered, including the decision to 'do nothing'. Risk management capability building activities foster improved decision outcomes.

Strategic and Annual Business Planning

The Strategic and Organisational Excellence (S&OE) Unit oversees the strategic and business planning process. The Risk Management Unit collaborates with the S&OE Unit to align the timing and nature of operational and strategic risk management activities to minimise duplication of effort and resources.

Financial Management

The Long Term Financial Plan and Annual Budget process enable Council to plan for the long term financial sustainability of the organisation. They translate the objectives and strategies of the Strategic Plan and Asset Management Plans into financial terms. The process to create and regularly update the Long Term Financial Plan and Annual Budget process will be reviewed to identify ways of integrating the risk management process to improve long term funding allocation outcomes.

Asset Management & Service Standards

Asset Management Plans identify and plan for the acquisition, operation, maintenance and renewal or disposal at the end of the asset's useful life. The plans are required to be reviewed every four years. The plans also identify the maintenance and capital budgets required to ensure the asset continues to provide the level of service required. The Asset Management Plans inform the Council's Long Term Financial Plan. Asset Management Plans manage financial, social, environmental and public liability risks and are an integral part of risk management.

Project Management

Project Managers and Coordinators implement project risk management in line with Council's risk management framework.

Work Health & Safety Program & Environmental Management Systems

Council's work health and safety program (Think Safe Live Well) fosters a proactive approach to safety and wellbeing and also meet its legislative obligations for a safe workplace. The assessment of safety risks is aligned to the Risk Management Framework. The Risk Management Unit oversees the Think Safe Live Well program.

Environmental Management System

Council's environmental management system (EMS) is an ISO 14001 certified system that fosters a proactive approach to environmental safety and performance. The assessment of environmental risks is aligned to the Risk Management Framework. The Environmental Sustainability Unit oversees the environmental management system.

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Emergency Management & Business Continuity

Council undertakes emergency management planning and exercises so it is prepared to respond effectively to requests from State Government when it is responding to community level emergencies. The Risk Management Unit oversees the emergency management program.

Business Continuity Management

Council undertakes business continuity management so it is prepared to respond effectively and quickly to an event that may disrupt or has disrupted Council's operations. The assessment of disruption risks is aligned to the Risk Management Framework. The Risk Management Unit oversees the business continuity management program.

Insurance

Management of the full range of Council's insurance requirements is undertaken by the Risk Management Unit. Local Government Risk Services acts as a broker to Council in the provision of the Local Government Association's insurance schemes. Council's membership of the schemes is contingent on proactively managing risk exposures. The schemes also operate an annual risk review process to verify our risk management activities and benchmark them against other Councils.

Assurance Program

Council's assurance program is delivered by an independent service provider. A risk based approach is used to identify priorities for audit to check the effectiveness of key controls for our processes that carry potentially high risk. More information about the assurance program can be found in the Governance Framework.

Feedback Processes

Feedback mechanisms such as audit and inspection reports, complaints, hazards and incidents provide valuable information to Council about sources of risk and risks having been realised. A review of individual feedback mechanisms will be undertaken to identify how integrating the risk management process can enhance our response and improve prioritisation of feedback corrective actions.

Our Approach to Risk Management

Structure Roles and Responsibilities

The Risk Management Policy (~~Appendix 2~~) provides a high level explanation of risk management responsibilities. The information below provides an overview of the risk management roles and responsibilities. It does not contain the broader responsibilities for the respective entity or position type. This additional information can be obtained from relevant Terms of Reference or Position Descriptions.



Risk Management Framework

Diagram 22: Roles and Responsibilities



Council

Council is responsible for adopting and reviewing the City of Marion Risk Management Policy and Framework. This ensures a risk management process across the City of Marion that reflects the risk tolerance level appetite set by Council. The effectiveness of the risk management program is monitored through the review of reports from the Audit & Finance Finance & Audit Committee and the Chief Executive Officer. Reports include the timely reporting of major and significant emerging risks.

Audit & Finance Finance & Audit Committee

As part of its advisory and assurance role to Council, the Audit & Finance Finance & Audit Committee reviews the risk profile annually, monitors the risk exposure of Council, risk management processes and management information systems. The Committee provides guidance, support and advice to the Council on the reports received, including its opinion on whether the risk management program is effective and aligned to Council's risk tolerance level appetite. Refer to the Audit & Finance Finance & Audit Committee Policy and Terms of Reference.

Chief Executive Officer

Council has delegated various powers and functions to the Chief Executive Officer to enable the setting of policy and procedures to assist with the management of the City of Marion risk profile.

Framework



With overall accountability for the risk management program, the Chief Executive Officer provides leadership and ensures appropriate resourcing and delegations are in place for an effective risk management program that delegates decision making down to the appropriate level. The risk management program supports an effective and comprehensive assurance program (internal audit) by independent service providers.

The Chief Executive Officer has a role to ensure the timely reporting of risk issues to Council to support a culture of 'no surprises' by keeping Council informed as much as possible.

Risk Working Group

With membership including the Executive [Management Group Leadership Team](#), the Risk Working Group oversees the risk management program on a quarterly basis and confirms the risk reports to be provided to the [Audit & Finance Finance & Audit](#) Committee. Refer to the Terms of Reference for full membership, purpose and reporting responsibilities.

Directors General Managers

[Directors General Managers](#) and the Chief Executive Officer, as individual risk owners, oversee strategic risks and have high level oversight of operational (work area) risks across their portfolio and escalate risks for monitoring by the Risk Working Group as necessary. [Directors General Managers](#) model and encourage risk management behaviour to foster integration of a risk management culture. Ensure participation of units within their portfolio in risk management activities.

Corporate Managers Senior Leadership Team

As individual operational (work area) risk owners, managers oversee operational risk and implement the risk management process across the span of their responsibility. This includes determining risk management accountability at an operational level and whether risk ownership is delegated down to a Unit Manager level.

People Managers Leadership Team

Contribute to the management of operational risk and where delegated by a [CMGSLT](#) member, implement the risk management process across the span of their responsibility.

Project Managers/Coordinators

Implement the risk management process for respective projects and escalate risks and issues through the project structure.

All Staff

Contribute to the risk management process, including recognising, reporting and responding to new, changing or anticipated risks.

Risk Management Resources

Council has experienced risk management staff within the Risk Management Unit to facilitate the risk management program and act as document and system owners. In particular, the Unit Manager Risk and Risk Coordinator provide guidance, training, information and document resources, coordinate risk reporting and integrate feedback and learning into the continuous improvement of the risk management program. A key focus is to build risk management capability across Council to improve decision making outcomes.

Framework

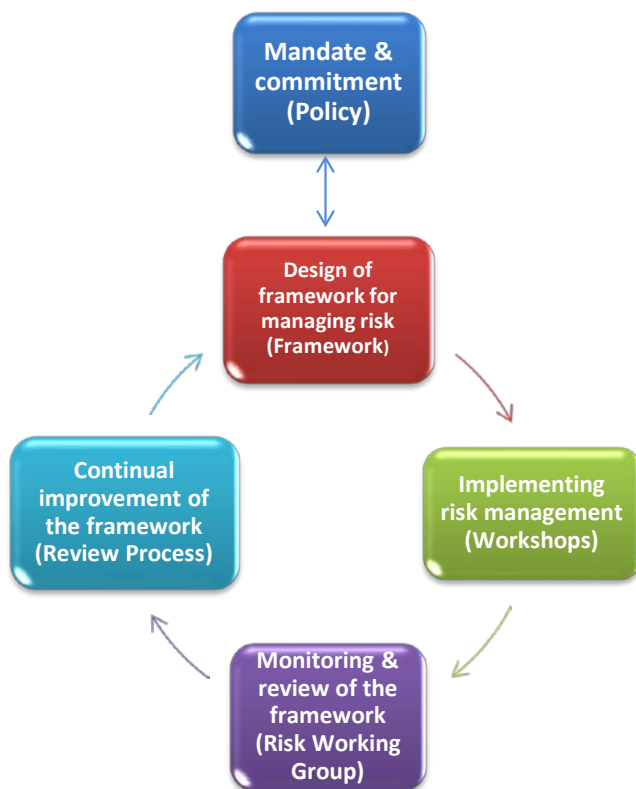


Risk Management Framework

The purpose of the Framework is to achieve Council's risk management principles by ensuring Council has a:

- Consistent and good practice approach to risk management, aligned to ISO 31000:2009, tailored to the City of Marion that creates value through improved decision making;
- A process for assessing, evaluating, controlling, monitoring, communicating and managing risks, aided by tailored guiding information and tools; and
- Fosters an integrated risk management approach with Council's culture, values and operations.

Diagram 3:4-3 Risk Management Framework





Guiding Information Tools and other Resources

Resource tools to aid risk identification include SWOT (Strengths, Weaknesses, Opportunities and Threats) analysis and PESTLE (Political, Environmental, Social, Technological, Legal and Economic) analysis templates. The analysis information generated during the annual ~~service-Work Area~~ planning process may minimise the need for separate analysis or act as a starting point for discussion.

The Risk Management Unit develops and continually improves guiding information and tailored resource tools for use by Council when undertaking risk management activities and for recording and reporting purposes.

Tailored resources ~~available on projects are also available from the support~~ Risk Management Unit. ~~Other tools include:~~

~~checklists of risk categories help make sure significant risks have not been missed.~~

[Appendix 1 - Definitions](#)

[Appendix 2 - The Risk Reference Chart](#) (contains ~~all~~ the risk criteria used for risk assessment)

[Template 1 – Strategic A-Risk Register](#) is used to record the risk information of individual work areas, projects and the strategic risk register. The Risk Registers are updated when the risks are reviewed bi-annually.

[Template 2 - Operational Risk Register](#)

[Template 3 - Risk Assessment & Treatment Plan](#)

[Template 4 - Risk Assessment for Events Held on Council Land](#)

[Template 5 - Risk Assessment for Procurement/Contract Management](#)

Implementation Plan

~~Council's Risk Management Implementation Plan outlines the activities being undertaken to enable Council to meet the risk management principles documented in the Risk Management Policy. The implementation plan is a key mechanism for documenting the continuous improvement activities for the risk management program.~~

~~Reports on implementation plan activities are provided to the Risk Working Group by the Risk Management Unit. The implementation plan is a separate document that outlines the activities to improve risk management capabilities, integration and continuously improve the program.~~

Risk Management Process

The risk management process described in ISO 31000:2009 comprises seven key steps, as shown in the diagram below:

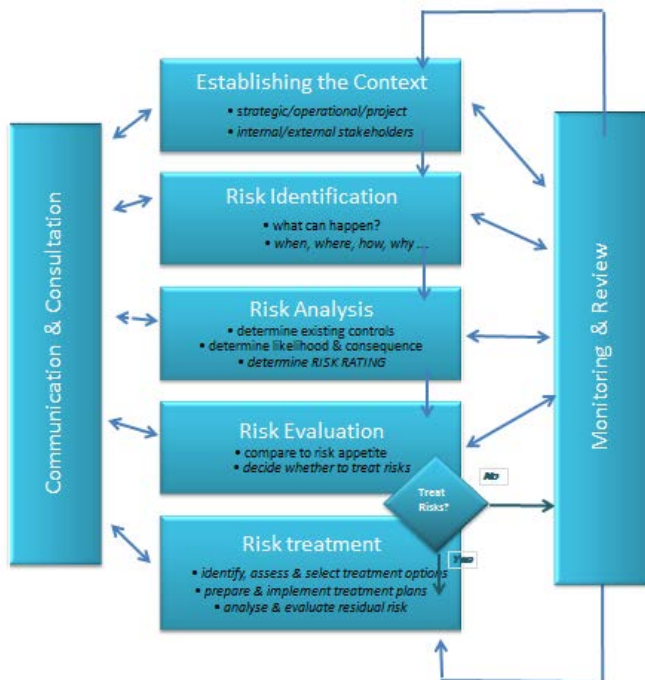
The diagram's arrows indicate the process is iterative; repeated again and again, based on results from the previous step.

Framework



A summary description of the steps within the risk management process follows. A separate Risk Assessment Procedure will contain further details including guidance on recording information in a risk register.

Diagram 54: Risk Management Process



Communication & Consultation

Communication and consultation are important elements throughout the risk management process. Participation of relevant people will ensure their expertise, knowledge and perceptions contribute to informed decision making throughout the process. People with vested interests, such as being responsible for implementing tasks arising from risk assessments will benefit from communication, to understand how and why the risk management decisions were made.

Establish the Context

The Council's objectives and internal and external environments are important background issues for the risk management program overall. This context information also helps to define the scope of individual risk assessment activities.

Elected Members are consulted on changes to the Risk Framework and given the opportunity to convey their attitude to risk. This feedback establishes the attitude to risk



and contributes to the development of the risk criteria, which is tailored to Council's context and used to determine the magnitude of risks. The risk criteria appear in the Risk Reference Chart (Appendix 2).

Risk Assessment

Risk assessment is the overall process of risk identification, risk analysis and risk evaluation (described below). Risk assessment results in an understanding of the nature and magnitude of risks and the decision whether further action (risk treatment) is necessary to manage risks effectively.

Risk Identification

Risk identification, the first step of risk assessment, is the process of finding, recognising and describing risks. There are many methods used to identify risks, with brainstorming in a group format being the most common.

Identification should include risks whether or not they are under the control of Council.

A number of questions should be asked when attempting to identify risks that may prevent, degrade, delay or enhance the achievement of objectives. These include:

- What can happen?
- Where could it happen? { To identify risks, incidents or accidents that might happen
- When could it happen?
- Why would it happen? { To provide possible causes and scenarios
- How can it happen?
- Who or what might be impacted by the risk? { To clarify the nature and extent of the consequence of the risk

When identifying risks it is important to consider the causes of each risk, as this will be a focus for identifying relevant controls in the next step 'Risk Analysis'.

Risk Analysis

Risk analysis involves developing an understanding of the risk. Risk analysis enables us to distinguish between minor, acceptable risks and major risks that require further action (risk treatment) and possibly monitoring by a ~~Director~~[General Manager](#). The main purpose of analysing risk is to establish priorities for action in line with Council's limited resources.

- ***Identifying Existing Controls***

This step involves considering the controls already in place that modify the risk (some examples include policies, procedures, training, technical and legal measures, contracts, partnerships, continuity plans, governance practices etc). After the existing controls have been documented, their overall effectiveness is

Framework



rated against the Control Effectiveness criteria on the second page of the Risk Reference Chart (Appendix 2).

- **Identifying Existing Controls**

The Level of Risk is determined by consideration of two factors:

Consequence – What is the size of the impact if the event occurs?

Likelihood - How likely or often is the event expected to occur?

The selection of the likelihood rating has no direct relationship to the selected consequence rating and the reverse also applies.

The Risk Reference Chart (Appendix 2) contains the consequence (ratings are 'insignificant' to 'severe') and likelihood (ratings are 'rare' to 'almost certain') criteria. The Risk Assessment Matrix combines the range of consequence and likelihood ratings to determine the Level of Risk. The four levels of risk are Low, Moderate, High and Extreme.

- **Inherent Risk**

To assist auditors working on Council's assurance program, the Council has adopted the concept of Inherent Risk. In practical application of this concept, the current risk is assessed first and then consideration of the absence of the existing controls aids the selection of the inherent likelihood and consequence ratings which determine the Inherent Level of Risk.

At the end of this step we should know:

- The nature of the risks, how they are caused and how the consequences can develop and affect it.
- The current risk ratings, taking into account the existing controls that modify the likelihood and/or consequence for each risk that has been identified.
- How effective and reliable the current controls are in modifying the risks.
- The key controls that we are reliant on.
- The inherent risk ratings for each risk, for reference by the auditors conducting the Council's assurance program

Risk Evaluation

The purpose of risk evaluation is to determine, based on the outcomes of the risk analysis, which risks need further action (risk treatment) and the priority for implementation (based on level of risk ratings and where a number of risks have the same level of risk ratings, the consequence ratings).

A risk judged as tolerable (acceptable) is not normally further controlled (via risk treatment) unless this is cost beneficial.

The risk evaluation criteria are influenced by the Council's approach to risk and the risk criteria that have been established.

The Level of Risk rating will be considered, along with the overall Control Effectiveness rating to determine required actions. Reference will be made to the 'Risk Evaluation - Required Actions for the Level of Risk' criteria table on the second page of the Risk Reference Chart (Appendix 2).

Risk Treatment

Risk treatment involves selecting one or more options for modifying risks, and implementing those options. Once implemented, treatments provide or modify the controls.

Selecting the most appropriate risk treatment option involves balancing the costs of implementing each option against the anticipated benefits. Direct and indirect costs and benefits should be considered, whether tangible or intangible.

Risk treatment plans may involve selecting one or more from a range of options (controls) directed to:

- Avoiding the risk by deciding not to proceed with the activity likely to create risk (where this is practicable)
- Taking or increasing the risk in order to pursue an opportunity (if benefits exceed risk)
- Removing the risk source (cause)
- Changing the likelihood of occurrence
- Changing the consequences of the risk
- Sharing the risk with another party or parties (including contracts) (**in line with Council's insurance scheme membership obligations*)
- Retaining the risk by informed decision (and making appropriate provisions for dealing with the consequences should they arise)

The objective is to ensure the risk is reduced to a tolerable level in a cost effective and timely manner.

Risk treatment plans should be integrated into the relevant [service work area](#) plans within Council and a 'Treatment Owner' and proposed completion date nominated.

Risk treatment itself can introduce risks, including secondary risks. A significant risk can be the failure or ineffectiveness of the risk treatment actions. Monitoring needs to be an integral part of the risk treatment plan to give assurance the controls remain effective.

Consideration of the risk treatment will include how it modifies the risk by reducing the likelihood of the risk occurring or reducing the impact of the risk should it occur. Where a number of risk treatments are proposed for a risk it is possible that both the likelihood and consequence ratings may be modified.

After the selected risk treatment/s have been documented a final risk analysis action is undertaken to determine the (forecast) residual risk ratings. These ratings take into account the predicted (forecast) result of implementing the selected risk treatments and assumes they will be effective. This activity can be useful to justify the cost of risk

Framework



treatments by showing the anticipated benefit to be realised by modifying the risk to an acceptable level.

Monitoring & Review

Risk has a dynamic context resulting from the constantly changing external and internal environments of Council.

Identified risks are allocated to named individuals and referred to as 'risk owners'.

Council has determined that strategic and operational (work area) risks will be reviewed on an ~~bi~~-annual basis by risk owners. The timing of one of the reviews each year will coincide with the annual ~~service-Work Area p~~Planning process.

Risk Owners will monitor on an ongoing basis and report escalated risk to the relevant Director-General Manager who will report it through to the Risk Working Group on a quarterly basis.

Project risks are monitored on a day to day basis by the respective project manager/coordinator, with issues reported or escalated through the project structure.

~~DirectorsGeneral~~ Managers undertake high level monitoring of work area risk management activities and monitor allocated strategic risks.

The Risk Working Group receives a bi-monthly Risk Monitoring Report (outlining measurement of effective/ineffective treatments and highlights the higher levels risks) activity reports from the Risk Management Unit, feedback from ~~DirectorsGeneral~~ Managers and confirms the risk information to be provided to the ~~Audit & Finance~~ Finance & ~~Audit~~ Committee on an annual basis

Risk information is provided to the independent service provider for Council's assurance program as needed. Reports generated through the core assurance program are reviewed by the Executive ~~Management Group~~Leadership Team and ~~Audit & Finance~~Finance & ~~Audit~~ Committee to ascertain the effectiveness of the risk management program.

~~The following diagram shows a summary of the various roles in the monitoring and review process.~~

The hierarchy of monitoring and review from an organisational perspective is outlined in Diagram 6 and shows a summary of the various roles in the process.

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Risk Management

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Diagram 65: Hierarchy of Monitoring & Review



Bi-annual Risk Management Process

The diagram below shows the current approach to updating risk information across Council and aligned to the strategic planning process. A further update will be made when the strategic planning framework is finalised.

Diagram 7: Annual Risk Management Process Overview

Risk Management Framework

Appendix 1 - Definitions



Term	Meaning (*as per AS/NZS ISO 31000:2009 Risk Management)
Communication and consultation	A continual and iterative processes that an organisation conducts to provide, share or obtain information and to engage in dialogue with stakeholders regarding the management of risk
Consequence	*Outcome of an event affecting objectives Note 1: An event can lead to a range of consequences Note 2: Consequences can be certain or uncertain and can have positive or negative effects on objectives Note 3: Initial consequences can escalate through knock-on effects
<u>Contingency Plan</u>	<u>Implementing a risk contingency plan is designing a strategy that will reduce the inherent rating of a risk by diminishing the impact if the risk were to materialise</u>
Control	Measure that is modifying risk Note 1: Controls include any process, policy, device, practice or other actions which modify risk Note 2: Controls may not always exert the intended or assumed modifying effect
<u>Current Risk</u>	<u>Risk rating after taking into consideration the existing controls</u>
Establishing the context	Defining the external and internal parameters to be taken into account when managing risk, and setting the scope and risk criteria for the risk management policy
Event	Event occurrence or change of a particular set of circumstances Note 1: An event can be one or more occurrences, and can have several causes Note 2: An event can consist of something not happening Note 3: An event can sometimes be referred to as an "incident" or "accident" Note 4: An event without consequences can also be referred to as a "near miss", "incident", "near hit" or "close call"
Inherent Risk	Overall risk rating prior to consideration of existing controls
<u>Level of Risk (Risk Rating)</u>	Magnitude of a risk or combination of risks, expressed in terms of the combination of consequences and their likelihood
Likelihood	*Chance of something happening
Mitigation Strategy	Implementing a risk mitigation strategy is applying risk controls that have the ability to reduce the inherent rating of a risk by lessening the <i>likelihood</i> of the risk occurring
Monitoring	Continual checking, supervising, critically observing or determining the status in order to identify change from the performance level required or expected Note: Monitoring can be applied to a risk management framework, risk management process, risk or control.
Residual Risk	Risk remaining after further identified risk treatments to be actioned Note 1: Residual risk can contain unidentified risk Note 2: Residual risk can also be known as 'retained risk'
Review	Activity undertaken to determine the suitability, adequacy and effectiveness of the subject matter to achieve established objectives Note: Review can be applied to a risk management framework, risk management process, risk or control.
Risk	* <u>Damage, injury, loss or other unintended occurrence, resulting from an unplanned event impacting on achieving Community outcomes and Council objectives.</u> <u>The effect of uncertainty on objectives.</u> <u>Note 1: An effect is a deviation from the expected (positive or negative).</u> <u>Note 2: Outcomes and Objectives can have different aspects (such as relating to WHS, social, cultural, financial, environmental, business continuity, organisational, reputation or public administration health and safety, environmental) and can apply at different levels (such as strategic, organisational services and/or -wide, projects, product and process)</u> <u>Note 3: Risk is often characterised by reference to potential events and consequences or a combination of these.</u> <u>Note 4: Risk is often expressed in terms of a combination of the consequences of an event (including changes in circumstances) and the associated likelihood of occurrence.</u> <u>Note 5: Uncertainty is a state, even partial, of deficiency of information related to, understanding or knowledge of an event, its consequence, or likelihood.</u>
Risk Analysis	The process to comprehend the nature of the risk and to determine the level of the risk.

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Risk Management Framework

Appendix 1 - Definitions



Term	Meaning (*as per AS/NZS ISO 31000:2009 Risk Management)
Risk Assessment	The overall process of risk identification, risk analysis and risk evaluation
Risk Assessment Matrix	The tool for rating risks by utilising the criteria for likelihood and consequences
Risk Attitude	Organisation's approach to assess and eventually pursue, retain, take or turn away from risk
Risk Criteria	Terms of reference by which the significance of the risk is evaluated (likelihood, consequence)
Risk Evaluation	The process of comparing the results of risk analysis with risk criteria to determine whether the risk and/or its magnitude is acceptable or tolerable Note: Risk evaluation assists in the decision about risk treatment
Risk Management Framework	*A set of components that provide the foundations and organisational arrangements for designing, implementing, monitoring, reviewing and continually improving risk management throughout the organisation
Risk Identification	*The process of finding, recognizing and describing risks Note 1: Risk identification involves the identification of risk sources, events, their causes and their potential consequences. Note 2: Risk identification can involve historical data, theoretical analysis, informed and expert opinions and stakeholder's needs.
Risk Management	*The coordinated activities to direct and control an organisation with regard to risk
Risk Management Framework	A set of components that provide the foundations and or ganisational arrangements for designing, implementing, monitoring, reviewing and continually improving risk management throughout the organisation.
Risk Management Plan	Scheme within the risk management framework specifying the approach, the management components and resources applied to the management of risk
Risk Management Policy	Statement of the overall intentions and direction of an organisation related to risk management
Risk Management Process	Systematic application of management policies, procedures and practices to the activities of communicating, consulting, establishing the context, and identifying, analysing, evaluation, treating, monitoring and reviewing risk.
Risk Owner	*The person or entity with the accountability and authority to manage a risk
Risk Rating	See 'Level of Risk'
Risk Reduction	Actions taken to lessen the likelihood, negative consequences or both, associated with a risk
Risk Register	A list of identified risks detailing the risk owner, risk ratings, controls and further actions
Risk Retention	Acceptance of the burden of loss, or benefit of gain, from a particular risk Note 1: Risk retention includes the acceptance of risks that have not been identified Note 2: The level of risk retained may depend on the risk criteria
Risk Source	Element which alone or in combination has the intrinsic potential to give rise to risk Note: A risk source can be tangible or intangible.
Risk Appetite Tolerance	Risk is analysed in the context of CoM's objectives, but ultimately, in accordance with Council's risk tolerance level appetite . The risk tolerance level appetite represents Council's appetite tolerance level for accepting risk.
Risk Treatment	*The process to modify risk (implementing mitigation strategies and/or contingency plans) Note 1: Risk treatment can involve: <ul style="list-style-type: none"> - Avoiding the risk by deciding not to start or continue with the activity giving rise to the risk; - Taking or increasing risk in order to pursue an opportunity; - Removing the risk source; - Changing the likelihood; - Changing the consequence; - Sharing the risk with another party or parties (including contracts and risk financing); and - Retaining the risk by informed decision. Note 2: Risk treatments that deal with negative consequences are sometimes referred to as 'risk mitigation', 'risk elimination', 'risk prevention' and 'risk reduction'. Note 3: Risk treatment can create new risks or modify existing risks.

Risk Management Framework

Appendix 1 - Definitions



Term	Meaning (*as per AS/NZS ISO 31000:2009 Risk Management)
Stakeholders	Those people and organisations who may affect, be affected by, or perceive themselves to be affected by a decision, activity or risk Note: A decision maker can be a stakeholder.

Appendix 2 – Risk Criteria & Matrix



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Consequence Criteria

	People / WHS	Social/Cultural	Financial*	Environmental	Business Continuity / Organisational	Reputation & Public Administration
Insignificant	Physical or other injury requiring First Aid. No impact on wellbeing*. Minor local workforce disruption. Loss of continuity of staff knowledge.	Resident (household) experiences minor wellbeing* impact, disempowered, inconvenience or disadvantage. Household impact <\$50.	CoM – Financial impact, loss and/or penalty up to \$10,000. Project – up to 5% of original project budget.*	Minor adverse environmental impacts that are short term and/or reversible.	Insignificant impact on Council's ability to achieve strategic outcomes. Minor impact on local Business Unit plan. Project – Nil impact on achievement of key project objectives or project duration extended up to 10% of original project timeframe.	A slight but manageable increase in the number of adverse resident/ stakeholder complaints. No media enquiry.
Minor	Physical or other injury resulting in time lost (1 day) or requiring medical attention. Minor temporary impact on wellbeing*. Local and temporary poor morale. Temporary loss of some staff of an individual Unit's workforce. Loss of staff continuity requiring recruitment.	A group of residents within a suburb or identified cultural or community group experiences ongoing minor wellbeing* impact or are disempowered, inconvenienced or disadvantaged. Household financial impact <\$200.	CoM – Financial impact, loss and/or penalty between \$10,000 - \$100,000 Project – between 5-10% of original project budget.*	Isolated instances of environmental damage requiring minor effort to reverse / remediate.	Minor impact on a small number of Business Unit plans. Some impact on strategic initiatives but only minor aspects impacted. Overall strategic intent still achievable. Project – Some impact on isolated key project objectives. Additional minor effort required to ensure all objectives are met. Project duration extended by 10-20% of original project timeframe.	An increase in the number of resident/stakeholder complaints requiring direct effort to resolve / attend to. Media enquiry, isolated media mention (social or mainstream media). Elected Member dissatisfied, complaint.
Moderate	Physical or other injury resulting in brief hospitalization / medical treatment (1 day). Significant/medium term wellbeing* impact or a whole CoM worksite affected. Widespread morale issues. Temporary loss of staff across a number of Units. Loss of key staff with specific knowledge and skills. Impact on recruitment capacity as an Employer of Choice.	A number of neighbourhoods (up to 25% of residents) or cultural groups experience wellbeing* impact, are disempowered, inconvenienced or disadvantaged. Household financial impact <\$1,000.	CoM – Financial impact, loss and/or penalty between \$100,001 - \$1M. Project – between 10-20% of original project budget.*	Isolated but significant instances of environmental damage / implications requiring concentrated effort to reverse / remediate.	Some key components of the strategic plan could not be achieved as a result of risk event. Additional funding / resources required to rectify. Project – Impacts numerous key project objectives. Considerable effort required including some change in project scope to achieve required outcomes. Project duration extended by 21-35% of original project timeframe.	Campaign of adverse social media coverage supported by Local mainstream media agency for a period up to 3 days. A high volume of resident / stakeholder complaints. Majority of Elected Members dissatisfied, Council motion affecting CEO/Administration. CoM under severe pressure on numerous fronts. Ombudsman or Office of Public Integrity involvement. Complaint from partner organization resolved within portfolio.
Major	Serious injury requiring hospitalisation (2 days or more or re-admission)/ extensive rehabilitation. Long term wellbeing* impact or more than one CoM worksite affected. Entrenched severe morale problems. Inability to recruit with necessary skills. High employee turnover.	Up to 50% of residents are disadvantaged, inconvenienced, disempowered or may experience wellbeing* harm. Cultural group or community offended, unable to practice recognised traditions. Household financial impact <\$10,000.	CoM – Financial impact, loss and/or penalty between \$1M and \$4M. Project – between 20-35% of original project budget.*	Severe and/or widespread environmental damage and / or loss of environmental aspect. Extensive effort and support required to reverse / remediate. Danger of continuing environmental damage / losses.	Council unable to deliver on numerous key strategic initiatives without additional funding / resources. Major review of strategic plan required. Project – Significant portion of key project objectives impacted. Major changes to project scope and work necessary to achieve required outcomes. Project duration extended by 36-50% of original project timeframe.	Campaign of adverse social and mainstream media coverage at State and Local level for a period of up to one week. Publicised adverse resident comments and/or complaints. Forced resignation of General Manager/s. Ombudsman or Office of Public Integrity involvement. Relationship with partner organization harmed, requiring CEO involvement.
Severe	Death or critical injury. Wellbeing* of majority of workforce affected. Loss of a majority of the workforce. Inability to replace critical services.	Majority of CoM residents are disadvantaged, inconvenienced, disempowered or may experience wellbeing* harm. Household financial impact >\$10,000.	CoM – Financial impact, loss and / or penalty in excess of \$4M or higher impact on sustainability. Project - >35% of original project budget.*	Major widespread loss of environmental aspect and progressive irrecoverable environmental damage.	Majority of initiatives and / or key initiative within the Council's strategic plan unattainable. Project – Failure of project to meet all required objectives. Project duration extended by >50% of original project timeframe.	National / State campaign of adverse media coverage for a period greater than 1 week. Widely publicized adverse resident / stakeholder comments and / or complaints. Forced resignation of CEO / Mayor. Council stood down. Minister intervention required.

*Wellbeing – defined here as physical, mental and spiritual health and wellbeing
* Projects will adopt the higher of the CoM or Project ratings

Likelihood Criteria

Rating	Likelihood of Occurrence *For Projects – Likelihood of occurrence during the Project period only
Rare	The event will only occur in exceptional circumstances. (Probability close to 0)
Unlikely	The event is unlikely to occur. (Probability 1 - < 25%)
Possible	The event may possibly occur. (Probability 25 - < 50%)
Likely	The event is likely to occur. (Probability 50- <75%)
Almost Certain	The event is occurring now or is almost certain to occur. (Probability >75%)

Risk Assessment Matrix

LIKELIHOOD RATING	CONSEQUENCE RATING					Risk Tolerance
	Insignificant	Minor	Moderate	Major	Severe	
Almost Certain	MEDIUM	HIGH	HIGH	EXTREME	EXTREME	
Likely	LOW	MEDIUM	HIGH	HIGH	EXTREME	
Possible	LOW	MEDIUM	MEDIUM	HIGH	HIGH	
Unlikely	LOW	LOW	MEDIUM	MEDIUM	HIGH	
Rare	LOW	LOW	LOW	MEDIUM	MEDIUM	

Control Effectiveness

Ineffective	Absence of existing controls to address the risk cause/source or to reduce the impact of the risk if it occurred. No reliable controls are in place or available.
Undecided	The controls have been subject to major change or are in the process of being implemented and effectiveness cannot be confirmed.
Requires Improvement	The controls work in most instances with regard to managing the risk, however additional improvements are required to improve the effectiveness. Some controls are not well designed, as they do not treat the risk cause/source or there is too great a reliance on reactive (Detective/Corrective) controls.
Good	The control works well. Some improvement opportunities have been identified but not yet actioned.
Effective	Risk is being managed effectively. The controls are well designed and address the risk cause/source. The controls are regularly monitored and reviewed to verify their effectiveness.

Risk Evaluation – Required Actions based on Level of Risk Rating

Extreme Risk	Detailed risk treatment plan to be implemented and risk ownership to be assigned to Senior Leadership Team (SLT) member to monitor progress in consultation with the Risk Unit and relevant Senior Leader. Reported to Finance & Audit Committee and Risk Working Group. Control effectiveness to be closely monitored at work area level on an ongoing basis, in consultation with the Risk Unit.
High Risk	Risk treatment to be implemented by risk owner in consultation with Risk Unit. Relevant General Manager to determine appropriate risk owner and report risk to the Risk Working Group. Reported to Finance & Audit Committee. Control effectiveness to be closely monitored at work area level on an ongoing basis.
Medium Risk	Risk treatment to be assigned if controls are not 'Effective'. Risk owner assigned at Unit Manager or Senior Leader level. Risk reviewed quarterly by risk owner and reported to relevant General Manager.
Low Risk	Managed by Unit Manager at work area level via standard operating procedures and reviewed on an annual basis and reported to relevant General Manager.

**CITY OF MARION
GENERAL COUNCIL MEETING
19 January 2016**

Originating Officer: Kate McKenzie, Manager Corporate Governance
Rachel Read, Acting Manager Human Resources

General Manager: Vincent Mifsud, General Manager Corporate Services

Subject: Recruitment and Appointment of Expert Members to
Section 41 Committees and Amendment to Committee
Meeting Schedule 2016.

Reference No: GC190116R09

REPORT OBJECTIVES:

To consider and appoint (if appropriate) expert members to the following Section 41 Committees:

- People and Culture
- Strategy
- Urban Planning
- Infrastructure

To amend the Committee Meeting Schedule for 2016.

EXECUTIVE SUMMARY:

At its meeting of 13th October 2015, Council made a number of resolutions regarding its structure for Committees established under section 41 of the Local Government Act 1999. This included:

- Adopting Terms of Reference for each Committee;
- Sitting fees for expert members;
- A meeting schedule for the Committees in 2016, and
- The appointment of a Selection Advisory Panel to source and evaluate potential candidates for appointment as Expert Members to each Committee for recommendation to Council.

The Selection Advisory Panel has now undertaken a thorough process and has made a number of recommendations to Council.

RECOMMENDATIONS (4)

DUE DATES

That Council;

1. Offer to David Panter, the role of Expert Member to the People and Culture Committee until XX or until such time as the Committee is disbanded.

January 2016

- | | |
|--|---------------------|
| 2. Offer to Damian Scanion the role of Expert Member to the Strategy Committee until XX or until such time as the Committee is disbanded. | January 2016 |
| 3. Offer to Christian Reynolds the role of Expert Member to the Infrastructure Committee until XX or until such time as the Committee is disbanded. | January 2016 |
| <p><i>Pursuant to Regulation 21 of the Local Government (Procedures at Meetings) Regulations 2013, the Chief Executive Officer may submit a report recommending revocations or amendment of a decision of Council, therefore it is recommended to:</i></p> | |
| 4. Amend the resolution of 22 September 2015 that states ‘Council adopts the meeting schedule for the Committees as set out in Appendix 6 to this report’ to ‘That Council adopts the meeting schedule for the Committees as set out in Appendix 1 to this report (GC190116R09).’ | January 2016 |

BACKGROUND

Committees can provide a mechanism for Council to focus in more detail on specific areas which either requires more time for consideration and oversight or where specific technical expertise is required. They can be beneficial when issues are too complex and/or numerous to be handled by the entire Council.

Throughout 2015, Council reviewed its Committee Structure and adopted new Terms of Reference for five (5) Committees being:

- Finance and Audit
- People and Culture
- Strategy
- Urban Planning
- Infrastructure

With the exclusion of the Finance and Audit Committee, the membership of the remaining Committee's consist of:

- The Mayor (ex officio)
- Three other Elected Members
- One Expert Member

At its meeting of 22 September 2015, Council resolved ‘to endorse the composition of a Selection Advisory Panel as the Elected Members appointed to the People & Culture Committee to source and evaluate potential candidates for appointment as Expert Members to each Committee (with the exception of the Finance and Audit Committee) for recommendation to Council.’

Following this, at its meeting of 13 October 2015, Council appointed the membership of the People and Culture Committee as Mayor Hanna (ex-officio), Councillor Hutchinson, Councillor Telfer and Councillor Hull.

DISCUSSION:

The Selection Advisory Panel has undertaken the following process:

- Names of expert panel members were recommended by Locher, with further details populated by Human Resources in relation to experience, skills and education
- Names of expert panel members were recommended by the Senior Leadership Team and Council, with further details populated by Human Resources in relation to experience, skills and education
- The final list of names was provided to the Selection Advisory Panel and a short list identified for interview
- Human Resources spoke with each of the shortlisted candidates to brief them on the committee's objectives and to ascertain their interest in being on the committee
- Interviews took place with potential candidates for the expert panel members on Monday 14 December 2015, with two expert panel members selected for recommendation to Council for the Infrastructure and People & Culture Committee
- Interviews took place with potential candidates for expert panel members for the Strategy and Urban Planning Committees on Monday 11 January 2016

Based on this process and assessment by the Selection Advisory Panel, the Panel recommends to Council the following:

- Adopt the expert members for each of the committees identified in the table below

The table below provides a summary for the Membership of each Committee, noting that the Mayor is ex-officio. An expert member has not yet been appointed to the Urban Planning Committee and the selection process for this Committee is in progress.

Committee	Presiding Member	Elected Members	Expert Members
People and Culture	Councillor Telfer	Councillors Hutchinson, Hull	David Panter
Strategy	Councillor Veliskou	Councillors Westwood, Gard	Damian Scanion
Urban Planning	Councillor Prior	Councillors Crossland, Appleby	TBA
Infrastructure	Councillor Byram	Councillors Kerry, Pfeiffer	Christian Reynolds

COMMITTEE MEETING SCHEDULE

At its meeting of 22 September 2015 Council adopted Appendix 6 to the report regarding a meeting schedule for the Committees for 2016. Since this time, the organisation has undergone an internal restructure meaning that some of the Committee now fall under the portfolio of the one General Manager (for example, Strategy and Urban Planning). This has created a conflict for the General Manager as the Committees are scheduled to meet at the same time. Based on this, it is recommended to amend the Committee meeting schedule as follows:

- Strategy Committee and Infrastructure Committee (first meeting February 2016)

- Urban Planning Committee and People and Culture Committee (first meeting March 2016).

Appendix 1 provides the relevant amendments to the schedule.

This amendment can be made pursuant to Regulation 21 of the *Local Government (Procedures at Meetings) Regulations 2013*, where the Chief Executive Officer may submit a report recommending revocations or amendment of a decision of Council.

CONCLUSION

The appointment of high calibre persons as expert members to Council Committees promotes a culture of accountability and transparency. Such persons have proven to significantly contribute to the City of Marion's internal structures that provide for the independent review of processes and decision-making and therefore assist Council to meet its accountability to stakeholders.

Appendix 1

Schedule of Committee Meetings 2016			
Date	Committee	Time	Venue
Tuesday, 2 February	Infrastructure	6.30 – 9.30 pm	Committee Room 1
	Strategic Issue	6.30 – 9.30 pm	Committee Room 2
Tuesday, 1 March	People and Culture	6.30 – 9.30 pm	Committee Room 1
	Urban Planning	6.30 – 9.30 pm	Committee Room 2
Tuesday, 5 April	Infrastructure	6.30 – 9.30 pm	Committee Room 1
	Strategic Issue	6.30 – 9.30 pm	Committee Room 2
Tuesday, 3 May	People and Culture	6.30 – 9.30 pm	Committee Room 1
	Urban Planning	6.30 – 9.30 pm	Committee Room 2
Tuesday, 7 June	Infrastructure	6.30 – 9.30 pm	Committee Room 1
	Strategic Issue	6.30 – 9.30 pm	Committee Room 2
Tuesday, 5 July	People and Culture	6.30 – 9.30 pm	Committee Room 1
	Urban Planning	6.30 – 9.30 pm	Committee Room 2
Tuesday, 2 August	Infrastructure	6.30 – 9.30 pm	Committee Room 1
	Strategic Issue	6.30 – 9.30 pm	Committee Room 2
Tuesday, 6 September	People and Culture	6.30 – 9.30 pm	Committee Room 1
	Urban Planning	6.30 – 9.30 pm	Committee Room 2
Tuesday, 4 October	Infrastructure	6.30 – 9.30 pm	Committee Room 1
	Strategic Issue	6.30 – 9.30 pm	Committee Room 2
Tuesday, 1 November	People and Culture	6.30 – 9.30 pm	Committee Room 1
	Urban Planning	6.30 – 9.30 pm	Committee Room 2

**CITY OF MARION
GENERAL COUNCIL MEETING
19 January 2016**

Originating Officer: Craig Clarke, Unit Manager Communications
Corporate Manager: Fiona Harvey, Innovation and Strategy Manager
General Manager: Abby Dickson, City Development
Subject: Australia Day Council (SA) membership fees
Report Reference: GC190116R10

REPORT OBJECTIVES:

The purpose of this report is to seek Council's view on renewing membership of the Australia Day Council (SA).

EXECUTIVE SUMMARY:

The City of Marion has been a member of the Australia Day Council (SA) for at least the past 12 years. The annual subscription fee of \$1576 is due and Council's view on whether to renew membership is sought.

For its subscription fees, residents of the City of Marion are eligible for the State Citizen of the Year, State Young Citizen of the Year and State Community Event of the Year awards, which are run by the Australia Day Council. The City of Marion also receives support for its Australia Day activities, including access to a speakers' bureau and marketing and promotional materials.

The Australia Day Council advises that if the City of Marion discontinued its membership then those benefits, including access to the State award program for our community, would be lost. There is also uncertainty as to whether City of Marion residents would be eligible for the South Australian of the Year awards.

Marion Council's existing local Citizen of the Year, Young Citizen of the Year, Community Event of the Year and Sports Person/Team of the Year program would be unaffected by any change in membership.

RECOMMENDATIONS (1)

DUE DATES

That Council:

- | | |
|--|--------------------|
| 1. Pay the current membership fees to the Australia Day Council (SA) and continue the City of Marion's involvement with the organisation. | 19 Jan 2016 |
| OR | |
| 2. Not renew the current membership fees and write to the Australia Day Council (SA) to notify them of Council's decision. | 19 Jan 2016 |

BACKGROUND

The Australia Day Council (SA) is an independent organisation which coordinates Australia Day celebrations throughout the State. With funding from all tiers of government and the corporate sector, they run the Citizen of the Year Awards, including the Young Citizen and Community Event of the Year, as well as the South Australian of the Year awards, which feed into the national program.

At a local government level, the Australia Day Council provides support to Councils and organising committees for their 130+ Australia Day events including certificates and frames for their Australia Day Awards. All 68 local councils in South Australia are members of the Australia Day Council.

DISCUSSION

The City of Marion has paid an annual subscription to the Australia Day Council (SA) for at least the past 12 years.

The current membership fee is \$1576 (including GST). Council has two options to consider:

- 1 Pay the current membership fees to the Australia Day Council and continue the City of Marion's involvement with the organisation.
- 2 Not renew the current membership fees and write to the Australia Day Council to notify them of Council's decision.

For its annual subscription, the City of Marion receives the following:

Access to the State awards

City of Marion residents are eligible to be considered for the State Citizen of the Year, State Young Citizen of the Year and State Community Event of the Year awards, and other awards coordinated by the Australia Day Council. In the past three years, Marion residents have received the following acknowledgements:

- 2015 – Monica Oliphant (Senior South Australian of the Year); Ian Cox (Local Hero finalist)
- 2014 – Dr Joseph Masika (Local Hero finalist)
- 2013 – Dr Felicity-ann Lewis (South Australian of the Year).

Marion runs its own citizen of the year award program on Australia Day and this would not change if Council chose not to renew its membership. Any nominations received for the State awards are automatically fed back to the City of Marion for consideration for local awards.

Access to marketing collateral

The Australia Day Council provides certificates, frames, and pins for the Citizen of the Year program as part of the membership package, in addition to marketing materials and templates and the use of the official Australia Day logo. It also promotes any Australia Day events via their website and social media platforms. The City of Marion has in the past purchased limited quantities of materials such as flags, balloons, wrist bands and polo shirts from the organisation.

Access to the Australia Day Ambassador program

The Australia Day Council provides a list of notable South Australians who are willing to speak at local government events. The City of Marion has used the following speakers from the program: 2015 – artistic director Pat Rix; 2014 – indigenous community worker Ivan Copley; 2013 – Muslim commentator Belal Moraby; 2012 – scientist Dr Rob Morrison.

The Australia Day Council also provides two tickets to the Australia Day awards in the City.

If Council chose not to renew its membership, it risks:

Local residents being ineligible for State awards

The Australia Day Council advises that only residents of participating Councils are eligible to be considered for the State Citizen of the Year, State Young Citizen of the Year and State Community Event of the Year. Marion Council's decision to withdraw its membership would mean residents would be excluded from these awards. There is uncertainty as to whether this would extend to the South Australian of the Year program, which feeds into the national award.

Reputational

Marion Council would be the only local government authority in South Australia that was not a member of the Australia Day Council. There may be reputational harm if the community was ineligible to be considered for the State and/or national awards.

Losing access to the Ambassador program and marketing opportunities

The City of Marion would no longer have access to the Ambassador program, marketing materials such as pins and certificates, and lose promotional opportunities. However, the City of Marion could independently source its own speakers and marketing and promotional materials.

FINANCE

Funds are currently available within the 2015-16 budget to cover the membership renewal costs.

CONCLUSION

The information provided in this report enables Council to make an informed decision on whether it wishes to continue with its annual subscription to the Australia Day Council.

**CITY OF MARION
GENERAL COUNCIL MEETING
19 January 2016**

Originating Officer: David Harman, Financial Accountant
Corporate Manager: Ray Barnwell, Manager Finance
General Manager: Vincent Mifsud, General Manager Corporate Services
Subject: Framework, Key Assumptions and Timeframes for the preparation of the 2016/17 ABP&B and LTFP
Report Reference: GC190116R11

EXECUTIVE SUMMARY:

Council is required by the Local Government Act 1999 to prepare and adopt an Annual Business Plan & Budget (ABP&B) each year, and in doing so, determine the key strategic priorities for the ensuing 12 months in the context of Council's Community Plan.

The purpose of this report is to present for Council's consideration and endorsement, the proposed framework to be used for the preparation of the ABP&B 2016/17 and Long Term Financial Plan 2016/17 to 2025/26 (LTFP), subject to any changes proposed by Council.

The Draft LTFP and Draft ABP&B 2016/17 will be developed in accordance with the framework and key budget assumptions adopted by Council at this meeting. This report includes a review of financial parameters, key budget assumptions and associated risks with the proposed framework and key budget assumptions.

RECOMMENDATIONS (3)

DUE DATES

That Council:

1. Adopt the following framework for setting the Annual Business Plan and Budget 2016/17 and Long Term Financial Plan 2016/17 to 2025/26, subject to any changes proposed by Council:

19 JAN 2016

- Supports the achievement of the City of Marion's Strategic Directions.
- Addresses issues arising *and opportunities identified* from internal audit reviews, *service reviews* and business excellence assessments.
- *Maintain an Operating Surplus ratio of between 0 – 6%* 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 when it is cost effective to do so.

- Reviews existing services and assets to ensure they meet prioritised community needs.
- Council only *approve* 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
- Implements responses for progressing liveable cities strategies and funding opportunities within Marion.

- 2. Considers the Key Assumptions to be used in the preparation of the ABP&B 2016/17 and LTFP.** **19 JAN 2016**
- 3. Note the timeframes for the development of Council's Annual Business Plan and Budget 2016/17 and LTFP.** **19 JAN 2016**

BACKGROUND & DISCUSSION

Prior to the preparation of the next iteration of Council's LTFP and the ABP&B 2016/17, Council's feedback is sought on the framework and key assumptions that will be used.

The current framework detailed below, adopted by Council at its meeting on 28 April 2015 (GC280415R05) will be used in setting the ABP&B 2016/17 and LT FP subject to any changes proposed by Council. The LTFP is an on-going iterative process and the framework and assumptions are updated annually based upon the most current data and information prevailing at the time.

The currently adopted framework and assumptions are listed below with any proposed amendments highlighted.

Framework

The ABP&B 2016/17 and the next iteration of the LTFP will be prepared under the following framework;

- **Supports the achievement of the City of Marion's Strategic Directions.**
Comments: No change proposed.
- **Addresses issues arising from the internal audit reviews and business excellence assessments.**
Comments: It is recommended to change the wording to "Addresses issues arising and opportunities identified from internal audit reviews, service reviews and business excellence assessments".
- **Maintain a financial position at an average of category 3 (Operating Surplus of between 0 – 5%) over any five consecutive years, with a primary focus being on Cash Flow and Funding.**
Comments: It is recommended to change the wording of this to "Maintain an Operating Surplus ratio of between 0 – 6% over any five consecutive years, with a primary focus being on Cash Flow and Funding". This will remove any confusion with reference to "categories" and align the targeted Operating Surplus ratio to that adopted by Council in the ABP&B 2015/16.
- **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 when it is cost effective to do so.**
Comments: This prioritisation has been embedded in Council's Asset Management Policy, which in turn has informed the development of Council's next iteration of its AMP's which have been finalised and are due to be adopted by Council early in 2016. Once adopted these plans will be integrated into the next iteration of the LTFP.
- **Reviews existing services and assets to ensure they meet prioritised community needs.**
Comments: Processes for delivering further efficiency and effectiveness savings to ensure that maximising public value for ratepayers are continuing. This process of continual improvement incorporates undertaking a series of Business Service reviews with the objective of delivering future on-going operational savings.
- **Council only considers new Major Projects where it has the identified funding capacity to do so**
Comments: Following feedback from the Audit Committee it is recommended that the above wording be changed to "Council only approve new Major Projects where it has

the identified funding capacity to do so". The reason for the proposed change is that Council should be able to consider a wide variety of matters and this amendment will facilitate this.

- **Maintain Council's position for an average residential rate which remains among the lower rating metropolitan councils**

Comments: No change proposed

- **Implements responses for progressing liveable cities strategies and funding opportunities within Marion.**

Comments: No change proposed.

Assumptions

In constructing the Draft ABP&B 2016/17 and the LTFP, a number of assumptions and variables will be applied:

- Service delivery levels are maintained at current levels (any new service improvements are prioritised and approved separately by Council subject to financial capacity).
- A 2.5% increase per annum is applied to operating income and expenditure amounts in line with the Reserve Bank's targeted CPI with the following exceptions:
 - Employee costs – increase of 2.0% from 2016/17 onwards, taking into account enterprise bargaining increases, award increments, reclassifications, super guarantee increases and efficiency gains through Council's Vacancy Management Policy.
 - Interest expenses are directly related to Council borrowings and cash flows.
 - Rates – increase of 2.75% plus growth which is forecast at 1.0%. This assumption will continue to be monitored in light of global economic forecasts and the financial impact that those circumstances may have on Marion ratepayers and their capacity to pay.
 - Interest revenue is directly related to Council investments and cash flows.
 - An adjustments schedule has been developed to account for any future variations in operating activities (e.g. an adjustment is made to Local Government election expenses to reflect that they only occur once every 4 years).
 - Contributed assets from developers of \$1.5m will be forecast for 2016/17 – 2025/26 (includes roads, footpaths, drains etc. provided by developer or new subdivisions occurring in the Council area). This figure does not include any contributed assets from the Tonsley development – governance arrangements for this are currently being worked through with the Government of South Australia.
 - Capital Grants, subsidies and monetary contributions reflect tied monies received in relation to the purchase/construction of new assets and are budgeted in accordance with information known at the time of preparing this document.

Potential Risks associated with the Framework and Key Assumptions

There are a number of potential risks that Council should be aware of and consider when assessing the Framework and Key Assumptions:-

1. In the recent past there has been discussion about the possibility of rate capping being introduced, which may impact on the assumption of an annual 2.75% average rate increase over the life of the LTFP. This assumption, should rate capping be introduced, may prove to be unsustainable in the long term. Council will need to continue to investigate and develop strategies to reduce the reliance on such rate increases, balancing this with the real cost of service provision and service demand from the community.

2. Employee Costs - Dependent on the outcome of future Enterprise Agreements:

- the inside workforce agreement will expire on 30 June 2016 and is due for renegotiation in the coming months. The existing agreement includes maintaining 6th ranking amongst other metropolitan councils which resulted in a 3.4% increase in 2015/16.
- The outside workforce agreement will expire on 30 June 2017. The existing agreement again includes maintaining 6th ranking amongst other metropolitan councils with a minimum 3% increase for 2016/17.

Capping employee costs at 2.0% may not provide enough funding if sufficient efficiency gains in staffing levels cannot be realised. This increase may also not be sustainable should service levels increase and associated increases in staffing levels be required. As any increases over 2.0% in the early years of the LTFP have a compounding effect which could have a significant impact – as an example, an extra 1.0% increase for the first three years would have an impact of \$0.3m in year one, and a total compounding impact over the 10 year term of the LTFP of \$9.6m.

When considering employee cost increases, consideration also needs to be given to the revised timetable relating to the change in the Superannuation Guarantee. These increases recommence on 1 July 2021 - halfway through the LTFP - with five annual increases of 0.5% each, which will effectively account for one quarter of the projected 2.0% increase.

3. Competing priorities and community expectations - There are currently a number of large unfunded aspirational strategic projects identified for further investigation across the City that require partnership funding to be able to proceed, as well as a significant number of unfunded and unprioritised initiatives. It is crucial that these aspirational strategic projects and unprioritised initiatives are prudently assessed with appropriate due diligence and in a disciplined manner to ensure Councils long term financial sustainability is preserved.

4. There are increasing levels of community housing transfers across the City resulting in increasing levels of rate rebates. Recently we have had the transfer of 608 Mitchell Park homes from Housing SA to the management of community housing provider Junction Australia. Whilst this transfer, through agreement between State Government and Junction Australia, does not require the legislated rate rebate, there have also been an increasing number of transfers in addition to this agreement since the start of the financial year. Excluding the properties mentioned above the following are the transfers over the past 3 years:

Year to date	2015/16	58 (+ 608 Mitchell Park transfer)
	2014/15	20
	2013/14	34

Audit Committee feedback

At its meeting on 15 December 2015 (AC151215R7.3) the Audit Committee considered and provided feedback on the proposed framework and key budget assumptions for the ABP&B 2016/17 and the LTFP. Various matters were discussed, such as the proposed change in the Operating Surplus ratio target and gaining a better understanding of the rating system. This feedback is included in the minutes of the Audit Committee meeting presented at this Council meeting reference GC190116R01.

The Committee recommended that the framework for the 2016/17 ABP&B and LTFP be presented to Council for consideration and adoption, with the inclusion of minor edits as noted in the recommendations in this report.

Targeted Savings

With the strong focus on identifying on-going savings during the preparation of the ABP&B 2015/16, Council adopted a budget which incorporated projected operational savings of \$3.2m. Further to this, identified once-off savings of \$3.315m were achieved and recently reported to Council following the completion of the 2014/15 audited financial statements. Council services will continue to be reviewed during the preparation of the ABP&B 2016/17 and any areas where further efficiency and effectiveness savings are identified through Business Service reviews will be incorporated into the development of the ABP&B 2016/17 and the LTFP. Continual improvement in the effectiveness and efficiency of how services are delivered is an on-going focus of Council.

CONCLUSION:

The Draft LTFP and Draft ABP&B 2016/17 are set to be developed in accordance with the framework and key budget assumptions outlined in this report. This report includes a review of financial parameters, key budget assumptions and associated risks with the proposed framework and key budget assumptions, and is presented to Council to endorse, subject to any proposed changes.

Appendix 1: 2016/17 Annual Business Plan and Budget and Long Term Financial Plan Preparation Timelines

2016/17 Annual Business Plan and Budget, and Long Term Financial Plan Preparation Timelines

Report	Purpose	To	Date
1. Priority Setting	Begin development of strategic priorities	Elected Member Workshop	16 Jan
2. Priority Setting	Review of unfunded initiatives	Elected Member Forum	16 Feb
3. Framework	Endorsement of integrated planning framework including the Council Plan, Long Term Financial Plan (LTFP) and ABP&B 2016/17, environmental scan, assumptions, schedule and key outcomes	Audit Committee	8 March
4. Rating Strategy and Analysis	Valuer General Presentation and Workshop to consider 16/17 rating strategy and budget and scenario planning/modeling	Elected Member & Audit Committee Workshop	8 March
5. Preparation of 2016/17 ABP&B	Workshop to bring together ABP&B key elements; strategic priorities, objectives, key performance indicators, final position on savings, rating strategy for 2016/17, grants and subsidies, fees and charges	Elected Member Forum	29 March
6. Adopt draft ABP&B for consultation	Endorsement of the Draft ABP&B 2016/17 for public consultation	General Council	26 April
7. Community Consultation	Minimum of 21 day public consultation period (notification in "What's on in Marion column" in Guardian Messenger Press 28 April)		4 – 24 May
8. Rating Report 2016/17 Update	Consideration of an update of the valuation data applicable in setting the 2016/17 rates. This information will assist Council in reviewing its Rating strategy.	General Council	24 May
9. Community feedback on ABP&B	Opportunity for community representation & outcomes of community consultation on ABP	General Council	24 May
10. Final Draft ABP&B & LTFP	Consideration of the final Draft ABP&B 2016/17 (including fees and charges schedule) and LTFP	Audit Committee	31 May
11. Draft LTFP, Council Plan & ABP&B	Endorsement of the LTFP, Council Plan and ABP&B 2016/17 for final adoption at the General Council Meeting on the 28 June Consideration of the summary of the City of Marion Annual Business Plan and Budget 2016/17	General Council	14 June
12. Financial Policies	Approval for Council's Financial Governance Policies	General Council	28 June
13. Adopt LTFP, Council Plan & ABP&B	Adoption of the LTFP, Council Plan and ABP&B 2016/17	General Council	28 June
14. Summary ABP&B for communication	Endorsement of the of the summary of the City of Marion Annual Business Plan and Budget 2016/17	General Council	28 June
15. Valuation	Adoption of the valuation for 2016/17	General Council	28 June
16. Rates Declaration	To declare the rates for the financial year 2016/17	General Council	28 June
17. Rate Rebates	Adoption of the applicable rebates 2016/17	General Council	28 June

Please note: These timeframes may be subject to minor alteration through the planning process.

**CITY OF MARION
GENERAL COUNCIL MEETING
19 January 2016**

Originating Officer: Vincent Mifsud
General Manager: Vincent Mifsud, Corporate Services
Subject: SRWRA Audit Committee Reappointment
Report Reference: GC190116R12

REPORT OBJECTIVES AND EXECUTIVE SUMMARY:

The purpose of this report is to seek Council support in reappointing Mr Greg Connor, Audit Committee Member to the Southern Region Waste Resource Authority's Audit Committee.

Council has a regional subsidiary established under Section 43 of the *Local Government Act 1999*. The Authority, established jointly by the Cities of Onkaparinga, Holdfast Bay and Marion, is a significant operating entity that provides and operates services for the management of waste by or on behalf of the constituent Councils.

The Authority is governed by a Board of 7 Directors comprising of 2 representatives from the constituent Councils together with an independent Chair. There are currently 2 representatives from the City of Marion, being Councillor Ian Crossland and Mr Vincent Mifsud, General Manager Corporate Operations, with Councillor Nick Kerry being the deputy (GC251114R10).

The Authority's Audit Committee has been established under Schedule 2 Part 2 Clause 30 of the *Local Government Act 1999*. The Committee consists of 4 members, 1 member who is a board member of the Authority and 3 members who are independent. There is currently 1 member each from Onkaparinga, Holdfast Bay and Marion.

In November 2013, Council approved the appointment of Mr Greg Connor to the Authority's Audit Committee (GC121113R07) and this report recommends the reappointment of Mr Greg Connor to this position. Mr Connor brings a high level of experience in the areas of financial management and senior business knowledge.

From the City of Marion's perspective, the composition of the Authority's Audit Committee is consistent with the City of Marion's adopted approach to audit committees, particularly with the appointment of independent members who have the necessary technical expertise to undertake the role.

RECOMMENDATIONS (1)

DUE DATES

That Council:

- | | |
|--|--------------------|
| 1. Reappoints Mr Greg Connor to the Southern Region Waste Resource Authority Audit Committee for a period of two years. | 19 Jan 2016 |
|--|--------------------|

BACKGROUND AND DISCUSSION

Clause 30 of Schedule 2 to the Local Government Act 1999 provides that a regional subsidiary must establish and maintain effective auditing of its operations and in doing so, must establish an audit committee unless exempted by its charter.

Clause 30 further provides that the audit committee of a Regional Subsidiary will comprise persons determined or approved by the constituent councils, and that the functions of the audit committee include:

- reviewing annual financial statement to ensure that they provide a timely and fair view of the state of affairs of the subsidiary; and
- liaising with external auditors; and
- reviewing the adequacy of the accounting, internal auditing, reporting and other financial management systems and practices of the subsidiary on a regular basis.

In September 2009 the Authority approved the establishment of an Audit Committee and set the terms of reference for the committee. The Authority's Board approached the independent members of the three Constituent Council's (Cities of Holdfast Bay, Marion and Onkaparinga).

CONCLUSION:

The Authority operates services for the management of waste on behalf of the constituent councils and it is therefore prudent and appropriate for Council to provide maximum representation on both the Board of Directors and the Audit Committee.

**CITY OF MARION
GENERAL COUNCIL MEETING
19 January 2016**

Originating Officer: Vincent Mifsud
General Manager: Vincent Mifsud, Corporate Services
Subject: Southern Region Waste Resource Authority (SRWRA)
Charter Review
Report Reference: GC190116R13

REPORT OBJECTIVES AND EXECUTIVE SUMMARY:

The purpose of this report is to seek Council's views on the Southern Region Waste Resource Authority (SRWRA) Charter that is currently under review.

SRWRA is a regional subsidiary established by the Cities of Onkaparinga, Marion and Holdfast Bay, pursuant to Section 43 of the *Local Government Act 1999*.

Under its Charter, SRWRA is responsible for providing and operating waste management services on behalf of its constituent Councils and ensuring that a long term Waste Management Strategy exists in the southern region of Adelaide.

SRWRA's Charter must be reviewed at least once in every four years, and was last reviewed by the Chief Executive Officer and Board in 2011 and gazetted in 2012. It is now therefore necessary for the Charter to be reviewed and updated where appropriate.

Mr Mark Hindmarsh, SRWRA Chief Executive Officer, and the SRWRA Board have thoroughly reviewed the Charter and their suggested amendments to the Charter are included in the marked-up document attached as Appendix 1.

Feedback is being sought from Council on these suggested amendments as well as any other input Council may consider appropriate.

Following feedback from all three Councils, a draft amended Charter will be prepared and considered by the SRWRA Board. The draft amended Charter will then be forwarded to the Constituent Councils for consideration and approval. Unanimous agreement by all Constituent Councils expressed by resolution is required in order that the amended Charter be adopted.

The amended Charter will then be published in the SA Government Gazette and a copy provided to the Minister for State/Local Government Relations.

RECOMMENDATIONS (1)

DUE DATES

That Council:

- 1. Provide the Southern Region Waste Resource Authority with feedback to inform the Regional Subsidiary Charter review.**

19 Jan 2016

BACKGROUND AND DISCUSSION

The SRWRA Charter requires a review every four years and as the current Charter was finalised in 2011 and gazetted in 2012 it is now necessary for it to be updated. The draft Charter was reviewed by the SRWRA Board at its meeting on the 7th December 2015 and a number of amendments were recommended. The Charter has been amended in accordance with these recommendations as detailed in Appendix 1.

The amended Charter has been endorsed by the SRWRA Board and forwarded to the constituent councils for their review and support or otherwise. It is necessary for the Constituent Councils to act in concurrence to amend the Charter and there is a need for their unanimous support by resolution of each council for it to be amended. In making a decision on the amendment to the Charter each council must take into account the Board's recommendations on updating the Charter.

Following receipt of support of the updated Charter from the Constituent Councils, the next step is for the Board to adopt the Charter and the new Charter to be published in the Government Gazette, within the Constituent Council areas and a copy to be sent to the Minister. Once this is completed the new Charter will be operational and the Authority will operate under the updated Charter.

It is expected this process will be completed in the first half of 2016.

An outline of the clauses reviewed and amendments suggested by the Board are:-

1. Powers and Functions of the Authority – the deletion of 1.6.3 relating to distribution of surplus funds. This is replaced by a new clause – 1.10 Liability Guarantee (see below). Minor amendments to update 1.6.9 – employment of Executive Officer and 1.6.10 Professional Advisors.
2. Delegation – the level of expenditure delegated to the Executive Officer (EO) in 1.8.2 has been changed to \$100 000.
3. National Competition Policy - the amendment of 1.9.1 and the addition of 1.9.2 to reflect that if the Authority engages in significant business activities it will undertake a risk/benefit analysis and, as required, apply relevant principles of competitive neutrality.
4. Functions of the Board – amendment to 2.1.5 to remove the words “assisting in the” and replace them with Developing as it is a function of the Board.
5. Propriety of the Board – minor amendments to 2.3.2 and 2.3.3.
6. Meetings of the Board.
 - Minor technical amendment to 2.5.1
 - The process of adopting previously circulated and adopted resolutions as per 2.5.5 to clarify there is no requirement for a report to be put on the next Board agenda to confirm the adoption at the next Board meeting. The Board will receive advice of such resolutions in a similar manner to the minutes of previous meetings
 - Addition of delivery of notice to Board Members by electronic means is included in 2.5.9 (c).
7. Annual General Meeting – minor amendment of wording in 2.6.3 (a) and (b) and addition of 2.6.3 (c) to allow the notice of the AGM to be displayed on the Authority website.
8. Staffing – minor amendment of 3.3 regarding appointment of an Acting EO
9. Financial Management – amended 4.1.5 to change the term Auditor to the Board
10. Audit – amended 4.2.2 by adding the word Subsidiary as the requirements are different for councils and subsidiaries. This does not mean that the SRWRA will not review its internal controls just that it can be less regularly e.g every three years instead of every year.

11. Alter the headings of 4.3 to Strategic Plan and 4.4 to Annual Business Plan and Budget to reflect what the SRWRA actually does and change these references within the clauses. These changes were checked by Kelley Jones.
12. Withdrawal – amended 5.2.4 to identify the continuing liability of a withdrawing council for any liability incurred before the date of withdrawal
13. Insurance and Superannuation Requirements – amended heading to Insurance Requirements and 5.4.3 to delete reference to superannuation
14. Winding Up and Statutory Guarantee – minor amendment to wording in 5.5.2
15. Review of Charter – amendment to 5.7.3 to provide a wider distribution of the amended Charter. Constituent Council websites would be able to advise the community how to access the amended Charter.

CONCLUSION:

SRWRA is a regional subsidiary established by the Cities of Onkaparinga, Marion and Holdfast Bay. The SRWRA Charter must be reviewed at least once in every four years and feedback is sought from Council to inform this review.

APPENDIX 1: Marked-up SRWRA Charter

LOCAL GOVERNMENT ACT 1999

SOUTHERN REGION WASTE RESOURCE AUTHORITY REGIONAL SUBSIDIARY

Charter— 2015~~4~~

1. INTRODUCTION

1.1 Name

The name of the subsidiary is Southern Region Waste Resource Authority (referred to as 'the Authority' in this Charter).

1.2 Definitions

1.2.1 'absolute majority' means a majority of the whole number of the Board members or of the Constituent Councils as the case may be;

1.2.2 'Constituent Councils' means the Councils identified at Clause 1.3 of this Charter;

1.2.3 '*Gazette*' means the *South Australian Government Gazette*;

1.2.4 'net assets' means total assets (current and non-current) less total liabilities (current and non-current) as reported in the annual audited financial statements of the Authority together with the net present value of the projected future cash inflows net of cash outflows of the remaining useable airspace over the SRWRA Landfill Operation as licensed by the Environment Protection Authority;

1.2.5 'simple majority' means a majority of those present and entitled to vote;

1.2.6 'SRWRA Landfill Operation' means that land which is held by the Authority under certificates of title volume 5822, folio 967; volume 5822, folio 966; volume 5822, folio 965; volume 5299, folio 719; volume 5299, folio 720; volume 5479, folio 871 and volume 5696, folio 771;

1.2.7 'waste' means any or all waste as approved under the Environment Protection Act licence held by the Authority or its contractor.

1.3 Establishment

The Authority is a regional subsidiary established pursuant to section 43 of the Local Government Act 1999 by the:

1.3.1 City of Marion;

1.3.2 City of Onkaparinga; and

1.3.3 City of Holdfast Bay.

1.4 Local Government Act 1999

This Charter must be read in conjunction with Parts 2 and 3 of Schedule 2 to the Act. The Authority shall conduct its affairs in accordance with Schedule 2 to the Act except as modified by this Charter in a manner permitted by Schedule 2.

1.5 Objects and Purposes

1.5.1 The Authority is established to:

1.5.1.1 provide and operate services at a place or places for the management of waste by or on behalf of the Constituent Councils and/or any other approved Councils;

- 1.5.1.2 undertake anything relevant (including educational programmes and processes) to the management of waste;
 - 1.5.1.3 provide a forum for discussion and/or research for the ongoing improvement of management of waste;
 - 1.5.1.4 undertake management of waste on behalf of the Constituent Councils on a competitive basis;
 - 1.5.1.5 fulfil, on behalf of the Constituent Councils, any ongoing obligation in relation to rehabilitation and monitoring of waste management facilities under its control;
 - 1.5.1.6 develop or facilitate activities or enterprises that result in a beneficial use of waste;
 - 1.5.1.7 be financially self sufficient;
 - 1.5.1.8 develop or facilitate activities or enterprises that result in a beneficial use of the landfill site or infrastructure; and
 - 1.5.1.9 have regard in the performance of its functions to sustainable, environmentally efficient practices with regard to waste management
- 1.5.2 The Authority must in the performance of its role and functions and in all of its plans, policies, and activities operate in a sustainable manner by giving due weight to economic, social and environmental considerations.

1.6 Powers and Functions of the Authority

The powers and functions of the Authority are to be exercised in the performance of the Authority's Objects and Purposes. The Authority shall have those powers and functions delegated to it by the Constituent Councils from time to time which include but are not limited to:

- 1.6.1 accumulation of surplus funds for investment purposes;
- 1.6.2 investment of any of the funds of the Authority in any investment authorised by the Trustee Act 1936, or with the Local Government Finance Authority provided that:
 - 1.6.2.1 in exercising this power of investment the Authority must exercise the care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons; and
 - 1.6.2.2 the Authority must avoid investments that are speculative or hazardous in nature;
- 1.6.3 ~~distribution of all or any surplus funds and/or making payment of a dividend to the Constituent Councils provided that such distribution or payment will be made to the Constituent Councils in the proportions of their equitable interest in the Authority in accordance with Clause 5.1 of this Charter;~~
- 1.6.4 setting aside a reserve fund or funds clearly identified for the upkeep and/or replacement of fixed assets of the Authority or meeting any deferred liability of the Authority;
- 1.6.5 borrowing money and/or to incurring expenditure in accordance with Clause 1.7 of this Charter;
- 1.6.6 opening and operating bank accounts;
- 1.6.7 entering into contracts, purchasing, selling, leasing, hiring, renting or otherwise acquiring or disposing of any personal property or interests therein;

Comment [AP1]: Payment of a dividend could affect the not for profit status and the competitive neutrality of the Authority. It could be changed to recognize it as a debt guarantee payment in recognition of the statutory guarantee of liabilities provided by the councils. Board is happy to change to reflect the change to a debt guarantee payment

- 1.6.8 purchasing, selling, leasing, hiring, renting or otherwise acquiring or disposing of any real property or interests therein, provided that it shall be a condition precedent, that in any such transaction where the Authority will incur a singular or a total liability of \$500 000 or more that the prior written approval of two-thirds of the Constituent Councils is obtained;
- 1.6.9 ~~appointing, managing, suspending and dismissing~~ ~~employing, engaging or dismissing~~ the Executive Officer of the Authority;
- 1.6.10 ~~employing, engaging or retaining~~ and dispensing with the services of professional advisers to the Authority;
- 1.6.11 charging whatever fees the Authority considers appropriate for services rendered to any person, body or Council;
- 1.6.12 determining the types of waste which shall be received and the method of collection treatment, recycling and disposal of that waste;
- 1.6.13 undertaking all manner of things relating and incidental to the collection, treatment, recycling and disposal of waste;
- 1.6.14 pursuing the concept of co-operative regionalism in the collection, treatment, recycling and disposal of waste for which the Constituent Councils are or may become responsible
- 1.6.15 cause all waste collected by the Authority to be treated, recycled and disposed of in a sanitary and environmentally acceptable way;
- 1.6.16 providing a forum for the discussion and consideration of topics related to the Constituent Councils' obligations and responsibilities in respect of waste;
- 1.6.17 adopting and using a trading name provided that the Authority shall first register the trading name with the Office of Consumer and Business Affairs in accordance with the requirements of the Business Names Act 1996;
- 1.6.18 to commence legal proceedings provided that any legal proceedings seeking urgent relief be the subject of an urgent report to the Constituent Councils by the Executive Officer;
- 1.6.19 without limiting the Authority's powers and functions, to make submissions to and negotiate with the Federal Government, State Government and other sources of grant funding in relation to the provision and receipt of funding for the Authority; and
- 1.6.20 anything else necessary or convenient for or incidental to the exercise, performance or discharge of its powers and, functions.

Comment [AP2]: Could add with dispensing with the services as well. **ADD**

1.7 Borrowings and Expenditure

- 1.7.1 The Authority has the power to incur expenditure and/or to borrow money:
- (a) in accordance with the approved budget of the Authority; or
 - (b) for the purposes of unbudgeted expenditure in accordance with (c) and (d) below; or
 - (c) pursuant to the provisions of subclauses 1.6.8 and 1.7.4 of this Charter; or
 - (d) with the prior approval of two-thirds of the Constituent Councils for amounts which do not exceed 25% of the value of the net assets of the Authority and with the prior approval of all the Constituent Councils for other amounts, which approval must be evidenced by formal resolution of the Councils, or

(e) otherwise for genuine emergency or hardship as provided for in the Act.

1.7.2 For the purpose of exercising the powers at Clause 1.7.1 of this Charter the Authority may borrow money from the Local Government Finance Authority or from a registered bank or financial institution within Australia.

1.7.3 For the purposes of Clause 1.7.2 but subject to Clause 1.7.4 of this Charter borrowings of the Authority:

- (a) must not be used for the purpose of funding operational costs; and
- (b) where the borrowings are undertaken with the prior approval of the Constituent Councils, must be drawn down within a period of 24 months from the date of approval.

1.7.4 The Authority may operate an overdraft facility or facilities as required provided that the overdrawn balance must not exceed \$100 000 in total without the prior approval of two-thirds of the Constituent Councils.

1.8 Delegation by the Authority

The Authority may by resolution delegate to the Executive Officer of the Authority any of its powers or functions under this Charter but may not delegate:

1.8.1 the power to impose charges;

1.8.2 the power to enter into transactions in excess of ~~\$50 000~~ \$100 000

1.8.3 the power to borrow money or obtain any other form of financial accommodation;

1.8.4 the power to approve expenditure of money on the works, services or operations of the Authority not set out in a budget approved by the Authority or where required by this Charter approved by the Constituent Councils;

1.8.5 the power to approve the reimbursement of expenses or payment of allowances to members of the Board of Management;

1.8.6 the power to adopt or revise a budget or any financial estimates and reports; and

1.8.7 the power to make any application or recommendation to the Minister.

A delegation is revocable at will and does not prevent the Board from acting in a matter.

1.9 National Competition Policy

~~1.9.1 The Authority may, from time to time, be involved in, does not undertake any commercial activities which constitute a significant business activity of the Authority, and to which the principles of competitive neutrality must be applied.~~

1.9.2 Where the Authority is engaged in any activity which is a significant business activity it will, in relation to that business activity, undertake a risk/benefit analysis and, if necessary, implement principles of competitive neutrality to the extent that the benefits to be realised from the implementation of the principles of competitive neutrality outweigh the costs associated with implementation.

1.10 Liability Guarantee

1.10.1 Pursuant to Clause 31 of Schedule 2 to the Act, the liabilities incurred or assumed by the Authority are guaranteed by the Constituent Councils.

Comment [AP3]: The amount needs to be increased or changed to say in accordance with the Authority's Budget and Business Plan **Change to \$100k**

Comment [AP4]: This needs to be reviewed in the light of current circumstances and amend to reflect that if the Authority engages in such activities it will undertake a cost/benefit assessment and, as required, apply relevant principles of competitive neutrality. **MK to provide new wording**

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~~1.10.2 The Authority must pay an annual Liability Guarantee Fee, to each Constituent Council, on account of the guarantee under Clause 1.10.1~~

~~1.10.3 Subject to Clause 1.10.4, the Liability Guarantee Fee is fixed at [XX% of the total gross liabilities 2] of the Authority as at 1 July of the Financial Year that the Liability Guarantee Fee is to be paid, which amount will be distributed between the Constituent Councils in the proportion of their equitable interests in the Authority in accordance with Clause 5.1 of this Charter.~~

~~1.10.4 The Constituent Councils may in their absolute discretion unanimously agree to increase or waive or reduce the Guarantee Fee for any particular financial year(s) either on their own initiative or based on a submission by the Authority to the Constituent Councils.~~

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2. BOARD OF MANAGEMENT

The Authority is a body corporate and is governed by a Board of Management (referred to as 'the Board' in this Charter) which shall have the responsibility to manage the business and other affairs of the Authority ensuring that the Authority acts in accordance with this Charter.

2.1 Functions of the Board

- 2.1.1 The formulation of strategic plans and strategies aimed at improving the business of the Authority.
- 2.1.2 To provide professional input and policy direction to the Authority.
- 2.1.3 Monitoring, overseeing and measuring the performance of the Executive Officer of the Authority.
- 2.1.4 Ensuring that a code of ethical behaviour and integrity is established and implemented in all business dealing of the Authority.
- 2.1.5 ~~Assisting in the development of~~ Developing business plans.
- 2.1.6 Exercising the care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons.
- 2.1.7 Observe all plans, targets, structures, systems and practices required or applied to the Authority by the Constituent Councils.
- 2.1.8 Ensure that all information furnished to a Constituent Council is accurate.
- 2.1.9 Ensure that the Constituent Councils are advised, as soon as practicable, of any material development that affects the financial or operating capacity of the Authority or gives rise to the expectation that the Authority may not be able to meet its debts as and when they fall due.

Comment [AP5]: Change to Develop.
Agreed

2.2 Membership of the Board

2.2.1 The Board shall consist of seven members appointed as follows:

- 2.2.1.1 two persons appointed by each Constituent Council;
- 2.2.1.2 one person appointed jointly by the Constituent Councils who is not a member or officer of a Constituent Council but who, in the opinion of the Constituent Councils, has expertise in waste management and/or business.

This person will be chosen from a list of persons circulated to the Constituent Councils and appointed by a panel comprising the Chief Executive Officer (or nominee) and one other person from each Constituent Council.

- 2.2.2 With the exception of the person appointed pursuant to subclause 2.2.1.2, a Board Member shall, subject to this Charter, be appointed for a term not exceeding the term of the Constituent Council and specified in the instrument of appointment and at the expiration of the term of office will be eligible for re-appointment.
- 2.2.3 The Constituent Councils may appoint either a specific Deputy for each Board Member appointed pursuant to subclause 2.2.1.1 or, as an alternative, may appoint one non specific Deputy for both such Board Members and a second Deputy to that Deputy. In the absence of a Board Member the specific Deputy or the non specific Deputy will be deemed to be the Board Member for that time or, where a non specific Deputy and second Deputy have been appointed and both Board Members are absent then both Deputies will be deemed to be the Board Members for that time, exercising all of the rights and privileges and being subject to all of the obligations and liabilities of the Board Member(s) during the absence of the Board Member(s).
- 2.2.4 The office of a Board Member will become vacant upon:
- 2.2.4.1 the death of the Board Member; or
 - 2.2.4.2 the Council providing written notice of termination to the Board Member and the Board; or
 - 2.2.4.3 if the Board Member is an elected member of a Constituent Council upon ceasing to be an elected member; or
 - 2.2.4.4 if the Board Member is an officer of a Constituent Council, upon ceasing to be employed by the Council which appointed him/her; or
 - 2.2.4.5 upon the Board Member providing his/her resignation in writing to one or more of the Constituent Councils; or
 - 2.2.4.6 upon the happening of any other event through which the Board Member would be ineligible to remain as a member of the Board; or
 - 2.2.4.7 upon the Board Member becoming a bankrupt or applying for the benefit of a law for the relief of insolvent debtors; or
 - 2.2.4.8 if the Board Member has been appointed pursuant to subclause 2.2.1.1, upon the Constituent Council withdrawing from the Authority.
- 2.2.5 The Board may by a two-thirds majority vote of the Board Members present (excluding the Board Member subject to this subclause 2.2.5) make a recommendation to the relevant Constituent Council requesting the Constituent Council to terminate the appointment of a Board Member that it has appointed under subclause 2.2.1.1 or to all of the Constituent Councils to terminate the appointment of the Board Member appointed under subclause 2.2.1.2 for:
- 2.2.5.1 any behaviour of the Board Member which in the opinion of the Board amounts to impropriety;
 - 2.2.5.2 serious neglect of duty in attending to his/her responsibilities as a Board Member;
 - 2.2.5.3 breach of fiduciary duty to the Authority or the Constituent Council(s);
 - 2.2.5.4 breach of the duty of confidentiality to the Authority and/or the Constituent Council(s);
 - 2.2.5.5 breach of the conflict of interest provisions; or

2.2.5.6 any other behaviour which may discredit the Authority.

2.2.6 A Board Member may be removed from office as a Board Member prior to the expiration of a term of appointment only in accordance with the following:

2.2.6.1 a Board Member appointed by a Constituent Council pursuant to subclause 2.2.1.1, by resolution of the Constituent Council which originally appointed the Board Member; and

2.2.6.2 the Board Member appointed jointly by the Constituent Councils pursuant to subclause 2.2.1.2 by a joint resolution being a resolution passed by each of the Constituent Councils.

2.2.7 If any casual vacancy occurs in the membership of the Board it will be filled in the same manner as the original appointment. The person appointed to the Board to fill a casual vacancy will be appointed for the balance of the term of the original appointment.

2.2.8 The Board Member appointed pursuant to subclause 2.2.1.2 shall be eligible for such allowance from the funds of the Authority as the Board shall determine from time to time.

2.3 Propriety of Members of the Board

2.3.1 The principles regarding conflict of interest prescribed in the Act apply to all Board Members in the same manner as if they were elected members of a Council.

(See Chapter 5, Part 4, Division 3 of the Act for conflict of interest provisions)

2.3.2 [Subject to clause 2.3.3](#), the Board Members are not required to comply with Division 2, Chapter 5 (Register of Interests) of the Act.

2.3.3 The Independent Chair [beis](#) required to comply with Division 2, Chapter 5 (Register of Interests) of the Act.

2.3.4 The Board Members will at all times act in accordance with their duties of confidence and confidentiality and individual fiduciary duties including honesty and the exercise of reasonable care and diligence with respect to the performance and discharge of official functions and duties as required by Part 4, Division 1, Chapter 5 of the Act and Clause 23 of Part 2 of Schedule 2 to the Act.

2.4 Chair of the Board

2.4.1 The Chair of the Board shall be the person appointed pursuant to subclause 2.2.1.2, who shall hold office for a term of three years, unless he/she resigns or is removed from office pursuant to subclause 2.2.5 or is otherwise no longer eligible to act as a Board Member.

2.4.2 The Chair is eligible for re-appointment at the expiration of the term of office.

2.4.3 In the event that the appointed Chair either resigns or is no longer eligible to act as a Board Member prior to the expiration of that person's term, the Board shall elect from amongst the other Board Members a new Chair who shall hold office until a further appointment is made pursuant to subclause 2.2.1.2 whereupon the person so appointed will hold office for the duration of the original appointment.

2.4.4 The Board may choose a person appointed pursuant to subclause 2.2.1.1 to be the Deputy Chair of the Board for a term determined by the Board.

2.4.5 The Chair shall preside at all meetings of the Board and, in the event of the Chair being absent from a meeting, the Deputy Chair shall preside and in the event of both the Chair and the Deputy Chair being absent

from a meeting the Board Members present shall appoint a person from amongst them, who shall preside for that meeting or until the Chair or the Deputy Chair is present.

2.5 Meetings of the Board

- 2.5.1 The provisions of Part 2 of the Local Government (Procedures at Meetings) Regulations 2013~~00~~ shall, insofar as the same may be applicable and not inconsistent with this Charter, apply to the proceedings at and conduct of all meetings of the Board.
- 2.5.2 Ordinary meetings of the Board must take place at such times and places as may be fixed by the Board or the Executive Officer of the Authority from time to time. There shall be at least six ordinary meeting of the Board held in each financial year. Meetings shall not be held before 5 p.m. unless the Board resolves otherwise by resolution supported unanimously by all of the Board Members present at the meeting which determines the issue.
- 2.5.3 An ordinary meeting of the Board will constitute an ordinary meeting of the Authority. The Board shall administer the business of the ordinary meeting.
- 2.5.4 For the purposes of this subclause, the contemporary linking together by telephone, audio-visual or other instantaneous means ('telecommunications meeting') of a number of the Board Members provided that at least a quorum is present, is deemed to constitute a meeting of the Board. Each of the Board Members taking part in the meeting, must at all times during the telecommunications meeting be able to hear and be heard by each of the other Board Members present. At the commencement of the meeting, each Board Member must announce his/her presence to all other Board Members taking part in the meeting. A Board Member must not leave a telecommunications meeting by disconnecting his/her telephone, audio visual or other communication equipment, unless that Board Member has previously notified the Chair of the meeting.
- 2.5.5 A proposed resolution in writing and given to all Board Members in accordance with proceedings determined by the Board will be a valid decision of the Board where a majority of Board Members vote in favour of the resolution by signing and returning the resolution to the Executive Officer or otherwise giving written notice of their consent (~~and setting and setting~~ out the terms of the resolution) to the Executive Officer. The resolution shall thereupon be as valid and effectual as if it had been passed at a meeting of the Board duly convened. The Executive Officer will include confirmation of any decision which is made in accordance with this clause in the next Board meeting agenda and will otherwise deal with the decision in the same manner as would occur if the decision had been made at a Board meeting and held.
- 2.5.6 Notice of ordinary meetings of the Board must be given by the Executive Officer to each Board Member not less than three clear days prior to the holding of the meeting.
- 2.5.7 Notice of any meeting of the Board must:
- (a) be in writing; and
 - (b) set out the date, time and place of the meeting; and
 - (c) be signed by the Executive Officer; and
 - (d) contain, or be accompanied by, the agenda for the meeting; and
 - (e) be accompanied by a copy of any documents or reports that are to be considered at the meeting (so far as this is practicable).

Comment [AP6]: This clause does not require the report to be included in the next Ordinary Meeting agenda. A folder of resolutions agreed electronically should be created and the minute of adoption put on the next Ordinary meeting agenda in the same way as the minutes of the previous ordinary meeting

MK to provide words to amend so that it happens as outlined

All documents or reports delivered to Board Members in accordance with this subclause are confidential unless indicated otherwise.

2.5.8 The Executive Officer must maintain a record of all notices of meetings given under subclause 2.5.7 to Board Members.

2.5.9 Notice under subclause 2.5.7 may be given to a Board Member:

(a) personally; or

(b) by delivering the notice (whether by post or otherwise) to the usual place of residence of the Board Member or to another place authorised in writing by the Board Member; or

(c) by leaving the notice for a Board Member appointed under subclause 2.2.1.1 at an appropriate place at the principal office of the Constituent Council which appointed the Board Member; or

(d) by a means authorised in writing by the Board Member as being an available means of giving notice.

(e) ~~by electronic delivery to the email address that the Authority has established for the Board allocated to the board Member for the purposes of communications to and from the Authority and for the delivery of Authority by documentation the Authority~~

2.5.10 A notice that is not given in accordance with subclause 2.5.9 will be taken to have been validly given if the Executive Officer considers it impracticable to give the notice in accordance with the subclause and takes action that the Executive Officer considers reasonably practicable in the circumstances to bring the notice to the Board Member's attention.

2.5.11 Any Constituent Council or Board Member may by delivering a written request to the Executive Officer of the Authority require a special meeting of the Board to be held. The request will only be valid if it is accompanied by the agenda for the special meeting. On receipt of the request the Executive Officer shall send a notice of the special meeting to all Board Members at least 24 hours prior to the commencement of the special meeting. Such notice shall comply with subclauses 2.5.7 and 2.5.9 of this Charter.

2.5.12 The quorum for any meeting of the Board is a simple majority of the number of members in office.

2.5.13 Every Board Member, including the Chair, shall have a deliberative vote. The Chair shall not in the event of an equality of votes have a casting vote.

2.5.14 All matters will be decided by a simple majority of votes of the Board Members present except where this Charter provides otherwise. In the event of an equality of votes the matter will lapse.

2.5.15 Subject to subclause 2.3.1, all Board Members present at a meeting shall vote.

2.5.16 Any meeting of the Board may be adjourned from time to time and from place to place.

2.5.17 Subject to Clause 2.6 and to the absolute discretion of the Board to conduct any meeting or part of any meeting in public, meetings of the Board will not be conducted in a place open to the public.

2.5.18 The Executive Officer must cause minutes to be kept of the proceedings at every meeting of the Board.

Comment [AP7]: Does the Board want to consider having the same positions as the councils and hold all meetings openly and then use section 90/91 of the Local government Act to go into confidence if it sees the need? **NO change unless MH advises otherwise**

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Comment [AP8]: This is to reflect what happens. **MK to check wording**

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- 2.5.19 If the Executive Officer is excluded from attendance at a meeting of the Board, the person presiding at the meeting shall cause the minutes to be kept.
- 2.5.20 Each Board Member must be supplied with a copy of all minutes of the proceedings of a meeting within five days of the meeting.
- 2.5.21 All documents presented to, received at or derived from a Board Meeting, including but not limited to:
- minutes of a Board Meeting;
 - reports to the Board received at a meeting of the Board; and
 - recommendations presented to the Board in writing and adopted by resolution of the Board.
- will remain confidential and not available for public inspection unless the Board otherwise resolves.
- 2.5.22 Prior to the conclusion of each meeting of the Board, the Board must identify which agenda items considered by the Board at that meeting will be the subject of an information report to the Constituent Councils.
- 2.5.23 Subject to this Charter and to any direction of the Constituent Councils the Board may determine its own procedures.

2.6 Annual General Meeting

- 2.6.1 An Annual General Meeting of the Board shall be held prior to November in each year at a place and time determined by a resolution of the Board.
- 2.6.2 In addition to the requirements of subclause 2.5.6 of this Charter, notice of the Annual General Meeting will also be given by:
- (a) placing a copy of the notice and agenda on public display at the principal office of the Authority and of each Constituent Council;
 - (b) by giving notice in newspapers which circulate in the areas of the Constituent Councils;
 - (c) in such other manner as the Executive Officer considers appropriate taking into account:
 - (i) the characteristics of the community and area of the Constituent Councils; and
 - (ii) the best ways to bring notice of the Annual General Meeting to the attention of the public; and
 - (iii) such other matters as the Executive Officer thinks fit.
- 2.6.3 The notice and agenda must be placed on public display at least 14 clear days before the Annual General Meeting and must be available to the public:
- (a) at the offices of the Authority for inspection, without charge; and
 - (b) by way of a copy being provided upon request and, upon payment of a fee fixed by the Authority, and
 - (c) by being placed on the website of the Authority
- and must be kept on public display until the completion of the Annual General Meeting.

Comment [AP9]: And on the website. Additional part to allow it to be displayed on website

- 2.6.4 A reasonable number of copies of the notice and agenda and any document or report supplied to Board Members for the Annual General Meeting must be available for members of the public at the meeting.
- 2.6.5 The Annual General Meeting will be conducted in a place open to the public and will consider and deal with business of a general nature aimed at reviewing the progress and direction of the Authority over the immediately preceding financial year and shall include the following:
- (a) Chair's report;
 - (b) Executive Officer's report;
 - (c) the annual budget for the ensuing financial year;
 - (d) the audited financial statements for the previous financial year;
 - (e) any other general business determined by the Board to be considered at the Annual General Meeting.
- 2.6.6 The minutes of the Annual General Meeting must, in addition to the requirements of subclause 2.5.20 be available to the public within five days of the Meeting for inspection or by provision of a copy upon payment of a fee fixed by the Board.

3. STAFFING ISSUES

- 3.1 The Board must appoint an Executive Officer of the Authority to manage the business of the Board on terms agreed between the Executive Officer and the Board. The Executive Officer may be a natural person or a body corporate.
- 3.2 The Executive Officer shall cause records to be kept of the business and financial affairs of the Authority in accordance with this Charter, in addition to other duties provided for by this Charter and those specified in the terms and conditions of appointment.
- 3.3 In the absence or likely absence of the Executive Officer for any period exceeding two weeks a suitable person to act in the position of Executive Officer of the Authority must be appointed by the Board.
- 3.4 The Board shall delegate responsibility for the day to day management of the Authority to the Executive Officer, who will ensure that sound business and human resource management practices are applied in the efficient and effective management of the operations of the Authority.
- 3.5 The functions of the Executive Officer shall be specified in the terms and conditions of appointment and shall include but are not limited to:
- 3.5.1 attending at all meetings of the Board unless excluded by resolution of the Board;
 - 3.5.2 ensuring that the decisions of the Board are implemented in a timely and efficient manner;
 - 3.5.3 providing information to assist the Board to assess the Authority's performance against its Strategic and Business Plans;
 - 3.5.4 appointing, managing, suspending and dismissing other employees of the Authority;
 - 3.5.5 determining the conditions of employment of employees of the Authority, within budgetary constraints set by the Board;
 - 3.5.6 providing advice and reports to the Board on the exercise and performance of its powers and functions under this Charter or any Act;
 - 3.5.7 ensuring that the Authority is at all times complying with Schedule 2 to the Act and all other relevant statutory obligations;

Comment [AP10]: Add "or likely absence" after in the absence

- 3.5.8 co-ordinating and initiating proposals for consideration of the Board including but not limited to continuing improvement of the operations of the Authority;
 - 3.5.9 ensuring that the assets and resources of the Authority are properly managed and maintained;
 - 3.5.10 ensuring that records required under the Act or any other legislation are properly kept and maintained;
 - 3.5.11 exercising, performing or discharging other powers, functions or duties conferred on the Executive Officer by or under the Act or any other Act, and performing other functions lawfully directed by the Board;
 - 3.5.12 achieving financial outcomes in accordance with adopted plans and budgets of the Authority;
 - 3.5.13 inviting any person to attend at a meeting of the Board to act in an advisory capacity; and
 - 3.5.14 providing reports to the Constituent Councils in accordance with subclause 2.5.22.
- 3.6 The Executive Officer may delegate or sub-delegate to an employee of the Authority or a committee comprising employees of the Authority, any power or function vested in the Executive Officer. Such delegation or sub-delegation may be subject to any conditions or limitations as determined by the Executive Officer.
- 3.7 Where a power or function is delegated to an employee, the employee is responsible to the Executive Officer for the efficient and effective exercise or performance of that power or function.
- 3.8 A written record of all delegations and sub-delegations must be kept by the Executive Officer at all times.
- 3.9 The Executive Officer and any other officer declared by the Board to be subject to this provision is required to comply with Division 2 of Part 4 of Chapter 7 (Register of Interests) of the Act, Section 118 (Inspection of Register) of the Act and Section 119 (Restrictions on disclosure) of the Act will apply.

4. MANAGEMENT

4.1 Financial Management

- 4.1.1 The Authority shall keep proper books of accounts in accordance with the requirements of the Local Government (Financial Management) Regulations 2011.
- 4.1.2 The Authority's books of account must be available for inspection by any Board Member or authorised representative of any Constituent Council at any reasonable time on request.
- 4.1.3 The Authority must establish and maintain a bank account with such banking facilities and at a bank to be determined by the Board.
- 4.1.4 All cheques must be signed by two persons authorised by resolution of the Board.
- 4.1.5 Any payments made by Electronic Funds Transfer must be made in accordance with procedures which have received the prior written approval of the ~~Auditor Board Audit Committee~~.

The Executive Officer must act prudently in the handling of all financial transactions for the Authority and must provide quarterly financial and corporate reports to the Board and if requested, the Constituent Councils.

Comment [AP11]: Recommended amendment from Board meeting

4.2 Audit

4.2.1 The Authority shall appoint an auditor in accordance with the Local Government (Financial Management) Regulations 2011, on terms and conditions set by the Board.

4.2.2 The Auditor will have the same powers and responsibilities as set out in the Local Government Act 1999, in relation to a Council subsidiary.

4.2.3 The audit of Financial Statements of the Authority, together with the accompanying report from the Auditor, shall be submitted to both the Board and the Constituent Councils.

4.2.4 The books of account and financial statements shall be audited at least once per year.

4.2.5 The Authority is required to establish an audit committee.

4.3 Strategic Business Plan

The Authority shall:

4.3.1 prepare a three year Strategic Business Plan linking the core business activities of the Authority to strategic, operational and organisational requirements with supporting financial projections setting out the estimates of revenue and expenditure as necessary for the period; and

4.3.2 review the Strategic Business Plan annually; and

4.3.3 consult with the Constituent Councils prior to adopting or amending the Strategic Business Plan.

(See Clause 24, Part 2, Schedule 2 to the Act for the contents of the Business Plan)

4.4 Annual Business Plan and Budget

4.4.1 The Authority shall, after 31 May but before the end of June in each financial year, prepare and adopt an annual business plan and budget for the ensuing financial year in accordance with the Local Government Act 1999.

4.4.2 The proposed annual business plan and budget must be referred to Constituent Councils at the same time as the Executive Officer submits it to the Board Members.

4.4.3 A Constituent Council may comment in writing to the Executive Officer on the business plan and budget at least three business days before the meeting at which it will be considered by the Board or, alternatively, may comment through its Board Member at the meeting of the Board.

4.4.4 The Authority must provide a copy of its annual business plan and budget to the Constituent Councils within five business days after adoption by the Board.

4.4.5 Reports summarising the financial position and performance of the Authority against the annual business plan and budget shall be prepared and presented to the Board every three calendar months and copies provided to the Constituent Councils within five days of the Board meeting to which they have been presented.

(See Clause 25, Part 2, Schedule 2 to the Act and Regulations 7, 8 & 9 to the Local Government (Financial Management) Regulations 2011 for the contents of the budget)

4.5 Reporting

Comment [AP12]: Agreed

Comment [AP13]: Change to Strategic Plan as this is what it is called. Michael they wanted you to check the Act and Schedule to ensure it is ok to say Strategic here. I believe we did discuss this and you were comfortable with the change.

Comment [AP14]: Change to reflect current position Agreed

- 4.5.1 The Authority must submit to the Constituent Councils by 30 September in each year in respect of the immediately preceding financial year, a report on the work and operations of the Authority detailing achievement of the aims and objectives of its Business Plan and incorporating the audited Financial Statements of the Authority and any other information or reports as required by the Constituent Councils.
- 4.5.2 The Board shall present a balance sheet and full financial report to the Constituent Councils at the end of each financial year.
- 4.5.3 The Board shall present audited financial statements to the Constituent Councils in accordance with the requirements of the Local Government (Financial Management) Regulations 2011.

5. MISCELLANEOUS

5.1 Equitable Interest

- 5.1.1 Subject to subclause 5.1.2 the equitable interest of the Constituent Councils in the Authority is agreed as follows:
- (a) City of Holdfast Bay: 15%.
- (b) City of Marion: 30%.
- (c) City of Onkaparinga: 55%.
- 5.1.2 The equitable interest of the Constituent Councils in the Authority as set out at subclause 5.1.1 may be varied by agreement of the Constituent Councils and will be varied where a new Constituent Council or Councils is admitted pursuant to Clause 5.3.

5.2 **Withdrawal**

- 5.2.1 A Constituent Council may not withdraw from the Authority except with the approval of the Minister and subject to the Local Government Act and this Charter.
- 5.2.2 A Constituent Council which intends to withdraw from the Authority shall give to the Board and the other Constituent Councils written notice of such intention, specifying the date of intended withdrawal. The notice shall be a minimum of 24 months notice expiring on 30 June of the relevant financial year.
- 5.2.3 The withdrawal of any Constituent Council does not extinguish the liability of that Constituent Council for the payment of its contribution towards any actual or contingent deficiency in the net assets of the Authority at the end of the financial year in which such withdrawal occurs.
- 5.2.4 The withdrawal of any Constituent Council does not extinguish the liability of that Constituent Council to contribute to any loss or liability incurred by the Authority at any time before or after such withdrawal in respect of any act or omission by the Authority prior to such withdrawal. For the avoidance of doubt, any and all costs associated with closure processes (including but not limited to capping and post-closure monitoring and necessary actions) of a waste cell or the landfill site generally is a liability incurred before the withdrawal of a Constituent Council and is, therefore, a continuing liability for the purposes of this clause..
- 5.2.5 Payment by or to the withdrawing Constituent Council must be fully paid by 30 June of the financial year following 30 June of the year in which the withdrawal occurs unless there is common agreement of alternative payment arrangements by the Constituent Councils.

5.3 New Members

Comment [AP15]: Review this clause? With a mature subsidiary it would be important to ensure the withdrawing council did not escape the long term liability of their waste and leave the remaining councils carrying that burden at the closure of the landfill.

MK. They wanted advice on need to change and wording if it is needed.

Subject to the provisions of the Act, this Charter may be amended by the unanimous agreement of the Constituent Councils to provide for the admission of a new Constituent Council or Councils, with or without conditions of membership.

5.4 Insurance ~~and Superannuation~~ Requirements

5.4.1 The Authority shall register with the Local Government Mutual Liability Scheme and comply with the Rules of that Scheme.

5.4.2 The Authority shall advise Local Government Risk Management Services of its insurance requirements relating to Local Government Special Risks including buildings, structures, vehicles and equipment under the management, care and control of the Authority.

5.4.3 If the Authority employs any person it shall register with ~~the Statewide SuperLocal Government Superannuation Scheme and~~ the Local Government Workers Compensation Scheme and comply with the Rules of ~~these~~ Schemes.

5.5 Winding Up and Statutory Guarantee

5.5.1 The Authority may be wound up by unanimous resolution of the Constituent Councils and with the consent of the Minister.

5.5.2 On winding up of the Authority, the surplus assets or liabilities of the Authority, as the case may be, shall be distributed between or ~~become~~ the responsibility becomes the responsibility of the Constituent Councils in the same proportions ~~as of~~ their equitable interest in the Authority in accordance with Clause 5.1.

5.5.3 If there are insufficient funds to pay all expenses due by the Authority on winding up (or at any other time there are unfunded liabilities which the Authority cannot meet), a call shall be made upon all of the Constituent Councils in proportion to their equity share for the purpose of satisfying their statutory guarantee of the liabilities of the Authority.

5.6 Direction by Constituent Councils

5.6.1 The establishment of the Authority does not derogate from the power of any of the Constituent Councils to act independently in relation to a matter within the jurisdiction of the Authority.

5.6.2 Provided that all of the Constituent Councils have first agreed as to the action to be taken, the Constituent Councils may direct and control the Authority.

5.6.3 For the purpose of this Clause, any decision of the Constituent Councils under subclause 5.6.1 and/or direction given or control exercised by the Constituent Councils must be given in writing to the Executive Officer of the Authority.

5.7 Review of Charter

5.7.1 This Charter will be reviewed by the Constituent Councils acting in concurrence at least once in every four years.

5.7.2 This Charter may be amended by unanimous agreement expressed by resolution of the Constituent Councils.

5.7.3 The Executive Officer must ensure that the amended Charter is published on a website (or websites) determined by the Chief Executive Officers of the Constituent Councils, that a notice of the fact of the amendment and a website address at which the Charter is available for inspection is published in the *Gazette* and a copy of the amended Charter provided to the Minister.

Comment [AP16]: Either amend to reflect the change in preferred super schemes or delete the reference to Local super as it no longer exists. Mark H said they wanted to delete the clause but the reference to LGWCS may still be relevant. Your thoughts?

5.7.4 Before the Constituent Councils vote on a proposal to alter this Charter they must take into account any recommendation of the Board.

5.8 Disputes Between Constituent Councils

5.8.1 The Constituent Councils agree to work together in good faith to resolve any matter requiring their direction or resolution.

5.8.2 Where the Constituent Councils are unable to resolve a matter within 28 days of the matter being presented to them, the matter will be referred for arbitration by the President (or his/her nominee) of the Institute of Arbitration.

5.8.3 Notwithstanding subclause 5.8.2 the Constituent Councils agree to be bound by the decision of the Arbitrator (except in relation to any decision relating to the acquisition or disposal of any real property) and will endeavour to work together in good faith in the implementation of that decision.

5.8.4 The costs of arbitration shall be borne equally by the Constituent Councils.

5.9 Committees

5.9.1 The Board may establish a committee comprised of any persons for the purpose of enquiring into and reporting to the Board on any matter within the Authority's functions and powers and as detailed in the terms of reference given by the Board to the committee.

5.9.2 The Board may establish a committee comprised only of Board Members for the purpose of exercising, performing or discharging delegated powers, functions or duties.

5.9.3 A member of a committee established under this Clause holds office at the pleasure of the Board.

5.9.4 The Chair of the Board is an *ex-officio* a member of any committee established by the Board.

5.10 Common Seal

5.10.1 The Authority will have a common seal, which may be affixed to documents requiring execution under seal and where affixed must be witnessed by two Board Members or where authority has been conferred by instrument executed under the common seal of the Authority, by the Chair of the Board and the Executive Officer.

5.10.2 The common seal must not be affixed to a document except to give effect to a resolution of the Board.

5.10.3 The Executive Officer must maintain a register which records the resolutions of the Board giving authority to affix the common seal and details of the documents to which the common seal has been affixed with the particulars of persons who witnessed the fixing of the seal and the date that the seal was affixed.

5.10.4 The Board may by instrument under seal authorise a person to execute documents on behalf of the Authority.

5.11 Circumstances Not Provided For

If any circumstances arise about which this Charter is silent, incapable of taking effect or being implemented according to its strict provisions, the Board has the power to consider the circumstance and determine the action to be taken.

NICK BROWN, MARK HINDMARSH Executive Officer

LOCAL GOVERNMENT ACT 1999

SOUTHERN REGION WASTE RESOURCE AUTHORITY REGIONAL SUBSIDIARY

Charter— 2011

1. INTRODUCTION

1.1 Name

The name of the subsidiary is Southern Region Waste Resource Authority (referred to as 'the Authority' in this Charter).

1.2 Definitions

1.2.1 'absolute majority' means a majority of the whole number of the Board members or of the Constituent Councils as the case may be;

1.2.2 'Constituent Councils' means the Councils identified at Clause 1.3 of this Charter;

1.2.3 'Gazette' means the *South Australian Government Gazette*;

1.2.4 'net assets' means total assets (current and non-current) less total liabilities (current and non-current) as reported in the annual audited financial statements of the Authority together with the net present value of the projected future cash inflows net of cash outflows of the remaining useable airspace over the SRWRA Landfill Operation as licensed by the Environment Protection Authority;

1.2.5 'simple majority' means a majority of those present and entitled to vote;

1.2.6 'SRWRA Landfill Operation' means that land which is held by the Authority under certificates of title volume 5822, folio 967; volume 5822, folio 966; volume 5822, folio 965; volume 5299, folio 719; volume 5299, folio 720; volume 5479, folio 871 and volume 5696, folio 771;

1.2.7 'waste' means any or all waste as approved under the Environment Protection Act licence held by the Authority or its contractor.

1.3 Establishment

The Authority is a regional subsidiary established pursuant to section 43 of the Local Government Act 1999 by the:

1.3.1 City of Marion;

1.3.2 City of Onkaparinga; and

1.3.3 City of Holdfast Bay.

1.4 Local Government Act 1999

This Charter must be read in conjunction with Parts 2 and 3 of Schedule 2 to the Act. The Authority shall conduct its affairs in accordance with Schedule 2 to the Act except as modified by this Charter in a manner permitted by Schedule 2.

1.5 Objects and Purposes

1.5.1 The Authority is established to:

1.5.1.1 provide and operate services at a place or places for the management of waste by or on behalf of the Constituent Councils and/or any other approved Councils;

- 1.5.1.2 undertake anything relevant (including educational programmes and processes) to the management of waste;
 - 1.5.1.3 provide a forum for discussion and/or research for the ongoing improvement of management of waste;
 - 1.5.1.4 undertake management of waste on behalf of the Constituent Councils on a competitive basis;
 - 1.5.1.5 fulfil, on behalf of the Constituent Councils, any ongoing obligation in relation to rehabilitation and monitoring of waste management facilities under its control;
 - 1.5.1.6 develop or facilitate activities or enterprises that result in a beneficial use of waste;
 - 1.5.1.7 be financially self sufficient;
 - 1.5.1.8 develop or facilitate activities or enterprises that result in a beneficial use of the landfill site or infrastructure; and
 - 1.5.1.9 have regard in the performance of its functions to sustainable, environmentally efficient practices with regard to waste management
- 1.5.2 The Authority must in the performance of its role and functions and in all of its plans, policies, and activities operate in a sustainable manner by giving due weight to economic, social and environmental considerations.

1.6 Powers and Functions of the Authority

The powers and functions of the Authority are to be exercised in the performance of the Authority's Objects and Purposes. The Authority shall have those powers and functions delegated to it by the Constituent Councils from time to time which include but are not limited to:

- 1.6.1 accumulation of surplus funds for investment purposes;
- 1.6.2 investment of any of the funds of the Authority in any investment authorised by the Trustee Act 1936, or with the Local Government Finance Authority provided that:
 - 1.6.2.1 in exercising this power of investment the Authority must exercise the care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons; and
 - 1.6.2.2 the Authority must avoid investments that are speculative or hazardous in nature;
- 1.6.3 distribution of all or any surplus funds and/or making payment of a dividend to the Constituent Councils provided that such distribution or payment will be made to the Constituent Councils in the proportions of their equitable interest in the Authority in accordance with Clause 5.1 of this Charter;
- 1.6.4 setting aside a reserve fund or funds clearly identified for the upkeep and/or replacement of fixed assets of the Authority or meeting any deferred liability of the Authority;
- 1.6.5 borrowing money and/or to incurring expenditure in accordance with Clause 1.7 of this Charter;
- 1.6.6 opening and operating bank accounts;
- 1.6.7 entering into contracts, purchasing, selling, leasing, hiring, renting or otherwise acquiring or disposing of any personal property or interests therein;

- 1.6.8 purchasing, selling, leasing, hiring, renting or otherwise acquiring or disposing of any real property or interests therein, provided that it shall be a condition precedent, that in any such transaction where the Authority will incur a singular or a total liability of \$500 000 or more that the prior written approval of two-thirds of the Constituent Councils is obtained;
- 1.6.9 employing, engaging or dismissing the Executive Officer of the Authority;
- 1.6.10 employing, engaging or retaining professional advisers to the Authority;
- 1.6.11 charging whatever fees the Authority considers appropriate for services rendered to any person, body or Council;
- 1.6.12 determining the types of waste which shall be received and the method of collection treatment, recycling and disposal of that waste;
- 1.6.13 undertaking all manner of things relating and incidental to the collection, treatment, recycling and disposal of waste;
- 1.6.14 pursuing the concept of co-operative regionalism in the collection, treatment, recycling and disposal of waste for which the Constituent Councils are or may become responsible
- 1.6.15 cause all waste collected by the Authority to be treated, recycled and disposed of in a sanitary and environmentally acceptable way;
- 1.6.16 providing a forum for the discussion and consideration of topics related to the Constituent Councils' obligations and responsibilities in respect of waste;
- 1.6.17 adopting and using a trading name provided that the Authority shall first register the trading name with the Office of Consumer and Business Affairs in accordance with the requirements of the Business Names Act 1996;
- 1.6.18 to commence legal proceedings provided that any legal proceedings seeking urgent relief be the subject of an urgent report to the Constituent Councils by the Executive Officer;
- 1.6.19 without limiting the Authority's powers and functions, to make submissions to and negotiate with the Federal Government, State Government and other sources of grant funding in relation to the provision and receipt of funding for the Authority; and
- 1.6.20 anything else necessary or convenient for or incidental to the exercise, performance or discharge of its powers and, functions.

1.7 Borrowings and Expenditure

- 1.7.1 The Authority has the power to incur expenditure and/or to borrow money:
 - (a) in accordance with the approved budget of the Authority; or
 - (b) for the purposes of unbudgeted expenditure in accordance with (c) and (d) below; or
 - (c) pursuant to the provisions of subclauses 1.6.8 and 1.7.4 of this Charter; or
 - (d) with the prior approval of two-thirds of the Constituent Councils for amounts which do not exceed 25% of the value of the net assets of the Authority and with the prior approval of all the Constituent Councils for other amounts, which approval must be evidenced by formal resolution of the Councils, or

(e) otherwise for genuine emergency or hardship as provided for in the Act.

1.7.2 For the purpose of exercising the powers at Clause 1.7.1 of this Charter the Authority may borrow money from the Local Government Finance Authority or from a registered bank or financial institution within Australia.

1.7.3 For the purposes of Clause 1.7.2 but subject to Clause 1.7.4 of this Charter borrowings of the Authority:

(a) must not be used for the purpose of funding operational costs; and

(b) where the borrowings are undertaken with the prior approval of the Constituent Councils, must be drawn down within a period of 24 months from the date of approval.

1.7.4 The Authority may operate an overdraft facility or facilities as required provided that the overdrawn balance must not exceed \$100 000 in total without the prior approval of two-thirds of the Constituent Councils.

1.8 Delegation by the Authority

The Authority may by resolution delegate to the Executive Officer of the Authority any of its powers or functions under this Charter but may not delegate:

1.8.1 the power to impose charges;

1.8.2 the power to enter into transactions in excess of \$50 000;

1.8.3 the power to borrow money or obtain any other form of financial accommodation;

1.8.4 the power to approve expenditure of money on the works, services or operations of the Authority not set out in a budget approved by the Authority or where required by this Charter approved by the Constituent Councils;

1.8.5 the power to approve the reimbursement of expenses or payment of allowances to members of the Board of Management;

1.8.6 the power to adopt or revise a budget or any financial estimates and reports; and

1.8.7 the power to make any application or recommendation to the Minister.

A delegation is revocable at will and does not prevent the Board from acting in a matter.

1.9 National Competition Policy

The Authority does not undertake any commercial activities which constitute a significant business activity of the Authority and to which the principles of competitive neutrality must be applied.

2. BOARD OF MANAGEMENT

The Authority is a body corporate and is governed by a Board of Management (referred to as 'the Board' in this Charter) which shall have the responsibility to manage the business and other affairs of the Authority ensuring that the Authority acts in accordance with this Charter.

2.1 Functions of the Board

2.1.1 The formulation of strategic plans and strategies aimed at improving the business of the Authority.

2.1.2 To provide professional input and policy direction to the Authority.

- 2.1.3 Monitoring, overseeing and measuring the performance of the Executive Officer of the Authority.
- 2.1.4 Ensuring that a code of ethical behaviour and integrity is established and implemented in all business dealing of the Authority.
- 2.1.5 Assisting in the development of business plans.
- 2.1.6 Exercising the care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons.
- 2.1.7 Observe all plans, targets, structures, systems and practices required or applied to the Authority by the Constituent Councils.
- 2.1.8 Ensure that all information furnished to a Constituent Council is accurate.
- 2.1.9 Ensure that the Constituent Councils are advised, as soon as practicable, of any material development that affects the financial or operating capacity of the Authority or gives rise to the expectation that the Authority may not be able to meet its debts as and when they fall due.

2.2 Membership of the Board

- 2.2.1 The Board shall consist of seven members appointed as follows:
 - 2.2.1.1 two persons appointed by each Constituent Council;
 - 2.2.1.2 one person appointed jointly by the Constituent Councils who is not a member or officer of a Constituent Council but who, in the opinion of the Constituent Councils, has expertise in waste management and/or business.

This person will be chosen from a list of persons circulated to the Constituent Councils and appointed by a panel comprising the Chief Executive Officer (or nominee) and one other person from each Constituent Council.
- 2.2.2 With the exception of the person appointed pursuant to subclause 2.2.1.2, a Board Member shall, subject to this Charter, be appointed for a term not exceeding the term of the Constituent Council and specified in the instrument of appointment and at the expiration of the term of office will be eligible for re-appointment.
- 2.2.3 The Constituent Councils may appoint either a specific Deputy for each Board Member appointed pursuant to subclause 2.2.1.1 or, as an alternative, may appoint one non specific Deputy for both such Board Members and a second Deputy to that Deputy. In the absence of a Board Member the specific Deputy or the non specific Deputy will be deemed to be the Board Member for that time or, where a non specific Deputy and second Deputy have been appointed and both Board Members are absent then both Deputies will be deemed to be the Board Members for that time, exercising all of the rights and privileges and being subject to all of the obligations and liabilities of the Board Member(s) during the absence of the Board Member(s).
- 2.2.4 The office of a Board Member will become vacant upon:
 - 2.2.4.1 the death of the Board Member; or
 - 2.2.4.2 the Council providing written notice of termination to the Board Member and the Board; or
 - 2.2.4.3 if the Board Member is an elected member of a Constituent Council upon ceasing to be an elected member; or

- 2.2.4.4 if the Board Member is an officer of a Constituent Council, upon ceasing to be employed by the Council which appointed him/her; or
 - 2.2.4.5 upon the Board Member providing his/her resignation in writing to one or more of the Constituent Councils; or
 - 2.2.4.6 upon the happening of any other event through which the Board Member would be ineligible to remain as a member of the Board; or
 - 2.2.4.7 upon the Board Member becoming a bankrupt or applying for the benefit of a law for the relief of insolvent debtors; or
 - 2.2.4.8 if the Board Member has been appointed pursuant to subclause 2.2.1.1, upon the Constituent Council withdrawing from the Authority.
- 2.2.5 The Board may by a two-thirds majority vote of the Board Members present (excluding the Board Member subject to this subclause 2.2.5) make a recommendation to the relevant Constituent Council requesting the Constituent Council to terminate the appointment of a Board Member that it has appointed under subclause 2.2.1.1 or to all of the Constituent Councils to terminate the appointment of the Board Member appointed under subclause 2.2.1.2 for:
- 2.2.5.1 any behaviour of the Board Member which in the opinion of the Board amounts to impropriety;
 - 2.2.5.2 serious neglect of duty in attending to his/her responsibilities as a Board Member;
 - 2.2.5.3 breach of fiduciary duty to the Authority or the Constituent Council(s);
 - 2.2.5.4 breach of the duty of confidentiality to the Authority and/or the Constituent Council(s);
 - 2.2.5.5 breach of the conflict of interest provisions; or
 - 2.2.5.6 any other behaviour which may discredit the Authority.
- 2.2.6 A Board Member may be removed from office as a Board Member prior to the expiration of a term of appointment only in accordance with the following:
- 2.2.6.1 a Board Member appointed by a Constituent Council pursuant to subclause 2.2.1.1, by resolution of the Constituent Council which originally appointed the Board Member; and
 - 2.2.6.2 the Board Member appointed jointly by the Constituent Councils pursuant to subclause 2.2.1.2 by a joint resolution being a resolution passed by each of the Constituent Councils.
- 2.2.7 If any casual vacancy occurs in the membership of the Board it will be filled in the same manner as the original appointment. The person appointed to the Board to fill a casual vacancy will be appointed for the balance of the term of the original appointment.
- 2.2.8 The Board Member appointed pursuant to subclause 2.2.1.2 shall be eligible for such allowance from the funds of the Authority as the Board shall determine from time to time.
- 2.3 Propriety of Members of the Board**
- 2.3.1 The principles regarding conflict of interest prescribed in the Act apply to all Board Members in the same manner as if they were elected members of a Council.

(See Chapter 5, Part 4, Division 3 of the Act for conflict of interest provisions)

- 2.3.2 The Board Members are not required to comply with Division 2, Chapter 5 (Register of Interests) of the Act.
- 2.3.3 The Independent Chair be required to comply with Division 2, Chapter 5 (Register of Interests) of the Act.
- 2.3.4 The Board Members will at all times act in accordance with their duties of confidence and confidentiality and individual fiduciary duties including honesty and the exercise of reasonable care and diligence with respect to the performance and discharge of official functions and duties as required by Part 4, Division 1, Chapter 5 of the Act and Clause 23 of Part 2 of Schedule 2 to the Act.

2.4 **Chair of the Board**

- 2.4.1 The Chair of the Board shall be the person appointed pursuant to subclause 2.2.1.2, who shall hold office for a term of three years, unless he/she resigns or is removed from office pursuant to subclause 2.2.5 or is otherwise no longer eligible to act as a Board Member.
- 2.4.2 The Chair is eligible for re-appointment at the expiration of the term of office.
- 2.4.3 In the event that the appointed Chair either resigns or is no longer eligible to act as a Board Member prior to the expiration of that persons term, the Board shall elect from amongst the other Board Members a new Chair who shall hold office until a further appointment is made pursuant to subclause 2.2.1.2 whereupon the person so appointed will hold office for the duration of the original appointment.
- 2.4.4 The Board may choose a person appointed pursuant to subclause 2.2.1.1 to be the Deputy Chair of the Board for a term determined by the Board.
- 2.4.5 The Chair shall preside at all meetings of the Board and, in the event of the Chair being absent from a meeting, the Deputy Chair shall preside and in the event of both the Chair and the Deputy Chair being absent from a meeting the Board Members present shall appoint a person from amongst them, who shall preside for that meeting or until the Chair or the Deputy Chair is present.

2.5 **Meetings of the Board**

- 2.5.1 The provisions of Part 2 of the Local Government (Procedures at Meetings) Regulations 2000 shall, insofar as the same may be applicable and not inconsistent with this Charter, apply to the proceedings at and conduct of all meetings of the Board.
- 2.5.2 Ordinary meetings of the Board must take place at such times and places as may be fixed by the Board or the Executive Officer of the Authority from time to time. There shall be at least six ordinary meeting of the Board held in each financial year. Meetings shall not be held before 5 p.m. unless the Board resolves otherwise by resolution supported unanimously by all of the Board Members present at the meeting which determines the issue.
- 2.5.3 An ordinary meeting of the Board will constitute an ordinary meeting of the Authority. The Board shall administer the business of the ordinary meeting.
- 2.5.4 For the purposes of this subclause, the contemporary linking together by telephone, audio-visual or other instantaneous means ('telecommunications meeting') of a number of the Board Members provided that at least a quorum is present, is deemed to constitute a meeting of the Board. Each of the Board Members taking part in the

meeting, must at all times during the telecommunications meeting be able to hear and be heard by each of the other Board Members present. At the commencement of the meeting, each Board Member must announce his/her presence to all other Board Members taking part in the meeting. A Board Member must not leave a telecommunications meeting by disconnecting his/her telephone, audio visual or other communication equipment, unless that Board Member has previously notified the Chair of the meeting.

- 2.5.5 A proposed resolution in writing and given to all Board Members in accordance with proceedings determined by the Board will be a valid decision of the Board where a majority of Board Members vote in favour of the resolution by signing and returning the resolution to the Executive Officer or otherwise giving written notice of their consent and setting out the terms of the resolution to the Executive Officer. The resolution shall thereupon be as valid and effectual as if it had been passed at a meeting of the Board duly convened and held.
- 2.5.6 Notice of ordinary meetings of the Board must be given by the Executive Officer to each Board Member not less than three clear days prior to the holding of the meeting.
- 2.5.7 Notice of any meeting of the Board must:
- (a) be in writing; and
 - (b) set out the date, time and place of the meeting; and
 - (c) be signed by the Executive Officer; and
 - (d) contain, or be accompanied by, the agenda for the meeting; and
 - (e) be accompanied by a copy of any documents or reports that are to be considered at the meeting (so far as this is practicable).
- All documents or reports delivered to Board Members in accordance with this subclause are confidential unless indicated otherwise.
- 2.5.8 The Executive Officer must maintain a record of all notices of meetings given under subclause 2.5.7 to Board Members.
- 2.5.9 Notice under subclause 2.5.7 may be given to a Board Member:
- (a) personally; or
 - (b) by delivering the notice (whether by post or otherwise) to the usual place of residence of the Board Member or to another place authorised in writing by the Board Member; or
 - (c) by leaving the notice for a Board Member appointed under subclause 2.2.1.1 at an appropriate place at the principal office of the Constituent Council which appointed the Board Member; or
 - (d) by a means authorised in writing by the Board Member as being an available means of giving notice.
- 2.5.10 A notice that is not given in accordance with subclause 2.5.9 will be taken to have been validly given if the Executive Officer considers it impracticable to give the notice in accordance with the subclause and takes action that the Executive Officer considers reasonably practicable in the circumstances to bring the notice to the Board Member's attention.
- 2.5.11 Any Constituent Council or Board Member may by delivering a written request to the Executive Officer of the Authority require a special meeting of the Board to be held. The request will only be valid if it is accompanied by the agenda for the special meeting. On receipt of the request the Executive Officer shall send a notice of the special

meeting to all Board Members at least 24 hours prior to the commencement of the special meeting. Such notice shall comply with subclauses 2.5.7 and 2.5.9 of this Charter.

- 2.5.12 The quorum for any meeting of the Board is a simple majority of the number of members in office.
- 2.5.13 Every Board Member, including the Chair, shall have a deliberative vote. The Chair shall not in the event of an equality of votes have a casting vote.
- 2.5.14 All matters will be decided by a simple majority of votes of the Board Members present except where this Charter provides otherwise. In the event of an equality of votes the matter will lapse.
- 2.5.15 Subject to subclause 2.3.1, all Board Members present at a meeting shall vote.
- 2.5.16 Any meeting of the Board may be adjourned from time to time and from place to place.
- 2.5.17 Subject to Clause 2.6 and to the absolute discretion of the Board to conduct any meeting or part of any meeting in public, meetings of the Board will not be conducted in a place open to the public.
- 2.5.18 The Executive Officer must cause minutes to be kept of the proceedings at every meeting of the Board.
- 2.5.19 If the Executive Officer is excluded from attendance at a meeting of the Board, the person presiding at the meeting shall cause the minutes to be kept.
- 2.5.20 Each Board Member must be supplied with a copy of all minutes of the proceedings of a meeting within five days of the meeting.
- 2.5.21 All documents presented to, received at or derived from a Board Meeting, including but not limited to:
 - minutes of a Board Meeting;
 - reports to the Board received at a meeting of the Board; and
 - recommendations presented to the Board in writing and adopted by resolution of the Board.will remain confidential and not available for public inspection unless the Board otherwise resolves.
- 2.5.22 Prior to the conclusion of each meeting of the Board, the Board must identify which agenda items considered by the Board at that meeting will be the subject of an information report to the Constituent Councils.
- 2.5.23 Subject to this Charter and to any direction of the Constituent Councils the Board may determine its own procedures.

2.6 Annual General Meeting

- 2.6.1 An Annual General Meeting of the Board shall be held prior to November in each year at a place and time determined by a resolution of the Board.
- 2.6.2 In addition to the requirements of subclause 2.5.6 of this Charter, notice of the Annual General Meeting will also be given by:
 - (a) placing a copy of the notice and agenda on public display at the principal office of the Authority and of each Constituent Council;

- (b) by giving notice in newspapers which circulate in the areas of the Constituent Councils;
 - (c) in such other manner as the Executive Officer considers appropriate taking into account:
 - (i) the characteristics of the community and area of the Constituent Councils; and
 - (ii) the best ways to bring notice of the Annual General Meeting to the attention of the public; and
 - (iii) such other matters as the Executive Officer thinks fit.
- 2.6.3 The notice and agenda must be placed on public display at least 14 clear days before the Annual General Meeting and must be available to the public:
 - (a) for inspection, without charge;
 - (b) by way of a copy, upon payment of a fee fixed by the Authority, and must be kept on public display until the completion of the Annual General Meeting.
- 2.6.4 A reasonable number of copies of the notice and agenda and any document or report supplied to Board Members for the Annual General Meeting must be available for members of the public at the meeting.
- 2.6.5 The Annual General Meeting will be conducted in a place open to the public and will consider and deal with business of a general nature aimed at reviewing the progress and direction of the Authority over the immediately preceding financial year and shall include the following:
 - (a) Chair's report;
 - (b) Executive Officer's report;
 - (c) the annual budget for the ensuing financial year;
 - (d) the audited financial statements for the previous financial year;
 - (e) any other general business determined by the Board to be considered at the Annual General Meeting.
- 2.6.6 The minutes of the Annual General Meeting must, in addition to the requirements of subclause 2.5.20 be available to the public within five days of the Meeting for inspection or by provision of a copy upon payment of a fee fixed by the Board.

3. STAFFING ISSUES

- 3.1 The Board must appoint an Executive Officer of the Authority to manage the business of the Board on terms agreed between the Executive Officer and the Board. The Executive Officer may be a natural person or a body corporate.
- 3.2 The Executive Officer shall cause records to be kept of the business and financial affairs of the Authority in accordance with this Charter, in addition to other duties provided for by this Charter and those specified in the terms and conditions of appointment.
- 3.3 In the absence of the Executive Officer for any period exceeding two weeks a suitable person to act in the position of Executive Officer of the Authority must be appointed by the Board.
- 3.4 The Board shall delegate responsibility for the day to day management of the Authority to the Executive Officer, who will ensure that sound business and human resource management practices are applied in the efficient and effective management of the operations of the Authority.

- 3.5 The functions of the Executive Officer shall be specified in the terms and conditions of appointment and shall include but are not limited to:
 - 3.5.1 attending at all meetings of the Board unless excluded by resolution of the Board;
 - 3.5.2 ensuring that the decisions of the Board are implemented in a timely and efficient manner;
 - 3.5.3 providing information to assist the Board to assess the Authority's performance against its Strategic and Business Plans;
 - 3.5.4 appointing, managing, suspending and dismissing other employees of the Authority;
 - 3.5.5 determining the conditions of employment of employees of the Authority, within budgetary constraints set by the Board;
 - 3.5.6 providing advice and reports to the Board on the exercise and performance of its powers and functions under this Charter or any Act;
 - 3.5.7 ensuring that the Authority is at all times complying with Schedule 2 to the Act and all other relevant statutory obligations;
 - 3.5.8 co-ordinating and initiating proposals for consideration of the Board including but not limited to continuing improvement of the operations of the Authority;
 - 3.5.9 ensuring that the assets and resources of the Authority are properly managed and maintained;
 - 3.5.10 ensuring that records required under the Act or any other legislation are properly kept and maintained;
 - 3.5.11 exercising, performing or discharging other powers, functions or duties conferred on the Executive Officer by or under the Act or any other Act, and performing other functions lawfully directed by the Board;
 - 3.5.12 achieving financial outcomes in accordance with adopted plans and budgets of the Authority;
 - 3.5.13 inviting any person to attend at a meeting of the Board to act in an advisory capacity; and
 - 3.5.14 providing reports to the Constituent Councils in accordance with subclause 2.5.22.
- 3.6 The Executive Officer may delegate or sub-delegate to an employee of the Authority or a committee comprising employees of the Authority, any power or function vested in the Executive Officer. Such delegation or sub-delegation may be subject to any conditions or limitations as determined by the Executive Officer.
- 3.7 Where a power or function is delegated to an employee, the employee is responsible to the Executive Officer for the efficient and effective exercise or performance of that power or function.
- 3.8 A written record of all delegations and sub-delegations must be kept by the Executive Officer at all times.
- 3.9 The Executive Officer and any other officer declared by the Board to be subject to this provision is required to comply with Division 2 of Part 4 of Chapter 7 (Register of Interests) of the Act, Section 118 (Inspection of Register) of the Act and Section 119 (Restrictions on disclosure) of the Act will apply.

4. MANAGEMENT

4.1 **Financial Management**

- 4.1.1 The Authority shall keep proper books of accounts in accordance with the requirements of the Local Government (Financial Management) Regulations 2011.
- 4.1.2 The Authority's books of account must be available for inspection by any Board Member or authorised representative of any Constituent Council at any reasonable time on request.
- 4.1.3 The Authority must establish and maintain a bank account with such banking facilities and at a bank to be determined by the Board.
- 4.1.4 All cheques must be signed by two persons authorised by resolution of the Board.
- 4.1.5 Any payments made by Electronic Funds Transfer must be made in accordance with procedures which have received the prior written approval of the Auditor.

The Executive Officer must act prudently in the handling of all financial transactions for the Authority and must provide quarterly financial and corporate reports to the Board and if requested, the Constituent Councils.

4.2 **Audit**

- 4.2.1 The Authority shall appoint an auditor in accordance with the Local Government (Financial Management) Regulations 2011, on terms and conditions set by the Board.
- 4.2.2 The Auditor will have the same powers and responsibilities as set out in the Local Government Act 1999, in relation to a Council.
- 4.2.3 The audit of Financial Statements of the Authority, together with the accompanying report from the Auditor, shall be submitted to both the Board and the Constituent Councils.
- 4.2.4 The books of account and financial statements shall be audited at least once per year.
- 4.2.5 The Authority is required to establish an audit committee.

4.3 **Business Plan**

The Authority shall:

- 4.3.1 prepare a three year Business Plan linking the core business activities of the Authority to strategic, operational and organisational requirements with supporting financial projections setting out the estimates of revenue and expenditure as necessary for the period; and
- 4.3.2 review the Business Plan annually; and
- 4.3.3 consult with the Constituent Councils prior to adopting or amending the Business Plan.

(See Clause 24, Part 2, Schedule 2 to the Act for the contents of the Business Plan)

4.4 **Annual Budget**

- 4.4.1 The Authority shall, after 31 May but before the end of June in each financial year, prepare and adopt an annual budget for the ensuing financial year in accordance with the Local Government Act 1999.
- 4.4.2 The proposed annual budget must be referred to Constituent Councils at the same time as the Executive Officer submits it to the Board Members.

- 4.4.3 A Constituent Council may comment in writing to the Executive Officer on the budget at least three business days before the meeting at which it will be considered by the Board or, alternatively, may comment through its Board Member at the meeting of the Board.
- 4.4.4 The Authority must provide a copy of its annual budget to the Constituent Councils within five business days after adoption by the Board.
- 4.4.5 Reports summarising the financial position and performance of the Authority against the annual budget shall be prepared and presented to the Board every three calendar months and copies provided to the Constituent Councils within five days of the Board meeting to which they have been presented.

(See Clause 25, Part 2, Schedule 2 to the Act and Regulations 7, 8 & 9 to the Local Government (Financial Management) Regulations 2011 for the contents of the budget)

4.5 **Reporting**

- 4.5.1 The Authority must submit to the Constituent Councils by 30 September in each year in respect of the immediately preceding financial year, a report on the work and operations of the Authority detailing achievement of the aims and objectives of its Business Plan and incorporating the audited Financial Statements of the Authority and any other information or reports as required by the Constituent Councils.
- 4.5.2 The Board shall present a balance sheet and full financial report to the Constituent Councils at the end of each financial year.
- 4.5.3 The Board shall present audited financial statements to the Constituent Councils in accordance with the requirements of the Local Government (Financial Management) Regulations 2011.

5. **MISCELLANEOUS**

5.1 **Equitable Interest**

- 5.1.1 Subject to subclause 5.1.2 the equitable interest of the Constituent Councils in the Authority is agreed as follows:
 - (a) City of Holdfast Bay: 15%.
 - (b) City of Marion: 30%.
 - (c) City of Onkaparinga: 55%.
- 5.1.2 The equitable interest of the Constituent Councils in the Authority as set out at subclause 5.1.1 may be varied by agreement of the Constituent Councils and will be varied where a new Constituent Council or Councils is admitted pursuant to Clause 5.3.

5.2 **Withdrawal**

- 5.2.1 A Constituent Council may not withdraw from the Authority except with the approval of the Minister and subject to the Local Government Act and this Charter.
- 5.2.2 A Constituent Council which intends to withdraw from the Authority shall give to the Board and the other Constituent Councils written notice of such intention, specifying the date of intended withdrawal. The notice shall be a minimum of 24 months notice expiring on 30 June of the relevant financial year.
- 5.2.3 The withdrawal of any Constituent Council does not extinguish the liability of that Constituent Council for the payment of its contribution towards any actual or contingent deficiency in the net assets of the

Authority at the end of the financial year in which such withdrawal occurs.

5.2.4 The withdrawal of any Constituent Council does not extinguish the liability of that Constituent Council to contribute to any loss or liability incurred by the Authority at any time before or after such withdrawal in respect of any act or omission by the Authority prior to such withdrawal.

5.2.5 Payment by or to the withdrawing Constituent Council must be fully paid by 30 June of the financial year following 30 June of the year in which the withdrawal occurs unless there is common agreement of alternative payment arrangements by the Constituent Councils.

5.3 **New Members**

Subject to the provisions of the Act, this Charter may be amended by the unanimous agreement of the Constituent Councils to provide for the admission of a new Constituent Council or Councils, with or without conditions of membership.

5.4 **Insurance and Superannuation Requirements**

5.4.1 The Authority shall register with the Local Government Mutual Liability Scheme and comply with the Rules of that Scheme.

5.4.2 The Authority shall advise Local Government Risk Management Services of its insurance requirements relating to Local Government Special Risks including buildings, structures, vehicles and equipment under the management, care and control of the Authority.

5.4.3 If the Authority employs any person it shall register with the Local Government Superannuation Scheme and the Local Government Workers Compensation Scheme and comply with the Rules of those Schemes.

5.5 **Winding Up and Statutory Guarantee**

5.5.1 The Authority may be wound up by unanimous resolution of the Constituent Councils and with the consent of the Minister.

5.5.2 On winding up of the Authority, the surplus assets or liabilities of the Authority, as the case may be, shall be distributed between or become the responsibility of the Constituent Councils in the proportions of their equitable interest in the Authority in accordance with Clause 5.1.

5.5.3 If there are insufficient funds to pay all expenses due by the Authority on winding up (or at any other time there are unfunded liabilities which the Authority cannot meet), a call shall be made upon all of the Constituent Councils in proportion to their equity share for the purpose of satisfying their statutory guarantee of the liabilities of the Authority.

5.6 **Direction by Constituent Councils**

5.6.1 The establishment of the Authority does not derogate from the power of any of the Constituent Councils to act independently in relation to a matter within the jurisdiction of the Authority.

5.6.2 Provided that all of the Constituent Councils have first agreed as to the action to be taken, the Constituent Councils may direct and control the Authority.

5.6.3 For the purpose of this Clause, any decision of the Constituent Councils under subclause 5.6.1 and/or direction given or control exercised by the Constituent Councils must be given in writing to the Executive Officer of the Authority.

5.7 **Review of Charter**

- 5.7.1 This Charter will be reviewed by the Constituent Councils acting in concurrence at least once in every four years.
- 5.7.2 This Charter may be amended by unanimous agreement expressed by resolution of the Constituent Councils.
- 5.7.3 The Executive Officer must ensure that the amended Charter is published in the *Gazette* and a copy of the amended Charter provided to the Minister.
- 5.7.4 Before the Constituent Councils vote on a proposal to alter this Charter they must take into account any recommendation of the Board.

5.8 Disputes Between Constituent Councils

- 5.8.1 The Constituent Councils agree to work together in good faith to resolve any matter requiring their direction or resolution.
- 5.8.2 Where the Constituent Councils are unable to resolve a matter within 28 days of the matter being presented to them, the matter will be referred for arbitration by the President (or his/her nominee) of the Institute of Arbitration.
- 5.8.3 Notwithstanding subclause 5.8.2 the Constituent Councils agree to be bound by the decision of the Arbitrator (except in relation to any decision relating to the acquisition or disposal of any real property) and will endeavour to work together in good faith in the implementation of that decision.
- 5.8.4 The costs of arbitration shall be borne equally by the Constituent Councils.

5.9 Committees

- 5.9.1 The Board may establish a committee comprised of any persons for the purpose of enquiring into and reporting to the Board on any matter within the Authority's functions and powers and as detailed in the terms of reference given by the Board to the committee.
- 5.9.2 The Board may establish a committee comprised only of Board Members for the purpose of exercising, performing or discharging delegated powers, functions or duties.
- 5.9.3 A member of a committee established under this Clause holds office at the pleasure of the Board.
- 5.9.4 The Chair of the Board is an *ex-officio* a member of any committee established by the Board.

5.10 Common Seal

- 5.10.1 The Authority will have a common seal, which may be affixed to documents requiring execution under seal and where affixed must be witnessed by two Board Members or where authority has been conferred by instrument executed under the common seal of the Authority, by the Chair of the Board and the Executive Officer.
- 5.10.2 The common seal must not be affixed to a document except to give effect to a resolution of the Board.
- 5.10.3 The Executive Officer must maintain a register which records the resolutions of the Board giving authority to affix the common seal and details of the documents to which the common seal has been affixed with the particulars of persons who witnessed the fixing of the seal and the date that the seal was affixed.
- 5.10.4 The Board may by instrument under seal authorise a person to execute documents on behalf of the Authority.

5.11 Circumstances Not Provided For

If any circumstances arise about which this Charter is silent, incapable of taking effect or being implemented according to its strict provisions, the Board has the power to consider the circumstance and determine the action to be taken.

NICK BROWN, Executive Officer

**CITY OF MARION
GENERAL COUNCIL MEETING
19 January 2016**

Originating Officer: Deborah Horton, Unit Manager Executive Support
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, General Manager Corporate Services
Subject: Legal Expenditure
Report Reference: GC190106R14

REPORT OBJECTIVES:

The purpose of this report is to provide Council with an overview of:

- The current arrangements for legal advice
- Procurement of legal advice
- Council's legal expenses over the past three financial years
- Options regarding future arrangements for seeking legal advice.

EXECUTIVE SUMMARY:

The City of Marion operates in a complex environment and requires legal advice or assistance in various specialist areas. The current G6 Legal Services Contract is the primary means by which staff would engage a lawyer on behalf of the City of Marion. There are a total of six legal firms engaged under this agreement with 92% of Council's legal work being procured through these contracts in 2014/15.

The benefit of this arrangement is:

- The total legal expenditure across all participating Councils is accumulated and discount rates apply when certain thresholds are reached.
- Council is provided with the ability to contact a number of different law firms at a reduced rate, with additional service benefits which has proven to satisfy Council's need for legal services during the life of the contract.

This report explores other potential options for legal advice and recommends that a further detailed analysis of the G6 contract could be undertaken via a service review in order to determine if there is a need to change current legal expenditure practices to reduce legal costs. It further recommends that the Chief Executive Officer determines and implements the most practical and cost effective procedure of obtaining legal advice for the future.

RECOMMENDATIONS (1)

DUE DATES

That Council authorises the CEO to determine and implement the most practical and cost effective means of receiving legal advice for the City of Marion for the future.

19 Jan 2016

BACKGROUND

At its meeting on the 10 November 2015, the Council unanimously resolved that:

Administration provide a report on the engagement of lawyers and their fees and include:

- *Which law firms/ lawyers are used for different issues? Eg. planning, employment etc.*
- *What is the hourly rate or retainer in each case?*
- *How were the lawyers chosen? To what extent are lawyers selected on the basis of who staff feel comfortable consulting?*
- *What is the breakdown of lawyers selected from the panel relative to those who are not?*
- *Is there a database in any sense of legal advice received?*
- *Are there budgets ever imposed for legal matters? Is there a threshold legal expenditure figure at which matters are referred to the elected body?*
- *Evaluation of the practicality and value of sharing legal opinions (or extracts) with other councils on common issues, including at least the G6.*
- *Evaluation of the value of employing one or more lawyers, not necessarily fulltime.*

ANALYSIS:

The City of Marion procures the majority of its legal services via the 'G6 Legal Services Contracts' which is managed at a high level by Council Solutions. Council Solutions is a joint initiative of the Cities of Adelaide, Charles Sturt, Marion, Onkaparinga, Salisbury and Tea Tree Gully (Constituent Councils). Established as a Regional Authority in December 2012 in accordance with the Local Government Act 1999 (SA), its purpose is to optimise the financial sustainability of its constituent councils through the benefits of collaborative strategic procurement and contract negotiation and management. Council Solutions is governed by a Board of Management comprising an independent Chairperson and the Chief Executive.

The G6 Legal Services Contract was last tendered in 2013 via the Law Society Bulletin and SA Tenders and Contracts website. The tender was seeking interested legal firms to be considered for a legal panel contract for the constituent Councils within Council Solutions. Legal firms were requested to register on a non-exclusive panel to provide a variety of legal services in the form of a five year contract from 2013/14 – 2018/19. The specialist areas included;

- Commercial Law
- Employment Law
- Environment Law
- General Litigation
- Local Government Act, Regulations and Administrative Law
- Property Law
- Planning Law

17 tenders were submitted, all underwent extensive evaluation by a panel contract development team consisting of representatives from each Council, overseen by a procurement leader group.

The tenders were evaluated on capacity, service delivery and value added contributions initially by individual panel members taking into consideration the firms identified experience and knowledge including an understanding of Local Government Services (or similar) and previous experience in providing similar services (if relevant).

The individual comments and scores were then collated into a data base which was reassessed by the panel members as a collective. The collective results were overseen by a procurement leader group and finally approved by a procurement directorate. A copy of the weighted criteria used is provided attached (**Appendix 1**). This process resulted in the six legal firms below entering into contracts with member councils in April 2014.

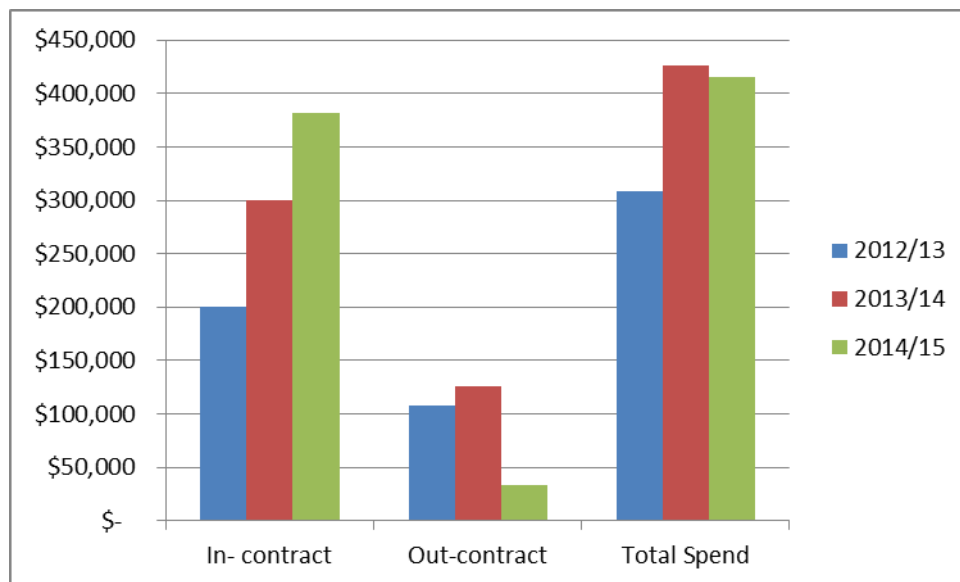
	Norman Waterhouse	Minter Ellison	Mellor Olsson	Kelley Jones	HWL Ebsworth	Cowell Clarke
Commercial Law	✓	✓	✓			
Employment Law	✓	✓		✓	✓	
Property Law	✓	✓	✓		✓	✓
Environment Law	✓	✓				✓
General Litigation	✓	✓	✓	✓		
Local Gov Act Regs & Admin	✓	✓		✓	✓	
Planning Law	✓	✓	✓	✓		

Council Solutions monitor the legal spend of each councils (and cumulatively) to ensure fees are charged correctly and that volume discounts are applied along with other minor administrative duties.

Legal expenditure – City of Marion

As the panel is non-exclusive, other legal firms can be engaged at the Council’s discretion. Where possible, expenditure is encouraged within the panel however it is acknowledged that some matters may require expertise outside of the contract, if it is in the best interests of the Council (for example, an historical issue may be raised which would require the firm whom gave advice initially to be contacted – and that particular firm is no longer a panel provider).

The following table identifies the legal expenditure within and outside of the panel by the City of Marion over three financial years.



Year	In- contract	Out-contract	Total Spend
2012/13	\$ 200,350	\$ 108,020	\$ 308,370
2013/14	\$ 300,000	\$ 126,000	\$ 426,000
2014/15	\$ 381,857	\$ 33,599	\$ 415,456

Hourly rates and retainers have not been provided within this report as the information is considered commercial information pursuant to section 90(3)(d) of the Local Government Act 1999.

Each department is responsible for the management of their legal costs within their budgets. Departments predict as best they can given the circumstances at the time the appropriate budget for the upcoming financial year.

At the time of writing this report, legal expenditure for 2015/16 financial year is \$207,000. There are a number of matters which have required legal advice, with majority being due to external factors outside of direct control measures.

Significant impacts on legal expenditure budgets include:

Department	Nature of advice
Governance	Investigations and reviews, codes of conduct, conflict of interests.
Development Services	Two significant court actions. It is expected that in one matter significant funds will be reimbursed in the near future after the Council successfully won an appeal.
Property Management	Marion Holiday Park, Glandore Laneways, Marion Leisure and Fitness Centre and subsequent YMCA Management Agreement, lease renewals
Human Resources	Staff investigations, disciplinary matters
Community Safety Inspectorate	Members of the public electing to be prosecuted rather than paying an expiation fee, dealing with complex dog attacks and prosecution.

G6 Legal contract - Sharing legal advice

The G6 Councils have previously shared a database called the 'Legal Opinion Knowledge Base (LOKB)'. The database was used by the Councils and legal firms to request and receive legal opinions. Council's had the options of sharing the advice with all Councils or keeping the advice confidential. It was hosted by the Adelaide City Council IT systems. The database ceased around 2008 after lack of use, out of date information and administrative costs.

Currently, monthly reports are provided to the participating councils from the panel on the matters for which it has sought legal advice. These are not shared amongst the councils as disclosure may waive the individual council's legal privilege.

Legal firms do provide newsletters and alerts via email on topics relevant to local government as a whole. Some firms have also provided seminars on topical issues. Newsletters and email alerts give examples on legislative changes or precedents set by the High Court on relevant case law pertinent to local government. This service provides up-to-date and consistent advice to the participating councils without compromising legal privilege.

Council Solutions will be facilitating a meeting in early 2016 to discuss and implement opportunities to reduce any duplication in advice sought by the group.

City of Marion Legal Services policy

Prior to seeking legal advice, the organisation has a procedure which applies to all staff prior to accessing legal advice. This policy requires the staff member to consult a checklist and seek General Manager approval with the exception of governance matters required by the Manager Corporate Governance and planning/development matters required by the Manager Development and Regulatory Services.

Whilst no specific threshold is set for legal expenditure which would require the organisation to refer to the Elected Members, the officer must ensure they are authorising legal advice within their delegated authority both from a monetary and hierarchical perspective.

Legal Advice Options/Models

Different potential options are available with regard to the future provision of legal advice including (but not limiting to):

Option 1 - City of Marion employing an in house lawyer

A brief was provided to Council at its meeting on 28 January 2014 – GC280114M01 (**Appendix 2**) to consider an in house lawyer. In summary, the brief states that the legal issues before Council are diverse, complex and advice is sought across a broad spectrum of business areas. Due to this, an in-house lawyer would require a high level of skill, knowledge and experience in multi discipline areas of legal practice.

There are a number of different options that Council could consider such as employing an in house lawyer in the areas of the highest spend such as administrative law or planning. This could be a full time or part time arrangement.

The research previously undertaken suggests that a remuneration package required to attract and retain a lawyer of sufficient levels of skills, knowledge and experience would be in the vicinity of \$180,000 to \$200,000, to which on-costs would result in a total employment cost in the range of \$219,000 to \$243,000.

The Hudson Salary Guide (Legal) for 2015 does not provide data specifically for South Australia, however it suggests the following salary ranges for different states which can be used as a guide:

- NSW – In house (Corporate) Legal 6 years+ (\$135k - \$220k)
- NSW – In house (Corporate) Deputy General Council (\$150k - \$280k)
- VIC – In house (Resources & Utilities) 6 years+ (\$135k - \$200k)
- VIC – In house (Resources & Utilities) Deputy General Council (\$165k - \$247k)
- QLD – In house 6 years+ (\$140k – \$180k)
- QLD – In house Deputy General Council (\$155k – \$250k)
- WA – In house (Corporate) Legal 6 years+ (\$135k - \$250k)
- WA – In house (Corporate) Deputy General Council (\$165k - \$350k)

The full report can be obtained from <http://au.hudson.com/latest-thinking/salary-guides>

Further considerations:

If this option was to be further explored, the following should be considered:

- The type of skills, knowledge and experience required
- The employment arrangements
- A full cost benefit analysis
- Conflict of interests and independence of advice
- Professional indemnity insurance
- Impact on current G6 legal services contract
- On-going training and development to ensure skills and knowledge are up to date.

Option 2 – Shared Services with Other Councils

Further enquires could be made with surrounding Councils to determine if an in house lawyer could be shared amongst Councils. For example, Council could share a resource with two or three other Councils and have access to an in house lawyer 1 or 2 days per week. This would require one Council to be the 'host' Council which would require the administrative requirements of the role (such as payroll, IT support, mobile phone, etc).

To date no enquires have been made with other Councils.

This approach was trialled at the Local Government Association (LGA) and ceased recently due to the lack of interest.

Option 3 – Agreement with legal firm to supply in-house legal

This option may require negotiation with a legal firm to supply a lawyer to the Council at an agreed fee (retainer) for an agreed amount of time. For example, one day per week. This would enable staff to seek legal advice on matters regularly without having to use the G6 Legal Services Contract.

Further considerations:

If this option was to be further explored, the following should be considered:

- The wide variety and complexity of legal advice required in Local Government
- Service agreement to be entered into
- Number of hours/costs
- Impact of the City of Marion's current G6 legal services contract
- Procurement requirements
- Cost benefit analysis
- Potential conflicts between preliminary advice given with one legal firm as opposed to other legal advice given when more details are known by a different firm (if the matter escalates).

G6 Legal Services Evaluation

Regardless of the options listed above, it is prudent for current legal service provisions, via the G6 legal arrangement to be evaluated to determine if the service as it is currently offered is cost effective, including the way in which the service is utilised by the City of Marion.

Once this data is obtained via Council Solutions, it can be measured against other potential legal service options to predict the most beneficial outcome for the provision of legal services in the future.

Given the organisation is currently undertaking service reviews across a number of departments, it would be prudent that the provision of future legal services be incorporated into current organisational service reviews to determine the most beneficial and cost effective service provision. This offers impartiality and a level of business acumen in order to produce an approach to legal cost savings that also eliminates any associated risks in doing so.

CONCLUSION:

The City of Marion operates in a complex environment and will from time to time require legal advice or assistance in various specialist areas. An evaluation of the current G6 legal service providers and the way in which these services are currently accessed by the City of Marion is prudent in order to determine if there is a future need to alter current processes regarding the seeking of legal advice.

CRITERIA	Wtgs
Pricing	30%
Price & costing for the service is comprehensive of value, and takes into account all aspects of the service requirements and the Contract, including detailed costing of the service specification.	30%
Capacity	35%
Experience, knowledge and good past performance in providing the Generalist & Specialist services including an understanding of Local Government Services (or similar) and previous experience in providing similar services.	15%
Evidence of strong commercial and financial viability of the Tenderer demonstrating ability to deliver the service and meet the requirements of the Contract, including provision of company financial records, annual reports for the last two years where applicable and other relevant documentation.	10%
Strong human resource capacity demonstrating ability to meet the requirements of the Contract, teams having worked successfully together in the past providing a similar service, ability to ensure availability of resources required to meet timeframes, and ability to respond to the Principals urgent instructions and requests.	10%
Service Delivery	25%
Demonstrated ability to deliver a quality solutions focussed Service to meet the requirements of the Contract with evidence of strong customer service focus.	10%
Account management approach including systems for business, finance and reporting.	5%
Corporate Culture – sensitive to the needs of Council. Understanding of needs/requirements and ability to communicate in a positive collaborative manner.	10%
Value Added	10%
Evidence of a proactive, innovative approach to service delivery, initiatives employed, an ability to address emerging issues.	10%
Total Rating	100%

**CITY OF MARION
GENERAL COUNCIL MEETING
28 JANUARY 2014**

Notice Received from: Councillor Appleby
Subject: Cost to Employ an in-House Lawyer
Ref No: GC280114M01

MOTION:

That Administration provides a brief report on the costs and benefits of employing an in-house lawyer.

COMMENTS: Councillor Appleby

Nil

COMMENTS: (Andrew Lindsay Manager Organisational Development)

The employment of an in-house lawyer is not considered to provide a positive cost benefit to council.

For the financial year 2012/2013 Council required legal advice/support across a broad spectrum of business areas such as, governance, by-laws, development assessment, dog & cat control, parking control, public health, employment, workers compensation, health and safety, environmental regulation, urban planning policy, property management, storm water re-use, asset management, land/road acquisition & disposal, facility construction & rating services. Costs for these services were just over \$300,000.

This diversity of advice would require a lawyer with very high levels of skill, knowledge and experience in multi discipline areas of legal practice. Enquiries with a specialist legal recruiter (Taylor Root Global Legal recruitment) indicate it would be extremely unlikely that a legal practitioner possessing the skill, knowledge and experience necessary to meet all Councils' needs could be easily sourced. As a further consideration, advice indicates that Council would be unable to provide the level of challenge, diversity and complexity of legal matters required to initially attract, and retain a lawyer with the skill, knowledge and experience required to meet Councils' needs. Additionally, in some instances higher level legal representation e.g. Barrister is required to represent Council in matters before the courts.

Enquiries with an Adelaide based legal firm indicate the market remuneration package required to attract and retain a lawyer of sufficient levels of skill, knowledge and experience would be in the vicinity of \$180,000 to \$200,000, to which on-cost would result in a total employment cost in the range of \$219,000 to \$243,000.

At best, it could be expected to recruit a lawyer with skill, knowledge and experience in a small number of the discipline areas of legal practice in which Council commonly seeks advice. Therefore an in-house lawyer would still be required to seek expert legal advice in those areas of law they are not proficient in, resulting in Council incurring expenditure in addition to the total employment costs. Conceivably, Council could be in the position of employing in-house legal counsel who would be seeking advice from external legal counsel. Similarly, it is not out of the ordinary to have Council requiring more than one lawyer at any given time due to having matters before more than one court on the same day/time.

It is our understanding that presently, no council in South Australia employ's in-house legal counsel. Therefore, for the reasons outlined in this report, the employment of an in-house lawyer is not recommended.

**CITY OF MARION
GENERAL COUNCIL MEETING
19 January 2016**

Originating Officer: Rachel Read, Acting Manager Human Resources
Chief Executive Officer: Adrian Skull
Subject: Chief Executive Officer Performance Review
Report Reference: GC190116R15

REPORT OBJECTIVES:

To provide the Council with a summary of key findings from the CEO Performance Review 2015.

EXECUTIVE SUMMARY:

An on-line survey was developed for completion by Elected Members for the annual Chief Executive Officer (CEO) Performance Review.

All Elected Members were invited to participate in the survey providing the opportunity to rate the CEO's performance as well as to suggest opportunities for improvement.

The survey was completed by eleven Elected Members and the results are compared with a self-rated review by the CEO.

A decision was made at the CEO Performance Review Committee on 8 December 2015 that this report is made public.

RECOMMENDATIONS (1)

DUE DATES

That Council:

- 1. Notes the summary report on the Chief Executive Officer Performance Review 2015.**

January 16

BACKGROUND

The Local Government Association Code of Conduct for Assessment of the Chief Executive Officer (CEO) and the CEO Agreement (part 9) stipulates that the CEO must complete one formal assessment per year.

Whilst the CEO had only been in his position for three months, the feedback from the review is useful in setting a baseline for subsequent CEO Performance Reviews and to provide information on how he has performed in this period

ANALYSIS:

The review was undertaken on-line using the 'Survey Monkey' survey tool. Eleven Elected Members took the opportunity to participate in the performance review of the CEO. The CEO also undertook a self-appraisal.

The survey consisted of 31 questions.

Overall the feedback from the survey was positive and the comments provided a common theme of mutual trust and respect. There were a number of comments that with the CEO having only been in the role for three months it was too early to have a firm view on some elements.

The outcomes from the survey are summarised as follows:

Relationships

Respect, leadership and honesty described the expectations of the relationship between Councillors and the CEO. The examples that were used to support this were noted as consultation, responsibility and positivity.

Some respondents felt it was too early to comment on their relationship with the Chief Executive Officer whilst others felt they needed more time to talk with the Chief Executive Officer in order to build a strong relationship. It was noted that a positive, professional relationship exists between the CEO and the Mayor. This was also noted by the CEO.

Opportunities identified for CEO development included to speak up more, to challenge Elected Members and be 'more on the front foot'.

The CEO's relationship with staff was reported as being positive and based on respect and trust, especially with Field staff. There is an opportunity for the relationships to be built further. Relationships with external stakeholders were rated positively and it was considered that these will improve with time.

Information sharing

With regard to the CEO providing Elected Members with accurate, clear and concise information, the majority felt that this was the case.

A good proportion of respondents felt that staff provide adequate information for good decision making, rating this question from 6 to 7 (10 being outstanding). In general it was felt that staff can tend to provide too much information, information can be missing or it is too hard to obtain information. There was an alignment between the CEO comments on this matter and those of Elected Members.

Representing Council

The majority of Elected Member respondents felt the CEO performed well in this area. Opportunities for improvement included comment about the CEO being internally focussed. One comment was that a member was 'unsure how passionate the Chief Executive Officer is in relation to issues affecting residents' because of this internal emphasis.'

There was alignment in answers provided by both Members and CEO that there was confidence that relationships would strengthen with time.

Strategic Planning Skills

Most respondents rated the CEO between 8 and 9 (10 being outstanding) and felt that performance is good in this area. Respondents felt that the CEO is passionate and that it is positive that staffing issues are being addressed.

Opportunities included demonstrating the need for more staff and embracing a strategy focus rather than 'street-level issues'. The CEO noted his belief that a 3 year plan would help Council's strategic focus.

Leadership

Respondents felt that the CEO should be demonstrating leadership through honesty, leading by example, being fair but firm and articulating the vision. 80% of respondents rated the CEO's leadership skills between 8 and 9 (10 being outstanding) and that he demonstrates positive and exceptional leadership. There was a close alignment in answers from both parties, with the CEO noting that the qualities of authenticity, strength and a 'modelling of the way' are critical.

Staffing

Half of respondents felt that the Chief Executive Officer's staff choices are between 7 and 8 (10 being outstanding), with less than half of respondents being unsure. A number of respondents felt it was too early to tell how good the CEO staff choices are, which was echoed by the CEO.

Improvements & Risks

A good level of respondents rated the CEO 8 (10 being outstanding) in relation to his ability to manage improvements within the organisation. Respondents felt the CEO is 'off to a great start' whilst others felt it was too early to comment.

Less than half of respondents felt that the CEO is managing risks effectively within the organisation, rated 8 – 9 (10 being outstanding). Respondents felt it was too early to comment on improvement opportunities in this regard.

Chief Executive Officer should be doing more of and less of ...

Opportunities include building the relationship between staff and Elected Members, higher level planning for the organisation and focusing on the structure and budgets. This was aligned with the CEO's comments that he needs to spend more time being strategic and managing time well.

Respondents felt the CEO should do less 'asking Members' permission', particularly where it is not needed. In addition, there was a comment that the CEO should do 'less hands-on work' that could be done just as effectively by subordinates. An allowance was made for the time in the role, however.

Achievements and areas for development

The CEO's achievements include starting on the path to changing the organisation's culture and lifting morale; restructuring and commencing the Edwardstown Oval project.

Respondents felt that the CEO could be more assertive with the Elected Body and have more obvious focus on financial matters.

CONCLUSION:

Respondents feel that Council's CEO is performing well in the role and generally the feedback from the survey is extremely positive, with the common theme of authenticity, trust and respect. There are some opportunities for development such as building the relationships between Elected Members and staff, and for the CEO to focus on higher level planning and strategic issues.

**CITY OF MARION
GENERAL COUNCIL MEETING
19 January 2016**

Originating Officer: Catrin Johnson, Strategy Partner
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, General Manager Corporate Services
Subject: Corporate Performance Report- 1st Quarter 2015/16: July to September 2015
Report Reference: GC190116R16

REPORT OBJECTIVES AND EXECUTIVE SUMMARY:

This report provides Council with the first quarter status report on Corporate Performance Measures adopted in the 2015/16 Annual Business Plan and Budget (**Appendix 1**). It forms part of the regular Corporate Performance Reporting to Council, in conjunction with the quarterly budget review reporting.

The Corporate Performance reporting process provides Council with regular status updates on the key governing systems in place to support delivery of outcomes for the Community.

The report shows good performance for the quarter with four of Council's five available measures performing within their target range.

RECOMMENDATIONS (1)

DUE DATES

That Council:

- | | |
|--|-------------|
| 1. Note the Corporate Performance Report – First Quarter 2015/16: July to September 2015, as provided in Appendix 1. | 19 Jan 2016 |
|--|-------------|

BACKGROUND

The City of Marion's governance framework is comprised of key systems and processes to support robust decision making and delivery of outcomes to the Community. Monitoring performance of these systems is conducted through a range of mechanisms at a number of levels to ensure there is clear line of sight for managing performance at the organisation, council and community level.

The suite of KPIs contained within the Corporate Performance Report (**Appendix 1**) was adopted in the 2015/16 Annual Business Plan and Budget. Quarterly KPI reporting enables council and the community to track and assess progress and performance at regular intervals throughout the year. It also provides key information for decisions and actions to be taken to address any performance gaps or opportunities for improvement.

ANALYSIS:

The first quarter report shows good performance for all KPIs throughout the period July-September 2015. Four of the five measures with data available exceeded, met their targets or were within the target range.

No data was available for the following measures:

- KPI6 Achieving goals of (10 year) Council Plan
- KPI7 Alignment throughout administration to Community and Council Plans (as developed by Elected Members)

Highlights for the 1st Quarter:

Employee costs have been reduced by 17% against the prior year budget to date - KPI2 Total employee costs (staff plus agency)

To date in 2015/16 there have been no accepted claims reported in the Local Government Association Workers Compensation Scheme - KPI3 Lost employee time due to injury

Cove Civic Centre opened on 27 July 2015, original program was March 2015. Approved budget \$13.4m, final cost is subject to review and audit commencing in November - KPI4 Major Capital Works (>\$4m)

City Services Redevelopment expected completion date 20 November 2015, original completion date 15 December 2015 (inclusive of EOT's). Project likely to be in the order of \$150-\$230k under budget - KPI4 Major Capital Works (>\$4m)

A costed concept plan is being developed for Edwardstown Oval. Targeting Federal funding application for January 2016 - KPI5 Number of specific Major Capital Works proposals ready for approval by Council

CONCLUSION:

The Corporate Performance Report demonstrates Council's commitment to tracking progress and delivering outcomes consistent with the 2015/16 Annual Business Plan and Budget. It also demonstrates Council's commitment to ensuring a robust and transparent planning process and fulfilling its role in delivering the practice of good governance.

Corporate Performance Report
1st Quarter Report 2015/16: Jul 2015 - Sep 2015



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

Dashboard Status icons




	Target rating = Exceptional
	Target rating = Acceptable
	Target rating = Unacceptable
	No target set

Measure		Target	Quarter Results	
FINANCIAL				
1	Actual operating surplus ratio for 2015-16 (adjusted for extraordinary items)	0 – 6%	18%	
2	Total employee costs (staff plus agency)	Decrease by 1.4 – 2.0%, in dollar terms, over the previous year's adopted budget	-17%	
3	Lost employee time due to injury	Reduction compared to average of last 5 years	0	
4	Major Capital Works (>\$4m)	Completed strictly on time and on budget (or better)	Substantially on time and on budget	
5	Number of specific Major Capital Works proposals ready for approval by Council	2	1	
6	Achieving goals of (10 year) Council Plan	High level of achievement	N/A	-
7	Alignment throughout administration to Community and Council Plans (as developed by Elected Members)	Moderate to high level of alignment	N/A	-

KEY PERFORMANCE INDICATOR 1:

Actual operating surplus ratio for 2015-16 (adjusted for extraordinary items)

TARGET:

	Exceptional	0 – 3%
	Acceptable	> 3 but > 6%\$
	Unacceptable	< 0 or > 6%

PERFORMANCE:  Unacceptable (quarter result)

Background

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

Performance




At the first quarter Budget Review for 2015/16 this result was 9.1%.

A quarterly result may not be representative as it assumes that all sources of revenue and expense are evenly divided across the four quarters. Quarterly analysis of this ratio may not indicate a trend that would predict the annual result.

KEY PERFORMANCE INDICATOR 2:

Total employee costs (staff plus agency)

TARGET:

	Exceptional	Reduce by 5 – 10%
	Acceptable	Reduce by 1 – 5%
	Unacceptable	No reduction

PERFORMANCE:  Acceptable (quarter result)

Background

Employee costs include salaries and wages paid through the City of Marion’s payroll system for direct employees.

Agency costs include salaries and wages paid through the City of Marion’s payroll system for employees hired through a third party employment agency.

Performance

At the first quarter Budget Review for 2015/16 employee costs have been reduced by 1.7% against the prior year adopted budget to date.

This result is not comparative of a full year result as the prior year budget does not account for the timing of actual pay periods in the current year.

KEY PERFORMANCE INDICATOR 3:

Lost employee time due to injury (frequency rate)

TARGET:

	Exceptional	Reduce by 1% (using average of last 5 years of 22.4)
	Acceptable	Equal to or < 1% reduction (using average of last 5 years of 22.4)
	Unacceptable	Any increase when compared to the average of last 5 years (of 22.4)

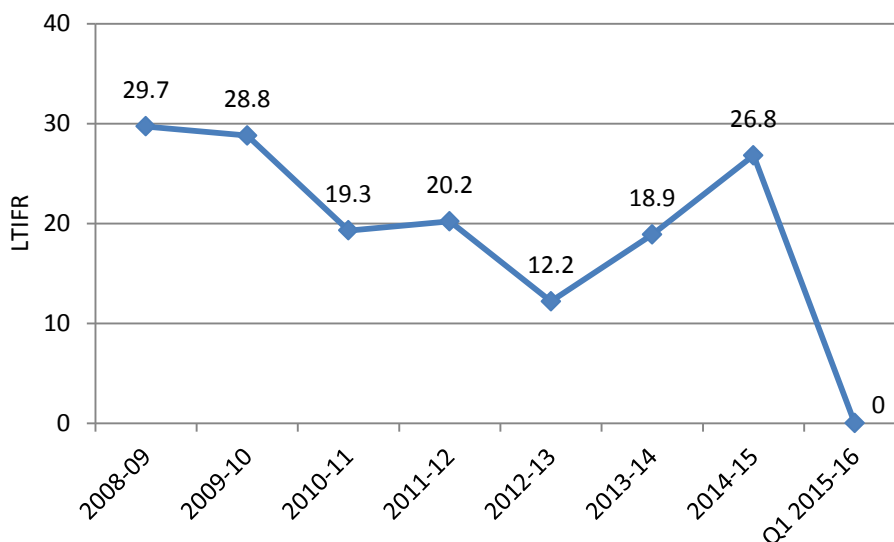
PERFORMANCE: Exceptional (quarter result)

Background

Lost Time Injury Frequency Rates (LTIFR) is a widely used lag performance indicator that measures injury management performance and is calculated as per the Australian Standard 1885.1: ‘Total number of Lost Time Injuries/Total Hours Worked)*1,000,000’.

Performance




The graph below tracks Council’s LTIFR performance for the past seven years as reported by the Local Government Association Worker’s Compensation Scheme (LGAWCS). To date in 2015-16 there have been no accepted claims reported in the LGAWCS data.



KEY PERFORMANCE INDICATOR 4:

Major Capital Works (>\$4m)

TARGET:

	Exceptional	Strictly on time and on budget (or better)
	Acceptable	Substantially on time and on budget (within 4 months and 102% budget)
	Unacceptable	Any case of substantially over time / over budget (>4 months or 102% budget)

This measure represents a combined score of the progress towards delivering two key Council Major Capital Works that exceed \$4m:

1. Cove Civic Centre
2. City Services Redevelopment

All data in the composite is evenly weighted.

PERFORMANCE:



Substantially on time and on budget
 (quarter result)

Background

The City of Marion undertakes or facilitates major projects which support the development of services and facilities for the community and enhance the environmental sustainability of the area. A project is formally considered a Major Capital Works based on the level of investment, scale and/or the dependency on the partnering support and commitment from key strategic partners, from both the public and private sectors.

Specifically Major Capital Works have the following characteristics:

- an investment by Council of over \$4 million
- more than 12 months to deliver the project
- generally involves a project partner(s)




Performance

1. Cove Civic Centre - Opened on 27 July 2015, original program was March 2015. Approved budget \$13.4m, final cost is subject to review and audit commencing in November.
2. City Services Redevelopment - Expected completion date 20 November 2015, original completion data 15 December 2015 (inclusive of EOT's). Project likely to be in the order of \$150-\$230k under budget.

KEY PERFORMANCE INDICATOR 5:

Number of specific Major Capital Works proposals ready for approval by Council

TARGET:

	Exceptional	2 +
	Acceptable	1
	Unacceptable	0

This measure represents a combined score of the following Major Capital Works Proposals:

1. Edwardstown Oval
2. BMX track
3. Soccer pitches
4. Indoor basketball stadium

All data in the composite is evenly weighted.




PERFORMANCE:  1 (quarter result)

1. Edwardstown Oval – Costed concept plan being developed. Targeting Federal funding application for January 2016.
2. BMX Track – Funding received from ORS for feasibility study to commence soon.
3. Soccer Pitches – Draft business case developed with FFSA, sites being investigated.
4. Indoor Basketball Stadium – Draft business case developed with FFSA, sites being investigated

KEY PERFORMANCE INDICATOR 6:

Achieving goals of (10 year) Council Plan

TARGET:

	Exceptional	High level of achievement
	Acceptable	Moderate level of achievement
	Unacceptable	Low level of achievement

PERFORMANCE: N/A




Background

The Council Plan has not been adopted by Council.

KEY PERFORMANCE INDICATOR 7:

Alignment throughout administration to the Community Plan and the Council Plan

TARGET:

	Exceptional	High level of alignment
	Acceptable	Moderate level of alignment
	Unacceptable	Low level of alignment

PERFORMANCE: N/A

Background

The Council Plan has not been adopted by Council.

**CITY OF MARION
GENERAL COUNCIL MEETING
19 January 2016**

Originating Officer: David Harman, Financial Accountant
Corporate Manager: Ray Barnwell, Manager Finance
General Manager: Vincent Mifsud, Corporate Services
Subject: Finance Report – December 2015
Report Reference: GC190116R17

REPORT OBJECTIVES AND EXECUTIVE SUMMARY:

This report provides Council with information relating to the management of financial resources under its control as at December 2015. This report is one of a series of reports designed to assist Council in achieving and maintaining a financially sustainable position. Other reports assisting in this process include the Quarterly Budget Reviews and the Long Term Financial Plan.

It is considered appropriate that financial information regarding Major Projects be presented on a monthly basis in this report. Financial information regarding Major Projects will also be summarised in the quarterly Major Project reports. The principles used for assessment of reportable projects are according to the following criteria:

- Council has agreed to proceed with the project and approved a Section 48 Prudential Report.
- The Whole Of Life Cost is greater than \$4 million dollars (including grant assisted projects).
- Has a project life of more than 12 months.

According to the above criteria, the Cove Civic Centre and the City Services Redevelopment projects qualify and are included in Section 2 of this report.

RECOMMENDATIONS (1)

DUE DATES

That Council:

- 1. Receive the report “Finance Report – December 2015”. 19 January 2016**

BACKGROUND

This report is presented on a monthly basis to provide Elected Members with key financial information to assist in monitoring Council's financial performance.

DISCUSSION:

Appendix 1 contains a financial report to identify Council's performance against budget utilising a "Funding Statement". It provides a review against all of the elements contained within the Statement of Comprehensive Income and Statement of Financial Position that are adopted as part of the Annual Budget Report.

The following reports are included:

(1) Major Projects

Section 48 approved Projects

- (a) Cove Civic Centre (CCC)
- (b) City Services Redevelopment

(2) Funding Statement – Actual versus Budget (Appendix 1)

(3) Debtors Reports for Sundry Debtors and Rates Debtors (Appendix 2)

(1) Major Projects**(a) Cove Civic Centre**

	2015/16 Actual + Committ YTD 31/12/2015	2015/16 Budget	Project Cost At Completion
Income			
Federal Budget Grant 2011-12 Contribution			3,400,000
Total Income			3,400,000
Expenditure			
Operating	-	-	-
Capital Construction	(600,825)	(2,291,025)	(13,400,000)
Total Expenditure	(600,825)	(2,291,025)	(13,400,000)
Project Result Surplus/(Deficit)	(600,825)	(2,291,025)	(10,000,000)

The net deficit forecast will be funded in the following manner:

Funded By : (Over Project Life)	\$
Fixed Term Loan	10,000,000
	<u>10,000,000</u>

Construction of the Cove Civic Centre was originally forecast to commence in 2010/11. At the 13 November 2012 Council Meeting, a Section 48 Prudential report (GC131112R01) was considered and adopted by Council.

Following Councils support of a design-led approach which provided greater certainty regarding design and project costs construction commenced in late October 2013. With construction completed in late July 2015 the Centre was officially opened on 1 August 2015.

The Federal Government provided \$3.4 million which was received in June 2012 as a contribution to the Cove Civic Centre Budget with the balance being funded through fixed term loan funding.

(b) City Services Redevelopment

	2015/16 Actual + Committ YTD 31/12/2015	2015/16 Budget	Project Cost At Completion
Income			
Total Income			-
Expenditure			
Operating	-	-	-
Capital Construction	(3,507,103)	(3,906,369)	(14,332,000)
Total Expenditure	(3,507,103)	(3,906,369)	(14,332,000)
Project Result Surplus/(Deficit)	(3,507,103)	(3,906,369)	(14,332,000)

The net deficit forecast will be funded in the following manner:

Funded By : (Over Project Life)	\$
Operating Revenue	1,732,000
Fixed Term Loan	12,600,000
	<u>14,332,000</u>

The City Services Redevelopment design work commenced in 2011/12, with tendering for the project commencing in March 2014. Following the completion of the tender process, Council unanimously approved the awarding of the construction contract for the redevelopment to Badge Constructions (SGC190814F01). The building was officially opened in September 2015 with site works expected to be completed during late 2015.

On the 11 February 2014 (GC110214R04) Council approved the change in allocated funding for this project of up to \$14.332m.

On the 25 March 2014 (GC250314R01) Council approved loan funding of up to \$12.6m to be taken out for this project. Council has also agreed that it will consider a report on the timing and methodology for disposal of any surplus land following completion of the project.

INTERNAL ANALYSIS

Financial Implications:

This report is an information report only and has no direct financial implications.

CONCLUSION:

The main monthly reporting focus is to report the “Actual versus Budget” position to enable regular monitoring of Council’s financial performance. Major Projects require regular reporting and monitoring by Council to ensure prudent financial management is maintained.

Appendix 1: Funding Statement & Graphs – Actual versus Budget.

Appendix 2: Sundry Debtors & Rates Debtors Report

(2) Funding Statement – Actual versus Budget

The Funding Statement provides a view of Council's financial performance against the approved budget and is consistent with the information provided at budget reviews. It provides a review against all of the elements contained within the Statement of Comprehensive Income and the Statement of Financial Position that are adopted as part of the Annual Budget Report. It details Council's:

Statement of Comprehensive Income -

The operating result is recognised as one of Council's key financial indicators. The budget framework includes a commitment to maintaining a Category 3 Financial Sustainability rating, on average over each five year period, which for 2015/16 means a targeted operating surplus of between \$0 and \$3.421m.

Comment: Council currently has a net operating surplus result of \$5.352m before capital revenues, against a year to date forecast budget of \$1.658m surplus. This position is detailed in the attached Funding Statement and variation notes.

Capital Budget -

The Capital Budget is linked to Council's key financial indicator – "Asset Sustainability Ratio" and an actual to budget comparison reflects Council's progress in achieving its Capital program.

Comment: The actual to budget position reveals that 84.22% of the year to date Capital Renewal Budget has been spent or committed.

The actual progress to date of Council's full Capital New and Renewal Expenditure program is detailed by asset class in the attached graphs, with the exception of major projects which have previously been detailed in this report.

Loans -

The loans component of the Funding Statement identifies any new proposed loan receipts or principal payments. Council's borrowings are included in Council's key financial indicator – "Net Financial Liabilities" which reflects Council's total indebtedness.

Comment: New borrowings of up to \$6.164m are included in the 2015/16 budget as part of the funding for Council's Major Projects. Principal repayments of \$1.671m mean that the overall loan liability balance is forecast to increase by \$4.493m.

Reserves & Cash -

Various fund movements such as surplus budget review results, unspent grants and carryover projects at year end are reflected as transfers to reserves, whilst utilisation of reserve funds are recognised as transfers from reserves.

Cash may be utilised to fund expenditure within the context of Treasury Management to ensure loans are not drawn down where temporary cash holdings are available.

Comment: Major movements in Net Transfers from Reserve of \$6.353m include the following:

Transfers to Reserve

Urban Tree Fund	\$	10k
Asset Sustainability Reserve	\$	5,609k

Transfers from Reserve

Grants and Carryovers Reserve	(\$	11,972k)
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A net cash deficit of \$90k is forecast to occur in 2015/16 of which \$401k relates to budget adjustments funded from 2014/15 annual savings. This results in an underlying funding surplus for 2015/16 of \$311k.

Funding Statement
As at 31 December 2015

Original Adopted Budget \$'000		YTD Actual + Committ \$'000	YTD Budget \$'000	YTD Variance \$'000		Annual Budget \$'000	Note
	Operating Revenue						
70,058	Rates	35,273	35,271	2	F	69,988	
1,630	Statutory Charges	1,115	982	133	F	1,674	A
1,633	User Charges	807	766	41	F	1,626	
6,024	Operating Grants & Subsidies	3,422	1,773	1,649	F	5,632	B
270	Investment Income	239	221	18	F	551	
770	Reimbursements	252	405	(153)	U	767	C
536	Other Revenues	251	189	62	F	445	
315	Net gain - SRWRA	-	-	-	-	315	
81,236		41,359	39,607	1,752	F	80,998	
	Operating Expenses						
32,139	Employee Costs	15,408	15,925	517	F	32,233	D
14,561	Contractual Services	8,359	8,686	327	F	17,070	E
4,668	Materials	2,068	2,461	393	F	4,666	F
1,343	Finance Charges	315	315	-	-	729	
13,821	Depreciation	6,910	6,910	-	-	13,821	
6,104	Other Expenses	2,947	3,652	705	F	6,231	G
72,636		36,007	37,949	1,942	F	74,750	
8,600	Operating Surplus/(Deficit) before Capital Revenues	5,352	1,658	3,694	F	6,248	
	Capital Revenue						
-	Capital Grants & Subsidies	-	-	-	U	-	
1,500	Contributed Assets	-	-	-	U	1,500	
-	Gain/(Loss) on Asset Disposal	(243)	-	(243)	U	-	
1,500		(243)	-	(243)	U	1,500	
10,100	Net Surplus/(Deficit) resulting from operations	5,109	1,658	3,451	F	7,748	
13,821	add Depreciation	6,910	6,910	-		13,821	
(315)	less Share of Profit SRWRA (excluding dividend)	-	-	-		(315)	
23,606	Funding available for Capital Investment	12,019	8,568	3,451	F	21,254	
	Capital						
13,057	less Capital Expenditure - Renewal	7,035	8,353	1,318	F	16,064	H
6,504	less Capital Expenditure - New	6,365	6,405	40	F	14,630	
1,500	less Capital - contributed assets	-	-	-	U	1,500	
2,545	Net Overall lending/(borrowing)	(1,381)	(6,190)	4,809	F	(10,940)	

Original Adopted Budget \$'000		YTD Actual + Committ \$'000	YTD Budget \$'000	YTD Variance \$'000	Annual Budget \$'000	Note
Funded by						
Loans						
5,388	Loan Principal Receipts (Net)	-	-	-	-	6,164
-	Loan Receipts/(Payments) from Sporting Clubs (Net)	-	-	-	-	-
2,314	less Loan Principal Repayments	751	751	-	-	1,671
3,074	Loan Funding (Net)	(751)	(751)	-	-	4,493
Movement in level of cash, investments and accruals						
-	Cash Surplus/(Deficit) funding requirements	4,231	(578)	4,809	-	(94)
(5,619)	less Reserves (Net)	6,363	6,363	-	-	6,353
5,619	Cash/Investments/Accruals Funding	(2,132)	(6,941)	4,809	-	(6,447)
(2,545)	Funding Transactions	1,381	6,190	(4,809)	F	10,940

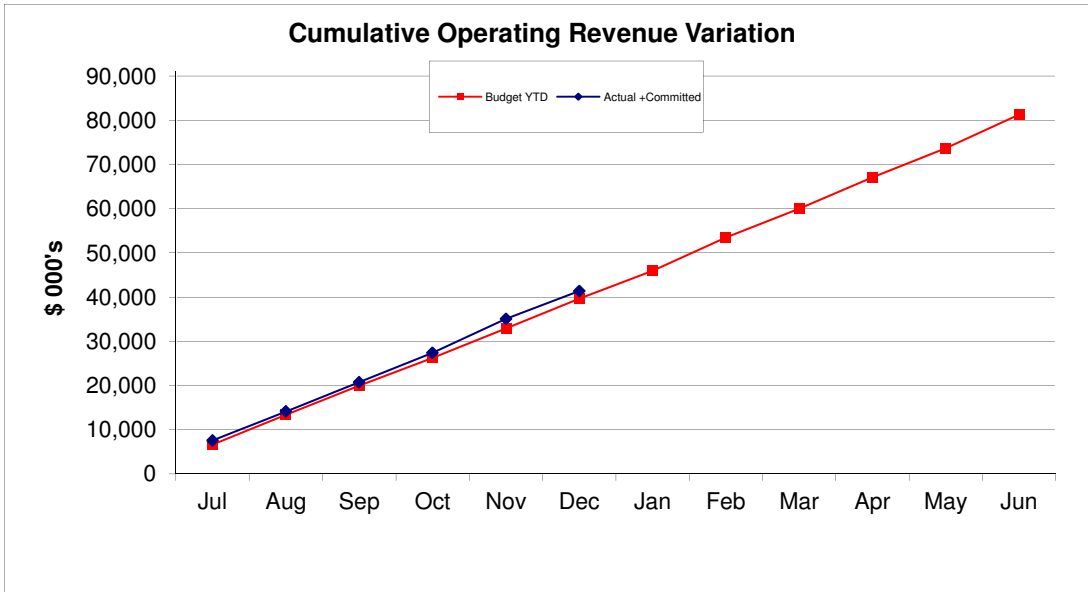
Variation Notes

A	Statutory Charges	Favourable \$133k	Predominantly reflects higher than budgeted Parking Fines (\$78k).
B	Operating Grants & Subsidies	Favourable \$1,649k	Predominantly reflects budget timing variations with regards to grants received for Roads 2 Recovery (\$856k), Grants Commission (\$272k) and HACC (\$201k).
C	Reimbursements	Unfavourable \$153k	Predominantly reflects budget timing variations in relation to reimbursement of building insurance from facility lessees.
D	Employee Costs	Favourable \$517k	Predominantly reflects savings from temporarily vacant positions.
E	Contractual Services	Favourable \$327k	Predominantly reflects budget timing variations with regards to Waste collection.
F	Materials	Favourable \$393k	Predominantly reflects budget timing variations with regards to Electricity (\$176k) and Water (\$145k).
G	Other Expenses	Favourable \$705k	Reflects budget timing variations with regards to Insurance Premiums (\$339k), training (\$119k) and a number of other areas, none of which are individually significant.
H	Capital Expenditure (Renewal)	Favourable \$1,318k	Predominantly reflects budget timing variations in regards to fleet replacement (\$783k) and ICT equipment (\$312k).
I	Funding Transactions	Favourable \$4,809k	The variance in cash/investments/accruals funding is attributable to the corresponding net overall lending/(borrowing) position.

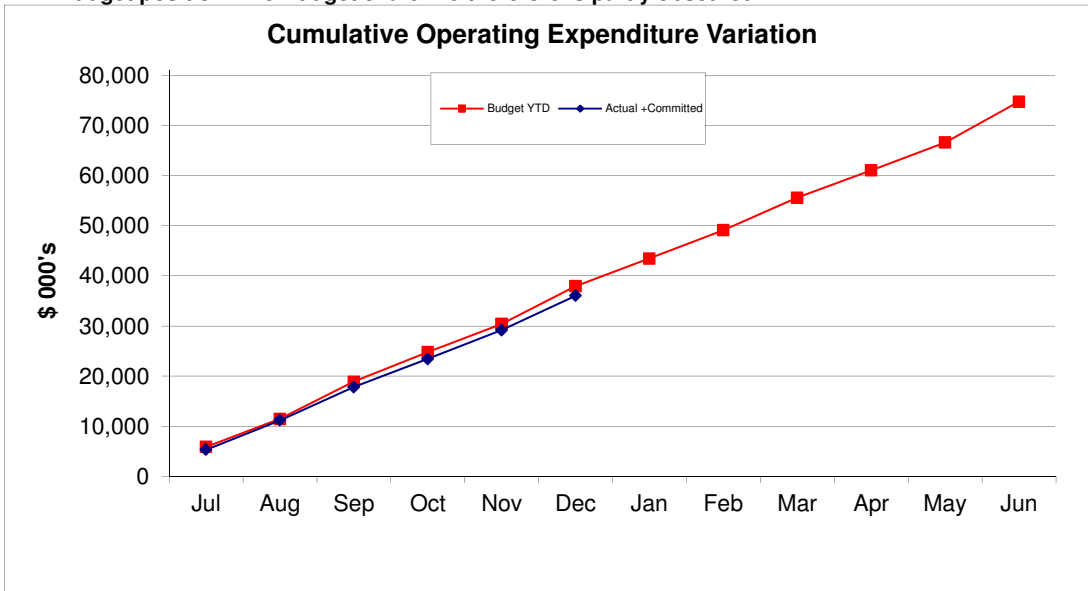
The above comments referring to budget timing variations are where some monthly budget estimates are not reflective of the actual expenditure patterns as at the reporting date.

Note: The progress to date of Capital Expenditure programs (New and Renewal) is detailed in the attached graphs, noting that where no budget exists in the initial months this is primarily due to certain types of capital works that cannot be carried out during periods of inclement weather.

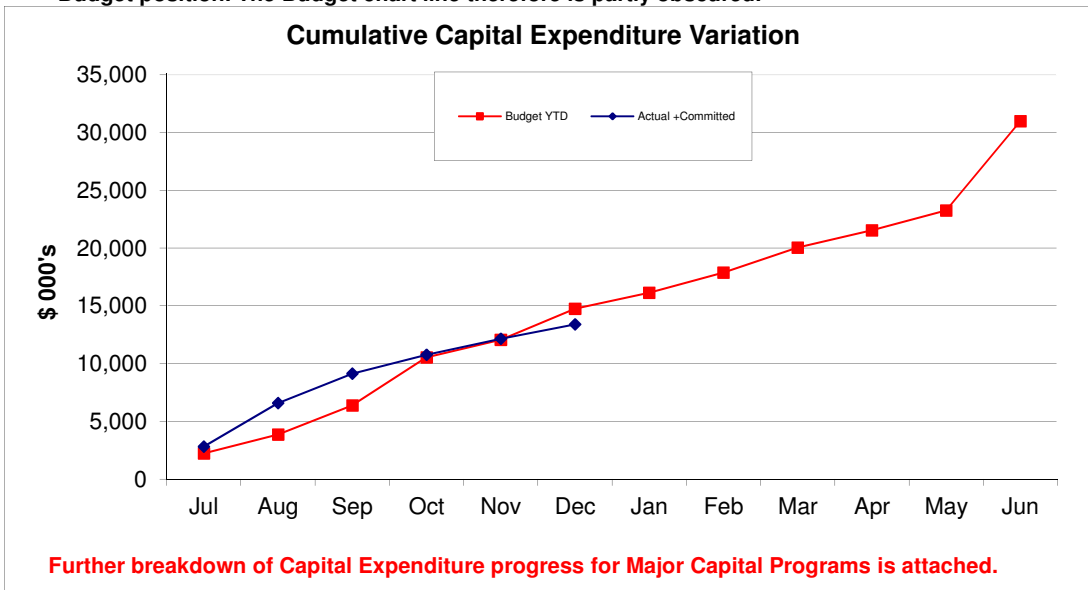
Funding Statement Cumulative Position - 2015/16



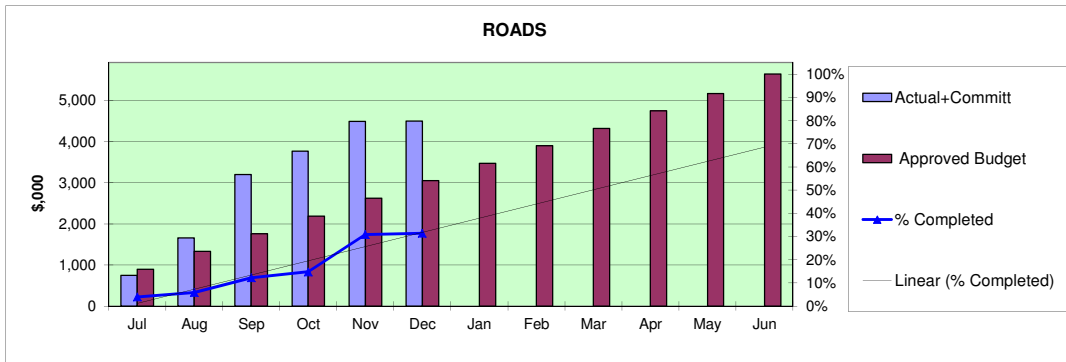
Note - The Year to Date Actual + Committed position result is accurately aligned to the Year to Date Budget position. The Budget chart line therefore is partly obscured.



Note - The Year to Date Actual + Committed position result is accurately aligned to the Year to Date Budget position. The Budget chart line therefore is partly obscured.

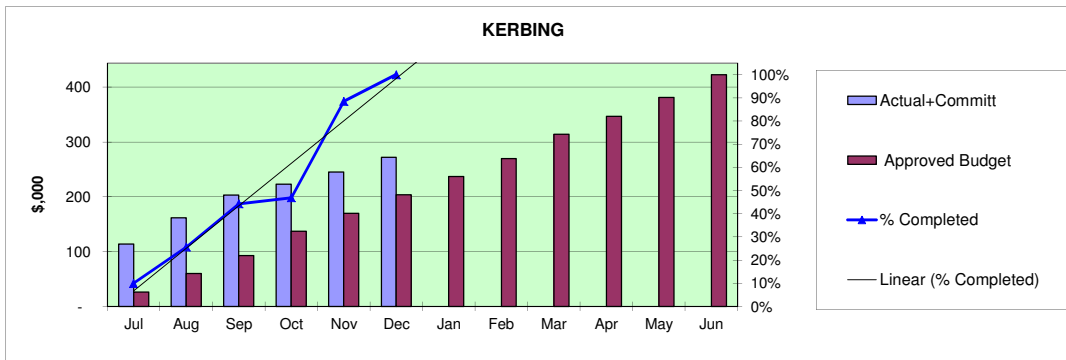


Further breakdown of Capital Expenditure progress for Major Capital Programs is attached.



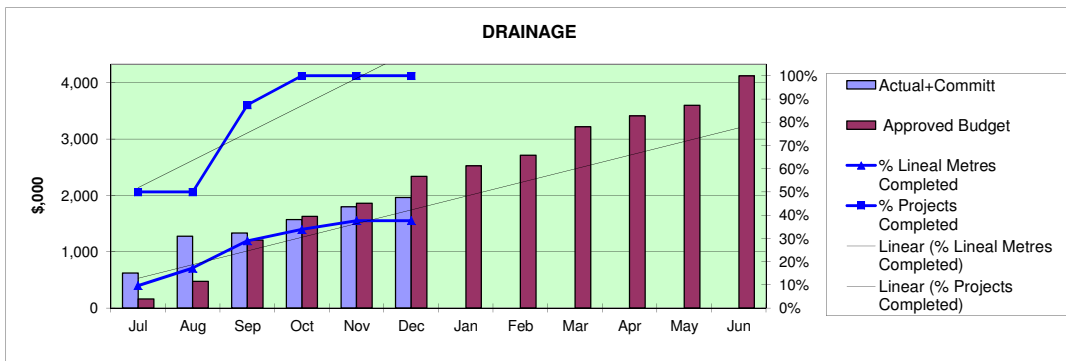
Program commenced, 31% complete and on track.

- The Actual+Commit for December includes a substantial commitment relating to purchase orders being raised for works yet to be carried out.
- The square metre target has increased by 8.5% (34,467 square metres) over the original target due to the additional Roads to Recovery funding.



Program commenced, 100% complete.

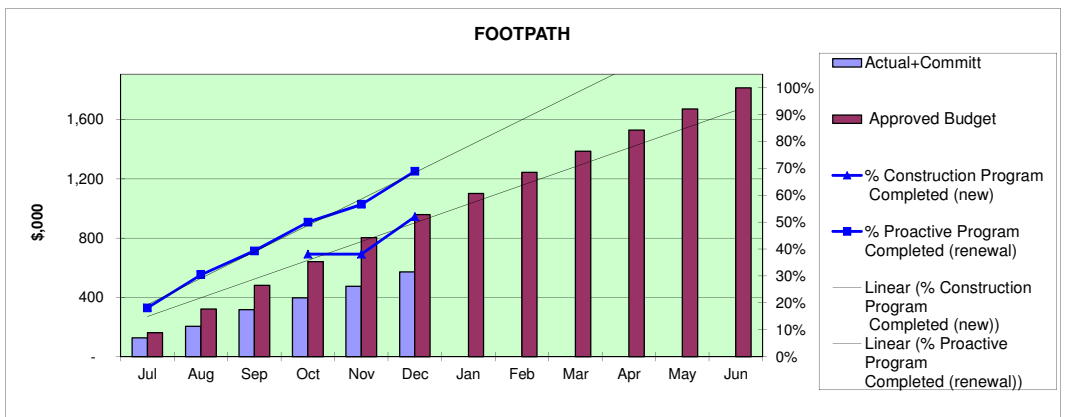
- This target was increased by 100m due to the additional road seals with all works now being completed.



Program commenced, 38% complete and on track.

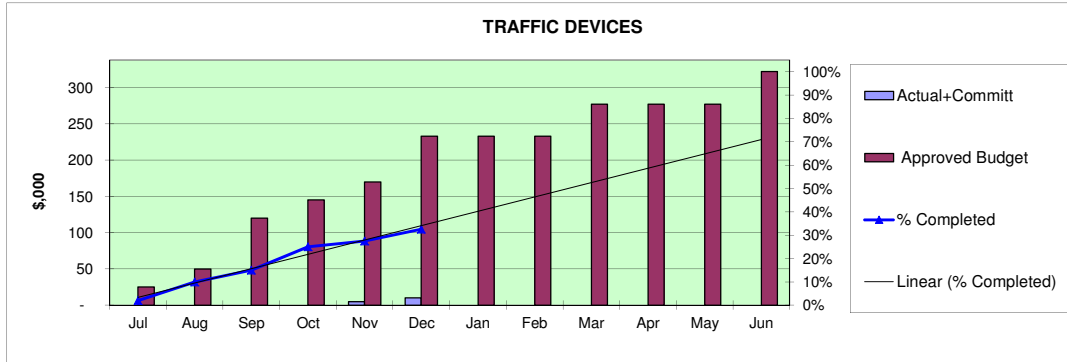
2 of 2 projects completed.

- West Street, Nannagai Drive, Coolah Terrace and Radstock Avenue stage 2 completed.
- Farne Terrace, Pindoe Street, First Street, Maxwell Terrace, Towers Terrace, Coolah Terrace, Panton/Whiteleaf Crescent, Newland Avenue/Jervois Terrace, Brigalow/Mulga and Crozier Terrace in progress.



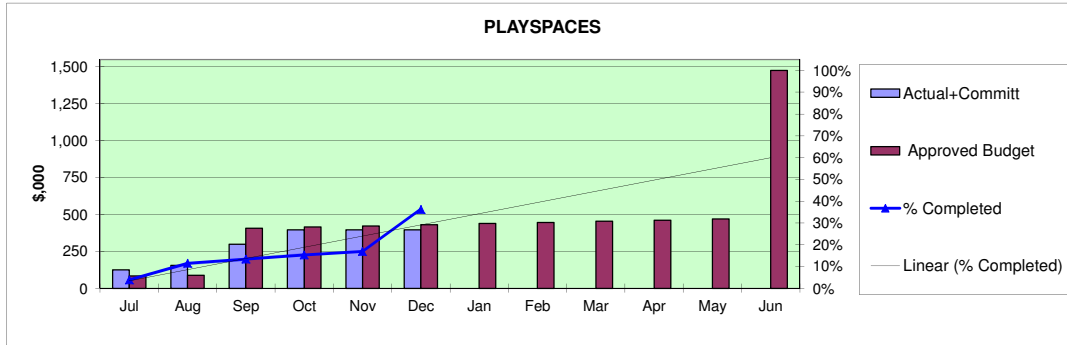
Footpath construction in progress, 52% complete and on track.

Proactive program commenced, 69% complete, annual target is expected to increase.



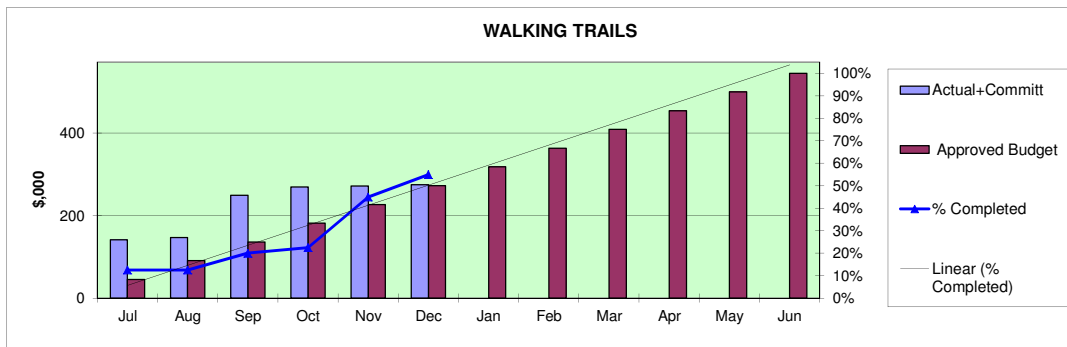
Program commenced, 33% complete.

- Design work commenced for George Street/Dwyer Road treatments.
- Construction of Railway Terrace is 65% complete and Quailo Avenue path is 50% complete.



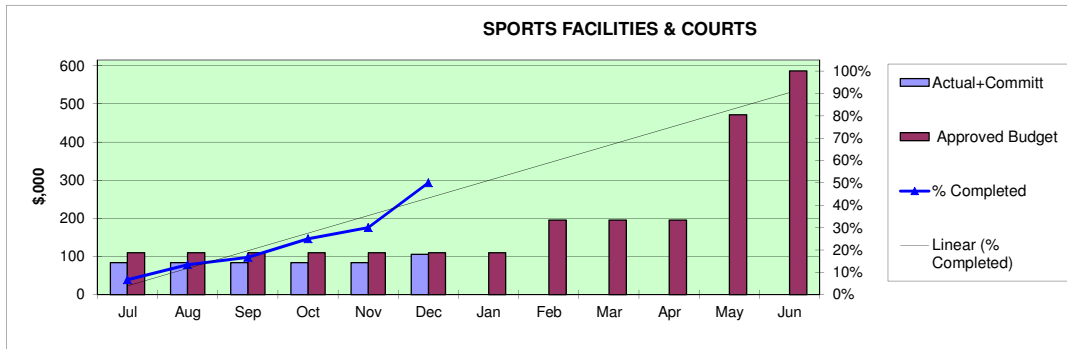
Program commenced, 36% complete, Playspace strategy is currently under review and the original target will need to be revised.

- Plympton Oval completed.
- Siteworks complete for Edwardstown Oval - playspace has been opened and is under contracted maintenance.
- Draft Concept Plan in design development for consultation throughout December 2015 to February 2016 for Inclusive Playspace (Touched by Olivia Foundation).

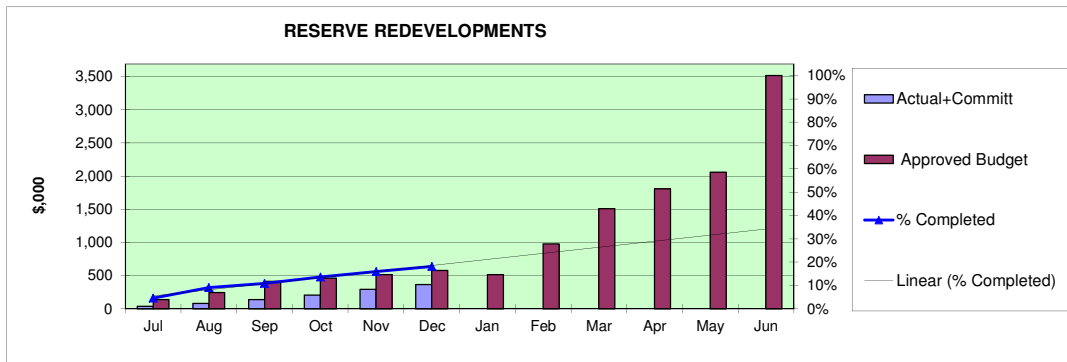


Program commenced, 55% complete and on track.

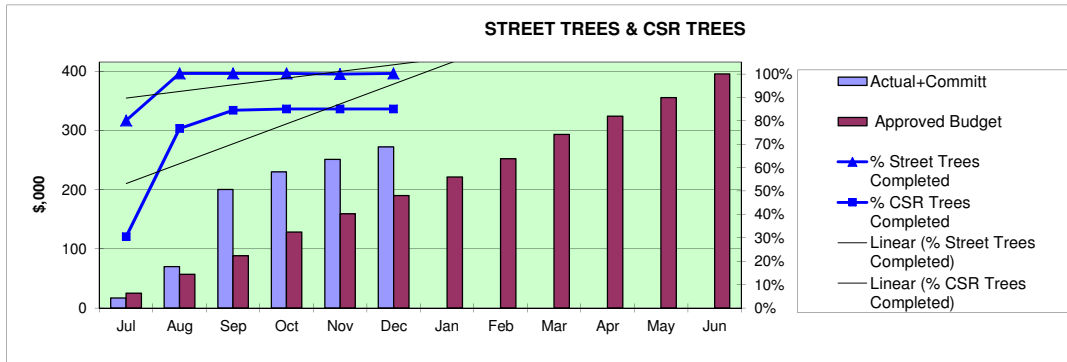
- Integrated Path Hallett Cove, Railway Terrace in progress.



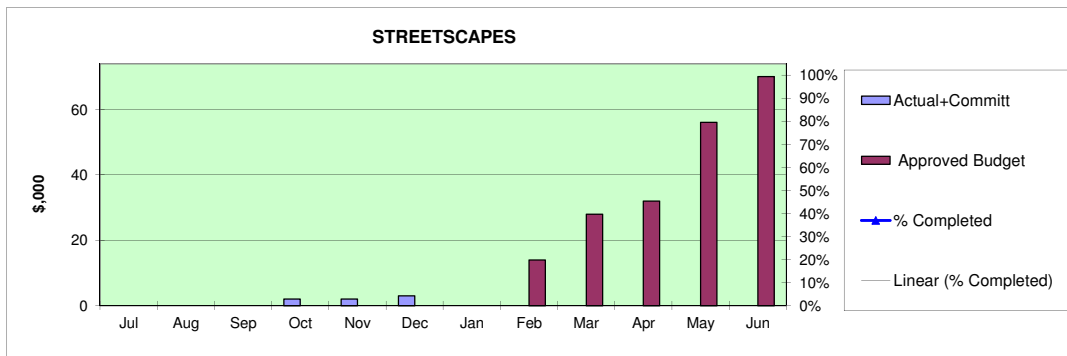
Program commenced, 50% complete.
 • Edwardstown Oval courts have opened and are under contracted maintenance.
 • Grant funding body has approved reallocation of funds from Edwardstown Oval velodrome to be used on extra lighting.



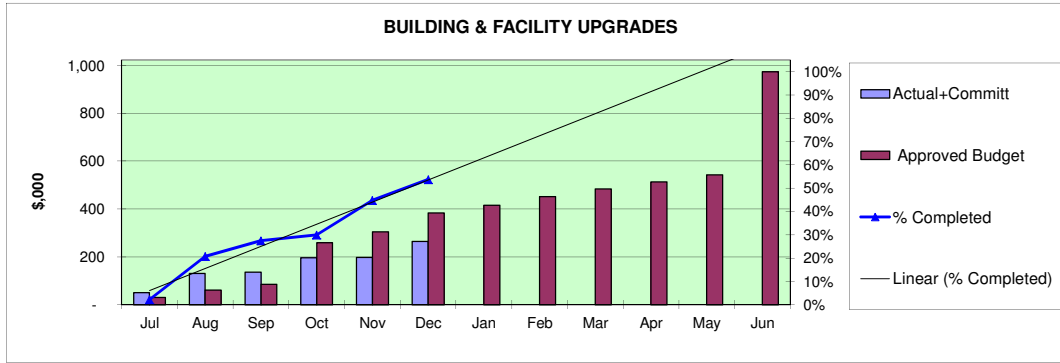
Program commenced, 18% complete, original target is expected to be reduced due to the retiming of a number of projects.
 • Oaklands Recreation Park completed.
 • Trott Park Dog Park, Jervois Street Reserve, Mitchell Park Fitness Trail in progress.



Program commenced, Street tree plantings 100%, CSR plantings 85% complete and on track.
 • Target plantings, Street trees 1,400, CSR trees 400, total 1,800.
 • Significant plantings, including tube stock, has been carried out to reduce Nursery stock holdings.



Programmed works are scheduled to commence on this program in February.



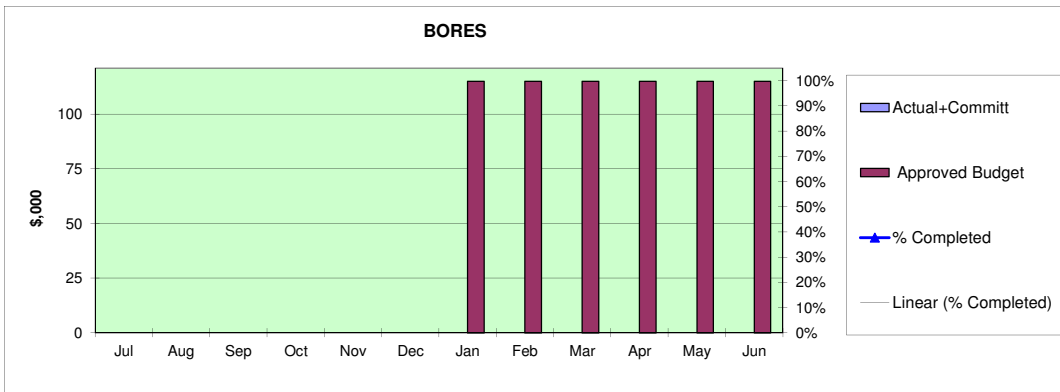
Program commenced, 54% complete and on track.

Completed

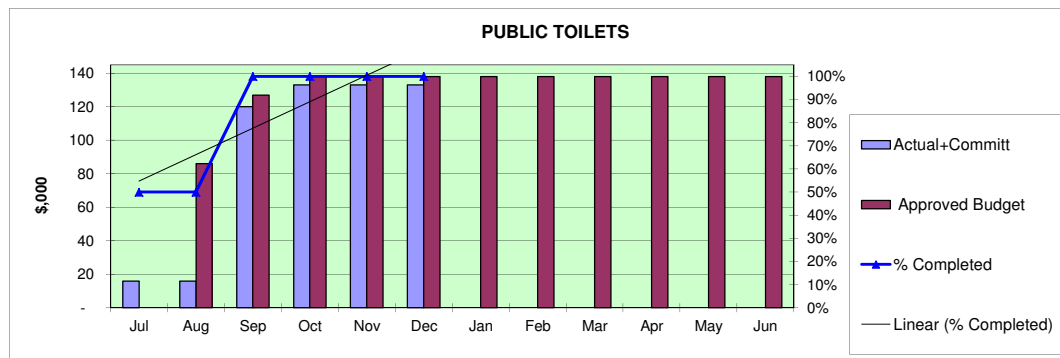
- Marion Outdoor Pool filtration pipe and compressor baffles.
- MCC office fitout and furniture.
- Asbestos removal at 17 Margaret Street Glandore.
- Cove Sports Club drive reseal.
- Marion Bowling Club roof replacement.

In Progress

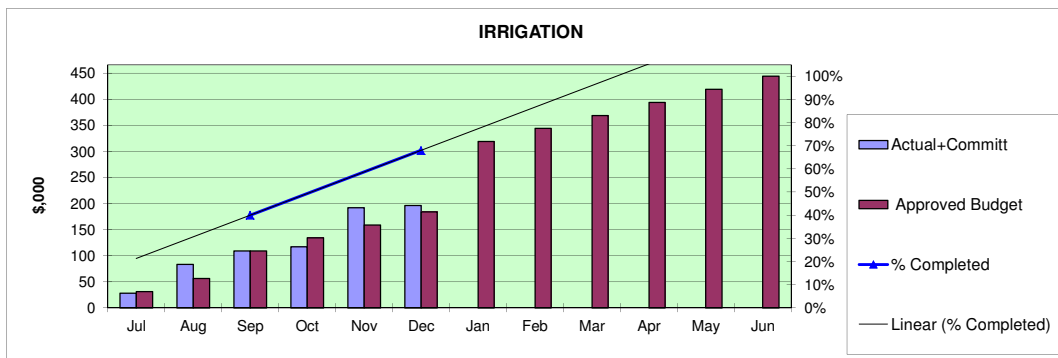
- Harcourt Gardens DDA.
- Warradale Tennis Club DDA and kitchen replacement.
- Glandore Community Centre fascia replacement.
- Active Elders toilet upgrade.
- Marion Outdoor Pool shade sail replacement.
- Administration building signage replacement.



Bore audit commenced, programmed works are dependant upon outcome and due to commence in January.



Original program completed - Oaklands Estate Reserve project to be added.
 • Southbank Boulevard Exceloo installed and opened to public 1 October 2015.



Program commenced, 68% complete and on track.

- Oaklands Estate Reserve completed.
- Marion Bowling Club, Ascot Park Bowling Club and Hamilton Reserve connected and ready for testing.

Debtor	Total Balance	Current	30 Days	60 Days	90 Days	90+ Days	Percentage of total 90+ day balance	Comments for 90+ Day balances
General Total	42,378.40	33,250.80	.00	.00	1,764.35	7,363.25	5%	Made up of 8 out of 14 debtors. \$5,175 relates to one debtor on an ongoing payment regarding illegal tree removal with a new payment plan negotiated and \$2,587.50 has been since paid in January.
Hire of Council Facilities Total	10,384.87	5,357.17	.00	920.00	.00	4,107.70	3%	Made up of 9 out of 22 debtors in this category, with none individually significant.
Land Clearing Total	1,021.18	730.98	.00	.00	.00	290.20	0%	Made up of 1 out of 3 debtors - no acknowledgement on final letter - to be transferred to rates.
Sporting Clubs & Other Leases Total	21,612.16	4,811.25	3,708.61	1,214.76	813.21	11,064.33	8%	Made up of 3 out of 17 debtors in this category. One account for \$5,068.99 has been subsequently settled in January, the other two are on payment plans which are currently being met.
Extra Works Total	39,162.50	17,950.00	905.00	2,110.00	2,100.00	16,097.50	12%	Made up of 9 out of 20 debtors in this category, One account is on a payment plan which is currently being met.
Swim Centre Debtors Total	20,076.80	18,059.90	1,012.50	.00	.00	1,004.40	1%	Made up of 3 out of 24 debtors with none individually significant.
Grants & Subsidies Total	148,417.21	8,750.00	41,082.80	11,804.11	.00	86,780.30	63%	\$86,780 relates to one specific debtor - works have now been agreed upon and payment is being sought before construction commences.
Environmental Health Total	13,069.64	2,380.20	3,470.84	636.00	372.60	6,210.00	5%	Made up of 48 out of 79 debtors in this category, with none individually significant.
Impoundment	135.00	.00	.00	.00	.00	135.00	0%	Made up of one debtor.
Tree Funds Total	3,691.84	918.00	.00	.00	.00	2,773.84	2%	Made up of 10 out of 12 debtors in this category, with none individually significant.
Living Kurna Cultural Centre	3,358.00	1,976.00	456.00	926.00	.00	.00	0%	
Marion Cultural Centre Total	10,642.16	7,111.46	1,313.20	1,102.50	.00	1,115.00	1%	Made up of 1 out of 15 debtors in this category.
Total	313,949.76	101,295.76	51,948.95	18,713.37	5,050.16	136,941.52		
Total Aging Profile		32%	17%	6%	2%	44%		

Category	Description
General	Anything that does not fit into one of the below categories.
Hire of Council Facilities	For hire of rooms in Neighbourhood Centres, etc - usually charged out at an hourly rate. Also includes cultural workshops and tours.
Land Clearing	Relates to the clearing of vacant land
Sporting Clubs & Other Leases	Rent, electricity, water, maintenance, etc charged out to lessees.
Extra Works	For repairs or modifications to infrastructure (footpaths, kerbs, driveway inverts). Can be at resident request.
Swim Centre Debtors	Outdoor Swimming Centre - used for lane hire, school visits, etc
Grants & Subsidies	Government grants and subsidies
Environmental Health	Food Inspection fees
Impoundment	Used for Vehicle Impoundment fees.
Tree Funds	Includes contribution from residents and/or developers for the removal and/or replacement of Council Street Trees and significant trees.
Living Kurna Cultural Centre	Relates to programs run through the LKCC
Marion Cultural Centre	For invoices relating to the Marion Cultural Centre

Rates Report - Collection of Rates to 30 December 2015

ANALYSIS OF OUTSTANDING RATES AS AT 30 DECEMBER 2015

	<u>Note</u>		% of Total Annual Rates
CURRENT	1	\$ 29,930,017	42.8%
OVERDUE	2	\$ 1,357,706	1.9%
ARREARS	3	\$ 1,047,022	1.5%
POSTPONED	4	\$ 106,654	0.2%
LEGALS	5	\$ 21,445	0.0%
		<u>\$ 32,462,844</u>	46.4%
TOTAL ANNUAL RATES FOR 2015/16		<u>\$ 69,988,000</u>	

Note 1: Current

Current rates represent the total amount of rates levied in the current financial year that are not yet due for payment. For example at 1st January this represents Quarter 3 & Quarter 4 rates unpaid.

Note 2: Overdue

Overdue rates represent rates levied in the current financial year that remain unpaid past their due payment date. For example on 1st January, this represents rates from Quarter 1 and Quarter 2 that remain unpaid.

Note 3: Arrears

Rates in arrears represent rates and charges levied in previous financial years that remain unpaid .

Note 4: Postponed

Postponed rates represent any rates amount due by seniors that have been granted a deferral, until the eventual sale of their property, as allowable under the Local Government Act. Interest is charged on these deferred rates and is recoverable when the property is sold.

Note 5: Legals

Legals represent any legal fees, court costs that have been incurred by Council in the collection of rates in the current financial year. These amounts represent costs that have been on-charged to the defaulting ratepayers and are currently outstanding.

**CITY OF MARION
GENERAL COUNCIL MEETING
19 January 2016**

Question Received from: Councillor Raelene Telfer

Subject: Tonsley Soil Piles

Ref No: GC190116Q01

QUESTION:

1. What are the percentages of contaminants in the soil in piles to the north of the Tonsley site and when are they going to be removed?
2. What are the percentages of contaminants in the soil in piles to the south of the Tonsley site and when are they going to be removed?

COMMENTS: Vincent Mifsud, General Manager Corporate Services

Staff from the environmental team of Renewal SA, who work closely with and strictly in accordance with the EPA regulations and under EPA direction, have advised the following:

- All the stockpiles currently on the Tonsley site, both in the north and south, are suitable for re-use on the Tonsley site.
- It is envisaged that the development of the site will require fill material so all stockpiles remaining on site will be considered for re-use when civil works are undertaken in these areas.
- Only stockpiles that are in the way of the next civil works (currently out for tender) are planned to be removed.

**CITY OF MARION
GENERAL COUNCIL MEETING
19 January 2016**

Question Received from: Councillor Tim Gard
Subject: Accident and Incident Data
Ref No: GC190116Q02

QUESTION:

1. **In the interests of our high priority strategic focus on 'Wellbeing', can management provide a statistical summary for reported road and general accidents and assaults in public places involving death or injury within the City of Marion, and if possible trends for the last five years?**
2. **In the case of road accidents, can a breakdown be provided for reported accidents on State administered roads versus local thoroughfares?**
3. **Are such statistics taken into account in our town and road planning and if so in what manner?**

COMMENTS: Councillor Gard

In the process of road engineering and streetscaping planning, it would be of advantage for Council to be aware of death and injury statistics and trends and seek to correlate these with aspects of planning that are in the control of Council.

It goes without saying that human life and wellbeing are paramount and that our planning processes should therefore be tuned to preservation of life and wellbeing first and foremost, if this is not already the case.

COMMENTS: Kate McKenzie, Manager Corporate Governance

No data is available for general accidents and assaults in public places involving death or injury within the City of Marion, however accidents and assaults reported within City of Marion owned sites are logged within our incident reporting system and investigated by our Risk Management team.

Our road maintenance programs are primarily informed by a program known as RAMMs development by ARRB (Australian Road Research Board) which look at the road condition and indicates which road should be resealed or reconstructed.

The State Government collates road crash data and forwards the details of any fatal crash that occurs in the City of Marion for information and/or consideration. However, it should be noted that the majority (in fact all in the three years) have occurred on arterial roads maintained by the DPTI and causative factors were not identified.

When the State Government calls on Councils to nominate projects for funding under the Blackspot Program, council reviews its road network and the associated accident data (only fatal and injury accidents are considered) to ascertain if there are any blackspots and if so developing a design to remedy the situation.

**CITY OF MARION
GENERAL COUNCIL MEETING
19 January 2016**

Question Received from: Councillor Jerome Appleby

Subject: NRM Levy and Funding

Ref No: GC190116Q03

File No: 9.33.3.20

QUESTION: Councillor Appleby

1. How much has the City of Marion collected from the NRM levy in the last:
 - a) 5 years
 - b) 10 years

and

2. How much NRM funding has the City of Marion received in the last:
 - a) 5 years
 - b) 10 years

COMMENTS: Ray Barnwell, Manager Finance

The NRM levy is a State Government Tax and Council is required under the Natural Resources Management Act to collect this tax on behalf of the Adelaide and Mt Lofty Ranges Natural Resources Management Board. Council does not retain any of the revenue collected for its own purposes.

1. The amount of revenue collected on behalf of the NRM Board in the last:

- a) 5 years was \$ 6.949m
- b) 10 years was \$ 11.069m

2. The amount of NRM funding received by the City of Marion in the last:

- a) 5 years was \$3.815m (incl GST)
- b) 10 years was \$4.008m (Incl GST)

NRM funding received either directly from NRM or via DEWNR has included funding for major projects including Oakland's Wetland (\$3.535m) and Waterfall Creek (\$ 0.321m) both amounts received in the last 5 years.

**CITY OF MARION
GENERAL COUNCIL MEETING
19 January 2016**

Notice Received from: Councillor Crossland
Subject: Annual Business Plan and Budget Preparation
Ref No: GC190116M01
File No: 9.24.1.4

MOTION:

That Council,

- 1. In all future Annual Budget and Business Plans uses the "Operating Expenditure per residential Property" figure to compare the City of Marion with our neighbouring/bordering Councils in addition to the Average Residential Rates, with an appropriate explanation.**
- 2. Prepares a report, before the next budget, detailing the disparity between our "Operating Expenditure per residential Property" figure and the rate in the dollar with those of our neighbouring councils and explain the reasons behind the disparity.**
- 3. Includes in the report the options available that would reduce our current rate in the dollar and the impact, if any, on ratepayers with different asset values.**

COMMENTS: Councillor Crossland

The current rate system is generally a wealth tax designed to charge residents an amount of Council rates based on that residents asset wealth (the value of their home). By using this method, in theory, all residents of similar wealth will be charged the same amount of rates. Unfortunately, in practice, the disparity between our rates and our neighbouring councils is no longer in keeping with this theory. Residents of a \$700,000 home in our council area are paying around \$760 per year more than a resident in West Torrens Council area without the provision of any obvious additional services. This highlights the inequity which has been allowed to develop and goes against the initial intention of the rates system.

Council has an obligation to correct this inequity. I believe that over the next five years it should be possible to reduce this disparity. Before this happens we need to know where we are overspending. It is unusual that such a large Council cannot use the advantage of ratepayer numbers to provide cheaper services than smaller councils.

Our rate in the dollar is similar to Country Council rates. I have attached below information to highlight the challenge we now face.

Rate in the dollar.	% Diff to CoM.	\$400,000	\$700,000
Marion 0.00364584.		1458	2552
Onkaparinga 0.00327350	-11.37%	1309	1604
Holdfast Bay 0.00266010	-27.04%	1064	1862
Mitcham 0.00303327	-16.80%	1213	2123
West Torrens 0.00256000	-29.78%	1024	1792

*there is also a fixed rate charge which is not included

COMMENTS: Vincent Mifsud, General Manager Corporate Services

The information requested in this Motion will be provided to Elected Members as part of the upcoming Annual Business Plan and Budget 2016/17 and Long Term Financial Plan process.

**CITY OF MARION
GENERAL COUNCIL MEETING
19 January 2016**

Notice Received from: Councillor Crossland
Subject: Cove Sports Club Balcony
Ref No: GC190116M02
File No: 9.24.1.4 & 9.33.3.30

MOTION:

That Council:

Approve that when the priority of items on the Unfunded Initiatives list is next reviewed, Council will consider an allocation of up to \$30,000 as a partnership contribution towards the development of a new balcony for the Cove Sports club room; noting that the Club has committed \$5,000 towards the cost of the project and have also successfully obtained \$20,000 Federal Government grant funding towards the project.

COMMENTS: Councillor Crossland

The Hallett Cove Sports Club have long planned for an upgrade to their facilities. Unfortunately during last years redevelopment there were insufficient funds to build a new balcony to the club room.

They have already obtained landlords and Development approval through the council.

The balcony will cost \$55,000 to complete. The club have successfully obtained a \$20,000 Federal Government grant through Amanda Rishworth MP and have also raised \$5,000 towards the overall cost of this project.

The club now seek a \$30,000 contribution from Council. The CFPP fund is the appropriate fund as it was initiated to provide funds in these circumstances.

Once complete the balcony will improve the viability of the club. The balcony will provide a platform for families to vie soccer matches and to some extent BMX competitions. The club room itself will be substantially improved and will make it more appealing for residents wanting to hire the facilities for functions.

COMMENTS: Mark Gibson – Team Leader Land & Property

Council resolved under GC091214R03 to grant landlord's consent to the installation of a balcony at Cove Sports and Community Club, Oval Road, Hallett Cove, Certificate of Title Volume 4006 Folio 463, subject to full Development consent being granted for the balcony.

Should Council choose to support the motion and it is approved through Councils prioritisation process, appropriate steps will be put in place to facilitate the motion.

**CITY OF MARION
GENERAL COUNCIL MEETING
19 January 2016**

Notice Received from: Councillor Veliskou
Subject: Utilisation of Vacant Commercial Properties
Ref No: GC190116M03
File No: 9.24.1.4 & 9.33.3.17

MOTION:

1. That Council investigate options available to increase the utilization of vacant commercial properties.
2. That the focus be on reducing the degradation of the local amenity when longer-term vacancies result in increased vandalism.
3. That council look at how community use could be incorporated during these periods of vacancy to reduce the instances of vandalism, increase the provision of facilities for community groups and prevent these areas turning into eyesores.

COMMENTS: Councillor Veliskou

There are various areas within the city that have unused commercial properties going to rack and ruin. I would like us to see if we can get these properties used in these 'vacant' periods to reduce then turning into magnets for vandalism and ruining the look of our suburbs.

This helps the owners as their facilities are less likely to be damaged, the community groups that may use them and the wider community that does not have to live with the ugly vandalised and unkept vacant commercial properties in their midst.

It may be interesting to see how other council here and interstate have addressed this issue.

COMMENTS: Neil McNish, Economic Development Manager and Fiona Harvey, Manager Innovation and Strategy

As was identified during Council's consideration of the Existing Activity Centre Policy Review DPA last year, there are some 40 commercially oriented local and neighbourhood centre zones in the City of Marion. At any one time there will be a number of vacant properties in these centres, some of which may be vacant for an extended period of time depending on the level of market demand.

Council's influence over the activities undertaken in these centres is mainly dependent on its statutory planning powers under the Development Plan and the Development Act which deems what activities are sought in the zone. The Activity Centre DPA referred to above will

broaden the range of activities that are sought in the zone and may help to address some vacancy issues. In extreme cases, Council has powers under s.270 of the Local Government Act to deem properties 'unsightly' and to require owners to improve the appearance of the property but these instances are rare.

Development Services have advised that any community use of premises in these centres, even short term, would be deemed a change of use and would need development consent although this would likely to be considered on merit and reasonably straightforward. Building Assessment might be needed depending on the proposed use.

In early 2014, Arts and Cultural Development jointly with Community Development undertook a community capacity building project in Trott Park over a five month period which involved the leasing of a vacant shop in the Trott Park neighbourhood shopping centre. The project was focused on stimulating and creating a sense of place through community art and was operated as a drop in facility with an artist in residence. The landlord was initially reluctant to enter into a short term lease but eventually agreed and subsequent to completion of the project, the shop has been let on a commercial basis.

There are a number of examples across Australia of place-making projects and approaches that have been taken including Renew Newcastle, Renew Adelaide and work in Prospect, Unley and Onkaparinga aimed at activating various locations.

If Council so resolve, Administration can review the approaches that other councils have adopted and prepare a report on options that could be pursued. Members may recall that in a workshop conducted at the Strategic Directions Committee meeting held on 6 October 2015 each of Marion's local and neighbourhood centres was reviewed which also considered the potential future opportunity for mixed use development in these centres. This review could form the basis for consideration of what centres should be considered a priority for further action. This would help focus engagement with potential community groups to consider opportunities for utilisation of vacant properties. Arts and Cultural Development have recently been considering some opportunities for public art projects in centre locations to enhance the amenity of these areas.

Given current workloads it is suggested that such a report could be prepared and provided for the General Council Meeting on 12 April 2016.