

His Worship the Mayor  
Councillors  
**CITY OF MARION**



**NOTICE OF  
GENERAL COUNCIL MEETING**

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

**Tuesday 23 May 2017**

**Commencing at 6.30 p.m.**

**In the Council Chamber**

**Council Administration Centre**

**245 Sturt Road, Sturt**

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

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

A handwritten signature in black ink, appearing to read "Adrian Skull", is positioned above the printed name and title.

Adrian Skull  
**CHIEF EXECUTIVE OFFICER**

18 May 2017

**CITY OF MARION  
GENERAL COUNCIL AGENDA  
FOR MEETING TO BE HELD ON  
TUESDAY 23 MAY 2017  
COMMENCING AT 6.30PM**



**1. OPEN MEETING**

**2. KAURNA ACKNOWLEDGEMENT**

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

**3. DISCLOSURE**

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

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

**5. CONFIRMATION OF MINUTES**

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**9. PETITIONS**

Nil

**10. COMMITTEE RECOMMENDATIONS**

Nil

**11. CONFIDENTIAL ITEMS**

Nil

**12. WORKSHOP / PRESENTATION ITEMS**

Nil

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**17. Questions without Notice**

**18. Motions without Notice**

**19. LATE ITEMS**

**20. MEETING CLOSURE**

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

**MINUTES OF THE GENERAL COUNCIL MEETING  
HELD AT ADMINISTRATION CENTRE  
245 STURT ROAD, STURT  
ON TUESDAY 9 MAY 2017**



**PRESENT**

His Worship the Mayor Kris Hanna

**Councillors**

**Coastal Ward**

Ian Crossland  
Tim Gard

**Mullawirra Ward**

Jason Veliskou  
Jerome Appleby

**Southern Hills**

Nick Westwood

**Warracowie Ward**

Bruce Hull  
Nathan Prior

**Warriparinga Ward**

Luke Hutchinson  
Raelene Telfer

**Woodlands Ward**

Tim Pfeiffer

**In Attendance**

Mr Adrian Skull  
Ms Abby Dickson  
Mr Tony Lines  
Mr Vincent Mifsud  
Ms Jaimie Thwaites  
Ms Victoria Moritz

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

**COMMENCEMENT**

The meeting commenced at 6.30pm.

**KAURNA ACKNOWLEDGEMENT**

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

**DISCLOSURE**

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

## ELECTED MEMBER'S DECLARATION OF INTEREST

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

The following perceived conflicts were noted:

- Councillor Gard - *Streetscape Project – Program of Works (Report Reference: GC090517R09)*
- Councillor Crossland - *Streetscape Project – Program of Works (Report Reference: GC090517R09)*
- Councillor Appleby - *Streetscape Project – Program of Works (Report Reference: GC090517R09)*
- Councillor Veliskou – *City of Marion Volunteer Program – Annual Report (Report Reference: GC090517R01)* and *2017-2020 City of Marion Libraries Marketing Plan (Report Reference: GC090517R11)*

Councillor Hull noted a potential perceived conflict in the item *Streetscape Project – Program of Works (Report Reference: GC090517R09)* as he lives on Diagonal Road, however does not reside in the section that is included as part of the streetscape project therefore no perceived conflict was declared.

## CONFIRMATION OF MINUTES

**6.33pm Moved Councillor Veliskou, Seconded Councillor Crossland** that the minutes of the General Council Meeting held on 11 April be taken as read and confirmed.

**Carried Unanimously**

## COMMUNICATIONS

Nil

## ADJOURNED ITEMS

Councillor Veliskou noted a perceived conflict of interest in the item *City of Marion Volunteer Program – Annual Report* as one of the volunteer programs relates to *ATO Tax Help*, which involves his employer. However, as he is not directly associated, he remained for this item.

**6.33pm City of Marion Volunteer Program – Annual Report**  
**Report Reference: GC090517R01**

**Moved Councillor Hull, Seconded Councillor Crossland** that Council:

1. Notes the Volunteer Program Annual Report (2016), including 41,489 volunteer hours achieved during the year valued at \$1,138,873.
2. Adopts the reviewed Volunteer Policy.

3. Acknowledges the contribution of both City of Marion registered volunteers and other volunteers working within the City of Marion.
4. Encourages the recruitment of volunteers who have come from countries other than the main English speaking countries and reports on the results in the Volunteer Program annual report.

**Carried Unanimously  
Councillor Veliskou voted in favour**

**6.34pm Marion Outdoor Swimming Centre Master Plan  
Report Reference: GC090517R02**

*The Motion as adjourned from the General Council meeting on 28 March 2017 is as follows:*

**Moved Councillor Veliskou, Seconded Councillor Pfeiffer** that Council:

1. Endorses an allocation of up to \$150,000 for design development and documentation for the Marion Outdoor Swimming Centre in the draft 2017-18 budget.
2. Endorses undertaking detailed design for the scope of works outlined within this report.
3. Notes that a Section 48 prudential management report will be prepared for Council's consideration which incorporates whole of life costs for further consideration and assessment of Councils funding capacity.

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

1. Endorses the allocation of funds for the undertaking of upgrade works for the upgrade of the Marion Outdoor Swimming Centre as set out in this report.
2. Endorses an allocation of up to \$268,000 be provided in the 2017/18 Annual Business Plan and Budgeting process for:
  - Preparation of detailed design and costing for the reconfiguration of the foyer and upgrade to the facade.
  - Supply and installation of new shade structures.
  - Preparation of detailed design and costing for a new BBQ and picnic area.
  - Preparation of designed design and costing for the change room upgrade
3. Council refers to this project as a whole as the Marion Outdoor Pool Upgrade
4. Notes further reports will be provided for the allocation of funding to enable the remaining upgrades to be undertaken in 2017/18 or 2018/19.

**Amendment:**

**Moved Councillor Telfer** that Council:

1. Endorses the allocation of funds for the undertaking of upgrade works for the upgrade of the Marion Outdoor Swimming Centre as set out in this report.
2. Endorses an allocation of up to \$268,000 be provided in the 2017/18 Annual Business Plan and Budgeting process for:
  - Preparation of detailed design and costing for the reconfiguration of the foyer and upgrade to the facade.
  - Supply and installation of new shade structures.
  - Preparation of detailed design and costing for a new BBQ and picnic area.
  - Preparation of designed design and costing for the change room upgrade
3. Council refers to this project as a whole as the Marion Outdoor Pool Upgrade
4. Notes further reports will be provided for the allocation of funding to enable the remaining upgrades to be undertaken.

**The Amendment lapsed for want of a Seconder  
The Motion as varied was Carried**

**DEPUTATIONS**

Nil

**PETITIONS**

Nil

**COMMITTEE RECOMMENDATIONS**

**6.47pm Confirmation of Minutes of the Special Urban Planning Committee meeting held on 1 May 2017**

**Report Reference: GC090517R03**

**Moved Councillor Hutchinson, Seconded Councillor Pfeiffer** that Council:

1. Receives and notes the minutes of the Special Urban Planning Committee meeting held on 1 May 2017 (Appendix 1).
2. Notes that separate reports will be brought to Council for consideration of any recommendations from the Urban Planning Committee.

**Carried Unanimously**



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**6.47pm Infrastructure and Strategy Committee - Confirmation of Minutes of Meeting held on 2 May 2017**

**Report Reference: GC090517R04**

**Moved Councillor Hutchinson, Seconded Councillor Pfeiffer** that Council:

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

**Carried Unanimously**

**6.47pm Confirmation of Minutes of the Review and Selection Committee Meeting held on 2 May 2015**

**Report Reference: GC090517R05**

**Moved Councillor Hutchinson, Seconded Councillor Pfeiffer** that Council:

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

**Carried Unanimously**

**CONFIDENTIAL ITEMS**

**6.50pm Confirmation of Confidential Minutes of the Review and Selection Committee Meeting held 2 May 2017**

**Report Reference: GC090517F01**

**Moved Councillor Telfer, Seconded Councillor Crossland** that:

1. Pursuant to Section 90(2) and (3)(a) of the *Local Government Act 1999*, the Review and Selection Committee orders that all persons present, with the exception of the following persons: Adrian Skull and Steph Roberts be excluded from the meeting as the Review and Selection Committee receives and considers information relating to CEO Key Performance Indicators for Quarter 3 2016/17 upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to personal affairs of the Chief Executive Officer.

**Carried Unanimously**

6.50pm meeting went into confidence

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**Moved Councillor Crossland, Seconded Councillor Veliskou** that Council:

1. Receives and notes the confidential minutes of Review & Selection Committee meeting held on 2 May 2017  
(Appendix 1)
2. Notes that separate reports will be brought to Council for consideration of any recommendations from the Review and Selection Committee
3. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that Appendix 1 to this report, *Confirmation of Confidential Minutes of the Review and Selection Committee Meeting held 2 May 2017* having been considered in confidence under Section 90(2) and (3)(a) of the Act, be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2017.

**Carried Unanimously**

6.53pm the meeting came out of confidence

**6.53PM CEO Key Performance Indicators for Quarter 3 2016/17**  
**Report Reference: GC090517F02**

**Moved Councillor Crossland, Seconded Councillor Veliskou** that Council:

1. Pursuant to Section 90(2) and (3)(a) of the *Local Government Act 1999*, the Council orders that all persons present, with the exception of the following persons: Adrian Skull and Steph Roberts be excluded from the meeting as the Review and Selection Committee receives and considers information relating to CEO Key Performance Indicators for Quarter 3 2016/17, upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to personal affairs of the Chief Executive Officer.

**Carried Unanimously**

6.53pm the meeting went into confidence

**Moved Councillor Crossland, Seconded Councillor Veliskou** that Council:

1. Notes this report.
2. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that this report, CEO Key Performance Indicators for Quarter 3 2016/17 (including appendix one) having been considered in confidence under Section 90(2) and (3)(a) of the Act, be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2017.

**Carried Unanimously**

6.55pm the meeting came out of confidence

**6.56PM Code of Conduct**  
**Report Reference: GC090517F03**

**Moved Councillor Veliskou, Seconded Councillor Prior** that:

1. Pursuant to Section 90(2) and (3)(a) and (h) of the Local Government Act 1999 the Council orders that all persons present, with the exception of the following [Adrian Skull, Chief Executive Officer; Jaimie Thwaites, Acting Manager Corporate Governance], be excluded from the meeting where the Council will receive and consider information pertaining to the item Code of Conduct upon the basis it is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential on the grounds that the report contains information relating to personnel matters and legal advice.

**Carried Unanimously**

6.56pm the meeting went into confidence

6.59pm Councillor Gard left the meeting

**Moved Councillor Westwood, Seconded Councillor Veliskou** that:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that this report, any attachment to this report and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(a) and (h) of the Act be kept confidential and not available for public inspection for the current term of the Council. This confidentiality order will be reviewed as required by the Act with the first such review to occur at the General Council Meeting in December 2017.

**Carried Unanimously**

7.11pm Councillor Gard re-entered the meeting

7.13pm the meeting came out of confidence

**WORKSHOP / PRESENTATION ITEMS**

Nil

**CORPORATE REPORTS FOR DECISION**

**7.15pm Section 270 – Resolute Crescent, Hallett Cove Final Report**  
**Report Reference: GC090517R06**

**Moved Councillor Westwood, Seconded Councillor Telfer** that Council:

1. Notes the report attached titled “GC090517R06- Section 270 Resolute Reserve Hallett Cove Final Report App 1”
2. Endorse the recommendations of the panel from the Section 270 Review Report;
  - a. A report is prepared and provided to Council collating all the relevant feedback gathered during the consultation phase (Oct 2016 – December 2016) for a final determination on the removal or otherwise of the playground on Resolute Crescent, Hallett Cove.
  - b. Administration ensures it undertakes actions consistent with Council resolutions.

- c. A report is prepared and provided to Council to formally endorse the Playground Policy, service levels, worklist, project methodology and community engagement approach surrounding playground removals (e.g. Inform, consult, involve, collaborate or empower) if considered appropriate. Such a report is scheduled to come to Council in May 2017.
  - d. The proposed resolutions of Council as printed in such a report are explicit in their actions and intentions, for example “Endorse the removal of x, y, z *subject to community consultation*”.
  - e. The final endorsed resolutions of Council as printed in the minutes accurately reflect the decision of Council for Administration to undertake expediently and professionally.
  - f. The Manager Governance address the opportunities for improvement to natural justice principles as a result of this review including;
    - When and to whom the preliminary report should be distributed,
    - Consultation periods including what constitutes meaningful consultation and reasonable timeframes,
    - Clarity regarding whether Administration or an external party undertakes a review.
3. Recognises that there are opportunities to improve and simplify the current Section 270 process and that Administration undertake the appropriate steps required to achieve this.

7.41pm Councillor Pfeiffer left the meeting

7.44pm Councillor Pfeiffer re-entered the meeting

**Amendment:**

**Moved Councillor Crossland Seconded Councillor Gard that Council:**

1. Notes the report attached titled “GC090517R06- Section 270 Resolute Reserve Hallett Cove Final Report App 1”
2. Notes the recommendations of the panel from the Section 270 Review Report;
3. Notes that staff were operating under a draft policy and not the current 2009 policy
4. Notes that no clarification was sought after the meeting regarding the meaning of the endorsement of the removal of eleven playspaces as per GC270916R07.
5. The Manager Governance address the opportunities for improvement to natural justice principles as a result of this review including;
  - When and to whom the preliminary report should be distributed,
  - Consultation periods including what constitutes meaningful consultation and reasonable timeframes,
  - Clarity regarding whether Administration or an external party undertakes a review.
6. A report is prepared and provided to Council collating all the relevant feedback gathered during the consultation phase (Oct 2016 – December 2016) for a final determination on the removal or otherwise of the playground on Resolute Crescent, Hallett Cove.

**The vote that the Amendment become the motion was tied  
 The Mayor made a casting vote and voted in favour  
 The Amendment became the motion**

**Adjournment:**

**Moved Councillor Veliskou** that this item be adjourned.

Councillor Veliskou withdrew the motion to adjourn the item.

**The motion as Amended was Carried**

**7.51pm Draft Annual Business Plan for Public Consultation  
Report Reference: GC090517R07**

**Moved Councillor Gard, Seconded Councillor Telfer** that Council:

1. Endorse the City of Marion Draft Annual Business Plan 2017/18 and Draft Long Term Financial Plan for public consultation (attached as Appendix 1), subject to any changes proposed by Council, on the basis of a proposed average rate increase of 2.2%.
2. Endorse that public consultation be facilitated via the conduct of a meeting of the Council to be held on 13 June 2017 at which members of the public may ask questions and make submissions, in relation to the Draft Annual Business Plan 2017/18 and draft LTFP, for at least one hour.

**Carried**

**7.58pm Inclusive Playground, Hendrie Street Reserve  
Report Reference: GC090517R08**

**Meeting Suspension:**

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

**Carried Unanimously**

8.02pm meeting suspended

8.26pm meeting resumed

**Moved Councillor Veliskou, Seconded Councillor Pfeiffer** that this item be adjourned to the General Council meeting to be held on 23 May 2017.

**Carried**

**Councillor Hull called for a Division**

**Those for:** Councillors Pfeiffer, Telfer, Hutchinson, Westwood, Veliskou, Gard and

**Those against:** Councillors Prior, Hull and Appleby

**Carried**

Councillor Appleby declared a perceived conflict of interest in the item *Streetscape Project – (Program of Works Report Reference: GC090517R09)* as his brother resides on one of the streets included in the project and he left the meeting.

8.32pm Councillor Appleby left the meeting

Councillor Gard and Councillor Crossland noted a perceived conflict of interest in the item *Streetscape Project – Program of Works (Report Reference: GC090517R09)* as they both reside on streets that are included as part of the project, however remained for the item.

**8.33pm Streetscape Project – Program of Works  
Report Reference: GC090517R09**

**Meeting Suspension:**

**Moved Councillor Hutchinson, Seconded Councillor Telfer** that formal meetings procedures be suspended to discuss the item *Streetscape Project – Program of Works*

**Carried**

8.33pm meeting suspended

8.36pm meeting resumed

**Moved Councillor Crossland, Seconded Councillor Pfeiffer** that Council:

1. Notes the report.
2. Endorses Option 3 (filters – Wards and Alignment with other initiatives) for the Program of Works.
3. Notes annual streetscape projects will be presented in the Annual Business Plan.

**Carried**

**Councillor Crossland voted in favour  
Councillor Gard voted in favour**

**Councillor Hutchinson called for a Division**

**Those For:** Councillors Pfeiffer, Telfer, Hull, Westwood, Veliskou, Gard and Crossland

**Those Against:** Councillors Hutchinson and Prior

**Carried**

**8.44pm Morphetville Urban Renewal Project  
Report Reference: C090517R10**

8.44pm Councillor Crossland left the meeting

8.45pm Councillor Appleby re-entered the meeting

**Moved Councillor Veliskou, Seconded Councillor Gard** that Council:

1. Notes the report.

2. Endorses staff to negotiate and sign the Project Charter with Renewal SA that establishes the project terms, conditions, roles and responsibilities.
3. Includes the renewal works estimated at \$547,958 in the existing capital works program.
4. Notes Renewal SA's \$1.2 million expenditure on landscape and open space works in lieu of the open space contribution.

8.46pm Councillor Crossland re-entered the meeting

**Moved Councillor Hull, Seconded Councillor Prior** that this item be adjourned until the General Council meeting on 23 May 2017.

**Lost**

**The Motion was Carried**

**The Mayor sought and was granted leave of the meeting to vary the order of items and consider the following two items at the end of the Corporate Reports:**

- 2017-2020 City of Marion Libraries Marketing Plan (Report Reference: GC090517R11)
- City Limits (Report Reference: GC090517R12)

8.55pm Councillor Veliskou left the meeting

**8.55pm Asset Optimisation – McConnell Avenue Reserve – Western Portion**  
**Report Reference: GC090517R13**

**Moved Councillor Gard, Seconded Councillor Crossland** that Council:

1. Declares that the retention of the western portion of land known as McConnell Avenue Reserve does not contribute to Council's strategic objectives and is surplus to Council's requirements and subject to Ministerial approval, the net sale proceeds will be paid into the Open Space Reserve Fund.
2. Authorises Administration to commence the revocation process including the preparation of a report under Section 194(2)(a) and undertake public consultation under Section 194(2)(b) of the Local Government Act 1999 for the potential disposal of the western portion of land known as McConnell Avenue Reserve, Allotment 189 in Deposited Plan 2909 being portion of the land in Certificate of Title Volume 1234 Folio 18.
3. Authorises Administration to bring a report to Council for consideration of the outcome of the public consultation under Section 194(2)(b) of the Local Government Act 1999 for the potential disposal of the western portion of land known as McConnell Avenue Reserve, Allotment 189 in Deposited Plan 2909 being portion of the land in Certificate of Title Volume 1234 Folio 18.

8.57pm Councillor Veliskou re-entered the meeting

9.00pm Councillor Prior left the meeting

9.04pm Councillor Prior re-entered the meeting

**Carried Unanimously**

**9.08pm Asset Optimisation – Oliphant Avenue Reserve – Northern Portion**  
**Report Reference: GC090517R14**

**Moved Councillor Hutchinson, Seconded Councillor Prior** that Council:

1. Notes the outcome of the contamination investigations for the Oliphant Avenue Reserve which conclude the site is suitable for residential or recreational use.
2. Declares that the retention of the Oliphant Avenue Reserve at Lot 23 in Deposited Plan 5712 being portion of the land comprised in Certificate of Title Volume 2652 Folio 17 does not contribute to Council's strategic objectives and is surplus to Council's requirements and subject to Ministerial approval, the net sale proceeds will be paid into the Open Space Fund.
3. Authorises Administration to commence the revocation process including the preparation of a report under Section 194(2)(a) and undertake public consultation under Section 194(2)(b) of the Local Government Act 1999 for the potential disposal of Lot 23 in Deposited Plan 5712 being portion of the land comprised in Certificate of Title Volume 2652 Folio 17.
4. Authorises Administration to bring a report to Council for consideration of the outcome of the public consultation under Section 194(2)(b) of the Local Government Act 1999 for the potential disposal of Oliphant Avenue Reserve at Lot 23 in Deposited Plan 5712 being portion of the land comprised in Certificate of Title Volume 2652 Folio 17.

**Carried Unanimously**

**9.15pm 2017-18 Corporate and CEO KPIs**  
**Report Reference: GC090517R15**

**Moved Councillor Hutchinson, Seconded Councillor Telfer** that Council:

1. Adopts the Corporate KPIs for the 2017-18 financial year as set out in Appendix 1.
2. Will seek to align the Corporate KPIs with those of the Chief Executive Officer, when the 2016-2017 end of year CEO performance review has been concluded in November 2017.

**Carried Unanimously**

Councillor Veliskou noted a perceived conflict of interest in the item *2017-2020 City of Marion Libraries Marketing Plan* as one of the volunteer programs relates to *ATO Tax Help*, which involves his employer, is run through the Libraries. However, as he is not directly associated, he remained for this item.

**9.18pm 2017-2020 City of Marion Libraries Marketing Plan**  
**Report Reference: GC090517R11**

**Moved Councillor Veliskou, Seconded Councillor Gard** that Council:

1. Adopts the 2017-2020 Libraries Marketing Plan - (attached as *Appendix A*).

**Carried Unanimously**  
**Councillor Veliskou voted in favour**



**9.21pm City Limits**

**Report Reference: GC090517R12**

**Meeting Extension:**

**Moved Councillor Veliskou**, that the meeting be extended for a period of 25 minutes to consider the remaining items on the agenda.

**The Motion lapsed for want of a Seconder**

**Moved Councillor Telfer, Seconded Councillor Hutchinson** that Council:

1. Adopt Option 1A for a 24-page, A4 sized City Limits distributed three times per year, at an annual estimated cost of \$80,100 which is lower than the current cost.
2. Includes one column from the Mayor in each edition and a column from Ward Councillors in alternate editions (two columns per year per Ward Councillor)
3. Updates the City Limits Publications Policy (attached as *Appendix A*) in line with the new format of the magazine and the frequency of Elected Member columns
4. Introduce the new format City Limits from edition 55 scheduled for Distribution in August 2017.

**9.30pm The Mayor declared the meeting closed prior to the item being voted on.**

***The following items were not considered:***

- Corporate Performance Report (Organisational Key Performance Indicators 2016/17) – 3rd Quarter 2016-17 YTD (Report Reference: GC090517R016)
- 3<sup>rd</sup> Budget Review 2016/17 (Report Reference: GC090517R17)
- Cost Shifting (Report Reference: GC090517Q01)
- SA Housing (Report Reference: GC090517Q02)

**Motions with Notice**

Nil

**Questions without Notice**

Nil

**Motions without Notice**

Nil

**LATE ITEMS**

Nil

**MEETING CLOSURE** - Meeting Declared Closed at 9.30pm

**CONFIRMED THIS 23 MAY 2017**

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**CHAIRPERSON**

# Mayoral Communication Report

Date of Council Meeting: 23 May 2017

Name of Elected Member: Mayor Kris Hanna

Date	Event	Comment
24 March 2017	Marion Football Club – Fundraising Event	Attended
24 March 2017	The Hindu Society – An informal dinner	Attended
25 Saturday 2017	Marion Celebrates Festival/Citizenship Ceremony	Conducted ceremony to welcome new Australians
25 Saturday 2017	Quiz Night, South Adelaide Basketball Club	Attended
31 March 2017	Multicultural Youth South Australia – Morning Tea	Attended
31 March 2017	Hallett Cove Little Athletics AGM and presentations	Attended
2 April 2017	Multifaith Association AGM	Attended
9 April 2017	Christ the King School Fete	Attended
9 April 2017	Oakland Estate Residents Association BBQ	Attended
9 April 2017	Glenelg Rebels Softball Club Presentation Night	Presented award
10 April 2017	Inner Wheel Club of Holdfast Marion	Guest speaker
19 April 2017	Marion Historical Society AGM	Attended
20 April 2017	YMCA Rebranding of Marion Fitness & Leisure Centre	Guest speaker
20 April 2017	Edwardstown Football Club Event	Attended
24 April 2017	ANZAC Day eve Youth Vigil – Marion RSL	Guest speaker
25 April 2017	ANZAC Day Dawn Service at Hallett Cove	MC for service
25 April 2017	Marion RSL Breakfast	Guest speaker
27 April 2017	Coast FM Radio Segment	Interviewed
30 April 2017	Lunch to raise funds for Women's Shelter	Attended
3 May 2017	Marion City Band AGM	Attended
4 May 2017	Galleon Theatre Group, Opening Night	Attended
6 May 2017	Hindu Cultural Appreciation Event at Centennial Park Cemetery	Attended
6 May 2017	High Tea Afternoon – Raising funds for school chaplains	Attended
11 May 2017	Friends of Marino Conservation Park AGM	Attended
12 May 2017	Coral & Balmoral Commemoration Service at Vietnam Veterans Federation	Guest speaker
12 May 2017	1967 Reconciliation Exhibition Launch	Attended
13 May 2017	Cove Football Club Bingo Night	Attended, Called Bingo
15 May 2017	Glenelg Rebels Softball Club AGM	Attended
16 May 2017	Marion United Women's Fellowship	Guest speaker, gave out Marion information packs
18 May 2017	Charity Lunch Committee Meeting	Attended
<p>In addition, the Mayor has met with residents, MP's and also with the CEO and Council staff regarding various issues.</p>		

# CEO and Executive Communications Report

**Date of Council Meeting: 23 May 2017**

<b>Date</b>	<b>Activity</b>	<b>Attended by</b>
28 March 2017	Solo - ACCC Waste Tender Feedback	Adrian Skull Vincent Mifsud
31 March 2017	Meeting with Council Solutions Directorate	Vincent Mifsud
03 April 2017	Minister for Health – Excellence in Public Health Awards	Abby Dickson
5 April 2017	BBQ Blitz at Oaklands Wetlands	Adrian Skull Tony Lines
6 April 2017	South Australian Economic Development Board (SAEDB) Meeting	Adrian Skull Abby Dickson
7 April 2017	Meeting with Council Solutions Procurement Review Project	Vincent Mifsud
07 April 2017	Hybrid World Launch at Tonsley with Premier of South Australia	Abby Dickson
7 April 2017	LG Professional Awards night	Adrian Skull Tony Lines
11 April 2017	Local Government - Share: Better Together Showcase	Abby Dickson
11 April 2017	Joint Waste Procurement Meeting with City of Charles Sturt	Adrian Skull
12 April 2017	South Australian Economic Development Board (SAEDB) planning meeting with City of Onkaparinga	Abby Dickson Adrian Skull
18 April 2017	Living Labs and Marion community space discussion with COTA SA and Renewal SA	Abby Dickson Adrian Skull
20 April 2017	YMCA Marion Leisure & Fitness Centre Re-Branding Launch	Abby Dickson
21 April 2017	Meeting with Council Solutions Directorate	Vincent Mifsud
21 April 2017	Bruce Jordan funeral	Adrian Skull
25 April 2017	Anzac Day Dawn Service - Hallett Cove	Adrian Skull
26 April 2017	Meeting with Council Solutions Procurement Review	Vincent Mifsud
28 April 2017	Aquatic Centre and Environs Meeting	Adrian Skull
1 May	Attended SRWRA quarterly Board Meeting	Vincent Mifsud
8 May 2017	Statewide Super Handover / Introductions	Adrian Skull
9 May 2017	Procurement Review - Oliver Barry, FSE consulting with Mark Dowd and Paul Sutton	Adrian Skull

## CEO and Executive Communications Report

10 May 2017	South Australian Economic Development Board (SAEDB) Meeting	Adrian Skull Abby Dickson
13 May – 14 May 2017	Operation Flinders Site Visit	Adrian Skull
16 May 2017	Council Solutions Board Meeting	Adrian Skull
17 May 2017	Minister for Industry Innovation and Science visit to Tonsley	Abby Dickson
17 May 2017	Preview of WW2 Film - Danielle Trewartha	Adrian Skull Tony Lines
18 May 2017	Tonsley Project Steering Committee Meeting	Adrian Skull Abby Dickson
19 May 2017	Local Government Roundtable, Flinders (2-4pm CEO's)	Adrian Skull
19 May 2017	IPWEA Conference	Tony Lines

**CITY OF MARION  
GENERAL COUNCIL MEETING  
23 MAY 2016**

**ADJOURNED ITEM**

**Originating Officer:** Renee Pitcher, Landscape & Open Space Planner  
**Manager:** Fiona Harvey, Manager Innovation & Strategy  
**General Manager:** Abby Dickson, General Manager City Development  
**Subject:** Inclusive Playground, Hendrie Street Reserve  
**Report Reference:** GC230517R01

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The item '**Inclusive Playground, Hendrie Street Reserve**', GC090517R08 (attached as Appendix 1) was adjourned at the 9 May 2017 General Council meeting to enable further discussion and clarification on the options presented to Council and the impact of these options.

In accordance with the *Local Government (Procedures at Meetings) Regulations*, the debate on an adjourned item will resume and continue at the point it was adjourned. *The motion for this item is yet to be Moved or Seconded.*

To meet the DPTI funding agreement and project time frames, it is recommended that a partial scope of works is delivered by end of December 2017.

Four options are presented below for Council's consideration, with Appendix 3 providing the designs for these options. All options presented meet DPTI requirements of delivering an inclusive playground and accessible toilet facility.

**RECOMMENDATIONS**

**DUE DATES**

**That Council:**

- |  |                    |
|--|--------------------|
| <b>1. Endorses Option ___ and proceeds with the implementation of the scope of works as described in Option _ .</b>  | <b>23 May 2017</b> |
| <b>2. Delegates authority to the Chief Executive Officer to enter into a Funding Agreement with the Touched by Olivia Foundation (TBOF) for their current donated cash and in kind contributions to the current sum of \$110,442.45 or more depending on TBOF current discussions with potential sponsors.</b> | <b>23 May 2017</b> |
| <b>3. Notes the current funding committed of \$680k comprising of; City of Marion \$310k, Department of Planning Transport and Infrastructure \$250k, Arts SA \$10k and Touched by Olivia Foundation \$110k.</b>   | <b>23 May 2017</b> |
| <b>4. Endorses the final design to be lodged for development approval and tender. Notes that the tender process will seek discounted market rates to enable as large as</b>  | <b>23 May 2017</b> |

possible scope of works to be completed with available funds.

- |  |             |
|--|-------------|
| 5. Endorses an allocation of \$XXX p.a. for operating and maintenance and an allocation of \$XXX p.a. for renewal/depreciation of, Option X works into Council's LTFP (as per appendix 4). | 23 May 2017 |
| 6. Notes a further report on the project's progress and funding opportunities will be presented to Council.  | May 2018    |

### Options

In consideration of the issues outlined, Council has the following options for delivery.

<p><b>Option 1 -</b></p> <p><b>INTENT: Deliver full scope of works over time as funding becomes available and cap Council's contribution at \$310k</b></p> <p><b>Partial Implementation 2017/18, with funding opportunities explored for further works to be delivered (Recommended)</b></p>	<p>Deliver Inclusive playground (as shown in Appendix 3a) with the 2017/18 capital works comprising works outlined in Appendix 3b</p> <p>Council delivers the scope of works as shown in Appendix 3 with available funds (\$680k) in 2017/2018 being:</p> <ul style="list-style-type: none"> <li>- fully enclosed playground with defined entrance/exit area</li> <li>- shelter and picnic area</li> <li>- accessible toilet</li> <li>- large play structure and other equipment including swings, slides and carousel;</li> <li>- immediately surrounding landscape within fenceline to be integrated to playground area providing functional and aesthetic amenity</li> </ul> <p>Deliver on additional items with any further donations/sponsorship received prior to tender including:</p> <ul style="list-style-type: none"> <li>- Shade sails over swings</li> <li>- Irrigation and instant turf (minor repairs reseeded)</li> <li>- Second shelter</li> <li>- Picnic table</li> <li>- Sand and water play opportunities</li> <li>- Trike track and pathway connections</li> <li>- Sensory play opportunities</li> <li>- Landscaping</li> <li>- 3 phase power</li> <li>.</li> </ul> <ul style="list-style-type: none"> <li>• Council seeks to maximise the scope of works to be delivered by December 2017 through a competitive tender process.</li> <li>• Additional sponsorship or donations prior to the tender being awarded will supplement the capital works, to enable as large as possible scope of works to be completed with available funds by December 2017.</li> <li>• Council clearly communicates to the community and stakeholders the scope of works to be delivered by December 2017 and that an increase in scope of works is only possible through additional funding being received and that the Council contribution remains capped at \$310,000.</li> <li>• A progress report with any funds raised (post tender) will be presented to Council in May 2018 to consider undertaking further works to be funded by partnership funding.</li> </ul>
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Analysis:	<p style="background-color: #e1eef6; margin: 0;">See Appendix 3a</p> <p><u>Design and Procurement</u></p> <ul style="list-style-type: none"> <li>Implementation of Option 1 partial implementation includes items that are referenced in the implementation plan Appendix 3 page 1.</li> <li>Tender prepared to reflect full scope of the project, however the tender broken into implementation segments. This approach enables the market to provide greatest value for money with available funds.</li> <li>Prolonged development and potential disruption to park users during partial implementation.</li> </ul> <p><u>Resource</u></p> <p>Option 1 scope of works can be delivered within current resources. Future works (post 2017) may require additional resources and will be considered as part of future report in May 2018.</p> <p><u>Partnership / Other</u></p> <ul style="list-style-type: none"> <li>Partnership with TBOF is to continue through to December 2017 to deliver the scope of works set out in Appendix 3, and then beyond this timeframe to seek opportunities for further funding.</li> <li>Partnership is to be reviewed in May 2018.</li> <li>Meets the requirements of the DPTI funding agreement.</li> </ul> <p><u>Funding</u></p> <ul style="list-style-type: none"> <li>Use of current funds available for Option 1 partial implementation.</li> <li>Unknown if further funding will become available into the future.</li> <li>Potential cost escalations due to time delays in delivering potential future works.</li> <li>Council contribution capped at \$310,000.</li> </ul>
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### **Implications of Option 1 (Partial Implementation 2017/18)**

Implementation of Option 1 partial implementation can occur with the current funds available (subject to tender and procurement). However, there are opportunities to be able to deliver on additional elements of works should external funding become available.

Should Council endorse this option a fully functional playground will be delivered by December 2017 which includes a fully enclosed playground with defined entrance/exit area, shelter and picnic area, accessible toilet, large play structure and other equipment including swings, slides and carousel.

It is recommended that Council undertake the tender using the full design in order to seek discounted market rates to enable as large as possible scope of works to be completed within the current funds available. This approach enables the market to provide the greatest value for money with available funds.

Further funds may also become available through TBOF, future DPTI grant funding, organisation sponsorship or through cost saving during the tender processes. By tendering on the full design Council will be in a position to negotiate more value for money.

No additional resources are required to implement Option 1 scope of works by December 2017. Any further works (post December 2017) may require additional resources to deliver the full scope of works, depending on future funding outcomes. This is to be reported on in May 2018.

This approach meets the requirements of the DPTI funding agreement and allows for further potential funding to be secured from DPTI, TBOF and other funding parties to be reviewed in May 2018. Opportunities exist to promote the project during construction with the aligned media partner to enhance funding opportunities.

There is a risk with option 1 that community expectations will be raised for Council to deliver the project in full and finance the funding shortfall. To mitigate this all project communications would



clearly communicate the scope of works to be delivered during this partial implementation, and any additional works will only be delivered should external partnership funding be secured.

<p><b>Option 2</b></p> <p><b>INTENT: Deliver full scope of works in 2017/18</b></p> <p><b>(Not Recommended)</b></p>	<p>Council funds remaining project shortfall of \$280,000 with any further donations or cost savings received during the construction phase to be returned to Council.</p> <p>Delivery would include full scope of works in 2017/18 including:</p> <ul style="list-style-type: none"> <li>- fully enclosed playground with defined entrance/exit area</li> <li>- shelter and picnic area</li> <li>- accessible toilet</li> <li>- large play structure and other equipment including swings, slides and carousel;</li> <li>- Shade sails over swings</li> <li>- Irrigation and instant turf (minor repairs reseeded)</li> <li>- Second shelter</li> <li>- Picnic table</li> <li>- Sand and water play opportunities</li> <li>- Trike track and pathway connections</li> <li>- Sensory play opportunities</li> <li>- Landscaping</li> <li>- 3 phase power</li> </ul>
<p>Analysis:</p>	<p><u>Design and Procurement</u></p> <ul style="list-style-type: none"> <li>• Full scope of works meets Council's hierarchy service levels of a regional playground.</li> <li>• Delivery of a regional playground and associated facilities within agreed timeframes.</li> </ul> <p><u>Resource</u></p> <ul style="list-style-type: none"> <li>• No additional resources required, resources included within existing works program.</li> </ul> <p><u>Partnership / Other</u></p> <ul style="list-style-type: none"> <li>• Continue TBOF partnership until full project completion.</li> <li>• Meets the requirements of the DPTI funding agreement.</li> </ul> <p><u>Funding</u></p> <ul style="list-style-type: none"> <li>• Additional cost of \$280,000 to Council</li> <li>• Any raised funds to offset Council expenditure</li> </ul> <p><i>*Council receives a further Report on the projects progress including site deliverables and funding information by May 2018.</i></p>

**Implications of Option 2 (Full Implementation)**

Implementation of the full scope of works can occur with additional funds should Council wish to commit further funding of \$280,000.

No additional resources are required to implement the full scope of works by December 2017.

Partnerships with TBOF and DPTI would continue with any funds that may be raised during this process to be directed to Council to offset Council's expenditure.

This option is not recommended as it requires a significantly higher funding contribution from Council. It also limits grant opportunities due to retrospective application.

<p><b>Option 3</b></p> <p><b>INTENT: Deliver full scope of works in 2017/18</b></p> <p><b>(Not Recommended)</b></p>	<p>Council funds the remaining project shortfall of \$280,000 and accept no further donations or in-kind contributions through the TBOF partnership.</p> <p>Delivery would include full scope of works in 2017/18 including:</p> <ul style="list-style-type: none"> <li>- fully enclosed playground with defined entrance/exit area</li> <li>- shelter and picnic area</li> <li>- accessible toilet</li> <li>- large play structure and other equipment including swings, slides and carousel;</li> <li>- Shade sails over swings</li> <li>- Irrigation and instant turf (minor repairs reseeded)</li> <li>- Second shelter</li> <li>- Picnic table</li> <li>- Sand and water play opportunities</li> <li>- Trike track and pathway connections</li> <li>- Sensory play opportunities</li> <li>- Landscaping</li> <li>- 3 phase power</li> </ul>
<p>Analysis:</p>	<p><u>Design and Procurement</u></p> <ul style="list-style-type: none"> <li>• Full scope of works meets Council’s hierarchy service levels of a regional playground.</li> <li>• Delivery of a regional playground and associated facilities within agreed timeframes.</li> </ul> <p><u>Resource</u></p> <ul style="list-style-type: none"> <li>• No additional resources required.</li> </ul> <p><u>Partnership / Other</u></p> <ul style="list-style-type: none"> <li>• TBOF partnership will conclude with the proposed funding agreement.</li> </ul> <p><u>Funding</u></p> <ul style="list-style-type: none"> <li>• Additional cost of \$280,000 to Council</li> </ul>

**Implications of Option 3 (Full Implementation)**

Implementation of the full scope of works can occur with additional funds should Council wish to commit further funding of \$280,000.

No additional resources are required to implement the full scope of works by December 2017.

Partnership with TBOF will conclude with the proposed funding agreement and no further funds are to be pursued by TBOF during the remaining phases of the project.

This option is not recommended as this would require a significantly higher funding contribution from Council.

<p><b>Option 4</b></p> <p><b>INTENT: Deliver Partial scope of works only with funds available in 2017/18 with no further funding opportunities or partnerships explored for further works to be delivered (Not Recommended)</b></p>	<p>Delivers Inclusive playground to a reduced scope of works (as shown in Appendix 3b with current funding available (680K) in 2017/18 including:</p> <ul style="list-style-type: none"> <li>- fully enclosed playground with defined entrance/exit area</li> <li>- shelter and picnic area</li> <li>- accessible toilet</li> <li>- large play structure and other equipment including swings, slides and carousel;</li> <li>- immediately surrounding landscape within fenceline to be integrated to playground area providing functional and aesthetic amenity</li> </ul> <p>Deliver on additional items with any further donations/sponsorship received prior to tender including:</p> <ul style="list-style-type: none"> <li>- Shade sails over swings</li> <li>- Irrigation and instant turf (minor repairs reseeded)</li> <li>- Second shelter</li> <li>- Picnic table</li> <li>- Sand and water play opportunities</li> <li>- Trike track and pathway connections</li> <li>- Sensory play opportunities</li> <li>- Landscaping</li> <li>- 3 phase power</li> </ul> <ul style="list-style-type: none"> <li>• Council seeks to maximise the scope of works in Option 4 through a competitive tender process.</li> <li>• Additional sponsorship or donations prior to the tender being awarded will supplement the capital works, to enable as large as possible scope of works to be completed with available funds.</li> <li>• <b>NO</b> further grant or partnership funding will be proactively pursued</li> <li>• <b>NO</b> intent to deliver the remaining scope of work beyond 2017/18.</li> <li>• Council clearly communicates to the community and stakeholders that the scope of works will reflect partial implementation, with no intent of future works.</li> </ul>
<p>Analysis:</p>	<p>See Appendix 3b</p> <p><u>Design and Procurement</u></p> <ul style="list-style-type: none"> <li>• Tender for reduced scope of works only, testing the market to maximise the scope of works that can be delivered within the funding available.</li> <li>• Partial scope of works would not meet Council's hierarchy service levels of a regional playground.</li> <li>• Delivery of a playground and associated facilities within agreed timeframes to acquit DPTI grant funding.</li> </ul> <p><u>Resource</u></p> <ul style="list-style-type: none"> <li>• No additional resources required.</li> </ul> <p><u>Partnership / Other</u></p> <ul style="list-style-type: none"> <li>• TBOF and DPTI Partnership will conclude with the proposed funding agreement. No further proactive funding opportunities pursued.</li> <li>• DPTI has discussed preference to see full realisation of project.</li> <li>• Community expectations would need to be managed through project communications to reflect partial implementation of works.</li> </ul> <p><u>Funding</u></p> <ul style="list-style-type: none"> <li>• Within existing committed funds.</li> <li>• Council contribution capped at \$310,000</li> </ul>

### **Implications of Option 4 (Partial Implementation 2017/18)**

Implementation of Option 4 partial implementation can occur with the current funds available (subject to tender and procurement). This option delivers partial implementation, with no proactive intent to complete further works.

Should Council endorse this option a fully functional playground will be delivered by December 2017 which includes a fully enclosed playground with defined entrance/exit area, shelter and picnic area, accessible toilet, large play structure and other equipment including swings, slides and carousel.

No further funding opportunities will be pursued. Partnerships with TBOF and DPTI will conclude following the proposed funding agreement and grant funding acquittal. Option 4 partial implementation meets the requirements of the DPTI funding agreement, however DPTI has expressed a desire to see the full scope of the project delivered.

The tender would be for reduced scope of works as shown in Appendix 3, page 2 – Option 4. This approach still enables the market to provide value for money during the tender process.

No additional resources are required to implement this scope of works by December 2017.

The following facilities would be excluded from the scope of works as illustrated in Appendix 3 (Option 4):

- Shade sails over swings
- Irrigation and instant turf (minor repairs reseeded)
- Second shelter
- Picnic table
- Sand and water play opportunities
- Trike track and pathway connections
- Sensory play opportunities
- Landscaping
- 3 phase power

### **CONCLUSION**

A Final Design for the Hendrie Street Reserve Inclusive Playground has been developed to a regional level hierarchy cost of \$960,000. Financial contributions have been committed by DPTI to the sum of \$250,000, Arts SA \$10,000 and Council committing \$310,000 towards the project. To date the TBOF has raised \$110,442.45 from their fundraising efforts through donations and sponsorship. Funds totalling \$680,442.45 have been secured, with a short fall of \$279,557.55 for the delivery of a regional playground.

The recommended option is to commence partial implementation of the project as set out in Appendix 3a with the current funds available, meeting DPTI's funding agreement time frames and requirements. During this time, further funding opportunities can be explored.

Following Council's endorsement of a preferred approach, development approvals, tender process and construction will progress with a schedule of completion by the end December 2017. Should Council endorse Option 1 a further report will be presented to Council, outlining the project's progress including site deliverables, funding information and options by May 2018.

### **APPENDICES**

<b>APPENDIX 1</b>	GC090517R08 Inclusive Playground, Hendrie Street Reserve
<b>APPENDIX 2</b>	Final Design & Detailed Design Drawing
<b>APPENDIX 3a &amp; 3b</b>	Hendrie Reserve Playground Design
<b>APPENDIX 4</b>	Whole of Life Costs (Revised – to include Options 1 & 4 breakdowns)
<b>APPENDIX 5</b>	TBOF Funding Statement

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**CITY OF MARION**  
**GENERAL COUNCIL MEETING**  
**09 May 2017**

Appendix 1

**Originating Officer:** Renee Pitcher, Landscape & Open Space Planner  
**Manager:** Fiona Harvey, Manager Innovation & Strategy  
**General Manager:** Abby Dickson, General Manager City Development  
**Subject:** Inclusive Playground, Hendrie Street Reserve  
**Report Reference:** GC090517R08

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### **REPORT OBJECTIVE**

To provide Council with information in relation to the final design, whole of life costs and funding arrangements associated with the partnership project between the City of Marion, the Touched by Olivia Foundation (TBOF) and Department of Planning, Transport and Infrastructure (DPTI) and provide options for consideration in progressing the project.

### **EXECUTIVE SUMMARY**

The Hendrie Street Reserve Inclusive Playground has been designed to a regional level hierarchy at a cost of \$960,000. Contributions for the project are committed by the City of Marion, DPTI, TBOF and Arts SA.

A progress report was presented to Council in December 2017 (GC131216R17) seeking an extension of timeframes to allow further fundraising activities to occur until April 2017. Through this time the TBOF, with the assistance of Channel 9, have been focused on sponsorship and fundraising opportunities. The TBOF has attracted further corporate support by way of cash donations and in-kind contributions, but has not yet met their desired target of \$400,000 leaving a shortfall of \$280,000. Currently Council has the following funding committed to the project;

City of Marion	\$310,000
DPTI	\$250,000
TBOF	\$110,442.45
Arts SA	\$10,000
<b>Total</b>	<b>\$680,442.45</b>

To meet DPTI funding agreement time frames, it is recommended to stage the works to complete Stage 1 by end of December 2017. Whilst Stage 1 is in construction, further funding opportunities will be pursued. A further Council report will be presented to Council in May 2018 outlining funding progress and options.

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

- |   |            |
|---|------------|
| 1. Endorses Option 1 and proceeds with the Final Design and Detailed Design plans as set out in Appendix 1.   | 9 May 2017 |
| 2. Delegates authority to the Chief Executive Officer to enter into a Funding Agreement with the Touched by Olivia Foundation (TBOF) for their current donated cash and in kind contributions to the current sum of \$110,442.45 or more depending on TBOF current discussions with potential sponsors. | 9 May 2017 |
| 3. Notes the current funding committed of \$680k comprising of; City of Marion \$310k, Department of Planning Transport and Infrastructure \$250k, Arts SA \$10k and Touched by Olivia Foundation \$110k.   | 9 May 2017 |
| 4. Endorses the final design to be lodged for development approval and tender. Notes that the tender process will seek discounted market rates to enable as large as possible scope of works to be completed with available funds.  | 9 May 2017 |
| 5. Endorses an allocation of \$43,042 p.a. for operating and maintenance and an allocation of \$33,310 p.a. for renewal/depreciation of Option 1 into Council's LTFP.   | 9 May 2017 |
| 6. Endorses the commencement of construction for at least stage 1, as set out in option 1 with current funds available, subject to tender process and award.  | 9 May 2017 |
| 7. Endorses the construction of subsequent stages of works as funding becomes available through grants and sponsorship with a further report on the project's progress to be presented to Council.  | May 2018   |

**BACKGROUND**

An inclusive playground is a place for people of all ages and abilities, where everyone is part of a community. The project aims to create a playground designed and built to cater for all children, including a broad range of disabilities including mobility, vision and hearing impairments as well as spectrum disorders such as autism.

Council's considerations and approvals to date are:

11 March 2014	(GC110314R03)	Council endorsed: The partnership with the TBOF and authorised the entering into a Memorandum of Understanding to explore the development of the Oakland's Reserve inclusive playground.
27 January 2015	(GC270115R05)	Council endorsed: The submission of a matched funding application for \$250,000 to DPTI's 2015 Open Space and Places for People Grant Funding program. Council

		received advice in late June 2015 of the success of this funding application
28 July 2015	(GC280715R05)	Council endorsed: The relocation of the inclusive playground to Hendrie Street Reserve and authorised staff to undertake discussions with the project funding partners; Department of Planning, Transport & Infrastructure (DPTI) and TBOF to negotiate any necessary amendments to the funding agreement (DPTI) and Memorandum of Understanding (TBOF) to reflect the changes in project location and timing.
29 September 2015		A revised MOU was entered into by City of Marion and TBOF, with details on the new location. DPTI also agreed to the new location and amended the funding agreement with the City of Marion. The MOU provides clarity to the role, responsibilities and funding contribution.
Nov 2015 – Feb 2016		Community members and project stakeholders were invited to provide feedback on the draft concept design through various consultation sessions
November 2016		A formal request was made to DPTI for additional time to complete the Inclusive Playground project to allow TBOF more time to raise funds. Written advice was received and an extension was granted until December 2017.
13 December 2016	(GC131210R17)	Council noted the progress report, consultation findings and the final concept design. Council were to receive a further report in May 2017 to seek endorsement of final design and financial/funding information.

## DISCUSSION

Hendrie Street Reserve is classified as a regional playground to which Council's hierarchy service level allocates up to \$900,000. An additional \$60k was endorsed by Council from the public toilet works programme (GC140616R12) to enable a modified version of the standard exeloo to include a DDA access adult change table. The DPTI and TBOF partnership provides Council with supporting funds to reduce Council's funding contribution. The final design represents a regional level playground to the value of \$960k. Appendix 1 provides the final design.

During the planning and concept development phase of the project, TBOF focus was in seeking support through sponsorship and fundraising. The TBOF has received grants, cash donations and in-kind support to the value of \$110,442.45. Confirmation of these funds can be seen within Appendix 4.

Whilst a funding agreement is yet to be entered into, work has progressed in collaboration with the TBOF to maximise their contribution, however there is a gap in funding required for the capital works component in the delivery of the regional playground of \$280k. Current funding committed for the project is;

City of Marion	\$310,000
DPTI	\$250,000
TBOF	\$110,442.45
Arts SA	\$10,000
<b>Total</b>	<b>\$680,442.45</b>

There is a need for Council to consider the options outlined in this report to guide the future direction of the project.

### MOU and Staged Approach

At the commencement of the project a MOU was entered into by City of Marion and TBOF. The MOU provides clarity to the role, responsibilities and funding contributions. As written within the signed MOU, should the project budget not be reached, a design option may require review to meet available funds.

As one of the recommended approaches, should Council wish to stage the implementation of the final design, a stage 1 option is provided within Appendix 2 which is possible to be constructed within the current funds available. This will be confirmed through a tender process.

Stage 1 works as illustrated would comprise of;

- coaster bus stop and entry paths
- fencing
- majority of internal pathways
- exeloo toilet with adult change table
- large shelter with picnic settings
- BBQ and electrical works
- Drink fountain
- Fruit trees and fruit crates for sponsor acknowledgement
- Swings
- Accessible carousel with shade sail
- Limited water/sensory play
- Accessible slide 1.4m high
- Large play piece (includes climbing, construction loose part play and large tubular slide)
- Public art play piece
- Softfall

### DPTI

In November 2016, a formal request was made to DPTI for additional time to complete the Inclusive Playground project and to allow TBOF more time to raise funds. Written advice was received granting the timeframe extension with a project delivery date of December 2017.

DPTI staff have recently advised that the Council funding deed agreement deliverables are an Inclusive playground with the provision of a DDA compliant toilet and that the delivery of Stage1 would meet the funding deed agreement. DPTI's preference is however to see development of a regional facility. They have also advised that opportunities exist for Council to apply for additional grant funding for completion of the remaining works into the future.

### Additional Funding Opportunities

Further cost saving opportunities exist within the project's procurement and tendering process by tendering of the works for the complete final design. This would allow testing of the market for sponsorship and market rate reductions from construction companies and suppliers. It may be possible to achieve more on site with the available funds and limit the gap of funding required.

Council may also wish to actively pursue grant funding opportunities and sponsorship during the construction process.

### Funding Agreement

Following Council's endorsement of the final design, it is intended that Council enter into a funding agreement with the TBOF. Delegated authority will be given to the Chief Executive Officer to enter into the funding agreement for the donated amount of cash and in kind contributions to the current sum of \$110,442.45.



## Options

In consideration of the issues outlined, Council has the following options for delivery: Option 1 is recommended to Council.

<b>Option 1 (Recommended)</b>	<b>Council delivers the project in a staged approach, with the first stage of construction being delivered with the available funds in 2017.</b>
Analysis:	<p><u>Design and Procurement</u></p> <ul style="list-style-type: none"> <li>• Implementation of stage 1 includes items that are referenced in the staging plan Appendix 2.</li> <li>• Tender full scope of works to test market rates. Work with preferred contractor to deliver separable portions that are practical and value for money.</li> <li>• Prolonged development and potentially impacts users during staged construction.</li> </ul> <p><u>Resource</u></p> <ul style="list-style-type: none"> <li>• Ongoing staff resource to manage further stages through project management and construction, which may impact current works program depending on timeframes of deliverables.</li> </ul> <p><u>Partnership / Other</u></p> <ul style="list-style-type: none"> <li>• Ongoing partnership with TBOF until project is completed.</li> <li>• Meets the requirements of the DPTI funding agreement.</li> <li>• Disruption to park users during further stages of development, potential closure of the site during these periods.</li> </ul> <p><u>Cost</u></p> <ul style="list-style-type: none"> <li>• Use of current funds available for stage 1.</li> <li>• Unknown if further funding will become available into the future.</li> <li>• Potential cost escalations due to contractor demobilisation from site due to separable portions.</li> </ul> <p><i>*Council receives a further Report on the project's progress including site deliverables and funding information in May 2018.</i></p>
<b>Option 2 (Not Recommended)</b>	<b>Council funds remaining project shortfall of \$280,000 with any further donations or cost savings received during the construction phase to be returned to Council.</b>
Analysis:	<p><u>Design and Procurement</u></p> <ul style="list-style-type: none"> <li>• Full scope of works meets Council's hierarchy service levels of a regional playground.</li> <li>• Delivery of a regional playground and associated facilities within agreed timeframes.</li> </ul> <p><u>Resource</u></p> <ul style="list-style-type: none"> <li>• No additional resources required, resources included within existing works program.</li> </ul> <p><u>Partnership / Other</u></p> <ul style="list-style-type: none"> <li>• Continue TBOF partnership until project completion.</li> <li>• Meets the requirements of the DPTI funding agreement.</li> </ul> <p><u>Cost</u></p> <ul style="list-style-type: none"> <li>• Additional cost of \$280,000 to Council</li> <li>• Potential for no additional funds from grants and sponsorships.</li> </ul> <p><i>*Council receives a further Report on the projects progress including site deliverables and funding information by May 2018.</i></p>
<b>Option 3 (Not Recommended)</b>	<b>Council fund's remaining project shortfall of \$280,000 and accept no further donations or in-kind contributions through the TBOF partnership.</b>
Analysis:	<p><u>Design and Procurement</u></p> <ul style="list-style-type: none"> <li>• Full scope of works meets Council's hierarchy service levels of a regional playground.</li> </ul>

	<ul style="list-style-type: none"> <li>Delivery of a regional playground and associated facilities within agreed timeframes.</li> </ul> <p><u>Resource</u></p> <ul style="list-style-type: none"> <li>No additional resources required.</li> </ul> <p><u>Partnership / Other</u></p> <ul style="list-style-type: none"> <li>TBOF partnership will conclude with the proposed funding agreement.</li> </ul> <p><u>Cost</u></p> <ul style="list-style-type: none"> <li>Additional cost of \$280,000 to Council</li> </ul>
<b>Option 4 (Not Recommended)</b>	<b>Develop playground to a reduced scope of works reflecting current funding and stage 1 works (subject to tender process).</b>
Analysis:	<p><u>Design and Procurement</u></p> <ul style="list-style-type: none"> <li>Partial scope of works would not meet Council's hierarchy service levels of a regional playground.</li> <li>Delivery of a playground and associated facilities within agreed timeframes to acquit DPTI grant funding.</li> </ul> <p><u>Resource</u></p> <ul style="list-style-type: none"> <li>No additional resources required.</li> </ul> <p><u>Partnership / Other</u></p> <ul style="list-style-type: none"> <li>TBOF and DPTI Partnership will conclude with the proposed funding agreement. No further funding opportunities pursued.</li> <li>DPTI have discussed preference to see full realisation of project.</li> <li>Community expectations for full scope to be developed.</li> </ul> <p><u>Cost</u></p> <ul style="list-style-type: none"> <li>Within existing committed funds.</li> </ul>

#### Next Steps

The next steps for this project include entering into a funding agreement with TBOF, which will outline the financial contributions of TBOF (within Appendix 4) and the City of Marion followed by development approvals, tendering of works and the commencement of on ground site works.

Should Council wish to proceed with the construction of the regional playground, including the staged option, the following delivery program can be achieved which will also meets the DPTI grant funding timeframes.

Subsequent stages of construction will further extend the timeframes for delivery of the overall project.

**Table 1 - Proposed Program of Delivery**

<b>Scope</b>	<b>March 2017</b>	<b>April 2017</b>	<b>May 2017</b>	<b>June 2017</b>	<b>July 2017</b>	<b>August 2017</b>	<b>Sep. 2017</b>	<b>Oct. 2017</b>	<b>Nov. 2017</b>	<b>Dec. 2017</b>	<b>May 2018</b>
Funding Agreement		✓	✓								
Finalise Detailed Design	✓	✓									
*Development Approvals			✓	✓							
* Tender			✓	✓	✓						
*Construction (Stage 1 completed by Dec 2017, separable portions to be confirmed)					✓	✓	✓	✓	✓	✓	
*Opening										✓	
*Progress Council Report											✓

(\*Subject to Council endorsement of final design, entering into funding agreement, development approvals and tender process.)

Following development approvals, tender and procurement processes, it is envisaged that construction of the Inclusive Playground will commence in July 2017, with DPTI funding being acquitted within the agreed timeframes.

A future Council report will be presented in May 2018 discussing funding progress. Should no additional funding be attracted options will be presented for consideration.

## ANALYSIS

### Consultation

Council received and noted consultation findings for the consulted design concept on 13 December 2016 Council meeting (GC131216R17).

### Financial Implications

The reserve development will increase annual maintenance and operating costs requiring consideration for the LTFP. Whole of life costs for the project are provided (Refer Appendix 3). The changes to the Long Term Financial Plan will need to be considered for the 2017/18 financial year onwards including an annual amount of \$43,042 for ongoing operations and maintenance.

The Final design has been developed to a regional level hierarchy cost of \$960,000. DPTI has committed \$250,000 towards the project, with Council committing \$310,000 (including \$60,000 public toilet funding) and will design and manage construction of the play space. Arts SA have contributed \$10k. The TBOF has raised \$110,442.45 from their fundraising efforts through donations and sponsorship.

The table below reflects the current funding that has been secured for the project and the contribution from project partners.

Funding Source	City of Marion	DPTI	Arts SA	TBOF	TOTAL
Playground budget	\$250,000				\$250,000
Public toilets – works program	\$60,000				\$60,000
Open Space development		\$250,000			\$250,000
Arts SA			\$10,000		\$10,000
Grants / Donations / Sponsorship / In-kind support				\$110,442.45	\$110,442.45
		<b>Current funding committed</b>			<b>\$680,442.45</b>
		<b>Total Project Estimated Cost</b>			<b>\$960,000</b>
		<b>Projected shortfall</b>			<b>\$279,557.55</b>

A combination of the overall funding sources available results in a project shortfall of \$279,557.55 to complete the Inclusive Playground to a Regional level.

## CONCLUSION

A Final Design for the Hendrie Street Reserve Inclusive Playground has been developed to a regional level hierarchy cost of \$960,000. Financial contributions have been committed by DPTI to the sum of \$250,000, Arts SA \$10,000 and Council committing \$310,000 towards the project. To date the TBOF have raised \$110,442.45 from their fundraising efforts through donations and

sponsorship. Funds totalling \$680,442.45 have been secured, with a short fall of \$279,557.55 for the delivery of a regional playground.

The recommended option is to commence construction of the stages of works (within Appendix 2) with the current funds available, meeting DPTI's funding agreement time frames and requirements. During this time, further funding opportunities can be explored.

Following Council's endorsement, development approvals, tender process and construction, will progress with a schedule of completion by the end December 2017. A further Report will be presented to Council, outlining the project's progress including site deliverables, funding information and options by May 2018.

## **APPENDICES**

**APPENDIX 1** Final Design & Detailed Design Drawing

**APPENDIX 2** Staged Design

**APPENDIX 3** Whole of Life Costs

**APPENDIX 4** TBOF Funding Statement

**Appendix 2**



**HENDRIE  
STREET  
RESERVE**



**INCLUSIVE  
PLAY  
SPACE**



# HENDRIE STREET RESERVE



## LEGEND

- INDICATIVE TREE PROTECTION ZONE
- MAIN ACCESS TO POOL
- LOCAL HERITAGE LISTED VINEYARD
- SUGGESTED PROPOSED PLAY SPACE (CONCEPT DESIGN BEING DEVELOPED)
- STURT LINEAR TRAIL SHARED PATH
- OUTDOOR SWIMMING POOL FENCED COMPOUND
- SWIMMING POOL CARETAKERS RESIDENCE
- OPPORTUNITY TO ENHANCE CONNECTIVITY TO PROPOSED PLAY AREA

## HISTORY AND CULTURAL CONTEXT OF THE AREA



AGRICULTURAL FAMILIES



HAMILTON EWELL VINEYARDS



AGRICULTURAL FAMILIES



BLOODSTOCK HORSE BREEDING



STURT RIVER



VINEYARDS - MUSCATEL TABLE GRAPES



TABLE GRAPES



SOUTHERN CROSS WIND WILL



ALMOND TREES



FRUIT TREES



RIVER RED GUMS

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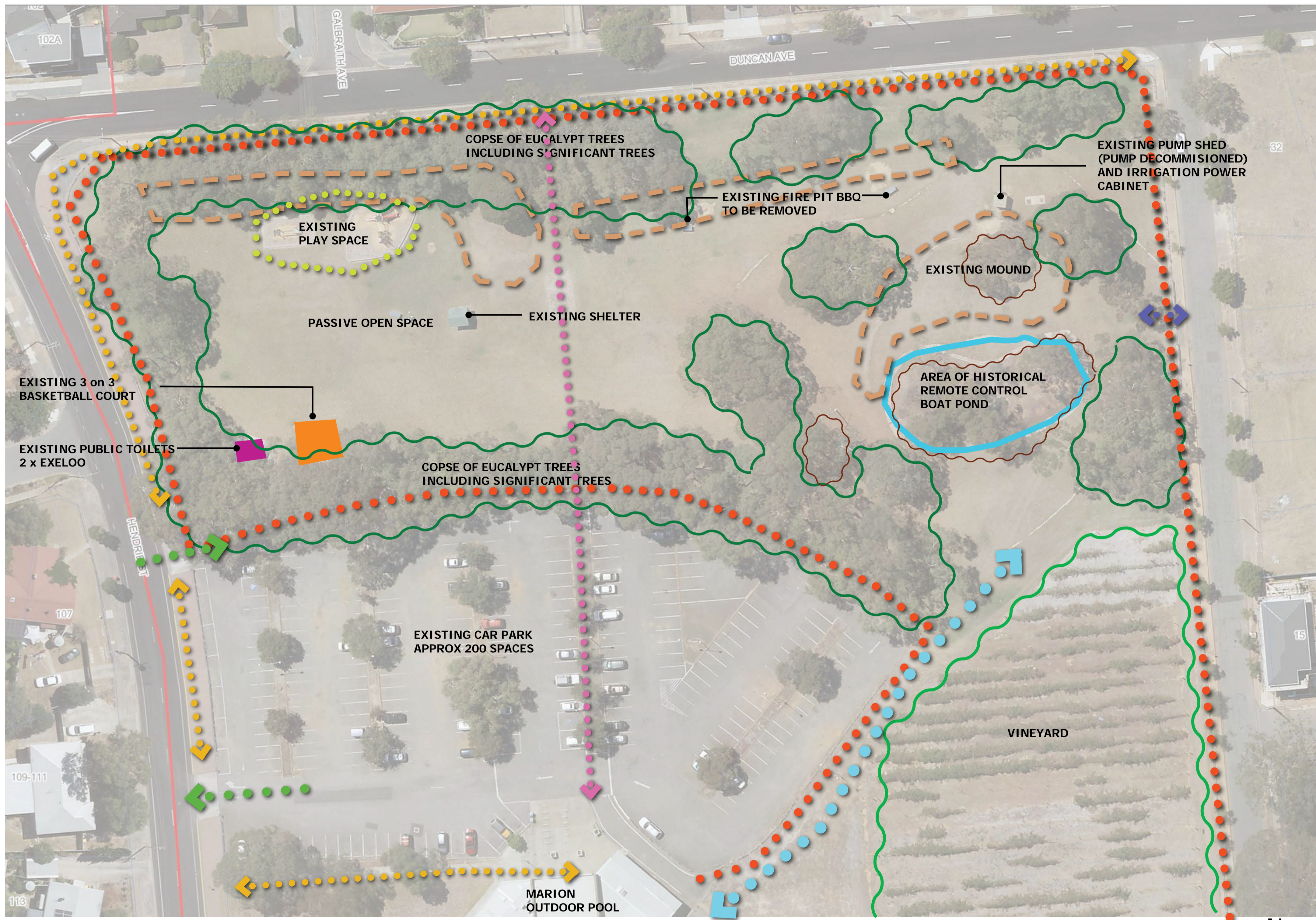


# HENDRIE STREET RESERVE PLAY SPACE

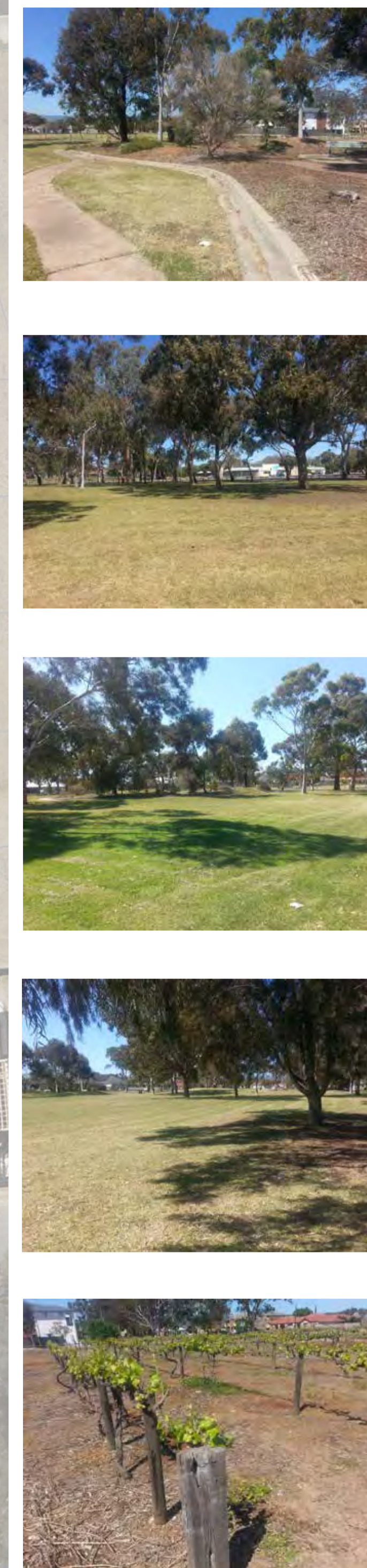
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SITE PHOTOS



-  CAR PARK ACCESS/ EXIT
-  EXISTING MAINTENANCE ACCESS
-  EXISTING PEDESTRIAN CIRCULATION
-  EXISTING POST AND RAIL BARRIER
-  EXISTING MOUNDS
-  VEGETATION TO BE REMOVED DUE TO HEALTH
-  VEGETATION TO BE RETAINED (SOME PRUNING SUBJECT TO ARBORIST REVIEW)
-  OPPORTUNITY TO ENHANCE PEDESTRIAN CONNECTIVITY
-  EVIDENCE OF PREVIOUS ENTRY GATE AND PATH CONNECTING TO POOL SITE

SITE ANALYSIS

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# CONCEPT IDEAS

## INCLUSIVE PLAY

“creating custom made, accessible and intergenerational play equipment and amenities, incorporating accessible pathways, passive areas, sensory and tactile play and artworks, graduated challenges, points of recognition and visual cues, fencing, accessible parking and bus drop off zones.”

Everyone can play – Not everyone can play on everything, but there is something for everyone

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 	<h3>HENDRIE STREET RESERVE PLAY SPACE</h3>		Design BG 8/10/15	Drawn BG 8/10/15	Checked BG	Authorised for Issue ORIGINAL SIGNED BY: BG
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# CONCEPT IDEAS



- REFERENCE TO THE MEANDERING STURT RIVER
- RIVER AS SOURCE OF IRRIGATION AND SETTLEMENT
- INTEGRATED LOCAL SITE DRAINAGE (WSUD)
- ENHANCE CONNECTIONS TO NATURE/ HABITAT
- OPPORTUNITIES FOR WATER/ NATURE PLAY

## RIVER

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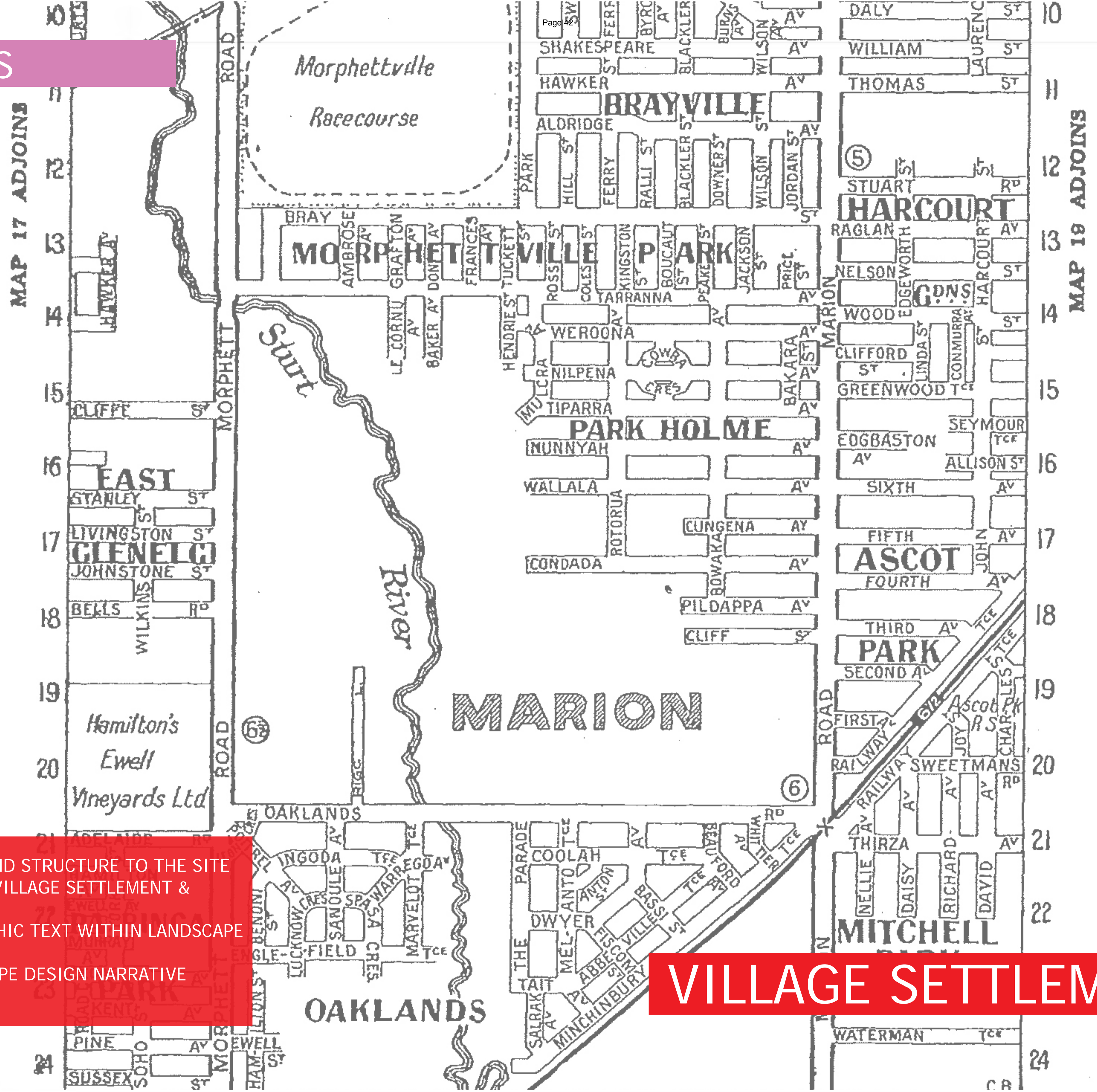
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- LEGIBILITY, PATTERN AND STRUCTURE TO THE SITE
- PROVIDE CONTEXT OF VILLAGE SETTLEMENT & COMMUNITY LIFE
- EXPLORATION OF GRAPHIC TEXT WITHIN LANDSCAPE AS WAYFINDING
- COHESION OF LANDSCAPE DESIGN NARRATIVE

VILLAGE SETTLEMENT

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# CONCEPT IDEAS



# VRRRRROOOOOOOOM! VRRRRROOOOOOOOM!

- DIFFERENT SCALES OF MAPPING AND INTERPRETATION (GROUND PLANE AND TABLES)
- RAISED PLAY TABLES WITH ANIMATED GRAPHIC SETTLEMENT MAPS
- 2x MAP TABLES - MARION VILLAGE AND NORTH SYDNEY THE HOME OF TOUCHED BY OLIVIA FOUNDATION (TBOF)
- PROMOTE SHARING MATCHBOX CARS FOR INCLUSIVE SOCIAL AND IMAGINATIVE PLAY
- CONCEPTS OF STRATEGY AND INTERGENERATIONAL PLAY WITH CHESS BOARD TABLE

## VILLAGE SETTLEMENT

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# CONCEPT IDEAS



- LANDSCAPE OVERLAY PROVIDING CANOPY STRUCTURE & ZONES OF RESPITE WITHIN PLAY AREA
- PROMOTE HEALTHY WELLBEING
- FRUIT TREES REFERENCE HISTORIC PAST USES OF THE SITE
- OPPORTUNITIES FOR COMMUNITY HARVEST DAY

## AGRICULTURE- ORCHARD

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### HENDRIE STREET RESERVE PLAY SPACE

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# CONCEPT IDEAS

- INTEGRATED PLAYFUL ARCHITECTURE
- STACKED STRUCTURE WITH NUMEROUS INCLUSIVE PLAY ACTIVITIES; ACTIVE, SOCIAL, CREATIVE, AND IMAGINATIVE
- OPPORTUNITIES FOR ARTIST TO TREAT THE FACADE WITH HISTORIC FAMILY BRANDS THAT PRODUCED THE FRUIT AND VINES (HAMILTONS, WESTERN, W. PETHICK & SONS, PATRITTI)

# AGRICULTURE- FRUIT CRATES

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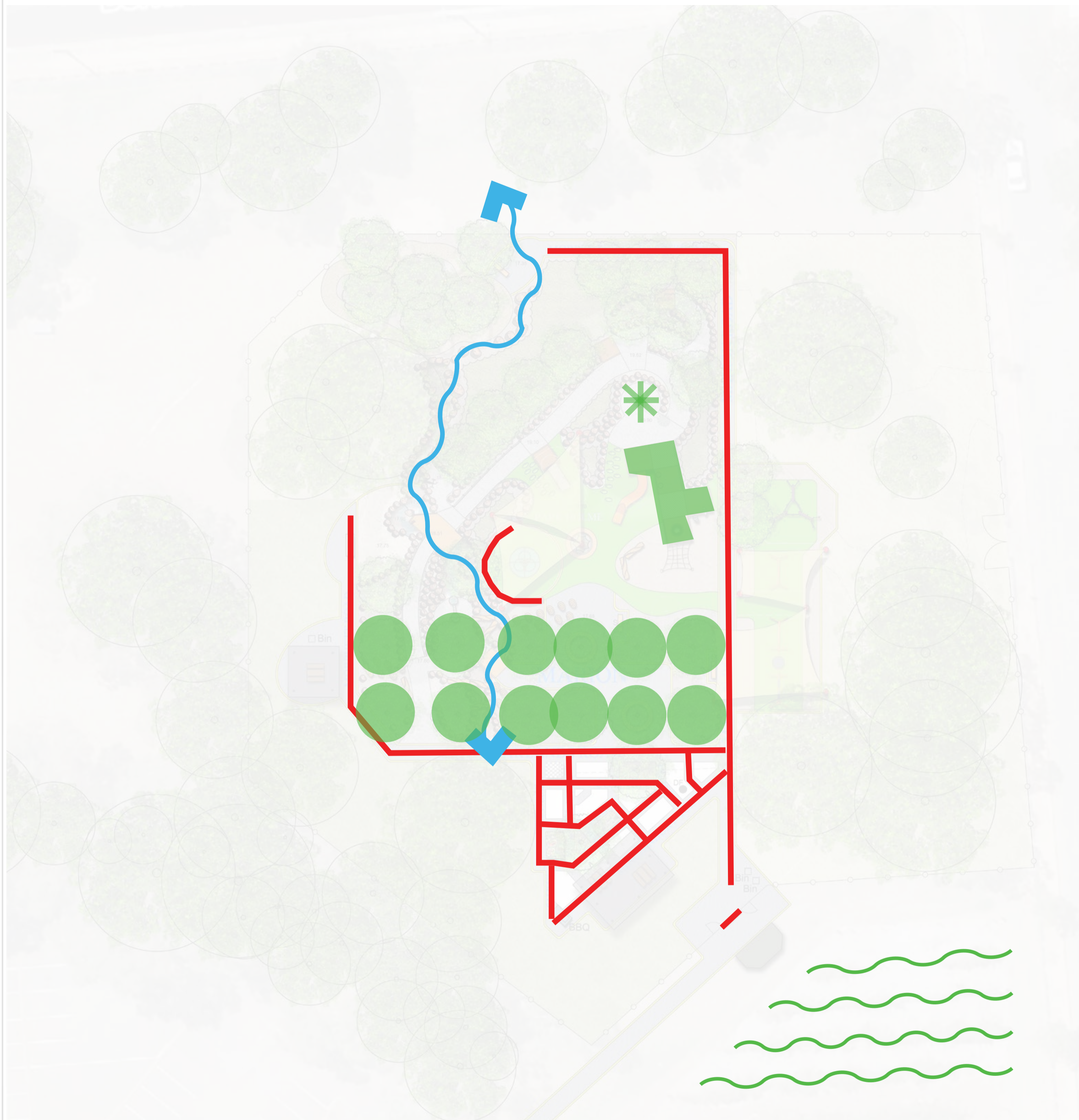


## HENDRIE STREET RESERVE PLAY SPACE

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# CONCEPT IDEAS



## RIVER

The Sturt River once meandered through Oaklands & Parkholme. The concept design looks to reinterpret the river through;

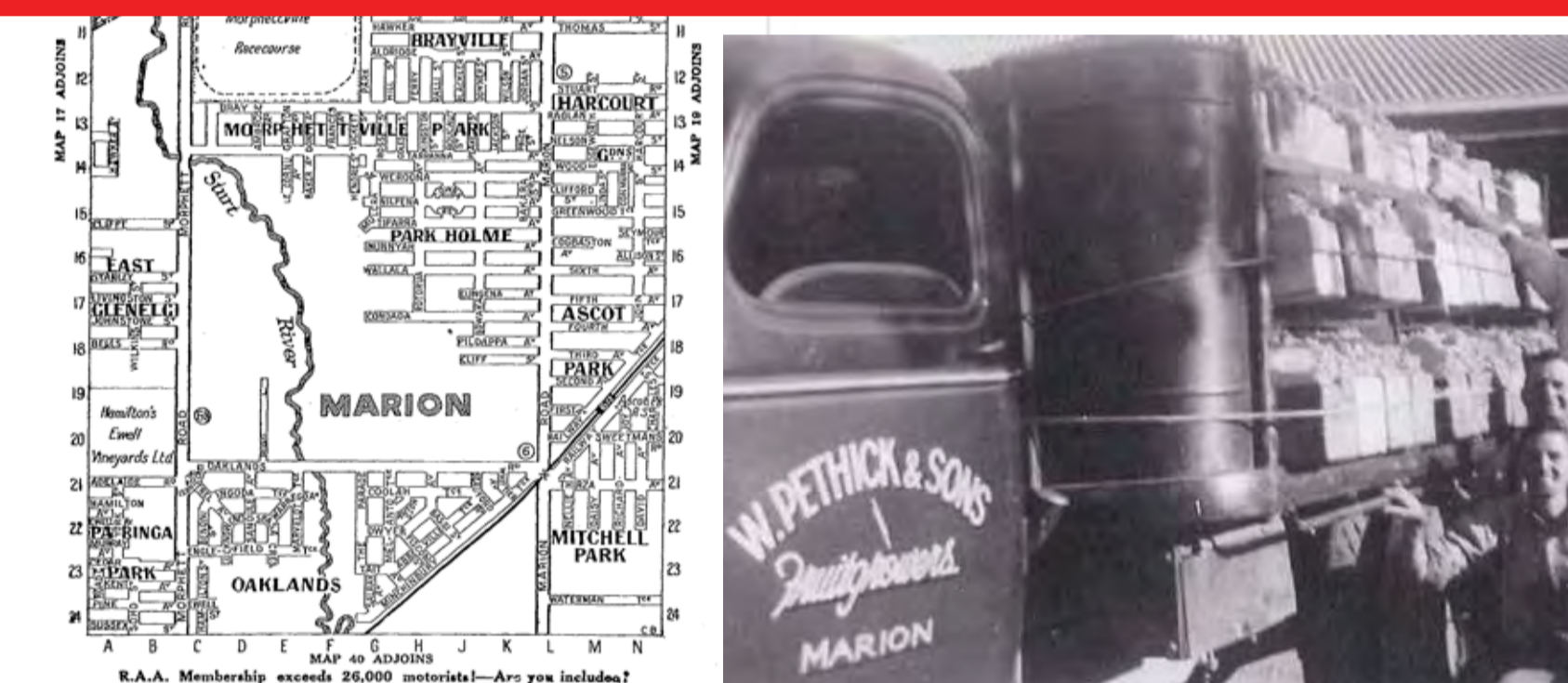
- revegetation of native flora
- enhance opportunities for habitat
- water play structures within the play space that re engages with the concept of a river coarse
- natural drainage structure within the reserve



## VILLAGE - SETTLEMENT

The culturally rich history of Oaklands and Park Holme is steeped in colonial settlement of Adelaide. The concept design of the play space references this history through;

- ground plan map with contextual road names and patterning to illustrate the settlement of the area in a playful way enhancing legibility and wayfinding.
- red brick walls referencing the architectural materiality of the Marion area with a clay pug historically located close by.
- incorporation of artefacts such as horse troughs, and wine barrels into the water play structure to refer to the bloodline horse breeding and viticulture.
- incorporation of public art that references the primary production of the area. i.e. wind mill.



## AGRICULTURE- ORCHARDS, VINEYARDS

The settlement at Oaklands & Park Holme included a tapestry of agricultural development. The landscape surrounding the area was used for vineyards, fruit tree orchards and grazing. The concept design seeks to reference this landscape setting through;

- play structure that reflects the fruit stacking crates with opportunities for graphic representation of historic agricultural family businesses ie Hamilton, W Pethick & son, Patrilli.
- retention of the existing vineyard.
- proposed planting of fruit tree orchard
- opportunities for public art that reference the primary production of the area i.e. southern cross wind mill, balustrade and fencing.



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# HENDRIE STREET RESERVE PLAY SPACE

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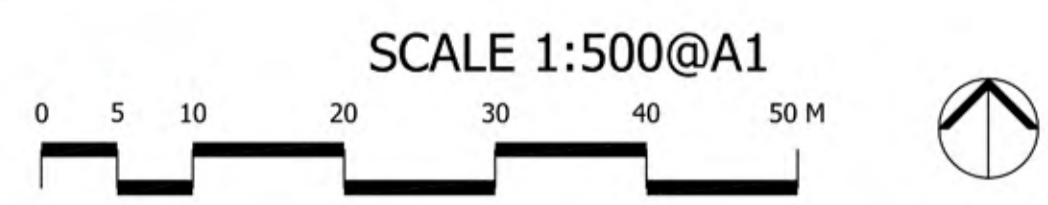
- 1 COASTER BUS DROP OFF POINT AND PATH CONNECTING TO FENCED PLAY SPACE
- 2 MAIN ENTRY TO PLAY SPACE AND NEW AUTOMATED TOILET (DDA COMPLIANT INCLUDING ADULT CHANGE TABLE)
- 3 OUTDOOR SWIMMING POOL ENTRY (SWIMMING POOL CENTRE RENOVATIONS CURRENTLY BEING CONSIDERED THROUGH A MASTER PLAN)
- 4 RETENTION OF VINEYARD
- 5 RETENTION OF TREES (PRUNING TO REMOVE DEAD WOOD AS PER ARBORIST INSTRUCTIONS)
- 6 REMOVAL OF EXISTING PLAY SPACE AND REINSTATE WITH PASSIVE OPEN SPACE FOR KICK ABOUT
- 7 RETAIN BASKETBALL POLE
- 8 RETAIN SHELTER
- 9 CAR PARK TO BE RE LINE MARKED TO ACCOMMODATE DDA COMPLIANT SPACES ADJACENT TO THE PLAY SPACE ENTRY PATH
- 10 PROPOSED NEW FENCED PLAY SPACE INCORPORATING:
  - BBQ PICNIC AREA,
  - SHADE STRUCTURES
  - SHELTERS
  - PLAY EQUIPMENT
  - LANDSCAPING

**LEGEND**

- PROPOSED EVERGREEN TREE
- EXISTING TREE TO BE RETAINED
- EXISTING TREE AND SHRUBS TO BE REMOVED
- PROPOSED GARDEN BED GROUNDCOVER AND GRASSES WITH ORGANIC MULCH
- ORGANIC MULCH
- PROPOSED CONCRETE
- PROPOSED BITUMEN PATH
- CEMENT TREATED COMPACTED RUBBLE PATH
- IRRIGATED TURF
- DRYLAND GRASS
- SOFTFALL BARK CHIPS
- RUBBER SOFTFALL
- SAND PIT
- TIMBER DECK
- TEXT PAINTED ON PAVEMENT
- DRYLAND CREEK / SWALE
- RETAINING BOULDERS
- CUT LOG STEPPERS/ SEATS
- LOG BALANCE BEAMS
- SEAT
- CIRCULAR SEAT
- RUBBISH BIN
- PICNIC TABLE
- ELECTRIC BBQ
- DRINK FOUNTAIN
- PROPOSED SHELTER
- FEATURE BRICK WALL
- PAINT LINE MARKING
- PROPOSED FENCE
- PROPOSED SURFACE FINISH LEVELS
- PROPOSED CONTOURS

NOTE:  
SCOPE OF AREA AND DESIGN SUBJECT TO FUNDING CONFIRMATION

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# HENDRIE STREET RESERVE PLAY SPACE

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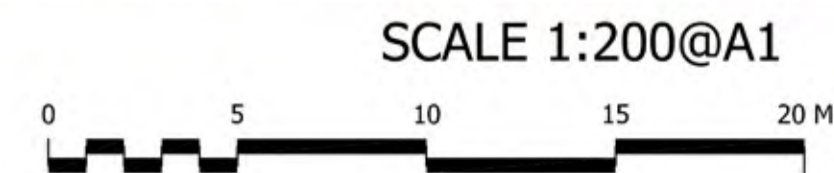
- 1 ENTRY/ EXIT GATES WITH FEATURE BRICK WALL INCORPORATING COMMUNITY TILES
- 2 PICNIC AREA AND BOARD GAMES  
- GROUND PAINTED TO REFERENCE ROAD MAPS  
- TABLES (MATCH BOX CAR ROAD MAPS/ CHESS)
- 3 FRUIT TREE ORCHARD AND SEATING AREA
- 4 ALL ABILITIES CAROUSEL
- 5 FEATURE ELEVATED PLAY STRUCTURE REFERENCE FRUIT CRATES
- 6 2.2M HIGH TUBULAR SLIDE OFF THE ELEVATED PLAY STRUCTURE
- 7 1.4M HIGH SLIDE ON MOUND
- 8 EXPRESSION SWING
- 9 3 WAY TANDEM STAMPEDE RIDER WITH PARENT SEATS
- 10 TRIPLE FRAME SWING  
-1 STRAP SEAT + 1 HARNESS SEAT  
-1 BIRDS NEST SEAT  
-1 ROPE
- 11 SWALE WITH BALANCE LOGS
- 12 WATER PLAY CRANK AND DRAW GATES
- 13 WATER PLAY PUMP AND TROUGHS THAT LINK TO THE SWALE
- 14 SAND PIT AND TABLE
- 15 SPIRAL WATER PUMP
- 16 DRAWING BOARD FRUIT CRATE ROOM
- 17 QUIET ZONE FRUIT CRATE ROOM
- 18 SOUTHERN CROSS WIND MILL INCLUDING ACOUSTIC PANELS PUBLIC ART ELEMENT
- 19 TRIKE TRACK "MORPHETTVILLE RACE COURSE"
- 20 ACCESSIBLE DUAL AUTOMATED TOILET WITH CHANGE TABLE
- 21 MAINTENANCE ACCESS GATES

NOTE:  
SCOPE OF AREA AND DESIGN SUBJECT TO FUNDING CONFIRMATION



- LEGEND**
- PROPOSED EVERGREEN TREE
  - EXISTING TREE TO BE RETAINED
  - EXISTING TREE AND SHRUBS TO BE REMOVED
  - PROPOSED GARDEN BED GROUNDCOVER AND GRASSES WITH ORGANIC MULCH
  - ORGANIC MULCH
  - PROPOSED CONCRETE
  - PROPOSED BITUMEN PATH
  - CEMENT TREATED COMPACTED RUBBLE PATH
  - IRRIGATED TURF
  - DRYLAND GRASS
  - SOFTFALL BARK CHIPS
  - RUBBER SOFTFALL
  - SAND PIT
  - TIMBER DECK
  - TEXT PAINTED ON PAVEMENT
  - DRYLAND CREEK / SWALE
  - RETAINING BOULDERS
  - CUT LOG STEPPERS/ SEATS
  - LOG BALANCE BEAMS
  - SEAT
  - CIRCULAR SEAT
  - RUBBISH BIN
  - PICNIC TABLE
  - ELECTRIC BBQ
  - DRINK FOUNTAIN
  - PROPOSED SHELTER
  - FEATURE BRICK WALL
  - PAINT LINE MARKING
  - PROPOSED FENCE
  - 30.9 PROPOSED SURFACE FINISH LEVELS
  - 30.9 PROPOSED CONTOURS

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# HENDRIE STREET RESERVE PLAY SPACE

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ACCESSIBLE CAROUSEL



3 WAY TANDEM BULLRIDER  
- SEATS FOR ADULTS/ CAREER TO SUPPORT CHILD



TRIPLE FRAME SWING  
- STANDARD SEAT/ HARNESS SEAT/ TODDLER SEAT/ BIRDS NEST/ ROPE



ACCESSIBLE HARNESS SWING



EXPRESSION SWING



SAND PLAY  
- LOCATED ADJACENT TO THE SWALE TO ENABLE WATER AND SAND SCULPTURE



1.4 METRE HIGH x 1 METRE WIDE METAL SLIDE  
- EMBANKMENT SLIDE ON MOUND FOR TODDLER AND JUNIOR ACCESS



2.2 METRE HIGH TUBULAR SLIDE  
- ATTACHED TO ELEVATED PLAY STRUCTURE



WATER PUMP WITH PLAY TROUGHS



WATER PLAY CRANK GATE  
- LOCATED WITHIN SWALE TO ENABLE WATER COURSE MANIPULATION



WATER SPIRAL  
- HAND ACTIVATED WATER SPIRAL LOCATED ON MOUND ADJACENT SWALE



ELEVATED PLAY STRUCTURE CLIMBING NETS



ACOUSTIC PANEL  
- LOCATED ADJACENT WIND MILL



ACOUSTIC PANEL  
- LOCATED ADJACENT WIND MILL



BLACKBOARD FRUIT CRATE ROOM



SHADE SAILS OVER PARTIAL PLAY SPACE



SHELTER STRUCTURE PICNIC TABLES UNDER



EXELOO TOILET  
- AUTOMATED ACCESSIBLE TOILET WITH 1 x ADULT CHANGE TABLE



PUBLIC ART OPPORTUNITY  
- SOUTHERN CROSS WIND MILL



PUBLIC ART OPPORTUNITY  
- MURAL IN QUIET ZONE FRUIT CRATE ROOM REFERENCE THE BOAT POND AND SAIL AWAY



PUBLIC ART OPPORTUNITY  
- GRAPHIC ART ON THE GROUND PLANE



PUBLIC ART OPPORTUNITY  
- GRAPHIC ART ON THE GROUND PLANE, VISUAL IDENTIFICATION OF PLAY ZONES



ROAD MAP PLAY TABLES  
- ONE TABLE MAP REPRESENTING VILLAGE MARION  
- ONE TABLE MAP REPRESENTING NORTH SYDNEY HOME OF TOUCHED BY OLIVIA



CHESS BOARD TABLE

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# HENDRIE STREET RESERVE PLAY SPACE

## PRECEDENT IMAGES

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**WESTERN FACADE PLAY STRUCTURE**  
 - TUBE SLIDE FORM TOP OF MOUND, SCRAMBLE NET AND INTERNAL CYLINDER NET TO CONNECT TO BIRDS NEST TOWER.

**SOUTHERN FACADE PLAY STRUCTURE**  
 - BIRDS NEST TOWER ON TOP OF VINE CLIMBING STRUCTURE  
 - EASTERN SIDE INCORPORATES CONSTRUCTION PLAY, BUCKETS AND PULLEYS TO CONNECT GROUND PLANE LOOSE PARTS

**INTERNAL VIEW**  
 - CYLINDER CLIMBING VINE TO TOP OF BIRDS NEST TOWER



**CUBBY CIRCULATION SPACE**  
 - CONSTRUCTION, CREATIVE PLAY SPACE

**WESTERN FACADE PLAY STRUCTURE**  
 - ACCESS INTO THE CUBBY SPACE FROM TOP OF MOUND (AT GRADE) WITH BIRDS NEST TOWER ABOVE

**BIRDS NEST TOWER INTERNAL VIEW**



**PLAY STRUCTURE FACADE/ CONCEPTUAL**  
 - DESIGN TO BE SYMBOLIC REFERENCE TO FRUIT CRATES WITH SPECIFIC REFERENCE TO TABLE GRAPES AND FRUIT TREES

**PLAY STRUCTURE FACADE**  
 - OPPORTUNITY FOR FRUIT CRATE FACADE TO INCORPORATE GRAPHICS THAT REPRESENT THE CULTURAL HISTORY OF FRUIT TREE ORCHARDS

**BUCKETS AND CHUTES FOR INTERACTIVE PLAY**

**GROUND FLOOR TO TERRACE BUCKETS AND PULLEYS**  
 - UTILISING MULCH GROUND SURFACE FOR CREATIVE INTERACTIVE CONSTRUCTION

**PRECEDENT CUBBY PLAY STRUCTURE**

**DRAFT**

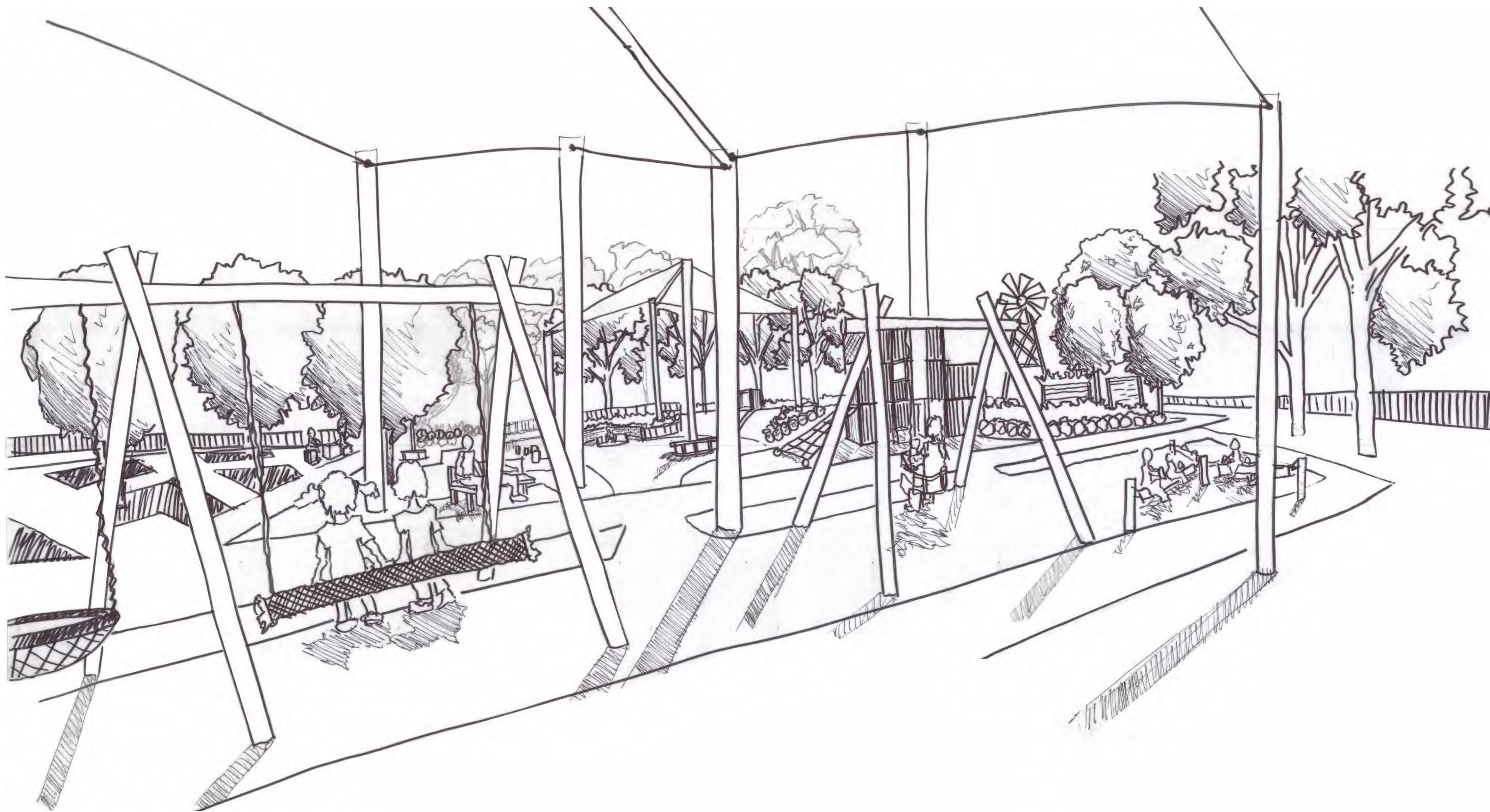
OCTOBER 2015



**HENDRIE STREET RESERVE PLAY SPACE**  
 CONCEPTS PRECEDENT IMAGES  
 PREPARED BY OPEN SPACE & RECREATION PLANNING - CITY OF MARION

Design BG 8/10/15	Drawn BG 8/10/15	Checked BG	Authorised for Issue ORIGINAL SIGNED BY: BG
Drawing Number / Sheet HR-SK13			Issue





PERSPECTIVE VIEW OF PLAY SPACE FROM THE EAST LOOKING ACROSS TO THE PLAY AREA

**DRAFT**

OCTOBER 2015



# HENDRIE STREET RESERVE PLAY SPACE

PREPARED BY OPEN SPACE & RECREATION PLANNING - CITY OF MARION

Design BG 8/10/15	Drawn BG 8/10/15	Checked BG	Authorised for Issue ORIGINAL SIGNED BY: BG
Drawing Number / Sheet HR-SK14		Issue	



- 1 ENTRY/ EXIT GATES WITH FEATURE BRICK WALL INCORPORATING COMMUNITY TILES
- 2 PICNIC AREA AND BOARD GAMES  
- GROUND PAINTED TO REFERENCE ROAD MAPS  
- TABLES (MATCH BOX CAR ROAD MAPS/ CHESS)
- 3 FRUIT TREE ORCHARD AND SEATING AREA
- 4 ALL ABILITIES CAROUSEL (SHADE SAILS OVER)
- 5 FEATURE ELEVATED PLAY STRUCTURE REFERENCE FRUIT CRATES
- 6 2.2M HIGH TUBULAR SLIDE OFF THE ELEVATED PLAY STRUCTURE
- 7 1.4M HIGH SLIDE ON MOUND
- 8 SWINGS (SHADE SAILS OVER)  
- EXPRESSION SWING  
- STANDARD SEAT AND TODDLER SEAT
- 9 SWINGS (SHADE SAILS OVER)  
- BASKET SWING SEAT  
- ROPE SWING
- 10 SWALE WITH BALANCE LOGS
- 11 WATER PLAY CRANK AND DRAW GATES
- 12 WATER PLAY PUMP AND TROUGHS THAT LINK TO THE SWALE
- 13 SAND PIT AND PLAY TABLES
- 14 SPIRAL WATER PUMP
- 15 DRAWING BOARD FRUIT CRATE ROOM
- 16 QUIET ZONE FRUIT CRATE ROOM
- 17 SYMBOLIC SOUTHERN CROSS WIND MILL KINETIC/ ACOUSTIC INTERACTIVE PUBLIC ART ELEMENT
- 18 TRIKE TRACK "MORPHETTVILLE RACE COURSE"
- 19 ACCESSIBLE AUTOMATED TOILET WITH CHANGE TABLE
- 20 MAINTENANCE ACCESS GATES

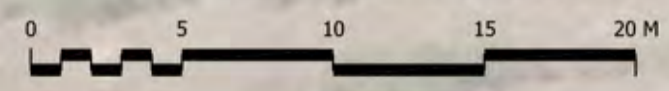
NOTE:  
SCOPE OF AREA AND DESIGN SUBJECT TO FUNDING CONFIRMATION



- LEGEND**
- PROPOSED EVERGREEN TREE
  - EXISTING TREE TO BE RETAINED
  - EXISTING TREE AND SHRUBS TO BE REMOVED
  - PROPOSED GARDEN BED GROUNDCOVER AND GRASSES
  - PROPOSED GARDEN BED SHRUBS
  - ORGANIC MULCH
  - PROPOSED CONCRETE
  - PROPOSED BITUMEN PATH
  - IRRIGATED TURF
  - DRYLAND GRASS
  - SOFTFALL BARK CHIPS
  - RUBBER SOFTFALL
  - SAND PIT
  - TIMBER DECK
  - TEXT PAINTED ON PAVEMENT
  - DRYLAND CREEK / SWALE
  - RETAINING BOULDERS
  - CUT LOG STEPPERS/ SEATS
  - LOG BALANCE BEAMS
  - SEAT
  - RUBBISH BIN
  - PICNIC TABLE
  - ELECTRIC BBQ
  - PROPOSED SHELTER
  - DRINK FOUNTAIN
  - FEATURE BRICK WALL
  - PAINT LINE MARKING
  - PROPOSED FENCE TYPE 1
  - PROPOSED FENCE TYPE 2
  - 30.9 PROPOSED SURFACE FINISH LEVELS
  - 30.9 PROPOSED CONTOURS

**FINAL CONCEPT**

SCALE 1:250@A1



APRIL 2016



# HENDRIE STREET RESERVE PLAY SPACE

PREPARED BY OPEN SPACE & RECREATION PLANNING - CITY OF MARION

Design BG 12/04/16	Drawn BG 12/04/16	Checked BG	Authorised for Issue ORIGINAL SIGNED BY: BG
Drawing Number / Sheet HR-SK15		Issue	



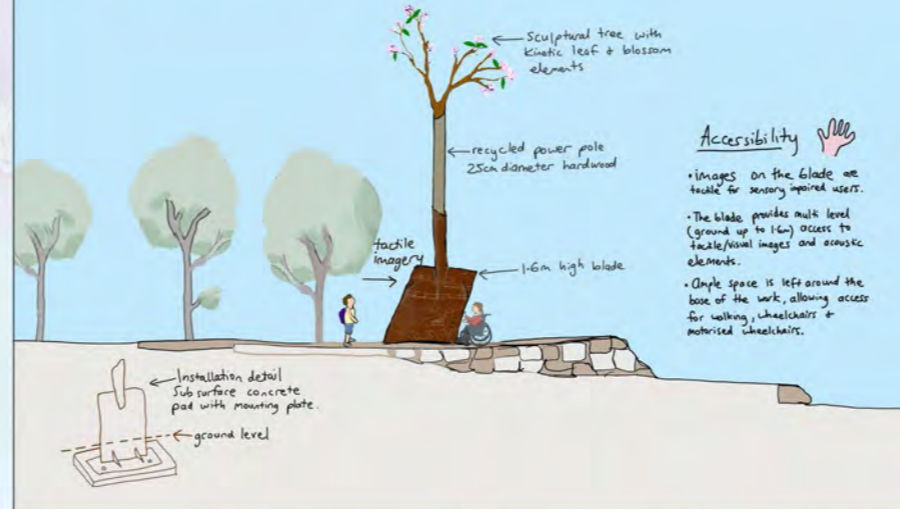
Interactive Imagery

- Images to be engraved/ Die-cut onto surface of steel. Some surfaces to be raised using layers of steel plate
- A tactile picture for vision impaired children
- A textural experience with potential for crayon rubbings to make and take home.



Technical Information

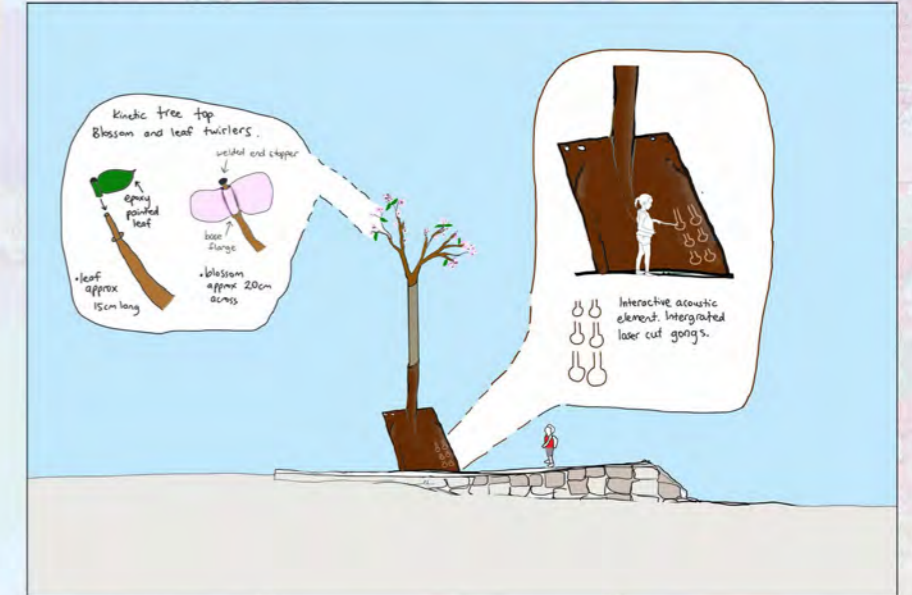
Overall height approximately 6m.



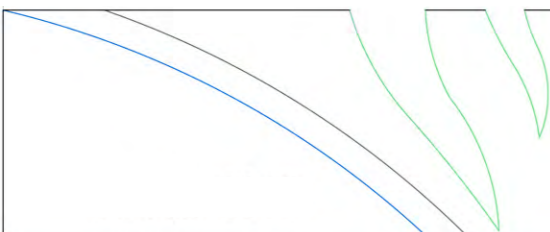
Accessibility

- Images on the blade are tactile for sensory impaired users.
- The blade provides multi level (ground up to 1.6m) access to tactile/visual images and acoustic elements.
- Ample space is left around the base of the work, allowing access for walking, wheelchairs & motorised wheelchairs.

Acoustic /Kinetic



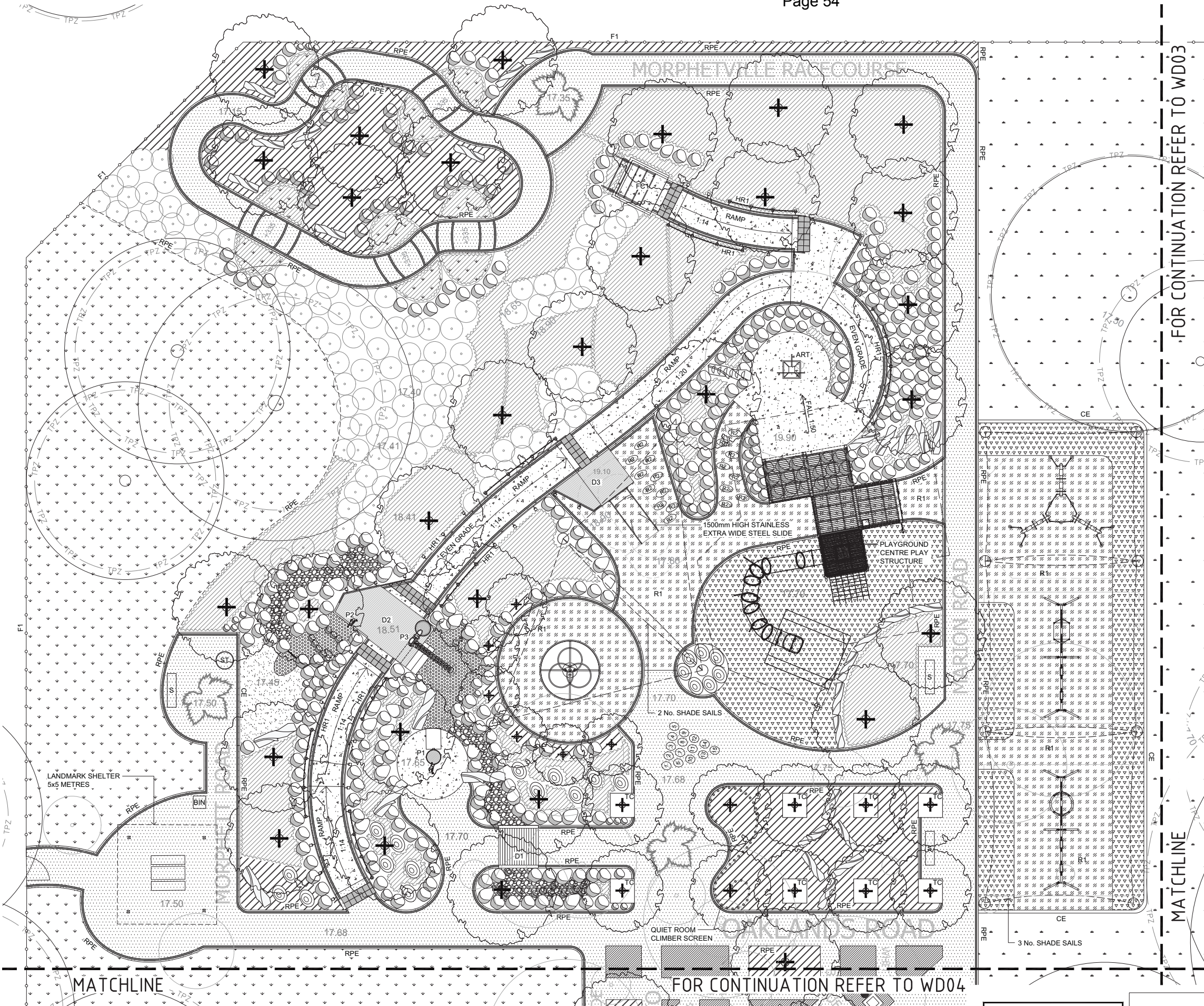
Artist works by  
Laura Wills and William Cheesman



HENDRIE STREET RESERVE PLAY SPACE

PREPARED BY OPEN SPACE & RECREATION PLANNING - CITY OF MARION

Design BG 12/04/16	Drawn BG 12/04/16	Checked BG	Authorised for Issue ORIGINAL SIGNED BY: BG
Drawing Number / Sheet			Issue
			↑



**LEGEND**

- PROPOSED EVERGREEN TREE
- EXISTING TREE TO BE RETAINED
- TREE PROTECTION ZONE
- PROPOSED GARDEN BED GROUND COVER AND GRASSES
- PROPOSED GARDEN BED SHRUBS
- ORGANIC MULCH
- PROPOSED CONCRETE
- PROPOSED BITUMEN PAVEMENT
- IRRIGATED TURF
- DRYLAND GRASS
- SOFTFALL BARK CHIPS
- RUBBER SOFTFALL TYPE 1 AND 2 REFER TO DETAILS & SPEC
- SAND PIT
- TIMBER DECK REFER TO DETAILS & SPEC
- TEXT PAINTED ON BITUMEN PAVEMENT
- PAINT LINE MARKING
- PAINTED PAVEMENT GRAPHIC
- PAINTED PAVEMENT GRAPHIC
- MORTAR BED RIVER PEBBLE SWALE / WATER RILL
- RIVER PEBBLE DRYLAND CREEK / SWALE
- BATTER RETAINING BOULDERS
- CUT LOG STEPPERS/ SEATS
- SEAT
- LOG BALANCE BEAMS
- STEPPING LOG
- TIMBER CRATE
- RUBBISH BIN
- PICNIC TABLE
- SAND TABLE
- PROPOSED SENSORY FRUIT CRATE ROOM AND ARBOR
- RECYCLED PLASTIC EDGE
- 150mm WIDE CONCRETE EDGE
- PROPOSED FENCE TYPE 1
- PROPOSED SURFACE FINISH LEVELS
- PUBLIC ARTWORK BY OTHERS
- TACTILE INDICATORS UNIT PAVERS
- HANDRAIL
- HANDRAIL WITH TENSIONED WIRES
- HAND WATER PUMP, WINE PRES & HALF WINE BARREL WATER PLAY CONTAINER
- HAND WATER PUMP
- WATER SPIRAL & HALF WINE BARREL WATER PLAY CONTAINER

FOR CONTINUATION REFER TO WD03

MATCHLINE

MATCHLINE

FOR CONTINUATION REFER TO WD04

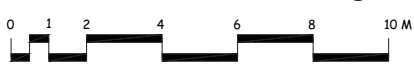
ISSUE FOR TENDER

**THE CORPORATION OF THE CITY OF MARION**

HENDRIE STREET INCLUSIVE PLAYSACE  
SURFACE TREATMENT PLAN

Drawn	BG	Date	13/04/2017
Designed	BG	REVISION No.	A
Checked	BG	Sheet No.	3
Approved By	HR_WD02		
Level Book	Computer Name		

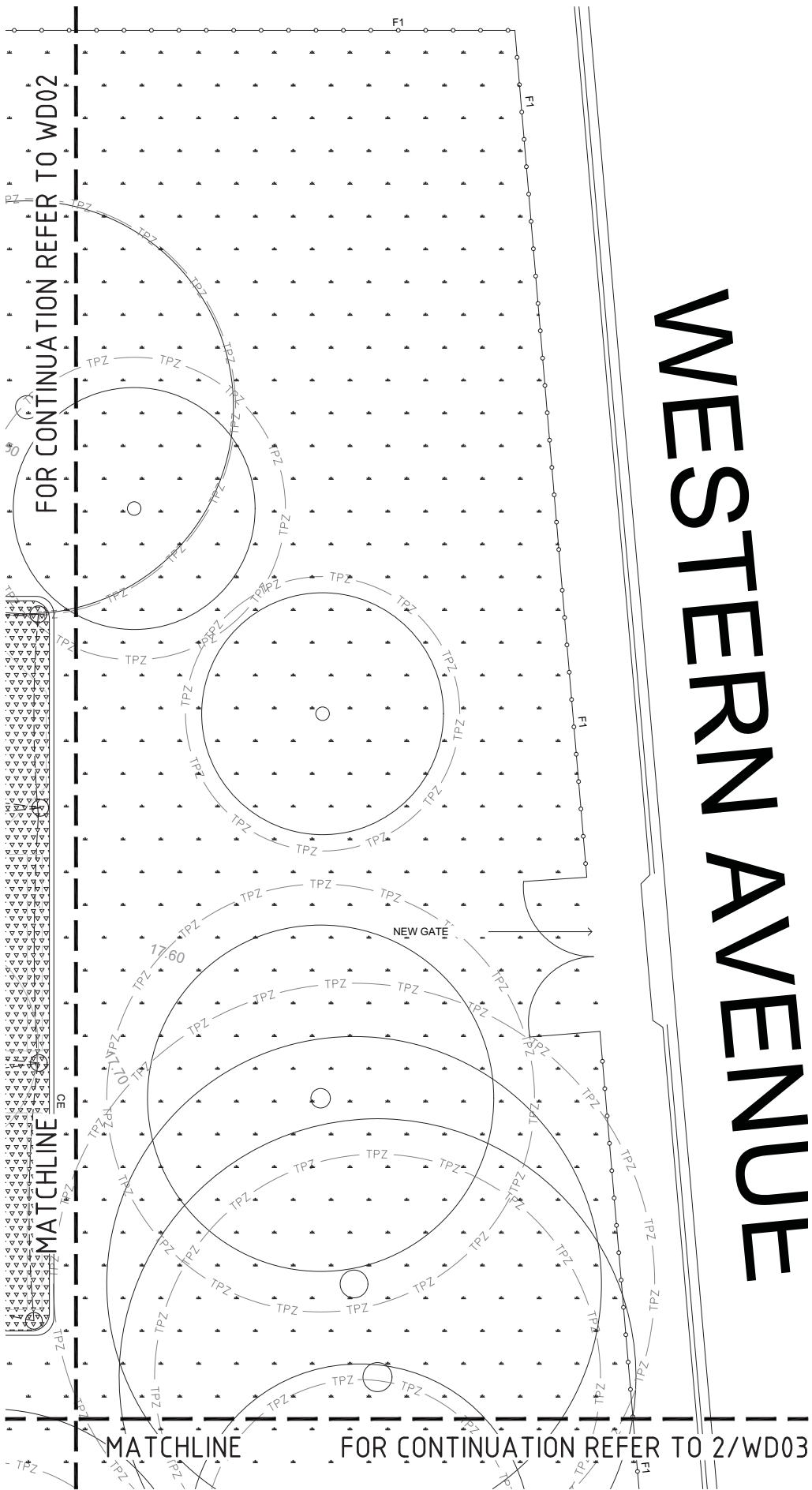
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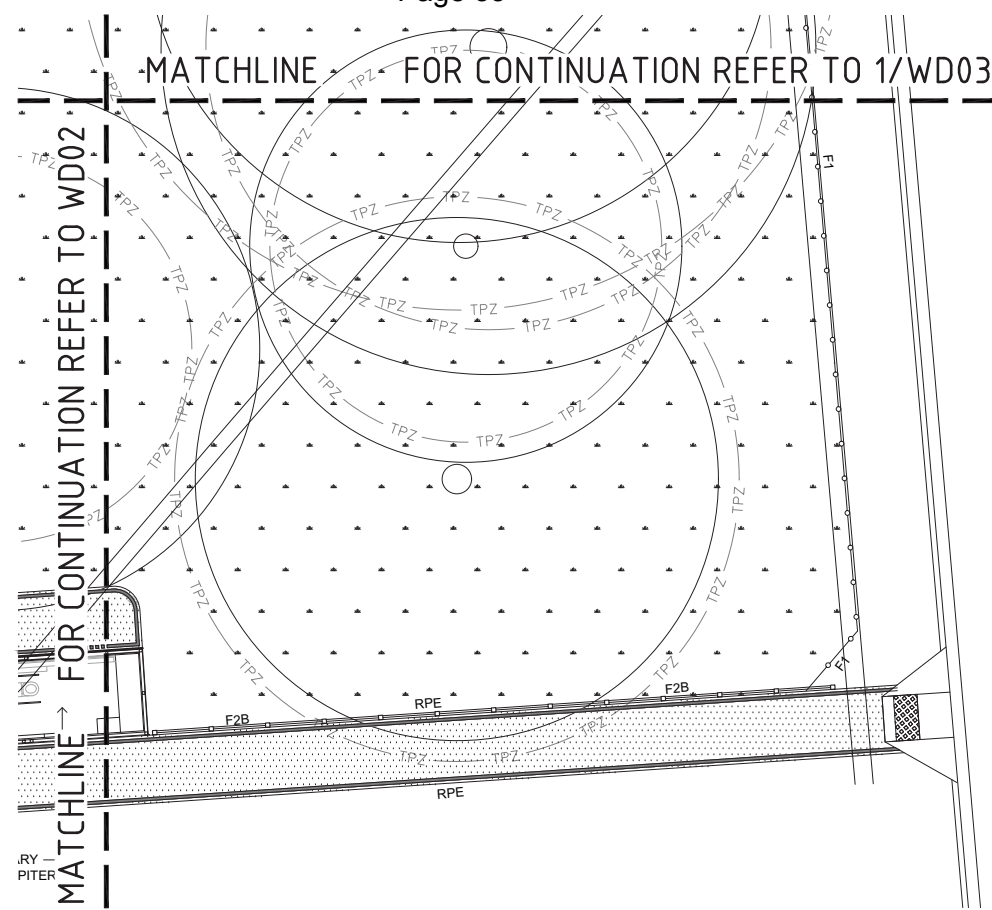
No.	DESCRIPTION	APPROVED	DATE
A	FOR INFORMATION ONLY	BG	13.04.2017
AMENDMENTS			

Plan AS SHOWN  
Approved By  
Manager

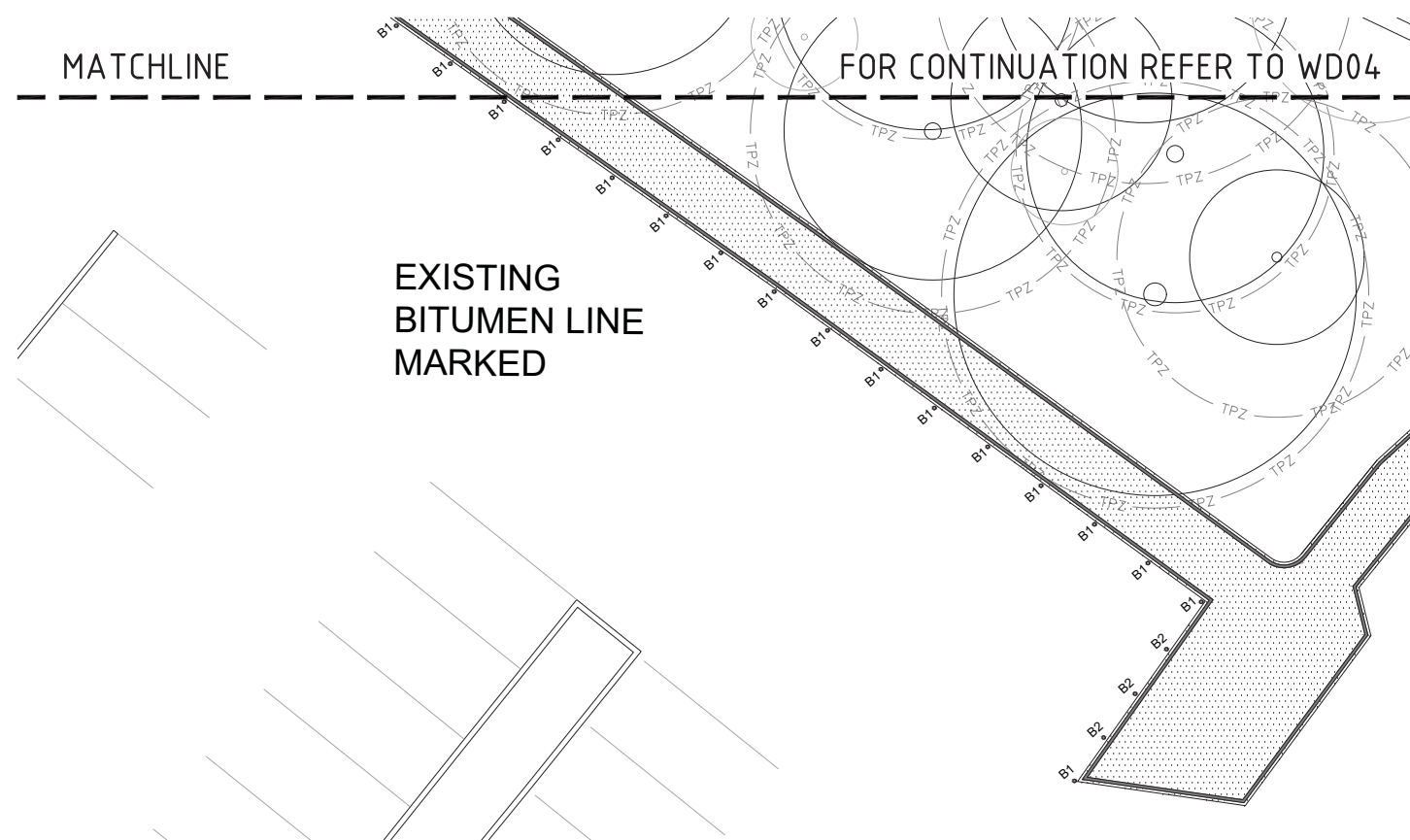
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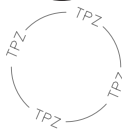
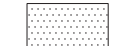




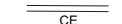
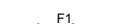
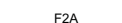


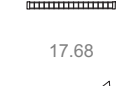


PLAN 1/WD03

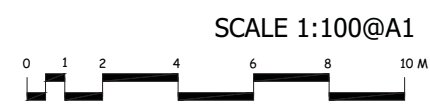


PLAN 2/WD03



CAR PARK INSET 3/WD03

- LEGEND**
-  EXISTING TREE TO BE RETAINED
  -  TREE PROTECTION ZONE
  -  PROPOSED BITUMEN PAVEMENT
  -  DRYLAND GRASS
  -  PAINT LINE MARKING
  -  RECYCLED PLASTIC EDGE
  -  150mm WIDE CONCRETE EDGE
  -  PROPOSED FENCE TYPE 1
  -  PROPOSED FENCE TYPE 2A
  -  PROPOSED FENCE TYPE 2B
  -  FEATURE FENCE PANEL TYPE 3
  -  PROPOSED SURFACE FINISH LEVELS
  -  PRAM RAMP
  -  BOLLARD TYPE 1
  -  BOLLARD TYPE 2 (REMOVABLE)

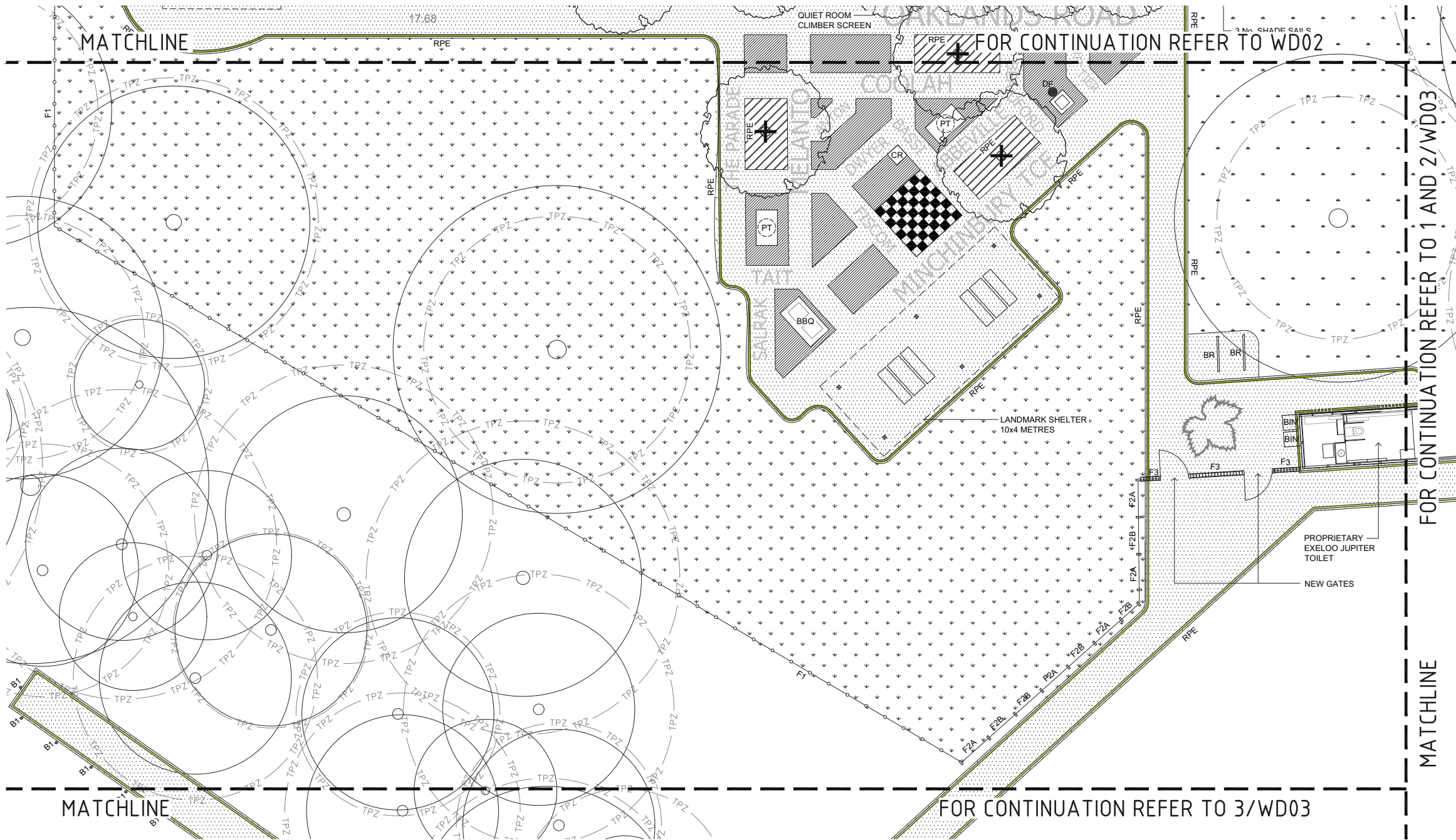


**ISSUE FOR TENDER**

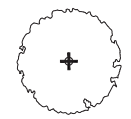
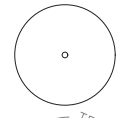

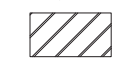









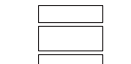



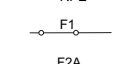

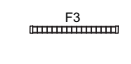
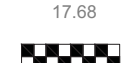


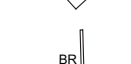
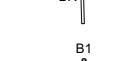

**THE CORPORATION OF THE CITY OF MARION**

No.	DESCRIPTION	APPROVED	DATE
AMENDMENTS			

HENDRIE STREET INCLUSIVE PLAYSPACE		Drawn	BG	Date	13/04/2017
SURFACE TREATMENT		Designed	BG	REVISION No.	A
		Checked	BG	Sheet No.	4
Plan AS SHOWN		Approved By		Surveyed	HR_WD03
Scales:		Manager		Level Book	Computer Name



LEGEND

-  PROPOSED EVERGREEN TREE
-  EXISTING TREE TO BE RETAINED
-  TREE PROTECTION ZONE
-  ORGANIC MULCH
-  PROPOSED BITUMEN PAVEMENT
-  IRRIGATED TURF
-  DRYLAND GRASS
-  TEXT PAINTED ON BITUMEN PAVEMENT
-  PAINT LINE MARKING
-  PAINTED PAVEMENT GRAPHIC
-  PAINTED PAVEMENT GRAPHIC
-  PLAY TABLE
-  RUBBISH BIN
-  PICNIC TABLE
-  ELECTRIC BBQ
-  DRINK FOUNTAIN WITH SUMP
-  RECYCLED PLASTIC EDGE
-  PROPOSED FENCE TYPE 1
-  PROPOSED FENCE TYPE 2A
-  PROPOSED FENCE TYPE 2B
-  FEATURE FENCE PANEL TYPE 3
-  17.68 PROPOSED SURFACE FINISH LEVELS
-  PAINTED PAVEMENT GRAPHIC CHESS BOARD
-  CHESS PIECE STORAGE CRATE
-  BIKE RACK
-  BOLLARD TYPE 1

ISSUE FOR TENDER

THE CORPORATION OF THE CITY OF MARION

No.	DESCRIPTION	APPROVED	DATE
A	FOR INFORMATION ONLY	BG	13.04.2017
AMENDMENTS			

HENDRIE STREET INCLUSIVE PLAYSACE		Drawn	BG	Date	13/04/2017
SURFACE TREATMENT		Designed	BG	REVISION No.	A
		Checked	BG	Surveyed	HR_WD04
		Approved By		Level Book	Computer Name
		Manager		Sheet No.	5

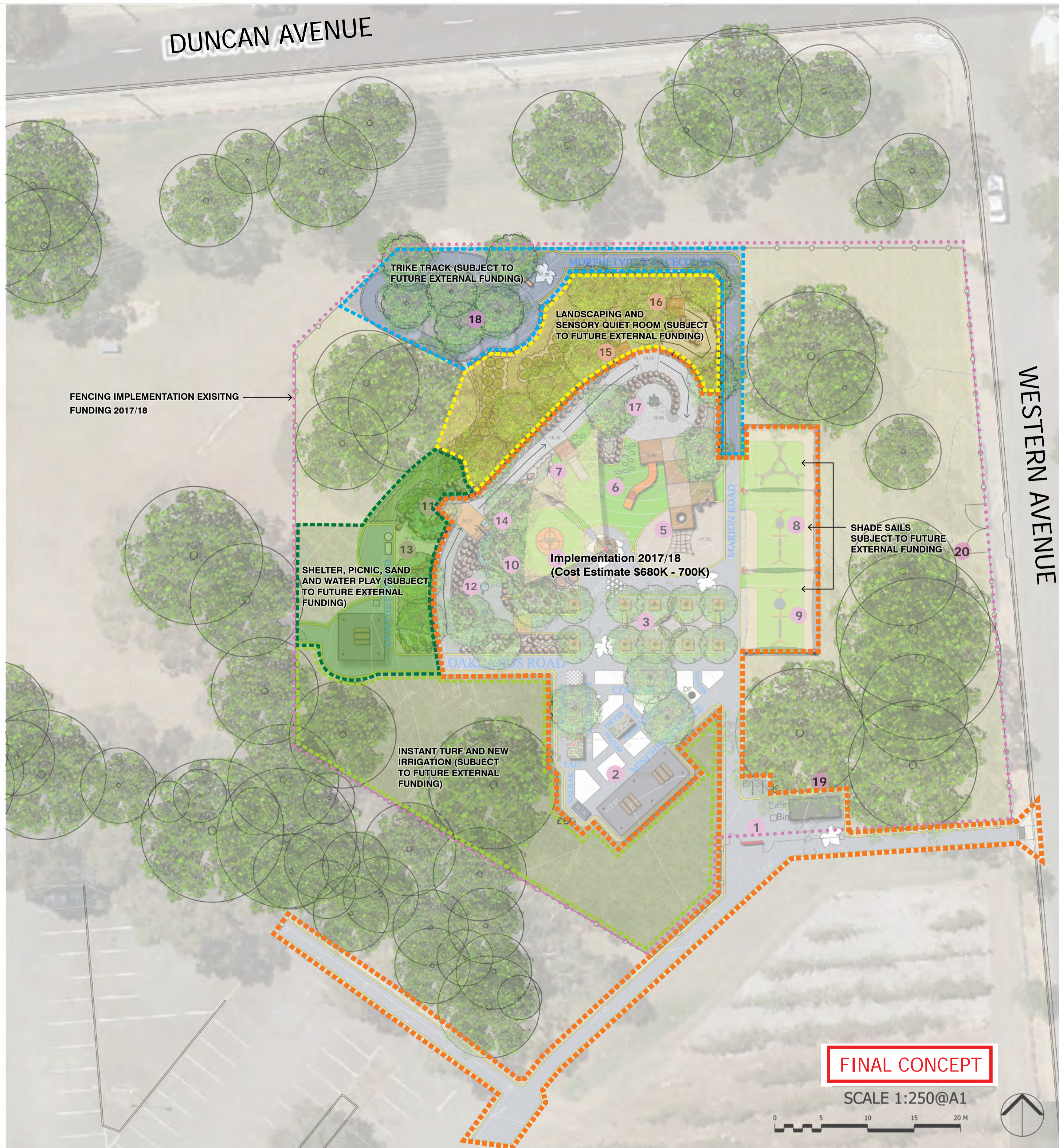




# Appendix 3a



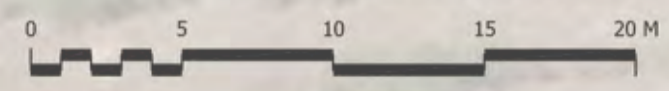
- 1 ENTRY/ EXIT GATES WITH FEATURE BRICK WALL INCORPORATING COMMUNITY TILES
- 2 PICNIC AREA AND BOARD GAMES  
- GROUND PAINTED TO REFERENCE ROAD MAPS  
- TABLES (MATCH BOX CAR ROAD MAPS/ CHESS)
- 3 FRUIT TREE ORCHARD AND SEATING AREA
- 4 ALL ABILITIES CAROUSEL (SHADE SAILS OVER)
- 5 FEATURE ELEVATED PLAY STRUCTURE REFERENCE FRUIT CRATES
- 6 2.2M HIGH TUBULAR SLIDE OFF THE ELEVATED PLAY STRUCTURE
- 7 1.4M HIGH SLIDE ON MOUND
- 8 SWINGS (SHADE SAILS OVER)  
- EXPRESSION SWING  
- STANDARD SEAT AND TODDLER SEAT
- 9 SWINGS (SHADE SAILS OVER)  
- BASKET SWING SEAT  
- ROPE SWING
- 10 SWALE WITH BALANCE LOGS
- 11 WATER PLAY CRANK AND DRAW GATES
- 12 WATER PLAY PUMP AND TROUGHS THAT LINK TO THE SWALE
- 13 SAND PIT AND PLAY TABLES
- 14 SPIRAL WATER PUMP
- 15 DRAWING BOARD FRUIT CRATE ROOM
- 16 QUIET ZONE FRUIT CRATE ROOM
- 17 SYMBOLIC SOUTHERN CROSS WIND MILL KINETIC/ ACOUSTIC INTERACTIVE PUBLIC ART ELEMENT
- 18 TRIKE TRACK "MORPHETTVILLE RACE COURSE"
- 19 ACCESSIBLE AUTOMATED TOILET WITH ADULT CHANGE TABLE
- 20 MAINTENANCE ACCESS GATES



- LEGEND**
- PROPOSED EVERGREEN TREE
  - EXISTING TREE TO BE RETAINED
  - EXISTING TREE AND SHRUBS TO BE REMOVED
  - PROPOSED GARDEN BED GROUNDCOVER AND GRASSES
  - PROPOSED GARDEN BED SHRUBS
  - ORGANIC MULCH
  - PROPOSED CONCRETE
  - PROPOSED BITUMEN PATH
  - IRRIGATED TURF
  - DRYLAND GRASS
  - SOFTFALL BARK CHIPS
  - RUBBER SOFTFALL
  - SAND PIT
  - TIMBER DECK
  - TEXT PAINTED ON PAVEMENT
  - DRYLAND CREEK / SWALE
  - RETAINING BOULDERS
  - CUT LOG STEPPERS/ SEATS
  - LOG BALANCE BEAMS
  - SEAT
  - RUBBISH BIN
  - PICNIC TABLE
  - ELECTRIC BBQ
  - PROPOSED SHELTER
  - DRINK FOUNTAIN
  - FEATURE BRICK WALL
  - PAINT LINE MARKING
  - PROPOSED FENCE TYPE 1
  - PROPOSED FENCE TYPE 2
  - PROPOSED SURFACE FINISH LEVELS
  - PROPOSED CONTOURS

**FINAL CONCEPT**

SCALE 1:250@A1



MAY 2017



## Hendrie Street Reserve Playground- Implementation

Design BG 12/04/16	Drawn BG 12/04/16	Checked BG	Authorised for Issue ORIGINAL SIGNED BY: BG
Drawing Number / Sheet HR-SK15		Issue	



# Appendix 3b



**1** ENTRY/ EXIT GATES WITH FEATURE BRICK WALL INCORPORATING COMMUNITY TILES



**2** PICNIC AREA AND BOARD GAMES  
- GROUND PAINTED TO REFERENCE ROAD MAPS  
- TABLES (MATCH BOX CAR ROAD MAPS/ CHESS)

**3** FRUIT TREE ORCHARD AND SEATING AREA

**4** ALL ABILITIES CAROUSEL (SHADE SAILS OVER)

**5** FEATURE ELEVATED PLAY STRUCTURE REFERENCE FRUIT CRATES

**6** 2.2M HIGH TUBULAR SLIDE OFF THE ELEVATED PLAY STRUCTURE

**7** 1.4M HIGH SLIDE ON MOUND

**8** SWINGS  
- EXPRESSION SWING  
- STANDARD SEAT AND TODDLER SEAT

**10** SWALE WITH BALANCE LOGS

**12** WATER PLAY PUMP AND TROUGHS THAT LINK TO THE SWALE

**14** SPIRAL WATER PUMP

**17** ACOUSTIC INTERACTIVE PUBLIC ART ELEMENT

**19** ACCESSIBLE AUTOMATED TOILET WITH ADULT CHANGE TABLE

**20** MAINTENANCE ACCESS GATES



- LEGEND**
- PROPOSED EVERGREEN TREE
  - EXISTING TREE TO BE RETAINED
  - EXISTING TREE AND SHRUBS TO BE REMOVED
  - PROPOSED GARDEN BED GROUNDCOVER AND GRASSES
  - ORGANIC MULCH
  - PROPOSED CONCRETE
  - PROPOSED BITUMEN PATH
  - DRYLAND GRASS
  - SOFTFALL BARK CHIPS
  - RUBBER SOFTFALL
  - TIMBER DECK
  - TEXT PAINTED ON PAVEMENT
  - DRYLAND CREEK / SWALE
  - RETAINING BOULDERS
  - CUT LOG STEPPERS/ SEATS
  - LOG BALANCE BEAMS
  - SEAT
  - RUBBISH BIN
  - PICNIC TABLE
  - ELECTRIC BBQ
  - PROPOSED SHELTER
  - DRINK FOUNTAIN
  - FEATURE WALL
  - PAINT LINE MARKING
  - PROPOSED FENCE TYPE 1
  - PROPOSED FENCE TYPE 2
  - PROPOSED SURFACE FINISH LEVELS
  - PROPOSED CONTOURS

MAY 2017



## Hendrie Street Reserve Playground

Design BG 12/04/16	Drawn BG 12/04/16	Checked BG	Authorised for Issue ORIGINAL SIGNED BY: BG
Drawing Number / Sheet HR-SK16		Issue	



Whole of Life Cost Analysis		Hendrie Street Reserve Inclusive Playground- (Based on opinion of cost/ subject to tender and procurement)									
Description	Lifecycle Yrs	Acquisition Cost	Projected Operating Costs pa	Projected Maintenance Costs pa	Total Projected O&M pa	Less Existing O&M pa	Net Increase O&M pa	Projected Depreciation/ Renewal pa	Net Increase Depreciation/ Renewal pa	Whole of Life Cost of Proposal	Whole of Life Increase Cost of Proposal
<b>Option 1 and 4 - Stage 1 works</b>											
Total (whole of life cost based upon 50 years)		\$680,088	\$5,500	\$31,781	\$37,281	\$3,200	\$34,081	\$25,717	\$25,717	\$3,829,987	\$3,669,987
<b>Additional Option 1 (scope dependent on future grants/ sponsorship) - Stage 2 works</b>											
Total (whole of life cost based upon 50 years)		\$279,912	\$5,500	\$8,961	\$8,961	\$0	\$8,961	\$7,593	\$7,593	\$1,107,607	\$1,107,607
<b>Options 2 and 3- Full scope works</b>											
Total (whole of life cost based upon 50 years)		\$960,000	\$5,500	\$40,742	\$46,242	\$3,200	\$43,042	\$33,310	\$33,310	\$4,937,594	\$4,777,594



19 April 2017

Renee Pitcher  
City of Marion

Dear Renee,

***Fundraising progress report***

Thank you for continued dedication to Livvi's Place Marion. Touched by Olivia is committed to continuing our partnership to make Livvi's Place a reality so that all children in the City of Marion can play side by side.

You have requested an update on current funds Touched by Olivia is holding for the project. I have listed below. I have also attached to support your report letters we have from our lobbying with the Federal government, which will continue.

<b>Current funds held</b>	<b>\$70,710.85</b>
In trust -	\$68,780.85
Crowdfunded campaign -	\$1,930
<b>In kind:</b>	<b>\$39,731.60</b>
Boral -	\$19,731.60
The Primary Club	\$20,000
Total TBO funds held + in kind contributions:	\$110,442.45
Playspace cost:	\$740,101.65

Kind regards,

Bec Ho,  
Executive Officer



Ms Bec Ho  
Executive Officer, Touched by Olivia Foundation  
64 Roseby Street  
DRUMMOYNE NSW 2047  
Email: bec@touchedbyolivia.com.au

Dear Ms Ho

It was a pleasure to speak with you recently about your Foundations and the planned inclusive playground in the Electorate of Hindmarsh.

Firstly, I would like to commend you, your colleagues and supporters for the great work that you are doing and the tireless effort you put in to ensure that every child can enjoy his or her basic right to play.

As discussed, I am writing to the Hon Christian Porter MP, Minister for Social Services to alert him to your Foundation's work and request that he investigate ways of supporting this important initiative.

Enclosed is a copy of my letter for your information, and I will contact you again when I receive a response from the Minister.

In 2017 we can explore additional options for spreading the word about your important initiative and good work, with a view to involving the wider community.

I look forward to supporting the Touched by Olivia Foundation in any way I can, and helping to ensure that this important initiative is a success.

Yours sincerely

Steve Georganas MP  
Member for Hindmarsh

21 December 2016



The Hon Christian Porter MP  
Minister for Social Services  
Parliament House  
Canberra ACT 2600

Dear Minister

You may be familiar with the impressive work undertaken by the Touched by Olivia Foundation, a not-for-profit charity that works hard to create inclusive play spaces for all children.

Over the past 10 years, Touched by Olivia has opened 19 Livvi's Places across Australia. As the Foundation's website points out, *"These playspaces are underpinned by the principles of universal design and reinforce the basic right that every child needs to play."*

The Foundation is in the process of building the first Livvi's Place in South Australia in Marion, within my Electorate of Hindmarsh.

I understand that Marion Council and the South Australian State Government have been very generous in their support of this initiative, but the Foundation is still roughly \$200,000 short of their target for this inaugural South Australian project. I also understand that the Foundation has yet to receive any Federal funding for this project.

I would appreciate if you could investigate possible Federal grants and funding options for the Foundation to ensure that all children in South Australia are also able to enjoy these inclusive playspaces.

I look forward to your response.

Yours sincerely



Steve Georganas MP  
Member for Hindmarsh

21 December 2016



Federal Member for Hindmarsh

Ms Bec Ho  
Executive Officer, Touched by Olivia Foundation  
64 Roseby Street  
DRUMMOYNE NSW 2047  
Email: [bec@touchedbyolivia.com.au](mailto:bec@touchedbyolivia.com.au)

Dear Ms Ho

Further to my letter dated 21 December 2016, requesting Federal Government support for the planned inclusive playground in the Electorate of Hindmarsh, I have now received a response from the Hon Zed Seselja, Assistant Minister for Social Services and Multicultural Affairs.

I enclose a copy of the Assistant Minister's letter for your information.

I am disappointed that the Federal Government has declined to provide financial support to this worthwhile project, especially considering the support provided by the State Government and the City of Marion.

As mentioned, please let me know if there is anything further I can do to assist you in your fundraising efforts. This is a very important project, and it would be a real first for South Australia.

Firstly, I would like to commend you, your colleagues and supporters for the great work that you are doing and the tireless effort you put in to ensure that every child can enjoy his or her basic right to play.

Please do not hesitate to contact my office on 08 8376 9000 or via email at [steve.georganas.MP@aph.gov.au](mailto:steve.georganas.MP@aph.gov.au) if I can be of further assistance on this or any other matter.

Yours sincerely

A handwritten signature in blue ink that reads "Steve Georganas".

Steve Georganas MP  
Member for Hindmarsh

23 February 2017

Encl.



14 FEB 2017

**Senator the Hon Zed Seselja**  
Assistant Minister for Social Services and Multicultural Affairs

MC17-000499

Mr Steve Georganas MP  
Member for Hindmarsh  
Shop 2, 670 ANZAC Highway  
GLENELG SA 5045

08 FEB 2017

Dear Mr Georganas

Thank you for your letter of 21 December 2016 to the Minister for Social Services, the Hon Christian Porter MP, on behalf of the Touched by Olivia Foundation, regarding funding to build an inclusive play space in South Australia. The Minister has asked me to respond on his behalf.

The Australian Government values the work of organisations such as the Touched by Olivia Foundation, which provide inclusive playspaces 'Livvi's Places' for children of all abilities. I am familiar with their work. In 2012, the Department provided the Touched by Olivia Foundation with funding of \$50,000 towards developing the *National Inclusive Playground Design Guidelines*. I am pleased to see that the number of Livvi's Place playspaces across Australia continue to grow.

Unfortunately, grant funding from the Department of Social Services is not available at this time. When opportunities to apply for funding become available, they are advertised on the Department's website at [www.dss.gov.au](http://www.dss.gov.au). The Department also offers a subscription service that provides updates on grant information on the DSS website at [www.dss.gov.au/grants](http://www.dss.gov.au/grants).

For other funding possibilities, the Touched by Olivia Foundation may like to view a range of links to Australian Government and non-government funding sources that can be found at [www.business.gov.au](http://www.business.gov.au). Additionally, other community support options can be found at [www.ourcommunity.com.au](http://www.ourcommunity.com.au) or [www.philanthropy.org.au](http://www.philanthropy.org.au).

Thank you for bringing the Touched by Olivia Foundation's request for funding to the Government's attention. I trust this information is helpful.

Yours sincerely

**Senator the Hon Zed Seselja**  
Assistant Minister for Social Services and Multicultural Affairs

Parliament House C [redacted] 21 6277 5712



**CITY OF MARION  
GENERAL COUNCIL MEETING  
23 MAY 2017**

**Originating Officer:** Victoria Moritz, Governance Officer  
**Corporate Manager:** Jaimie Thwaites, Acting Manager Corporate Governance  
**General Manager:** Vincent Mifsud, General Manager Corporate Services  
**Subject:** Deputation – Proposed Removal of Playground at Resolute Crescent Reserve Hallett Cove  
**Ref No:** GC230517D01

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**SPEAKER:**

Ms Terri Mayr

**ORGANISATION:**

Nil

**COMMENTS:**

Ms Terri Mayr has requested to give a five-minute deputation to Council relating to the proposed removal of the playground at Resolute Crescent Reserve Hallett Cove.

**CITY OF MARION  
GENERAL COUNCIL MEETING  
23 May 2017**

**Submitted by:** Alicia Clutterham, Team Leader Open Space & Recreation  
**Corporate Manager:** Fiona Harvey, Manager Innovation and Strategy  
**General Manager:** Abby Dickson, General Manager City Development  
**Subject:** Resolute Crescent Reserve Playground Removal  
**Reference No:** GC230517R02

---

**REPORT OBJECTIVES**

The objective of this report is to provide Council with all relevant feedback during the consultation phase for a final determination on the removal or otherwise of the playground at Resolute Crescent Reserve, Hallett Cove.

**EXECUTIVE SUMMARY**

At its meeting of 27 September 2016 (GC270916R07), Council considered a report regarding the review of the Playground Strategy and resolved to remove a number of playgrounds across the Council including the playground at Resolute Crescent Reserve, Hallett Cove.

Community consultation on the proposed removal of the playground occurred between 28 October and 21 November 2016.

A formal grievance and request to review the decision was received on 5 December 2016.

Council noted this grievance at its meeting 13 December 2016 and resolved an internal review panel be formed and the complainant be advised of Council's petition process.

A Section 270 review has occurred and the findings of this review were provided in a report at the 9 May 2017 Council meeting (GC090517R06). Council resolved at this time that a report is prepared and provided to Council collating all the relevant feedback gathered during the consultation phase (Oct 2016 – December 2016) for a final determination on the removal or otherwise of the playground on Resolute Crescent, Hallett Cove.

On 30 January 2017 Council received a petition objecting to the proposed removal of the existing play equipment in Resolute Crescent Reserve.

Council received and noted this petition at the 14 February 2017 Council meeting (GC140217P02) and noted that a report on the removal of the playground at Resolute Crescent Reserve, Hallett Cove would be prepared at the conclusion of the Section 270 review.

This report provides Council with the feedback that occurred during the consultation phase of the removal process and provides Council with options for the removal or otherwise of the playground at Resolute Crescent Reserve, Hallett Cove.

## RECOMMENDATIONS

Due Date:

### That Council:

- |   |             |
|---|-------------|
| 1. Notes the consultation feedback as provided in Appendix 4.   | 23 May 2017 |
| 2. Endorses proceeding with the removal of the playground equipment at Resolute Crescent Reserve Hallett Cove due to its condition. | 23 May 2017 |
| 3. Endorses proceeding with the minor landscaping works and provision of seating/table at Resolute Crescent Reserve Hallett Cove.   | 23 May 2017 |
| 4. Authorises administration to write to the head petitioner advising of Council's decision.  | 30 May 2017 |

## BACKGROUND

A petition was received on 30 January 2017 objecting to the proposed removal of the existing play equipment in Resolute Crescent Reserve as per the review of Play space strategy (Ref GC270916R07) Refer to Appendix 1.

The current Playground Strategy was endorsed by Council in 2009 (GC271009R05). The Playground Strategy has reviewed the current provision for play throughout the City of Marion in terms of quality, quantity, location and suitability.

The Playground Strategy is currently under review with a draft Playground Policy and Service Levels endorsed for public consultation at a General Council Meeting (GC240117R04).

Council endorsed the removal of Resolute Crescent Playground at its meeting on 27 September 2016 (GC270916R07).

## DISCUSSION

Following the endorsement of the playground removal at Resolute Crescent Reserve at the 27 September 2016 Council meeting (GC270916R07), community consultation commenced on Friday 28 October 2016 and closed Monday 21 November 2016.

The community were informed of the proposed removal through:

- A sign displayed at the site with project information, website link and contact details;
- Immediate neighbours (15) were informed via a letter box drop;
- Information was displayed on the Making Marion website with a link to make comment.

Information provided to the community for the consultation period and a copy of the sign placed on site is attached as Appendix 2. The information flyer and information provided on Making Marion detailed background to the Playground Strategy, information about the proposed removal and minor landscaping works proposed, an aerial photograph illustrating nearby playgrounds and some information relating to frequently asked questions. Appendix 3 illustrates recent photographs of the equipment.

Throughout the consultation period and between 28 October and 21 November 2016, eight responses were received (Refer Appendix 4).

A further five responses were received after information was provided to the consultation respondents that the playground removal would go ahead (Refer Appendix 5).

As a result of one of these responses requesting a review of Council's decision regarding this matter, a Section 270 Review has occurred. A report on this review was considered at the 9 May 2017 meeting (GC090517R06).

### **Condition of Playground**

An independent audit in 2016 identified that the play equipment at Resolute Crescent Hallett Cove is rated as 5 (bad) and has been recommended for removal.

Whilst the independent audit recommended that the playground at Resolute Crescent be removed in the short term, the audit also noted that:

*“the swing frame condition should be regularly monitored for excessive movement, splitting and cracking and >200mm deep mulch should be provided in the impact areas of the junior play unit (e.g. 1.5m around the play unit, sides of slide and 2.0m beyond the slide end), also exposed fasteners and concrete should be covered until the playground items can be removed”.*

A number of the recommended actions have been undertaken and there has been increased monitoring to ensure the safety of playground equipment in the short term.

An additional audit of the playground was undertaken in March 2017 to receive further information on the playgrounds condition. Both independent audit reports are provided in Appendix 6.

Notwithstanding Council's decision regarding the future of the provision of playground equipment and/or other amenities for this site, it is recommended that the current playground equipment is removed due to its very poor condition.

### **Policy implications**

Playgrounds considered for removal have been identified on the basis of the number of playgrounds in the local area, use of the playground, the provision of playgrounds across the Council area and the age and condition of the equipment.

Nearby playgrounds in the area include:

<b>Playground</b>	<b>Distance</b>	<b>Hierarchy</b>	<b>Comments</b>
Shamrock Road Reserve	430m	Neighbourhood	To be upgraded in the 3 year work program
Pavana Reserve	370m	Neighbourhood	Upgraded in 2010
Koomooloo Crescent Reserve	540m	Local	Upgraded in 2010

Appendix 7 illustrates the projected playground distribution across the City of Marion with 500 metre catchments illustrated. The map provided does not include the Resolute Crescent Playground as per Council's decision on its removal in September 2016.

## **Consultation**

Consultation for the removal of this playground took place between 28 October and 21 November 2016. Feedback through the consultation period is attached in Appendix 4. A further five responses were received after the consultation period and are attached in Appendix 5. In summary, of the 15 households surveyed (28 October – 21 November):

8 responses were received

5 out of 8 opposed the removal of the playground equipment

3 out of 8 requested the open space be retained, along with seating/table

This report including Appendices 4 and 5, collating all relevant feedback gathered during the consultation phase, responds to a recommendation from the Section 270 review (GC090517R06) 'A report is prepared and provided to Council collating all the relevant feedback gathered during the consultation phase (Oct 2016 – December 2016) for a final determination on the removal or otherwise of the playground on Resolute Crescent, Hallett Cove'.

## **Reserve Options**

Two options for Council to consider in relation to Resolute Crescent Reserve are:

<b>Options</b>		<b>Comments</b>
Option 1 (recommended)	Remove playground and not replace however reinstate with minor landscaping and seating/table	In line with current Council position of provision of playgrounds within 500m of all residents. Some residents have requested seating/table for reserve.
Option 2	Remove playground and replace with a 'local' level playground	A replacement playground is not currently budgeted for in the Long Term Financial Plan and is not within Councils current 3 year works program.

## **Financial Implications**

### Option 1

The works recommended could be undertaken within existing budget provisions.

### Option 2

The whole of life financial costs for a new 'local' level playground with an acquisition cost of \$95,250 over the 20-year useful life is \$280,000. This includes an estimated \$1800 per annum in maintenance costs (playground only).

Should Council wish to provide a new playground, consideration would need to be given to the 3-year open space works program by either reprioritising an existing playground within the program or providing additional operating resources at 0.25 or \$25,000.

## **CONCLUSION**

A petition has been received objecting to the removal of the Resolute Crescent Reserve playground. This report has provided Council with the consultation feedback for consideration as to a final determination on the removal or otherwise of the playground.

Irrespective of Council's decision on the future provision of playground equipment or reserve amenities, the current playground equipment is in very poor condition and it is recommended that it is removed.

**APPENDICES**

- Appendix 1 – Petition
- Appendix 2 – Survey information sheet
- Appendix 3 – Site assessment
- Appendix 4 – Survey responses
- Appendix 5 – Resident feedback post consultation period
- Appendix 6 – Playground Inventory Report
- Appendix 7 – Playground Works Program

Office Use Only:  
 Date Petition Received:  
 CITY OF MARION  
 30/1/17

CITY OF MARION

PETITION

TO HIS WORSHIP THE MAYOR AND COUNCILLORS OF THE CITY OF MARION

Petition Contact Person: TERRI MAYR  
 Telephone Number: 0413 994 690  
 Address: 1 RESOLUTE CRESCENT  
HALLST COVE 5158  
 Date Petition Initiated: 11/1/2017

The petition of *(identify the individuals or group, eg residents of the City of Marion)*  
 Residents of the City of Marion who are committed to Resolute Crescent Reserve as an intergral  
 part of their local community.

draws the attention of the Council *(identify the circumstances of the case)*

To the proposed removal of play equipment in Resolute Crescent Reserve as per the Review of Play  
 space strategy REF GC 270916R07

The petitioners therefore request that the Council .....*(outline the action that the  
 Council should or should not take)*

Reconsider the decision and treat this particular playspace as falling outside the general policy because of the essential  
 local community value. We would like to keep our area kids, families and aged people friendly. We would like the Council  
 to maintain the Reserve kids safe and accessible to people with mobility issues. In addition, we would like the park to  
 become a welcoming space for the residents to build stronger community connections and foster a friendly neighbourhood  
 spirit. Therefore, we would encourage the Council to invest additional benches, table, shelter, bbq, recreation equipment  
 and plants.

Name	Address	Signature
Rilla McEvoy	5 Valkyrie St. H.C.	Rilla McEvoy
DAVID McEvoy	5 Valkyrie St HC	David McEvoy
Amanda Sutton	7 Valkyrie St HC.	AS
Julie-Anne Popple	11 Valkyrie St SA	J. Popple
Kay White	12 Valkyrie St SA	Kay White
Evelyn White	12 Valkyrie St	Evelyn White
Emme White	60 Yang St Repelle	Emme White

Please note this petition is a public document, by signing it, I understand that my name  
 address and signature will be made available in the public realm. The City of Marion will record  
 these details for the purpose of this petition only.

RECORDED

Office Use Only: *ed by*  
Date Petition Received *N*  
**30/1/17**

CITY OF MARION

PETITION

TO HIS WORSHIP THE MAYOR AND COUNCILLORS OF THE CITY OF MARION

Petition Contact Person: *TERRI MAYR*  
 Telephone Number: *0413 994 690*  
 Address: *1 RESOLUTE CRESCENT*  
*HARLETT COVE 5158*  
 Date Petition Initiated: *11/1/2017*

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 become a welcoming space for the residents to build stronger community connections and foster a friendly neighbourhood  
 spirit. Therefore, we would encourage the Council to invest additional benches, table, shelter, bbq, recreation equipment  
 and plants.

Name	Address	Signature
Julie Zanker	2 Ranger St, HC	<i>[Signature]</i>
Jon Ault	2 Ranger St, HC	<i>[Signature]</i>
MURRAY COOPER	15 Valkyrie St. HC	<i>M. Cooper</i>
ANNIE COOPER	15 VALKYRIE ST HC	<i>[Signature]</i>
Heather Liddiard	8 VALKYRIE ST HC	<i>[Signature]</i>
Rosemary Lange	4 Valkyrie St. HC	<i>[Signature]</i>
Dr. A. W. SAMBSON	15 VALKYRIE ST HC	<i>[Signature]</i>

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SCANNED



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CITY OF MARION

DA 30/1/17

CITY OF MARION

PETITION

TO HIS WORSHIP THE MAYOR AND COUNCILLORS OF THE CITY OF MARION

Petition Contact Person: TERRI MAUR  
 Telephone Number: 0413 994 690  
 Address: 1 RESOLUTE CRESCENT  
HALLETT COVE 5158  
 Date Petition Initiated: 11/1/2017

The petition of (identify the individuals or group, eg residents of the City of Marion)  
 Residents of the City of Marion who are committed to Resolute Crescent Reserve as an intergral part of their local community.

draws the attention of the Council (identify the circumstances of the case)

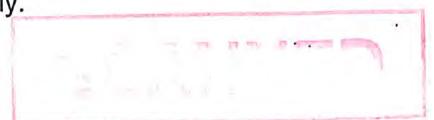
To the proposed removal of play equipment in Resolute Crescent Reserve as per the Review of Play space strategy REF GC 270916R07

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Name	Address	Signature
HENRIKE GREBNEFF	2 MISTRAL COURT	[Signature]
NICK GREBNEFF	2 MISTRAL COURT	[Signature]
Robini Lange	4 Valkyrie St H/C	[Signature]
Pratiksha Vyas	255 The Cove Rd, H/C	[Signature]
PETER JEFFREY	3 RESOLUTE CR. HALLETT COVE	[Signature]
TERRI MAUR	1 RESOLUTE CR H/C	[Signature]
Linda Maur	1 Resolute cres H/C	[Signature]

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CITY OF MARION

PETITION

TO HIS WORSHIP THE MAYOR AND COUNCILLORS OF THE CITY OF MARION

Petition Contact Person: Terri Mayr  
 Telephone Number: 0413 994 690  
 Address: 1 Resolute Cres  
 Hallett Cove  
 Date Petition Initiated: 11/1/17

The petition of (identify the individuals or group, eg residents of the City of Marion) Residents of the City of Marion who are committed to Resolute Crescent Reserve as an intergral part of their local community.

draws the attention of the Council (identify the circumstances of the case)

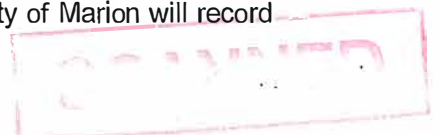
To the proposed removal of play equipment in Resolute Crescent Reserve as per the Review of Play space strategy REF GC 270916R07

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Name	Address	Signature
Julie Collins	12 Resolute Cres Hallett Cove 5158	[Signature]
ROBERT COLLINS	12 RESOLUTE CRES HALLETT COVE 5158	[Signature]
LINDSAY ELLIS	15 Resolute Cres Hallett Cove	[Signature]
MIRIAM WILLIAMS	8 Resolute Cres Hallett Cove	[Signature]
FRANK FINN	8 Resolute Cres Hallett Cove	[Signature]
MAY FINN	8 Resolute Cres Hallett Cove	[Signature]
TOM FINN	8 Resolute Cres Hallett Cove	[Signature]

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CITY OF MARION

PETITION

TO HIS WORSHIP THE MAYOR AND COUNCILLORS OF THE CITY OF MARION

Petition Contact Person: Terril May  
 Telephone Number: 0413 994690  
 Address: 1 Resolute Cres  
 Hallett Cove  
 Date Petition Initiated: 11/1/17

The petition of (identify the individuals or group, eg residents of the City of Marion)  
 Residents of the City of Marion who are committed to Resolute Crescent Reserve as an integral  
 part of their local community.

draws the attention of the Council (identify the circumstances of the case)

To the proposed removal of play equipment in Resolute Crescent Reserve as per the Review of Play  
 space strategy REF GC 270916R07

The petitioners therefore request that the Council .....(outline the action that the  
 Council should or should not take)

Reconsider the decision and treat this particular playspace as falling outside the general policy because of the essential  
 local community value. We would like to keep our area kids, families and aged people friendly. We would like the Council  
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 spirit. Therefore, we would encourage the Council to invest additional benches, table, shelter, bbq, recreation equipment  
 and plants.

Name	Address	Signature
Annette Purdey	10 Resolute Cres Hallett Cove SA 5158	Annette L. Purdey
LAURIE DAVIS	7 SOVEREIGN ST. Hallett Cove SA 5158	L. Davis
Nancy Davis	7 Sovereign St	Nancy Davis
Mitkul Moulds	Hallett Cove 1 SOVEREIGN STREET	Mitkul Moulds
Barbara Moulds	1 SOVEREIGN STREET HALLETT COVE	Barbara Moulds
James Moulds	15 Carlisle Ct Hallett Cove	James Moulds
Kathy Moulds	15 Carlisle Ct Hallett Cove	Kathy Moulds

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CITY OF MARION

PETITION

TO HIS WORSHIP THE MAYOR AND COUNCILLORS OF THE CITY OF MARION

Petition Contact Person: Terri Mayr  
 Telephone Number: 0413994690  
 Address: 1 Resolute Cres  
Hallett Cove  
 Date Petition Initiated: 11/1/17

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Residents of the City of Marion who are committed to Resolute Crescent Reserve as an intergral part of their local community.

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Name	Address	Signature
Steph Wilson	2 Apollo Drive	[Signature]
Michael Wilson	Hallett Cove	[Signature]
Mirjana Zirkovic	17 Resolute Cres	M. Zirkovic



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# RESOLUTE CRESCENT RESERVE

## Hallett Cove



### OCTOBER 2016 INFORMATION SHEET

#### PLAY SPACE STRATEGY BACKGROUND

In 2009, the City of Marion endorsed a Play Space Strategy to ensure the community's playgrounds were well-designed, well-located, safe and fun for users. So far, 41 play spaces have been upgraded.

As part of the strategy, a number of playgrounds will be upgraded and some will be removed to ensure that:

- Current and future play spaces are renewed at appropriate times to ensure safety of the community.
- Play spaces are in an accessible location – this may include removal of play spaces due to oversupply in a particular area. Additionally, it may include new play spaces to address a deficiency in an area.
- Council resources are used appropriately.

#### PLAY SPACE STRATEGY IMPLEMENTATION

Council is consolidating selected playgrounds as part of the implementation of the Play Space Strategy.

Resolute Crescent Reserve at Hallett Cove will have its ageing equipment removed and minor landscaping work undertaken.

We propose to replace the playground with minor landscaping.

If you wish to comment about the changes, please visit <http://makingmarion.com.au>

All feedback will be collated and a copy provided to your local Councillors prior to works commencing.

Proposed works are due to commence in December 2016.



To view the concept plans in detail please refer to the website: [marion.sa.gov.au/parks-and-playgrounds](http://marion.sa.gov.au/parks-and-playgrounds) or alternatively contact the City of Marion on 8375 6600 to request a larger hard copy.

**FAQ's**

• **Why is the play space being removed?**

The play equipment is over 20 years old and is coming to the end of its usable life.

• **Is there going to be new play equipment at the reserve?**

No, there will not be new play equipment at the reserve. However, the reserve will be reinstated to create attractive, usable open space.

• **What is going to replace the play equipment?**

The design proposes minor landscaping works to replace the play equipment. Please refer to the concept plan provided.

• **What works can I expect to see happening at the reserve?**

The existing play equipment, and seat will be removed from the reserve. Following this, the excavated area will be made good with mulch to ensure the reserve is a pleasant open space. Planting will be undertaken at the next planting season in May/ June 2017.

• **Where are the nearest play spaces?**

- Koomooloo Crescent Reserve, Hallett Cove (approx. 540 metres)
- Pavana Reserve, Hallett Cove (approx. 370 metres)
- Shamrock Road Reserve, Hallett Cove (approx. 430 metres)



# RESOLUTE CRESCENT RESERVE

## HALLETT COVE

### RESERVE WORKS

Resolute Crescent Reserve at Hallett Cove has been identified as a reserve within Council's Play Space Strategy that will have existing play equipment removed and minor landscaping works undertaken.

The nearest playspaces are:

- Koomooloo Crescent Reserve, Hallett Cove
- Pavana Reserve, Hallett Cove
- Shamrock Road Reserve, Hallett Cove

Council has endorsed a Play Space Strategy in 2009 which ensures:

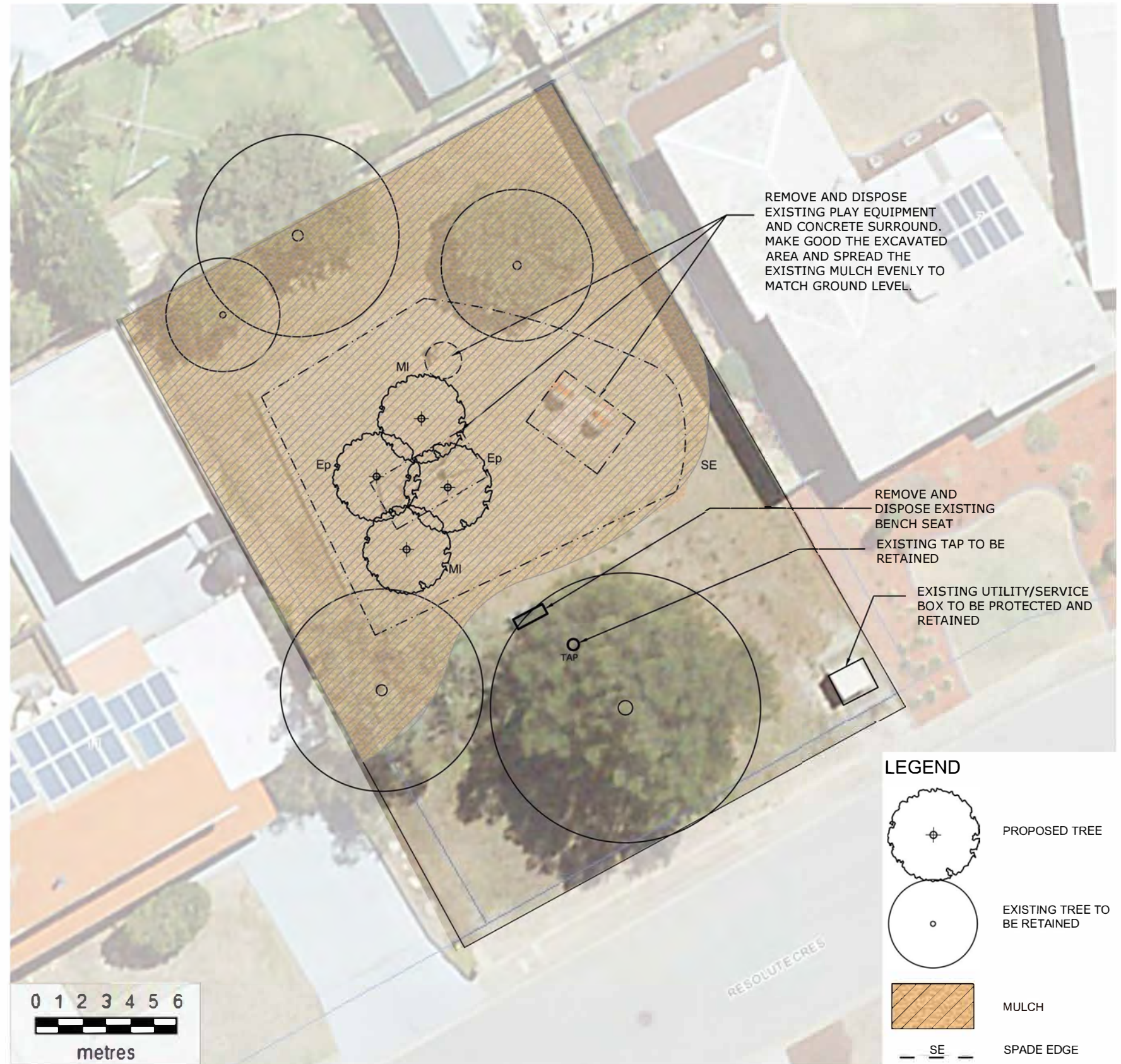
- Current and future play spaces are renewed at appropriate times to ensure safety of the community.
- Play spaces are in an accessible location – this may include removal of play spaces due to oversupply in a particular area. Additionally, it may include new play spaces to address a deficiency in an area.
- Council resources are used appropriately.

More information on the Playspace Strategy can be found at: [marion.sa.gov.au/play-space-strategy](http://marion.sa.gov.au/play-space-strategy)

If you wish to comment about the changes, please visit: <http://makingmarion.com.au>

All feedback will be collated and considered prior to any works commencing.

Proposed works are due to commence in December 2016.



DRAFT CONCEPT PLAN

For further information, please visit: [makingmarion.com.au](http://makingmarion.com.au)  
or contact Council on phone: 8375 6600





RESOLUTE CRESCENT RESERVE



SWING SET




SLIDE UNIT



SURROUNDING VEGETATION- TO BE RETAINED

RESOLUTE CRESCENT RESERVE, SITE ASSESSMENT  
 HALLETT COVE  
 PREPARED BY OPEN SPACE & RECREATION PLANNING - CITY OF MARION

Design MV	Drawn W	Checked BG	Approved CR	Prepared / Issue GENERATED BY BG	
Drawing Number / Sheet RCR-SA01			Issue		

		01-Oct-	22-Nov-					
Survey Response								
Tell us your feedback about this proposed playspace removal.					First Name:	Surname:	Address Line 1:	Suburb:
<p>Thank you for asking for feedback. I request you do not dispose of the seat in the Resolute Crescent Reserve. It is not as old as the play equipment as it was only installed much more recently and is in good condition. Can you remove the mulch and make the surface a state that kids can run around on, or kick a ball on for example.</p> <p>Can you also install another park seat and table in the shade of the big tree so we can meet there and have something to put our food and drinks on. If you take the seat away as well as the play equipment then it will just become a wasted space.</p>					Terri			HALLETT COVE, SA
<p>To Whom it may concern.</p> <p>I understand that the play equipment in Resolute Crescent Park is outdated, and after rain the slippery dip is unusable but please consider my suggestion as a resident in the street for 36 years. Please do not remove the seat. In fact I would like to see additional seating and a table, bbq area added for residents to use. Perhaps a community garden could be considered. We have in the past used this park for our street Christmas gatherings. The park needs to have a surface that can be used by children to run, play games in etc. Mulching the area is not satisfactory. There are young families in the street, plus older members of the community and there is no other park within walking distance for our street that I am aware of that young families or seniors could walk to and meet at.</p> <p>Thankyou for reading my feedback</p>					julie			HALLETT COVE, SA
<p>I do not support the planned proposal. My neighbours who have grandchildren utilise the park and the bench should not be removed. A reserve without a playground and a bench will be just a vacant block of land, underutilised by the residents.</p> <p>Our street and surrounding houses have a lot of people aged 50+. I would like this reserve to be transformed into a community meeting place and to include lot of benches, tables, shade and BBQ, even a community garden. It would be a welcoming place for young and old. If the reserve was fenced, grandkids could run around freely, play with a ball or cricket. A footpath with a hopscotch, cross and dots and other games would provide needed entertainment away from home.</p> <p>We used to have a street Christmas party, and we would like to do it again if the park was more welcoming place.</p>					Mira			HALLETT COVE, SA
<p>the proposed removal of Resolute Crescent reserve playground is misguided. A number of families with very young children live in our street. Some are new arrivals from the Ukraine, who use this park, as does granma Pearl and her small dog. She will be particularly miffed when she discovers the bench seat she sits on after her daily walk is threatened with demolition. The rest of us have Grandchildren,. Ladies with prams may find the proposed alternatives impractical. Unlike Marion it is very hilly at Hallett cove. Access is everything. We use the park for our street Christmas party in December which helps with getting to know the neighbours, and building a sense of community. Public space that is accessible is essential for our wellbeing. I urge the council to reconsider. yours sincerely Francis Finn.</p>					Francis			HALLETT COVE, SA
<p>Many of the people in this area are upset at losing a nice children's playground which is also good for smaller children and not full of bigger children. its a bit more quiet for them and is really needed to be kept because of this reason. not every family wants a loud child screaming big park for all to go to like a load of sheep. Its really just cutting costs again ( Not that this tiny park would cost much at all) and making sure there is not much to do for the council workers. many mums and grandmothers don't have a car and the bigger parks are too far for them to go as well. The park is used a lot and is a crying shame to be taken away from them. We really protest on behalf of all the children/babies and parents/grandparents who would like and need this small and more private park. Not everything should just be eliminated because it seems insignificant. It means a lot to a certain group of people who deserve to keep it.</p>					Sandra Brian and Pearl			HALLETT COVE, SA
<p>I have resided at Resolute Cres. for many years and have witness the gradual neglect and dismantling of the reserve/playground. This has been disappointing to say the least.</p> <p>Now without any consultation with the residents on Resolute Cres. and surrounding streets it is now to the point that the reserve will be downgraded to a block of land with some shrubs on it. I am strongly opposed to this measure.</p> <p>I understand all Local Councils need to be financially responsible and I am aware that there are other playgrounds in area but, I have also witnessed little money spent on Resolute Cres. Reserve over past years and other very expensive playgrounds have been supported by Federal Government money not only rate payer money.</p> <p>Instead of dismantling the reserve/playground at Resolute Cres. I propose the two swings be left in place with an added piece of play ground equipment. I also propose that the current seat remain and a table and second seat be added to the area.</p> <p>These small upgrades would add fun and social interaction to the local area.</p> <p>I ask the Council to take into account that the area in its current state is regularly used by grand parents with their grand children and by young families with small children who have and continue to move into the area.</p> <p>The proposal by Marion Council is very much rejected</p>					Dianne			HALLETT COVE, SA
<p>I would hate to see this playground become a house. Take the equipment but put in more seats. This can be a place for children to play.</p>					Rilla			HALLETT COVE, SA
<p>We are residents at 8 Valkyrie St Hallett Cove (Assessment Number 437798) and object strongly to the plans that are basically degregating this play area. We have 2 grandchildren who visit us and often visit this playground albeit with pieces equipment being gradually removed over a number of years. We are in favour of the site to be maintained as a children's playground and upgraded to more of a community area with improved seating, table and even a Barbeque. Your list of nearby facilities with distances is quite misleading as your distances are as the crow flies, furthermore why wasn't there wider community consultation and not only with Resolute Cresent households?</p>					Keith			HALLETT COVE, SA

## Resident Feedback Resolute Crescent Reserve

Resident Details	Date	Email
Mira	Mon 5/12/2016 7:13 AM	<p>Dear Rebecca, Thank you for your email in relation to my feedback about the Marion Council's proposed plan for the Resolute Crescent Reserve.</p> <p>I wish to apply for a review of decision made by the Council to remove the play equipment because I am not happy with the process undertaken by the Council.</p> <p>Could you please send me details on the following:</p> <ul style="list-style-type: none"> <li>- the review and appeals processes about the Council's decision;</li> <li>- what steps did the Council take to ensure that the community consultation was fair, reasonable and equitable (including accessibility issues for residents who have vision impairment; do not have access to internet; and do not read/write in English)</li> <li>- how many households in Hallett Cove were provided with a notice about the proposed changes to the reserve;</li> <li>- how many written submissions by the residents did the Council receive about the proposed changes to the Reserve;</li> <li>- how many residents supported the proposed plan;</li> <li>- how many residents objected to the proposed plan;</li> <li>- what options were proposed to the Council by the residents about the future use of the Reserve; and</li> <li>- what rationale was used by the Council to reject proposals made by the residents.</li> </ul> <p>Please note that I have cc'd the local Ward Councillors to ensure that no equipment is removed until the the review/appeal process is completed.</p> <p>Kind regards</p>
Terri	Sun 4/12/2016 5:37 PM	Dear Rebecca

		<p>Firstly, I have included my local councillors in this reply as you wrote that you have discussed this issue with them. I think it appropriate that my councillors are also aware of community feeling on this issue.</p> <p>Thank you for your response. Though I appreciate your response, the process and the communication leaves me quite flat.</p> <p>The process that has occurred does not sit well. I don't believe the community surrounding Resolute Crescent Reserve has had an opportunity to let Marion Council know the importance of this little space to our local community and to have that importance feed into Marion Council strategy.</p> <p>In the final stages of a process we were merely asked to comment on a decision already made. We weren't consulted on the making of that decision. Therefore appropriate consultation has not occurred. I am very disappointed about this.</p> <p>Yesterday evening some Resolute Crescent residents shared a meal in the Reserve. When I arrived a grandparent couple from Valkyrie Street were watching their grandchildren play in the Reserve. This couple had no idea of Council's plans for removal. He is recovering from a recent stroke. He would not be able to walk his grandchildren to Pavanna Reserve. Many of us cannot walk that far and back particularly because of the steep climb back up The Cove Road.</p> <p>I support two young refugee families. When they visit, we take their children to the Reserve to play. They love it. These little ones are also unlikely to make the long walk to Pavanna Reserve and back.</p> <p>All the houses on the same side of Resolute Crescent as the Reserve were occupied for the first time in 1977. They were purchased from the SA Housing Trust. Interest rates were through the roof at the time and consequently these houses were built small to keep a lid on capital costs in the knowledge that interest rates were such a burden on the repayments. The Reserve was therefore integral to those of us living in these tiny houses. My lounge room feels crowded when there are 4 people in it!</p> <p>I trust this decision can be reconsidered.</p>
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		Yours sincerely
Francis	Sun 4/12/2016 3:28 PM	<p>Dear Rebecca</p> <p>Thank you for your reply and also council's consideration to leave the park seat, this is very much appreciated. You mentioned previous correspondence; I assume that this was the flyer distributed in the letter boxes of residents on Resolute Crescent!</p> <p>Was Resolute Crescent the only street considered for flyer delivery as none of the residents that we have spoken to from Taeping St, Buffalo Court, Mistral Court, Valkyrie St, Sovereign St and Constellation St seem to have received any notification of councils intent. Many more residents outside of Resolute Crescent use this reserve.</p> <p>Council appears to be unduly hasty with plans to remove the play equipment in the lead up to Christmas and the holiday season when this is the time of year that it is most used.</p> <p>To call this plan "A Play Space Strategy", when the effect of this is the removal of our play equipment from our Resolute Crescent Reserve is Orwellian double speak.</p> <p>We have a lot of grandparents as residents in the local area and the play equipment is used often with the grandchildren visiting. Recently a new family has moved in opposite the reserve whose children are 3 and 1, our Ukrainian friends have left one war torn country only to discover that the council is hell bent on the destruction of their playground.</p> <p>As a community event organizer I am well aware that to create community it requires good people and a community venue in which to commune. Resolute Crescent Reserve is one of those places and offers our local community a meeting place and a play area close to home.</p>

		<p>Genuine consultation takes time and effort and we further note that our local councillors, Cr Nick Westwood and Cr Janet Byram have not communicated with our area in regard to this proposal. We, the residents of Resolute Crescent welcome and request that the opportunity to discuss this proposal be provided by council. This proposal affects the residents of Resolute Crescent and surrounding streets and without a fair dinkum approach to community consultation and the consultation process, the flyer dropped into the letterbox a few weeks ago is just an edict.</p> <p>We can and should do better than this, it is time the “Local” is put back into local council.</p>
Keith	Wed 14/12/2016 2:29 PM	<p>Dear Rebecca,</p> <p>I think I will have to take this matter further. It is a shame that you have not taken the children into consideration when coming to this decision and from the wording of your correspondence the decision was made prior to any community consultation, hardly democratic.</p> <p>A Current Affair, Today Tonight spring to mind</p> <p>Sincerely</p>

4<sup>th</sup> December 2016

Ms R Deans  
Open Space and Recreation Planner  
City of Marion

Dear Rebecca

Thank you for your response to the feedback I provided in relation to our Resolute Crescent Park.

I wish to record my deep disappointment in the way the Council has at this stage dealt with the Resolute Crescent park matter. My expectations were that I and other interested and concerned residents would have been given the opportunity to discuss this important issue, and to work with Council in providing a satisfactory outcome for both residents and Council.

I make the following comments:-

- I am concerned that the information flyer distributed to residents in Resolute Crescent regarding the changes to the park does not appear to have been distributed to the residents in the surrounding streets to enable them an opportunity to make comment.
- Play equipment had previously been removed from our park and I am not aware of any communication from Council to residents prior to this happening.
- My understanding is that the land where the Resolute Crescent park is located was allocated to be used as a playground since the subdivision was first done many years ago and the proposed changes appear to change what the park was intended to be used for.

In our street we have young families, seniors and a resident in a wheel chair.

It is not practical to expect residents to walk to our nearest park in Pavana Avenue.

To give yourself and our Ward Councilors an understanding of the magnitude of this exercise to residents I would respectfully suggest that yourself and our two elected Ward Councilors do the return walk from Resolute Crescent park to Pavana Park to gain an understanding of

what residents will need to encounter if we wish to walk to our nearest park, if Council goes ahead with the removal of our park's play equipment and other proposed changes.

**I request that no action be taken by Council in this matter until residents have had an opportunity to have a meeting with Council to discuss the proposed changes.**

-2-

I am sending a copy of my email to both our Ward Councilors.

Kind Regards

Julie



# Resolute Crescent Reserve

## Playspace Inventory Report

Playground ID: MA038

Adelaide UBD: 176 D1

### General Report

Type: Public

Hierarchy: Local

No. of Play Items: 2

Visual Amenity: Fair

Landform: Gentle slope

Expected Usage: Low

Appr. size: 10m x 15m

Landscaping Extent: Low	Garden Beds? N	Trees? Y	Varied Surfaces? N	Age(yrs) <4 4-7 8-12 13+ Ranges: <input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/> <input type="radio"/>
Mounds? N	Boulders? N	Rocks? N	Logs? N	
Art / Sculptures? N				Off-Street Parking? N
Sensory Opportunities: <input type="text"/>				Disabled Parking? N

Shade Level: Low	Shelter/Shade: Some large trees nearby
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Nearest Public Toilets:  Signage:

Lighting:  Surrounding Land Uses: Residential

No. of: Drink fountains - 0 Bins - 0 Seats/capacity - 1 / 4

Access To Play Area Description: Over grass Visible From: Street? Y Houses? Y - Shops? N

Hard Path to Play Area? N Hard Path to Social Area? N Access to Vicinity by: Bike? Y Car? Y

Wheelchair Access to Play Area? N Hard/Rubber Path Within Play Areas? N Bus? N Tram? N Train? N

### Inspection History

Date	Type	Results / Summary
28/11/2016	Full	Completed by Play DMC. Works recommendations and associated risk are listed below. Additional information is recorded as part of the data for specific playground items. DG



Photo taken: 28/11/2016 Looking from the south.



Photo taken: 28/11/2016 Looking from the NW.

### Playground Areas

<b>Area ID:</b> MA038.1	<b>Current</b> Contains a junior play unit and double swing.	<b>Equipment Cnt.</b> 0
Year Upgraded: 1990 <input checked="" type="checkbox"/> estimated	Cond'n (1:new-5:bad)	Av. Cond (/5): 0.0
Appr. size: 10m x 15m	Subjective Upgrade Priority (1-5, high): 5.0	Equipment Weighted Risk Score (/25): 0.0
Fall Area Edging: 46m Concrete	3 Area(m2)	Upgrade Priority Scores (/100) 1: 0.0 2: 0.0
Softfall Type: Mulch	2 150	Avg Depth (mm): 150 Extra Req (~m3): 19
Other Undersurface: None	0 0	Synthetic Impact Att'n OK (est'd)? NA
Fencing Extent: None	Fencing Type: None	




# Resolute Crescent Reserve

## Playspace Inventory Report

Playground ID: MA038

### Works

Works to address identified issues are listed below. If blank then none recorded in the database for this playground

Equipment and Works Description	Tracking:	Dates	Responsibility	Photo
<p><b>Priority: High</b>      <b>Level of Risk: Moderate (D4)</b></p> <p>Works Type: General      Work Order No.:</p> <p>Due to the age of the equipment and the number of potential hazards, it would probably be impractical/uneconomical to refurbish this playground. As such it is recommended the playground be removed in the short term, hence individual maintenance requirements not listed. If it is to be retained then undertake works to address the issues listed for the individual equipment items.</p>	Approved: <input type="checkbox"/> Started: <input type="checkbox"/> Completed: <input type="checkbox"/> Checked: <input type="checkbox"/>			
<p><b>Priority: Medium</b>      <b>Level of Risk: Moderate (D4)</b></p> <p>Works Type: General      Work Order No.:</p> <p>Mulch is low under swings with none covering the play unit concrete base. Top up mulch (~10m3 req) so after it settles there is at least 200mm in all impact areas, 250mm in heavy use areas.</p>	Approved: <input type="checkbox"/> Started: <input type="checkbox"/> Completed: <input type="checkbox"/> Checked: <input type="checkbox"/>			 

Regular ongoing maintenance works are generally not listed (eg. raking back displaced mulch, weeding, recoating, cleaning graffiti, etc). Inspections are visual assessments hence do not include structural engineering and materials testing and assessment of the equipment. Conformance to playgrounds Standards such as AS4685 is not mandatory and a non-conformance may be deemed acceptable based on risk assessment. AS4685 is not retrospective so equipment built prior to Oct 2005 that conforms to the superseded AS1924 is generally acceptable. It is the decision of the playground operator as to what works are to be implemented and what Levels of Risk and non-conformances they deem acceptable. This report and the completion of any works listed is not a guarantee that an incident will not occur. Safety in play provision is not absolute and accidents do occur (as they do anywhere) regardless of design. Any costs listed are indicative only due a range of factors.



Ph: (03) 94822144.

### Level of Risk Assessment Notes

Risk is generally assessed on likelihood and consequences using the matrix on the right. Other important factors such as benefits of play (eg. play value) are also considered. This matrix is based on the principles of ISO31000 Risk Management (2009) and the RoSPA guide Risk Assessment of Children's Playgrounds (2005). However this matrix conservatively has more High and Extreme levels than typically used.

		Condition Scores: 1-New/like new   2-Good   3-Fair   4-Poor   5-Bad (remove/replace)				
Likelihood	Injury Type	Little/None	Minor	Moderate	Serious	Permanent
		1	2	3	4	5
Highly unlikely	E (1)	Very Low (1)	Very Low (2)	Low (3)	Low (4)	Moderate (5)
Unlikely	D (2)	Very Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Possible	C (3)	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Likely	B (4)	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Very likely	A (5)	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)

Equipment listings and attributes for this playground are provided on the following pages.

# Resolute Crescent Reserve

## Playspace Inventory Report

Playground ID: MA038

<b>1 - Combination Unit (junior)</b>	<b>Current</b>	Last Inspection Date: 28/11/2016
Materials: Fibreglass	Level of Risk: D4 - Moderate	Markings as per Section 4, AS4685.1? NA
Make: Unknown	Condition: 5- Bad (remove/replace)	Year Built: 1990 Est. <input checked="" type="checkbox"/>

**Components Attached to Main Structure**

Component	Count	Material	Year Inst.	Est.	Condition	Removed/Current	Comments
					1-new to 5-Bad		
1 Slide (wide)	1	Fibreglass	1990	<input checked="" type="checkbox"/>	5- Bad (remove/repla	<b>Current</b>	Slide dimensions: Slide height=720mm, Top horizontal crossbar height=720mm. Maximum/average sliding angle=32 degrees. Width=950mm. Runout length / angle=500mm / 0 degrees. End height=0mm. Side heights=150mm.
2 Tunnel (above ground)	2	Fibreglass	1990	<input checked="" type="checkbox"/>	5- Bad (remove/repla	<b>Current</b>	Max. tunnel height=1.35m. Length=880mm. Diameter=470mm.



Photo taken: 28/11/2016



Photo taken: 28/11/2016 Exposed rusting fastener.



Photo taken: 28/11/2016 Exposed rusting fasteners.



Photo taken: 28/11/2016 Open ended tubing.

# Resolute Crescent Reserve

## Playspace Inventory Report

Playground ID: MA038

<b>2 - Swing Frame (double)</b>	<b>Current</b>	Last Inspection Date: 28/11/2016
	Level of Risk: D4 - Moderate	Markings as per Section 4, AS4685.1? NA

Materials: Timber      Make: Kompan      Condition: 5- Bad (remove/replace)      Year Built: 1990      Est.

<b>Components Attached to Main Structure</b>			Year	Condition	Removed/	
Component	Count	Material	Inst. Est.	1-new to 5-Bad	Current	Comments
1 Swing(toddler seat)	1	Rubber	2015 <input checked="" type="checkbox"/>	1- New (or like new)	<b>Current</b>	Height=410mm. Chain/S-hook openings=10/ ~10mm.
2 Swing(strap seat)	1	Rubber	2010 <input checked="" type="checkbox"/>	2- Good	<b>Current</b>	Height=300mm. Chain/S-hook openings=6/ ~10mm.

Comments: There is some movement in the swing frame, the supports exhibit splitting and cracking and the S-hooks and strap swing shackle connections exhibit surface corrosion - monitor.



Photo taken: 28/11/2016



Photo taken: 28/11/2016 Toddler swing chain and connection openings=10mm.

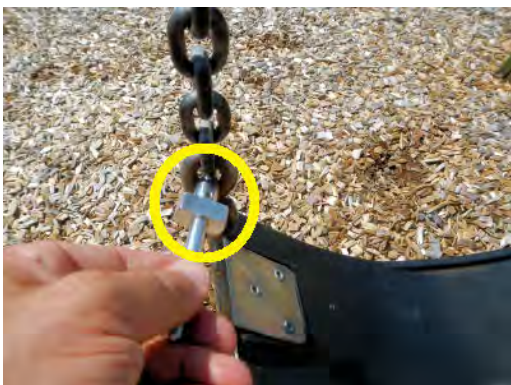


Photo taken: 28/11/2016 Strap swing connection openings=10mm.



Photo taken: 28/11/2016 Strap swing seat height too low (300mm)



Photo taken: 28/11/2016 Pot'l finger trap due to height of swing frame.



Photo taken: 28/11/2016 Swing frame exhibits cracking and splitting - monitor.

# Resolute Crescent Reserve

## Playspace Inventory Report

Playground ID: MA038

Address: Resolute Cr, Hallett Cove Adelaide UBD: 176 D1

### General Report

Type: Public

Hierarchy: Local

No. of Play Items: 2

Visual Amenity: Fair

Landform: Gentle slope

Expected Usage: Low

Appr. size: 10m x 15m

Landscaping Extent: Low	Garden Beds? N	Trees? Y	Varied Surfaces? N	Age(yrs) <4 4-7 8-12 13+ Ranges: <input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/> <input type="radio"/>
Mounds? N	Boulders? N	Rocks? N	Logs? N	

Sensory Opportunities:	
Shade Level: Low	Shelter/Shade: Some large trees nearby

Off-Street Parking? N  
Disabled Parking? N

Nearest Public Toilets:		Signage:	
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Lighting:		Surrounding Land Uses:	Residential
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No. of: Drink fountains - 0	Bins - 0	Seats/capacity - 1 / 4	Visible From: Street? Y	Houses? Y	Shops? N
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Access To Play Area Description: Over grass	Hard Path to Play Area? N	Hard Path to Social Area? N	Access to Vicinity by: Bike? Y	Car? Y
Wheelchair Access to Play Area? N	Hard/Rubber Path Within Play Areas? N	Bus? N	Tram? N	Train? N

### Inspection History

Date	Type	Results / Summary	
9/03/2017	Full	Completed by Play DMC. Works recommendations and associated risk are listed below. Additional information is recorded as part of the data for specific playground items.	DG
28/11/2016	Full	Completed by Play DMC.	DG



Photo taken: 09/03/2017 Looking from the south.



Photo taken: 28/11/2016 Looking from the NW.

### Playground Areas

<b>Area ID:</b> MA038.1	<b>Current</b> Contains a junior play unit and double swing.	<b>Equipment Cnt.</b> 2
Year Upgraded: 1990	<input checked="" type="checkbox"/> Estimated	<b>Av. Cond (/5):</b> 5.0
Appr. size: 10m x 15m	Cond'n (1:new-5:bad)	<b>Equipment Weighted Risk Score (/25):</b> 8.0
Fall Area Edging: 46m Concrete	3	<b>Subjective Upgrade Priority (1-5, high):</b> 5.0
Softfall Type: Mulch	2 150	<b>Upgrade Priority Scores (/100) 1: 87.2 2: 89.2</b>
Other Undersurface: None	0 0	<b>Avg Depth (mm):</b> 150 <b>Extra Req (~m3):</b> 19
Fencing Extent: None		<b>Synthetic Impact Att'n OK (est'd)?</b> NA
		<b>Fencing Type:</b> None

### Works

Works to address identified issues are listed below. If blank then none recorded in the database for this playground

#### Equipment and Works Description

#### Tracking:

Dates Responsibility

Photo

Approved:

Started:

Completed:

Checked:

**Last Observed:** 9/03/2017 **First Identified:** 28/11/2016

**Priority: High**

**Level of Risk: Moderate (D4)**

Works Type: General

Work Order No.:

Due to the age of the equipment and the number of potential hazards, it would probably be impractical/uneconomical to refurbish this playground. As such it is recommended the playground be removed in the short term, hence individual maintenance requirements not listed. If it is to be retained then undertake works to address the issues listed for the individual equipment items.


Cost(\$):



# Resolute Crescent Reserve

## Playspace Inventory Report

Playground ID: MA038

<b>Priority: Medium</b>	<b>Level of Risk: Moderate (D4)</b>	Approved: <input type="checkbox"/>	
Works Type: General	Work Order No.:	Started: <input type="checkbox"/>	
Mulch is low under swings with a thin covering over play unit concrete base. Top up mulch (~15m3 req) so after it settles there is at least 200mm in all impact areas, 250mm in heavy use areas.	Cost(\$):	Completed: <input type="checkbox"/>	
		Checked: <input type="checkbox"/>	
		<b>Last Observed:</b> 9/03/2017	<b>First Identified:</b> 28/11/2016

### Works Completed

Regular ongoing maintenance works are generally not listed (eg. raking back displaced mulch, weeding, recoating, cleaning graffiti, etc). Inspections are visual assessments hence do not include structural engineering and materials testing and assessment of the equipment. Conformance to playgrounds Standards such as AS4685 is not mandatory and a non-conformance may be deemed acceptable based on risk assessment. AS4685 is not retrospective so equipment built prior to Oct 2005 that conforms to the superseded AS1924 is generally acceptable. It is the decision of the playground operator as to what works are to be implemented and what Levels of Risk and non-conformances they deem acceptable. This report and the completion of any works listed is not a guarantee that an incident will not occur. Safety in play provision is not absolute and accidents do occur (as they do anywhere) regardless of design. Any costs listed are indicative only due a range of factors.



### Level of Risk Assessment Notes

Risk is generally assessed on likelihood and consequences using the matrix on the right. Other important factors such as benefits of play (eg. play value) are also considered. This matrix is based on the principles of ISO31000 Risk Management (2009) and the RoSPA guide Risk Assessment of Children's Playgrounds (2005). However this matrix conservatively has more High and Extreme levels than typically used.

		Condition Scores: 1-New/like new 2-Good 3-Fair 4-Poor 5-Bad (remove/replace)				
Likelihood	Injury Type	Little/None	Minor	Moderate	Serious	Permanent
		1	2	3	4	5
Highly unlikely	E (1)	Very Low (1)	Very Low (2)	Low (3)	Low (4)	Moderate (5)
Unlikely	D (2)	Very Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Possible	C (3)	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Likely	B (4)	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Very likely	A (5)	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)

Equipment listings and attributes for this playground are provided below.

<b>1 - Combination Unit (junior)</b>	<b>Current</b>	Last Inspection Date: 9/03/2017
Level of Risk: D4 - Moderate Markings as per Section 4, AS4685.1? NA		

Materials: Fibreglass      Make: Unknown      Condition: 5- Bad (remove/replac      Year Built: 1990      Est.:

Components Attached to Main Structure			Year	Condition	Removed/	
Component	Count	Material	Inst. Est.	1-new to 5-Bad	Current	Comments
1 Slide (wide)	1	Fibreglass	1990	<input checked="" type="checkbox"/>	5- Bad (remove/repla	<b>Current</b> Slide dimensions: Slide height=720mm, Top horizontal crossbar height=720mm. Maximum/average sliding angle=32 degrees. Width=950mm. Runout length / angle=500mm / 0 degrees. End height=40mm. Side heights=150mm.
2 Tunnel (above ground)	2	Fibreglass	1990	<input checked="" type="checkbox"/>	5- Bad (remove/repla	<b>Current</b> Max. tunnel height=1.35m. Length=880mm. Diameter=470mm.



Photo taken: 28/11/2016



Photo taken: 09/03/2017

# Resolute Crescent Reserve

## Playspace Inventory Report

Playground ID: MA038

<b>2 - Swing Frame (double)</b>	<b>Current</b>	Last Inspection Date: 9/03/2017
Level of Risk: D4 - Moderate Markings as per Section 4, AS4685.1? NA		

Materials: Timber Make: Kompan Condition: 5- Bad (remove/replac Year Built: 1990 Est.:

**Components Attached to Main Structure**

Component	Count	Material	Year Inst.	Est.	Condition 1-new to 5-Bad	Removed/ Current	Comments
1 Swing(toddler seat)	1	Rubber	2015	<input checked="" type="checkbox"/>	2- Good	<b>Current</b>	Height=470mm. Chain/S-hook openings=6/ ~10mm.
2 Swing(strap seat)	1	Rubber	2010	<input checked="" type="checkbox"/>	2- Good	<b>Current</b>	Height=400mm. Chain/S-hook openings=6/ ~10mm.

Comments: There is some movement in the swing frame, the supports exhibit splitting and cracking and the S-hooks and strap swing shackle connections exhibit surface corrosion - monitor.



Photo taken: 28/11/2016



Photo taken: 28/11/2016 S-hook openings=10mm on both swings.

















Photo taken: 28/11/2016 Pot'l finger trap due to height of swing frame.

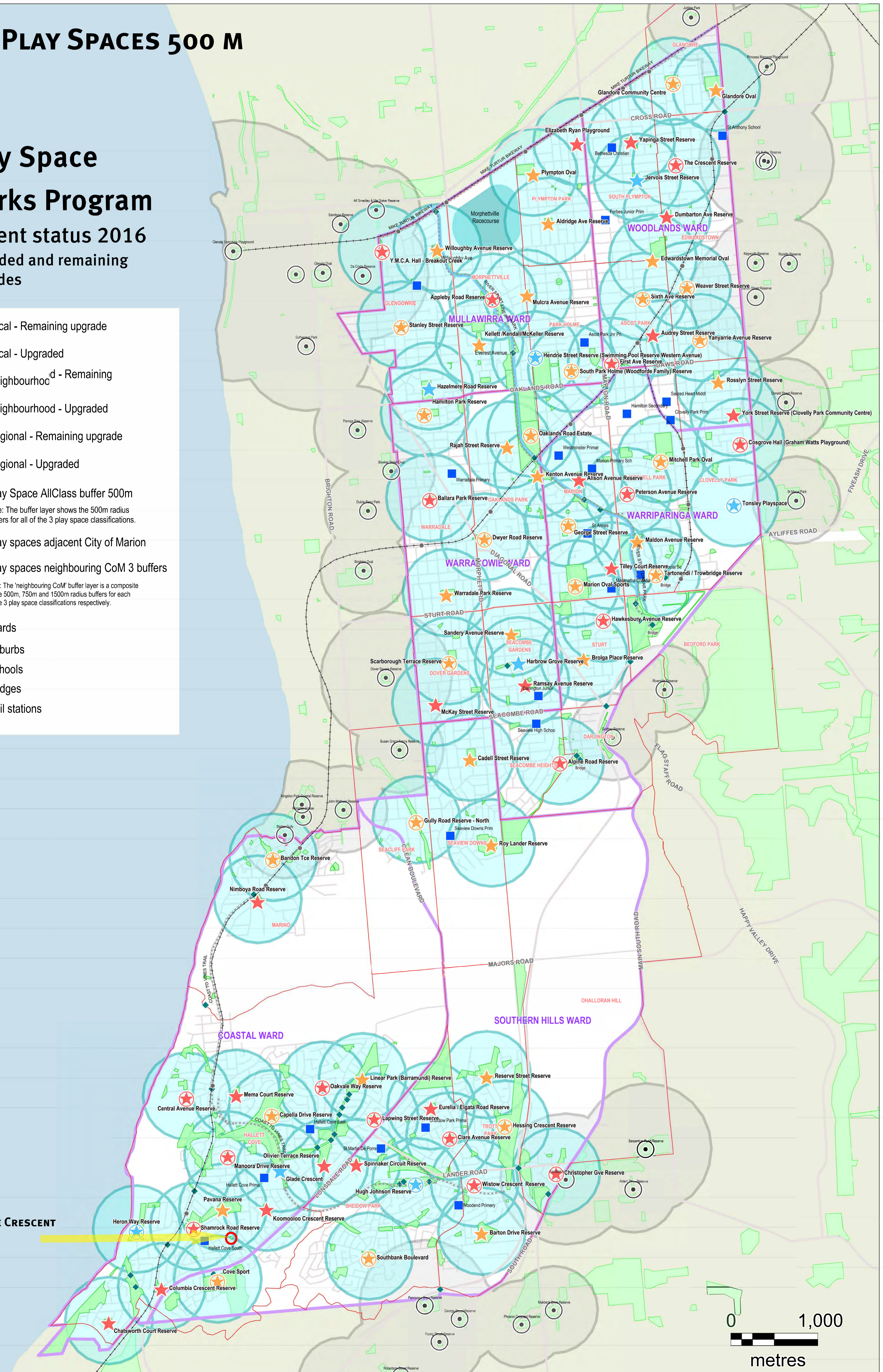


Photo taken: 28/11/2016 Swing frame exhibits cracking and splitting - monitor.

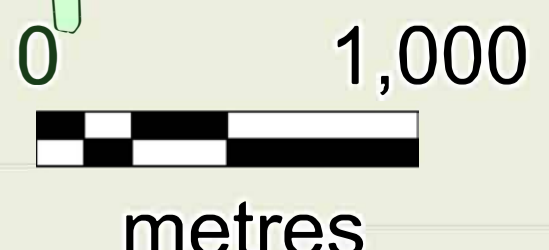
# ALL PLAY SPACES 500 M

## Play Space Works Program Current status 2016 Upgraded and remaining upgrades

-  Local - Remaining upgrade
-  Local - Upgraded
-  Neighbourhood - Remaining
-  Neighbourhood - Upgraded
-  Regional - Remaining upgrade
-  Regional - Upgraded
-  Play Space AllClass buffer 500m  
Note: The buffer layer shows the 500m radius buffers for all of the 3 play space classifications.
-  Play spaces adjacent City of Marion
-  Play spaces neighbouring CoM 3 buffers  
Note: The 'neighbouring CoM' buffer layer is a composite of the 500m, 750m and 1500m radius buffers for each of the 3 play space classifications respectively.
-  Wards
-  Suburbs
-  Schools
-  Bridges
-  Rail stations



**RESOLUTE CRESCENT RESERVE**





**CITY OF MARION  
GENERAL COUNCIL MEETING  
23 MAY 2017**

**Originating Officer:** Alicia Clutterham, Team Leader Open Space and Recreation  
**Manager:** Fiona Harvey, Manager Innovation and Strategy  
**General Manager:** Abby Dickson, General Manager City Development  
**Subject:** Playground Framework Progress Report  
**Report Reference:** GC230517R03

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**REPORT OBJECTIVES**

To provide a progress report regarding the Playground Framework.

**EXECUTIVE SUMMARY**

At the Council meeting held on 11 April 2017 (GC110417R14) Council resolved:

1. Notes the final Playground Policy and Playground service levels will be presented to Council as part of the Playground Framework for consideration and adoption in May 2017.

An Elected Member forum was held on 21 March 2017, at which time clarification on a number of items within the framework was sought including the provision of shade to playgrounds, a Destination Playground, reclassifications and new playgrounds.

Community consultation was undertaken 19 March – 13 April 2017 on the draft Playground Policy and Service levels.

Substantial work has progressed on these items with discussions continuing at ward briefings to further progress some matters.

In addition, a shade audit has been undertaken for neighbourhood and regional playgrounds to inform a 5 year shade works program to be considered as part of the Playground Framework.

Further time is required to finalise issues including the shade program before providing a report back to Council.

**RECOMMENDATION**

**DUE DATES**

**That Council:**

1. Notes the final Playground Policy and Playground service levels will be presented to Council as part of the Playground Framework for consideration and adoption in June 2017.

**23 May 2017**

**CITY OF MARION  
GENERAL COUNCIL MEETING  
23 MAY 2017**

**Originating Officer:** Rebecca Deans, Open Space and Recreation Planner  
**Manager:** Fiona Harvey, Manager Innovation & Strategy  
**General Manager:** Abby Dickson, General Manager City Development  
**Subject:** Final Designs for 2017/18 Playground Upgrades  
**Report Reference:** GC230517R04

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**REPORT OBJECTIVE AND EXECUTIVE SUMMARY**

To provide Council with the final designs for endorsement for planned playground upgrades in 2017/18 at Breakout Creek Reserve, Glengowrie, Sixth Avenue Reserve, Ascot Park, Clare Avenue Reserve, Sheidow Park and Gully Road Reserve, Seacliff Park and to confirm the toilet location at Gully Road Reserve.

**RECOMMENDATIONS**

**DUE DATES**

**That Council:**

- 1. Endorses final designs of the Breakout Creek Reserve, Sixth Avenue Reserve, Clare Avenue Reserve and Gully Road Reserve playgrounds.** 23 May 2017
- 2. Endorses commencement of development approvals, tender and construction (2017/2018) for Breakout Creek Reserve, Sixth Avenue Reserve, Clare Avenue Reserve and Gully Road Reserve playgrounds.** 23 May 2017
- 3. Notes Community Consultation findings reports and design responses for Breakout Creek Reserve, Sixth Avenue Reserve, Clare Avenue Reserve and Gully Road Reserve.** 23 May 2017
- 4. Endorses toilet location at Gully Road Reserve, Seacliff Park as indicated in Appendix 1 – Gully Road Reserve.** 23 May 2017
- 5. Notes the whole of life costs for each site with the addition of annual operating and maintenance costs for (Breakout Creek \$7,710.00, Gully Rd Reserve \$14,026.00, Clare Avenue Reserve \$7,374.00, Sixth Avenue Reserve \$11,172.00) and endorses these requirements be incorporated into the Long Term Financial Plan.** 23 May 2017

## BACKGROUND

The following sites are programmed for 2017 / 2018 playground upgrade capital works:

Breakout Creek Reserve	Local
Sixth Avenue Reserve	Neighbourhood
Clare Avenue Reserve	Local
Gully Road Reserve	Neighbourhood

Community Consultation was undertaken for all four playground upgrade sites in October 2016 to understand the site context and community sentiment. Following the design process, further consultation was undertaken to refine and finalise the concept designs. Some changes to original concepts reflecting community comments were made with the final designs and budgets provided in Appendix 1.

The following table illustrates major design changes that have been made in the final design to reflect community feedback.

<b>Key Theme</b>	<b>Design Response</b>
<b>Gully Road Reserve</b>	
The design should allow for dog access through the park in adherence with council policy	The design was reworked to ensure dog walkers can access through the reserve 5 metres from the playground equipment <ul style="list-style-type: none"> <li>• Relocate BBQ and Shelter</li> <li>• Relocate some play equipment</li> </ul>
Separation of dogs from children's play	Vegetation will be planted to protect the edge of the sandpit from dogs
Access to houses from John Street may be restricted close to the BBQ as people park to use the facility	BBQ and shelter have been relocated to primarily use existing car park
Re-use rockers	To conform with safety and playground standards the rockers can be re-used but will be fixed (cannot rock). Opportunity for toilet mural to incorporate the rocker themes
Shade to cover the metal play equipment including slide	Provision has been made in the design for shade placement (within future shade budget). Tree plantings proposed to supplement existing shade
<b>Clare Avenue Reserve</b>	
Traditional swings raised as an option	Timber hammock has been replaced with basket swing
<b>Sixth Avenue Reserve</b>	
Height of mound may impact neighbours	Screen plantings have been added to decrease line of sight to neighbours and alleviate overlooking concerns
BBQ has been omitted from the design	BBQ has been added to final design
Gates at Allison Ave should not be retained	Gates have been removed from the design
<b>Breakout Creek Reserve</b>	
Fence on Butler Crescent should be retained	Fence has been retained
Thoroughfare to pathway may present a danger to children as they are not stopped from cycling onto Butler Crescent	Chicanes have been added to pathways to ensure that foot and cycle traffic is slowed and a barrier provided
Raised areas may impinge on neighbouring privacy	Extra screen plantings have been added to the final design. Site visit with neighbour alleviated concerns that the height of mounds was excessive

## **ANALYSIS**

### **Consultation**

The design and consultation methodology undertaken for the 2017/18 playground upgrades commenced before Council began reviewing a more streamlined approach to design and consultation.

The following consultation activities were undertaken:

- Invitations to contribute to initial consultation were mailed to a total of 2,284 households within 400m of each playground upgrade
- Survey response to initial consultation attracted 40 submissions across the 4 reserves
- On site consultations were held 29 October 2016 at all four reserves
- Ascot Park Scout Group was consulted.

Preliminary designs were developed based on the communities site concerns, aspirations and feedback. The designs were also consulted internally with operational staff.

A second round of community consultation was conducted online regarding the preliminary design to confirm locations of facilities and play items prior to the final design. Consultation for the preliminary design for each reserve indicated strong approval with some constructive improvements as shown in the table above. Responses to this feedback are reflected in the final design. The consultation reports can be viewed in Appendix 2.

The proposed toilet location at Gully Road Reserve was indicated on the preliminary design. Response to the public toilet plans expressed concerns over its use and not its location. Most of these concerns can be alleviated with a FAQ sheet sent to residents at the time of construction notification. The proposed Exeloo fully automated toilet mitigate these concerns.

Subject to endorsement to proceed to tender and construction, Council will inform the community of construction works through letter box drops to adjacent residents, web page and Facebook. Construction works are proposed to commence late 2017.

### **Financial Implications**

All design changes remain within the current service levels and budget allocated for neighbourhood and local playgrounds.

Whole of life costings for each playground take into account the capital cost of each playground and projected operating and maintenance and depreciation per annum. The whole of life costs for each reserve are shown in Appendix 3.

Funds for construction are within the 2017 / 18 draft annual budget.

### **Resources**

These projects are part of Councils three-year open space works program adopted by Council in April 2016 (GC260416R17) and form part of Council's Business Plan 2016 – 2019.

## Proposed Program of Delivery of works for 4 x Playground Upgrades

Scope	June 2017	July 2017	August 2017	Sep. 2017	Oct. 2017	Nov. 2017	Dec. 2017	Jan. 2018	Feb. 2018	March 2018	April 2018	May 2018	June 2018
Detailed Design & Documentation	✓	✓											
Development Approval		✓	✓										
Procurement		✓	✓	✓									
Construction					✓	✓	✓	✓	✓	✓	✓		

### CONCLUSION

This report has provided the final designs for Breakout Creek, Sixth Avenue, Clare Avenue and Gully Road playgrounds including the proposed location for a toilet facility at Gully Road Reserve.

Development approvals and procurement will commence in July with construction works to commence in late 2017 and be completed in the 2017 / 2018 financial year.

The toilet location at Gully Road Reserve has been indicated on the final design (refer Appendix 1 – Gully Road Reserve). The Exeloo toilet facility is proposed to be installed as part of the playground construction. Resident concerns raised in relation to the use of the toilet and not its location can be alleviated with communication to nearby residents in relation to the concerns raised.

### APPENDICES

**Appendix 1:** Final concept designs

**Appendix 2:** Consultation report for 4 playgrounds

**Appendix 3:** Whole of life costs

# BREAKOUT CREEK RESERVE PLAYGROUND

V05 22.03.17



Breakout Creek Reserve upgrade has been designed to create an innovative play experience that reflects the aspirations and philosophies being developed by the City of Marion for play and open space amenity. The project will deliver a local level open space destination, where individuals can play, socialise and recreate.

The playground has been designed to reflect the adjacent YMCA association and arterial path connecting to the Mike Turtur bikeway through the layout of the playground pathway access and equipment selections. The learners riding and scooting track connects the existing arterial pathway into the playground, whilst a secondary path entering from Butler Crescent has been provided to the edge of the playground for dog walkers.

Nature-based, creative and sensory play opportunities are provided through the scattered talking tubes, retention of the existing climbing tree and inclusion of natural logs reinforcing the natural aesthetic.

A gradient of challenge and age is represented across the playground transitioning from the more challenging climbing structure with a slide to the basket swing.

Accessibility is provided through the pathway network, rubber softfall adjacent equipment and the new disabled carpark to the carpark side entry to the playground.

Quieter areas for exploration and socialisation have been provided through a log seating circle and new picnic setting under the existing shade trees. Raised lawn mounds within the playground allows for elevated views and informal gathering as well as creating an undulating surface for the riding and scooting track.

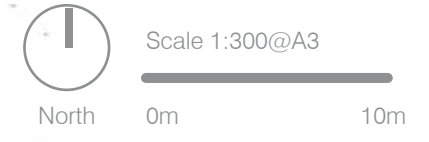
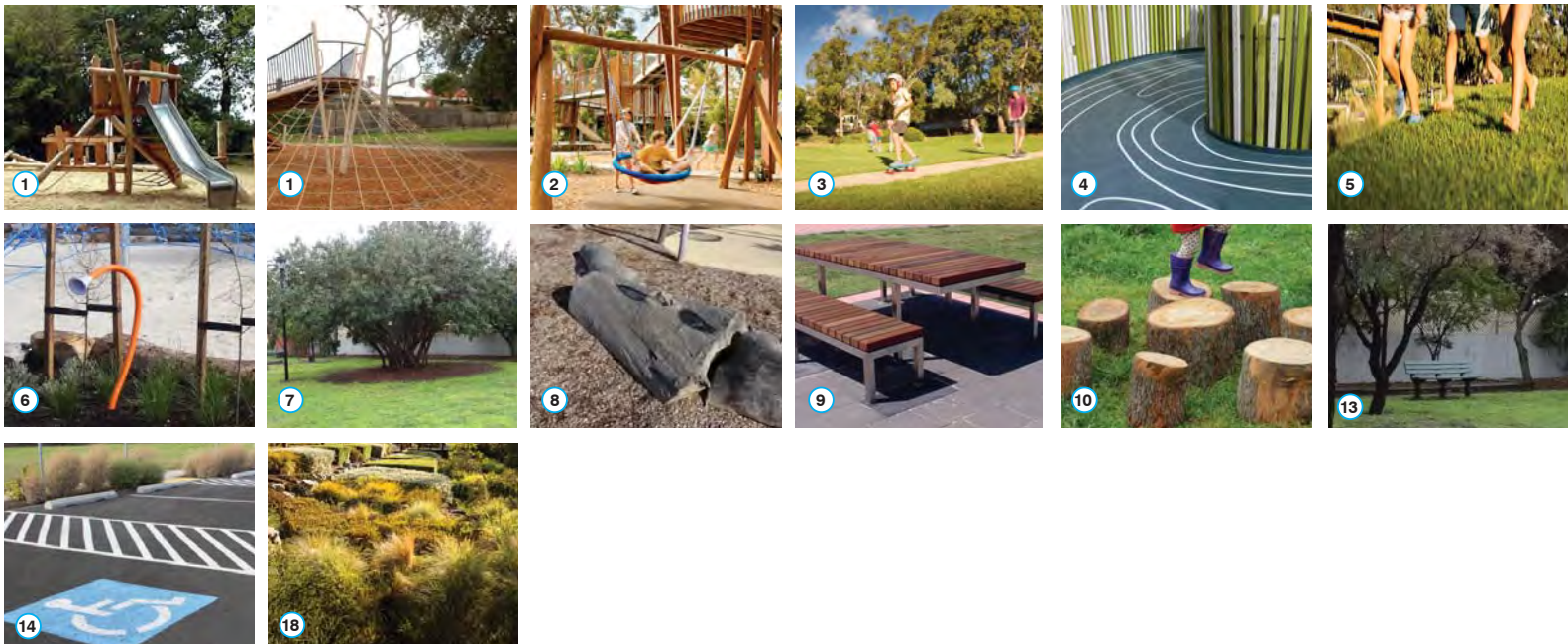
Buffer planting to Butler Crescent and the carpark will assist in separating the playground from the adjacent roadways whilst the modifications to the fence along Butler Crescent will increase connectivity whilst maintaining a physical barrier.

CONTEXT MAP



LEGEND

- 1 Timber platform with slide, rope net and climb wall
- 2 Basket swing
- 3 Bitumen loop riding/scooting track
- 4 Line markings
- 5 Turf mounds
- 6 Talking tubes
- 7 Existing climbing tree retained
- 8 Sitting/ balancing log
- 9 New picnic setting
- 10 Timber seating circle
- 11 Rubbish bin
- 12 Existing light posts retained
- 13 Existing bench seat retained
- 14 New disabled car park with shared use space & wheel stops
- 15 New entry to playground
- 16 Remove existing knee rails
- 17 Existing path
- 18 Buffer planting
- 19 Existing trees
- 20 New shade trees
- 21 Quarry fines mulch
- 22 Softfall mulch
- 23 Recycled plastic edging
- 24 Brushed concrete path
- 25 Irrigated turf
- 26 Rubber Soft Fall
- 27 New chicane entry to existing fence
- 28 Existing BBQ and picnic bench removed
- 29 New drinking fountain & dog bowl
- 30 Existing turf retained 'kick-about' lawn



# CLARE AVENUE RESERVE PLAYGROUND

V05 22.03.17



Clare Avenue Reserve upgrade has been designed to create an innovative play experience that reflects the aspirations and philosophies being developed by the City of Marion for play and open space amenity. The project will deliver a local level open space destination, where individuals can play, socialise and recreate.

The playground has been designed to respond to the community's needs and the existing site conditions including the steep slope towards Clare Avenue and Westall Way, the existing significant trees and the remnant native grasses bordering Tindall Crescent.

Nature-based, creative and sensory play opportunities are provided through the inclusion of natural materials, along with climbing and balancing logs and a rock mound.

A gradient of challenge is represented across the playground transitioning from the more challenging rotanet and 1.4m mound slide through to the riding and scooting loop path and junior timber rocker.

Accessibility is provided to a range of play equipment including the timber hammock, mound slide and rotanet through the new pathway network and use of rubber softfall. All abilities access is created through a compliant pathway connection to Clare Avenue.

A quieter area for socialisation has been provided through the inclusion of a basket swing and seating areas.

The irrigated lawn to the east of the playground provides opportunities for social and active play as well as protecting and separating the playground from the patch of native grass bordering Tindall Crescent. Raised lawn mounds act as a buffer to balls rolling down the slope from the adjacent lawn as well as allowing for elevated views and informal gathering.

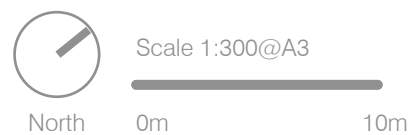
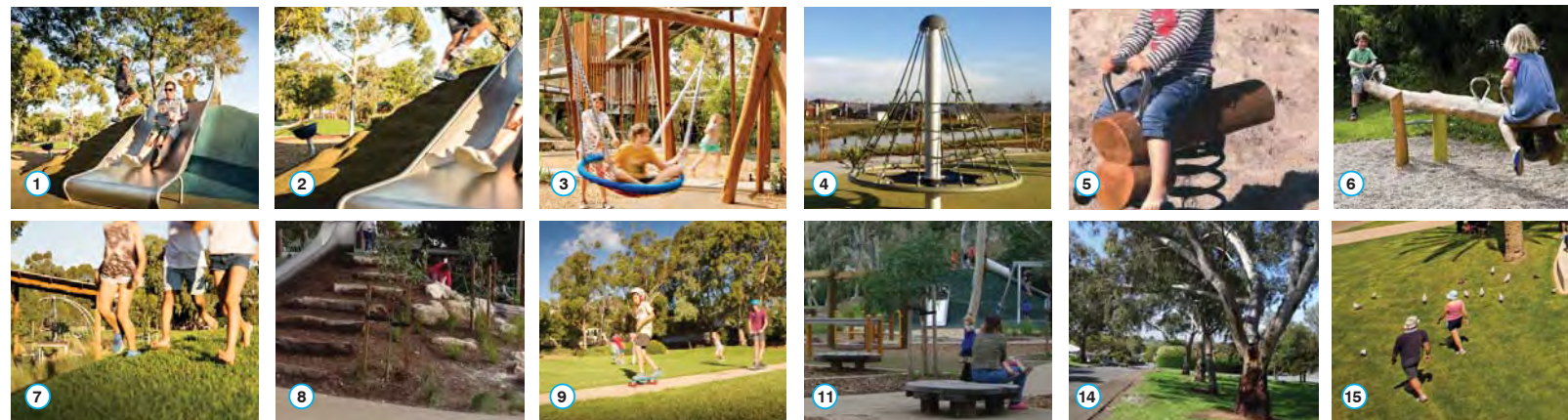
The playground is strategically located to the east of the existing significant trees and the inclusion of new trees within the playground will maximise opportunities for natural shade.

**CONTEXT MAP**



**LEGEND**

- 1 1.5m mound and 1.4m high s/s slide
- 2 Rubber softfall steps
- 3 Timber basket swing
- 4 Rotanet with rubber base
- 5 Timber rocker
- 6 Timber seesaw (4 person)
- 7 Turf mounds
- 8 Rock and timber log retaining to mound
- 9 Concrete riding and scooting loop
- 10 All abilities access path
- 11 Pod seat
- 12 Timber bench seat
- 13 New shade trees
- 14 Existing shade trees
- 15 Irrigated lawn and low
- 16 Retain existing native grass
- 17 Rubber softfall
- 18 Softfall Mulch
- 19 Relocated site rock



# SIXTH AVENUE RESERVE PLAYGROUND

V05 23.03.17



Sixth Avenue Reserve upgrade has been designed to create an innovative play experience that reflects the aspirations and philosophies being developed by the City of Marion for play and open space amenity. The project will deliver a neighbourhood level open space destination, where individuals can play, socialise and recreate.

The playground has been designed to reflect the adjacent Scouts Association and their connection to the reserve, with the Scout's emblem influencing the layout of pathway access and equipment.

Nature-based, creative and sensory play opportunities are provided through the water and sand play, with natural logs and a pebble lined swale reinforcing the natural aesthetic.

A diverse gradient of challenge is represented across the playground, transitioning from the more challenging climbing equipment in the sand pit to the elevated rock slide mound and ropes through to the quieter play area with a basket swing and spinning dish.

Accessibility is provided to a wide range of play opportunities including the raised sand and water play and rubber soffit access to the basket swing and slide mound.

Quieter areas for exploration and socialisation have been provided through log seating circle and pathways to discover through natural vegetation. A raised lawn mound adjacent the playground allows for elevated views and informal gathering.

The existing shelter will be replaced with a new shelter added to the Allison Street entrance with a new picnic bench and barbecue. A drinking fountain is located centrally within the playground.

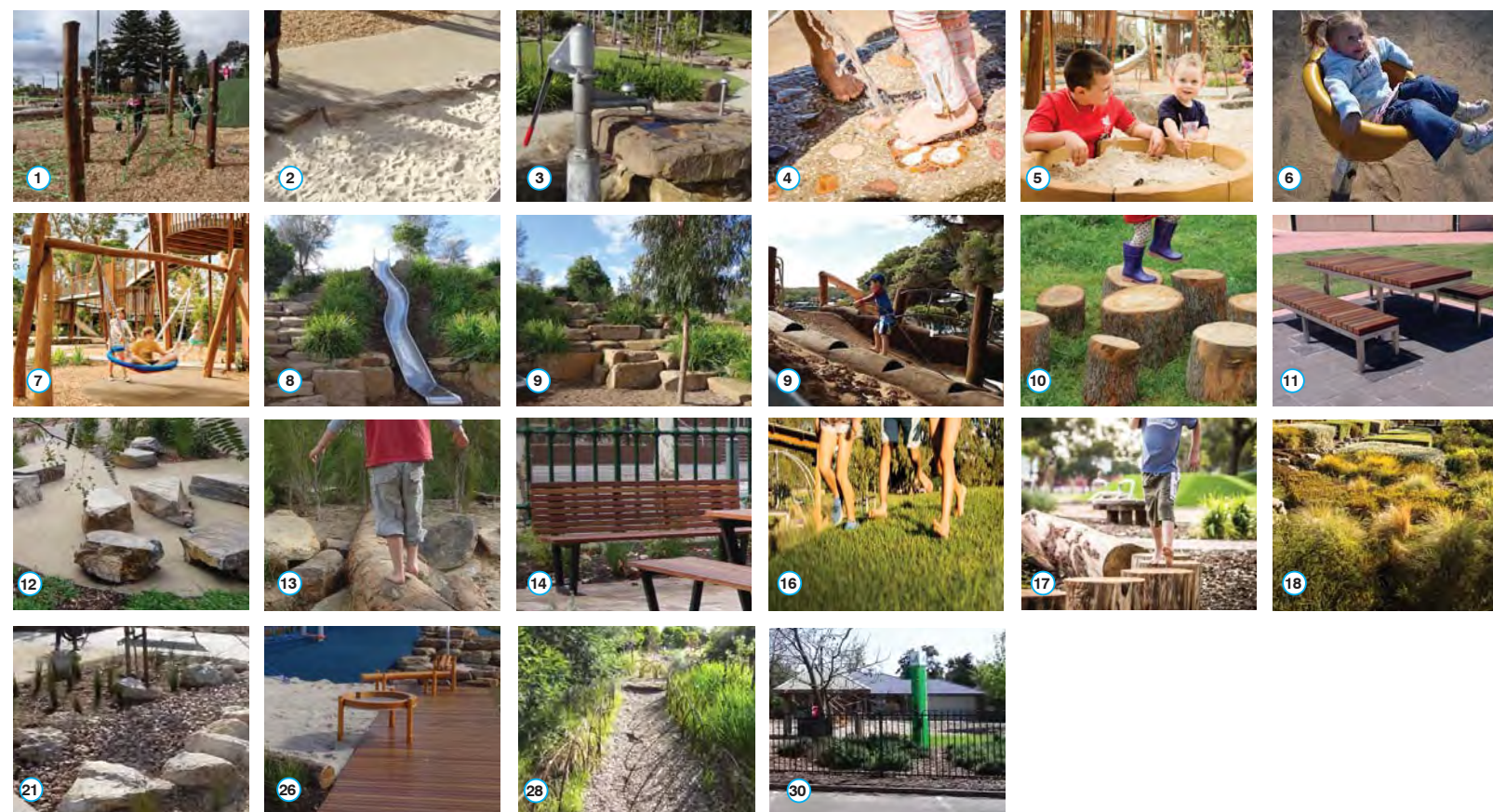
Buffer planting to Allison Street, the carpark and western boundary will assist in separating the playground from the adjacent roadways, whilst the removal of the fence to Allison Street will increase connectivity to the local community. The disabled carpark adjacent the southern entrances assists with all abilities access to the reserve.

**CONTEXT MAP**



**LEGEND**

- 1 Timber and rope climb
- 2 Log lined sand pit
- 3 Water pump onto rock
- 4 Rock and pebble lined rill
- 5 Raised sand tray
- 6 Spinning dish
- 7 Basket swing
- 8 1.6m mound with 1.8m slide & timber platform
- 9 Rope and boulder climb to mound
- 10 Timber seating circle
- 11 New shelter, picnic setting, BBQ & Bin
- 12 Seating rock
- 13 Seating/balancing log
- 14 Bench seat
- 15 Event/ Social Programming Lawn
- 16 Turf mound
- 17 Timber steppers
- 18 Buffer planting
- 19 Remove existing fence
- 20 Retain existing fence (remove northern gate)
- 21 Pebble and plant lined swale
- 22 Brushed concrete path
- 23 Rubber soffit
- 24 Soffit Mulch
- 25 New shade trees
- 26 Timber decking
- 27 Existing light post retained
- 28 Mulch path through planting
- 29 Existing trees retained
- 30 Existing sign relocated
- 31 Disabled carpark
- 32 Drinking fountain
- 33 Existing path to be retained



**DESIGN INFLUENCE**



Scale 1:300@A3



North

0m

10m



# GULLY ROAD RESERVE PLAYGROUND

V07 29.03.17



Gully Road Reserve upgrade has been designed to create an innovative play experience that reflects the aspirations and philosophies being developed by the City of Marion for play and open space amenity. The project will deliver a neighbourhood level open space destination, where individuals can play, socialise and recreate.

The playground has been designed to reflect the bluestone ravines of the nearby Gilbertson Creek in its materiality whilst also directly responding to the undulating nature and shade trees on the site.

Nature-based, creative and sensory play opportunities are provided through the water play and sand play, with bluestone climbing boulders and natural logs reinforcing the natural aesthetic.

A diverse gradient of challenge is represented across the playground transitioning from the 6m climb up to the pentagode net, bridge and connecting slide, the giant rock and basket swing through to the quieter play area with the sand pit and rotating dish.

An all abilities access path is provided from the northern corner of the car park and around the southern aspect of the playground providing access to a wide range of play opportunities including raised water play and raised sand trays and sound chimes. Rubber soffitall provides access to the basket swing and slide.

Quieter areas for exploration and socialisation have been provided through climbing logs under the central existing shade trees.

A new shelter, picnic set and all accessible BBQ have been located offset from Gully Road and is easily accessed from the new disabled carpark located to the northern end of the carpark.

A basketball and netball ring is located to the north west of the playground with a cricket pitch and bespoke rock wickets providing the opportunity for sport and active play.

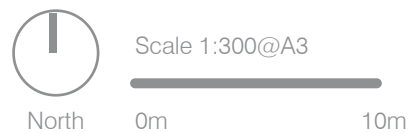
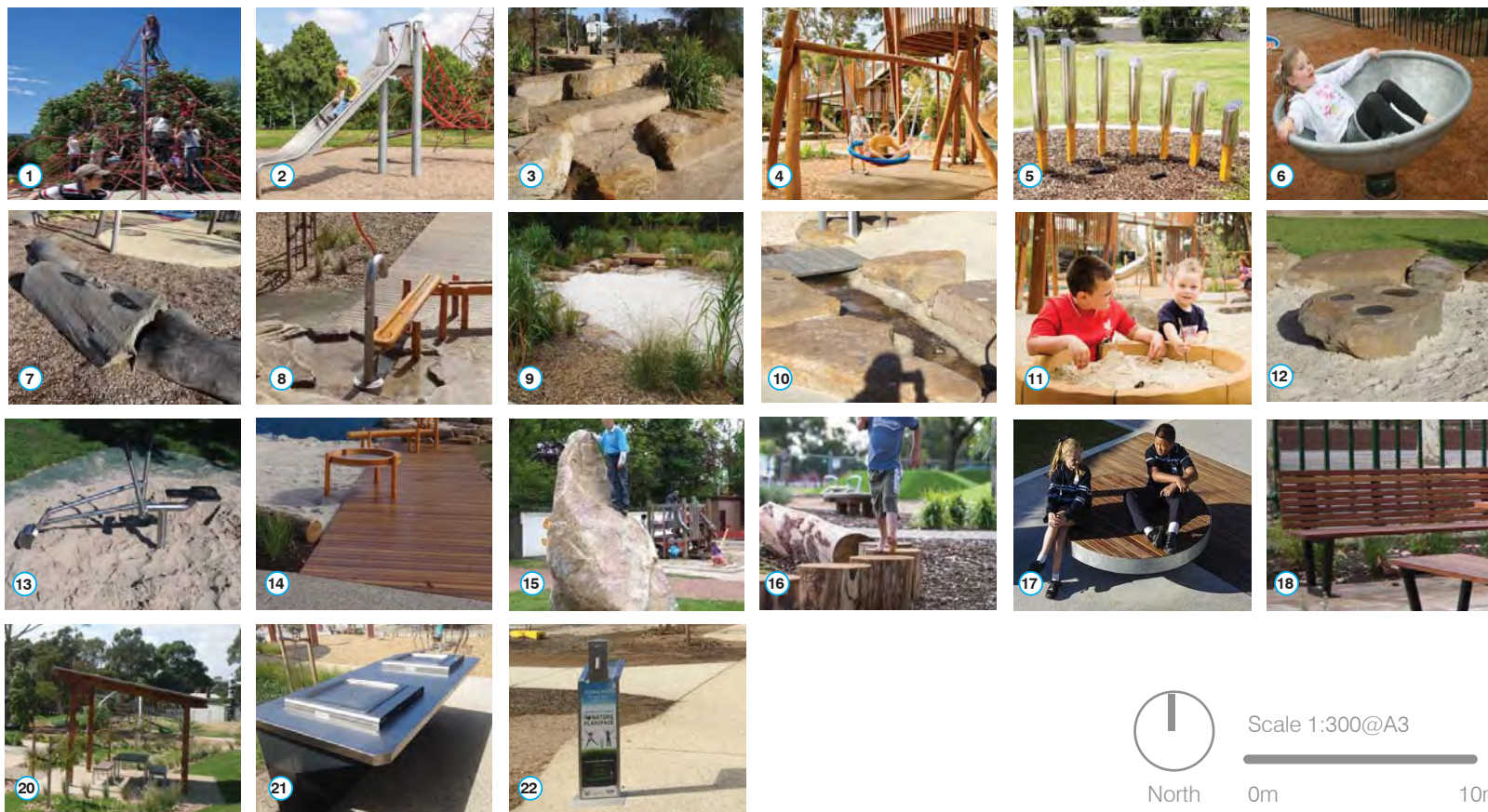
The existing play equipment is located in several locations throughout the Reserve and requires replacement. The most southern play equipment installation is to be removed and replaced with landscaping.

CONTEXT MAP



LEGEND

- |                                   |   |                                      |
|-----------------------------------|---|--------------------------------------|
| 1 6.0m pentagode net              | 13 Sand digger                            | 25 Concrete path                     |
| 2 Rope bridge and 1.5m high slide | 14 Timber deck                            | 26 Sofftall mulch with concrete kerb |
| 3 Bluestone Rock Embankment       | 15 1.5m high feature climbing rock        | 27 Rubber soffitall                  |
| 4 Timber basket swing             | 16 Timber steppers                        | 28 Native vegetation                 |
| 5 Sound pipes                     | 17 Pod seats                              | 29 Existing trees                    |
| 6 Rotating dish                   | 18 Bench seat with back                   | 30 New shade trees                   |
| 7 Balance logs                    | 19 Exeloo                                 |                                      |
| 8 Water pump onto rocks           | 20 New timber shelter with picnic setting |                                      |
| 9 Rock lined sandpit              | 21 All abilities access BBQ and bin       |                                      |
| 10 Water channel in rocks         | 22 Drinking fountain                      |                                      |
| 11 Raised sand tray               | 23 New disabled carpark                   |                                      |
| 12 Carved rock sand trough        | 24 Irrigated kick about lawn              |                                      |



# GULLY ROAD RESERVE COURT

V07 29.03.17



Gully Road Reserve upgrade has been designed to create an innovative play experience that reflects the aspirations and philosophies being developed by the City of Marion for play and open space amenity. The project will deliver a neighbourhood level open space destination, where individuals can play, socialise and recreate.

The playground has been designed to reflect the bluestone ravines of the nearby Gilbertson Creek in its materiality whilst also directly responding to the undulating nature and shade trees on the site.

Nature-based, creative and sensory play opportunities are provided through the water play and sand play, with bluestone climbing boulders and natural logs reinforcing the natural aesthetic.

A diverse gradient of challenge is represented across the playground transitioning from the 6m climb up to the pentagode net, bridge and connecting slide, the giant rock and basket swing through to the quieter play area with the sand pit and rotating dish.

An all abilities access path is provided from the northern corner of the car park and around the southern aspect of the playground providing access to a wide range of play opportunities including raised water play and raised sand trays and sound chimes. Rubber softfall provides access to the basket swing and slide.

Quieter areas for exploration and socialisation have been provided through climbing logs under the central existing shade trees.

A new shelter, picnic set and all accessible BBQ have been located offset from Gully Road and is easily accessed from the new disabled carpark located to the northern end of the carpark.

A basketball and netball ring is located to the north west of the playground with a cricket pitch and bespoke rock wickets providing the opportunity for sport and active play.

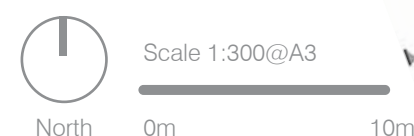
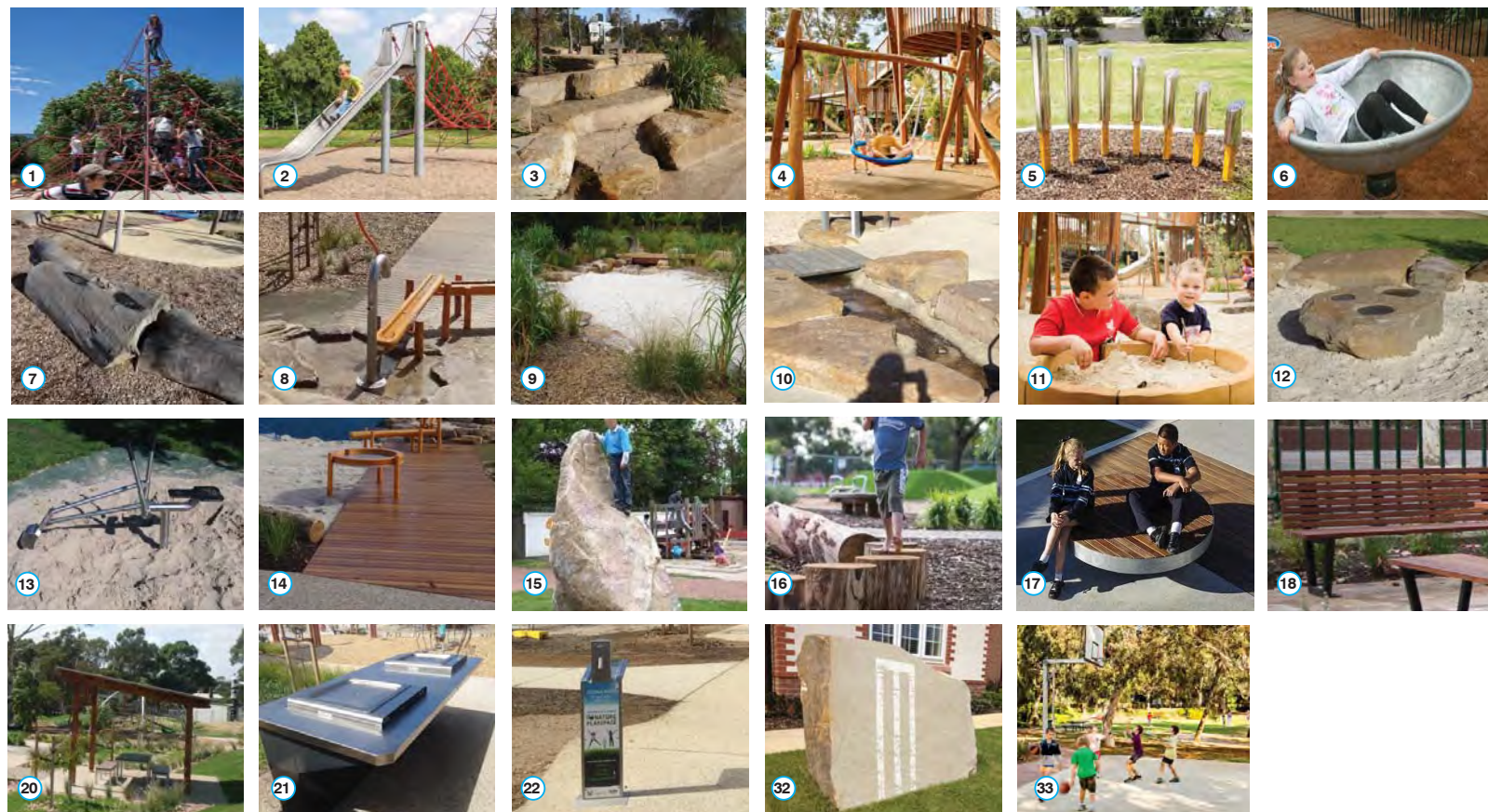
The existing play equipment is located in several locations throughout the Reserve and requires replacement. The most southern play equipment installation is to be removed and replaced with landscaping.

**CONTEXT MAP**



**LEGEND**

- |                                   |   |   |
|-----------------------------------|---|---|
| 1 6.0m pentagode net              | 13 Sand digger                            | 25 Concrete path                        |
| 2 Rope bridge and 1.5m high slide | 14 Timber deck                            | 26 Softfall mulch with concrete kerb    |
| 3 Bluestone Rock Embankment       | 15 1.5m high feature climbing rock        | 27 Rubber softfall                      |
| 4 Timber basket swing             | 16 Timber steppers                        | 28 Native vegetation                    |
| 5 Sound pipes                     | 17 Pod seats                              | 29 Existing trees                       |
| 6 Rotating dish                   | 18 Bench seat with back                   | 30 New shade trees                      |
| 7 Balance logs                    | 19 Exeloo                                 | 31 Cricket pitch line markings on court |
| 8 Water pump onto rocks           | 20 New timber shelter with picnic setting | 32 Extended feature rock 'wickets'      |
| 9 Rock lined sandpit              | 21 All abilities access BBQ and bin       | 33 Basketball half court                |
| 10 Water channel in rocks         | 22 Drinking fountain                      | 34 Netball ring                         |
| 11 Raised sand tray               | 23 New disabled carpark                   | 35 Existing bench retained              |
| 12 Carved rock sand trough        | 24 Irrigated kick about lawn              |   |





DRAFT

**Clare Avenue Reserve Consultation**  
Draft Design Community Feedback Report

March 2017

## Clare Avenue Reserve Consultation

### Community Engagement Summary

March 2017

Following the draft design of the Clare Avenue Reserve playground, the City of Marion recently sought the community's feedback.

The purpose of the engagement was to inform the community of the draft design and seek their feedback.

The survey was made available on line at [www.makingmarion.com.au/clare-avenue-reserve](http://www.makingmarion.com.au/clare-avenue-reserve).

The survey was distributed in the following ways

- A hard copy of the survey and reply paid envelope delivered to 15 households immediately surrounding the reserve
- Social media posts were placed on the City of Marion Facebook page
- Signs were placed at the reserve
- A parks and playgrounds newsletter was sent to a database of 432

The survey was open for 3 weeks – 30<sup>th</sup> January 2017 - 20<sup>th</sup> February 2017

We had a total of 6 people complete the survey.

A full summary of all responses to each question is provided within this report

Overall the draft design development of Clare Avenue Reserve playground has had a positive impact on the community and responses were constructive.

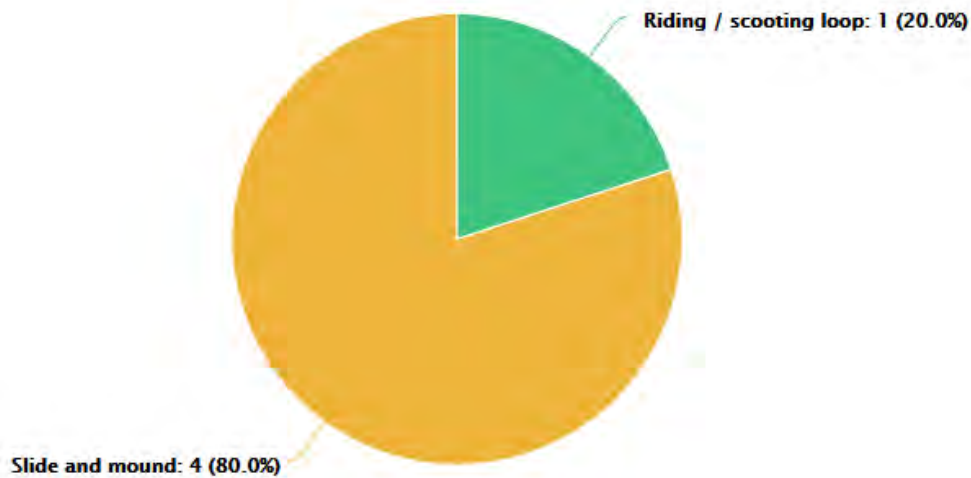
There were some key themes that emerged throughout the consultation and evaluation and these can be taken on board for the final design.

#### Overall summary of key themes received

Key Theme	Proposed Solution
Include more play equipment, increase size of scooter track, accommodate for all ages including more adventurous equipment	This local level development has a limited budget and this constraint limits some of these choices
Traditional swings raised as an option	Replace timber hammock with traditional swings
Increase seating	Seating options have been maximized within confines of budget
Artificial shade over playground	Shade is not currently considered in a local level playground. Tree plantings have been included to cater for increased shade provision.
Metal slide may become hot in summer	Investigate options for slide to be shaded or change in material.

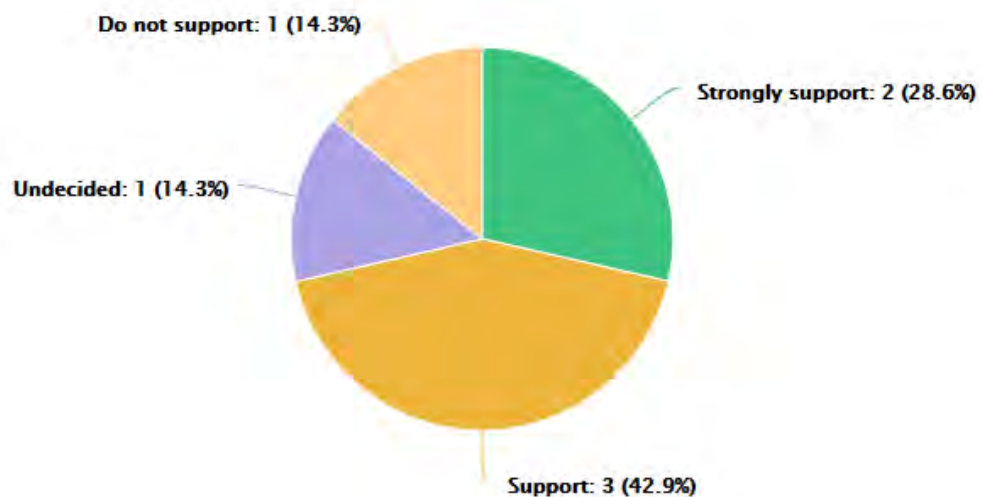
## Summary of feedback received

## Q1. What do you like most about the draft concept?



- The basic concept is not bad, but looks very much to be geared to majority younger children...there are lots of children with older siblings who need to be catered for.... maybe by introducing some more challenging aspects of climbing, scaling...extend cycling/ scooter track around the whole area of the park but still safely enclosed.
- This area does not have a majority of preschool children. I think this plan is geared to younger children and is not adventurous enough. The scooter track is not big enough.
- Seating
- "Seesaw highly support.
- Slide requires higher elevation, especially with the slope of hill available for development.
- Timber Rocker and Hammock not necessary."
- Seesaw great idea. Steeper, longer slide should also be considered(timber rocker not necessary). Need swings

## Q2. What is your level of support for the overall plan?



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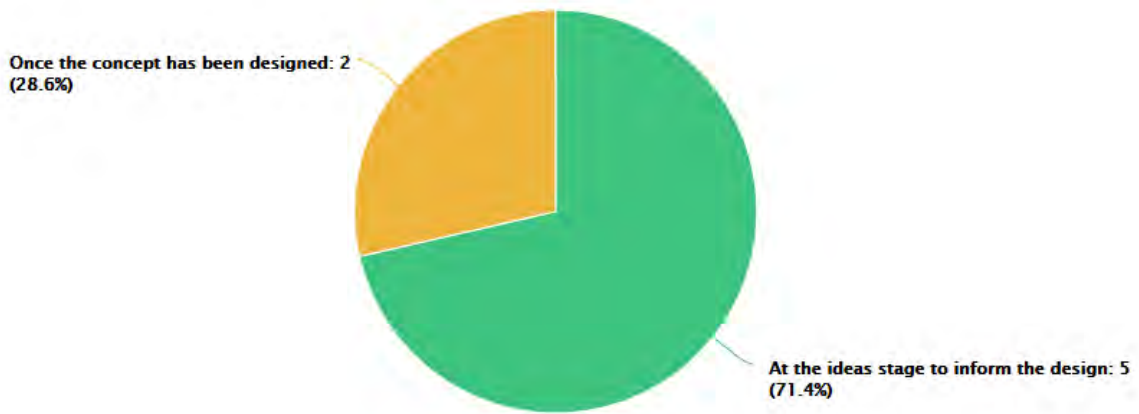
- Nobody is going to kick around a ball there, there's not enough room/it's too close to the road. You'd need to put a big net around the area to make it safe for kicking a ball around. And it looks like there's plenty of room for more equipment, don't waste the space! Fill it with equipment!
- As above...definitely support an upgrade, thank you so much for doing this absolutely vital that it doesn't fall short though. Please do consider the older children. I believe this could be successfully achieved.
- I most definitely support an upgrade and congratulate Council on undertaking this long overdue proposal.... but I think it misses the mark regarding the age demographic for this area. I agree that younger children need to be catered for, but older children most certainly need to be given great consideration and provide some stimulating, adventurous play space
- I have spoken to local MP's for years about the need for upgrade our park so we are thrilled this is going ahead! Our two little boys can't wait! There are so many young families that live nearby who will benefit from the upgrade.
- "Highly support with the recommendation I have made
- The park is a godsend for me and my children especially when we require an easy fun outing at no expense
- It's an excellent energy burner"
- Strongly support with improvements. The park is a god send for my children and I, especially when we require an easy, fun, outing at no expense. Excellent energy burner.

**Q3. Are there any items of the plan you would like to see improved?**

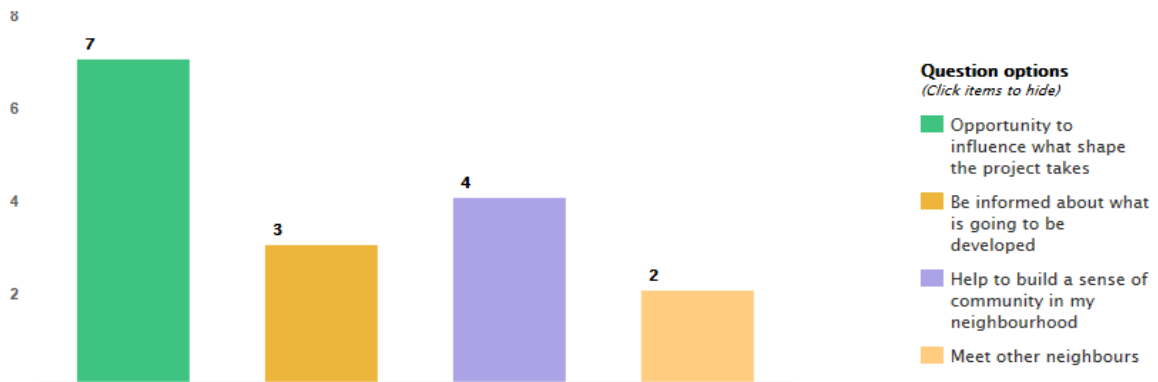
- More! More equipment, less open area
- "The main play area looks quite centralised and confined...not sure if there is enough seating?
- I value the opportunity to be involved in all stages of the process"
- To extend on what is already proposed, provide some larger cycle/scooter space and some creative , adventurous activities
- "Like to see more seats in the park away from playground equipment where we can just sit.
- If there can be shade over slippery dip that would be good.
- Have some consideration for sports equipment such as soccer nets or basketball hoops."
- I didn't see anything about swings on the plans? As a mum of young children who live directly opposite the park it would be devastating if there wasn't a swing set as part of the new development.
- "I strongly believe the hammock should be removed
- And replaced with swings or similar to the round rope swing located at Adams road dog park
- Swings are awesome for younger and older kids"
- I think the hammock should be removed (strongly believe) and replaced with swings or similar to the round rope swing at Adams Road (dog park). Swings are a blessing for young and older children.

**Q4. At what stage of the process do you value being involved in the consultation?**

1. At the ideas stage to inform the design
2. Once the concept has been designed
3. Updates on playground construction



**Q5. What do you value about being part of the consultation process?**



**Question options**

*(Click items to hide)*

- Opportunity to influence what shape the project takes
- Be informed about what is going to be developed
- Help to build a sense of community in my neighbourhood
- Meet other neighbours



DRAFT

**Gully Road Reserve Consultation**  
Draft Design Community Feedback Report

March 2017



## Gully Road Reserve Consultation

### Community Engagement Summary

March 2017

Following the draft design of the Gully Road Reserve playground, the City of Marion recently sought the community's feedback.

The purpose of the engagement was to inform the community of the draft design and seek their feedback.

The survey was made available on line at [www.makingmarion.com.au/gully-road-reserve](http://www.makingmarion.com.au/gully-road-reserve).

The survey was distributed in the following ways

- A hard copy of the survey and reply paid envelope delivered to 26 households immediately surrounding the reserve
- Social media posts were placed on the City of Marion Facebook page
- Signs were placed at the reserve
- A parks and playgrounds newsletter was sent to a database of 432

The survey was open for 3 weeks – 13<sup>th</sup> February 2017 – 6<sup>th</sup> March 2017

We had a total of **19** people complete the survey.

A full summary of all responses to each question is provided within this report

Overall the draft design development of Gully Road Reserve playground has had a positive impact on the community and responses were constructive.

There were some key themes that emerged throughout the consultation and evaluation and these can be taken on board for the final design.

#### Overall summary of key themes received

Key Themes	Proposed Solution
The design should allow for dog access through the park in adherence with council policy	The design will be reworked to ensure dog walkers can access through the reserve 5 metres from the playground equipment <ul style="list-style-type: none"> <li>• Relocate BBQ and Shelter</li> <li>• Relocate some play equipment</li> </ul>
Separation of dogs from children's play	Vegetation will be planted to protect the edge of the sandpit and provide a separation from dogs
Access to houses from John Street may be restricted close to the BBQ	BBQ and shelter relocated closer to the car park
Re-use rockers	To conform with safety and playground standard the rockers cannot be reused.
Shade to cover the metal play equipment including slide	Shade will be considered in the final design and the steel play equipment will be reviewed

Sound pipes are not a necessary item	Consideration will be given for replacement of sound pipes
Irrigation of Gully Road Reserve should be reviewed	The intent of irrigation of The reserve will be clarified
Car park use may outgrow available spaces	Car Park use will be monitored and reviewed once the playground is open.
Public toilet concerns	See FAQ's below

**Public Toilet FAQ's****Where has the need for a toilet at Gully Road Reserve come from?**

Through a public toilet review process, Council resolved to place a toilet at Gully Road Reserve. A public toilet was also requested through the community consultation process.

**What times will the toilet be open?**

The toilet will be open during daylight hours and will be pre-programmed to lock and unlock around these times.

**How will the toilet be cleaned and maintained?**

The toilet has an automated floor and seat clean after a pre-determined number of uses. Further cleaning and maintenance will be carried out 3 times a week or as requested.

**Will the toilet be safe?**

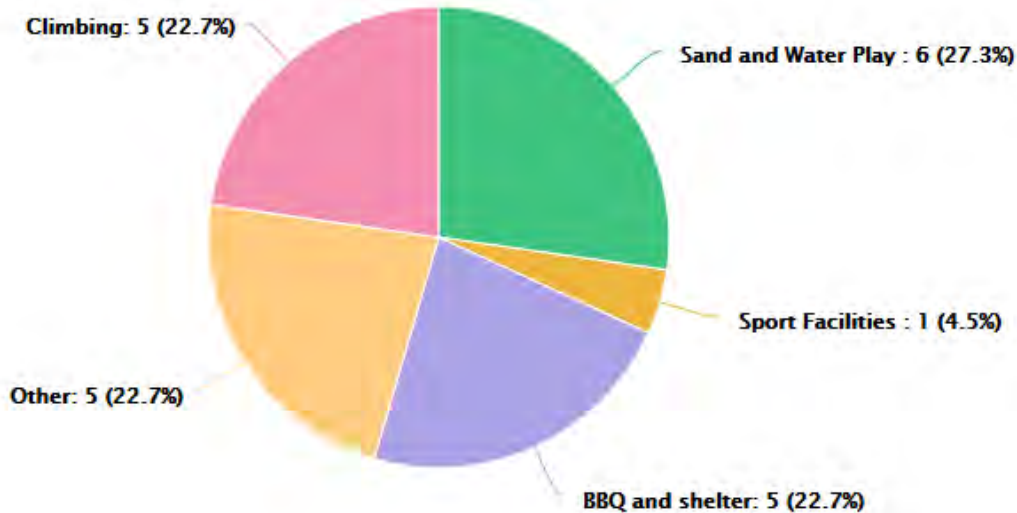
The toilet has a restricted use time. If an occupant is in the toilet for more than 10 minutes an alarm will sound and the unit will open. The proposed toilet location has been selected to ensure passive surveillance from passing foot and vehicular traffic.

**When will the toilet be installed?**

The toilet will be installed as the playground is constructed.

## Summary of feedback received

## Q1. What do you like most about the draft concept?



Other items include:

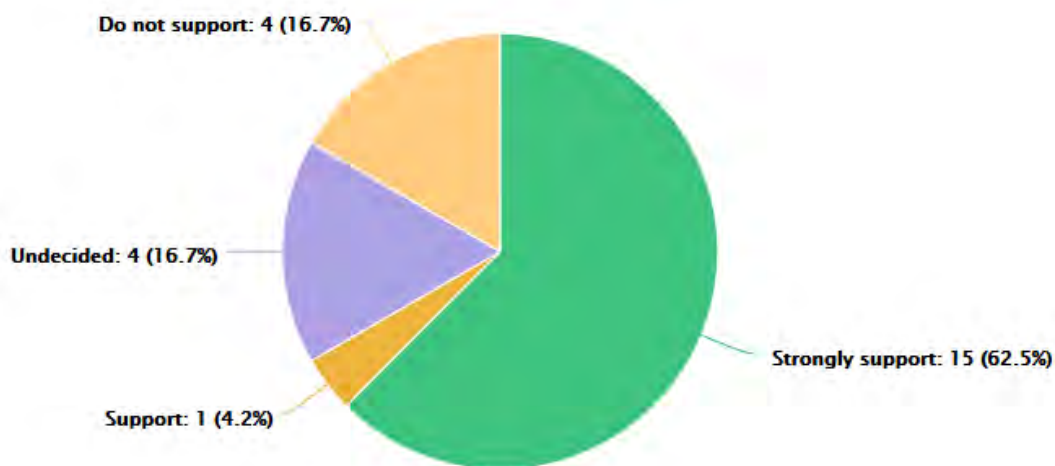
- Irrigated lawn and paths
- Irrigated area
- New Shade Trees
- General amenity
- We love everything about the concept especially the inclusion of toilets

Comments included:

- My concern with the sand would be dog poo as many people walk their dogs through the park but often don't pick up after them. If the sand pit is fenced it would help. The basketball half court and netball ring are wonderful ideas. We would use these a lot.
- I'm concerned that the inclusion of a toilet will attract drunken behavior that has occurred at other parks.
- Great exercise for the kids
- The plans are well considered and respond well to the parks setting. Thank you to all involved. We have a toddler, and a baby due in 4 weeks - this will make a genuine impact in our life. I look forward to meeting more of our community through being at the new park!
- Great mix of facilities looks fantastic
- "The sport facilities are much needed in this area, but serious consideration should be given to include a bike track around the whole area, similar to the new Plympton play area. There are many children in this area who would benefit from a safe flat area to ride their bikes/scooters.
- Consideration should also be given to using the basketball area as a scooter area with slight ramps, similar to Plympton again. "
- We live in John St. and take our 3 yr old to Jervois Street and Glenelg parks so he can play with the water pump and sand pit areas. He loves them and would happily play in those areas for hours. So very happy to see something similar in the plans for John St.
- Concern is the dogs & cats in the area will use it as a place too poop if it's not fenced in
- I love the cricket stumps

- All of the above, would be wonderful to have kids birthday parties there. Needs toilets though!
- Irrigate only the kick about and not the rest of the Gully.
- No comment - but this facility will severely affect my property. See point 3.
- (All of the above) New fencing to park and houses along/adjoining that strip ie next to park and neighbour house.
- Fantastic proposal and will definitely enhance this area.
- I'm most impressed with the total "package", especially the play spaces and integration and reflection of nature.
- Native vegetation and lawns watered during summer is most important. If automatic sprinklers are not turned on the park is very dusty on windy days.
- No comment as I shall not be using the facility. However, it will affect my property. See point 3.
- I like most of the concept and support initiatives that promote more exercise.
- Please don't get rid of the pelican and chicken bouncers. My daughter is obsessed with them. We drive past them daily so she can say hello. It will break her heart when they are gone.
- My only concern is that in the photos the slide and spinning equipment is of steel which is not user friendly in summer.

**Q2. What is your level of support for the overall plan?**



- It looks great. My children would love it.
- Need to protect young children from aggressive dogs and dog droppings by fencing an area where parents and young children feel safe.
- Such a great area for development
- Thrilled. Absolutely thrilled by this concept!! Thank you.
- I really love the design on the park and all the features however I use the park daily to walk my dog and I know a large number of local residents also use it for this purpose. It has been how I have connected to so many in the close community. I know it is not a dog park as such but having the new play space stretch from the car park to john street totally blocks the walking flow up and down the Gully which is what I strongly oppose as it cuts the natural flow and shape. If you monitor the Gully daily you will see so many of the community use it in this way and it would be a real shame to lose this. I feel it would be better to have the play space to one side closer to car park so walkers can still walk through the Gully without having to go onto the road half way through.

- There are several elements that don't offer any value:
  - 5. Sounds pipes
  - 9. Rock lined sandpit (great for small kids, but remembering there are many dogs walked along this reserve and will probably use the sandpit to relieve themselves.
- If the entire plan were to be completed, it more than exceeds our expectations of what would be built in the reserve. I think it's a great plan with something for everyone and with two small children (the eldest who is bored with the old play equipment), we are looking forward to this as a fun place for our kids to play.
- Some excellent ideas, needed to be upgraded current worn and un appealing
- This facility will severely affect my property - see point 3
- Do not support as park will not be irrigated except around play areas. Plus my asthma will get worse due to the dust.
- I have a major concern for area 20 and 21 (picnic setting and BBQ) location as there is No partition or fence from John street - poses a threat and safety issue for small children as it is too close to John street.
- The addition of a toilet could attract unwanted behavior. Younger children 0-5 have been ignored. No fenced baby swing. Most new playground have a safety fence in one area.
- This development will severely affect the use and enjoyment of my property. See point 3.
- The new development will be an asset to the area - as long as it is well maintained.
- Please don't get rid of the pelican and chicken bouncers. My daughter is obsessed with them. We drive past them daily so she can say hello. It will break her heart when they are gone.

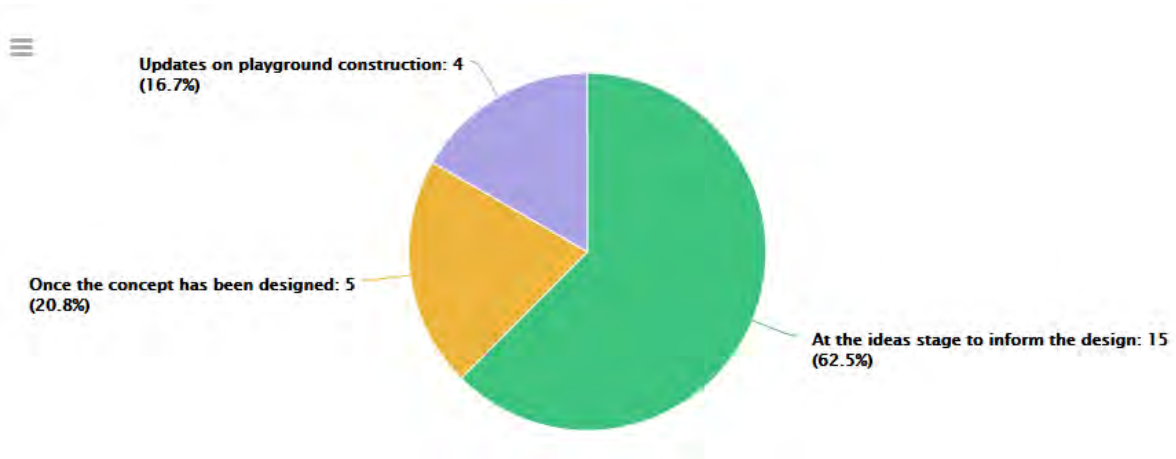
<p><b>Q3. Are there any items of the plan you would like to see improved?</b></p>
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- A fence around the sand pit (if it doesn't already have one)
- The plan excludes 0 to 5 year olds. The park is mostly used by dog walkers who do not clean up after or stop their dog from fighting with other dogs.
- Not keen on the sand and water play
- As mentioned above- not having the play space stretch from 1 Road to the other cutting the park in half and therefore ending the walking flow up and down that so many of us use it for- I hope you have seen and understood how it is currently used by most and that is considered so that walkers still have a way through
- The rope climbing ladder is very tricky for kids of all ages.
- Every child wants to go on the slide, but it won't be used if the rope ladder remains.
- A big shaded area is a must.
- There are trees for shade but they are too far away from the area.
- A small traditional playground area should be included, which could include a fort/castle type area. Kids will always flock to somewhere they can be higher.
- A flying fox is always a popular item, and this park has the room to include one.
- Perhaps a fenced area around the main facilities? I know it would look better without it, but a fence not only would keep the many dogs that visit the park out of things like the sand pit (and leaving a surprise for kids), but also keep little ones from running off as the roads either side are quite close.
- Perhaps reduce sand play areas and provide bike track around reserve (encompassing) as the beach is not too far away and nowhere to ride bikes because of the steep hills
- Toilet facilities.
- My toddler loves the tunnel and slide at jervois st reserve - would love to see those.
- I would like to see the pelican rocker preserved and incorporated somehow - many memories attached to that rocker for local residents!

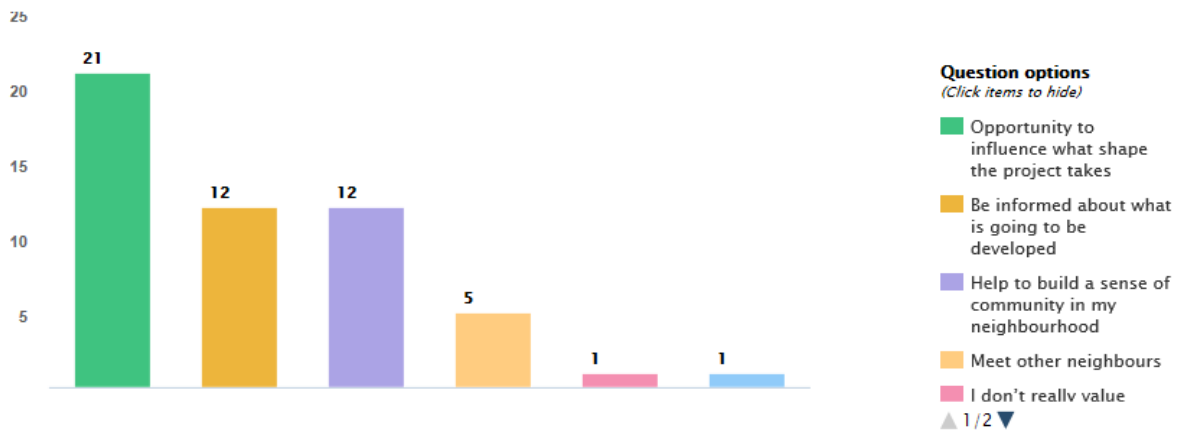
- -flat grass space for kicking a footy/throwing ball for dog (since the path was added a few years back the park hasn't been the same)"
- All looks good. Time will tell.
- The BBQ area appears to be directly opposite my driveway. Human nature would suggest that people will be reluctant to walk across the reserve from the carpark carrying chairs & eskies etc. and will want to park near the BBQ on the road. This will make it very difficult for me to exit/enter my driveway, as well as being illegal as there is a solid white line along that stretch of road due to the hill and bend. The road is also very narrow. I suggest that the BBQ is moved to the other side of the reserve nearer to the carpark (there MUST be electricity access over that side too!) or build a fence along the roadside at that point in John Street to discourage people from parking there. People already park there now and again and I feel that this will only make the problem worse. Several driveways will be impacted by this and it may serve you well to contact the owners of those properties before proceeding.
- More trees and lawn area. No toilet and a fence for younger children to be kept away from the dogs.
- The BBQ and picnic area needs a screen or partition or fence so small children cannot run onto the road while parents are pre occupied cooking/preparing food or the picnic/BBQ area needs to relocate AWAY from John street where cars come tearing down.
- Would like to see an enclosed area for people who don't want to deal with constant problem of aggressive dogs when wanting to bring babies and young children to the park.
- The BBQ area appears to be situated directly opposite my driveway. As human nature would predict that people will want to park as near to the BBQ as possible it is possible that cars will park opposite my driveway making it very difficult for me to enter/exit. Suggest moving BBQ area to the other side nearer to the car park.
  - People will not want to carry picnic equipment (chairs etc) from their cars across the reserve to the BBQ. It makes more sense to place the BBQ nearer to the Car park.
  - In addition it is illegal to park on that section of road as there is a solid white line due to the bend and hill in the road, which is also very narrow. A fence along that section will also discourage people from parking there."
  - I strongly advocate a move for the shelter, picnic setting and barbeque. This should be positioned adjacent to the car park. Human nature being what it is, the proposed positioning of this feature adjacent to the John Street roadway means that users will be enticed to park along the roadway, and not in the carpark. John Street is not a wide thoroughfare, and that section adjacent to the proposed position of the shelter is at the bottom of a steep hill, and just past a bend, which has caused some narrow escapes by vehicles in the past. The sightlines around the John Street bend are not good. With a clutter of cars along the roadway, the possibility of an accident will be heightened. Placing the shelter midway along the Eastern edge of the car park, between the two large existing trees, would promote the use of the car park for visitors, and provide additional shade for people using the barbeques. The area could be joined to the South-Western bend in the pathway where the plan shows a drinking fountain (#22).
- Has there been any assessment of whether the size of the current car park is sufficient? a danger is excessive cars parked near the Hill Street intersection.
- slide and spinning equipment not made of steel

<b>Q4. At what stage of the process do you value being involved in the consultation?</b>
--

4. At the ideas stage to inform the design
5. Once the concept has been designed
6. Updates on playground construction



**Q5. What do you value about being part of the consultation process?**



- I live on John St, so I get to experience the pleasure of people walking/exercising and enjoying this area.
- Also, so of the fencing enclosing the linear park and houses poses a safety hazard and needs to be upgraded or replaced. Looking from the park the fences are visually an eyesore and falling down and lack privacy."



DRAFT

**Breakout Creek Reserve Consultation**  
Draft Design Community Feedback Report

March 2017



**Breakout Creek Reserve Consultation**

## Community Engagement Summary

March 2017

Following the draft design of the Breakout Creek Reserve playground, the City of Marion recently sought the community's feedback.

The purpose of the engagement was to inform the community of the draft design and seek their feedback.

The survey was made available on line at [www.makingmarion.com.au/breakout-creek-reserve](http://www.makingmarion.com.au/breakout-creek-reserve).

The survey was distributed in the following ways

- A hard copy of the survey and reply paid envelope delivered to 13 households immediately surrounding the reserve
- Social media posts were placed on the City of Marion Facebook page
- Signs were placed at the reserve
- A parks and playgrounds newsletter was sent to a database of 432

The survey was open for 3 weeks – 13<sup>th</sup> February 2017 – 6<sup>th</sup> March 2017

We had a total of **8** people complete the survey.

A full summary of all responses to each question is provided within this report

Overall the draft design development of Breakout Creek Reserve playground has had a positive impact on the community and responses were constructive.

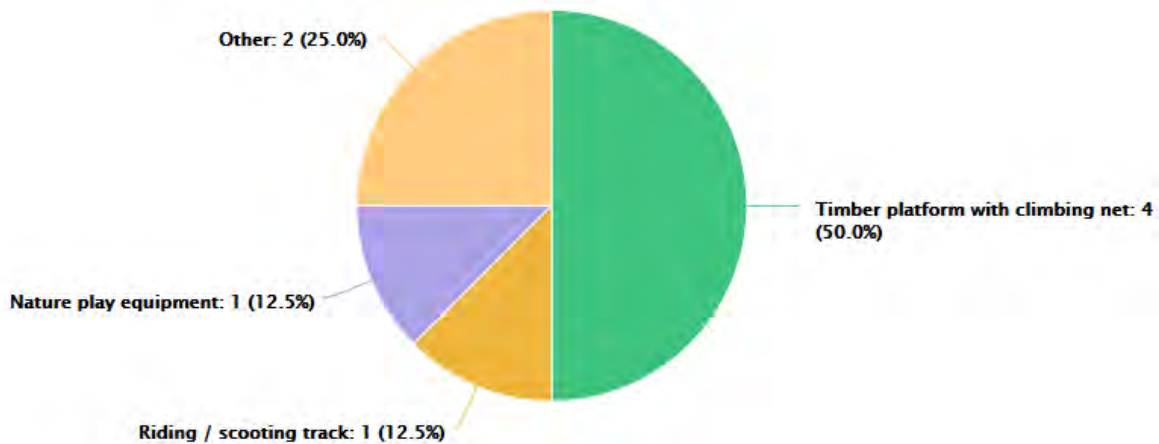
There were some key themes that emerged throughout the consultation and evaluation and these can be taken on board for the final design.

**Overall summary of key themes received**

<b>Key Theme</b>	<b>Proposed Solution</b>
Increased Shade	Existing trees will be retained with an additional level of tree planting. The proposed service level of local level playgrounds does not include the provision for artificial shade.
No consideration for additional Car Parking Traffic and parking issues will arise	It is not expected that this local level playground development will attract more visitors to the playground. However, the car parking and traffic issues will be monitored throughout the development.  Traffic signage will be reviewed.
Blackboard is not required	The play equipment will be reviewed.
Fence should be retained	The council will work with the playground designers to retain the fencing along Butler Crescent

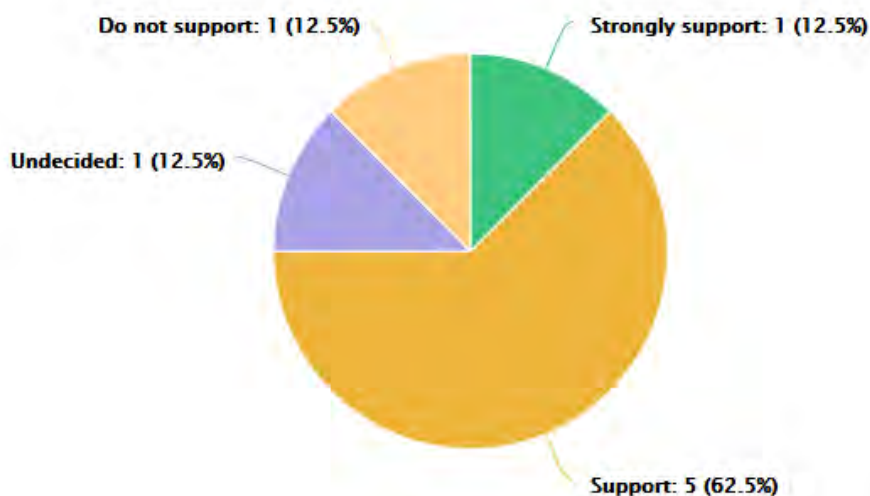
Will the gate remain at the entrance to the carpark?	This gate will remain
Is it possible to add steps to the slide	Council will work with the playground designer to discuss options.
Thoroughfare to pathway (27) may present a danger to children as they are not stopped from cycling on to Butler Crescent	Both entrances on Butler Crescent will be fitted with chicanes. This will ensure cyclists dismount before entering Butler crescent and promote bicycle access from a different entrance.
Canary Palm causes some disruption to neighboring priority and may be present safety issues.	The palm has been referred to council arborist for follow up
Raised areas may impinge on neighbouring privacy	Council will liaise directly with affected neighbours.
The playground does not blend with the environment	The material selection provides for a natural aesthetic and equipment and facilities are integrated into the landscape.  There is room within the reserve for kick about areas.

## Summary of feedback received

**Q1. What do you like most about the draft concept?**

## Comments included:

- Retaining the existing trees.
- There appears to be no consideration of the additional car parking requirement that will be needed. In fact, it appears one of the existing carparks will become a new disabled park, further reducing those available to YMCA users
- I like all aspects of the playground
- Please include another 'equipment piece' or a few other smaller pieces. Please include shade as the current playground has poor shade during most of the day.
- I like the additional shaded areas and the play area.
- All of the above. I like all aspects except the blackboard. This would seem to provide an opportunity for graffiti and I wonder how a supply of chalk is to be maintained. Perhaps a tic-tac-toe or an abacus could replace it.

**Q2. What is your level of support for the overall plan?**

- I live on Butler Cres, directly opposite the YMCA. Carparking is currently a significant problem for both residents and users of the YMCA and this will only be worse with a new playground that will put extra pressure on the existing parking.
  - I often can't get a park in front of my house and need to park several houses away
  - I have had to complain to YMCA staff several times as users of the YMCA are parked partially across my driveway
  - People park in front of the rubbish bins on Tuesdays and they are then not picked up by the contractors
  - There are 2 parks in front of residents houses but many people park in the middle of the parks, making it only available to 1 person
- This will enhance the facilities of the park, for local families.
- Please include shade and fencing.
- The play area does need an update - However with the big plans in place I believe the council must make room for additional parking for the additional crowds the upgrades will attract. Particularly after school time. I don't support the idea of the YMCA and our 600+ members having to share such a small parking space now with the public. It will create a lot of tension and frustration between the locals, YMCA, Marion Council and the potential families you are hoping to attract.
- I support improvements to the playground but I am concerned about removal of fence and the limited parking within the YMCA car park and on Butler Crescent. I also think additional signage is necessary to slow traffic to 25mph when children are present from the Maxwell Terrace corner to the end of the playground area. Current sign indicating Children's Area is hidden in the trees.
- Overall it looks terrific and a really good location. Would be helpful to have a little more equipment/activity for younger children and especially those with mobility and vision disabilities. Kids still love traditional swings!

**Q3. Are there any items of the plan you would like to see improved?**

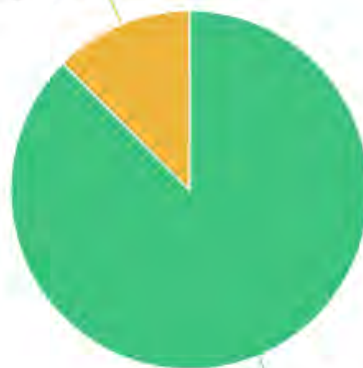
- I would like a carpark plan to accompany the playground proposal to ensure residents aren't further impacted. This is long overdue as the YMCA has become more popular in recent years, yet the carpaking has remained unchanged. In particular
  - The parking signs are obscured by trees
  - The yellow lines on the West side of Butler street as very faded... do they need to extend as far as they do South?
  - The parking signs on the West side are also very faded
  - Can the layout of the existing park be changed to accommodate more cars?
  - Can the rubbish bins be picked up early on Tuesday morning so cars can park there say after 9am.. currently we are told the bins need to be out from 7am but are not normally picked up until 3-4pm
  - I would appreciate being contacted (by phone or email) my feedback has been received and advised what actions will be undertaken
- The removal of the fence is not a good idea, as its presence prevents those children playing there to be able to run onto this busy road. Also as it is an already well utilized area because of the activities of the YMCA by many people, eg Kindergym, group fitness classes, and on some occasions birthday celebrations. So there is always a shortage of car parking. There will need to be some form of speed restrictions of some nature, during daylight hours, due to the extra number of people using the playground. eg: 25kph if children present, as there is with schools.

- Please fully fence the playground. Or fully fence the breakout creek reserve with gates at all entrances - even down the other ends of the lanes. Please include large in ground trampolines for families to jump together. Please include large shade.
- Will the gate remain? It's closure at night is an existing condition of approval of use of the hall.
  - I think the blackboard is unnecessary and will be vandalised - it is a target.
  - Hopefully, the rose garden will remain after the new entrance to the bikeway connection is made."
- Needs bins and recycling bins - wastage area.
- Needs additional parking close by for the families to park.
- Between the hours of 3:45 and 7pm Mon-Fri, as well as Saturday 9am - 12pm. there is no extra parking room for families wanting to visit the park."
- I have concerns about the removal of existing fencing. Butler crescent is a busier than normal street because of YMCA activities and due to the fact that there are no speed restrictions on it (eg chicanes, speed bumps) as in other local streets. Removing the fencing makes it easier for small children to get onto the road which is dangerous.
- Yes. Would it be possible to put in a smaller slide with steps leading up to it. We have a 4yr old grandson with severe vision impairment and the majority of smaller slides have ladders which he (and other vision impaired children) have trouble negotiating and so don't use the slide. There doesn't appear to be a lot of equipment that children with disabilities or developmental delay can use.
- It would be great if an extra piece of equipment could be incorporated that is suitable for older children and teenagers e.g. a climbing wall or climbing ropes that go up to a platform.
- Also, the turf mounds look great - fabulous idea!"

**Q4. At what stage of the process do you value being involved in the consultation?**

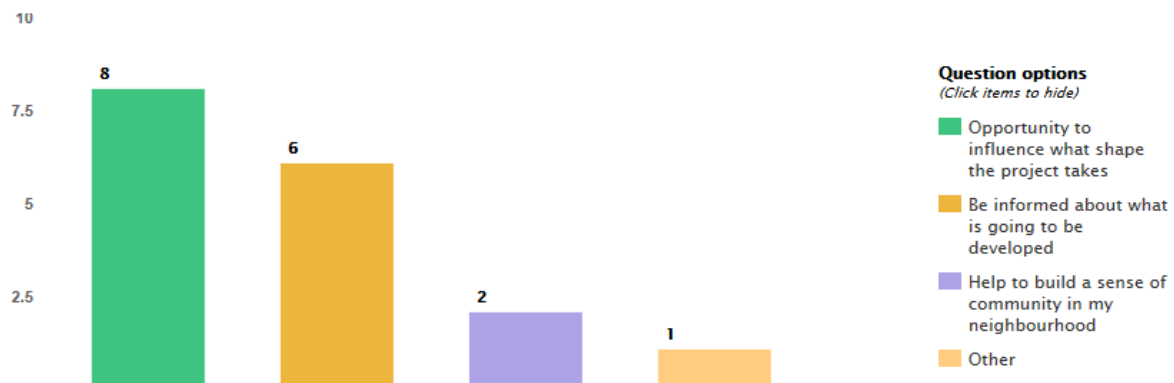
7. At the ideas stage to inform the design
8. Once the concept has been designed
9. Updates on playground construction

Once the concept has been designed: 1  
(12.5%)



At the ideas stage to inform the design: 7  
(87.5%)

**Q5. What do you value about being part of the consultation process?**



**Additional Community Comments Via Email**

Thankyou for the opportunity to comment on Breakout Creek Reserve Playground Upgrade concept.

My opening comment is the playground is not in the middle of a large open space. It is adjacent to a busy road, a curved road which makes it difficult to see approaching traffic.

**17 - Fencing**

Childrens safety is paramount.

Existing fencing on Butler Crescent should be retained or replaced with a new fence.

Parents and guardians cannot be expected to watch their child at all times. Distractions do occur.

I have seen children playing on and around existing palm tree, which abuts Butler Crescent and neighbours property.

I have also seen children playing against fence.

Also, people with disabilities use the YMCA and playground area. I fear for some of these people if no fence is there.

Butler Crescent is a busy road, and as you know it has a slight bend, making it more difficult for drivers and pedestrians to see each other.

**27 - Bikeway/Entrance**

Pedestrian traffic and dog walking occurs predominantly in mornings and mid to late afternoon/dusk.

These activities are not compatible with bicycle traffic.

I walk on the Mike Turtur bikeway most days

The existing path is **not as wide as Mike Turtur bikeway** abutting the tramline.

You only have to watch the speeds at which bicycles are ridden on the Mike Turtur bikeway and on roads to realise risk of injury to pedestrians (e.g. elderly people) and pets.

**5 - Turf Mounds**

I feel for my neighbours adjacent to park.

Mounds will impact further on their privacy, with people looking into their property.

I would not like people looking into my house and backyard.

### **Parking**

The expected increase in usage of park will add more strain on parking on and around Butler Crescent.

Hopefully parking inspectors will be more diligent in handing out fines for vehicles partially blocking driveways.

### **Other comments**

(a) Hopefully dog faeces will be managed better with redesign of play area and greater usage.

(b) Palm tree could probably be removed

- Falling fronds are dangerous e.g. sharp spikes + damage to vehicles parked in neighbour drive.
- Roots of tree lifting driveway of neighbour adjacent to park. Further, possums have been a problem for me.

There is one aspect of this proposal which causes me some concern. This relates to the item listed 27 on the legend of your draft plan and the description of the main pathway down the reserve as a thoroughfare for the Mike Turtur bike way. It would be a grave mistake to encourage the use of this path for use by cyclists and increase their traffic on the reserve as this path is heavily used by children and the aged. It has been my experience and of many others elsewhere that many cyclists are careless in the consideration of pedestrian traffic on shared paths. My daughter was run over on Turtur bikeway when overtaken by a cyclist going too fast for safety and not sounding a warning of his approach. She suffered bruised ribs and an injured knee, leaving her unable to walk and move freely for over a week. The cyclist simply got up and rode off. I have been given several scares on this track by having a cyclist miss me by inches as they suddenly pass at high speed and without warning. The probability of accidents on Breakout Creek will be much higher as the path is regularly used by the elderly who are less agile and dogs and children whose movement is more erratic and less predictable. The track is simply too narrow to accommodate such traffic and many children play across its path. The track is also a favourite for parents to bring their children who are learning to ride on small bikes, often with trainer wheels, as the path (while narrow) is lawned on both sides and thus much safer for falls. An unfenced playground alongside a cycle track is not a good idea and I am surprised that this has not been taken into consideration. If you are planning to encourage people to cycle to the playground (and this seems problematic as most users are parents with toddler age kids) where are all the bikes going to be parked?

I also have concerns with the removal of fencing along Butler Cr. This is described as increasing connectivity to the local community. A fence with good gating is hardly a deterrent (most of the people using this area are not very local as they are predominantly users of the YMCA and come by car from all over, which is why Butler CR is filled with parked cars during popular times as the car park overflows). Rather, removing the fence will increase the connectivity of children to Butler Cr! Buffer planting will leave gaps that children will love to explore and parents will find hard to monitor. Again keep in mind Butler Cr is a busy road that people often speed down and certainly go too fast for safety given that cars are often parked on both sides and the road dog legs at both ends creating blind spots to on-coming traffic. I am sure there will be a major incident here one day. (I had a near miss once getting out of a parked car as an oncoming car sped past. I have been hit by an

impatient overtaking car while trying to turn into my drive way). Butler CR is used as a major thoroughfare to access Anzac Hwy via 6th Av.

I also wish to add consideration to the fact that this playground is not centrally located in the park but borders my property.. I therefore have issues with raised areas that may impinge on the privacy of my home . It is already something that my family has to deal with as children climbing trees often look into our yard and make comments. This would be much more disturbing if raised areas gave vista to more people in the playground area which is just meters away, my teenage daughter is already stressing over this. I am also concerned about noise levels especially if there are raised areas. I would hope that some attempt would be made along the fence line to buffer the noise.

I have one more consideration for you. At the very south west corner of the reserve is a beautiful Canary Is palm tree. As much as we love this tree it drops its fronds onto our drive-way thus making it unsafe to leave a car as the fronds are heavy and do damage. Also the tree's base of above ground root system has encroached through our fence and onto our drive-way. This is extremely difficult to remove and will now involve removing the fence . It has also made it impossible for us to upgrade our drive-way, which is much in need. I am sure that council is aware of the value of these trees to developers and that they would pay considerable money to take it away. I have even had offers by people thinking it was on my property. As much as I would be sad to see it go the upgrade of the reserve would be a good time for this to happen. I might add that I have always considered the tree a safety issue for the playground as the fronds are a popular play item for kids and have quite sharp spears at their base .

I hope you will give these concerns due consideration.

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Regarding feedback for Breakout Creek. It has come to my notice that other residents of Butler Cr have expressed concern about the lack of parking facilities to cope with increased demand due to a major upgrade of The playground at Breakout Creek. The response given was that parking was not part of your brief. To begin with this simply not the case as parking for disabled is included in your proposed plan but further more it is not acceptable to ignore a major issue of the upgrade. Butler Cr is overloaded with parked cars due to YMCA patronage, both sides of the road and the car park are full at peak times and traffic in and around is heavy. It is dangerous because of poor visibility as Butler cr has dog legs at each end and bends are approached without good vision ahead while at the same time parents and children come out from between parked cars. Added to this the proposed removal of a fence along Butler Cr will encourage children to run or stray out onto the road with dire consequences. Traffic is also often travelling at dangerous speeds as the road is a major cut through to access Anzac Hwy. I would like to know who twill be taking responsibility for this when the inevitable disaster occurs. It appears to me that the planning for this playground upgrade has a corporate mindset, consideration being given chiefly to options supplied by manufacturers of playground equipment and a concept where new "innovative" designs and gear provide an impression of improvement. . I think for example the bitumen scooting track and line markings will age quickly and soon become an eyesore, moreover it will impinge on open space far better utilised for running and playing as kids want more than anything room to run about,.especially as modern homes tend to have less back yard space . It should be noted also that 90% of users of the playground are YMCA patrons who do not bring extra things such as scooters in their cars. I would have hoped for a concept more in keeping with the open appeal of the park and blend activities in with the surroundings with features such as a small creek bed with smooth rocks and mini wet land . More than anything I notice that the kids playing there enjoy the open space for ball games and just to run about and interact with an unenclosed perspective. Parents also enjoy the opportunity and respite to spread a rug and accoutrements and sit with their toddlers as the older children run about and burn up some energy. May I suggest you consult with someone such as Phil Mather , who has



been improving the play area at Dunbar Tce Kindy, and is a landscapist and horticulturalist, He has introduced several features which blend in with plants, trees and garden to give the kids play opportunities and a stimulating environment free of bitumen and plastic. Phil Mather can be contacted on 0403228766 and could give you a more refreshing approach to this upgrade. Yours,  
Greg Palmer

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**YMCA Feedback**

YMCA provided extensive feedback on car parking arrangements and concerns.



DRAFT

**Sixth Avenue Reserve Consultation**  
Draft Design Community Feedback Report

March 2017

## Sixth Avenue Reserve Consultation

### Community Engagement Summary

March 2017

Following the draft design of the Sixth Avenue Reserve playground, the City of Marion recently sought the community's feedback.

The purpose of the engagement was to inform the community of the draft design and seek their feedback.

The survey was made available on line at [www.makingmarion.com.au/sixth-avenue-reserve](http://www.makingmarion.com.au/sixth-avenue-reserve).

The survey was distributed in the following ways

- A hard copy of the survey and reply paid envelope delivered to 13 households immediately surrounding the reserve
- Social media posts were placed on the City of Marion Facebook page
- Signs were placed at the reserve
- A parks and playgrounds newsletter was sent to a database of 432

The survey was open for 3 weeks – 13<sup>th</sup> February 2017 – 6<sup>th</sup> March 2017

We had a total of 7 people complete the survey.

A full summary of all responses to each question is provided within this report

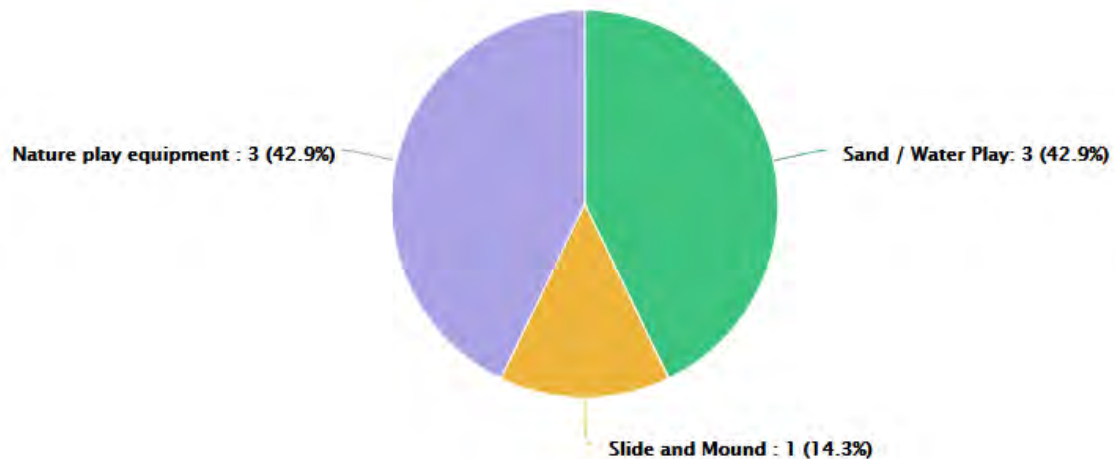
Overall the draft design development of Gully Road Reserve playground has had a positive impact on the community and responses were constructive.

There were some key themes that emerged throughout the consultation and evaluation and these can be taken on board for the final design.

#### Overall summary of key themes received

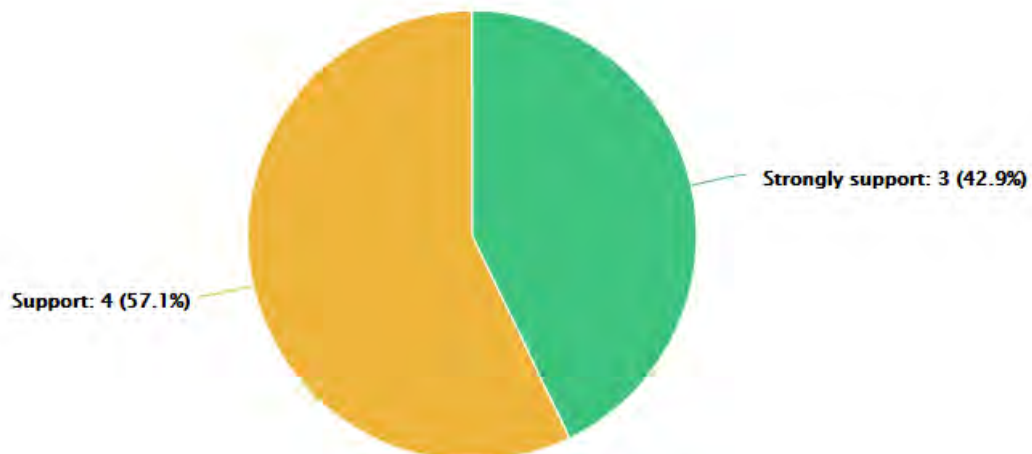
Key Themes	Proposed Solutions
Basketball ring and court be considered	As a basketball ring and court were not raised in the initial consultation they will not be included in the playground design at this stage.
Increase lighting	An increase in lighting has not been considered.
Height of mound may impact neighbours	Staff to meet with neighbours to ensure line of site is restricted from the mound.
Gates at back entrance are not retained	Gates will be removed
BBQ has been omitted from the plans	BBQ will be replaced near the shelter
Scouts are kept informed and their list of suggestions considered.	Staff will ensure the Ascot Park Scouts are kept informed.

## Summary of feedback received

**Q1. What do you like most about the draft concept?****1) What do you like most about the draft concept?***Optional question*

Comments included:

- I think it's awesome and I love the water play and nature used
- fence coming down.

**Q2. What is your level of support for the overall plan?**

- I believe the playground will adequately meet the playing needs of children. Also I think this will bring the community together as parents and children attend and interact.

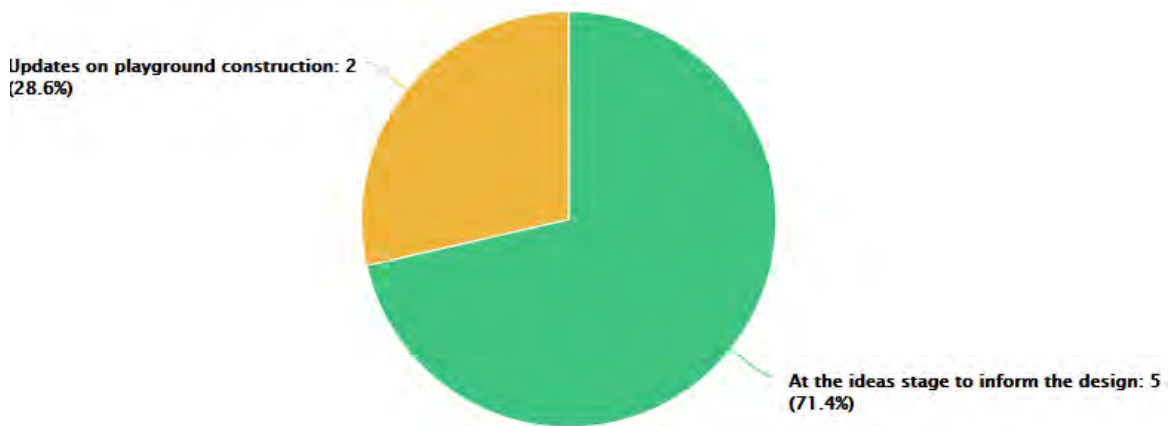
**Q3. Are there any items of the plan you would like to see improved?**

- Lighting
- Overall the plan looks good. I just wish it included a basketball ring somehow :)

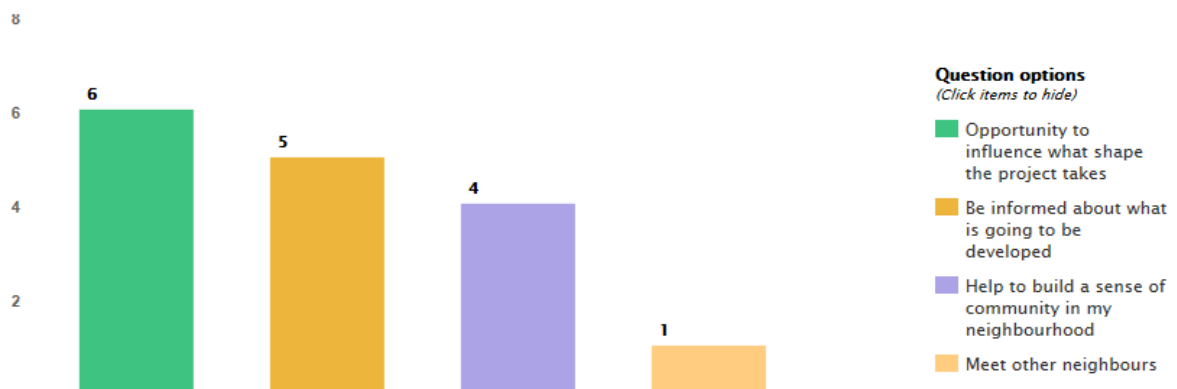
- "There will need to be more car parking as I live at 22 Allison Street and the street parking is already limited. My visitors often park in front of that park and where will they park when this is built??"
- Will this public park affect the scouts who are there for 3 nights of the week??"
- Very focused on toddler/younger age group. Lots of kids in 5-12 age bracket use the park and are not really catered for in current plans ie goal ring/bigger climbing frame.
- Basketball ring and half court.

**Q4. At what stage of the process do you value being involved in the consultation?**

- 10. At the ideas stage to inform the design
- 11. Once the concept has been designed
- 12. Updates on playground construction



**Q5. What do you value about being part of the consultation process?**



**Feedback from Ascot Park Scout Group**

The draft concept plan looks fantastic. The kids are overwhelmed that that so much is going to happen. From discussing the draft I think every child has at least one of their four choices on the plan.

Confirmation of comments on the draft plan are:

- Disabled parking is fine where it is.
- Recommend removal of gates on (20) Allison Street. If fence is removed I don't believe that the Council or Scouts will benefit from having the gates left there.
- On the plan the walkway near gateway in to hall has been removed. This walkway is used continuously for access to undercover verandah, for rubbish bin removal to street and is also used as route for emergency evacuation from hall to carpark. In winter this area can get extremely water logged and if the lawns aren't kept short this may cause some hazardous situations. If issues with mowing can cover this triangular area with eg. soft fall mulch.
- The Scout Hall Gas meter protrudes out of the grassed area next to the building behind the vehicle access gate. (info only)
- Would like confirmation that the gates next to the park entrance gate in carpark are being retained please and not being replaced with fence.
- Lighting in the park is minimal at night-time. From the hall you cannot see much past the current shelter area. This may be a concern as most of the activity areas are beyond this point. More lighting may be required or a better light where the existing one is.
- When the new shelter is relocated is the BBQ also going to be relocated? Plan doesn't show this. People are assuming that it will be.
- What is the process for irrigating the park and supplying water to the drink fountain? There is a Council owned water tank and pump etc located in the one of the Scout sheds that has been used previously and currently supplies water to the garden tap on the grassed area near the current shelter. This tank is scheduled for review / removal (Craig Birrell from MCC Open Space Operations) You may need to connect to the water supply at the southwestern side of the Scout Hall.

Appendix 3: Whole of Life costs

Description	Lifecycle Yrs	Acquisition Cost	Projected Operating Costs pa	Projected Maintenance Costs pa	Total Projected O&M pa	Less Existing O&M pa	Net Increase O&M pa	Projected Depreciation/ Renewal pa	Net Increase Depreciation/ Renewal pa	Whole of Life Cost of Proposal	Whole of Life Increase Cost of Proposal
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Sixth Avenue Reserve

Total (whole of life cost based upon 50 years)		\$180,000	\$3,900	\$7,272	\$11,172	\$0	\$11,172	\$5,769	\$5,769	\$1,027,051	\$1,027,051
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Breakout Creek Reserve

Total (whole of life cost based upon 50 years)		\$100,000	\$3,900	\$3,810	\$7,710	\$0	\$7,710	\$3,116	\$3,116	\$641,319	\$641,319
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Clare Avenue Reserve

Total (whole of life cost based upon 50 years)		\$100,000	\$3,400	\$3,974	\$7,374	\$0	\$7,374	\$3,245	\$3,245	\$630,963	\$630,963
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Gully Road Reserve

Total (whole of life cost based upon 50 years)		\$250,000	\$3,900	\$10,126	\$14,026	\$0	\$14,026	\$8,075	\$8,075	\$1,355,056	\$1,355,056
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**CITY OF MARION  
GENERAL COUNCIL MEETING  
23 MAY 2017**

**Originating Officer:** Rachel McCaskill, Community Development Officer  
**Corporate Manager:** Liz Byrne, Manager Community & Cultural Services  
**General Manager:** Tony Lines, General Manager Operations  
**Subject:** Community Grants Round Two, 2016/2017  
**Ref No:** GC230517R05

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**REPORT OBJECTIVES AND EXECUTIVE SUMMARY:**

The City of Marion Community Grants Program provides funding support to clubs and organisations for activities which provide a community benefit. This report provides Council with a summary of the applications received for the 2016/17 Round Two Community Grants Program and makes recommendations for Council approval.

In this round forty-five applications were received, requesting funding to the value of \$162,657. Following assessment of the applications against the grant guidelines, nineteen grants are recommended for Council approval to the value of \$54,460.

Whilst the nineteen grants recommended for approval total \$54,460, the projects they support will generate community projects to the value of \$145,763, consisting of Council's \$54,460 contribution plus the community's \$91,303 contribution. The community contribution consists of financial contributions, in-kind support and 2,189 hours of volunteered hours which is costed at the Australian Bureau of Statistics' recommended rate of \$27.45 per hour.

**RECOMMENDATIONS:**

**DUE DATES**

**That Council:**

- |  |                    |
|--|--------------------|
| <b>1. Approves the Community Grant applications, totalling \$54,460 as recommended in Appendix 1.</b>  | <b>23 May 2017</b> |
| <b>2. Notes the grants will generate community projects to the value of \$145,763 (consisting of Council's \$54,460 contribution plus \$91,303 of community contribution).</b> | <b>23 May 2017</b> |



## **BACKGROUND:**

The Community Grants program continues to target the provision of funding to clubs and organisations for activities that maximise community benefit. Framed around the City of Marion's Community Vision - Towards 2040, the Community Grants program plays an important role in community development and building community capacity. This approach allows the community, through local organisations, to identify issues that are important to them and to develop their own solutions by utilising the skills, experience and resources within their ranks.

Each year there are two rounds, with each round including funding for:

- One grant of \$10,000
- Three grants of \$5,000
- Multiple grants of up to \$2,000

Within this round there were no eligible applications for the \$10,000 category. Funds were added to the \$5,000 category, enabling two extra projects.

Normally \$50,000 is allocated to each of the two grant rounds per financial year. Due to an under-spend of \$4,965 in the last grant round allocated in November 2016, there is up to \$54,965 available for this round. Within the grant guidelines, a total of \$54,460 is recommended for the eligible projects.

Organisations can apply for a Community Grant in four categories:

- Community Development
- Arts & Culture
- Environment
- Sports and Recreation

The selection panel assesses each of the applications against the Council's approved guidelines. The selection panel is comprised of four Council staff, each with experience in the four grant categories, and makes its recommendations to Council.

When the grant round is over-subscribed, those clubs who have received funding in the previous two financial years receive a lower priority in favour of clubs who have not received recent funding. Clubs who have indicated they can proceed with reduced funding are recommended for the reduced amount. Where the grant amount being offered by Council is less than the amount requested, staff have ensured that the reduced offer will still allow the project to continue.

## **DISCUSSION:**

The Community Grants Program was advertised in The Messenger newspaper on 8<sup>th</sup> February and 15<sup>th</sup> February 2017. The grants were also promoted through ClubLink, community networks, social media, libraries and neighbourhood centres, while the City of Marion website provided full details of the grants including online access to the guidelines and application form.

An optional information session was held on the evening of 13<sup>th</sup> February 2017 to provide support and information to groups requiring assistance in applying for the grants. Two organisations utilised this opportunity and participated in the information session.

Table One below identifies the nineteen organisations that have been recommended to receive a Community Grant, five of which have not received funding through the Community Grants program before.

Details of the grants in Table One, together with the unsuccessful applicants are provided in Appendix 1.

**Table One – Recommended Applications**

Project Number	Organisation	Amount Recommend
1	MarionLIFE Community Services Inc.	\$2,000
2	Ascot Park Bowling Club	\$2,000
5	Edwardstown Lions Club Inc.	\$2,000
11	Marino Residents Association	\$2,000
13	Marino Community Hall Inc.	\$1,460
17	Clovelly Park Primary	\$2,000
18	Australian Irish Dancing Association (SA) Inc.	\$5,000
21	Friends of Glenthorne Inc.	\$5,000
22	Friends of Sturt River Landcare Group Inc.	\$2,000
23	Unity Housing	\$5,000
24	Trees For Life	\$2,000
25	Pan Laconian Society of SA "Leonidas" Inc.	\$5,000
33	SA Senior Cricket Association Inc.	\$2,000
34	Morphettville Park Cricket Club	\$2,000
35	South Adelaide Basketball Club	\$5,000
36	Meterors Triathlon Club	\$2,000
37	Henley Water Polo Club	\$2,000
42	Holdfast Model Aero Club	\$2,000
43	Rotary Club of Edwardstown	\$2,000
44	Adelaide Thunder Football Club	\$2,000
		<b>\$54,460</b>

All unsuccessful applicants will be contacted and provided with feedback and where appropriate, will be assisted with advice on alternative funding options. The successful applicants will be invited to attend an event to be held on Monday 19<sup>th</sup> June 2017 at the Marion Cultural Centre where the grant cheques will be presented.

All successful applicants are required to complete an online acquittal form and an evaluation statement at the completion of the project.

#### **CONCLUSION:**

Nineteen community projects are recommended for approval to the value of \$54,460.

If the recommendations are adopted, the City of Marion will have supported 533 projects through the Community Grants program since 2005 and provided \$1,039,477 for community projects in accordance with the Community Grant Guidelines. The community's contribution during this period has included volunteer time of 50,641 hours and other in-kind support. The Community Grants program since its inception has now assisted in generating community projects to the value of \$2,816,719.

**COMMUNITY GRANTS RECOMMENDATIONS  
Round Two, 2016/2017**

	<b>Organisation</b>	<b>Summary</b>	<b>Category</b>	<b>Requested</b>	<b>Recommended</b>
1	MarionLIFE Community Services Inc.	<p>MarionLIFE Community Services Inc. is a not-for-profit organisation that aims to provide meaningful, flexible and responsive care and support to individuals and families in need. The organisation has 97 volunteers across 12 different programs and is seeking a grant to purchase role-specific clothing for their volunteers, to increase a sense of belonging and making volunteers easily recognisable to clients. Due to interaction with vulnerable clients, the organisation has identified the need for MarionLIFE volunteers to be easily identified by their clients, to ensure they feel safe accessing any given service and know who to direct their enquiry or concern to. Services provided by volunteers include Brekky for Blokes, Community Garden, Community Meal, MarionLIFE Youth, Tax Help, Budget Counselling, Emergency Relief, Community Nurse, and Cooking Classes. Offsite volunteer activities include the Backyard Garden project, collecting bread donated by bakeries and helping with local school breakfast clubs. The grant will be used to purchase polo t-shirts for volunteers who interact with community members, name badges for key volunteer roles, aprons for kitchen volunteers and wide brim hats for Community Garden volunteers.</p> <p><b>RECOMMENDED</b></p>	Community Development	\$2,000	Yes \$2,000
2	Ascot Park Bowling Club	<p>The Ascot Park Bowling Club aims to provide a valuable sporting club and community facility for the bowlers and local community to enjoy. The club has a large demographic of ages and is seeking a grant to purchase and install a defibrillator. The defibrillator will build the club's capacity to respond to emergency situations and provide a safe environment for all players.</p> <p><b>PART RECOMMENDED</b></p> <p>The applicant has applied for an ineligible amount and has indicated the project can proceed with reduced funding.</p>	Community Development	\$3,000	Yes \$2,000

	Organisation	Summary	Category	Requested	Recommended
3	Marion Vineyard Christian Fellowship	<p>Marion Vineyard Christian Fellowship is a Christian community who aims to see people reach their full potential in all areas of life, including physical, emotional, mental and spiritual. The group is seeking a grant to run a program called 'Making the most of L.I.F.E' (Living In Freedom Everyday), aimed at addressing issues of trauma and assisting migrants and new arrivals to settle into the local community. The program will include weekly, two-hour sessions held at Cooinda Neighbourhood Centre over a seven-week period, covering topics such as emotional health (identifying, understanding and dealing with emotions), the impact of the past on the present, conflict resolution, healthy relationships, and navigating through cultural differences. The sessions will be facilitated by members of the group and other organisations, such as Relationships Australia, still to be determined. The grant will be used to hire two crèche workers who speak the relevant language, an interpreter for the main language represented by participants, payment of facilitators, catering, session materials, a laptop, and taxi vouchers for participants.</p> <p><b>NOT RECOMMENDED</b></p> <p>The program requires further development. Although the group has been in discussion with Cooinda Neighbourhood Centre staff to identify the need for the program, the facilitators have not been determined and the financial component is under-developed. The applicant will be encouraged to contact staff to discuss developing the project further and reapplying in a future round.</p>	Community Development	\$5,000	No

	Organisation	Summary	Category	Requested	Recommended
4	Bridges & Pathways Institute Inc.	<p>Bridges &amp; Pathways Institute is a not-for-profit organisation that aims to improve the health, welfare and lifestyles of people disadvantaged by chronic conditions. The organisation is seeking grant funding to hold three workshops to recruit 45 participants in completing an intensive 24-month Clinic Pilot at Tonsley, for people with ME/CFS (Myalgic Encephalomyelitis/Chronic Fatigue Syndrome) Chronic Fatigue Pain Fibromyalgia. The 24-month program is a world-first pilot lead by Bedford Medical Centre in partnership with Bridges &amp; Pathways Institute and a range of stakeholders, to form a large, multi-agency health service. Stakeholders include Tonsley Special Interest Clinic, private local providers, Nexus eCare Tonsley, and Flinders University researchers and student field work projects to provide research and evaluation. The program utilises a diabetes type management and education program, involving a health practitioner, practice nurse, allied health, education workshops, printed and online materials, and tools to monitor/measure health measures. The workshops leading up to the program will be conducted by a team comprised of a doctor, practice nurse, health educator, and consumer advocate/volunteer. The aim is that by the third workshop participants will be aware of what the 24-month program involves and the commitment required, in order to minimise dropouts in the program. The grant will be used for advertising the three workshops, registrations, venue hire, transport subsidy for volunteers, transport subsidy for participants, honorarium for speakers, catering, and handbooks, manuals and resources.</p> <p><b>NOT RECOMMENDED</b></p> <p>The workshops are to recruit participants for a health management program in the form of a Specialist General Practice Clinic. The program has not been finalised as funding has not yet been secured. Funding was initially sought through Medicare, however the freeze on Medicare, health reforms and government funding has meant that the applicant is looking for the City of Marion Community Grants Program to fund this project.</p>	Community Development	\$10,000	No

	Organisation	Summary	Category	Requested	Recommended
5	Edwardstown Lions Club Inc.	<p>Edwardstown Lions Club upholds the Lions motto of "We Serve" by supporting an array of local and global projects. The club is seeking grant funding to host the Lions Australia District 201C2 Convention 2017, across three days in October. The convention will draw together 350 Lions members from South Australia and the Northern Territory, at the Highway Convention Centre in Plympton. Annually a Lions Club from District C2 hosts the Convention, and this year the club is proud to host the event, having one of their members elected as District Governor for 2017/2018 and presiding over the 63 Lions Clubs in District C2. The Convention is usually held in country areas and is being held in suburban Adelaide for the first time in many years. It is also the 100<sup>th</sup> year of Lions International, drawing the incoming Lions International Director from Iceland. The program will consist of the Dignitaries Meet &amp; Greet, Opening Flag Ceremony and Remembrance Ceremony, Business session (AGM), Guest Speakers, a "Shining Star" Gala Dinner, and a Closing Flag Ceremony. The grant will be used for printing of the Convention booklets, hire of a professional photographer, IT expert, and PA and lighting equipment. The convention website will promote accommodation and places for shopping and eating in the Marion area. It is anticipated that attendees from country areas will take the opportunity to extend their visit and take advantage of retail shopping and cafes and restaurants within the City of Marion.</p> <p><b>PART RECOMMENDED</b> The applicant has applied for an ineligible amount and has indicated the Convention can proceed with reduced funding.</p>	Community Development	\$4,350	Yes \$2,000

	Organisation	Summary	Category	Requested	Recommended
6	Huntington's SA & NT Inc	<p>Huntington's SA &amp; NT is a not-for-profit organisation based at Glandore Neighbourhood Centre that provides a range of support and services to those with Huntington's disease and their families/carers. The organisation aims to facilitate greater understanding and awareness of the disease within the Huntington's community and the wider community. The organisation is seeking a grant to upgrade the kitchen at Glandore Neighbourhood Centre, as they have identified it as inadequate for their recreational programs which involve teaching kitchen hygiene, the importance of nutrition, how foods can be prepared and stored, and quantities of food to purchase. Budgeting is identified as a significant issue within the Huntington's community and often food is purchased at an unnecessary, large volume. The organisation also provides regular nutritious meals for their clients and has identified that a kitchen with upgraded items would assist them with this endeavour. The grant will be used to purchase a fridge/freezer, electric upright oven, dishwasher, commercial urn, food processor, preparation bench with shelving, and new linoleum flooring.</p> <p><b>NOT RECOMMENDED</b></p> <p>The kitchen at Glandore Neighbourhood Centre will be assessed in light of the needs of all user groups at the Centre and the obligations as a Lease of Council property. The organisation will be encouraged to reapply in a future round.</p>	Community Development	\$8,820	No
7	Darlington Scout Group	<p>Darlington Scout Group aims to provide a safe, supportive and healthy meeting place for young people in the local community, to teach leadership skills, community engagement and an increased sense of self and identity. The group is seeking a grant for the Darlington Scout Hall Redevelopment/Extension. The group is growing in numbers and an extension to the hall will provide opportunity to hold more activities and account for the increase in participants. The grant will be used to obtain all of the documentation required for the Scout group to build a new extension onto their hall. This will include a geotechnical engineering report and architectural design drawings.</p> <p><b>NOT RECOMMENDED</b></p> <p>The hall is a Council owned building and marked for redevelopment, therefore the application is not required. Staff will work with the group in regards to the plans for the building redevelopment.</p>	Community Development	\$5,000	No
8	Huntington's SA & NT Inc.	<p>Huntington's SA &amp; NT is requesting a grant to purchase a fridge/freezer and electric upright oven to assist with their recreational programs.</p> <p><b>NOT RECOMMENDED</b></p> <p>The organisation has submitted two applications in this round. This application is their second preference and is a component of their other application, number 6, which is not recommended. This application is therefore not recommended.</p>	Community Development	\$4,050	No

	Organisation	Summary	Category	Requested	Recommended
9	Hallett Cove School	<p>Hallett Cove School is an R-12 school with a student population of 1,300. The school is seeking grant funding for their project 'Gledsdale Road Safety and Landscaping Initiative'. The school and local community have identified a road safety issue, whereby parents and students are crossing at non-designated crossings, walking out in front of traffic and using the painted median strip as a refuge in the middle of the road. The school has received a series of complaints from the community and has taken a range of measures to address the issue, which has had limited impact. The school proposes to erect a steel fence along Gledsdale Road to prevent people from crossing along the problem area and direct them to the appropriate crossing point. The project will also involve landscaping to areas adjacent to the fence and drop off area, providing an improved street scape and preventing cars from parking on the verge that presents as a traffic hazard in the drop off area. The grant will be used to purchase steel fencing, posts and fixings, concrete for erecting the fence, sleepers and posts for a retaining wall for one planting verge, logs to retain the remaining planting areas, and plants, topsoil and bark.</p> <p><b>NOT RECOMMENDED</b></p> <p>The application raises a safety and traffic issue in relation to roads and falls outside of the scope of the Community Grants Program. The application will be redirected to the Traffic department to address the issue and work with the school.</p>	Community Development	\$10,000	No
10	Rajah Reserve Community Group	<p>Rajah Reserve Community Group is based in Oaklands Park and is comprised of local residents who work to make their community stronger and inclusive by providing a range of local activities. The group is seeking grant funding to purchase and install a dishwasher at the community house at number 10 Rajah Street. The group facilitates weekly community meals and are currently using plastic cutlery and crockery. The dishwasher will enable the group to cease using disposable items, assisting the group in their aim to be more environmentally responsible. The dishwasher will also assist the group with events they hold throughout the year and other user groups of the house. The grant will be used to purchase and install a two drawer dishwasher.</p> <p><b>NOT RECOMMENDED</b></p> <p>The project requires further development. The Rajah Reserve Community Group work with staff to build capacity in their local area, and staff will work with the group to assess the need of the project and funding options.</p>	Community Development	\$2,000	No



	Organisation	Summary	Category	Requested	Recommended
11	Marino Residents Association	<p>The Marino Residents Association is an active group that keeps residents informed and represented on issues that relate to local matters. The group is seeking a grant for their project 'Creation of Community Hub Website and Facebook Page.' The project involves expanding their current website to include other local community groups, including Marino Community Garden, Marino Community Hall, and Friends of Marino Conservation Park, in order to create a singular 'one stop shop' for the local community. Marino Residents Association is collaborating with these groups, and potential others, to re-brand as the "5049 Coastal Community," creating a collective profile for their shared goal of building a better, more supportive, inclusive and sustainable community. The group has engaged local contractors and will use the grant to assist with the design of the website, Facebook page and new logo. The project utilises local skills and strengths, brings together local groups, provides a collective platform for groups to offer information for the community, and a place for local residents to provide feedback and raise issues.</p> <p><b>RECOMMENDED</b></p>	Community Development	\$2,000	Yes \$2,000
12	Suneden Special School	<p>Suneden Special School provides special education for 5 to 21 year olds with intellectual and multiple disabilities. The school aims to empower young people with disabilities not only with academic skills but for life and social skills needed for everyday living. The school is seeking a grant to create a webpage channel called 'Suneden TV.' Video segments will be produced by the school using students to model what is expected in a variety of daily life scenarios using a technique called Video Peer Modelling (VPM). VPM is the use of short video clips where the desired skills are modelled by peers in a positive way. The grant will be used to purchase the equipment needed to set up the mini TV studio within the school, as well as equipment needed for filming and editing the video segments. This includes a standalone computer dedicated to Suneden TV, a web cam, a microphone and a computer monitor for creating a 'tele prompt'.</p> <p><b>NOT RECOMMENDED</b></p> <p>The application does not strongly demonstrate links back to the broader community. Although the video clips would be available for the community via a webpage channel, the application was underdeveloped in terms of how the video segments would be promoted for the wider community to access.</p>	Community Development	\$2,000	No

	Organisation	Summary	Category	Requested	Recommended
13	Marino Community Hall Incorporated	<p>Marino Community Hall is utilised by a number of community groups in the Marion area. The Hall Committee is seeking a grant to upgrade their kitchen and bathroom utensils, and increase their storage capacity. The Hall is seeking to raise its profile as part of a collective project to become the "5049 Coastal Community" (see application number 11) and has identified the need to replace its current mismatching cutlery and crockery and install a filtered water system. The group would also like to install additional kitchen cupboard space. The grant will be used to purchase new cutlery and crockery, a new kitchen cupboard, and purchase and install a filtered water system.</p> <p><b>RECOMMENDED</b></p>	Community Development	\$1,460.11	Yes \$1,460
14	Cosgrove Hall Committee of Management	<p>Cosgrove Hall is used by a variety of user groups. The Committee of Management is seeking a grant to install an electric winch system to wind up basketball backboards. Currently a manual winding mechanism is used to raise the basketball backboards to the roof and has been identified by the Committee as unsafe. The grant will go towards installing an electric winch system at both ends of the court. The cost of the system exceeds the grant amount requested and the Committee is working with the Hall's user groups to request funding through the Office for Recreation and Sport.</p> <p><b>NOT RECOMMENDED</b></p> <p>The building is currently under review as part of the Community Facilities Review. The need for the project will be assessed in light of the outcome of this review.</p>	Community Development	\$10,000	No
15	Marino Residents Association	<p>Marino Residents Association is seeking a grant for their project 'Proposed Lorenzin Development Community Consultative Process,' where they will lead the community response to the development of the site for 600 homes and retail precinct. Once the proposal is available for public consultation, the group will provide all relevant information to their community via their proposed website (see application number 11), newsletter and public meeting, inviting comment and feedback, thereby coordinating a residents' response available to both the City of Marion and Holdfast Bay. The local community, through the leadership of the Marino Residents Association, will be able to provide a comprehensive and professional submission addressing any concerns, including both positive and negative comments. The grant will be used to gain professional advice relating to planning and legal matters, graphic design, promotional material and venue hire.</p> <p><b>NOT RECOMMENDED</b></p> <p>The group has submitted two applications in this round, the grant round is over-subscribed and the applicant has indicated that this application is the lower priority. Note that the other application, number 11, has been recommended.</p>	Community Development	\$5,000	No

	Organisation	Summary	Category	Requested	Recommended
16	Therapeutic Dog Services Incorporated	<p>Therapeutic Dog Services is a not-for-profit organisation that provides professional complimentary healthcare with the use of Animal Assisted Interventions. The organisation is seeking grant funding for a 'Wellness and Be Active' program, providing 200 x 90-minute animal assisted visitations to facilities or individuals among aged care, mental health, disability or other sectors in the Marion area. The visitations will be for a minimum of twelve months and include activities to improve participants' health, and education to encourage understanding of taking care of their physical, emotional and psychological wellbeing. The animal interaction utilises animals within the therapeutic process as majority of clients cannot own their own animals. The grant will be used to facilitate the 200 x 90 minute sessions.</p> <p><b>NOT RECOMMENDED</b></p> <p>The project is under-developed. The application did not provide adequate program information and the budget section lacks detail. Further, the applicant has applied for an ineligible amount. The applicant will be encouraged to contact staff to develop the project further and resubmit their application in a future round.</p>	Community Development	\$8,500	No
17	Clovelly Park Primary	<p>Clovelly Park Primary School acknowledges and celebrates the cultural diversity of its student community and the broader community within which it sits. The school is seeking grant funding to create a multicultural mural. The project will bring together local community members new to Australia and student parents from diverse cultural backgrounds and artistic skills, to work with students to create a series of mural boards. The boards will be placed on the most seen fence area facing the community and in the community garden, encouraging community participants to access the community garden on the school's property. The grant will be used to contract an artist to work with the students, parents and community members to design the mural, and to purchase arts materials and the mural boards. The project aims to create connection between local new arrivals and the school and provide opportunity to share skills and stories.</p> <p><b>RECOMMENDED</b></p>	Arts & Culture	\$2,000	Yes \$2,000
18	Australian Irish Dancing Association (SA) Incorporated	<p>The Australian Irish Dancing Association (SA) is a not-for-profit organisation which promotes Irish dancing and its culture. The Association is seeking grant funding for the 2017 South Australian Irish Dancing Championships, a two-day event held at Westminster School. The event will attract 300 participants for solo and team events from all Irish dancing schools in SA and NT. There are two Irish dance studios located in the City of Marion – Mitchell Park and Edwardstown. The grant will be used to purchase the winning place trophies and sashes for all solo sections, and the State medals for the winning teams. There are 34 Solo Championship events, and 30 Championship team events.</p> <p><b>RECOMMENDED</b></p>	Arts & Culture	\$5,000	Yes \$5,000

	Organisation	Summary	Category	Requested	Recommended
19	Adelaide Curators (Etsy Adelaide)	<p>Adelaide Curators is a not-for-profit group that exists to promote South Australian artists and their work. They support Etsy Adelaide, comprised of over 800 artists, with the aim to assist artists to grow their business and create promotional opportunities. The group is seeking grant funding to host a curated gallery and shop space in the Marion area with rotating works on display and for sale. The applicant has advised that if time and space permit they will hold regular workshops for all ages to learn new skills in artisan crafts. The grant will be used for advertising and promotional materials, workshop materials/hosts, and shop fittings.</p> <p><b>NOT RECOMMENDED</b></p> <p>The group is not a City of Marion group and has not yet secured a location. The group has been in discussion with the Business Growth and Investment team regarding finding a space and will be encouraged to develop the project further and reapply in a future round.</p>	Arts & Culture	\$5,000	No
20	Ascot Park Primary School	<p>Ascot Park Primary School is a multi-cultural school which celebrates the cultural diversity of its students and their families. The school is seeking a grant for their project 'Every face has a place,' involving the creation of a mural and artworks to go on stobie poles in front of the school on Marion Road. Students will work with an artist to learn about design and contribute a self-portrait to be featured on a collective mural, reflecting the diverse school community which includes Aboriginal and EALD (English as an Additional Language or Dialect) students. The mural will be located on the fence on the corner of Pildappa Avenue and Marion Road. The school would like to develop artworks to go on the five stobie poles in front of the school on Marion Road, involving the neighbourhood schools and preschool who share the campus. The grant will be used to contract an artist to work with the students and implement the mural, to purchase arts materials, and to engage a business to create the stobie pole artwork.</p> <p><b>NOT RECOMMENDED</b></p> <p>The project is under-developed. Whilst the application mentions involving parents and community, the focus is on students developing artworks and lacks a strong demonstration of connection to the broader community. The school will be encouraged to contact staff to discuss the project further and reapply in a future round.</p>	Arts & Culture	\$10,000	No

	Organisation	Summary	Category	Requested	Recommended
21	Friends of Glenthorne Inc.	<p>The Friends of Glenthorne Inc. is a dedicated group of community volunteers who meet regularly to preserve &amp; enhance Glenthorne Farm's natural &amp; heritage assets. The group is seeking a grant for the publication of their book 'GLENTHORNE - HISTORY, ENVIRONMENT, HERITAGE.' The book contributes to preservation of heritage and valuing the past, as it provides information about its significant history and contribution to South Australia and the City of Marion, some of which has not previously been documented. It also provides information on its environmental assets and the social value it can bring to the 21<sup>st</sup> century by providing open space. The book will be A5 size with a colour cardboard cover and printed on high quality paper, with a launch planned for the end of 2017. The grant will be used to publish and market the book, including graphic design and layout, editing, an artist to design the book cover and promotional flyers, printing and binding, registration with the National Library of Australia for an ISBN number, and sundry expenses related to marketing and promotion.</p> <p><b>RECOMMENDED</b></p>	Arts & Culture	\$5,000	Yes \$5,000
22	Friends of Sturt River Landcare Group Inc.	<p>The Friends of Sturt River Landcare Group Inc. work to re-establish, restore and maintain native biodiversity within the lower Sturt River corridor, surrounding parks and reserves. The group has adopted the Oaklands Wetland biodiversity corridor and previously received a grant to help build and equip a core group of volunteers to maintain the corridor. The number of volunteers has grown and now exceeds the number of tools and equipment available. The group is seeking a grant to purchase tools, equipment and a first aid kit to resource their volunteers and expand their range of volunteer activities. The grant will also be used for webhosting to increase their online presence, and signage to increase visibility and assist volunteers to find worksites.</p> <p><b>PART RECOMMENDED</b></p> <p>The \$5,000 category is over-subscribed. The group has received recent funding and the applicant indicated the project could proceed with reduced funds.</p>	Environment	\$5,000	Yes \$2,000
23	Unity Housing	<p>Unity Housing is a not-for-profit organisation that provides safe, secure and sustainable accommodation for people on low incomes, or who are vulnerable or at risk of homelessness, and people living with a disability. The organisation has a site in Mitchell Park and is seeking grant funding to work with residents in establishing a community garden. The grant will be used to purchase materials for raised garden beds, soil, shade structure, straw/mulch, seedlings, and contractor costs. The community garden will involve individual gardening plots which community members will share and care for together, providing a space where neighbours can come together. The organisation is new to the Community Grants Program and has not received funding before.</p> <p><b>RECOMMENDED</b></p>	Environment	\$5,000	Yes \$5,000

	Organisation	Summary	Category	Requested	Recommended
24	Trees For Life	<p>Trees for Life is a not-for-profit community organisation that aims to revegetate and protect remnant native vegetation, including removing invasive weeds and replanting native plants to suppress weeds in future. This helps to restore and maintain bio-diversity by providing habitat for native wild life. The group is seeking a grant to hold a Venomous Animal Awareness Training session for its volunteers which will involve first aid training, and to engage a contractor to spray Olive and Scabious weeds.</p> <p><b>PART RECOMMENDED</b></p> <p>The applicant has applied for an ineligible amount and has indicated that the project can proceed with reduced funding. It is not recommended that funding be received for WHS training as Council pays an annual fee to assist with this. Funding for the weed eradication is recommended.</p>	Environment	\$4,275	Yes \$2,000
25	Pan Laconian Society of SA "Leonidas" Inc.	<p>The Pan Laconian Society of SA "Leonidas" is a not-for-profit group based in Plympton Park which aims to promote and maintain Hellenic (especially Laconian) culture, ethos and language amongst people in South Australia. The group has an active membership and holds regular events such as shared lunches and dinners, and their hall is utilised by other local groups. The group is seeking grant funding to assist with the installation of a 10KW solar system at their hall. The solar panel system will contribute to the reduction of electricity costs, enabling the group to continue offering affordable events for their members and reducing costs for other user groups of the hall. The installation of solar panels will also contribute to the strategic direction of the Council's aim to reduce greenhouse emissions. The group are new to the Community Grants Program and have not received funding before.</p> <p><b>RECOMMENDED</b></p>	Environment	\$5,000	Yes \$5,000
26	The Cove Football Club Inc.	<p>The Cove Football Club is an active club and is seeking grant funding to purchase a laptop, printer and wi-fi to improve its operations and effectively perform its administrative and reporting duties. All teams must print teams' sheets for the umpire, and the club is required to input teams and results on the Sporting Pulse website several times per week. Their current laptop is old and insufficient and the club does not have access to the Cove Sports and Community Club laptop and printer. There is also no wi-fi connectability.</p> <p><b>NOT RECOMMENDED</b></p> <p>The City of Marion encourages a shared use policy with clubs and will work with the Cove Sports and Community Club to adopt this approach.</p>	Sport & Recreation	\$5,000	No

	Organisation	Summary	Category	Requested	Recommended
27	Australian International Pedal Prix Inc.	<p>Australian International Pedal Prix is a not-for-profit body which aims to organise and manage a series of Human Powered Vehicles (HPV) racing events and foster a nationally consistent set of standards to hold a global standing in HPV racing. The organisation is seeking a grant to run a HPV event at the Edwardstown Velodrome in December 2017 and provide a live stream of the event around the world. The event aims to provide HPV riders from across South Australia with an opportunity to race in short events on a closed circuit. Grant funds will be used for hire of timing equipment, big screen, PA systems and live stream.</p> <p><b>NOT RECOMMENDED</b></p> <p>The Edwardstown redevelopment commences in November with building works to be conducted on the site for an estimated 18 months. It is not recommended to run any large scale events at the site while it is classed as a construction site. Staff will contact the group and suggest they submit a future application to coincide with the recommissioning of the site.</p>	Sport & Recreation	\$1,500	No
28	Somerton Park Tennis Club Inc.	<p>Somerton Park Tennis Club is seeking grant funding to assist with the establishment of their website and Facebook page.</p> <p><b>NOT RECOMMENDED</b></p> <p>The project is ineligible as the club is located outside the City of Marion. The group will be encouraged to contact the City of Holdfast Bay.</p>	Sport & Recreation	\$5,000	No
29	Morphettville Park Sporting Club Inc.	<p>The Morphettville Park Sporting Club is an active club that is home to a number of sports clubs, including Football (AFL), Netball, Cricket and Eight Ball. The club is seeking a grant to purchase first aid and medical equipment for use across all of their sporting clubs. The grant will be used to purchase first aid kits, massage tables, neck braces, stretchers and crutches.</p> <p><b>NOT RECOMMENDED</b></p> <p>The Community Grants Program is not intended to supplement standard equipment such as first aid. In addition to this, the applicant has requested an ineligible amount.</p>	Sport & Recreation	\$9,085	No

	Organisation	Summary	Category	Requested	Recommended
30	Morphettville Park Sporting Club Inc.	<p>The club is seeking grant funding to purchase new sporting equipment heading into the winter season. This will include junior and senior size footballs, water bottles and water bottle carriers, training bibs, training ropes and ladders, weights, weight benches, and junior and senior netballs.</p> <p><b>NOT RECOMMENDED</b> Community Grants funds are not available for the provision of standard equipment. However, the club has recently been successful in obtaining an ongoing income stream of \$18K p.a. in return for having a Telstra tower placed on the oval premises which the City of Marion has agreed to provide to the club.</p>	Sport & Recreation	\$5,000	No
31	Brighton Calisthenics Club Inc.	<p>Brighton Calisthenics Club provides dance, stretch, flex &amp; movement and encourages fitness &amp; friendships within the community of Brighton &amp; surrounding suburbs. The club is seeking a grant for a new set of costumes to be based at the club. The grant will be used to have the costumes professionally made.</p> <p><b>NOT RECOMMENDED</b> The project is ineligible as the club is based outside of the City of Marion. The applicant will be encouraged to contact the City of Holdfast Bay where the club is based.</p>	Sport & Recreation	\$10,000	No
32	HOOPS 4 Life Basketball Inc.	<p>HOOPS 4 Life Basketball utilises the game of basketball to engage disadvantaged, disengaged and marginalised young people, and encourages personal development to create positive life choices. The group is seeking a grant to run a basketball program delivered over a year for two evenings per week at Hamilton Secondary College. The program is aimed at eight to eighteen year olds and is tailored to meet the needs of CaLD (Culturally and Linguistically Diverse), ATSI (Aboriginal and Torres Strait Islander) and disadvantaged youth and their families. Social, behavioural and personal development skills are enhanced through enabling each player to take on the role as team captain and develop their confidence in leading a team, communicating with peers and officials, motivating themselves and others, problem solving and decision making skills, and setting goals. Parents/caregivers are also encouraged to participate in the program as coaches, timekeepers, scorers and officials, with opportunities for training in first aid, coaching level one courses, umpiring courses and officiating courses. The grant will be used for promotional activities and exhibition games to create awareness of the HOOPS 4 Life Basketball Program.</p> <p><b>NOT RECOMMENDED</b> The \$5,000 category is over-subscribed and the group is eligible for funding through the Youth Development Grants Program. The financial section of the application lacks detail and staff will work with the applicant to develop the project further and encourage them to submit an application through the Youth Development Grants Program.</p>	Sport & Recreation	\$5,000	No



	Organisation	Summary	Category	Requested	Recommended
33	SA Senior Cricket Association Inc.	SA Senior Cricket Association is based at the Marion Sports Centre and aims to increase and promote the wellness of people over 60 years old through the active playing of cricket and the development of social networks. The group is seeking grant funds to assist with hosting the first national Over 70s Cricket Championship to be held at the Marion Sports Centre in November. Due to increasing involvement, it has been decided that National Championships will be split into two separate events, Over 60s and Over 70s, resulting in the first stand-alone over 70s championships. The grant will be used to purchase balls and equipment necessary for the cricket championships. The event will attract 300 participants from all states and territories to the Marion area. <b>RECOMMENDED</b>	Sport & Recreation	\$2,000	Yes \$2,000
34	Morphettville Park Cricket Club	Morphettville Park Cricket Club is an active club experiencing increase in numbers in its junior teams. The club is seeking grant funding to purchase permanent matting for their oval on Denham Avenue. The club has started junior cricket in the last four years and experienced rapid growth, with two junior girls' teams starting next season. The club currently has two rolled cricket matting which is heavy and cumbersome and starting to wear due to constant use of rolling. The permanent cricket matting will assist the club to accommodate for the increase in numbers and new teams, providing a safe environment without the need to manually roll the matting. <b>PART RECOMMENDED</b> The \$5,000 category is over-subscribed. The club has received recent funding and has indicated it can proceed with reduced funds.	Sport & Recreation	\$5,000	Yes \$2,000
35	South Adelaide Basketball Club	The South Adelaide Basketball Club provides a safe family-friendly atmosphere to play and enjoy the game of basketball, a pathway for high performance athletes and a great learning environment for all players. The club is seeking grant funds to purchase high performance training aids available for players and coaches during training sessions at the Marion Stadium. The equipment will be used youth league and senior teams to test and improve strength, speed, jumping and athletic ability. The grant will be used to purchase a Vertimax V8 vertical jump, speed and strength training machine and a Brower Vertical Jump Measuring System. The equipment will remain at the Marion Stadium and will be available for use by all groups. The group has not received recent funding. <b>RECOMMENDED</b>	Sport & Recreation	\$5,000	Yes \$5,000

	Organisation	Summary	Category	Requested	Recommended
36	Meterors Triathlon Club	<p>Meterors Triathlon Club is based at Edwardstown Oval and provides friendship, fitness and competition for people in the Southern suburbs. The club is seeking grant funding to facilitate a disability inclusion program in conjunction with Suneden Special School, for participation in the Weetbix Junior Triathlon in April 2018. The program will include a six session training package for 15 students. The students will be partnered with a junior club athlete who is part of the state triathlon squad, who will mentor and train with the students to undertake the Weetbix race with them, along with their legal carer. The training sessions will be held at the Marion Outdoor Swimming Centre and the Edwardstown Oval. The mentors will also liaise with participants/carers outside of these sessions to offer support and guidance as required up to and including the race day. The grant will be used for hire fees for the Marion Outdoor Swimming Centre and Edwardstown Oval, purchase of transition racks, swim caps, helmets and specially printed Meteor club t-shirts for use during training and racing, and entry fees for the triathlon.</p> <p><b>RECOMMENDED</b></p>	Sport & Recreation	\$2,000	Yes \$2,000
37	Henley Water Polo Club	<p>Henley Water Polo Club is based at the SA Aquatic and Leisure Centre and aims to develop water polo at social and competitive levels. The club is seeking a grant for their program 'Come and Try Flippaball.' Flippa Ball is modified Water Polo for children aged 7-12 years old and is designed to help players new to water polo establish the confidence and basic skills required to play the game. The program will be held during the Term 3 school holidays at the SA Aquatic and Leisure Centre. The grant will be used for pool hire, catering and promotion of the program.</p> <p><b>RECOMMENDED</b></p>	Sport & Recreation	\$2,000	Yes \$2,000
38	Adelaide Cougars Netball Club	<p>Adelaide Cougars Netball Club encourages participation in netball at all levels. The club is seeking grant funding for the Netball SA Budding Leaders Program, a three-month personal development program for participants between the ages of 16-28. The program involves three, five-hour sessions facilitated by an external consultant at Netball SA in Mile End.</p> <p><b>NOT RECOMMENDED</b></p> <p>The project is ineligible as it is not within the City of Marion. The applicant will be encouraged to apply to the City of West Torrens.</p>	Sport & Recreation	\$1,000	No

	Organisation	Summary	Category	Requested	Recommended
39	Edwardstown Bowling Club Inc.	<p>The Edwardstown Bowling Club Incorporated provides competitive and social lawn bowls for the community. The club is seeking grant funding to purchase an alternative uniform for players and volunteers for travelling, training and tournament competitions. The grant will be used to purchase 80 alternative shirts and 80 spray jackets for club members and volunteers.</p> <p><b>NOT RECOMMENDED</b></p> <p>The application is ineligible as the Community Grants Program is not intended for the provision of standard equipment such as uniforms.</p>	Sport & Recreation	\$5,000	No
40	Marion Swimming Club Inc.	<p>The Marion Swimming Club is based at the SA Aquatic and Leisure Centre and provides residents of all abilities with the opportunity to participate in competitive or recreational swimming. The club is seeking grant funding to pay for the use of the Marion Outdoor Swimming Centre during summer in 2018 while the SA Aquatic and Leisure Centre is being used for school carnivals. The grant will be used to pay for lane hire and entry fees at the Marion Outdoor Swimming Centre.</p> <p><b>NOT RECOMMENDED</b></p> <p>The application is ineligible as the Community Grants Program is not intended for subsidising standard operations. The club's lease at the SA Aquatic and Leisure Centre is subsidised to take into account these times that the club cannot access the pools.</p>	Sport & Recreation	\$5,000	No
41	Seaview High School	<p>Seaview High School is seeking grant funding to purchase training equipment for students who will participate in the Pedal Prix Human Powered Vehicle (HPV) series. The grant will be used to purchase three recumbent exercise bikes, enabling students to train on equipment which is as close as possible to their race equipment. The bikes will assist the students in training for the Pedal Prix series by setting and achieving fitness goals and increasing stamina.</p> <p><b>NOT RECOMMENDED</b></p> <p>The project is ineligible as it does not demonstrate strong benefit to the broader community.</p>	Sport & Recreation	\$2,000	No
42	Holdfast Model Aero Club	<p>The Holdfast Model Aero Club is based in Trott Park and provides a safe and enjoyable environment in which people of all ages can participate in the sport of model aircraft flying, both competitive and recreational. The club is seeking a grant to purchase and install a defibrillator. The club has an aging membership with over 50% of its members aged 60 or over and has identified the need for a defibrillator in order to create a safe environment for its members. The grant will assist with the purchasing of the defibrillator. The club will also contribute its own funds.</p> <p><b>RECOMMENDED</b></p>	Sport & Recreation	\$2,000	Yes \$2,000

	Organisation	Summary	Category	Requested	Recommended
43	Rotary Club of Edwardstown	<p>The Rotary Club of Edwardstown provides services to the local community through national and international projects. The club is seeking funding to facilitate a disability inclusion program for students with a disability in the Marion area. Previously the club has run one-day Gala activities to promote cricket for primary school students with a disability. The club would now like to supply smaller kits for use during lunch time and class activities as part of their 'Dream Cricket in Schools' program. The aim of the program is to encourage students with disabilities to take part in activities to develop skills and knowledge that may lead them to consider cricket as a preferred sport. The grant will be used to purchase two Dream Cricket in Schools Kits which will be given to schools at the start of the cricket season, with a presentation by club members to introduce staff and students to the activities. It is the club's aim that an interest in cricket will be fostered and that students with a disability will be encouraged to join a local cricket club.</p> <p><b>RECOMMENDED</b></p>	Sport & Recreation	\$2,000	Yes \$2,000
44	Adelaide Thunder Football Club	<p>Adelaide Thunder Football Club has partnered with the Islamic Information Centre to run a Come and Try soccer program specifically targeted, but not limited to, the Muslim community in Park Holme, Ascot Park and surrounding suburbs. The program will be held at Ascot Park Primary School in Park Holme. The grant will be used to purchase equipment for the program including soccer balls, training equipment, uniforms, trophies, and facility hire at Ascot Park Primary School. The program aims to provide an avenue to engage with young people from non-English speaking backgrounds and promote social inclusion and community participation.</p> <p><b>RECOMMENDED</b></p>	Sport & Recreation	\$2,000	Yes \$2,000
45	Austral Volleyball Club	<p>The Austral Volleyball Club Inc. is based at Cosgrove Hall and promotes the game of volleyball within the community, providing social and sporting activities for members of the club, schools and community. The club is seeking a grant to purchase equipment for trainings and clinics within its expanded junior program. The grant will be used to purchase a Sports Tutor Ball Machine, Tandem Target Challenger, two Tandem Bungee Blockers, medium and large stand blocks, and additional balls.</p> <p><b>NOT RECOMMENDED</b></p> <p>That grant is to purchase club equipment which is not within the guidelines of the Community Grants Program.</p>	Sport & Recreation	\$5,000	No
			<b>TOTAL</b>	<b>\$162,657</b>	<b>\$54,460</b>

### Summary of Recommendations

Number of applications received	Number of grants recommended	Total Value of all grant applications	Value of grants recommended	Value of grants not recommended
45	19	\$162,657	\$54,460	\$108,197

### Summary of Recommendations by Grant Category

	Community Development		Arts & Culture		Environment		Sport & Recreation	
	Number of projects	Value of grants	Number of projects	Value of grants	Number of projects	Value of grants	Number of projects	Value of grants
<b>\$2,000 Grants</b>	5	\$9,460	1	\$2,000	2	\$4,000	7	\$14,000
<b>\$5,000 Grants</b>	0	\$0	2	\$10,000	2	\$10,000	1	\$5,000
<b>\$10,000 Grant</b>	0	\$0	0	\$0	0	\$0	0	\$0
<b>TOTAL</b>	<b>5</b>	<b>\$9,460</b>	<b>3</b>	<b>\$12,000</b>	<b>4</b>	<b>\$14,000</b>	<b>8</b>	<b>\$19,000</b>



# Community Grants Round Two 2016/2017



# Be inspired

**Guidelines 2016/2017**

Broad horizons – Bright future

**Closing Date 20 March 2017**

## Welcome to the City of Marion Community Grants Program

Through its Community Vision and Plan, the City of Marion has expressed a strong commitment to the provision of support to its community.

The purpose of the Community Grants Program is to assist local non-profit community groups and organisations to establish and undertake innovative projects or activities that are beneficial to the community and which support the City of Marion's Strategic Plan.

### Who is eligible to apply?

- Any incorporated, not for profit group, community group or voluntary association.
- Groups that are not incorporated are still eligible, provided applications are made through an appropriate incorporated body that is willing to sponsor the project (accept responsibility for the funding).
- Schools are eligible to apply, but funding will not be provided for the following types of projects:
  - Projects that develop, improve or maintain school grounds or property. However, projects may be considered where the grounds or property development have a clear, identified benefit to the wider community, and can be accessed by the wider community.
  - Projects that are part of the school curriculum. However, projects may be considered where the project links strongly with the wider community.
- Schools and un-incorporated bodies are encouraged to contact the grants officer if they are unsure about the eligibility of their project.

### What makes a project ineligible for funding?

If your group answers yes to any of the following questions, it is ineligible to apply for funding:

- Has the project commenced?
- Does your organisation have an outstanding debt owing to council? *Please note that this does not apply to organisations that have a loan with council and are complying with the repayment terms.*
- Does your group have an outstanding acquittal from a previous round of Community Grants?
- The grant will be used for:
  - Payment of salaries
  - Recurrent operational costs
  - Fundraising or sponsorship
  - Commercial or political activities
  - Training or education in government or private institutions, or research activities that will be offered for assessment
  - Academic research or conference costs
  - Interstate or overseas travel
  - Individual, private, political or commercial enterprise
  - Regular maintenance and / or repairs to property where the responsibility is with a private entity, local council, State or Commonwealth Government Department.

### How much can we apply for?

Grants of up to \$2,000 are available as well as \$5,000 grants and one \$10,000 grant.

Applications will be accepted from groups that have received grant funding in previous financial years, but please be aware that if the total number of applications received exceeds the amount of funds available, priority will be given to organisations that have not received funding within the previous three years.

## Information session

A short optional information session will be held at 7pm on Monday 13 February 2017 in the Council Chamber, 245 Sturt Road, Sturt. Please enter via the front doors (access from Sturt Road).

The information session will include advice on completing the online application form and an opportunity to discuss your project with staff.

## How to apply

The application is completed online by accessing the City of Marion website at:

[www.marion.sa.gov.au/community-grants](http://www.marion.sa.gov.au/community-grants)

Please visit our council homepage where you will find a link to our Grants Program or alternatively you can select the Community tab on our website and then select Community Grants Program.

You are guaranteed confidentiality and security when lodging a Community Grants Application online. Whether you have experience in applying for grants through the City of Marion or whether you are a first timer, our on-line grants system is easy to use and help from our friendly staff is never too far away.

## What if I don't have access to the internet?

We can assist you. Please contact Rachel McCaskill, Community Grants Officer, on 8375 6879 to discuss your options.

## Why not join us at our information session on Monday 13 February 2017.

## Application close date

Midnight on Monday 20 March 2017.

## Contact details and more information

Please contact the Community Grants Officer if you require further information, assistance with completing your application, or you would like to discuss any aspect of your project.

Phone: 8375 6879

Email: [council@marion.sa.gov.au](mailto:council@marion.sa.gov.au) (*with the subject title of 'Community Grants Officer'*)

## Financial reporting and project evaluation

An Acquittal Statement and Evaluation Form are required to be completed upon finalisation of the project, or within 12 months of receipt of the funding.

The Acquittal Statement verifies that the grant funding has been utilised in accordance with the Project Budget provided in the Application Form.

The Evaluation Form provides valuable feedback to the City of Marion on how your project and community have benefited from the Community Grants Program.



## SECTION A: APPLICANT DETAILS

### Selecting your grant category

There are four grant categories that council provide funding for. Your group will need to nominate which category it wishes its project to be considered under. The four categories are:

- Community Development
- Arts and Culture
- Environment
- Sport and Recreation

You may only select one category per application.

### Community development

The Community Development category seeks to encourage applicants to apply for funding which is based around general Community Wellbeing themes. Projects that address the following areas are encouraged to apply:

- Strong and engaged communities
- Build on local strengths to develop active, friendly and connected neighbourhoods
  - Encourage an inclusive community that values diversity and engagement
  - Connecting people and places
- Healthy lifestyles and healthy communities
  - Develop open spaces and recreation facilities that support active communities and healthy environments
  - Increase opportunities to improve the community's physical, mental and spiritual health and wellbeing

### Arts and culture

The Arts and Culture category seeks to encourage applicants to apply for funding which is based around council's Strategic Plan commitments:

- Dynamic cultural and artistic activity
  - Facilitating creativity and innovation through arts, business and education sectors
  - Collaborating with local artists to support artistic expression in the community
- Cultural Vitality
- Embracing of diverse cultures and communities
- Expressions of identity and belonging
  - Developing vibrant public places that express local identity and meet local needs
  - Supporting opportunities to celebrate and express community identity
  - Enhancing greater connection and understanding between young and older people
- Preservation of our heritage and valuing the past
- Reconciliation between Aboriginal and non-Aboriginal Australians
  - Respecting expression of the evolving and contemporary Aboriginal culture
  - Supporting positive wellbeing opportunities and meaningful achievement for all people
  - Valuing Aboriginal heritage, language and cultural expression

### Environment

The environment contains many natural assets: air, land, water, and living things. In a Healthy Environment we protect and restore natural assets, control impacts and adapt to change. The Environment category seeks applications for funding that will support any of the following Strategic Plan commitments:

- Active response to climate change
  - Address the causes of climate change by reducing greenhouse gas emissions
  - Develop targeted programs to adapt to the impacts of climate change resulting from past, current and future greenhouse gas emissions

- Responsible management of water resources
- Enhanced landscapes, habitats and local biodiversity
  - Protect, manage and restore natural inland and coastal habitats
  - Identify and develop ecological corridors
  - Increase the planting of local native plants in Marion's open spaces
- Waste and contamination avoided
- An environmentally aware and engaged community
  - Build the capacity of our communities to adapt to the impacts of climate change
  - Encourage individuals and communities to understand and reduce their environmental impacts
  - Build community skills and knowledge of environmental management

## Sport and recreation

The City of Marion's Sport and Recreation Community Grants Category encourages clubs and groups to apply for funding to establish and deliver innovative projects for the benefit of the community. Projects are sought that will address one of the following:

- Assist group's in being sustainable
- Increase opportunities for physical activity, health and wellbeing.
- Facility development that meets City of Marion Strategic Plan commitments including increasing opportunities to improve the community's physical health and wellbeing

Grants are not intended to supplement the day to day operations of a club such as uniforms, standard equipment or facility maintenance.

Sports and recreation clubs are also encouraged to explore projects that fit under the other categories. For example, a sports club may wish to develop an environmental project around water usage reduction.

Please provide the most convenient postal address & telephone contacts for the City of Marion to send grants correspondence to.

### Applicant details

Name of Organisation

Address of Organisation

### Contact person

Postal address

Email address

Contact phone numbers

### Briefly describe the aims and objectives of your organisation

Provide a brief statement about what your organisation does (30 word limit).

### Grant amount

Grants of up to \$2,000 are available as well as three grants of \$5,000. A special \$10,000 grant is also available.

### Are you applying for more than one grant in this round?

If you are applying for more than one grant in this round, please complete a separate form for each project. If yes, please list projects in order of importance.

### Is the organisation an Incorporated Body?

Please select all boxes that may apply by marking with a tick

Any incorporated 'not for profit' group, community group or voluntary association is eligible to apply for a Community Grant.

For accountability requirements, council can only make a cheque payable to an incorporated organisation – a cheque cannot be made to an individual.

## SECTION B: ELIGIBILITY CRITERIA

If your group or organisation answers yes to any of the following questions, your project is ineligible for funding:

Educational Institutions are eligible to apply for a grant provided the proposed activity links strongly to the wider community. Funding cannot be provided for the following projects:

- Development, improvement or maintenance of school grounds or school property. Projects may be considered where the grounds or property development will have a clear and identified benefit to the wider community and can be accessed by the community.
- Projects that are part of the school's curriculum

*Educational institutions are encouraged to contact the Community Grants Officer if they are unsure about the eligibility of their project.*

Has the project commenced? It is possible in some circumstances that the project is eligible even though the project has commenced - if the funding is sought for a component that could be considered separate from the main project, e.g., the group is building a recycling shed which has commenced but the grant is seeking a bailing machine to compress plastic bottles.

Does your organisation have an outstanding debt owing to council? *Please note that this does not apply to organisations that have a loan with council and are complying with the terms of the repayments.*

Will the grant be used for:

- Payment of salaries?
- Recurrent operational costs?
- Fundraising or sponsorships?
- Training or education in government or private institutions, or research activities that will be offered for assessment?
- Academic research or conference costs?
- Interstate or overseas travel?
- Individual, private, political or commercial enterprise?
- Regular maintenance and/or repairs to property where the responsibility is with a private entity or local council or State or Commonwealth Government Department?

## SECTION C: THE PROJECT

### **Name of the project**

What do you want the project to be called? Please note that this project name may be used for media and promotional purposes. Please keep this to a maximum of 10 words.

### **Project summary**

Include a brief summary of your proposed project. Please keep this to a maximum of 30 words.

### **Details of the project**

Describe your project as clearly as possible so that the selection panel has a good understanding of what you want to achieve. Please include the 'who', 'what', 'where', 'when', and 'why' of your project, and attach additional pages if needed. If your project is not physically based in the City of Marion but has benefits to its residents, please elaborate how here.

### **Is the project located in the City of Marion?**

Please select by marking with a tick

**Has your group previously received a community grant from council?**

Please provide details of any previous grants including year/s, amount/s and project name/s. Applications will be accepted from organisations or groups that have received grant funding in previous financial years, but please be aware that if the total amount of applications received exceeds the amount of funds available, priority will be given to organisations that have not received funding within the previous three years.

**What will the grant funds be used for?**

Please provide a summary. Please keep this to a maximum of 30 words.

**Project time frame?**

Please provide the project start and end dates.

**Describe how the City of Marion community will benefit from the project?**

This is a very important part of your application, and necessary for its success. Please note that if your project is wholly or partly outside of the council area, then your application will need to clearly demonstrate strong links and benefits to the City of Marion Community.

**Please list any other organisations that your project will be working in conjunction with, and how you will be working together with these organisations?**

For example, Community groups, Schools, Individuals, Government agencies, Churches.

**Does your project require approval from a land owner or property owner?**

Please select all boxes that may apply by marking with a tick , if the answer is yes you may be asked to provide further information.

**Is your building owned by the City of Marion?**

**Please note** - Being awarded a grant does not imply that council has given permission for the works to be undertaken. It is important to note that all normal planning approval processes must be undertaken by the organisation before any works can be carried out on any council property. While a grant may be awarded prior to planning approval or lease condition requirements being met, works cannot be undertaken until all of the normal approvals have been acquired and it is the sole responsibility of the applying organisation to ensure all lease conditions are met.

**How will you know if your project has been successful?**

For example, what signs would be evident from a successfully run program and how will you document these?

**Any further information relevant to your application.**

**SECTION D: PROJECT BUDGET**

**Project information**

**Could your project proceed if only partial funding was received?**

Please select all boxes that may apply by marking with a tick

**Will the project charge any fee to the participants of the project or to other organisations?**

Who will be charged?

How much will be charged?

How will the collected fees be used?

**Project income**

Grant amount sought from council

Your organisation's cash or in-kind contribution

Income from other sources (e.g. other grants, donations)

**Volunteer information**

**Will volunteers be used in this project?**

Please select the relevant box that applies by marking with a tick

Should you answer YES at this point, you are required to complete the following volunteer questions.

**Number of volunteer hours**

If you are utilising volunteers for your project, you will need to provide an estimate of the number of hours contributed by volunteers. If the project has long term volunteer involvement, e.g. building a recycling shed, nominate the volunteer hours involved in the development of the shed and establishment of the program but not the longer term ongoing volunteer involvement.

**Total dollar value of volunteer contribution**

You will need to provide a dollar value of this volunteer support. This is a calculation of \$27.45 per hour times by the number of volunteer hours.

**Total cost of project**

You are required to add up the amounts entered relating to Project Costs and Volunteer Support.

**Project budget (example only)**

Income		Expenditure	
Description	\$	Description	\$
Marion grant*	2000.00	Student Art and stationery items*	1000.00
In-Kind contribution	500.00	Books*	1000.00
Volunteer contribution	351.30	Advertising	600.00
Donations	1000.00	Facility hire	400.00
	0.00	Brochures	300.00
	0.00	Appreciation gifts for guests	400.00
	0.00	Certificates for students	151.30
	0.00		0.00
	0.00		0.00
	0.00		0.00
	0.00		0.00
	0.00		0.00
	0.00		0.00
Add more lines...		Add more lines...	
<b>Total Income</b>	<b>\$3851.30</b>	<b>Total Expenditure</b>	<b>\$3851.30</b>

**Please note:** Total dollar value of Volunteer contribution needs to be included in the table as income if applicable. In addition to this, please place an (\*) next to all items that relate to Marion funding.

**Please note:** Only fill this section out if you are not Incorporated.

**SECTION E: SPONSORING BODY**

**Details of the sponsoring body**

Groups that are not incorporated are still eligible, provided applications are made through an appropriate incorporated body that is willing to sponsor the project. The sponsoring body will need to provide their incorporation number and ABN. It is this organisation that the cheque will be made payable to.

**Sponsoring body**

Name of Sponsoring Organisation

Mail Address of Sponsoring Organisation

**Contact person of sponsoring body**

Contact phone numbers

Email address

## SECTION F: TAX INFORMATION

**Please note:** that if your grant is to be sponsored by another organisation, this information must be provided by the sponsoring organisation.

### ABN

**Do you have an Australian Business Number (ABN), or if being sponsored, does your sponsoring body have an ABN?**

Please select the box that applies to you with a tick

If you selected 'YES' you will be provided with an opportunity to look up the details associated with your ABN. Alternatively you will locate your details on the Australian Business Register website: [www.abr.business.gov.au](http://www.abr.business.gov.au).

If 'NO', please complete the Statement by Supplier form for your application to be processed. This form is located on the Community Grants page of the Marion website.

### GST

**Have you registered for goods and services tax (GST purposes?)**

Please select the box that applies to you with a tick

### Declaration

You will be required to fill in a declaration to certify that the information you have provided relating to your ABN is true and correct.

## SECTION G: AGREEING TO THE CONDITIONS OF THE GRANT

You are required to read the conditions listed and provide authorisation to the terms and conditions of the grant.

### CONTACT DETAILS

T (08) 8375 6879  
F (08) 8375 6699  
E [council@marion.sa.gov.au](mailto:council@marion.sa.gov.au)  
PO Box 21 Oaklands Park SA 5046  
City Services Building  
935 Marion Road, Mitchell Park  
[marion.sa.gov.au](http://marion.sa.gov.au)

**CITY OF MARION  
GENERAL COUNCIL MEETING  
23 MAY 2017**

**Originating Officer:** Richard Watson, Communications Adviser  
**Corporate Manager:** Jaimie Thwaites, Corporate Governance Manager  
**General Manager:** Vincent Mifsud, General Manager Corporate Services  
**Subject:** City Limits  
**Report Reference:** GC230517R06

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## **BACKGROUND**

The 'City Limits' Report (GC090517R12) was presented to Council at its meeting on 9 May 2017 where it was moved by Cr Telfer and seconded by Cr Hutchinson that Council:

1. Adopt Option 1A for a 24-page, A4 sized City Limits distributed three times per year, at an annual estimated cost of \$80,100 which is lower than the current cost.
2. Includes one column from the Mayor in each edition and a column from Ward Councillors in alternate editions (two columns per year per Ward Councillor)
3. Updates the City Limits Publications Policy (attached as *Appendix A*) in line with the new format of the magazine and the frequency of Elected Member columns
4. Introduce the new format City Limits from edition 55 scheduled for Distribution in August 2017.

The meeting was closed prior to the motion being voted on or formally adjourned therefore, it is not currently a decision and there is no requirement to pick up or continue the item from the point at which the meeting closed. There is also nothing preventing the same or a similar motion being put forward at a subsequent meeting.

## **EXECUTIVE SUMMARY**

A review of *City Limits* has identified how the magazine can be updated to improve the marketing of Council's services, projects and events while reducing costs.

The recommended option reduces the number of pages from 32 to 24 and the overall dimensions to A4 size, saving on printing, design and photography costs. This would see a more compact, user friendly publication with shorter articles in line with current reading trends.

The new format would include a digital version of *City Limits* to improve the way the magazine is read online.

Options for the frequency of Elected Member columns have been developed for consideration.

Producing *City Limits* in the recommended format would enable frequency of publication to be increased from three to four times per year, creating new opportunities to market Council's services, while saving about \$1,400 per annum against current expenditure.

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

- |   |                    |
|---|--------------------|
| 1. <b>Adopt Option xx for a xx- page, A4 sized City Limits distributed xxxx times per year, at an annual estimated cost of \$xxxx</b>                                 | <b>23 May 2017</b> |
| 2. <b>Advise Administration of the frequency and number of Elected Member columns in each edition of City Limits.</b>   | <b>23 May 2017</b> |
| 3. <b>Update the City Limits Publications Policy (attached as Appendix A) in line with the new format of the magazine and the frequency of Elected Member columns</b> | <b>23 May 2017</b> |
| 4. <b>Introduce the new format City Limits from edition 55 scheduled for Distribution in August 2017.</b>   | <b>August 2017</b> |

**BACKGROUND**

Reviewing and updating *City Limits* with the aim of reducing costs and increasing frequency is one of the actions in the *2016/2019 City of Marion Communications and Marketing Plan* adopted by Council on October 25, 2016.

The format for *City Limits* was discussed at Elected Member forums on June 21 and August 30, 2016 as part of the *2016/2019 City of Marion Marketing and Communications Plan*.

A review of *City Limits* has assessed printing, graphic design, photographic and distribution services and advertising. The review identified opportunities to reduce costs and increase frequency of publication by changing the format of the magazine.

**Current format**

*City Limits* is a 32-page magazine measuring 340mm x 240mm that is produced three times a year and distributed to 43,000 households and businesses in Marion.

The magazine was updated to its current format and appearance in October 2010 as part of the development of the *City of Marion Style Guide*. The format and content are guided by the *City Limits Publications Policy* adopted by Council in September 2010.

Content is written and edited by staff. One page is reserved for 250 word columns by the Mayor and the Chief Executive Officer. Four pages are reserved for 250 word columns by Elected Members.

*City Limits* carries a maximum of six pages of advertising, although sales have been declining in recent years in line with overall trends. Space is sold by a media agency which pays the City of Marion a commission on total revenue. Graphic design services, printing and distribution are outsourced to specialist suppliers. Photographs are taken by contractors and staff.

*City Limits* is distributed via letterbox drop to residents and businesses. About 150 copies are posted to stakeholders and the magazine is available on the City of Marion website.

Production costs include printing, graphic design, photography and distribution. The cost for producing three editions of *City Limits* per year is about \$107,000.



## DISCUSSION

Elected Members are asked to make two decisions about *City Limits*. They are:

- Format, page numbers and frequency
- Frequency of Elected Member columns

### New format

The review of *City Limits* found that reducing the number of pages and the overall size of the publication would enable frequency to be increased, creating opportunities for timelier articles marketing Council's services and events while making savings against current expenditure.

It would also enable a new digital version of *City Limits* to be introduced. The 'flipbook' effectively allows readers to turn pages, improving the way the magazine is read on computers and smartphones.

The options for the new format are provided in table below, with the recommended option (Option 1B) bordered by a red broken line.

Details	Option 1A	Option 1B	Option 2 (status quo)	Option 3A	Option 3B
Pages	24	24	32	20	20
<b>Size</b> A4:297x210mm Current/custom: 340x240mm	A4	A4	Current	A4	A4
Number of editions per year	3	4	3	3	4
Enhanced digital edition	✓	✓	X	✓	✓
Paid advertising	X	X	✓	X	X
<b>Service cost</b>					
Design	\$14,000	\$18,000	\$24,000	\$12,000	\$16,000
Photography	\$10,500	\$14,000	\$18,000	\$9,000	\$12,000
Printing	\$36,000	\$48,000	\$52,500	\$31,300	\$40,400
Flipbook	\$1,600	\$1,600		\$1,600	\$1,600
Distribution	\$18,000	\$24,000	\$18,000	\$18,000	\$24,000
Sub total	-	-	\$112,500	-	-
Advertising			(\$5,500)		
<b>Total \$</b>	<b>\$80,100</b>	<b>\$105,600</b>	<b>\$107,000</b>	<b>\$71,900</b>	<b>\$94,000</b>

Key advantages of each option					
Compact user friendly size	✓	✓	X	✓	✓
Improves online capability	✓	✓	X	✓	✓
Shorter articles in line with current trends	✓	✓	X	✓	✓
Removing paid advertising allows more articles	✓	✓	X	✓	✓
Allows for timely marketing of events, activities and services		✓	X		✓

Key disadvantages of each option					
Restricts timely marketing of Council services	✓		✓	✓	
Poor online capability			✓		
Reduces content by 12 pages compared to current				✓	✓
Reduces content by 8 pages compared to current	✓	✓			

### Elected Member columns

Based on the decision on the format and frequency of *City Limits*, Elected Members are asked to consider the frequency with which their columns appear.

Currently, the Mayor and Elected Member columns contain a maximum of 250 words and appear in each edition of *City Limits*.

The smaller, A4 format reduces the amount of information for Elected Member columns to 200 words. It also reduces the number of columns per page from three to two.

Including columns from all Ward Councillors and the Mayor in each edition of the A4 format would take up about seven pages, impacting on room for articles marketing Council's services. An alternative is to include columns by ward in rotation. Based on four editions per year, this would see one edition include Coastal Mullawirra and Southern Hills wards and the following edition Warracowie, Warriparinga and Woodlands. This option would take up about four pages per edition.

It is recommended that columns from Elected Members are included by ward in rotation and a column from the Mayor is included in each edition. This would create sufficient space for articles marketing Council's services and provide a consistent message from Council.

If a new format of *City Limits* is introduced in August 2017 four editions would be distributed by August 2018. Based on the recommended option (1B), this would mean all Ward members would have two columns published before the likely introduction of the Caretaker period leading up to the 2018 Local Government Elections.

If Council resolves to reduce the number of editions to three per year, for Ward Councillors to receive the same number of columns per year would mean:

- Columns from all Ward Councillors would appear in each edition.
- Alternatively, columns could be alternated to one edition per year.

### **Alternating columns - impacts**

- Four editions per year would see columns from Ward Councillors appear every six months and a column from the Mayor every three months
- To provide Ward Councillors with the same number of columns per year over three editions would require two Wards to be featured per edition. This would mean one column per Ward Councillor would be included each year.

### **Distribution**

Alternative options for the current method of letterbox distribution were investigated, including Australia Post and placing *City Limits* in community venues, sporting facilities and selected businesses.

Letterbox distribution is the most cost efficient and timely and provides access to the publication for most residents and businesses.

### **Advertising**

Advertising space is sold by a media agency which pays the City of Marion a 40 per cent commission on revenue.

The *City Limits Publications Policy* allows for a maximum of six pages of advertising. Over recent years advertising sales have become unpredictable and two to three pages of paid advertising per issue has become the norm.

When the current format was introduced in 2010/11 advertising revenue was \$11,050. This has fallen to \$5477 in 2016/17. Declining advertising sales is in line with current trends.

Including paid advertising in the recommended smaller 24-page format would noticeably reduce space for articles.

It is recommended that paid advertising is removed to make room for articles marketing Council's services.

### **City Limits Publications Policy changes**

The policy was adopted in September 2010 and details the overall aim of *City Limits* as to promote the themes of the Community Vision of the time.

The policy includes the criteria for articles, format, number of pages, advertising, distribution method and the frequency and word count of Elected Member columns.

The current City Limits Publications Policy is attached as *Appendix A*.

If a new format *City Limits* is adopted the policy will be updated to reflect the:

- Community Vision – Towards 2040
- Overall size
- Number of pages
- Frequency of Ward Councillor columns
- Frequency of Mayor's column
- Word count of Elected Member columns
- Paid advertising

### **FINANCE**

The recommended changes to *City Limits* can be made within the existing budget. Depending on the option adopted, savings may be achieved.

### **CONCLUSION**

The information provided in this report supports Council's consideration for an updated *City Limits* that reduces costs and increases frequency in line with the *2016/2019 City of Marion Communications and Marketing Plan*.

### **Appendix A: City Limit Publications Policy**

## **POLICY STATEMENT**

The City of Marion aims to communicate with residents and stakeholders through City Limits while also promoting the themes of the Community Vision - Community Wellbeing, Cultural Vitality, Dynamic Economy and Healthy Environment. Articles and advertising will strive to reinforce the directions and strategies of these themes and not include information that contradicts them.

### **Community Vision Themes and Directions:**

#### **Community Wellbeing**

- Strong and engaged communities
- A liveable city
- Connecting people and places
- Healthy lifestyles and healthy communities

#### **Cultural Vitality**

- A learning community
- Embracing diverse cultures and communities
- Expressions of identity and belonging
- Preservation of our heritage, valuing the past and planning for the future
- Dynamic cultural and artistic creativity

#### **Dynamic Economy**

- A supportive business environment
- A strong adaptable and diversified economy
- Leadership in environmental best practice and addressing climate change
- Active business networks, alliances and a culture of collaboration

#### **Healthy Environment**

- Active response to climate change
- Responsible management of water resources
- Enhanced landscapes, habitats and local biodiversity
- Waste and contamination avoided
- An environmentally aware and engaged community

## DEFINITIONS

### **Adult store**

A shop that provides services or products of a sexual nature.

### **Advertising**

Attracting public attention to a product, service or business by a paid announcement.

### **Alcoholic drinks**

Any beer, wine, spirits, cider or other drinks of an intoxicating nature.

### **Article**

Non-fictional journalistic account of events.

### **Illicit drugs**

Unlawful drugs and substances.

### **Local catchment area**

Marion Council and surrounding council areas from where visitors or customers travel, including Holdfast Bay, West Torrens, Unley, Mitcham and Onkaparinga.

## PRINCIPLES

This policy provides guidance as to the content of advertising and the types of articles that are included in City Limits.

## 2. OVERRIDING PRINCIPLES

### **City Limits:**

- 2.1 Promotes the objectives in the Strategic Plan and provides information to the community.
- 2.2 Aims to be free of discriminatory or defamatory content.
- 2.3 Articles should not expose council to legal action.
- 2.4 Reporting should adhere to the highest standards of accuracy.
- 2.5 Is produced in accordance with the City of Marion Style Guide
- 2.6 Adheres to the Publications Policy (Elected Members).
- 2.7 Is produced and distributed three times a year.

### 3. DEVELOPMENT OF ARTICLES

- 3.1 Content is developed, written and edited by the City of Marion. Qualified sub-contractors or special contributors may also be required to write articles.
- 3.2 Senior management will be consulted on the overall direction and on feature articles of strategic importance.
- 3.3 Ideas for articles are provided by City of Marion staff, members of the community, management and Elected Members.
- 3.4 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.
- 3.5 The selection criteria for articles includes:
  - a) Supports the Strategic Plan
  - b) Newsworthiness
  - c) Topicality
  - d) Photographic opportunity
  - e) Balance of subject matter
  - f) Content of previous editions

### 4. FORMAT

- 4.1 City Limits is a 32 page, tabloid size full colour publication.
- 4.2 Technical standards including font and layout will adhere to the City of Marion Style Guide.

### 5. ADVERTISING

- 5.1 City Limits includes a maximum of six pages of advertising.
- 5.2 Adverts promoting council 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 or where advertising space is unsold.
- 5.3 Advertising is sold by an external agency and a commission on sales paid to the City of Marion.
- 5.4 Advertising is restricted to businesses and organisations operating within the Marion Council and local catchment area. Community adverts containing generic information will be exempt from this policy.
- 5.5 The style and content of advertising must not:
  - (a) directly promote alcoholic drinks or manufacturers of alcoholic products. This does not include an advert for a licensed restaurant, club or event providing the content of the advert does not directly promote alcohol.
  - (b) directly promote betting or gambling including online gambling, lotteries or competitions. This does not include premises or events where gambling is permitted providing the content of the advert does not directly promote gambling.

- (c) include products or services of a particularly intimate nature including adult stores or telephone sex lines and websites.
- (d) promote tobacco products or manufacturers of tobacco products.
- (e) portray people or depict material in a way which discriminates against or vilifies a person or community group based on race, ethnicity, sex, age, sexual preference, religion, disability or political belief.
- (f) promote or portray violence.
- (g) promote illegal activities or anti-social behaviour including the use of illicit drugs or reckless driving.
- (h) include financial products or services that promote loans including home loans and car loans. Adverts promoting savings packages are permitted.

## **6. ELECTED MEMBER CONTRIBUTIONS**

- 6.1 Space will be reserved in line with the Style Guide for Elected Member contributions in each issue.
- 6.2 Contributions will appear in alphabetical order by Wards (Coastal, Mullawirra, Southern Hills, Warracowie, Warriparinga, Woodlands).
- 6.3 Elected Member contributions will appear with their photograph and contact details in alphabetical order by surname on the relevant Ward page.
- 6.4 There is a maximum limit of 250 words.
- 6.5 Space will be reserved for 250 words for the Mayor's contribution.
- 6.6 Contributions must be emailed to the City of Marion by a deadline which will be specified during the lead up to publication.
- 6.7 Elected Member contributions will not be published during a caretaker period for Local Government Elections.
- 6.7 Contributions must adhere to the Publications Policy (Elected Members).

## **7. DISTRIBUTION**

- 7.1 The publication is free.
- 7.2 It is distributed via letterbox drop and made available at City of Marion facilities including the Administration Building, libraries and neighbourhood centres and on council's website.
- 7.3 Copies are mailed to stakeholders outside the council area.

## REFERENCES

### **CORPORATE PLAN:**

Nil

### **EXCELLENCE IN GOVERNANCE:**

Nil

### **PROCEDURE REFERENCE:**

Nil

### **COUNCIL AGENDA REFERENCE:**

Adopted by Council: 14 September 2010 (TBC)

### **OTHER RELATED REFERENCES:**

City of Marion Strategic Plan 2010/2010

Publications Policy (Elected Members) GP30

## AUTHOR

Richard Watson



**CITY OF MARION  
GENERAL COUNCIL MEETING  
23 MAY 2017**

**Originating Officer:** Paul Johns, Acting Unit Manager Risk  
**Corporate Manager:** Jaimie Thwaites, Acting Manager Corporate Governance  
**General Manager:** Vincent Mifsud, General Manager Corporate Services  
**Subject:** Fraud and Corruption Management Framework  
**Report Reference:** GC230517R07

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**REPORT OBJECTIVES:**

The purpose of this report is to provide Council with a Fraud and Corruption Management Framework for adoption.

**EXECUTIVE SUMMARY:**

In 2014, amendments to the Local Government Act 1999 were enacted regarding the obligation of Council's external auditors to report on the internal controls exercised by the Council during the financial year. The City of Marion (CoM) implemented the control track software to document, assess and review internal controls across CoM. Through this review process, it was identified that the CoM did not have a Fraud and Corruption Policy and a recommendation was that one be implemented.

Subsequently, a Fraud and Corruption Management Policy (**Appendix 1**) was developed, reviewed by the Finance & Audit Committee and endorsed by Council at their meeting on 24 May 2016 (GC240516R08).

The Committee noted that the next stage in managing fraud and corruption risks was the implementation of the Fraud and Corruption Framework which has now been developed to support CoM's Fraud and Corruption Management Policy. The Framework was considered by the Finance and Audit Committee at its meeting 4 October 2016 (FAC041016R7.8). Feedback received was a recommendation to Council that the Fraud and Corruption Management Framework be adopted after the incorporation of their revisions as outlined in the Finance and Audit Committee meeting minutes.

**RECOMMENDATION**

**DUE DATE**

**That Council:**

- |   |                    |
|---|--------------------|
| <b>1. Endorse and adopt the Fraud and Corruption Management Framework</b> | <b>23 May 2017</b> |
|---|--------------------|

**DISCUSSION**

The Fraud and Corruption Management Policy (**Appendix 1**) aims to provide a commitment from CoM to act in the best interests of the community, mitigate against the associated risk and support good governance.

The draft Framework was presented to Finance & Audit Committee at its meeting on 4 October 2016. At this meeting the Finance & Audit Committee recommended the following matters be undertaken prior to the Framework being formally endorsed:

- Ensure that the policy and framework has consistent policy governance regarding version control, dates adopted by council, etc.
- Review the relationship with the framework and the requirements of ICAC, to ensure compliance with the ICAC legislation. There may need to be two processes to apply – those investigated internally and those investigated by ICAC.
- Incorporate the receipt of gifts, benefits and hospitality within the Work Area Report checklist (Appendix 4).
- Include this in the Committees Annual Report as part of the work program for next year.
- Amend page 232 of the agenda to reflect the Procurement and Contract Management Policy that was endorsed at the Council Meeting of 27 September 2016.

The draft Framework (**Appendix 2**) has been updated to incorporate the above feedback.

The draft Framework aims to provide a practical document to introduce and embed an ethical culture and high level of fraud and corruption awareness throughout all levels of CoM to support the prevention, detection, assessment, reporting, action and investigation of fraud and corruption.

The draft Framework contains two Fraud and Corruption Control Reports which will be required to be completed on an annual basis:

- A Corporate Report (**Appendix 3**) has been developed which requires completion by a selection of Senior Leadership Team members to ensure overarching fraud and corruption control processes have been implemented across the organisation.
- A Work Area Report (**Appendix 4**) has been developed which requires completion by all 28 Work Area Plan owners to acknowledge that the overarching fraud and corruption control processes have been practically implemented, and complied with, in their work area.

## **NEXT STEPS**

A fraud and corruption risk assessment will be undertaken as part of the annual review of corporate risk and subsequently reported to the Finance and Audit Committee at its meeting scheduled for 15 August 2017.

Fraud and corruption management and ICAC Act training will be added to the organisational training needs analysis with training for identified roles scheduled accordingly.

The Fraud and Corruption Control Corporate and Work Area Reports will have practical implementation each financial year culminating in a register of reports which will inform appropriate responses for the annual executive assurance statement required for submission to the external auditor.

## **CONCLUSION**

The recently adopted Fraud and Corruption Management Policy and the proposed Fraud and Corruption Management Framework, together with the suite of underpinning documentation and processes outlined in the next steps, will provide Council with assurance that CoM is proactively managing its Fraud and Corruption risks and meeting legislative obligations.

## **APPENDICES:**

- Appendix 1 - Fraud and Corruption Management Policy
- Appendix 2 - Draft Fraud and Corruption Management Framework
- Appendix 3 - Draft Fraud and Corruption Control Corporate Report
- Appendix 4 - Draft Fraud and Corruption Control Work Area Report

# Policy



## 1. Policy Statement

The City of Marion (“the Council”) is committed to excellence in governance. The Council is committed to acting in the best interest of the community and to upholding the principles of honesty, integrity and transparency, which are all key components of good governance. It is recognised that Fraud and Corruption in Public Administration have the potential to cause significant financial and non-financial harm and, therefore, the prevention and control of Fraud and Corruption should be covered within the Council’s Risk Management systems and procedures.

This Policy is design to protect public funds and assets as well as the integrity, security and reputation of the Council. It outlines the Council’s approach to the prevention or minimisation, identification and control of fraudulent and/or corrupt activity and summarises the associated responsibilities.

The Council is committed to protecting its revenue, expenditure and assets and therefore has implemented appropriate Fraud and Corruption prevention and will:

- Comply with the requirements of the Independent Commission Against Corruption (ICAC) Act 2012
- Foster an ethical environment in which dishonest and fraudulent behaviour is not tolerated.
- Adopt a risk management approach to Fraud and Corruption, including pro-active assessment of risks establishing and maintaining an effective system of controls and enforcing compliance with those controls.
- Ensure all of the Council’s employees and elected members are aware of their obligations through the induction process, ongoing training and the evaluation of practices relevant to the control of Fraud and Corruption.
- Take appropriate action in response to allegations of fraudulent and/or corrupt activity including reporting in accordance with the ICAC Act and the City of Marion Whistleblower Policy including taking the appropriate disciplinary action in accordance with the Council’s Code of Conduct.

The purpose of this Policy is to formalise the Council’s commitment to managing Fraud and Corruption risks and to establish responsibilities for the application of Fraud and Corruption mitigation strategies and Internal Controls within the Council’s operations.

## 2. Policy Scope

This Fraud and Corruption Management Policy applies to all operations and functions of the Council.

## 3. Definitions

**Corruption** in public administration, as defined in the ICAC Act, includes:

- bribery or corruption of public officers
- threats or reprisals against public officers and
- certain offences committed by public officers including:
  - abuse of public office
  - demanding or requiring a benefit on the basis of public office
  - an offence, or an attempt to commit an offence against the Public Sector (Honesty and Accountability) Act 1995 or the Public Corporations Act 1993 and
  - any other offence committed by a public officer whilst acting in his or her capacity as a public officer.

**Fraud**, as defined in the AS 8001:2008 Fraud and Corruption Control, is Dishonest activity causing actual or potential financial loss to any person or entity including theft of moneys or other property by employees or persons external to the entity and where deception is used at the time, immediately before or immediately following the activity. This also includes the deliberate falsification, concealment, destruction or use of falsified documentation used or intended for use for a normal business purpose or the improper use of information or position for personal financial benefit.

#### 4. Objectives

The following objectives underpin the City of Marion's approach to addressing Fraud and Corruption Management:

- Introduce and embed an ethical culture and high level of Fraud and Corruption awareness throughout all levels of CoM to support the prevention, assessment, reporting, action and investigation of Fraud and Corruption.
- Implement consistent Fraud and Corruption management processes to manage Fraud and Corruption throughout CoM's organisational systems and functions in line with Fraud and Corruption standards including AS 8001:2008 Fraud and Corruption Control.
- To clarify the responsibilities within the Fraud and Corruption Control Framework to enable the consistent and systematic application of our Fraud and Corruption management approach within all of the Council's operations.
- To guide a risk management approach to Fraud and Corruption control to ensure proactive management strategies are implemented to mitigate against events occurring and ensure robust contingency plans to lessen the impact of events if they were to materialise.

The overarching aim of the Fraud and Corruption Management Policy is to embed appropriate fraud controls throughout CoM's operational work areas to ensure outcomes in alignment with objectives.

To achieve the Council's objectives, the City of Marion Fraud and Corruption Control Framework ("the Framework") has been established and refined in accordance with the Australian Standard 8001:2008 Fraud and Corruption Control. The aim of the Framework is to provide guidance on the most effective way to prevent and manage Fraud and Corruption activities to minimise the associated risks that may impact on achievement of the Council's strategic objectives as outlined in the Community Plan.

#### 5. Roles and Responsibilities

As the decision making body of the Council, Elected Members are responsible for ensuring that the Council promotes community awareness of the Council's commitment to the prevention of Fraud and Corruption, providing adequate resources and security for the prevention of Fraud and Corruption, providing mechanisms for receiving allegations of Fraud and Corruption and appoints a Responsible Officer to manage the prevention and control of Fraud and Corruption.

To assist the Council in discharging its responsibility in relation to Fraud and Corruption control, the Council will seek the views of its Finance & Audit Committee. The responsibilities of the Committee are contained in the Committee's Policy and Terms of Reference.

Council has also delegated various powers and functions to the Responsible Officer (Chief Executive Officer) to enable the setting of the policy and procedures to assist with the management of the City of Marion Fraud and Corruption profile and therefore has overall accountability for an effective Fraud and Corruption management program.

Note: The Framework provides further information on the Fraud and Corruption management roles and responsibilities.

## 6. Compliance Obligations

[Local Government Act 1999](#)

[Independent Commissioner Against Corruption Act 2012](#)

[Public Sector \(Honesty and Accountability\) Act 1995](#)

[Public Corporations Act 1993](#)

## 7. References

City of Marion Fraud and Corruption Control Framework

City of Marion Whistleblower Policy

City of Marion Code of Conduct

City of Marion Risk Management Policy and Framework

City of Marion Finance & Audit Committee Policy and Terms of Reference

AS/NZS ISO 31000:2009 Risk Management Principles and Guidelines

AS 8001:2008 Fraud and Corruption Control



# Fraud & Corruption Management Framework

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**VERSION 1.1**

**Endorsed by Council**

**XX May 2017**

# Fraud & Corruption Management Framework



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# Fraud & Corruption Management Framework



## 1. Introduction

The City of Marion (CoM) is committed to a Fraud & Corruption Framework that provides a robust approach to protecting its reputation, revenue, expenditure and property from any attempts to make gain by deceit through minimising the opportunity for fraud and corruption activities.

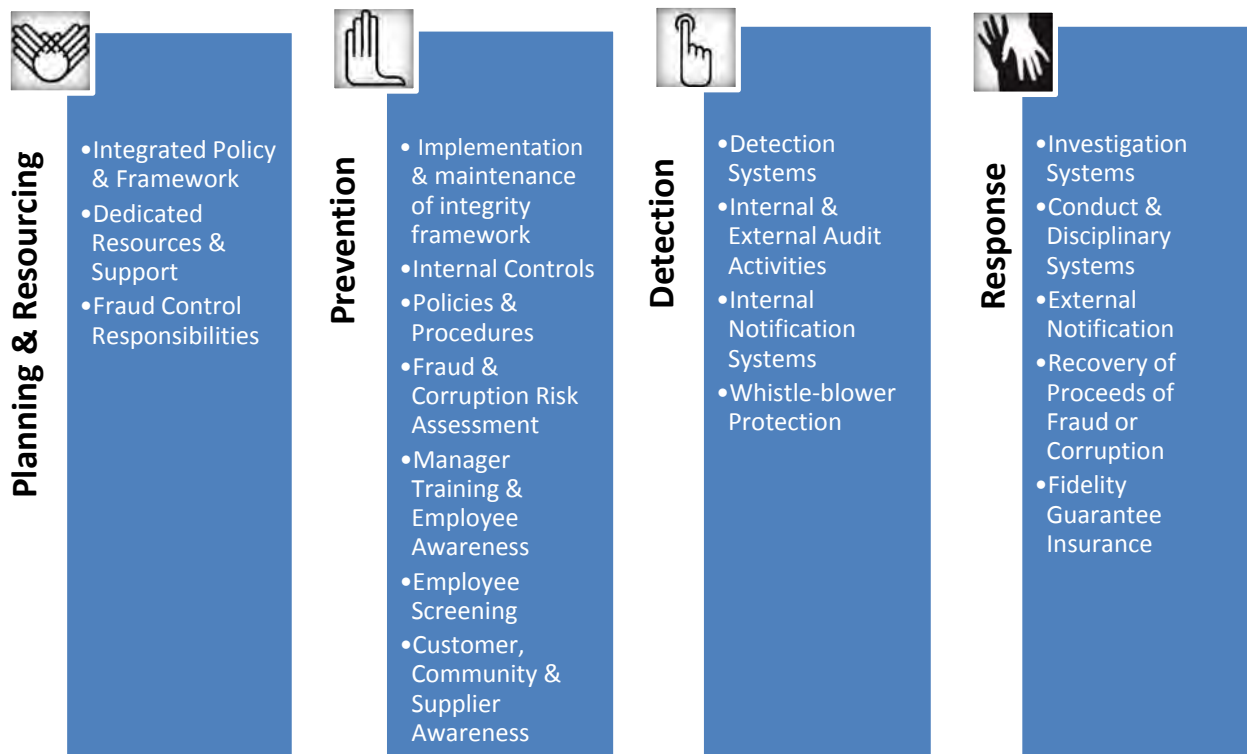
Core to this approach are the CoM's organisational Values highlighting what is important to Council and how everyone is expected to behave. Central to living the values is the role of leadership, as leaders set the tone for what is important and demonstrate expected conduct of staff. Values help drive the behaviour required to achieve the organisation's strategic goals. With the community and safety at the forefront of everything we do, Marion values:

- Respect
- Integrity
- Achievement
- Innovation

This document sets out the framework for fraud and corruption management across the City of Marion and is aligned to the Australian Standard AS 8001:2008 on fraud and corruption control.

To mitigate the risks associated with fraud and corruption, an integrated strategy has been developed. There are four core elements within the Fraud & Corruption Management Framework (the "Framework") that supports our culture of effective decision making and good corporate governance. These core elements are embedded across the organisation and are outlined in Diagram 1 below.

**Diagram 1. Fraud and Corruption Control Elements** (source AS8001:2008)





# Fraud & Corruption Management Framework



## 2. Planning & Resourcing

### 2.1 Integrated Policy & Framework

The Fraud & Corruption Management Framework should be read in conjunction with the Fraud & Corruption Management Policy. The Policy outlines Council's commitment to fraud and corruption management and the objectives for the fraud and corruption management program which are:

- To introduce and embed an ethical culture and high level of fraud and corruption awareness throughout all levels of CoM to support the prevention, detection, assessment, reporting, action and investigation of Fraud and Corruption.
- To implement consistent fraud and corruption management processes to manage fraud and corruption throughout CoM's organisational systems and functions in line with fraud and corruption standards including AS 8001:2008 Fraud and Corruption Control.
- To clarify the responsibilities within the Framework to enable the consistent and systematic application of our fraud and corruption management approach within all of the Council's operations.
- To guide a risk management approach to fraud and corruption control to ensure pro-active management strategies are implemented to mitigate against events occurring and ensure robust contingency plans to lessen the impact of events if they were to materialise.
- To continually align the fraud and corruption management program with the Risk Management and Strategic Management Frameworks.

Integration of the fundamental fraud risk principles into all activities across CoM provides a standardised approach to ensure shared learnings and continual improvement resulting in many benefits to the management of our fraud risk exposure as outlined in Diagram 2.

**Diagram 2: Integration of Fraud & Corruption Management**



# Fraud & Corruption Management Framework



## 2.2 Dedicated Resources & Support

As outlined in the Policy, the Chief Executive Officer (CEO) has appointed Responsible Officers who are the Manager Corporate Governance and the Manager Human Resources to enable the setting of the Policy and oversee the fraud and corruption management program

The Risk Management Unit is responsible for the facilitation of the fraud and corruption management program and act as document and system owners. In particular, the Unit Manager Risk and Risk Coordinator provide guidance, training, information and documented resources, coordinate fraud and corruption reporting and integrate feedback and learning into the continuous improvement of the fraud and corruption management program. A key focus is to build fraud and corruption management capability across the CoM to improve decision making outcomes and minimise the organisational exposure to fraud and corruption.

## 2.3 Fraud Control Responsibilities

CoM will ensure clear responsibility and accountability for the implementation and monitoring of this Framework including supporting policies, procedures and activities. It is critical that staff understand their obligations and that everyone clearly understands their role in minimising the opportunity for fraud and corruption. Overarching responsibilities are outlined in Diagram 3 followed by detailed explanations.

**Diagram 3: Roles and Responsibilities**



### Council

Council is responsible for adopting and reviewing the City of Marion Fraud and Corruption Management Policy and Framework. This ensures a fraud and corruption management process across the CoM that reflects the expectations of the community. The effectiveness of the fraud and corruption management program is monitored through the

# Fraud & Corruption Management Framework



review of reports by the Finance & Audit Committee and the CEO. Reports include the timely reporting of any significant events of fraud and corruption.

## Finance & Audit Committee

As part of its advisory and assurance role to Council, the Finance & Audit Committee reviews the fraud risk profile annually, monitors the exposure of Council, fraud and corruption management processes and management information systems. The Committee provides guidance, support and advice to the Council on the reports received, including its opinion on whether the fraud and corruption management program is effective and aligned to community and Council expectations. Refer to the Finance & Audit Committee Policy and Terms of Reference. In addition, the Committee receive (desensitised) notification of all incidents of reported fraud and/or corruption along with details of the investigations and the resulting actions.

## Chief Executive Officer

Council has delegated various powers and functions to the CEO to enable the setting of policy and procedures to assist with fraud and corruption management at the CoM.

With overall accountability for the fraud and corruption management program, the CEO provides leadership and ensures appropriate resourcing and delegations are in place for an effective fraud and corruption management program that delegates decision making down to the appropriate level. The fraud and corruption management program supports an effective and comprehensive assurance program (internal audit) by independent service providers.

The CEO has a role to ensure the timely reporting of fraud and corruption issues to Council, ~~and~~ in overseeing the appointment of Responsible Officers and providing information requested by enquiring agencies during the assessment or investigation into reports of fraud or corruption.

## General Managers

General Managers and the CEO have high level oversight of operational (Work Area) fraud risks across their division and escalate issues or concerns for monitoring by the RWG as necessary. General Managers model and encourage fraud and corruption management behaviour to foster integration of a fraud and corruption management culture. Ensure participation of Work Areas within their division in fraud and corruption management activities.

## Risk Working Group

With membership including the Executive Leadership Team (ELT), the Risk Working Group (RWG) oversees the fraud and corruption management program and confirms the fraud and corruption management reports to be provided to the Finance & Audit Committee. Refer to the Terms of Reference for full membership, purpose and reporting responsibilities.

## Responsible Officers

The Responsible Officers, as appointed by the CEO, are the Manager Corporate Governance and the Manager Human Resources who have the responsibility to:

- Receive information from a whistle-blower;
- Undertake an assessment & ensure adequate resources are available to respond to the incident;
- Isolate the area of investigation to prevent destruction or manipulation of evidence;
- Undertake an investigation or appoint an external investigator and report to the CEO, or the Mayor in the case that the respondent is the CEO, including advice on whether an employee be suspended (with pay) from duties during these investigations;
- Advise other appropriate external authorities as required; and
- Protect the whistle-blower and ensure that the entire process is undertaken in accordance with this Framework

## Senior Leadership Team

As individual operational (Work Area) risk owners, managers implement fraud and corruption management processes across the span of their responsibility to minimise the opportunity for operational fraud risk. This includes determining

# Fraud & Corruption Management Framework



fraud risk management accountability at an operational level and whether fraud risk ownership is delegated to Unit Manager level.

## Leadership Team

Contribute to the management of operational fraud risk including implementation of the fraud and corruption management process across the span of their responsibility.

All leaders will demonstrate integrity and fairness in decision making and an open honest relationship in their dealings with others. Specific fraud and corruption prevention strategies will be implemented that are consistent with overall corporate strategies, which include:

- Defining clear lines for supervisory responsibilities and accountabilities,
- Reinforcing the need for disciplinary measures when required,
- Adopting preventative measures to deter and detect instances of fraud and/or corruption, and
- Reporting all incidents of fraud and/or corruption.

## Unit Manager Risk

Responsible for coordinating the fraud and corruption management program including updating and enhancing the Fraud and Corruption Management Policy, Framework, Control Reports and ongoing training and prevention program.

## All Staff

Employees of the CoM will act ethically and responsibly in all their actions, behave in a responsible manner in accordance with the Code of Conduct for Employees and disclose any suspected instances of fraud and/or corruption to a Responsible Officer.

## 3. Fraud & Corruption Prevention

### 3.1 Implementation & Maintenance of integrity framework

CoM's Code of Expected Behaviours provides a guide to ethical and constructive decision making. The decision making guide can assist employees in determining an appropriate course of action when faced with an ethical dilemma. The model helps to ensure that behaviour meets the standards required.

A risk based approach to fraud & corruption helps managers to understand the risks associated with all levels of business and highlights areas where pressure, opportunity and rationalisation can occur. These three elements are otherwise known as the 'Fraud Triangle'.

# Fraud & Corruption Management Framework

**Diagram 4: Fraud Triangle**



The triangle depicts that individuals are motivated to commit fraud when three elements come together:

- **Pressure:** pressure on the individual is often the motivation behind fraud and can be either personal financial pressure, such as debt problems, or workplace debt problems, such as a shortfall in revenue. The pressure is seen by the individual as without a legal or sanctioned solution and is not open for group remedy or discussion.
- **Opportunity** – the opportunity to commit fraud – is the means by which the individual will defraud the organisation. In this stage the individual sees a solution and they often abuse their position to solve the perceived financial problem in a way that they believe is unlikely to be discovered. In many cases the ability to solve the problem in secret is key to the perception of a viable opportunity.
- **Rationalisation** – the ability to rationalise the crime is the final stage in the fraud triangle. This is a cognitive, ethical stage and requires the individual to be able to justify the crime in a way that is acceptable to his or her internal moral compass, often based on external factors, such as a need to take care of family, or a mitigating the harm done by the crime.

## 3.2 Internal Controls

Robust internal control structures are already in place and risk management processes continue to be assessed and reviewed to ensure their effectiveness. They will be subject to an internal and external audit function to monitor the effectiveness of those internal controls. Individual officers are responsible for daily operations and for maintaining cost-effective internal control structures within their organisational responsibility which require staff to follow standard practices when conducting Council business, to act in accordance with best practice, and to adhere to agreed internal control systems which may include:

- segregation of duties
- staff induction, education & training
- reconciliations
- security of assets, records and information systems
- supervision and internal checks
- clear reporting lines
- performance management, and
- consideration of risk and risk management strategies

## 3.3 Fraud & Corruption Risk Assessment

In alignment with the Risk Management Policy and Framework, the CoM will undertake a separate fraud and corruption risk assessment as part of its broader risk management program. The fraud and corruption risk assessment quantifies the level, nature and method of the risks to be managed and leads to the identification of actions to mitigate the risks identified.

# Fraud & Corruption Management Framework



## 3.4 Manager Training & Employee Awareness

All staff will be provided training and awareness in the Fraud and Corruption Management Policy and Framework, the organisational Values, the Code of Conduct, and other relevant policies to ensure they understand the minimum standards of behaviour required of them. This training is included as part of the induction program and will include advice about ethical behaviour and awareness of fraud and corruption risks. The organisational values are also embedded into position descriptions and the Leadership/Performance Development Plan. Managers and staff identified as having a greater exposure to fraud and corruption risk will receive additional training which will be tailored to the risks created by the operational environment.

## 3.5 Employee Screening

In considering the suitability of applicants for roles identified as having a greater fraud and corruption risk, Police Checks will be required as part of the selection process when filling those advertised positions. If the applicant refuses to provide a Police Check, they will not be employed by CoM and the offer of employment will be immediately withdrawn. If the Police Check results in a history of fraudulent or corrupt behaviour, the applicant will not be employed by CoM and there will be no offer of employment extended to the applicant.

## 3.6 Customer, Supplier & Community Awareness

Awareness will be raised to recognise any fraud and corruption risk posed by external parties, customers, suppliers and the community in general. Through this framework and related fraud and corruption management tools, staff in relevant roles will be informed as to how to report suspected instances of fraudulent or corrupt behaviour and the approved method for the management of this reporting. The Fraud and Corruption Policy will be available to customers, suppliers and the community via the City of Marion website.

## 4. Fraud & Corruption Detection

### 4.1 Detection Systems

The CoM will have adequate detection systems to monitor data and identify irregularities and warning signals. In addition to management's monitoring and review, an internal audit schedule will be implemented based on risk. These internal audits provide assurance on the effectiveness of internal controls established by management including those to prevent and detect fraud and corruption.

In addition, all work areas will annually review and update a 'Fraud and Corruption Control Report'. This document provides the mechanism for outlining each work areas approach to fraud and corruption control within their area of responsibility. It will also assign responsibilities for various detection systems including authorisation of various processes, segregation of duties and rotation of tasks.

### 4.2 Internal and External Audit Activities

The fraud and corruption management program supports an effective and comprehensive assurance program (internal and external audit). The CoM's internal audit program is to include both systematic and random audits to test compliance, and effectiveness of internal controls. The findings of these audits are reported to Council via the Finance and Audit Committee, to ensure that any identified adverse trends or deficiencies are appropriately actioned.

### 4.3 Internal Notification Systems

Council encourages the reporting of suspect behaviours and provides support for staff and community to report suspected instances of fraud and/or corruption via the following mechanisms:

- Verbal; by telephone or in person, to one of the Responsible Officers
- Email; addressed to the Responsible Officer via [council@marion.sa.gov.au](mailto:council@marion.sa.gov.au)
- Post; addressed to the Responsible Officer via PO Box 21, Oaklands Road SA 5047

# Fraud & Corruption Management Framework



Protection from reprisal action is provided for those who do report suspected instances of fraud and/or corruption under the CoM Whistle-blower Policy however each method of the notification system provides the opportunity for the complainant to report the suspect behaviours anonymously.

Instances of purposely false and defamatory reports of suspect behaviours by CoM employees will be responded to within the Addressing Employee Performance and/or Conduct Procedure.

## 4.4 Whistle-blower Protection

Council is committed to ensuring the protection of Whistle-blowers who report suspected instances of fraud and/or corruption under its Whistle-blowers Policy.

## 5. Responding to Detected Fraud & Corruption Incidents

### 5.1 Investigation Systems

All reported instances of fraud and corruption will be subject to an investigation process, conducted by a responsible officer, with the appointment of an external consultant if required. The Responsible Officer will report to the CEO (or the Mayor in the case that the respondent is the CEO) and be fair and independent of the Work Area, the whistle-blower and/or any other person(s) involved in the investigation. They will investigate the substance of the allegation to determine whether there is evidence in support of the matters raised, or alternatively, to disprove the report made. In the event of a report being made, the Responsible Officer will notify the individual that they are under investigation.

Investigations will be undertaken promptly, have accurate evidence collection, ensure procedural fairness, and be of the highest standards of quality. They will also be undertaken with the aim to identify opportunities to improve organisational policies, procedures and systems and will make recommendations accordingly. At the conclusion of an investigation, the Responsible Officer will submit a written report to the CEO who will determine whether the matter is to be referred external agencies as outlined in 5.3 External Reporting.

### 5.2 Conduct & Disciplinary Systems

Fraud and corruption is a crime and will not be tolerated and, after investigation, those found to have engaged in such conduct will face disciplinary action. Staff are expected to act in an ethical manner and in accordance with the standards of behaviour set out in the Organisational Values and Code of Conduct.

### 5.3 External Reporting & Investigations

~~State Government agencies require~~ In accordance with the Independent Commissioner Against Corruption (ICAC) Act 2012 - public authorities and public officers are required to report matters that are reasonably suspected to involve fraud and/or corruption ~~to, including:~~

~~The Independent Commissioner Against Corruption Office of Public Integrity (OPI), for incidents of fraud or corruption~~

- The South Australian Police, for criminal matters

The Independent Commissioner Against Corruption's Directions and Guidelines document outlines the reporting obligations of public authorities and its officers where there is occasion that corruption, misconduct and/or maladministration in public administration is reasonably suspected.

~~Reports~~ Reports made to the OPI will be made by the CEO and should identify the matter in relation to what is suspected and the public officer/s involved. It will include a statement outlining how we became aware of the conduct, the evidence known, any relevant documentation and details of those aware of the issue that can give evidence relevant to the conduct.

Upon receiving reports of reasonably suspected fraud or corruption, the OPI or the ICAC will assess the complaint. The OPI may make a recommendation to the ICAC as to how the complaint should be dealt with. Alternatively, the OPI may refer the matter directly to the Ombudsman or public authority, in circumstances approved by the ICAC.

# Fraud & Corruption Management Framework



Any formal requests from the OPI, the ICAC or the Ombudsman for information regarding a report of fraud or corruption to the OPI will be responded to appropriately.

In most cases the act of fraud or corruption will be deceptive and therefore not obvious however in some cases (eg armed hold-up or breaking and entering), Police presence will be required as a matter of urgency. The decision to call the Police will normally be an action by the most senior officer on site at the time of the emergency. Any employee who calls the Police shall notify the CEO as soon as practicable.

## 5.4 Recovery of Proceeds of Fraud or Corruption

When a case has been fully investigated and been proven, Council will aim to seek full reimbursement of any financial loss incurred.

## 5.5 Fidelity Guarantee Insurance

Council is provided insurance cover by the Local Government Association Asset Mutual Scheme and Fidelity Guarantee in the amount of \$500,000 for any one claim and in total each year.



As leaders at the City of Marion, it is imperative that you define the Fraud and Corruption exposure of your Work Area by detailing and prioritising the fraud risks within your Work Area and undertake to describe 'the controls and prevention activities', identify the 'system or procedural weaknesses' and their corresponding rectification plans, assign responsibility for implementation of actions and implement the recommendations of internal audits. These actions will assist us achieve the "7<sup>th</sup> Strategic Goal" of achieving:

**'Our Council of Excellence'**

RISK UNIT CONTROLS		Y	N	N/A
<b>1. Is the Fraud and Corruption Policy and Framework relevant and currently within review date?</b>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If no, why?				
<b>2. Has the Fraud and Corruption risk assessment been developed and/or reviewed?</b>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If no, why?				
<b>3. Has appropriate awareness and training been provided for relevant officers to enable the completion of the Work Area Control Reports?</b>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If no, why?				
<b>4. Have any matters been reported to CoM's Insurance provider?</b>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If yes, please provide a brief outline:				
<b>5. Have any matters been identified as a result of internal/external audit?</b>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If yes, please provide a brief outline:				

Signed as true and correct by the Unit Manager Risk: .....

Date: .....

HR CONTROLS		Y	N	N/A
<b>1. Are the organisational values considered during the selection of all new staff members?</b>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If no, why?				
<b>2. Are Police Checks undertaken for all identified positions?</b>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If no, why?				
<b>3. Is the Fraud and Corruption Management Policy &amp; Framework, organisational Values and the Code of Conduct included as part of the induction program for all new staff members?</b>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If no, why?				
<b>4. Is a program of Performance Development reviews undertaken across all work areas?</b>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If no, why?				
<b>5. Are fraud and corruption management obligations incorporated into relevant Position Descriptions?</b>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If no, why?				
<b>6. Is Fraud and Corruption or ICAC training been reflected in the Training Needs Analysis and provided to relevant staff?</b>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If no, list the dates of the last training held:				

Signed as true and correct by the HR Manager: .....

Date: .....

GOVERNANCE CONTROLS		Y	N	N/A
<b>1. Is a current and appropriate Cab Charge Card/Voucher Policy and/or Procedure in place?</b>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If no, why?				
<b>2. Are Cab Charge Cards &amp; Vouchers kept in secure location and access limited to nominated custodians?</b>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If no, why?				
<b>3. Are all Cab Charge Card/Voucher records reviewed and reconciled against the monthly statement?</b>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If no, why?				
<b>4. Is a current and appropriate gifts, benefits and hospitality Policy and/or Procedure in place?</b>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If no, why?				
<b>5. Has the entries on the register been reviewed annually?</b>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If no, why?				

Signed as true and correct by the Governance Manager: .....

Date: .....

OPERATIONAL SUPPORT CONTROLS		Y	N	N/A
1. Are staff provided training in the appropriate use of the Purchase Order system?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If no, why?				
2. Are approved suppliers identified in the Purchase Order system?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If no, why?				
3. Are prescribed limits on purchasing authority not exceeded (defined by Delegations list)?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If no, why?				
4. Are Purchase Orders generated and approved by different people?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If no, why?				

Signed as true and correct by the Operational Support Manager: ..... Date: .....

**FINANCIAL CONTROLS**

Part A: PETTY CASH		Y	N	N/A
A1. Is a current and appropriate Cash Handling Policy and/or Procedure in place?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If no, why?				
A2. Are all Petty Cash records reviewed on a regular basis by finance?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If no, why?				
A3. Are prescribed limits on purchasing authority not exceeded (defined by Delegations list)?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If no, why?				
Part B: PURCHASE CARDS		Y	N	N/A
B1. Is a current and appropriate Purchase Card Policy and/or Procedure in place?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If no, why?				
B2. Are all Purchase Card records reviewed and retained by finance?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If no, why?				
B3. Are prescribed limits on purchasing authority not exceeded (defined by Delegations list)?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If no, why?				
Part C: PAYMENTS & RECEIPTS		Y	N	N/A
C1. Is a current and appropriate Debtor and Creditor Policy and/or Procedure in place?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If no, why?				
C2. Are all deposits recorded, banked and reconciled by different people?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If no, why?				
C3. Are all deposits securely locked away and balanced daily?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If no, why?				
C4. Are bank statements reconciled daily?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If no, why?				
Part D: INTERNAL CONTROLS		Y	N	N/A
D1. Were the Internal Controls reviewed as part of the external audit?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If no, why?				
D2. Did the individual processes selected for internal or external audit receive a positive result?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If no, why?				
D3. Have all recommendations outlined in audit reports been actioned accordingly?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If no, why?				

Signed as true and correct by the Finance Manager: ..... Date: .....



# Work Area Report

As leaders at the City of Marion, it is imperative that you define the Fraud and Corruption exposure of your Work Area by detailing and prioritising the fraud risks within your Work Area and undertake to describe 'the controls and prevention activities', identify the 'system or procedural weaknesses' and their corresponding rectification plans, assign responsibility for implementation of actions and implement the recommendations of internal audits. These actions will assist us achieve the "7<sup>th</sup> Strategic Goal" of achieving:

**'Our Council of Excellence'**

Department Details			
Work Area		Leader Name:	
Financial Year:		Date:	

Part A: Human Resources				Y	N	N/A
<b>A1. Have all team members signed the Code of Expected Behaviours and forwarded to HR for filing?</b>				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If no, why?						
<b>A2. Have your team members acted in compliance with the Code of Conduct?</b>				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If no, why?						
<b>A3. Have decisions/authorisations been made within the Delegations of Authority register?</b>				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If no, why?						
<b>A4. Have Leadership/Performance Development Plans been undertaken with all your team members?</b>				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If no, why?						
<b>A5. Did all team members complete accurate timesheets (where relevant) and leave request forms to ensure appropriate payment of wages?</b>				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If no, why?						
<b>A6. Did all team members apply for any outstanding TOIL accrued in advance?</b>				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If no, why?						
<b>A7. Is there a documented leave strategy in place for each team member with excessive leave accruals?</b>				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If no, why?						
<b>A8. Has fraud, code of conduct and other relevant policies been discussed as a reminder to your team?</b>				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If no, why?						

Part B: Finance				Y	N	N/A
<b>B1. Are all Purchase Cards kept securely and card numbers not shared or recorded separately?</b>				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If no, why?						
<b>B2. Are all Purchase Card statements reviewed, receipts checked &amp; expenditure approved by the Authorised Officer?</b>				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If no, why?						
<b>B3. Have all Budget Officers set an appropriate annual budget and reviewed it quarterly?</b>				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If no, why?						
<b>B4. Was total expenditure in the Business Unit within the approved budget limit?</b>				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If no, why?						
<b>B5. Were Employee Expense Reimbursement Request Forms reviewed and approved in line with expenditure limits?</b>				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If no, why?						

<b>Part C: Cash Handling</b>		<b>Y</b>	<b>N</b>	<b>N/A</b>
<b>C1. Is all Petty Cash locked in secure location and access limited to nominated Petty Cash custodians only?</b>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If no, why?				
<b>C2. Are all Petty Cash requests reviewed, receipts checked &amp; expenditure approved by the Authorised Officer prior to reimbursement?</b>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If no, why?				
<b>C3. Is Petty Cash balance regularly reconciled?</b>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If no, why?				

<b>Part D: Information Technology</b>		<b>Y</b>	<b>N</b>	<b>N/A</b>
<b>D1. Is all corporate data stored on corporate network drives (not desktops) to ensure daily backups by IT?</b>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If no, why?				
<b>D2. Are all your team's passwords to access corporate systems kept confidential and changed regularly?</b>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If no, why?				
<b>D3. Are computers in your area programmed to 'lock out' when not in use for more than 5 minutes?</b>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If no, why?				
<b>D4. Are staff compliant with and have you given them the policy/procedure in place stipulating Email and Internet Use?</b>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If no, why?				

<b>Part E: Contracts and Procurement</b>		<b>Y</b>	<b>N</b>	<b>N/A</b>
<b>E1. Were written quotes sought for all procurement over \$3,000 as per the Procurement Procedure?</b>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If no, why?				
<b>E2. Were all procurement activities exceeding \$50,000 undertaken as per the Procurement Procedure?</b>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If no, why?				
<b>E3. Were purchase orders raised prior to order, delivery and invoicing of services and supplies?</b>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If no, why?				
<b>E4. Are all mobile phone accounts reviewed and identified personal use reimbursed to Council?</b>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If no, why?				

<b>Part F: Record Management</b>		<b>Y</b>	<b>N</b>	<b>N/A</b>
<b>F1. Are appropriate controls in place to ensure all sensitive documents in your work area stored securely?</b>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If no, why?				
<b>F2. Are all corporate records filed appropriately in the corporate recording system?</b>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If no, why?				

<b>Part G: Gifts and Benefits</b>		<b>Y</b>	<b>N</b>	<b>N/A</b>
<b>G1. Have all offers of gifts, benefits and hospitality to your team been recorded in the Gifts &amp; Benefits register?</b>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If no, why?				

<b>Part H: Land and Property</b>		<b>Y</b>	<b>N</b>	<b>N/A</b>
<b>H1. Has there been any instances of inappropriate access to Council buildings or sites by your staff, volunteers, contractors or associated visitors?</b>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If yes, why?				
<b>H2. Are all swipe card access fobs and keys provided to staff still in their possession?</b>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If no, why?				

Signed as true and correct by the Work Area Leader: .....

Date: .....

**CITY OF MARION  
GENERAL COUNCIL MEETING  
23 MAY 2017**

**Originating Officer/Manager:** Steve Hooper, Manager Development & Regulatory Services  
**General Manager:** Abby Dickson, General Manager City Development  
**Subject:** Coordinator-General – Developments over \$3 million  
**Report Reference:** GC230517R08

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**REPORT OBJECTIVES/EXECUTIVE SUMMARY**

To request Council to establish a procedure whereby either full Council, or, alternatively, the Development Assessment Panel, provides comment on development applications where the State Coordinator-General has appointed the Development Assessment Commission as the relevant authority on the basis that the proposal is considered to be of economic significance to the State and exceeds \$3 million.

**RECOMMENDATIONS**

**DUE DATES**

**That Council:**

**Option 1:**

- 1. Instructs administration to refer all development applications that have been “called in” by the State Coordinator-General pursuant to Schedule 10(20) of the Development Regulations 2008 to General Council for comment.**

**23 May 2017**

**OR**

**Option 2:**

- 1. Instructs administration to refer all development applications that have been “called in” by the State Coordinator-General pursuant to Schedule 10(20) of the Development Regulations 2008 to the Development Assessment Panel for comment.**

**23 May 2017**

**OR**

**Option 3:**

- 1. Instructs administration to refer all development applications that have been “called in” by the State Coordinator-General pursuant to Schedule 10(20) of the Development Regulations 2008 to General Council for comment, if in the opinion of Administration, the development will have significant impact on residents nearby. In all other cases Administration shall refer all development applications that have been “called in” by the State Coordinator-General pursuant to Schedule 10(20) of the Development**

**23 May 2017**

**Regulations 2008 to the Development Assessment Panel for comment.**

**BACKGROUND/ANALYSIS**

Pursuant to Section 56A of the Development Act 1993, Council must establish a Development Assessment Panel. The primary function of the Development Assessment Panel is to act as a delegate of the Council in accordance with the Development Act, 1993.

Effectively, this means that any development application which requires a planning decision to be made by the Council, shall be made by the Development Assessment Panel (DAP), except where otherwise delegated to administration.

The above-mentioned requirements do not apply in circumstances where Council is not the relevant authority. Where the Development Assessment Commission (DAC) has been appointed the relevant authority, Council will be invited to provide comment pursuant to Section 34(1)(b) of the Development Act 1993 and Regulation 38(2) of the Development Regulations 2008, usually within a timeframe of approximately 6 weeks.

Nothing compels Council when “providing comment” to applications to be determined by the DAC to provide such comment via the Development Assessment Panel.

Members may recall that there have been previous occasions where Council in lieu of the DAP has provided comment on applications to be determined by the DAC. One such example was the 2016 Crown development application for the removal of regulated and significant trees as part of the Darlington Upgrade. In this instance, it is noted that the application was considered to be of considerable community interest and therefore heightened interest to Council than other Crown development applications, such that Council deliberation was considered appropriate.

Since August 2014 and pursuant to Schedule 10(20) of the Development Regulations 2008, the State Coordinator-General has had the power to appoint DAC as the relevant authority to development applications which would otherwise be determined by Council in circumstances where:

- the total amount to be applied to any work, when all stages of the development are completed, exceeds \$3 000 000 and;
- the State Coordinator General, by notice in writing, advises the Council that the development is in his opinion of economic significance to the State.

This process is referred to as “calling-in” powers and additional information on the purpose of these “calling in” powers is provided via the DPTI brochure attached in Appendix I.

Until March 2017, the State Coordinator-General had not seen fit to use these powers under Schedule 10(20) with respect to any development applications before the City of Marion. However, in the past two months, two development applications have been “called-in”.

These applications will undertake the necessary public notification requirements they would normally require under the Development Act or Regulations, however, DAC will consider any public representations not Council and thereafter determine the application.

By their nature, these applications have the potential to generate wider community interest and may be contentious.

Council may wish to deliberate on applications of this nature and provide comment to the DAC direct via Council resolution rather than the DAP. (Option 1)

There are two alternatives to option 1, namely:

Council may decide to refer “called-in” applications to the DAP as it would with other applications where DAC is the relevant authority, (Option 2) or;  
Council may decide to provide the discretion to administration to refer only those applications which in the opinion of administration will have an impact on residents nearby to Council. (Option 3).

Option 3 is not recommended. Council’s administration will not necessarily be privy to the level of opposition to a proposal at the time when it must make a decision whether to refer the application to Council or not. Further, even where there is only one resident opposed to an application, this resident might be aggrieved if the application was considered by the DAP when other “called-in” applications are referred to Council for comment. Given that these kinds of applications will only materialise sporadically, it is considered good governance for either Options 1 or 2 to be supported (providing consistent decision-making for all “called in” applications.)

Therefore, as it is inevitable that some applications which are “called in” will be more contentious than others, it is recommended that Council establish a consistent policy to apply to Schedule 10(20) applications.

## **CONCLUSION**

Council is asked to determine whether development applications for proposals over \$3 million, that the State Coordinator General has “called in”, should be deliberated and considered by the full Council or via the Development Assessment Panel, and establish a standard and consistent procedure to this effect.

**Appendix I:** DPTI Information Sheet ‘Developments over \$3 million.

# Developments over \$3 million



## Role of the Coordinator-General for private sector investments over \$3 million in value in South Australia

### Purpose

This fact sheet provides an overview of the government's approach for managing private sector projects over \$3 million in construction value to provide an environment that supports and welcomes investment and jobs growth.

### Overview

The Planning System is a key influencer on our State's economic competitiveness, which is critical for attracting private investment at a time that we need it the most.

To support our economic reform agenda, the government has expanded the role of the State Coordinator-General (CoG) and the successful case management approach that has been applied to planning and assessment for developments in the Adelaide City Council and inner metro council areas.

This new approach is intended to streamline the process and unlock red tape and delays in dealing with land use assessment bodies.

These reforms have the potential to unlock and significantly speed up the delivery of in excess of \$2 billion worth of private sector investment in our State that will help with economic stimulation and job creation.

### Role of the Coordinator-General

Mr James Hallion, Chief Executive, Department of the Premier and Cabinet has now been appointed as the State Coordinator-General (CoG).

Historically, the role of the CoG has been used to fast track government stimulus reforms, such as the most recent *Affordable Housing Stimulus Package*.

Government has expanded the role of the CoG to also apply to development proposals with an *investment construction value of \$3 million or greater*.

In undertaking this role, the Coordinator-General will be supported by the DPTI Planning Division case management team and a senior government executive Task Force.

### What projects are eligible?

Projects proposed by the private sector with construction value over \$3 million dollars for commercial and mixed use development. Proponents with multiple projects that exceed \$3 million dollars are also eligible.

Proponents will need to demonstrate to government that they have a viable business case to deliver the projects and associated jobs.



# Developments over \$3 million



## **What powers does the Coordinator-General have?**

The CoG will also have the ability to call in projects for approval by the Development Assessment Commission (DAC) should these private developments not be dealt with appropriately by local government in a timely manner; or the CoG considers the developments to be of economic significance to the State.

It is important to note that this approach would still involve assessment against the existing zoning in the relevant Council Development Plan (unlike the role of the Coordinator-General in relation to the *Affordable Housing Stimulus Package*).

Where existing zoning is not considered appropriate for a project the Coordinator-General would be able to make recommendations to the Minister for Planning about zoning changes.

## **Coordinator-General Task Force**

The CoG has established a cross government Task Force that includes senior decision makers from key land use agencies. The Task Force will be used to address any blockages that may be occurring with State Government agencies.

These blockages might be related to issues such as planning, environment, council regulations, water, liquor licensing and so on.

## **Case Management Approach**

The case management team from DPTI will support the CoG and will allocate a case manager to each organisation.

This will capitalise on the case management service (combined with design review) operated by the Department of Planning, Transport and Infrastructure over the last two years which has delivered \$1 billion worth of new development approvals in the city since March 2012. Along with increased approvals, the case management service has results in an average 58% reduction in assessment timeframes.

## **For further information**

Please contact:

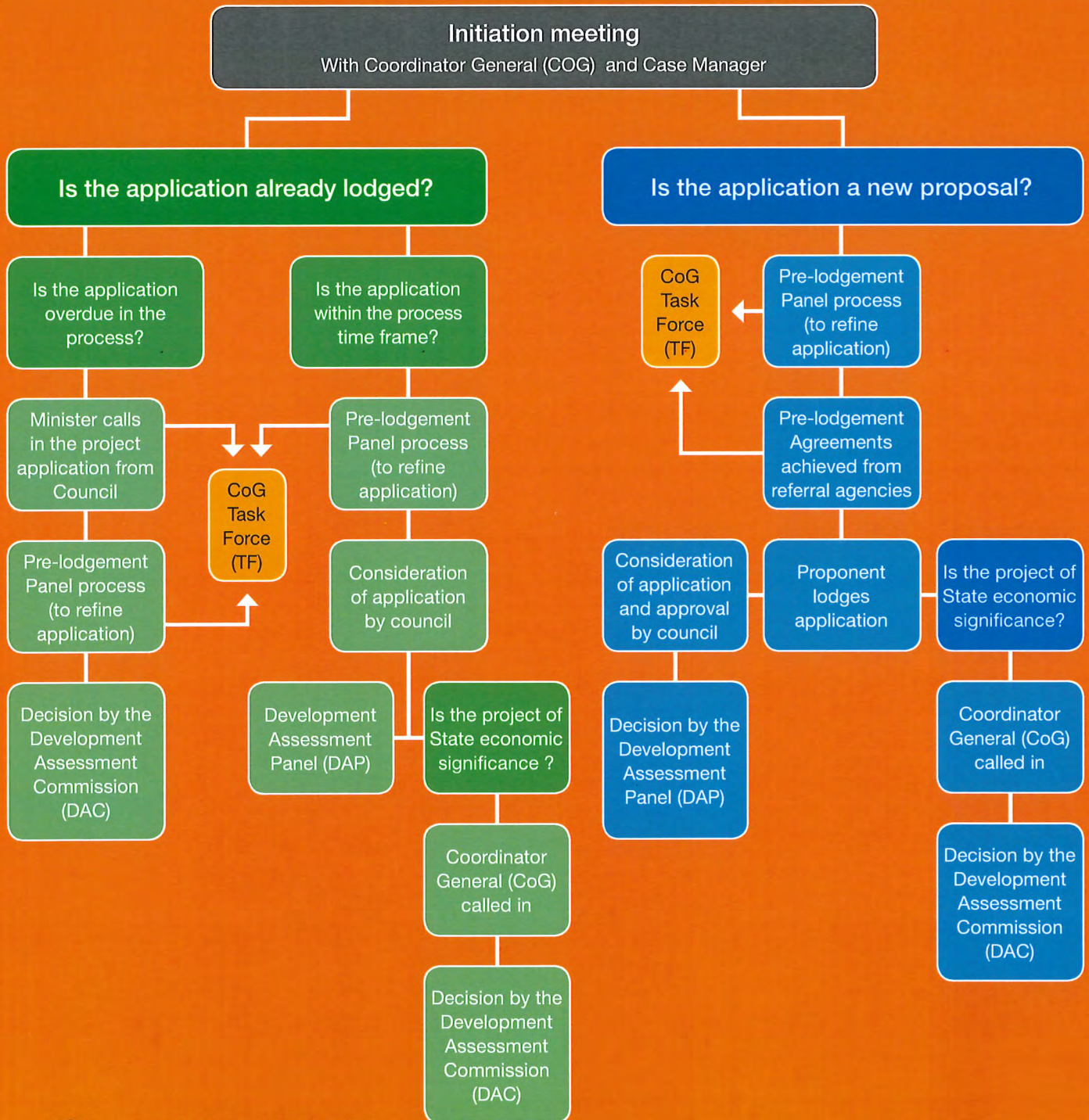
Department of Planning, Transport and Infrastructure  
Level 6, Roma Mitchell House  
136 North Terrace, Adelaide

Call: (08) 8303 0760

Email: [dpti.pdprelodgementenquiries@sa.gov.au](mailto:dpti.pdprelodgementenquiries@sa.gov.au)



# Development Application Pathways



**CITY OF MARION  
GENERAL COUNCIL MEETING  
23 MAY 2017**

**Manager:** Steve Hooper, Manager Development & Regulatory Services

**General Manager:** Abby Dickson, General Manager, City Development

**Subject:** Development Assessment Panel – Membership

**Report Reference:** GC230517R09

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**REPORT OBJECTIVES**

The purpose of this report is to note the membership of the Development Assessment Panel having regard to the imminent expiration of the terms of two Independent Members and pending legislative reform.

**EXECUTIVE SUMMARY**

The current terms of two Independent Members, Gavin Lloyd-Jones and Graham Goss, are due to expire on 28 May 2017 and Council would normally need to consider whether to reappoint the existing members back to the Panel or commence a recruitment process.

However, as legislative changes associated with the Planning, Development and Infrastructure Act 2017 are imminent, it is considered prudent to post-pone determining membership of the Council's Assessment Panel noting that the current members can continue to act as members of the Panel for a period of up to 6 months.

**RECOMMENDATION**

**DUE DATES**

**That Council:**

- |   |                                |
|---|--------------------------------|
| <p>1. Defers consideration of appointments to the Development Assessment Panel until post 1 July 2017 at which time the composition of the Development Assessment Panel can be determined having regard to the provisions of the Planning, Development &amp; Infrastructure Act 2017.</p> | <p><b>1 September 2017</b></p> |
|---|--------------------------------|

**BACKGROUND/ANALYSIS**

The terms of two Independent Members of the Development Assessment Panel (DAP), Gavin Lloyd-Jones and Graham Goss, are due to expire on 28 May 2017.

Notwithstanding the above, Section 56(4a) of the Development Act 1993 allows for a member of the Panel to continue for a period of up to 6 months after the expiry of their term. Therefore, it is not a legislative imperative that any new appointments are made before the 28 May 2017 deadline.

The Review and Selection Committee acts as the selection panel for all expert members of the DAP pursuant to Clause 5.4.1 of its Terms of Reference.

This committee considered the impending DAP vacancies at its meeting on 7 February 2017 where it resolved as follows:

*“Recommends that Council dispenses with the recruitment process and reappoints Gavin Lloyds-Jones and Graham Goss to the Development Assessment Panel as Independent Members for a term of two years commencing 29 May 2017 and reappoints Gavin Lloyd-Jones as Presiding Member of the Panel (Provided both express an interest to continue on the Panel).”*

It is noted that each of the members are interested in continuing on the Panel.

For reasons explained below, it is recommended that Council does not appoint Gavin Lloyd-Jones and Graham Goss as Independent Members of the DAP at this point in time, as legislative reform is imminent.

The Statutes Amendment (Planning, Development and Infrastructure) Act 2017 and the Planning Development and Infrastructure Act 2016 (PDI) were proclaimed on 28 March 2017 to commence on 1 April 2017. Some components of the Acts came into force from 1 April 2017 and others are suspended to commence later in the staged implementation process.

The implementation program for the new planning system identifies 1 July 2017 as a possible date new Assessment Panels will commence. The PDI Act provides for a range of Assessment Panels to make decisions on more complex developments. DPTI provided an information brochure with respect to the new Assessment Panel arrangements on 1 April 2017 (Refer Appendix I) which includes an outline of the different types of Panels which may be established.

It is plausible that the City of Marion will transition from the current Development Assessment Panel (DAP) to a Council Assessment Panel (CAP), at a date from 1 July 2017.

The most noticeable difference between the DAP and a CAP is that the membership of the CAP should be comprised of no more than five members, only one of which may be an Elected Member of Council. (Members would be aware that the current DAP comprises 7 members, 3 of whom are Elected Members).

Given the above (at a date post 1 July 2017), Council will need to appoint full membership (all five members) of the CAP under the new legislation (In lieu of making appointments under the Development Act.) It is anticipated that the State Government will establish new terms of reference and code of conduct for Assessment Panels under the new legislation. It is also anticipated that delegations to the Panel will transition from the existing DAP to the CAP. Much of the legislative reform is still a work-in-progress and Council is yet to receive clear direction on when and how Development Assessment Panels will transition to Council Assessment Panels.

Therefore, for the time being, Council's Development Assessment Panel will continue with 'business as usual'. Accordingly, given that Section 56(a) of the Development Act, allows for members of the Panel to continue for a period of 6 months after their terms have expired, there is no urgency in reappointing members whose terms are due to expire, considering that they will need to be appointed to the new CAP in a few months' time.

There are likely to be other implications for the operations of Council Assessment Panels under the PDI Act including a requirement for Independent Members to be accredited professionals (in due course) and a requirement for an Assessment Panel to have an "Assessment Manager" appointed. Much like the operations of the CAP, the details and timing of implementation are

yet to be finalised and at this point in time, it is prudent to continue operating as normal noting the legislative change is imminent.

**Appendix I: SA Planning Portal Information Brochure – Assessment Panels**



## Assessment Panels – What do Council's need to do?

The *Statutes Amendment (Planning, Development and Infrastructure) Act 2017* (the transitional Act) and the *Planning Development and Infrastructure Act 2016* (the "PDI Act") were proclaimed on 28 March 2017 to commence on 1 April 2017. Some components of the Acts come in to force from 1 April 2017 and others are suspended to commence later in the staged implementation process.

This enables the first stages of transition from the existing *Development Act 1993* (Development Act) to the PDI Act to commence. Initially it provides for planning tools and governance frameworks to be introduced in stages as parts of the Development Act are phased out.

The transitional Act makes specific provision for the transition to the new **Council and Regional Assessment Panels** as one of the early governance arrangements to be implemented under the new system.

### The New Assessment Panels

The PDI Act provides for a range of Assessment Panels to make decisions on more complex developments and on those matters which may be prescribed by regulations.

Generally, there are provisions in the Act for the following panels:

- Council Assessment Panel – essentially replaces Council's current Development Assessment Panel (DAP) function.
- Joint Planning Board Assessment Panel – appointed by a Joint Planning Board.
- Combined Assessment Panel – established by the Minister to assess applications across different legislation (eg planning and mining or liquor licensing).

- Regional Assessment Panel – established by the Minister and comprises parts or all of the areas of two or more Councils.
- Local Assessment Panel – constituted by the Minister upon recommendation of the Commission following an inquiry into an existing Council Assessment Panel.

### Membership of the Assessment Panels

The membership of Assessment Panels established by a Council or Councils, or in the future a Joint Planning Board, should be comprised of no more than five members, only one of which may be a member of a Council.

To be constituted as a panel, membership must comprise at least three members.

Membership of the new Combined Assessment Panels, Regional Assessment Panels and Local Assessment Panels is to be determined by the Minister when they are formed. One member of these Panels may be a member of a Council.

The procedures of an Assessment Panel must comply with any requirements prescribed by the regulations. Draft regulations, and a draft Code of Conduct, are currently being prepared for consultation with Councils. The regulations will reflect similar procedures to that currently contained in section 56A of the *Development Act 1993*. Any additional procedures established by Panels must comply with any requirements in the regulations.

### When does Council need to establish an Assessment Panel?

During transition, the Act provides for existing Council Development Assessment Panels (DAPs) to continue to operate as Assessment Panels under the PDI Act.

In respect to Regional Development Assessment Panels (RDAPs) the transition provisions enable the Minister to appoint a successor to the current RDAPs or a new RAP. It will therefore be necessary for Councils currently represented by a RDAP to consider how they wish to proceed in the future.

The implementation program for the new planning system identifies **1 July 2017** as the date the new Assessment Panels will commence. The Governor will proclaim the date for commencement in the near future.

To make development assessment decisions from 1 July 2017, the new Assessment Panels will need to be formally appointed by their respective Councils or the Minister in accordance with the new membership provisions set out in the PDI Act - no more than five members, only one of which may be member of a Council - and the appointment of an Assessment Manager.

It is therefore important for Councils to begin giving consideration to the process for amending the membership of their current DAPs/RDAPs. This could be a matter of retaining a core membership of existing Panel members and reducing the number and composition to meet the new requirements. The new Assessment Panels could also initially adopt the operating procedures of the current Panels to simplify the transition process.

For regional councils where regional DAPs exist, this will be an important consideration as under the new requirements there can only be up to one elected member on the Regional Assessment Panel.

Arrangements for transitioning to Assessment Panels will be a matter for each Council or group of Councils to determine based upon their individual circumstances.

### **Do Assessment Panel members need to be 'accredited professionals'?**

All independent members of an Assessment Panel will need to be accredited professionals.

However, a Council member (or former Council member) on an Assessment Panel will not need to be an accredited professional if the designated authority (being the Council or the Joint Planning Board as the

case may be) is satisfied that the person is appropriately qualified to act as a member of the assessment panel on account of the person's experience in local government.

For transitional purposes, the Act will allow panel members to not be accredited in the first instance. An accreditation scheme is currently being prepared (further separate information will follow) and is expected to be in place by the end of this year.

The implementation plan for the new planning system identifies 1 July 2018 as the anticipated date for commencement of this provision, giving a six month window within which members can be accredited in the first instance. The actual date for commencement will be proclaimed in due course closer to the anticipated date.

### **When do Assessment Panels need to have an Assessment Manager appointed?**

Under the PDI Act, an Assessment Panel must have an Assessment Manager who is appointed by the Chief Executive Officer of a Council (in the case of a Council Assessment Panel) or a Joint Planning Board (in the case of a Joint Planning Board Assessment Panel) or the Minister (in the case of a Regional Assessment Panel).

Assessment Managers will also need to be accredited professionals (or may be a person prescribed by regulation).

Under the transitional arrangements, the accreditation requirement for Assessment Managers is suspended until a future date, likely to be the same date as Panel members will be required to be accredited – 1 July 2018.

Governance arrangements for appointment of an Assessment Manager by the Chief Executive Officer of a Council will be a matter for the Council to determine.

Information on Assessment Panels will continue to be updated as required on the SA Planning Portal [www.saplanningportal.sa.gov.au](http://www.saplanningportal.sa.gov.au).

Further information on accredited professionals and assessment managers will be available in the future as the accreditation scheme is developed.

**CITY OF MARION  
GENERAL COUNCIL MEETING  
23 MAY 2017**

**Originating Officer:** Sherie Walczak, Acting Unit Manager Governance & Records  
**Corporate Manager:** Jaimie Thwaites, Acting Manager Corporate Governance  
**General Manager:** Vincent Mifsud, General Manager Corporate Services  
**Subject:** Council Subsidiaries – Draft Budget and Business Plan Review  
**Report Reference:** GC230517R10

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**EXECUTIVE SUMMARY / DISCUSSION:**

The purpose of this report is to consider the Business Plans of Council's two regional subsidiaries namely Council Solutions and the Southern Region Waste Resource Authority (SRWRA).

**Council Solutions**

Council Solutions is a regional subsidiary established by the Cities of Adelaide, Charles Sturt, Marion, Onkaparinga, Salisbury and Tea Tree Gully, pursuant to Section 43 of the *Local Government Act 1999*. Its purpose is to optimise the financial sustainability of its constituent councils through the benefits of collaborative strategic procurement and other services.

The draft Council Solutions 2017/18 Budget was developed following consultation with its Audit Committee at the 30 March 2017 meeting and its Board of Management at the 27 April 2017 meeting.

As required by the Council Solutions Regional Authority Charter, the draft Council Solutions 2017/18 Budget is now being circulated to constituent councils for consultation prior to adoption by the Authority's Board of Management at its meeting on 26 June 2017.

A copy of the draft Council Solutions 2017/18 Budget is attached as Appendix 1.

As a constituent council, we are being asked to provide written comment on the proposed 2017/18 Budget and also confirm the City of Marion's in principle support to provide funding for the unified Communications Project (\$60k) and for the Waste Services Project (\$150k) as contained in Item 2 of the Budget by Friday 26 May 2017.

It should be noted that the Authority is compiling a business plan that will provide a detailed explanation of what is involved in each project including expected outcomes and benefits to be obtained for the constituent councils.



### **Southern Region Waste Resource Authority (SRWRA)**

SRWRA is a Regional Subsidiary, established by the Cities of Onkaparinga, Marion and Holdfast Bay, pursuant to Section 43 of the *Local Government Act (SA) 1999*. Under its Charter, SRWRA is responsible for providing and operating waste management services on behalf of its constituent councils and ensuring that a long term Waste Management Strategy exists in the southern region of Adelaide.

The draft SRWRA 2017/18 Business Plan incorporates a copy of the 2017/18 Budget and parameters on which the Budget is based. The Plan has been formed taking into account the needs of its constituent councils, its various stakeholders and the competitive environment in which it operates.

A copy of the draft SRWRA 2017/18 Business Plan is attached as Appendix 2.

The Plan supports SRWRA's vision, values and priorities over the next 12 months and beyond. It is consistent with the authority's charter and will effectively contribute to Council's waste management objectives.

#### **RECOMMENDATIONS (3):**

#### **DUE DATE:**

#### **That Council:**

- |    |   |                    |
|----|---|--------------------|
| 1. | <b>Advise Council Solutions that it supports the draft 2017/18 Budget (attached as Appendix 1).</b>   | <b>23 May 2017</b> |
| 2. | <b>Advise Council Solutions that it provides in principle support to provide funding for the unified Communications Project (\$60k) and for the Waste Services Project (\$150k), noting that constituent council contributions will be on a proportionate basis (CoM total contribution = \$35k).</b> | <b>23 May 2017</b> |
| 3. | <b>Advise the Southern Region Waste Resource Authority (SRWRA) that it supports the draft Business Plan and 2017/18 Budget (attached as Appendix 2).</b>  | <b>23 May 2017</b> |

**BOARD OF MANAGEMENT OUT OF SESSION PAPER****REFERENCE: OOS-BM280417****FROM:** Oliver Barry - Chief Executive Officer

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**COUNCIL SOLUTIONS DRAFT BUDGET 2017-18**

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**BACKGROUND**

The Authority must have a budget for each financial year, consistent with its business plan, as prescribed in the *Local Government Act 1999* (the Act), the *Local Government (Financial Management) Regulations 2011* (the Regulations) and the Authority's Charter.

**The Process - Update**

1. The draft Council Solutions 2017-18 Budget provided to the Audit Committee at its meeting of 30 March 2017 – Complete.
2. The draft 2017-18 Budget to be considered and approved for Constituent Council consultation by the Board of Management at the meeting 27 April 2017– Complete.
3. The schedule for Constituent Council consultation and final approval of the Board to be:
  - a. The draft 2017-18 Budget is to be referred to Constituent Councils for consideration (not approval) immediately after the 27 April 2017 Board meeting.
  - b. Constituent Councils to provide written comment on the proposed 2017-18 Budget by 5pm Friday 26 May 2017.
  - c. Constituent Councils are requested to confirm their in principal support to provide funding for the Unified Communications Project (\$60k) and the Participating Councils for the Waste Services Project (\$150k) as contained in Item 2 of this report by 5pm Friday 26 May 2017.
  - d. Final draft Budget 2017-18 to be an Agenda item to be considered by the Audit Committee in its meeting scheduled for 16 June 2017.
  - e. The Council Solutions 2017-18 Budget to be adopted at the 26 June 2017 Board meeting.
  - f. Constituent Councils provided a copy of the adopted 2017-18 Budget within 5 days after adoption.

**KEY POINTS**

1. The Activity Based Operating Statement included in item 2 of this report identifies the projects to be undertaken over the 2017-18 financial year together with the associated budget for each project. The Authority is in the process of compiling a business plan that will provide a detailed explanation of what is involved in each project including expected outcomes and benefits to be obtained for the Councils.
2. A draft activity based Operating Statement, Statutory Statements and Key Financial Indicators for the year ending 30 June 2018 have been prepared for consideration.
3. The budgeted total expenditure is estimated to be \$1.34M.

4. The budgeted total revenue is estimated to be \$1.34M.
5. The budgeted is balanced in that early indications are that the forecast level of revenue will cover the forecast level of expenditure required to deliver the projects included.
6. The budgeted operating surplus ratio is estimated to be 0%.
7. The budgeted net financial liabilities ratio is estimated to be (27%).
8. Cash reserves will remain stable at \$346k should the forecast budget be achieved.
9. Council contributions of \$210k have been included being early forecasts of reimbursements of consultancy and legal expenses in relation to the Waste Management Services Project (\$150k) and the Unified Communication Solutions project (\$60k). This estimate will be updated in due course and is subject to approval from individual Participating Councils for the Waste Management Services project and Constituent Councils for the Unified Communication Solutions project.
10. Salaries and Wages have been forecast to increase by \$85k. Council Solutions staff (with the exception of the CEO) are due for 2 year contract renewals in August & December 2017. This is reflected in the budget.
11. Non Salary Expenditure is forecast to decrease by \$231k, partly due to the mix of projects but also due to the additional staff taken on over the past twelve months now taking on more of the work that was previously outsourced to consultants.
12. It should be noted that a report is pending from fse Consulting in relation to the implementation costs associated with the procurement review project. These will be incorporated into the budget as soon as a clear direction is approved by the board.

## 1. Key Financial Indicators

	Draft Budget 2017-18	Forecast 2016-17	Variance
<b>Operating Surplus Ratio</b>			
Operating Result	0	(235)	235
divide by: Operating Revenue	1,336	1,246	90
<b>Operating Surplus Ratio</b>	<b>0%</b>	<b>-19%</b>	<b>19%</b>
<b>Net Financial Liabilities Ratio</b>			
Net Financial Liabilities (liabilities less financial assets)	(367)	(367)	(0)
divide by: Operating Revenue	1,336	1,246	90
<b>Net Financial Liabilities Ratio</b>	<b>(27%)</b>	<b>(29%)</b>	<b>2%</b>

Management are aiming for a breakeven result at this stage. If this were to be achieved it would represent an improvement of 19% or \$235k when comparisons are made with the forecast 2016-17 operating result as reported recently in Budget Review #2.

Net Financial Liabilities are actual Net Financial Assets in this situation as indicated by the negative figures. The ratio has declined by 2% even though in dollar terms Net Financial Liabilities have remained the same. This is caused due to an extra \$90k being forecast to be received in 2017-18 when compared with 2016-17.

## Attachment 1

## 2. 2017-18 ACTIVITY BASED OPERATING BUDGET

	Total	Income	Admin Support	Architec' Services	Engineering Consulting Services	Unified Comm's Solution	Legal Services	Buildings and Maint' Services	Arbo' Advice & Tree Removal, & Pruning	Street Lighting	Fuel	Roadwork Contract Man'	Cleaning Services
<b>Direct Costs:</b>													
Labour	658,331		155,675	11,722	17,584	29,306	23,445	35,167	4,728	47,282	28,369	14,185	44,718
Non Labour	235,000					65,000		10,000		10,000			
<b>Indirect Costs:</b>													
Labour	204,970		-	4,780	7,170	11,950	9,560	14,340	1,928	19,280	11,568	5,784	18,235
Non Labour	237,000		56,043	4,220	6,330	10,550	8,440	12,660	1,702	17,022	10,213	5,107	16,099
<b>Total Costs</b>	<b>1,335,301</b>	<b>-</b>	<b>211,718</b>	<b>20,722</b>	<b>31,085</b>	<b>116,806</b>	<b>41,445</b>	<b>72,167</b>	<b>8,358</b>	<b>93,584</b>	<b>50,150</b>	<b>25,076</b>	<b>79,051</b>
<b>Income</b>													
Management Fees	1,122,801	1,122,801											
Interest	2,500	2,500											
Council Contribution	210,000	-				60,000							
<b>Total Income</b>	<b>1,335,301</b>	<b>1,125,301</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>60,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Operating Result / (Project Cost)</b>	<b>0</b>	<b>1,125,301</b>	<b>(211,718)</b>	<b>(20,722)</b>	<b>(31,085)</b>	<b>(56,806)</b>	<b>(41,445)</b>	<b>(72,167)</b>	<b>(8,358)</b>	<b>(93,584)</b>	<b>(50,150)</b>	<b>(25,076)</b>	<b>(79,051)</b>

## Attachment 1

	Total	Irrigation Services	Waste Management Services	Transactional Banking	Pest Control Services European Wasps	Leasing IT Equipment	Purchase of Truck (heavy Vehicles)	Photocopiers	Purchase of Vans & Utes (Commercial Vehicles)	Waste Management Services Project (ACCC Application)	Systems support (Procurement Dashboards & Vendor Panel)	Contract Management Framework Review
<b>Direct Costs:</b>												
Labour	658,331	6,388	57,495	19,165	5,496	5,496	32,973	32,973	32,973	35,461	5,910	11,820
Non Labour	235,000		150,000									
<b>Indirect Costs:</b>												
Labour	204,970	2,605	23,445	7,815	2,241	2,241	13,446	13,446	13,446	14,460	2,410	4,820
Non Labour	237,000	2,300	20,698	6,899	1,979	1,979	11,870	11,870	11,870	12,766	2,128	4,255
<b>Total Costs</b>	<b>1,335,301</b>	<b>11,293</b>	<b>251,638</b>	<b>33,879</b>	<b>9,716</b>	<b>9,716</b>	<b>58,289</b>	<b>58,289</b>	<b>58,289</b>	<b>62,687</b>	<b>10,448</b>	<b>20,895</b>
<b>Income</b>												
Management Fees	1,122,801											
Interest	2,500											
Council Contribution	210,000		150,000									
<b>Total Income</b>	<b>1,335,301</b>	<b>-</b>	<b>150,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Operating Result</b>	<b>0</b>	<b>(11,293)</b>	<b>(101,638)</b>	<b>(33,879)</b>	<b>(9,716)</b>	<b>(9,716)</b>	<b>(58,289)</b>	<b>(58,289)</b>	<b>(58,289)</b>	<b>(62,687)</b>	<b>(10,448)</b>	<b>(20,895)</b>

## NOTES TO THE ACTIVITY BASED OPERATING STATEMENT

- Direct costs are those costs that can be specifically attributed to the particular activity and are only estimates at this stage of budget development. Future iterations and budget reviews will fine tune these estimates as the scope of these activities is further developed and the projects commenced.
- Non Labour direct costs are early estimates based on existing activity scoping. These budget lines will be updated as better information comes to hand over time.
- Direct labour is allocated to activities based on an estimate of time to be spent on each activity by the relevant staff member converted to dollars based on that employee's pay rate.
- Indirect Labour represents the CEO salary as well as the administration staff and is allocated on a pro rata basis to each activity with reference to the total direct costs budgeted for each activity.
- Indirect non labour represents overheads that support all activities and cannot be directly attributed. These are pro rata based on direct costs budgeted for each activity. The costs of the Arc Blue dash board licenses for all Councils are included in this amount.
- Management Fees are based on the forecast 2017-18 spend estimates on Council Solutions contracts based on the information received from the relevant Councils.

Council contributions of \$210k have been included being early forecasts of reimbursements from participating Councils of consultancy and legal expenses in relation to the Waste Management Services project and the Unified Communication Solutions project. This estimate will be updated in due course and are subject to approval from individual Constituent Councils.

A token estimate of \$150k being reimbursements from participating Councils for legal and consultancy expenditure associated with the Waste Management Services Project has been included. This was based on estimates included in the 2015 budgets.

Another \$60k has been included being reimbursements from participating Councils for forecast consultancy expenditure associated with the Unified Communications Solutions project. This represents the portion of the consultancy expenses to be carried over from the 2016-17 financial year. A corresponding reduction will be included in Budget Review #3 for the 2016-17 financial year will be made in due course.

The \$210k is an estimate subject to change both in subsequent drafts of this budget and throughout the actual 2017-18 year as better estimates become available.

### 3. Statement of Comprehensive Income

	Draft Budget 2017-18	Forecast 2016-17	Variance
	\$'000	\$'000	\$'000
<b>Income</b>			
Management Fees	1,123	1,123	-
Investment income	2	3	(1)
Other	210	120	90
<b>Total Income</b>	<b>1,335</b>	<b>1,246</b>	<b>90</b>
<b>Expenses</b>			
Employee Entitlements	863	778	85
Material, Contractors & Other	472	703	(231)
<b>Total Expenses</b>	<b>1,335</b>	<b>1,481</b>	<b>(146)</b>
<b>Operating Surplus / Deficit</b>	<b>0</b>	<b>(235)</b>	<b>235</b>

### 4. Statement of Financial Position

	Draft Budget 2017-18	Forecast 2016-17
	\$'000	\$'000
<b>Assets</b>		
<b>Current Assets</b>		
Cash and Cash Equivalents	346	346
Trade and Other Receivables	76	76
<b>Total Current Assets</b>	<b>422</b>	<b>422</b>
<b>Total Assets</b>	<b>422</b>	<b>422</b>
<b>Liabilities</b>		
<b>Current Liabilities</b>		
Trade & Other Payables	28	28
Other Current Liabilities	27	27
<b>Total Current Liabilities</b>	<b>55</b>	<b>55</b>
<b>Total Liabilities</b>	<b>55</b>	<b>55</b>
<b>Net Assets</b>	<b>367</b>	<b>367</b>
<b>Equity</b>		
Accumulated Surplus	224	224
Equity Contribution	143	143
<b>Total Equity</b>	<b>367</b>	<b>367</b>

## 5. Statement of Changes in Equity

	Equity Contribution \$'000	Accumulated Surplus \$'000	Total \$'000
<b>Budget 2018</b>			
Opening Balance	143	224	367
Net Surplus for Year	-	0	0
<b>Balance at end of period</b>	<b>143</b>	<b>224</b>	<b>367</b>
<b>Forecast 2017</b>			
Opening Balance	143	459	602
Net Surplus for Year	-	(235)	(235)
<b>Balance at end of period</b>	<b>143</b>	<b>224</b>	<b>367</b>

## 6. Cash Flow Statement

	2017-18 Budget \$'000	2016-17 Forecast \$'000
<b>Cash Flows from Operating Activities</b>		
<i>Receipts</i>		
Operating receipts	1,333	1,557
Investment Income	2	3
<i>Payments</i>		
Operating payments to suppliers & employees	1,335	1,481
<b>Net Cash provided by (or used in) Operating Activities</b>	<b>0</b>	<b>79</b>
<b>Net Increase (Decrease) in cash held</b>	<b>0</b>	<b>79</b>
Cash & cash equivalents at beginning of period	346	267
<b>Cash &amp; cash equivalents at end of period</b>	<b>346</b>	<b>346</b>





# **BUSINESS PLAN**

**2017 - 2018**



## **CONTENTS**

- **Introduction and Background.**
- **SRWRA Strategic Directions, Key Actions, Key Performance Indicators and Time Frames.**
- **SRWRA Business Plan Key Variables and Capital Expenditure.**
- **Summary**

DRAFT

## **SRWRA BUSINESS PLAN 2017 - 2018**

### **Introduction and Background**

Southern Regional Waste Resource Authority (SRWRA) is a Regional Subsidiary, established by the Cities of Onkaparinga, Marion and Holdfast Bay, pursuant to Section 43 of the Local Government Act (SA) 1999.

Under its Charter, SRWRA is responsible for providing and operating Waste Management services on behalf of its Constituent Councils and ensuring a long term sustainable Waste Management Strategy is developed.

The business activities of SRWRA are the management of its landfill and resource recovery and recycling facility at its strategic operations in Seaford Heights.

In December 2016, the Authority commissioned the Southern Recycling Centre (SRC) recovery facility at the Seaford Heights operation. The Authority is continuing its innovative approach to waste management in 2017/18 with the development of a Bioremediation treatment area to compliment the operational strategy of the Resource Recovery facility. This underlines the emphasis that the SRWRA is placing on better management of waste with the focus being on the long-term life of the site with more emphasis on recycling opportunities for the long-term benefit of the community and the owner councils.

### **Strategic Planning 2017-18**

SRWRA's core business activity is the management and operation of the Seaford Heights landfill and recycling facility which the Authority wholly owns, through this it delivers sustainable, long-term waste management services to the three Constituent Councils and for our customers throughout the southern region.

The strategic vision is for SRWRA to be a leader in employing innovative resource recovery approaches, and in managing all products and materials as valuable and finite resources.

Landfill will continue to play a central role as a mainstay solution for disposing of residual waste, noting the need to continue to invest in a high standard of operational practices and systems that minimise environmental impact and maximise resource recovery.

The Authority's Strategic Plan provides a framework for research and development activities that aim to develop and deliver enhanced production technologies, tools and practices to promote growth in productivity, reduce waste and add value to the operations now, and into the future.

The priority areas identified for waste management and resource recovery include:

- providing direction and investment certainty for alternative waste treatment and energy recovery opportunities.
- supporting research, development, deployment and extension activities with the Constituent Councils.
- facilitating collaborations with the private sector and industry leaders.

The Authorities Strategic Plan and the South Australian Waste Strategy 2015-2020 assists and aligns the SRWRA's aspirations for the total management of its waste streams including a stronger emphasis on recycling and more effective management of the landfill and recycling operations.

The relationship between landfilling and recycling is a valuable partnership, as today's waste is harnessed into a valuable resource for the future construction and capping of the landfill operations. This is further emphasised through the Authorities Environmental Management Plans (LEMP & EMP).

The Business Plan supports SRWRA's Vision, Values and Priorities over the next 12 months and beyond. In addition, the Authority has developed a Master Plan document to assist its constituent councils to look at more informed ways for the holistic management and development of the Authority's assets and future development. As well as new and innovative approaches to waste management there will also be a focus on cost effective and efficient delivery of comprehensive waste services that complement the core services of the Authority.

To support these plans and the achievement of the vision and strategies the Authority has conducted a Master Planning process. The SRWRA Strategic Plan has been a fundamental consideration while undertaking the Master Planning project, particularly SRWRA's Strategic Vision:

*“To operate commercially in the best interests of our Constituent Councils through the application of innovative resource recovery approaches in managing the landfill, all products and materials as valuable and finite resources.”*

The four Strategic Directions underlying the Strategic Vision have also informed the project:

1. Operate and manage SRWRA's services and facilities in a financially and environmentally sustainable and socially responsible manner.
2. Maximise the life of the landfill through the exploration and adoption of efficient and cost effective landfill disposal services and technology.
3. Apply the principles of good governance to all of our operations.
4. Engage and collaborate with Constituent Councils and other agencies to inform and promote financial, environmental and socially responsible waste management practices.

The ongoing principal's and outcomes of the Master Plan will further, or at least be consistent with these objectives therefore, the following principles have been applied in formulating each of the Development Concepts that are core to the development of the Authority:

- The ongoing performance by SRWRA of its core landfill, recycling and resource recovery operations should be enhanced.
- Development Concepts should allow for the highest and best use of land which SRWRA now owns or may in the future acquire.
- Development Concepts should be flexible enough to accommodate future changes to the regulatory and commercial environments in which SRWRA operates.

The existing strategic vision and direction of SRWRA are pivotal to each of the Indicative Development Concepts, particularly the need to preserve and enhance the ability of SRWRA to carry on its core landfill, recycling and resource recovery operations.

Other relevant directions include SRWRA's aim to achieve the highest and best use of its land, and to accommodate future changes to the regulatory and commercial environments in which it operates.

An important factor is the "*future changes to the regulatory and commercial environments in which the Authority operates*". The Authority is mindful of these potential changes and its need to protect its core values, this is why if an opportunity to acquire further land assets to develop the buffer zoning or enhance the development of the Authority, there is a strategic view that these opportunities should be explored.

## **What are the Significant Influences and Priorities?**

As part of the planning process a number of Priorities that are key drivers for change have been identified:

- Consideration of the SRWRA's key financial targets.
- Application of Year 1 of the LTFP as adopted by the SRWRA.
- Development of the Plant Asset Management Plan (PAMP) to meet the growing needs of the operations.
- The impact of the CPI and other cost pressures on the SRWRA operational costs.
- The need to initiate and maintain long-term planning for waste and recycling processing.
- Improved waste management and operational practices and incentives to reduce waste to landfill.

- Enhancement of regulatory monitoring programmes to ensure consistent performance is achieved throughout the landfill and recycling/processing facility.
- Development of best practice guidelines for measuring and reporting frameworks for monitoring governance, business, compliance and performance.
- Use of cost benefit and business planning to evaluate the viability of actions that aim to divert waste from landfill for recovery as a resource.
- Communication of messages, actively promoting and developing incentives for behavioural change that maximise reuse and recovery of waste materials by Constituent Councils, customers, staff and the community.
- Closer collaboration with the constituent councils in order to develop a more integrated approach to overall waste management education throughout the region.

### **The 2017/18 Business Plan and Budget Parameters:**

1. Budget is prepared on the basis that it is consistent with the objectives of the Strategic Plan.
2. Operations are based on a business approach i.e.
  - Gate Fees are reflective of market price (subject to existing contracts/agreements)
  - Operating expenses are minimised
  - Return on investment is realised for owners
3. Future site rehabilitation and capping is assessed and funded over time.
4. Operating surplus is maintained over the life of the Long Term Financial Plan (individual years may be in deficit if the underlying trend is a surplus).
5. Meet all the legislative requirements i.e. WHS, EPA, Zero-Waste (Green Industries), Licence conditions.
6. Asset Management plans are in place.
7. Capital works program is planned and funded i.e. cell construction (link to LTFP).
8. Identify commercial opportunities to grow the revenue base (to offset a reduction in the forecast SRWRA revenue) however any potential commercial opportunities will

need to consider the impact on the long-term value of SRWRA's land adjoining the waste management zoned land.

9. Historic Budgeting, applying the principles of zero based budgeting.

## Key Financial Information for 2017-18

Operating Income	\$ 13,072,000
Operating Expenses	\$ 12,324,000
<b>Operating Surplus / (Deficit)</b>	<b>\$ 748,000</b>
Capital Expenditure- Renewal and Replacement	\$ 1,138,000
Capital Expenditure- New Assets	\$ 2,075,000
<b>Total Capital Expenditure</b>	<b>\$ 3,213,000</b>

## Key Variables 2017-2018

There are key variables that have had an impact on the budget and business plan for 2017-2018, including: -

- estimates of the waste tonnages to the landfill site
- market place competition and pricing
- competitive gate fee pricing – for Constituent Councils, other Councils and other major customers
- requirements of the three Constituent Councils (development cycle of the landfill and recycling operations)
- SRWRA recyclable tonnages and impact from SRC distribution
- the operation of the SRC business including developments to Cell 5
- project impacts i.e. Solar Farming, Bio-pad and ongoing site works.

## Projected Capital Expenditure Requirements 2017-2018

The following major capital expenditure items are budgeted for the 2017–2018 financial year:

• Super Cell Works	\$ 500,000
• Weighbridge Office	\$ 100,000
• Replacement Machinery & Equipment	\$ 1,138,000
• Strategic Purchase	\$ 1,000,000
• Project 5 – Biopad	\$ 425,000
• Purchase of New Site Ute	\$ 50,000

## Project Priorities for 2017-18

The major project priorities for 2017-18 are:

- Further development of the Southern Recycling Centre SRC operations.
- Assessments of LTFP assumptions relating to cell lining/construction & capping costs.
- Cell 5 development project.
- Re-design of Piggy-back liner system for super cell area.
- Solar project/s.

## Summary

The information provided in the business plan is aimed at assisting the Board with its deliberations on the budget for 2017/18.

The coming year is important in that it will include the development of the Master Planning opportunity and enhanced SRC integration with the current SRWRA operations. The SRWRA Executive team will be focusing on the further development of Cell 5 as a key operational area for the Authority.

The benefits arising from this area will further support the SRWRA and SRC operations, adding additional lifespan and value to the current and future operations. This will be realised through the development of a Bio-Pad and Hard-Stand/Capped operational area.

These are all operational benefits in place of capping this area, which was part of the previous long term financial plan (LTFP). The benefits in changing the concept and modelling of this area to benefit the present and future operations realises a significant economic gain to the Constituent Councils and is key to the development of the Authority's operations moving forward.



## SOUTHERN REGION WASTE RESOURCE AUTHORITY

(BUDGETED) UNIFORM PRESENTATION OF FINANCES FOR THE YEAR ENDED 30 JUNE 2018

	2016/17 \$'000 BR3	2017/18 \$'000 DRAFT BUDGET
Operating Revenues	12,354	13,072
less Operating Expenses	<u>(11,462)</u>	<u>(12,324)</u>
Operating Surplus/(Deficit) before Capital Amounts	892	748
<b>less Net Outlays on Existing Assets</b>		
Capital Expenditure on renewal and replacement of Existing Assets	583	1,138
less Depreciation, Amortisation, Impairment and Movement in Landfill Provisions	<u>(1,022)</u>	<u>(1,075)</u>
less Proceeds from Sales of Replaced Assets	<u>-</u>	<u>-</u>
	<u>(439)</u>	<u>63</u>
<b>less Net Outlays on New and Upgraded Assets</b>		
Capital Expenditure on New and Upgraded Assets	2,636	2,075
less Amounts received specifically for New and Upgraded Assets	-	-
less Proceeds from Sales of Replaced Assets	<u>-</u>	<u>-</u>
	<u>2,636</u>	<u>2,075</u>
<b>Net Lending/(Borrowing) for Financial Year</b>	<u><b>(1,305)</b></u>	<u><b>(1,390)</b></u>

## SOUTHERN REGION WASTE RESOURCE AUTHORITY

(BUDGETED) STATEMENT OF COMPREHENSIVE INCOME FOR THE YEAR ENDED 30 JUNE 2018

2016/17 BR3 \$'000		2017/18 DRAFT BUDGET \$'000
<b>INCOME</b>		
11,388	User Charges	11,916
503	Investment Income	446
296	Other	470
167	Net gain - equity accounted Joint Venture	240
<b>12,354</b>	<b>TOTAL OPERATING REVENUE</b>	<b>13,072</b>
<b>EXPENSES</b>		
1,171	Employee Costs	1,255
9,269	Materials, Contracts & Other Expenses	9,994
-	Finance Costs	-
947	Depreciation, Amortisation & Impairment	985
75	Other Expenses	90
<b>11,462</b>	<b>TOTAL EXPENSES</b>	<b>12,324</b>
<b>892</b>	<b>OPERATING SURPLUS/ (DEFICIT)</b>	<b>748</b>
-	Net Gain/(Loss) on Disposal of Assets	-
-	Physical Resources Received Free of Charge	-
<b>892</b>	<b>NET SURPLUS/ (DEFICIT)</b>	<b>748</b>
-	Other Comprehensive Income	-
<b>892</b>	<b>TOTAL COMPREHENSIVE INCOME</b>	<b>748</b>

## SOUTHERN REGION WASTE RESOURCE AUTHORITY

(BUDGETED) STATEMENT OF CASH FLOWS FOR THE YEAR ENDED 30 JUNE 2018

2016/17 BR3 \$'000		2017/18 DRAFT BUDGET \$'000
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>		
<b>RECEIPTS</b>		
11,684	Operating Receipts	12,386
503	Investment Receipts	446
<b>PAYMENTS</b>		
(10,392)	Operating Payments to Suppliers and Employees	(11,249)
1,795	<b>NET CASH RECEIVED IN OPERATING ACTIVITIES</b>	<b>1,583</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>		
<b>RECEIPTS</b>		
-	Sale of Surplus Assets	-
125	Distribution received from equity accounted Joint Venture	-
<b>PAYMENTS</b>		
(583)	Expenditure on Renewal/Replacement Assets	(1,138)
(2,636)	Expenditure on New/Upgraded Assets	(2,075)
-	Capital Contributed to Equity Accounted Joint Venture Business	-
(3,094)	<b>NET CASH USED IN INVESTING ACTIVITIES</b>	<b>(3,213)</b>
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>		
<b>PAYMENTS</b>		
-	Distribution to Constituent Councils	-
-	<b>NET CASH USED IN FINANCING ACTIVITIES</b>	-
(1,299)	<b>NET INCREASE (DECREASE) IN CASH HELD</b>	<b>(1,630)</b>
19,069	CASH AT BEGINNING OF REPORTING PERIOD	17,770
17,770	<b>CASH AT END OF REPORTING PERIOD</b>	<b>16,140</b>

## SOUTHERN REGION WASTE RESOURCE AUTHORITY

(BUDGETED) STATEMENT OF FINANCIAL POSITION AS AT 30 JUNE 2018

2016/17 BR3 \$'000		2017/18 DRAFT BUDGET \$'000
<b>CURRENT ASSETS</b>		
17,770	Cash & Cash Equivalents	16,140
867	Trade & Other Receivables	867
-	Other Financial Assets	-
-	Inventory	-
18,637	<b>TOTAL CURRENT ASSETS</b>	<b>17,007</b>
<b>NON-CURRENT ASSETS</b>		
661	Investment in Joint Venture	901
16,673	Infrastructure, Property, Plant & Equipment	19,341
-	Other Non-Current Assets	-
17,334	<b>TOTAL NON-CURRENT ASSETS</b>	<b>20,242</b>
35,971	<b>TOTAL ASSETS</b>	<b>37,249</b>
<b>CURRENT LIABILITIES</b>		
1,365	Trade & Other Payables	1,365
-	Borrowings	-
136	Provisions	136
1,501	<b>TOTAL CURRENT LIABILITIES</b>	<b>1,501</b>
<b>NON-CURRENT LIABILITIES</b>		
-	Trade & Other Payables	-
15,050	Provisions	15,580
-	Borrowings	-
-	Other Non-Current Liabilities	-
15,050	<b>TOTAL NON-CURRENT LIABILITIES</b>	<b>15,580</b>
16,551	<b>TOTAL LIABILITIES</b>	<b>17,081</b>
19,420	<b>NET ASSETS</b>	<b>20,168</b>
<b>EQUITY</b>		
19,420	Accumulated Surplus	20,168
-	Asset Revaluation Reserve	-
-	Other Reserves	-
19,420	<b>TOTAL EQUITY</b>	<b>20,168</b>

**SOUTHERN REGION WASTE RESOURCE AUTHORITY**

 (BUDGETED) STATEMENT OF CHANGES IN EQUITY FOR THE YEAR ENDED 30 JUNE 2018
 

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2016/17 BR3 \$'000		2017/18 DRAFT BUDGET \$'000
	<b>ACCUMULATED SURPLUS</b>	
18,528	Balance at beginning of period	19,420
892	Net Surplus/(Deficit)	748
-	Transfers from reserves	-
-	Transfers to reserves	-
-	Distribution to Councils	-
19,420	Balance at end of period	20,168
<hr/>		
19,420	<b>TOTAL EQUITY</b>	<b>20,168</b>

**CITY OF MARION  
GENERAL COUNCIL MEETING  
23 MAY 2017**

**Originating Officer:** Sherie Walczak, Acting Unit Manager Governance & Records  
**Corporate Manager:** Jaimie Thwaites, Acting Manager Corporate Governance  
**General Manager:** Vincent Mifsud, General Manager Corporate Services  
**Subject:** Review of Delegations  
**Report Reference:** GC230517R11

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**REPORT OBJECTIVE AND 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 November 2015 and updated in February 2017.

This report provides a full review for the 2016/17 financial year to ensure that Council is compliant with the relevant legislation and provides for effective, efficient and appropriate decision making by Council officers.

Following on from the last update of the Schedule of Delegations in February 2017, a number of changes are recommended due to legislative amendments and changes to the Local Government Association templates.

This report provides details of the changes to the Schedule of Delegations including the introduction of the Electronic Conveyancing National Law (South Australia) Act 2013, removal of the Local Government Act 1934 and amendments to the following Acts:

- Development Act 1993 and Development Regulations 2008
- Freedom of Information Act 1991
- Local Government Act 1999
- Real Property Act 1886
- Road Traffic Act 1961
- Supported Residential Facilities Act 1992
- Water Industry Act 2012

and seeks Council's adoption of the revised delegations.

**RECOMMENDATIONS:**

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

**1. Revocations**

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

- 1.1.1 **Development Act 1993 and Development Regulations 2008**
- 1.1.2 **Freedom of Information Act 1991**
- 1.1.3 **Local Government Act 1934**
- 1.1.4 **Local Government Act 1999**
- 1.1.5 **Real Property Act 1886**
- 1.1.6 **Road Traffic Act 1961, the Road Traffic (Miscellaneous) Regulations 1999 and the Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 1999**
- 1.1.7 **Supported Residential Facilities Act 1992**
- 1.1.8 **Water Industry Act 2012**

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

## **2. Delegations made under Local Government Act 1999**

2.1 **In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the following Acts and specified in the proposed Instruments of Delegation contained in Appendices 1-6 (each of which is individually identified as indicated below) are hereby delegated this 23<sup>rd</sup> day of May 2017 to the person occupying the office of Chief Executive Officer subject to the conditions and or limitations specified herein or in the Schedule of Conditions in each such proposed Instrument of Delegation.**

- 2.1.1 **Appendix 1: Electronic Conveyancing National Law (South Australia) Act 2013**
- 2.1.2 **Appendix 2: Freedom of Information Act 1991**
- 2.1.3 **Appendix 3: Local Government Act 1999**
- 2.1.4 **Appendix 4: Real Property Act 1886**
- 2.1.5 **Appendix 5: Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 1999 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 1999**
- 2.1.6 **Appendix 6: Water Industry Act 2012**

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

## **3. Delegations made under Development Act 1993**

3.1 **In exercise of the powers contained in Section 20 and 34(23) of the Development Act 1993, the powers and functions under the Development Act 1993 and the Development Regulations 2008 contained in the proposed Instrument of Delegation (Appendix 7) are hereby delegated this 23<sup>rd</sup> day of**

**May 2017 to the person occupying the office of Chief Executive Officer subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Development Act 1993.**

- 3.2 Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Development Act 1993.**
- 3.3 In exercise of the powers contained in Section 20 and 34(23) of the Development Act 1993 the powers and functions under the Development Act 1993 and the Development Regulations 2008 contained in the proposed Instrument of Delegation (Appendix 7) and which are specified below are hereby delegated to the Council's Development Assessment Panel, subject to any conditions specified herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Development Act 1993.**

**Ref DA/DAP – 119 (Sections a – f)**

#### **4. Delegations under Supported Residential Facilities Act 1992**

- 4.1 In exercise of the power contained in Section 9 of the Supported Residential Facilities Act 1992, the powers and functions under the Supported Residential Facilities Act 1992 contained in the proposed Instrument of Delegation (Appendix 8) are hereby delegated this 23<sup>rd</sup> day of May 2017 to the person occupying the office of Chief Executive Officer subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Supported Residential Facilities Act 1992.**
- 4.2 Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Supported Residential Facilities Act 1992.**

#### **BACKGROUND:**

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

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

Therefore, it is necessary for the Council to take formal steps to delegate to such people/bodies the authority to make decisions, perform functions or undertake activities on behalf of the Council.

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



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

Section 44 (6) of the Local Government Act 1999 also provides that a review of delegations should be undertaken once in every financial year.

## **DISCUSSION:**

After reviewing the existing schedule of delegations no changes were identified under the following Acts:

- Community Titles Act 1996,
- Dog and Cat Management Act 1995,
- Environment Protection Act 1993,
- Expiation of Offences Act 1996,
- Fences Act 1975,
- Fire & Emergency Services Act 2005,
- Food Act 2001,
- Heavy Vehicle National Law (Sa) Act 2013,
- Housing Improvement Act 1940,
- Land & Business (Sale & Conveyancing) Act 1994,
- Liquor Licensing Act 1997,
- Local Nuisance and Litter Control Act 2016
- Natural Resources Management Act 2004,
- Roads (Opening & Closing) Act 1991,
- SA Public Health Act 2011,
- Strata Titles Act 1988,
- Unclaimed Goods Act 1987, and
- Work Health and Safety Act 2012.

Provided below are sections of the City of Marion Schedule of Delegations that have been updated on the basis of:

- reviewing operations in the context of staff having the necessary authority to carry out their roles. It is also important that delegations operate at the lowest appropriate level within the organisation to improve efficiency and effectiveness,
- legislative changes that have occurred since the last review of the delegations,
- amendments made to the delegation templates on the Local Government Association's secure website,
- changes to position titles and responsibilities at the City of Marion since the last review and
- Recommendations from the Auditor-General's "*Examination of governance arrangements in local government: February 2017*" report.

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

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

Act	Para number in instrument which contain changes	Section number of Act	Whether change is Addition/ Amendment/ Deletion
Electronic Conveyancing National Law (South Australia) Act 2013	1.1	10(1)	Addition
Development Act 1993 and Development Regulations 2008	3.1	21(4)(b)	Deletion
	4.1	22(b)	Deletion
	5.1	27(1)	Deletion
	5.2	27(2)	Deletion
	5.3	27(7)	Amendment
	71A	32(2)(5)	Addition
	81A.1	47A(1)	Addition
	53A.1	8A(1)(a)	Addition
	53A.2	8A(1)(b)	Addition
	53B	8B(1)	Addition
	54.1	9A(1)	Amendment
	58.4A	15(7b)	Amendment
	58.4A.1	15(7a)	Amendment
	58.4A.2.3	15(7b)(b)(iii)	Addition
	58.7	15(11)	Amendment
	58.8	15(12)	Amendment
	31	Title	Amendment
94A1	76D(4a)	Addition	
Freedom of Information Act 1991	13.2	25(3)	Amendment
	14.2	26(3)	Amendment
	15.2	27(3)	Amendment
	16.2	28(3)	Amendment
	22.2.2(iv)	36(2)	Amendment
	25	39	Amendment
	26.1	40(1)	Amendment
27.1	41(1)	Amendment	
Local Government Act 1934	All	-	Deletion of entire instrument
Local Government Act 1999	14.1.2.1	48(1)	Amendment
	16.3.1	50(4)	Amendment
	16.5.2	50(6)	Amendment
	24.2	90(8a)(a)	Addition
	24.3	90(8c)	Addition
	26.4.1	92(5)	Amendment
	34.2	123(5)	Amendment
34.4.3	123(9)	Addition	

Act	Para number in instrument which contain changes	Section number of Act	Whether change is Addition/ Amendment/ Deletion
	43.3	132(3)	Amendment
	66.5	169(15)(b)	Amendment
	94.3	202(4)	Amendment
	107.8	219(7)	Amendment
	118	235(1)	Deletion
	119	236(2)	Amendment
	120.1	237(4)	Amendment
	122.2.2.1	243(2)(b)(i)	Amendment
	135.00	270(a1)	Amendment
	130.9	255(12)	Amendment
	133.1	259(1)	Amendment
	133.2.1	259(2)	Amendment
	133.4	259(4)	Amendment
	135.00	270(a1)(a2)(4a)	Addition
	135.1	270(1)	Amendment
	135.2.3A	270(2)	Addition
	146	299	Deletion
	148A	Clause 13, Schedule 1A	Addition
	149	Clause 13(4), Schedule 1A	Deletion
	150	Clause 14, Schedule 1A	Deletion
	151.1	Clause 16(4), Schedule 1A	Deletion
	151A.1	Clause 17(1), Schedule 1A	Addition
	151B.1	Clause 20(5), Schedule 1A	Addition
	151.2	Clause 16(5), Schedule 1A	Deletion
	151B.2	Clause 20(6), Schedule 1A	Addition
	151.3	Clause 16(6), Schedule 1A	Deletion
	152.1	Clause 21(1), Schedule 1A	Deletion
	152.2	Clause 21(2), Schedule 1A	Deletion
	153.1	Clause 22(2), Schedule 1A	Deletion
	153.2	Clause 22(3), Schedule 1A	Deletion
	153.3	Clause 22(4), Schedule 1A	Deletion
	154.1	Clause 24(1), Schedule 1A	Addition
	154.1(e)	24(1)(e)	Addition
	154.1(f)	24(1)(f)	Addition
	154.1(g)	24(1)(g)	Addition
	154.1(h)	24(1)(h)	Addition
	154.1(i)	24(1)(i)	Addition

Act	Para number in instrument which contain changes	Section number of Act	Whether change is Addition/ Amendment/ Deletion
	154.1(j)	24(1)(j)	Addition
	154.1(k)	24(1)(k)	Addition
	154.2	Clauses 24(2)(b) and 25, Schedule 1A	Addition
	155.1	Clause 25(2) , Schedule 1A	Addition
	155.2	Clause 25(3)(b), Schedule 1A	Addition
	156	Clause 26(3), Schedule 1A	Addition
Real Property Act 1886	3	39	Amendment
	5	44	Amendment
	6.1	56(2)	Deletion
	6.2	56(3)(b)	Deletion
	6A.1	56(5)	Addition
	6A.2	56(6)(a)	Addition
	6A.3	56(6)(b)	Addition
	7	78	Amendment
	8	79(1)	Deletion
	15.1	96	Amendment
	15.2	96	Deletion
	17	96A	Deletion
	18	100	Deletion
	24	120	Amendment
	25	121	Amendment
	28.1	128(1)	Amendment
	28.1.1	128(1)	Deletion
	28.1.2	128(1)	Deletion
	28.2	128(2)	Addition
	28.3	128(4)	Addition
	28A	128B(1)	Addition
	29	129A(1)	Amendment
	36	143(1)	Amendment
	38	149	Deletion
	40AA	153A(1)	Addition
	40B.3	154B(2)(va)	Addition
	41.1	169(1)	Amendment
	41.3	169(6)	Amendment
	42.1	173(a)	Amendment
	46.1	191	Amendment
	48A.1A	221(1a)	Addition
	50	223D(1)	Amendment
Road Traffic Act 1961	3A	86	Addition
Supported Residential Facilities Act 1992	4.3	29(4)	Deletion

Act	Para number in instrument which contain changes	Section number of Act	Whether change is Addition/ Amendment/ Deletion
Water Industry Act 2012	38A.1	86F(1)	Addition
	38B.1	86G(1)(c)	Addition
	38B.2	86G(2)	Addition
	38C.1	86I(3)	Addition
	38C.2	86I(4)	Addition
	38C.3	86I(6)	Addition
	38C.4	86I(7)	Addition
	38D.1	86J(1)	Addition
	38E.1	86K(2)	Addition
	38F.1	86N(3)	Addition
	38G.1	86Z(2)	Addition
	38H.1	86ZD(1)	Addition
	38I.1	86ZE	Addition
	38J.1	86ZG(1)	Addition
	38J.2	86ZG(3)	Addition
	38K.1	86ZJ	Addition
	38L.1	86ZK(5)	Addition
	38L.2	86ZK(6)	Addition
	38L.3	86ZK(8)	Addition
	38M.1	86ZL(1)	Addition
38N.1	86ZM(7)	Addition	
38O.1	86ZN	Addition	
38P.1	86ZR(2)	Addition	

Some points to note include:

1. Under Section 44(4) of the Local Government Act a delegation is revocable at will and does not prevent the council from acting in a matter.
2. Sub-delegations from the Chief Executive Officer to relevant staff will be made at the time or near after endorsement of the Schedule by Council.
3. The delegations contained in the "Schedule of Delegations" will be effective immediately upon Council approval.
4. The updated "Schedule of Delegations" will be published on Council's Intranet and Internet sites.
5. The following matters have not been delegated in accordance with the Local Government Act 1999:
  - Power to make a by-law;
  - power to declare rates or a charge with the character of a rate;
  - power to borrow money or to obtain other forms of financial accommodation;
  - power to adopt or revise a strategic management plan or budget of the council;

- power to approve expenditure of money on works, services or operations of the council not contained in a budget approved by the council;
- power to determine annual allowances under Chapter 5;
- power to approve payment or reimbursement of expenses that may be paid at the discretion of the council and for which the council has not adopted a formal policy or made specific financial provision;
- power to establish a subsidiary, or to participate in the establishment of a regional subsidiary;
- power to make an application or recommendation, or to report or to give a notice, to the Governor or the Minister, being an application, recommendation, report or notice for which provision is made by or under this or another Act;
- power to fix, vary or revoke a fee under section 188(1)(d) to (h); and
- a power or function excluded from delegation by the regulations.

### **CONCLUSION:**

The annual review of delegations ensures compliance with the Local Government Act 1999 and the effective administration of Council's powers, functions and duties with respect to various legislative requirements.

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

### **APPENDICES:**

Appendix 1 – Electronic Conveyancing National Law (South Australia) Act 2013

Appendix 2 – Freedom of Information Act 1991

Appendix 3 – Local Government Act 1999

Appendix 4 – Real Property Act 1886

Appendix 5 – Road Traffic Act 1961

Appendix 6 – Water Industry Act 2012

Appendix 7 – Development Act 1993

Appendix 8 – Supported Residential Facilities Act 1992

**INSTRUMENT OF DELEGATION UNDER THE  
ELECTRONIC CONVEYANCING NATIONAL LAW (SA) ACT 2013**

**INSTRUMENT OF DELEGATION UNDER THE  
ELECTRONIC CONVEYANCING NATIONAL LAW (SOUTH AUSTRALIA) ACT 2013**

**NOTES**

In exercise of the powers contained in Section 29 of the Electronic Conveyancing National Law (South Australia) Act 2013, the powers, functions and duties under the Electronic Conveyancing National Law (South Australia) Act 2013, are hereby delegated this 23<sup>rd</sup> day of May 2017 to the person occupying the office of Chief Executive Officer of the Council and the said powers, functions and duties may be sub-delegated by the said delegate to any other officer of the Council:

**POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

1. <b>Client Authorisation</b>	<b>Delegate to CEO</b>	<b>Sub- delegation</b>
1.1 The power pursuant to Section 10(1) of the Electronic Conveyancing National Law (South Australia) Act 2013 ( <b>the Act</b> ) to:		
1.1.1 complete a client authorisation:		
1.1.1.1 that is in the form required by the participation rules; and	<u>Y</u>	
1.1.1.2 by which the Delegate authorises a subscriber to do one or more things on the Council's behalf in connection with a conveyancing transaction so that the transaction, or part of the transaction, can be completed electronically.	<u>Y</u>	

**INSTRUMENT OF DELEGATION UNDER THE  
FREEDOM OF INFORMATION ACT 1991 AND THE FREEDOM OF INFORMATION (FEES AND CHARGES)  
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**INSTRUMENT OF DELEGATION UNDER THE  
FREEDOM OF INFORMATION ACT 1991 AND THE FREEDOM OF  
INFORMATION (FEES AND CHARGES) REGULATIONS 2003**

**NOTES**

In exercise of the power contained in Section 44 of the Local Government Act 1999 the following powers, functions and duties under the Freedom Of Information Act 1991 and the Freedom of Information (Fees and Charges) Regulations 2003 are hereby delegated this ~~22<sup>nd</sup>~~ ~~May 2012~~ 23<sup>rd</sup> day of May 2017 to the person occupying the office of Chief Executive Officer of the Council and the said powers, functions and duties may be sub-delegated by the delegate to any other officer of Council.

**POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

Delegations	Delegate to CEO	Sub-delegations
<b>1. Publication of Information Concerning Councils</b>		
1.1 The duty pursuant to Section 9(1a) of the Freedom of Information Act 1991 (“the Act”) and in accordance with Section 9(2), (3) and (4) to cause, at intervals of not more than 12 months, an up to date information statement to be published in the manner prescribed by regulation.	Y	
<b>2. Availability of Certain Documents</b>		
2.1 The duty pursuant to Section 10(1) of the Act to cause copies of the Council’s most recent information statement and each of its policy documents to be made available for inspection and purchase by members of the public.	Y	



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2.2 The power pursuant to Section 10(2) of the Act to delete information from the copies of a policy document if its inclusion would result in the document being an exempt document otherwise then by virtue of Clause 9 or 10 of Schedule 1 to the Act.	Y	
2.3 The duty pursuant to Section 10(3) of the Act not to enforce a particular policy to the detriment of a person:		
2.3.1 if the relevant policy document should have been, but was not, made available for inspection and purchase in accordance with Section 10 at the time the person became liable to the detriment; and	Y	
2.3.2 the person could, by knowledge of the policy, have avoided liability to the detriment.	Y	
<b>3. Persons by Whom Applications to be Dealt With and Time Within Which Applications Must be Dealt With</b>		
3.1 The duty, pursuant to Section 14(1) of the Act to ensure that an accredited FOI officer deals with an application for access to Council's documents.	Y	
3.2 The duty pursuant to Section 14(2) of the Act to deal with an application for access to the Council's documents as soon as practicable (and, in any case, within 30 days) after it is received.	Y	
<b>4. Incomplete and Wrongly Directed Applications</b>		
4.1 The duty pursuant to Section 15 of the Act not to refuse to accept an application merely because it does not contain sufficient information to enable the document to which it relates to be identified without first taking such steps as are reasonably practicable to assist the applicant to provide such information.	Y	
<b>5. Transfer of Application</b>		

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5.1	The power pursuant to Section 16(1) of the Act to transfer an application for access to Council's documents to another agency if the document to which it relates:		
	5.1.1 is not held by the Council but is, to the knowledge of the Council, held by the other agency; or		
	5.1.2 is held by the Council but is more closely related to the functions of the other agency.	Y	
5.2	The duty pursuant to Section 16(2) of the Act, where an application is transferred to another agency and the Council holds a copy of the document to which the application relates, to forward a copy of the document to the other agency together with the application.	Y	
5.3	The duty pursuant to Section 16(3) of the Act to cause notice of the transfer to be given to the applicant where the application has been transferred to another agency.	Y	
5.4	The duty pursuant to Section 16(4) of the Act to specify in a notice under Section 16(3), the day on which, and the agency to which, the application was transferred.	Y	
5.5	The power pursuant to Section 16(5) of the Act not to include in a notice under Section 16(3) any matter which by its inclusion would result in the notice being an exempt document.	Y	
<b>6.</b>	<b>Council May Require Advance Deposits</b>		
6.1	The power pursuant to Section 17(1) of the Act to form the opinion that the cost of dealing with an application is likely to exceed the application fee, and to request the applicant to pay such reasonable amount, by way of advance deposit, as the Delegate may determine.	Y	

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6.2	The power pursuant to Section 17(2) of the Act to form the opinion that the cost of dealing with an application is likely to exceed the sum of the application fee and of any advance deposits paid in respect of the application and, to request the applicant to pay such reasonable amount, by way of further advance deposit as the Delegate may determine.	Y	
6.3	The duty pursuant to Section 17(3) of the Act to ensure that the aggregate of the application fee and the advance deposit(s) do not exceed the Delegate's estimate of the cost of dealing with the application.	Y	
6.4	The duty pursuant to Section 17(4) of the Act, where a request for an advance deposit is made, to ensure that the request is accompanied by a notice that sets out the basis upon which the amount of the deposit has been calculated.	Y	
<b>7. Council May Refuse to Deal with Certain Applications</b>			
7.1	The power pursuant to Section 18(1) of the Act to refuse to deal with an application if it appears to the Delegate that the nature of the application is such that the work involved in dealing with it (within the period allowed under Section 14 of the Act or, within any reasonable extension of that period under Section 14A of the Act) would, if carried out, substantially and unreasonably divert the Council's resources from their use by the Council in the exercise of its functions.	Y	
7.2	The duty pursuant to Section 18(2) of the Act not to refuse to deal with such an application without first endeavouring to assist the applicant to amend the application so that the work involved in dealing with it would, if carried out, no longer substantially and unreasonably divert the Council's resources from their use by the Council in the exercise of its functions.	Y	

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7.3	The power pursuant to Section 18(2a) of the Act to refuse to deal with an application if, the Delegate forms the opinion, that the application is part of a pattern of conduct that amounts to an abuse of the right of access or is made for a purpose other than to obtain access to information.	Y	
7.4	The power pursuant to Section 18(3) of the Act to refuse to continue dealing with an application if:		
	7.4.1 the delegate has requested payment of an advance deposit in relation to the application; and	Y	
	7.4.2 payment of the deposit has not been made within the period specified in the request.	Y	
7.5	The duty pursuant to Section 18(4) of the Act where the Delegate refuses in accordance with Section 18(3) of the Act to continue to deal with an application to refund to the applicant such part of the advance deposits paid in respect of the application as exceeds the costs incurred by the Council in dealing with the application and the power to retain the remainder of those deposits.	Y	
7.6	The duty pursuant to Section 18(5) of the Act to cause written notice of a refusal to deal with an application in accordance with Section 18(3) of the Act to be given to the applicant.	Y	
7.7	The duty pursuant to Section 18(6) of the Act to include in a notice under Section 18(5) of the Act the reasons for the refusal and the findings on any material questions of fact underlying those reasons, together with a reference to the sources of information on which those findings are based.	Y	
7.8	The power pursuant to Section 18(7) of the Act not to include in a notice under Section 18(5) of the Act any matter which by its inclusion would result in the notice being an exempt document.	Y	
<b>8.</b>	<b>Determination of Applications</b>		

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8.1	The duty pursuant to Section 19(1) of the Act, after considering an application for access to the Council's documents, to determine:		
8.1.1	whether access to the document is to be given (either immediately or subject to deferral) or refused; and	Y	
8.1.2	if access to the document is to be given, any charge payable in respect of the giving of access; and	Y	
8.1.3	any charge payable for dealing with the application.	Y	
8.2	The power pursuant to Section 19(2a) of the Act to make a determination to give access to a document on an application after the period within which the Delegate was required to deal with the application.	Y	
<b>9.</b>	<b>Refusal of Access</b>		
9.1	The power pursuant to Section 20(1) of the Act to refuse access to a document:		
9.1.1	if it is an exempt document;	Y	
9.1.2	if it is a document that is available for inspection at the Council or some other agency (whether as a part of a public register or otherwise) in accordance with Part 2 of the Act, or in accordance with a legislative instrument other than the Act, whether or not inspection of the document is subject to a fee or charge;	Y	
9.1.3	if it is a document that is usually and currently available for purchase;	Y	
9.1.4	if it is a document that:		
9.1.4.1	was not created or collated by the Council itself; and	Y	
9.1.4.2	genuinely forms part of library material held by the Council; or	Y	

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9.1.5	subject to the exceptions listed at Section 20(2) of the Act if it is a document that came into existence before 1 January 1987.	Y	
9.2	The duty pursuant to Section 20(4) not to refuse access to a document if:	Y	
9.2.1	it is practicable to give access to a copy of a document from which the exempt matter has been deleted; and	Y	
9.2.2	it appears to the Delegate (either from the terms of the application or after consultation with the applicant) that the applicant would wish to be given access to such a copy	Y	
	to that limited extent.		
<b>10.</b>	<b>Deferral of Access</b>		
10.1	The power pursuant to Section 21(1) of the Act to defer access to a document:		
10.1.1	if it is a document that is required by law to be published but is yet to be published;	Y	
10.1.2	if it is a document that has been prepared for presentation to Parliament, but is yet to be presented; or	Y	
10.1.3	if it is a document that has been prepared for submission to a particular person or body, but is yet to be submitted.	Y	
10.2	The duty pursuant to Section 21(2) of the Act not to defer access to a document to which Section 21(1)(a) of the Act applies beyond the time the document is required by law to be published.	Y	
10.3	The duty pursuant to Section 21(3) of the Act not to defer access to a document to which Section 21(1)(b) or (c) of the Act applies for more than a reasonable time after the date of its preparation.	Y	

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<b>11. Forms of Access</b>		
11.1 The power pursuant to Section 22(1) of the Act to give a person access to a document by –		
(a) giving the person a reasonable opportunity to inspect the document; or	Y	
(b) giving the person a copy of the document; or	Y	
(c) in the case of a document from which sounds or visual images are capable of being reproduced, whether or not with the aid of some other device by making arrangements for the person to hear or view those sounds or visual images; or	Y	
(d) in the case of a document in which words are recorded in a manner in which they are capable of being reproduced in the form of sound by giving the person a written transcript of the words recorded in the document; or	Y	
(e) in the case of a document in which words are contained in the form of shorthand writing or in encoded form-by giving the person a written transcript of the words contained in the document; or	Y	
(f) in the case of a document in which words are recorded in a manner in which they are capable of being reproduced in the form of a written document-by giving the person a written document so reproduced.	Y	
11.2 The duty pursuant to Section 22(2) of the Act to give an applicant access to a document in a particular way requested by the applicant unless giving access as requested:	Y	
11.2.1 would unreasonably divert the resources of the Council (or, if the document is in the custody of State Records, the resources of State Records) from their use for other official purposes; or	Y	

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11.2.2 would be detrimental to the preservation of the document or (having regard to the physical nature of the document) would otherwise not be appropriate; or	Y	
11.2.3 would involve an infringement of copyright in matter contained in a document,	Y	
in which case access may be given in some other way.		
11.3 The duty pursuant to Section 22(2a) of the Act where a document is in the custody of State Records, to determine that the way in which access is given to the document will be made by or jointly with the Manager of State Records.	Y	
11.4 The duty pursuant to Section 22(3) of the Act where an applicant has requested that access to a document be given in a particular way and access is given in some other way, not to require the applicant to pay a charge in respect of the giving of access that is greater than the charge that the applicant would have been required to pay had access been given as requested.	Y	
11.5 The power pursuant to Section 22(4) of the Act but subject to Section 22(2a) of the Act to agree with the applicant the particular way access to a document is to be given.	Y	
11.6 The power pursuant to Section 22(5) of the Act to refuse to give access to a document if a charge payable in respect of the application, or giving access to the document, has not been paid.	Y	
<b>12. Notices of Determination</b>		
12.1 The duty pursuant to Section 23(1) of the Act to give written notice to an applicant of the determination of his/her application or, if the application relates to a document that is not held by the Council, of the fact that the Council does not hold such a document.	Y	



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12.2 The duty pursuant to Section 23(2) of the Act to specify in a notice given under Section 23(1) of the Act those matters set out at Section 23(2)(a) – (g) of the Act.	Y	
12.3 The power pursuant to Section 23(3) of the Act where an applicant applies for access to a document that is an exempt document for reasons related to criminal investigation or law enforcement, to give notice to the applicant in the form that neither admits or denies the existence of the document and, if disclosure of the existence of the document could prejudice the safety of a person, the duty to ensure that notice is given in that form.	Y	
12.4 The power pursuant to Section 23(4) of the Act not to include in a notice under this Section any matter which by its inclusion would result in the notice being an exempt document.	Y	
<b>13. Documents Affecting Inter-Governmental or Local Governmental Relations</b>		
13.1 The duty pursuant to Section 25(2) of the Act not to give access under the Act to a document which contains matter concerning the affairs of the Government of the Commonwealth or of another State or a council (including a council constituted under a law of another State) unless the Council has taken such steps as are reasonably practicable to obtain the views of the Government or council concerned as to whether or not the document is an exempt document by virtue of Clause 5 of Schedule 1 to the Act.	Y	
13.2 The duty pursuant to Section 25(3) of the Act, if:		
13.2.1 the Delegate determines, after having sought the views of the Government or council concerned, that access to a document to which Section 25(2) of the Act applies is to be given; and	Y	
13.2.2 the views of the Government or council concerned are that the document is an exempt document by virtue of Clause 5 of Schedule 1 to the Act,	Y	

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to forthwith give written notice to the Government or council concerned:		
13.2.3 that the Council has determined that access to the document is to be given; and	Y	
13.2.4 of the rights of review <del>and appeal</del> conferred by the Act in relation to the determination; and	Y	
13.2.5 of the procedures to be followed for the purpose of exercising those rights; and	Y	
defer giving access to the document until after the expiration of the period within which an application for a review <del>or appeal</del> under the Act may be made or, if such an application is made, until after the application has been finally disposed of.	Y	
<b>14. Documents Affecting Personal Affairs</b>		
14.1 The duty pursuant to Section 26(2) of the Act not to give access under the Act to a document which contains information concerning the personal affairs of any person (whether living or dead) except to the person concerned, unless the Council has taken such steps as are reasonably practicable to obtain the views of the person concerned as to whether or not the document is an exempt document by virtue of Clause 6 of Schedule 1 to the Act.	Y	
14.2 The duty pursuant to Section 26(3) of the Act, if:		
14.2.1 the Delegate determines, after having sought the views of the person concerned, that access to a document to which Section 26(2) of the Act applies is to be given; and	Y	
14.2.2 the views of the person concerned are that the document is an exempt document by virtue of Clause 6 of Schedule 1 to the Act; or	Y	

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14.2.3 after having taking reasonable steps to obtain the views of the person concerned, the Delegate is unable to obtain the views of the person and determines that access to the documents should be given,	Y	
to forthwith give written notice to the person concerned:		
14.2.4 that the Delegate has determined that access to the document is to be given; and	Y	
14.2.5 of the rights of review <del>and appeal</del> conferred by the Act in relation to the determination; and	Y	
14.2.6 of the procedures to be followed for the purpose of exercising those rights; and	Y	
defer giving access to the document until after the expiration of the period within which an application for review <del>or appeal</del> under the Act may be made or, if such an application is made, until after the application has been finally disposed of.	Y	
14.3 The power pursuant to Section 26(4) of the Act where:-		
14.3.1 an application is made to the Council for access to a document to which Section 26 of the Act applies; and	Y	
14.3.2 the document contains information of a medical or psychiatric nature concerning the applicant; and	Y	
14.3.3 the Delegate is of the opinion that disclosure of the information to the applicant may have an adverse effect on the physical or mental health or emotional state, of the applicant; and	Y	
14.3.4 the Delegate decides that access to the document is to be given,	Y	
to give access to the document to a registered medical practitioner nominated by the applicant.		

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<b>15. Documents Affecting Business Affairs</b>		
15.1 The duty pursuant to Section 27(2) of the Act not to give access under the Act to a document which contains:		
15.1.1 information concerning the trade secrets of any person; or	Y	
15.1.2 information (other than trade secrets) that has a commercial value to any person; or	Y	
15.1.3 any other information concerning the business, professional, commercial or financial affairs of any person;	Y	
except to the person concerned, unless the Council has taken such steps as are reasonably practicable to obtain the views of the person concerned as to whether or not the document is an exempt document by virtue of Clause 7 of Schedule 1 to the Act.		
15.2 The duty pursuant to Section 27(3) of the Act, if:		
15.2.1 the Delegate determines, after seeking the views of the person concerned, that access to a document to which Section 27(2) of the Act applies is to be given; and	Y	
15.2.2 the views of the person concerned are that the document is an exempt document by virtue of Clause 7 of Schedule 1 to the Act,	Y	
to forthwith give written notice to the person concerned:		
15.2.3 that the Council has determined that access to the document is to be given; and	Y	
15.2.4 of the rights of review and appeal conferred by the Act in relation to the determination; and	Y	
15.2.5 of the procedures to be followed for the purpose of exercising those rights; and	Y	

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<p>defer giving access to the document until after the expiration of the period within which an application for a review or appeal under the Act may be made or, if such an application is made, until after the application has been finally disposed of.</p>		
<p><b>16. Documents Affecting the Conduct of Research</b></p>		
<p>16.1 The duty pursuant to Section 28(2) of the Act not to give access under the Act to a document which contains information concerning research that is being, or is intended to be, carried out by or on behalf of any person except to the person concerned, unless such steps have been taken as are reasonably practicable to obtain the views of the person concerned as to whether or not the document is an exempt document by virtue of Clause 8 of Schedule 1 to the Act.</p>	Y	
<p>16.2 The duty pursuant to Section 28(3) of the Act, if:</p>		
<p>16.2.1 the Delegate determines, after seeking the views of the person concerned, that access to a document to which Section 28(2) of the Act applies is to be given; and</p>	Y	
<p>16.2.2 the views of the person concerned are that the document is an exempt document by virtue of Clause 8 of Schedule 1 to the Act,</p>	Y	
<p>to forthwith give written notice to the person concerned:</p>		
<p>16.2.3 that the Council has determined that access to the document is to be given; and</p>	Y	
<p>16.2.4 of the rights of review <del>and appeal</del> conferred by the Act in relation to the determination; and</p>	Y	
<p>16.2.5 of the procedures to be followed for the purpose of exercising those rights; and</p>	Y	

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<p>defer giving access to the document until after the expiration of the period within which an application for a review <del>or appeal</del> under the Act may be made or, if such an application is made, until after the application has been finally disposed of.</p>		
<p><b>17. Internal Review</b></p>		
<p>17.1 The power pursuant to Section 29(3) of the Act, where an application for review of a determination is made under Part 3 of the Act and in accordance with Section 29(2) of the Act, to confirm, vary or reverse the determination under review.</p>	Y	
<p>17.2 The duty pursuant to Section 29(4) of the Act to refund any application fee paid in respect of the review where the delegate varies or reverses a determination so that access to a document is to be given either immediately or subject to deferral.</p>	Y	
<p><b>18. Persons by Whom Applications for Amendment of Records May be Dealt With and Time Within Which Applications Must be Dealt With</b></p>		
<p>18.1 The duty pursuant to Section 32(1) of the Act to ensure that an accredited FOI officer deals with an application for amendment of the Council's records.</p>	Y	
<p>18.2 The duty pursuant to Section 32(2) of the Act to deal with an application for amendment of the Council's records as soon as practicable (and, in any case, within 30 days) after it is received.</p>	Y	
<p><b>19. Incomplete Applications for Amendment of Records</b></p>		
<p>19.1 The duty pursuant to Section 33 of the Act not to refuse to accept an application merely because the application does not contain sufficient information to enable the Council's document to which the applicant has been given access to be identified without first taking such steps as are reasonably practicable to assist the applicant to provide such information.</p>	Y	

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<b>20. Determination of Applications</b>		
20.1 The duty pursuant to Section 34 of the Act to determine within thirty (30) days of its receipt an application for amendment of the Council's records by amending the Council's records in accordance with the application or, by refusing to amend the Council's records.	Y	
<b>21. Refusal to Amend Records</b>		
21.1 The power pursuant to Section 35 of the Act to refuse to amend the Council's records in accordance with an application:		
(a) if the Delegate is satisfied that the Council's records are not incomplete, incorrect, out of date or misleading in a material respect; or	Y	
(b) if the Delegate is satisfied that the application contains a matter that is incorrect or misleading in a material respect; or	Y	
(c) if the procedures for amending the Council's records are prescribed by or under the provisions of a legislative instrument other than the Act, whether or not amendment of those records is subject to a fee or charge.	Y	
<b>22. Notices of Determination</b>		
22.1 The duty pursuant to Section 36(1) of the Act to give written notice to an applicant of the Council's determination of his/her application or, if the application relates to records that are not held by the Council, of the fact that the Council does not hold such records.	Y	
22.2 The duty pursuant to Section 36(2) of the Act when giving a written notice in accordance with Section 36(1) to specify –		
22.2.1 the day on which the determination was made; and	Y	
22.2.2 if the determination is to the effect that amendment of the Council's records is refused –		

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(i)	the name and designation of the officer by whom the determination was made; and	Y	
(ii)	the reasons for that refusal; and	Y	
(iii)	the findings on any material questions of fact underlying those reasons, together with a reference to the sources of information on which those findings are based; and	Y	
(iv)	the rights of review <del>and appeal</del> conferred by the Act in relation to the determination; and	Y	
(v)	the procedures to be followed for the purpose of exercising those rights.	Y	
22.3	The power pursuant to Section 36(3) of the Act not to include in a notice given under Section 36(1) of the Act any matter which by its inclusion would result in the notice being an exempted document.	Y	
<b>23.</b>	<b>Notations to be Added to Records</b>		
23.1	The duty pursuant to Section 37(2) of the Act where the Delegate has refused to amend the Council's records and the applicant has, by notice in writing lodged at the Council offices, requiring the Council to add to those records a notation –		
23.1.1	specifying the respects in which the applicants claims the records to be incomplete, incorrect, out of date or misleading; and	Y	
23.1.2	if the applicant claims the records to be incomplete or out of date, setting out such information as the applicant claims is necessary to complete the records or to bring them up to date,	Y	
	to cause written notice of the nature of the notation to be given to the applicant.		



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23.2 The duty pursuant to Section 37(3) of the Act, if the Council discloses to any person (including any other agency) any information contained in the part of its records to which a notice under Section 37 relates, to:		
23.2.1 ensure that, when the information is disclosed, a statement is given to that person:	Y	
23.2.1.1 stating that the person to whom the information relates claims that the information is incomplete, incorrect, out of date or misleading; and	Y	
23.2.1.2 setting out particulars of the notation added to its records under Section 37; and	Y	
the power pursuant to Section 37(3)(b) of the Act to include in the statement the reason for the Council's refusal to amend its records in accordance with the notation.		
<b>24. Internal Review</b>		
24.1 The power pursuant to Section 38(3) of the Act, where an application for review of a determination is made under Part 4 of the Act and in accordance with Section 38(2) of the Act to, confirm, vary or reverse the determination under review.	Y	
<b>25. External Review</b>		
25.1 The duty and power pursuant to Section 39(5)(b)(i) of the Act to sort or compile documents relevant <del>to a review</del> under Section 39 of the Act or to undertake consultation.	Y	
25.2 The duty and power pursuant to Section 39(5)(b)(ii) of the Act to attend at a time and place specified by the relevant review authority (as defined by the Act) for the purposes of sorting or compiling documents relevant to a review under Section 39 of the Act or to undertake consultation.	Y	
25.3 The power:		

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25.3.1 to participate in and effect a settlement conducted under Section 39(5)(c)(i) of the Act; and	Y	
25.3.2 to request a suspension of proceedings under Section 39 at any time to allow an opportunity for a settlement to be negotiated.	Y	
25.4 The duty and power pursuant to Section 39(7) to cooperate in a process proposed by the relevant review authority (as defined by the Act) for the purposes of the conduct of a review under Section 39 of the Act (including any attempt of the relevant review authority to effect a settlement between the participants) and to do all such things as are reasonably required to expedite the process.	Y	
<b>26. <del>Appeal to District Court</del><u>Reviews by SACAT</u></b>		
26.1 The power pursuant to Section 40(1) of the Act and with the permission of <del>the District Court</del> <u>SACAT</u> , to <del>appeal against a determination made under Division 1 of Part 5 of the Act</del> <u>apply for a review under Section 34 of the South Australian Civil and Administrative Tribunal Act 2013 of the determination by SACAT</u> on a question of law.	Y	
<b>27. Consideration of Restricted Documents</b>		
27.1 The power pursuant to Section 41(1) of the Act to make application to <del>the District Court</del> <u>SACAT</u> to have <del>the District Court</del> <u>SACAT</u> receive evidence and hear argument in the absence of the public, the other party to the <del>appeal</del> <u>review</u> and, the other party's representative.	Y	
<b>28. <i>Deliberately left blank</i></b>		
28.1 <i>Deliberately left blank</i>		
<b>29. Fees &amp; Charges</b>		

**INSTRUMENT OF DELEGATION UNDER THE  
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29.1	The power pursuant to Section 53(2a) of the Act, as the Delegate thinks fit, to waive, reduce or remit a fee or charge in circumstances other than those in which such action is provided for under the regulations.	Y	
29.2	The duty pursuant to Section 53(3) of the Act, where the Delegate determines a fee or charge, to review the fee or charge on request of the person required to pay the same, and if the Delegate thinks fit, reduce it.	Y	
29.3	The power pursuant to Section 53(5) of the Act to recover a fee or charge as a debt due and owing to the Council.	Y	
<b>30.</b>	<b>Provision of Information to Minister</b>		
30.1	The duty pursuant to Section 54AA of the Act–		
30.1.1	to furnish to the Minister administering the Act, such information as the Minister requires by notice in the Gazette –	Y	
30.1.1.1	for the purpose of monitoring compliance with the Act; and	Y	
30.1.1.2	for the purpose of preparing a report under Section 54 of the Act; and	Y	
30.1.2	to comply with any requirements notified by the Minister in the Gazette concerning the furnishing of that information and the keeping of records for the purposes of Section 54AA of the Act.	Y	
<b>31.</b>	<b>Documents Containing Confidential Material</b>		
31.1	The power pursuant to clause 13(2)(b)(iii) of Schedule 1 of the Act to approve a term for inclusion in a contract that the disclosure of the matter in the contract would constitute a breach of the contract or found an action for breach of confidence.	Y	

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31.2 The duty pursuant to clause 13(6) of Schedule 1 of the Act to notify the Minister administering the Act, in writing, and as soon as practicable, if the Delegate approves a term of a contract in accordance with clause 13(2)(b)(iii) of Schedule 1 of the Act.	Y	
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**INSTRUMENT OF DELEGATION UNDER THE  
FREEDOM OF INFORMATION ACT 1991 AND THE FREEDOM OF INFORMATION (FEES AND CHARGES)  
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<b><u>DELEGATIONS UNDER THE FREEDOM OF INFORMATION (FEES AND CHARGES) REGULATIONS 2003</u></b>	<b><u>Delegate to CEO</u></b>	<b><u>Sub-delegations</u></b>
<b>32. Fees &amp; Charges</b>		
<p>32.1 The duty pursuant to Regulation 5 of the Freedom of Information (Fees and Charges) Regulations 2003 to waive or remit the fee or charge where a person, liable to pay a fee or charge to the Council under the Act, satisfies the delegate that:</p> <p>(a) he or she is a concession cardholder; or</p> <p>(b) payment of the fee would cause financial hardship to the person.</p>	Y	
<p>32.2 The duty pursuant to Regulation 6 of the Freedom of Information (Fees and Charges) Regulations 2003 to provide a Member of Parliament, who applies for access to Council documents under the Act, access to the documents without charge unless the work generated by the application involves fees and charges (calculated in accordance with Schedule 1 of the Act) totalling more than \$1,000.</p>	Y	

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

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

**NOTES**

In exercise of the power contained in Section 44 of the Local Government Act 1999 the following powers, functions and duties under the Local Government Act 1999 are hereby delegated this ~~10<sup>th</sup> day of November 2015~~ 23<sup>rd</sup> day of May 2017 to the person occupying the office of Chief Executive Officer of the Council and the said powers, functions and duties may be sub-delegated by the delegate to any other officer of Council.

[Conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.](#)

**POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

<b>1. Composition and Wards</b>	<b>Delegate to CEO</b>	<b>Sub- delegation</b>
1.1. The power pursuant to Section 12(1) of the Local Government Act 1999 (' <b>the Act</b> ') to, by notice in the Gazette, after complying with the requirements of Section 12 of the Act,		
1.1.1. alter the composition of the Council;	N	
1.1.2. divide, or redivide, the area of the Council into wards, alter the division of the area of the Council into wards, or abolish the division of the area of the Council into wards.	N	
1.2. The power pursuant to Section 12(2) of the Act, also by notice under Section 12 of the Act, to		
1.2.1. change the Council from a municipal council to a district council, or change the Council from a district council to a municipal council;	N	
1.2.2. alter the name of:		
1.2.2.1. the Council;	N	
1.2.2.2. the area of the Council;	N	
1.2.3. give a name to, or alter the name of, a	N	

ward,  (without the need to comply with Section 13 of the Act).		
1.3. The duty pursuant to Section 12(3) of the Act to, before publishing a notice, conduct and complete a review under Section 12 of the Act for the purpose of determining whether the Council's community would benefit from an alteration to the Council's composition or ward structure.	Y	
1.4. The power pursuant to Section 12(4) of the Act to review a specific aspect of the composition of the Council, or of the wards of the Council, or of those matters generally and the duty to ensure that all aspects of the composition of the Council, and the issue of the division, or potential division, of the area of the Council into wards, are comprehensively reviewed at least once in every eight years,	Y	
1.5. <del>The power pursuant to Section 12(4a) of the Act to consult with the Electoral Commissioner as to the period in which the Council must complete the first comprehensive review under Section 12(4).</del> <u>Deliberately left blank</u>	Y	
1.6. <del>The duty pursuant to Section 12(4a) of the Act to complete the first comprehensive review under Section 12(4) within the period specified by the Electoral Commissioner.</del> <u>Deliberately left blank</u>	Y	
1.7. The duty pursuant to Section 12(5) of the Act to initiate the preparation of a representation options paper by a person who, in the opinion of the Delegate, is qualified to address the representation and governance issues that may arise with respect to the matters under review.	Y	
1.8. The duty pursuant to Section 12 (7) of the Act to give public notice of the preparation of a representation options paper and notice in a newspaper circulating within the Council's area, and to ensure that the notice contains an invitation to interested persons to make written submissions to the Council on the subject of the review within a period specified by the Council,	Y	

being a period of at least six weeks.		
1.9. The duty pursuant to Section 12(8) of the Act to make copies of the representation options paper available for public inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council during the period that applies under Section 7(a)(ii).	Y	
1.10. At the conclusion of public consultation under Section 12(7)(a), the duty pursuant to Section 12(8a) of the Act to prepare a report that:		
1.10.1. provides information on the public consultation process undertaken by the Council and the Council's response to the issues arising from the submissions made as part of that process; and	Y	
1.10.2. sets out:		
1.10.2.1. any proposals that the Delegate considers should be carried into effect under this Section; and	Y	
1.10.2.2. in respect of any such proposal - an analysis of how the proposal relates to the principles under Section 26(1)(c) and the matters referred to in Section 33 (to the extent that may be relevant); and	Y	
<b>1.10.3.</b> sets out the reasons for the Council's decision insofar as a decision of the Council is not to adopt any change under consideration as part of the representation options paper or the public consultation process.	Y	
1.11. The duty pursuant to Section 12(9) of the Act to make copies of the report available for public inspection at the principal office of the Council and to give public notice, by way of a	Y	



notice in a newspaper circulating in its area, informing the public of its preparation of the report and its availability and inviting interested persons to make written submissions on the report to the Council within a period specified by the Council, being not less than three weeks.		
1.12. The duty pursuant to Section 12(10) of the Act to give any person who makes written submissions in response to an invitation under Section 12(9), an opportunity to appear personally or by representative before the Council or a Council committee and to be heard on those submissions.	Y	
1.13. The duty pursuant to Section 12(11) of the Act to finalise the Council report including recommendations with respect to such related or ancillary matters as it sees fit.	Y	
1.14. With respect to a proposal within the ambit of Section 12(11a), the power pursuant to Section 12(11b) of the Act:		
1.14.1. insofar as may be relevant in the particular circumstances, to separate a proposal (and any related proposal), from any other proposal contained in the report; and	Y	
1.14.2. to determine to conduct the relevant poll in conjunction with the next general election for the Council or at some other time.	Y	
1.15. Where a poll under Section 12(11a) has been conducted, the duty pursuant to Section 12(11c)(b) of the Act to:		
1.15.1. prepare a summary of issues surrounding the proposal to assist persons who may vote at the poll; and	Y	
1.15.2. obtain a certificate from the Electoral Commissioner that he or she is satisfied that the Council has taken reasonable steps to ensure the summary is a fair and comprehensive overview of the arguments for and against the proposal; and	Y	

1.15.3. after obtaining the certificate of the Electoral Commissioner, ensure that copies of the summary are made available for public inspection at the principle office of the Council, and on the internet and distributed in any other manner as may be directed by the Electoral Commissioner.	Y	
1.16. The duty pursuant Section 12(12) of the Act having then taken into account the operation of Section 12(11d) of the Act to refer the report to the Electoral Commissioner.	Y	
1.17. The duty pursuant to Section 12(12a) of the Act to send with the report copies of any written submissions received by the Council under Section 12(9) of the Act that relate to the subject matter of the proposal.	Y	
1.18. The power pursuant to Section 12(15)(b) of the Act to provide by notice in the Gazette, for the operation of any proposal that is recommended in the report, where a certificate is given by the Electoral Commissioner.	Y	
1.19. The duty pursuant to Section 12(16) of the Act to take such action as is appropriate in circumstances where the matter is referred back to the Council by the Electoral Commissioner and the power to refer the report back to the Electoral Commissioner.	Y	
1.20. Where the Council makes an alteration to its report under Section 12(16)(a) of the Act, the duty pursuant to Section 12(17) of the Act to comply with the requirements of Section 12(9) and (10) of the Act as if the report, as altered, constituted a new report, unless the Delegate determines the alteration is of a minor nature only.	Y	
1.21. The duty pursuant to Section 12(24) of the Act to undertake a review of ward representation within a period specified by the Electoral Commissioner, where the Electoral Commissioner notifies the Council in writing that the number of electors represented by a councillor for a ward varies from the ward quota by more than 20 %.	Y	

<b>2. Status of a Council or Change of Various Names</b>	Y	
2.1. The power pursuant to Section 13(1) of the Act, to, by notice in the Gazette, after complying with the requirements of Section 13 of the Act:		
2.1.1. change the Council from a municipal council to a district council, or change the Council from a district council to a municipal council;	N	
2.1.2. alter the name of:	N	
2.1.2.1. the Council;	N	
2.1.2.2. the area of the Council;	N	
2.1.3. alter the name of a ward.	N	
2.2. The duty, pursuant to Section 13(2) of the Act, to, before publishing a notice, comply with the following requirements:		
2.2.1. to give public notice of the proposal and invite any interested persons to make written submissions on the matter within a specified period, being no less than six weeks;	Y	
2.2.2. publish the notice in a newspaper circulating within the area; and	Y	
2.2.3. give any person who makes written submissions in response to the invitation an opportunity to appear personally or by representative before the Council or Council committee and be heard on those submissions.	Y	
<b>3. <u>Staffing Arrangements</u> Deliberately left blank</b>		
<del>3.1. The power pursuant to Section 21(4)(b) of the Act to give the Boundary Adjustment Facilitation Panel ("the Panel") use of the Council's services, facilities or staff. Deliberately left blank</del>	Y	
<b>4. <u>Functions Of Panel</u> Deliberately left blank</b>		

<del>The power pursuant to Section 22(b) of the Act to cooperate with the Panel in the formulation, development and implementation of proposals and submissions under Chapter 3 of the Act. <u>Deliberately left blank</u></del>	Y	
<b>5. Council Initiated Proposal</b>		
<del>5.1. The power pursuant to Section 27(1) of the Act to submit to the Panel a proposal for the making of a proclamation under Chapter 3. <u>Deliberately left blank</u></del>	Y	
<del>5.2. The duty pursuant to Section 27(2) of the Act to ensure that any proposal submitted by the Council to the Panel includes: <u>Deliberately left blank</u></del>	Y	
<del>5.2.1. — the nature of the proposal in general terms; and <u>Deliberately left blank</u></del>	Y	
<del>5.2.2. an examination of the effect of the proposal to the extent required by the Panel for the purposes of this Section; and <u>Deliberately left blank</u></del>	Y	
<del>5.2.3. submissions by all Councils affected by the proposal, where the proposal relates to more than the Council; and <u>Deliberately left blank</u></del>	Y	
<del>5.2.4. compliance — with — requirements published by the Panel. <u>Deliberately left blank</u></del>	Y	
5.3. The power pursuant to section 27(7) of the Act, to, in relation to the proposal submitted by the Council <del>or the Delegate</del> , request or consent to the <del>Panel</del> <u>Minister</u> :		
5.3.1. amending the proposal;	N	
5.3.2. substituting an alternative proposal.	N	
<b>6. Public Initiated Submissions</b>		
6.1. The power pursuant to Section 28(6) of the Act, on the receipt of a submission under Section 28(2) of the Act, to consider the issues determined by the Council or the Delegate to	N	

be relevant to the matter and to then decide whether or not it is willing to:		
6.1.1. conduct a review in relation to the matter under Division 2 of Part 1 of the Act; or	N	
6.1.2. formulate (or participate in the formulation of) a proposal in relation to the matter under Division 4 of Part 2 of the Act	N	
6.2. Where the Council is affected by a public initiated proposal under Chapter 3 of the Act, the duty to ensure that copies of the summary prepared by the Panel are made available for public inspection at the principal office of the Council and distributed to electors in accordance with the directions of the Panel, pursuant to Section 28(23)(f) and (g).	Y	
<b>7. General Powers and Capacities</b>		
7.1. The power pursuant to Section 36(1)(a)(i) of the Act to enter into any kind of contract or arrangement where the common seal of the Council is not required.	Y	
7.2. The power pursuant to Section 36(1)(c) of the Act to do anything necessary, expedient or incidental but within any policy or budgetary constraints set by the Council to perform or discharge the Council's functions or duties or to achieve the Council's objectives.	Y	
7.3. The power pursuant to Section 36 (2) of the Act to act outside the Council's area –	Y	
7.3.1. to the extent considered by the Delegate to be necessary or expedient to the performance of the Council's functions; or	Y	
7.3.2. in order to provide services to an unincorporated area of the State.	Y	
7.4. The duty pursuant to Section 36(3) of the Act to take reasonable steps to separate the Council's regulatory activities from its other activities in the arrangement of its affairs.	Y	

<b>8. Provision Relating to Contract and Transactions</b>		
8.1. The power pursuant to Section 37(b) of the Act to enter into contracts or to authorise another officer, employee or agent of the Council to enter into contracts, on behalf of the Council, where the common seal of the Council is not required.	Y	
<b>9. Committees</b>		
9.1. The power pursuant to Section 41(1) and (2) of the Act to establish committees.	N	
9.2. The power pursuant to Section 41(3) of the Act to determine the membership of a committee.	N	
9.3. The power pursuant to Section 41(4) of the Act to appoint a person as a presiding member of a committee, or to make provision for the appointment of a presiding member.	N	
9.4. The power pursuant to Section 41(6) of the Act to appoint the principal member of the Council as an ex officio member of a committee.	N	
9.5. The power and duty pursuant to Section 41(8) of the Act, to, when establishing a committee, determine the reporting and other accountability requirements that are to apply in relation to the committee.	N	
<b>10. Delegations</b>		
10.1. The duty pursuant to Section 44(6) of the Act to cause a separate record to be kept of all delegations under the Act.	Y	
10.2. The duty pursuant to Section 44(7) of the Act to make available the record of delegations for inspection (without charge) by the public at the principal office of the Council during ordinary office hours.	Y	
<b>11. Principal Office</b>		
11.1. The duty pursuant to Section 45(1) of the Act to nominate a place as the principal office of the Council for the purposes of the Act.	Y	

11.2. The duty pursuant to Section 45(2) of the Act to keep the principal office of Council open to the public for the transaction of business during hours determined.	Y	
11.3. The power pursuant to Section 45(3) of the Act to consult with the local community in accordance with Council's public consultation policy about the manner, places and times at which the Council's offices will be open to the public for the transaction of business and about any significant changes to those arrangements.	Y	
<b>12. Commercial Activities</b>		
12.1. Subject to the Act, the power pursuant to Section 46(1) of the Act to in the performance of the Council's functions, engage in a commercial activity or enterprise ('a commercial project')	N	
12.2. The power pursuant to Section 46 (2) of the Act, to, in connection with a commercial project:		
12.2.1. establish a business;	N	
12.2.2. participate in a joint venture, trust, partnership or other similar body.	N	
<b>13. Interests in Companies</b>		
13.1. the power pursuant to Section 47(2)(b) of the Act to participate in the formation of, or to become a member of a company limited by guarantee established as a national association to promote and advance the interests of an industry in which local government has an interest.	Y	
<b>14. Prudential Requirements for Certain Activities</b>		
<u>14.00 The power and duty pursuant to Section 48(aa1) of the Act and in accordance with Section 48(a1) of the Act, to develop and maintain prudential management policies, practices and procedures for the assessment of projects to ensure that the Council -</u>		
<u>14.00.1 acts with due care, diligence and foresight; and</u>	Y	

<u>14.00.2 identifies and manages risks associated with a project; and</u>	<u>Y</u>	
<u>14.00.3 makes informed decisions; and</u>	<u>Y</u>	
<u>14.00.4 is accountable for the use of Council and other public resources.</u>	<u>Y</u>	
14.1. The duty pursuant to Section 48(1) of the Act to obtain a report in accordance with Section 48(3) of the Act, that addresses the prudential issues set out at Section 48(2) of the Act, before the Council or the Delegate:		
14.1.1. <del>8.1.1 engages in a commercial project (including through a subsidiary or participation in a joint venture, trust, partnership or other similar body) where the expected recurrent or capital expenditure of the project exceeds an amount set by the Council for the purposes of this Section; or</del> <u>Deliberately left blank</u>	<u>Y</u>	
14.1.2. engages in any project (whether commercial or otherwise and including through a subsidiary or participation in a joint venture, trust, partnership or other similar body):		
14.1.2.1. where the expected <u>expenditure operating expenses</u> of the Council over the ensuing five years is likely to exceed 20 <del>%</del> <u>per cent</u> of the Council's average annual operating expenses over the previous five financial years (as shown in the Council's financial statements); or	<u>Y</u>	
14.1.2.2. where the expected capital cost of the project over the ensuing five years is likely to exceed \$4,000,000.00 <u>(indexed); or-</u>	<u>Y</u>	
<u>14.1.2.3. where the Council or Delegate considers that it is necessary or appropriate.</u>	<u>Y</u>	
14.2. <del>The power pursuant to Section 48(1)(a) of the Act to set an amount for the purposes of Section 48(1)(a) of the Act.</del> <u>Deliberately left</u>	<u>N</u>	



<u>blank</u>		
<u>14.3. The power and duty pursuant to Section 48(5) of the Act to make a report under Section 48(1) of the Act available for public inspection at the principal office of the Council once the Council has made a decision on the relevant project (and the power to make the report available at an earlier time unless the Council orders that the report be kept confidential until that time).</u>	<u>Y</u>	
<b>15. Contracts and Tender Policies</b>		
<u>15.0 The power and duty pursuant to Section 49(a1) of the Act to develop and maintain procurement policies, practices and procedures directed towards:</u>		
<u>15.0.1 obtaining value in the expenditure of public money; and</u>	<u>Y</u>	
<u>15.0.2 providing for ethical and fair treatment of participants; and</u>	<u>Y</u>	
<u>15.0.3 ensuring probity, accountability and transparency in procurement operations.</u>	<u>Y</u>	
15.1. The duty pursuant to Section 49(1) of the Act to prepare policies on contracts and tenders for consideration and adoption by the Council, including policies on the following:		
15.1.1. the contracting out of services; and	Y	
15.1.2. competitive tendering and the use of other measures to ensure that services are delivered cost effectively; and	Y	
15.1.3. the use of local goods and services; and	Y	
15.1.4. the sale or disposal of land or other assets.	Y	
15.2. The power and duty pursuant to Section 49(2) of the Act to ensure that any policies on contracts and tenders:		

15.2.1. identify circumstances where the Council will call for tenders for the supply of goods, the provision of services or the carrying out of works, or the sale or disposal of land or other assets; and	Y	
15.2.2. provide a fair and transparent process for calling tenders and entering into contracts in those circumstances; and	Y	
15.2.3. provide for the recording of reasons for entering into contracts other than those resulting from the tender process.	Y	
<u>15.2.4. are consistent with any requirement prescribed by the regulations.</u>	<u>Y</u>	
15.3. The power pursuant to Section 49(3) of the Act to, at any time, alter a policy under Section 49 of the Act, or substitute a new policy or policies (but not so as to affect any process that has already commenced).	N	
15.4. The duty pursuant to Section 49(4) of the Act to make available for inspection (without charge) a policy adopted under this Section at the principal office of Council during office hours.	Y	
<b>16. Public Consultation Policies</b>		
16.1. The duty pursuant to Section 50(1) and (2) of the Act to prepare a public consultation policy for consideration and adoption by the Council which sets out the steps the Council will follow:		
16.1.1. in cases where the Act requires the Council to follow its public consultation policy; and	Y	
16.1.2. in other cases involving Council decision making.	Y	
16.2. The duty pursuant to Section 50(3) of the Act to include in the steps set out in the public consultation policy reasonable opportunities for interested persons to make submissions in cases where the Act requires the Council to follow its public consultation policy and to make	Y	

other arrangements appropriate to other classes of decisions, within the scope of the policy.		
16.3. The duty pursuant to Section 50(4) of the Act to ensure that the public consultation policy, in cases where the Act requires the policy to be followed, provides for:		
16.3.1. publication in a newspaper circulating within the area of the Council of a notice describing the matter under consideration and inviting interested persons to make submissions in relation to the matter within a period stated, which is not less than 21 days; and	Y	
16.3.1.1 in a newspaper circulating within the area of the Council; and	Y	
16.3.1.2 on a website determined by the Chief Executive Officer,	Y	
describing the matter under consideration and inviting interested persons to make submissions in relation to the matter within a period (which must be at least 21 days) stated in the notice; and		
16.3.2. the consideration of any submissions made in response to that invitation.	Y	
16.4. The power pursuant to Section 50(5) of the Act, to, from time to time, alter the Council's public consultation policy, or substitute a new policy.	N	
16.5. Before the Council adopts a public consultation policy or alters, or substitutes a public consultation policy, the duty pursuant to Section 50(6) of the Act to -		
16.5.1. prepare a document that sets out its proposal in relation to the matter; and	Y	
16.5.2. publish in a newspaper circulating <del>generally throughout the State and in a newspaper circulating</del> within the area of the Council, a notice of the proposal inviting interested persons to make submissions on the proposal within a period stated in the	Y	

notice, which must be at least one month.		
16.5.3. consider any submissions made in response to an invitation made under Section 50(6)(d) of the Act.	Y	
16.6. The power pursuant to Section 50(7) of the Act to determine if the alteration of a public consultation policy is of minor significance that would attract little or no community interest.	Y	
16.7. The duty pursuant to Section 50(8) of the Act to ensure the public consultation policy is available for inspection (without charge) at the principal office of Council during ordinary office hours.	Y	
<b>17. Deliberately left blank</b>		
17.1. Deliberately left blank		
17.2. Deliberately left blank		
17.3. Deliberately left blank		
17.4. Deliberately left blank		
17.5. Deliberately left blank		
<b>18. Inspection of Register</b>		
18.1. The duty pursuant to Section 70(1) of the Act to make available for inspection (without charge) the Register of Interests of Councillors at the principal office of the Council during ordinary office hours.	Y	
<b>19. Reimbursement of Expenses</b>		
19.1. The power pursuant to Section 77(1)(b) of the Act to reimburse to members of the Council expenses of a kind prescribed for these purposes and approved by the Council (either specifically or under a policy established by the Council for these purposes) incurred in performing or discharging official functions and duties.	Y	
19.2. The duty pursuant to Section 77(3) of the Act to make available for inspection (without charge) any policy of Council concerning these	Y	

reimbursements at the principal office of the Council during ordinary office hours.		
<b>20. Register of Allowances and Benefits</b>		
20.1. The duty pursuant to Section 79(3) of the Act to make available for inspection (without charge) the Register of Allowances and Benefits, at the principal office of the Council during ordinary office hours.	Y	
<b>21. Insurance of members</b>		
21.1. The duty pursuant to Section 80 of the Act to take out a policy of insurance insuring every member of the Council and a spouse, domestic partner or another person who may be accompanying a member of the Council, against risks associated with the performance or discharge of official functions and duties by members.	Y	
<b>22. Training and Development</b>		
22.1. The duty pursuant to Section 80A(1) of the Act to prepare a training and development policy in accordance with Section 80A(2) of the Act for the Council's members.	Y	
22.2. The duty pursuant to Section 80A(2) of the Act to ensure that the Council's training and development policy is aimed at assisting the Council's members in the performance and discharge of their functions and duties.	Y	
22.3. The power pursuant to Section 80A(3) of the Act to, from time to time, alter the Council's training and development policy or substitute a new policy.	N	
22.4. The duty pursuant to Section 80A(4) and (5) of the Act to make available the training and development policy for inspection (without charge) at the principal office of the Council during ordinary office hours and for purchase (on payment of a fee fixed by the Council).	Y	
<b>23. Committee Meetings</b>		
23.1. The power pursuant to Section 87(1) of the Act to determine the times and places of	Y	

ordinary meetings of Council committees.		
23.2. The duty pursuant to Section 87(2) of the Act in appointing a time for the holding of an ordinary meeting of a Council committee to take into account:		
23.2.1. the availability and convenience of members of the committee; and	Y	
23.2.2. the nature and purpose of the committee.	Y	
<b>24. Meetings to be Held In Public Except in Special Circumstances</b>		
24.1. The duty pursuant to Section 90(7) of the Act to make a note in the minutes of the making of an order under Section 90(2) of the Act and the grounds on which it was made.	Y	
<u>24.2. The power pursuant to Section 90(8a)(a) of the Act to adopt a policy on the holding of informal gatherings or discussions subject to Section 90(8b) of the Act.</u>	<u>Y</u>	
<u>24.3. The power pursuant to Section 90(8c) of the Act, to, from time to time, alter the Council's policy or substitute a new policy.</u>	<u>Y</u>	
<b>25. Minutes and Release of Documents</b>		
25.1. The duty pursuant to Section 91(3) to supply each member of the Council with a copy of all minutes of the proceedings of the Council or Council committee meeting, within 5 days after that meeting.	Y	
25.2. Subject to Section 91(7), the duty pursuant to Section 91(4) of the Act to place a copy of the minutes of a meeting of the Council on public display in the principal office of the Council within 5 days after the meeting and to keep those minutes on display for a period of 1 month.	Y	
25.3. Subject to Section 91(7) of the Act, the duty pursuant to Section 91(5) of the Act to make available for inspection, without payment of a fee, at the principal office of the Council -		

25.3.1. minutes of the Council and Council committee meetings; and	Y	
25.3.2. reports to the Council or to a Council committee received at a meeting of the Council or Council committee; and	Y	
25.3.3. recommendations presented to the Council in writing and adopted by resolution of the Council; and	Y	
25.3.4. budgetary or other financial statements adopted by the Council.	Y	
<b>26. Code of Practice for Access to Meetings and Documents</b>		
26.1. 20.1 The duty pursuant to Section 92(1) of the Act, and subject to Section 92(4) of the Act, to prepare a Code of Practice for consideration and adoption by the Council, relating to the principles, policies, procedures and practices that the Council will apply for the purposes of the operation of Parts 3 and 4 of Chapter 6 of the Act.	Y	
26.2. The duty pursuant to Section 92(2) of the Act to cause a review to be undertaken of the operation of the Council's Code of Practice within 12 months after a periodic election.	Y	
26.3. The power pursuant to Section 92(3) of the Act, to, at any time, alter the Council's code of practice or substitute a new code of practice.	N	
26.4. The duty pursuant to Section 92(5) of the Act to ensure that before the Council adopts, alters or substitutes its Code of Practice that:		
26.4.1. copies of the proposed Code, alterations or <del>a</del> -substitute Code <u>(as the case may be)</u> are made available for inspection or purchase at the Council's principal office <u>and available for inspection on a website determined by the Chief Executive Officer</u> ; and	Y	
26.4.2. the relevant steps set out in the Council's Public Consultation Policy are followed.	Y	

26.5. The duty pursuant to Section 92(6) and (7) of the Act to ensure that the Code of Practice is available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of Council during ordinary office hours.	Y	
<b>27. Meetings of Electors</b>		
27.1. The power pursuant to Section 93(1) of the Act to convene a meeting of electors in the area or part of the area of the Council.	Y	
27.2. The duty pursuant to Section 93(11) of the Act to provide each member of the Council with a copy of the minutes of any meeting of electors within 5 days of that meeting.	Y	
27.3. The power pursuant to Section 93(14) of the Act to determine the procedure for the purposes of making a nomination under Sections 93(3)(a)(ii) or 93(3)(b)(ii).	Y	
<b>28. Obstruction of Meetings</b>		
28.1. The power pursuant to Section 95 of the Act to take proceedings under this Act against a person who intentionally obstructs or hinders proceedings at a meeting of the Council or a Council committee or at a meeting of electors.	Y	
<b>29. Register of Remuneration Salaries and Benefits</b>		
29.1. The duty pursuant to Section 105(3) of the Act to make available the Register of Salaries of employees of the Council for inspection by the public at the principal office of the Council during ordinary office hours.	Y	
<b>30. Certain Periods Of Service To Be Regarded As Continuous</b>		
30.1. The duty pursuant to Sections 106(2) and 106(2a) of the Act to ensure any other Council receives within one month of the Council having received written notice requiring payment, the appropriate contribution to an employee's service benefits.	Y	
30.2. The duty pursuant to Section 106(4) of the	Y	



Act to supply to any other council, at its request, details of the service of an employee or former employee of the Council.		
30.3. The duty pursuant to Section 106(5) of the Act to hold and apply a payment or contribution received by the Council under Section 106 in accordance with the Regulations.	Y	
<b>31. Deliberately left blank</b>		
31.1. Deliberately left blank		
<b>32. Application of Division</b>		
32.1. The power pursuant to Section 111(b) of the Act to declare any other officer, or any other officer of a class, to be subject to the operation of Chapter 7, Part 4, Division 1 of the Act.	N	
<b>33. Certain Aspects of Strategic Management Planning</b>		
33.1. The duty pursuant to Section 122(6) of the Act to develop a process or processes for adoption by the Council to ensure that members of the public are given a reasonable opportunity to be involved in Council's development and review of its strategic management plans.	Y	
33.2. The duty pursuant to Section 122(7) of the Act to ensure that copies of the Council's strategic management plans are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council.	Y	
<b>34. Annual Business Plans and Budget Documents</b>		
34.1. Before the Council adopts an annual business plan, the duty pursuant to Section 123(3) of the Act to, -		
34.1.1. prepare a draft annual business plan; and	Y	
34.1.2. follow the relevant steps set out in the Council's public consultation policy, taking into account and complying with the	Y	

requirements of Section 123(4) of the Act.		
34.2. The duty pursuant to Section 123(5) of the Act to ensure that copies of the draft annual business plan are available at the meeting arranged pursuant to and in accordance with Section 123(4)(a)(i) and (4)(b) of the Act, and for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council <u>and on the website</u> at least <u>721</u> days before the date of that meeting.	Y	
34.3. The duty pursuant to Section 123(5a) of the Act to ensure that provision is made for -		
34.3.1. a facility for asking and answering questions; and		
34.3.2. the receipt of submissions,		
on the Council's website during the public consultation period.	Y	
34.4. After the Council has adopted an annual business plan and a budget, the duty pursuant to Section 123(9) of the Act, to -		
34.4.1. Ensure		
34.4.1.1. that a summary of the annual business plan is prepared in accordance with the requirements set out at Sections 123(10), (11) and (12) of the Act, so as to assist in promoting public awareness of the nature of the Council's services and the Council's rating and financial management policies, taking into account its objectives and activities for the ensuing financial year; and	Y	
34.4.1.2. that a copy of the summary of the annual business plan accompanies the first rates notice sent to ratepayers after the declaration of the Council's rates for the financial year; and	Y	
34.4.2. ensure		

34.4.2.1. that copies of the annual business plan and the budget (as adopted) are available for inspection (without charge) or purchase (on payment of a fee fixed by the Council); and	Y	
34.4.2.2. that copies of the summary of the annual business plan are available for inspection and to take (without charge),  at the principal office of the Council.	Y	
<u>34.4.3. ensure that electronic copies of the annual business plan and the budget (as adopted) are published on a website determined by the Chief Executive Officer.</u>	<u>Y</u>	
<b>35. Accounting Records to be Kept</b>		
35.1. The duty pursuant to Section 124(1) of the Act to:	Y	
35.1.1. keep such accounting records as correctly and adequately record and explain the revenues, expenses, assets and liabilities of the Council;	Y	
35.1.2. keep the Councils accounting records in such manner as will enable –	Y	
35.1.2.1. the preparation and provision of statements that fairly present financial and other information; and	Y	
35.1.2.2. the financial statements of the Council to be conveniently and properly audited.	Y	
35.2. The power pursuant to Section 124(2) to determine the form or forms and the place or places (within the state) to keep the accounting records of the Council.	Y	
<b>36. Internal Control Policies</b>		
36.1. The duty pursuant to Section 125 of the Act to ensure that appropriate policies, practices and procedures of internal control are implemented and maintained in order to assist	Y	

the Council to carry out its activities in an efficient and orderly manner, to achieve its objectives, to ensure adherence to management policies, to safeguard the Council's assets, and to secure (as far as possible) the accuracy and reliability of the Council's records.		
<b>37. Audit Committee</b>		
37.1. The power and duty pursuant to Section 126(1) of the Act to appoint an audit committee in accordance with Section 126(2) of the Act.	N	
37.2. If an audit committee is appointed by the Delegate or the Council, the power to determine the membership of any audit committee in accordance with Section 126(2) of the Act.	N	
<b>38. Financial Statements</b>		
38.1. The duty pursuant to Section 127(1) of the Act to prepare for each financial year:	Y	
38.1.1. financial statements and notes in accordance with standards prescribed by the regulations; and	Y	
38.1.2. other statements and documentation referring to the financial affairs of the Council required by the Regulations.	Y	
38.2. The duty pursuant to Section 127(2) of the Act to ensure that the financial statements prepared for the Council pursuant to Section 127(1) of the Act -	Y	
38.2.1. are prepared as soon as is reasonably practicable after the end of the relevant financial year and in any event before the day prescribed by the Regulations; and	Y	
38.2.2. comply with standards and principles prescribed by the Regulations; and	Y	
38.2.3. include the information required by the Regulations.	Y	
38.3. The duty pursuant to Section 127(3) of the Act to submit for auditing by the Council's	Y	

auditor the statements prepared for each financial year.		
38.4. The duty pursuant to Section 127(4) of the Act to submit a copy of the auditor's statements to the persons or bodies prescribed by the Regulations on or before the day prescribed by the Regulations.	Y	
38.5. The duty pursuant to Section 127(5) of the Act to ensure that copies of the Council's audited statements are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council.	Y	
<b>39. The Auditor</b>		
39.1. The power and duty pursuant to and in accordance with Section 128(2), (3) (4), (4a), (5), (6), (7) and (8) of the Act to appoint an auditor on the recommendation of the Council's audit committee.	Y	
39.2. The duty pursuant to Section 128(8) of the Act to comply with any requirements prescribed by the Regulations with respect to providing for the independence of the auditor.	Y	
39.3. The duty pursuant to Section 128(9) of the Act to ensure that the following information is included in the Council's annual report:		
39.3.1. information on the remuneration payable to the Council's auditor for work performed during the relevant financial year, distinguishing between -	Y	
39.3.1.1. remuneration payable for the annual audit of the Council's financial statements; and	Y	
39.3.1.2. other remuneration;	Y	
39.3.2. if a person ceases to be the auditor of the Council during the relevant financial year, other than by virtue of the expiration of his or her term of appointment and is not being reappointed to the office - the reason or reasons why the appointment of the	Y	

Council's auditor came to an end.		
<b>40. Conduct of Audit</b>		
<b>40.1.</b> The duty pursuant to Section 129(9) of the Act to ensure the opinions under Section 129(3) of the Act provided to Council under Section 129 of the Act accompany the financial statements of the Council.	Y	
<b>41. Other Investigations</b>		
41.1. The power, pursuant to and in accordance with Sections 130A(1) and (2) of the Act, as the Delegate thinks fit, to request the Council's auditor, or some other person determined by the Delegate to be suitably qualified in the circumstances, to examine and report on any matter relating to financial management, or the efficiency and economy with which the Council manages or uses its resources to achieve its objectives, that would not otherwise be addressed or included as part of an annual audit under Division 4 of Chapter 8 of the Act and that is considered by the Delegate to be of such significance as to justify an examination under this Section.	Y	
41.2. Unless Section 130A(7) of the Act applies, the duty pursuant to Section 130A(6) of the Act to place the report prepared pursuant to Section 130A(1) of the Act on the agenda for consideration:	Y	
41.2.1. unless Section 130A(6)(b) of the Act applies – at the next ordinary meeting of the Council in accordance with Section 130A(6)(a), of the Act;	Y	
41.2.2. if the agenda for the next ordinary meeting of the Council has already been sent to members of the Council at the time that the report is provided to the principal member of the Council – at the ordinary meeting of the Council next following the meeting for which the agenda has already been sent unless the principal member of the Council determines, after consultation with the Chief Executive Officer, that the report should be considered at the next	Y	

meeting of the Council as a late item on the agenda in accordance with Section 130A(6)(b) of the Act.		
<b>42. Annual Report to be Prepared and Adopted</b>		
42.1. The duty pursuant to Section 131(1) of the Act to prepare for consideration and adoption by the Council, on or before 30 November each year, an annual report relating to the operations of the Council for the financial year ending on the preceding 30 June.	Y	
42.2. The duty pursuant to Section 131(2) and (3) of the Act to include in that report the material, and include specific reports on the matters, specified in Schedule 4 as amended from time to time by regulation.	Y	
42.3. The duty pursuant to Section 131(4) of the Act to provide a copy of the annual report to each member of the Council.	Y	
42.4. The duty pursuant to Section 131(5) of the Act to submit a copy of the annual report to:		
42.4.1. the Presiding Member of both Houses of Parliament; and	Y	
42.4.2. to the persons or body prescribed by the Regulations,	Y	
on or before the date determined under the Regulations.	Y	
42.5. The power pursuant to Section 131(7) of the Act to provide to the electors for the area an abridged or summary version of the annual report.	Y	
42.6. The duty pursuant to Section 131(8) of the Act to ensure that copies of Council's annual report are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council.	Y	
<b>43. Access to Documents</b>		
43.1. The duty pursuant to Section 132(1) of the	Y	

Act to ensure a member of the public is able -		
43.1.1. to inspect a document referred to in Schedule 5 of the Act at the principal office of the Council during ordinary office hours without charge; and	Y	
43.1.2. to purchase a document referred to in Schedule 5 to the Act at the principal office of the Council during ordinary office hours for a fee fixed by the Council.	Y	
43.2. The power pursuant to Section 132(2) of the Act to make a document available in electronic form for the purposes of Section 132(1)(a).	Y	
43.3. The power and duty, pursuant to and in accordance with Section 132 (3) of the Act, to make the following documents available for inspection on <u>the internet a website determined by the Chief Executive Officer</u> within a reasonable time after they are available at the principal office of the Council:		
43.3.1. agendas for meetings of the Council or Council committees;	Y	
43.3.2. minutes of meetings of the Council or Council committees;	Y	
43.3.3. codes of conduct or codes of practice adopted by the Council under this Act or the Local Government (Elections) Act 1999;	Y	
43.3.4. the Council's contract and tenders policies, public consultation policy and order-making policies;	Y	
43.3.5. the Council's draft annual business plan, annual business plan (as adopted by the council) and the summary of the annual business plan required under Part 2 of this Chapter;	Y	
43.3.6. the Council's budget (as adopted by the Council for a particular year);	Y	
43.3.7. a list of fees and charges imposed by the Council under this Act;	Y	



43.3.8. by-laws made by the Council and any determination in respect of a by-law made under Section 246(3)(e) of the Act;	Y	
43.3.9. procedures for the review of decisions established by the Council under Part 2 of Chapter 13;	Y	
43.3.10. the audited financial statements of the Council;	Y	
43.3.11. the annual report of the Council;	Y	
43.3.12. the Council's most recent information statement under the Freedom of Information Act 1991, unless the Council provides it as part of the annual report of the Council.	Y	
<b>44. Related Administrative Standards</b>		
44.1. The duty pursuant to Section 132A of the Act to ensure that appropriate policies, practices and procedures are implemented and maintained in order -		
44.1.1. to ensure compliance with any statutory requirements; and	Y	
44.1.2. to achieve and maintain standards that reflect good administrative practices.	Y	
<b>45. Sources of Funds</b>		
45.1. Subject to the Act, the power pursuant to Section 133 of the Act to obtain funds as permitted under the Act or another Act and as may otherwise be appropriate in order to carry out the Council's functions under the Act or another Act.	Y	
<b>46. Ability of a Council to Give Security</b>		
46.1. The power pursuant to Section 135(1) of the Act and subject to Section 135(2) of the Act to provide various forms of security, including:	N	
46.1.1. guarantees (including guarantees relating to the liability of a subsidiary of the Council);	N	

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

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

48.4. Subject to the matters specified in Section 139(3) of the Act, the power pursuant to Section 139(4) of the Act, so far as may be appropriate in the circumstances, to have regard to -	Y	
48.4.1. the anticipated community benefit from an investment; and	Y	
48.4.2. the desirability of attracting additional resources into the local community.	Y	
48.5. The power pursuant to Section 139(5) of the Act to obtain and consider independent and impartial advice about the investment of funds or the management of the Council's investments from the person whom the Delegate reasonably believes to be competent to give the advice.	Y	
48.6. The duty pursuant to Section 140 of the Act to review the performance (individually and as a whole) of the Council's investments, at least once in each year and the duty to report to the Council on the outcome of the review.	Y	
<b>49. Review of Investment</b>		
49.1. The duty pursuant to Section 140 of the Act to review the performance (individually and as a whole) of the Council's investments, at least once in each year.	N	
<b>50. Gifts to Council</b>		
50.1. Within the confines of Section 44(3) of the Act:		
50.1.1. the power pursuant to Section 141(1) of the Act to accept a gift made to the Council;	Y	
50.1.2. the power pursuant to Section 141(2) of the Act to carry out the terms of any trust (if any) that affects a gift to Council;	Y	
50.1.3. the power pursuant to Section 141(3) of the Act to apply to the Supreme Court for an order varying the terms of a trust for which the Council has been constituted a	Y	

trustee;		
50.1.4. where a variation is sought in the terms of a trust, the duty pursuant to Section 141(4) of the Act to give notice describing the nature of the variation by public notice and in any other such manner as may be directed by the Supreme Court; and	Y	
50.1.5. the duty pursuant to Section 141(6) of the Act to publish a copy of any order of the Supreme Court to vary the terms of the trust, in the Gazette, within 28 days after that order is made.	Y	
<b>51. Duty to Insure Against Liability</b>		
51.1. The duty pursuant to Section 142 of the Act to take out and maintain insurance to cover the Council's civil liabilities at least to the extent prescribed by the Regulations.	Y	
<b>52. Writing off Bad Debts</b>		
52.1. The power pursuant to Section 143(1) of the Act to write off any debts owed to the Council –	Y	
52.1.1. if the Council has no reasonable prospect of recovering the debts; or	Y	
52.1.2. if the costs of recovery are likely to equal or exceed the amount to be recovered,	Y	
up to and including an amount of \$5,000.00 in respect of any one debt.	Y	
52.2. The duty pursuant to Section 143(2) of the Act to ensure that no debt is written off unless the Chief Executive Officer has certified –	Y	
52.2.1. reasonable attempts have been made to recover the debt; or	Y	
52.2.2. the costs of recovery are likely to equal or exceed the amount to be recovered.	Y	
<b>53. Recovery of Amounts due to Council</b>		
53.1. The power pursuant to Section 144(1) of the Act to recover as a debt, by action in a Court of	Y	

competent jurisdiction, any fee, charge, expense or other amount recoverable from a person or payable by a person under this or another Act.		
53.2. The power pursuant to Section 144(2), (3) and (4) of the Act to recover any fee, charge, expense or other amount as if it were a rate declared on the property, after giving at least 14 days notice requiring payment, where the fee, charge, expense or other amount payable to the Council relates to something done in respect of rateable or other property.	Y	
<b>54. Land Against Which Rates May be Assessed</b>		
54.1. The power and duty pursuant to Section 148(2) of the Act to make decisions about the division of land and the aggregation of land for the purposes of Section 148(1) of the Act fairly and in accordance with principles and practices that apply on a uniform basis across the area of the Council.	Y	
<b>55. Basis of Rating</b>		
55.1. Before the Council -		
55.1.1. changes the basis of the rating of any land (including by imposing differential rates on land that has not been differentially rated in the preceding financial year, or by no longer imposing differential rates on land that has been differentially rated in the preceding financial year); or	Y	
55.1.2. changes the basis on which land is valued for the purposes of rating; or	Y	
55.1.3. changes the imposition of rates on land by declaring or imposing a separate rate, service rate or service charge on any land;	Y	
the power and duty pursuant to Section 151(5)(d) and (e) of the Act to:		
55.1.4. prepare a report on the proposed change in accordance with Section 151(6) of the Act; and	Y	

55.1.5. follow the relevant steps set out in its public consultation policy in accordance with Section 151(7) of the Act.	Y	
55.2. The duty pursuant to Section 151(8) of the Act to ensure that copies of the report required under Section 151(5)(d) of the Act are available at the meeting held under Section 151(7)(a)(i) of the Act, and for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council at least 21 days before the end of the period for public consultation.	Y	
<b>56. General Rates</b>		
56.1. The power pursuant to Section 152(2)(d) and (3) of the Act to determine, on application, if two or more pieces of rateable land within the area of the Council constitute a single farm enterprise.	Y	
<b>57. Service Rates and Service Charges</b>		
57.1. The duty pursuant to Section 155(6) of the Act, subject to Section 155(7) of the Act, to apply any amounts held in a reserve established in connection with the operation of Section 155(5) of the Act for purposes associated with improving or replacing Council assets for the purposes of the relevant prescribed service.	Y	
57.2. The power pursuant to Section 155(7) of the Act, if a prescribed service under Section 155(6) of the Act is, or is to be, discontinued, to apply any excess funds held by the Council for the purposes of the service (after taking into account any expenses incurred or to be incurred in connection with the prescribed service) for another purpose specifically identified in the Council's annual business plan as being the purpose for which the funds will now be applied.	Y	
<b>58. Basis of Differential Rates</b>		
58.1. The power pursuant to Section 156(3), (9), (10), (11) of the Act to attribute the use of the land for any basis for a differential rate and to	Y	

decide objections to any of those attributions.		
58.2. The power and duty pursuant to Section 156(14a) of the Act, before the Council changes from declaring differential rates in relation to any land on the basis of a differentiating factor under either paragraphs (a), (b) or (c) of Section 156(1) of the Act to a differentiating factor under another of those paragraphs, to -	Y	
58.2.1. prepare a report on the proposed change in accordance with Section 156(14b) of the Act; and	Y	
58.2.2. follow the relevant steps set out in its public consultation policy in accordance with Section 156(14d) of the Act.	Y	
58.3. The duty pursuant to Section 156(14e) of the Act to ensure that copies of the report required under Section 156(14a)(a) of the Act are available at the meeting held under Section 156(14d)(a)(i); and for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council at least 21 days before the end of the period for public consultation.	Y	
<b>59. Notice of Differentiating Factors</b>		
59.1. If the Council declares differential rates, the duty pursuant to Section 157 of the Act in each rates notice, to specify the differentiating factor or combination of factors that governs the calculation of rates on the land to which the account relates.	Y	
<b>60. Preliminary</b>		
60.1. The power pursuant to Section 159(1) of the Act to determine the manner and form and such information as the Delegate may reasonably require, for a person or body to apply to the Council to determine if grounds exist for the person or body to receive a rebate of rates.	Y	
60.2. The power pursuant to Section 159(3) to grant a rebate of rates if satisfied that it is appropriate to do so (whether on application or	Y	



on the Delegate's own initiative).		
60.3. The power pursuant to Section 159(4) of the Act to increase the rebate on the Delegate's initiative, if a rebate specifically fixed by Division 5 Chapter 10 of the Act is less than 100 %.	Y	
60.4. The power pursuant to Section 159(10) of the Act to determine, for proper cause, that an entitlement to a rebate of rates in pursuance of Division 5 no longer applies.	Y	
<b>61. Rebate of Rates – Community Services</b>		
61.1. The power pursuant to Section 161(1) and (3) of the Act to grant a rebate of more than 75% of the rates on land being predominantly used for service delivery or administration (or both) by a community service organisation, where that organisation –	Y	
61.1.1. is incorporated on a not-for-profit basis for the benefit of the public; and	Y	
61.1.2. provides community services without charge or for charge that is below the cost to the body of providing their services; and	Y	
61.1.3. <del>41.5.3</del> —does not restrict its services to persons who are members of the body.	Y	
<b>62. Rebate of Rates – Educational Purposes</b>		
62.1. The power pursuant to Section 165(1) and (2) of the Act to grant a rebate of rates at more than 75% on land –	Y	
62.1.1. occupied by a Government school under a lease or license and being used for educational purposes; or	Y	
62.1.2. occupied by non-Government school registered under the Educational and Early Childhood Services (Registration and Standards) Act 2011 and being used for educational purposes; or	Y	
62.1.3. land being used by University or University College to provide accommodation and other forms of support	Y	

for students on a not-for-profit basis.		
<b>63. Discretionary Rebates of Rates</b>		
63.1. The duty pursuant to Section 166(1a) of the Act to take into account, in deciding an application for a rebate under Section 166(1)(d), (e), (f), (g), (h), (i) or (j):	Y	
63.1.1. the nature and extent of the Council's services provided in respect of the land for which the rebate is sought in comparison to similar services provided elsewhere in its area; and	Y	
63.1.2. the community need that is being met by activities being carried out on the land for which the rebate is sought; and	Y	
63.1.3. the extent to which activities carried out on the land for which the rebate is sought provides assistance or relief to disadvantaged persons;	Y	
63.1.4. any other matter considered relevant by the Council or the Delegate.	Y	
63.2. The power pursuant to Section 166(1), (2) and (4) of the Act and taking into account Section 166(1a) of the Act and in accordance with Section 166(3b) of the Act to grant a rebate of rates or service charges on such conditions as the Delegate sees fit and such rebate may be up to and including 100% of the relevant rates or service charge, in the following cases:		
63.2.1. where the rebate is desirable for the purpose of securing the proper development of the area or part of the area;	Y	
63.2.2. where the rebate is desirable for the purpose of assisting or supporting a business in the area;	Y	
63.2.3. where the rebate will be conducive to the preservation of buildings or places of historic significance;	Y	
63.2.4. where the land is being used for	Y	

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

in order to avoid what would otherwise constitute:		
63.2.13.1. a liability to pay a rate or charge that is inconsistent with the liabilities that were anticipated by the Council in its annual business plan; or	Y	
63.2.13.2. a liability that is unfair or unreasonable;	Y	
63.2.14. where the rebate is to give effect to a review of a decision of the Council under Chapter 13 Part 2; or	Y	
63.2.15. where the rebate is contemplated under another provision of the Act.	Y	
63.3. The power pursuant to Section 166(3) of the Act to grant a rebate of rates or charges for a period exceeding 1 year but not exceeding 10 years in the following cases:		
63.3.1. where the rebate is desirable for the purpose of securing a proper development of the area or part of the area; or	Y	
63.3.2. where the rebate is desirable for the purpose of assisting or supporting a business in the area; or	Y	
63.3.3. where the rebate relates to common property or land vested in a community corporation under the Community Titles Act 1996 over which the public has a free and unrestricted right of access and enjoyment.	Y	
63.4. <del>41.10</del> —The power pursuant to Section 166(3a) of the Act to grant a rebate of rates or charges under Section 166(1)(l) of the Act for a period exceeding 1 year but not exceeding 3 years.	Y	
<b>64. Valuation of Land for the Purpose of Rating</b>		
64.1. The power pursuant to Section 167(1) of the Act to adopt valuations that are to apply to land within the Council's area, for rating purposes for a particular financial year.	Y	

64.2. For the purpose of adopting a valuation of land for rating, the duty pursuant to Section 167(2) of the Act and in accordance with Section 167(3), (4) and (5) of the Act, to adopt -		
64.2.1. valuations made, or caused to be made, by the Valuer-General; or	Y	
64.2.2. valuations made by a valuer employed or engaged by the Council, or by a firm or consortium of valuers engaged by the Council;	Y	
or a combination of both.	Y	
64.3. The duty pursuant to Section 167(6) of the Act to publish a notice of the adoption of valuations in the Gazette, within 21 days after the date of the adoption.	Y	
<b>65. Valuation of Land</b>		
65.1. The power pursuant to Section 168(1) of the Act to request the Valuer-General to value any land within the Council's area (being land that is capable of being separately rated).	Y	
65.2. The duty pursuant to Section 168(2) of the Act to furnish to the Valuer-General any information requested by the Valuer General for the purposes of valuing land within the area of the Council.	Y	
65.3. The power and duty pursuant to Section 168(3)(b) and (c) of the Act to enter a valuation in the assessment record, as soon as practicable after the valuation has been made and to give notice of the valuation to the principal ratepayer in accordance with the Regulations.	Y	
<b>66. Objections to Valuations Made by Council</b>		
66.1. The duty pursuant to Section 169(1), (2), (3), (4) and (5) of the Act to refer an objection to a valuation of land to the valuer who made the valuation and to request the valuer to reconsider the valuation, where –		
66.1.1. the objection does not involve a	Y	

question of law; and		
66.1.2. the objection is made in writing (setting out a full and detailed statement of the grounds on which the objection is based); and	Y	
66.1.3. is made within 60 days after the date of service of the notice of the valuation to which the objection relates (unless the Delegate, in his/her discretion, allows an extension of time for making the objection).	Y	
66.2. The power pursuant to Section 169(3)(b) of the Act to grant an extension of time for making an objection to a valuation of land.	Y	
66.3. The duty pursuant to Section 169(7) of the Act to give the objector written notice of the outcome of the reconsideration of the objection.	Y	
66.4. The duty pursuant to and in accordance with Section 169(8) and (9) of the Act to refer the valuation to the Valuer-General for further review, if the objector remains dissatisfied with the valuation and requests such further review, provided the request is –		
66.4.1. in the prescribed manner and form;	Y	
66.4.2. made within 21 days after the objector receives notice of the outcome of his or her initial objection; and	Y	
66.4.3. accompanied by the prescribed fee.	Y	
66.5 The power pursuant to Section 169(15)(b) of the Act to apply to SACAT for a review of the <u>valuation decision of a valuer after a further review on a request under Section 169(8) of the Act</u> , in accordance with Section 169(15a) of the Act.	Y	
<b>67. Notice of Declaration of Rates</b>		
67.1. The duty pursuant to Section 170 of the Act to ensure the notice of declaration of a rate or service charge is published in the Gazette and in a newspaper circulating in the area within 21 days after the date of the declaration.	Y	

<b>68. Alterations to the Assessment Record</b>		
68.1. The power pursuant to Section 173(3) and (5) of the Act to determine the procedure for a review of a decision by the Chief Executive Officer on an application for alteration of the assessment record.	Y	
68.2. The duty pursuant to Section 173(6) of the Act to give a person written notice of Council's decision on a review of a decision of the Chief Executive Officer concerning alteration of the assessment record.	Y	
<b>69. Inspection of Assessment Record</b>		
69.1. The duty pursuant to Section 174(1) and (2) of the Act to ensure that the assessment record is available for inspection and purchase of an entry (on payment of a fee fixed by the Council), by the public at the principal office of the Council during ordinary office hours.	Y	
<b>70. Liability for Rates</b>		
70.1. The power pursuant to Section 178(3) of the Act and subject to Section 178(9) of the Act to recover rates as a debt from -		
70.1.1. the principal ratepayer; or	Y	
70.1.2. any other person (not being a principal ratepayer) who is an owner or occupier of the land; or	Y	
70.1.3. any other person who was at the time of the declaration of the rates an owner or occupier of the land.	Y	
70.2. The power pursuant to Section 178(4) of the Act by written notice to a lessee or a licensee of land in respect of which rates have fallen due, to require him or her to pay to the Council rent or other consideration payable under the lease or a licence in satisfaction of any liability for rates.	Y	
70.3. Where a notice under Section 178(4) of the Act is given to a lessee or a licensee of land, the power pursuant to Section 178(5) of the Act	Y	

to make and give notice of an additional charge of 5% of the amount in arrears, as payable and recoverable as part of the debt for unpaid rates.		
70.4. The power pursuant to Section 178(6) of the Act to remit the charge of 5% of the amount in arrears payable under the Act in whole or in part.	Y	
<b>71. Liability for Rates if Land is Not Rateable for the Whole of the Financial Year</b>		
71.1. The power pursuant to Section 179(2) of the Act to adopt a valuation of land that has become rateable after the adoption of valuations by the Council for the relevant financial year.	Y	
71.2. The duty pursuant to Section 179(5) of the Act to refund to the principal ratepayer an amount proportionate to the remaining part of the financial year, if land ceases to be rateable during the course of a financial year and the rates have been paid.	Y	
<b>72. Service of Rate Notice</b>		
72.1. The duty pursuant to Section 180(1) of the Act and in accordance with Section 180(2) of the Act to send to the principal ratepayer or, in the case of a service charge, the owner or occupier of the relevant land, a rates notice, as soon as practicable after –		
72.1.1. the declaration of a rate; or	Y	
72.1.2. the imposition of a service charge; or	Y	
72.1.3. a change in the rates liability of land.	Y	
<b>73. Payment of Rates – General Principles</b>		
73.1. The power pursuant to Section 181(2) of the Act to determine the day on which each instalment of rates falls due in the months of September, December, March and June of the financial year for which the rates are declared.	Y	
73.2. If the Council declares a general rate for a particular financial year after 31 August in that financial year, the power, pursuant to Section	Y	



181(3) of the Act, to adjust the months in which instalments would otherwise be payable under Section 181(1) (taking into account what is reasonable in the circumstances).		
73.3. The power pursuant to Section 181(4)(b) of the Act to agree with the principal ratepayer that rates will be payable in such instalments falling due on such days as may be specified in the agreement and in that event, the ratepayer's rates will then be payable accordingly.	Y	
73.4. The duty pursuant to Section 181(5) of the Act in relation to each instalment of rates to send a rates notice to the principal ratepayer shown in the assessment record in respect of the land setting out in accordance with Sections 181(6) and (7) of the Act –		
73.4.1. the amount of the instalment; and	Y	
73.4.2. the date on which the instalment falls due, or in the case where payment is to be postponed under another provision of the Act, the information prescribed by the Regulations.	Y	
73.5. The power pursuant to Section 181(7a) of the Act where the Council has entered into an agreement with a principal rate payer under Section 181(4)(b) of the Act, as part of the agreement, to vary the periods for the provision of a notice under Section 181(7) of the Act.	Y	
73.6. The power pursuant to Section 181(9) of the Act to remit any amount payable under Section 181(8) of the Act in whole or in part.	Y	
73.7. The power pursuant to Section 181(11) of the Act to grant discounts or other incentives in order to encourage -		
73.7.1. the payment of instalments of rates in advance; or	Y	
73.7.2. prompt payment of rates.	Y	
73.8. The power pursuant to Section 181(12)(b) of the Act to impose a surcharge or administrative levy not exceeding 1% of the rates payable in a	Y	

particular financial year with respect to the payment of rates by instalments under Section 181(4)(b) of the Act.		
73.9. The power pursuant to Section 181(13) and subject to Section 44(3)(b) of the Act in relation to the payment of separate rates or service rates, by written notice incorporated in a notice for the payment of those rates sent to the principal ratepayer shown in the assessment record in respect of the land at the address shown in the assessment record, at least 30 days before an amount is payable in respect of the rates for a particular financial year, to impose a requirement that differs from the requirements of Section 181 of the Act.	Y	
73.10. The power pursuant to Section 181(15) of the Act to decide that rates of a particular kind will be payable in more than 4 instalments in a particular financial year and in such case –		
73.10.1. the instalments must be payable on a regular basis (or essentially a regular basis) over the whole of the financial year, or the remainder of the financial year depending on when the rates are declared; and	Y	
73.10.2. the Delegate must give at least 30 days notice before an instalment falls due.	Y	
<b>74. Remission and Postponement of Payment of Rates</b>		
74.1. The power pursuant to Section 182(1) of the Act to decide on the application of a ratepayer that payment of rates in accordance with the Act would cause hardship and, if so, to –		
74.1.1. postpone payment in whole or in part for such period as the Delegate thinks fit; or	Y	
74.1.2. remit the rates in whole or in part.	Y	
74.2. The power pursuant to Section 182(2) of the Act on a postponement of rates –		
74.2.1. to grant the postponement on condition that the ratepayer pay interest on the amount affected by the postponement at a rate fixed by the Delegate (but not	Y	

exceeding the cash advance debenture rate);		
74.2.2. to grant the postponement on other conditions determined by the Delegate; and	Y	
74.2.3. to revoke the postponement, at the Delegate's discretion (in which case the Delegate must give the ratepayer at least 30 days written notice of the revocation before taking action to recover rates affected by the postponement).	Y	
74.3. The power pursuant to Section 182(3) of the Act to grant other or additional postponements of rates –		
74.3.1. to assist or support a business in the Council's area; or	Y	
74.3.2. to alleviate the affects of anomalies that have occurred in valuations under the Act.	Y	
74.4. The power pursuant to Section 182(4) of the Act to grant other or additional remissions of rates on the same basis as applies under the Rates and Land Tax Remission Act 1986, (such remissions will be in addition to the remissions that are available under that Act).	Y	
74.5. The power pursuant to Section 182(5) of the Act to require a ratepayer who claims to be entitled to a remission of rates by virtue of a determination under Section 182(4) of the Act to provide evidence to the satisfaction of the Delegate verifying that entitlement.	Y	
74.6. The power pursuant to Section 182(6) of the Act to revoke a determination under Section 182(4) of the Act at any time (but the revocation will not effect an entitlement to remission in relation to rates declared before the revocation takes effect).	Y	
<b>75. Postponement of Rates - Seniors</b>		
75.1. The power pursuant to Section 182A(2) of the Act to require that an application pursuant to Section 182A(1) of the Act be accompanied	Y	

by such information as the Delegate may reasonably require.		
75.2. The power pursuant to Section 182A(3) of the Act, on an application for a postponement of the payment of the prescribed proportion of rates for the current or future financial made in accordance with Sections 182A(1) and (2) of the Act to -		
75.2.1. reject an application for the postponement of rates; or	Y	
75.2.2. impose conditions on the postponement of rates  but only in accordance with the Regulations.	Y	
<b>76.54. Application of money in respect of rates</b>		
76.1. The power and the duty to apply monies received or recovered in respect of rates pursuant to and in accordance with Section 183 of the Act.	Y	
<b>77. Sale of Land for Non-Payment of Rates</b>		
77.1. The power pursuant to Section 184(1) of the Act to sell land, if an amount payable by way of rates in respect of the land, has been in arrears for 3 years or more.	Y	
77.2. The duty pursuant to Section 184(2) of the Act before selling land for non-payment of rates, to send a notice to the principal ratepayer at the address appearing in the assessment record –		
77.2.1. stating the period for which the rates have been in arrears; and	Y	
77.2.2. <del>52.2.2</del> —stating the amount of the total liability for rates presently outstanding in relation to the land; and	Y	
77.2.3. stating that if that amount is not paid in full within 1 month of service of the notice (or such longer time as the Delegate may allow), the Council intends to sell the land	Y	

for non-payment of rates.		
77.3. The duty pursuant to Section 184(3) of the Act to send a copy of a notice sent to a principal ratepayer under Section 184(2) of the Act -		
77.3.1. to any owner of the land who is not the principal ratepayer; and	Y	
77.3.2. to any registered mortgagee of the land; and	Y	
77.3.3. if the land is held from the Crown under a lease, licence or agreement to purchase, to the Minister who is responsible for the administration of the Crown Lands Act 1929.	Y	
77.4. If -		
77.4.1. the Delegate cannot, after making reasonable enquiries, ascertain the name and address of a person to whom a notice is to be sent under Section 184(2) or (3) of the Act; or		
77.4.2. the Delegate considers that it is unlikely that a notice sent under Section 184(2) or (3) of the Act would come to the attention of the person to whom it is to be sent,		
the power pursuant to Section 184(4) of the Act to effect service of the notice by –	Y	
77.4.3. placing a copy of the notice in a newspaper circulating throughout the State; and	Y	
77.4.4. leaving a copy of the notice in a conspicuous place on the land.	Y	
77.5. The power pursuant to Section 184(5) of the Act to proceed to have the land sold, if the outstanding amount of rates is not paid in full within the time allowed in the notice given to the ratepayer under Section 184(2) of the Act.	Y	
77.6. The duty pursuant to Section 184(6) and (7) of the Act to conduct the sale of land for non-	Y	

payment of rates by public auction and the power to set the reserve price for the purposes of the auction, except in the case of land held from the Crown under a lease, licence or agreement to purchase, unless the Minister responsible for the administration of the Crown Lands Act 1929 grants consent to sale by public auction.		
77.7. The duty pursuant to Section 184(8) of the Act to advertise the auction of land under Section 184 of the Act on at least 2 separate occasions in a newspaper circulating throughout the State.	Y	
77.8. The duty pursuant to Section 184(9) of the Act to call off the auction, if before the date of such an auction, the outstanding amount and the costs incurred by the Council in proceeding under this Section are paid to the Council.	Y	
77.9. The power pursuant to Section 184(10) of the Act to sell the land by private contract for the best price that can be reasonably obtained, if an auction fails or an auction is not held because the land is held from the Crown under a lease, licence or agreement to purchase.	Y	
77.10. The power and duty to apply monies received by the Council in respect of the sale of land for non-payment of rates pursuant to and in accordance with Section 184(11) of the Act.	Y	
77.11. The duty pursuant to Section 184(12) of the Act to make reasonable enquiries to find the owner of land to be sold for non-payment of rates and where the owner cannot be found, the power to deal with the amount payable to the owner as unclaimed money under the Unclaimed Moneys Act 1981.	Y	
<b>78. Objection, Review or Appeal</b>		
78.1. If an objection, review or appeal in respect of a valuation of land results in the alteration of a valuation or of a decision to attribute a particular land use to land, and a due adjustment is made, the power pursuant to Section 186(2) of the Act and subject to Section 186(3), (4) and (5) of the Act –		

78.1.1. to refund or credit the overpaid amount against future liabilities for rates on the land subject to the rates; or	Y	
78.1.2. to recover an additional amount payable on account of an alteration of the value as arrears after at least 30 days have expired from the date on which notification of the alteration is given to the person who initiated the objection, review or appeal.	Y	
<b>79. Certificate of Liabilities</b>		
79.1. The power pursuant to Section 187(1) of the Act to issue a certificate, on application by or on behalf of a person who has an interest in land within the area, stating that:		
79.1.1. the amount of any liability for rates or charges on the land imposed under Part 1 of Chapter 10 of the Act (including rates and charges under this Part that have not yet fallen due for payment, and outstanding interest or fines payable in respect of rates and charges under this Part); and	Y	
79.1.2. any amount received on account of rates or charges on the land imposed under this part, that is held in credit against future liabilities for rates or charges in relation to the land.	Y	
<b>80. Investigation by Ombudsman</b>		
80.1. The duty pursuant to Section 187B(6) of the Act if the Ombudsman's report prepared pursuant to Section 187B(3) of the Act makes any recommendations as to action that should be taken by the Council, to within 2 months after receipt of that report, provide a written response to -		
80.1.1. the Ombudsman; and	Y	
80.1.2. if relevant, the person who made the complaint.	Y	
80.2. The power pursuant to Section 187B(7) of the Act to grant a rebate or remission of any	Y	

rate or service charge, or of any charge, fine or interest under Part 1 of Chapter 10 of the Act, if the Ombudsman recommends that the Council do so on the ground of special circumstances pertaining to a particular ratepayer.		
<b>81. Fees and Charges</b>		
81.1. The power pursuant to Section 188(1) and (2) of the Act to impose fees and charges –		
81.1.1. for the use of any property or facility owned, controlled, managed or maintained by the Council;	Y	
81.1.2. for services supplied to a person at his or her request;	Y	
81.1.3. for carrying out work at a person's request;	Y	
81.2. The power pursuant to Section 188(3) of the Act to provide for –		
81.2.1. specific fees and charges;	Y	
81.2.2. maximum fees and charges and minimum fees and charges;	Y	
81.2.3. annual fees and charges;	Y	
81.2.4. the imposition of fees or charges according to specified factors;	Y	
81.2.5. the variation of fees or charges according to specified factors in respect of fees and charges set under Section 188(1)(a) – (c) of the Act inclusive; and	Y	
81.2.6. the reduction, waiver or refund, in whole or in part, of any fees and charges.	Y	
81.3. The power pursuant to Section 188(5) of the Act to fix, vary or revoke those fees and charges set under Section 188(1)(a), (b) and (c) of the Act.	Y	
81.4. The duty pursuant to Section 188(6) of the Act to keep a list of fees and charges imposed under this Section on public display during ordinary office hours at the principal office of	Y	



the Council.		
81.5. The duty pursuant to Section 188(7) of the Act to, if the Council fixes or varies a fee imposed under this Section, up-date the list referred to in Section 188(6) of the Act and take reasonable steps to bring the fee or charge, or variation of the fee or charge, to the notice of persons who may be affected.	Y	
<b>82. Acquisition of Land by Agreement</b>		
82.1. The power pursuant to Section 190 of the Act to acquire land by agreement.	Y	
<b>83. Compulsory Acquisition of Land</b>		
83.1. The power pursuant to Section 191(1) of the Act to acquire land compulsorily, in circumstances which require the Minister's written approval, after the Council has obtained the Minister's approval.	Y	
83.2. The power pursuant to Section 191(2) of the Act to acquire land compulsorily for a purpose classified by the Regulations as an approved purpose.	Y	
<b>84. Assumption of Care, Control and Management of Land</b>		
84.1. The power pursuant to Section 192(1) of the Act to assume the care, control and management of land in the Council area that has been set aside for the use or enjoyment of the public or a section of the public under the circumstances specified in Section 192(1)(a) and (b) of the Act.	Y	
84.2. The duty pursuant to Section 192(4) of the Act to immediately cause a copy of a resolution under Section 192(1) of the Act to assume the care, control and management of land to be published in the Gazette.	Y	
<b>85. Classification</b>		
85.1. The duty pursuant to Section 193(6) of the Act to give notice in the Gazette of a resolution –		

85.1.1. to exclude land from classification as community land under Section 193(4) of the Act; or	Y	
85.1.2. to classify as community land, land that had previously been excluded from classification as such under Section 193(5) of the Act.	Y	
<b>86. Revocation of Classification of Land as Community Land</b>		
86.1. The duty pursuant to Section 194(2) of the Act before the Council revokes the classification of land as community land to –		
86.1.1. prepare a report on the proposal containing –	Y	
86.1.1.1. a summary of reasons for the proposal; and	Y	
86.1.1.2. a statement of any dedication, reservation or trust to which the land is subject; and	Y	
86.1.1.3. a statement of whether revocation of the classification is proposed with a view to sale or disposal of the land and, if so, details of any Government assistance given to acquire the land and the statement of how the Council proposes to use the proceeds; and	Y	
86.1.1.4. an assessment of how implementation of the proposal would affect the area and the local community; and	Y	
86.1.1.5. if the Council is not the owner of the land, a statement of any requirements made by the owner of the land as a condition of approving the proposed revocation of the classification; and	Y	
86.1.2. follow the relevant steps set out in the Council's public consultation policy.	Y	
86.2. After complying with the requirements of	Y	

Section 194(2) of the Act, the duty pursuant to Section 194(3) of the Act to prepare a report on all submissions made on it as part of the public consultation process.		
86.3. The power pursuant to Section 194(4) of the Act to consult with the Minister in relation to a regulation made under Section 194(1) over a specific piece of land.	Y	
<b>87. Effect of Revocation of Classification</b>		
87.1. If it appears from the Register Book that the land is subject to a dedication, reservation or trust, other than a dedication, reservation or trust under the Crown Lands Act 1929, the duty pursuant to Section 195(2) of the Act immediately after the revocation of the classification of the land as community land, to give notice of the revocation to the Registrar-General in the manner and form approved by the Registrar-General.	Y	
<b>88. Management Plans</b>		
88.1. The duty pursuant to and in accordance with Section 196(1), (2), (3) and (7) of the Act to prepare for consideration and adoption by the Council a management plan or management plans for Council's community land, for which a management plan must be prepared, that –		
88.1.1. identifies the land to which it applies; and	Y	
88.1.2. states the purpose for which the land is held by the Council; and	Y	
88.1.3. states the Council's objectives, policies (if any) and proposals for the management of the land; and	Y	
88.1.4. states performance targets and how the Council proposes to measure its performance against its objectives and performance targets.	Y	
88.2. If a management plan relates to land that is not in the Council's ownership, the power and duty pursuant to Section 196(4) of the Act to consult with the owner of the land at an		

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

90.2. 58.6 The power pursuant to Section 198(2) and (3) of the Act to conduct public consultation prior to the Council adopting a proposal for amendment to or revocation of a management plan, unless in the opinion of the Delegate the amendment has no impact or no significant impact on the interests of the community.	Y	
90.3. 58.7 The duty pursuant to Section 198(4) of the Act to give public notice of Council's adoption of a proposal for the amendment or revocation of a management plan.	Y	
<b>91. Effect of Management Plan</b>		
91.1. The duty pursuant to Section 199 of the Act to manage community land in accordance with any management plan for the relevant land.	Y	
<b>92. Use of Community Land for Business Purposes</b>		
92.1. The power pursuant to Section 200(1), (2) and (3) of the Act to approve a person's use of community land for a business purpose, consistent with provisions of the management plan and on any conditions the Delegate considers appropriate.	Y	
<b>93. Sale or Disposal of Local Government Land</b>		
93.1. <del>60.1</del> —The power pursuant to Section 201(1) of the Act to sell or otherwise dispose of an interest in land:		
93.1.1. <del>60.1.1</del> —vested in the Council in fee simple; or	Y	
93.1.2. <del>60.1.2</del> —vested in the Council as lessee.	Y	
93.2. <del>60.2</del> —The power pursuant to Section 201(2) of the Act to:		
93.2.1. <del>60.2.1</del> —grant an easement (including a right of way) over community land; and	Y	
93.2.2. <del>60.2.2</del> —grant an easement (excluding a right of way) over a road or	Y	

part of a road.		
<b>94.1 Alienation of Land by Lease or Licence</b>		
94.1. The power pursuant to Section 202(1) and (5) of the Act and subject to Section 202(7) of the Act to grant a lease or licence over community land (including community land that is, or forms part of, a park or reserve), for –		
94.1.1. the erection or removal of buildings and other structures for the purpose of activities conducted under the lease or licence;	Y	
94.1.2. the exclusion, removal or regulation of persons, vehicles or animals from or on the land, and the imposition of admission or other charges (subject to the fixing or varying of the charge by Council, pursuant to Section 44(3)(j) of the Act);	Y	
94.1.3. any other matter relevant to the use or maintenance of the land.	Y	
94.2. The duty pursuant to Section 202(2) and (3) of the Act and subject to Section 202(7) of the Act before granting a lease or licence relating to community land to follow the relevant steps set out in Council's public consultation policy, unless –		
94.2.1. the grant of the lease or the licence is authorised in an approved management plan for the land and the term of the proposed lease or licence is 5 years or less; or	Y	
94.2.2. the Regulations provide, in the circumstances of the case, for an exemption from compliance with the public consultation policy.	Y	
94.3. The power and duty pursuant to Section 202(4) of the Act and subject to Section 202(4a) and <del>Section 202(7)</del> of the Act to grant or renew a lease or a licence for a term (not exceeding <del>21</del> <u>42</u> years) and to extend the term of the lease or licence but not so that the term extends beyond a total of <del>21</del> <u>42</u> years.	Y	

94.4. The duty pursuant to Section 202(6) of the Act and subject to Section 202(7) of the Act to ensure that a lease or licence relating to community land is consistent with any relevant management plan.	Y	
<b>95. Register</b>		
95.1. The duty pursuant to Section 207(1) of the Act to keep a register of all community land in Council's area.	Y	
95.2. The duty pursuant to Section 207(2)(a) and (b) of the Act to ensure that the register -	Y	
95.2.1. contains the information required by the Regulations; and	Y	
95.2.2. contains copies of current management plans.	Y	
95.3. The power pursuant to Section 207(2)(c) of the Act to include in the register (if the Delegate so decides) a computer record of the relevant information.	Y	
95.4. 62.4 The duty pursuant to Section 207(3) and (4) of the Act to make available the register of all community land in the Council's area for inspection (without charge) or purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council during ordinary office hours.	Y	
<b>96. Ownership of Public Roads</b>		
96.1. The duty pursuant to Section 208(4) of the Act to cause a copy of a resolution declaring a road or land to be a public road, or preserving an easement under Section 208(3), to be published in the Gazette.	Y	
<b>97. Ownership of Fixtures and Equipment Installed on Public Roads</b>		
97.1. The power pursuant to Section 209(3) of the Act to enter into an agreement with the provider of public infrastructure or the holder of an authorisation or permit under Section 209(1) and (2) of the Act which provides for the vesting	Y	

of property in fixtures and equipment in the Council.		
<b>98. Conversion of Private Road to Public Road</b>		
98.1. The duty pursuant to Section 210(1)(b) of the Act to make reasonable enquiries to find the owner of a private road which the Council is seeking to declare be a public road.	Y	
98.2. The duty pursuant to Section 210(2) of the Act at least 3 months before the Council makes a declaration under Section 210 of the Act to_-		
98.2.1. if the identity and whereabouts of the owner of the road are known to the Council, to give written notice to the owner of land subject to the proposed declaration; and	Y	
98.2.2. if a person has some other form of registered legal interest over the road and the identity and whereabouts of that person are known to the Council – give written notice to the person of the proposed declaration; and	Y	
98.2.3. to give public notice of the proposed declaration.	Y	
98.3. The duty pursuant to Section 210(5) to publish in the Gazette a declaration of the Council made in accordance with Section 210(1) of the Act.	Y	
98.4. The duty pursuant to Section 210(7) of the Act to furnish to the Registrar-General a copy of any declaration under Section 210 of the Act in a manner and form approved by the Registrar-General immediately after it is made.	Y	
<b>99. Highways</b>		
99.1. The power pursuant to Section 211(1)(a) of the Act to enter into an agreement with the Commissioner of Highways in order for the Council to exercise its powers under Part 2 of Chapter 11 of the Act in relation to a highway.	Y	
<b>100. Power to Carry Out Roadwork</b>		



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

100.1. The power pursuant to Section 212(1) of the Act to have road works carried out in the Council's area or, by agreement with another Council, in the area of another Council.	Y	
100.2. The power pursuant to Section 212(3) of the Act to do anything reasonably necessary for, or incidental, to roadwork pursuant to Section 212(2) of the Act, providing that –		
100.2.1. the roadwork is carried out in compliance with any relevant requirement under the Road Traffic Act 1961; and	Y	
100.2.2. before carrying out roadwork in relation to a road that runs into or intersects with a highway (and that may have an affect on the users of that highway), consult with the Commissioner of Highways; and	Y	
100.2.3. the roadwork in relation to a private road is only carried out if –	Y	
100.2.3.1. the owner agrees; or	Y	
100.2.3.2. the Council has given the owner reasonable notice of the proposed roadwork and a reasonable opportunity to make representations and has considered any representations made in response to the notice; or	Y	
100.2.3.3. the identity or whereabouts of the owner is unknown; and	Y	
100.2.4. the roadwork on other private land is carried out with the agreement of the owner (unless otherwise provided in the Act).	Y	
<b>101. Recovery of Cost of Roadwork</b>	Y	
101.1. Where roadwork has been carried by agreement, the power pursuant to Section 213(1) of the Act to recover the whole of the cost or an agreed contribution determined by the Delegate under the terms of the agreement.	Y	
101.2. Where roadwork has been carried out to repair damage to a road, the power pursuant to		

Section 213(2) of the Act to recover the cost of carrying out the work, as a debt, from –		
101.2.1. the person who caused the damage; or	Y	
101.2.2. in the case of damage caused by the bursting, explosion or fusion of any pipe, wire, cable, fitting or other object – the person who is the owner, or who has control of that infrastructure.	Y	
101.3. If the Council carries out roadwork on a private road, the power pursuant to Section 213(3) of the Act to recover the cost of the work or a contribution towards the cost of the work determined by the Delegate as a debt from the owner of the private road.	Y	
<b>102. Contribution Between Councils where Road is on Boundary Between Council Areas</b>		
102.1. Where roadwork is carried out on a road on the boundary between 2 Council areas, the power pursuant to Section 214(1) and (2) of the Act to recover a reasonable contribution from the other Council towards the cost of the work, being an amount agreed between the Councils or, in the absence of an agreement, an amount determined by the Court in which the action for contribution is brought.	Y	
<b>103. Special Provisions for Certain Kinds of Roadwork</b>		
103.1. If the Council changes the level of a road, the duty pursuant to Section 215(1) of the Act to –		
103.1.1. ensure that adjoining properties have adequate access to the road; and	Y	
103.1.2. construct any retaining walls, embankments or other structures necessary to provide protection required in consequence of the change of level.	Y	
103.2. The power pursuant to Section 215(2) of the Act to carry out road work to allow water from a road to drain into adjoining property if, in the Delegate's opinion –		

103.2.1. there is no significant risk of damage to the adjoining property; or	Y	
103.2.2. the road work does not significantly increase the risk of damage to adjoining property.	Y	
103.3. The duty pursuant to Section 215(4) of the Act to give reasonable notice of proposed action to drain water into land under Section 215(2) of the Act to the owner of the land, except in a case of urgency.	Y	
<b>104. Power to Order Owner of Private Road to Carry out Specific Roadwork</b>		
104.1. The power pursuant to Section 216(1) of the Act to, by order in writing in accordance with Section 216(2) of the Act to the owner of a private road, require the owner to carry out specified roadwork to repair or improve the road.	Y	
104.2. The power pursuant to Section 216(2) of the Act to apply Divisions 2 and 3 of Part 2 of Chapter 12 of the Act with respect to -		
104.2.1. any proposal to make an order; and	Y	
104.2.2. if an order is made, any order,	Y	
under Section 216(1) of the Act.	Y	
<b>105. Power to Order Owner of Infrastructure on Road to Carry Out Specified Maintenance or Repair Work.</b>		
105.1. The power pursuant to Section 217(1) of the Act by order in writing to the owner of a structure or equipment (including pipes, wires, cables, fittings and other objects) installed in, on, across, under or over a road, to require the owner –	Y	
105.1.1. to carry out specified work by way of maintenance or repair; or	Y	
105.1.2. to move the structure or equipment in order to allow the Council to carry out roadwork.	Y	

105.2. Where the order made pursuant to Section 217(1) of the Act is not complied with within a reasonable time fixed in the order, the power pursuant to Section 217(2)(a) of the Act to take action required by the order and to recover the cost of doing so as a debt from the owner.	Y	
<b>106. Power to Require Owner of Adjoining Land to Carry Out Specific Work</b>		
106.1. 66.5 The power pursuant to Section 218(1) of the Act to, by order in writing in accordance with Section 218(2) of the Act to the owner of land adjoining the road, require the owner to carry out specified work to construct, remove or repair a crossing place from the road to the land.	Y	
106.2. The duty pursuant to Section 218(2) of the Act to apply Divisions 2 and 3 of Part 2 of Chapter 12 of the Act with respect to -		
106.2.1. any proposal to make an order; and	Y	
106.2.2. if an order is made, any order	Y	
under Section 218(1) of the Act.	Y	
<b>107. Power to Assign a Name, or Change the Name, of a Road or Public Place</b>		
107.1. The power pursuant to Section 219(1) of the Act to assign a name to a public or private road, or to a public place, or change the name of a public or private road, or of a public place.	Y	
107.2. The duty pursuant to Section 219(1a) of the Act to assign a name to a public road created after the commencement of Section 219(1a) of the Act by land division.	Y	
107.3. Where it is proposed to change the name of a public road that runs into the area of an adjoining council, the duty pursuant to Section 219(2) of the Act to -		
107.3.1. give the adjoining Council at least 2 months notice of the proposed change; and	Y	
107.3.2. consider any representations made by	Y	

the adjoining council in response to that notice.		
107.4. The duty pursuant to Section 219(3) of the Act to –		
107.4.1. immediately notify the Registrar-General, the Surveyor-General and the Valuer-General of the assignment of a name, or the change of a name, under Section 219 of the Act; and	Y	
107.4.2. on request by the Registrar-General, the Survey-General or the Valuer-General, to provide information about the names of roads or public places in the Council's area.	Y	
107.5. The duty pursuant to Section 219(4) of the Act to give public notice of the assigning or changing a name under Section 219(1) of the Act.	Y	
107.6. The power pursuant to Section 219(5) of the Act to prepare a policy relating to the assigning of names under Section 219 of the Act for consideration and adoption by the Council.	Y	
107.7. The power pursuant to Section 219(6) of the Act to, at any time, alter a policy or substitute a new policy.	N	
107.8. The duty pursuant to Section 219(7) of the Act to <del>give public</del> <u>publish</u> notice of the adopting or altering of a policy under Section 219 of the Act.;	Y	
<u>107.8.1. in the Gazette; and</u>	<u>Y</u>	
<u>107.8.2. in a newspaper circulating in the area of the council; and</u>	<u>Y</u>	
<u>107.8.3. on a website determined by the Chief Executive Officer.</u>	<u>Y</u>	
<b>108. Numbering of Premises and Allotments</b>		
108.1. The power pursuant to Section 220(1) of the Act to adopt a numbering system for buildings and allotments adjoining a road.	Y	
108.2. The duty pursuant to Section 220(1a) of the	Y	

Act to assign a number (as part of its primary street address) to all buildings or allotments adjoining a public road created after the commencement of Section 220(1a) of the Act by land division.		
108.3. The duty pursuant to Section 220(1b) of the Act to ensure that an assignment under Section 220(1a) of the Act occurs within 30 days after the issue of certificate of title in relation to the relevant land division in accordance with any requirements prescribed by regulations made for the purposes of Section 220(1b) of the Act.	Y	
108.4. The power pursuant to Section 220(2) of the Act to, from time to time, alter a numbering system, or substitute a new numbering system, under Section 220 of the Act.	N	
108.5. The duty pursuant to Section 220(3) of the Act to give public notice of the adopting, altering or substituting a numbering system for a particular road.	Y	
108.6. The duty pursuant to Section 220(4) of the Act to notify the Valuer-General of the decision to adopt, alter or substitute a numbering system.	Y	
108.7. The power pursuant to Section 220(6) of the Act to request an owner of land to ensure that the appropriate number for the owner's building or allotment is displayed in a form directed or approved by the Delegate.	Y	
<b>109. Alteration of Road</b>		
109.1. The power pursuant to Section to 221(1) and (2) of the Act to authorise a person (other than the Council or a person acting under some other statutory authority) to make an alteration to a public road, such as:	Y	
109.1.1. altering the construction or arrangement of the road to permit or facilitate access from an adjacent property; or	Y	
109.1.2. erecting or installing a structure (including pipes, wires, cables, fixtures,	Y	

fittings and other objects) in, on, across, under or over the road; or		
109.1.3. 68.1.3 changing or interfering with the construction, arrangement or materials of the road; or	Y	
109.1.4. changing, interfering with or removing a structure (including pipes, wires, cables, fixtures, fittings and other objects) associated with the road; or	Y	
109.1.5. planting a tree or other vegetation on the road, interfering with vegetation on the road or removing vegetation from the road.	Y	
109.2. Before authorising the erection or installation of a structure under Section 221(2)(b) of the Act the duty pursuant to Section 221(4) of the Act to give consideration as to whether the structure will –		
109.2.1. unduly obstruct the use of the road; or	Y	
109.2.2. unduly interfere with the construction of the road; or	Y	
109.2.3. have an adverse effect on road safety.	Y	
109.3. The power pursuant to Section 221(6) of the Act to grant an authorisation under Section 221 of the Act –		
109.3.1. for a particular act or occasion; or	Y	
109.3.2. for a term which is, subject to revocation for breach of a condition, to remain in force for a term (not exceeding 42 years) stated in the authorisation and, at the expiration of the term, the power to renew the term for a further term (not exceeding 42 years) fixed by the Delegate at the time of the renewal.	Y	
<b>110. Permits for Business Purposes</b>		
110.1. The power pursuant to Section 222(1) of the Act to plant vegetation or authorise a person to use a public road for business purposes and to give a permit to do so.	Y	

110.2. Subject to the Act, the power pursuant to Section 222(2) of the Act to issue a permit that grants rights of exclusive occupation in relation to part of a public road.	Y	
110.3. The power pursuant to Section 222(3) of the Act to issue a permit to use a public road for a particular occasion or for a term stated in the permit.	Y	
<b>111. Public Consultation</b>		
111.1. The duty pursuant to Section 223(1) of the Act before granting the authorisation to alter a public road or the permit to use a public road for business purposes, to follow the relevant steps set out in Council's public consultation policy, if the Delegate proposes to grant an authorisation or permit –		
111.1.1. that confers a right of exclusive occupation; or	Y	
111.1.2. that would have the effect of restricting access to a road; or	Y	
111.1.3. in relation to a use or activity for which public consultation is required under the Regulations.	Y	
111.2. The duty pursuant to Section 223(2) of the Act to give written notice of the proposal to agencies that are, under the Regulations, to be notified of the proposal to grant an authorisation to alter a public road or to permit the use of a public road for business purposes.	Y	
<b>112. Conditions of Authorisation/Permit</b>		
112.1. The power pursuant to Section 224 of the Act to grant an authorisation or permit under Division 6 of Part 2, Chapter 11 on conditions the Delegate considers appropriate.	Y	
<b>113. Cancellation of Authorisation/Permit</b>		
113.1. The power pursuant to Section 225(1) of the Act by notice in writing to the holder of an authorisation or permit, to cancel the authorisation or permit for breach of a	Y	



condition.		
113.2. The duty pursuant to Section 225(2) of the Act before cancelling an authorisation or permit, to -		
113.2.1. give the holder of the authorisation or permit a written notice of the proposed cancellation stating the grounds on which the Delegate proposes to act and allowing the holder a reasonable period to make written representations to the Delegate on the proposed cancellation; and	Y	
113.2.2. consider any representations made in response to the notice.	Y	
113.3. The power pursuant to Section 225(3) of the Act to determine if a shorter period of notice should apply under Section 225(2)(a) of the Act, to protect the health or safety of the public, or otherwise to protect the public interest.	Y	
<b>114. Register</b>		
114.1. The power and duty pursuant to Section 231(1) and (2) of the Act to keep a register of public roads in the Council's area, which -		
114.1.1. includes the information required by regulation; and	Y	
114.1.2. may consist (if the Delegate so decides) of a computer record of the relevant information.	Y	
114.2. The duty pursuant to Section 231(3) and (4) of the Act to make the register available for public inspection (without charge) and purchase of extracts (upon payment of a fee fixed by the Council) at the principal office of the Council during ordinary office hours.	Y	
<b>115. Trees</b>		
The power pursuant to Section 232 of the Act to authorise or permit the planting of vegetation, on a road, only after complying with the following matters (in addition to complying with any other statutory requirement) –		

115.1. giving consideration to whether the vegetation is, on balance, appropriate to the proposed site taking into account -	Y	
115.1.1. environmental and aesthetic issues; and	Y	
115.1.2. the use and construction of the road (including the potential for interference with the construction of the road or with structures (including pipes, wires, cables, fixtures, fittings or other objects) in the road); and	Y	
115.1.3. road safety matters; and	Y	
115.1.4. other matters (if any) considered relevant by the Delegate; and	Y	
115.2. where the vegetation may have a significant impact on residents, the proprietors of nearby businesses or advertisers in the area, to follow the relevant steps set out in its public consultation policy.	Y	
<b>116. Damage</b>		
116.1. The power pursuant to Section 233(1) and (2) of the Act to recover damages, in the same way as damages for a tort, where a person, without the Council's permission, intentionally or negligently damages a road or a structure (including pipes, wires, cables, fixtures, fittings and other objects) belonging to the Council associated with the road.	Y	
<b>117. Council's Power to Remove Objects etc from Roads</b>		
117.1. The power pursuant to Section 234(1) of the Act to remove and dispose of any structure, object or substance from a road if -		
117.1.1. it has been erected, placed or deposited on the road without the authorisation or permit required under Part 2 of Chapter 11 of the Act; or	Y	
117.1.2. an authorisation or permit has been granted but has later expired or been	Y	

cancelled.		
117.2. The power pursuant to Section 234(2) of the Act to recover the cost of acting under Section 234 of the Act as a debt from the person who erected, placed or deposited the structure, object or substance on the road.	Y	
117.3. Where, as a result of an accident involving a vehicle or vehicles, any wreckage, objects or materials are left on a road, the power pursuant to Section 234(3) of the Act to clear the area and to recover the cost from the driver of the vehicle or, if more than one vehicle was involved, the driver of any one of the vehicles.	Y	
<b>118. <del>Deposit of Rubbish</del><u>Deliberately left blank</u></b>		
<b>119. Abandonment of Vehicles and Farm Implements</b>		
119.1. The power pursuant to Section 236(2) of the Act to seek an order from the court by which a person is convicted of an offence against Section 236(1) of the Act, that the convicted person pay to the Council any costs incurred by the Council in removing or disposing of a vehicle <del>or farm implement</del> abandoned on a public road or public place.	Y	
<b>120. Removal of Vehicles</b>		
120.1. The duty pursuant to Section 237(4) of the Act to ensure that the owner of the vehicle is notified of the removal of the vehicle <del>and the place to which it has been removed:</del>		
120.1.1. by written notice in the prescribed form: -		
120.1.1.1. served on the owner personally; or	Y	
120.1.1.2. served on the owner by the use of person-to-person registered post,	Y	
as soon as practicable after the removal of the vehicle; or	Y	
120.1.2. if the owner is unknown or cannot be found – by public notice published in a	Y	

newspaper circulating generally in the State within 14 days after the removal of the vehicle.		
120.2. If the owner of a removed vehicle does not, within 1 month after service or publication of the notice, pay all expenses in connection with the removal, custody and maintenance of the vehicle, and of serving, publishing or posting the notice, and take possession of the vehicle, the power and duty pursuant to Section 237(5) of the Act to, subject to Section 237(6)(b) of the Act, offer the vehicle for sale by public auction or public tender.	Y	
120.3. The power pursuant to Section 237(6) of the Act to dispose of the vehicle in such manner as the Delegate thinks fit if:		
120.3.1. the vehicle is offered for sale but not sold; or	Y	
120.3.2. the Delegate reasonably believes that the proceeds of the sale of the vehicle would be unlikely to exceed the costs incurred in selling the vehicle or the costs incidental to removing or holding the vehicle, or those costs combined.	Y	
120.4. The duty pursuant to Section 237(7) of the Act, where the vehicle is sold, to apply the proceeds of sale as follows:		
120.4.1. firstly, in payment of the costs of and incidental to the sale;	Y	
120.4.2. secondly, in payment of the costs of and incidental to the removal, custody and maintenance of the vehicle and of the notice served, posted or published under Section 237 of the Act;	Y	
120.4.3. thirdly, in payment of the balance to the owner of the vehicle.	Y	
120.5. The duty pursuant to Section 237(8) of the Act to make reasonable inquiry to find the owner of the vehicle following sale and, if after that reasonable inquiry, the owner cannot be found, the duty to pay the balance of the	Y	

proceeds of sale to the Council.		
120.6. The duty pursuant to Section 237(9) of the Act to take reasonable steps to return property found in the vehicle, and where the property cannot be returned, the duty to deal with the property as unclaimed goods under the Unclaimed Goods Act 1987 as if the Council were the bailee of those goods.	Y	
<b>121. Time Limits for Dealing with Certain Applications</b>		
121.1. Where the power to decide upon certain applications to which the Section applies has been delegated, the duty pursuant to Section 242(1) and (2) of the Act within two months after the relevant date, to make a decision in respect of the application and, if not so decided, it is taken to have been refused.	Y	
121.2. The duty pursuant to Section 242(3) of the Act to notify the applicant in writing as soon as practicable of a decision or presumptive decision on a application to which Section 242 of the Act applies.	Y	
<b>122. Issue of Certificate of Title by Registrar-General</b>		
122.1. The duty pursuant to Section 243(1) of the Act to apply to the Registrar-General for the issue of a Certificate of Title for the land under the Real Property Act 1896, where land vests for an estate in fee simple in the Council under this Act.	Y	
122.2. The duty pursuant to Section 243(2) of the Act to make such application to the Registrar-General for the issue of a Certificate of Title as follows:		
122.2.1. in a manner and form approved by the Registrar-General; and	Y	
122.2.2. accompanied by -	Y	
122.2.2.1. <del>unless otherwise required by the Registrar-General - the duplicate Certificate of Title for the land;</del>	Y	

<del>and</del> <u>Deliberately left blank</u>		
122.2.2.2. any surveys of the land and other materials that the Registrar-General may reasonably require; and	Y	
122.2.2.3. a fee fixed by the Registrar-General.	Y	
<b>123. Liability for Injury, Damage or Loss Caused by Certain Trees</b>		
123.1. The power and duty pursuant to Section 245 of the Act to take reasonable action in response to a written request by an owner or occupier of property adjacent to a road for the Council to take reasonable action to avert a risk of damage to property of the owner or occupier from a tree growing in the road (whether planted by the Council or not).	Y	
<b>124. Council May Require Bond or Other Security in Certain Circumstances</b>		
124.1. Subject to Section 245A of the Act, if,		
124.1.1. a person has approval to carry out development under the Development Act 1993; and		
124.1.2. the delegate has reason to believe that the performance of work in connection with the development could cause damage to any local government land (including a road) within the vicinity of the site of the development,		
the power, pursuant to Section 245A of the Act, to, by notice in writing serve on the person who has the benefit of the approval, require the person to enter into an agreement that complies with any requirements prescribed by the regulations so as to ensure that money is available to address the cost of any damage that may be caused.	Y	
124.2. The power pursuant to Sections 37(b) and 245A of the Act, where a person has approval to carry out development under the Development Act 1993 and a notice in writing	Y	

has been served pursuant to Section 245A of the Act on the person who has the benefit of the approval, to enter into an agreement that complies with any requirements prescribed by the regulations so as to ensure that money is available to address the cost of any damage that may be caused.		
<b>125. Power to Make By-Laws</b>		
125.1. The duty pursuant to Section 246(4a) of the Act, if the Council makes a determination under Section 246(3)(e) of the Act, to ensure that notice of the determination is published in the Gazette and in a newspaper circulating in the area of the Council.	Y	
<b>126. Passing By-Laws</b>		
126.1. If it is proposed that the Council make a by-law, then at least 21 days before the Council resolves to make the by-law, the duty pursuant to Section 249(1) of the Act to -		
126.1.1. make copies of the proposed by-law (and any code, standard or other document proposed to be applied or incorporated by the by-law) available for public inspection, without charge and during ordinary office hours, at the principal office of the Council, and so far as is reasonable practicable on the Internet; and	Y	
126.1.2. by notice in a newspaper circulating in the area of the Council -	Y	
126.1.2.1. inform the public of the availability of the proposed by-law; and	Y	
126.1.2.2. set out the terms of the by-law, or describe in general terms the by-law's nature and effect.	Y	
126.2. 83.2 Before the Council makes a by-law, the duty pursuant to Section 249(4) of the Act to obtain a certificate, in the prescribed form, signed by a legal practitioner certifying that, in the opinion of the legal practitioner –		
126.2.1. the Council has power to make the by-law by virtue of a statutory power specified	Y	

in the certificate; and		
126.2.2. the by-law is not in conflict with the Act.	Y	
126.3. The duty pursuant to Section 249(5) of the Act to publish a by-law in the Gazette.	Y	
126.4. The duty pursuant to Section 249(7) of the Act to publish a notice of the making of a by-law under Section 249 of the Act in a newspaper circulating in the area of the Council.	Y	
<b>127. Model By-Laws</b>		
127.1. The duty pursuant to Section 250(5) of the Act to publish the resolution adopting a model by-law or alteration made under Section 250 of the Act in the Gazette.	Y	
127.2. The duty pursuant to Section 250(7) of the Act to publish a notice of the adoption of a model by-law or alteration made under Section 250 of the Act in a newspaper circulating in the area of the Council.	Y	
<b>128. Register of By-Laws and Certified Copies</b>		
128.1. The duty pursuant to Section 252(1) and (2) to cause a separate register to be kept of all by-laws made or adopted by the Council; such register to include a copy of any code, standard or other document referred to or incorporated in a by-law.	Y	
128.2. The duty pursuant to Section 252(3) and (4) of the Act to make available the register of by-laws for inspection or purchase an extract from the register (on payment of a fee fixed by the Council) by the public at the principal office of the Council during ordinary office hours.	Y	
128.3. The duty pursuant to Section 252(5) of the Act to make available, on payment of a fee fixed by the Council, a certified copy of a by-law of the Council in force at the particular time.	Y	
<b>129. Power to Make Orders</b>		
129.1. The power pursuant to Section 254 of the Act to order a person to do or to refrain from doing a thing specified in Column 1 of the Table	Y	



in Part 2 of Chapter 12, if in the opinion of the Delegate, the circumstances specified in Column 2 of the Table exist and the person is within the description in Column 3 of the Table.		
<b>130. Procedures to be Followed</b>		
130.1. The duty pursuant to Section 255(1) of the Act before taking action to make an order under Part 2 of Chapter 12 (but subject to this Section), to give the person to whom it is proposed that the order be directed a notice in writing -		
130.1.1. stating the proposed action, including the terms of the proposed order and the period within which compliance with the order will be required; and	Y	
130.1.2. stating the reasons for the proposed action; and	Y	
130.1.3. inviting the person to show, within a specified time (being a reasonable period), why the proposed action should not be taken (by making representations to the Delegate).	Y	
130.2. If a notice of intention to make an order is directed to a person who is not the owner of the relevant land, the duty pursuant to Section 255(2) of the Act to take reasonable steps to serve a copy of the notice on the owner.	Y	
130.3. The power pursuant to Section 255(3) of the Act after considering representations made within the time specified under Section 255(1) of the Act –		
130.3.1. to make an order in accordance with the terms of the original proposal; or	Y	
130.3.2. to make an order with modifications from the terms of the original proposal; or	Y	
130.3.3. to determine not to proceed with an order.	Y	
130.4. The power pursuant to Section 255(5) of the Act to -		

130.4.1. include two or more orders in the same instrument;	Y	
130.4.2. direct two or more persons to do something specified in the order jointly.	Y	
130.5. The duty pursuant to Section 255(6) of the Act to ensure that the order -		
130.5.1. subject to Section 255 of the Act, specifies a reasonable period within which compliance with the order is required; and	Y	
130.5.2. states the reasons for the order.	Y	
130.6. The duty pursuant to Section 255(7) of the Act to serve an order in accordance with Part 2 of Chapter 14 of the Act on the person to whom it is addressed.	Y	
130.7. <del>84.8</del> If an order is directed to a person who is not the owner of the relevant land, the duty pursuant to Section 255(8) of the Act to take reasonable steps to serve a copy of the order on the owner.	Y	
130.8. The power pursuant to Section 255(11) of the Act at the request or with the agreement of the person to whom an order is directed, to vary the order on the Delegate's own initiative, or to revoke an order if satisfied that it is appropriate to do so.	Y	
130.9. <del>The duty pursuant to Section 255 (12) of the Act, if</del> the Delegate, in the circumstances of a particular case considers -		
130.9.1. that an activity constitutes, or is likely to constitute, a threat to life or an immediate threat to public health or public safety; or	Y	
130.9.2. that an emergency situation otherwise exists,	Y	
the Delegate has the power pursuant to Section 255(12) of the Act to -		
130.9.3. Proceed immediately to make an order under this Section without giving notice	Y	

under Section 255(1); and		
130.9.4. require immediate compliance with an order despite Section 255(6)(a).	Y	
<b>131. Rights of Review</b>		
131.1. The duty pursuant to Section 256(1) and (2) of the Act to ensure that an order made under Part 2 of Chapter 12 includes a statement setting out the rights of the person to appeal against the order under the Act, and to include the information specified by the Regulations to the Act.	Y	
<b>132. Action on Non-Compliance</b>		
132.1. The power pursuant to Section 257(1) of the Act, where the requirements of an order are not complied with within the time fixed for compliance, or if there is an application for review, within 14 days after the determination of the review, to (subject to the outcome of any review) take the action required by the order.	Y	
132.2. The power pursuant to Section 257(2) of the Act to authorise an employee or another person to take action under Section 257(1) of the Act.	Y	
132.3. The power pursuant to Section 257(3) of the Act to take action to recover the reasonable costs and expenses incurred by the Council in taking action for the non-compliance with an order, as a debt from the person who failed to comply with the requirements of the order.	Y	
132.4. The power pursuant to Section 257(5) of the Act where an amount is recoverable from a person by the Council for action of non-compliance with an order, by notice in writing to the person, to fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid and, if the amount is not paid by the person within that period -	Y	
132.4.1. the person is liable to pay interest charged at the prescribed rate per annum on the amount unpaid; and	Y	

132.4.2. if the person is the owner of the land to which the order relates – the power, in accordance with Schedule 6, to impose a charge over the land for the unpaid amount, together with interest.	Y	
<b>133. Council to Develop Policies</b>		
133.1. The <u>power and</u> duty pursuant to Section 259(1) of the Act to take reasonable steps to prepare for consideration and adoption by the Council policies concerning order making (“Orders Policy”).	Y	
133.2. The power and duty pursuant to Section 259(2) of the Act to -		
133.2.1. prepare a draft of an <del>Orders</del> Policy; and	Y	
133.2.2. by notice in a newspaper circulating in the area of the Council, to give notice of the place or places at which copies of the draft are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) and invite interested persons to make written representations on the draft within a period specified by the Delegate (being at least four weeks).	Y	
133.3. The duty pursuant to Section 259(3) of the Act to consider any submission made on the proposed Orders Policy in response to an invitation under Section 259(2) of the Act.	Y	
133.4. The power to amend <del>the a Orders</del> Policy at any time, pursuant to Section 259(4) of the Act.	Y	
133.5. The duty pursuant to Section 259(5) of the Act before adopting an amendment to the Orders Policy, to take the steps specified in Section 259(2) and (3) (as if the amendment were a new policy), unless the Delegate determines the amendment is only of minor significance.	Y	
133.6. The duty pursuant to Sections 259(6) and (7) of the Act to make available for inspection (without charge) and purchase (upon payment of a fee fixed by the Council) the Orders Policy	Y	

at the principal office of the Council during ordinary office hours.		
133.7. The duty pursuant to Section 259(8) of the Act in considering whether to make an order under Part 2 of Chapter 12 of the Act, to deal with the particular case on its merits and the duty to take into account any relevant policy under Division 3 of Part 2, Chapter 12 of the Act.	Y	
<b>134. Appointment of Authorised Persons</b>		
134.1. The power, pursuant to Section 260(1) of the Act by instrument in writing, to appoint a person (other than a member of the Council) to be an authorised person.	Y	
134.2. The power pursuant to Section 260(2) of the Act to make an appointment of an authorised person subject to such conditions or limitations as the Delegate determines and specified in the instrument of appointment.	Y	
134.3. The power and duty pursuant to Section 260(3) of the Act to issue to an authorised person an identity card –	Y	
134.3.1. containing a photograph of the authorised person; and	Y	
134.3.2. identifying any conditions or limitations imposed under Section 260(2) of the Act.	Y	
134.4. <del>88.4</del> The power pursuant to Section 260(5) of the Act to at any time revoke an appointment under Section 260 of the Act, or to vary or revoke a condition or limitation, or impose a further condition or limitation on the appointment.	Y	
<b>135. Council to Establish Grievance Procedures</b>		
<u>135.00 The power and duty pursuant to Section 270(a1) of the Act and in accordance with Sections 270(a2) and (4a) of the Act, to develop and maintain policies, practices and procedures for dealing with:</u>		
<u>135.00.1 any reasonable request for the provision of a service by the Council or</u>	Y	

<u>for the improvement of a service provided by the Council; and</u>		
<u>135.00.2 complaints about the actions of the Council, employees of the Council, or other persons acting on behalf of the Council</u>	<u>Y</u>	
<u>135.00 The power and duty pursuant to Section 270(a2) of the Act to ensure the policies, practices and procedures required under Section 270(a1) of the Act, are directed towards:</u>		
<u>135.0.1 dealing with the relevant requests or complaints in a timely, effective and fair way; and</u>	<u>Y</u>	
<u>135.0.2 using information gained from the Council's community to improve its services and operations.</u>	<u>Y</u>	
135.1. <del>The</del> <u>Without limiting Sections 270(a1) and (a2) of the Act, the power and</u> duty pursuant to Section 270(1) of the Act <u>and in accordance with Sections 270(2) and (4) of the Act,</u> to establish procedures for the review of decisions of -		
135.1.1. the Council;	Y	
135.1.2. employees of the Council;	Y	
135.1.3. other persons acting on behalf of the Council,	Y	
135.2. The duty pursuant to Section 270(2) of the Act to ensure that the internal review procedures established under Section 270(1) of the Act address the following matters (and any other matters which the Delegate determines to be relevant) -		
135.2.1. the manner in which an application for review may be made;	Y	
135.2.2. the assignment of a suitable person to reconsider a decision under review;	Y	
135.2.3. the matters that must be referred to the Council itself for consideration or further	Y	

consideration;		
<u>135.2.3A in the case of applications that relate to the impact that any declaration of rates or service charges may have had on ratepayers – the provision to be made to ensure that these applications can be dealt with promptly and, if appropriate, addressed through the provision of relief or concessions under the Act;</u>	Y	
135.2.4. the notification of the progress and outcome of an application for review;	Y	
135.2.5. the timeframes within which notifications will be made and procedures on a review will be completed.	Y	
135.3. The power pursuant to Section 270(4) of the Act to refuse to consider an application for review of a decision under Section 270 of the Act, if -		
135.3.1. the application was made by an employee of the Council and relates to an issue concerning his or her employment; or	Y	
135.3.2. it appears that the application is frivolous or vexatious; or	Y	
135.3.3. the applicant does not have a sufficient interest in the matter.	Y	
135.4. The duty pursuant to Section 270(5) of the Act to ensure that copies of a document concerning the procedures for internal review of Council decisions are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council.	Y	
135.5. The power pursuant to Section 270(6) of the Act to amend the internal review procedures established under Section 270(1) of the Act.	Y	
135.6. The power and duty pursuant to Section 270(8) of the Act to initiate and consider a report that relates to -		
135.6.1. the number of applications for review	Y	

made under Section 270; and		
135.6.2. the kinds of matters to which the applications relate; and	Y	
135.6.3. the outcome of applications under this Section; and	Y	
135.6.4. such other matters as may be prescribed by the Regulations.	Y	
135.7. The power pursuant to Section 270(9) of the Act on an application for the provision of some form of relief or concession with respect to the payment of those rates, to, if appropriate, in view of the outcome of the application, refund the whole or a part of any amount that has been paid.	Y	
<b>136. Mediation, Conciliation and Neutral Evaluation</b>		
136.1. The power pursuant to Section 271(1) of the Act as part of, or in addition to, the procedures established under Section 270 of the Act, to make provision for disputes between a person and the Council to be dealt with under a scheme involving mediation, conciliation or neutral evaluation.	Y	
136.2. The duty pursuant to Section 271(2) of the Act to provide for the constitution of panels of persons who are available to act as mediators, conciliators and evaluators, and for the selection of an appropriate mediator, conciliator or evaluator, if a dispute is to be dealt with under a Scheme established under Section 271(1) of the Act.	Y	
<b>136A. Provision of Information to Minister</b>		
136A.1 The power and duty, pursuant to Section 271A of the Act, to, at the request of the Minister, provide to the Minister specified information, or information of a specified kind, relating to the affairs or operations of the Council.	Y	
136A.2 The power pursuant to Section 271A(3) of the Act to, provide information in accordance with a request under Section 271A(1) of the		



Act, even if:		
136AA.2.1 the information was given to the Council in confidence; or	Y	
136AA.2.2 is held on a confidential basis under Chapter 6 Part 4.	Y	
<b>136B. Minister May Refer Investigation of Council to Ombudsman</b>		
136B.1 The power pursuant to Section 272(3) of the Act, to, before the Minister refers a matter, explain the Council's actions and make submissions to the Minister.	Y	
136B.2 The power pursuant to Section 272(5) of the Act, to make submissions to the Minister in relation to the matter.	Y	
<b>136C. Action on a Report</b>		
136C.1 The power pursuant to Section 273(3) of the Act to make submissions to the Minister on the report on which the action is based.	Y	
<b>136D. Deliberately left blank</b>		
136D.1 Deliberately left blank		
<b>136E. Action on a Report</b>		
136E.1 The power pursuant to Section 275(2) of the Act to make submissions to the Minister.	Y	
<b>137. Special Jurisdiction</b>		
137.1. The power pursuant to Section 276(1) and (2) of the Act to commence, defend or participate in the following proceedings before the District Court, on behalf of the Council –		
137.1.1. proceedings to try the title of a member to an office;	Y	
137.1.2. proceedings to try the right of a person to be admitted or restored to an office;	Y	
137.1.3. proceedings to compel restoration or admission;	Y	

137.1.4. proceedings to compel the Council to proceed to an election, poll or appointment;	Y	
137.1.5. proceedings to try the validity of a rate or service charge;	Y	
137.1.6. proceedings to try the validity of a by-law;	Y	
137.1.7. proceedings to compel the production or delivery of any books, voting papers, or other documents or papers to the production or possession of which the Council or person is entitled under this Act.	Y	
<b>138. Service of Documents by Councils etc</b>		
138.1. Where a document is required or authorised to be served on or given to a person by the Council, the power and duty to effect service in accordance with and pursuant to Section 279 of the Act.	Y	
<b>139. Service of Documents on Councils</b>		
139.1. The power pursuant to Section 280(1)(c) and (d) of the Act to determine the means available for service of documents on the Council and the power to accept or authorise a person to accept documents on Council's behalf.	Y	
<b>140. Recovery of Amounts from Lessees or Licensees</b>		
140.1. Where an owner of land is liable to pay an amount to the Council, the power pursuant to Section 281(1) of the Act by written notice to a lessee or licensee of the land, to require him or her to pay to the Council rent or other consideration payable under the lease or license in satisfaction of the liability to the Council.	Y	
<b>141. Ability of Occupiers to Carry out Works</b>		
141.1. Where an owner of land fails to carry out work that the Council has required the owner to carry out under an Act, the power pursuant to Section 282(1) of the Act to give approval to the	Y	

occupier of the land to cause the work to be carried out.		
<b>142. Power to Enter and Occupy Land in Connection with an Activity</b>		
142.1. The duty pursuant to Section 294(1a) of the Act and subject to Section 294(1b) of the Act, to give an owner or occupier of land at least 48 hours notice in writing of an intention to exercise a power under Section 294(1)(b) or (c) of the Act.	Y	
142.2. The duty pursuant to Section 294(3) of the Act –	Y	
142.2.1. to pay the owner or occupier of the land rent on a quarterly or half yearly basis, at a rate to be determined by agreement between the Council and the owner or occupier or, in default of agreement, by the Land and Valuation Court; and	Y	
142.2.2. to pay the owner or occupier of the land within 1 month after occupying the land - reasonable compensation for damage caused to any crops on the land; and	Y	
142.2.3. within 6 months of ceasing to occupy the land		
142.2.3.1. remedy damage to land caused by the Council while in occupation of the land (to such extent as this may be reasonably practicable); and	Y	
142.2.3.2. to pay to the owner or occupier of the land reasonable compensation for any other loss or damage caused by the Council, including the full value of any earth, minerals or resources taken from the land;	Y	
142.3. The duty pursuant to Section 294(5) of the Act, at the request of an owner or occupier of the land entered and occupied by Council, to erect a fence of reasonable quality and design between the occupied land and the adjoining	Y	

land.		
<b>143. Reclamation of Land</b>		
143.1. Where the Council raises, fills in, improves, drains, levels or reclaims land in the area of the Council, the power pursuant to Section 296(1) of the Act to recover the whole or a proportion of the cost of the work from the owners of adjacent or adjoining rateable land improved by the performance of the work in proportion to additional value the work has added to the land.	Y	
143.2. The power pursuant to Section 296 (2) of the Act to appoint a valuer to determine the additional value added to the land by Council's activities, under Section 296(1) of the Act.	Y	
143.3. The duty pursuant to Section 296(3) of the Act to give notice of a valuation to the relevant owner under this Section of the Act.	Y	
143.4. The duty pursuant to Section 296(5) of the Act to conduct an objection or review in the same manner as an objection to or appeal against a valuation under Division 6 of Part 1, Chapter 10 of the Act.	Y	
<b>144. Property in Rubbish</b>		
144.1. The power pursuant to Section 297 of the Act to sell or dispose of any rubbish that the Council collects within its area, as the Delegate thinks appropriate.	Y	
<b>145. Power to Act in an Emergency</b>		
145.1. Where flooding in the area of the Council has occurred or is imminent and the Delegate is of the opinion that a situation of emergency has arisen in which there is danger to life or property, the power pursuant to Section 298(1) of the Act to order that action be taken as the Delegate thinks fit to avert or reduce the danger.	Y	
<b>146. <del>Vegetation Clearance</del> <u>Deliberately left blank</u></b>		
146.1. <del>The power pursuant to Section 299(1) of the Act on application of the owner or occupier of the land (the "relevant land"), to make an order</del>	Y	

<del>under this Section requiring the owner or occupier of adjoining land to remove or cut back vegetation encroaching on the relevant land</del> <u>Deliberately left blank.</u>		
<del>146.2. If there is a proposal to make an order or an order is made, the power and duty to act in accordance with Divisions 2 and 3 of Part 2, Chapter 12, pursuant to Section 299(2) of the Act</del> <u>Deliberately left blank.</u>	Y	
<b>147. Costs of Advertisements</b>		
147.1. The duty pursuant to Section 300(1) of the Act to pay the cost of an advertisement required by the Act, or where the Council or an employee of the Council takes any action that immediately necessitates the advertisement.	Y	
<b>148. Whistleblowing</b>		
148.1. The duty pursuant to Section 302B of the Act to ensure that a member of staff of the Council who has the qualifications prescribed by the Local Government (General) Regulations 1999 is designated as the responsible officer for the Council for the purposes of the Whistleblowers Protection Act 1993.	Y	
<b><u>148A Use of Facilities</u></b>		
<del>148A.1 The power pursuant to Clause 13 of Schedule 1A of the Act to arrange with the Authority for the Authority to make use of the services of the staff, equipment or facilities of the Council.</del>		
<b><del>149. Preparation of Stormwater Management Plans by Councils</del></b> <u>Deliberately left blank</u>		
<del>149.1. The duty pursuant to Clause 13(4) of Schedule 1A of the Act to ensure that a stormwater management plan prepared by the Council or group of councils—</del>		
<del>149.1.1. complies with the guidelines issued by the Authority; and</del>	Y	
<del>149.1.2. is prepared in consultation with the relevant regional NRM board or boards;</del>	Y	

and		
<del>149.1.3. is prepared in accordance with any other procedures or requirements prescribed by the regulations.</del>	¥	
<b>150. Authority May Require Preparation of Stormwater Management Plan</b> <u>Deliberately left blank</u>		
<del>150.1. The duty pursuant to Clause 14 of Schedule 1A of the Act if the Authority, of its own motion or at the request of a regional NRM board, so requires by notice in the Gazette, to prepare a stormwater management plan.</del>	¥	
<b>151. Authority May Issue Order</b> <u>Deliberately left blank</u>		
<del>151.1. The duty pursuant to Clause 16(4) of Schedule 1A of the Act to comply with an order served by the Authority on the Council under Clause 16(1) of Schedule 1A of the Act.</del>	¥	
<del>151.2. The power pursuant to Clause 16(5) of Schedule 1A of the Act to make submissions to the Authority in relation to the matter.</del>	¥	
<del>151.3. The power pursuant to Clause 16(6) of Schedule 1A of the Act, if costs and expenses are to be recovered from the Council as a debt, to enter into an agreement for the debt to be repaid over a period of time, subject to the payment by the Council of interest on the debt (at a rate agreed by the Authority and the Delegate).</del>	¥	
<b>151A Preparation of Stormwater Management Plans by Councils</b>		
<u>151A.1 The power pursuant to Clause 17(1) of Schedule 1A of the Act to prepare a stormwater management plan which:</u>  <u>(a) complies with the guidelines issued by the Authority; and</u>  <u>(b) is prepared in consultation with the relevant regional NRM board or boards; and</u>	¥	

<u>(c) is prepared in accordance with any other procedures or requirements prescribed by the Regulations</u>		
<b><u>151B Authority May Issue Order</u></b>		
<u>151B.1 The power pursuant to Clause 20(5) of Schedule 1A of the Act, before the Authority takes any action under Clause 20(4) of Schedule 1A of the Act, to make submissions to the Authority in relation to the matter.</u>	<u>Y</u>	
<u>151B.2 The power pursuant to Clause 20(6) of Schedule 1A of the Act, if costs and expenses are to be recovered from the Council as a debt, to enter into an agreement with the Authority for the debt to be repaid over a period of time, subject to the payment by the Council of interest on the debt (and the power to agree the rate with the Authority).</u>	<u>Y</u>	
<b><u>152. Special Powers in Relation to Land</u></b> <u>Deliberately left blank</u>		
<del>152.1. The power, pursuant to Clause 21(1) of Schedule 1A of the Act and in accordance with Clause 21(2) of Schedule 1A of the Act, for the purpose of taking action consistent with the provisions of an approved stormwater management plan or required by an order under Clause 16 of Schedule 1A of the Act, to</del>		
<del>152.1.1. enter and occupy any land; and</del>	<del>Y</del>	
<del>152.1.2. construct, maintain or remove any infrastructure; and</del>	<del>Y</del>	
<del>152.1.3. excavate any land; and</del>	<del>Y</del>	
<del>152.1.4. inspect, examine or survey any land and for that purpose –  (a) fix posts, stakes or other markers on the land; and  (b) dig trenches or sink test holes in the land to determine the nature of the top soil and underlying strata; and  (c) remove samples for analysis; and</del>	<del>Y</del>	

<del>152.1.5;152.1.4. alter water table levels, stop or reduce the flow of water in a watercourse, divert water flowing in a watercourse to another watercourse or to a lake or control the flow of water in any other manner; and</del>	¥	
<del>152.1.6;152.1.5. hold water in a watercourse or lake or by any other means; and</del>	¥	
<del>152.1.7;152.1.6. divert water to an underground aquifer, dispose of water to a lake, underground aquifer or the sea, or deal with water in any other manner; and</del>	¥	
<del>152.1.8;152.1.7. deepen, widen or change the course of a watercourse, deepen or widen a lake or take action to remove any obstruction to the flow of water; and</del>	¥	
<del>152.1.9;152.1.8. undertake any other form of work (including work undertaken for the purposes of stormwater management or flood mitigation); and</del>	¥	
<del>152.1.10;152.1.9. undertake any testing, monitoring or evaluation; and</del>	¥	
<del>152.1.11;152.1.10. undertake any other activity of a prescribed kind.</del>	¥	
<del>152.2. The duty pursuant to clause 21(2) of Schedule 1A of the Act not to exercise a power under sub clause 21(1)(b), (c), (h) or (i) of Schedule 1A of the Act to private land with the intention that any infrastructure will be permanent unless -</del>		
<del>152.2.1. it is intended that the owner of the private land will undertake the care, control or management of any relevant infrastructure and the Delegate or the Authority (as the case may be) is acting with the agreement of the owner; and</del>	¥	
<del>152.2.2. the Council or the Authority (as the case may be) has first acquired an easement or other appropriate interest over the relevant land by agreement with the owner or in accordance with the Land</del>	¥	



<del>Acquisition Act 1969 and any other applicable laws.</del>		
<b><u>153. Entry and Occupation of Land Other Than Council Land</u></b> <u>Deliberately left blank</u>		
<del>153.1. The duty pursuant to Clause 22(2) of Schedule 1A of the Act and in accordance with Clauses 22(1) and 22(3) of Schedule 1A of the Act to give reasonable notice of an intention to enter, or to enter and occupy land in accordance with Clause 21 to the occupier of the land.</del>	¥	
<del>153.2. The duty pursuant to clause 22(3) of Schedule 1A of the Act to ensure that the period of the notice required by Clause 22(1) of Schedule 1A of the Act is at least 2 business days except –</del>		
<del>153.2.1. where the occupier has given his or her consent; or</del>	¥	
<del>153.2.2. in an emergency in which case the Delegate must give such notice (if any) as the Delegate considers is reasonable in the circumstances.</del>	¥	
<del>153.3. The duty pursuant to Clause 22(4) of Schedule 1A of the Act, if the Delegate enters or occupies land to which Clause 22 applies, to –</del>		
<del>153.3.1. cause as little harm and inconvenience as practicable; and</del>	¥	
<del>153.3.2. not occupy the land for any longer than is reasonably necessary; and</del>	¥	
<del>153.3.3. leave the land as nearly as possible in the condition in which the Delegate found the land; and</del>	¥	
<del>153.3.4. cooperate as far as practicable with any owner or occupier of the land.</del>	¥	
<b><u>154. Special Powers in Relation to Land</u></b>		

154.1 The power pursuant to Clause 24(1) of Schedule 1A of the Act and in accordance with Clause 24(2) of Schedule 1A of the Act, for the purpose of taking action consistent with the provisions of an approved stormwater management plan or a condition imposed on approval of a stormwater management plan or action required by an order under Clause 20 of Schedule 1 of the Act, to:

- (a) enter and occupy any land; and
- (b) construct, maintain or remove any infrastructure; and
- (c) excavate any land; and
- (d) inspect, examine or survey any land and for that purpose:
  - (i) fix posts, stakes or other markers on the land; and
  - (ii) dig trenches or sink test holes in the land to determine the nature of the top soil and underlying strata; and
  - (iii) remove samples for analysis.
- (e) alter water table levels, stop or reduce the flow of water in a watercourse, divert water flowing in a watercourse to another watercourse or to a lake or control the flow of water in any other manner; and
- (f) hold any water in a watercourse or lake or by any other means; and
- (g) divert water to an underground aquifer, dispose of water to a lake, underground aquifer or the sea, or deal with water in any other manner; and
- (h) deepen, widen or change the course of a watercourse, deepen or widen a lake or take action to remove any obstruction to the flow of water; and
- (i) undertake any other form of work (including work undertaken for the purposes of stormwater management or flood mitigation);

Y

<p><u>and</u></p> <p><u>(j) undertake any testing, monitoring or evaluation; and</u></p> <p><u>(k) undertake any other activity of a prescribed kind.</u></p>		
<p><u>154.2 The power pursuant to Clauses 24(2)(b) and 25 of Schedule 1A of the Act to acquire an easement or other appropriate interest over the relevant land by agreement with the owner or in accordance with the Land Acquisition Act 1969 and any other applicable laws.</u></p>	Y	
<p><b><u>155. Entry and Occupation of Land Other Than Council Land</u></b></p>		
<p><u>155.1 The power pursuant to Clause 25(2) of Schedule 1A of the Act, subject to Clause 25(3) of Schedule 1A of the Act, to give reasonable notice of an intention to enter, or to enter and occupy, land in accordance with Clause 24 of Schedule 1A of the Act to the occupier of the land.</u></p>	Y	
<p><u>155.2 The power pursuant to Clause 25(3)(b) of Schedule 1A of the Act to, in an emergency, give such notice (if any) as the delegate considers is reasonable in the circumstances.</u></p>	Y	
<p><b><u>156. Vesting of Infrastructure, etc</u></b></p>		
<p><u>156.1 The power pursuant to Clause 26(3) of Schedule 1A of the Act to, before the Minister publishes a notice vesting the care, control and management of infrastructure or land in the Council under Clauses 26(1) or (2) of Schedule 1A of the Act make submissions to the Minister in relation to the proposed notice.</u></p>	Y	

SCHEDULE OF CONDITIONSCONDITIONS OR LIMITATIONS  
APPLICABLE TO DELEGATIONS  
CONTAINED IN THIS INSTRUMENT

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

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

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

**INSTRUMENT OF DELEGATION UNDER THE**  
**REAL PROPERTY ACT 1886**

**NOTES**

In exercise of the power contained in Section 44 of the Local Government Act 1999 the following powers, functions and duties under the Real Property Act 1886 are hereby delegated this 23<sup>rd</sup> day of May 2017 to the person occupying the office of Chief Executive Officer of the Council and the said powers, functions and duties may be sub-delegated by the delegate to any other officer of Council.

**POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

	Delegate to CEO	Sub- delegation
<b>1. Lands granted prior to the day on which this Act comes into operation may be brought into operation under this Act</b>		
1.1 The power pursuant to Section 27 of the Real Property Act 1886 ( <b>the Act</b> ) and in accordance with Sections 27, 28 and 29 of the Act to, as to land heretofore alienated from the Crown in fee but not under the provisions of any of the Real Property Acts (whether such land shall constitute the entire or only part of the land included in any land grant), to apply to the Registrar-General in the form of Schedule 2 to the Act, or in a form to the like effect, to bring the said land under the provisions of the Act where:		
1.1.1 the Council claims to be the person in whom the fee simple is vested either at law or in equity;	Y	
1.1.2 the Council has power to appoint or dispose of the fee simple, at law or in equity and the application is made for the purpose of carrying such power into effect.	Y	
1.2 The power pursuant to Section 27(a) of the Act, where the Council claims or appears to be beneficially entitled to land heretofore alienated from the Crown in fee but not under the provisions of any of the Real Property Acts, whether such land shall constitute the entire or only part of the land included in any land grant, to	Y	

	consent to an application to bring the said land under the provisions of the Act.		
1.3	The power pursuant to Section 27(c) of the Act, where the Council claims or appears to be beneficially entitled in reversion or remainder to land heretofore alienated from the Crown in fee but not under the provisions of any of the Real Property Acts, whether such land shall constitute the entire or only part of the land included in any land grant, to consent to an application to bring the said land under the provisions of the Act.	Y	
2.	<b>Undivided shares and mortgaged land may not be brought under Act except upon conditions</b>		
2.1	The power pursuant to Section 28 of the Act to join in the application with a view to bringing the entirety under the provisions of the Act, where,		
2.1.1	the Council appears to be entitled to an undivided share of the land; or	Y	
2.1.2	the Council is the mortgagee of the land.	Y	
3.	<b>Caveat against bringing land under Act</b>		
	The power pursuant to and in accordance with Section 39 of the Act, where the Council has or claims an estate or interest in any land sought to be brought under the provisions of the Act, to, within the time by the Registrar-General or under any order of the Court for that purpose limited, lodge a caveat in the Lands Titles Registration Office, in the form of Schedule 3 to the Act, forbidding the bringing of such land under the provisions of the Act.	Y	
4.	<b>Applicant may withdraw his application</b>		
4.1	The power pursuant to Section 41 of the Act, to:		
4.1.1	withdraw the Council's application at any time prior to the issuing of the certificate;	Y	
4.1.2	request in writing signed by the Delegate the return to the Council or the person notified in the application as having a lien thereon of all documents of title deposited in support of the application.	Y	

<b>5. Proceedings under Caveat</b>		
The power pursuant to Section 44 of the Act, whenever a caveat shall have been lodged in the Lands Titles Registration Office forbidding land to be brought under the provisions of the Act, to bring like proceedings as provided for in the Act for the removal of caveats, in the case of land already under the provisions of the Act, for removal of the caveat, and for the recovery of costs and damages from the caveator, in case the caveat shall have been lodged by the caveator wrongfully and without reasonable cause.	Y	
<b>6. Deliberately left blank</b>		
6.1		
6.2		
<b>6A. Priority of instruments</b>		
6A.1 The power pursuant to Section 56(5) of the Act and in accordance with Section 56(6) of the Act to apply to the Registrar-General, in the appropriate form, to vary the order of priority between 2 or more registered mortgages or encumbrances.	Y	
6A.2 The power pursuant to Section 56(6)(a) of the Act to consent to an application under Section 56(5) of the Act where the Council is the holder of a mortgage or encumbrance that is to have its order of priority varied.	Y	
6A.3 The power pursuant to Section 56(6)(b) of the Act, if a registered mortgage or encumbrance is, by virtue of the proposed variation of order of priority, to be postponed to a mortgage or encumbrance over which it has had priority, to consent where the Council is the holder of the mortgage or encumbrance that is to be postponed.	Y	
<b>7. Certificates in lieu of surrendered certificates</b>		
The power pursuant to Section 78 of the Act where the Council is a registered proprietor holding land under one or more certificates, to the Registrar-General for the issue of one certificate for the whole of such land, or several certificates each comprising portion of such land.	Y	



8. <b>Deliberately left blank</b>		
9. <b>Application for Certificate based on possession</b>		
The power pursuant to Section 80A of the Act and in accordance with Section 80B of the Act, where the Council would have obtained a title by possession to any land which is subject to the Act if that land had not been subject to the Act, to apply to the Registrar-General for the issue to the Council of a certificate of title to that land.	Y	
10. <b>Caveats</b>		
The power pursuant to and in accordance with Section 80F of the Act, where the Council claims an estate or interest in land to which an application under Part 7A relates, to lodge a caveat with the Registrar-General forbidding the granting of the application.	Y	
11. <b>Variation and Extinguishment of Easements</b>		
11.1 The power pursuant to Section 90B(1) of the Act, and subject to Section 90B of the Act, where the Council is the proprietor of the dominant or servient land, to make application (in a form approved by the Registrar-General) to:		
11.1.1 vary the position of, or extend or reduce the extent of, an easement over servient land; or	Y	
11.1.2 vary an easement by extending the appurtenance of the easement to other land owned by the proprietor of the dominant land; or	Y	
11.1.3 extinguish an easement.	Y	
11.2 The power pursuant to Section 90B(2) of the Act, where the Council is the proprietor of the dominant land or servient land, or has, or claims to have, an estate or interest in the dominant or servient land, to give written consent to the Registrar-General acting under Section 90B(1) of the Act.	Y	

<b>12. Easement subject to existing mortgage etc</b>		
The power pursuant to Section 90F of the Act, where an easement is created over servient land and the dominant land or any part of it is subject to a mortgage or encumbrance held by the Council, to consent to the easement also being subject to the mortgage or encumbrance and endorse the Council's consent on the instrument granting the easement.	Y	
<b>13. Person now holding under lease or agreement may surrender</b>		
13.1 The power pursuant to Section 92 of the Act, where the Council holds Crown lands under a lease or agreement for sale granted or made by or on behalf of the Crown, to, subject to the approval of the Minister of Lands, surrender the lease or agreement for a Crown lease of the land remaining subject to such lease or agreement, upon all the same terms as shall have been applicable to such land prior to the surrender but so that every person having any estate or interest in the surrendered land shall concur in the surrender.	Y	
13.2 The power pursuant to Section 92 of the Act where a person holding any Crown lands under a lease or agreement for sale granted or made by or on behalf of the Crown and the lease or agreement for a Crown lease of the land remaining subject to such lease or agreement is to be surrendered, to as a person having an estate or interest in the surrendered land, concur in the surrender.	Y	
<b>14. Execution and registration of Crown Lease</b>		
14.1 The power pursuant to Section 93(1) of the Act, where the Council is party to a Crown lease, to execute two copies of the lease, one of which must be lodged with the Lands Titles Registration Office for inclusion or recording in the Register of Crown Leases and the other of which must be delivered to the lessee.	Y	
14.2 The power pursuant to Section 93(3a) of the Act to transfer, mortgage and deal with a Crown lease registered under Section 93(3) of the Act as if it were a lease registered in the Register	Y	

Book (provided that an entry in respect of a lease that would ordinarily be made in the Register Book must instead be made in the Register of Crown Leases).		
<b>15. Transfers</b>		
15.1 The power pursuant to and in accordance with Section 96 of the Act, where the Council is the transferor or transferee of land intended to be transferred or a right of way or other easement intended to be created or transferred, to execute a transfer in the appropriate form to be lodged for registration in the Lands Titles Registration Office.	Y	
15.2 Deliberately left blank	Y	
<b>16. Creation of easements by reservation</b>		
The power pursuant to Section 96AA of the Act, to create an easement on the transfer under the Act of an estate of freehold or the granting of an estate of leasehold under the Act by reservation of the easement to the transferor or lessor in the instrument of transfer or the lease.	Y	
<b>17. Deliberately left blank</b>		
<b>18. Deliberately left blank</b>		
<b>19. Sale under Writ of fieri facias or Decree, Warrant or Order of Court</b>		
The power pursuant to Section 105 of the Act in relation to a writ or warrant of execution against land, or of a decree or order (other than an order for sale for non-payment of rates) affecting land issued out of or made by the Court, or any Court of insolvency or other Court of competent jurisdiction, to sign a statement to accompany such a writ, warrant, decree or order where the Council is a party interested, specifying the land sought to be affected.	Y	

<b>20. Issue of certificate where land is vested by operation of law</b>		
20.1 The power pursuant to Section 115A of the Act, in relation to an estate or interest in land that has become vested in the Council, to make an application to the Registrar-General, to:		
20.1.1 in the case of land under the provisions of the Act – register the Council as the proprietor of that estate or interest in the land; or	Y	
20.1.2 in the case of land not under the provisions of the Act – bring the land under the provisions of the Act and register the Council as the proprietor of that estate or interest in the land.	Y	
<b>21. Lands, now leased</b>		
The power pursuant to Section 116 of the Act, when any land is intended to be leased for a life or lives, or for any term of years exceeding one year, to execute a lease in the appropriate form, in accordance with Section 117 of the Act.	Y	
<b>22. Leases not to bind non-consenting mortgagees or encumbrances</b>		
The power pursuant to Section 118 of the Act, to consent in writing to a lease of mortgaged or encumbered land prior to the lease being registered where the Council is the mortgagee or encumbrancee of the land.	Y	
<b>23. Standard terms and conditions of lease</b>		
The power pursuant to Section 119A(1) of the Act to deposit with the Registrar-General for filing in the Lands Titles Registration Office a document containing terms and conditions for incorporation as standard terms and conditions in leases under Section 119A of the Act.	Y	
<b>24. Lease may be surrendered by separate instrument</b>		
The power pursuant to Section 120 of the Act to surrender a registered lease by instrument in the appropriate form, executed by the lessee and lessor.	Y	

<b>25. Registrar-General may record surrender</b>		
The power pursuant to Section 121 of the Act, where the lessee has given written notice to the Council as lessor or the Council's agent of his or her intention to give up possession of the land comprised in a registered lease, to make application to the Registrar-General in the appropriate form and producing such evidence as the Registrar-General may require that the lessee has abandoned occupation of the land comprised in the lease, to make a record in the Register Book.	Y	
<b>26. Surrender where lease subject to mortgage or under lease</b>		
The power pursuant to Section 123 of the Act, where the Council holds a mortgage or encumbrance over a lease or over land, to provide written consent to the surrender of the lease.	Y	
<b>27. Registrar-General to note particulars of re-entry in Register Book</b>		
The power pursuant to Section 126 of the Act, where the Council is the lessor of land, to provide proof to the Registrar-General of the Council's re-entry of the land.	Y	
<b>28. Mortgage of land</b>		
28.1 The power pursuant to Section 128(1) of the Act if land is to be charged or made security in favour of a person to execute a mortgage.	Y	
28.1.1 Deliberately left blank	Y	
28.1.2 Deliberately left blank		
28.2 The power pursuant to Section 128(2) of the Act to lodge a mortgage for registration in the Lands Titles Registration Office in the appropriate form.	Y	
28.3 The power pursuant to Section 128(4) of the Act where the Council is a mortgagee in relation to a mortgage lodged for registration in the Lands Titles Registration Office to provide certification under Section 273(1) of the Act.	Y	
<b>28A Encumbrance of land</b>		

<p>The power pursuant to Section 128B(1) of the Act if land is to be charged with or made security for the payment of an annuity, rent charge or sum of money in favour of a person, to execute an encumbrance in the appropriate form.</p>	Y	
<p><b>29. Standard terms and conditions of Mortgage or Encumbrance</b></p>		
<p>The power pursuant to Section 129A(1) of the Act to deposit for filing in the Lands Titles Registration Office a document containing terms and conditions for incorporation as standard terms and conditions in mortgages or encumbrances under Section 129A of the Act.</p>	Y	
<p><b>30. Nature of Mortgage and Encumbrance and procedure in case of default</b></p>		
<p>The power pursuant to Section 132 of the Act, where the Council holds a mortgage or encumbrance and default is made in the payment of the principal sum, interest, annuity, or rent charge, or any part thereof thereby secured, or in the observance of any covenant therein expressed or implied and such default be continued for the space of one month, or for such other period of time as may therein for that purpose be expressly limited, to give to the mortgagor or encumbrancer notice in writing to pay the money then due or owing on such mortgage or encumbrance, or to observe the covenants therein expressed or implied, as the case may be and that sale will be effected if such default be continued, and to leave such notice on the mortgaged or encumbered land, or at the usual or last known place of abode in South Australia of the mortgagor or encumbrancer.</p>	Y	
<p><b>31. Power of sale</b></p>		
<p>The power pursuant to and in accordance with Section 133 of the Act, if such default continues for the further space of one month from the date of such notice or for such period as may in such instrument be for that purpose limited, to sell the land so mortgaged or encumbered, or any part thereof and all the estate and interest therein of the mortgagor or encumbrancer and either altogether or in lots, by public auction or by private contract or by both such modes of sale, and subject to such conditions as the Delegate may think fit, and to buy in and resell the same and to make and</p>	Y	

execute all such instruments as shall be necessary for carrying the sale thereof into effect.		
<b>32. Power of Mortgagee to enter, take possession, distrain, let or bring action for recovery of land</b>		
32.1 The power pursuant to Section 137 of the Act, where the Council is a mortgagee or encumbrancee and there is a default in payment of the principal sum, interest, annuity, or rent charge secured by that mortgage or encumbrance, to:		
32.1.1 enter into possession of the mortgaged or encumbered land and receive the rents and profits thereof; or	Y	
32.1.2 distrain upon the occupier or tenant of the land; or	Y	
32.1.3 from time to time let the said land for any term not exceeding one year; or	Y	
32.1.4 bring an action for recovery of the land either before or after entering into the receipt of the rent and profits or making any distress.	Y	
<b>33. Power of Mortgagee to distrain on tenant or occupier for arrears not exceeding the amount of rent due</b>		
The power pursuant to and in accordance with Section 138 of the Act, where the Council is a mortgagee or encumbrancee and the principal sum, interest, annuity, or rent charge has been in arrears for 21 days and a further 7 days have elapsed from the date of application for the payment thereof to the occupier or tenant, to enter upon the mortgaged or encumbered land and distrain upon the goods and chattels of the occupier or tenant for such arrears to an amount not exceeding the rent then due from such occupier or tenant to the Council, and to dispose of the goods and chattels so distrained upon in like manner as landlords may do in ordinary distresses for rent, and out of the proceeds to retain the moneys distrained for, and all costs and expenses occasioned by such distress and sale.	Y	

<b>34. Application to Mortgagee to Registrar-General for foreclosure</b>		
The power pursuant to Section 140(1) of the Act, and in accordance with Section 140(2) of the Act, when default has been made for six months in the payment of the principal or interest secured by any mortgage held by the Council, to make application, in writing, to the Registrar-General for an order for foreclosure.	Y	
<b>35. Provision for case where Mortgagee or Encumbrancee refuses to join in proceedings on default</b>		
35.1 The power pursuant to Section 142A(1) of the Act, where the Council and one or more other persons are registered as mortgagees or encumbrances under the same mortgage or encumbrance, and default has been made in payment of any money due under the mortgage or encumbrance or in the performance of any covenant in the said mortgage or encumbrance expressed or implied as entitles the mortgagees or encumbrances to exercise any of their rights or remedies under the Act or under the mortgage or encumbrance, and any such mortgagee or encumbrance fails or refuses to join in giving any notice, making any application or doing any other act or thing for the purpose of enforcing any of the said rights or remedies, to apply to the Court by originating summons to:		
35.1.1 appoint the Council or any other person to exercise on behalf of the mortgagees or encumbrances such of the said rights or remedies as the Court thinks proper;	Y	
35.1.2 give any directions as to the mode of exercising the said rights or remedies and as to any other matters incidental thereto.	Y	
<b>36. Discharge of Mortgages and Encumbrances</b>		
The power pursuant to and in accordance with Section 143(1) of the Act to wholly or partially discharge, by instrument in the appropriate form and executed by the Delegate, a mortgage or encumbrance held by the Council.	Y	



<b>37. Partial discharge of Mortgage or Encumbrance on Grant of Easement</b>		
The power pursuant to Section 144 of the Act, where an easement is granted over land that is subject to a mortgage or an encumbrance and the Council is the mortgagee or encumbrancee, to endorse the Council's consent to the easement on the instrument granting the easement.	Y	
<b>38. Deliberately left blank</b>		
<b>39. Transfer of Mortgage Lease and Encumbrance</b>		
The power pursuant to Section 150 of the Act to transfer a registered mortgage, lease or encumbrance by execution of a transfer in the appropriate form.	Y	
<b>40. Renewal or extension of Mortgage etc</b>		
The power pursuant to Section 153(1) of the Act and in accordance with Sections 153(1) and (2) of the Act to renew or extend a mortgage, encumbrance or lease by registration of an instrument in the appropriate form.	Y	
<b>40AA Requirements for renewal or extension of mortgage</b>		
The power pursuant to Section 153A(1) of the Act, in relation to an instrument lodged for registration in the Lands Titles Registration Office renewing or extending a mortgage, to provide certification required under Section 273(1) of the Act.	Y	
<b>40A Person who intends to lodge instrument may lodge priority notice</b>		
40A.1 The power pursuant to Section 154A(1) of the Act to, where the Council intends to lodge an instrument, on payment of the prescribed fee, lodge in the Lands Titles Registration Office a notice (a <b>priority notice</b> ), in accordance with Sections 154A(2), (3), (4) and (9) of the Act, for the purpose of giving priority to 1 or more instruments relevant to the same conveyancing transaction.	Y	
40A.2 The power pursuant to Section 154A(6) of the Act to, if a priority notice is lodged in the Lands Titles	Y	

Registration Office in relation to land, lodge a further priority notice in relation to the same land.		
<b>40B Effect of priority notice</b>		
40B.1 The power pursuant to Section 154B(2)(b) of the Act to, where a priority notice lodged by the Council is in force in relation to land, provide written consent to the Registrar-General to register, record or give effect to an instrument in relation to the land.	Y	
40B.2 The power pursuant to Section 154B(2)(v) of the Act, where a priority notice is in force in relation to land, to make an application under the Act where the Council is a person to whom land has been transmitted for registration as proprietor of the land.	Y	
40B.3 The power pursuant to Section 154B(2)(va) of the Act, where a priority notice is in force in relation to land, to make an application under the Act where the Council is a surviving joint proprietor to have the death of a joint proprietor recorded in the Register Book.	Y	
<b>40C Withdrawal of priority notice</b>		
40C.1 The power pursuant to Section 154E of the Act to withdraw a priority notice lodged by the Council by lodging in the Lands Titles Registration Office a notice of withdrawal in the appropriate form.	Y	
<b>40D Cancellation of priority notice by Registrar-General</b>		
40D.1 The power pursuant to Section 154F(1) of the Act where the Council is a person with an interest in land to which a priority notice is in force, to make application to the Registrar-General to cancel the notice on the basis that the priority notice purports to protect the priority of an instrument that is unlikely to be registered or recorded within 90 days of the day on which the notice was lodged.	Y	
40D.2 The power pursuant to Section 154F(2) of the Act, where the Registrar-General gives written notice to the Council as the person who lodged a priority notice, of an application under Section 154F(1) to cancel the priority notice, to provide written submissions in response to the	Y	

application within a specified period.		
<b>40E Cessation of priority notice</b>		
40E.1 The power pursuant to Section 154G(6) of the Act, where the Council has lodged a priority notice, to make application to the Registrar-General to extend the duration of the notice for 30 days.	Y	
<b>41. Disclaimers</b>		
41.1 The power pursuant to Section 169(1) of the Act, where the Council is registered as proprietor of an estate or interest in land, to advise the Registrar-General in writing that the registration occurred without the Council's consent.	Y	
41.2 The power pursuant to Section 169(2a) of the Act to lodge with the Registrar-General a notice of objection to the registration of the instrument of disclaimer.	Y	
41.3 The power pursuant to Section 169(6) of the Act, where the Council is a disclaimant who has received a notice under Section 169(4)(b) of the Act, to apply to the Court for an order that the Registrar-General take such action as is necessary to give effect to the disclaimer.	Y	
<b>42. Bankruptcy or assignment of lessee</b>		
42.1 The power pursuant to Section 173(a) of the Act where the registered proprietor of a lease has heretofore, or shall hereafter, become bankrupt, or has heretofore made or shall hereafter make, a statutory assignment and if the lease is not mortgaged or encumbered under the Act, to apply to the Registrar-General in writing as the lessor being a lessor in possession of a statement signed by the Official Receiver or by the trustee under bankruptcy or the assignment, certifying his or her refusal to accept the lease, to make a record in the Register Book of the refusal.	Y	
42.2 The power pursuant to Section 173(b) of the Act and in accordance with Section 173(c) of the Act, where the Council is the mortgagee or encumbrancee of a lease and the registered proprietor of the lease has heretofore or shall		

hereafter become bankrupt or has heretofore made or shall hereafter make, a statutory assignment to:		
42.2.1 apply to the Registrar-General in writing, accompanied by a statement in writing, signed by the Official Receiver or the trustee under such bankruptcy or assignment certifying his refusal to accept such lease to enter in the Register Book a note of such refusal.	Y	
42.2.2 apply to the Registrar-General with proof that the Official Receiver has neglected or refused to certify such refusal or to become registered as proprietor of such lease within one month after being thereunto required by notice in writing given to him by the Council to enter in the Register Book a note of such refusal or neglect.	Y	
42.3 The power pursuant to Section 173(c) of the Act, where the Council is the mortgagee or encumbrance of a lease and the registered proprietor of the lease has heretofore made or shall hereafter make, a statutory assignment to give fourteen days' notice in writing of the Council's intended application to every subsequent mortgagee or encumbrancee of the lease, or obtain their written consent.	Y	
42.4 The power pursuant to Section 173(c) of the Act where the Council is a subsequent mortgagee or encumbrancee of a lease and the registered proprietor of the lease has heretofore or shall hereafter become bankrupt or has heretofore made or shall hereafter make a statutory assignment, to consent in writing to an application to the Registrar-General by a mortgagee or encumbrance to enter in the Register Book a note of the refusal or neglect of the Official Receiver or trustee under bankruptcy or assignment to accept such lease.	Y	
42.5 The power pursuant to Section 173(d) of the Act where the Council is a lessor and the registered proprietor of the lease has heretofore, or shall hereafter, become bankrupt, or has heretofore made or shall hereafter make, a statutory		

assignment to:		
42.5.1 require the Official Receiver or the trustee under the bankruptcy or assignment by notice in writing to become registered as the proprietor of the lease;	Y	
42.5.2 require the mortgagees or encumbrancees (if any) of the lease by notice in writing to have an entry operating as a foreclosure made in the Register Book under the provision in that behalf hereinbefore contained.	Y	
42.6 The power pursuant to Section 173(d) of the Act where the Council is a lessor and the registered proprietor of the lease has heretofore, or shall hereafter, become bankrupt, or has heretofore made or shall hereafter make a statutory assignment, and the Official Receiver or the trustee under the bankruptcy or assignment certifies his refusal to accept the lease, or shall neglect or refuse to become registered as proprietor of the lease, within, one month after having been thereunto required by notice in writing given to him by the Council, and the mortgagees or encumbrancees (if any) of the lease shall neglect or refuse to have an entry operating as a foreclosure made in the Register Book under the provision in that behalf hereinbefore contained within the period of two months after having been thereunto required by notice in writing given to them by the Council, to apply to the Registrar-General in writing to enter in the Register Book a note of such neglect or refusal.	Y	
<b>43. Application to be made in such case</b>		
The power pursuant to Section 176 of the Act where the Council is an executor before dealing with such estate or interest, make application in writing to the Registrar-General to be registered as the proprietor.	Y	
<b>44. Proceedings when executor etc refuse to transfer</b>		
The power pursuant to Section 181 of the Act, whenever an executor, or administrator, or the Public Trustee, is registered as proprietor of any land, and refuses, or, after tender of a transfer, unnecessarily	Y	

delays to transfer such land to the Council where the Council claims to be entitled to the land, to, apply to the Court for an order that the executor, administrator, or Public Trustee shall transfer the said land to the Council.		
<b>45. Registration of survivor of joint proprietors, and of remainder-man entitled to estate in possession</b>		
The power pursuant to Section 188 of the Act, upon the death of any person registered together with any other person as joint proprietor of any estate or interest in land, or when the life estate in respect of which any certificate has been issued has determined, and the Council has become vested in possession, or the Council has become entitled to the land for an estate in fee-simple in possession, to apply to the Registrar-General to make an entry thereof in the Register Book, that the Council is the registered proprietor of the estate or interest to which the Council is entitled.	Y	
<b>46. Caveats</b>		
46.1 The power pursuant to and in accordance with Section 191 of the Act, where the Council is the settlor of land, beneficiary claiming under a will or settlement, or claiming to be interested at law or in equity whether under an agreement, or under an unregistered instrument or otherwise howsoever in any land to, lodge a caveat with the Lands Titles Registration Office.	Y	
46.2 The power pursuant to Section 191(d) of the Act, where the Council is the registered proprietor or other person claiming estate or interest in the land, to, by summons, call on any caveator, including the Registrar-General, to attend before the Court to show cause why the caveat should not be removed.	Y	
46.3 The power pursuant to and in accordance with Section 191(e) of the Act except when the caveat is lodged by a settlor, or by a beneficiary under a will or settlement, to make application in writing to the Registrar-General to remove the caveat.	Y	
46.4 The power pursuant to Section 191(fa) of the Act, where the Council is a caveator, to bring an action in the Court to establish the validity of the claim on which the caveat is based.	Y	

46.5	The power pursuant to Section 191(g) of the Act to apply to the court to extend the period of 21 days until an action under Section 191(fa) is determined or for any other period.	Y	
46.6	The power pursuant to Section 191(h) of the Act, to, by notice in writing to the Registrar-General, withdraw the Council's caveat at any time.	Y	
46.7	The power pursuant to Section 191(k) of the Act to seek the permission of the Court to lodge a further caveat relating to the same matter.	Y	
<b>47.</b>	<b>Ejectment</b>		
47.1	The power pursuant to Section 192 of the Act, and in accordance with Section 193 of the Act, where the Council is:		
47.1.1	the registered proprietor of a freehold estate in possession;	Y	
47.1.2	the registered mortgagee or encumbrancee where the person in possession of land is a mortgagor or encumbrancer in default or a person claiming under such mortgagor or encumbrancer;	Y	
47.1.3	the lessor with power to re-enter where rent is in arrears for three months; or	Y	
47.1.4	the lessor where a legal notice to quit has been given or the lease has become forfeited or the term of the lease has expired,	Y	
	to cause any person in possession of that land to be summoned to appear before the Court to show cause why the person summoned should not give up possession to the Council.	Y	
<b>48.</b>	<b>Persons claiming may, before taking proceedings, apply to the Registrar-General for compensation</b>		
	The power pursuant to and in accordance with Section 210 of the Act, where the Council is sustaining loss or damage in any case in which the Council shall be entitled to institute proceedings to recover compensation against the Registrar-General as nominal defendant, to, before commencing such proceedings,	Y	

make application in writing to the Registrar-General, for compensation, supported by affidavit or declaration.		
<b>48A Reviews</b>		
48A.1 The power pursuant to Section 221(1) of the Act, if the Delegate, is dissatisfied with a decision of the Registrar-General in relation to an application by the Council:		
48A.1.1 to have an instrument registered or recorded; or	Y	
48A.1.2 to have a foreclosure order issued; or	Y	
48A.1.3 to have the Registrar-General do or perform an act or duty under the Act, to seek a review of the decision by the Tribunal.	Y	
48A.1A The power pursuant to Section 221(1a) of the Act, if the Delegate is dissatisfied with a decision of the Registrar-General to cancel the registration of a mortgage under Section 147 of the Act, to seek a review of the decision by the Tribunal.	Y	
48A.2 The power pursuant to Section 221(2) of the Act, if the Registrar-General decides under Section 154A(12) of the Act that the Council is a vexatious lodger of priority notices, to seek a review of the decision by the Tribunal.	Y	
48A.3 The power pursuant to Section 221(3) of the Act, if the Registrar-General rejects a priority notice lodged by the Council where the Council is a person in relation to whom a determination has been made under Section 154A(12) of the Act, to seek a review by the Tribunal of the decision to reject the notice.	Y	
48A.4 The power pursuant to Section 221(4) of the Act, if the Registrar-General refuses an application by the Council under Section 154F of the Act for the cancellation of a priority notice, to seek a review by the Tribunal of the decision to refuse to cancel the notice.	Y	
48A.5 The power pursuant to Section 221(5) of the Act, if the Registrar-General cancels a priority notice under Section 154F of the Act and the Council is affected by the cancellation to seek a review by	Y	



the Tribunal of the decision to cancel the notice.		
48A.6 The power pursuant to Section 221(9) of the Act, if the reasons of the Registrar-General are not given in writing at the time the Council receives notice of the decision, to within 21 days of receiving notice of the decision, require the Registrar-General to state the reasons in writing.	Y	
48A.7 The power pursuant to Section 221(10) of the Act, to make an application to the Tribunal for any 1 or more of the following orders:		
48A.7.1 an order prohibiting a person from lodging a priority notice in the Lands Titles Registration Office;	Y	
48A.7.2 an interim order extending the duration of a priority notice until the determination of the application or until a date specified by the Tribunal or until further order;	Y	
48A.7.3 an interim order preventing the Registrar-General from registering or recording a specified instrument until the determination of the application.	Y	
<b>49. Applications for amendment</b>		
49.1 The power pursuant to and in accordance with Section 223A(1) of the Act, and subject to Section 223A(3) of the Act, where the Council is the registered proprietor of land, to apply to have the certificate amended if:		
49.1.1 the boundaries, area, or position of the land described in the certificate differ from the boundaries, area or position of the land actually and bona fide occupied by it as being the land included in the certificate; or	Y	
49.1.2 the description of the land in the certificate is erroneous or imperfect on the face of it.	Y	
49.2 The power pursuant to Section 223A(2) of the Act, and subject to Section 223A(3) of the Act, where the Council is the registered proprietor of land, to apply to have the certificate of any other registered proprietor amended if any of the land	Y	

described in the Council's certificate, and actually and bona fide occupied by the Council as being the land included in the certificate, is, by reason of any error in survey or in any misdescription, included in the certificate of the other registered proprietor.		
<b>50. Caveats</b>		
The power pursuant to Section 223D(1) of the Act and in accordance with Section 223D(2) of the Act, where the Council claims any estate or interest in any land in respect of which an application under Part 19A of the Act is made, to at any time before the application is granted lodge a caveat in the Lands Titles Registration Office forbidding the granting of the application.	Y	
<b>51. Rectification by consent</b>		
The power pursuant to Section 223J of the Act to consent to the Registrar-General making any correction or amendment to any certificate of title for the purpose of reconciling the boundaries shown in the certificate with the boundaries of the land occupied.	Y	
<b>52. Application for Division of Land</b>		
52.1 The power pursuant to Section 223LD of the Act and in accordance with Section 223LD(2), (3) and (11) of the Act, where the Council is the registered proprietor of land, to make application for the division of land to the Registrar-General.	Y	
52.2 The power pursuant to Section 223LD(8) of the Act and subject to Section 223LD(9) of the Act to consent to the withdrawal or amendment of a plan of division or the application to which it relates.	Y	
52.3 The power pursuant to and subject to Section 223LD(9) of the Act to amend the application or the plan to which it relates in order to comply with the Act or with a requirement of the Registrar-General under the Act.	Y	
<b>53. Application may deal with statutory encumbrances</b>		
53.1 The power pursuant to Section 223LDA of the Act to:		
53.1.1 specify in an application under Part 19AB	Y	

	of the Act or the plan of division that variation or termination of a statutory encumbrance is to be registered or noted; and		
53.1.2	sign a certificate on behalf of the Council as the holder of the statutory encumbrance certifying that the requirements of the Act under which the encumbrance was entered into, or is in force, as to the variation or termination of the statutory encumbrance (if any) have been complied with.	Y	
<b>54.</b>	<b>Consent to plans of division</b>		
54.1	The power pursuant to Section 223LH(1) of the Act:		
54.1.1	where the deposit of a plan of division in the Lands Titles Registration Office will affect the estate or interest of the Council, in the land - to consent to the deposit of the plan and sign a certificate certifying that the Council has consented to the deposit of the plan;	Y	
54.1.2	where the Council has or claims an estate or interest in the land to be divided - to consent to the deposit of the plan and sign a certificate certifying that the Council has consented to the deposit of the plan;	Y	
54.1.3	where the land to be divided is subject to a statutory encumbrance held by the Council – to consent to the deposit of the plan and sign a certificate certifying that the Council has consented to the deposit of the plan.	Y	
54.2	The power pursuant to Section 223LH(2) of the Act, where the deposit of a plan of division will operate to vest an estate or interest in land in the Council, to consent to the deposit of the plan and sign a certificate certifying that the Council has consented to the deposit of the plan.	Y	
<b>55.</b>	<b>Amalgamation</b>		

55.1 The power pursuant to Section 223LJ(1) of the Act and in accordance with Section 223LJ(2) and (3) of the Act, where the Council is the registered proprietor of two or more contiguous allotments, to apply to the Registrar-General for amalgamation of those allotments into a single allotment.	Y	
55.2 The power pursuant to Section 223LJ(3) of the Act to consent to an amalgamation of allotments under Division 2 Part 19AB of the Act, where it appears from the Register Book that the Council has an interest as mortgagee or encumbrance of the land or any part of the land to be amalgamated or where such consent is required either in the opinion of the Registrar-General or by regulation.	Y	

### SCHEDULE OF CONDITIONS

#### CONDITIONS OR LIMITATIONS APPLICABLE TO DELEGATIONS CONTAINED IN THIS INSTRUMENT

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
28	The delegation of the power contained in Section 128 of the Act is subject to Section 44(3)(c) of the Local Government Act 1999, that is, the delegate is not delegated the power to borrow money or obtain other forms of financial accommodation.
38	The delegation of the power contained in Section 149 of the Act is subject to Section 44(3)(c) of the Local Government Act 1999, that is, the delegate is not delegated the power to borrow money or obtain other forms of financial accommodation.

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

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

**NOTES**

In exercise of the power contained in Section 44 of the Local Government Act 1999 the following powers, functions and duties under the Road Traffic Act 1961, the Road Traffic (Miscellaneous) Regulations 1999 and the Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 1999 are hereby delegated this ~~10<sup>th</sup> day of November 2015~~ 23<sup>rd</sup> day of May 2017 to the person occupying the office of Chief Executive Officer of the Council and the said powers, functions and duties may be sub-delegated by the delegate to any other officer of Council.

**POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

1. Direction as to installation etc of traffic control devices	Delegate to CEO	Sub-delegations
1.1 The duty pursuant to Section 18(5) of the Road Traffic Act 1961 (“the Act”) to carry out a direction which the Minister directs the Council (as a road authority) to carry out pursuant to Section 18(6) of the Act in circumstances where another road authority has failed to comply with the direction.	Y	
1.2 The power pursuant to Section 18(7) of the Act where the Minister has directed the Council to carry out a direction pursuant to Section 18(6) of the Act, to recover as a debt due from the defaulting road authority any expenses incurred in carrying out the direction under Section 18(6) of the Act, subject to Section 18(8) of the Act.	Y	
<b>2. Action to deal with false devices or hazards to traffic</b>		
2.1 The power pursuant to Section 31(2) of the Act to remove from any road the care, control or management of which is vested in the Council and dispose of any false traffic control device or any device, structure or thing that the Delegate is satisfied might constitute a hazard to traffic.	Y	

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

<p><b>3. Notice of Removal of Vehicle and Disposal of Vehicle if Unclaimed</b></p>		
<p>3.1 The duty pursuant to Section 40P(3) of the Act and subject to Section 40P(4) to offer a vehicle, which was removed by an officer of the Council under Section 40N of the Act and for which there had been notice given according to Section 40P(2) of the Act and the owner of the vehicle failed to take possession of the vehicle and pay all expenses in connection with the removal, custody and maintenance of the vehicle and of serving, posting or publishing the notice, within one month after service or publication of the notice in accordance with Section 40P(2) of the Act, for sale by public auction.</p>	Y	
<p>3.2 The power pursuant to Section 40P(4) of the Act, where a vehicle is offered for sale by public auction but is not sold at the auction or the relevant authority reasonably believes that the proceeds of the sale of the vehicle would be unlikely to exceed the costs incurred in selling the vehicle, to dispose of the vehicle in such manner as the Delegate thinks fit.</p>	Y	
<p>3.3 The duty pursuant to Section 40P(5) of the Act to apply the proceeds of the sale of a vehicle as follows:</p>	Y	
<p>3.3.1 firstly, in payment of the costs of and incidental to the sale;</p>	Y	
<p>3.3.2 secondly, in payment of the costs of and incidental to the removal, custody and maintenance of the vehicle and of the notice served, posted or published under this section; and</p>	Y	
<p>3.3.3 thirdly, in payment of the balance to the owner of the vehicle.</p>	Y	
<p>3.4 The power pursuant to Section 40P(6) of the Act, if after reasonable inquiry following sale of the vehicle the owner of the vehicle cannot be found, to pay the balance of the proceeds of the sale to the Council.</p>	Y	

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<b>3A. <u>Council May Determine That Ticket for Parking be Obtained Without Fee</u></b>		
<u>3A.1 The power pursuant to Section 86 of the Act, if the Council has installed, or determined that it will install, permissive parking signs to apply to a length of road or area, to (in addition to any other action the Council may be empowered to take by or under the Act):</u>		
<u>3A.1.1 determine that a ticket must be obtained for parking in the length of road or the area through the operation of parking ticket-vending machines installed or to be installed in or near the length of road or area without payment of a fee; or</u>	<u>Y</u>	
<u>3A.1.2 vary or revoke a determination made under Section 86 of the Act.</u>	<u>Y</u>	
<b>4. Compensation Orders for Damage to Road Infrastructure</b>		
The power, pursuant to Section 163ZC(2) of the Act and in accordance with Section 163ZC(5) of the Act to make an application for a compensation order.	Y	
<b>4A. Assessment of Compensation</b>		
4A.1 The power pursuant to Section 163ZD(2) of the Act and in accordance with Section 163ZE of the Act to use in proceedings for the court to take into account in assessing the amount of any compensation:	Y	
4A.1.1 any evidence not adduced in connection with the prosecution of the offence but adduced in connection with the making of the proposed order; and	Y	
4A.1.2 any certificate of the Council, as the road authority stating that the Council maintains the road concerned; and	Y	
4A.1.3 any other certificate of the Council as the road authority, such as a certificate:	Y	

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4A.1.3.1	estimating the monetary value of all or any part of the road infrastructure or of the damage to it; or	Y	
4A.1.3.2	estimating the cost of remedying the damage; or	Y	
4A.1.3.3	estimating the extent of the offender's contribution to the damage.	Y	
<b>4B. Service of Certificates</b>			
4B.1	The duty, pursuant to Section 163ZE(1) of the Act, if the Council, as the road authority, proposes to use a certificate referred to in Section 163ZD in proceedings, to serve a copy of the certificate on the defendant at least 28 working days before the day on which the matter is set down for hearing.	Y	
<b>5. Exemptions</b>			
5.1	The power pursuant to Section 174C(1) of the Act to exempt any person, or any persons of specified class, or any specified vehicle, or any vehicles of a specified class, from compliance with a prescribed provision of the Act, subject to the payment of such fee and to such other conditions (if any) as the Delegate thinks fit and specifies in the exemption.	Y	



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

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

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

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In the exercise of the powers contained in Section 44 of the Local Government Act 1999, the Corporation of the City of Marion delegates the following powers, functions and duties under the Water Industry Act 2012 and Water Industry Regulations 2012 this ~~25<sup>th</sup> day of February 2014~~<sup>23<sup>rd</sup> day of May 2017</sup> 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
<b>1. Water Planning</b>		
1.1 The power pursuant to Section 6(6) of the <i>Water Industry Act 2012 (the Act)</i> , in relation to a proposal:		
1.1.1 to create the <i>State Water Demand and Supply Statement</i> , or	Y	
1.1.2 to undertake a comprehensive review of the <i>State Water Demand and Supply Statement</i> ,	Y	
to make written representations on the proposal to the Minister.	Y	
<b>2. Application for Licence</b>		
The power pursuant to Section 19(1) of the Act and in accordance with Sections 19(2), (3) and (4) of the Act, to apply to the Commission in a form approved by the Commission.	Y	
<b>3. Licence fees and returns</b>		
3.1 The power pursuant to Section 24(2) of the Act, where the Council is the holder of a licence issued for a term of 2 years or more, to,:	Y	

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3.1.1	in each year lodge with the Commission, before the date prescribed for that purpose, an annual return containing the information required by the Commission by condition of the licence or by written notice; and	Y	
3.1.2	in each year (other than a year in which the licence is due to expire) pay to the Commission, before the date prescribed for that purpose, the relevant annual licence fee, or the first instalment of the relevant annual licence fee, as the case may require.	Y	
<b>4. Variation of Licence</b>			
4.1	The power pursuant to Section 28(2) of the Act to:		
4.1.1	make application to the Commission to vary the terms or conditions of the Council's licence;	Y	
4.1.2	agree to the variation of the terms or conditions of the Council's licence;	Y	
4.1.3	make representations to the Commission about the proposed variation.	Y	
<b>5. Transfer of Licence</b>			
5.1	The power pursuant to Section 29(1) of the Act, and in accordance with Sections 29(4), (5) and (6) of the Act, to transfer a licence with the Commission's agreement.	Y	
5.2	The power pursuant to Section 29(4) of the Act to consent to the transfer of a licence to the Council.	Y	
<b>6. Surrender of Licence</b>			
6.1	The power pursuant to Section 32(1) of the Act and in accordance with Section 32(2) of the Act	Y	

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	to, by written notice given to the Commission, surrender the Council's licence.		
6.2	The power pursuant to Section 32(3) of the Act to agree with the Commission that the required period of notice be shortened.	Y	
<b>7.</b>	<b>Suspension or cancellation of Licences</b>		
	The power pursuant to Section 33(3)(b) of the Act to make submissions to the Commission in relation to the Commission's proposed action under Section 33 of the Act.	Y	
<b>8.</b>	<b>Standard terms and conditions for retail services</b>		
8.1	The power pursuant to Section 36(1) of the Act and in accordance with Section 36(4) of the Act to, from time to time, fix standard terms and conditions governing the provision of services by the Council to customers of a designated class.	Y	
8.2	The power pursuant to Section 36(2) of the Act to publish in the Gazette a notice setting out any standard terms and conditions fixed by the Council.	Y	
8.3	The power pursuant to Section 36(3) of the Act, when the Council publishes a notice in the Gazette under Section 36(2) of the Act, to also publish a notice in a newspaper circulating generally in the State describing the general nature of the standard terms and conditions and advising where a person may read or obtain a copy of the standard terms and conditions.	Y	
8.4	The power pursuant to Section 36(5) of the Act, subject to the conditions of a licence, to modify or exclude a standard term or condition fixed under Section 36 of the Act by express agreement with a customer of the Council.	Y	
<b>9.</b>	<b>Customer hardship policies</b>		

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9.1	The power pursuant to Section 37(3) of the Act to:		
9.1.1	adopt a customer hardship policy published by the Minister under Section 37 of the Act; or	Y	
9.1.2	with the written approval of the Commission, adopt such a policy with modifications.	Y	
<b>10. Power to take over operations</b>			
10.1	The power pursuant to Section 38(2) of the Act, before a proclamation is made under Section 38 of the Act, to make written representations giving reasons why the proclamation should not be made.	Y	
<b>11. Appointment of operator</b>			
	The power pursuant to Section 39(3) of the Act to facilitate the take over of the relevant operations by the operator.	Y	
<b>12. Appointment of water industry officer</b>			
12.1	The power pursuant to Section 41(1) of the Act, subject to conditions or limitations determined by the Minister, to appoint a person to be a water industry officer for the Council.	Y	
12.2	The power pursuant to Section 41(2) of the Act, to give directions to a water industry officer appointed by the Council.	Y	
<b>13. Conditions of appointment</b>			
13.1	The power pursuant to Section 42(1) of the Act to appoint a water industry officer for a stated term or for an indefinite term that continues while the officer holds a stated office or position.	Y	

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13.2	The power pursuant to Section 42(2) of the Act to remove a water industry officer from office.	Y	
<b>14.</b>	<b>Identity cards</b>		
	The power pursuant to Section 43(1) of the Act and in accordance with Section 43(2) of the Act, to give each water industry officer for the Council an identity card.	Y	
<b>15.</b>	<b>Power to enter land to conduct investigations</b>		
15.1	The power pursuant to Section 44(1) of the Act and subject to Section 44(3) of the Act to, by agreement with the occupier of land or on the authorisation of the Minister, enter and remain on land to conduct investigations or carry out any other form of work to assess the suitability of the land for the construction or installation of water/sewerage infrastructure.	Y	
15.2	The power pursuant to Section 44(3) of the Act, if the Council enters land under the authorisation of the Minister, to:	Y	
15.2.1	give reasonable notice of the proposed entry on land under Section 44 of the Act to the occupier; and	Y	
15.2.2	minimise the impact of work carried out by the Council on activities of others on the land; and	Y	
15.2.3	comply with the conditions of the authorisation.	Y	
<b>16.</b>	<b>Power to carry out work on land</b>		
16.1	The power pursuant to Section 45(1) of the Act and in accordance with Sections 45(3), (11), (12), (13), (16), (17) and (20) of the Act:	Y	
16.1.1	to construct, install, improve or add to any water/sewerage infrastructure; or	Y	

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16.1.2	to inspect, operate, maintain, test, repair, alter, remove or replace any water/sewerage infrastructure or equipment; or	Y	
16.1.3	to lay pipes and install, operate or inspect pumps and other equipment; or	Y	
16.1.4	to carry out other work in connection with the establishment or operation of any water/sewerage infrastructure or otherwise connected with any water service or sewerage service; or	Y	
16.1.5	to obtain or enlarge a supply of water; or	Y	
16.1.6	to protect, improve or restore the quality of water; or	Y	
16.1.7	to protect any infrastructure or equipment connected with any water service or sewerage service; or	Y	
16.1.8	to perform any other function brought within the ambit of Section 45 of the Act by the regulations.	Y	
16.2	The power pursuant to Section 45(3) of the Act, subject to Section 45 of the Act, if the Council seeks to enter public land under Section 45 of the Act, to:	Y	
16.2.1	give the authority responsible for the management of public land not less than 12 hours notice of the Council's intention to carry out work on the land; and	Y	
16.2.2	secure the authority's agreement to the carrying out of the work;	Y	
16.3	The power pursuant to Section 45(3)(b) of the Act, if an authorised entity seeks to enter public land under Section 45 of the Act and the Council is responsible for the management of the public	Y	



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	land, to agree to the carrying out of the work.		
16.4	The power pursuant to Section 45(5) of the Act to include in an agreement under Section 45(3) of the Act conditions the delegate considers appropriate in the public interest.	Y	
16.5	The power pursuant to Section 45(7) of the Act and subject to Section 45(8) of the Act if a dispute arises between the Council and the authority responsible for managing public land or an authorised entity and the Council about whether work should be permitted under Section 45 of the Act on the land or about the conditions on which work should be permitted on public land, to refer the dispute to the Minister.	Y	
16.6	The power pursuant to Section 45(9) of the Act, if a dispute is referred to the Minister under Section 45 of the Act, to make representations to the Minister on the questions at issue in the dispute.	Y	
16.7	The power pursuant to Section 45(11) of the Act and subject to Section 45(3) of the Act, if the Council seeks to enter land other than public land for the first time, to give prior written notice to the occupier of the land stating the reason and the date and time of the proposed entry.	Y	
16.8	The power pursuant to Section 45(12) of the Act and subject to Section 45(13) of the Act, to give notice to the occupier of land in other circumstances prescribed by the regulations.	Y	
16.9	The power pursuant to Section 45(14) of the Act to use reasonable force to enter any land under Section 45 of the Act.	Y	
16.10	The power pursuant to Section 45(16) of the Act, at the reasonable request of an owner or occupier of land used for any purpose under Section 45 of the Act, to separate the land being used for the other part or parts of the land by a fence of reasonable construction and design (with such gates as may be necessary for the convenient use of any land) and, in the case of a	Y	

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dispute as to the fence to be constructed under Section 45 of the Act, to refer the matter to the Magistrates Court for resolution.		
16.11 The power pursuant to Section 45(17) of the Act to make good any damage caused by the exercise of powers under Section 45 of the Act as soon as practicable (including so as to reinstate any road or other place) or pay reasonable compensation for the damage.	Y	
16.12 The power pursuant to Section 45(19) of the Act, in an emergency, to exercise a power under Section 45 of the Act at any time and without prior notice or agreement.	Y	
<b>17. Acquisition of land</b>		
The power pursuant to Section 46(1) of the Act and in accordance with Section 46(2) of the Act, to acquire land in accordance with the <i>Land Acquisition Act 1969</i> .	Y	
<b>18. Requirement to connect to infrastructure</b>		
<i>Section 48 applies to a water industry entity involved (or proposing to be involved) in the sale and supply of sewerage services for the removal of sewage (and the infrastructure to be used for the purposes of those services will be referred to as prescribed infrastructure under this section).</i>	Y	
18.1 The power pursuant to Section 45(2) of the Act to apply to the Minister for the approval of a scheme under Section 48 of the Act.	Y	
18.2 The power pursuant to Section 48(6) of the Act, if the Minister approves a scheme, to by notice that complies with any requirements prescribed by the regulations and served on any owner of land adjacent to land where the designated part of the prescribed infrastructure is situated, require the owner to connect drains, equipment or works to the prescribed infrastructure in order to provide for the discharge of sewage into the infrastructure.	Y	

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18.3	The power pursuant to Section 48(9) of the Act, if the requirements of a notice under Section 48 of the Act are not complied with, to take any action required by the notice.	Y	
18.4	The power pursuant to Section 48(10) of the Act, to authorise a person to take action on behalf of the Council under Section 45(9) of the Act.	Y	
18.5	The power pursuant to Section 48(12) of the Act to recover the reasonable costs and expenses incurred by the Council in taking action under Section 45(9) or (10) as a debt from the person who failed to comply with the requirements of the notice.	Y	
18.6	The power pursuant to Section 48(13) of the Act to, from time to time, with the approval of the Minister, vary a scheme under Section 48 of the Act.	Y	
<b>19.</b>	<b>Encroachments</b>		
19.1	The power pursuant to Section 49(1) of the Act to consent to a person:	Y	
19.1.1	constructing or placing a building, wall, fence or other structure on or over any water/sewerage infrastructure, or creating some other form of encroachment over any water/sewerage infrastructure (or any land directly associated with such infrastructure); or	Y	
19.1.2	creating any form of encroachment over any easement that exists for the purposes of any water service or sewerage service; or	Y	
19.1.3	obstructing, filling in, closing up or diverting any water/sewerage infrastructure; or	Y	
19.1.4	excavating or altering any land or structure supporting any water/sewerage	Y	

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infrastructure.		
19.2 The power pursuant to Section 49(2) of the Act, if the delegate believes on reasonable grounds that a person has acted in contravention of Section 49(1) of the Act, to:	Y	
19.2.1 at any reasonable time, enter land and carry out an inspection of any place; and	Y	
19.2.2 as the delegate thinks fit (whether or not an inspection has taken place), by notice that complies with any requirements prescribed by the regulations and served on the person, require the person to take such action as may be specified in the notice to remedy any contravention of Section 49(1) of the Act.	Y	
19.3 The power pursuant to Section 49(3) of the Act if any entry under Section 49(2)(a) of the Act is refused or obstructed, to obtain a warrant under Part 10 of the Act to enter the land.	Y	
19.4 The power pursuant to Section 49(4) of the Act if the requirements of a notice under Section 49(2)(b) of the Act are not complied with, to take any action required by the notice.	Y	
19.5 The power pursuant to Section 49(6) of the Act to recover the reasonable costs and expenses incurred by the Council in taking action under Section 49(4) or (5) as a debt from the person who failed to comply with the requirements of the notice.	Y	
19.6 The power pursuant to Section 49(7) of the Act to authorise a person to take action on the Council's behalf under Section 49 of the Act.	Y	
<b>20. Protection of infrastructure and equipment</b>		
20.1 The power pursuant to Section 50(2) of the Act, if the delegate believes on reasonable grounds that a person has acted in contravention of Section	Y	

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50(1), to:		
20.1.1 at any reasonable time, enter any land and carry out an inspection of any place; and	Y	
20.1.2 as the delegate thinks fit (whether or not an inspection has taken place), after complying with any requirements prescribed by the regulations, disconnect, close, turn off or remove anything that has, in the opinion of the delegate been attached or used in connection with the contravention.	Y	
20.2 The power pursuant to Section 50(3) of the Act, if any entry under Section 50(2)(a) is refused or obstructed, to obtain a warrant under Part 10 of the Act to enter the land.	Y	
20.3 The power pursuant to Section 50(4) of the Act to authorise a person to take action on the Council's behalf under Section 50 of the Act.	Y	
20.4 The power pursuant to Section 50(7) of the Act, if the Council suffers loss as a result of a contravention of Section 50 of the Act, to recover compensation for the loss from a person guilty of the contravention:	Y	
20.4.1 on application to a court convicting the person of an offence against Section 50 of the Act; or	Y	
20.4.2 by action in a court of competent jurisdiction.	Y	

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<b>21. Notice of work that may affect water/sewerage infrastructure</b>		
21.1 The power pursuant to Section 51(4) of the Act, if the Council suffers loss as a result of a contravention of Section 51 of the Act, to recover compensation for the loss from a person guilty of the contravention:	Y	
21.1.1 on application to a court convicting the person of an offence against Section 51 of the Act; or	Y	
21.1.2 by action in a court of competent jurisdiction.	Y	
<b>22. Duty to give notice before paving a road etc</b>		
22.1 The power pursuant to Section 52(1) of the Act, before the Council begins:	Y	
22.1.1 to first lay the pavement or hard surface in any road; or	Y	
22.1.2 to relay the pavement or hard surface in any road; or	Y	
22.1.3 to widen or extend the pavement or hard surface in any road; or	Y	
22.1.4 to alter the level of any road; or	Y	
22.1.5 to construct or alter any footpaths, gutters, kerbing or water tables in any road; or	Y	
22.1.6 to construct or alter any drainage work in any road,	Y	
in which there is any water/sewerage infrastructure, to give the relevant water industry entity at least 14 days notice of the proposed work (being a notice that includes details of the nature and thickness of the pavement or hard	Y	

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surface proposed to be made or laid in any such work, and of any other work that is proposed to be undertaken).		
22.2 The power pursuant to Section 52(2) of the Act, to within 14 days after receiving a notice, advise the person who gave the notice of any new water/sewerage infrastructure proposed in the relevant road and of any interference that is expected to be caused to the existing water/sewerage infrastructure.	Y	
22.3 The power pursuant to Section 52(3) of the Act, if any work referred to Section 52(1) would involve any alteration to any water/sewerage infrastructure that is owned or operated by a water industry entity, to subject to Section 52(5) of the Act, pay to the entity:	Y	
22.3.1 unless Section 52(3)(b) applies – half of the actual cost of the alteration or any damage caused by the work;	Y	
22.3.2 in prescribed circumstances – an amount determined under the regulations.	Y	
22.4 The power pursuant to Section 52(6) of the Act, to under an agreement between the Council and a person otherwise required to give notice under Section 52 of the Act, waive the requirement to give such notice in relation to specified classes of work.	Y	
<b>23. Unlawful abstraction, removal or diversion of water or sewage</b>		
23.1 The power pursuant to Section 53(2) of the Act, to grant approval to a person to install or maintain a pipe capable of conveying water beyond the boundaries of a site occupied by that person where the Council supplies water to the site.	Y	
23.2 The power pursuant to Section 53(3) of the Act, if the Council suffers loss as a result of a contravention of Section 53, to recover	Y	

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compensation for the loss from a person guilty of the contravention:		
23.2.1 on application to a court convicting the person of an offence against this Section; or	Y	
23.2.2 by action in a court of competent jurisdiction.	Y	
<b>24. Water meters</b>		
24.1 The power pursuant to Section 54(1) of the Act to, require a person who is supplied with water by the Council, to	Y	
24.1.1 allow a person authorised by the Council to enter land and fix a meter supplied by the Council;	Y	
24.1.2 ensure that a meter of a kind specified by the Council is fixed and used for purposes of measuring water supplied to the person.	Y	
24.2 The power pursuant to Section 54(1) of the Act, to authorise a person to enter land and fix a meter supplied by the Council.	Y	
24.3 The power pursuant to Section 54(3) of the Act, with the approval of the Commission or in prescribed circumstances, to include in a requirement under Section 54(1) of the Act a requirement that a person fix or use a meter supplied by the Council.	Y	
24.4 The power pursuant to Section 54(10) of the Act, if a person fails to comply with Section 54(9) of the Act, to serve written notice on the person requiring him or her to take such action as is specified in the notice to provide access to the meter or fitting.	Y	
24.5 The power pursuant to Section 54(11) of the Act, if a person on whom notice has been served	Y	



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<p>under Section 54(10) of the Act fails to comply with the notice within 1 month to enter the land and take such action (including altering the position of the meter or fitting) as the delegate thinks fit to provide access to the meter or fitting.</p>		
<p>24.6 The power pursuant to Section 54(11) of the Act, if a person on whom a notice has been served under Section 54(10) of the Act fails to comply with the notice within one month, to authorise a person to enter land and take such action (including altering the position of the meter or fitting) as the person thinks fit to provide access to the meter or fitting.</p>	Y	
<p>24.7 The power pursuant to Section 54(12) of the Act, if the Council suffers loss as a result of a contravention of Section 54 of the Act, to recover compensation for the loss from a person found guilty of the contravention:</p>	Y	
<p>24.7.1 on application to a court convicting the person of an offence against this section; or</p>	Y	
<p>24.7.2 by action in a court of competent jurisdiction.</p>	Y	
<p>24.8 The power pursuant to Section 54(13) of the Act, if the Council incurs costs as a result of taking action under Section 54(11), to recover those costs as a debt by action in a court of competent jurisdiction.</p>	Y	
<p><b>25. Discharge of unauthorised material into water infrastructure</b></p>		
<p>25.1 The power pursuant to Section 55(3) of the Act, if the Council suffers loss as a result of a contravention of Section 55, to recover compensation for the loss from a person found guilty of the contravention:</p>	Y	
<p>25.1.1 on application to a court convicting the person of an offence against this Section;</p>	Y	

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or		
25.1.2 by action in a court of competent jurisdiction.	Y	
<b>26. Discharge of unauthorised material into sewerage infrastructure</b>		
26.1 The power pursuant to Section 56(3) of the Act, to, in relation to any sewerage infrastructure operated by the Council:	Y	
26.1.1 on application by any person, authorise the person to discharge waste material referred to in the authorisation into the infrastructure; or	Y	
26.1.2 as part of a contract in relation to the provision of a sewerage service, authorised a person to discharge waste material referred to in the contract into the infrastructure.	Y	
26.2 The power pursuant to Section 56(4) of the Act, to grant an authorisation to a person to discharge any solid, liquid or gaseous material, or any other item or thing, prescribed by the regulations.	Y	
26.3 The power pursuant to Section 56(5) of the Act, to grant an authorisation to a person to cause, permit or allow any rainwater, stormwater or surface water to flow into, or to otherwise enter, any sewerage infrastructure.	Y	
26.4 The power pursuant to Section 56(7) of the Act, to attach such conditions to an authorisation under Section 56 of the Act as the delegate thinks fit and vary or revoke the authorisation at any time.	Y	
26.5 The power pursuant to Section 56(9) of the Act, to recover the reasonable costs and expenses incurred by the Council in addressing any damage or loss caused as a result of, or in remedying circumstances caused by, a	Y	

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contravention of Section 56 as a debt from the person in contravention of Section 56 of the Act.		
<b>27. Work to be carried out by owner at requirement of water industry entity with respect to sewerage infrastructure</b>		
27.1 The power pursuant to Section 57(1) of the Act, and in accordance with Section 57(2) of the Act, to, in order:	Y	
27.1.1 to provide for the proper treatment (including the deodorising) of waste material before it is discharged from land into a drain connected to any sewerage infrastructure; or	Y	
27.1.2 to prevent the discharge of rainwater, stormwater or surface water into any sewerage infrastructure or to prevent the discharge into any sewerage infrastructure of waste material that has been prescribed as water material that may not be discharged into any sewerage infrastructure or that is, in the opinion of the delegate, likely to damage or be detrimental to any sewerage infrastructure,	Y	
by notice in writing served on the owner or occupier of the land, require the owner or occupier, within the time stated in the notice, to carry out work specified in the notice.	Y	
27.2 The power pursuant to Section 57(1) of the Act, to, by notice referred to in Section 57(1) of the Act require the person on whom it is served to:	Y	
27.2.1 install or construct in such locations as are specified in the notice;	Y	
27.2.2 connect to the infrastructure;	Y	
27.2.3 alter or replace;	Y	

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27.2.4	maintain, repair or cleanse;	Y	
27.2.5	remove, block or disconnect,	Y	
	such drains, equipment or works as are specified in the notice in the manner specified in the notice or take other action specified in the notice.	Y	
27.3	The power pursuant to Section 57(3) of the Act, to vary or revoke a notice referred to in Section 57(1) of the Act by a subsequent notice in writing served on the owner or occupier of the land.	Y	
27.4	The power pursuant to Section 57(5) of the Act, if the requirements of a notice under Section 57 of the Act are not complied with, to take any action required by the notice.	Y	
27.5	The power pursuant to Section 57(6) of the Act, to authorise a person to take action under Section 52(5) of the Act on the Council's behalf.	Y	
27.6	The power pursuant to Section 57(8) of the Act, to recover the reasonable costs and expenses incurred by the Council in taking action under Section 57(6) or (7) as a debt from the person who failed to comply with the requirements of the notice.	Y	
<b>28.</b>	<b>Power to disconnect drains to restrict services</b>		
28.1	The power pursuant to Section 58(1) of the Act, if the Council has grounds to believe that material:	Y	
28.1.1	is being discharged from land into sewerage infrastructure in contravention of Division 1 Part 6 of the Act; or	Y	
28.1.2	has been discharged from land into sewerage infrastructure in contravention of Division 1 Part 6 of the Act and that it is likely that a similar contravention will occur in the future,	Y	

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to, after complying with any requirement prescribed by the regulations, close off or disconnect from the sewerage infrastructure 1 or more drains on the land that are connected to the infrastructure or restrict the provision of any sewerage service to the land.	Y	
28.2 The power pursuant to Section 58(2) of the Act, before reopening or reconnecting a drain closed off or disconnected under Section 58 of the Act, to require the owner or occupier of the relevant land to pay the prescribed fee.	Y	
<b>29. Power to restrict or discontinue water supply</b>		
29.1 The power pursuant to Section 59(1) of the Act, if the delegate believes on reasonable grounds:	Y	
29.1.1		
29.1.1.1 that the quantity of water available for supply by the Council is, or is likely to be, insufficient to meet the demands of the persons to whom it is required to supply water (either because of a reduction in the quantity of water available or an increase in demand); or	Y	
29.1.1.2 that the quantity or quality of water available for supply by the Council is, or is likely to be, below a standard set or adopted by the Council for the purposes of Section 59 of the Act, or prescribed by the regulations; or	Y	

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29.1.1.3 that the capacity of any water infrastructure is, or is likely to be, insufficient to cope with existing or anticipated demand; and	Y	
29.1.2 that action under Section 59(1) of the Act is justified in the circumstances,	Y	
to, after complying with any requirements prescribed by the regulations, exercise 1 or more of the powers specified under Section 59(3) of the Act.	Y	
29.2 The power pursuant to Section 59(1) and (3) of the Act and subject to Section 59(5) of the Act to:	Y	
29.2.1 lessen the supply of water through any infrastructure (to such extent and in such manner as the delegate thinks fit);	Y	
29.2.2 prohibit the use of water in a specified purpose or purposes, or restrict or regulate the purposes for which water can be used;	Y	
29.2.3 prohibit the use of water in a specified manner or by specified means, or restrict or regulate the manner in which, or the means by which, water may be used;	Y	
29.2.4 prohibit specified uses of water during specified periods, or restrict or regulate the times at which water may be used;	Y	
29.2.5 for such time or times as the delegate thinks proper, discontinue the supply of water.	Y	
29.3 The power pursuant to Section 59(3) of the Act, to provide in a requirement under Section 59(3) of the Act that a specified activity involving the use of water cannot occur without the authority of a permit issued by the Council in accordance with	Y	

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the regulations.		
29.4 The power pursuant to Section 59(4) of the Act, to:	Y	
29.4.1 impose a prohibition or notice under Section 59(3) of the Act by a notice published or served in accordance with any requirements prescribed by the regulations; and	Y	
29.4.2 vary or revoke a prohibition or notice under Section 59(3) of the Act in accordance with any requirements prescribed by the regulations.	Y	
<b>30. Power to require the use of devices to reduce flow</b>		
30.1 The power pursuant to Section 60(1) of the Act and in accordance with Section 60(2) of the Act, if the delegate believes on reasonable grounds that action under Section 60 is justified in the circumstances to supply water during periods of high demand, to serve notice under Section 60(3) of the Act on the owner or occupier of land that is connected to water infrastructure operated by the Council.	Y	
30.2 The power pursuant to Section 60(2) of the Act and subject to Section 60(3) of the Act, to, in the notice direct the owner or occupier:	Y	
30.2.1 to install (at his or her expense) a flow reducing device of the kind specified in the notice at the point specified in the notice (including at a point on the customer's side of any connection point) to enable the flow in the pipes on the land that are connected to the infrastructure to be reduced; and	Y	
30.2.2 to use the device to reduce flow in those pipes during the periods specified in the notice.	Y	

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30.3 The power pursuant to Section 60(5) of the Act, if the requirements of a notice under Section 60 of the Act are not complied with, to install a flow reducing device to reduce the flow in the pipes on the relevant land notwithstanding that this reduction in flow will operate continuously instead of during the periods specified in the notice.	Y	
30.4 The power pursuant to Section 60(6) of the Act, to recover the reasonable costs and expenses incurred by the Council in taking action under Section 60(5) of the Act as a debt from the person who failed to comply with the requirements of the notice.	Y	
<b>31. Disconnection in an emergency</b>		
The power pursuant to Section 64 of the Act, to, without incurring any liability, cut off the supply of water to any region, area, land or place if it is, in the delegate's opinion, necessary to do so to avert danger to any person or property.	Y	
<b>32. Responsibilities of water industry entity</b>		
32.1 The power pursuant to Section 68(1) of the Act, to, where the Technical Regulator so requires of the Council:	Y	
32.1.1 prepare and periodically revise a safety, reliability, maintenance and technical management plan dealing with matters prescribed by regulation in accordance with any requirements specified by the Technical Regulator; and	Y	
32.1.2 obtain the approval of the Technical Regulator to the plan and any revision; and	Y	
32.1.3 comply with the plan as approved from time to time; and	Y	
32.1.4 audit from time to time the Council's compliance with the plans and report the	Y	



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results of those audits to the Technical Regulator.		
<b>33. Responsibilities of Customers</b>		
The power pursuant to Section 69(3) of the Act, if a person fails to comply with Section 69(1) of the Act to, where the Council is providing the service, disconnect the supply of water to the place, or the collection of sewerage from the place, or restrict the supply of services to that place.	Y	
<b>34. Enforcement notices</b>		
The power pursuant to Section 80(2)(h) of the Act to, within 14 days, apply for a review of the notice or institute an appeal against the notice under the provisions of the Act.	Y	
<b>35. Warning notices and assurances</b>		
35.1 The power pursuant to Section 82(1)(b)(ii) of the Act and in accordance with Section 82(3) of the Act, to, in relation to a warning notice issued by the Commission to the Council give the Commission an assurance, in the terms specified in the notice, and within the period specified in the notice, that the Council will avoid a future contravention.	Y	
35.2 The power pursuant to Section 82(2)(b)(ii) of the Act, and in accordance with Section 82(3) of the Act, to, in relation to a warning notice issued by the Technical Regulator to the Council give the Technical Regulator an assurance, in the terms specified in the notice, and within the period specified in the notice, that the Council will avoid a future contravention.	Y	
<b>36. Injunctions</b>		
36.1 The power pursuant to Section 83(1) of the Act, to apply to the District Court for an injunction on the grounds that a person has engaged or proposes to engage in conduct that constitutes or	Y	

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would constitute a contravention of the Act.		
36.2 The power pursuant to Section 83(8) of the Act, to consent to a final injunction being granted without proof that proper grounds for the injunction exist.	Y	
<b>37. Review of decisions by Commission or Technical Regulator</b>		
37.1 The power pursuant to Section 84(1) of the Act and subject to and in accordance with Section 84 of the Act to make an application to:	Y	
37.1.1 the Commission for the issue or variation of the terms or conditions of a licence under Part 4 of the Act, or for agreement to the transfer of such a licence, for review of a decision of the Commission to refuse the application; or	Y	
37.1.2 the Commissioner for review of a decision of the Commission under Part 4 of the Act to suspend or cancel the Council's licence or to vary the terms or conditions of the Council's licence; or	Y	
37.1.3 the Technical Regulator where the Council has been given a direction under the Act by the Technical Regulator or an authorised officer for review of the decision to give the direction; or	Y	
37.1.4 the Technical Regulator where the Council is a person affected by the decision for review of a decision of an authorised officer or a water industry officer to disconnect or restrict a supply of water to a place, or the collection of sewage from a place, or to restrict the provision of a service.	Y	
<b>38. Appeals</b>		

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38.1	The power pursuant to Section 85(1) of the Act and in accordance with Section 85(2) of the Act to appeal to the District Court:	Y	
38.1.1	in relation to a decision as confirmed, amended or substituted by the Commission or the Technical Regulator;	Y	
38.1.2	in relation to an enforcement notice issued under Part 8 Division 4 of the Act.	Y	
<b><u>Third Party Access Regime</u></b>			
<i><u>Sections 86A – 86ZR apply in relation to operators of water infrastructure or sewerage infrastructure, and infrastructure services, to the extent that it is declared by proclamation to apply.</u></i>			
<b><u>38A. Information brochure</u></b>			
<u>38A.1 The power pursuant to Section 86F(1) of the Act to determine:</u>			
	<u>38A.1.1 the terms and conditions on which the Council is prepared to make the Council's regulated infrastructure available for use by others; and</u>	Y	
	<u>38A.1.2 the procedures that the Council will apply in determining a proposal for access to any regulated infrastructure and infrastructure services; and</u>	Y	
	<u>38A.1.3 the prices and costs associated with gaining access to (and using) regulated infrastructure and infrastructure services; and</u>	Y	
	<u>38A.1.4 the standard access arrangement used by the Council.</u>	Y	
<b><u>38B. Specific information to assist proponent to formulate proposal</u></b>			

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<p><u>38B.1 The power pursuant to Section 86G(1)(c) of the Act, on the application of a person with a proper interest in making an access proposal to the Council, agree or refuse to provide access to regulated infrastructure and infrastructure services of a specified description and determine the general terms and conditions (including the likely price) on which the Council would be prepared to provide access.</u></p>	Y	
<p><u>38B.2 The power pursuant to Section 86G(2) of the Act to make a reasonable charge (to be determined after taking into account any provision made by the regulations for the purposes of Section 86G(2) of the Act for providing information under Section 86G(2) of the Act.</u></p>	Y	
<p><b><u>38C. Access proposal</u></b></p>		
<p><u>38C.1 The power pursuant to Section 86I(3) of the Act to require a proponent to provide further information about the proponent's proposal that the delegate reasonably requires in order to assess and respond to the proposal.</u></p>	Y	
<p><u>38C.2 The power pursuant to Section 86I(4)(b) of the Act to, within 1 month after the relevant day determine, and give the proponent a preliminary indication about,</u></p>		
<p><u>38C.2.1 whether the Council is prepared to provide access to the regulated infrastructure and infrastructure services and, if so, on what terms and conditions; and</u></p>	Y	
<p><u>38C.2.2 if some alteration of, or addition to, existing infrastructure would be necessary to provide for access, whether the Council would agree to the alteration or addition and, if so, on what terms.</u></p>	Y	
<p><u>38C.3 The power pursuant to Section 86I(6) of the Act to give notice of an access proposal to affected</u></p>		

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<u>third parties by publishing a notice in a newspaper circulating generally in the State stating:</u>		
<u>38C.3.1 the name of the proponent and an address at which the proponent may be contacted; and</u>	<u>Y</u>	
<u>38C.3.2 the name of the operator and an address at which the regulated operator may be contacted; and</u>	<u>Y</u>	
<u>38C.3.3 the general nature of the access proposal.</u>	<u>Y</u>	
<u>38C.4 The power pursuant to Section 86I(7) of the Act to recover the reasonable costs of giving notice under Section 86I of the Act, as a debt, from the proponent.</u>	<u>Y</u>	
<b><u>38D. Duty to negotiate in good faith</u></b>		
<u>38D.1 The power pursuant to Section 86J(1) of the Act to negotiate in good faith with the proponent with a view to reaching agreement on whether the proponent's requirements as set out in the access proposal (or some agreed modification of the requirements) could reasonably be met, and, if so, the terms and conditions for the provision of access for the proponent.</u>	<u>Y</u>	
<b><u>38E. Existence of Dispute</u></b>		
<u>38E.1 The power pursuant to Section 86K(2) of the Act to refer a dispute to the regulator.</u>	<u>Y</u>	
<b><u>38F. Power to refer dispute to arbitration</u></b>		
<u>38F.1 The power pursuant to Section 86N(3) of the Act to make submissions to the regulator about the selection of the arbitrator.</u>	<u>Y</u>	
<b><u>38G. Confidentiality of information</u></b>		

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<u>38G.1 The power pursuant to Section 86Z(2) of the Act to make representations to the arbitrator regarding access to, or disclosure of, information or documentary material.</u>	<u>Y</u>	
<b><u>38H. Formal requirements related to awards</u></b>		
<u>38H.1 The power pursuant to Section 86ZD(1) of the Act to make representations to the arbitrator on the proposed award.</u>	<u>Y</u>	
<b><u>38I. Consent awards</u></b>		
<u>38I.1 The power pursuant to Section 86ZE of the Act to consent to a proposed award.</u>	<u>Y</u>	
<b><u>38J. Termination of variation of award</u></b>		
<u>38J.1 The power pursuant to Section 86ZG(1) of the Act to agree to terminate or vary an award.</u>	<u>Y</u>	
<u>38J.2 The power pursuant to Section 86ZG(3) of the Act, if a material change in circumstances occurs, to propose termination or variation of the award.</u>	<u>Y</u>	
<b><u>38K. Appeal on question of law</u></b>		
<u>38K.1 The power pursuant to Section 86ZJ of the Act to appeal to the Supreme Court from an award, or a decision not to make an award, on a question of law.</u>	<u>Y</u>	
<b><u>38L. Injunctive remedies</u></b>		
<u>38L.1 The power pursuant to Section 86ZK(5) of the Act to apply for an injunction under Section 38ZK of the Act.</u>	<u>Y</u>	
<u>38L.2 The power pursuant to Section 86ZK(6) of the Act to consent to an injunction.</u>	<u>Y</u>	
<u>38L.3 The power pursuant to Section 86ZK(8) of the Act to apply to the Court to discharge or vary an</u>	<u>Y</u>	

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<u>injunction.</u>		
<b><u>38M. Compensation</u></b>		
<u>38M.1 The power pursuant to Section 86ZL(1) of the Act, if a person contravenes an award, to apply to the Supreme Court for compensation for loss or damage suffered as a result of the contravention.</u>	<u>Y</u>	
<b><u>38N. Confidential information</u></b>		
<u>38N.1 The power pursuant to Section 86ZM(7) of the Act to, in connection with the operation of Section 86ZM of the Act, develop and maintain a policy to ensure that confidential information obtained by the Council is not disclosed or used except as authorised by Section 86ZM of the Act.</u>	<u>Y</u>	
<b><u>38O. Access by agreement</u></b>		
<u>38O.1 The power pursuant to Section 86ZN of the Act to enter into an access contract with another person on terms and conditions agreed between the parties.</u>	<u>Y</u>	
<b><u>38P. Review of Part</u></b>		
<u>38P.1 The power pursuant to Section 86ZR(2) of the Act to make written submissions to the regulator on the matters under review.</u>	<u>Y</u>	
<b>39. Water conservation measures</b>		
The power pursuant to Section 92(5) of the Act, to consult with the Minister before a regulation is made under Section 92(2) of the Act.	Y	

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	<b>Delegate to CEO</b>	<b>Sub- delegations</b>
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40. <b>Information as to amounts already paid for retail services etc</b>		
40.1 The power pursuant to Regulation 11(1) of the <i>Water Industry Regulations 2012</i> ( <b>the Regulations</b> ) to, on application by a person who has paid an amount to the Council for the provision of retail services, provide the person with a statement of the amount paid.	Y	
40.2 The power pursuant to Regulation 11(2) of the Regulations to, on application by a consumer, provide the consumer with a statement of the quantity of water supplied by the Council to the consumer in a financial year.	Y	
40.3 The power pursuant to Regulation 11(3) of the Regulations to, on application by any other person, in connection with the provision of retail services, provide that person with information of the kind referred to in Regulation 11(1) or (2) of the Regulations.	Y	
41. <b>Certificate as to encumbrance</b>		
41.1 The power pursuant to Regulation 12(1) of the Regulations to, on application by an interested person and payment of the fee prescribed in Schedule 1, provide the person with a statement as to the existence or non-existence of encumbrances in relation to the land to which the application relates that are prescribed encumbrances for the purposes of the <i>Land and Business (Sale and Conveyancing) Act 1994</i> and the regulations under that Act and that are in favour of the Council.	Y	



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<b>42. Protection of infrastructure – planting of trees etc on public land</b>		
42.1 The power pursuant to Regulation 13(9) of the Regulations to grant written approval for trees and shrubs (except those listed in Schedule 2 and Schedule 3) to be planted on public land owned by the Council or where the Council operates sewerage infrastructure that may be affected by the planting.	Y	
42.2 The power pursuant to Regulation 13(b) of the Regulations to grant written approval for trees and shrubs to be planted on a road closer than 1 metre to any water infrastructure where the Council owns or operates the infrastructure.	Y	
<b>43. Protection of infrastructure – action in relation to trees and shrubs</b>		
43.1 The power pursuant to Regulation 14(1) of the Regulations, if:	Y	
43.1.1 a tree or shrub has been planted in contravention of Regulation 13; or	Y	
43.1.2 the delegate is of the opinion (based on reasonable grounds) that a tree or shrub on public land is causing, or is likely to cause, damage to water/sewerage infrastructure or a reduction in the efficiency of the operation of that infrastructure,	Y	
to, by written notice served on the Council or other person who owns or has the care, control or management of the land on which the tree or shrub is situated, direct that action specified in the notice (including the removal of the tree or shrub) be taken.	Y	
43.2 The power pursuant to Regulation 14(2) of the Regulations to, if a person on whom a notice has been served fails to comply with the notice, enter	Y	

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the land and take the specified action.		
43.3 The power pursuant to Regulation 14(3) of the Regulations to, recover its costs of taking the specified action as a debt from the person on whom the notice was served.	Y	
<b>44. Protection of infrastructure – damage caused by trees or shrubs</b>		
44.1 The power pursuant to Regulation 15 of the Regulations to, if a tree or shrub has been planted in contravention of Regulation 13 of the Regulations, recover the Council's costs of taking action under Regulation 14 as a debt from:	Y	
44.1.1 the owner for the time being of the land on which the tree or shrub is, or was, situated; or	Y	
44.1.2 in the case of land under the care, control or management of a Council – that Council.	Y	
<b>45. Access to sewerage infrastructure</b>		
The power pursuant to Regulation 16(2) of the Regulations to recover the Council's costs of repairing any damage caused to infrastructure owned or operated by the Council by a person using an inspection point under Regulation 16(1) of the Regulations as a debt due by that person to the Council.	Y	
<b>46. Power to restrict or discontinue water supply</b>		
46.1 The power pursuant to Regulation 17(1) of the Regulations to, if the Council proposes to exercise a power under Section 59(3)(a) to (e) (inclusive) of the Act in relation to water that may be used for human consumption, to:	Y	
46.1.1 obtain the approval of the prescribed authority before acting; and	Y	

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46.1.2	notify the public of the intention to exercise the power by publishing a notice (specifying in the notice relevant details of the power to be exercised):	Y	
46.1.2.1	if the Council proposes to exercise a power under Section 59(3)(b), (c) or (d) – in the Gazette; and	Y	
46.1.2.2	in all cases:	Y	
	(a) on a website determined by the delegate and in accordance with Regulation 17(2) of the Regulations; and	Y	
	(b) in a newspaper circulating generally throughout the area of the State in which the persons affected by the exercise of the power are situated; and	Y	
	(c) in any other manner considered appropriate by the delegate for the purpose of notifying the persons affected by the exercise of the power.	Y	
<b>47.</b>	<b>Notices under Section 59 – Permits</b>		
	The power pursuant to Regulation 18(1) of the Regulations, for the purposes of Section 59(4) of the Act, if a specified use of water is prohibited except under the authority of a permit issued by a water industry entity, to issue such a permit to a person in accordance with Regulation 18 of the Regulations.	Y	
<b>48.</b>	<b>Fittings etc to be flush with road surface</b>		
48.1	The power pursuant to Regulation 23(2)(a) of the Regulations to, if the surface height of a road,	Y	

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	footpath or easement is altered and the Council has made the alteration, to give notice in writing to the water industry entity that owns, manages or uses the entry point, inspection point or other fitting of the alteration.		
48.2	The power pursuant to Regulation 23(2)(b) of the Regulations, if the surface height of a road, footpath or easement is altered, to at the cost of the Council, other authority or person who made the alteration, alter the height of the entry point, inspection point or other fitting.	Y	
48.3	The power pursuant to Regulation 23(3) of the Regulations, to recover the Council's costs as a debt from the Council, other authority or person.	Y	
<b>49.</b>	<b>Pipes must not lie across allotment boundaries</b>		
49.1	The power pursuant to Regulation 34(1) of the Regulations, if, on the division of land, the boundary of adjoining allotments intersects the line on which a pipe connected to any water/sewerage infrastructure has been laid, to direct the owner or occupier of each allotment under Regulation 34 of the Regulations to disconnect the pipe from the water/sewerage infrastructure.	Y	
49.2	The power pursuant to Regulation 34(4) of the Regulations, if a pipe connected to any water/sewerage infrastructure lies across the boundary between adjoining allotments (except allotments in the same site under the <i>Strata Titles Act 1988</i> or in the same community parcel under the <i>Community Titles Act 1996</i> ), to give written notice to the owner or occupier of each of the allotments directing that the pipe be disconnected from the water/sewerage infrastructure by a qualified person in the manner, at the point and within the time stated in the notice.	Y	
49.3	The power pursuant to Regulation 34(7) of the Regulations, if a person to whom notice has been given fails to comply with the notice, to enter either allotment or any adjoining land and carry	Y	

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out the necessary work.		
<b>50. Water meters – estimates</b>		
50.1 The power pursuant to Regulation 36 of the Regulations if:	Y	
50.1.1 the Council is unable for any reason to gain access to a meter or to read a meter for the purpose of measuring water supplied to the person by the Council; and	Y	
50.1.2 a code or rules made under the <i>Essential Services Commission Act 2002</i> relating to the provision of retail services to customers does not apply to that supply of water,	Y	
to, in accordance with any requirements of the Commission, estimate the quantity of water supplied through the meter and take that quantity to be the quantity of water supplied for the purpose of any amount payable for the supply of the water.	Y	
<b>51. Charge where land not connected or service to land reduced or discontinued</b>		
51.1 The power pursuant to Regulation 38 of the Regulations to, for the purposes of Section 115(2)(c) of the Act, impose a charge in respect of land of a kind specified by the Minister by notice in the Gazette despite the fact that:	Y	
51.1.1 the land is not connected to infrastructure by which a retail service is provided by the Council; or	Y	
51.1.2 the provision of a retail service to the land by the Council has been reduced or discontinued.	Y	

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**NOTES**

In exercise of the powers contained in Section 20 of the Development Act, 1993, the powers, functions and duties under the Development Act, 1993 and the Development Regulations, 2008 are hereby delegated this ~~28<sup>th</sup> day of April 2015~~23<sup>rd</sup> day of May 2017 to the person occupying the office of Chief Executive Officer of the Council and the said powers, functions and duties may be sub-delegated by the said delegate to any other officer of the Council:

**POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

	Delegated to CEO	Sub-delegations
<b>1. Concept of Change in the Use of Land</b>		
1.1 The power pursuant to Section 6(3) of the Development Act 1993 ("the Act") and in circumstances where a particular use of land has been discontinued for a period of six months or more:		
1.1.1 to form the opinion that the revival of that use would be inconsistent with the Development Plan and have an adverse effect on the locality in which the land is situated; and	Y	
1.1.2 to serve written notice on the owner and occupier of the land declaring that a revival of the use will be treated for the purposes of the Act as a change in the use of land.	Y	
<b>2. Appointment of Authorised Officers</b>		
2.1 The power pursuant to Section 18(1) of the Act to appoint a person to be an authorised officer for the purposes of the Development Act 1993.	Y	
2.2 The power pursuant to Section 18(2) of the Act to impose conditions on the appointment of an authorised officer.	Y	
2.3 The duty pursuant to Section 18(3) of the Act to	Y	

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	issue an authorised officer with an identity card.		
2.4	The power pursuant to Section 18(5) of the Act to at any time, revoke an appointment which the Delegate or the Council has made, or vary or revoke a condition of such an appointment or impose a further such condition.	Y	
<b>3.</b>	<b>Delegations</b>		
3.1	The duty pursuant to Section 20(8) of the Act to ensure that notice of a delegation under Section 20 of the Act is, in prescribed circumstances, given in the Gazette.	Y	
<b>4.</b>	<b>Council or Minister May Amend a Development Plan</b>		
4.1	Where an amendment relates to the area, or part of the area, of a council, the power pursuant to Section 24(1)(a)(i) of the Act to prepare an amendment to a Development Plan.	Y	
4.2	Where an amendment to a Development Plan relates to the areas, or parts of the areas, of two or more councils, the power pursuant to Section 24(1)(b)(i) to consult with the Minister.	Y	
4.3	Where an amendment to a Development Plan relates to the areas, or parts of the areas, of two or more councils, the power pursuant to Section 24(1)(b)(ii) of the Act to prepare an amendment to a Development Plan at the request or with the approval of the Minister.	Y	
4.4	The power pursuant to Section 24(1a) of the Act and in accordance with subdivision 2 of Division 2 Part 3 of the Act to act jointly with one or more councils in preparing amendments to 1 or more Development Plans under sub Section (1)(a)(i) or 24(b)(ii) of the Act.	Y	
4.5	The power pursuant to section 24(1)(a)(iva) of the Act, where the Council or the Delegate has, after commencing the processes associated with making an amendment as set out in Section 25 of the Act, to subsequently decide not to proceed with the amendment after all.	Y	
4.6	The power pursuant to Section 24(1b) of the Act to make submissions in relation to the matter within	Y	

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	the period specified by the Minister.		
4.7	The power pursuant to Section 24(2a) of the Act to make submissions (within a period specified in the notice) in relation to a matter.	Y	
<b>5.</b>	<b>Amendments by a Council</b>		
5.1	The power pursuant to Section 25(1) of the Act to prepare a "Statement of Intent" in accordance with the Regulations.	Y	
5.2	The power pursuant to Section 25(1) of the Act to reach agreement with the Minister on a "Statement of Intent" prepared by the Council.	Y	
5.3	Subject to Sections 25(4) and 25(5) of the Act the power pursuant to Section 25(3) of the Act to prepare a proposal, to be called a "Development Plan Amendment" (or DPA) that complies with the following requirements:		



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

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

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5.9.1	The duty pursuant to Section 25(7)(a) of the Act to refer the DPA to any government Department or agency that has a direct interest in the matter, and any other body specified in the Statement of Intent, for comment within the period prescribed by the Regulations.	Y	
5.9.2	The power pursuant to Section 25(7)(b) of the Act, if a response is not received within the period that applies under Section 25(7)(a) of the Act, to assume that the particular Department, agency or other body does not desire to provide any comment.	Y	
5.9.3	The power pursuant to Section 25(7)(c) of the Act to consult with the Minister.	Y	
5.9.4	The duty pursuant to Section 25(7)(c)(i) of the Act to comply with the requirement of the Minister to make an alteration to the DPA.	Y	
5.9.5	Subject to Sections 25(10), 25(11), 25(12) and 25(12a) of the Act, the duty pursuant to Section 25(7)(d) of the Act to release the DPA for public consultation in accordance with the Regulations), over a period of at least 8 weeks.	Y	
5.10	<del>3.1K</del> —Process B		

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5.10.1	The duty pursuant to Section 25(8)(a) of the Act, if required by the Minister, to first refer the DPA to the Minister for consideration.	Y	
5.10.2	The power, pursuant to Section 25(8)(a) of the Act, to consult with the Minister.	Y	
5.10.3	The duty pursuant to Section 25(8)(a)(i) of the Act to comply with a requirement of the Minister to make an alteration to the DPA.	Y	
5.10.4	Subject to complying with Section 25(8)(a) of the Act, (if relevant) the duty and power pursuant to Section 25(8)(b)(i) of the Act to refer the DPA to any government Department or agency that has a direct interest in the matter, and any other body specified in the Statement of Intent for comment within a period of 8 weeks, and, if a response is not received within this period, to assume that the particular Department, agency or body does not desire to provide any comment.	Y	
5.10.5	Subject to Sections 25(10), 25(11), 25(12) and 25(12a) of the Act the duty pursuant to Section 25(8)(b)(ii) of the Act to release the DPA for public consultation in accordance with the Regulations over a period that is at least concurrent with the period that applies under Section 25(8)(b)(i) of the Act.	Y	
5.11	<del>3.1L</del> —Process C	Y	

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

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

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

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



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

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8.1.4.2	required by the Minister.	Y	
8.2	The duty pursuant to Section 30(2) of the Act to prepare and complete a report under Section 30 of the Act -		
8.2.1	within 12 months after an alteration is made to the Planning Strategy, or within such longer period as the Minister may allow, if -	Y	
8.2.1.1	the Minister declares, by notice in the Gazette, that the alteration is considered to be a significant alteration that should trigger a review of Development Plans, or specified Development Plans, under Section 30 of the Act in relation to issues specified by the Minister; and	Y	
8.2.1.2	the Development Plan that applies in relation to the Council's area (or a part of its area) falls within the ambit of the declaration; and	Y	
8.2.2	in any event, within 5 years after the completion of the last report under Section 30 of the Act.	Y	
8.3	The duty, pursuant to Section 30(3) of the Act, in connection with the preparation of a report under Section 30 of the Act, to -		
8.3.1	<del>4.3.1</del> by public advertisement, invite interested persons to make written submissions to the Council within 2 months of the date of the advertisement or such longer period as may be allowed by the advertisement; and	Y	
8.3.2	<del>4.3.2</del> consult with any prescribed authority or body in the manner specified by the regulations.	Y	
8.4	The duty, pursuant to Section 30(4) of the Act, in connection with the operation of Section 30(3) of the Act, to prepare and make available the documentation prescribed by the regulations.	Y	
8.5	The duty pursuant to Section 30(5) of the Act to give	Y	

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

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regulations.		
8.12 The power pursuant to Section 30(14) of the Act, to request in accordance with the regulations a Minister identified by the regulations for the purposes of this provision to furnish to the Council within the prescribed period a statement of the nature and extent of any infrastructure that, according to the Minister's assessment, should be taken into account in connection with the preparation of a report under Section 30 of the Act.	Y	
8.13 The power pursuant to Section 30(15) of the Act to act jointly with two or more councils under Section 30 of the Act and to act on behalf of, and with the agreement of, the other council or councils in undertaking any process or procedure under Section 30 of the Act.	Y	
<b>9. Copies of Plans to be Made Available to the Public</b>		
9.1 The duty pursuant to Section 31(3) of the Act to make copies of a Development Plan published under Section 31(1) of the Act that applies in relation to the area of the Council available for inspection (without charge) and purchase by the public at an office of the Council.	Y	
<b>10. Matters Against Which Development Must be Assessed</b>		
10.1 The power, as the relevant authority and pursuant to Section 33 of the Act, to assess a development against and grant or refuse consent in respect of each of the following matters:	Y	
10.1.1 the provisions of the appropriate Development Plan; with the exception of the following: - Development that has been the subject of Category 2 or 3 public notification where there has been written representations by third parties expressing opposition to the proposal that cannot be satisfied by conditions or modifications to the plans - Development that has been classified as non-complying. The Manager Development Services may determine to proceed with further assessment with	Y	

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	<p>a non-complying development. Such decisions shall be reported to the next meeting of the DAP.</p> <ul style="list-style-type: none"> <li>- Development that includes or is likely to include a new Liquor License or substantial amendment to a Liquor License other than for applications or amendments of a minor nature which may be determined by the Manager Development Services. Such applications shall be reported to the next meeting of the DAP and the respective Ward Councillors advised.</li> <li>- Residential development and land division applications received by Council after 14 August 2003 that incorporate proposed allotments or site areas below the minimum allotment or site areas designated in respective zones and policy areas in the City of Marion Development Plan, unless the Manager Development Service intends to refuse such an application</li> <li>- Outdoor advertising signs: <ul style="list-style-type: none"> <li>- of a freestanding/pylon design where the face of the advertising structure exceeds 5m<sup>2</sup> in area (each side when double sided).</li> <li>- Attached to a building or structure where the face of the advertising structure exceeds 10m<sup>2</sup></li> <li>- Additions to existing signage where the proposed additions exceed 5m<sup>2</sup></li> <li>- of a "billboard" construction/design</li> </ul> </li> </ul>		
10.1.2	the provisions of the Building Rules;	Y	
10.1.3	in relation to a proposed division of land (otherwise than under the Community Titles Act 1996 or the Strata Titles Act 1988) on the satisfaction of the conditions specified in Section 33(1)(c) of the Act;	Y	
10.1.4	in relation to a division of land under the Community Titles Act 1996 or the Strata Titles Act 1988 on the satisfaction of the conditions specified in Section 33(1)(d) of the Act;	Y	
10.1.5	the requirement that any encroachment of a	Y	

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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**DEVELOPMENT REGULATIONS 2008****NOTES**

1. In exercise of the powers contained in Section 20 of the Development Act, 1993, the powers, functions and duties under the Development Regulations, 2008 are hereby delegated this ~~10<sup>th</sup> day of November 2015~~<sup>23<sup>rd</sup> day of May 2017</sup> to the person occupying the office of Chief Executive Officer of the Council and the said powers, functions and duties may be sub-delegated by the said delegate to any other officer of the Council:

**References:**

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



**POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

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

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

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

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58.4A The power and duty pursuant to Regulation 15(7b) of the Regulations, to within 2 business days of receipt of a copy of an application <u>form</u> under Regulation 15(7a) of the Regulations, furnish to the private certifier:		
58.4A.1 the Development Assessment number assigned to the development proposed under the application; and	Y	
58.4A.2 if the private certifier, at the time of forwarding a copy of an application under Regulation 15(7a) of the Regulations, requests advice on the matters set out in subparagraphs (i) and (ii), and if such advice is relevant:	Y	
58.4A.2.1 advice about any site contamination that is believed to exist at the site where the development would be undertaken; and	Y	
58.4A.2.2 advice about the likely need for approval to alter a public road under section 221 of the Local Government Act 1999 in order to establish a new access point.	Y	
<u>58.4A.2.3 advice about whether the relevant development plan specifies any requirements relating to finished floor levels (expressed by reference to AHD or ARI) in relation to the site where the development would be undertaken.</u>	<u>Y</u>	
58.5 The power pursuant to Regulation 15(8) of the Regulations to extend the period prescribed in Regulation 15(8) for the lodging of an application for the appropriate development authorisation as required by Section 54(2)(c).	Y	
58.6 Deliberately left blank		
58.7 The power pursuant to Regulation 15(11) <u>of the Regulations, to and subject to Regulation 15(12) of</u>	<u>Y</u>	

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

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

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

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Regulations the duty, pursuant to and in accordance with Regulation 22(3) of the Regulations to:		
63.3.1 take reasonable steps to notify the applicant of the action under consideration; and	Y	
63.3.2 allow the applicant a reasonable opportunity to make submissions to the Council or the Delegate about the proposed course of action, and the power to determine the manner and form of those submissions.	Y	
<b>64. Contravening Development</b>		
64.1 The power pursuant to Regulation 23(2) of the Regulations, by notice in writing to the applicant to decline to proceed with an application until proceedings under the Act have been concluded.	Y	
<b>65. Referrals</b>		
65.1 The duty pursuant to Regulation 24(1) of the Regulations to refer an application of a prescribed kind together with a copy of any relevant information provided by the applicant to the relevant body prescribed by Schedule 8 of the Regulations and to not make a decision on the application until a response has been received from the referral body or the time period for receipt of a response has lapsed.	Y	
<b>66. Procedure Where Concurrence Required</b>		
66.1 The duty pursuant to Regulation 25 of the Regulations, if concurrence must be sought from another body prior to issuing a consent or approval to forward to the other body whose concurrence must be sought that information required by Regulation 25(b) of the Regulations.	Y	
<b>67. Additional Information or Amended Plans</b>		
67.1 The duty pursuant to Regulation 27(1) of the Regulations, where an application has been referred to a prescribed body under Part 5 of the Regulations and additional information is received which is materially relevant to the referral, to repeat the referral process where the Delegate is	Y	



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

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

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

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

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

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

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

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



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

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

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

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

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

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

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	with the relevant requirements of the Building Rules for bushfire protection.		
<b>96.</b>	<b>Construction Industry Training Fund</b>		
96.1	The duty pursuant to Regulation 79(2) of the Regulations to withhold issuing a building rules consent until satisfied that the appropriate levy has been paid under the Construction Industry Training Fund Act 1993 or that no such levy is payable.	Y	
96.2	The power pursuant to Regulation 79(4) of the Regulations to form an opinion whether the appropriate levy under the Construction Industry Training Fund Act 1993 has or has not been paid, or is or is not payable, and notify the applicant that a building rules consent cannot be issued until the Delegate is satisfied that the levy has been paid or is not payable.	Y	
96.3	The power pursuant to and in accordance with Regulation 79(5)(b) of the Regulations to determine that the application has lapsed.	Y	
<b>97.</b>	<b>Classification of Buildings</b>		
97.1	The power pursuant to Regulation 82(3)(b)(i) of the Regulations to require such details, particulars, plans, drawings, specifications, certificates and other documents as may reasonably be required to determine a building's classification upon application by an owner of a building under Regulation 82(1) or (2) of the Regulations.	Y	
97.2	The duty pursuant to Regulation 82(4) of the Regulations to assign the appropriate classification under the Building Code to a building upon being satisfied that the building possesses the attributes appropriate to its present or intended use.	Y	

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97.3 The power pursuant to Regulation 82(5) of the Regulations, on assigning a classification to a building (or part of a building), to, if relevant, determine and specify in the notice to the owner under Section 66(4) of the Act –		
97.3.1 the maximum number of persons who may occupy the building (or part of the building); and	<u>Y</u>	
97.3.2 If the building has more than one classification – the part or parts of the building to which each classification relates and the classification currently assigned to the other parts of the building.	<u>Y</u>	
<b>98. Certificates of Occupancy</b>		
98.1 The power pursuant to Regulation 83(2)(c) of the Regulations to require from an applicant for a certificate of occupancy reasonable evidence that conditions attached to a development approval have been satisfied.	Y	
98.2 The power pursuant to Regulation 83(2)(d) of the Regulations where an application relates to the construction or alteration of part of a building and further building work is envisaged in respect of the remainder of the building, to require from an applicant for a certificate of occupancy reasonable evidence that in the case of a building of more than one storey, the requirements of Minister's Specification SA 83 have been complied with, or in any other case the building is suitable for occupation.	Y	
98.3 The power pursuant to Regulation 83(3) of the Regulations to dispense with the requirement to provide a Statement of Compliance under Regulation 83(2)(a) if the Delegate is satisfied that a person required to complete one or both parts of the Statement has refused or failed to complete that part and that the person seeking the issuing of the certificate of occupancy has taken reasonable steps to obtain the relevant certification(s) and it appears to the Delegate that the relevant building is suitable for occupation.	Y	
98.4 Where:		



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98.4.1	a building is required by the Building Rules:		
98.4.1.1	to be equipped with a booster assembly for use by a fire authority; or		
98.4.1.2	to have installed a fire alarm that transmits a signal to a fire station; and		
98.4.2	facilities for fire detection, fire fighting or the control of smoke must be installed in the building pursuant to an approval under the Act,	Y	
	the duty pursuant to Regulation 83(4) of the Regulations to not grant a certificate of occupancy unless or until a report has been sought from the fire authority as to whether those facilities have been installed and operate satisfactorily.	Y	
98.5	The power pursuant to Regulation 83(5) of the Regulations, when a report from the fire authority pursuant to Regulation 83(4) is not received within 15 business days, to presume that the fire authority does not desire to make a report.	Y	
98.6	The duty pursuant to Regulation 83(6) of the Regulations to have regard to any report received from a fire authority under Regulation 83(4) before issuing a certificate of occupancy.	Y	
98.7	The power pursuant to Regulation 83(9) of the Regulations to revoke a certificate of occupancy.	Y	
99.	<b>Certificate of Independent Technical Expert in Certain Case</b>		
99.1	The power pursuant to Regulation 88(3) of the Regulations, in circumstances where Regulation 88 of the Regulations applies, to rely on the certificate of an independent technical expert.	Y	
100.	<b>Fees</b>		
100.1	The power pursuant to Regulation 95(2) of the Regulations to require an applicant to provide such information as the Delegate may reasonably	Y	

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require to calculate any fee payable under Schedule 6 and the power to make any other determination for the purposes of Schedule 6.		
100.2 The power pursuant to the provisions of Regulation 95(3) of the Regulations to calculate any fee on the basis of estimates made by the Delegate where the Delegate believes that any information provided by an applicant is incomplete or inaccurate.	Y	
100.3 The power pursuant to Regulation 95(4) of the Regulations to, at any time, and despite any earlier acceptance of an amount in respect of the fee, reassess a fee payable under the Regulations.	Y	
100.4 The duty pursuant to Regulation 95(5) of the Regulations, on a reassessment under Regulation 95(4) of the Regulations:		
100.4.1 if it appears that an overpayment has occurred, to refund any amount due in accordance with the reassessment; and	Y	
100.4.2 if it appears that an underpayment has occurred, to charge any further amount payable in accordance with the reassessment.	Y	
<b>101. Register of Applications</b>		
101.1 The duty pursuant to Regulation 98 of the Regulations to keep available for public inspection a register of applications for consent, approval, or the assignment of building classifications under the Act.	Y	
101.2 The power pursuant to Regulation 98(3) to fix a fee and upon payment of that fee, make available to a member of the public a copy of any part of a register or document kept for the purposes of Regulation 98(1).	Y	
<b>102. Registration of Land Management Agreements</b>		
102.1 The duty pursuant to and in accordance with Regulation 99(2) of the Regulations to establish a register of agreements entered into by the Council under Section 57(2) of the Act.	Y	

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102.2 The power pursuant to Regulation 99(3) of the Regulations to determine what other information may be contained in the Register.	Y	
<b>103. Land Management Agreements - development applications</b>		
103.1 The duty pursuant to Regulation 100(2) of the Regulations to establish a register of agreements entered into by the Council under Section 57A of the Act	Y	

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

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

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

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

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



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

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

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

**DELEGATIONS UNDER THE DEVELOPMENT ACT 1993  
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Pursuant to Section 20 of the Development Act 1993 and effective from 13<sup>th</sup> October 2015, the Council delegates to the Development Assessment Panel the following powers, functions and duties of the Council under the Development Act and Regulations, and the said powers, functions and duties may be sub-delegated by the Development Assessment Panel to an officer or officers of the Council.

Ref **DA/DAP-**\_\_**Sub-  
delegation**

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Ref <b>DA/DAP-</b> _	<b>Sub-delegation</b>
<p>119. The power, as the relevant authority and pursuant to Section 33 of the Development Act 1993, to assess a development against the provisions of the appropriate Development plan and grant with or without conditions or refuse consent in respect of each of the following:</p> <p>a Development that has been the subject to Category 2 or 3 public notification where there has been written representations by third parties expressing opposition to the proposal that cannot be satisfied by conditions or modifications to the plans.</p> <p>b Development that has been classified as non-complying. The Manager Development Services may determine to proceed with further assessment with a non-complying development. Such decisions shall be reported to the next meeting of the DAP.</p> <p>c Development that includes or is likely to include a new Liquor License or substantial amendment to an existing Liquor License other than for applications or amendments of a minor nature which may be determined by the Manager Development Services. Such applications shall be reported to the next meeting of the DAP.</p> <p>d Residential development and land division applications received by Council after 14 August 2003 that incorporate proposed allotments or site areas below the minimum allotment or site areas designated in respective zones and policy areas in the City of Marion Development Plan, unless the Manager Development Service intends to refuse such an application.</p> <p>e Development that includes:</p> <ul style="list-style-type: none"> <li>• Outdoor advertising signs of a freestanding/pylon design where the face of the advertising structure exceeds 5m<sup>2</sup> in area (each side when double sided).</li> <li>• Outdoor advertising signs attached to a building or structure where the face of the advertising structure exceeds 10m<sup>2</sup>.</li> <li>• Additions to existing signage where the proposed additions exceed 5m<sup>2</sup>.</li> <li>• Outdoor advertising signs of a “billboard” construction/design</li> </ul> <p>f Any matter that is referred for consideration or determination under Part 4 of the Development Act 1993 at the discretion of the Manager Development Services that may otherwise be considered or determined by the Manager Development Services, Team Leader Planning or Development Officer Planning under separate delegation from Council or the Chief Executive Officer.</p>	Remains with Development Assessment Panel

<b>Sub-delegations by the Development Assessment Panel (DAP) as endorsed at its meeting on 15 July 2015.</b>	
Development Assessment Panel (DAP) sub-delegate to the Manager Development Services, Team Leader Planning, Senior Development Officer Planning and Development Officer Planning the powers, duties, and functions of the DAP to assess a proposed development against the provisions of the Marion Council Development Plan and to grant or refuse consent to that	

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application, in relation to the following:	
a) Applications (land division and/or land use) for group dwellings and/or residential flat building(s); if the overall area of an allotment or site (including any common areas such as driveways, etc.) when divided by the proposed number of dwellings and/or allotments satisfies the minimum site area designated for that dwelling type as prescribed within the relevant zone and/or policy area in the Marion Council Development Plan;	
b) Applications for advertisements; which do not exceed the maximum height and display area/panel size requirements as prescribed within the relevant zone and/or policy area and/or within the General Section: Advertisements in the Marion Council Development Plan;	
c) Applications (land division and/or land use) for dwelling(s) (including detached dwellings, semi-detached dwellings, row dwellings, group dwellings and residential flat buildings); where the proposed allotment(s)/site area(s) are no greater than 5% less than the minimum allotment or site area(s) designated in the relevant zone and/or policy area in the Marion Council Development Plan;	
d) Applications (land division and/or land use) for, or that include, detached dwelling(s); that propose allotment/site area(s) for the detached dwelling(s) which satisfy the minimum site area required for semi-detached dwelling(s), as designated in the relevant zone and/or policy area in the Marion Council Development Plan;	
e) Applications for land divisions; that relate to a previously approved land use application where the allotment(s)/site(s) proposed are less than the minimum allotment or site area(s) designated in the relevant zone and/or policy area in the Marion Council Development Plan;	
f) Applications that seek variations to applications previously determined by the Development Assessment Panel (DAP); that, in the opinion of the Manager Development Services, Team Leader Planning, Senior Development Officer Planning or Development Officer Planning, do not compromise or undermine the DAP's decision; and	
g) Applications for dwellings; where the application delineates that the development will comprise detached, semi-detached or row dwelling(s) once a plan of division has been deposited with the Lands Titles Office, and where the allotments either satisfy the site area requirements for the above-mentioned applicable form of development, or are no greater than 5% less than the applicable minimum allotment or site area, as designated in the relevant zone and/or policy area in the Marion Council Development Plan.	
h) Applications (land division or land-use) that relate to a previously approved and corresponding land division or land-use where the allotment(s)/site(s) proposed are less than the minimum allotment or site area(s) designated in the relevant zone and/or policy area in the Marion Council Development Plan;	
i) Applications for a single dwellings received by Council after 14 August 2003 on existing allotment(s)/site(s) that are below the minimum allotment or site area(s) designated in respective zones and policy areas in the City of Marion Development Plan.	

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**INSTRUMENT OF DELEGATION UNDER THE  
SUPPORTED RESIDENTIAL FACILITIES ACT 1992 AND SUPPORTED  
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**NOTES**

In exercise of the powers contained in Section 44 of the Local Government Act, 1999 the following powers, functions and duties under the Supported Residential Facilities Act 1992, and Supported Residential Facilities Regulations 2009 are hereby delegated this ~~10<sup>th</sup> day of November 2015~~ 23<sup>rd</sup> day of May 2017 to the person occupying the office of Chief Executive Officer of the Council and the said 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
<b>1. Appointment of Authorised Officers</b>		
1.1 The power pursuant to Section 21(1) of the Supported Residential Facilities Act 1992 ("the Act") to appoint a person to be an authorised officer under the Act;	Y	
1.2 The duty pursuant to Section 21(2) of the Act to issue to an authorised officer an identity card; and	Y	
1.3 The power pursuant to Section 21(4) of the Act by notice in writing served on an authorised officer, to revoke the appointment as an authorised officer.	Y	
<b>2. Application for a Licence</b>		
2.1 The power pursuant to Section 24(3) of the Act by notice in writing not later than two months after a licence application has been made, to require the applicant to furnish specified information;	Y	

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SUPPORTED RESIDENTIAL FACILITIES ACT 1992 AND SUPPORTED RESIDENTIAL FACILITIES  
REGULATIONS 2009**

2.2	The power pursuant to Section 24(5) of the Act to require any information included in an application or required by a notice to be verified by statutory declaration;	Y	
2.3	The power pursuant to Section 24(9) of the Act subject to such conditions as the Delegate thinks fit, to conditionally approve the issue of a licence in respect of proposed premises and the duty where satisfied that the premises have been established in substantial compliance with those conditions (and within such a period, if any as the Delegate may have determined), to grant a licence; and	Y	
2.4	Where an application for a licence is refused, the duty pursuant to Section 24(10) of the Act notify the applicant in writing of the refusal, the reasons for the refusal, and any appeal rights that the applicant has under the Act.	Y	
2.5	The duty, pursuant to Section 25(1) of the Act in considering an application for a licence in respect of the use of premises as a supported residential facility, to take into account those matters specified in this Section and such other matters as the Delegate thinks fit;	Y	
2.6	The duty pursuant to Section 25(2) of the Act in determining whether or not an applicant is suitable to be granted a licence, to have regard to those matters specified in this Section and to such other matters as the Delegate thinks fit;	Y	
2.7	The duty pursuant to Section 25(3) of the Act in determining whether or not premises are suitable to be used as a supported residential facility, to have regard to those matters specified in Section 25(3) of the Act and to such other matters as the Delegate thinks fit;	Y	
2.8	The duty pursuant to Section 25(4) of the Act not to grant a licence where it appears that the facility would not be administered in accordance with the principles prescribed in Part 2 of the Act.	Y	



**INSTRUMENT OF DELEGATION UNDER THE  
SUPPORTED RESIDENTIAL FACILITIES ACT 1992 AND SUPPORTED RESIDENTIAL FACILITIES  
REGULATIONS 2009**

2.9 Pursuant to Regulation 5 of the Supported Residential Facilities Regulations, 1994 the duty, pursuant to Section 25(1)(f) of the Act, to take into account in relation to the standard of the premises (or proposed premises), the extent to which the premises accord with the standards prescribed by or under the Building Code of Australia.	Y	
<b>3. Renewal of Licence</b>		
3.1 The power pursuant to Section 27(3) of the Act at the Delegate's discretion, to determine a late application for renewal provided that the applicant pays the prescribed late application fee;	Y	
3.2 The duty pursuant to Section 27(4) of the Act by notice in writing served on the applicant, to give a decision on an application for the renewal of a licence before the date of expiry of the licence and where the Delegate decides to refuse an application for renewal of a licence, the duty to state in the notice of refusal the reasons for the refusal and the appeal rights that the applicant may have under the Act.	Y	
3.3 The power pursuant to Section 28 of the Act to refuse to renew a licence on any ground on which a licence may be cancelled.	Y	
<b>4. Licence Conditions</b>		
4.1 The power pursuant to Section 29(2) of the Act to impose licence conditions with respect to such matters as are contemplated by the Act or as the Delegate considers necessary or expedient for the purposes of the Act;	Y	
4.2 Pursuant to Section 29(3) of the Act where conditions are imposed by the Delegate:	Y	
4.2.1 if imposed at the time of grant or renewal of the licence – the duty to include them in the licence itself;	Y	

**INSTRUMENT OF DELEGATION UNDER THE  
SUPPORTED RESIDENTIAL FACILITIES ACT 1992 AND SUPPORTED RESIDENTIAL FACILITIES  
REGULATIONS 2009**

4.2.2	if imposed during the currency of the licence – the duty to impose them by notice in writing served on the holder of the licence;	Y	
4.2.3	the power to vary or revoke conditions at any time by notice in writing served on the holder of the licence;	Y	
4.3	<del>The duty pursuant to Section 29(4) of the Act in formulating or varying a condition, to take into account any relevant guideline published by the Advisory Committee</del> <u>Deliberately left blank.</u>	Y	
<b>5.</b>	<b>Transfer of Licence</b>		
5.1	The duty pursuant to Section 30(4) of the Act, upon due application under Section 30 of the Act and payment of the prescribed fee, to transfer the licence to the proposed transferee if satisfied that the proposed transferee would be a suitable person to be granted a licence under the Act.	Y	
<b>6.</b>	<b>Cancellation of Licence</b>		
6.1	The power pursuant to Section 31(1) of the Act, to cancel a licence, on reasonable grounds, where satisfied that any of the matters specified in this Section are applicable;	Y	
6.2	The duty pursuant to Section 31(2) of the Act before acting under this Section, to notify the holder of the licence in writing of the proposed cancellation of the licence and allow the holder of the licence at least 28 days within which to make submissions in relation to the proposed action;	Y	
6.3	The power pursuant to Section 31(3) of the Act pending the cancellation (or possible cancellation) of a licence under this Section, to impose conditions to protect the interests of the residents of the facility; and	Y	

**INSTRUMENT OF DELEGATION UNDER THE  
SUPPORTED RESIDENTIAL FACILITIES ACT 1992 AND SUPPORTED RESIDENTIAL FACILITIES  
REGULATIONS 2009**

6.4	The power pursuant to Section 31(4) of the Act, to appoint an administrator of the facility and to take such other steps as may be reasonable to secure the proper care of the residents of the facility.	Y	
<b>7.</b>	<b>Appeals</b>		
7.1	The power pursuant to Section 32(5) of the Act where the Delegate is satisfied that an applicant for renewal of a licence has instituted or intends to institute an appeal, to order that the licence remain in force until the determination of the appeal; and to impose such conditions as the Delegate thinks fit.	Y	
7.2	The power pursuant to Section 32(7) of the Act if a person contravenes, or fails to comply with, a condition imposed under Section 32(5) of the Act to revoke any order to which the condition relates.	Y	
7.3	The duty pursuant to Section 33(1) of the Act, and subject to Section 33(2), where application is made for a licence in respect of a facility that was in operation during the period of three (3) months immediately preceding the commencement of the Section, to upon payment of the prescribed fee, grant a licence in accordance with the Act for a term of one year.	Y	
<b>8.</b>	<b>Appointment of Manager</b>		
8.1	The power pursuant to Section 34(1) of the Act where the proprietor of a facility is not directly involved in the management of the facility or the proprietor of a facility is a body corporate, to approve a natural person for the purpose of managing the facility under that person's personal supervision.	Y	
8.2	The power pursuant to Section 34(2) of the Act to extend the period of management without supervision.	Y	

**INSTRUMENT OF DELEGATION UNDER THE  
SUPPORTED RESIDENTIAL FACILITIES ACT 1992 AND SUPPORTED RESIDENTIAL FACILITIES  
REGULATIONS 2009**

<b>9. Death of Licensee</b>		
9.1 The power pursuant to Section 35 of the Act, where the holder of a licence dies, to approve the personal representative or some other person to be taken to be the holder of the licence (on the same conditions as applicable to the former holder of the licence) as from the date of death until the expiration of six months from that date or until such later date as may be fixed by the Delegate.	Y	
<b>10. Recision of Resident Contract by Proprietor</b>		
10.1 The power pursuant to Section 39(2)(b) of the Act to approve the method of providing a termination notice subject to this Section.	Y	
<b>11. Disputes</b>		
11.1 The power pursuant to Section 43(2) of the Act on an application made in relation to any of the matters specified in Section 43(1) of the Act, to explore any possible avenue of achieving conciliation between the parties and for these purposes, the Delegate, may as he/she thinks fit, take any action in accordance with Section 43(3) of the Act;	Y	
11.2 The power pursuant to Section 43(6) of the Act, to require an applicant, to furnish such further information in relation to the subject matter of the application as the Delegate thinks necessary, and to verify any information by statutory declaration;	Y	
11.3 The duty pursuant to Section 43(7) of the Act to give the applicant and the respondent reasonable notice of the time and place of any hearing of the application;	Y	
11.4 The power pursuant to Section 43(9) of the Act where satisfied that an interim order is justified by the urgent circumstances of the case, to make an interim order pending final resolution of the matter.	Y	

**INSTRUMENT OF DELEGATION UNDER THE  
SUPPORTED RESIDENTIAL FACILITIES ACT 1992 AND SUPPORTED RESIDENTIAL FACILITIES  
REGULATIONS 2009**

11.5	The power pursuant to Section 43(11) of the Act to vary or revoke an order made under Section 43 of the Act;	Y	
11.6	The power, pursuant to Section 43(12) of the Act -	Y	
11.6.1	to decline to proceed with an application under this Section until satisfied that reasonable steps have been taken to resolve the dispute pursuant to other procedures specified by the Delegate;	Y	
11.6.2	to decline to proceed with an application under this Section if the Delegate considers that it would be more appropriate for proceedings to be taken in a court or tribunal constituted by law; or	Y	
11.6.3	to decline to proceed (or further proceed) with an application under this Section if proceedings related to the subject matter of the application have been commenced in a court or tribunal constituted by law; and	Y	
11.7	The duty pursuant to Section 43(13) of the Act in determining any application under this Section, to act with as much expedition as is reasonably practicable in the circumstances.	Y	
<b>12.</b>	<b>Attendance by Health Service Providers etc.</b>		
12.1	The power pursuant to Section 47(1) of the Act to approve a health service provider, social worker, or any person, for the purposes of Section 47.	Y	
<b>13.</b>	<b>Complaints</b>		
13.1	The power pursuant to Section 49(1) of the Act to receive a complaint about the management of a supported residential facility or any residential-only premises or about the conduct of a resident of a supported residential facility or any residential-only premises.	Y	

**INSTRUMENT OF DELEGATION UNDER THE  
SUPPORTED RESIDENTIAL FACILITIES ACT 1992 AND SUPPORTED RESIDENTIAL FACILITIES  
REGULATIONS 2009**

13.2	The power pursuant to Section 49(2) of the Act to require a complaint to be reduced to writing.	Y	
13.3	The power pursuant to Section 49(3) of the Act to take such action as the Delegate thinks fit in view of the complaint.	Y	
13.4	The power pursuant to Section 49(4) of the Act to appoint an authorised officer to carry out an investigation into the circumstances surrounding the complaint and to attempt to resolve the matter as expeditiously as possible.	Y	
<b>14.</b>	<b>Regulations</b>		
14.1	Pursuant to Sections 57(5) and (6) of the Act where the proprietor of a facility who holds a licence under the Act applies to the Council for an exemption from a regulation that applies to the facility and the Delegate is satisfied -		
14.1.1	that the Delegate can grant the exemption without seriously affecting the interests of a resident of the facility; and	Y	
14.1.2	that it is appropriate for the Delegate to grant the exemption in the circumstances of the particular case,	Y	
	the power to, by notice in writing to the proprietor, exempt the proprietor from the regulation to which the application relates, on such conditions as the Delegate thinks fit.	Y	
14.2	The power pursuant to Section 57(7) of the Act, to, at any time, by further notice to the proprietor:		
14.2.1	revoke an exemption under Section 57(5);	Y	
14.2.2	vary or revoke a condition under Section 57(6).	Y	

**INSTRUMENT OF DELEGATION UNDER THE  
SUPPORTED RESIDENTIAL FACILITIES ACT 1992 AND SUPPORTED RESIDENTIAL FACILITIES  
REGULATIONS 2009**

<b>DELEGATIONS UNDER THE SUPPORTED RESIDENTIAL FACILITIES REGULATIONS 2009 (“the Regulations”)</b>	<b>Delegate to CEO</b>	
15. The duty pursuant to Regulation 4(1) of the Supported Residential Facilities Regulations 2009 (“the Regulations”) to decide an application for a licence under Section 24 of the Act within eight weeks of the application being made.	Y	
16. The duty pursuant to Regulation 4(2) of the Regulations, in considering an application for a licence in respect of the use of premises (or proposed premises) as a supported residential facility, to take into account the extent to which the premises (or proposed premises) accord with the standards prescribed by or under the Building Code of Australia.	Y	
17. The power pursuant to Regulation 5(2) of the Regulations to receive a copy of a prospectus, or a copy of an alteration to a prospectus, and a copy of the written statement required to accompany the prospectus or alteration to the prospectus pursuant to Regulation 5(2)(b) of the Regulations.	Y	
18. The power pursuant to Regulation 14(1)(b) of the Regulations to receive information of any untoward medical event that occurs in relation to a resident of a facility.	Y	
19. The power pursuant to Regulation 17(2) of the Regulations to approve an acting manager for the purpose of appointment to or otherwise assuming the duties of the office of manager of a facility if, for a period exceeding seven days, a manager is absent from the duties of office, or the position of manager is temporarily vacant and a resident of the facility is in need of personal care services.	Y	
20. The power pursuant to Regulation 18(1) of the Regulations to approve a registered nurse as being a person who has appropriate qualifications, skills and experience to oversee the provision of nursing care at a facility.	Y	

**INSTRUMENT OF DELEGATION UNDER THE  
SUPPORTED RESIDENTIAL FACILITIES ACT 1992 AND SUPPORTED RESIDENTIAL FACILITIES  
REGULATIONS 2009**

21. The power pursuant to Regulation 18(2) of the Regulations, if there is a change in the type or level of services provided at a nursing home, to revoke, by notice in writing to the proprietor, an approval under Regulation 18(1) of the Regulations and require that a new appointment be made to ensure that the person who oversees the provision of nursing care at the facility has the qualifications, skills and experience appropriate to the facility.	Y	
22. The power pursuant to Regulation 21(1)(b) of the Regulations to approve a kitchen at a facility otherwise than in accordance with the requirements of Regulation 21(1)(b) of the Regulations.	Y	
23. The power pursuant to Regulation 21(3)(e) of the Regulations to require the fitting of handrails, ramps and, for a multi-storey building, lifts.	Y	
24. The power pursuant to Regulation 24(1) of the Regulations to direct the proprietor of a facility to install a communication system at the facility.	Y	
25. The duty pursuant to Regulation 26(2) of the Regulations to remit amounts payable to the indemnity fund under Section 56(4) of the Act to the fund manager within 28 days after the end of the financial year in which they are received by the Council.	Y	



**CITY OF MARION  
GENERAL COUNCIL MEETING  
23 MAY 2017**

**Originating Officer:** Heath Harding, Management Accountant  
**Corporate Manager:** Ray Barnwell, Manager Finance  
**General Manager:** Vincent Mifsud, General Manager Corporate Services  
**Subject:** 3<sup>rd</sup> Budget Review 2016/17  
**Report Reference:** GC230517R12

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**REPORT OBJECTIVE AND EXECUTIVE SUMMARY**

The purpose of this report is to provide the financial results for the 3<sup>rd</sup> Budget Review for 2016/17. The budget review is a revised forecast of the original budget and as such any savings identified during the reviews will not be confirmed until the financial statements are prepared and audited at the end of the financial year.

**Cash Position**

The completion of the 3<sup>rd</sup> Budget Review has identified a favourable Cash adjustment of **\$0.129m**. This when added to the 2<sup>nd</sup> Review Cash Surplus of \$1.833m brings the full year forecast Cash Surplus to \$1.962m (refer Appendix 1 Budgeted Funding Statement – “Movement in levels of Cash/ Accruals”).

This budget review’s favourable adjustment is attributable to the following adjustments from the 2<sup>nd</sup> Budget Review of 2016/17:

- Investment Income	\$0.150m (F)
- Bore Renewal Capital Works	(\$0.220m) (U)
- Waste Collection	(\$0.063m) (U)
- Other various net adjustments	<u>\$0.262m (F)</u>
<b>Net favourable Cash adjustments</b>	<b><u>\$0.129m (F)</u></b>

**Operating**

The 3<sup>rd</sup> Budget Review forecasts a full year Operating Surplus for 2016/17 of \$6.597m (7.63%), a minor decrease of \$0.014m from the 2<sup>nd</sup> Budget Review surplus of \$6.611m (7.68%). This decrease is mainly attributed to the following items;

<b>2<sup>nd</sup> Review Operating Surplus - (7.7%)</b>	<b>\$6.611m</b>
<b>Add:</b> - Interest Income	\$0.150m (F)
- Bridge Audit funding not required	\$0.049m (F)
<b>Less:</b> - Waste Collection	(\$0.063m) (U)
- Council Solutions Optimization Review	(\$0.044m) (U)
<b>Less:</b> - Other various minor adjustments	<u>(\$0.106m) (U)</u>
<b>3<sup>rd</sup> Review Operating Surplus - (7.6%)</b>	<b><u>\$6.597m</u></b>

The 3<sup>rd</sup> Budget Review operating budget surplus of \$6.597m (7.6%) currently exceeds the target set in the Annual Business Plan and Budget of \$0 - \$4.303m (0 – 5%).

**RECOMMENDATIONS (1):**

**DUE DATES**

**That Council:**

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

**23 May 2017**

**BACKGROUND:**

Council is required to reconsider the approved budget three times during the year in accordance with Section 123 (13) of the Local Government Act 1999 and Section 7 of the Local Government Regulations.

The original 2016/17 budget was developed within the context of a long term framework to achieve a balance between meeting the objectives of the Strategic Plan and attaining financial sustainability in the long term.

**Framework**

This budget review continues the focus on achieving the framework set by Council when developing the 2016/17 budget, this being:

- Support the achievement of the City of Marion's Strategic Directions;
- Address issues arising from internal audit reviews and assessments;
- Maintains an operating surplus ratio of between 0-5% over any five consecutive years, with a primary focus being on Cash Flow and Funding;
- Continue to improve the maintenance of assets in accordance with Council's Asset Management Plans, with a priority on maintenance before renewal, and renewal before new where it is cost effective to do so;
- Review existing services and assets to ensure they meet prioritised community needs;
- Council only approves new Major Projects where it has the identified funding capacity to do so;
- Maintain Council's position for an average residential rate which remains among the lower rating metropolitan councils;
- Implement responses for progressing liveable cities strategies and funding opportunities within Marion.

**DISCUSSION:****Cash Result**

The 3<sup>rd</sup> Budget Review forecasts a favourable Cash adjustment of **\$0.129m**. This when added to the 2<sup>nd</sup> Review Cash Surplus of \$1.833m brings the full year forecast Cash Surplus to \$1.962m.

2 <sup>nd</sup> Review Cash Surplus/(Deficit)	\$1.833m
3 <sup>rd</sup> Budget Review Adjustments - Favourable	<u>\$0.129m</u>
3 <sup>rd</sup> Review Cash Surplus/(Deficit)	<u>\$1.962m</u>

The funding result:

- Identifies the cash difference between total revenues and expenditures of Council after allowing for funding from loans, investments, cash draw-downs and reserves.
- Includes capital expenditures, which are excluded from the operating result.
- Provides information of changes in uncommitted financial resources available to Council.
- Returns a cash surplus where savings arise from the original budget, representing an increase in uncommitted financial resources or returns a cash deficit when costs are greater than the original budget, representing a decrease in available financial resources.

The 3<sup>rd</sup> Budget review is based upon actual results to the end of March 2017 and forecast to June 2017. In accordance with the Local Government (Financial Management) Regulations 1999 a revised budgeted income statement, balance sheet, statement of changes in equity and statement of cash flows are provided in the Attachments to Appendix 1.

**Operating Result**

The 3<sup>rd</sup> Budget Review forecasts a full year operating budget surplus for 2016/17 of \$6.597m, a minor decrease of \$0.014m from the 2<sup>nd</sup> Budget Review surplus of \$6.611m.

The 3<sup>rd</sup> Budget Review operating budget surplus of \$6.597m (7.6%) currently exceeds the target set in the Annual Business Plan of \$0 - \$4.303m (0 – 5%).

**Capital Budget**

The 3<sup>rd</sup> Budget Review forecasts expenditure on capital assets decreasing by \$0.160m from \$26.387m to \$26.227m (Renewal \$15.865m, New \$10.362m). The net decrease includes the retiming of Hendrie Street Inclusive Playspace to 2017/18 (\$0.556m) offset by the Swim Centre Water Slide (GC280317M03 \$0.320m) funded from Council's Asset Sustainability Reserve and Bore Renewal works (\$0.220m).

The Capital Budget is linked to one of Council's key financial indicators, the Asset Sustainability Ratio, which indicates that Council is slightly below its performance indicator target of 95 – 100% at 85.83%.

**Borrowings**

Council's Treasury Management Policy indicates that in the management of its finances, any funds that are not required to meet approved expenditure can be used to reduce the level of borrowings that would otherwise be required.

The current Long Term Financial Plan incorporates a modest borrowing program and it is considered good Treasury Management to offset some future borrowing requirements where possible. In addition, the guidelines of Council's Annual Savings Initiative have the objective to ensure continued improvement in financial performance. One of the three focus areas is to reduce the borrowing program to assist with Long Term Financial Planning.

The 3<sup>rd</sup> Budget Review forecasts no change in the level of loan funding. Loan principal repayments for 2016/17 remain unchanged.

## Reserves

Net transfers to reserve have increased by \$127,336 during the 3<sup>rd</sup> Budget Review. These transfers are a result of the following:

### Transfers to Reserve

Grants & C/Over - Hendrie Street Reserve (retimed to 2017/18)	556,200
CFPP - Cove Netball Club funding reconciliation (GC131216R11)	3,667

### Transfers from Reserve

Asset Sustainability - Swim Centre Water Slide (GC280317M03)	(320,000)
CFPP - Capella Reserve Lights (GC220316R11)	(45,250)
Grants & C/Over - Open Space Structural Audit Works not required	<u>(67,281)</u>
<b>Total Net Transfers from Reserve</b>	<b><u>127,336</u></b>

Below is a detailed breakdown of the funding currently quarantined in the Asset Sustainability Reserve. This breakdown highlights funding allocated as part of the 2016/17 budget and allocations committed not yet spent.

Asset Sustainability Reserve									
Council Report Ref		Major Infrastructure		Walk & Cycling	Energy Efficiency	CFPP	Major New Projects	Total	
		Failure	General						
1-Jul-16	Opening Balance	2,000,000	1,127,064	-	-	2,922,754	4,197,462	10,247,280	
<b>Funding allocated as per 2016/17 budget:</b>									
1-Jul-16	SGC120716R02	TFR CFPP 2016/17 Budget Allocation				1,900,000		1,900,000	
1-Jul-16	GC080915R03	Walking & Cycling 2016/17 Budget Alloc		200,000				200,000	
1-Jul-16	GC280715R06	Estimated Green Power Savings			40,000			40,000	
<b>Other Funds Quarantined in ASR</b>									
25-Oct-16	GC251016R01	Identified Savings following the completion of the 2015/16 Annual Accounts						1,769,000	
14-Feb-17	GC140217R04	Net Proceeds from Sale of old Hallett Cove Library						1,560,362	
		-	3,329,362	200,000	40,000	1,900,000	-	5,469,362	
<b>Allocations committed but not yet spent:</b>									
11-Aug-15	GC110815R01	Hallett Cove Foreshore Masterplan						(15,000)	
11-Aug-15	GC110815R01	Heron Way - Stage 4						(293,000)	
8-Dec-15	GC081215R05	Mitchell Park Masterplan - Engagement of specialist consultants required to develop a costed concept plan						(8,051)	
19-Jan-16	GC190116M02	Cove Sports Club Balcony						(30,000)	
22-Mar-16	GC220316R11	Capella Drive Reserve Improvements						(45,250)	
22-Mar-16	GC220316R13	Hallett Cove Beach Tennis Club						(38,000)	
24-May-16	GC240516R23/GC131216R11	Cove Netball Courts						(36,333)	
14-Jun-16	GC140616R08	Clovelly Park Netball Courts						(62,344)	
13-Dec-16	GC131216R05	Glade Crescent Embankment Repairs						(325,000)	
11-Apr-17	GC280317M03	MOSC - Speed Slide						(320,000)	
		-	(953,000)	-	-	(219,978)	-	(1,172,978)	
<b>Unallocated - Fund Availability 31.03.17</b>		<b>2,000,000</b>	<b>3,503,426</b>	<b>200,000</b>	<b>40,000</b>	<b>4,602,776</b>	<b>4,197,462</b>	<b>14,543,664</b>	

### **Investment Income**

Investment income is forecast to increase by \$0.150m as a result of larger average cash deposits expected to be held throughout the year.

### **Employee Costs**

Forecast employee costs have decreased by \$0.001m (0%) from the 2<sup>nd</sup> Budget Review to \$32.928m.

### **Contractual Services**

Expenditure on Contractual Services is forecast to increase by \$0.367m to \$18.052m. This increase includes Waste Collection costs (\$0.064m), Optimisation Review (\$0.044m) and Reserve & Street Tree Auditing works (\$0.068).

### **Corporate KPI – Performance against Council's Adopted Budget**

Council's key financial indicators have been updated to reflect adjustments associated with the 3<sup>rd</sup> Budget Review. Commentary in relation to the indicators is provided in Appendix 1.

### **CONCLUSION:**

The 3<sup>rd</sup> Budget Review forecasts a favourable Cash adjustment of **\$0.129m**. This when added to the 2<sup>nd</sup> Review Cash Surplus of \$1.833m brings the full year forecast 2016/17 Cash Surplus to \$1.962m.

**Appendix 1**

**Budgeted Funding Statement**

The following report details the proposed budget changes for the 3<sup>rd</sup> Budget Review.

<b>CITY OF MARION</b>			
<b>Budgeted Funding Statement</b>			
	<b>2016/17</b>	<b>2016/17</b>	
	<b>2nd Review</b>	<b>3rd Review</b>	<b>Variance</b>
	<b>\$000's</b>	<b>\$000's</b>	<b>\$000's</b>
<b>OPERATING REVENUE</b>			
Rates			
General	70,837	70,858	21
Other - NRM	1,683	1,683	-
Statutory Charges	1,755	1,750	(5)
User Charges	1,742	1,795	53
Operating Grants and Subsidies	7,604	7,587	(17)
Investment Income	704	854	150
Reimbursements	785	788	3
Share of Profit SRWRA	324	324	-
Other	630	763	133
	<b>86,064</b>	<b>86,402</b>	<b>338</b>
<b>OPERATING EXPENSES</b>			
Employee Costs	32,929	32,928	(1)
Contractual Services	17,685	18,052	367
Materials	4,625	4,633	8
Finance Charges	613	613	-
Depreciation	17,108	17,104	(4)
Other	6,493	6,476	(17)
	<b>79,453</b>	<b>79,805</b>	<b>352</b>
<b>Operating Surplus/(Deficit) before Capital rev's</b>	<b>6,611</b>	<b>6,597</b>	<b>(14)</b>
<i>Add</i>			
(a) <b>Capital Revenue</b>	3,500	3,614	114
<i>Equals</i> <b>Net Surplus/(Deficit) resulting from operations</b>	<b>10,111</b>	<b>10,211</b>	<b>100</b>
<i>Add</i> Depreciation	17,108	17,104	(4)
<i>Less</i> Share of Profit SRWRA	324	324	-
<i>Equals</i> <b>Funding available for Capital Investment exp</b>	<b>26,895</b>	<b>26,991</b>	<b>96</b>
<b>Capital</b>			
<i>Less</i> Capital Expenditure - Renewal	15,903	15,865	(38)
<i>Less</i> Capital Expenditure - New	10,484	10,362	(122)
<i>Less</i> Capital - contributed assets	1,500	1,500	-
<i>add</i> Proceeds from Sale of Surplus Land	(1,572)	(1,572)	-
<i>Equals</i> <b>Net Overall funding Surplus/(Deficit)</b>	<b>580</b>	<b>836</b>	<b>256</b>

**CITY OF MARION**  
**Budgeted Funding Statement**

	2016/17 2nd Review \$000's	2016/17 Review \$000's	3rd Variance \$000's
<b>Funding transactions associated with accomodating the above net overall funding deficit (or applying the net overall funding surplus) are as follows:</b>			
<b>LOANS</b>			
	-	-	-
	-	-	-
Less	1,126	1,126	-
<b>Loan funding (Net)</b>	<b>(1,126)</b>	<b>(1,126)</b>	<b>-</b>
<b>Movement in level of cash &amp; accruals</b>			
(b)	1,833	1,962	129
	(2,379)	(2,252)	127
<b>Cash/Investments/Accruals Funding</b>	<b>(546)</b>	<b>(290)</b>	<b>256</b>
<b>Equals Funding Transactions</b>	<b>(580)</b>	<b>(836)</b>	<b>(256)</b>

(a) Capital Revenue excludes book gains/loss on sale of assets

(b) Relates to use of cash to fund major projects

### Analysis of Budgeted Funding Statement

This section of the 3<sup>rd</sup> Budget Review provides an analysis of the movements in the Budgeted Funding Statement (revenues, expenditures, capital, loans and reserves).

The 3<sup>rd</sup> Budget Review forecasts a cash surplus of \$1.962m, a favourable adjustment of \$0.129m from the 2<sup>nd</sup> Budget Review surplus of \$1.833m.

### Financial Indicators

To assist Council in meeting its objective of financial sustainability a series of financial indicators endorsed by the Local Government Association are provided. Where a Council target has not been adopted the recommended Local Government Association (LGA) target has been provided. The following table provides a matrix of indicators of the 3<sup>rd</sup> Budget Review 2016/17 and whether the target has been achieved.

Key Financial Indicator	2016/17 3 <sup>rd</sup> Budget Review	Target	Result 5 Yr Avg
Operating Surplus/(Deficit)	\$6.593m	\$0 - \$4.303m	↑
Operating Surplus Ratio	7.63%	0 - 5%	↑
Net Financial Liabilities	(\$1.09m)	\$0 - \$43.03m	↓
Net Financial Liabilities Ratio	(1.26%)	0 - 50%	↓
Interest Cover Ratio	(0.28%)	0 - 5%	↓
Asset Sustainability Ratio	85.83%	95 - 100%	↓
Asset Consumption Ratio	77.67%	80 - 100%	↓

Further detail is provided below which explains the basis of each indicator:

Operating surplus – being the operating surplus (deficit) before capital amounts

Operating Surplus Ratio – This ratio expresses the operating surplus (deficit) as a percentage of general and other rates, net of rebates.

Net Financial Liabilities – total liabilities less financial assets. This measures a Council's net indebtedness.

Net Financial Liabilities Ratio – indicates the extent to which net financial liabilities of Council can be met by Council's total operating revenue

Interest Cover Ratio – indicates the extent to which Council's interest expenses are met by total operating revenues

Asset Sustainability Ratio – indicates whether Council is renewing or replacing existing assets at the rate of consumption.

Asset Consumption Ratio – indicates the remaining useful life of Council's assets or the asset stock at a point in time.



## **Attachments to Appendix 1**

- Attachment 1 – Budgeted Income Statement
- Attachment 2 – Budgeted Statement of Financial Position
- Attachment 3 – Budgeted Statement of Changes in Equity
- Attachment 4 – Budgeted Statement of Cash Flows
- Attachment 5 – Consultants

## ATTACHMENT 1

<b>CITY OF MARION</b>		
<b>Budgeted Income Statement</b>		
	<b>Actual</b>	<b>3rd</b>
	<b>2015/16</b>	<b>Review</b>
	<b>\$000's</b>	<b>2016/17</b>
		<b>\$000's</b>
<b>OPERATING REVENUE</b>		
Rates		
General	68,435	70,858
Other	1,562	1,683
Statutory Charges	1,813	1,750
User Charges	1,771	1,795
Operating Grants and Subsidies	6,482	7,587
Investment Income	696	854
Reimbursements	814	788
Net Gain - Equity Accounted Council Businesses	540	324
Other Revenue	515	763
	<b>82,628</b>	<b>86,402</b>
<b>OPERATING EXPENSES</b>		
Employee Costs	31,783	32,928
Contractual Services	16,293	18,052
Materials	4,740	4,633
Finance Charges	700	613
Depreciation	13,634	17,104
Other Expenses	5,594	6,476
Net Loss - Equity Accounted Council Businesses	1	-
	<b>72,745</b>	<b>79,805</b>
<b>Operating Surplus/(Deficit) before Capital Revenues</b>	<b>9,883</b>	<b>6,597</b>
<b>CAPITAL REVENUES</b>		
Capital Grants, Subsidies and Monetary Contributions	540	2,114
Physical resources received free of charge	655	1,500
Gain/(Loss) on disposal of assets	(233)	-
<b>Net Surplus/(Deficit) resulting from Operations</b>	<b>10,845</b>	<b>10,211</b>

## ATTACHMENT 2

<b>CITY OF MARION</b>		
<b>Budgeted Statement of Financial Position</b>		
	<b>Actual</b>	<b>3rd</b>
	<b>2015/16</b>	<b>Review</b>
	<b>\$000's</b>	<b>2016/17</b>
		<b>\$000's</b>
<b><u>CURRENT ASSETS</u></b>		
Cash & Cash Equivalents	24,471	19,899
Receivables	4,754	3,929
Inventory	176	226
<b>TOTAL CURRENT ASSETS</b>	<b>29,401</b>	<b>24,054</b>
<b><u>CURRENT LIABILITIES</u></b>		
Creditors	6,082	7,696
Provisions	5,192	5,140
Loans	1,126	1,197
<b>TOTAL CURRENT LIABILITIES</b>	<b>12,400</b>	<b>14,033</b>
<b>Net Current Assets/(Liabilities)</b>	<b>17,001</b>	<b>10,021</b>
<b><u>NON-CURRENT ASSETS</u></b>		
Investment in SRWRA & Council Solutions	5,659	5,983
Infrastructure, Property, Plant & Equipment	1,113,999	1,129,721
<b>TOTAL NON-CURRENT ASSETS</b>	<b>1,119,658</b>	<b>1,135,704</b>
<b><u>NON-CURRENT LIABILITIES</u></b>		
Provisions	744	796
Loans	9,102	7,905
<b>TOTAL NON-CURRENT LIABILITIES</b>	<b>9,846</b>	<b>8,701</b>
<b>NET ASSETS</b>	<b>1,126,813</b>	<b>1,137,024</b>
<b><u>EQUITY</u></b>		
Accumulated surplus	369,211	381,674
Reserves	757,602	755,350
<b>TOTAL EQUITY</b>	<b>1,126,813</b>	<b>1,137,024</b>

## ATTACHMENT 3

<b>CITY OF MARION</b>		
<b>Budgeted Statement of Changes in Equity</b>		
	<b>Actual</b>	<b>3rd</b>
	<b>2015/16</b>	<b>Review</b>
	<b>\$000's</b>	<b>2016/17</b>
		<b>\$000's</b>
<b>ACCUMULATED SURPLUS</b>		
Balance at beginning of period	360,929	369,211
Net Surplus/(Deficit)	10,845	10,211
Transfers from Reserves	15,522	7,517
Transfers to Reserves	(18,085)	(5,265)
<b>Balance at end of period</b>	<b>369,211</b>	<b>381,674</b>
<b>ASSET REVALUATION RESERVE</b>		
Balance at beginning of period	740,335	735,835
Net change this year	(4,500)	-
<b>Balance at end of period</b>	<b>735,835</b>	<b>735,835</b>
<b>OPEN SPACE RESERVES</b>		
Balance at beginning of period	857	1,014
Net change this year	157	150
<b>Balance at end of period</b>	<b>1,014</b>	<b>1,164</b>
<b>OTHER RESERVES</b>		
Balance at beginning of period	18,347	20,753
Net change this year	2,406	(2,402)
<b>Balance at end of period</b>	<b>20,753</b>	<b>18,351</b>
<b>Total Reserves</b>	<b>757,602</b>	<b>755,350</b>
<b>TOTAL EQUITY</b>	<b>1,126,813</b>	<b>1,137,024</b>

## ATTACHMENT 4

<b>CITY OF MARION</b>		
<b>Budgeted Statement of Cash Flows</b>		
	<b>Actual</b>	<b>3rd</b>
	<b>2015/16</b>	<b>Review</b>
	<b>\$000's</b>	<b>2016/17</b>
		<b>\$000's</b>
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>		
<i>Receipts</i>	85,878	87,140
<i>Payments</i>	(64,969)	(68,045)
<b>NET CASH PROVIDED BY OPERATING ACTIVITIES</b>	<b>20,909</b>	<b>19,095</b>
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>		
<i>Receipts</i>		
Loans Received	-	-
Proceeds from Bonds & Deposits	21	-
<i>Payments</i>		
Loan Principal	(1,672)	(1,126)
<b>NET CASH (USED IN) FINANCING ACTIVITIES</b>	<b>(1,651)</b>	<b>(1,126)</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>		
<i>Receipts</i>		
Capital Grants/Subsidies & Contributions/Investments	540	2,114
Sale of Equipment	559	-
<i>Payments</i>		
Purchase of IPP&E	(18,324)	(24,655)
<b>NET CASH (USED IN) INVESTING ACTIVITIES</b>	<b>(17,225)</b>	<b>(22,541)</b>
<b>NET INCREASE/(DECREASE) IN CASH HELD</b>	<b>2,033</b>	<b>(4,572)</b>
<b>CASH AT BEGINNING OF REPORTING PERIOD</b>	<b>22,438</b>	<b>24,471</b>
<b>CASH AT END OF REPORTING PERIOD</b>	<b>24,471</b>	<b>19,899</b>

**ATTACHMENT 5****CONSULTANTS**

Council resolved at the Council meeting held 8 December 1998 that future budget reviews include an Executive Summary with reference to consultants.

Consultants are defined as an expert called on to provide professional or technical advice not currently available within the organisation. An analysis of Council's accounts reveals the following information of actual + committed year to date (27/04/17) expenditure versus full year actuals for 2015/16 relating to expenditure on Consultants of an operating nature:

**Legal Consultants**

*As at 27 April 2017 3<sup>rd</sup> Budget review*

	<b>Full Year Actual 2015/16</b>	<b>Actual YTD 2016/17</b>
Human Resources <i>(Employment advice)</i>	93,638	15,713
Libraries	1,170	-
Open Space Services	312	25
Environmental Health	13,869	2,326
General Inspection <i>(Dog/Cat &amp; Parking Control)</i>	23,843	16,413
Governance	35,504	17,996
Civil Services	-	3,102
Cultural Development	-	4,271
Financial Services	-	1,230
Strategic Projects	16,101	5,415
Asset & Property Management	41,951	6,896
Development Assessment	194,394	146,168
Infrastructure Management (Engineering)	2,534	800
Civil Management	750	3,044
	<b>424,066</b>	<b>223,399</b>
Full Year Budget		<b>291,547</b>

## Other Consultants (not including legal)

As at 27 April 2017 3<sup>rd</sup> Budget review

	Actual Full Year 2015/16	Actual YTD 2016/17
Environmental Sustainability	73,594	48,609
Human Resources	73,665	39,003
Community Facilities Development	(a) 326,409	(a) 31,583
Community Centres	383	-
Occupational Health & Safety	250	-
Cultural Development	3,053	540
Marion Swim Centre	(b) 86,167	(b) 1,500
Governance	58,093	32,500
Process Improvement	(c) 9,925	(c) 124,579
Streetscape Development	-	(d) 50,600
Strategic Projects	43,642	23,730
Asset & Property Management	27,610	77,494
Development Assessment	44,371	42,586
Environmental Health	-	600
General Inspection	-	900
Communications & Public Relations	-	454
Infrastructure Management (Engineering)	107,309	72,502
Civil Services	25,906	4,109
Open Space Services	(e) 9,955	(e) 151,890
Depot	335	-
Recruitment	67,344	34,558
	<b>958,011</b>	<b>737,737</b>
Full Year Budget		<b>959,614</b>
(a) Edwardstown Memorial Master Plan	125,749	-
Mitchell Park Sports Club Development Concept Plan	185,920	25,500
Other expenditure	<u>14,740</u>	<u>6,083</u>
	<u>326,409</u>	<u>31,583</u>
(b) Marion Outdoor Pool Master Plan	86,167	1,500
(c) Optimisation Review	-	121,579
Other expenditure	<u>9,925</u>	<u>3,000</u>
	<u>9,925</u>	<u>124,579</u>
(d) Streetscape Program Design Guide	-	50,000
(e) Heron Way Reserve Development (stage 4 & 5)	-	40,395
Open Space Works Program (Playspace Design)	-	59,210
Marino Rocks Greenway Concept Plan	-	28,030
Other expenditure	<u>9,955</u>	<u>24,255</u>
	<u>9,955</u>	<u>151,890</u>

**CITY OF MARION  
GENERAL COUNCIL MEETING  
23 MAY 2017**

**Originating Officer:** Marg Edgecombe, Unit Manager Community and Cultural Development

**Corporate Manager:** Liz Byrne, Manager Community and Cultural Services

**General Manager:** Tony Lines, General Manager Operations

**Subject:** Trott Park Art Streets

**Report Reference:** GC230517R13

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**REPORT OBJECTIVES AND EXECUTIVE SUMMARY:**

This report provides Council with an overview of the Trott Park Art Streets project currently being researched with a view to developing a unique urban activation and tourism opportunity for the southern region.

**RECOMMENDATIONS**

**DUE DATES**

**That Council:**

- 1. Notes the report.**

**23 May 2017**

**BACKGROUND**

The suburb of Trott Park, established during the 1960s and 1970s, has about 40 streets named after major Australian artists e.g. Hans Heysen, John Olsen, Arthur Boyd and Judy Casab. Initial research has indicated that no other suburb in Australia can lay claim to this unique Australian history. Recognising that streets are not only transportation pathways for pedestrians, cyclists and motorists, but can also be a driver for communicating and shaping our metaphorical landscapes, an opportunity has been identified to explore the community arts, urban activation and tourism potential of this area. This builds on previous work in the Trott Park area through the Community Capacity Building program. This potential project will provide an expressive and creative engagement opportunity, connect local community to place and shared identity, and provide a creative destination for residents and visitors using the Coast to Vines Rail Trail.

The Trott Park Art Streets scoping plan has been initiated to engage the local community on a project that celebrates the distinctive cultural heritage represented in their suburb on street signs, to research the potential of the project, to determine possible community connections, and to scope potential community stakeholders and external collaborators and sponsors.

This project has the potential to be a large scale, staged project, attracting external funding, that incorporates: skills development workshops, connection to the Australian art collection of the Art Gallery of South Australia (AGSA) and other national galleries, exhibitions of local community's artwork, linking in with Australian Curriculum and STEM (Science, Technology, Engineering, Mathematics (but not forgetting A = Arts [STEAM])) through local schools,



potential software/app development for virtual cultural walks and innovative and creative approaches to the improved activation of the suburban landscape.

## **ANALYSIS**

### **Consultation**

Initial consultation with the local community, through the Trott Park Neighbourhood Centre and local primary and secondary schools, indicated interest in the project. Many residents and teachers were unaware of the significance of the street names and their connection to high profile artistic figures. Staff met with the Assistant Director of the AGSA to determine the breadth of the works held by AGSA by artists named on the streets and to scope potential partnership opportunities with them. While no formal arrangement has yet been made with AGSA at this stage of the scoping project, the AGSA staff were excited by the potential of linking with the project and provided in-depth information about the works held in the collection.

The scoping project has contracted the services of a team of creatives, experienced in innovative community engagement. In consultation with Arts and Cultural Development and Trott Park Neighbourhood Centre teams, and community members, ten creative interventions have been devised to further engage with the local community and highlight the unique street naming of the local area. While primarily engagement tools, these interventions will become mini-urban activation events in themselves, culminating at an already planned community event at the Trott Park Neighbourhood Centre. The exciting activation options include an artist's van and bike, deployed as canvases and travelling the area to invoke conversation, signage and banners highlighting the significance of the street names, a project blog to collect information and the painting of doors at the Trott Park Neighbourhood Centre sheds. Information gathered throughout these smaller activation events proposed to take place in late May and June 2017, will inform the development of any potential further stages of the project and assist staff in determining the potential funding directions should the project progress.

### **Risk Management**

All conversations with the community have been undertaken with the knowledge that this is a scoping project at this stage. Risk assessments have been undertaken for all proposed engagement activities and urban intervention activities during the scoping.

Should the project progress to further stages, AGSA have verbally indicated that they would be able to assist with advice in the brokering of any copyright issues associated with the use of various artist's work.

### **Financial Implications**

The current scoping project is utilising existing budgets in the cost effective delivery of creative engagement processes providing mini-urban activation events for the community at the same time. The project being scoped has the potential to attract increased tourism visitation and national publicity coverage, given the significance of the artists named in the suburb.

It is envisaged that, should the project progress to further stages, some staff resource will be utilised for project management, however, it is planned that external funding applications would seek to include project management costs to deliver the majority of project.

### **Social / Cultural Impact**

The project explores cultural heritage, supports strong links between individuals, community and their connection to place, supports a sense of belonging, and fosters creativity (innovation, imagination and expression), through the arts.

## **CONCLUSION**

The Trott Park Art Streets scoping project has been designed to determine the potential of further project work that would celebrate and highlight the unique, and mostly unrecognised, cultural heritage of the southern suburban landscape.

**CITY OF MARION  
GENERAL COUNCIL MEETING  
23 MAY 2017**

**Originating Officer:** Deborah Horton, Unit Manager Performance & Improvement

**Manager:** Jaimie Thwaites, Acting Manager Corporate Governance

**General Manager:** Vincent Mifsud, General Manager Corporate Services

**Subject:** Corporate Performance Report (Organisational Key Performance Indicators 2016/17) – 3rd Quarter 2016-17 YTD

**Report Reference:** GC230517R14

### REPORT OBJECTIVES

This report provides Council with the third quarter YTD status report on Corporate Performance Measures (Organisational Key Performance Indicators 2016/17) as adopted on 14 June 2016 (GC140616R06). It forms part of the regular corporate performance reporting to Council, in conjunction with the quarterly budget review.

### EXECUTIVE SUMMARY

KPI	Key Performance Indicator	Measure/Range 2016/17	YTD Performance		
			Qtr 1	Qtr 2	Qtr 3
A	Delivery within 5% parameters of agreed annual budget costs	95%-105%	111% 	104% 	100% 
			Comment: N/a		
B	Delivery of agreed projects identified in the Annual Business Plan and the first year targets in the 3 year Plan	95% or greater	1% 	7% 	14% 
			Comment: 2 projects complete to date. The organisation is on track to achieve 100% of the remaining 12 projects by 30 June 2017.		
C	Lost Time Injury Frequency Rate	Reduction of 25% in the LTIFR from the previous year's result	77% 	68% 	78% 
			Comment: N/a		
D	Staff net numbers (full time equivalent, employee and agency)	A reduction	.95% 	+2.1% 	+1.75% 
			Comment: This quarter has seen a slight increase due to; • 2 gap year staff (resolution of Council). • 4 seasonal pool staff.		
E	Retention of key staff	Equal to or greater than 95%	N/A	N/A	N/A
			Comment:		
F	Community Satisfaction. Overall satisfaction with each of: 1. Community facilities 2. Sports facilities 3. Events	Greater than 75%	N/A	N/A	N/A
			Comment: This is on track with the survey to be released in May to 5,000 households.		

### RECOMMENDATIONS

**That Council:**

- Note the Corporate Performance Report (Organisational Key Performance Indicators 2016/17) – 3rd Quarter 2016-17 YTD and Appendix 1.**

### DUE DATES

**23 May 2017**

**Corporate Performance Report  
2016/17 Quarter Three YTD**



This Performance Report provides both an overall dashboard view and a progress update for each of the measures.

Key Performance Indicator		Measure/Range	Qtr 1	Qtr 2	Qtr 3	Qtr4	Overall
A	Delivery within 5% parameters of agreed annual budget costs	95%-105%	111% 	104% 	100% 		
B	Delivery of agreed projects identified in the Annual Business Plan and the first year targets in the 3 year Plan	95% or greater	1% 	7% 	14% 		
C	Lost Time Injury Frequency Rate	Reduction of 25% in the LTIFR from the previous year's result.	77% 	68% 	78% 		
D	Staff net numbers (full time equivalent, employee and agency)	A reduction	Agency (-9.19%)  Employee (+1.78%)  Overall (+0.95%) 	Agency (+41.3%)  Employee (-0.77%)  Overall (+2.1%) 	Overall (+1.75%) 		
E	Retention of key staff	Equal to or greater than 95%	-	-	-		
F	Community satisfaction. Overall satisfaction with each of; 1. Community Facilities 2. Sports Facilities 3. Events	Greater than 75%	-	-	-		

**Dashboard Status icons**

	Target met		Target acceptable		Target not met	-	Not measured
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**KEY PERFORMANCE INDICATOR A:**

Delivery within 5% parameters of agreed annual budget costs.

**TARGET: 95% - 105%**

**QUARTER 3 YTD PERFORMANCE:**  **100 %**

**Background**

This KPI has been calculated by comparing the total actual Operating Expenditure per the March 2017 Monthly Finance Report (\$57,539k) against the year-to-date adopted budget per Council's 2016/17 Annual Business Plan (\$57,718k).

**Performance**

- Third quarter performance is in line with budget.
- Third quarter result is negatively impacted by an additional depreciation charge of \$2.5m.<sup>1</sup>
- It should be noted that depreciation is a non-cash accounting provision which, while impacting on operating expenses, has no cash impact on Council's adopted budget.
- The unfavourable increase in depreciation has been offset by favourable reductions in other operating expenditure categories.

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<sup>1</sup> Due to the full implementation of Accounting Standard AASB 116, Council is no longer able to recognise the residual value of certain assets, particularly infrastructure assets such as roads. This has meant that the residual value of some assets (as a result of an independent valuation of infrastructure assets on 30 June 2016) have been reduced to zero to ensure full compliance with this standard.

**KEY PERFORMANCE INDICATOR B:**

Delivery of agreed projects identified in the Annual Business Plan and 1st year targets in the 3-year Plan

**TARGET: ≥95%**

**QUARTER 3 YTD PERFORMANCE:**



**2** project completed to date (**14%**)  
**100%** forecast by 30 June 2017

**Background**

There are 74 projects in the 2016 -19 Business Plan with 73 commencing in 2016/17. Of these 73 projects, 14 are due to be completed in their entirety by the end of 2016/17, with the remaining 59 projects being completed in stages (to 2019). This KPI measures the percentage of projects completed that are due to be completed as programmed by 30 June 2017.

**Performance**

Of the 14 projects to be completed by the end of 2016/17, 2 projects (Liveable – Better manage Traffic in Marion/Oaklands Park and Jervois Street Playspace) have been completed. Progress has been made on the remaining 12 projects for this quarter as stated below;

	<b>Project</b>	<b>Status – to date</b>
<b>1</b>	<ul style="list-style-type: none"> <li>Present Marion Outdoor Pool Masterplan.</li> </ul>	<ul style="list-style-type: none"> <li>Report presented to 28 March 2017 General Council, adjourned to General Council 9 May 2017.</li> <li>Council has also approved \$320,000 for a new slide to be installed for the 2017 Swim Season.</li> </ul>
<b>2</b>	<ul style="list-style-type: none"> <li>Review under-utilised reserves and facilities to optimise community use.</li> </ul>	<ul style="list-style-type: none"> <li>TOC Hall settles May 2017.</li> <li>Further properties / facilities are being investigated by suburb including;               <ul style="list-style-type: none"> <li>Travers Street</li> <li>McConnell Avenue Reserve</li> <li>Oliphant Avenue Reserve</li> </ul> </li> </ul>
<b>3</b>	<ul style="list-style-type: none"> <li>Undertake an evaluation and review of at least nine Council services to ensure they continue to provide maximum value to the Community.</li> </ul>	<ul style="list-style-type: none"> <li>Four service reviews complete, seven in progress.</li> </ul>
<b>4</b>	<ul style="list-style-type: none"> <li>Develop business case and commence delivery of the transition to safe and sustainable street public lighting.</li> </ul>	<ul style="list-style-type: none"> <li>Staff met with South Australian Power Networks to discuss project plan 28 March 2017, with discussions progressing.</li> </ul>
<b>5</b>	<ul style="list-style-type: none"> <li>Strive for the opening of Glenthorne Farm for Community benefit in partnership arrangements.</li> </ul>	<ul style="list-style-type: none"> <li>At 11 April 2017 General Council meeting, council reaffirmed its commitment to the project, requesting a report back to Council in April 2018 advising of progress.</li> </ul>
<b>6</b>	<ul style="list-style-type: none"> <li>Place activation project on vacant commercial properties in partnership with local community groups.</li> </ul>	<ul style="list-style-type: none"> <li>Draft licence from Castle Plaza resulted in two vacant spaces available as a pilot project (14 March – 8 April) for business associations to use.</li> </ul>
<b>7</b>	<ul style="list-style-type: none"> <li>Deliver final stages of Oaklands Reserve re-development.</li> </ul>	<ul style="list-style-type: none"> <li>28 February Council adopted design option 3 for Oaklands Park Stage 2, feedback from community consultation is being analysed.</li> </ul>
<b>8</b>	<ul style="list-style-type: none"> <li>Deliver a solar panel network at key council sites across the City.</li> </ul>	<ul style="list-style-type: none"> <li>Contact for supplier finalised, design concepts currently in progress.</li> </ul>

<b>9</b>	<ul style="list-style-type: none"> <li>• Re-invigorate the Southern Adelaide Economic Development Board to establish an industry led, independent advocacy group for the Southern Adelaide Region.</li> </ul>	<ul style="list-style-type: none"> <li>• First meeting held on 2 March and discussion commenced on Board priorities with agreement reached on holding a second meeting in April to continue this process.</li> </ul>
<b>10</b>	<ul style="list-style-type: none"> <li>• Deliver the Tonsley Small Business Advocacy Service providing free advice and start up.</li> </ul>	<ul style="list-style-type: none"> <li>• A meeting with Department of State Development is being scheduled after June 2017 to deliver an outline proposal for a regional approach.</li> </ul>
<b>11</b>	<ul style="list-style-type: none"> <li>• Expand the walking and cycling network linking key destinations across the city.</li> </ul>	<ul style="list-style-type: none"> <li>• Tonsley Greenway - detailed design investigation of Celtic to Daws Road.</li> <li>• Preliminary design plans being designed for Birch Crescent with input into Darlington upgrade.</li> </ul>
<b>12</b>	<ul style="list-style-type: none"> <li>• Develop a business case for innovative 'Creative Space' that showcases leading edge technologies for the community's creative and learning opportunities.</li> </ul>	<ul style="list-style-type: none"> <li>• Model developed for Digital Hub at Cove Civic Centre. Initial branding and promotion meeting with key staff progressing this quarter.</li> </ul>

**KEY PERFORMANCE INDICATOR C:**

Lost Time Injury Frequency Rate compared with last year (2015/16 – 28.8)<sup>2</sup>

**TARGET: reduction of 25% in the LTIFR from the previous year's result**

**QUARTER 3 YTD PERFORMANCE:**  **78% reduction**

**Background**

Lost Time Injury Frequency Rate (LTIFR) takes the number of injuries resulting in lost time reported against this industry standard performance indicator. Claims statistics are collected from the Local Government Association's (LGA) Member Centre and measurement is then calculated against the Australian Standard 1885.1: 'Total number of Lost Time Injuries/Total Hours Worked) \* 1,000,000'.

**Performance**

The City of Marion has recorded five LTIs at the end of March (for which claims have been lodged with the Local Government Association Workers Compensation Scheme (LGAWCS). The LGAWCS claims data reports an LTIFR of 6.2. This figure is only representative of three LTIs due to the fourth and fifth LTI being accepted late in March and awaiting reimbursement of wages claimed through LGAWCS.

The five LTI's recorded have been categorised into four primary classes of injury:

1. One x Manual handling (muscular stress while lifting or carrying).  
A back injury whilst sorting concrete from recycling piles.
2. One x Falls from the same and differing levels (slips, trips and falls)  
A broken ankle whilst walking on a wet slippery surface.
3. Two x Repetitive movement (low muscle loading)  
An elbow strain from a manual labour task ie repetitive spreading of mulch.  
A shoulder strain from a manual labour task ie repetitive raking of leaves.

<sup>2</sup> An incident occurred and was reported via the incident reporting system in May 2016, but the injured worker did not initially lose time from work or lodge a claim. However, due to ongoing soreness which escalated over some weeks they sought medical treatment and subsequently lost time from work due to undergoing a medical procedure in September 2016. This LTI has appropriately been retrospectively allocated into the May 2016 figures, which alters the previously reported total LTIs for 2015/16 from 18 to 19 and therefore also revises the previously reported LTIFR for 2015/16 from 27.3 to 28.8.

4. One x Mental disorder (exposure to mental stress factors)

An accusation of bullying which is currently under investigation.

Five LTI incidents have been reported to date in 2016/17 compared to fifteen at the same time the previous year. If the current downward trend continues, the forecasted LTIFR for the end of period reporting is likely to be 10.8 which, if achieved, would represent a reduction of 62% on the reported and updated LTIFR for 2015/16.

In mitigating the injuries described above, the following provides a number of strategies currently in place;

- Introduction of corporate values stating that safety is at the forefront of everything we do,
- Organisational Hazard Register - Review of all tasks for identification of potential sources of injury, assessment of risk and implementation of further controls to reduce the risk.
- Organisational WHS Corrective & Preventative Action Register – a centralised log of actions to be taken for improving our WHS management system and eliminating or reducing risk of injury and illness,
- Changes to our injury management processes including preferred medical providers, suitable duties register and letters to doctors advising of City of Marion’s commitment to lost time injury prevention,
- Training of the leadership team in hazard management, incident reporting & investigation and early return to work injury management,
- Adoption of the 25% LTIFR reduction performance indicator.



**KEY PERFORMANCE INDICATOR D:**

Staff net numbers (full time equivalent employee and agency)

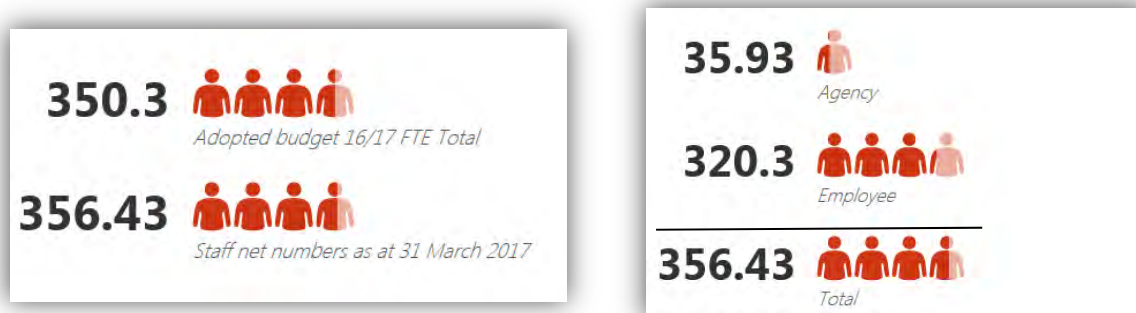
**TARGET: A reduction**

**QUARTER 3 YTD PERFORMANCE: Overall**  **+1.75%**

**Background**

Previously, this indicator gave a percentage of FTE employees (staff and agency) employed across the organisation for the quarter, then compared this figure with the previous quarter percentage.

For this quarter, the performance indicator has calculated the percentage of FTE employees (staff and agency) employed across the organisation from 1 January – 30 March 2017, then compared this figure to the FTE adopted budget, providing an explanation of the variance.

**Performance**

The increase in FTE's as at March 2017 incorporates:

- +2.0 - Gap Year students per Council resolution (GC270916R10).
- +4.5 - Marion Outdoor Swimming Centre. As the pool operates seasonally, agency numbers increase. This is expected to decrease in the final quarter as the pool closes for the season.

Whilst this target reflects an increase in headcount, there has been no permanent increase in positions to the organisational structure.

**KEY PERFORMANCE INDICATOR E:**

Retention of key staff

**TARGET: Equal to or greater than 95%**

**QUARTER 3 YTD PERFORMANCE:**                    **N/A**    Verbal update

**Background**

The intention of measuring this performance indicator is to calculate the percentage of retained key staff as defined by the Executive Leadership Team.

**Performance**

There are 23 positions nominated as 'key retains' in late 2016. All have a retention plan in place.

**KEY PERFORMANCE INDICATOR F:**

Community satisfaction. Overall satisfaction with each of:  
(1) Community facilities (2) Sports facilities (3) Events (external)

**TARGET: Greater than 75%**

**QUARTER 3 YTD PERFORMANCE:**                    **N/A**    Not Measured to date

**Background****Performance**

Staff are on track to deliver a community satisfaction survey to 5,000 households in May 2017. This survey has been slightly modified to simplify the 2016 survey.

**CITY OF MARION  
GENERAL COUNCIL MEETING  
23 MAY 2017**

**Originating Officer:** David Harman, Financial Accountant  
**Corporate Manager:** Ray Barnwell, Manager Finance  
**General Manager:** Vincent Mifsud, General Manager Corporate Services  
**Subject:** Finance Report – April 2017  
**Report Reference:** GC230517R15

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**REPORT OBJECTIVES AND EXECUTIVE SUMMARY:**

This report provides Council with information relating to the management of financial resources under its control as at April 2017. This report is one of a series of reports designed to assist Council in achieving and maintaining a financially sustainable position. Other reports assisting in this process include the Quarterly Budget Reviews and the Long Term Financial Plan.

It is considered appropriate that financial information regarding Major Projects be presented on a monthly basis in this report. Financial information regarding Major Projects will also be summarised in the quarterly Major Project reports. The principles used for assessment of reportable projects are according to the following criteria:

- Council has agreed to proceed with the project and approved a Section 48 Prudential Report.
- The Whole-of-Life Cost is greater than \$4 million dollars (including grant assisted projects).
- Has a project life of more than 12 months.

**RECOMMENDATION**

**DUE DATE**

**That Council:**

1. **Receives the report “Finance Report – April 2017”**

**23 May 2017**

## **BACKGROUND**

This report is presented on a monthly basis to provide Elected Members with key financial information to assist in monitoring Council's financial performance.

## **DISCUSSION:**

Appendix 1 contains a financial report to identify Council's performance against budget utilising a "Funding Statement". It provides a review against all of the elements contained within the Statement of Comprehensive Income and Statement of Financial Position that are adopted as part of the Annual Budget Report.

The following reports are included:

(1) Major Projects

Section 48 approved Projects

- (a) Edwardstown Oval Soldiers Memorial Recreation Ground
- (b) Mitchell Park Sports & Community Centre

(2) Funding Statement – Actual versus Budget (Appendix 1)

(3) Debtors Reports for Sundry Debtors and Rates Debtors (Appendix 2)

**(1) Major Projects**

Council currently has no major projects budgeted for the 2016/17 financial year that meet the qualifying criteria. There are two future projects which will meet these criteria and are listed in the following table.

The Edwardstown Oval Soldiers Memorial Recreation Ground project is set to commence construction in 2017/18 following the signing of a \$4m funding agreement with the Federal Government. The Mitchell Park Sports & Community Centre project is subject to grant funding but currently proposed for 2018/19 year.

<b>Project</b>	<b>Scheduled To Commence</b>	<b>Budget</b>
Edwardstown Oval Soldiers Memorial Recreation Ground	2017/18	\$8.0m
	<b>Commencement subject to Grant Funding</b>	
Mitchell Park Sports & Community Centre	2018/19	\$20.0m

Reporting on these project budgets will be included as work commences.

**INTERNAL ANALYSIS****Financial Implications:**

This report is an information report only and has no direct financial implications.

**CONCLUSION:**

The main monthly reporting focus is to report the "Actual versus Budget" position to enable regular monitoring of Council's financial performance. Major Projects require regular reporting and monitoring by Council to ensure prudent financial management is maintained.

**APPENDICES**

Appendix 1: Funding Statement & Graphs – Actual versus Budget

Appendix 2: Sundry Debtors & Rates Debtors Report

**(2) Funding Statement – Actual versus Budget**

The Funding Statement provides a view of Council's financial performance against the approved budget and is consistent with the information provided at budget reviews. It provides a review against all of the elements contained within the Statement of Comprehensive Income and the Statement of Financial Position that are adopted as part of the Annual Budget Report. It details Council's:

**Statement of Comprehensive Income -**

The operating result is recognised as one of Council's key financial indicators. The budget framework includes a commitment to its ongoing Financial Sustainability maintaining an Operating Surplus Ratio of between 0% and 5%, on average over each five-year period, which for 2016/17 means a targeted operating surplus of between \$0 and \$4.320m.

**Comment:** Council currently has a net operating surplus result of \$9.141m before capital revenues, against a year to date forecast budget of \$6.347m surplus. This position is detailed in the attached Funding Statement and variation notes.

**Capital Budget -**

The Capital Budget is linked to Council's key financial indicator – "Asset Sustainability Ratio" and an actual to budget comparison reflects Council's progress in achieving its Capital program.

**Comment:** The actual to budget position reveals that 61.10% of the year to date Capital Renewal Budget has been spent or committed.

The actual progress to date of Council's full Capital New and Renewal Expenditure program is detailed by asset class in the attached graphs, with the exception of major projects which have previously been detailed in this report.

**Loans -**

The loans component of the Funding Statement identifies any new proposed loan receipts or principal payments. Council's borrowings are included in Council's key financial indicator – "Net Financial Liabilities" which reflects Council's total indebtedness.

**Comment:** No new borrowings are included in the 2016/17 budget and principal repayments of \$1.126m mean that the overall loan liability balance is forecast to decrease by \$1.126m to \$9.102m at 30 June 2017.

**Reserves & Cash -**

Various fund movements such as surplus budget review results, unspent grants and carryover projects at year end are reflected as transfers to reserves, whilst utilisation of reserve funds are recognised as transfers from reserves.

Cash may be utilised to fund expenditure within the context of Treasury Management to ensure loans are not drawn down where temporary cash holdings are available.

**Comment:** Major movements in Net Transfers from Reserve of \$2.252m include the following:

**Transfers to Reserve**

Open Space Reserve		\$	150k
Asset Sustainability Reserve	– General	\$	1,800k
	– CFPP*	\$	1,900k
Grants & Carryover Reserve	– Grants	\$	556k
	– Carryovers	\$	926k
		\$	<u>5,332k</u>

**Transfers from Reserve**

Asset Sustainability Reserve	– General	(\$	645k)
	– CFPP*	(\$	144k)
Grants & Carryover Reserve	– Grants	(\$	1,662k)
	– Carryovers	(\$	5,133k)
		(\$	<u>7,584k</u> )

The 2016/17 3<sup>rd</sup> budget review forecasts a net cash surplus of \$1,962k.

\*CFPP: Community Facilities Partnership Program

**Funding Statement  
Per Third Budget Review  
as at 30 April 2017**

Original Adopted Budget \$'000		YTD Actual + Committ \$'000	YTD Budget \$'000	YTD Variance \$'000		Annual Budget \$'000	Note
	<b>Operating Revenue</b>						
72,457	<b>Rates</b>	60,589	60,593	(4)	U	72,541	
1,751	<b>Statutory Charges</b>	1,534	1,460	74	F	1,750	
1,599	<b>User Charges</b>	1,655	1,598	57	F	1,795	
7,211	<b>Operating Grants &amp; Subsidies</b>	6,238	6,781	(543)	U	7,587	<b>A</b>
265	<b>Investment Income</b>	690	666	24	F	854	
619	<b>Reimbursements</b>	604	685	(81)	U	788	
384	<b>Other Revenues</b>	570	616	(46)	U	763	
324	<b>Net gain - SRWRA</b>	-	-	-	-	324	
<b>84,610</b>		<b>71,880</b>	<b>72,399</b>	<b>(519)</b>	<b>U</b>	<b>86,402</b>	
	<b>Operating Expenses</b>						
33,021	<b>Employee Costs</b>	25,629	27,367	1,738	F	32,928	<b>B</b>
16,886	<b>Contractual Services</b>	14,087	14,904	817	F	18,052	<b>C</b>
5,193	<b>Materials</b>	3,407	3,890	483	F	4,633	<b>D</b>
948	<b>Finance Charges</b>	279	279	-	-	613	
14,020	<b>Depreciation</b>	14,202	14,255	53	F	17,104	
6,889	<b>Other Expenses</b>	5,135	5,357	222	F	6,476	<b>E</b>
<b>76,957</b>		<b>62,739</b>	<b>66,052</b>	<b>3,313</b>	<b>F</b>	<b>79,805</b>	
<b>7,653</b>	<b>Operating Surplus/(Deficit) before Capital Revenues</b>	<b>9,141</b>	<b>6,347</b>	<b>2,794</b>	<b>F</b>	<b>6,597</b>	
	<b>Capital Revenue</b>						
-	<b>Capital Grants &amp; Subsidies</b>	2,069	2,107	(38)	U	2,114	
1,500	<b>Contributed Assets</b>	23	-	23	F	1,500	
-	<b>Gain/(Loss) on Asset Disposal</b>	181	-	181	F	-	
<b>1,500</b>		<b>2,273</b>	<b>2,107</b>	<b>166</b>	<b>F</b>	<b>3,614</b>	
<b>9,153</b>	<b>Net Surplus/(Deficit) resulting from operations</b>	<b>11,414</b>	<b>8,454</b>	<b>2,960</b>	<b>F</b>	<b>10,211</b>	
14,020	<i>add</i> Depreciation	14,202	14,255	(53)		17,104	
(324)	<i>less</i> Share of Profit SRWRA (excluding dividend)	-	-	-		(324)	
<b>22,849</b>	<b>Funding available for Capital Investment</b>	<b>25,616</b>	<b>22,709</b>	<b>2,907</b>	<b>F</b>	<b>26,991</b>	
	<b>Capital</b>						
13,673	<i>less</i> Capital Expenditure - Renewal	7,623	12,477	4,854	F	15,865	<b>F</b>
4,925	<i>less</i> Capital Expenditure - New	4,317	4,700	383	F	10,362	<b>G</b>
1,500	<i>less</i> Capital - contributed assets	23	-	(23)	U	1,500	
	<i>add</i> Proceeds from Sale of Surplus Assets	(1,572)	(1,572)	-	-	(1,572)	
<b>2,751</b>	<b>Net Overall lending/(borrowing)</b>	<b>15,225</b>	<b>7,104</b>	<b>8,121</b>	<b>F</b>	<b>836</b>	

Original Adopted Budget \$'000		YTD Actual + Committ \$'000	YTD Budget \$'000	YTD Variance \$'000	Annual Budget \$'000	Note
<b>Funded by</b>						
<b>Loans</b>						
-	Loan Principal Receipts (Net)	-	-	-	-	
-	Loan Receipts/(Payments) from Sporting Clubs (Net)	-	-	-	-	
1,400	Loan Principal Repayments	(479)	(479)	-	(1,126)	
(1,400)	Loan Funding (Net)	(479)	(479)	-	(1,126)	
<b>Movement in level of cash, investments and accruals</b>						
(680)	Cash Surplus/(Deficit) funding requirements	17,026	8,905	8,121	1,962	
2,031	Reserves Net - Transfer to/(Transfer from)	(2,280)	(2,280)	-	(2,252)	
1,351	Cash/Investments/Accruals Funding	14,746	6,625	8,121	(290)	
(2,751)	Funding Transactions	(15,225)	(7,104)	(8,121) F	(836)	H



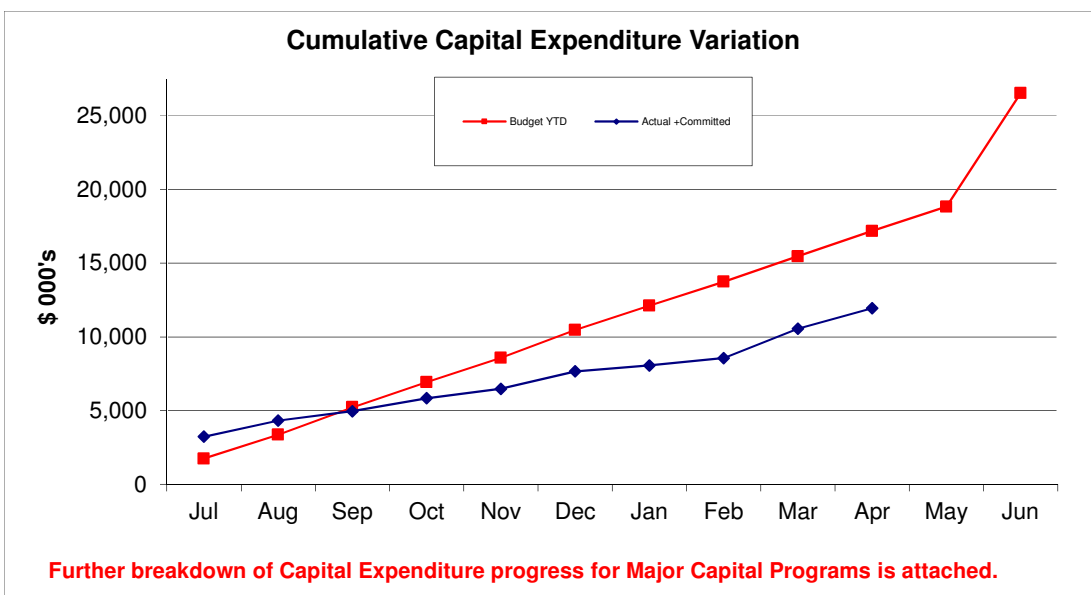
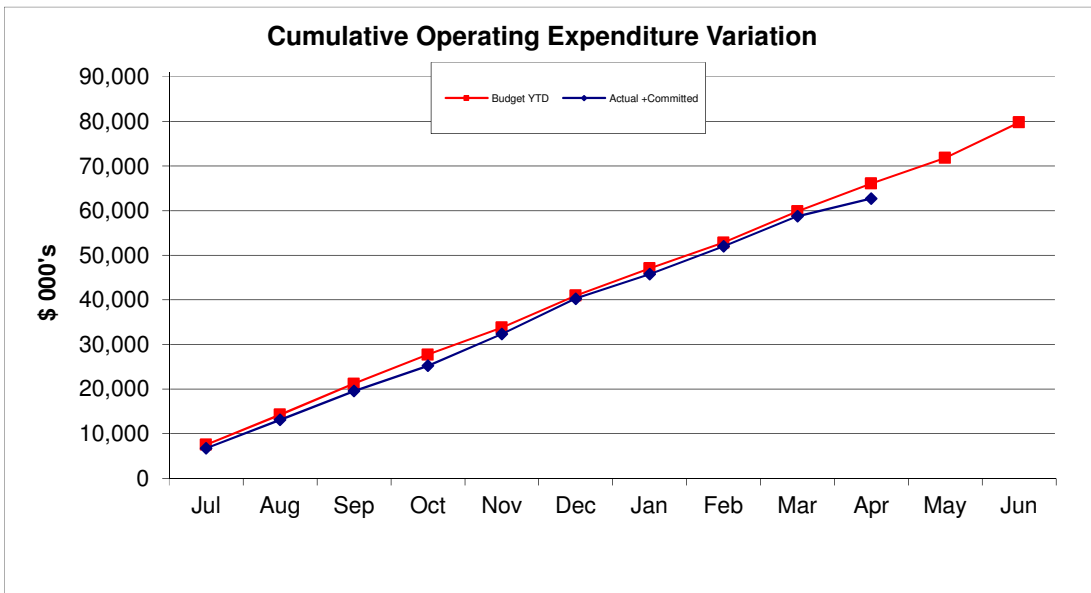
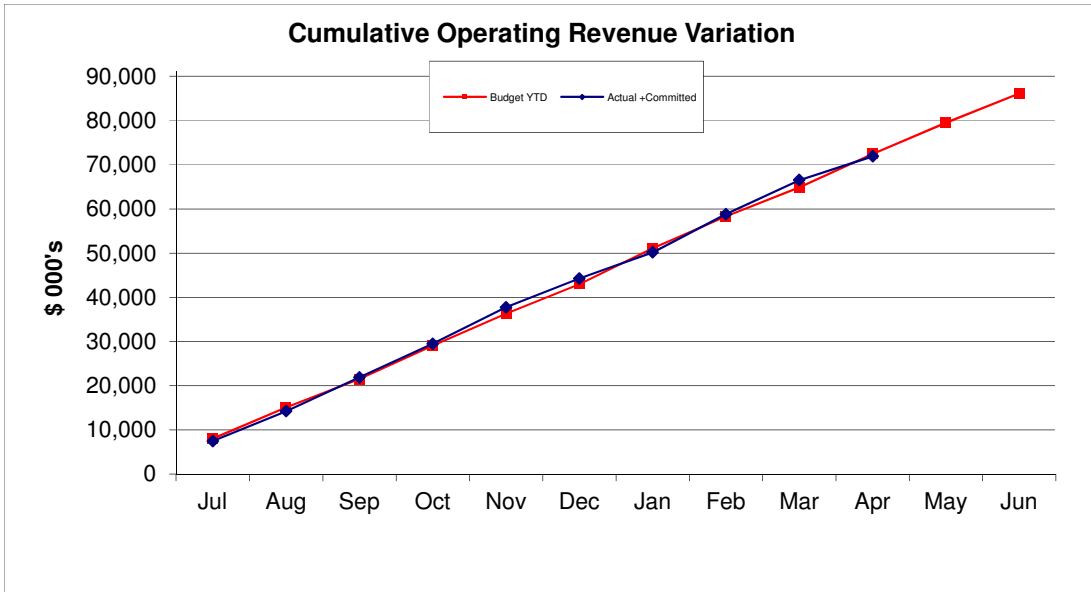
**Variation Notes**

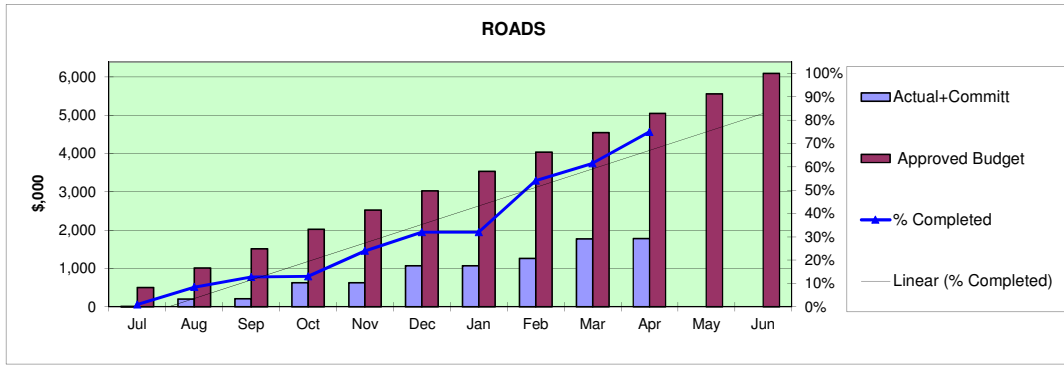
<b>A</b>	<b>Operating Grants &amp; Subsidies</b>	<b>Unfavourable \$543k</b>	Reflects budget timing variations with regards to receipt of Roads 2 Recovery funding.
<b>B</b>	<b>Employee Costs</b>	<b>Favourable \$1,738k</b>	Predominantly reflects budget timing variations including leave taken.
<b>C</b>	<b>Contractors</b>	<b>Favourable \$817k</b>	Predominantly reflects budget timing variations with regards to Waste Contractor (\$293k), Maintenance Agreements (\$159k) and a number of other variations which are individually insignificant.
<b>D</b>	<b>Materials</b>	<b>Favourable \$483k</b>	Predominantly reflects budget timing variations with regards to electricity (\$260k) and water (\$169k).
<b>E</b>	<b>Other Expenses</b>	<b>Favourable \$222k</b>	Predominantly reflects budget timing variations with regards to training (\$74k), State Government Levies (\$85k) and Advertisements (\$54k).
<b>F</b>	<b>Capital Expenditure (Renewal)</b>	<b>Favourable \$4,854k</b>	Predominantly reflects budget timing variations with regards to road reseals (\$3,480k) and fleet replacement (\$1,047k).
<b>G</b>	<b>Capital Expenditure (New)</b>	<b>Favourable \$383k</b>	Predominantly reflects budget timing variations with regards to Glandore Laneways (\$214k) and Ramrod Avenue Streetscaping project (\$192k).
<b>H</b>	<b>Funding Transactions</b>	<b>Favourable \$8,121k</b>	This variance is the sum total of all variances and reflects an increase against council's expected YTD cash position.

The above comments referring to budget timing variations are where some monthly budget estimates are not reflective of the actual expenditure patterns as at the reporting date.

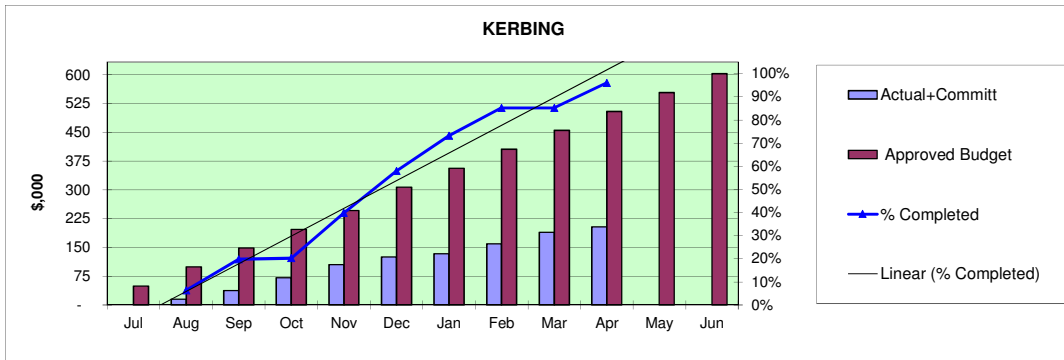
Note: The progress to date of Capital Expenditure programs (New and Renewal) is detailed in the attached graphs, noting that where no budget exists in the initial months this is primarily due to certain types of capital works that cannot be carried out during periods of inclement weather.

### Funding Statement Cumulative Position - 2016/17

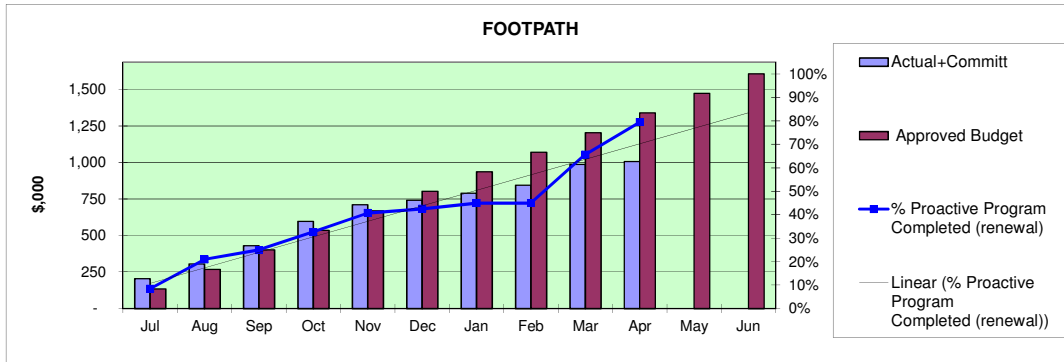




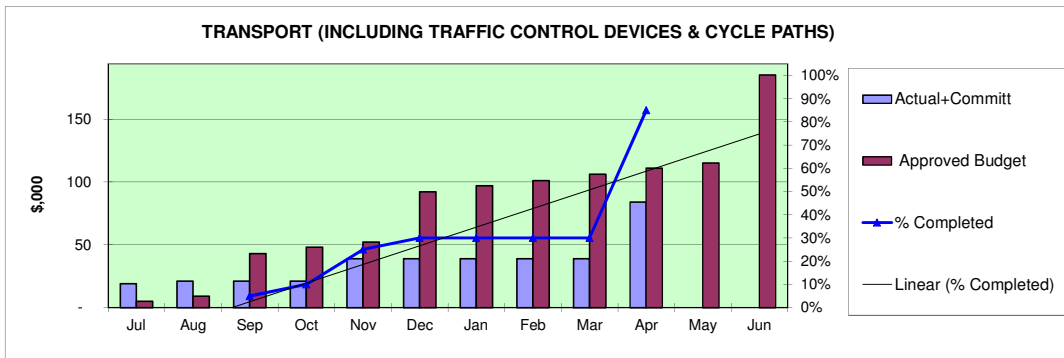
Program commenced, 75% of works carried out.  
 - Contractor completed 35,607m2 of works in April, with 65,782m2 remaining in the program for May and June. If work level continues and weather holds, this program is expected to be completed with anticipated savings. Invoices totalling \$711k for works completed in March and April have been received in May.



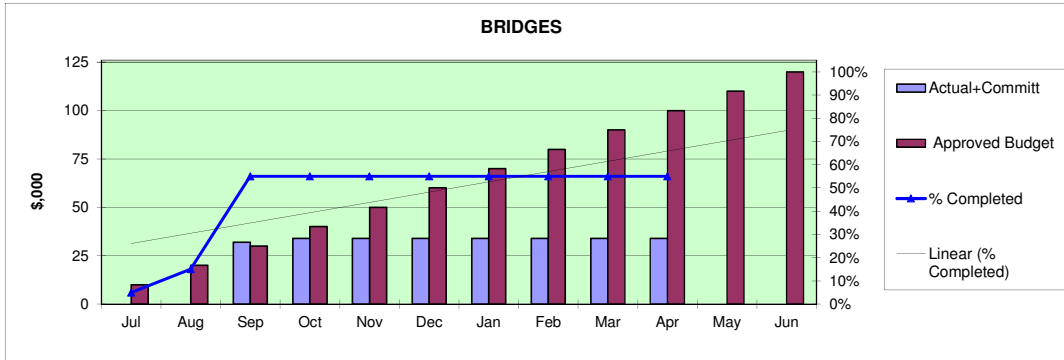
Program commenced, 96% of works carried out.  
 - Works are expected to be completed with anticipated savings.



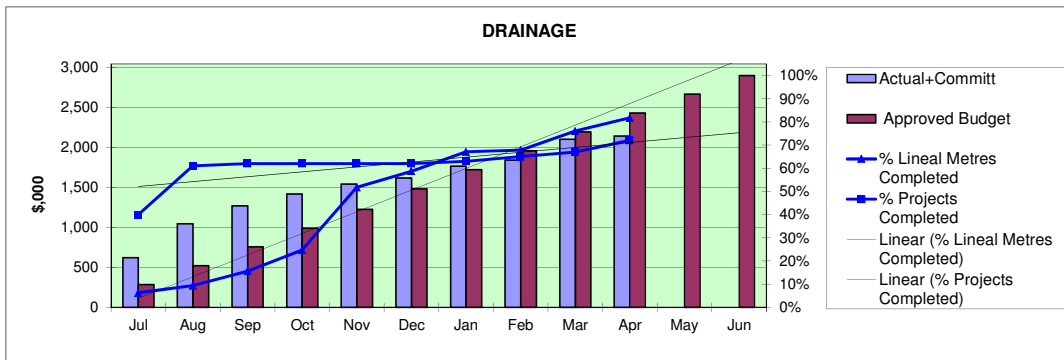
Program commenced, 79% of works carried out.  
 - Works are expected to be completed with anticipated savings.



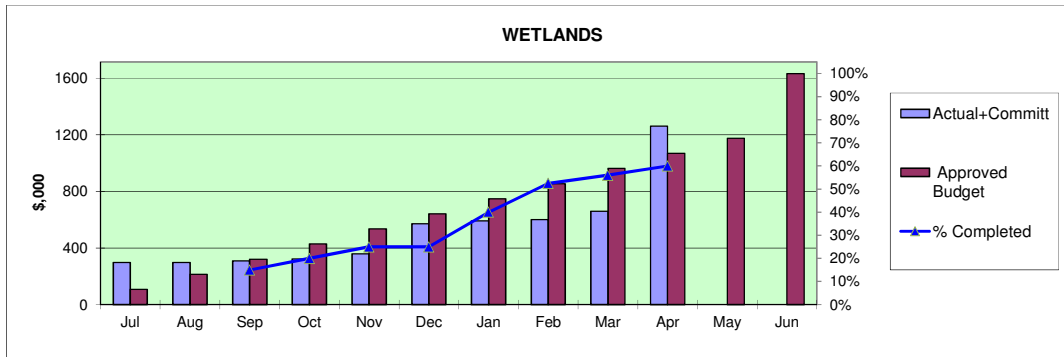
Program commenced, 85% of works carried out and expected to be completed by the end of year.  
 - Sturt Linear Path (Oaklands - Carlisle and Sturt - Marion) contract has been awarded, and works commenced - anticipate completion by June 2017.



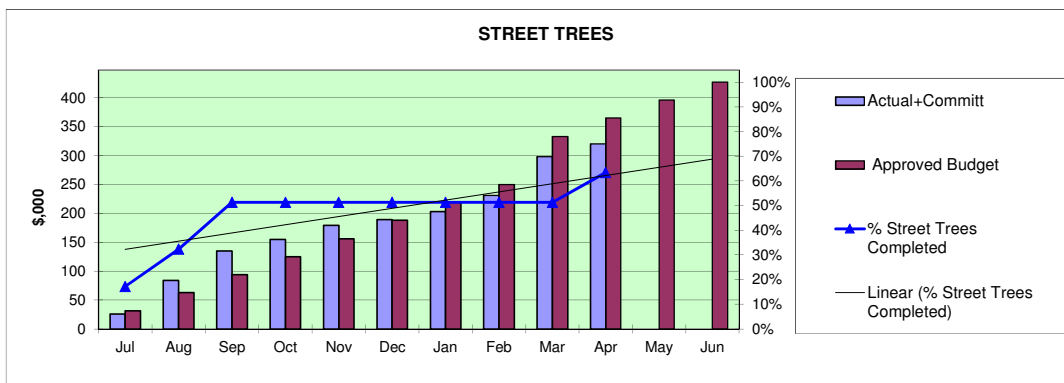
Program commenced, 55% of works carried out, no more expected for the year due to Barramundi Drive works as per "below".  
 - Warriparinga Footbridge completed.  
 - Barramundi Drive investigations commenced, to be retimed to 2017/18 to coincide with related works for stormwater and drainage for a more efficient program.



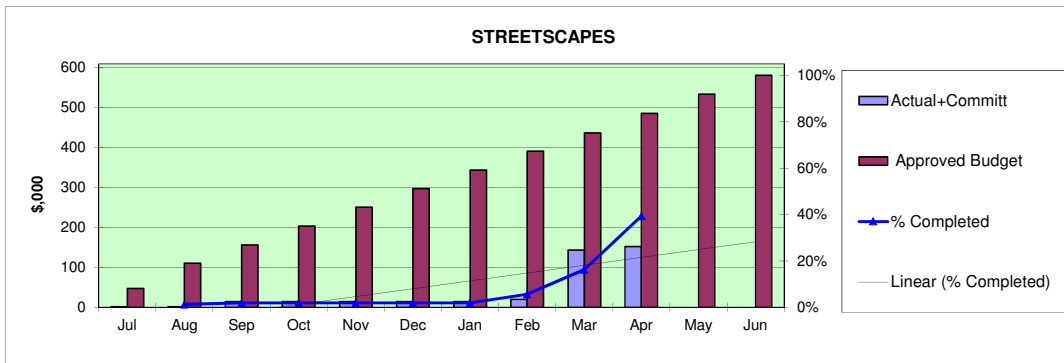
Linear metre program: 82% of works carried out, majority to be completed by end of 2016/17, with only minor works in progress potentially carried over into July.  
 - Keen Avenue, Farne Terrace, Pindee Street and, Hallett Cove Foreshore Stage 3 complete. All other scheduled works commenced.  
 Drainage projects: 72% of works carried out, and on track for completion by end of the year.  
 - Maxwell Terrace, Hammersmith and Towers Terrace complete. All other scheduled works commenced.



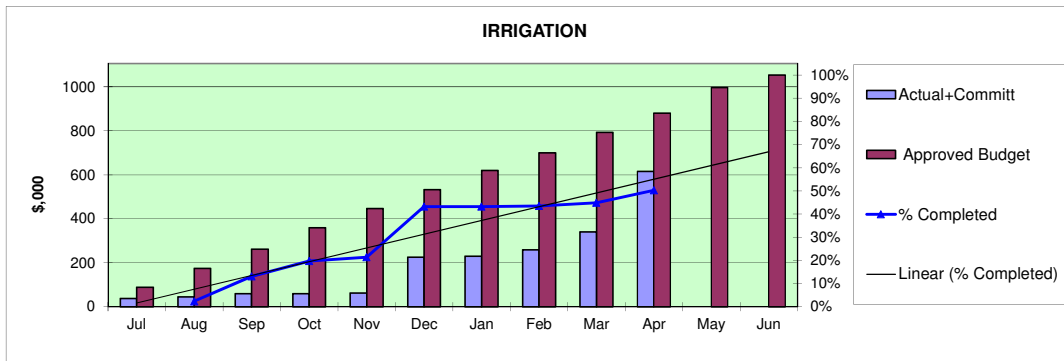
Inclement weather has increased the scope of the current year program. Glade Crescent works are in progress but may be delayed due to possible bad weather. Programmed works for 2016/17 for Cell 1 are expected to be complete, however this is an ongoing project and stage 3 will continue into 2017/18.



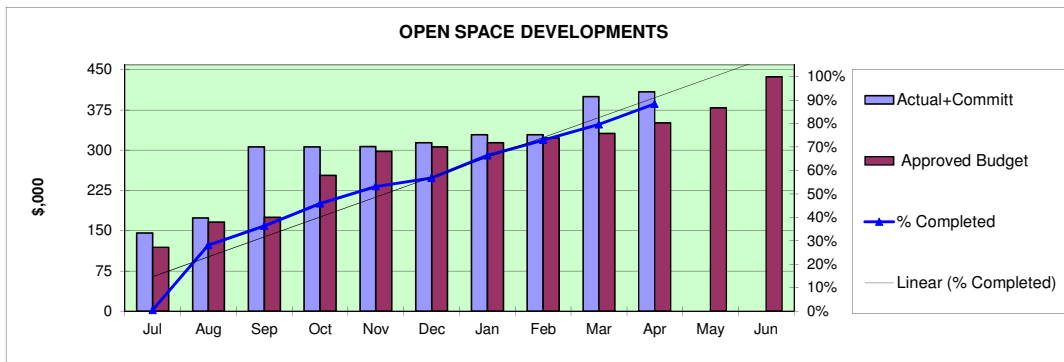
Program commenced, 63% of works carried out, program on track for completion.  
 - Planting has recommenced in April.



Program commenced - roundabout construction has begun, Charles Street demonstration project commenced in April with Ramrod commencing in May due to DPTI delays. It is expected the majority of all works will be completed however there is a slight risk that some will not be finalised until early in 2017/18.



Program commenced, 50% of works carried out, program will be completed within budget.



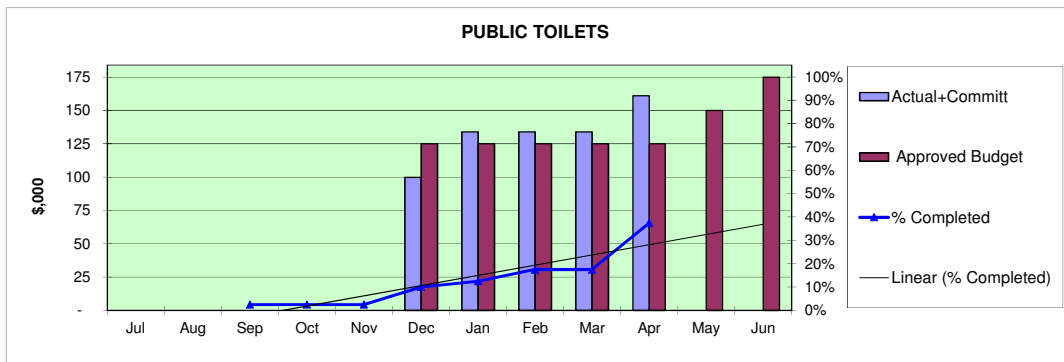
Program commenced, 88% of works carried out - majority expected to be completed.

**Completed**

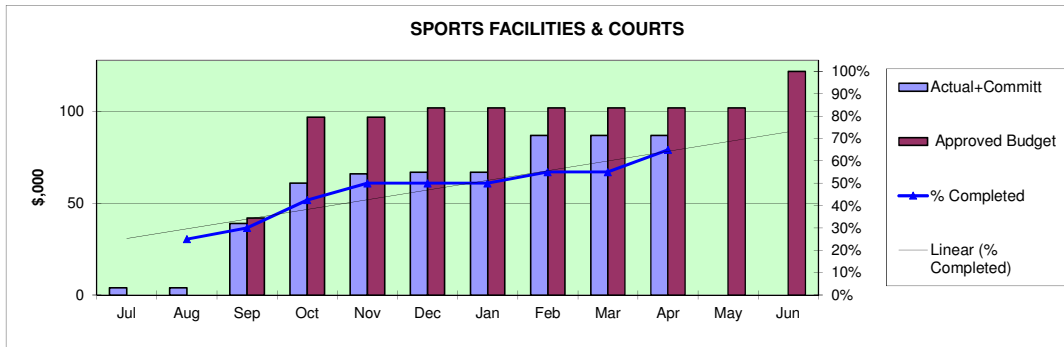
- Reserve Street Reserve Dog Park
- Reserve Signage (15)
- Removal of Luke Court and Oliphant Ave, Chestnut Grove and Marion Community House Playgrounds
- Hazelmere Reserve Shade sails
- Hallett Cove Foreshore Stage 5 detailed design

**In progress**

- Edwardstown Oval Southern Landscaping to be completed in May.
- Gully Road, Clare Avenue, Sixth Avenue and YMCA Breakout Creek playground concept developments underway
- Appleby Reserve design in progress with Renewal SA
- Inclusive Playground Concept detailed design
- Oaklands Estate Reserve in progress
- Stage 2 Oaklands Recreation Plaza Concept
- Glade Crescent and York Street Clovelly Hall Playground Shade sails



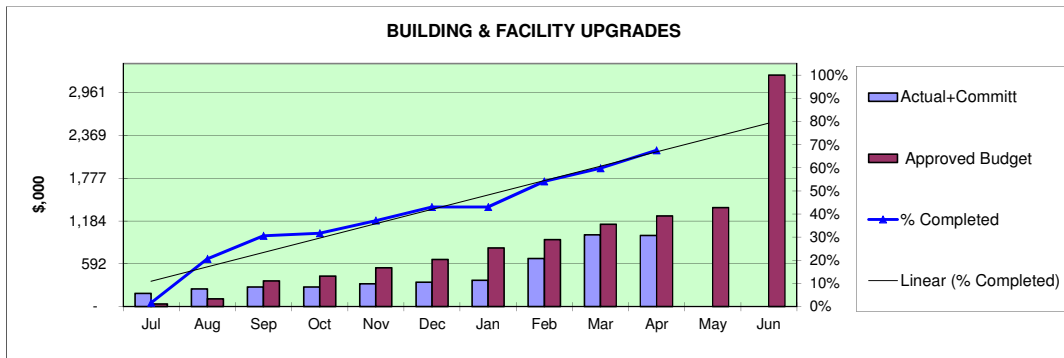
Installation of Reserve Street Reserve Toilet to follow community evaluation of Dog Park - toilet has been ordered, site has been chosen. Costs incurred to date relate to the procurement of the toilet unit which accounts for the majority of the costs in relation to this project.



Program commenced, 65% of works carried out, program is on track for completion.

- Edwardstown Sporting Club light works completed.

- Quotes obtained for works at Woodforde Family Reserve, Stanley Street, Hazelmere Reserve, Mannigai Reserve and Roy Lander Reserve.



Program commenced, 68% of works carried out. Program is on track for expected completion and savings may result. A Significant spend will occur in Jan-Jun with the progression of Glandore Laneways works and the installation of the Solar Panels.

**Completed**

- Coastal Walkway Asset renewal
- Admin/ Cooida Signs
- Marion Outdoor Pool Refurbish storeroom
- Edwardstown Senior Citizens asbestos removal
- Marion Outdoor Pool Sign
- Marion Community House asbestos removal
- Marion Cultural Centre Upgrade plaza amenity
- Administration CR1&2 doors and painting
- Marion City Band asbestos removal and new air conditioners
- Rotary Book Kitchen

**In Progress**

- Trott Park Neighbourhood Centre Windows & Doors
- Trott Park Neighbourhood Centre Accessible toilet
- Glandore Laneways residential properties well progressed. Civil works Commenced
- Solar Panels for Administration Building, City Services Depot, Cove Civic Centre, Glandore Community Centre, Marion Cultural Centre, Marion Outdoor Pool, Park Holme Library and Trott Park Neighbourhood Centre tenders have been finalised, installation to commence in May. Two additional sites have been added Cooida and LKCC as result of a Council resolution.
- LED for Marion Cultural Centre, Admin and Park Holme Library. Works have commenced
- Signs for Marion Cultural Centre, Park Holme Library and Cove Civic Centre
- Coastal Walkway Handrail upgrade

Debtor	Total Balance	Current	30 Days	60 Days	90 Days	90+ Days	Percentage of total 90+ day balance	Comments for 90+ Day balances
<b>General Total</b>	<b>150,646.52</b>	<b>140,754.80</b>	<b>9,069.60</b>	<b>.00</b>	<b>.00</b>	<b>822.12</b>	1%	Made up of 3 out of 11 debtors, with none individually significant.
<b>Neighbourhood Centres Total</b>	<b>32,566.98</b>	<b>21,742.75</b>	<b>280.00</b>	<b>4,808.73</b>	<b>.00</b>	<b>5,735.50</b>	8%	Made up of 7 out of 19 debtors in this category with two of these totalling \$4,440.00.
<b>Regulatory Services Land Clearing Total</b>	<b>3,692.46</b>	<b>.00</b>	<b>200.62</b>	<b>1,089.30</b>	<b>.00</b>	<b>2,402.54</b>	3%	Made up of 3 out of 8 debtors. Discussion for setting up a payment plan is in progress for one debtor totalling \$1,725.35.
<b>City Property Facilities Total</b>	<b>56,634.69</b>	<b>26,643.52</b>	<b>10,156.60</b>	<b>2,373.29</b>	<b>16,084.92</b>	<b>1,376.36</b>	2%	Made up of 3 out of 36 debtors in this category. One account totalling \$950.00 will be sent to the debt collectors due to payment plan not being met. \$294.46 has been subsequently settled in May.
<b>Civil Services Private Works Total</b>	<b>55,070.50</b>	<b>6,390.00</b>	<b>5,755.00</b>	<b>200.00</b>	<b>3,430.00</b>	<b>39,295.50</b>	57%	Made up of 20 out of 34 debtors in this category, with four of these totalling \$18,880.00 relating to works not commenced, awaiting payment with none of the remainder being individually significant.
<b>Swim Centre Debtors Total</b>	<b>7,875.65</b>	<b>4,155.00</b>	<b>2,236.95</b>	<b>1,201.20</b>	<b>90.90</b>	<b>191.60</b>	0%	Made up of 1 out of 13 debtors.
<b>Grants &amp; Subsidies Total</b>	<b>825.00</b>	<b>.00</b>	<b>.00</b>	<b>.00</b>	<b>.00</b>	<b>825.00</b>	1%	Made up of 1 debtor.
<b>Environmental Health Inspections Total</b>	<b>11,736.70</b>	<b>4,278.30</b>	<b>744.90</b>	<b>427.50</b>	<b>171.00</b>	<b>6,115.00</b>	9%	Made up of 47 out of 77 debtors in this category, with none individually significant. \$164.00 has been subsequently settled in May.
<b>Regulatory Services Other Total</b>	<b>12,915.00</b>	<b>3,149.00</b>	<b>.00</b>	<b>1,139.00</b>	<b>1,005.00</b>	<b>7,622.00</b>	11%	Made up of 45 out of 113 debtors in this category with one account totalling \$4,271.00, \$800.00 of this has been subsequently settled in May along with \$134.00 relating to another account.
<b>Development Services Total</b>	<b>4,042.50</b>	<b>1,100.00</b>	<b>.00</b>	<b>.00</b>	<b>.00</b>	<b>2,942.50</b>	4%	Made up of 8 out of 9 debtors in this category.
<b>Living Kaurna Cultural Centre Total</b>	<b>13,731.44</b>	<b>11,024.44</b>	<b>1,036.00</b>	<b>114.00</b>	<b>.00</b>	<b>1,557.00</b>	2%	Made up of 6 out of 37 debtors, with none individually significant.
<b>Economic Development Total</b>	<b>410.00</b>	<b>.00</b>	<b>.00</b>	<b>.00</b>	<b>.00</b>	<b>410.00</b>	1%	Made up of 2 debtors.
<b>Marion Cultural Centre Total</b>	<b>4,374.66</b>	<b>4,131.00</b>	<b>243.66</b>	<b>.00</b>	<b>.00</b>	<b>.00</b>	0%	
<b>Total</b>	<b>354,522.10</b>	<b>223,368.81</b>	<b>29,723.33</b>	<b>11,353.02</b>	<b>20,781.82</b>	<b>69,295.12</b>		
<b>Total Aging Profile</b>		<b>63%</b>	<b>8%</b>	<b>3%</b>	<b>6%</b>	<b>20%</b>		

Category	Description
Employees	Anything that relates to CoM employees.
General	Anything that does not fit into one of the below categories.
Neighbourhood Centres	For hire of rooms in Neighbourhood Centres, etc. - usually charged out at an hourly rate. Also includes cultural workshops and tours.
Regulatory Services Land Clearing	When council has had to clear land due to non-compliance of owner.
Sporting Clubs & Other Leases	Rent, electricity, water, maintenance, etc. charged out to lessees.
Civil Services Private Works	Repairs or modifications to infrastructure (footpaths, kerbs, driveway inverts). Can be at resident request.
Swim Centre Debtors	Outdoor Swimming Centre - used for lane hire, school visits, etc.
Grants & Subsidies	Government grants and subsidies.
Environmental Health Inspections	Food Inspection fees.
Regulatory Services Other	Vehicle Impoundment fees and other regulatory services.
Supplier Refunds	Where a supplier owes the City of Marion funds. This category is used to keep track to ensure we have received payment for credits.
Development Services	Includes contribution from residents and/or developers for the removal and/or replacement of Council Street Trees and significant trees.
Living Kaurna Cultural Centre	Relates to programs run through the LKCC.
Environmental Health Testing	Environmental testing fees.
Local Government	Transactions with other Local Government corporations.
Communications	Anything related to communications.
Economic Development	Events, etc. relating to economic development within the City of Marion.
Marion Cultural Centre	Hiring of the Marion Cultural Centre.

\*any category that does not have any outstanding invoices will not be displayed.

## **Rates Report - Collection of Rates to 30 April 2017**

### **ANALYSIS OF OUTSTANDING RATES AS AT 30 APRIL 2017**

	<u>Note</u>		<b>% of Total Annual Rates</b>
CURRENT	1	\$ 14,259,256	<b>19.7%</b>
OVERDUE	2	\$ 1,370,389	<b>1.9%</b>
ARREARS	3	\$ 906,425	<b>1.2%</b>
POSTPONED	4	\$ 144,117	<b>0.2%</b>
LEGALS	5	\$ 26,879	<b>0.0%</b>
		<b><u>\$ 16,707,065</u></b>	<b>23.0%</b>
<b>TOTAL ANNUAL RATES FOR 2016/17</b>		<b><u>\$ 72,519,891</u></b>	

#### **Note 1: Current**

Current rates represent the total amount of rates levied in the current financial year that are not yet due for payment. For example at 1st January this represents Quarter 3 & Quarter 4 rates unpaid.

#### **Note 2: Overdue**

Overdue rates represent rates levied in the current financial year that remain unpaid past their due payment date. For example on 1st January, this represents rates from Quarter 1 and Quarter 2 that remain unpaid.

#### **Note 3: Arrears**

Rates in arrears represent rates and charges levied in previous financial years that remain unpaid .

#### **Note 4: Postponed**

Postponed rates represent any rates amount due by seniors that have been granted a deferral, until the eventual sale of their property, as allowable under the Local Government Act. Interest is charged on these deferred rates and is recoverable when the property is sold.

#### **Note 5: Legals**

Legals represent any legal fees, court costs that have been incurred by Council in the collection of rates in the current financial year. These amounts represent costs that have been on-charged to the defaulting ratepayers and are currently outstanding.



**CITY OF MARION  
GENERAL COUNCIL MEETING  
23 MAY 2017**

**Originating Officer:** Paul Johns, Acting Unit Manager Risk

**Corporate Manager:** Jaimie Thwaites, Acting Manager Corporate Governance

**General Manager:** Vincent Mifsud, General Manager Corporate Services

**Subject:** WHS Performance Report – April 2017

**Report Reference:** GC230517R16

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### EXECUTIVE SUMMARY

The objective of this standing monthly report is to provide Council with assurance that the City of Marion has effective strategies in place to meet its legal obligations as outlined in the Work Health and Safety Act (SA) 2012 and monitor Council's 2016/17 target of a 25% reduction of the Lost Time Injury Frequency Rate (LTIFR) on the previous year.

The Think Safe Live Well program's vision is "**Zero harm with enhanced wellbeing**" and focuses on further developing our leadership styles, organisation culture and WHS systems by:

- Embedding a culture of safety and wellbeing as a part of normal business practice
- Developing our people to lead the change across the City of Marion
- Continually improving our WHS Management System (WHSMS) to achieve best practice.

### PERFORMANCE RESULTS – AUDIT RESULTS

The City of Marion is subject to annual audits conducted by the Local Government Association Workers Compensation Scheme (LGAWCS) which test Council's WHSMS against selected sub-elements of the Return to Work (RTW) SA's Performance Standards for Self Insurers (PSSI). Council sets an action plan outlining its commitments to address non-conformances identified and improve its WHSMS. This year 100% of the actions from the 2015 Audit were completed by 31 October 2016 which should result in receipt of 100% of the LGAWCS rebate available. The LGAWCS KPI Audit and Appraisal Report 2016 took place in October and the formal results identify an improvement based on the previous year's WHS results. The subsequent Action Plan has now been developed and submitted to the LGAWCS for ongoing monitoring of actions.

### PERFORMANCE RESULTS – LOST TIME INJURIES

In order to measure improvement, safety indicators are measured and monitored against our industry counterparts being Group A Councils (<sup>1</sup>GaC). Two important safety indicators measured are Lost Time Injuries (<sup>2</sup>LTIs), outlined in Table 1 and 2 from internal incident reporting data, and Lost Time Injury Frequency Rate (<sup>3</sup>LTIFR) from the LGA's Claims Analysis Portal data, outlined in Figure 1.

**Table 1: Number of LTIs per month - Financial Year 2015-16**

Jul-15	Aug-15	Sep-15	Oct-15	Nov-15	Dec-15	Jan-16	Feb-16	Mar-16	Apr-16	May-16	Jun-16	Total
0	1	4	2	2	0	3	1	2	1	3	0	19

**Table 2: Number of LTIs per month - Financial Year 2016-17**

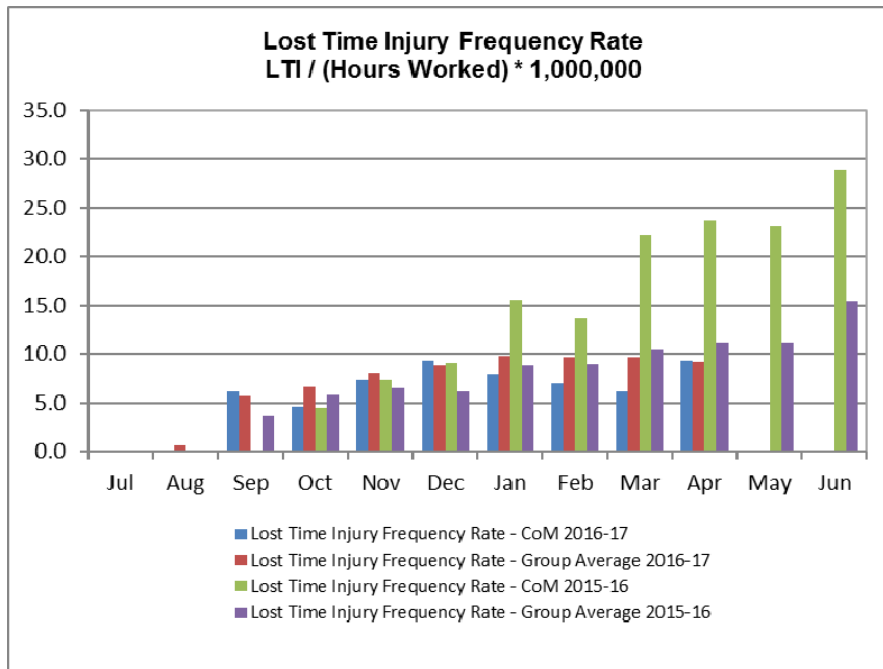
Jul-16	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16	Jan-17	Feb-17	Mar-17	Apr-17	May-17	Jun-17	Total
0	1	2	0	1	0	0	1	0	0			5

<sup>1</sup> GaC are metropolitan councils with more than 300 staff ie Marion, Adelaide, Charles Sturt, Onkaparinga, Playford, Port Adelaide Enfield, Salisbury and Tee Tree Gully.

<sup>2</sup> LTIs are those injuries where a whole work day or more has been lost due to a workplace injury.

<sup>3</sup> LTIFR is an industry standard tool for measuring LTI's within a given accounting period which enables comparison to other organisations for the purpose of benchmarking.

Figure 1: LTIFR per month – Financial Year comparison against Group A Councils



All five LTIs as at the end of April 2017 have now been processed and appear in the LGAWCS claims data. The LTIFR is now accurately reflected as 9.3. These figures are in comparison to a total of 19 LTIs recorded in 2015/16 and a corresponding LTIFR of 28.8.

The five LTI's reported have been categorised into the following primary classes of injuries:

1. One x Manual handling (muscular stress while lifting or carrying).  
A back injury whilst sorting concrete from recycling piles.
2. One x Fall from the same and differing level (slips, trips and falls).  
A broken ankle whilst walking on a wet slippery surface.
3. Two x Repetitive movement (low muscle loading).
  - An elbow strain from a manual labour task (ie repetitive spreading of mulch).
  - A shoulder strain from a manual labour task (ie repetitive raking of leaves).
4. One x Mental disorder (exposure to mental stress factors).  
An accusation of bullying which is currently under investigation.

It should be noted that, due to appropriate determination deferrals and data transfers, there can be delays in LTIs being recorded in the LGAWCS data which can affect the comparison data illustrated in Figure 1. City of Marion's data (outlined in Table 1 and Table 2) shows only five LTI incidents reported as at April 2017 compared to sixteen incidents reported as at April 2016. If the current downward trend continues, the forecasted LTIFR for the end of period reporting is likely to be 10.8 which, if achieved, would represent a reduction of 62% on the reported LTIFR for 2015/16.

## WORK HEALTH & SAFETY MANAGEMENT STRATEGY

During April the feedback from SLT's WHS Strategy Workshop in March was collected and analysed. The WHS Management System was reviewed for presenting to Risk Working Group. A draft WHS Plan was developed using feedback from the WHS Strategy Workshop and findings from the WHS Management System review. Further consultation across the organisation will take place over May and June.

### RECOMMENDATION

**That Council:**

- 1. Notes the report and statistical data contained therein.**

### DUE DATE

**23 May 2017**

**CITY OF MARION  
GENERAL COUNCIL MEETING  
23 MAY 2017**

**Question Received from:** Councillor Ian Crossland

**Subject:** Cost Shifting

**Reference No:** GC230517Q01

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**QUESTION**

Council often suffers the brunt of Government cost shifting. The State Government has recently introduced the Local Nuisance and Litter Control Act 2016” which provides for new legislative responsibilities for Local Government (being introduced incrementally throughout 2017) many of which were/are traditionally the ambit of the Environment Protection Authority under the Environment Protection Act 1993. Please briefly advise:

- How has Council prepared for these new legislative requirements?
- What will be the anticipated additional cost to the City of Marion and how will these additional responsibilities be funded?
- What assistance is being provided by State Government during the transition phase?

**COMMENTS - Councillor Ian Crossland**

Nil

**COMMENTS - Sharon Perin, Unit Manager Community Health and Safety**

- *How has Council prepared for these new legislative requirements?*

When the Local Nuisance and Litter Control Act was a draft Bill, Council provided feedback to the South Australian Government regarding concerns that Council was being charged with new legislative responsibilities without additional funding or resources. Concerns were raised about cost shifting by State Government.

The littering provisions of the Act were enacted on 1 February 2017 and the nuisance provisions of the Act will be enacted on 1 July 2017. Relevant staff have received training regarding administering the new Act, which was provided free by the Environment Protection Authority (EPA).

Consultation has occurred with SAPOL’s Sturt Local Service Area’s Crime Prevention Sergeant, regarding what aspects of the Act will be dealt with by Council staff and what aspects of the Act will be dealt with by SAPOL.

- *What will be the anticipated additional cost to the City of Marion and how will these additional responsibilities be funded?*

The littering provisions of the Act can be administered within current resources.

Other parts of the Act can also be administered within existing resources, for example, unsightly properties and properties in an insanitary condition, as these types of matters are currently dealt with under existing legislation and within existing resources.

It is not possible to predict the number of complaints and the complexity of complaints that will be received under the new nuisance provisions of the Act, so it is not possible at this stage to predict if extra resources will be required and what additional cost there may be to the City of Marion to administer the Act.

- *What assistance is being provided by State Government during the transition phase?*

The EPA has provided free training to Councils about the new legislation. The EPA has developed some resources such as information and fact sheets and is in the process of developing further resources. These resources are available to staff via the Local Government Association (LGA). The LGA has a dedicated staff member to liaise with and support council staff regarding the administration of the Local Nuisance and Litter Control Act.

**CITY OF MARION  
GENERAL COUNCIL MEETING  
23 MAY 2017**

**Question Received from:** Councillor Ian Crossland

**Subject:** SA Housing

**Reference No:** GC230517Q02

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**QUESTION:**

The SA Housing Trust is continuing to transfer community housing (housing trust) to third party providers. Under current legislation, once transferred the third party providers can refuse to pay council rates.

- a) How many SAHT properties are there within the City of Marion?
- b) How many are no longer paying council rates and what is the impact on the annual budget and the Long Term Financial Plan.
- c) Once the City of Marion is unable to collect rates from all these properties remaining rate payers will be required to fund the shortfall. How much will this be in both the annual and long term financial impact to the City of Marion's budget.

**COMMENTS: Councillor Ian Crossland**

Nil

**COMMENTS: Ray Barnwell, Manager Finance**

Community Housing Association properties pay council rates but under current legislation are entitled to a mandatory 75% rebate of rates and therefore are only required to pay 25% of their rates.

- a) Currently there are 3,158 SA Housing Trust (SAHT) properties and 79 Aboriginal Housing (AH) properties within the City of Marion.
- b) Over the past seven years a total of 694 properties have been transferred from the SAHT to Community Housing Association providers. Of these 694 properties, 608 properties transferred in 2015/16 have not claimed the mandatory 75% rebate.

The remaining 86 properties have claimed rebates totalling \$85,616 this financial year. We are expecting a further 383 properties to be transferred from the SAHT to Junction Housing during 2017/18. This is expected to result in an additional annual rebate of approximately \$327,000 (date of transfer will determine the amount of rebate granted). As the date of transfer is expected around the end of September 2017, the estimated 75% mandatory rebate figure is \$245,400 for 2017/18.

- c) If all remaining SAHT and AH properties in Marion transferred to housing associations this would result in rebates of approximately \$2,575,082 for the current year, having to be redistributed across all other City of Marion ratepayers.

The table below provides the potential financial impact of the 75% Rebate on properties currently transferred and potential future transfers from SA Housing.

Financial Impact of 75% Rebate On SA Housing Transfers Over 10 Year LTFP											
	Number of Properties	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26
SA Housing Properties transferred to Housing Associations currently claiming 75% rebate	86	\$85,616	\$87,756	\$89,950	\$92,199	\$94,504	\$96,867	\$99,288	\$101,771	\$104,315	\$106,923
SA Housing properties to be transferred during 17/18 and entitled to 75% rebate	383	\$0	\$245,400	\$335,175	\$343,554	\$352,143	\$360,947	\$369,970	\$379,220	\$388,700	\$398,418
Total Forecast 75% Rebate Over LTFP	469	\$85,616	\$333,156	\$425,125	\$435,753	\$446,647	\$457,813	\$469,259	\$480,990	\$493,015	\$505,340
<b>Increase required by average ratepayer to fund the 75% Rebate from SA Housing transfers</b>		<b>\$2</b>	<b>\$8</b>	<b>\$10</b>	<b>\$10</b>	<b>\$11</b>	<b>\$11</b>	<b>\$11</b>	<b>\$11</b>	<b>\$12</b>	<b>\$12</b>
Impact if SA Housing properties transferred in 2015/16 not currently claiming the rebate did claim 75% rebate	608	\$0	\$457,527	\$468,965	\$480,690	\$492,707	\$505,024	\$517,650	\$530,591	\$543,856	\$557,452
*Impact if all remaining SA Housing properties transferred and claimed 75% rebate	2,854	\$0	\$2,394,059	\$2,453,911	\$2,515,258	\$2,578,140	\$2,642,593	\$2,708,658	\$2,776,375	\$2,845,784	\$2,916,928
Potential 75% Rebates from transfers of SA Housing Properties	3,462	0	2,851,586	2,922,876	2,995,948	3,070,846	3,147,618	3,226,308	3,306,966	3,389,640	3,474,381
<b>TOTAL</b>	<b>3,931</b>	<b>85,616</b>	<b>3,184,743</b>	<b>3,348,001</b>	<b>3,431,701</b>	<b>3,517,494</b>	<b>3,605,431</b>	<b>3,695,567</b>	<b>3,787,956</b>	<b>3,882,655</b>	<b>3,979,721</b>
<b>Increase required by average ratepayer to fund the 75% Rebate from all potential SA Housing transfers</b>		<b>\$2</b>	<b>\$75</b>	<b>\$79</b>	<b>\$81</b>	<b>\$83</b>	<b>\$85</b>	<b>\$87</b>	<b>\$90</b>	<b>\$92</b>	<b>\$94</b>

Based on current 42,289 Rateable Assessments

\*Note: the number of remaining properties is calculated on the following:  
 3,158 SAHT + 79 AH = 3,237 properties less 383 transferred to Junction Housing = 2,854

**CITY OF MARION  
GENERAL COUNCIL MEETING  
23 MAY 2017**

**Notice Received from:** Mayor Kris Hanna  
**Subject:** Roundhouse at the Oaklands Recreation Plaza  
**Ref No:** GC230517M01

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**MOTION**

Determines the structure to replace the Roundhouse at the Oaklands Recreation Plaza shall be a band rotunda in the style of the Victorian era.

**COMMENTS: Mayor Hanna**

This site is perfect for a rotunda in the traditional Victorian style. It would be an elegant and functional structure, instantly popular for wedding photographs, family gatherings etc. If capacity for electrical connection is built in initially, this place could also be very suitable for public events including outdoor concerts and citizenship ceremonies.

The Victorian style would pay homage to one of Marion's significant former buildings of European heritage, Oaklands House, which was situated nearby. A rotunda in this style would not diminish the potential for suitable recognition of the Kurna people as well.

**COMMENTS: Brett Grimm, Urban Design Leader**

The Stage 2 Recreation Plaza works are to incorporate the surrounding landscape inclusive of a proposed rotunda structure to replace the soon to be demolished 'Roundhouse'.

Concepts for the Stage 2 Recreation Plaza (including rotunda) were considered and endorsed by Council for consultation at its meeting 28 February 2017 (GC280217R09).

Following Elected Member feedback, additional concepts for the rotunda/pavillion were developed with three rotunda options presented to the community as part of the Oaklands Estate Playground and Recreation Plaza Stage 2 community engagement (1 May – 22 May 2017).

The three options are:

- Contemporary inclusive of integrated public art (Kurna cultural opportunity)
- European heritage style with cupola and decorative lattice cornice
- Standard with integrated green climbing plant trellis.

All three options (Refer Appendix 1) are proposed to be 8 metre diameter to accommodate a band stand, steps and ramp for access and include lighting, power and water.

The community consultation period was facilitated from 1 May – 22 May 2017 and comprised of an internet based survey and an onsite engagement session on 6 May 2017.

This community engagement process specifically seeks feedback on the preferred rotunda option as part of the broader Stage 2 Recreation Plaza concept. A full community engagement report will be presented back to Council for consideration and direction in June 2017.

As the consultation period concludes at 5.00pm on 22 May 2017, the results of the community feedback directly related to the rotunda preference will be collated on 23 May in readiness for consideration at the General Council meeting on the evening of 23 May 2017.

If Council endorses the Victorian era style rotunda, this can be incorporated into the Recreation Plaza Stage 2 final design.

Following Council consideration and endorsement of the final design (including rotunda option), the next steps will be to develop detailed designs and documentation for development approvals.

### **Appendix 1 – Oakland Recreation Plaza Rotunda Options**





**CONTEMPORARY ROTUNDA/ PAVILION**

- \* INTEGRATED PUBLIC ART (KAURNA CULTURAL OPPORTUNITY)
- \* 8 M DIAMETER FOR BAND STAND
- \* LIGHTING AND POWER



**EUROPEAN HERITAGE STYLE WITH CUPOLA**

- \* INTEGRATED DECORATIVE LATTICE CORNICE
- \* 8 M DIAMETER FOR BAND STAND
- \* LIGHTING AND POWER



**STANDARD ROTUNDA/PAVILION**

- \* INTEGRATED TRELLIS CLIMBING PLANT SCREENS
- \* 8 M DIAMETER FOR BAND STAND
- \* LIGHTING AND POWER