



**Minutes of the City of Unley
Council Meeting
Monday, 29 April 2019, 7.00pm
Council Chambers
181 Unley Road, Unley**

PRESENT

| | | |
|-------------------------|---------------------|-----------------|
| <i>Presiding Member</i> | <i>Mayor</i> | M Hewitson |
| | <i>Deputy Mayor</i> | P Hughes |
| <i>Councillors</i> | J Boisvert | D Palmer |
| | J Dodd | N Sheehan |
| | E Wright | K Anastassiadis |
| | M Hudson | S Dewing |
| | J Russo | M Broniecki |
| | M Rabbitt | |

OFFICERS PRESENT

Chief Executive Officer, Mr P Tsokas
General Manager Business Support and Improvement, Ms N Tinning
General Manager City Services, Ms M Berghuis
General Manager City Development, Mr C Malak
Executive Manager Office of the CEO, Ms T Norman
Executive Assistant Office of the CEO, Ms L Jones
Manager City Design, Ben Willsmore

ACKNOWLEDGEMENT

The Presiding Member opened the meeting with the Kaurna acknowledgement.

SERVICE ACKNOWLEDGEMENT

Members stood in silence in memory of those who had made the Supreme Sacrifice in the service of their country, at sea, on land and in the air.

WELCOME

The Presiding Member welcomed Members of Council, Senior Staff, Media and members of the gallery to the 29 April 2019, meeting of the Unley City Council.

APOLOGIES

Nil

ITEM 1444 **LEAVE OF ABSENCE**

MOVED Councillor J Boisvert
SECONDED Councillor J Dodd

That:

1. Councillor M Hudson be granted a leave of absence from 8 May 2019 to 14 June 2019.

CARRIED UNANIMOUSLY

ITEM 1445 **CONFLICT OF INTEREST**

Nil

ITEM 1446 **MINUTES – COUNCIL**

MOVED Councillor J Russo
SECONDED Councillor M Broniecki

That:

1. The minutes of the Council Meeting held on 25 March 2019 be taken as read and signed as an accurate record.

CARRIED UNANIMOUSLY

ITEM 1447 **MINUTES – COUNCIL**

MOVED Councillor D Palmer
SECONDED Councillor K Anastassiadis

That:

1. The minutes of the Council Meeting held on 15 April 2019 be taken as read and signed as an accurate record.

CARRIED UNANIMOUSLY

DEFERRED / ADJOURNED ITEMS

Nil

ITEM 1448 **PETITIONS**

1. Lan Kelly, Forestville
Re. Driveway Connecting Anzac Highway and Third Avenue Forestville

MOVED Councillor N Sheehan
SECONDED Councillor E Wright

That:

1. The petition be noted.
2. The principal petitioner be notified that as the development has been approved by the State Commission Assessment Panel there is no mechanism for Council to challenge or seek alteration to the approved plans.

CARRIED UNANIMOUSLY

ITEM 1449 **DEPUTATIONS**

1. Ryan Hopkins, Parkside
Alison Scrymgour, Parkside
Peter Price, Parkside
Re. Item 1450, Children Crossings Adjacent to Parkside Primary School
2. Adrianna Kyriacou, Parkside
Suzie Sangster, Parkside
Anthony Behn, Parkside
Re. Item 1450, Children Crossings Adjacent to Parkside Primary School

REPORTS OF COMMITTEES

Nil

REPORTS OF OFFICERS

ITEM 1450

CHILDREN CROSSINGS ADJACENT TO PARKSIDE PRIMARY SCHOOL

MOVED Councillor M Broniecki
SECONDED Councillor P Hughes

That:

1. The report be received.
2. Installation of a Children's Crossing along Young Street, Parkside, as outlined in Attachment 2 to this Report (Item 1450, Council Meeting, 29/04/2019) be approved.
3. Installation of a Children's Crossing along Robsart Street, Parkside, as outlined in Attachment 2 to this Report (Item 1450, Council Meeting, 29/04/2019) be approved.
4. Installation of Kerb Extensions along Castle Street, Parkside, at its intersection with Robsart Street and as outlined in Attachment 2 of this Report (Item 1450, Council Meeting, 29/04/2019) be approved.

Councillor M Hudson MOVED an AMENDMENT

That

1. The report be received.
2. Installation of a Children's Crossing along Robsart Street, Parkside, as outlined in Attachment 2 to this Report (Item 1450, Council Meeting, 29/04/2019) be approved.
3. Installation of Kerb Extensions along Castle Street, Parkside, at its intersection with Robsart Street and as outlined in Attachment 2 of this Report (Item 1450, Council Meeting, 29/04/2019) be approved.

The AMENDMENT LAPSED for want of a SECONDER

The MOTION was PUT and

CARRIED

*A **DIVISION** was requested by Councillor M Hudson and the previous vote was set aside.*

*The following members responded to the Presiding Member's call as having voted **IN FAVOUR** of the **MOTION**:*

Councillors J Boisvert, D Palmer, N Sheehan, E Wright, K Anastassiadis, M Broniecki, M Rabbitt, J Russo, S Dewing, P Hughes and J Dodd

*The following members responded to the Presiding Member's call as having voted **AGAINST** the **MOTION**:*

Councillor M Hudson

The Presiding Member declared the MOTION was **CARRIED**

ITEM 1451

EASTERN REGION ALLIANCE (ERA) CHAIRMAN AND CEO REPORT

MOVED Councillor J Boisvert
SECONDED Councillor K Anastassiadis

That:

1. The report be received.

CARRIED UNANIMOUSLY

ITEM 1452

**AUTHORISATIONS TO BE MADE AND REVOKED – INSTRUMENT OF
GENERAL APPROVAL AND DELEGATION TO COUNCIL FROM THE MINISTER
FOR TRANSPORT**

MOVED Councillor M Rabbitt
SECONDED Councillor E Wright

That:

1. The report be received.
2. Authorisations granted to Satyen Gandhi, Transportation and Traffic Lead under clauses A, B, C, D, and F of the *Instrument of General Approval and Delegation to Council* dated 22 August 2013 from the Minister for Transport and Infrastructure, be revoked, effective from 1 May 2019.
3. In accordance with the *Instrument of General Approval and Delegation to Council* dated 22 August 2013 from the Minister for Transport and Infrastructure (the Minister's Instrument) the Council is of the opinion that the following persons are experienced traffic engineering practitioners for the purposes of preparing a Traffic Impact Statement as required by Clause A.7 of the Minister's Instrument:
 - Claude Malak, General Manager City Development
4. In accordance with the *Instrument of General Approval and Delegation to Council* dated 22 August 2013 from the Minister for Transport and Infrastructure (the Minister's Instrument) the Council authorises the following persons pursuant to Clause A.7 of the Minister's Instrument to endorse Traffic Impact Statements for the purposes of Clause A of the Minister's Instrument:
 - Claude Malak, General Manager City Development
5. In accordance with Clause E.2 of the *Instrument of General Approval and Delegation to Council* dated 22 August 2013 from the Minister for Transport and Infrastructure (the Minister's Instrument) the Council is of the opinion that the following persons have an appropriate level of knowledge and expertise in the preparation of Traffic Management Plans:
 - Claude Malak, General Manager City Development

CARRIED UNANIMOUSLY

ITEM 1453
DELEGATIONS UPDATE – APRIL 2019

MOVED Councillor S Dewing
SECONDED Councillor J Dodd

That:

1. The report be received.

Revocations

2. Council hereby revokes its previous delegations to the Chief Executive Officer, as set out in Attachment 1 to this Report (Item 1453, Council Meeting 29/04/2019) effective from 29 April 2019, of the functions and powers under the following:
 - 2.1 Section 26 of the *Dog and Cat Management Act 1995*;
 - 2.2 Sections 9(2), 9(12), 13(1), and 13(4) of the *Expiation of Offences Act 1996*;
 - 2.3 Sections 23(1), 23(2), 23(3), 23(5), s23(5)(d), 25(1), 33(3)(a)(i), 33(b), and 71, of the *Housing Improvement Act 1940*;
 - 2.4 Sections 225(3); s235(1); 136D.2; and clauses 13(4), 14, 16(4)-(6), 21(1)-(2), 22(2)-(4) Schedule 1A, of the *Local Government Act 1999*; and
 - 2.5 Section 48(3) of the *Local Nuisance and Litter Control Act 2016*; due to deletion of these sections/clauses.

Adoptions

3. 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 Attachments 2-10 to this report (Item 1453, Council Meeting, 29/04/2019) (each of which is individually identified as indicated below) are hereby delegated from 1 May 2019 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:
 - 3.1 *Development Regulations 2008* (Attachment 2)
 - 3.2 *Supported Residential Facilities Act 1992* and *Supported Residential Facilities Regulations 2009* (Attachment 3)
 - 3.3 *Water Industry Act 2012* and *Water Industry Regulations 2012* (Attachment 4)
 - 3.4 *Liquor Licensing Act 1997* (Attachment 5)
 - 3.5 *South Australian Public Health Act 2011* (Attachment 6)
 - 3.6 *Local Government Act 1999* (Attachment 7)
 - 3.7 *Heavy Vehicle National Law (South Australia) Act 2013* (Attachment 8)

- 3.8 *Electricity Act 1996 and Electricity (Principles of Vegetation Clearance) Regulations 2010* (Attachment 9)
- 3.9 *Gas Act 1997* (Attachment 10)

Appointments

4. The following persons be endorsed as suitable persons to be appointed by the Chief Executive Officer to act in the office of Chief Executive Officer during periods of leave or absence:
- General Manager City Development, Claude Malak

CARRIED UNANIMOUSLY

ITEM 1454

FINANCE PERFORMANCE REPORT FOR THE PERIOD ENDED 31 MARCH 2019

MOVED Councillor J Boisvert
SECONDED Councillor J Dodd

That:

1. The report be received.

CARRIED UNANIMOUSLY

ITEM 1455

THIRD QUARTER BUDGET REVIEW 2018-19

MOVED Councillor D Palmer
SECONDED Councillor J Russo

That:

1. The Third Quarter Budget Review 2018-19 report, including Attachments 1-4, be received.
2. The budget variations totalling \$1.14M (Attachments 3-4, Item 1455, Council Meeting 19/4/19), identified in the Third Quarter 2018-19 Budget Review be approved.
3. The proposed budgeted Uniform Presentation of Finances reflecting a change in the budgeted Operating Surplus to \$2.76M, and a decrease in Net Borrowings to \$4.56M as set out in Attachment 1 to this Report (Item 1455, Council Meeting, 29/4/19) be adopted.

CARRIED UNANIMOUSLY

ITEM 1456

DRAFT ANNUAL BUSINESS PLAN AND BUDGET FOR CONSULTATION

MOVED Councillor M Rabbitt
SECONDED Councillor N Sheehan

That:

1. The report be received.
2. The proposed list of net Operating Projects of \$1.000M (Attachment 2, Item 1456, Council Meeting, 29/4/19) be endorsed for community consultation.
3. The proposed list of net New Capital of \$17.191M (Attachment 3, Item 1456, Council Meeting, 29/4/19)) be endorsed for community consultation.
4. The proposed list of net Capital Replacement of \$4.161M (Attachment 4, Item 1456, Council Meeting, 29/4/19) be endorsed for community consultation.
5. The 2019-20 Draft Annual Business Plan and Budget (Attachment 5, Item 1456, Council Meeting, 29/4/19) be endorsed for the purpose of community consultation, to be conducted between 1 May and 29 May 2019.
6. The Chief Executive Officer be authorised to make any necessary minor edits required for consistency or clarity to the 2019-20 Draft Annual Business Plan and Budget, if required.
7. The community consultation process comprising advertising, online consultations via Your Say Unley, Council website and social media content and public meetings/community information sessions be endorsed.

Councillor J Boisvert MOVED an AMENDMENT

That:

1. The report be received.
2. The proposed list of net Operating Projects of \$1.000M (Attachment 2, Item 1456, Council Meeting, 29/4/19) be endorsed for community consultation.
3. The proposed list of net New Capital of \$17.191M (Attachment 3, Item 1456, Council Meeting, 29/4/19)) be endorsed for community consultation.
4. The proposed list of net Capital Replacement of \$4.161M (Attachment 4, Item 1456, Council Meeting, 29/4/19) be endorsed for community consultation.
5. The 2019-20 Draft Annual Business Plan and Budget (Attachment 5, Item 1456, Council Meeting 29/04/19) include the option of an additional rate increase of 0.5% for the purpose of debt servicing associated with major strategic projects.
6. The Chief Executive Officer be authorised to make any necessary minor edits required for consistency or clarity to the 2019-20 Draft Annual Business Plan and Budget, if required.

7. The community consultation process comprising advertising, online consultation via Your Say Unley, Council website and social media / community information sessions to be conducted between 1 May and 29 May 2019 be endorsed.

Councillor D Palmer SECONDED the AMENDMENT

The AMENDMENT was PUT and

LOST

A ***DIVISION*** was requested by Councillor J Dodd and the previous vote was set aside.

*The following members responded to the Presiding Member's call as having voted **IN FAVOUR** of the **MOTION**:*

Councillors J Boisvert, D Palmer, M Hudson, K Anastassiadis

*The following members responded to the Presiding Member's call as having voted **AGAINST** the **MOTION**:*

Councillors N Sheehan, E Wright, M Broniecki, M Rabbitt, J Russo, S Dewing, P Hughes, J Dodd

The MOTION was PUT and

CARRIED UNANIMOUSLY

ITEM 1457

VOLUNTEER MANAGEMENT POLICY

MOVED Councillor K Anastassiadis

SECONDED Councillor J Boisvert

That:

1. The report be received.
2. The Volunteer Management Policy, as set out in Attachment 1 to this Report (Item 1457, Council Meeting, 29/04/2019) be adopted.

CARRIED UNANIMOUSLY

ITEM 1458

REDUCTION OF THE USE OF PLASTIC BOTTLED DRINKS DISPENSED AT COUNCIL VENUES

MOVED Councillor M Rabbitt

SECONDED Councillor S Dewing

That:

1. The report be received.

CARRIED UNANIMOUSLY

ITEM 1459

COUNCIL ASSESSMENT PANEL – APPOINTMENT OF DEPUTY INDEPENDENT MEMBER

MOVED Councillor D Palmer
SECONDED Councillor M Hudson

That:

1. The report be received.
2. That Council appoint Mr Rufus Salaman as the Deputy Independent Member of the Council Assessment Panel commencing 1 May 2019 and expiring on 28 February 2021.

TIED

The Presiding Member exercised his casting vote and voted IN FAVOUR of the MOTION.

The MOTION was declared **CARRIED**

ITEM 1460

COUNCIL ACTION RECORDS

MOVED Councillor J Boisvert
SECONDED Councillor J Dodd

That:

1. The report be noted.

CARRIED UNANIMOUSLY

ITEM 1461

COUNCIL ACTION REPORT – UPDATE FOR ITEM 1138

MOVED Councillor P Hughes
SECONDED Councillor M Broniecki

That:

1. The report be received.

CARRIED UNANIMOUSLY

MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

ITEM 1462

CITY OF UNLEY SESQUICENTENARY CELEBRATION

SUSPENSION OF FORMAL MEETING PROCEDURES

The Presiding Member, with approval of two thirds of the members present, suspended meeting procedures pursuant to Regulation 20(1) of the *Local Government (Procedures at Meetings) Regulations 2013* at 8.31pm for 10 minutes to facilitate an informal discussion of the matter.

At 8.35pm the Presiding Member determined that the suspension of meeting procedures would end and formal meeting procedures would recommence.

MOVED Councillor D Palmer

SECONDED Councillor S Dewing

That

1. It be noted that the year 2021 will mark the 150th Anniversary, or sesquicentenary, of the formation of the *Corporate Town of Unley*, which occurred when 2,000 signatories to a petition from residents of the several towns of Unley, Parkside, Black Forest, Goodwood and Fullarton requested the Governor allow them to form their own municipality and thus sever from the District Council of Mitcham.
2. The Sesquicentenary Celebration Working Group, comprising five (5) elected members, with administrative support, be established to develop recommendations for consideration of Council as to the most appropriate way to acknowledge the sesquicentenary of the formation of the *Corporate Town of Unley*.
3. The following five elected members be appointed to the Sesquicentenary Celebration Working Group:
Councillor D Palmer
Councillor N Sheehan
Councillor M Hudson
Councillor S Dewing
Councillor J Dodd
4. A report from the Sesquicentenary Celebration Working Group be presented to Council for consideration at the July 2019 Council meeting.

CARRIED UNANIMOUSLY

ITEM 1463

MOTIONS WITHOUT NOTICE

Nil

QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

ITEM 1464

HIGH RISE COMPLIANCE

Councillor D Palmer asked the following question and the Administration provided the following response:

1. What resourcing does Council have to conduct any legislated compliance inspection regime on high rise apartment buildings?

There is currently no legislated compliance inspection regime for high rise apartment buildings with the exception of Aluminium Composite Panels (ACP). Council staff are aware that the SA Planning Commission, through the Building Committee are developing practice guidelines/directions regarding future building inspection requirements that apply to high rise apartment buildings.

Council has four accredited Australian Institute of Building Surveyors (AIBS) at various categories of accreditation ranging from Building Surveyor (1), Building Surveyor Limited (1) and Assistant Building Surveyors (2).

Categories of AIBS accreditation levels :-

Building Surveyor is accredited to undertake building surveying functions for buildings of all classes and of unlimited size.

Building Surveyor Limited is accredited to undertake building surveying functions for all classes of buildings not more than 2000m² in floor area and not more than 3 storeys in height

Assistant Building Surveyor (formerly Building Surveying Technician) - is accredited to undertake building surveying functions for Class 1 and Class 10 buildings that are not more than 500m² in floor area and not more than 2 storeys in height.

It is understood that under the new regime, building surveyors will only be able to undertake building inspections that align with their level of accreditation.

2. Is there an increased regime of mandatory inspections legislated for high rise apartment buildings? If so, what are they? Is installation of precast panels included?

As discussed above, there is currently no legislated compliance inspection regime for high rise apartment buildings except for ACP where mandatory notifications have been recently introduced that require Council officers to inspect and verify the product is fit for purpose.

Council staff are aware that the SA Planning Commission, through the Building Committee are developing practice guidelines/directions regarding future building inspection requirements that are likely to apply to high rise apartment buildings.

3. Do we expect an increased workload for our building inspection team as a result of an increased regime and/or an increase in the number of high rise apartment developments?

Council does anticipate that the types of prescribed mandatory inspections will increase and will result in additional workload however the details are yet to be determined.

4. How many of our officers have the appropriate qualifications to inspect construction higher than 3 storeys?

There is currently no legislative requirement that restricts Council officers with accreditation requirements at the lower levels from inspecting such buildings. Inspections carried out by officers with minimum accreditation levels must be supervised by a Building Surveyor.

Only the Team Leader Building and Environmental Health has unlimited and unrestricted building surveying accreditation to assess construction higher than three storeys. As discussed earlier, it is understood that under the new regime, building surveyors will be able to undertake building inspections to the level of buildings they are accredited to assess.

5. If the only officers are our senior people how will this affect management/supervision of the remainder of the team?

At this stage Council is unable to determine the impact on the team. This will depend on many factors including the number of these types of development within the Council and whether the Building Surveyor will have the ability to delegate/supervise under the new regime.

6. What cost recovery, if any do we receive for conducting mandatory inspections?

Council understands the fee structure is currently being reviewed by DPTI. At the present time building application fees typically do not cover costs associated with building inspections. Currently in many cases a private building certifier receives the building assessment fee and Council is required by legislation to undertake any mandatory inspection and associated compliance with no cost recovery. The only legislated inspection fee is for applications involving a swimming pool where Council undertake mandatory pool safety barrier inspections.

7. Does this cost recovery cover the costs of conducting these inspections?

As discussed, the fee structure is currently under review and this has yet to be determined.

ITEM 1465

RESIDENTIAL ON-STREET PARKING PERMITS FOR MULTI DWELLING BUILDINGS

Councillor D Palmer asked the following question and the Administration provided the following response:

1. Have developers and Agents been appraised of the limited availability of on street parking permits?

When a relevant planning consent is issued, the following note is placed on the planning consent to advise developers, applicants, and new owners:

Residential Parking Permits will not be issued to residents of Community or Strata titled dwellings or other multi dwelling buildings if granted development approval on or after 1 November 2013.

2. What means are used to communicate the limited availability of on street parking permits to developers, for example is it included as a note or condition on the development approval or conveyed by some other means?

Refer above.

3. If a note or condition on a development approval is used to provide advice of limited availability of parking permits, does the State Commission Assessment Panel provide similar information on their approvals?

The Council Policy position is advised to the State Commission Assessment Panel and generally a note has been added similar to that referenced in the response to Question 1, e.g.:

Pursuant to the City of Unley Residential On-Street Parking Policy, permits are not issued for occupants of new development (post 2013).

ITEM 1466

DUPLICATION OF WASTE MANAGEMENT COSTS BY RESIDENTS

Councillor P Hughes asked the following question and the Administration provided the following response:

1. What are the implications for providing a 'rates concession' for ratepayers who in certain multi-unit accommodation pay a General Service Levy to their corporate entity for waste removal and at the same time pay full Council rates that includes a component for waste removal? (It is mandatory for certain properties to have, and pay for their own, waste removal).

S166 Local Government Act 1999 provides guidance in the use of discretionary rate rebates. Council can introduce a discretionary rate rebate for waste removal for ratepayers who live in certain multi-unit accommodation. Council would need to determine the eligibility criteria for the rate rebate so that applications can be assessed with fairness, reasonableness and equity. A rate rebate of this nature would fall under the following sections:

S166 Subsection 1

...

(b) where the rebate is desirable for the purpose of assisting or supporting a business in its area;

...

(m) where the rebate is considered by the council to be appropriate to provide relief in order to avoid what would otherwise constitute

...
(ii) a liability that is unfair or unreasonable;

S166 Subsection 2

(1) may be granted on such conditions as the council thinks fit.

Should a rate rebate of this nature be introduced, Council would also need to consider how it would accommodate the introduction, and on-going administration of the additional workload.

Multi-unit accommodation currently within the City fall under two types of ownership:

- for-profit businesses
- individuals

Council will need to determine a clear definition for multi-unit accommodation.

For-profit businesses

There is no guarantee that the rates rebate would be passed onto residents. Council can assess an application based on a request that the rebate be passed on through strata fees, but it has no legal mechanism to enforce it. The only action available to Council, should it be made aware and can reasonably determine that the rate rebate is not being passed on, is to formally decide a rebate no longer applies for the next rating period. Refer S159 (10)

If a rate rebate is granted under S166 (1)(b), the rebate period cannot exceed 10 years. At the conclusion of the rebate period, a new application needs to be received and assessed.

Individuals

When the assessment for a multi-unit accommodation is divided into separate titles, each unit (title assessment) needs to apply for the discretionary rebate (as an example, Living Choice has 142 individual assessments).

If the rate rebate is offered under S166 (1)(m)(ii), the rebate period cannot exceed 3 years. At the conclusion of the rebate period a new application needs to be received and assessed.

2. What are the various cost elements of our waste removal charges?

The annual cost elements for waste removal are provided in the table below.

| Category | Collections | Disposal | C & D total | Bin costs | Total |
|---------------------------------|--------------------|--------------------|------------------|-----------------|--------------------|
| Household Waste | \$888,159 | \$986,308 | | | \$1,874,467 |
| Hard Rubbish | \$143,896 | \$45,891 | | | \$189,787 |
| Household Recycling | \$484,639 | \$214,957 | | | \$699,596 |
| Household GO | \$430,423 | \$211,429 | | | \$641,852 |
| 30m3 GO Depot | \$79,482 | \$113,540 | | | \$193,022 |
| 30m3 GO Burnside* | \$33,362 | \$48,334 | | | \$81,696 |
| Sub - total | \$2,059,961 | \$1,620,459 | | | \$3,680,420 |
| Litter bins | | | \$59,439 | | \$59,439 |
| Council Facilities | | | \$28,372 | | \$28,372 |
| 30m3 waste | | | \$30,623 | | \$30,623 |
| Bitumen and Concrete | | | \$70,505 | | \$70,505 |
| Bin supply 140L | | | | \$45,165 | \$45,165 |
| Bin supply 240L | | | | \$41,569 | \$41,569 |
| Sub - total | | | \$188,939 | \$86,734 | \$275,673 |
| Total | | | | | \$3,956,093 |
| Total excluding Burnside | | | | | \$3,874,397 |

** GO Burnside is the property Council owns in the Burnside area.*

3. If a 'rates concession' were available what would the process be to apply?

Each eligible property title owner would need to apply for a discretionary rebate. The Senior Rates Coordinator would assess the application against the eligible criteria and make a recommendation to Council as to whether a discretionary rebate should be applied.

Each discretionary rebate application must be approved by Council.

4. If a 'rates concession' were available what would Council's potential loss of income be?

The potential loss of rates income is challenging to calculate. That there are a number of ways Council can elect to provide a rebate. It can be as simple as nominating a value to a more complex calculation based on a set of eligible criteria and level of service that would otherwise be offered. (as an example, would 142 units be provided 142 bins?)

A number of community housing organisations within the City can already apply for a 75% discretionary rates rebate and where an individual property has a value of less than \$328k, the minimum rate is already applied.

For a property such as Living Choice, if a nominated rates rebate of \$100 was applied this would result in a \$142k loss of income. Council has about 15 other similar types of properties as Living Choice of varying size.

Should a rate rebate of this nature be introduced, Council would also need to consider how it would accommodate the introduction, and on-going administration and cost of the additional workload.

5. What options are available to Council to make up this loss?

Council has a number of options to 'make up the loss' of rates income, they are:

- (1) Redistribute the loss to other ratepayers*
- (2) Reduce the amount of funding for annual operating projects*
- (3) Increase the amount of other types of fees and charges*
- (4) Reduce the level of service of another service*

6. Is the Administration aware of such a concession being provided by any Council in SA?

Currently, no other South Australia Councils offer a discount or rates rebate of this nature.

7. What Policy and/or Procedures would need to be created or amended to give effect to such a 'rates concession'?

Council would need to:

- amend its Discretionary Rebate Policy to incorporate this type of rebate*
- determine a set of eligible criteria and the amount of the rebate to be applied*
- develop two types of application form*
- agree if an application period need apply for a particular rating period*

The implementation and on-going administration will impact the resourcing of the Rates Team area. The size of the impact is unknown until the eligibility criteria is agreed.

8. Is this question best addressed as a 'stand-alone' issue?

The determination of whether Council wishes to implement a discretionary rate rebate as described in question one, can occur at any time during a rating period.

As the eligibility criteria could take considerable time to develop, it will be complex. The analysis required to determine its impact will also take some time. It is recommended that the request be considered as a 'stand-alone' issue.

At the next Budget Workshop for Council, Administration will seek whether Council wishes Administration to further investigate a discretionary rate rebate for the removal of waste from multi-unit accommodation.

9. Is the Administration aware of a Joint Committee Inquiry on 'The Valuation Policies and Charges on Retirement Villages' and if so, what bearing, if any, this could have on Council deliberations on this matter?

In January, Administration was advised that the inquiry is on hold. We have sent a request the Office of the Valuer General asking for an update and we are still waiting for a response.

10. Council received a letter on this matter in (October 2018) from a group of residents at Living Choice, 123 Fisher Street. They have been advised that the matter will be considered in the formulation of the 2019/20 Budget. How does the Administration envisage this consideration happening?

Council will meet 4 June 2019 to review the:

- feedback from community consultation,*
- valuation change across the City to understand the impact of the 2.1% rate rise*
- proposed rating structure for the collection of general rates income*
- list of changes that have occurred since the last workshop in March*

A review of the proposed rating structure will incorporate the consideration of whether Council wishes to investigate in detail a discretionary rate rebate for the removal of waste from multi-unit accommodation to be implemented during the 2019-20 rating period. Any estimated rate income loss will be redistributed to other residential ratepayers.

QUESTIONS WITHOUT NOTICE

ITEM 1467

QUESTION WITHOUT NOTICE: PRUNING OF TREES/PLANTINGS ALONG THE BIKEWAY: WAYVILLE

Councillor K Anastassiadis asked the following question:

Does the administration know if any Council or privately owned trees or plantings have been cut down by SA Water on the bikeway next to the tram way in Wayville? Have any permissions been obtained?

The Administration provided the following response:

The land in question is under the care, control and management of the Department of Planning, Transport and infrastructure (DPTI). In this respect, the removal of vegetation located within this land does not require Council approval.

It is the Administration's understanding that SA Water needed to undertake urgent works to address a sewerage problem within the land in question. SA Water engaged a tree management contractor to remove approximately six (6) shrubs located adjacent to where the works needed to be carried out.

Whilst approval from the Council was not required, SA Water's contractor contacted Council staff out of courtesy and discussed the removal of the shrubs. Council staff inspected the site and confirmed that the vegetation is located on DPTI land and that Council approval is not required. Council staff advised SA Water's contractor that it would be prudent to replant the area post completion of the works. Council staff have been advised that re-planting of the area is proposed to be undertaken in cooler weather but this will not involve the Council.

ITEM 1468

QUESTION WITHOUT NOTICE: PREVENTING LANDLORDS FROM RAISING RENT ON KING WILLIAM ROAD FOLLOWING UPGRADE WORKS

Councillor S Dewing asked the following question:

What options does Council have to prevent landlords of properties along King William Road from increasing rent charged following the completion of the proposed upgrade works, as occurred on Goodwood Road following the upgrade work undertaken by Council?

The Administration provided the following response:

The Council is unable to prevent landlords of commercial properties which are located along King William Road from increasing rent charged following the completion of the proposed King William Road Upgrade Project or indeed anywhere within our City for that matter.

There are many factors which may influence the rent charged for commercial tenancies and these may include location, the quality/age of the building, services, surrounding tenants, size, etc. The Administration acknowledges that public realm upgrades may also have an influence on rent variations and can trigger an increase in property values and demand for tenancies which can then result in increased rental rates when leases are reviewed.

The reality of the matter is that the Council is unable to prevent this from occurring and as outlined in the *Retail & Commercial Leasing Guide* which has been produced by the Office of the Small Business Commissioner, the Council does not have the ability to influence what rent is charged

(https://www.sasbc.sa.gov.au/files/1038_retail_leasing_brochure_web_june_2018.pdf):

The Guideline outlines the following in respect to the issue of rent:

Rent

The initial rent under a lease is commonly referred to as base rent. The Act does not regulate what the base rent should be. The base rent payable under a lease is negotiated between the lessor and lessee.

A lessee can consult other lessees in the same complex, lessees in neighbouring premises, land agents, commercial valuers, conveyancers or private lease negotiators to help determine what would be a fair rent for the premises. Neither the OSBC, nor any government agency can assist with this.

Rent Review

Most leases will provide that the rent can be reviewed on a regular basis, usually every 12 months. The lease will also stipulate the method that is to be used for a rent review. Some common methods are –

- *a set percentage increase;*
- *Consumer Price Index (CPI) - There are many measures of the CPI. The lease should detail which CPI measure is to be used;*
- *market review (see below);*
- *any other agreed formulae or method.*

The types of review can vary over the life of the lease. However the lease cannot allow the lessor to choose between two methods and select the one that gives the greatest return – for example, the lease cannot state that the increase is to be CPI or 5% whichever is the greatest.

Market Rent Review

There is no set time for when a market review of the rent can be undertaken. A market review is usually undertaken when exercising an option to renew.

However a market review does not have to be undertaken if the parties can agree on what the new rent should be. The Act provides that if rent is to be changed to reflect the current market rent, it must be done on the basis that the premises are unoccupied and the value of the lessee's goodwill and fixtures and fittings, is to be excluded in any assessment.

If the parties cannot agree on a new market rent, the Act provides that the rent will be determined by a valuation carried out by a person appointed by the parties. If the parties cannot agree on who this should be, they can apply to the Australian Property Institute which will appoint an independent valuer to undertake the assessment. The costs of this are to be shared equally between the parties.

ITEM 1469

QUESTION WITHOUT NOTICE: RESIDENTIAL PARKING PERMITS

Councillor S Dewing asked the following question and the Administration provided the response:

1. How did Council develop the costs around the \$32 fee for residential parking and is this consistent with other councils and does it represent the administration costs in processing the permit?

Approximately fifteen years ago Council imposed a \$5.00 permit fee per year for residential parking permits. Prior to that time, permits had been free of charge.

Around 2013-2014, Council decided to issue 2 year permits, and determined a fee of \$26.00 per 2 years. Since that time the permit fee has increased incrementally, and in line with CPI, to \$32.00 per 2 years.

The \$32.00 per 2 year permit is comparatively low against other Council fees:

- *City of Adelaide - \$204.00 per year*
- *City of Holdfast - \$140 per year*
- *City of Norwood – between \$25.00 (first permit) and \$50.00 (second permit) per year*
- *City of Burnside – between \$0.00 (first permit) and \$50.00 (second permit) per year*

A cost analysis of the administrative costs associated with permits hasn't been undertaken by Council at this time; however, anecdotal information would suggest that Council may only be recovering approximately 75% of the actual costs associated with administering the permits (FTE costs, printing, postage inclusive, etc).

2. *What is the reason that a resident must supply the registration paper for each vehicle in the family when applying for a permit?*

Section 5.2.3 of Councils Residential On-Street Parking Policy states that an applicant for a new parking permit must have an applicable registered vehicle(s) which is not a truck, trailer, caravan, boat or bus with proof of registration that the vehicle is garaged at that property.

In order for Councils administration to prove that a vehicle is registered at a property, officers require vehicle registration papers or a statutory declaration to the same effect.

The number of parking permits that an applicant is entitled to, upon application, is determined by the number of off-street parking spaces at a residence, in conjunction with the number of vehicle's garaged at a property.

Without this provision of proof, an applicant might be issued with the incorrect number of parking permits, thus disadvantaging other residents in the same street.

The requirement to provide vehicle registration papers, or a specific statutory declaration as to the number of vehicles garaged at a property, does not apply to the renewal of parking permits. The renewing resident simply needs to declare that the information held by Council remains current.

Councillor P Hughes left the meeting at 8.40pm

Councillor P Hughes re-joined the meeting at 8.41pm

ITEM 1477
QUESTIONS WITHOUT NOTICE

Councillor J Boisvert asked a question regarding the erection of plastic shading sited forward of dwellings for the purpose of shading motor vehicles and what if any measures may be taken by Council to effect removal. The question was TAKEN ON NOTICE

Councillor S Dewing asked a question regarding parking restrictions on arterial roads given the recent review by DPTI seeking extended Clearways on Unley Road and other arterial roads. The question was answered by the Chief Executive Officer.

Councillor S Dewing asked a question regarding whether allocation of funds for bikeways should be reviewed. The question was answered by the Chief Executive Officer.

Councillor M Hudson asked a question regarding correspondence received from a resident regarding Unley Oval. The question was answered by the Chief Executive Officer.

ITEM 1470
CORRESPONDENCE

The correspondence from:

- Hon Stephan Knoll MP, Minister for Transport, Infrastructure & Local Government – noting correspondence under consideration by Minister.

be noted.

ITEM 1471
MAYOR'S REPORT

MOVED Councillor P Hughes
SECONDED Councillor M Rabbitt

That

1. The report be received.

CARRIED UNANIMOUSLY

ITEM 1472
DEPUTY MAYOR'S REPORT

MOVED Councillor M Broniecki
SECONDED Councillor M Hudson

That

1. The report be received.

CARRIED UNANIMOUSLY

ITEM 1473
REPORTS OF MEMBERS

The reports from:

1. Councillor M Rabbitt
2. Councillor M Broniecki
3. Councillor J Dodd
4. Councillor J Russo
5. Councillor D Palmer

were noted.

CONFIDENTIAL ITEMS

ITEM 1474
CONFIDENTIALITY MOTION FOR ITEM 1475 – KING WILLIAM ROAD
REDEVELOPMENT – CONSTRUCTION CONTRACT AWARD

MOVED Councillor J Russo
SECONDED Councillor D Palmer

That:

1. Pursuant to Section 90(2) and (3)(b)(i) and (ii) of the *Local Government Act 1999*, the principle that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter because it relates to information the disclosure of which:
 - Could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
 - Would, on balance, be contrary to the public interest.

2. In weighing up the factors related to disclosure:
 - disclosure of this matter to the public would demonstrate accountability and transparency of the Council's operations; and
 - non-disclosure of this item at this time will enable proper consideration of information to determine the contract award for the King William Road Redevelopment project.

On that basis, the public's interest is best served by not disclosing Item 1475 – King William Road Redevelopment – Construction Contract Award and discussion at this point in time.

3. Pursuant to Section 90(2) of the *Local Government Act 1999* it is recommended the Council orders that all members of the public be excluded, with the exception of staff of the City of Unley on duty in attendance.

CARRIED UNANIMOUSLY

Councillor E Wright left the meeting at 8.50pm

Councillor N Sheehan left the meeting at 8.50pm

Councillor D Palmer left the meeting at 8.50pm

Councillor D Palmer re-joined the meeting at 8.51pm

Councillor N Sheehan re-joined the meeting at 8.52pm

Councillor E Wright re-joined the meeting at 8.52pm

ITEM 1475

**KING WILLIAM ROAD REDEVELOPMENT – CONSTRUCTION CONTRACT
AWARD**

MOVED Councillor J Boisvert
SECONDED Councillor J Russo

Confidentiality motion partially
lifted, refer Item 1476 point 2, dot
point 1 - contract documentation
executed

That:

1. The report is received.
2. A project budget in the amount of \$15.5M is approved for the King William Road Redevelopment Project.
3. The King William Road Upgrade Contract Number UT190106 be awarded to the BMD Group, for the Lump Sum Fee of \$11.993M (excluding GST).
4. A staged approach to the construction methodology be approved, comprised of four (4) stages commencing in May 2019 and concluding in February 2020, as outlined in this report (Item 1475, Council Meeting 29/04/2019) and as proposed by the BMD Group.
5. The approved construction methodology approach excludes any works undertaken in the month of December 2019 and facilitates the staging of Council's Tour Down Under and Unley Gourmet Gala Events to be held in January 2020.
6. The King William Road Redevelopment Project revised Project Risk Register dated April 2019 and as set out in Attachment 2 to this Report (Item 1475, Council Meeting, 29/04/2019) be received and noted.

CARRIED UNANIMOUSLY

ITEM 1476

**CONFIDENTIALITY MOTION TO REMAIN IN CONFIDENCE ITEM 1475 – KING
WILLIAM ROAD REDEVELOPMENT – CONSTRUCTION CONTRACT AWARD**

MOVED Councillor K Anastassiadis

SECONDED Councillor M Rabbitt

That:

1. Pursuant to Section 91(7) of the *Local Government Act 1999*:
2. Pursuant to Section 91(7) of the *Local Government Act 1999* the following orders are made in relation to Item 1475 – King William Road Redevelopment – Construction Contract Award, considered at the Council Meeting on 29 April 2019:
 - The contract value contained in part 3 of the Council resolution will remain confidential and not available for public inspection until such time as the contract documentation has been executed; and
 - The Report and Attachments will remain confidential for a period of 12 months, concluding 1 May 2020, and not available for public inspection until the cessation of that period.
3. Pursuant to Section 91(9)(c) of the *Local Government Act 1999*, the power to revoke the order under Section 91(7) prior to any review or as a result of any review is delegated to the Chief Executive Officer.

CARRIED UNANIMOUSLY

NEXT MEETING

Monday 27 May 2019 – 7.00pm.

CLOSURE

The Presiding Member closed the meeting at 9.11pm.

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PRESIDING MEMBER

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