

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 April 2018

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 dark ink, appearing to read "Adrian Skull", is written over a faint, circular official stamp.

Adrian Skull
CHIEF EXECUTIVE OFFICER

6 April 2018

**CITY OF MARION
GENERAL COUNCIL AGENDA
FOR MEETING TO BE HELD ON
TUESDAY 10 APRIL 2018
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 27 March 20185

6. VERBAL COMMUNICATIONS

7. ADJOURNED ITEMS

Nil

8. DEPUTATIONS

Red House Group Inc. (Gallery M) Agreement – Ms Julie Pritchard and Ms Innes Patrilli
Report Reference: GC100418D0125

9. PETITIONS

Nil

10. COMMITTEE RECOMMENDATIONS

Nil

11. CONFIDENTIAL ITEMS

Red House Group Inc. Management Agreement (Appendix 1)	
Report Reference: GC100418F01	26

12. CORPORATE REPORTS FOR DECISION

Red House Group Inc. Management Agreement	
Report Reference: GC100418R01	27
Community Event Fund (Draft Events Plan 2017-2020)	
Report Reference: GC100418R02	33
Indigenous and Disability Traineeships	
Report Reference: GC100418R03	38
Draft Annual Business Plan 2018/19 for public consultation	
Report Reference: GC100418R04	41
Woodend Primary School – Car Park	
Report Reference: GC100418R05	76
Marion Golf Club Redevelopment	
Report Reference: GC100418R06	83
Cove Sports and Community Club – Female Change Rooms	
Report Reference: GC100418R07	89
Glandore Oval Cricket Nets	
Report Reference: GC100418R08	93
Marion Sports and Community Club – Light Towers	
Report Reference: GC100418R09	100
Tennis and Netball Review Update – Marion Tennis Club Lighting	
Report Reference: GC100418R10	105
Update to the Schedule of Delegations	
Report Reference: GC100418R11	107
Westminster School – Liquor Licence	
Report Reference: GC100418R12	221
Glenthorne Farm	
Report Reference: GC100418R13	238

13. CORPORATE REPORTS FOR INFORMATION / NOTING

Tree Management Framework Review – Project Update	
Report Reference: GC100418R14	247
City of Marion Volunteer Program	
Report Reference: GC100418R15	248

14. WORKSHOP / PRESENTATION ITEMS

Nil

MATTERS RAISED BY MEMBERS

15. Motions with Notice

Questions without Notice Report Reference: GC100418M01	250
Matter left lying on the Table – State Wide Industrial Relations Agreements Report Reference: GC100418M02	252

16. Questions with Notice

Enterprise Bargaining Negotiations with Outdoor Staff Report Reference: GC100418Q01	257
--	-----

17. Motions without Notice

18. Questions without Notice

19. OTHER BUSINESS

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 27 MARCH 2018**



PRESENT

Deputy Mayor Janet Byram

Councillors

Coastal Ward

Ian Crossland

Mullawirra Ward

Jason Veliskou
Jerome Appleby

Southern Hills

Warracowie Ward

Bruce Hull
Nathan Prior

Warriparinga Ward

Raelene Telfer

Woodlands Ward

Nick Kerry

In Attendance

Mr Adrian Skull
Ms Abby Dickson
Mr Tony Lines
Mr Vincent Mifsud
Ms Kate McKenzie
Ms Victoria Moritz

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

COMMENCEMENT

The meeting commenced at 6.31pm

KAURNA ACKNOWLEDGEMENT

Councillor Byram sought and was granted leave of the meeting to alter the Kurna Acknowledgement tonight.

Moved Councillor Veliskou, Seconded Councillor Telfer that the Kurna Acknowledgement be amended by Councillor Byram for this meeting as follows:

I would also like to acknowledge that last week the Federal Court approved an agreement between the Kurna people and the State Government, granting Kurna people land rights.

Kaurna people are now recognised as the traditional owners of the Adelaide metropolitan area.

While this does not impact on the City of Marion, I would like to recognise this important decision.

Carried

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 interests were declared

CONFIRMATION OF MINUTES

Moved Councillor Telfer, Seconded Councillor Crossland the minutes of the General Council Meeting held on 13 March 2018 be taken as read and confirmed

Carried

COMMUNICATIONS

Report on Deputy Mayor Activities for February and March 2018:

Date	Event	Comment
22 February 2018	Coast FM Radio Segment	Guest speaker
22 February 2018	BMX discussion with the Greens Party candidate for Black – Dami Barnes	Attended
22 February 2018	BMX discussion with the Dignity Party candidate for Black -- Rick Neagle & Anastasia Svetlichny	Attended
22 February 2018	Pauline Gover, Chair of Governing Council /Seaview Downs Primary School	Attended
24 February 2018	Inaugural Dinner Nokutenda Disability Foundation	Attended with daughter
26 February 2018	Marion Mall Walkers 17 th Birthday Breakfast	Attended
27 February 2018	Baptist Care SA, CEO Welcome Reception	Attended
28 February 2018	Meeting committee for women's shelter fundraiser lunch organisation	Attended
28 February 2018	SA WMPF Trust Inc Fundraising committee meeting	Attended
1 March 2018	Onsite meeting with residents, Gully Road Reserve	Attended
1 March 2018	Meeting with SAEDB for assistance with BMX Project	Attended
2 March 2018	2018 Adelaide 500 South Australia	Attended with Councillor Nathan Prior

2 March 2018	World Day of Prayer Ecumenical Service	Guest speaker
7 March 2018	Community Leadership Program Launch	Guest speaker
8 March 2018	Coastal & Southern Hills Ward Briefing	Attended
8 March 2018	Vietnam Veterans Federation of South Australia meeting	Attended
13 March 2018	Warracowie Ward Briefing	Attended
14 March 2018	Metropolitan Local Government Group meeting	Attended
14 March 2018	SA WMPF Trust Inc Fundraising committee meeting	Attended
15 March 2018	SAGE Automation Tour at Tonsley	Attended
15 March 2018	RSL Care meeting	Attended
16 March 2018	Mingle, MCC	Attended
18 March 2018	Rotary Club of Edwardstown 60 years of Service Celebration	Attended
19 March 2018	Woodend Primary School onsite traffic meeting	Attended
19 March 2018	Marion in Harmony exhibition launch	Guest speaker
19 March 2018	Mayors Multicultural Forum	Hosted
20 March 2018	RSPCA meeting	Attended
21 March 2018	Oaklands Crossing Grade Separation Project – Community Drop-in information session	Attended
22 March 2018	Coast FM Radio Segment	Guest speaker
22 March 2018	Close the Gap Marion 2018	Attended
In addition, the Deputy Mayor has met with residents, MP's and also with the CEO and Council staff regarding various issues.		

**Report on Elected Member Activities for February and March 2018:
 Councillor Telfer**

Date	Events Attended	Active Participation
6 March 2018	Special Urban Planning	Chaired Committee Meeting
7 March 2018	Light Square Upgrade	Attended irrigation and flower planting discussion
8 March 2018	Sturt Landcare	Trees for Life training
9 March 2018	Marion View	International Women's Day Luncheon
14 March 2018	Mitchell Park Sports and Community	Attended
14 March 2018	Seaview High Governing Council	Reported on tennis needs and apology
15 March 2018	SAGE Automation	Tonsley Innovation Tour

19 March 2018	Marion in Harmony	Met multicultural subjects of portraits
19 March 2018	Cosgrove Hall	Attended
20 March 2018	Warriparinga Ward	Briefed on facilities projects
21 March 2018	Hamilton Governing Council	Liaison Representative
24 March 2018	Muslim Women's Swimming Program	Certificate Presentation

Report on CEO and General Manager Activities for February and March 2018:

Date	Activity	Attended by
28 February 2018	Steve Nolis – Executive Director, LGA	Adrian Skull
28 February 2018	Wayne Gibbings, Roger Rasheed re Rajah House	Adrian Skull
1 March 2018	Tonsley Project Steering Committee meeting	Adrian Skull Abby Dickson
1 March 2018	Asset Management meeting with Pitney Bowes	Abby Dickson
2 March	Adam Luscombe - SAALC	Adrian Skull
5 March 2018	LKCC Steering Committee	Tony Lines
7 March	Local Government Roundable with Flinders University	Adrian Skull
7 March 2018	Finrisk Pty Ltd	Vincent Mifsud
9 March 2018	Marino Residents Association meeting	Tony Lines
9 March 2018	Oaklands Park and Housing Australia	Tony Lines
14 March 2018	Metropolitan Local Government Group	Vincent Mifsud
14 March 2018	KPMG meeting	Adrian Skull Vincent Mifsud
15 March 2018	Local Government (LG) Challenge Day	Abby Dickson
15 March 2018	SAGE Automation Tour of Tonsley	Tony Lines Abby Dickson
15 March 2018	SZEMC meeting	Tony Lines
16 March 2018	Oaklands briefing by PTP Alliance	Abby Dickson
16 March 2018	City of Charles Sturt - Collaboration	Vincent Mifsud
19 March 2018	Oaklands site walk with PTP Alliance and Ward Councillors	Abby Dickson
19 March 2018	DPTI (asset management handover)	Tony Lines
21 March 2018	Oaklands Park Housing with Junction Australia	Adrian Skull
21 March 2018	KPMG Workshop on NDIS	Adrian Skull Tony Lines Vincent Mifsud

Moved Councillor Veliskou, Seconded Councillor Prior that the Communication Reports be received.

Carried Unanimously

ADJOURNED ITEMS

Nil

DEPUTATIONS

Nil

PETITIONS

6.35pm Petition – Oppose Dog Park at Cadell Street Report Reference: GC270318P01

Moved Councillor Veliskou, Seconded Councillor Appleby that Council:

1. Notes the petition and comments provided by Administration.
2. Requests the head petitioner be advised that Council has noted the petition.
3. Receives a further report with community and stakeholder engagement outcomes from the shortlisted sites engagement process.

Carried Unanimously

Order of Agenda Items

Councillor Veliskou sought and was granted leave of the meeting to vary the order of the agenda and consider the Motion with Notice *Removal of Cadell St Reserve from the dog park investigations* next in the meeting.

Motions with Notice

6.37pm Removal of Cadell St Reserve from the dog park investigations Report Reference: GC270318M01

Moved Councillor Byram, Seconded Councillor Veliskou that Council:

1. Remove Cadell St Reserve from consideration as a location for a dog Park.

Carried Unanimously

COMMITTEE RECOMMENDATIONS

6.43pm Confirmation of Minutes of the Urban Planning Committee meeting held on 06 March 2018

Report Reference: GC270318R01

Moved Councillor Telfer, Seconded Councillor Hull that Council:

1. Receives and notes the minutes of the Urban Planning Committee meeting held on 06 March 2018 (Appendix 1).

Carried Unanimously

6.45pm Infrastructure and Strategy Committee - Confirmation of Minutes of Meeting held on 6 March 2018

Report Reference: GC270318R02

Moved Councillor Hull, Seconded Councillor Prior that Council:

1. Receives and notes the minutes of the Infrastructure and Strategy Committee meeting of 6 March 2018 (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

CONFIDENTIAL ITEMS

6.47pm Infrastructure and Strategy Committee Confidential Minutes

Reference No: GC270318F01

Moved Councillor Veliskou, Seconded Councillor Telfer that:

1. Pursuant to Section 90(2) and (3) (d) of the *Local Government Act 1999*, the Council orders that all persons present, with the exception of the following persons: Adrian Skull, Chief Executive Officer; Vincent Mifsud, General Manager Corporate Services; Abby Dickson, General Manager City Development; Tony Lines General Manager Operations; Kate McKenzie, Manager Corporate Governance; Victoria Moritz, Governance Officer be excluded from the meeting as the Council receives and considers the confidential minutes of the Infrastructure and Strategy Committee, 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 information.

Carried Unanimously

6.48pm the meeting went into confidence

Moved Councillor Veliskou, Seconded Councillor Hull that:

1. Receives and notes the confidential minutes of the Infrastructure and Strategy committee meeting of 6 March 2018 (Appendix 1)
2. In accordance with Section 91(7) and (9) of the Local Government Act 1999 orders that this report and Appendix having been considered in confidence under Section 90(2) and (3) (d) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2018.

Carried Unanimously

6.52pm the meeting came out of confidence

CORPORATE REPORTS FOR DECISION

6.52pm New Dog Park - Project Update Report Reference: GC270318R03

Moved Councillor Hull, Seconded Councillor Prior that Council

1. Notes the update on the new dog park project.
2. Notes the previous resolution of council to remove Cadell Street from the new dog park project.
3. Receives a further report with community engagement outcomes, draft concept plan/s and a recommendation for a preferred site including Crown Street Reserve.

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

That Council (as varied):

1. Notes the update on the new dog park project.
2. Notes the previous resolution of council (GC270318M01) to remove Cadell Street from the new dog park project.
3. Receives a further report with community engagement outcomes, in regards to the current reserves being investigated for a potential dog park.
4. Receives a further report which explores other potential reserves that could be considered for a dog park, including Crown Street Reserve.

Carried

7.09pm Cove Sports and Community Club - Light Towers
Report Reference: GC270318R04

Moved Councillor Crossland, Seconded Councillor Byram that Council:

1. Supports an application to the Office for Recreation and Sport for \$56,000 towards the upgrade of four lights on the football oval at the Hallett Cove Sports and Community Club.
2. Endorses an allocation of up to \$45,000 towards the lighting project from Council's Asset Sustainability Reserve – Community Facilities Partnering Program on the provision of a successful application to the Office for Recreation and Sport.
3. Notes a contribution of \$7,500 to the project from the Cove Cobras Football Club towards the lighting project.
4. Endorses an increase of \$2,240 per annum for operating and maintenance and an allocation of \$1,085 per annum for renewal/depreciation within the Long Term Financial Plan.
5. Grants Landlord Consent for the upgrade of four lighting towers located on the main oval of the Hallett Cove Sports and Community Club subject to a successful grant application and Development Approval and Building Rules Consent.
6. Delegates to the Manager City Property approval to authorise any relevant documents necessary to facilitate the installation of the lights.
7. Advises the Cove Sports and Community Club that they will be responsible for any project related cost overruns.

Amendment:

Moved Councillor Hull, Seconded Councillor Prior that Council:

1. Supports an application to the Office for Recreation and Sport for \$70,000 towards the upgrade of four lights to LED lighting fixtures on the football oval at the Hallett Cove Sports and Community Club.
2. Endorses an allocation of up to \$70,000 towards the lighting project from Council's Asset Sustainability Reserve – Community Facilities Partnering Program on the provision of a successful application to the Office for Recreation and Sport.
3. Notes a contribution of \$7,500 to the project from the Cove Cobras Football Club towards the lighting project.
4. Endorses an increase of \$2,240 per annum for operating and maintenance and an allocation of \$1,085 per annum for renewal/depreciation within the Long Term Financial Plan.
5. Grants Landlord Consent for the upgrade of four lighting towers located on the main oval of the Hallett Cove Sports and Community Club subject to a successful grant application and Development Approval and Building Rules Consent.
6. Delegates to the Manager City Property approval to authorise any relevant documents necessary to facilitate the installation of the lights.

7. Advises the Cove Sports and Community Club that they will be responsible for any project related cost overruns.

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

The motion was **Carried**

7.29pm Warradale Park Tennis Club Development Report Reference: GC270318R05

Moved Councillor Prior, Seconded Councillor Hull that Council:

1. Notes that no additional external funding has been received for the upgrade of the Warradale Park Tennis Clubroom.
2. Endorses the reallocation of \$125,000 of Community Facilities Partnership Program Funding previously endorsed at the 11 April 2017 Council meeting from the Warradale Park Tennis clubroom project to the court redevelopment project.
3. Endorses an increase of \$26,226 per annum for operating and maintenance and an allocation of \$3,282 per annum for renewal/depreciation for the courts, lighting and fencing within the Long Term Financial Plan.
4. Grants Landlord Consent for the upgrade of lighting, court resurfacing and fencing works subject to Development Approval and Building Rules Consent.
5. Advises that the Warradale Park Tennis Club will be responsible for any project related cost overruns.
6. Endorses an additional allocation of up to \$125,000 from Council's Asset Sustainability Reserve – Community Facilities Partnering Program to be allocated to the Warradale Park Tennis Clubroom refurbishment subject to additional external funding being secured to enable the project to proceed.

7.29pm Councillor Kerry left the meeting

7.32pm Councillor Kerry re-entered the meeting

Carried Unanimously

7.36pm Morphettsville Park Oval Expansion Report Reference: GC270318R06

Moved Councillor Veliskou, Seconded Councillor Crossland that Council:

1. Notes the project scope of the Morphettsville Park Sport and Community Club Redevelopment will include investigations to expand the oval in addition to traffic management and pedestrian circulation improvements. This will require a review of current and future parking requirements and traffic management imposed by the proposed clubroom redevelopment.

2. Endorses the allocation of an additional \$15k from the Asset Sustainability Reserve- Community Facilities Partnership Program for engineering and architectural design services to investigate the increased scope to expand the oval to including traffic, car parking and pedestrian movement investigations.
3. Notes community consultation on the project will be conducted once 30% detailed design investigations have been complete, which will provide a more defined project scope that considers a site wide approach.

Carried Unanimously

7.37pm Marion Bowls Club – Kitchen Upgrade
Report Reference: GC270318R07

Moved Councillor Telfer, Seconded Councillor Crossland that Council:

1. Supports an application to the Office for Recreation and Sport for \$45,000 towards the refurbishment of kitchen facilities located within the Marion Bowls Club.
2. Endorses an allocation of up to \$45,000 towards the kitchen upgrade being made from Council's Asset Sustainability Reserve – Community Facilities Partnering Program on provision of a successful application to the Office for Recreation and Sport.
3. Notes a contribution of \$5,000 to the project from the Marion Bowls Club towards the project.
4. Grants Landlord consent for the upgrade of kitchen facilities within the Marion Bowls Club, subject to a successful funding application and to Development Approval and Building Rules Consent.
5. Advises the Marion Bowls Club will be responsible for any project related cost overruns.

Carried Unanimously

7.43pm Councillor Prior left the meeting

7.43pm Hallett Cove Heights Playground Investigation
Report Reference: GC270318R08

Moved Councillor Byram, Seconded Councillor Crossland that Council:

1. Endorses the renewal of the Cove Sports and Community Club neighbourhood playground in the next 4 to 8 years to improve accessibility for all local residents.
2. Considers the allocation of funds of up to \$190,500 for the development of two new local level playgrounds at Skipper Close Reserve in 2019-20 and Brooklyn Street Reserve in 2020-21 for inclusion in the Playground Works Program.
3. Notes the incorporation of operations and maintenance cost of \$13,336 per annum and depreciation of \$7,620 per annum into Council's Long Term Financial Plan

4. Notes a draft Playground Works Program for 2018-19 through to 2020-21, which includes whole of life funding requirements across the Long Term Financial Plan, for additional playgrounds will be presented to Council on 27 March 2018 for consideration.

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

That (as varied):

1. Endorses the renewal of the Cove Sports and Community Club playground in the next 4 to 8 years to improve accessibility for all local residents.
2. Considers the allocation of funds of up to \$190,500 for the development of two new local level playgrounds at Skipper Close Reserve in 2019-20 and Brooklyn Drive Reserve in 2020-21 for inclusion in the Playground Works Program.
3. Notes the incorporation of operations and maintenance cost of \$13,336 per annum and depreciation of \$7,620 per annum into Council's Long Term Financial Plan
4. Notes a draft Playground Works Program for 2018-19 through to 2020-21, which includes whole of life funding requirements across the Long Term Financial Plan, for additional playgrounds will be presented to Council on 27 March 2018 for consideration.

7.45pm Councillor Prior re-entered the meeting

7.49pm Councillor Veliskou left the meeting

7.51pm Councillor Veliskou re-entered the meeting

Carried

**7.55pm Playground Works Program
 Report Reference: GC270318R09**

Moved Councillor Telfer, Seconded Councillor Veliskou that Council:

1. Endorses the renewal and design of playgrounds for 2018/2019 as set out in Appendix 1.
2. Endorses a three-year works program 2019/2020 – 2021/2022 for playground renewal and construction as set out in Appendix 1.
3. Endorses the allocation of an additional \$95,250 in 2019 /2020 for development of a playground at Skipper Close Reserve and notes the incorporation of operations and maintenance cost of \$6,668 per annum and depreciation of \$3,810 per annum into Council's Long Term Financial Plan.
4. Endorses the allocation of an additional \$95,250 in 2020 /2021 for development of a playground at Brooklyn Drive Reserve and notes the incorporation of operations and maintenance cost of \$6,668 per annum and depreciation of \$3,810 per annum into Council's Long Term Financial Plan.

5. Endorses the allocation of an additional \$140,250 in 2019 /2020 to increase the hierarchy of Alpine Drive Reserve from local to neighbourhood and notes the increase of operations and maintenance cost of \$9,818 per annum and depreciation of \$5,610 per annum into Council's Long Term Financial Plan.
6. Endorses the allocation of operations and maintenance cost of \$16,485 per annum and depreciation of \$9,420 per annum into Council's Long Term Financial Plan for the upgrade of a playground in the Capella / Nannygai precinct.
7. Notes that a review of the open space at McConnell Reserve may require additional funding and this will be brought to Council at a later date if required.

7.57pm Councillor Appleby left the meeting

8.01pm Councillor Appleby re-entered the meeting

Carried Unanimously

**8.04pm Consideration of New Initiatives for the Draft 2018/19 Annual Business Plan and Budget
Report Reference: GC270318R10**

Moved Councillor Telfer, Seconded Councillor Hull that Council:

Meeting Suspension

Moved Councillor Crossland, Seconded Councillor Prior that formal meeting procedures be suspended to allow discussions on this item

8.11pm formal meeting procedures suspended

8.37pm Councillor Telfer left the meeting

8.40pm Councillor Telfer re-entered the meeting

9.13pm Councillor Kerry left the meeting

9.16pm Councillor Kerry re-entered the meeting

9.19pm formal meeting procedures resumed

Conflict of Interest

Councillor Hull declared an actual conflict of interest in the item: *Consideration of New Initiatives for the Draft 2018/19 Annual Business Plan and Budget* as his daughter attends Seacombe Heights School and will remain in the meeting for the item.

1. Notes the process and outcomes to date relating to the preparation of the Draft 2018/19 Annual Business Plan (Appendix 1).
2. Notes the Draft 2018/19 budget position, with the inclusion of the new initiatives which have corresponding Council resolutions.
3. Considers the new initiatives provided in Appendix 2 for inclusion in the Draft 2018/19 Annual Business Plan.

4. Recommends the following further initiatives are included in the Draft 2018/19 Annual Business Plan, to be presented to the General Council meeting on 10 April 2018:
 - Marion Cultural Centre external hire enhancement project
 - Replacement of the Asset Management ICT System
 - Design for erosion control at River Parade Hallett Cove
 - City of Marion Fringe Hub at the Marion Cultural Centre
 - Indigenous and Disability Traineeships
 - Valuing Marion's Nature (replacement for the Discovery Circle Program)
 - Project Management System
 - Young St/Lander Rd Upgrade
 - MCC Plaza Activation (review of the plaza design to achieve cost effective solution)
 - Coastal Walkway Reinstatement
 - Tennis Facilities at Seacombe Heights
 - Enterprise Data Warehouse/BI Reporting Solution
5. Revises the staging of the LED lighting project to complete the project in 2018/19 and fund stage 2 and 3 (\$2.066m) from funding available in Council's Asset Sustainability Reserve.

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

That (as varied):

1. Notes the process and outcomes to date relating to the preparation of the Draft 2018/19 Annual Business Plan (Appendix 1).
2. Notes the Draft 2018/19 budget position, with the inclusion of the new initiatives which have corresponding Council resolutions excluding the weed steamer.
3. Considers the new initiatives provided in Appendix 2 for inclusion in the Draft 2018/19 Annual Business Plan.
4. Recommends the following further initiatives are included in the Draft 2018/19 Annual Business Plan, to be presented to the General Council meeting on 10 April 2018:
 - Marion Cultural Centre external hire enhancement project
 - Replacement of the Asset Management ICT System
 - Design for erosion control at River Parade Hallett Cove
 - City of Marion Fringe Hub at the Marion Cultural Centre
 - Valuing Marion's Nature (replacement for the Discovery Circle Program)
 - Project Management System
 - Enterprise Data Warehouse/BI Reporting Solution
5. Revises the staging of the LED lighting project to complete the project in 2018/19 and fund stage 2 and 3 (\$2.066m) from funding available in Council's Asset Sustainability Reserve.

Carried
Councillor Hull voted in favour of the motion

9.21pm Moved Councillor Veliskou, Seconded Councillor Crossland that the following items be moved en bloc:

- Code of Conduct – Procedure for Investigating Complaints
- Complaints and Grievance Policy
- Caretaker Policy
- Whistleblowers Policy

Meeting Extension

Moved Councillor Veliskou, Seconded Councillor Telfer that the meeting be extended until 9.45pm to enable the remaining items to be considered

Carried

9.29pm meeting extended

Carried Unanimously

9.21pm Code of Conduct – Procedure for Investigating Complaints Report Reference: GC270318R11

Moved Councillor Veliskou, Seconded Councillor Crossland that Council:

1. Adopts the Code of Conduct – Procedure for Investigating Complaints as attached in Appendix 1 to this report.

Carried Unanimously

9.21pm Complaints and Grievance Policy Report Reference: GC270318R12

Moved Councillor Veliskou, Seconded Councillor Crossland that Council:

1. Adopts the revised Complaints and Grievance Policy attached in Appendix 1 to this report.

Carried Unanimously

9.21pm Caretaker Policy Report Reference: GC270318R13

Moved Councillor Veliskou, Seconded Councillor Crossland that Council:

1. Adopts the Caretaker Policy attached in Appendix 1 to this report.

Carried Unanimously

9.21pm Whistleblowers Policy
Report Reference: GC270318R14

Moved Councillor Veliskou, Seconded Councillor Crossland that Council:

1. Adopts the Whistleblowers Policy attached in Appendix 1 to this report.

Carried Unanimously

CORPORATE REPORTS FOR INFORMATION / NOTING

Moved Councillor Veliskou Seconded Councillor Telfer that the following items be moved en bloc:

- Tonsley Greenway- Progress Report
- Service Review – Report – Customer Service
- Finance Report – February 2018
- WHS Monthly Performance Report – February 2018

Carried

9.32pm Tonsley Greenway- Progress Report
Report Reference: GC270318R15

Moved Councillor Veliskou, Seconded Councillor Telfer that Council:

1. Notes the progress report and that the Tonsley Greenway alternative route will be incorporated in the Walking and Cycling guidelines 2018-2022 which will be presented to Council in May 2018.

Carried

9.32pm Service Review – Report – Customer Service
Report Reference: GC270318R16

Moved Councillor Veliskou, Seconded Councillor Telfer that Council:

1. Notes this report

Carried

9.32pm Finance Report – February 2018
Report Reference: GC270318R17

Moved Councillor Veliskou, Seconded Councillor Telfer that Council:

1. Receives the report “Finance Report – February 2018”

Carried

9.32pm WHS Monthly Performance Report – February 2018
Report Reference: GC270318R18

Moved Councillor Veliskou, Seconded Councillor Telfer that Council:

1. Notes the report and statistical data contained therein

Carried

WORKSHOP / PRESENTATION ITEMS

Nil

MATTERS RAISED BY MEMBERS

Questions with Notice

Power Failure, Administration Centre
Report Reference: GC270318Q01

QUESTION:

“Given the significant expense of \$84,434 of purchasing and installing the massive diesel back up generator (as pictured) last year - located in the Administration Centre car park, why did our community and staff experience the crippling mission critical power outage on 23/2/18 in our Administration Centre?”

“Can we get a refund on the generator and provide an innovative, cleaner and secure energy future for our Administration Centre with battery technology with additional solar capture from carport structures in the Administration Centre similar to that of the Westfield Marion car park and our electric car charging station project at Tonsley?”

COMMENTS: Councillor Hull

Can the email from Ms McKenzie 23/2/18 , the answer to my question by Mr Mifsud in August 2017 and generator photo be attached to this question please?

COMMENTS: Vincent Mifsud, General Manager Corporate Services

The City of Marion's Business Continuity Plan and Community Emergency Management Plan (in draft) reflects that Council has invested in a diesel run generator which ensures protection of Councils critical systems and data for a period of time during power outages.

The generator was specifically designed with the primary purpose of keeping the Computer Room operational in the event of power failures increasingly experienced over recent years. This requires clean power and air-conditioning to remain operational to protect our critical Data assets.

The Generator and UPS (Uninterrupted Power Supply batteries) performed flawlessly for this task, supplying the Administration Datacentre and associated air-conditioning as planned.

In addition this enabled the wireless network (Wi-Fi) and battery based devices (Tablets, Smart phones and Laptops) to continue to be used throughout the building and allow external communications through these devices.

It was noted that external phone calls were unexpectedly interrupted and the cause of this is currently being investigated, with involvement from our telephony vendors Optus and Telstra to help identify and rectify the issue.

Prior to a decision to procure a generator a high level initial assessment was conducted, including consideration of desirable environmentally friendly technological solutions. This found:-

- The solar panels currently installed on the Administration Centre are significantly inadequate to provide a solar/battery option.
- There is insufficient usable roof space available to incorporate a solar/battery option on the Administration Centre – the majority of our roofs are actually curved and some are not load bearing.
- The roof orientation of the Administration Centre (south) does not support a large capacity of solar panels being installed.
- A solar/battery solution is, unfortunately, not a solution for maintaining reliable back-up power for the Administration Centre.

As a result of the lack of available space, structural limitations and poor orientation of the roof a solar/battery option was not pursued.

Seacliff Park dust emission containment **Report Reference: GC270318Q02**

QUESTION:

Could management please advise if the pre-development preparatory works completed in recent months by the developers of the Seacliff Park site are in keeping with the requirements or guidelines of the Environmental Protection Authority (EPA), particular in respect of dust emissions and containment of contaminated elements below soil surface.

Is there coordination and consultation between the City of Holdfast Bay, the EPA and our own management in respect of the necessary standards that must be met in these and future works.

COMMENTS: Councillor Tim Gard

Aside from the matters of site security and presentation that are currently being attended by management, the issues of dust and containment of any contamination remain ongoing until the development is satisfactorily completed. This may be some ten years or more in timeframe.

Whilst as local Councillor I have had almost no complaints from surrounding residents, I'm aware that the site is not undergoing any mitigation initiatives to contain dust, other than when earth-moving is occurring. There is doubt that natural grasses will regenerate in the short term, given the amount of earth that has been removed.

The EPA is aware of the dust monitoring systems at the nearby Boral operated mine and these alone may reveal some changes in dust patterns with the copious earthmoving and site clearing that has taken place during the recent summer, versus readings of the previous summers.

The process of clearing has also seen a 'scab taken off a large sore' as it were, as the concrete layer in the vicinity of Scholefield Road has been broken up and removed. I understand that this is one of the worst areas of contamination, being one of the lowest sections of the topography. This is chiefly on the CoHB side of the boundary, however residents from both sides of the boundary stand to be affected by any incidence of contamination.

COMMENTS: Jason Cattonar, Manager Development and Regulatory Services

Since 1 January 2018, Council has recorded one (1) complaint in the Customer Event System alleging dust emissions are being caused by preparatory/demolition works on the site. The land was monitored (site inspections) during the month of January, however there were no recorded breaches of the Local Nuisance and Litter Act 1993 or the Environment Protection Act 1993 in relation to dust or other environmental nuisance.

Management are, and continue to liaise with the relevant City of Holdfast staff to ensure there is a coordinated approach to any future issues that arise in relation to the site.

**Monitoring for residual refuse contamination
Report Reference: GC270318Q03****QUESTION:**

Is the City of Marion monitoring for any emissions or residual contamination emanating from a former rubbish dump in the vicinity of the north-eastern sector of the Marino Conservation Park, and if so could a report be provided to Council on current findings?

If not, could management arrange to investigate the current status and report to Council accordingly?

COMMENTS: Councillor Tim Gard

A resident living adjacent (left hand side) to the main entrance of the Park has verbally reported about her family's concerns for some time over apparent gas emissions in the area, suspecting it to be caused by the remnants of the dump.

COMMENTS: Jason Cattonar, Manager Development and Regulatory Services/Sharon Perin, Unit Manager Community Health and Safety

The City of Marion commissioned a private environmental consultant to undertake a monitoring program of the former rubbish dump at the Marino Conservation Park during 2015, which involved undertaking assessments of landfill gases on four occasions to cover each season of the year and taking landfill gas measurements at differing atmospheric pressures.

The environmental consultant advised in 2016 after the completion of the monitoring program that the former rubbish dump at the Marino Conservation Park was in the “very low risk” category for methane and carbon dioxide, indicating landfill gases were not being generated at unacceptable levels. In addition, borehole flow measures were negligible indicating negligible gas generation. In light of this, the environmental consultant recommended that gas monitoring be ceased at the site.

Rate Reductions

Report Reference: GC270318Q04

QUESTION:

Does the City of Marion have major rate reductions for any classification of resident and could this not be considered on a means/situation test basis?

Would it be possible to create a revenue neutral system of subsidy for such residents where the bulk of ratepayers foot the additional bill for very little extra per household.

COMMENTS: Councillor Tim Gard

Recently I had contact from an aged resident asking if one is eligible for rates relief after 50 years as a ratepayer.

Very few people come to live in a municipality for this period of time, and if they do, their period of time as a future ratepayer is generally very limited.

There’s both a moral issue and practical ones to support such an initiative, the moral one being that such longtime residents have been the ones to foot the bill of much of that which we all enjoy in our City today. This is the same generational argument to which we often allude, but considered from another perspective.

Very long term residency and other circumstances of disadvantage or service, such as extended years as a volunteer for the City, are surely deserving of special consideration or recognition.

There’s also another upside for such benevolence, as it could be regarded as a means of holding that resident in the City of Marion where, although he or she may be paying little or no rates, the individual would nonetheless be a consumer of other goods and services from those who pay commercial rates.

The housing market is such that the older residents increasingly come under rates stress, especially if they live in a suburb that is experiencing high growth rates compared with others. There is often no way out but to sell and move, however this so often presents huge social implications. At best such residents are more likely than not to be under considerable financial pressures.

COMMENTS: Ray Barnwell, Manager Finance & Contracts

The City of Marion does not have rate reductions for any classification of resident, nor is there a specific provision for this available in the Local Government Act 1999.

A number of provisions are available within Council's Rating Policy to support qualifying pensioners and self-funded retirees:

1. Postponement of Rates (Seniors) - Section 182A of The Act provides an option for seniors to postpone a portion of their rates above \$500 each year. This is offered to those who hold, or are eligible to hold a State Seniors Card and own at least 50% equity in their principle place of residence.
2. Postponement of Rates (Hardship) - Section 182 of The Act permits the Council, on the application of the ratepayer, to partially or wholly remit rates or to postpone rates, on the basis of hardship.
3. Rate Capping - Council provides relief against a substantial increase in rates payable on residential land due to large increases in capital value by applying a rebate (capping) of general rates to eligible ratepayers. For the current financial year, the rate cap is set at 12% with a \$20 minimum and a \$200 maximum (excluding new or improved properties) for ratepayers who meet the Qualifying Criteria.

In addition the \$200 Cost of Living Concession is available to eligible pensioners who have been means assessed by DCSI and is also available to a broader range of residents.

Council could consider a discretionary rebate, however would need to do so in the context of balancing the benefits of providing such a rebate with the impact it would have on cost shifting to other ratepayers. This includes considering the fairness and equity to residential ratepayers, in particular those on fixed income pensions.

It is worth noting that during the 2015/16 Annual Business Planning process, a proposal to introduce a rates concession for ratepayers who have lived in the City of Marion for over 50 years was submitted by a local resident. This proposal was not supported by Elected Members.

Motions without Notice

Nil

Questions without Notice

Questions were asked and either answered or taken on notice during this period.

MEETING CLOSURE - Meeting Declared Closed at 9.38pm

CONFIRMED THIS 10 APRIL 2018

.....
CHAIRPERSON

**CITY OF MARION
GENERAL COUNCIL MEETING
10 APRIL 2018**

Originating Officer: Nakita Van Rooijen, Elected Member Support Officer
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, General Manager Corporate Services
Subject: Red House Group Inc. (Gallery M) Agreement
Ref No: GC100418D01

SPEAKER:

Ms Ines Patritti – Chairperson / Ms Julie Pritchard – Gallery M Manager

ORGANISATION:

Red House Group Inc

COMMENTS:

Ms Julie Pritchard has requested that either Ms Ines Patritti or herself give a five-minute deputation to Council relating to the report GC180410R Red House Group Inc. (Gallery M) Agreement.

**CITY OF MARION
GENERAL COUNCIL MEETING
10 APRIL 2018**

CONFIDENTIAL REPORT

Originating Officer: Tyson Brown, Unit Manager Cultural Facilities

Corporate Manager: Carol Hampton, Manager City Property

General Manager: Abby Dickson, General Manager City Development

Subject: Red House Group Inc. (Gallery M) Management Agreement Renewal (Appendix 1)

Ref No: GC100418F01

If 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 commercial information of a confidential nature.



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: Adrian Skull, Chief Executive Officer; Vincent Mifsud, General Manager Corporate Governance; Abby Dickson, General Manager City Development; Tony Lines, General Manager City Services; Kate McKenzie, Manager Corporate Governance; Craig Clarke, Unit Manager Communications; Carol Hampton, Manager City Property; Tyson Brown, Unit Manager Cultural Facilities and Victoria Moritz, Governance Officer be excluded from leaving the meeting as the Council receives and considers information relating to the Red House Group Inc. (Gallery M) Management Agreement Renewal, upon the basis it is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential on the grounds that the report contains information of a commercial nature and would on balance, be contrary to the public interest.

**CITY OF MARION
GENERAL COUNCIL MEETING
10 APRIL 2018**

Originating Officer: Tyson Brown, Unit Manager Cultural Facilities

Corporate Manager: Carol Hampton, Manager City Property

General Manager: Abby Dickson, General Manager City Development

Subject: Red House Group Inc. (Gallery M) Management Agreement Renewal

Ref No: GC100418R01

REPORT OBJECTIVE

To consider the renewal and funding allocation for the 3 year Management Agreement with the Red House Group Inc. (RHG) for the management of Gallery M at the Marion Cultural Centre.

EXECUTIVE SUMMARY

For the past 17 years, since Gallery M opened in 2001, the RHG have managed the gallery on behalf of the City of Marion. The gallery operates seven days a week with a retail outlet and a monthly exhibition program. Gallery M is recognised across Australia as a high standard gallery. The current agreement for Gallery Management Services between the City of Marion and the RHG expires on 30 June 2018.

The RHG receives an annual subsidy from the City of Marion to assist with the operating costs of running the gallery including staff costs, administrative expenses and the costs associated with mounting exhibitions. The current (2017/18) annual subsidy provided to the RHG by Council is \$141,000 + GST (plus CPI \$144,243). In addition, Council funds building operating and maintenance costs e.g. electricity, cleaning in the vicinity of \$60,000 pa. The RHG subsidy is annually indexed by CPI and forms part of the Marion Cultural Centre (MCC) annual operating budget.

RHG are seeking a once-off \$8,000 increase to the annual subsidy in 2018/19 to enable them to maintain the current staffing level and customer experience and hours of operation. The increase is sought due to increased staffing costs. This would increase the current allocation in the Draft 2018-19 budget from \$144,243 (being the current \$141k + CPI) to \$152,243. The annual subsidy would then be indexed by CPI per annum for the life of the 3 year agreement.

The provision of a three-year agreement is a minimum requirement to enable a gallery program to be developed in advance and to minimise any disruption to services.

This report provides Council with detailed analysis of the operations of the Gallery along with the community and cultural outcomes derived from the partnership with the RHG.

RECOMMENDATIONS

That Council:

Due Dates:

1. **Endorses a new three year funding agreement with the Red House Group Inc., for \$152,243 plus GST per annum with an annual CPI increase for the management of Gallery M commencing 1 July 2018 and concluding on 30 June 2021.**

10 April 2018

BACKGROUND

The RHG are a not for profit, artist run organisation who have successfully managed Gallery M over the past 17 years; gaining a high profile for the gallery and providing opportunity for local artists to exhibit their work, and supporting the local creative economy through sales from exhibition and the retail outlet associated with the gallery. The exhibition program supports community and local artists, as well as artists from the wider South Australian artistic community, regional and international artists. Throughout the year the exhibition program explores many themes and ideas across a range of artistic mediums and supports a diverse demographic of artists working in a mix of contemporary and traditional styles. Gallery M is a well-regarded venue both within the City of Marion and in the broader community.

Since Gallery M opened in 2001, the RHG have managed the gallery on behalf of the City of Marion. The gallery operates seven days a week with a retail outlet and a monthly exhibition program. The current agreement for Gallery Management Services between the City of Marion and the RHG expires on 30 June 2018.

The RHG receives an annual subsidy from the City of Marion to assist with the operating costs of running the gallery including staff costs, administrative expenses and the costs associated with mounting exhibitions. The current (2017/18) annual subsidy provided to the RHG by Council is \$141,000 + GST. In addition, Council funds building operating and maintenance costs e.g. electricity, cleaning. The subsidy is annually indexed generally using the Adelaide March quarter CPI and forms part of the MCC annual operating budget. Funds have been allocated in the draft 2018/19 operating budget.

The Management Agreement includes arrangements for the use of the facility, agreed exhibition outcomes and income disbursement. The last time the Agreement was renewed some minor changes were made that enabled the RHG to retain in full any income generated from gallery fees throughout the life of the Agreement.

Gallery M is managed by the RHG Board of Management, which includes nine community members. Two Elected Members and a Council staff representative attend the Board meetings.

The Gallery is staffed by five part-time RHG employees who work a combined 284.2 hours per month or 1.87 FTE (based on 38hr s pw). The gallery staff are supported by a large team of volunteers contributing on average 65 hours per week towards weekly administration and shop tasks, monthly exhibition tasks and Board of Management and Exhibition Committee roles. The annual financial contribution by RHG volunteers is calculated at approximately \$85,644 pa (calculated at approximately 3,120 hours per year at \$27.45 per hour volunteer rate). Further details regarding staff and volunteer hours of work are provided in Appendix 1 to this report.

Over the last three years visitor numbers have remained consistent however recording the actual numbers of unique visitors has changed since 14/15 due to a lack of confidence in accurately counting attendees at exhibition openings and at additional events (i.e. markets in the plaza). Over the last few years there has been an increase in the number of events held at MCC resulting indirectly in additional people attending the gallery. Consequently the 2015/16 and 2016/17 figures in the table below are estimates and provide a more accurate reflection of the overall Gallery M visitor numbers.

	2014/15	2015/16	2016/17
Visitor Numbers	14,805	15,000 <i>(approx. no.s recording methods changed)</i>	15,000 <i>(approx. no.s recording methods changed)</i>
Half of the Commission Fees paid to Council	\$15,895**	\$10,660	\$9,270
No. of exhibitions	21	17 23	

*** Note this includes 50% gallery hire fee which ceased as from 2015/16

In the 2016/17 financial year, Gallery M hosted 23 exhibitions that were attended by approximately 15,000 people.

The shop sales and commission paid to Council continued to gradually increase from 2001/02 to 2015/16 (refer Appendix 1 Table 1.1), but declined in 2016/17 reflecting the state of the economy with limited consumer ability to expend on non-essential and luxury items such as art works.

Sales from artworks have been inconsistent over the 17 years, peaking in 2007/08 (refer Appendix 1 Table 1.2).

The gallery operates 7 days a week with the following opening hours:

- 10am – 4pm Monday to Friday
- 10am – 4pm Saturday
- 1pm – 4pm Sunday

The RHG undertakes all marketing and promotion in house which includes newsletters and invitations, website and social media.

DISCUSSION

The Management Agreement defines roles and responsibilities for both Council and the RHG in the achievement of the following objectives for Gallery M:

- Effective and cost-efficient operation of the Gallery and Retail Outlet
- A balanced and diverse arts and cultural program for the Gallery
- Community support for the Gallery and community access to the Gallery
- Promotion of the work of artists and craftspeople
- A high profile for the Gallery as a regional venue for high quality, innovative arts and cultural exhibitions
- Integration of Gallery and Retail Outlet with other venue activities.

A review of the Agreement was undertaken in consultation with RHG Board members to ascertain strengths, challenges, opportunities / ideas for the next three years. Board members expressed general satisfaction with the Agreement with a few suggested areas of improvement, which can be undertaken at the operational level including but not limited to;

- improve the storeroom and mezzanine floor
- promotional icon to indicate gallery is on site
- improve the lighting in the plaza
- improve the rear of the building facing Westfield
- increase awareness of the gallery within the City of Marion, state and nationally
- improve return on advertising, marketing and promotion
- increase hiring of the gallery

One key challenge raised which has an impact on the delivery of the objectives for Gallery M was the Council subsidy. The base rate allocation has not altered since the 2012/13 financial year other than an annual CPI increase. In this time the following has occurred:

- The current subsidy has increased annually by CPI, total of 6.8% in 5 years 2013 – 2017 financial year
- The award wages for the same period have increased by 10.24%
- The actual employment costs have risen 17.4% from 2013-2017 financial year
- Volunteer ages have increased with less time available to contribute
- Volunteer numbers have reduced
- Wage levels have increased at a greater rate than CPI and wage costs currently exceed the Council subsidy
- Increase in programs / markets etc. in addition to regular operating hours increasing
- Staff hours have increased to support the events, markets etc.

The RHG have requested that Council consider a once-off \$8,000 increase to the annual subsidy in 2018/19 to enable them to maintain the current level of customer experience and hours of operation. The increase is sought due to increased staffing costs. This would increase the current allocation in the Draft 2018/19 budget from \$144,243 to \$152,243. The annual subsidy would then be indexed by CPI per annum for the life of the 3 year agreement.

In addition to the requested increase in annual subsidy the following will also be undertaken to manage operating expenses:

- Prioritisation of out of hours Gallery opening times to ensure any additional hours maximise revenue generation to offset additional staff costs
- Provision of support from Council's Volunteer Development Officer to promote and attract volunteers to the RHG.

Financial Analysis

The current (2017/18) Council provides an annual subsidy to the RHG of \$141,000 + GST (plus CPI \$144,243). Also Council funds building operating and maintenance costs (e.g. security, electricity, cleaning in the vicinity of \$60,000 pa.) which is based on Gallery M occupying 28.6% of the floor area of the MCC.

Over the last 3 years and first 6 months of the current year July to Dec 2017, the RHG financial performance is summarised below:

	2014/15	2015/16	2016/17	2017/18 – * July to Dec
Income	\$177,681	\$182,449	\$191,398	\$102,067
Expenses	\$178,891	\$178,206	\$189,888	\$104,761
Profit/(Loss)	(\$1,821)	\$3,104	\$342	(\$2,618)

* Represents 6 months only.

The Board have indicated that at the end of the 2017/18 financial year the deficit between additional staff wages and Council funding will be approximately \$8,000 due predominantly to the increase in staff costs detailed above.

This financial year, the shortfall in salary budget will be managed with additional resources provided by the Board. The Board has indicated that this is not sustainable without impacting on staff levels and thus the level of customer experience and events/functions at the gallery.

The RHG have requested that Council consider a once-off increase in the annual subsidy of \$8,000 in the 2018/19 budget and be indexed by CPI annually over the life of the 3 year agreement. The Draft 2018/19 annual budget currently has \$144,243 allocated for the Gallery M subsidy, which would need to be increased should Council support the request for the additional \$8,000 once-off funding increase. The RHG are seeking this increase to enable them to maintain the current level of customer experience and hours of operation.

In addition to the Council funding Agreement, the RHG receives income via commission from the sale of artworks from exhibitions, sales from the shop and hire charges from exhibitions. A breakdown of the commission income is attached as Appendix 1 to this report along with other financial information concerning the operations of the Gallery. Appendix 1 has been distributed in confidence due to it being commercial in confidence.

It should be noted that the Gallery operates within a Council managed building and Council incurs costs for the whole site. The Café being a commercial organisation is apportioned a percentage of building operational costs based on the area occupied. Gallery M is a not for profit organisation and under the current agreement is not required to reimburse Council for these costs.

The current management model is more cost effective than a direct Council managed model due to the staffing expense of a 7 day per week operation and additional expenses i.e. volunteer management marketing and promotion etc.

The RHG does attract a small amount of regular external funding to offset expenses. External funding has been sourced from local businesses and is utilised for the provision of exhibition prizes. This has averaged approx. \$5,000 per annum.

Opening Hours

Consideration has been given to reducing opening hours to reduce expenses however this is not recommended to Council. The Gallery forms an integral part of the MCC operations and a reduction in opening hours would impact on the vibrancy of the site and would not provide community members the opportunity to visit the gallery when using other facilities/services at MCC. The Gallery is open for approximately 70 hours per week depending on exhibitions and events.

Community and Cultural Outcomes

Within the City of Marion '2017 Community Survey – Events and Facilities Survey' feedback and responses note several positive comments about the exhibitions and venue demonstrating community appreciation for the operation of the gallery.

A community based, artist led approach via the RHG staff supports the delivery of quality, specialised exhibitions and products and contributes to the vibrancy and activation of the City. Council's partnership with the RHG provides support to local artists and supports community based arts events within the City.

CONCLUSION

The RHG manages Gallery M to a high standard and is delivering value to rate payers through a focus on Council's strategic themes to build a *Liveable, Engaged, Innovative* and *Prosperous* City by promoting active lifestyles, providing family friendly exhibitions and activities, building community connections, embracing new ideas and tackling issues creatively whilst supporting economic growth.

The current management model for the Gallery is an effective and efficient method for delivering outcomes rather than a direct Council delivery model. Council is best placed to provide the infrastructure and support whilst the RHG are best placed to deliver a community based Gallery.

The current management model is effective and will continue to serve the current and future needs of residents and visitors to the City.

**CITY OF MARION
GENERAL COUNCIL MEETING
10 APRIL 2018**

Originating Officer: Liz Byrne, Manager Community Connections
General Manager: Tony Lines, General Manager City Services
Subject: Community Events Fund (Events Plan 2017-2020)
Report Reference: GC100418R02

REPORT OBJECTIVES AND EXECUTIVE SUMMARY:

This report is in response to a Council resolution (GC121217R04) about the creation of an annual Community Events Fund to the total value of \$12,000 per annum.

This annual fund will assist groups to stage events by providing a contribution towards the cost of infrastructure. This program aims to ease the financial burden on organisations, enabling them to host a successful and professionally managed event. The program is limited to events that benefit the City of Marion.

RECOMMENDATIONS

Date

That Council:

- | | |
|---|----------------------|
| 1. Endorses the Community Events Fund and the associated guidelines and eligibility criteria as outlined in Appendix 1 to support such a fund. | 10 April 2018 |
| 2. Endorses an allocation of \$12,000 for the Community Events Fund for consideration in the 2018/19 Annual Business Planning process and for inclusion into Council's Long Term Financial Plan. | 10 April 2018 |
| 3. Receives an annual report detailing the expenditure of the Community Events Fund. | Aug 2019 |

BACKGROUND

In December 2017 Council considered and endorsed an Events Plan 2017-2020 (GC121217R04). One component of the Events Plan was the consideration of establishing an annual fund for groups to access to assist them with some of the costs for staging their events, in particular the installation of temporary infrastructure requirements like toilets, lighting equipment, waste management, and road closures.

Council administration receives regular requests from community groups for financial and in-kind assistance, to support their event.

ANALYSIS:

A Community Events Fund will ensure that requests:

- Are managed in a coordinated manner
- Have a consistent application process (online)
- Are assessed appropriately and funds are available equitably

Funds will need to be acquitted accordingly with groups being accountable for receiving such funds.

The guidelines and eligibility criteria for the Community Events Fund is supported by Council's Donations and Sponsorship Policy which is scheduled for review in 2018.

The Community Events Fund will utilise the online system SmartyGrants to manage the application and acquittal process of this fund. Existing resources within the Community Wellbeing team will manage the Community Events Fund process.

Centralised coordination of requests for funds to support events will provide greater transparency of contributions from each business unit of Council.

Council will receive a report annually about the expenditure of this fund.

CONCLUSION:

The Community Events Fund aims to provide financial support to organisations holding community events or festivals of any size in Marion. The fund to the value of \$12,000 per annum will support groups to professionally stage events that benefit the City of Marion.

APPENDICES:

Appendix 1: Community Events Fund Guidelines (Draft)

Community Event Fund

Guidelines



The City of Marion will provide financial or in-kind support to organisations holding community events or festivals of any size in Marion.

The Community Events Fund aims to assist groups to stage events by providing a contribution towards the cost of infrastructure for events that benefit the City of Marion.

Staging an event can be expensive and finding a sponsor for infrastructure is often a challenge. This program aims to ease part of the financial burden on organisations, enabling them to host a successful and professionally managed event.

How much funding is available?

The City of Marion has allocated \$12,000 a year to the Community Events Fund Program.

Applicants can apply for all or part of these funds and it is at Council's discretion as to how much it will contribute to an event.

What will be funded?

Applicants can seek funding for the cost of infrastructure or in-kind assistance.

Types of infrastructure costs that will be directly funded include:

- Staging
- Lighting equipment
- Audio visual equipment
- Security
- Toilets
- Signage
- Marquees
- Other infrastructure costs associated with the event

Applicants may request in-kind support [from Council](#) as part of their application. This includes the provision of items such as waste management, traffic services, road closures, waiving of facility hire fees, power access, bollards and line marking.

All requests for in-kind sponsorship must be detailed in the on-line Application Form and will be treated as equivalent to a cash value in order to determine the total funding request amount.

Funding cannot be used for interstate or overseas travel, or training of any kind.

Who can apply?

All applicants must:

- Be a 'not-for-profit' organisation, community group or voluntary association.
- Be an incorporated body or sponsored by an appropriate incorporated body that is willing to sponsor the project (accept the funds on behalf of the non-incorporated body and accept the responsibility for the funding).

Community Event Fund

Guidelines



- Provide evidence of public liability insurance up to the value of \$10 million.
- Provide either an Australian Business Number (ABN) or complete the Australian Taxation Office Statement by a Supplier form.

Eligibility criteria

To be eligible, the event must:

- Be free and open to the general public.
- Be inclusive and accessible as possible for all groups regardless of their gender, age, sexuality, cultural background, religious beliefs or disability.
- Occur within the City of Marion in the year in which the funds are provided.
- Demonstrate a direct benefit to the City of Marion community.

Council will not provide sponsorship as follows:

- Individuals, City of Marion employees, or Elected Members.
- Exclusive or invitation-only events.
- Events that denigrate, exclude or offend parts of the community.
- Commercial organisations.
- Political activities.
- Applications that duplicate an existing event in the City of Marion.

How to apply

Applicants seeking sponsorship from the Community Events Fund must submit their completed on-line application form, including a budget, within the required timeframe. The application needs to itemise how much funding or in-kind support is being sought.

Organisers are encouraged to plan their event so as to receive notification of their funding application well before the event date. For events run on Council-owned land or facilities, the funds will only be released once a Special Event Permit has been obtained.

How applications are assessed?

Applications will be assessed by Council according to:

- Eligibility criteria
- Available funding

Additional assessment criteria will include the event's:

- Benefit to the community.
- Involvement of local community groups and organisations or volunteers.
- Opportunities for social interaction.
- Ability to have a positive impact on the economy.
- Ability to attract visitors to the City of Marion.
- Degree of reliance on City of Marion sponsorship to stage the event.
- Originality of the event.
- Link with the City of Marion's Strategic Plan for 2017-2027.

All applicants will be notified on the outcome of their application.

Community Event Fund

Guidelines



Successful applicants will be required to enter into a funding agreement with the City of Marion.

Formatted: Not Highlight

Formatted: Not Highlight

City of Marion acknowledgement

The City of Marion is to be appropriately acknowledged for its sponsorship and contribution to the event.

This will include:

- Displaying the City of Marion's logo and the words "Supported by the City of Marion" in any printed or electronic promotional materials.
- Acknowledgement in any speeches that the City of Marion is a supporter of the event.
- Opportunity for the Mayor and/or representative to speak at the event.

~~Note~~-The City of Marion's Style Guide and Branding Guidelines must be adhered to and Council's Communications Unit will need to approve all material during production allowing a three-day turnaround time for approval.

Formatted: Not Highlight

Reporting and acquittals

Successful applicants will be required to submit a report and acquittal from online. This form is due one month after the completion of the event, or by **30 June 2019**, whichever is earlier. Evidence of expenditure of the fund monies must be provided – all receipts must be attached to the acquittal.

Formatted: Highlight

Any unspent funds will need to be returned to Council. Applicants who do not complete an acquittal report will be ineligible for any future funding.

Other conditions

- ~~Successful applicants must enter a sponsorship agreement with the City of Marion~~
- Funds must be spent within the agreed timeframe on specified event unless an extension is granted.
- Any changes to the original event plan must be submitted to Council in writing for approval.
- The City of Marion's decision ~~in~~ regarding ~~which events to funding~~ is final.
- Applicants who meet eligibility and assessment requirements are not guaranteed funding.
- The City of Marion reserves the right to separately promote any funded event.
- All events must comply with state and federal legislation and be delivered with appropriate risk mitigation.
- All necessary City of Marion approvals must be obtained prior to the event occurring
- The City of Marion is not responsible for the delivery of the event.

Council report

~~Council will receive a written report summarising the expenditure and outcomes achieved for the previous financial year.~~

**CITY OF MARION
GENERAL COUNCIL MEETING
10 APRIL 2018**

Originating Officer: Rachel Read, Unit Manager Human Resources
Corporate Manager: Steph Roberts, Manager Human Resources
Chief Executive Officer: Adrian Skull
Subject: Disability and Indigenous Traineeship
Report Reference: GC100418R03

REPORT OBJECTIVES & EXECUTIVE SUMMARY

As a result of a proposed 2018/19 new initiative for Disability and Indigenous Traineeships, Elected Members requested an outline be provided of associated costs for a one-year trial Traineeship Program. This report provides estimated costings for two traineeships, one disability and one indigenous, for a proposed one-year trial period.

The benefits of employing trainees are:

- Fosters developing multi-skilled employees that work across Council;
- Supports workforce planning in introducing younger people to Council;
- Developing new workers in a cost effective manner;
- Responsibility of the individual trainees lies with the agency provider.

RECOMMENDATIONS

DUE DATES

That Council:

- 1. Refers the one-year trial of a Disability and Indigenous Traineeship program (i.e. for 2 Traineeships) within the City of Marion, at a total cost of up to \$91,236 for inclusion in the Draft 2018/19 Annual Business Plan and Budget for public consultation.**

10 April 2018

BACKGROUND

A new initiative has previously been presented to Elected Members, which proposed two indigenous and two disability traineeships for the life of the Long Term Financial Plan.

Members raised concerns about the costs and commitment for a period of 10 years and requested options as to how Council could initially trial these traineeships.

DISCUSSION

The following three tables provide an overview of estimated costs per traineeship for two traineeships for the 2018/19 financial year (depending on the level of schooling and years of experience), consisting of one disability and one indigenous placement.

Certificate III in Civil Construction (38 ordinary hours charge out)

Level	Year of Schooling	Hourly Charge out Rate	Approx. Costs (12 months)
3	Yr 10+2, Yr 11+1, Yr12	\$20.06	\$30,637
4	Yr 10+3, Yr 11+2, Yr12+1	\$22.79	\$34,817
5	Yr 10+4, Yr 11+3, Yr12+2	\$25.98	\$39,690
6	Yr 10+5, Yr 11+4, Yr12+3	\$29.27	\$44,706

- The above costings are estimates only.
- 3 year traineeship, 1 year contract with City of Marion then rotated to another Council (managed through Maxima).
- Yr = school year, +1 etc. indicates years of work experience.

Certificate III in Horticulture (38 Ordinary Hours Charge Out Rates)

Level	Year of Schooling	Hourly Charge out Rate	Approx. Costs (12 months)
1	Yr 10	\$18.23	\$27,149
2	Yr 10+1, Yr 11	\$19.55	\$29,121
3	Yr 10+2, Yr 11+1, Yr12	\$21.84	\$32,534
4	Yr 10+3, Yr 11+2, Yr12+1	\$23.94	\$35,660
5	Yr 10+4, Yr 11+3, Yr12+2	\$26.27	\$39,129
6	Yr 10+5, Yr 11+4, Yr12+3	\$28.54	\$42,511

- The above costings are estimates only.
- 3 year traineeship, 1 year contract with City of Marion then rotated to another Council (managed through Maxima).
- Yr = school year, +1 etc. indicates years of work experience.

Certificate III in Business (38 Ordinary Hours Charge Out Rates)

Level	Year of Schooling	Hourly Charge out Rate	Approx. Costs (12 months)
1	Yr 10	\$15.74	\$26,800
2	Yr 10+1, Yr 11	\$16.88	\$28,734
3	Yr 10+2, Yr 11+1, Yr12	\$19.24	\$32,750
4	Yr 10+3, Yr 11+2, Yr12+1	\$21.64	\$36,850
5	Yr 10+4, Yr 11+3, Yr12+2	\$24.45	\$41,620
6	Yr 10+5, Yr 11+4, Yr12+3	\$27.33	\$46,530

- The above costings are estimates only.
- 1 year traineeship, 1 year contract with City of Marion.
- Yr = school year, +1 etc. indicates years of work experience.

The placements would be managed through Maxima, with charges being fully inclusive of payment of wages and all associated employee and recruitment costs.

The City of Marion may be eligible for incentives up to a value of \$2,750 per placement, which would be considered on a case by case basis.

These placements would contribute towards our diversity and inclusion in the workforce and develop our reputation for making a real difference to the lives of Indigenous Australians and people with disabilities, their families and the community.

CONCLUSION

Elected Member support is sought to trial two traineeships, one disability and one indigenous placement for a period of 12 months. The total commitment for a one year trial would not exceed \$91,236 (placing one traineeship in Administration and one in the outdoor workforce) noting that the City of Marion may attract Government incentives of up to a value of \$5,500 for these traineeships.

**CITY OF MARION
GENERAL COUNCIL MEETING
10 APRIL 2018**

Originating Officers: David Harman, Unit Manager Statutory Finance and Payroll
Elaine Delgado, Strategy Leader

Corporate Managers: Ray Barnwell, Manager Finance and Contracts
Fiona Harvey, Manager Innovation and Strategy

General Managers: Vincent Mifsud, General Manager Corporate Services
Abby Dickson, General Manager City Development

Subject: Draft Annual Business Plan 2018/19 for Public Consultation

Ref No: GC100418R04

REPORT OBJECTIVE

The purpose of this report is to present the City of Marion Draft Annual Business Plan 2018/19 (ABP 2018/19) and Draft Long Term Financial Plan (LTFP) for the Council's consideration and endorsement for public consultation, subject to any changes proposed by Council.

EXECUTIVE SUMMARY

The development of the Draft ABP 2018/19 and Draft LTFP is an iterative process that continues through to the adoption of the ABP 2018/19 at the end of June. This draft has been developed for the purpose of community consultation and, with any amendments arising from the consultation process, will be considered for adoption by Council at the 26 June 2018 General Council meeting.

The ABP is Council's statement of its intended programs and outcomes for the year. It links our long-term planning, as set out in the City of Marion Community Vision – 'Towards 2040', and supports the delivery of the third year of the 2016-2019 Business Plan with the allocation of resources in the 2018/19 Annual Budget. It also establishes the basis for review of Council's performance over the year included in its annual report by setting Corporate KPI's.

The Draft ABP 2018/19 and Draft LTFP have been developed on a proposed average rate increase of 1.8% for 2018/19 and throughout the 10 years of the LTFP.

Community consultation is set to begin at 9am on 12 April 2018 and will close at 7:30pm on 8 May 2018. Included within this period is an allowance of a period of at least one hour, which begins at 6:30pm at the General Council meeting of Tuesday 8 May 2018, where interested persons are invited to attend and members of the public may make oral submissions and ask questions in relation to the Draft ABP 2018/19 and Draft LTFP.

RECOMMENDATIONS

DUE DATES

That Council:

1. **Endorses the City of Marion Draft Annual Business Plan 2018/19 and Draft Long Term Financial Plan (Appendix 1) for public consultation, subject to any changes proposed by Council, on the basis of a proposed average rate increase of 1.8%.**

10 April 2018

- 2. Endorses that public consultation be facilitated via the conduct of a meeting of the Council to be held on 8 May 2018 at which members of the public may ask questions and make submissions, in relation to the Draft Annual Business Plan 2018/19 and draft LTFP, for at least one hour.**

10 April 2018

BACKGROUND

Council is required by the *Local Government Act 1999* to prepare and adopt an ABP each year, and in doing so determine the key strategic priorities for the ensuing 12 months in the context of Council's Strategic Plans. The LTFP and ABP are an integral part of Council's suite of Strategic Management Plans. The city's Community Vision – 'Towards 2040', 10-year Strategic Plan 2017-2027 and 3-year 2016-2019 Business Plan, set the foundation for the development of the ABP and LTFP.

The Draft LTFP and ABP 2018/19 are being developed in accordance with Council's Financial Framework with further refinement by Council during this 2018/19 budget process. This encompasses maintaining current services and service delivery levels for the community, as well as meeting Council's planned capital renewal programs over the life of the LTFP.

DISCUSSION

The ABP is Council's statement of its intended programs and outcomes for the year. It links long-term planning, as set out in the city's Community Vision – 'Towards 2040' and 10-year Strategic Plan 2017-2027, and supports the delivery of the third year of the 2016-2019 Business Plan, with the allocation of resources in the 2018/19 Annual Budget. It also establishes the basis for review of the Council's performance over the year published in its annual report.

The development of an ABP is required under Section 123 of the *Local Government Act 1999*. The document should include the following:

- a summary of Council's longer term objectives, as set out in the Community Vision – 'Towards 2040' and 10-year Strategic Plan 2017-2027;
- significant influences for the year including financial factors, asset renewal needs and progress on continuing projects;
- Council's specific objectives for the next year against which its performance will be measured;
- the activities (services and projects) that Council intends to undertake to achieve its objectives;
- a summary of the proposed sources of revenue for the year;
- Council's proposed approach to rating for the year and what it means for ratepayers.

The ABP is being prepared in accordance with the requirements of the *Local Government Act* and Local Government (Financial Management) Regulations. It will include appropriate information about the rates and charges that Council intends to levy as well as a range of other information required by the Local Government (Financial Management) Regulations. The adopted budget will include statutory statements being Income Statement, Statement of Financial Position, Statement of Changes in Equity and Statement of Cash Flows. In addition to these statements, a 'Funding Statement' will be provided that details funding sources and a net overall funding position.

In the development of the ABP 2018/19, consideration has been given to Council's strategic management framework, financial parameters and key issues identified through the environmental scanning process, as well as the relevant federal, state and regional strategies and plans.

Key observations regarding the Draft ABP 2018/19 and Draft LTFP include:

- **Proposed average rate increase** - for the purpose of consultation, the Draft ABP and Draft LTFP have been prepared based on a proposed average 1.8% rate increase, to apply to properties for the 2018/19 financial year. Council uses a differential rating system to raise revenue based upon its Land Use and will continue to do so to ensure a fair and equitable distribution of rates within the City of

Marion. In applying this approach, Council will take into consideration all prevailing economic conditions and changes and adjust its differential rates accordingly, to ensure an appropriate and fair equalisation of rates across all land use categories.

- **New Initiatives** - The 2018/19 Annual Business Planning process identified and prioritised a suite of 19 new initiatives for inclusion in the draft ABP 2018/19. The funding required to progress these initiatives in 2018/19 is \$3.636m of which \$1.483m is funded from Council's accounting reserves.
- **LED Lighting Project** - Council has resolved to revise the staging of this 3-year project to achieve efficiencies in project delivery and the resultant economic benefits from the project being delivered sooner. Originally set to be staged over three years 2017/18, 2018/19 and 2019/20, Council resolved to utilise funding available in the Asset Sustainability Reserve (ASR) to minimise the financial impact on our ratepayers whilst achieving the desired outcome of retiming the project to achieve the economic benefits sooner (GC270318R10). Savings in the order of \$501k per annum are now forecast to be achieved from 2019/20 onwards because of the proposed project retiming.
- **Projects Funded from Council's Accounting Reserves** - The Draft 2018/19 Budget and LTFP includes the following key projects and initiatives funded from Councils accounting reserves:

	<u>2018/19</u>	<u>2019/20</u>
Edwardstown Oval Soldiers Memorial Recreation Ground	\$2.710m	-
Soccer Facilities in the South	\$2.500m	-
Marion Outdoor Pool – Stage 2 & 3	\$1.193m	\$1.930m
Morphettville Park Sports Redevelopment	\$0.290m	\$1.000m
LED Lighting Project	<u>\$2.066m</u>	<u>-</u>
	\$8.759m	\$2.930m

There is now a projected available reserve balance of **\$5.269m** in the Asset Sustainability Reserve and **\$1.2m** in the Open Space Reserve fund for future projects. This is in addition to the \$2m quarantined in the ASR for Major Infrastructure failure.

Basis of Preparation of Draft LTFP and Draft ABP 2018/19

The LTFP is an on-going iterative process and the framework and assumptions are updated annually based upon the most current data and information prevailing at the time. The Draft LTFP and Draft ABP 2018/19 have been prepared under the framework and assumptions are listed below.

Framework

- Support the achievement of the City of Marion's Strategic Directions.
- Address issues arising and opportunities identified from internal audit reviews, service reviews and business excellence assessments.
- Maintain, on average, a break-even or better funding (cash) position over the Long Term Financial Plan.
- Continue to improve the maintenance of assets in accordance with Council's Asset Management Plans, with a priority on maintenance before renewal, and renewal before new when it is cost effective to do so.
- Review existing services and assets to ensure they meet prioritised community needs.

- Council only approve new Major Projects where it has the identified funding capacity to do so.
- Maintain Council's position for an average residential rate which remains among the lower rating metropolitan councils.

Assumptions

In developing the Draft LTFP and Draft ABP 2018/19, the following key assumptions and variables have been applied:

- Service delivery levels are maintained at current levels (any changes to current service levels are to be approved separately by Council subject to financial capacity).
- The 2018/19 budget has been based off historical actuals adjusted where appropriate to meet required service standards. For the years following (2019/20 onwards) a 2.5% increase per annum is applied to operating income and expenditure amounts in line with the Reserve Bank's targeted CPI with the following exceptions:
 - The 2018/19 draft budget includes an allowance of 2.3% increase for employee costs based on the December 2017 CPI index (the current enterprise agreement is either 2.0% or March Adelaide CPI). For the following years (2019/20 onwards) a 2.0% increase per annum is applied to Employee operating costs and consideration has been given to the revised timetable relating to the change in the Superannuation Guarantee. These increases recommence on 1 July 2021 - halfway through the LTFP - with five annual increases of 0.5% each, being incorporated into the LTFP.
 - Interest expenses are directly related to Council borrowings and cash flows.
 - Rates – an increase of 1.8% plus growth, which is currently forecast at 1.0%. This assumption will continue to be monitored in light of global economic forecasts and the financial impact that those circumstances may have on Marion ratepayers and their capacity to pay.
 - Interest revenue is directly related to Council investments and cash flows and in light of recent global economic forecasts will be carefully monitored in line with interest rate movements.
 - An adjustments schedule has been developed to account for any future variations in operating activities (e.g. an adjustment is made for election expenses to reflect that they only occur once every 4 years).
 - Capital Grants, subsidies and monetary contributions reflect tied monies received in relation to the purchase/construction of new assets and are budgeted in accordance with information known at the time of preparing this document.

Potential Risks associated with the Framework and Key Assumptions

There are a number of potential risks that Council should be aware of and consider when assessing the Framework and Key Assumptions:

1. Rate Capping - Following on from the recent state election the current Government has pledged to cap council rates. The current assumption of a 1.8% average rate increase over the life of the LTFP fits within both CPI and LGPI (Local Government Price Index). This assumption may prove to be unsustainable in the long term if it is higher than the capped amount.

2. Employee Costs - Dependent on the outcome of future Enterprise Agreements:

- The outside workforce agreement expired on 30 June 2017 and is currently in negotiation.
- The inside workforce agreement has a CPI safety net based on the March Quarter Adelaide Index (expires 30 June 2019). This figure is scheduled for release on 24 April 2018, with the December 2017 Quarter Adelaide CPI being 2.3%. An allowance has been included in the 2018/19 budget for this, but will be adjusted in line with the March CPI figure when it is released.

Capping employee costs at 2.0% may not provide enough funding if sufficient efficiency gains in staffing levels cannot be realised. This increase may also not be sustainable should service levels increase and associated increases in staffing levels be required. As any increases over 2.0% in the early years of the LTFP have a compounding effect which could have a significant impact.

3. Competing priorities and community expectations - There are currently a number of large unfunded aspirational strategic projects identified for further investigation across the City that require partnership funding to be able to proceed. It is crucial that these aspirational strategic projects are prudently assessed with appropriate due diligence and in a disciplined manner to ensure Council's long-term financial sustainability is preserved.

4. Asset Renewal - The renewal requirements identified in Council's adopted AMP's for existing assets have been assessed against the LTFP, which currently indicates sufficient funding in total. There are some classes of assets that are currently not wholly incorporated into Council's AMP's and this information is actively being sought to further assess and, if required, fully incorporate into the LTFP.

Annual Business Plan 2018/19 and LTFP Process

The key steps of the forward process for the ABP and LTFP process are as follows. Please note that these dates may be subject to some alteration.

KEY STAGES	DATE	MEETING
Adopt Draft ABP 2018/19 and Draft LTFP for public consultation	10 April	General Council
Community consultation and engagement period and provision of written submissions	12 April – 8 May	
Opportunity for community representation	8 May	General Council
Opportunity for Finance & Audit Committee to provide feedback on Draft ABP, LTFP and updated suite of KPI's	29 May	Finance & Audit Committee
Consider final draft of ABP 2018/19 and final draft LTFP	12 June	General Council
Adopt ABP 2018/19 and LTFP	26 June	General Council

CONSULTATION

Public consultation of the Draft ABP and Draft LTFP is due to commence on Thursday 12 April, closing on Tuesday 8 May, with the Draft ABP 2018/19 and Draft LTFP, being available from the Making Marion website (www.makingmarion.com.au).

A notice will be placed in the Guardian Messenger Press on 18 April 2018 specifying the council meeting on 8 May 2018 as the meeting where interested parties can attend to ask questions and make submissions in relation to the Draft ABP 2018/19 and Draft LTFP, for at least one hour. This approach is in accordance with the requirements of the Local Government Act 1999.

New Initiatives still under consideration

The following items were discussed at Council on 27 March 2018 (GC270318R10) and are currently not included in the Draft ABP and require further consideration:

Item	2018/19	LTFP
• Indigenous and Disability Traineeships	\$120k	\$1,200k
• Young St/Lander Rd Upgrade	\$200k	\$290k
• Coastal Walkway Reinstatement	\$350k	\$350k
• Tennis Facilities at Seacombe Heights	<u>\$480k</u>	<u>\$480k</u>
	\$1,150k	\$2,320k

CONCLUSION

The City of Marion Community Vision – ‘Towards 2040’ sets out the aspirations of the community and, along with the 10-year Strategic Plan 2017-2027 and 2016-2019 Business Plan, provides the basis for the Draft ABP 2018/19 and Draft LTFP for public consultation. This has been developed to guide Council’s activities over the coming year, and is presented to Council to endorse for public consultation, subject to any proposed changes.

Appendix 1: City of Marion Draft ABP 2018/19

City of Marion Annual Business Plan 2018-2019



- Draft for Community Consultation



Your voice

The City of Marion is seeking your input and feedback regarding the Draft Annual Business Plan 2018/19. This process provides you with the opportunity to have your say on the level of service and the activities undertaken by the council before the final budget is adopted.

Community consultation begins at 9am on Thursday 12th April and closes at 7:30pm on Tuesday 8th May 2018.

Online submission forms are available on council's community engagement website makingmarion.com.au

Written submissions are also welcomed addressed to the following.

City of Marion
PO Box 21
Oaklands Park SA 5046

Oral submissions may be made at the General Council meeting on Tuesday 8th May, which begins at 6.30pm, and interested persons are invited to attend. At this meeting, members of the public may ask questions and make submissions in relation to the Draft Annual Business Plan 2018/19 for a period of at least one hour. The meeting will be held at Council's Administration Building, 245 Sturt Road, Sturt. Please let us know if you are planning to attend by contacting:

Fiona Harvey
Manager Innovation and Strategy
Telephone: 08 8375 6600

We welcome your feedback.

Table of Contents

1. Introduction	1
2. Our Purpose, Vision and Values	3
3. Significant influences and priorities	5
4. Framework of the Annual Business Plan.....	7
5. Continuing and improving services.....	8
6. Project priorities.....	9
7. Asset Management.....	12
8. Measuring our success.....	14
9. Funding the Annual Business Plan.....	15
9.1 Your rates in 2018/19.....	15
9.2 Differential Rating	16
9.3 Budgeted Income Statement	17
9.4 Operating Revenue	18
9.5 Operating Expenditure	19
9.6 Capital Revenue	20
9.7 Budgeted Capital Expenditure	20
9.8 Financing the Budget	21
9.9 Financial Ratios	22
Appendix 1 – Long Term Financial Plan Funding Statement	23
Appendix 2 – Capital Works Program	24

1. Introduction

This Annual Business Plan 2018/19 describes the services and projects that council will deliver over the next 12 months and the financial decisions that underpin them, so that we can progress the community's aspirations in the City of Marion Community Vision - 'Towards 2040' and the goals in the 10-year Strategic Plan 2017-2027.

This plan supports the delivery of the third year of the 2016-2019 Business Plan, along with a number of new strategic projects and service improvements.

Council is committed to delivering value to our ratepayers. We continue to focus on identifying on-going savings that can be passed on to ratepayers. This strong efficiency focus has enabled a further reduction in the proposed average rate increase down to 1.8% while maintaining current service levels.

During 2018/19, the City and Community will continue to be improved through investment in projects including:

- The Oaklands Crossing redevelopment
 - The State and Federal Governments together with the City of Marion have committed \$174.3 million to a grade separated train line and station on the corner of Morphett and Diagonal Roads at Oaklands Park to end more than 40 years of daily traffic jams. The project will include an enhanced public realm together with pedestrian cycling connections to improve the safety and amenity of the road and rail intersection. Main construction works are planned to commence in July 2018.
- The Edwardstown Soldiers Memorial Oval redevelopment
 - Council has commenced construction of the \$8.8m redevelopment of the Edwardstown Soldiers Memorial Oval with \$4.0m in funding from the federal government as part of a 2016 Election promise. This redevelopment will particularly improve social connectedness, active and healthy lifestyles, developing neighbourhoods that are activated, attractive and safe, and empowering communities to work in partnership with Council.
- LED Streetlight Replacement across the City
 - Council has commenced the transition of its streetlights to energy efficient LED fittings over three years. Key benefits include reducing energy use by over 75%, which reduces our carbon footprint. LED lighting makes objects clearer to see, minimises glare, reduces environmental impact, decreases operating and maintenance costs and improves amenity. It has an estimated payback period of less than six years. Council and SAPN have been working together to bring forward the planned works for 2019/20 with an aim to complete the project by the 30 June 2019.

- The Hallett Cove Foreshore redevelopment
 - Staged works at Hallett Cove Foreshore on Heron Way will continue with a playground and reserve development along with car park realignment and plans for the café plaza and dune protection.
- Development of the Sam Willoughby UCI BMX Track
 - Council will continue to progress the development of an international UCI standard BMX Facility on Majors Road to be built to UCI standards in partnership with the State Government and the neighbouring City of Onkaparinga. The project also includes clubrooms, car parking, lighting and utilities.
- Greening our Streets
 - Guided by our Streetscape Policy, we will improve the attractiveness, amenity, character and functionality of streetscapes in the City of Marion through a \$1.8 million streetscape upgrade, complemented by \$200,000 for 'treescaping', to improve the environment and add value to people's experience in the City.
- Marion Outdoor Pool
 - Council will continue with the \$3.57 million 3 year staged upgrade of the Marion Outdoor Pool with an allocation of \$1.2 million in the 2018-19 budget. This upgrade will improve the facility to contemporary standards to ensure it remains as an attractive outdoor swimming and family recreation site for people of varying interests. The upgrades seek to foster social connectedness, active and healthy lifestyles, developing neighbourhoods, attractive and safe, and empowering communities to work in partnership with Council for various programs and initiatives.
- Morphettville Park Sports and Community Club
 - With funding support from the State Government (\$500,000) and AFL (\$100,000) improvements of \$1.9 million to club facilities and change rooms will be undertaken to support a growing membership base. Expansion of the oval to AFL standard will also be investigated, taking traffic and car parking impacts into consideration.
- Southern Soccer Facility
 - Development of two artificial turf soccer pitches, a clubroom, grandstand, car parking, lighting and utilities will be undertaken to support growing membership through a \$5 million upgrade at Majors Road.

2. Our Purpose, Vision and Values

OUR PURPOSE (Why we exist)	To improve our residents' quality of life; continuously, smartly and efficiently
OUR COMMUNITY VISION (What we want to become)	A community that is Liveable, Valuing Nature, Engaged, Prosperous, Innovative and Connected
OUR VALUES	<p>With the community and safety at the forefront of everything we do, we value:</p> <p>Respect - Treating everyone as we want to be treated, where all contributions are valued</p> <p>Integrity - Fostering trust and honesty in all of our interactions</p> <p>Achievement - Enhancing our knowledge and performance to reach our shared goals, while being dedicated to supporting one another</p> <p>Innovation - Encouraging new ideas, and learning from our experience to do things better</p>

The six themes of our community vision represent the shared values and aspirations that guide how our city develops, towards 2040'. These outcomes are important for this community now and into the future:



Engaged

By 2040 our city will be a community where people are engaged, empowered to make decisions, and work together to build strong neighborhoods.

Liveable

By 2040 our city will be well planned, safe and welcoming, with high quality and environmentally sensitive housing, and where cultural diversity, arts, heritage and healthy lifestyles are celebrated.

Valuing Nature

By 2040 our city will be deeply connected with nature to enhance peoples' lives, while minimizing the impact on the climate, and protecting the natural environment.

Prosperous

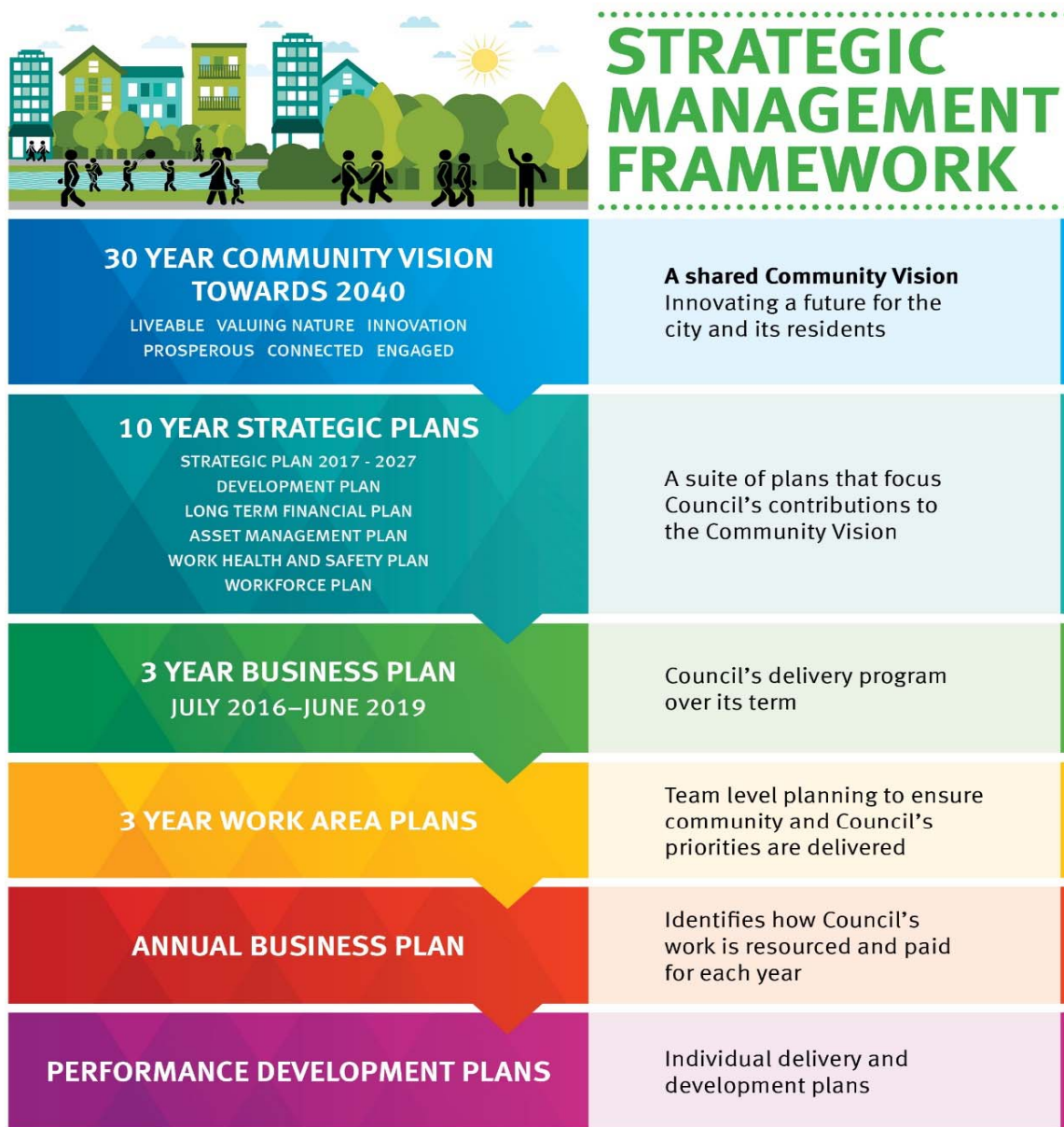
By 2040 our city will be a diverse and clean economy that attracts investment and jobs, and creates exports in sustainable business precincts while providing access to education and skills development.

Innovative

By 2040 our city will be a leader in embracing and developing new ideas and technology to create a vibrant community with opportunities for all.

Connected

By 2040 our city will be linked by a quality road, footpath and public transport network that brings people together socially, and harnesses technology to enable them to access services and facilities.



This Annual Business Plan 2018/19 is an integral part of council's strategic management framework (SMF). The SMF ensures that strategic and operational plans, management systems and processes work together. This enables Council to effectively deliver its strategic goals and the Community Vision.

3. Significant influences and priorities

A comprehensive environmental scan of internal and external political, economic, environmental, social and technological issues was conducted, providing a context for the development of this plan, the 2016-2019 Business Plan and the review of the 10 year Strategic Plan. A summary of the latest environmental scan is provided in the tables below.

Critical external issues and opportunities:	
<i>Political</i> <ul style="list-style-type: none"> • Change in State Government from March 2018 election • Local Government Election November 2018 • Maximising ratepayer/community value • Ongoing changes to Federal, State & Local Government policies and funding programs • Implications of rate capping due to State Government March 2018 election outcome 	<i>Economic</i> <ul style="list-style-type: none"> • Compromised financial capacity of ratepayers in economic climate • The number of GST registered businesses in Marion is falling • Maximising opportunities to support small business • A slight increase in employment in Marion, however diversity in employment industry remains static • Development of the Tonsley site
<i>Technological</i> <ul style="list-style-type: none"> • Rapid technological change, specifically the rollout of NBN in some City of Marion areas • Increasing digital divide • Access to data and information • Smart Cities opportunities • Street lighting implementation 2018-2020 	<i>Social and Cultural</i> <ul style="list-style-type: none"> • Concerning public health demographics • National Disability Insurance Scheme (NDIS) rollout and readiness • Home And Community Care Program (HACC) continued transition to Commonwealth Home Support Program (CHSP) • Changing demographics, population growth • Adelaide Living Laboratory partnership
<i>Transport & Connectivity</i> <ul style="list-style-type: none"> • Darlington upgrade • Flinders Link • Oaklands Crossing upgrade • Opportunity to expand and integrate walking and cycling networks in conjunction with major transport infrastructure upgrades • Potential risk of isolation to residents that are ageing and mobility impaired 	<i>Urban environment</i> <ul style="list-style-type: none"> • Housing Diversity Development Plan Amendment • Southern Innovation Development Plan Amendment • Response to State Planning Reforms • Population growth and urban infill cause increased traffic and limited on-street parking • Opportunities to lift vibrancy of commercial/retail areas through infrastructure upgrades and activation • Development of the residential component at Tonsley
<i>Natural environment</i> <ul style="list-style-type: none"> • Impacts of and response to climate change • Urban heat island mapping effect • Stormwater Masterplan Development Plan Amendment • Response to increased community interest in nature play • Maximising energy efficiency opportunities 	

Key internal pressures and opportunities:	
<p><i>Service provision</i></p> <ul style="list-style-type: none"> • Development of Customer Experience Charter to enable more insightful understanding of customer experience and service needs • Limited funding capacity for competing strategic projects or incremental service improvements given current rates assumptions and funding position - this could be exacerbated given changes in State Government March 2018 and introduction of rate capping • Service review program continues 	<p><i>Asset reliability and sustainability</i></p> <ul style="list-style-type: none"> • Reviewing our existing asset base to better understand which assets could be repurposed, reused or disposed of in order to enhance other assets to better meet community needs • Investigating innovative asset management models e.g. share community use, public private partnerships and related business and retail opportunities to respond to increasing costs and customer service requests to maintain and renew our existing asset base • Improved processes, systems, data collection and modelling to enhance strategic decision making
<p><i>Financial sustainability</i></p> <ul style="list-style-type: none"> • Continued focus on driving innovation, partnerships, collaboration and continuous improvement in a constrained budgetary environment 	<p><i>Governance, risk and strategic alignment</i></p> <ul style="list-style-type: none"> • Review of Strategic Management Framework in accordance to Local Government Act, following Local Government elections in November 2018. • The need for all work groups to be aligned in terms of the Strategic Plan and Business Plan now and in future plans
<p><i>Our Valued Employees</i></p> <ul style="list-style-type: none"> • Organisational wide Values adopted • Continue to build leadership and workforce capability and skills, particularly in the areas of project management, partnerships, funding opportunities, customer experience • Need to provide the appropriate technology tools and information resources for staff to connect, collaborate and do their jobs efficiently and effectively 	

4. Framework of the Annual Business Plan

The Annual Business Plan 2018/19 has been prepared on the basis of a framework that aims to inform the community and hold the City of Marion accountable to its stakeholders. The key items in this framework are as follows.

Support the achievement of the City of Marion's Strategic Directions.

This Annual Business Plan has been reviewed against the Community Vision – Towards 2040 to ensure that council's activities over the next 12 months make the best possible progress towards achieving the community's vision for the future City of Marion.

Address issues arising and opportunities identified from internal audit reviews, service reviews and business excellence assessments.

Every year council undertakes a number of internal audits. These reviews and assessments have identified a number of key opportunities or requirements for council to improve its operations. This document includes the necessary resources to continue council's independent review process and implement recommendations accordingly.

Maintain, on average, a break-even or positive funding (cash) position over the Long Term Financial Plan

With a primary focus on cash flow and ensuring Council's asset renewal and upgrades are fully funded, this target is currently being met. To ensure ongoing financial sustainability Council monitors and reviews all its financial indicators together.

Continue to improve the maintenance of assets in accordance with Council's Asset Management Plans, with a priority on maintenance before renewal, and renewal before new when it is cost effective to do so

The Annual Business Plan has been prepared taking into consideration Asset Management Plan requirements, outcomes of recent infrastructure audits, targets set for renewal versus depreciation (95-100% as per Asset Management Policy) and a focus on maintaining council's asset base.

Review existing services and assets to ensure they meet prioritised community needs

The council continues its rolling process of Service Reviews, aimed at maximising community value through continuously improving its operating efficiency and service performance to the community. This Annual Business Plan has been prepared on the basis of continuing existing services, noting that a rolling program of review is being implemented.

Council only approve new Major Projects where it has the identified funding capacity to do so

Council debt is forecast to decrease from \$7.9m to \$6.8m between 30 June 2018 and 30 June 2019. With consideration given to its financial ratios, this means that Council has the funding capacity to consider new strategic Major Projects and is currently investigating partnerships to aid in the development of a number of sporting facilities.

Maintain Council's position for an average residential rate which remains among the lower rating metropolitan councils

Comparative 2017/18 data shows that council's average residential rate continues to remain among the lower rating metropolitan councils, with its current position ranking being the 5th lowest of 18 metropolitan councils.

5. Continuing and improving services

All councils have responsibilities under the *Local Government Act 1999* and other relevant legislation to deliver services for the community. Council is committed to maintaining all services including, but not limited to:

Ongoing Services	
Land use and development planning	Reserves, parks and gardens management
Development and building assessments	Arts and cultural promotion and support
Facilitation of urban developments	Library services
Local Government searches	Sports & recreation promotion and support
Economic planning and leadership	Community capacity building and development
Environmental planning & leadership	Inspection, regulation and control
Biodiversity management	Emergency planning & response
Waste services	Community care
Water management	Immunisation services
Infrastructure management	Public health planning
Community facilities management	

Enabling Services	
Strategic management	Communications & marketing
Organisational excellence	Human resources & workforce planning
Strategic asset management	ICT & knowledge management
Financial management	Operational support
Governance support	

6. Project priorities

Council plans to commence or continue working on the following strategic initiatives, as set out in our 2016-2019 Business Plan:

Liveable	
Strategies	2018/19 Initiatives
An inclusive Community embracing diverse cultures, active living, and healthy lifestyles	Amend the zoning of key sporting areas/hubs to support revitalised, modern sports facilities
	Deliver excellent Sport and Recreational Facilities across the City: <ul style="list-style-type: none"> • Community Club and indoor sports stadium at Mitchell Park • Sports and community complex at the Edwardstown Soldiers Memorial Oval • A new regional soccer facility in the South in partnership with Football SA • An International standard BMX complex in the South, led by BMX SA • Capella Reserve redevelopment in partnership with the Cove Football Club to pursue funding opportunities • Modern sustainable tennis and netball facilities across the City to meet the needs of the Community now and into the future
	Complete the detailed design of the Marion Outdoor Pool update and seek grant/partnership funding
	Deliver Open Spaces and Playgrounds across the city <ul style="list-style-type: none"> • South Australia's first inclusive Playground at Hendrie St Reserve • Hallett Cove Foreshore precinct redevelopment • 8 local/neighbourhood scale playgrounds and plans for a further 4 playgrounds • High quality public toilets in our priority reserves and parks
Access to housing choice and services for a growing and diverse population	Review housing zones to preserve the character of areas in the north of our city and create housing choice in the south
	In partnership with State Government, the SA Jockey Club and adjoining councils, support the housing development at Morphettville Racecourse
	Support our community to 'age well' through participation in the Adelaide Living Laboratory
	Continue implementation of priorities from the review of reserves and facilities
	Undertake an evaluation and review of at least a further 12 council services to ensure they continue to provide maximum value to our community, now and into the future
Neighbourhoods that reflect local character, heritage and enable a sense of belonging	Celebrate and recognise our Kaurna heritage through committed delivery of the 2016-2019 Reconciliation Action Plan (RAP)
	Build strong relationships with the Elders of the Kaurna community, facilitated by the RAP Committee
	Deliver youth partnership programs focussed on providing diverse and exciting opportunities for youth leadership, engagement and services Deliverer youth partnerships

Valuing Nature	
Strategies	2018/19 Initiatives
A healthy and climate resilient urban environment	Significantly increase energy efficiency across our council facilities
	Deliver sustainable lighting program priorities
	Implement the Climate Change Policy and Plan (Resilient South Program)
	Ensure all elements of the Oaklands Reserve redevelopment project are in place to support construction
	Expand the Oakland's Wetland water distribution network to maximise sustainable irrigation of our parks and reserves
	Advocate for residents across our city on toxic contamination mitigation measures
	Manage stormwater in close partnership with our neighbours
	Target an allocation of 5% of drainage and traffic capital works budgets to Water Sensitive Urban Design outcomes
	Continue to transform the Glade Crescent Wetlands scheme
	Develop and deliver a Regional Coastal Management Plan to support sustainable coastal management
Improved condition, diversity and connectivity of ecosystems	Working closely with key partners to maximise Glenthorne Farm community benefits

Engaged	
Strategies	2018/19 Initiatives
Communities that embrace volunteering and social interaction	Strive to become renowned for volunteers through targeted growth and diversity, and harnessing the skills and experience of our volunteers
Meaningful opportunities for community engagement, partnerships and co-creation	Support our lease and license holders to develop their club management capacity
	Work in partnership with the Edwardstown Region Business Association (renamed Southern Business Connections) and the Hallett Cove Business Association to grow membership and sustainability
	Maximise community benefits through community led initiatives
	Implement our reformed Community Grants programs with emphasis on diversity and community capacity building
	Expand our network of community gardens in partnership with community groups
	Subject to the outcomes of a pilot on place activation projects expand the place activation program
	Develop and deliver a Business Engagement Plan in consultation with the local business community to provide valuable business information to support small business growth
	Grow the Community Leadership Program to support and harness the ideas and skills of emerging leaders within our community

Innovative	
Strategies	2018/19 Initiatives
A Community that harnesses creativity, research and collaboration to pursue innovative ideas	Establish partnerships with innovation mentors, including hosting university students to work on innovation projects
	Maximise community feedback through a range of surveys, tools and campaigns to support our ongoing focus on innovation and improvement
A City that provides infrastructure and support that enables innovation to flourish	Expand the solar panel network to maximise the use of renewable energy at council facilities
	Continue to promote and provide valuable programs at the Cove Enterprise Hub (renamed Cove Business Hub) to support start-ups and small businesses in the southern region
	Investigate 'Smart City' technology and infrastructure opportunities

Prosperous	
Strategies	2018/19 Initiatives
An exciting urban environment that attracts business investment and economic activation	Work in partnership to progress the Tonsley Redevelopment as a state of the art advanced manufacturing and urban environment
	Work with key partners on the Darlington project and the Flinders Link rail project to maximise business and employment opportunities
	Advocate for the future development of the North-South Corridor to improve east-west connectivity, which maximises community access and connection with the valuable adjacent areas
	Review Edwardstown Industry/Commerce Planning framework to support future business needs
	Facilitate the development of priority precincts that cater for a range of residential and business needs, and services that are aligned with the 30 Year Plan for Greater Adelaide
A City that promotes and supports business growth and offers increased local employment and skills development opportunities	Develop, in close cooperation with other councils and State Government, a business attraction plan that support jobs growth
	Implement the priority actions of the Southern Adelaide Economic Development Board
	Reduce red-tape to support and promote business growth and employment opportunities
	Deliver digital economy education programs for businesses to capitalise on the NBN roll-out
A welcoming City offering both residents and visitors a wide range of leisure and cultural experiences	In partnership with local businesses, grow visitation and increase spending in the region to secure additional economic benefit and increased jobs through the delivery of a Visitor Economy Strategy

Connected	
Strategies	2018/19 Initiatives
A road network that connects neighbourhoods and supports safe walking, cycling and vehicle travel	Subject to funding, deliver key extensions to the shared use path along the Adelaide to Marino Rocks Greenway
	Deliver a Policy and Program to enhance streetscapes across the City
A City that advocates improved public transport systems, linkages and networks that connect people to destinations	Progress, in partnership with State and Federal Governments, the development of key rail infrastructure including the grade separation at the Oaklands Rail crossing
	Support the rail expansion from Tonsley to Flinders Medical and University Precinct
A City that supports equitable access to diverse information sources and reliable digital technologies	Expand our communication and engagement network through our website and social media platforms
	Deliver valuable digital literacy programs in our libraries and neighbourhood centres
	Subject to funding, deliver the 'Maker Space' and a range of programs to harness technologies and equipment

In addition to the initiatives from the 2016-2019 Business Plan set out above, Council is funding a range of additional initiatives that will contribute to improving the quality of life for residents.

The initiatives and funds required for their delivery are:

Marion Cultural Centre external hire enhancement project	\$55,000
Design for erosion control at River Parade Hallett Cove	\$60,000
City of Marion Fringe Hub at the Marion Cultural Centre	\$15,000
Valuing Marion's Nature (replacement for the Discovery Circle Program)	\$30,000
Implementation of the Remnant Native Vegetation Plan	\$300,000
Enhanced Tree Planting Program	\$138,000
Light Square Upgrade - landscaping	\$20,000
Mitchell Park Scoreboard – water and power connection	\$20,000
Oaklands Education Centre at Oaklands Wetland	\$74,000
Natural Landscapes Design and Maintenance Guideline – pilot projects to expand the tree planting program and implement significant remnant vegetation management initiatives	\$70,000
Customer Relationship Management – Single View of the Customer - to enable any person at any location to see all of the services and interactions a client accesses within the City of Marion	\$30,000
Coastal Management Plan – building on existing coastal climate change planning and identifying key hotspots for close management	\$15,000
Smart Cities Pilot Project – sensors to monitor playground usage	\$48,500
Marion Outdoor Pool Masterplan – works to upgrade various components	\$1,193,000
Morphettville Park Sports Redevelopment	\$290,000
Renewables and Energy Efficiency Measures accelerating the uptake of energy efficiency and renewable energy projects in the City of Marion	-
Business Software Enhancements	\$1,278,000
Total New Initiatives	\$3,636,500

7. Asset Management

The City of Marion currently owns and manages a large and diverse community asset portfolio, valued in excess of \$1 billion. These assets, including roads, footpaths, drains, community buildings, parks and reserves, play a vital role in the local economy and on quality of life. They exist in order to provide services to the community and businesses for current and future generations.

Large proportions of Council's assets have been in existence for many years. Council has also received a number of “gifted” assets from developers, which attract ongoing operational and maintenance costs over their life. At the same time, demographic change is challenging the capacity of existing assets to meet the increasing demands of the environment in which they are located. The community's expectations too are increasing, which affects the ability of existing purpose-built assets to meet the changing needs of future residents. As community assets have a lengthy useful life, it is a complex task to monitor the cost and timing of their renewal.

Asset management is a critical tool in ensuring appropriate provision is made for the long-term management of community assets, and their impacts on all areas of service planning and delivery. The City of Marion's Asset Management Vision is:

“To maintain the City of Marion’s assets to agreed levels of service which maximise community value throughout an asset’s life”.

Council's Asset Management Plans detail information about our assets and define the services to be provided, how the services are provided, and what funds are required to provide the services. All City of Marion assets are audited every three years under an inspection regime.

8. Measuring our success

Monitoring performance is a critical element of strategic management. It is the mechanism for critically ensuring that Council is contributing to the achievement of both the Strategic Plan and the 3-year Business Plan 2016-19.

Our Key Performance Indicator (KPI) dashboard for 2018/19 (provided in the table below) takes account of Council's objectives over the next three years.

Note: Council is still considering its suite of KPIs.

Key Performance Indicator	Core Target	Stretch Target
Financial Sustainability	Council maintains a break even or positive cash funding position in delivering its annual budget	
Delivery of agreed projects identified in the Annual Business Plan and the third year targets in the 3 year Plan	Greater than or equal to 95%	
Lost Time Injury Frequency Rate	Greater than or equal to 10% reduction from the previous year's result	Greater than or equal to 15% reduction from the previous year's result
Total employee costs (including agency staff)	Less than or equal to 3% increase in actual employee costs (including agency staff) against prior year's actual costs	Less than or equal to 2% increase in actual employee costs (including agency staff) against prior year's actual costs
Staff retention	90% retention	95% retention
Overall satisfaction with Council's performance	Greater than or equal to 75% rated as satisfied or above	Greater than or equal to 85% rated as satisfied or above
Asset Sustainability	Asset Sustainability Ratio greater than or equal to 80%	Asset Sustainability Ratio greater than or equal to 90%
Delivery of Council's capital works program	Greater than or equal to 80% delivery of Council's planned capital works program (adjusted for extraordinary items)	Greater than or equal to 90% delivery of Council's planned capital works program (adjusted for extraordinary items)
Staff engagement	Achievement of an overall employee pulse survey result of 75%, based on 9 metrics (including Community, Values, Safety, Expectations, Valued, Empowerment, Development, Recognition, Happiness)	Achievement of an overall employee pulse survey result of 80%

We will report on our progress against our 2018/19 KPI dashboard quarterly at Council meetings and in our 2018/19 Annual Report.

9. Funding the Annual Business Plan

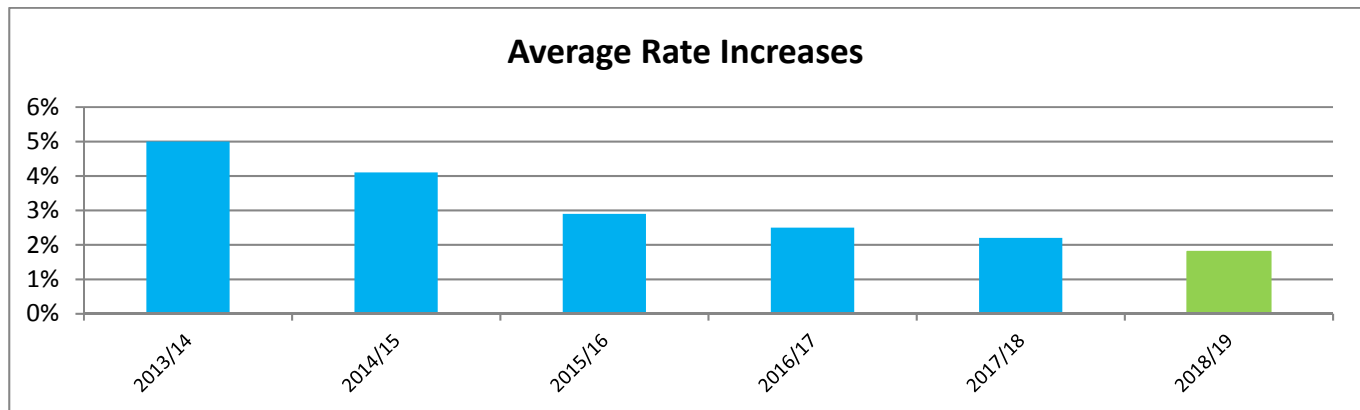
9.1 Your rates in 2018/19

The Annual Business Plan is based on a proposed average rate increase of 1.8%. In setting rates for 2018/19, council has forecast the revenue required to meet the costs of delivering the services and projects that will be provided to the community in 2018/19.

Rates account for 86% percent of council's operating revenue with others sources including fees, charges and grants. These revenues contribute to the necessary funding for planned capital renewal programs in 2018/19.

While the average rate increase of 1.8% is proposed, it is to be noted that actual rates payable by a rate payer will vary according to individual property valuations, the attributed land use, and whether there has been any new development or capital improvement at the land.

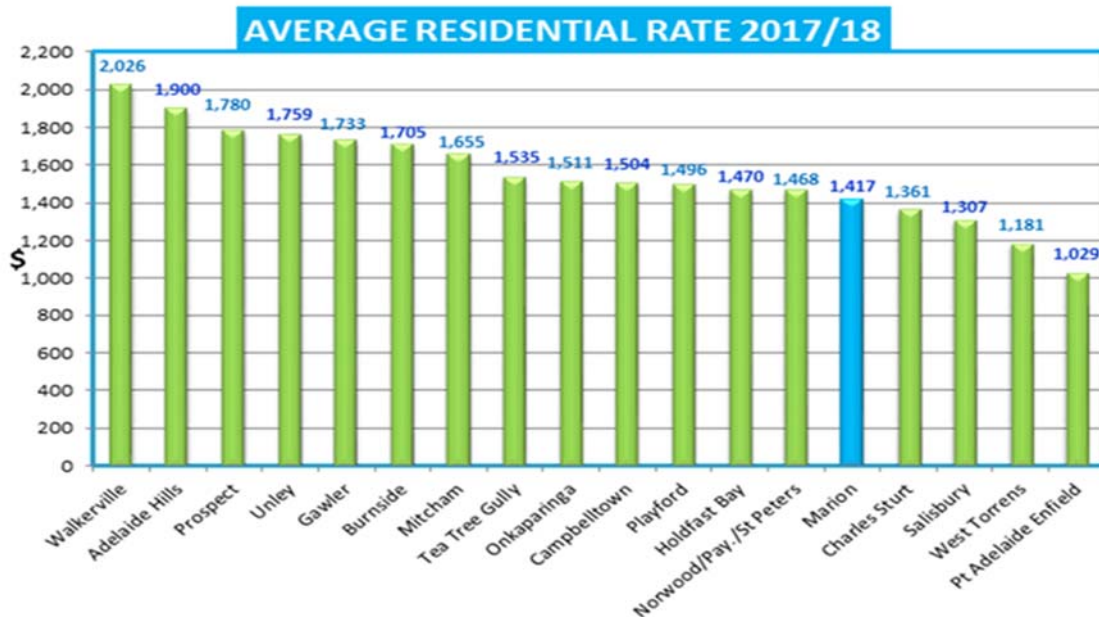
Over the past years, we have listened to your feedback and Council is aware of the impact of rate increases on the community. We are continually looking for opportunities that allow this burden to be reduced and as a result our rate increases have been decreasing steadily over the past six years. The 2018/19 rate increase is the lowest in over 15 years, and continues to head in the desired downward direction.



With changing community needs and other external influences impacting on the community, there is a need for council to consider how to plan more effectively, both for the longer term and more immediate community benefit. The rate increase is set at a level that provides confidence that services will be maintained and that a sufficient capital expenditure program is planned to maintain council's assets.

The outcomes of the community consultation, as well as a balance between achieving the strategic directions, maintaining services and assets, ensuring financial and environmental sustainability, supporting intergenerational equity and making provision for those in the community who are experiencing hardship, have been considered in setting the rate increase for the Annual Business Plan.

The graph presented below illustrates council's relative rating effort compared to other Adelaide metropolitan councils. Marion was ranked 5th lowest average residential rate in 2017/18.



Note: Comparative data for the 2018/19 year will be available following the release of the LGA Council Rates Survey which is typically released in the first quarter of the next calendar year.

9.2 Differential Rating

Council currently derives 18% (2017/18: 18%) of its rate revenue from the Commercial and Industrial sectors. Commercial and Industrial users consume a greater proportion of council resources than residential properties, particularly in regard to the use of roads, footpaths, traffic, parking, storm water drainage, public health and environment.

Council uses a differential rating system to raise revenue based upon its Land Use and will continue to do so to ensure a fair and equitable distribution of rates within the City of Marion. The differential rate is charged in addition to the normal rate. In applying this approach, council will take into consideration all prevailing economic conditions and changes and adjust its differential rates accordingly, to ensure an appropriate and fair equalisation of rates across all land use categories. Differential rates to apply to land use are as follows:

Commercial	85%	(2017/18: 85%)
Industrial	70%	(2017/18: 70%)
Vacant Land	100%	(2017/18: 100%)

9.3 Budgeted Income Statement

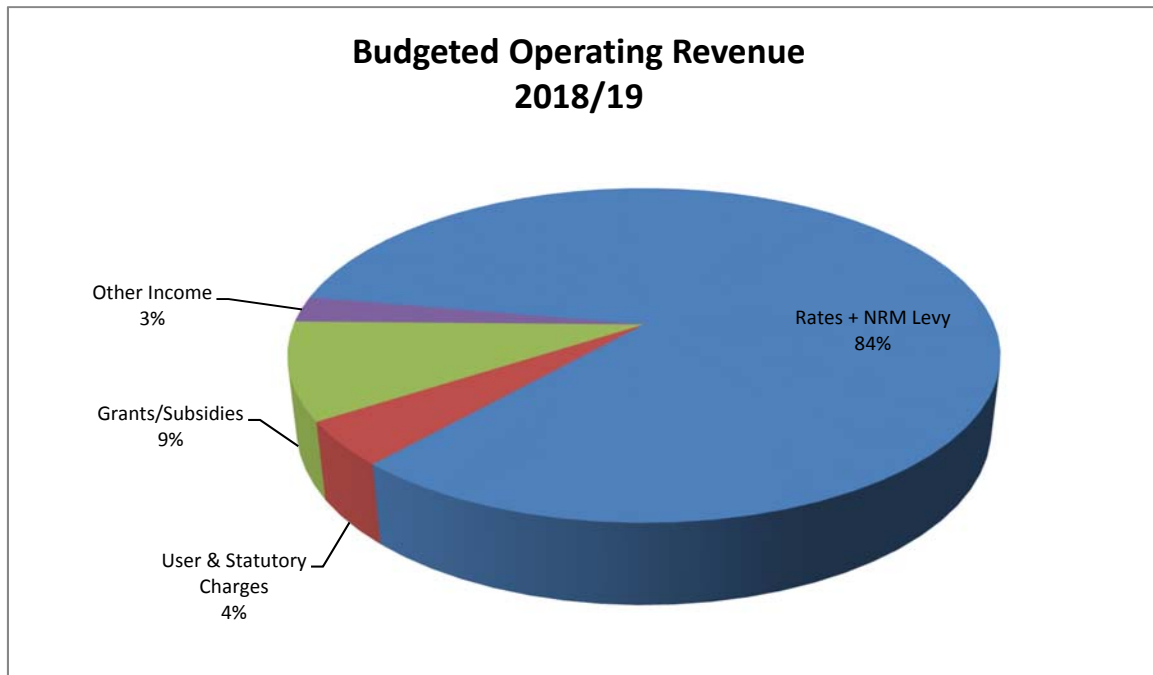
An operating surplus of \$4.199m before capital revenues is forecast for 2018/19. An operating surplus is required to fund the renewal of existing infrastructure in accordance with council's asset management plans.

	2nd Review 2017/18 \$'000	Budget 2018/19 \$'000	Variance \$'000
Budgeted Income Statement			
Operating Revenue			
Rates - General	73,080	75,231	2,151
Rates - NRM Levy *	1,799	1,942	143
Statutory Charges	2,037	1,925	(112)
User Charges	1,890	2,005	115
Grants/Subsidies	7,203	8,658	1,455
Investment Income	904	504	(400)
Reimbursements	626	564	(62)
Other Revenue	1,559	876	(683)
Share of Profit/(Loss) Regional Subsidiaries	334	344	10
Total Operating Revenue	89,432	92,049	2,617
Operating Expenditure			
Employee Costs	34,013	34,920	907
Contractor Services	19,467	19,976	509
Materials	5,213	4,944	(269)
Finance Charges	541	470	(71)
Depreciation	17,105	17,105	-
Other Expenses	8,291	10,435	2,144
Total Operating Expenditure	84,630	87,850	3,220
Operating Surplus/(Deficit) before Capital Revenues	4,802	4,199	(603)
Capital Grants and Contributions	10	-	(10)
Physical resources received free of charge	1,500	-	(1,500)
Net Surplus/(Deficit) resulting from Operations	6,312	4,199	(2,113)

* Note: The NRM Levy is collected by Council on behalf of the Adelaide and Mt Lofty Ranges Natural Resources Management Board.

9.4 Operating Revenue

The main source of income for council is rate revenue; making up 84% of total council revenue in 2018/19, with other sources being government regulated fees for statutory services, an environment of diminishing levels of untied federal grant monies, as well as other grants from State and Federal government.



General Rates

Council's revenue in 2018/19 includes \$75.23m to be raised in general rates. The budget has been developed on the basis of a proposed average rate increase of 1.8% (excluding new developments and capital improvements). In setting rates for 2018/19, council has forecast the revenue required to meet the costs of delivering the services and projects that will be provided to the community in 2018/19.

Growth for new developments and capital improvements is forecast at 1% for 2018/19. This predominantly is the result of new housing in Marion and property improvements as reported by the Valuer General. The revenue created by this growth will cover the increased costs of servicing a growing community which includes the requirement to maintain and provide for the replacement of infrastructure such as stormwater drainage and transport networks.

Other Sources of Revenue

- **User Charges set by council** – Relate mainly to the recovery of service delivery costs through the charging of fees to users of council's services. These include charges for the use of council's community facilities, swimming pool admission and the like.
- **Statutory Charges set by State Government** – Relate mainly to fees and fines levied in accordance with legislation and include development application fees, health act registrations and parking fines.
- **Grants and Subsidies** – Grants include all monies received from State and Federal sources for the purpose of funding the delivery of council's services to ratepayers and for the funding of the capital works program. The budget for 2018/19 includes the balance of grant funding towards Edwardstown Soldiers Memorial Oval redevelopment of \$2.4m (up from \$1.6m in 2017/18).

9.5 Operating Expenditure

Council's operating expenses are forecast to increase to \$87.850m in 2018/19. The following graph shows a breakdown of operating expenditure across council services for every \$100 spent:



Employee Costs

Employees are responsible for the provision of Council's key services, including the ongoing maintenance of open space areas, libraries, neighbourhood centres, the Marion Outdoor Pool, urban development, health and community care. Employees are either directly employed by council, or indirectly through an employment agency (i.e. agency staff) where temporary workforce requirements have arisen through seasonal demand or short-term vacancies of existing positions.

Employee costs are forecast to increase by \$907k primarily because of increases in existing staff Enterprise Agreements (currently 2.3%, in line with the December 2017 CPI).

There are two Enterprise Agreements (EA's) covering our indoor and outdoor staff. The indoor (clerical) staff EA is negotiated with the Australian Services Union and staff agreed to a 2% per annum increase, or CPI if greater, for the 3 years to 30 June 2019. The outdoor staff EA is negotiated with the Australian Workers Union (AWU). The AWU EA expired on 30 June 2017 and is currently being renegotiated (the previous 3 year EA has given average annual increases of 3.41%).

Contractor Services

Contractor services relate mainly to the provision of council services by external providers. Council uses contractors to assist in the provision of major services such as waste collection, and also where specialist services or advice is required where it is not warranted for Council to have permanent in-house resources. An increase of \$509k (2.6%) is forecast in the 2018/19 budget.

Materials

Council's Materials budget includes utilities, products utilised in the delivery of community services and maintenance of council's infrastructure, open space, and other assets, as well as fuel for the fleet of vehicles used to deliver services. A decrease of \$269k in materials is forecast in the 2018/19 budget.

Other Expenses

The key increases in Council's Other Expense category include a \$2.5m contribution towards a Southern Region Soccer Facility and a \$1.0m contribution towards Oaklands Crossing.

9.6 Capital Revenue

Capital Grants and Contributions

Council has no forecast capital grants and contributions towards new capital works planned in 2018/19.

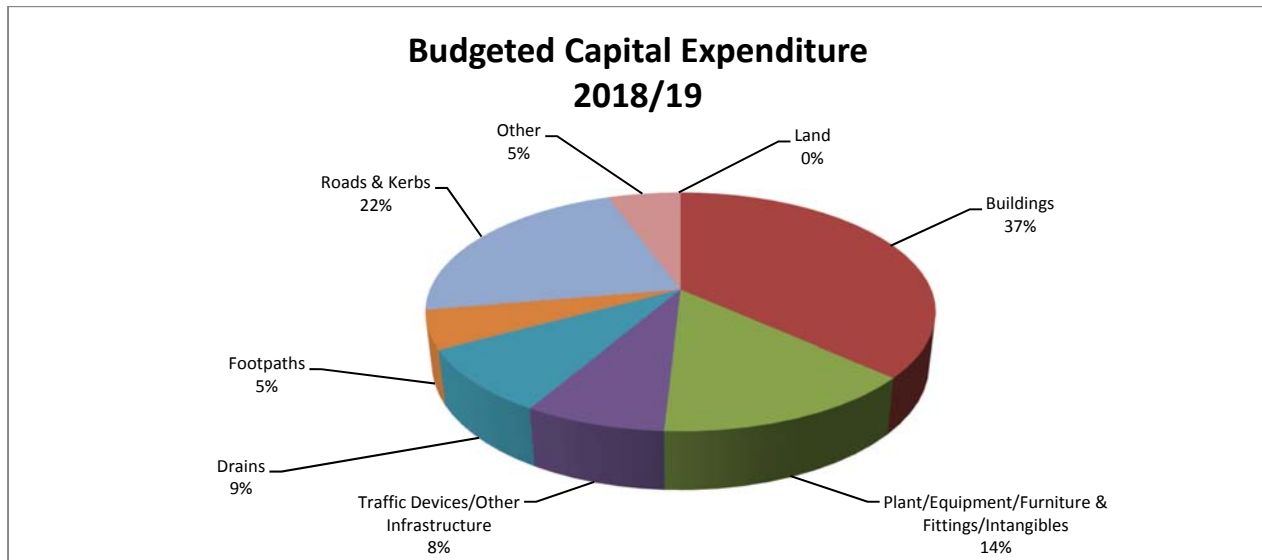
9.7 Budgeted Capital Expenditure

The 2018/19 Budgeted Statement of Capital Expenditure forecasts total capital expenditure of \$29.934m including \$17.883m renewal and \$12.051m new and upgrade.

The following table summarises council's planned Capital Works Program for 2018/19.

	2nd Review 2017/18 \$'000	Budget 2018/19 \$'000
Capital Expenditure		
Land	2,624	0
Buildings	10,510	10,976
Infrastructure:		
Roads & Kerbs	6,657	6,650
Drains	2,266	2,594
Footpaths	1,559	1,550
Traffic Control Devices	378	405
Other Infrastructure	4,354	3,927
Plant and Equipment	2,709	1,987
Furniture and Fittings	57	191
Other	607	1,653
Total Capital expenditure	31,721	29,934
Represented By:		
Capital Expenditure		
Assets - New	14,350	12,051
Assets - Renewal	17,371	17,883
	31,721	29,934

Key capital projects included in the budget are the Edwardstown Soldiers Memorial Oval redevelopment (\$5.110m), LED Streetlight Replacement (\$2.066m), Marion Outdoor Swim Centre upgrades (\$1.193) and the development of Heron Way Reserve (\$1.649m).



9.8 Financing the Budget

Financing the budget refers to the use of borrowings or available cash balances to meet any shortfall between expenditure (both operating and capital) and revenue.

	Review 2017/18 \$'000	Budget 2018/19 \$'000
Net Lending/(Borrowing)		
Operating Surplus/Deficit before Capital Amounts	4,802	4,199
<u>less: Net Outlay on Existing Assets</u>		
Capital expenditure on asset renewal/replacement	17,371	17,883
less Depreciation/Ammortisation	(17,105)	(17,105)
	266	778
<u>less: Net Outlay on New/Upgrade Assets</u>		
Capital expenditure on New & Upgrade Assets	14,350	12,051
less Capital Grants	(10)	0
	14,340	12,051
Adjustments		
Share of Equity - Regional Subsidiaries	(334)	(344)
	(334)	(344)
Net funding increase/(decrease)	(10,138)	(8,974)

The table above identifies the council's net funding result. Council's budget for 2018/19 is expected to result in a net decrease in funding of \$8.974m.

Financing transactions associated with accommodating the expected net lending result in 2018/19 are as follows:

	2nd Review 2017/18 \$'000	Budget 2018/19 \$'000
Financing Transactions		
New Borrowings	0	0
less: Repayment of Principal on Borrowings	(1,197)	(1,100)
less: Increase/(Decrease) in Cash & Investments		
Transfers from/(to) Reserves	11,500	10,538
Cash Drawdowns/(Investment)	(165)	(464)
Equals: Financing Transactions	10,138	8,974

No additional borrowings are forecast in 2018/19, and as such principal repayments of existing loans will result in a forecast balance outstanding as at 30 June 2019 of \$6.805m.

9.9 Financial Ratios

To assist council in meeting its objective of financial sustainability a series of financial indicators endorsed by the Local Government Association are provided. Where a council target has not been adopted, the recommended Local Government Association (LGA) target has been used. The following table details these financial indicators and whether or not the prescribed target has been achieved over the five years up to the end of 2018/19.

Ratio	Council Target	2018/19 Budget	5 Year Average
Operating Surplus	0% - 5%	4.56%	9.47%
Asset Sustainability	95% - 100%	103.37%	88.1%
Asset Consumption	80% - 100%	76.29%	78.3%
Net Financial Liabilities	0% - 50%	(7.84%)	N/A
Debt Servicing	0% - 5%	1.7%	N/A

Council's Asset Sustainability and Asset Consumption ratios both fall outside of their targets. This indicates that Council's asset base requires further renewal, with continuing work on its Asset Management Plans and strategies relating to specific asset classes in progress to set a good foundation for improving this in future.

All other ratios are within their targeted ranges. Meeting these targeted ranges is consistent with Council meeting its objective of long-term financial sustainability.

Appendix 1 – Long Term Financial Plan Funding Statement

City of Marion

10 Year Financial Plan for the Years ending 30 June 2028

BUDGET SUMMARY - GENERAL FUND

Scenario: Draft LTFP 2018/19 - 2027/28 for Public Consultation

		Projected Years								
	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Income										
Rates	77,173	79,328	81,543	83,820	86,161	88,567	91,040	93,582	96,196	98,882
Statutory Charges	1,925	1,973	2,023	2,073	2,125	2,178	2,233	2,289	2,346	2,404
User Charges	2,005	2,053	2,104	2,157	2,211	2,266	2,323	2,381	2,440	2,501
Grants, Subsidies and Contributions	8,658	6,035	6,186	6,340	6,499	6,661	6,828	6,999	7,174	7,353
Investment Income	504	687	686	715	747	793	920	1,111	1,332	504
Reimbursements	564	579	593	608	623	639	655	671	688	705
Other Income	876	884	889	895	900	906	912	919	925	931
Net gain - equity accounted Council businesses	344	354	365	376	387	398	410	423	435	448
Total Income	92,049	91,892	94,388	96,984	99,652	102,409	105,321	108,374	111,536	113,730
Expenses										
Employee Costs	34,920	35,329	36,035	36,884	37,760	38,663	39,595	40,557	41,368	42,196
Materials, Contracts & Other Expenses	35,355	31,150	32,090	32,706	33,705	33,304	33,965	34,641	35,719	36,650
Depreciation, Amortisation & Impairment	17,105	17,789	18,501	19,241	20,010	20,811	21,643	22,509	23,409	24,346
Finance Costs	470	400	922	802	700	593	489	410	327	239
Total Expenses	87,850	84,668	87,549	89,633	92,175	93,370	95,693	98,117	100,823	103,430
Operating Surplus	4,199	7,224	6,840	7,351	7,478	9,039	9,628	10,257	10,712	10,300
Amounts Received Specifically for New or Upgraded Assets	-	10,000	-	-	-	-	-	-	-	-
Net Surplus / (Deficit) for the Year	4,199	17,224	6,840	7,351	7,478	9,039	9,628	10,257	10,712	10,300
Capital (Balance Sheet) and Reserve Movements										
Capital Expenditure	(29,934)	(47,794)	(21,850)	(22,255)	(22,828)	(23,481)	(21,765)	(22,228)	(22,574)	(23,028)
Loan Repayments (External)	(1,100)	(1,170)	(2,287)	(1,918)	(2,020)	(2,127)	(1,565)	(1,644)	(1,727)	(1,815)
New Loan Borrowings (External)	-	12,960	-	-	-	-	-	-	-	-
Net Transfers (to)/from Reserves	10,538	2,170	(760)	(760)	(760)	(760)	(760)	(760)	(760)	(760)
Total Capital (Balance Sheet) and Reserve Movements	(20,497)	(33,835)	(24,897)	(24,933)	(25,608)	(26,368)	(24,090)	(24,632)	(25,062)	(25,603)
Net Result (including Depreciation & Other non-cash items)	(16,297)	(16,610)	(18,057)	(17,582)	(18,130)	(17,329)	(14,462)	(14,375)	(14,350)	(15,303)
Add back Depreciation Expense (non-cash)	17,105	17,789	18,501	19,241	20,010	20,811	21,643	22,509	23,409	24,346
Add back Other Expenses (non-cash)	-	-	-	-	-	-	-	-	-	-
Less Other Income (non-cash)	(344)	(354)	(365)	(376)	(387)	(398)	(410)	(423)	(435)	(448)
Cash Budget Surplus	464	825	79	1,283	1,493	3,083	6,771	7,712	8,624	8,594

Appendix 2 – Capital Works Program

ROAD RESEAL PROGRAM 2018/19				
Road Name	Suburb	Ward	From	To
Program currently being finalised				

RESIDENTIAL FOOTPATH PROGRAM 2018/19				
Road Name	Suburb	Ward	From	To
Proactive Footpath Works	Various	Various		
Bathbank Crescent	Sheidow Park	Southern Hills	#12 Bathbank Crescent	#6 Bathbank Crescent
Brayden Court	Mitchell Park	Warriparinga	Lynton Avenue (North)	Alley way
Clifftop Crescent	Marino	Coastal	Fryer Avenue	End
Currie Court	Sheidow Park	Southern Hills	#5 Currie Court	School Boundary
Dutchman Drive	Hallett Cove	Coastal	Bus Stop 57A	The Cove Road
Emma St and Ruth Court	Marino	Coastal	The Cove Road	Emma Street (West)
First Avenue	Ascot Park	Coastal	Railway Terrace	Existing path
Frederick Lane	Glandore	Woodlands	Pleasant Avenue	Laneway
Gangara Court	Glengowrie	Mullawirra	#9 Gangara Court	#12 Gangara Court
Haddon Street	Mitchell Park	Warriparinga	Thorn Avenue	Quick Road
Harlow Street	Mitchell Park	Warriparinga	Thorn Avenue	Quick Road
High Street	Seacliff Park	Coastal	32 High Street	Bus stop 43A
Kulanda Road	Marino	Coastal	#3 Kulanda Road	Sheidow Terrace
Lonsdale Road	Hallett Cove	Coastal	Bus Stop 52C	Ragamuffin Drive
Main South Road	Clovelly Park	Warriparinga	#1262 Main South Road	#1266 Main South Road
Pildappa Avenue	Park Holme	Mullawirra	Marion Road	#12 Pildappa Avenue
Shaftesbury Terrace	Marino	Coastal	Carlton Terrace	#3 Shaftesbury Terrace
Spinks Road	Marino	Coastal	Jervois Terrace	#17 Spinks Road
Teesdale Crescent	Plympton Park	Mullawirra	#13 Teesdale Crescent	Teesdale Crescent
Thermopylae Crescent	Hallett Cove	Coastal	Sandison Road	Narida Street
West Street	Seacliff Park	Coastal	#4 West Street	Hill Street

TRAFFIC DEVICES PROGRAM 2018/19			
Road Name	Suburb	Ward	Description
Calum Grove	Seacombe Heights	Southern Hills	School Crossing
East Terrace	Edwardstown	Woodlands	Parking Bay
Grand Central / Shamrock	Hallett Cove	Coastal	Roundabout
Kangaroo Thorn	Sheidow Park	Southern Hills	Parking Bay
Lander Road	Oaklands Park	Southern Hills	Raised Median
Livingston / Filmer	Glengowrie	Mullawirra	Roundabout
Morphett Road	Warradale	Warracowie	Parking Areas

STORMWATER DRAINAGE PROGRAM 2018/19		
Road Name	Suburb	Ward
Forrest Avenue	Marino	Coastal
Herron Way	Hallett Cove	Coastal
John Street	Ascot Park	Woodlands

STREETSCAPE PROGRAM 2018/19		
Road Name	Suburb	Ward
Birch Crescent (Design)	Tonsley	Warriparinga
Bray Street	Plympton Park	Mullawirra
Railway Terrace	Edwardstown	Woodlands
Warracowie Way (Design)	Oaklands Park	Warracowie

IRRIGATION & WETLANDS PROGRAM 2018/19		
Location	Suburb	Ward
Alawoona Avenue Reserve	Mitchell Park	Warriparinga
Bandon Terrace Reserve	Marino	Coastal
First Avenue Reserve	Hallett Cove	Coastal
Heron Way Reserve	Hallett Cove	Coastal
Kenton Reserve	Marion	Warriparinga
Mitchell Park Reserve	Mitchell Park	Warriparinga
Pavana Reserve	Hallett Cove	Coastal
Shamrock Reserve	Hallett Cove	Coastal

OTHER INFRASTRUCTURE PROGRAM 2018/19		
Details	Suburb	Ward
Bus Shelters	Various	Various
Edwardstown Bore	Edwardstown	Woodlands
Kerb & Water Table	Various	Various
LED Lighting Transition	Various	Various
Signage	Various	Various
Sturt Linear Path	Glengowrie	Mullawirra
Sturt River Bridge	Morphettville	Mullawirra
Walking & Cycling Pathways	Various	Various
Warriparinga Reserve Bore	Sturt	Warriparinga

OPEN SPACE & RECREATION WORKS PROGRAM 2018/19			
Location	Suburb	Ward	Description
Playground Implementation Program			
Heron Way Reserve	Hallett Cove	Coastal	Construction
Bandon Terrace Reserve	Marino	Coastal	Construction
Shamrock Road Reserve	Hallett Cove	Coastal	Construction
First Avenue Reserve	Ascot Park	Woodlands	Construction
Mitchell Park Oval	Mitchell Park	Warriparinga	Construction
Various*	Various	Various	Remove Playground without replacement
* Council is currently finalising the exact locations for playground removals for 18/19			
Reserve Improvements			
Oaklands Estate (Reserve & Playground)	Oaklands Park	Warracowie	Construction
2nd Dog Park	TBC	TBC	Construction
Various*	Various	Various	Installation of shade sails
*Council is currently finalising the exact location for the provision of shade in 18/19			
Public Toilets			
Shamrock Road Reserve	Hallett Cove	Coastal	Install new facility
Capella Reserve	Hallett Cove	Coastal	Install new facility
Tennis & Netball Courts			
Morphettville Tennis Club	Morphettville	Mullawirra	Courts and facility improvements
Glandore Oval	Glandore	Woodlands	Courts and facility improvements
Hamilton Park Reserve	Warradale	Warracowie	Remove courts, clubroom and then landscape
Ballara Park	Warradale	Warracowie	Remove courts and then landscape
Sandery Avenue Courts	Seacombe Gardens	Warracowie	New shelter, site power and storage

PROPERTY/BUILDING WORKS PROGRAM 2018/19			
Location	Suburb	Ward	Description
Various	Various	Various	Solar infrastructure installations
Active Elders	Ascot Park	Woodlands	Replace ceiling
Administration Building	Sturt	Warriparinga	Front counter and entrance upgrade
Cosgrove Hall	Clovelly Park	Warriparinga	New Air Conditioner
Cove Sports Club	Hallett Cove	Coastal	Replace oval lights
Edwardstown Soldiers Memorial Oval	Edwardstown	Woodlands	Redevelopment
Fairford House	Bedford Park	Warriparinga	Window treatments
Fitzgerald James Building	Glandore	Woodlands	Replace Electricity Board, DDA works
Glandore Community Centre	Glandore	Woodlands	Replace signage
Glengowrie YMCA	Glengowrie	Mullawirra	Replace kitchen
Hallett Cove Tennis Club	Hallett Cove	Coastal	Replace floor covering
Marion Bowling Club	Marion	Warriparinga	Replace kitchen
Marion City Band Building	Edwardstown	Woodlands	Replace kitchen and remove asbestos
Marion Cultural Centre	Oaklands Park	Warracowie	Coat Timber Floor
Marion Outdoor Pool	Park Holme	Mullawirra	Upgrade building, foyer and facade
Marion Outdoor Pool	Park Holme	Mullawirra	Car park renewal
Park Holme Library	Park Holme	Mullawirra	Upgrade toilets (DDA)
Trott Park Neighbourhood Centre	Trott Park	Southern Hills	Replace kitchen, signage and remove asbestos
Warradale Kindy	Warradale	Warracowie	Remove asbestos
Woodforde Family Reserve	Park Holme	Mullawirra	DDA works

**CITY OF MARION
GENERAL COUNCIL MEETING
10 APRIL 2018**

Originating Officer: Nadia Yeoman, Coordinator Traffic and Parking
Manager: Mathew Allen, Manager Engineering & Field Services
General Manager: Tony Lines, General Manager City Services
Subject: Woodend Primary School – Car Park
Report Reference: GC100418R05

REPORT OBJECTIVES

At the General Council meeting 28 November 2017, Council resolved the following:

- 1. Notes the Report*
- 2. Notes the preferred solution to the parking issue at Woodend Primary School is a kiss and go facility.*
- 3. Endorses the detailed investigation of the recommended kiss and go proposal in accordance with Appendix 6.*
- 4. Receives a report on the outcomes of the investigation including cost estimates, funding options and implications for the owner of the school grounds.*
- 5. Encourages all stakeholders (minister for education, Woodend Primary School, Community, Marion Council and the private landowner) to work together to achieve a workable solution.*

The purpose of this report is to provide a progress update and summary of the next steps in the investigation.

EXECUTIVE SUMMARY

Council has consulted on a proposal to change Hughes Court Reserve from Community Land Management Plan (CLMP) 9 to CLMP 10. Significant opposition was received in response to the consultation. Staff have worked through alternative options with the Woodend Primary School's Representatives, and are now recommending not to proceed with further investigation of the preferred option to accommodate a new kiss and go zone within the school grounds.

Woodend Primary School received a \$5 million grant to build a new STEM building on their premises. The placement of this building will mean relocation of their playground, which in turn means that they can no longer consider the kiss and go proposal in the location presented to Council at its meeting of 28 November 2017 (location off Edward Beck Drive). The school requested discussing with Council:

- improving the existing pick up and drop off zones;
- creating a second pick up & drop off zone to alleviate congestion in one location;
- investigating improvements to on-street parking and signage around the school; and
- reviewing safe routes to school.

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

- | | |
|---|----------------------|
| 1. Notes the report | 10 April 2018 |
| 2. Continues to work collaboratively with the school to:
A. Explore alternative kiss and go locations
B. Identify any Way2Go program initiatives to improve active transport to school
C. Review parking controls on Edward Beck Drive | June 2018 |
| 3. Receives a further report should a feasible kiss and go option be identified | N/A |

DISCUSSION

Staff met with the Woodend Primary School Representatives on 19 March 2018. The School Representatives provided the following update about their future development to accommodate a new STEM facility and increased numbers of students:

- The plan of the school's development will see the removal of all existing transportable structures and construction of a new STEM building, which is understood to have a larger footprint. This will mean that existing play space outside the transportable structures will be lost, and that space around the oval will be utilised as play space and is no longer available for a drop and go facility as outlined in the Report GC281117R02.
- The School Representatives confirmed that there is no room available on the school premises to accommodate any drop and go facility, and believe this is a problem for Council to solve.
- They also confirmed that their priority is not to create a new car park, they believe the priority is to enable students to arrive at school safely – by creating safer routes to school and improving safety at drop off facilities.

The school stated that they would contact the Department of Planning Transport and Infrastructure (DPTI) Way2Go Program and work together to encourage active transport to school (walking and cycling). Council will review on-street parking restrictions on Edward Beck Drive in the near future and make changes as appropriate. It was suggested that the school, Council and David Speirs MP meet to discuss funding for a drop and go facility and potential options.

At the meeting, the following new options were considered for drop and go facilities, all of which would be subject to Council approval, community engagement, engineering design, and funding:

- Extension of Hughes Court through to Barton Drive to create on-street drop and go
- Creating a multi-use hard space on Hughes Court Reserve to function as a morning drop off and afternoon pick up, and outside these times to serve as a hard surface play space for the school and the public.
- Creating drop and go on-street indented parking on Young Street in the vicinity of the pedestrian crossing.
- Constructing a drop and go facility above the exiting staff car park on the school premises.

Since commencing this project on 1 April 2015, 6 staff have worked on parking / traffic investigations, concepts, designs, consultation, reports equating to 448 hours and an approximate cost of \$21,000. Please refer to APPENDIX 1 for a full history of the investigation into traffic and parking concerns at Woodend Primary School.

CONCLUSION

Woodend Primary School's Representatives have stated that Council's previous recommendations for on-site kiss and go zones are no longer possible due to the school's development plans. This means that the increasing demand for kiss and go facilities need to be accommodated on-street. However, Council and the school will need to carefully reflect on various site constraints, traffic safety matters, funding options and community views when considering further options.

Woodend Primary School

History of Events

Appendix 1

Date	Details	Outcome
2009	Woodend PS approached Council concerning traffic congestion around the school, mainly due the size and operation of the drop-off and pick-up zone The school suggested that the drop-off and pick-up zone be extended or an indented parking bay be installed along Edward Beck Drive, adjacent to the school oval.	The situation was investigated in consultation with the School and it was considered that: <ul style="list-style-type: none"> Extending drop-off/pick-up zone would not improve the situation due to parents using it as a parking area. The installation of an indented parking bay would not increase the available amount of parking as parallel parking was allowed along the road. To increase the amount of parking on Edward Beck Drive, Council proposed the construction of a partially indented 60-degree parking bay (utilising the road corridor and a small portion of <i>school land</i>). However, as the land accommodating the school oval is privately owned the School did not wish to continue with this proposal.
2010	The school suggested that additional signing be installed within the drop-off/pick-up zone to prevent parents parking in the zone.	Accordingly, Council installed the following signs: <ul style="list-style-type: none"> 5-minute parking restriction signs depicting drop-off/pick-up zone
Nov 2011	A representative of the School raised traffic movements around school as part of a LATM study being undertaken by Council, in the area.	At the time it was agreed that this should be treated as a separate issue and the School was asked to contact Council (when they were ready) to discuss the situation further.
March 2012	LATM Report to Council – detailing the outcomes on the study	It was stated that the School issues were not included
Nov 2014	Council was approached by DPTI to work with them and the Woodend Primary on a Government initiative 'Way2Go'.	As a result, DPTI installed way-finding signs (early 2016) and are looking into bike storage. Council has: <ul style="list-style-type: none"> Completed the installation of wide footpaths on Edward Beck Drive and Young Street (2016/17). Following an investigation listed the upgrade of the School crossing on Young Street for consideration in 2017/18.
1 April 2015	The Woodend PS requested a meeting (involving the School, the School Council & Council staff) to discuss the traffic/parking issues associated with the school.	As a result of discussions Council staff agreed to investigate and develop a solution to the traffic congestion and parking issues.
April 2015	The issue was listed on the Coastal & Southern Hills Ward Briefing Issues Log.	Updated each month

5 Aug 2015	Council presented a concept plan to establish a car park within the Hughes Court Reserve. Present – Cr Byram, Mat Allen, Nathan Saxty	Copies of the carpark proposal were left with the school for their feedback/comment.
14 Aug 2015	The School requested a further meeting to progress the carpark proposal.	Council staff indicated that: <ul style="list-style-type: none"> • This project was not budgeted for, nor was it included in the current or following financial years' capital works programme; • Land use investigation would be conducted (as it is a reserve); and • Consultation with adjacent residents will also need to be undertaken.
30 Aug 2015	Property Section and Open Space Planning were requested to provide comments on the proposed carpark concept.	Property Section - indicated that although a "carpark" was not included in the purpose for which the land is held, it may be possible for the benefit of the community. Legal Advice may be needed to clarify the situation. Open Space Planning - indicated that there were no immediate plans for the reserve.
28 Oct 2015	Woodend Primary School supplied written confirmation confirming support for the carpark proposal (this was as a result of Council's request)	
Early 2016		Council staff further examined the status of the Reserve and components of the design.
May 2016	It came to Council's attention that Mr Corey Wingard MP had undertaken a letter drop to local residents in relation to the carpark proposal. Council were not involved in the letter drop nor had even seen a copy of the letter.	Council subsequently requested a copy of this correspondence for our records from Corey Wingard MP. No copy has been received.
3 Aug 2016	Councillor Nick Westwood requested an update.	The following comments provided: <ul style="list-style-type: none"> • Council's position Summarising (i.e. a cost estimate for the project - \$185,000); • That the school had provided their 'in principle' agreement to the project; • That the project was unfunded and sits in the traffic matrix for prioritisation (consideration for funding in the 17/18 annual business plan); and Next steps were explained (confirm if there are any implications in regards to the land use, consult with adjoining residents and to undertake survey and detailed design).
7 Aug 2016	The School contacted Council requesting permission in writing to show the parent representatives the plan for the car park proposal at their next meeting on 8/08/16.	Permission provided. Subsequently the School indicated that they were advising the community.

17 Aug 2016	A local resident of Hughes Court, approached the Mayor and Ward Councillors, expressing her concern at the proposal, particularly removing green space for a car park.	A subsequent reply indicated that: <ul style="list-style-type: none"> • It was only a proposal at this stage; • The concept was developed as a result of the Woodend Primary School approaching Council to address the traffic and parking issues; • It was subject to further investigation and community consultation (not undertaken).
Sept 2016	Legal Advice was sought to ascertain the circumstances under which a carpark could be constructed on this reserve.	This advice suggests that the carpark could be contemplated: <ul style="list-style-type: none"> • Under CLMP9 if it was minor in nature - 10% of the reserve area. The current design is 21% of the reserve area; or • By amending the Community Land Management Plan (transferring the Hughes Court Reserve into CLMP10 (which would require consultation).
November 2016	Council meeting to seek approval to undertake consultation on a preferred option, choosing from: Option 1 – construction of the car park within the Hughes Court Reserve Option 1A – construction of the car park within the Hughes Court Reserve – to be funded by DECD Option 2 – develop the 60 degree car park on Edward Beck Drive (as proposed in 2009) Option 2A – Develop the 60 degree car park on Edward Beck Drive (as proposed in 2009) – to be funded by DECD Option 3 – Advise the School that Council will not undertake works to solve school parking problems considered to be a DECD issue.	Council endorsed option 1A: Endorses the Hughes Court Reserve car park concept plan Endorses community consultation to amend the Community Land Management Plans to include Hughes Court Reserve within CLMP 10. Approaches DECD to fund the construction of the car park within Hughes Court Reserve Receives a report on the discussion at the estimated cost. And, seeks funding from the State Government for the carpark concept plan.
13 February 2017	Council receives a letter from Susan Close Minister for Education and Child Development	The letter stated that DECD does not provide short term parking on school property to use for the pick-up and drop-off of students. They will not be contributing any funding towards the project.
March 2017	Council meeting to seek endorsement of one of two remaining options: Option 1 - Council funds and constructs the car park within the Hughes Court Reserve. Option 2 – Advise the school that Council will not undertake works to solve school parking problems.	Council endorses to: Proceed with community consultation in relation to the concept of a car park being situated on Hughes Court Reserve or consideration of a kiss and go zone. Investigate the suggestion made by the Minister of Education and Child Development in her letter dated 13 February 2017 to work with the department and the Woodend Primary School to investigate the opportunity for the establishment of a kiss and go zone.

September 2017	Council undertakes consultation on a proposed car park in Hughes Court Reserve	Overwhelming opposition is received in response to consultation.
28 November 2017	Council meeting to report on the feedback received in response to community consultation undertaken with regards to a proposed car park on Hughes Court Reserve, and discuss options for a kiss and go zone	Council endorsed the following: <ol style="list-style-type: none"> 1. Notes the preferred solution to the parking issue at Woodend Primary School is a kiss and go facility. 2. Endorses the detailed investigation of the recommended kiss and go proposal in accordance with Appendix 6. 3. Receives a report on the outcomes of the investigation including cost estimates, funding options and the implications for the owner of the school grounds. 4. Encourages all stakeholders (Minister for Education, Woodend Primary School, Community, Marion Council and the private landowner) to work together to achieve a workable solution
28 December 2018	The school representatives informs Council that the preferred option endorsed at the meeting of 28 November 2018 will no longer be suitable due to the school's development and use of land around their oval.	This means the detailed investigation of the recommended kiss and go proposal can no longer proceed, and new options need to be explored.
19 March 2018	Council meets with the School Representatives to discuss potential options for drop and go facilities.	Refer to meeting details in the General Council report dated 10 April 2018.

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

Originating Officer:	James O’Hanlon, Unit Manager Sport & Recreation
Corporate Manager:	Carol Hampton, Manager City Property
General Manager:	Abby Dickson, General Manager City Development
Subject:	Marion Golf Club Clubroom Redevelopment
Report Reference:	GC100418R06

REPORT OBJECTIVES

This report seeks Council consideration and approval of a proposal to convert the Marion Golf Club Pro Shop into new clubroom facilities for the Marion Golf Club (MGC), with a Council funding contribution from the Asset Sustainability Reserve - Community Facilities Partnership Program. Should Council endorse this project Landlord Approval is also sought.

EXECUTIVE SUMMARY

MGC is the City of Marion’s only golf course and occupies the Council owned site located off Lonsdale Highway in Seacliff Park. The original clubrooms were deemed to be unsafe and were demolished by Council with the Club relocated to a transportable building. The site consists of a 9 hole golf course, pro shop with amenities and a transportable hut which has housed the MGC for over 10 years.

Belair Turf Management (BTM) currently manages the facility under a commercial lease arrangement with Council. BTM have indicated that the pro shop is not commercially viable and proposed that the MGC could utilise the Pro Shop space as a clubroom with the provision that the MGC’s existing liquor license be transferred to BTM. MGC have agreed to this along with the proposed redevelopment works, which comprise an internal refurbishment and minor upgrade of the existing pro shop into a clubroom. The MGC currently hold a lease directly with Council.

The total redevelopment project budget will be in the order of \$300,000, which includes a 10% contingency. In conjunction with Council, MGC and BTM a funding model has been established for the redevelopment, which is detailed in the body of this report. The funding model includes a contribution from Council’s Asset Sustainability Reserve – Community Facilities Partnership Program to the value of \$115k, subject to a successful application through the current round of funding available from the Office for Recreation and Sport (ORS) with applications closing on April 11th and announcements expected in early July. The redeveloped clubrooms will also provide suitable facilities for use by the wider community as outlined in Council’s Draft Community Facilities framework.

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

- | | |
|---|---------------|
| 1. Grants Landlord Consent for redevelopment works to be undertaken on the Marion Pro Shop subject to funding and Development Approval and Building Rules Consent. | 10 April 2018 |
| 2. Delegates authority to the Manager City Property to authorise any relevant documents necessary to facilitate the conversion of the Marion Pro Shop to clubroom and community facilities for Marion Golf Club. | 10 April 2018 |
| 3. Supports an application by Council to the Office for Recreation and Sport for the amount of \$115,000 towards the redevelopment and conversion of the Marion Pro Shop to clubroom and community facilities for Marion Golf Club. | 10 April 2018 |
| 4. Endorses an allocation of up to \$115,000 in 2019/20 towards the redevelopment of the Marion Golf Clubroom facilities project being made from Council's Asset Sustainability Reserve – Community Facilities Partnership Program on provision of a successful application to the Office for Recreation and Sport. | 10 April 2018 |
| 5. Endorses an allocation of up to \$19,868 per annum for additional structural maintenance costs and an additional allocation of up to \$8,952 per annum for renewal/depreciation. | 10 April 2018 |
| 6. Advises that the Head Lessee (Belair Turf Management) will be responsible for any project related cost overruns. | 10 April 2018 |
| 7. Notes a contribution of \$35,000 from the Marion Golf Club for the project. | 10 April 2018 |
| 8. Notes a contribution of \$35,000 towards the project from the Head Lessee for the Marion Golf Course. | 10 April 2018 |

BACKGROUND

The MGC had approximately 15,000 rounds of golf undertaken last calendar year for casual, tournament and social rounds. The MGC has approximately 85 members who participate in both social and league rounds.

The MGC operates from a converted transportable building and hold a limited liquor license. The MGC is willing to relinquish their existing license to BTM, subject to the approval of the Pro Shop refurbishment going ahead and the Club entering into a license with BTM to occupy and use the facility for club operations and events.

The site is partially owned by Council, being the area occupied by the car park, club room facilities and a triangular section which is currently not used for any purpose (as shown by Blue lines in Appendix 2) and BORAL owning the remainder of the site which primarily constitutes the playing surfaces (as shown by the Red outline in Appendix 2). It should be noted that Council's lease with BORAL for the playing surfaces area is due to expire in 2026 with a right of renewal for a further 50 years.

BTM and the MGC have identified the benefits that cohabitation of the proposed redeveloped facility will deliver, together with the opportunities for wider community use that have significant advantages for both groups, including:

- Additional revenue streams for BTM from wider community usage.
- Increased referral opportunities for casual users to join the MGC.
- Fit for purpose facilities allowing increased opportunities for both MGC and BTM in relation to increased tournament and special event usage.
- Reduced operating overheads of sharing one facility as opposed to running two.
- Increased retention opportunities for the existing MGC membership base.
- Relocating the MGC from a temporary facility to a permanent facility.

The Marino / Seacliff Park area was identified through the Community Facilities Framework as an area lacking suitable community facilities. The proposed redeveloped facility will meet the immediate local neighbourhood need, with the Cove Civic Centre, Marino Hall and the City of Holdfast Bays Kauri Parade facility available to service wider local needs.

As part of this project, the MGC have provided current documentation to Council to show effective governance processes, including copies of the most recent AGM and corresponding minutes, insurances and financial reports including evidence of its financial ability to contribute to the project as outlined in the proposed funding model. The MGC established a sinking fund when the original clubrooms were demolished to contribute to the building of new clubrooms.

DISCUSSION

The MGC is managed under a commercial lease agreement with BTM (Head Lessee). The current lease is due to expire in May 2019 with no rights of renewal and therefore an Expression of Interest (EOI) will need to be undertaken at that time. BTM are willing to match the MGC's contribution to the refurbishment, subject to them being successful in securing a lease renewal through the EOI process. The proposed clubroom works will be undertaken after the completion of the EOI and appointment of a Head Lessee in 2019/20. To ensure the project remains fully funded the new lease will have a requirement that the incoming Head Lessee provides a contribution towards the work to the value of \$35,000.

SCOPE OF WORKS

The existing pro shop area if cleared will hold approximately 45 persons seated. The proposed usage of the area for the MGC and use by the wider community would require additional floor space and the installation of a kitchenette to service groups and provide alcohol service. It is proposed to extend the existing area to accommodate these needs.

A concept plan has been prepared (refer Appendix 1) for the proposed extension which will utilise the existing veranda footprint to increase the floor space and install a kitchenette.

If ORS funding is successful, the project will undergo a detailed design and building rules consent process.

FINANCIAL ANALYSIS

A total recommended budget for the redevelopment project is \$300,000 inclusive of a 10% contingency, with proposed funding contributions as follows:

Council (ASR – CFPP)	\$ 115,000
Office for Recreation and Sport (ORS)	\$ 115,000
Head Lessee	\$ 35,000
Marion Golf Club	\$ 35,000
Total	<u>\$ 300,000</u> (ex GST)

Council's whole of life costs for the project will include a provision for the replacement of the redeveloped building after the expiry of its remaining useful life estimated to be 15 years. The net increase to structural maintenance costs is projected to be up to \$19,868 and the increase in annual net depreciation (renewal costs) is projected to be up to \$8,952 as outlined in the table below.

Under the new Leasing and Licensing policy, the Head Lessee will be responsible for all operating and maintenance costs with Council undertaking all structural maintenance costs associated with the redeveloped facility.

Description	Redevelopment Cost	Professional Fees	Net Increase Structural Maintenance 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
Clubroom Redevelopment	300,000	0	19,868	20,000	11,048	8,952	915,000	732,302

Other Infrastructure works on the site

In conjunction with the proposed redevelopment, Council's 2017-18 Capital Works program includes the sealing of the existing car park costed in the order of \$200k. These works are currently on hold, pending the outcome of this report. Should Council endorse the proposed redevelopment works the sealing of the existing car park will be retimed and carried over to occur after the redevelopment works, so that the car park is not damaged whilst the works are undertaken.

Please note that a recent review on the long-term supply of water for irrigating the golf club has shown that in the order of \$1.3M of capex replacement is required for pipe, pumps, tanks and irrigation. This expenditure is currently unbudgeted and a separate report is planned to be brought to Council in August 2018 detailing estimated costs and proposed replacement timing for these works.

Resource (capacity) Impact

The City of Marion will project manage the project, and all contractors will be engaged in accordance with Council's Procurement Policy.

CONCLUSION

The proposed conversion of the Marion Golf Pro Shop to clubroom facilities will provide fit for purpose facilities for users and address the unsuitable facilities currently occupied by the Marion Golf Club for the past 10 years.

Belair Turf Management and the Marion Golf Club both acknowledge and support Council's proposed direction in opening up sporting facilities for wider community use, with both groups embracing the potential advantages and cross referral opportunities to grow their respective organisations.

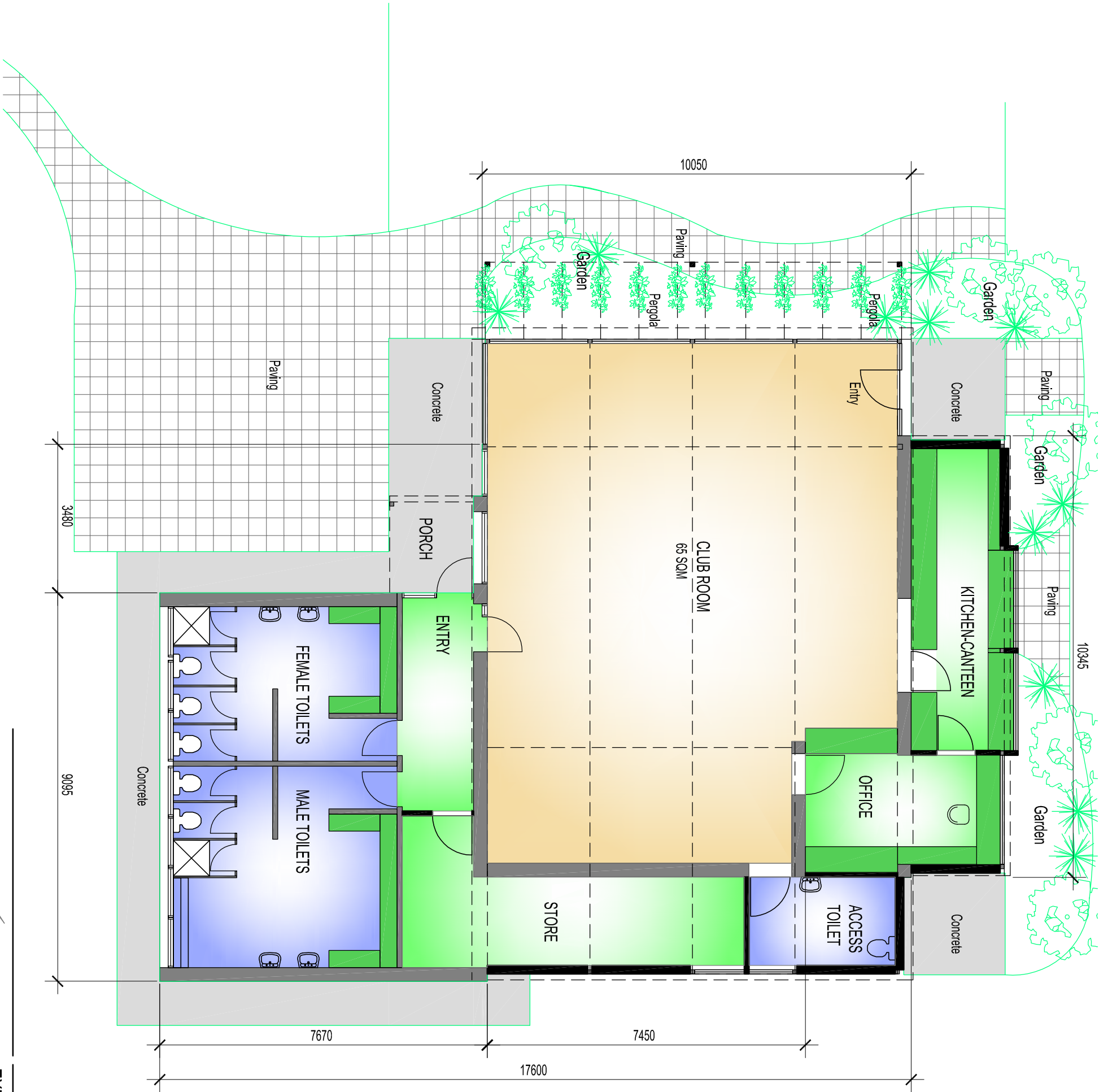
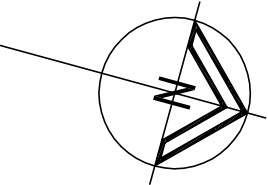
Attachments

Appendix 1

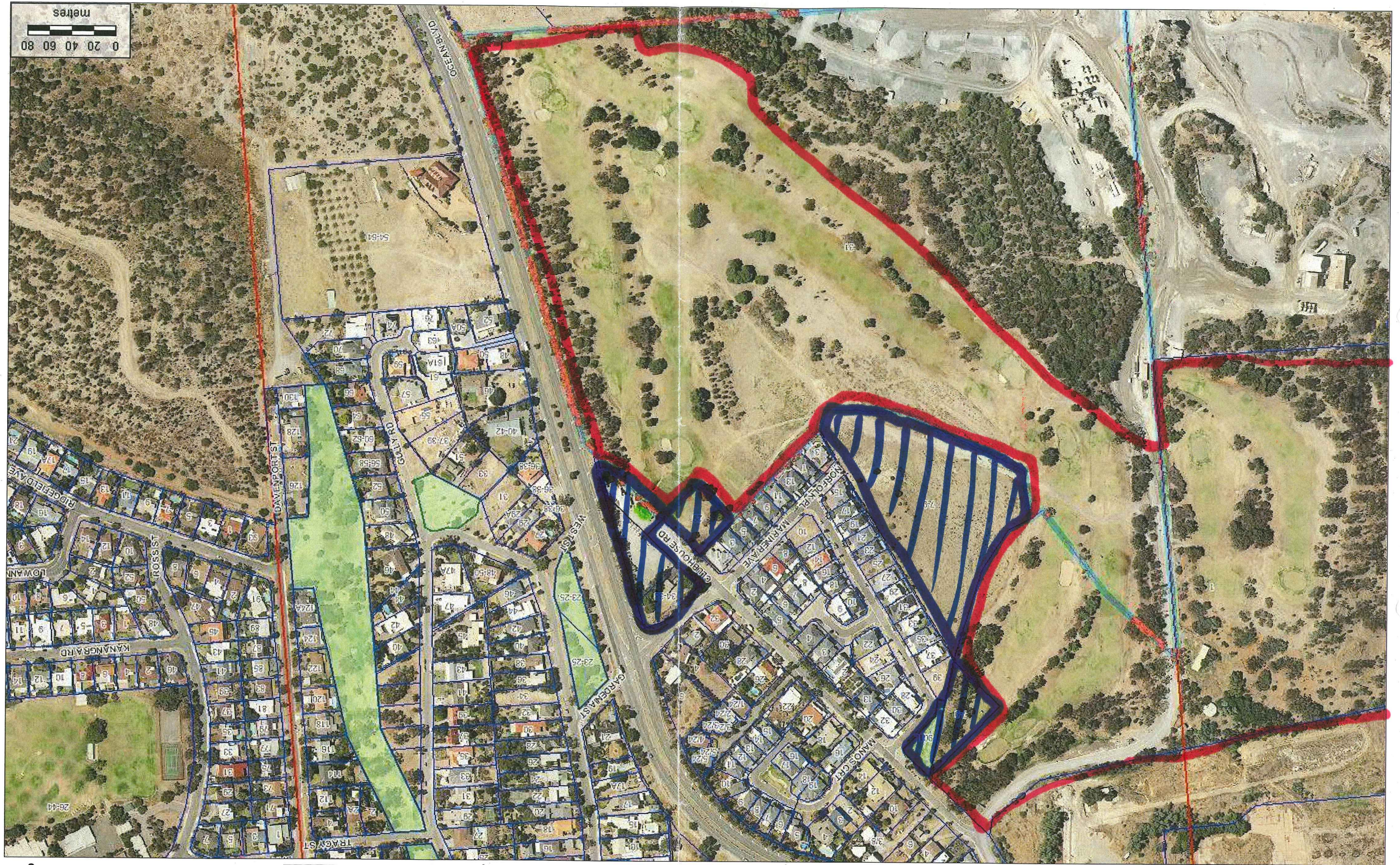
Concept Plan – Marion Golf Club

Appendix 2

Marion Golf Club - Leasing boundaries



INDEX		
CLUBROOM	109.2 M²	
OFFICE	12.2 M²	
KITCHEN/CANTEEN	16.2 M²	
STORE	12.6 M²	
ENTRY	12.4 M²	
MALE TOILET	25 M²	
FEMALE TOILET	19 M²	
STORE	2 M²	
ACCESS WC	7.1 M²	
STRUCTURE	25.7 M²	
TOTAL AREA	241.4 M²	
WALLS	COLORBOND EVENING HAZE	
SECURITY WINDOWS	COLORBOND COVE	



Map Width: 1255 m
Created by rates
Tuesday, 23 October 2012

About this Document
This map has been created for the purpose of showing basic
locally information and is a representation of the data
currently held by The City of Marion. This information is
provided for private use only.

Disclaimer
While every effort has been made to ensure the accuracy of the
product, Council accepts no responsibility for any errors or omissions.
Property boundary line network data is supplied by State
Government.

**CITY OF MARION
GENERAL COUNCIL MEETING
10 APRIL 2018**

Originating Officer:	Kane Harrison, Recreation Development Officer
Corporate Manager:	Carol Hampton, Manager City Property
General Manager:	Abby Dickson, General Manager City Development
Subject:	Cove Sports and Community Club – Female Change Rooms
Report Reference:	GC100418R07

REPORT OBJECTIVES

This report seeks Council consideration and approval of the construction of new female change rooms at the Cove Sports and Community Club with a joint funding model. Should Council endorse the proposal Landlord Approval for the works is also sought.

EXECUTIVE SUMMARY

The Cove Sports & Community Club (CSCC) is home to over 1,700 members from six affiliated sporting clubs including soccer, BMX, football, soccer, cricket and netball. The CSCC currently occupies the Council owned site on Oval Road, Hallett Cove and are committed to working with Council and key stakeholders to develop a long term plan for the facility. Their primary focus is to improve facilities, increase utilisation by the wider community and be sustainable.

The facility has four change rooms that are shared between all clubs. Currently male football and soccer teams almost exclusively use these amenities and a significant number of participants do not have access to change rooms throughout the year. An audit undertaken by the AFL in October 2016 documented that these change rooms are not suitable for female use.

The absence of female change rooms will become a major issue for the CSCC as participation rates for both males and females continues to grow. The lack of appropriate and inclusive facilities creates a risk of losing players to other clubs or to sports, and inhibits each affiliates ability to attract and retain players, coaches and officials.

The City of Marion has worked with the CSCC to address the need for new female change room facilities at the precinct. The proposed project will see the construction of new female change room and umpires room facilities at the southern side of the complex. The facility will comprise one dual change room with an operable wall allowing for reconfiguration into four change rooms and two umpires' rooms with amenities.

The total project budget will be \$465,000, which includes a 10% contingencies. An application to the Office for Recreation and Sport (ORS) will be submitted by Council on behalf of the CSCC seeking funding of \$370,000 with a Council contribution of up to \$80,000 from the Council's Asset Sustainability Reserve – Community Facilities Partnering Program. The remaining contribution of \$15,000 will come from the peak sporting bodies such as the SANFL; along with the CSCC.

RECOMMENDATIONS**DUE DATES**

That Council:

- | | |
|---|---------------|
| 1. Supports an application for Cove Sports and Community Club to the Office for Recreation and Sport to be submitted by Council for \$370,000 for the construction of new female change rooms and the upgrade of existing change rooms at the Cove Sports and Community Club. | 10 April 2018 |
| 2. Endorses a contribution of up to \$80,000 towards the project from Council's Asset Sustainability Reserve – Community Facilities Partnering Program on provision of a successful application to the Office for Recreation and Sport. | 10 April 2018 |
| 3. Notes a combined contribution of \$15,000 to the project from the Cove Sports and Community Club, SANFL, and other peak bodies. | 10 April 2018 |
| 4. Endorses an allocation of \$32,550 per annum for operating and maintenance and an allocation of \$18,600 per annum for renewal/depreciation in the Long Term Financial Plan. | 10 April 2018 |
| 5. Grants Landlord consent for the project subject to a successful grant application and to Development Approval and Building Rules Consent. | 10 April 2018 |
| 6. Delegates to the Manager City Property approval to authorise any relevant documents necessary to facilitate the construction of the new female friendly change rooms. | 10 April 2018 |
| 7. Advises the Cove Sport and Community Club that they will be responsible for any project related cost overruns. | 10 April 2018 |

BACKGROUND

There is a demonstrated need for female change room facilities at the CSCC.

- The current facilities are unable to cater for the large number of players requiring change room facilities at the complex.
- The existing change rooms are not appropriate for female use as evidenced in the 2016 audit conducted by the AFL.
- There is a significant risk that the affiliated clubs of the CSCC will lose players to other local clubs with facilities that are more suitable.

The ORS established the Female Facilities Program in 2016 to help clubs such as the CSCC to develop sustainable, functional, inclusive and fit for purpose female change room facilities that meet the current and future needs of the South Australian sporting community. The CSCC has twice applied unsuccessfully to the ORS for funding in round one and round three of this program to construct new female change rooms at the southern end of the clubrooms.

Council will be applying for funding from the ORS on behalf of the CSCC in round four, which closes on 11 April 2018 to enable greater female participation and the fielding of new teams at the complex. This application complements the proposed lighting upgrade to the oval, which

was supported by Council at the General Council meeting on 27 March 2018 (GC270318R04). The lights will extend oval access, facilitate extended training and playing hours, and improve safety at the venue.

As part of this project, the CSCC have provided current documentation to Council to show financial reports including evidence of its financial ability to contribute to the project as outlined in the proposed funding model.

SCOPE OF WORKS

The construction of new change room facilities at the southern end of the clubrooms will include:

- Design and drafting
- Site plumbing works
- Site civil works
- Transportation costs
- Disabled access ramps and rails
- Site demolition and tree removal; and
- Landscaping

The proposed building will be a modular facility that will be constructed off-site. Off-site construction means that manufacture takes place in a controlled environment and total project time is minimised (approximately 4 months). The project will be managed by City of Marion in conjunction with the SANFL and the modular construction company.

The works will include the following:

1. Procurement Phase (approx. 6 weeks): involves the procurement of external contractors to complete on site installation.
2. Manufacture Phase (approx.. 6 weeks): involves the complete manufacture of each modular inclusive of all fixtures and fittings. The manufacture phase takes place in a controlled environment within the factory securing timelines and safety compliance.
3. Installation Phase (approx.6 weeks): involves demolition of existing facilities, site preparation, modular installation, connections to services and landscaping. The installation phase will not disrupt any existing facilities allowing participants to use facilities safely throughout the duration of works.
4. Transport Phase (same day delivery): involves transporting each modular via truck from the factory to Cove Oval. Delivery will be completed on the same day as dispatch with each modular arriving completely fitted out and ready for installation.
5. Handover Phase: Facility is handed over to Cove Community Sports Club with no additional project work required.

The project will be supported by a cultural change initiative driven by the CSCC Management committee to ensure that a welcoming and inclusive environment is provided for females and all users of the facility.

RISK MANAGEMENT

The project will not be able to proceed if the ORS funding application and subsequent Council contribution is declined.

In this instance, the lack of appropriate facilities creates a risk of losing players to other clubs (or to sport altogether), and inhibits the Clubs' ability to attract and retain players, coaches and officials. This will potentially have a significant impact on usage of the facilities for sporting purposes or even community use for community events.

FINANCIAL ANALYSIS

The proposed budget allocation for the project is as follows:

Office for Recreation & Sport	\$ 370,000
Cove Sports and Community Club	\$ 10,000
SANFL	\$ 5,000
City of Marion	<u>\$ 80,000</u>
	\$ 465,000

The figures include a 10% contingency allocation.

Description	Acquisition Cost	Professional Fees	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
New Changerooms	465,000	0	32,550	18,600	0	18,600	1,743,750	1,743,750

Council's whole of life cost for the project will include a provision for the replacement of the building after the expiry of its useful life estimated to be 25 years. The projected costs for operations and maintenance will be \$32,550 and annual net depreciation cost of \$18,600 as outlined in the table above.

Under the new Leasing and Licensing policy, the CSCC will be responsible for operational costs with Council undertaking all structural maintenance associated with the new change rooms.

RESOURCE IMPACT

The City of Marion will project manage the project in conjunction with the SANFL, and all contractors will be engaged in accordance with Council's Procurement Policy.

CONCLUSION

The successful delivery of this project will increase participation at the facility and benefit both male and female participants, coaches, officials, volunteers and spectators from all affiliate clubs for generations to come. The project will support Council to meet its objectives to deliver high quality regional sporting facilities and associated amenities to service the sporting and wider community.

**CITY OF MARION
GENERAL COUNCIL MEETING
10 APRIL 2018**

Originating Officer:	James O'Hanlon, Unit Manager Sport & Recreation
Corporate Manager:	Carol Hampton, Manager City Property
General Manager:	Abby Dickson, General Manager City Development
Subject:	Glandore Oval – Cricket Nets
Report Reference:	GC100418R08

REPORT OBJECTIVES

This report seeks Council consideration and approval to replace the cricket nets located within the Glandore Community and Sports Club, which have reached the end of their useful life. It is proposed that Council's financial contribution towards the project be achieved through the reallocation of a portion of funds currently committed in the 3 year Tennis and Netball capital works program for the Glandore Oval court redevelopment.

EXECUTIVE SUMMARY

The cricket nets located at Glandore Sports & Community Centre (GSCC) consist of five practice pitches. Two clubs with a combined membership base of 235 players currently use the cricket nets. The nets also receive significant use by the general public when not utilised by formal club training sessions.

The cricket nets at GSCC have reached the end of their useful life and are in need of replacement. The total project budget will be up to \$310,000, which includes 10% in contingencies.

This report seeks Council's:-

1. approval for the lodgement of an application to the Office for Recreation and Sport (ORS) on behalf of the Adelaide Cricket Club (ACC) for a contribution of \$210,000 through Round 2 of the Artificial Surface Funding programme;
2. endorsement for a contribution of up to \$100,000 utilising existing funding allocated within the Tennis and Netball capital works program (i.e. a reallocation of existing funding).

The Tennis and Netball review identified that the 4 courts on the eastern side of Glandore Oval were surplus to Council needs. The courts were scheduled for removal pending a suitable alternative use for the area with \$160k allocated towards future works. It is recommended that Council utilise a portion of the funds allocated towards the redevelopment of the Glandore Oval courts for the removal of the two vacant netball courts to accommodate the installation of new cricket nets, thereby reducing the existing 4 courts to 2. The cost for the court redevelopment works will be in the order of \$60k and will be undertaken in 2018/19. This leaves \$100K in funds to be redirected towards the replacement of the Glandore cricket nets.

The ACC through annual funding received from South Australian Cricket Association will contribute \$20,000 towards the project to cover other infrastructure items not eligible within the Artificial Surfaces funding guidelines but required to complete the project.

The replacement and relocation of the cricket nets will deliver the following benefits:

- Providing fit for purpose facilities for Marion's premier cricket facility for use by clubs and the wider community.
- Providing scope for the investigation of future expansion of the Glandore Sports and Community clubrooms including female facility change rooms.
- Optimising the use of unused Council facilities for sport and wider community usage.
- Eliminating the safety risks associated with having the cricket nets located adjacent to the clubrooms being a heavy populated gathering point.

RECOMMENDATIONS

DUE DATES

That Council:

- | | |
|--|----------------------|
| 1. Grants Landlord consent for the installation of new cricket nets at the Glandore Community and Sports Club facility. | 10 April 2018 |
| 2. Supports an application to the Office for Recreation and Sport Artificial Surfaces Funding Program for the amount of \$210,000 towards the relocation and construction of new cricket nets and pitches at Glandore Community and Sports Club facility. | 10 April 2018 |
| 3. Endorses the reallocation of up to \$100,000 committed to works on the Glandore Oval courts through the Tennis and Netball 3 year capital works program towards the Glandore Oval Cricket Nets replacement and relocation proposal. | 10 April 2018 |
| 4. Notes a contribution of \$20,000 to the project from the Adelaide Cricket Club for other infrastructure not eligible under Office for Recreation and Sport funding. | 10 April 2018 |
| 5. Endorses an allocation of \$6,000 per annum for operating and maintenance costs and an allocation of \$21,700 per annum for renewal/depreciation within the Long Term Financial Plan. | 10 April 2018 |
| 6. Advises that the Glandore Sports and Community Club and Adelaide Cricket Club will be responsible for any project related cost overruns. | April 2018 |

BACKGROUND

The GSCC currently occupies the Council owned site on Margaret Street, Glandore. The GSCC are committed to working with Council and key stakeholders on the development of a long-term plan for the facility, with a primary focus on improved and sustainable facilities for existing affiliates, along with increased utilisation of the facility by the wider community. The Adelaide Cricket Club (ACC) is an affiliate of the GSCC and with backing from the GSCC is seeking Council support for this project.

The GSCC accommodate predominantly cricket and football at the site with the Adelaide Cricket Club being the only club within the City of Marion competing at a district cricket level.

All Council owned ovals with cricket pitches also have cricket nets that are heavily used for batting and bowling practice and are a core element of cricket facilities and operations. The cricket nets located at Glandore Oval consist of five practice pitches. Two clubs with a

combined membership base of 235 players currently use the cricket nets. It is also noted that the nets receive significant use by the general public when not utilised by formal club training sessions.

The existing nets and pitches have reached the end of their useful life and are overdue for replacement. The nets are also poorly located being too close to the clubrooms. This poses a safety risk to pedestrians and spectators. All other cricket nets within Marion Council are located well away from clubrooms to reduce the risk to facility users.

The Tennis and Netball review identified that the 2 x netball and 4 x tennis courts on the eastern side of Glandore Oval were surplus to Council needs. The courts were scheduled for removal pending a suitable alternative use for the area with \$160k allocated towards future works.

This report seeks Council consideration of utilising a portion of the Glandore Oval court redevelopment funding already committed by Council to partially fund the replacement and relocation of the cricket nets. Grant funding will also be pursued.

DISCUSSION

Given the need to relocate and completely refurbish the cricket nets, it is proposed to utilise a portion of the funds allocated towards the redevelopment of the Glandore Oval courts for the removal of the two vacant netball courts to accommodate the installation of new cricket nets. The following sections outline how the funds can be utilised to redevelop the courts and replace the ageing cricket nets.

Court Redevelopment works

It is proposed to convert the four unused Glandore Oval tennis courts into community courts with the following amenities:

- Reduce 4 courts to 2 courts (1 x tennis and 1 x netball).
- Create a community recreational hard surface area with such activities as snakes and ladders etc.
- Provision of a basketball ring.

The above works are similar to the recent conversion at the Yanyarrie Road courts (Appendix 1) which has proven to be successful for wider community use. The works would also provide complimentary activities for attendees of the adjoining playground.

The cost for the above works will be in the order of \$60k and will be undertaken in 2018/19. This leaves \$100K in funds to be redirected towards the replacement of the Glandore cricket nets.

Cricket Nets Replacement

The proposed scope of cricket nets works is outlined below:

- Decommission, remove and dispose of the existing cricket pitches and nets
- Make good the area vacated by cricket nets and pitches
- Remove two tennis courts and associated infrastructure e.g.: fencing and sub structures
- Install new cricket pitches, nets and associated infrastructure on area previously occupied by tennis courts.

It should be noted that the direction of ball travel will be towards the oval so there will be no risk regarding balls entering South Road traffic or walkways.

A map of proposed works is attached (refer Appendix 2).

The cost to install new cricket nets is in the order of \$310k. The proposed funding model is for \$100k of Council funds to be reallocated from the \$160k currently allocated towards Glandore court works and to seek \$210k in external grant funding from ORS.

The relocation of the cricket nets to the other side of the oval has the additional benefit of assisting future redevelopment of the aging clubroom facilities. Currently the clubrooms sit on a very restricted footprint inhibiting any expansion. The relocation of the cricket nets will provide additional space adjacent the clubrooms to facilitate future expansion and improved car parking. The future development of the clubrooms will be incorporated into the development of Council's Community Facilities Framework. This draft framework will be presented to Council in June.

Cricket Club Sustainability

The Adelaide Cricket Club hold a sub-lease with the GSCC who hold the head lease with Council. As part of this project, the Club has provided to Council copies of relevant governance documentation including minutes of last year's AGM and financial statements, which demonstrate effective governance of the club and the ability to contribute financially towards the project.

The GSCC who hold the head lease with Council; are up to date with all rental payments, have demonstrated sound governance in line with Councils leasing and licensing policy, are financially sustainable with no outstanding debts to Council or the ORS.

RISK MANAGEMENT

It is unlikely that the Club will be able to proceed with the project if the Office for Recreation and Sport application and subsequent Council reallocation is declined.

FINANCIAL ANALYSIS

The project budget is \$310,000, which includes a 10% contingency; the proposed funding breakdown is as follows:

Office for Recreation & Sport	\$ 210,000
Council Contribution	<u>\$ 100,000</u>
Total	\$ 310,000 ex GST*

*Adelaide Cricket Club are contributing \$20,000 for additional infrastructure for the project not covered within the funding guidelines through their annual funding received from the South Australian Cricket Association. These items include fencing, sheds and associated works such as floor slabs, electrical connections that will require Landlord consent from Council to formally proceed.

Council's whole of life cost for the project will include a provision for the replacement of the pitches after the expiry of their useful life estimated to be 25 years. The net increase to operations and maintenance will be \$6,000 per annum and the increase in annual net depreciation cost will be \$21,700 as outlined in the table below.

Under the new Leasing and Licensing policy, the GSCC will be responsible for operational and maintenance costs with Council undertaking all structural maintenance associated with the new structure.

Description	Acquisition Cost	Professional Fees	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
Glandore Cricket nets	310,000	0	6,000	20,124	3,245	21,700	1,162,500	1,162,500

RESOURCE IMPACT

The City of Marion will manage the project, and all contractors will be engaged in accordance with Council's Procurement Policy.

CONCLUSION

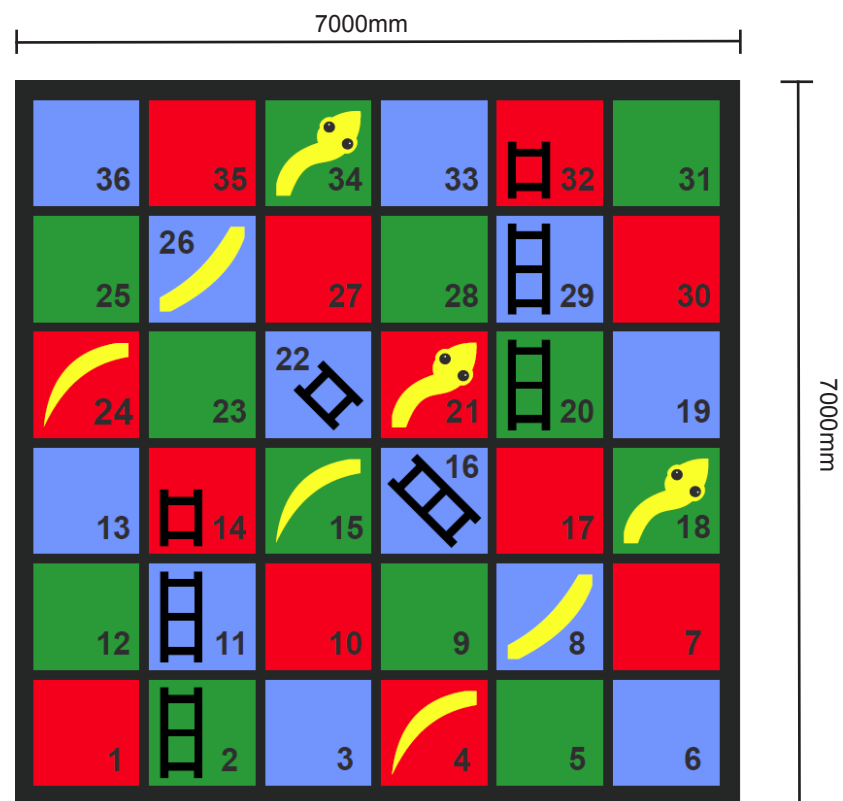
The relocation of the cricket nets addresses many long and short-term issues for the club and Council by:

- Providing fit for purpose facilities for Marion's premier cricket facility for use by clubs and the wider community.
- Providing scope for the investigation of future expansion of the Glandore Sports and Community clubrooms including female facility change rooms.
- Optimising the use of unused Council facilities for sport and wider community usage.
- Eliminating the risks associated with having the cricket nets located adjacent to the clubrooms being a heavy populated gathering point.

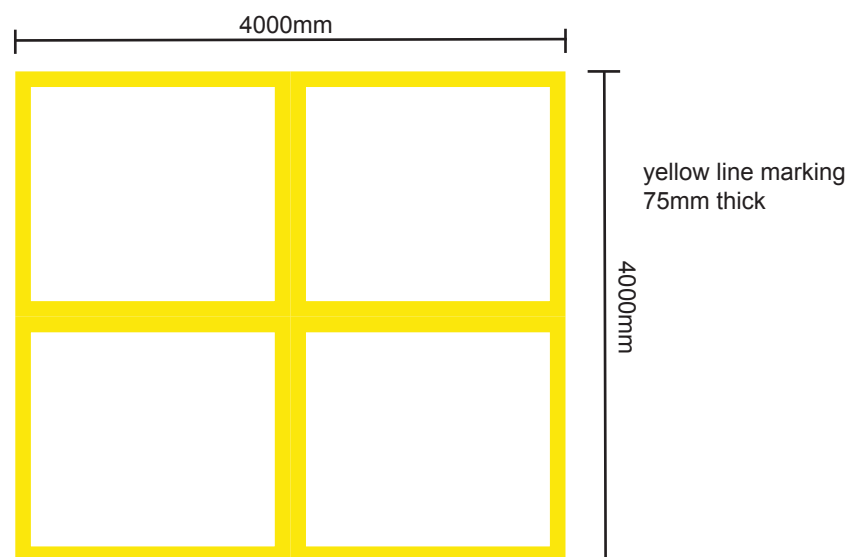
APPENDICES

Appendix 1
Appendix 2

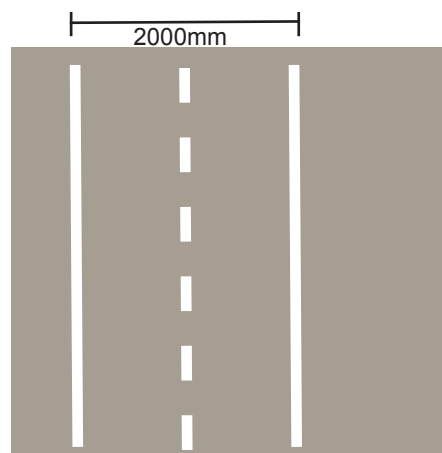
Example of court markings undertaken at Yanyarrie Reserve
Map of Glandore Cricket nets relocation



Snakes and ladders



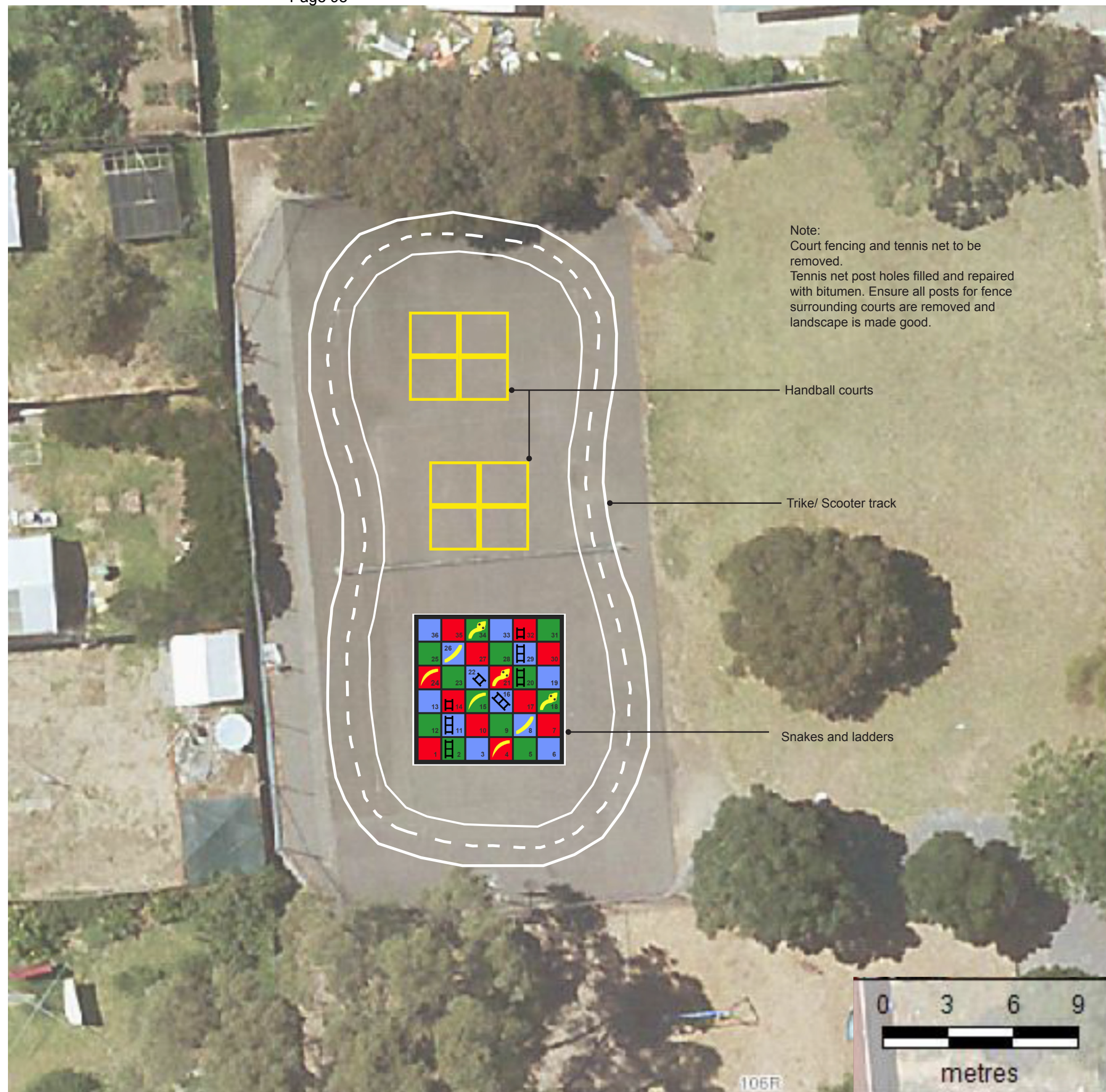
Handball courts



Trike/ scooter track

trike/scooter track line
marking. 75mm thick
white.

dashed line amrking
evenly spaced 500mm



Current
location of
cricket nets

About this Document

This map has been created for the purpose of showing basic locality information and is a representation of the data currently held by The City of Marion. This information is provided for private use only.

Disclaimer

While every effort has been made to ensure the accuracy of the product, Council accepts no responsibility for any errors or omissions. Property boundary line network data is supplied by State Government.

Map Width: 348.1 m
Created by rates
Friday, 16 March 2018



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

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

Corporate Manager: Carol Hampton, Manager City Property

General Manager: Abby Dickson, General Manager City Development

Subject: Marion Sports & Community Club - Light Towers

Report Reference: GC100418R09

REPORT OBJECTIVES

This report seeks Council consideration and approval of a proposal to install two new LED lighting towers on Pitch 2 at Marion Sports and Community Club, which includes a Council contribution from the Community Facilities Partnering Program.

Should Council endorse this project Landlord Approval is also sought.

EXECUTIVE SUMMARY

Marion Sports and Community Club (MSCC) is the City of Marion's largest regional sporting facility, which leases the Council owned site located on Sturt Rd, Marion. The site consists of a number of sporting fields, providing for sports such as cricket, AFL, soccer, croquet, softball and lawn bowls. The sporting fields are also utilised by many community groups for events and functions along with significant general community use.

A lighting upgrade for the precinct is proposed in two stages, Stage 1 being new lights on pitch 2 and Stage 2 being the upgrade of the remaining precinct lighting that would include pitch 1 and the football oval.

The precinct currently contains two soccer pitches with only one of these pitches having lights. The lack of lighting on pitch 2 has resulted in pitch 1 suffering from overuse. With the soccer season operating predominantly during the winter months, all weeknight training occurs on pitch 1 resulting in it being difficult to maintain this pitch in a fit for purpose condition. Training activities are also restricted with many teams of varying ages and abilities having to share a single pitch due to lack of lights on the adjoining pitch.

The total project budget for the installation of LED lighting is in the order of \$75,000, which includes 10% in contingencies. In conjunction with Council, MSCC and Marion Soccer Club the following funding model has been established.

Funding Partner	Funding Contribution
Council	\$25,000
Marion Sports and Community Club	\$20,000
Office of Recreation & Sport	\$25,000
Marion Soccer Club	\$5,000
Total Budget	\$ 75,000 ex GST

Should Council approve this project, Council's contribution of up to \$25,000 would be funded the Asset Sustainability Reserve – Community Facilities Partnering Program.

RECOMMENDATIONS

DUE DATES

That Council:

- | | |
|---|---------------|
| 1. Subject to securing external funding, development approval and building rules consent, grants Landlord consent for the installation of two new lighting towers fitted with LED lights on Pitch 2 within the Marion Sports and Community Club located adjacent Norfolk Road. | 10 April 2018 |
| 2. Supports an application by the Marion Soccer Club to the Office for Recreation and Sport to be submitted by Council for \$25,000 towards two new lighting towers fitted with LED lights on Pitch 2 within the Marion Sports and Community Club. | 10 April 2018 |
| 3. Endorses an allocation of up to \$25,000 towards the two new lighting towers fitted with LED lights on Pitch 2 within the Marion Sports and Community Club being made from Council's Asset Sustainability Reserve – Community Facilities Partnering Program on provision of a successful application to the Office for Recreation and Sport. | 10 April 2018 |
| 4. Notes a contribution of \$15,000 from Marion Sports and Community Club for the project. | 10 April 2018 |
| 5. Endorses an allocation of \$5,250 per annum for operating and maintenance and an allocation of \$3,000 per annum for renewal/depreciation within the Long Term Financial Plan. | 10 April 2018 |
| 6. Delegates to the Manager City Property approval to authorise any relevant documents necessary to facilitate the installation of the lights. | 10 April 2018 |
| 7. Advises the Marion Sports and Community Club they will be responsible for any project related cost overruns. | April 2018 |

BACKGROUND

As part of the lease negotiations between Council and MSCC a Precinct Plan was established for the development of the facility, this included an upgrade of lighting within the Precinct. The priority is to install lights on pitch 2, as this is the only unlit playing surface within the facility. Pitch 2 sits adjacent to pitch 1 both of which house a soccer pitch.

The Marion Soccer Club in recent years has increased team numbers and programmes; this includes teams from the Cove Soccer Club using the pitches for training purposes at night. This has resulted in pitch 1 being overused and making it difficult to maintain a fit for purpose playing surface for games.

Where possible, the club utilises the football and croquet playing surfaces when not in use and rotates usage of pitch 1 for training. However, a single pitch with lights will be unable to accommodate the current demand for soccer facilities in the long term.

In discussions with MSCC and the Marion Soccer Club, it is proposed to undertake the lighting project for the precinct in two stages:

- Stage 1 installation of new lights on pitch 2
- Stage 2: upgrade of the remaining precinct lighting including pitch 1 and the football oval.

SCOPE OF WORKS

The installation of the two new additional light towers will require trenching works across pitch 2. In conjunction with scheduled irrigation works planned for the site, sufficient conduits will be laid that will allow for both irrigation and electrical runs to be pulled through, eliminating the need to undertake oval trenching works when stage 2 works are undertaken.

The installation of lighting towers will include:

- Installation of two new light towers and six LED light fixtures on pitch 2.
- Electrical runs from the main switchboard to the new towers via a combination of existing conduits to be laid under pitch 2.
- Testing, commissioning and handover of new light towers to Council and MSCC.

The new lighting will meet 100-lux guideline requirements, which will enable night fixtures.

FINANCIAL ANALYSIS

The total budget for the project is \$75,000 including sufficient (10%) contingency for the project; the proposed funding is as follows for both options:

Funding Partner	Funding Contribution
Council	\$25,000
Marion Sports and Community Club	\$20,000
Office of Recreation & Sport	\$25,000
Marion Soccer Club	\$5,000
Total Budget	\$ 75,000 ex GST

For comparison purposes, the budget for metal halide lights would be much lower in the short term with an upfront cost in the order of \$50k. However, the long term operating costs of metal halide lights is more expensive outlined in the table below:

	kwh	Tariff per kw	Lights	\$ per hour	hours	cost per year
LED	1.4	\$ 0.30	12	\$ 5.04	525	\$ 2,646.00
Metal Halide	2.1	\$ 0.30	12	\$ 7.56	525	\$ 3,969.00

Based on estimated usage of the lights being 525 hours per year and using existing tariff rates.

Metal Halide lighting is not recommended as it does not align with Council's objectives to maximise energy efficiency and support the financial sustainability of clubs.

Under the new Leasing and Licensing Policy, MSCC will be responsible for operational costs such as electricity costs and globe replacement, Council will be responsible to undertake all structural maintenance associated with the towers.

Council's whole of life costs for the project will include a provision for the replacement of the lights after the expiry of their useful life estimated to be 25 years. The net increase to operations and maintenance will be \$5,250 and the increase in annual net depreciation cost will be \$3,000.

Whole of Life Costings for LED Lights

Description	Acquisition Cost	Professional Fees	Existing O&M p.a	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
Club Marion – Precinct Lighting	75,000	0	0	5,250	3,000	0	3,000	281,250	281,250

It must be noted that the Whole of Life costings provided do not capture proposed O&M savings in regards to electricity.

Resource (capacity) Impact

The City of Marion will project manage the project, and all contractors will be engaged in accordance with Council's Procurement Policy and contractor management procedures.

CONCLUSION

The MSCC Stage 1 lighting proposal for pitch 2 will enable the Marion Soccer Club and other affiliate clubs to accommodate the increasing team numbers using the facility by increasing available training times through effective night lighting.

It will also provide a full and effective lighting coverage of the playing surface for night training, which in turn will allow the implementation of "rest periods" for pitch 1 to improve the long-term playing surface quality.

The new lighting will meet 100-lux guideline requirements, which will enable night fixtures. This will support the club to explore new markets to increase attendance, community participation and revenue sales through possible night fixtures.

Appendix 1 – Map of existing and proposed light towers

Red = Existing light towers (Stage 2)	Green = Proposed additional towers (Stage 1)
---	--

Map Width: 696.6 m
Created by rates
Friday, 6 April 2018



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

Originating Officer:	James O'Hanlon, Unit Manager Sport & Recreation
Corporate Manager:	Carol Hampton, Manager City Property
General Manager:	Abby Dickson, General Manager City Development
Subject:	Tennis and Netball Review Update - Marion Tennis Club Lighting Project
Report Reference:	GC100418R10

REPORT OBJECTIVES & EXECUTIVE SUMMARY

This report provides Council with an update Council Marion Tennis Club (MTC) lighting project.

The MTC application through the Office for Recreation and Sports (ORS) in the 2017 funding program was unsuccessful. Alternative funding opportunities have been explored, however to date have been unsuccessful.

The MTC will resubmit their application in the ORS April 2018 funding round as per the original submission outlined and endorsed by Council at its 28 March 2017 General Council meeting (GC280317R12).

PROGRESS REPORT

As part of the Tennis and Netball review, the Marion Tennis Club was identified as requiring an upgrade to existing lighting and the installation of additional lighting to facilitate further training and game opportunities during non-daylight hours.

The proposal endorsed by Council in March 2017 covers the following works:

- The replacement of the existing lighting on courts 1, 2 & 3 with LED lighting utilising the existing light poles
- The installation of new poles and LED lighting on courts 4, 5 & 6.

Council has committed up to \$45,000 towards the project, subject to securing \$45,000 in grant funding. The MTC have also committed \$10,000 towards the project. Council endorsed the funding model at its 28 March 2017 General Council meeting (GC280317R12).

Unfortunately, the application was unsuccessful in 2017. Feedback from ORS was that the application was of a high standard; however, the funding round was highly competitive. Both Council and the MTC have explored alternative funding opportunities with no success to date.

At the General Council meeting in December 2017 an update on the Tennis and Netball project was provided to Council (GC281117R08) and Council passed the following resolution:

Notes upgrade works for both Warradale Park Tennis Club and Marion Tennis Club facilities remain partially funded and should attempts to attract additional funding be unsuccessful a further report will be brought to Council in April 2018.

This report advises Council that a further application will be resubmitted in April 2018 to seek the additional funding for the project to proceed. If unsuccessful, a report will be provided to Council to consider other funding options.

CONCLUSION

The MTC proposal will significantly improve lighting at the facility and will assist the Club's long-term sustainability and growth. The project seeks to support Councils objectives to improve Tennis Facilities across the City.

RECOMMENDATIONS

DUE DATES

That Council:

- 1. Notes this progress report and that Administration will submit a grant application to the Office for Recreational and Sport April 2018 funding round towards the lighting project at the Marion Tennis Club.**

10 April 2018

**CITY OF MARION
GENERAL COUNCIL MEETING
10 APRIL 2018**

Originating Officer: Jaimie Thwaites, Unit Manager Governance & Records

Corporate Manager: Kate McKenzie, Manager Corporate Governance

General Manager: Vincent Mifsud, General Manager Corporate Services

Subject: Update to the Schedule of Delegations:
Development Act 1993, Expiation of Offences Act 1996, Fines
Enforcement and Debt Recovery Act 2017 and Food Act 2001

Report Reference: GC100418R11

REPORT OBJECTIVE AND EXECUTIVE SUMMARY:

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

The annual review of delegations for the 2016/17 financial year was presented to Council at its meeting on 23 May 2017 (GC230517R11). Updates to the Schedule of Delegations are now recommended as a result of changes to the *Development Act 1993* and the *Food Act 2001*. In addition, substantive provisions of the *Fines Enforcement and Debt Recovery Act 2017* will commence on 30 April 2018. The commencement of these provisions will require Councils to revise their delegations under the *Expiation of Offences Act 1996* and make new delegations under the *Fines Enforcement and Debt Recovery Act 2017*.

This report provides details of the changes and seeks Council's adoption of these delegations.

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:

1. Revocations

- | | | |
|-------|--|---------------|
| 1.1 | Hereby revokes its previous delegations to the Chief Executive Officer of those powers and functions under the following: | 10 April 2018 |
| 1.1.2 | Development Act 1993 and Development Regulations 2008 | |
| 1.1.8 | Food Act 2001 | |
| 1.2 | Hereby revokes its previous delegations to its Development Assessment Panel under the Development Act 1993 and Development Regulations 2008. | 10 April 2018 |

- | | | |
|-----|--|----------------------|
| 1.3 | The Council hereby revokes its previous delegations to its Chief Executive Officer of those powers and functions under the Expiation of Offences Act 1996 to take effect from 30 April 2018. | 30 April 2018 |
| | | |
| 2. | Delegations made under Development Act 1993 | 10 April 2018 |
| 2.1 | 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 (annexed to the Report dated 10 April 2018 marked Appendix 1) are hereby delegated this 10 April 2018 to the person occupying the office of Chief Executive Officer subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Development Act 1993. | |
| 2.2 | Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer 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 1993. | |
| 2.3 | 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 (annexed to the Report dated 10 April 2018 marked Appendix 1) <u>and</u> 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. | Delegations made under Food Act 2001 | 10 April 2018 |
| 3.1 | In exercise of the powers contained in Section 91 of the Food Act 2001, the powers and functions under the Food Act 2001 contained in the proposed Instrument of Delegation (annexed to the Report dated 10 April 2018 marked Appendix 2) are hereby delegated this 10 April 2018 to the person occupying the office of Chief Executive Officer ('the head of the enforcement agency' for the purposes of the Food Act 2001), subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Food Act 2001. | |
| 3.2 | Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer 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 Food Act 2001. | |

4. Delegations made under Expiation of Offences Act 1996 and Fines Enforcement and Debt Recovery Act 2017

30 April 2018

4.1 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 3 and 4 (annexed to the Report dated 10 April 2018) identified as indicated below are hereby delegated this 10 day of April 2018 to the person occupying the office of Chief Executive Officer of the Council to take effect from 30 April 2018 subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instruments of Delegation:

- 1. Expiation of Offences Act 1996 (Appendix 3)**
- 2. Fines Enforcement and Debt Recovery Act 2017 (Appendix 4)**

4.2 The powers and functions may be further delegated by 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.

BACKGROUND:

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

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

Therefore, it is necessary for the Council to take formal steps to delegate to such people/bodies the authority 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 (or equivalent). Once the delegations to the Chief Executive Officer have been made, the Chief Executive Officer may then make sub-delegations to relevant Council officers (or such other bodies as are allowable, such as committees in some cases).

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

DISCUSSION:

Attached to this report are the *Development Act 1993* and *Food Act 2001* sections of the City of Marion Schedule of Delegations that have been included on the basis of recent legislative changes that have occurred and, amendments made to the delegation templates on the Local Government Association's secure website.

In addition, substantive provisions of the *Fines Enforcement and Debt Recovery Act 2017* will commence on 30 April 2018. These new provisions will have the effect of renaming the 'Fines Enforcement and Recovery Officer' the 'Chief Recovery Officer' and implementing a revised regime for the enforcement and recovery of expiation fees not paid by recipients of expiation notices issued by Councils and the recovery of fines and costs payable to Councils by Order of a Court. The provisions also make amendments to the *Expiation of Offences Act 1996* which provide new powers for Councils to deal with trifling expiation notices in certain circumstances and enable Councils to withdraw expiation notices in circumstances where the Council is of the view that the alleged offender should be excused from the offence on account of a cognitive impairment. The commencement of these provisions will require Councils to revise their delegations under the *Expiation of Offences Act 1996* and make new delegations under the *Fines Enforcement and Debt Recovery Act 2017*. The amendments to these delegations come into effect on 30 April 2018.

A summary of the changes is outlined below for your information.

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:

Act	Para number in instrument which contain changes	Section number of Act	Whether change is Addition/ Amendment/ Deletion
Development Act 1993 and Development Regulations 2008 (Appendix 1)	96A	Regulation 80(1a)	Addition
	97.2	Regulation 82(4)	Amendment
	97.2A	Regulation 82(4a)	Addition
Food Act 2001 (Appendix 2)	2.1	51(1)	Amendment
	3.3	52(4)	Amendment
Instrument of Delegation under the Expiation of Offences Act 1996 (Appendix 3)	3.2	8A(4)	Amendment to take effect from 30 April 2018
	3.4	8A(6a)	Addition to take effect from 30 April 2018
	3A.1	9(2)	Deletion to take effect from 30 April 2018
	3A.2	9(12)	Deletion to take effect from 30 April 2018
	4.1	11(1)	Amendment to take effect from 30 April 2018
	5.1	11A(1)	Amendment to take effect from 30 April 2018
	6.1	12	Amendment to take effect from 30 April 2018
	7.1	13(1)	Deletion to take effect from 30 April 2018
	7.2	13(4)	Deletion to take effect from 30 April 2018
	8.1.3A	16(1)	Addition to take effect from 30 April 2018
	8.3	16(6)	Amendment to take effect from 30 April 2018
	8.4	16(11)	Amendment to take effect from 30 April 2018
	9.1.1	18	Amendment to take effect from 30 April 2018
	9.1.2	18	Amendment to take effect from 30 April 2018
Instrument of Delegation under the Fines Enforcement and Debt Recovery Act 2017 (Appendix 4)	All	All	New legislation to take effect from 30 April 2018

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 Development Act 1993

Appendix 2 – Instrument of Delegation under the Food Act 2001

Appendix 3 – Expiation of Offences Act 1996

Appendix 4 – Fines Enforcement and Debt Recovery Act 2017

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

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

NOTES

In exercise of the powers contained in Section 20 of the Development Act, 1993, the powers, functions and duties under the Development Act, 1993 and the Development Regulations, 2008 are hereby delegated this ~~27~~10th day of ~~February~~ April 2018 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
AC	Administration Co-ordinator
ASODS	Administration Support Officer Development Services
BS	Building Surveyor
DCO	Development Compliance Officer
DOB	Development Officer Building
DOE	Development Officer Engineering
DOP	Development Officer Planning
EHO	Environmental Health Officer
FC	Financial Co-ordinator
GMCD	General Manager City Development
MDRS	Manager Development & Regulatory Services
MF	Manager Finance
POA	Planning Officer Arboriculture
PP	Policy Planner
SDOB	Senior Development Officer Building
SDOP	Senior Development Officer Planning
SO	Systems Officer
SPP	Senior Policy Planner
TLB	Team Leader Building
CCHS	Unit Manager Community Health and Safety
TLP	Team Leader Planning
TLE	Unit Manager Engineering Services

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

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

	Delegation to CEO	Sub-delegation
1. Concept of Change in the Use of Land		
1.1 The power pursuant to Section 6(3) of the Development Act 1993 ("the Act") and in circumstances where a particular use of land has been discontinued for a period of six months or more:		
1.1.1 to form the opinion that the revival of that use would be inconsistent with the Development Plan and have an adverse effect on the locality in which the land is situated; and	Y	
1.1.2 to serve written notice on the owner and occupier of the land declaring that a revival of the use will be treated for the purposes of the Act as a change in the use of land.	Y	
2. Appointment of Authorised Officers		
2.1 The power pursuant to Section 18(1) of the Act to appoint a person to be an authorised officer for the purposes of the Development Act 1993.	Y	
2.2 The power pursuant to Section 18(2) of the Act to impose conditions on the appointment of an authorised officer.	Y	
2.3 The duty pursuant to Section 18(3) of the Act to issue an authorised officer with an identity card.	Y	
2.4 The power pursuant to Section 18(5) of the Act to at any time, revoke an appointment which the Delegate or the Council has made, or vary or revoke a condition of such an appointment or impose a further such condition.	Y	
3. Delegations		
3.1 The duty pursuant to Section 20(8) of the Act to ensure that notice of a delegation under Section 20 of the Act is, in prescribed circumstances, given in the Gazette.	Y	

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

4. Council or Minister May Amend a Development Plan		
4.1 Where an amendment relates to the area, or part of the area, of a council, the power pursuant to Section 24(1)(a)(i) of the Act to prepare an amendment to a Development Plan.	Y	
4.2 Where an amendment to a Development Plan relates to the areas, or parts of the areas, of two or more councils, the power pursuant to Section 24(1)(b)(i) to consult with the Minister.	Y	
4.3 Where an amendment to a Development Plan relates to the areas, or parts of the areas, of two or more councils, the power pursuant to Section 24(1)(b)(ii) of the Act to prepare an amendment to a Development Plan at the request or with the approval of the Minister.	Y	
4.4 The power pursuant to Section 24(1a) of the Act and in accordance with subdivision 2 of Division 2 Part 3 of the Act to act jointly with one or more councils in preparing amendments to 1 or more Development Plans under sub Section (1)(a)(i) or 24(b)(ii) of the Act.	Y	
4.5 The power pursuant to section 24(1)(a)(iva) of the Act, where the Council or the Delegate has, after commencing the processes associated with making an amendment as set out in Section 25 of the Act, to subsequently decide not to proceed with the amendment after all.	Y	
4.6 The power pursuant to Section 24(1b) of the Act to make submissions in relation to the matter within the period specified by the Minister.	Y	
4.7 The power pursuant to Section 24(2a) of the Act to make submissions (within a period specified in the notice) in relation to a matter.	Y	
5. Amendments by a Council		
5.1 The power pursuant to Section 25(1) of the Act to prepare a "Statement of Intent" in accordance with the Regulations.	Y	
5.2 The power pursuant to Section 25(1) of the Act to reach agreement with the Minister on a "Statement of Intent" prepared by the Council.	Y	

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

5.3	Subject to Sections 25(4) and 25(5) of the Act the power pursuant to Section 25(3) of the Act to prepare a proposal, to be called a "Development Plan Amendment" (or DPA) that complies with the following requirements:		
-----	--	--	--

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

5.3.1	the DPA must be based on the outcome of investigations initiated by the Council or the Delegate in accordance with the terms of the Statement of Intent and such other investigations (if any) as the Council or the Delegate thinks fit;	Y	
5.3.2	the DPA must include an assessment of the extent to which the proposed amendment -		
5.3.2.1	accords with the Planning Strategy; and	Y	
5.3.2.2	accords with the Statement of Intent; and	Y	
5.3.2.3	accords with other parts of the Development Plan; and	Y	
5.3.2.4	complements the policies in the Development Plans for adjoining areas; and	Y	
5.3.2.5	satisfies the matters prescribed in the Regulations;	Y	
5.3.3	<i>the DPA must include -</i>		
5.3.3.1	an explanation of the intent of the proposed amendments, the relationship between that intent and the policy of the Statement of Intent, and a summary of the major policy changes (if any) that are proposed; and	Y	
5.3.3.2	a summary of the conclusions drawn from the investigations and assessments referred to above; and	Y	
5.3.3.3	a draft of the amendment, or a draft of the relevant section of the Development Plan as amended (with the amendments shown in a distinctive manner);	Y	
5.3.4	the DPA must include an assessment of the extent to which the proposed amendment accords with relevant infrastructure planning (with respect to both physical and social	Y	

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

	infrastructure) identified by the Council through strategic planning or other processes undertaken by the Council under the Act or the Local Government Act 1999 or identified by a Minister, or any other relevant government agency, in accordance with any scheme set out in the Regulations, in connection with the preparation of the DPA under the Act;		
5.3.5	the DPA must include any other matter prescribed by the Regulations.	Y	
5.4	The power pursuant to Section 25(3)(a) of the Act to initiate investigations in accordance with the terms of the Statement of Intent and such other investigations as the Delegate thinks fit.	Y	
5.5	The duty, pursuant to Section 25(4) of the Act to prepare a DPA only after the Delegate has considered the advice of a person with prescribed qualifications.	Y	
5.6	The power pursuant to Section 25(5) of the Act to not, except as authorised by the Minister, propose an amendment to a part of a Development Plan that has been declared by the Minister by notice in the Gazette as being part of a set of standard policy modules for the purposes of the Act.	Y	
5.7	The duty pursuant to Section 25(6) of the Act to deal with a DPA in accordance with process A, B or C as described by the Act, depending on an agreement reached between the Council or the Delegate and the Minister as part of the Statement of Intent or at some later time if so determined or agreed by the Minister.	Y	
5.8	The power pursuant to Section 25(6) of the Act to reach an agreement with the Minister as part of the Statement of Intent or at some later time if so determined or agreed by the Minister.	Y	
5.9	Process A		

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

5.9.1	The duty pursuant to Section 25(7)(a) of the Act to refer the DPA to any government Department or agency that has a direct interest in the matter, and any other body specified in the Statement of Intent, for comment within the period prescribed by the Regulations.	Y	
5.9.2	The power pursuant to Section 25(7)(b) of the Act, if a response is not received within the period that applies under Section 25(7)(a) of the Act, to assume that the particular Department, agency or other body does not desire to provide any comment.	Y	
5.9.3	The power pursuant to Section 25(7)(c) of the Act to consult with the Minister.	Y	
5.9.4	The duty pursuant to Section 25(7)(c)(i) of the Act to comply with the requirement of the Minister to make an alteration to the DPA.	Y	
5.9.5	Subject to Sections 25(10), 25(11), 25(12) and 25(12a) of the Act, the duty pursuant to Section 25(7)(d) of the Act to release the DPA for public consultation in accordance with the Regulations), over a period of at least 8 weeks.	Y	
5.10	Process B		

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

5.10.1	The duty pursuant to Section 25(8)(a) of the Act, if required by the Minister, to first refer the DPA to the Minister for consideration.	Y	
5.10.2	The power, pursuant to Section 25(8)(a) of the Act, to consult with the Minister.	Y	
5.10.3	The duty pursuant to Section 25(8)(a)(i) of the Act to comply with a requirement of the Minister to make an alteration to the DPA.	Y	
5.10.4	Subject to complying with Section 25(8)(a) of the Act, (if relevant) the duty and power pursuant to Section 25(8)(b)(i) of the Act to refer the DPA to any government Department or agency that has a direct interest in the matter, and any other body specified in the Statement of Intent for comment within a period of 8 weeks, and, if a response is not received within this period, to assume that the particular Department, agency or body does not desire to provide any comment.	Y	
5.10.5	Subject to Sections 25(10), 25(11), 25(12) and 25(12a) of the Act the duty pursuant to Section 25(8)(b)(ii) of the Act to release the DPA for public consultation in accordance with the Regulations over a period that is at least concurrent with the period that applies under Section 25(8)(b)(i) of the Act.	Y	
5.11	Process C	Y	

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

5.11.1	The duty and power pursuant to Section 25(9)(a) of the Act to refer the DPA to any government Department or agency that has a direct interest in the matter, and any other body specified in the Statement of Intent for comment within a period of 4 weeks, and, if a response is not received within this period, to assume that the particular Department, agency or body does not desire to provide any comment.		
5.11.2	Subject to Sections 25(10), 25(11), 25(12) and 25(12a) of the Act, the duty pursuant to Section 25(9)(b) of the Act to release the DPA for public consultation in accordance with the Regulations, over a period that is at least concurrent with the period that applies under Section 25(9)(a) of the Act.	Y	
5.11.3	The duty pursuant to Section 25(9)(c) of the Act, at the time that the DPA is released for public consultation, to give:		
5.11.3.1	an owner or occupier of any land that is directly subject to the operation of the proposed amendment; and	Y	
5.11.3.2	an owner or occupier of each piece of adjacent land to land that is directly subject to the operation of the proposed amendment, a written notice in accordance with the Regulations.	Y	
5.12	The duty pursuant to Section 25(10) of the Act to not release a DPA for public consultation unless or until the Chief Executive Officer of the Council has, on behalf of the Council, issued a certificate in the prescribed form relating to the extent to which the proposed amendment:	Y	

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

5.12.1	accords with the Planning Strategy; and	Y	
5.12.2	accords with the Statement of Intent; and	Y	
5.12.3	accords with other parts of the Development Plan; and	Y	
5.12.4	complements the policies in the Development Plans for adjoining areas; and	Y	
5.12.5	satisfies the matters prescribed in the Regulations.	Y	
5.13	In addition to any requirement prescribed by the Regulations, the duty pursuant to Section 25(11) of the Act for the purposes of undertaking the public consultation, to:		
5.13.1	allow interested persons to make representations in writing in relation to the matter over the period that applies for the purposes of the public consultation; and	Y	
5.13.2	subject to Section 25(11)(b) of the Act and in accordance with the Regulations, hold within the area of the Council at least 1 meeting where members of the public may attend and make representations in relation to the matter,	Y	
5.13.3	appoint a committee (which may, but need not, include members of the Council) to consider any representations made under Sections 25(11)(a) or 25(11)(b) of the Act and to provide advice in relation to those representations.	Y	
5.14	If a proposed amendment designates a place as a place of local heritage value, the duty pursuant to Section 25(12) of the Act, at or before the time when the DPA is released for public consultation, to give each owner of land constituting a place proposed as a place of local heritage value a written notice:		

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

5.14.1	informing the owner of the proposed amendment, and	Y	
5.14.2	inviting the owner to make submissions on the amendment within the period provided for public consultation under the Regulations.	Y	
5.15	If a proposed amendment declares a tree to be a significant tree or a stand of trees to be significant trees, the duty pursuant to Section 25(12a) of the Act, at or before the time when the DPA is released for public consultation, to give each owner of land where the tree or trees are located a written notice:	Y	
5.15.1	informing the owner of the proposed amendment; and	Y	
5.15.2	inviting the owner to make submissions on the amendment within the period provided for public consultation under the Regulations.	Y	
5.16	The duty pursuant to Section 25(13)(a) of the Act, after complying with the requirements of Sections 25(1)-(12a) of the Act, to, in accordance with the Regulations prepare a report on the matters raised during the consultation period, on the reasons for any failure to comply with any time set for any step under Sections 25(1)-(12a) of the Act, and on any recommended alterations to the proposed amendment.	Y	
5.17	The power pursuant to Section 25(13)(b) of the Act, if the Delegate thinks fit, by notice in writing to the Minister, to decline to proceed any further with an amendment.	Y	
5.18	The duty to send to the Minister:		
5.18.1	a copy of a report under Section 25(13)(a); and	Y	
5.18.2	a certificate from the Chief Executive Officer;	Y	
	pursuant to and in accordance with Section 25(14) of the Act and the Regulations.		
5.19	The power pursuant to Sections 25(15)(d) and	Y	

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

	25(15)(f) of the Act to consult with the Minister.		
5.20	The power pursuant to and in accordance with Section 25(21) of the Act to consult with, and make submissions to the Minister.	Y	
5.21	The power pursuant to Section 25(23) of the Act to consult with the Minister.	Y	
6.	Amendments by the Minister		
6.1	The power pursuant to Section 26(5)(d)(i) of the Act, in relation to a DPA referred to the Council by the Minister, to make comment on the DPA to the Minister within a period of 8 weeks.	Y	
6.2	The power pursuant to Section 26(5a)(a) of the Act in relation to a DPA referred to the Council by the Minister, to make comment on the DPA to the Minister within a period of 8 weeks.	Y	
6.3	The power pursuant to Section 26(5b)(a) of the Act in relation to a DPA referred to the Council by the Minister, to make comment on the DPA to the Minister within a period of 4 weeks.	Y	
6.4	The power pursuant to Section 26(12) of the Act, to make comment to the Minister within a period determined by the Minister in relation to a proposal to act under Section 26(11) of the Act.	Y	
6.5	The power pursuant to, Section 26(12) of the Act to, by notice in writing, object to the Minister's proposed action.	Y	
7.	Parliamentary Scrutiny		
7.1	The power pursuant to Section 27(6) of the Act to consult with the Minister.	Y	
8.	Strategic Directions Report		
8.1	The duty pursuant to Section 30(1) of the Act, to, from time to time, in accordance with the requirements of Section 30 of the Act, prepare a report under Section 30 of the Act (a Strategic Directions Report) that -		

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

8.1.1	addresses the strategic planning issues within the area of the Council, with particular reference to -	Y	
8.1.1.1	the Planning Strategy; and	Y	
8.1.1.2	any other policy or document prescribed by the regulations; and	Y	
8.1.2	addresses appropriate amendments to any Development Plan that applies within the area of the Council; and	Y	
8.1.3	sets out the Council's priorities for -		
8.1.3.1	achieving orderly and efficient development through the implementation of planning policies; and	Y	
8.1.3.2	the integration of transport and land-use planning within its area; and	Y	
8.1.3.3	implementing any relevant targets set out in the Planning Strategy; and	Y	
8.1.3.4	implementing affordable housing policies set out in the Planning Strategy within its area; and	Y	
8.1.3.5	infrastructure planning (with respect to both physical and social infrastructure), taking into account any advice provided by a Minister, or any other relevant government agency, in accordance with a scheme set out in the regulations, and any of the Council's proposals with respect to infrastructure; and	Y	
8.1.3.6	other projects or initiatives considered to be relevant by the Council; and	Y	
8.1.4	contains such other material as may be -		
8.1.4.1	prescribed by the regulations; or	Y	

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

8.1.4.2	required by the Minister.	Y	
8.2	The duty pursuant to Section 30(2) of the Act to prepare and complete a report under Section 30 of the Act -		
8.2.1	within 12 months after an alteration is made to the Planning Strategy, or within such longer period as the Minister may allow, if -	Y	
8.2.1.1	the Minister declares, by notice in the Gazette, that the alteration is considered to be a significant alteration that should trigger a review of Development Plans, or specified Development Plans, under Section 30 of the Act in relation to issues specified by the Minister; and	Y	
8.2.1.2	the Development Plan that applies in relation to the Council's area (or a part of its area) falls within the ambit of the declaration; and	Y	
8.2.2	in any event, within 5 years after the completion of the last report under Section 30 of the Act.	Y	
8.3	The duty, pursuant to Section 30(3) of the Act, in connection with the preparation of a report under Section 30 of the Act, to -		
8.3.1	by public advertisement, invite interested persons to make written submissions to the Council within 2 months of the date of the advertisement or such longer period as may be allowed by the advertisement; and	Y	
8.3.2	consult with any prescribed authority or body in the manner specified by the regulations.	Y	
8.4	The duty, pursuant to Section 30(4) of the Act, in connection with the operation of Section 30(3) of the Act, to prepare and make available the documentation prescribed by the regulations.	Y	
8.5	The duty pursuant to Section 30(5) of the Act to give a person who makes a written response to an	Y	

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

	invitation under Section 30(3)(a) of the Act an opportunity to appear personally or by representative before the Council or a Council Committee and to be heard on those submissions.		
8.6	The duty pursuant to Section 30(6) of the Act, in preparing a report under Section 30 of the Act, to -		
8.6.1	reach agreement with the Minister on a Statement of Intent with respect to any proposed amendments to a Development Plan that applies within the area of the Council; and	Y	
8.6.2	if relevant, prepare a DPA that is suitable for consideration under Section 25(3) of the Act.	Y	
8.7	The duty pursuant to Section 30(7) of the Act to furnish a report under Section 30 of the Act to the Minister.	Y	
8.8	The duty pursuant to Section 30(8) of the Act to, then, in accordance with any reasonable request of the Minister, enter into an agreement with the Minister on the steps that the Council will take as a result of the matters contained in the report (and the report will not be taken to have been completed unless or until such an agreement is reached with the Minister).	Y	
8.9	The power pursuant to Section 30(9) of the Act to request the Minister to exempt the Council -		
8.9.1	from a requirement to prepare a particular report under Section 30 of the Act; or	Y	
8.9.2	from a particular requirement with respect to a report under Section 30 of the Act.	Y	
8.10	The duty pursuant to Section 30(12) of the Act to make copies of a report prepared under Section 30 of the Act available for inspection (without charge) by the public at the principal office of the Council.	Y	
8.11	The duty pursuant to Section 30(13) of the Act, if a report proposes amendments to a Development Plan that applies within the area of the Council, to ensure that it releases a DPA for public consultation under Section 25 within the period prescribed by the	Y	

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

regulations.		
8.12 The power pursuant to Section 30(14) of the Act, to request in accordance with the regulations a Minister identified by the regulations for the purposes of this provision to furnish to the Council within the prescribed period a statement of the nature and extent of any infrastructure that, according to the Minister's assessment, should be taken into account in connection with the preparation of a report under Section 30 of the Act.	Y	
8.13 The power pursuant to Section 30(15) of the Act to act jointly with two or more councils under Section 30 of the Act and to act on behalf of, and with the agreement of, the other council or councils in undertaking any process or procedure under Section 30 of the Act.	Y	
9. Copies of Plans to be Made Available to the Public		
9.1 The duty pursuant to Section 31(3) of the Act to make copies of a Development Plan published under Section 31(1) of the Act that applies in relation to the area of the Council available for inspection (without charge) and purchase by the public at an office of the Council.	Y	
10. Matters Against Which Development Must be Assessed		
10.1 The power, as the relevant authority and pursuant to Section 33 of the Act, to assess a development against and grant or refuse consent in respect of each of the following matters:	Y	
10.1.1 the provisions of the appropriate Development Plan; with the exception of the following: - Development that has been the subject of 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 - Development that has been classified as non-complying. The Manager Development Services may determine to proceed with further assessment with	Y	

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

	<p>a non-complying development. Such decisions shall be reported to the next meeting of the DAP.</p> <ul style="list-style-type: none"> - Development that includes or is likely to include a new Liquor License or substantial amendment to a Liquor License other than for applications or amendments of a minor nature which may be determined by the Manager Development Services. Such applications shall be reported to the next meeting of the DAP and the respective Ward Councillors advised. - 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 Service intends to refuse such an application - Outdoor advertising signs: <ul style="list-style-type: none"> - of a freestanding/pylon design where the face of the advertising structure exceeds 5m² in area (each side when double sided). - 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 - of a "billboard" construction/design 		
10.1.2	the provisions of the Building Rules;	Y	
10.1.3	in relation to a proposed division of land (otherwise than under the Community Titles Act 1996 or the Strata Titles Act 1988) on the satisfaction of the conditions specified in Section 33(1)(c) of the Act;	Y	
10.1.4	in relation to a division of land under the Community Titles Act 1996 or the Strata Titles Act 1988 on the satisfaction of the conditions specified in Section 33(1)(d) of the Act;	Y	
10.1.5	the requirement that any encroachment of a	Y	

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

	building over, under, across or on a public place has been dealt with in a satisfactory manner;		
10.1.6	such other matters as may be prescribed.	Y	
10.2	The power pursuant to Section 33(3) of the Act, when granting a development plan consent, to reserve a decision on a specified matter until further assessment of the development under the Act.	Y	
10.3	If -		
10.3.1	a development only requires an assessment under paragraph (b) of Section 33(1) of the Act; and		
10.3.2	the Council -		
	10.3.2.1 is the relevant authority; and		
	10.3.2.2 is to make the assessment under that paragraph; and		
10.3.3	the Council determines to grant consent under that paragraph,		
	the duty, pursuant to Section 33(4b) of the Act as the relevant authority, to issue the relevant development approval with the consent.	Y	
11. Determination of Relevant Authority			
11.1	The power pursuant to Section 34(1)(b)(iii) of the Act to request the Minister to declare the Development Assessment Commission to be the relevant authority for a proposed development.	Y	
11.2	The power pursuant to Section 34(1a) of the Act, where the Minister has made a declaration under Section 34(1)(b)(vi) of the Act, to provide the Development Assessment Commission with a report, relating to the application for development authorisation, within the time prescribed by the Regulations.	Y	
11.3	The power pursuant to Section 34(8a) of the Act to, in conjunction with the Councils for the areas in relation to which a regional development assessment panel has been constituted, remove a member from the panel for a failure to comply with	Y	

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

	the requirements of Section 34(6a) or (7) of the Act or a breach of, or failure to comply with, a code of conduct under Section 21A of the Act.		
11.4	The power in accordance with Section 34(21) of the Act to withdraw from a regional development assessment panel	Y	
11.5	The duty pursuant to Section 34(27)(a) of the Act to establish a policy relating to the basis upon which the Council will make the various delegations required by Section 34(23) of the Act.	Y	
11.6	The duty pursuant to Section 34(27)(b) of the Act to ensure that a copy of the policy established by the Council under Section 34(27)(a) of the Act is available for inspection at the principal office of the council during ordinary office hours and for inspection on the internet.	Y	
12.	Special Provisions Relating to Assessment Against Development Plans		
12.1	The duty pursuant to Section 35(1) of the Act to grant a development plan consent if the Regulations or the relevant Development Plan describes any proposed development as a complying development (subject to such conditions or exceptions as may be prescribed by the Regulations or the relevant Development Plan and subject to any other provision made by the Act or applying under the Regulations).	Y	
12.2	The power pursuant to Section 35(1b) of the Act to determine a development that is assessed by a relevant authority as being a minor variation from complying development to be complying development.	Y	
12.3	Subject to Sections 35 (1d) and (1e) of the Act, if a proposed development meets all but 1 criteria necessary for the development to be complying development, the duty, pursuant to Section 35(1c) of the Act to regard the aspect or aspects of the development that are consistent with the development being complying development accordingly and to assess the balance of the development as merit development.	Y	
12.4	The power pursuant to Section 35(2) of the Act to	Y	

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

	assess whether or not a development is seriously at variance with the relevant Development Plan.		
12.5	The power pursuant to Section 35(3)(a) of the Act in appropriate cases, to concur in the granting of consent to a development described as a non-complying development.	Y	
12.6	Subject to the Act, the power and duty pursuant to Section 35(6) of the Act, to accept that a proposed development complies with the provisions of the appropriate development plan to the extent that such compliance is certified by a private certifier.	Y	
13.	Special Provisions Relating to Assessment Against Building Rules		
13.1	The duty pursuant to Section 36(1) of the Act to grant a building rules consent if the Regulations provide that any proposed building work complies with the Building Rules.	Y	
13.2	The power pursuant to and in accordance with Section 36(2) of the Act:		
13.2.1	to assess whether a development is at variance with the Building Rules;	Y	
13.2.2	to determine whether to grant building rules consent where the variance is with the performance requirements of the Building Code and the Building Rules Assessment Commission concurs in the granting of consent;	Y	
13.2.3	to determine whether to grant building rules consent where the variance is with a part of the Building Rules other than the Building Code on the basis that the Delegate is satisfied that:	Y	
13.2.3.1	the provisions of the Building Rules are inappropriate to the particular building or building work, or the proposed building fails to conform with the Building Rules only in minor respects and the variance is justifiable having regard to the objects of the Development Plan or the	Y	

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

	performance requirements of the Building Code and would achieve the objects of the Act as effectively, or more effectively, than if the variance were not to be allowed; or		
	13.2.3.2 in circumstances where the development has already occurred the variance is justifiable in the circumstances of the particular case.	Y	
13.3	The duty pursuant to Section 36(3) of the Act to modify the application of the Building Rules to avoid an inconsistency between the Building Rules and the Development Plan in relation to a State heritage place or a local heritage place.	Y	
13.4	The duty pursuant to Section 36(3a) of the Act to seek and consider the advice of the Building Rules Assessment Commission before imposing or agreeing to a requirement under Section 36(3) of the Act that would be at variance with the performance requirements of the Building Code.	Y	
13.5	The duty pursuant to Section 36(4)(a) and (b) of the Act to accept that proposed building work complies with the Building Rules to the extent that:		
	13.5.1 such compliance is certified by the provision of technical details, particulars, plans, drawings or specifications prepared and certified in accordance with the Regulations; or	Y	
	13.5.2 such compliance is certified by a private certifier.	Y	
13.6	The power pursuant to Section 36(6) of the Act to refuse to grant a consent in relation to any development if, as a result of that development, the type or standard of construction of a building of a particular classification would cease to conform with the requirements of the Building Rules for a building of that classification.	Y	
14.	Consultation with Other Authorities or Agencies		
14.1	Subject to Section 37AA of the Act, the duty		

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

pursuant to Section 37(1)(a) and (b) of the Act where an assessment is required of an application for the consent or approval of a proposed development of a prescribed class to:		
14.1.1 refer the application, together with a copy of any relevant information provided by the applicant to a body prescribed by the Regulations and including the Development Assessment Commission, and	Y	
14.1.2 not make a decision until a response has been received from the prescribed body in relation to the matter or matters for which the referral was made or the presumption is made that the body does not desire to make a response or concur (as the case requires).	Y	
14.2 The duty pursuant to Section 37(5)(a) of the Act where an application has been refused or conditions imposed in respect of a development authorisation by direction of a prescribed body, to notify the applicant that the application was refused, or the conditions imposed, by direction under Section 37 of the Act.	Y	
14.3 If a relevant authority is directed by a prescribed body to refuse an application and the refusal is the subject of an appeal under the Act, the power, pursuant to Section 37(6) of the Act to make application for the relevant authority to be joined as a party to the proceedings.	Y	
15. Preliminary Advice and Agreement		
15.1 The power pursuant to and in accordance with Section 37AA(2)(e) of the Act to be satisfied that an application accords with an agreement indicated by a prescribed body in accordance with Section 37AA(2)(c) of the Act.	Y	
15.2 The power pursuant to and in accordance with Section 37AA(4) of the Act to determine that an agreement under Section 37AA of the Act is no longer appropriate due to the operation of Section 53 of the Act.	Y	
16. Proposed development involving creation of fortifications		

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

16.1	The duty pursuant to Section 37A(1) of the Act where the Delegate has reason to believe that a proposed development may involve the creation of fortifications, to refer the application for consent to, or approval of, the proposed development to the Commissioner of Police ("the Commissioner").	Y	
16.2	The power pursuant to Section 37A(2)(b) of the Act to receive the Commissioner's written determination under Section 37A(2)(a) of the Act.	Y	
16.3	The duty pursuant to Section 37A(5) of the Act if the Commissioner determines that the proposed development involves the creation of fortifications to –		
	(a) if the proposed development consists only of the creation of fortifications – refuse the application; or	Y	
	(b) in any other case – impose conditions in respect of any consent to or approval of the proposed development prohibiting the creation of the fortifications.	Y	
16.4	The duty pursuant to Section 37A(6) of the Act, if the Delegate acting on the basis of a determination of the Commissioner under subsection 37A(2) refuses an application or imposes conditions in respect of a development authorisation, to notify the applicant that the application was refused, or the conditions imposed, on the basis of a determination of the Commissioner under Section 37A of the Act.	Y	
17.	Public Notice and Consultation		

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

17.1	The duty, pursuant to Section 38(3) of the Act, where a person applies for a consent in respect of the Development Plan for a Category 1 development, to not on the Delegate's own initiative seek the views of the owners or occupiers of adjacent or other land in relation to the granting or refusal of development plan consent.	Y	
17.2	Where a person applies for a consent in respect of the Development Plan for a Category 2A development, -		
17.2.1	the duty pursuant to Section 38(3a)(a) of the Act to -		
17.2.1.1	subject to any exclusion or qualification prescribed by the Regulations – give an owner or occupier of each piece of adjoining land; and	Y	
17.2.1.2	give any other person of a prescribed class,	Y	
	notice of the application; and		

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

17.2.2	the duty pursuant to Section 38(3a)(b) of the Act, to -		
17.2.2.1	give consideration to any representations in writing made in accordance with the Regulations by a person who is entitled to be given notice under paragraph (a) of Section 38(3a) of the Act; and	Y	
17.2.2.2	forward to the applicant a copy of any representations that the relevant authority must consider under subparagraph (i) of Section 38(3a)(b) of the Act and allow the applicant an opportunity to respond in writing, to those representations within the period prescribed by the Regulations; and	Y	
17.2.3	if a representation is received under paragraph (b) of Section 38(3a) of the Act within the prescribed number of days, the power pursuant to Section 38(3a)(c) of the Act to, in the Delegate's absolute discretion, allow the person who made the representation to appear personally or by representative before it to be heard in support of the representation.	Y	
17.3	The duty pursuant to Section 38(4) of the Act to give notice of a proposal for a Category 2 development.	Y	
17.4	The duty pursuant to Section 38(5) of the Act to give notice of a proposal for a Category 3 development.	Y	
17.5	The duty pursuant to Section 38(8) of the Act to forward to an applicant a copy of any representation made regarding the proposed development, and to allow the applicant to respond in writing to those representations.	Y	
17.6	The power pursuant to Section 38(10)(a) of the Act, in respect of a Category 2 development, to determine whether to allow a person who made a representation to appear personally or by representative before the Delegate.	Y	
17.7	The duty pursuant to Section 38(10)(b) of the Act, in respect of a Category 3 development, to allow a	Y	

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

	person who made a representation and who as part of that representation indicated an interest in appearing before the Delegate or the Council, a reasonable opportunity to appear personally or by representative to be heard in support of the representation.		
17.8	The duty pursuant to Section 38(11) of the Act to allow an applicant to appear personally or by representative before the Delegate or the Council in order to respond to any relevant matter.	Y	
17.9	The duty pursuant to Section 38(12) of the Act, where representations have been made under Section 38 of the Act, to give notice of the decision on the application to each person who made a representation and in respect of a Category 3 development of the person's appeal rights under the Act, and give notice to the Court.	Y	
17.10	The power, pursuant to subsection 38(17) of the Act, where a relevant authority is acting under Section 38 of the Act in relation to a Category 2A or Category 2 development, to not take into account under Section 38 of the Act a representation made by a person who is not entitled to be given notice of the relevant application under Section 38 of the Act.	Y	
17.11	The power, pursuant to subsection 38(18) of the Act, to not take into account under Section 38 of the Act, a representation that is not made in accordance with any requirement prescribed by the Regulations for the purposes of Section 38.	Y	
18. Application and Provision of Information			
18.1	The power pursuant to Section 39(2) of the Act to request an applicant to:		
18.1.1	provide such additional documents or information to enable assessment of the application;	Y	
18.1.2	remedy any defect or deficiency in any application or accompanying document or information required by or under the Act;	Y	
18.1.3	consult with an authority or body prescribed by the Regulations;	Y	
18.1.4	(where required by the Regulations) prepare	Y	

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

	a statement of effect in relation to non-complying development; and		
18.1.5	comply with any other requirement prescribed by the Regulations.	Y	
18.2	If -		
18.2.1	a development is of a kind that is complying development; and		
18.2.2	the development falls within a class of development prescribed by the Regulations for the purpose of Section 39(2a)(b) of the Act; and		
18.2.3	the applicant has complied with the requirements of Section 39(1)(a), (c) and (d),		
	the duty, pursuant to Section 39(2a) of the Act, to, in making an assessment as to development plan consent, assess the application without requesting the applicant to provide additional documents or information.	Y	
18.3	If -		
18.3.1	a development falls within a class of development prescribed by the Regulations for the purposes of Section 39(2b)(b) of the Act; and		
18.3.2	the applicant has complied with the requirements of Section 39(1)(a), (c) and (d) of the Act,		
	the power and duty pursuant to Section 39(2b)(c) of the Act, to;	Y	
18.3.3	in making an assessment as to development plan consent, request the applicant to provide additional documents or information in relation to the application on 1 occasion only; and		
	the duty pursuant to Section 39(2b)(d) of the Act, to;	Y	

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

18.3.4	make that request within a period prescribed by the Regulations.	Y	
18.4	Pursuant to Section 39(3)(b) of the Act, where a request is made under Section 39(2) of the Act and the request is not complied with within the time specified by the Regulations, the power pursuant to Section 39(3)(b) of the Act to -		
18.4.1	subject to Section 39(3)(b)(ii) of the Act, refuse the application; and	Y	
18.4.2	refuse the application in prescribed circumstances (including, if the Regulations so provide, in a case involving development that is complying development).	Y	
18.5	The duty, pursuant to Section 39(3a) of the Act, in dealing with an application that relates to a regulated tree, to seek to make any assessment as to whether the tree is a significant tree without requesting the applicant to provide an expert or technical report relating to the tree, unless the Delegate considers that special circumstances apply.	Y	
18.6	The duty, pursuant to Section 39(3b) of the Act, in dealing with an application that relates to a regulated tree that is not a significant tree, to seek to assess the application without requesting the applicant to provide an expert or technical report relating to the tree, unless the Delegate considers that special circumstances apply.	Y	
18.7	The power pursuant to Section 39(4)(a) and Section 39(5) of the Act to permit an applicant to vary an application or vary any plans, drawings, specifications or other documents that accompanied an application.	Y	
18.8	The power pursuant to Section 39(4)(b) and Section 39(5) of the Act to permit an applicant to lodge an application without the provision of any information or document required by the Regulations.	Y	
18.9	The power pursuant to Section 39(4)(c) and Section 39(5) of the Act to waive payment of whole or part of the application fee or refund an application fee (to the extent that such fees are payable to the Council).	Y	

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

18.10	The power pursuant to Section 39(4)(d) of the Act and Regulation 17(3)(a) of the regulations to refuse an application that relates to a development of the kind that is described as a non-complying development under the Development Plan without proceeding to make an assessment of the application.	Y	
18.11	The power pursuant to Section 39(4)(e) of the Act, if there is an inconsistency between any documents lodged with the Council for the purposes of Division 1 of Part 4 of the Act, or between any such document and a development authorisation that has already been given that is relevant in the circumstances, to return or forward any document to the applicant or to any other person and to determine not to finalise the matter until any specified matter is resolved, rectified or addressed.	Y	
18.12	The power pursuant to Section 39(7) of the Act to approve of an application for variation of the conditions of the development authorisation previously given under the Act, or to extend the period for which such authorisation remains operative.	Y	
18.13	The power, pursuant to section 39(7)(c) to determine whether representations relate to any aspect of the development under consideration on account of an application for variation, and to determine whether, in the circumstances of the case, it is unnecessary to deal with the matter as Category 3 development.	Y	
18.14	The power, pursuant to section 39(7)(d) of the Act, to approve the seeking of a variation to extend the period for which the relevant authorisation remains operative.	Y	
18.15	Where granting an application for variation of a development authorisation pursuant to section 39(6), the power, pursuant to section 39(7a), to make specific provision for the variation of a condition imposed with respect to the original authorisation in its decision on the application for variation.	Y	
18.16	The power pursuant to Section 39(8) of the Act to issue a consent which provides for the undertaking	Y	

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

of development in stages.			
18.17	The power pursuant to Section 39(9) of the Act to determine that the applicant is entitled to a refund of the application fee in the event that an application is withdrawn.	Y	
19. Determination of Application			
19.1	The duty pursuant to Section 40(1) of the Act to give notice of a decision in accordance with the regulations (and in the case of a refusal, the duty to include the reasons for the refusal and any appeal rights that exist under the Act.)	Y	
19.2	The power pursuant to Section 40(3) of the Act to extend the period of time within which a development authorisation remains operative.	Y	
20. Time Within Which Decision Must Be Made			
20.1	The duty, pursuant to Section 41(1) of the Act to deal with an application as expeditiously as possible and within the time prescribed by the Regulations.		
20.2	If -		
20.2.1	the relevant authority does not decide an application that relates to development that is a complying development within the time prescribed under Section 41(1) of the Act; and		
20.2.2	the applicant gives the relevant authority a notice in accordance with the Regulations on the basis that the decision on the application has not been made,		
	the duty pursuant to Section 41(5)(d) of the Act, subject to any exclusion or qualification prescribed by the Regulations, to refund the fee received by the relevant authority under Section 39(1)(d) in relation to the application.	Y	
21. Conditions			
21.1	The power pursuant to Sections 42(1) and (3) of the Act to attach such conditions as the Delegate thinks fit or as may be prescribed by regulation to any	Y	

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

decision under Division 1 of Part 4 of the Act.			
21.2	The duty, pursuant to Section 42(4) of the Act, in accordance with Section 42(5) of the Act and subject to Sections 42(6) and (8) of the Act, if a development authorisation provides for the killing, destruction or removal of a regulated tree or a significant tree, to apply the principle that the development authorisation be subject to a condition that the prescribed number of trees (of a kind determined by the Delegate) must be planted and maintained to replace the tree (with the cost of planting to be the responsibility of the applicant or any person who acquires the benefit of the consent and the cost of maintenance to be the responsibility of the owner of the land).	Y	
21.3	The power, pursuant to Section 42(6) of the Act, on the application of the applicant, to determine that a payment of an amount calculated in accordance with the Regulations be made into the relevant fund in lieu of planting one or more replacement trees under Section 42(4) of the Act.	Y	
21.4	The power, pursuant to Section 42(8)(b) of the Act, after taking into account any criteria prescribed by the Regulations and if the Minister concurs, to determine that it is appropriate to grant an exemption under Section 42 of the Act in a particular case.	Y	
22. Cancellation by a Relevant Authority			
22.1	The power pursuant to Section 43 of the Act to cancel a development authorisation previously given by the Council or the Delegate.	Y	
23. Investigation of Development Assessment Performance			
23.1	The power pursuant to Section 45A(2) 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 within a period (being at least 28 days) specified by the Minister.	Y	
23.2	The duty pursuant to Section 45A(14) of the Act to comply with a direction under Section 45A(11) or	Y	

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

(13) of the Act.			
23.3	The power pursuant to Section 45A(12) of the Act to make submissions to the Minister on the report on which the action under Section 45A(11) of the Act is based within a period (being at least 28 days) specified by the Minister.	Y	
24. Crown Development and Public Infrastructure			
24.1	The power pursuant to Section 49(4a) of the Act to receive notice from the Development Assessment Commission containing the prescribed particulars of the development in accordance with the Regulations.	Y	
24.2	The power pursuant to Section 49(5) of the Act to report to the Development Assessment Commission on any matters contained in a notice from the Development Assessment Commission under Section 49(4a) of the Act.	Y	
24.3	The power pursuant to Section 49(9) of the Act to withdraw opposition to a State agency proposed development.	Y	
25. Electricity Infrastructure Development			
25.1	The power pursuant to Section 49A(4a) of the Act to receive notice from the Development Assessment Commission containing the prescribed particulars of the development in accordance with the Regulations.	Y	
25.2	The power pursuant to Section 49A(5) of the Act, where notice of a proposal to undertake development for the purposes of the provision of electricity infrastructure has been given to the Council pursuant to Section 49A(4a) of the Act, to report to the Development Assessment Commission on any matters contained in the said notice.	Y	
25.3	The power pursuant to Section 49A(9) of the Act, in circumstances where the Council's report to the Development Assessment Commission under Section 49A(5) of the Act expressed opposition to the proposed development, to withdraw that opposition.	Y	
26. Open Space Contribution System			

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

26.1	The power pursuant to Section 50(1) of the Act, with respect to an application for the division of land into more than 20 allotments where one or more allotments is less than one hectare in area, to require:		
26.1.1	that up to 12.5% in area of the relevant area be vested in the Council to be held as open space; or	Y	
26.1.2	that the applicant make the contribution prescribed by the regulations in accordance with the requirements of Section 50 of the Act; or	Y	
26.1.3	that the land be vested in the Council and that the applicant make a contribution determined in accordance with Section 50(7) of the Act according to the determination and specification of the Council or Delegate.	Y	
26.2	The power pursuant to Section 50(1) of the Act, when proposing to take any action that is at variance with the Council's Development Plan to seek the concurrence of the Development Assessment Commission.	Y	
26.3	The power pursuant to Section 50(3) and 50(2)(d) of the Act to enter into an agreement on behalf of the Council with the Development Assessment Commission and the applicant under which certain land described by the relevant plan of division will be vested in the Council.	Y	
26.4	The power pursuant to Section 50(3a) of the Act to concur on behalf of the Council to the vesting of land in the Council pursuant to a requirement of the Development Assessment Commission that an area of the site of the development be kept as open space or in some other form that allows for active or passive recreation under Section 50(3a)(a) of the Act.	Y	
26.5	The power pursuant to Section 50(10) of the Act to receive payment of monies from an applicant under Section 50(1) of the Act and the duty to immediately pay that money into a special fund established for the purposes of Section 50 and to apply that money	Y	

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

	for the purpose of acquiring or developing land as open space.		
26.6	The power pursuant to Section 50(11) of the Act to determine that the division of land is being undertaken in stages such that Section 50 of the Act does not apply to an application for development authorisation to the extent that an earlier application in respect of the same development has addressed the requirements of Section 50 of the Act in respect of the area of land as a whole.	Y	
27. Car Parking Fund			
27.1	The power pursuant to Section 50A(1) of the Act to establish a car parking fund.	Y	
27.2	The duty pursuant to Section 50A(1) of the Act to publish a notice in the Gazette in accordance with Section 50A(2) of the Act where the approval of the Minister has been obtained.	Y	
27.3	The power pursuant to Section 50A(5)(c) of the Act to determine that a proposal does not provide for sufficient spaces for the parking of cars at the site of a development.	Y	
27.4	The power pursuant to Section 50A(5)(d) of the Act to agree with an applicant that a contribution calculated in accordance with a determination of the Council can be made by the applicant to a car parking fund in lieu of providing a certain number of spaces for the parking of cars at the site of a development.	Y	
27.5	The power pursuant to Section 50A(5) of the Act to make a determination for the purpose of calculating amounts to be paid into a carparking fund.	Y	
27.6	The duty pursuant to and in accordance with Section 50A(6) of the Act to publish a determination of the Council for the purpose of calculating amounts to be paid into a carparking fund and any variations from time to time in the Gazette.	Y	
27.7	The power pursuant to and in accordance with Section 50A(7) of the Act to invest any money in a carparking fund and to pay any resultant income into the fund.	Y	
27.8	The power pursuant to and in accordance with	Y	

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

	Section 50A(8) of the Act to apply money standing to the credit of the car parking fund.		
28.	Urban Trees Fund		
28.1	The power, pursuant to Section 50B(1) of the Act, with the approval of the Minister, to establish an urban trees fund for an area designated by the Delegate (a designated area).	N	
28.2	The duty, pursuant to Section 50B(2) of the Act, to effect establishment of the fund by notice in the Gazette.	Y	

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

28.3	The duty, pursuant to Section 50B(3) of the Act, to define a designated area by reference to an area established by the relevant Development Plan.	N	
28.4	The power, pursuant to Section 50B(5) of the Act, to invest any money in an urban trees fund that is not for the time being required for the purpose of the fund and the duty to pay any resultant income into the fund.	Y	
28.5	The power, pursuant to Section 50B(6) of the Act, to apply money standing to the credit of an urban trees fund to:		
28.5.1	maintain or plant trees which are, or will (when fully grown) constitute, significant trees under the Act; or	Y	
28.5.2	purchase land within the designated area in order to maintain or plant trees which are, or will (when fully grown) constitute, significant trees under the Act.	N	
28.6	The duty, pursuant to Section 50B(7) of the Act, if the Council subsequently sells land purchased under Section 50B(6)(b) of the Act, to pay the proceeds of sale into an urban trees fund maintained by the Council under Section 50B of the Act subject to the following qualifications as prescribed by Sections 50B(7)(a) and (b) of the Act:		
28.6.1	if an urban trees fund is no longer maintained by the Council, the proceeds must be applied for a purpose or purpose consistent with Section 50B(6)(a) or (b) of the Act;	Y	
28.6.2	if money from an urban trees fund only constituted a proportion of the purchase price of the land (the designated proportion), the money that is subject to these requirements is the designated proportion of the proceeds of sale.	Y	
29.	Certificate in Respect of the Division of Land		
29.1	The duty pursuant to Section 51(2) of the Act to provide appropriate information to the Development Assessment Commission (upon request by the Development Assessment Commission) before it	Y	

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

issues a certificate in respect of the division of land.			
30. Saving Provisions			
30.1 The power pursuant to Section 52(4) of the Act to extend the limitation period referred to in Section 52(2) of the Act in or der to a void or r educe hardship.	Y		
31. Avoidance of Duplication of Procedures etc			
31.1 The power pursuant to Section 52A(2)(a) of the Act to accept a document under the Commonwealth Environment Protection and Biodiversity Conservation Act, 1999 (and defined in Section 52A(9) of the Act, as a “Commonwealth Act document”) as a n application, notice or other document for the purposes of the Act, if (subject to the provisions of Section 52A(7)) the document complies with the requirements of the Act.	Y		
31.2 The power pursuant to Section 52A(2)(b) of the Act where a document has been accepted for the purposes of the Act, to direct that a procedure taken under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 in relation to the said document will be taken to have fulfilled the requirements for a procedure in relation to the relevant document under the Act, if the requirements of the Act in relation to the procedure have been complied with under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.	Y		
31.3 The power pursuant to Section 52A(2)(c) of the Act to adopt or accept the whole or part of a document (whether a plan, report, statement, assessment or other document of the same kind or not) used or to be used for the purposes of the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 as the document required under the Act, if (subject to the provisions of Section 52A(7) of the Act) the document has been prepared in compliance with the Act, and complies with the requirements of the Act.	Y		
31.4 The power pursuant to Section 52A(5) of the Act where a controlled action under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 is an activity or part of an	Y		

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

	activity or includes an activity for which a development authorisation is required under the Act to, when considering an application for a development authorisation or for the variation of a development authorisation, for the activity, use information and other material provided to the Commonwealth Minister under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 for the purposes of the Commonwealth Minister deciding to give approval to the controlled action under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.		
31.5	Where a controlled action under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 is an activity or part of an activity, or includes an activity, for which a development authorisation is required under the Act:		
31.5.1	in circumstances where:		
31.5.1.1	the Commonwealth Minister has given his or her approval to the controlled action; and		
31.5.1.2	the applicant for the development authorisation or the Commonwealth Minister has informed the relevant authority of that fact;		
	the duty pursuant to Section 52A(6)(a) of the Act to consider whether the conditions (if any) to be attached to the development authorisation should be consistent with the conditions (if any) attached to the Commonwealth Minister's approval under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999; and	Y	

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

31.5.2	the power pursuant to Section 52A(6)(b) of the Act to attach a condition to the development authorisation that requires compliance with all or some of the conditions attached to the Commonwealth Minister's approval under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.	Y	
32.	Requirement to Upgrade Building in Certain Cases		
32.1	Where an application is made for building rules consent for building work in the nature of an alteration to a building constructed before the date prescribed by regulation for the purposes of subsection 53A(1) of the Act, the power pursuant to Section 53A(1) of the Act to form the opinion that the building is unsafe, structurally unsound or in an unhealthy condition and therefore require as a condition of consent that building work that conforms with the requirements of the Building Rules be carried out to the extent reasonably necessary to ensure that the building is safe and conforms to proper structural and health standards.	Y	
32.2	Where an application is made for building rules consent for building work in the nature of an alteration of a class prescribed by the Regulations the power pursuant to Section 53A(2) and subject to Section 53A(3) of the Act, to form the opinion that the affected part of the building does not comply with the performance requirements of the Building Code in relation to access to buildings and facilities and services within buildings, for people with disabilities and therefore require as a condition of consent that building work or other measures be carried out to the extent necessary to ensure that the affected part of the building will comply with those performance requirements of the Building Code.	Y	
33.	Urgent Building Work		
33.1	The power pursuant to Section 54(2)(d) of the Act to issue any directions and specify a period of time with respect to building work performed as a matter of urgency.	Y	
34.	Action if Development Not Substantially Completed		

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

34.1	The power pursuant to Section 55(1) of the Act to apply to the Court for an order under Section 55(3) of the Act where the development to which an approval relates has been commenced but not substantially completed within the period prescribed by the Regulations for the lapse of the approval.	Y	
34.2	The power pursuant to Section 55(5) of the Act where the Court makes an order under Section 55(3)(a), (b) or (ca) of the Act and a person fails to comply with the order within the period specified by the Court, to cause any work contemplated by the order to be carried out and to recover the cost of that work as a debt from the person.	Y	
34.3	The power pursuant to Section 55(6) of the Act where an amount is recoverable from a person under Section 55(5) of the Act, by notice in writing to the person, fix a period being not less than 28 days from the date of the notice within which the amount must be paid.	Y	
35.	Completion of Work		
35.1	The power pursuant to Section 56(1) of the Act to issue a notice in writing requiring an owner of land to complete a development on the land within a period specified in the notice.	Y	
35.2	The power pursuant to the Section 56(2) of the Act to cause the necessary work to be carried out where an owner has failed to carry out work as required by a notice under Section 56(1) of the Act.	Y	
35.3	The power pursuant to Section 56(3) of the Act to recover the reasonable costs and expenses incurred by the Council or any person acting on behalf of the Council under Section 56 of the Act as a debt due from the owner.	Y	
35.4	The power pursuant to Section 56(4) of the Act to, by notice in writing to the person, fix a period being not less than 28 days from the date of the notice, within which the amount must be paid by the person where an amount is recoverable from the person under Section 56(3) of the Act.	Y	
36.	Council to Establish Development Assessment Panels		
36.1	The duty pursuant to Section 56A(3) of the Act to		

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

	appoint a presiding member to the council development assessment panel in accordance with the requirements set out in Section 56A(3)(b) of the Act.	N	
36.2	The duty pursuant to Section 56A(3) of the Act to appoint the remaining members of the council development assessment panel in accordance with the requirements set out in Section 56A(3)(c) of the Act.	N	
36.3	The duty pursuant to section 56A(3)(d) of the Act to ensure that, unless granted an exemption by the Minister, at least 1 member of the panel is a woman and at least 1 is a man and to ensure that insofar as is reasonably practicable, the panel consists of equal numbers of men and women.	N	
36.4	The duty pursuant to Section 56A(3)(e) to determine the term of office for a member of the council development assessment panel, which period cannot exceed 2 years.	N	
36.5	The duty pursuant to Section 56A(3)(f) of the Act to determine any other conditions of appointment of the members of the council development assessment panel.	N	
36.6	The power pursuant to Section 56A(3)(g) of the Act to remove a member of the council development assessment panel from office for:	N	

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

36.6.1	breach of, or failure to comply with, the conditions of appointment; or	N	
36.6.2	misconduct; or	N	
36.6.3	neglect of duty; or	N	
36.6.4	incapacity to carry out satisfactorily the duty of his or her office; or	N	
36.6.5	failure to carry out satisfactorily the duty of his or her office; or	N	
36.6.6	failure to comply with a requirement under Section 34(6) or (7) of the Act or a breach of, or failure to comply with, a code of conduct under Section 21A of the Act.	N	
36.7	The duty pursuant to and in accordance with Section 56A(5) of the Act to give notice of an appointment.	Y	
36.8	The duty pursuant to Section 56A(15)(b) of the Act and in accordance with Section 56A(17) of the Act to make minutes of meetings of a council development assessment panel available for reasonable access by members of the public.	Y	
36.9	The duty pursuant to and in accordance with Section 56A(20) of the Act to provide information to the Minister where requested by the Minister.	Y	
36.10	The duty pursuant to Section 56A(22) of the Act to appoint a public officer (who must not be a member of the council development assessment panel).	Y	
36.11	The duty pursuant to Section 56A(23) of the Act to ensure that notice of the appointment of a public officer (including the public officer's name and contact details) is published in the Gazette.	Y	
36.12	The power pursuant to Section 56A(27) of the Act to make an application to the Minister to exempt the Council from the requirement to establish a council development assessment panel under Section 56A of the Act	Y	
36.13	The power pursuant to Section 56A(28) of the Act to	Y	

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

	consult with the Minister in relation to revoking an exemption under Section 56A(27) of the Act.		
37. Building Rules Assessment Audits			
37.1	The duty pursuant to Section 56B(2) to have its building assessment auditor audit the Council's activities in relation to the undertaking of assessments of proposed developments against the provisions of the Building Rules in accordance with the requirements of Section 56B.	Y	
37.2	The duty pursuant to Section 56B(5) to ensure that after the expiration of the periods prescribed in Section 56B(4) an audit under Section 56B is completed at least once in every prescribed period.	Y	
37.3	The power pursuant to Section 56B(10) to respond to a report prepared by a building assessment auditor prepared in relation to the Council under Section 56B.	Y	
37.4	32A.4 The power pursuant to Section 56B(14) to make submissions to the Minister in relation to a matter concerning the possible exercise of the Minister's powers under Section 56B(12).	Y	
37.5	32A.5 The duty pursuant to Section 56B(16) to comply with a direction given to the Council under Sections 56B(12) or 56B(15).	Y	
37A. Development Plan Assessment Audits			
37A.1	The power and duty pursuant to Section 56C(2) of the Act to have the Council's activities in relation to Development Plan assessments audited by a development assessment auditor in accordance with the requirements of Section 56C of the Act.	Y	
37A.2	The power pursuant to Section 56C(10) of the Act to provide a response to an auditor with a view to correcting any error or fact.	Y	
37A.3	The power pursuant to Section 56C(14) of the Act to make submissions in relation to the matter to the Minister.	Y	
37A.4	The power pursuant to Section 56C(15) of the Act to, if		
37A.4.1	the Minister makes a recommendation to	Y	

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

	the Council under Section 56C(12)(a) of the Act; and		
	37A.4.2 the Minister subsequently considers that the Council has not, within a reasonable period, taken appropriate action in view of the recommendation,	Y	
	consult with the Minister.		
38. Land Management Agreements			
38.1	The power pursuant to Sections 57(2) and 57(2a) of the Act to enter into an agreement relating to the development, management, preservation or conservation of land within the area of the Council with the owner of the land.	Y	
38.2	The duty pursuant to and in accordance with Section 57(2c) of the Act and Regulation 98A of the Regulations to establish and keep a register available for public inspection (without charge).	Y	
38.3	The duty pursuant to Section 57(2e) of the Act, in relation to the granting of development plan consent with respect to a Category 2A, Category 2 or Category 3 development, to note the existence of the agreement (or the proposal to enter the agreement), and the availability of copies of the agreement for public inspection on the notice of the Council's decision.	Y	
38.4	The power pursuant to Section 57(3) of the Act to carry out on private land any work for which provision is made by agreement under Section 57 of the Act.	Y	
38.5	The power pursuant to Section 57(5) of the Act, to apply to the Registrar-General to note the agreement against the relevant instrument of title or, in the case of land not under the provisions of the Real Property Act 1886, against the land.	Y	
38.6	The power pursuant to Section 57(8) of the Act to apply to the Registrar-General where a land management agreement has been rescinded or amended to have a note of the rescission or amendment made against the instrument of title or against the land.	Y	
38.7	The power pursuant to Section 57(11) of the Act to	Y	

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

	consent to the remission of rates payable to the Council provided for in an agreement entered into by the Minister.		
39.	Land Management Agreements - Development Applications		
39.1	The power pursuant to and subject to Section 57A(1) of the Act to enter into an agreement under Section 57A of the Act with a person who is applying for a development authorisation under the Act.	Y	
39.2	The duty pursuant to Section 57A(3) of the Act to have regard to:		
	39.2.1 the provisions of the appropriate Development Plan.	Y	
	39.2.2 the principle that the entering into of an agreement under Section 57A by the Council should not be used as a substitute to proceeding with an amendment to a Development Plan under the Act.	Y	
39.3	The duty pursuant to Section 57A(5) of the Act to register agreements entered into under Section 57A in accordance with the Regulations.	Y	
39.4	The duty pursuant to Section 57A(6) of the Act to keep a register available for public inspection (without charge) in accordance with the Regulations.	Y	
39.5	The power pursuant to Section 57A(7) of the Act to provide a person, on payment of the prescribed fee, a copy of an agreement registered under Section 57A(5) of the Act.	Y	
39.6	The duty, pursuant to Section 57A(8) of the Act, where an agreement is entered into under Section 57A of the Act, in connection with an application for a development authorisation with respect to a Category 2A, Category 2 or Category 3 development, to include a note of the existence of the agreement on the notice of the relevant authority's decision under the Act.	Y	
39.7	The power pursuant to Section 57A(14) of the Act to apply to the Registrar-General to note the agreement against the relevant instrument of title, or	Y	

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

	in the case of land not under the provisions of the Real Property Act 1886, against the land.		
39.8	The power pursuant to Section 57A(16) of the Act to apply to the Registrar-General where an agreement under Section 57A has been rescinded or amended to enter a note of the rescission or amendment against the instrument of title, or against the land.	Y	
39.9	The power pursuant to Section 57A (18) of the Act where an agreement under Section 57A does not have effect under Section 57A within the prescribed period, to, by notice given in accordance with the regulations, lapse the relevant development approval (and the agreement will then be rescinded by force of Section 57A(18) of the Act).	Y	
40.	Notification During Building		
40.1	The power pursuant to Section 59(3) of the Act to direct that building work stop when a mandatory notification stage has been reached.	Y	
41.	Classification of Buildings		
41.1	The power pursuant to Section 66(2) of the Act to assign to any building a classification that conforms with the Regulations and the duty pursuant to Section 66(4) of the Act to give notice in writing to the owner of the building to which the classification has been assigned.	Y	
42.	Certificates of Occupancy		
42.1	The duty pursuant to and in accordance with the requirements of Sections 67(2), (3), (4), (5) and (6) of the Act to give a certificate of occupancy.	Y	
42.2	The power pursuant to Section 67(3)(a) of the Act to require information from an applicant for a certificate of occupancy.	Y	
42.3	The duty pursuant to Section 67(10) of the Act to give written notice to an applicant of the refusal of the certificate of occupancy.	Y	
42.4	The power pursuant to Section 67(13) of the Act to revoke a certificate of occupancy in prescribed circumstances.	Y	

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

43. Temporary Occupation		
43.1 The power pursuant to Sections 68(1) and (2) of the Act to approve the occupation of a building on a temporary basis without a certificate of occupancy and subject to such conditions as the Delegate thinks fit to impose.	Y	
43.2 The duty pursuant to and in accordance with Section 68(3) of the Act to give written notice to an applicant of the refusal of approval for temporary occupation of a building.	Y	
44. Emergency Orders		
44.1 Where an owner of land fails to comply with the requirements of an emergency order issued under Section 69(1) of the Act:		
44.1.1 the power pursuant to Section 69(4) of the Act to cause the required work to be carried out; and	Y	
44.1.2 the power pursuant to and in accordance with Sections 69(5) and 69(6) of the Act to recover the reasonable costs and expense of that work from the owner as a debt.	Y	
44A Fire Safety		
44A.1 The power pursuant to Sections 71(18) and (19) of the Act to establish and designate a body as an appropriate authority.	Y	
44A.2 The power pursuant to Section 71(19)(a)(i) of the Act to appoint a person who holds prescribed qualifications in building surveying to the appropriate authority.	Y	
44A.3 The power pursuant to Section 71(19)(a)(ii) of the Act to determine if a person is to be nominated to the appropriate authority by the Chief Officer of the South Australian Metropolitan Fire Service or the Chief Officer of the South Australian Country Fire Service (after taking into account the nature of the Council or Council's area(s)).	Y	
44A.4 The power pursuant to Section 71(19)(a)(iii) of the Act to appoint a person with expertise	Y	

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

	in the area of fire safety to the appropriate authority.		
44A.5	The power pursuant to Section 71(19)(a)(iv) of the Act to determine and select a person to be appointed to the appropriate authority.	Y	
44A.6	The power pursuant to Section 71(19)(b) of the Act to determine the term of the office not exceeding three years of a member of the appropriate authority.	Y	
44A.7	The power pursuant to Section 71(19)(d) of the Act to appoint deputy members to the appropriate authority.	Y	
44A.8	The power pursuant to Section 71(19)(e) of the Act to determine the procedures of an appropriate authority.	Y	
45.	Building Inspection Policies		
45.1	The duty pursuant to and in accordance with Section 71A of the Act to prepare and from time to time alter a building inspection policy.	Y	
45A.	Building Fire Safety		
45A.1	Where satisfied that the fire safety of a building is not adequate, the power to serve a notice on the owner of the building pursuant to Section 71 (2) of the Development Act 1993.	Y	
45A.2	The power to allow an owner of a building who is required to report to the Council on work or other measures necessary to ensure the fire safety of the building is adequate a longer period than two months within which to provide that report pursuant to Section 71(4) of the Development Act 1993.	Y	
45A.3	The power to give notice to the owner of a building: <ul style="list-style-type: none"> a requiring the owner to seek an appropriate development authorisation under the Development Act 1993 and, if granted, to carry out a program of work or to take other measures to ensure that the fire safety of buildings is adequate; or b prohibiting occupation of the building until satisfied that any fire hazard no longer exists; or c requiring the owner to take such other action as prescribed by regulation pursuant to Section 71(6) of the Development Act 1993. 	Y	

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

45A.4	The power to vary or revoke a notice under Section 71 pursuant to Section 71(11) of the Development Act 1993.	Y	
46.	Advertisements		
46.1	The power pursuant to and in accordance with Section 74(1) of the Act to:	Y	
46.1.1	form the opinion that an advertisement or advertising hoarding disfigures the natural beauty of a locality or otherwise detracts from the amenity of a locality or is contrary to a character desired for a locality under the relevant Development Plan; and	Y	
46.1.2	serve notice in writing requiring the removal or obliteration of the advertisement or the removal of the advertising hoarding (or both).	Y	
46.2	The power pursuant to Section 74(3) of the Act where a person has failed to comply with a notice under Section 74(1) of the Act, to enter on land, carry out the terms of the notice and recover the costs of doing so as a debt from the person on whom the notice was served.	Y	
47.	Enforcement Notices		
47.1	The power pursuant to and in accordance with Section 84(2) of the Act to issue an enforcement notice where the Delegate has reason to believe on reasonable grounds that a person has breached the Act or a repealed Act.	Y	
47.2	The power pursuant to Section 84(3) of the Act to determine that a direction under Section 84(2) of the Act is urgently required and can be orally given by an authorised officer.	Y	
47.3	Where a person has failed to comply with a direction contained in a notice issued pursuant to Section 84(2)(b) of the Act:		

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

47.3.1	the power pursuant to Section 84(6) of the Act to cause the necessary action to be undertaken; and	Y	
47.3.2	pursuant to and in accordance with Sections 84(7) and 84(8) of the Act to recover the costs of doing so as a debt from the person whose failure gave rise to the action.	Y	
48.	Applications to Court		
48.1	The power pursuant to Section 85(1) of the Act to apply to the Court for an order to remedy or restrain a breach of the Act, or a repealed Act.	Y	
48.2	Where the Court has made an order under Section 85(6)(d) of the Act and a person has failed to comply with the order, the power pursuant to and in accordance with Section 85(12) and Section 85(13) of the Act, to cause any work contemplated by the order to be carried out and to recover the costs of doing so as a debt from the person.	Y	
49.	General Right to Apply to Court		
49.1	Where the Council is a party to a dispute referred to in Section 86(1)(e) of the Act, the power pursuant to Section 86(1)(e) of the Act to apply to the Court for determination of the dispute.	Y	
50.	Authority to be Advised of Certain Matters		
50.1	The power pursuant to Section 93(1)(b)(iii) of the Act to require from a private certifier who is making a decision of a prescribed kind in relation to any aspect of building work such other information or documentation as the Delegate or the Council may require.	Y	
51.	Referrals		
51.1	The power pursuant to and in accordance with Section 94 of the Act to consent to the referral by a private certifier to the Council or Delegate of any function under the Act.	Y	
52.	Professional Advice to be Obtained in Relation to Certain Matters		
52.1	The power pursuant to Section 101(1) of the Act, in	Y	

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

	the exercise of a prescribed function, to rely on a certificate of a person with prescribed qualifications.		
52.2	The duty pursuant to Section 101(2) of the Act to seek and consider the advice of a person with prescribed qualifications or person approved by the Minister in relation to a matter prescribed by the Regulations.	Y	

		Delegate to CEO	Sub-delegation
<u>DELEGATIONS UNDER THE DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006</u>			
53. Transitional Provisions			
53.1	The power pursuant to and in accordance with Clause 5(1) of Schedule 1 to the Development (Development Plans) Amendment Act 2006 ("the DPA Act"), if the Council or the Delegate has, before the commencement of Clause 5 of Schedule 1 to the DPA Act reached an agreement with the Minister on a Statement of Intent with respect to an amendment to a Development Plan, or taken steps to prepare a Plan Amendment Report on the basis of such a Statement of Intent subject to Clause 5(2) of Schedule 1 to the DPA Act, to continue with the process as set out in Section 25 of the Act (as in force immediately before the commencement of Clause 5 of Schedule 1 to the DPA Act) as if the DPA Act had not been enacted until the relevant amendment is approved (with or without alteration) or otherwise dealt with by the Minister under Section 25(15) of the Act, subject to the qualification that the relevant Plan Amendment Report may be referred to as a Development Plan Amendment.	Y	
53.2	The power pursuant to Clause 5(2) of Schedule 1 to the DPA Act to agree on a Statement of Intent that is to supersede a Statement of Intent agreed between the Council or the Delegate and the Minister before commencement of Clause 5 of Schedule 1 to the DPA Act.	Y	

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

**INSTRUMENT OF DELEGATION UNDER THE
DEVELOPMENT REGULATIONS 2008**

NOTES

1. In exercise of the powers contained in Section 20 of the Development Act, 1993, the powers, functions and duties under the Development Regulations, 2008 are hereby delegated this ~~23rd-10th~~ day of ~~May-April~~ 201~~87~~ 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:

Formatted: Superscript

References:

Abbreviation	Position Title
AC	Administration Co-ordinator
ASODS	Administration Support Officer Development Services
BS	Building Surveyor
DCO	Development Compliance Officer
DOB	Development Officer Building
DOE	Development Officer Engineering
DOP	Development Officer Planning
EHO	Environmental Health Officer
FC	Financial Coordinator
MDRS	Manager Development & Regulatory Services
MF	Manager Finance
POA	Planning Officer Arboriculture
PP	Policy Planner
SDOB	Senior Development Officer Building
SDOP	Senior Development Officer Planning
SO	Systems Officer
SPP	Senior Policy Planner
TLB	Team Leader Building
CCHS	Unit Manager Community Health and Safety
TLP	Team Leader Planning
TLES	Team Leader Engineering Services

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

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

<u>DELEGATIONS UNDER THE DEVELOPMENT REGULATIONS 2008</u>	Delegate to CEO	Sub-delegation
54. Infrastructure Planning		
54.1 The power pursuant to Regulation 9A(1) to, in preparing the DPA, to the extent (if any) required by the Statement of Intent, seek, in accordance with Regulation 9A(2), the advice of a Minister and any other government agency, specified by the Minister as part of the agreement on the Statement of Intent.	Y	
55. Consultation with Government Departments or Agencies		
55.1 The duty pursuant to Regulation 10A(1) of the Regulations if the Council is subject to a requirement under Section 25(7)(a) of the Act to ensure that a copy of any written report received from a Department or agency is furnished to the Minister for the purposes of considering the matter under Section 25(7)(b) of the Act.	Y	
56. Public Consultation – Section 25 & 26		
56.1 Subject to Regulations 11A(3) and 11A(6) of the Regulations, for the purposes of Sections 25 and 26 of the Act, the duty pursuant to Regulation 11A(1) of the Regulations to give public notice of a DPA by publication in the designated manner of a notice:		

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

56.1.1	advising the time and places at which the DPA is available for inspection (without charge) and purchase by the public; and	Y		
56.1.2	inviting any interested person to make written submissions on the amendment to the council within the relevant period specified in the notice; and	Y		
56.1.3	stating that the submissions will be available for inspection by any interested person at a place specified in the notice from the expiration of the period specified under Regulation 11A(1)(b) of the Regulations until the conclusion of any public hearing held for the purposes of Section 25(11)(b) or 26(5c)(b) of the Act (or, if no such meeting is to be held, until the decision is made not to hold the meeting); and	Y		
56.1.4	providing information about when and where any public meeting is proposed to be held for the purposes of Sections 25(11)(b) or 26(5c)(b) of the Act (subject to a decision being made under the relevant section not to hold a meeting).	Y		
56.2	If one or more written submissions are made in response to a notice published under Regulation 11A(1) of the Regulations, the duty pursuant to Regulation 11A(3) of the Regulations to make a copy of each submission available for inspection in accordance with the statement included under Regulation 11A(1)(c).	Y		
56.3	For the purposes of Sections 25(9)(c) and 26(5b)(c) of the Act, the duty pursuant to Regulation 11A(4) of the Regulations to include in the written notice the same information as required for a notice under Regulation 11A(1) of the Regulations.	Y		
56.4	The duty pursuant to Regulation 11A(5) of the Regulations, to ensure that a copy of any DPA released for public consultation under Section 25 of the Act is provided to the Minister within 2 business days after that release.	Y		

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

57. Public Meeting			
57.1 The duty pursuant to and in accordance with Regulation 12 of the Regulations to hold a public meeting if an amendment has been prepared by the Council or the Delegate.	Y		
57.2 The power pursuant to Regulation 12(4) of the Regulations to adjourn a public meeting from time to time, and place to place if necessary or appropriate.	Y		
58. Application to Relevant Authority			
58.1 The power pursuant to Regulation 15(1)(c) of the Regulations to require an additional or lesser number of copies of plans, drawings, specifications and other documents and information relating to a proposed development than the number prescribed in Regulation 15(1)(c) of the Regulations.	Y		
58.2 The duty pursuant to and in accordance with Regulation 15(4) of the Regulations, if an application is lodged with the Council but a regional development assessment panel is the relevant authority, to retain a copy of the application and other accompanying information and to forward the application on to the appropriate person acting on behalf of the regional development assessment panel.	Y		
58.3 The duty pursuant to and in accordance with Regulation 15(5) of the Regulations, when an application is lodged with the Council but the Development Assessment Commission is the relevant authority, to forward all but one copy of the application and the accompanying information, as well as a written acknowledgment that the appropriate fees have been paid, to the Development Assessment Commission.	Y		
58.4 The power pursuant to Regulation 15(7)(b) of the Regulations to indicate, in such manner as may be determined by the Development Assessment Commission, that the Council wishes to receive written documentation instead of electronic access to the relevant documents and information via the Internet.	Y		

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

58.4A The power and duty pursuant to Regulation 15(7b) of the Regulations, to within 2 business days of receipt of a copy of an application form under Regulation 15(7a) of the Regulations, furnish to the private certifier:			
58.4A.1 the Development Assessment number assigned to the development proposed under the application; and	Y		
58.4A.2 if the private certifier, at the time of forwarding a copy of an application under Regulation 15(7a) of the Regulations, requests advice on the matters set out in subparagraphs (i) and (ii), and if such advice is relevant:	Y		
58.4A.2.1 advice about any site contamination that is believed to exist at the site where the development would be undertaken; and	Y		
58.4A.2.2 advice about the likely need for approval to alter a public road under section 221 of the Local Government Act 1999 in order to establish a new access point.	Y		
58.4A.2.3 advice about whether the relevant development plan specifies any requirements relating to finished floor levels (expressed by reference to AHD or AR I) in relation to the site where the development would be undertaken.	Y		
58.5 The power pursuant to Regulation 15(8) of the Regulations to extend the period prescribed in Regulation 15(8) for the lodging of an application for the appropriate development authorisation as required by Section 54(2)(c).	Y		
58.6 Deliberately left blank			
58.7 The power pursuant to Regulation 15(11) of the Regulations, to modify the requirements of			

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

Schedule 5 in relation to a particular application, subject to the following qualifications.			
58.7.1 in the case of an application that is lodged with the Council for assessment as residential code development – the requirements of Schedule 5 may not be modified in any way by the delegate assessing the application (whether so as to require more or less information), except on authority of the Minister under Section 39(1)(a) of the Act;	Y		
58.7.2 58.7.2 In any other case, the delegate must not, when requiring plans, drawings, specifications and other documents in relation to the application, require the applicant to provide more information than that specified under Schedule 5 (subject to Section 39 of the Act).	Y		
58.8 The power pursuant to Regulation 15(12) of the Regulations to, in exercising the discretion under Section 39(4)(b) of the Act, dispense with the requirements of Schedule 5 in relation to a particular application.	Y		
59. Nature of Development			
59.1 The duty pursuant to Regulation 16(1) of the Regulations, where an application requires the assessment of a proposed development against the provisions of the Development Plan, to determine the nature of the development applied for.	Y		
59.2 The power pursuant to Regulation 16(2) of the Regulations to form the opinion that a development is non-complying, and the duty if the Delegate is of the opinion that an application relates to a kind of development that is non-complying and the applicant has not identified the development as such, by notice in writing to inform the applicant of that fact.	Y		
59.3 The power pursuant to Regulation 16(3) of the Regulations to, if an application in relation to a proposed development identifies the development as <i>residential code</i> development or designated development, form the opinion that the	Y		

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

	development is <i>residential code</i> development and the duty to, within 5 business days of receipt of the application, by notice in writing, inform the applicant of that fact.			
59.4	The power pursuant to Regulation 16(4) of the Regulations to, if an application in relation to a proposed development identifies the development as <i>residential code</i> development or designated development, form the opinion that the development is not <i>residential code</i> development and the duty to, within 5 business days of receipt of the application, by notice in writing, inform the applicant of that fact and the reasons for the Delegate's opinion.	Y		
60.	Non-Complying Development			
60.1	The power pursuant to Regulation 17(3) of the Regulations, after receipt of an application which relates to a kind of development that is described as non-complying development to:			
60.1.1	refuse the application pursuant to Section 39(4)(d) of the Act and notify the applicant accordingly; or	Y		
60.1.2	resolve to proceed with an assessment of the application.	Y		
60.2	The duty pursuant to Regulation 17(4) of the Regulations, in situations where the Council or Delegate has resolved to proceed with the assessment of an application for non-complying development, to require the applicant to provide a statement of effect.	Y		
60.3	The power pursuant to Regulation 17(6) of the Regulations to determine that a proposed development is of a minor nature for the purposes of exemption from the requirements to provide a statement of effect.	Y		
61.	Notification of Application for Tree-damaging Activity to Owner of Land			
61.1	Where the owner of land to which an application for a tree-damaging activity in relation to a significant tree relates is not a party to the application, the duty pursuant to an d in			

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

accordance with Regulation 18 of the Regulations:			
61.1.1 to give the owner of land notice of the application; and	Y		
61.1.2 to give due consideration, in the assessment of the application, to any submission made by the owner within a reasonable time after the giving of notice of the application.	Y		
62. Amended Applications			
62.1 The power pursuant to Regulation 20(4) of the Regulations to form the opinion that variations to an application are not substantial and that repeating of the referral process under Part 5 of the Regulations, or the giving of notice under Part 6 of the Regulations is not required.	Y		
62.2 The power pursuant to Regulation 20(5) of the Regulations, where a variation to an application changes the essential nature of a proposed development to (by agreement with the applicant) proceed with the variation on the basis that the application will be treated as a new application.	Y		
63. Withdrawing / Lapsing Application			
63.1 The duty pursuant to Regulation 22(1) of the Regulations, where an applicant withdraws an application, to notify any agency to which an application was referred under Part 5 of the Regulations and any person who made a representation in relation to the application under Part 6 of the Regulations of the withdrawal.	Y		
63.2 Where at least two years have passed since the date on which an application for development authorisation under Part 4 of the Act was lodged with the Council the power, pursuant to Regulation 22(2) of the Regulations to lapse the said application.	Y		
63.3 Before taking action to lapse a development application under Regulation 22(2) of the Regulations the duty, pursuant to and in accordance with Regulation 22(3) of the Regulations to:	Y		

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

63.3.1	take reasonable steps to notify the applicant of the action under consideration; and	Y		
63.3.2	allow the applicant a reasonable opportunity to make submissions to the Council or the Delegate about the proposed course of action, and the power to determine the manner and form of those submissions.	Y		
64.	Contravening Development			
64.1	The power pursuant to Regulation 23(2) of the Regulations, by notice in writing to the applicant to decline to proceed with an application until proceedings under the Act have been concluded.	Y		
65.	Referrals			
65.1	The duty pursuant to Regulation 24(1) of the Regulations to refer an application of a prescribed kind together with a copy of any relevant information provided by the applicant to the relevant body prescribed by Schedule 8 of the Regulations and to not make a decision on the application until a response has been received from the referral body or the time period for receipt of a response has lapsed.	Y		
66.	Procedure Where Concurrence Required			
66.1	The duty pursuant to Regulation 25 of the Regulations, if concurrence must be sought from another body prior to issuing a consent or approval to forward to the other body whose concurrence must be sought that information required by Regulation 25(b) of the Regulations.	Y		
67.	Additional Information or Amended Plans			
67.1	The duty pursuant to Regulation 27(1) of the Regulations, where an application has been referred to a prescribed body under Part 5 of the Regulations and additional information is received which is materially relevant to the referral, to repeat the referral process where the Delegate is of the opinion that the additional information or amendment is significant and the power to repeat the referral process in all other instances.	Y		

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

68. Special Provisions - Referrals			
68.1 The duty pursuant to and in accordance with Regulation 28(3) of the Regulations to refer an application for building rules consent to the relevant fire authority for comment and report where the Delegate considers that:			
68.1.1 a proposed alternative solution within the meaning of the Building Code requires assessment against a performance requirement of the Building Code which provides for fire fighting operations of a fire authority; or	Y		
68.1.2 the proposed development is at variance with a performance requirement of the Building Code which provides for fire fighting operations of a fire authority; or	Y		
68.1.3 special problems for fire fighting could arise due to hazardous conditions of a kind described in Section E of the Building Code,	Y		
and the duty pursuant to Regulation 28(5) of the Regulations to have regard to any report received from the fire authority under Regulation 28.	Y		
68.2 The power pursuant to Regulation 28(4) of the Regulations, when a report from a fire authority pursuant to Regulation 28(3) is not received by the Council within 20 business days, to presume that the fire authority does not desire to make a report.	Y		
68.3 If, in respect of an application referred to a fire authority under Regulation 28, the fire authority:			

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

68.3.1	recommends against the granting of building rules consent; or	Y		
68.3.2	concurs in the granting of consent on conditions specified in its report,	Y		
	but the Delegate:			
68.3.3	proposes to grant building rules consent despite a recommendation referred to in Regulation 28(5a)(a) of the Regulations; or	Y		
68.3.4	does not propose to impose the conditions referred to in Regulation 28(5a)(b) of the Regulations, or proposes to impose the conditions in varied form, on the grant of consent,	Y		
	the duty pursuant to Regulation 28(5a) of the Regulations to:			
68.3.5	refer the application to the Building Rules Assessment Commission; and	Y		
68.3.6	not grant consent unless the Building Rules Assessment Commission concurs in the granting of consent.	Y		
68.4	The duty pursuant to Regulation 28(6) of the Regulations to provide to the Building Rules Assessment Commission a copy of any report received from a fire authority under Regulation 28(1) that relates to an application referred to the Building Rules Assessment Commission under the Act.	Y		
68.5	The duty pursuant to Regulation 28(7) of the Regulations, where building work comprises or includes the construction or installation of a private bushfire shelter, not to grant a building rules consent unless the Building Rules Assessment Commission concurs in the granting of the consent.	Y		
69.	Land Division Applications			
69.1	The duty pursuant to Regulation 29(1) of the Regulations, subject to the provisions in Regulation 29(2) of the Regulations, to withhold making a decision on an application which relates	Y		

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

	to a proposed development that involves the division of land until a report has been received from the Development Assessment Commission.			
69.2	The power pursuant to Regulation 29(2) of the Regulations, when a report from the Development Assessment Commission pursuant to Regulation 29(1) of the Regulations is not received by the Council within eight weeks or within such longer period as the Development Assessment Commission may require by notice in writing to the Council, to presume that the Development Assessment Commission does not desire to make a report.	Y		
70. Underground Mains Area				
70.1	The power pursuant to Regulation 30(1) of the Regulations to seek a report from the relevant electricity authority where the Delegate considers that an area should be declared an underground mains area.	Y		
70.2	The power pursuant to Regulation 30(2) of the Regulations to declare an area as an underground mains area.	Y		
70.3	The power pursuant to Regulation 30(4) of the Regulations, where a development includes the division of land within or partly within an underground mains area, to require, as a condition of the decision, that any electricity mains be placed underground.	Y		
71. Preliminary Advice and Agreement – Section 37AA				
71.1	The power pursuant to Regulation 31A(6)(b) of the Regulations to determine that an application no longer accords with an agreement indicated by the prescribed body.	Y		
71.2	The power pursuant to Regulation 31A(6) of the Regulations if:			
71.2.1	a relevant authority permits an applicant to vary an application under Section 39(4) of the Act; and	Y		
71.2.2	the relevant authority determines that the application no longer accords with the agreement indicated by the prescribed	Y		

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

body, to refer the application (unless withdrawn) to the prescribed body -			
71.2.3 to obtain a variation to the agreement under Section 37AA of the Act; or	Y		
71.2.4 to obtain a response from the prescribed body for the purposes of Section 37 of the Act.	Y		
71.3 The power pursuant to Regulation 31A(7) of the Regulations if:			
71.3.1 an application is withdrawn by the Applicant; and			
71.3.2 the applicant sought to rely on a n agreement under Section 37AA of the Act in connection with the application,			
to notify the relevant prescribed body of the withdrawal of an application.	Y		
71.4 The power pursuant to Regulation 31A(8) of the Regulations if:			
71.4.1 an application is lapsed by a relevant authority under Regulation 22 of the Regulations; and			
71.4.2 the applicant sought to rely on a n agreement under Section 37AA of the Act in connection with the application,			
to notify the relevant prescribed body of the lapsing of an application.	Y		
71.5 The power pursuant to Regulation 31A(9) of the Regulations if:			
71.5.1 an application seeks to rely on an agreement under Section 37AA of the Act in connection with the application; and			
71.5.2 a notice of decision is issued by the relevant authority under Regulation 42 of the Regulations,			
to send a copy of the notice to the prescribed body	Y		

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

within 5 business days after the notice is given to the applicant under Regulation 42 of the Regulations.			
71A. Public Notice Categories			
71A.1 The power pursuant to Regulation 32(2)(5) of the Regulations to determine that a form of development comprises 2 or more elements.	Y		
72. Public Inspection of Certain Applications			
72.1 The duty pursuant to and in accordance with Regulation 34(1) of the Regulations, subject to Regulation 34(4) of the Regulations to ensure that copies of documents referred to in Regulation 34(1) concerning an application are reasonably available for inspection by the public (without charge).	Y		
72.2 The duty pursuant to Regulation 34(2) of the Regulations, subject to Regulation 34(4) of the Regulations, where a request is made within the time period that applies under Regulation 34(1) of the Regulations and on payment of a fee fixed by Council to provide to a member of the public a copy of any document of information available for inspection under Regulation 34(1) of the Regulations.	Y		
72.3 The power pursuant to Regulation 34(3) of the Regulations to require that a person who has made a request under Regulation 34(2) of the Regulations verify his or her name, address and contact details in such manner as the Delegate thinks fit.	Y		
72.4 The power pursuant to Regulation 34(4) of the Regulations to form the opinion that the present or future security of a building would be jeopardised if plans, drawings, specifications or other documents or information relating to the assessment of a proposed development against the Building Rules were to be made available for inspection.	Y		
73. Response by Applicant			

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

73.1	The power pursuant to Regulation 36 of the Regulations to extend the time within which an applicant may respond to any representation	Y		
74.	Determination of Commission as Relevant Authority			
74.1	Where the Development Assessment Commission is the relevant authority under Section 34(1)(b) of the Act:			
74.1.1	in a case where the Minister has made a declaration under Section 34(1)(b)(iii) or 34(1)(b)(vi) of the Act, the duty pursuant to and in accordance with Regulation 38(2)(a)(i) of the Regulations to forward to the Development Assessment Commission any application received by the Council under the Act and the Regulations in relation to the matter together with accompanying documentation or information and, as appropriate, fees; and	Y		
74.1.2	in any case, the power pursuant to and in accordance with Regulation 38(2)(b) to provide a report on matters under Section 33(1) (as relevant).	Y		
74.2	Where the Development Assessment Commission is the relevant authority under Section 34(1)(b)(iv) of the Act and the proposed development is to be undertaken within one kilometre of a boundary with the Council, the power, pursuant to Regulation 38(4) of the Regulations, to provide the Development Assessment Commission with comments on the proposed development.	Y		
75.	Assessment in Respect of Building Rules Referred to the Council			
75.1	The duty pursuant to and in accordance with Regulation 39 of the Regulations, where the Council is the relevant authority pursuant to Section 34(2) of the Act, not to give any decision in respect of the assessment against the Building Rules until the Development Assessment Commission or the regional development assessment panel (as the case may be) has made its decision.	Y		

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

76. Notification of Decision to Applicant (Including Conditions)			
76.1 The duty pursuant to and in accordance with Regulation 42 of the Regulations to give notice of a decision on an application under Division 1 of Part 4 of the Act including, but not limited to, the power to endorse approved plans and documentation under Regulation 42(4).	Y		
77. Notification of Decision to a Prescribed Body			
77.1 The duty pursuant to and in accordance with Regulation 43 of the Development Regulations, to send a copy of the notice of decision issued under Regulation 42 of the Regulations to any prescribed body to which the application had been referred.	Y		
77.2 The duty pursuant to and in accordance with Regulation 43(3) of the Regulations to send a copy of a notice of a decision on an application, if or when a development authorisation is issued in relation to a proposed division of land, to the Development Assessment Commission.	Y		
78. Notification of Decision to Owner of Land			
78.1 The duty pursuant to and in accordance with Regulation 44 of the Regulations to send a copy of any notice issued under Regulation 42 of the Regulations to the owner of land to which a decision on the application relates where the owner is not a party to the application.	Y		
79. Scheme Description – Community Titles			
79.1 The duty pursuant to Regulation 45(2) of the Regulations to endorse a scheme description under Section 3 of the Community Titles Act 1996 in the following terms:			
79.1.1 63.4A.1 All the consents or approvals required under the Development Act 1993 in relation to the division of the land (and a change in the use of the land (if any)) in accordance with the scheme description and the relevant plan of community division under the Community Titles Act 1996 have been granted.	Y		

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

<p style="text-align: center;">OR</p> <p>No consent or approval is required under the Development Act 1993 in relation to the division of land (or a change in the use of the land) in accordance with this scheme description.</p> <p>This endorsement does not limit a relevant authority's right to refuse, or to place conditions on, development authorisation under the Development Act 1993 in relation to any other development envisaged by this scheme description.</p> <p>Signed:</p> <p>Dated:</p>			
<p>79.2 The power pursuant to Regulation 45(2) of the Regulations to include in an endorsement of a scheme description under Section 3 of the Community Titles Act 1996, notes concerning conditions on any consent or approval, and notes concerning additional approvals that may be required in the future and to sign and date the endorsement.</p>	Y		
<p>80. Special Provisions Relation to Staged Consents</p>			
<p>80.1 The duty pursuant to and in accordance with Regulation 46(1) of the Regulations, and in a case where the development is within the ambit of Schedule 1A, subject to, in accordance with Regulations 46(4) and (5) of the Regulations, take any step that the Delegate, as the relevant authority considers it needs to take under Section 42 of the Act, to issue a Notice of Approval in the circumstances prescribed by Regulation 46 of the Regulations.</p>	Y		
<p>81. Endorsed Plans</p>			
<p>81.1 The duty pursuant to Regulation 47 of the Regulations to return to a successful applicant, a copy of the plans, drawings, specifications and other documents and information lodged by the applicant duly endorsed with the building rules consent.</p>	Y		

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

81.A Minor Variation of Development Authorisation			
81A.1 The power pursuant to Regulation 47A(1) of the Regulations, if a person requests the variation of a development authorisation previously given under the Act (including by seeking the variation of a condition imposed with respect to the development authorisation) to form the opinion that the variation is minor in nature and, if the delegate is satisfied that the variation is minor in nature, to approve the variation.	Y		
82. Lapse of Consent or Approval			
82.1 The power pursuant to Regulation 48(2) of the Regulations to extend the time when any consent or approval under Part 4 of the Act will lapse.	Y		
83. Width of Roads and Thoroughfares			
83.1 The power pursuant to Regulation 51(4) of the Regulations to dispense with the requirements of Regulation 51(1) and (3) dealing with the width of any proposed road or thoroughfare where the Delegate is of the opinion that the prescribed width is not necessary for the safe and convenient movement of vehicles or pedestrians or for underground services.	Y		
83.2 The power pursuant to Regulation 51(6) of the Regulations to dispense with the requirements of Regulation 51(5) dealing with the width of a road at the head of every cul-de-sac where it appears that the cul-de-sac is likely to become a through road.	Y		
84. Road Widening			
84.1 The power pursuant to Regulation 52(1) of the Regulations to require a road widening if land to be divided abuts an existing road.	Y		
85. Requirement as to Forming of Roads			
85.1 The power pursuant to Regulation 53(1) and (2) of the Regulations to specify the width of roads.	Y		
85.2 The power pursuant to Regulation 53(4) of the Regulations to dispense with the requirements of Regulation 53(3) of the Regulations that adequate provision be made for the turning of vehicles at the	Y		

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

	head of a cul-de-sac where the Delegate is of the opinion that the cul-de-sac is likely to become a through road.			
85.3	The power pursuant to Regulation 53(6) of the Regulations to dispense with the requirements of Regulation 53(5) dealing with the forming of footpaths, water-tables, kerbing, culverts and drains on proposed roads.	Y		
86.	Construction of Roads, Bridges, Drains and Services			
86.1	The power pursuant to Regulation 54(1) of the Regulations to require the paving and sealing of the roadway of proposed roads.	Y		
87.	Supplementary Provisions			
87.1	The duty pursuant to Regulation 55(1) of the Regulations to consider and if appropriate approve a road location and grading plan for the forming of any proposed road, including every footpath, water-table, kerbing, culvert and drain.	Y		
87.2	The duty pursuant to Regulation 55(2) of the Regulations to consider, and if appropriate approve, detailed construction plans and specifications signed by a professional engineer or licensed surveyor for all work referred to in Regulations 53 and 54 of the Regulations.	Y		
87.3	The duty pursuant to Regulation 55(4) of the Regulations to consider, and if appropriate accept, that all connections for water supply and sewerage services to any allotment delineated on a plan of division have been laid under the surface of a proposed road before the roadway is sealed.	Y		
88.	General Land Division			
88.1	The power pursuant to and in accordance with Regulation 58(1) of the Regulations to enter into a binding arrangement with an applicant for land division for the satisfaction of outstanding requirements.	Y		
88.2	The power pursuant to and in accordance with Regulation 58(2) of the Regulations to advise the Development Assessment Commission that an applicant has entered into appropriate binding	Y		

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

arrangements pursuant to Section 51(1) of the Act.			
89. Division of Land by Strata Title			
89.1 The power pursuant to Regulation 59(1) of the Regulations to advise the Development Assessment Commission that an applicant has entered into a binding arrangement with the Council for the satisfaction of the requirements of Section 33(1)(d) of the Act and that the arrangement is supported by adequate security.	Y		
90. General Provisions			
90.1 The power pursuant to and in accordance with Regulation 60(1) of the Regulations to enter into a form of arrangement with an applicant to the satisfaction of the Development Assessment Commission for the purposes of Section 51(1) of the Act.	Y		
90.2 The power pursuant to Regulation 60(7) of the Regulations, for the purposes of Section 51(4) of the Act, to request (in such a manner as may be determined by the Development Assessment Commission) that a copy of a certificate or plan (or certificates and plans) referred to in Regulation 30(4) of the Regulations be furnished to the Council by sending a written copy to the Council.	Y		
90.3 The power pursuant to Regulation 60(9) of the Regulations to consult with the Development Assessment Commission before it grants an extension of the period prescribed by Regulation 60(8) of the Regulations.	Y		
91. Declaration by The Minister – Section 46			
91.1 The duty pursuant to and in accordance with Regulation 61(2) of the Regulations, to transmit to the Minister any relevant documentation (including the application and any accompanying documentation or information lodged by the proponent with the Council under Division 1 of Part 4 of the Act) within 10 business days after the receipt of a copy of a notice required by Regulation 61(1) of the Regulations.	Y		
91.2 At the same time that documents are transmitted to the Minister under Regulation 61(2) of the	Y		

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

	Regulations, the duty pursuant to Regulation 61(3) of the Regulations to also transmit to the Minister any fees that have been paid by the proponent under Schedule 6 (less any amount that the Minister determines should be retained by the Council).			
91.3	Where an application lodged with the Minister under Section 46 of the Act requires an assessment against the Building Rules and the assessment against the Building Rules is to be referred to the Council, the power pursuant to Regulation 61(5)(d) of the Regulations, to require from the applicant additional copies of the plans, drawings, specifications and other documents and information required by Regulation 61(4) of the Regulations.	Y		
92. Referral of Assessment of Building Work				
92.1	Where a development application which is subject to the operation of Section 48 of the Act is referred to the Council for assessment in respect of the Building Rules the duty pursuant to and in accordance with Regulation 64(2) of the Regulations, to ensure that the assessment is consistent with any development plan consent previously given under Section 48 of the Act.	Y		
92.2	Where the Council acting under Regulation 64(1) of the Regulations determines that it is appropriate to give a certification with respect to the development complying with the Building Rules (and if the assessment of the Council is consistent with any development plan consent) the duty, pursuant to Regulation 64(3) of the Regulations to:			

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

92.2.1	provide the certification in the form set out in Schedule 12A; and	Y		
92.2.2	to the extent that may be relevant and appropriate:			
92.2.2.1	issue a schedule of essential safety provisions under Division 4 of Part 12 of the Act; and	Y		
92.2.2.2	assign a classification to the building under the Regulations; and	Y		
92.2.2.3	ensure that the appropriate levy has been paid under the Construction Industry Training Fund Act 1993.	Y		
92.3	Where the Council issues a certificate in the form set out in Schedule 12A of the Regulations as required by Regulation 64(3)(a) of the Regulations, the duty pursuant to Regulation 64(4) of the Regulations to furnish to the Minister a copy of the certificate together with a copy of any schedule of essential safety provisions.	Y		
93.	Notifications During Building Work			
93.1	The power pursuant to Regulation 74(1)(b) to specify by notice in writing to the building owner, on or before development approval is granted in respect of the work, any stage of the building work, for the purposes of the notification requirements in Section 59(1) of the Act.	Y		
93.2	The power pursuant to Regulation 74(1)(c) to specify by notice in writing to the building owner, on or before development approval is granted in respect of the work, any stage of the building work, for the purposes of the notification requirements in Section 59(1) of the Act.	Y		
93.3	The duty pursuant to Regulation 74(4) of the Regulations to make a note on the relevant building file of any notice given in accordance with Regulation 74(3)(d) by a person by telephone.	Y		
94.	Essential Safety Provisions			

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

94.1	The duty pursuant to Regulation 76(4) of the Regulations, on either the granting of a building rules consent or on application by the owner of a building, to issue a schedule in the form set out in Schedule 16 specifying the essential safety provisions for buildings and the standards and requirements for maintenance and testing in respect of those provisions.	Y		
94.2	The power pursuant to Regulation 76(10) of the Regulations to require compliance with Regulation 76(7) despite Regulation 76(9) of the Regulations if the essential safety provisions were installed under a modification of the Building Rules under Section 36(2) of the Act or the building has been the subject of a notice under Section 71 of the Act.	Y		
94A Swimming Pool Safety				
94A.1	The power pursuant to Regulation 76D(4a) of the Regulations to, for the purposes of Section 71AA(7) of the Act, subject to Regulation 76(D)(4b) of the Regulations, establish a swimming pool inspection policy.	Y		
95. Building Rules: Bushfire Prone Areas				
95.1	Where:			
95.1.1	application is made for building rules consent for building work in the nature of an alteration to a class 1, 2 or 3 building under the Building Code; and			
95.1.2	the building is in a bushfire prone area under Regulation 78(1) of the Regulations; and			
95.1.3	the total floor area of the building would, after the completion of the proposed building work, have increased by at least 50% when compared to the total floor area of the building as it existed 3 years before the date of the application (or, in the case of a building constructed since that time, as it existed at the date of completion of original construction),			
	the power, pursuant to Regulation 78(2) of the Regulations, to require, as a condition of consent,	Y		

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

	that the entire building be brought into conformity with the relevant requirements of the Building Rules for bushfire protection.		
96. Construction Industry Training Fund			
96.1	The duty pursuant to Regulation 79(2) of the Regulations to withhold issuing a building rules consent until satisfied that the appropriate levy has been paid under the Construction Industry Training Fund Act 1993 or that no such levy is payable.	Y	
96.2	The power pursuant to Regulation 79(4) of the Regulations to form an opinion whether the appropriate levy under the Construction Industry Training Fund Act 1993 has or has not been paid, or is or is not payable, and notify the applicant that a building rules consent cannot be issued until the Delegate is satisfied that the levy has been paid or is not payable.	Y	
96.3	The power pursuant to and in accordance with Regulation 79(5)(b) of the Regulations to determine that the application has lapsed.	Y	
96A Requirement to Up-grade Building in Certain Cases			
	<u>96A.1 The power pursuant to Regulation 80(1a) of the Regulations, if an application for a building rules consent relates to building work in the nature of an alteration to a class 2 to class 9 building constructed before 1 January 2002, to form the opinion that the building is unsafe, structurally unsound or in an unhealthy condition, and to require, as a condition of consent:</u>		
	<u>96A.1.1 that building work that conforms with the requirements of the Building Rules be carried out to the extent reasonably necessary to ensure that the building is safe and conforms to proper structural and health standards; or</u>	Y	
	<u>96A.1.2 that the building work comply with Minister's Specification SA: Up grading health and safety in existing buildings (to the extent reasonably applicable to the building and its condition).</u>	Y	
97. Classification of Buildings			

← --- Formatted Table

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

97.1	The power pursuant to Regulation 82(3)(b)(i) of the Regulations to require such details, particulars, plans, drawings, specifications, certificates and other documents as may reasonably be required to determine a building's classification upon application by an owner of a building under Regulation 82(1) or (2) of the Regulations.	Y		
97.2	The duty power pursuant to Regulation 82(4) of the Regulations <u>and subject to Regulation 82(4a) of the Regulations</u> , to assign the appropriate classification under the Building Code to a building upon being satisfied <u>on the basis of the owner's application and accompanying documents</u> that the building, <u>in respect of the classification applied for</u> , possesses the attributes appropriate to its present or intended use.	Y		
	<u>97.2A The power pursuant to Regulation 82(4a) of the Regulations, if an application under Regulation 82 of the Regulations is made in respect of an existing class 2 to class 9 building, to require the applicant to satisfy the delegate that Minister's Specification SA: Upgrading health and safety in existing buildings has been complied with (to the extent reasonably applicable to the building and its present or intended use).</u>			
97.3	The power pursuant to Regulation 82(5) of the Regulations, on assigning a classification to a building (or part of a building), to, if relevant, determine and specify in the notice to the owner under Section 66(4) of the Act –			
97.3.1	the maximum number of persons who may occupy the building (or part of the building); and	Y		
97.3.2	If the building has more than one classification – the part or parts of the building to which each classification relates and the classification currently assigned to the other parts of the building.	Y		
98.	Certificates of Occupancy			
98.1	The power pursuant to Regulation 83(2)(c) of the Regulations to require from an applicant for a certificate of occupancy reasonable evidence that conditions attached to a development approval	Y		

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

	have been satisfied.		
98.2	The power pursuant to Regulation 83(2)(d) of the Regulations where an application relates to the construction or alteration of part of a building and further building work is envisaged in respect of the remainder of the building, to require from an applicant for a certificate of occupancy reasonable evidence that in the case of a building of more than one storey, the requirements of Minister's Specification SA 83 have been complied with, or in any other case the building is suitable for occupation.	Y	
98.3	The power pursuant to Regulation 83(3) of the Regulations to dispense with the requirement to provide a Statement of Compliance under Regulation 83(2)(a) if the Delegate is satisfied that a person required to complete one or both parts of the Statement has refused or failed to complete that part and that the person seeking the issuing of the certificate of occupancy has taken reasonable steps to obtain the relevant certification(s) and it appears to the Delegate that the relevant building is suitable for occupation.	Y	
98.4	Where:		
98.4.1	a building is required by the Building Rules:		
98.4.1.1	to be equipped with a booster assembly for use by a fire authority; or		
98.4.1.2	to have installed a fire alarm that transmits a signal to a fire station; and		
98.4.2	facilities for fire detection, fire fighting or the control of smoke must be installed in the building pursuant to an approval under the Act,	Y	
	the duty pursuant to Regulation 83(4) of the Regulations to not grant a certificate of occupancy unless or until a report has been sought from the fire authority as to whether those facilities have been installed and operate satisfactorily.	Y	

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

98.5	The power pursuant to Regulation 83(5) of the Regulations, when a report from the fire authority pursuant to Regulation 83(4) is not received within 15 business days, to presume that the fire authority does not desire to make a report.	Y		
98.6	The duty pursuant to Regulation 83(6) of the Regulations to have regard to any report received from a fire authority under Regulation 83(4) before issuing a certificate of occupancy.	Y		
98.7	The power pursuant to Regulation 83(9) of the Regulations to revoke a certificate of occupancy.	Y		
99.	Certificate of Independent Technical Expert in Certain Case			
99.1	The power pursuant to Regulation 88(3) of the Regulations, in circumstances where Regulation 88 of the Regulations applies, to rely on the certificate of an independent technical expert.	Y		
100.	Fees			
100.1	The power pursuant to Regulation 95(2) of the Regulations to require an applicant to provide such information as the Delegate may reasonably require to calculate any fee payable under Schedule 6 and the power to make any other determination for the purposes of Schedule 6.	Y		
100.2	The power pursuant to the provisions of Regulation 95(3) of the Regulations to calculate any fee on the basis of estimates made by the Delegate where the Delegate believes that any information provided by an applicant is incomplete or inaccurate.	Y		
100.3	The power pursuant to Regulation 95(4) of the Regulations to, at any time, and despite any earlier acceptance of an amount in respect of the fee, reassess a fee payable under the Regulations.	Y		
100.4	The duty pursuant to Regulation 95(5) of the Regulations, on a reassessment under Regulation 95(4) of the Regulations:			

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

100.4.1 if it appears that an overpayment has occurred, to refund any amount due in accordance with the reassessment; and	Y		
100.4.2 if it appears that an underpayment has occurred, to charge any further amount payable in accordance with the reassessment.	Y		
101. Register of Applications			
101.1 The duty pursuant to Regulation 98 of the Regulations to keep available for public inspection a register of applications for consent, approval, or the assignment of building classifications under the Act.	Y		
101.2 The power pursuant to Regulation 98(3) to fix a fee and upon payment of that fee, make available to a member of the public a copy of any part of a register or document kept for the purposes of Regulation 98(1).	Y		
102. Registration of Land Management Agreements			
102.1 The duty pursuant to and in accordance with Regulation 99(2) of the Regulations to establish a register of agreements entered into by the Council under Section 57(2) of the Act.	Y		
102.2 The power pursuant to Regulation 99(3) of the Regulations to determine what other information may be contained in the Register.	Y		
103. Land Management Agreements - development applications			
103.1 The duty pursuant to Regulation 100(2) of the Regulations to establish a register of agreements entered into by the Council under Section 57A of the Act	Y		

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

103.2 The duty pursuant to Regulation 100(3) of the Regulations to include in the register a copy of each agreement entered into by the Council under Section 57A of the Act and other information the Delegate considers appropriate.	Y		
103.3 The duty pursuant to Regulation 100(5) of the Regulations to keep the register at the principal office of the Council.	Y		
103.4 The duty pursuant to Regulation 100(6) of the Regulations to keep the register available for public inspection during normal office hours for the office where the register is situated.	Y		
103.5 The duty pursuant to Regulation 100(9) to give a copy of a notice under Regulation 100(8) to any owner of the land who is not a party to the agreement.	Y		
104. Documents to be Preserved by Council			
104.0 The power and duty pursuant to Regulation 101(a1) of the Regulations to retain a copy of each document provided to the Council by a private certifier in relation to any application for a development plan consent assessed by the private certifier.	Y		
104.1 The duty pursuant to Regulation 101(1) of the Regulations to retain a copy of the documents listed in Regulation 101 of the Regulations in relation to any building work approved under the Act.	Y		
104.1A The power and duty pursuant to Regulation 101(1a) of the Regulations to preserve any document referred to in Regulation 101(a1) for a period of at least 10 years.	Y		
104.2 The duty pursuant to Regulation 101(2) of the Regulations to preserve any document referred to in Regulation 101(1) of the Regulations until the building to which the document relates is demolished or removed.	Y		
104.3 The power pursuant to and in accordance with Regulation 101(3) of the Regulations to offer to give plans and specifications in the Council's possession to a building owner and if the building	Y		

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

owner declines the offer, the power to destroy the documents.		
104.4 The power pursuant to and in accordance with Regulation 101(4) of the Regulations to make available for inspection at the offices of the Council during normal office hours any document retained by the Council under Regulation 101(a1) or (1) of the Regulations (without charge) and to fix a reasonable fee for a copy of any document retained by the Council under Regulation 101(a1) or (1) of the Regulations.	Y	
104.5 The power pursuant to Regulation 101(5) of the Regulations to not make available of any plans, drawings specifications or other documents or information:	Y	

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

104.5.1 for inspection under Regulation 101(4)(a) if to do so would:			
104.5.1.1 in the opinion of the Delegate, unreasonably jeopardise the present or future security of a building; or	Y		
104.5.1.2 constitute a breach of any other law; or	Y		
104.5.2 for copying under Regulation 101(4)(b) if to do so would:			
104.5.2.1 in the opinion of the Delegate, unreasonably jeopardise the present or future security of a building; or	Y		
104.5.2.2 involve an infringement of copyright in matter contained in a document; or	Y		
104.5.2.3 constitute a breach of any other law.	Y		
104A Documents to be Provided by Private Certifier			
104A.1 The power pursuant to Regulation 102(2) of the Regulations to request a private certifier to produce to the Council within a reasonable period, a copy of any document that has been submitted to the private certifier for the purposes of an application for development plan consent (and that it is not already held by the Council under the Regulations) so that the Council can respond to a request from a member of the public for access to such document.	Y		
105. Transfer Of Development Potential			
105.1 The duty pursuant to Regulation 104 of the Regulations, wherever the provisions of the Development Plan provide for the transfer of development potential, to maintain a register of development rights containing the information prescribed in Regulation 104(1) and to make the said register available for public inspection on payment of the appropriate fee.	Y		

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

106. System Indicators			
106.1 The duty pursuant to Section 115(1)(a) of the Regulations to keep and collate the information specified in the system indicators document on a quarterly basis.	Y		
106.2 The duty pursuant to Section 115(1)(b) of the Regulations to provide the information for each quarter to the Minister in a manner and form determined by the Minister, within 21 days after the end of the quarter.	Y		
106.3 The power pursuant to Regulation 115(2) of the Regulations to apply to the Minister to exempt the Council from a requirement in the system indicators document.	Y		
107. Schedule 1A – Demolition			
107.1 The power, pursuant to Clause 12(3) of Schedule 1A of the Regulations, to make an application to the Minister for an area to be declared by the Minister to be a designated area.	Y		
107.2 The power pursuant to Clause 12(9) of Schedule 1A of the Regulations, before the Minister takes action to vary or revoke a declaration under Clause 12(3) of Schedule 1A of the Regulations or a condition under Clause 12(7) of Schedule 1A of the Regulations, to in response to a notice in writing from the Minister, show, within the specified time, why the proposed course of action should not be taken.	Y		
108. Schedule 4 – New Dwellings			
108.1 The power pursuant to Clause 2B(4)(b) of Schedule 4 of the Regulations to form the belief that the allotment is, or may have been, subject to site contamination as a result of a previous use of the land or a previous activity on the land or in the vicinity of the land other than a previous use or activity for residential purposes.	Y		
109. Fees			
109.1 The power pursuant to Clause 1(7) of Schedule 6 to the Regulations to determine the amount of the fee to be charged to an applicant to cover the	Y		

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

Council's reasonable costs in giving public notice of the application under Section 38(5) of the Act.			
110. Schedule 8 – Development Near the Coast			
110.1 The power pursuant to Item 1(b) of Clause 2 of Schedule 8 of the Regulations, where development is on coastal land, to form the opinion that the development is of a minor nature only, and comprises the alteration of an existing building or the construction of a building to facilitate the use of an existing building.	Y		
111. Schedule 8 - Development Adjacent to Main Roads			
111.1 The power pursuant to Item 3 of Clause 2 of Schedule 8 of the Regulations to form the opinion that development is likely to:			
111.1.1 alter an existing access; or	Y		
111.1.2 change the nature of movement through an existing access; or	Y		
111.1.3 create a new access; or	Y		
111.1.4 encroach within a road widening setback under the Metropolitan Adelaide Road Widening Plan Act 1972,	Y		
in relation to an existing or proposed arterial road, primary road, primary arterial road or secondary arterial road, or within 25 metres of a junction with an existing or proposed arterial road, primary road, primary arterial road or secondary arterial road (as delineated in the relevant Development Plan).	Y		
112. Schedule 8 - State Heritage Places			
112.1 The power pursuant to Item 5(1) of Clause 2 of Schedule 8 of the Regulations to form the opinion that a development materially affects the context within which a State Heritage place is situated.	Y		
113. Schedule 8 – Mining – General			
113.1 The power pursuant to and in accordance with Item 7 of Clause 2 of Schedule 8 of the Regulations to form the opinion that development	Y		

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

is of a minor nature only.			
114. Schedule 8 - Activity of Environmental Significance			
114.1 The power pursuant to Item 10(b) of Clause 2 of Schedule 8 of the Regulations, where development involves, or is for the purposes of an activity specified in Schedule 21 of the Regulations (including, where an activity is only relevant when a threshold level of capacity is reached, development with the capacity or potential to operate above the threshold level, and an alteration or expansion of an existing development (or existing use) where the alteration or expansion will have the effect of producing a total capacity exceeding the relevant threshold level), other than development which comprises the alteration of, or addition to, an existing building, to form the opinion that the development does not change the use of the building, and is of a minor nature only, and does not have any adverse effect on the environment.	Y		
115. Schedule 8 – Aquaculture Development			
115.1 The power pursuant to and in accordance with Item 15 of Clause 2 of Schedule 8 of the Regulations to form the opinion that development involves a minor alteration to an existing or approved development.	Y		
116. Schedule 8 – Development Within the River Murray Floodplain Area			
116.1 The power pursuant to and in accordance with Item 19(b) of Clause 2 of Schedule 8 of the Regulations to form the opinion that development materially affects the context within which a State Heritage place is situated.	N		
117. Schedule 8 – Development Within the River Murray Tributaries Area			
117.1 The power pursuant to and in accordance with Item 20(a) of Clause 2 of Schedule 8 of the Regulations to form the opinion that development materially affects the context within which a State Heritage place is situated.	N		
118. Schedule 9 - Part One, Category One Development			

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

and Part Two Category Two Development			
118.1	The power pursuant to Clause 1 of Part 1 to Schedule 9 of the Regulations in circumstances where a development would be a complying development under the Regulations or the relevant Development Plan but for the fact that it fails to meet the conditions associated with the classification, to form the opinion that the failure to meet those conditions is of a minor nature only.	Y	
118.2	The power pursuant to Clause 2(1)(g) of Part 1 to Schedule 9 of the Regulations to form the opinion that a development is of a kind which is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.	Y	
118.3	The power pursuant to the following designated sub-paragraphs of Clause 3 of Part 1 to Schedule 9 of the Regulations, where a development is classified as non complying under the relevant Development Plan, to form the opinion that:-		
118.3.1	the alteration of, or addition to, a building is of a minor nature only, pursuant to sub-paragraph (a);	Y	
118.3.2	the construction of a building to be used as ancillary to or in association with an existing building and which will facilitate the better enjoyment of the purpose for which the existing building is being used constitutes development of a minor nature only pursuant to sub-paragraph (b).	Y	
118.4	The power pursuant to Clause 5 of Part 1 to Schedule 9 of the Regulations to form the opinion:-		
118.4.1	that the division of land (including for the construction of a road or thoroughfare) is for a proposed use which is consistent with the objective of the zone or area under the Development Plan; and	Y	
118.4.2	whether the division will change the nature or function of an existing road.	Y	
118.5	The power pursuant to Clause 11 of Part 1 to Schedule 9 of the Regulations, in circumstances	Y	

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

where development comprises a special event and the special event will not be held over more than 3 consecutive days, to form the opinion that an event of a similar or greater size or of a similar or greater impact on surrounding areas, has not been held on the same site (or substantially the same site) within 6 months immediately preceding the day or days on which the special event is proposed to occur.			
118.6 Pursuant to Clause 17 of Part 1 of Schedule 9 to the Regulations for the purpose of determining whether a development should be considered to be of a minor nature only:			
118.6.1 the duty to not take into account what is included within Schedule 3 of the Regulations; and	Y		
118.6.2 the power to take into account the size of the site of the development, the location of the development within that site, and the manner in which the development relates to the locality of the site; and	Y		
118.6.3 the power to conclude, if relevant, that the development is of a minor nature only despite the fact that it satisfies some, but not all, of the criteria set out in item 2(d) of Part 1 of Schedule 9 to the Regulations.	Y		
118.7 The power pursuant to Clause 21 of Part 2 to Schedule 9 of the Regulations, except where development is classified as non complying development under the relevant Development Plan, to form the opinion:			
118.7.1 that in respect of a proposed division of land that the applicant's proposed use of the land, is for a purpose which is consistent with the zone or area under the Development Plan; and	Y		
118.7.2 whether the proposed division will change the nature or function of an existing road.	Y		

DELEGATIONS UNDER THE DEVELOPMENT ACT 1993

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

AND DEVELOPMENT REGULATIONS, 2008

Pursuant to Section 20 and 34(23) of the Development Act 1993 and effective from 10th ~~October 2017~~ April 2018, the Council delegates to the 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 Council Assessment Panel (CAP) 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:	
a 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, other than <ul style="list-style-type: none"> where the representor/s has not expressly identified they wish to appear before the Panel (either in person or by a representative); and/or 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. 	N/A
b Development that has been classified as non-complying. The Manager Development and Regulatory Services may determine to proceed with further assessment with a non-complying development. Such decisions shall be reported to the next meeting of the <u>DCAP</u> .	N/A
c 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 and Regulatory Services. Such applications shall be reported to the next meeting of the <u>DCAP</u> .	N/A
d 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 and Regulatory Services intends to refuse such an application.	N/A
e Development that includes outdoor advertising signs: <ul style="list-style-type: none"> 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 	N/A

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

Ref DA/DAP-__	Sub-delegation
<p>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)</p> <ul style="list-style-type: none"> • 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>f 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 and Regulatory Services, Team Leader Planning or Development Officer Planning under separate delegation from Council or the Chief Executive Officer.</p>	N/A

INSTRUMENT OF DELEGATION UNDER THE
FOOD ACT 2001

INSTRUMENT OF DELEGATION UNDER THE
FOOD ACT 2001

NOTES

1. In exercise of the powers contained in Section 91 of the Food Act 2001, the following powers, functions and duties under the Food Act 2001 are hereby delegated this ~~10th 22nd~~ day of ~~April~~^{May} 2018~~2~~ by the City of Marion (the “*enforcement agency*” under the Food Act 2001 for the Council area) to the person occupying the office of Chief Executive Officer of the Council (the “*head of the enforcement agency*” for the purposes of the Food Act 2001) and the said powers, functions and duties may be sub-delegated by the delegate to any other officer of the Council.

Formatted: Superscript

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

	Delegate to CEO	Sub-delegation
1. Seizure		
1.1 The power pursuant to Section 42(2) of the Food Act 2001 (“the Act”) to ap prove the removal or interference with the thing to which a seizure order under Part 4 of the Act relates before an order is made under Section 42(3)(b) or the order is discharged under Section 42(3)(c) of the Act.	Y	
1.2 The power pursuant to Section 42(3)(a) of the Act to authorise –		
1.2.1 upon application, the release of anything seized under Part 4 of the Act to the person from whom it was seized or to any person who had a right to possession of it at t he time of its seizure, subject to such conditions as the Delegate thinks fit, including conditions as to the giving of security for satisfaction of an order under Section 42(3)(b)(i)(B) of the Act; or	Y	
1.2.2 in the case of fo od or any other perishable thing, order that it be forfeited to the Council.	Y	

**INSTRUMENT OF DELEGATION UNDER THE
FOOD ACT 2001**

1.3	The duty pursuant to Section 42(3)(d) of the Act where any food or other perishable thing is seized under Part 4 of the Act in relation to an expiable offence and the offence is expiated –		
1.3.1	if the food or other perishable thing has not already been forfeited by order of the Delegate under Section 42(3)(a)(ii) of the Act, to deal with it in accordance with any determination of the Minister; and	Y	
1.3.2	not make payment of any compensation in respect of the food or other perishable thing.	Y	
1.4	The power pursuant to Section 42(3)(e) of the Act to dispose of anything seized under Part 4 of the Act and forfeited under Section 42 of the Act, by sale, destruction or otherwise as the Delegate directs.	Y	
2.	Review of Decision to Refuse Certificate of Clearance		
2.1	The power pursuant to Section 51(1) of the Act where a person aggrieved by a decision to refuse to give a certificate of clearance under Part 5 of the Act makes application to the Tribunal under Section 34 of the <u>South Australian Civil and Administrative Tribunal Act 2013</u> appropriate review body for a review of the decision, to respond to the review body on behalf of the Council.	Y	
3.	Review of Order		
3.1	The duty pursuant to Section 52(2) of the Act where there were no grounds for the making of a prohibition order, to pay such compensation to the applicant for compensation as is just and reasonable.	Y	
3.2	The duty pursuant to Section 52(3) of the Act to send written notification of the determination as to the payment of compensation under Section 52 of the Act, to each applicant for the payment of such compensation.	Y	
3.3	The power pursuant to Section 52(4) of the Act	Y	

Formatted: Font: Italic

**INSTRUMENT OF DELEGATION UNDER THE
FOOD ACT 2001**

	where an applicant for the payment of compensation under Section 52 of the Act is dissatisfied with a determination under Section 52(3) of the Act, as to the refusal to pay compensation or the amount of compensation and has applied to the <u>Tribunal under Section 34 of the South Australian Civil and Administrative Tribunal Act 2013</u> appropriate review body for a review of the determination, to respond to that review body on behalf of the Council.		
4. Auditing and Reporting			
4.1	The duty pursuant to Section 79(1) of the Act to determine:		
4.1.1	the priority classification of individual food businesses for the purposes of the application of any requirements of the Regulations relating to food safety programs; and	Y	
4.1.2	the frequency of auditing of any food safety programs required to be prepared by the Regulations in relation to the food business	Y	
	In accordance with Section 79(2) of the Act.		
4.2	The duty pursuant to Section 79(3) of the Act to provide written notification to the proprietor of a food business of -	Y	
4.2.1	the priority classification it has determined for the food business; and	Y	
4.2.2	the frequency of auditing of any food safety programs required to be prepared by the Regulations in relation to the food business; and	Y	
4.2.3	the date by which the food business must have implemented any food safety program required to be prepared by the Regulations in relation to the food business.	Y	
4.3	The power pursuant to Section 79(4) of the Act to change the priority classification of an individual food business if the Delegate	Y	

**INSTRUMENT OF DELEGATION UNDER THE
FOOD ACT 2001**

	believes that the classification is inappropriate for any reason, including as a result of changes made to the conduct of a food business.		
4.4	The duty pursuant to Section 79(5) of the Act to provide written notification to the proprietor of food business of any change in priority classification of the food business under Section 79(4) of the Act.	Y	
5.	Reporting Requirements		
5.1	The duty pursuant to Section 81(1) of the Act to receive a report from a food safety auditor in relation to an order or assessment carried out by the food safety auditor for the purposes of this Act.	Y	
5.2	The duty pursuant to Section 81(7) of the Act to provide a copy of a report in relation to an audit or assessment to the proprietor of the food business concerned.	Y	
6.	Notification of Food Businesses		
6.1	The duty pursuant to Section 86(1) of the Act to receive written notice, in the approved form, from the proprietor of a food business of the information specified in the Food Safety Standards that the proprietor is required to notify to the Council before the business is conducted.	Y	
6.2	The duty pursuant to Section 86(2) of the Act to receive written notice, in the approved form, from the proprietor of a food business that is being conducted when the notification requirements of the Food Safety Standards commence, of the information specified in the Food Safety Standard that is to be notified to the Council.	Y	
6.3	The duty pursuant to Section 86(3) of the Act where a food business is transferred to another person or where there is a change in the name or address of a food business to receive written notice, in the approved form, from the proprietor of the food business (being, in the case where a food business is transferred to another person, the new proprietor) of the	Y	

**INSTRUMENT OF DELEGATION UNDER THE
FOOD ACT 2001**

	transfer or change (as the case may be) that would be required to be given to the Council if the notification were an initial notification under Section 86(1) or (2) of the Act.		
7.	Appointment of Authorised Officers		
7.1	The power pursuant to Section 94(1) of the Act to appoint a person to be an authorised officer for the purposes of the Act, subject to the duty upon the Delegate to be satisfied that the person has appropriate qualifications or experience to exercise the functions of an authorised officer.	Y	
7.2	The duty pursuant to Section 94(2) of the Act to prepare and maintain a list of authorised officers appointed for the purposes of Section 94(1) of the Act.	Y	
7.3	The duty pursuant to Section 95(1) of the Act to provide each authorised officer with a certificate of authority as an authorised officer.	Y	

**INSTRUMENT OF DELEGATION UNDER THE
FOOD ACT 2001**

7.4	The power pursuant to Section 95(2) of the Act to limit the powers of an authorised officer through the certificate of authority which is provided pursuant to Section 95(1) of the Act.	Y	
8.	Offences		
8.1	The power pursuant to Section 29(2) of the Act where the Delegate forms the opinion that an offence has been committed under the Act to take proceedings by way of prosecution (or, at the discretion of the Delegate, by the issuing of an expiation notice or notices where the offence is expiable) in respect of the following offences –		
Section	Offence		
Section 13(1)	Handling food intended for sale in a manner that the person knows will render, or is likely to render, the food unsafe.	Y	
Section 13(2)	Handling food intended for sale in a manner that the person ought reasonably to know is likely to render the food unsafe.	Y	
Section 14(1)	Selling food that the person knows is unsafe.	Y	
Section 14(2)	Selling food that the person ought reasonably to know is unsafe	Y	
Section 16(1)	Handling food intended for sale in a manner that will render, or is likely to render, the food unsafe.	Y	
Section 16(2)	Selling food that is unsafe.	Y	
Section 17(1)	Handling food intended for sale in a manner that will render or is likely to render the food unsuitable.	Y	
Section 17(2)	Selling food that is unsuitable.	Y	
Section 21(1)	Failing to comply with any requirement imposed by a provision of the Foods Standards Code in relation to the conduct of a food business or to food intended for sale or	Y	

**INSTRUMENT OF DELEGATION UNDER THE
FOOD ACT 2001**

	food for sale.		
Section 21(2)	Selling food that does not comply with any requirement of the Food Standards Code that relates to the food.	Y	
Section 39	Failure, without reasonable excuse, to comply with a requirement of an authorised officer.	Y	
Section 40	Providing information or producing any document that the person knows is false or misleading in a material particular.	Y	
Section 41(1)	Resisting, obstructing, or attempting to obstruct, without reasonable excuse, an authorised officer in the exercise of his/her functions under the Act.	Y	
Section 41(2)	Impersonating an authorised officer.	Y	
Section 42(2)	Removing or interfering with a thing seized under Part 4 of the Food Act 2001 without the approval of the Council.	Y	
Section 50	Contravening or failing, without reasonable excuse, to comply with an improvement notice or a prohibition order.	Y	
Section 86(1)	Failure to notify of a food business before the business is conducted.	Y	
Section 86(2)	Failure to notify of a food business that is being conducted.	Y	
Section 86(3)	Failure to notify of a food business that is transferred or which has changed its name or address.	Y	
8.2	The power to elect to charge a person who is alleged to have committed an offence against Division 2, Part 2 of the Act, with a summary offence.	Y	
8.3	The duty pursuant to Section 29(4) of the Act where a person who is alleged to have committed an offence against Division 2, Part 2 of the Act has been given an expiation notice in respect of the offence and does not expiate the offence, to bring proceedings for prosecution of	Y	

**INSTRUMENT OF DELEGATION UNDER THE
FOOD ACT 2001**

the offence as a summary offence.		
-----------------------------------	--	--

**INSTRUMENT OF DELEGATION UNDER THE
EXPIATION OF OFFENCES ACT 1996**

**INSTRUMENT OF DELEGATION UNDER THE
EXPIATION OF OFFENCES ACT 1996**

NOTES

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 Expiation of Offences Act 1996 this ~~930th~~ day of ~~September-April~~ 201~~84~~ 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.

References:

Abbreviation	Position Title
COD	Compliance Officer Development
DOB	Development Officer Building
DOP	Development Officer Planning
MDRS	Manager Development & Regulatory Services
SDOB	Senior Development Officer Building
SDOP	Senior Development Officer Planning
TLB	Team Leader Building
TLP	Team Leader Planning

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

	Delegate to CEO	Sub-delegation
1. Certain Offences may be Expiated		
1.1 The power pursuant to Section 5(1) of the Expiation of Offences Act 1996 ("the Act") to issue an expiation notice under the Act to a person alleged to have committed an offence under an Act, regulation or by-law, and the alleged offence may accordingly be expiated in accordance with the Act.	Y	
2. Expiation Notices		
2.1 The power pursuant to Section 6(3)(b)(ii) of the Act to authorise a person in writing to give an expiation notice for an alleged offence.	Y	

3.	Review of Notices on Ground that Offence is Trifling		
3.1	The power pursuant to Section 8A(2) and (3) of the Act to require an alleged offender who is seeking a review of the notice on the ground that the offence is trifling:		
3.1.1	to provide further information; and	Y	
3.1.2	to provide a statutory declaration verifying the information contained in, or supporting, an application for review.	Y	
3.2	The duty pursuant to Section 8A(4) of the Act to determine an application for review before <u>providing the Chief Recovery Officer with relevant particulars under Section 22 of the Fines Enforcement and Debt Recovery Act 2017</u> issuing a certificate for an enforcement determination in respect of the offence to which the application relates.	Y	
3.3	The duty pursuant and subject to Section 8A(5) and (6) of the Act upon being satisfied the offence is trifling to withdraw the expiation notice in respect of the offence by giving written notice to the alleged offender.	Y	
3.4	<u>The power pursuant to Section 8A(6a) of the Act, if an enforcement determination made under section 22 of the Fines and Enforcement Debt Recovery Act 2017 is revoked on the ground that the alleged offender had not had a reasonable opportunity to apply for review of the notice under Section 8A of the Act, and the alleged offender makes an application under Section 8A of the Act within 14 days of being notified of the revocation, to withdraw the expiation notice under Section 8A of the Act</u>	<u>Y</u>	

3A.	Arrangements as to Manner and Time of Payment <u>Deliberately left blank</u>		
3A.1	The power pursuant to Section 9(2) of the Act to agree with the Fines Enforcement and Recovery Officer the manner in which the Fines Enforcement and Recovery Officer must give the Council notice of any arrangement entered into under Section 9 of the Act.	Y	
3A.2	The power pursuant to Section 9(12) of the Act, if an arrangement terminates under Section (9), (10) or (11) of the Act, to agree with the Fines Enforcement and Recovery Officer the manner in which the Fines Enforcement and Recovery Officer must give the Council notice of the termination and the amount then outstanding (taking into account, where the arrangement required the performance of community service, the number of hours of community service so performed).	Y	
4.	Expiation Reminder Notices		
4.1	The duty pursuant to Section 11 of the Act where an alleged offender has neither paid the expiation fee nor entered into an arrangement under Section 9 of the Act and the Council has not received a statutory declaration or other document sent to the Council by the alleged offender in accordance with a notice required by law to accompany the expiation notice, by the end of the expiation period, and before the Delegate takes any action under this Act to enforce the expiation notice, to send an expiation reminder notice in the prescribed form to the alleged offender before any action is taken under the Act to enforce the expiation notice.	Y	
5.	Expiation Enforcement Warning Notices		
5.1	The duty pursuant to Section 11A of the Act where the Council has received a statutory declaration or other document sent to the Council by the alleged offender in accordance with a notice required by law to accompany the expiation notice or expiation reminder notice, and before the Delegate takes action under this Act to enforce the expiation notice, to send an expiation enforcement warning notice, in the prescribed form, to the alleged offender by post.	Y	

6. Late Payment		
6.1 The power pursuant to Section 12 of the Act to accept late payment of the amount due under an expiation notice at any time before an enforcement order is made under Section 13 of the Act.	Y	
7. Enforcement Determinations		
7.1 The power pursuant to Section 13(1) of the Act to enforce an expiation notice against an alleged offender by sending to the Fines Enforcement and Recovery Officer:		
7.1.1 a certificate that contains the particulars determined by the Fines Enforcement and Recovery Officer relating to:		
7.1.1.1 the alleged offender; and	Y	
7.1.1.2 the offence or offences that remain unexpiated; and	Y	
7.1.1.3 the amount due under the notice; and	Y	
7.1.1.4 compliance by the Council as authority with the requirements of the Act and any other Act.	Y	
7.1.2 the prescribed fee.	Y	
7.2 The power pursuant to Section 13(4) of the Act to apply to the Fines Enforcement and Recovery Officer under and in accordance with Section 13 of the Act within 30 days of notice of an enforcement determination being given, sent or published in accordance with Section 13 of the Act for the enforcement determination to be revoked.	Y	
8. Withdrawal of Expiation Notices		
8.1 The power pursuant to Section 16(1) of the Act, to withdraw an expiation notice with respect to all or any of the alleged offences to which an expiation notice relates where:		
8.1.1 in the opinion of the Delegate the alleged offender did not commit the offence or offences, or that the notice should not have been given with respect to the offence or offences;	Y	

8.1.2	the Council as issuing authority receives a statutory declaration or other document sent to the Council by the alleged offender in accordance with a notice required by law to accompany the expiation notice or expiation reminder notice; or	Y	
8.1.3	the notice is defective; or	Y	
8.1.4	the Delegate decides that the alleged offender should be prosecuted for the offence or offences.	Y	
8.2	The power pursuant to Section 16(5) of the Act, where an expiation notice is withdrawn under subsection (1), to commence prosecution for an offence to which the notice related.	Y	
8.3	The duty pursuant to Section 16(6) of the Act, subject to Section 16(7) of the Act, to withdraw an expiation notice if it becomes apparent that the alleged offender did not receive the notice until after the expiation period, or has never received it, as a result of error on the part of the Council as issuing authority or failure of the postal system.	Y	
8.4	The duty pursuant to Section 16(11) of the Act, where an expiation notice is withdrawn under Section 16 of the Act and the notice of withdrawal does not specify that the notice is withdrawn for the purposes of prosecuting the alleged offender, and if an enforcement determination has been made under Section 13 of the Act, to inform the Fines and Enforcement Recovery Officer of the withdrawal of the notice.	Y	
9.	Provision of Information		
9.1	The power pursuant to Section 18 of the Act to enter into an agreement with the Fines Enforcement and Recovery Officer in relation to:	Y	

9.1.1	the manner in which the Fines Enforcement and Recovery Officer is to provide information to the Council in relation to action taken by the Fines Enforcement and Recovery Officer under the Act in respect of an expiation notice issued by the Council; and	Y	
9.1.2	the manner in which the Council is to provide information to the Fines Enforcement and Recovery Officer in relation to the issuing of an expiation notice by the Council or any other action taken by the Council in respect of an expiation notice so issued.	Y	

**INSTRUMENT OF DELEGATION UNDER THE
EXPIATION OF OFFENCES ACT 1996****NOTES**

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 Expiation of Offences Act 1996 this 30th day of April 2018 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.

References:

Abbreviation	Position Title
COD	Compliance Officer Development
DOB	Development Officer Building
DOP	Development Officer Planning
MDRS	Manager Development & Regulatory Services
SDOB	Senior Development Officer Building
SDOP	Senior Development Officer Planning
TLB	Team Leader Building
TLP	Team Leader Planning

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

	Delegate to CEO	Sub-delegation
1. Certain Offences may be Expiated		
1.1 The power pursuant to Section 5(1) of the Expiation of Offences Act 1996 ("the Act") to issue an expiation notice under the Act to a person alleged to have committed an offence under an Act, regulation or by-law, and the alleged offence may accordingly be expiated in accordance with the Act.	Y	
2. Expiation Notices		
2.1 The power pursuant to Section 6(3)(b)(ii) of the Act to authorise a person in writing to give an expiation notice for an alleged offence.	Y	

3.	Review of Notices on Ground that Offence is Trifling		
3.1	The power pursuant to Section 8A(2) and (3) of the Act to require an alleged offender who is seeking a review of the notice on the ground that the offence is trifling:		
3.1.1	to provide further information; and	Y	
3.1.2	to provide a statutory declaration verifying the information contained in, or supporting, an application for review.	Y	
3.2	The duty pursuant to Section 8A(4) of the Act to determine an application for review before <u>providing the Chief Recovery Officer with relevant particulars under Section 22 of the Fines Enforcement and Debt Recovery Act 2017</u> issuing a certificate for an enforcement determination in respect of the offence to which the application relates.	Y	
3.3	The duty pursuant and subject to Section 8A(5) and (6) of the Act upon being satisfied the offence is trifling to withdraw the expiation notice in respect of the offence by giving written notice to the alleged offender.	Y	
3.4	<u>The power pursuant to Section 8A(6a) of the Act, if an enforcement determination made under section 22 of the Fines and Enforcement Debt Recovery Act 2017 is revoked on the ground that the alleged offender had not had a reasonable opportunity to apply for review of the notice under Section 8A of the Act, and the alleged offender makes an application under Section 8A of the Act within 14 days of being notified of the revocation, to withdraw the expiation notice under Section 8A of the Act</u>	<u>Y</u>	

3A. Arrangements as to Manner and Time of Payment <u>Deliberately left blank</u>		
3A.1 The power pursuant to Section 9(2) of the Act to agree with the Fines Enforcement and Recovery Officer the manner in which the Fines Enforcement Recovery Officer must give the Council notice of any arrangement entered into under Section 9 of the Act.	Y	
3A.2 The power pursuant to Section 9(12) of the Act, if an arrangement terminates under Section (9), (10) or (11) of the Act, to agree with the Fines Enforcement and Recovery Officer the manner in which the Fines Enforcement and Recovery Officer must give the Council notice of the termination and the amount then outstanding (taking into account, where the arrangement required the performance of community service, the number of hours of community service so performed).	Y	
4. Expiation Reminder Notices		
4.1 The duty pursuant to Section 11(1) of the Act where an alleged offender has neither paid the expiation fee nor entered into an arrangement under Section <u>20 of the Fines Enforcement and Debt Recovery Act 2017</u> of the Act and the Council has not received a statutory declaration or other document sent to the Council by the alleged offender in accordance with a notice required by law to accompany the expiation notice, by the end of the expiation period, and before the Delegate takes any action under this Act <u>or the Fines Enforcement and Debt Recovery Act 2017 to enforce the expiation notice, to give an expiation reminder notice in the prescribed form to the alleged offender.</u> to enforce the expiation notice, to send an expiation reminder notice in the prescribed form to the alleged offender before any action is taken under the Act to enforce the expiation notice.	Y	

5. Expiation Enforcement Warning Notices		
5.1 The duty pursuant to Section 11A (1) of the Act where the Council has received a statutory declaration or other document sent to the Council by the alleged offender in accordance with a notice required by law to accompany the expiation notice or expiation reminder notice, and before the Delegate takes action under this Act <u>or the Fines Enforcement and Debt Recovery Act 2017 to enforce the expiation notice, to give an expiation enforcement warning notice, in the prescribed form, to the alleged offender to enforce the expiation notice, to send an expiation enforcement warning notice, in the prescribed form, to the alleged offender by post.</u>	Y	
6. Late Payment		
6.1 The power pursuant to Section 12 of the Act to accept late payment of the amount due under an expiation notice at any time before an enforcement <u>determination is made under Section 22 of the Fines Enforcement and Debt Recovery Act 2017</u> order is made under Section 13 of the Act.	Y	
7. Enforcement Determinations <u>Deliberately left blank</u>		
7.1 The power pursuant to Section 13(1) of the Act to enforce an expiation notice against an alleged offender by sending to the Fines Enforcement and Recovery Officer:		
7.1.1 a certificate that contains the particulars determined by the Fines Enforcement and Recovery Officer relating to:		
7.1.1.1 the alleged offender; and	N	
7.1.1.2 the offence or offences that remain unexpiated; and	N	
7.1.1.3 the amount due under the notice; and	N	
7.1.1.4 compliance by the Council as authority with the requirements of the Act and any other Act.	N	
7.1.2 the prescribed fee.	N	

7.2	The power pursuant to Section 13(4) of the Act to apply to the Fines Enforcement and Recovery Officer under and in accordance with Section 13 of the Act within 30 days of notice of an enforcement determination being given, sent or published in accordance with Section 13 of the Act for the enforcement determination to be revoked.	Y	
8.	Withdrawal of Expiation Notices		
8.1	The power pursuant to Section 16(1) of the Act, to withdraw an expiation notice with respect to all or any of the alleged offences to which an expiation notice relates where:		
8.1.1	in the opinion of the Delegate the alleged offender did not commit the offence or offences, or that the notice should not have been given with respect to the offence or offences;	Y	
8.1.2	the Council as issuing authority receives a statutory declaration or other document sent to the Council by the alleged offender in accordance with a notice required by law to accompany the expiation notice or expiation reminder notice; or	Y	
8.1.3	the notice is defective; or	Y	
	<u>8.1.3A in the opinion of the Delegate the alleged offender is suffering from a cognitive impairment that excuses the alleged offending; or</u>	Y	
8.1.4	the Delegate decides that the alleged offender should be prosecuted for the offence or offences.	Y	
8.2	The power pursuant to Section 16(5) of the Act, where an expiation notice is withdrawn under subsection (1), to commence prosecution for an offence to which the notice related.	Y	
8.3	The duty pursuant to Section 16(6) of the Act, subject to Section 16(7) of the Act, to withdraw an expiation notice if it becomes apparent that the alleged offender did not receive the notice until after the expiation period, or has never received it, as a result of error on the part of the Council as issuing authority or failure of the postal system <u>or failure in the transmission of an email.</u>	Y	

8.4	The duty pursuant to Section 16(11) of the Act, where an expiation notice is withdrawn under Section 16 of the Act and the notice of withdrawal does not specify that the notice is withdrawn for the purposes of prosecuting the alleged offender, and if an enforcement determination has been made under Section <u>22 of the Fines Enforcement and Debt Recovery Act 2017, to inform the Chief Recovery Officer of the withdrawal of the notice.</u> 13 of the Act, to inform the Fines and Enforcement Recovery Officer of the withdrawal of the notice.	Y	
9.	Provision of Information		
9.1	The power pursuant to Section 18 of the Act to enter into an agreement with <u>- the Chief Recovery Officer in relation to the Fines Enforcement and Recovery Officer in relation to:</u>	Y	
9.1.1	the manner in which the <u>Chief Recovery Officer Fines Enforcement and Recovery Officer</u> is to provide information to the Council in relation to action taken by the <u>Chief Recovery Officer Fines Enforcement and Recovery Officer</u> under the Act in respect of an expiation notice issued by the Council; and	Y	
9.1.2	the manner in which the Council is to provide information to the <u>Chief Recovery Officer Fines Enforcement and Recovery Officer</u> in relation to the issuing of an expiation notice by the Council or any other action taken by the Council in respect of an expiation notice so issued.	Y	

**CITY OF MARION
GENERAL COUNCIL MEETING
10 APRIL 2018**

Originating Officer: David Melhuish, Senior Policy Planner

Manager: Jason Cattonar, Manager Development and Regulatory Services

General Manager: Abby Dickson, General Manager, City Development

Subject: Westminster School – Liquor Licence

Report Reference: GC100418R12

REPORT OBJECTIVES

Westminster School has applied to the Liquor and Gaming Commissioner for a Special Circumstances Licence over the whole of the school grounds.

The Commissioner has referred the application to Council for comment before a decision is made.

EXECUTIVE SUMMARY

Westminster School has applied to the Liquor and Gaming Commissioner for a Special Circumstances Licence over the whole of the school grounds.

The scope and scale of the proposed Special Circumstance Licence raises a number of issues/concerns in regards to the type, frequency and location of future functions/events in the school grounds and potential loss of amenity for the adjacent residential area.

A number of issues require further and greater detail in order to form a considered opinion on the merits of the proposed Special Circumstances Licence.

Council has lodged a 'notice of intervention' with Consumer and Business Services to ensure that it is party to the application, and can provide comment at a conciliation conference.

RECOMMENDATIONS

DUE DATES

That Council advises the Liquor and Gaming Commissioner:

- | | |
|--|---------------------------|
| <p>1. Council cannot support the Special Circumstances Licence for the following reasons:</p> <p>a) Council has a number of concerns with the proposed Special Circumstances Licence in regards to the type, frequency and location of future functions/events in the school grounds and potential loss of amenity for the adjacent residential area, as outlined in the Notice of Intervention letter to Consumer and Business Services, dated 7 March 2018, within Appendix 7.</p> | <p>10 Apr 2018</p> |
|--|---------------------------|

- b) Council requires further and greater detail on the proposal in order to form a considered opinion on the merits of the Licence, as outlined within this report and the letter to the Commissioner within Appendix 8.**
- c) Council requires further and greater detail on the proposal in order to form a considered opinion on whether the proposed activities associated with the liquor licence results in a change of use for the school premises, requiring the lodgement of a development application with Council.**

BACKGROUND

Westminster School has applied to the Licensing Authority for a Special Circumstances Licence (Liquor Licence) with Extended Trading Authorisation over the entire school premises.

The application was set down for a Hearing by the Liquor and Gambling Commissioner on 18 April 2018. The application has been adjourned on two occasions to enable Council to consider the application and provide comment to the Commissioner. Consumer and Business Services (CBS) has recently advised that because an objection/s to the application has been received, the matter is now set down for a 'Conciliation Conference' on 20 April 2018 to allow all parties an opportunity to provide verbal comment/further information on the matter.

CBS advised that if Council currently has insufficient information to make an informed decision and/or is unsure about the application, Council should lodge a 'notice of intervention' to ensure that it is party to the application, and can provide comment at the conference. If however, in the meantime, Council is provided the information required and subsequently can support the application, the notice of intervention can be withdrawn and a letter of support can be provided to CBS. The notice of intervention was required to be lodged with the CBS by 8 March 2018. A notice was subsequently forwarded by Council staff before this date to provide Council with an opportunity to attend the conference, if required.

The Special Circumstances Licence proposes the following:

- The sale or supply of liquor at:
 - functions, events and regular uses connected to the school
 - functions, events and regular uses connected to entities and groups associated with the school, such as old scholars sports clubs etc.
 - pre-booked functions and events including but not limited to weddings and birthdays
- To sell the licensee's product on the premises for consumption off the premises
- To sell the licensee's product at any time through direct sales transactions
- Extended Trading Authorisation – Monday to Sunday from Midnight to 2am
- Exemption to have a 'Responsible Person' present when there are less than 40 persons present at the premises when trading under the licence

In addition to the above information provided in the 'Form 1 - Notice of Application', Council has been advised of the following additional information by the school (representative):

- Westminster School currently holds functions and events and sells liquor by applying for individual limited licences or engaging a catering company that holds a liquor licence to cater liquor for the events. The school has decided to apply for a permanent licence to avoid the need to apply for a limited licence for each individual event proposed.

- It is sought that the whole of the school grounds will be licensed. Essentially every building could be used for the consumption of liquor however, in reality this will not be the case.
- Functions and Events will include school events, parent nights, quiz nights, birthdays, weddings, presentations, art exhibitions, teacher nights, performances etc.
- Hours of operation will depend on the event, there will be no ongoing bar open at the school.
- The school will ensure that liquor is sold in a responsible manner at all times, monitor the behaviour of patrons, and aim to minimise noise and disturbance at all times, in order to maintain its high standards in the local community. The school has boarding facilities, the principal and his family as well as other staff live on the property thus ensuring that noise and disturbance are limited will be a priority.
- Should the school produce wine, the licence will allow its sale without need for a separate licence.

Consumer and Business Services has requested that the applicant provide the following information to the satisfaction of the licensing authority for the application to proceed:

- Proof of advertising (posting the form 2 on premises and copy of notification to council).
- Council consent for the licence and extended trading authorisation, including any development approval that may be required.
- Provide an updated plan that reflects the correct licensed area for the premises, removing the council owned land as per council's email dated 19 February 2018.
- Provide a clean copy of the plan titled 'Additions to headmaster's residence' as this plan is unreadable with all of the overlaid lines.
- Provide a detailed submission as to what, of the proposed activities / events provided as part of the submission, will be undertaken in the different areas of the proposed premises.
- Provide any certificate of occupancy or any other document that may have set capacities for the public areas or buildings located within the school complex.
- Provide plans showing the accommodation on site where liquor will be consumed, and confirm who will be consuming this liquor, as the proposed premises is a school who may have lodgers under the age of 18.
- Provide details as to how minors will not be able to access or consume liquor during sporting events and within accommodation areas.
- Provide details as to how and where liquor will be dispensed during the proposed activities / events as the plans lodged are of the school grounds, classrooms etc.
- Provide reasons as to why the school rooms located within the proposed premises should be included within the licensed area, and when and for what reason liquor will be supplied within the schoolrooms.
- Advise where the sale of the licensee's product on the licensed premises for consumption off the licensed premises will occur.

ANALYSIS

Hours of operation

A Special Circumstances Licence allows the sale of liquor on or off of the licensed premises between 5am and midnight – Monday to Saturday and between 11am and 8pm on a Sunday. In this instance an extended trading authorisation has been sought from midnight to 2am – Monday to Sunday (It is taken that this may be a typo as Sunday trading is only until 8pm).

As the only way into the school grounds for vehicles is through local residential roads a 2am finish may have a detrimental impact on nearby residents. Friday and Saturday nights may

be acceptable but the opportunity for late hours, even to midnight, during week days may have an impact on the amenity of the surrounding residential area.

Insufficient information on frequency of events

The school has given an indication of the type of functions and events that may occur within the school grounds, however no information has been provided to give an indication of the number and frequency of functions and events. It is anticipated that the dates of school related events may be able to be indicated but 3rd party functions and events would be generally an unknown quantity.

With an open licence, with no restriction on the number of events that can occur, there would be no opportunity for nearby residents or Council to provide comment on individual events, unlike those proposed under individual limited licences.

In normal circumstances the school is unlikely to have an impact on the residential amenity of the surrounding area, outside of general school hours. However, frequent after school hours functions and events at the school could result in an erosion of that amenity.

A condition which restricts the number of and types of events at the school may help control impacts on the amenity of the residential area.

Extent of area being licensed

As the area to be covered by the liquor licence includes the entire school site, including all buildings and the grounds/recreation areas, potential impacts from licensed functions/events could be far reaching.

It would seem possible that someone attending a function in a building within the school complex could legally be consuming alcohol at any extremity of the school grounds, making control of patrons a potential difficulty.

There is also an opportunity to run a number of functions/events at the same time within different parts of the school which may result in a large number of attendees on the school grounds and the associated number of vehicle car parks required.

CBS has sought details from the applicant on how and where liquor will be dispensed from during the functions/events as the plan showing the licensed area includes school grounds and classrooms etc.

Number of patrons attending functions/events

There appears to be no limit on the number of persons that can attend a function/event other than perhaps a certificate of occupancy or similar that sets capacities for buildings or a public area within the school complex.

CBS has sought details on such documents, perhaps so that capacities can be placed on individual buildings and areas covered by the liquor licence.

Primary use as a school

There is perhaps a fundamental issue with allowing a school to have a liquor licence that appears to provide a very broad opportunity for the frequency of and hours of operation for functions and events to be held, where liquor can be consumed.

Although, a more tedious and perhaps expensive pathway to obtaining a liquor licence, individual limited licences would appear to place greater control over the functions/events where alcohol is to be consumed and ensure the existing use as a school, continues to be the predominant and core use of the land.

Car parking/On-street car parking

There appears to be a total of 166 car parks available on the school site; 66 adjacent Alison Avenue and 100 adjacent the western oval. This would seem a reasonable number for events catering for 300 to 400 persons but may depend on the proximity of the building/area to where the function/event is held.

If a large event or more than one event was being undertaken at the school at the same time the car parking provision may or may not be sufficient.

A few nearby residents have made comment on the number of attendees at school functions and events that park their vehicles in the residential streets and associated issues. This could be an overflow from the school car parking areas or perhaps drivers that find the streets to be more convenient and safer at night than the western car park which is hidden behind a number of buildings and possibly lacks surveillance.

On-street car parking in the residential streets, particularly during morning drop-off and afternoon pick-up, is an issue that Council's Community Safety Inspectors (expiations) and Traffic Engineers (traffic/parking control) are aware of and have been involved with for some time.

Exemption for Responsible Person for Event with less than 40 persons

A responsible person is a person who is responsible for supervising and managing the function/event. Different types of events may have the potential for more or less need for supervision of the way the event is run and attendee's behaviour. Generally the greater the number of people attending an event the greater the need for supervision, however that is not to say that an event with 40 or less attendees should not be supervised in some manner, particularly when the event is on school grounds which is surrounded by residential properties.

Consultation

The Liquor and Gaming Commissioner undertakes notification of a Special Circumstances Licence. Notice of an application is generally placed on the subject property and on the CBS website.

In accordance with Council's Liquor Licence Applications Policy, Council has undertaken its own informal public consultation to all residential properties within 100 metres of the subject land.

The public notification period ended at 5pm on 9 March 2018. One (1) submission was received by Council in relation to the subject application.

Concerns raised in the submission/s included:

- Totally against the school getting the licence as already many problems with vehicles associated with the school parking on residential streets
- Inability of school to monitor the behaviour of people within the school grounds

Comment has been sought from South Australian Police (SAPOL) in relation to the subject application. The application has been directed through the Licensing Enforcement Branch for consideration. At the time of writing this report, Council has not received comment.

It is understood that CBS will be seeking comment from SAPOL as part of the consideration of the application.

CONCLUSION

The scope and scale of the proposed Special Circumstance Licence raises a number of issues/concerns in regards to the type, frequency and location of future functions/events in the school grounds and potential loss of amenity for the adjacent residential area.

A number of issues require further and greater detail in order to form a considered opinion on the merits of the proposed Special Circumstances Licence. Much of the detail has been requested by CBS.

Without further clarification on the above matters Council cannot make an informed opinion on whether the proposed activities associated with the liquor licence result s in a change of use for the school premises, requiring the lodgement of a development application.

Council has lodged a 'notice of intervention' with CBS to ensure that it is party to the application, and can provide comment at a conciliation conference.

APPENDICES

Appendix 1	Form 1 - Notice of Application
Appendix 2	Special Circumstances Licence
Appendix 3	Plan showing Licensed Area
Appendix 4	Aerial photograph of school and surrounding area
Appendix 5	Notification Letter
Appendix 6	Responses received
Appendix 7	Letter of Intervention to Consumer and Business Services
Appendix 8	Letter to Commissioner of Liquor and Gaming with Council's comments

FORM 1

LIQUOR LICENSING ACT 1997

NOTICE OF APPLICATION

WESTMINSTER SCHOOL INC HAS APPLIED TO THE LICENSING AUTHORITY FOR A SPECIAL CIRCUMSTANCES LICENCE WITH EXTENDED TRADING AUTHORISATION IN RESPECT OF THE PREMISES SITUATED AT 1-23 ALISON AVENUE, MARION 5043 AND TO BE KNOWN AS WESTMINSTER SCHOOL.

THE FOLLOWING CONDITIONS ARE SOUGHT IN THE APPLICATION:

- **TO SELL LIQUOR IN ACCORDANCE WITH SECTION 40 OF THE LIQUOR LICENSING ACT 1997**
- **EXTENDED TRADING AUTHORISATION FOR THE FOLLOWING TIMES:
MONDAY TO SUNDAY - MIDNIGHT TO 2AM**
- **EXEMPTION UNDER SECTION 97(2) TO HAVE A RESPONSIBLE PERSON PRESENT ON THE PREMISES WHEN THERE ARE LESS THAN 40 PERSONS PRESENT AT THE PREMISES AT ANY TIME THE PREMISES ARE OPEN AND TRADING UNDER THE LICENCE**
- **WHEN SELLING OR SUPPLYING LIQUOR AT THE PREMISES, USE OF THE LICENSED PREMISES SHALL BE LIMITED TO:**
 - **FUNCTIONS, EVENTS AND REGULAR USE CONNECTED TO THE SCHOOL KNOWN AS “WESTMINSTER SCHOOL” OPERATED BY THE LICENSEE**
 - **FUNCTIONS, EVENTS AND REGULAR USED CONNECTED TO ENTITIES AND GROUPS ASSOCIATED WITH THE LICENSEE, SUCH AS OLD SCHOLARS SPORTS CLUBS, ASSOCIATIONS AND OTHER ORGANISATIONS ASSOCIATED WITH WESTMINSTER SCHOOL**

- **PRE-BOOKED FUNCTIONS AND EVENTS INCLUDING BUT NOT LIMITED TO WEDDINGS AND BIRTHDAYS**
- **TO SELL THE LICENSEE'S PRODUCT ON THE LICENSED PREMISES AT ANY TIME FOR CONSUMPTION OFF THE LICENSED PREMISES**
- **TO SELL THE LICENSEE'S PRODUCT AT ANY TIME THROUGH DIRECT SALES TRANSACTIONS**

THE APPLICATION HAS BEEN SET DOWN FOR HEARING ON 14/03/2018. ANY PERSON MAY OBJECT TO THE APPLICATION BY LODGING A NOTICE OF OBJECTION IN THE PRESCRIBED FORM WITH THE LIQUOR AND GAMBLING COMMISSIONER (AND SERVING A COPY OF THE NOTICE ON THE APPLICANT) AT LEAST 7 DAYS BEFORE THE HEARING DATE (VIZ 07/02/2018).

**THE APPLICANT'S ADDRESS FOR SERVICE IS:
C/-ANDREW WONG, 217 FLINDERS STREET, ADELAIDE 5000**

THE APPLICATION AND CERTAIN DOCUMENTS AND MATERIAL (INCLUDING PLANS) RELEVANT TO THE APPLICATION MAY BE INSPECTED BY PERSONS WITH A GENUINE INTEREST, WITHOUT FEE AT THE CUSTOMER SERVICE CENTRE, 91 GRENFELL STREET, ADELAIDE SA 5000, DURING A PERIOD SPECIFIED BY THE LIQUOR AND GAMBLING COMMISSIONER.

PH: 8226 8655

EMAIL: LIQUORANDGAMING@SA.GOV.AU

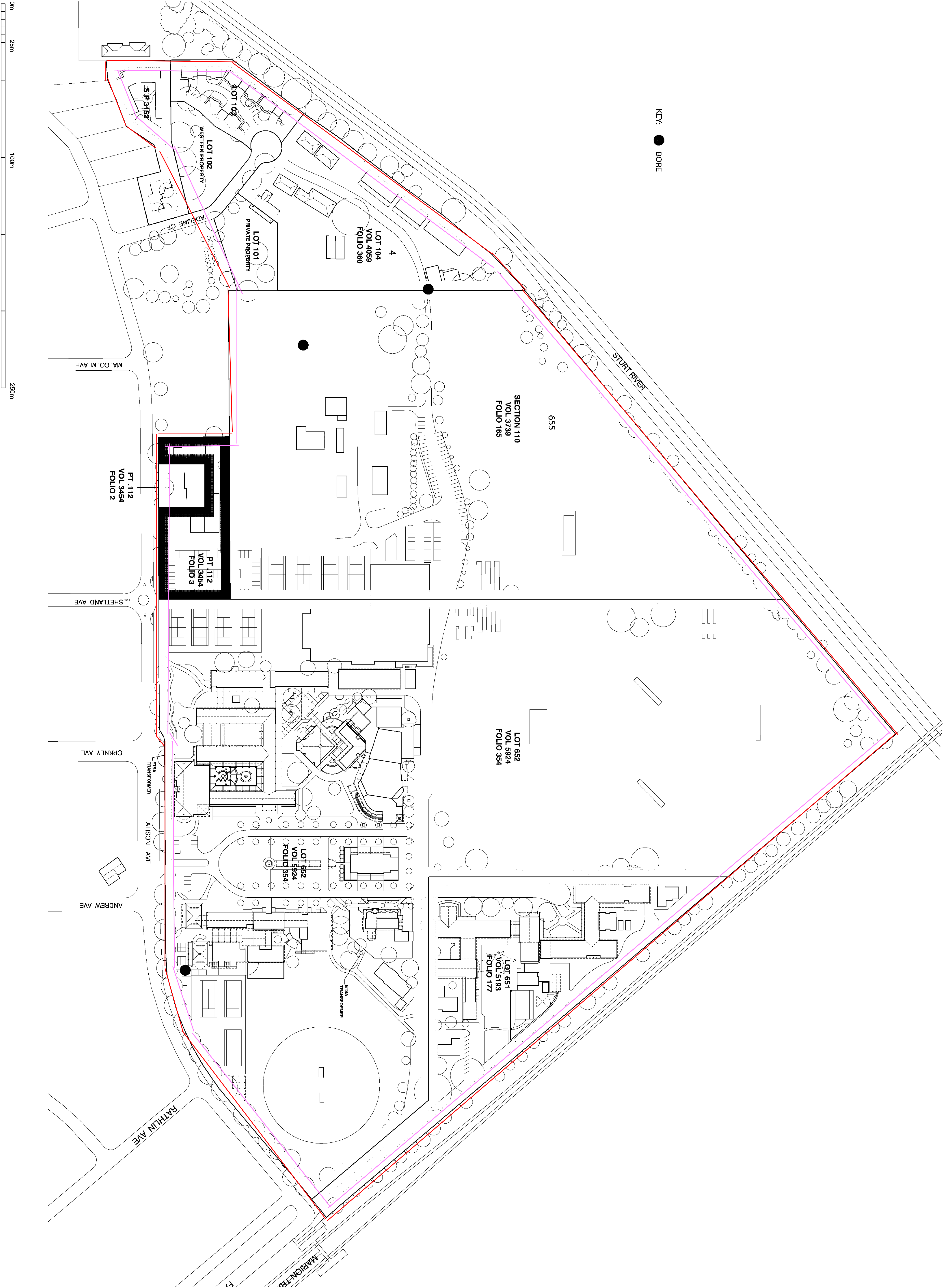
DATED: 8/02/2018

APPLICANT: WESTMINSTER SCHOOL INC

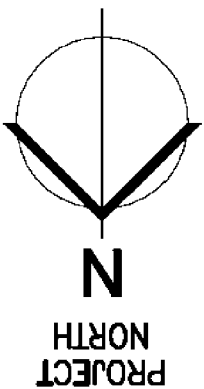
40—Special circumstances licence

- (1) Subject to this Act, a special circumstances licence authorises the licensee in accordance with the terms and conditions of the licence—
 - (a) to sell liquor for consumption on or off the licensed premises—
 - (i) on any day (other than a Sunday) between 5 am and midnight; and
 - (ii) on a Sunday between 11 am and 8 pm; and
 - (b) if an extended trading authorisation is in force, to sell liquor for consumption on or off the licensed premises during the whole or any part of the following hours as is specified in the authorisation:
 - (i) on any day (other than a Sunday, Good Friday, the day after Good Friday, Christmas Day or the day after Christmas Day) between midnight and 5 am;
 - (ii) on a Sunday (not being Christmas Day or the day after Christmas Day) between midnight and 11 am and between 8 pm and midnight;
 - (iii) on Good Friday between midnight and 2 am;
 - (iv) on Christmas Day between midnight and 2 am;
 - (v) if Christmas Day or the day after Christmas Day is a Sunday, on that Sunday between 8 pm and midnight; and
 - (c) to sell liquor at any time in a designated dining area to a diner for consumption in that area with or ancillary to a meal provided by the licensee in that area; and
 - (d) to sell liquor at any time to a lodger for consumption on or off the licensed premises.
- (2) A special circumstances licence cannot be granted unless the applicant satisfies the licensing authority that—
 - (a) a licence of no other category (either with or without an extended trading authorisation) could adequately cover the kind of business proposed by the applicant; and
 - (b) the proposed business would be substantially prejudiced if the applicant's trading rights were limited to those possible under a licence of some other category.
- (3) A special circumstances licence does not authorise extended trade in liquor unless the licence contains an extended trading authorisation.
- (4) If liquor is sold by a licensee under a special circumstances licence for consumption at a function off the licensed premises, the licensed premises of the licensee are, for the period for which the licensee supplies liquor at the function, to be regarded as including the premises at which the function is held.

- (5) The terms and conditions of a special circumstances licence may classify the licence for the purposes of the application of the Commissioner's codes of practice (and that classification may be varied by the Commissioner from time to time).



WESTMINSTER
SCHOOL
MASTERPLAN



Hardy
Architecture and Interior Design

© Copyright
TITLE ZONES & BORE LOCATIONS

Scale: 1:1000 @ B1	Checked by:	Date released:
Drawn: BS	Reviewed by:	22/10/2007
Project no: 6363-2	Drawing no: B1-PP05	Issue/Revision: —
12, Greenhill Road, Lilyfield, Sydney, Australia 2051 Tel: (02) 9550 1000 Fax: (02) 9550 1001 Email: info@hardydesign.com.au		
AS/NZS 2000:2001		



About this Document	Disclaimer
This map has been created for the purpose of showing basic locality information and is a representation of the data currently held by The City of Marion. This information is provided for private use only.	While every effort has been made to ensure the accuracy of the product, Council accepts no responsibility for any errors or omissions. Property boundary line network data is supplied by State Government.

Westminster School and
Surrounds – Special
Circumstances Licence

Map Width: 1363 m
Created by dev
Tuesday, 6 March 2018



15 February 2018

«Name»
«Address»
«Suburb»

Dear «To»

**Re: Application for a Special Circumstances Licence
at Westminster School at 1 – 23 Alison Avenue, Marion.**

The City of Marion has been invited to provide comment with respect to an application by Westminster School Inc. to the Liquor and Gambling Commissioner (Consumer and Business Services) for a Special Circumstances Licence with Extended Trading Authorisation in respect of the whole of the premises located at 1-23 Alison Avenue, Marion.

The following is sought in the application:

- The attached Form 1 document provides formal details of the licence

Council has been advised the following by the school:

- Westminster School currently holds functions and events and sells liquor by applying for individual limited licences or engaging a catering company that holds a liquor licence to cater liquor for the events. The school has decided to apply for a permanent licence to avoid the need to apply for a limited licence for each individual event proposed.
- The whole of the school grounds will be licensed so essentially every building could be used for the consumption of liquor however in reality this will not be the case.
- Functions and Events will include school events, parent nights, quiz nights, birthdays, weddings, presentations, art exhibitions, teacher nights, performances etc.
- Hours of operation will depend on the event; there will be no ongoing bar open at the school.
- The school will ensure that liquor is sold in a responsible manner at all times, monitor the behaviour of patrons, and aim to minimise noise and disturbance at all times, in order to maintain its high standards in the local community.

The application and certain documents and material (including plans) relevant to the application may be inspected without fee at:

- Consumer and Business Services located at Ground Floor (Street Level) 91 Grenfell Street, Adelaide - Monday to Friday 9:00 am to 5:00 pm
- The City of Marion Planning and Building Department, 245 Sturt Road, Sturt - Monday to Friday 8:30 am to 5:00 pm.

Enquiries with respect to the liquor licence application should be directed to Consumer and Business Services on 131 882.

Any comments you have to assist Council in its deliberations should be forwarded to Council's Planning Department no later than **5pm on 9 March 2018**.

Please note if you wish to lodge a formal submission with the Liquor and Gambling Commissioner (Consumer and Business Services (CBS)), you must lodge your submission with CBS directly. Any comments submitted to Council are purely to inform Council of your wishes when Council considers its position with regard to the application.

If you have any further queries, please do not hesitate to contact me on the details listed below.

Regards,

A handwritten signature in black ink, appearing to read 'Melhuish', with a stylized flourish at the end.

David Melhuish
Development Officer – Planning

Telephone: 8375 6721
Email: david.melhuishl@marion.sa.gov.au

Responses Received During Public Notification

1.

I have received the letter from the Marion Council regarding the application for the Special Circumstances Licence for Westminster School.

I am totally against the school getting this license as we already have many problems with parking and the inability for the school to monitor the behaviour of people within the school grounds. The recent building works carried out within the school was a perfect example where the school were fully aware of the neighbours' concerns re the inappropriate, unsafe and illegal actions of these contractors and they did nothing to eliminate these problems. Why would the school be any more responsible for people using the school on weekends for events where Liquor is available?

We have had many occasions where the parking around mine and other local houses is hopeless and we cannot have family events on these days due to the inability to park anywhere near to our house. We have 12 young Grandchildren so it is just a pity that the school controls what we do and when. The license will only make this worse. As for the school or the council being of assistance(other than Chris Brosnan from the school) with these parking problems both have proved in the past that no one is available on weekends to assist. I have contacted the council on many occasions for NO assistance. Ringing the police is also hopeless as they will only attend if our driveway is totally blocked.

For the council to suggest "hours of operation would depend on the event" suggest there would be no control. With the council also suggesting the school has "High standards in the local community" is also laughable as many locals to the school are totally frustrated with the inaction by the school on many issues. They can't even keep their local rental properties in reasonable standards bringing the area down.

I have watched the school and council do very little to resolve the residents' concerns so I am totally against the school getting this license.

Regards

Dean Baxter
14 Alison Avenue
Marion. 22 - Feb - 2018

7 March 2018

Consumer & Business Services
GPO Box 1719
Adelaide SA 5001

Dear Sir/Madam

**Re: Notice of Intervention - Proposed Special Circumstances Licence –
Westminster School at 1 - 23 Alison Avenue, Marion.**

Please be advised that Council wishes to lodge a notice of intervention against the application as there is insufficient information for Council to make a considered opinion on the suitability of the proposed licence.

Council also has the following issues with the application:

- Hours of operation – there is potential that late night events (to midnight and beyond to 2am) may have an impact on the amenity of the surrounding residential area (patrons and associated vehicles).
- The number/frequency of events is an unknown. Frequent late night events may have an effect on the amenity of the surrounding residential area.
- Potential impacts beyond the school site could be far reaching due to the extent of the area being licensed
- There is no limit on the number of persons that can attend a function. Are individual areas and buildings to have maximum capacities?
- Will the consumption of liquor be available to classrooms and other areas frequented by students? If not they should be removed from the area to be licensed.
- There is perhaps a fundamental issue with allowing a school to have such a flexible liquor licence.
- Although a total of around 166 car parks are available at the school will this number cater for all forms of events or a situation where there is more than one event occurring at the same time, or will parking within the surrounding residential streets be required? Council is aware that on-street parking associated with the school is already a concern for some residents in the area.
- Is an exemption for a Responsible Person for an event with less than 40 persons appropriate? A small event may still require some form of supervision, particularly when associated with a school which is surrounded by residential properties.

Kind regards,



David Melhuish
Senior Policy Planner

Phone: 8375 6721

Email: david.melhuish@marion.sa.gov.au

10 April 2018

Commissioner for Liquor and Gaming
Consumer & Business Services
GPO Box 1719
Adelaide SA 5001

Dear Sir

**Re: Proposed Special Circumstances Licence – Westminster School at 1 - 23
Alison Avenue, Marion.**

Please be advised that Council considered the above liquor licence application at the 10 April 2018 General Council Meeting. Council cannot support the application as there are a number of issues associated with the proposed licence, which require clarification and there is insufficient information for Council to make a considered decision on the suitability of the proposed licence.

Council also has the following issues with the application and/or requires the following additional information:

- Hours of operation – there is potential that late night events (to midnight and beyond to 2am) may have an impact on the amenity of the surrounding residential area (patrons and associated vehicles).
- The number/frequency of events is an unknown. Frequent late night events may have an effect on the amenity of the surrounding residential area.
- Potential impacts beyond the school site could be far reaching due to the extent of the area being licensed
- There is no limit on the number of persons that can attend a function. Are individual areas and buildings to have maximum capacities?
- Will the consumption of liquor be available to classrooms and other areas frequented by students? If not they should be removed from the area to be licensed.
- More detail is required on where the particular functions/events are likely to be undertaken within the school premises and the plan showing the licensed area be amended accordingly.
- There is perhaps a fundamental issue with allowing a school (where students are predominantly under 18 years of age) to have such a flexible liquor licence.
- Although a total of around 166 car parks are available at the school, will this number cater for all forms of events or a situation where there is more than one event occurring at the same time, or will parking within the surrounding residential streets be required? Council is aware that on-street parking associated with the school is already a concern for some residents in the area.
- Is an exemption for a Responsible Person for an event with less than 40 persons appropriate? A small event may still require some form of supervision, particularly when associated with a school which is surrounded by residential properties.

Without further clarification on the above matters, Council cannot make an informed decision on whether the proposed activities associated with the liquor licence results in a change of use for the school premises, requiring the lodgement of a development application with Council.

If you require additional information or wish to discuss the matter further, please do not hesitate to contact me.

Kind regards,

David Melhuish
Senior Policy Planner

Phone: 8375 6721

Email: david.melhuish@marion.sa.gov.au

**CITY OF MARION
GENERAL COUNCIL MEETING
10 APRIL 2018**

Originating Officer: Craig Clarke, Unit Manager Communications
Rebecca Neumann, Senior Environmental Planner

Corporate Manager: Karen Cocks, Manager Customer Experience

General Manager: Tony Lines, General Manager City Services
Abby Dickson, General Manager City Development

Subject: Glenthorne Farm

Report Reference: GC100418R13

REPORT OBJECTIVES

Provide an update to Elected Members on progress towards achieving the community's aspirations for Glenthorne Farm and recommending next steps.

EXECUTIVE SUMMARY

The incoming Marshall Liberal Government has promised to protect and preserve Glenthorne Farm, in a manner that is broadly consistent with the City of Marion's vision.

The Liberals have promised to open up Glenthorne Farm to the public and incorporate it into a new National Park. By placing it under a new management structure, the State Government hopes to better manage the site for future generations to enjoy.

The scope includes controlling weeds, protecting the historic buildings and other sites, and suitable development to support visitors. The Liberals plan is contained in a policy document. Exactly how the new government intends to deliver on the promise is yet to be fully articulated.

RECOMMENDATIONS

**DUE
DATES**

That Council:

- | | |
|--|------------|
| 1. Writes to Environment Minister David Speirs recognising the Liberal Party's strong support for Glenthorne National Park and requesting a meeting with the Minister to discuss the initiative and Council's ongoing involvement. | April 2018 |
| 2. Requests a presentation from the State Government on the plan for delivery of Glenthorne National Park. | June 2018 |

BACKGROUND

Since identifying 'the opening up of Glenthorne Farm for community benefit in partnership arrangements' as a priority in the Marion Business Plan 2016-2019, Council has received several Council reports and participated in many discussions around the future of the site.

Council's position on the future of Glenthorne has broadly aligned with the [Glenthorne Community Vision](#) supported by Council at GC270916R04.

The key priorities for Council were:

1. Retention of open space character
2. Revegetation and protection of existing biodiversity and waterways
3. Restoration and interpretation of heritage
4. Open community access through trails and recreation
5. Economic development through, research, education, innovation and tourism.

Key opportunities that Council saw for the site were discussed (EMF210616 and IC060916R7.1) and included:

- Community events and function centre (through restoration of heritage buildings)
- A community farm and NRM education centre
- Farmers' and makers' markets
- Outdoor recreation: walking trails, mountain biking and horse riding, orienteering, camping (connected with surrounding State parks)
- Playgrounds including nature play and birdwatching
- Broadscale greybox woodland restoration
- Heritage interpretation
- Bushcare and heritage volunteering – with frequent access
- Native plant nursery and native turf grass production
- Wildlife recovery centre and refuge / ex situ conservation for threatened species
- Environmentally sensitive renewable energy generation
- Natural burial / cemetery.

Following information received by Council that the University of Adelaide were considering plans for a \$750m development at Glenthorne, Council resolved to start a public awareness campaign to raise the profile of the potential community and environmental benefits of the site (GC221116R06).

In late 2016, the Southern Adelaide Economic Development Board released its list of priorities for the region including priority [2.2 National Park and Recreational Precinct](#) that specifically highlights opportunities at Glenthorne Farm consistent with Council's vision.

In November 2016, the State Liberal Party released an election commitment to create [Glenthorne National Park](#). This vision also aligned well with Council's vision for Glenthorne Farm.

In early 2017, Council received correspondence from the State Government giving assurance that there were no plans by the State for development at Glenthorne. Council therefore decided not to pursue the community awareness campaign and instead await the results of the March 2018 State Election (GC110417R05). It was endorsed 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.*

In January 2018 just before the State Election, the State Government also formally released a [Vision for Glenthorne Farm](#) that contained aspirations very similar to those of Council.

DISCUSSION

Council has played a significant role in advocating for the environmental protection of Glenthorne Farm and opening the site up to the public.

The Liberal Party's campaign promise at the 2018 State election is broadly consistent with Council's vision. The key elements of the Liberal Plan (See Appendix 1) are:

- Create a 1,500 hectare Glenthorne National Park, stretching from O'Halloran Hill Recreation Park to south of Hallett Cove Conservation Park.
- Incorporate the 208 hectares of land of Glenthorne Farm that is currently not open to the public into the new National Park.
- Construct recreational opportunities throughout Glenthorne National Park, including picnic areas, campaigning and accommodation facilities, fishing, walking, cycling and horse riding trails.
- Preserve and restore historic buildings and other important sites.
- Undertake extensive weed eradication and re-vegetation projects.
- Open Happy Valley Reservoir to allow public recreation on the site.

The Liberals plan to undertake community consultation to decide exactly what elements would be included in the park and then allocate funding. Negotiations have also been foreshadowed with the University of Adelaide.

The City of Marion has the opportunity to work with the new State Government to ensure the community's aspirations for Glenthorne Farm are delivered.

CONCLUSION

Council has succeeded in working with others, particularly the Friends of Glenthorne Farm, in elevating the site as a priority for the new State Government. In light of the State election result and the promises to protect and open Glenthorne Farm, Council needs to better understand how the initiative will be delivered and what opportunities there are to partner and advocate on behalf of the community.

Appendix 1: Liberal Plan

A THRIVING ENVIRONMENTAL AND RECREATIONAL PRECINCT IN OUR SOUTHERN SUBURBS

**A STRONG PLAN
FOR REAL CHANGE.**



We're ready.

Over the last four years, we've been working hard developing our vision for the future of South Australia.

Not just policies, but a series of achievable milestones that have been crafted for the long-term benefit of our state.

Our focus will be

**MORE JOBS.
LOWER COSTS.
BETTER SERVICES.**

We've got a strong plan for real change.

A stylized, handwritten signature in white ink, appearing to read 'St Marshall', set against a teal background.



WHAT WE’LL DO

A Marshall Liberal Government will bring a number of parcels of land in Adelaide’s southern suburbs together to form Adelaide’s second metropolitan national park.

This proposal is a once-in-a-lifetime opportunity to preserve and revitalise a significant portion of existing open space and turn it into a thriving environmental and recreational precinct.

The new National Park would include Glenithorne Farm (208 hectares of open space which

is currently not accessible to the public); O’Halloran Hill Recreation Park; Marino Conservation Park; Hallett Cove Conservation Park; Happy Valley Reservoir, and the Field River valley.

This is a total area of more than 1,500 hectares, which is bigger than Belair National Park.

Combining this land into a National Park will bring it under one management structure for environmental preservation and recreational planning.

A Marshall Liberal Government is committed to preserving and invigorating this unique green belt in the midst of Adelaide’s southern suburbs to ensure that wildlife and vegetation corridors are preserved and given the support they need to survive and thrive. Extensive weed eradication and re-vegetation projects will be undertaken, creating an urban forest that will be enjoyed for generations to come.

MORE JOBS. LOWER COSTS. BETTER SERVICES.



Recreation and lifestyle

It's time to tear down the fences and welcome the community into an area that has been locked away for far too long.

Recreational opportunities throughout Glenthorne National Park will include picnic areas, camping and accommodation facilities, fishing, walking, cycling and horse riding trails.

Additionally, Majors Road would become a 'recreational hub' for the south and Happy Valley Reservoir would be opened up to allow public recreation on this site.

Highlighting our history

Glenthorne National Park contains significant heritage assets, with heritage listed buildings that link back to World War I, a 19th century mine, some of the nation's most important geological formations and significant Aboriginal heritage sites. These sites would be preserved and restored.

Our plan to create a second metropolitan National Park is all part of our 2036 vision to protect our unique environment for a sustainable future whilst also building our State and strengthening local communities.

WHY WE'RE DOING IT

There are a number of discrete, but geographically linked portions of land in Adelaide's southern suburbs that have the potential to be converted into an environmental and recreational community asset.

This area is unique given its vastness within the metropolitan area and there is an opportunity to protect it for the long term, while revitalising the environment and providing opportunities for new recreational activities.

South Australia has a beautiful natural environment and preserving it strengthens

our communities, improves our wellbeing and sustains our clean, green brand which makes our state a great place to live, work and raise a family.

National Parks protect the best of our natural heritage: stunning landscapes, native wildlife and roaming bushland. National parks play a central part in the lives of South Australians; they provide a place for recreation and exercise, whilst also attracting visitors from interstate and overseas.

National Parks also play a vital role in protecting our unique flora and fauna. They are a refuge for threatened species and an important tool to help scientists and researchers monitor the health of our environment. Although their primary purpose is the protection of biodiversity, National Parks also deliver other invaluable economic, social, cultural and health benefits to South Australians.

We need to take active measures now to ensure that these precious landscapes are preserved for future generations. We want our children and grandchildren to experience the best that South Australia has to offer.





STEVEN MARSHALL MP

State Liberal Leader

www.strongplan.com.au

Phone: 08 8363 9111

Email: steven@stevenmarshall.com.au

**CITY OF MARION
GENERAL COUNCIL MEETING
10 APRIL 2018**

Originating Officer: David Sheldrick, Coordinator Arboriculture
Corporate Manager: Mathew Allen, Manager Engineering and Field Services
General Manager: Tony Lines, General Manager City Services
Subject: Tree Management Framework review - Project Update
Report Reference: GC100418R14

REPORT OBJECTIVES

To provide an interim report to Council on the Tree Management Framework review.

EXECUTIVE SUMMARY

At the 30 January 2018 General Council Meeting, a report (GC300118R04) presented the draft Tree Management Framework review and its future implementation, seeking approval for community consultation.

Council moved in part that a further report on community consultation feedback be received at the end of April 2018 prior to endorsing the final Tree Management Framework 2018.

Community consultation for the draft document closed 26th March, during the report preparation period. Feedback will be collated and presented to the General Council on 8 May 2018, including recommendations for the Tree Management Framework 2018.

RECOMMENDATIONS

DUE DATES

That Council:

- | | |
|--|----------------------|
| 1. Notes the update report. | 10 April 2018 |
| 2. Notes that a further report with community consultation findings and recommendations for the Tree Management Framework 2018 will be provided to Council in May 2018. | 8 May 2018 |

**CITY OF MARION
GENERAL COUNCIL MEETING
10 APRIL 2018**

Originating Officer: Rachel Read, Unit Manager Human Resources

Senior Leadership Team: Steph Roberts, Manager Human Resources

Chief Executive Officer: Adrian Skull

Subject: City of Marion Volunteer Program

Report Reference: GC100418R15

REPORT OBJECTIVES & EXECUTIVE SUMMARY

This report provides information in response to an Elected Member request for a report on volunteering contribution within the City of Marion, but outside of Council volunteering ranks. The request specified to include details of the organisations for which our community volunteer. In addition, clarification was also requested as to whether the process for police checks includes an automatic notification if something occurs.

RECOMMENDATIONS

DUE DATES

That Council:

1. Notes this Report

10 April 2018

BACKGROUND

The City of Marion Volunteer Program Annual report was presented to Council on 13 March 2018 (report reference GC130318R08). In response to a previous Council motion to include volunteering statistics occurring outside of Council, within the Marion area¹, this report included ABS statistics outlining 17.6% of Marion residents formally volunteer within the community and contribute to sporting clubs, associations and not for profit organisations.

**The Australian Bureau of Statistics (2011) report that 17.6% of Marion residents formally volunteer within the community and contribute to sporting clubs, associations and not for profit organisations etc. Volunteers within the broader Marion community are recognised via nominations for external awards such as the Premiers Recognition Award for Outstanding Volunteer Service. These volunteers are also offered free training and networking support.*

Further to the Australian Bureau of Statistics data previously provided, we are able to provide the 2016 statistics, which reflect 21.8% of Marion residents formally volunteer within the community and contribute to sporting clubs, associations and not for profit organisations.

¹ Council Motion: Future reports capture and acknowledge the contribution of both City of Marion Registered Volunteers and other volunteers working within the City of Marion utilising ABS statistics.

The report also noted that 95% of Department for Community and Social Inclusion (DCSI) National Police Checks (NPC) have been completed for Council volunteers, and that DCSI screening will be implemented for all current and future library volunteers.

DISCUSSION

In order to provide further information on volunteering within the City of Marion, the Australian Bureau of Statistics (ABS) were contacted to obtain further data identifying how many people volunteer in the City of Marion, broken down into the volunteer organisation, for example CFS, Neighbourhood Watch etc.

The ABS advised the following:

“The ABS is unable to provide the information you have requested. Under the Census and Statistics Act 1905 (and as amended), the ABS is not permitted to release the names, addresses or contact details for any individual or organisation, or any other information that could enable any individual or organisation to be identified”.

On further investigation, it was confirmed that the ABS survey does not specifically ask people to outline the organisation they volunteer for, and if this information was sought, the ABS advised they would not be able to release it.

Volunteering SA & NT, South Australia’s peak body for volunteering, and Board of the Volunteering Strategy for South Australia were also contacted to obtain further data regarding volunteer demographics. The information requested is not collected or available across the state or in relation to specific geographical areas.

In regards to the National Policy Checks (NPC) and Department for Communities and Social Inclusion (DCSI) checks, it has been confirmed that DCSI checks are continually monitored and the City of Marion would be contacted in the event of something occurring. NPC checks are at a point in time, however Council will be notified if the Australian Criminal Intelligence Commission reopens for review.

CONCLUSION

No identifying information can be provided from the ABS, Volunteering SA & NT or the Volunteering Strategy For South Australia, in relation to volunteer activity in the community, meaning the information provided in Council report GC130318R08 is the extent of what is able to be provided on volunteering activity within the Marion community.

The DCSI clearance system provides peace of mind that Council would be notified if something was to occur upon placing a volunteer within our community, particularly when working with children and vulnerable people.

Administration will explore opportunities to hold a volunteer open day where we can show case the City of Marion to prospective volunteers. This open day could be opened up to local organisations who are wanting to attract more volunteers to their organisation.

**CITY OF MARION
GENERAL COUNCIL MEETING
10 April 2018**

Notice Received from: Councillor Hull

Subject: Questions without Notice

Ref No: GC100418M01

MOTION:

1. "That in regards to Members asking questions without notice. If the question is not adequately answered on the night, staff are to record the said question and have an answer or update in time for the next scheduled Council Meeting"
2. "That the question without notice that I asked, and of which was subsequently forgotten by the following Council meeting be answered and or updated in relation a possible joint City of West Torrens & City of Marion basketball facility"

COMMENTS: Councillor Hull

Nil

COMMENTS: Jaimie Thwaites, Unit Manager Governance and Records

Motion 1

Under Regulation 9 of the *Local Government (Procedures at Meetings) Regulations 2013* (the regulations):

- (3) *A member may ask a question without notice at a meeting.*
- (4) *The presiding member may allow the reply to a question without notice to be given at the next meeting.*
- (5) *A question without notice and the reply will not be entered in the minutes of the relevant meeting unless the members present at the meeting resolve that an entry should be made.*

If an Elected Member does not believe their question without notice has been adequately answered they can submit that question without notice to the next meeting. Under Regulation 9(1) of the regulations:

A member may ask a question on notice by giving the Chief Executive Officer written notice of the question at least five clear days before the date of the meeting at which the question is to be asked.

In accordance with the regulations notice of the question must be given in writing. The *Code of Practice – Procedures At Council Meetings 2017/18* defines "Written notice" as legibly hand written or typed in either hard copy or email form.

Council could update the *Code of Practice – Procedures At Council Meetings 2017/18* to provide further clarity of the process. If this is Council's preference then the following alternate recommendation could be considered:

1. **That Council amends the 'Code of Practice – Procedures at Council Meetings 2017/18' to include the following item:**

4.7 Questions without Notice that are not answered at the same meeting will be tabled as Questions with Notice at the following meeting (noting that the Question is to be provided in writing to the CEO at the conclusion of the meeting to ensure accuracy and compliance with Regulation 9(1)).

Motion 2

Adrian Skull, Chief Executive Officer contacted the Chief Executive Officer of the City of West Torrens the day following the Council meeting at which the question was asked. The initial response received indicated interest. The Chief Executive Officer of the City of West Torrens will get back to the City of Marion to confirm further details.

**CITY OF MARION
GENERAL COUNCIL MEETING
10 APRIL 2018**

Notice Received from: Councillor Kerry

Subject: Matter Left Lying on the Table – State Wide Industrial Relations Agreements

Ref No: GC100418M02

MOTION:

That the following motion:

That Marion Council at the next LGA meeting ask the following:

Local Government Association to take the lead on managing industrial relations and negotiate 1 statewide agreement with Indoor staff ie ASU & 1 statewide agreement with outdoor staff ie AWU.

which was left lying on the table at the General Council Meeting on 12 December 2017 regarding *State Wide Industrial Relations* be retrieved and brought to the Council Meeting on 10 April 2018 for resolution.

COMMENTS: Councillor Kerry

There is a broader context to all this. It's a story of local government waste. There are 68 councils in this state. For decades, each has negotiated its own enterprise agreements for its indoor and, separately, outdoor staff.

Effectively, this means 136 agreements are negotiated every three years or so. It is a huge burden on the time and resources of every council.

A more efficient approach to all this would be for the Local Government Association to take the lead on managing industrial relations.

They are the organisation representing the entire sector.

In effect, the LGA could negotiate just four separate enterprise agreements every two years. One for indoor staff and one for outdoor staff in metropolitan Adelaide and the same for regional South Australia.

This would regularly save over \$1 million across SA in terms of management time (or consultants).

**COMMENTS: Steph Roberts, Human Resources Manager
Kate McKenzie, Manager Governance**

Motion to Retrieve

Council considered a Motion with Notice at its meeting of Tuesday, 12 December 2017 regarding State Wide Industrial Relations Agreements – GC121217M04 (**Appendix 1**).

Council resolved to leave the matter lying on the table pending the outcome of the current Local Government Association (LGA) investigation into this issue.

In accordance with the City of Marion Code of Practice, Procedures at Meetings, if a formal motion is passed that a matter be left lying on the table, the effect of the motion, if successful, is that the meeting immediately moves to the next item of business and the matter can then only be retrieved at a later time by resolution.

The Motion with Notice received from Councillor Kerry to retrieve the matter relating to the State Wide Industrial Relations Agreements, is in accordance with Council's Meeting procedures. If Council resolve to retrieve the motion left lying on the table, consideration of the retrieved motion will immediately follow. If Council resolve not to retrieve this matter, it may be brought back via a Motion with Notice at a future General Council Meeting. In accordance with the Code of Practice – Procedures at Council Meetings 2017/18 item 7.26 any question that lies on the table as a result of a successful formal motion under 7.20 lapses at the next general election.

Additional Information

We have sought a further update from the LGA regarding progress of the LGA's work in seeking to modernise local government's industrial relations environment. Following is the summary received:

Further to the update provided late last year as well as in the LGA's letter to Marion Council dated 8 March (previously provided to Council GC130318 R07 - Local Government Association Membership Appendix 2) the LGA is continuing its work in seeking to modernise local government's industrial relations environment. This has involved establishing a working party comprising CEO's from regional and metropolitan councils to address identified priorities. The working party held its first meeting on Tuesday 29 March 2018 and discussed a number of items including the working party's structure and resources, the current political environment and what's happening in other jurisdictions. Updates will be provided over the coming months in terms of progress.

Motion regarding *State Wide Industrial Relations Agreements*

The deadline for Council's to submit Notices Of Motions to the LGA for the 2018 Ordinary General Meeting was 2 March 2018. Council may consider submitting this as a late Notice of Motion. In considering this, it is noted that late Notices of Motion on urgent matters may be submitted, however, councils are reminded by the LGA that Clause 25.5 of the LGA Constitution provides for the absolute discretion of the LGA President to determine that a late notice of motion may be dealt with at the following general meeting i.e. October 2018.

The following wording would be recommended if Council were to consider submitting the motion to the LGA for the Ordinary General Meeting:

That Council:

1. Submits the following Notice of Motion to the LGA as a late notice of motion for consideration at the 2018 LGA Ordinary General Meeting:

That the Ordinary General Meeting requests the Local Government Association take the lead on managing industrial relations and negotiate one State Wide agreement with Indoor staff ie ASU and one State Wide agreement with outdoor staff i.e. AWU.

2. On Submitting Notices of Motion to the LGA, the Chief Executive Officer be authorised to amend the wording (without changing the meaning or purpose of the motion) if required

**CITY OF MARION
GENERAL COUNCIL MEETING
12 DECEMBER 2017**

Notice Received from: Councillor Nick Kerry
Subject: State Wide Industrial Relations Agreements
Ref No: GC121217M04

MOTION:

That Marion Council at the next LGA meeting ask the following

**Local Government Association to take the lead on managing industrial relations.
& negotiate 1 statewide agreement with Indoor staff ie ASU & 1 statewide agreement
with outdoor staff ie AWU.**

COMMENTS: Councillor Kerry

There is a broader context to all this. It's a story of local government waste. There are 68 councils in this state. For decades, each has negotiated its own enterprise agreements for its indoor and, separately, outdoor staff.

Effectively, this means 136 agreements are negotiated every three years or so. It is a huge burden on the time and resources of every council.

A more efficient approach to all this would be for the Local Government Association to take the lead on managing industrial relations.

They are the organisation representing the entire sector.

In effect, the LGA could negotiate just four separate enterprise agreements every two years. One for indoor staff and one for outdoor staff in metropolitan Adelaide and the same for regional South Australia.

This would regularly save over \$1 million across SA in terms of management time (or consultants).

COMMENTS: Steph Roberts, Manager Human Resources

In pursuit of greater efficiencies and cost savings, the Local Government Association (LGA) is already investigating whether there is a better way of undertaking enterprise agreement negotiations including a significant level of alignment in the workforce (11,000 strong).

We have sought an update from the LGA regarding an overview of where the project is at. Following is the summary received:

The LGA appointed an Employee Relations Specialist (Grant Waldron) to undertake a feasibility study (now completed) to evaluate the value of establishing a common alignment through an industry framework that may include modernising the current enterprise agreements.

As highlighted in Councillor Kerry's comments, the current approach to enterprise agreements could be significantly improved, resulting in a reduction of costs to local government. The findings of the LGA's initial evaluation support Councillor Kerry's comments, and the LGA is now progressing its 'Workforce Alignment' project to its second phase. This will involve determining sector wide industrial relations priorities and then providing the sector with an industrial relations framework that delivers sector efficiencies, economies of scale, reduced IR related costs, implements IR best practices and eliminates duplication of effort.

If Members still wish to progress with the motion, please note that it would need to be considered at the LGA General Meeting in April 2018 and may be considered as a duplicate motion.

**CITY OF MARION
GENERAL COUNCIL MEETING
10 APRIL 2018**

Question Received from: Councillor Ian Crossland

Subject: Enterprise Bargaining Negotiations with 'Outdoor Staff'

Reference No: GC100418Q01

QUESTION:

1. How do our outdoor staff wages compare with the State Government Award? Please could any variance from this award be explained?
2. Over the last 10-15 years what has been the average wage rise of residents living in South Australia. Please could this be compared with a year by year breakdown in the wage increases given to employees at the City of Marion?
3. In addition to a no redundancy clause and additional wage rises should CPI increase above the agreed wage growth, what other additional benefits are available to the City of Marion employees which are not available to other public service employees?
4. If we were to match the wages and benefits of similar public service employees across the state what wage rise would be required?

COMMENTS: Councillor Ian Crossland

The City of Marion currently has ongoing EB negotiations with the "Outdoor staff". I would like to know some factual data around previous wage growth, current state awards and a comparison with the wage growth experienced by our residents who will ultimately be asked to pay for any wage growth.

**COMMENTS: Nicola Beckwith-Jones, Human Resources Partner
Steph Roberts, Human Resources Manager
Tony Lines, General Manager City Services**

**Question 1: How do our outdoor staff wages compare with the State Government Award?
Please could any variance from this award be explained?**

The following documents were utilised to provide the comparison of the outdoor staff wages:

- City of Marion Staff Enterprise Agreement No. 9 2014
- Local Government Employees Award (2017 Variation)
- South Australian Government Civil Construction & Maintenance Award (OPDATE 01.07.2017)

These documents are not an exact comparison, however the roles have been aligned as closely as possible. The indicative tasks of the Construction Maintenance Worker Level 4 (South Australian Government Civil Construction and Maintenance Award), was deemed as the equivalent to the Municipal Employee Grade 5 (Local Government Employees Award) and the ME 5 (City of Marion Staff Enterprise Agreement No. 9 2014).

The classification and salary arrangements within the South Australian Government Civil Construction and Maintenance Award are different, with the highest level increment at step 2. Both the Local Government Employees Award and the City of Marion Staff Enterprise Agreement No. 9 2014 include a step 3 increment.

The comparison has been undertaken using the highest level from the three documents.

City of Marion AWU Enterprise Agreement	Local Government Employees Award	South Australian Government Civil Construction & Maintenance Award
Level 5 Step 3	Level 5 Step 3	Level 4 Step 2
\$60,965.84 per annum	\$44,179.20 per annum	\$44,148.00 per annum

The variance between the arrangements are in part due to allowances being applied separately in both the Local Government Employees Award and South Australian Government Civil Construction and Maintenance Award. By contrast, the allowances have been absorbed into the remuneration for the City of Marion Enterprise Agreement.

As a comparison of 16 similar councils around Adelaide, the highest ME5 (equivalent) salary is Port Adelaide at \$67,599 per annum, and the lowest Adelaide at \$56,110 per annum.

Question 2: Over the last 10-15 years what has been the average wage rise of residents living in South Australia. Please could this be compared with a year by year breakdown in the wage increases given to employees at the City of Marion?

Year	ABS Data SA All Industries % Increase from prior year	CoM AWU EA % Increase from prior year	Variance EA to ABS	6th Ranking Adjustment Factor applied	CoM EA % Increase after 6th ranking applied	Variance 6th Rank to ABS	CoM Source of Increases
Jul-2003	3.80%	3.50%	-0.30%		3.50000%	-0.30%	EA No 6. 2003
Jul-2004	4.00%	3.50%	-0.50%		3.50000%	-0.50%	EA No 6. 2003
Jul-2005	3.40%	3.50%	0.10%		3.50000%	0.10%	EA No 6. 2003
Jul-2006	3.80%	4.00%	0.20%		4.00000%	0.20%	Addendum to EA No 6
Jul-2007	4.00%	4.00%	0.00%		4.00000%	0.00%	Addendum to EA No 6
Jul-2008	4.70%	4.00%	-0.70%		4.00000%	-0.70%	Addendum to EA No 6
Jul-2009	4.00%	5.26%	1.26%	0.00056%	5.26003%	1.26%	EA No 7. 2009
Jul-2010	2.80%	4.00%	1.20%	0.00075%	4.00003%	1.20%	EA No 7. 2009
Jul-2011	3.50%	4.00%	0.50%	0.00000%	4.00000%	0.50%	EA No 7. 2009
Jul-2012	3.40%	4.50%	1.10%	0.00000%	4.50000%	1.10%	EA No 8. 2012
Jul-2013	3.40%	3.50%	0.10%	0.01210%	3.50042%	0.10%	EA No 8. 2012
Jul-2014	3.30%	4.23%	0.93%	0.00000%	4.23000%	0.93%	EA No 9. 2014
Jul-2015	2.60%	3.00%	0.40%	0.00000%	3.00000%	0.40%	EA No 9. 2014
Jul-2016	2.20%	3.00%	0.80%	0.00000%	3.00000%	0.80%	EA No 9. 2014
Jul-2017	2.20%	TBC					
61.67%		69.81%	Cumulative (compounding increase) to end of 2016-17				

Percentage Change from Previous Period; South Australia; Private and Public; Total Hourly Rates of Pay Excluding Bonuses; All industries

Source: <http://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/6345.0Dec%202017?OpenDocument> - Table 2a

Question 3: In addition to a no redundancy clause and additional wage rises should CPI increase above the agreed wage growth, what other additional benefits are available to the City of Marion employees which are not available to other public service employees?

Below is a comparison table for benefits within the City of Marion Staff Enterprise Agreement, the Local Government Employees Award and the South Australian Government Civil Construction and Maintenance Award.

Benefits	City of Marion AWU EA	LGE Award	SAG Award
Adoption leave	x	x x	
Annual Leave at half pay	x		
Bereavement Leave	x	x x	
Blood donor leave	x		
Carers Leave	x	x	x
Cash out of annual leave	x		
Corporate health program	x		
Cultural leave	x		
Education Assistance/Study Leave	X	X	x
Employee assistance program	x		
Employee immunisation program	x		
Jury Service Leave	x		
Leave loading	x	x x	
Moving House			x
No forced redundancies	x		
Paid Paternity leave after 12 months' service	x	x	x
Paid Personal Need Leave / sick leave	x	x	x
Phased Retirement	x		
Professional Development Leave	x		
Protective Clothing	x	x x	
Protective Equipment & Tools		x	
Purchased leave	x		
Quit smoking program	x		
Salary Packaging	x		
Sick Leave Treatment on Termination	x		
Special Maternity Leave	x	x	x
Term time work	x		
Transfer to a safe job	x	x	x
Voluntary Emergency Management Leave	x		
Working 4 out 5 years	x		

Question 4. If we were to match the wages and benefits of similar public service employees across the state what wage rise would be required?

As there are many anomalies across the arrangements and there is not a complete alignment with the wages and benefits outlined in the City of Marion Staff Enterprise Agreement, the Local Government Employees Award and the South Australian Government Civil Construction and Maintenance Award it is difficult to calculate what wage rise would be required.

The data in questions 1-3 demonstrates that the wages and benefits for City of Marion outdoor staff are competitive.