

His Worship the Mayor
Councillors
CITY OF MARION

NOTICE OF GENERAL COUNCIL MEETING

Council Chamber, Council Administration Centre
245 Sturt Road, Sturt

Tuesday, 12 February 2019 06:30 PM

The CEO hereby gives Notice pursuant to the provisions under Section 83 of the Local Government Act 1999 that a General Council meeting will be held

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 Centre on Sturt Road, Sturt.



Adrian Skull
Chief Executive Officer



TABLE OF CONTENTS

OPEN MEETING	4
KAURNA ACKNOWLEDGEMENT	4
DISCLOSURE	4
ELECTED MEMBERS DECLARATION OF INTEREST (if any)	4
CONFIRMATION OF MINUTES	4
Confirmation of the minutes for the General Council Meeting held on 29 January 2019	4
APPENDIX 1	5
COMMUNICATIONS	30
ADJOURNED ITEMS	30
DEPUTATIONS	30
South Adelaide Basketball Club	30
Mitchell Park Football Club	31
Mitchell Park Sports & Community Club	32
Dover Gardens Kennel and Obedience Club	33
PETITIONS	34
COMMITTEE RECOMMENDATIONS	34
CONFIDENTIAL ITEMS	34
Cover Report - Mitchell Park Sports and Community Club Redevelopment - Redevelopment Options	34
Mitchell Park Sports and Community Club Redevelopment - Redevelopment Options	35
CORPORATE REPORTS FOR DECISION	36
Local Government Association Ordinary General Meeting 2019	36
APPENDIX 1	38
Update to the Schedule of Delegations: Liquor Licensing Act 1997 and South Australian Public Health Act 2011, Regulations 2015 and Regulations 2013	39
APPENDIX 1	42
APPENDIX 2	43
APPENDIX 3	70
Notice of intent to undertake an 'Approach to market' for the maintenance and management of Council owned vineyards	73
APPENDIX 1	76
Draft City Limits Publications Policy	77
APPENDIX 1	80
Equity, Access and Social Inclusion Policy (draft)	83
APPENDIX 1	86
CORPORATE REPORTS FOR INFORMATION/NOTING	89
Mitchell Park Sports and Community Club - Community Needs Analysis	89

APPENDIX 1	93
APPENDIX 2	105
APPENDIX 3	106
Questions Taken on Notice Register	128
APPENDIX 1	129
WORKSHOP / PRESENTATION ITEMS	130
MOTIONS WITH NOTICE	130
2022 General Council Election - Meet the Candidate Forum	130
Requirement for Developers to install a builders pole for electricity supply	131
Newstart Allowance	133
APPENDIX 1	134
Quentin Kenihan Memorial	135
APPENDIX 1	137
APPENDIX 2	138
APPENDIX 3	139
Hendrie Street Reserve and Jervois Street Reserve - Community Consultation for designated fenced areas	140
APPENDIX 1	142
Abandoned trolleys	145
Revitalisation forum concerning Edwardstown & Melrose Park	146
QUESTIONS WITH NOTICE	148
MOTIONS WITHOUT NOTICE	148
QUESTIONS WITHOUT NOTICE	148
OTHER BUSINESS	148
MEETING CLOSURE	148

OPEN MEETING

KAURNA ACKNOWLEDGEMENT

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

DISCLOSURE

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

ELECTED MEMBER'S DECLARATION OF INTEREST (if any)

CONFIRMATION OF MINUTES

Confirmation of the minutes for the General Council Meeting held on 29 January 2019

Originating Officer Governance Officer - Victoria Moritz

Corporate Manager Manager Corporate Governance - Kate McKenzie

Report Reference: GC190212

RECOMMENDATION:

That the minutes of the General Council Meeting held on 29 January 2019 be taken as read and confirmed.

ATTACHMENTS:

#	Attachment	Type
1	GC190129 - Minutes	PDF File



**MINUTES OF THE GC190129 - GENERAL COUNCIL MEETING - 29 January
2019**

Tuesday, 29 January 2019 06:30 PM

Council Administration Centre, 245 Sturt Road, Sturt

PRESENT : Elected Members

Mayor - Kris Hanna, Councillor - Ian Crossland, Councillor - Tim Gard, Councillor - Jason Veliskou, Councillor - Nathan Prior, Councillor - Raelene Telfer, Councillor - Luke Hutchinson, Councillor - Tim Pfeiffer, Councillor - Kendra Clancy, Councillor - Maggie Duncan, Councillor - Matthew Shilling, Councillor - Joseph Masika

DATE :

Tuesday, 29 January, 2019 | Time 6:30 PM

VENUE :

Council Chamber

STAFF IN ATTENDANCE

Chief Executive Officer - Adrian Skull
General Manager City Development - Abby Dickson
General Manager Corporate Services - Vincent Mifsud
General Manager City Services - Tony Lines
Manager Governance – Kate McKenzie
Governance Officer – Victoria Moritz

MEETING OPENING

The Mayor opened the meeting at 29/01/2019 6:31 PM

KAURNA ACKNOWLEDGEMENT

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

DISCLOSURE

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

ELECTED MEMBER'S DECLARATION OF INTEREST (if any)

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

CONFIRMATION OF MINUTES**Moved Councillor - Raelene Telfer****Seconded Councillor - Joseph Masika**

That:

The following items be moved en bloc:

- Confirmation of the minutes for the General Council Meeting held on 11 December 2018
- Confirmation of the minutes for the Special General Council Meeting held on 22 January 2019

Carried Unanimously**Confirmation of the minutes for the Special General Council Meeting held on 22 January 2019****Report Reference:GC190129****Moved Councillor - Raelene Telfer****Seconded Councillor - Joseph Masika**

That:

1. The minutes of the Special General Council Meeting held on 22 January 2019 be taken as read and confirmed (Appendix 1 and 2)

Carried Unanimously**Confirmation of the minutes for the General Council Meeting held on 11 December 2018****Report Reference: GC190129****Moved Councillor - Raelene Telfer****Seconded Councillor - Joseph Masika**

That:

1. The minutes of the General Council Meeting held on 11 December 2018 be taken as read and confirmed.

Carried Unanimously

COMMUNICATIONS

Mayoral Communication Report

Name of Elected Member: Mayor - Kris Hanna

Report Reference: GC190129

Date	Event	Attended
7 December 2018	Graffiti Removal and Events Volunteer Programs Christmas Lunch Event	Attended
7 December 2018	Justice of the Peace Christmas Celebration	Attended
8 December 2018	Grand Opening Ceremony of Hindu Community Cultural Centre	Attended
10 December 2018	Mayor's Christmas Business Networking Function	Attended
11 December 2018	Marion Probus Club Christmas Luncheon	Attended
12 December 2018	Active Elders Association Christmas Break Up Lunch	Attended
12 December 2018	Marion City Band Awards and Official opening of Marion Band Shed	Attended
13 December 2018	Lord Mayor's 2018 Christmas Reception	Attended
14 December 2018	Glandore Community Centre Christmas Event	Attended
14 December 2018	Vietnam Veterans Federation SA Official Opening of new clubrooms	Attended and gave speech
15 December 2018	Lutheran Community Care and City of Marion -Strengthening Partnerships Event	Attended with Mayoress
17 December 2018	Mayor's Multicultural Forum at Marion Outdoor Pool	Attended
19 December 2018	Meeting with Mayor Erin Thompson	Attended
21 December 2018	Staff Christmas Party	Attended and gave speech
12 January 2019	Paisley Park Early Learning Centre Opening	Attended with Mayoress and participated in a cooking demonstration with Miguel Maestre
17 January 2019	Meeting with Mayor Clare Boan	Attended

17 January 2019	Marino Residents Association New Year social event	Attended
18 January 2019	YMCA Gym Glengowrie	Visited
19 January 2019	South Adelaide Malayalee Community Christmas and New Year Celebration	Attended with Mayoress
20 January 2019	Marion Church of Christ's Vision Sunday	Attended
20 January 2019	Warradale Park Tennis Club – Official Opening	Attended and gave speech
21 January 2019	SRWRA Tour – Mayors, Elected Members and CEO's from City of Marion, City of Holdfast Bay and City of Onkaparinga	Attended

Moved Councillor - Luke Hutchinson Seconded Councillor - Matthew Shilling

That:

1. The Mayoral Communication report be received.

Carried Unanimously

Deputy Mayor Communication Report

Name of Elected Member Councillor - Tim Pfeiffer

Report Reference: GC190129

Date	Event	Comments
12 December	Active Elders Christmas Lunch	
12 December	City of Marion Band Christmas celebration	Awards presentation and unveiling of the new shed
15 December	Dumbarton Ave Reserve Community Group Christmas Picnic	
15 December	Meeting with Cr Woodward (West Torrens) and Cr Palmer (Unley) in relation to future South Road developments	
15 December	Edwardstown community Christmas drinks	
19 December	Mayoral End of Year Christmas Celebration	

28 December	Proclamation Day at the Old Gum Tree (representing the City of Marion)	
18 January	Guided visit to the construction site at Edwardstown Oval with Cr Masika	
19 January	Elected Member Planning Day	
20 January	Tour Down Under (representing the City of Marion - Cr Crossland was my guest)	
21 January	SRWRA Tour	
22 January	Edwardstown & Melrose Park industrial forum	
22 January	Woodlands Ward Briefing	
24 January	Presented regular City of Marion Coast FM segment	
26 January	City of Marion Australia Day civic event	
26 January	'Australia Day in the City' (representing the City of Marion)	

Moved Councillor - Luke Hutchinson Seconded Councillor - Matthew Shilling

That:

1. The Deputy Mayor's report be received.

Carried Unanimously

CEO and Executive Communications Report

Report Reference: GC190129

Date	Activity	Attended By
2 December 2018	Meeting Oakland's Crossing Works Update	Adrian Skull
3 December 2018	SRWRA Board Meeting	Vincent Mifsud
5 December 2018	IT Platform Reference Group	Vincent Mifsud
7 December 2018	China Sword Meeting	Vincent Mifsud
11 December 2018	Give the Gift of Reading - Presentation of books to The Smith Family	Tony Lines

City of Marion Minutes of the General Council Meeting held on 29 January 2019

12 December 2018	Oaklands Education Centre Visit with Flinders University	Tony Lines
13 December 2018	City of Marion 2019 LEAD Launch Presentation by John Schutz	Adrian Skull Tony Lines Abby Dickson
14 December 2018	Opening of Vietnam Vets	Tony Lines
14 December 2018	Chief Entrepreneur Visit with Flinders University	Abby Dickson
17 December 2018	SRWRA Planning Meeting	Vincent Mifsud
17 December 2018	Meeting with Madderns Patent & Trade Mark Attorneys	Tony Lines
17 December 2018	Meeting Adrian Skull, Justin Lynch (CEO Holdfast Bay)	Adrian Skull
18 December 2018	Meeting with DPTI and PEET re Tonsley Northern Connector	Tony Lines
18 December 2018	Cross Council Collaboration Meeting	Adrian Skull Vincent Mifsud
20 December 2018	Meeting Adrian Skull and Peter Tsokas CEO Unley Council	Adrian Skull
9 January 2019	IT Platform Reference Group Meeting	Vincent Mifsud
11 January 2019	Meeting Adrian Skull, Abby Dickson and John Flint Kaufland	Adrian Skull Abby Dickson
14 January 2019	Meeting Adrian Skull and Robert Pitt (Adelaide Cemeteries Authority)	Adrian Skull
14 January 2019	Meeting Adrian Skull and Mark Goldstone (CEO City of Adelaide)	Adrian Skull
14 January 2019	Cross Council Collaboration Meeting	Vincent Mifsud
17 January 2019	Meeting Adrian Skull, Kate McKenzie, Justin Jamieson and Eric Beere (KPMG)	Adrian Skull
18 January 2019	Meeting City of Marion, DEW and EPA re Marino Conservation Park - remediation of the old dump site	Adrian Skull
18 January 2019	SRWRA CEO Interviews	Vincent Mifsud
18 January 2019	Meeting Cross Council Initiatives CEOs City of Marion, City of Charles Sturt and City of Port Adelaide Enfield	Adrian Skull
21 January 2019	SRWRA Tour Mayors, Elected Members and CEO's from City of Marion, City of Holdfast Bay and City of Onkaparinga	Adrian Skull Abby Dickson Vincent Mifsud

22 January 2019	Meeting Adrian Skull, Tony Lines, Maria Palumbo (Junction Australia) and Geoff Smith (Housing Renewal Australia) re Oaklands Park	Adrian Skull Tony Lines
22 January 2019	SRWRA CEO Interviews	Vincent Mifsud
23 January 2019	Cross Council Collaboration Meeting	Vincent Mifsud
23 January 2019	Meeting City of Marion and News Corp	Adrian Skull Kris Hanna
23 January 2019	IT Platform Reference Group Meeting	Vincent Mifsud
24 January 2019	Meeting Adrian Skull, Rachel Read, Tim Sayer, Julianne Parkinson and Veera Mustonen (Global Centre for Modern Ageing)	Adrian Skull
25 January 2019	SRWRA CEO Interviews	Vincent Mifsud
26 January 2019	Australia Day Citizenship Ceremony MC	Tony Lines

Moved Councillor - Luke Hutchinson

Seconded Councillor - Matthew Shilling

That:

1. The CEO and Executive Communication report be received.

Carried Unanimously

ADJOURNED ITEMS

Nil

DEPUTATIONS

Cove BMX Club

Report Reference: GC190129D01

Mr Trevor Wigg gave a five minute deputation to Council on behalf of the Cove BMX Club.

PETITIONS

Nil

COMMITTEE RECOMMENDATIONS**Finance and Audit Committee Minutes
Report Reference GC190129R01****Moved Councillor - Jason Veliskou****Seconded Councillor - Raelene Telfer**

That Council:

1. Receives and notes the minutes of the Finance and Audit Committee Meeting of 12 December 2018 (Appendix 1).
2. Notes that separate reports will be brought to Council for consideration of any recommendations from the Finance and Audit Committee.

Carried Unanimously**CONFIDENTIAL ITEMS****Confirmation of the Finance and Audit Committee Confidential Minutes from the Meeting on 11 December 2018
Report Reference: GC190129F01****Moved Councillor - Kendra Clancy****Seconded Councillor - Tim Gard**

That:

1. Pursuant to Section 90(2) and (3)(b) of the Local Government Act 1999, the Council orders that all persons present, with the exception of the following persons: Adrian Skull, Vincent Mifsud, Abby Dickson, Tony Lines, Kate McKenzie, Victoria Moritz, Carla Zub and Greg Salmon be excluded from the meeting as the Council receives and considers information relating to the report Confirmation of the Finance and Audit Committee Confidential Minutes from 11 December 2018 upon the basis that 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.

Carried Unanimously

6.41pm the meeting went into confidence

Moved Councillor – Raelene Telfer**Seconded Councillor – Maggie Duncan**

That Council:

1. Notes the report and information contained within Appendix 1.
2. In accordance with section 91(7) and (9) of the Local Government Act 1999 the Council orders that this report, Confirmation of the Finance and Audit Committee confidential minutes from 11 December 2018 and any appendices to this report having been considered in confidence pursuant to Section 90 (2) and (3)(b) of the Act, except when required to effect or comply with Council's resolutions regarding this matter, be kept confidential and not available for public inspection, for a period of 12 months from the date of this matter, This confidential order will be reviewed at the General Council Meeting in December 2019.

Carried Unanimously

6.43pm the meeting came out of confidence

BMX Project - Outcome of Darlington Investigations
Report Reference: GC190129F02**Moved Councillor - Jason Veliskou****Seconded Councillor - Ian Crossland**

That:

1. Pursuant to Sections 90(2) 3(g) and 90(2)3(h) of the Local Government Act 1999, the Council orders that all persons present, with the exception of the following persons: Adrian Skull, Abby Dickson, Tony Lines, Vincent Mifsud, Kate McKenzie, Greg Salmon, Carla Zub, Craig Clarke and Victoria Moritz, be excluded from the meeting as the Council receives and considers information relating to the report BMX Project - Outcome of Darlington Investigations, 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 on the grounds that the report contains information the disclosure of which would breach a duty of confidence under the Aboriginal Heritage Act 1988 and the report contains legal advice and would on balance, be contrary to the public interest.

Carried Unanimously

6.44pm the meeting went into confidence

Moved Councillor – Ian Crossland**Seconded Councillor - Luke Hutchinson**

That Council:

1. Notes the investigations undertaken into Darlington site as a potential location for the Sam Willoughby International BMX Facility.
2. Notes the 2018 Ramindjeri and Kurna cultural heritage reports by EBS Heritage with unresolved concerns about the reports.

3. Will not undertake BMX development at the Darlington site out of respect to Kaurna wishes.
4. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that this report, BMX Project – Outcomes of Darlington Site Investigations and associated appendices arising from this report having been considered in confidence under Sections 90(2)3(g) and 90(2)3(h) of the Act, except when required to effect or comply with Council's resolution(s) regarding this matter, be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2019.

Carried Unanimously

7.12pm the meeting came out of confidence

BMX Project - Financial Summary of Costs
Report Reference: GC190129F03

Moved Councillor - Tim Pfeiffer

Seconded Councillor - Luke Hutchinson

That:

1. Pursuant to Sections 90(2) 3(b) (i) and (ii) of the Local Government Act 1999, the Council orders that all persons present, with the exception of the following persons: Adrian Skull, Abby Dickson, Tony Lines, Vincent Mifsud, Kate McKenzie, Greg Salmon, Carla Zub, Craig Clarke and Victoria Moritz, be excluded from the meeting as the Council receives and considers information relating to the report BMX Project - Financial Summary of Costs, 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 on the grounds that the report contains information the disclosure of which would could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and (ii) would, on balance, be contrary to the public interest.

Carried Unanimously

7.13pm the meeting went into confidence

Moved Councillor – Ian Crossland

Seconded Councillor – Maggie Duncan

That:

1. Formal meeting procedures be suspended to discuss the item.

Carried Unanimously

7.16pm formal meeting procedures suspended

7.31pm formal meeting procedures resumed

Moved Councillor – Ian Crossland**Seconded Councillor - Raelene Telfer**

That Council:

1. Notes the report.
2. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that this report, BMX Project – Financial Summary of Costs and associated appendices arising from this report having been considered in confidence under Sections 90(2) 3(b) (i) and (ii) of the Act, except when required to effect or comply with Council's resolution(s) regarding this matter, be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2019.

Carried Unanimously

7.31pm the meeting came out of confidence

CORPORATE REPORTS FOR DECISION**BMX Project - Alternative Site Options for Delivery of the Sam Willoughby BMX Facility
Report Reference GC190129R02****Moved Councillor - Tim Gard****Seconded Councillor - Ian Crossland**

That Council:

1. Notes the report.
2. Authorises Administration to progress Option 1 to detailed design for the Sam Willoughby BMX Track and commit additional funding of \$1,000,000 from Council's Asset Sustainability Reserve during 2019-20 for the project's delivery, subject to State Government addressing the traffic management solution for Majors Road.
3. Confers with the State Government concerning their traffic management solution, including the potential northbound ramp access to the Southern Expressway, prior to proceeding with detailed design work for the BMX track.

Amendment:**Moved Councillor - Luke Hutchinson****Seconded Councillor - Matthew Shilling**

That Council:

1. Notes the report.
2. Authorises Administration to progress Option 1 to detailed design for the Sam Willoughby BMX Track and commit additional funding of \$1,000,000 from Council's Asset Sustainability Reserve during 2019-20 for the project's delivery, subject to the State Government addressing and funding the traffic management solution for Majors Road.

3. Confers with the State Government concerning their traffic management solution, including the potential northbound ramp access to the Southern Expressway, prior to proceeding with detailed design work for the BMX track.

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

Motion to Defer:

Moved Councillor - Jason Veliskou

Seconded Councillor - Nathan Prior

That:

1. The item BMX Project - Alternative Site Options for Delivery of the Sam Willoughby BMX Facility be deferred until after a joint briefing with the Elected Members of the City of Onkaparinga.

Lost

Motion as Amended:

Moved Councillor - Luke Hutchinson

Seconded Councillor - Matthew Shilling

That Council:

1. Notes the report.
2. Authorises Administration to progress Option 1 to detailed design for the Sam Willoughby BMX Track and commit additional funding of \$1,000,000 from Council's Asset Sustainability Reserve during 2019-20 for the project's delivery, subject to the State Government addressing and funding the traffic management solution for Majors Road.
3. Confers with the State Government concerning their traffic management solution, including the potential northbound ramp access to the Southern Expressway, prior to proceeding with detailed design work for the BMX track.

Carried

Division called by Councillor – Ian Crossland

Voters	For	Against
Councillor - Ian Crossland	X	
Councillor - Jason Veliskou		X
Councillor - Joseph Masika	X	
Councillor - Kendra Clancy		X
Councillor - Luke Hutchinson	X	
Councillor - Maggie Duncan	X	
Councillor - Matthew Shilling	X	
Councillor - Nathan Prior		X
Councillor - Raelene Telfer	X	
Councillor - Tim Pfeiffer		X
Councillor - Tim Gard	X	

Carried

Morphettville Park Oval Realignment - Outcome of Community Consultation**Report Reference GC190129R03****Moved Councillor - Jason Veliskou****Seconded Councillor - Kendra Clancy**

That Council:

1. Notes the community consultation feedback received on the two options for the Morphettville Park Oval Realignment and additional design investigations.
2. Approve Option One as the preferred option for the Oval Realignment as a basis for progressing to detailed design and documentation in preparation of a planning approval and delivery of the new oval layout.
3. Authorises the commencement of the Roads (Opening and Closing) Act 1991 process to close the section of road reserve (existing car park) on Cobham Avenue Morphettville between Kendall Terrace and McKellar Terrace in accordance with the Roads (Opening and Closing) Act 1991 which requires:
 - Preparation of a preliminary plan
 - Preparation of a statement of affected parties and
 - Undertaking of public consultation.
4. Resolves that the road closed pursuant to the Roads (Opening and Closing Act) 1991 is to be merged with Allotment 61 in Filed Plan 10392 (comprised in Certificate of Title Volume 5888 Folio 45) for the Morphettville Park Sports Club.
5. Pursuant to Section 37(b) of the Local Government Act 1999 authorises the Chief Executive Officer to enter into and sign all documentation necessary to commence the roads opening and closure processes and the merger of land with Allotment 61 in Filed Plan 10392.

Carried Unanimously**Sheidow Park Primary School - Traffic and Parking Improvements****Report Reference: GC190129R04****Moved Councillor - Matthew Shilling****Seconded Councillor - Maggie Duncan**

That Council:

1. Notes the report
2. Notes the State Government will contribute \$50,000 (GST exclusive) to fund the extension of the kiss and drop indented car park on Adams Road, Sheidow Park.
3. Endorses providing in kind support for the design and project management to extend the kiss and drop indented car park located on Adams Road, Sheidow Park.

4. Authorises Administration entering into a funding agreement with the Department of Planning, Transport and Infrastructure for the extension of the kiss and drop indented car parking bay on Adams Road, Sheidow Park.

Carried Unanimously

Cat By-Law

Report Reference: GC290119R05

Moved Councillor - Ian Crossland

Seconded Councillor - Jason Veliskou

That Council:

1. Endorse the proposed draft Cats (Confinement) Variation By-law No. 7 2019 as attached as Appendix 1 to this report for community consultation.
2. Endorse the draft Cats (Confinement) Variation By-law No. 7 2019, as attached to the report for the purposes of public and Dog and Cat Management Board consultation in accordance with Section 249 of the Local Government Act 1999 and Section 90 of the Dog and Cat Management Act 1995.
3. Endorse that Administration be authorised to provide a report to the Dog and Cat Management.
4. Board in accordance with Section 90(5) of the Dog and Cat Management Act 1995.
5. Authorise Administration to:
 - make copies of the draft By-law available for public inspection without charge at the principal office of the Council during ordinary office hours; and
 - publish notice informing the public of the availability of the draft By-law in The Advertiser no sooner than 21 days after referring the by-law to the Dog and Cat Management Board.

Carried

Oaklands Wetland Capital Upgrades

Report Reference: GC190129R06

Moved Councillor - Nathan Prior

Seconded Councillor - Tim Pfeiffer

That Council:

1. Notes the Report.
2. Endorses the release of funding, up to \$165,000 from the Asset Sustainability Reserve (balance in the Water Business Unit is \$450,000 as at 14 January 2019), to supply and install a second balancing tank and advanced filtering system, at Oaklands Wetland.

3. Endorses the transfer of the remaining funding quarantined for Oaklands Water Business, currently held in the Asset Sustainability Reserve (including future revenues generated from the sale of treated stormwater), into a separate accounting Water Reserve Fund that will aid in meeting any future Essential Services Commission of South Australia (ESCOSA) reporting requirements.
4. Endorses access to using funds held in the Water Reserve Fund, specifically quarantined for use in the Oaklands Water Business, requires approval at Executive level.

Carried Unanimously

**2020 Tour Down Under - Expression of Interest
Report Reference: GC190129R07**

Moved Councillor - Jason Veliskou

Seconded Councillor - Tim Pfeiffer

That Council:

1. Does not submit an expression of interest to hosting a stage of the 2020 Tour Down Under.

Carried

**CEO Performance and Remuneration Review Timeline and Approach 2018-2019
Report Reference: GC190129R08**

Moved Councillor - Joseph Masika

Seconded Councillor - Raelene Telfer

That Council:

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

Carried Unanimously

**Call for Nominations for Members of GAROC - Casual Vacancies
Report Reference: GC190129R09**

Moved Councillor - Ian Crossland

Seconded Councillor - Nathan Prior

That Council:

1. Notes the report 'Call for Nominations for Members of Greater Adelaide Regional Organisation of Councils (GAROC) - Casual Vacancies'.

2. Nominates Councillor Tim Pfeiffer to the LGA for a position on the Greater Adelaide Regional Organisation of Councils (GAROC).
3. Notes that the above information will be forwarded to the LGA by 5.00pm Friday 22 February 2019.

Councillor Pfeiffer declared an actual conflict of interest in the item as he has been nominated and left the meeting.

8.35pm Councillor Pfeiffer left the meeting

Carried Unanimously

8.36pm Councillor Pfeiffer re-entered the meeting

CORPORATE REPORTS FOR INFORMATION/NOTING

Moved Councillor - Luke Hutchinson

Seconded Councillor - Raelene Telfer

That the following reports listed under Corporate Reports for Information / Noting be moved en bloc:

- RSL Car Park and Drainage
- Coastal Walkway - Progress Report
- Hallett Cove Sea Pool Feasibility Study
- Interim Capital Works Review
- Minutes and Recommendations from LGA Annual General Meeting
- Corporate and CEO KPI Report Quarter One 2018/19
- Work Health and Safety - Monthly Performance Report - November / December 2018
- Finance Report - December 2018
- Questions Taken on Notice Register

Carried Unanimously

RSL Car Park and Drainage Upgrades Report Reference: GC190129R10

Moved Councillor - Luke Hutchinson

Seconded Councillor - Raelene Telfer

That Council:

1. Notes the progress report and that a further report, outlining options and cost estimates to upgrade car parking and stormwater at the Marion Returned Service League will be presented to Council in March 2019.

Carried Unanimously

Coastal Walkway - Progress Report
Report Reference: GC190129R11**Moved Councillor - Luke Hutchinson****Seconded Councillor - Raelene Telfer**

That Council:

1. Notes the progress report and that a further report summarising specialists (Environmental and Cultural Heritage) assessment and the outcomes of community consultation will be presented to Council 26 March 2019.

Carried Unanimously**Hallett Cove Sea Pool Feasibility Study**
Report Reference GC190129R12**Moved Councillor - Luke Hutchinson****Seconded Councillor - Raelene Telfer**

That Council:

1. Notes this report as an update on the progress of the Hallett Cove sea pool feasibility study.
2. Receives a presentation and provides feedback on the final draft Hallett Cove sea pool feasibility study in March 2019.

Carried Unanimously**Interim Capital Works Review**
Report Reference: GC190129R13**Moved Councillor - Luke Hutchinson****Seconded Councillor - Raelene Telfer**

That Council:

1. Notes a final report will be presented to the Infrastructure and Strategy Committee and Council in February 2019.

Carried Unanimously

**Minutes and Recommendations from LGA Annual General Meeting
Report Reference GC190129R14****Moved Councillor - Luke Hutchinson****Seconded Councillor - Raelene Telfer**

That Council:

1. Notes this report and the minutes of the Local Government Association Annual General Meeting held on 26 October 2018.
2. Notes that a separate report will be brought to Council for consideration of any recommendations and / or actions from the Local Government Association Annual General Meeting.

Carried Unanimously**Corporate and CEO KPI Report Quarter One 2018/19
Report Reference: GC190129R15****Moved Councillor - Luke Hutchinson****Seconded Councillor - Raelene Telfer**

That Council:

1. Note this report

Carried Unanimously**Work Health & Safety - Monthly Performance Report - November/December 2018
Report Reference: GC190129R16****Moved Councillor - Luke Hutchinson****Seconded Councillor - Raelene Telfer**

That Council:

1. Notes the report and statistical data contained therein.

Carried Unanimously**Finance Report - December 2018
Report Reference: GC190129R17****Moved Councillor - Luke Hutchinson****Seconded Councillor - Raelene Telfer**

That Council:

1. Receives the report "Finance Report – December 2018"

Carried Unanimously

Questions Taken on Notice Register
Report Reference: GC190129R18**Moved Councillor - Luke Hutchinson****Seconded Councillor - Raelene Telfer**

That Council:

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

Carried Unanimously**WORKSHOP / PRESENTATION ITEMS****CONFIDENTIAL****Oaklands Park Urban Renewal Proposal**
Report Reference: GC190129F04**Moved Councillor - Luke Hutchinson****Seconded Councillor - Ian Crossland**

That:

1. Pursuant to Sections 90(2)3(d)(i)(ii) of the Local Government Act 1999, the Council orders that all persons present, with the exception of the following persons: Adrian Skull, Abby Dickson, Tony Lines, Vincent Mifsud, Kate McKenzie, Greg Salmon, Carla Zub, Craig Clarke Victoria Moritz, Geoff Smith, Matt Clemow be excluded from the meeting as the Council receives and considers information relating to the presentation Oaklands Park Urban Renewal Proposal, 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 on the grounds that the report contains commercial information and would on balance be contrary to the public interest.

Carried Unanimously

8.39pm the meeting went into confidence

Councillor Veliskou noted a perceived conflict of interest in the item Oaklands Park Urban Renewal Proposal due to a family member living in close proximity to the area and remained for the item.

Moved Councillor - Luke Hutchinson**Seconded Councillor – Nathan Prior**

That

1. Council notes the presentation provided by Housing Renewal Australia Pty Ltd.
2. A copy of the presentation be included in the minutes of the meeting 29 January 2019 once released and made publicly available by Housing Renewal Australia Pty Ltd.

3. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that this report and Presentation, Oaklands Park Urban Renewal Proposal and any associated appendices arising from this report having been considered in confidence under Sections 90(2) 3(d) of the Act, except when required to effect or comply with Council's resolution(s) regarding this matter, be kept confidential and not available for public inspection until 5pm Friday 1 February 2019 or Until released and made publicly available by Housing Renewal Australia Pty Ltd.

8.40pm Councillor Duncan left the meeting

8.40pm Councillor Shilling left the meeting

8.42pm Councillor Duncan Re-entered the meeting

8.43pm Councillor Shilling re-entered the meeting

9.08pm Councillor Pfeiffer left the meeting

9.11pm Councillor Pfeiffer re-entered the meeting

Carried Unanimously

Councillor Veliskou voted in favour of the motion

9.30pm the meeting came out of confidence

MOTIONS WITH NOTICE

Meeting Extension

Moved Councillor - Tim Pfeiffer

Seconded Councillor - Ian Crossland

That:

1. The meeting be extended until the conclusion of all items listed on the agenda.

Carried Unanimously

9.28pm Meeting Extended

City of Marion Museum

Report Reference: GC190129M01

Moved Councillor - Raelene Telfer

Seconded Councillor - Nathan Prior

That:

1. Council staff prepare a report for Council with regards to the provision of a City of Marion Museum. That the report includes but not limited to:- scoping of all possible funding sources (such as grant funding), possible Museum location/s and management model.

Carried Unanimously

Commendation of Lifesavers
Report Reference: GC190129M02**Moved Councillor - Tim Pfeiffer Seconded Councillor - Joseph Masika**

That:

1. Council formally commends the actions of the City of Marion staff directly involved in the successful rescue of a child at the Marion Outdoor Pool on 4 January 2019.
2. The Mayor writes to each of the staff directly involved (on behalf of Council), to advise of the formal commendation and express gratitude for their actions.

Carried Unanimously**QUESTIONS WITH NOTICE****New and Replacement Bins**
Elected Member: Councillor Luke Hutchinson
Report Reference: GC190129Q01**Question:**

1. What is the City of Marion's expense over the last 3 years on both new and replacement bins; itemised by new vs replacement and the 3 bin types - red, yellow, green.
2. What is the average cost to council per household?

Supporting Information:

Nil

Response Received From: Unit Manager Contracts, Colin Heath**Staff Comments:**

New and replacement bins for any bin type under the current kerbside collection contract with Solo are provided at no cost to the City of Marion.

Numbers of new/replacement bins (of all bin types) provided by Solo for the last three financial years are:

	2015/16 Financial Year	2016/17 Financial Year	2017/18 Financial Year
New services	2,113	1,803	1,937
Replacement Bins - Damaged	4,438	4,336	4,321
Replacement Bins - Stolen	709	774	628

A detailed breakdown of new/replacement bins by bin type was not available at the time this response was finalised.

For 2017/18 the average direct cost to council per household for the provision of the 3 bin kerbside waste service (incorporating all collection and disposal costs and bin supply) was approximately \$142.

Cessation to development approvals that are not consistent with the City of Marion DPA

Elected Member: Councillor Bruce Hull

Report Reference: GC190129Q02

Question:

“Given that it has been nearly 4 long years since I attempted to move the below Notice of Motion (Appendix 1 to the minutes), only to be told it was ultra vires. Is there any way that Council can bring about a cessation to development approvals that are not consistent with the City of Marion DPA that is before Minister Knoll for approval?”

Supporting Information: Included as Appendix 1 (to the minutes)

Response Received From: Acting Manager Development and Regulatory Services - Stephen Zillante

Staff Comments:

Section 33 of the Development Act 1993 outlines the matters against which a development must be assessed. Subsection (1)(a) states that a development is an approved development if, and only if, a relevant authority has assessed the development against, and granted a consent in respect of the provisions of the appropriate Development Plan.

The Act requires that development applications be assessed against the Development Plan content which exists at the time an application is lodged. This means the delegate must only have regard to the Development Plan content that exists on the day of lodgement of the application and cannot consider

potential/future changes in the assessment of the application.

The Housing Diversity DPA is currently being reviewed by the Minister for Planning. On 20th December 2018 Council was advised by the Department of Planning Transport and Infrastructure that the DPA is progressing “through the ranks and is under active consideration.” It is however not yet known if, or when the DPA (and what elements) will be gazetted.

Typically, Development Plan content is not changed until the completion of a DevelopmentPlan Amendment process and the gazettal of final Ministerial approval for the DPA.

MOTIONS WITHOUT NOTICE

Nil

QUESTIONS WITHOUT NOTICE

Nil

OTHER BUSINESS

Nil

MEETING CLOSURE

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

MEETING CLOSURE - Meeting Declared Closed at 9.33pm

CONFIRMED THIS 12 FEBRUARY 2019

.....

CHAIRPERSON

City of Marion Minutes of the General Council Meeting held on 29 January 2019

Appendix 1

From: Bruce Hull/CoM
To: Mark Searle/CoM@city of marion,
Cc: Kris Hanna/CoM@city of marion
Date: 17/02/2015 03:00 PM
Subject: Fwd to Kate & Jaimie / Notice of Motion

Dear Mark,

Find following a Notice of Motion for the next Council Meeting:-

"That given the fact that the Residential Density DPA was overlooked by Council for submission to the Minister. I move that an embargo comes into effect immediately for all development applications proposing 1 lot into 2 or greater in all areas of the city where the DPA would be applicable. That this embargo should only be revisited once the Minister for Planning has finally dealt with the Residential Density DPA".

Rational:-

As a consequence of the Council not to refer this DPA for Ministerial assessment and approval, the Minister will now NOT be dealing with this DPA in the next few years, I think it is imperative that immediate action be taken. In recent times I have had many representations from residents very concerned about the potential for a gross change to the character and charm of their streets due to overdeveloping (ie 1 lot into 3 or even 4) that often leads to overshadowing, loss of privacy and compromised traffic management, car parking and streetscaping. Unfortunately I have unwittingly misled these residents to believe that the Residential Density DPA would be the mechanism to resolve their concerns. Immense irreversible damage will be done to many streets unless this embargo is issued, the embargo should only be revisited once the Minister for Planning has finally dealt with the Residential Density DPA.

Bruce Hull
Warracowie Ward Councillor | City of Marion

P 08 7420 6484 | M 0401 765 821
E bruce.hull@marion.sa.gov.au | W www.marion.sa.gov.au

139 Diagonal Road Warradale SA 5046

COMMUNICATIONS**ADJOURNED ITEMS****DEPUTATIONS****South Adelaide Basketball Club**

Originating Officer	Governance Officer - Victoria Moritz
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Vincent Mifsud
Report Reference:	GC190212D01

SPEAKER:

Mr Bill Yeo

ORGANISATION:

South Adelaide Basketball Club

COMMENTS:

Bill Yeo, President of the South Adelaide Basketball club has requested to give a five minute deputation to Council.

Mitchell Park Football Club

Originating Officer	Governance Officer - Belinda Murch
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Vincent Mifsud
Report Reference:	GC190212DO2

SPEAKER:

Mr Adam Hay

ORGANISATION:

Mitchell Park Football Club

Comments

Mr Adam Hay, President of the Mitchell Park Football Club has requested to give a five minute deputation to Council in relation to the Mitchell Park Sports and Community Club.

Mitchell Park Sports & Community Club

Originating Officer	Governance Officer - Belinda Murch
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Vincent Mifsud
Report Reference:	GC190212D03

SPEAKER:

Mr John Gumley

ORGANISATION:

The Mitchell Park Sports & Community Club

COMMENTS:

Mr John Gumley, President of the Mitchell Park Sports & Community Club has requested to give a five minute deputation to Council in relation to the Mitchell Park Sports and Community Club.

Dover Gardens Kennel and Obedience Club

Originating Officer	Governance Officer - Belinda Murch
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Vincent Mifsud
Report Reference:	GC190212D04

SPEAKER:

Mr John Turner

ORGANISATION:

The Dover Gardens Kennel and Obedience Club

COMMENTS:

Mr John Turner, of the Dover Gardens Kennel and Obedience Club has requested to give a five minute deputation to Council in relation to the Mitchell Park Sports and Community Club.

PETITIONS**COMMITTEE RECOMMENDATIONS****CONFIDENTIAL ITEMS****Cover Report - Mitchell Park Sports and Community Club Redevelopment - Redevelopment Options**

Originating Officer	Manager City Activation - Greg Salmon
Corporate Manager	Manager City Activation - Greg Salmon
General Manager	General Manager City Development - Abby Dickson
Report Reference	GC190212F01

RECOMMENDATION

That pursuant to Section 90(2) 3(b)(i) and (ii) of the *Local Government Act 1999*, the Council orders that all persons present, with the exception of the following persons: Adrian Skull, Abby Dickson, Tony Lines, Vincent Mifsud, Kate McKenzie, Greg Salmon, Birgit Stroeher, and Victoria Moritz, be excluded from the meeting as the Council receives and considers information relating to the report *Mitchell Park Sports and Community Club Redevelopment - Scoping Options*, 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 relating to matters pertaining to commercial operations of a confidential nature, the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information and could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or prejudice the commercial position of the council.

Mitchell Park Sports and Community Club Redevelopment - Redevelopment Options

CONFIDENTIAL

Reason For Passing This Resolution:

Local Government Act (SA) 1999 S 90 (2) 3(b) (i) and (ii): information the disclosure of which (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and (ii) would, on balance, be contrary to the public interest.

CORPORATE REPORTS FOR DECISION

Local Government Association Ordinary General Meeting 2019

Originating Officer	Governance Officer - Victoria Moritz
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Vincent Mifsud
Report Reference	GC190212R01

REPORT OBJECTIVE

The purpose of this report is to consider any proposed items of business for forwarding to the Local Government Association (LGA) for consideration at the Local Government Ordinary General Meeting 2019 and to nominate a voting delegate.

EXECUTIVE SUMMARY

Elected Members were asked to forward proposed items of business to Administration by 30 January 2019 for further consideration at the 12 February 2019 General Council Meeting. The LGA General Meeting will be held on Friday 12 April 2019 at the Adelaide Convention Centre.

RECOMMENDATION

That:

- 1. Council notes the report '*Local Government Association Ordinary General Meeting 2019*'.**
- 2. The nominated Council Voting Delegate for this meeting is XXX and that the Proxy Delegate for this meeting is XXX**
- 3. Council submits the following proposed item/s of business to the LGA by 5pm Friday 22 February 2019 for consideration at the 2019 LGA Ordinary General Meeting:**
-
- 4. On submitting items of business to the LGA, the Chief Executive Officer be authorised to amend the wording (without changing the meaning or purpose of the motion) if required.**

DISCUSSION

Submission of Proposed Item of Business

Member Councils have been invited by the LGA to propose an item of business for the OGM for consideration by SAROC, GAROC, or the LGA Board of Directors.

It is at the discretion of councils whether to refer an item to their relevant Regional Organisation of Councils (SAROC or GAROC) or the Board of Directors. Proposals may only be submitted to the relevant ROC of which council is a member, or the Board of Directors.

All items must be approved at the discretion of the appropriate body before being brought to a General Meeting. Proposals should be accompanied by sufficient supporting information, set out on the required form and reference the LGA Strategic Plan identifying the Key Initiative and Strategy Reference.

Proposed items of business must be received by the LGA no later than 5.00pm Friday 22 February 2019 and set out on the required form attached as **Appendix 1**.

In response to a request for suggested items of business, there has been no items received from Council Members for consideration.

Voting Delegates

At the City of Marion, historically the Mayor has been the Voting Delegate and Deputy Mayor has been Proxy unless they have been unable to attend the meeting. Pursuant to Rule 36 of the LGA Constitution only persons who are Council Members are eligible to be a Voting Delegate, therefore all Elected Members are eligible to be the Voting Delegate or Proxy.

The Constitution provides that the appointment of a delegate may be a standing appointment unless contrary advice is provided. This means that unless contrary advice is provided to the LGA, the nominated voting delegate for a member council is the same as the person who was their voting delegate for the Annual General Meeting (AGM) (of 26 October 2018).

At the General Council Meeting on 24 July 2018 Council resolved the delegate for the LGA AGM as follows:

The nominated Council Voting Delegate for this meeting is Mayor Hanna and that the Proxy Delegate for this meeting is Deputy Mayor Byram.

As a result of the Local Government Elections, Council will need to appoint new voting delegates by submitting the appropriate form *LGA - General Meetings - Appointment of Council Delegate Form* to the LGA by close of business Friday 29 March 2019.

In summary, all proposed Items of Business for consideration at the LGA General Meeting to be held on Friday 12 April are due to the LGA on the appropriate template no later than Friday 22 February 2019. The LGA will also be advised the changes to the nominated voting delegate and proxy delegate by Friday 29 March 2019.

Attachment

#	Attachment	Type
1	Appendix 1 - LGA General Meeting - Proposed Item of Business form	PDF File

LGA General Meeting – Proposed Item of Business

The purpose of this form is to request consideration by SAROC, GAROC or the Board of Directors of an item of business to be included on the agenda of an LGA General Meeting.

Council Name	
The body the item is being referred to <i>Proposals may only be submitted to the ROC of which council is a member, or the Board of Directors.</i>	Board of Directors SAROC GAROC
Subject of the proposed item of business	
Proposed motion for the General Meeting	That the Ordinary General Meeting...
Supporting information <i>Provide a summary of the issue(s), relevant background information, description of the impact on the sector and evidence that this is an item of strategic importance to local government.</i>	
LGA Policy Manual <i>Does this item require a change to the LGA Policy Manual (new policy or amendment to existing policy)?</i>	(please click here to view the LGA Policy Manual)
LGA Strategic Plan reference	(please click here to view the plan and identify the Key Initiative and Strategy reference)
Council Contact Officer submitting form	Name: Date submitted:
Council Meeting minute reference and date of meeting	

To be considered for inclusion on the agenda for the 2019 Ordinary General Meeting, please return Word version of completed form to lgasa@lga.sa.gov.au by **COB Friday 22 February 2019**

Update to the Schedule of Delegations: Liquor Licensing Act 1997 and South Australian Public Health Act 2011, Regulations 2015 and Regulations 2013

Originating Officer	Governance Officer - Victoria Moritz
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Vincent Mifsud
Report Reference	GC190212R02

REPORT OBJECTIVE

This report provides details of changes to the delegations under the Liquor Licensing Act 1997 and the South Australian Public Health Act 2011, Regulations 2015 and Regulations 2013 to ensure that Council is compliant with the relevant legislation and provides for effective, efficient and appropriate decision making by Council officers.

EXECUTIVE SUMMARY

In accordance with Section 44(6) of the *Local Government Act 1999* Council must have a separate record of all delegations and this should be reviewed every financial year. The last full review of the schedule of delegations was completed in June 2018 (Report Reference: GC180626R11).

There was a subsequent review of the delegations under the Development Act 1993 and the Road Traffic Act 1961 in September 2018 due to changes in the delegations (Report Reference: GC180911R11).

Updates to the delegation templates for the Liquor Licensing Act 1997 and the South Australian Public Health Act 2011 are now recommended due to legislative amendments and changes to the Local Government Association templates.

RECOMMENDATION

That Council:

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

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

- South Australian Public Health Act 2011, Regulations 2015 and Regulations 2013**
- Liquor Licensing Act 1997**

2. Delegations made under the South Australian Public Health Act 2011, Regulations 2015 and Regulations 2013:

- 2.1. In exercise of the powers contained in Section 44 of the Local Government Act the following powers, functions and duties under the South Australian Health Act 2011, South Australian Public Health (Legionella) Regulations 2013 and the South Australian Public Health (Wastewater) Regulations 2013 contained in the proposed Instrument of Delegation contained in Appendix 2 are hereby delegated this 12th day of February 2019 to the person occupying the office of Chief Executive Officer of the Council subject to the conditions and or limitations specified herein or in the**

Schedule of Conditions in each such proposed Instrument of Delegation.

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 .

3. Delegations made under the Liquor Licensing Act 1997:

3.1. In exercise of the powers contained in Section 44 of the Local Government Act the following powers, functions and duties under the Liquor Licensing Act 1997 contained in the proposed Instrument of Delegation contained in Appendix 3 are hereby delegated this 12th day of February 2019 to the person occupying the office of Chief Executive Officer of the Council subject to the conditions and or limitations specified herein or in the Schedule of Conditions in each such proposed Instrument of Delegation.

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.

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 to 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

Delegations have been added for new powers under the Liquor Licensing Act 1997 for councils to prohibit the consumption or possession or both of liquor in a public place(s) for a period not exceeding 48 hours.

Various amendments have been made to the delegations under the South Australian Public Health Act 2011 to accommodate the new South Australian Public Health (Fees) Regulations 2018.

A summary of the changes is outlined in Appendix 1 for your information. Any changes which relate to powers, functions or duties (or part thereof) are marked-up in the appendix of the related Instrument of Delegation.

Attached to this report are the South Australian Public Health Act 2011 (Appendix 2) and Liquor Licensing Act 1997 (Appendix 3) 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.

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.

Attachment

#	Attachment	Type
1	Appendix 1 - Summary Table of Updates	PDF File
2	Appendix 2 - SA Public Health Act 2011, Regs 2015 and Regs 2013	PDF File
3	Appendix 3 - Liquor Licencing Act 1997 marked-up	PDF File

Appendix 1

Act	Para number in instrument which contain changes	Section number of Act/ Regulation	Whether change is Addition/ Amendment/ Deletion
Liquor Licensing Act 1997	6.1	131(1ab)	Addition
	6.2	131(1ad)	Addition
	6.3	131(1c)	Addition
South Australian Public Health Act 2011, South Australian Public Health (Legionella) Regulations 2013, South Australian Public Health (Wastewater) Regulations 2013, South Australian Public Health (General) Regulations 2013 and South Australian Public Health (Fees) Regulations 2018	18.1	Reg 5(3)	Amendment
	18.2	Reg 5(6)	Amendment
	21.2	Reg 21(4)	Deletion
	21.3	Reg 21(5)	Deletion
	24.5	Reg 9(7)	Amendment
	29.3	Reg 25(6)	Amendment
	30.1	Reg 26(2)	Amendment
	33	Reg 33	Deletion
	35.1	Clause 2(1), Schedule 1	Addition
	35.2	Clause 2(2), Schedule 1	Addition

**INSTRUMENT OF DELEGATION UNDER THE
SOUTH AUSTRALIAN PUBLIC HEALTH ACT 2011 & SOUTH AUSTRALIAN PUBLIC HEALTH (LEGIONELLA)
REGULATIONS 2013 & SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013**

**INSTRUMENT OF DELEGATION UNDER THE SOUTH AUSTRALIAN PUBLIC
HEALTH ACT 2011 AND SOUTH AUSTRALIAN PUBLIC HEALTH (LEGIONELLA)
REGULATIONS 2013 AND SOUTH AUSTRALIAN PUBLIC HEALTH
(WASTEWATER) REGULATIONS 2013**

1. In exercise of the powers contained in Section 44 of the Local Government Act the following powers, functions and duties under the South Australian Health Act 2011, South Australian Public Health (Legionella) Regulations 2013 and the South Australian Public Health (Wastewater) Regulations 2013 are hereby delegated this 10th day of November 2015 to the person occupying the office of Chief Executive Officer of the Council and the said powers, functions and duties may be sub-delegated by the delegate to any other officer of the Council.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

	DELEGATE TO CEO	Sub- delegations
1. Power to Require Reports		
1.1 The power pursuant to Section 18(2) of the South Australian Public Health Act 2011 (the Act) to, if required by the Minister, provide a report on any matter relevant to the administration or operation of the Act.	Y	
1.2 The power pursuant to Section 18(3) of the Act to, if required by the Minister, in a case involving the Council provide a combined report with 1 or more other councils.	Y	
1.3 The power pursuant to Section 18(5) of the Act to provide the report in accordance with the requirements of the Minister.	Y	
2. Risk of Avoidable Mortality or Morbidity		
2.1 The power pursuant to Section 22(2) of the Act, if the Council receives a request under Section 22(1) of the Act, to consider the request and then respond in accordance with Section 22(3) of the Act to the Chief Public Health Officer within a reasonable time.	Y	
2.2 The power pursuant to Section 22(3) of the Act to include in a response under Section 22(2) of the Act details about:		

**INSTRUMENT OF DELEGATION UNDER THE SOUTH
AUSTRALIAN PUBLIC HEALTH ACT 2011 AND SOUTH
AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013 AND
SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013**

2.2.1	any steps already being taken by the Council that may be relevant in the circumstances; and	Y	
2.2.2	any plans that the Council may have that may be relevant in the circumstances; and	Y	
2.3	any steps that the Council is willing to take in the circumstances; and	Y	
2.4	any other matter relating to the Council that appears to be relevant.	Y	
3.	Cooperation Between Councils		
3.1	The power pursuant to Section 39(1) of the Act to, in performing the Council's functions or exercising the Council's powers under the Act, act in conjunction or partnership with, or cooperate or coordinate the Council's activities with, 1 or more other councils	Y	
3.2	The power pursuant to Section 39(2) of the Act to, if requested by the Chief Public Health Officer, cooperate with 1 or more other councils.	Y	
3.3	The power pursuant to Section 39(3) of the Act to, if the Council receives a request under Section 39(2) of the Act, within 28 days after receiving the request or such longer period as the Chief Public Health Officer may specify, furnish the Chief Public Health Officer with a written report on the action that the Council intends to take in response to the request.	Y	
4.	Power of Chief Public Health Officer to Act		
4.1	The power pursuant to Section 40(2) of the Act to consult with the Chief Public Health Officer.	Y	
5.	Council Failing to Perform a Function Under Act		
5.1	The power pursuant to Section 41(1) of the Act to consult with the Minister in relation to the Minister's opinion that the Council has failed, in whole or in part, to perform a function conferred on the Council under the Act.	Y	

**INSTRUMENT OF DELEGATION UNDER THE SOUTH
AUSTRALIAN PUBLIC HEALTH ACT 2011 AND SOUTH
AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013 AND
SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013**

5.2	The power pursuant to Section 41(6) of the Act to:		
5.2.1	make written submissions to the Minister in relation to the matter within a period specified by the Minister; and	Y	
5.2.2	request in the written submissions to the Minister that the Minister discuss the matter with a delegation representing the Council; and	Y	
5.2.3	appoint a delegation representing the Council to discuss the matter with the Minister.	Y	
6.	Transfer of Function of Council at Request of Council		
6.1	The power pursuant to Section 42(1) of the Act to request, in accordance with Section 42(2), of the Act that a function of the Council under the Act be performed by the Chief Public Health Officer.	Y	
6.2	The power pursuant to Section 42(10) of the Act to enter into an agreement with the Minister for the Minister to recover costs and expenses associated with the Chief Public Health Officer acting under Section 42 of the Act.	Y	
6.3	The power pursuant to Section 42(11) of the Act to request that the Minister vary or revoke a notice under Section 42 of the Act.	Y	
6.4	The power pursuant to Section 42(11) of the Act to consult with the Minister in relation to the Minister varying or revoking a notice under Section 42 of the Act.	Y	
7.	Local Authorised Officers		
7.1	The power pursuant to Section 44(1) of the Act, subject to Section 45 of the Act, to, by instrument in writing, appoint a suitably qualified person to be a local authorised officer.	Y	
7.2	The power pursuant to Section 44(2) of the Act to make an appointment under Section 44	Y	

**INSTRUMENT OF DELEGATION UNDER THE SOUTH
AUSTRALIAN PUBLIC HEALTH ACT 2011 AND SOUTH
AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013 AND
SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013**

	subject to such conditions or limitations as the Delegate thinks fit.		
7.3	The power pursuant to Section 44(4) of the Act to direct a local authorised officer.	Y	
7.4	The power pursuant to Section 44(6) of the Act to vary or revoke an appointment at any time.	Y	
7.5	The power pursuant to Section 44(7) of the Act to notify the Chief Public Health Officer in accordance with Section 44(8) of the Act, if the Council or the Delegate:		
7.5.1	makes an appointment under Section 44 of the Act; or	Y	
7.5.2	revokes an appointment under Section 44 of the Act.	Y	
7.6	The power pursuant to Section 44(9) of the Act to determine the number of local authorised officers who should be appointed for the Council's area and in determining the number of local authorised officers who should be appointed for the Council's area, take into account any policy developed by the Chief Public Health Officer for the purposes of Section 44 of the Act.	Y	
8.	Identity Cards		
8.1	The power pursuant to Section 46(1) of the Act to issue in accordance with Section 46(2) of the Act to an authorised officer appointed under the Act an identity card in a form approved by the Chief Public Health Officer:	Y	
8.1.1	containing the person's name and a photograph of the person; and	Y	
8.1.2	stating that the person is an authorised officer for the purposes of the Act; and	Y	
8.1.3	setting out the name or office of the issuing authority.	Y	
9.	Specific Power to Require Information		

**INSTRUMENT OF DELEGATION UNDER THE SOUTH
AUSTRALIAN PUBLIC HEALTH ACT 2011 AND SOUTH
AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013 AND
SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013**

9.1	The power pursuant to Section 49(1) of the Act to require a person to furnish such information relating to public health as may be reasonably required for the purposes of the Act.	Y	
10.	Regional Public Health Plans		
10.1	The power pursuant to Section 51(1) of the Act to in accordance with Sections 51(2), (5), (6), (8), (9), (11), (12), (13) and (15) of the Act prepare and maintain a plan or, if the Minister so determines or approves, with a group of councils, prepare and maintain a plan, for the purposes of the operations of the Council or Councils under the Act (a regional public health plan).	Y	
10.2	The power pursuant to Section 51(10) of the Act, to, subject to Section 51(11), amend a regional public health plan at any time.	Y	
10.3	The power pursuant to Section 51(11) of the Act to, in relation to any proposal to create or amend a regional public health plan:		
10.3.1	prepare a draft of the proposal; and	Y	
10.3.2	when the draft plan is completed, subject to Section 51(12) of the Act:	Y	
10.3.2.1	give a copy of it to:	Y	
(a)	the Minister; and	Y	
(b)	any incorporated hospital established under the <i>Health Care Act 2008</i> that operates a facility within the region; and	Y	
(c)	any relevant public health partner authority under Section 51(23); and	Y	
(d)	any other body or group prescribed by	Y	

**INSTRUMENT OF DELEGATION UNDER THE SOUTH
AUSTRALIAN PUBLIC HEALTH ACT 2011 AND SOUTH
AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013 AND
SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013**

	the regulations; and		
	10.3.2.2 take steps to consult with the public.	Y	
10.4	The power pursuant to Section 51(12) of the Act to, if required by the Minister, consult with the Minister, or any other person or body specified by the Minister, before the Council or the Delegate releases a draft plan under Section 51(11).	Y	
10.5	The power pursuant to Section 51(13) of the Act to, before bringing a regional public health plan into operation, submit the plan to the Chief Public Health Officer for consultation.	Y	
10.6	The power pursuant to Section 51(15) of the Act to take into account any comments made by the Chief Public Health Officer, SAPHC, and any other body within the ambit of a determination under Section 51(14) of the Act, at the conclusion of the consultation processes envisaged by Sections 51(13) and (14).	Y	
10.7	The power pursuant to Section 51(16) of the Act to then adopt a plan or amend a plan with or without alteration.	Y	
10.8	The power pursuant to Section 51(17) of the Act to undertake the processes set out in Section 51 of the Act in conjunction with the preparation and adoption of its strategic management plans under Section 122 of the <i>Local Government Act 1999</i> (and the power if the delegate thinks fit, incorporate a regional public health plan into the Council's strategic management plans under that Act).	Y	
10.9	The power pursuant to Section 51(18) of the Act to provide in a regional public health plan, by agreement with the public health partner authority, for a public health partner authority to take responsibility for undertaking any strategy, or for attaining any priority or goal, under the plan.	Y	
10.10	The power pursuant to Section 51(19) of the Act to review a regional public health plan at least	Y	

**INSTRUMENT OF DELEGATION UNDER THE SOUTH
AUSTRALIAN PUBLIC HEALTH ACT 2011 AND SOUTH
AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013 AND
SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013**

once in every 5 years.		
10.11 The power pursuant to Section 51(20) of the Act to, in preparing and reviewing the Council's regional public health plan insofar as is reasonably practicable, give due consideration to the plans of other councils insofar as this may be relevant to issues or activities under the Council's plan.	Y	
10.12 The power pursuant to Section 51(21) of the Act to, when performing functions or exercising powers under the Act or any other Act, insofar as may be relevant and reasonable, have regard to the State Public Health Plan, any regional public health plan that applies within the relevant area and any other requirement of the Minister, and in particular to give consideration to the question whether the Council or the Delegate should implement changes to the manner in which, or the means by which, the Council or the Delegate performs a function or exercises a power or undertakes any other activity that has been identified in the State Public Health Plan as requiring change.	Y	
11. Reporting on Regional Public Health Plans		
11.1 The power pursuant to Section 52(1) of the Act to, in relation to a regional health plan for which the Council is responsible, on a 2 yearly basis, prepare a report that contains a comprehensive assessment of the extent to which, during the reporting period, the Council has succeeded in implementing its regional public health plan to the Chief Public Health Officer in accordance with Sections 52(2), (3) and (4) of the Act.	Y	
12. Action to Prevent Spread of Infection		
12.1 The power pursuant to Section 66(6) of the Act to recover as a debt costs and expenses reasonably incurred in exercising powers under Section 66(5) of the Act from the person who failed to take the required action.	Y	
12.2 The power pursuant to Section 66(9) of the Act to, if the Chief Public Health Officer informs the Council of the occurrence of a disease	Y	

**INSTRUMENT OF DELEGATION UNDER THE SOUTH
AUSTRALIAN PUBLIC HEALTH ACT 2011 AND SOUTH
AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013 AND
SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013**

constituting a notifiable condition, take such action as is reasonably open to the Delegate to assist in preventing the spread of the disease.		
13. Notices		
13.1 The power pursuant to Section 92(1) of the Act and subject to Sections 92(2), (3), (4), (5) and (12) of the Act to issue a notice for the purpose of:		
13.1.1 securing compliance with a requirement imposed by or under the Act (including the duty under Part 6 or a requirement imposed under a regulation or a code of practice under the Act); or	Y	
13.1.2 averting, eliminating or minimising a risk, or a perceived risk, to public health.	Y	
13.2 The power pursuant to Section 92(2) of the Act and subject to Section 92(12) of the Act, to, before issuing a notice to secure compliance with the general duty under Part 6 of the Act:		
13.2.1 have regard to:		
13.2.1.1 the number of people affected, or potentially affected, by the breach of the duty;	Y	
13.2.1.2 the degree of harm, or potential degree of harm, to public health on account of the breach of the duty;	Y	
13.2.1.3 any steps that a person in breach of the duty has taken, or proposed to take, to avoid or address the impact of the breach of the duty,	Y	
and such other matters as the Delegate thinks fit; and	Y	

**INSTRUMENT OF DELEGATION UNDER THE SOUTH
AUSTRALIAN PUBLIC HEALTH ACT 2011 AND SOUTH
AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013 AND
SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013**

13.2.2	subject to Section 92 of the Act, give the person to whom it is proposed that the notice be given a preliminary notice in writing:		
13.2.2.1	stating the proposed action, including the terms of the proposed notice and the period within which compliance with the notice will be required; and	Y	
13.2.2.2	stating the reasons for the proposed action; and	Y	
13.2.2.3	inviting the person show, within a specified time (of a reasonable period), why the proposed action should not be taken (by making representations to the Delegate or a person nominated to act on behalf of the Council).	Y	
13.3	The power pursuant to Section 92(2)(b)(iii) of the Act to nominate a person to act on behalf of the Council.	Y	
13.4	The power pursuant to Section 92(3) of the Act to, in a case where Section 92(2)(b) of the Act applies, after considering representations made within the time specified under Section 92(2)(b) of the Act:		
13.4.1	issue a notice in accordance with the terms of the original proposal; or	Y	
13.4.2	issue a notice with modifications from the terms of the original proposal; or	Y	
13.4.3	determine not to proceed further under Section 92.	Y	
13.5	The power pursuant to Section 92(4) of the Act to:		
13.5.1	not give notice under Section 92(2)(b) of the Act if the Delegate considers that	Y	

**INSTRUMENT OF DELEGATION UNDER THE SOUTH
AUSTRALIAN PUBLIC HEALTH ACT 2011 AND SOUTH
AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013 AND
SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013**

	urgent or immediate action is required in the circumstances of the particular case; and		
13.5.2	not give further notice before issuing a notice with modifications under Section 92(3)(b) of the Act.	Y	
13.6	The power pursuant to Section 92(5) of the Act issue a notice under Section 92 of the Act:		
13.6.1	in the form of a written notice served on the person to whom it is issued; and	Y	
13.6.2	specifying the person to whom it is issued (whether by name or by a description sufficient to identify the person); and	Y	
13.6.3	directing 2 or more persons to do something specified in the notice jointly; and	Y	
13.6.4	without limiting any other provision, in the case of a notice that relates to the condition of any premises, to any person who:		
13.6.4.1	is the owner or occupier of the premises; or	Y	
13.6.4.2	has the management or control of the premises; or	Y	
13.6.4.3	is the trustee of a person referred to in Section 92(5)(i) or (ii) of the Act or is managing the affairs of such a person on some other basis; and	Y	
13.6.5	stating the purpose for which the notice is issued and giving notice of the requirement or the risk to which it relates; and	Y	
13.6.6	imposing any requirement reasonably required for the purpose for which the notice is issued including 1 or more of	Y	

**INSTRUMENT OF DELEGATION UNDER THE SOUTH
AUSTRALIAN PUBLIC HEALTH ACT 2011 AND SOUTH
AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013 AND
SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013**

the following:			
13.6.6.1	a requirement that the person discontinue, or not commence, a specified activity indefinitely or for a specified period or until further notice from a relevant authority;	Y	
13.6.6.2	a requirement that the person not carry on a specified activity except at specified times or subject to specified conditions;	Y	
13.6.6.3	a requirement that the person take specified action in a specified way, and within a specified period or at specified times or in specified circumstances;	Y	
13.6.6.4	a requirement that the person take action to prevent, eliminate, minimise or control any specified risk to public health, or to control any specified activity;	Y	
13.6.6.5	a requirement that the person comply with any specified code or standard prepared or published by a body or authority referred to in the notice;	Y	
13.6.6.6	a requirement that the person undertake specified tests or monitoring;	Y	
13.6.6.7	a requirement that the person furnish to a relevant authority specified results or reports;	Y	
13.6.6.8	a requirement that the person prepare, in accordance with specified	Y	

**INSTRUMENT OF DELEGATION UNDER THE SOUTH
AUSTRALIAN PUBLIC HEALTH ACT 2011 AND SOUTH
AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013 AND
SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013**

	requirements and to the satisfaction of the relevant authority, a plan of action to secure compliance with a relevant requirement or to prevent, eliminate, minimise or control any specified risk to public health;		
	13.6.6.9 a requirement prescribed under or for the purposes of the regulations; and	Y	
	13.6.7 stating that the person may, within 14 days, apply for a review of the notice or institute an appeal against the notice under the provisions of the Act.	Y	
13.7	The power pursuant to Section 92(9) of the Act by written notice served on a person to whom a notice under Section 92 of the Act has been issued by the Delegate or the Council, vary or revoke the notice.	Y	
13.8	The power pursuant to Section 92(15) of the Act to, not comply with any other procedure, or hear from any other person, except as provided by Section 92 of the Act before the Delegate issues a notice under Section 92 of the Act.	Y	
14. Action on Non-compliance with Notice			
14.1	The power pursuant to Section 93(1) of the Act if the requirements of a notice under Part 12 of the Act are not complied with, to take any action required by the notice.	Y	
14.2	The power pursuant to Section 93(2) of the Act to authorise a person for the purpose of taking action on the Council's behalf under Section 93(1) of the Act.	Y	
14.3	The power pursuant to Section 93(4) of the Act to recover the reasonable costs and expenses incurred by the Council in taking action under Section 93 of the Act as a debt from the person who failed to comply with the requirements of the notice.	Y	

**INSTRUMENT OF DELEGATION UNDER THE SOUTH
AUSTRALIAN PUBLIC HEALTH ACT 2011 AND SOUTH
AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013 AND
SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013**

14.4	The power pursuant to Section 93(5) of the Act, if an amount is recoverable from a person by the Council under Section 93, 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.	Y	
15.	Action in Emergency Situations		
15.1	The power pursuant to Section 94(5) of the Act to recover the reasonable costs and expenses incurred by a local authorised officer in taking action under Section 94 from any person who caused the risk to which the action relates, as a debt.	Y	
16.	Reviews – Notices Relating to General Duty		
16.1	The power pursuant to Section 95(13) of the Act to appear in proceedings before the Review Panel as a representative of the Council.	Y	
16.2	The power pursuant to Section 95(15) of the Act to make an application to the Review Panel to:		
16.2.1	dismiss or determine any proceedings that appear:		
16.2.1.1	to be frivolous or vexatious; or	Y	
16.2.1.2	to have been instituted for the purpose of delay or obstruction, or for some other improper purpose;	Y	
16.2.2	bring any proceedings to an end that appear:		
16.2.2.1	to be more appropriate suited to proceedings before the District Court rather than the Review Panel; or	Y	
16.2.2.2	to be unable to be satisfactorily resolved (or resolved within a reasonable period) by proceedings	Y	

**INSTRUMENT OF DELEGATION UNDER THE SOUTH
AUSTRALIAN PUBLIC HEALTH ACT 2011 AND SOUTH
AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013 AND
SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013**

	before the Review Panel; or		
16.2.3	bring any proceedings to an end for any other reasonable cause.	Y	
17. Appeals			
17.1	The power pursuant to Section 96(3) of the Act and subject to Section 96(4) of the Act, appeal to the District Court against the outcome of review proceedings under Division 3, Part 12 of the Act.	Y	

**SOUTH AUSTRALIAN PUBLIC HEALTH
(LEGIONELLA) REGULATIONS 2013**

		DELEGATE TO CEO	Sub- delegations
18. Duty to Register High Risk Manufactured Water System			
18.1	The power pursuant to Regulation 5(3) of the South Australian Public Health (Legionella) Regulations 2013 (the Legionella Regulations) to, on application made in a manner and form approved by the Council or Delegate and payment of the prescribed fee registration fee specified in Schedule 1 to the Council, register the high risk manufactured water system to which the application relates.	Y	
18.2	The power pursuant to Regulation 5(6) of the Legionella Regulations, to, on application made in a manner and form approved by the Council or Delegate and payment of the renewal fee specified in Schedule 1 prescribed fee to the Council, renew the registration of the high risk manufactured water system to which the application relates.	Y	
19. Register of High Risk Manufactured Water Systems			
19.1	The power pursuant to Regulation 6(2) of the Legionella Regulations and subject to Regulation 6(3) of the Legionella Regulations to	Y	

**INSTRUMENT OF DELEGATION UNDER THE SOUTH
AUSTRALIAN PUBLIC HEALTH ACT 2011 AND SOUTH
AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013 AND
SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013**

	determine the manner and form of a register of high risk manufactured water systems registered by the Council.		
19.2	The power pursuant to Regulation 6(3) of the Legionella Regulations to include in relation to each high risk manufactured water system on the register:		
19.2.1	the type of water system; and	Y	
19.2.2	the address of the premises on which the water system is installed; and	Y	
19.2.3	the location of the water system on the premises; and	Y	
19.2.4	the full name and residential and business addresses of the owner of the premises; and	Y	
19.2.5	the full name, residential and business addresses, and residential and business telephone numbers, of the person nominated by the owner of the premises as being responsible for the operation and maintenance of the water system,	Y	
	and such other information as the Delegate thinks fit.	Y	
19.3	The power pursuant to Regulation 15(2) of the Legionella Regulations to, at least once in every 12 months, give the owner of each of the premises on which a high risk manufactured water system registered with the Council is installed, written notice:	Y	
19.3.1	requiring the owner, within the period specified in the notice:		
19.3.1.1	to cause an inspection of the water system to be carried out by a competent person (not being the owner or person responsible for the operation and maintenance	Y	

**INSTRUMENT OF DELEGATION UNDER THE SOUTH
AUSTRALIAN PUBLIC HEALTH ACT 2011 AND SOUTH
AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013 AND
SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013**

	of the system); and		
19.3.1.2	to arrange for a NATA accredited laboratory to conduct microbiological testing, in accordance with AS/NZS 3896:	Y	
	(a) of at least 1 sample of water taken from a cooling water system; and	Y	
	(b) of at least 2 samples of water taken from a warm water system,		
	to determine the presence and number of colony forming units of Legionella in the water; and	Y	
19.4	requiring the owner to submit to the Council written reports setting out the findings of the inspection and the results of the microbiological testing within 1 month of receiving the reports.	Y	
20.	Power of Council to Require Microbiological Testing in Other Circumstances		
20.1	The power pursuant to Regulation 16(1) of the Legionella Regulations, if:		
20.1.1	the Council is investigating the occurrence of Legionellosis in the near vicinity of premises on which a high risk manufactured water system is installed; or	Y	
20.1.2	the Council or Delegate has reason to believe that a high risk manufactured water system installed on premises situated in its area is not being maintained as required by these regulations,	Y	
	to give the owner of the premises written notice:		

**INSTRUMENT OF DELEGATION UNDER THE SOUTH
AUSTRALIAN PUBLIC HEALTH ACT 2011 AND SOUTH
AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013 AND
SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013**

20.1.3	requiring the owner (either immediately or within a period specified in the notice) to arrange for a NATA accredited laboratory to conduct microbiological testing, in accordance with AS/NZS 3896, of water taken from the system, to determine the presence and number of colony forming units of Legionella in the water; and	Y	
20.1.4	requiring the owner to submit to the Council a written report setting out the results of the microbiological testing within 24 hours of receiving the report.	Y	
21. Fees			
21.1	The power pursuant to Regulation 21(3) of the Legionella Regulations, if a person is liable to pay a fee to the Council, to give the person written notice requiring the person to pay the fee within the period specified in the notice.	Y	
21.2	The power pursuant to Regulation 21(4) of the Legionella Regulations, to reduce or remit a fee payable to the Council under the Legionella Regulations if satisfied that it is appropriate to do so in a particular case. <u>Deliberately left blank.</u>	Y	
21.3	The power pursuant to Regulation 21(5) of the Legionella Regulations, to recover a fee payable to the Council under the Legionella Regulations by action in a court of competent jurisdiction as a debt due to the Council. <u>Deliberately left blank</u>	Y	

**SOUTH AUSTRALIAN PUBLIC HEALTH
(WASTEWATER) REGULATIONS 2013**

	DELEGATE TO CEO	Sub- delegations
22. Relevant Authority		
22.1 The power pursuant to Regulation 6(1)(b) of the South Australian Public Health (Wastewater) Regulations 2013 (the Wastewater	Y	

**INSTRUMENT OF DELEGATION UNDER THE SOUTH
AUSTRALIAN PUBLIC HEALTH ACT 2011 AND SOUTH
AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013 AND
SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013**

<p>Regulations) to, agree to act as the relevant authority for a matter relating to an on-site wastewater system with a capacity that does not, or will not, on completion of wastewater works, exceed 40 EP and that is located or to be located in another council area if the system is to be operated by another council or wastewater works related to the system are to be undertaken by another council, or by a person acting in partnership, or in conjunction with that other council.</p>		
<p>23. Public Notification of Proposed Community Wastewater Management System</p>		
<p>23.1 The power pursuant to Regulation 8(1) of the Wastewater Regulations to, if the Council proposes to establish a community wastewater management system for the whole or part of its area in the interests of public and environmental health, to give notice to the owners of land in the area affected by the proposal containing the prescribed details relating to the proposal and inviting submissions in relation to the proposal within a period (which must be at least 21 days) specified in the notice.</p>	Y	
<p>24. Connection to Community Wastewater Management System</p>		
<p>24.1 The power pursuant to Regulation 9(1) of the Wastewater Regulations and subject to Regulation 9(2) of the Wastewater Regulations on obtaining a wastewater works approval for a community wastewater management system, to, by written notice, require the operator of an on-site wastewater system:</p>		
<p>24.1.1 to connect the system to the community wastewater management system; and</p>	Y	
<p>24.1.2 for that purpose, to complete and submit an application to the Council, within the period specified in the notice, for a wastewater works approval for:</p>		
<p>24.1.2.1 the connection; and</p>	Y	

**INSTRUMENT OF DELEGATION UNDER THE SOUTH
AUSTRALIAN PUBLIC HEALTH ACT 2011 AND SOUTH
AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013 AND
SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013**

24.1.2.2	if necessary, consequential alterations to the on-site wastewater system.	Y	
24.2	The power pursuant to Regulation 9(4) of the Wastewater Regulations, if the operator of an on-site wastewater system does not submit an application within the period specified in a notice under Regulation 9(1) of the Wastewater Regulations, to grant a wastewater works approval for the required wastewater works as if the application had been made.	Y	
24.3	The power pursuant to Regulation 9(6) of the Wastewater Regulations, if wastewater works are not carried out in accordance with a wastewater works approval for the connection of an on-site wastewater system to a community wastewater management system required under Regulation 9 of the Wastewater Regulations, to cause the requirements to be carried out (and a person authorised to do so by the Council may enter land at any reasonable time for the purposes of carrying out the relevant work).	Y	
24.4	The power pursuant to Regulation 9(6) of the Wastewater Regulations to if wastewater works are not carried out in accordance with a wastewater approval for the connection of an on-site wastewater system to a community wastewater management system required under Regulation 9 of the Wastewater Regulations, authorise a person to enter land at any reasonable time for the purpose of carrying out the relevant work.	Y	
24.5	The power pursuant to Regulation 9(7) of the Wastewater Regulations to recover as a debt the costs and expenses reasonably incurred in exercising a power under Regulation 9(6) of the Wastewater Regulations and the <u>prescribed</u> fee that would have been payable had the application been made as required under Regulation 9(1) of the Wastewater Regulations from the person who failed to comply with the notice.	Y	
25.	Exemptions		

**INSTRUMENT OF DELEGATION UNDER THE SOUTH
AUSTRALIAN PUBLIC HEALTH ACT 2011 AND SOUTH
AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013 AND
SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013**

25.1	The power pursuant to Regulation 10(3) of the Wastewater Regulations to give an exemption by written notice and subject to conditions determined by the Delegate and stated in the notice.	Y	
25.2	The power pursuant to Regulation 10(4) of the Wastewater Regulations to vary or revoke an exemption by further written notice to the holder of the exemption.	Y	
26.	Exemptions From Prescribed Codes		
26.1	The power pursuant to Regulation 15(3) of the Wastewater Regulations to give an exemption by written notice and is subject to conditions determined by the Delegate and stated in the notice.	Y	
26.2	The power pursuant to Regulation 15(5) of the Wastewater Regulations to vary or revoke an exemption by further written notice to the holder of the exemption.	Y	
27.	Application		
27.1	The power pursuant to Regulation 23(2) of the Wastewater Regulations to, by written notice, ask the applicant to provide the Council with further technical specifications, information or documents relevant to the application or to modify the technical specifications submitted for approval.	Y	
28.	Determination of Application		
28.1	The power pursuant to Regulation 24(1) of the Wastewater Regulations to refuse to grant a wastewater works approval:		
28.1.1	if the applicant fails to satisfy the Delegate of either or both of the following:		
28.1.1.1	that the technical specifications for the wastewater works comply with the prescribed codes;	Y	

**INSTRUMENT OF DELEGATION UNDER THE SOUTH
AUSTRALIAN PUBLIC HEALTH ACT 2011 AND SOUTH
AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013 AND
SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013**

28.1.1.2	that the wastewater works will not, if undertaken in accordance with the conditions of approval, adversely affect or threaten public or environmental health; or	Y	
28.1.2	for any other sufficient reason.	Y	
28.2	The power pursuant to Regulation 24(2) of the Wastewater Regulations, if an application for a wastewater works approval relates to the connection of a community wastewater management system to SA Water sewerage infrastructure or a significant increase in the amount of wastewater to be discharged from a community wastewater management system to SA Water sewerage infrastructure, to give SA Water a reasonable opportunity to comment on the application and take into account any comments so made.	Y	
29. Conditions of Approval			
29.1	The power pursuant to Regulation 25(2) of the Wastewater Regulations to impose:	Y	
29.1.1	any 1 or more of the following prescribed expiable conditions:		
29.1.1.1	a condition that sets out mandatory notification stages during the progress of wastewater works when a person is required to notify the Council in a specified manner and stop the work pending an inspection carried out at the person's expense;	Y	
29.1.1.2	a condition that requires the display of specified notices on the premises on which the wastewater system is located;	Y	

**INSTRUMENT OF DELEGATION UNDER THE SOUTH
AUSTRALIAN PUBLIC HEALTH ACT 2011 AND SOUTH
AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013 AND
SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013**

29.1.1.3	a condition that requires a person to monitor the performance of the wastewater system in a specified manner (including by inspections carried out at specified times at the person's expense) and to provide the Council with specified information in a specified manner and at specified times;	Y	
29.1.1.4	a condition that provides that specified material must not, or that only specified material may, be discharged into, or from, the wastewater system;	Y	
29.1.1.5	a condition that requires the wastewater system to be operated, maintained or serviced by a person of a specified class;	Y	
29.1.1.6	a condition that requires records of a specified kind to be created, maintained, and provided to the Council; or	Y	
29.1.2	any other conditions including any 1 or more of the following:	Y	
29.1.2.1	a condition that requires decommissioning of the wastewater system:	Y	
(a)	after a specified trial period; or	Y	
(b)	in specified circumstances; or	Y	
(c)	on written notice to the operator of the system;	Y	
29.1.2.2	a condition that requires a wastewater system to be connected to a community	Y	

**INSTRUMENT OF DELEGATION UNDER THE SOUTH
AUSTRALIAN PUBLIC HEALTH ACT 2011 AND SOUTH
AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013 AND
SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013**

	wastewater management system;		
29.1.2.3	a condition that prevents activities that would adversely affect the operation or maintenance of a drain or treatment or disposal system or the reuse of wastewater from the wastewater system;	Y	
29.1.2.4	a condition that requires a wastewater system to have various access points for maintenance or inspection (raised to or terminating at surface level, or as required by the Council);	Y	
29.1.2.5	a condition that provides that a wastewater system must not be used unless or until it has been inspected or tested by an independent wastewater engineer and the Council supplied with a certificate given by that expert certifying that the wastewater works have been undertaken in accordance with the approved technical specifications;	Y	
29.1.2.6	a condition that otherwise specifies requirements relating to:		
	(a) the installation of the waste watersystem; or	Y	
	(b) the decommissioning of the wastewater system; or	Y	
	(c) the connection of the wastewater system to a community wastewater management system or	Y	

**INSTRUMENT OF DELEGATION UNDER THE SOUTH
AUSTRALIAN PUBLIC HEALTH ACT 2011 AND SOUTH
AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013 AND
SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013**

	SA Water sewerage infrastructure or the disconnection of the wastewater system from a community wastewater management system or from SA Water sewerage infrastructure; or		
	(d) the operation, servicing and maintenance of the wastewater system; or	Y	
	(e) the reuse or disposal of wastewater from the wastewater system.	Y	
29.2	The power pursuant to Regulation 25(3) of the Wastewater Regulations to impose a condition of approval that:		
29.2.1	provides that a matter or thing is to be determined according to the discretion of the Council or some other specified person or body; and	Y	
29.2.2	operates by reference to the manuals referred to in a product approval for the wastewater system; and	Y	
29.2.3	operates by reference to a specified code as in force at a specified time or as in force from time to time.	Y	
29.3	The power pursuant to Regulation 25(6) of the Wastewater Regulations to, on application and payment of the fee fixed by Schedule 4 <u>prescribed fee</u> , by written notice to the applicant, vary or revoke a condition of a wastewater works approval.	Y	
29.4	The power pursuant to Regulation 25(7) of the Wastewater Regulations to, on the Delegate's own initiative, by written notice to the operator of a wastewater system to which a wastewater works approval applies, vary or revoke a condition of the approval or impose a further	Y	

**INSTRUMENT OF DELEGATION UNDER THE SOUTH
AUSTRALIAN PUBLIC HEALTH ACT 2011 AND SOUTH
AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013 AND
SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013**

	condition, provided that the variation, revocation or imposition does not take effect until at least 6 months after the giving of the notice unless:		
	29.4.1 the operator consents; or	Y	
	29.4.2 the Delegate states in the notice that, in his/her opinion, the variation, revocation or imposition is necessary in order to prevent or mitigate significant harm to public or environmental health or the risk of such harm.	Y	
30.	Expiry of Approval		
30.1	The power pursuant to Regulation 26(2) of the Wastewater Regulations to, on application and payment of the fee fixed by Schedule 4 <u>prescribed fee</u> , postpone the expiry of a wastewater works approval for a specified period.	Y	
31.	Registers of Wastewater Works Approvals		
31.1	The power pursuant to Regulation 27(3) of the Wastewater Regulations, to extend the registers to include wastewater works approvals granted under the revoked regulations.	Y	
31.2	The power pursuant to Regulation 27(6) of the Wastewater Regulations to include in the registers other information considered appropriate by the Delegate.	Y	
32.	Requirement to Obtain Expert Report		
32.1	The power pursuant to Regulation 29(1) of the Wastewater Regulations, if the Delegate suspects on reasonable grounds that a wastewater system is adversely affecting or threatening public or environmental health, to give the operator of the system a written notice requiring the operator to obtain and provide to the Council a written report from an independent wastewater engineer within a specified period addressing specified matters.	Y	
32.2	The power pursuant to Regulation 29(3) of the Wastewater Regulations, if the requirements of	Y	

**INSTRUMENT OF DELEGATION UNDER THE SOUTH
AUSTRALIAN PUBLIC HEALTH ACT 2011 AND SOUTH
AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013 AND
SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013**

	a notice under Regulation 29 of the Wastewater Regulations are not complied with to obtain the required report and recover the costs and expenses reasonable incurred in doing so from the person who failed to comply with the notice, as a debt.		
32.3	The power pursuant to Regulation 29(3) of the Wastewater Regulations, to authorise a person to enter land at any reasonable time for the purposes of the report.	Y	
33.	<u>Deliberately left blank</u>Fees		
33.1	The power pursuant to Regulation 33(1) of the Wastewater Regulations, to refund, reduce or remit payment of a fee payable under the Wastewater Regulations if the Delegate considers that appropriate in the circumstances.	Y	
33.2	The power pursuant to Regulation 33(2) of the Wastewater Regulations, to recover a fee payable to the Council by action in a court of competent jurisdiction as a debt due to the Council.	Y	

**SOUTH AUSTRALIAN PUBLIC HEALTH (GENERAL)
REGULATIONS 2013**

	DELEGATE TO CEO	Sub- delegations
34. Non-compliance with Notices (Section 93(6) of Act)		
34.1 The power pursuant to Regulation 5B(2) of the South Australian Public Health (General) Regulations 2013 (the General Regulations), for the purposes of the creation of a charge on land under Section 93 of the Act, to deliver to the Registrar-General a notice, in a form determined by the Minister on the recommendation or with the approval of the Registrar-General:		
34.1.1 setting out the amount recoverable	Y	

**INSTRUMENT OF DELEGATION UNDER THE SOUTH
AUSTRALIAN PUBLIC HEALTH ACT 2011 AND SOUTH
AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013 AND
SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013**

	under Section 93 of the Act; and		
34.1.2	setting out the land in relation to which the relevant action was taken; and	Y	
34.1.3	requesting the Registrar-General to make a notation under Regulation 5B of the General Regulations in relation to the relevant land.	Y	
34.2	The power pursuant to Regulation 5B(8) of the General Regulations, if or when the amount to which the charge relates is paid, to by further notice in writing to the Registrar-General (being a notice in a form determined by the Minister on the recommendation or with the approval of the Registrar-General) cancel the charge.	Y	

35.	<u>Refund and Recovery of Fees</u>		
35.1	<u>The power pursuant to Clause 2(1) of Schedule 1 of the South Australian Public Health (Fees) Regulations 2018 (the Fees Regulations), to, where the Council is the relevant authority within the meaning of the respective regulations specified in Schedule 1 of the Fees Regulations, refund, reduce or remit payment of a fee payable under those regulations if the delegate considers that appropriate in the circumstances.</u>	Y	
35.2	<u>The power pursuant to Clause 2(2) of the Fees Regulations to recover a fee payable to the Council by action in a Court of competent jurisdiction as a debt due to the Council.</u>	Y	

INSTRUMENT OF DELEGATION UNDER THE LIQUOR LICENSING ACT 1997

NOTES

1. In exercise of the powers contained in Section 44 of the Local Government Act, 1999 the following powers, functions and duties under the Liquor Licensing Act 1997 are hereby delegated this 9th day of September 2014 to the person occupying the office of Chief Executive Officer of the Council and the said powers, functions and duties may be sub-delegated by the delegate to any other officer of the Council.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

	Delegate to CEO	Sub-delegation
0. Application for Review of Commissioner's Decision		
The power pursuant to Section 22(1) and subject to Sections 22(2) and (3) of the Liquor Licensing Act 1997 (the Act), to apply to the Court for a review of the Commissioner's decision.	Y	
1. Extension of Trading Area		
1.1 The power pursuant to Section 69(3)(e) of the Act, on application by a licensee who holds a licence authorising the sale of liquor for consumption on the licensed premises to the extent the authority conferred by the licence so that the licensee is authorised to sell liquor in a place adjacent to the licensed premises for consumption in that place, to approve or not approve the application for extension where the relevant place is under the control of the Council.	Y	
2. Rights of Intervention		
2.1 The power pursuant to Section 76(2) of the Act where licensed premises exist or premises propose to be licensed are situated in the Council area, to introduce evidence or make representations on any question before the licensing authority where proceedings are on foot or underway.	Y	

<p>2A. Where licensed premises or premises proposed to be licensed are situated in the Council's area and a person makes application to the licensing authority for:</p> <p>2A.1 a limited licence, pursuant to Section 41 of the Act, or any other temporary "<i>one off</i>" licence or extension to the licence; or</p> <p>2A.2 a temporary "<i>one off</i>" extended trading authorisation, pursuant to Section 44 of the Act; or</p> <p>2A.3 a temporary "<i>one off</i>" variation to the trading hours fixed by the licence, pursuant to Section 70(1)(a) of the Act; or</p> <p>2A.4 a temporary "<i>one off</i>" variation or revocation of a condition attached to the licence, pursuant to Section 70(1)(b) of the Act,</p> <p>the power to intervene in proceedings before a licensing authority for the purpose of introducing evidence or making representations, on any question before the authority pursuant to Section 76(2) of the Act.</p>	Y	
<p>3. Noise</p>		
<p>3.1 The power pursuant to Section 106(2)(b) of the Act to lodge a complaint about an activity on, or the noise emanating from licensed premises, or the behaviour of persons making their way to or from licensed premises in the Council area with the Commissioner under Section 106(1).</p>	Y	
<p>3.2 The power pursuant to Section 106(4) of the Act to engage in conciliation between the parties facilitated by the Commissioner.</p>	Y	
<p>3.3 The power pursuant to Section 106(5) of the Act to request the Commissioner to determine the matter where the complaint is not to be conciliated, or is not resolved by conciliation under Section 106(4).</p>	Y	

4.	Disciplinary Action Before the Court		
4.1	The power pursuant to Section 120(1) and (2) of the Act to lodge a complaint, provided the subject matter of the complaint is relevant to the responsibilities of the Council and within whose area the licensed premises are situated, with the Court alleging that proper grounds for disciplinary action exists on those grounds stated in the complaint, against a specified person.	Y	
5.	Commissioner's Power to Suspend or Impose Conditions Pending Disciplinary Action		
5.1	The power pursuant to Section 120A(3) of the Act to apply to the Court for a review of the Commissioner's decision as if the Council were a party to proceedings before the Commissioner.	Y	
6.	<u>Control of consumption etc of liquor in public places</u>		
6.1	<u>The power pursuant to Section 131(1ab) of the Act and subject to Section 131 of the Act, to, by notice in the Gazette, prohibit the consumption or possession or both of liquor in the public place or public places within the area of the Council specified in the notice during the period (not exceeding 48 hours) specified in the notice.</u>	Y	
6.2	<u>The power pursuant to Section 131(1ad) of the Act to, within 7 days after publishing a notice under Section 131(1ab) of the Act, give a copy of the notice to the Commissioner of Police.</u>	Y	
6.3	<u>The power pursuant to Section 131(1c) of the Act to vary or revoke a notice under Section 131(1ab) of the Act by further notice in the Gazette.</u>	Y	

Notice of intent to undertake an 'Approach to market' for the maintenance and management of Council owned vineyards

Originating Officer	Unit Manager Land & Property - Clare Benn
Corporate Manager	Manager City Property - Megan Hayward
General Manager	General Manager City Development - Abby Dickson
Report Reference	GC190129R03

REPORT OBJECTIVE

To inform Council of Administration's intent to commence a non-binding 'Approach to Market' to seek interest from specialist viticulturists in a 5 (Five) year maintenance and management agreement of Council owned vineyards including the heritage listed vines located adjacent to Oaklands Road, the vineyards located at Oaklands Estate Reserve and the Living Kurna Cultural Centre.

EXECUTIVE SUMMARY

The maintenance of the heritage listed Council owned vineyards, adjacent to Oaklands Road, Park Holme are currently under contract which is due to expire 31 March 2019, at the conclusion of the current vintage. The Council owned vineyards located at the Oaklands Estate Reserve and the Living Kurna Cultural Centre are currently maintained by a specialist contractor under a separate agreements.

All of Council's vineyards are currently accessible to the public and will continue to be so following the execution of a new agreement.

RECOMMENDATION

That Council:

- 1. Notes the report and Administration's intent to commence an open 'Approach to market' process to seek informal offers for a 5 (Five) year maintenance and management Agreement of Council owned vineyards.**
- 2. Request Administration bring a report back in April 2019 informing Council of the outcomes of the Approach to Market to manage Council's vineyards.**

Liveable: The vineyards within Marion Council area form part of the City's agricultural heritage and their upkeep and maintenance contributes to the vibrancy of the City.

Risk Management: To ensure that all Council owned vineyards are managed and maintained in accordance with viticulturist practices

DISCUSSION

History

Council currently owns vineyards at the Oaklands Estate Reserve, the Living Kurna Cultural Centre and the heritage listed vineyard adjacent to Oaklands Road, Park Holme. (See *attached plan - appendix 1*) The first two vineyards comprise 'table' grape vines, with the Oaklands Road vines being 'wine' vines.

For the last 12 (twelve) years the heritage listed Oaklands Road vineyard has been managed under a management and maintenance contract with Patriitti and Co Pty Ltd (Patriitti wines). The original 5 (five) year agreement and further 5 (five) year extension expired in 2017. The agreement was subsequently extended for 2 (two) years to expire on the 31st March 2019. The value of the contract is \$1 per annum, with Patriitti wines being able to exclusively retain the vine harvest for local wine production.

Council has retained the management and maintenance of the 'table' vines, employing specialist contractors on an annual basis to prune the vines. Annual pruning, maintenance and weeding costs for these 'table' grape vineyards amount to circa \$7,000 per annum.

Strategy

In the short-term, the strategy is to reduce Councils on-going annual maintenance and management costs of the vines. This would be achieved by a \$1 per annum short-term management and maintenance contract, with the option to include the 'table' vines. However, should the specialist viticulturists wish to preclude the management of the 'table' vines from the contract, Administration would like to engage with a local education provider, that specialises in this type of vine maintenance to establish an ongoing community training program. It is anticipated that this would be at nil cost to Council.

In the longer-term, Administration would like to investigate undertaking a precinct plan of the area surrounding the Marion Swimming Pool, Hendrie St Playground, heritage vines and local reserve to develop a 'local destination' whereby these various Council owned facilities interact with each other.

A 5 (five) year provides Council with flexibility should it wish to redevelop the vineyards after the development of a precinct plan.

Approach to Market

Administration will commence a non-binding 'Approach to Market' process to seek interest from specialist viticulturists in the maintenance and management of Council owned vineyards at the Oaklands Estate Reserve (table grape vines) with the option to also maintain the Living Kurna Cultural Centre (table grape vines) and the heritage listed vineyard adjacent to Oaklands Road, Park Holme, with the view to enter into a 5 (Five) year contract with Council for these services.

The key objective of the new service contract is to:

- Utilise and process the fruit harvested from the site.
- To manage the day to day activities of the vineyards including irrigation, pruning (including the removal of pruning waste), harvesting, spraying and weeding of the vineyards.
- To maintain a high quality presentation of the vineyards – including the maintenance and repair of the vine support structures
- To ensure an efficient, effective and appropriate operation in accordance with the Councils expectations and to minimise any adverse effects to neighbours and residents and as the Council may direct from time to time.

The 'Approach to Market' process will include an option for the table grapes to be excluded from the Service Contract. If the proponents choose this option Administration will engage with a local education provider, that specialises in this type of vine maintenance to establish an ongoing community training program.

The initial 'Approach to Market' will be open for a period of 3 weeks.

Key outcomes of the new service agreement are to; maximise the operations (including the use of grapes) and viability of the facilities; enhance the health of the vines to retain the heritage and appearance of the facilities and to reduce Council's current maintenance costs

The key assessment criteria for awarding the 5 (five) year contract will be as follows:

- Demonstrated management of similar vineyards
- Evidence of specialist viticulture experience with appropriate licences
- Appropriate skills and experience of employees and/or subcontractors
- Provision of detailed specifications, obligations and procedures to be undertaken in line with Industry standards
- Provision of detailed dates and times of scheduled works / contractor obligations
- Proposed future investment
- Compliance with applicable Environmental laws, protection policies (and the requirement of these), or the condition of any Licence or approval to be obtained from the Environmental Protection Authority
- Compliance with the Council's Environmental Management system
- Compliance with all Laws and the requirements of any Governmental Agency including the provisions of the Occupational Health, Safety and Welfare Act
- Appropriate insurances
- demonstrated appreciation of the heritage value of the vines

The 'Approach to Market' will include relevant disclaimers to ensure the City of Marion reserves the right to accept or reject any Expression of Interest at its discretion. The process is not an undertaking or contractual offer by Council.

Timing

Following Council's endorsement of this process, the 'Approach to Market' will be advertised for a period of 3 weeks, to close on the 6th March. Administration will review the submissions, with a preferred contractor being appointed by the 20th March. The new maintenance and management agreement is to be in place by 1 April 2019.

Communication

The 'Approach to Market' will be promoted through the following processes:

- A media release of the 'Approach to Market' and advertisement in The Advertiser newspaper
- Direct mail out to specialist viticulturists known to Council

Submissions will be received through the SA Tender website.

Attachment

#	Attachment	Type
1	Appendix 1	PDF File



Appendix 1

Table Grapes Wine Grapes



Draft City Limits Publications Policy

Originating Officer	Unit Manager Communications - Craig Clarke
Corporate Manager	Manager Customer Experience - Karen Cocks
General Manager	General Manager City Services - Tony Lines
Report Reference	GC190212R04

REPORT OBJECTIVE

To present the draft City Limits Publications Policy, including options for Elected Member columns.

EXECUTIVE SUMMARY

Production of the City of Marion's community magazine, City Limits, is governed by the *City Limits Publications Policy*. More than 43,000 households and businesses receive a copy of the magazine, which is one of the Council's main communications tools to market its services, facilities and initiatives.

Currently, Councillors have a column every alternate edition while the Mayor has a column in each edition. This report canvases different options to enable Elected Members to communicate with residents using City Limits while maintaining the overall number of pages, cost and column lengths.

The report also outlines the cost and time of producing the magazine, along with the method of delivery.

RECOMMENDATION

That Council:

1. Adopts the *City Limits Publications Policy* with the following addition:

- **Option 1: The number of pages is maintained at 24 and that Elected Members have a column each alternate edition (excluding the Mayor who has a column each edition).**
- **Option 2: The number of pages is maintained at 24 and that all Elected Members have a column each edition.**
- **Option 3: The number of pages is maintained at 24 and that all Elected Members have a column in the magazine's last edition of the year (excluding the Mayor who has a column each edition).**

Current Budget Allocation The current cost of producing City Limits is \$84,000 per year.

DISCUSSION

City Limits is the City of Marion's magazine, produced three times per year, and has a distribution of 43,200 copies.

Production of the magazine is governed by the *City Limits Publications Policy*. This outlines the size of the publication, content and the number and length of Elected Member columns. On 23 May, 2017 (GC230517R06) Council resolved to make the following changes to reduce the cost of the magazine:

- Reduce the size of the publication from 340mm x240mm to 297mm x 210mm (A4)
- Reduce the number of pages from 32 to 24

- Each Elected Member would have a column in alternate editions rather than each edition
- Contact details for all Elected Members would be included in each edition
- The Mayor would have a column in each edition
- The word count for Elected Member columns would be reduced from 250 to 200
- Addition of an electronic 'Flipbook' to improve the appearance of the magazine online

The new format has increased the quality and number of stories published, improving opportunities to market Council's services and facilities. Feedback from the community is that the changes have been well received.

A forum on 22 January 2019 discussed this policy, including the format and timing of Elected Member columns. Further to this discussion, each option is presented below:

- Maintains 24 pages
- Allows for 200 words per column
- Includes a column from the Mayor in each edition of City Limits
- Is at no additional cost

Options for the Elected Member columns are:

Option 1 – EM column each alternate edition (current format)

- Includes one column from six Ward Councillors (one from each ward)
- Contact details with photograph from each Councillor who does not have a column are included
- Elected Member columns cover 4 pages
- Ward Councillor columns are alternated so each Councillor provides a column every second edition
- Taking into account a standing two page advert for the Marion Cultural Centre and the front cover, this leaves 17 pages for news and information

Option 2 – EM column each edition

- Includes a column from all twelve Ward Councillors
- Elected Member columns cover 5 pages
- Taking into account a 2 page advert for the Marion Cultural Centre and the front cover, this leaves 16 pages for news and information

Option 3 – EM column at end of year

- Includes columns from all Councillors in the December edition and none in the other two editions
- This leaves 16 pages for news in the December issue and 20 pages in the other two editions

Production

The actual time spent producing each edition of the magazine is about 15 days, spread over 10-12 weeks from when stories are first called for to when the magazine is delivered. This includes researching and writing articles, arranging photographs, supervising production, proof reading and liaising with suppliers.

Magazine cost

Producing City Limits costs about \$84,000 a year. The budget for each edition of the magazine is:

Design \$6,000

Photography \$3,500

Printing \$12,500

Distribution \$5,500

Fee for Flipbook to view magazine on website \$500

Total cost per edition \$28,000

Distribution

City Limits is delivered to 43,200 homes and businesses in Marion via letterbox drop using two distribution companies. Delivery to households has improved since Council changed the provider last year. The distributor follows up reports of non-delivery and re-distributes the magazine where possible. Other options for delivery have previously been explored (e.g. Australia Post) but they are more expensive and delivery is not guaranteed. City Limits is published on the Council's website as a flipbook and is promoted in the What's Happening column.

Other issues for consideration

The forum discussed an option to split each edition of City Limits, with one version in the north and one in the south. Elected Member columns would only appear in the region the member represented. This option can be achieved. However, it would add to the cost of production and precise delivery along Ward lines cannot be guaranteed.

Attachment

#	Attachment	Type
1	Appendix 1 - Draft City Limits Policy 2019	PDF File

1. RATIONALE

To communicate with residents and stakeholders to reinforce and promote the directions and strategies of the six themes within the Community Vision – Towards 2040 and not include information that **is contradictory**. ~~contradicts them.~~

2. POLICY STATEMENT

This policy provides guidance of the content of advertising and the types of articles published in City Limits.

3. PRINCIPLES

In producing and publishing the City Limits, the following principles are **considered and applied**;

~~Overriding principles~~ City Limits:

- 3.1 Promotes the directions and themes of the Community Vision – Towards 2040 and provides information to the community.
- 3.2 Aims to be free of discriminatory or defamatory content.
- 3.3 Articles should not expose Council to legal action.
- 3.4 Reporting and commentary should adhere to the highest standard of accuracy.
- 3.5 Is produced in accordance with the City of Marion Style Guide.
- 3.6 Adheres to the Publications Policy (Elected Members).
- 3.7 Is produced and distributed three times a year.
- 3.8 Articles should not portray people or depict material ~~which~~ **that** discriminates against or vilifies a person or community group based on race, ethnicity, sex, age, sexual ~~preference~~ **orientation**, religion, disability or political belief.
- 3.9 Articles ~~should~~ **will** not promote:
 - 3.9.1 Alcoholic drinks,
 - 3.9.2 Betting or gambling,
 - 3.9.3 Tobacco products or manufacturers of tobacco products,
 - 3.9.4 Products or services of an intimate nature including adult stores, ~~sex lines~~ **and or sexual** websites,
 - 3.9.5 Financial products or services that promote loans,
 - 3.9.6 Illegal activities or anti-social behaviour including use of illicit drugs or reckless driving,
 - 3.9.7 Violence.

Development of Articles:

- ~~3.10 Content is developed, written and edited by the City of Marion. Qualified sub-contractors or special contributors may also be required to write articles.~~
- ~~3.11 Senior management will be consulted on the overall direction and on feature articles of strategic importance.~~
- ~~3.12 Ideas for articles are provided by City of Marion staff, members of the community, management and Elected Members.~~
- ~~3.13 City of Marion will obtain a person's consent to take their photograph and feature them in an article. If the person is a minor, consent will be obtained from their parent or legal guardian.~~
- 3.14 The selection criteria for articles includes:
 - 3.14.1 Supports the Community Vision – Towards 2040,
 - 3.14.2 Newsworthiness,

- 3.14.3 Topicality,
- 3.14.4 Photographic opportunity,
- 3.14.5 Balance of subject matter,
- 3.14.6 Content of previous editions.

Format:

- 3.15 City Limits is a 24 page, A4 size full colour publication **distributed three times a year.**¹
- 3.16 Technical standards including font and layout will adhere to the City of Marion Style Guide.

Elected Member Contributions:

- 3.17 Space will be reserved for one column from the Mayor in each edition.²
- 3.18 Space will be reserved for a column from six Ward Councillors (one from each ward) in each edition.³
- 3.19 Ward Councillor columns will be alternated so that each Councillor provides a column in every second edition.
- 3.20 Contributions will appear in **ward** alphabetical order ~~by ward~~ (Coastal, Mullawirra, Southern Hills, Warracowie, Warriparinga, Woodlands).
- 3.21 ~~Elected Member~~ **Ward Councillor** contributions will appear with their photograph and contact details.
- 3.22 Contact details of Ward Councillors who do not have a column in an edition will also be included.
- 3.23 Space will be reserved for 200 words for each ~~Elected Member~~ **Ward Councillor column.**
- 3.24 A photograph relevant to content will be inserted in each Ward Councillor's column.
- 3.25 ~~Contributions from ward Councillors must be emailed to the City of Marion by a deadline which will be specified during the lead up to publication.~~
- 3.26 ~~Elected Member~~ **Ward Councillor** contributions will not be published during a caretaker period for Local Government Elections.
- 3.27 Contributions must adhere to the Publications Policy (Elected Members).

Advertising:

- 3.28 ~~The magazine~~ City Limits does not include paid advertising.
- 3.29 Adverts promoting ~~c~~**C**ouncil events, services or initiatives may be included at the discretion of the City of Marion where it is considered that this will be a more effective approach than articles.
- 3.30 ~~Adverts promoting initiatives or projects supported by c~~**C**ouncil may be included where it is considered this will be a more effective approach than articles.

Distribution:

- 3.31 ~~The publication~~ **City Limits** is free.
- 3.32 ~~It is distributed~~ **Distribution of City Limits is via:**
 - 3.32.1 Letterbox drop,
 - 3.32.2 Made available at City of Marion facilities including the Administration Building, Libraries and neighbourhood centres,
 - 3.32.3 ~~and on c~~**C**ouncil's website,

4. ¹ Refer City of Marion General Council meeting 23 May 2017 (GC230517R06).

5. ² As above.

6. ³ As above.

3.28.4 Mailed to stakeholders outside the council area.

7. POLICY SCOPE AND IMPLEMENTATION

This policy applies to the City of Marion.

8. DEFINITIONS

The following terms apply to this policy;

Adult store	A shop that provides services or products of a sexual nature.
Advertising	Attracting public attention to a product, service or business by purchasing paid space in the magazine.
Alcoholic drinks	Any beer, wine, spirits or cider or other drinks of an intoxicating nature.
Article	Non-fictional journalistic account of events.
Community Vision – Towards 2040	City of Marion Strategic document that espouses six themes that represents the shared values and aspirations that will guide how our city develops.
Illicit drugs	Unlawful drugs and substances.
Ward Councillor	Elected Member.

9. ROLES AND RESPONSIBILITIES

The Communications Team is responsible for the implementation and management of this policy.

10. REFERENCES

- Publications Policy (Elected Members)
- City of Marion Community Vision – Towards 2040

11. REVIEW AND EVALUATION

This policy will be reviewed once during a term of Council. Its review will be initiated by the Governance Department.

Equity, Access and Social Inclusion Policy (draft)

Originating Officer	Social/Cultural Sustainability Planner - Melissa Batt
Corporate Manager	Manager Innovation and Strategy - Fiona Harvey Manager Community Connections - Liz Byrne
General Manager	General Manager City Development - Abby Dickson General Manager City Services - Tony Lines
Report Reference	GC190212R05

REPORT OBJECTIVE

To seek Council endorsement of the draft Equity, Access and Social Inclusion Policy (Appendix 1), as recommended in the Organisational Policy Review 2018 (GC180710R01) for public consultation.

EXECUTIVE SUMMARY

The draft Equity, Access and Social Inclusion Policy (Policy) demonstrates Council's commitment to planning, decision making processes, and service delivery that:

- Enables people to have dignity and autonomy
- Are non-discriminatory and inclusive
- Enables full and effective opportunities for participation, contribution, a sense of belonging, and being valued by the community
- Respects diversity
- Enables equity of opportunity

This Policy has been developed with reference to international, national, and state commitments, standards and legislation.

This public Policy provides a position statement from Council to the community on the value it places on equity, access and social inclusion. Council is required to have such a policy to meet funding requirements (e.g. Department of Human Services - \$240,000 per annum), standards and service agreements with external funding agencies. This Policy meets funding requirements and enables Council to continue seeking external funding to deliver services to the community. The Policy also demonstrates best practice to funding bodies to assist funding applications, acquittals and audits.

The Policy articulates and formalises Council's aspirational position towards ensuring the City of Marion is welcoming, accessible, and inclusive for people of all abilities to participate in and contribute to community life.

A separate Disability Access and Inclusion Plan is required by legislation (Disability Inclusion Act, 2018) to be developed by October 2020.

RECOMMENDATION

That Council:

- 1. Endorses the draft Equity, Access and Social Inclusion Policy (Appendix 1) for public consultation.**
- 2. Notes outcomes of public consultation will be provided in April 2019 for adoption of the Equity, Access and Social Inclusion Policy.**

GENERAL ANALYSIS

Strategies in the City of Marion's Strategic Plan 2017-2027 highlight the need for a policy to ensure planning and service delivery is as inclusive as possible. Relevant themes and strategies include:

Liveable:	L1 We will make our services, facilities and open spaces more accessible L2 We will create more opportunities for residents to enjoy recreation and social interaction in our neighbourhood centres, libraries, sports facilities and other Council facilities
Engaged:	E4 We will ensure our community is well informed about the services we provide E6 We will encourage community led initiatives and community responses to our significant proposals
Innovation:	I3 We will use technology and social media to improve our sharing of information I4 We will use technology to better engage with our communities, understand their needs and seek their feedback
Prosperous:	P3 We will encourage our residential and business communities to pursue education and training, innovation and local investment
Connected:	C1 We will provide a variety of options for social interaction

DISCUSSION

The Local Government Act 1999 S8 (i) requires Councils to provide services, facilities and programs that are adequate and appropriate and seek to ensure community members have equitable access to services, facilities and programs.

Council is required to have an equity and access related policy in order to meet present and future funding requirements, standards and service agreements with external funding agencies. This policy aims to ensure council infrastructure, facilities, services, information and programs contribute toward reducing access, equity and inclusion barriers within our community.

Local Government authorities are required under the Disability Inclusion Act 2018 S16 (5) to prepare a four-year Disability Access & Inclusion Plan (DAIP) by October 2020. This Policy will support the development of this Plan.

The majority of community members experience excellent access to employment, education, recreation, transport and services, as well as feeling included in community events and civic engagement, however this is not the experience for many.

The Policy has been developed with reference to international, national and state commitments and legislation, in conjunction with staff to achieve the following:

- Underpin our Community Vision and the delivery of strategic directions, policies and procedures, projects, programs, services, provision of information and workforce planning
- Demonstrate Council's commitment to planning and decision making processes and service delivery that consider and support all members of the community
- Articulate and formalise Council's position towards ensuring the City of Marion is welcoming, accessible and inclusive for people of all abilities to participate in, and contribute to, community life
- Promote non-discrimination, respect for diversity and equity of opportunity
- Reduce economic, physical and social barriers to participation, access, and a sense of belonging
- Demonstrate best practice to funding bodies to assist with funding applications, acquittals and auditing

The draft Policy will be made available for public consultation, in line with Council's Public Consultation Policy. Depending on feedback it is anticipated the final draft Policy will be brought back to Council in April

2019.

Following Council's adoption of the Policy, development of the City of Marion's Disability Access and Inclusion Plan will commence to identify and address barriers to inclusion to achieve accessible and inclusive communities and practices for people with disability.

Council will be presented with the draft DAIP prior to October 2020 and be given the opportunity to provide input, including any associated financial resourcing.

Conclusion

This Policy aims to ensure council infrastructure, facilities, services, information and programs contribute towards reducing access, equity and inclusion barriers experienced by people within our city.

This Policy fulfils Council's responsibilities in meeting funding requirements, standards and service agreements in place with external funding agencies, thus enabling Council to continue seeking external funding to deliver services to the community.

Attachment

#	Attachment	Type
1	GC190212 - DRAFT Equity Access and Social Inclusion Policy	PDF File

1. RATIONALE

The City of Marion has a responsibility to ensure its strategic directions and their delivery strengthen and value our diverse community.

The Equity, Access and Social Inclusion Policy demonstrates Council's aspiration to making the City of Marion welcoming and inclusive for everyone to participate in and contribute to community life.

2. POLICY STATEMENT

The Policy demonstrates Council's commitment to planning, decision making processes, and service delivery that:

- Enables people to have dignity and autonomy
- Are non-discriminatory and inclusive
- Enables full and effective opportunities for participation, contribution, a sense of belonging, and being valued by the community
- Respects diversity
- Enables equity of opportunity

3. OBJECTIVES

The City of Marion aspires to:

- Promote equity, access and social inclusion through leadership by example
- Apply the principle of 'universal access design' in its policies and planning processes
- Provide accessibility through development and maintenance of its streets, open spaces, and facilities
- Apply procurement processes that support equity, access and social inclusion
- Provide inclusive and accessible services and events
- Communicate in accessible formats and be responsive to specific needs
- Provide opportunities for contribution towards Council's decision-making
- Promote individual rights to freedom of expression, self-determination and decision-making
- Provide workplaces that are accessible and inclusive for staff and others working for the City of Marion
- Provide equal opportunity for workforce and volunteer participation at the City of Marion

4. POLICY SCOPE AND IMPLEMENTATION

This policy will be delivered through planning and provision of a built environment, streetscapes, open spaces, facilities and services for which Council has responsibility.

5. DEFINITIONS

Access: Refers to equitable access to Council's services, information, programs, facilities, built environments and employment opportunities. Access also encompasses disability, defined as those who have physical, mental, intellectual or sensory impairments, which, in interaction with various barriers, may hinder their full and effective participation in society on an equal basis with others. (Source: <http://www.dcsi.sa.gov.au/services/disability-sa/disability-access-and-inclusion-plans/disability-access-and-inclusion-context>)

Equity: Equity is about fairness and social justice. Equity aims to prevent certain kinds of discrimination based on sex, race, disability, age or various other grounds, and to facilitate the participation of citizens in the economic and social life of the community. Equity can also relate to health equity where everyone should have a fair opportunity to lead healthy lives.

Social Inclusion: A socially inclusive community is one where differences are respected and basic needs met; people feel they belong and are valued; can live in dignity; and participate as they choose to in line with their rights as a full and equal member of society free from discrimination and disadvantage.

Universal access design: Process of creating products and environments that are usable by people with the widest possible range of abilities, operating within the widest possible range of situations, to enable accessibility for all.

6. ROLES AND RESPONSIBILITIES

This Policy applies to all City of Marion Elected Members, staff, contractors and volunteers.

7. REFERENCES AND RELATED DOCUMENTS

City of Marion

- Community Vision – Towards 2040
- 10-Year Strategic Plan 2017-2027
- 3-Year Business Plan 2016-2019
- Annual Business Plan
- Asset Management Plans
- Plans and policies relating to development for the City of Marion
- Procurement and Contractor Management Policy
- Social Media Policy
- Diversity and Inclusion Plan (workforce)
- Disability, Access and Inclusion Plan (future)
- Equal Opportunity, Discrimination, Harassment and Workplace Bullying Policy
- Public Consultation Policy

State Government

- Disability Inclusion Act, 2018
- Equal Opportunity Act, 1984
- Local Government Act, 1999
- Planning, Development and Infrastructure Act, 2016

Federal Government

- Age Discrimination Act, 2004
- Disability Discrimination Act, 1992
- Disability Services Act, 1986
- Equal Employment Opportunity (Commonwealth Authorities) Act, 1987
- National Disability Insurance Scheme Act, 2013
- National Standards for Disability Services, 2013
- Racial Discrimination Act, 1975
- Sex Discrimination Act, 1984, and Amendment 2013
- Workplace Gender Equality Act, 2012

International

- United Nations Convention on the Rights of Persons with Disabilities (2006) which affirms that persons with disabilities must enjoy all human rights and fundamental freedoms, regardless of their ability level.

8. REVIEW AND EVALUATION

This Policy will be reviewed once per Council term.

CORPORATE REPORTS FOR INFORMATION/NOTING

Mitchell Park Sports and Community Club - Community Needs Analysis

Originating Officer	Registered Architect, Strategic Projects - Birgit Stroeher
Corporate Manager	Manager City Activation - Greg Salmon
General Manager	General Manager City Development - Abby Dickson
Report Reference	GC190212R06

REPORT OBJECTIVE

The purpose of this report is to present to Council the detailed community needs analysis for a regional sports and community complex at Mitchell Park.

EXECUTIVE SUMMARY

The Mitchell Park Sports and Community Centre redevelopment seeks to address Council's strategic priorities of delivering improved sport, recreational and community facilities and address the City's need for indoor stadium facilities.

Previous analysis undertaken shows that there is a major shortage of indoor recreation facilities in the Southern region of Adelaide and there is currently no indoor sport and recreation centre that meets the definition for a regional complex.

The existing building and sports infrastructure located at Mitchell Park Sports Club requires upgrading in the relative near future and the facility is important to a large number of organisations who would benefit from its upgrade. Enhancing the quality of the sports club building is justified due to the high level use, forecast population change and links to Tonsley Innovation District and residential development; and Flinders University.

An opportunity exists for Council to establish the Mitchell Park Sports and Community Centre on the Mitchell Park Sports Ground with an integrated sports and community centre to provide a high quality regional facility in partnership with multiple user groups.

The report outlines the benchmarked needs analysis and the outcomes of the expression of interest process.

RECOMMENDATION

That Council:

1. Notes the Report.

GENERAL ANALYSIS

BACKGROUND

The existing building and sports infrastructure located at Mitchell Park Sports Club requires upgrading in the relatively near future and is important to a large number of organisations who would benefit from its upgrade.

Enhancing the quality of the sports club building is justified due to the high level of use, forecast in population change and potential links to the Tonsley site and Flinders University.

The Tonsley redevelopment site will involve:

- 850 dwellings and 1200 residents
- 6300 on-site jobs
- Potentially three Flinders University buildings and TAFE totalling some 2000 students on site per week day.

The Mitchell Park Neighbourhood Centre operated by the City of Marion is highly valued by its users and an important community resource. However, the existing building itself is in a major need of upgrading and is not adequate for the community needs and as such an alternative building and site is required.

The existing Marion basketball stadium is inadequate in size and design to meet the basic needs of basketball and it is not feasible to consider upgrading the facility due to its age and condition. The Aurecon facility report, provided by Basketball SA has indicated the facility has a limited operational lifespan of between 3-5 years and that it should be a critical priority for Basketball SA, Council and other key stakeholders to plan for an alternative or new facility within the Marion (southern) region. In March 2019 the floor and supporting structure will be replaced. The upgrades will have an anticipated life expectancy of 25 years however the remaining elements of the building are still experiencing aging issues.

Analysis shows that there is a major shortage of indoor recreation facilities in the Southern region of Adelaide and there is currently no indoor sport and recreation centre that meets the definition for a regional complex.

In recognition of the pressing community needs for sport, recreation and community infrastructure in April 2015 Council endorsed an indoor multi-purpose stadium and Mitchell Park Sports and Community Club upgrade as two significant strategic infrastructure priorities.
Council resolution:

1. Endorse investigations being undertaken with peak sporting bodies, relevant clubs, funding bodies and agencies to seek partnering opportunities for the development of plans and potential funding solutions for the following sports infrastructure:

- Options for new soccer pitches and a BMX track in the South
- Indoor multipurpose Stadium 4-8 Court (SA regional standard)
- Edwardstown Oval Masterplan
- Mitchell Park (sic) Sports and Community Club building upgrade

2. Note that consultation plans will be brought to Council for consideration after initial investigations are undertaken with peak sporting bodies, relevant clubs and agencies.

3. That potential funding opportunities relevant to the above sports infrastructure be actively pursued as they arise.

At the 8 December 2015 General Council Meeting Council considered a further report on the upgrade of the Mitchell Park Sports Centre and indoor stadium facilities, and passed the following motion to combine the two infrastructure priorities into the one project:

1. Endorse the Mitchell Park and Community Club site as the preferred location for the development of multi-purpose indoor sports facilities and the integrated development of facilities for existing sporting clubs and dog club and the development of a community centre to replace the Mitchell Park Community Centre. (GC081215R05)

There is potential to establish the Mitchell Park Sports Ground with an integrated sports and community centre to provide a high quality regional level facility in partnership with user groups. A new indoor sports and community complex will not only address the high need for sport and recreation facilities in the southern

region of metropolitan Adelaide but also assist all levels of government to meet set strategic objectives such as;

- Driving economic growth through employment opportunities
- Increasing levels of participation in active sport and recreation
- Linking to other major infrastructure investment by Federal and State Government
- Supporting more stable and viable communities
- Increasing investment and build new partnerships
- Providing a viable and sustainable facility that provides for a broad range of community needs.
- Addressing the low Socio-Economic Indexes for Areas (SEIFA) index rating for the region with program initiatives.

The preferred facility development option is for an integrated regional indoor multi-purpose sports and community centre to be developed at Mitchell Park Sports and Community Club. The Mitchell Park location provides the greatest number of potential partners, economic and social benefits.

If a new complex is developed at Mitchell Park the initial list of potential stakeholders includes:

- City of Marion
- Basketball SA
- South Adelaide Basketball Club
- Step into Life Mitchell Park
- Ready Steady Go Kids - Marion
- Sacred Heart College
- Existing clubs and sports that use the Mitchell Park Sports and Community Club including;
- Mitchell Park Football Club
- Mitchell Park Netball Club
- Mitchell Park Rugby Club
- Mitchell Park Cricket Club
- The Dover Gardens Dog and Kennel Club
- The City of Marion Mitchell Park Neighbourhood Centre
- Wildcats Netball Club
- Korfbal South Australia
- Arista Marion Korfbal Club
- South Adelaide Volleyball Club
- Alpha Gymnastics

There is also potential to link with a number of schools, Flinders University, TAFE and the Tonsley redevelopment which neighbour the Mitchell Park Sports and Community Club complex.

NEEDS ANALYSIS

The attached needs analysis (Attachment 1) document utilised the Parks and Leisure Australia benchmarks to determine the trends in sporting usage, growth areas, supply and demand statistics and the extent of facilities in the southern area

The major findings of the demand vs supply data are that there is:

- Under supply of regional indoor sports facilities. There is currently no regional level indoor sports facility available in southern metropolitan Adelaide.
- Major under supply of indoor sports courts across the southern region of Adelaide.
- Under supply of ovals and open space playing fields.
- Major over supply of tennis courts
- Under supply of netball courts

- Under supply of Baseball and softball facilities.

An expression of interest in the facility was released in October 2017, to identify all potential users and inform the range of services and programmes to offer. The attached report dated February 2018 outlines the feedback received. Ten submissions were received (Attachment 3).

The existing clubrooms are in need of replacement as they are no longer fit for purpose, or able to support the development of the existing user groups or their financial viability.

The existing Neighbourhood Centre is located in a constrained building on an equally inflexible site. Key programmes and services are hindered by the small spaces, difficult access and limited accommodation. There is benefit in including the Neighbourhood Centre function as part of any redevelopment.

Attachment

#	Attachment	Type
1	Sports and Community Centre Needs Analysis	PDF File
2	Mitchell Park Court Usage Scenarios - 4 Court Facility	PDF File
3	MPSCC usage report and letter to respondents	PDF File

Community Recreation and Sport needs

Facility Supply and Demand in Southern Adelaide

It is important to have a broad understanding of relevant trends in the participation of sport and recreation activities to not only highlight the sports in demand but also gaps in provision and additional opportunities that may be considered as complimentary activities that may be accommodated in a new regional complex.

Consideration of broader opportunities will also reduce the likelihood of potential duplication or over supply of facilities.

The following trends and analysis have been identified through government based research reports.

Trends in Sport and Active Recreation

Trends in Sport and Active Recreation Participation by Children (5-14 years)
Australian Bureau of Statistics National Data (2000 compared to 2009)

Sport (Presented in Order of Participation Based on 2009 data)	2000 %	2009 %
Bike Riding (including BMX)	63.8	60.4
Skateboarding, rollerblading	30.9	n/a
Skateboarding, rollerblading, riding a scooter	n/a	49.3
Swimming	14.4	18.5
Dancing	10.4	14.3
Soccer (outdoor)	11.4	13.2
Australian Rules Football	6.6	8.6
Netball	9.1	8.4
Tennis	8.5	7.9
Basketball	7.6	7.4
Martial Arts	4.0	5.7
Cricket (outdoor)	5.3	5.2
Gymnastics	2.6	4.6
Rugby League	3.6	3.6
Athletics, track and field	3.9	3.3
Soccer (indoor)	n/a	2.8
Hockey	2.4	2.1
Other organised sports	14.1	14.0

The trend data for 5-14 year olds highlights that:

- Bike riding is a key activity even though there has been a slight decrease in participation
- Skateboarding remains strong
- Riding a scooter is potentially a key activity that will increase demand for hard surfaces
- Participation in Australian rules football and soccer has increased and is strong
- Although participation in netball, tennis and basketball has declined slightly in younger children these are still key participation activities and participation remains high.

Creating a community precinct for Mitchell Park and surrounds

- A number of activities that require indoor spaces have experienced an increase in participation (e.g. dance, martial arts, gymnastics)

Trends in Sport and Active Recreation Participation by 15 year olds and over ERASS Data Australian Sports Commission for South Australia (2001 or 2004 compared to 2010)

Sport (Presented in Alphabetical Order)	2001 %	2010 %
Aerobics/ Fitness	12.3	24.3
Athletics, track and field	0.6*	0.7
Australian Rules Football	3.7	5.2
Badminton	1.3*	0.8
Baseball	0.6*	0.3
Basketball	3.7	3.5
Cricket (outdoor)	2.7	4.1
Cycling	8.5	11.5
Dancing	2.0	1.7
Golf	7.4	5.3
Gymnastics	0.4*	0.4
Hockey	1.0	1.0
Horse Riding/ Equestrian	1.1	0.6
Lawn Bowls	2.8	3.2
Martial Arts	1.8	2.1
Netball	5.9	6.1
Roller Sports	0.6*	0.2
Rugby League	0.3*	0.2
Rugby Union	0.3*	0.5
Running	5.2	9.6
Soccer (indoor)	1.1	1.6
Soccer (outdoor)	3.8	3.4
Softball	0.6*	0.2
Squash/ racquetball	1.1	0.6
Surf Sports	2.2*	2.0
Swimming	11.1	10.1
Table Tennis	1.0	0.9
Tennis	7.7	7.0
Touch Football	1.0*	0.6
Volleyball	1.9	1.6
Weight Training	2.2	3.5
Yoga	1.4	3.2

* 2004 data (2001 data not available)

The trend data for 15 year olds and over highlights that:

- Netball participation has grown from 5.9 to 6.1%
- Basketball remains a key activity for adult participation.
- Participation in aerobics and fitness and weightlifting has increased significantly
- Participation has increased for a number of traditional sports, including Australian rules football, cricket and netball
- Tennis remains a key activity, even though participation has decreased slightly
- Participation in casual activities such as cycling and running has increased substantially

Existing Council Owned Sports Facilities in Southern Adelaide

Creating a community precinct for Mitchell Park and surrounds

Facility	City of Onkaparinga	City of Holdfast Bay	City of Mitcham	City of Marion	Total
Regional Indoor Sports complex 6+ courts	0	0	0	0	0
Indoor Sports Courts	16	0	2	6	24
Ovals	25	4	8	10	47
Playing Fields Soccer/Rugby	12	2	5	5	24
Tennis Courts	111	52	82	77	322
Tennis/Netball Courts	62	2	5	12	81
Skate Parks	15	1		3	19
Lawn Bowls/croquet	4 croquet 22 Bowls rinks	15 rinks	13	12 rinks	66
Athletics	1 over laid on Flagstaff Hill Oval	1	0	1 informal running track	3
Aquatic Centres	1 + 3 commercial	0	0	2 (1 Regional, 1 x 50m leisure pool)	3
Diamond Sports (Baseball/softball)	4	0 (2 in Adelaide Shores)	2	0	8
Hockey	2	1	0	0	3

Creating a community precinct for Mitchell Park and surrounds

Facility Benchmarks

The Table Below provides the Parks and Leisure Australia benchmarks for Facilities. The standards below are a general guide that can be used to calculate potential demand for types of facilities.

Facility Type	Parks and Leisure Australia- Benchmark
Regional Indoor Sports Centre	1:250,000 6+ Courts
Basketball Courts	1: 3,000
AFL Oval	1 : 5,000
Oval Cricket	1 : 9,000
Other Playing Fields and Pitches	1 : 4,000
Tennis Courts	1 Court : 1,875 1 Club Facility (8 Courts) : 15,000 1 Regional Facility (Min 12 Courts) : 45,000
Netball Courts	1 : 4,000
Lawn Bowls	1 green : 12, 500
Aquatics	1 : 150,000 FINA Standard competition pool 1 : 75,000 25m or 50m recreation/competition pool 1 : 30,000 25m/leisure pool
Athletics	1 : 250,000 regional level (synthetic track)
Hockey	1 : 75,000
Diamond Pitches	1 : 17,500
Skate Park	1 ; 25,000
BMX	1 : 50,000 Regional 1 : 20,000 District
Regional Indoor Rec Centre	1 : 50,000 to 100,000
Golf Course	1 : 30,000

Potential Demand for Facilities in Southern Adelaide

The potential demand for facilities is identified in the table below based on the Parks and Leisure Australia benchmarks for Facilities.

Facility	City of Onkaparinga	City of Holdfast Bay	City of Mitcham	City of Marion	Total
Regional Indoor 6+ Courts	Regional Population 355, 139				1.5
Indoor Sports Courts	55	12	20	29	116
Ovals	33	7	12	17	69
Playing Fields Soccer/Rugby	41	9	15	22	87
Tennis Courts	89	20	33	47	189
Netball Courts	41	9	15	22	87
Skate Parks	6	2	2.5	3.5	14
Lawn Bowls Greens	13	3	5	7	28
Athletics (Regional Track)	Regional Population 355, 139				1.5
Aquatic Centres	2	.5	1	1	5
Diamond Sports (Baseball/softball)	9	2	3	5	19
Hockey	2	.5	1	1	4.5

*Based on PLA Benchmarks and 2014 population data

Demand v Supply – Southern Adelaide Metropolitan Councils

Facility	Actual Supply	Potential Demand	Over or Under Supply
Regional Indoor Facility 6+ Courts	0	1.5	-1
Indoor Sports Courts	24	116	-92
Ovals	47	69	-22
Playing Fields Soccer/Rugby	24	87	- 63
Tennis Courts	322 (68 Community Courts)	189	+133
Tennis/Netball Courts	81	87	- 6
Skate Parks	19	14	+5
Lawn Bowls/croquet	66	28	+38
Athletics	3 local level facilities 0 regional	1 Regional	-1
Aquatic Centres	1 Regional 2 District +3 Private	5	+ 1
Diamond Sports (Baseball/softball)	8	19	-11
Hockey	3	4.5	-1.5

*Based on PLA Benchmarks and 2014 population data

Note; the analysis in this section of the report only considers council owned facilities and does not take into account school facilities or privately owned facilities.

Facility Supply and Demand Analysis

The major findings of the Demand vs supply data are;

- Under supply of regional indoor sports facilities. There is currently no regional level indoor sports facility available in southern metropolitan Adelaide.
- There is a major under supply of indoor sports courts across the southern region of Adelaide.
- There is an under supply of ovals and open space playing fields.
- There is a major over supply of tennis courts
- There is an under supply of netball courts
- There is an oversupply of lawn bowls facilities
- There is an under supply of Baseball and softball facilities.

Community Needs Analysis

The main characteristics of this population as at 2011 and the potential implications for the Mitchell Park are outlined below.

Topic	Characteristics	Implications
Age Profile	<ul style="list-style-type: none"> 19.6% are classified as Parents and Homebuilders marginally lower than Greater Adelaide at 20.9%, the highest in Edwardstown (21.4%) Babies and pre-schoolers in catchment and Greater Adelaide area account for 6.0% of persons. Clovelly Park highest at 6.7%. Lower proportion of children at school 12.4% against 15.6% within Greater Adelaide. Clovelly Park the highest at 14.6% Higher proportion of those entering Tertiary Education and/or Independence at 11.1% vs 9.8% in Greater Adelaide. Ascot Park the highest at 12.3% Higher proportion of those within Young Workforce (17.1%) against Greater Adelaide at 13.4%. Ascot Park the highest (20.5%) Similar proportions of older works entering pre-retirement phase (12.3% v 13.1%) .Edwardstown on par at 13.1%. Lower proportion of Empty Nesters (8.3%) v's Greater Adelaide at 10.2%. Mitchell Park higher than catchment at 9.6% Higher proportion of those aged 70 years and above (Seniors / Elderly 13.3% compared to Greater Adelaide at 11.1%. Mitchell Park higher at 14.7% 	<ul style="list-style-type: none"> The need to consider active recreation opportunities (e.g. programs, activities, entertainment) aimed at middle aged and older people Greater demand for family oriented open space and facilities including play spaces for younger and older children including sport and entertainment for teenagers Junior sports will remain important
Cultural Diversity	<ul style="list-style-type: none"> Lower proportion of those born in Australia compared to Greater Adelaide at 70.2%. Edwardstown the highest at 72%, while Mitchell Park the lowest at 64.4% Lower Proportion (32.6%) English Ancestry compared to Greater Adelaide at 37.3% Lower Proportion (30.9%) Australian Ancestry compared to Greater Adelaide at 32.3% Higher Proportion (6.2%) Chinese Ancestry compared to Greater Adelaide at 2.9% Higher Proportion (3.1%) Indian Ancestry compared to Greater Adelaide at 1.6% Slightly higher proportion of Aboriginal or Torres Strait Islanders within the area at 1.7% vs 1.3% in Greater Adelaide 	<ul style="list-style-type: none"> Need for a wide range of sport and recreation opportunities for a diverse community Need to consider programs and activities that include linguistically-accessible options

Creating a community precinct for Mitchell Park and surrounds

Topic	Characteristics	Implications
Household Structure	<ul style="list-style-type: none"> • Very high proportion of lone household in the area at 37.9% against Greater Adelaide at 26.7%. The largest percentage difference within Middle Aged at 12.8% v 9.0% • Lower proportion of Households with children at 30.3% v 39.5% within Greater Adelaide. • Clovelly Park the having the highest proportion at 36.1% • 63.6% of households in the area have no children, the highest proportion located in Ascot Park at 69.4% • Lower proportion of Couples with children (20.1%) against Greater Adelaide (28.5%), the highest in Clovelly Park at 26.4% • Similar proportion of Single Parent families at 10.3% vs 11.0% in Greater Adelaide region. Ascot Park the highest at 11.4% • Lower proportion of couples with no children at 21.3% vs 25.5% in Greater Adelaide area. The highest proportion located in Ascot Park at 22.9% 	<ul style="list-style-type: none"> • High demand for group activities and entertainment options for social interaction and inclusion • Demand for family oriented activities and facilities e.g. play spaces and related infrastructure is likely to remain moderate
Household Income	<ul style="list-style-type: none"> • Significantly higher proportion of those with a low household income quartile (\$0 to \$554) compared to Greater Adelaide at 23.6%. • Mitchell Park the highest proportion within this cohort at 34.8% • Higher proportion of those within a medium lowest household income quartile (\$555 to \$1,042) at 26.1% compared to Greater Adelaide at 24.1%. • Lower proportion of those within a medium highest household income quartile (\$1,043 to \$1,869) at 23.5% compared to Greater Adelaide at 25.3%. • Significantly lower proportion of those within the highest income quartile (\$1,870 +) at 18.1% compared to Greater Adelaide at 27.1%. Edwardstown and Clovelly Park the highest in the catchment at 19.7% and 19.9% respectively 	<ul style="list-style-type: none"> • Affordability would be very important for sports and recreation participation
Access to Motor Vehicle	<ul style="list-style-type: none"> • Significantly higher proportion of those with NO motor vehicle at 15.8% v Greater Adelaide at 9.2% • The highest proportion within the area was found within Edwardstown with 18.8% having no vehicle. 	<ul style="list-style-type: none"> • A large proportion of the community may not have the ability to travel to facilities by private vehicle • Potential high demand for use of public or community transport, and

Creating a community precinct for Mitchell Park and surrounds

Topic	Characteristics	Implications
	<ul style="list-style-type: none"> Of all those within City of Marion who do not have a motor vehicle, 31.2% are located within the catchment defined, indicating a large proportion of this community may not have the ability to travel via private vehicle. This is also shown with lower proportion of those travelling to work via car as a driver at 58.6% v Greater Adelaide at 64.4% Those travelling to work via Train (7.0%), Bus (6.6%) higher than Greater Adelaide at 2.1% and 5.9% respectively 	walking and cycling as a means of travel
Disability	<ul style="list-style-type: none"> Higher proportion of those requiring assistance with core activities was noted within the catchment at 6.6% compared to 5.4% in Greater Adelaide region. Mitchell Park the highest area within the catchment requiring assistance at 7.7% 	<ul style="list-style-type: none"> Disability access is important and could require even greater attention as the population ages
Employment	<ul style="list-style-type: none"> Significantly higher unemployment within the catchment at 10.6% compared to 5.9% within the Greater Adelaide region. Ascot Park unemployment rate at 9.3% Total labour force within area is 7,357 accounting for 17.3% of City of Marion total labour force Mitchell Park accounting for 30.4% of the labour force within the catchment. Similar to Greater Adelaide at 18.1%, 18.9% of the catchment hold a Bachelor or higher degree The highest proportion 23.0% located in Ascot Park 47.2% of those within the catchment hold no qualification on par with Greater Adelaide at 46.3%. Mitchell Park and Edwardstown equal highest proportion at 48.1%. 	<ul style="list-style-type: none"> Access to programmes that enable becoming 'job ready' is important. Opportunities for informal training, volunteering etc. is important
SEIFA index	<ul style="list-style-type: none"> All areas located in the catchment have a SEIFA rating at or below the National Average of 966. The lowest SEIFA rating was found for Mitchell Park at 898.0, followed by Edwardstown at 936.5 	<ul style="list-style-type: none"> Delivery of programs which seek to build community capacity and address social and economic disadvantage
ERP 2011 Population forecast	<ul style="list-style-type: none"> 20.3% of total City of Marion Population 33.9% (5,120) increase forecast to 2036 Population Density per hectare 19.09, higher than Marion at 15.87 	<ul style="list-style-type: none"> Increased community demand for open space

Creating a community precinct for Mitchell Park and surrounds

Topic	Characteristics	Implications
	<ul style="list-style-type: none"> Population Density forecast to increase to 25.56 by 2036 above Marion at 17.86 per hectare Ascot Park has highest population density at 29.77 per hectare Close to 75% of the forecast increase is expected within Clovelly /Bedford Park (40%) and Edwardstown (33%) 	

Note: All data refers to ABS 2011 Census data and Forecast ID data.

Potential market segments and services

Target Market	Strategies
Basketball SA	<p>Provide a venue with the capacity to host district and state level championship events on a regular basis.</p> <p>This will create tourism opportunities for the southern metropolitan region of Adelaide.</p> <p>Basketball holds a number of state and national tournaments (http://www.basketballsa.com.au/index.php?id=21). There is an opportunity for the stadium to apply to host some of these championships which attracts hundreds of players and supporters.</p>
South Adelaide Basketball Club	<p>Minimum of four courts is required to support the basic needs of the club. The club will be the primary user of the court space in the evening and weekends.</p> <p>Use will include; All levels of men's, women's and underage district level basketball competition, Social basketball, Mini Ball, Primary school basketball and training.</p>
School Use	<p>Offer use to both primary and secondary schools in the region to ensure court space is filled on off peak times.</p>
Community & Neighborhood Centre	<p>Current facilities at Mitchell park are not adequate to meet the demand in the region</p> <p>Community programs include;</p> <ul style="list-style-type: none"> ▪ Support programs or new arrivals ▪ New arrivals refugee immunization ▪ Asperger's group ▪ Literacy ▪ Babies Playgroup ▪ Computer training courses ▪ Flexi Fitness ▪ Sewing and Crafts ▪ Walking Group
Youth Programs	<p>The evolving demographic in the suburbs of Mitchell Park and Clovelly Park and the growth of the university's and TAFE in the Tonsley site will create an increasing demand for activities for youth and younger adults.</p> <p>A new venue would host youth based programs - social inclusion programmes to protect 'at risk' youth</p>
Private Hire	<p>There are limited opportunities for available spaces in the region. Many of the venues available are small ageing buildings, providing low quality</p>

Target Market	Strategies
	spaces. Higher quality venues are required to meet the community's expectations and demand.
Council Use	Provide spaces for functions/meetings and events
Community groups and activity meeting space	Provide spaces for functions/meetings and events
Mitchell Park Football Club	Provide Clubroom/bar/change rooms/Toilets/office spaces connected to open space areas
Mitchell Park Cricket Club	Provide Clubroom/bar/change rooms/Toilets/office spaces connected to open space areas
Mitchell Park Rugby Club	Provide Clubroom/bar/change rooms/Toilets/office spaces connected to open space areas
Mitchell Park Netball Club	Provide Clubrooms and courts space to support netball
Dover Gardens Dog and Kennel Club	Provide Clubroom/bar/storage/Toilets/office spaces connected to open space areas
Step Into Life	Personal Trainer utilising open space areas and fitness trail and fitness equipment available at the Mitchell park site.

Broader Opportunities – Tonsley

The Government of South Australia approved the Master Plan in March 2012, enabling work to begin immediately on the former industrial 61-hectare site. The Master Plan for Tonsley's evolution establishes the site as a platform for economic growth.

The Master Plan illustrates how Tonsley will become a centre for innovation and productivity. An attractive Town Square will become the heart of Tonsley's social activity, drawing residents, workers and students to the centre of the site.

Design features will honour the site's rural and industrial history and point to its future.

Proposed land uses include:

- Commercial and high-value industrial businesses (70%),
- Residential accommodation (18%),
- Education (10%),
- Retail (2%).

It is anticipated that the Tonsley redevelopment will cater for an additional 1200 residents. The project will provide key community facilities and services to support the growth expected in the Tonsley site.

Broader Opportunities – Flinders University

Flinders University which has facilities located on Tonsley and has its main campus adjacent, currently provides a range of sport and recreation facilities that link to the older southern areas of the university campus.

- 2 indoor sports courts (basketball, netball, volleyball, badminton)
- Playing fields (cricket, soccer, touch, baseball, softball, football)
- 4 hardcourt tennis
- 25 sporting clubs
- Gym, cardio, group fitness, personal training
- Social sports (basketball, netball, futsal, squash)

Developing new facilities at the Mitchell park site will potentially provide a range of tangible benefits to the University.

- A closer link to recreation and community services for the northern campus at Tonsley.
- Ensure there is the provision of first class sport and recreational facilities for students to utilise.
- Increase participation in sport and recreation activities and catering for the expanding number of students.
- Provide health and fitness opportunities to students.
- Provide a range of lifestyle benefits that may attract international students to the University.
- Link university sports science courses and research
- Continue the expansion of the universities programs and services.

Broader Opportunities – Neighbourhood Centre

The City of Marion operated neighbourhood centre currently runs a number of programs including Adult Community Education (ACE) and other community programs in association with students from Flinders University in the discipline areas of law and allied health.

The University is currently also conducting a research project at Tonsley called the 'Living Laboratory' for ageing. These types of programs can connect Tonsley to the wider City of Marion community.

The surrounding population has a range of social indicators which demonstrate the need for a quality neighbourhood centre to be made available for the community. This includes;

- High proportion of people aged 70 years and above
- Higher proportion of people requiring assistance with core activities
- SEIFA rating below the National Average – high rate of social disadvantage
- Significantly higher unemployment within the catchment
- High proportion of those with a low household income
- High density population
- Lower proportion of those born in Australia compared to Greater Adelaide

There is a need to consider a range of programs for the neighbourhood centre that include;

- Active recreation opportunities (e.g. programs, activities, entertainment) aimed at middle aged and older people
- Support programs for people with disabilities
- Programs to assist those that are socially disadvantaged
- Training and return to work programs
- Affordable program/service and participation opportunities for the community
- Open space areas and play opportunities for young people
- Programs to assist new arrivals

7.2 Business direction and Site Operations

The project requires the establishment of a sustainable management structure with shared core administration services that will activate the site, and support clubs and community groups to nurture and grow their activities and participation.

This will be achieved through the establishment of a skills-based Committee of Management including skills covering sports and recreation, board management and governance, commercial and business development, marketing, community development, asset management, and financial management.

The Committee of Management governance arrangements will be consistent with the governance principles for sports, published by the South Australian Government's Office for Recreation and Sport.

A new head lease agreement is proposed to be executed between the City of Marion and the Committee of Management. The head lease would be a modernised lease document, consistent with the City of Marion's Land and Property standard lease templates and revised Leasing Policy (currently in progress). Similar to the current arrangements, sub-licence arrangements would be put in place between the Committee of Management and the individual sporting clubs and tenant groups modernised and updated to reflect licence conditions.

Mitchell Park Court Usage Scenarios – 4 Court Facility

Normal Week

	Monday			Tuesday			Wednesday			Thursday			Friday			Saturday			Sunday		
	6am -3pm	3pm -6pm	6pm-11pm	6am -3pm	3pm -6pm	6pm-11pm	6am -3pm	3pm -6pm	6pm-11pm	6am -3pm	3pm -6pm	6pm-11pm	6am -3pm	3pm -6pm	6pm-11pm	6am -3pm	3pm -6pm	6pm-11pm	6am -3pm	3pm -6pm	6pm-11pm
Crt 1	School	Mini Ball	District Basketball	School	Mini Ball	District Basketball	School	Mini Ball	District Basketball	School	Mini Ball	District Basketball	School	Aussie Hoops	District Basketball	District Basketball	Jnr Domestic Basketball		Hire	Hire	Senior Domestic Basketball
Crt 2	School	Mini Ball	District Basketball	School	Mini Ball	District Basketball	School	Mini Ball	District Basketball	School	Mini Ball	District Basketball	School	Aussie Hoops	District Basketball	District Basketball	Jnr Domestic Basketball		Hire	Hire	Senior Domestic Basketball
Crt 3		Junior Domestic Basketball	Wheelchr Basketball		Jnr Domestic Basketball	Snr Domestic basketball		Jnr Domestic Basketball	Snr Domestic basketball		Jnr Domestic Basketball	Netball			Volleyball	Volleyball	Jnr Domestic Basketball		Volleyball	Volleyball Netball	Netball
Crt 4		Junior Domestic Basketball	Netball		Jnr Domestic Basketball	Volleyball		Jnr Domestic Basketball	Snr Domestic basketball		Jnr Domestic Basketball	Netball			Netball	Volleyball	Jnr Domestic Basketball		Volleyball	Volleyball Netball	Netball

School Holidays

	Monday			Tuesday			Wednesday			Thursday			Friday			Saturday			Sunday		
	6am -3pm	3pm -6pm	6pm-11pm	6am -3pm	3pm -6pm	6pm-11pm	6am -3pm	3pm -6pm	6pm-11pm	6am -3pm	3pm -6pm	6pm-11pm	6am -3pm	3pm -6pm	6pm-11pm	6am -3pm	3pm -6pm	6pm-11pm	6am -3pm	3pm -6pm	6pm-11pm
Crt 1			District Basketball			District Basketball			District Basketball			District Basketball			District Basketball	District Basketball			Hire	Hire	Senior Domestic Basketball
Crt 2			District Basketball			District Basketball			District Basketball			District Basketball			District Basketball	District Basketball			Hire	Hire	Senior Domestic Basketball
Crt 3			Wheelchr Basketball			Snr Domestic basketball			Snr Domestic basketball			Netball			Volleyball	Volleyball			Volleyball	Volleyball Netball	Netball
Crt 4			Netball			Volleyball			Snr Domestic basketball			Netball			Netball	Volleyball			Volleyball	Volleyball Netball	Netball

Mitchell Park Sports and Community Centre



Expression of Interest Potential
Usage Report
February 2018

Contents

BACKGROUND	3
THE PURPOSE OF THE COMMUNITY ENGAGEMENT	4
EXPRESSION OF INTEREST	5
EXPRESSION OF INTEREST RESULTS	6
OTHER SUBMISSIONS	7
ANALYSIS	19

BACKGROUND

The Mitchell Park Sports and Community Centre concept has been designed as a regional sports and community hub that offers high quality facilities, multipurpose spaces as well as a broad range of programs, services and activities providing benefits to the region's economy and community.

The scope of the Mitchell Park Sports and Community Centre comprises the development of a new two-storey community building to cater for the needs of the existing clubs and the Mitchell Park Neighborhood Centre, as well as 4 indoor courts that will replace the Marion Basketball Stadium which no longer meets the needs of the community.

Analysis shows that there is a major shortage of indoor recreation facilities in the Southern region of Adelaide and there is currently no indoor sport and recreation centre that meets the definition for a regional complex.

The existing building and sports infrastructure located at Mitchell Park Sports Club requires upgrading in the relatively near future and the facility is important to a large number of organisations who would benefit from its upgrade. Enhancing the quality of the sports club building is justified due to the high level of use, forecast in population change and links to the Tonsley site and Flinders University.

The Mitchell Park Neighbourhood Centre is highly valued by its users and is an important community resource. However, the existing building is in need of upgrading and is not adequately meeting community needs. As such, an alternative building and site is required.

An opportunity exists for Council to establish the Mitchell Park Sports Ground with an integrated sports and community centre to provide a high quality regional level facility in partnership with multiple user groups.

The current concept for the facility comprises:

- A shared multipurpose function area to cater for the needs of the community and the clubs
- A community neighbourhood centre with child care facilities (Existing Mitchell Park Neighbourhood centre relocated)
- An indoor four court multipurpose sports facility that has the potential to attract state or regional level activities with a show court and seating for major events.
- Indoor/outdoor dog training facility with office and storage. Includes eight (15x30m) dog rinks at the southern end of the complex
- Commercial grade kitchen linked to the main function/dining areas
- Gym and function areas that have the capacity to support a high performance/health/fitness professionals clinic
- Café/Kiosk
- A redesign of car park and traffic management
- 2 x Outdoor multipurpose courts for netball and tennis to the western side of the main indoor sports complex.
- Retain the main oval, scoreboard and oval lighting
- New remote control model car track
- New playground
- Community recreational spaces

The new facility will be used by a variety of sporting and community groups, including the existing clubs that form part of the Mitchell Park Sports Club and the Dover Gardens Dog Club as well as the Mitchell Park Neighborhood Centre. The new indoor courts will have a key focus

on basketball, however their use should include other sports, events and activities reflecting the needs of the broader community. The facility also provides other function spaces and meeting rooms that may be made available for community programs and recreational activities such as, dance, karate, personal trainers, meetings, events and social activities.

THE PURPOSE OF THE COMMUNITY ENGAGEMENT

To ensure the Mitchell Park Sports and Community Centre is supported by a sustainable and sound business model it will be important the facility has a variety of income streams to safeguard against any fluctuations in participation of a particular sport or activity. The achievement of diversified income streams will support the long term financial viability of the facility.

To date Basketball SA has been heavily engaged in the planning process due to the urgent need to replace the Marion Basketball Stadium with better quality facilities. Whilst analysis shows basketball will be a key user of the indoor courts, other potential user groups have not had an opportunity to identify their needs and aspirations for using the indoor courts and open space areas of the proposed facility.

To identify and consider all potential users and further develop the business model, further research to determine how the facility could potentially be utilised is needed.

- Identifying new user groups will:
Ensure the aspirations of all interested community groups is considered
- Provide new opportunities for developing partnerships including funding partnerships
- Potentially broaden the range of services and programs on offer
- Obtain a more accurate understanding of the market for indoor recreation facilities as well as potential use of the outdoor spaces
- Access a diversity of income streams to support a sustainable business model
- Ensure there is optimal use of the facility and open space areas
- Strengthen further support for the project and strengthen the project's business case to attract funding partners
- Identify any special needs that may need to be catered for

EXPRESSION OF INTEREST

To identify potential users and partnerships Council commenced a non-binding 'Expression of Interest' (EOI) process to seek informal offers for the possible use of the spaces planned for the facility.

The EOI was open for submissions from 30 October 2017 to 1 December 2017.

An integrated communications and engagement strategy was used to publicise the EOI which included

- An overarching media announcement of the EOI and advertisement in the Messenger Newspaper
- Communication to all Sport SA member organisations with the assistance of Sport SA
- Direct mail out to known interested organisations
- Direct mail out to all existing stakeholders involved in the project
- Email distribution to City of Marion Clublink Database
- Phone calls to high participation indoor sport state sporting organisations.

Submissions were received through the City of Marion 'Making Marion' website from groups who may wish to book available space in the facility as long term users on a regular basis.

Groups that have already provided information through previous rounds of consultation were not required to make a submission.

EXPRESSION OF INTEREST RESULTS

The details below provide a summary of the EOI submissions received through the making Marion Website.

Total visits to Making Marion = 116

Submissions were received through Making Marion = 8

Additional submissions received by email = 2

Total Submissions = 10

Organisation/Club Name:	Briefly describe the major activities your Organisation/Club provides:
Step into Life Mitchell Park	Step into Life Mitchell Park provides Group Outdoor Personal Training for the Mitchell Park and wider community. We support the local businesses and sporting clubs through sponsorship, fundraising, networking, loyalty and referral programs. We have been operating from this site successfully for 11 years in February and have a great relationship with the Sports and Community Club. The health and wellness of the people I serve is the key to having a vibrant community. We are positive role models for the people driving and passing by which inspires many to move more and utilise the community facilities. We are proud to call this space our home.
South Adelaide Basketball Club Inc	Sporting club basketball. Full details provided previously.
Korfball South Australia	We deliver School clinics, School Competitions and runs several Leagues for the sport of Korfball. Our Major Indoor League runs between Easter and October every year with 6 competing clubs of varying grades from A-C and juniors.
Alpha Gymnastics	We offer recreational gymnastics classes for toddlers (KinderGym) through to adults as well as programs for local schools including Ascot Park Specialist Sport Program, Westminster School and St Peter's Woodlands Grammar School.
Ready Steady Go Kids - Marion	Ready Steady Go Kids run sports and exercise classes for preschool children. Generally in the mornings on each day, up to 5-6 days per week, in School terms
Sacred Heart College	We are a Co-educational Middle School offering a wide range of sport and PE curriculum

Organisation/Club Name:	Briefly describe the major activities your Organisation/Club provides:
South Adelaide Volleyball Club	The South Adelaide Volleyball is one of 8 State League Clubs affiliated with Volleyball South Australia. This season we had 7 senior teams and 13 junior teams training across 3 nights and 2 venues. In total we have approximately 200 training senior and junior players. We continue to expand each season with the sport and have seen an increase from 5 to 13 junior teams in just 3 years. Junior competitions now run all year and we stretched for training spaces. This new 4 court facility would be something our club would benefit greatly from. Currently the majority of venues we have available to us are either 2 or 3 court venues with limited run off space. We would see this as an opportunity to form a long term partnership the Mitchell Park Community Centre. We are also looking to expand into running volleyball clinics and tournaments for schools in the local area as well as expanding into running social tournaments. Again access to this new facility would greatly assist with these goals.
Arista Marion Korfbal Club	Arista Marion Korfbal Club is a community sporting group providing equal opportunities for men and women to play in the same team. Arista participates in a State League competition against 5 other clubs across 3 grades. Arista also participates in other competitions such as nationals to play against teams from interstate. We currently play our games at Netball SA stadium although often need to play at alternate venues when it is unavailable. All grades currently play on the same day at the same location. Arista Marion Korfbal Club is affiliated with Korfbal South Australia and Korfbal Australia. Many players from Arista have represented Australia at international competitions.

Organisation/Club Name:	What are the key future directions for your Organisation/Club?
Step into Life Mitchell Park	My aim is to continuing growing the health and wellness of the local community one person at a time. I have strong ties with and around the council zone and local sporting clubs and I hope to continue working with these organisations in the future to build a solid base of members striving for a healthier and productive life.
South Adelaide Basketball Club Inc	<ul style="list-style-type: none"> - Continue to build on the great foundations built over previous years; - Improve facilities for both players and spectators. New stadium is what we all need and want. In the meantime, we need to ensure that "The Shed" is still maintained, main focus areas here are the playing floors and the car park; - Continue to grow participation in basketball at all levels at South; and - Improve on court performances for both senior and junior teams.

Organisation/Club Name:	What are the key future directions for your Organisation/Club?
Korfball South Australia	KSA is embarking a new initiative to conduct school tournaments on a more regular basis as well as looking at changing the structure of our major league. Our goal is to have 150 school aged players by 2020. We are also developing plans to increase the clubs to 8.
Alpha Gymnastics	Did not answer question
Ready Steady Go Kids - Marion	To continue to grow within the Marion region and to encourage ELCs and Kindergartens to attend the centre for our programs as well.
Sacred Heart College	To continue educating young people
South Adelaide Volleyball Club	<p>The key future directions for our club is to expand into a sustainable Volleyball Club catering to people of Southern Suburbs.</p> <p>We are aiming to set up a Spikezone which is modified volleyball for primary school students. This provides children an introduction to volleyball in a fun gameplay environment. The aim is for these children to then progress into playing club volleyball and becoming lifelong participants of the sport.</p> <p>We continue to aim and aspire to being the best State Club both on and off the court providing our members with the best opportunities and facilities available to us.</p>
Arista Marion Korfball Club	<p>Increase participation and retention of players to the sport of Korfball</p> <p>Assist in the development of a junior competition</p> <p>Continue to support player and referee development for participation at an international level</p> <p>Develop strategies to reduce barriers for participation</p>

Organisation/Club Name:	How will your Organisation/Club increase opportunities for residents in the City of Marion?
Step into Life Mitchell Park	All ages, fitness levels and abilities are welcome to join our membership. We are inclusive of all cultures and provide a welcoming environment. By facilitating a safe and welcome space that engages with residents multiple times per day, we aim to inspire people to get out of their homes and engage in physical activity of any type which has been shown to reduce destructive behaviours, help with anxiety and depression and of course reduce the strain on medical facilities.
South Adelaide Basketball Club Inc.	Did not answer question. Full details provided previously.
Korfball South Australia	Easier for locals to join clubs when main playing venue is so close. We could base nearly all of our Korfball at this venue which would be a huge gain for the City of Marion. When equipment and courts are close and easy there is scope to use this venue for league but also come and try and school competitions for local schools.
Alpha Gymnastics	<p>A larger space will allow us to accommodate more members by offering multiple classes at the same time. We also looking at introducing additional program targeting specific groups (fall safety, aging populations, schools, etc.)</p> <p>A gymnastics hall could be used for multiple users groups including regular members (predominately children), school/kindy groups, special needs groups, and strength training (predominantly adults). Martial arts may also use the gym floor</p>
Ready Steady Go Kids - Marion	Continual marketing in the local area, at Kindergartens, childcare centres, at fairs and markets etc. while growing our online presence as well
Sacred Heart College	WE will provide additional sporting opportunities for our students many of whom are resident in the City of Marion.

Organisation/Club Name:	How will your Organisation/Club increase opportunities for residents in the City of Marion?
South Adelaide Volleyball Club	<p>We will provide opportunities for the local community to be involved in our volleyball club. We will have opportunities for School aged children to either join our club or be involved in our clinics or tournaments. We would also encourage older people to be involved at our club either in our senior teams or recreational teams. This will provide the opportunity for people to be continually active both physically and socially.</p> <p>Volleyball SA State League Competition has also recently expanded into clubs having home and away matches for top teams. Usually State League games are played at a central venue on the weekend. However these once off games occur midweek and are up to the club to provide a venue (usually where they train). Having access to this facility would allow us to host games at the venue providing the local community with the option of spectating the best level of state league volleyball.</p>
Arista Marion Korfball Club	<p>Increased exposure to Korfball and promotion will allow increased participation in an equal opportunities sport.</p> <p>Korfball is a game where families can bring their children to play as Kids Korf is continually being developed by Korfball South Australia</p> <p>If there is opportunity for all clubs to play at the facilities, there will be greater opportunity for residents and families to be involved in a sport they can play together.</p> <p>There are currently no juniors and this is an area Korfball South Australia and Korfball Australia are aiming to develop.</p>

Participation numbers

Organisation/Club Name:	Juniors - Females	Juniors - Males	Seniors - Males	Seniors - Females
Step into Life Mitchell Park			10	60
South Adelaide Basketball Club Inc	150	490	210	30
Korfball South Australia	15	20	45	40
Alpha Gymnastics	159	57	4	6
Ready Steady Go Kids - Marion	70	80		
Sacred Heart College	350	450	0	0
South Adelaide Volleyball Club	90	45	45	30
Arista Marion Korfball Club	0	0	21	17

Potential use

Organisation/Club Name:	Indoor Court	Oval	Multipurpose function rooms	Outdoor courts	Office
Step into Life Mitchell Park	I would welcome the use of the indoor courts during inclement weather and would love to take school groups if the opportunity arose.	My group currently uses the Southern Oval	I could use this space for meetings, forums and other functions. Nutritional seminars would greatly benefit the community.	I would use the outdoor courts to train the netball or tennis teams if I had that opportunity.	I do not require office space.
South Adelaide Basketball Club Inc	4 courts, Full details provided previously.	Nil	Occasionally	Nil	1 - 2
Korfball South Australia	We would like to use 1-4 courts at a time. Depending on the activity and number of participant we could foresee needing all 4 at times.	During summer but not on a regular basis.	Once or twice per year for special functions and awards.		
Alpha Gymnastics	No response to question	No response to question	No response to question	No response to question	No response to question
Ready Steady Go Kids - Marion	We generally use area of half to full basketball court for our programs	NA	NA	NA	May consider
Sacred Heart College	Use of courts for Basketball, Netball, Badminton and Volleyball	Soccer Pitches	Not required	Netball	Not required

Organisation/Club Name:	Indoor Court	Oval	Multipurpose function rooms	Outdoor courts	Office
South Adelaide Volleyball Club	We would look to use all available indoor courts for trainings, clinics and the possibility of social competitions	We would not look to use the oval space	We may have an interest in using the function room for club presentations	We would not need the outdoor courts	We would not need office space
Arista Marion Korfball Club	Indoor courts are 20m x 40m divided in half with a korf (3.5 meter post with a basket at the top) placed 2/3rds from the centre of the court. There is 1 korf in each half.		We currently use Marion Sports Club for all of our meetings.		

Activities

Organisation/Club Name:	Activity 1:	Type of facility required for Activity 1:	Special facility requirements for Activity 1:	Activity 1 capability of occurring concurrently with other sports/users in the same space:	Activity 2:	Type of facility required for Activity 2:	Special facility requirements for Activity 2:
Step into Life Mitchell Park	My personal training classes. I currently have 14 sessions per week	The Southern Oval, current entrance off Bradley Grove.	I currently utilise the light towers erected by the Dover Dog School in the winter months	There have been no issues in the past 10 years. I have happily shared the space with the dog school and other recreational users.			
South Adelaide Basketball Club Inc	Playing and training Basketball from little kids right through to Premier League	Indoor Courts	Basketball rings, scoreboards, basketball lines, score benches, seating for players and spectators	Very limited			
Korfball South Australia	Korfball League	Indoor courts 3-4	Basketball rings completely off of court. Use of Korfball posts and baskets (we provide).	Yes if we are not using all courts.	After School Korfball league	As above - but could be run outdoors in term 1 and 4.	As above unless outside in which case a shaded area.
Alpha Gymnastics	Gymnastics sport activities	Gymnastics-specific hall	preferred ceiling height of 5m+, floor anchor points, in-ground foam pit or raised mezzanine to accommodate foam pit	sharing of space could be negotiated depending on group	Hosting Gymnastic Events	Gymnastics hall	As above

Organisation/Club Name:	Activity 1:	Type of facility required for Activity 1:	Special facility requirements for Activity 1:	Activity 1 capability of occurring concurrently with other sports/users in the same space:	Activity 2:	Type of facility required for Activity 2:	Special facility requirements for Activity 2:
Ready Steady Go Kids - Marion	Sports classes for pre-schoolers	Basketball (indoor) court	Storage for 4-5 x 240L bins of equipment	Preferably a barrier between courts			
Sacred Heart College	Nil	Nil	Nil	Nil	Nil	Nil	Nil
South Adelaide Volleyball Club	Volleyball Trainings	Indoor Courts	Additional height and limited obstructions above courts (e.g. basketball rings), Good lighting, Suitable runoff space at the end and side of courts, potential for storage of club gear e.g. balls	If we were only using half the gym space as long as a court divider was used there would be no issues with another sport running.			

Organisation/Club Name:	Activity 1:	Type of facility required for Activity 1:	Special facility requirements for Activity 1:	Activity 1 capability of occurring concurrently with other sports/users in the same space:	Activity 2:	Type of facility required for Activity 2:	Special facility requirements for Activity 2:
Arista Marion Korfball Club	Training and potentially games for whole competition.	Korfball - Training 1-2 courts, Game day if available 3-4 courts (20mx40m) for whole KSA competition	20m x 40m courts. Korf are 3.5m tall so may require additional height although this will depend on current design. Korfball is a ball sport - a mix between basketball and netball.	no issues			

Organisation/Club Name:	Is it likely your organisation will expand on usage levels indicated above and if so to what extent.
Step into Life Mitchell Park	I have the capacity to add more sessions to my timetable if my membership grows which won't impact on other users at present.
South Adelaide Basketball Club Inc	Yes, we currently use the two courts at Marion Stadium but we would expand to utilise the full four courts. South Adelaide is now the biggest basketball club in SA
Korfball South Australia	Unlikely, however if we were successful in securing a venue this could change. It is our BIGGEST hurdle by far.
Alpha Gymnastics	Highly likely to be able to expand. Gymnastics SA conducted a survey in the last 12 months which found over 500 children on club waiting lists in the Marion area.
Ready Steady Go Kids - Marion	Possible. Increasing the length of time for hire and/or days we hire.
Sacred Heart College	Possibly into the future we will have 1000 students on our Mitchell Park Campus
South Adelaide Volleyball Club	At this stage we would only look to use the facility as a training venue. However as mentioned there is the possibility to host State League Home Matches and junior clinics. Depending on the size we would also look into the multi-purpose function room for annual club presentations.
Arista Marion Korfball Club	As we are just one club, there is the potential for more clubs wanting to use the facility for trainings and state league competitions as well as other competitions throughout the year such as the National Championships. This could include but is not limited to other formats of the game including social korf, and K4.

Organisation/Club Name:	Please provide any other comments you would like the City of Marion to consider in your expression of interest?
Step into Life Mitchell Park	Step into Life has happily existed on this site for 11 years in February and have performed other functions besides running the classes. Our presence has deterred security breaches of the property and we have helped with vandalism and theft issues. We always act in the best interests of the community and have provided food and clothing for people we may discover around the venue, as well as referring them onto Marion Services.
South Adelaide Basketball Club Inc	Did not answer question. Full details provided previously.
Korfball South Australia	We would LOVE to have a meeting with relevant groups and decision makers. This centre looks amazing and we would love the chance to be involved
Alpha Gymnastics	We are a private business started in 2015. We are still fairly early in our development but believe there is potential in this area. Use of a new venue would only be considered if it was a permanently set-up gymnastics facility.
Ready Steady Go Kids - Marion	Ready Steady Go Kids has been established in the Marion area for approx. 8 years and has grown from approx. 30 enrolments up to 150 enrolments in that time.
Sacred Heart College	We would be pleased to discuss our needs further if required
South Adelaide Volleyball Club	It is extremely hard for all Volleyball Clubs in South Australia to find suitable and affordable training venues. Basketball and Netball have a huge base of venues and often book out these venues months in advance. As a result many clubs don't have an official place they can call 'home'. Differing from other sports such as cricket, football, basketball and netball where the majority of clubs have an established base. This is our chance to find ourselves a home and provide new opportunities to the local community. Volleyball is one of the fastest growing sports in the country and the need for clubs and venues is only going to increase. We would welcome the opportunity to be involved in the planning of court dimensions and layout to ensure the venue is suited to volleyball training and recreational competitions.
Arista Marion Korfball Club	Arista is a community based club promoting participation in a family friendly equal opportunities sport. We are always looking for facilities to use and often have to travel a distance to participate in the sport we love.

Organisation/Club Name:	Why would your Organisation/Club like to use the proposed facilities at Mitchell Park Sports and Community Centre?
Step into Life Mitchell Park	There is a great community vibe through the football, netball, cricket and rugby club. The facilities are easily accessible. Security, parking and lighting is good.
South Adelaide Basketball Club Inc	We are currently using Marion Stadium which over 60 years is reaching the end of its life and our club has out grown the 2 court stadium
Korfball South Australia	As I said we struggle to find a 'home' for our league where we can play all grades together at the one time. Given we are mixed gender and we have so many families playing this is a major hurdle for us. We think this space has the potential to become the home of Korfball in this state especially based on the area as it is our highest as far as members/players.
Alpha Gymnastics	We are currently based in Ascot Park and many of our current members are located in the Marion area (Plympton to Sheidow Park). A new facility in the area would allow us to expand with minimal disruption to our current members.
Ready Steady Go Kids - Marion	A high quality centre will attract new members to our program and assist us in maintaining our standing as Australia's leading Preschool sports program.
Sacred Heart College	To give our school more flexibility with sport and PE for our students
South Adelaide Volleyball Club	As mentioned there is a lack of facilities available with more than 3 volleyball courts and also venues with sufficient runoff. We would like to see this turn into a long term partnership providing a volleyball hub for people of the southern suburbs.
Arista Marion Korfball Club	Having a central location for our members to train and play would be ideal. It would be great to have some storage space for our equipment as we are currently transporting our equipment to trainings each week. To be able to have a full size court for training and game day will be helpful for the development of players in preparation for international competition. Having a space that is suited to Korfball will help encourage participation and the growth of Korfball.

OTHER SUBMISSIONS

(Email, letters and phone calls)

Submissions by email

1. Gymnastics SA education would like to have discussion with Council of using the following spaces:
 - Function/multipurpose spaces
 - Commercial grade kitchen
 - Meeting rooms
 - Community centre
2. The Islamic Society of SA would like to discuss activities the upgraded Mitchell Park may facilitate.

ANALYSIS

In total ten (10) EOI submissions were received

1. Step into Life Mitchell Park
2. South Adelaide Basketball Club Inc.
3. Korfball South Australia
4. Alpha Gymnastics
5. Ready Steady Go Kids - Marion
6. Sacred Heart College
7. South Adelaide Volleyball Club
8. Arista Marion Korfball Club
9. Gymnastics SA
10. Islamic Society of SA

All ten submissions received have potential for further consideration and potential use of the Mitchell Park Facilities.

The following section provides analysis of the proposed times of use to see how the activities may be accommodated.

This draft model of use considers-

- Existing user groups of the Mitchell Park Sports and Community Site
- South Adelaide and Basketball SA information
- EOI's Received

The tables on the following page indicate

- Analysis shows that there is enough interest to have high occupancy of the courts 7 days a week for 12 months per year.
 - There is very high demand for the court space from 3pm to 11pm on weekdays
 - Low use times are generally restricted to school holiday periods, however this creates opportunities for additional community programs and use.
- there are a number of potential clashes of times on weekends
- Only one or two courts are likely to be used by Sacred Heart School during the daytime. The school has indicated it would also like to have access to the oval during school hours.
- Two courts would be available for community use during the 6am to 3pm time period.

Potential Additional Use

- The courts are underutilised in school holidays. However there would be opportunities for the centre management to fill the courts with specialised programs for school holiday periods.- Vacation Care and School Holiday clinics
- There is limited opportunities for indoor soccer and netball competitions. There is likely to be strong demand for both sports. Due to the nature of indoor soccer and netball competitions would need to be developed by the centres management. Netball and Indoor Soccer use will need to be considered in regards to the mix with Volleyball and Basketball.
- Saturday evenings the courts are not utilised and other opportunities such as casual hire/parties or social programs like midnight basketball/youth or corporate events could be considered.
- 6am to 3pm weekdays could potentially be used for community programs, additional school use, SHAPE – elite fitness programs, and Junction Australia.

Mitchell Park Court Usage Scenarios – 4 Court Facility

	Indicates two EOI submissions clash
	Indicates three or more EOI submissions clash
	Court available for community use - available for hire

Normal Week – 40 weeks per year

	Monday			Tuesday			Wednesday			Thursday			Friday			Saturday			Sunday		
	6am -3pm	3pm -6pm	6pm-11pm	6am -3pm	3pm -6pm	6pm-11pm	6am -3pm	3pm -6pm	6pm-11pm	6am -3pm	3pm -6pm	6pm-11pm	6am -3pm	3pm -6pm	6pm-11pm	6am -3pm	3pm -6pm	6pm-11pm	6am -3pm	3pm -6pm	6pm-11pm
Crt 1	School	Mini Ball	District Basketball	School	Mini Ball	District Basketball	School	Jnr Domestic Basketball	District Basketball	School	Mini Ball	District Basketball	School	Aussie Hoops	District Basketball	District Basketball	Jnr Domestic Basketball	Community Use	Ready Steady Go Kids	Korfball (April – sept)	Senior Domestic Basketball
Crt 2	School	Mini Ball	District Basketball	School	Mini Ball	District Basketball	School	Jnr Domestic Basketball	District Basketball	School	Mini Ball	District Basketball	School	Aussie Hoops/ Korfball	District Basketball /Korfball/ Volleyball	District Basketball	Jnr Domestic Basketball	Community Use	Ready Steady Go Kids	(Korfball (April – sept)	Senior Domestic Basketball
Crt 3	Community Use	Junior Domestic Basketball	Wheelchr Basketball	Community Use	Jnr Domestic Basketball	Snr Domestic basketball	Community Use	Basketball Mini Ball	Snr Domestic basketball	Community Use	Jnr Domestic Basketball	Netball	Community Use	Korfball (April – sept)	Volleyball/ Korfball/ Volleyball	Volleyball/ School	Domestic Basketball / Volleyball	Community Use	Volleyball State team training	Korfball/ Volleyball Netball	Netball
Crt 4	Community Use	Junior Domestic Basketball	Volleyball SA	Community Use	Jnr Domestic Basketball	Volleyball SA – Adelaide Storm	Community Use	Volleyball Spike Zone/ Basketball Mini Ball	Snr Domestic basketball	Community Use	Jnr Domestic Basketball	Volleyball SA – Adelaide Storm	Community Use	Korfball (April – sept)	Netball/ Korfball/ Volleyball	Volleyball/ school	Jnr Domestic Basketball / Volleyball	Community Use	Volleyball State team training	Volleyball Netball	Netball

Note; Alpha Gym would like exclusive access to 1 court x 12 months per year

School Holidays – 12 weeks per year

	Monday			Tuesday			Wednesday			Thursday			Friday			Saturday			Sunday		
	6am -3pm	3pm -6pm	6pm-11pm	6am -3pm	3pm -6pm	6pm-11pm	6am -3pm	3pm -6pm	6pm-11pm	6am -3pm	3pm -6pm	6pm-11pm	6am -3pm	3pm -6pm	6pm-11pm	6am -3pm	3pm -6pm	6pm-11pm	6am -3pm	3pm -6pm	6pm-11pm
Crt 1	Coaching Clinics	Coaching Clinics	District Basketball	Coaching Clinics	Coaching Clinics	District Basketball	Coaching Clinics	Coaching Clinics	District Basketball	Coaching Clinics	Coaching Clinics	District Basketball	Coaching Clinics	Coaching Clinics	District Basketball	District Basketball	Community Use	Community Use	Ready Steady Go Kids	Hire	Senior Domestic Basketball
Crt 2	Vacation Care	Vacation Care	District Basketball	Vacation Care	Vacation Care	District Basketball	Vacation Care	Vacation Care	District Basketball	Vacation Care	Vacation Care	District Basketball	Vacation Care	Vacation Care	District Basketball	District Basketball	Community Use	Community Use	Ready Steady Go Kids	Hire	Senior Domestic Basketball
Crt 3	Community Use	Community Use	Wheelchr Basketball	Community Use	Community Use	Snr Domestic basketball	Community Use	Community Use	Snr Domestic basketball	Community Use	Community Use	Netball	Community Use	Community Use	Volleyball	Volleyball	Community Use	Community Use	Volleyball	Volleyball Netball	Netball
Crt 4	Ready Steady Go Kids	Ready Steady Go Kids	Netball	Ready Steady Go Kids	Ready Steady Go Kids	Volleyball	Ready Steady Go Kids	Ready Steady Go Kids	Snr Domestic basketball	Ready Steady Go Kids	Ready Steady Go Kids	Netball	Ready Steady Go Kids	Ready Steady Go Kids	Netball	Volleyball	Community Use	Community Use	Volleyball	Volleyball Netball	Netball



6 February 2018

To whom it may concern,

Thank you for your submission to the City of Marion Expression of Interest Survey for the planned Mitchell Park Sports and Community Centre.

A report summarising the EOI submissions was tabled at the General Council meeting held on the 12th December 2017.

Council is now in the process of reviewing the submissions to identify and consider all potential users. We will then be in a position to further develop the business model and how the facility could be best utilised.

Council has committed \$9.87 million to the project and we are currently seeking partnership funding. We will keep you informed as to the status of this project.

Thank you for your input and support.

A handwritten signature in black ink, appearing to read "G. Salmon", with a long horizontal flourish extending to the right.

Greg Salmon

Manager City Activation

Questions Taken on Notice Register

Originating Officer	Governance Officer - Victoria Moritz
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Vincent Mifsud
Report Reference	GC190212R07

REPORT OBJECTIVE

To receive and note the information contained within the *Questions Taken on Notice Register* provided in Appendix 1.

EXECUTIVE SUMMARY

The 'Code of Practice – Procedures At Council Meetings 2017/18' states that:

4.7 Questions without Notice that were not answered at the same meeting will be entered into a register. This register will be tabled as an information report at the following meeting.

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.

RECOMMENDATION

That Council:

- 1. Notes the report "Questions Taken on Notice Register".**

Attachment

#	Attachment	Type
1	Questions Taken on Notice Register - Appendix 1	PDF File

Questions Taken on Notice Register



Appendix 1

Report Reference	Meeting Date	Councillor	Responsible Officer	Question taken on notice during the meeting	Response
GC190129R07	29 January 2019	Mayor Hanna	Kate McKenzie	Was the City of Marion notified that the Tour Down Under was going through Diagonal Rd and Oaklands Road and if yes, why did the Council not install any signage to warn of traffic congestions?	The only correspondence Council received was from the Hon David Ridgway MLC in relation to declaring the 2019 Santos Tour Down Under as a major event under the <i>Major Events Act 2013</i> . The correspondence included generic information that the event would pass through the region on Saturday 19 January 2019, however there were no specific details. A full copy of the correspondence has been placed on the EM Extranet.

WORKSHOP / PRESENTATION ITEMS

MOTIONS WITH NOTICE

2022 General Council Election - Meet the Candidate Forum

Elected Member Councillor Bruce Hull

Report Reference: GC190212M01

Motion:

That:

- 1. Just prior to the next General Council Election, Council facilitates and funds a public Meet the Candidates Forum in a suitable all weather venue as part of a broader strategy to promote voter response and general election candidate awareness”**

Supporting Information:

During the recent General Council election there was a demonstrated community appetite for such an event. Other surrounding Councils conducted such events, but not Marion?

Response Received From: Jaimie Thwaites, Unit Manager Governance and Records

Staff Comments:

During the 2018 Local Government Elections some Council's ran 'Meet the Candidates sessions'. The format of these sessions varied. In some instances one event was held for all candidates and in other examples a session was held per ward. Some sessions were more formal, with candidates given the opportunity to address all attendees and others were less formal and more of a meet and greet format where attendees decided who they would approach. Consideration needs to be given to the number of candidates when considering the format.

Community interest in such events differed across the councils and sessions.

Also during the 2018 Election, some Community Groups organised, funded and ran their own 'Meet the candidates session" tailored to their particular interests / geographical areas.

The timing of the session/s would need to occur after the closure of the nominations and prior to the close of voting.

Costs associated with running such event could include venue hire, facilitator, staff costs, catering and advertising of such event. Costs would need to be verified but an indicative cost would be \$2,000 per session held.

If Council resolves to support this motion the costs would need to be included in the 2022 Election Budget.

Requirement for Developers to install a builders pole for electricity supply

Elected Member Councillor Bruce Hull

Report Reference: GC190212M02

Motion:

That:

- 1. As a requirement of building approvals, all developers must install a builders pole for electricity supply at the construction site. All generators and compressors are prohibited and that only electric nail guns and electric mechanised tools are used on the site during construction stage throughout the City of Marion”**

Supporting Information:

With an unprecedented number of homes being demolished and 2-3-4 or more homes constructed on the same site, our residential streets are becoming vast brown field subdivisions. With this comes disruptive construction noise that is often conducted at inappropriate times of the day when residents are trying to sleep. I believe that we owe it to our residents to invoke such measures to protect them from inconsiderate developers/builders.

Response Received From: Stephen Zillante

Staff Comments:

The use of generators, compressors and other noisy tools and machinery on building sites is considered “construction noise” under the Local Nuisance and Litter Control Act 2016, and is permitted during the following times:

- Between 7am and 7 pm from Monday to Saturday.

Construction noise outside of the above times may be declared “local nuisance” under the Act. In such situations, Council is empowered to issue a Nuisance Abatement Notice preventing a person from carrying on the noisy activity outside of these times. Council cannot however restrict the use of generators, compressors and other noisy tools and machinery on building sites within the prescribed times.

From a development approval perspective, the Development Act 1993 does not contain requirements for noise abatement measures or for the provision of electricity supply to residential building sites during construction. In assessing and recommending a development for development approval (including the imposition of conditions), Council staff may only have regard for the requirements of the Development Act 1993. Accordingly, the development approval process cannot be used to control construction noise or to require the provision of electricity supply during construction.

Council does however include standard “advisory notes” on its development approvals that advise owners and builders of site management requirements (including noise) for buildings under construction. The City of Marion also provides information on construction noise through its website.

In summary, Council controls construction noise through the Local Nuisance and Litter Control Act 2016. This Act allows the use of generators, compressors and other noisy tools and machinery on building sites within prescribed time frames. Any measure that could contradict this would likely not be legally valid. It is therefore suggested that Council consider an alternative motion, as follows:

That Council write to the Minister for Planning to advocate for a change to the Development Act 1993 to require builders and developers to provide a mains electricity supply to construction sites during construction.

Newstart Allowance

Elected Member Councillor Bruce Hull

Report Reference: GC190212M03

Motion:

That:

1. The City of Marion publically advocates for an increase to the Newstart Allowance through a letter to the relevant Government Ministers.
2. A report be provided to a subsequent Council meeting on how Council is currently assisting and supporting residents on low fixed incomes, with recommendations on how this can be built on in the future.
3. Conveys to the LGA the intention of point 1. To any future vote on this matter within the LGA.

Supporting Information:

Appendix 1 - Extract of Minutes from the LGA Annual General Meeting held on Friday 26 October 2018

Staff Comments:

Should Council support the Motion with Notice, the following can be provided:

1. Administration to draft correspondence publicly advocating for an increase to the Newstart Allowance, in line with the letter written by LGASA President, Mayor Sam Telfer dated 11 December 2018, addressed to Hon. Paul Mitchell MP (Minister for Families and Social Inclusion).
2. A report to the General Council Meeting on 26 March 2019 detailing how the City of Marion is currently assisting and supporting residents on low fixed income, with recommendations on how this can be built on in the future.
3. Administration to draft a letter to the LGA of its intention to publicly advocate for an increase to the Newstart allowance as per point 1.

ATTACHMENTS:

#	Attachment	Type
1	Newstart Allowance - Appendix 1	PDF File

Draft

candidacy for any position in State or Federal Parliament shall for the period of suspension to only be from when the nominations are lodged and accepted to the election outcome and that the elected member take leave of absence during this time and have all allowances suspended. This should include provision of motor vehicle and other support. The LGA will liaise with the Minister for Local Government to determine any further detail that makes the intent of this motion acceptable and enforceable.

The Amendment become the motion was **Carried**

The motion as amended was put and was **Carried**

8.13 Newstart Allowance (Onkaparinga)

Moved Onkaparinga Seconded Prospect that the Annual General Meeting requests the LGA to endorse motion 64, passed at the 2018 ALGA National General Assembly, and that the LGASA actively lobby, and work with, ALGA and our federal and state parliamentary colleagues to facilitate an increase to the Newstart allowance as a matter of urgency.

Moved Mitcham that the motion be put.

Carried

The motion was put and was **Lost**

A division was called by Onkaparinga.

For:	Adelaide, Adelaide Hills, Alexandrina, Barossa, Berri Barmora, Burnside, Clare & Gilbert Valleys, Coorong, Grant, Lower Eyre Peninsula, Loxton Waikerie, Mount Barker, Mount Gambier, Murray Bridge, Northern Areas, Onkaparinga, Playford, Port Adelaide Enfield, Prospect, Renmark Paringa, Salisbury, Tatiara, Tea Tree Gully, Victor Harbor, Wakefield Regional, Walkerville, Whyalla, Wudinna
Against	Adelaide Plains, Barunga West, Campbelltown, Ceduna, Cleve, Copper Coast, Elliston, Flinders Ranges, Gawler, Goyder, Holdfast Bay, Karoonda East Murray, Kimba, Kingston, Light, Marion, Mid Murray, Mitcham, Mount Remarkable, Naracoorte Lucindale, Norwood Payneham St Peters, Ororoo Carrieton, Peterborough, Port Augusta, Port Lincoln, Port Pirie, Southern Mallee, Streaky Bay, Tumby Bay, Unley, Wattle Range, Yorke Peninsula.
Absent:	Coober Pedy, Charles Sturt, Franklin Harbor, Kangaroo Island, Robe, Roxby Downs, Yankalilla
Abstained:	West Torrens

The President confirmed the motion was **Carried**.

Quentin Kenihan Memorial

Elected Member Councillor Bruce Hull

Report Reference: GC190212M04

Motion:

That Council:

- 1. Note staff's report back to Council on suitable options to pay tribute to the late Mr Quentin Kenihan by way of a monument/plaque in recognition of his quest and contributions to establish an inclusive playground in Marion at the Hendrie Street site.**
- 2. Note the three options presented for consideration for the monument/plaque in recognition of Mr Quentin Kenihan's quest and contributions to establish an inclusive playground in Marion at the Hendrie Street Reserve as set out on Attachments A, B and C.**
- 3. Endorses Option X, with the memorial to be funded through operational budgets.**

Supporting Information:

At the Infrastructure and Strategy Committee Meeting held on 4 December 2019, I raised this matter in general business and was impressed by the input and goodwill towards this proposal by Members & Staff, and the strong suggestion to submit this motion.

Response Received From: Unit Manager Open Space and Recreation Planning, Victoria Masterman

Staff Comments:

Background

At the 4 December 2018, Infrastructure and Strategy Committee Meeting, Councillor Hull raised the opportunity of provision of a monument or plaque in acknowledgement of the contribution of Mr Quentin Kenihan to the development of the Hendrie Street Inclusive Playground.

While in attendance at the launch of the Hendrie Street Reserve Inclusive Playground, Mr Kenihan stated "So when they were designing the park here in Adelaide, the first Livvy's Place park in Adelaide, I said I wanted like a racing track, somewhere where wheelchairs can run around and they built it!"

To recognise Mr Kenihan's passion for the pump (racing) track within Hendrie Street Reserve Inclusive Playground, three options to memorialise Mr Kenihan have been developed for consideration.

Options for consideration

Option 1 – Track Start and End Signage (refer Attachment A)
Estimated cost up to \$2k

- Designed to be integrated with the existing pump track. This option considers the wider playground setting, and would create additional play value within the playground.
- Key elements of Option 1 include linemarking, line flag with memorial text, and custom posts. The text would reflect Mr Quentin Kenihan.

Option 2 – Signpost (refer Attachment B)

Estimated cost up to \$1-1.5k

- Designed as a standalone monument, to be placed next to a pathway in a visible location.
- Key elements of Option 2 include a single timber post with custom signboards and engraved text. The text would reflect quotes from Mr Quentin Kenihan.

Option 3 - Totem (refer Attachment C)

Estimated cost up to \$2-3k

- Designed as a standalone memorial, to be located near the existing pump track play element.
- Key elements of Option 3 include text wrapping around a post and a sculpted cape. The text '*Not all superheroes wear capes*' is the title of one of Mr Quentin Kenihan well known books.

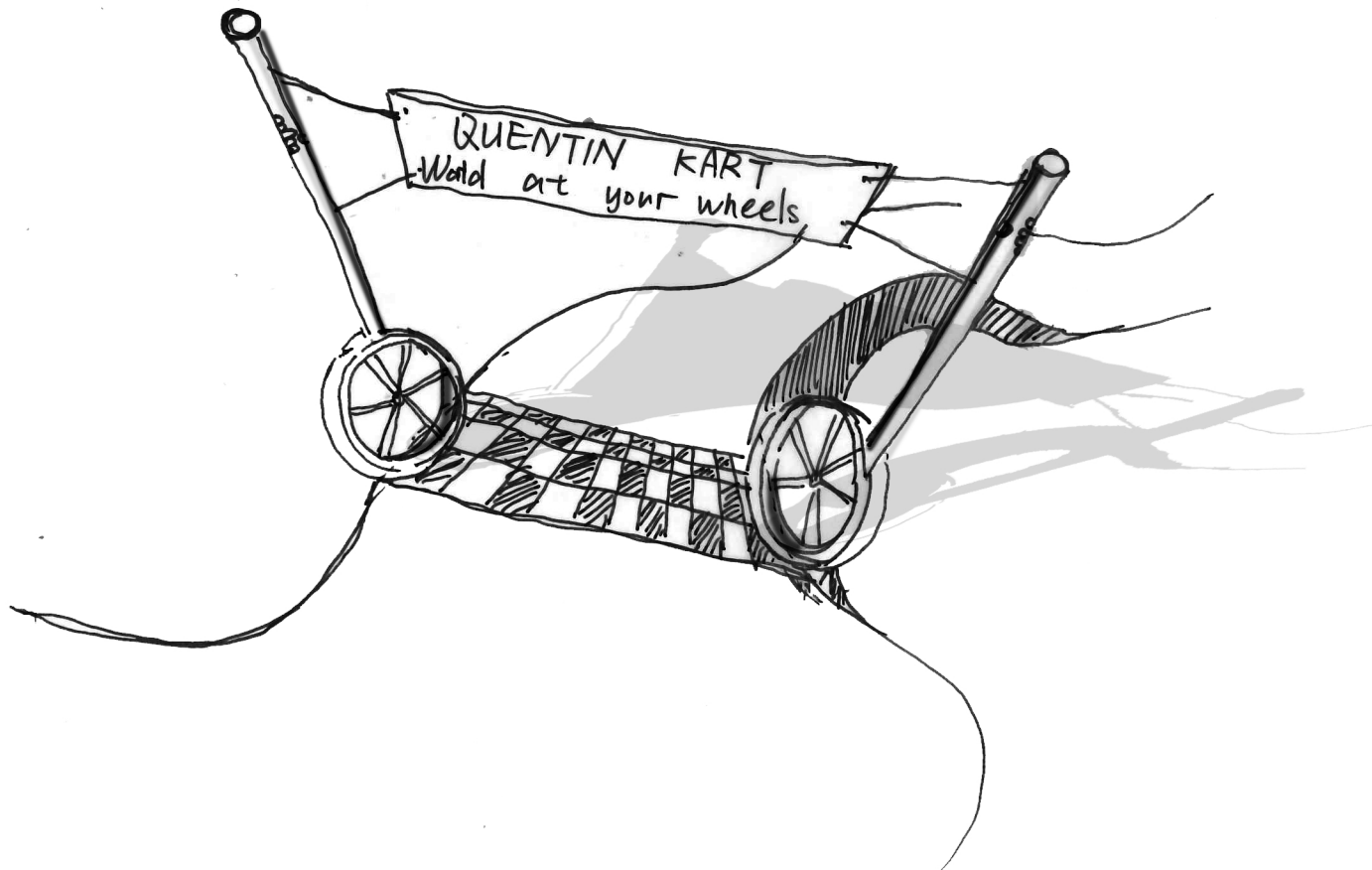
All options would be designed to match existing infrastructure and signage within Hendrie Street Inclusive Playground.

Based on an assessment of the projects intent and Mr Kenihan's connection to the pump (racing) track, Council Staff recommend Option 1 for further development. Option 1 would be an extension to works completed at Hendrie Street Inclusive playground and would be reinforce Council's commitment to an inclusive city.

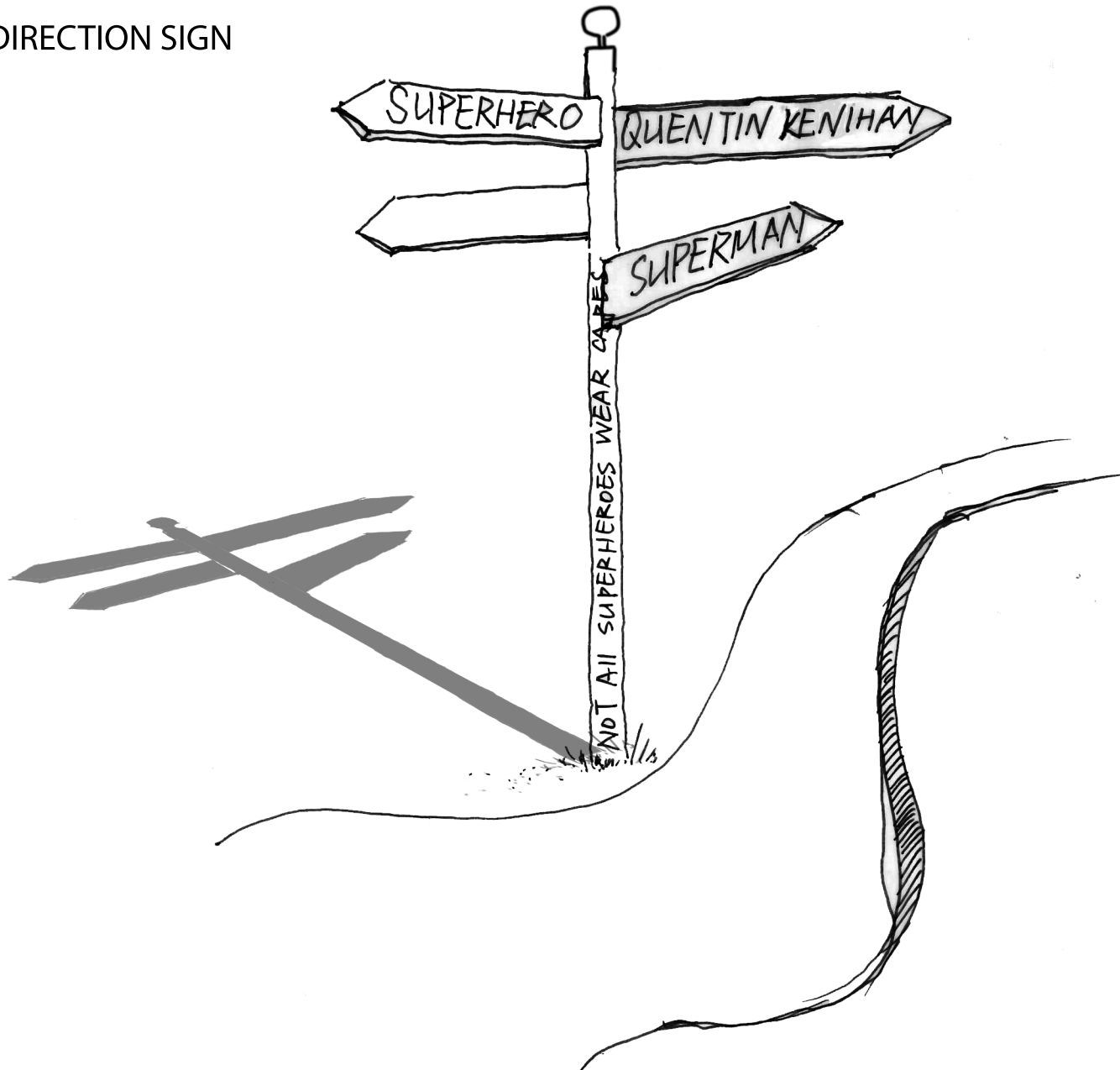
ATTACHMENTS:

#	Attachment	Type
1	Attachment A_Option 1	PDF File
2	Attachment B_Option 2	PDF File
3	Attachment C_Option 3	PDF File

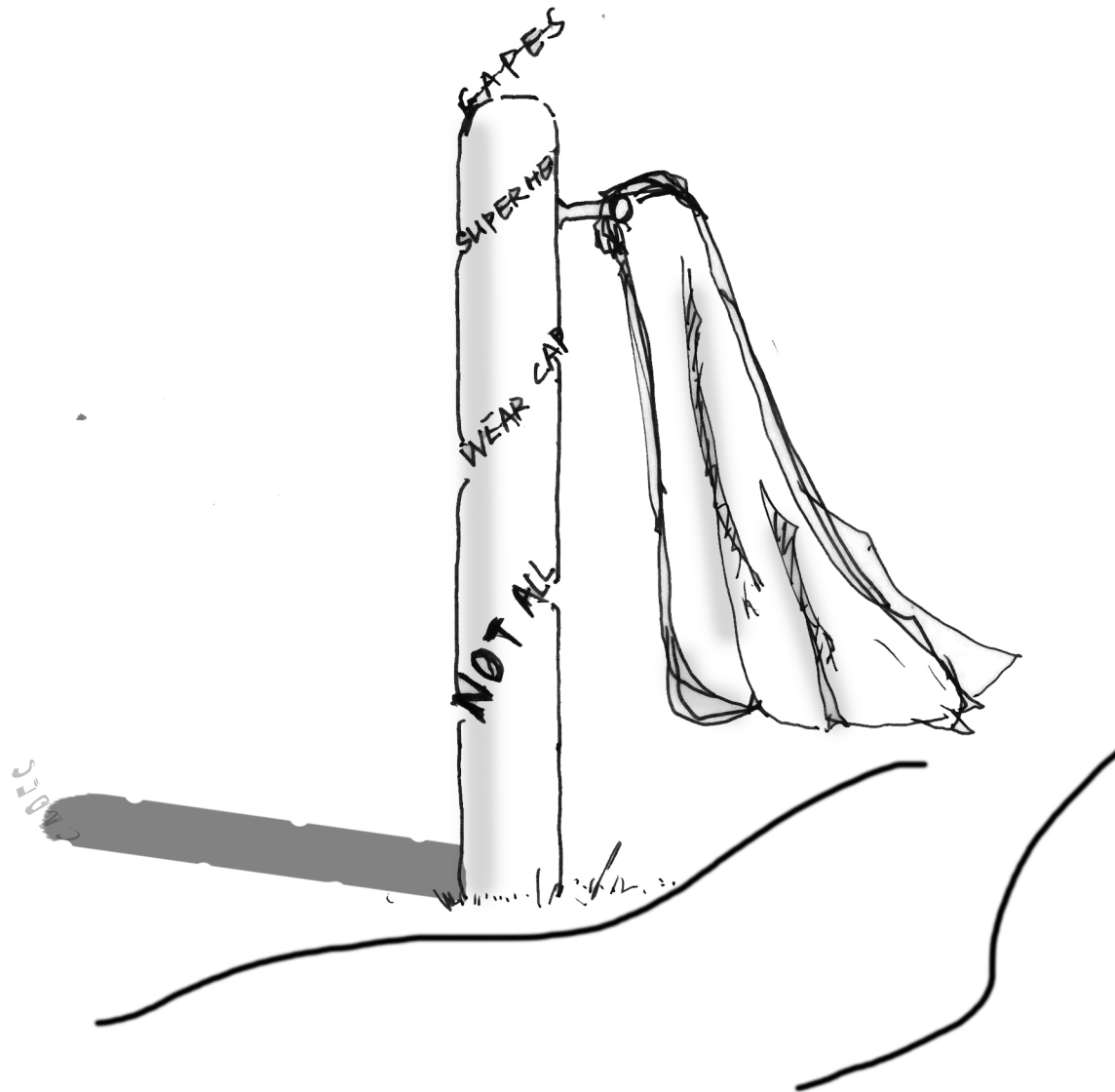
OPTION 1 --- KART START/END SIGN



OPTION 2--- DIRECTION SIGN



OPTION 3 --- TOTEM



PATTERN ON CAPES



Rolling Text:
NOT ALL SUPERHEROES WEAR CAPES

Hendrie Street Reserve and Jervois Street Reserve - Community Consultation for designated fenced areas

Elected Member Councillor Jason Veliskou

Report Reference: GC190212M05

Motion:

That Council:

1. **Endorses Administration to undertake community consultation to designate the enclosed fenced playground areas of both Hendrie Street Reserve Inclusive Playground and Jervois Street Reserve as dog free areas.**
2. **Note, in accord with the Dogs By-law this will not preclude the presence of assistance dogs within the fenced areas.**
3. **Note that during the community consultation process it will be communicated that the balance of the open space area outside of the following shall remain as Dog-Off Leash areas:**
 - the fenced junior playground at Jervois Street Reserve
 - the fenced playground at Hendrie Street Reserve
4. **Note the outcomes of the community consultation will be presented to Council for consideration in April 2019.**

Supporting Information:

Nil

Response Received From: Unit Manager Open Space and Recreation Planning - Victoria Masterman

Staff Comments:

In response to the proposal to undertake community consultation to designate the fenced playgrounds of Hendrie Street Reserve and Jervois Street Reserves, as dog free areas, Administration provides a review of the Dogs By-law 2014 (Refer Attachment 1), and outlines the intent regarding the fencing of the playgrounds.

Dogs By-law 2014 Overview

At its meeting on 26 August 2014, Council duly made and passed the Dogs By-law 2014 (hereafter By-law), for the management and control of dogs within the Council's area.

The By-law allows dogs within 5m of playgrounds while secured by a strong leash exceeding no more than 2m in length. The following clauses have been extracted from the By-law:

3.0 Definitions

In this by-law:

3.2 assistant dog means a guide dog, hearing dog or disability dog as those terms are defined in the Dog and Cat Management Act 1995;

3.3 children's playground means any enclosed area in which there is equipment, apparatus or other installed devices for the purpose of children's play (or within 5 metres of such devices if there is no enclosed area);

5. Dog on Leash Areas

A person must not allow a dog under that person's control to be or remain:

5.1 on local government land or public place to which the Council has resolved that this subparagraph applies;

5.2 on any park or reserve during times when organised sport is being played;

5.3 within 5 metres of children's playground equipment;

5.4 in any wetland area;

unless the dog is secured by a strong leash not exceeding 2 metres in length which is either tethered securely to a fixed object capable of securing the dog or held by a person capable of controlling

The Dog By-law allows Council to declare designated areas as being dog free with assistant dogs being an exception.

Playground Overview

The Hendrie Street Reserve Inclusive Playground, Park Holme and the Jervois Street Reserve Playground, South Plympton are two of Council's most frequently utilised playgrounds.

The Hendrie Street Reserve Inclusive Playground opened in August 2018, was designed with the intent to provide opportunities for children of all abilities to play together in a safe, enclosed environment. The playground is frequented by large groups of children from within and beyond the City of Marion, both with and without a disability. Due to the high number of visitors to the playground, there is limited space to support both children and dogs safely.

The junior playground located at Jervois Street Reserve was designed to provide a small fenced area within a larger playground and open space area. Due to the size of the fenced area and the close proximity of playground equipment there is limited space to safely support both children and dogs safely.

ATTACHMENTS:

#	Attachment	Type
1	Attachment 1 - By-law-no-4-Dogs-2014	PDF File



CITY OF MARION

*By-law made under the Local Government Act 1999
and the Dog and Cat Management Act 1995*

DOGS BY-LAW 2014

By-law No. 4 of 2014

For the management and control of dogs within the Council's area.

Part 1 – Preliminary

1. Short Title

This by-law may be cited as the *Dogs By-law 2014*.

2. Commencement

This by-law will come into operation four months after the day on which it is published in the *Gazette* in accordance with Section 249(5) of the *Local Government Act 1999*.

3. Definitions

In this by-law:

- 3.1 **approved kennel establishment** means a building, structure or area approved by the relevant authority, pursuant to the *Development Act 1993* for the keeping of dogs on a temporary or permanent basis;
- 3.2 **assistant dog** means a guide dog, hearing dog or disability dog as those terms are defined in the *Dog and Cat Management Act 1995*;
- 3.3 **children's playground** means any enclosed area in which there is equipment, apparatus or other installed devices for the purpose of children's play (or within 5 metres of such devices if there is no enclosed area);
- 3.4 **control**, in relation to a dog, includes the person having ownership, possession or charge of, or authority over, the dog;
- 3.5 **dog** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 3.6 **dog management officer** means a person appointed pursuant to Section 27 of the *Dog and Cat Management Act 1995*;
- 3.7 **effective control** means a person exercising effective control of a dog either:
 - 3.7.1 by means of a physical restraint;

- 3.7.2 by command, the dog being in close proximity to the person, and the person being able to see the dog at all times;
- 3.8 **keep** includes the provision of food or shelter;
- 3.9 **local government land** has the same meaning as in the *Local Government Act 1999*;
- 3.10 **small property** means a property involving any self-contained dwelling where the property or part thereof (ie flat, home unit etc) contains a secured unobstructed yard area of less than 100 square metres;
- 3.11 **wetland area** includes any park, reserve, scrub, trail or other land adjacent to a wetland.

Part 2 – Dog Management and Control

4. Dog Free Areas

A person must not on any local government land to which this paragraph applies allow a dog in that person's control to be in, or remain in that place unless the dog is an assistant dog.

5. Dog on Leash Areas

A person must not allow a dog under that person's control to be or remain:

- 5.1 on local government land or public place to which the Council has resolved that this subparagraph applies;
- 5.2 on any park or reserve during times when organised sport is being played;
- 5.3 within 5 metres of children's playground equipment;
- 5.4 in any wetland area;

unless the dog is secured by a strong leash not exceeding 2 metres in length which is either tethered securely to a fixed object capable of securing the dog or held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons.

6. Dog Exercise Areas

- 6.1 A person may enter upon any part of local government land identified by the Council as a dog exercise area in accordance with paragraph 9 for the purpose of exercising a dog under his or her control.
- 6.2 Where a person enters upon such part of local government land for that purpose, he or she must ensure that the dog under his or her control remain under effective control while on that land.

7. Limit on Dog Numbers

- 7.1 The limit on the number of dogs kept:

- 7.1.1 in a small property shall be one dog;
 - 7.1.2 in premises other than a small property, where a dog can be effectively contained, the limit shall be two dogs;
 - 7.1.3 a dog must not be kept on any property where, in the opinion of a dog management officer, there is no secure or appropriate area where a dog may be effectively contained.
- 7.2 A person must not, without permission, keep any dog on any premises where the number of dogs on the premises exceeds the limit unless:
- 7.2.1 the premises is an approved kennel establishment; or
 - 7.2.2 the Council has exempted the premises from compliance with this sub-paragraph.

8. Dog Faeces

A person must not, on local government land or on any road or footpath, be in control of a dog, unless the person has, in his or her possession, a bag or other object for the purpose of picking up and lawfully disposing of any faeces that the dog may generate while in that place.

Part 3 – Miscellaneous

9. Application

- 9.1 Any of paragraphs 5.1 and 6.1 of this by-law shall apply only in such portion or portions of the area as the Council may by resolution direct from time to time in accordance with Section 246 of the *Local Government Act 1999* and as are denoted by signs erected by the Council and information provided to the public in a manner determined by the Council's Chief Executive Officer.
- 9.2 The limits prescribed in paragraph 7 of this by-law do not include any dog that is under three months of age.

10. Revocation

Council's *By-law No. 4 – Dogs*, published in the *Gazette* on 31 July 2008, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the Council of the Corporation of the City of Marion held on the 26 day of August 2014 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.



Mr Mark Searle
Chief Executive Officer

Abandoned trolleys

Elected Member Councillor Jason Veliskou

Report Reference: GC190212M06

Motion:

That:

- 1. Administration report back to the by the May 2019 General Council on: how to penalise the owners of trolleys left abandoned in the street; and potential impacts.**

Supporting Information:

Supermarket trolleys have become a constant eyesore in our streets.

The owners of these trolleys are not doing enough to prevent their unsightly dumping in our neighbourhoods. Residents tell me they get indifference when they raise the issue in store and the collections can take weeks and at times not all the trolleys are even collected.

If we begin to fine the trolley owners for their dumped trolleys maybe then we will finally see some real action being taken.

Response Received From: Luke Manuel

Staff Comments:

Should Council support this motion a report will be prepared for May 2019.

Revitalisation forum concerning Edwardstown & Melrose Park

Elected Member Councillor Tim Pfeiffer

Report Reference: GC190212M07

Motion:

That Council:

- 1. Request administration to coordinate a joint Forum with Mitcham Council and invite relevant State Government Ministers, business and community representatives to explore opportunities to revitalise the area spanning Edwardstown and Melrose Park as key employment precinct.**

Supporting Information:

Nil

Response Received From: Donna Griffiths, Unit Manager Economic Development

Staff Comments:

Should Council endorse this motion Administration will develop an action plan to deliver a facilitated forum to be held at Edwardstown Soldiers Memorial Recreation Ground in May. The forum can be delivered within existing resources.

The purpose and objectives of the proposed forum are summarised below:

This forum is an opportunity to investigate and research the potential revitalisation of the Edwardstown Employment Precinct (with the potential to incorporate Melrose Park).

Why?

- 1.Community voice to collectively set a vision for: Access, Activation and Amenity of the Edwardstown Employment Precinct. There is potential to consider Melrose Park residing in the City of Mitcham.
- 2.To inform future infrastructure planning and investment.

Who?

Business, Government, Lifestyle Entrepreneurs / home based business, Mitcham Council, Southern Business Connections, Southern Adelaide Economic Development Board, Precinct businesses, property owners, Local Makers / Creatives.

What?

Facilitated session

When?

May 2019. Evening session at Edwardstown Soldiers Memorial Recreation Ground.

Objectives to explore include:

- Retain and grow existing businesses, thus employment / jobs
- Attract investment
- Understand barriers and future needs of the precinct
- Economic / public realm uplift of the precinct
- Understand the impact on businesses on the proposed North-South Corridor

- Generation of economies of scale / opportunities for collaboration
- Reduce commercial vacancies
- Provide a pipeline of opportunity to capture entrepreneurs out of Tonsley and retain jobs in the city
- Maximise potential growth / use of the area
- Opportunities for creative industries integration
- Support increased number of living and working within the Precinct
- Provide diversity of opportunity to Tonsley Precinct which has a specific investment attraction prospectus

QUESTIONS WITH NOTICE**MOTIONS WITHOUT NOTICE****QUESTIONS WITHOUT NOTICE****OTHER BUSINESS****MEETING CLOSURE**

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