COUNCIL
AGENDA 26 JUNE 2007

MEETING OF THE COUNCIL TO BE HELD IN THE COUNCIL CHAMBERS, 131 BELAIR ROAD, TORRENS PARK ON TUESDAY, 26 JUNE 2007 AT 7.00 PM.

MEMBERSHIP: His Worship the Mayor (I Brooks)
Crs M Picton, J Weaver, S Fisher, G Hudson, J Sanderson, Z Young, R Warren, D Gibbs Ludbrook, E Grimm, H Chennell, I Perry, C Campbell and M Ward

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RON MALCOLM
CHIEF EXECUTIVE OFFICER
COUNCIL

AGENDA 26 JUNE 2007

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MEMBERSHIP: His Worship the Mayor (I Brooks)
Crs M Picton, J Weaver, S Fisher, G Hudson, J Sanderson, Z Young, R Warren, D Gibbs Ludbrook, E Grimm, H Chennell, I Perry, C Campbell and M Ward

PRAYER:

PRESENT:

APOLOGIES:

STAFF IN ATTENDANCE:

WELCOME:

CONFIRMATION OF MINUTES

1. FULL COUNCIL - 22 MAY 2007
(Ref: FF.01.1089) (Function/Activity: Governance/Committees)

RECOMMENDED that the Minutes of the Full Council Meeting held 22 May 2007 be confirmed.

2. SPECIAL FULL COUNCIL - 13 JUNE 2007
(Ref: FF.01.1089) (Function/Activity: Governance/Committees)

RECOMMENDED that the Minutes of the Special Council Meeting held 13 June 2007 be confirmed.

BUSINESS

1. ADJOURNED MOTIONS

Nil
2. DEPUTATIONS

2.1 MR BARRY PETHICK, 95 GLOUCESTER AVENUE, BELAIR  
(Ref: FF.07.426) (Function/Activity: Property Management/Consultation)

Mr Barry Pethick of 95 Gloucester Avenue, Belair has been granted permission to address the Council objecting to the possible sale of Lot 16 Gloucester Avenue, Belair.

3. PETITIONS

3.1 PETITION – CC HOOD RESERVE  
(Ref: FF.06.831) Ron Malcolm (Prepared: 1/06/07)  
(Function/Activity: Property Management / Project Management)

PROPOSAL
To receive petitions signed by an additional 338 residents; residents who live in the close vicinity of CC Hood Reserve.

BACKGROUND
An extensive public consultation process has been undertaken in relation to the proposed upgrade and development of the CC Hood Reserve. A series of public meetings were conducted in March. Petitions from residents have also been received as detailed below.

The petitions dated from April to May 2007, states:

1. Council does not proceed with the proposal to sell and develop the land
2. Council implement a truly facilitated consultation process with residents to obtain residents view.
3. Council refrain from giving preferential treatment and negotiating an arrangement with Bedford Industries for the disposal of land should the proposal go ahead.
4. Council implement a 5-year Strategy Plan and Budget to upgrade CC Hood Reserve.

At the Full Council Meeting of 22 May 2007 petitions signed by 246 residents in relation to this matter were received. Subsequently additional petitions that had been included with submissions relating to the public consultation process have now been separated from this material. These petitions have been signed by 338 additional residents which, when combined with the previously received petitions, now total 584 signatories petitioning the Council on the proposed upgrading and development of CC Hood Reserve.

Copies of the petition can be viewed by contacting the Chief Executive Officer's Executive Assistant.
DISCUSSION

The petitions received by Council from April to May 2007 contain 584 signatures opposed to the sale and development of the land known as CC Hood Reserve.

Relationship to Strategic Plan

Goal: A City which contributes to the economic wellbeing of the State by optimising its opportunities for substantial economic activity.

Objective 3.1 A City that supports and encourages ecological sustainable businesses

Objective 3.3 A City that maximises alternative revenue streams to rates

Cost Shifting Implications

Nil.

RECOMMENDATION

(1) That the petition be received.

(2) That the petitioners be advised that a further report will be submitted to Council outlining all comments and suggestions from the public consultation received in relation to the proposed upgrade and development of the CC Hood Reserve.

3.2 PETITION - VACANT LAND - COROMANDEL PARADE

(Ref: FF 05.14) Louise Threadgold (Prepared: 4/6/07) (Function/Activity: Development Control/ Regulating)

PROPOSAL

To receive a petition organised by Mr John Flynn, Convenor of Craigburn Farm Residents Action Group in relation to the proposed rezoning of vacant land on the eastern boundary of Craigburn Farm adjoining Coromandel Parade.

BACKGROUND

Although Craigburn Farm as a whole is zoned Residential (Craigburn Farm), the structure plan for the zone designates a Local Centre on the eastern side of the zone near the Coromandel Parade and Grand Boulevard intersection. The Development plan earmarked the land for possible future local centre/community facilities purposes, until and unless such a development is determined as uneconomic or unwarranted. Council has resolved to prepare a Development Plan Amendment for this purpose.
A petition was received from Blackwood Business Network and was considered by Council at its meeting of 22 May 2007. Council resolved “to receive the petition and to advise the Blackwood Business Network that at this stage the draft Development Plan Amendment has not been prepared, and as such, no formal public consultation has yet taken place. Once the draft amendment has been prepared Council will undertake its formal 2 month consultation period. At this time submissions will be invited from the public, and Council will be in a position to consider the comments received before discussing the future of the Land.”

Council has now received a further petition dated 31 May 2007, which states:

“We the undersigned strongly oppose any rezoning of the said land from Local Centre to Neighbourhood Centre. This change would increase traffic on a narrow busy road and we residents of Craigburn Farm believe we are well served by existing shops within Blackwood.”

Copies of the petition can be viewed by contacting Louise Threadgold in the Planning and Development Office.

DISCUSSION

The petition received by Council on 31 May 2007 contains 418 signatures all endorsing the petition statement. It should be noted that the statement speaks against upgrading the designated Local Centre to Neighbourhood Centre, not necessarily against the proposed Local Centre itself. The petition was signed by residents of the Craigburn Farm area.

Administration has recently sought a review from Alistair Tutte of his analysis relating to the case for the proposed centre and subsequent advice forwarded by the Adelaide Development Company concerning this issue. His advice will be subject of a further report to Council relating to the draft Development Plan Amendment.

Relationship to Strategic Plan

Goal: A City which contributes to the economic wellbeing of the State by optimising its opportunities for sustainable economic activity.

3.1 A City that supports and encourages ecologically sustainable businesses

Cost Shifting Implications

Nil

RECOMMENDATION

(1) That the petition be received.
(2) That Mr John H. Flynn be advised that Council has noted the petitioners’ concern over changing the designation of the proposed site from Local Centre to Neighbourhood Centre. At this stage the draft development plan amendment has not been prepared, and as such, no formal public consultation has yet taken place. When the draft amendment has been prepared, Council will then be in a position to undertake its formal two month public consultation. At this time submissions will be invited from the public, and Council will be in a position to consider the comments received before determining the future use of the land and its zoning.

4. GALLERY QUESTION TIME

Members of the Gallery may ask 2 questions and 1 supplementary question. These questions must be in writing and supplied to the Minute Secretary. If a response is not given by the Mayor or Administration at the meeting, a written reply will be provided within 7 days.

5. BUSINESS RAISED BY THE MAYOR

5.1 MEETINGS ATTENDED BY THE MAYOR

(Ref: FF.01.2327) Ivan Brooks (Prepared: 19/6/07)
(Function/Activity: Governance/Appointment Scheduling)

Listed below are the activities in which I have been involved during the period Tuesday 22 May 2007 to Monday 25 June 2007.

May
22 Tour of Mitcham Cemetery
22 Council Meeting
23 Official Opening & Dedication of St Peter’s Lutheran School Early Learning Centre
23 Vodafone Business Luncheon as guest of Messenger Newspapers
23 Meeting with CEO, Director Corporate Services, Risk Manager, George Forbes, Crs Picton & Weaver re options for relocating Sturt Baseball Club
24 PLEC Meeting
24 Interview with CEO by consultant re Adelaide Metro Local Government Group Adelaide Futures Project
25 Regional NRM Plan Workshop
28 Tour of Council footpaths in Blackwood in need of replacement with CEO and Cr Campbell
28 Budget Workshop
29 Meeting re Regionalising the SA Strategic Plan in Adelaide South
29 Private Citizenship Ceremony
29 Community Development Grants Reception
30 Metropolitan Mayors Breakfast re Reconciliation SA
<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
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<tbody>
<tr>
<td>30</td>
<td>Meeting with CEO, Manager Horticultural Services &amp; Recreation Planner re Blackwood Hill Oval development</td>
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<tr>
<td>30</td>
<td>Flinders Medical Centre Community Lecture on Youth, Drugs &amp; Mental Health</td>
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<tr>
<td>31</td>
<td>Meeting with CEO</td>
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<tr>
<td>June</td>
<td>Meeting at Bedford Industries re Traffic and Pedestrian issues</td>
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<tr>
<td>June</td>
<td>10th Anniversary - Colebrook Reserve</td>
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<tr>
<td>June</td>
<td>Meeting with Francesca Belperio, Messenger Newspapers</td>
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<tr>
<td>June</td>
<td>10th Anniversary Celebration, Urrbrae Wetland</td>
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<td>June</td>
<td>Meeting with Andrew Southcott MP and Richard Heathcote, Carrick Hill re Federal Water Grants</td>
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<tr>
<td>June</td>
<td>Reception at Government House for Queen’s Birthday</td>
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<td>June</td>
<td>Meeting with Events Administrator re Elected Members’ participation in Citizenship Ceremonies</td>
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<td>June</td>
<td>Weekly Meeting with CEO</td>
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<tr>
<td>June</td>
<td>Press Club Luncheon</td>
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<tr>
<td>June</td>
<td>Meeting with Ralph Aston, Mitcham RAAF Association and Barry Wilson, Mitcham RSL re War Memorial</td>
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<td>June</td>
<td>Engineering &amp; Environmental Services Committee</td>
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<td>June</td>
<td>Corporate &amp; Community Services Committee</td>
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<tr>
<td>June</td>
<td>Region 1 Bushfire Prevention Committee Meeting</td>
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<tr>
<td>June</td>
<td>Private Citizenship Ceremony</td>
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<td>June</td>
<td>Special Council Meeting</td>
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<td>June</td>
<td>Weekly Meeting with CEO</td>
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<tr>
<td>June</td>
<td>Meeting of Selection Panel to shortlist applicants for Board position, Centennial Park</td>
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<td>June</td>
<td>Opening of new Cinemas, Mitcham Square</td>
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<td>June</td>
<td>Civic Reception to Launch 2007 Refugee Week, Adelaide Town Hall</td>
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<td>June</td>
<td>Mitcham District Bushfire Prevention Committee Meeting</td>
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<td>June</td>
<td>Carrick Hill Trust Meeting</td>
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<td>June</td>
<td>LGA President’s Forum</td>
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<td>June</td>
<td>Special Community Development Grants Subcommittee Meeting</td>
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<tr>
<td>June</td>
<td>LGA President’s Dinner</td>
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<td>June</td>
<td>Weekly Meeting with CEO</td>
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<tr>
<td>June</td>
<td>Private Citizenship Ceremony</td>
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<tr>
<td>June</td>
<td>Blackwood Recreation Centre Committee Meeting</td>
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<tr>
<td>June</td>
<td>LGA Council Members Residential Seminar</td>
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<tr>
<td>June</td>
<td>LGA Council Members Residential Seminar</td>
</tr>
<tr>
<td>June</td>
<td>Launch of Good Dog SA Campaign</td>
</tr>
<tr>
<td>June</td>
<td>Citizenship Ceremony</td>
</tr>
</tbody>
</table>

**RECOMMENDATION**

That the report be received for information only.

**5.2 OTHER BUSINESS RAISED BY THE MAYOR**
6. WRITTEN REPORTS FROM ELECTED MEMBERS AS COUNCIL REPRESENTATIVES ON OUTSIDE BODIES

6.1 MAYOR IVAN BROOKS - ICLEI OCEANIA CONFERENCE
(Ref: FF.01.2632) Ivan Brooks (Prepared 19/6/07)
(Function/Activity: Environmental Management / Committees)

On 2 to 5 May 2007 I travelled to Melbourne to attend the ICLEI Local Governments for Sustainability Australia/New Zealand International Conference for the Oceania Region entitled “Accelerating Now!”, as Council’s representative (as endorsed by Council at its meeting held on 27 March 2007).

The conference included the launch of the Australasian Mayors’ Council on Climate Protection (AMCCP) on Friday 4 May 2007.

Attached (pp 1-8) is a report noting highlights of the Conference.

RECOMMENDATION

That the report be received for information only.

7. QUESTIONS ON NOTICE

7.1 CR GRIMM – TELSTRA TOWER
(Ref: FF.06.995) (Function/Activity: Property Management/Leasing)

QUESTION

At the Full Council Meeting of 22 May 2007, Cr Grimm asked the following question:

In the Corporate and Community Services Committee Agenda of 8 May 2007, Item 3.4 Budget – Quarterly Review as at 31 March 2007 listed:

“Governance – Miscellaneous

<table>
<thead>
<tr>
<th>Account Number</th>
<th>Account Description</th>
<th>Reason for Review</th>
<th>Review Amount ($,000)</th>
<th>Existing Budget ($,000)</th>
<th>Revised Budget ($,000)</th>
</tr>
</thead>
<tbody>
<tr>
<td>4820.1.699</td>
<td>Phone tower rental income</td>
<td>Lease fee from Telstra for the new Blackwood Hill Oval mobile phone tower</td>
<td>(12.0)</td>
<td>0.0</td>
<td>(12.0)</td>
</tr>
<tr>
<td>4820.2.225</td>
<td>Phone tower expenses</td>
<td>Legal &amp; other expenses on lease preparation and negotiation funded by lease fee</td>
<td>12.0</td>
<td>0.0</td>
<td>12.0</td>
</tr>
</tbody>
</table>

(1) When and by whom, was the placement of this Telstra tower approved? (I was a Ward Councillor, knew nothing about it).

(2) Does administration have delegated authority to approve placement of mobile phone towers? If so, when did this occur?
(3) Rental fees are listed as $12,000, yet Council costs to implement the installation make the exercise cost neutral to Council in the first year.

(a) Why is the provision of such a service by Council (use of its land) so costly to Council?

(b) Why is Telstra not paying most of these costs?

(c) Does Council not have a standard procedure from previous legal advice to implement new installations of mobile phone towers on its land?

ANSWER

The Director Corporate Services took the question on notice and has provided the following response.

(1) A tower on the Blackwood Hill Oval has not been approved.

(2) Administration does not have delegated authority to approve placement of mobile phone towers.

(3) The phone tower rental income (Account No. 4820.1.699) relates to the Eden Hills Telstra Tower (not Blackwood Hill Oval) which was previously approved by Council.

While discussions are currently underway regarding a possible tower facility at Blackwood Hill, a report to Council on these negotiations will be provided when information is to hand. The queries raised in (3)(a)(b)(c) will be included in this report.

8. QUESTIONS WITHOUT NOTICE

Questions Without Notice must be supplied to the Minute Secretary in writing.

9. REPORTS OF STANDING COMMITTEE MEETINGS

9.1 DEVELOPMENT ASSESSMENT PANEL - WEDNESDAY, 6 JUNE 2007
(Ref: FF.01.1207) (Function/Activity: Governance/Committees)

RECOMMENDED that the Minutes of the Development Assessment Panel held on 6 June 2007 be received.
9.2 ENGINEERING AND ENVIRONMENTAL SERVICES COMMITTEE - TUESDAY, 12 JUNE 2007
(Ref: FF.01.1023) (Function/Activity: Governance/Committees)

RECOMMENDED that the Minutes of the Engineering and Environmental Services Committee Meeting held on 12 June 2007 be received and the recommendations adopted.

9.3 CORPORATE AND COMMUNITY SERVICES COMMITTEE - TUESDAY, 12 JUNE 2007
(Ref: FF.01.2891) (Function/Activity: Governance/Committees)

RECOMMENDED that the Minutes of the Corporate and Community Services Committee Meeting held on 12 June 2007 be received and the recommendations adopted.

10. REPORTS FROM REGIONAL SUBSIDIARIES

10.1 CENTENNIAL PARK CEMETERY AUTHORITY MINUTES - 31 MAY 2007
(Ref: CF.01.18) Helen Green (Prepared 20/6/07) (Function/Activity: Property Management/Compliance)

Attached (9-15) are the Minutes of the meeting of the Board of Management, Centennial Park Cemetery Authority held on 31 May 2007.

A full copy of the Agenda for the meeting to be held on 28 June 2007 is available from the Chief Executive Officer's Executive Assistant upon request.

RECOMMENDATION
That the Minutes of the Board of Management, Centennial Park Cemetery Authority held on 31 May 2007 be received.

10.2 EASTERN WASTE MANAGEMENT AUTHORITY MINUTES - SPECIAL MEETING - 17 MAY 2007
(Ref: FF.04.770) Helen Green (Prepared: 19/6/07) (Function/Activity: Environmental Management/Contracting)

Attached (16-19) are the Minutes of the meeting of a Special Meeting of the Board of Eastern Waste Management Authority held on Tuesday, 17 May 2007.

RECOMMENDATION
That the Minutes of a Special Meeting of the Board of Eastern Waste Management Authority held on Tuesday, 17 May 2007 be received.
10.3 EASTERN WASTE MANAGEMENT AUTHORITY MINUTES - 31 MAY 2007  
(Ref: FF.04.770) Helen Green (Prepared: 19/6/07)  
(Function/Activity: Environmental Management/Contracting)

Attached (20-25) are the Minutes of the meeting of the Eastern Waste Management Authority held on Thursday, 31 May 2007.

A full copy of the Agenda for the meeting to be held on 28 June 2007 is available from the Chief Executive Officer's Executive Assistant upon request.

RECOMMENDATION

That the Minutes of the Board of Eastern Waste Management Authority held on 31 May 2007 be received.

11. APPOINTMENTS TO INTERNAL/EXTERNAL BODIES

Nil

12. PLAN AMENDMENT REPORTS

PLAN AMENDMENT REPORT STATUS REPORT  
(Ref: FF 07.222, 02.1419, 06.143, 01.1340) Jason Willcocks (Prepared: 18/6/07)  
(Function/Activity: Development Control/Regulating)

PROPOSAL

To provide Council with a report on the current status of proposed amendments to the Mitcham Development Plan.

BACKGROUND

Amendments to Council’s Development Plan are undertaken by the preparation and processing of draft Plan Amendment Reports (soon to be known as Development Plan Amendments). The intention of this agenda item is to commence providing a regular report to Council on the status of the various PAR’s.

DISCUSSION

The table below provides a summary of the status of each PAR being undertaken by Council.

<table>
<thead>
<tr>
<th>DOCUMENT</th>
<th>REF</th>
<th>STATUS</th>
<th>NEXT STEP</th>
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</thead>
<tbody>
<tr>
<td>DOCUMENT</td>
<td>REF</td>
<td>STATUS</td>
<td>NEXT STEP</td>
</tr>
<tr>
<td>----------------------</td>
<td>--------</td>
<td>------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Craigburn Farm Centre PAR</td>
<td></td>
<td>Statement of Intent accepted by Minister. Petitions received by Council regarding intent of PAR. Further review of viability/ scale sought from consultant.</td>
<td>Report of consultant review to be put to Council with recommended action.</td>
</tr>
<tr>
<td>District Centre (Lower Mitcham Torrens Park) PAR</td>
<td>06.143</td>
<td>Draft Plan prepared, awaiting mapping changes. Preliminary advice on traffic management issues received.</td>
<td>Administration to review traffic management issues for subsequent consideration by Council.</td>
</tr>
<tr>
<td>Section 30 Review</td>
<td>01.1340</td>
<td>Completed – document forwarded to Minister for further consideration and acceptance.</td>
<td>Review recommendations in Section 30 Report for future amendments to Development Plan.</td>
</tr>
</tbody>
</table>

Administration will also be reporting to Council any recommended changes to timetable which may be required, partly due to transitional arrangements of staffing within the Division temporarily affecting progress on the major policy headings. In addition various specific concerns affecting the Craigburn Farm Centre PAR and Mitcham District Centre PAR have extended the original timeframes proposed within the Statements of Intent for each PAR.

**Relationship to Strategic Plan**

Objective 2.1  The essential character and form of the City is protected

**Cost Shifting Implications**

Nil.

**RECOMMENDATION**

That the report be received for information only.
13. PLANNING POLICY

13.1 PLANNING STRATEGY FOR THE CITY OF MITCHAM
(Ref: FF.07.474.01) Stephen Hill (Prepared: 18/6/07)
(Function/Activity: Strategic Management/Strategic Planning)

PROPOSAL

This report is to advise Council that the Planning and Development Division has commenced the preparation of a Planning Strategy for the City. This is not to be confused with the Strategic Plan currently being prepared, but is linked to it.

BACKGROUND

A Planning Strategy is a spatial land use plan that is intended to translate the Strategic Plan into a basis for future policy development, particularly into the Development Plan. The timing is ideal for this work as it will be derived from the review of the Strategic Plan that is already well underway, with Directions Papers soon to be used for community consultation.

The recently completed Residential Strategy will form a significant part of the Planning Strategy, as will Council’s current Strategic Plan policies, including:
- 3 Community Focal Points
- Integrated Land Use and Transport

The State’s Planning Strategy for Metropolitan Adelaide, where relevant, will also be incorporated. These and other matters to be included will be:
- Strategic Plan
- Residential Strategy
- Flinders Activity Centre (education, medical, transport)
- Other retail and community centres
- Natural Resource Management (sustainability – energy conservation and generation, stormwater harvesting, greening, transport)
- Transport (including cross City)
- Employment
- Recreation and open space
- Metro Planning Strategy
- Metro Industrial Land Strategy

This work will also have regard to the last Section 30 Development Plan review.

DISCUSSION

The preparation of a work programme and timetable for this work has begun and it is expected that a draft report for Council’s consideration will be ready later this year, and completed in about 12 months. A large quantity of material and data will be collected and analysed across Council departments and from other agencies. The work will be undertaken and project managed in-house, with perhaps consultants used in a few specialised areas.
The Planning Strategy will be a constantly evolving document with regular reviews. It is not intended to be a lengthy document. Any research or background material will be stored separately so that the Planning Strategy is a concise and readable document.

Relationship to Strategic Plan

Objectives:
1.1 The development of three multipurpose community facilities in Mitcham Central, Mitcham West and Mitcham Hills
2.1 The essential character and form of the City is protected
2.3 Future development enhances the character of Mitcham
2.4 The road network is functional and safe for people and property
2.5 Residents feel safe and secure when using Council walkways
2.6 The stormwater drainage network protects people and property and improves the ecology of receiving water bodies

Cost Shifting Implications

N/A

RECOMMENDATION

That the report be received for information only.

14. BUSINESS RAISED BY THE CHIEF EXECUTIVE OFFICER

14.1 MEETINGS ATTENDED BY THE CHIEF EXECUTIVE OFFICER

(Ref: FF.01.1861) Ron Malcolm  (Prepared 20/6/07)
(Function/Activity: Governance/Appointment Scheduling)

Listed below are the activities in which I have been involved during the period Tuesday, 22 May 2007 to Monday, 25 June 2007.

May

22 Council Meeting
23 Meeting with Director Corporate Services, Finance Manager, Director Engineering & Environmental Services & Senior Technical Officer Traffic re budget carry-overs
23 Meeting with Mayor, Director Corporate Services, Risk Manager, George Forbes and Crs Picton & Weaver re options for relocating the Sturt Baseball Club
24 Meeting with Steve McQuillan, Real Estate Manager, Australia Post
24 Meeting with Andrew Sullivan & Tom Appleby, Hender Consulting
24 Meeting with Director Planning & Development
24 Meeting with Risk Manager
24 Interview with Mayor by consultant re Adelaide Metro Local Government Group Adelaide Futures Project
25 Regional NRM Plan Workshop
28 Tour of Council footpaths in Blackwood in need of replacement with Mayor and Cr Campbell
28 Elected Members Budget Workshop
29 Meeting with Principal, Pasadena High School, with George Forbes, re Colonel Light Gardens West tennis courts
30 Meeting with Director Engineering & Environmental Services and Manager Operations
30 Meeting with CEO, Manager Horticultural Services & Recreation Planner re Blackwood Hill Oval development
31 Weekly Meeting with Mayor
31 Meeting of Urrbrae Wetland Management Committee

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AGENDA  26 JUNE 2007

20 Meeting with Richard Crabb & HR Manager
20 Meeting with Director Corporate Services, Director Planning & Development & Strategic Planning Officer Sustainability re Flinders University environmental issues
20 Meeting of SMT to discuss Engineering & Environmental Services structure
21 Weekly Meeting with Mayor

RECOMMENDATION

That the report be received for information only.

14.2 AFFIXING THE COMMON SEAL

(Ref: FF.03.1009) Ron Malcolm Prepared: 14/5/07
(Function/Activity: Human Resource Management: Authorisation)

PROPOSAL

That Council approves a resolution in regard to affixing the Common Seal.

BACKGROUND

At the Full Council Meeting of 22 May 2007 Council resolved “that this matter be deferred to the June Council meeting”.

By virtue of Section 35 of the Local Government Act 1999, the Council is a body corporate with a Common Seal. Section 38 of the 1999 Act restricts the use of the Seal so that it must not be affixed to any documents except to give effect to a resolution of Council.

This does not mean that all documentation which is created as a result of a Council resolution will require the Common Seal. It is often where the document is intended to have legal effect that it will generally be executed under Seal. There are also a range of circumstances in which the Common Seal will not be required to be affixed. However, in general, the necessity to affix the Common Seal to a Council document is more likely to be an administrative requirement resulting from a decision of Council (and other bodies), rather than a specific legislative requirement.

Therefore, the Seal must be affixed to execute documents where legislation requires this to be done or where there is a requirement by a third party in relation to particular transactions. For example, deeds and other documents that will be lodged at the Land Titles Office need to be executed under the Seal. Similarly, banks normally require documentation to be evidenced and executed under Seal.

However, Section 37 of the 1999 Act provides that contracts and transactions may be entered into using either the Common Seal or through an officer or employee or agent so authorised by the Council to enter into contracts on its behalf.
Some powers and functions cannot be delegated by the Council to its officers and the Act clearly delineates what those powers are, for example, the borrowing of money or the approval of expenditure not contained in an approved budget.

In May 2003 Michael Kelledy provided the following advice:

“In my opinion, a resolution delegating power to an officer or officers of the Council to enter into certain classes of documentation, may be relied upon to support a position that where the power is exercised, the Council has agreed to enter into the particular arrangement, and therefore the original resolution of delegation is sufficient to support the affixation of the Common Seal to the documentation which is created in those circumstances. However, for the sake of clarity and certainty, I also recommend that it would be appropriate for the Council to pass a specific resolution to the effect that the Council Seal may be affixed to all documentation that requires execution under Seal, which has been created to give effect to a particular transaction which is authorised within the Council’s scheme of delegation.”

Furthermore, Mr Kelledy went on to say in his advice that

“Although many Councils specifically resolve to affix the Common Seal to particular documents, this is not, in fact, a necessary component of the resolution. The fact that the resolution provides for the Council to enter into a particular arrangement which is evidenced by a document, is sufficient for the Seal to be affixed to that document in reliance upon that resolution.

In my view, to require the Council to resolve to enter into or to affix its Seal to each and every transaction or document which the Council executes would introduce inefficiencies and defeat the time saving procedure that is achieved by the delegation of the power to negotiate and enter into certain classes of documents.”

An example of a delegated power where the Chief Executive Officer could ordinarily execute and affix the Common Seal to a document is the delegation the Council has given to its Chief Executive Officer for the purpose of dealing with Land Management Agreements (LMAs). Council has given to its Chief Executive Officer a delegation under the Development Act 1993 with the power pursuant to Section 57(2) and Section 57(2a) of the Act to enter into an agreement relating to the development, management, preservation or conservation of land within the area of the Council with the owner of the land.

DISCUSSION

The question was recently raised in Council as to whether or not the Chief Executive Officer requires a specific resolution of Council to affix the Common Seal after the Council has already given its agreement to enter into a Land Management Agreement.

Based on the above advice provided by Mr Kelledy in 2003, it would appear that once Council has agreed to enter into an LMA the Chief Executive Officer has the delegation from Council to formalise the agreement on Council’s behalf.
However, to put the matter beyond doubt, Michael Kelledy suggests that Council pass a further resolution, the effect of which is to specifically authorise the affixation of the Common Seal to each LMA produced as a consequence of the exercise of the delegated authority. In this regard he recommends that Council approve the following resolution:

“Pursuant to Section 44 of the Local Government Act 1999 (and specifically for the purposes of Section 38(1) of the Act) the Council authorises the affixation of the Common Seal to any document which is created by the CEO (or an officer of the Council) in the exercise of a delegated power under the Council’s scheme of delegation, where that document is required to be executed under Seal”.

Impact on Budget

Nil

Cost Shifting Implications

Nil

RECOMMENDATION

That this matter be again deferred to the July Meeting of Council to allow sufficient time for Council’s Planning Department to finalise a report to Council on the future of Land Management Agreements.

14.3 FOOTPATH PROGRAM

(Ref: FF.01.1014) Andrew Ciric  (Prepared: 18/6/07)  
(Function/Activity: Infrastructure/Programme Management)

PROPOSAL

To receive the 2007/08 Footpath Program.

BACKGROUND

Through the process of developing Council’s Strategic and Annual budget, funds have been provided for footpath construction. Further to the Walking and Cycling Plan briefing session, Elected Members received a memo on 8 May 2007 with the following information:

(1) Draft Three Year Footpath Replacement and Construction Program.

(2) City-wide and ward maps displaying the existing block paved network and the proposed programmed works.

(3) The replacement ranking list each ward – excluding those segments listed in the draft 3 year program.

(4) The replacement ranking list for the entire City of Mitcham – excluding those segments listed in the draft 3 year program.
No formal request has been received to amend the proposed 2007/2008 list of footpath works circulated to Elected Members. Further to the final budget briefing with Elected Members and the Special Council meeting held on 13 June 2007, the draft footpath program has been amended to include an additional allocation of funds towards footpath works.

The proposed Program of Footpath Construction for 2007/08 financial year is attached with the budget papers (p 54). The proposed program consists of 2007/2008 list of footpath works as previously distributed to Elected Members, including the adjustment from the Special Meeting of 13 June 2007 which resulted in an increased allocation for footpath replacement from $50,000 to $170,000.

Note that the adoption of the Footpath Program is dealt with in Item 14.8

Financial and Budget Implications

The footpath construction allocation is consistent with the budget deliberations.

Relationship to Strategic Plan

Objective 2.5 Residents feel safe and secure when using Council walkways
Strategy 2.5.1 Maintain and improve the footpath network across the City
Strategy 2.5.2 Increase new footpath network

Cost Shifting Implications

Nil

RECOMMENDATION

That the 2007/08 program of Footpath Construction be received.

14.4 TRAFFIC MANAGEMENT PROGRAM

(Ref: FF.02.834  ) Andrew Ciric  (Prepared: 18/6/07)
(Function/Activity: Traffic Management/Programme Management)

PROPOSAL

To receive the 2007/08 Traffic Management Program.

BACKGROUND

Through the process of developing Council’s Strategic and Annual Budget, funds have been provided for traffic management.

Further to the Special Council meeting held on the 13 June 2007, the proposed program of traffic management for the 2007/08 financial year was amended and is attached with the budget papers (p 55).
The changes made to this program since the Special Council meeting of 13 June 2007 have resulted in an overall reduction of $150,000 which has been re-allocated to undertake the Princes Road PLEC works.

Of significance, the specific itemised works which have been retained are the two grant funded "Black Spot" projects, the Newey's Road driveway link and retaining wall (approved by Council in March 2007), the Salisbury Crescent modifications adjusted to $130,000 (subject of an Ombudsman enquiry in June 2006) and the minor construction works allocation.

To initiate the commencement of a changed process to budget for Traffic Management Construction projects, it is proposed that Council utilises the existing Traffic Management Reserve by transferring unspent 2006/07 budgets into that Reserve.

A further report will be prepared for Council explaining how additional works from the Traffic Management Program can be undertaken once the unspent budgets associated with the incomplete, or uncommenced, projects adopted in the 2006/07 Budget have been finalised.

Note that the adoption of the Traffic Management Program is dealt with in Item 14.8

Financial and Budget Implications

The traffic management is consistent with the budget deliberations.

Relationship to Strategic Plan

Objective 2.4 The road network is functional and safe for people and property.

Strategy 2.4.4 Make roads as safe as possible.

Cost Shifting Implications

Nil

RECOMMENDATION

(1) That the 2007/08 Program of Traffic Management be received.

(2) That a further report be prepared to explain future funding of the Traffic Management Reserve and to describe the process of prioritisation of additional traffic construction projects.
14.5 METROPOLITAN ADELAIDE INDUSTRIAL LAND STRATEGY
(Ref: FF.01.825) Jason Willcocks (Prepared: 18/6/07)
(Function/Activity: Development Control/Regulating)

PROPOSAL

To report to Council on the Metropolitan Adelaide Industrial Land Strategy.

BACKGROUND

The Minister for Urban Development & Planning has recently released the
Metropolitan Adelaide Industrial Land Strategy the first such strategy for
industrial land produced in South Australia.

A copy of the Strategy can be downloaded from the website
www.planning.sa.gov.au. Members may also contact Council’s Senior Policy
Planner to view or obtain a copy of the document should they wish.

DISCUSSION

The intention of the document is to outline a Strategy to meet the objective of
providing an adequate supply of suitable industrial land in the short (1-5
years), medium (5-10 years), and long (10-15 years) term. The Strategy
primarily focuses on land which is ready for development or capable of being
brought to development – ready status within the short term. Mitcham’s
industrial/commercial areas are already well established so that the principle
focus of the Strategy is of somewhat limited interest to the City of Mitcham.
However, in addition to providing for developable land, the Strategy also
establishes the need to protect existing industrial land so as to sustain long
term industrial activities.

The principle strategy is to ensure 400 hectares of land is ready for immediate
developments and a further 200 hectares to be in an advanced planning
stage capable of being development within a 5 year period.

Of more particular interest to the City of Mitcham, the Strategy also aims at
providing South Australia with an edge in developing innovative technology,
pointing to the importance of locating newer biotech, high tech and
specialised research and development activities close to similar non-industrial
suppliers and support facilities. Flinders University/Medical Centre/Private
Hospital facilities adjacent to Science Park at Laffers Triangle and
biotechnical facilities at the Waite Institute campus are two examples of the
five Innovation Precincts in the Metropolitan Adelaide Planning Strategy.

Finally the Strategy stresses the need to ensure that existing Development
Plan policies on industrial development are improved highlighting the need to
address in particular:

- The excessive number of Industry Land Use Zone types
- The extent of classifications or definitions of types of industrial activity
- Separate descriptions for industrial and commercial activities
- Other planning criteria, e.g. car parking, site coverage, building mass etc.
Many of these issues have been advanced in Council’s Edwardstown/Melrose Park Industry/Commerce Plan Amendment Report undertaken as a joint project with the City of Marion, authorised in 2003. This Plan also introduced Environmental impact criteria to recognise and manage the potential for significant conflict between industrial activities and adjoining residential land use. Such provisions are intended to manage land use conflicts in a way that allows for industrial development to remain sustainable, instead of facing increasing local pressure to relocate.

The Strategy has been provided to local government for information only.

**Relationship to Strategic Plan**

Objective 3.1 A City that supports and encourages ecologically sustainable businesses

Objective 3.2 A City working with its educational institutions to add value to the State and local economy

**Cost Shifting Implications**

N/A

**RECOMMENDATION**

That the report be received for information only.

**14.6 MINISTERIAL TASKFORCE ON TRUSSES**

(Ref: FF.01.825) Magnus Heinrich (Prepared: 30/5/07)

(Function/Activity: Development Control/Advice)

**PROPOSAL**

To inform Council of the Ministerial Truss Taskforce Discussion Paper.

**BACKGROUND**

The State Government has released a discussion paper outlining a range of proposed changes to the design, manufacture, approval, handling, installation and inspection of roof trusses in South Australia.

_A copy of the paper has been sent under separate cover to all Elected Members._

The changes have been proposed by a Ministerial Taskforce, established by the Minister for Urban Development and Planning, Paul Holloway. In developing the Discussion Paper the Minister has advised that the Taskforce closely considered the Coroner's findings and recommendations in relation to the Riverside Golf Club collapse in April 2002. Comments are being sought by 6 July 2007.
DISCUSSION

Since the establishment of the Ministerial Truss Taskforce in June last year, the Taskforce has taken evidence from various industry participants, and in November last year recommended urgent amendments to South Australia’s Development Act and Regulations, to address critical safety issues. State Parliament passed those amendments in December last year.

The Taskforce has now produced a Discussion Paper listing 23 draft recommendations for industry consultation. The Minister has advised that all submissions made during the consultation period will be considered by the Taskforce, before it makes its final recommendations.

Among the 23 draft recommendations are:

- Protocols for structural design software;
- Improved clarity in relation to hybrid roofs (where both trusses and conventional carpentry rely upon each other);
- Introduction of specified procedures in relation to the communication of designs, approvals and amendments;
- Better transparency and accountability at the manufacturing and transportation stages, and of installation of framing;
- Mandating inspections of framing prior to concealment; and
- Mandating training of industry professionals including truss designers, building surveyors, truss installers, and roof tilers.

It is considered that the recommendations in the discussion paper are generally sound and are made for the improvement of construction standards. However, the following suggestions are made concerning the recommendations in the report:

Recommendation 16 requires an inspection target of 70% for licensed builders and 95% target rate for owner builders. Statistical analysis recorded over the proceeding 5 years in this Council has shown that it is not considered necessary to distinguish between owner builders and licensed builders for the purpose of inspections. Therefore it is considered that a blanket 70% inspection rate for roof framing is appropriate.

In order for Councils to better be able to fund building inspection functions, amendments to funding arrangements could be made. For example, an increase in application fees across the board could increase revenue for Council inspection functions. An alternative would be to charge an expiation fee to builders in cases where an initial inspection reveals remediation, and a follow up inspection is required.

This approach would have the effect of not spreading the financial burden across all builders, but targeting non-performing builders. This in time could lead to improved performance by builders concerning framing construction.
Relationship to Strategic Plan

ENVIRONMENT (INCLUDING LAND USE AND TRANSPORT)
Goal: Land used in a manner that improves the natural and existing built environment

Policy Manual Implications

Council’s Inspection Policy may need to be amended to reflect legislative changes concerning inspection of trusses.

Staffing Implications

It is anticipated that any legislative changes arising from the discussion paper would be able to be met by existing staff resources. Amendments to the Inspection Policy would be required however, to shift the focus of inspections towards framing.

Cost Shifting Implications

Nil

RECOMMENDATION

That Administration makes a submission to the Ministerial Taskforce on Trusses containing the points discussed in this report.

14.7 ADOPTION OF ANNUAL BUSINESS PLAN 2007/08
(Ref: FF.03.397) Milo Rubbo (Prepared 15/6/07)
(Function/Activity: Financial Management/Budgeting)

PROPOSAL

To adopt the 2007/08 Annual Business Plan.

BACKGROUND

Council is required, pursuant to Section 123 of the Local Government Act, to prepare and adopt an Annual Business Plan before 31 August of each year.

DISCUSSION

The 2007/08 Annual Business Plan has been developed in the context of the City of Mitcham Strategic Plan 2004-2008 and as a result of consultation with Elected Members and the community.

A Draft Annual Business Plan was developed following budget briefings with Elected Members on 24 February and 20 March 2007.
Public consultation of the Draft Annual Business Plan commenced on 16 April 2007 and included a centre spread in the April edition of the Community News, display of the Draft Annual Business Plan at the Civic Centre and two libraries and a public meeting on 10 May 2007. Four members of the public attended and participated in the public meeting and six written submissions regarding the Draft Annual Business Plan were received. These were considered by Council at the Special Council Meeting held on 13 June 2007.

The Annual Business Plan includes the amendments as adopted at the Special Meeting of 13 June 2007 and will be forwarded to Elected Members under separate cover.

Relationship to Strategic Plan

Objective 4.3 A Council that functions in an efficient, effective and appropriate manner

Cost Shifting Implications

N/A

RECOMMENDATION

That the 2007/08 Annual Business Plan prepared in accordance with Section 123 of the Local Government Act 1999 be approved and adopted.

14.8 ADOPTION OF BUDGET 2007/08
(Ref: FF.03.397) Milo Rubbo (Prepared 15/6/07)
(Function/Activity: Financial Management/Budgeting)

PROPOSAL

To adopt the 2007/08 Budget.

BACKGROUND

Council is required, pursuant to Section 123 of the Local Government Act, to prepare and adopt a budget before 31 August of each year.

DISCUSSION

The 2007/08 Budget is a by-product of Council’s Strategic Plan and Annual Business Plan. The budget presented for 2007/08 is the fourth year of the four year strategic plan period and has been developed through a process of consultation with Elected Members, Council staff and the community via the strategic planning process.

Total residential property valuations have increased by an average of 6.4% since 2006/07. In order to achieve the key budget outcomes identified in the Annual Business Plan and budget, Council needs to raise rate revenue by 5.5%. (4.5% rate increase and 1.0% growth from property development). This increase can be achieved by adopting the new valuations and applying a reduced rate in the dollar to them (2.1% reduction).
A Budget Summary, Budgeted Financial Statements prepared in accordance with Section 123(10)(b) of the Local Government Act 1999 and Regulation 5B of the Local Government (Financial Management) Regulations 1999 and Works Program are attached (pp 26-58).

The following is a summary from the budgeted financial statements of the key budget outcomes and financial impacts for 2007/08:

Total operating budget .................................................. $ 38,126,000  
Total capital budget ......................................................... $ 9,316,100

Infrastructure capital works program ......................... $6,090,100  
Infrastructure maintenance (excl Depreciation) program ... $2,585,900  
Total infrastructure works program (Capital & Mtce) ... $ 8,293,800

Continuing and Major projects to be undertaken in 2007/08 are:
  • Heritage Restorative Fund
  • Land Management Courses
  • Reserve trees management
  • Marion/Mitcham Environmental Education Project
  • Natural Heritage Projects
  • Youth training/employment Program
  • Youth Week events
  • Life skills program
  • Surf Bus
  • Seniors Week activities
  • Community activities/family programs
  • Local Area Task Groups
  • Road Safety audits and Traffic investigations ($50,000)
  • Contribution to Inner Southern Business Enterprise Centre
  • Community Grants and Donations Program
  • Australia Day celebrations
  • Carols by the Creek
  • Awards for Excellence
  • Community Forums
  • Citizenship Ceremonies
  • Design and establish fire tracks ($25,000)
  • Ensure suitable water supply for fire fighting ($10,000)
  • Mitcham Village Cultural Hub design and construction ($650,000)
  • Underutilised properties project ($40,000)
  • Development Assessment Panel and Audit Committee fees ($29,500)
  • Waste Disposal Levy increase ($117,600)
  • DDA Compliance bus stops ($200,000)
  • Continuation of 10 year backlog road replacement program ($1.0 mill)
  • Continuation of 10 year drainage replacement program ($0.5 mill)
  • Continuation of 10 year bridge replacement program ($330,000)
  • Continuation of 10 year new footpath construction program ($320,000)
  • Undergrounding powerlines on Princes Road ($150,000)
• Patawalonga Catchment Area stormwater projects ($50,000)
• Erosion control works ($77,400)
• Watercourse restoration ($20,000)
• Hazardous Chemical collection service ($50,900)
• Improve library collection ($20,000)
• Develop City Vision and Residential Strategy ($20,000)
• Additional footpath sweeping service ($36,000)

The Local Government (Financial Management) Regulations 1999 require that a Full Cost Attribution (FCA) basis is applied when presenting external financial reports (e.g. the budget and the annual accounts) from the 2002/03 year onwards. The Regulations define FCA as:

“... a system under which all costs, including indirect and overhead costs, are allocated to a function, activity, good or service on a reliable and consistent basis...”

The FCA system of costing seeks to determine the “true” cost of providing a good or service. Council’s 2007/08 Budget is presented in the FCA format accompanied by the traditional format so that the variations produced by the different costing systems are illustrated.

Relationship to Strategic Plan

Objective 4.3 A Council that functions in an efficient, effective and appropriate manner

Cost Shifting Implications

N/A

RECOMMENDATION

(1) That the estimates for 2007/08 with:
   (a) total estimated expenditure of $47,442,500.
   (b) total estimated income from sources other than rates of $10,446,900.
   (c) total amount required to be raised by rates of $29,855,100.
   (d) Total operating income of $36,662,000 and total operating expenses of $38,126,100

be approved and adopted in accordance with Section 123 of the Local Government Act 1999.

(2) That Budget Statements prepared in accordance with Section 123 (10)(b) of the Local Government Act 1999 and Regulation 5B of the Local Government (Financial Management) Regulations 1999 and Works Programme for 2007/08 be approved and adopted in accordance with Section 123 of the Local Government Act 1999 and the works and services detailed therein be carried out.
14.9 ADOPTION OF VALUATION  
(Ref: FF.01.1106) Milo Rubbo  (Prepared: 18/6/07)  
(Function/Activity: Financial Management/Rating)

PROPOSAL

To adopt the valuation of properties prepared by the Valuer-General.

BACKGROUND

Council is required by Section 167 of the Local Government Act to adopt valuations on all properties within its boundaries upon which rates are calculated. These valuations can be determined by either the Valuer-General, or a licensed valuer employed or engaged by the Council. The City of Mitcham uses the Valuer-General.

DISCUSSION

The Valuer-General submits valuations annually and regularly updates them. Once Council adopts the valuation, all rate calculations must be based on that valuation. The latest valuation to hand is dated 16 June 2007, and there will be no further valuation changes before the Council meeting.

Relationship to Strategic Plan

Objective 4.3 A Council that functions in an efficient, effective and appropriate manner

Cost Shifting Implications

N/A

RECOMMENDATION

That in accordance with Section 167 of the Local Government Act 1999 Council adopts, for rating purposes for the year ending 30 June 2008, the capital valuations made by the Valuer-General for land within the City of Mitcham as at 1 July 2007, with a total value of $10,102,843,113.

14.10 DECLARATION OF THE DIFFERENTIAL RATES IN THE DOLLAR

(Ref: FF.01.1106) Milo Rubbo  (Prepared 18/6/07)  
(Function/Activity: Financial Management/Rating)

PROPOSAL

To declare differential rates.

BACKGROUND

Section 153 of the Local Government Act permits a council to either declare a general or a differential rate not more than one month before the commencement of the financial year to which the rate relates, or not later than 31 August of the financial year to which the rate relates.
Section 156 of the Local Government Act (1999) permits the City of Mitcham to declare a differential rate according to:-

- land use, or
- locality, or
- locality and land use

Regulation 10 (General) Regulations under the Local Government Act Regulations 1999 define those categories of land upon which differential rates can be declared.

DISCUSSION

Council implemented a system of differential rating in 2000/01 and a review of this system was undertaken and completed during 2001.

The outcome of this review was that Council resolved to retain the differential rate for commercial and industrial properties on the basis at which this rate was originally introduced – i.e. a 60% loading on the residential rate.

Relationship to Strategic Plan

Objective 4.3 A Council that functions in an efficient, effective and appropriate manner

Cost Shifting Implications

N/A

RECOMMENDATION

That in accordance with Sections 153 and 156 of the Local Government Act, Council declares differential general rates for the financial year ending 30 June 2008 as follows:

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<thead>
<tr>
<th>Category of land</th>
<th>Rate in dollar</th>
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<tbody>
<tr>
<td>Residential</td>
<td>0.0028526</td>
</tr>
<tr>
<td>Commercial – Shop</td>
<td>0.0045642</td>
</tr>
<tr>
<td>Commercial – Office</td>
<td>0.0045642</td>
</tr>
<tr>
<td>Commercial – Other</td>
<td>0.0045642</td>
</tr>
<tr>
<td>Industrial – Light</td>
<td>0.0045642</td>
</tr>
<tr>
<td>Industrial – Other</td>
<td>0.0045642</td>
</tr>
<tr>
<td>Primary Production</td>
<td>0.0028526</td>
</tr>
<tr>
<td>Vacant Land</td>
<td>0.0028526</td>
</tr>
<tr>
<td>Other</td>
<td>0.0028526</td>
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</tbody>
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14.11 MINIMUM RATE
(Ref: FF.01.1106) Milo Rubbo (Prepared 18/6/07)
(Function/Activity: Financial Management/Rating)

PROPOSAL

To declare a minimum rate.

BACKGROUND

Section 158 of the Local Government Act permits a Council to declare a minimum rate but it cannot:-

- be imposed against land that constitutes less than the whole of a single allotment
- be imposed against each supported accommodation or independent living unit within a complex or group of units
- be imposed against each of two parcels of contiguous land occupied by the same occupier
- capture more than 35% of the total number of rateable properties
- be applied if a council has a fixed charge

DISCUSSION

Council has a policy that requires the minimum rate to be set at a level not exceeding 65% of the average rate. The average rate of all properties in 2007/08 will be $1085.27 and the minimum rate has been calculated at $641.00. This represents an increase over last year's minimum rate ($613.00) of $28.00, or 4.5%.

This rate also meets the criteria of Section 158 of the Local Government Act 1999 including the requirement not to have more than thirty five per cent of properties caught by the minimum rate. It does, in fact, capture only 13.8% of rateable properties.

Relationship to Strategic Plan

Objective 4.3 A Council that functions in an efficient, effective and appropriate manner

Cost Shifting Implications

N/A

RECOMMENDATION

That a minimum amount of $641.00 payable by way of rates in respect of rateable land in accordance with Section 158 of the Local Government Act 1999 be fixed for the financial year ending 30 June 2008.
14.12 NATURAL RESOURCES MANAGEMENT LEVY  
(Ref: FF.01.2857) Milo Rubbo (Prepared: 18/6/07)  
(Function/Activity: Financial Management/Programme Management)

PROPOSAL

To impose a Natural Resources Management Levy (NRM Levy) on the ratepayers of the City of Mitcham based solely on capital value, pursuant to Section 95 of the Natural Resources Management Act, 2004 and Section 154 of the Local Government Act 1999 and in order to reimburse to Council the amount contributed to the Adelaide and Mount Lofty Ranges Natural Resources Board, being $569,294.

BACKGROUND

The Natural Resources Management Act, 2004 imposes upon all councils within the Adelaide and Mt Lofty Ranges Natural Resources Region a requirement to contribute to the work of the Board constituted to assist in the achievement of ecologically sustainable development in the region. The Natural Resources Management Act 2004 defines ecologically sustainable development as “comprises the use, conservation, development and enhancement of natural resources in a way, and at a rate, that will enable people and communities to provide for their economic, social and physical well being”.

DISCUSSION

For the City of Mitcham the NRM Levy replaces previous Animal and Plant Control contributions and the Patawalonga Catchment Levy.

Mitcham Council lies within the boundaries of the Adelaide and Mount Lofty Ranges Natural Resources Region and our contribution has been assessed at $569,294 (2006/07 - $548,347). Administration has calculated that a rate in the dollar of 0.0000574 is required to raise the appropriate contribution.

Financial and Budget Implications

Both revenue and expense allocations are included the budget – refer budget activity 4.5.7.

Relationship to Strategic Plan

Objective 4.3 A Council that functions in an efficient, effective and appropriate manner

Cost Shifting Implications

N/A
RECOMMENDATION

That in accordance with Section 95 of the Natural Resources Management Act, 2004 and Section 154 of the Local Government Act 1999, and in order to reimburse to Council the amount contributed to the Adelaide and Mount Lofty Ranges Natural Resources Board, being $569,294 a separate rate in the dollar of 0.0000574, based on Capital Value of rateable land, be adopted for the financial year ending 30 June 2008.

14.13 REBATE - RATE CAPPING 2007/08
(Ref:FF.01.1106) Milo Rubbo (Prepared: 18/6/07)
(Function/Activity Financial Management/Rating)

PROPOSAL

To adopt a rate cap of 12.5 per cent for 2007/08.

BACKGROUND

Council first adopted a rebate for rate capping in the 2005/06 financial year. The rate cap was set at 12.5%.

DISCUSSION

Section 166 of the Local Government Act 1999 provides the discretionary rebate of rates or service charge by Council. Sub-section (l) provides that Council may grant a rebate "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 rate payer 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.”

It is not sufficient to simply include the capping rebate in the Rating Policy and then to adopt the Policy. Conferring a rebate under Section 166(1) (l) must be a decision of the Council by separate resolution and should then be reflected in the Policy.

Impact on Budget

Nil

Relationship to Strategic Plan

Objective 4.3 A Council that functions in an efficient, effective and appropriate manner

Policy Manual Implications

Amended Rating Policy is included in this Agenda.
Cost Shifting Implications

N/A

RECOMMENDATION

(1) That in exercise of the powers contained in Section 166 (1)(I) of the Local Government Act 1999 and to provide relief against what would otherwise amount to a substantial change in general rates payable by a ratepayer due to rapid changes in valuation, a rebate of general rates for the 2007/08 financial year will be granted to the principal ratepayer of an assessment either by the Council of its own initiative where Council is in possession of sufficient information to determine the entitlement to the rebate or otherwise on application to the Council, where the amount of any increase in general rates in respect of that assessment between the amount of the general rates imposed for the 2007/08 financial year and the amount of general rates payable for 2006/07 financial year is greater than 12.5 per centum;

provided, however, that the rebate shall not apply where:

(a) any such increase in general rates is due or partly due to an increase in valuation of the land in the assessment because of improvements made to it worth more than $20,000; or

(b) any such increase in general rates payable is applicable to the use of the land being the categories of Commercial, Industrial, Primary Production, Vacant Land and Other; or

(c) any such increase is due in full or part to the use of the land being different for rating purposes on the date the Council declared its general rates for 2007/08 financial year than on the date Council declared its general rates for the 2006/07 financial year;

(d) the ownership of the rateable property has changed since 1 July 2006

(e) the rateable property is not the principal place of residence.

(2) That the amount of the rebate be the difference between the amount of the general rates in monetary terms imposed for the 2007/08 financial year and the amount of rates in monetary terms payable (prior to deducting any pensioner concession or other concessions) for the 2006/07 financial year plus 12.5 per centum of those rates.
14.14 **RATING POLICY**

(Ref: FF.01.1106) Milo Rubbo (Prepared: 18/6/07)
(Function/Activity: Financial Management/Rating)

**PROPOSAL**

To adopt a Rating Policy.

**BACKGROUND**

Section 171 of the Local Government Act requires councils to, in conjunction with the declaration of rates, prepare and adopt a Rating Policy which contains a range of information including:

- The relationship between Council’s Strategic Management Plans, its Budget and its rate structure
- Consideration of issues of consistency and comparability across Council areas
- A Business Impact Statement
- Method of valuation and adoption of valuation
- Council’s revenue raising powers
- Differential rates
- Equity within community and impact of rates across the area
- Minimum rate
- Rate concessions, including Self Funded Retirees
- Rate rebates
- Rate Capping
- Rate remission
- Flexible Rate payments Scheme
- Rate Deferral Scheme
- Postponement of Rates’ Scheme for State Seniors Card Holders
- Methods and frequency of payment of rates
- Application of penalties for late payments
- Sale of land for non-payment of rates
- Changes to assessment records
- Overpayment of rates

and any other information prescribed by regulation.

This policy must be available for public inspection and copies can be purchased for a prescribed fee.

Council must also ensure that a summary version is prepared and accompanies the first rates notice sent to ratepayers.

**DISCUSSION**

The Rating Policy, as shown in the recommendation, has been prepared to provide a comprehensive description of the rating process and related issues as they exist at the City of Mitcham.
The document is significant as it provides further evidence of Council’s commitment to accountability and transparency to the community that it serves.

The policy continues to include a provision for a rate capping rebate. The policy has been amended to include the delegation to the Chief Executive Officer to assess all applications for rebates and remissions and the reporting requirements relating to this delegation. An addition to the Rating Policy relates to a scheme to postpone rates for State Seniors’ Card Holders in accordance with Section 182A of the Local Government Act 1999.

As was the case in previous years, a “Summary Version” of the Rating Policy will be produced as a double-sided A4 page to accompany the rates notices which are distributed in July.

**Financial and Budget Implications**

Both the revenue and expense allocation of the rate capping rebate are included in the budget – refer budget activity 4.5.7.

**Relationship to Strategic Plan**

Objective 4.3 A Council that functions in an efficient, effective and appropriate manner

**Cost Shifting Implications**

N/A

**RECOMMENDATION**

That Council adopts the Rating Policy, viz:

**PURPOSE**

Meet the requirements of the Local Government Act.

**POLICY STATEMENT**

Section 171 of the Local Government Act, 1999 provides that Council should prepare and adopt a rating policy which must be available for inspection at Council Offices. Copies must also be available for purchase. The Rating Policy contains information on the following:-

- Relationship between Council’s Strategic Plan, its Budget and its rate structure.
- Method of valuation
- Adoption of valuations
- Notional values
- Council’s revenue raising powers
- Consideration of issues of consistency and comparability across Council areas
- Differential Rates
• Minimum Rate
• Natural Resources Management Levy
• Business Impact Statement
• Rate concessions
• Pensioner concessions
• Other concessions
• State Seniors Card ratepayer (Self funded retiree)
• Rebate of rates
• Rate Capping
• Rate remissions
• Flexible Rate Payments Scheme
• Rate Deferrals Scheme
• Frequency of payment of rates
• Methods of paying rates
• Application of penalties for late payments
• Sale of land for non payment of rates
• Changes to Assessment Records
• Overpayment of rates
• Disclaimer

The Strategic Plan documents and the Council’s budget are available for inspection at:-

City of Mitcham  Mitcham Library  Blackwood Library
131 Belair Road  154 Belair Road  215 Main Road
Torrens Park  Hawthorn  Blackwood

and on Council's website at www.mitchamcouncil.sa.gov.au

Relationship between Council's Strategic Plans, its Budget and its Rate Structure

Section 122 of the Local Government Act 1999 requires councils to establish strategic plans that detail programs and priorities for between three to five years. Councils must ensure that members of the public have a reasonable opportunity to be involved in the development of these plans.

Council has undertaken an extensive consultation process in the formulation of this Plan. Commencing in August 2003 with a Visioning Workshop, followed by four special interest groups which met over several months to further develop issues and strategies culminating in a Summit Workshop in February 2004, and finishing with the final round of feedback on the Draft Strategic Plans, the consultative process has been the most inclusive ever undertaken by Council. In addition, Council’s Youth Advisory Council was able to provide the youth perspective.

This participatory phase was facilitated through a partnership with Flinders Institute of Public Policy and Management.
Further workshops with Elected Members have attempted to reconcile the competing demands of community priorities such as community focal points and better waste management, with maintaining existing infrastructure and services.

Three separate documents make up Council’s Strategic Plan - Mitcham 2030 - Building Tomorrow’s Mitcham Today. They are:

- The Vision 2030
- The City Plan 2004-2013; and

Vision 2030 provides Council with future goals and directions structured around four key themes: Community, Environment, Economic Development and Governance. Council’s vision, mission, values and objectives are set out in this document.

The City Plan provides more immediate direction for the next nine years - or three terms of Council. It contains strategies and performance indicators against which success can be measured.

Council reviewed the Strategic Plan 2004-2007 during 2005/06 financial year and resolved at the meeting of 28 February 2006 to extend this plan by one year to become the 2004-2008 Strategic Plan.

The Strategic Plan 2004-2008 is Council’s working document for the four years and contains detailed actions and outcomes.

In setting its annual budget and rates for the 2006-2007 financial year, the Council has taken into consideration:

- The competing demands of community priorities that have emerged during the consultation process, ie the imperative of maintaining existing infrastructure
- That it is the custodian of significant community assets held and managed on behalf of the local community and future generations
- The need for significant capital works to replace and upgrade infrastructure assets
- The obligation to operate as effectively and efficiently as possible
- The need to reassess the use and viability of community facilities
- the impact of rates on all sectors of the community including:
  - householders and businesses
  - the broad principle that the rate in the dollar should be the same for all properties except where there is clearly a different level of services available to ratepayers, or some other circumstance which warrants variation from the broad principle. Council has addressed this through the application of differential rates on commercial and industrial properties – refer to the section entitled “Differential Rates”.
- the community surveying it has undertaken over the last ten years which show a clear preference for maintaining services over maintaining rates.
that while it wishes to minimise rate increases, it believes it is more
important to strike a rate which ensures that it leaves those community
assets in an equal or better condition than it received them and which
maintains existing services

Method of Valuation

The Council may adopt one of three valuation methodologies to value the
properties in its area. They are:

- **Capital Value:** the value of the land and all of the improvements on the
  land.
- **Site Value:** the value of the land and any improvements which
  permanently affect the amenity of use of the land, such as drainage works, but excluding the value of buildings
  and other improvements.
- **Annual Value:** a valuation of the rental potential of the property.

The Council has decided to continue to use capital value as the basis for
valuing land within the council area. The Council considers that this method
of valuing land provides the fairest method of distributing the rate burden
across all ratepayers on the following basis:

- the equity principle of taxation requires that ratepayers of similar wealth
  pay similar taxes and ratepayers of greater wealth pay more tax than
  ratepayers of lesser wealth;
- property value is a relatively good indicator of wealth and capital value,
  which closely approximates the market value of a property and provides
  the best indicator of overall property value;
- the distribution of property values throughout the Council area is such that
  few residential ratepayers will pay an increase significantly greater than
  the increase in average rates.

Adoption of Valuations

The Council has adopted the valuations made by the Valuer-General as
provided to the Council on 16 June 2007. If a ratepayer is dissatisfied with
the valuation made by the Valuer-General, the ratepayer may object to the
Valuer-General in writing, within 60 days of receiving the notice of the
valuation, explaining the basis for the objection, provided they have not:

(a) previously received a notice of this valuation under the Local
  Government Act 1999, in which case the objection period is 60 days
  from the receipt of the first notice; or
(b) previously had an objection to the valuation considered by the Valuer-
  General.

The address of the Office of the Valuer-General is:
State Valuation Office
GPO Box 1354
ADELAIDE SA 5001
email: lsg.objections@saugov.sa.gov.au
and the telephone number is 1300 653 345.
Please note that the Council has no role in this process. It is also important to note that the lodgement of an objection does not change the due date for the payment of rates.

Notional Values

Certain properties may be eligible for a notional value under the Valuation of Land Act 1971 where the property is the principal place of residence of a ratepayer. This can relate to certain primary production land or where there is State heritage recognition. A notional value is generally less than the capital value and this will result in reduced rates, unless the minimum rate already applies. Application for a notional value must be made to the State Valuation Office.

Council’s Revenue Raising Powers

All land within a Council area, except for land specifically exempt (e.g. Crown land, Council occupied land and other land prescribed in the Local Government Act 1999 – refer Section 147 of the Act), is rateable. The Local Government Act provides for a Council to raise revenue for the broad purposes of the Council through a general rate, which applies to all rateable properties, or through differential general rates, which apply to classes of properties. In addition, Council can raise separate rates for specific areas of the Council or service rates or charges for specific services. The Council also raises revenue through fees and charges that are set giving consideration to the cost of the service provided and any equity issues.

The list of applicable fees and charges is available at the City of Mitcham offices, the Mitcham Library and the Blackwood Library – addresses for these locations are included on the first page of the Rating Policy.

Consideration of issues of consistency and comparability across Council areas

Insofar as relevant the Council, in setting its rates, has considered the levels of rates in the Adelaide metropolitan area, and particularly in neighbouring council areas such as Unley, Burnside and Marion.

Differential Rates

In 2000/01 Council implemented differential rates. It did so on the basis of an analysis undertaken by Council which demonstrated that while contributing 7.4% of rate revenue, commercial and industrial properties consumed 12.5% of Council services.

A single differential rate based on a loading of 60% above the rate paid for residential property has been applied to all properties with land use classifications of:
- Commercial – Shop
- Commercial – Office
- Commercial – Other
- Industrial – Light
- Industrial – Other
Council has since undertaken a review of the rating system and the results were reported to the meeting of the Corporate and Community Services Committee on 12 June 2001.

Land use is used as the factor to apply differential rates. If ratepayers believe that a particular property has been incorrectly classified as to its land use, then they may object (to the Council) to the classification within 60 days of being notified. A ratepayer may discuss the matter with the Rates Officer on 8372.8856 in the first instance. The Council will provide, on request, a copy of Section 156 of the Local Government Act 1999 which sets out the rights and obligations of ratepayers in respect of objections to a land use classification.

Objections to Council’s decision may be lodged with Mr Ron Malcolm, Chief Executive Officer, City of Mitcham, PO Box 21, Mitcham Shopping Centre, Torrens Park, SA 5062. The objection must be made within 60 days of receiving notice of the land use classification, and set out the basis for the objection and details of the land use classification that (in the opinion of the ratepayer) should be attributed to that property. The Council will make a decision on the objection as it sees fit, and will then notify the ratepayer. A ratepayer also has the right to appeal against the Council’s decision to the Land and Valuation Court. It is important to note that the lodgement of an objection does not change the due date for payment of rates.

Minimum Rate

Section 158 of the Local Government Act provides that Councils may adopt a minimum rate.

Council believes that the adoption of a minimum rate recognises that each rateable property within the City benefits from a minimal level of service and should therefore make a minimum level of contribution to Council’s revenue.

The minimum rate is levied against the whole of an allotment (including land under a separate lease or licence) and only one minimum rate is levied against two or more pieces of adjoining land owned by the same owner and occupied by the same occupier.

The reasons for imposing a minimum rate are that Council considers it appropriate that all rateable properties make a contribution to:

- the cost of administering the Council’s activities;
- the cost of creating and maintaining the physical infrastructure that supports and underpins the value of each property.

Council has a policy to set its minimum rate at a level not exceeding 65% of the average rate. With an average rate this year of $1085.27, the minimum rate has been fixed at $641.00.

The minimum rate will affect 13.8% of rateable properties.
Natural Resources Management Levy

The Council is in the Adelaide and Mount Lofty Ranges Natural Resources Region and is required under the Natural Resources Management Act 2004 to fund the operations of the Adelaide and Mount Lofty Ranges Natural Resources Board. It does so by imposing a separate rate in the dollar of 0.0000574 against all rateable properties in the council area. The Council is operating as a revenue collector for the Adelaide and Mount Lofty Ranges Natural Resources Board in this regard and does not retain this revenue.

Business Impact Statement

The Council considers the impact of rates on all businesses in the Council area. In doing so, Council considers and assesses the following matters:

- The demand made on Council services by commercial and industrial users as a proportion of rate revenue
- Council’s Strategic Plan and those priorities relating to business development mentioned above
- Specific Council projects for the coming year that will solely or principally benefit businesses
- Preference for local suppliers where price, quality and service provision are comparable to suppliers outside the Council area
- Current local, state and national economic conditions and expected changes during the next financial year. The expectation is that relatively low rates of inflation, and low interest rates will prevail.
- Changes in the valuation of commercial and industrial properties in comparison to residential properties.

Rate Concessions

The State Government, in providing equity across South Australia in this area, funds a range of concessions on Council rates. The concessions are administered by various State agencies who determine eligibility and pay the concession directly to Council on behalf of the ratepayer. Concessions are available only on the principal place of residence.

Ratepayers who believe they are entitled to a concession should not withhold payment of rates pending assessment of an application by the State Government as penalties apply to overdue rates.

A refund will be paid to an eligible person if Council is advised that a concession applies and the rates have already been paid.

Pensioner Concessions

An eligible pensioner must hold a Pension Card, State Concession Card or a Repatriation Health Card marked TPI Gold, EDA Gold or War Widow and also be responsible for the payment of rates on the principal place of residence. Note that concessions may also apply to water and effluent charges where applicable.
Application forms, which include information on the concessions, are available from the Council at 131 Belair Road, Torrens Park. They are also available from the SA Water Corporation and its District Offices, or the Department of Human Services.

This concession is administered by SA Water on behalf of the Department of Human Services and further information can be obtained by telephoning SA Water.

Payment of rates should not be withheld pending assessment of an application as penalties apply to overdue rates.

Other Concessions

Families SA section of the Department of Human Services (DHS) may assist with the payment of Council rates provided the application is in respect of the principal place of residence (remissions are not available on vacant land or rental premises).

Families SA administers Council rate concessions available to persons receiving State and Commonwealth allowances including, but not limited to Austudy, Newstart, Parenting Payment, Partner Allowance, Sickness Allowance, Special Benefit, Widow Allowance, Youth Allowance, Abstudy, CDEP or a New Enterprise Initiative Scheme. It may also apply to ratepayers in receipt of a pension as a war widow under legislation of the United Kingdom or New Zealand and the holders of a State Concession Card issued by Families SA.

All enquiries should be directed to your nearest Families SA office - Marion: 8298 0800 or The Hub Shopping Centre, Aberfoyle Park: 8374 6135.

Payment of rates should not be withheld pending assessment of an application as penalties apply to overdue rates.

State Seniors Card Ratepayer (Self-Funded Retiree)

This concession was introduced effective from 1 July 2001 and is administered by Revenue SA. If you are a self-funded retiree and currently hold a State Seniors Card you may be eligible for a concession toward Council rates. In the case of couples both must qualify, or if only one holds a State Seniors Card the other partner must not be in paid employment for more than 20 hours per week.

If you do not receive a concession on your rates notice and believe that you qualify, or would like further information, please contact the Revenue SA Call Centre on 1300 366 150.

Rebate of Rates

The Local Government Act requires Councils to rebate the rates payable on some land. Specific provisions are made for land used for health services, community services, religious purposes, public cemeteries, the Royal Zoological Society and educational institutions.
Applications for rebate of rates by community services organisations under Section 161 of the Act, must be in writing and require the following information and documentation to be provided:

- A Statutory Declaration signed by an officer of the organisation, who has the appropriate delegated authority, attesting to eligibility under the Act. Council has Statutory Declarations prepared in a specific format and these must be used when applying for a rebate. These forms will be supplied upon application to Council’s Team Leader – Rating Services (Phone 8372 8856)

- A copy of the organisation’s constitution

- A set of Financial Statements, or documentation that confirms the applicant provides community services without charge or for a charge that is below the cost to the body of providing the services – eg an auditors letter of confirmation

- Any other documentation applicable to support the application

Council may apply discretionary rebates under Section 166 of the Act. Council currently provides discretionary rebates for council owned land that is leased or licensed by sporting bodies and various community organisations. Council may also provide a discretionary rebate to community service organisations that occupy land that would otherwise be exempt or non-rateable. Eligibility for a rebate to those organisations identified above is based on the provision of evidence, to Council’s satisfaction, that significant community service has been, and continues to be provided to the community by that organisation.

The Council, having addressed issues of equity arising from circumstances where ratepayers claim to provide or maintain infrastructure that might otherwise be provided or maintained by the Council, has decided there will be no adjustment to the rates payable unless exceptional circumstances can be demonstrated.

In this context, infrastructure provided by retirement villages for the use of their residents upon the land owned and/or occupied by the villages will, therefore, generally not be eligible for a rebate of rates.

The Council has provided delegated authority to the Chief Executive Officer to assess all applications for rebates or remissions. The Chief Executive Officer advises Council of his assessment of each application at the first available meeting and also prepares an annual report of all applications.

**Rate Capping**

To provide relief against what would otherwise amount to a substantial change in rates payable by a residential ratepayer due to rapid changes in valuation, a rebate of general rates for the 2007/08 financial year will be granted to the Principal Ratepayer of an Assessment under Section 166(1) (I) of the Act. The rebate will be applied either by Council of its own initiative, where the Council is in possession of sufficient information to determine entitlement to the rebate or otherwise on application to the Council.

The amount of the rebate will be the difference between the amount of general rates in monetary terms imposed for the 2007/08 financial year and
the amount of general rates in monetary terms which were payable for the 2006/07 financial year (prior to deducting any pensioner concession or other concessions) plus 12.5% of that amount.

The rebate will not apply where:

(a) any such increase is due in whole or in part to an increase in valuation of the land in the assessment because of improvements made to it worth more than $20,000, or

(b) any such increase is applicable to the use of land being in the categories of commercial, industrial, primary production, vacant land and other, or

(c) any such increase is due in full or in part to the use of the land being different for rating purposes on the date the Council declared its general rates for the 2007/08 financial year than on the date the Council declared its general rates for the 2006/07 financial year, or

(d) the ownership of the rateable property has changed since 1 July 2006, or

(e) the rateable property is not the principal place of residence.

Remission of Rates

Section 182 of the Local Government Act permits the Council, on the written application of a ratepayer, to partially or wholly remit rates or to postpone rates, on the basis of hardship. Where a ratepayer is suffering hardship in paying rates he/she is invited to contact the Team Leader - Rating Services, on 8372 8856, to discuss the matter. Such inquiries are treated confidentially by the Council.

Flexible Rate Payments Scheme

Any ratepayer who may, or is likely to experience difficulty in meeting the standard payment arrangements of Council is invited to contact the Team Leader Rating Services to discuss alternative payment arrangements. Late payment fines and interest may apply. All such enquires will be treated confidentially by Council.

Rate Deferral Scheme

Section 182 (1) (a) and (2) of the Local Government Act provides for the postponement of rates if Council is satisfied that the payment of these rates would cause hardship.

Council may, on written application and subject to a ratepayer substantiating the hardship, to the satisfaction of Council, consider granting a postponement of payment of rates in respect of an assessment on the condition that a ratepayer agrees to pay interest on the amount affected by the postponement at the "prescribed percentage" as defined in the Act and that the ratepayer also satisfies the following criteria:

(a) the property is the principal place of residence of the ratepayer and is the only property owned by the ratepayer; and
(b) the property has been owned by the ratepayer:
   (i) for a minimum of 10 years; or
   (ii) for a minimum of 5 years with an immediately previous continuous ownership within the City of Mitcham of 5 years as the principal place of residence.

(c) the ratepayer is able to satisfy one of the following:
   (i) Produce a pension card from Centrelink;
   (ii) Produce a pension card from Veteran Affairs;
   (iii) Produce a T.P.I. pension card from Veteran Affairs;
   (iv) Can demonstrate to Council that he/she is a self funded retiree and earning less than $25,000 p.a.

Postponement of Rates Scheme for State Seniors Card Holders

Section 182A of the Local Government Act 1999 provides for postponement of rates, on the principal place of residence, by seniors who meet the eligibility criteria and make application and hold a current Seniors Card. The amount which can be postponed is any amount greater than $500 ($125 per quarter) less any concession entitlement. In accordance with section 182A (12) interest will accrue on the postponed balances at a rate which is 1% above the cash advance debenture rate. The accrued debt is payable on disposal or sale of the property. See Attachment 1 and 2 of this Policy for full details of eligibility criteria and application form.

Frequency of Payment of Rates

Council rates are due quarterly on 15 September and 15 December 2007, and 15 March and 15 June 2008. Council offers a discount of 1% for the payment of the full year's rates by 15 September 2007.

Methods of Paying Rates

Telephone and internet payment

- BPay - Payment may be made by phone and the internet through a Bank, Credit Union or Building Society. A Financial Institution must be contacted to make this payment from cheque, savings or credit card account.
- Telephone - Payment may be made by calling 1300 303 201 for an Interactive Voice Response (IVR) service. This payment option is by credit card only.
- Internet - Payment may be made via the internet by accessing Council’s web site at www.mitchamcouncil.sa.gov.au. This payment option is by credit card only.
Australia Post

- Payment may be made at any Australia Post Office with a “One Stop Bill Pay” service.
- Present the notice at the Post Office.

Bill Express

- Payment may be made at any Pharmacy or News Agent which provides the “Bill Express” service

Mail

- Cheques should be made payable to: City of Mitcham and marked ‘Not Negotiable’.
- Payments should be mailed with tear off slip attached to:
  City of Mitcham
  PO Box 21
  Mitcham Shopping Centre
  Torrens Park  SA  5062
- Receipts will not be issued unless requested.

In person

- Present the rate notice at the Customer Service Centre
  City of Mitcham
  131 Belair Road
  Torrens Park
- EFTPOS and credit card facilities are available at the Council Office. Debit cards and Visa, MasterCard and Bankcard may be used, however, no cash out facility is available.

Any ratepayer who may, or is likely to, experience difficulty with meeting the standard payment arrangements is invited to contact Rating Services to discuss alternative payment arrangements. Such inquiries are treated confidentially by the Council.

Late Payment of Rates

The Local Government Act provides that Councils impose a penalty of a 2% fine on any payment for rates, whether instalment or otherwise, that is received late. A payment that continues to be late is then charged a prescribed interest rate, set each year according to a formula in the Act, for each month it continues to be late.

The purpose of this penalty is to act as a genuine deterrent to ratepayers who might otherwise fail to pay their rates on time, to allow Councils to recover the administrative cost of following up unpaid rates and to cover any interest cost the Council may meet because it has not received the rates on time.
The Council allows a further three working days after the due date for payment as a grace period. Fines are payable under the Local Government Act but Council will remit this amount if payment is received within the three days grace period. Thereafter fines for late payment are fully imposed.

The Council is prepared to remit penalties for late payment of rates where ratepayers can demonstrate hardship.

The Council issues a final notice for payment of rates when rates are overdue ie unpaid by the due date. Should rates remain unpaid more than 21 days after the issue of the final notice then the Council refers the debt to a debt collection agency for collection. The debt collection agency charges collection fees that are recoverable from the ratepayer.

When the Council receives a payment in respect of overdue rates the Council applies the money received as follows:

- first – to satisfy any costs awarded in connection with court proceedings;
- second – to satisfy any interest costs;
- third – in payment of any fines imposed;
- fourth – in payment of rates, in chronological order (starting with the oldest account first).

**Sale of Land for Non-Payment of Rates**

The Local Government Act 1999 provides that a Council may sell any property where the rates have been in arrears for three years or more. The Council is required to notify the owner of the land of its intention to sell the land, provide the owner with details of the outstanding amounts, and advise the owner of its intention to sell the land if payment of the outstanding amount is not received within one month.

**Changes to Assessment Records**

All changes to postal address of ratepayer/owner and changes of ownership of a property must be notified promptly to Council in writing.

**Overpayment of Rates**

The Council is required, pursuant to provisions in the Local Government Act 1999, to refund balances that are in credit as a result of an overpayment of rates. In some instances interest may be calculated on these credit balances.

The Council will not refund amounts less than $20 due to the administrative costs associated with processing refunds. In these instances the credit balance will be applied against the next instalment of rates. If a request for refund is sought based on grounds of hardship the refund will be made irrespective of the minimum ($20) balance requirement.
Application of the Policy

Where a ratepayer believes that the Council has failed to properly apply this policy it should raise the matter with the Council. In the first instance contact the Team Leader – Rating Services, on 8372 8856, to discuss the matter. If, after this initial contact, a ratepayer is still dissatisfied they should write to Mr Ron Malcolm, Chief Executive Officer, City of Mitcham, PO Box 21, Mitcham Shopping Centre, Torrens Park 5062.

DISCLAIMER

A rate cannot be challenged on the basis of non-compliance with this policy and must be paid in accordance with the required payment provisions.

POSTPONEMENT OF RATES SCHEME - FOR STATE SENIORS CARD HOLDERS

INFORMATION SHEET LGA 32018

Over the past several years significant and in some areas uneven movement in property values has caused a substantial redistribution of Council rates amongst ratepayers within some Council areas. In response, Councils have implemented flexible payment arrangements and where appropriate rate capping measures. However, some seniors, many of whom are pensioners, have found it difficult to pay their Council rates. Even though they own property and are “asset rich”, their low income means they are “cash poor”.

Recent changes to the Local Government Act provides the option for State Seniors Card holders to apply to postpone on a long-term basis part of their Council rates. The deferred amount is subject to a monthly interest charge, with the accrued debt being payable on the disposal or sale of the property. However, the debt may be paid at any earlier time at the ratepayer’s discretion.

Who is eligible to apply for postponement of rates?

A ratepayer who holds or is in the process of applying for a State Seniors Card may apply for postponement of a portion of the Council rates payable on property they own or are buying if it is their principal place of residence (that, is the place lived in most of the time) and if no other person other than their spouse has an interest as owner of the property.

How much equity do I need to have in the property?

If you have a current mortgage over the property which was registered prior to 25 January 2007 you are required to have at least 50% equity in your property. If you currently have any mortgages or encumbrances on the property registered before that date you will need to obtain a statement from your financial institution which indicates the maximum credit limit secured by the mortgage, to include with this application form.

If you have a mortgage that was registered after 25 January 2007 there is no restrictions on the level of equity held.
Will my existing State Seniors Card or Pensioner concession still apply?
The postponement of rates option does not affect any existing entitlement to a State Seniors Card or Pensioner concession, and/or Council remission on your Council rates.¹

How much of the total rates can be postponed?
At least $500 of the total Council rates bill must be paid, but an application can be made for any amount in excess of $500 to be postponed. The minimum amount of $500 will be reduced by your State Seniors Card concession and/or Council remissions if applicable, unless agreed otherwise. You may pay the amount due in four quarterly instalments in the same way that the total amount of annual rates are payable. An example follows.

<table>
<thead>
<tr>
<th>Total Rates amount</th>
<th>$1500.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum amount payable</td>
<td>$500.00</td>
</tr>
<tr>
<td>Your concession</td>
<td>$190.00</td>
</tr>
<tr>
<td>You pay</td>
<td>$310.00  (or $77.50 per quarter)</td>
</tr>
<tr>
<td>Amount of rates postponed</td>
<td>$1000.00</td>
</tr>
</tbody>
</table>

What is the interest rate?
Interest is calculated and compounded monthly on the postponed rate debt. The interest rate is prescribed in the Local Government Act 1999 (SA) and is set annually on 1 July, and may vary from year to year.² As an example, during the 2006-2007 rating period the charge would be based on an interest rate of 7.75% per annum.

A simple example of how the charge is applied

Mr Senior’s total Council rates amount for the 2006-2007 Rating Period is $1500.00. Mr Senior deducts his pensioner concession of $190.00 from the amount of $500 he must pay. That means he will pay $310.00, and postpone the remaining balance of $1000.00.

Mr Senior then pays the $310.00 over four quarterly instalments.

The total charge on the $1000.00 rates postponed for the 2006-2007 Rating Period will be 7.75% per annum or 0.64583% monthly (that is, 7.75% divided by 12). Interest will be compounded on a monthly basis. At the end of June 2007 the amount of interest accrued on the postponed rates amount of $1000.00 will be $80.31, and the total amount of the postponed rate debt as at that date will be $1080.31.

If Mr Senior decides to postpone rates in the subsequent year, the charge would be applied to $1080.31 (the initial $1000 rate postponed plus $80.31 interest accrued) in the 2006-2007 rating period plus the amount or rates postponed in the 2007-2008 rating period.

¹ Entitlement to receive a remission of rates is provided under the Rates and Land Tax Remission Act 1986. For more information about eligibility and the benefit amount, please enquire at your local Council.

² The interest rate applicable is the cash advance debenture rate (CADR), which is the cost for Councils of borrowing money as advised by the Local Government Finance Authority on 1 July each financial year.
You can talk to the Rating Officer at Council for an explanation of how your quarterly payments and monthly charge would be calculated on the amount of rates you wish to postpone, and the exact amount of charges that would apply.

**How do I keep track of what I owe to the Council in postponed rates?**
You will receive a statement with each rates notice which sets out:
- the amount or postponed rates;
- the interest accrued; and
- advice of your ongoing entitlement to postpone future rates, or to pay off the debt at any time prior to the disposal or sale of the property.

The statement may be in the form of a separate notice or may be included on your quarterly rate notice.

You may also talk to the Rating Officer at Council at any time if you have any queries or want more information.

**Can payment of Council rates be postponed year after year?**
Payment of your council rates may be postponed for one year only, or for any number of future years. Postponement of your council rates will continue automatically in each subsequent year after your initial application is approved, until either the property is sold or disposed of, you no longer meet the eligibility criteria for postponement, or you advise Council that you do not want to continue with the arrangement to postpone rates.

Council may issue an annual declaration form with the annual rates notice to check you are still eligible and that you wish to continue to postpone future rates.

You may choose to pay off all or any portion of the postponed rates debt at any time if your financial circumstances change.

**How does my eligibility change, and what do I need to do then?**
Your eligibility changes if you move out of your home, or are no longer entitled to have a State Seniors Card.

When your eligibility changes, you must inform the Council in writing within 6 months. In these circumstances you are no longer entitled to postpone future rates. However, the postponed amount and accrued interest is not payable until the date of disposal of the property.

The agent or broker who is organising the sale, disposal and settlement of your property will ask you to sign a form, which advises of the requirement to, and authorises payment of all outstanding Council rate charges at the time of settlement.
Is there anything else I need to know?
The rates debt and interest accrued will decrease the value of your equity in
the property at the time of disposal or sale.

Seniors are encouraged to seek independent financial advice prior to making
the decision to postpone rates. You may also like to discuss the option with a
family member, beneficiaries or another person you trust.

Remember, you can choose to pay off the postponed rates debt and accrued
interest at any time if your financial circumstances change.

How do I apply for postponement of rates?
You will be required to complete an application form to enable Council to
assess your application and to verify your eligibility.

Please contact [insert name/title, telephone] at the Council office to arrange a
convenient time and place to discuss your application and lodge your
application form. This will provide an opportunity for you to obtain more
information about the Postponement of Rates scheme and the conditions that
will apply, and for any questions or concerns you might have to be discussed.

Further information about the Postponement of Rates for Seniors
Scheme is available on line at http://www.localgovt.sa.gov.au/seniors

Rating Policy - Attachment 2

POSTPONEMENT OF RATES FOR SENIORS – APPLICATION FORM

Ratepayers who hold a State Seniors Card are now able to apply to Council
to postpone payment of Council rates on their principal place of residence.
This application form will enable Council to assess your eligibility to postpone
the payment of your rates. Please also refer to the Explanatory Notes
overleaf.

Please contact the Council office to arrange a convenient time and place
to discuss your application and lodge your application form

Contact (if different from the applicant) ..........................................................

Telephone .........................................

Appointment date and time............................................................

Place..............................................................
Name of State Seniors Card holder:
State Seniors Card number:
Applicants name (if not as above):
Property address for postponement of rates:
Postal address: Telephonic:  

Are there currently mortgages over the property registered prior to 25 January 2007?
Please tick √ below.

☐ Yes If yes, please attach a statement from the financial institution indicating the maximum credit limit secured by the mortgage.
☐ No If no, please attach a copy of the Certificate of Title

Please complete the declaration below.

**DECLARATION**

- I declare that the above property is the principal place of residence of the State Seniors Card holder and/or spouse (that is, the property lived in most of the time).
- I declare that I am either the Seniors Card Holder or his/her spouse.
- I declare that no person other than the Seniors Card holder and/or his/her spouse has an interest as an owner in the property.
- I declare that I have been informed and understand the conditions which apply to the postponement of rates scheme.
- I declare that the information I have provided on this application form, to the best of my knowledge, is true and correct.

Owner/applicant’s name: Signature: Date:

Owner/applicant’s name: Signature: Date:

Witness name (optional): Signature: Date:

**EXPLANATORY NOTES:**

1. You are eligible for postponement of rates if:
   - you are a State Seniors Card holder (or have applied for the card); and
   - the property is your principal place of residence (where you live most of the time); and
   - no other person, other than your spouse, has an interest as an owner of the property.
2. If you have a current mortgage over the property which was registered prior to 25 January 2007 you are required to have at least 50% equity in your property. If you currently have any mortgages or encumbrances on the property registered before that date you will need to obtain a statement from your financial institution which indicates the maximum credit limit secured by the mortgage, to include with this application form.

3. A minimum amount of $500 of the annual rates must be paid, but any concession entitlement you have will be deducted from the $500 minimum amount, unless you indicate otherwise.

For Example:

<table>
<thead>
<tr>
<th>Total Rates amount</th>
<th>$1500.00 (inclusive of fees and charges)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum amount payable</td>
<td>$500.00</td>
</tr>
<tr>
<td>Your concession</td>
<td>$190.00</td>
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<td>$310.00</td>
</tr>
<tr>
<td>Amount of rates postponed</td>
<td>$1000.00</td>
</tr>
</tbody>
</table>

4. The interest rate which will apply to the amount of rates postponed is prescribed in the Local Government Act (SA) 1999, Section 182A(12). Interest will be charged and compounded monthly on the total amount postponed, until the debt is paid. For the 2007-2008 rating period the interest rate prescribed is …%.

5. The accrued debt including interest is payable at the time of disposal or sale of the property. However, you have the discretion to pay all or any part of the debt at an earlier time.

6. You must inform Council in writing within 6 months if your eligibility changes. For example, if you move out of your home or are no longer entitled to have a State Seniors Card.

   Note: A $5000 maximum penalty applies for failure to inform Council in writing within 6 months of the change in eligibility [Local Government Act (SA) 1999, Section 182A(8)].

7. Council will provide information about the postponed rates debt, and the interest accrued, with future rate notices.

8. Note: It is unlawful to make a false or misleading statement in your application. A $10,000 maximum penalty applies [Local Government Act (SA) 1999, Section 182A(9)].

ASSESSMENT OF YOUR APPLICATION

Your application will be assessed and if approved, arrangements for the postponement of a portion of your council rates will be confirmed in writing to you and all owner/s of the property.

If your application is denied, you will be advised in writing of the reasons for the denial. In this event, you will have the right to ask for a review of Council’s decision.
14.15 LOANS TO BE RAISED  
(Ref: FF.01.2500) Milo Rubbo (Prepared 18/6/07)  
(Function/Activity: Financial Management/Accounting)

PROPOSAL

To raise loans adopted in the 2007/08 Budget.

BACKGROUND

The 2007/08 Budget adopted by Council includes loans to be raised for various projects. In order for the Administration to negotiate and settle these loans a resolution of Council is required to satisfy the provisions of Section 38 of the Local Government Act 1999.

A report to the Corporate and Community Services committee meeting on 9 October 2001 proposed that a report on “Loans to be Raised” would be included with the budget adoption statements each year so that the necessary authorisation to raise loans is provided at the same time that the annual budget is adopted.

DISCUSSION

Council’s resolution at budget adoption time will enable Administration to raise the budgeted loans at the most appropriate time throughout the year.

If a “new” loan emerged during the year that had not been part of the budget adoption process this would be submitted to Council for consideration by way of a separate report.

The current budget refers to the following loans totalling $1,625,000:-

- New Footpath Construction ($125,000)
- Road and Footpath Priority Works ($1,000,000)
- Belair Road Drainage Works ($500,000)

Financial and Budget Implications

The debt servicing costs of making interest and principal repayments are included in the budget – refer budget activity 4.5.5.

Relationship to Strategic Plan

Objective 4.3 A Council that functions in an efficient, effective and appropriate manner

Cost Shifting Implications

N/A
RECOMMENDATION

(1) That the Administration be authorised to raise the following loans:-
   - New Footpath Construction ($125,000)
   - Road and Footpath Priority Works ($1,000,000)
   - Belair Road Drainage Works ($500,000)

(2) That the Mayor and the Chief Executive Officer be authorised to sign and seal all necessary documentation.

14.16 WORK IN PROGRESS AT FINANCIAL YEAR END
(Ref: FF.01.2413) Milo Rubbo (Prepared: 21/6/07)
(Function/Activity: Financial Management /Budgeting)

PROPOSAL

To report on those works and programs that are expected to be partially complete at 30 June 2007.

BACKGROUND

As part of the annual budgetary process a summary of forecast work in progress is submitted to Council.

DISCUSSION

A summary of the forecast work in progress at 30 June 2007 is attached (pp 59-63).

Relationship to Strategic Plan

Objective 4.3 A Council that functions in an efficient, effective and appropriate manner

Cost Shifting Implications

N/A

RECOMMENDATION

That the report be received for information only.
14.17 WORKS AND PROGRAMS BUDGETED FOR IN 2006/2007 AND NOT COMMENCED OR COMMITTED AT FINANCIAL YEAR END  
(Ref: FF.01.2413) Milo Rubbo  (Prepared: 21/6/07)  
(Function/Activity Financial Management/Budgeting) 

PROPOSAL 
To report on those works and programs which were included in the 2006/2007 Budget and are not expected to be commenced by 30 June 2007 

BACKGROUND 
As part of the annual budgetary process a summary of works not commenced, or committed, within the current financial year is submitted to Council so that they may re-consider the retention, or otherwise, of these budgeted items. 

DISCUSSION 
A summary of these items is attached (pp 64-65). Respective program managers have also included a brief description to outline the reasons why these works have been delayed. 

Relationship to Strategic Plan 
Objective 4.3 A Council that functions in an efficient, effective and appropriate manner 

Cost Shifting Implications 
N/A 

RECOMMENDATION 
That the budgeted activities included on the summary of works not commenced or committed at financial year end are carried over (except where indicated) to the 2007/08 financial year to enable these works to proceed.

14.18 HERITAGE COMMITTEE NOMINATIONS  
(Ref: FF.02.1807) Jason Willcocks  (Prepared: 19/6/07)  
(Function/Activity: Development Control/Committees) 

PROPOSAL 
To appoint community representatives to the Mitcham Heritage Committee.
BACKGROUND

At its November 2006 meeting, Council resolved to re-establish the Mitcham Heritage Committee, including terms of reference and membership as follows:

Membership

Membership of the Committee shall consist of The Mayor (ex officio), up to five Elected Members, the Council Community Historian, the Council Heritage Adviser and five community representatives.

The Committee will appoint the Presiding Member of the Committee for a 12 month term.

The Committee will appoint a Deputy Presiding Member of the Committee for a 12 month term.

Administration approached the existing community members on the Committee to ascertain whether they wish to be considered for renomination to the Committee. Existing members Elizabeth Sawyer and Robert Stone have confirmed of their intention to be renominated. Administration then called for a registration of interest from the general public to fill the vacant community positions via an advertisement in the Messenger Press.

Expressions of interests were received from 12 persons (including the two existing members).

At the April Full Council Meeting Council resolved that Council be provided with further information concerning the two previous committee members, Elizabeth Sawyer and Robert Stone, who intend re-nominating for this committee and that we defer making a decision on this item until the Full Council meeting in May.

The information was supplied to Elected Members under separate cover and a report was provided to the May Full Council Meeting.

At the May Full Council Meeting Council resolved to appoint five community representatives from the intending applicants in accordance with the approach in Option 2 of the report.

(Option 2 Settle the community membership of the Heritage Committee on the same basis as its elected membership; this means considering and making appointments for all five community positions on the Committee.)

However, Council did not make any appointments at this meeting.

It is suggested that Members bring all previous information regarding the backgrounds and experience of the applicants to assist with the voting process.
DISCUSSION

Council should now appoint members to the Mitcham Heritage Committee.

Members are reminded of the recommended criteria for selection:

**Essential Qualifications:**

- Experience and knowledge in heritage matters
- Resident of the City

**Preferred Qualifications:**

- Broad knowledge of the characteristics of the City of Mitcham
- An active involvement in heritage issues or matters
- A specialist interest that complements the Committee’s composition and balance

Appointments are required from the following, with existing members indicated by an asterisk (*)

Mr Bill Cronin  
Mr Robert Rowe  
Mr Travis Gottschutzke  
Ms Cheryl Simpson  
Mr Bob Marshall  
Ms Jeanette Lindsay  
Dr Pamela Smith  
Ms Pam Tamblyn  
Mrs Trish Cosh  
Mr Philip Knight  
Ms Elizabeth Sawyer *  
Mr Robert Stone *

The following voting system should be used:

- Multiple vacancies: Members should record sufficient names of their choice, equal to the number of vacancies that are to be filled.

**Counting System**

In the first instance, the candidate with the least number of votes is eliminated. If there remain more candidates than vacancies, a further election is held with all Members able to vote again for the remaining candidates. This process is repeated until the required number of candidates is delivered.

Should a tie exist between any of the candidates with the least number of votes at any stage of the ballot, the names of the tied candidates are announced and a draw is conducted, with the person whose name is drawn being eliminated.

This process will involve seven sets of eliminations to arrive at a final five. Should Members wish to streamline this process, they can choose to rank
their five preferred candidates in order on a single sheet of paper. Given that (1) is a first preference, the five lowest scoring candidates are the successful appointees.

**Impact on Budget**

Nil

**Relationship to Key Objectives of Strategic Plan**

Governance: An efficiently and appropriately managed City where local democracy thrives.

Strategy 2.1.5 Retain and enhance buildings and areas with special heritage or distinctive character and amenity

**External Consultation**

As conducted via registration of interest.

**Cost Shifting Implications**

N/A

**Heritage Implications**

Appointment of the community representatives will allow committee meetings to commence.

**RECOMMENDATION**

That Council appoints the following people to the Mitcham Heritage Committee:

*Names of successful appointees.*

**14.19 BLACKWOOD TENNIS CLUB FUNDING REQUEST**

(Ref: FF.01.1347) Andrew Queisser (Prepared: 21/05/07)

(Function/Activity: Social, Cultural and Community Services/Committees)

**PROPOSAL**

To consider a request from the Blackwood Tennis Club for financial support towards development of an additional dual purpose tennis court at Hewett Sports Ground.
BACKGROUND

In 2006, the Blackwood Tennis Club unsuccessfully applied for an Active Club Grant from the Office for Recreation and Sport to install one new dual use tennis/netball court (see Map 1, p. 66). At that time, Administration gave only in-principle support for the application and noted that any such development would need to adhere to appropriate planning approvals and be fully-funded by the Club. (Refer to Administration's response - attached - pp 67-68).

The Blackwood Tennis Club subsequently notified Council of its intention to apply on behalf of itself and the Woods Panthers Netball Club to the Office for Recreation and Sport under the Community Recreation and Sport Facilities Program for the same project. This grant program opens 7 July and closes 20 August 2007 and requires applicants to contribute in-kind and/or cash to the project on a dollar for dollar basis. The Blackwood Tennis Club has informed the Administration that the estimated total project cost is approximately $80,000 and has requested that Council contribute in-kind and/or cash up to the value of $15,000 towards the project. The Clubs would themselves contribute upwards of $30,000 towards the project.

Several recent Council decisions regarding funding assistance to tennis clubs are summarised and attached (p 69). These examples relate to the upkeep of existing infrastructure. The following report relates to the development of new Council infrastructure, namely a new dual use court at Hewett Sports Ground.

DISCUSSION

This report presents Council with history of the club, arrangements, and their recent grant applications. Administration has assessed the application against the relevant policy and strategic documents, needs, current tennis court usage, potential long term financial costs and benefits of one new court and with regards to the need for a Blackwood Open Space Master Plan.

Hewett Sports Ground is a multi-sport reserve that fronts Coromandel Parade, Blackwood. It currently has nine tennis courts, and the Blackwood Tennis Club and the Woods Panthers Netball Club share the use of five of these courts. The remaining four courts are used solely by the Blackwood Tennis Club.

The Blackwood Tennis Club currently lease the two courts at Gibb Park, Eden Hills on a Saturday morning and in previous years has leased the four courts at Apex Park, Hawthornedene every second Saturday.

The Blackwood Tennis Club currently has 26 junior and 8 senior teams with a total membership (including social members) of approximately 250. The Woods Panthers Netball Club comprises 33 teams with approximately 280 members.

Demographic changes indicate a projected increased demand for tennis and netball facilities in the hills. A Blackwood Open Space Master plan is proposed for 2007/08 which aims to:
- investigate sporting infrastructure within Blackwood region identifying community need and demands, alternative reserve designs and associated capital and maintenance costs; and
- identify a strategic direction that will address the issues currently faced by the community and sporting clubs.

Administration views completion of the Blackwood Open Space Master Plan as an important precursor to funding decisions in the area. This plan will offer a full ‘demand’ and ‘supply’ assessment of sporting and recreation infrastructure within Blackwood region.

In relation to Hewett Sports Ground, recommendations of the Sport and Recreation Review (March 1999) include the development of a new concept plan for the area, along with encouraging the development of the Blackwood Tennis Club.

While the request for funding generally adheres to Council Policy (capital Funding) 07.02, Administration identified three primary areas of concern:

1. The limited strategic/long-term benefit one additional court would have on the club and/or community given the expected growth within Craigburn Farm. Moreover, the development of an additional court may further increase the financial demand placed on Council regarding maintenance and the improvement of existing facilities to meet the increased use (car-parking, club rooms, storage);

2. The tennis/netball facility becoming a semi-regional facility and growing beyond the capacity of the site’s existing infrastructure (car-parking, club rooms); and

3. Due to the courts being fenced and having high club usage, result in limited availability to non club members.

In a letter dated 26 February 2007, Administration communicated the above concerns to the Blackwood Tennis Club. The Club responded to these concerns (refer attached - pp 70-72):

While the proposed development would increase the number of club courts accessible at Hewett Sports Ground to 10 (Map 2 p 73 illustrates other venues with tennis courts within a 2km radius of Hewett Sports Ground) it offers limited benefit to the general community due to the courts being secured and with heavily regulated access. While the club offers public access when not being used by the club (for $10 per hour – casual hire, or $25 per half day or $40 per day), the club has not proposed to increase community access to any existing courts beyond current levels (see p 2 of Blackwood Tennis Club response letter (p 72). To consider a Council contribution, it is proposed that a condition be added promoting community bookings of all courts when not in use by the Club.
The Blackwood Tennis Club proposal has not investigated increased costs to Council (short and long-term) arising from developing an additional court. The Administration anticipates a minimal increase in costs in the areas of re-surfacing, increased demand for car parking, and related infrastructure and horticultural maintenance.

Blackwood High School (BHS) could offer an alternative avenue for further investigation to improve tennis court availability beyond the addition of a single court.

In August 2005 Council received a letter from the Blackwood High School regarding the upgrading of the six courts situated to the south of the school campus adjacent Beaconsfield Road (refer attached - pp 74-75). The letter proposed that together with the Blackwood Tennis Club, Council and the BHS jointly upgrade the six courts and develop a school, club and community facility. In subsequent correspondence BHS noted resurfacing costs of all six courts would be approximately $98,000 with the BHS having already set aside a budgetary allocation of $49,000 towards the project.

As part of the Blackwood Open Space Master Plan, Administration should investigate the means of developing the 3 other courts at BHS and establishing formal joint use arrangements between the school, tennis club and Council.

Apart from the option of Council deciding not to provide any financial support, Administration has proposed two options for supporting the Club’s grant application.

**OPTION 1**

1. That Council provides *in-principle* support for The Blackwood Tennis Clubs 2007 Community Recreation and Sport Facilities grant application;

2. That Council does not provide any direct financial support for The Blackwood Tennis Club’s 2007 Community Recreation and Sport Facilities grant application;

3. That if the Blackwood Tennis Clubs 2007 Community Recreation and Sport Facilities grant application is successful that:
   
   (a) Council as landlord approves the construction of an additional court at Hewett Sports Ground;
   
   (b) Council approves the Blackwood Tennis Club lodging a Development Application;
   
   (c) Council acts as guarantor to the Blackwood Tennis Club for a loan of up to $15,000 towards the development of one dual use tennis/netball court at Hewett Sports Ground;
   
   (d) Council review the Lease of the Club to take into account the new court;
(e) The Club agrees to promote and enable use of the new court and existing courts by non-club members when they are not being used for club purposes.

OR

OPTION 2

(1) That Council provides in-principle support for The Blackwood Tennis Clubs 2007 Community Recreation and Sport Facilities grant application;

(2) That Council does not provide any direct financial support for The Blackwood Tennis Club's 2007 Community Recreation and Sport Facilities grant application;

(3) That if the Blackwood Tennis Club's 2007 Community Recreation and Sport Facilities grant application is successful that:
   (a) Council as landlord approves the construction of an additional court at Hewett Sports Ground.
   (b) Council approves the Blackwood Tennis Club lodging a Development Application.
   (c) Council provide in-kind support for landscaping and tree removal and payment of the Development Application fee at an estimated cost of $5,000.
   (d) Council review the Lease of the Club to take into account the new court.
   (e) The Club agrees to promote and enable use of the new court and existing courts, by non-club members when they are not being used for club purposes.

Conclusion

Whilst the addition of one tennis court may not address current growth and need levels in the Blackwood area, it does however provide a unique opportunity to increase Council infrastructure with minimal impact on Council budgets (refer attachment - p 76).

Administration favours Option 2, as a successful grant application will result in an increase in Council assets by approximately $80,000 via a minimal Council contribution ($5,000 in-kind support via recurring maintenance budget) while at the same time meeting some of the increased need for tennis facilities in the Blackwood area.

Impact on Budget

Funds have not been allocated within the 2006/07 and 2007/08 budgets to support this application.
In the event of successful application by the Club it is proposed an in-kind contribution for landscaping and tree removal and payment of the Development Application fee at an estimated to $5,000 be made from the existing recreation/open space maintenance budget. Whilst this can be accommodated by a minor allocation of the maintenance effort on Hewett reserve in 2007/08, it should be noted that Council $5,000 in-kind contribution falls short of the level of support requested by the club.

Environmental Impact (Ecological Sustainability)

Development of the tennis court would require the removal of three trees which are native to the area. Council will replace the three trees with nine trees in close proximity.

Relationship to Strategic Plan

*Strategy 1.4.2* Adapt facilities to meet changing needs as opportunities arise

External Consultation

The Administration conducted community consultation in March/April 2006 regarding the development of an extra dual-use court at Hewett Sports Ground. The Administration consulted residents surrounding Hewett Sports Ground and received a total of 81 responses (10 adjacent Hewett Sports Ground, 52 within 500m of Hewett Sports Ground and 19 within 1km of Hewett Sports Ground). This consultation revealed that 81.5% of respondents supported the construction of one new dual-use court at Hewett Sports Ground (13.6% indicated no and 4.9% unsure). The consultation also relieved that 81.8% of respondents would support the erection of additional lights at Hewett Sports Ground.

Cost Shifting Implications

N/A

RECOMMENDATION

(1) That Council provides in-principle support for The Blackwood Tennis Clubs 2007 Community Recreation and Sport Facilities grant application.

(2) That Council does not provide any direct financial support for The Blackwood Tennis Club’s 2007 Community Recreation and Sport Facilities grant application.

(3) That if the Blackwood Tennis Clubs 2007 Community Recreation and Sport Facilities grant application is successful:

(a) Council, as landlord, approves the construction of an additional court at Hewett Sports Ground.

(b) Council approves the Blackwood Tennis Club lodging a Development Application.
(c) Council provides in-kind support for landscaping and tree removal and payment of the Development Application fee at an estimated cost of $5,000.

(d) Council reviews the lease of the Club to take into account the new court.

(e) The Club agrees to promote and enable use of the new court and existing courts by non-club members when they are not being used for club purposes.

14.20 GLOUCESTER AVENUE BELAIR COMMUNITY CONSULTATION
(Ref: FF.01.1815) George Forbes (Prepared: 12/06/2007)
(Function/Activity: Property Management/Project Management)

PROPOSAL

To advise Council of the outcome of the public consultation process undertaken regarding the disposal of Lot 16 Gloucester Avenue, Belair by public auction.

BACKGROUND

The disposal or development and sale of the Council owned land described as Lot 16 Gloucester Avenue, Belair was identified in the strategic plan as an outcome in order to provide funds for the acquisition or development of open space.

On 27 March 2007, Council endorsed a public consultation process being undertaken prior to the possible disposal of this property by public auction in keeping with the Policy in relation to the disposal of non-community land.

Advertisements were placed in the three local papers on 25 April 2007 and 2 May 2007 inviting resident submissions to be made in relation to the possible sale of this allotment.

Eight individual submissions have been received, either objecting to the proposed sale or requesting that a Land Management Agreement be placed on the title to prevent any possible subdivision of the allotment and to protect the existing significant trees. Copies of the submissions received have been forwarded under separate cover.

In addition to the individual submissions, 53 form letters have been received from surrounding residents opposing the proposed sale. A copy of the form letter is attached (p 77).

DISCUSSION

Gloucester Avenue at Belair comprises a single residential development site, with a steep slope providing a site area of 2,480 square metres described as Allotment 16, Certificate of Title Registered Book Volume 5889, Folio 810, Hundred of Adelaide.
The irregular shaped allotment has a frontage to Gloucester Avenue of 58.61 metres and depths along the eastern and western boundaries of 57.94 and 66.16 metres respectively.

The allotment is zoned Residential (Hills) and the principle objective of this zone is to accommodate development comprising detached dwellings on large allotments that maintains and enhances the natural vegetation and features of the Mount Lofty Ranges.

There is a moderate downward slope to the rear of the front portion of the site, moving to a very steep downward slope toward the rear of the site.

The site contains a number of mature trees and to the rear of the property there is a stand of mature Grey Box, which need to be preserved by a Land Management Agreement, this will also prohibit any subdivision of the land.

The property is not classified as community land and will therefore not be subject to the revocation process.

Comment on the Submissions Received

1. One of the submissions received drew attention to the fact that this allotment was indicated as a reserve on the Certificate of Title when they purchased their home and that this reference was misleading.

   Administration Comment

   The reserve status of this and other allotments was removed on 22 October 2002 following extensive consultation with the community as required under the Local Government Act. Copies of the relevant approvals and notifications are attached (pp 78-83).

2. A number of submissions drew attention to the need to retain undeveloped natural bushland within the area, the need to retain open space and to preserve the existing significant trees.

   Administration Comment

   The allotment was acquired as a result of a subdivision of the area in 1986, when Transport SA determined that the land was surplus to requirements. The allotment has not been developed and given the large amount of open space already available in Belair (the closest being Sleeps Hill Reserve and Ashby Reserve) it was earmarked for disposal. Belair National Park is also close by for more structured recreational pursuits.

   It is proposed that a Land Management Agreement will be prepared to protect the significant trees and the natural Grey Box stand located on this allotment.

3. The possible use of the allotment by the CFS to gain access to the woodland gorge at the rear of the residential properties on Gloucester Avenue was raised as an issue in two of the submissions received.
Administration Comment

At a meeting of the Mitcham District Bushfire Prevention Committee held on Monday, 18 June 2007, the following motion was passed regarding Lot 16 Gloucester Avenue, Belair.

That the property at Lot 16 Gloucester Ave Belair is of no strategic value to the CFS

Moved M Sard, seconded F Thompson Carried

This motion will be on record in the June Minutes of this Committee.

4. One of the issues raised relates to the proximity of the allotment to the junction of Gloucester Avenue and Kalyara Road and the possible traffic hazard and parking issues which would be created if the allotment was sold as a residential allotment.

Administration Comment

Any development of the site would need to comply with traffic management standards as outlined in AS1742 and engineering guidelines as applies to any such development within the City of Mitcham.

Summary

This allotment was identified by Council for possible disposal over five years ago and was subsequently excluded from the Community Land Register and had the reserve status revoked.

The process of revocation involved extensive community consultation during 2001 and no community objections were received to the revocation at that time.

It would appear that the major concern raised as a result of the latest consultation process relates to the loss of open space in the area and the possible loss of trees and natural vegetation.

As outlined during the revocation process this area is well served with open space and this allotment is in close proximity to large bushland reserves, Sleeps Hill Reserve and a local reserve, Christine Avenue Reserve.

Other issues raised regarding the loss of trees and the subdivision of the allotment can be addressed by a Land Management Agreement over the property, as previously discussed in this report.

Impact on Budget

Nett proceeds from the sale of this allotment will be directed to the Asset Development and Improvement Reserve to provide funds for the ongoing development or improvement of strategically located community assets.
Relationship to Strategic Plan

3.3 A City that maximises alternative revenue streams to rates.

3.31 Examine the cost / benefit / opportunity of disposing of Council's surplus non open space land holdings so the proceeds may be used to enhance community facilities.

3.3.2 Identify partnership and joint opportunities for development of surplus land and buildings.

Cost Shifting Implications
Nil

RECOMMENDATION

(1) That Council notes the submissions received regarding the disposal of Lot 16 Gloucester Avenue, Belair.

(2) That, having dealt with the submissions received, Council proceeds with the disposal of this property.

(3) That Council endorses the preparation of a Land Management Agreement to protect the significant trees, the natural stand of Grey Box present on the site and to prevent the subdivision of this allotment in the future prior to disposal by public auction.

15. NOTICES OF MOTION

15.1 CR GRIMM - COUNCIL AMALGAMATIONS
(Ref: FF.01.2633) (Prepared: 19/6/07) (Function/Activity: Governance/Boundary Reform)

That, based on his recent re-advocation of his "hobby horse" in the media and parliament for Council amalgamations (which negatively names the City of Mitcham), administration writes to Bob Such MP asking him to provide a Business Case for the benefits and disadvantages (financial and otherwise) ratepayers of Adelaide's largest metropolitan Council (Onkaparinga) have received since that amalgamation. The Business Case should take into account that Onkaparinga is one of only four Councils receiving hugely disproportionate grants from the Federal Government (FAGS) per head of population, when the other 14 receive only the base amount.
15.2 CR GRIMM - RAILWAY STATION CAR PARKS  
(Ref: FF.01.2128 ) (Prepared: 19/6/07)  
(Function/Activity: Development Control/Regulating)

That Administration writes to the Minister for Planning, the Minister for Transport, TransAdelaide and the State Transport division requesting that car parks provided by TransAdelaide at railway stations (especially in the Hills) NOT be designated as shared parking with private business, as recently occurred when 18 of the 23 long-awaiting new carparks at Glenalta Station were allocated as "shared" so that the Belair Hotel could meet its requirement for a new development.

REASON

(1) It took the community 10 years to get a proper car park at Glenalta. There is no further land available.

(2) Council acknowledges that at this moment, the carpark is not fully utilised at nights and weekends (shared time), BUT

(3) With the current strong concerns (media and politicians) about global warming and emissions control, government departments should be encouraging public transport use, not trading of spaces of small railway carparks (23) for the benefit of car drivers driving to a private enterprise.

16. MOTIONS WITHOUT NOTICE

17. REPORTS OUTSTANDING AND RESOLUTIONS NOT YET EFFECTED  
(Ref: FF. 01.779) (Prepared: 20/6/07)  
(Function/Activity: Governance/Committees)

PROPOSAL

To inform members of reports and actions which have been requested and their current status.

BACKGROUND

At meetings of the Council, reports are often requested concerning certain items which must be submitted to subsequent meetings. Actions are also requested and their current status is recorded in the attached table.

DISCUSSION

Attached (pp 84-91) is a table detailing the reports outstanding and resolutions not yet effected and a brief summary of their status.

RECOMMENDATION

That the report be received for information only.
18. ANY OTHER BUSINESS

19. CONFIDENTIAL

19.1 PASADENA HIGH SCHOOL - PROPOSAL
(Ref: FF.07.467) George Forbes (Prepared: 13/06/2007)  
(Function/Activity: Property Management/Project Management)

PROPOSAL

To consider a proposal concerning the Pasadena High School.

DISCUSSION

As this item requires the Council to receive, discuss and consider information on a matter concerning a proposal for the Pasadena High School that falls within Section 90(3)(j)(i) of the Local Government Act 1999, it is recommended that it be dealt with in confidence.

RECOMMENDATION

That pursuant to Section 90(2) and (3)(j)(i) of the Local Government Act 1999, the Council orders the public excluded, with the exception of Council officers present on the basis that it will receive, discuss and consider information on a matter which would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the council, or a person engaged by the council) relating to a proposal for Pasadena High School and that the Council is satisfied with the principle that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter by the need to keep the receipt, discussion and consideration of the matter confidential.

19.2 OPTIONS FOR RELOCATION OF STURT BASEBALL CLUB
(Ref: FF.07.468) George Forbes (Prepared: 14/06/07)  
(Function/Activity: Property Management/Project Management)

PROPOSAL

To consider a proposal to relocate the Sturt Baseball Club.

DISCUSSION

As this item requires the Council to receive, discuss and consider information on a matter concerning a proposal to relocate the Sturt Baseball Club that falls within Section 90(3)(j)(i) of the Local Government Act 1999, it is recommended that it be dealt with in confidence.
RECOMMENDATION

That pursuant to Section 90(2) and (3)(j)(i) of the Local Government Act 1999, the Council orders the public excluded, with the exception of Council officers present on the basis that it will receive, discuss and consider information on a matter which would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the council, or a person engaged by the council) relating to a proposal to relocate the Sturt Baseball Club and that the Council is satisfied with the principle that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter by the need to keep the receipt, discussion and consideration of the matter confidential.

CLOSE: