

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 10 October 2017

Commencing at 6.30 p.m.

In the Council Chamber

Council Administration Centre

245 Sturt Road, Sturt

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

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

A handwritten signature in black ink, appearing to read "Adrian Skull", with a stylized flourish at the end.

Adrian Skull
CHIEF EXECUTIVE OFFICER

5 October 2017

**CITY OF MARION
GENERAL COUNCIL AGENDA
FOR MEETING TO BE HELD ON
TUESDAY 10 OCTOBER 2017
COMMENCING AT 6.30PM**



1. OPEN MEETING

2. KAURNA ACKNOWLEDGEMENT

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

3. DISCLOSURE

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

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

5. CONFIRMATION OF MINUTES

Confirmation of the Minutes for the General Council meeting held
on 26 September 2017 5

Confirmation of the Minutes for the Special General Council meeting held
on 4 October 2017 25

6. COMMUNICATIONS

Nil

7. ADJOURNED ITEMS

Nil

8. PETITIONS

Nil

9. COMMITTEE RECOMMENDATIONS

Confirmation of the minutes of the Review and Selection Committee Meeting
held on 5 October 2017
Report Reference: GC101017R01 29

10. CONFIDENTIAL ITEMS

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12. CORPORATE REPORTS FOR INFORMATION/NOTING

Nil

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14. DEPUTATIONS

Light Square Marion Mr Peter Stretton Report Reference: GC101017D01	297
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MATTERS RAISED BY MEMBERS

15. Questions with Notice

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Light Square, Marion - Landscape Upgrade Report Reference: GC101017M02	306
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17. Questions without Notice

18. Motions without Notice

19. LATE ITEMS

20. MEETING CLOSURE

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

**MINUTES OF THE GENERAL COUNCIL MEETING
HELD AT ADMINISTRATION CENTRE
245 STURT ROAD, STURT
ON TUESDAY 26 SEPTEMBER 2017**



PRESENT

His Worship the Mayor Kris Hanna

Councillors

Coastal Ward

Ian Crossland
Tim Gard (from 6.32pm)

Mullawirra Ward

Jason Veliskou
Jerome Appleby

Southern Hills

Janet Byram
Nick Westwood

Warracowie Ward

Bruce Hull

Warriparinga Ward

Luke Hutchinson (from 6.35pm)
Raelene Telfer

Woodlands Ward

Tim Pfeiffer

In Attendance

Mr Abby Dickson
Ms Fiona Harvey
Mr Tony Lines
Mr Ray Barnwell
Ms Jaimie Thwaites
Ms Sherie Walczak

Acting Chief Executive Officer
Acting General Manager City Development
General Manager City Services
Acting General Manager Corporate Services
Unit Manager Governance and Records
Unit Manager Risk (minute taker)

COMMENCEMENT

The meeting commenced at 6.30pm.

KAURNA ACKNOWLEDGEMENT

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

DISCLOSURE

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

ELECTED MEMBER'S DECLARATION OF INTEREST

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

Nil items declared

6.32pm Councillor Gard entered the meeting

6:32pm CONFIRMATION OF MINUTES

Moved Councillor Telfer, Seconded Councillor Byram that the minutes of the General Council Meeting held on 22 August 2017 be taken as read and confirmed.

Carried Unanimously

Moved Councillor Telfer, Seconded Councillor Byram that the minutes of the Special General Council Meeting held on 12 September 2017 be taken as read and confirmed.

Carried Unanimously

COMMUNICATIONS

6:34pm Report on Mayoral Activities for September 2017

To be reported next meeting

6:34pm Report on Deputy Mayor Activities for September 2017

Date	Event	Comment
14 Sept 2017	Art Exhibition for Dementia Awareness Month, Cove Civic Centre	Opened Exhibition
14 Sept 2017	Meeting with Local Government Association re Council Wage Growth	Attended
16 Sept 2017	Cove Football Club Annual Presentation Night	Attended
18 Sept 2017	Coastal and Southern Hill Ward Briefing	Attended
19 Sept 2017	Meeting to Review Draft Council Agenda as Deputy Mayor	Attended
19 Sept 2017	Meeting with General Manager and Manager regarding Employment Costs	Attended
19 Sept 2017	Review and Selection Committee Meeting	Attended
19 Sept 2017	Elected Member Forum	Chaired
In addition, the Deputy Mayor has met with residents, MP's and also with the CEO and Council staff regarding various issues.		

6:34pm Report on Elected Member Activities for September 2017

Councillor Raelene Telfer

Date	Events Attended	Active Participation
1 August 2017	Urban Planning Committee	Decision making
4 August 2017	Open contemporary Art	Gallery M opening
9 August 2017	Southern Innovation DPA	Flinders exposition
15 August 2017	Southern Innovation DPA	Meeting
15 August 2017	Finance and Audit Committee	Member
16 August 2017	South Adelaide Economic Development Board	Launch
19 August 2017	Basketball SA finals	Represented Mayor Hanna
20 August 2017	Annie Doolan's Cottage Management	AGM
21 August 2017	Cosgrove Hall Management	AGM
21 August 2017	Mitchell Pk Sports & Community Centre	Lessee issues
22 August 2017	Mitchell Pk Sports & Community Centre	Met President John Gumley on 3 matters
22 August 2017	Warriparinga Ward Briefing	Focus on lease to Facilities Users
24 August 2017	MHV Project Group Liaison	Light Square rejuvenation
26 August 2017	Darlington Upgrade Community Liaison	Walk through site
5 August 2017	Housing Diversity DPA	Informal briefing
13 August 2017	MPSCC	Committee Meeting
20 August 2017	Darlington Upgrade	Advisory Group on traffic issues
24 August 2017	South Adelaide Basketball club	Presentation of Awards
24 August 2017	Tonsley residents meeting	Birch Cres traffic and Tonsley train issues
26 August 2017	Warriparinga Ward	Briefing

6:34pm Report on CEO and General Manager Activities for September 2017

Date	Activity	Attended by
24 August 2017	Council CEO Forum	Adrian Skull
24 August 2017	Tonsley Project Group Committee Meeting	Tony Lines
25 August 2017	Financial Management Group Annual General Meeting	Vincent Mifsud

29 August 2017	Oaklands Part Wetlands Education Centre Meeting	Adrian Skull
29 August 2017	Meeting with Cricket Australia re partnership opportunities	Vincent Mifsud
30 August 2017	Aquatic Centre Governance Meeting	Adrian Skull
1 September 2017	Western Adelaide Consultative Group (WACG)	Adrian Skull
1 September 2017	Darlington Asset Handover Discussion with DPTI	Tony Lines
6 September 2017	Associated Senior clubs SA Inc – opening Bowls Competition	Adrian Skull
6 September 2017	Meeting with Catherine Cooper (Chair of Council Solutions)	Adrian Skull
6 September 2017	Development Assessment Panel Meeting	Adrian Skull
8 September 2017	Renewal SA re Clovelly Park Community Open Space	Vincent Mifsud
8 September 2017	Met with City of Charles Sturt	Tony Lines
11 September 2017	Meeting with SA Aquatic Leisure Centre	Adrian Skull
13 September 2017	Metropolitan Local Government Group (MLGG) meeting	Abby Dickson
18 September 2017	Meeting with General Manager South Australian Aquatic and Leisure Centre (SAALC) and Office of Recreation and Sport re development of SAALC/MCC Plaza and Oaklands Precinct	Abby Dickson Fiona Harvey
20 September 2017	Citizenship Ceremony Edwardstown Lions Club	Abby Dickson

Moved Councillor Byram, Seconded Councillor Hull that the Communication Reports be received

Carried Unanimously

6.35pm Councillor Hutchinson entered the meeting

ADJOURNED ITEMS

Nil

DEPUTATIONS

6:35pm Asset Optimisation – McConnell Avenue Reserve, Western Portion Report Reference: GC260917D01

Mr Travis Smith gave a five-minute deputation to Council relating to the Asset Optimisation – McConnell Avenue Reserve, Western Portion

ORDER OF AGENDA ITEMS

The Mayor sought and was granted leave of the meeting to vary the agenda order and bring forward the item 'Asset Optimisation – McConnell Avenue Reserve (Western Portion)' (Report Reference GC260917R05).

6:43pm Asset Optimisation – McConnell Avenue Reserve (Western Portion) **Report Reference: GC260917R05**

Moved Councillor Gard, Seconded Councillor Westwood that Council:

1. Considers the outcome of the community consultation process undertaken for the potential disposal of the western portion of McConnell Avenue Reserve at Allotment 189 in Deposited Plan 2909, being portion of the land in Certificate of Title Volume 1234 Folio 18.
2. Retains the western portion of McConnell Avenue Reserve subject to developing the Eastern portion and then reviewing the whole.
3. Resolves to allocate funds of up to \$20,300 as part of the 2017/18 budget review process for the costs associated with a boundary identification survey, a fence along the southern boundary and drainage works.
4. Authorises administration to write to the head petitioner from the McConnell Reserve submissions advising of Council's decision.
5. Authorises administration to write to the Marino Residents Association, David Speirs MP and Nicole Flint MP in response to the McConnell Reserve submissions advising of Council's decision.

Carried

Councillor Westwood called a Division:

The Mayor declared the vote set aside

Those for: Councillors Telfer, Hull, Hutchinson, Westwood, Appleby and Gard

Those against: Councillors Pfeiffer, Byram, Veliskou and Crossland

Carried

6:54pm Councillor Appleby left the meeting

PETITIONS

6:55pm Petition – Preserve Lot 23 of Oaklands Park **Report Reference: GC260917P01**

Moved Councillor Hull, Seconded Councillor Crossland that Council:

1. Notes that the petition is not in the correct form.
2. Notes the document and comments provided by Administration.
3. Requests the proponent be sent a copy of the minutes in relation to this item, the template for submission of petitions and that Council has noted the document.

4. Notes that the document will be considered by Council as part of the Public Consultation Report on Asset Optimisation – Oliphant Avenue Reserve – Northern Portion

Carried Unanimously

7:09pm Councillor Appleby re-entered the meeting

7:09pm Petition – Development at Lot 3 Appleby Road, Morphettville
Report Reference: GC260917P02

Moved Councillor Veliskou, Seconded Councillor Appleby that Council:

1. Notes the petition and comments provided by Administration.
2. Advises the head petitioner Council has noted the petition and that determination of any proposal for an apartment building on (proposed) Lot 3 Appleby Road will be considered and assessed by the office of the Coordinator General.
3. Endorses that the Mayor write a letter from Council to oppose a four-story development at Lot 3 Appleby Road, Morphettville (attaching the petition).

Carried

COMMITTEE RECOMMENDATIONS

The Mayor sought and was granted leave of the meeting to consider the following agenda items en bloc:

- Confirmation of the minutes of the Infrastructure and Strategy Committee Meeting held on 5 September 2017 (Report Reference: GC260917R01)
- Confirmation of the minutes of the Finance and Audit Committee Meeting Held on 15 August 2017 (Report Reference: GC260917R02)
- Confirmation of the minutes of the Review & Selection Committee Meeting Held on 22 August 2017 and 19 September 2017 (Report Reference: GC260917R03)
- Confidential Minutes of the Review and Selection Committee (Report Reference: GC260917F01)

Moved Councillor Byram, Seconded Councillor Westwood that these items be moved en bloc.

Carried Unanimously

7:18pm Infrastructure and Strategy Committee - Confirmation of Minutes of Meeting held on 5 September 2017
Report Reference: GC260917R01

Moved Councillor Byram, Seconded Councillor Westwood that Council:

1. Receives and notes the minutes of the Infrastructure and Strategy Committee meeting of 5 September 2017 (Appendix 1).
2. Notes that separate reports will be brought to Council for consideration of any recommendations from the Infrastructure and Strategy Committee.

Carried Unanimously

7:18pm Finance and Audit Committee - Confirmation of Minutes of Meeting held on 15 August 2017

Report Reference: GC260917R02

Moved Councillor Byram, Seconded Councillor Westwood that Council:

1. Receives and notes the minutes of the Finance and Audit Committee meeting of 15 August 2017 (Appendix 1).
2. Notes that separate reports will be brought to Council for consideration of any recommendations from the Finance and Audit Committee.

Carried Unanimously

7:18pm Confirmation of Minutes of the Review and Selection Committee Meeting held on 22 August 2017 and 19 September 2017

Report Reference: GC260917R03

Moved Councillor Byram, Seconded Councillor Westwood that Council:

1. Receives and notes the minutes of the Review and Selection Committee meetings held on 22 August 2017 (Appendix 1) and 26 September 2017 (Appendix 2).
2. Notes that separate reports will be brought to Council for consideration of any recommendations from the Review and Selection Committee.

Carried Unanimously

CONFIDENTIAL ITEM

7:18pm Confirmation of Confidential Minutes of the Review and Selection Committee Meeting held 19 September 2017

Report Reference: GC260917F01

Moved Councillor Byram, Seconded Councillor Westwood that Council:

1. Receives and notes the confidential minutes of Review & Selection Committee meeting held on 19 September 2017 (Appendix 1)
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 Appendix 1 to this report, *Confirmation of Confidential Minutes of the Review and Selection Committee Meeting held 19 September 2017* having been considered in confidence under Section 90(2) and (3)(a) of the Act, be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2017

Carried Unanimously

WORKSHOP / PRESENTATION ITEMS

Nil

CORPORATE REPORTS FOR DECISION

7:21pm Recreation/Community Development Plan Amendment – Draft for Minister's Authorisation

Report Reference: GC260917R04

Moved Councillor Telfer, Seconded Councillor Pfeiffer that Council:

1. Endorses the Recreation/Community DPA as provided in Appendix 1.
2. Seeks approval from the Minister pursuant to section 25(14) of the *Development Act 1993*, for the DPA.

7:21pm Councillor Westwood left the meeting

7:26pm Councillor Westwood re-entered the meeting

7:29pm Councillor Appleby left the meeting

Carried Unanimously

7:33pm Animal Management Plan

Report Reference: GC260917R06

No motion on this item was moved.

7:50pm Playground Framework

Report Reference: GC260917R07

Moved Councillor Byram, Seconded Councillor Pfeiffer that Council:

1. Notes the community consultation report as provided in Appendix A.
2. Endorses the Playground Policy (Appendix B) and Service Levels (Appendix C) following community consultation.
3. Endorses the Playground prioritised works list which includes playground upgrades, removals and new playgrounds (Appendix D) and notes this will be revised annually with updated playground audit information.
4. Notes the 5 year, \$2.25m shade program (Appendix D) currently funded in Council's adopted Long Term Financial Plan (LTFP) and notes this will be revised annually.
5. Notes the Playground project methodologies provided in Appendix E.
6. Endorses an allocation of an additional \$711,750 for the 10-year works program (playground upgrade, removals and shade program) into the Long Term Financial Plan.

7. Endorses an allocation of \$112,750 p.a. for operating and maintenance and an allocation of \$148,454 p.a. for renewal/depreciation for the Playground Shade program into Council's LTFP (as per Appendix I).
8. Notes the advice from the Infrastructure and Strategy Committee on proposed additional playgrounds in Appendix I.
9. Endorses the inclusion of Capella Drive Reserve Hallett Cove; Brooklyn Drive Reserve Hallett Cove; Tonsley Development Tonsley; McConnell Street East Reserve Marino; Miners Court Reserve Sheidow Park; Woodend Development Sheidow Park; and Cowra Crescent Reserve Park Holme as new playgrounds within the City of Marion, timing and costing as indicated in Appendix D.
10. Consideration of the Hallett Cove Heights area (including Skipper Close) be a high priority.

8:04pm Councillor Veliskou left the meeting

8:11pm Councillor Appleby re-entered the meeting

Amendment:

Moved Councillor Telfer, Seconded Councillor Hutchinson that Council:

1. Notes the community consultation report as provided in Appendix A.
2. Endorses the Playground Policy (Appendix B) and Service Levels (Appendix C) following community consultation.
3. Endorses the Playground prioritised works list which includes playground upgrades, removals and new playgrounds (Appendix D) and notes this will be revised annually with updated playground audit information.
4. Notes the 5 year, \$2.25m shade program (Appendix D) currently funded in Council's adopted Long Term Financial Plan (LTFP) and notes this will be revised annually.
5. Notes the Playground project methodologies provided in Appendix E.
6. Endorses an allocation of an additional \$711,750 for the 10-year works program (playground upgrade, removals and shade program) into the Long Term Financial Plan.
7. Endorses an allocation of \$112,750 p.a. for operating and maintenance and an allocation of \$148,454 p.a. for renewal/depreciation for the Playground Shade program into Council's LTFP (as per Appendix I).
8. Notes the advice from the Infrastructure and Strategy Committee on proposed additional playgrounds in Appendix I.

8:19pm Councillor Veliskou re-entered the meeting

ADJOURNMENT

Moved Councillor Pfiesser, Seconded Councillor Crossland that Council adjourn the meeting for a period of five minutes.

Carried

8:21pm Meeting adjourned

8:26pm Meeting resumed

8.26pm Councillors Telfer and Pfeiffer re-entered the meeting

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

1. Notes the community consultation report as provided in Appendix A.
2. Endorses the Playground Policy (Appendix B) and Service Levels (Appendix C) following community consultation.
3. Endorses the Playground prioritised works list which includes playground upgrades, removals and new playgrounds (Appendix D) and notes this will be revised annually with updated playground audit information.
4. Notes the 5 year, \$2.25m shade program (Appendix D) currently funded in Council's adopted Long Term Financial Plan (LTFP) and notes this will be revised annually.
5. Notes the Playground project methodologies provided in Appendix E.
6. Endorses an allocation of an additional \$140,250 for the 10-year works program (playground upgrade, removals and shade program) into the Long Term Financial Plan.
7. Endorses an allocation of \$112,750 p.a. for operating and maintenance and an allocation of \$148,454 p.a. for renewal/depreciation for the Playground Shade program into Council's LTFP (as per Appendix I).
8. Notes the advice from the Infrastructure and Strategy Committee on proposed additional playgrounds in Appendix I.

The Amendment to become the motion was **Lost**

Moved Councillor Crossland, Seconded Councillor Gard that the item be adjourned until the General Council meeting scheduled for the 28 November 2017.

Carried

8:35pm Community Grants & Youth Development Grants Guidelines
Report Reference: GC260917R08

8:36 Councillor Crossland left the meeting

8:41 Councillor Crossland re-entered the meeting

Moved Councillor Veliskou, Seconded Councillor Byram that Council:

1. Endorses the Guidelines for the Community Grants and the Youth Development Grants as contained within Appendix 1 and Appendix 2 respectively.
2. Reviews the Guidelines for the Community Grants and the Youth Development Grants at least every four years in alignment with the related Policy document.

Amendment:

Moved Councillor Hull, Seconded Councillor Crossland that Council:

1. Endorses the Guidelines for the Community Grants and the Youth Development Grants as contained within Appendix 1 and Appendix 2 respectively.
2. Reviews the Guidelines for the Community Grants and the Youth Development Grants at least every four years in alignment with the related Policy document.
3. Notes that grant applicants must assure Council that they are not practicing unlawful discrimination in relation to (but not limited to) race, religion, gender and sexual orientation.

The Amendment to become the motion was **Carried**
The Motion was **Carried**

Councillor Appleby called a Division:

The Mayor declared the vote set aside

Those for: Councillors Pfeiffer, Telfer, Hutchinson, Hull, Westwood, Veliskou, Gard, Crossland

Those against: Councillors Byram, Appleby

Carried

9:04pm Waste Management Project (Council Solutions) - ACCC
Report Reference: GC260917R09

Moved Councillor Gard, Seconded Councillor Telfer that Council:

1. Endorses the City of Marion's participation in Stage 2 of the Waste Management Services Project (WMSP).
2. Approves the City of Marion's funding contribution of up to \$89,093 for Stage 2 of the WMSP be funded from identified 2016/17 savings in the year end statutory accounting process.

Carried Unanimously

9:10pm LGA General Meeting 2017
Report Reference: GC260917R10

Moved Councillor Crossland, Seconded Councillor Westwood that formal meeting procedures be suspended to discuss this item.

Carried Unanimously

9:10pm formal meeting procedures suspended
9:12pm formal meeting procedures resumed

Moved Councillor Gard, Seconded Councillor Pfeiffer that:

1. Council notes the report "LGA General Meeting 2017"

2. The nominated Council Voting Delegate for this meeting is the Mayor and that the Proxy Delegate for this meeting is Councillor Westwood.

Carried Unanimously

**9:13pm Fund My Neighbourhood
Report Reference: GC260917R11**

Moved Councillor Telfer, Seconded Councillor Crossland that Council:

1. Notes that Administration will undertake an internal assessment of all submissions in accordance with Council's strategic directions, project feasibility, funding parameters and ability to deliver within DPC timeframes.
2. Delegates authority to the CEO to provide a shortlist of projects to the Department of Premier and Cabinet to go forward to a public vote.
3. Notes that Administration will provide Elected Members with a summary of the internal assessment for Elected Member information.
4. Receives a report of the successful projects following the public voting process with recommendations for resourcing and/or reprioritising the current works program.

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

1. Notes that Administration will undertake an internal assessment of all submissions in accordance with Council's strategic directions, project feasibility, funding parameters and ability to deliver within DPC timeframes.
2. A Special General Council meeting shall decide a shortlist of projects to the Department of Premier and Cabinet to go forward to a public vote.
3. Notes that Administration will provide Elected Members with a summary of the internal assessment for Elected Member information.
4. Receives a report of the successful projects following the public voting process with recommendations for resourcing and/or reprioritising the current works program.

Carried

MEETING EXTENSION

Moved Councillor Veliskou, Seconded Councillor Byram that the meeting be extended until 10:00pm to enable the remaining items to be considered.

Carried

9:25pm meeting extended

9:26pm Artificial Surfaces Funding Improvements
Report Reference: GC260917R12

Moved Councillor Crossland, Seconded Councillor Telfer that Council:

1. Supports the funding submission to the Office for Recreation and Sport for the amount of \$11,000 for the purchase of artificial turf cricket pitches for Mitchell Park, Morphetville Park, and Edwardstown Ovals.
2. Endorses an allocation of up to \$10,000 from Council's Asset Sustainability Reserve – Community Facilities Partnering Program fund, subject to a successful funding application to the Office for Recreation and Sport by the City of Marion.
3. Notes that the purchased surfaces will remain the property and responsibility of the City of Marion for their expected life cycle.
4. Notes the projected savings to City of Marion of \$2,120 p.a. over the 8 Year life cycle of the equipment.

Carried

ORDER OF AGENDA ITEMS

The Mayor sought and was granted leave of the meeting to vary the agenda order and skip Complaints and Grievance Policy and Procedure Review (Report Reference GC260917R13).

CORPORATE REPORTS FOR INFORMATION / NOTING

The Mayor sought and was granted leave of the meeting to consider the following agenda items en bloc:

- WHS Monthly Performance Report – August 2017 (Report Reference: GC260917R14)
- Finance Report – August 2017 (Report Reference: GC260917R15)

Moved Councillor Byram, Seconded Councillor Westwood that these items be moved en bloc.

Carried Unanimously

9:31pm WHS Monthly Performance Report – August 2017
Report Reference: GC260917R14

Moved Councillor Byram, Seconded Councillor Westwood that Council:

1. Notes the report and statistical data contained therein.

Carried Unanimously

9:31pm Finance Report – August 2017
Report Reference: GC260917R15

Moved Councillor Byram, Seconded Councillor Westwood that Council:

1. Receives the report “Finance Report – August 2017”

Carried Unanimously

MATTERS RAISED BY MEMBERS

Questions with Notice

9:37pm Use of Glyphosate Herbicide Report Reference: GC260917Q01

QUESTIONS: Councillor Veliskou

1. Do councils use Glyphosate herbicide with dye in the metropolitan area for spraying done on council property? If not why not?
2. What are the alternatives available to council to control weeds on council property instead of Glyphosate and what do these involve?
3. How readily available is Glyphosate to the general public and what restrictions are there to its access and use?

COMMENTS: Jerry Smith, Coordinator Biodiversity

Overall it should be noted that the volume of glyphosate applied in the City of Marion is small, targeted and mostly in low use public areas. Less than 600 litres of the active ingredient is applied by council staff per year. Although alternatives exist, they are either prohibitively costly, not proven to be effective and/or pose potential dangers greater than glyphosate. Glyphosate is widely available and used by all metropolitan councils and state government departments including the Department of Water, Environment and Natural Resources. The widespread use and all existing data and information (as shown in GC140616R13) show it is a safe, non-toxic herbicide that is well suited to the intended use and poses little or no danger to public.

1. Do councils use Glyphosate herbicide with dye in the metropolitan area for spraying done on council property? If not why not?

Metropolitan Councils do not use dye except in small amounts for specific purposes, usually limited to use in bush-care where the dye allows the user to ensure non-target plants are not affected during weed spraying operations.

The major reason for not using dye is the visual impact with the dye lasting up to two weeks or more, being bright red or blue and would stain concrete, footpaths and grass, it is not visually attractive.

Another reason to limit the use of the marker dyes is that it is possibly more toxic than the glyphosate itself. The glyphosate form used by Council, MacSpred Glymac360 TM®, Safety Data Sheet (SDS) states it is not considered to be toxic to fish. The Spray Marker Dye has a listed acute toxicity to fish and stipulates on the SDS to not contaminate streams, rivers or waterways. It also can produce nausea and headaches on exposure.

In addition unlike glyphosate which has no proven carcinogenetic symptoms to humans, the active ingredient in spray marker dye, *Rhodamine* has been assessed (according to the SDS) to have concern for humans owing to possible carcinogenic effects.

2. What are the alternatives available to council to control weeds on council property instead of Glyphosate and what do these involve?

Non herbicide Options	
Alternative	Comments
No weed control on verges	Undoubtedly the safest and most cost effective option. Residents who want weeds controlled on their verge would be allowed to do it themselves but Council would not provide this service. Significant areas may become unsightly.
Tilling/ Cultivation	Significant cost and not practical. Would involve small specialist equipment, cannot be used in established garden beds on a large scale and probably unsuited to road verges due to potential infrastructure damage.
Steam Control	Very significant cost, each plant requires application of steam for a period of 30 seconds, not practical for verges, limited implementation in playgrounds would be likely to cost a similar amount as weed control costs across the whole city currently.
Brushcutting/Mowing	Significant cost and not practical, never entirely removes weeds, any weeds that grow significantly to seed head during the period between cuttings will provide further weeds and exacerbate the weed and ongoing cost.
Handpulling	Somewhat practical for playground soft fall areas. Very limited application for verges.
<p><i>Alternative Herbicides (knockdown, non-selective, non-residual herbicides)</i> Residual herbicides such as simazine, atrazine, etc. have not been considered due to contamination of water table and waterways.</p>	
Alternative	Comments
Eco-Oil/Pine Oil	Although it is an organic compound sourced from plants, significant questions remain about its safety and suitability. It is significantly more expensive than glyphosate and requires a much more direct application. In addition it is not as broad in its mode of action and may not kill all weeds. Unlike glyphosate, almost no research has been done on its effects environmentally or to humans. Glyphosate has been studied at length for over forty years with still very limited evidence of toxicology problems. From limited testing Eco-Oil SDS shows potential respiratory issues and aggravation of mucous membranes to humans and it also shows a potential aquatic toxicology, unlike MacSpred Glymac360 TM ®) which has no toxicology to fish. The total environmental fate of Eco-Oil is unclear and the SDS shows that it is only expected not to be toxic, no significant research exists to support this claim. This is a case where the alternative is not yet proven to be safer or could indeed be more toxic than glyphosate.
Brown out 250 (Paraquat)	A knockdown herbicide similar in action to glyphosate but extremely toxic, a S7 poison and completely unsuited to use in public areas. Glyphosate is a S5 scheduled herbicide and not considered a poison.
Glufosinate Ammonium	Non-selective herbicide similar to glyphosate in action but known health issue to humans on exposure including risk of infertility as well as significant environmental toxicology

	especially to aquatic organisms.
Other herbicides	There are undoubtedly other suitable herbicides for killing weeds on a broad scale, no herbicide has consistently been researched and shown to be as safe as glyphosate.

3. How readily available is Glyphosate to the general public and what restrictions are there to its access and use?

Glyphosate is readily available to all members of the public and can be found in almost any setting from supermarkets where it is available as ready mixed to use product to hardware stores and garden centres, where it can be purchased as bulk concentrate. There are no restrictions on the amount that can be purchased and unlike some other herbicides there is no requirement to hold Chemcert certification or a pest technicians licence to purchase this product. There are no restrictions on its use or application by members of the public.

**9:37pm Oaklands Crossing
 Report Reference: GC260917Q02**

QUESTIONS: Councillor Kerry

How many people received Mayors Hanna's letter titled a message from "The Mayor" about the Oaklands Crossing and how much did it cost the ratepayers?

At the last Council meeting Mayor Hanna was asked when did the Federal & State Governments & Marion agree to fund the Oaklands Crossing.

Why has this information been withheld from Ratepayers - it is no longer Commercial in Confidence?

COMMENTS: Craig Clarke, Unit Manager Communications

A one-page letter notifying the community of the \$174.3 million fix to Oaklands Crossing was sent to 4,000 residents surrounding the intersection. The distribution was identical to previous communications on this topic. The cost of the printing and distribution was \$3,611.50.

In relation to the report and minutes of the Special Council Meeting of 6 June 2017 (SGC060617), Council resolved to retain this item in confidence. Council is scheduled to review the confidential orders in December 2017. If Council chooses, it can release the item from confidentiality earlier.

**9:37pm Diesel Powered Generator
 Report Reference: GC260917Q03**

QUESTIONS: Councillor Hull

What was the cost of the large diesel powered generator (photo included below) that has been purchased or leased by Council that is now located in the Administration Centre car park?

Was there any consideration to install solar/battery storage as an alternative to the purchased/leased generator and was that option costed? Given that there are some solar panels on the Administration Centre, what was the cost of the solar/battery option?

Who specifically authorised the purchase/lease of the said generator?



COMMENTS: Vincent Mifsud, General Manager Corporate Services

1. The generator was purchased at a total cost of \$84,434 for Supply and Installation.
2. Yes, consideration was given to the use of solar panels and battery storage options, with a high level initial assessment being conducted, however these were not pursued after initial investigations showed they were not viable:-
 - There is insufficient physical roof space available for the number of solar panels necessary for power requirements (estimated at over 100m² needed and the Admin building has very little usable roof space given the sloping roof designs and Air-conditioning plant, etc.) - the majority of the Admin buildings roofs are actually curved and some are not load bearing.
 - The solar panels currently installed on the Administration Centre are significantly inadequate to provide a solar/battery option;
 - The roof orientation of the Administration Centre (south) does not support a large capacity of solar panels being installed;
 - 24/7 mission critical base load power requirements are necessary once backup power is initiated and this cannot be reliably provided by a solar panel/battery option, given the physical constraints of the Admin building;
 - Diesel generator versus solar panel/battery indicated the solar option to be not viable and significantly cost prohibitive.
3. The purchase of the generator was approved by the Chief Executive Officer.

It has been proposed that a discussion be held at the November Infrastructure & Strategy Committee meeting to explore future energy efficiency and renewable energy options for Council, including information in relation to the potential provision of solar/battery solutions.

Motions with Notice

9:38pm Renaming the City

Report Reference: GC260917M01

Moved Councillor Gard, Seconded Councillor Westwood that:

1. Having regard for the marketing strategy of the City, Council commissions market research to understand the perceptions and attitudes of those living in and outside of the City of Marion to the name of the City and whether the name acts as a negative or positive to living and doing business here.
2. A report is prepared for Council summarising the results of the research and with recommendations over whether the City of Marion should prepare a plan for changing its name.

Lost

9:45pm Flinders Medical Centre – Ambulance Ramping

Report Reference: GC260917M02

9:45pm Councillor Hutchinson left the meeting

Moved Councillor Hull, Seconded Councillor Westwood that Council:

1. Calls upon the SA Government to urgently address the long standing matter of Ambulance ramping at the Flinders Medical Centre as to provide enduring strategies that are more than a short term fix to resolve this concerning problem. Council believes that this problem not only impacts on patient care but also Ambulance availability, response times in our City and not unimportantly the additional stress to valued Paramedics and Nursing Staff.

Lost

9:49pm Councillor Hutchinson re-entered the meeting

9:49pm King Neptune's Statue

Report Reference: GC260917M03

Moved Councillor Hull, Seconded Councillor Gard that:

1. The City of Marion work collaboratively with The City of Mitcham, The City of Onkaparinga, DPTI and Viva Energy/Shell Bitumen to facilitate the installation and ongoing maintenance of the 'King Neptune' statue as a heritage landmark as part of the South Road, Darlington upgrade.

Moved Councillor Telfer, Seconded Councillor Veliskou that the motion be deferred until the General Council Meeting scheduled for 28 February 2018 to allow a private interested party to facilitate the installation and ongoing maintenance of the 'King Neptune' statue as a heritage landmark as part of the South Road Darlington upgrade.

Carried

9:52pm Traffic Issues – Denham Avenue, Morphetville
Report Reference: GC260917M04

Moved Councillor Veliskou, Seconded Councillor Appleby that Council:

1. Investigate the reports of speeding and dangerous driving along Denham Avenue (northern side of Kellett Reserve) and a report be provided to Council in November 2017, in order to determine what, if any, traffic calming is needed in the area.

Carried Unanimously

9:55pm Use of Glyphosate
Report Reference: GC260917M05

Moved Councillor Veliskou, Seconded Councillor Byram that Council:

1. Be provided a report on how the use of Glyphosate can be reduced in particular around playgrounds as a potential first step to reducing the overall use of Glyphosate on public land.

Amendment:

Moved Councillor Telfer, Seconded Councillor Byram that Council:

1. Be provided a report on best practice weed management in particular around playgrounds including any opportunities to reduce the overall use of Glyphosate on public land

The Amendment to become the motion was **Carried**
The Motion was **Carried Unanimously**

MEETING EXTENSION

Moved Councillor Hull that the meeting be extended until for a period of 15 minutes to enable the remaining items to be considered.

The motion lapsed for want of a seconder

Questions without Notice

Nil

Motions without Notice

Nil

LATE ITEMS

Nil

The following items were not considered:

- Complaints and Grievance Policy and Procedure Review (Report Reference: GC260917R13)
- Potential Property Acquisition Opportunities (Report Reference: GC260917M06)
- Australia Day (Report Reference: GC260917M07)
- Glenthorne Farm (Report Reference: GC260917M08)

MEETING CLOSURE - Meeting Declared Closed at 10:00pm

CONFIRMED THIS 10 OCTOBER 2017

.....
CHAIRPERSON

**MINUTES OF THE SPECIAL GENERAL COUNCIL MEETING
HELD AT THE ADMINISTRATION CENTRE
COUNCIL CHAMBER
245 STURT ROAD, STURT
ON TUESDAY 4 OCTOBER 2017**



PRESENT

His Worship the Mayor Kris Hanna

Councillors

Coastal Ward

Ian Crossland
Tim Gard

Mullawirra Ward

Jerome Appleby
Jason Veliskou

Southern Hills

Nick Westwood

Warracowie Ward

Nathan Prior
Bruce Hull

Warriparinga Ward

Luke Hutchinson
Raelene Telfer

Woodlands Ward

Nick Kerry
Tim Pfeiffer

In Attendance

Mr Adrian Skull
Ms Abby Dickson
Mr Mathew Allen
Mr Vincent Mifsud
Ms Jaimie Thwaites
Ms Sherie Walczak

Chief Executive Officer
General Manager City Development
Acting General Manager, City Services
General Manager, Corporate Services
Unit Manager Governance and Records
Unit Manager Risk (Minute Taker)

OPEN MEETING

The meeting commenced at 7:01pm.

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.

ELECTED MEMBER'S DECLARATION OF INTEREST

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

Interests in the following items were declared:

- Councillor Westwood – Fund my neighbourhood (Report Reference: SGC041017R01)

CORPORATE REPORTS

7:03pm Fund My Neighbourhood Report Reference: SGC041017R01

Councillor Westwood declared a perceived conflict of interest in the item, as he is a member of the Trott Park Community Garden which is included in the items being put forward for funding. Councillor Westwood remained for the item.

Moved Councillor Veliskou, Seconded Councillor Crossland that formal meeting procedures be suspended to allow for open discussion on this item.

Carried

7.17pm meeting suspended

8:09pm formal meeting procedures resumed

Moved Councillor Pfeiffer, Seconded Councillor Westwood that Council:

1. Advises the Department of Premier and Cabinet that the following Fund My Neighbourhood projects be put forward for a public vote. Projects as identified through review of Appendix 1 to:
 - *Include projects represented as green (numbers 1-14 inclusive), with the inclusion of*
 - *item 66 Marino Community Hall (with a scope change to exclude café)*
 - *Include projects represented as amber (numbers 15-50 inclusive), excluding*
 - *item 38 Backyards & Beyond*
 - *item 19 Cove Sports Club playground upgrade*
 - *item 23 Cove Sports Club main signage upgrade*
 - *item 24 Cove Sports Club toilet upgrade*
 - *item 33 Hugh Johnson playground upgrade*
 - *item 42 Sheidow Park lighting upgrade*
 - *Exclude projects represented as red (numbers 51-65, 67-75 inclusive)*
2. Receives a report of the successful projects following the public voting process with recommendations for resourcing and/or reprioritising the current works program.

Carried Unanimously

The Mayor sought and was granted leave of the meeting to vary the order of the agenda to consider the Australia Day Motion (Report Reference SGC041017M02) directly after the deputations.

DEPUTATIONS

8:12pm Australia Day Report Reference: SGC041017D01

Mr Michael Laing gave a five-minute deputation to Council relating to Australia Day

8:20pm Australia Day Report Reference: SGC041017D02

Mr Robert Miller gave a three-minute deputation to Council relating to Australia Day

8:23pm Australia Day
Report Reference: SGC041017M02

Moved Councillor Hull that Council:

1. Acknowledges that January 26 marks the beginning of the British invasion of Aboriginal and Torres Strait Islander lands and oppression of the Aboriginal and Torres Strait Islander people, and is therefore not an appropriate date for an inclusive national celebration.
2. Acknowledges the Aboriginal and Torres Strait Islander people never ceded sovereignty of their land and have continuously cared for their country for over 60,000 years as the World's Oldest Living Culture.
3. Acknowledges the first Day of Mourning was held on January 26, 1938, being the 150th anniversary of the British invasion. The Day was attended by Indigenous Australians and non-Indigenous supporters in protest of the national holiday and the 'callous treatment' of Aboriginal people and continues to be held annually.
4. From 2018 onwards, hosts an inclusive and culturally-appropriate event on an agreed date in partnership with Kurna Community and the City of Marion Reconciliation Advisory Panel (RAP) that recognises and celebrates the World's Oldest Living Culture.
5. Supports the #changethedate campaign and initiates an ongoing conversation, in partnership with the Kurna Community and the City of Marion RAP Committee, to build better understanding with the broader Marion community of Australia's history and the Aboriginal and Torres Strait Islander community's pain in relation to the significance and history of January 26. This includes referring to January 26 merely as January 26 in all communications.
6. Commits to engaging with Marion's diverse community, including established and newly arrived communities, to raise community awareness and understanding.
7. Advocates to the Federal Government to change the date in line with the resolution passed by the National General Assembly of Local Government in June 2017.
8. Seeks opportunities to collaborate and partner with regional Councils and other relevant stakeholders to support each other's events, advocacy and education initiatives.
9. Continues to recognise excellence and service in Marion, renewed as the Marion Community Awards, and to be awarded on a day other than January 26.
10. In collaboration with Aboriginal and Torres Strait Islander leaders, introduce new categories within the Awards that recognise and celebrate the achievements of Aboriginal and Torres Strait Islander people who live, work or study in Marion.
11. Reaffirms our commitment to holding citizenship ceremonies in a positive and timely way on dates as required that will not include January 26.

The motion lapsed for want of a seconder

MATTERS RAISED BY MEMBERS

8:36pm Potential Property Acquisition Opportunities
Report Reference: SGC041017M01

Moved Councillor Hull, Seconded Councillor Gard that:

1. Council requests administration to ensure that our Property Department monitors potential property acquisition opportunities near open space and Council facilities that would be of strategic interest to Council.
2. Staff advise Elected Members when such property acquisition potential arises.

Carried Unanimously

CLOSURE - Meeting declared closed at 8:41pm

CONFIRMED THIS 10 OCTOBER 2017

.....
CHAIRPERSON
/ /

**CITY OF MARION
GENERAL COUNCIL MEETING
10 October 2017**

Originating Officer: Steph Roberts, Manager Human Resources

Subject: Confirmation of Minutes of the Review and Selection Committee Meeting held on 5 October 2017

Report Reference: GC101017R01

DISCUSSION

The purpose of this report is to facilitate the receiving and noting of the minutes from the 5 October 2017 (Appendix 1) Review and Selection Committee meeting. At this meeting the Review and Selection Committee considered the report 'Resolution of Council Assessment Panel Members to be recommended to Council for appointment'.

RECOMMENDATIONS

DUE DATES

That Council:

- | | |
|---|-------------|
| 1. Receives and notes the minutes of the Review and Selection Committee meetings held on 5 October 2017 (Appendix 1). | 10 Oct 2017 |
| 2. Notes that separate reports will be brought to Council for consideration of any recommendations from the Review and Selection Committee. | 10 Oct 2017 |

APPENDICES

Appendix 1: Draft Minutes of the Review and Selection Committee meeting held on 5 October 2017

**MINUTES OF THE REVIEW & SELECTION COMMITTEE MEETING
HELD AT ADMINISTRATION CENTRE
245 STURT ROAD, STURT
ON THURSDAY 5 OCTOBER 2017**



PRESENT

Elected Members

Mayor Kris Hanna (Presiding Member)
Councillor Appleby, Councillor Crossland and Councillor Veliskou

In Attendance

Adrian Skull	Chief Executive Officer
Abby Dickson	General Manager City Development
Steph Roberts	Manager Hunam Resources
Robert Tokley	Team Leader Planning

1. OPEN MEETING

The meeting commenced at 5.50pm.

2. KAURNA ACKNOWLEDGEMENT

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

3. MEMBERS DECLARATION OF INTEREST

The Presiding Member asked if any Member wished to disclose an interest in relation to any item being considered at the meeting. Councillor Veliskou declared he had an affiliation with one candidate and committed to remove himself if required.

4. CONFIRMATION OF MINUTES

Moved Councillor Crossland, Seconded Councillor Appleby that the minutes of the Review and Selection Committee meeting held on 19 September 2017 are confirmed as a true and correct record of proceedings.

Carried Unanimously

5. BUSINESS ARISING

Nil

6. PRESENTATION

These Minutes are subject to adoption at the Review & Selection Committee Meeting to be held on 7 November 2017

Nil

7. REPORTS

Nil

8. CONFIDENTIAL ITEMS

**Resolution of CAP Members to be recommended to Council for appointment
Report Reference: RSC051017R8.1**

Moved Councillor Crossland, Seconded Councillor Appleby that:

Pursuant to Section 90(2) and 90(3)(a) of the *Local Government Act 1999*, the Council orders that all persons present, with the exception of the following persons: Adrian Skull, Abby Dickson, Steph Roberts and Robert Tokley, be excluded from the meeting as the Committee receives and considers information relating to the selection of candidates for appointment for Council Assessment Panel, upon the basis that the Committee is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person.

Carried Unanimously

5.55pm meeting went into confidence

6.00pm Councillor Veliskou left the meeting

Moved Councillor Crossland, Seconded Councillor Appleby that:

In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Committee orders that this report, *Resolution of CAP Members to Council* and the 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 for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2017.

Carried Unanimously

6.02pm Councillor Veliskou re-joined the meeting

6.05pm meeting came out of confidence

9. ANY OTHER BUSINESS

Nil

10. MEETING CLOSURE

The meeting was declared closed at 6.06pm

11. NEXT MEETING

The next meeting of the Review & Selection Committee is scheduled to be held on:

Time: 6.30
Date: 7 November 2017
Venue: Committee Room 2

CONFIRMED

.....

CHAIRPERSON

/ /

**CITY OF MARION
GENERAL COUNCIL MEETING
10 October 2017**

CONFIDENTIAL REPORT

Originating Officer: Steph Roberts, Manager Human Resources

Subject: Confirmation of Confidential Minutes of the Review and Selection Committee Meeting held 5 October 2017

Report Reference: GC101017F01

If the General Council so determines, this matter may be considered in confidence under Section 90(2) and (3)(a) of the *Local Government Act 1999* on the grounds that the report contains information relating to the personal affairs of the Chief Executive Officer.



Adrian Skull
Chief Executive Officer

RECOMMENDATION:

1. That pursuant to Section 90(2) and (3)(a) of the *Local Government Act 1999*, the Review and Selection Committee orders that all persons present, with the exception of the following persons: Adrian Skull, Abby Dickson, Vincent Mifsud, Mathew Allen, Steph Roberts, Robert Tokley, Kate McKenzie and Jaimie Thwaites be excluded from the meeting as the Council receives and considers information relating to Review and Selection Committee Minutes 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 personal affairs of the of the candidates for the Council Assessment Panel.

**CITY OF MARION
GENERAL COUNCIL MEETING
10 OCTOBER 2017**

CONFIDENTIAL REPORT

Originating Officer: Rob Tokley, Team Leader - Planning

Manager: Jason Cattonar, Manager – Development and Regulatory Services

General Manager: Abby Dickson General Manager City Development

Subject: Appointment of Presiding Member, Independent Members and Deputy Member of the Council Assessment Panel

Reference No: GC101017F02

If the Council so determines, this matter may be considered in confidence under Section 90(2) and 90(3)(a) of the *Local Government Act 1999* on the grounds that the report contains information relating to the appointment for members of the Council Assessment Panel



Adrian Skull
Chief Executive Officer

RECOMMENDATION

1. That pursuant to Section 90(2) and 90(3)(a) of the *Local Government Act 1999*, the Council orders that all persons present, with the exception of the following persons: Adrian Skull, Abby Dickson, Vincent Mifsud, Mathew Allen, Steph Roberts, Robert Tokley, Kate McKenzie and Jaimie Thwaites, be excluded from the meeting as the Committee receives and considers information relating to the appointment for members of the Council Assessment Panel, upon the basis that the Committee is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person.

**CITY OF MARION
SPECIAL COUNCIL MEETING
10 OCTOBER 2017**

CONFIDENTIAL REPORT

Originating Officer: Tyson Brown, Unit Manager Cultural Facilities
Manager: Carol Hampton, Manager City Property
General Manager: Abby Dickson, General Manager City Development
Subject: Signatures Café Lease
Report Reference: GC101017F03

If the Council so determines, this matter may be considered in confidence under Section 90(2) and (3) (d) of the Local Government Act 1999 on the grounds that the report contains information relating to commercial operations of a confidential nature the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information.



**Adrian Skull
Chief Executive Officer**

RECOMMENDATION:

1. That pursuant to Section 90(2) and (3)(d) of the Local Government Act 1999, the Council orders that all persons present, with the exception of the following persons: Adrian Skull, Chief Executive; Vincent Mifsud, General Manager Corporate Services; Abby Dickson, General Manager City Development; Kate McKenzie, Manager Corporate Governance; Alicia Clutterham, Acting Manager City Property, Carol Hampton, Acting Manager Innovation & Strategy; Tyson Brown, Unit Manager Cultural Services; Victoria Moritz, Governance Officer and Jamie Thwaites, Unit Manager Governance and Records be excluded from the meeting as the Council receives and considers information relating to Signatures Cafe, upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to commercial operations of a confidential nature the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information.

**CITY OF MARION
GENERAL COUNCIL MEETING
10 October 2017**

Originating Officer: James O'Hanlon, Unit Manager Sport & Recreation

Corporate Manager: Alicia Clutterham, Acting Manager City Property

General Manager: Abby Dickson, General Manager City Development

Subject: Marion Basketball Stadium Court Resurfacing

Report Reference: GC101017R02

REPORT OBJECTIVES

The objective of this report is to inform Council of the proposal being submitted to the Office of Recreation and Sport by Basketball SA through the existing Sporting Surfaces Funding Round. The funding is sought to facilitate the replacement of the wooden floorboards and associated works at the Marion Indoor Basketball Stadium.

This report also seeks Council's consideration of a contribution towards the Office for Recreation and Sport funding submission to meet funding guidelines, whereby projects that have funding contributions from other partners will receive prioritisation in the assessment process.

EXECUTIVE SUMMARY

The Marion Indoor Basketball Stadium is located within the grounds of the Marion's Sports and Community Club on Norfolk Road, Marion. The stadium is currently sub leased to Basketball SA through the Marion Sports and Community Club, which holds a head lease with Council, all of which are currently in a holding over position. This arrangement will alter with a new lease proposed to be executed directly between Council and Basketball SA in late 2017.

The stadium was built in 1957 with the existing playing surface exceeding its life cycle and now posing an identified risk to players, Basketball SA and the City of Marion and requiring continued repair and maintenance at a cost to both Council and Basketball SA as outlined in the lease. Whilst the proposed Mitchell Park redevelopment includes a 4-court stadium and accommodates basketball, Basketball SA has expressed the need to retain the Marion Stadium as a fully utilised overflow facility for at least another 10 years due to the rapid growth and demand for basketball and alternative indoor training facility for other sporting codes. The proposed works would address the increasing issues surrounding court conditions and remaining a fit for purpose facility.

Alternatively Council may wish require Administration to work with Basketball SA to undertake further analysis of basketball needs and develop a contingency plan should the courts become unusable. Should Council support this approach a further report will be developed for Council's consideration prior to submitting a funding submission for Round 2 Office for Recreation Sport funding in early 2018.

RECOMMENDATIONS**DUE DATES****That Council:**

- | | |
|--|-----------------|
| 1. Provides landlord consent for the replacement of the wooden floorboards and associated works at the Marion Indoor Basketball Stadium located on Norfolk Road, Marion. | 10 October 2017 |
| 2. Supports the funding submission to the Office for Recreation and Sport for the amount of \$120,000 by Basketball SA. | 10 October 2017 |
| 3. Endorses an allocation of up to \$85,000 from Council's Asset Sustainability Reserve – Community Facilities Partnership Program fund, subject to a successful funding application to the Office for Recreation and Sport by the City of Marion. | 10 October 2017 |
| 4. Notes the contribution of \$25,000 by Basketball SA to the project. | 10 October 2017 |
| 5. Notes that all ongoing repair and maintenance to the new floor surfaces will remain the responsibility of Basketball SA. | 10 October 2017 |
| 6. Requires Administration to write to Basketball SA providing landlord consent and advising them that any project overruns will be the responsibility of Basketball SA. | 10 October 2017 |
| 7. Endorses that the Long Term Financial Plan be updated to incorporate a depreciation cost (and renewal) of up to \$7,000 per annum. | 10 October 2017 |

OR

- | | |
|---|-----------------|
| 1. Note this report and require Administration to work with Basketball SA to undertake further analysis of basketball needs and develop a contingency plan should the courts become unusable. | 10 October 2017 |
| 2. Develop a further report for Council consideration regarding the analysis undertaken prior to submitting a funding submission for Round 2 Office for Recreation Sport funding in early 2018. | 10 October 2017 |

BACKGROUND

Under the current lease, Basketball SA is responsible for the repair and maintenance of the existing floor surface. These works include a routine maintenance schedule of sanding and polishing the floorboards to ensure a fit for purpose surface. These works are undertaken at intervals based on usage, condition and wear and tear of the floor, which have been undertaken at a maximum of 4-year intervals since 1957.

The result of this schedule, as with every wooden floor surface is that each time works are undertaken, the floorboards become thinner and thinner allowing less flexibility and gradual breaks in the boards providing an unsuitable and unsafe playing surface. Due to the age of the building, the sub structure of the floorboards is also displaying severe wear and tear

contributing to the overall disintegrating condition of the floor. This proposal seeks funding for both the floorboards and substructure replacement.

The Marion Basketball Stadium is currently home to 116 primary school teams, 35 senior social men's and women's teams and the South Adelaide Basketball Club, which boasts in excess of 1,000 members and has experienced 100% growth since 2011. The association also hires 10 outdoor courts (mainly schools) to accommodate the demand for suitable basketball facilities with the council area.

The Office for Recreation and Sport (ORS) has identified the need for court upgrades across the state and as such has offered \$20 million in funding for projects such as this (excluding grass or natural surfaces) across three rounds, with Round 1 currently open.

In discussions with the ORS, the short turnaround timing of Round 1 has led the ORS to expect Round 1 to be under subscribed. As such, Rounds 2 and 3, (which do not yet have published dates), are expected to be oversubscribed.

Successful applicants for Round 1 will be notified early February 2018. Basketball SA are undertaking consultations with existing clubs and user groups regarding possible contingency plans for relocation during works, which are estimated to take 6 weeks, with no use of the facility during this time.

Scope of Works

During the proposed works, the entire stadium will become a building site with no access during the proposed six-week refurbishment period. The proposed schedule of works is outlined below:

- Remove existing flooring, joists, bearers and dispose to bins, (70% of the old floor will be recycled by a salvage company)
- Install new bearers and relevel onto existing stumps
- Install joist brackets (these brackets have a rubber insert to make the floor sprung)
- Install joists @400mm centres
- Install layer of 200um poly for moisture protection
- Install bioterm 12mm plywood to entire floor area
- Install Tongue & Groove timber,
- Sand to a smooth finish
- Apply 1 sealer coat and one top coat
- Apply line marking
- Apply 2 more top coats
- Install vented skirting and door thresholds.

PROPOSAL COSTING SUMMARY

Costing for the scope of these proposed works have been quoted at \$230,000 (GST ex) which includes a contingency of \$20,000.

These works would be subject to a competitive tender process should the funding be successful.

Contributions

Office for Recreation and Sport	\$120,000
City of Marion	\$85,000
Basketball SA	\$25,000

TOTAL	\$230,000 GST exclusive
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Financial Implications

Given the court replacement is like-for-like asset renewal there are not expected to be any increases to the ongoing costs.

As part of the current lease agreement, Basketball SA is responsible for the ongoing operations and maintenance of the courts projected to be in the order of \$14,700 per annum. Given the age and conditions of the current courts and increased usage levels, there may be a realisable decrease in these costs.

Based on a 30-year replacement lifecycle, the projected depreciation is \$7,000 per annum. This is not expected to increase Council's overall depreciation expenditure.

Appendix A to this report provides the whole of life costs for the courts.

Risk Management

The project is dependent on a successful application to the Office for Recreation and Sport grants program. If unsuccessful, alternate funding models will need to be considered to allow continued use of the facility in the short-term future.

In the last 12 months, Council has undertaken remedial works to reinforce the existing floors sub structure, which had weakened significantly due to age. The contractors report outlined the likely need to replicate these works across the other areas of the floors sub structure, as the issue will likely spread to other areas and eventually the entire stadium.

During these works, it was possible to inspect areas of the floorboards to determine the effect the 57 years of sanding has had on the floorboards' structural integrity. The areas tested showed that the typical thickness of floorboards had decreased from 25mm to under 16mm in areas of high traffic such as the two end shooting keys.

Basketball Australia guidelines recommend that floorboards are replaced at a minimum of 30 years with increased turn over required dependent on usage levels. The Marion stadium floor is now reaching 60 years with increased levels over the last 10 years resulting in a full capacity stadium.

To provide an adequate surface for basketball training and games to be undertaken, the floor is sanded and polished every 3 years. This includes renewed line marking which wears after time given the high level of activity. These works are required to be undertaken in the next 6 months however, it is recommended that they not to be undertaken as any continued sanding processes are likely to accelerate and contribute to further weakening of the floor surface. In either scenario, the stadium floor will reach its end of life cycle within the next 12-18 months.

Mitchell Park Sports and Community Centre Project and indoor basketball stadium demand

Council has committed to the development of an indoor sports stadium at Mitchell Park as part of its upgrading of facilities at the Mitchell Park Oval located on Bradley Grove, Mitchell Park. The initial concept design was approved in June 2016 (GC280616R07) with the intent of pursuing partnerships funding. The total project is estimated to cost in the order of \$19,750,000 with Council committed to contributing \$9,875,000 of its own capital resources to the upgrade and seeking an additional \$9,875,000 from external funding sources.

Should full funding be available to commence this project, it is expected that it would be 2 years until the new stadium and courts are available for use.

Whilst the proposed Mitchell Park redevelopment includes a 4-court stadium and accommodates basketball, Basketball SA has expressed the need to retain the Marion Stadium as a fully utilised overflow facility for at least another 10 years due to the rapid growth and demand for basketball and alternative indoor training facility for other sporting codes. The proposed works would address the increasing issues surrounding court conditions and remaining a fit for purpose facility.

A building condition assessment of the Marion Stadium was undertaken in 2016 with the report finding that the building structure had a remaining useful life of 23 years if appropriate repair and maintenance schedules are in place. The report referred to core structural elements of the building such as stumps/bracing, joists/bearers, roof structure and coverings, walls, hard stands etc. The site's floorboards were an exclusion to this report as they are identified as a recurring, renewable element that should be maintained within a prescribed maintenance and replacement schedule applicable to its use, which has been identified in this report as at the end of its life cycle. It should be noted that the building will remain as a basic facility which is of lower standard to other new stadiums being currently developed.

As identified in the GHD Building Condition Assessment undertaken in 2016, the Marion Stadium as a building structure will continue to meet the needs and serve as a fit for purpose facility for at least another 10 years however the floorboards have reached the end of their life cycle will not.

Should Council wish to first consider longer term plans for the site and the Marion Basketball stadium before allocating funds towards the renewal of the courts surface there is a significant risk that the facility may become not fit for purpose due to the declining conditions of the courts.

Resource (capacity) Impact

The City of Marion will undertake all works included in the project including preparing, assessing and awarding the tender for works. Project management and all relevant WH&S compliance will be managed and resourced by Council's Land and Property team.

CONCLUSION

The proposed works will ensure the fit for purpose status of the playing surface within the Marion Basketball Stadium. Regardless of the Mitchell Park redevelopment, Basketball SA have indicated that the courts currently provided at the Marion Basketball Stadium will continue to be a required asset.

APPENDIX A – Whole of Life Costings

Whole of Life Cost Analysis															Marion Basketball Stadium														
Description		Operating/ Capital		Lifecycle Yrs	Acquisition Cost		Contingencies & Professional Fees		Projected Operating Costs pa		Projected Maintenance Costs pa		Total Projected O&M pa		Less Existing O&M pa		Net Increase O&M pa		Projected Depreciation/ Renewal pa		Existing Depreciation/ Renewal pa		Net Increase Depreciation/ Renewal pa		Whole of Life Cost of Proposal		Whole of Life Increase Cost of Proposal		
Manual Input		Select from dropdown			Manual Input		Manual Input (if not separated out)		2%		5%		7%		Manual Input				based on useful life		Manual Input				based on capital component with longest life		based on capital component with longest life		
Floor Refurbishment		Capital		30	210,000		20,000		4,200		10,500		14,700		14,700		-		7,000		14,000		7,000		881,000		20,000		
Total (whole of life cost based upon 30 years)					210,000		20,000		4,200		10,500		14,700		14,700		-		7,000		14,000		7,000		881,000		20,000		

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

Insert New Row

Split operating down
Have capital, upfront operating, ongoing operating

* COUNCIL DOESN'T CONTRIBUTE TO O&M

**CITY OF MARION
GENERAL COUNCIL MEETING
10 October 2017**

Originating Officer:	James O'Hanlon, Unit Manager Sport & Recreation
Corporate Manager:	Alicia Clutterham, Acting Manager City Property
General Manager:	Abby Dickson, General Manager City Development
Subject:	Hallett Cove BMX track
Report Reference:	GC101017R03

REPORT OBJECTIVES

The objective of this report is to seek landlord consent for the upgrade of the Hallett Cove BMX track berms to a bituminised surface, and for Council to consider endorsing a contribution from the Community Facilities Partnership Fund to facilitate these works, which will allow the Hallett Cove BMX Club (HCBC) to operate within BMX SA guidelines and tender for upcoming National Series events. The club is currently restricted in doing so due to no longer meet required guidelines to host National Series events.

EXECUTIVE SUMMARY

The Hallett Cove BMX Club (HCBC) is located within the Cove Sports Complex located on Oval Road, Hallett Cove and has a current member base of 235. The club is linked to the proposed Sam Willoughby BMX facility. The HCBC has been extensively involved in the project to date and is aware of its current status.

The track currently consists of compacted dirt / asphalt that consists of a combination of straights, jumps and berms (corners). The berms, which account for 75% of track maintenance requirements, suffer the most wear and tear due to the high impact nature of turns undertaken during training and racing. In recent years, clubs and associations have slowly been upgrading berms with graded bitumen to provide corners that require less maintenance, provide safer consistent surfaces for high impact racing and training, and eliminate the downtime between races for repair / maintenance.

With recent changes in BMXSA hosting guidelines, the absence of these graded berms leave the HCBC non-compliant and unable to apply to host national series events, which severely impacts on the club's strategic plans, budgets and revenue streams which are reliant on hosting at least one of these events per calendar year.

This report notes there is a risk to Council in investing funds to upgrade a track that could potentially be surplus to Council or the HCBC's needs in a relatively short time frame (i.e. 18 months), should the current funding shortfall for Sam Willoughby UCI BMX track be resolved and the project commences delivery. Council will need to take this into consideration alongside the continued viability of the HCBC should it remain non-compliant with BMXSA hosting guidelines.

RECOMMENDATIONS

DUE DATES

That Council:

- | | |
|---|-----------------|
| 1. Provides landlord consent for the upgrade of the Hallett Cove BMX track berms to a bituminised surface located at the Cove Sports Complex, Oval Road Hallett Cove. | 10 October 2017 |
| 2. Endorses an allocation of up to \$28,000 being made from Council's Asset Sustainability Reserve – Community Facilities Partnership Program fund towards the upgrade of the Hallett Cove BMX track berms. | 10 October 2017 |
| 3. Notes a contribution from the Hallett Cove BMX club of \$10,000 towards the project. | 10 October 2017 |
| 4. Requires Administration to write to the Hallett Cove BMX Club providing landlord consent and advising them that any project overruns will be the responsibility of the Club. | 10 October 2017 |
| 5. Endorses that the Long Term Financial Plan be updated to incorporate a depreciation cost (and renewal) of up to \$7,000 per annum | 10 October 2017 |

BACKGROUND

The Hallett Cove BMX Club (HCBC) is an integral stakeholder for the proposed Sam Willoughby BMX project. The project is currently progressing through feasibility and funding options. If sufficient funding is sourced the likely timeframe of the HCBC being able to occupy the new facility ranges from 12-18 months.

This situation would place an extreme stress on the club's finances and ability to retain and attract members whilst their track is non-compliant to association standards. There are five metropolitan BMX clubs in South Australia located at Happy Valley, Gawler, Tea Tree Gully, Gepps Cross and Hallett Cove. All of these clubs have undertaken the berm track improvements over the last 2 years either through federal, state or local government funding.

Unfortunately current funding opportunities through programs offered by the Office for Recreation and Sports (ORS) including Artificial Surfaces are not available due to non-qualification. The next round of funding available for the HCBC has an announcement date of August 2018 whereby the opportunity to host any events would have passed.

Aside from established income streams including membership fees, raffles, sponsorship and fundraising, the club budgets to host at least one national series event per year, which provides a substantial income stream for the club from gate fees, sponsorship and canteen sales.

The HCBC has an annual budget of \$10K to maintain the track, which under the terms of the lease is the club's responsibility. The club inputs approximately 250 hours per year in volunteer hours to assist in the ongoing maintenance of the track where skilled or licensed contractors are not required to undertake the works.

PROPOSAL COSTING SUMMARY

Costings for these works has been provided by Council's preferred supplier at \$38,000 (GST ex). The HCBC will contribute \$10,000 to the project, which represents their annual allocation for track repair and maintenance.

Contributions

City of Marion	\$28,000
Hallett Cove BMX Club	\$10,000
Total	\$38,000 (GST exclusive)

Financial Implications

As part of the current lease agreement, HCBC is responsible for the ongoing operations and maintenance of the BMX track, and consequently the berms. This is projected at \$2,660 per annum.

As these berms are an upgrade from dirt surface to a bituminised surface, there will be an increase to Council's depreciation expenditure in the order of \$1,900 per annum. Whole of life costs are attached as appendix 2 to this report.

Pending the outcome of the Sam Willoughby International BMX project, there may also be financial implications if this site is no longer utilised once the new site is completed. This will take the form of a non-cash loss on asset disposal equal to the carrying value of the asset at the time (up to \$38,000).

Risk Management

The opportunity for the HCBC to host events at alternate sites such as Happy Valley BMX club have been explored however have proven to be unviable due to insurance obstacles in hosting a home event at a site which is not the HCBC.

If Council were to decline the proposal and the HCBC were asked to continue on without the proposed track improvements, the potential for the club to lose members and severely decrease its operating position is extremely high which would then have knock on effects to the proposed management and financial models proposed for the Sam Willoughby BMX project.

There is a risk to Council in providing funds for a project site that could potentially be surplus to Council or the HCBC's needs in a relatively short time frame (18 months), however the continued viability of the club located at this site needs to be taken into consideration.

The potential risk of the Sam Willoughby BMX project progressing slowly due to the current funding shortfall, will have a significant effect on the HCBC if these works are not undertaken, which would prevent the HCBC from providing its core service to its members.

Resource (capacity) Impact

The BMX track at Hallett Cove sporting surface is classed as a specialised surface under the lease and as such is maintained and paid for by the lessee or in this case the sub lessee. Other specialised sporting surfaces in the City of Marion include 3 Bowling Greens (Marion, Ascot Park and Edwardstown) and the Marion Golf Course.

Due to the specialised nature of the maintenance programs and expertise required, it is proposed that the works will be managed by the HCBC as per existing agreement with oversight by Council's Land and Property team.

CONCLUSION

The proposed works to upgrade the existing compacted berms to bitumen at the HCBC will allow the club to continue operating at its current levels, decrease ongoing repair and maintenance costs, and allow it to continue to host national series events, which will provide the club with a major source of its income through these events. This would allow the club to retain its membership base and current financial position leading into the proposed Sam Willoughby BMX project.

Appendix 1 – BMX track berm examples

Appendix 2 – Whole of Life Costings

APPENDIX 1



Typical tracks with compacted dirt / gravel berms as per Hallett Cove BMX track



Detail showing installation of bituminized berms



Example of track with compliant bituminized berms

Whole of Life Cost Analysis														Cove BMX Berms	
Description	Operating/ Capital	Lifecycle Yrs	Acquisition Cost	Contingencies & Professional Fees	Projected Operating Costs pa	Projected Maintenance Costs pa	Total Projected O&M pa	Less Existing O&M pa	Net Increase O&M pa	Projected Depreciation/ Renewal pa	Existing Depreciation/ Renewal pa	Net Increase Depreciation/ Renewal pa	Whole of Life Cost of Proposal based on capital component with longest life	Whole of Life Increase Cost of Proposal based on capital component with longest life	
Manual Input	Select from dropdown	Manual Input	Manual Input	Manual Input (If not separated out)	2%	5%	7%	Manual Input		based on useful life	Manual Input		based on capital component with longest life		
Bituminised BMX Berms	Capital	20	38,000	-	760	1,900	2,660		2,660	1,900	-	1,900	129,200	129,200	
Total (whole of life cost based upon 20 years)			38,000	-	760	1,900	2,660	-	2,660	1,900	-	1,900	129,200	129,200	

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

Insert New Row

Useful life is based upon short life bitumen footpaths - could potentially be less given the intended use.

**CITY OF MARION
GENERAL COUNCIL MEETING
10 OCTOBER 2017**

Originating Officer: Glynn Ricketts, Water Resources Coordinator

Corporate Manager: Mathew Allen
Manager Engineering and Field Services

General Manager: Tony Lines
General Manager City Services

Subject: Oaklands Education Centre

Report Reference: GC101017R04

REPORT OBJECTIVES:

To seek endorsement from Council to further investigate locating an Education Centre at Oaklands wetlands.

RECOMMENDATIONS

DUE DATES

That Council:

1. Notes the Report.

10 Oct 17

2. Delegates Authority to the CEO to enter into an Agreement with Flinders University in relation to developing a Business Case including funding options to develop an Education Centre at Oaklands wetland.

10 Oct 17

Jan 18

3. Notes that a further report containing the Business Case will be presented to Council in January 2018.

BACKGROUND:

Oaklands wetland has established itself as an education and research platform since its construction in 2012. Under and post graduate students from local universities regularly use the site for projects and to conduct relevant, local, and applied research. In October, we will host the second Bioblitz at the site, as we aim to further understand the sites ecology.

In addition, Council promotes the wetlands as an educational opportunity to local schools and colleges. The Water Resources Coordinator estimates that two school visits are held per month with little promotion of the site tours. The NRM Education Officer hosted by Council also regularly takes school students to the site for field-testing and experiments.

Currently there are no buildings/shelters on the site to enhance, or encourage the use of the wetlands, as an educational platform. During the last Flinders University field trip to the site, the Professor brought his own caravan for the students to use.

Consequently, staff have been exploring the possibility of improving the "Oaklands Wetland Education Experience".

Discussion:

Advice from Council's Land and Property Department is that any Education Centre on site would be compliant with our current long-term land lease agreement with the State Government.

Initial discussion with Senior Flinders University Staff and site meetings with Officers from the Land and Property Division from within Flinders resulted in an early building needs analysis and indicative costings.

The concept involves siting a classroom capable of holding 25 students and small-scale wet laboratory, kitchen and toilet block, next to the existing pump shed (Refer Appendix 1). Car parking, access and landscaping is already planned and costed in the Stage 2 Youth Plaza project.

Three delivery models are available and require a business case assessment;

	Option Description	Set up costs/formation	Build/lease costs	Annual running cost
1.	Purchase of building	\$100,000	\$450,000	\$10,000
2.	Lease/rent building	\$100,000	\$50,000 p.a.	\$10,000
3.	Lease with option to buy	\$100,000	Requires further analysis	\$10,000

NB Initial set up costs required for slab/footings, utilities, stormwater, fencing, security etc.

Options 2 and 3 enable the vested parties to explore usage rates before any long-term commitment. Flinders staff are expressing an early preference for the lease/option to buy option.

Flinders University has indicated it is willing to contribute \$100,000 towards capital costs and ongoing maintenance costs, refer the Letter of Support (Appendix 2).

It is possible to apply for grants to help with capital costs and this opportunity will need further exploration.

There is also interest from the Department of the Premier and Cabinet. This interest centres around a current Flinders project into the curriculum for the SACE topic, Earth and Environmental Science. Flinders University Executive is further exploring this opportunity.

Our hosted NRM Education Officer is also investigating funding opportunities towards ongoing running costs, with the NRM Board.

CONCLUSION:

An Education Centre located adjacent to the Oaklands wetlands will add more value to the site and further establish Oaklands Wetlands as a leading research platform. An initial assessment, coupled with the capital commitment from Flinders University, warrants further investigation. A Business Case is now required to explore the costs and benefits of this opportunity.

Appendix 1



Education centre could include –

- a. Tutorial style learning space for approx. 25 people (60- 80 m²)
- b. Low-tech Wet lab (i.e. benches with access to potable water)
- c. Kitchen facilities
- d. Toilet facilities
- e. Covered outdoor area
- f. Services including; mains power, water, connection to sewer waste, connection to stormwater, network connection, CCTV / Alarms, split system Air-conditioning
- g. Indicative cost for landscaping included in existing budget
- h. Security fence (extension of steel fencing currently surrounding pump house)
- i. Allowance for basic Audio Visual.
- j. DDA Compliance /fire protection
- k. Signage

Options will be provided for building the facility for outright ownership and an option for leasing the facility.

Indication of construction / procurement timelines, including a high-level risk assessment will be provided within Business Case

22 September 2017
Ref: 1100

Glynn Ricketts
Water Resources Coordinator
City of Marion
PO Box 21 Oaklands Park SA 5046

Dear Glynn,

RE: Oaklands Wetland Education Centre

Flinders University is pleased to offer its support and financial contribution in regards to the possible construction of an Education Centre at Oakland Wetlands. A facility at the site will enable our students and staff excellent access to what is proving to be fantastic research platform. Our relationship with the City of Marion is very strong and we have already invested in the site in regards to Water Quality monitoring equipment and have several ongoing, applied research projects directly related to the site. An Education Centre will only enhance the site and student experience and we are pleased to be involved in further scoping out this opportunity

We have not bottomed out possible sources of grants to help build a pool of resources. A couple that we could look at over time (the second recently closed but could open again next year) are:

<https://www.business.gov.au/assistance/inspiring-australia-science-engagement/student-sponsorship>

<https://www.business.gov.au/assistance/inspiring-australia-science-engagement/citizen-science-grants>

However, we are keen to help this along ourselves, particularly as the opportunity represents a facility that we could use directly, so we are able to commit \$100,000 towards the project, subject, of course, to other funding being committed.

I hope that this is enough for you to proceed with, but if there is anything else we can do to help with the submission to Council, please let us know.

Regards,



Professor John Beynon
Vice President & Executive Dean
College of Science and Engineering

**CITY OF MARION
GENERAL COUNCIL MEETING
10 OCTOBER 2017**

Originating Officer: David Melhuish, Senior Policy Planner

Manager: Jason Cattonar, Manager Development & Regulatory Services

General Manager: Fiona Harvey, Acting General Manager City Development

Subject: Southern Innovation Area DPA – ILC Land

Report Reference: GC101017R05

REPORT OBJECTIVES

To seek Council's views on potential changes to the policy content of the Suburban Activity Zone as it relates to the Indigenous Land Corporation (ILC) owned land within the Laffers Triangle section of the Southern Innovation Area.

Council's comments, with respect to the proposed amendments, be submitted to the Department of Planning, Transport and Infrastructure (DPTI) /the State Planning Commission (SPC).

EXECUTIVE SUMMARY

As part of the consultation process, the ILC put a submission in to SPC/DPTI. The ILC have raised concerns about some of the policy within the proposed SANZ, stating that it limits the development potential of the ILC site.

An analysis has been undertaken on the issues raised and ILC's proposed changes to the DPA. Whilst some of the proposed changes are considered appropriate, others are not.

RECOMMENDATIONS

DUE DATES

That Council:

1. **Advises DPTI/SPC that, following consideration of the proposed amendments to the Southern Innovation Area DPA put forward by the Indigenous Land Corporation, Council provides feedback on a number of issues, as outlined in the body of this report and the letter to SPC in Appendix 2.**

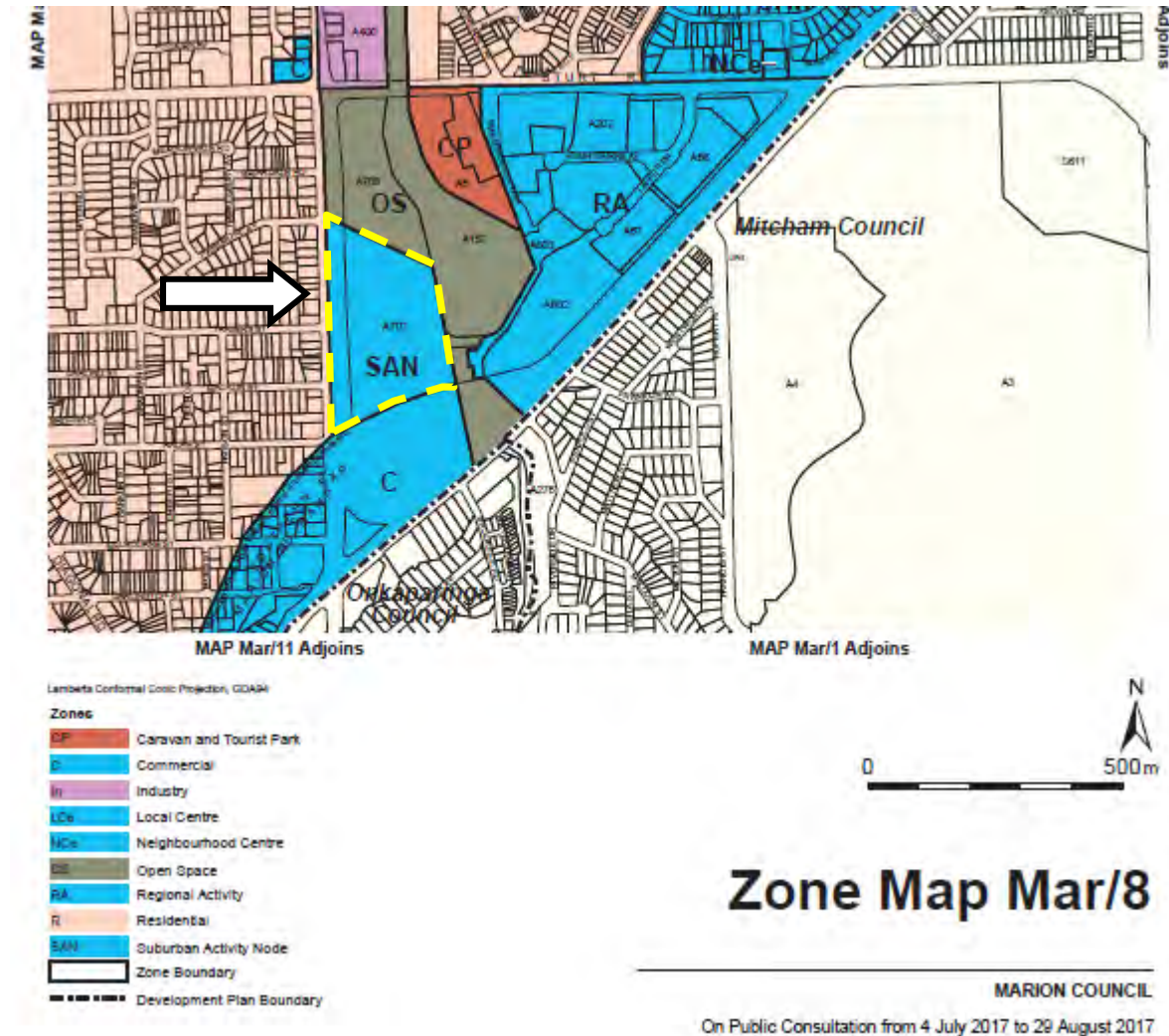
10 Oct 2017

BACKGROUND

The Southern Innovation Area DPA seeks to amend the Development Plan policies that apply to the Tonsley Innovation Precinct and surrounding locales, including residential areas in the suburb of Tonsley, Bedford Park (Laffers Triangle) and Mitchell Park (Alawoona Avenue). The DPA also affects land within the Cities of Mitcham and Onkaparinga.

As part of the public consultation process, Council provided comments on the proposed changes to the State Planning Commission (SPC)/DPTI (General Council Meeting 22 August 2017).

One of the areas covered by the DPA, and considered by Council, was the Indigenous Land Corporation (ILC) land at lot 707 within Laffers Triangle. This area is to form part of the Suburban Activity Node Zone (SANZ). The map below shows the location of the land/zone.



The below table provides an overview of the key directions/guidelines of the Suburban Activity Node Zone:

Suburban Activity Node Zone: Core Area	residential flat buildings, row dwellings, non-residential buildings and mixed use buildings comprising two or more land uses with non-residential land uses on the ground floor	Shops, offices and consulting rooms: 250 m ²	<ul style="list-style-type: none"> Core Area: 6 storeys Area adjacent a lower density residential zone boundary: 3 storeys 	70 dwellings per hectare
Suburban Activity Node Zone: Other Area	residential flat buildings, row dwellings, detached and semi-detached dwellings and including aged care and student accommodation.	Shops, offices and consulting rooms: 100 m ²	<ul style="list-style-type: none"> Other Area: 4 storeys Area adjacent a lower density residential zone boundary: 3 storeys 	50 dwellings per hectare

ANALYSIS

As part of the consultation process, the ILC put a submission in to SPC/DPTI. The ILC have raised concerns about some of the policy within the proposed SANZ, stating that it limits the development potential of the ILC site. The main issues relate to the following:

- Maximum gross leasable area limits
- Minimum building heights in the Core Area
- A need to extend the depth of Core Area to accommodate the existing easement along the Marion Road (western) boundary
- Requesting that 'petrol filling station' be removed from the non-complying list

The ILC have engaged Jones Lang LaSalle Inc. (JLL) to provide retail and property advice in relation to the DPA, and more specifically, in relation to the ILC land at Lot 707.

DPTI are seeking Council's comments on the changes to zoning policy put forward by the ILC.

Maximum gross leasable area limits

The DPA proposes the following maximum gross leasable areas (gla) with the SANZ:

6 Shops or groups of shops and offices should have the following maximum gross leasable areas.

Designated area	Office (square metres)	Shop or group of shops (square metres)	Consulting Room (square metres)
Core Area (Tonsley)	250	250	250
Core Area (Laffer's Triangle)	250	250	250
Other area	100	100	100

The ILC hold the view that the above floor area limits will constrain the reasonable development of the land, especially given the zone seeks mixed-use development and not necessarily limited to the above types of uses.

The JLL study suggests, "*there is supportable demand for a range of retail and commercial uses, which is far greater than likely to be developed with the current limitations in place*".

Analysis within the report demonstrates that the ILC site could support development in the form of a small supermarket of up to 1500m² together with other small-scale tenancies, which could service the future residents of Lot 707.

The gross leasable floor areas are considered overly restrictive for a site as large as Lot 707, particularly when it has frontage to Marion Road. Given the lack of small-scale shopping centres in near vicinity, commercial land uses with a total gross leasable floor area in the order ~2000m² (supermarket of 1500m² + 500m² for smaller tenancies) would likely provide convenient services for local residents together with passing traffic.

DPTI also believes there could be a strong argument to increase the envisaged floor areas for Lot 707, although DPTI have demonstrated some concern about creating inconsistencies in policy from the core intent within the zone. The creation of a local policy area/precinct within the SANZ for the part of Lot 707 currently designated as a Core Area, or rezoning to a small Neighbourhood Centre have been suggested.

Although a Neighbourhood Centre Zone envisages a variety of land uses similar to the SANZ, and includes a supermarket, it is very restrictive regarding dwellings (a key component of mixed-use development) and a petrol filling station is an envisaged use. A petrol filling station is a non-complying use within the SANZ.

A separate policy area or precinct within the SANZ is considered to be a more appropriate policy outcome.

Minimum building heights in the Core Area

Building Height

- 9 Building heights (excluding any rooftop located mechanical plant or equipment) should be consistent with the following parameters:

Designated area	Minimum building height	Maximum building height
Core Area (Tonsley)	2 storeys	6 storeys and up to 24.5 metres
Core Area (Laffer's Triangle)	2 storeys	6 storeys and up to 24.5 metres
Other Area	1 storey or	4 storeys and up to 16.5 metres
Area adjacent a lower density residential zone boundary	1 storey	3 storeys and up to 12.5 metres

The JLL study states *“the highest and best use of land with valuable frontage to an arterial road is likely to be single storey, non-residential development, or multi-storey residential development with no ground floor commercial/retail uses. This has been the pattern of development along major arterial roads throughout Adelaide”*. For this reason, it is suggested that the minimum height be changed to one-storey.

The above statement is at odds with the proposed development at Tonsley, along the northern part of Marion Road and the roads surrounding Marion Regional Centre, and may need to be considered further by Council as part of the Housing Diversity DPA.

The minimum building height of two-storeys in the Core Area along Marion Road would provide a more defined streetscape than single-storey development. Future market demand at the site will provide evidence of the appropriateness of the requirement. Development better suited to single storey construction may be appropriate if designed to achieve the scale of a 2-storey building.

Need to extend depth of Core Area to accommodate existing easement fronting Marion Road

Council previously considered this an appropriate action to be undertaken due to the loss of usable land resulting from the location of the easement.

Requesting that ‘petrol filling station’ be removed from the non-complying list

The JLL study submits that:

- *‘there is likely to be strong demand from service stations at the subject site, that this portion of Marion Road is not adequately served by such a use, and there are limited other opportunities in the near vicinity that can readily accommodate such a use.’*
- *the use ‘complements the desire to create a mixed use environment.’*
- *‘A service station on the subject site would provide this local convenience (an increased range of services beyond petrol), particularly for the after-hours market.’*
- *‘The closest service station on the eastern side of Marion Road is 2km north of the subject site (...corner of Quick Road, Mitchell Park).*
- *...‘there is limited opportunities to develop a Petrol Filling Station to service Marion Road traffic before the entrance to the Southern Expressway’*

A petrol filling station is currently a non-complying form of development within the SANZ and considered incompatible and/or inappropriate.

Although the subject site has a large frontage to, and is located on Marion Road, the need for a petrol filling station is questionable. Lot 707 is immediately adjacent to Warriparinga Wetlands and the Sturt River environs that add significant cultural and environmental value to the locality. In addition, a large proportion of the subject site, both in the Core Area and the remainder, envisages residential development, which is highly sensitive to amenity impacts that would likely be caused by a petrol filling station.

It is envisaged that residential development is to be supported by a mix of compatible land uses, and that small-scale, non-residential land uses are encouraged along the Marion Road frontage, oriented to integrate with residential development within the area. Petrol filling stations, by their very nature and design, are unlikely to be compatible with residential uses on the site and may have a detrimental impact on residential amenity, particularly during after-hours trade.

Distances between service stations is likely to be a commercial/economic consideration rather than a need by the public. There are numerous petrol filling stations along Marion Road and South Road at Darlington to ensure that adequate fuel and associated conveniences are available within a reasonable distance.

A petrol filling station should remain a non-complying form of development within the SANZ.

CONCLUSION

The gross leasable floor areas for Lot 707 are overly restrictive. A total gross leasable floor area of ~2000m² (supermarket of 1500m² + 500m² for smaller tenancies) is considered more appropriate.

The minimum building height of two-storeys in the Core Area along Marion Road should remain. Development that is single-storey should be designed in a manner that achieves the scale of a 2-storey building.

The depth of the Core Area should be extended to accommodate the loss of usable land resulting from the location of the existing easement fronting Marion Road.

A petrol filling station should remain a non-complying form of development within the SANZ, as the use is unlikely to be compatible with residential uses on the site and the cultural and environmental value of the Warriparinga Wetlands and the Sturt River environs.

A separate policy area or precinct within the SANZ for Lot 707, catering for a different form of retail/commercial development from that envisaged for other Core Areas within the SANZ, is considered to be an appropriate policy outcome.

APPENDICES

Appendix 1: Indigenous Land Corporation submission to SPC/DPTI, including Jones Lang LaSalle Retail Analysis

Appendix 2: Letter to SPC/DPTI



**Kurna Yerta
Aboriginal
Corporation**



**Australian Government
Indigenous Land Corporation**



Joint submission from the Indigenous Land Corporation, Aboriginal Elders & Community Care Services Inc. and Kurna Yerta Aboriginal Corporation.

Southern Innovation Area Development Plan Amendment – Lot 707

We would appreciate the opportunity to attend the public meeting on Tuesday 12th September 2017 and speak to our submission.

Parties

The Indigenous Land Corporation (ILC) is a corporate Commonwealth entity established in 1995 to assist Aboriginal and Torres Strait Islander people acquire and manage land to achieve economic, environmental, social and cultural benefits.

Kurna Yerta Aboriginal Corporation (KYAC) aims to hold title to land on behalf of the Kurna people (including native title rights and interests). It pursues the additional objectives of providing relief from poverty and advancing the social, cultural, economic and environmental needs and aspirations of the Kurna people.

Aboriginal Elders and Community Care Services Inc. (AECCS), provides high quality community and residential care for Aboriginal Elders to help them live independently at home and enjoy quality of life, community and cultural activities. With a proud 22 years' experience supporting indigenous South Australians, it is a non-profit incorporated community based organisation that supports a continuum of aged care services to over 500 Aboriginal clients throughout South Australia.

Background

The land was purchased by the ILC for the benefit of the Kurna community. The ILC, Kurna and AECCS recognise the cultural significance of the Warraparinga precinct to the Kurna Community and believe the Aboriginal developments on Lot 707 will complement the cultural amenity of the precinct. The parties intend to collaborate (see Attachment A) in order to develop the land to achieve sustainable benefits for the Aboriginal community.

Development Intentions

Location

The ILC submitted to DPTI a concept plan (see Attachment B) for the site that envisaged small scale commercial development along Marion Road frontage, in order to provide local shopping options for:

- Up to 400 new residents of Lot 707
- Workers, caravan park visitors and other residents of Laffers Triangle
- Residents in the suburb of Sturt, to the west of Marion Road
- Passing trade for southbound traffic along Marion Road, with destinations along Flagstaff Hill Road, O'Halloran Hill Road, the Southern Expressway or Seacombe Road.

Elders Village

The design locates the Elders Village on the north eastern corner of the block, providing noise abatement from the busy transport corridors of Marion Road on the western boundary and the Southern Expressway on the southern boundary. The proposed dwellings overlook the Wetlands, Sturt River and its walking trail. Each dwelling comprises a one bedroom, kitchen and living area apartment of 62m² which compares favourably with other affordable housing projects in South Australia. The housing will provide an amenity to residents that will significantly improve upon social housing options currently available to elderly members of the Aboriginal community. It is intended to fence the river frontage to provide security for residents. The positioning of the Elders Village on the block also takes advantage of the proximity to the footbridge that gives access to the Living Kurna Cultural Centre on the eastern side of Sturt River, creating a linkage between the two precincts. (see Attachment C)

Other land uses

Development advice suggests the proposed developments are feasible based on a 'best and highest use' assessment which includes commercial activity along the Marion Road frontage as part of an overall mixed use zoning. Without rezoning and the prospect of leverage parcels of the property, the ILC has limited capacity to financially support development on the property.

Independent expert review

The ILC commissioned David Snoswell of JLL to undertake a study of retail options for Lot 707 (Attachment D). It is noteworthy that JLL have undertaken reviews of this district and this site previously and therefore has a good understanding of the range of uses worthy of consideration in the current circumstances.

The key findings that must be considered in the critical assessment of the draft policy are as follows:

- The demand for a range of retail and non-residential uses is "far greater" than proposed;

- A supermarket for convenience goods is desirable and will also function as an attractor to other uses and thus support the concept of mixed use in the precinct. A lesser space will be inefficient and unsustainable;
- The establishment of a mix of uses in a small scale retail precinct will not prejudice other existing or proposed centres;
- The policy is a mismatch with the stated desired mixed land use outcomes of the policy in its draft form and accordingly PDC 6 should be removed;
- A petrol filling station would be well placed in this location and strategically valuable as a service to commuters; and
- The height constraints are counter-productive to achieving the objectives for the zone.

Key Zoning Issues - feedback on proposed zoning to DPAC

The proposed change from Industry Zone (Research Policy Area) to a Suburban Activity Node Zone (SANZ) presents opportunities for the development of Lot 707, including:

- Single story residential development which will allow the construction of the Elders Village in the north east corner of the site;
- A defined core area along Marion Road frontage which will allow small scale local commercial development. The ILC's objective is to grant some of this land to Kurna;
- Encouraging medium and high density residential development in various forms, including (but not limited to) aged care accommodation and student accommodation;
- Reduction in non-complying and Category 2 public triggers;
- Wider scope and variety of envisaged land uses; and
- Allowance for further vehicle access off Marion Road.

There are, however, four planning controls under the proposed SANZ for Lot 707 that limit the development potential of the site, which appear to conflict with the stated planning objectives and which unnecessarily limit development options, including:

1. Maximum gross leasable area limits

Principle of Development Control 1 lists the types of development for the zone, including:

- Affordable housing;
- Aged persons accommodation;
- All forms of development that are ancillary and in association with residential development;
- Consulting room;
- Office;

- Shop or group of shops, other than larger scale bulky goods outlets that exceed a maximum gross leasable floor area in the order of 250 square metres; and
- Student accommodation.

Principle of Development Control 6 limits shops and offices and consulting rooms to a maximum gross leasable area of 250m². This provision seems to strongly conflict with the intent of PDC 1 which envisages, without limitations, land uses including office, shop or group of shops and consulting rooms. These floor area limits are very imposing and constrain the reasonable development of the land, especially given the zone seeks mixed use development, and land uses that 'provide opportunities for multi-purpose visits'. The government's stated intent is for extending the 'High Street' of Marion Road. These provisions severely discourage that outcome.

The JLL report provides further insight into the development of the land particularly given the expected residential development of Lot 707. The primary catchment or trade area as considered in the JLL report is likely to experience strong growth together with the service that a small retail centre with petrol filling would serve to the travelling public. The traffic volumes are significant (39,500 AADT) and this site therefore offers an opportunity to provide a consolidated and convenient service to that traffic.

PDC 4 and PDC 16 also speak to mixed use development activating frontages to primary roads (Marion Road) and public spaces, such as the Warriparinga Wetlands, however this is substantially limited by the restrictions in floor areas detailed in PDC 6 with regard to offices, shops or group of shops and consulting rooms.

The ILC recommends that the maximum leasable area planning control be amended to at least 1,500m² (a local supermarket) or that limits be discarded altogether for the reasons outlined above. Bulky goods and large format retail are already excluded under the Principles of Development Control, which makes leasable area limits superfluous.

2. Minimum Building Heights in Core Area

It is proposed that development in the core area (fronting Marion Road) has a minimum building height of 2 stories and would comprise ground floor non-residential use with residential above, under proposed Principle of Development Control 9.

The JLL report highlights the difficulties with placing height restrictions on non-residential developments along frontages to main roads. These include land use incompatibilities, inefficiencies in development costs resulting in deferred, delayed or reduced development and the commercial reality that many non-residential uses do not operate in multi-level buildings.

It is recommended that building height be redefined as a **desirable** attribute, not a mandated one. There will be occasions that viable developments that comprise a single building level are the highest and best use of the land. A mandatory requirement to construct a minimum of two levels introduces adverse impacts on the floor efficiency of the ground level and imposes building cost penalties for fire egress and vertical transport for the upper level(s).

Minimum height requirements may result in prolonged delay in the economic development of land parcels.

Our view is that two storey development along Marion road frontages is unlikely to lead to the objectives and desired character of the SANZ being met. The reasons for this view are outlined in the JLL Report, Section 4.

3. Need to extend depth of Core area to accommodate existing easement fronting Marion Road

Lot 707 is set back from Marion Road. Lot 707 is also subject to a 8m – 10 m wide easement on the Marion Road frontage for access to overhead power lines. The easement falls within the core area identified in Concept Map Plan Mar/7 – Laffer's Triangle. As a consequence of the easement the concept of the high-street form of development, where buildings abut the street front, is unachievable.

Planners may need to rethink the form of development envisaged for the Suburban Activity Node Zone at this location. The setback of the Core Area needs to account for the easement otherwise development potential within this the 'Core Area' will be restricted in depth and hence adversely impacted. Possible uses for the easement include it being an internal service road or alternatively car-parking for retail activity.

4. Petrol Filling Station removed from non-complying list

It is recommended that 'petrol filling station' be removed from the non-complying list, given it falls within the definition of 'shop' and would provide greater flexibility for future development opportunities on the site in a location that would afford excellent access and convenience to the public.

The site provides Marion Road commuters an opportunity to buy petrol before commencing their journey to the southern dormitory suburbs. The nearest petrol station on Marion Road servicing southbound commuters is the BP next to the Marion Hotel, almost 2km north of Lot 707.

The JLL Report highlights the demonstrated need for this amendment, as follows:

- The lack of petrol filling stations along this part of Marion Road;
- The high traffic volumes, 39,500 vehicles per day;
- The unmet demand from the industry;
- The high level of convenience and efficiency afforded of a station at this site; and
- This is a superior location to other land in the immediate locality zoned to accommodate this use.

It is important this aspect be reviewed and petrol filling station be removed from the non-complying list and be incorporated as a desired use.

The ILC has market interest from petrol station developers, and such an option provides an obvious pathway to realising an investment option for Kaurua through leasing the land.

In Conclusion

The ILC requires greater flexibility from the proposed zoning, in particular for commercial land uses that require a larger footprint than 250m² to succeed in the marketplace. The ILC accepts the planning controls preventing bulky goods or large format retail, but notes that the proposed planning controls will inhibit desirable land uses such as a local supermarket or larger scale consulting rooms (ie: medical clinic) and a petrol filling station.

For this reason, the proposed zoning appears to conflict with the broader objectives for the suburban activity node zone by placing unnecessary and contradictory constraints which will dissuade such development.

The ILC respectfully requests that DPAC and DPTI reconsider the proposed planning controls outlined in the Southern Innovation DPA as they apply to Lot 707 on the terms set out above.

Attachments

Attachment A – Shared Vision and Commitment

Attachment B – ILC Concept Drawings for Lot 707 (Parts 1 and 2)

Attachment C – Elders Village Footprint Plan

Attachment D – JLL Report on Commercial Opportunities for Lot 707

Research Report
Jones Lang LaSalle Incorporated

Southern Innovation Area Development Plan Amendment

Submission on behalf of Indigenous Land Corporation

28 August 2017

FINAL



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Executive Summary

JLL has been engaged by the Indigenous Land Corporation (ILC) to provide retail and property advice in relation to the Southern Innovation Area Development Plan Amendment (the DPA), and specifically in relation to ILC's land at Marion Road, Bedford Park, known as Lot 707.

The DPA proposes to rezone Lot 707 from Industry Zone to Suburban Activity Node Zone (SANZ). While this rezoning provides increased development potential for the 5.8 hectare site, the proposed provisions fail to respond appropriately to the opportunities for development of the Marion Road frontage. This report focuses on three key discussion points relating to the proposed provisions in the Suburban Activity Node Zone (SANZ):

- The limitation on retail and commercial floor space to a maximum of 250sqm each per development;
- Petrol filling stations being a non-conforming use in the SANZ;
- The requirement for a minimum two-storeys for property in the core of the SANZ.

Ultimately, a successful development of Lot 707 aims to achieve economic, environmental, social and cultural benefits to the Aboriginal community.

The key findings of this advice are summarised below:

- There is demand for a range of retail and other non-residential uses, which is far greater than allowed under Principles of Development Control 6
- A small supermarket of up to approx. 1,500sqm is considered supportable, drawing primarily on residents of Lot 707, nearby residents on the western side of Marion Road, workers, and passing traffic.
- A supermarket would provide an anchor store that could further attract other small tenancies such as take-away food, a café, hairdresser etc.
- Restricting a grocery / convenience store to 250sqm would not provide an affordable food offering for nearby residents. Small convenience stores invariably are much more expensive than larger scale grocery stores / supermarkets.
- The locational advantages of the subject site together with demand from the local population supports a more flexible planning response to future retail floor space on site.
- A small scale supermarket based retail precinct would not compromise the development of a retail centre at the Sturt Playing Fields as the trade areas are quite different.
- There is a mismatch between the desire to encourage active non-residential uses along the 390m frontage to Marion Road and the limitations on maximum floor space for offices, shops, and consulting rooms.

- Greater flexibility with regard to land use mix is required. Principle of Development Control 6 should be deleted.
- There is strong interest from service station operators. The Marion Road frontage is ideally placed to accommodate a service station given the lack of service stations along this stretch of Marion Road, the high traffic volumes (39,500 vehicles per day), its location north of the entrance to the Southern Expressway, and its ability to provide after-hours convenience retailing.
- The proposed Principle of Development Control 9 encourages a minimum building height of two storeys in the Core Area (Laffer's Triangle). Our view is that two storey development along Marion Road frontages is unlikely to lead to the objectives and desired character of the SANZ being met for the following reasons:
 - Land use conflicts between residential and non-residential uses, which impacts take-up of both ground and upper floor tenancies. Our view is that the majority of commercial and residential occupiers prefer to not be part of a mixed use development.
 - The highest and best use of land with valuable frontage to an arterial road is likely to be single storey non-residential development or multi-storey residential development with no ground floor commercial / retail uses. This has been the pattern of development along major arterial roads throughout Adelaide.
 - Higher development costs associated with multi-story development are not necessarily recouped by increased rent / profitability. This negatively impacts viability and therefore will delay investment on the subject site.
 - Reduced floor space efficiency due to need for common areas etc. in multi-storey buildings.

1 Previous Analysis by JLL

In 2015 JLL was commissioned to undertake a high level retail study of retail opportunities in the Darlington and environs (Darlington Retail Opportunities Study). This was partly driven by the loss of existing retail shops and cafes due to the Darlington Road Project, which were identified as being well patronised by existing employees in the region.

Six sites identified by DPTI and its consultants as potential locations for local / neighbourhood centres, as shown on the map below. The analysis recommended that the Sturt Playing Fields site, identified as Number 3 below, was the best located site for a future retail centre or precinct. Advantages of this location over other locations considered were:

- It was a large relatively unconstrained site;
- It was central to a larger catchment than other options;
- It was well located to employment uses such as Flinders University and Flinders Medical Centre.

The analysis aimed to identify the most favoured location for a local / neighbourhood centre. As such, this analysis did not discount the other five sites for smaller scale retail land uses to serve their local catchment but considered the Sturt Playing Fields more likely to a sizeable retail centre anchored by a medium sized supermarket.

JLL's view of the subject site's suitability for a local / neighbourhood centre was as follows:

- Similar sized trade area to Sturt Road Playing fields site
- 1.5km from Westfield Marion
- Shares a large portion of its catchment with Foodland Darlington
- Less affluent trade area than Sturt Road
- Potential to pick up passing trade
- Subject to access from Marion Road to vehicles travelling north and south
- Less convenient to the large concentrations of employees and students at FMC and Flinders University

Whilst the site was not the most favoured of the six opportunities presented, the findings certainly did not discount the possibility of a level of retail to meet the local / neighbourhood needs of nearby residents. It also had the advantage of high exposure to Marion Road commuter traffic.

Figure 1: Six Identified Sites for Local / Neighbourhood Centres



Source: DPTI

The analysis did not have regard to the future development potential of the Indigenous Land Corporation's (ILC) land fronting Marion Road, particularly in terms of its potential contribution to residential population growth. The DPA currently on exhibition provides for significantly greater development potential on this large site, including a range of medium and high density residential development supported by a mix of compatible land uses.

The analysis also considered briefly other retail opportunities for the ILC site, including bulky goods retailing, car showroom and service stations, noting the following:

- Marion Road (north of Sturt Road) was one of metropolitan Adelaide's major bulky goods precincts, the preferred location for future bulky goods retailing in this precinct was north of Sturt Road, however there were limited options for future growth to the north;
- Car showrooms have tended to consolidate in clusters, and Main South Road Morphett Vale has a strong existing car showroom focus;
- There has been strong recent demand for service station sites.

We note these uses are not envisaged in the proposed Suburban Activity Node Zone for sites fronting Marion Road.

This report responds to three key concerns raised by ILC in relation to the DPA currently on exhibition, namely:

- The limitations on retail floor space within the Suburban Retail Node Zone;
- The fact that Petrol Filling Stations are proposed to be a non-complying use in the Suburban Retail Node Zone; and
- The requirement for development fronting Marion Road to be a minimum two storeys high.

2 Limitation on retail / commercial floor space

There is currently one Suburban Activity Node Zone in Marion Council Development Plan, being located at Tonsley Park. This is proposed to be replaced by a Regional Activity Zone. The current Suburban Activity Node Zone does not place floor space limits on either office or shops. However, the revised Suburban Activity Node Zone has introduced such limitations.

Our view is that there is supportable demand for a range of retail and commercial uses, which is far greater than likely to be developed with the current limitations in place. To illustrate this, we have undertaken retail analysis to highlight the potential demand for a local / neighbourhood retail centre anchored by a small supermarket. We have also considered more generally how the limitations may negatively impact the development of the core area of the SANZ.

2.1 Retail analysis

Our previous analysis in relation to the potential for a local / neighbourhood centre at the subject site considered a catchment of approx. 2km from the subject site, but more limited to the north-east and north-west due to the strength of existing retail offers (Pasadena Green and Westfield Marion). Given a retail centre proposed at Sturt Playing Fields, the catchment is likely to be more constrained to the east of the site.

This analysis considers the primary catchment only, being the residents that we consider would naturally gravitate to a centre at the subject site should one be developed.

We consider the primary catchment for the subject site to comprise the future residential population on the site together with residents to the west and south of the site and within approx. 1km radius. The site may also be attractive for some residents to the north of Sturt Road although the primary residential catchment is expected to lie to the south of Sturt Road.

As the 2016 Census, this relatively small catchment comprised 2,700 residents. This is forecast to experience relatively strong growth, particularly given the encouragement of medium and high density residential development on the subject site in the proposed Suburban Activity Node Zone as part of the Southern Innovation Area DPA.

Analysis of the future residential potential, based on ILC proposals and the minimum densities encourages in the DPA are as follows:

- Site Area: 5.8 Hectares
- Elders Village: 20-50 single person units on 1.5 Hectares
- Remaining site: 4.3 Hectares
- Assume net developable area at 80% of site: 3.5 Hectares

- Assume minimum 60 dwellings per Hectare (density varies between 50 and 70 dwellings per Hectare across site): 210 dwellings
- Population per private dwelling: 2.2 persons
- Residents: 460 residents in private dwellings + 50 residents in Elders quarters
- Approx. 500 additional residents

Table 1 provides population forecasts for the Primary Trade Area which assumes other parts of the catchment remain stable in terms of population, with all the growth attributed to growth within the subject site.

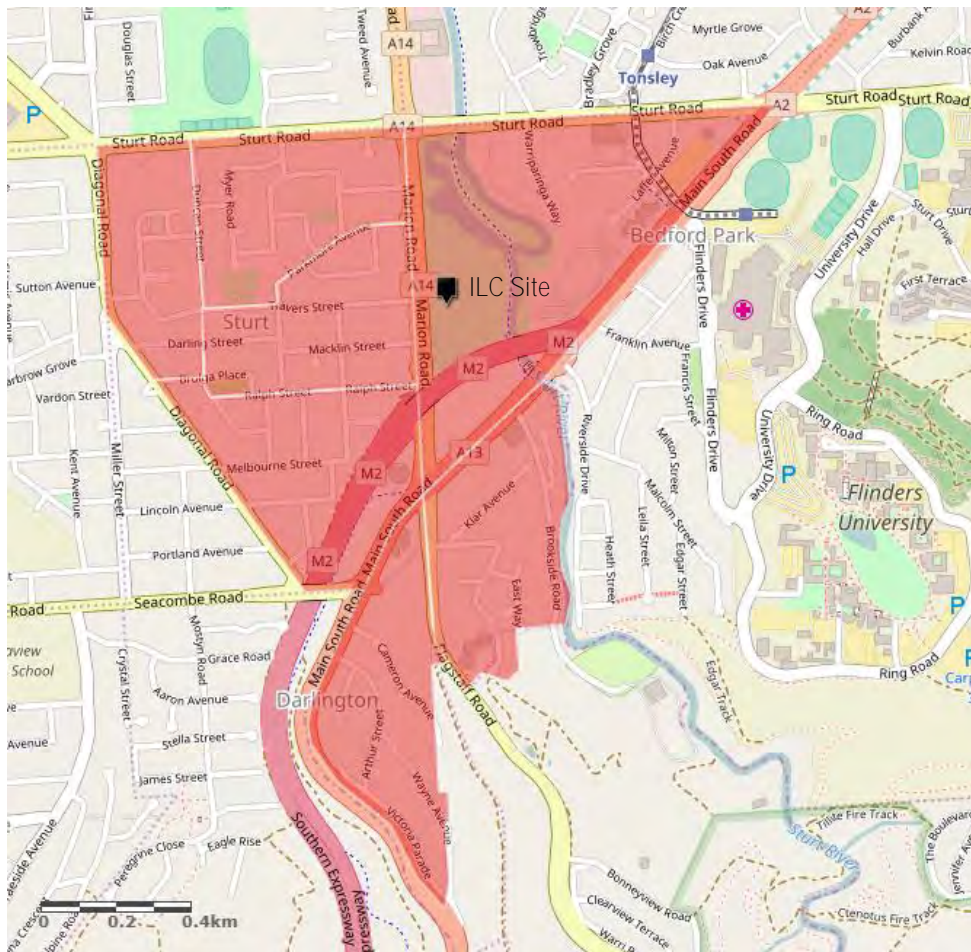
Table 1: Historic and Forecast Population within Primary Trade Area

Geography		2006	2011	2016	2021	2026	2031
Primary Trade Area		2,500	2,600	2,700	2,800	3,000	3,200
		2001-06	2006-11	2011-16	2016-21	2021-26	2026-31
Primary Trade Area	Annual % growth	1.0%	0.8%	0.8%	0.7%	1.4%	1.3%

Source: Australian Bureau of Statistics, JLL

While the existing and potential future population in the Primary Trade Area is lower than would typically be required to support a small neighbourhood centre, the location is well placed to draw additional trade from the high volumes of passing traffic (39,500 vehicles per day) and convenience such a location would offer commuters on their way home from work. Furthermore, we have purposely limited this analysis to what we consider is the primary catchment. It is possible a small retail offering on this site would also appeal to other residents within a 2km radius of the site, including residents located north of Sturt Road.

Figure 2: Primary Trade Area for Retail on ILC Site



Source: : MapBox, OpenStreetMap, JLL, ABS

Main Competition

The nearest supermarket based retailing to the subject site is:

- Westfield Marion, 1.5km to the north west
- Foodland Seacliff Park, 2.7km to the southwest

The proposed neighbourhood centre at the Sturt Playing Fields is approximately 1km to the north east.

Available Spending

This section considers the available supermarket and grocery store spending within the Primary Trade Area taking into account its future population base.

In South Australia, the estimated spending at supermarket and grocery stores was equivalent to \$4,355 per person for the year to June 2016.¹ We have assumed spending amongst residents of the Primary Trade Area will be lower as average incomes of residents are below the South Australian average.

Estimated the available spending at supermarkets and grocery stores from the Primary Trade Area will be in the order of \$14.559 million as at 2031. This is based on the future population and is in 2016 dollars. The assumptions to arrive at this figure are:

- As at June 2016, the state population was 1,713,054 residents and retail trade was \$19.352 billion.
- Average spending per person was \$11,296.
- Supermarkets and grocery stores accounted for 39% of total spending, or \$4,355 per person (Source: Australian Bureau of Statistics).
- Given the lower income levels of residents in the primary catchment (an estimated 10% below the state average), we have assumed that spending levels may also be around 10% lower, or \$3,919 per person).
- Total available spending (supermarkets and grocery stores) of the future population of 3,200 residents is \$14.559 million. This allows for modest real growth in supermarket spending of 1% per annum.

Of course, supermarkets only capture a proportion of available spending within their respective catchments. However, they also capture spending from a more extensive secondary trade area as well as from beyond their primary / secondary trade areas. It is quite normal for a supermarket to capture 50% of its trade from beyond its Primary Trade Area. Given the large volumes of traffic on Marion Road, we would expect a quality supermarket retailer would attract considerable trade from passing motorists.

Table 2 summarises the trading potential for a small supermarket offering. This assumes 60% of future trade will come from beyond the Primary Trade Area (a mix of nearby residents that are outside the PTA, passing motorists, nearby workers, visitors etc.). It also assumes that a supermarket on the subject site may capture 40% of available spending from its PTA. This reflects the fact that the supermarket may be relatively small, with many residents still preferring to travel to a larger full-line supermarket.

¹ Australian Bureau of Statistics, Retail Trade, Cat 8501

Table 2: Supermarket Potential at Subject Site

Spending Analysis - Supermarket	2016	2021	2026	2031
Population - PTA	2,700	2,800	3,000	3,200
Spend per person - PTA	3,919	4,119	4,329	4,550
Available Spending (\$m)	10.581	11.533	12.987	14.559
Market Share (% Total)	40%	40%	40%	40%
Turnover - PTA (\$m)	4.233	4.613	5.195	5.824
Turnover - Beyond PTA (% Total)	60%	60%	60%	60%
Turnover - Beyond PTA (\$ml)	6.349	6.920	7.792	8.736
Total Supermarket Turnover (\$m)	10.581	11.533	12.987	14.559

The above analysis demonstrates the potential for the subject site to service its future local residential population as well as nearby existing residents, as well as provide a convenient retail service to passing motorists. This has the added advantage of reducing the need for single purpose trips for shopping, with commuters having the convenience for “top-up” shopping on their way home.

Supermarket turnover of approx. \$15 million per annum is expected to support a supermarket of approx. 1,500sqm, or six times larger than the proposed maximum floor area for retail within the SANZ.

Additionally, a supermarket would provide an anchor store that could further attract other small tenancies such as take-away food, a café, hairdresser etc.

The locational advantages of the subject site together with demand from the local population supports a more flexible planning response to future retail floor space on site.

Furthermore, a small but high quality retail offer at the subject site is expected to be a major drawcard for future residents to the precinct. One of the trade-offs that residents make when considering a move to medium and higher density housing forms is access to high quality, convenient services (particularly retail services). The proposed limitation severely restricts the creation of a quality mix of retail and services that would be attractive to future residents on the subject site.

Further we do not consider as small scale supermarket based retail precinct would compromise the development of such a retail centre at the Sturt Playing Fields, where the proposed zoning allows for up to 4,500sqm of retail floor space. The subject site would primarily rely on residents either on-site or to the west and south, whereas the Sturt Playing Fields relies on residents primarily to the east of Marion Road. In terms of passing trade, the subject site picks up Marion Road commuters which would not be conveniently served by a retail centre at Sturt Playing Fields.

2.2 Impact of floor space restrictions – PDC 6

Capacity for non-residential uses is at odds with PDC 6

The core area of the SANZ fronting Marion Road is encouraged to accommodate non-residential land uses. Non-residential uses envisaged in the SANZ include:

- Community centre;
- Consulting room;
- Education establishment;
- Office;
- Pre-school;
- Shop or group of shops.

Some of these uses (office, shop, consulting room) are limited by Principle of Development Control 6, which states that offices, shops and consulting rooms should have a maximum gross leasable area of 250sqm.

There is significant capacity for non-residential uses at ground floor level in the core of the SANZ. Assuming a depth of 40 metres along the Marion Road Frontage and 390 metres in length, the Marion Road frontage land provides 15,600sqm of developable land; say 14,000sqm taking into account the need for internal roads etc.

If the site coverage of buildings is 50%, then 7,000sqm of non-residential land uses could be developed with frontage to Marion Road. This is well in excess than what is likely to develop given the constraints on key non-residential uses.

Greater flexibility is required to achieve the Objectives and Desired Character

We consider more flexible Principles of Development Control will have a greater likelihood of achieving the objectives and desired character of SANZ, particular the core area fronting Marion Road. In order to illustrate our point, we provide the following examples:

- Objective 2 aims for “Well designed and functional mixed use areas...”. Most functional mixed use areas rely on a complementary mix of retail land uses to support nearby residents and workers. The retail uses need critical mass of patrons to be viable. Some retailers require the presence of an anchor tenant in order to drive foot traffic. The obvious anchor tenant is a small supermarket, which we have identified as being supportable. However, it is not possible to develop a functional centre to support nearby residents and workers given the floor space limitations.
- The Desired Character is supportive of a reasonably broad mix of non-residential uses to create vitality / activity at street level and attract people, both in the Core area and outside the Core Area:

“Non-residential activities in ‘Core Areas’ may include shops, community services, offices, consulting rooms, cafes, restaurants and other eateries that provide for day-to-day needs of residents and workers and reduce the need for multiple trips. Features and activities that attract people and add vitality to the street, such as display windows, retail shopfronts and outdoor dining areas are encouraged.

Outside ‘Core Areas’, smaller scale non-residential uses will be encouraged at street level, with residential units and/or other forms of accommodation located on upper floors.”

This is unlikely to be achieved given the floor space limitations.

- There may be potential to attract a small medical centre. However, this is also limited by the 250sqm maximum floor area.
- A functional, viable development is more likely to be achieved by an integrated multi-use development that provides a range of complementary tenancies. Such a development is also more likely to attract developer / investor interest, leading to increased private investment. But this would be difficult to achieve due to the limitations under PDC 6.

Our view is that the proposed DPA is overly restrictive of private investment that would meet the needs of future residents as well as the Objectives and Desired Character. We recommend that greater flexibility is required and Principle 6 should be deleted.

The desire for multi-purpose trips

This is more likely to be achieved with an integrated retail and commercial development with shared parking and tenancy mix that meets the needs of the local community, and attracts a quality range of tenants. The current PDC 6 promotes single tenancies that don’t necessarily relate to, or have regard for, adjoining uses.

Furthermore, if anchored by a small supermarket, it is more likely that the development would attract the complementary tenants needed to create a viable project with good prospects of achieving high occupancy levels, and therefore increased patronage and activity at street level.

In terms of reducing the need for multiple trips, commuters that may be future users of a small centre on the subject site are not adding to additional trips. They are a classic multi-purpose trip. They are already travelling on Marion Road and a centre that provides the opportunity for “top-up” shopping on the way home from work would be in-line with the Desired Character.

Affordability

Restricting a grocery / convenience store to 250sqm would not provide an affordable food offering for nearby residents. Small convenience stores invariably are much more expensive than larger scale grocery stores / supermarkets. A supermarket of approx. 1,500sqm would be more likely to provide an affordable option to residents.

3 Petrol Filling Station – A non-complying use

A Petrol Filling Station is identified as a non-complying land use in the proposed SANZ. We submit that there is likely to be strong demand from service stations at the subject site, that this portion of Marion Road is not adequately served by such a use, and there are limited other opportunities in the near vicinity that can readily accommodate such a use.

High traffic volumes

Marion Road between Sturt Road and the Southern Expressway carries an estimated 39,500 vehicles per day, according to DPTI estimates.² Our understanding from previous discussions with service station companies is that arterial road locations with at least 25,000 vehicles per day are sought for service stations. We also understand that there has been preliminary interest from service station companies to locate at the subject site.

Service stations are increasingly filling the void in the convenience retail market, providing an increased range of services beyond petrol. The growth in demand for service stations is expected to be largely driven by these ancillary sales streams. A service station on the subject site would provide this local convenience, particularly for the after-hours market.

There is no competing service station nearby located on Marion Road

The closest service station on the eastern side of Marion Road is 2km north of the subject site (On the Run BP Service Station on corner of Quick Road, Mitchell Park). There is also an On the Run on the western side of the road approx. 1.6km north of the site.

Opportunities – Where are Petrol Filling Stations envisaged?

We note that in the current Marion Council Development Plan, the main zones that encourage petrol filling stations are the Commercial Zone and Neighbourhood Centre Zone. A Petrol Filling Station is a merit use in the Regional Centre Zone, District Centre Zone and Industrial Zone. Where these zones have frontages to main arterial roads with high traffic volumes, they may be suitable for Petrol Filling Stations, but will also attract competition from a range of land uses envisaged in each respective zone.

A main road frontage to the Suburban Activity Node Zone has similar characteristics to these other business zones and seems a logical location for such a Petrol Filling Station. It complements the desire to create a mixed use environment. Given the almost 400 metre frontage to Marion Road of the subject site, it would be a relatively minor land use along this stretch.

² Department of Planning, Transport and Infrastructure, 24-hour two way flows, 2015

We have considered other opportunities within the City of Marion LGA in close proximity to the subject site for Petrol Filling Stations, based on existing / proposed zoning and site availability:

- There is a small Commercial Zone to the south on the north-west corner of Seacombe Road and Main South Road (either side of the Southern Expressway). Kennards Hire is the primary land use within the Commercial Zone. This site is south of the Southern Expressway access ramp.
- A small parcel of land to the south of the Southern Expressway is identified as “Commercial” in the DPA Concept Plan Map Mar/7 (the Hungry Jacks site).
- There is a Neighbourhood Centre Zone on the western side of Main South Road, also located to the south of the Southern Expressway access ramp from Marion Road.
- A small Commercial Zone is located on the north-west corner of Marion Road and Sturt Road, which may be suitable for a service station in the future, following completion of the Darlington Road Project. However, this is on the western side of Marion Road and is not convenient for vehicles travelling south along Marion Road.
- The eastern side of Marion Road to the north of Sturt Road and south of the Sturt River is in the Industry Zone. This is part of the Industry / Commerce policy area and the primary land use that has developed in this stretch of Marion Road is bulky goods retailing. Petrol filling stations is not an envisaged use in this policy area and is a merit use throughout the Industry Zone. However, the relatively strong demand from bulky goods retailers has seen this land use dominate in recent years.

Given existing development to the north of Marion Road, there is limited opportunities to develop a Petrol Filling Station to service Marion Road traffic before the entrance to the Southern Expressway. A Petrol Filling Station would fill this void and satisfy unmet demand for such a use. A service station is considered an appropriate land use at the subject site given the following:

- The proposed mixed use zoning, with nearly 400 metres of frontage to Marion Road, can and should support a range of commercial activities and services;
- The lack of service stations along this stretch of Marion Road;
- The high traffic volumes, averaging 39,500 vehicles per day;
- There is unmet demand for Petrol Filling Stations - interest has already been shown from fuel retailers wanting to locate at the subject site;
- Convenient location to refuel before the Southern Expressway or continuing to drive to the southern suburbs via Flagstaff Road or Main South Road;
- Provides after-hours convenience retailing, given the extended hours of operation at service stations.

Furthermore, a service station on the subject land is considered a superior location compared with the land to the south of the entrance to the Southern Expressway, which is in the Commercial Zone and occupied by Hungry Jacks. This land would provide for a petrol filling station by virtue of its Commercial Zone status.

4 Two-storey minimum in the core of SANZ

The proposed Principle of Development Control 9 encourages a minimum building height of two storeys in the Core Area (Laffer's Triangle). This applies to land fronting Marion Road. Presumably the aim is to encourage active non-residential land uses at street level with residential uses above. Non-residential uses are encouraged along the Marion Road frontage.

Multi-storey mixed use development in Adelaide occurs primarily in the Adelaide CBD, where demand from competing land uses and densities dictate a more intensive built form is the highest and best use for development sites. Outside of the CBD, there is limited quality examples of multi-storey, mixed use development; although we note some examples in areas such as Mawson Lakes and inner suburban urban corridors.

We have summarized below the reasons why two-storey development along Marion Road frontages is unlikely to lead to the objectives and desired character of the SANZ being met:

- Land use conflicts between residential and non-residential uses, which impacts take-up of both ground and upper floor tenancies. Our view is that the majority of commercial and residential occupiers prefer not be part of a mixed use development.
- The highest and best use of land with valuable frontage to an arterial road is likely to be single storey non-residential development or multi-storey residential development with no ground floor commercial / retail uses. This has been the pattern of development along major arterial roads throughout Adelaide.
- Higher development costs associated with multi-story development are not necessarily recouped by increased rent / profitability. This negatively impacts viability and therefore will delay investment on the subject site.
- Reduced floor space efficiency due to need for common areas etc. in multi-storey buildings.

Minimum height requirements may lead to considerable delays in the development of land fronting Marion Road. Alternatively, it may lead to multi-storey residential only development with non-residential uses aimed at serving nearby residents failing to be developed to the detriment of future residents. This would ultimately prevent the desired character and objectives for the SANZ from being met (i.e. mixed use area; non-residential activities that provide for day-to-day needs of residents and workers).

There are many non-residential land uses that are unlikely to be attracted to two storey development. These include a child-care centre, take-away food premises / cafes & restaurants. Such a requirement to develop two storey minimum along Marion Road is likely to be counter to achieving the required mix of land uses within the SANZ.



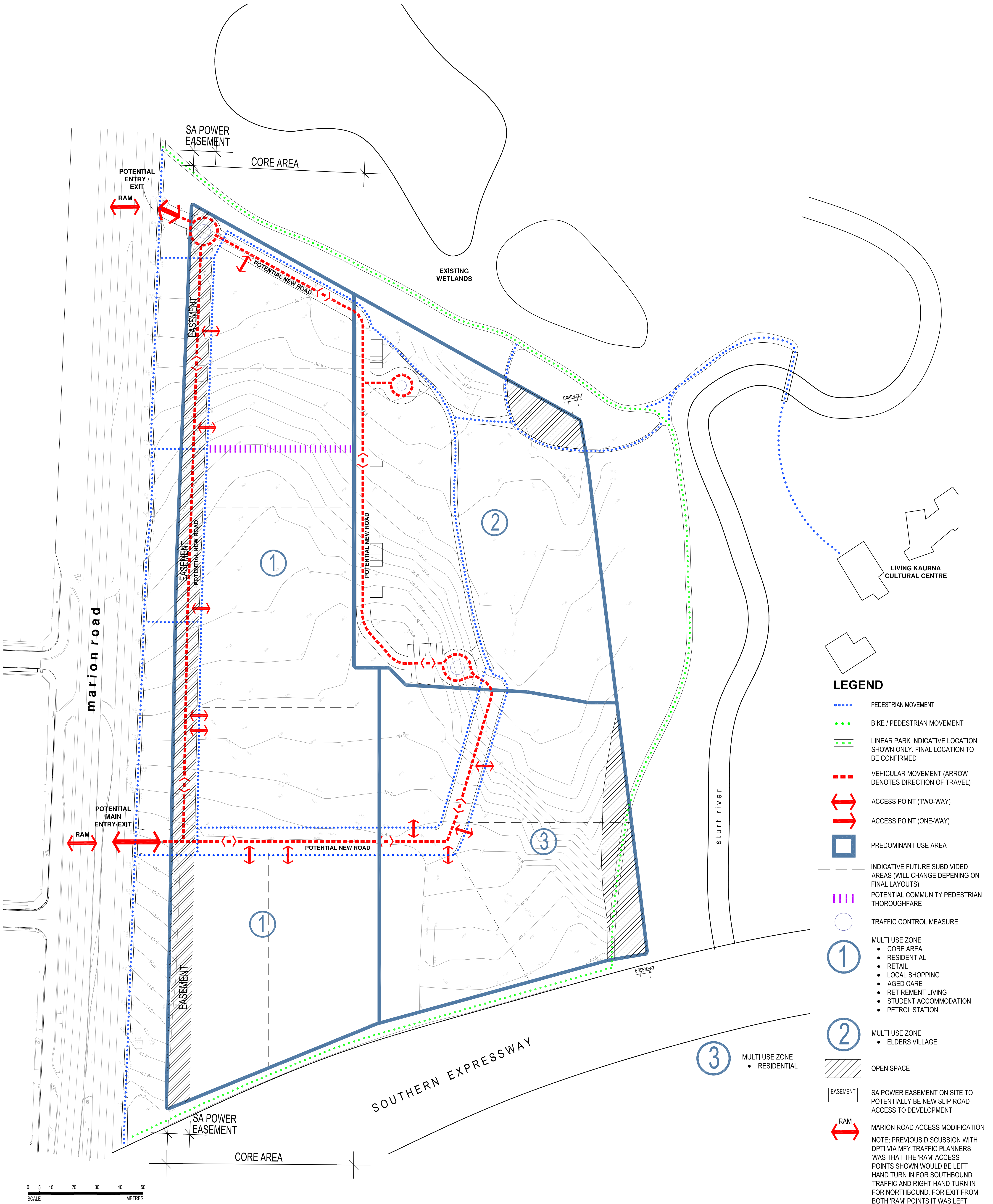
ELDERS WARRIPARINGA
1:1000 @ A3 SITE LAYOUT
24.08.2017

SK01

c4a

C4 Architects Pty Ltd

level 2 100 currie street | po box 8336 station arcade | adelaide south australia | 5000
T 08 8410 4557 | F 08 8410 4557 | E info@c4architects.com.au | W www.c4architects.com.au



CONCEPT PLAN MAP

SCALE 1:750@A1

PRELIMINARY

PROPOSED
WARRIPARINGA SKETCH
ZONING SITE LAYOUT
ALLOTMENT 707 MARION ROAD
BEDFORD PARK, SOUTH AUSTRALIA
FOR
INDIGENOUS LAND CORPORATION
CONCEPT PLAN MAP

DATE: NOV 2015 PAPER SIZE: A1 SCALE: 1:750
Do not scale off drawings; check all dimensions on site. Contractor to verify all dimensions and levels prior to commencing the works. Report all discrepancies to the Architect for direction.
DRAWING NO: 1503-S-SKETCH01



OPTION A

LEGEND

①

MULTI USE ZONE

- CORE AREA
- RESIDENTIAL
- RETAIL
- LOCAL SHOPPING
- AGED CARE
- RETIREMENT LIVING
- STUDENT ACCOMMODATION
- PETROL STATION

②

MULTI USE ZONE

- ELDERS VILLAGE

③

RESIDENTIAL

↔

ACCESS POINT (TWO-WAY)

→

ACCESS POINT (ONE-WAY)

OPEN SPACE

RESIDENTIAL MULTIPLE STOREY VIEWS TO WETLAND

RESIDENTIAL ABOVE RETAIL ADJACENT TO LOCAL SHOPS

RETAIL / LOCAL SHOPPING

AGED CARE FACILITY

③

RESIDENTIAL ADJACENT RIVER RESERVE

ELDERS VILLAGE

RAM =

MARION ACCESS POINT MODIFICATION
NOTE: PREVIOUS DISCUSSIONS WITH DPTI VIA MFY TRAFFIC PLANNERS WAS THAT THE 'RAM' ACCESS POINTS SHOWN WOULD BE LEFT HAND TURN IN FOR SOUTHBOUND TRAFFIC AND RIGHT HAND TURN IN FOR NORTH BOUND. FOR EXIT FROM BOTH 'RAM' POINTS IT WAS LEFT HAND TURN EXIT ONLY. FOR TRAFFIC NEEDING TO HEAD NORTH THEY WOULD USE EXISTING MARION ROAD U TURN FACILITIES

◀ . . . ▶

RESIDENTS PEDESTRIAN LINK TO LOCAL SHOPS AS PER 'SUBURBAN ACTIVITY NODE ZONE' OBJECTIVES

PRELIMINARY CONCEPT P4 24.08.17
WARRIPARINGA DEVELOPMENT
ALLOTMENT 707 MARION ROAD, BEDFORD PARK, SOUTH AUSTRALIA

c4a
c4 architects pty ltd | level 2 100 currie street | po box 8336 station arcade | adelaide | south australia | 5000
T 08 8410 4557 | F 08 8410 4557 | E info@c4architects.com.au | W www.c4architects.com.au



**Kurna Yerta
Aboriginal Corporation**



**Australian Government
Indigenous Land Corporation**



Shared Vision and Commitment

Lot 707 "Warriparinga"

The Indigenous Land Corporation, Kurna Yerta Aboriginal Corporation and Aboriginal Elders Community Care Services have a shared vision for the development of Lot 707 to achieve significant benefits for the Aboriginal community of South Australia.

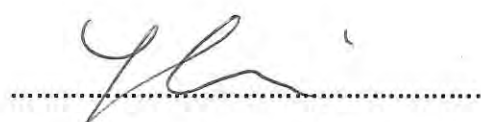
The ILC's vision is to leverage the land asset of Lot 707 to fund an Elders Village to be built upon a portion of the land and to provide KYAC with land so that it can be developed into an income generating asset.

AECCS's vision is to own and manage up to 40 independent living units in an Elders Village complex for the benefit and wellbeing (physical and cultural) of Aboriginal Elders who are clients of the organisation, many of whom are Kurna.

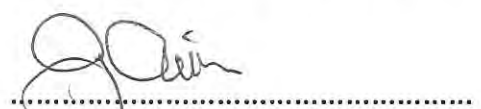
KYAC's vision is to secure land and assets from which it can derive income to support in perpetuity its organisation's aims and objectives.

All three organisations recognise the cultural significance of the Warriparinga precinct to the Kurna community and believe the Aboriginal developments on Lot 707 will compliment the cultural amenity of the precinct.


The parties agree to work together to support this common vision and its implementation.


.....
Tim Larkin, Divisional Manager
Indigenous Land Corporation

November 2015


.....
Graham Aitken, CEO
Aboriginal Elders Community Care Services Inc.

November 2015


.....
Rodney O'Brien, Chair
Kurna Yerta Aboriginal Corporation

November 2015

11 October 2017

The Presiding Member, State Planning Commission
C/- Department of Planning, Transport and Infrastructure
GPO Box 1815
Adelaide SA 5001

Dear Sir/Madam

Southern Innovation Area DPA – Lot 707 – Indigenous Land Corporation (ILC) Land

Thank you for providing the City of Marion with the opportunity to provide additional comment on the proposed Southern Innovation Area DPA.

Council considered the proposed amendments to the DPA put forward by the ILC at its meeting on 10 October 2017. Consequently, Council advises that it is generally supportive of some of the proposed amendments but raises concern regarding others.

Council has undertaken an evaluation of the proposed amended policy changes, which are discussed in detail in the attached Council report. Some of the key matters identified which warrant further investigation and review include:

- The gross leasable floor areas for Lot 707 are overly restrictive. A total gross leasable floor area of ~2000m² (supermarket of 1500m² + 500m² for smaller tenancies) is considered more appropriate.
- The minimum building height of two-storeys in the Core Area along Marion Road should remain. Development that is single-storey should be designed in a manner that achieves the scale of a 2-storey building.
- The depth of the Core Area should be extended to accommodate the loss of usable land resulting from the location of the existing easement fronting Marion Road.
- A petrol filling station should remain a non-complying form of development within the SANZ, as the use is unlikely to be compatible with residential uses on the site and the cultural and environmental value of the Warriparinga Wetlands and the Sturt River environs.
- A separate policy area or precinct within the SANZ for Lot 707, catering for a different form of retail/commercial development from that envisaged for other Core Areas within the SANZ, is considered to be an appropriate policy outcome.

Council wishes to express its willingness to work collaboratively with DPTI staff to assist in further investigations and policy solutions, which address the abovementioned matters.

If you would like to discuss the above matters further, please do not hesitate to contact David Melhuish, Senior Policy Planner on 8375 6721 or david.melhuish@marion.sa.gov.au.

Thank you again for the opportunity to provide further comment on the Southern Innovation Area DPA.

Yours sincerely

Kris Hanna
Mayor
City of Marion

Enclosed: General Council Meeting report - 10 October 2017 - Southern Innovation Area DPA –
 ILC Land

**CITY OF MARION
GENERAL COUNCIL MEETING
10 October 2017**

Originating Officer: Jaimie Thwaites, Unit Manager Governance and Records

Corporate Manager: Kate McKenzie, Manager Corporate Governance

General Manager: Vincent Mifsud, General Manager Corporate Services

Subject: Update to the schedule of delegations

Report Reference: GC101017R06

REPORT OBJECTIVES AND EXECUTIVE SUMMARY:

The *Local Government Act 1999* (SA) (the Act) and other Acts provide that Council may delegate a power or function vested or conferred by legislation. The Act also provides that the Chief Executive Officer may delegate (and further sub-delegate) a power or function that has been vested or conferred to them. Council is required to review its delegations once a financial year and keep a separate record of its delegations and sub delegations. On occasion updates to regulations and legislation are made throughout the year and updates are required.

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

This report provides details of proposed changes to the Schedule of Delegations under following Acts:

- Heavy Vehicle National Law (South Australia) Act 2013
- Local Government Act 1999
- Road Traffic Act 1961
- Work Health Safety Act 2012
- Development Act 1993

and seeks Council's adoption of these delegations.

In addition, this report provides details of new delegations under the Planning Development and Infrastructure Act 2016 for endorsement.

RECOMMENDATIONS:

DUE DATES

That having conducted a review of the Council's Delegations Register in accordance with Section 44(6) of the Local Government Act 1999, the Council:

Oct 2017

1. Revocations

- 1.1 Hereby revokes its previous delegations to the Chief Executive Officer of those powers and functions under the following:

- 1.1.1 Heavy Vehicle National Law (South Australia) Act 2013
- 1.1.2 Local Government Act 1999
- 1.1.3 Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous)

Regulations 2014 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014

1.1.4 Work Health and Safety Act 2012

1.2 Hereby revokes its previous delegations to its Development Assessment Panel under the Development Act 1993 and Development Regulations 2008.

Oct 2017

2. Delegations made under Local Government Act 1999

2.1 In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the following Acts and specified in the proposed Instruments of Delegation contained in Appendices 1-6 (each of which is individually identified as indicated below) are hereby delegated this 10 of October 2017 to the person occupying the office of Chief Executive Officer subject to the conditions and or limitations specified herein or in the Schedule of Conditions in each such proposed Instrument of Delegation.

2.1.1 Heavy Vehicle National Law (South Australia) Act 2013 (Appendix 1)

2.1.2 Local Government Act 1999 (Appendix 2)

2.1.3 Planning, Development and Infrastructure Act 2016 (Appendix 3).

2.1.4 Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 2014 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014 (Appendix 4)

2.1.5 Work Health and Safety Act 2012 (Appendix 5)

2.2 Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the Local Government Act 1999 as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation.

3. Delegations made under Development Act 1993

Oct 2017

3.1 In exercise of the powers contained in Section 20 and 34(23) of the Development Act 1993 the powers and functions under the Development Act 1993 and the Development Regulations 2008 contained in the proposed Instrument of Delegation (Appendix 6) (distributed under separate cover) and which are specified below are hereby delegated to the Council's Assessment Panel, subject to any conditions specified herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Development Act 1993.

3.2 Such powers and functions may be further delegated by the Council's Assessment Panel as the Council's Assessment Panel sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Development Act.

BACKGROUND:

Councils have certain duties which they must perform and certain powers which they may exercise, pursuant to a myriad of legislature. In most cases the relevant Acts grant those obligations and powers directly on the Council as a body.

It is not practical or efficient for the Council as a body of elected members to perform the many functions or activities that are required in the day to day administration of the Council's roles and functions. Delegations are the way in which the Council enables other people/bodies (usually Council officers) to undertake these steps on its behalf.¹ Therefore it is necessary for Council to take formal steps to delegate to such people/bodies the authority and power to make decisions, perform functions or undertake activities on behalf of the Council.

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

The City of Marion is legislatively required to undertake a review of its delegations at least once in a financial year. The last annual review was adopted by Council at the 23 May 2017 General Council meeting (GC230517R11) however, on occasion there are instances when legislative changes are made sporadically during the year that effect delegations, as in this instance.

DISCUSSION:

Provided below are sections of the City of Marion Schedule of Delegations that have been updated on the basis of recent legislative changes that have occurred and, amendments made to the delegation templates on the Local Government Association's secure website.

Any changes which relate to powers, functions or duties (or part thereof) which have not previously been delegated are highlighted in grey in the table below, as well as marked-up in the appendix with the related Instrument of Delegation:

A summary of the changes are below for your information:

Act	Para number in instrument which contain changes	Section number of Act/ Regulation	Whether change is Addition/ Amendment/ Deletion
Instrument of Delegation under the Heavy Vehicle National Law Act	11.2	174(2)	Amendment
Instrument of Delegation under the Local Government Act 1999	79	Section 187(1)	Amendment
	157.1	Clause 2(1) of Schedule 1B	Addition
	157.2	Clause 2(3) of Schedule 1B	Addition (Note: may only be delegated to CEO and cannot be subdelegated)

¹ Local Government Act 1999 (SA) s 44

Act	Para number in instrument which contain changes	Section number of Act/ Regulation	Whether change is Addition/ Amendment/ Deletion
	157.3	Clause 2(4) of Schedule 1B	Addition (Note: may only be delegated to CEO and cannot be subdelegated)
	158.1	Clause 4 of Schedule 1B	Addition (Note: may only be delegated to CEO and cannot be subdelegated)
	159.1	Clause 5(1) of Schedule 1B	Addition (Note: may only be delegated to CEO and cannot be subdelegated)
	159.2	Clause 5(2) of Schedule 1B	Addition (Note: may only be delegated to CEO and cannot be subdelegated)
	160.1	Clause 6(1) of Schedule 1B	Addition (Note: may only be delegated to CEO and cannot be subdelegated)
	160.2	Clause 6(2) of Schedule 1B	Addition (Note: may only be delegated to CEO and cannot be subdelegated)
	161.1	Clause 7(2) of Schedule 1B	Addition
	161.2	Clause 7(3) of Schedule 1B	Addition
	162.1	Clause 9(1) of Schedule 1B	Addition
	162.2	Clause 9(2) of Schedule 1B	Addition
	162.3	Clause 9(3) of Schedule 1B	Addition
	163.1	Clause 10(2) of Schedule 1B	Addition
	163.2	Clause 10(3) of Schedule 1B	Addition
	164.1	Clause 13(1) of Schedule 1B	Addition
	164.2	Clause 13(3) of Schedule 1B	Addition

Act	Para number in instrument which contain changes	Section number of Act/ Regulation	Whether change is Addition/ Amendment/ Deletion
Instrument of Delegation under the Planning, Development and Infrastructure Act 2016	New	New	New Instrument
Instrument of Delegation under the Road Traffic Act 1961, Road Traffic (Miscellaneous_ Regulations 2014 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014	2A	33(2)	Addition
Instrument of Delegation under the Work Health Safety Act 2012	65	65(1)	Amendment
	229	229(1)	Amendment
Instrument of Delegation under the Development Act, Development (Development Plans) Amendment Act 2006 and Development Regulations 2008	119	33	Amendment

CONCLUSION:

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

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

APPENDICES

- Appendix 1 - Instrument of Delegation under the Heavy Vehicle National Law (SA) Act 2013
- Appendix 2 - Instrument of Delegation under the Local Government Act 1999
- Appendix 3 - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016
- Appendix 4 - Instrument of Delegation under the Road Traffic Act 1961, Road Traffic (Miscellaneous_ Regulations 2014 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014
- Appendix 5 - Instrument of Delegation under the Work Health Safety Act 2012
- Appendix 6 - Instrument of Delegation under the Development Act, Development (Development Plans) Amendment Act 2006 and Development Regulations 2008

**INSTRUMENT OF DELEGATION UNDER THE
HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA)
ACT 2013**

1. In the exercise of the powers contained in Section 44 of the Local Government Act 1999, the Corporation of the City of Marion delegates the following powers, functions and duties under the Heavy Vehicle National Law (South Australia) 2013 this 9¹⁰th day of ~~October~~^{September} 2017~~4~~⁴ to the person occupying the office of Chief Executive Officer of the Council and the said powers, functions and duties may be sub-delegated by the delegate to any other officer of the Council.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

	Delegate to CEO	Sub- delegation
1. Deciding Request for Consent Generally		
1.1 The power pursuant to Section 156(1) of the <i>Heavy Vehicle National Law (South Australia) Act 2013 (the Act)</i> , to, subject to Sections 156(2), (3) (4) and (6) of the Act, if the Regulator asks for the Council's consent to the grant of a mass or dimension authority, decide to give or not to give the consent:	Y	
1.1.1 within:		
1.1.1.1 28 days after the request is made, unless Section 156(1)(a)(ii) of the Act applies; or	Y	
1.1.1.2 if Section 156 of the Act applies because the Council gave the Regulator a notice of objection to the grant under Section 167 of the Act – 14 days after giving the notice of objection; or	Y	
1.1.2 within a longer period, of not more than 6 months after the request is made, agreed to by the Regulator.	Y	
1.2 The power pursuant to Section 156(2) of the Act, to ask for a longer period under Section 156(1)(b)		

**INSTRUMENT OF DELEGATION UNDER THE
HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA) ACT 2013**

of the Act only if:			
1.2.1	consultation is required under a law with another entity (including, for example, for the purpose of obtaining that entity's approval to give the consent); or	Y	
1.2.2	the delegate considers a route assessment is necessary for deciding whether to give or not to give the consent; or	Y	
1.2.3	the Council is the road authority for the participating jurisdiction and the delegate considers that a local government authority that is not required under a law to be consulted should nevertheless be consulted before deciding whether to give or not to give the consent.	Y	
1.3	The power pursuant to Section 156(2)(c) of the Act to, in relation to the Regulator obtaining the consent of the road manager for a road for the purpose of granting a mass or dimension authority make submissions where the road manager is the road authority for the participating jurisdiction and considers that the Council, whilst not required under a law to be consulted should nevertheless be consulted before the road manager decides whether to give or not to give consent.	Y	
1.4	The power pursuant to Section 156(3) of the Act to decide not to give the consent only if the delegate is satisfied:		
1.4.1	the mass or dimension authority will, or is likely to:	Y	

**INSTRUMENT OF DELEGATION UNDER THE
HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA) ACT 2013**

1.4.1.1	cause damage to road infrastructure; or	Y	
1.4.1.2	impose adverse effects on the community arising from noise, emissions or traffic congestion or from other matters stated in approved guidelines; or	Y	
1.4.1.3	pose significant risks to public safety arising from heavy vehicle use that is incompatible with road infrastructure or traffic conditions; and	Y	
1.4.2	it is not possible to grant the authority subject to road conditions or travel conditions that will avoid, or significantly minimise:	Y	
1.4.2.1	the damage or likely damage; or	Y	
1.4.2.2	the adverse effects or likely adverse effects; or	Y	
1.4.2.3	the significant risks or likely significant risks.	Y	
1.5	The power pursuant to Section 156(4) of the Act, in deciding whether or not to give the consent, to have regard to:		
1.5.1	for a mass or dimension exemption – the approved guidelines for granting mass or dimension exemptions; or	Y	
1.5.2	for a class 2 heavy vehicle authorisation – the approved guidelines for granting class 2 heavy vehicle authorisations.	Y	
1.6	The power pursuant to Section 156(6) of the Act, if the delegate decides not to give consent to the grant of the authority, to give the Regulator a written statement that explains the delegate's	Y	

INSTRUMENT OF DELEGATION UNDER THE
HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA) ACT 2013

decision and complies with Section 172 of the Act.			
2.	Action Pending Consultation with Third Party		
2.1	The power pursuant to Section 158(2) of the Act, if the consultation with the other entity is not yet completed, to, as far as practicable, deal with the request for consent and decide to give or not to give the consent (even though the consultation with the other entity is not completed).	Y	
2.2	The power pursuant to Section 158(4) of the Act, if:		
2.2.1	the consultation with the other entity is completed and the other entity's approval is required; and	Y	
2.2.2	the delegate has not yet decided to give or not to give the consent,	Y	
To -			
2.2.3	decide not to give the consent, on the ground that the consent would be inoperative; or	Y	
2.2.4	decide to give the consent.	Y	
3.	Deciding Request for Consent if Route Assessment Required		
3.1	The power pursuant to Section 159(1) and (2) of the Act to, form the opinion a route assessment is necessary for deciding whether to give or not to give the consent and notify the Regulator of the following:		
3.1.1	that a route assessment is required for deciding whether to give or not to give the consent;	Y	
3.1.2	the fee payable (if any) for the route assessment under a law of the jurisdiction	Y	

INSTRUMENT OF DELEGATION UNDER THE
HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA) ACT 2013

in which the road is situated.			
3.2	The power pursuant to Section 159(4) of the Act, if a fee is payable for the route assessment under a law of the jurisdiction in which the road is situated to stop considering whether to give or not to give the consent until the fee is paid.	Y	
4. Imposition of Road Conditions			
4.1	The power pursuant to Section 160(1) of the Act and in accordance with Section 160(2) of the Act, to consent to the grant of the authority subject to:		
4.1.1	except in the case of a class 2 heavy vehicle authorisation (notice) – the condition that a stated road condition is imposed on the authority; or	Y	
4.1.2	in the case of a class 2 heavy vehicle authorisation (notice) – the condition that a stated road condition of a type prescribed by the national regulations is imposed on the authority.	Y	
4.2	The power pursuant to Section 160(2) of the Act to, if the delegate consents to the grant of the authority subject to a condition as mentioned in Section 160(1)(a) of the Act to give the Regulator a written statement that explains the decision to give consent to the grant of the authority subject to the condition and complies with Section 172 of the Act.	Y	
5. Imposition of Travel Conditions			
5.1	The power pursuant to Section 161(1) of the Act, to, consent to the grant of the authority subject to the condition that a stated travel condition is imposed on the authority.	Y	
5.2	The power pursuant to Section 161(2) of the Act, if the delegate consents to the grant of the authority as mentioned in Section 161(1) of the Act to give the Regulator a written statement that	Y	

INSTRUMENT OF DELEGATION UNDER THE
HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA) ACT 2013

explains the decision to give consent to the grant of the authority subject to the condition and complies with Section 172 of the Act.		
6. Imposition of Vehicle Conditions		
6.1 The power pursuant to Section 162(1) of the Act, where the delegate gives consent to the grant of the authority to ask the Regulator to impose a stated vehicle condition on the authority.	Y	
7. Expedited Procedure for Road Manager's Consent for Renewal of Mass or Dimension Authority		
7.1 The power pursuant to Section 167(2)(b) of the Act, to give the Regulator a notice of objection to the application of Section 167 of the Act to the proposed replacement authority within the period of:		
7.1.1 14 days after the request for consent is made; or	Y	
7.1.2 28 days after the request for consent is made if the delegate seeks the extension of time within the initial 14 days.	Y	
8. Granting Limited Consent for Trial Purposes		
8.1 The power pursuant to Section 169(1) of the Act to give consent to the grant of a mass or dimension authority for a trial period of no more than 3 months specified by the delegate.	Y	
9. Renewal of Limited Consent for Trial Purposes		
9.1 The power pursuant to Section 170(3) of the Act to give the Regulator a written objection within the current trial period to the renewal of a mass or dimension authority for a further trial period of no more than 3 months.	Y	
10. Amendment or Cancellation on Regulator's Initiative		

INSTRUMENT OF DELEGATION UNDER THE
HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA) ACT 2013

10.1	The power pursuant to Section 173(3)(d) of the Act to make written representations about why the proposed action should not be taken.	Y	
11.	Amendment or Cancellation on Request by Relevant Road Manager		
11.1	The power pursuant to Section 174(1) of the Act to form the opinion and be satisfied that the use of heavy vehicles on a road under the authority:		
11.1.1	has caused, or is likely to cause, damage to road infrastructure; or	Y	
11.1.2	has had, or is likely to have, an adverse effect on the community arising from noise, emissions or traffic congestion or from other matters stated in approved guidelines; or	Y	
11.1.3	has posed, or is likely to pose, a significant risk to public safety arising from heavy vehicle use that is incompatible with road infrastructure or traffic conditions.	Y	
11.2	The power pursuant to Section 174(2) of the Act to ask the Regulator to:		
11.2.1	amend the mass or dimension authority by:	Y	

INSTRUMENT OF DELEGATION UNDER THE
HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA) ACT 2013

<u>11.2.1.1 amending the category of vehicle to which the authority applies; or</u>	<u>Y</u>	
<u>11.2.1.2 amending the type of load that may be carried by vehicles to which the authority applies; or</u>	<u>Y</u>	
<u>11.2.1.1</u> <u>11.2.1.3</u> amending the areas or routes to which the authority applies; or	Y	
<u>11.2.1.2</u> <u>11.2.1.4</u> amending the days or hours to which the authority applies; or	Y	
<u>11.2.1.3</u> <u>11.2.1.5</u> imposing or amending road conditions or travel conditions; or	Y	
11.2.2 cancel the authority.	Y	
12. Amendment or Cancellation on Application by Permit Holder		
12.1 The power pursuant to Section 176(4)(c) of the Act to consent to the amendment of a mass or dimension authority.	Y	
13. Amendment or Cancellation on Request by Relevant Road Manager		
13.1 The power pursuant to Section 178(1) of the Act to form the opinion and be satisfied that the use of heavy vehicles on a road under the authority:		
13.1.1 has caused, or is likely to cause, damage to road infrastructure; or	Y	
13.1.2 has had, or is likely to have, an adverse effect on the community arising from noise, emissions or traffic congestion or from other matters stated in approved	Y	

INSTRUMENT OF DELEGATION UNDER THE
HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA) ACT 2013

guidelines; or		
13.1.3 has posed, or is likely to pose, a significant risk to public safety arising from heavy vehicle use that is incompatible with road infrastructure or traffic conditions.	Y	
13.2 The power pursuant to Section 178(2) of the Act to ask the Regulator to:		
13.2.1 amend the mass or dimension authority, including, for example, by:	Y	
13.2.1.1 amending the areas or routes to which the authority applies; or	Y	
13.2.1.2 amending the days or hours to which the authority applies; or	Y	
13.2.1.3 imposing or amending road conditions or travel conditions on the authority; or	Y	
13.2.2 cancel the authority.	Y	

INSTRUMENT OF DELEGATION UNDER THE
LOCAL GOVERNMENT ACT 1999**NOTES**

In exercise of the power contained in Section 44 of the Local Government Act 1999 the following powers, functions and duties under the Local Government Act 1999 are hereby delegated this ~~23rd~~ 10th day of ~~May-Oct~~ 2017 to the person occupying the office of Chief Executive Officer of the Council and the said powers, functions and duties may be sub-delegated by the delegate to any other officer of Council.

Conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.

References:

Abbreviation	Position Title
CSI	Community Safety Inspector
CIAU	Coordinator Infrastructure Audit Unit
EHO	Environmental Health Officer
FC	Financial Coordinator
GMCD	General Manager City Development
GMCoS	General Manager Corporate Services
GMCiS	General Manager City Services
LAO	Land Asset Officer
MCP	Manager City Property
MCCS	Manager Community and Cultural Services
UMC	Unit Manager Contracts
MCG	Manager Corporate Governance
MD&RS	Manager Development and Regulatory Services
ME&FS	Manager Engineering and Field Services
MF	Manager Finance
MHR	Manager Human Resources
MI&S	Manager Innovation and Strategy
SPO	Strategic Project Officer
TLL&P	Team Leader Land and Property
TLRS	Team Leader Rating Services
UMCS	Unit Manager Civil Services
UMC	Unit Manager Communications
UMCI	Unit Manager Customer Information
UME	Unit Manager Engineering
UMG&R	Unit Manager Governance and Records
UMOSO	Unit Manager Open Space Operations
UMR	Unit Manager Risk

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

1. Composition and Wards	Delegate to CEO	Sub-delegation
1.1. The power pursuant to Section 12(1) of the Local Government Act 1999 ('the Act') to, by notice in the Gazette, after complying with the requirements of Section 12 of the Act,		
1.1.1. alter the composition of the Council;	N	
1.1.2. divide, or redivide, the area of the Council into wards, alter the division of the area of the Council into wards, or abolish the division of the area of the Council into wards.	N	
1.2. The power pursuant to Section 12(2) of the Act, also by notice under Section 12 of the Act, to		
1.2.1. change the Council from a municipal council to a district council, or change the Council from a district council to a municipal council;	N	
1.2.2. alter the name of:		
1.2.2.1. the Council;	N	
1.2.2.2. the area of the Council;	N	
1.2.3. give a name to, or alter the name of, a ward, (without the need to comply with Section 13 of the Act).	N	
1.3. The duty pursuant to Section 12(3) of the Act to, before publishing a notice,	Y	

conduct and complete a review under Section 12 of the Act for the purpose of determining whether the Council's community would benefit from an alteration to the Council's composition or ward structure.		
1.4. The power pursuant to Section 12(4) of the Act to review a specific aspect of the composition of the Council, or of the wards of the Council, or of those matters generally and the duty to ensure that all aspects of the composition of the Council, and the issue of the division, or potential division, of the area of the Council into wards, are comprehensively reviewed at least once in every eight years,	Y	
1.5. Deliberately left blank		
1.6. Deliberately left blank		
1.7. The duty pursuant to Section 12(5) of the Act to initiate the preparation of a representation options paper by a person who, in the opinion of the Delegate, is qualified to address the representation and governance issues that may arise with respect to the matters under review.	Y	
1.8. The duty pursuant to Section 12 (7) of the Act to give public notice of the preparation of a representation options paper and notice in a newspaper circulating within the Council's area, and to ensure that the notice contains an invitation to interested persons to make written submissions to the Council on the subject of the review within a period specified by the Council, being a period of at least six weeks.	Y	
1.9. The duty pursuant to Section 12(8) of the Act to make copies of the representation options paper available for public inspection	Y	

(without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council during the period that applies under Section 7(a)(ii).		
1.10. At the conclusion of public consultation under Section 12(7)(a), the duty pursuant to Section 12(8a) of the Act to prepare a report that:		
1.10.1. provides information on the public consultation process undertaken by the Council and the Council's response to the issues arising from the submissions made as part of that process; and	Y	
1.10.2. sets out:		
1.10.2.1. any proposals that the Delegate considers should be carried into effect under this Section; and	Y	
1.10.2.2. in respect of any such proposal - an analysis of how the proposal relates to the principles under Section 26(1)(c) and the matters referred to in Section 33 (to the extent that may be relevant); and	Y	
1.10.3. sets out the reasons for the Council's decision insofar as a decision of the Council is not to adopt any change under consideration as part of the representation	Y	

options paper or the public consultation process.		
1.11. The duty pursuant to Section 12(9) of the Act to make copies of the report available for public inspection at the principal office of the Council and to give public notice, by way of a notice in a newspaper circulating in its area, informing the public of its preparation of the report and its availability and inviting interested persons to make written submissions on the report to the Council within a period specified by the Council, being not less than three weeks.	Y	
1.12. The duty pursuant to Section 12(10) of the Act to give any person who makes written submissions in response to an invitation under Section 12(9), an opportunity to appear personally or by representative before the Council or a Council committee and to be heard on those submissions.	Y	
1.13. The duty pursuant to Section 12(11) of the Act to finalise the Council report including recommendations with respect to such related or ancillary matters as it sees fit.	Y	
1.14. With respect to a proposal within the ambit of Section 12(11a), the power pursuant to Section 12(11b) of the Act:		
1.14.1. insofar as may be relevant in the particular circumstances, to separate a proposal (and any related proposal), from any other proposal contained in the report; and	Y	
1.14.2. to determine to conduct the relevant poll in conjunction with	Y	

the next general election for the Council or at some other time.		
1.15. Where a poll under Section 12(11a) has been conducted, the duty pursuant to Section 12(11c)(b) of the Act to:		
1.15.1. prepare a summary of issues surrounding the proposal to assist persons who may vote at the poll; and	Y	
1.15.2. obtain a certificate from the Electoral Commissioner that he or she is satisfied that the Council has taken reasonable steps to ensure the summary is a fair and comprehensive overview of the arguments for and against the proposal; and	Y	
1.15.3. after obtaining the certificate of the Electoral Commissioner, ensure that copies of the summary are made available for public inspection at the principal office of the Council, and on the internet and distributed in any other manner as may be directed by the Electoral Commissioner.	Y	
1.16. The duty pursuant Section 12(12) of the Act having then taken into account the operation of Section 12(11d) of the Act to refer the report to the Electoral Commissioner.	Y	
1.17. The duty pursuant to Section 12(12a) of the Act to send with the report copies of any written submissions received by the Council under Section 12(9) of the Act that relate to the subject matter of the proposal.	Y	
1.18. The power pursuant to Section 12(15)(b) of the Act to provide by notice in the Gazette, for the operation of any proposal that is	Y	

recommended in the report, where a certificate is given by the Electoral Commissioner.		
1.19. The duty pursuant to Section 12(16) of the Act to take such action as is appropriate in circumstances where the matter is referred back to the Council by the Electoral Commissioner and the power to refer the report back to the Electoral Commissioner.	Y	
1.20. Where the Council makes an alteration to its report under Section 12(16)(a) of the Act, the duty pursuant to Section 12(17) of the Act to comply with the requirements of Section 12(9) and (10) of the Act as if the report, as altered, constituted a new report, unless the Delegate determines the alteration is of a minor nature only.	Y	
1.21. The duty pursuant to Section 12(24) of the Act to undertake a review of ward representation within a period specified by the Electoral Commissioner, where the Electoral Commissioner notifies the Council in writing that the number of electors represented by a councillor for a ward varies from the ward quota by more than 20 %.	Y	
2. Status of a Council or Change of Various Names	Y	
2.1. The power pursuant to Section 13(1) of the Act, to, by notice in the Gazette, after complying with the requirements of Section 13 of the Act:		
2.1.1. change the Council from a municipal council to a district council, or change the Council from a district council to a municipal council;	N	

2.1.2. alter the name of:	N	
2.1.2.1. the Council;	N	
2.1.2.2. the area of the Council;	N	
2.1.3. alter the name of a ward.	N	
2.2. The duty, pursuant to Section 13(2) of the Act, to, before publishing a notice, comply with the following requirements:		
2.2.1. to give public notice of the proposal and invite any interested persons to make written submissions on the matter within a specified period, being no less than six weeks;	Y	
2.2.2. publish the notice in a newspaper circulating within the area; and	Y	
2.2.3. give any person who makes written submissions in response to the invitation an opportunity to appear personally or by representative before the Council or Council committee and be heard on those submissions.	Y	
3. Deliberately left blank		
3.1. Deliberately left blank		
4. Deliberately left blank		
Deliberately left blank		
5. Council Initiated Proposal		
5.1. Deliberately left blank	Y	
5.2. Deliberately left blank	Y	
5.2.1. Deliberately left blank	Y	
5.2.2. Deliberately left blank	Y	

5.2.3. Deliberately left blank	Y	
5.2.4. Deliberately left blank	Y	
5.3. The power pursuant to section 27(7) of the Act, to, in relation to the proposal submitted by the Council, request or consent to the Minister:		
5.3.1. amending the proposal;	N	
5.3.2. substituting an alternative proposal.	N	
6. Public Initiated Submissions		
6.1. The power pursuant to Section 28(6) of the Act, on the receipt of a submission under Section 28(2) of the Act, to consider the issues determined by the Council or the Delegate to be relevant to the matter and to then decide whether or not it is willing to:	N	
6.1.1. conduct a review in relation to the matter under Division 2 of Part 1 of the Act; or	N	
6.1.2. formulate (or participate in the formulation of) a proposal in relation to the matter under Division 4 of Part 2 of the Act	N	
6.2. Where the Council is affected by a public initiated proposal under Chapter 3 of the Act, the duty to ensure that copies of the summary prepared by the Panel are made available for public inspection at the principal office of the Council and distributed to electors in accordance with the directions of the Panel, pursuant to Section 28(23)(f) and (g).	Y	
7. General Powers and Capacities		
7.1. The power pursuant to Section 36(1)(a)(i) of the Act to enter into any kind of contract or arrangement	Y	

where the common seal of the Council is not required.		
7.2. The power pursuant to Section 36(1)(c) of the Act to do anything necessary, expedient or incidental but within any policy or budgetary constraints set by the Council to perform or discharge the Council's functions or duties or to achieve the Council's objectives.	Y	
7.3. The power pursuant to Section 36 (2) of the Act to act outside the Council's area –	Y	
7.3.1. to the extent considered by the Delegate to be necessary or expedient to the performance of the Council's functions; or	Y	
7.3.2. in order to provide services to an unincorporated area of the State.	Y	
7.4. The duty pursuant to Section 36(3) of the Act to take reasonable steps to separate the Council's regulatory activities from its other activities in the arrangement of its affairs.	Y	
8. Provision Relating to Contract and Transactions		
8.1. The power pursuant to Section 37(b) of the Act to enter into contracts or to authorise another officer, employee or agent of the Council to enter into contracts, on behalf of the Council, where the common seal of the Council is not required.	Y	
9. Committees		
9.1. The power pursuant to Section 41(1) and (2) of the Act to establish committees.	N	
9.2. The power pursuant to Section 41(3) of the Act to determine the	N	

membership of a committee.		
9.3. The power pursuant to Section 41(4) of the Act to appoint a person as a presiding member of a committee, or to make provision for the appointment of a presiding member.	N	
9.4. The power pursuant to Section 41(6) of the Act to appoint the principal member of the Council as an ex officio member of a committee.	N	
9.5. The power and duty pursuant to Section 41(8) of the Act, to, when establishing a committee, determine the reporting and other accountability requirements that are to apply in relation to the committee.	N	
10. Delegations		
10.1. The duty pursuant to Section 44(6) of the Act to cause a separate record to be kept of all delegations under the Act.	Y	
10.2. The duty pursuant to Section 44(7) of the Act to make available the record of delegations for inspection (without charge) by the public at the principal office of the Council during ordinary office hours.	Y	
11. Principal Office		
11.1. The duty pursuant to Section 45(1) of the Act to nominate a place as the principal office of the Council for the purposes of the Act.	Y	
11.2. The duty pursuant to Section 45(2) of the Act to keep the principal office of Council open to the public for the transaction of business during hours determined.	Y	
11.3. The power pursuant to Section 45(3) of the Act to consult with the local community in accordance with Council's public consultation policy	Y	

about the manner, places and times at which the Council's offices will be open to the public for the transaction of business and about any significant changes to those arrangements.		
12. Commercial Activities		
12.1. Subject to the Act, the power pursuant to Section 46(1) of the Act to in the performance of the Council's functions, engage in a commercial activity or enterprise ('a commercial project')	N	
12.2. The power pursuant to Section 46 (2) of the Act, to, in connection with a commercial project:		
12.2.1. establish a business;	N	
12.2.2. participate in a joint venture, trust, partnership or other similar body.	N	
13. Interests in Companies		
13.1. the power pursuant to Section 47(2)(b) of the Act to participate in the formation of, or to become a member of a company limited by guarantee established as a national association to promote and advance the interests of an industry in which local government has an interest.	Y	
14. Prudential Requirements for Certain Activities		
14.00 The power and duty pursuant to Section 48(aa1) of the Act and in accordance with Section 48(a1) of the Act, to develop and maintain prudential management policies, practices and procedures for the assessment of projects to ensure that the Council -		
14.00.1 acts with due care, diligence and foresight;		

and		
14.00.2 identifies and manages risks associated with a project; and		
14.00.3 makes informed decisions; and		
14.00.4 is accountable for the use of Council and other public resources.		
14.1. The duty pursuant to Section 48(1) of the Act to obtain a report in accordance with Section 48(3) of the Act, that addresses the prudential issues set out at Section 48(2) of the Act, before the Council or the Delegate:		
14.1.1. Deliberately left blank		
14.1.2. engages in any project (whether commercial or otherwise and including through a subsidiary or participation in a joint venture, trust, partnership or other similar body):		
14.1.2.1. where the expected operating expenses of the Council over the ensuing five years is likely to exceed 20 per cent of the Council's average annual operating expenses over the previous five financial years (as shown in the Council's financial statements); or	Y	
14.1.2.2. where the expected capital cost of the project over the ensuing five years is likely to exceed \$4,000,000.00 (indexed); or	Y	
14.1.2.3. where the Council or Delegate considers that it is necessary or appropriate.	Y	

14.2. Deliberately left blank		
14.3. The power and duty pursuant to Section 48(5) of the Act to make a report under Section 48(1) of the Act available for public inspection at the principal office of the Council once the Council has made a decision on the relevant project (and the power to make the report available at an earlier time unless the Council orders that the report be kept confidential until that time).	Y	
15. Contracts and Tender Policies		
15.0 The power and duty pursuant to Section 49(a1) of the Act to develop and maintain procurement policies, practices and procedures directed towards:		
15.0.1 obtaining value in the expenditure of public money; and		
15.0.2 providing for ethical and fair treatment of participants; and		
15.0.3 ensuring probity, accountability and transparency in procurement operations.		
15.1. The duty pursuant to Section 49(1) of the Act to prepare policies on contracts and tenders for consideration and adoption by the Council, including policies on the following:		
15.1.1. the contracting out of services; and	Y	
15.1.2. competitive tendering and the use of other measures to ensure that services are delivered cost effectively; and	Y	
15.1.3. the use of local goods and services; and	Y	

15.1.4. the sale or disposal of land or other assets.	Y	
15.2. The power and duty pursuant to Section 49(2) of the Act to ensure that any policies on contracts and tenders:		
15.2.1. identify circumstances where the Council will call for tenders for the supply of goods, the provision of services or the carrying out of works, or the sale or disposal of land or other assets; and	Y	
15.2.2. provide a fair and transparent process for calling tenders and entering into contracts in those circumstances; and	Y	
15.2.3. provide for the recording of reasons for entering into contracts other than those resulting from the tender process.	Y	
15.2.4. are consistent with any requirement prescribed by the regulations.	Y	
15.3. The power pursuant to Section 49(3) of the Act to, at any time, alter a policy under Section 49 of the Act, or substitute a new policy or policies (but not so as to affect any process that has already commenced).	N	
15.4. The duty pursuant to Section 49(4) of the Act to make available for inspection (without charge) a policy adopted under this Section at the principal office of Council during office hours.	Y	
16. Public Consultation Policies		
16.1. The duty pursuant to Section 50(1) and (2) of the Act to prepare a		

public consultation policy for consideration and adoption by the Council which sets out the steps the Council will follow:		
16.1.1. in cases where the Act requires the Council to follow its public consultation policy; and	Y	
16.1.2. in other cases involving Council decision making.	Y	
16.2. The duty pursuant to Section 50(3) of the Act to include in the steps set out in the public consultation policy reasonable opportunities for interested persons to make submissions in cases where the Act requires the Council to follow its public consultation policy and to make other arrangements appropriate to other classes of decisions, within the scope of the policy.	Y	
16.3. The duty pursuant to Section 50(4) of the Act to ensure that the public consultation policy, in cases where the Act requires the policy to be followed, provides for:		
16.3.1. publication in a newspaper circulating within the area of the Council of a notice describing the matter under consideration and inviting interested persons to make submissions in relation to the matter within a period stated, which is not less than 21 days; and	Y	
16.3.1.1 in a newspaper circulating within the area of the Council; and	Y	
16.3.1.2 on a website determined by the Chief Executive Officer,	Y	
describing the matter under		

consideration and inviting interested persons to make submissions in relation to the matter within a period (which must be at least 21 days) stated in the notice; and		
16.3.2. the consideration of any submissions made in response to that invitation.	Y	
16.4. The power pursuant to Section 50(5) of the Act, to, from time to time, alter the Council's public consultation policy, or substitute a new policy.	N	
16.5. Before the Council adopts a public consultation policy or alters, or substitutes a public consultation policy, the duty pursuant to Section 50(6) of the Act to -		
16.5.1. prepare a document that sets out its proposal in relation to the matter; and	Y	
16.5.2. publish in a newspaper circulating within the area of the Council, a notice of the proposal inviting interested persons to make submissions on the proposal within a period stated in the notice, which must be at least one month.	Y	
16.5.3. consider any submissions made in response to an invitation made under Section 50(6)(d) of the Act.	Y	
16.6. The power pursuant to Section 50(7) of the Act to determine if the alteration of a public consultation policy is of minor significance that would attract little or no community interest.	Y	
16.7. The duty pursuant to Section 50(8) of the Act to ensure the public consultation policy is available for	Y	

inspection (without charge) at the principal office of Council during ordinary office hours.		
17. Deliberately left blank		
17.1. Deliberately left blank		
17.2. Deliberately left blank		
17.3. Deliberately left blank		
17.4. Deliberately left blank		
17.5. Deliberately left blank		
18. Inspection of Register		
18.1. The duty pursuant to Section 70(1) of the Act to make available for inspection (without charge) the Register of Interests of Councillors at the principal office of the Council during ordinary office hours.	Y	
19. Reimbursement of Expenses		
19.1. The power pursuant to Section 77(1)(b) of the Act to reimburse to members of the Council expenses of a kind prescribed for these purposes and approved by the Council (either specifically or under a policy established by the Council for these purposes) incurred in performing or discharging official functions and duties.	Y	
19.2. The duty pursuant to Section 77(3) of the Act to make available for inspection (without charge) any policy of Council concerning these reimbursements at the principal office of the Council during ordinary office hours.	Y	
20. Register of Allowances and Benefits		
20.1. The duty pursuant to Section 79(3) of the Act to make available for inspection (without charge) the	Y	

Register of Allowances and Benefits, at the principal office of the Council during ordinary office hours.		
21. Insurance of members		
21.1. The duty pursuant to Section 80 of the Act to take out a policy of insurance insuring every member of the Council and a spouse, domestic partner or another person who may be accompanying a member of the Council, against risks associated with the performance or discharge of official functions and duties by members.	Y	
22. Training and Development		
22.1. The duty pursuant to Section 80A(1) of the Act to prepare a training and development policy in accordance with Section 80A(2) of the Act for the Council's members.	Y	
22.2. The duty pursuant to Section 80A(2) of the Act to ensure that the Council's training and development policy is aimed at assisting the Council's members in the performance and discharge of their functions and duties.	Y	
22.3. The power pursuant to Section 80A(3) of the Act to, from time to time, alter the Council's training and development policy or substitute a new policy.	N	
22.4. The duty pursuant to Section 80A(4) and (5) of the Act to make available the training and development policy for inspection (without charge) at the principal office of the Council during ordinary office hours and for purchase (on payment of a fee fixed by the Council).	Y	
23. Committee Meetings		

23.1. The power pursuant to Section 87(1) of the Act to determine the times and places of ordinary meetings of Council committees.	Y	
23.2. The duty pursuant to Section 87(2) of the Act in appointing a time for the holding of an ordinary meeting of a Council committee to take into account:		
23.2.1. the availability and convenience of members of the committee; and	Y	
23.2.2. the nature and purpose of the committee.	Y	
24. Meetings to be Held In Public Except in Special Circumstances		
24.1. The duty pursuant to Section 90(7) of the Act to make a note in the minutes of the making of an order under Section 90(2) of the Act and the grounds on which it was made.	Y	
24.2. The power pursuant to Section 90(8a)(a) of the Act to adopt a policy on the holding of informal gatherings or discussions subject to Section 90(8b) of the Act.	Y	
24.3. The power pursuant to Section 90(8c) of the Act, to, from time to time, alter the Council's policy or substitute a new policy.	Y	
25. Minutes and Release of Documents		
25.1. The duty pursuant to Section 91(3) to supply each member of the Council with a copy of all minutes of the proceedings of the Council or Council committee meeting, within 5 days after that meeting.	Y	
25.2. Subject to Section 91(7), the duty pursuant to Section 91(4) of the Act to place a copy of the minutes of a	Y	

meeting of the Council on public display in the principal office of the Council within 5 days after the meeting and to keep those minutes on display for a period of 1 month.		
25.3. Subject to Section 91(7) of the Act, the duty pursuant to Section 91(5) of the Act to make available for inspection, without payment of a fee, at the principal office of the Council -		
25.3.1. minutes of the Council and Council committee meetings; and	Y	
25.3.2. reports to the Council or to a Council committee received at a meeting of the Council or Council committee; and	Y	
25.3.3. recommendations presented to the Council in writing and adopted by resolution of the Council; and	Y	
25.3.4. budgetary or other financial statements adopted by the Council.	Y	
26. Code of Practice for Access to Meetings and Documents		
26.1. 20.1 The duty pursuant to Section 92(1) of the Act, and subject to Section 92(4) of the Act, to prepare a Code of Practice for consideration and adoption by the Council, relating to the principles, policies, procedures and practices that the Council will apply for the purposes of the operation of Parts 3 and 4 of Chapter 6 of the Act.	Y	
26.2. The duty pursuant to Section 92(2) of the Act to cause a review to be undertaken of the operation of the Council's Code of Practice within 12 months after a periodic election.	Y	

26.3. The power pursuant to Section 92(3) of the Act, to, at any time, alter the Council's code of practice or substitute a new code of practice.	N	
26.4. The duty pursuant to Section 92(5) of the Act to ensure that before the Council adopts, alters or substitutes its Code of Practice that:		
26.4.1. copies of the proposed Code, alterations or substitute Code (as the case may be) are made available for inspection or purchase at the Council's principal office and available for inspection on a website determined by the Chief Executive Officer; and	Y	
26.4.2. the relevant steps set out in the Council's Public Consultation Policy are followed.	Y	
26.5. The duty pursuant to Section 92(6) and (7) of the Act to ensure that the Code of Practice is available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of Council during ordinary office hours.	Y	
27. Meetings of Electors		
27.1. The power pursuant to Section 93(1) of the Act to convene a meeting of electors in the area or part of the area of the Council.	Y	
27.2. The duty pursuant to Section 93(11) of the Act to provide each member of the Council with a copy of the minutes of any meeting of electors within 5 days of that meeting.	Y	
27.3. The power pursuant to Section 93(14) of the Act to determine the procedure for the purposes of	Y	

making a nomination under Sections 93(3)(a)(ii) or 93(3)(b)(ii).		
28. Obstruction of Meetings		
28.1. The power pursuant to Section 95 of the Act to take proceedings under this Act against a person who intentionally obstructs or hinders proceedings at a meeting of the Council or a Council committee or at a meeting of electors.	Y	
29. Register of Remuneration Salaries and Benefits		
29.1. The duty pursuant to Section 105(3) of the Act to make available the Register of Salaries of employees of the Council for inspection by the public at the principal office of the Council during ordinary office hours.	Y	
30. Certain Periods Of Service To Be Regarded As Continuous		
30.1. The duty pursuant to Sections 106(2) and 106(2a) of the Act to ensure any other Council receives within one month of the Council having received written notice requiring payment, the appropriate contribution to an employee's service benefits.	Y	
30.2. The duty pursuant to Section 106(4) of the Act to supply to any other council, at its request, details of the service of an employee or former employee of the Council.	Y	
30.3. The duty pursuant to Section 106(5) of the Act to hold and apply a payment or contribution received by the Council under Section 106 in accordance with the Regulations.	Y	
31. Deliberately left blank		

31.1. Deliberately left blank		
32. Application of Division		
32.1. The power pursuant to Section 111(b) of the Act to declare any other officer, or any other officer of a class, to be subject to the operation of Chapter 7, Part 4, Division 1 of the Act.	N	
33. Certain Aspects of Strategic Management Planning		
33.1. The duty pursuant to Section 122(6) of the Act to develop a process or processes for adoption by the Council to ensure that members of the public are given a reasonable opportunity to be involved in Council's development and review of its strategic management plans.	Y	
33.2. The duty pursuant to Section 122(7) of the Act to ensure that copies of the Council's strategic management plans are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council.	Y	
34. Annual Business Plans and Budget Documents		
34.1. Before the Council adopts an annual business plan, the duty pursuant to Section 123(3) of the Act to, -		
34.1.1. prepare a draft annual business plan; and	Y	
34.1.2. follow the relevant steps set out in the Council's public consultation policy, taking into account and complying with the requirements of Section 123(4) of the Act.	Y	

34.2. The duty pursuant to Section 123(5) of the Act to ensure that copies of the draft annual business plan are available at the meeting arranged pursuant to and in accordance with Section 123(4)(a)(i) and (4)(b) of the Act, and for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council and on the website at least 21 days before the date of that meeting.	Y	
34.3. The duty pursuant to Section 123(5a) of the Act to ensure that provision is made for -		
34.3.1. a facility for asking and answering questions; and		
34.3.2. the receipt of submissions,		
on the Council's website during the public consultation period.	Y	
34.4. After the Council has adopted an annual business plan and a budget, the duty pursuant to Section 123(9) of the Act, to -		
34.4.1. Ensure		
34.4.1.1. that a summary of the annual business plan is prepared in accordance with the requirements set out at Sections 123(10), (11) and (12) of the Act, so as to assist in promoting public awareness of the nature of the Council's services and the Council's rating and financial management policies, taking into account its objectives and activities for the ensuing financial year; and	Y	
34.4.1.2. that a copy of the	Y	

summary of the annual business plan accompanies the first rates notice sent to ratepayers after the declaration of the Council's rates for the financial year; and		
34.4.2. ensure		
34.4.2.1. that copies of the annual business plan and the budget (as adopted) are available for inspection (without charge) or purchase (on payment of a fee fixed by the Council); and	Y	
34.4.2.2. that copies of the summary of the annual business plan are available for inspection and to take (without charge), at the principal office of the Council.	Y	
34.4.3. ensure that electronic copies of the annual business plan and the budget (as adopted) are published on a website determined by the Chief Executive Officer.		
35. Accounting Records to be Kept		
35.1. The duty pursuant to Section 124(1) of the Act to:	Y	
35.1.1. keep such accounting records as correctly and adequately record and explain the revenues, expenses, assets and liabilities of the Council;	Y	
35.1.2. keep the Councils accounting records in such manner as will enable –	Y	

35.1.2.1. the preparation and provision of statements that fairly present financial and other information; and	Y	
35.1.2.2. the financial statements of the Council to be conveniently and properly audited.	Y	
35.2. The power pursuant to Section 124(2) to determine the form or forms and the place or places (within the state) to keep the accounting records of the Council.	Y	
36. Internal Control Policies		
36.1. The duty pursuant to Section 125 of the Act to ensure that appropriate policies, practices and procedures of internal control are implemented and maintained in order to assist the Council to carry out its activities in an efficient and orderly manner, to achieve its objectives, to ensure adherence to management policies, to safeguard the Council's assets, and to secure (as far as possible) the accuracy and reliability of the Council's records.	Y	
37. Audit Committee		
37.1. The power and duty pursuant to Section 126(1) of the Act to appoint an audit committee in accordance with Section 126(2) of the Act.	N	
37.2. If an audit committee is appointed by the Delegate or the Council, the power to determine the membership of any audit committee in accordance with Section 126(2) of the Act.	N	
38. Financial Statements		
38.1. The duty pursuant to Section 127(1) of the Act to prepare for each	Y	

financial year:		
38.1.1. financial statements and notes in accordance with standards prescribed by the regulations; and	Y	
38.1.2. other statements and documentation referring to the financial affairs of the Council required by the Regulations.	Y	
38.2. The duty pursuant to Section 127(2) of the Act to ensure that the financial statements prepared for the Council pursuant to Section 127(1) of the Act -	Y	
38.2.1. are prepared as soon as is reasonably practicable after the end of the relevant financial year and in any event before the day prescribed by the Regulations; and	Y	
38.2.2. comply with standards and principles prescribed by the Regulations; and	Y	
38.2.3. include the information required by the Regulations.	Y	
38.3. The duty pursuant to Section 127(3) of the Act to submit for auditing by the Council's auditor the statements prepared for each financial year.	Y	
38.4. The duty pursuant to Section 127(4) of the Act to submit a copy of the auditor's statements to the persons or bodies prescribed by the Regulations on or before the day prescribed by the Regulations.	Y	
38.5. The duty pursuant to Section 127(5) of the Act to ensure that copies of the Council's audited statements are available for inspection (without charge) and	Y	

purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council.		
39. The Auditor		
39.1. The power and duty pursuant to and in accordance with Section 128(2), (3) (4), (4a), (5), (6), (7) and (8) of the Act to appoint an auditor on the recommendation of the Council's audit committee.	Y	
39.2. The duty pursuant to Section 128(8) of the Act to comply with any requirements prescribed by the Regulations with respect to providing for the independence of the auditor.	Y	
39.3. The duty pursuant to Section 128(9) of the Act to ensure that the following information is included in the Council's annual report:		
39.3.1. information on the remuneration payable to the Council's auditor for work performed during the relevant financial year, distinguishing between -	Y	
39.3.1.1. remuneration payable for the annual audit of the Council's financial statements; and	Y	
39.3.1.2. other remuneration;	Y	
39.3.2. if a person ceases to be the auditor of the Council during the relevant financial year, other than by virtue of the expiration of his or her term of appointment and is not being reappointed to the office - the reason or reasons why the appointment of the Council's auditor came to an end.	Y	
40. Conduct of Audit		

<p>40.1. The duty pursuant to Section 129(9) of the Act to ensure the opinions under Section 129(3) of the Act provided to Council under Section 129 of the Act accompany the financial statements of the Council.</p>	Y	
<p>41. Other Investigations</p>		
<p>41.1. The power, pursuant to and in accordance with Sections 130A(1) and (2) of the Act, as the Delegate thinks fit, to request the Council's auditor, or some other person determined by the Delegate to be suitably qualified in the circumstances, to examine and report on any matter relating to financial management, or the efficiency and economy with which the Council manages or uses its resources to achieve its objectives, that would not otherwise be addressed or included as part of an annual audit under Division 4 of Chapter 8 of the Act and that is considered by the Delegate to be of such significance as to justify an examination under this Section.</p>	Y	
<p>41.2. Unless Section 130A(7) of the Act applies, the duty pursuant to Section 130A(6) of the Act to place the report prepared pursuant to Section 130A(1) of the Act on the agenda for consideration:</p>	Y	
<p>41.2.1. unless Section 130A(6)(b) of the Act applies – at the next ordinary meeting of the Council in accordance with Section 130A(6)(a), of the Act;</p>	Y	
<p>41.2.2. if the agenda for the next ordinary meeting of the Council has already been sent to members of the Council at the time that the report is provided to the principal member of the</p>	Y	

Council – at the ordinary meeting of the Council next following the meeting for which the agenda has already been sent unless the principal member of the Council determines, after consultation with the Chief Executive Officer, that the report should be considered at the next meeting of the Council as a late item on the agenda in accordance with Section 130A(6)(b) of the Act.		
42. Annual Report to be Prepared and Adopted		
42.1. The duty pursuant to Section 131(1) of the Act to prepare for consideration and adoption by the Council, on or before 30 November each year, an annual report relating to the operations of the Council for the financial year ending on the preceding 30 June.	Y	
42.2. The duty pursuant to Section 131(2) and (3) of the Act to include in that report the material, and include specific reports on the matters, specified in Schedule 4 as amended from time to time by regulation.	Y	
42.3. The duty pursuant to Section 131(4) of the Act to provide a copy of the annual report to each member of the Council.	Y	
42.4. The duty pursuant to Section 131(5) of the Act to submit a copy of the annual report to:		
42.4.1. the Presiding Member of both Houses of Parliament; and	Y	
42.4.2. to the persons or body prescribed by the Regulations,	Y	
on or before the date determined under the Regulations.	Y	

42.5. The power pursuant to Section 131(7) of the Act to provide to the electors for the area an abridged or summary version of the annual report.	Y	
42.6. The duty pursuant to Section 131(8) of the Act to ensure that copies of Council's annual report are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council.	Y	
43. Access to Documents		
43.1. The duty pursuant to Section 132(1) of the Act to ensure a member of the public is able -	Y	
43.1.1. to inspect a document referred to in Schedule 5 of the Act at the principal office of the Council during ordinary office hours without charge; and	Y	
43.1.2. to purchase a document referred to in Schedule 5 to the Act at the principal office of the Council during ordinary office hours for a fee fixed by the Council.	Y	
43.2. The power pursuant to Section 132(2) of the Act to make a document available in electronic form for the purposes of Section 132(1)(a).	Y	
43.3. The power and duty, pursuant to and in accordance with Section 132(3) of the Act, to make the following documents available for inspection on a website determined by the Chief Executive Officer within a reasonable time after they are available at the principal office of the Council:		
43.3.1. agendas for meetings of the	Y	

Council or Council committees;		
43.3.2. minutes of meetings of the Council or Council committees;	Y	
43.3.3. codes of conduct or codes of practice adopted by the Council under this Act or the Local Government (Elections) Act 1999;	Y	
43.3.4. the Council's contract and tenders policies, public consultation policy and order-making policies;	Y	
43.3.5. the Council's draft annual business plan, annual business plan (as adopted by the council) and the summary of the annual business plan required under Part 2 of this Chapter;	Y	
43.3.6. the Council's budget (as adopted by the Council for a particular year);	Y	
43.3.7. a list of fees and charges imposed by the Council under this Act;	Y	
43.3.8. by-laws made by the Council and any determination in respect of a by-law made under Section 246(3)(e) of the Act;	Y	
43.3.9. procedures for the review of decisions established by the Council under Part 2 of Chapter 13;	Y	
43.3.10. the audited financial statements of the Council;	Y	
43.3.11. the annual report of the Council;	Y	
43.3.12. the Council's most recent information statement under the Freedom of Information Act	Y	

1991, unless the Council provides it as part of the annual report of the Council.		
44. Related Administrative Standards		
44.1. The duty pursuant to Section 132A of the Act to ensure that appropriate policies, practices and procedures are implemented and maintained in order -		
44.1.1. to ensure compliance with any statutory requirements; and	Y	
44.1.2. to achieve and maintain standards that reflect good administrative practices.	Y	
45. Sources of Funds		
45.1. Subject to the Act, the power pursuant to Section 133 of the Act to obtain funds as permitted under the Act or another Act and as may otherwise be appropriate in order to carry out the Council's functions under the Act or another Act.	Y	
46. Ability of a Council to Give Security		
46.1. The power pursuant to Section 135(1) of the Act and subject to Section 135(2) of the Act to provide various forms of security, including:	N	
46.1.1. guarantees (including guarantees relating to the liability of a subsidiary of the Council);	N	
46.1.2. debentures charged on the general revenue of the Council (including to support a guarantee provided under Section 135(1) of the Act);	N	
46.1.3. bills of sale, mortgages or other charges (including to support a guarantee provided under Section 135(1)(a) of the	N	

Act.		
46.2. The power and duty pursuant to Section 135(2) of the Act, if the Council or the Delegate proposes to issue debentures on the general revenue of the Council to:	N	
46.2.1. assign a distinguishing classification to the debentures to be included in the issue so as to distinguish them from those included or to be included in previous or subsequent issues; and	N	
46.2.2. if the debentures are being offered generally to members of the public, appoint a trustee for the debenture holders.	N	
47. Expenditure of Funds		
47.1. Subject to the Act or another Act, the power pursuant to Section 137 of the Act to expend the Council's approved budgeted funds in the exercise, performance or discharge of the Council's powers, functions or duties under the Act or other Acts.	Y	
48. Investment Powers		
48.1. The power pursuant to Section 139(1) of the Act to invest money under the Council's control.	Y	
48.2. The duty pursuant to Section 139(2) of the Act in exercising the power of investment, to:	Y	
48.2.1. exercise the care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons; and	Y	
48.2.2. 35.2.2 avoid investments that are speculative or hazardous in nature.	Y	

48.3. The duty pursuant to Section 139(3) of the Act to take into account when exercising the power of investment, so far as is appropriate in the circumstances and without limiting the matters which may be taken into account, the following matters -	Y	
48.3.1. the purposes of the investment;	Y	
48.3.2. the desirability of diversifying Council investments;	Y	
48.3.3. the nature of and risk associated with existing Council investments;	Y	
48.3.4. the desirability of maintaining the real value of the capital and income of the investment;	Y	
48.3.5. the risk of capital or income loss or depreciation;	Y	
48.3.6. the potential for capital appreciation;	Y	
48.3.7. the likely income return and the timing of income return;	Y	
48.3.8. the length of the term of a proposed investment;	Y	
48.3.9. the period for which the investment is likely to be required;	Y	
48.3.10. the liquidity and marketability of a proposed investment during, and on determination of, the term of the investment;	Y	
48.3.11. the aggregate value of the assets of the Council;	Y	
48.3.12. 35.3.12 the likelihood of	Y	

inflation affecting the value of a proposed investment;		
48.3.13. the costs of making a proposed investment;	Y	
48.3.14. the results of any review of existing Council investments.	Y	
48.4. Subject to the matters specified in Section 139(3) of the Act, the power pursuant to Section 139(4) of the Act, so far as may be appropriate in the circumstances, to have regard to -	Y	
48.4.1. the anticipated community benefit from an investment; and	Y	
48.4.2. the desirability of attracting additional resources into the local community.	Y	
48.5. The power pursuant to Section 139(5) of the Act to obtain and consider independent and impartial advice about the investment of funds or the management of the Council's investments from the person whom the Delegate reasonably believes to be competent to give the advice.	Y	
48.6. The duty pursuant to Section 140 of the Act to review the performance (individually and as a whole) of the Council's investments, at least once in each year and the duty to report to the Council on the outcome of the review.	Y	
49. Review of Investment		
49.1. The duty pursuant to Section 140 of the Act to review the performance (individually and as a whole) of the Council's investments, at least once in each year.	N	
50. Gifts to Council		

50.1. Within the confines of Section 44(3) of the Act:		
50.1.1. the power pursuant to Section 141(1) of the Act to accept a gift made to the Council;	Y	
50.1.2. the power pursuant to Section 141(2) of the Act to carry out the terms of any trust (if any) that affects a gift to Council;	Y	
50.1.3. the power pursuant to Section 141(3) of the Act to apply to the Supreme Court for an order varying the terms of a trust for which the Council has been constituted a trustee;	Y	
50.1.4. where a variation is sought in the terms of a trust, the duty pursuant to Section 141(4) of the Act to give notice describing the nature of the variation by public notice and in any other such manner as may be directed by the Supreme Court; and	Y	
50.1.5. the duty pursuant to Section 141(6) of the Act to publish a copy of any order of the Supreme Court to vary the terms of the trust, in the Gazette, within 28 days after that order is made.	Y	
51. Duty to Insure Against Liability		
51.1. The duty pursuant to Section 142 of the Act to take out and maintain insurance to cover the Council's civil liabilities at least to the extent prescribed by the Regulations.	Y	
52. Writing off Bad Debts		
52.1. The power pursuant to Section 143(1) of the Act to write off any debts owed to the Council –	Y	

52.1.1. if the Council has no reasonable prospect of recovering the debts; or	Y	
52.1.2. if the costs of recovery are likely to equal or exceed the amount to be recovered,	Y	
up to and including an amount of \$5,000.00 in respect of any one debt.	Y	
52.2. The duty pursuant to Section 143(2) of the Act to ensure that no debt is written off unless the Chief Executive Officer has certified –	Y	
52.2.1. reasonable attempts have been made to recover the debt; or	Y	
52.2.2. the costs of recovery are likely to equal or exceed the amount to be recovered.	Y	
53.Recovery of Amounts due to Council		
53.1. The power pursuant to Section 144(1) of the Act to recover as a debt, by action in a Court of competent jurisdiction, any fee, charge, expense or other amount recoverable from a person or payable by a person under this or another Act.	Y	
53.2. The power pursuant to Section 144(2), (3) and (4) of the Act to recover any fee, charge, expense or other amount as if it were a rate declared on the property, after giving at least 14 days notice requiring payment, where the fee, charge, expense or other amount payable to the Council relates to something done in respect of rateable or other property.	Y	
54.Land Against Which Rates May be Assessed		

54.1. The power and duty pursuant to Section 148(2) of the Act to make decisions about the division of land and the aggregation of land for the purposes of Section 148(1) of the Act fairly and in accordance with principles and practices that apply on a uniform basis across the area of the Council.	Y	
55. Basis of Rating		
55.1. Before the Council -		
55.1.1. changes the basis of the rating of any land (including by imposing differential rates on land that has not been differentially rated in the preceding financial year, or by no longer imposing differential rates on land that has been differentially rated in the preceding financial year); or	Y	
55.1.2. changes the basis on which land is valued for the purposes of rating; or	Y	
55.1.3. changes the imposition of rates on land by declaring or imposing a separate rate, service rate or service charge on any land;	Y	
the power and duty pursuant to Section 151(5)(d) and (e) of the Act to:		
55.1.4. prepare a report on the proposed change in accordance with Section 151(6) of the Act; and	Y	
55.1.5. follow the relevant steps set out in its public consultation policy in accordance with Section 151(7) of the Act.	Y	
55.2. The duty pursuant to Section 151(8) of the Act to ensure that	Y	

copies of the report required under Section 151(5)(d) of the Act are available at the meeting held under Section 151(7)(a)(i) of the Act, and for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council at least 21 days before the end of the period for public consultation.		
56. General Rates		
56.1. The power pursuant to Section 152(2)(d) and (3) of the Act to determine, on application, if two or more pieces of rateable land within the area of the Council constitute a single farm enterprise.	Y	
57. Service Rates and Service Charges		
57.1. The duty pursuant to Section 155(6) of the Act, subject to Section 155(7) of the Act, to apply any amounts held in a reserve established in connection with the operation of Section 155(5) of the Act for purposes associated with improving or replacing Council assets for the purposes of the relevant prescribed service.	Y	
57.2. The power pursuant to Section 155(7) of the Act, if a prescribed service under Section 155(6) of the Act is, or is to be, discontinued, to apply any excess funds held by the Council for the purposes of the service (after taking into account any expenses incurred or to be incurred in connection with the prescribed service) for another purpose specifically identified in the Council's annual business plan as being the purpose for which the funds will now be applied.	Y	
58. Basis of Differential Rates		

58.1. The power pursuant to Section 156(3), (9), (10), (11) of the Act to attribute the use of the land for any basis for a differential rate and to decide objections to any of those attributions.	Y	
58.2. The power and duty pursuant to Section 156(14a) of the Act, before the Council changes from declaring differential rates in relation to any land on the basis of a differentiating factor under either paragraphs (a), (b) or (c) of Section 156(1) of the Act to a differentiating factor under another of those paragraphs, to -	Y	
58.2.1. prepare a report on the proposed change in accordance with Section 156(14b) of the Act; and	Y	
58.2.2. follow the relevant steps set out in its public consultation policy in accordance with Section 156(14d) of the Act.	Y	
58.3. The duty pursuant to Section 156(14e) of the Act to ensure that copies of the report required under Section 156(14a)(a) of the Act are available at the meeting held under Section 156(14d)(a)(i); and for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council at least 21 days before the end of the period for public consultation.	Y	
59. Notice of Differentiating Factors		
59.1. If the Council declares differential rates, the duty pursuant to Section 157 of the Act in each rates notice, to specify the differentiating factor or combination of factors that governs the calculation of rates on the land to which the account relates.	Y	

60. Preliminary		
60.1. The power pursuant to Section 159(1) of the Act to determine the manner and form and such information as the Delegate may reasonably require, for a person or body to apply to the Council to determine if grounds exist for the person or body to receive a rebate of rates.	Y	
60.2. The power pursuant to Section 159(3) to grant a rebate of rates if satisfied that it is appropriate to do so (whether on application or on the Delegate's own initiative).	Y	
60.3. The power pursuant to Section 159(4) of the Act to increase the rebate on the Delegate's initiative, if a rebate specifically fixed by Division 5 Chapter 10 of the Act is less than 100 %.	Y	
60.4. The power pursuant to Section 159(10) of the Act to determine, for proper cause, that an entitlement to a rebate of rates in pursuance of Division 5 no longer applies.	Y	
61. Rebate of Rates – Community Services		
61.1. The power pursuant to Section 161(1) and (3) of the Act to grant a rebate of more than 75% of the rates on land being predominantly used for service delivery or administration (or both) by a community service organisation, where that organisation –	Y	
61.1.1. is incorporated on a not-for-profit basis for the benefit of the public; and	Y	
61.1.2. provides community services without charge or for charge that is below the cost to	Y	

the body of providing their services; and		
61.1.3. does not restrict its services to persons who are members of the body.	Y	
62. Rebate of Rates – Educational Purposes		
62.1. The power pursuant to Section 165(1) and (2) of the Act to grant a rebate of rates at more than 75% on land –	Y	
62.1.1. occupied by a Government school under a lease or license and being used for educational purposes; or	Y	
62.1.2. occupied by non-Government school registered under the Educational and Early Childhood Services (Registration and Standards) Act 2011 and being used for educational purposes; or	Y	
62.1.3. land being used by University or University College to provide accommodation and other forms of support for students on a not-for-profit basis.	Y	
63. Discretionary Rebates of Rates		
63.1. The duty pursuant to Section 166(1a) of the Act to take into account, in deciding an application for a rebate under Section 166(1)(d), (e), (f), (g), (h), (i) or (j):	Y	
63.1.1. the nature and extent of the Council's services provided in respect of the land for which the rebate is sought in comparison to similar services provided elsewhere in its area; and	Y	
63.1.2. the community need that is being met by activities being	Y	

carried out on the land for which the rebate is sought; and		
63.1.3. the extent to which activities carried out on the land for which the rebate is sought provides assistance or relief to disadvantaged persons;	Y	
63.1.4. any other matter considered relevant by the Council or the Delegate.	Y	
63.2. The power pursuant to Section 166(1), (2) and (4) of the Act and taking into account Section 166(1a) of the Act and in accordance with Section 166(3b) of the Act to grant a rebate of rates or service charges on such conditions as the Delegate sees fit and such rebate may be up to and including 100% of the relevant rates or service charge, in the following cases:		
63.2.1. where the rebate is desirable for the purpose of securing the proper development of the area or part of the area;	Y	
63.2.2. where the rebate is desirable for the purpose of assisting or supporting a business in the area;	Y	
63.2.3. where the rebate will be conducive to the preservation of buildings or places of historic significance;	Y	
63.2.4. where the land is being used for educational purposes;	Y	
63.2.5. where the land is being used for agricultural, horticultural or floricultural exhibitions;	Y	
63.2.6. where the land is being used for a hospital or health centre;	Y	

63.2.7. where the land is being used to provide facilities or services for children or young persons;	Y	
63.2.8. where the land is being used to provide accommodation for the aged or disabled;	Y	
63.2.9. where the land is being used for a residential aged care facility that is approved for Commonwealth funding under the Aged Care Act 1997 (Commonwealth) or a day therapy centre;	Y	
63.2.10. where the land is being used by an organisation which, in the opinion of the Delegate, provides a benefit or a service to the local community;	Y	
63.2.11. where the rebate relates to common property or land vested in a community corporation under the Community Titles Act 1996 over which the public has a free and unrestricted right of access and enjoyment;	Y	
63.2.12. where the rebate is considered by the Delegate to be appropriate to provide relief against what would otherwise amount to a substantial change in rates payable by a ratepayer due to:		
63.2.12.1. a redistribution of the rates burden within the community arising from a change to the basis or structure of the Council's rates; or	Y	
63.2.12.2. a change to the basis on which land is valued for the purpose of rating, rapid changes in valuations, or anomalies in	Y	

valuations.		
63.2.13. where the rebate is considered by the Delegate to be appropriate to provide relief in order to avoid what would otherwise constitute:		
63.2.13.1. a liability to pay a rate or charge that is inconsistent with the liabilities that were anticipated by the Council in its annual business plan; or	Y	
63.2.13.2. a liability that is unfair or unreasonable;	Y	
63.2.14. where the rebate is to give effect to a review of a decision of the Council under Chapter 13 Part 2; or	Y	
63.2.15. where the rebate is contemplated under another provision of the Act.	Y	
63.3. The power pursuant to Section 166(3) of the Act to grant a rebate of rates or charges for a period exceeding 1 year but not exceeding 10 years in the following cases:		
63.3.1. where the rebate is desirable for the purpose of securing a proper development of the area or part of the area; or	Y	
63.3.2. where the rebate is desirable for the purpose of assisting or supporting a business in the area; or	Y	
63.3.3. where the rebate relates to common property or land vested in a community corporation under the Community Titles Act 1996 over which the public has a free and unrestricted right of access and enjoyment.	Y	

63.4. The power pursuant to Section 166(3a) of the Act to grant a rebate of rates or charges under Section 166(1)(l) of the Act for a period exceeding 1 year but not exceeding 3 years.	Y	
64. Valuation of Land for the Purpose of Rating		
64.1. The power pursuant to Section 167(1) of the Act to adopt valuations that are to apply to land within the Council's area, for rating purposes for a particular financial year.	Y	
64.2. For the purpose of adopting a valuation of land for rating, the duty pursuant to Section 167(2) of the Act and in accordance with Section 167(3), (4) and (5) of the Act, to adopt -		
64.2.1. valuations made, or caused to be made, by the Valuer-General; or	Y	
64.2.2. valuations made by a valuer employed or engaged by the Council, or by a firm or consortium of valuers engaged by the Council;	Y	
or a combination of both.	Y	
64.3. The duty pursuant to Section 167(6) of the Act to publish a notice of the adoption of valuations in the Gazette, within 21 days after the date of the adoption.	Y	
65. Valuation of Land		
65.1. The power pursuant to Section 168(1) of the Act to request the Valuer-General to value any land within the Council's area (being land that is capable of being separately rated).	Y	

65.2. The duty pursuant to Section 168(2) of the Act to furnish to the Valuer-General any information requested by the Valuer General for the purposes of valuing land within the area of the Council.	Y	
65.3. The power and duty pursuant to Section 168(3)(b) and (c) of the Act to enter a valuation in the assessment record, as soon as practicable after the valuation has been made and to give notice of the valuation to the principal ratepayer in accordance with the Regulations.	Y	
66. Objections to Valuations Made by Council		
66.1. The duty pursuant to Section 169(1), (2), (3), (4) and (5) of the Act to refer an objection to a valuation of land to the valuer who made the valuation and to request the valuer to reconsider the valuation, where –		
66.1.1. the objection does not involve a question of law; and	Y	
66.1.2. the objection is made in writing (setting out a full and detailed statement of the grounds on which the objection is based); and	Y	
66.1.3. is made within 60 days after the date of service of the notice of the valuation to which the objection relates (unless the Delegate, in his/her discretion, allows an extension of time for making the objection).	Y	
66.2. The power pursuant to Section 169(3)(b) of the Act to grant an extension of time for making an objection to a valuation of land.	Y	
66.3. The duty pursuant to Section 169(7) of the Act to give the objector	Y	

written notice of the outcome of the reconsideration of the objection.		
66.4. The duty pursuant to and in accordance with Section 169(8) and (9) of the Act to refer the valuation to the Valuer-General for further review, if the objector remains dissatisfied with the valuation and requests such further review, provided the request is –		
66.4.1. in the prescribed manner and form;	Y	
66.4.2. made within 21 days after the objector receives notice of the outcome of his or her initial objection; and	Y	
66.4.3. accompanied by the prescribed fee.	Y	
66.5 The power pursuant to Section 169(15)(b) of the Act to apply to SACAT for a review of the decision of a valuer after a further review on a request under Section 169(8) of the Act, in accordance with Section 169(15a) of the Act.	Y	
67. Notice of Declaration of Rates		
67.1. The duty pursuant to Section 170 of the Act to ensure the notice of declaration of a rate or service charge is published in the Gazette and in a newspaper circulating in the area within 21 days after the date of the declaration.	Y	
68. Alterations to the Assessment Record		
68.1. The power pursuant to Section 173(3) and (5) of the Act to determine the procedure for a review of a decision by the Chief Executive Officer on an application for alteration of the assessment record.	Y	

68.2. The duty pursuant to Section 173(6) of the Act to give a person written notice of Council's decision on a review of a decision of the Chief Executive Officer concerning alteration of the assessment record.	Y	
69. Inspection of Assessment Record		
69.1. The duty pursuant to Section 174(1) and (2) of the Act to ensure that the assessment record is available for inspection and purchase of an entry (on payment of a fee fixed by the Council), by the public at the principal office of the Council during ordinary office hours.	Y	
70. Liability for Rates		
70.1. The power pursuant to Section 178(3) of the Act and subject to Section 178(9) of the Act to recover rates as a debt from -		
70.1.1. the principal ratepayer; or	Y	
70.1.2. any other person (not being a principal ratepayer) who is an owner or occupier of the land; or	Y	
70.1.3. any other person who was at the time of the declaration of the rates an owner or occupier of the land.	Y	
70.2. The power pursuant to Section 178(4) of the Act by written notice to a lessee or a licensee of land in respect of which rates have fallen due, to require him or her to pay to the Council rent or other consideration payable under the lease or a licence in satisfaction of any liability for rates.	Y	
70.3. Where a notice under Section 178(4) of the Act is given to a lessee or a licensee of land, the power pursuant to Section 178(5) of the Act	Y	

to make and give notice of an additional charge of 5% of the amount in arrears, as payable and recoverable as part of the debt for unpaid rates.		
70.4. The power pursuant to Section 178(6) of the Act to remit the charge of 5% of the amount in arrears payable under the Act in whole or in part.	Y	
71. Liability for Rates if Land is Not Rateable for the Whole of the Financial Year		
71.1. The power pursuant to Section 179(2) of the Act to adopt a valuation of land that has become rateable after the adoption of valuations by the Council for the relevant financial year.	Y	
71.2. The duty pursuant to Section 179(5) of the Act to refund to the principal ratepayer an amount proportionate to the remaining part of the financial year, if land ceases to be rateable during the course of a financial year and the rates have been paid.	Y	
72. Service of Rate Notice		
72.1. The duty pursuant to Section 180(1) of the Act and in accordance with Section 180(2) of the Act to send to the principal ratepayer or, in the case of a service charge, the owner or occupier of the relevant land, a rates notice, as soon as practicable after –		
72.1.1. the declaration of a rate; or	Y	
72.1.2. the imposition of a service charge; or	Y	
72.1.3. a change in the rates liability of land.	Y	

73. Payment of Rates – General Principles		
73.1. The power pursuant to Section 181(2) of the Act to determine the day on which each instalment of rates falls due in the months of September, December, March and June of the financial year for which the rates are declared.	Y	
73.2. If the Council declares a general rate for a particular financial year after 31 August in that financial year, the power, pursuant to Section 181(3) of the Act, to adjust the months in which instalments would otherwise be payable under Section 181(1) (taking into account what is reasonable in the circumstances).	Y	
73.3. The power pursuant to Section 181(4)(b) of the Act to agree with the principal ratepayer that rates will be payable in such instalments falling due on such days as may be specified in the agreement and in that event, the ratepayer's rates will then be payable accordingly.	Y	
73.4. The duty pursuant to Section 181(5) of the Act in relation to each instalment of rates to send a rates notice to the principal ratepayer shown in the assessment record in respect of the land setting out in accordance with Sections 181(6) and (7) of the Act –		
73.4.1. the amount of the instalment; and	Y	
73.4.2. the date on which the instalment falls due, or in the case where payment is to be postponed under another provision of the Act, the information prescribed by the Regulations.	Y	

73.5. The power pursuant to Section 181(7a) of the Act where the Council has entered into an agreement with a principal rate payer under Section 181(4)(b) of the Act, as part of the agreement, to vary the periods for the provision of a notice under Section 181(7) of the Act.	Y	
73.6. The power pursuant to Section 181(9) of the Act to remit any amount payable under Section 181(8) of the Act in whole or in part.	Y	
73.7. The power pursuant to Section 181(11) of the Act to grant discounts or other incentives in order to encourage -		
73.7.1. the payment of instalments of rates in advance; or	Y	
73.7.2. prompt payment of rates.	Y	
73.8. The power pursuant to Section 181(12)(b) of the Act to impose a surcharge or administrative levy not exceeding 1% of the rates payable in a particular financial year with respect to the payment of rates by instalments under Section 181(4)(b) of the Act.	Y	
73.9. The power pursuant to Section 181(13) and subject to Section 44(3)(b) of the Act in relation to the payment of separate rates or service rates, by written notice incorporated in a notice for the payment of those rates sent to the principal ratepayer shown in the assessment record in respect of the land at the address shown in the assessment record, at least 30 days before an amount is payable in respect of the rates for a particular financial year, to impose a requirement that differs from the requirements of Section 181 of the Act.	Y	

73.10. The power pursuant to Section 181(15) of the Act to decide that rates of a particular kind will be payable in more than 4 instalments in a particular financial year and in such case –		
73.10.1. the instalments must be payable on a regular basis (or essentially a regular basis) over the whole of the financial year, or the remainder of the financial year depending on when the rates are declared; and	Y	
73.10.2. the Delegate must give at least 30 days notice before an instalment falls due.	Y	
74. Remission and Postponement of Payment of Rates		
74.1. The power pursuant to Section 182(1) of the Act to decide on the application of a ratepayer that payment of rates in accordance with the Act would cause hardship and, if so, to –		
74.1.1. postpone payment in whole or in part for such period as the Delegate thinks fit; or	Y	
74.1.2. remit the rates in whole or in part.	Y	
74.2. The power pursuant to Section 182(2) of the Act on a postponement of rates –		
74.2.1. to grant the postponement on condition that the ratepayer pay interest on the amount affected by the postponement at a rate fixed by the Delegate (but not exceeding the cash advance debenture rate);	Y	
74.2.2. to grant the postponement on other conditions determined	Y	

by the Delegate; and		
74.2.3. to revoke the postponement, at the Delegate's discretion (in which case the Delegate must give the ratepayer at least 30 days written notice of the revocation before taking action to recover rates affected by the postponement).	Y	
74.3. The power pursuant to Section 182(3) of the Act to grant other or additional postponements of rates –		
74.3.1. to assist or support a business in the Council's area; or	Y	
74.3.2. to alleviate the affects of anomalies that have occurred in valuations under the Act.	Y	
74.4. The power pursuant to Section 182(4) of the Act to grant other or additional remissions of rates on the same basis as applies under the Rates and Land Tax Remission Act 1986, (such remissions will be in addition to the remissions that are available under that Act).	Y	
74.5. The power pursuant to Section 182(5) of the Act to require a ratepayer who claims to be entitled to a remission of rates by virtue of a determination under Section 182(4) of the Act to provide evidence to the satisfaction of the Delegate verifying that entitlement.	Y	
74.6. The power pursuant to Section 182(6) of the Act to revoke a determination under Section 182(4) of the Act at any time (but the revocation will not effect an entitlement to remission in relation to rates declared before the revocation takes effect).	Y	
75. Postponement of Rates - Seniors		

75.1. The power pursuant to Section 182A(2) of the Act to require that an application pursuant to Section 182A(1) of the Act be accompanied by such information as the Delegate may reasonably require.	Y	
75.2. The power pursuant to Section 182A(3) of the Act, on an application for a postponement of the payment of the prescribed proportion of rates for the current or future financial made in accordance with Sections 182A(1) and (2) of the Act to -		
75.2.1. reject an application for the postponement of rates; or	Y	
75.2.2. impose conditions on the postponement of rates but only in accordance with the Regulations.	Y	
76. Application of money in respect of rates		
76.1. The power and the duty to apply monies received or recovered in respect of rates pursuant to and in accordance with Section 183 of the Act.	Y	
77. Sale of Land for Non-Payment of Rates		
77.1. The power pursuant to Section 184(1) of the Act to sell land, if an amount payable by way of rates in respect of the land, has been in arrears for 3 years or more.	Y	
77.2. The duty pursuant to Section 184(2) of the Act before selling land for non-payment of rates, to send a notice to the principal ratepayer at the address appearing in the assessment record –		
77.2.1. stating the period for which	Y	

the rates have been in arrears; and		
77.2.2. stating the amount of the total liability for rates presently outstanding in relation to the land; and	Y	
77.2.3. stating that if that amount is not paid in full within 1 month of service of the notice (or such longer time as the Delegate may allow), the Council intends to sell the land for non-payment of rates.	Y	
77.3. The duty pursuant to Section 184(3) of the Act to send a copy of a notice sent to a principal ratepayer under Section 184(2) of the Act -		
77.3.1. to any owner of the land who is not the principal ratepayer; and	Y	
77.3.2. to any registered mortgagee of the land; and	Y	
77.3.3. if the land is held from the Crown under a lease, licence or agreement to purchase, to the Minister who is responsible for the administration of the Crown Lands Act 1929.	Y	
77.4. If -		
77.4.1. the Delegate cannot, after making reasonable enquiries, ascertain the name and address of a person to whom a notice is to be sent under Section 184(2) or (3) of the Act; or		
77.4.2. the Delegate considers that it is unlikely that a notice sent under Section 184(2) or (3) of the Act would come to the attention of the person to whom it is to be sent,		

the power pursuant to Section 184(4) of the Act to effect service of the notice by –	Y	
77.4.3. placing a copy of the notice in a newspaper circulating throughout the State; and	Y	
77.4.4. leaving a copy of the notice in a conspicuous place on the land.	Y	
77.5. The power pursuant to Section 184(5) of the Act to proceed to have the land sold, if the outstanding amount of rates is not paid in full within the time allowed in the notice given to the ratepayer under Section 184(2) of the Act.	Y	
77.6. The duty pursuant to Section 184(6) and (7) of the Act to conduct the sale of land for non-payment of rates by public auction and the power to set the reserve price for the purposes of the auction, except in the case of land held from the Crown under a lease, licence or agreement to purchase, unless the Minister responsible for the administration of the Crown Lands Act 1929 grants consent to sale by public auction.	Y	
77.7. The duty pursuant to Section 184(8) of the Act to advertise the auction of land under Section 184 of the Act on at least 2 separate occasions in a newspaper circulating throughout the State.	Y	
77.8. The duty pursuant to Section 184(9) of the Act to call off the auction, if before the date of such an auction, the outstanding amount and the costs incurred by the Council in proceeding under this Section are paid to the Council.	Y	
77.9. The power pursuant to Section 184(10) of the Act to sell the land by	Y	

private contract for the best price that can be reasonably obtained, if an auction fails or an auction is not held because the land is held from the Crown under a lease, licence or agreement to purchase.		
77.10. The power and duty to apply monies received by the Council in respect of the sale of land for non-payment of rates pursuant to and in accordance with Section 184(11) of the Act.	Y	
77.11. The duty pursuant to Section 184(12) of the Act to make reasonable enquiries to find the owner of land to be sold for non-payment of rates and where the owner cannot be found, the power to deal with the amount payable to the owner as unclaimed money under the Unclaimed Moneys Act 1981.	Y	
78. Objection, Review or Appeal		
78.1. If an objection, review or appeal in respect of a valuation of land results in the alteration of a valuation or of a decision to attribute a particular land use to land, and a due adjustment is made, the power pursuant to Section 186(2) of the Act and subject to Section 186(3), (4) and (5) of the Act –		
78.1.1. to refund or credit the overpaid amount against future liabilities for rates on the land subject to the rates; or	Y	
78.1.2. to recover an additional amount payable on account of an alteration of the value as arrears after at least 30 days have expired from the date on which notification of the alteration is given to the person who initiated the objection, review or appeal.	Y	

79. Certificate of Liabilities		
79.1. The power pursuant to Section 187(1) of the Act to issue a certificate, on application by or on behalf of a person who has an interest in land within the area, stating that:		
79.1.1. the amount of any liability for rates or charges on the land imposed under Part 1 of Chapter 10 <u>or Schedule 1B</u> of the Act (including rates and charges under this Part <u>1 of Chapter 10 or Schedule 1B of the Act</u> that have not yet fallen due for payment, and outstanding interest or fines payable in respect of rates and charges under this <u>Part 1 of Chapter 10 or Schedule 1B of the Act</u>); and	Y	
79.1.2. any amount received on account of rates or charges on the land imposed under this part, that is held in credit against future liabilities for rates or charges in relation to the land.	Y	
80. Investigation by Ombudsman		
80.1. The duty pursuant to Section 187B(6) of the Act if the Ombudsman's report prepared pursuant to Section 187B(3) of the Act makes any recommendations as to action that should be taken by the Council, to within 2 months after receipt of that report, provide a written response to -		
80.1.1. the Ombudsman; and	Y	
80.1.2. if relevant, the person who made the complaint.	Y	
80.2. The power pursuant to Section 187B(7) of the Act to grant a rebate	Y	

or remission of any rate or service charge, or of any charge, fine or interest under Part 1 of Chapter 10 of the Act, if the Ombudsman recommends that the Council do so on the ground of special circumstances pertaining to a particular ratepayer.		
81. Fees and Charges		
81.1. The power pursuant to Section 188(1) and (2) of the Act to impose fees and charges –		
81.1.1. for the use of any property or facility owned, controlled, managed or maintained by the Council;	Y	
81.1.2. for services supplied to a person at his or her request;	Y	
81.1.3. for carrying out work at a person's request;	Y	
81.2. The power pursuant to Section 188(3) of the Act to provide for –		
81.2.1. specific fees and charges;	Y	
81.2.2. maximum fees and charges and minimum fees and charges;	Y	
81.2.3. annual fees and charges;	Y	
81.2.4. the imposition of fees or charges according to specified factors;	Y	
81.2.5. the variation of fees or charges according to specified factors in respect of fees and charges set under Section 188(1)(a) – (c) of the Act inclusive; and	Y	
81.2.6. the reduction, waiver or refund, in whole or in part, of any fees and charges.	Y	

81.3. The power pursuant to Section 188(5) of the Act to fix, vary or revoke those fees and charges set under Section 188(1)(a), (b) and (c) of the Act.	Y	
81.4. The duty pursuant to Section 188(6) of the Act to keep a list of fees and charges imposed under this Section on public display during ordinary office hours at the principal office of the Council.	Y	
81.5. The duty pursuant to Section 188(7) of the Act to, if the Council fixes or varies a fee imposed under this Section, up-date the list referred to in Section 188(6) of the Act and take reasonable steps to bring the fee or charge, or variation of the fee or charge, to the notice of persons who may be affected.	Y	
82. Acquisition of Land by Agreement		
82.1. The power pursuant to Section 190 of the Act to acquire land by agreement.	Y	
83. Compulsory Acquisition of Land		
83.1. The power pursuant to Section 191(1) of the Act to acquire land compulsorily, in circumstances which require the Minister's written approval, after the Council has obtained the Minister's approval.	Y	
83.2. The power pursuant to Section 191(2) of the Act to acquire land compulsorily for a purpose classified by the Regulations as an approved purpose.	Y	
84. Assumption of Care, Control and Management of Land		
84.1. The power pursuant to Section 192(1) of the Act to assume the care, control and management of land in	Y	

the Council area that has been set aside for the use or enjoyment of the public or a section of the public under the circumstances specified in Section 192(1)(a) and (b) of the Act.		
84.2. The duty pursuant to Section 192(4) of the Act to immediately cause a copy of a resolution under Section 192(1) of the Act to assume the care, control and management of land to be published in the Gazette.	Y	
85. Classification		
85.1. The duty pursuant to Section 193(6) of the Act to give notice in the Gazette of a resolution –		
85.1.1. to exclude land from classification as community land under Section 193(4) of the Act; or	Y	
85.1.2. to classify as community land, land that had previously been excluded from classification as such under Section 193(5) of the Act.	Y	
86. Revocation of Classification of Land as Community Land		
86.1. The duty pursuant to Section 194(2) of the Act before the Council revokes the classification of land as community land to –		
86.1.1. prepare a report on the proposal containing –	Y	
86.1.1.1. a summary of reasons for the proposal; and	Y	
86.1.1.2. a statement of any dedication, reservation or trust to which the land is subject; and	Y	
86.1.1.3. a statement of whether revocation of the	Y	

classification is proposed with a view to sale or disposal of the land and, if so, details of any Government assistance given to acquire the land and the statement of how the Council proposes to use the proceeds; and		
86.1.1.4. an assessment of how implementation of the proposal would affect the area and the local community; and	Y	
86.1.1.5. if the Council is not the owner of the land, a statement of any requirements made by the owner of the land as a condition of approving the proposed revocation of the classification; and	Y	
86.1.2. follow the relevant steps set out in the Council's public consultation policy.	Y	
86.2. After complying with the requirements of Section 194(2) of the Act, the duty pursuant to Section 194(3) of the Act to prepare a report on all submissions made on it as part of the public consultation process.	Y	
86.3. The power pursuant to Section 194(4) of the Act to consult with the Minister in relation to a regulation made under Section 194(1) over a specific piece of land.	Y	
87. Effect of Revocation of Classification		
87.1. If it appears from the Register Book that the land is subject to a dedication, reservation or trust, other than a dedication, reservation or trust under the Crown Lands Act 1929, the duty pursuant to Section 195(2)	Y	

of the Act immediately after the revocation of the classification of the land as community land, to give notice of the revocation to the Registrar-General in the manner and form approved by the Registrar-General.		
88. Management Plans		
88.1. The duty pursuant to and in accordance with Section 196(1), (2), (3) and (7) of the Act to prepare for consideration and adoption by the Council a management plan or management plans for Council's community land, for which a management plan must be prepared, that –		
88.1.1. identifies the land to which it applies; and	Y	
88.1.2. states the purpose for which the land is held by the Council; and	Y	
88.1.3. states the Council's objectives, policies (if any) and proposals for the management of the land; and	Y	
88.1.4. states performance targets and how the Council proposes to measure its performance against its objectives and performance targets.	Y	
88.2. If a management plan relates to land that is not in the Council's ownership, the power and duty pursuant to Section 196(4) of the Act to consult with the owner of the land at an appropriate stage during the preparation of the plan and the plan must –		
88.2.1. identify the owner of the land; and	Y	

88.2.2. state the nature of any trust, dedication or restriction to which the land is subject apart from the Act; and	Y	
88.2.3. contain any provisions that the owner reasonably requires and identify those provisions as provisions required by the owner.	Y	
88.3. The duty pursuant to Section 196(5) of the Act to ensure (as far as practicable) that the management plan is consistent with other relevant official plans and policies about conservation, development and use of the land and contains any special provisions required under the Regulations.	Y	
89. Public Consultation on Proposed Management Plan		
89.1. Before the Council adopts a management plan for community land, the duty to pursuant to Section 197(1) of the Act and subject to Section 197(2) of the Act –		
89.1.1. make copies of the proposed plan available for inspection or purchase at the Council's principal office; and	Y	
89.1.2. follow the relevant steps set out in Council's public consultation policy.	Y	
89.2. The duty pursuant to Section 197(3) of the Act to give public notice of the adoption of a management plan.	Y	
90. Amendment or Revocation of Management Plan		
90.1. The power pursuant to Section 198(1) of the Act and in accordance with Section 198(2) and (3) of the Act to amend or revoke a management	N	

plan by the adoption of a proposal for its amendment or revocation.		
90.2. 58.6 The power pursuant to Section 198(2) and (3) of the Act to conduct public consultation prior to the Council adopting a proposal for amendment to or revocation of a management plan, unless in the opinion of the Delegate the amendment has no impact or no significant impact on the interests of the community.	Y	
90.3. 58.7 The duty pursuant to Section 198(4) of the Act to give public notice of Council's adoption of a proposal for the amendment or revocation of a management plan.	Y	
91. Effect of Management Plan		
91.1. The duty pursuant to Section 199 of the Act to manage community land in accordance with any management plan for the relevant land.	Y	
92. Use of Community Land for Business Purposes		
92.1. The power pursuant to Section 200(1), (2) and (3) of the Act to approve a person's use of community land for a business purpose, consistent with provisions of the management plan and on any conditions the Delegate considers appropriate.	Y	
93. Sale or Disposal of Local Government Land		
93.1. The power pursuant to Section 201(1) of the Act to sell or otherwise dispose of an interest in land:		
93.1.1. vested in the Council in fee simple; or	Y	
93.1.2. vested in the Council as	Y	

lessee.		
93.2. The power pursuant to Section 201(2) of the Act to:		
93.2.1. grant an easement (including a right of way) over community land; and	Y	
93.2.2. grant an easement (excluding a right of way) over a road or part of a road.	Y	
94.1 Alienation of Land by Lease or Licence		
94.1. The power pursuant to Section 202(1) and (5) of the Act and subject to Section 202(7) of the Act to grant a lease or licence over community land (including community land that is, or forms part of, a park or reserve), for –		
94.1.1. the erection or removal of buildings and other structures for the purpose of activities conducted under the lease or licence;	Y	
94.1.2. the exclusion, removal or regulation of persons, vehicles or animals from or on the land, and the imposition of admission or other charges (subject to the fixing or varying of the charge by Council, pursuant to Section 44(3)(j) of the Act);	Y	
94.1.3. any other matter relevant to the use or maintenance of the land.	Y	
94.2. The duty pursuant to Section 202(2) and (3) of the Act and subject to Section 202(7) of the Act before granting a lease or licence relating to community land to follow the relevant steps set out in Council's public consultation policy, unless –		

94.2.1. the grant of the lease or the licence is authorised in an approved management plan for the land and the term of the proposed lease or licence is 5 years or less; or	Y	
94.2.2. the Regulations provide, in the circumstances of the case, for an exemption from compliance with the public consultation policy.	Y	
94.3. The power and duty pursuant to Section 202(4) of the Act and subject to Section 202(4a) and Section 202(7) of the Act to grant or renew a lease or a licence for a term (not exceeding 42 years) and to extend the term of the lease or licence but not so that the term extends beyond a total of 42 years.	Y	
94.4. The duty pursuant to Section 202(6) of the Act and subject to Section 202(7) of the Act to ensure that a lease or licence relating to community land is consistent with any relevant management plan.	Y	
95. Register		
95.1. The duty pursuant to Section 207(1) of the Act to keep a register of all community land in Council's area.	Y	
95.2. The duty pursuant to Section 207(2)(a) and (b) of the Act to ensure that the register -	Y	
95.2.1. contains the information required by the Regulations; and	Y	
95.2.2. contains copies of current management plans.	Y	
95.3. The power pursuant to Section 207(2)(c) of the Act to include in the register (if the Delegate so decides) a computer record of the relevant	Y	

information.		
95.4. 62.4 The duty pursuant to Section 207(3) and (4) of the Act to make available the register of all community land in the Council's area for inspection (without charge) or purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council during ordinary office hours.	Y	
96. Ownership of Public Roads		
96.1. The duty pursuant to Section 208(4) of the Act to cause a copy of a resolution declaring a road or land to be a public road, or preserving an easement under Section 208(3), to be published in the Gazette.	Y	
97. Ownership of Fixtures and Equipment Installed on Public Roads		
97.1. The power pursuant to Section 209(3) of the Act to enter into an agreement with the provider of public infrastructure or the holder of an authorisation or permit under Section 209(1) and (2) of the Act which provides for the vesting of property in fixtures and equipment in the Council.	Y	
98. Conversion of Private Road to Public Road		
98.1. The duty pursuant to Section 210(1)(b) of the Act to make reasonable enquiries to find the owner of a private road which the Council is seeking to declare be a public road.	Y	
98.2. The duty pursuant to Section 210(2) of the Act at least 3 months before the Council makes a declaration under Section 210 of the Act to_-		

98.2.1. if the identity and whereabouts of the owner of the road are known to the Council, to give written notice to the owner of land subject to the proposed declaration; and	Y	
98.2.2. if a person has some other form of registered legal interest over the road and the identity and whereabouts of that person are known to the Council – give written notice to the person of the proposed declaration; and	Y	
98.2.3. to give public notice of the proposed declaration.	Y	
98.3. The duty pursuant to Section 210(5) to publish in the Gazette a declaration of the Council made in accordance with Section 210(1) of the Act.	Y	
98.4. The duty pursuant to Section 210(7) of the Act to furnish to the Registrar-General a copy of any declaration under Section 210 of the Act in a manner and form approved by the Registrar-General immediately after it is made.	Y	
99. Highways		
99.1. The power pursuant to Section 211(1)(a) of the Act to enter into an agreement with the Commissioner of Highways in order for the Council to exercise its powers under Part 2 of Chapter 11 of the Act in relation to a highway.	Y	
100. Power to Carry Out Roadwork		
100.1. The power pursuant to Section 212(1) of the Act to have road works carried out in the Council's area or, by agreement with another Council, in the area of another Council.	Y	

100.2. The power pursuant to Section 212(3) of the Act to do any thing reasonably necessary for, or incidental, to roadwork pursuant to Section 212(2) of the Act, providing that –		
100.2.1. the roadwork is carried out in compliance with any relevant requirement under the Road Traffic Act 1961; and	Y	
100.2.2. before carrying out roadwork in relation to a road that runs into or intersects with a highway (and that may have an effect on the users of that highway), consult with the Commissioner of Highways; and	Y	
100.2.3. the roadwork in relation to a private road is only carried out if –	Y	
100.2.3.1. the owner agrees; or	Y	
100.2.3.2. the Council has given the owner reasonable notice of the proposed roadwork and a reasonable opportunity to make representations and has considered any representations made in response to the notice; or	Y	
100.2.3.3. the identity or whereabouts of the owner is unknown; and	Y	
100.2.4. the roadwork on other private land is carried out with the agreement of the owner (unless otherwise provided in the Act).	Y	
101. Recovery of Cost of Roadwork	Y	
101.1. Where roadwork has been carried by agreement, the power pursuant to	Y	

Section 213(1) of the Act to recover the whole of the cost or an agreed contribution determined by the Delegate under the terms of the agreement.		
101.2. Where roadwork has been carried out to repair damage to a road, the power pursuant to Section 213(2) of the Act to recover the cost of carrying out the work, as a debt, from –		
101.2.1. the person who caused the damage; or	Y	
101.2.2. in the case of damage caused by the bursting, explosion or fusion of any pipe, wire, cable, fitting or other object – the person who is the owner, or who has control of that infrastructure.	Y	
101.3. If the Council carries out roadwork on a private road, the power pursuant to Section 213(3) of the Act to recover the cost of the work or a contribution towards the cost of the work determined by the Delegate as a debt from the owner of the private road.	Y	
102. Contribution Between Councils where Road is on Boundary Between Council Areas		
102.1. Where roadwork is carried out on a road on the boundary between 2 Council areas, the power pursuant to Section 214(1) and (2) of the Act to recover a reasonable contribution from the other Council towards the cost of the work, being an amount agreed between the Councils or, in the absence of an agreement, an amount determined by the Court in which the action for contribution is brought.	Y	

103. Special Provisions for Certain Kinds of Roadwork		
103.1. If the Council changes the level of a road, the duty pursuant to Section 215(1) of the Act to –		
103.1.1. ensure that adjoining properties have adequate access to the road; and	Y	
103.1.2. construct any retaining walls, embankments or other structures necessary to provide protection required in consequence of the change of level.	Y	
103.2. The power pursuant to Section 215(2) of the Act to carry out road work to allow water from a road to drain into adjoining property if, in the Delegate's opinion –		
103.2.1. there is no significant risk of damage to the adjoining property; or	Y	
103.2.2. the road work does not significantly increase the risk of damage to adjoining property.	Y	
103.3. The duty pursuant to Section 215(4) of the Act to give reasonable notice of proposed action to drain water into land under Section 215(2) of the Act to the owner of the land, except in a case of urgency.	Y	
104. Power to Order Owner of Private Road to Carry out Specific Roadwork		
104.1. The power pursuant to Section 216(1) of the Act to, by order in writing in accordance with Section 216(2) of the Act to the owner of a private road, require the owner to carry out specified roadwork to repair or improve the road.	Y	

104.2. The power pursuant to Section 216(2) of the Act to apply Divisions 2 and 3 of Part 2 of Chapter 12 of the Act with respect to -		
104.2.1. any proposal to make an order; and	Y	
104.2.2. if an order is made, any order,	Y	
under Section 216(1) of the Act.	Y	
105. Power to Order Owner of Infrastructure on Road to Carry Out Specified Maintenance or Repair Work.		
105.1. The power pursuant to Section 217(1) of the Act by order in writing to the owner of a structure or equipment (including pipes, wires, cables, fittings and other objects) installed in, on, across, under or over a road, to require the owner –	Y	
105.1.1. to carry out specified work by way of maintenance or repair; or	Y	
105.1.2. to move the structure or equipment in order to allow the Council to carry out roadwork.	Y	
105.2. Where the order made pursuant to Section 217(1) of the Act is not complied with within a reasonable time fixed in the order, the power pursuant to Section 217(2)(a) of the Act to take action required by the order and to recover the cost of doing so as a debt from the owner.	Y	
106. Power to Require Owner of Adjoining Land to Carry Out Specific Work		
106.1. 66.5 The power pursuant to Section 218(1) of the Act to, by order in writing in accordance with Section	Y	

218(2) of the Act to the owner of land adjoining the road, require the owner to carry out specified work to construct, remove or repair a crossing place from the road to the land.		
106.2. The duty pursuant to Section 218(2) of the Act to apply Divisions 2 and 3 of Part 2 of Chapter 12 of the Act with respect to -		
106.2.1. any proposal to make an order; and	Y	
106.2.2. if an order is made, any order	Y	
under Section 218(1) of the Act.	Y	
107. Power to Assign a Name, or Change the Name, of a Road or Public Place		
107.1. The power pursuant to Section 219(1) of the Act to assign a name to a public or private road, or to a public place, or change the name of a public or private road, or of a public place.	Y	
107.2. The duty pursuant to Section 219(1a) of the Act to assign a name to a public road created after the commencement of Section 219(1a) of the Act by land division.	Y	
107.3. Where it is proposed to change the name of a public road that runs into the area of an adjoining council, the duty pursuant to Section 219(2) of the Act to –		
107.3.1. give the adjoining Council at least 2 months notice of the proposed change; and	Y	
107.3.2. consider any representations made by the adjoining council in response to that notice.	Y	

107.4. The duty pursuant to Section 219(3) of the Act to –		
107.4.1. immediately notify the Registrar-General, the Surveyor-General and the Valuer-General of the assignment of a name, or the change of a name, under Section 219 of the Act; and	Y	
107.4.2. on request by the Registrar-General, the Survey-General or the Valuer-General, to provide information about the names of roads or public places in the Council's area.	Y	
107.5. The duty pursuant to Section 219(4) of the Act to give public notice of the assigning or changing a name under Section 219(1) of the Act.	Y	
107.6. The power pursuant to Section 219(5) of the Act to prepare a policy relating to the assigning of names under Section 219 of the Act for consideration and adoption by the Council.	Y	
107.7. The power pursuant to Section 219(6) of the Act to, at any time, alter a policy or substitute a new policy.	N	
107.8. The duty pursuant to Section 219(7) of the Act to publish notice of the adopting or altering of a policy under Section 219 of the Act:		
107.8.1. in the Gazette; and	Y	
107.8.2. in a newspaper circulating in the area of the council; and	Y	
107.8.3. on a website determined by the Chief Executive Officer.	Y	
108. Numbering of Premises and Allotments		
108.1. The power pursuant to Section	Y	

220(1) of the Act to adopt a numbering system for buildings and allotments adjoining a road.		
108.2. The duty pursuant to Section 220(1a) of the Act to assign a number (as part of its primary street address) to all buildings or allotments adjoining a public road created after the commencement of Section 220(1a) of the Act by land division.	Y	
108.3. The duty pursuant to Section 220(1b) of the Act to ensure that an assignment under Section 220(1a) of the Act occurs within 30 days after the issue of certificate of title in relation to the relevant land division in accordance with any requirements prescribed by regulations made for the purposes of Section 220(1b) of the Act.	Y	
108.4. The power pursuant to Section 220(2) of the Act to, from time to time, alter a numbering system, or substitute a new numbering system, under Section 220 of the Act.	N	
108.5. The duty pursuant to Section 220(3) of the Act to give public notice of the adopting, altering or substituting a numbering system for a particular road.	Y	
108.6. The duty pursuant to Section 220(4) of the Act to notify the Valuer-General of the decision to adopt, alter or substitute a numbering system.	Y	
108.7. The power pursuant to Section 220(6) of the Act to request an owner of land to ensure that the appropriate number for the owner's building or allotment is displayed in a form directed or approved by the Delegate.	Y	
109. Alteration of Road		

109.1. The power pursuant to Section 221(1) and (2) of the Act to authorise a person (other than the Council or a person acting under some other statutory authority) to make an alteration to a public road, such as:	Y	
109.1.1. altering the construction or arrangement of the road to permit or facilitate access from an adjacent property; or	Y	
109.1.2. erecting or installing a structure (including pipes, wires, cables, fixtures, fittings and other objects) in, on, across, under or over the road; or	Y	
109.1.3. changing or interfering with the construction, arrangement or materials of the road; or	Y	
109.1.4. changing, interfering with or removing a structure (including pipes, wires, cables, fixtures, fittings and other objects) associated with the road; or	Y	
109.1.5. planting a tree or other vegetation on the road, interfering with vegetation on the road or removing vegetation from the road.	Y	
109.2. Before authorising the erection or installation of a structure under Section 221(2)(b) of the Act the duty pursuant to Section 221(4) of the Act to give consideration as to whether the structure will –		
109.2.1. unduly obstruct the use of the road; or	Y	
109.2.2. unduly interfere with the construction of the road; or	Y	
109.2.3. have an adverse effect on road safety.	Y	

109.3. The power pursuant to Section 221(6) of the Act to grant an authorisation under Section 221 of the Act –		
109.3.1. for a particular act or occasion; or	Y	
109.3.2. for a term which is, subject to revocation for breach of a condition, to remain in force for a term (not exceeding 42 years) stated in the authorisation and, at the expiration of the term, the power to renew the term for a further term (not exceeding 42 years) fixed by the Delegate at the time of the renewal.	Y	
110. Permits for Business Purposes		
110.1. The power pursuant to Section 222(1) of the Act to plant vegetation or authorise a person to use a public road for business purposes and to give a permit to do so.	Y	
110.2. Subject to the Act, the power pursuant to Section 222(2) of the Act to issue a permit that grants rights of exclusive occupation in relation to part of a public road.	Y	
110.3. The power pursuant to Section 222(3) of the Act to issue a permit to use a public road for a particular occasion or for a term stated in the permit.	Y	
111. Public Consultation		
111.1. The duty pursuant to Section 223(1) of the Act before granting the authorisation to alter a public road or the permit to use a public road for business purposes, to follow the relevant steps set out in Council's public consultation policy, if the Delegate proposes to grant an		

authorisation or permit –		
111.1.1. that confers a right of exclusive occupation; or	Y	
111.1.2. that would have the effect of restricting access to a road; or	Y	
111.1.3. in relation to a use or activity for which public consultation is required under the Regulations.	Y	
111.2. The duty pursuant to Section 223(2) of the Act to give written notice of the proposal to agencies that are, under the Regulations, to be notified of the proposal to grant an authorisation to alter a public road or to permit the use of a public road for business purposes.	Y	
112. Conditions of Authorisation/Permit		
112.1. The power pursuant to Section 224 of the Act to grant an authorisation or permit under Division 6 of Part 2, Chapter 11 on conditions the Delegate considers appropriate.	Y	
113. Cancellation of Authorisation/Permit		
113.1. The power pursuant to Section 225(1) of the Act by notice in writing to the holder of an authorisation or permit, to cancel the authorisation or permit for breach of a condition.	Y	
113.2. The duty pursuant to Section 225(2) of the Act before cancelling an authorisation or permit, to -		
113.2.1. give the holder of the authorisation or permit a written notice of the proposed cancellation stating the grounds on which the Delegate proposes to act and allowing the holder a reasonable period to make written representations to the Delegate on the proposed	Y	

cancellation; and		
113.2.2. consider any representations made in response to the notice.	Y	
113.3. The power pursuant to Section 225(3) of the Act to determine if a shorter period of notice should apply under Section 225(2)(a) of the Act, to protect the health or safety of the public, or otherwise to protect the public interest.	Y	
114. Register		
114.1. The power and duty pursuant to Section 231(1) and (2) of the Act to keep a register of public roads in the Council's area, which -		
114.1.1. includes the information required by regulation; and	Y	
114.1.2. may consist (if the Delegate decides) of a computer record of the relevant information.	Y	
114.2. The duty pursuant to Section 231(3) and (4) of the Act to make the register available for public inspection (without charge) and purchase of extracts (upon payment of a fee fixed by the Council) at the principal office of the Council during ordinary office hours.	Y	
115. Trees		
The power pursuant to Section 232 of the Act to authorise or permit the planting of vegetation, on a road, only after complying with the following matters (in addition to complying with any other statutory requirement) –		
115.1. giving consideration to whether the vegetation is, on balance, appropriate to the proposed site	Y	

taking into account -		
115.1.1. environmental and aesthetic issues; and	Y	
115.1.2. the use and construction of the road (including the potential for interference with the construction of the road or with structures (including pipes, wires, cables, fixtures, fittings or other objects) in the road); and	Y	
115.1.3. road safety matters; and	Y	
115.1.4. other matters (if any) considered relevant by the Delegate; and	Y	
115.2. where the vegetation may have a significant impact on residents, the proprietors of nearby businesses or advertisers in the area, to follow the relevant steps set out in its public consultation policy.	Y	
116. Damage		
116.1. The power pursuant to Section 233(1) and (2) of the Act to recover damages, in the same way as damages for a tort, where a person, without the Council's permission, intentionally or negligently damages a road or a structure (including pipes, wires, cables, fixtures, fittings and other objects) belonging to the Council associated with the road.	Y	
117. Council's Power to Remove Objects etc from Roads		
117.1. The power pursuant to Section 234(1) of the Act to remove and dispose of any structure, object or substance from a road if -		
117.1.1. it has been erected, placed or deposited on the road without the authorisation or permit required under Part 2 of Chapter	Y	

11 of the Act; or		
117.1.2. an authorisation or permit has been granted but has later expired or been cancelled.	Y	
117.2. The power pursuant to Section 234(2) of the Act to recover the cost of acting under Section 234 of the Act as a debt from the person who erected, placed or deposited the structure, object or substance on the road.	Y	
117.3. Where, as a result of an accident involving a vehicle or vehicles, any wreckage, objects or materials are left on a road, the power pursuant to Section 234(3) of the Act to clear the area and to recover the cost from the driver of the vehicle or, if more than one vehicle was involved, the driver of any one of the vehicles.	Y	
118. Deliberately left blank		
119. Abandonment of Vehicles and Farm Implements		
119.1. The power pursuant to Section 236(2) of the Act to seek an order from the court by which a person is convicted of an offence against Section 236(1) of the Act, that the convicted person pay to the Council any costs incurred by the Council in removing or disposing of a vehicle abandoned on a public road or public place.	Y	
120. Removal of Vehicles		
120.1. The duty pursuant to Section 237(4) of the Act to ensure that the owner of the vehicle is notified of the removal of the vehicle:		
120.1.1. by written notice in the prescribed form:		

120.1.1.1. served on the owner personally; or	Y	
120.1.1.2. served on the owner by the use of person-to-person registered post,	Y	
as soon as practicable after the removal of the vehicle; or	Y	
120.1.2. if the owner is unknown or cannot be found – by public notice published in a newspaper circulating generally in the State within 14 days after the removal of the vehicle.	Y	
120.2. If the owner of a removed vehicle does not, within 1 month after service or publication of the notice, pay all expenses in connection with the removal, custody and maintenance of the vehicle, and of serving, publishing or posting the notice, and take possession of the vehicle, the power and duty pursuant to Section 237(5) of the Act to, subject to Section 237(6)(b) of the Act, offer the vehicle for sale by public auction or public tender.	Y	
120.3. The power pursuant to Section 237(6) of the Act to dispose of the vehicle in such manner as the Delegate thinks fit if:		
120.3.1. the vehicle is offered for sale but not sold; or	Y	
120.3.2. the Delegate reasonably believes that the proceeds of the sale of the vehicle would be unlikely to exceed the costs incurred in selling the vehicle or the costs incidental to removing or holding the vehicle, or those costs combined.	Y	
120.4. The duty pursuant to Section 237(7) of the Act, where the vehicle		

is sold, to apply the proceeds of sale as follows:		
120.4.1. firstly, in payment of the costs of and incidental to the sale;	Y	
120.4.2. secondly, in payment of the costs of and incidental to the removal, custody and maintenance of the vehicle and of the notice served, posted or published under Section 237 of the Act;	Y	
120.4.3. thirdly, in payment of the balance to the owner of the vehicle.	Y	
120.5. The duty pursuant to Section 237(8) of the Act to make reasonable inquiry to find the owner of the vehicle following sale and, if after that reasonable inquiry, the owner cannot be found, the duty to pay the balance of the proceeds of sale to the Council.	Y	
120.6. The duty pursuant to Section 237(9) of the Act to take reasonable steps to return property found in the vehicle, and where the property cannot be returned, the duty to deal with the property as unclaimed goods under the Unclaimed Goods Act 1987 as if the Council were the bailee of those goods.	Y	
121. Time Limits for Dealing with Certain Applications		
121.1. Where the power to decide upon certain applications to which the Section applies has been delegated, the duty pursuant to Section 242(1) and (2) of the Act within two months after the relevant date, to make a decision in respect of the application and, if not so decided, it is taken to have been refused.	Y	

121.2. The duty pursuant to Section 242(3) of the Act to notify the applicant in writing as soon as practicable of a decision or presumptive decision on a application to which Section 242 of the Act applies.	Y	
122. Issue of Certificate of Title by Registrar-General		
122.1. The duty pursuant to Section 243(1) of the Act to apply to the Registrar-General for the issue of a Certificate of Title for the land under the Real Property Act 1896, where land vests for an estate in fee simple in the Council under this Act.	Y	
122.2. The duty pursuant to Section 243(2) of the Act to make such application to the Registrar-General for the issue of a Certificate of Title as follows:		
122.2.1. in a manner and form approved by the Registrar-General; and	Y	
122.2.2. accompanied by -	Y	
122.2.2.1. Deliberately left blank		
122.2.2.2. any surveys of the land and other materials that the Registrar-General may reasonably require; and	Y	
122.2.2.3. a fee fixed by the Registrar-General.	Y	
123. Liability for Injury, Damage or Loss Caused by Certain Trees		
123.1. The power and duty pursuant to Section 245 of the Act to take reasonable action in response to a written request by an owner or occupier of property adjacent to a road for the Council to take	Y	

reasonable action to avert a risk of damage to property of the owner or occupier from a tree growing in the road (whether planted by the Council or not).		
124. Council May Require Bond or Other Security in Certain Circumstances		
124.1. Subject to Section 245A of the Act, if,		
124.1.1. a person has approval to carry out development under the Development Act 1993; and		
124.1.2. the delegate has reason to believe that the performance of work in connection with the development could cause damage to any local government land (including a road) within the vicinity of the site of the development,		
the power, pursuant to Section 245A of the Act, to, by notice in writing serve on the person who has the benefit of the approval, require the person to enter into an agreement that complies with any requirements prescribed by the regulations so as to ensure that money is available to address the cost of any damage that may be caused.	Y	
124.2. The power pursuant to Sections 37(b) and 245A of the Act, where a person has approval to carry out development under the Development Act 1993 and a notice in writing has been served pursuant to Section 245A of the Act on the person who has the benefit of the approval, to enter into an agreement that complies with any requirements prescribed by the regulations so as to ensure that money is available to	Y	

address the cost of any damage that may be caused.		
125. Power to Make By-Laws		
125.1. The duty pursuant to Section 246(4a) of the Act, if the Council makes a determination under Section 246(3)(e) of the Act, to ensure that notice of the determination is published in the Gazette and in a newspaper circulating in the area of the Council.	Y	
126. Passing By-Laws		
126.1. If it is proposed that the Council make a by-law, then at least 21 days before the Council resolves to make the by-law, the duty pursuant to Section 249(1) of the Act to -		
126.1.1. make copies of the proposed by-law (and any code, standard or other document proposed to be applied or incorporated by the by-law) available for public inspection, without charge and during ordinary office hours, at the principal office of the Council, and so far as is reasonable practicable on the Internet; and	Y	
126.1.2. by notice in a newspaper circulating in the area of the Council -	Y	
126.1.2.1. inform the public of the availability of the proposed by-law; and	Y	
126.1.2.2. set out the terms of the by-law, or describe in general terms the by-law's nature and effect.	Y	
126.2. 83.2 Before the Council makes a by-law, the duty pursuant to Section 249(4) of the Act to obtain a		

certificate, in the prescribed form, signed by a legal practitioner certifying that, in the opinion of the legal practitioner –		
126.2.1. the Council has power to make the by-law by virtue of a statutory power specified in the certificate; and	Y	
126.2.2. the by-law is not in conflict with the Act.	Y	
126.3. The duty pursuant to Section 249(5) of the Act to publish a by-law in the Gazette.	Y	
126.4. The duty pursuant to Section 249(7) of the Act to publish a notice of the making of a by-law under Section 249 of the Act in a newspaper circulating in the area of the Council.	Y	
127. Model By-Laws		
127.1. The duty pursuant to Section 250(5) of the Act to publish the resolution adopting a model by-law or alteration made under Section 250 of the Act in the Gazette.	Y	
127.2. The duty pursuant to Section 250(7) of the Act to publish a notice of the adoption of a model by-law or alteration made under Section 250 of the Act in a newspaper circulating in the area of the Council.	Y	
128. Register of By-Laws and Certified Copies		
128.1. The duty pursuant to Section 252(1) and (2) to cause a separate register to be kept of all by-laws made or adopted by the Council; such register to include a copy of any code, standard or other document referred to or incorporated in a by-law.	Y	

128.2. The duty pursuant to Section 252(3) and (4) of the Act to make available the register of by-laws for inspection or purchase an extract from the register (on payment of a fee fixed by the Council) by the public at the principal office of the Council during ordinary office hours.	Y	
128.3. The duty pursuant to Section 252(5) of the Act to make available, on payment of a fee fixed by the Council, a certified copy of a by-law of the Council in force at the particular time.	Y	
129. Power to Make Orders		
129.1. The power pursuant to Section 254 of the Act to order a person to do or to refrain from doing a thing specified in Column 1 of the Table in Part 2 of Chapter 12, if in the opinion of the Delegate, the circumstances specified in Column 2 of the Table exist and the person is within the description in Column 3 of the Table.	Y	
130. Procedures to be Followed		
130.1. The duty pursuant to Section 255(1) of the Act before taking action to make an order under Part 2 of Chapter 12 (but subject to this Section), to give the person to whom it is proposed that the order be directed a notice in writing -		
130.1.1. stating the proposed action, including the terms of the proposed order and the period within which compliance with the order will be required; and	Y	
130.1.2. stating the reasons for the proposed action; and	Y	
130.1.3. inviting the person to show, within a specified time (being a reasonable period), why the	Y	

proposed action should not be taken (by making representations to the Delegate).		
130.2. If a notice of intention to make an order is directed to a person who is not the owner of the relevant land, the duty pursuant to Section 255(2) of the Act to take reasonable steps to serve a copy of the notice on the owner.	Y	
130.3. The power pursuant to Section 255(3) of the Act after considering representations made within the time specified under Section 255(1) of the Act –		
130.3.1. to make an order in accordance with the terms of the original proposal; or	Y	
130.3.2. to make an order with modifications from the terms of the original proposal; or	Y	
130.3.3. to determine not to proceed with an order.	Y	
130.4. The power pursuant to Section 255(5) of the Act to -		
130.4.1. include two or more orders in the same instrument;	Y	
130.4.2. direct two or more persons to do something specified in the order jointly.	Y	
130.5. The duty pursuant to Section 255(6) of the Act to ensure that the order -		
130.5.1. subject to Section 255 of the Act, specifies a reasonable period within which compliance with the order is required; and	Y	
130.5.2. states the reasons for the order.	Y	

130.6. The duty pursuant to Section 255(7) of the Act to serve an order in accordance with Part 2 of Chapter 14 of the Act on the person to whom it is addressed.	Y	
130.7. If an order is directed to a person who is not the owner of the relevant land, the duty pursuant to Section 255(8) of the Act to take reasonable steps to serve a copy of the order on the owner.	Y	
130.8. The power pursuant to Section 255(11) of the Act at the request or with the agreement of the person to whom an order is directed, to vary the order on the Delegate's own initiative, or to revoke an order if satisfied that it is appropriate to do so.	Y	
130.9. If the Delegate, in the circumstances of a particular case considers -		
130.9.1. that an activity constitutes, or is likely to constitute, a threat to life or an immediate threat to public health or public safety; or	Y	
130.9.2. that an emergency situation otherwise exists,	Y	
the Delegate has the power pursuant to Section 255(12) of the Act to -		
130.9.3. Proceed immediately to make an order under this Section without giving notice under Section 255(1); and	Y	
130.9.4. require immediate compliance with an order despite Section 255(6)(a).	Y	
131. Rights of Review		
131.1. The duty pursuant to Section	Y	

256(1) and (2) of the Act to ensure that an order made under Part 2 of Chapter 12 includes a statement setting out the rights of the person to appeal against the order under the Act, and to include the information specified by the Regulations to the Act.		
132. Action on Non-Compliance		
132.1. The power pursuant to Section 257(1) of the Act, where the requirements of an order are not complied with within the time fixed for compliance, or if there is an application for review, within 14 days after the determination of the review, to (subject to the outcome of any review) take the action required by the order.	Y	
132.2. The power pursuant to Section 257(2) of the Act to authorise an employee or another person to take action under Section 257(1) of the Act.	Y	
132.3. The power pursuant to Section 257(3) of the Act to take action to recover the reasonable costs and expenses incurred by the Council in taking action for the non-compliance with an order, as a debt from the person who failed to comply with the requirements of the order.	Y	
132.4. The power pursuant to Section 257(5) of the Act where an amount is recoverable from a person by the Council for action of non-compliance with an order, by notice in writing to the person, to fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid and, if the amount is not paid by the person within that period -	Y	
132.4.1. the person is liable to pay	Y	

interest charged at the prescribed rate per annum on the amount unpaid; and		
132.4.2. if the person is the owner of the land to which the order relates – the power, in accordance with Schedule 6, to impose a charge over the land for the unpaid amount, together with interest.	Y	
133. Council to Develop Policies		
133.1. The power and duty pursuant to Section 259(1) of the Act to take reasonable steps to prepare for consideration and adoption by the Council policies concerning order making (“Orders Policy”).	Y	
133.2. The power and duty pursuant to Section 259(2) of the Act to -		
133.2.1. prepare a draft of a Policy; and	Y	
133.2.2. by notice in a newspaper circulating in the area of the Council, to give notice of the place or places at which copies of the draft are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) and invite interested persons to make written representations on the draft within a period specified by the Delegate (being at least four weeks).	Y	
133.3. The duty pursuant to Section 259(3) of the Act to consider any submission made on the proposed Orders Policy in response to an invitation under Section 259(2) of the Act.	Y	
133.4. The power to amend a Policy at any time, pursuant to Section 259(4)	Y	

of the Act.		
133.5. The duty pursuant to Section 259(5) of the Act before adopting an amendment to the Orders Policy, to take the steps specified in Section 259(2) and (3) (as if the amendment were a new policy), unless the Delegate determines the amendment is only of minor significance.	Y	
133.6. The duty pursuant to Sections 259(6) and (7) of the Act to make available for inspection (without charge) and purchase (upon payment of a fee fixed by the Council) the Orders Policy at the principal office of the Council during ordinary office hours.	Y	
133.7. The duty pursuant to Section 259(8) of the Act in considering whether to make an order under Part 2 of Chapter 12 of the Act, to deal with the particular case on its merits and the duty to take into account any relevant policy under Division 3 of Part 2, Chapter 12 of the Act.	Y	
134. Appointment of Authorised Persons		
134.1. The power, pursuant to Section 260(1) of the Act by instrument in writing, to appoint a person (other than a member of the Council) to be an authorised person.	Y	
134.2. The power pursuant to Section 260(2) of the Act to make an appointment of an authorised person subject to such conditions or limitations as the Delegate determines and specified in the instrument of appointment.	Y	
134.3. The power and duty pursuant to Section 260(3) of the Act to issue to an authorised person an identity card —	Y	

134.3.1. containing a photograph of the authorised person; and	Y	
134.3.2. identifying any conditions or limitations imposed under Section 260(2) of the Act.	Y	
134.4. The power pursuant to Section 260(5) of the Act to at any time revoke an appointment under Section 260 of the Act, or to vary or revoke a condition or limitation, or impose a further condition or limitation on the appointment.	Y	
135. Council to Establish Grievance Procedures		
135.00 The power and duty pursuant to Section 270(a1) of the Act and in accordance with Sections 270(a2) and (4a) of the Act, to develop and maintain policies, practices and procedures for dealing with:		
135.00.1 any reasonable request for the provision of a service by the Council or for the improvement of a service provided by the Council; and		
135.00.2 complaints about the actions of the Council, employees of the Council, or other persons acting on behalf of the Council		
135.00 The power and duty pursuant to Section 270(a2) of the Act to ensure the policies, practices and procedures required under Section 270(a1) of the Act, are directed towards:		
135.0.1 dealing with the relevant requests or complaints in a timely, effective and fair way; and		
135.0.2 using information		

gained from the Council's community to improve its services and operations.		
135.1. Without limiting Sections 270(a1) and (a2) of the Act, the power and duty pursuant to Section 270(1) of the Act and in accordance with Sections 270(2) and (4) of the Act, to establish procedures for the review of decisions of -		
135.1.1. the Council;	Y	
135.1.2. employees of the Council;	Y	
135.1.3. other persons acting on behalf of the Council,	Y	
135.2. The duty pursuant to Section 270(2) of the Act to ensure that the internal review procedures established under Section 270(1) of the Act address the following matters (and any other matters which the Delegate determines to be relevant) -		
135.2.1. the manner in which an application for review may be made;	Y	
135.2.2. the assignment of a suitable person to reconsider a decision under review;	Y	
135.2.3. the matters that must be referred to the Council itself for consideration or further consideration;	Y	
135.2.3A in the case of applications that relate to the impact that any declaration of rates or service charges may have had on ratepayers – the provision to be made to ensure that these applications can be dealt with promptly and, if appropriate, addressed through the provision of relief or	Y	

concessions under the Act;		
135.2.4. the notification of the progress and outcome of an application for review;	Y	
135.2.5. the timeframes within which notifications will be made and procedures on a review will be completed.	Y	
135.3. The power pursuant to Section 270(4) of the Act to refuse to consider an application for review of a decision under Section 270 of the Act, if -		
135.3.1. the application was made by an employee of the Council and relates to an issue concerning his or her employment; or	Y	
135.3.2. it appears that the application is frivolous or vexatious; or	Y	
135.3.3. the applicant does not have a sufficient interest in the matter.	Y	
135.4. The duty pursuant to Section 270(5) of the Act to ensure that copies of a document concerning the procedures for internal review of Council decisions are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council.	Y	
135.5. The power pursuant to Section 270(6) of the Act to amend the internal review procedures established under Section 270(1) of the Act.	Y	
135.6. The power and duty pursuant to Section 270(8) of the Act to initiate and consider a report that relates to -		
135.6.1. the number of applications for review made under Section	Y	

270; and		
135.6.2. the kinds of matters to which the applications relate; and	Y	
135.6.3. the outcome of applications under this Section; and	Y	
135.6.4. such other matters as may be prescribed by the Regulations.	Y	
135.7. The power pursuant to Section 270(9) of the Act on an application for the provision of some form of relief or concession with respect to the payment of those rates, to, if appropriate, in view of the outcome of the application, refund the whole or a part of any amount that has been paid.	Y	
136. Mediation, Conciliation and Neutral Evaluation		
136.1. The power pursuant to Section 271(1) of the Act as part of, or in addition to, the procedures established under Section 270 of the Act, to make provision for disputes between a person and the Council to be dealt with under a scheme involving mediation, conciliation or neutral evaluation.	Y	
136.2. The duty pursuant to Section 271(2) of the Act to provide for the constitution of panels of persons who are available to act as mediators, conciliators and evaluators, and for the selection of an appropriate mediator, conciliator or evaluator, if a dispute is to be dealt with under a Scheme established under Section 271(1) of the Act.	Y	
136A. Provision of Information to Minister		
136A.1 The power and duty, pursuant to	Y	

Section 271A of the Act, to, at the request of the Minister, provide to the Minister specified information, or information of a specified kind, relating to the affairs or operations of the Council.		
136A.2 The power pursuant to Section 271A(3) of the Act to, provide information in accordance with a request under Section 271A(1) of the Act, even if:		
136AA.2.1 the information was given to the Council in confidence; or	Y	
136AA.2.2 is held on a confidential basis under Chapter 6 Part 4.	Y	
136B. Minister May Refer Investigation of Council to Ombudsman		
136B.1 The power pursuant to Section 272(3) of the Act, to, before the Minister refers a matter, explain the Council's actions and make submissions to the Minister.	Y	
136B.2 The power pursuant to Section 272(5) of the Act, to make submissions to the Minister in relation to the matter.	Y	
136C. Action on a Report		
136C.1 The power pursuant to Section 273(3) of the Act to make submissions to the Minister on the report on which the action is based.	Y	
136D. Deliberately left blank		
136D.1 Deliberately left blank		
136E. Action on a Report		
136E.1 The power pursuant to Section 275(2) of the Act to make	Y	

submissions to the Minister.		
137. Special Jurisdiction		
137.1. The power pursuant to Section 276(1) and (2) of the Act to commence, defend or participate in the following proceedings before the District Court, on behalf of the Council –		
137.1.1. proceedings to try the title of a member to an office;	Y	
137.1.2. proceedings to try the right of a person to be admitted or restored to an office;	Y	
137.1.3. proceedings to compel restoration or admission;	Y	
137.1.4. proceedings to compel the Council to proceed to an election, poll or appointment;	Y	
137.1.5. proceedings to try the validity of a rate or service charge;	Y	
137.1.6. proceedings to try the validity of a by-law;	Y	
137.1.7. proceedings to compel the production or delivery of any books, voting papers, or other documents or papers to the production or possession of which the Council or person is entitled under this Act.	Y	
138. Service of Documents by Councils etc		
138.1. Where a document is required or authorised to be served on or given to a person by the Council, the power and duty to effect service in accordance with and pursuant to Section 279 of the Act.	Y	

139. Service of Documents on Councils		
139.1. The power pursuant to Section 280(1)(c) and (d) of the Act to determine the means available for service of documents on the Council and the power to accept or authorise a person to accept documents on Council's behalf.	Y	
140. Recovery of Amounts from Lessees or Licensees		
140.1. Where an owner of land is liable to pay an amount to the Council, the power pursuant to Section 281(1) of the Act by written notice to a lessee or licensee of the land, to require him or her to pay to the Council rent or other consideration payable under the lease or license in satisfaction of the liability to the Council.	Y	
141. Ability of Occupiers to Carry out Works		
141.1. Where an owner of land fails to carry out work that the Council has required the owner to carry out under an Act, the power pursuant to Section 282(1) of the Act to give approval to the occupier of the land to cause the work to be carried out.	Y	
142. Power to Enter and Occupy Land in Connection with an Activity		
142.1. The duty pursuant to Section 294(1a) of the Act and subject to Section 294(1b) of the Act, to give an owner or occupier of land at least 48 hours notice in writing of an intention to exercise a power under Section 294(1)(b) or (c) of the Act.	Y	
142.2. The duty pursuant to Section 294(3) of the Act –	Y	
142.2.1. to pay the owner or occupier of the land rent on a quarterly or	Y	

half yearly basis, at a rate to be determined by agreement between the Council and the owner or occupier or, in default of agreement, by the Land and Valuation Court; and		
142.2.2. to pay the owner or occupier of the land within 1 month after occupying the land - reasonable compensation for damage caused to any crops on the land; and	Y	
142.2.3. within 6 months of ceasing to occupy the land		
142.2.3.1. remedy damage to land caused by the Council while in occupation of the land (to such extent as this may be reasonably practicable); and	Y	
142.2.3.2. to pay to the owner or occupier of the land reasonable compensation for any other loss or damage caused by the Council, including the full value of any earth, minerals or resources taken from the land;	Y	
142.3. The duty pursuant to Section 294(5) of the Act, at the request of an owner or occupier of the land entered and occupied by Council, to erect a fence of reasonable quality and design between the occupied land and the adjoining land.	Y	
143. Reclamation of Land		
143.1. Where the Council raises, fills in, improves, drains, levels or reclaims land in the area of the Council, the power pursuant to Section 296(1) of the Act to recover the whole or a proportion of the cost of the work	Y	

from the owners of adjacent or adjoining rateable land improved by the performance of the work in proportion to additional value the work has added to the land.		
143.2. The power pursuant to Section 296 (2) of the Act to appoint a valuer to determine the additional value added to the land by Council's activities, under Section 296(1) of the Act.	Y	
143.3. The duty pursuant to Section 296(3) of the Act to give notice of a valuation to the relevant owner under this Section of the Act.	Y	
143.4. The duty pursuant to Section 296(5) of the Act to conduct an objection or review in the same manner as an objection to or appeal against a valuation under Division 6 of Part 1, Chapter 10 of the Act.	Y	
144. Property in Rubbish		
144.1. The power pursuant to Section 297 of the Act to sell or dispose of any rubbish that the Council collects within its area, as the Delegate thinks appropriate.	Y	
145. Power to Act in an Emergency		
145.1. Where flooding in the area of the Council has occurred or is imminent and the Delegate is of the opinion that a situation of emergency has arisen in which there is danger to life or property, the power pursuant to Section 298(1) of the Act to order that action be taken as the Delegate thinks fit to avert or reduce the danger.	Y	
146. Deliberately left blank		
146.1. Deliberately left blank.	Y	

146.2. Deliberately left blank.	Y	
147. Costs of Advertisements		
147.1. The duty pursuant to Section 300(1) of the Act to pay the cost of an advertisement required by the Act, or where the Council or an employee of the Council takes any action that immediately necessitates the advertisement.	Y	
148. Whistleblowing		
148.1. The duty pursuant to Section 302B of the Act to ensure that a member of staff of the Council who has the qualifications prescribed by the Local Government (General) Regulations 1999 is designated as the responsible officer for the Council for the purposes of the Whistleblowers Protection Act 1993.	Y	
148A Use of Facilities		
148A.1 The power pursuant to Clause 13 of Schedule 1A of the Act to arrange with the Authority for the Authority to make use of the services of the staff, equipment or facilities of the Council.		
149. Deliberately left blank		
149.1.		
149.1.1.		
149.1.2.		
149.1.3.		
150. Deliberately left blank		
150.1.		
151. Deliberately left blank		
151.1.		

151.2.		
151.3.		
151A Preparation of Stormwater Management Plans by Councils		
<p>151A.1 The power pursuant to Clause 17(1) of Schedule 1A of the Act to prepare a stormwater management plan which:</p> <p>(a) complies with the guidelines issued by the Authority; and</p> <p>(b) is prepared in consultation with the relevant regional NRM board or boards; and</p> <p>(c) is prepared in accordance with any other procedures or requirements prescribed by the Regulations</p>		
151B Authority May Issue Order		
151B.1 The power pursuant to Clause 20(5) of Schedule 1A of the Act, before the Authority takes any action under Clause 20(4) of Schedule 1A of the Act, to make submissions to the Authority in relation to the matter.		
151B.2 The power pursuant to Clause 20(6) of Schedule 1A of the Act, if costs and expenses are to be recovered from the Council as a debt, to enter into an agreement with the Authority for the debt to be repaid over a period of time, subject to the payment by the Council of interest on the debt (and the power to agree the rate with the Authority).		
152. Deliberately left blank		
153. Deliberately left blank		
154. Special Powers in Relation to Land		

<p>154.1 The power pursuant to Clause 24(1) of Schedule 1A of the Act and in accordance with Clause 24(2) of Schedule 1A of the Act, for the purpose of taking action consistent with the provisions of an approved stormwater management plan or a condition imposed on approval of a stormwater management plan or action required by an order under Clause 20 of Schedule 1 of the Act, to:</p> <ul style="list-style-type: none"> (a) enter and occupy any land; and (b) construct, maintain or remove any infrastructure; and (c) excavate any land; and (d) inspect, examine or survey any land and for that purpose: <ul style="list-style-type: none"> (i) fix posts, stakes or other markers on the land; and (ii) dig trenches or sink test holes in the land to determine the nature of the top soil and underlying strata; and (iii) remove samples for analysis. (e) alter water table levels, stop or reduce the flow of water in a watercourse, divert water flowing in a watercourse to another watercourse or to a lake or control the flow of water in any other manner; and (f) hold any water in a watercourse or lake or by any other means; and (g) divert water to an underground aquifer, dispose of water to a lake, under ground aquifer or the sea, or deal with water in any 		
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<p>other manner; and</p> <p>(h) deepen, widen or change the course of a watercourse, deepen or widen a lake or take action to remove any obstruction to the flow of water; and</p> <p>(i) undertake any other form of work (including work undertaken for the purposes of stormwater management or flood mitigation); and</p> <p>(j) undertake any testing, monitoring or evaluation; and</p> <p>(k) undertake any other activity of a prescribed kind.</p>		
<p>154.2 The power pursuant to Clauses 24(2)(b) and 25 of Schedule 1A of the Act to acquire an easement or other appropriate interest over the relevant land by agreement with the owner or in accordance with the Land Acquisition Act 1969 and any other applicable laws.</p>		
<p>155. Entry and Occupation of Land Other Than Council Land</p>		
<p>155.1 The power pursuant to Clause 25(2) of Schedule 1A of the Act, subject to Clause 25(3) of Schedule 1A of the Act, to give reasonable notice of an intention to enter, or to enter and occupy, land in accordance with Clause 24 of Schedule 1A of the Act to the occupier of the land.</p>		
<p>155.2 The power pursuant to Clause 25(3)(b) of Schedule 1A of the Act to, in an emergency, give such notice (if any) as the delegate considers is reasonable in the circumstances.</p>		
<p>156. Vesting of Infrastructure, etc</p>		

156.1 The power pursuant to Clause 26(3) of Schedule 1A of the Act to, before the Minister publishes a notice vesting the care, control and management of infrastructure or land in the Council under Clauses 26(1) or (2) of Schedule 1A of the Act make submissions to the Minister in relation to the proposed notice.		
<u>157. Building Upgrade Agreement (May only be delegated to CEO)</u>		
<u>157.1 The power pursuant to Clause 2(1) of Schedule 1B of the Act, subject to Clause 2 of Schedule 1B of the Act, to, in relation to a building situated on land within the area of the Council, enter into an agreement (a building upgrade agreement) under which:</u>	<u>Y</u>	
<u>157.1.1 the building owner agrees to undertake upgrade works in respect of the building; and</u>	<u>Y</u>	
<u>157.1.2 a finance provider agrees to advance money to the building owner for the purpose of funding those upgrade works; and</u>	<u>Y</u>	
<u>157.1.3 the Council agrees:</u>		
<u>157.1.3.1 to levy a charge on the relevant land (a building upgrade charge), to be paid by the building owner, for the purpose of recouping the money</u>	<u>Y</u>	

<u>advanced by the finance provider for the upgrade works (and any interest or other charges payable to the finance provider under the agreement); and</u>		
<u>157.1.3.2 to pay to the finance provider any money paid to the Council by way of the building upgrade charge (other than any service fee or late payment fee that the Council is permitted by the agreement to deduct and retain).</u>	<u>Y</u>	
<u>157.2 The power pursuant to Clause 2(3) of Schedule 1B of the Act to include in a building upgrade agreement, payment to the finance provider of penalty interest on money advanced by the finance provider under the agreement, at such rate as determined in accordance with the regulations, and, if the regulations do not provide for the determination of the rate at such rate as determined in accordance with the agreement.</u>	<u>Y</u>	

<u>157.3 The power pursuant to Clause 2(4) of Schedule 1B of the Act to agree that a building upgrade agreement may be entered into by any other persons that the delegate considers should be parties to the agreement.</u>	<u>Y</u>	
<u>158. Variation or Termination of Agreement</u> <i>(May only be delegated to CEO)</i>		
<u>158.1 The power pursuant to Clause 4 of Schedule 1B of the Act to vary or terminate a building upgrade agreement by further agreement between the primary parties.</u>	<u>Y</u>	
<u>159. Contents of Agreement</u> <i>(May only be delegated to CEO)</i>		
<u>159.1 The power pursuant to Clause 5(1) of Schedule 1B of the Act to make a building upgrade agreement in writing and specify:</u>		
<u>159.1.1 the upgrade works to be undertaken by or on behalf of the building owner under the agreement; and</u>	<u>Y</u>	
<u>159.1.2 the amount of money to be advanced by the finance provider under the agreement; and</u>	<u>Y</u>	
<u>159.1.3 the amount of the building upgrade charge to be levied by the Council under the agreement; and</u>	<u>Y</u>	
<u>159.1.4 the schedule for the payment, by the building owner, of a building upgrade charge to the Council; and</u>	<u>Y</u>	

<u>159.1.5 the amount of, or a method for calculating the amount of, any service fee or late payment fee that the Council may deduct and retain; and</u>	<u>Y</u>	
<u>159.1.6 any prescribed matters.</u>	<u>Y</u>	
<u>159.2 The power pursuant to Clause 5(2) of Schedule 1B of the Act to, in a building upgrade agreement:</u>		
<u>159.2.1 provide for the early repayment of any amount payable under the agreement; and</u>	<u>Y</u>	
<u>159.2.2 include and agree to other provisions.</u>	<u>Y</u>	
<u>160. Declaration of Building Upgrade Charge</u> <i>(May only be delegated to CEO)</i>		
<u>160.1 The power pursuant to Clause 6(1) of Schedule 1B of the Act, after the Council enters into a building upgrade agreement, to, in accordance with the terms of the agreement, declare a building upgrade charge in respect of the relevant land (being a charge of the agreed amount specified in the building upgrade agreement).</u>	<u>Y</u>	
<u>160.2 The power pursuant to Clause 6(2) of Schedule 1B of the Act, if the Council or delegate declares a building upgrade charge, to, within 28 days after the declaration give the building owner written notice in accordance with Clauses 6(3) and (4) of Schedule 1B of the Act specifying:</u>	<u>Y</u>	
<u>160.2.1 the name and address</u>	<u>Y</u>	

<u>of the building owner; and</u>		
<u>160.2.2 a description of the relevant land in respect of which the building upgrade charge is being levied; and</u>	<u>Y</u>	
<u>160.2.3 the building upgrade agreement under which the building upgrade charge is being levied; and</u>	<u>Y</u>	
<u>160.2.4 the amount for which the building owner is liable; and</u>	<u>Y</u>	
<u>160.2.5 the manner of payment of the amount; and</u>	<u>Y</u>	
<u>160.2.6 the due date for payment of the amount, in accordance with the schedule for the payment of the building upgrade charge to the Council (specified in the building upgrade agreement); and</u>	<u>Y</u>	
<u>160.2.7 the amount of, or method of calculating, any service fee of the Council authorised by the building upgrade agreement and any late payment fee that may be imposed by the Council if the building owner fails to pay an amount for which the building owner is liable by the due date; and</u>	<u>Y</u>	
<u>160.2.8 any prescribed matters.</u>	<u>Y</u>	
<u>160.3 The power pursuant to Clause 6(4) of Schedule 1B of the Act,</u>	<u>Y</u>	

<u>to, in relation to each payment in respect of a building upgrade charge for which a building owner is liable, give a notice under Clause 6(2) of Schedule 1B of the Act to the building owner at least 28 days before the date for payment specified in the notice.</u>		
<u>161. Payment of Building Upgrade Charge</u>		
<u>161.1 The power pursuant to Clause 7(2) of Schedule 1B of the Act, on payment of money in respect of a building upgrade charge to the Council, to deduct and retain any service fee and late payment fee authorised by the building upgrade agreement.</u>	<u>Y</u>	
<u>161.2 The power pursuant to Clause 7(3) of Schedule 1B of the Act in relation to money paid to the Council in respect of a building upgrade charge, to, other than any service fee and late payment fee retained by the Council,</u>	<u>Y</u>	
<u>161.2.1 hold that money on behalf of the finance provider pending payment to the finance provider; and</u>	<u>Y</u>	
<u>161.2.2 pay that money to the finance provider in accordance with the terms of the building upgrade agreement under which the charge was levied.</u>	<u>Y</u>	
<u>162. Sale of Land for Non-payment of Building Upgrade Charge</u>		
<u>162.1 The power pursuant to Clause 9(1) of Schedule 1B of the Act,</u>	<u>Y</u>	

<u>subject to clause 9 of Schedule 1B of the Act to, if an amount for which a building owner is liable in respect of a building upgrade charge remains unpaid for more than 3 years, sell the relevant land in accordance with the regulations.</u>		
<u>162.2 The power pursuant to Clause 9(2) of Schedule 1B of the Act to, apply any money received by the Council in respect of the sale of land under Clause 9 of Schedule 1B of the Act as follows:</u>	<u>Y</u>	
<u>162.2.1 firstly – in paying the costs of the sale and any other costs incurred in proceeding under Clause 9 of Schedule 1B of the Act;</u>	<u>Y</u>	
<u>162.2.2 secondly – in discharging any liabilities to the Council in respect of the land (other than any building upgrade charge, service fee or late payment fee in relation to a building upgrade charge);</u>	<u>Y</u>	
<u>162.2.3 thirdly – in discharging any liability to the Council for a building upgrade charge, service fee or late payment fee in relation to a building upgrade charge;</u>	<u>Y</u>	
<u>162.2.4 fourthly – in discharging any liability to the Crown for rates, charges or taxes, or any prescribed liability to the Crown in respect of the land;</u>	<u>Y</u>	
<u>162.2.5 fifthly – in discharging</u>	<u>Y</u>	

<u>any liabilities secured by registered mortgages, encumbrances or charges;</u>		
<u>162.2.6 sixthly – in discharging any other mortgages, encumbrances or charges of which the Council has notice;</u>	<u>Y</u>	
<u>162.2.7 seventhly – in payment to the owner of the land.</u>	<u>Y</u>	
<u>162.3 The power pursuant to Clause 9(3) of Schedule 1B of the Act, if the owner cannot be found after making reasonable inquiries as to his or her whereabouts, to deal with an amount payable to the owner as unclaimed money under the Unclaimed Moneys Act 1891.</u>	<u>Y</u>	
<u>163. Repayment of Advances to Finance Provider</u>		
<u>163.1 The power pursuant to Clause 10(2) of Schedule 1B of the Act, if a building upgrade agreement is terminated before all the money that the finance provider agreed to advance to the building owner is advanced, to:</u>	<u>Y</u>	
<u>163.1.1 adjust the building upgrade charge to reflect the lower amount advanced to the building owner; and</u>	<u>Y</u>	
<u>163.1.2 give the building owner written notice of the adjustment.</u>	<u>Y</u>	
<u>163.2 The power pursuant to Clause 10(3) of Schedule 1B of the Act, if, as a result of an adjustment being made to a building upgrade charge under clause</u>	<u>Y</u>	

<u>10 of Schedule 1B of the Act:</u>		
<u>163.2.1 the building owner has made payment in respect of the charge in excess of the adjusted amount; and</u>	<u>Y</u>	
<u>163.2.2 the excess amount has been paid by the Council to the finance provider,</u>	<u>Y</u>	
<u>to refund the building owner the excess amount paid.</u>	<u>Y</u>	
<u>164. Register of Building Upgrade Agreements</u>		
<u>164.1 The power pursuant to Clause 13(1) of Schedule 1B of the Act to keep a register of building upgrade agreements in accordance with Clause 13(2) of Schedule 1B of the Act.</u>	<u>Y</u>	
<u>164.2 The power pursuant to Clause 13(3) of Schedule 1B of the Act to make available the register for inspection (without charge) by a member of the public at the principal office of the Council during ordinary office hours and to provide a person with an extract from the register (without charge).</u>	<u>Y</u>	

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

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
All	All Financial Delegations listed within this document are subject to the delegated amounts as follows:
Chief Executive Officer	\$4,000,000
General Manager City Development	\$1,000,000
Manager Development & Regulatory Services	\$25,000
Administration Co-ordinator - Development Services	\$4,000
Team Leader - Building/Building Surveyor	\$4,000
Team Leader - Planning	\$12,000
Unit Manager Community Health and Safety	\$10,000
Team Leader Community Safety Inspectorate	\$10,000
Manager Economic Development	\$20,000
Manager Strategic Projects	\$100,000
Manager Innovation & Strategy	\$20,000
Unit Manager Asset Systems	\$5,000
Team Leader Open Space & Recreation	\$10,000
Manager Environmental Sustainability	\$20,000
Manager City Property	\$50,000
Team Leader Land & Property	\$20,000
Unit Manager Cultural Facilities	\$10,000
Team Leader Swimming Centre	\$2,000
Unit Manager Sports & Recreational Facilities	\$10,000
General Manager Corporate Services	\$1,000,000
Manager ICT	\$25,000
Unit Manager ICT Infrastructure Service Delivery	\$10,000
Manager Finance	\$25,000
Financial Accountant	\$2,000
Financial Co-ordinator	\$2,000
Management Accountant	\$2,000
Rating Services Team Leader	\$2,000
Manager Corporate Governance	\$20,000
Unit Manager Communications	\$5,000
Unit Manager Risk	\$10,000
Unit Manager Governance & Records Management	\$5,000
Unit Manager Performance & Improvement Team	\$5,000

		Manager Contracts and Operational Support	\$250,000 special \$50,000 stock
		Unit Manager Operational Support	\$20,000
		Supervisor Workshop	\$2,000
		General Manager Operations	\$1,000,000
		Manager Engineering & Field Services	\$65,000
		Unit Manager Open Space Services	\$10,000
		Field Supervisor Horticulture	\$2,000
		Field Supervisor Streetscapes	\$2,000
		Unit Manager Civil Services	\$10,000
		Co-ordinator Infrastructure	\$2,000
		Field Supervisor Infrastructure	\$2,000
		Field Supervisor Civil Services	\$2,000
		Team Leader Engineering	\$65,000
		Co-ordinator Survey & Design	\$10,000
		Co-ordinator Traffic & Parking	\$20,000
		Manager Community & Cultural Services	\$50,000
		Unit Manager Customer Service	\$5,000
		Unit Manager Community Development	\$10,000
		Team Leader Youth Services	\$5,000
		Unit Manager Community Wellbeing	\$10,000
		Team Leader Community Care	\$5,000
		Co-ordinator Operations	\$2,000
		Co-ordinator Community Programs	\$2,000
		Neighbourhood Centre Project Officer	\$2,000
		Unit Manager Community Connections & Learning	\$5,000
		Children & Youth Co-ordinator	\$5,000
		Digital Literacies Coordinator - Libraries	\$5,000
		Unit Manager Collections & Outreach	\$5,000
		Collection Development Co-ordinator	\$5,000
		Outreach & Information Services Co-ordinator	\$5,000
		Unit Manager Service Quality	\$5,000
		Customer Service Co-ordinator	\$5,000
		Library ICT System & Training Co-ordinator	\$5,000
		Unit Manager Community Cultural Development	\$10,000
			\$5,000
		Manager Human Resources	\$20,000
		Unit Manager HR Partnering	\$5,000

INSTRUMENT OF DELEGATION UNDER THE
PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016

**INSTRUMENT OF DELEGATION UNDER THE
PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016**

NOTES

In exercise of the powers contained in Planning, Development and Infrastructure Act 2016 are hereby delegated this 10th day of October 2017 to the person occupying the office of Chief Executive Officer of the Council and the said powers, functions and duties may be sub-delegated by the said delegate to any other officer of the Council:

References:

Abbreviation	Position Title
DE	Development Engineer
DOP	Development Officer Planning
GMCD	General Manager City Development
GMCiS	General Manager City Services
MDRS	Manager Development & Regulatory Services
MEFS	Manager Engineering & Field Services
MF	Manager Finance
OE	Operations Engineer
PP	Policy Planner
SDOP	Senior Development Officer Planning
SPP	Senior Policy Planner
TLP	Team Leader Planning
UMC	Unit Manager Civil Services

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

1. Planning Regions and Greater Adelaide	Delegate to the CEO	Sub-Delegation
1.1 The power pursuant to Section 5(5)(b) of the Planning, Development and Infrastructure Act 2016 (the Act) to make submissions to the Minister on a proposed proclamation under Section 5 of the Act.	N	
2. Subregions		
2.1 The power pursuant to Section 6(3)(b) of the Act to make submissions to the Minister on the Minister's proposed course of action.	N	
3. Environment and Food Production Areas – Greater Adelaide		
3.1 The power pursuant to Section 7(5) of the Act, in relation to a proposed development in an environment and food		

**INSTRUMENT OF DELEGATION UNDER THE
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production area that involves a division of land that would create 1 or more additional allotments:			
3.1.1	to seek the concurrence of the Commission in the granting of the authorisation;	Y	
3.1.2	to concur in the granting of the development authorisation to the development;	Y	
3.1.3	to, if the proposed development will create additional allotments to be used for residential development, refuse to grant development authorisation in relation to the proposed development.	Y	
4. Planning Agreements			
4.1	The power pursuant to Section 35(1)(a) of the Act to enter into an agreement (a planning agreement) with the Minister relating to a specified area of the State in accordance with Section 35 of the Act.	N	
4.2	The power pursuant to Section 35(3) of the Act to, in a planning agreement, include provisions that outline the purposes of the agreement and the outcomes that the agreement is intended to achieve and to provide for:	N	
4.2.1	the setting of objectives, priorities and targets for the area covered by the agreement; and	N	
4.2.2	the constitution of a joint planning board including, in relation to such a board:		
4.2.2.1	the membership of the board, being between 3 and 7 members (inclusive); and	N	
4.2.2.2	subject to Section 35(4) of the Act, the criteria for membership; and	N	
4.2.2.3	the procedures to be followed with respect to the appointment of members; and	N	
4.2.2.4	the terms of office of members; and	N	
4.2.2.5	conditions of appointment of members, or the method by which those conditions will be determined, and the grounds on which, and the procedures by which, a member may be removed from office;	N	

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	and		
	4.2.2.6 the appointment of deputy members; and	N	
	4.2.2.7 the procedures of the board; and	N	
4.2.3	the delegation of functions and powers to the joint planning board (including, if appropriate, functions or powers under another Act); and	N	
4.2.4	the staffing and other support issues associated with the operations of the joint planning board; and	N	
4.2.5	financial and resource issues associated with the operations of the joint planning board, including:		
	4.2.5.1 the formulation and implementation of budgets; and	N	
	4.2.5.2 the proportions in which the parties to the agreement will be responsible for costs and other liabilities associated with the activities of the board; and	N	
4.2.6	such other matters as the Delegate thinks fit.	N	
4.3	The power pursuant to Section 35(5)(a) of the Act, at the expiry of a planning agreement, to replace it with a new agreement (in the same or different terms).		
4.4	The power pursuant to Section 35(5)(b) of the Act, to vary or terminate a planning agreement by agreement between the parties to the agreement.	N	
5.	Community Engagement Charter		
5.1	The power pursuant to Section 44(6)(a) of the Act, to, in accordance with the Charter, make submissions in relation to any proposal to prepare or amend a designated instrument under Part 5 Division 2 Subdivision 5 (unless the proposal has been initiated by the Council).	Y	
6.	Preparation and Amendment of Charter		
6.1	The power pursuant to Section 45(2)(c) of the Act to make representations (in writing or via the SA planning portal) on a proposal to prepare or amend the Charter.	Y	
6A.	Preparation and Amendment		

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6A.1	The power pursuant to Section 73(2)(b)(iv) of the Act to initiate a proposal to amend a designated instrument with the approval of the Minister, acting on the advice of the Commissioner.	N	
6A.2	The power pursuant to Section 73(6) of the Act where the Council is authorised or approved under Section 73 of the Act, and after all of the requirements of Section 73 have been satisfied:	N	
6A.2.1	to prepare a draft of the relevant proposal; and	N	
6A.2.2	to comply with the Community Engagement Charter for the purposes of consultation in relation to the proposal; and	N	
6A.2.3	to the extent that paragraph (b) of Section 73(6) of the Act does not apply, in the case of a proposed amendment to a regional plan that has been prepared by a joint planning board where the amendment is not being proposed by the joint planning board – to consult with the joint planning board; and	N	
6A.2.4	to the extent that paragraph (b) of Section 73(6) of the Act does not apply, in the case of a proposed amendment to the Planning and Design Code that will have a specific impact on 1 or more particular pieces of land in a particular zone or subzone (rather than more generally) – to take reasonable steps to give:	N	
6A.2.4.1	an owner or occupier of the land; and	N	
6A.2.4.2	an owner or occupier of each piece of adjacent land,	N	
	a notice in accordance with the regulations; and	N	
6A.2.5	to consult with any person or body specified by the Commission and any other person or body as the delegate thinks fit; and	N	
6A.2.6	to carry out such investigations and obtain such information specified by the Commission; and	N	
6A.2.7	to comply with any requirement prescribed by the regulations.	N	
6A.3	The power pursuant to Section 73(8) of the Act to, after the Council has furnished a report to the Minister under Section 73(7) of the Act, ensure that a copy of the report is published on the SA planning portal in accordance with a practice direction that applies for the purposes of Section	N	

**INSTRUMENT OF DELEGATION UNDER THE
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73 of the Act.			
6A.4	The power pursuant to Section 73(9) of the Act to enter into an agreement with a person for the recovery of costs incurred by the Council in relation to an amendment of the Planning and Design Code or a design standard under Section 73 of the Act (subject to the requirement to charge costs under Section 73(4)(b) of the Act (if relevant)).	N	
6B.	Parliamentary Scrutiny		
6B.1	The power pursuant to Section 74(8) of the Act if the ERD Committee is proposing to suggest an amendment under Section 74(4) of the Act and the amendment is specifically relevant to the Council, to provide a comment and response within the period of 2 weeks.	N	
6C.	Entities Constituting Relevant Authorities		
6C.1	The power pursuant to Section 82(d) of the Act, subject to the Act, to appoint an assessment panel.	N	
6D.	Panels Established by Joint Planning Boards or Councils		
6D.1	The power pursuant to Section 83(1) of the Act in relation to an assessment panel appointed by the Council under Division 1 of Part 6 of the Act, to:	N	
6D.1.1	appoint more than 1 assessment panel and if the delegate does so, to clearly specify which class of development each assessment panel is to assess;	N	
6D.1.2	determine:	N	
6D.1.2.1	the membership of the assessment panel, being no more than 5 members, only 1 of which may be a member of a council, and, if the delegate thinks fit, on the basis that the assessment panel will be constituted by a different number of members depending on the particular class of development that is being assessed by the assessment panel; and	N	
6D.1.2.2	the procedures to be followed with respect to the appointment of members; and	N	
6D.1.2.3	the terms of office of members; and	N	
6D.1.2.4	conditions of appointment of members, or the method by which those conditions will be determined, (including as to their remuneration) and the grounds on which, and the	N	

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procedures by which, a member may be removed from office; and		
6D.1.2.5 the appointment of deputy members; and	N	
6D.1.2.6 who will act as the presiding member of the panel and the process for appointing an acting presiding member.	N	
6D.2 The power pursuant to Section 83(1)(h) of the Act to arrange the staffing and support required for the purposes of the operations of the panel.	N	
6D.3 The power pursuant to Section 83(1)(i) of the Act to substitute the existing members of the panel with new members if directed to do so by the Minister acting on recommendation of the Commission under Section 86 of the Act.	N	
6D.4 The power pursuant to Section 83(2) of the Act to form the opinion and be satisfied that a person to be appointed as a member of an assessment panel who is a member, or former member, of a council is appropriately qualified to act as a member of the assessment panel on account of the person's experience in local government.	N	
6E. Panels Established by Minister		
6E.1 The power pursuant to Section 84(1)(c)(ii)(B) of the Act to make submissions to the Minister about the constitution of a regional assessment panel in relation to the area of the Council (or part of the area).	N	
6F. Substitution of Local Panels		
6F.1 The power pursuant to Section 86(2)(a) of the Act to make submissions to the Commission in relation to an inquiry.	N	
7. Initiation of Scheme		
7.1 The power pursuant to Section 163(3)(b) of the Act to request the Minister initiate a proposal to proceed under Section 163 of the Act.	Y	
7.2 The power pursuant to Section 163(10) of the Act to consult with the Minister in relation to the draft outline.	Y	
8. Consideration of Proposed Scheme		
8.1 The power pursuant to Section 166(1)(c) of the Act to consult with a scheme coordinator in relation to a scheme	Y	

**INSTRUMENT OF DELEGATION UNDER THE
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in accordance with the Community Engagement Charter.			
9. Adoption of Scheme			
9.1 The power pursuant to Section 167(7) of the Act to consult with the Minister in relation to a variation to a scheme.	Y		
10. Funding Arrangements			
10.1 The power pursuant to Section 169(2)(b) of the Act in relation to a scheme that provides for the collection of contributions under Subdivision 8 of the Act to apply for a periodic review of the levels and amounts of those contributions and as part of such review for any matter to be considered or determined by ESCOSA.	N		
10.2 The power pursuant to Section 169(8) of the Act to approve a funding arrangement that provides for or includes the collection of contributions under subdivision 8 in relation to prescribed infrastructure.	N		
10.3 The power pursuant to Section 169(9) of the Act to consult with the Commission in relation to a funding arrangement that is specifically relevant to the Council.	N		
11. Contributions by Constituent Councils			
11.1 The power pursuant to Section 177(4) of the Act to consult with the Minister in relation to the Council's share.	Y		
11.2 The power pursuant to Section 177(5) of the Act to, at the request of the Minister, supply the Minister with information in the possession of the Council to enable the Minister to determine shares under Sections 177(2) and (3) of the Act.	Y		
12. Imposition of Charge by Councils			
12.1 The power pursuant to Section 180(7) of the Act, if the Council incurs costs in recovering a charge as a debt, to claim the reimbursement of those costs (insofar as they are reasonable) from the relevant fund established under subdivision 9.	Y		
13. Authorised Works			
13.1 The power pursuant to Section 187(1) of the Act, subject to Section 187(3) of the Act, to carry out any infrastructure works if the Council is authorised to so do by or under the	Y		

**INSTRUMENT OF DELEGATION UNDER THE
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	Act or any other Act.		
13.2	The power pursuant to Section 187(5) of the Act, subject to Section 187(6) of the Act, to in relation to a proposal that involves disturbing the surface of a road, or that otherwise relates to a road to:	Y	
13.2.1	inform the relevant road maintenance authority of the proposal at least 28 days before the proposed commencement of any work; and	Y	
13.2.2	give the relevant road maintenance authority a reasonable opportunity to consult with the Council in relation to the matter; and	Y	
13.2.3	ensure that proper consideration is given to the views of the road maintenance authority.	Y	
13.3	The power pursuant to Section 187(5)(b) of the Act to consult with the relevant road maintenance authority in relation to the matter.	Y	
13.4	The power pursuant to Section 187(5)(b) of the Act, in a case of emergency, to only comply with Section 187(5) of the Act to such extent as is practicable in the circumstances.	Y	
14.	Entry onto Land		
14.1	The power pursuant to Section 188(1) of the Act to authorise a person for the purpose of undertaking any work or activity in connection with the exercise of a power under Division 2 of Part 13 of the Act to:	Y	
14.1.1	enter and pass over any land; and	Y	
14.1.2	bring onto any land any vehicles, plant or equipment; and	Y	
14.1.3	temporarily occupy land; and	Y	
14.1.4	do anything else reasonably required in connection with the exercise of the power.	Y	
14.2	The power pursuant to Section 188(4) of the Act to pay reasonable compensation on account of any loss or damage caused by the exercise of a power under Section 188(1) of the Act.	Y	

**INSTRUMENT OF DELEGATION UNDER THE
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15. Acquisition of Land		
15.1 The power pursuant to Section 189(1) of the Act, to with the consent of the Minister, acquire land for a purpose associated with infrastructure works under and in accordance with the <i>Land Acquisition Act 1969</i> .	N	
16. Review of Performance		
16.1 The power pursuant to Clause 3(3) of Schedule 4 of the Act to explain the Council's actions, and to make submissions (including, if relevant, an indication of undertakings that the Council is willing to give in order to take remedial action), to the Minister.	Y	
16.2 The power pursuant to Clause 3(14) of Schedule 4 of the Act to make submissions to the Minister on the report on which the action to be taken by the Minister under Clause 3(13) of Schedule 4 of the Act is based.	Y	
16.3 The power pursuant to Clause 3(15) of Schedule 4 of the Act, if the Minister makes a recommendation to the Council under Clause 3(13)(a) of Schedule 4 of the Act and the Minister subsequently considers that the Council has not, within a reasonable period, taken appropriate action in view of the recommendation, consult with the Minister in relation to the directions of the Minister.	Y	
16.4 The power pursuant to Clause 3(16) of Schedule 4 of the Act to comply with a direction under Clauses 3(13) or (15) of Schedule 4 of the Act.	Y	
17. General Schemes		
17.1 The power pursuant to Clause 30(3) of Schedule 8 of the Act to request the Minister make a declaration under Clause 30(2) of Schedule 8 of the Act in relation to a scheme.	N	

ROAD TRAFFIC ACT 1961, THE ROAD TRAFFIC (MISCELLANEOUS) REGULATIONS 1999 AND THE ROAD TRAFFIC (ROAD RULES – ANCILLARY AND MISCELLANEOUS PROVISIONS) REGULATIONS 1999

INSTRUMENT OF DELEGATION UNDER THE
ROAD TRAFFIC ACT 1961, THE ROAD TRAFFIC (MISCELLANEOUS)
REGULATIONS 1999 AND THE ROAD TRAFFIC (ROAD RULES – ANCILLARY
AND MISCELLANEOUS PROVISIONS) REGULATIONS 1999

NOTES

In exercise of the power contained in Section 44 of the Local Government Act 1999 the following powers, functions and duties under the Road Traffic Act 1961, the Road Traffic (Miscellaneous) Regulations 1999 and the Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 1999 are hereby delegated this ~~23rd~~ 10th day of ~~May~~ October 2017 to the person occupying the office of Chief Executive Officer of the Council and the said powers, functions and duties may be sub-delegated by the delegate to any other officer of Council.

References:

Abbreviation	Position Title
TLCSI	Team Leader Community Safety Inspectorate
UME	Unit Manager Engineering
UMR	Unit Manager Risk
CT&P	Coordinator Traffic and Parking

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

1. Direction as to installation etc of traffic control devices	Delegate to CEO	Sub-delegation
1.1 The duty pursuant to Section 18(5) of the Road Traffic Act 1961 (“the Act”) to carry out a direction which the Minister directs the Council (as a road authority) to carry out pursuant to Section 18(6) of the Act in circumstances where another road authority has failed to comply with the direction.	Y	
1.2 The power pursuant to Section 18(7) of the Act where the Minister has directed the Council to carry out a direction pursuant to Section 18(6) of the Act, to recover as a debt due from the defaulting road authority any expenses incurred in carrying out the direction under Section 18(6) of the Act, subject to Section 18(8) of the Act.	Y	

2. Action to deal with false devices or hazards to traffic		
2.1 The power pursuant to Section 31(2) of the Act to remove from any road the care, control or management of which is vested in the Council and dispose of any false traffic control device or any device, structure or thing that the Delegate is satisfied might constitute a hazard to traffic.	Y	
<u>2A. Road Closing and Exemptions for Certain Events</u>		
<u>2A.1 The power pursuant to Section 33(2) of the Act, to consent to an order under Section 33(1) of the Act to close a road in the Council's area.</u>	<u>Y</u>	
3. Notice of Removal of Vehicle and Disposal of Vehicle if Unclaimed		
3.1 The duty pursuant to Section 40P(3) of the Act and subject to Section 40P(4) to offer a vehicle, which was removed by an officer of the Council under Section 40N of the Act and for which there had been notice given according to Section 40P(2) of the Act and the owner of the vehicle failed to take possession of the vehicle and pay all expenses in connection with the removal, custody and maintenance of the vehicle and of serving, posting or publishing the notice, within one month after service or publication of the notice in accordance with Section 40P(2) of the Act, for sale by public auction.	Y	
3.2 The power pursuant to Section 40P(4) of the Act, where a vehicle is offered for sale by public auction but is not sold at the auction or the relevant authority reasonably believes that the proceeds of the sale of the vehicle would be unlikely to exceed the costs incurred in selling the vehicle, to dispose of the vehicle in such manner as the Delegate thinks fit.	Y	
3.3 The duty pursuant to Section 40P(5) of the Act to apply the proceeds of the sale of a vehicle as follows:	Y	

3.3.1	firstly, in payment of the costs of and incidental to the sale;	Y	
3.3.2	secondly, in payment of the costs of and incidental to the removal, custody and maintenance of the vehicle and of the notice served, posted or published under this section; and	Y	
3.3.3	thirdly, in payment of the balance to the owner of the vehicle.	Y	
3.4	The power pursuant to Section 40P(6) of the Act, if after reasonable inquiry following sale of the vehicle the owner of the vehicle cannot be found, to pay the balance of the proceeds of the sale to the Council.	Y	
3A.	Council May Determine That Ticket for Parking be Obtained Without Fee		
3A.1	The power pursuant to Section 86 of the Act, if the Council has installed, or determined that it will install, permissive parking signs to apply to a length of road or area, to (in addition to any other action the Council may be empowered to take by or under the Act):		
3A.1.1	determine that a ticket must be obtained for parking in the length of road or the area through the operation of parking ticket-vending machines installed or to be installed in or near the length of road or area without payment of a fee; or	Y	
3A.1.2	vary or revoke a determination made under Section 86 of the Act.	Y	
4.	Compensation Orders for Damage to Road Infrastructure		
	The power, pursuant to Section 163ZC(2) of the Act and in accordance with Section 163ZC(5) of the Act to make an application for a compensation order.	Y	
4A.	Assessment of Compensation		
4A.1	The power pursuant to Section 163ZD(2) of the Act and in accordance with Section 163ZE of	Y	

ROAD TRAFFIC ACT 1961, THE ROAD TRAFFIC (MISCELLANEOUS) REGULATIONS 1999 AND THE ROAD TRAFFIC (ROAD RULES – ANCILLARY AND MISCELLANEOUS PROVISIONS) REGULATIONS 1999

the Act to use in proceedings for the court to take into account in assessing the amount of any compensation:		
4A.1.1 any evidence not adduced in connection with the prosecution of the offence but adduced in connection with the making of the proposed order; and	Y	
4A.1.2 any certificate of the Council, as the road authority stating that the Council maintains the road concerned; and	Y	
4A.1.3 any other certificate of the Council as the road authority, such as a certificate:	Y	
4A.1.3.1 estimating the monetary value of all or any part of the road infrastructure or of the damage to it; or	Y	
4A.1.3.2 estimating the cost of remedying the damage; or	Y	
4A.1.3.3 estimating the extent of the offender's contribution to the damage.	Y	
4B. Service of Certificates		
4B.1 The duty, pursuant to Section 163ZE(1) of the Act, if the Council, as the road authority, proposes to use a certificate referred to in Section 163ZD in proceedings, to serve a copy of the certificate on the defendant at least 28 working days before the day on which the matter is set down for hearing.	Y	
5. Exemptions		
5.1 The power pursuant to Section 174C(1) of the Act to exempt any person, or any persons of specified class, or any specified vehicle, or any vehicles of a specified class, from compliance with a prescribed provision of the Act, subject to the payment of such fee and to such other conditions (if any) as the Delegate thinks fit and specifies in the exemption.	Y	

<u>DELEGATIONS UNDER THE ROAD TRAFFIC (MISCELLANEOUS) REGULATIONS 2014</u>		<u>Delegate to CEO</u>	<u>Sub- delegations</u>
6. Event Management Plan			
6.1	The power pursuant to Regulation 6(2) of the Road Traffic (Miscellaneous) Regulations 2014 to consult with an applicant in the preparation of an event management plan to be provided to the Council for the purpose of a temporary road closure under Section 33(1) of the Act.	Y	UME TLCSI UMR
6.2	The power pursuant to Regulation 6(2) of the Road Traffic (Miscellaneous) Regulations 2014 to consult with the Minister in the preparation of an event management plan to be provided to the Council for the purpose of a temporary road closure under Section 33(1) of the Act.	Y	UME TLCSI UMR

<u>DELEGATIONS UNDER THE ROAD TRAFFIC (ROAD RULES – ANCILLARY AND MISCELLANEOUS PROVISIONS) REGULATIONS 2014</u>		<u>Delegate to CEO</u>	<u>Sub- Delegations</u>
7. Permit Zones			
7.1	The power pursuant to Regulation 17(2) of the Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014 to determine –		
7.1.1	the class of permits required for vehicles to stop in a permit zone established by the Council;	Y	TLCSI
7.1.2	the persons entitled to such permits;	Y	TLCSI
7.1.3	any fees to be paid for such permits;	Y	TLCSI
7.1.4	the conditions to which the permits will be subject (which may include conditions as to the period for which such permits remain in force and	Y	TLCSI

ROAD TRAFFIC ACT 1961, THE ROAD TRAFFIC (MISCELLANEOUS) REGULATIONS 1999 AND THE ROAD TRAFFIC (ROAD RULES – ANCILLARY AND MISCELLANEOUS PROVISIONS) REGULATIONS 1999

	conditions as to the display of permits in vehicles).		
	and to vary any such determination.		
7.2	The power pursuant to Regulation 17(3) of the Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014 to issue permits in respect of permit zones to persons entitled to them, on payment of a fee (if any) and subject to the conditions, determined by the Delegate.	Y	TLCSI
8.	Parking and Parking Ticket-Vending Machines or Parking Meters		
8.1	The power pursuant to Regulation 17(2) of the Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014 if the Council has installed permissive parking signs on a length of road or an area, to determine fees that will be payable for parking by the operation of parking ticket-vending machines or parking meters, installed or to be installed in the length of road or area, and the power to vary such fees.	Y	General Manager City Development

INSTRUMENT OF DELEGATION UNDER THE
WORK HEALTH AND SAFETY ACT 2012

NOTES

In exercise of the power contained in Section 44 of the Local Government Act 1999 the following powers, functions and duties under the Work Health and Safety Act 2012 are hereby delegated this ~~910th~~ day of ~~September-October~~ 201~~7~~⁴ to the person occupying the office of Chief Executive Officer of the Council and the said powers, functions and duties may be sub-delegated by the delegate to any other officer of Council.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

	Delegate to CEO (Y/N)	Sub-delegate
51. Determination of work groups		
(1) The power pursuant to Section 51(1) of the Work Health and Safety Act 2012 (the Act), to, if a request is made under Section 50 of the Act, facilitate the determination of one or more work groups of workers.	Y	
52. Negotiations for agreement for work group		
(1) The power pursuant to Section 52(1) of the Act, and in accordance with Sections 52(2), (3) and (6) of the Act, to determine a work group by negotiation and agreement with the workers who will form the work group or their representatives.	Y	
(4) The power pursuant to Section 52(4) of the Act to, in relation to an agreement concerning the determination of a work group or groups, at any time, negotiate a variation of the agreement in accordance with Section 52(6) of the Act.	Y	
54. Failure of negotiations		
(1) The power pursuant to Section 54(1) of the Act to, if there is a failure of negotiations (including negotiations concerning the variation of an agreement), ask the regulator to appoint an inspector for the purposes of Section 54 of the	Y	

Act.		
55. Determination of work groups of multiple businesses		
(2) The power pursuant to Section 55(2) of the Act to determine the particulars of the work groups by negotiation and agreement, in accordance with Section 56 of the Act, between each of the persons conducting the businesses or undertakings and the workers.	Y	
(3) The power pursuant to Section 55(3) of the Act to, in relation to an agreement concerning the determination of a work group or groups, at any time, negotiate a variation of the agreement.	Y	
56. Negotiation of agreement for work groups of multiple businesses		
(3) The power pursuant to Section 56(3) of the Act to, if agreement cannot be reached on a matter relating to the determination of a work group (or a variation of an agreement) within a reasonable time after negotiations commence under Subdivision 3 of Division 3, Part 5 of the Act, ask the regulator to appoint an inspector to assist the negotiations in relation to that matter.	Y	
58. Withdrawal from negotiations or agreement involving multiple businesses		
(1) The power pursuant to Section 58(1) of the Act to, in relation to a negotiation for an agreement, or an agreement, concerning a work group under Subdivision 3 of Division 3, Part 5 of the Act, withdraw from the negotiation or agreement at any time by giving reasonable notice (in writing) to the other parties.	Y	
(2) The power pursuant to Section 58(2) of the Act to, if a party withdraws from an agreement concerning a work group under Subdivision 3 of Division 3, Part 5 of the Act, negotiate a variation to the agreement in accordance with Section 56 of the Act.	Y	
65. Disqualification of health and safety		

representatives		
(1) The power pursuant to Section 65(1) of the Act, to make an application to SAET the Senior Judge of the IRC for a review committee to disqualify a health and safety representative on the ground that the representative has:		
(a) exercised a power or performed a function as a health and safety representative for an improper purpose; or	Y	
(b) used or disclosed any information he or she acquired as a health and safety representative for a purpose other than in connection with the role of health and safety representative,	Y	
where the Council is adversely affected by the exercise of a power or the performance of a function referred to in Section 65(1)(a) of the Act or the use or disclosure of information referred to in Section 65(1)(b) of the Act.		
70. General obligations of person conducting business or undertaking		
(1) The power pursuant to Section 70(1) of the Act, to		
(a) consult, so far as is reasonably practicable, on work health and safety matters with any health and safety representative for a work group of workers carrying out work for the Council; and	Y	
(b) confer with a health and safety representative for a work group, whenever reasonably requested by the representative, for the purpose of ensuring the health and safety of the workers in the work group; and	Y	
(c) allow any health and safety representative for the work group to have access to information that the Council has relating to:		

(i) hazards (including associated risks) at the workplace affecting workers in the work group; and	Y	
(ii) the health and safety of the workers in the work group; and	Y	
(d) with the consent of a worker that the health and safety representative represents, allow the health and safety representative to be present at an interview concerning work health and safety between the worker and:		
(i) an inspector; or	Y	
(ii) the Council or the Council's representative; and	Y	
(e) with the consent of one or more workers that the health and safety representative represents, allow the health and safety representative to be present at an interview concerning work health and safety between a group of workers, which includes the workers who gave the consent, and:		
(i) an inspector; or	Y	
(ii) the Council or the Council's representative; and	Y	
(f) provide any resources, facilities and assistance to a health and safety representative for the work group that are reasonably necessary or prescribed by the regulations to enable the representative to exercise his or her powers or perform his or her functions under the Act.	Y	
(g) allow a person assisting a health and safety representative for the work group to have access to the workplace if that is necessary to enable the assistance to be provided; and	Y	
(h) permit a health and safety representative for the work group to accompany an inspector during an inspection of any part	Y	

of the workplace where a worker in the work group works; and		
(i) provide any other assistance to the health and safety representative for the work group that may be required by the regulations.	Y	
71. Exceptions for obligations under Section 70(1)		
(5) The power pursuant to Section 71(5) of the Act to refuse on reasonable grounds to grant access to the workplace to a person assisting a health and safety representative for a work group.	Y	
72. Obligation to train health and safety representatives		
(1) The power pursuant to Section 72(1) of the Act to, consult with a health and safety representative in relation to the health and safety representative attending a course of training in work health and safety that is subject to Section 72(6), chosen by the health and safety representative.	Y	
(3) The power pursuant to Section 72(3) of the Act to:		
(a) as soon as practicable within the period of 3 months after the request is made, allow the health and safety representative time off work to attend the course of training; and	Y	
(b) pay the course fees and any other reasonable costs associated with the health and safety representative's attendance at the course of training.	Y	
(6) The power pursuant to Section 72(6) of the Act to, if agreement cannot be reached between the Council or Council's delegate and the health and safety representative within the time required by Section 72(3) of the Act as to the matters set out in Sections 72(1)(c) and (3) of the Act, ask the regulator to appoint an inspector to decide the matter.	Y	

73. Obligation to share costs if multiple businesses or undertakings		
(1) The power pursuant to Section 73(1) of the Act to, if a health and safety representative, or deputy health and safety representative (if any), represents a work group of workers carrying out work for the Council and one or more other person conducting businesses or undertakings, agree that:		
(a) the costs of the representative exercising powers and performing functions under the Act; and	Y	
(b) the costs referred to in Section 72(3)(b) of the Act,	Y	
for which the Council or any of the other persons conducting those businesses or undertakings are liable, are to be apportioned between each of those persons otherwise than equally.		
(2) The power pursuant to Section 73(2) of the Act, to vary an agreement to apportion the costs in another way, at any time by negotiation and agreement between each of the persons conducting the businesses or undertakings.	Y	
75. Health and safety committees		
(2) The power pursuant to Section 75(2) of the Act to, establish a health and safety committee for the workplace or part of the workplace.	Y	
76. Constitution of committee		
(1) The power pursuant to Section 76(1) of the Act and subject to Sections 76(2) to (4) of the Act, to agree the constitution of a health and safety committee with the workers at the workplace.	Y	
(5) The power pursuant to Section 76(5) of the Act to, if agreement is not reached under Section 76 within a reasonable time, ask the regulator to appoint an inspector to decide the matter.	Y	
82. Referral of issue to regulator for resolution by		

inspector		
(2) The power pursuant to Section 82(2) of the Act to, ask the regulator to appoint an inspector to attend the workplace to assist in resolving the issue.	Y	
87. Alternative work		
The power pursuant to Section 87 of the Act to, if a worker ceases work under Division 6, Part 5 of the Act, direct the worker to carry out suitable alternative work at the same or another workplace if that work is safe and appropriate for the worker to carry out until the worker can resume normal duties.	Y	
89. Request to regulator to appoint inspector to assist		
The power pursuant to Section 89 of the Act to ask the regulator to appoint an inspector to attend the workplace to assist in resolving the issue arising in relation to the cessation of work.	Y	
100. Request for review of provisional improvement notice		
(1) The power pursuant to Section 100(1) of the Act, to, within 7 days after a provisional improvement notice is issued to the Council or a worker who carries out work at the Council, ask the regulator to appoint an inspector to review the notice.	Y	

141. Application for assistance of inspector to resolve dispute		
The power, pursuant to Section 141 of the Act, to, if a dispute arises about the exercise or purported exercise by a WHS entry permit holder of a right of entry under the Act, ask the regulator to appoint an inspector to attend the workplace to assist in resolving the dispute.	Y	
142. Authorising authority may deal with a dispute about a right of entry under this Act		
(4) The power pursuant to Section 142(4) of the Act to apply to the authorising authority to deal with a dispute where the dispute relates to the Council.	Y	
180. Return of seized things		
(1) The power pursuant to Section 180(1) of the Act to, if a seized thing has not been forfeited, and the Council is the person entitled to the thing, apply to the regulator for the return of the thing after the end of 6 months after it was seized.	Y	
181. Access to seized things		
(1) The power pursuant to Section 181(1) of the Act to, until a seized thing is forfeited or returned, inspect it and, if it is a document, to make copies of it at all reasonable times.	Y	
224. Application for internal review		
(1) The power pursuant to Section 224(1) of the Act, to, where the Council is an eligible person in relation to a reviewable decision, other than a decision made by the regulator or a delegate of the regulator, apply to the regulator for review (an internal review) in accordance with Section 224(2) of the Act, of the decision within:		
(a) the prescribed time after the day on which the decision first came to the Council's notice; or	Y	
(b) such longer period as the regulator	Y	

allows.		
229. Application for external review		
(1) The power pursuant to Section 229(1) of the Act, to, where the Council is an eligible person, apply to <u>SAET under Part 3 Division 1 of the South Australian Employment Tribunal Act 2014</u> , the Senior Judge of the IRC for review (an external review) , in accordance with Section 229(2) of the Act, of:		
(a) a reviewable decision made by the regulator; or	Y	
(b) a decision made, or taken to have been made, on an internal review.	Y	

**DELEGATIONS UNDER THE DEVELOPMENT ACT 1993
AND DEVELOPMENT REGULATIONS, 2008**

Pursuant to Section 20 and 34(23) of the Development Act 1993 and effective from 1 ~~03~~⁰⁵ October 2017, the Council delegates to the Development Council Assessment Panel the following powers, functions and duties of the Council under the Development Act and Regulations, and the said powers, functions and duties may be sub-delegated by the Development Council Assessment Panel to an officer or officers of the Council.

Ref DA/DAP-__	Sub-delegation
119. The power, as the relevant authority and pursuant to Section 33 of the Development Act 1993, to assess a development against the provisions of the appropriate Development plan and grant with or without conditions or refuse consent in respect of each of the following:	
<p><u>a</u> Development that has been the subject to Category 2 or 3 public notification where there has been written representations by third parties expressing opposition to the proposal that cannot be satisfied by conditions or modifications to the plans, <u>other than</u></p> <ul style="list-style-type: none"> <u>where the representative/s has not expressly identified they wish to appear before the Panel (either in person or by a representative); and/or</u> <u>where concerns raised in a representation, in the opinion of the Manager Development and Regulatory Services, relate solely to elements of the proposal that comply with the quantitative Development Plan policies relevant to that development.</u> 	
<u>ab</u> Development that has been classified as non-complying. The Manager Development <u>and Regulatory</u> Services may determine to proceed with further assessment with a non-complying development. Such decisions shall be reported to the next meeting of the DAP.	
<u>bc</u> Development that includes or is likely to include a new Liquor License or substantial amendment to an existing Liquor License other than for applications or amendments of a minor nature which may be determined by the Manager Development <u>and Regulatory</u> Services. Such applications shall be reported to the next meeting of the DAP.	
<u>cd</u> Residential development and land division applications received by Council after 14 August 2003 that incorporate proposed allotments or site areas below the minimum allotment or site areas designated in respective zones and policy areas in the City of Marion Development Plan, unless the Manager Development <u>and Regulatory</u> Services intends to refuse such an application.	
<p><u>de</u> Development that includes <u>outdoor advertising signs</u>:</p> <ul style="list-style-type: none"> Outdoor advertising signs of a freestanding/pylon design where the face of the advertising structure exceeds 5m² in area (each side when double sided). 	

INSTRUMENT OF DELEGATION UNDER THE
DEVELOPMENT ACT 1993 AND DEVELOPMENT REGULATIONS 2008

Ref DA/DAP- _	Sub-delegation
<ul style="list-style-type: none"> • Outdoor advertising signs attached to a building or structure where the face of the advertising structure exceeds 10m². • Additions to existing signage where the proposed additions exceed 5m². • all new signs (whether freestanding or attached to a building) where the face of the advertising structure exceeds 10m² in area (10m² each side when double sided). • alterations and/or additions to an existing sign (whether freestanding or attached to a building) where the proposed works would result in the face of the advertising structure exceeding 10m² in area (10m² each side when double sided) • Outdoor advertising signs of a "billboard" construction/design • any illuminated advertisement that has been referred to the Department for Planning, Transport and Infrastructure where the Department raises opposition to the proposal 	
<p><u>ef</u> Any matter that is referred for consideration or determination under Part 4 of the Development Act 1993 at the discretion of the Manager Development Services that may otherwise be considered or determined by the Manager Development <u>and Regulatory</u> Services, Team Leader Planning or Development Officer Planning under separate delegation from Council or the Chief Executive Officer.</p>	

**CITY OF MARION
GENERAL COUNCIL MEETING
10 October 2017**

Manager: Kate McKenzie, Manager Corporate Governance

General Manager: Vincent Mifsud, General Manager Corporate Services

Subject: Complaints and Grievance Policy and Procedure Review

Report Reference: GC101017R07

REPORT OBJECTIVE AND EXECUTIVE SUMMARY

At its meeting of 9 May 2017, Council considered a final report on a section 270 grievance review for the removal of a playground at Resolute Court, Hallett Cove. Part of the resolution regarding this matter included the following:

That the Manager Corporate Governance address the opportunities for improvement to natural justice principles as a result of this review including:

- *When and to whom the preliminary report should be distributed,*
- *Consultation periods including what constitutes meaningful consultation and reasonable timeframes,*
- *Clarity regarding whether Administration or an external party undertakes a review.*

Council last reviewed the Complaints and Grievance Policy (Appendix 1) and Procedure (Appendix 2) in January 2017. There is one recommended change to the Policy in Appendix 1 of which is to remove the reference to Mediation SA as they are no longer in operation. The Procedure in Appendix 2 has been amended to reflect the three dot points above. Changes have been highlighted in red.

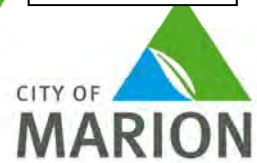
RECOMMENDATION

DUE DATE

That Council:

- | | |
|--|---------------|
| 1. Adopts the revised Complaints and Grievance Policy (Appendix 1). | 10 October 17 |
| 2. Adopts the revised Complaints and Grievance Procedure (Appendix 2). | 10 October 17 |

Complaints and Grievance Policy



1. POLICY STATEMENT

The City of Marion:

- Is committed to providing good governance practices through efficient fair and accessible mechanisms to resolve services complaints or grievances.
- Encourages customers and the community to raise issues and complaints with the Council as it provides the opportunity to improve services to the community.
- Recognises the importance of transparency in decision making and the need to provide a fair and objective process for the review of all decision and actions.

2. PURPOSE

The purpose of this Policy is to provide a fair, consistent and structured process for City of Marion's customers if they are dissatisfied with an action, decision or services. These actions, decisions or services may be delivered by the Council (being the elected body as a whole), an employee of the council or another person acting on behalf of the council.

Lessons learnt from a complaint investigation will be used to directly inform service improvement.

Where complaints cannot be settled in the first instance the City of Marion will ensure that they are dealt with through appropriate, more formal procedures by staff or Council with the authority to make decisions. Complainants will be referred to this Policy and the associated procedure which details the steps required for further review.

This Policy is consistent with the Australian Standards for complaint handling and the Ombudsman SA *Right of Review* Audit (completed November 2016).

3. PRINCIPLES

This policy is based on the following principles:

- Fairness – All Complaints and grievances will be treated with procedural fairness, impartiality and transparency at all stages of the review.
- Responsiveness – taking into consideration the complexity of the matter, all complaints and grievances will be resolved in a timely manner.
- Efficiency – those involved in the complainant process will have the required skills, knowledge and resources to undertake the review.

4. DEFINITIONS

Request for Services

A request for service is an application to have Council or its representative take some form of action to provide a Council service. Council receives thousands of requests for services each year. This will include matters such as hard rubbish collection, street sweeping, pot holes, home care, etc. All requests for services will be logged within the City of Marion Customer Event System, and managed through this process.

Feedback

The City of Marion may receive feedback from customers on services provided. It is important to distinguish between feedback and a complaint. Feedback can take the form of comments,

both positive and negative, which do not necessarily require a corrective action, alternation of service or a formal review of the decision.

Complaint

A Complaint is defined as an expression of dissatisfaction with a product or service delivered by the Council or its representatives that has failed to reach the standards set, implied or expected. This includes complaints about a service that has been, or should have been delivered.

Grievance

A grievance is defined as a wrong decision or action of Council, Council staff or representative. A grievance often occurs when complaints cannot be resolved or have caused significant distress to the complainant.

5. MANAGING INTERNAL COMPLAINTS AND GRIEVANCE

Complaints and grievances can vary in their complexity and seriousness. There are three ways in which a complaint or grievance can be resolved/reviewed:

1. Immediate response to resolve the matter

All staff are empowered to handle complaints in the first instance and it is preferable that they are dealt with promptly at the initial point of contact and at the appropriate officer level where ever possible.

2. Escalated to a supervisor or manager

When a complaint cannot be resolved in the first instance, it will be referred to either a supervisor or manager. Additionally, where the circumstances indicate that the complaint would be more appropriately dealt with at a high level, the matter will be escalated. Complaints of this nature must be made in writing and outline the specific nature of the complaint.

3. Internal Grievance Review – Review of Decision (pursuant to section 270 of the Local Government Act 1999)

When a complaint cannot be resolved in the first instance and/or by a supervisor or manager, it will be referred for internal review in accordance with the Complaints and Grievance Procedure. The complaint or grievance will be reviewed by the Manager Corporate Governance. The Manager Corporate Governance may investigate the matter themselves, or establish an internal Review Panel (depending on the complexity of the matter) or refer the matter to an independent investigator.

Any complaint or grievance relating to a decision made by the Chief Executive Officer or the Council at a Council or Committee Meeting, will be referred to the next General Council Meeting to determine how the matter will be reviewed, either by an internal Review Panel or outsourced to an independent investigator.

Complaints of this nature must be made in writing to the Manager Corporate Governance and outline the specific nature of the complaint and the dis-satisfaction with any internal review completed so far.

Applications for the review of decisions must be lodged within six (6) months of the decision in question being made. However, in exceptional but reasonable

circumstances, the Manager Corporate Governance may agree to accept a late application. This will be assessed on a case by case basis.

This process will be the last level of internal review for the Council's complaint and grievance process.

6. ALTERNATIVE DISPUTE RESOLUTION METHODS

The City of Marion prefers to try and resolve complaints and grievances internally but there will be circumstances where this is not possible. If this occurs, the dispute resolution methods available to complainants include:

1. Mediation – refer to [third party Mediation SA](#)

Contact details:

Address: ~~175 Oaklands Road, Warradale SA 5046~~

Email: ~~wreception@mediationsa.org.au~~

Phone: ~~(08) 8350 0376~~

2. Ombudsman Review – refer to Ombudsman SA

Contact details:

Address: Level 9, 55 Currie Street, Adelaide SA 5000

Email: ombudsman@ombudsman.sa.gov.au

Telephone: (08) 8226 8699

3. Legal action

7. TIMEFRAME

Timeframes for complaints and grievances will be dependent on the complexity of the matter. Complainants will be advised upfront of the likely timeframe required to investigate a matter and updated on progress where necessary. Timeframes may change as matters progress. The estimated timeframe for complaints and grievances are as follows:

1. Immediate response to resolve the matter
1-3 working days
2. Escalated to a supervisor or manager
10 working days of the matter being escalated
3. Internal Grievance Review (pursuant to section 270 of the Local Government Act 1999)
6 – 8 weeks of the matter being referred to the Manager Corporate Governance but may take up to six months for complex matters.

8. ITEMS EXCLUDED FROM THIS POLICY

The following matters are excluded from being reviewed pursuant to this Policy and associated procedure:

- If the complaint is made by an employee of the council and relates to an issue concerning his or her employment.
- it appears that the complaint is frivolous or vexatious.

- If the Complainant does not have a sufficient interest in the matter.
- Complaints which are determined to be about matters that are not Council's responsibility (i.e. neighbourhood disputes).
- Complaints that refer to staff or elected member misconduct or behaviour (will be referred to relevant Code of Conduct).
- Reports of fraudulent, corrupt or illegal activity (will be referred to the relevant authority).
- Matters that have existing appeal rights through their own legislations (i.e. Freedom of Information, Expiation of Offences act 1996, Development Act 1993 etc).
- Claims and Insurance decisions made by other agencies.

Matters that fall outside statutory appeals procedures will be considered for the conduct of an Internal Grievance Review on the merits of the individual application.

9. UNREASONABLE COMPLAINANT

All complaints received by the City of Marion will be treated seriously and complainants will be treated courteously. However, occasionally the conduct of a complainant can be unreasonable. This may take the form of unreasonable persistence, unreasonable demands, lack of cooperation, argumentative or threatening behaviours.

Where a complainant's behaviour consumes an unwarranted amount of Council resources or impedes the investigation of their complaint, a decision may be made to apply restrictions on contact with the complainant. Before making any decision to restrict contact, the complainant will be warned that, if the specified behaviour(s) or actions continue, restriction may be applied.

Any decision to restrict contact or suspend action on a complaint process will be made by the Chief Executive Officer and/or a General Manager. This will be communicated to the complainant in writing.

10. REPORTING

All matters reviewed via an Internal Grievance Review will be reported via the City of Marion Annual Report.

11. POLICY AVAILABILITY AND REVIEW

This policy will be made available to all staff, elected members and the community via the City of Marion website and intranet.

This policy will be reviewed every three years

12. RELATED DOCUMENTS

- Employee Code of Conduct
- Elected Member Code of Conduct
- Fraud and Corruption Policy
- Whistleblowers

Complaints and Grievance Procedure



1. Purpose

The purpose of this document is to detail the City of Marion's procedures for managing complaints and grievances, to set expectations for customers and staff in how complaints will be managed, and to explain the procedure so all staff understand their role in the complaint handling process.

2. Scope

This procedure applies to all City of Marion employees (including the CEO), consultants/contractors, volunteers and Elected Members or members of the public who make a complaint. All staff are empowered and encouraged to handle complaints in person in the first instance and it is preferred that they are promptly dealt with at the initial point of contact. This procedure applies to complaints which are not resolved at this first 'local' level and require escalation or referral to other staff or agencies.

3. Reporting and Investigation Procedure

An overview of the reporting and investigation procedure is provided on the following pages.

Making or Receiving a Complaint

A person can make a complaint in person, over the phone or in writing via email or post. If the complaint requires an Internal Grievance Review, the complaint must be submitted in writing. Where required, assistance may be provided in preparing a written complaint, including the provision of interpreters, aids or advocates if necessary.

All complaints will be electronically recorded in the City of Marion records management system to ensure that relevant information can be analysed for any service improvement opportunities.

Often complaints can be resolved at this first point of contact and all council employees are encouraged to promptly address complaints person to person at this local level wherever possible. If the complaint is received in writing, Council staff will acknowledge the receipt of a complaint within one (1) to three (3) working days and, where possible resolve it within this time.

If the complaint is unable to be resolved at this point and requires the provision of further information, escalation to a more senior staff member or a thorough investigation, the following steps will be followed.

Escalation to Supervisor or Manager for further review

The purpose of this review is to resolve the complaint by reaching a fair and objective view on the issues identified by the complainant and to provide an appropriate solution or remedy.

It is expected that all complaints will be dealt with transparently and within appropriate timeframes. Depending on the nature and complexity of the complaints, Council staff will advise the complainant if the matter will not be resolved within 10 working days and the likely timeframe required to resolve the complaint. Regular progress updates will be provided where necessary. At the conclusion of the investigation, the findings will be communicated to the complainant and they will be offered a resolution.

Where a complaint is not resolved to the customers' satisfaction, the decision will be explained clearly and any alternative actions or review opportunities will be provided to the complainant.

Internal Grievance Review (Review of Decisions pursuant to section 270 of the Local Government Act 1999)

If a complainant is not satisfied with the reviews completed to date or the matter progresses straight to an Internal Grievance Review, then a written grievance may be formally lodged with the Manager Corporate Governance requesting a review of the decision. Requests for review must include:

- a statement clearly indicating which decisions the applicant wishes to be reviewed;
- a statement outlining the reasons why the review is requested;
- any other relevant information; and
- their name and contact details.

Applications for a review of a decision are to be acknowledged within five (5) working days. In the majority of cases, requests for review will be considered and determined within 6 – 8 weeks. Some reviews may take up to six months depending on the nature and complexity of the matter.

Establishing a Review Panel

If determined appropriate, the Manager Corporate Governance will establish an internal review panel of senior staff who have not been involved in the decision making process to date. The Panel will consist of at least three people (including the Manager Corporate Governance) who will bring independent views and opinions regarding the matter.

The Review Panel may seek legal advice on a matter if required.

Referring to an independent investigator

The Manager Corporate Governance may, ~~on a needs basis,~~ refer a matter to an independent investigator. The independent investigator ~~could~~ may be a:

- Consultant experienced in investigations and reviews
- A lawyer ~~within Councils legal services panel.~~

Costs associated with this investigation will be incorporated within the Corporate Governance Budget.

Factors relevant to the decision to engage an independent investigator include:

- The complexity of a matter,
- If the matter is time critical,
- If specialist skills and advice are required,
- Matters relating to the decision making or conduct of Council (and Elected Members), the Chief Executive Officer, General Managers or the Manager of Corporate Governance.

Review of Staff or Representative Decision

The grievance will be assessed by the Manager Corporate Governance who will determine if the matter will be reviewed by themselves, an internal review panel or outsourced to an independent investigator.

The complainant will be advised in writing of the process to be undertaken and expected timeframes. ~~The complainant will~~ All persons who are the subject of adverse findings shall

receive a preliminary report before the matter is finalised as a matter of procedural fairness. A final report will be prepared once feedback has been received on the preliminary report.

In preparing the preliminary report, consultation will occur with staff and elected members involved in the decision making process. This will include the gathering of information, documentation and, if required, an interview and statement from those involved. Staff and elected members will be requested to review the preliminary report prior to it being released to the complainant, for factual accuracy of the matter. The findings and recommendations of the section 270 review must remain independent from those involved in the original decision making process.

The Manager Corporate Governance will advise Council and/or Ward Councillors (as appropriate) of the request to Review a Staff or Representative Decision.

Review of Council or CEO Decision

If an Internal Grievance Review is received for a decision of the CEO or Council, upon receiving the request for review, the Manager Corporate Governance will advise the CEO and Council of the request and conduct a preliminary investigation to prepare a report for the next General Council Meeting, including a recommendation regarding how the review will be undertaken. A review of this nature, will be completed by either an independent investigator or an internal review panel.

Review of Manager Corporate Governance

If the complaint concerns a decision or action of the Manager Corporate Governance, the Chief Executive Officer will assign the matter to be investigated to an appropriate person of their choice.

4. Standard Process for Investigation

The standard process for investigating a matter will include:

- Establish if the grievance can be determined within the Complaints and Grievance Policy and Procedure.
- Establish how the matter will be investigated and if a review panel needs to be formed or the matter be outsourced.
- Determine:
 - the scope of the review
 - key decision makers /stakeholders in the process
 - estimated time frame
- Establish the facts including;
 - Obtaining statements from stakeholders
 - Interviewing any relevant staff, elected members or the complainant
 - Establishing legislative framework
 - Gathering facts and information
- Prepare a Preliminary Report that includes:
 - Details of the complaint
 - Scope of the review
 - Details of the investigation
 - Findings
 - Recommendations

The preliminary report will be reviewed for factual accuracy by staff and elected members involved in the grievance.

The preliminary report must be provided to the complainant for review for a minimum of 10 working days.

- Prepare a final report that includes:
 - Any feedback received from the complainant and undertake any further enquires.
 - The final determination of the complaint/grievance.
 - The external review processes if the complaint/grievance remains unresolved.

The final report must be provided to the complainant in writing (either by email or hard copy).

5. Reporting on process improvement, findings and/or recommendations

All findings and/or recommendations from Internal Grievance Reviews that require action will be tracked to ensure implementation.

Any finding or recommendation not implemented within specified timeframes will be raised and escalated accordingly.

All Internal Grievance Reviews completed will be reported within the City of Marion's Annual Report.

6. Availability of the Procedure

This procedure will be promoted throughout the City of Marion via the City of Marion website and the organisations intranet.

7. Review and Evaluation

The review of this Procedure is to be conducted every three years. An interim review is to be carried out in the event of an amendment to any relevant Acts; or a matter reported via this Procedure is not managed appropriately. Any changes to the document will be submitted to the Executive Leadership Group (ELT) for approval.

**CITY OF MARION
GENERAL COUNCIL MEETING
10 October 2017**

Originating Officer: Rebecca Deans, Open Space and Recreation Planner

Manager: Alicia Clutterham, Acting Manager City Property

General Manager: Abby Dickson, General Manager City Development

Subject: Playground Framework Workshop

Report Reference: GC101017R08

BACKGROUND

The item '*Playground Framework*, GC260917R07 (attached as Appendix 1) was adjourned at the 26 September 2017 General Council meeting to enable further information to be provided including additional mapping, with further discussion requested regarding:

- Number of playgrounds across the city
- Access and topography considerations
- User catchment distances
- Financial implications.

The motion for the item *Playground Framework*, GC260917R07 is yet to be Moved or Seconded.

REPORT OBJECTIVES

The purpose of this report is to seek endorsement, following a workshop, of the final Playground Framework.

The Playground Framework consists of:

- Policy (including hierarchy)
- Service levels
- Prioritised works list including new playgrounds, renewals / upgrades, playground removals and shade structures
- Project methodology (including community engagement approach).

The full report, which was adjourned at the 26 September General Council meeting is attached as Appendix 1 to this report and contains information on all facets of the Playground Framework.

Further clarification of issues raised by Elected Members will be discussed through a workshop during this Council Meeting; specifically addressing:

- Number of playgrounds across the city
- Access and topography considerations
- User catchment distances
- Financial implications

Further information and mapping (Appendix 2 - 6) has been requested to discuss through this workshop.

The following recommendations first tabled at the 26 September General Council meeting can be discussed through the workshop with any amendments made to endorse the final Playground Framework.

RECOMMENDATIONS	Due Dates
That Council:	
1. Notes the community consultation report as provided in Appendix 1, item A.	10 October 2017
2. Endorses the Playground Policy (Appendix 1, item B) and Service Levels (Appendix 1, item C) following community consultation.	10 October 2017
3. Endorses the Playground prioritised works list which includes playground upgrades, removals and new playgrounds (Appendix 1, item D) and notes this will be revised annually with updated playground audit information.	10 October 2017
4. Notes the 5 year, \$2.25m shade program (Appendix 1, item D) currently funded in Council's adopted Long Term Financial Plan (LTFP) and notes this will be revised annually.	10 October 2017
5. Notes the Playground project methodologies provided in Appendix 1, item E.	10 October 2017
6. Endorses an allocation of an additional \$711,750 for the 10-year works program (playground upgrade, removals and shade program) into the Long Term Financial Plan.	10 October 2017
7. Endorses an allocation of \$112,750 p.a. for operating and maintenance and an allocation of \$148,454 p.a. for renewal/depreciation for the Playground Shade program into Council's LTFP (as per Appendix 1, item H).	10 October 2017
8. Notes the advice from the Infrastructure and Strategy Committee on proposed additional playgrounds in Appendix 1, item I.	10 October 2017
9. Endorses the inclusion of Capella Drive Reserve Hallett Cove; Brooklyn Drive Reserve Hallett Cove; Tonsley Development Tonsley; McConnell Street Reserve Marino; Miners Court Reserve Sheidow Park; Woodend Development Sheidow Park; and Cowra Crescent Reserve Park Holme as new playgrounds within the City of Marion.	10 October 2017

**CITY OF MARION
GENERAL COUNCIL MEETING
26 SEPTEMBER 2017**

Originating Officer: Rebecca Deans, Open Space and Recreation Planner

Manager: Alicia Clutterham, Acting Manager City Property

General Manager: Fiona Harvey, Acting General Manager City Development

Subject: Playground Framework

Report Reference: GC260917R07

REPORT OBJECTIVE AND EXECUTIVE SUMMARY

The purpose of this report is to seek endorsement of the final Playground Framework following consultation on the draft Playground Policy and Playground service levels for community consultation.

The Playground Framework consists of:

- Policy (including hierarchy)
- Service Levels
- Prioritised Works List including new playgrounds, renewal/upgrades, playground removals and shade structures
- Project Methodology (including Community Engagement Approach)

RECOMMENDATIONS

DUE DATES

That Council:

- | | |
|--|-------------------|
| 1. Notes the community consultation report as provided in Appendix A. | 26 September 2017 |
| 2. Endorses the Playground Policy (Appendix B) and Service Levels (Appendix C) following community consultation. | 26 September 2017 |
| 3. Endorses the Playground prioritised works list which includes playground upgrades, removals and new playgrounds (Appendix D) and notes this will be revised annually with updated playground audit information. | 26 September 2017 |
| 4. Notes the 5 year, \$2.25m shade program (Appendix D) currently funded in Council's adopted Long Term Financial Plan (LTFP) and notes this will be revised annually. | 26 September 2017 |
| 5. Notes the Playground project methodologies provided in Appendix E. | 26 September 2017 |
| 6. Endorses an allocation of an additional \$711,750 for the 10-year works program (playground upgrade, removals and shade program) into the Long Term Financial Plan. | 26 September 2017 |

- | | |
|--|-------------------|
| 7. Endorses an allocation of \$112,750 p.a. for operating and maintenance and an allocation of \$148,454 p.a. for renewal/depreciation for the Playground Shade program into Council's LTFP (as per Appendix I). | 26 September 2017 |
| 8. Notes the advice from the Infrastructure and Strategy Committee on proposed additional playgrounds in Appendix I. | 26 September 2017 |
| 9. Endorses the inclusion of Capella Drive Reserve Hallett Cove; Brooklyn Drive Reserve Sheidow Park; Tonsley Development Tonsley; McConnell Street Reserve Marino; Miners Court Reserve Sheidow Park; Woodend Development Sheidow Park; and Cowra Crescent Reserve Park Holme as new playgrounds within the City of Marion. | 26 September 2017 |

BACKGROUND

A review of barriers and topographical challenges in consideration of playground provision was presented at the Infrastructure and Strategy Committee in July (ISC040717R7.2) and September (ISC050917R7.1). The Committee made the following resolutions on September 5th

1. *Notes the feedback from the ward briefings (Appendix 3).*
2. *Notes the changes made in the draft Playground Policy (Appendix 5).*
3. *Advises Council of feedback regarding the proposed new playgrounds following review of user catchment distances and topographical/major barrier considerations.*
4. *Notes the inclusion of a \$2.25m 5 year shade program for neighbourhood and regional playgrounds.*
5. *Notes a report is to be considered by Council at the 26 September 2017 meeting to endorse the Playground Framework, incorporating the Infrastructure and Strategy Committee recommendations.*
6. *Recommends that Council negotiate hard with developers regarding the provision of play grounds in new development areas.*

A list of playground changes that were considered by the Infrastructure and Strategy Committee is available in Appendix I.

A timeline with key milestones regarding the development of the Playground Framework is provided in Appendix J.

DISCUSSION

The purpose of the Playground Strategy review was to:

- Address the Council resolutions raised in relation to the Playground Strategy from 2008 – 2014.
- Review the Playground Strategy context to ensure it provides a relevant framework that guides the provision and management of playgrounds across the City in line with Council's Community Vision, Strategic Plan 2017-2027 and Business Plan 2016-2019.

- Review and make recommendations for Council's Long Term Financial Plan in line with current Asset Management Policy and practices.
- Consult with Elected Members to ensure the revised implementation plan and process meets current strategic directions and aligns to community needs.
- Identify opportunities to enhance the playground strategic objectives and implementation plan in line with industry trends.
- Review implementation practices and consider opportunities for process improvements.

Draft Playground Framework

As outlined in the report (GC270916R07) the proposed City of Marion Playground Framework incorporates:

- a. Policy (including hierarchy)
- b. Service Levels
- c. Prioritised Works List
- d. Project Methodology (including Community Engagement Approach).

This report presents a final draft Playground Framework which includes a Policy and service levels for consideration following community consultation. The policy provides the high level guiding principles and sets out how the City of Marion provides for play environments.

The preparation of the final draft Playground Framework has included feedback provided through Elected Member forum discussions, ward briefings and community consultation.

Playground Policy

The Draft Playground Policy is attached (Refer Appendix B). It contains the broad principles to guide Council's planning and provision of playgrounds across the City of Marion.

It contains the proposed hierarchy of Local, Neighbourhood, Regional and City Wide Attraction as well as definitions and user catchment distances for hierarchies. These are to be used as a guide in the provision of playground planning and may need to be considered in conjunction with other attributes such as topography, major barriers including major roads, drains and rail lines.

A new inclusion is the standardised palette approach which is recommended for inclusion for Local and Neighbourhood playgrounds. This approach will allow for potential discounted rates for park furniture materials and equipment as well as providing flexibility with consideration of practicalities in design, supply, Australian standards and market opportunities.

The following changes to the draft policy were discussed at the 4 July Infrastructure and Strategy meeting (ISC040717R7.2) and have been incorporated into the Draft Playground Policy to be considered by Council as part of the Playground Framework.

Principles:

- *First dot point: remove unique and varying*
- *Second dot point: add taking pedestrian barriers into account at the end of the sentence*

Safe and Sustainable:

- *Alter the words to the following; "User safety will be a high priority in the location, design and management of playgrounds which is undertaken in line with the*

Australian Standards; but we accept that taking calculated and graduated risks at play is essential for good physical and mental development”.

Refer to Appendix B for the draft Playground Policy incorporating these changes.

Playground Service Levels

The proposed Playground Service Levels are provided (Refer Appendix C). They propose a reduction in capital works spending for the local, neighbourhood and regional playground hierarchies of between 3.5% and 5% which is planned to be achieved through working with a standardised palette and panel contract arrangement for playground equipment and park furniture items.

As part of a review of service levels, and consultation with ward members, five playgrounds have been reclassified as outlined in the table.

Site	Existing hierarchy	New hierarchy
Woodforde Family Reserve	Neighbourhood	Local
Tartonendi/Trowbridge	Neighbourhood	Local
Plympton Oval	Regional	Local
Oaklands Estate Reserve	Precinct	Neighbourhood
Alpine Road Reserve	Local	Neighbourhood

Playground Prioritised Works List/Program

The prioritised works program (Refer Appendix D) outlines a 10 year works program for upgrades and removals of playgrounds. This includes the new playgrounds at Tonsley; Brooklyn Drive, Hallett Cove; and Cappella Drive, Hallett Cove. Further additional playgrounds in consideration of accessibility, future residential development and projected population increases include McConnell Street, Marino; Miners Court, Sheidow Park; Woodend; and Cowra Crescent, Park Holme and are highlighted in Appendix D.

This program of works has been prioritised based on an independent audit of risk and equipment condition as well as population density and numbers of children aged 0 – 14.

Playground removals will take place predominantly within the next two years as the playgrounds come to the end of their useful life.

Playground Shade Program

A shade program (Refer Appendix D) has been developed following Council's resolution at its meeting 24 January 2017. This was further discussed at a forum on 21 March and in ward briefings throughout April and May. Feedback relating to the provision of artificial shade and considerations for site specific directions for natural (tree planting) and/or artificial shade has been incorporated.

To inform the prioritisation of the works program, a shade audit was undertaken at neighbourhood and regional playground sites utilising the Sunsmart shade audit tool.

An estimated capital cost of \$2.25M for a 5 year works program has been incorporated into Council's adopted the Long Term Financial Plan. The whole of life costs for this program are provided in Appendix H.

Playground Project Methodology

The playground project methodologies are provided as Appendix E. They provide project methodologies for:

- Local and Neighbourhood Playgrounds
- Regional Playgrounds
- Playground Removals

It is recommended that the existing methodology of upfront consultation for regional playgrounds is maintained. These projects are larger projects and it is believed that upfront consultation may save significant rework of design mid-way through the project which can be avoided by involving the community upfront and gaining an appreciation and understanding of site context and use prior to the initial design process.

Following consideration of issues relating to playground removals, an updated methodology for playground removals (Refer Appendix E) is recommended and incorporates consultation on all individual playground removals with the feedback from consultation being reported back to Council for final consideration prior to removal.

Playground Mapping

Playground mapping is attached as Appendix F illustrating:

- Playground hierarchies and classifications
- Playground accessibility within 500m
- Barriers to playground access
- Planned playground works

The City of Marion currently has 93 playgrounds

- 41 of these have been upgraded in the last 7 years
- 13 are listed for removal
- 40 require upgrade in the next 10 years
 - 7 are being upgraded in 2017 / 2018
 - 7 are in the planning and design phase in 2017/2018
- 2 new playgrounds are planned

The full list of playground considerations recently deliberated by the Infrastructure and Strategy Committee can be found in Appendix I.

A full list of playgrounds across the City of Marion is provided in Appendix G

Consultation

Community consultation on the draft policy and service levels was undertaken from 19 March to 13 April 2017. Twelve responses in total were received.

Consultation involved:

- Survey accessible on Council's engagement platform, Making Marion
- Social media posts were placed on the City of Marion Facebook page
- 491 stakeholders notified through Council's Parks and Playgrounds e-newsletter database.

Consultation also took place with Elected Members through multiple ward briefings and Elected Member Forums throughout 2016 and 2017:

The Consultation report is attached as Appendix A. This was presented to the Infrastructure and Strategy Committee at its meeting on 4th July 2017 (ISC040717R7.2)

ANALYSIS

Financial Implications

The financial implications of the proposed Playground Framework in line with the draft service levels were provided to the Infrastructure and Strategy Committee at the 5 September 2017 meeting (ISC050917R7.1).

All capital costs associated with the new playground shade program (Refer Appendix E) have been incorporated into Council's adopted Long Term Financial Plan (LTFP).

As a result of the additional playgrounds included and the proposed increase in service standard at one site, an additional \$711,750 needs to be incorporated into Council's LTFP. Due to some adjustments with site timings, there is a positive cash impact in some years (most favourable is \$557k), and a negative cash impact in others (least favourable impact is \$914k). Based upon the adopted LTFP, there are no years where this will put Council into a funding (cash) deficit.

Capital funding planned for upgrade of playgrounds across the next 10 years is in the order of \$10M. An additional \$2.25M is planned for the provision of shade at neighbourhood and regional playgrounds over the next 5 years.

Capital costs associated with a City Wide Attraction Playground estimated to be in the order of \$3.75M have not been incorporated at this time with investigations and planning for this project programmed to commence in 2019/20 to further consider the project.

Capital costs for the new playground at sites linked with future potential residential development opportunities have not been included due to the speculative nature of the developments.

The whole of life costs for the \$2.25M shade program are attached as Appendix H.

Resource Implications

Funding for operating resources related to playground and open space works delivery was committed as part of an open space works plan 2016-19 adopted by Council at the 26 April Council meeting (GC260416R10). A significant portion of the open space works program forms part of Council's 3 year Business Plan.

Additional playgrounds across the City require incorporation into the 10 year works program and require the necessary resources for planning, design, construction and maintenance.

CONCLUSION

The adoption of the City of Marion Playground Framework will ensure that a comprehensive suite of policies, programs and tools are in place to guide the provision of play environments

across the City over the 10 years. Ongoing review of the framework will also ensure it remains contemporary for the changing needs of the City and Community into the future.

APPENDICES

- Appendix A Playground Framework Community Consultation Report**
- Appendix B Draft Playground Policy**
- Appendix C Draft Playground Service Levels**
- Appendix D Draft Playground Prioritised Works List and Shade Program**
- Appendix E Playground Project Methodologies**
- Appendix F Playground Mapping**
- Appendix G Playground Asset Summary List (by ward)**
- Appendix H Shade Program - Whole of Life Costs**
- Appendix I Playground Framework I&S Playground Advice**
- Appendix J Playground Framework Timeline**



Playground Policy and Service Levels 2017

Community Consultation Report

April 2017

Playground Policy and Service Levels 2017

Community Engagement Summary

April 2017

The draft Playground Framework as outlined in the report (GC270916R08) proposed that the City of Marion Playground Framework incorporates

- a. Policy (including hierarchy)
- b. Service Levels
- c. Prioritised works list
- d. Project Methodology (including Community Engagement Approach)

At the General Council meeting on 24th January 2017 the following recommendation was endorsed

That council:

- Endorses community consultation on the draft Playground Policy and draft Playground Service Levels for a three-week period in February 2017.

Community feedback was sought on support for the policy and service levels and what was most important to them when planning a playground. Feedback was also sought from relevant peak bodies.

This survey was made available on-line at makingmarion.com.au/playground-framework.

The survey link was distributed in the following ways

- A social media posts was placed on the City of Marion Facebook page
- An email with the link was sent to relevant peak bodies
- A parks and playgrounds newsletter was sent to a database of 432

The survey was open for 3 weeks – 19th March 2017 - 13th April 2017

We had a total of **12** people complete the survey.

A full summary of all responses to each question is provided in this report

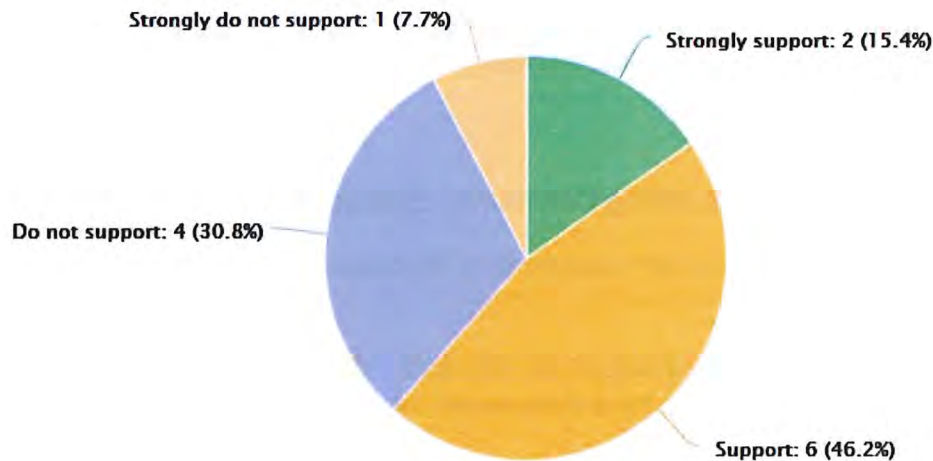
Feedback was divided for support for the policy and service levels and written responses were received.

Overall summary of key themes received

- 61.6% of respondents support or strongly support the draft playground policy and service levels
- It was most important that people had opportunity to comment on proposed playground designs planned near them

Attachment 1 – Summary of feedback received

Q1. Overall what do you think about the Draft Playground Policy and Proposed Service Levels?



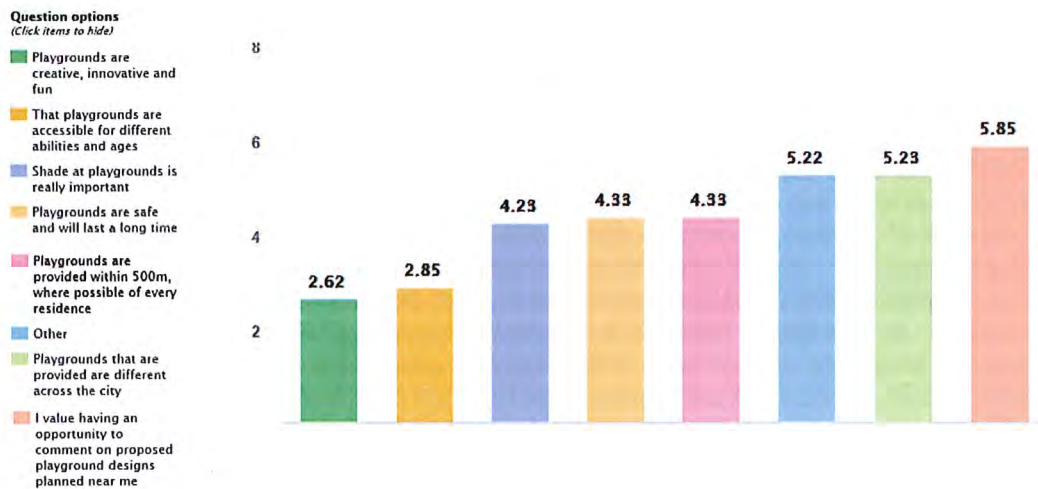
Comments included:

- Toilets should also be considered for 'Neighbourhood' level playgrounds. I understand that toilets bring with them their own set of problems. However, I would support seeing toilets (not exelOos) that are locked over-night, have video surveillance and have cleaners attend daily. Expensive maybe, but adds a lot of value to the area (and employment).
- Consultation with children should be a priority and each playground should have consultation so that they are all different, varied and meet the needs of the locals. This is highlighted by the success of the Jervois Street playground and the Edwardstown Oval playground.
- Would like to see more consultation with relevant peak bodies included
- In order to contribute to physical, mental, emotional and social development; and community wellbeing, the Council needs to develop policies that go beyond the needs of families with young children and young people. Although the policy refers to "Sporting and recreation facilities for unstructured sport, diverse opportunities for play for a range of ages, playgrounds that are unique and complex for a range of ages and abilities", the proposed service levels appear to have limited scope for meeting the needs of older residents (50+)"
- 1. Under the heading community engagement the policy stipulates that "the community will have opportunities to comment on proposed playgrounds and their views by considered" Although no formal requirements exist to the depths that council should engage with the community in development of playgrounds and surrounding facilities. It is well known through experience that informing or consulting (lighter and faster approach) is viewed as tokenism and doesn't truly reflect the local communities' aspirations for play and social development. A recent example from a neighboring council saw a community backlash when plans were presented that did not reflect the current trend in play. A major reworking of the design was undertaken. Marion council should look to avoid this where possible and seek opportunities to allow local communities to participate in the design process ranked as "Involve" in the IAP2 Spectrum.
- What is also concerning is that this approach doesn't allow for the active participation of Children; the very members of our community who benefit from these facilities.

Local government has a duty to apply the UN Convention on the Rights of the Child. Australia ratified the CRC in December 1990. This means that Australia has a duty to ensure that all children in Australia enjoy the rights set out in the treaty. Article 12 (Extract Text Link <https://www.unicef.org/crc/files/Right-to-Participation.pdf>) of the Convention on the Rights of the Child states that children have the right to participate in decision-making processes that may be relevant in their lives and to influence decisions taken in their regard—within the family, the school or the community. The principle affirms that children are full-fledged persons who have the right to express their views in all matters affecting them and requires that those views be heard and given due weight in accordance with the child's age and maturity. It recognizes the potential of children to enrich decision-making processes, to share perspectives and to participate as citizens and actors of change. The practical meaning of children's right to participation must be considered in each and every matter concerning children. Jervois Street Reserve is a primary example of where Children's Voice was actively sought by council early in the project. Local Schools, Children's Centre, YAC, NGO Youth Services all participated, not to forget the on-site consultation, which allowed children to design their park through child led activities. The importance of this approach should not be overlooked by council if it wants to continue in providing facilities and playgrounds that are celebrated by the community.

- 2 Under implementation council is looking to create standardised palette reflecting a hierarchy of playground status. The perception is that Council will decide what the community shall have in their playspace limited to a palette that the community have not been able to select. Once again I can see a backlash once the community realise the limitations that Council has imposed on them. I'm curious to understand who picks these elements, what happens when a new element/ trend comes onto the market how does it become added to the palette. I also feel that by creating an approach that makes all our playspace look and feel the same; we have lost sight as a council of what playgrounds are about. Playgrounds should never look and feel the same. Playgrounds firstly should reflect its community, not all communities within your council are the same. Great planning emphasis is placed on re-creating urban villages to reclaim the community vibrancy of bygone eras. Expanding suburbia has ripped the community soul out of our neighborhoods. The place where we live, work and play defines who we are, gives us a sense of belonging a sense of community. Playgrounds are a major destination, a focal point for communities. They should therefore reflect the social, cultural and play values that resonates within its radius celebrate its uniqueness. This is also defined in our early years education framework in belonging, being and becoming. It's important that Council in provision of playgrounds seek collaborative influences that ensure that our public playgrounds are providing values that echo our national learning objectives for play based learning.
- Children need different experiences and standard designs don't promote different opportunities

Q2. What is most important to you when we develop and upgrade new Playgrounds?



- Toilets
- If the intent of the policy is to be inclusive of all ages and abilities, the facilities at all levels should accommodate the needs of adults and people with mobility issues. For example, every park should have shelters with benches and tables to encourage local residents to socialise, play games and get engaged within their local community.
- Playgrounds that are fenced in and dogs are allowed off leash
- Have some fixed outdoor gym equipment e.g. pull up bar, abdominal bench etc. also having a small basketball court will be a nice touch.
- I have completed the above Q2 only because I had to so I could submit this survey. I have several items that have equal standing in order and wasn't able to reflect this above. So please remove my Q2 response from your final report.
- My number 2 is they must have toilets. Kids can't hold it.

Q3. Any further comments?

- Good to see Marion taking seriously the value of Play! Important that the facilities provided are sustainable (long lasting) and well maintained. I really love the focus on Nature Play. Would like to see the Mitchell Park Reserve development to include a creative, accessible, sustainable, nature inspired playground. The natural trees, grass and mounds already provide great play - so don't change that. Just needs some well designed equipment and facilities to go with it.
- It would be highly desirable if the future planning includes facilities for the older residents such as herb gardens, flower gardens, bocce/petanque, table tennis and encourage other forms of gentle physical exercise.

Appendix A

- Would be really gratefully if there can be a playground within walking distance of Allambee Ave in Edwardstown.
- Thanks to Marion for allowing myself as a rate payer to provide feedback on the draft play policy. I thank the council for seeking opportunities to reduce rate burdens but believe that any cost benefit is severely outweighed by the negatives as outlined above.

Response from Australian Institute of Landscape Architects (SA Chapter)

AILA SA thanks the City of Marion for the opportunity to provide comment on the Draft Playground Policy and commends Council on their vision for creating "accessible and safe play environments that contribute to physical, mental, emotional and social development". Below is some feedback from the AILA SA Executive team for your consideration.

AILA SA Executive:

- supports Council's strategic vision for playgrounds, and the role playgrounds perform in providing health and wellbeing opportunities for the community;
- supports Council's integration of play experiences to offer something for everyone to ensure playgrounds are inclusive rather than exclusive destinations;
- recommends the inclusion of any public art opportunities that could assist with the identity / cultural history of the site of the playground;
- recommends careful consideration of plant and tree species to heighten the experiential opportunities of landscape through colour, foliage, tactility and smell;
- encourages consideration of food producing plants and trees - both endemic and imported;
- encourages Council to look at the role of play grounds in a denser urban environment to perform a broader role as neighbourhood open space;
- encourages Council to include stronger reference to the interaction of playgrounds with the natural environment / trees / vegetation / green infrastructure; and
- recommends including some reference to cycle parking facilities.

Draft Playground Policy



1. POLICY STATEMENT

This policy sets out how the City of Marion provides for accessible and safe play environments that contribute to physical, mental, emotional and social development.

2. CONTEXT

Play is a fundamental and vital part of physical, mental, emotional and social development and a primary element through which life skills are learned. As a provider of public places dedicated to play, the City of Marion has an integral role in ensuring accessible and safe environments are provided to support developmental needs and community wellbeing.

In this context the City of Marion owns and maintains approximately 100 playgrounds that include elements for a range of play experiences (including play equipment, nature play, informal sporting facilities, fitness equipment) and associated amenities (including seating, shelters, barbecues, fencing, toilets, pathways).

This policy will be supported by operational systems and processes to ensure efficient delivery and long term sustainability of playground provision and management across the City.

3. VISION

The City of Marion will be recognised for its equitable and sustainable provision and management of accessible, diverse, creative, innovative, safe, high quality and fun playgrounds that contribute to developmental needs and are places that encourage community interaction, understanding and wellbeing.

4. PRINCIPLES

The following principles will guide the City of Marion's planning, development and management of playgrounds:

Accessible & Diverse

- Playgrounds and associated facilities and amenities will cater for a range of abilities and needs
- Playground designs will be unique, stimulating and fun to enable varying play environments within each community
- Playgrounds will be provided within walking distance (approximately 500m), where possible, of every residence
- The location and design complexity of playgrounds that are located in the open space network will be guided by the Open Space Hierarchy for the City of Marion

Creative, Innovative & Fun

- Playgrounds will be designed to provide a high play value, incorporating:
 - Challenging and fun physical play
 - Stimulating cognitive play
 - Free and creative play
 - Opportunities for social and interactive play
 - Integrated associated facilities (such as seating, pathways, shelters)
- Playgrounds will be designed to encourage child development through the four types of play, which are:
 - Individual or quiet play
 - Social play
 - Active play
 - Cognitive and creative play

Safe & Sustainable

- User safety will be a high priority in the location, design and management of playgrounds which is undertaken in line with the Australian Standards
- Playgrounds will be designed with a focus on eliminating hazards, rather than risks, through design and management that is based on the knowledge that taking calculated and graduated risks at play is essential for good physical and mental development*

Community Engagement

- The community will have opportunities to comment on proposed playgrounds and their views will be considered.

5. POLICY SCOPE

The scope of this policy pertains to all publicly accessible playgrounds on land owned and under the care, control and management of the City of Marion.

6. IMPLEMENTATION

This Policy is a component of a Playground Framework comprising:

1. Policy (including hierarchy)
2. Service Levels
3. Prioritised Works List
4. Project Methodology (including Community Engagement Approach)

The Playground Framework program will be supported by operational systems and processes to ensure the efficient delivery for capital, renewal and maintenance works.

A Standardised Palette approach will be utilised to guide the design of local, neighbourhood and regional hierarchy playground design.

7. HIERARCHY

APPENDIX B

The Playground hierarchy describes the level of playgrounds and types of facilities that may be exist within the playground.

Local Level

Categories	Description
Purpose	Local Level playgrounds primarily cater for people living and working within walking distance. These spaces are less developed with limited play equipment. They provide environmental value through urban heat mitigation, contributing to biodiversity, and improving air quality.
User Catchment	Distributed within approximately 500m walking distance to dwellings and work places.
Types of facilities	May include: Minimal park furniture and amenities, Pathways for accessibility, Minimal formal play equipment and/or nature play design with limited irrigated grass, natural shade, water sensitive urban design landscaping.

Neighbourhood Level

Categories	Description
Purpose	Neighbourhood Level playgrounds will be of a higher quality with a diversity of character in good locations that cater for one or more suburbs. Due to the broader scale of facilities people can use these playgrounds for extended periods of time. They provide similar environmental value as Local Level playgrounds.
User Catchment	Distributed within approximately 750m distance to dwellings and work places. Serves surrounding suburbs and is generally within walking or cycling distance, but some may drive.
Types of facilities	Sporting and recreation facilities for unstructured sport, park furniture and amenities, pathways for accessibility, diverse opportunities for play for a range of ages, shelter and natural shade with consideration of shade over playground equipment, water sensitive urban design landscaping, limited irrigated grass.

Regional Level

Categories	Description
Purpose	Regional Level playgrounds are large, high quality destinations that have broad appeal and attract visitors and local community members alike. They offer unique play and recreation opportunities and offer environmental benefits through the enhancement of natural landscapes.
User catchment	Distributed within approximately 1.5km distance to dwellings and work places. Large catchment serving residents citywide and regionally. These open spaces can be used for long periods of time.
Types of facilities	Sporting and recreation facilities for unstructured sport, diverse opportunities for play for a range of ages, playgrounds that are unique and complex for a range of ages and abilities, park furniture and amenities including public toilets, Shade and shelter with consideration of shade over playground equipment, pathways for accessibility, water sensitive urban design landscaping, irrigated grass, public art, off-road car parking

Destination Level

Categories	Description
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Purpose	A space that attracts city wide visitors and tourists. The space will offer a unique play and recreation opportunity that celebrates the City of Marion sense of place in addition to offering environmental benefits through the enhancement of natural landscapes. A Destination Playground will be aligned to a placemaking opportunity facilitating economic development, community capacity building and stewardship.
User catchment	Large catchment serving residents city wide and state wide tourists. A Destination playground will cater for a diversity of users from passive recreation, family picnics, community group gatherings to larger events.
Types of facilities	A Destination Playground is likely to include play equipment of various forms inclusive of custom iconic play pieces, nature play, experiential features, toilets, car parking, lighting and amenities such as picnic tables and shelters, shade structures with consideration of shade over playground equipment, BBQ's and public art. A destination play space would cater for all ages and abilities, providing amenities to enable long stays.

8. DEFINITIONS

Playground

'Playground' refers to a space that can be utilised for the purposes of formal, informal, active and passive play as well as the provision of any associated facilities and amenities.

Play Value

'Play Value' is the extent to which a child's physical, mental, emotional and social developmental needs are met through the provision of a 'playground'.

Nature Play

'Nature Play' provides opportunities for unstructured, open ended and self-directed play, allowing for freedom to roam seeking adventure and exploration which inspires creativity and imagination inspired by nature.

Open Space Hierarchy

The hierarchy categorises open spaces from local to state levels to indicate user catchments, guide equitable distribution, and standards for the provision of facilities such as playgrounds, picnic amenities, pathways, public toilets.

9. RELATED DOCUMENTS

This policy links with the following current documents:

South Australian Government

- Local Government Act 1999
- Development Act 1993
- South Australian Planning Strategy
- Development Regulations (e.g. fencing)
- South Australian Public Health Act 2011
- Crime Prevention Through Environmental Design, Attorney-General's Department

City of Marion

- Community Vision – Towards 2040
- Business Plan 2016-2019

- Open Space and Recreation Strategy
- Walking and Cycling Strategy
- Tree Management Policy & Framework
- Irrigation Management Plan
- Sports Facility Framework
- Asset Management Policy & Plan
- Risk Framework
- Community Engagement Policy

Other

- Australian Standard for Playground Equipment 4685:2014 Parts 1 - 6
- Australian Standard for Playground Surfacing 4422:2016
- Play Australia's "Getting the Balance Right: Risk Management for Play" 2016

Policy Name and version no.	City of Marion Playground Policy - V1.1
Last update	
Last Council review (report reference)	
Next review due	
Responsibility	Team Leader, Open Space and Recreation

Proposed Service Levels for City of Marion Playgrounds

Appendix C

June 2017

Local (\$100k)*	Indicative costs	Neighbourhood (\$180-250k)*	Indicative costs	Regional (900k +)*	Indicative costs	Destination (\$3.75m)*	Indicative costs
Play equipment i.e. swing, slide combination system	\$37,000	Play equipment i.e. swing, slide combination system, natural play elements where possible	\$60,125	Play equipment i.e. swing, slide combination system, climbing structures, potential basketball/netball half court, natural play elements, iconic features.	\$129,500	Extensive play equipment i.e. swings, slide combination system, climbing structures, nature play	\$500,000
Seats/Furniture	\$12,500	Seats and picnic facilities, drink fountain	\$20,750	Opportunity for site specific play elements	\$74,000	Opportunity for site specific play elements	\$450,000
Vegetation amenity plantings	\$15,750	Vegetation amenity plantings	\$25,000	Rubber soft fall	\$80,000	Soft fall including rubber	\$200,000
Pathways including civil	\$30,000	Pathways including civil	\$50,000	Seats, multiple picnic facilities, BBQ, drink fountain	\$74,000	Seats, multiple picnic facilities, BBQ, drink fountains	\$250,000
		Basketball/ netball half court	\$15,000	Vegetation amenity plantings	\$65,000	Vegetation amenity plantings	\$300,000
		Rubber soft fall	\$30,000	Pathways including civil	\$180,000	Pathways including civil	\$450,000
		Shelter structure.	\$20,750	Shade and shelter	\$111,750	Shade and shelter. Potential for artificial shade over play equipment	\$300,000
		Other play features and amenities for a range of age groups	\$13,875	Amenity landscaping and large turf area for kickabout pending on site constraints.	\$50,000	Amenity landscaping/ irrigation and large turf area for kickabout pending on site constraints.	\$200,000
		Consideration for artificial shade over play equipment***	TBC	Basketball/netball halfcourt	\$25,000	Multi purpose courts	\$300,000
				Car parking	\$50,000	Car parking/stormwater works	\$300,000
				Integrated public art	\$30,000	Integrated public art	\$50,000
				**Toilet		Lighting	\$100,000
				Consideration for artificial shade over play equipment***	TBC	Toilets	\$350,000
Sub Total	\$95,250	Sub Total ***	\$235,500	Sub Total***	\$869,250	Sub Total	\$3,750,000
Indicative Life cycle costing (per annum per reserve) – costing based on 5% of capital cost							
	\$4,763		\$11,775		\$43,463		\$187,500

* Indicative costings and elements included will vary depending on site conditions and scale of reserve

* Service levels exclude resurfacing of club courts which will require alternate funding.

** Toilet and service supply and connection to be provided by 'public convenience' budget line

*** Artificial shade will be costed as an additional cost on a case by case basis

Prioritised Playground Works List (revised annually subject to audits)				Page 277	
Reserve	Playground Installation Date	Suburb	Proposed Reserve Hierarchy	Ward	Priority Low 8-10 years, Med 4-8 years, High 2-4 years
Christopher Grove Reserve	1996	O'Halloran Hill	Local	Southern Hills	H
Central Avenue Reserve	1990	Hallett Cove	Local	Coastal	H
The Crescent Reserve	1990	Edwardstown	Local	Woodlands	H
Oakvale Way Reserve	1995	Hallett Cove	Local	Coastal	H
Yanyarrie Avenue Reserve	1990	Edwardstown	Neighbourhood	Woodlands	H
Dwyer Road Reserve	1990	Oaklands Park	Neighbourhood	Warracowie	H
Glandore Community Centre	1995	Glandore	Neighbourhood	Woodlands	H
Alpine Road Reserve	1995	Seacombe Heights	Neighbourhood	Warriparinga	M
Weaver Street Reserve	2000	Edwardstown	Neighbourhood	Woodlands	M
Hugh Johnson Boulevard Reserve	1998	Sheidow Park	Regional	Southern Hills	M
George Street Reserve	1994	Marion	Neighbourhood	Warriparinga	M
Hessing Crescent Reserve	1995	Trott Park	Neighbourhood	Southern Hills	M
Wistow Crescent Reserve	1996	Trott Park	Local	Southern Hills	M
Peterson Avenue Reserve	1998	Mitchell Park	Local	Warriparinga	M
Hamilton Park Reserve	2000	Warradale	Neighbourhood	Warracowie	M
Ballara Park	1995	Warradale	Local	Warracowie	M
The Cove Sports and Community Club	2006	Sheidow Park	Neighbourhood	Southern Hills	M
Lapwing Street Reserve	1994	Hallett Cove	Local	Warracowie	L
Tatonendi / Trowbridge Avenue Reserve	1994	Mitchell Park	Local	Warriparinga	L
Scarborough Terrace Reserve	2001	Dover Gardens	Neighbourhood	Warracowie	L
Hawkesbury Avenue Reserve	1994	Sturt	Local	Warriparinga	L
Stanley Street Reserve	1995	Glengowrie	Neighbourhood	Mullawirra	L
Southbank Boulevard Reserve	2005	Sheidow Park	Neighbourhood	Southern Hills	L
Manoora Drive Reserve	2005	Hallett Cove	Local	Warriparinga	L
Marion Oval	2005	Marion	Neighbourhood	Warriparinga	L
Cosgrove Hall (Graham Watts) Reserve	2005	Clovelly Park	Local	Warriparinga	L
Sep-17					

In Progress (Business Plan Commitments)

2017 / 2018 Construction

Inclusive Playground Hendrie Street	Park Holme	Regional	Mullawirra
Sixth Avenue Reserve	Ascot park	Neighbourhood	Woodlands
Breakout Creek Reserve	Glengowrie	Local	Mullawirra
Gully Road Reserve North	Seaview Downs	Neighbourhood	Southern Hills
Appleby Road Reserve	Morphetville	Neighbourhood	Mullawirra
Clare Avenue Reserve	Sheidow Park	Local	Southern Hills
Woodforde Family Reserve	Park Holme	Local	Mullawirra

2017 / 2018 Planning and Design

Heron Way Reserve	Hallett Cove	Regional	Coastal
Capella Reserve	Hallett Cove	Neighbourhood	Coastal
Bandon Terrace Reserve*	Marino	Neighbourhood	Coastal
Shamrock Road Reserve	Hallett Cove	Neighbourhood	Coastal
First Avenue Reserve	Ascot Park	Local	Woodlands
Mitchell Park Oval	Mitchell Park	Neighbourhood	Warriparinga
Oaklands Estate Reserve	Oaklands Park	Neighbourhood	Warriparinga

*subject to Precinct Plan timing

New and Possible Playgrounds				Appendix D
Reserve	Suburb	Proposed Reserve Hierarchy	Ward	Priority Low 8-10 years, Med 4-8 years, High 2-4 years
New Playgrounds				
McConnell Street Reserve	Marino	Local	Coastal	H
Brooklyn Street Reserve	Sheidow Park	Local	Southern Hills	H
Tonsley	Tonsley	Regional	Warriparinga	M
Cowra Crescent Reserve	Park Holme	Local	Mullawirra	M
Miners Court Reserve	Sheidow Park	Local	Southern Hills	L
Woodend development	Trott Park	Local	Southern Hills	L
Capella Drive Reserve	Hallett Cove	Neighbourhood	Coastal	tbc
Skipper Close Reserve	Hallett Cove	Local	Southern Hills	tbc
Possible Open Space / Playground developments as part of future developments. **				
Goodman Court (Renewal SA)	South Plympton	Local	Woodlands	H
Castle Plaza	Edwardstown	Unknown	Woodlands	L
MCC	Oaklands Park	Unknown	Warracowie	M
Glenthorne Farm	O'Halloran Hill	Unknown	Southern Hills	L
Sandy Glass Court	Sheidow Park	Local	Southern Hills	L
Ash Avenue	Tonsley	Local	Warriparinga	L

** Works to be scheduled

Proposed Removals

Reserve	Playground Installation Date	Suburb	Hierarchy	Ward
Gully Road Reserve South*	1990	Seadiff Park	Neighbourhood	Southern Hills
Cohen Court Reserve	1994	Clovelly Park	Local	Warriparinga
Penrith Court Reserve	1995	Mitchell Park	Local	Warriparinga
Nannigai Drive Reserve	1994	Hallett Cove	Local	Coastal
Westall Way Reserve	1995	Sheidow Park	Local	Southern Hills
Mitchell Street Reserve	1994	Seaview Downs	Local	Southern Hills
Parsons Grove Reserve	1990	Park Holme	Local	Mullawirra
Ben Pethick Reserve	1994	Marion	Local	Warracowie
Cowra Crescent Reserve**	1994	Park Holme	Local	Mullawirra
Strutt Court Reserve	2001	Trott Park	Local	Southern Hills
Glandore Community Child Care*	1993	Glandore	Local	Woodlands
Cormorant Drive Reserve	2001	Hallett Cove	Local	Coastal
Sandy Glass Court	2013	Sheidow Park	Local	Southern Hills

* Proposal to consolidate 2 playgrounds at the site to 1

** Further consideration and investigation of alternative site

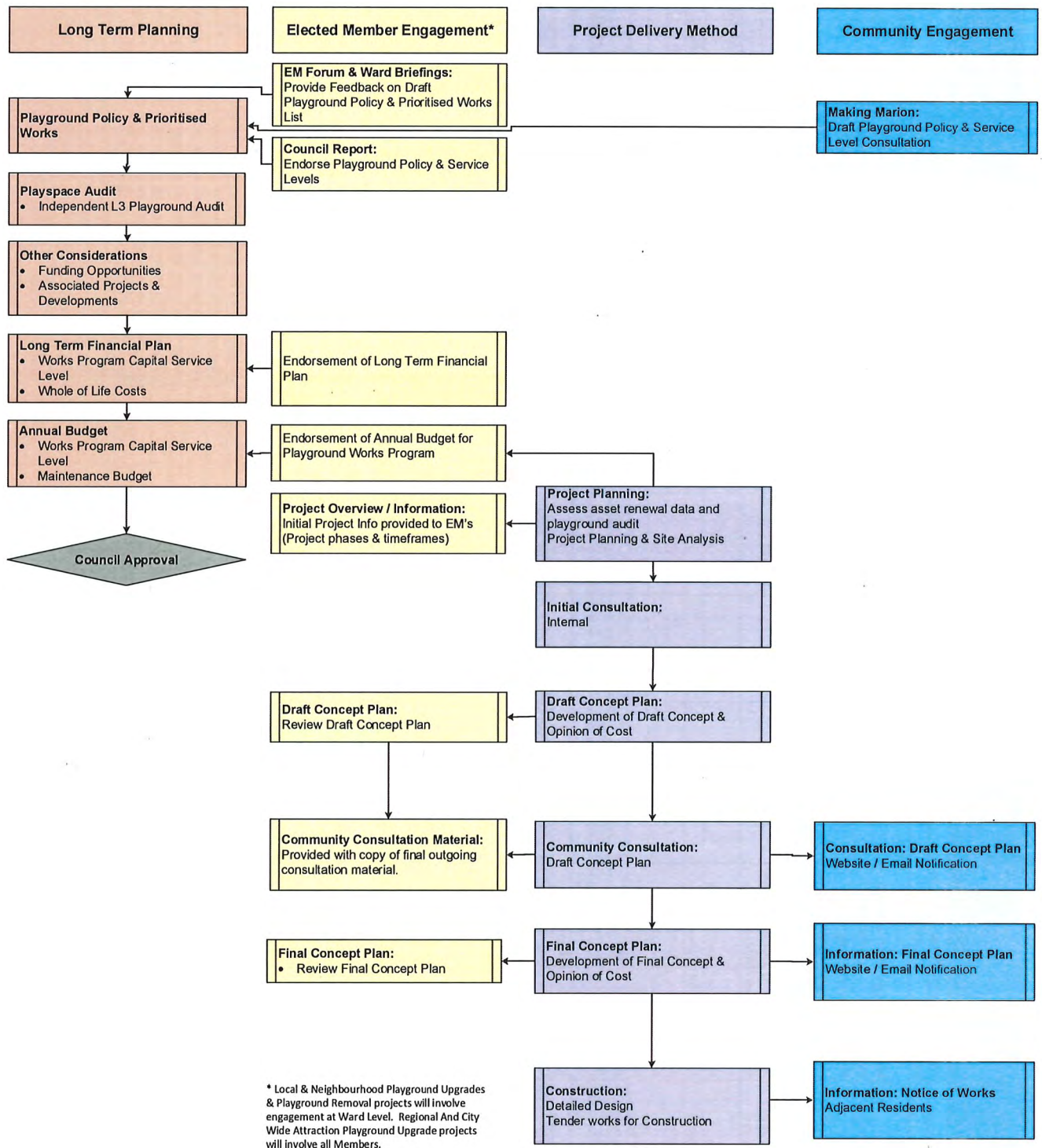
Site	Hierarchy	Ward	Draft shade construction - High, Med, Low		Existing Shade		Comments
			Med	Low	Artificial Shade	Natural Shade	
Roy Lander	Neighbourhood	Southern Hills	H		✓	✓	Opportunity for both artificial and natural shade
Heron Way Reserve	Regional	Coastal	H		✓	✓	Shade included in existing construction budget
Marion Oval	Neighbourhood	Warriparinga	H		✓	✓	Opportunity to include shade in playground upgrade. To be upgraded as a High priority (1-3 years)
Jervois Street Reserve	Regional	Woodlands	H		✓		Council report GC110417 recommended shade
Aldridge Ave Reserve	Neighbourhood	Mullawirra	H		✓		Opportunity for shade over play equipment
Pavana Reserve	Neighbourhood	Coastal	H		✓	✓	Opportunity for shade over play equipment
Glade Crescent Reserve	Regional	Coastal	H			✓	Shade has been installed over slippery dip only. Opportunity for further tree planting
Reserve Street Reserve	Neighbourhood	Southern Hills	H		✓	✓	Opportunity for shade over play equipment
Harbrow Grove Reserve	Neighbourhood	Warracowie	H		✓		Opportunity for shade over play equipment
Maldon Ave Reserve	Neighbourhood	Warriparinga	H			✓	Site mostly shaded with mature trees. Opportunity for further tree planting
Shamrock Road Reserve	Neighbourhood	Coastal	H		✓	✓	Playground to be upgraded as a High priority (1-3 years)
Hendrie Street Reserve	Regional	Mullawirra	H		✓	✓	Part shade included in existing construction budget
Linear Park Reserve	Neighbourhood	Coastal	H		✓	✓	Opportunity for shade over play equipment
Barton Drive Reserve	Neighbourhood	Southern Hills	H		✓		Opportunity for shade over play equipment
Warradale Park Reserve	Neighbourhood	Warracowie	H		✓		Opportunity for shade over play equipment
Oaklands Road Estate	Neighbourhood	Warracowie	H			✓	Playground to be upgraded as a High priority (1 - 3 years)
Gully Road Reserve	Neighbourhood	Southern Hills	H		✓	✓	upgrade construction 2017/2018
Sixth Ave Reserve	Neighbourhood	Woodlands	H		✓	✓	upgrade construction 2017/2018
Rosslyn Street Reserve	Neighbourhood	Woodlands	M		✓		Opportunity for shade over play equipment
Cadell Street Reserve	Neighbourhood	Southern Hills	M		✓	✓	Opportunity for shade over play equipment
Mulcra Ave Reserve	Neighbourhood	Mullawirra	M		✓	✓	Opportunity for shade over some play equipment
Southbank Boulevard	Neighbourhood	Southern Hills	M		✓	✓	playground to be upgraded as a Low priority (8 - 12 years)
Kenton Ave Reserve	Neighbourhood	Warracowie	M			✓	Natural play area - opportunity to increase natural shade
Bandon Terrace Reserve	Neighbourhood	Coastal	M		✓	✓	playground to be upgraded as a High priority (1- 3 years)
Hugh Johnstone Boulevard	Regional	Southern Hills	M		✓	✓	playground to be upgraded as a High priority (1- 3 years)
Appleby Road Reserve	Neighbourhood	Morphetville	M		✓	✓	design to be completed by Renewal SA
Mitchell Park Oval	Neighbourhood	Warriparinga	M		✓	✓	playground to be upgraded as a High priority (1- 3 years)
Dwyer Road Reserve	Neighbourhood	Warracowie	M		✓	✓	playground to be upgraded as a High priority (1- 3 years)
Edwardstown Memorial Oval	Neighbourhood	Woodlands	L				Immature trees will provide plenty of future shade - revisit site at a future date
George Street Reserve	Neighbourhood	Warriparinga	L		✓		Playground to be upgraded as a High priority (1 - 3 years)
Stanley Street Reserve	Neighbourhood	Mullawirra	L		✓	✓	playground to be upgraded as a Medium priority (4 - 7 years)
The Cove Oval	Neighbourhood	Southern Hills	L		✓	✓	playground to be upgraded as a Medium priority (4 - 7 years)
Capella / Nannigai Reserve	Neighbourhood	Coastal	L		✓	✓	playground to be developed as part of a Capella Precinct plan
Glandore Community Centre	Neighbourhood	Woodlands	L		✓		playground to be upgraded as a Medium priority (4 - 7 years)
Alpine Road Reserve	Neighbourhood	Warriparinga	L		✓	✓	playground to be upgraded as a Medium priority (4 - 7 years)
Scarborough Tce Reserve	Neighbourhood	Warracowie	L		✓	✓	playground to be upgraded as a Low priority (8 - 12 years)
Hamilton Park Reserve	Neighbourhood	Warracowie	L		✓		playground to be upgraded as a Low priority (8 - 12 years)
Yanyarrie Ave Reserve	Neighbourhood	Woodlands	L		✓	✓	playground to be upgraded as a Low priority (8 - 12 years)
Weaver Street Reserve	Neighbourhood	Woodlands	L		✓	✓	playground to be upgraded as a Low priority (8 - 12 years)
Sandery Ave Reserve	Neighbourhood	Warracowie	N/A				Natural shade exists that sufficiently shades play equipment
Glandore Oval	Neighbourhood	Woodlands	N/A				Natural shade exists that sufficiently shades play equipment
McKellar / Kendall Reserve	Neighbourhood	Mullawirra	N/A				Natural shade exists that sufficiently shades play equipment
Brolga Place Reserve	Neighbourhood	Warriparinga	N/A				Natural shade exists that sufficiently shades play equipment
Rajah Street Reserve	Neighbourhood	Warracowie	N/A				Natural shade exists that sufficiently shades play equipment
Willoughby Ave Reserve	Neighbourhood	Mullawirra	N/A				Natural shade exists that sufficiently shades play equipment
Hessing Crescent Reserve	Neighbourhood	Southern Hills	N/A				Natural shade exists that sufficiently shades play equipment
Plympton Oval	Neighbourhood	Mullawirra	N/A				Artificial shade already exists over play equipment
Hazelmere Road Reserve	Regional	Mullawirra	N/A				Artificial shade already exists over play equipment

Playground Framework

Local and Neighbourhood Methodology



Appendix E

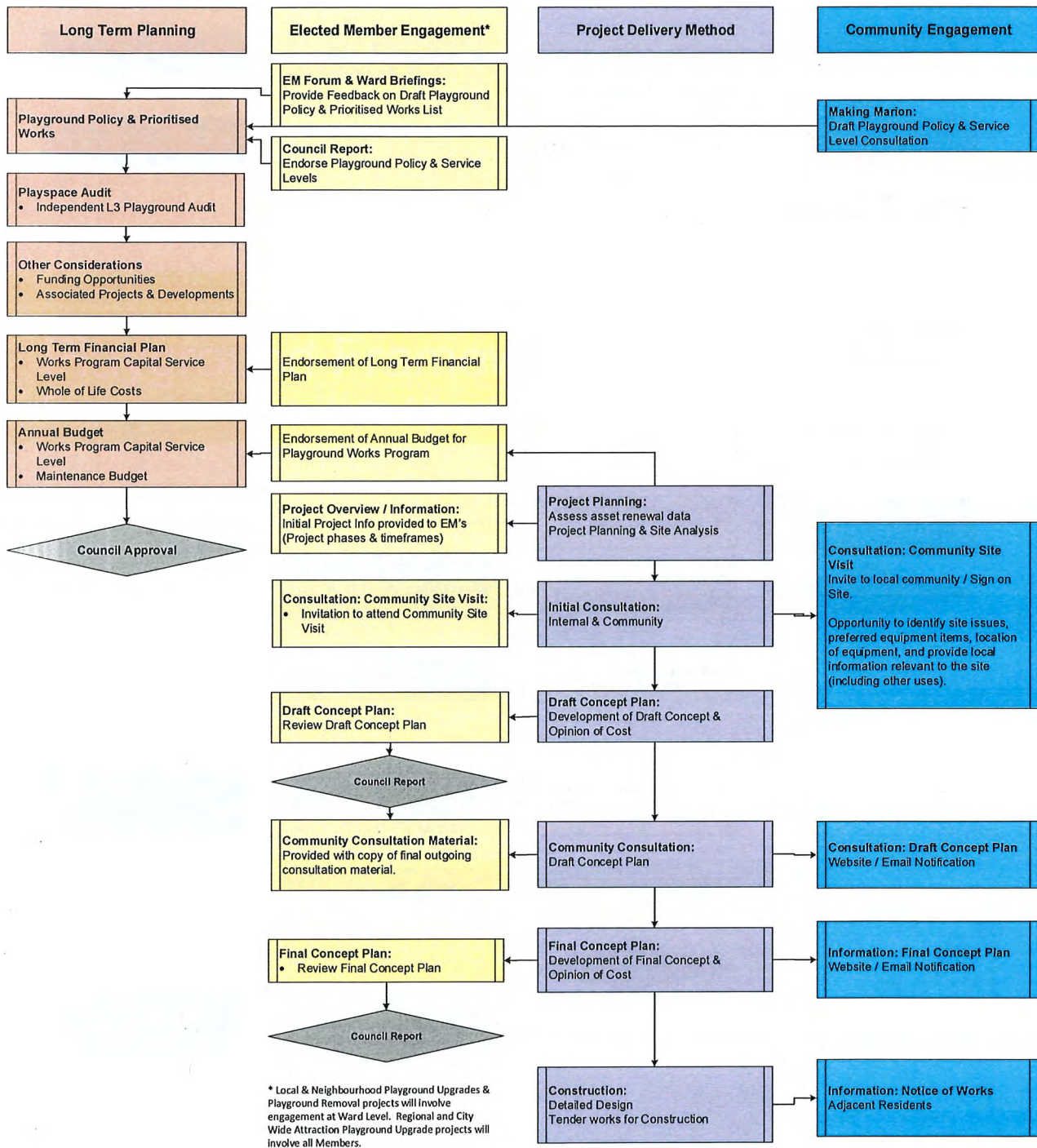


Playground Framework

Regional and City Wide Attraction Methodology



Appendix E

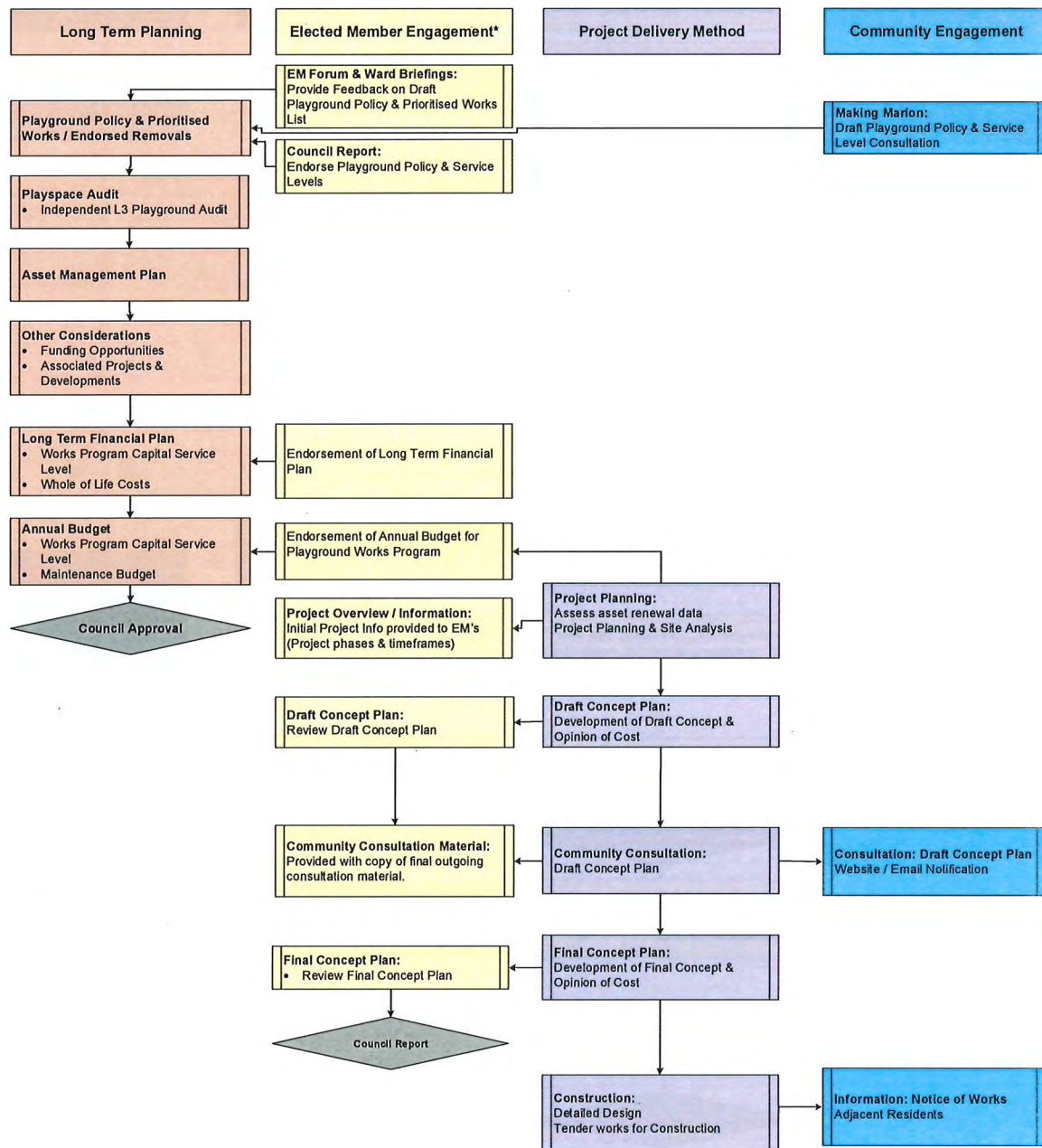


Playground Framework

Playground Removal Methodology



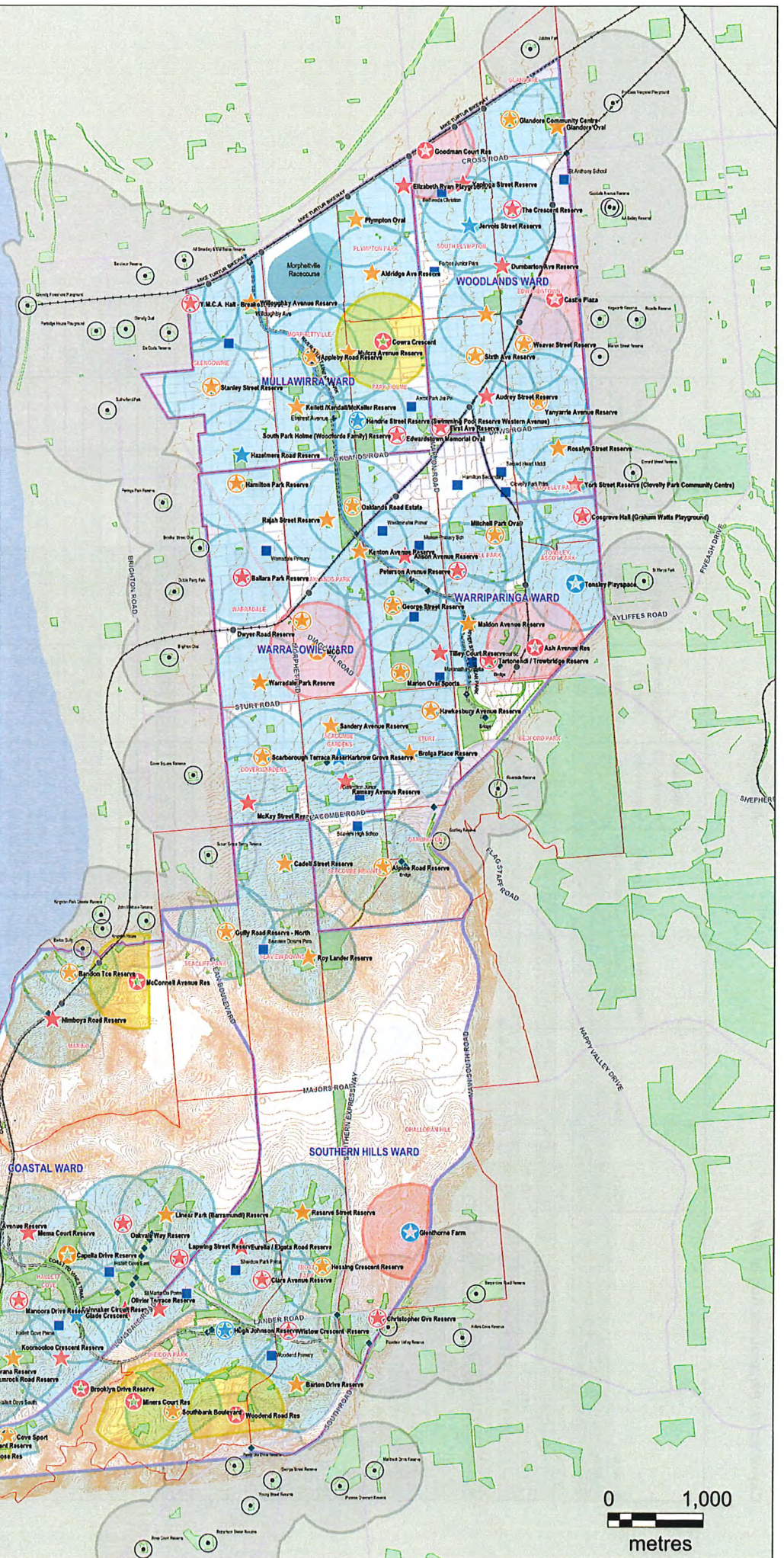
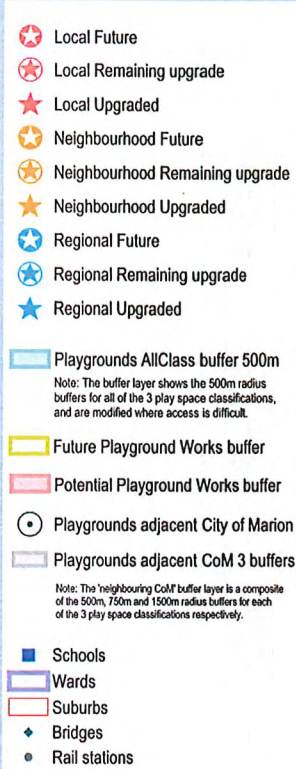
Appendix E



Playgrounds Works Program

Current status 2017

Upgraded and remaining upgrades



Reserve	Ward	Hierarchy	Hierarchy to be removed	Playground Installation year	Upgrade Priority - 10 year works program	Playgrounds already upgraded	Playgrounds yet to be upgraded	New playgrounds for consideration for inclusion in	Total Assets	Shade Priority
Chatsworth Court Reserve	Coastal	Local		2010		\$95,250				
Columbia Crescent Reserve	Coastal	Local		2010		\$95,250				
Central Avenue Reserve 1	Coastal	Local		1990	High		\$95,250			
Koomooloo Crescent Reserve	Coastal	Local		2010		\$95,250				
Oakvale Way Reserve	Coastal	Local		1994	High		\$95,250			
Olivier Terrace Reserve	Coastal	Local		2010		\$95,250				
Lapwing Street Reserve	Coastal	Local		1994	Low		\$95,250			
Nimboya Road Reserve	Coastal	Local		2011		\$95,250				
Manoora Drive Reserve	Coastal	Local		2006	Low		\$95,250			
Mema Court Reserve	Coastal	Local		2010		\$95,250				
Pavana Reserve	Coastal	Neighbourhood		2010		\$235,500				High
Linear Park Reserve 3	Coastal	Neighbourhood		2014		\$235,500				High
Bandon Terrace Reserve	Coastal	Neighbourhood		1994	18/19		\$235,500			High
Shamrock Road Reserve	Coastal	Neighbourhood		1995	18/19		\$235,500			High
Glade Crescent Reserve	Coastal	Regional		2012		\$869,250				High
Heron Way Reserve	Coastal	Regional		1999	18/19		\$985,000			High
Cormorant Drive Reserve 2	Coastal		Local	2001						
Nannigai Drive Reserve	Coastal		Local	1994						
Cappella Reserve (NEW)	Coastal	Neighbourhood			tbc		\$ 235,500			
McConnell Reserve East (NEW)	Coastal	Local						\$ 95,250		
						\$1,911,750	\$2,072,500	\$95,250	\$4,079,500	
Breakout Creek Reserve	Mullawirra	Local		1995	17/18		\$95,250			
Elizabeth Ryan Playground	Mullawirra	Local		2007		\$95,250				
Family)	Mullawirra	Local		1990	17/18		\$95,250			
Appleby Road Reserve	Mullawirra	Neighbourhood		1991	17/18		\$235,500			Medium
Stanley Street Reserve	Mullawirra	Neighbourhood		1995	Low		\$235,500			Low
Mulcra Avenue Reserve	Mullawirra	Neighbourhood		2012		\$235,500				Medium
Aldridge Avenue Reserve	Mullawirra	Neighbourhood		2013		\$235,500				High
Plympton Oval	Mullawirra	Neighbourhood		2015		\$235,500				*
Kendall Reserve	Mullawirra	Neighbourhood		2013		\$235,500				*
Willoughby Avenue Reserve	Mullawirra	Neighbourhood		2010		\$235,500				*
Hendrie Street	Mullawirra	Regional		1995	17/18		\$869,250			High
Hazelmere Road Reserve	Mullawirra	Regional		2011		\$869,250				*
Parsons Grove Traffic Island 2	Mullawirra		Local	1990						
Cowra Crescent Reserve	Mullawirra		Local	1994						
Park Holme (NEW) replacing Cowra Crescent	Mullawirra				Medium			\$ 95,250.00		
						\$2,142,000	\$1,530,750	\$95,250	\$3,768,000	

Reserve	Ward	Hierarchy	Hierarchy to be removed	Playground Installation year	Upgrade Priority - 10 year works program	Playgrounds already upgraded	Playgrounds yet to be upgraded	New playgrounds for consideration for inclusion in	Total Assets	Shade Priority
Eurelia Road Reserve/Elgata Reserve	Southern Hills	Local		2010		\$95,250				
Clare Avenue Reserve	Southern Hills	Local		1994	17/18		\$95,250			
Christopher Grove Reserve	Southern Hills	Local		1996	High		\$95,250			
Wistow Crescent Reserve	Southern Hills	Local		1996	Medium		\$95,250			
Spinnaker Circuit Reserve - West	Southern Hills	Local		2013		\$95,250				
The Cove Oval and Sports Club 2	Southern Hills	Neighbourhood		2006	Medium		\$235,500			Low
Reserve Street Reserve	Southern Hills	Neighbourhood		2012		\$235,500				High
Southbank Boulevard Reserve	Southern Hills	Neighbourhood		2005	Low		\$235,500			Medium
Roy Lander Reserve	Southern Hills	Neighbourhood		2010		\$235,500				High
Cadell Street Reserve	Southern Hills	Neighbourhood		2011		\$235,500				Medium
Barton Drive Reserve	Southern Hills	Neighbourhood		2012		\$235,500				High
Hessing Crescent Reserve	Southern Hills	Neighbourhood		1995	Medium		\$235,500			*
Gully Road Reserve South	Southern Hills	Neighbourhood		1990	17/18		\$235,500			High
Hugh Johnson Boulevard Reserve	Southern Hills	Regional		1998	Medium		\$869,500			Medium
Skipper Close Reserve (NEW)	Southern Hills	Local			tdc			\$95,250		
Brooklyn Drive Hallett Cove Heights (NEW)	Southern Hills	Local			High		\$95,250			
Woodend Rd Residential Dvpt area (NEW)	Southern Hills	Local			Low			\$95,250		
Miners Court Reserve (NEW)	Southern Hills	Local			Low			\$95,250		
Westall Way Reserve	Southern Hills		Local	1995						
Strutt Court Reserve	Southern Hills		Local	2001						
Mitchell Street Reserve	Southern Hills		Local	1994						
Sandy Glass Court Reserve	Southern Hills		Local	2013						
Gully Road Reserve North	Southern Hills		Neighbourhood	1994						
						\$1,132,500	\$2,192,500	\$285,750	\$3,610,750	
McKay Street Reserve	Warracowie	Local		2010		\$95,250				
Ballara Park Reserve	Warracowie	Local		1995	Medium		\$95,250			
Ramsay Avenue Reserve 2	Warracowie	Local		2011		\$95,250				
Scarborough Terrace Reserve	Warracowie	Neighbourhood		2001	Low		\$235,500			Low
Sandery Avenue Reserve	Warracowie	Neighbourhood		2010		\$235,500				*
Rajah Street Reserve	Warracowie	Neighbourhood		2014		\$235,500				*
Kenton Avenue Reserve	Warracowie	Neighbourhood		2013		\$235,500				Medium
Dwyer Road Reserve	Warracowie	Neighbourhood		1999	High		\$235,500			Medium
Harbrow Grove Reserve	Warracowie			2011		\$869,500				High
Hamilton Park Reserve	Warracowie	Neighbourhood		1996	Medium		\$235,500			Low
Warradale Park Reserve	Warracowie	Neighbourhood		2014		\$235,500				High
Oaklands Road Estate	Warracowie	Neighbourhood		1994	18/19		\$250,000			High
Ben Pethick Reserve	Warracowie		Local	1994						
MCC (NEW)	Warracowie	Unknown			Medium					
						\$2,002,000	\$1,051,750	\$0	\$3,053,750	

Reserve	Ward	Hierarchy	Hierarchy to be removed	Playground Installation year	Upgrade Priority - 10 year works program	Playgrounds already upgraded	Playgrounds yet to be upgraded	New playgrounds for consideration for inclusion in	Total Assets	Shade Priority
Alpine Road Reserve	Warriparinga	Neighbourhood		1994	Medium		\$235,500			Low
Alison Avenue Reserve	Warriparinga	Local		2010		\$95,250				
Tilley Court Reserve	Warriparinga	Local		2011		\$95,250				
Peterson Avenue Reserve	Warriparinga	Local		1998	Medium		\$95,250			
Cosgrove Hall	Warriparinga	Local		2005	Low		\$95,250			
Hawkesbury Avenue Reserve	Warriparinga	Local		1994	Low		\$95,250			
Tartonendi	Warriparinga	Local		1994	Low		\$95,250			
Marion Oval	Warriparinga	Neighbourhood		2005	Low		\$235,500			High
Brolga Place Reserve	Warriparinga	Neighbourhood		2010		\$235,500				*
Maldon Avenue Reserve	Warriparinga	Neighbourhood		2012		\$235,500				High
Mitchell Park Oval/Reserve	Warriparinga	Neighbourhood		1994	18/19		\$235,500			Medium
George Street Reserve	Warriparinga	Neighbourhood		1994	Medium		\$235,500			Low
Tonsley (NEW)	Warriparinga	Regional			Medium		\$869,500			
Ash Court (NEW)	Warriparinga	Local								
Penrith Court Reserve	Warriparinga		Local	1995						
Cohen Court Reserve	Warriparinga		Local	1994						
						\$661,500	\$2,192,500	\$0	\$2,854,000	
First Ave Reserve	Woodlands	Local		1994	18/19		\$95,250			
Yapinga Street Reserve	Woodlands	Local		2012		\$95,250				
Dumbarton Ave Reserve	Woodlands	Local		2010		\$95,250				
The Crescent Reserve	Woodlands	Local		1994	High		\$95,250			
York Avenue Reserve	Woodlands	Local		2013		\$95,250				
Audrey Street Reserve	Woodlands	Local		2012		\$95,250				
Yanyarrie Avenue Reserve	Woodlands	Neighbourhood		1994	High		\$235,500			Low
Rosslyn Street Reserve	Woodlands	Neighbourhood		2010		\$235,500				Medium
Glandore Community Centre	Woodlands	Neighbourhood		1994	High		\$235,500			Low
Glandore Oval	Woodlands	Neighbourhood		2011		\$235,500				*
Edwardstown Memorial Oval	Woodlands	Neighbourhood		2015		\$235,500				Low
Weaver Street Reserve	Woodlands	Neighbourhood		1995	Medium		\$235,500			Low
Sixth Ave Reserve	Woodlands	Neighbourhood		1995	17/18		\$235,500			High
Jervois Street Reserve	Woodlands	Regional		2016		\$869,500				High
Glandore Community Centre (childcare)	Woodlands		Neighbourhood	1993						
**Goodman Court (NEW)	Woodlands	Local			High					
**Castle Plaza (NEW)	Woodlands	Local			Low					
						\$1,957,000	\$1,132,500	\$0	\$3,089,500	

* Already shaded or sufficient shade already exists

**Subject to future developments

Already upgraded

Yet to be upgraded

New

Whole of Life Cost Analysis - Playground shading - Shade sails and tree planting												
Description	Lifecycle Yrs	Acquisition Cost	Projected Operating Costs pa	Projected Maintenance Costs pa	Total Projected O&M pa	Less Existing O&M pa	Net Increase O&M pa	Projected Depreciation/ Renewal pa	Existing Depreciation/ Renewal pa	Net Increase Depreciation/ Renewal pa	Whole of Life Cost of Proposal	Whole of Life Increase Cost of Proposal
Shade sails inclusive of design and engineering	15	2,142,250	-	107,113	107,113	-	107,113	142,817	-	142,817	7,140,833	7,140,833
Tree planting (includes 3 years watering)	20	112,750	-	5,638	5,638	-	5,638	5,638	-	5,638	338,250	338,250
Total (whole of life cost based upon 20 years)	20	2,255,000	-	112,750	112,750	-	112,750	148,454	-	148,454	7,479,083	7,479,083

*Whole of life costs include acquisition, operating & maintenance expenditure and depreciation/renewal using current values.
Maintenance costs calculated at 5% per annum

Consideration	Site	Cost	Staff Comment	I&S Committee Feedback
New Playgrounds	McConnell Street Reserve, Marino (Local)	\$95,250 + whole of life costs	Support	<ul style="list-style-type: none"> • Agree with recommendation for a local level playground • Supportive of a playground on the Eastern side of the reserve
	Skipper Close Reserve, Hallett Cove (Local)	\$95,250 + whole of life costs	**Further consideration required	<ul style="list-style-type: none"> • Has been promised for the past 10 years (originally by the developers) • Differing views on whether 3 playgrounds are required in Hallett Cove / Hallett Cove Heights • Would the relocation of clubs from the Cove Sports create an opportunity there (e.g. BMX)?
	Miners Court Reserve, Sheidow Park (Local)	\$95,250 + whole of life costs	Support	<ul style="list-style-type: none"> • Not supported for the immediate future but include for 10-12 year plan • Could give up in place of a larger playground in the area
	Peter Court Reserve, O'Halloran Hill (Local)	\$95,250 + whole of life costs	**Further consideration required	<ul style="list-style-type: none"> • Not supported • No feedback received regarding the removal of playground at Luke Court. • A playground at Glenthorne Farm would also negate this
	Woodend (site to be confirmed with nearby residential development), Sheidow Park	\$95,250 + whole of life costs	Support with further residential development	<ul style="list-style-type: none"> • Not supported for the immediate future but include for 10-12 year plan • Review if Community access to the school playground is removed
Possible open space/playground developments as part of future developments	Ash Avenue, Tonsley (Local) (in partnership with Renewal SA)	To be determined	Support in partnership with Renewal SA	<ul style="list-style-type: none"> • If a playground is to go ahead this would be temporary on leased land from Renewal SA • Land would need to be confirmed as fit for use for Open Space and Recreation purpose under NEPM guidelines • Additional information to be included in the report to Council including: contamination of the site, any costs associated with confirming fit for purpose, how temporary the arrangement would be and what other playgrounds are planned for

				<ul style="list-style-type: none"> Tonsley (if any) Query council funding for a temporary playground
	Goodman Court, Glandore	To be negotiated with developer	Support as part of future residential development	<ul style="list-style-type: none"> Need more detail on development plans Council should negotiate harder with developer for optimum open space outcomes.
	Castle Plaza development, Edwardstown	To be negotiated with developer	Support as part of future residential development	<ul style="list-style-type: none"> Need more detail on development plans Council should negotiate harder with developer for optimum open space outcomes.
	Marion Cultural Centre	To be determined	Supported for further consideration as part of broader MCC Plaza planning and development	<ul style="list-style-type: none"> Consider in line with the Oaklands Crossing Project Need a holistic approach for this space being the 'heart of the city'
Potential Future Other	Glenthorne Farm	To be determined	Further consideration required and dependent on Glenthorne Farm being opened to public	<ul style="list-style-type: none"> Community access to the land would need to happen first Not supported for the immediate future but include for 10-12 year plan
Proposed removals to be reconsidered	Cowra Crescent Reserve, Park Holme (upgrade existing site or new site developed nearby)	\$95,250 + whole of life costs	Support	<ul style="list-style-type: none"> There is a need in the area. Not an ideal location but no other options at this stage are available Could look for any land acquisitions Could consider road closures to connect sections of the reserve. Detail should be provided on the potential whole costs (e.g. land acquisition, road closures etc) Cross reference any other plans and/or budget relevant to the area / location

	Sandy Glass Court, Sheidow Park to be revisited in 10-15 years as the playground reaches the end of its life	Nil	To remain until end of useful life and then reconsidered	<ul style="list-style-type: none"> • Agree with staff recommendation • Leave as is until end of useful life
Further hierarchy review	Alpine Road Reserve: Existing: Local Proposed: Neighbourhood	\$140,250 + whole of life costs Shade	Support	<ul style="list-style-type: none"> • Agree with staff recommendation • Support increase in hierarchy

Playground Framework Timeline



29 March 2016	EMF290316R03	Discussion Playground Strategy Review <ul style="list-style-type: none"> • Play Space Distribution / Provision • Budget / Long Term Financial Plan • Delivery Process / Timeframes • Community Engagement Approach
April/May 2016	Ward Briefings	Discussion at each ward: <ul style="list-style-type: none"> • Review of playground distribution (investigate 1km catchment) • Review of current and potential hierarchy of playgrounds • Consideration of opportunities for further consolidation / improvements
26 April 2016	GC260416R10	Open Space Works Program <ul style="list-style-type: none"> • Council endorsed 2016-2019 open space works program including playground works
14 June 2016	GC140616R15	Destination Playground Investigation <ul style="list-style-type: none"> • Council endorsed Destination Playground Investigation commence in 2019/20
27 September 2016	GC270916R07	Review of Playground Strategy <ul style="list-style-type: none"> • Council report deferred for further discussion at EM Forum to progress the policy, discuss spatial layout of hierarchy and budget implications over the life of the long term financial plan. • Endorsed the removal of the 11 additional playgrounds • Endorsed starting an investigation into a suitable site for a neighbourhood playground in Hallett Cove Heights.
27 September 2016	GC270916M02	Motion with Notice Destination Playground <ul style="list-style-type: none"> • The item was not considered
11 October 2016	GC111016M01	Motion with Notice Destination Playground <ul style="list-style-type: none"> • The item was adjourned
25 October 2016	GC251016M01	Motion with Notice Destination Playground <ul style="list-style-type: none"> • The item was deferred until 13 December 2016 Council meeting and later (March 2017) withdrawn
15 November 2016	EMF151116R02	Discussion Playground Strategy Review <ul style="list-style-type: none"> • User catchment classifications and distances • Hierarchy review and individual site classification • Destination (City Wide Attraction) Playground/SAALC and timing • Playgrounds and Asset Management considerations • Business plan and prioritised playground works list • Budget and resourcing impacts
24 January 2017	GC240117R	Playground Framework <ul style="list-style-type: none"> • Endorsed the draft Playground Policy including the proposed standardised palette approach and draft Playground Service Levels for consultation • 'Playground' shall be used instead of 'Playspace' • Neighbourhood level and above include consideration of shade over playground equipment

Appendix J

19 March 2017 – 13 April 2017		<ul style="list-style-type: none"> Community Consultation - Draft Playground Policy & Service Levels
21 March 2017	EMF210317R	<p>Discussed Playground Items including:</p> <ul style="list-style-type: none"> Destination Playground <ul style="list-style-type: none"> Timing Terminology - City Wide Attraction Shade for Playgrounds – Cost and Considerations Reclassifications New Playgrounds Inclusive Playground
28 March 2017	GC280317R14	<ul style="list-style-type: none"> Playground Framework progress report
11 April 2017	GC110417R14	<ul style="list-style-type: none"> Playground Framework progress report
April/May 2017	Ward Briefings	<p>Discussion at each ward:</p> <ul style="list-style-type: none"> Shade at Neighbourhood and Regional Playgrounds Potential Site Reclassifications <p>Investigations new playground at Hallett Cove Heights</p>
23 May 2017	GC230517R03	<ul style="list-style-type: none"> Playground Framework progress report
4 July 2017	ISC040717R7.2	<p>Infrastructure and Strategy Committee Playground Framework</p> <ul style="list-style-type: none"> seek feedback from the Committee on user catchment distances with particular consideration to areas with unique topography considerations
July/August 2017		<p>Discussion at each ward</p> <ul style="list-style-type: none"> user catchment distances and topographical issues/barriers Review/confirm sites for removal
5 September	ISC050917R	<p>Infrastructure and Strategy Committee</p> <ul style="list-style-type: none"> review of playground works program
26 September		Council for consideration and adoption

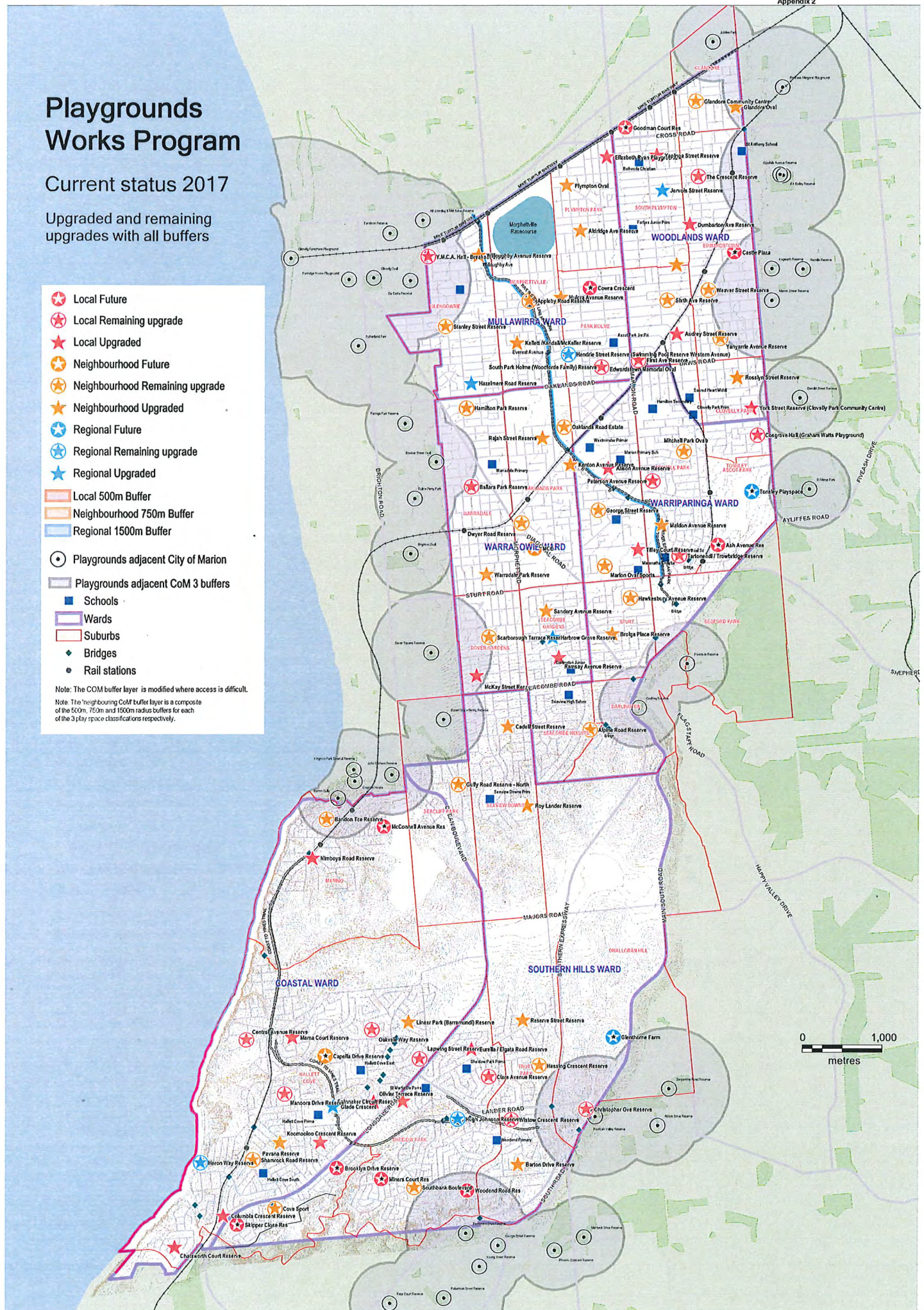
Playgrounds Works Program

Current status 2017

Upgraded and remaining
upgrades with all buffers

- ★ Local Future
- ★ Local Remaining upgrade
- ★ Local Upgraded
- ★ Neighbourhood Future
- ★ Neighbourhood Remaining upgrade
- ★ Neighbourhood Upgraded
- ★ Regional Future
- ★ Regional Remaining upgrade
- ★ Regional Upgraded
- Local 500m Buffer
- Neighbourhood 750m Buffer
- Regional 1500m Buffer
- Playgrounds adjacent City of Marion
- Playgrounds adjacent CoM 3 buffers
- Schools
- Wards
- Suburbs
- Bridges
- Rail stations

Note: The CoM buffer layer is modified where access is difficult.
Note: The neighbouring CoM3 buffer layer is a composite of the 500m, 750m and 1500m radius buffers for each of the 3 play space classifications respectively.



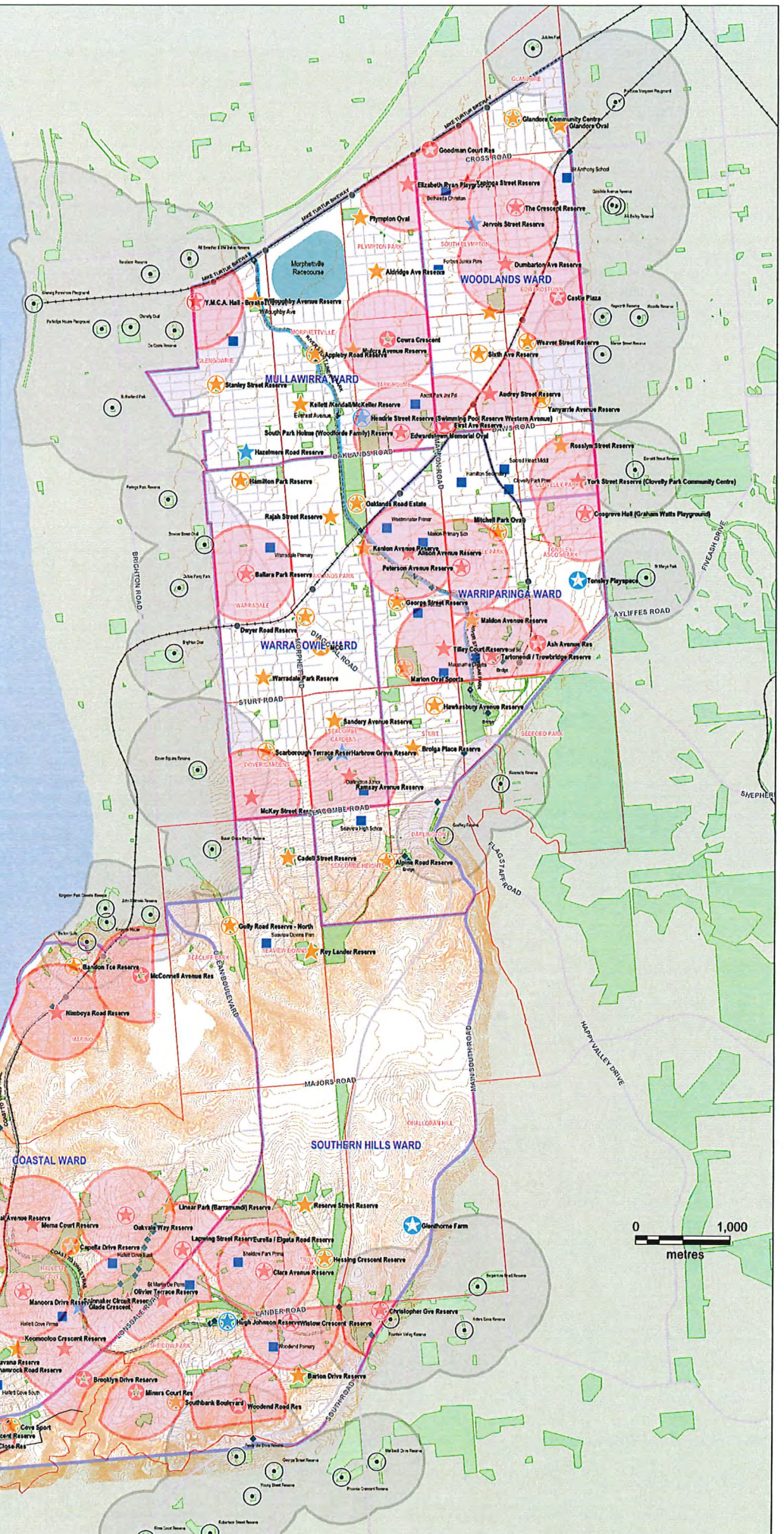
Playgrounds Works Program

Current status 2017

Upgraded and remaining upgrades with 500m buffer for Local Playgrounds

- ★ Local Future
- ★ Local Remaining upgrade
- ★ Local Upgraded
- ★ Neighbourhood Future
- ★ Neighbourhood Remaining upgrade
- ★ Neighbourhood Upgraded
- ★ Regional Future
- ★ Regional Remaining upgrade
- ★ Regional Upgraded
- Local 500m Buffer
- Playgrounds adjacent City of Marion
- Playgrounds adjacent CoM 3 buffers
- Schools
- Wards
- Suburbs
- Bridges
- Rail stations

Note: The COM buffer layer is modified where access is difficult.
Note: The 'neighbouring CoM' buffer layer is a composite of the 500m, 750m and 1500m radius buffers for each of the 3 play space classifications respectively.



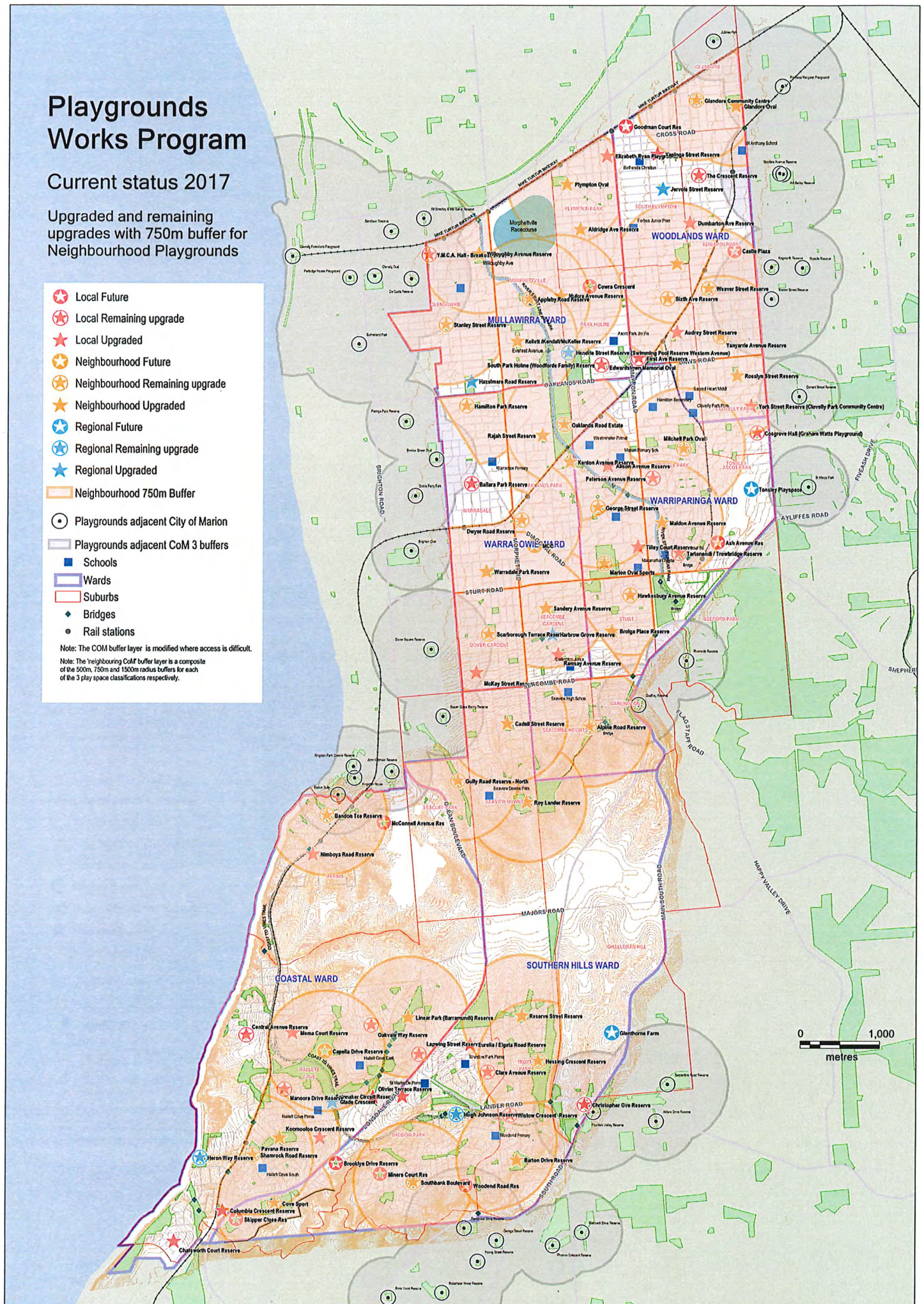
Playgrounds Works Program

Current status 2017

Upgraded and remaining upgrades with 750m buffer for Neighbourhood Playgrounds

- ★ Local Future
- ★ Local Remaining upgrade
- ★ Local Upgraded
- ★ Neighbourhood Future
- ★ Neighbourhood Remaining upgrade
- ★ Neighbourhood Upgraded
- ★ Regional Future
- ★ Regional Remaining upgrade
- ★ Regional Upgraded
- Neighbourhood 750m Buffer
- Playgrounds adjacent City of Marion
- Playgrounds adjacent CoM 3 buffers
- Schools
- Wards
- Suburbs
- Bridges
- Rail stations

Note: The CoM buffer layer is modified where access is difficult.
Note: The 'neighbouring CoM' buffer layer is a composite of the 500m, 750m and 1500m radius buffers for each of the 3 play space classifications respectively.



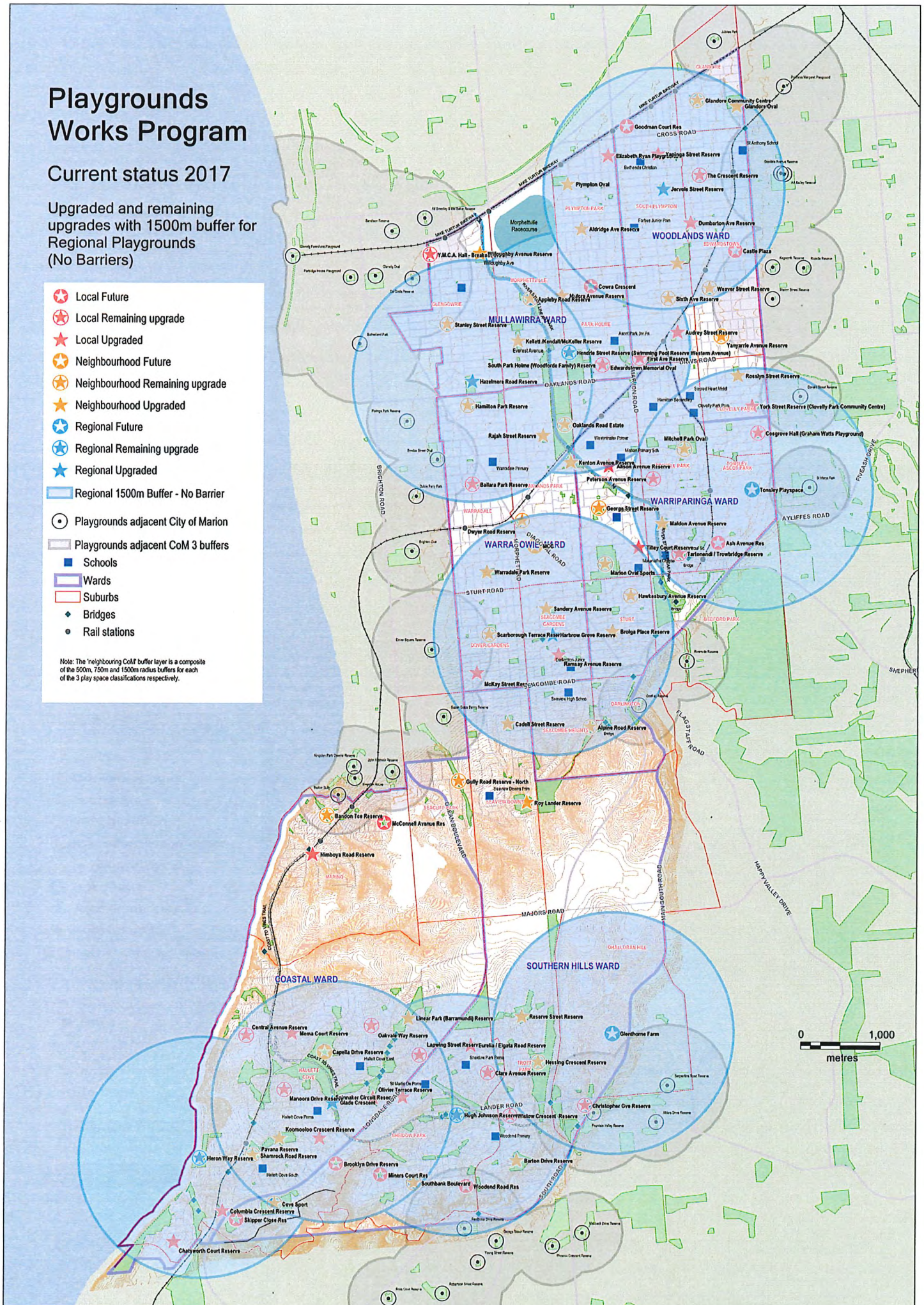
Playgrounds Works Program

Current status 2017

Upgraded and remaining upgrades with 1500m buffer for Regional Playgrounds (No Barriers)

- ★ Local Future
- ★ Local Remaining upgrade
- ★ Local Upgraded
- ★ Neighbourhood Future
- ★ Neighbourhood Remaining upgrade
- ★ Neighbourhood Upgraded
- ★ Regional Future
- ★ Regional Remaining upgrade
- ★ Regional Upgraded
- Regional 1500m Buffer - No Barrier
- Playgrounds adjacent City of Marion
- Playgrounds adjacent CoM 3 buffers
- Schools
- Wards
- Suburbs
- Bridges
- Rail stations

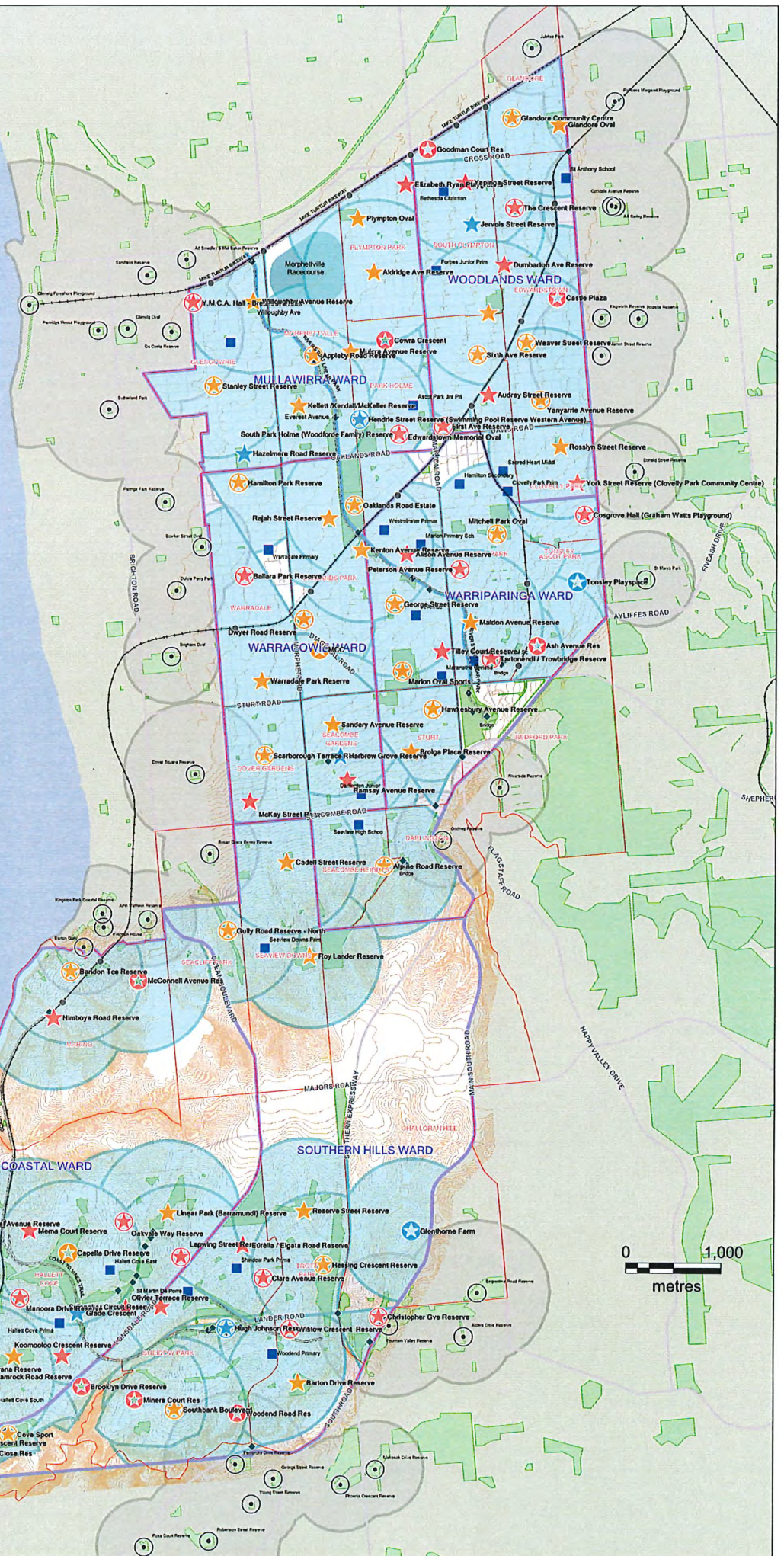
Note: The 'neighbouring CoM' buffer layer is a composite of the 500m, 750m and 1500m radius buffers for each of the 3 play space classifications respectively.



Playgrounds Works Program

Current status 2017

Upgraded and remaining upgrades with 750m buffer for all playgrounds



**CITY OF MARION
GENERAL COUNCIL MEETING
10 October 2017**

Originating Officer: Jaimie Thwaites, Unit Manager Governance and Records
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, General Manager Corporate Services
Subject: Light Square Marion
Ref No: GC101017D01

SPEAKER:

Mr Peter Stretton

ORGANISATION:

Marion Historic Village Project Group

COMMENTS:

Mr Peter Stretton, on behalf of the Marion Historic Village Project Group, has requested to give a five-minute deputation to Council relating to Light Square Marion (birthplace of Marion) - Rejuvenation by flowers and colourful plants.

**CITY OF MARION
GENERAL COUNCIL MEETING
10 October 2017**

Question Received from: Councillor Hull

Subject: Designated Bike Lanes

Reference No: GC101017Q01

QUESTIONS:

With regards to the pictured DPTI Bike Land advisory signage that is used throughout our district, can you advise why such bike lanes adequately provide for the safety of school children riding to school but not on their return where Schools close just after 3.00 pm? Why do we have no designated bike lanes between 3.00 pm and 4.00 pm when for the safety of school students, we need the bikeway the most?



COMMENTS: Councillor Hull

Nil

COMMENTS: Mathew Allen, Manager Engineering and Field Services

A response to this Question on Notice has been sought from Department of Planning, Transport and Infrastructure, a formal reply is pending and will be provided to Members once it is received.

It is the understanding of staff that the primary purpose of an on-road Bike Lane is to allocate a designated portion of the carriageway to cyclists during peak commuter traffic times, when conflict with vehicular traffic is at its greatest.

These times do not necessarily coincide with peak cycling from school times, which in the afternoon would be better accommodated by a 3pm to 4pm designation. An extension of the current bike lane operating period would potentially negatively impact businesses by extending the parking restrictions for a longer period.

**CITY OF MARION
GENERAL COUNCIL MEETING
10 October 2017**

Question Received from: Mayor Hanna

Subject: ANZAC Veterans Film Project

Reference No: GC101017Q02

QUESTIONS:

Please provide a "balance sheet" report for the Anzac Veteran's film project, showing all sources of funding and all expenditure, including specific allocations for the "director's cut" screened one time only at the Marion Cultural Centre.

COMMENTS: Mayor Hanna

Nil

COMMENTS: Marg Edgecombe, Unit Manager Community Cultural Development

Council approved \$37,675 at the General Council Meeting 24/05/16 (GC240516R16). This has been offset by a successful grant of \$25,000. The full grant amount has been used in the preparation of the documentary.

Further amounts were spent in the release and viewing of the film, including copyright protection (content from the Australian War Memorial), venue hire (internal cost but still a cost), catering, banners and displays, invitations, and copies of the DVD for the Veterans and associated stakeholders. Some extra scaffolding hire was also needed for the film making. These expenses were \$5,428.

Total expenditure of the project was \$43,103 offset by the \$25,000 grant, resulting in a total cost of \$18,103 to Council. This has resulted in a saving for Council of \$19,572 from the original resolution endorsed budget.

No additional expenditure for the director's cut was incurred. This was included in the original fees and done as a passion of interest by the film maker.

Summary

Film	\$37,675
Release/Copyright Protection/Venue Hire/Screening etc.	\$5,428
Director's Cut (pro bono)	\$0
Total project cost	\$43,103
Grant	-\$25,000
Total cost to Council	\$18,103

**CITY OF MARION
GENERAL COUNCIL MEETING
10 October 2017**

Notice Received from: Councillor Hull
Subject: Glenthorne Farm
Ref No: GC101017M01

That Council amends the resolution of 11 April 2017 relating to *Glenthorne Farm – Rescission Motion Report Reference: GC110417R05*

That Council:

Amends the resolution of 11 November 2016 that states Council:

- 1. Notes the report and endorses the community engagement strategy described in this report.**
- 2. Endorses an allocation of \$26,400 to undertake the community engagement strategy described in this report, noting this funding will be sourced from savings in the 2016/17 budget.**
- 3. Notes that material for the community engagement strategy will be commenced and the formal public campaign will start in early 2017.**

to the following new resolution:

That:

- 1. Council continues to work closely with key partners to maximise community benefits at Glenthorne Farm.**
- 2. A report be brought to Council in April 2018 reviewing the progress towards achieving the community's aspirations for Glenthorne Farm and recommending next steps.**
- 3. The Mayor and CEO take advantage of any further opportunities to further lobby for the opening of Glenthorne Farm for community use.**

To the following new MOTION:

That Council:

- 1. Again notes the report and endorses an expedited community engagement strategy described in the report as presented to Council 11 November 2016.**
- 2. Endorses an allocation of \$26,400 to undertake the community engagement strategy described in this report, noting this funding will be sourced from savings in the 2017/18 budget.**
- 3. Notes that material for the community engagement strategy will be commenced and the formal public campaign will start as soon as possible.**

COMMENTS: Councillor Hull

Whilst I note and welcome the Liberal Party policy statement and plan for Glenthorne Farm, there is no such statement or plan from the Labor Party. We really do not know with any detail what the hopes and aspirations are from the ALP for this land? There is no guarantee that the Liberal Party will be elected in March. In fact, my view the election result could be line ball. So why are we as a Council not proactive and advocating for Glenthorne Farm in the same way that we successfully advocated and campaigned for the Oaklands Crossing? Why start such a campaign in April 2018, after the State election?

COMMENTS: Craig Clarke, Unit Manager Communications

The City of Marion remains committed to its vision for Glenthorne Farm as being preserved for revegetation, open space, heritage interpretation and related public use.

In October 2016 the Liberal Party promised to preserve Glenthorne Farm as a site of open space should it win the March 2018 election. Meantime, Council has prepared a 2018 State Election Information Pack for candidates in the seat of Black, highlighting the importance of opening up Glenthorne Farm to the community.

Council at its meeting of 11 November 2016 allocated \$26,400 to a communications plan to obtain a commitment from the State Government and the University of Adelaide to preserving the site.

However, Council made a deliberate decision at its meeting of 11 April 2017 to continue lobbying to protect Glenthorne Farm but not to commit funding for a public campaign until after the election in light of the Liberal commitment. At the time, Council received confirmation that neither the State Government nor the University of Adelaide had active plans to develop Glenthorne Farm. Council is unaware if this position has changed.

Rather than commit funding for a full public campaign immediately, Council may wish to seek more information first from the State Government and the University of Adelaide before deciding how to proceed.

Council may wish to consider an alternative motion:

That Council:

- 1. Writes to the Planning Minister and the University of Adelaide seeking a public commitment to preserving Glenthorne Farm consistent with the City of Marion's vision.**
- 2. A report be brought to Council once Council receives a reply and advising of next steps, including whether to implement a campaign in the seats of Black, Elder and Badcoe to coincide with the 2018 State election.**

Appendix 1 - Correspondence from the Friends of Glenthorne Inc. dated 22 August 2017



22nd August, 2017

Dear Councillors of the City of Marion,

The Friends of Glenthorne wish to update you on the dire situation facing Glenthorne Farm, as we see it.

The University of Adelaide is not talking to the Friends about its latest plans but recently the Messenger newspaper (31 Jan 2017) reported under a Freedom of Information request, that the University is planning large scale urban development, including housing, shopping centre and business precinct. Clearly this is a huge development and the University has spent plenty developing it with professional architects. This is directly in violation to the terms of the Deed under which it now owns the property and is a repeat of the 2008 / 2009 attempts to break their promise and the original 2001 contract of sale. This is also contrary to the City of Marion's publicised hopes for the property. The current position of the City of Marion, of doing nothing until the March 2018 State election, puts the property in grave jeopardy. The repeated action of the University in promoting housing is a breach of the 2001 agreement and under that contract, is grounds for the State Government to take the property back, something it obviously doesn't want to do.

Despite denials, we believe these plans of the University are firmly on the table and that lengthy discussions and planning sessions have been held with the State Government. There may be other unnamed organisations who have also been at this table. A lot of what we are hearing is coming from the grapevine and none of the big stakeholders are talking to us, so although this information is unsubstantiated, much of it is consistent with the behaviour we are seeing from these people now and over many years.

The State Government is saying that at this stage, they are standing by terms of the Deed and current land uses as stated in it, but we know from discussions held in 2016 that they are desperate to make as much money from the property as they can. The State Government's environmental performance over a long period has been pitiful and the spending on this sector and its rangers, continually cut. They simply don't care what happens to our unique wildlife, local landscapes or the community in the south. Our research shows that the McLaren Vale Grape, Wine and Tourism Association recommended that Glenthorne Farm be included within the boundary to limit development projects in the region and be included in the Character and Preservation Act (McLaren Vale) State legislation. Despite this, as well as a letter on the same topic to MP John Rau from the Friends of Glenthorne dated 21st July 2011, as well as John Rau's comment in the Messenger (08/06/2011) that should the suggestion of including Glenthorne in the protection zone arise during consultation, he would consider its inclusion, the farm was excluded. The intent not to protect Glenthorne Farm under this legislation even back 6 years ago, is obvious and it appears that statements made publically do not always ring true.

The grapevine is telling us that the State Government has engaged QC legal advice on the strength of the 2001 Deed and that the Winemaker's Federation of Australia has recently agreed to have its name removed as a party to the 2001 Deed of Sale, therefore making it easier for the University and State Government (and possibly others) to put the Deed aside and to proceed to develop the property. Again, all of this aligns with their current behaviour of silence and we strongly believe that should Labor win the March 2018 election, that Glenthorne will effectively be lost. Its value as an environmental / community property will be reduced to minimal, token levels to deflect criticism and blame and the locals will not see the full benefit of any development that proceeds.

If none of this is to be believed, then I personally had a meeting with Reynell MP, Katrine Hildyard, on the 19th of June this year. In that hour-long meeting, I explained all the issues and history of the property to Katrine and left her with copies of our Glenthorne Farm Community Vision 2015 document and many other documents supporting the Friends' desire to stop urban development and promote Community activities. The Friends of Glenthorne simply asked Katrine to 1) advise the Friends of the State Government's position on Glenthorne Farm for the future and 2) whether Katrine would present our 'Save Glenthorne' petition to State Parliament later in 2017. Despite Katrine's apparent appreciation of our position, acknowledgement of our perseverance and her statement that she would get back to us in 2 weeks, it has been more than 9 weeks since that meeting and no information has been received. I have on numerous occasions phoned Katrine's office, only to be told that Katrine is in a meeting and that her office manager will call me back. He did call me back on Friday the 11th of August but only to advise that they are still chasing the Government for us but the Government isn't returning their calls. I now realise that Katrine had received a copy of Mayor, Kris Hanna's letter to John Rau back in December 2015, where Kris asks in a strongly worded 2 ½ page letter for a "formal update on the current and future management of Glenthorne Farm". Isn't it strange, that Katrine Hildyard hasn't been spoken to by the Government about all of this and they aren't returning her calls, when she was appointed, back in February 2015, to the position of Assistant Minister to the Premier, Jay Weatherall.

Therefore, we can only surmise that the University of Adelaide and the State Government have met and are waiting on the outcome of the March 2018 election before they announce their development plans. From this it can only be deduced that the State Government believes that these large-scale development plans would be unpalatable to the voting community now, in the lead up to the election and are therefore keeping their plans secret until an election win by Labor has been secured.

That leaves us with the City of Marion who have stopped their resolution to spend \$26,400 on a campaign to keep Glenthorne Farm as open space for the community. Why was the decision made to stop this action? The City of Marion, by holding back any action until after the election, is playing into the hands of the University and the State Government. We all know that the position of greatest strength in holding such a campaign, is greatest in the lead up to an election. This leads the Friends to believe that either the City of Marion is very naïve in its political strategies and has no idea of what is going on behind closed doors, or the City of Marion knows of these plans and are turning a blind eye to them, at Glenthorne's ultimate expense. What other explanation can the Friends derive from the City of Marion deserting the Friends of Glenthorne and the community and especially the Farm, in its hour of greatest need ?

Do we want Glenthorne Farm to become developed and cut up like Laffer's Triangle / Warriparinga and so many other places? Glenthorne Farm is your Franklin Dam and it is your Great Barrier Reef and you should be doing all you can to protect it, now, before it is too late. Will you up stand up as councillors and rescind your rescind motion and restart the City of Marion's 'Save Glenthorne' campaign, or will you allow the University and the State Government (and whoever else) to take what belongs to all of South Austraklia? \$26,400 is a miniscule amount when we look at what is at stake and given what the City of Marion is prepared to spend on sporting projects, dog parks and foreshore developments of much lower importance.

I read about the Council working with the State Government to put in an international BMX track in a recreation park and a soccer facility in the same local park, over already reconstructed native vegetation. So, we are losing already revegetated land from a local park to build sporting facilities at a huge cost, for a very small part of the local community. These structures do not cater for all the Marion ratepayers. Why therefore is the Council not standing up to keep Glenthorne Farm as one place where our endangered wildlife can be protected? When is enough, enough? You have the power and the responsibility to act, before the March 2018 State election, yet you sit on your hands and wait for someone else to do your work.

The Friends are not asking for 100% native revegetation. We very recently had meetings with Robert Pitt (CEO) and Michael Robertson (Head of Operations, Infrastructure and Environment) from the Adelaide Cemeteries Authority and Sarah Sutter, CEO of Nature Play, and they both are very interested in accessing large portions of the farm and are also keen to contribute to the overarching plan for the property. The ACA has experience in natural spaces which involve the public in activities other than just burials and are keen to be involved in something much bigger than just a burial site. They have access to funds to contribute to the future in big and varied ways. Nature Play have spoken about a large Nature Play area for children which would be a

drawcard for families from far and wide and be an attraction for the property. We are also interested in linking local cycle tracks to the farm, so that cyclists can ride from Darlington, over O'Halloran Hill, through the recreation park and into the attractions at Glenthorne and beyond. Local schools and universities are interested in being allowed more access for activities and we encourage education and research activities. In an area which has a low socio-economic demographic, keeping Glenthorne urban development free is essential for the health and well-being of our southern community.

Picture an urban development as allegedly proposed by the University of Adelaide (and possibly the State Government and others) and ask yourselves, "How much space will be allocated to recreation activities in an environmental setting for the Community?" Very little. Picture a National Park which does allow for much of what I have described and much, much more. Many of these activities were detailed in our Glenthorne Farm Community Vision 2015 document, which was given to each councillor back in 2015. The Friends are willing to compromise but we don't want any urban development and we don't trust the University of Adelaide and the current State Government has no vision. We implore the City of Marion councillors to represent the community who elected them and prevent this from happening by restarting their "Save Glenthorne" campaign.

Are you going to spend millions of ratepayer's money on sport alone or will you stand up for the whole Community, the Friends and the environment and restart your campaign, because without your action, much of this heavy lifting will have to be carried out by the Friends on what little resources we have available to us?

The Friends have spent 21 years fighting and we will not go down without one hell of a battle. Which of you will stand with us? Are the City of Marion councillors willing to allow this to happen and what must the Community think of your inaction? You can't save the Great Barrier Reef, but you can do what is right at Glenthorne Farm and put back some habitat for endangered wildlife as well as some wonderful community spaces and activities, many of them commercial. The Friends support both, so remember your responsibility to today's children and the children for generations to come and I sincerely hope that certain individuals in the CofM are not a party to the underhand planning of the University of Adelaide and others.

Please rescind your rescind motion and restart your "Save Glenthorne" campaign and stand with the Friends of Glenthorne and our many supporters in saving this important part of the south, when so much is being lost around us.

We already have over 200 signatures on our petition and have the support of Dr Barbara Hardy AM, with more prominent South Australians being asked to sign up to acknowledge their support of our cause. We implore you to stand with us and your Community in its time of need. We need your help now before Glenthorne is lost forever.

Yours sincerely,

Alan Burns
Secretary / Treasurer,
Friends of Glenthorne Inc.
22 Westall Way,
Sheidow Park, SA 5158.
Mob: 0411595910
Email: caburns1@bigpond.com



**CITY OF MARION
GENERAL COUNCIL MEETING
10 OCTOBER 2017**

Notice Received from: Councillor Telfer

Subject: Light Square, Marion - Landscape Upgrade

Ref No: GC101017M02

MOTION:

1. That Council develops a concept plan to rejuvenate the landscaping for Light Square, with the inclusion colourful plants, to create a guided walk and tourist destination point of arrival.
2. That a budget of \$20,000 for landscaping rejuvenation to Light Square be referred to the 2018/19 budget process (if the project is not fully funded through the State Government Fund My Neighbourhood program)

COMMENTS: Councillor Telfer

Light Square, birthplace of Marion, on the corner of Market and Nixon Streets, is the site where Light, Finniss & Co surveyed and laid out the street plans for the suburb in 1838, two years after the Proclamation of South Australia in 1836.

Special landscaping of Light Square is warranted to create Light Square as a more attractive point of destination. School groups and social groups, walking the Marion Historic Village, stop in Light Square to hear the history of this area, and read the interpretative material. Light Square needs to be the highlight of this guided walk, but needs rejuvenating by colourful plants. Landscaping of this unique Light Square for place-making requires more than sustainable, native, green plants which are watered occasionally in summer by a watering truck.

Recognising the need for colourful flowers in Light Square, the Marion Historic Village Project Group have supported this project, and a Fund Your Neighbourhood submission has been lodged. This colourful landscaping may be beneficial to other Council initiatives including but not limited to community gardening, verge treatment, urban activation for Finniss St shops, localised street-scaping, and place-making.

COMMENTS: Amy Liddicoat, Acting Unit Manager Open Space and Recreation

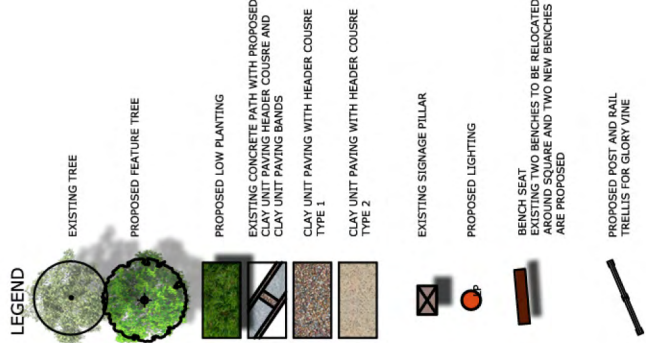
The Marion Historic Village Streetscape project commenced in 2010 with a streetscape plan and Light Square Concept Plan developed (Appendix 1). This resulted in the upgrade of Light Square and the footpath and tree planting in Market, Nixon, Seccafien and George (part) Streets in 2011.

The remaining elements of the original Marion Historic Village Streetscape project include the streetscape improvements to Finniss Street which is currently being undertaken as part of the 2017/18 streetscape program.

Progressing the Light Square landscaping works (additional improvements) component as per this motion would require a budget of approximately \$20,000. The landscape design could be undertaken within current resources including engagement with the Marion Historic Display Group and the landscape works could be undertaken by a contractor. If this motion is supported, the funding could be considered as part of the 2018/19 budget process. It should be noted that the landscape work being requested would require an increased level of operational maintenance costs due to the type of landscaping requested.

It is also noted that the additional landscaping of Light Square has been submitted through the 'Fund My Neighbourhood' program, in which successful projects are expected to be announced in mid-November 2017 for delivery of capital works by November 2018.

As the project has been submitted to the Fund My Neighbourhood program it is suggested that the project await the outcome of this program. If not successful, the landscape works to light square and associated maintenance costs could be referred to the 2018/19 budget process.



GENERAL NOTES
KERB ADJUSTMENTS AND EXACT TREE LOCATIONS SUBJECT TO DETAILED SURVEY
SEWER INVESTIGATION.
PARKING INDENTS SUBJECT TO UNDERGROUNDING TO POWERLINES.



**CITY OF MARION
GENERAL COUNCIL MEETING
10 OCTOBER 2017**

Notice Received from: Councillor Crossland
Subject: Footpath – Grand Central Ave, Hallett Cove
Ref No: GC101017M03

MOTION:

That Council allocate \$37,000 from the Asset Sustainability Reserve to install a footpath on the northern side of Grand Central Avenue, Hallett Cove between Grand Central/Heron Way Reserve and the rail bridge by January 2018.

COMMENTS: Councillor Crossland

The footpath is required to improve pedestrian safety between the train station and the reserve and to address community concerns and expectations.

COMMENTS: Mathew Allen, Manager Engineering and Field Services

An existing concrete footpath is located on the southern side of Grand Central Avenue, from the rail bridge to Heron Way.

Should Council resolve to allocate the funds provided from Council's Asset Sustainability Reserve (General Fund) to construct a new footpath on the northern side of Grand Central Avenue, arrangements can be made to undertake the works by January 2018 through the use of existing contractor arrangements.