

# COUNCIL AGENDA

## **Council Meeting**

Notice is hereby given pursuant to the provisions of the Local Government Act, 1999, that the next Meeting of Unley City Council will be held in the Council Chambers, 181 Unley Road Unley on

***Monday 22 July 2019 7.00pm***

for the purpose of considering the items included on the Agenda.

**Chief Executive Officer**

## **OUR VISION 2033**

Our City is recognised for its vibrant community spirit, quality lifestyle choices, diversity, business strength and innovative leadership.

## **COUNCIL IS COMMITTED TO**

- Ethical, open honest behaviours
- Efficient and effective practices
- Building partnerships
- Fostering an empowered, productive culture – “A Culture of Delivery”
- Encouraging innovation – “A Willingness to Experiment and Learn”

## **ACKNOWLEDGEMENT**

We would like to acknowledge this land that we meet on today is the traditional lands for the Kurna people and that we respect their spiritual relationship with their country.

We also acknowledge the Kurna people as the traditional custodians of the Adelaide region and that their cultural and heritage beliefs are still as important to the living Kurna people today.

## **PRAYER AND SERVICE ACKNOWLEDGEMENT**

We pray for wisdom to provide good governance for the City of Unley in the service of our community.

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

Lest We Forget.

## **WELCOME**

## **ORDER OF BUSINESS**

### **ITEM**

### **PAGE NO**

#### **1. ADMINISTRATIVE MATTERS**

##### **1.1 APOLOGIES**

Nil

##### **1.2 LEAVE OF ABSENCE**

Nil

##### **1.3 CONFLICT OF INTEREST**

*Members to advise if they have any material, actual or perceived conflict of interest in any Items in this Agenda and a Conflict of Interest Disclosure Form (attached) is to be submitted.*

##### **1.4 MINUTES**

1.4.1 Minutes of the Ordinary Council Meeting held Monday,  
24 June 2019

1.4.2 Minutes of the Special Council Meeting held Monday,  
8 July 2019

##### **1.5 DEFERRED / ADJOURNED ITEM**

Nil

#### **2. PETITIONS/DEPUTATIONS**

2.1 Street Tree Pruning, Removal and Replacement on Foundry  
Street, Goodwood

7

#### **3. REPORTS OF COMMITTEES**

Nil

#### **4. REPORTS OF OFFICERS**

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|-------|--|-----|
| 5.1.1 | Notice of Motion from Councillor P. Hughes re:<br>Opportunities to take advantage of the historic low<br>interest rate environment | 153 |
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##### **5.2 MOTIONS WITHOUT NOTICE**

*Mayor to ask the Members if there are any motions without notice*

##### **5.3 QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN**

|       |  |     |
|-------|--|-----|
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##### **5.4 QUESTIONS WITHOUT NOTICE**

*Mayor to ask the Members if there are any questions without notice*



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7.2 Centennial Park Cemetery Authority - 2019/20 Budget 198

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## **SUGGESTED ITEMS FOR NEXT AGENDA**

|   |  |
|---|--|
| Living Streets                                |  |
| Adoption of Public Interest Disclosure Policy |  |
| Unley Oval lights - additional hours of use   |  |

## **NEXT MEETING**

Monday 26 August 2019 - 7.00pm

Council Chambers, 181 Unley Road Unley



## RECEIPT OF PETITION

**REPORT TITLE:** STREET TREE PRUNING, REMOVAL AND REPLACEMENT ON FOUNDRY STREET, GOODWOOD

**ITEM NUMBER:** 2.1

**DATE OF MEETING:** 22 JULY 2019

**ATTACHMENTS:** 1. PETITION - STREET TREE PRUNING, REMOVAL AND REPLACEMENT ON FOUNDRY STREET, GOODWOOD

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**PRINCIPAL PETITIONER:** DAVID WADE

**NUMBER OF SIGNATORIES:** 27

**NATURE OF PETITION:** PRUNING, REMOVAL AND REPLACEMENT OF VARIOUS STREET TREES ON FOUNDRY STREET, GOODWOOD TO DECREASE LEAF LITTER AND IMPROVE STREET AMENITY

### 1. **RECOMMENDATION**

That:

1. The petition be received.
2. The principal petitioner be notified of Council's intention to investigate, from a strategic assets perspective, to gauge opportunity to align possible vegetation enhancements with civil infrastructure requirements, and prioritise these needs against others within the City, with findings to be reported back to Council.

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### 2. **OFFICER'S COMMENTS**

#### ***Procedural Information***

The petition was acknowledged on receipt, with the lead petitioner advised that it would be presented to the ordinary Council Meeting scheduled for 22 July 2019.

The current requirements for a petition are that the name and address of each person who signed or endorsed the petition be included. Council is advised that the 27 signatories on the petition satisfy this requirement.

### ***Petition Information***

Prior to receipt of the petition, Council staff met with the principal petitioner and other residents of Foundary Street, at their request, to discuss their concerns.

In short, the residents wish for the existing trees located within the street to be removed and replaced with a more appropriate species. The request made could not be acceded to by Council staff as the principal petitioner and other residents are requesting the removal of approximately ten (10) trees, and considerable existing canopy cover.

From an arboricultural perspective and in line with Council policies and procedures, there is no justification for the removal of the subject trees as they present in fair condition and a 'broadly acceptable' level of risk. As such, the decision to remove the trees is a matter for Council.

Council staff will now investigate, from a strategic assets perspective, to gauge opportunity to align possible vegetation enhancements with civil infrastructure requirements, and prioritise these needs against others within the City. The relevant findings of this investigations will be outlined in a further report to be considered by Council at its meeting to be held on 23 September 2019.

## PETITION

**To the Mayor and Councillors of the City of Unley**

|                 |              |        |
|-----------------|--------------|--------|
| Subject -       |              |        |
| Property/Street |              |        |
| Application No. |              |        |
| Doc. No.        | 0.8 JUL 2019 | Class. |
| For Info/Action |              |        |

**Part 1:**

**Petition Contact Person:** David Wade

**Telephone Number:** 0428860020

*(email - djweb@pond.net.au)*

**Address:** 6 Foundry Street.

Goodwood 5034

**Part 2:**

The petition of *(identify the individuals or group, e.g. Resident of the City of Unley)*

Residents of the City of Unley. (Foundry street group in this instance.) .....

.....  
 .....  
 .....

**Part 3:**

Draws the attention of the Council to *(identify the circumstances of the case)*

The western side of Foundry street.

Bottlebrush are the predominant tree in various shapes, sizes and health resulting in an unattractive streetscape with little or no shade. There are also other tree varieties including QLD Box that have been randomly planted at the southern end with no continuity.

Eastern side.

We acknowledge the email of Aaron Wood dated 21/6 in relation to our previous petition and street meeting. As a result we agree with the decision to trim the QLD Box on this side of the street. This side though is overplanted with QLD Box, and in particular at the southern end. There is also a large gum tree on the corner of the street that stifles growth to some extent and will cause further problems for the uniform growth of these box in the future.

There is an excessive amount of leaf and bark litter from the gum tree and leaf and nut litter from the box trees in the street.

## PETITION

The result of all this is a messy and potentially dangerous street verge. When leaves drop they eventually cause drainage problems at the northern end of the street and for the surrounding houses.

Pedestrians who are walking through the street to the tram will often elect to use the road instead of the footpath. ....

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### Part 4:

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

Western side.

Remove all trees and replace with a single, compact and attractive tree variety that will provide some shade and continuity. Examples of such trees include the Manchurian Pear in Ophir street, and the Crepe Myrtle in Mitchell street .(white flowers preferred.)

We understand the tree type will need to comply with height requirements for power lines and the narrow verge and believe the two types mentioned above would do so.

Eastern side.

Removal of some of the smaller Qld Box closely planted at the southern end before they become a problem. ....

.....  
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.....  
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.....



### PETITION

| Name (print)       | Address  | Signature |
|--------------------|--|-----------|
| Julie Potts        | 1 Bendall Ave wayville.<br>2 Foundry St Goodwood |           |
| David Wade         | 6 Foundry St Goodwood                            |           |
| Georgia Tilgpool   | 18 Foundry St. Goodwood.                         |           |
| Bill Leftheriotis  | 1 Foundry St Goodwood                            |           |
| ROGER GONZALEZ     | 13 FOUNDRY ST GOODWOOD                           |           |
| DAVID LEGORNU      | 7 FOUNDRY STREET, GOODWOOD                       |           |
| SONYA JOHINKE      | 7 FOUNDRY STREET, GOODWOOD                       |           |
| DIANA GILES        | 4 FOUNDRY ST GOODWOOD                            |           |
| BRIAN GILES        | 4 FOUNDRY ST GOODWOOD                            |           |
| Jenny Tummel       | 10 Foundry Street Goodwood                       |           |
| JULIE RUSSELL      | 3 FOUNDRY ST, GOODWOOD                           |           |
| ERIC RUSSELL       | 3 FOUNDRY ST, GOODWOOD                           |           |
| Anna Tilbrook      | 12 Foundry Street Goodwood                       |           |
| Nick Allen         | 5 Foundry Street Goodwood                        |           |
| Annabelle DeMartin | 5 Foundry Street Goodwood                        |           |
| ANNETTE TULL       | 6/17 FOUNDRY STREET GOODWOOD                     |           |
| GRAHAM TULL        | 6/17 FOUNDRY STREET GOODWOOD                     |           |
| INA VOITAO         | 8 FOUNDRY ST, GOODWOOD                           |           |
| RUZALIND KIDD      | 8/17 FOUNDRY ST. GOODWOOD                        |           |
| Rosset Kidd        | 8/17 Foundry St Goodwood                         |           |
| Seaneen Happs      | 16 Foundry St Goodwood                           |           |
| Geoff Brnister     | 22 Foundry St Goodwood                           |           |

Attach additional sheets if necessary and use the same format as this page

The petitioner's therefore request that the Council ~~should~~ do the following:

Part 4 (continued)

**PETITION**

If your petition continues over additional sheets ensure that the specific request (Part 4) is repeated on each page.

Western side

Remove all trees and replace with a single compact and attractive tree variety that will provide some shade and continuity. Examples of such trees include the Manchester Pear in Ophi street and the Crepe Myrtle in Mitchell street. (white flowers preferred) We understand the tree type will need to comply with height requirements for power lines and the narrow verge, and believe the two types mentioned above would do so.

Eastern side : Removal of some of the smaller QLD Bx closely

planted at the Southern end before they become a problem.  
 Please note: When this petition is presented to Council or a Council Committee, it will be a public document and names and addresses will appear in the Agenda on the Council website.

| Name (print) | Address                   | Signature   |
|--------------|---------------------------|-------------|
| C.B. BREITH  | 5/17 FOUNDRY ST           | [Signature] |
| Anna Dalton  | 9/17 Foundry St           | [Signature] |
| Wendy Wells  | 10/17 Foundry St Goodwood | [Signature] |
| Jenny Wade   | 6 Foundry St Goodwood     | [Signature] |
| Nicky Govar  | 15 Foundry Goodwood       | [Signature] |
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Attach additional sheets if necessary and use the same format as this page



## DECISION REPORT

|                         |   |
|-------------------------|---|
| <b>REPORT TITLE:</b>    | PARKING SIGNS ON TORRENS AVENUE,<br>FULLARTON |
| <b>ITEM NUMBER:</b>     | 4.1   |
| <b>DATE OF MEETING:</b> | 22 JULY 2019                                  |
| <b>AUTHOR:</b>          | BEN WILLSMORE                                 |
| <b>JOB TITLE:</b>       | MANAGER CITY DESIGN                           |
| <b>ATTACHMENTS:</b>     | NIL   |

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### 1. **EXECUTIVE SUMMARY**

This report is a summary of actions undertaken in response to the petition from local residents of Torrens Avenue, requesting the removal of time limit parking signs considered at the Council meeting on 24 June 2019.

### 2. **RECOMMENDATION**

That:

1. The report be received.
  2. Subject to no objections being raised in response to the consultation process currently being undertaken by the Administration, the 2P parking controls located in Torrens Avenue, Fullarton (between house numbers 16 and 17 and the Fisher Street intersection), be removed.
  3. Following the conclusion of the public consultation process, and subject to no objections being raised, the Principal Petitioner be formally advised that the 2P parking controls located in Torrens Avenue, Fullarton (between house numbers 16 and 17 and the Fisher Street intersection) will be removed.
- 

### 3. **RELEVANT CORE STRATEGIES/POLICIES**

1. Community Living
- 1.5 Our City is connected and accessible.

### 4. **BACKGROUND**

Council staff have inspected Torrens Avenue, identifying that 2P controls extend from the Fisher Street intersection to property numbers 16 and 17. The time limit parking area covers approximately 25 on-street car parking spaces, with nine signs currently in place.

There appears to be no strategic purpose for the time limit parking to remain in place. Historically, Torrens Avenue has had 2P controls for over 10 years, extending south from house number 17 to Fisher Street.

In 2014, 2P parking was installed along the remainder of the street as well as in surrounding streets to manage local parking availability associated with Disability SA and the construction of Living Choice (a major development within the local area).

In 2017, following the completion of the Living Choice construction, the Council undertook consultation with local residents regarding the retention or removal of the temporary 2P parking in the area. The consultation letter stated 'Torrens Avenue (17 Torrens Avenue to Wattle)' as the zone that may be removed.

In response to positive community feedback in support of removal, the community were notified, and works undertaken. As Torrens Avenue already had permanent 2P controls, this was not part of the temporary controls and the signage was retained.

It is understood that a number of local residents may have received expiation notices in recent months, which has led to the development of the petition.

## **5. DISCUSSION**

At its meeting held on 24 June 2019, Council considered the petition received that sought removal of the 2P parking controls. In response, Council was to receive a report at its meeting scheduled 22 July 2019 hence this report.

In response to the receipt of the Petition, Council staff have undertaken a technical assessment of the 2P parking provision and have not found any reasons to retain the time limit parking.

Noting the signatures, the Council is required to notify all owners and residents of the Council's intent to remove the remaining time limit parking, in response to the petition.

A letter has been prepared and issued to all owners and residents of properties on Torrens Avenue, between house number 16 and 17, and the Fisher Street intersection.

In accordance with the Council's policy, the letter has notified the local community of the proposed change and provided them with an opportunity to provide further feedback should they not support the proposed removal.

Subject to confirmation of community support, the Council will undertake the removal of the signage at the conclusion of the 21-day notification period and in co-ordination with the Council's works program.

## **6. REPORT AUTHORISERS**

| <b>Name</b>  | <b>Title</b>                      |
|--------------|-----------------------------------|
| Claude Malak | General Manager, City Development |

## DECISION REPORT

|                         |  |
|-------------------------|--|
| <b>REPORT TITLE:</b>    | OFFER OF GIFT: LECORNU SITE SIGNAGE            |
| <b>ITEM NUMBER:</b>     | 4.2  |
| <b>DATE OF MEETING:</b> | 22 JULY 2019                                   |
| <b>AUTHOR:</b>          | REBECCA COX                                    |
| <b>JOB TITLE:</b>       | ACTING MANAGER, COMMUNITY AND CULTURAL CENTRES |
| <b>ATTACHMENTS:</b>     | NIL  |

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### 1. **EXECUTIVE SUMMARY**

Kaufland Pty Ltd was granted Development Plan Consent for developing the site at 10 Anzac Highway, Forestville, in April 2019. The application comprises construction of two-storey retail development for Kaufland Supermarket including small tenancies, solar-panels, associated under-croft car park, offices, various signage and landscaping.

The existing 'LeCornu' feature sign was approved by State Commission Assessment Panel to be removed and replaced with a pylon sign of the same height with three square faces in same/similar location.

Council has recently been approached by Kaufland Pty Ltd to enquire if Council would like to take ownership of the large LeCornu sign (the top section only) currently in the south-western area of the site, given its iconic nature.

If Council wishes to accept the sign, Council would bear the costs of removal of the sign. Additionally, there are transportation, storage and maintenance considerations, and subsequent cost implications which again would be borne by Council.

### 2. **RECOMMENDATION**

That:

1. The report be received.
  2. Kaufland Pty Ltd be thanked for the offer to gift the LeCornu sign from 10 Anzac Highway, Forestville, to the City of Unley, and the offer be declined.
- 

### 3. **RELEVANT CORE STRATEGIES/POLICIES**

1. Community Living
- 1.4 Our Community is proud to be part of our City.

#### 4. **BACKGROUND**

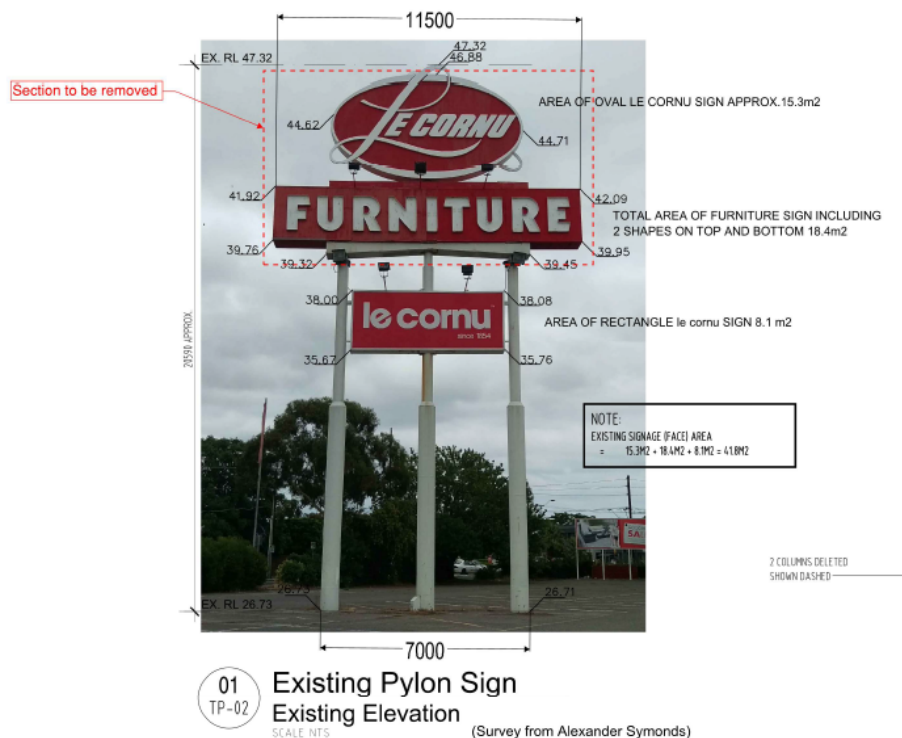
The site at 10 Anzac Highway, Forestville, operated as LeCornu's main retail showroom for over 40 years, until late 2016.

The proposed development of the site by current owners Kaufland Pty Ltd (Kaufland) was endorsed by the State Commission Assessment Panel (SCAP) on 18 April 2019. The application comprises construction of two-storey retail development for Kaufland Supermarket including small tenancies, associated under-croft car park, offices, various signage, solar-panels, and landscaping.

It should be noted that this report is not in relation to the development approval, but deals solely with an approach from Kaufland in relation to the large LeCornu sign located in the south-western area of the site.

The existing LeCornu sign was approved by SCAP to be removed and replaced with a pylon sign of the same height with three square faces in same/similar location.

Kaufland have recently approached Council to gift the iconic LeCornu signage, noting this is in relation to the top section of the sign only, and does not include the supporting poles.



The sign is approximately 12m wide and 8.5m high (refer image above). The sign is not State Heritage listed, although it is considered 'iconic'.

Prior to approaching Council, Kaufland offered the sign to the LeCornu family, who declined the offer. Kaufland has indicated that if Council is not in a position to accept the signage, they will offer more broadly via the media to generate interest.

## 5. **DISCUSSION**

### Removal and Transportation

The cost to remove and re-locate the sign to storage has been estimated at between \$15,000 to \$25,000, subject to the final relocation site being determined. Should the sign be required to be relocated at any time, transportation costs would recurrently apply.

### Storage

Unless a final fixed display location is identified, which would need to be accessible for installation and ongoing maintenance of the sign, the sign would remain in storage. Any fixed display location would be subject to required development approvals and required public consultation.

Due to the large size of the sign, there are no viable existing storage options within Council-owned assets. Both short and long term external storage options are being explored, however both will incur on-going fees that are estimated to be at least \$5,000 per annum.

The requirement of large trucks and cranes required to lift the sign into storage also poses a challenge in terms of site accessibility and suitability.

Some additional level of public liability insurance will also be required for any storage site not owned by Council.

### Maintenance

An annual budget would need to be established to maintain the sign should it be located publicly. Similar, if not greater, costs to those to remove the sign from its current location would be associated with transport and mounting the structure to a future display location.

The use and purpose of the sign to Council is unclear. As the sign is not heritage listed, there is no obligation to upkeep the sign, however it is anticipated that a maintenance budget would need to be allocated.

The removal, transportation, storage and maintenance of the LeCornu sign are unbudgeted costs.

Demolition of the existing structures on-site is due to commence from 15 July 2019, and may take some months to complete.

## 6. **ANALYSIS OF OPTIONS**

### Option 1 –

1. The report be received.
2. Kaufland Pty Ltd be thanked for the offer to gift the LeCornu sign from 10 Anzac Highway, Forestville, to the City of Unley, and the offer be declined.

The cost to Council of removal, storage and transportation of the LeCornu sign is approximately \$25,000, with annual maintenance, insurance and storage costs to be scoped. Any utilisation of the sign would require additional transportation costs.

Whilst iconic in nature, the signage is not heritage listed and therefore Council is not obliged to preserve the structure within the community.

Option 2 – The offer from Kaufland Pty Ltd of gifting the LeCornu sign from 10 Anzac Highway, Forestville, be accepted and the required budget sought via the next budget review.

Council may wish to retain the sign as an asset.

This option requires a budget to remove, transport and store the sign, which will be bought to Council as part of a future budget review process.

## **7. RECOMMENDED OPTION**

Option 1 is the recommended option.

## **8. POLICY IMPLICATIONS**

### **8.1 Financial/Budget**

- While the proposal is for the sign itself to be gifted, there is a cost to Council for removing, transporting and storing the LeCornu sign of approximately \$25,000, with annual maintenance, insurance and storage costs to be scoped.

Any utilisation of the sign would require further transportation and potential maintenance costs.

## **9. REPORT CONSULTATION**

- Coordinator Property and Facilities
- Principal Policy Planner
- Museum Curator

## **10. REPORT AUTHORISERS**

| <b>Name</b>    | <b>Title</b>                         |
|----------------|--------------------------------------|
| Tami Norman    | Executive Manager, Office of the CEO |
| Megan Berghuis | General Manager, City Services       |

## DECISION REPORT

|                         |   |
|-------------------------|---|
| <b>REPORT TITLE:</b>    | DISCRETIONARY RATE REBATE APPLICATIONS  |
| <b>ITEM NUMBER:</b>     | 4.3   |
| <b>DATE OF MEETING:</b> | 22 JULY 2019  |
| <b>AUTHOR:</b>          | TRACY ROMANO  |
| <b>JOB TITLE:</b>       | CHIEF FINANCIAL OFFICER   |
| <b>ATTACHMENTS:</b>     | <ol style="list-style-type: none"><li>1. RATE REBATE SUMMARY 2020</li><li>2. RATE REBATE POLICY</li><li>3. SECTION 166 OF THE LOCAL GOVERNMENT ACT</li><li>4. RATE REBATE APPLICATIONS (UNDER SEPARATE COVER)</li></ol> |

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### 1. **EXECUTIVE SUMMARY**

This report provides information to support 12 discretionary rate rebate applications for Council's consideration and endorsement.

The *Local Government Act 1999* (the Act) has provision for the application of mandatory (s159 to s165) and discretionary (s166) rate rebates.

In accordance with legislation, Council cannot make a 'blanket' decision on groups of applicants, but must consider each application individually on its merits. When rate rebates are applied to properties, any rates foregone are redistributed to all other ratepayers. Discretionary rate rebates are only to be granted to successful applicants for the period of the Council term.

Council has a *Rate Rebate Policy* with a key principle, that all ratepayers should contribute an amounts towards basic service provision. As such, the Policy proposes a maximum discretionary rebate of 75%.

The recommendations in this report are based on the adopted *Rate Rebates Policy*, and the Administration's consideration of whether the applicants meet the relevant criteria.

### 2. **RECOMMENDATION**

That:

1. The report be received.

2. That the following applications for a discretionary rate rebate under Section 166 of the *Local Government Act 1999* be granted a 75% rate rebate for the rating years from 2019-20 until the end of the current Council (2022/23):
    - a) the Bible College of SA under Section 166(1)(d) of the *Local Government Act 1999*.
    - b) the Community Child Care Centre Inc. under Section 166(1)(d) of the *Local Government Act 1999*.
    - c) the Tabor College Inc. under Section 166 (1)(d) of the *Local Government Act 1999*.
    - d) the Unley Community Child Care Centre Inc. under Section 166(1)(d) of the *Local Government Act 1999*.
    - e) the Unley Early Learning Centre under Section 166(1)(d) of the *Local Government Act 1999*.
    - f) the Rosefield Uniting Church under Section 166(1)(g) of the *Local Government Act 1999*.
    - g) the SA Council of Social Services under Section 166(1)(j) of the *Local Government Act 1999*.
    - h) the St John Ambulance Australia SA Inc. under Section 166(1)(j) of the *Local Government Act 1999*.
    - i) the RSL Unley Sub Branch under Section 166(1)(j) of the *Local Government Act 1999*.
  3. That the following applications for a discretionary rate rebate under Section 166 of the *Local Government Act 1999* be granted a 50% rate rebate for the rating years from 2019-20 until the end of the current Council (2022/23):
    - a) the Uniting Church in Australia Property Trust under Section 166(1)(j) of the *Local Government Act 1999*.
  4. That the following applications for a discretionary rate rebate under Section 166 of the *Local Government Act 1999* be granted a 25% rate rebate for the rating years from 2019-20 until the end of the current Council (2022/23):
    - a) the Chinese Association under Section 166(1)(c)(g)(j) of the *Local Government Act 1999*.
    - b) the Latvian Co-operative under Section 166(1)(c)(d)(g)(j) of the *Local Government Act 1999*.
- 

### **3. RELEVANT CORE STRATEGIES/POLICIES**

#### 4. Civic Leadership

4.1 We have strong leadership and governance.

### **4. BACKGROUND**

The *Local Government Act 1999* (the Act) has provision for the application of mandatory (s159 to s165) and discretionary (s166) rate rebates.



The *Rate Rebate Policy* is used to assist in determining community eligibility for rate rebates in accordance with the requirements of the Act. A copy of the Policy is provided as Attachment 1.

*Attachment 1*

A summary of Discretionary Rate Rebate Applications to be considered is provided as Attachment 2.

*Attachment 2*

The *Rate Rebate Policy* recognises that all rate payers (unless 100% Mandatory Rebate) contribute an amount towards basic council service provision. As such, the Policy recommends a maximum discretionary rebate of 75%.

This report provides information to Council for discretionary rebate applications received under Section 166 of the Act. Discretionary rebates are to be considered on a case-by-case basis and may only be granted where applicants meet at least one of the 15 prescribed eligibility criteria set out in Section 166 of the Act.

*Attachment 3*

#### **4.1 Criteria Used by Council for Determination of a Discretionary Rebate**

In accordance with legislation and Council's *Rate Rebate Policy*, Council must, in deciding whether to grant a rebate of rates or charges under section 166 subsection 1(d), (e), (f), (g), (h), (i) or (j) consider:

- the nature and extent of Council services provided in respect of the land for which the rebate is sought in comparison to similar services provided elsewhere in its area;
- the community need being met by activities carried out on the land for which the rebate is sought;
- the extent to which activities carried out on the land for which the rebate is sought, aids or relief to disadvantaged persons, and
- may consider other matters considered relevant by the Council.

The Administration, in providing its recommendation to Council, has considered whether the organisation:

- is not-for-profit or profit-based;
- provides services or activities that are directly aligned to Council's outcomes in accordance with the Community Plan and 4 Year Delivery Plan (maximum 75%);
- provides other community services or activities that support the disadvantaged or sections of the community that require assistance (maximum 75%);
- provide a community benefit to the residents of the City of Unley (maximum 50%) and a proportion of users are Unley residents;
- allows access to the services or activities by the community and general public; and
- provides direct services to the community as distinct from administration or advocacy.

Under Section 166 of the Act, Council has no obligation to grant rebates, but rather the obligation to apply equity to similar applications (received now and in the future). Council cannot make a 'blanket' decision on groups of applicants but must consider each application on its merits.

When rate rebates are applied to properties, any rates foregone are then redistributed to other ratepayers.

#### 4.2 Rebate Applications

Summary information from each discretionary rebate application is provided below.

*Attachment 4*

The Latvian Co-operative is the only new application, all other applicants had received a Discretionary Rates Rebates in the previous term of Council.

##### **Bible College of SA Inc. – 176 Wattle Street, Malvern**

This applicant cannot apply for a mandatory rebate for educational purposes, as they do not meet the explicit definition.

An application has been received requesting a discretionary rebate of 75% under section 166(1)(d), "where the land is being used for educational purposes". The application states:

*Bible College of SA Inc. is a not for profit organisation that delivers the academic program of the Australian College of Theology (a government registered self-accrediting provider). The College is registered as a charity and advise that they receive no government funding, nor funding from any Church or religious denomination.*

*The College provides spiritual and educational services for training pastors. Graduates from the college have roles as pastors in the churches in the Unley area.*

The College indicates that it provides a program for over 700 people per annum and about 100 of those are Unley residents that are directly serviced by the College, and another 150 who are indirectly provided for (library service).

In the past the College has received a 75% Rate Rebate. None of the circumstances surrounding the college have changed.

The Administration, in providing its recommendation to Council, has identified that the organisation:

- is not-for-profit;
- provides community services and life-long learning activities that directly align to Council's Community Plan and 4 Year Delivery Plan objectives;
- provides a direct benefit to the City's residents, whereby a proportion of users, nearly 30% are residents of the City; and
- provides direct services to the community and access to an on-going program of activities and a library, as distinct from administration or advocacy.

Bible College of SA's services and activities directly align with Council's community outcomes; are widely accessible to the general public, and nearly 30% of its current users are residents of the City. Therefore, it is recommended that a 75% rate rebate be granted.

**The Community Child Care Centre Inc. – 110 Young Street, Parkside**

An application has been received requesting a discretionary rebate of 75% under section 166(1)(d), "where the land is being used for educational purposes". The application states:

*The Community Child Care Centre Inc. is a not for profit organisation and do not receive funding from the government.*

*The childcare centre is located in the heart of the Parkside community, and indicates that it is a not-for-profit community based childcare service providing high quality care for children aged zero (0) to school age.*

*They are governed by a management committee of parent representatives and the association has been delivering trusted high-quality child-care services for over 20 years.*

The centre advises that they provide services to 85 families and 50% of these are Unley residents.

The Administration, in providing its recommendation to Council, has identified that the organisation:

- is not-for-profit;
- provides community services and activities that relate to family and children although these services do not directly align to Council's outcomes from the Community Plan and 4 Year Delivery Plan; and
- provides a direct benefit to the residents of the City of Unley and a significant proportion of users are Unley residents.

Considering that the Community Child Care Centre meets a number of the direct service categories that are of benefit to sections of the community, it is recommended that a discretionary rate rebate of 75% be granted.

**Tabor College Inc. – 181 Goodwood Road, Millswood; 68 Greenhill Road, Wayville; and 164 Goodwood Road, Goodwood**

An application has been received requesting a discretionary rate rebate for 75%, under section 166(1)(d) "where the land is being used for educational purpose". The application states:

*Tabor College is a not-for-profit organisation providing private higher education with a Christian perspective, to community professionals such as pastors, teachers, counsellors and youth workers etc.*

*Tabor College's principal campus is located at 181 Goodwood Road, Millswood, and due to an increase in its music and vocational education and training programs Tabor College have leased the two properties at 68 Greenhill Road, Wayville and 164 Goodwood Road, Goodwood.*

*The premises at 68 Greenhill Road, Wayville, is used as a teaching centre for students to attend classes. VET training and teaching is located on the Ground Floor. Music Students practice and attend lecturers on the 1st Floor.*

*The premises at 164 Goodwood Road, Goodwood, is used as a counselling centre under the business name "Life Design". Counselling students are given the opportunity, with trained support, to counsel any person of the public at a nominal fee.*

Tabor College receives no Government support and relies on community and students for support, and therefore request financial assistance through a 75% rate rebate.

The Administration, in providing its recommendation to Council, has identified that the organisation:

- is not-for-profit;
- provides community services and life-long learning activities that directly align to Council's Community Plan and 4 Year Delivery Plan objectives;
- provides a direct benefit to the wider community and a small proportion of residents of the City; and
- provides direct services to the community and access to an on-going program of activities.

Tabor College's services and activities directly align with Council's community outcomes; are widely accessible to the public, and nearly 10% of its current users are residents of the City. Therefore, it is recommended that a 75% rate rebate be granted.

### **Unley Community Childcare Centre Inc – 42 Arthur Street, Unley**

An application has been received requesting a discretionary rebate of 75% under section 166(1)(d), "where the land is being used for educational purposes" and (j) where the land is being used by an organisation which, in the opinion of the council, provides a benefit or service to the local community. The application states:

*The Unley Community Childcare Centre (UCCC) is a not-for-profit centre, operated by a Management Committee made up of family members, for children ranging in age from six (6) weeks through to six (6) years, located in the heart of the Unley community.*

*Unley Community Childcare Centre is a small 30 place centre. This provides for a higher quality of care for each child as there is less demand on the carers and more time to focus on building relationships and interacting with and meeting the needs of each and every child. Uniquely, this also provides the staff with the opportunity to get to know each of the children they care for, and their families, on a much more personal level than what might be experienced at other centres.*

*The centre advises that they provide services to 65 families and 50% of these are Unley residents.*

The Administration, in providing its recommendation, to Council has identified that the organisation:

- is not-for-profit;
- provides community services and activities that relate to family and children although these services do not directly align to Council's outcomes from the Community Plan and 4 Year Delivery Plan;
- provides a direct benefit to the residents of the City of Unley and a significant proportion of users are Unley residents.

Considering UCCC meets a number of the direct service categories that are of benefit to sections of the community, it is recommended that a discretionary rate rebate of 75% be granted.

### **Unley Early Learning Centre – 46 Oxford Terrace, Unley**

An application has been received requesting a discretionary rebate of 75% under section 166(1)(d), "where the land is being used for educational purposes", (g) where the land is being used to provide facilities or services for children or young persons and (j) where the land is being used by an organisation which, in the opinion of the council, provides a benefit or service to the local community. The application states:

*Unley Early Learning Centre is a for profit centre, using the profits for the operation of the services provided to the families.*

*Unley Early Learning Centre is an Educational Leader who supports and mentors the Educators on the Curriculum. The Centre has a specific emphasis and passion for learning through play in the early years. The Early Years Learning Framework Learning Outcomes are:*

- *Children have a strong sense of identity;*
- *Children are connected with and contribute to their world;*
- *Children have a strong sense of wellbeing;*
- *Children are confident and involved learners;*
- *Children are effective communicators; and*
- *Educators plan and implement individual development experiences for all children.*

*The Centre recognises that play is important in children's development. The program begins when the first child arrives in the morning and continues through the day until the last child leaves in the evening. The Centre aims for total equity with special attention paid to the areas of non-stereotyping of sexes, social justice, physical and cultural acceptance and awareness.*

*There is a program displayed in each room that details the activities and experiences to stimulate and extend children's knowledge in all developmental areas. It provides a variety of experiences: free play; group activities; cultural; musical; and literacy activities are all a small part of the program. The Centre's programs are designed to allow children to experiment, make their own decisions and reach their own conclusions, providing:*

- *community services and activities that relate to family and children although these services do not directly align to Council's outcomes from the Community Plan and 4 Year Delivery Plan; and*
- *a direct benefit to the residents of the City of Unley and a significant proportion of users are Unley residents.*

Considering that they meet a number of the direct service categories that are of benefit to sections of the community, it is recommended that a discretionary rate rebate of 75% be granted.

### **Rosefield Uniting Church – 2 Carlton Street, Highgate**

Application has been received from Rosefield Uniting Church for the property at 2 Carlton Street, Highgate. The application seeks a rebate of 100% discretionary under Section 166 (1)(g) "where the land is being used to provide facilities or services for children or young persons". The application states:

*The rebate would provide financial assistance as its income is dependent on donations, bequests, and interest on investments.*

*The property in question is the site of the Netball Courts. The area has cyclone fencing around it, and two access gates in the fence: one with double gates for vehicular access; and a single gate for pedestrian access. To prevent unauthorised vehicles driving onto the courts, which could cause damage to the court surface if the vehicles were too heavy, the double gates are padlocked, however the pedestrian gate is always unlocked.*

*Rosefield Uniting Church has submitted, together with its application, a summary of what the courts are used for, including highlighting a number of activities that benefit the congregation and therefore the Unley community. Rosefield Uniting Church netball club has players from church families within the Unley community. This is an outreach activity for children to adults and families to attract them to the Christian community life. The netball club is run by mostly church members and maintained from the Rosefield Church funds.*

*Other activities include:*

- *engaging with the Unley Community by way of the 32 community groups, of which none are limited to church members;*
- *providing use of the Church's netball courts to the wider community for over 200 netballers, who predominantly reside in the area and are not church members;*
- *delivering Meals on Wheels within the Unley area each Thursday for 50 years, and contributing to community Harvest;*
- *mentoring program at the Highgate School;*
- *supporting school chaplaincy at Unley High School, Goodwood Primary School and Black Forest Primary School, both financially and with committee people;*
- *supporting the Community Shed that has recently moved into the showgrounds from the Highgate Park complex, which although started by members of the church, has attracted many non-members since its implementation; and*
- *providing Playgroups and Mainly Music on Tuesdays and Thursdays to Unley families.*

It is recommended that a 75% rate rebate be granted on the basis that the area is used as a public space by the broader community. The previous Council granted a 100% rate rebate following deliberation of their application last time.

**South Australia Council of Social Service – 47 King William Road, Unley**

Application has been received from SA Council of Social Services for the property at 47 King William Road, Unley.

The application requests a rebate of 75% discretionary rate rebate under Section 166 (1)(j) of the Act “where the land is being used by an organisation which, in the opinion of the council, provides a benefit or service to the local community”. The application states:

*SA Council of Social Services are a not for profit organisation who are the peak body for non-government and community services sector in South Australia. SACOSS undertakes the key role at the highest level and focusses on issues that affect vulnerable and disadvantaged people across the state, or that impact on all health and community services sector organisations.*

*Specifically, they provide the following:*

- *representation in all matters on behalf of the sector;*
- *research, policy development, advice and advocacy – giving a voice to the interests of the vulnerable and disadvantaged people;*
- *information dissemination to the sector;*
- *information dissemination to the community; and*
- *sector development*

The Administration, in providing its recommendation, to Council has identified that the organisation:

- is not-for-profit;
- provides other community services or activities that support the disadvantaged or sections of the community that require assistance;
- provides programs targeted at a minority group and as such is aligned to Council's outcomes from the Community Plan and 4 Year Delivery Plan;
- provides a direct benefit to the residents of the City of Unley and a proportion of users are Unley residents; and
- provides direct services to the community as distinct from administration or advocacy.

The application for a discretionary 75% rebate does not strictly meet the requirements of the Act under Section 161, however, given that SACOSS services assist in supporting vulnerable and disadvantaged people, it is recommended that a discretionary rate rebate of 75% be granted.

**St John Ambulance Australia SA Inc. – 79-85 Edmund Avenue, Unley**

An application has been received requesting a discretionary rebate of 75% under section 166(1)(j), "where the land is being used by an organisation which, in the opinion of the council, provides a benefit or service to the local community". The application states:

*St John is a volunteer-based organisation run entirely for the wellbeing of the South Australian community, providing first aid training and support at community events and providing community care programs for the elderly and disabled.*

*As a charity and registered not-for-profit they are reliant on public donations, together with the proceeds from commercial training and product sales to fund humanitarian services. They are not motivated by financial gain and all profit is returned to community services.*

The Administration, in providing its recommendation, to Council has identified that the organisation:

- is not-for-profit;
- provides and programs targeted at sections of the community that require assistance and minority groups and as such is aligned to Council's outcomes from the Community Plan and 4 Year Delivery Plan;
- provides a direct benefit to the residents of the City of Unley and a proportion of users are Unley residents; and
- provides direct services to the community as distinct from administration or advocacy.



Considering that St John meets a number of the direct service categories that are of benefit to sections of the community that require assistance as well as the Unley community, it is recommended that a discretionary rate rebate of 75% be granted.

### **RSL Unley Sub Branch Inc – 29 Arthur Street, Unley**

An application has been received requesting a discretionary rebate of 75% under section 166(1)(j), “where the land is being used by an organisation which, in the opinion of the council, provides a benefit or service to the local community”. The application states:

*RSL Unley Sub Branch income is predominantly hall hire income, currently managed by the Unley Community Centre. Income predominantly goes towards the maintenance and preservation of the historic halls, with both memorial halls built in the 1800’s.*

*The Unley community benefits from free or affordable venue hire for various activities and meetings and provides 10 per week free use of the hall to Council programmes.*

The Administration, in providing its recommendation, to Council has identified that the organisation:

- is not-for-profit;
- provides and programs targeted at sections of the community that require assistance and minority groups and as such is aligned to Council’s outcomes from the Community Plan and 4 Year Delivery Plan; and
- provides a direct benefit to the residents of the City of Unley and a proportion of users are Unley residents.

RSL services and activities directly align with Council’s community outcomes, are widely accessible to the general public and nearly 70% of its current users are residents of the City. It is therefore recommended that a 75% rate rebate be granted.

### **The Uniting Church in Australia Property Trust (SA) - 1A Carlton Street, Highgate**

An application has been received requesting a discretionary rate rebate for 75% under section 166(1)(j) “where the land is being used by an organisation which provides a benefit or service to the local community. The application states:

*The carpark located at 1A Carlton Street, Highgate is owned by the Uniting Church, a not-for-profit religious organisation.*

*The Rosefield Uniting Church uses the property as private car parking for congregation members and visitors. They do not charge for the use of the carpark or lease any of the carparks.*

The Administration, in providing its recommendation to Council, has identified that the organisation:

- is not-for-profit; and
- provides a community service and minimises the burden of on street parking in the direct vicinity of the Church.

Although the Rosefield Uniting Church serves and supports the community in many ways, the carpark would only be a small proportion of these services and it is recommended that a 75% rate rebate not be granted and consider 50% as previously granted.

### **The Chinese Association of SA Inc. – 12 Gordon Road, Black Forest**

An application has been received requesting a discretionary rate rebate of 75% and no less than 50% under section 166(1)(c) “where the rebate will conduce to the preservation of buildings or places of historic significance (d) where the land is being used for educational purposes (g) where the land is being used to provide facilities or services for children or young persons and (j) where the land is being used by an organisation which, in the opinion of the council, provides a benefit or service to the local community. The application states:

*The Chinese Association of SA Inc. is an incorporated not-for-profit but is not registered with the Australian Government Australian Charities and Not for Profit Commission.*

*The Association promotes and adds value to the Council’s Community Plan on multi-culturalism with education and activities for people of all ages. It provides community services related to Chinese cultures and language to enhance multi-culturalism service within the Unley and others in South Australia.*

*The Association runs the Chinese Ethnic School that conducts Chinese language, art and calligraphy classes at Glenunga High School each Saturday during the school term.*

*The premises at 12 Gordon Street primarily serves as the administration centre and site for storage of the text and reference books required for the classes. The Clubhouse opens regularly on Friday to Sunday from 11am to 6pm for mah-jong games, karaoke, table tennis and martial arts sessions. The Clubhouse opening hours vary depending on demand from its members.*

The Administration, in providing its recommendation, to Council has identified that the organisation:

- is an unregistered not-for-profit;
- provides cultural awareness and life-long learning programs targeted at a minority group that are aligned to Council’s Community Plan and 4 Year Delivery Plan objectives;
- provides a direct benefit to the wider community and a small proportion of residents of the City; and
- provides direct services to the community as distinct from administration or advocacy.

Whilst the Association's services and activities do align with Council's community outcomes, less than 25% of users (members) are Unley residents, and access to social activities is limited. It is therefore recommended that a 25% rate rebate be granted which is what they received in their previously.

**Latvian Co-Operative Ltd – 2-4 Clark Street, Wayville**

An application has been received requesting a discretionary rate rebate of 75% under section 166(1)(c) "where the rebate will conduce to the preservation of buildings or places of historic significance (d) where the land is being used for educational purposes (g) where the land is being used to provide facilities or services for children or young persons and (j) where the land is being used by an organisation which, in the opinion of the council, provides a benefit or service to the local community. The application states:

*Latvian Co-operative Ltd is not registered with the Australian Government Australian Charities and Not for Profit Commission. It is recognised as a small non-distributing cooperative.*

*Predominantly income is derived from hall hire and being a community hall, the hire charges are kept to a minimum. Hirers of the hall include local community groups and businesses. Hall hire is open to any persons or organisation.*

*The hall is also utilised by the Latvian community clubs and the Adelaide Latvian School.*

*A rate rebate would assist the cooperative to continue to provide important community service as it has consistently for many years.*

The Administration in providing its recommendation to Council has identified that the organisation:

- is an unregistered not-for-profit;
- provides cultural awareness and life-long learning programs targeted at a minority group that are aligned to Council's Community Plan and 4 Year Delivery Plan objectives; and
- provides a direct benefit to the wider community and a small proportion of residents of the City.

Whilst the Latvian Co-Operative's services and activities do align with Council's community outcomes, less than 25% of users (members) are Unley residents, and access to social activities is limited. It is therefore recommended that a 25% rate rebate be granted.

## 5. **DISCUSSION**

The recommendations in this report are based on the adopted *Rates Rebates Policy* and Administration's consideration of whether the applicants meet the following criteria:

- are not-for-profit or profit-based;
- provide services or activities that are directly aligned to Council's outcomes in accordance with the Community Plan and 4 Year Delivery Plan, or other community services that support the disadvantaged, or sections of the community that require assistance;
- provides a direct benefit to the residents of the City of Unley and the proportion of users that are Unley residents;;
- allows access to the services or activities by the community and general public; and
- provides direct services to the community as distinct from administration or advocacy.

Following the Administration's assessment, the following recommendations are made to Council:

### 5.1 **Recommended 75% Rate Rebate**

- A 75% rate rebate be granted to the Bible College of SA Inc. under Section 166 (1)(d) of the Act as although its services and activities do not directly align with Council's community outcomes, they do provide community services for young people, and a good proportion of users are Unley residents. The rate rebate is to be considered for 2019/20 until the end of the current Council term.
- A 75% rate rebate be granted to the Community Child Care Centre Inc. in consideration of the number of services provided in direct service categories that are of benefit to sections of the community. The rate rebate is to be considered for 2019/20 until the end of the current Council term.
- A 75% rate rebate be granted to Tabor College under Section 166(1)(d) of the Act, as it is a not for profit organisation. Tabor is a private higher educational college with a Christian focus, which has particular expertise in the education of community professionals, and its educational programs and activities align with Council's community outcomes. The rate rebate is to be considered for 2019/20 until end of the current Council term.
- A 75% rate rebate be granted to the Unley Community Childcare Centre Inc. in consideration of the number of services provided in direct service categories that are of benefit to sections of the community. The rate rebate is to be considered for 2019/20 until the end of the current Council term.

- A 75% rate rebate be granted to the Unley Early Learning Centre in consideration of the number of services provided in direct service categories that are of benefit to sections of the community. The rate rebate is to be considered for 2019/20 until the end of the current Council term
- A 75% rate rebate be granted to Rosefield Uniting Church on the basis that the area is used as a public space by the broader community, with Council approved signage. The rate rebate is to be considered for 2019/20 until the end of the current Council term.
- A 75% rate rebate be granted to SA Council of Social Services under Section 166(1)(j) of the Act, in consideration of the services provided in supporting vulnerable and disadvantaged people. The rate rebate is to be considered for 2019/20 until the end of the current Council term.
- A 75% rate rebate be granted to St John Ambulance Australia SA Inc. in consideration of the number of services provided in direct service categories that are of benefit to sections of the community requiring assistance as well as the Unley community. The rate rebate is to be considered for 2019/20 until the end of the current Council term.
- A 75% rate rebate be granted to RSL Unley Sub Branch under Section 166(1)(j) of the Act as its services and activities directly align with Council's community outcomes and are widely accessible to the general public with nearly 70% of its current users being residents of the City. The rate rebate is to be considered for 2019/20 until the end of the current Council term.

## **5.2 Recommended 50% Rebate**

- A 75% rate rebate not be granted to The Uniting Church in Australia Property Trust under Section 166(1)(j), as the carpark is not contiguous land to the Church. Consideration be given to granting 50% rate rebate as previously approved. The rate rebate is to be considered for 2019/20 until the end of the current Council term.

## **5.3 Recommended 25% Rebate**

- A 25% rate rebate be granted to The Chinese Association of SA Inc. The Association's services and activities do align with Council's community outcomes, however less than 25% of users (members) are Unley residents and access to social activities is limited. The rate rebate is to be considered for 2019/20 until the end of the current Council term
- A 25% rate rebate be granted to the Latvian Co-operative. The Co-operative's services and activities do align with Council's community outcomes, however less than 25% of users (members) are Unley residents and access to social activities is limited. The rate rebate is to be considered for 2019/20 until the end of the current Council term.

## 6. **ANALYSIS OF OPTIONS**

### Option 1 –

1. The report be received.
2. That the following applications for a discretionary rate rebate under Section 166 of the *Local Government Act 1999* be granted a 75% rate rebate for the rating years from 2019-20 until the end of the current Council (2022/23):
  - a) the Bible College of SA under Section 166(1)(d) of the *Local Government Act 1999*.
  - b) the Community Child Care Centre Inc. under Section 166(1)(d) of the *Local Government Act 1999*.
  - c) the Tabor College Inc. under Section 166 (1)(d) of the *Local Government Act 1999*.
  - d) the Unley Community Child Care Centre Inc. under Section 166(1)(d) of the *Local Government Act 1999*.
  - e) the Unley Early Learning Centre under Section 166(1)(d) of the *Local Government Act 1999*.
  - f) the Rosefield Uniting Church under Section 166(1)(g) of the *Local Government Act 1999*.
  - g) the SA Council of Social Services under Section 166(1)(j) of the *Local Government Act 1999*.
  - h) the St John Ambulance Australia SA Inc. under Section 166(1)(j) of the *Local Government Act 1999*.
  - i) the RSL Unley Sub Branch under Section 166(1)(j) of the *Local Government Act 1999*.
3. That the following applications for a discretionary rate rebate under Section 166 of the *Local Government Act 1999* be granted a 50% rate rebate for the rating years from 2019-20 until the end of the current Council (2022/23):
  - a) the Uniting Church in Australia Property Trust under Section 166(1)(j) of the *Local Government Act 1999*.
4. That the following applications for a discretionary rate rebate under Section 166 of the *Local Government Act 1999* be granted a 25% rate rebate for the rating years from 2019-20 until the end of the current Council (2022/23):
  - a) the Chinese Association under Section 166(1)(c)(g)(j) of the *Local Government Act 1999*.
  - b) the Latvian Co-operative under Section 166(1)(c)(d)(g)(j) of the *Local Government Act 1999*.

This option is based on the adopted Rates Rebates Policy and the Administration's consideration of whether the organisation:

- is not-for-profit or profit-based;
- provides services or activities that are directly aligned to Council's Community Plan and 4 Year Delivery Plan objectives;
- provides other community services that support the disadvantaged or sections of the community that require assistance;
- provides a direct benefit to the residents of the City of Unley and the proportion of users that are Unley residents;
- allows access to the services or activities by the community and general public; and
- provides direct services to the community as distinct from administration or advocacy.

Option 2 – A key principle of the Policy is that all rate payers (unless 100% Mandatory Rebate) contribute an amount towards basic council service provision. As such, the Policy recommends a maximum discretionary rebate of 75%.

The adopted *Rate Rebate Policy* acknowledges that Council may resolve differently to the report recommendations.

## 7. **RECOMMENDED OPTION**

Option 1 is the recommended option.

## 8. **POLICY IMPLICATIONS**

### 8.1 **Financial/Budget**

- When rate rebates are applied to properties, any rates foregone are redistributed to all other ratepayers.
- The recommended Discretionary Rate Rebates presented in this report amount to \$92,000. The 2019-20 general rates income has considered this rebate amount.
- When property rates have been declared for a rating period the level of rates income to be collected is also determined. Therefore, all rate rebates granted after that time will result in a decrease in actual rates income that will need to be adjusted at a future Budget Review.

### 8.2 **Legislative/Risk Management**

- The primary legislative provisions in relation to rebates are:  
*Local Government Act 1999*: Division 5 – Rebates of Rates  
 Section 160 – Health Services 100% Rebate  
 Section 161 – Community Services 75% Rebate  
 Section 162 – Religious Purposes 100% Rebate  
 Section 163 – Public Cemeteries 100% Rebate  
 Section 164 – Royal Zoological Society of SA 100% Rebate  
 Section 165 – Educational Purposes 75% Rebate  
 Section 166 – Discretionary rebates of rates

- Council's revised *Rate Rebate Policy* was adopted at the 27 February 2017 Council Meeting.

**9. REPORT CONSULTATION**

Council, Executive Management, Community Development and the Chief Financial Officer have been consulted or involved in the assessment of each application and the writing of this report.

A full copy of each application was available for review in the Members' room for prior to the Council meeting, and a summary of each application (with similar detail to this report) has been sent electronically to each Member.

**10. REPORT AUTHORISERS**

| <b>Name</b>    | <b>Title</b>                                    |
|----------------|---|
| Nicola Tinning | General Manager, Business Support & Improvement |



Item 4.3 - Attachment 1 - Rate Rebate Summary 2020

| Applicant/Rate Payer                       | Property Address             | Actual Use                         | LG Act Section | 2019/20 Property Valuation | Total Rates 2019/20 | % Rate Rebate Requested | Discretionary Rebate Amount Requested | % Rate Rebate Recommended | Discretionary Rebate Amount Recommended |
|--|------------------------------|------------------------------------|----------------|----------------------------|---------------------|-------------------------|---------------------------------------|---------------------------|---|
| Tabor College Inc.                         | 181 Goodwood Road, Millswood | Education                          | 166.1.d        | \$7,475,000                | \$36,029.50         | 75%                     | (\$27,022.10)                         | 75%                       | (\$27,022.10)                           |
|  | 68 Greenhill Road, Wayville  | Education                          | 166.1.d        | \$1,725,000                | \$9,841.10          | 75%                     | (\$7,380.80)                          | 75%                       | (\$7,380.80)                            |
|  | 164 Goodwood Road, Goodwood  | Education                          | 166.1.d        | \$385,000                  | \$2,196.40          | 75%                     | (\$1,647.30)                          | 75%                       | (\$1,647.30)                            |
| Bible College of SA Inc                    | 176 Wattle Street, MALVERN   | Education                          | 166.1.d        | \$3,108,000                | \$14,980.55         | 75%                     | (\$11,235.40)                         | 75%                       | (\$11,235.40)                           |
| The Uniting Church in Australia Trust (SA) | 1A Carlton Street, Highgate  | Carpark                            | 166.1.j        | \$710,000                  | \$4,050.55          | 75%                     | (\$3,037.90)                          | 50%                       | (\$2,025.25)                            |
| Rosefield Uniting Church                   | 2 Carlton Street, Highgate   | Recreation                         | 166.1.g        | \$1,1175,000               | \$5,663.50          | 100%                    | (\$5,663.50)                          | 75%                       | (\$4,247.60)                            |
| SA Council of Social Services              | 47 King William Road, Unley  | Advocacy                           | 166.1.j        | \$1,325,000                | \$7,559.10          | 75%                     | (\$5,669.30)                          | 75%                       | (\$5,669.30)                            |
| St John Ambulance Australia SA Inc         | 79-85 Edmund Avenue, Unley   | First Aid Training/ Administration | 166.1.j        | \$4,400,000                | \$21,208.00         | 75%                     | (\$15,906)                            | 75%                       | (\$15,906)                              |
| RSL Unley Sub Branch Inc                   | 29 Arthur Street, Unley      | Public Hall                        | 166.1.j        | \$890,000                  | \$4,289.80          | 75%                     | (\$3,217.35)                          | 75%                       | (\$3,217.35)                            |
| Chinese Association of SA Inc.             | 12 Gordon Road, Black Forest | Administration/ Clubhouse          | 166.1.j        | \$660,000                  | \$3,765.30          | 75%                     | (\$2,824)                             | 25%                       | (\$941.30)                              |
| Latvian Co-Operative Ltd                   | 2-4 Clark Street, Wayville   | Hall Hire/ Administration          | 166.1.j        | \$1,875,000                | \$10,696.85         | 75%                     | (\$8,021.90)                          | 25%                       | (\$2674.20)                             |
| Community Child Care Centre                | 110 Young Street, Parkside   | Child Care                         | 166.1.j        | \$900,000                  | \$4,338.00          | 75%                     | (\$3,253.50)                          | 75%                       | (\$3,253.50)                            |

Item 4.3 - Attachment 1 - Rate Rebate Summary 2020

| <b>Applicant/Rate Payer</b>          | <b>Property Address</b>  | <b>Actual Use</b> | <b>Section</b> | <b>2019/20 Property Valuation</b> | <b>Total Rates 2019/20</b> | <b>% Rate Rebate Requested</b> | <b>Discretionary Rebate Amount Requested</b> | <b>% Rate Rebate Recommended</b> | <b>Discretionary Rebate Amount Recommended</b> |
|--------------------------------------|--------------------------|-------------------|----------------|-----------------------------------|----------------------------|--------------------------------|--|----------------------------------|--|
| Unley Community Childcare Centre Inc | 42 Arthur Street, Unley  | Child Care        | 166.1.j        | \$880,000                         | \$3856.00                  | 75%                            | (\$2892)                                     | 75%                              | (\$2892)                                       |
| Unley Early Learning Centre          | 46 Oxford Terrace, Unley | Child Care        | 166.1.j        | \$1,325,000                       | \$5458.65                  | 75%                            | (\$4,094)                                    | 75%                              | (\$4,094)                                      |
|                                      |                          |                   |                |                                   |                            |                                | (\$101,865.05)                               |                                  | (\$92,206.10)                                  |



## RATE REBATE POLICY

|                                 |                                |
|---------------------------------|--------------------------------|
| Policy Type:                    | Council Policy                 |
| Responsible Department:         | Business Support & Improvement |
| Responsible Officer:            | Manager Finance & Procurement  |
| Related Policies and Procedures | n/a                            |
| Date Adopted:                   | 24 May 2010                    |
| Last Council Review:            | 28 February 2017               |
| Next Review Date:               | February 2020                  |
| ECM Doc Set I.D.                | 1205127                        |

### 1. POLICY STATEMENT

The Local Government Act 1999 ("the Act") sets out at Chapter 10, Division 5 (Sections 159 to 166) those provisions applicable to the Council granting a rebate of rates to persons or bodies.

This Policy is intended to provide guidance to the community as to the grounds upon which a person or body is, or may be entitled to receive a rebate of rates and the matters that the Council will take into account in deciding an application for a rebate.

In accordance with the rebate provisions contained in the Act, this Policy sets out the type of use in respect of land for which the Council must grant a rebate of rates and the amount that rebate must be, and those types of land use where the Council has a discretion to grant a rebate of rates.

### 2. COMMUNITY GOAL

O5.3 Good governance & legislative framework

### 3. POLICY OBJECTIVES

The rate rebate policy seeks to:

- assist council in meeting its legislative requirements, under the Local Government Act, 1999.
- define the criteria for assessments which have not met the mandatory requirements of the Act, but have provided sufficient support for a discretionary rebate under Section 166.
- streamline the decision making process for discretionary rebate determinations and provide a consistent framework under which to apply determinations.

- provide transparency in regards to the discretionary rebates granted by Council, and provide for a regular review process to be undertaken in terms of the financial support provided by council.

#### 4. PRINCIPLES

In developing this policy Council has given consideration to the five principles previously identified by the local government industry in applying the imposition of rates on communities.

These principles are:

- Equity - rating responsibility should be distributed in an equitable manner across and within our communities;
- benefit - ratepayers should receive some benefits from paying tax, but not necessarily to the extent of the tax paid;
- ability-to-pay - in raising rates the ability of the taxpayer to pay the rates must be taken into account;
- efficiency – Council's rates are currently designed to be neutral in its effect on ratepayers and therefore it is considered efficient unless it changes ratepayer behaviour;
- simplicity – the application of rates should be understandable, hard to avoid and easy to collect.

To some extent these principles are in conflict with each other. As such Council aims to balance the application of the principles, the policy objectives of rating, the need to raise revenue and the effects of rates on the community.

Further, in achieving equity across the community, this policy has an overriding principle that all ratepayers should contribute an amount to basic service provision.

Council is mindful that where a rebate is applied to a property or that property is exempt from paying council rates, those rates foregone must be contributed by the rest of the community. The principles of equity dictate that Council remains diligent in only awarding rebates and exemptions where they are warranted.

#### 5. POLICY

##### 5.1 Mandatory Rebates

5.1.1 The City of Unley will act in accordance with the Local Government Act in providing mandatory rebates as reference in Section 160 – 165 of the Act.

5.1.2 Where the Council is satisfied from its own records, or from other sources, that a person or body meets the necessary criteria for a mandatory rate rebate, the Council will grant the rebate accordingly.

5.1.3 Where the Council is not satisfied based upon the information in its possession or otherwise does not hold relevant information it will require the person or body to lodge an application form with such information as stipulated and any other information that the Council may reasonably require.

5.1.4 Applicants who satisfy the criteria for a mandatory rebate will be granted the rebate at any time provided the application is lodged prior to the 30 June of the rating year and provided the entitlement to the rebate existed at 1 July of the rating year.

5.1.5 Council will confirm the continuation of a person or body's eligibility for a mandatory rebate on a regular basis to ensure that rebates are only granted where they are warranted. This will require the relevant person or body to lodge an application form with such information as stipulated and any other information that the Council may reasonably require to confirm the continuation of eligibility.

## 5.2 Discretionary Rebates

5.2.1 Council may grant a discretionary rebate of rates up to and including 100% of the relevant rates or service charges under a number of cases and for a period not exceeding the timeframe as identified in Section 166 of the Act. However, to ensure all ratepayers contribute an amount towards basic service provision, the maximum discretionary rebate will be 75%.

5.2.2 Under the same premise, although Council may, pursuant to the Act, increase a mandatory rebate by up to a further 25%, Council will not grant any additional discretionary rebate to ensure ratepayers contribute an amount towards basic service provision.

5.2.3 In deciding whether to grant a rebate for land uses, as detailed in Section 166 (1a) of the Act, Council will take the following matters into account:

- (a) the nature and extent of Council services provided in respect of the land for which the rebate is sought in comparison to similar services provided elsewhere in the Council's area;
- (b) the community need that is being met by activities carried out on the land for which the rebate is sought; and
- (c) the extent to which activities carried out on the land for which the rebate is sought provides assistance or relief to disadvantaged persons
- (d) other matters considered relevant by council (**Attachment 1**).

5.2.4 Persons who or bodies which seek a discretionary rebate will be required to submit an application form to the Council and provide to the Council such information as stipulated on the application form and any other information that the Council may reasonably require.

5.2.5 All persons who or bodies which wish to apply to the Council for a discretionary rebate of rates must do so on or before 1 May prior to the rating year unless the application is a result of a change in eligibility for a mandatory rebate. In those circumstances where an application relates to a change in rebate/rate exemption in a relevant rating year, then the application will be applied for the full rating year if received within 2 months of the change in rebate/exemption being advised. The Council reserves the right to refuse to consider applications received after the specified date.

5.2.6 Where there is no maximum timeframe specified for a rebate provided under Section 166, Council will grant a discretionary rebate to the last rating period commencing within a Council term to allow for a regular review of discretionary rate rebates.

5.2.7 A summary of all discretionary rebates applied for, including whether they have been successful or not and the associated reasons will be reported to Council on an annual basis.

### 5.3 **All Rebates**

5.3.1 If an entitlement to a rebate ceases or no longer applies during the course of a financial year, council will recover rates proportionate to the remaining part of the financial year.

5.3.2 If a person or body has the benefit of a rebate of rates and the grounds on which the rebate has been granted cease to exist, the person or body must immediately inform the Council of that fact and (whether or not the Council is so informed) the entitlement to a rebate ceases. If a person or body fails to do so that person or body is guilty of an offence.

5.3.3 The Council will, in writing, advise an applicant for the rebate of its determination of that application. The advice will state:

- (i) if the application has been granted, the amount of the rebate; or
- (ii) if the application has not been granted, the reasons why.

5.3.4 Any person or body who is aggrieved by a determination of the delegated officer in respect of an application for a rebate may seek a review of that decision in accordance with Council's Procedure for Internal Review of a Council Decision.

## 6. DEFINITIONS

**CEO:** Chief Executive Officer of the Corporation of the City of Unley as appointed by Council.

**Council (with a capitalised C):** The elected Council body.

**council (with a non-capitalised c):** Council as the organisation.

**Discretionary Rebate:** A rebate which has been applied under the Local Government Act 1999, Section 166

Rebates can be categorised as strategic development, land uses providing a benefit or service to the local community and rate relief. Under legislation, these include:

- (a) where it is desirable for the purpose of securing the proper development of the area (or a part of the area);
- (b) where it is desirable for the purpose of assisting or supporting a business in its area;
- (c) where it will be conducive to the preservation of buildings or places of historic significance;
- (d) where the land is being used for educational purposes;
- (e) where the land is being used for agricultural, horticultural or floricultural exhibitions;
- (f) where the land is being used for a hospital or health centre;
- (g) where the land is being used to provide facilities or services for children or young persons;
- (h) where the land is being used to provide accommodation for the aged or disabled;



- (i) 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;
- (j) where the land is being used by an organisation which, in the opinion of the Council, provides a benefit or service to the local community;
- (k) 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
- (l) where the rebate is considered by the Council to be appropriate to provide relief against what would otherwise amount to a substantial change in rates payable due to:
  - a redistribution of the rates burden within the community arising from a change to the basis or structure of the council rates; or
  - a change to the basis on which land is valued for the purpose of rating, rapid changes in valuations, or anomalies in valuations.
- (m) where the rebate is considered by council to be appropriate to provide relief in order to avoid what would otherwise constitute:
  - 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
  - a liability that is unfair or unreasonable;
- (n) where the rebate is to give effect to a review of a decision of the council under Chapter 13 part 2 (Section 270 to 271 of the Act)
- (o) where the rebate is contemplated under another provision of the Act

**Mandatory Rebate:** Rebates that Council must grant in accordance with the Act.

- Mandatory Rebates of **100%** are for public cemeteries, the Royal Zoological Society as well as:

Health Services

Land being predominantly used for service delivery or administration by a hospital or health centre incorporated under the South Australia Health Commission Act 1976;

Religious Purposes

Land containing a church or other building used for public worship (and any grounds), or land solely used for religious purposes;

- Mandatory Rebates of **75%** are for either community services or educational purposes.

Community Services

The Act provides that as well as meeting the definition of "community services organisation" as defined in the Act, eligibility for a rebate by a community services organisation is subject to it providing one or more of the following community services:

- emergency accommodation
- food or clothing for disadvantaged persons (i.e., persons who are disadvantaged by reason of poverty, illness, frailty, or mental, intellectual or physical disability)
- supported accommodation (i.e., residential care facilities in receipt of Commonwealth funding or accommodation for persons with mental health, intellectual, physical or other difficulties who require support in order to live an independent life)

- essential services, or employment support, for persons with mental health disabilities, or with intellectual or physical disabilities
- legal services for disadvantaged persons
- drug or alcohol rehabilitation services, or
- the conduct of research into, or the provision of community education about, diseases or illnesses, or the provision of palliative care to persons who suffer from diseases or illnesses.

Where a "community services organisation" is eligible for a mandatory rebate, the residential rate must be applied to the land to which the rebate relates in accordance with Section 161 (2) of the Act. This is as a result of Council declaring differential rates according to land use and providing for a distinct residential rate.

Educational Purposes

- Land occupied by a government school under a lease or licence and being used for educational purposes, or
- Land occupied by a non-government school registered under Part 5 of the Education Act 1972 and being used for educational purposes, or
- Land being used by a University or University College to provide accommodation and other forms of support for students on a not for profit basis.

**Rating:** Process of raising revenue by way of levying rates and charges.

**Rebates:** An amount that a rate or charge may be reduced in accordance with Chapter 10, Division 5 of the Act.

**The Act:** The *Local Government Act 1999* as amended

**7. LEGISLATION/REFERENCES**

Local Government Act 1999 Division 5 – Rebates of Rates

|   |             |
|---|-------------|
| Section 160 – Health Services                                     | 100% Rebate |
| Section 161 – Community Services (including Housing Associations) | 75% Rebate  |
| Section 162 – Religious Purposes                                  | 100% Rebate |
| Section 163 – Public Cemeteries                                   | 100% Rebate |
| Section 164 – Royal Zoological Society of SA                      | 100% Rebate |
| Section 165 – Educational Purposes                                | 75% Rebate  |
| Section 166 – Discretionary rebates of rates                      |             |

Aged Care Act 1987 (Commonwealth)

Community Housing Providers National Law

Community Titles Act 1996

Education Act 1972

Health Commission Act 1976



## 8. POLICY DELEGATIONS

The Council has delegated its power, pursuant to Section 44 of the Act, to the Chief Executive Officer and sub delegates to grant applications for mandatory rebates, which meet the requirements of the Act.

The CEO only has also been delegated the power under Sections 159 (4), 161(1) and Section 165 (1) and (2), to grant a rebate of more than 75% of rates for persons or bodies who meet the requirements of the Act for mandatory rebates.

The power to grant discretionary rebates of rates is retained by Council.

Refer to the Council Delegations Register for further information.

## 9. ROLES/RESPONSIBILITIES

This policy is applicable to all staff and Council and Committee members in relation to the application of rebates by the City of Unley.

## 10. AVAILABILITY

The policy is available for public inspection during normal office hours from:

Civic Centre  
181 Unley Road  
Unley SA 5061

A copy may be purchased for a fee as determined annually by Council.

It is also available for viewing, download and printing free of charge from the Council's website, [www.unley.sa.gov.au](http://www.unley.sa.gov.au)

## 11. DOCUMENT HISTORY

| Date:            | Council/Committee/Internal            | Comment:  |
|------------------|---------------------------------------|---|
| 17 May 2010      | Item 319, CSP Committee               | Policy no. COU28. Policy Title was "Discretionary rate rebates"   |
| 24 May 2010      | Item 665, Council                     |   |
| 15 February 2017 | Item 49, Audit & Governance Committee | Policy number discontinued. Name changed to "Rate rebate" policy. |
| 28 February 2017 | Item 767, Council                     |   |

**Attachment 1**

When deciding an application for a Discretionary Rebate on specified grounds (being Section 166(1)(d) – (j) inclusive as highlighted in blue in Section 6 definitions) Council:

- must take into account the statutorily prescribed matters as detailed in clause 5.2.3 of this Policy and
- may take into account other matters it considers relevant.

These other relevant matters include, but are not limited to:

- the community need that is being met by activities carried out on the land for which the rebate is sought;
- the extent to which activities carried out on the land for which the rebate is sought provides assistance or relief to disadvantaged persons;
- why there is a “need” for financial assistance through a rebate;
- the level of rebate (percentage and dollar amount) being sought and why it is appropriate;
- the extent of financial assistance, if any, being provided to the applicant and/or in respect of the land by Commonwealth or State agencies;
- whether the applicant has made/intends to make applications to another Council whether, and if so to what extent, the applicant is or will be providing a service within the Council area;
- whether the applicant is:
  - a public sector body;
  - a private not for profit body;
  - or a private for profit body.
- whether there are any relevant historical considerations that may be relevant for all or any part of the current Council term;
- the desirability of granting a rebate for more than one year in those circumstances allowed for in Section 166 (1) (eg securing proper development, supporting business or common property under the Community Titles Act) of this policy
- consideration of the full financial consequences of the rebate for Council;
- the time the application is received;
- the availability of any community grant to the person or body making the application;
- whether the applicant is in receipt of a community grant; and
- any other matters and policies of Council, which are considered to be relevant.

In relation to the granting of discretionary rebates other than those set out at Section 166(1)(d) – (j), the Council may take into consideration any matters it considers relevant, but is not obliged to take into consideration those matters set out above.

**166—Discretionary rebates of rates**

- (1) A council may grant a rebate of rates or service charges in any of the following cases (not being cases that fall within a preceding provision of this Division):
  - (a) where the rebate is desirable for the purpose of securing the proper development of the area (or a part of the area);
  - (b) where the rebate is desirable for the purpose of assisting or supporting a business in its area;
  - (c) where the rebate will conduce to the preservation of buildings or places of historic significance;
  - (d) where the land is being used for educational purposes;
  - (e) where the land is being used for agricultural, horticultural or floricultural exhibitions;
  - (f) where the land is being used for a hospital or health centre;
  - (g) where the land is being used to provide facilities or services for children or young persons;
  - (h) where the land is being used to provide accommodation for the aged or disabled;
  - (i) where the land is being used for a residential aged care facility that is approved for Commonwealth funding under the *Aged Care Act 1997* (Cwlth) or a day therapy centre;
  - (j) where the land is being used by an organisation which, in the opinion of the council, provides a benefit or service to the local community;
  - (k) 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;
  - (l) where the rebate is considered by the council to be appropriate to provide relief against what would otherwise amount to a substantial change in rates payable by a ratepayer due to—
    - (i) a redistribution of the rates burden within the community arising from a change to the basis or structure of the council's rates; or
    - (ii) a change to the basis on which land is valued for the purpose of rating, rapid changes in valuations, or anomalies in valuations;
  - (m) where the rebate is considered by the council to be appropriate to provide relief in order to avoid what would otherwise constitute—
    - (i) 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
    - (ii) a liability that is unfair or unreasonable;
  - (n) where the rebate is to give effect to a review of a decision of the council under Chapter 13 Part 2;
  - (o) where the rebate is contemplated under another provision of this Act.

- (1a) A council must, in deciding whether to grant a rebate of rates or charges under subsection (1)(d), (e), (f), (g), (h), (i) or (j), take into account—
  - (a) the nature and extent of council services provided in respect of the land for which the rebate is sought in comparison to similar services provided elsewhere in its area; and
  - (b) the community need that is being met by activities carried out on the land for which the rebate is sought; and
  - (c) the extent to which activities carried out on the land for which the rebate is sought provides assistance or relief to disadvantaged persons,and may take into account other matters considered relevant by the council.
- (2) A rebate of rates or charges under subsection (1) may be granted on such conditions as the council thinks fit.
- (3) A rebate of rates or charges under subsection (1)(a), (b) or (k) may be granted for a period exceeding one year, but not exceeding 10 years.
- (3a) A rebate of rates or charges under subsection (1)(l) may be granted for a period exceeding one year, but not exceeding three years.
- (3b) A council should give reasonable consideration to the granting of rebates under this section and should not adopt a policy that excludes the consideration of applications for rebates on their merits.
- (4) A council may grant a rebate under this section that is up to (and including) 100 per cent of the relevant rates or service charge.

## INFORMATION REPORT

**REPORT TITLE:** UNDERGROUNDING OF POWER LINES  
**ITEM NUMBER:** 4.4  
**DATE OF MEETING:** 22 JULY 2019  
**AUTHOR:** AARON WOOD  
**JOB TITLE:** MANAGER STRATEGIC ASSETS  
**ATTACHMENTS:** NIL

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### 1. **EXECUTIVE SUMMARY**

This report provides an update in response to three previous resolutions of Council relating to the undergrounding of power lines. Two of the resolutions are related to investigating future opportunities with regard to undergrounding power lines at specific locations, and the other resolution requests that Council staff present a briefing of suitable locations for Council to give consideration to in future years' budgets. However, as the undergrounding of power lines is required to be incorporated as part of a significant streetscape upgrade, it comes at great expense. Given Council's current commitment regarding numerous major projects in various stages of completion, it is prudent that any decision relating to future expenditure occur as part of a review of the Long Term Financial Plan (LTFP).

It should also be noted that once a decision is made by Council to submit a location to the Power Line Environment Committee (PLEC) for consideration, the planning, design and scheduling requires a minimum of two years (depending on how many PLEC submissions are received) to be included in the forward programme for PLEC works.

A briefing will be provided to Elected Members, providing details of potential power line undergrounding projects suitable for submission to the Power Line Environment Committee, following review of Council's Long Term Financial Plan that is to occur before the end of the year.

### 2. **RECOMMENDATION**

That:

1. The report be received.
- 

### 3. **RELEVANT CORE STRATEGIES/POLICIES**

3. Economic Prosperity
  - 3.2 Thriving main streets and other business activities operate across our City.

#### **4. BACKGROUND**

Over a period of many years, the City of Unley has successfully worked with PLEC and SA Power Networks (SAPN) to progressively underground power lines along major arterial roads within the City of Unley and/or other key locations. Some of the streets in Unley where the undergrounding of power lines has occurred are:

- Unley Road (full length)
- George Street, Parkside
- King William Road (Arthur Street to Park/Mitchell Streets)
- Hamilton Boulevard, Wayville
- Goodwood Road (Clifton to Florence)

Council at its meeting held on 25 June 2018 considered a request from the Fullarton Road Traders Association for the undergrounding of power lines on Fullarton Road near the Highgate Village and resolved that:

1. *The request from the Fullarton Road Trader's Association for consideration of the undergrounding of power lines on Fullarton Road in the vicinity of the Highgate Village be supported and that staff initiate discussions with the Department for Planning, Transport and Infrastructure and the Power Line Environment Committee to undertake a feasibility study regarding this project.*
2. *A report be presented to Council following completion of a feasibility study outlining costs and time frames to enable Council to further consider this project.*

*Resolution 1200/2018*

At its meeting on 23 July 2018, Council resolved that:

1. *Staff investigate and report on options and associated costs, including consideration of external funding contributions available, for the undergrounding of the remaining power lines on King William Road (north of Arthur Street).*

*Resolution 1223/2018*

At its meeting on 24 September 2018, Council resolved that:

1. *A briefing be presented to the new Council, providing details of potential power line undergrounding projects that may be suitable for submission to the Power Line Environment Committee, to enable consideration of such projects for inclusion in the Long Term Financial Plan/future years budgets.*

*Resolution 1301/2018*

#### **5. DISCUSSION**

##### **Financial Information**

Following Council's previous resolutions, Council staff have undertaken preliminary investigations as to suitable locations to be put forward to Council for consideration at a briefing. Through this process, preliminary cost estimates have been compiled and discussed with Council's Finance Team.

Indicative costs can be estimated using some unit rates for 'Council's contribution' from the most recent Goodwood Road PLEC/Streetscape upgrade project. These costs are \$200K (undergrounding) and \$500K (streetscape) for every 100m road length in rough terms, with many factors contributing to the variation of these numbers.

From the estimated costs provided we can advise that the undergrounding of power lines and associated streetscape upgrades come at considerable expense. Council's Finance Team have advised that Council is approaching debt capacity. This is a result of having numerous major projects across the City that have recently been completed or that are in various stages of completion. It is therefore prudent that any decision relating to future expenditure occur after the review of the LTFP.

The review of the LTFP is due to be undertaken prior to the end of 2019 and therefore it is recommended that no decision is made on future PLEC projects until this work has been completed. At that time, Council staff would also have some preliminary forecasting capital renewal expense figures, following the current review and compilation of Council's Asset Management Plans.

As per the PLEC guidelines, Council is required to contribute one-third of the cost of undergrounding the power lines, with the rest being funded by PLEC. PLEC makes no contribution to streetscape works; any such works are at Council's expense. It is important to highlight that in making a decision to approve PLEC projects, PLEC will support projects that have a streetscape upgrade component, as it acknowledges that undergrounding of power lines is just one element of improving the streetscape.

Council staff have had discussions with the Department of Planning, Transport and Infrastructure (DPTI) and PLEC representatives. As detailed in previous reports, the outcomes of these discussions are that DPTI have no plans to widen or substantially upgrade any arterial roads passing through Unley.

#### For Information

The previously identified PLEC project locations are:

- Fullarton Road (Glen Osmond Road to Cross Road);
- King William Road (north of Arthur Street); and
- Glen Osmond Road (Southern side of Cross Road to Greenhill Road).

Upon further investigation, Goodwood Road (North of the railway line) could also be considered as a suitable location to underground power lines.

The four identified streets all have pros and cons associated with regard to the potential benefits of undertaking a PLEC and streetscape upgrade, with the possibility of breaking the projects into sections to reduce costs, rather than complete lengths.

These details will be further discussed during the Council briefing following the LTFP review.

1. **REPORT AUTHORISERS**

| <b>Name</b>  | <b>Title</b>                      |
|--------------|-----------------------------------|
| Claude Malak | General Manager, City Development |



## DECISION REPORT

|                         |                                  |
|-------------------------|----------------------------------|
| <b>REPORT TITLE:</b>    | 5-YEAR CULTURAL PLAN             |
| <b>ITEM NUMBER:</b>     | 4.5                              |
| <b>DATE OF MEETING:</b> | 22 JULY 2019                     |
| <b>AUTHOR:</b>          | MATTHEW IVES                     |
| <b>JOB TITLE:</b>       | COORDINATOR CULTURAL DEVELOPMENT |
| <b>ATTACHMENTS:</b>     | NIL                              |

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### 1. **EXECUTIVE SUMMARY**

The purpose of the report is to seek Council's endorsement to develop and prepare a new 5-Year Cultural Plan.

The proposed new Cultural Plan builds on the successful outcomes of the *Involve Unley* Public Arts Strategy. The proposed Plan will take on the learnings of the previous strategy and expand to include and achieve Council's strategic social and cultural priorities and initiatives.

This report outlines the key objectives, process and timeframes to produce a Cultural Plan for consideration and final endorsement by Council in February 2020.

The Cultural Plan initiative aims to:

- Establish and communicate priorities and deliverables to promote cultural vitality of the City of Unley over the next five years.
- Guide future cultural development programming including identifying key lighthouse projects, including arts initiatives.
- Provide a lens for other areas of Council to consider their key strategies and consider the impact of decisions of Council on the culture of the City of Unley's community.
- Measure, amend, refine and add to the value of current and future investment in cultural activity, assets and infrastructure.
- Continue to enrich the cultural vitality and artistic endeavour in our City.

### 2. **RECOMMENDATION**

That:

1. The report be received.
  2. A 5-Year Cultural Plan be developed for Council's consideration and endorsement.
-

### **3. RELEVANT CORE STRATEGIES/POLICIES**

#### 1. Community Living

1.1 Our Community is active, healthy and feels safe.

1.2 Our Community participates in community activities, learning opportunities and volunteering

1.3 Our City meets the needs of all generations

1.4 Our Community is proud to be part of our City

1.5 Our City is connected and accessible

### **4. BACKGROUND**

The City of Unley has a long history of cultural development and is highly regarded within the industry for its ongoing and innovative commitment to arts and culture through leading practice. Currently there is no overarching plan to guide Council's work in social or cultural development. Arts and cultural activities, events and infrastructure have permeated across all of Council's key services in recent years. Many of these projects have arisen due to issues and opportunities which have been identified as part of a wider need for cultural vitality in our City. However, Council's cultural initiatives are currently determined and funded annually.

Many pro-active and pioneering councils across Australia have cultural plans. Locally, the City of Holdfast Bay and Adelaide City Council have recently completed new and fresh cultural plans. The City of Port Adelaide Enfield is currently in the process of developing their Cultural Development Plan. This strategic planning has also recently been widely adopted interstate as "general practice", most notably the City of Sydney and the City of Port Phillip have excellent examples of cultural plans.

In 2014, the City of Unley developed and endorsed *Involve Unley*, a 5-year Public Arts Strategy. This provided Council with a clear direction in relation to Public Art which was strongly supported by the community. With the implementation of this plan being completed in 2018/19, it is now timely to incorporate the principles and learnings of *Involve Unley* into a broader cultural development plan.

Like *Involve Unley*, the Cultural Plan will identify key areas of interest in cultural development, including public art, for the community and the Council moving forward.

### **5. DISCUSSION**

#### Rationale

A thriving and creative local culture is also essential and relevant to inform not only social, but also economic and environmental development.

A considered and consolidated approach for future cultural development programming will enhance the commitment of the Council to positive cultural development which is inclusive, respectful, artistic and innovative in reflecting our diverse community and in responding to their needs.

The Cultural Plan will provide a fresh mandate and framework for action over a five-year period, that commits the Council to a program to continue with existing programs and cultural services, as well as implement new cultural development initiatives in a considered way, guided by strong principles linked to the Community Plan. Through the plan, external funding partners will be identified, and a clear direction provided for potential projects and opportunities to be sourced and funded in future budget submissions and external stakeholders.

### Context

The definitions of culture are various. Recent work undertaken by five South Australian councils (including the City of Unley) and Arts South Australia defines culture as:

*“Culture is about who we are, how we define ourselves and how we make meanings of the world around us. It informs everything we do.”*

In terms of our Council, culture can include but is not limited to:

- artistic activities
- exhibitions and events
- public art
- heritage initiatives
- multicultural and indigenous programs
- creative approaches to delivering environmental, economic and social services
- responding to marginalised and emerging communities
- community grants
- providing opportunities for various areas of our community to connect and thrive

It therefore follows that the Cultural Plan will complement and embrace the vision, sentiments, objectives and actions of both the Unley Community Plan 2033 and the City of Unley 4 Year Delivery Plan. All four main themes of both strategic plans will underpin and be part of the delivery plan.

### Process

The Cultural Plan’s development will include:

**Research:** A review of other Local Government cultural plans will be undertaken to inform the development of City of Unley’s Cultural Plan.

**Engagement:** Following the success of the community engagement approach of the development and implementation of the Public Arts Strategy (Involve Unley) in 2014, the Cultural Plan development will have a comprehensive online and workshop engagement approach. This will include all key stakeholders such as staff; Elected Members; past, present and future partners; and the wider community.

**Cultural Audit:** An online cultural audit of all services, activities and facilities will be undertaken via a survey. This will provide an insight into the strengths and weaknesses of our current programs and provide some indicative information about other areas of cultural programming the community would like to see implemented, continued or ceased.

**Cultural Plan Draft:** It is the intention to re-engage with the community with a draft Cultural Plan. This will shape the final document presented to Council. The process will help us to identify key priorities for the next five years, which areas of Council will potentially deliver these actions, who we need to work with as our target community(s), potential partners and sources of external funding.

#### Project Management

This initiative will be managed and facilitated by Council's Cultural Development Coordinator. A cross-divisional working group will be established to act as a reference group and ensure all areas of the Community Plan are represented in the Cultural Plan. A briefing/workshop will be facilitated for Elected Members in September to have early input to the shaping of the key issues for Council with a cultural context.

It is proposed to present the draft Cultural Plan to Council for endorsement. It will include strategic objectives, guiding principles, community-identified areas of interest, an action plan and indicative budgets for annual approval. This timing will allow a budget proposal for the first year of the Cultural Plan to be considered for 2020/21 Annual Business Plan.

## **6. ANALYSIS OF OPTIONS**

### Option 1 –

1. The report be received.
2. A 5-Year Cultural Plan be developed for Council's consideration and endorsement.

The advantage of this option is that a community-identified and owned roadmap of key issues, opportunities and actions is laid out for implementation between 2020 and 2025.

The Cultural Plan will provide a sound framework for strategic decision-making and project initiation, rather than an ad hoc approach. This will ensure more sustainable and impactful outcomes.

Option 2 – Council may wish to amend the recommendations to the development of the Cultural Plan.

Council may wish to change aspects of the development of the Cultural Plan, e.g. the methodology, timeframes or focus for its content. However, in making any changes, Council should consider the budget, the guidelines, existing policies and probity of decision-making.

Option 3 – The report be received.

Under this option Council would not endorse the development of a Cultural Plan. This would mean only existing projects funded through the operating budget for Community and Cultural Development could be delivered. It would not provide an opportunity to plan and work across the Council internally and externally to deliver community-based projects and programs which met an identified need.

It would also mean the cessation of the formal public arts program in 2019/20.

**7. RECOMMENDED OPTION**

Option 1 is the recommended option.

**8. POLICY IMPLICATIONS**

There are no significant policy implications with this decision.

**8.1 Financial/Budget**

- All costs related to the development and production of the Cultural Plan will be undertaken within existing operating budget and staff FTE.
- Ongoing budget allocations presented in the new Plan will be considered as part of long-term financial planning and annual budget planning.

**8.2 Stakeholder Engagement**

- An extensive online and face to face engagement process will be facilitated to ensure diversity and provide opportunities for organisations and individuals to participate in setting priorities and proffering creative ideas for Council's commitment to ongoing cultural development for the next five years.

**9. REPORT AUTHORISERS**

| <b>Name</b>    | <b>Title</b>                   |
|----------------|--------------------------------|
| Megan Berghuis | General Manager, City Services |

## DECISION REPORT

|                         |   |
|-------------------------|---|
| <b>REPORT TITLE:</b>    | REQUEST TO FLY THE RAINBOW FLAG -<br>CELEBRATING DIVERSITY MONTH<br>NOVEMBER 2019         |
| <b>ITEM NUMBER:</b>     | 4.6   |
| <b>DATE OF MEETING:</b> | 22 JULY 2019  |
| <b>AUTHOR:</b>          | MATTHEW IVES  |
| <b>JOB TITLE:</b>       | COORDINATOR CULTURAL DEVELOPMENT  |
| <b>ATTACHMENTS:</b>     | 1. REQUEST TO FLY THE RAINBOW FLAG<br>- CELEBRATING DIVERSITY IN THE<br>MONTH OF NOVEMBER |

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### 1. **EXECUTIVE SUMMARY**

Council has received a request from the General Manager of the Feast Festival to fly the Rainbow flag at the Unley Civic Centre for the month of November to coincide with a new initiative developed by Feast called "Pride Month" – a month long celebration of inclusivity and diversity in South Australia.

Under Council's Flag Management Policy, Council may approve the flying of flags other than those contained in the 'standard display'. This report seeks a decision from Council in response to the request from the Feast Festival.

### 2. **RECOMMENDATION**

That:

1. The report be received.
  2. ~ to be determined by Council ~ (refer section 6 for options).
- 

### 3. **RELEVANT CORE STRATEGIES/POLICIES**

1. Community Living
  - 1.3 Our City meets the needs of all generations.
  - 1.4 Our Community is proud to be part of our City
  - 1.5 Our City is connected and accessible
- 4 Civic Leadership
  - 4.1 We have strong leadership and governance

#### 4. **BACKGROUND**

The City of Unley have proudly supported the Feast Festival since 2008. The Feast Festival is Adelaide's only not-for-profit LGBTI Queer Arts and Cultural Festival that celebrates Pride and Diversity. Feast began in 1997 providing a safe and inclusive platform for the LGBTIQ community to share and express themselves through art and culture. The outcomes of this festival aligns to Council's strategic objectives to support cultural diversity, inclusivity and understanding.

A request has been received from the General Manager of the Feast Festival to fly the Rainbow Flag for the whole month of November, to coincide with a new initiative developed by Feast called "Pride Month" – a month long celebration of inclusivity and diversity in South Australia. The initiative is to drive visibility and awareness of the Feast Festival and how it supports South Australian LGBTIQ communities. A copy of the request is included as Attachment 1 to this report.

#### *Attachment 1*

There are five flag poles at the Civic Centre on Unley Road. Council's Flag Management Policy currently provides that the standard flag display at the City of Unley Civic Centre will comprise:

- The Australian National Flag;
- The South Australian Flag;
- The Aboriginal Flag; and
- The City of Unley Ensign (bearing the City of Unley logo).

and that subject to Council approval, other flags may be flown.

As part of Reconciliation Week in 2018, the Torres Strait Islander flag was placed on display next to the Aboriginal Flag. The flag has remained in place since that time (given the available flag pole) and the current draft of the revised Flag Policy proposes that the Torres Strait Islander flag form part of the standard flag display. This would mean that when requests to fly flags are approved by Council, the City of Unley Ensign would be the flag that is removed to accommodate the approved flag.

The Policy requires that requests to fly a flag must be made in writing and include:

- A colour example of the design;
- Preferred dates of display;
- Be received at least 4 weeks before the Council Meeting;
- Detail the relevance or significance of the flag to the City of Unley; and
- Contact details of the person responsible for supply and collection of the flag.

## 5. **DISCUSSION**

The City of Unley is now building a history and reputation of working sustainably with major festivals and events, which promotes Unley as a place that embraces state-wide initiatives in arts and culture. This includes Adelaide Fringe, Adelaide Cabaret Festival, Guitar Festival, Zest Fest and SALA.

Feast Festival was established in 1997. The City of Unley has had connections with Feast Festival since 2008. Prior to this, Feast Festival had not worked directly with Local Government. The City of Unley was one of the inaugural councils to commit and participate in Feast Festival.

Between 2008 and 2014, Feast Festival was a curated festival. One element of this was the program coordinated across the various councils.

These initiatives changed from year to year and included:

- Exhibitions
- Video projections on the side of the Unley Library
- Interactive art installations in cafes
- Creative conversations and pop up cinemas with artists in car parks, markets and tram stops
- Cabaret performance by Libby O' Donovan in the Town Hall
- Plunge Pool Party at Unley Swim Centre

In recent years, the Feast Festival has moved to a mixed model of major events and open access events similar to the Adelaide Fringe and SALA.

The City of Unley was also one of the inaugural councils to fly the Rainbow Flag in 2013, following a letter sent by Feast Festival to every Mayor in South Australia. Celebrating diversity, the Rainbow Flag represents the six colours of the rainbow as a symbol of gay and lesbian community pride. The level of support from local government has increased over the years: In 2018, twenty-one councils participated by flying the Rainbow Flag during Feast Festival.

Last year the Feast Festival program acknowledged this support from the Local Government sector as follows:

*“Feast invited every Mayor and CEO of each municipal council in South Australia to show their support for LGBTIQ people and their families living in their community by flying the rainbow flag for the duration of the Feast Festival, 10th Nov – 25th Nov 2018. This initiative actively contributes to the health and well-being of the whole community and is a symbolic way in which councils can help celebrate the Festival state-wide, as well as publicly acknowledging their council’s role in promoting and celebrating diversity. This year we are pleased to announce that we have 21 municipal councils participating.”*



For the past six years the City of Unley has flown a Rainbow Flag for the duration of Feast Festival in the windows at either end of the Customer Service area of the Civic Centre. As one of the inaugural Councils supporting the event, the City of Unley has had good media coverage and been positively acknowledged for participation. Over the years, the Feast Festival has been promoted on City of Unley social media, in the Messenger, around Council facilities, on the website, and by inclusion on the Feast Festival website and in the program.

This year the request made by the Feast Festival is to fly the flag for the duration of the month of November. The request notes that if this is not possible, that consideration be given to flying the flag for the dates of the Feast Festival. There are a range of options open to Council and these are outlined below.

## **6. ANALYSIS OF OPTIONS**

### Option 1 –

1. The report be received.
2. The Rainbow Flag be flown from the fifth flag pole situated at the Civic Centre on Unley Road for the month of November 2019, in support of the “Pride Month” initiative of the Feast Festival.

This option will result in the Rainbow Flag being flown on the fifth flag pole at the Civic Centre on Unley Road from 1st to 30th November 2019. It will publicly convey Council’s continuing participation/support for the Feast Festival. In order to accommodate the Rainbow Flag within the current display, the City of Unley Ensign would be removed.

### Option 2 –

1. The report be received.
2. The Rainbow Flag be flown from the fifth flag pole situated at the Civic Centre on Unley Road for the duration of the Feast Festival (9-24 November 2019).

This option will result in the Rainbow Flag being flown on the fifth flag pole at the Civic Centre on Unley Road from 9th to 24th November 2019, a slightly shorter period than proposed in Option 1. It will publicly convey Council’s continuing participation/support for the Feast Festival. In order to accommodate the Rainbow Flag within the current display, the City of Unley Ensign would be removed.

### Option 3 –

1. The report be received.
2. The Rainbow Flag continue to be displayed in the windows of the Civic Centre Customer Service area, facing on to Unley Road and the rear car park for the month of November and be accompanied by information on the “Pride Month” initiative of the Feast Festival.

This option will result in the Rainbow Flag being flown in the windows at each end of the Civic Centre Customer Service area from the 1<sup>st</sup> to 30<sup>th</sup> November 2019. This is consistent with the practice of the past six years, and allows for placement of information alongside the flags regarding the “Pride Month” initiative. It will publicly convey Council’s continuing participation/support for the Feast Festival.

Option 4 –

1. The report be received.
2. The request from the Feast Festival to fly the Rainbow Flag for the month of November 2019 be declined.

This option declines the request to fly the Rainbow Flag. Declining the offer would also extend to discontinuance of flying the Rainbow Flags in the Civic Centre Customer Service area.

In considering this option, it should be noted there may be reputational risk for Council, who have flown the flags in support of Feast Festival since 2008.

**7. RECOMMENDED OPTION**

The matter is for Council to determine.

**8. POLICY IMPLICATIONS**

**8.1 Financial/Budget**

- If Council resolves to fly a Rainbow Flag from a flag pole at the front of the Civic Centre, a flag suitable for the purpose will need to be purchased. The cost of this is not substantial (in the order of \$100).
- If Council resolves to display flags in the windows of the Civic Centre Customer Service area there is no need to purchase flags.

**9. REPORT CONSULTATION**

Nil

**10. REPORT AUTHORISERS**

| <b>Name</b>    | <b>Title</b>                         |
|----------------|--------------------------------------|
| Tami Norman    | Executive Manager, Office of the CEO |
| Megan Berghuis | General Manager, City Services       |



54 Hyde Street  
Adelaide 5000  
P: 08 8463 0684  
E: marketing@feast.org.au

Wed 5<sup>th</sup> June 2019

The Mayor Michael Hewitson AM  
City Council of Unley

**Flying the Rainbow Flag – Celebrating Diversity in the month of November**

Dear Mayor Michael Hewitson,

We would like to congratulate you and your municipal Council on your participation in the 2018 Feast Festival *Flying the Rainbow Flag – Celebrating Diversity* project and would like to invite you to continue the tradition in 2019.

Last year 23 Councils state-wide flew rainbow flags to celebrate diversity and promote greater social wellbeing for local LGBTIQ people and their families. We are once again inviting every Council in the State to participate in the *Flying the Rainbow Flag – Celebrating Diversity* project, however this year we are proposing something a little different.

In 2019 we are proposing that Councils fly the rainbow flag for the **whole month of November** (1<sup>st</sup> – 30<sup>th</sup> Nov). This is to coincide with a new initiative developed by Feast called **Pride Month** which has also been dubbed “**Pridevember**” – a month long celebration of inclusivity and diversity in South Australia. The initiative is to drive visibility and awareness about our Festival and how it supports the South Australian LGBTIQ communities. Council's participation in this initiative will help Feast continue its important role of supporting LGBTIQ communities and create a vibrant, fun and safe South Australian Pride experience.

If your Council cannot fly the flag for the month of November we still encourage you to fly the rainbow flag from the 9<sup>th</sup> to the 24<sup>th</sup> November.

Participating Councils will be added to our roll call, appearing on a dedicated page in our 2019 Feast Program Guide. Hardcopies of the Program will be distributed nationally and an electronic version will be available for global access on our webpage. Through continued positive engagement and strategic partnerships, we can actively contribute to the health and wellbeing of the whole community.

Rainbow flags (polyester), 3 feet by 5 feet, are available for purchase online for \$22.00 through [www.rainbowstore.com.au](http://www.rainbowstore.com.au) or a small number are available for loan from the Feast Festival office.

If you wish to continue your support of the *Flying the Rainbow Flag – Celebrating Diversity* project, please register with Feast prior to **Monday 16th July 2019** to ensure you make the Program. Register **ATT James Landseer** to [marketing@feast.org.au](mailto:marketing@feast.org.au) or by post at Feast Festival, 54 Hyde St ADELAIDE SA 5000. During the Festival, take a photo of your flying rainbow flag and we will proudly share it on our website and social media channels.

On behalf of the Adelaide Feast Festival, I would like to extend my heartfelt thanks for your choice to support greater understanding, acceptance and celebration of our LGBTIQ community. If you have any questions about the 2019 project, please do not hesitate to contact me and I will be happy to answer them for you.

Yours sincerely,

Helen Sheldon  
General Manager  
Feast Festival

Feast Festival – Adelaide's Queer Arts and Cultural Festival Annually in November - Proudly supported by:



## DECISION REPORT

|                         |   |
|-------------------------|---|
| <b>REPORT TITLE:</b>    | APPLICATION TO BECOME A TREE CITY OF THE WORLD  |
| <b>ITEM NUMBER:</b>     | 4.7   |
| <b>DATE OF MEETING:</b> | 22 JULY 2019  |
| <b>AUTHOR:</b>          | KAT RYAN  |
| <b>JOB TITLE:</b>       | COORDINATOR ENVIRONMENTAL PROJECTS & STRATEGY   |
| <b>ATTACHMENTS:</b>     | <ol style="list-style-type: none"><li>1. TREE CITIES OF THE WORLD INFORMATION</li><li>2. TREE CITIES OF THE WORLD APPLICATION CHECKLIST</li></ol> |

---

### 1. EXECUTIVE SUMMARY

The purpose of this report is to seek Council's endorsement to apply to become a "Tree City of the World" by joining an international network dedicated to sharing and adopting the most successful approaches to managing urban trees and forests.

This new initiative is jointly coordinated by the Arbor Day Foundation and the Food and Agriculture Organization of the United Nations to celebrate greener cities and towns worldwide.

In March 2019, Council endorsed a Canopy Improvement Action Plan to revise the Tree Strategy and deliver a range of priorities to improve canopy cover across the City of Unley. Applying to become a Tree City of the World will allow access to an international network to support and strengthen the delivery of the revised Tree Strategy and associated projects.

With the proactive work and commitment to managing urban trees to date, Administration believe that the City of Unley currently meets the application criteria and has strong alignment with our greening goals. There is no fee or legally binding impacts associated with applying for recognition.

If an application is accepted, City of Unley will join a new global network of communities recognised as leaders in the sustainable management of urban trees.

## **2. RECOMMENDATION**

That:

1. The report be received.
  2. An application be submitted for City of Unley to join the Tree Cities of the World, a new international network dedicated to sharing and adopting the most successful approaches to managing urban trees and forests.
- 

## **3. RELEVANT CORE STRATEGIES/POLICIES**

2. Environmental Stewardship
  - 2.1 Unley's urban forest is maintained and improved.

## **4. BACKGROUND**

### **Tree Cities of the World**

At the November 2018 World Forum on Urban Forests in Mantova, Italy, world leaders issued the Mantova Green Cities Challenge and a call-for-action that included joining the Tree Cities of the World program, which will connect cities around the world in a new network dedicated to sharing and adopting the most successful approaches to managing community trees and forests.

The program has been developed by the Arbor Day Foundation based in the USA and the Food and Agriculture Organization of the United Nations. The goal is to foster a robust and diverse network of communities, practitioners, advocates and scientists that will lead to sustainable urban forests across the globe. More information is provided in Attachment 1.

*Attachment 1*

### **City of Unley Tree Strategy**

In March 2019, Council endorsed the revision and expansion of the existing Tree Strategy and a Canopy Action Plan. These both work towards Council's long term targets for canopy cover.

The suite of work being delivered across 2019/20 seeks to maximise opportunities to retain existing trees and enhance planting on both private and public land to keep Unley leafy for future generations.

**5. DISCUSSION**

It has been identified that joining the new Tree Cities of the World program would support and strengthen the delivery of Council approved tree initiatives within the 2019/20 Budget and Business Plan.

Benefits of joining include recognition of the proactive urban tree work by Council to date and access to a global network to share and learn best practices for successfully managing city trees. No changes to existing tree projects, budgets or targets are required as they already align to Tree Cities of the World principles.

To be recognised as a Tree City, a community must meet five core standards that illustrate a commitment to caring for its trees. These standards are summarised below, including a comment in relation to how City of Unley aligns with these requirements. The application process also requires the official digital signature from the Mayor or Chief Executive. Refer to Attachment 2 for a detailed application checklist.

*Attachment 2*

| <b>Tree City of World Core Standard</b>  | <b>City of Unley equivalent</b>   |
|--|---|
| <p><b>1. Establish Authority</b><br/>A written statement by city leaders delegating responsibility for the care of trees within the municipal boundary to a staff member, department or group of citizens, called a Tree Board</p> | Existing Tree Strategy delivered by the City Development branch.  |
| <p><b>2. Set the Rules</b><br/>The community adopts policies, best practices, or industry standards for managing urban trees and forests.</p>  | Existing Tree policy, membership with TreeNet (national industry group), and related Standing Operating Procedures. |
| <p><b>3. Know What You Have</b><br/>The city has an updated inventory or assessment of the local tree resource so that an effective long-term plan for planting, care, and removal of city trees can be established.</p>           | Street Tree Audit and canopy trend data sets and associated reports.  |
| <p><b>4. Allocate the Resources</b><br/>The city has a dedicated annual budget for the routine implementation of the tree management plan.</p>   | 2019/20 Council Budget and Business Plan – tree related budget lines and projects.                                  |
| <p><b>5. Celebrate Achievements</b><br/>The city holds an annual celebration of trees to raise awareness among residents.</p>  | Collaborative planting with local schools, tree tags and recent Tree bus tour meet minimum criteria.                |

While the program was announced at the World Forum on Urban Forests in November 2018, applications have only just opened in July 2019. It is therefore likely that The City of Unley would be an early adopter of this new network, if accepted.

## **6. ANALYSIS OF OPTIONS**

### Option 1 –

1. The report be received.
2. An application be submitted for City of Unley to join the Tree Cities of the World, a new international network dedicated to sharing and adopting the most successful approaches to managing urban trees and forests.

The Tree Cities of the World program goals and aims are strongly aligned to those of Council around ensuring that urban trees are properly maintained, sustainably managed and duly celebrated.

This is an exciting opportunity to be considered for joining a global network dedicated to sharing and adopting the most successful approaches to managing urban trees at a favourable time while we revise and expand our current Tree Strategy.

### Option 2 – No action taken to apply to become a Tree City of the World at this time.

Under this option, Council will continue to implement its Canopy Action Plan and revise the Tree Strategy, but will not take up the formal opportunity to join an international network working towards aligned goals.

## **7. RECOMMENDED OPTION**

Option 1 is the recommended option.

## **8. POLICY IMPLICATIONS**

### **8.1 Financial/Budget**

- Nil. The Tree Cities of the World program has no application or joining fees and does not commit Council to any further action than those already approved in the existing 2019/20 Council Budget and Business Plan.

### **8.2 Legislative/Risk Management**

- If accepted, becoming a Tree City of the World is not a legal contract and does not require Council to change its policies or management practices around urban trees. It is a formal commitment of our existing tree management work meant to celebrate leadership and efforts in urban forestry at the local level.

**8.3 Staffing/Work Plans**

- Minimal staff time will be required to complete the online application ready for lodgement.

**8.4 Environmental/Social/Economic**

- Strong alignment with existing Environmental Stewardship and greening goals.

**8.5 Stakeholder Engagement**

- If successful, it is envisaged that celebrating our recognition as a Tree City of the World be incorporated into engagement around the revision and expansion of the Tree Strategy.

**9. REPORT CONSULTATION**

Executive Management Team

**10. REPORT AUTHORISERS**

| <b>Name</b>  | <b>Title</b>                      |
|--------------|-----------------------------------|
| Claude Malak | General Manager, City Development |



# Tree Cities of the World

## Celebrating greener cities worldwide

Now more than ever, trees and forests are a vital component of healthy, livable, and sustainable communities around the globe. Urban forests help define a sense of place and well-being where people live, work, play, and learn.

We invite your community to become part of the Tree Cities of the World programme, an international effort to recognize cities and towns committed to ensuring that urban forests and trees are properly maintained, sustainably managed, and duly celebrated.

This is your opportunity to connect with cities around the world in a new network dedicated to sharing and adopting the most successful approaches to managing community trees and forests.

### Standards for Recognition

Recognition through the Tree Cities of the World programme represents the first step toward achieving a green vision for the community. To receive recognition, a town or city must meet five core standards:

- **Standard 1: Establish Authority**  
The community has a written statement by city leaders delegating responsibility for the care of trees within the municipal boundary to a staff member, a city department, or a group of citizens—called a Tree Board.
- **Standard 2: Set the Rules**  
The community adopts policies, best practices, or industry standards for managing urban trees and forests. These rules describe how work must be performed, where and when they apply, and penalties for noncompliance.
- **Standard 3: Know What You Have**  
The community has an updated inventory or assessment of the local tree resource so that an effective long-term plan for planting, care, and removal of city trees can be established.
- **Standard 4: Allocate the Resources**  
The community has a dedicated annual budget for the routine implementation of the tree management plan.
- **Standard 5: Celebrate Achievements**  
The community holds an annual celebration of trees to raise awareness among residents and to acknowledge citizens and staff members who carry out the city tree programme.

### Gain Worldwide Recognition

Join this new, global network of communities recognized as leaders in the sustainable management of urban trees and forests. You may already be using innovative practices that keep city trees healthy and growing. Now you can share your successes in planting and tending the urban forest of your community and learn from others around the world.

A Programme Partnership Between the Arbor Day Foundation and the Food and Agriculture Organization of the United Nations (FAO)

The Arbor Day Foundation inspires people to plant, nurture, and celebrate trees in order to solve some of the world's biggest challenges: poverty, hunger, clean water and air, climate change, and species loss.

FAO supports the development of urban and peri-urban forestry actions, projects, and strategic planning tools that promote a sustainable and resilient model for city development around the world.



World Forum on  
Urban Forests  
Manitoba 2018



Food and Agriculture  
Organization of the  
United Nations



Arbor Day  
Foundation

**the  
Mantova  
challenge**



**the  
“Tree Cities  
of the  
World”  
programme**



**World Forum on  
Urban Forests**  
Mantova 2018

## the “Tree Cities of the World” programme

Since 2007, more than half of the world’s people live in cities (United Nations, 2014). Trees deliver key benefits that improve the livability of modern cities for urban communities. They clean the air and filter waters while cooling walkways, parks, and buildings with their shade. They improve business districts and increase property value while lowering crime and consolidating social cohesion. Trees also decrease the onset of non-communicable diseases thus reducing public health costs. Being in a leafy urban landscape improve people’s mood as well as learning patterns in children.

All these factors provide an important contribution to the improvement of living conditions in urban environments that are increasingly affected by a number of socio-economic and environmental challenges. Now more than ever, a quality urban environment requires trees to be an integral part of places where people live, work, play, and learn.

## What is the “Tree Cities of the World” programme?

The *Tree Cities of the World* programme is an international recognition programme celebrating cities and towns committed to the creation of an enabling environment for their urban forest and trees to be maintained, sustainably managed and duly celebrated. Purpose of the programme is to:

- Provide core standards for community forestry programs around the world;
- Create a global network of communities willing to share and learn about best practices for successfully managing city trees and forests;
- Raise and foster city residents’ awareness on the key role of urban trees as core green infrastructure towards a more sustainable and resilient model of city;
- Improve the quality of life for city residents around the world by encouraging the establishment and sound management of urban trees and forests.

Joining the *Tree Cities of the World* programme represents a formal commitment by cities to meet the core standards to be recognized as *Tree Cities of the World*. Once it meets the standards, the urban community of the city receive the designation of *Tree Cities of the World*. From the largest mega-cities to the smallest villages, this recognition programme is meant to celebrate leadership and efforts in urban forestry at the community level.



## Why is it worth for cities to join?

Joining the Green Tree City programme can:

- represent a first formal step towards the promotion and implementation of a *green vision* for the city;
- help raise local awareness on the importance of a sustainable and efficient management of urban forests and trees as a means to improved livelihood and well-being of the local community;
- facilitate the inclusion of the city in a global network of communities willing to share and learn about best practices for successfully managing city trees and forests;
- allow having the successful results of the efforts and investments done by a city towards improved sustainability and resilience formally recognized;
- increase the visibility of the city and, thus, improve tourism and businesses; and,
- provide access to guidance on how to meet the given standards and, thus, on how to create an enabling environment for urban forests and trees to maximize their contribution to the local livelihoods and well-being.

## Which Cities can join the “Tree Cities of the World” programme?

Any entity of municipal government with the power and authority to establish and carry out an operational plan for the planting, care, and removal of city-managed trees can submit the application to join the programme and be acknowledged *Tree Cities of the World*.

## How Can a city be recognized as a “Tree Cities of the World”?

To be acknowledged as a *Tree Cities of the World*, a city must prove that it meets the five core standards listed below:

### Standard 1: Create a “Tree Board”

A clear, written statement by municipal leaders delegating responsibility for city trees management within the municipal boundary to a staff member (i.e., City Arborist), a city department (i.e., Forestry Section), or a group of citizens (i.e., Tree Board) is in place.

*Examples:*

- Village elders select seven residents to serve as the “Tree Board” to develop a planting plan
- City Sustainability officer is assigned the role of “developing a tree

- canopy plan" for the city
- [add international examples here...]

#### Standard 2: Set the Rules

The management of local urban trees and forest resources is centered on a set of best practices and industry standards, adopted as city policies that describe how work must be performed, urging and supporting the development of urban forests, where the rules apply, when they apply, and penalties for non-compliance.

##### *Examples:*

- City adopts International Society of Arboriculture Best Management Practices for all tree works
- Village Tree Board creates a list of best trees to plant and tree species to be protected
- Developers are required to preserve tree canopy during construction projects in the city
- [add international examples here...]

#### Standard 3: Know What You Have

An updated inventory or assessment of the local tree resource is available so that an effective long-term plan for the planting, care, and disposition of city trees can be established.

##### *Examples:*

- The city has a recent tree canopy assessment that leads to a goal for increasing canopy
- There is a tree inventory that shows a reliance on a small number of tree species being planted
- [add international examples here...]

#### Standard 4: Allocate the Resources

A dedicated budget is allocated annually for the routine implementation of the city plan for trees management.

##### *Examples:*

- The city has a budget that allocates the average annual maintenance cost for each city-owned tree
- Governments within a mega-city region assign a portion of regional transportation tax revenue to tree planting along roadways
- Create public-private partnerships for managing trees
- Create alliances with the health sector to use savings on health care to plant trees
- [add international examples here...]

#### Standard 5: Celebrate Achievements

An annual celebration of trees addressed to raise local awareness on the key importance of urban trees and forests and to acknowledge the contribution from private citizens and staff members to the implementation of the city tree programme is in organized. To this aim, a public recognition of city trees - using Arbor Day or other named events - would be key to communicating the importance of trees to the community.

##### *Examples:*

- City celebrates Arbor Day, with a public ceremony and festival;

- The local Tree Board distributed tree seedlings for residents to take home and plant;
- The city Sustainability Office manages a public relations campaign during one month with educational posters on all public transit that explain the benefits of trees and designating Arbor Month.
- [add international examples here...]

## Who Is promoting the “Tree Cities of the World” programme

The *Tree Cities of the World* Programme has been developed and supported by Arbor Day Foundation (ADF) and the Food and Agriculture Organization of the United Nations (FAO) and is supported by a number of other partners. It aims to connect hundreds of cities around the world in a new network dedicated to sharing and learning from one another successful approaches to managing community trees and forests.

ADF has a long history of incentivizing positive behavior among communities in the United States through the *Tree City USA* recognition program. By setting core standards for municipal forestry programs, Tree City USA has grown since 1976 to connect 3,500 American cities and towns in a network of shared experience and practice. With the creation of a new vision statement in 2014, the Arbor Day Foundation seeks to help solve some of the world’s biggest challenges: poverty, hunger, clean water and air, climate change, and species loss due to deforestation.

FAO supports the development of urban and peri-urban forestry (UPF) actions, projects and strategic planning tools contributing to the promotion of a sustainable and resilient model of city development through the sound management of the trees and forests of the city and their integration in the planning of the urban environment. The FAO Forestry Department, through its UPF Programme, participates in the efforts to raise awareness and build knowledge about UPF by producing normative tools, putting information within reach, sharing policy expertise, providing a meeting place for nations, and bringing knowledge to the field.

Other partners include [to be further developed/discussed]





## TREE CITIES OF THE WORLD™ APPLICATION CHECKLIST

TREE CITIES OF THE WORLD is an annual international recognition programme celebrating cities and towns committed to planting, maintaining, and celebrating urban trees and forests. This checklist is designed for you to collect the information and documentation required to apply for recognition, it is not an application for recognition. Applications will be submitted online at [TreeCitiesoftheWorld.org](http://TreeCitiesoftheWorld.org) and the application deadline each year is December 31.

### CITY INFORMATION

**Content to include on application:** To apply for recognition through Tree Cities of the World, you will be asked to provide some basic information about your city:

- City name and country
- Current population
- Applicant contact information

*Type of Local Government (check one)*

- |                                  |                                    |                                       |
|----------------------------------|------------------------------------|---------------------------------------|
| <input type="checkbox"/> City    | <input type="checkbox"/> Town/ship | <input type="checkbox"/> Municipality |
| <input type="checkbox"/> Village | <input type="checkbox"/> Borough   | <input type="checkbox"/> Other        |

### STANDARD 1: RESPONSIBILITY FOR CITY TREES

For the city tree canopy to meet local goals for sustainability and resilience, there must be a person, a department, or a group of citizens — often called a Tree Board — with the responsibility for tree planting, care, and planning. The application will ask you to identify who is responsible for city trees:

Our city has a (*check any that apply*):  City Tree Manager  Department/Office  Tree Board

**Content to include on application:** Names, qualifications, and contact information for responsible parties; schedule for tree board or department meetings; key issues addressed during the year.

### STANDARD 2: CITY TREE POLICIES

Rules for tree planting, care, and removal that are accessible to city staff and residents set the stage for quality tree coverage, on city owned lands or private property. The application will ask you to describe the laws or policies that govern the care of city trees:

- Our city has a law or an official policy that governs the management of forests and trees. These rules describe how tree planting, tree care, and tree removal work will be performed by city staff, contractors, or residents.

**Content to include on application:** Links to current laws or policies for tree care.



### STANDARD 3: TREE AND FOREST ASSESSMENTS

To devise an effective plan for managing city trees and forests, it is essential to understand the tree and forest resource. Applicants will have access to a recent inventory, survey, or canopy assessment and the summary data and report detailing the extent, character, and condition of trees and forests. The application will ask for at least one of the following and the method used to calculate it:

- Count/number of street trees (within 5 years)
- Count/number of park trees (within 5 years)
- Percent tree canopy coverage (within 10 years)

*Methods Used for Counts (check all that apply)*

- Complete census
- Sample inventory
- i-Tree Canopy
- Hi-res canopy study

**✓ Content to include on application:** Links to current assessment and inventory reports. For inventories, list year completed, number of public trees, tree diversity chart, tree size chart, and if sample or complete census. For canopy assessments list year of assessment, canopy extent, percent coverage, and how estimate was derived.

### STANDARD 4: ANNUAL BUDGET

Management of the urban forest depends on budgeted funding and donated resources that are allocated each year for tree planting, care, and other management activities. The application will ask for documentation of:

- City budget for tree planting, maintenance, and removal

**✓ Content to include on application:** Numbers of trees planted, maintained, and removed during the year, with associated staff time, purchases, and in-kind contributions.

### STANDARD 5: CELEBRATING ACHIEVEMENTS

Celebrations of trees — and the city staff and volunteers who work to keep them healthy — are central to communicating the importance of trees to the public. How did your community celebrate city trees and forests during the year? For dates when different countries celebrate trees and tree planting, see [arborday.org/celebrate/world-dates](http://arborday.org/celebrate/world-dates).

- Our city held one or more public events celebrating city trees and the workers who plant and maintain them.

**✓ Content to include on application:** Name and date of event(s); programme of activities and/or city proclamation; estimate(s) of attendance; media coverage and photos.

### CERTIFICATION

**✓ Content to include on application:** The application for recognition through Tree Cities of the World requires an official digital signature from the appropriate chief executive (e.g. mayor, city administrator).

For more information, go to [TreeCitiesoftheWorld.org](http://TreeCitiesoftheWorld.org)





## DECISION REPORT

|                         |  |
|-------------------------|--|
| <b>REPORT TITLE:</b>    | ESTABLISHMENT OF THE STRATEGIC PROPERTY COMMITTEE    |
| <b>ITEM NUMBER:</b>     | 4.8  |
| <b>DATE OF MEETING:</b> | 22 JULY 2019   |
| <b>AUTHOR:</b>          | NICOLA TINNING                                       |
| <b>JOB TITLE:</b>       | GENERAL MANAGER, BUSINESS SUPPORT & IMPROVEMENT      |
| <b>ATTACHMENTS:</b>     | 1. STRATEGIC PROPERTY COMMITTEE - TERMS OF REFERENCE |

---

### 1. **EXECUTIVE SUMMARY**

This report has been prepared to establish the Strategic Property Committee, in accordance with the attached Terms of Reference.

Council previously established this committee in 2016 under s41 of the *Local Government Act 1999*. Re-establishment would provide Council with an avenue to investigate and make recommendations to Council on strategic opportunities for property acquisition or divestment to support Council's Community Plan.

If Council considers it appropriate to re-establish the Committee, Elected Members are asked to nominate (up to 5) Members, and then Council is required to appoint a Presiding Member from those Members appointed.

### 2. **RECOMMENDATION**

That:

1. The report be received.
2. Council establish the Strategic Property Committee in accordance with Section 41 of the *Local Government Act 1999*.
3. Council adopt the Strategic Property Committee Terms of Reference set out at Attachment 1 to this report (Item No 4.8, Council Meeting 22/07/2019).
4. Membership of the Strategic Property Committee comprises \_\_\_\_\_ Elected Members with the Mayor *ex officio*.

5. The following Elected Members be appointed as members of the Strategic Property Committee:

5.1 Cr \_\_\_\_\_;

5.2 Cr \_\_\_\_\_; (*corresponding to number once membership is set*) .etc.

6. Councillor \_\_\_\_\_ be appointed Presiding Member of the Strategic Property Committee until the end of the current term of Council unless revoked earlier by Council.

### **3. RELEVANT CORE STRATEGIES/POLICIES**

4. Civic Leadership

4.1 We have strong leadership and governance.

### **4. BACKGROUND**

Section 41 of the *Local Government Act 1999* (the Act) provides that Council may establish committees to assist in the performance of its functions, inquire into and report matters, and provide advice to Council.

During the previous Council term, Council resolved at its meeting of 22 August 2016 (Resolution No. C567/16):

*“That Council establishes a Section 41 Committee to investigate and make recommendations to Council on Strategic Property acquisition and divestment.”*

The Committee was established to assist Council to investigate and make recommendations to Council on strategic opportunities for property acquisition or divestment to support the outcomes of Council’s Community Plan.

The previous Committee investigated a number of acquisition and divestment opportunities. As a result of these investigations, the Committee recommended the following to Council:

- The sale of the property at Maud Street, following Meals on Wheels’ advice that it did not want to renew its lease.
- The purchase of land in Katherine Street, which is now a regularly used local community park.
- The purchase of 18 Trimmer Terrace, Unley, currently leased to Little Oxford Montessori School.

The Committee during its term discussed land purchases along and adjacent King William Road, and the sale of a carpark at 669/671 South Road.

## 5. **DISCUSSION**

If Council recognises the need to establish a Strategic Property Committee under s41 of the Act, a Terms of Reference (TOR) has been developed for consideration and adoption by Council. It is at Council's discretion as to whether it establishes this committee.

### *Attachment 1*

Should Council elect to establish the Strategic Property Committee, consideration needs to be given to the number of Elected Members to sit on the Committee. In accordance with section 41(4) of the Act, Council must appoint the Presiding Member, or include provision in the TOR for the Committee to make that appointment.

The Committee quorum is set by the *Act* and Regulation 26 of the *Local Government (Procedures at Meetings) Regulations 2013*, that is, half plus one of the membership; or a number determined by the Council.

Should Council wish to determine the quorum for the Strategic Property Committee, this should be included in clause 6.4 of the Terms of Reference. It is noted that if the Mayor is appointed ex officio to the Committee, he is not included in the calculation of the quorum unless he is in attendance at the meeting.

The Committee is not eligible to be designated a "prescribed committee" as defined in the Remuneration Tribunal Determination No. 6 of 2018, *Allowances for Members of Local Government Councils*, as published in the Government Gazette on 6 September 2018. The Presiding Member of the Strategic Property Committee would be eligible for a sitting fee of \$170 per meeting attended, limited to an aggregate of \$1,020 per annum is payable.

The Committee is required to apply Part 2 of the *Local Government (Procedures at Meetings) Regulations 2013* as resolved by Council. The Committee must provide Notice of Meetings at the Civic Centre and on the Council website. Members of the public are able to attend, unless prohibited by an order under Section 90 of the Act, to consider an item in confidence.

It is proposed that Independent Membership is not required on the Committee, however advice may be sought on a case by case basis from a relevant specialist (e.g. lawyer, probity advisor, land economist, property valuer). This provides flexibility for the Committee and contains the membership to a manageable number. The Administration may also seek advice from external experts and circulate that advice as part of the Agenda papers prior to a meeting so that members have time to consider the information.

## 6. ANALYSIS OF OPTIONS

### Option 1 –

1. The report be received.
2. Council establish the Strategic Property Committee in accordance with Section 41 of the *Local Government Act 1999*.
3. Council adopt the Strategic Property Committee Terms of Reference set out at Attachment 1 to this report (Item No 4.8, Council Meeting 22/07/2019).
4. Membership of the Strategic Property Committee comprises Elected Members with the Mayor *ex officio*.
5. The following Elected Members be appointed as members of the Strategic Property Committee:
  - a. Cr \_\_\_\_\_;
  - b. Cr \_\_\_\_\_; (*corresponding to number once membership is set*) .etc.
6. Councillor \_\_\_\_\_ be appointed Presiding Member of the Strategic Property Committee until the end of the current term of Council unless revoked earlier by Council.

The previous Committee, through its investigations, considered strategic intent, short/medium/long term impacts, financial analysis and funding options when making recommendations to Council about property acquisitions and divestments. The establishment of this Section 41 Committee in relation to strategic property matters will provide a formal setting for these investigations to continue.

The structure around a section 41 committee provides safeguards for Council as the reporting mechanism and meeting procedures are prescribed by the Act and set down in the TOR. This includes the mechanism for considering confidential material in closed session, the duration of a confidential orders, and the obligation on Committee members and staff to comply with the order. The Register of Interests and conflict of interest provisions are also applicable to committee members.

### Option 2 –

1. The report be received.
2. The Strategic Property Committee be established in accordance with Section 41 of the *Local Government Act 1999* and subject to the following amendments, the Terms of Reference (as set out in Attachment 1 to Item 4.8, Council Meeting 22/07/2019) be endorsed:

[insert amendments to ToR here]

Council may wish to amend the proposed Terms of Reference. If that is the case, the amendments to be made should be included as part of the resolution.

### Option 3

#### 1. The report be received.

Council is under no obligation to establish a Strategic Property Committee, therefore may wish to merely receive the report at this time.

### 7. **RECOMMENDED OPTION**

Option 1 is the recommended option.

### 8. **POLICY IMPLICATIONS**

#### **8.1 Financial/Budget**

- The Councillor who is appointed as Presiding Member of this Committee is entitled to a payment of \$170 per meeting attended up to an aggregate total of \$1,020 per annum. This payment is not currently included in the budget.
- An external specialist may charge a fee for attendance at a meeting, research or provision of a written report. Specific provision for 'specialist' assistance for the Committee has not been included in the budget.

#### **8.2 Legislative/Risk Management**

- The Committee is established in accordance with the requirements of the *Local Government Act 1999*.
- The Committee does not have any delegated authority from Council and all final decisions are to be made by Council.

#### **8.3 Staffing/Work Plans**

- Secretariat support for this Committee will be provided by City Development. As the Committee will meet on an as required basis, the impact on staffing and workplans is deemed minimal.
- A representative from the Finance and Procurement area of the Administration will be present, as required.

#### **8.4 Environmental/Social/Economic**

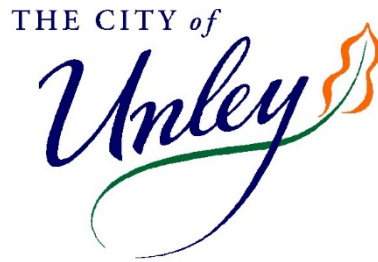
- It is intended that the criteria to assess property will support Council's Community Plan.

### 9. **REPORT CONSULTATION**

Nil

10. **REPORT AUTHORISERS**

| <b>Name</b>    | <b>Title</b>                                    |
|----------------|---|
| Nicola Tinning | General Manager, Business Support & Improvement |



## STRATEGIC PROPERTY COMMITTEE - TERMS OF REFERENCE -

### 1. ESTABLISHMENT

- 1.1. The Council has established the Strategic Property Committee (referred to in these Terms of Reference as "the Committee") pursuant to Section 41 of the *Local Government Act 1999* ("the Act").
- 1.2. These Terms of Reference were adopted by Council on [insert date] (Cxxx/2019).
- 1.3. The Committee is not a "prescribed committee" as defined in the Remuneration Tribunal Determination No. 6 of 2018, *Allowances for Members of Local Government Councils*, as published in the Government Gazette on 6 September 2018.

### 2. OBJECTIVES

- 2.1. The Committee is established to assist Council to investigate and make recommendations to Council on strategic opportunities for property acquisition or divestment to support the delivery of Council's Community Plan 2033.
- 2.2. For purposes of the Committee's role, "property" may include civic buildings, open space, sport and recreation facilities, car parking, residential, industrial and commercial land and buildings.
- 2.3. "Community land" as recorded in Council's Community Land Management Plan must be managed in accordance with the Act.

### 3. MEMBERSHIP

- 3.1. The Committee will comprise [insert number] (X) Elected Members.
- 3.2. The Mayor is appointed *ex officio* to the Committee.
- 3.3. The term of appointment for Committee Members will be from the date of appointment until the end of the current term of Council.
- 3.4. Membership of the Committee continues for the term of appointment *unless* a member resigns, is otherwise incapable of continuing as a member, or is removed from office by the Council.
- 3.5. The Committee may, by a vote supported by at least half plus one of the members of the Committee, make a recommendation to the Council to remove a member of the Committee from office where a member has failed (without the leave of the Committee) to attend three consecutive meetings of the Committee.

### 4. PRESIDING MEMBER

- 4.1. The Council will appoint the Presiding Member of the Committee.

- 4.2. The term of appointment for the Presiding Member will be from the date of appointment until the end of the current term of Council.
- 4.3. The Council authorises the Committee to determine if there will be a Deputy Presiding Member of the Committee and, if so, authorises, the Committee to make the appointment to that position for a term determined by the Committee.
- 4.4. If the Presiding Member of the Committee is absent from a meeting the Deputy Presiding Member (if such position exists) will preside at that meeting. If there is no position of Deputy Presiding Member, or both the Presiding Member and the Deputy Presiding Member of the Committee are absent from a meeting of the Committee, then a member of the Committee chosen from those present will preside at the meeting until the Presiding Member (or Deputy Presiding Member, if relevant) is present.
- 4.5. The role of the Presiding Member includes:
  - 4.5.1. overseeing and facilitating the conduct of meetings in accordance with the *Local Government Act 1999*, and the *Local Government (Procedures at Meetings) Regulations 2013*.
  - 4.5.2. ensuring all Committee members have an opportunity to participate in discussions in an open and encouraging manner.
- 4.6. In accordance with clause 3.3.2 of the Remuneration Tribunal Determination No. 6 of 2018, the Presiding Member of the Committee is eligible for an allowance per meeting attended up to a determined aggregate amount per annum.

## 5. OPERATIONAL MATTERS

### 5.1. Frequency of Meetings

- 5.1.1. The Committee shall meet on an as needs basis. The CEO is authorised to determine the time and date of each meeting of the Committee.
- 5.1.2. The CEO is authorised, after consulting with the Presiding Member of the Committee, to cancel the respective Committee meeting, if it is clear that there is no business to transact for that designated meeting. Members are to be advised at least 3 clear days before the scheduled meeting. Advice of the same will also be posted on Council's website.

### 5.2. Delegation

- 5.2.1. The Council has not delegated any of its powers to the Committee. Accordingly, all decisions of the Committee constitute recommendations to the Council.
- 5.2.2. The Committee has no delegated authority to expend Council funds or contract external parties.

### 5.3. Notice of Meetings

- 5.3.1. Notice of the meetings of the Committee will be given in accordance with sections 87 and 88 of the Act. Accordingly, notice will be given:-
  - (a) to members of the Committee by email, or in a form as otherwise agreed by Committee members, at least 3 clear days before the date of the meeting; and
  - (b) to the public as soon as practicable after the time that notice of the meeting is given to members by causing a copy of the notice and agenda to be displayed at the Council's offices and on the Council's website.



5.3.2. The agenda and reports for all meetings of the Committee must be delivered to members of the Committee at least 3 clear days before the meeting.

5.4. Reporting

5.4.1. For the purposes of section 41(8) of the Act, the Council determines that the Committee will satisfy reporting and other accountability requirements through the presentation of the minutes of each meeting of the Committee at the next ordinary meeting of the Council following each Committee meeting.

5.5. Public Access to Meetings

5.5.1. The Committee shall meet at the Offices of the Council located at 181 Unley Road, Unley SA 5061.

5.5.2. Members of the public are able to attend all meetings of the Committee, unless prohibited by resolution of the Committee under the confidentiality provisions of Section 90 of the Act.

**6. MEETING PROCEDURE**

6.1. The Council has resolved to apply Part 2 of the *Local Government (Procedures at Meetings) Regulations 2013* to this Committee.

6.2. Insofar as the Act, the Regulations, the Code of Practice - Meeting Procedures or these Terms of Reference do not prescribe the procedure to be observed in relation to the conduct of a meeting of the Committee, the Committee may determine its own procedure.

6.3. Subject to clause 6.4 of these Terms of Reference, all decisions of the Committee shall be made on the basis of a majority of the members present.

6.4. A quorum is ascertained by dividing the total number of Committee members by two, ignoring any fraction resulting from the division, and adding one.

6.5. If the Mayor attends a meeting of the Committee as *ex-officio*, the Mayor's attendance will be included in the calculation of quorum.

6.6. All members of the Committee must (subject to a provision of the Act or Regulations to the contrary) vote on any matter arising for decision at a meeting of the Committee.

6.7. Every member of the Committee has a deliberative vote only. In the event of a tied vote the person presiding at the meeting does not have a second or casting vote and the matter will be referred to Council for decision.

6.8. Clause *UNCM Elected Member Non-Committee Member Contribution at Committee Meetings* of the Code of Practice: Procedures at Meetings provides that an Elected Member who is not a member of the Committee may, at the discretion of the presiding member, address members of the committee and provide contribution at any committee in accordance with the specified procedure.

6.9. Any decision of the Committee which does not arise from a recommendation of a Council officer must be supported in the minutes of the meeting by clear reasons for the decision.

|                                 |                                  |
|---------------------------------|----------------------------------|
| <b>Responsible Department:</b>  | City Development                 |
| <b>Responsible Officer:</b>     | General Manager City Development |
| <b>Date Adopted</b>             |                                  |
| <b>Reference/Version Number</b> |                                  |
| <b>ECM Doc set I.D.</b>         |                                  |

## DECISION REPORT

**REPORT TITLE:** APPROVAL OF FEE: COPIES OF DEVELOPMENT DOCUMENTS NOT ON NOTIFICATION

**ITEM NUMBER:** 4.9

**DATE OF MEETING:** 22 JULY 2019

**AUTHOR:** TAMI NORMAN

**JOB TITLE:** EXECUTIVE MANAGER, OFFICE OF THE CEO

**ATTACHMENTS:**

1. EXTRACT: REGULATION 101, DEVELOPMENT REGULATIONS 2008
2. APPLICATION FORM: REQUEST TO VIEW/COPY DEVELOPMENT APPLICATIONS, PLANS AND REPORTS (NOT ON NOTIFICATION)

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### 1. **EXECUTIVE SUMMARY**

The purpose of this report is to seek endorsement of a new fee for inclusion in the Fees and Charges Register relating to applications for copies of Development Documents not on notification.

A review of our current process has identified an opportunity to streamline access to, and provision of copies of, development documents that are no longer accessible within the Notification Period. Access to obtain copies of these documents is currently provided under the *Freedom of Information Act 1991* (the FOI Act), which attracts a statutory fee of \$36.75. There is also a resource intensive administrative process associated with applications made under the FOI Act, including statutory reporting obligations.

The *Development Regulations 2008*, specifically r.101, requires Councils to maintain certain documents for specified periods of time, and provide that a person may inspect these documents (without charge) or on the payment of a fee fixed by Council, obtain copies of the documents. It is this provision that will apply to requests for copies of development documents, on the basis that it will provide a better-quality service to customers, and a more efficient administrative process.

An Application Fee of \$25.00 is proposed, which will allow for provision of digital versions of the requested documents (subject to copyright approval). Where hard copy documents are requested, or an application requires investigation/archive retrieval of information, existing approved fees will also apply.

## 2. **RECOMMENDATION**

That:

1. The report be received.
  2. The Fees and Charges Schedule be amended to include an application fee of \$25.00 for a request for copies of documents in accordance with regulation 101 of the *Development Regulations 2008*, with the fee to take effect from the date of this Council decision.
- 

## 3. **RELEVANT CORE STRATEGIES/POLICIES**

4. Civic Leadership
- 4.2 Council provides best value services to the community.

## 4. **BACKGROUND**

A review has recently been undertaken of legislative obligations with respect to provision of inspect and/or copy access to Development documents (regulation 101 of the *Development Regulations 2008*). The review arose following a preliminary assessment of Freedom of Information (FOI) application workloads, which was seeking to identify opportunities to address a very high volume of Development related FOI applications.

The Regulations require Councils to maintain certain documents (r.101(a1) and (1) for specified periods of time (r.101(1a) and (2)). A person may inspect these documents during normal office hours, without charge, or on the payment of a fee fixed by council, obtain copies of the documents. Council is not obligated to make the document available where it may jeopardise security, constitute a breach of any other law, or if copying would infringe copyright (r.101(5)(a) and (b)). An extract of regulation 101 is provided as Attachment 1.

*Attachment 1*

Regulation 34 of the *Development Regulations 2008* requires Council to ensure that copies of:

- The application;
- Any supporting plans, drawings, specifications or other documents or information provided under section 39 of the Development Act; and
- If applicable, any statement of effect that has been prepared in accordance with the Development Regulations;

are available for inspection without charge during the notification period. In addition, Council must, pursuant to a request made within the notification period, provide a member of the public a copy of any document or information available for inspection.

Copy fees for documents provided in these circumstances are as follows:

|                  |                 |           |                 |
|------------------|-----------------|-----------|-----------------|
| A4 Black & White | \$0.30 per page | A4 Colour | \$1.40 per page |
| A3 Black & White | \$0.40 per page | A3 Colour | \$1.50 per page |
| A1 Black & White | \$4.00 per page |           |                 |
| A2 Black & White | \$3.50 per page |           |                 |
| A0 Black & White | \$6.00 per page |           |                 |

## 5. **DISCUSSION**

The process to date has been to require people to make application for copies of development documents not on public notification under the FOI Act. Fees for FOI applications are statutory fees, and for 2019/20 the fee is \$36.75.

Management of FOI applications may only be undertaken by an accredited FOI Officer. Upon receipt of any FOI application, the FOI Officer must register receipt of the application in the *Freedom of Information Management System (FOIMS)*, which is a whole of government system established to provide assistance to agencies subject to the FOI Act. The information collected is used to aid in processing/managing FOI applications and to support reporting required under the FOI Act. The FOI process imposes statutory obligations and timeframes in order to complete the FOI application.

For 2018/19, 47 FOI applications were received, and 42 of these related to requests for copies of development documents.

The proposal is to rely on Regulation 101 of the *Development Regulations 2008*, in place of the FOI Act, which provides an alternative mechanism for provision of copies of development documents no longer 'on notification'. In providing access to development documents, the Regulations place an obligation on Council to ensure that the provision of access or copies of documents will not create a security risk, will not infringe copyright or will not breach any other laws. To manage this risk, an assessment is required regarding whether access to the requested documents triggers any of the exceptions. Some practical considerations in assessing this risk may include:

- Is the person bona fide in their request to view/copy the plans?
- Who is requesting to view/copy the documents (i.e. a current owner of land, a direct neighbour or someone without an apparently immediate interest);
- What is the person's interest in the matter;
- Can the person produce identification that confirms who they are;
- If requesting a copy of the plans, do they have the consent of the copyright owner to obtain the copy.

An application form has been developed that captures relevant information to assist with assessment of the request. A copy is provided as Attachment 2.

*Attachment 2*

Consistent with regulation 34(3), the form requires the applicant to provide details such as name, address and contact details, and allows for this information to be verified by staff at the time it is provided. This information assists with the assessment required to determine whether access to the documents will be provided.

It is proposed that applications for copies of documents would attract a \$25.00 fee. Subject to any copyright approvals being granted, digital copies of the requested documents would be provided. In circumstances where hard copies are requested, Council approved photocopying fees would apply (as per r.34 requests for copies of documents on notification). Further, for applications that require significant investigation or retrieval of documents from archives an existing Council approved fee of \$42.50 per 30 minutes would apply. This latter fee is only likely to apply to applications relating to large, commercial developments.

This approach has been adopted by a number of other Councils over the past ten years, including Mitcham (\$62.50 application fee applies) and Adelaide Hills \$51.00 application fee applies). Legal advice has also been sought to confirm that the proposed approach meets Council's legislative obligations.

The proposed application fee has been set to provide some recovery of costs for the work associated with processing requests, and with regard to the statutory FOI application fee. Administration are of the view that a fee at the same level or higher than the FOI application fee could result in applicants continuing to seek access via that process. It should be noted that there is a mechanism within the FOI process that allows for refusal of applications that can be responded to via an alternative process. In these instances, applicants would be redirected to the new process.

## **6. ANALYSIS OF OPTIONS**

### Option 1 –

1. The report be received.
2. The Fees and Charges Schedule be amended to include an application fee of \$25.00 for a request for copies of documents in accordance with regulation 101 of the *Development Regulations 2008*, with the fee to take effect from the date of this Council decision.

This option provides for the introduction of a new application fee relating to copies of development documents not on notification. It will enable the introduction of a new process for actioning these requests, which is less resource intensive and more efficient than the current Freedom of Information application process that is used. This will in turn provide better service to customers.

Option 2 –

1. The report be received.

This option receives the report, with no further action to follow. This will result in the continued application of the Freedom of Information application process for access to copies of development documents not on notification.

7. **RECOMMENDED OPTION**

Option 1 is the recommended option.

8. **POLICY IMPLICATIONS**

8.1 **Financial/Budget**

- If adopted, this approach is likely to result in collection of less FOI Application fees, however, this will be offset by the collection of the application fee proposed. A further benefit is the reduction of staff time required to administer FOI applications, and a better-quality customer experience for people seeking access to development documents.

8.2 **Legislative/Risk Management**

- The proposed process meets legislative requirements under regulation 101 of the *Development Regulations 2008*. It does not infringe on an applicant's right to seek access to information in accordance with the Freedom of Information Act where that information is not available under this process.

8.3 **Staffing/Work Plans**

- The proposed process will reduce administrative burden associated with the processing of Freedom of Information requests, which must be completed by an Accredited FOI Officer.

9. **REPORT AUTHORISERS**

| Name           | Title   |
|----------------|---|
| Nicola Tinning | General Manager, Business Support & Improvement |



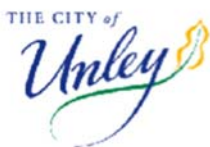


## ***Development Regulations 2008***

### **101—Documents to be preserved by a council**

- (a1) A council must 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.
- (1) A council must retain a copy of each of the following documents in relation to any building work approved under the Act in its area (whether approved by the council or otherwise):
  - (a) all technical details, particulars, plans, drawings, specifications and other documents or information relating to building work;
  - (b) all certificates, opinions and other documents submitted to the council in connection with an application for approval of building work;
  - (c) the duplicate of any certificate of occupancy issued by, or provided to, the council;
  - (d) a copy of any schedule of essential safety provisions issued by, or provided to, the council;
  - (e) a copy of any certificate submitted to the council under regulation 76 during the preceding 6 years;
  - (f) a copy of any other plan submitted to the council under these regulations.
- (1a) The council must preserve any document referred to in subregulation (a1) for a period of at least 10 years.
- (2) The council must preserve any document referred to in subregulation (1) until the building to which the document relates is demolished or removed.
- (3) Notwithstanding subregulations (1) and (2), the council may in the case of a Class 1 or 10 building under the *Building Code*, offer to give the plans and specifications in its possession, to the building owner 10 years after the date of the approval (on such terms as the council thinks reasonable) and, if the owner declines the offer, the council may destroy the documents.
- (4) A person may, subject to subregulation (5)—
  - (a) inspect at the offices of the council during its normal office hours any document retained by the council under subregulation (a1) or (1) (without charge); and
  - (b) on payment of a reasonable fee fixed by the council, obtain a copy of any document retained by the council under subregulation (a1) or (1).
- (5) A council is not required to make available any plans, drawings, specifications or other documents or information—
  - (a) for inspection under subregulation (4)(a) if to do so would—
    - (i) in the opinion of the council, unreasonably jeopardise the present or future security of a building; or
    - (ii) constitute a breach of any other law; or
  - (b) for copying under subregulation (4)(b) if to do so would—
    - (i) in the opinion of the council, unreasonably jeopardise the present or future security of a building; or
    - (ii) involve an infringement of copyright in matter contained in a document; or
    - (iii) constitute a breach of any other law.
- (6) Despite subregulations (4) and (5), a council must, at any reasonable time and without the imposition of a fee, allow a person authorised by the Minister for the purposes of this subregulation to inspect, copy or take extracts from any document retained by the council under subregulation (1).





# Request to View/Copy Development Application Plans and Reports (not on Public Notification)

|   |  |
|---|--|
| <input type="checkbox"/> Request permission to view only<br>(Complete <b>Part A</b> Only)<br><br>No fee payable | <input type="checkbox"/> Request copy of documents<br>(Complete <b>Part A &amp; Part B</b> )<br><br>Application Fee: \$25.00 (digital copies provided)<br>Where hard copy documents are required Photocopying Fees apply.<br>For applications that require investigation and archival retrieval where information is not readily available from current data a fee of \$42.50 per 30 minutes will apply. |
|---|--|

**PART A** Details of Person seeking to view/copy documents

**Full Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Post Code:** \_\_\_\_\_

**Phone No(s):** \_\_\_\_\_

**Email:** \_\_\_\_\_

**Property Address:** \_\_\_\_\_

**Post Code:** \_\_\_\_\_

I am the registered property owner      Yes       No

**Property Owner Consent:**

Has consent been provided by the registered property owner to view/copy documents?

Yes       No

**Property Owner Name:** \_\_\_\_\_

**Phone/Email:** \_\_\_\_\_

**Nature of Development:**

|   |  |   |
|---|--|---|
| Residential Dwelling <input type="checkbox"/> | Residential Dwelling <input type="checkbox"/>          | Shed / Outbuilding <input type="checkbox"/> |
| Commercial Property <input type="checkbox"/>  | Commercial Property Additions <input type="checkbox"/> | Pool <input type="checkbox"/>               |
| Other <input type="checkbox"/>                | _____  |   |

**Documents requested:**

|                                |                                       |  |  |
|--------------------------------|---------------------------------------|--|--|
| Plans <input type="checkbox"/> | Soil Reports <input type="checkbox"/> | Engineering Reports <input type="checkbox"/> | Structural Calculations <input type="checkbox"/> |
| Other <input type="checkbox"/> | _____                                 |  |  |

**Reason for the request:**

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**Proof of identity:**

**Identification:** \_\_\_\_\_ **ID No:** \_\_\_\_\_  
*e.g. License, Rates Notice etc*

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_/\_\_\_\_/20\_\_\_\_

Office Use Only:  
**Original Sighted:** Yes:  No:  **Initial:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**PART B Copyright Owner's Consent**

I will be seeking my own copyright approvals

Once obtained, copyright approvals can be emailed directly to [POBox1@unley.sa.gov.au](mailto:POBox1@unley.sa.gov.au)  
 Email subject: **Copyright approval – Property Address**

I request assistance in seeking copyright approvals *(Additional search fees may apply)*

**Document Description:** \_\_\_\_\_  
 \_\_\_\_\_

**Copyright owner identified:** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Document Description:** \_\_\_\_\_  
 \_\_\_\_\_

**Copyright owner identified:** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**City of Unley Use Only – Copyright Approvals**

Copyright approval received  Unable to locate copyright owner

By email  By hard copy mail  No longer in business  Deceased

No approval achieved and therefore only 10% of overall plan or report can be copied.

Notes: \_\_\_\_\_  
 \_\_\_\_\_

Completed by IM Team Member: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/20\_\_\_\_

## DECISION REPORT

|                         |   |
|-------------------------|---|
| <b>REPORT TITLE:</b>    | REVIEW OF POLICIES  |
| <b>ITEM NUMBER:</b>     | 4.10  |
| <b>DATE OF MEETING:</b> | 22 JULY 2019  |
| <b>AUTHOR:</b>          | DALLIS VON WALD   |
| <b>JOB TITLE:</b>       | PRINCIPAL GOVERNANCE OFFICER  |
| <b>ATTACHMENTS:</b>     | <ol style="list-style-type: none"><li>1. DRAFT CARETAKER POLICY (VERSION 5)</li><li>2. DRAFT FLAG POLICY (VERSION 4)</li><li>3. DRAFT PUBLIC ARTS POLICY (VERSION 4)</li><li>4. DRAFT COMMUNITY GRANTS &amp; SPONSORSHIP POLICY (VERSION 2)</li><li>5. DRAFT FOOTPATH TRADING POLICY (VERSION 2)</li><li>6. DRAFT HIRE OF COMMUNITY CENTRES &amp; TOWN HALL FEE DISCOUNT POLICY (VERSION 2)</li></ol> |

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### 1. **EXECUTIVE SUMMARY**

Under the *Local Government Act 1999*, Council is required to review all Statutory and Council policies within 12 months of an election. The policies attached to this report have been recently reviewed and are proposed for endorsement by Council.

In evaluating the Policies, Council should consider whether the Policies are appropriate to endorse as presented; whether revisions are required to the Policy; or whether the Policy is no longer required and therefore should be revoked.

### 2. **RECOMMENDATION**

That:

1. The report be received.
2. The following policies (set out as Attachments 1 to 6 to Item 4.10, Council Meeting 22/07/2019) be adopted:
  - 2.1 Caretaker Policy (Version 5);
  - 2.2 Flag Policy (Version 4);

- 2.3 Public Arts Policy (Version 4);
  - 2.4 Community Grants and Sponsorship Policy (Version 2);
  - 2.5 Footpath Trading Policy (Version 2); and
  - 2.6 Hire of Community Centres and Town Hall Fee Discount Policy (Version 2).
- 

### **3. RELEVANT CORE STRATEGIES/POLICIES**

#### 4. Civic Leadership

4.1 We have strong leadership and governance.

### **4. BACKGROUND**

Under the *Local Government Act 1999*, Council is required to review all Statutory and Council Policies within 12 months of an election.

Statutory Policies are those that are required under legislation.

Council Policies are policies or procedures that set the strategic tone of Council on matters that significantly impact on the community in some way. These policies must be adopted in the first instance, or endorsed following review, by Council.

The requirement for a Council policy will be triggered when an officer, Elected Member(s) or stakeholder has identified:

- (a) a need for a Program Policy (e.g. Community Grants Program); or
- (b) a need to specify how Council will respond in specific situations.

Council Policies relate to a specific program, initiative or issue, and may affect a range of functions within Council's service delivery.

The following policies have reviewed and are being proposed for Council endorsement:

- Caretaker Policy (Version 5);
- Flag Policy (Version 4);
- Public Arts Policy (Version 4);
- Community Grants and Sponsorship Policy (Version 2);
- Footpath Trading Policy (Version 2); and
- Hire of Community Centres and Town Hall Fee Discount Policy (Version 2).

Policies included with this report have been circulated to Elected Members for comment, prior to presentation to Council.

## 5. **DISCUSSION**

### **STATUTORY POLICIES**

#### **5.1 Caretaker Policy**

The purpose of the Caretaker Policy is to clearly set the parameters that Council will operate within during an election period. Caretaker provisions are required pursuant to section 91A of the *Local Government (Elections) Act 1999* and are generally regarded as necessary for the promotion of transparent and accountable government during an election period.

Editorial review has reformatted the information for ease of reference, with information captured under legislation or other policy requirements deleted to streamline the policy.

### **COUNCIL POLICIES**

#### **5.2 Flag Policy**

The Flag Policy aims to establish a consistent approach to the flying of flags on flag poles under Council's care and control.

The Flag Policy applies to the flying of flags on flag poles owned by City of Unley and situated at:

- The Unley Civic Centre;
- Soldier's Memorial Gardens; and
- Howard Florey Reserve.

Changes to this policy have focused upon referral back to Council's obligations in accordance with the requirements of the *Flags Act 1953*, and the "*Australian Flags – Part 2: The protocols for the appropriate use and the flying of the flag*" publication, rather than replicating this information within the Policy itself. Further to this, editorial review has reformatted the information for ease of reference.

As part of Reconciliation Week in 2018 the Torres Strait Islander flag was placed on display next to the Aboriginal Flag. The flag has remained in place since that time (given the available flag pole) and the current draft of the revised Flag Policy proposes that the Torres Strait Islander flag form part of the standard flag display. This would mean that when requests to fly flags are approved by Council, the City of Unley Ensign would be the flag that is removed to accommodate the approved flag.

Following review and comment by the Elected Members, the policy now also reflects that the flying of alternative flags or banners is a symbolic gesture of inclusiveness and multiculturalism, and the flying of an alternative flag or banner does not constitute Council's endorsement or support of a specific nation or cause.

### **5.3 Public Arts Policy**

The Public Arts Policy sets out to promote public arts projects within the public realm that improve the attractiveness and aesthetics of the City of Unley, by providing a variety of opportunities for artists, practitioners and the community.

Minor changes have been made to this policy.

### **5.4 Community Grants and Sponsorship Policy**

The Community Grants and Sponsorship Policy provides a framework for assessing applications for financial assistance from individuals, community groups and organisations in order to provide local community benefit via established community funding programs.

The Policy provides an overarching guide to decision making in relation to the following grants programs:

- Community Grants;
- Community Impact Grants;
- Community Event Sponsorship;
- Small Sponsorships and Donations Scheme;
- Youth Sponsorship Program; and
- Healthy Communities/Active Unley.

Following consultation with the Elected Members, the following has been included in the policy:

*It is acknowledged that some community programs and activities require regular or ongoing funding support. However, to enable a diverse range of programs to be supported and to reduce the dependency on annual Council funding, the sustainability of activities will be considered during the grant assessment process. Applicants who have received funding support through two consecutive funding rounds for the same project are encouraged to investigate alternate funding sources or to diversify their request.*

### **5.5 Footpath Trading Policy**

The purpose of the Footpath Trading Policy is to enable Council to safely manage the competing needs and interests of pedestrians, road users and business owners by fairly assessing and permitting footpath trading in a manner that improves the usage, quality and appearance of the City's public realm.

The Footpath Trading Policy was initially adopted in September 2018. No changes have been made to this Policy.



## **5.6 Hire of Community Centres and Town Hall Fee Discount Policy**

The Hire of Community Centres & Town Hall Fee Discount Policy seeks to provide a framework for the equitable, efficient and effective management of the hire of Council's Community Centres and Town Hall facilities. The Policy applies to the Fullarton Park Community Centre, Unley Community Centre and the Town Hall.

Minor changes have been made to this policy.

## **6. ANALYSIS OF OPTIONS**

### Option 1 –

1. The report be received.
2. The following policies (set out as Attachments 1 to 6 to Item 4.10, Council Meeting 22/07/2019) be adopted:
  - 2.1 Flag Policy (version 5);
  - 2.2 Caretaker Policy (version 4);
  - 2.3 Public Arts Policy (version 4);
  - 2.4 Community Grants and Sponsorship Policy (version 2);
  - 2.5 Footpath Trading Policy (version 2); and
  - 2.6 Hire of Community Centres and Town Hall Fee Discount Policy (version 2).

This option will finalise the above policies for implementation. Statutory and Council Policies are published to the City of Unley website once finalised.

### Option 2 –

1. The report be received.
2. Subject to the amendments set out below, the policies (included as Attachments 1 to 6 to Item 4.10, Council Meeting 22/07/2019) be adopted:
  - 2.1 Flag Policy (version 5);  
*[insert amendments required or delete if not required]*
  - 2.2 Caretaker Policy (version 4);  
*[insert amendments required or delete if not required]*
  - 2.3 Public Arts Policy (version 4);  
*[insert amendments required or delete if not required]*
  - 2.4 Community Grants and Sponsorship Policy (version 2);  
*[insert amendments required or delete if not required]*

- 2.5 Footpath Trading Policy (version 2); and  
*[insert amendments required or delete if not required]*
- 2.6 Hire of Community Centres and Town Hall Fee Discount Policy (version 2)  
*[insert amendments required or delete if not required].*

Council may wish to request amendments to the Policies. If this is the case, the amendments should be articulated as part of the resolution.

Alternatively, Council may wish to have further work undertaken on particular policies prior to endorsement. If that is the case, these policies should be listed as a Part 3 to the resolution, in the following manner:

3. The following policies (set out as Attachment X, etc to Item 4.10, Council Meeting 22/07/2019) be further amended and returned to Council for endorsement:
  - 3.1 [insert policy name]
  - 3.2 [etc]

Finally, Council may wish to revoke any of the Council policies proposed for endorsement. In making a decision to revoke a Council Policy, Council should consider any impact on current services/processes. Should Council wish to revoke any of the policies included in this report, these should be listed as a separate part to the resolution in the following manner:

4. The following policies (set out as Attachment X etc to Item 4.10, Council Meeting 22/07/2019) be revoked:
  - 4.1 [insert policy name]
  - 4.2 [etc]

## **7. RECOMMENDED OPTION**

Option 1 is the recommended option.

## **8. POLICY IMPLICATIONS**

### **8.1 Legislative/Risk Management**

- Council is required to review and endorse all Statutory and Council Policies within 12 months of an election, ending November 2019.

**9. REPORT CONSULTATION**

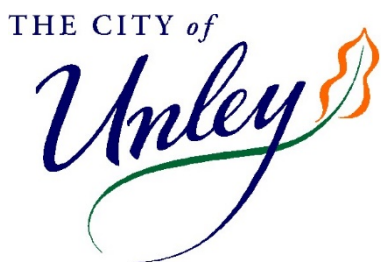
The policy review has been conducted by officers within the relevant Council business unit and the Executive Management Team has subsequently reviewed the policies prior to inclusion in the Council Agenda.

In addition, the revised policies were forwarded by email for review by the Elected Members, prior inclusion in this report for Council.

**10. REPORT AUTHORISERS**

| <b>Name</b> | <b>Title</b>                         |
|-------------|--------------------------------------|
| Tami Norman | Executive Manager, Office of the CEO |





## S0016: CARETAKER POLICY

|  |  |
|--|--|
| <b>Policy Type:</b>                    | Statutory Policy   |
| <b>Responsible Department:</b>         | Office of the CEO  |
| <b>Responsible Officer:</b>            | Executive Manager  |
| <b>Related Policies and Procedures</b> | <ul style="list-style-type: none"> <li>• Complaints handling procedure under the Code of Conduct for Council Members</li> <li>• Code of Conduct for Council Employees</li> </ul> |
| <b>Community Plan Link</b>             | <i>Civic Leadership</i><br>4.1 We have strong leadership and governance  |
| <b>Date Adopted</b>                    | 27/04/2010   |
| <b>Last review date</b>                | 22 July 2019:  |
| <b>Next review date</b>                | March 2020   |
| <b>Reference/Version Number</b>        | S0016:V5   |
| <b>ECM Doc set I.D.</b>                | 2192188  |

### 1. PREAMBLE

- 1.1. This is a mandatory policy pursuant to Section 91A of the *Local Government (Elections) Act 1999*.
- 1.2. The policy affirms Council's commitment to fair and democratic elections based upon the principle that outgoing elected bodies should not use public resources for election campaigning, nor make decisions which may unreasonably, inappropriately or unnecessarily bind an incoming Council.

### 2. PRINCIPLES

#### 2.1. The Policy applies to:

- Each periodic election of members of the Council under the *Local Government (Elections) Act 1999* (Elections Act); and
- Each general election of members of the Council held pursuant to a proclamation or notice under the *Local Government Act 1999*.<sup>1</sup>

#### 2.2. The Policy does not apply to:

- Supplementary elections.

<sup>1</sup> Section 91A(1) of the *Local Government (Elections) Act 1999* states that the caretaker policy applies during the 'election period' for a 'general election'. General elections are defined in the *Local Government Act 1999* to mean a periodic election held under section 5 of the *Local Government (Elections) Act 1999*, or an election pursuant to a proclamation or notice under the *Local Government Act 1999*. [In the case of an election pursuant to a notice under section 56 of the *Local Government Act 1999*, the specific provisions of section 57 will apply.]

**2.3. In this Policy:**

- All references to 'Elected Members' should be read as including the Mayor and the Deputy Mayor; and
- All references to the Chief Executive Officer (CEO) should be read as including an Acting CEO and their delegate.

**2.4. The Policy applies during an election period of Council to:**

2.4.1. Designated decisions made by Council, as defined by the Elections Act;

2.4.2. The use of Council resources, including:

- Materials published by Council;
- Equipment and stationery;
- Hospitality services and attendance/participation at functions and events;
- Access to Council information;
- Media services issues;
- Responsibilities of Council staff; and

2.4.3. Other significant decisions that are made by the Council.

**2.5.** The Policy applies to Elected Members, the CEO and to staff and captures all designated decisions of Council, a Committee of Council or a delegate of the Council – refer to Clause 5.1.

**2.6.** The Policy does not apply to the Council Assessment Panel (formerly known as the Development Assessment Panel or DAP) as the Panel is established under Section 83 of the *Planning, Development and Infrastructure Act 2016* and does not make decisions which fall within the definition of designated decision.

**3. POLICY OBJECTIVES**

**3.1.** During a Local Government election period, Council will assume a 'Caretaker mode', and will avoid actions and decisions which could be perceived as intended to affect the results of an election or otherwise to have a significant impact on, or unnecessarily bind, the incoming Council.

**3.2.** The purpose of this Policy is to clearly set the parameters that Council will operate within during an election period. Caretaker provisions are required pursuant to section 91A of the Elections Act and are generally regarded as necessary for the promotion of transparent and accountable government during an election period.

**4. DEFINITIONS**

**'Council's Electoral Liaison Officer'** the council employee nominated by the CEO to undertake in-house election functions.

**'Designated decision'** (as defined under Section 91A(8) of the Elections Act) means a decision which prevents Council from making a resolution of the type specified. See clause 5.1 below.

An **'election period'**:

(a) commences on the day of the close of nominations for the election; and

(b) expires at the conclusion of the election, being the time at which the last result of the election is certified by the returning officer.

**'Employee'** for the purposes of this Policy, "employee" includes council volunteers and external contractors.

**'General election'** (as defined in Section 4(2) of the *Local Government Act 1999*) means a general election of members of the council (whether held under section 5 of the *Local Government (Elections) Act 1999* or pursuant to a proclamation or notice under the Local Government Act.

**'Periodic election'** (as defined in Section 4(2) of the *Local Government Act 1999*) means an election to fill offices of a council held pursuant to section 5 of the *Local Government (Elections) Act 1999*.

**'Prescribed contract'** (as defined in section 91A(8) of the Elections Act) means a contract entered into by the Council for the purpose of undertaking –

- (a) Road construction or maintenance; or
- (b) Drainage works

## 5. POLICY

### 5.1. 'Designated decisions' prohibited by the Elections Act

- 5.1.1. In accordance with section 91A(8) of the Elections Act "Designated decision" means a decision:
  - (a) relating to the employment or remuneration of a chief executive officer, other than a decision to appoint an acting chief executive officer; or
  - (b) to terminate the appointment of a chief executive officer; or
  - (c) to enter into a contract, arrangement or understanding (other than a prescribed contract) the total value of which exceeds whichever is the greater of \$100,000 or 1% of the Council's revenue from rates in the preceding financial year; or
  - (d) Allowing the use of Council resources for the advantage of a particular candidate or group of candidates (other than a decision that allows the equal use of Council resources by all candidates for election), other than a decision of a kind excluded from this definition by regulation.
- 5.1.2. If Council considers that there are extraordinary circumstances which require the making of a designated decision during the election period, Council may apply, in writing, to the Minister for an exemption from the application of s91A of the Elections Act. If the Minister chooses to grant an exemption, this exemption may be subject to any conditions or limitations that the Minister considers appropriate.
- 5.1.3. Council notes that the Elections Act stipulates that any designated decision made by the Council during the election period without an exemption from the Minister is invalid. Council will be liable to pay compensation to any person who suffers loss or damage as a result of acting in good faith in reliance on such an invalid designated decision.

## **5.2. Scheduling consideration of designated decisions**

5.2.1. The CEO must ensure that designated decisions are not scheduled for consideration during the election period.

## **5.3. Decisions made prior to an election period**

5.3.1. The Policy applies to actual decisions made during an election period, not the announcement of decisions made prior to the election period.

## **5.4. Treatment of other significant decisions**

5.4.1. So far as is reasonably practicable, the CEO should avoid scheduling significant decisions (including major policy decisions) for consideration during an election period and, instead, ensure that such decisions are:

- considered by Council prior to the election period; or
- scheduled for determination by the incoming Council.

5.4.2. A 'significant decision' is any major policy or other decision which will significantly affect the Council area or community or will inappropriately bind the incoming Council.

5.4.3. In the context of this policy, a '**major policy**' decision may include any decision:

- to spend unbudgeted monies;
- to conduct unplanned public consultation;
- to endorse a new policy;
- to approve community grants;
- to progress any matter which has been identified as an election issue; or
- any other issue that is considered a major policy decision by the CEO that is not a designated decision.

5.4.4. The determination as to whether a major policy or other decision is significant will be made by the CEO, after consultation with the Mayor or Committee Presiding Member.

5.4.5. Where the CEO has determined that a decision is a major policy or otherwise significant decision, but circumstances arise that require the decision to be made during the election period, the CEO will report this to Council.

5.4.6. The aim of the CEO report to Council is to assist Council to assess whether the decision should be deferred for consideration by the incoming Council.

5.4.7. The CEO report will address the following issues, where relevant:

- a) the 'significance' of the matter;
- b) the urgency of the matter;
- c) the financial impacts and other potential consequences of postponing the matter until after the election, on both the current Council and incoming Council;
- d) Whether deciding the matter will bind or significantly limit the policy choices of the incoming Council;



- e) Whether the matter requires the expenditure of unbudgeted funds;
- f) Whether the matter is the completion of an activity already commenced and previously endorsed by Council;
- g) Whether the matter requires community engagement;
- h) Any relevant statutory obligations or timeframes; and
- i) Whether dealing with the matter in the 'election period' is in the best interest of the Council area and community.

## **5.5. Exemptions to "Designated decisions"**

5.5.1. To assist Council's ongoing operations during the caretaker period r12 of the *Local Government (Elections) Regulations 2010* provides a number of exemptions from the definition of designated decision. For the purposes of section 91A of the *Elections Act*, the following kinds of decisions are excluded from the definition of designated decision:

- a) A decision related to the carrying out of works in response to an emergency or disaster within the meaning of the *Emergency Management Act 2004*, or under section 298 of the *Local Government Act 1999*, or
- b) an expenditure or other decision required to be taken under an agreement by which funding is provided to the Council by the Commonwealth or State Government or otherwise for the Council to be eligible for funding from the Commonwealth or State Government; or
- c) A decision related to the employment of a particular Council employee (other than the Chief Executive Officer); or
- d) A decision made in the conduct of negotiations relating to the employment of Council employees generally, or a class of Council employees, if provision has been made for funds relating to such negotiations in the budget of the Council for the relevant financial year and the negotiations commenced prior to the election period; or
- e) A decision related to a Community Wastewater Management Systems scheme that has, prior to the election period, been approved by the Council; or
- f) A decision for the suspension of the Chief Executive Officer for serious and wilful misconduct.

## **5.6. Use of Council resources**

5.6.1. Council resources cover a wide range of personnel, goods, services, information and opportunities and may include:

- Officers and support staff;
- Equipment and stationery;
- Materials published by Council;
- Hospitality services and attendance/participation at functions and events;
- Access to Council information; and
- Media services issues.

5.6.2. Elected Members and staff will ensure that due propriety is observed in the use of Council resources and will ensure that Council resources are used

exclusively for normal Council business and, not used in connection with an election, unless permitted by the CEO as strictly relating to the election process.

**5.6.3. Publication of material during an Election Period**

5.6.3.1. Subject to the operation of Section 12(b) of the Elections Act Council must not:

(a) Print, publish or distribute; or

(b) Cause, permit or authorise others to print, publish or distribute on behalf of Council,

any advertisement, handbill, pamphlet or notice, including on the Council website or social media channels, that contains electoral material during an election period.

5.6.3.2. For the purposes of this Policy 'electoral material' means material which is calculated (i.e. intended or likely) to affect the result of an election. However, it does not include any materials produced by Council relating to the provision of information, education and publicity designed to announce the holding of an election or promote public participation in the electoral processes, or materials produced by or on behalf of the Returning Officer for the purposes of conducting an election.

5.6.3.3. Elected Members are permitted to publish campaign material on their own behalf, but cannot assert that the material is originating from, or authorised by, Council (e.g. by the use of Council logos or their Council email address).

*NOTE: 'Publication' means any type of publication, including but not limited to leaflets, newspapers, posters, email, website, radio, social media etc.*

5.6.3.4. Insofar as any Council publications, such as the Annual Report, are required to be published during an election period, the content contained within them regarding Elected Members will be restricted to that prescribed by the *Local Government Act 1999* and Regulations.

5.6.3.5. Council publications produced before an election period containing material which might be construed as electoral material must not be circulated or displayed during the election period. However, these materials may be made available to members of the public upon request.

**5.6.4. Attendance at Events and Functions during an election period**

5.6.4.1. In this clause, reference to events and functions means gatherings involving external stakeholders to discuss, review, acknowledge, communicate, celebrate or promote a program, strategy or issue which is of relevance to Council and its community and may take the form of conferences, workshops, forums, launches, promotional activities, and social occasions such as dinners, receptions and balls.

5.6.4.2. Elected Members may continue to attend events and functions staged by external bodies during an 'election period'.

- 5.6.4.3. Council organised events and functions held during the election period will be reduced to only those essential to the operation of the Council.
- 5.6.4.4. Elected Members must not give speeches or keynote addresses at Council organised or sponsored events and functions during an election period. Elected Members may, however, make short welcome remarks at Council organised or sponsored events and functions during an election period.

## **5.7. Media Service**

- 5.7.1. Council's media services are directly managed by or under the supervision of the Chief Executive Officer, and are provided solely to promote Council activities or initiatives and must not be used in any manner that might favour a candidate during an election period.
- 5.7.2. Any request for media advice or assistance from Elected Members during an election period will be referred to the Chief Executive Officer. No media advice will be provided in relation to election issues or in regard to publicity that involves specific Elected Members.
- 5.7.3. Media releases will not refer to specific Elected Members. Where it is necessary to identify a spokesperson in relation to an issue, the Chief Executive Officer will be the nominated person unless otherwise determined by the Chief Executive Officer.
- 5.7.4. During the election period, publicity campaigns, other than for the purpose of conducting the election in accordance with the requirements of Section 12(b) of the Elections Act, will be avoided wherever possible. Where a publicity campaign is deemed necessary for a Council activity, it must be approved by the Chief Executive Officer.
- 5.7.5. In any event, Council publicity during an election period will be restricted to communicating normal Council activities and initiatives without any variation in form or size.
- 5.7.6. Elected Members will not use their position as an elected representative or their access to Council staff and other Council resources to gain media attention in support of an election campaign.
- 5.7.7. During an election period, no Council employee may make any public statement that relates to an election issues unless such statements have been approved by the Chief Executive Officer.

## **5.8. Council Staff Responsibilities during an Election Period**

- 5.8.1. Prior to any election period, the Chief Executive officer will ensure that all members of Council staff are advised in relation to the application of the Caretaker Policy.

### **5.8.2. Correspondence**

- 5.8.2.1. All correspondence addressed to Elected Members will be answered by the Chief Executive Officer during the election period.

### **5.8.3. Activities that may affect voting**

- 5.8.3.1. Council staff must not undertake any activity that may affect voting in the election, except where the activity relates to the election process and is authorised by the Chief Executive Officer;
- 5.8.3.2. Council staff must not authorise, use or allocate a Council resource for any purpose which may influence voting in the election, except where it relates only to the election process and is authorised by the Chief Executive Officer; and
- 5.8.3.3. Council staff must not assist Elected Members in ways that are or could create a perception that they are being used for electoral purposes. In any circumstances where the use of Council resources might be construed as being related to a candidate's election campaign, the use must be reported to, and advice sought from, the Chief Executive Officer.

### **5.9. Public Consultation during an Election Period**

- 5.9.1. This Policy prohibits the conduct of discretionary public consultation during the election period.
- 5.9.2. For the purpose of this provision, discretionary public consultation means consultation that is not legislatively mandated and is a process involving an invitation or invitations to individuals, groups or organisations or the community generally to comment on an issue, proposed action or proposed policy.
- 5.9.3. The Policy does not prevent any mandatory public consultation required by the *Local Government Act 1999* or any other Act which must be undertaken to enable the Council to fulfil its functions in relation to any matter or decisions which are not prohibited by law or by this Policy.
- 5.9.4. Where public consultation is approved to occur during an election period, the results of that consultation will not be reported to Council until after the election period, except where it is necessary for the performance of functions as set out in clause 5.4 above.
- 5.9.5. Community meetings will not be held during an election period.

## **6. LEGISLATION/REFERENCES**

- *Code of Conduct for Council Members (as Gazetted 29 August 2013)*
- *Local Government Act 1999*
- *Local Government (Elections) Act 1999*
- *Local Government (Elections) (Miscellaneous) Amendment Act 2009*
- *Local Government (Elections) Regulations 2010*

## **7. POLICY DELEGATIONS**

- 7.1. Nil applicable

## **8. ROLES/RESPONSIBILITIES**

- 8.1. Pursuant to section 10 of the *Elections Act*, the Electoral Commission for South Australia is the Returning Officer for the Local Government election.

**8.2.** The Council's Electoral Liaison Officer and Electoral Officers undertake the in-house election functions (such as accepting candidate nominations) and are responsible to the Electoral Commissioner in regard to election responsibilities.

**9. AVAILABILITY OF POLICY**

**9.1.** The Policy is available for public inspection during normal office hours at:

The Civic Centre,  
181 Unley Road, Unley SA 5061.

A copy may be purchased for a fee as determined annually by Council.

It is also available for viewing, download and printing free of charge from the Council's website [www.unley.sa.gov.au](http://www.unley.sa.gov.au).

**10. DOCUMENT HISTORY**

| <b>Date</b>    | <b>Ref/Version No.</b> | <b>Comment</b> |
|----------------|------------------------|----------------|
| 1. 27/04/2010  | 2. C644: V1            | 3.             |
| 4. 28/05/2012  | 5. C420: V2            | 6.             |
| 7. 11/03/2014  | 8. C1074:V3            | 9.             |
| 10. 28/03/2018 | 11. C1120:V4           | 12.            |
| 13. 22/07/2019 | 14. C<00>:V5           | 15.            |





## COU0021: FLAG MANAGEMENT POLICY

|  |  |
|--|--|
| <b>Policy Type:</b>                    | Council Policy   |
| <b>Responsible Department:</b>         | Office of the Chief Executive Officer                                    |
| <b>Responsible Officer:</b>            | Executive Manager Office of the CEO                                      |
| <b>Related Policies and Procedures</b> | N/A  |
| <b>Community Plan Link</b>             | <i>Civic Leadership:</i><br>4.1 We have strong leadership and governance |
| <b>Date Adopted</b>                    | 27 April 2010: C644/10   |
| <b>Last review date</b>                | 22 July 2019: C<00>/19   |
| <b>Next review date</b>                | March 2021   |
| <b>Reference/Version Number</b>        | COU0021: V4  |
| <b>ECM Doc set I.D.</b>                | 1674734  |

### 1. PREAMBLE

- 1.1. The City of Unley will fly flags as an expression of Council's governance responsibilities and will ensure that the flags displayed are acknowledged with due diligence, dignity and attention to position.
- 1.2. This policy recognises the significance of official flags and as such provides a consistent approach to flying flags in accordance with relevant Commonwealth Government protocols.

### 2. SCOPE

- 2.1. This Policy applies to the flying of flags on flag poles owned by City of Unley and situated at:
  - The Unley Civic Centre;
  - Soldier's Memorial Gardens; and
  - Howard Florey Reserve.
- 2.2. The policy may also be applied to any Council owned flag pole in any other location within the City of Unley at the discretion of the Chief Executive Officer.

### 3. POLICY PURPOSE/OBJECTIVES

- 3.1. The policy aims to establish a consistent approach to the flying of flags on flag poles under Council's care and control.

#### 4. DEFINITIONS

**Flag** A piece of cloth, usually rectangular, of distinctive colour and design, used as a symbol, standard, signal, emblem or ensign, and which is attached by the shorter edge to a staff, rope, or pole.

**Halyard System** Flag pole with a rope pulley system fitted inside the pole.

#### 5. PRINCIPLES

5.1. The following general principles apply to this policy.

5.1.1. Flags may be flown for a governance purpose if they are:

- An Australian National Flag recognised by the Australian Government pursuant to the *Flags Act 1953*, including subsequent proclamations such as that for the Australian Aboriginal and Torres Strait Islander flags.
- The South Australian State flag.
- The City of Unley Ensign (bearing Council's official logo).

5.1.2. Requests for Council to fly flags other than those permanently flown on Council property will be considered on a case by case basis. (Per clause 6.8)

5.1.3. Flags must be raised and lowered with dignity and respect.

#### 6. POLICY STATEMENT

6.1. All flags will be flown in accordance with the requirements of the *Flags Act 1953*, and the "*Australian Flags – Part 2: The protocols for the appropriate use and the flying of the flag*" publication.

6.2. The flag poles at the Civic Centre will be used to display flags and banners to encourage local and national pride and to mark events of community and wider significance.

6.3. Council will comply with directions issued by the Commonwealth Flag Officer, Department of Prime Minister and Cabinet, or the Protocol Unit of the Department of Premier and Cabinet with respect to flying flags at half-mast as a sign of mourning.

6.4. At Council's discretion, flags on Council property may be flown at half-mast on the death (or on the day, or for part of the day, of the funeral) of a notable local citizen, current or past Elected Member, staff or volunteer.

##### 6.5. Standard Flag Display

###### Unley Civic Centre

6.5.1. The City of Unley has five halyard system flag poles all of the same height situated outside the Civic Centre at 181 Unley Road, Unley.

6.5.2. The following flags are to be flown permanently and in order of precedence (from left to right of a person facing the building – in accordance with Commonwealth flag protocol):

- The Australian National Flag
- The South Australian State Flag
- The Australian Aboriginal Flag
- Torres Strait Islander Flag
- The City of Unley Ensign (bearing the City of Unley logo).

###### Soldiers' Memorial Garden, Unley Road, Unley



- 6.5.3. The Soldiers' Memorial Garden has a single halyard system flag pole which permanently flies the Australian National Flag.

Howard Florey Reserve, Fullarton Road, Parkside

- 6.5.4. The Howard Florey Reserve has a single halyard system flag pole which flies the Australian National Flag on particular occasions such as Anzac Day and Remembrance Day.
- 6.6. Where declared by the Commonwealth or State Government a special flag or flags may be flown. When Council receives advice on such "special declarations" by the government the City of Unley Ensign will be replaced with the special flag(s) if the display cannot otherwise be appropriately accommodated on the flag poles.

**6.7. Flying alternative flags and banners**

- 6.7.1. Subject to Council approval, other flags may be flown in a symbolic gesture of inclusiveness and multiculturalism. If there is insufficient time for a Council resolution, without the holding of a Special Meeting of Council, the Chief Executive Officer in consultation with the Mayor may approve or refuse the request.
- 6.7.2. Organisations wishing Council to fly their flag must apply in writing to the Chief Executive Officer and include the following information:
- A colour example of the design.
  - Preferred dates of display.
  - Detail the relevance or significance of the flag to the City of Unley.
  - Contact details of the person responsible for supply and collection of the flag.
- 6.7.3. If more than one application is received for the same display period, then a decision on which flag to fly (or not) will be made based on the following criteria:
- The date on which the application was received by Council.
  - Relevance or significance to the City of Unley.
  - Any advice or directive from Government Protocol Officers: The Commonwealth Flag Officer; or Protocol Unit, and Department of the Premier and Cabinet.
- 6.7.4. If necessary, the City of Unley Ensign will be removed in order to accommodate the flying of an approved flag.
- 6.7.5. Flags which fall in to the following categories will not be flown:
- Commercial advertising material.
  - Flags or banners for promotion of political or social advocacy messages.
  - Torn, damaged or frayed flags.
- 6.7.6. Council will not accept liability for theft, damage or vandalism of a flag (other than its own property), or for cancellation of display due to adverse weather or a directive from the Government Protocol Officers.
- 6.7.7. The flying of an alternative flag or banner does not constitute Council's endorsement or support of a specific nation or cause.

**7. POLICY DELEGATIONS**

7.1. The Chief Executive Officer is delegated to direct that flags on Council properties be flown at half-mast on the occasion of the death of a notable local citizen, current or past Elected Members, council employee or volunteer.

**7.2. Flag poles on Council property**

7.2.1. Provided that the size and location of the proposed flag pole is under the prescribed limits in the [Development Regulations 2008](#), the Chief Executive Officer is delegated to receive and approve an application, and decide on the location, of additional flag poles on Council property, or to refuse such application.

7.2.2. The Chief Executive Officer may also recommend and/or direct that a flag or flag pole on Council property be removed or relocated.

**8. LEGISLATION**

- [Flags Act 1953](#)

**9. AVAILABILITY OF POLICY**

9.1. The Policy is available for public inspection during normal office hours at:

The Civic Centre,  
181 Unley Road, Unley SA 5061.

A copy may be purchased for a fee as determined annually by Council.

It is also available for viewing, download and printing free of charge from the Council's website [www.unley.sa.gov.au](http://www.unley.sa.gov.au).

**10. DOCUMENT HISTORY**

| Date          | Ref/Version No. | Comment |
|---------------|-----------------|---------|
| 27 April 2010 | C644/10: V1     |         |
| 28 May 2012   | C420/12: V2     |         |
| 22 Feb 2016   | C385/16: V3     |         |
| 22 July 2019  | C<00>/19: V4    |         |

**ANNEXURE 1****Council Flag Site Requirements**

| Site                      | System  | Poles | Flags Flown<br>(in order or precedence)   |   |
|---------------------------|---------|-------|---|---|
|                           |         |       | Permanently   | Temporarily   |
| Unley Civic Centre        | Halyard | 5     | <ul style="list-style-type: none"> <li>• Australian National Flag</li> <li>• South Australian State Flag</li> <li>• Aboriginal Flag</li> <li>• Torres Strait Islander Flag</li> <li>• City of Unley Ensign</li> </ul> | Per section 6.8   |
| Soldiers' Memorial Garden | Halyard | 1     | <ul style="list-style-type: none"> <li>• Australian National Flag</li> </ul>  | N/A   |
| Howard Florey Reserve     | Halyard | 1     | N/A   | <ul style="list-style-type: none"> <li>• Australian National Flag</li> </ul>                              |
| Council Works Depot       | Halyard | 1     | N/A   | N/A   |
| Unley Oval                | Halyard | 4     | N/A   | <ul style="list-style-type: none"> <li>• City of Unley Ensign*</li> <li>• Football Club Banner</li> </ul> |

**ANNEXURE 2****Special days for flying flags**

The following days are identified days of commemoration for the purposes of this Policy:

- 1 January – Anniversary of the establishment of the Commonwealth of Australia (Australian National Flag)
- 26 January – Australia Day (Australian National Flag)
- Second Monday in March – Commonwealth Day (Australian National Flag)
- 25 April – Anzac Day – flags are flown at half-mast until noon then at the peak until the usual time for closure of business (Australian National Flag)
- 27 May – 3 June – National Reconciliation Week (Aboriginal and Torres Strait Islander Flag)
- Second Monday in June – Celebrated as the Queen's birthday (Australian National Flag)
- Nominated week in July – NAIDOC Week (Aboriginal Flag and Torres Strait Islander Flag)
- 3 September – Australian National Flag Day (Australian National Flag)
- 17 September – Citizenship Day (Australian National Flag)
- 11 November – Remembrance Day – All flags are flown at half-mast from 10.30am to 11.02am (Australian National Flag)





4

## COU007: PUBLIC ARTS POLICY

|  |  |
|--|--|
| <b>Policy Type:</b>                    | Council Policy   |
| <b>Responsible Department:</b>         | City Services  |
| <b>Responsible Officer:</b>            | General Manager City Services  |
| <b>Related Policies and Procedures</b> | <ul style="list-style-type: none"> <li>• Community Engagement &amp; Consultation Policy</li> <li>• Procurement Policy</li> </ul> |
| <b>Date Adopted:</b>                   | 6 August 2002:   |
| <b>Last Council review:</b>            | 22 July 2019: C<00>/19   |
| <b>Next review date:</b>               | July 2022  |
| <b>Reference/Version Number:</b>       | COU0007: V4  |
| <b>ECM Doc Set ID:</b>                 | 1840086  |

### 1. POLICY STATEMENT

The City of Unley is committed to the creation and ongoing support of public arts and culture that reflects the social, economic and environmental character of the City.

Council will commission, support and advocate for public arts that stimulate thinking, invite interaction, celebrate diversity, increase awareness of local identity, allow for contemplation and question assumptions.

Council believes that the encouragement and creation of public arts and the involvement of the community in this process is fundamental to sustaining arts and culture in the City of Unley.

### 2. COMMUNITY GOAL

*Community Living*

1.2: Our Community participates in community activities, learning opportunities and volunteering.

### 3. POLICY OBJECTIVES

The objectives of this policy are:

- To promote public arts projects within the public realm that improve the attractiveness and aesthetics of the City of Unley;

- (b) To provide a variety of opportunities for artists, practitioners and the community;
- (c) To provide opportunities for ephemeral, temporary and permanent artworks;
- (d) To enable the community to contribute to the conception, creation and implementation of public arts;
- (e) To increase awareness among the community of the value and role of public arts;
- (f) To develop a culture that values the contribution of public arts in all areas of Council;
- (g) To create artworks which have a relevance in terms of location, context, use of materials, medium and lifespan;
- (h) To ensure as far as practicable that art works which are under the care and control of the Corporation of the City of Unley are preserved in sound condition or de-accessioned according to the appropriate professional standards and methods.

## **4. PRINCIPLES**

The following Principles underpin the City of Unley's approach to public arts:

### **4.1 GUIDING PRINCIPLES**

- (a) Engage Unley
  - Public art works are contextual and provide recognition and celebration of the City of Unley, its history, environment and community.
  - Art works use, include or express Unley as a focus within the content, themes or responses.
  - A culture of participation and interaction is encouraged where every aspect of public art is related to connecting people, places, histories and narratives.
  - Sensitivity to community aspirations for identity and interpretations of place are considered in public arts projects and programs.
- (b) Foster Creativity
  - Opportunities and support are provided for artists and the community to be creative.
  - A demand for excellence, creativity, innovation and craftsmanship in public arts is fostered within the community, Council and other stakeholders.
- (c) Encourage Diversity
  - Programs that respect physical, social and cultural diversity of the City of Unley.
  - All members of society are represented.
- (d) Deliver Artistic Value
  - Projects and programs of the highest artistic quality that encourage creativity and put the artist's vision at the centre of the project conception.
  - Projects and programs that enrich human experiences through aesthetic experience, contribute to the aesthetic of the place or the enjoyment it provides.
  - Innovate and challenge through public arts to engage wider participation in debate.
- (e) Be Relevant

- A dynamic and robust public arts culture is fostered that is constantly evolving, requiring numerous responses that reflect changes to society and the shifting and contested concept of the public.
- New cultural conversations inspire the creation of public arts that provide a new cultural conversation in Unley, creating artworks which have the capacity to entertain, question, provoke and introduce new ideas into the City.

## 4.2 IMPLEMENTATION PRINCIPLES

### (a) Resourcing and Funding

- Funding and resourcing for public art projects must be realistic to ensure the required scope, intent or scale of the works can be delivered in accordance with Involve Unley: Public Arts Strategy.

### (b) Seek Partnerships

- Partnerships, relationships and associations must be established and maintained that assist in the funding, curating, commissioning and delivery of Involve Unley projects and programs with interested parties including government departments, community-based organisations, private business and tourism organisations.

### (c) Planning

- Good planning principles, procedures and actions facilitate the planning, creation and implementation of public arts in the City of Unley over the next 5 years as per Council's Public Arts Strategy.
- Public art opportunities and treatments are considered within all urban design and place making projects.
- Regular reviews to consider future requirements and potential for new or adapted public art works.

### (d) Curating Collections

- Agreed guidelines and procedures are established to guide the development, implementation, and preservation of public art works.
- Commissioning a highly visible contemporary public art collection that is progressive, innovative and embraces a variety of stimulating approaches, media and scales.

### (e) Document

- Processes and programs are established for the recording and capture of public arts in the City of Unley. Develop suitable collection points, archives, catalogues and digital media to ensure the lasting presence of all public art works.
- Community play an active part in the documentation and recording process and capitalise on existing social media platforms such as (but not limited to) Facebook, Twitter, Youtube, Instagram, blogs and wikis.
- A register of public art works in the City of Unley is developed.
- Work Health and Safety compliance, insurances and safety and risk assessments are undertaken in relation to the design, installation, maintenance and refurbishment of public art works.
- De-accessioning of works respects the art works, the location, and the artist(s) under the *Copyright Act 1968* (Moral Rights) and has their work treated in the required manner under the Act (right to attribution or a right to integrity).

- (f) Maintenance and Care
  - Care of existing and future collections and ongoing maintenance operations are funded to ensure a continuous cultural connection is maintained between the public artworks and the City.
  - Appropriate timeframes (to be determined by each individual project) are applied for the life of the art works in conjunction with the creators and curators.
- (g) Evaluation
  - Criteria for the evaluation of public arts are established in the early stages of each project. Criteria are based on the objectives of promoting debate, encouraging change and expanding thinking.
  - Formative evaluation methodology is embedded into the process and production of public artworks that provides ongoing discussion and feedback to measure the key indicators of success of each project and program.
  - A summative evaluation methodology is used for the public art works outcomes that measure the success of each project and program against the principles and objects of the Strategy and makes future recommendations.
- (h) Council reserves the right to seek external professional expertise in the drafting of project briefs, commissioning and assessment of tenders/submissions, and with ongoing curating, valuation, and de-accessioning of public art works under its care and control.

## 5. DEFINITIONS

5 For the purpose of this Policy, the following definitions apply:

- (a) **Public Arts** broadly means visual, digital, oral, literary and performance arts practises and media that demonstrate creative or cultural intent. The form, style, commissioning and implementation require unique descriptions to further define the type, size, purpose, function and length of duration of the art works.
- (b) **Community** means “the public” and includes ratepayers, residents and all people who live, work, study, conduct business or use the services, facilities and public places in the City of Unley. These people are often referred to as “stakeholders” in the affairs of Council.
- (c) **Ephemeral** means public arts which may erode or deteriorate over time, disappearing altogether.
- (d) **Temporary** means public arts that are not permanent and will exist for short periods of time and be removed, or de-accessioned.
- (e) **Permanent** means public arts that remain and become constant features within the fabric of the City.
- (f) **De-accession** means to remove a work of art from public display temporarily or permanently.
- (g) **The Act** means the *Local Government Act 1999*.
- (h) **Council** means the elected member body representing the City of Unley community, or, staff operating under delegated authority to act on behalf of Council.

## 6. LEGISLATION/REFERENCES



*Local Government Act 1999*  
*Copyright Act 1968*  
*Work Health and Safety Act 2012*

## **7. POLICY DELEGATIONS**

Nil

## **8. ROLES/RESPONSIBILITIES**

The Cultural Development Coordinator will be the main project officer responsible for the implementation and monitoring of this policy.

## **9. AVAILABILITY**

The policy is available for public inspection during normal office hours from:

Civic Centre  
181 Unley Road  
Unley SA 5061

A copy may be purchased for a fee as determined annually by Council.

It is also available for viewing, download and printing free of charge from the Council's website, [www.unley.sa.gov.au](http://www.unley.sa.gov.au)

## **10. DOCUMENT HISTORY**

| <b>Date:</b> | <b>Council/Committee/Internal</b> | <b>Comment:</b> |
|--------------|-----------------------------------|-----------------|
| 25/10/10     | C758/10: V1                       |                 |
| 22/10/12     | C564/12: V2                       |                 |
| 26/5/2014    | C1139/14: V3                      |                 |
| 22/07/2019   | C<00>/19: V4                      |                 |





**COU0020: COMMUNITY GRANTS & SPONSORSHIP POLICY**

|  |                               |
|--|-------------------------------|
| <b>Policy Type:</b>                    | Council Policy                |
| <b>Responsible Department:</b>         | Community Connections         |
| <b>Responsible Officer:</b>            | Manager Community Connections |
| <b>Related Policies and Procedures</b> | N/A                           |
| <b>Date Adopted:</b>                   | C255/15, 28 September 2015    |
| <b>Last Council review:</b>            | 22 July 2019                  |
| <b>Next review date:</b>               | July 2022                     |
| <b>Reference/Version Number:</b>       | COU0020:V2                    |
| <b>ECM Doc Set ID:</b>                 | 3100289                       |

**1. POLICY STATEMENT**

This policy provides a framework for assessing applications for financial assistance from individuals, community groups and organisations in order to provide local community benefit via established community funding programs.

The Policy provides an overarching guide to decision making in relation to the following grants programs:

- Community Grants;
- Community Impact Grants;
- Community Event Sponsorship;
- Small Sponsorships and Donations Scheme;
- Youth Sponsorship Program; and
- Healthy Communities/Active Unley.

Grant programs may change title or funding limit over time with Council endorsement. Rather than be exhaustive, this policy provides a foundation for decision making across existing and future grant programs.

**2. COMMUNITY GOAL**

*Community Living*

1.5 Our City is connected and accessible.

### **3. POLICY OBJECTIVES**

Each grant program has guidelines in place in relation to what applications are eligible for funding. However as principal themes, funding via grants programs should encourage active citizenship and community capacity building and provide support to respond to local needs.

Grant programs provide merit based financial assistance for individuals, community groups and organisations in line with the respective program guidelines. The intention of these includes:

- Create meaningful opportunities for social interaction and community connection;
- Foster partnerships and enhance social inclusion;
- Actively promote cultural diversity and understanding, including the expression of community identity;
- Minimise environmental footprint and increase community awareness of environmental issues;
- Encourage increased physical activity and to promote wellbeing and healthy living;
- Activate public spaces and increase vibrancy through community festivals and events;
- Build capacity to reduce financial or other dependence on Council;
- Skill development that improves learning and community wellbeing; and/or
- Offering opportunities for intergenerational skill sharing or celebration.

### **4. PRINCIPLES**

This policy is based on the City of Unley's recognition that individuals, community groups and organisations should be supported to participate in all aspects of community life. The City of Unley is committed to support local initiatives that provide opportunities for the community to access and participate in a wide range of recreation, cultural, community and environmental activities and projects. Consideration is made based on merit and budget provisions.

This policy is based on the following principles of good governance:

- Timely, open and transparent decision making;
- Accessibility; and
- An equitable framework for assessing requests for financial assistance.

### **5. POLICY**

- Individuals, community groups and organisations will be considered for activities and projects that demonstrate they are of benefit to the Unley community.

All funding provided via a grant or sponsorship program is assessed according to the respective guidelines. Final endorsement is provided by Council, except where endorsement is undertaken under Delegation. Programs endorsed under delegation include the Small Sponsorships and Donations Scheme, Youth Sponsorship Program and Healthy Communities/Active Unley. These programs do not have set funding rounds, rather operate on an ad-hoc application process throughout the year.

Applications will be assessed against the pre-determined criteria and the capacity of the applicants to deliver stated program objectives.

Funding rounds are promoted by using broad-based, open processes that are not limited solely to invited sponsors.

It is acknowledged that some community programs and activities require regular or ongoing funding support. However, to enable a diverse range of programs to be supported and to reduce the dependency on annual Council funding, the financial sustainability of activities will be considered during the grant assessment process. Applicants who have received funding support through two consecutive funding rounds for the same project are encouraged to investigate alternate funding sources or to diversify their request.

Any funding agreement will be documented, and expectations of the partnership agreed upon prior to funding being provided.

Funding (cash or in-kind) will only be provided for the activities described in the application, and must be in line with the funding guidelines of the respective program.

Recipients are required to provide background information prior to receiving funding which may include but is not limited to Public Liability Insurance, Financial Statements (audited where applicable), quotes for services, letters of support and other information to clarify the nature of the group or activity.

Fees for event related items such as road closures, hire of public spaces, waste management, etc. are set annually in conjunction with the Council's Annual Budget. Council implements an equitable pricing framework that supports access to Council facilities and resources.

Council's support via a grant program does not transfer responsibility to Council of actions taken or outcomes achieved by the applicant during the course of the funded activity.

Council must be acknowledged as appropriate on all advertising and promotion mediums in relation to the funded activity as per the respective program guidelines. Information on Council's style guide is available on Council's website.

Recipients are required to submit an acquittal no later than twelve months from the receipt of funding, showing evidence of full expenditure of funds, except for the Small Sponsorship and Donations Scheme and Youth Sponsorship Program. Acquittals may also provide evidence of the impact of their activity according to the agreement in place.

Recipients must expend funds provided on the activity stated in their application unless otherwise negotiated with Council. If the funded activity does not proceed within the financial year it was allocated, Council can, without prior negotiation, reallocate funding.

A condition of all funding agreements is that unspent funds must be returned to Council. Organisations who have an outstanding financial acquittal will not be assessed until satisfactory documentation is provided.

Successful applicants are not excluded from applying for funding via other grants and sponsorship programs of Council, provided the application is for a different activity/event and meet the criteria required as per the respective program guidelines.

## **6. DEFINITIONS**

Acquittal – a written evaluation and report on the outcomes and expenditure of grant funding provided by Council.

Agreement - a written contract describing expectations of both parties and key deliverables of the funded project.

Applicant – the person or organisation applying for funding support from Council.

Application – the request for funding made using the appropriate Council application form.

Council – refers to the City of Unley.

Donation – a payment not exceeding \$500 in total value made for a specific purpose or activity that does not require acquittal.

Funding – refers to cash and/or in-kind support provided by Council to the applicant.

Grant - a payment made for a specific purpose.

In-kind - the provision of Council services such as waste management, traffic services, road closures, waiving of facility hire fees, power access, bollards, bunting and line marking. These are costs incurred by various departments of Council as part of supporting the delivery of events and activities and may form part of the support offered.

Organisation – an organised group of people with a particular purpose, including a business or not for profit group.

Small sponsorship – a payment not exceeding \$500 in total value.

Sponsorship - an arrangement in which Council provides a contribution as money and/or in-kind to support an activity for a certain specified benefit.

Youth – young people aged 12-25 years inclusive.

## **7. LEGISLATION/REFERENCES**

*Local Government Act 1999.*

## **8. POLICY DELEGATIONS**

In accordance with Council's Delegations Register, discounts outside of this Policy may only be endorsed by the CEO or the General Manager City Services.

## 9. ROLES/RESPONSIBILITIES

The General Manager City Services, Manager Community Connections, Team Leader Community and Cultural Development, and Cultural Development Coordinator, are responsible for the implementation and administration of this policy.

## 10. AVAILABILITY

The policy is available for public inspection during normal office hours from;

Unley Civic Centre  
181 Unley Road  
Unley SA 5061

A copy may be purchased for a fee as determined annually by Council.

It is also available for viewing, download and printing free of charge from the Council's website [www.unley.sa.gov.au](http://www.unley.sa.gov.au)

## 11. DOCUMENT HISTORY

| <b>Date:</b> | <b>Council/Committee/Internal</b> | <b>Comment:</b> |
|--------------|-----------------------------------|-----------------|
| 23/10/2017   | C966/17: V1                       |                 |
| 22 July 2019 | C<00>19: V2                       |                 |







## COU0019: FOOTPATH TRADING POLICY

|  |   |
|--|---|
| <b>Policy Type:</b>                    | Council Policy  |
| <b>Responsible Department:</b>         | City Services   |
| <b>Responsible Officer:</b>            | Manager Development & Regulatory Services   |
| <b>Related Policies and Procedures</b> | <ul style="list-style-type: none"> <li>• Footpath Trading Guidelines</li> <li>• <i>City of Unley By law 1: 2008 Permits and Penalties</i></li> <li>• <i>City of Unley By law 2: 2008 Roads</i></li> <li>• <i>City of Unley By law 3: 2008 Local Government Land</i></li> <li>• <i>City of Unley By law 4: Moveable Signs</i></li> </ul> |
| <b>Date Adopted</b>                    | 10 September 2018: C1287/18   |
| <b>Last review date</b>                | 22 July 2019: C<00>/19  |
| <b>Next review date</b>                | September 2021  |
| <b>Reference/Version Number</b>        | COU0019: V2   |
| <b>ECM Doc set I.D.</b>                | 3411184   |

### 1. POLICY STATEMENT

- 1.1. Footpath trading refers to the use of sections of the footpath for commercial activities that are approved by the City of Unley. This includes the provision of outdoor dining areas and the display of business merchandise and other objects on the footpath.
- 1.2. The purpose of the Footpath Trading Policy is to enable Council to safely manage the competing needs and interests of pedestrians, road users and business owners by fairly assessing and permitting footpath trading in a manner that improves the usage, quality and appearance of the City's public realm.
- 1.3. This Policy does not regulate movable signs on Council footpaths as these are administered under By law No. 4 – Moveable Signs.

### 2. COMMUNITY GOAL

- 2.1. The goals of the Footpath Trading Policy correspond with the Community Plan 2033, and focus on the *Community Living* and *Economic Prosperity* themes and related strategic objectives:

| THEMES              | STRATEGIC OBJECTIVES  |
|---------------------|---|
| Community Living    | 1.3 Our City meets the needs of all generations<br>1.5 Our City is connected and accessible |
| Economic Prosperity | 3.1 Unley is recognised as an easy place to do business                                     |

| THEMES | STRATEGIC OBJECTIVES  |
|--------|---|
|        | 3.2 Thriving main streets and other business activities operate across our City |

### 3. POLICY OBJECTIVES

3.1. The objectives of this Policy are to:

- Provide an overarching framework to guide the use of our City's footpaths and walkways by local businesses and ensure trading applications are assessed against Council's policy criteria and guidelines and considered on individual merit.
- Ensure our City streets are welcoming and accessible by prioritising pedestrian thoroughfare as the primary purpose of the footpath and maintaining a consistent and predictable clear path of travel for users of all abilities.
- Provide a balance between the various stakeholder interests in public areas that are used for business trading.
- Make it easier for businesses to obtain business trading permits and provide transparent guidelines that highlight key considerations in relation to access, safety, design and amenity.
- Prioritise the safety of all users of the City by adopting a risk management approach when considering permit applications.
- Ensure all Business Trading activities are designed to enhance the character and amenity of the surrounding streetscape and built form.
- Meet legislative requirements in relation to the use of Council land for business purposes and related by laws.
- Encourage activation supporting local businesses to utilise the City's footpaths to promote their businesses and add vibrancy.

### 4. PRINCIPLES

#### 4.1. Access

- 4.1.1. A well-managed footpath promotes both equitable access and supports local businesses by creating places and streets that are amenable and attractive to all visitors.
- 4.1.2. Council must manage the footpath and other public spaces to provide safe and equal access for all people around the City. This includes pedestrians with a pram, wheelchair or other mobility aid, or who are visually impaired and require a clear path of travel to be maintained at all times.
- 4.1.3. Council recognises that a clear path of travel is a necessity. Best practice is for the clear path of travel to be along the building side of the footway to optimise way finding for stakeholders who are vision impaired. This Policy reinforces the requirement that a clear path of travel should be maintained at all times, while also allowing opportunities for other beneficial uses on the public footway.

#### 4.2. Safety

- 4.2.1. Proposed outdoor dining locations will be assessed in terms of safety and may require changes to existing infrastructure and/or the installation of additional infrastructure (e.g. energy absorbing bollards). As a general principle, outdoor dining is not permitted along 60 km/hr speed limit roads, but may be considered when the proposed outdoor dining areas are

protected by appropriate safety barriers, or other traffic management treatments mitigate the risk.

#### **4.3. Design and Heritage**

- 4.3.1. Footpath trading structures, furniture and accessories should be of high quality design and improve the appearance of the city's public realm. Areas of historic, social and architectural interest, which contribute to the significance, character and appearance of the streetscape, should be conserved.
- 4.3.2. Outdoor dining areas should be attractive, innovative and vibrant. The layout should be appropriate to the setting, have high quality, durable furniture and fittings, and have an attractive and interesting appearance and contribute to overall place activation and vibrancy.

#### **4.4. Operation and Management**

- 4.4.1. Footpath trading should be undertaken in a manner that ensures accessible footpaths, contributes to environmental sustainability, creates a safe and clean outdoor space, minimises unnecessary noise and nuisance, and maintains social amenity in this public space.

#### **4.5. Education and Compliance**

- 4.5.1. It is the responsibility of applicants and permit holders to make themselves aware of the requirements and permit conditions associated with footpath trading permits.
- 4.5.2. Compliance is important to protect the public land, pedestrians and diners. Trading on public land without a permit will attract an expiation, or failure to comply with a permit condition may result in a revocation of a permit.
- 4.5.3. The issuing of a permit for outdoor dining does not grant exclusive rights of the relevant public space and cannot exclude the general public from using tables and chairs provided for the purpose of outdoor dining.

#### **4.6. Alterations/changes to the Council infrastructure**

- 4.6.1. As part of the footpath trading application process, Council may consider changes to Council infrastructure (e.g. widening footpath, relocating signs, installation of bollards etc.) where possible. These type of applications must be considered in the context of an integrated design, as the extension of the kerb may impact on parking, storm water, other services underground and adjacent businesses, and therefore cannot be considered in isolation.
- 4.6.2. The construction of new footpath protuberances to facilitate outdoor dining areas will be at the discretion of the Council, taking into account traffic management and safety. Assessment of such applications will be undertaken on a 'case by case' basis and at the sole discretion of the Council. In the event such application is approved, the costs associated with the infrastructure changes shall be borne by the applicant.

### **5. FOOTPATH ZONES**

5.1. For the purpose of Footpath Trading, the following Footpath Zones apply:

- Walkway zone
- Trading activity zone
- Kerbside zone.

#### **5.2. Walkway Zone**

5.2.1. There is no statutory requirement about the location or width of the walkway zone. Council relies on guidance from the Australian Human Rights Commission that the continuous accessible path of travel should extend from the property line with no obstructions or projections, in order to provide the best possible guidance line for all users, including people with a vision impairment.

**5.3. Trading activity zone**

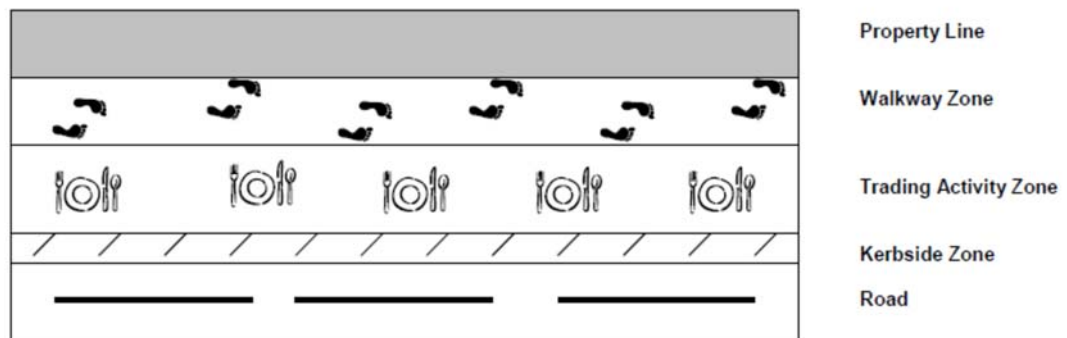
5.3.1. This is the only area of the footpath where the placement of goods, café furniture and ancillary items may be authorised.

**5.4. Kerbside zone**

5.4.1. A minimum buffer of clear footpath must be provided from the kerb to allow for access to and from parked vehicles, including loading zones. Where there is a disabled parking bay, the setback from the kerb will need to be greater. This area of the footpath must be kept free from any items or structures at all times.

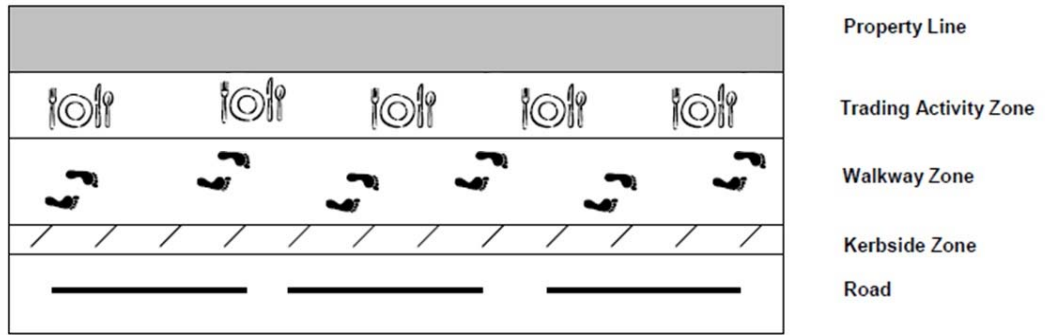
**5.5. Width of Footpath Zones**

| Total Footpath Width  | Less than 3.1metres wide  | 3.1 m and wider   |
|-----------------------|---|---|
| Walkway Zone          | Minimum 1.2 m, ideally from the property line towards the kerb<br>Minimum 2.2m in length and 1.8m in width in front of entrance doors. Refer to Guidelines for details. | Minimum 1.5 m, ideally from property line towards the kerb<br>Minimum 2.2m in length and 1.8m in width in front of entrance doors. Refer to Guidelines for details. |
| Trading Activity Zone | Remaining area once walkway and kerbside zones are identified   | Remaining area once walkway and kerbside zones are identified   |
| Kerbside Zone         | Minimum 0.6 m from the kerb of the road<br>Minimum 1.5 m if a disabled parking space adjoins the footpath   | Minimum 0.6 m from the kerb of the road<br>Minimum 1.5 m if a disabled parking space adjoins the footpath   |

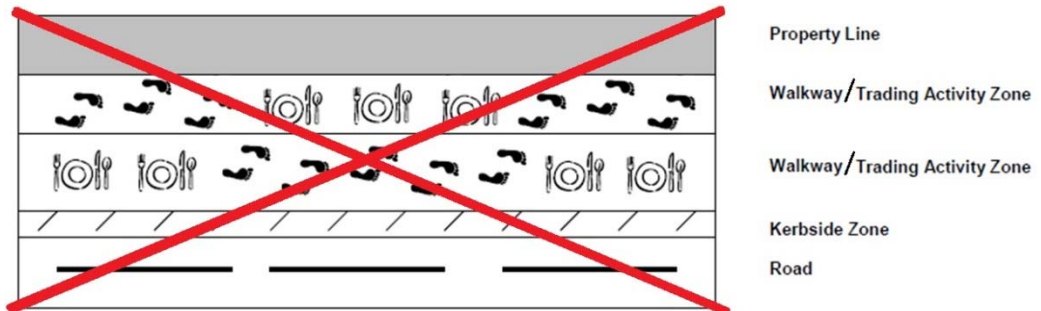


5.5.1. In some areas of Unley it may be impractical to locate the walkway zone adjacent the building line. In circumstances where the continuous accessible path of travel is not located against the building line:

- It should be located on the same part of the footpath for the length of the block
- It should be located where the location can be anticipated by users based on either local knowledge of the street or environmental cues.



5.5.2. The diagram below shows a path of travel that is not in a consistent location and not predictable for pedestrians.



## 6. POLICY

- 6.1. The Footpath Trading Policy enables Council to safely manage the competing needs and interests of pedestrians, road users and business owners. The Policy strives to put the City’s strategic objectives and values in practice by fairly assessing and permitting outdoor dining in a manner that improves the usage, quality and appearance of the city’s public realm.
- 6.2. The Footpath Trading Operating Guidelines have been prepared to implement the Policy Objectives and Principles.

## 7. DEFINITIONS

- “**Accessible**” means having features to enable use by people with a disability.
- “**Business merchandise**” means the offer or exposure for sale of any merchandise, goods, wares, commodity, article or thing.
- “**Continuous accessible path of travel**” The area of the footway maintained for safe and equitable pedestrian circulation which is free from obstructions and assists in way finding and navigation. Continuous accessible path of travel is defined by the Australian Human Rights Commission as:
- An uninterrupted route to and within an area providing access to all features, services and facilities. It should not incorporate any step, stairway, turnstile, revolving door, escalator, hazard or other obstacle or impediment which would prevent it from being safely negotiated by people with disability.*
- “**Energy Absorbing Bollards**” means bollards designed to perform under load in accordance with the requirements specified in the Roadside Dining Protection Guidelines, published by the Department for Transport.
- “**Footpath**” has the same meaning as “road” under the Local Government Act.

**“Footpath trading”** is the use of sections of the footpath for commercial activities that are approved by the City of Unley. This includes the provision of outdoor dining areas and the display of business merchandise and other objects on the footpath.

**“Objects”** exposure and/or display of any merchandise, goods, wares, commodity, article or thing for aesthetic purposes and/or used to promote or advertise a business, shop or services.

**“Outdoor dining”** means the use of the public footpath for the purpose of extending the services of premises whose main function is the provision of food and beverages to the public. Such premises include restaurants, cafes, bars, delicatessens and other food outlets. Outdoor dining should be directly associated with the business that holds the outdoor dining permit and should only operate when those associated premises are open for business.

**“Road”** means a public or private street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles or pedestrians or both and includes—

- (a) a bridge, viaduct or subway; or
- (b) an alley, laneway or walkway;

**8. LEGISLATION/REFERENCES**

- Local Government Act 1999
- Disability Discrimination Act 1992
- Development Act 1993 & Regulations 2008
- Australian Standard 1428
- Australian Human Rights Commission
- Austroads Part 6A
- City of Unley Bylaw 1: 2008 Permits and Penalties
- City of Unley Bylaw 2: 2008 Roads
- City of Unley Bylaw 3: 2008 Local Government Land
- City of Unley Bylaw 4: Moveable Signs

**9. POLICY DELEGATIONS**

- 9.1. The Team Leader Regulatory Services is authorised to issue permits for Footpath Trading in accordance with the requirements of this Policy.
- 9.2. The General Manager City Services is authorised to issue permits for Footpath Trading with criteria that are inconsistent with this Policy.
- 9.3. Delegated Council officers will monitor outdoor dining areas and Permit Holders are required to comply with any lawful and reasonable direction provided by such an officer. Breaches of the authorisation will be dealt with in accordance with the relevant legislation including the *Local Government Act, 1999*.

**10. ROLES/RESPONSIBILITIES**

| RESPONSIBILITY  | ROLE           |
|---|----------------|
| 10.1. Management of the street environment and public space | City of Unley  |
| 10.2. Operation and management of                           | Permit holders |

|   |  |
|---|--|
| Footpath  |  |
| 10.3. On-going education and compliance with the policy, procedure and operating guidelines | Partnership between the City of Unley and Permit holders |

## 11. AVAILABILITY OF POLICY

The policy is available for public inspection during normal office hours from;

Civic Centre

181 Unley Road

Unley SA 5061

A copy may be purchased for a fee as determined annually by Council.

It is also available for viewing, download and printing free of charge from the Council's website, [www.unley.sa.gov.au](http://www.unley.sa.gov.au)

## 12. DOCUMENT HISTORY

| Date                    | Ref/Version No. | Comment |
|-------------------------|-----------------|---------|
| a) 10<br>September 2018 | b) C1287/18: V1 | c)      |
| d) 22 July 2019         | e) C<00>/19: V2 | f)      |
| g)                      | h)              | i)      |







## COU0012: HIRE OF COMMUNITY CENTRES & TOWN HALL FEE DISCOUNT POLICY

|  |   |
|--|---|
| <b>Policy Type:</b>                    | Council Policy                            |
| <b>Responsible Department:</b>         | Community Connections                     |
| <b>Responsible Officer:</b>            | Manager Community and Cultural Facilities |
| <b>Related Policies and Procedures</b> | Council's Register of Fees and Charges    |
| <b>Date Adopted:</b>                   | 12 September 2016; C585/16                |
| <b>Last Council review:</b>            | 22 July 2019: C<00>/19                    |
| <b>Next review date:</b>               | July 2022                                 |
| <b>Reference/Version Number:</b>       | COU0012: V2                               |
| <b>ECM Doc Set ID:</b>                 | 2829814                                   |

### 1. POLICY STATEMENT

The purpose of this policy is to provide a framework for the equitable, efficient and effective management of the hire of Council's Community Centres and Town Hall facilities.

This policy provides a consistent discount framework for hire of the Fullarton Park Community Centre, Unley Community Centre and the Unley Town Hall, and supports groups who hire the facilities to provide activities and/or programs for the community and/or are locally based.

This policy does not apply to the Clarence Park Community Centre or Goodwood Community Centre due to the Partnering and Lease Agreements in place. It also does not apply to commercial properties that are leased from Council, and for which contractual lease agreements have been established.

### 2. COMMUNITY GOAL

*Community Living*

1.5 Our City is connected and accessible.

### 3. POLICY OBJECTIVES

3.1 To establish a framework for hire fees for Council Community Centres and the Unley Town Hall.

- 3.2 To provide support for groups, programs or activities which provide a community benefit.
- 3.3 To provide a benefit for local residents and businesses.
- 3.4 To provide a timely and consistent response to requests for reduced hire fees.

#### 4. PRINCIPLES

This policy is based on the City of Unley’s recognition that individuals, community groups and organisations should be supported to participate in all aspects of community life. The City of Unley is committed to support local initiatives that provide opportunities for the community to access and participate in a wide range of recreation, cultural, community and environmental activities and projects.

This policy is based on the following principles of good governance:

- Timely, open and transparent decision making.
- Accessibility.
- An equitable framework for assessing appropriate hire discounts.

#### 5. POLICY

Council endorses fees for Community Centres and Unley Town Hall facility hire annually in conjunction with the Council’s Annual Budget. Hirers may incur an increase in fees within the hire agreement period should it be across a calendar year. Information relating to hire fees for Council facilities are available from Customer Service, Council’s website and staff at each facility.

Council aims to implement an equitable pricing framework that supports access to the Council Community Centres and Town Hall.

The following discounts will be applied to the full fee cited in the Fees and Charges Schedule for the financial year in which the activity/event takes place.

- 
- **5.1 Pricing Framework**

| <b>Organisation Type</b>  | <b>Meets Local Status Criteria</b> | <b>Disc Discount</b> |
|---|------------------------------------|----------------------|
| Private / Commercial / Government                                 | No                                 | 0%                   |
| Private / Commercial / Government                                 | Yes                                | 15%                  |
| Not for Profit Groups* / Charities* / Schools                     | No                                 | 40%                  |
| Not for Profit Groups*/ Charities* / Schools                      | Yes                                | 55%                  |
| Community Programs discount (available at Community Centres only) | n/a                                | 55%                  |
| Internal (Programs facilitated or hosted by City of Unley)        | n/a                                | 100%                 |

*\*Proof of Not for Profit or charity status will be required at the time of hire confirmation (i.e. Registered Charity status, Certificate of Incorporation).*

Providers of community programs may receive Community Program discount (at Community Centres only) if their program meets the following criteria:

- Meets an identified need/demand within the community; and
- Not currently offered at the facility (or current programs at capacity); and
- Is free or low cost for participants; and
- Is open to all and not exclusive; and
- Aligns to Council strategies.

Hire fees and discounts also apply to equipment. Discounts do not apply to any required bond.

Groups and organisations with an existing historical agreement with the City of Unley to receive discount outside of this policy will be reviewed annually. No new agreements outside of this Policy will be entered into without CEO or General Manager Community approval.

All Hirers are required to abide by the conditions outlined in the relevant Terms and Conditions of Hire for the facility they are hiring.

## 6. DEFINITIONS

**Charities** – Refers to groups and organisations listed on the Australian Charities and Not-for-profit Commission (ACNC) website as a registered charity.

**Commercial** – Refers to a hirer representing a business or organisation that is for profit.

**Discount** – Refers to the percentage value removed from the hire fee, not including any bond payments.

**Government** – Refers to all tiers of Australian Government

**Hirer** – Refers to the individual nominated on the hire agreement who is responsible for the booking and all conditions of hire.

**Internal** – Refers to hire agreements made by staff employed by the City of Unley, who utilise a community centre for a council business meeting, community program, community engagement activity or other event.

**Local Status** – Refers to the hirer residing in or having a registered business and / or postal address within the City of Unley boundaries.

**Not for Profit Groups** – Refers to groups and organisations which do not operate for the profit, personal gain or other benefit of its owners. All money earned or donated is used in pursuing the organisation's objectives or purpose.

**Private** – Refers to a hirer who is not representing a business or organisation.

**Schools** – Refers to Government, Catholic or members of the Association of Independent Schools of South Australia, including pre-school, primary and secondary schools.

## 7. LEGISLATION/REFERENCES

*Local Government Act 1999.*

## 8. POLICY DELEGATIONS

Nil

## 9. ROLES/RESPONSIBILITIES

The General Manager City Services, Manager Community Connections, Team Leader Community Centres, Team Leader Customer Experience, and Coordinators of Unley and Fullarton Park Community Centres are responsible for the implementation and administration of this policy.

## 10. AVAILABILITY

The policy is available for public inspection during normal office hours from;

Civic Centre  
181 Unley Road  
Unley SA 5061

A copy may be purchased for a fee as determined annually by Council.

It is also available for viewing, download and printing free of charge from the Council's website, [www.unley.sa.gov.au](http://www.unley.sa.gov.au)

## 11. DOCUMENT HISTORY

| <b>Date:</b>      | <b>Council/Committee/Internal</b> | <b>Comment:</b> |
|-------------------|-----------------------------------|-----------------|
| 12 September 2016 | C585/16: V1                       |                 |
| 22 July 2019      | C<00>/19: V2                      |                 |

## **COUNCIL ACTION REPORT**

**REPORT TITLE:** COUNCIL ACTION RECORDS  
**ITEM NUMBER:** 4.11  
**DATE OF MEETING:** 22 JULY 2019  
**AUTHOR:** LARA JONES  
**JOB TITLE:** EXECUTIVE ASSISTANT, OFFICE OF THE  
CEO  
**ATTACHMENTS:** 1. COUNCIL ACTION REPORT LIST

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### **1. EXECUTIVE SUMMARY**

To provide an update to Members on information and actions arising from resolutions of Council.

### **2. RECOMMENDATION**

That:

1. The report be noted.
-



| COUNCIL ACTION REPORTS - ACTIONS TO JULY 2019 |        |  |                     |   |                          |  |
|---|--------|--|---------------------|---|--------------------------|--|
| Meeting Date                                  | Item # | Subject and Council Resolution   | Responsible Exec.   | Status/Progress   | Expected Completion Date |  |
| 27/11/17                                      | 1021   | <p><b>Priority Projects at Goodwood Oval and Millswood Sporting Complex</b></p> <p>1. The State Government offer of a grant of up to \$2.5m towards the construction of a new facility for the Goodwood Football and Cricket Clubs on Goodwood Oval be accepted, supported by financial contributions from the sporting clubs/SANFL of up to \$150,000 and a Council contribution of \$950,000 with the Chief Executive Officer authorised to enter into the necessary funding agreement with the State Government and any other agreement with funding contributors in order to deliver the project.</p> <p>2. The two-storey option proposed as the preferred option for the new facility on Goodwood Oval be endorsed, subject to discussions with the Office of Recreation and Sport and the sporting clubs, not proposing any major variations to the options.</p> <p>3. Community engagement on the proposed new facility on Goodwood Oval occur from January to March 2018, and a report be brought back to Council upon the completion of the engagement process.</p> <p>4. \$40,000 be allocated towards the sports lighting upgrade at the Millswood Tennis Complex, and discussions continue with external funding partners to achieve this project. Subject to confirmation of a funding contribution from Tennis SA:</p> <p>a. a development application for the project is to be submitted by the Administration; and</p> <p>b. at the appropriate time in 2018, a grant funding application is to be submitted to the Office for Recreation &amp; Sport for additional funds to enable delivery of this project.</p> <p>5. \$260,000 be allocated towards the development of a new club building and surrounds at the Millswood Croquet Club and discussions continue with possible external funding partners before a commitment to proceed with this project is made.</p> | GM City Development | <p><b>Goodwood Oval Grandstand</b><br/>Refer to Item 1136.</p> <p><b>Tennis SA Lighting</b><br/>- As part of the 2019/20 Annual Business Plan community consultation process, Council was requested by Tennis SA to increase its Capital Renewal Program by \$100k to contribute to an upgrade of courts and lighting. Council was also advised that Tennis SA has applied for a grant to the Office for Recreation, Sport and Racing for the upgrade and will contribute \$55k towards the project.<br/>- In response to the request made by Tennis SA, the Administration has recommended to Council not to increase the 2019/20 Budget and to seek clarity on scope of works and cost. Council adopted its Annual Business Plan at its June meeting and, whilst it has not allocated funding as requested by Tennis SA, if it receives the grant Council will consider allocating funding.</p> <p><b>Croquet Club Building</b><br/>- Work will be undertaken to progress this project once the Goodwood Oval grandstand project has been completed.<br/>- The Liberal Party pre-election promise of committing funding of \$250k to the redevelopment of the facility needs to be confirmed.</p> | Ongoing                  |  |
| 26/02/18                                      | 1102   | <p><b>MOTION OF WHICH NOTICE HAS BEEN GIVEN</b></p> <p>1. The Administration commence investigations into the possible future uses of the hockey playing field and building at the Goodwood Oval complex in order to ensure that this site is used appropriately, at such a time that Forestville Hockey Club should vacate the site. To enable the proposed review of alternative uses of the Forestville hockey playing field and building to be completed, Council is to consider a budget bid of \$30K during its 2018/19 budget deliberations.</p> <p>2. The Administration liaise with the State Government to obtain further information on the redevelopment of the Women's Memorial Playing Fields, including timelines and possible funding contributions, and that further updates be provided to Council once this information is obtained.</p>  | GM City Development | <p>Budget was not allocated in 2018/19 to enable the review of alternative uses of the Forestville Hockey playing fields and building.</p> <p>The Hockey Club has an ongoing lease at the Goodwood Oval Complex for a further three years. Following the advancement of the Goodwood Oval Grandstand Project, investigations will be undertaken into possible future uses of the hockey facilities.<br/>The Hockey Club has confirmed their seasonal use for 2019 and are not expected to vacate in the short / medium term.</p> <p>The Administration remains in contact with State Government and the Forestville Hockey Club regarding the redevelopment of the Women's Memorial Playing Fields.</p>   | Ongoing                  |  |

| COUNCIL ACTION REPORTS - ACTIONS TO JULY 2019 |        |   |                     |  |                          |
|---|--------|---|---------------------|--|--------------------------|
| Meeting Date                                  | Item # | Subject and Council Resolution  | Responsible Exec.   | Status/Progress  | Expected Completion Date |
| 26/03/18                                      | 1116   | <p><b>SHARED Street Opportunities</b></p> <p>1. The report be received.</p> <p>2. The criteria in Attachment 1 to Item 1116/18 (Council Meeting, 26/03/2018) be endorsed for use to assist with identification and prioritisation of streets that are suitable candidates for conversion to shared streets.</p> <p>3. Following the prioritisation of shared street opportunities, residents in prioritised streets be consulted. The results will then be used as a further criterion for determining which streets proceed to concept design and community engagement.</p> <p>4. Concept design and community engagement be undertaken in 2018/19 for one or more of the streets listed as 'priority' shared street conversion opportunities, with implementation to be considered as part of the 2019/20 budget process.</p> | GM City Development | <p>Consultation was undertaken regarding the pre-selected nine local streets in relation to the Shared Streets Program, and three streets [Maud Street (Rugby/Porter Street) Unley, Norman Terrace (Leah/Ethel Street) Forestville, Richards Terrace, Goodwood] were prioritised from a strategic assessment and the strength of community support for improvements.</p> <p>A workshop was held in May 2019 to co-design each of the three nominated streets with interested local residents. Community feedback has been sought on the preferred designs to determine a preferred Shared Street (Living Street) for the purpose of documentation and construction, and Administration is currently evaluating the results to determine one pilot project. .</p> <p>An allocation of \$70k has been made in the 2019/20 Budget for the delivery of the project.</p> <p>An Elected Members briefing is scheduled to be held on 5 August 2019, following which a report will be prepared for Council consideration in August 2019 to summarise the engagement, shortlisting and co-design process, and to seek direction to proceed with the preferred concept design to construction.</p> | August 2019              |
| 26/03/18                                      | 1117   | <p><b>POCKET PARKS</b></p> <p>1. The report be received.</p> <p>2. Designs be prepared for up to two pocket parks in 2018/19 from the options contained within Attachment 1 "Potential Pocket Park Locations", (Item 1117/18, Council, 26/03/2018).</p>   | GM City Development | <p>Community feedback is currently being sought for local support to transform existing road closures into pocket parks at five locations along Duthy Street. Following feedback from consultation, the Administration will then work with interested residents to develop design solutions for implementation of a pocket park. An allocation of \$70k has been made in the 2019/20 Budget for the delivery of this project.</p> <p>An Elected Members briefing is scheduled to be held on 5 August 2019, following which a report will be prepared for Council consideration in August 2019 to summarise the engagement, shortlisting and co-design process, and to seek direction to proceed with the preferred concept design to construction.</p>   | August 2019              |



| COUNCIL ACTION REPORTS - ACTIONS TO JULY 2019 |        |   |                     |  |                             |
|---|--------|---|---------------------|--|-----------------------------|
| Meeting Date                                  | Item # | Subject and Council Resolution  | Responsible Exec.   | Status/Progress  | Expected Completion Date    |
| 23/04/18                                      | 1136   | <p><b>GOODWOOD OVAL GRANDSTAND REDEVELOPMENT – RESULTS OF COMMUNITY CONSULTATION</b></p> <p>1. The report be received and the results of the community engagement be noted.</p> <p>2. Council endorse the concept designs for the new two-storey grandstand facility at Goodwood Oval, incorporating the recommended amendments to be included as part of detailed design development and proceed to detail design development and tender.</p> <p>The recommended amendments, in response to community and stakeholder feedback include:</p> <p>1. External Appearance and Streetscape Interface:</p> <p>a. Material and colour selection of the building, in particular the Curzon Avenue frontage will be selected appropriate to the local neighbourhood character.</p> <p>b. Detail design will include the development of landscape plans that address the streetscape interface and the external spaces associated with the new Grandstand Facility.</p> <p>c. Where practical, all existing trees will be retained in the detail design.</p> <p>2. Footprint of the Grandstand:</p> <p>a. The final footprint of the grandstand structure is to remain, where practical, within the footprint of the existing building.</p> <p>3. Leasing and License arrangements of the Facility.</p> <p>a. Council staff to develop new agreements with both clubs, to meet the requirements of the new facility, as well as to explore</p> <p>4. Provision of external storage:</p> <p>a. The proposed storage facility on Fairfax Avenue not proceed.</p> <p>b. The detail design process further engage with the Goodwood Saints Football Club and the Goodwood Cricket Club to identify their storage needs, with a view to providing the required storage capacity within the Grandstand and/or adjacent ancillary buildings (including potential extension of an ancillary building).</p> <p>5. Provision of public toilets:</p> <p>a. Public toilet provisions are to remain incorporated in the footprint of the ground floor of the new facility, with way finding signage incorporated across the park to direct public to the new facilities.</p> <p>3. Residents be notified of Council's decision by letter, to the same catchment area as that of the community consultation, and a notice be placed at the existing grandstand as well as Council's web site.</p> <p>4. Following the completion of detailed design development and in the event of no major variation to the project scope or total cost, the project proceed to tender for construction.</p> | GM City Development | <p>The Council Assessment Panel (CAP) met on 26 February 2019, and approved the development with additional restricted hours of operation.</p> <p>A third party appeal was received and the project was placed on hold, pending the resolution of the ERD Court appeals process. The Council participated in the first conference session on 13 May 2019, and a second conference on 25 June 2019. Following the first conference, the project team has been exploring opportunities to appeal to the concerns of the appellants, without compromising the approved design requirements set by Council and included within the State Government funding deed. Consensus has been reached between all parties and documentation is currently being finalised. Council's CAP will consider the matter at its meeting to be held on 20 August 2019.</p> <p>The Office for Recreation, Sport and Racing has been notified of the delay to the project and the funding deed has been extended to December 2019 to accommodate for the mediation process.</p> <p>The Administration has sought additional funding in the amount of \$923,305 through the Office for Recreation, Sport and Racing 'Community Recreation and Sport Program'.</p> | Subject to ERD Court matter |
| 28/05/18                                      | 1174   | <p><b>INCREASED USE OF SPORT AND RECREATION FACILITIES</b></p> <p>1. The report and attachments be received.</p> <p>2. A master plan for Ridge Park be developed in 2018/19 to establish a long-term vision for the park, considering:</p> <p>a. Football and cricket to suit female and junior participation, integrated into the existing amenity of the park.</p> <p>b. Informal recreation opportunities, trees and vegetation, biodiversity and the management of Glen Osmond Creek.</p> <p>c. Further consultation with selected City of Unley clubs as potential users of future upgraded facilities, including Goodwood Saints Football Club, Goodwood Cricket Club and Glen Osmond scouts, as well as consideration of the Open Space Survey findings.</p> <p>3. Continue to work with City of Unley based clubs, particularly those based at Goodwood Oval, to facilitate the increased use of Orphanage Park in order to reduce the overuse of Goodwood Oval and do not undertake any improvements to sports infrastructure at Orphanage Park until designs for Brownhill Keswick Creek in this park are finalised.</p> <p>4. Review lease and licence documents to investigate opportunities to increase facility use after club hours.</p> <p>5. Develop individual four year management plans for each surveyed park to integrate the findings of the Open Space Survey with asset renewal and maintenance programs. These plans will identify possible actions for consideration as part of the 2019/20 budget process.</p> <p>6. Repeat the Open Space Survey in four years to enable an evaluation of Council's initiatives.</p>   | GM City Development | <p>Budget was not allocated in 2018/19 to develop a masterplan for Ridge Park. Given the current level of endorsed projects, funding to progress this project will be included for consideration as part of the 2020/21 budget process.</p> <p>The Administration will continue to liaise with all local sporting clubs to ensure the availability and condition of sports facilities to suit their needs.</p> <p>A review of lease and licences will be incorporated in the planned review of the Community Land Management Plans in 2019/20.</p> <p>The ongoing development of Management Plans for local parks across the City of Unley will be undertaken by the Administration in coordination with the annual asset renewal and maintenance programs. The Management Plans will provide strategic direction for future budget considerations.</p>  | Ongoing                     |

Document Set ID 3075117

| COUNCIL ACTION REPORTS - ACTIONS TO JULY 2019 |        |  |                     |  |                          |  |
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| Meeting Date                                  | Item # | Subject and Council Resolution   | Responsible Exec.   | Status/Progress  | Expected Completion Date |  |
| 23/07/18                                      | 1224   | <p><b>MOTION ON NOTICE: GREER STREET, HYDE PARK / UNLEY PARK</b></p> <p>1. Staff prepares a report outlining possible options and associated costs to facilitate pedestrian and vehicle access and provide safety improvements for residents and visitors to Greer Street, Hyde Park/Unley Park.</p>   | GM City Development | <p>There have been numerous reviews undertaken by the Administration regarding options to address the various issues within Greer Street. A report is to be presented to Council for its consideration in August 2019 outlining the reviews which have been undertaken and the results of consultation undertaken.</p> <p>Council senior staff recently met with concerned residents to discuss the following appropriate actions:</p> <p><b>Removal of Street Trees</b><br/>Residents will prepare a petition to Council to formally request the removal of the existing street trees.</p> <p><b>Street Lighting</b><br/>Council staff will undertake a lighting assessment once the LED lighting works are completed in the street.</p> <p><b>On-Street Parking</b><br/>Council staff are currently reviewing onstreet parking at a particular location of key concern to a resident to determine support for removal of one onstreet parking space to provide better access to the resident's property. Council staff have written to tenants and property owners regarding their support for the removal of onstreet parking spaces.</p> | August 2019              |  |
| 27/08/18                                      | 1265   | <p><b>LED STREET LIGHTING BULK REPLACEMENT</b></p> <p>2. The street lighting on key strategic routes/roads as depicted in Attachment 1 (Item 1265, Council Meeting 27/08/2018) be upgraded during 2018/19 to an appropriate level.</p> <p>3. Subject to available funding within the endorsed \$1.5M budget, and in addition to the P-Category lighting changeover, the existing V-Category street lights (Council-owned only) along Council's collector roads be upgraded to an appropriate standard.</p> <p>4. Communication of the LED Street Lighting Bulk Replacement be undertaken, using a range of communication strategies, including direct mail out, council publications, website and social media.</p> <p>5. A new fee be created for inclusion in the Fees and Charges Schedule relating to the conduct of a review of, and/or modification to, luminaires at the request of a customer, with the value of the fee to be determined by Council once the contract negotiations with SA Power Networks have been finalised.</p>  | GM City Development | <p>The LED replacement project has been completed with approximately 2,600 street lights having been replaced across the City.</p> <p>At this point the project is due for completion by 30 June (subject to weather).</p> <p>Discussions continuing with SAPN to introduce a pilot project for Smart Street Lighting along the City's bicycle routes.</p> <p>The Administration has commenced looking at product choices for the V Category LED roll out to be undertaken in 2019/20.</p>   | Completed                |  |
| 10/09/18                                      | 1292   | <p><b>MOTION ON NOTICE – CHANGE TO COUNCIL RESOLUTION 1195/18: MILLSWOOD AREA – ON-STREET PARKING REVIEW</b></p> <p>That Council Resolution 1195 of the Council meeting of 25 June 2018 be <b>varied</b> as follows (<i>bold text to be inserted, strikethrough text to be deleted</i>):</p> <p>1. The report be received.</p> <p>2. The implementation of Parking Controls (Stage 1) in Millswood and adjacent areas, as shown in Attachment 1 to this report (Item 1195/18, Council Meeting, 25/06/2018), <del>and modified to include the area bounded by Allenby Avenue, Meredyth Avenue and Graham Avenue, be endorsed.</del></p> <p>3. At the conclusion of six months following the implementation of Stage 1 Parking Controls in Millswood and adjacent areas, a review of parking practices in the area be undertaken to inform a decision regarding the need for implementation of further parking controls, that is, Stage 2.</p> <p>4. The community originally consulted in relation to the implementation of Parking Controls in Millswood and adjacent areas be notified of the Council decision.</p> <p>5. That residents in Meredyth Avenue and Graham Avenue be advised of the introduction of parking controls prior to implementation.</p> <p>6. <del>Further correspondence be provided to residents in Meredyth Avenue and Graham Avenue, to advise of Councils decision to not introduce parking controls in those streets as part of the Millswood Stage 1 implementation.</del></p> | GM City Development | <p>The community was informed regarding change of Council decision. Parking signage has been installed.</p> <p>Parking occupancy data for both stage 1 and stage 2 areas has been received and is currently being analysed. Consultation with the community is scheduled for August 2019. Following the conclusion of the consultation, a report will be prepared for Council consideration regarding the need for further parking controls.</p>   | September 2019           |  |

| COUNCIL ACTION REPORTS - ACTIONS TO JULY 2019 |        |   |   |  |   |
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| Meeting Date                                  | Item # | Subject and Council Resolution  | Responsible Exec.                                     | Status/Progress  | Expected Completion Date                  |
| 24/09/18                                      | 1301   | <b>UNDERGROUNDING OF POWER LINES</b><br>2. A briefing be presented to the new Council, providing details of potential power line undergrounding projects that may be suitable for submission to the Power Line Environment Committee, to enable consideration of such projects for inclusion in the Long Term Financial Plan/future years budgets.  | GM City Development                                   | A report is to be considered by Council at its meeting to be held on 22 July 2019 recommending that potential sites be considered following a review of Council's Long Term Financial Plan.  | Completed                                 |
| 25/02/19                                      | 1399   | <b>UNLEY OVAL REDEVELOPMENT STAGE 2: LIFECHANGER LETTER OF INTENT</b><br>2. The Chief Executive Officer be endorsed to exchange a Letter of Intent with the LifeChanger Foundation, who are seeking to explore establishing their South Australian operations in the Unley Oval Complex, which commits to working collaboratively to seek alternative funding sources to undertake the Stage 2 redevelopment of Unley Oval.<br>3. Work commence on the development of detailed designs for Stage 2 of the Unley Oval redevelopment, to support discussions with possible sources of external funding for the project.<br>4. A review of the Community Land Management Plan (including community consultation) commence for Unley Oval.  | Executive Manager<br>OCEO<br>&<br>GM City Development | 2. Completed<br><br>3. Bell Architects have been engaged to develop a Concept Design scope of works. Works will be progressed to support discussions with possible sources of external funding for the project.<br><br>4. A review of the Community Land Management Plan for Unley Oval will be undertaken as part of a whole of city review of the CLMP, scheduled to be undertaken in 2019/20. | Completed<br><br>Commenced<br><br>Ongoing |
| 25/03/19                                      | 1419   | <b>PETITION RE TRAFFIC MANAGEMENT ON QUEEN STREET, UNLEY</b><br>The principal petitioner be advised that Council will undertake an investigation for the residents' request of potential parking management and traffic changes (one way streets) at Queen and Oak Streets.   | GM City Development                                   | The Administration has undertaken an investigation into the concerns which have been raised by the petitioners. A report outlining the findings of the investigation will be presented to Council for its consideration at its meeting to be held on 26 August 2019. Once a direction from Council is confirmed, consultation will be undertaken regarding any proposed changes accordingly.     | August 2019                               |
| 25/03/19                                      | 1424   | <b>CANOPY IMPROVEMENT ACTION PLAN</b><br>1. The report be received.<br>2. The Canopy Improvement Action Plan as set out in Attachment 1 to this report (Item 1424, Council Meeting 25/03/2019) be endorsed as the approach to revising the Tree Strategy in 2019 and improve canopy cover across the City of Unley.<br>3. The Year One Priorities contained in the Canopy Improvement Action Plan as set out in Attachment 1 to this report (Item 1424, Council Meeting 25/03/2019) be endorsed for the purpose of developing budget proposals that can be further considered by Council as part of setting the 2019/20 Council Budget and Business Plan.<br>4. The Administration write to relevant Ministers, the State Planning Commission and the Department of Planning, Transport and Infrastructure, highlighting Council's commitment to work together to improve canopy cover across the City and to advocate for changes to planning policy to meet the State Government's 30 Year Plan target for green cover, including the following:<br>a. seeking more space around buildings to allow for larger plantings, including deep soil zones and medium/large trees;<br>b. seeking provisions in the new Planning and Design Code for trees that at maturity will provide equivalent of minimum 15% canopy cover in new developments;<br>c. greater protection of Significant and Regulated Trees, including removing excluded tree species and exemptions on proximity to dwellings so that removals must be applied for and assessed on a case by case basis; and<br>d. restructuring of the fees or offsets associated with the removal of Significant/Regulated Trees to better reflect the true long term value of trees.<br>5. The 'Tree Precinct Plans' referred to in the Canopy Improvement Action Plan (set out in Attachment 1 to this report, Item 1424, Council Meeting 25/03/2019), be used as the basis of preparing a 'shovel ready project or projects' to leverage external funding sources with the intention of bringing forward the outcomes in the Plan. | GM City Development                                   | Canopy Improvement Plan has been endorsed by Council and implementation of Year One priorities have been funded in the 2019/20 budget.<br><br>Year One works associated with the Action Plan will be delivered in 2019/20.   | Completed                                 |



| COUNCIL ACTION REPORTS - ACTIONS TO JULY 2019 |        |  |                     |   |                          |
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| Meeting Date                                  | Item # | Subject and Council Resolution   | Responsible Exec.   | Status/Progress   | Expected Completion Date |
| 29/04/19                                      | 1450   | <p><b>CHILDREN CROSSINGS ADJACENT TO PARKSIDE PRIMARY SCHOOL</b></p> <p>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.</p> <p>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.</p> <p>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.</p>   | GM City Development | <p>A Section 270 – Review of Council Decision was requested by local residents. This was undertaken by Council's lawyers and the results considered by Council at its meeting held on 8 July 2019. Following consideration of the matter, Council resolved to proceed with the installation of the crossing.</p> <p>The works have been tendered. Subject to a satisfactory outcome, the Council will target construction of the crossing by the end of August 2019. The Fund My Neighbourhood funding expenditure has been extended to the end of August 2019.</p> | August 2019              |
| 27/05/19                                      | 2.1    | <p><b>IMPROVED LIGHTING AT UNLEY OVAL</b></p> <p>2. The principal petitioner be notified that a report will be prepared for consideration by Council identifying additional lighting times at Unley Oval during winter months that may be suitable to the community, and all costs associated with an increased lighting proposal.</p>   | GM City Development | The principal petitioner has been notified of Council's decision. The Administration is currently collating the information required and a report is anticipated to be presented to Council for its consideration in September 2019.  | September 2019           |
| 27/05/19                                      | 4.7    | <p><b>LEAH STREET RENEWAL</b></p> <p>2. Enhancement to Leah Street / Nichols Street intersection and Leah Street / Everard Terrace intersection be undertaken in co-ordination with the required road reconstruction (deep lift) and Council endorse the re-allocation of up to \$134,000 savings to cover the additional streetscape works.</p> <p>3. All residents, property owners and businesses directly affected by the proposed works, as well as those who have made submissions, be notified of the Council's decision to undertake enhancements at Leah Street / Nichols Street intersection and Leah Street / Everard Terrace intersection as part of the Leah Street reconstruction, prior to commencement of construction.</p> <p>4. Survey work be undertaken to determine changes in traffic volume and traffic speed on Leah Street, Nichols Street and Everard Terrace, prior to works being undertaken, within two months of works being complete and within six months of works being complete, with a report to return to Council regarding the impact (if any) of the changes, including identification of additional interventions that may be required if traffic patterns are observed to have adversely affected the surrounding streets.</p> | GM City Development | <p>Works commenced in June and are expected to be completed by the end of July 2019.</p> <p>All residents and those who responded to the consultation process were notified of Council's decision prior to the commencement of the works.</p> <p>Traffic counts will be undertaken as per Council's decisions and a report will be presented to Council in 2020 for its consideration of the findings of the counts to be undertaken.</p>   | August 2019              |
| 24/06/19                                      | 2.1    | <p><b>PARKING SIGNS ON TORRENS AVENUE, FULLARTON</b></p> <p>2. The principal petitioner be notified of Council's proposed actions following the outcome of the investigation into the matter and reported back to Council in July 2019.</p>  | GM City Development | A report is to be considered by Council at its meeting to be held on 22 July 2019 recommending that, subject to no objections being raised by residents through the consultation process being undertaken by the Administration, the existing 2P parking controls be removed.   | Completed                |

## **MOTION OF WHICH NOTICE HAS BEEN GIVEN**

|                         |  |
|-------------------------|--|
| <b>REPORT TITLE:</b>    | NOTICE OF MOTION FROM COUNCILLOR P. HUGHES RE: OPPORTUNITIES TO TAKE ADVANTAGE OF THE HISTORIC LOW INTEREST RATE ENVIRONMENT |
| <b>ITEM NUMBER:</b>     | 5.1.1  |
| <b>DATE OF MEETING:</b> | 22 JULY 2019   |
| <b>ATTACHMENTS:</b>     | NIL  |

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Councillor Peter Hughes has given notice of intention to move the following motion at the Council meeting to be held on 22 July 2019.

### **MOTION**

That:

1. Administration prepare a report that identifies opportunities to take advantage of the historic low interest rate environment.
- 

### **Background**

Australia now has historically low interest rates and simultaneously a slowing economy.

The low rates may persist for some time (into 2020 at least).

Governments at all levels have the opportunity, and responsibility, to identify projects that provide both short and long term benefits to the community and to stimulate the economy at the same time.

This request will enable our Council to determine if it wishes to participate or not.

The report being called for may identify any previous contributions that Council has made to this concept in recent years.

### **Officers Comments**

Council's Long Term Financial Plan will be a key source document to prepare the requested report. The Plan considers economic forecast data, future rate setting requirements, debt capacity and associated debt servicing costs over a 10 year period to support Council's Community Plan outcomes.

The Long Term Financial Plan will be updated towards the end of this calendar year to ensure it incorporates the 2018-19 financial results. It would be at this time that Council would be involved, at a Briefing, to consider opportunities that a report may identify.

A formal report can be prepared for Council, but is not required separately as Council will adopt an updated Long Term Financial Plan at the beginning of the 2020 calendar year.

## QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

|                         |  |
|-------------------------|--|
| <b>REPORT TITLE:</b>    | QUESTION ON NOTICE FROM COUNCILLOR<br>J. BOISVERT RE: CODE OF CONDUCT<br>COMPLAINT INVESTIGATION |
| <b>ITEM NUMBER:</b>     | 5.3.1  |
| <b>DATE OF MEETING:</b> | 22 JULY 2019   |
| <b>ATTACHMENTS:</b>     | NIL  |

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The following Questions on Notice has been received from Councillor J. Boisvert and the answers are provided:

### **QUESTIONS**

1. What were the legal costs incurred for the recent Code of Conduct investigation?
  2. Who authorised the investigation to be dealt with by lawyers instead of mediation?
  3. What administrative protocols are currently in place for the distribution of correspondence to Elected Members received from external parties?
  4. How can these be altered to ensure that 'inappropriate' emails are not forwarded to all councillors?
  5. Other councils deal with these matters confidentially. Why was this not the case for this one?
- 

The following answers have been provided by the Executive Manager Office of the CEO:

1. **What were the legal costs incurred for the recent Code of Conduct investigation?**

Prior to commencement of the investigation a quote was provided by Minter Ellison Lawyers. The quote was for a capped fee of \$3,500 plus GST (total \$3,850) and this is the amount invoiced following completion of the investigation.

A separate piece of advice was sought in relation to the presentation of the Final Report to Council and whether this should occur in confidence. The cost of that advice was \$594.10 plus GST (total \$653.51).

2. **Who authorised the investigation to be dealt with by lawyers instead of mediation?**

In accordance with the *Complaints Handling Procedure under Council Members' Code of Conduct* (the Complaint Handling Procedure) the Principal Member is responsible for determining whether the complaint relates to Part 2 of the Code, Part 3 of the Code or is criminal/corrupt behaviour, and is then charged with determining how a complaint shall be dealt with. A non-exhaustive list of options (resolve the matter internally, refer the complaint to the Local Government Governance Panel or dismiss the allegation) is provided within the Complaint Handling Procedure to assist the Presiding Member to do so.

In this matter, the Mayor determined that it should be referred externally to a legal firm for investigation.

3. **What administrative protocols are currently in place for the distribution of correspondence to Elected Members received from external parties?**

The current practice for distribution of correspondence to Elected Members received from external parties is to forward them directly at the first opportunity. Whilst the occurrence is not frequent, there have been instances in the preceding twelve months where envelopes addressed to Elected Members were left with Customer Service, these were subsequently placed directly into Elected Member pigeon holes. There have also been emails received (via both the POBox1 email and directly by individual staff) which are forwarded to Elected Members council email addresses.

Information received is not filtered or reviewed by staff.

4. **How can these be altered to ensure that 'inappropriate' emails are not forwarded to all councillors?**

If Council wishes to implement a process whereby correspondence for Elected Members received from external parties is evaluated prior to distribution then it would be necessary for Council to determine the criteria that should be used for staff to undertake that assessment.

5. **Other councils deal with these matters confidentially. Why was this not the case for this one?**

As indicated in response to Question 1, legal advice was sought as to the correct process for presentation of the Final Report to Council. Without replicating the full detail of the advice, it indicated:

- The Code of Conduct for Council Members prescribes at 2.24 that a breach of the Code must be the subject of a report to a public meeting of the Council;
- The Complaints Handling Procedure states on page 6 that a breach of Part 2 of the Code must be the subject of a report to a public meeting of the Council; and
- The "report" in this instance means the actual investigation report.



On that basis the advice concluded that the full Final Report, which found that a breach of the Code of Conduct occurred, must be presented to Council as a public item.

## QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

|                         |  |
|-------------------------|--|
| <b>REPORT TITLE:</b>    | QUESTION ON NOTICE FROM MAYOR HEWITSON RE: LEGAL COSTS AND OPTIONS TO REDUCE THESE WITH CODE OF CONDUCT COMPLAINTS AND OTHER REVIEWS |
| <b>ITEM NUMBER:</b>     | 5.3.2  |
| <b>DATE OF MEETING:</b> | 22 JULY 2019   |
| <b>ATTACHMENTS:</b>     | NIL  |

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The following Questions on Notice have been received from Mayor Michael Hewitson.

We are fortunate at the City of Unley to have very few instances of formal Code of Conduct and other legal complaints.

Consideration of the Code of Conduct item at the 24 June 2019 Council meeting generated much debate and concern about the approach and associated cost of dealing with conduct complaints.

At the Special Council meeting 8 July 2019, a S270 review was considered, and the findings confirmed that Council's decision on the matter was sound.

Legal costs associated with conduct and other legal complaints can quickly escalate and it is important to understand the current processes to ensure that the City of Unley is not spending large sums of money, as some Councils throughout South Australia have.

Some questions and answers are required in order to inform future practice of this Council, so that Unley Council may seek to avoid becoming another Council that incurs high legal costs.

### **Background Information**

By letter dated 6 March 2019 addressed to Chief Executive Officer Peter Tsokas, Cr Hughes lodged a complaint alleging a breach of the Code of Conduct for Council Members (the Code) by Cr Boisvert. In accordance with the *Complaints Handling Procedure under Council Members' Code of Conduct* (the Complaint Handling Procedure), the CEO advised the Mayor of receipt of the complaint and sought direction as to how the matter should be investigated.

The Mayor held discussions with the CEO, the Executive Manager Office of the CEO, and later with the complainant Cr Hughes. The Mayor noted that he was personally named in the complaint. In an effort to resolve the matter expeditiously, Mayor Hewitson had spoken with the other relevant party, Luke Smolucha, to gather further information about the accusation from Cr Boisvert.

Luke Smolucha stated that it was based on erroneous information. This finding was shared with and rejected by Cr Boisvert, as was subsequently reported in the Minter Ellison report.

#### 4. ACCURACY OF SUBJECT EMAIL

The Subject Email alleges that Mr Smolucha sent his email to Ms Norman at the request of an elected member as a form of lobbying. At the centre of this investigation is the issue of the accuracy of the Subject Email and in particular the allegation of lobbying and request by an elected member.

Shortly after the Subject Email was sent, Mr Michael Hewitson sent an email in reply stating *'In the interest of factual truth, I have just phoned Luke Smolucha and asked him if anyone asked him to write this email. "NO" was the quick response. "may I quote you and your answer" I asked, "Yes".'*

Cr Boisvert confirmed at interview that at the time of sending the Subject Email she believed, and she still believes, that Mr Smolucha sent his email to Ms Norman at the request of an elected member as a form of lobbying.

The Mayor discussed the matter with Cr Hughes who advised the Mayor that he wanted the matter determined following legal process. Cr Hughes determined that mediation was not an option that he would consider in this instance. Cr Hughes gave his reasons for this.

Given the Mayor's personal involvement in the matter and following the rejection of Luke Smolucha's denials by Cr Boisvert by email as reported in the Minter Ellison report above, the Mayor then asked staff to investigate the matter. Staff advised that they would not assess the complaint as to whether the code was breached by Cr Boisvert, and further advised that it should be dealt with at arm's length.

With no other option available to the Mayor, he asked staff to engage an external review and a report to Council.

Minter Ellison Lawyers (MEL) was appointed to conduct the investigation. As the Complaint Handling Procedure does not prescribe a framework for the investigation of complaints, MEL prepared a framework to govern the investigation.

The Complaint alleged a breach of the following sections of the Code:

- 2.1 Show commitment and discharge duties conscientiously.
- 2.3 Act in a reasonable, just, respectful and non-discriminatory way when dealing with people.
- 2.4 Show respect for others if making comments publicly.
- 2.7 Deal with information received in their capacity as Council members in a responsible manner.
- 2.8 Endeavour to provide accurate information to the Council and to the public at all times.
- 2.9 Endeavour to establish and maintain a respectful relationship with all Council members, regardless of differences of views and opinions. Clause 2.24 of the Code provides that "a breach of the Behavioural Code must be the subject of a report to a public meeting of the Council."

The legal finding was that Cr Boisvert breached sections 2.1, 2.3, 2.7, 2.8 and 2.9 of the Code of Conduct for Council Members. The report also found that the breach was at the lower end of the scale.

## 9. RECOMMENDATIONS

While we have found that Cr Boisvert has breached the Code, we consider that the offending is at the lower end of the scale.

Cr Boisvert stated at interview that she would have apologised shortly after sending the Subject Email had Cr Hughes contacted her and requested an apology. However, we note that Cr Boisvert's preparedness to apologise at the time of her offending does not abrogate her conduct or change our findings with respect to her breaches of the Code.

In May 2019, the Chief Executive Officer, Peter Tsokas, received (in accordance with section 270 of the *Local Government Act 1999*) a request for an internal review of Council's decision regarding the proposed children's crossing at Young Street, Parkside (Council Decision: 1450, 29 April 2019) from two applicants.

In accordance with Council's *Procedure for Internal Review of a Council Decision* (the Internal Review Procedure), as the Chief Executive Officer's delegate, the Principal Governance Officer made an initial assessment of the applications, and due to the nature of the decision to be reviewed, determined that the matter be referred to an independent third party for review.

Conclusions and recommendations included in the report are provided below.

## 13. CONCLUSIONS AND RECOMMENDATIONS

- 13.1 Taking the above into account, **we find** that the Council did not act unlawfully or unreasonably in resolving to install the Crossing, at the location adjacent to 22-24 Young Street.
- 13.2 Further, while we understand the First and Second Applicants oppose the type and location of the Crossing, we **do not find** that the Council has failed to take into account relevant considerations in making its decision and has, at all times, sought to work constructively with the First and Second Applicants to reduce the impact that the Crossing may have.
- 13.3 We recommend the Council give further consideration as to whether a reduction to the south-western protuberance length of the Crossing, to accommodate an additional permit park, can be safely accommodated in the design.
- 13.4 We recommend that in considering whether to make this Report publicly available, that the Council resolves to make publicly available a redacted copy of the Report and Appendices.
- 13.5 Irrespective of the manner in which the Council resolves to determine this matter, it is acknowledged that the First and Second Applicants have recourse to the Ombudsman if they remain dissatisfied.

## **QUESTIONS**

1. How much did the investigation of the recent Code of Conduct matter cost?
2. How much would external mediation have cost?
3. If one of the parties does not accept mediation and insists on a legal investigation, could the Mayor insist on mediation?
4. To minimise conduct complaints with all costs being borne by ratepayers, could Council resolve a motion such as; That for future complaints:

*“The complainant be liable for a monetary contribution of an agreed amount, for example \$500, should the complaint be found baseless, or in the alternate if supported, the person complained about be liable for the agreed amount as a contribution to costs of ratepayers.”?*

5. How much did the S270 review, regarding the installation of the pedestrian crossing in Young Street, Parkside cost and how many applications for a review were received?
6. Could the principle of a monetary contribution as described in question 4, be applied to a review that is not initiated by Council? Could Council resolve a motion such as; That for future legal reviews: “The complainant be liable for a monetary contribution of an agreed amount, for example between \$50 and \$500 on an as needs basis, should the complaint be found baseless, or in the alternate if supported, the person complained about be liable for the agreed amount as a contribution to costs of ratepayers.”?

## **ANSWERS**

1. **How much did the investigation of the recent Code of Conduct matter cost?**

Prior to commencement of the investigation a quote was provided by Minter Ellison Lawyers. The quote was for a capped fee of \$3,500 plus GST (total \$3,850) and this is the amount invoiced following completion of the investigation.

A separate piece of advice was sought by Administration in relation to the presentation of the Final Report to Council and whether this should occur in confidence. The cost of that advice was \$594.10 plus GST (total \$653.51).

2. **How much would external mediation have cost?**

The cost of mediation is influenced by a range of factors, most notably the amount of time taken to complete the mediation process. This in turn is influenced by the way in which parties to the process participate. An hourly rate in the order of \$330 per hour is indicative of the costs associated with a professional mediation process.

3. **If one of the parties does not accept mediation and insists on a legal investigation, could the Mayor insist on mediation?**

The *Complaints Handling Procedure under the Council Member's Code of Conduct* (The Complaints Handling Procedure) currently provides:

***Alleged Breach of Part 2 – Internal Response***

1. *Only matters which are determined to be of a minor nature will be dealt with internally and only with the agreement of the parties. The Principal Member may hold meetings with the complainant and the Council Member and may seek mediation and conciliation between the parties in an attempt to resolve the matter to the satisfaction of all parties. This may be appropriate, for example, where the complainant is also a Council Member.*
2. *The Principal Member must ensure that the principles of natural justice and procedural fairness are observed.*
3. *Where the matter is resolved by the Principal Member to the satisfaction of all the parties, the matter will be closed and no further action will be taken. The Principal Member will send written confirmation to all the parties confirming that the matter has been resolved and provide a report to a public meeting of the Council.*

Whilst the above allows for a matter to be resolved by the Principal Member, it requires the agreement of the parties. The Complaints Handling Procedure could be modified to include a requirement for mediation to occur in relation to certain complaints.

4. **To minimise conduct complaints with all costs being borne by ratepayers, could Council resolve a motion such as; That for future complaints:**

***“The complainant be liable for a monetary contribution of an agreed amount, for example \$500, should the complaint be found baseless, or in the alternate if supported, the person complained about be liable for the agreed amount as a contribution to costs of ratepayers.”?***

Section 188(1) of the *Local Government Act 1999* (the Act) provides the power for Council to impose fees or charges in certain circumstances. There are no fixed or prescribed fees that are relevant to the proposal above. Consideration has been given to the applicability of the power to charge for services supplied to a person at their request, or for carrying out work at a person's request.

Whilst it could be argued that in lodging a complaint alleging a breach of the Code of Conduct the person is requesting 'investigatory services', this is unlikely to withstand a challenge that lodging a Code of Conduct complaint equates to a request for service. Any fee imposed on this basis would equally not withstand a challenge as to its validity.

Given that Council does not have any inherent powers, it must rely on either the Act or the Code of Conduct to impose such a fee. As there is no apparent relevant provision in either the Act or the Code means that any resolution of Council like the proposal would be *ultra vires*.

5. **How much did the S270 review, regarding the installation of the pedestrian crossing in Young Street, Parkside cost and how many applications for a review were received?**

Two applications for a review of the installation of a Children's Crossing on Young Street, Parkside were received. Following receipt of the first application for review a quote was sought from KelledyJones Lawyers to undertake the review. The quote received was \$5,250 (+GST), and this was provided as the maximum fee payable (a fee cap).

Upon receipt of the second application for review Administration sought to join the two applications, given they related to the same matter. A further quote was requested, and the additional fee was \$1,350 (+GST), which brought the total amount for the conduct of the two reviews to \$6,600 (+GST).

6. **Could the principle of a monetary contribution as described in question 4, be applied to a review that is not initiated by Council? Could Council resolve a motion such as; That for future legal reviews: "The complainant be liable for a monetary contribution of an agreed amount, for example between \$50 and \$500 on an needs basis, should the complaint be found baseless, or in the alternate if supported, the person complained about be liable for the agreed amount as a contribution to costs of ratepayers."?**

Section 270(1) of the *Local Government Act 1999* requires Council to establish procedures for the review of decisions of the council, employees of the council or other persons acting on behalf of the council. Council cannot charge a fee for such a review (expressly stated at s.270(3), nor can a charge be imposed by Council on an applicant based on the outcome of the review and in addition to any findings of the review.

Council may refuse to consider an application for review (s270(4)) if it appears the application is frivolous or vexatious, or the applicant does not have a sufficient interest in the matter.

## MAYOR'S REPORT

**REPORT TITLE:** MAYOR'S REPORT FOR MONTH OF JUNE  
**ITEM NUMBER:** 6.1.1  
**DATE OF MEETING:** 22 JULY 2019  
**ATTACHMENTS:** 1. 2019 ASIA PACIFIC MAYORS SUMMIT - REPORT

### 1. RECOMMENDATION

That:

1. The report be received.

### Functions attended (up to the time of writing this report)

| Legend for attendance type at Function/Event:           |  |
|---|--|
| Attendee – only, no duties                              | Guest – specifically invited as an event guest |
| Interview – on-air radio guest                          | Host – hosted a meeting as Mayor               |
| Mayor – attended as the Mayor of City of Unley          | Presenter – involved in presenting awards      |
| Representative – attended as the Council representative | Speaker – attended and gave a speech as Mayor  |

| Date      | Function/Event Description  | Type     |
|-----------|---|----------|
| 16-June   | North v Sturt football game – networking event at Prospect  | Attendee |
| 21-June   | Unley Budget Breakfast 2019 – networking event with Minister Pisoni   | Attendee |
| 22-June   | Little Oxford Montessori School Opening   | Speaker  |
| 25-June   | Naval & Military Club – networking event  | Attendee |
| 28-June   | Lord Mayor Civic Reception – 150 Years of St Peter's Cathedral  | Attendee |
| 29-June   | Sturt v Adelaide football game – networking event at Sturt  | Host     |
| 1-July    | GAROC Workshop  | Attendee |
| 7-10 July | Asia Pacific Cities Summit & Mayors Forum* – Brisbane Convention & Exhibition Centre, various networking events | Attendee |
| 13-July   | Central District v Sturt football game – networking event at Elizabeth  | Attendee |
| 14-July   | Alliance Francaise Bastille Day   | Attendee |



|         | <b>Radio Interviews</b>   |           |
|---------|---|-----------|
| 28-June | Peter Goers ABC Mayor and Rod Hook.   | Interview |
| 4-July  | Peter Goers ABC Radio second interview. Mike Hudson was also on the program.                  | Interview |
| 14-July | FiveAA – Michael Keelan re. trees/garden; environment and climate change; canopy action plan. | Interview |

**\*Asia Pacific Cities Summit & Mayors Forum**

This was an important far-reaching conference with workshops. A separate report containing detail of the Summit is attached.

We have entered the 4<sup>th</sup> industrial revolution. It is the data of things and people. I have learnt that we have work to do as a Council and policies that we need to prepare if we are going to provide an open and transparent city with the data we are collecting. How do we get the best value from this to improve the liveability and our coherence as city of Unley?

At the Micro level, innovation is snowballing.... Change is about to be exponential... I attended all of the startup company booths and have circulated promising sounding innovations to our staff and to ERA.



## Report by Mayor Michael Hewitson AM

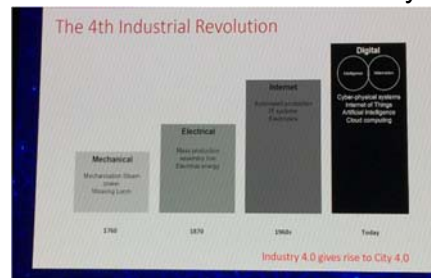
### 2019 Asia Pacific Cities Summit & Mayors' Forum

Brisbane, 7 – 10 July 2019

#### “Start with the question ... not with the data”

The overarching theme of the 2019 Asia Pacific Cities Summit was ‘Driving Cities through Business and Innovation’. The conference was built around themes that we have for Unley:

- Smart;
- Sustainable;
- Mobile; and
- Liveable Cities.



The conference also enabled Mayors across South East Asia to both collectively and severally explore solutions and issues for their individual cities and beyond.

As the Mayor of Unley, the conference was well chosen by staff, providing me with an opportunity to consider and understand the macro issues of the current digital, data-driven revolution. We are early into this fourth industrial revolution and we need policies and practices for Council, and I am reporting on issues that Council needs to consider.

#### What are our policies on Transparency rights?

1. Right to access your data
2. Right to inspect the refineries
  - a. See security risk audit
  - b. See privacy burn rate
  - c. See return-on-data score
3. Right to amend
4. Right to blur e.g. faces
5. Right to experiment
6. Right to port

#### Unley Fitness Function

We need to express our beliefs, mission and values as this is needed for the evaluation of experiments (viz: answering questions that we use our data to answer). We could start with the following:

1. Start with a question, not with the data
2. Focus on decisions and actions
3. Embrace transparency
4. Respect and empower our citizens

## Questions for Unley to answer

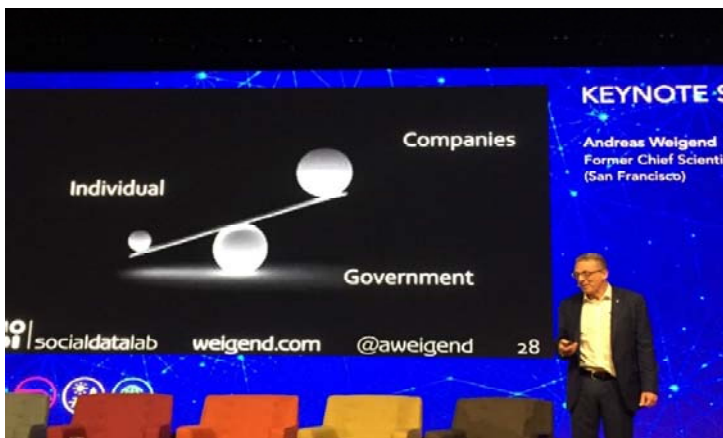
Some simple questions:

1. Do our citizens understand the value they get when they give you data?
2. Does our product or service get better over time and with data (or worse)?

Some hard questions:

1. Who owns the data? What actually is data ownership?
2. What data to share / not share?
3. When everything can be measured, what is fairness?

There needs to be a balance between Government, Companies and Individuals.



There were 1300 attendees at the Summit, with most cities having a delegation of staff, enabling me to engage on a one-to-one basis with cutting edge start-ups, exploring such things as waste recycling, connectivity, how to care for the aged, and how citizens use public transport and connect for the “last mile” to work or home.

On arrival I discovered we had 90 Mayors from cities across the Asia Pacific region with a large contingent from China. Many cities had a delegation and with 140 young professionals from Brisbane aged under 26 years, the total number of delegates was about 1300. My attendance at the conference was chosen by our CEO and the Executive Team. The purpose was to broaden my knowledge and put me outside my comfort zone to learn new things that would enable Unley to have a Mayor that was well-informed about the current issues, ideas and possible solutions in areas beyond my current expertise.

**Lesson One:** I downloaded a Conference Smart App that enabled me to choose my own agenda; view notes on every presenter and every session available; use a personalised QR coded contact tag to download conference contacts; and share my contact details with other delegates; all this with just a flash of my phone. This put me into new territory but made a gathering of 1300 seem like 130.

This lesson was needed after the first Sunday gathering emptied my supply of Mayoral business cards and included about seven invitations to become a ‘Sister City’ city with different Chinese Mayors. Their cities were over 1,000,000 people. Each Mayor seemed to have a translator, a local support person and a couple of staff. Other overseas Mayors I met were from Indonesia, Japan, New Guinea and New Zealand. Nepal was represented by the Mayor’s Secretary whose English was fluent.

The keynote speakers shared insights that I had only just begun to consider such as:

- Never make decisions on data;
- Use data to answer a prior question or test a proposition; and
- Start-ups are a key to the city's future.

**Start Up Alley** was a key to the conference.

I visited many examples at Start Up Alley to explore what they had to offer our City. For about a dozen of them, I have sent their email details to our relevant staff and included others on future agendas for either Unley or for the Eastern Region Alliance of Councils. For example, a Smart App or system that allows staff sharing between organisations or between Unley Council and businesses in Unley. The Smart App for the conference enabled me to flash my phone and download details there and then. I soon learnt that I did not need to collect paper and was able to act immediately on things learnt. So often in the past I have had all these good contacts and ideas, but they come to nought because as soon as I arrived home I have to keep up with the present.

The **Keynote Speakers** were inspiring.

### Co-founder of Netflix - Marc Randolph

After being rejected with Netflix by Block Busters he took down the \$6 Billion business of Block Busters in 10 years.

You need tolerance for risk.

To get an idea you need thousands of ideas - they do not need to be complex, nor even a good idea. Then you test them.



**Nobody knows anything.... You cannot pick winners... you have to take that risk**

“No business plan survived the collision with a real person.”

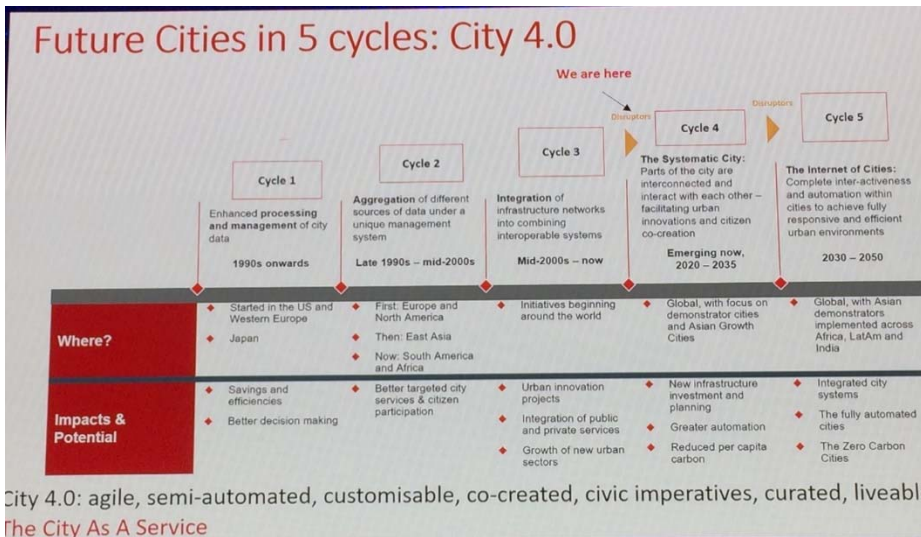
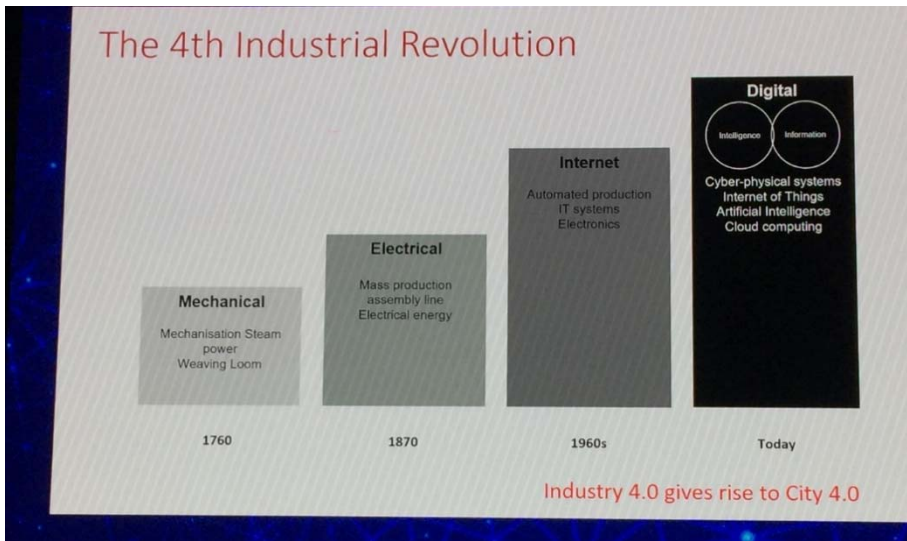
Ask what's wrong? Look for pain. A tin of paint is a bad solution. Need a system to try bad ideas. To have confidence you need to act and do something.

I attended many workshops exploring various issues and learnt so much from overseas presenters.

If Korea was fast, China is doing this kind of development in 200 cities, all within a decade.



Also, local speakers had so much to offer.



**Professor Greg Clark**

Pro densification - integrate private and public space.

**Optus**

Advert for Connected Cities – Need to make the physical and digital world one. 5G can do this. We can integrate all things from water, transport etc...with people’s connectivity.

**Queensland Utilities**

Water.... Encourage employees to have ideas because innovation isn’t optional.

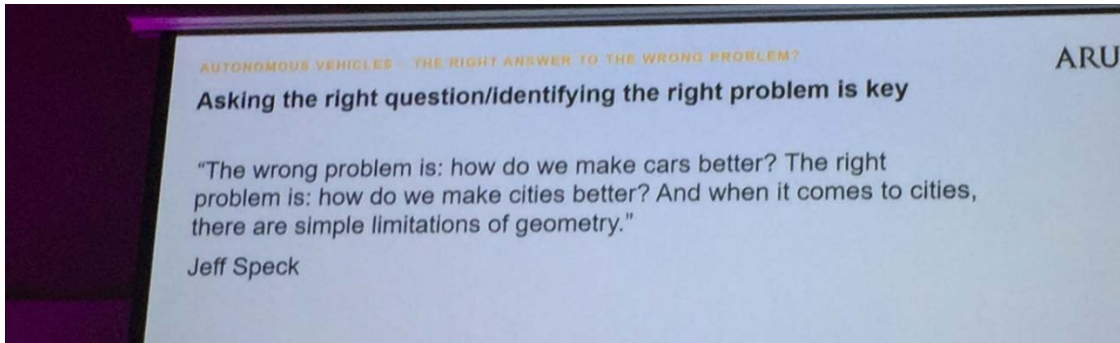
**The Rise of micro mobility**

The last 5 kms. What will be the electric vehicle in 3 years’ time? It may be an electric scooter or an electric bike as they work best from being collected at a railway station and then can be ridden to work. They can then be returned at night and can be easily recharged.



Recommendation of the Panel of Experts from USA, NZ, Sydney and Brisbane:

1. Build recharge stations at tram and rail stations to prevent people making the trip by car to work all the way
2. Build bikeways as these will be usable by any future micro electric vehicle such as a bicycle, gopher, or scooter.



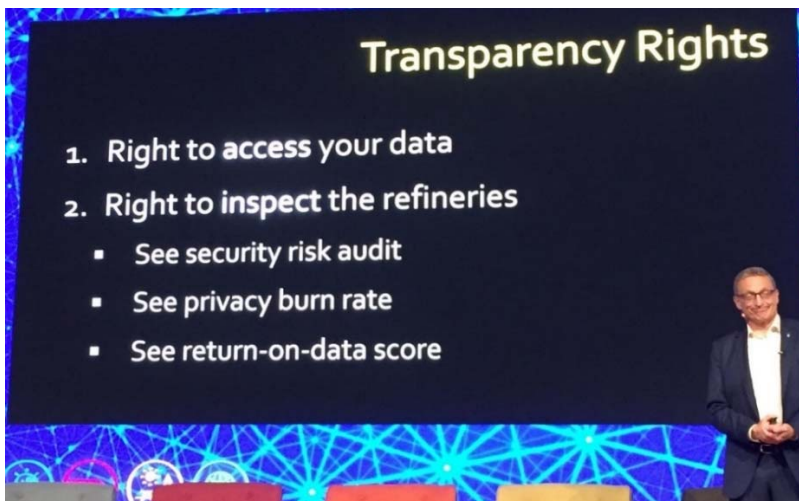
**Andreas Weigend – Chief Scientist, Amazon**

2020 is about connecting sensors. Amsterdam used Google data to fix potholes. Google said it was their data and Amsterdam said it was theirs as it was their City.

From the data you know which potholes need fixing. The data is collected straight off everyone's phones and GPS.

Ask good questions and you receive the answers in minutes. With Amazon customer odd numbers vs even.

The slide below describes issues that face the City of Unley:



Every measurement has errors and we need to teach people to think like physicists; it is just the order of magnitude.

**Start with the question ... not with the data.**

You may not want data. Respect and empower your citizens.

## China

The most important way to improve climate change is to teach children about food. Change the world one bite at a time.



## **Young Professionals Feedback**

The Summit also delivered a Young Professionals Forum for 20 – 25 year olds as an exclusive program running at the same time as the Mayoral workshops. The forum aimed at equipping the next generation of leaders with professional development and networking opportunities. It also aimed to bring young people’s ideas into the conference dealing with a rapidly changing world.

### **Their Ideas:**

#### Innovation of Cities

##### Mobility

1. Prioritise active transport such as cycling and walking by taxing cars
2. Automated bus routes integrate with driverless cars
3. Last mile transport solutions e.g. Uber ride.



### **Liveability Cities**

1. Social isolation
2. Age - new community gardens / food festivals
3. Forums of community members to design public spaces
4. Multi ethnic involvement

### **Sustainability**

1. Common statement in the regional groupings
2. Deepen connections beyond your city
3. Cities share issues and lessons learned.

### **Conclusion: Michael's Summary**

1. Unley Council needs to address the issue of transparency and our digital data policies.
2. Many new innovations which are operationally helpful to the City of Unley have been forwarded to the relevant staff to follow up.
3. Trees, Cool green and sunlit is important for health, liveable, sustainable cities.
4. We need to build "bikeways" for future transport... Not necessarily for cycling, it may be electric scooters or a yet to be invented electric transport vehicle for the 5km ride. This is vital for mobility and for Public Transport to work. Cars are NOT THE solution for transport in Cities.



*Figure 1 Tree Planting in China*

## DEPUTY MAYOR'S REPORT

**REPORT TITLE:** DEPUTY MAYOR'S REPORT FOR MONTH OF JUNE  
**ITEM NUMBER:** 6.2.1  
**DATE OF MEETING:** 22 JULY 2019  
**ATTACHMENTS:** NIL

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### 1. RECOMMENDATION

That:

1. The report be received.
- 

### Functions attended (up to the time of writing this report)

| Date                  | Function/Event Description   |
|-----------------------|--|
| 23 <sup>rd</sup> June | Represented the Mayor at the St John Open Day and Rededication Service held at their headquarters in Edmund Avenue. This was also a celebration of 135 years of St John Ambulance in Australia and the Feast of St John the Baptist. Several speakers highlighted excellent progress in strategic planning and 'The Road Ahead' is ensuring St John will remain a very vital organisation. |
| 28 <sup>th</sup> June | Had a coffee meeting with our Mayor on King William Road and engaged with some traders.  |
| 28 <sup>th</sup> June | Attended 'Ageing Well in Your Community' – showcasing models for ageing well. A very well attended event here in our Town Hall.  |
| 5 <sup>th</sup> July  | Represented the Mayor at the launch of SALA 2019. Also announced the 3 finalists for the City of Unley Active Ageing Award for artists aged 60 or over.  |
| 13 <sup>th</sup> July | Attended the Sturt Football Club match at Elizabeth as a guest of Mayor Docherty.  |

## REPORTS OF MEMBERS

|                         |  |
|-------------------------|--|
| <b>REPORT TITLE:</b>    | REPORTS OF MEMBERS   |
| <b>ITEM NUMBER:</b>     | 6.3.1  |
| <b>DATE OF MEETING:</b> | 22 JULY 2019   |
| <b>ATTACHMENTS:</b>     | <ol style="list-style-type: none"><li>1. COUNCILLOR J. RUSSO</li><li>2. COUNCILLOR M. BRONIECKI</li><li>3. COUNCILLOR M. RABBITT</li><li>4. COUNCILLOR D. PALMER</li></ol> |

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Council to note attached reports from Members:

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



**MEMBER REPORT**

**REPORT TITLE:** REPORT FROM COUNCILLOR RUSSO

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**Functions attended** (up to the time of writing this report)

| <b>Date</b> | <b>Function/Event Description</b>   |
|-------------|---|
| 24/6/19     | City of Unley June Council Meeting  |
| 25/6/19     | Meeting with KWR Traders Asssocation  |
| 25/6/19     | Meeting with Cr Michael Rabbitt – EMs Vision & Rules  |
| 27/6/19     | Meeting with Mayor Michael Hewitson – KWR update  |
| 27/6/19     | CEO’s Performace Review Committee Meeting - Centennial Park Cemetery Authority                                  |
| 27/6/19     | Board Meeting - Centennial Park Cemetery Authority  |
| 28/6/19     | Attended City of Unley’s Ageing Well in Your Community – Showcasing community models for ageing well            |
| 29/6/19     | Attended Sturt Lunch and SANFL game ( David Pisoni MP)  |
| 2/7/19      | Meeting with KWR Traders Asssocation  |
| 2/7/19      | Meeting with Richard Altman – CEO’s Performance Review  |
| 7/7/19      | Attended SANFL game with Mayor Erin Thompson and South Adelaide FC Ladies Day                                   |
| 8/7/19      | City of Unley Special Council Meeting   |
| 10/7/19     | Meeting with Cr Sue Dewing, Peter Simmonds (FOCUS) & Ben Fitzsimmons – development on cr. Edmund Ave & Duthy St |
| 15/7/19     | Attending YMCA SA Youth Parliament - Opening Ceremony   |



## REPORTS OF MEMBERS

**REPORT TITLE:** REPORT FROM COUNCILLOR MONICA BRONIECKI

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**Functions attended** (up to the time of writing this report)

| <b>Date</b> | <b>Function/Event Description</b>                         |
|-------------|---|
| 24/06/2019  | Council Meeting   |
| 26/06/2019  | Meeting with Pastor Jason Hoet, Baptist Church Unley Park |
| 26/06/2019  | Meeting with Michael Rabbitt, Unley Park Ward matters     |
| 27/06/2019  | Meeting with Michael Hewitson on King William Road        |
| 2/07/2019   | Audit Committee   |
| 8/07/2019   | Meeting with Administration, Unley Park Ward matters      |
| 8/07/2019   | Special Council meeting                                   |





## REPORTS OF MEMBERS

**REPORT TITLE:** REPORT FROM COUNCILLOR M RABBITT

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### Functions attended – 15 June to 15 July

| <b>Date</b> | <b>Function/Event Description</b>  |
|-------------|--|
| 21 June     | Unley Breakfast Buddies – Music of the 50s & 60s   |
| 24 June     | Centennial Park – Meeting re Café Project  |
| 25 June     | Meeting with Cr Russo to discuss suggestions for Elected Member protocols and possible Workshop  |
| 27 June     | Coffee discussion with Mayor Hewitson and Cr Broniecki, view progress of King William Road works and visit a few businesses in the precinct. |
| 27 June     | Centennial Park Board Meeting  |
| 28 June     | Unley Breakfast Buddies – Presentation by Second Chances SA  |
| 29 June     | Sturt Football Club Lunch at Barzaar; Sturt v Adelaide Match   |
| 5 July      | Unley Breakfast Buddies – Managing turf on golf courses and ovals  |
| 7 July      | Sturt v South Football Match – Guest of Mayor Thompson, City of Onkaparinga  |
| 12 July     | Unley Breakfast Buddies – Principles of Feng shui  |



**REPORTS OF MEMBERS****REPORT TITLE:** REPORT FROM COUNCILLOR D. PALMER**Functions attended** (from 17 May up to the time of writing this report)

| <b>Date</b> | <b>Function/Event Description</b>  |
|-------------|--|
| 19 June     | SA Press Club State Budget Lunch   |
| 21 June     | Met with Gold Foundation re potential future home in Unley                                     |
| 24 June     | Council meeting  |
| 26 June     | Clarence Park Community Centre Board of Management meeting                                     |
| 28 June     | Ageing well in your community Forum in the Town Hall   |
| 29 June     | Sturt v Adelaide pre-game luncheon   |
|             | Goodwood Saints v TTG  |
| 1 July      | Farewell meeting with David Litchfield   |
|             | Productivity Workshop Session at LGA House   |
|             | Sesquicentenary working group meeting  |
| 2 July      | CEO Review meeting   |
| 4 July      | Coffee on King William with the Mayor  |
| 5 July      | Goody Saints U18Girls v Hope Valley  |
| 6 July      | Goodwood Saints v Adelaide University  |
|             | Forestville Eagles v Norwood Flames  |
| 7 July      | South Adelaide v Sturt as guest of Mayor of Onkaparinga Council at Flinders University Stadium |
| 8 July      | Special Council meeting  |
| 13 July     | Central Districts v Sturt as guest of Mayor of Onkaparinga Council at X Convenience Oval       |
| Various     | Regular visits to King William Road, and to Leah Street.                                       |

In addition I had many meetings with rate payers with various concerns and met with some elected members, one on one.

## MEMBER REPORT

**REPORT TITLE:** REPORT FROM COUNCILLOR J. BOISVERT -  
APOLOGY

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In accordance with the requirements of Council Resolution C0046/19 I provide the following written apology:

*I wish to apologise to Cr Hughes for the content of the email that I sent in January. It was not my intent to offend him but, nevertheless, he was and for this I apologise.*

## **CORRESPONDENCE**

|                         |  |
|-------------------------|--|
| <b>REPORT TITLE:</b>    | CORRESPONDENCE   |
| <b>ITEM NUMBER:</b>     | 6.4.1  |
| <b>DATE OF MEETING:</b> | 22 JULY 2019   |
| <b>ATTACHMENTS:</b>     | <ol style="list-style-type: none"><li>1. BUILT HERITAGE, CONTRIBUTORY ITEMS &amp; CHARACTER</li><li>2. 2018-19 PLANNING &amp; DEVELOPMENT FUND, LOCAL GOVERNMENT GRANT PROGRAMS</li><li>3. CEO'S TRAVEL</li><li>4. LIBRARIES BOARD OF SA, PANEL SUBMISSION FOR CONSIDERATION</li></ol> |

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The correspondence from:

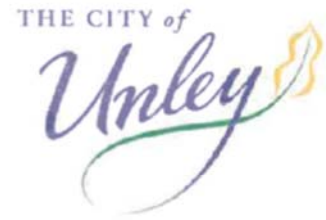
- Mayor Hewitson – The Hon. Stephan Knoll MP re. Built Heritage, Contributory Items & Character
- The Hon. Stephan Knoll MP – re. 2018-19 Planning & Development Fund, Local Government Grant Programs
- Mayor Hewitson – re. CEO's Travel
- LGA of SA – re. Libraries Board of SA Panel Submission of Nominees for Consideration

be noted.

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MAYOR'S OFFICE



17 June 2019

The Honourable Stephan Knoll MP  
Minister for Transport, Infrastructure and Local Government  
Minister for Planning  
GPO Box 1533  
ADELAIDE SA 5001

Dear Minister

**BUILT HERITAGE, CONTRIBUTORY ITEMS AND CHARACTER**

I write to you in my capacity as Chair for the Eastern Region Alliance (ERA).

ERA is comprised of the Cities of Burnside, Campbelltown, Prospect, Norwood Payneham & St Peters, Unley, and the Town of Walkerville.

As you are aware, there has been considerable discussion and concern expressed regarding the State Governments planning reforms and in particular more recently the transition of Contributory Items into the new *Planning and Design Code*.

Managing built heritage is a key component of South Australia's planning system. The ERA Councils and indeed, many Councils across metropolitan Adelaide, have invested significantly in undertaking heritage surveys and the development of policies to guide the assessment of local heritage places, Contributory Items and so on. This work was all undertaken under the guidance and approval of the various State Ministers since the 1970s.

The need for reform of the State's built heritage framework has become increasingly apparent in recent years. In this respect, South Australia's Expert Panel on Planning acknowledged the value of heritage, the need for changes to the system, and made several recommendations aimed at reforming the system. Further, whilst the value of heritage to the State's economy has not been determined, it is recognised that the City and State benefits significantly from its heritage and as such, there is a fundamental role for the retention of more than just those properties identified as State or Local Heritage to underpin the tourism economy.

In 2016, the Department of Planning, Transport & Infrastructure (DPTI) released a Discussion Paper titled, '*Heritage Reform – an exploration of the opportunities*'. This Discussion Paper generated a significant response from stakeholders and the community generally (including 183 submissions), however, the Discussion Paper did not progress the recommendations which were made by the Expert and no outcomes were communicated to the community and stakeholders.

...2/

CITY of VILLAGES

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Website [www.unley.sa.gov.au](http://www.unley.sa.gov.au)

-2-

The release of the South Australian Planning Commission's *Heritage and Character* Position Paper has raised a number of serious concerns regarding the transition of Contributory Items into the new *Planning and Design Code*. In this respect, much of the discussion regarding the status of Contributory Items has been misinformed and little or no justification of the Commission's decision has been provided with respect to not recognising them within the new *Planning and Design Code*. In fact, it remains unclear whether the Commission is still consulting on this issue or whether the Commission's decision is final.

In light of these concerns, on behalf of the ERA Councils, the Mayors of the ERA Councils request to meet with you as a matter of urgency. The intention of this meeting is to outline the historical basis for the introduction of Contributory Items and to discuss a way forward which would see Contributory Items recognised in the *Planning and Design Code*, rather than disassembling the current arrangements as proposed by the Commission.

I look forward to hearing from you and to making a suitable time to meet with you.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Michael Hewitson', with a long horizontal flourish extending to the right.

Michael Hewitson AM  
**MAYOR**  
**ON BEHALF OF ERA COUNCILS**





Government  
of South Australia

The Hon Stephan Knoll MP  
Member for Schubert

2018/12103/01

Mayor Michael Hewitson  
City of Unley  
PO Box 1  
UNLEY SA 5061

*Michael*

Dear Mayor Hewitson

I refer to Council's applications for funding under the 2018-19 Planning and Development Fund local government grant programs.

After consideration I am pleased to advise Council that I have approved funding for the following project, as outlined in your application.

- \$610,000 for the Wilberforce Walk Greenway Link

I wish to advise Council that I have not approved funding for the King William Road Revitalisation. The grant funding was highly competitive with over \$23 million worth of applications received.

Please note that the formalisation of the Funding Agreement between Council and the Department of Planning, Transport and Infrastructure, including the establishment of key outcomes, funding conditions and timelines for progress reports, will be arranged directly with Council staff.

If you require any further information please do not hesitate to contact Mr Matt Lang, on 7109 7090 at the Department of Planning, Transport and Infrastructure.

Yours sincerely

**HON STEPHAN KNOLL MP**  
**MINISTER FOR TRANSPORT, INFRASTRUCTURE AND LOCAL GOVERNMENT**  
**MINISTER FOR PLANNING**

*20/6* 2019

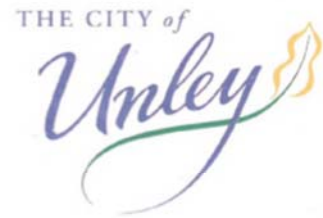
Minister for Transport, Infrastructure and Local Government  
Minister for Planning

Roma Mitchell House Adelaide SA 5000 | GPO Box 1533 Adelaide SA 5001 DX 171  
Tel 08 7109 8430 | Email [ministerknoll@sa.gov.au](mailto:ministerknoll@sa.gov.au)





MAYOR'S OFFICE



12 July 2019

[Redacted]

[Redacted]

I wish to respond to your email of 4 July 2019 to Cr Monica Broniecki regarding the CEO's travel. Below are the responses to each of the questions that you raised:

1. *Who made the request for travel approval and funding?*

The CEO is encouraged by Council to keep abreast of emerging trends aligned to the City of Unley's Community Plan, leadership development and leading business learnings in renowned forums.

The CEO received an invitation from Mr Steve Georganas MP to join him in his attendance at the 12th World Hellenic Inter-parliamentary Association General Assembly. The General Assembly also coincided with a speaking invitation at the 55+ Hellas.

The CEO discussed both invitations with me before applying for leave. I believed the agenda would provide benefit to our City in a rapidly changing world.

2. *Who was the request addressed to and on what date was it submitted?*

The CEO is required to request leave of absence from the Mayor. Preliminary discussion commenced early 2019.

3. *What purpose and/or benefits were outlined in the request?*

The 12<sup>th</sup> General Assembly, taking place in the Hellenic Parliament, will bring together politicians and CEO's of Greek background from around the world to discuss matters facing their communities and the initiatives being implemented to promote multi-culturalism (including ageing communities) within the wider arena.

A city in central Greece, Trikala has gained international recognition as Greece's Smart City Flagship, following the implementation of a series of innovative initiatives in infrastructure and services. These include smart parking, bicycling infrastructure, waste collection, smart water management, smart street lighting and smart open mall. Attendance at these events also provides opportunities to gain a broader understanding, knowledge and experiences from representatives across the world on critical social, societal and economic challenges that are also relevant to the City of Unley. Promoting the progress of the City of Unley's achievements in Active Ageing, and implementation of the City of Unley's Digital Strategy.

...2/

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Website www.unley.sa.gov.au

PRINTED ON RECYCLED PAPER

A speaking engagement by invitation at 55+ Hellas, a one-day forum to discuss ageing initiatives, with a focus on knowledge and experience sharing to develop strategies for our community to age in place. The City of Unley's Active Ageing Strategy has had international recognition.

4. *Who approved the travel and under what conditions?*

The Mayor approves leave to be taken by the CEO. The Mayor approved the CEO's attendance at the 12<sup>th</sup> General Assembly, the speaking engagement in Athens, and the visit to Trikala for reasons described in responses to question 3.

5. *What events will the CEO be attending when on duty?*

The 12<sup>th</sup> General Assembly of the World Hellenic Inter-parliamentary Association.

Trikala – Various meetings with the Mayor, city officials and advisors to the city of Trikala.

Speaking engagement and attendance at 55+ Hellas.

6. *What issues/matters will be reviewed?*

At the 12<sup>th</sup> General Assembly, gaining insight and learnings facing communities around the world about multi-culturalism (including ageing communities).

In Trikala, seeing firsthand the impact of a series of innovative initiatives in infrastructure and services including smart parking, bicycling infrastructure, waste collection, smart water management, smart street lighting and smart open mall.

At the 55+ Hellas, sharing the City of Unley's experiences and the positive impacts in the community that the various active ageing initiatives have had. Learning from others about implementation of their ageing initiatives, with a focus on knowledge and experience sharing to develop strategies for our community to age in place. The City of Unley's Active Ageing Strategy has had international recognition.

7. *How is it proposed this information will specifically benefit the City of Unley?*

The learnings through sharing of experiences at the 55+ Hellas, seeing firsthand the impact of smart city initiatives in Trikala; and participation in discussions of issues facing communities about multiculturalism at the 12<sup>th</sup> Assembly are directly linked to outcomes in the City of Unley's 4 Year Delivery Plan.

The CEO will share information gathered with Elected Members and staff when he returns.

8. *What amount of financial assistance has been provided to the CEO for this travel?*

Financial assistance has been provided by Council for incurred travel and accommodation expenses that relate to the Council business components of travel only. All personal travel and accommodation expenses incurred have been met by the CEO.

...3/

9. *When was the CEOs leave (which coincides with this work trip) approved?*

Tacit approval was provided early 2019.

I trust that this fully and directly answers your questions. I would be happy to discuss with you any matters that these responses may raise.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Michael Hewitson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

**Michael Hewitson AM**  
Mayor





The voice of local government.

In reply please quote our reference: ECM 678722 KR/JLM

11 July 2019

Mr Peter Tsokas  
Chief Executive Officer  
City of Unley  
PO Box 1  
Unley SA 5061

**Emailed:** [pobox1@unley.sa.gov.au](mailto:pobox1@unley.sa.gov.au)

Dear Mr Tsokas

**Libraries Board of SA**

On 24 June 2019 the LGA Board of Directors resolved via circular resolution to submit a panel of eight nominees as listed below (in alphabetical order) from which three members will be appointed by the Premier to the Libraries Board of SA:

- Ms Megan Berghuis (City of Unley)
- Cr Dr Helen Donovan (Adelaide City Council)
- Cr Bronwyn Lewis (Alexandrina Council)
- Deputy Mayor John Neal (Regional Council of Goyder)
- Cr Sarah Ouk (City of Salisbury)
- Ms Lynn Spurling (Copper Coast Council)
- Mayor Jill Whittaker (Campbelltown City Council)
- Mayor Jan-Claire Wisdom (Adelaide Hills Council)

Thank you for your Council's nomination. Would you please formally notify Ms Berghuis of the Board's decision.

We will advise you of the final appointments once we have been notified by the Premier's office. In the meantime if you have any queries in relation to this matter please contact Senior Policy Officer, Katherine Russell on 8224 2067 or email [katherine.russell@lga.sa.gov.au](mailto:katherine.russell@lga.sa.gov.au).

Yours sincerely

A handwritten signature in black ink that reads 'L. Bacon'.

Lea Bacon

**Director Policy**

Telephone: (08) 8224 2025

Email: [lea.bacon@lga.sa.gov.au](mailto:lea.bacon@lga.sa.gov.au)

148 Frome Street Adelaide SA 5000 | GPO Box 2693 Adelaide SA 5001 | T 08 8224 2000 | F 08 8232 6336 | W [lga.sa.gov.au](http://lga.sa.gov.au)

Document Set ID: 4749117  
Version: 1, Version Date: 12/07/2019



## INFORMATION REPORT

**REPORT TITLE:** CONFIDENTIALITY MOTION FOR ITEM -  
CENTENNIAL PARK CEMETERY AUTHORITY  
- 2019/20 BUDGET

**ITEM NUMBER:** 7.1

**DATE OF MEETING:** 22 JULY 2019

**AUTHOR:** TAMI NORMAN

**JOB TITLE:** EXECUTIVE MANAGER, OFFICE OF THE CEO

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Pursuant to section 83(5) of the *Local Government Act 1999* the Chief Executive Officer has indicated that, if Council so determines, this matter may be considered in confidence under Part 3 of the *Local Government Act 1999* on the grounds set out below.

### 1. **RECOMMENDATION**

That:

1. Pursuant to Section 90(2) and (3)(d)(i) and (d)(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:
  - commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
  - commercial information of a confidential nature (not being a trade secret) the disclosure of which 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 Council to receive the 2019/20 Centennial Park Cemetery Authority Budget without compromising the commercial position of the CPCA.

On that basis, the public's interest is best served by not disclosing Centennial Park Cemetery Authority - 2019/20 Budget, Report 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.

**ITEM 7.2**

**Confidential – removed from the public agenda – pages 198-206**

## INFORMATION REPORT

**REPORT TITLE:** CONFIDENTIALITY MOTION TO REMAIN IN CONFIDENCE FOR ITEM 7.2 - CENTENNIAL PARK CEMETERY AUTHORITY - 2019/20 BUDGET

**ITEM NUMBER:** 7.3

**DATE OF MEETING:** 22 JULY 2019

**AUTHOR:** TAMI NORMAN

**JOB TITLE:** EXECUTIVE MANAGER, OFFICE OF THE CEO

### 1. **RECOMMENDATION**

That:

1. Pursuant to Section 91(7) of the *Local Government Act 1999* the following elements of Item 7.2 Centennial Park Cemetery Authority - 2019/20 Budget, considered at the Council Meeting on 22 July 2019:

- Minutes
- Report
- Attachment

remain confidential until 31 November 2020 and not available for public inspection until the cessation of that period.

2. 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.