

**MINUTES OF THE GC210608 - GENERAL COUNCIL MEETING - 8 June 2021  
Tuesday, 08 June 2021 at 06:30 PM**

**Council Administration Centre, 245 Sturt Road, Sturt**



**PRESENT**

His Worship the Mayor Kris Hanna

Councillor - Maggie Duncan	Councillor - Tim Gard
Councillor - Luke Hutchinson	Councillor - Matthew Shilling
Councillor - Bruce Hull	Councillor - Raelene Telfer
Councillor - Kendra Clancy	Councillor - Nathan Prior
Councillor - Joseph Masika (from 6.32pm)	Councillor - Jason Veliskou

**In Attendance**

Chief Executive Officer – Tony Harrison  
General Manager Corporate Services – Sorana Dinmore  
General Manager City Services - Tony Lines  
General Manager City Development - Iliia Houridis  
Manager Corporate Governance - Kate McKenzie  
Unit Manager Governance & Council Support – Victoria Moritz

**OPEN MEETING**

The Mayor opened the meeting at 6:30pm

**KAURNA ACKNOWLEDGEMENT**

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

**DISCLOSURE**

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

**ELECTED MEMBER’S DECLARATION OF INTEREST (if any)**

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

The following interests were declared:

- Councillor Prior declared an actual conflict of interest in the item *Digital Transformation Project* (GC210608F01)
- Councillor Telfer declared a perceived conflict of interest in the item *Regulated Tree Maintenance Fund* (GC210608R07)
- Councillor Shilling declared a perceived conflict of interest in the item *Regulated Tree Maintenance Fund* (GC210608R07)

## **CONFIRMATION OF MINUTES**

### **Confirmation of the minutes for the General Council Meeting held on 25 May 2021**

**Report Reference:** GC210608R01

**Moved Councillor – Raelene Telfer**

**Seconded Councillor – Tim Gard**

That the minutes of the General Council Meeting held on 25 May 2021 be taken as read and confirmed.

**Carried Unanimously**

## **ADJOURNED ITEMS**

### **Adjourned Item - Draft City Limits and Publications Policies**

**Report Reference:** GC210608R02

6.32pm Cr Masika entered the meeting

Councillor Gard with the consent of Councillor Duncan sought and was granted leave of the meeting to withdraw the current motion for the item *Adjourned Item – Draft City Limits and Publications Policies*. A report will be brought to the General Council Meeting on 22 June 2021 incorporating the changes to the City Limits Policy from the 25 May General Council Meeting.

The Item was withdrawn

## **DEPUTATIONS - Nil**

## **PETITIONS - Nil**

## **COMMITTEE RECOMMENDATIONS**

**Moved Councillor – Matthew Shilling**

**Seconded Councillor – Tim Gard**

That the following committee recommendations be moved en bloc:

- Confirmation of the minutes for the Finance and Audit Committee Meeting held on 18 May 2021
- Confirmation of the minutes for the Special Review and Selection Committee Meeting held on 1 June 2021

**Carried Unanimously**

### **Confirmation of the minutes for the Finance and Audit Committee Meeting held on 18 May 2021**

**Report Reference:** GC210608R03

**Moved Councillor – Matthew Shilling**

**Seconded Councillor – Tim Gard**

That Council

1. Receives and notes the minutes of the Finance and Audit Committee Meeting held on 18 May 2021.

2. Notes that separate reports will be brought to Council for consideration of any recommendations from the Finance and Audit Committee.

**Carried Unanimously**

**Confirmation of the minutes for the Special Review and Selection Committee Meeting held on 1 June 2021**

**Report Reference: GC210608R04**

**Moved Councillor – Matthew Shilling**

**Seconded Councillor – Tim Gard**

That Council:

1. Receives and notes the minutes from the Review and Selection Committee meeting held on 1 June 2021.
2. Notes that separate reports will be brought to Council for consideration of any recommendations from the Review and Selection Committee.

**Carried Unanimously**

**CONFIDENTIAL ITEMS**

**Moved Councillor – Matthew Shilling**

**Seconded Councillor – Raelene Telfer**

That the cover reports for the confidential items to be considered in confidence be moved en bloc

**Carried Unanimously**

**Cover Report - Digital Transformation Program**

**Report Reference: GC210608F01**

**Moved Councillor – Matthew Shilling**

**Seconded Councillor – Raelene Telfer**

That pursuant to Section 90(2) and (3)(a) of the *Local Government Act 1999*, the Council orders that all persons present with the exception of the following persons, Chief Executive Officer, General Manager Corporate Services, General Manager City Services, General Manager City Development, Manager Finance, Manager Corporate Governance, Unit Manager Communications, Unit Manager Governance and Council Support, and Governance Officer be excluded from the meeting as the Council receives and considers information relating to the Digital Transformation Program, upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to Digital Transformation Program staff resource requirements.

**Carried Unanimously**

**Cover Report - Tarnham Road Reserve**

**Report Reference:** GC210608F02

**Moved Councillor – Matthew Shilling**

**Seconded Councillor – Raelene Telfer**

That pursuant to Section 90(2) and (3)(b)(i) and (ii) and (g) of the Local Government Act 1999, the Council orders that all persons present, with the exception of the following persons: Chief Executive Officer, General Manager City Development, General Manager Corporate Services, General Manager City Services, Manager Corporate Governance, Manager Finance, Manager City Property, Unit Manager Land & Property, Unit Manager Communications, Unit Manager Governance and Council Support and Governance Officer, be excluded from the meeting as Council receives and considers information relating to Tarnham Road Reserve, upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to financial figures held in confidence as they specifically relate to the project which is not yet released for public tender.

**Carried Unanimously**

**Cover Report - Confirmation of the confidential minutes for the Special Review and Selection Committee Meeting held on 1 June 2021**

**Report Reference:** GC210608F03

**Moved Councillor – Matthew Shilling**

**Seconded Councillor – Raelene Telfer**

That pursuant to Section 90(2) and (3)(a) of the *Local Government Act 1999*, the Council orders that all persons present with the exception of the following persons, Chief Executive Officer, Manager People and Culture, Manager Corporate Governance, Unit Manager Governance and Council Support and Governance Officer be excluded from the meeting as the Council receives and considers information relating to confirmation of the confidential minutes for the Review and Selection Committee Meeting held on 1 June 2021, upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to the personal affairs of any persons.

**Carried Unanimously**

**Cover Report - Review and Selection Committee - Appointment of Independent Council**

**Assessment Panel (CAP) Members**

**Report Reference:** GC210608F04

**Moved Councillor – Matthew Shilling**

**Seconded Councillor – Raelene Telfer**

That pursuant to Section 90(2) and (3)(a) of the *Local Government Act 1999*, the Council orders that all persons present with the exception of the following persons, Chief Executive Officer, Manager People and Culture, Manager Corporate Governance, Unit Manager Governance and Council Support and Governance Officer be excluded from the meeting as the Council receives and considers information relating to the Review and Selection Committee - Appointment of Independent Council Assessment Panel (CAP) Members, upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to information concerning personal affairs.

**Carried Unanimously**

**Digital Transformation Program**

**Report Reference:** GC210608F01

6.36pm the meeting went into confidence.

Councillor Prior declared an actual conflict of interest in the item as a family member is employed as the Cross Council Chief Data Officer and is working in this space.

6.37pm Councillor Prior left the meeting

**Moved Councillor – Bruce Hull**

**Seconded Councillor – Tim Gard**

That Council :

1. Note the additional funding requirement of \$2.315m (including \$300k contingency) outlined in this report required to deliver the full scope of the One Marion - Digital Transformation Program over financial years 2021/22 and 22/23.
2. Endorse an allocation of \$1.142m in 2021/22 to be funded from identified savings realised from the 2020/21 financial year.
3. Endorse an allocation of \$1.173m to be incorporated into the 2022/23 Annual Business Plan, noting that if savings are identified these will be used before the funding is accessed.
4. Note the additional identified 4.67 FTE requirement over the next two financial years to support the organisation through this Digital Transformation Program.

**Carried Unanimously**

**Moved Councillor – Joseph Masika**

**Seconded Councillor – Jason Veliskou**

5. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report and attachment having been considered in confidence under Section 90(2) and (3)(a) of the Act, except when required to effect or comply with Council's resolution(s) regarding this matter, be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2021.

**Carried Unanimously**

6.59pm the meeting came out of confidence.

**Tarnham Road Reserve**

**Report Reference:** GC210608F02

6.59pm the meeting went into confidence.

7.00pm Councillor Prior re-entered the meeting

**Moved Councillor – Raelene Telfer**

**Seconded Councillor – Luke Hutchinson**

That Council:

1. Endorse the updated concept design for Tarnham Road Reserve for final community

consultation, detailed design and construction, which includes the western portion of the site.

2. Notes the revised project costs estimated at \$ [REDACTED]
3. Notes the current allocation of funding of \$1,640,000 for Tarnham Road Reserve from the Asset Sustainability Reserve.
4. Notes an application submitted to the Office for Recreation, Sport and Racing for a funding contribution to the development of Tarnham Road Reserve was unsuccessful.
5. Endorse additional funding of \$ [REDACTED] for the Tarnham Road Reserve from the Asset Sustainability Reserve.
6. Release the report, minutes and attachments relating to the report Tarnham Road Reserve, with any commercial figures redacted.

**Carried Unanimously**

7.07pm the meeting came out of confidence.

**Confirmation of the confidential minutes for the Special Review and Selection Committee Meeting held on 1 June 2021**

**Report Reference:** GC210608F03

7.07pm the meeting went into confidence

**Moved Councillor – Tim Gard**

**Seconded Councillor – Maggie Duncan**

That Council:

1. Receives and notes the confidential minutes from the Review and Selection Committee meeting held on 1 June 2021.
2. Notes that separate reports will be brought to Council for consideration of any recommendations from the Review and Selection Committee.
3. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report and attachment to this report having been considered in confidence under Section 90(2) and (3)(a) of the Act, except when required to effect or comply with Council's resolution(s) regarding this matter, be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2021.

**Carried Unanimously**

7.08pm the meeting came out of confidence.

**Review and Selection Committee - Appointment of Independent Council Assessment Panel (CAP) Members**

**Report Reference:** GC210608F04

**Moved Councillor – Tim Gard**

**Seconded Councillor – Maggie Duncan**

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 having been considered in confidence under Section 90(2) and (3)(a) of the Act, except when required to effect or comply with Council's resolution(s) regarding this matter, be kept confidential and not available for public inspection until the successful candidates have accepted the offer with the unsuccessful candidates' names to be redacted prior to release. If not released prior, this confidentiality order will be reviewed at the General Council Meeting in December 2021.

**Carried Unanimously**

7.11pm the meeting came out of confidence

**CORPORATE REPORTS FOR DECISION**

**3rd Budget Review 2020/21**

**Report Reference:** GC210608R05

**Moved Councillor – Maggie Duncan**

**Seconded Councillor – Matthew Shilling**

That Council:

1. Adopt the revised budgeted statements including the Income Statement, Balance Sheet, Statement of Changes in Equity and Statement of Cash Flows.

**Carried Unanimously**

**CEO Probation Performance Review Timeline and Approach 2021**

**Report Reference** GC210608R06

**Moved Councillor – Matthew Shilling**

**Seconded Councillor – Maggie Duncan**

That Council endorses:

1. The proposed approach and timeline for the CEO's probation performance review as outlined in Appendix 1

**Carried Unanimously**

**Regulated Tree Maintenance Fund**

**Report Reference:** GC210608R07

Councillor Telfer declared a perceived conflict of interest in the item as there is a tree on her property that may be eligible for the Fund and will leave the meeting for the item.

7.22pm Councillor Telfer left the meeting



Councillor Shilling declared a perceived conflict of interest in the item as there is a tree on his property that may be eligible for the Fund and will remain in the meeting for the item.

**Moved Councillor – Bruce Hull      Seconded Councillor – Nathan Prior**

That Council:

1. Endorses the draft Regulated Tree Maintenance Fund, as provided in the Guidelines in Attachment 1.
2. Endorses the Program be implemented as a 12 month trial from July 2021-July 2022, with an associated budget of \$20,000 as included in the draft 2021-2022 Annual Business Plan.
3. Notes a campaign promoting the program will be developed and implemented as part of the trial.
4. Notes a report will be presented to Council in May 2022, reviewing the program to date and providing any recommendations with respect to its continuation.

**Carried Unanimously**

7.26pm Councillor Veliskou left the meeting

**Hugh Johnson Boulevard Reserve Upgrade**  
**Report Reference: GC210608R08**

**Moved Councillor – Matthew Shilling      Seconded Councillor – Maggie Duncan**

7.26pm Councillor Telfer re-entered the meeting

That Council:

1. Endorses Final Concept Plan for Hugh Johnson Boulevard Reserve and proceeding to detailed design, tendering and construction of the Final Concept.
2. Notes the allocation of \$801,184 to the 2021/22 budget for capital works, as per the City of Marion Open Space Plan that was endorsed by Council in June 2020.
3. Notes that Council was successful in receiving \$801,184 Open Space and Places for People funding for this project (50% of the overall project budget).
4. Notes the allocation of \$50,000 to the project budget from the 2021/22 Traffic Control Devices capital works budget for indented car parking.
5. Notes that the increase in operating costs to maintain the reserve were identified and committed through the endorsed Open Space Asset Management Plan 2020.
6. Endorse an allocation of \$21,000 pa for on-going annual operating and maintenance costs for the first three years (on completion of the project) for the staged weed removal, revegetation and associated works to the stormwater / duck pond.

**Carried Unanimously**

**Draft Annual Business Plan 2021/22 and Draft Long Term Financial Plan**  
**Report Reference: GC210608R09**

**Moved Councillor – Raelene Telfer**

**Seconded Councillor – Luke Hutchinson**

That:

1. The Draft Annual Business Plan 2021-22 and Draft Long Term Financial Plan (Attachment 1) be prepared for final consideration at the 22 June 2021 General Council Meeting with variations as approved by Council on the basis of:
  - Average Rate increase of 1%
  - Minimum Rate of \$1,070
  - Capping set at 12% with a \$20 minimum and \$200 maximum
  - Differential Rate by land use:
    - Commercial 85%
    - Industrial 75%
    - Vacant Land 120%
2. The Draft Fees & Charges Schedule for 2021-22 (Attachment 2) be endorsed by Council, subject to the Fees & Charges policy being finalised in light of the final decisions to be made by Council as part of the ABP process.
3. The Grants Program for 2021-22 (Attachment 3) be endorsed by Council.
4. Council notes the feedback received from the Public consultation period held from 30 April to 21 May 2021. Any variations to the plan made by Council as a result of public consultation feedback will be referred to the 22 June 2021 General Council meeting for final adoption in the plan.

7.31pm Councillor Veliskou re-entered the meeting

**Carried Unanimously**

**By-law Review**

**Report Reference: GC210608R10**

**Moved Councillor – Joseph Masika**

**Seconded Councillor – Jason Veliskou**

That Council resolves to:

1. Note the report entitled 'By-law Review'.
2. Endorse the proposed by-laws from No. 1 – 6 for community consultation:
  - Permits and Penalties By-law No. 1
  - Moveable Signs By-law No. 2
  - Local Government Land By-law No. 3
  - Dogs By-law No. 4
  - Roads By-law No. 5
  - Cats By-law No. 6
3. Note that given the Premier has not yet responded to Council regarding the trolley by-law, a new one has not been drafted at this time.

- Note that an update will be provided to Council in 2022 following at least 6 months operation of the new and remade by-laws.

7.53pm Councillor Hutchinson left the meeting

**Carried Unanimously**

7.59pm Councillor Hutchinson re-entered the meeting

**Moved Councillor – Bruce Hull**

**Seconded Councillor – Matthew Shilling**

That Council:

- Endorse the proposed Animal Management By-law No. 7 for community consultation

**Carried**

**DIT Funding Deed - Design and Delivery of Access Improvements for Marino and Marino Rocks Railway Stations**

**Report Reference:** GC210608R11

**Moved Councillor – Tim Gard**

**Seconded Councillor – Matthew Shilling**

That Council:

- Notes the Department for Infrastructure and Transport has allocated \$140,000 towards the construction of access improvements around Marino and Marino Rocks Railway Stations.
- Pursuant to Section 38 of the *Local Government Act 1999*, authorises the Mayor and Chief Executive Officer to sign and affix the common seal to the documentation necessary to execute the Funding Deed for the construction of access improvements around Marino and Marino Rocks Railway Stations.

**Carried Unanimously**

**Chief Executive Officer Stirling Hospital Board Appointment**

**Report Reference:** GC210608R12

**Moved Councillor – Luke Hutchinson**

**Seconded Councillor – Nathan Prior**

That Council:

- Approves the CEO taking on a role as member of the Board of Stirling Hospital for a period of 3 years.

**Carried Unanimously**

**Elected Member Representatives for the Council Assessment Panel (CAP) 2021-22**

**Report Reference:** GC210608R13

Councillor Clancy declared an actual conflict of interest in the item as she has been nominated for Deputy Member of the Council Assessment Panel and left the meeting.

8.04pm Councillor Clancy left the meeting

Councillor Telfer declared an actual conflict of interest in the item as she has been nominated as Member of the Council Assessment Panel and left the meeting.

8.04pm Councillor Telfer left the meeting

**Moved Councillor – Luke Hutchinson**

**Seconded Councillor – Nathan Prior**

That Council:

1. Appoints Councillor Raelene Telfer as Member of the Council Assessment Panel for a period of 1 July 2021 to 30 June 2022.
2. Appoints Councillor Kendra Clancy as Deputy Member of the Council Assessment Panel for a period of 1 July 2021 to 30 June 2022.

**Carried Unanimously**

8.05pm Councillor Clancy re-entered the meeting

8.05pm Councillor Telfer re-entered the meeting

**CORPORATE REPORTS FOR INFORMATION/NOTING**

**Moved Councillor – Matthew Shilling**

**Seconded Councillor – Nathan Prior**

That the following corporate reports for noting be moved en bloc:

- Questions Taken on Notice Register
- Finance Report - April 2021
- Work Health & Safety - Monthly Performance Report - April 2021
- Minutes of the LGA Ordinary General Meeting held on 30 April 2021

**Carried Unanimously**

**Questions Taken on Notice Register**

**Report Reference:** GC210608R14

**Moved Councillor – Matthew Shilling**

**Seconded Councillor – Nathan Prior**

That Council:

1. Notes the report 'Questions Taken on Notice Register'.

**Carried Unanimously**

**Finance Report - April 2021**

**Report Reference:** GC210608R15

**Moved Councillor – Matthew Shilling**

**Seconded Councillor – Nathan Prior**

That Council:

1. Receives the report “Finance Report – April 2021”

**Carried Unanimously**

**Work Health & Safety - Monthly Performance Report - April 2021**

**Report Reference:** GC210608R16

**Moved Councillor – Matthew Shilling**

**Seconded Councillor – Nathan Prior**

That Council:

1. Notes the report and statistical data contained therein.

**Carried Unanimously**

**Minutes of the LGA Ordinary General Meeting held on 30 April 2021**

**Report Reference:** GC210608R17

**Moved Councillor – Matthew Shilling**

**Seconded Councillor – Nathan Prior**

That Council:

1. Notes the minutes of the LGA Ordinary General Meeting held on 30 April 2021.

**Carried Unanimously**

**WORKSHOP / PRESENTATION ITEMS - Nil**

**MOTIONS WITH NOTICE - Nil**

**QUESTIONS WITH NOTICE**

**Waste from City of Marion skips and bins**

**Elected Member:** Councillor Bruce Hull

**Report Reference:**GC210608Q01

**Question:**

What tonnage of putrescible and recyclables are being incinerated from Marion Council skips and bins that are under the care and control of the City of Marion, be it in house or contracted?

**Supporting Information:** Nil.

**Response Received From:** Senior Procurement Specialist - Colin Heath

**Staff Comments:**

We do not know the exact tonnages of putrescible and recyclables waste collected from the City of Marion that are being incinerated.

Our best estimate is approximately 15 T per annum of the 20-23 T per annum of comingled recyclables we estimate are collected from bulk bin arrangements used by Council could have been incinerated. This volumes represents 0.18% of the approximate 8000T of kerbside recyclables collected annually.

Key points to note regarding this statement include:

- Co-mingled recycling collected from the bulk bin arrangements are not weighed when collected, and therefore an estimated weight per collection has been used to estimate the 20-23T per annum
- Council's tonnages are added to Cleanaway's trucks collecting similar waste from other customers. We subsequently do not monitor:
  - What periods of time SUEZ ResourceCo's plant is accepting loads, or
  - if accepted by SUEZ ResourceCo, what tonnages of waste accepted by SUEZ ResourceCo are recovered (eg metals, wood) before the residual tonnages are converted into PEF and essentially incinerated "
- Cleanaway have estimated SUEZ ResourceCo have accepted loads during 8-9 months of the last 12 months (approximately 75% of the time period).

**Previous information provided (refer GC210323Q01):**

The City of Marion currently has a bulk bin service provided by Cleanaway. Bin sizes range from 660 litres to 3000 litres (compared to the standard 140/240 litre kerbside recycling bin sizes) and collect various waste streams (general waste, co-mingled recycling, and cardboard recycling).

The City of Marion currently has 10 co-mingled recycling bulk bins collecting recycling product from the Tonsley residential precinct (6 bins) and Council operated buildings (4 bins).

Cleanaway have advised:

1. the City of Marion's bulk bin co-mingled recycling is disposed as "dry waste" at SUEZ Resource-Co. The dry waste process is summarised below:
  - SUEZ-Resource-Co sorts materials for higher use (eg. Metals, cardboard etc) and the remaining is converted into Processed Engineered Fuel (PEF)
  - Processed Engineered Fuel (PEF) is used as an alternate to fossil fuels at Adelaide Brighton Cement (ABC) and burnt
2. SUEZ-ResourceCo's capability to receive the material is quite unstable based on the operational requirements of ABC and from time to time, SUEZ-ResourceCo are unable to receive the material. This can change daily and where Cleanaway is unable to dispose of the material at SUEZ-ResourceCo, the material is disposed at the Cleanaway Wingfield Transfer Station for processing, with residual material going to landfill. Unfortunately, at this time Cleanaway is unable to dispose of bulk co-mingled Recycling at a dedicated MRF (ie. Visy) as they only process loads which are only from residential sources.

We estimate 20-23 tonnes of co-mingled recycling material is collected annually through these bins (based on estimated weights per collection), and processed as either PEF or sent to landfill in accordance with Cleanaway's advice above.

Cardboard Recycling is treated as a separate stream and disposed at OPAL (Previously Orora) for recycling.

General Waste is disposed at a landfill site.

From 1 May 2021 Cleanaway have started providing waste collection services to the City of Charles Sturt, including the servicing of a large number of comingled recycling bulk bins. The increased number of comingled recycling bins is expected to make it economically feasible for Cleanaway to implement dedicated collection runs from households (ie no commercial collections would be included), with material then being able to be processed at a material recycling facility (rather than either incinerated or sent to landfill as per current practice outlined above).

Marion staff have initiated discussions to include the collection of our comingled recycling bulk bins within this dedicated collection run, which is expected to result in material collected being fully recycled in the near future (subject to working through any relevant operational matters with both Cleanaway and the City of Charles Sturt). Cleanaway have indicated this may be possible in early 2021/22 financial year.

### **Local Government Data Breach Notification**

**Elected Member:** Councillor Tim Gard

**Report Reference:** GC210608Q02

#### **Question:**

Could management :

1. Report on the outcome of the Data Breach Notification item that was submitted last year for the GAROC agenda?
2. Itemise in brief the steps taken in data breach notification processes by State Government and SA Local Government respectively, and in the process highlight the involvement in certain instances of third parties that are arms length from the notifying party?

**Supporting Information:** Nil.

**Response Received From:** Governance Officer - Angela Porter

#### **Staff Comments:**

At the Special General Council meeting held on 29 July 2020 (SGC200729R06), Council resolved to submit the following Notice of Motion to the Local Government Association for consideration at the 2020 Local Government Association Annual General Meeting, held on 29 October 2020:

*2.2. That the Annual General Meeting requests that the LGA moves to seek greater intervention and control by higher authorities in respect to local government data breach notification procedures, to avoid inconsistent and/or inappropriate interpretations of proper procedure, especially when a large number of affected persons is involved and/or the detection of such breaches is a substantial period of time after the fact.*

The item was referred to the GAROC meeting of 7 September 2020, where it was resolved to defer the item to allow for consultation and further investigation, with a further report back to the Board of Directors within 6 months:

- 1. defers consideration of the Local Government Data Breach Notification Procedures item of business submitted by the City of Marion to allow the LGA to consult with councils and undertake further investigation of associated issues;*
- 2. recommends to the LGA Board of Directors that the LGA undertake a project to investigate current issues, consult with councils and review regulatory options relating to privacy principles and data breach notifications and report back to the Board of Directors within 6 months on the*

*outcomes of this project and future directions; and  
3. advises the City of Marion of this decision*

At the LGA Board of Directors Meeting held on 22 April 2021, the following was resolved:

*That the LGA Board of Directors:*

- 1. notes the feedback received from councils that advocating for regulatory reform to data breach notification procedures in local government is not a priority for the sector at this time;*
- 2. agrees to take no further action; and*
- 3. requests the LGA President write to the City of Marion to inform them of this decision.*

There is no specific South Australian legislation governing the protection of personal information. South Australia has no state-based equivalent legislation that requires councils to notify affected individuals of a data breach. For State Government agencies the Information Privacy Principles contained in Premier and Cabinet Circular 12 govern the collection, storage, use and disclosure of personal information collected by agencies. The SA Privacy Committee provides a yearly report on their activities, available at <https://archives.sa.gov.au/general-information/privacy-committee/privacy-committee-publications>.

The Notifiable Data Breach (NDB) Scheme is established by the Commonwealth Privacy Act 1988 (Privacy Act) and requires any organisation or agency covered by the Privacy Act to notify affected individuals and the Office of Australian Information Commissioner when a data breach is likely to result in serious harm to an individual whose personal information is involved. As well as establishing the NDB Scheme, the Privacy Act prescribes Australian Privacy Principles and regulates consumer credit systems, health and medical research, and tax file number information.

Councils are not subject to the Australian Privacy Principles in the Privacy Act, but they are peripherally captured by the Privacy Act as employers in receipt of tax file numbers. The NDB Scheme therefore only extends to councils in relation to a data breach involving the access, disclosure, or loss of tax file number information, and not to other personal information held by councils. The NDB Scheme only requires councils to report a data breach involving tax file number information if it meets a certain threshold (eligible data breach).

An eligible data breach occurs when the following criteria are met:

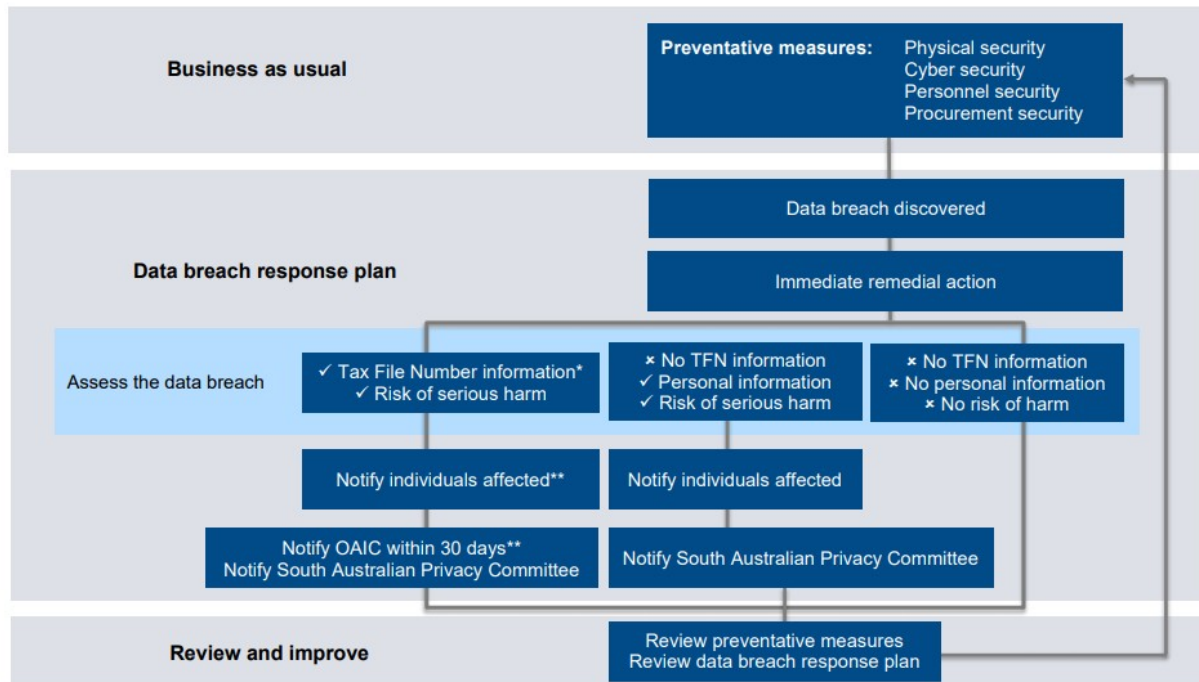
- There is unauthorised access to or disclosure of tax file number information held by the council;
- A reasonable person would conclude that this is likely to result in serious harm to any of the individuals to whom the information relates; and
- The council has been unable to prevent the likely risk of serious harm with remedial action.

Below is an extract from the Government of South Australia - Personal Information Data Breaches Guideline.



OFFICIAL

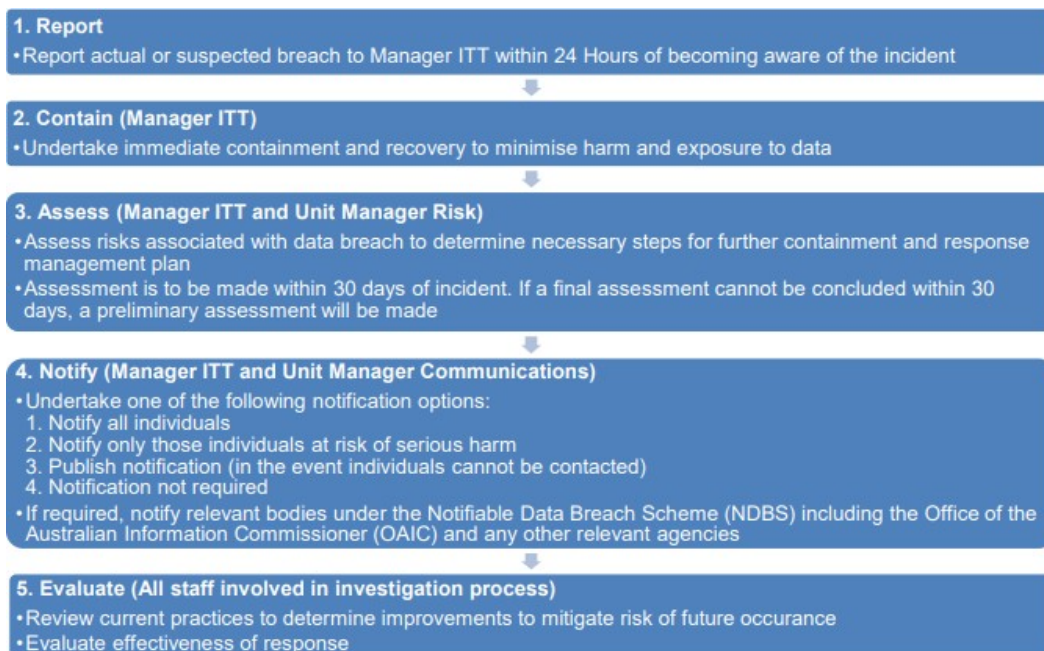
Attachment 1: Data breach notification process



\* Tax File Number information is information that connects a Tax File Number with the identity of an individual.

\*\* The Privacy Amendment (Notifiable Data Breaches) Act, 2017 requires that that notifications to individuals affected and the notification to the Office of the Australian Information Commissioner (OAIC) both contain specific information. See [www.oaic.gov.au](http://www.oaic.gov.au) for more information.

The [City of Marion Privacy Policy](#) states that any potential eligible data breach will be investigated, assessed and managed in accordance with the Procedure for Investigating and Reporting a Privacy Breach. An extract of the procedure is below.



Both procedures include a step to notify The Office of the Australian Information Commissioner (OAIC) and other relevant agencies if required.

## **Coastal Walkway**

**Elected Member:** Councillor Matthew Shilling

**Report Reference:** GC210608Q03

**Question:**

Coastal Walkway:

1. The State Government provided funding close to a year ago for the Coastal Walkway. My understanding is this was to be immediate stimulus funding. How come we have not started construction?
2. Have designs for all parts, including the gully's, been completed?
3. What timeframes are in place? (Including commencement and completion dates)
4. Have we commenced the Tender process, if not why?

**Supporting Information:** Nil

**Response Received From:** Alex Cortes

**Staff Comments:**

Responses to questions below;

- 1. The State Government provided funding close to a year ago for the Coastal Walkway. My understanding is this was to be immediate stimulus funding. How come we have not started construction?**

The project is funded over three financial years (2019-2020 to 2022-2023) and consists of three sections of the Coastal Walkway. A considerable amount of preliminary works have been completed across each section.

In accordance with the Attorney General Department's Open Space and Places for People Grant funding agreement, the works are on track for completion in December 2022.

- 2. Have designs for all parts, including the gully's, been completed?**

One of three sections has been completely designed.

- Field River
  - Design Documentation is complete.
  - The tender for construction is currently out to the market with works to commence in June 2021.
- Kurnabinna Gully
  - Currently being designed with construction scheduled for December 2021.
- Grey Gully
  - Currently being designed with construction scheduled for December 2021.

- 3. What time frames are in place? (Including commencement and completion dates)**

Anticipated construction time frames as follows:

- Field River – Construction to commence in June 2021 and completed in November 2021.
- Kurnabinna Gully – Construction to commence in December 2021 and estimated completion in November 2022.
- Grey Gully – Construction to commence in December 2021 and estimated completion in November 2022.

Estimated timeframes will be formalised following engagement of contractors and confirmation of the works program with the successful contractor.

**4. Have we commenced the Tender process, if not why?**

Tender process for Field River has commenced with construction to start in June 2021.

Kurnabinna and Grey gullies will follow an Early Contractor Involvement procurement model with the contractor to be engaged in July 2021 to work with the design team to develop the construction methodology and final design.

The procurement process is seeking that works to the gullies will commence on site in December 2021.

**Hugh Johnson Blvd Reserve Upgrade**

**Elected Member:** Councillor Matthew Shilling

**Report Reference:** GC210608Q04

**Question:**

**Hugh Johnson Blvd Reserve upgrade:**

1. With State Government funding confirmed for the Hugh Johnson Reserve upgrade, what is the total combined cost for this project?
2. Will it be delivered in the 2021/22 Financial Year?
3. What are the timeframes for this upgrade? (Including commencement and completion)
4. When will any tender processes begin?

**Supporting Information:** Nil

**Response Received From:** Unit Manager Open Space and Recreation Planning - Renee Pitcher

**Staff Comments:**

The City of Marion Open Space Plan 2018 - 2028 was endorsed by Council in June 2020, and identified Hugh Johnson Boulevard reserve as a high priority regional reserve upgrade.

Please see below responses to the questions raised.

1. *With State Government funding confirmed for the Hugh Johnson Reserve upgrade, what is the total combined cost for this project?*

The project is estimated to cost \$1,602,368 and in May 2021 Council were successful in receiving \$801,184 State Government Open Space and Places for People funding towards this project (50% of the overall project budget).

2. *Will it be delivered in the 2021/22 Financial Year?*

Yes.

3. *What are the timeframes for this upgrade? (Including commencement and completion)*

As Hugh Johnson Boulevard Reserve is Regional, there was a second round of community consultation

which recently closed on 18 May 2021. Staff are collating the results along with the Final Concept Design which will be presented to Council for endorsement on 8 June 2021. Endorsement of the Final Concept Plan for Hugh Johnson Boulevard Reserve is required prior to proceeding with detailed design, development approvals and construction.

4. *When will any tender processes begin?*

Tendering of works are intended to be undertaken from September with construction commencing in late 2021 / early 2022. Construction is anticipated to take approximately 6 months.

**MOTIONS WITHOUT NOTICE**

Nil

**QUESTIONS WITHOUT NOTICE**

Nil

**OTHER BUSINESS**

**MEETING CLOSURE**

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

**MEETING CLOSURE** - Meeting Declared Closed at 8.11 PM

**CONFIRMED THIS 22ND DAY OF JUNE 2021**

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**CHAIRPERSON**