

# COUNCIL AGENDA

## **Council Meeting**

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

***Monday 24 July 2023 7.00pm***

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

**Chief Executive Officer**

## **OUR VISION 2033**

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

## **COUNCIL IS COMMITTED TO**

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

## **KAURNA ACKNOWLEDGEMENT**

*Ngadlurlu tampinhi, ngadlu Kurna yartangka inparrinhi. Ngadlurlu parnuku tuwila yartangka tampinhi.*

*Ngadlurlu Kurna Miyurna yaitya yarta-mathanya Wama Tarntanyaku tampinhi. Parnuku yaitya, parnuku tapa purruna yalarra puru purruna.\**

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

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

\*Kurna Translation provided by Kurna Warra Karrpanthi

## **PRAYER AND SERVICE ACKNOWLEDGEMENT**

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

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

Lest We Forget.

## **WELCOME**

## **ORDER OF BUSINESS**

<b>ITEM</b>	<b>PAGE NO</b>
<b>1. ADMINISTRATIVE MATTERS</b>	
<b>1.1 APOLOGIES</b>	
Nil	
<b>1.2 LEAVE OF ABSENCE</b>	
Nil	
<b>1.3 CONFLICT OF INTEREST</b>	
<i>Members to advise if they have any material, actual or perceived conflict of interest in any Items in this Agenda and a Conflict of Interest Disclosure Form (attached) is to be submitted.</i>	
<b>1.4 MINUTES</b>	
1.4.1 Minutes of the Ordinary Council Meeting held Monday, 26 June 2023	
<b>1.5 DEFERRED / ADJOURNED ITEMS</b>	
Nil	
<b>2. PETITIONS/DEPUTATIONS</b>	
Nil	
<b>3. REPORTS OF COMMITTEES</b>	
Nil	
<b>4. REPORTS OF OFFICERS</b>	
4.1 Employee Code of Conduct	7
4.2 2023-24 Fees and Charges Amendment	35
4.3 Discretionary Rate Rebate Applications	38
4.4 Request to Fly Pride Flag - Celebrating Diversity Month November 2023	75
4.5 Council Action Records	82

## **5. MOTIONS AND QUESTIONS**

### **5.1 MOTIONS OF WHICH NOTICE HAS BEEN GIVEN**

Nil

### **5.2 MOTIONS WITHOUT NOTICE**

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

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

5.3.1 Question on notice from Councillor L. Doyle Re: Opening  
Unley Pool Through the Winter Season 86

### **5.4 QUESTIONS WITHOUT NOTICE**

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

## **6. MEMBER'S COMMUNICATION**

### **6.1 MAYOR'S REPORT**

6.1.1 Mayor's Report for Month of July 2023 90

### **6.2 DEPUTY MAYOR'S REPORT**

6.2.1 Deputy Mayor's Report for Month of July 2023 92

### **6.3 ELECTED MEMBERS' REPORTS**

6.3.1 Reports of Members for July 2023 94

### **6.4 CORRESPONDENCE**

6.4.1 Correspondence 96

## 7. CONFIDENTIAL ITEMS

7.1	Confidentiality Motion for Item 7.2 - Appointment of Members to the Brown Hill and Keswick Creeks Stormwater Board	98
7.2	Appointment of Members to the Brown Hill and Keswick Creeks Stormwater Board	99
7.3	Confidentiality Motion to remain in confidence for Item 7.2 - Appointment of Members to the Brown Hill and Keswick Creeks Stormwater Board	115
7.4	Confidentiality Motion for Item 7.5 - Detailed Design Budget 78-84 Edmund Avenue, Unley	117
7.5	Detailed Design Budget 78-84 Edmund Avenue, Unley	118
7.6	Confidentiality Motion to remain in confidence for Item 7.5 - Detailed Design Budget 78-84 Edmund Avenue, Unley	125
7.7	Confidentiality Motion for Item 7.8 - Council Legal Proceedings Update	126
7.8	Council Legal Proceedings Update	127
7.9	Confidentiality Motion to remain in confidence for Item 7.8 - Council Legal Proceedings Update	139
7.10	Confidentiality Motion for Item 7.11 - Assessment of Chief Executive Officer's 2022/23 Key Performance Indicators	140
7.11	Assessment of Chief Executive Officer's 2022/23 Key Performance Indicators	141
7.12	Confidentiality Motion to remain in confidence for Item 7.11 - Assessment of Chief Executive Officer's 2022/23 Key Performance Indicators	188

## **SUGGESTED ITEMS FOR NEXT AGENDA**

Shaping Unley Tree Canopy on Private Land
Fourth Quarter 2022-23 Corporate Performance Report
2022-23 Preliminary End of Financial Year
Draft Communications and Engagement Strategy for Adoption
Proposed Naming of a One-Way Public Road Between Arthur and Mary Street, Unley
Community Event Sponsorship 2023-24
Living Young Action Plan 2023-2027
Waste Management and Resource Recovery Plan 2021-25 Implementation
Stage 5 Wood Street to Cross Road Connection - Heywood Park Proposed Design Improvements
Unley Oval Turf and Irrigation Replacement
Unley Road Streetscape Renewal Stage 1 and 2
Variation to Operating Hours for Festive Season 2023-24
Council By-Law Review - Local Government Land Amendment By-law No.6

## **NEXT MEETING**

Monday 28 August 2023 - 7.00pm

Council Chambers, 181 Unley Road Unley

## DECISION REPORT

<b>REPORT TITLE:</b>	EMPLOYEE CODE OF CONDUCT
<b>ITEM NUMBER:</b>	4.1
<b>DATE OF MEETING:</b>	24 JULY 2023
<b>AUTHOR:</b>	TERESA NILSSON, MANAGER PEOPLE & CULTURE
<b>DIVISION:</b>	BUSINESS SUPPORT AND IMPROVEMENT
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"><li>1. CODE OF CONDUCT DECEMBER 2021</li><li>2. LOCAL GOVERNMENT ACT 1999 S120A</li><li>3. CODE OF CONDUCT JUNE 2023</li></ol>

---

### 1. **PURPOSE**

The purpose of this report is to provide Council with the Employee Code of Conduct policy for endorsement, in line with Section 120A of the Local Government Act 1999.

### 2. **RECOMMENDATION**

That:

1. The report be received.
  2. The Employee Code of Conduct policy as set out in Attachment 3 to this report (Item 4.1, Council Meeting 24/07/2023) be adopted.
  3. The Chief Executive Officer be authorised to make minor editorial amendments to the Employee Code of Conduct policy as part of the finalisation of the document.
- 

### 3. **RELEVANT CORE STRATEGIES – FOUR YEAR DELIVERY PLAN**

4. Civic Leadership
  - 4.1 We have strong leadership and governance.

### 4. **BACKGROUND**

Prior to the State Government Reforms that came into effect at the conclusion of the November 2022 elections, the City of Unley Administration had in place a Code of Conduct policy for Council Employees.

*Attachment 1*

On 17 November 2022 a new Section, 120A of the Local Government Act 1999 (the Act) came into effect. Section 120A provides discretionary power to councils to adopt behavioural standards for council employees.

*Attachment 2*

## **5. DISCUSSION**

The Employee Code of Conduct Policy that is presented to Council for adoption has been reviewed to ensure that employee behavioural standards, for the purposes of Section 120A of the Local Government Act, are met. This review has included consultation with the Australian Services Union and the Australian Workers Union, as required by the Act. Updates to the document focus on the changes in the Local Government Act 1999.

*Attachment 3*

The Policy, which describes the expected employee behavioural standards, must not diminish a right or employment condition under any existing Act, Award, Industrial Agreement, or terms of an employee contract.

In summary, the Policy covers the following areas:

- General Behaviour of Council Employees.
- Responsibilities of Employees.
- Employee Relationships with Council.
- Use of Council Resources.
- Conflicts of Interest; and
- Gifts and Benefits.

To ensure that the Chief Executive Officer is also covered by these behavioural standards, legal advice has been received that recommends that Council should endorse the Policy. In essence, this is the reason why this administrative policy has been presented.

## **6. POLICY IMPLICATIONS**

### **6.1 Financial/budget implications**

- N/A

### **6.2 Risk Management (identification and mitigation)**

- Legal advice has been obtained and, in summary, for the behavioural standards to be explicit in their application to the Chief Executive Officer, it is deemed appropriate for Council to adopt the Employee Code of Conduct policy.



**6.3 Staffing/Work Plans/Additional Resource Impact**

- Updating and informing employees of the Code will be covered within current area workplans.

**6.4 Climate/Environmental Impact**

- Nil.

**6.5 Social/Economic**

- Nil.

**7. ANALYSIS OF OPTIONS**

Option 1

1. The report be received.
2. The Employee Code of Conduct policy as set out in Attachment 3 to this report (Item 4.1, Council Meeting 24/07/2023) be adopted.
3. The Chief Executive Officer be authorised to make minor editorial amendments to the Employee Code of Conduct policy as part of the finalisation of the document.

The Employee Code of Conduct policy clearly articulates Council's expectations of staff employed by the Council. Councils operate in a complex environment and the visibility of employee's conduct is an important aspect of public interest. The adoption of such a policy by Council will ensure that it is transparent.

Option 2

1. The report be received.
2. The Employee Code of Conduct is delegated to be endorsed by the Chief Executive Officer as an Administration Policy.

If Council decides to not adopt the policy, the Administration will still need to do so under delegated authority. This will ensure that all employees of the Council are aware of the expectations placed upon them. Whilst there is no present risk associated with the Chief Executive Officer, legal advice informs that it would be more appropriate and transparent for council to adopt the policy.

**8. RECOMMENDED OPTION**

Option 1 is the recommended option.

**9. REPORT AUTHORISERS**

Name	Title
Nicola Tinning	General Manager, Business Support & Improvement





## EMPLOYEE CODE OF CONDUCT

<b>Policy Type:</b>	Human Resources Policy
<b>Reference Number:</b>	HR021
<b>Responsible Department:</b>	Business Support and Improvement
<b>Responsible Officer:</b>	Manager People and Culture
<b>Related Policies and Procedures:</b>	<ul style="list-style-type: none"> <li>• Workplace Respect Policy</li> <li>• Counselling and Discipline Policy</li> <li>• Complaint Handling Procedure</li> <li>• Secondary Employment Procedure</li> <li>• Social Media Policy for Staff</li> </ul>
<b>Date Adopted</b>	8 February 2022
<b>Last review date</b>	
<b>Next review date</b>	2 years from Endorsement
<b>ECM Doc set I.D.</b>	7961593

### 1. PREAMBLE

- 1.1. The purpose of the Code of Conduct for Employees Policy (**Policy**) is to provide clear expectations to all Employees the standards of conduct that are required.
- 1.2. Employees must comply with the provisions of this Policy in carrying out their functions as public officials. It is the personal responsibility of Employees to ensure that they are familiar with, and comply with, the standards in the Policy and Councils Values at all times.
- 1.3. This Policy does not intend to prescribe every requirement of employees, or present all the details of the policies that affect an employee's conduct. Instead, it provides the minimum standards of behaviour expected of employees in order to ensure that employees are aware of the ethical issues, governance issues, and legislative requirements that may affect their conduct and behaviour at work. It is also up to employees to seek further information when they need further clarity of standards or procedures, or if they are unclear on any area of conduct.
- 1.4. This Policy is developed and to be read in conjunction with the Council's Values (as detailed in this Policy), the Code of Conduct for Employees as prescribed under Schedule 2A of the *Local Government (General) Regulations 2013* (SA) (**the Regulations**) and the *Local Government Act 1999* (SA) (**the Act**).
- 1.5. This Policy does not exclude the operation of the *Fair Work Act 1994*, the rights of employees and their Unions to pursue industrial claims, or any relevant Awards or Enterprise Agreements made under the *Fair Work Act 1994*. This Policy does not affect the jurisdiction of the South Australian Employment Tribunal (SAET).

**2. SCOPE**

- 2.1. This Policy applies to all Employees, including Executives, Managers, Team Leaders, casual employees, students, contractors, subcontractors and consultants, and any person who is working for the Council on a temporary basis.
- 2.2. Volunteers and Elected Members are excluded from the Policy as there is a alternate Code of Conduct that relates directly to them.
- 2.3. This Policy applies to all employees at all times when representing The City of Unley, regardless of whether it is during or outside of work hours, within or outside of the workplace. This includes, for example, at conferences, training events, business trips, and attending work-related social events. This Policy also applies to all employees at all times when using City of Unley email and internet facilities.
- 2.4. The Chief Executive Officer must act in accordance with the provisions specific to their position within the *Local Government Act 1999* at all times.

**3. DEFINITIONS**

Conflict of Interest	Defined by the Local Government Act. For employees: <i>"An employee has an interest in a matter if the employee, or a person with whom the employee is closely associated, would, if the employee acted in a particular manner in relation to the matter, receive or have a reasonable expectation of receiving a direct or indirect pecuniary (financial) benefit or a non-pecuniary benefit or suffer or have a reasonable expectation of suffering a direct or indirect pecuniary detriment or a non-pecuniary detriment".</i>
Council	The City of Unley as an employer
Secondary Employment	Where the employee holds other paid employment in addition to their City of Unley role. This also includes when the employee works in their own or family business.
Values	The City of Unley Values guide the behaviours and decision making of our employees and leaders. They are: Pursue Excellence Achieve Together Demonstrate Integrity Customer First Be Progressive Behaviours that support the values are listed in Appendix C

**4. PRINCIPLES**



- 4.1. Employees have a commitment to serve the best interest of the people within the Unley Community and to discharge their duties conscientiously and to the best of their ability.
- 4.2. Employees will act honestly in every aspect of their work and be open and transparent when making decisions or providing advice to the organisation.
- 4.3. Employees will respect the law, and the resolutions made by the elected member body of the City of Unley.
- 4.4. The Chief Executive Officer will make reasonable endeavours to ensure that employees have current knowledge of both statutory requirements and best practices relevant to their position.
- 4.5. Employees will make reasonable endeavours to ensure that they have such current knowledge of both statutory requirements and best practices relevant to their position as is drawn to their attention by the organisation.
- 4.6. Employees will use all endeavours to promote a positive image of the The City of Unley.
- 4.7. The City of Unley is committed to upholding the principles of transparency and accountability in its management and administrative practices. It encourages the making of disclosures in accordance with the *Public Interest Disclosure Act 2018* (SA) to reveal public interest information at the earliest reasonable opportunity.

## 5. CONDUCT

- 5.1. In line with the Principles described in this Policy, the following behaviour is considered essential to upholding the principles of good governance in The City of Unley.
- 5.2. A failure to comply with any of these behaviours can constitute a ground for disciplinary action against the employee, including dismissal, under Section 110(5) of the *Local Government Act 1999*.
- 5.3. Employees must also comply with all relevant statutory requirements within the *Local Government Act 1999*, the *Work Health and Safety Act 2012* and other Acts. A failure to comply with these statutes, as identified within this Part, can also constitute a ground for disciplinary action against the employee, including dismissal, under Section 110(5) of the *Local Government Act 1999*.
- 5.4. Employees will:

### General behaviour

- 5.4.1. Behave in a manner that is consistent with the City of Unley's values
- 5.4.2. Act honestly in the performance of official duties at all times, as required by Section 109(1) of the *Local Government Act 1999*.
- 5.4.3. Act with reasonable care and diligence in the performance of official duties, as required by Section 109(2) of the *Local Government Act 1999*.
- 5.4.4. Act in a reasonable, just, respectful and non-discriminatory way when dealing with all people. Ensure behaviour is not intimidating, harassing, derogatory or threatening.
- 5.4.5. Follow any lawful directions given by a person authorised to do so. Seek clarification when in doubt, and particularly in circumstances where you believe that a direction given to you may be unlawful or unethical, or contradicts the City of Unley's Values;
- 5.4.6. Ensure that personal interests, including financial interests, do not influence or interfere with the performance of their role.

### **Responsibilities as an employee of the City of Unley**

- 5.4.7. Comply with all relevant policies, procedures, codes, resolutions and professional standards relevant to their particular role.
- 5.4.8. Ensure that where a conflict arises, whether it is with another employee, an Elected Member, a customer, or a member of the public, seek to resolve the conflict or disagreement in a way that is respectful of the other person and of their point of view, so as to obtain a constructive resolution of the conflict or disagreement, in line with the organisation's Values.
- 5.4.9. Deal with information received in their capacity as a City of Unley employee in a responsible manner.
- 5.4.10. Endeavour to provide accurate information to the organisation and to the public at all times.
- 5.4.11. Take all reasonable steps to ensure that the information upon which employees make decisions or actions are based is factually correct and that all relevant information has been obtained and is considered.
- 5.4.12. Keep confidential information that the organisation or the Chief Executive Officer of the City of Unley has ordered be kept confidential, including information that is considered by the Council or the Chief Executive Officer in confidence, subject to the *Ombudsman Act 1972* and the *Independent Commissioner Against Corruption Act 2012*.
- 5.4.13. Ensure your delegations and powers of authority are only used in line with your duties, and not for improper purposes.
- 5.4.14. Ensure proper use of information, including confidential information, acquired by virtue of their position.
- 5.4.15. Ensure that any secondary employment outside the organisation has been given prior consent from the Chief Executive Officer and ensure that the outside work does not conflict with, or adversely affect, the performance of official Council duties.
- 5.4.16. Ensure that relationships with external parties do not amount to interference by improper influence, affecting judgement, decisions and/or actions.
- 5.4.17. Comply with all lawful and reasonable directions given by a person with authority to give such directions.
- 5.4.18. Only make public comment in relation to their duties when specifically authorised to do so, and restrict such comment to factual information and professional advice.
- 5.4.19. Carry out the roles, responsibilities and personal attributes as outlined with the position description
- 5.4.20. Be accountable for quality of their own performance, development and attitude in the workplace and while undertaking role
- 5.4.21. Consider performance feedback and adjust to meet expectations

### **Relationships with Council**

- 5.4.22. Not make any public criticism of a personal nature of fellow employees or Elected Members.
- 5.4.23. Not make any defamatory, inflammatory, misleading or negative comments regarding other City of Unley employees or Elected Members via social media or any other means.

- 5.4.24. Take reasonable care that their acts or omissions do not adversely affect the health and safety of other persons, as required by the *Work Health and Safety Act 2012*.
- 5.4.25. Direct any allegations of breaches of the Code of Conduct for Elected Members to the Chief Executive Officer or nominated delegate/s.

#### **Use of Council Resources**

- 5.4.26. Manage and use all forms of the City of Unley resources, property, plant, equipment, computing resources and information systems, in an effective, prudent and accountable way.
- 5.4.27. For the purposes of this policy, the City of Unley resources include the time and effort of employees' (including the employee himself/herself).
- 5.4.28. Ensure that employees' own time and that of others is used responsibly and always in the City of Unley's best interest.
- 5.4.29. Ensure that the City of Unley resources are only used for work-related purposes, or for the purposes of carrying out authorised functions, and not for personal use, unless required by law or authorised to do so;
- 5.4.30. Ensure that any excess the organisation's materials or resources are returned or appropriately stored for Council's future use;

#### **Register of Interests**

- 5.4.31. Adhere to the statutory requirements to lodge a primary return and submit an ordinary return in accordance with Sections 113, 114 and 115 of the *Local Government Act 1999* if they have been declared by the Council to be subject to these provisions.

#### **Conflicts of Interest**

- 5.4.32. Disclose all conflicts of interest and comply with the relevant conflict of interest provisions pursuant to section 120 of the Act (and as amended from time to time), which is attached as Appendix B of this Policy; and
- 5.4.33. Discuss with their Manager if any doubt or uncertainty exists as to whether they have a conflict of interest.

#### **Gifts and Benefits**

Schedule 2A of the *Local Government (General) Regulations 2013* sets out the obligations for Employees in relation to Gifts and Benefits. A copy of Schedule 2A is provided as an attachment to this Policy.

For the purposes of section 1(2) of Schedule 2A of the *Local Government (General) Regulations 2013* the Minister for Local Government has determined an amount of \$50. (*South Australian Government Gazette, No. 9 of 2018, 13 February 2018, page 717*).

## **6. COMPLAINTS**

Any person may make a complaint about another employee under this Policy.

Complaints about an employee's behaviour that is alleged to have breached this Policy should be brought to the attention of the Chief Executive Officer, or delegate or Manager People and Culture.

Complaints about the Chief Executive Officer's behaviour that is alleged to have breached the Policy should be brought to the attention of the Council's Mayor.

A complaint may be investigated and resolved according to the endorsed Complaint Handling Procedure.



In considering the lodgement of a complaint against an employee for a breach of this Policy, Public Officers should be mindful of the obligations outlined in the *Office of Public Integrity – Directions and Guidelines*.

Nothing in this Policy in any way reduces the rights of an employee or duties of an employer under the *Fair Work Act 1994*, other legislation, an award, an industrial agreement or contract of employment.

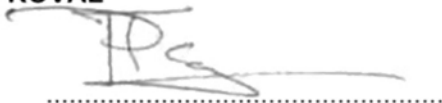
**7. BREACHES OF THIS POLICY**

- 7.1. A breach of this Policy may lead to disciplinary action in accordance with the Council's disciplinary procedure and the relevant provisions of the applicable enterprise agreement. Disciplinary action may include the termination of an employee's employment.
- 7.2. Suspected breaches of this Policy will be considered on a case by case basis and investigated by an internal or external investigator, when necessary. The Council reserves its right to appoint an external investigator.
- 7.3. General Managers, Managers, Team Leaders, and People and Culture officers may address an employee's inappropriate conduct and behaviour through informal means, where appropriate, to immediately address the behaviour in a constructive manner before the matter is escalated in accordance with the Council's disciplinary procedure. This will be at the discretion of Council and subject to the severity of any breaches of this Policy.

**8. LEGISLATION AND REFERENCES**

- Local Government Act 1999 (SA)*
- Local Government (General) Regulations 2013 (SA)*
- Fair Work Act 1994*
- Independent Commission Against Corruption Act 2012*
- Office of Public Integrity – Directions and Guidelines*
- Ombudsman Act 1972*
- Work Health and Safety Act 2012*
- Criminal Law Consolidation Act 1935 (SA)*
- Public Interest Disclosure Act 2018 (SA)*

**9. APPROVAL**



Chief Executive Officer

Date: 09 / 02 / 2022



## APPENDIX A – LOCAL GOVERNMENT (GENERAL) REGULATIONS 2013

### SCHEDULE 2A – CODE OF CONDUCT FOR EMPLOYEES

#### 1—Gifts and benefits

- (1) An employee of a council must not seek out or receive a gift or benefit that is, or could reasonably be taken to be, intended or likely to create a sense of obligation on the part of the employee to a person or influence the employee in the performance or discharge of the employee's functions or duties.
- (2) If an employee of a council receives a gift or benefit of an amount greater than the amount determined by the Minister (from time to time), by notice published in the Gazette, the employee must provide details of the gift or benefit to the chief executive officer of the council in accordance with any requirements of the chief executive officer.
- (3) The chief executive officer of a council must maintain a register of gifts and benefits received by employees of the council and must ensure that the details of each gift and benefit provided under this clause are included in the register.
- (4) A register maintained under this clause must be –
  - (a) made available for inspection at the principal office of the council during ordinary office hours without charge; and
  - (b) published on a website determined by the chief executive officer.
- (5) A register maintained under this clause –
  - (a) need not include information available in another register published by, or available for inspection at, the council or otherwise available under the Act; and
  - (b) may include information by reference to another register or document, provided the register or document is published by, or available for inspection at, the council and the register maintained under this clause identifies that other register or document.
- (6) For the purposes of this clause, a gift or benefit received by a person related to an employee of a council will be treated as a gift or benefit (as the case requires) received by the employee.
- (7) Unless the contrary intention appears, terms and expressions used in this clause and in Schedule 3 of the Act have the same respective meanings in this clause as they have in that Schedule, provided that a reference in Schedule 3 to a **member** will be taken, for the purpose of this clause, to be a reference to an **employee**.

#### Note—

The Act requires that certain gifts and benefits must be disclosed by employees and recorded on the Register of Interests relating to employees.

#### 2—Complaints

- (1) A complaint alleging that an employee of a council has contravened or failed to comply with the code set out in this Schedule must be dealt with in accordance with a policy prepared and maintained by the council relating to complaints against employees.
- (2) The policy referred to in subclause (1) must nominate a person or persons to whom complaints are to be given and, in the case of a complaint against the chief executive officer of the council, must provide for the complaint to be given to the principal member of the council, except in circumstances where it would be inappropriate to do so (for example, if the matter to which the complaint relates must be kept confidential under an Act or law).

#### Note—

- 1 Chapter 13 Part 2 of the Act requires a council to develop and maintain policies, practices and procedures for dealing with (among other things) complaints about the actions of employees of the council.



- 2 The code set out in this Schedule is in addition to and does not –
- (a) limit the operation of the *Fair Work Act 1994*; or
  - (b) operate to lessen any rights or obligations on employees or employers under the *Fair Work Act 1994* or any award, industrial agreement or contract of employment; or
  - (c) affect the jurisdiction of the South Australian Employment Tribunal conferred under the *Fair Work Act 1994*.

**Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

## Appendix B – LOCAL GOVERNMENT ACT 1999

### 120—Conflict of interest

- (1) The chief executive officer of a council who has an interest in a matter in relation to which he or she is required or authorised to act in the course of official duties—
  - (a) must disclose the interest to the council; and
  - (b) must not, unless the council otherwise determines during a council meeting that is open to the public, act in relation to the matter.

Maximum penalty: \$5 000.

- (2) An employee of a council (other than the chief executive officer) who has an interest in a matter in relation to which he or she is required or authorised to act in the course of official duties—
  - (a) must disclose the interest to the chief executive officer; and
  - (b) must not, unless the chief executive officer otherwise determines, act in relation to the matter.

Maximum penalty: \$5 000.

- (3) It is a defence to a charge for an offence against subsection (1) or (2) to prove that the defendant was, at the time of the alleged offence, unaware of the interest.
- (4) If an employee is entitled to act in relation to a matter by virtue of subsection (2)(b) and the employee is providing advice or making recommendations to the council or a council committee on the matter, the employee must also disclose the relevant interest to the council or council committee.

Maximum penalty: \$5 000.

- (5) An employee has an interest in a matter if the employee, or a person with whom the employee is closely associated, would, if the employee acted in a particular manner in relation to the matter, receive or have a reasonable expectation of receiving a direct or indirect pecuniary benefit or a non-pecuniary benefit or suffer or have a reasonable expectation of suffering a direct or indirect pecuniary detriment or a non-pecuniary detriment.
- (6) A person is closely associated with an employee of a council—
  - (a) if that person is a body corporate of which the employee is a director or a member of the governing body; or
  - (b) if that person is a proprietary company in which the employee is a shareholder; or
  - (c) if that person is a beneficiary under a trust or an object of a discretionary trust of which the employee is a trustee; or
  - (d) if that person is a partner of the employee; or
  - (e) if that person is the employer or an employee of the employee; or
  - (f) if that person is a person from whom the employee has received or might reasonably be expected to receive a fee, commission or other reward for providing professional or other services; or
  - (g) if that person is a relative of the employee.
- (7) However, an employee, or a person closely associated with an employee, will not be regarded as having an interest in a matter—
  - (a) by virtue only of the fact that the employee or person—

- (i) is a ratepayer, elector or resident in the area of the council; or
  - (ii) is a member of a non-profit association, other than where the employee or person is a member of the governing body of the association or organisation; or
- (b) in a prescribed circumstance.
- (8) In this section—
- employee** of a council includes—
- (a) a consultant engaged by the council; and
  - (b) a person working for the council on a temporary basis;
- non-profit association** means a body (whether corporate or unincorporate)—
- (a) that does not have as its principal object or one of its principal objects the carrying on of a trade or the making of a profit; and
  - (b) that is so constituted that its profits (if any) must be applied towards the purposes for which it is established and may not be distributed to its members,
- and includes the LGA.
- (9) For the purposes of subsection (6)(e) and (f), employment with the council is to be disregarded.

## Appendix C - City of Unley Values

	Behaviours that Support the Values	Behaviours that do not support this Value
<ul style="list-style-type: none"> <li>▪ <b>Pursue excellence</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ Take ownership of your personal accountabilities and objectives</li> <li>▪ Celebrate individual and team successes</li> <li>▪ Know the business and how you contribute to its success</li> <li>▪ Pursue a high standard in all that we do</li> <li>▪ We grow, learn and improve</li> <li>▪ Strive to be recognised as the best</li> <li>▪ Embrace change</li> <li>▪ Creatively solve problems</li> </ul>	<ul style="list-style-type: none"> <li>▪ Actively resist change</li> <li>▪ Accept mediocrity or poor performance</li> <li>▪ Fail to recognise significant achievements</li> <li>▪ Limit personal development to technical competency</li> <li>▪ Leave the responsibility for your personal development to others</li> <li>▪ Assume management has overall responsibility for assignments and wait for direction on most matters</li> </ul>
<ul style="list-style-type: none"> <li>▪ <b>Achieve together</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ Collaborate across teams and departments</li> <li>▪ Show concern for the needs of others</li> <li>▪ Encourage and support others to take accountability</li> <li>▪ Be receptive to others' ideas</li> <li>▪ Show pride in each other and our community</li> <li>▪ Take a positive approach</li> <li>▪ Speak in support of group decisions</li> <li>▪ Build on our strengths</li> <li>▪ Take on challenging goals</li> <li>▪ Constructively resolve conflict</li> </ul>	<ul style="list-style-type: none"> <li>▪ Make negative comments about the group's efforts</li> <li>▪ Show up late to meetings</li> <li>▪ Withholding critical information from others to retain a position of power</li> <li>▪ Blame others for your own mistakes</li> <li>▪ Work in silos</li> <li>▪ Choose to work alone</li> <li>▪ Remain quiet about mistakes or inactions of other team members</li> <li>▪ Allow team issues to 'bottle up' and fester</li> </ul>
<ul style="list-style-type: none"> <li>▪ <b>Demonstrate Integrity</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ Resist conformity and maintain personal integrity Encourage inclusion and embrace diversity</li> <li>▪ Do what you say you will do or advise if not possible</li> <li>▪ Maintain appropriate confidentiality</li> <li>▪ Treat each other with dignity and respect</li> <li>▪ Act honestly</li> <li>▪ Accept and share responsibility</li> <li>▪ Call behaviour that is inconsistent with our Values</li> </ul>	<ul style="list-style-type: none"> <li>▪ Avoid taking accountability for your mistakes</li> <li>▪ Engage in office gossip and speculation</li> <li>▪ Omit to tell others when you have made an error</li> <li>▪ Be overly optimistic or pessimistic about outcomes/deliverables</li> <li>▪ Lack follow through on personal commitments</li> <li>▪ Prejudge people based upon their backgrounds or past actions</li> <li>▪ Ignore workplace issues and tensions</li> <li>▪ Have little awareness of/interest in how you are perceived and impact others</li> </ul>
<ul style="list-style-type: none"> <li>▪ <b>Customer First</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ A can do attitude</li> <li>▪ Respond to customer requests with empathy</li> <li>▪ Ask questions to confirm your understanding</li> <li>▪ Be open, warm and tactful</li> <li>▪ Effectively consult with all stakeholders</li> <li>▪ Make decisions and communicate effectively</li> <li>▪ Seek and act on feedback</li> <li>▪ Find out what matters most to our customers</li> <li>▪ Make it easy for customers to access our services</li> </ul>	<ul style="list-style-type: none"> <li>▪ Fail to seek to properly understand the customer's view point</li> <li>▪ Display an unhappy, unapproachable manner</li> <li>▪ Overcommit and under-deliver</li> <li>▪ Fail to communicate when customer requests cannot be fulfilled or are delayed</li> <li>▪ Use a sharp argumentative tone when faced with opposition or perceived threat</li> <li>▪ Avoid seeking customer feedback</li> </ul>
<ul style="list-style-type: none"> <li>▪ <b>Be Progressive</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ Be open to new ideas and technology</li> <li>▪ Bounce ideas off others</li> <li>▪ Generate ideas and solutions that reflect innovative thinking and experiment with new approaches</li> <li>▪ Question the rationale behind current approaches</li> <li>▪ Overcome obstacles to achieve goals</li> <li>▪ Think in unique and independent ways</li> <li>▪ Challenge ourselves and take risks</li> </ul>	<ul style="list-style-type: none"> <li>▪ Fail to challenge the status quo</li> <li>▪ Not use mistakes as learning opportunities</li> <li>▪ Be close minded to options for improvement</li> <li>▪ Be hypercritical of others ideas for improvements</li> <li>▪ Stifling creativity</li> <li>▪ Avoid giving of yourself to help others to improve</li> <li>▪ Address surface issues without attention to root causes</li> </ul>



## Attachment 1

### Local Government Act 1999, from November 2022

#### 120A—Behavioural standards

- (1) A council may prepare and adopt standards (the *employee behavioural standards*) that—
  - (a) specify standards of behaviour to be observed by employees of councils; and
  - (b) provide for any other matter relating to behaviour of employees of councils.
- (2) An employee behavioural standard must not diminish a right or employment condition under an Act, award, industrial agreement or contract of employment.
- (3) An employee of a council must comply with the council's employee behavioural standards.
- (4) A council may from time to time alter its employee behavioural standards, or substitute new employee behavioural standards.
- (5) Before a council—
  - (a) adopts employee behavioural standards; or
  - (b) alters, or substitutes, its employee behavioural standards,the council must consult with any registered industrial association that represents the interests of employees of councils on the employee behavioural standards, alteration or substituted standards (as the case may be).
- (6) A council must, within 6 months after the conclusion of each periodic election—
  - (a) in the case of a council that has employee behavioural standards in effect under this section—review the operation of the employee behavioural standards; or
  - (b) in any other case—consider whether it should adopt employee behavioural standards.







## EMPLOYEE CODE OF CONDUCT

<b>Policy Type:</b>	Human Resources Policy
<b>Reference Number:</b>	HR021
<b>Responsible Department:</b>	Business Support and Improvement
<b>Responsible Officer:</b>	Manager People and Culture
<b>Related Policies and Procedures:</b>	<ul style="list-style-type: none"> <li>• Workplace Respect Policy</li> <li>• Counselling and Discipline Policy</li> <li>• Complaint Handling Procedure</li> <li>• Social Media Policy for Staff</li> </ul>
<b>Date Adopted</b>	8 February 2022
<b>Last review date</b>	June 2023
<b>Next review date</b>	2 years from Endorsement
<b>ECM Doc set I.D.</b>	7961593

### 1. PREAMBLE

- 1.1. The purpose of the Code of Conduct for Employees Policy (**Policy**) is to provide clear expectations to all Employees the standards of conduct that are required.
- 1.2. Employees must comply with the provisions of this Policy in carrying out their functions as public officials. It is the personal responsibility of Employees to ensure that they are familiar with, and comply with, the standards in the Policy and Councils Values at all times.
- 1.3. This Policy does not intend to prescribe every requirement of employees, or present all the details of the policies that affect an employee's conduct. Instead, it provides the minimum standards of behaviour expected of employees in order to ensure that employees are aware of the ethical issues, governance issues, and legislative requirements that may affect their conduct and behaviour at work. It is also up to employees to seek further information when they need further clarity of standards or procedures, or if they are unclear on any area of conduct.
- 1.4. This Policy is developed and to be read in conjunction with the Council's Values (as detailed in this Policy) and the *Local Government Act 1999* (SA) (**the Act**).
- 1.5. This Policy does not exclude the operation of the *Fair Work Act 1994*, the rights of employees and their Unions to pursue industrial claims, or any relevant Awards or Enterprise Agreements made under the *Fair Work Act 1994*. This Policy does not affect the jurisdiction of the South Australian Employment Tribunal (SAET).

**2. SCOPE**

- 2.1. This Policy applies to all Employees, including Executives, Managers, Team Leaders, casual employees, students, contractors, subcontractors and consultants, and any person who is working for the Council on a temporary basis.
- 2.2. Volunteers and Elected Members are excluded from the Policy as there is a alternate Code of Conduct that relates directly to them.
- 2.3. This Policy applies to all employees at all times when representing The City of Unley, regardless of whether it is during or outside of work hours, within or outside of the workplace. This includes, for example, at conferences, training events, business trips, and attending work-related social events. This Policy also applies to all employees at all times when using City of Unley email and internet facilities.
- 2.4. The Chief Executive Officer must act in accordance with the provisions specific to their position within the *Local Government Act 1999* at all times.

**3. DEFINITIONS**

Conflict of Interest	Defined by the Local Government Act. For employees: <i>“An employee has an interest in a matter if the employee, or a person with whom the employee is closely associated, would, if the employee acted in a particular manner in relation to the matter, receive or have a reasonable expectation of receiving a direct or indirect pecuniary (financial) benefit or a non-pecuniary benefit or suffer or have a reasonable expectation of suffering a direct or indirect pecuniary detriment or a non-pecuniary detriment”.</i>
Council	The City of Unley as an employer
Secondary Employment	Where the employee holds other paid employment in addition to their City of Unley role. This also includes when the employee works in their own or family business.
Values	The City of Unley Values guide the behaviours and decision making of our employees and leaders. They are: Pursue Excellence Achieve Together Demonstrate Integrity Customer First Be Progressive Behaviours that support the values are listed in Appendix C

**4. PRINCIPLES**



- 4.1. Employees have a commitment to serve the best interest of the people within the Unley Community and to discharge their duties conscientiously and to the best of their ability.
- 4.2. Employees will act honestly in every aspect of their work and be open and transparent when making decisions or providing advice to the organisation.
- 4.3. Employees will respect the law, and the resolutions made by the elected member body of the City of Unley.
- 4.4. The Chief Executive Officer will make reasonable endeavours to ensure that employees have current knowledge of both statutory requirements and best practices relevant to their position.
- 4.5. Employees will make reasonable endeavours to ensure that they have such current knowledge of both statutory requirements and best practices relevant to their position as is drawn to their attention by the organisation.
- 4.6. Employees will use all endeavours to promote a positive image of the City of Unley.
- 4.7. The City of Unley is committed to upholding the principles of transparency and accountability in its management and administrative practices. It encourages the making of disclosures in accordance with the *Public Interest Disclosure Act 2018 (SA)* to reveal public interest information at the earliest reasonable opportunity.

## 5. CONDUCT

- 5.1. In line with the Principles described in this Policy, the following behaviour is considered essential to upholding the principles of good governance in the City of Unley.
- 5.2. A failure to comply with any of these behaviours can constitute a ground for disciplinary action against the employee, up to and including dismissal.
- 5.3. Employees must also comply with all relevant statutory requirements within the *Local Government Act 1999*, the *Work Health and Safety Act 2012* and other Acts. A failure to comply with these statutes, as identified within this Part, can also constitute a ground for disciplinary action against the employee, up to and including dismissal.
- 5.4. Employees will:

### **General behaviour**

- 5.4.1. Behave in a manner that is consistent with the City of Unley's values
- 5.4.2. Act honestly in the performance of official duties at all times, as required by Section 109(1) of the *Local Government Act 1999*.
- 5.4.3. Act with reasonable care and diligence in the performance of official duties, as required by Section 109(2) of the *Local Government Act 1999*.
- 5.4.4. Act in a reasonable, just, respectful and non-discriminatory way when dealing with all people. Ensure behaviour is not intimidating, harassing, derogatory or threatening.
- 5.4.5. Follow any lawful directions given by a person authorised to do so. Seek clarification when in doubt, and particularly in circumstances where you believe that a direction given to you may be unlawful or unethical, or contradicts the City of Unley's Values;
- 5.4.6. Ensure that personal interests, including financial interests, do not influence or interfere with the performance of their role.

### **Responsibilities as an employee of the City of Unley**

- 5.4.7. Comply with all relevant policies, procedures, codes, resolutions and professional standards relevant to their particular role.
- 5.4.8. Ensure that where a conflict arises, whether it is with another employee, an Elected Member, a customer, or a member of the public, seek to resolve the conflict or disagreement in a way that is respectful of the other person and of their point of view, so as to obtain a constructive resolution of the conflict or disagreement, in line with the organisation's Values.
- 5.4.9. Deal with information received in their capacity as a City of Unley employee in a responsible manner.
- 5.4.10. Endeavour to provide accurate information to the organisation and to the public at all times.
- 5.4.11. Take all reasonable steps to ensure that the information upon which employees make decisions or actions are based is factually correct and that all relevant information has been obtained and is considered.
- 5.4.12. Keep confidential information that the organisation or the Chief Executive Officer of the City of Unley has ordered be kept confidential, including information that is considered by the Council or the Chief Executive Officer in confidence, subject to the *Ombudsman Act 1972* and the *Independent Commissioner Against Corruption Act 2012*.
- 5.4.13. Ensure your delegations and powers of authority are only used in line with your duties, and not for improper purposes.
- 5.4.14. Ensure proper use of information, including confidential information, acquired by virtue of their position.
- 5.4.15. Ensure that any secondary employment outside the organisation has been given prior consent from the Chief Executive Officer and ensure that the outside work does not conflict with, or adversely affect, the performance of official Council duties.
- 5.4.16. Ensure that relationships with external parties do not amount to interference by improper influence, affecting judgement, decisions and/or actions.
- 5.4.17. Comply with all lawful and reasonable directions given by a person with authority to give such directions.
- 5.4.18. Only make public comment in relation to their duties when specifically authorised to do so, and restrict such comment to factual information and professional advice.
- 5.4.19. Carry out the roles, responsibilities and personal attributes as outlined with the position description
- 5.4.20. Be accountable for quality of their own performance, development and attitude in the workplace and while undertaking role
- 5.4.21. Consider performance feedback and adjust to meet expectations

### **Relationships with Council**

- 5.4.22. Not make any public criticism of a personal nature of fellow employees or Elected Members.
- 5.4.23. Not make any defamatory, inflammatory, misleading or negative comments regarding other City of Unley employees or Elected Members via social media or any other means.

- 5.4.24. Take reasonable care that their acts or omissions do not adversely affect the health and safety of other persons, as required by the *Work Health and Safety Act 2012*.
- 5.4.25. Direct any allegations of breaches of the Code of Conduct for Elected Members to the Chief Executive Officer or nominated delegate/s.

#### **Use of Council Resources**

- 5.4.26. Manage and use all forms of the City of Unley resources, property, plant, equipment, computing resources and information systems, in an effective, prudent and accountable way.
- 5.4.27. For the purposes of this policy, the City of Unley resources include the time and effort of employees' (including the employee himself/herself).
- 5.4.28. Ensure that employees' own time and that of others is used responsibly and always in the City of Unley's best interest.
- 5.4.29. Ensure that the City of Unley resources are only used for work-related purposes, or for the purposes of carrying out authorised functions, and not for personal use, unless required by law or authorised to do so;
- 5.4.30. Ensure that any excess the organisation's materials or resources are returned or appropriately stored for Council's future use;

#### **Register of Interests**

- 5.4.31. Adhere to the statutory requirements to lodge a primary return and submit an ordinary return in accordance with Sections 113, 114 and 115 of the *Local Government Act 1999* if they have been declared by the Council to be subject to these provisions.

#### **Conflicts of Interest**

- 5.4.32. Disclose all conflicts of interest and comply with the relevant conflict of interest provisions pursuant to section 120 of the Act (and as amended from time to time), which is attached as Appendix B of this Policy; and
- 5.4.33. Discuss with their Manager if any doubt or uncertainty exists as to whether they have a conflict of interest.

#### **Gifts and Benefits**

Clause 119A of the Local Government Act sets out the obligations for Employees in relation to Gifts and Benefits. A copy of this clause is provided as an attachment to this Policy.

For the purposes of this clause the gazetted amount for declaration of gift is \$50.00

## **6. COMPLAINTS**

Any person may make a complaint about another employee under this Policy.

Complaints about an employee's behaviour that is alleged to have breached this Policy should be brought to the attention of the Chief Executive Officer, or delegate or Manager People and Culture.

Complaints about the Chief Executive Officer's behaviour that is alleged to have breached the Policy should be brought to the attention of the Council's Mayor.

A complaint may be investigated and resolved according to the endorsed Complaint Handling Procedure.

In considering the lodgement of a complaint against an employee for a breach of this Policy, Public Officers should be mindful of the obligations outlined in the *Office of Public Integrity – Directions and Guidelines*.

Nothing in this Policy in any way reduces the rights of an employee or duties of an employer under the *Fair Work Act 1994*, other legislation, an award, an industrial agreement or contract of employment.

**7. BREACHES OF THIS POLICY**

- 7.1. A breach of this Policy may lead to disciplinary action in accordance with the Council's disciplinary procedure and the relevant provisions of the applicable enterprise agreement. Disciplinary action may include the termination of an employee's employment.
- 7.2. Suspected breaches of this Policy will be considered on a case by case basis and investigated by an internal or external investigator, when necessary. The Council reserves its right to appoint an external investigator.
- 7.3. General Managers, Managers, Team Leaders, and People and Culture officers may address an employee's inappropriate conduct and behaviour through informal means, where appropriate, to immediately address the behaviour in a constructive manner before the matter is escalated in accordance with the Council's disciplinary procedure. This will be at the discretion of Council and subject to the severity of any breaches of this Policy.

**8. LEGISLATION AND REFERENCES**

- Local Government Act 1999 (SA)*
- Fair Work Act 1994*
- Independent Commission Against Corruption Act 2012*
- Office of Public Integrity – Directions and Guidelines*
- Ombudsman Act 1972*
- Work Health and Safety Act 2012*
- Criminal Law Consolidation Act 1935 (SA)*
- Public Interest Disclosure Act 2018 (SA)*

**9. APPROVAL**

.....

Chief Executive Officer

Date: \_\_\_/\_\_\_/\_\_\_

**APPENDIX A – Local government Act 1999**

**119A—Register of gifts and benefits**

- (1) An employee of a council must not seek out or receive a gift or benefit that is, or could reasonably be taken to be, intended or likely to create a sense of obligation to a person on the part of the employee or influence the employee in the performance or discharge of the employee's functions or duties.
- (2) If an employee of a council receives a gift or benefit of an amount greater than the amount determined by the Minister (from time to time), by notice in the Gazette, the employee must provide details of the gift or benefit to the chief executive officer of the council in accordance with any requirements of the chief executive officer.



- (3) The Minister must consult with the LGA before publishing a notice under subsection (2).
- (4) The chief executive officer of a council must maintain a register of gifts and benefits received by employees of the council and must ensure that the details of each gift and benefit provided under this section are included in the register.
- (5) A register maintained under this section— (a) need not include information available in another register published by, or available for inspection at, the council or otherwise available under the Act; and (b) may include information by reference to another register or document, provided the register or document is published by, or available for inspection at, the council and the register maintained under this clause identifies that other register or document.
- (6) For the purposes of this section, a gift or benefit received by a designated person or entity in relation to an employee of a council will be treated as a gift or benefit (as the case requires) received by the employee.
- (7) For the purposes of this section—
  - (a) 2 or more separate gifts or benefits received by an employee or a designated person or entity in relation to the employee from the same person during a financial year are to be treated as 1 gift or benefit (as the case requires) received by the employee; and
  - (b) 2 or more separate transactions to which an employee or a designated person or entity in relation to the employee is a party with the same person during a financial year under which the employee or the designated person has had the use of property of the other person (whether or not being the same property) during a financial year are to be treated as 1 transaction under which the employee has had the use of property of the other person during the financial year.

## Appendix B – LOCAL GOVERNMENT ACT 1999

### 120—Conflict of interest

- (1) The chief executive officer of a council who has an interest in a matter in relation to which he or she is required or authorised to act in the course of official duties—
  - (a) must disclose the interest to the council; and
  - (b) must not, unless the council otherwise determines during a council meeting that is open to the public, act in relation to the matter.
- (2) An employee of a council (other than the chief executive officer) who has an interest in a matter in relation to which he or she is required or authorised to act in the course of official duties—
  - (a) must disclose the interest to the chief executive officer; and
  - (b) must not, unless the chief executive officer otherwise determines, act in relation to the matter.
- (3) It is a defence to a charge for an offence against subsection (1) or (2) to prove that the defendant was, at the time of the alleged offence, unaware of the interest.
- (4) If an employee is entitled to act in relation to a matter by virtue of subsection (2)(b) and the employee is providing advice or making recommendations to the council or a council committee on the matter, the employee must also disclose the relevant interest to the council or council committee.
- (5) An employee has an interest in a matter if the employee, or a person with whom the employee is closely associated, would, if the employee acted in a particular manner in relation to the matter, receive or have a reasonable expectation of receiving a direct or indirect pecuniary benefit or a non-pecuniary benefit or suffer or have a reasonable expectation of suffering a direct or indirect pecuniary detriment or a non-pecuniary detriment.
- (6) A person is closely associated with an employee of a council—
  - (a) if that person is a body corporate of which the employee is a director or a member of the governing body; or
  - (b) if that person is a proprietary company in which the employee is a shareholder; or
    - (i) a family company of the employee (within the meaning of Schedule 3); or
    - (ii) a family trust of the employee (within the meaning of Schedule 3); or
  - (c) if that person is a beneficiary under a trust or an object of a discretionary trust of which the employee is a trustee; or
  - (d) if that person is a partner of the employee; or
  - (e) if that person is the employer or an employee of the employee; or
  - (f) if that person is a person with whom the employee has entered into, is seeking to enter into, or is otherwise involved in a negotiation or tendering process in connection with entering into, an agreement for the provision of professional or other services for which the employee would be entitled to receive a fee, commission or other reward; or
  - (g) if that person is a relative of the employee
- (7) However, an employee, or a person closely associated with an employee, will not be regarded as having an interest in a matter—



- (a) by virtue only of the fact that the employee or person—
    - (i) is a ratepayer, elector or resident in the area of the council; or
    - (ii) is a member of a non-profit association, other than where the employee or person is a member of the governing body of the association or organisation; or
  - (b) in a prescribed circumstance.
- (8) In this section—
- employee** of a council includes—
- (a) a consultant engaged by the council; and
  - (b) a person working for the council on a temporary basis;
- non-profit association** means a body (whether corporate or unincorporate)—
- (a) that does not have as its principal object or one of its principal objects the carrying on of a trade or the making of a profit; and
  - (b) that is so constituted that its profits (if any) must be applied towards the purposes for which it is established and may not be distributed to its members,
- and includes the LGA.
- (9) For the purposes of subsection (6)(e) and (f), employment with the council is to be disregarded.

**Appendix C - City of Unley Values**

	Behaviours that support the values
<b>PURSUE EXCELLENCE</b>	<ul style="list-style-type: none"> <li>✓ Creatively solve problems</li> <li>✓ Take on challenging goals</li> <li>✓ Understand how you contribute to our vision</li> <li>✓ Grow, learn and continuously improve</li> <li>✓ Deliver quality work and always aim for outstanding results</li> </ul>
<b>ACHIEVE TOGETHER</b>	<ul style="list-style-type: none"> <li>✓ Build on our strengths</li> <li>✓ Collaborate across the organisation</li> <li>✓ Celebrate our achievements</li> <li>✓ Be responsive to others' priorities and needs</li> <li>✓ Engage with each other to find effective solutions together</li> </ul>
<b>DEMONSTRATE INTEGRITY</b>	<ul style="list-style-type: none"> <li>✓ Do what you say you will do</li> <li>✓ Address behaviour that is inconsistent with our Values</li> <li>✓ Act with transparency, honesty and respect</li> <li>✓ Take responsibility for our actions</li> <li>✓ Embrace diversity, encourage inclusion and promote belonging</li> </ul>
<b>COMMUNITY FOCUSED</b>	<ul style="list-style-type: none"> <li>✓ Demonstrate a can-do attitude</li> <li>✓ Effectively communicate and consult with all stakeholders</li> <li>✓ Be open, positive and friendly</li> <li>✓ Respond promptly and deliver on promises</li> <li>✓ Show pride in each other, our organisation and community</li> </ul>
<b>BE PROGRESSIVE</b>	<ul style="list-style-type: none"> <li>✓ Bounce ideas off others</li> <li>✓ Generate creative and innovative thinking</li> <li>✓ Experiment with new approaches</li> <li>✓ Challenge the status quo and embrace change</li> <li>✓ Overcome challenges to achieve outcomes</li> </ul>



## DECISION REPORT

**REPORT TITLE:** 2023-24 FEES AND CHARGES AMENDMENT  
**ITEM NUMBER:** 4.2  
**DATE OF MEETING:** 24 JULY 2023  
**AUTHOR:** EDDIE PETERS, FINANCE BUSINESS PARTNER  
**DIVISION:** BUSINESS SUPPORT AND IMPROVEMENT  
**ATTACHMENTS:** NIL

---

### 1. **PURPOSE**

This report presents to Council amendments to the 2023-24 Fees and Charges Schedule for Council approval.

### 2. **RECOMMENDATION**

That:

1. The report be received.
  2. The 2023-24 Fees and Charges Schedule be updated to include the fees described below:
    - 2.1 Request for Copies of Development Plans and Reports held by Council (excluding SA Plan portal documents) \$27.30.
    - 2.2 Photocopying B&W large Plans A2, A1 or A0 (per Page) \$6.50.
    - 2.3 Photocopying Colour large Plans A2, A1 or A0 (per Page) \$13.00.
- 

### 3. **RELEVANT CORE STRATEGIES – FOUR YEAR DELIVERY PLAN**

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

### 4. **BACKGROUND**

At its 26 June Meeting, Council adopted the 2023-24 Fees and Charges Schedule. Since that meeting it has been discovered that three fees and charges were omitted from the Schedule.

### 5. **DISCUSSION**

The following three fees are important as they are charged regularly throughout the year. All three fees will be added to the category "Photocopying of Council Documents."

One fee relates to the copying of development plans and reports held by Council prior to the commencement of the online planning and development portal.

Name	Year 22/23 Fee (excludes GST)	Year 23/24 Fee (excludes GST)
Request for Copies of Development Plans and Reports held by council (excluding SA Plan portal documents)	\$26.00	\$27.30

The other two relate to the specific printing sizes of A2, A1 or A0.

Name	Year 22/23 Fee (excludes GST)	Year 23/24 Fee (excludes GST)
Photocopying B&W large Plans A2, A1 or A0 (per Page)		\$6.50
Photocopying Colour large Plans A2, A1 or A0 (per Page)		\$13.00

Should Council support the inclusion of these fees and charges, the 2023-24 Fees and Charges Schedule will be updated and the fees would come into effect immediately.

## 6. **POLICY IMPLICATIONS**

### 6.1 **Financial/budget implications**

- The three fees and charges described in this report are charged regularly throughout the year. Not updating the Schedule would result in a loss of income to Council. The fees are deemed necessary for inclusion in order to recover the printing costs (photocopier and consumables) and staff time taken to retrieve and print copies.

## 7. **ANALYSIS OF OPTIONS**

### Option 1 –

1. The report be received.
2. The 2023-24 Fees and Charges Schedule be updated to include the fees described below:
  - 2.1 Request for copies of Development Plans and Reports held by Council (excluding SA Plan portal documents) \$27.30.
  - 2.2 Photocopying B&W large Plans A2, A1 or A0 (per Page) \$6.50.
  - 2.3 Photocopying Colour large Plans A2, A1 or A0 (per Page) \$13.00.

This option will allow the 2023-24 Fees and Charges Schedule to be updated to include these fees that were omitted, and the income associated with these fees to be collected from 25 July 2023. The fees will apply immediately following Council's decision.

Option 2 –

1. The report be received.
2. The 2023-24 Fees and Charges Schedule not be updated and the associated income is not collected this financial year.

The 2023-24 Fees and Charges Schedule adopted 26 June 2023 will remain as endorsed.

**8. RECOMMENDED OPTION**

Option 1 is the recommended option.

**9. REPORT AUTHORISERS**

<b>Name</b>	<b>Title</b>
Alex Brown	Manager Finance and Procurement
Nicola Tinning	General Manager, Business Support & Improvement

## DECISION REPORT

<b>REPORT TITLE:</b>	DISCRETIONARY RATE REBATE APPLICATIONS
<b>ITEM NUMBER:</b>	4.3
<b>DATE OF MEETING:</b>	24 JULY 2023
<b>AUTHOR:</b>	EDDIE PETERS, FINANCE BUSINESS PARTNER
<b>DIVISION:</b>	BUSINESS SUPPORT AND IMPROVEMENT
<b>ATTACHMENTS:</b>	1. RATE REBATE POLICY (COMMUNITY) 2. SECTION 166 - DISCRETIONARY REBATES OF RATES

---

### 1. **PURPOSE**

This report presents the discretionary rate rebate applications to Council for consideration and approval.

Applications have been received from 13 organisations. In accordance with legislation, Council cannot make a 'blanket' decision on groups of applicants but must consider each application individually on its merits against the adopted Rate Rebate Policy.

Discretionary rate rebates are only to be granted to successful applicants for the period of the Council term.

### 2. **RECOMMENDATION**

That:

1. The report be received.
2. The application from the Chinese Association of South Australian Inc. (Item 4.3, Council Meeting 24/07/2023) for a discretionary rate rebate under section 166(1)(b)(c)(d)(j) of the Local Government Act 1999 be granted a 50% rate rebate commencing 1 July 2023, until the end of the Council term.
3. The application from the Maharishi Foundation Australia Ltd (Item 4.3, Council Meeting 24/07/2023) for a discretionary rate rebate under section 166(1)(d) of the Local Government Act 1999 be granted a 50% rate rebate commencing 1 July 2023, until the end of the Council term.

4. The application from SA Council of Social Service (Item 4.3, Council Meeting 24/07/2023) for a discretionary rate rebate under section 166(1)(j) of the Local Government Act 1999 be granted a 75% rate rebate commencing 1 July 2023 until the end of the Council term.
5. The application from Bible College SA (Item 4.3, Council Meeting 24/07/2023) for a discretionary rate rebate under section 166(1)(d) of the Local Government Act 1999 be granted a 75% rate rebate commencing 1 July 2023 until the end of the Council term.
6. The application from Tabor College Inc (Item 4.3, Council Meeting 24/07/2023) for a discretionary rate rebate under section 166(1)(d) of the Local Government Act 1999 be granted a 75% rate rebate commencing 1 July 2023 until the end of the Council term.
7. The application from Parkside Community Child Care Centre Inc. (Item 4.3, Council Meeting 24/07/2023) for a discretionary rate rebate under section 166(1)(d)(g) of the Local Government Act 1999 be granted a 75% rate rebate commencing 1 July 2023 until the end of the Council term.
8. The application from Unley Community Child Care Centre Inc. (Item 4.3, Council Meeting 24/07/2023) for a discretionary rate rebate under section 166(1)(b)(d)(g)(j) of the Local Government Act 1999 be granted a 75% rate rebate commencing 1 July 2023 until the end of the Council term.
9. The application from Unley Early Learning Centre Inc. (Item 4.3, Council Meeting 24/07/2023) for a discretionary rate rebate under section 166(1)(b)(d)(g)(j) of the Local Government Act 1999 be granted a 75% rate rebate commencing 1 July 2023 until the end of the Council term.
10. The application from Latvian Co-operative Trust (Item 4.3, Council Meeting 24/07/2023) for a discretionary rate rebate under section 166(1)(b)(c)(d)(g)(j) of the Local Government Act 1999 be granted a 25% rate rebate commencing 1 July 2023 until the end of the Council term.
11. The application from The Uniting Church in Australia Property Trust at 1A Carlton Street, Highgate (carpark) (Item 4.3, Council Meeting 24/07/2023) for a discretionary rate rebate under section 166(1)(j) of the Local Government Act 1999 be granted a 75% rate rebate commencing 1 July 2023 until the end of the Council term.
12. The application from The Uniting Church in Australia Property Trust at 2 Carlton Street, Highgate (netball courts) (Item 4.3, Council Meeting 24/07/2023) for a discretionary rate rebate under section 166(1)(j) of the Local Government Act 1999 not be granted a 50% rate rebate commencing 1 July 2023 until the end of the Council term.

13. The application from The Unley RSL Sub-branch (Item 4.3, Council Meeting 24/07/2023) for a discretionary rate rebate under section 166(1)(c)(d)(g)(j) of the Local Government Act 1999 be granted a 75% rate rebate commencing 1 July 2023 until the end of the Council term.
  14. The application from St John Ambulance Australia SA (Item 4.3, Council Meeting 24/07/2023) for a discretionary rate rebate under section 166(1)(j) of the Local Government Act 1999 be granted a 75% rate rebate commencing 1 July 2023 until the end of the Council term.
  15. The application from SA Ambulance Service (Item 4.3, Council Meeting 24/07/2023) for a discretionary rate rebate under section 166(1)(j) of the Local Government Act 1999 be granted a 75% rate rebate commencing 1 July 2023 until the end of the Council term.
  16. That the Administration advise the discretionary rate rebate applicants of the outcome of their Application.
- 

### **3. RELEVANT CORE STRATEGIES – FOUR YEAR DELIVERY PLAN**

#### 4. Civic Leadership

4.1 We have strong leadership and governance.

4.3 Our business systems are effective and transparent.

### **4. BACKGROUND**

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

The Rate Rebate Policy (Community) is used to assist in determining eligibility for rate rebates in accordance with the requirements of the Act. The Policy was last reviewed in February endorsed by Council on 27 February 2023. A copy of the Policy is provided as Attachment 1.

*Attachment 1*

The Policy recognises that all rate payers (unless 100% Mandatory Rebate) contribute an amount towards basic council service provision. As such, the Policy recommends for discretionary rebates with a maximum of up to 75% be applied.

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

*Attachment 2*



All applications for a discretionary rebate of rates must be submitted on or before 1 May prior to the rating year unless the application is a result of a change in eligibility for a mandatory rebate.

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

In accordance with legislation and Council's Policy, Council must, in deciding whether to grant a rebate of rates or charges under section 166, consider a range of factors including:

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

The Administration, in providing a recommendation to Council, considers whether the organisation:

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

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

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

## 5. **DISCUSSION**

### **Introduction**

Discretionary rebate applications have been received from 13 organisations.

In accordance with legislation, Council cannot make a ‘blanket’ decision on groups of applicants but must consider each application individually on its merits against the adopted Rate Rebate Policy.

Discretionary rate rebates are only to be granted to successful applicants for the period of the Council term.

Applicants have re-applied for discretionary rate rebates commencing from 1 July 2023 until the end of the Council term as follows:

<b>Entity</b>	<b>Property</b>	<b>Rebate Requested</b>
Chinese Association of SA Inc	12 Gordon Road, Black Forest	75%
Maharishi Foundation Australia Ltd	190 Greenhill Road, Parkside	75%
SA Council of Social Service (SACOSS)	47 King William Road, Unley	75%
Bible College SA	176 Wattle Street, Malvern	75%
Tabor College Inc	181 Goodwood Road, Millswood	75%
Parkside Community Child Care Centre Inc.	110 Young Street, Parkside	75%
Unley Community Childcare Centre Inc	42 Arthur Street, Unley	75%
Unley Early Learning Centre Inc	46 Oxford Terrace, Unley	75%
Latvian Co-operative Trust	2-4 Clark Street, Wayville	25%
The Uniting Church in Australia Property Trust (SA)	Rosefield Uniting Church (netball courts) - 2 Carlton Street, Highgate	75%
The Uniting Church in Australia Property Trust (SA)	Carpark – 1A Carlton Street, Highgate	50%
RSL Unley Sub Branch Inc	29 Arthur Street, Unley	75%
St John Ambulance Australia SA Inc	79-85 Edmund Avenue, Unley	75%
SA Ambulance Service	6-10 Glen Osmond Road, Parkside (under Lease)	75%

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

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

An application has been received requesting a discretionary rebate of 75% under section 166(1) under the following sub-sections:

- (b) where the rebate is desirable for the purpose of assisting or supporting a business in its area.
- (c) where the rebate will be conducive to the preservation of buildings or places of historic significance.
- (d) where the land is being used for educational purposes; and
- (j) where the land is being used by an organisation which provides benefit or service to the local community.

The Chinese Association of SA Inc. are a registered not-for-profit entity and have owned and occupied their property for 15 years.

The organisation received a discretionary rate rebate of 50% in 2023, prior to this they had received a rebate of 25%. They now seek a rebate of 75%.

The Association has advised in their application that:

- The Association has existed for 51 years, enhancing multiculturalism with Chinese culture, and running Chinese language classes on a not-for-profit basis but held at another location outside of the City of Unley.
- Their application indicates that approximately 25% of members are Unley residents.
- The Association use the building to hold Chinese festivities, conduct workshops and seminars on culture and health, and has a regular Cantonese Opera class, karaoke, dancing class and Mah-jong for members and visitors. They have also used the building to organise Chinese festival celebrations.
- Regular meetings of the Ethnic Chinese School Association are held on-site, and it is used as a storage facility for school records, books, crafts, and collectables.
- The Association has a partnership with the Hepatitis SA Association to conduct seminars and liver fibrosis screenings on site. The Association also participated in a recent study into Hepatitis B awareness within the Chinese community.
- The building is a pre-1950s vintage corner shop and requires ongoing maintenance, repairs and renovation works. The Association has advised its main sources of income is from membership fees and donations and has limited capacity to fund the maintenance of the building. It has advised that an increased rebate would assist with garden maintenance and to carry out minor and urgent repairs and payment of levies, land tax, water, electricity and gas charges, and property insurance;
- The Association has been successful in securing a federal grant to upgrade toilets and minor facilities for the disabled and the aged, and grant funding from the South Australian Government for the replacement of floorings and air-conditioning, and repairs to the gutters and the roof.

In accordance with Council's Policy, it is recommended that the discretionary rebate be 50% and not 75% as requested, commencing 1 July 2023 until the end of the council term.

Administration has formed the view that the building is primarily used as a venue for hosting and administering activities of a community benefit rather than educational purposes, in line with section 166(1)(j) where the land is being used by an organisation which provides a benefit or service to the local community.

The Administration in providing their recommendation to Council has considered that the organisation:

- Has been re-registered as a not-for-profit organisation;
- Provides cultural awareness and life-long learning programs targeted at a minority group that are aligned to Council's Community Plan and 4 Year Delivery Plan objectives'
- Provides a direct benefit to the wider community and a small proportion of residents of the city; and
- Provides direct services to the community as distinct from administration or advocacy.

#### **Maharishi Foundation Australia Ltd – 190 Greenhill Road, Parkside**

An application has been received requesting a discretionary rebate of 75% under Section 166(1) under the following sub-section:

(d) where the land is being used for educational purposes.

The organisation has received a discretionary rate rebate of 50% since 2010, they now seek a rebate 75%.

The Maharishi Foundation Australia Ltd (MFA) have advised that the Foundation:

- Is a not-for-profit charitable organisation whereby a high proportion of their services are provided voluntarily and where fees for service are applied, they are heavily discounted for the unemployed, pensioners, students, and others with limited means;
- Provides services to approximately 500 residents in Unley;
- Educates and propagates knowledge of the principles of the Transcendental Meditation Technique, the benefits of which are stated to include improving health and developing full mental and physical potential and improve social trends; and
- The Transcendental Meditation instruction and follow-up programs are provided to a broad spectrum of people within the Unley community. These include elderly people, people with disabilities, young people, family and children, ethnic communities, the indigenous communities and the socially isolated or disadvantaged; and

- Provides aid or relief to disadvantaged persons internationally through the David Lynch Foundation, which according to their website, works to address the epidemic of toxic stress and trauma around disadvantaged and at-risk populations through evidence-based Transcendental Meditation technique.

In accordance with Council's Policy, it is recommended that the discretionary rate rebate be renewed at 50%, commencing 1 July 2023 until the end of the Council term.

Administration has formed the view that the building is primarily used as a venue for delivering services which have a community benefit rather than educational purposes, in line with section 166(1)(j) where the land is being used by an organisation which provides a benefit or service to the local community.

The Administration in providing their recommendation to Council has considered that the organisation:

- Has not changed its service provision since its last application.
- Is registered as a not-for-profit organisation.
- Provides community health services and activities that are directly aligned to Council's outcomes from the Community Plan and 4 Year Delivery Plan.
- Course Fees listed on their website are:
  - \$360 for 10years and younger
  - \$460 Student
  - \$720 Concession
  - \$1,1550 Adult
- Provides a direct benefit to the residents of the City of Unley and a good proportion of users are Unley residents.
- Provides direct services to the community as distinct from administration or advocacy.

**SA Council of Social Service (SACOSS) – 47 King William Road, Unley**

An application has been received requesting a discretionary rebate of 75% under Section 166(1) under the following sub-section:

- (j) where the land is being used by an organisation which provides a benefit or service to the local community.

SACOSS have been beneficiaries of a 75% rebate since 2018.

SACOSS have advised the following in their application:

- SA Council of Social Service is a not-for-profit organisation who are the peak body for the non-government health and community services sector in South Australia;

- They envision a future of justice, opportunity, and shared wealth for all South Australians. To actualise this vision, they speak out on issues that affect communities, the State, Nation, and the world;
- They lead and support our community to act. They hold governments, businesses, and communities to account when their actions disadvantage vulnerable people;
- They believe that developing a fair and just community is possible. That a thriving community sector will help to address poverty and disadvantage; and
- SACOSS provide the following services across South Australia
  - Representation in all matters on behalf of the sector.
  - Research, Policy Development, Advice and Advocacy – giving a voice to the interests of the vulnerable and disadvantaged.
  - Sector development; and
  - Public Policy development.

In accordance with Council's Policy, it is recommended that the discretionary rate rebate be renewed at 75%, commencing 1 July 2023 until the end of the Council term.

Administration has formed the view that the building is primarily used as administration for advocacy benefiting the community, in line with Section 166(1)(j) where the land is being used by an organisation which provides a benefit or service to the local community.

The Administration in providing their recommendation to Council has considered that the organisation:

- Has not changed its services;
- Is a not-for-profit organisation;
- Provides community and health services and activities that support the vulnerable and disadvantaged sections of the community that requires assistance; and
- Provides programs targeted at a minority group and as such are aligned to Council's outcomes from the Community Plan and 4 Year Delivery Plan.

### **Bible College SA – 176 Wattle Street, Malvern**

An application has been received requesting a discretionary rebate of 75% under Section 166(1) under the following sub-section:

(d) where the land is being used for educational purposes.

The College have been beneficiaries of a 75% rebate since 2011.

The Bible College of SA has advised in their application that they:

- Are a not-for-profit organisation;

- The services include interdenominational Bible, theology, and ministry educational centre, providing spiritual and educational services for training pastors;
- Graduates from the college have roles as pastors in churches in the City of Unley area;
- The College has a library which everyone can join and provides a workshop program on Monday mornings;
- The College conducts free public classes which is open to the community to attend;
- The College indicates it connects with over 800 people through classes, supporters, and other relationships;
- There are about 100 Unley residents who are directly serviced by the College; and
- There would be a further 150 individuals who are indirectly provided for by the College (Library).

In accordance with Council's Policy, it is recommended that the discretionary rate rebate be renewed at 75%, commencing 1 July 2023 until the end of the Council term.

Administration has formed the view that the building is primarily used for educational purpose, in line with Section 166(1)(d) "where the land is being used for educational purposes".

The Administration in providing their recommendation to Council has considered that the College services have not changed and whether the College:

- Is a not-for-profit organisation;
- Provides community services and lifelong learning activities that directly align to Councils Community Plan and 4 Year Delivery Plan objectives;
- Provides a direct benefit to the residents of the City of Unley and a good proportion of users are Unley residents; and
- Provides direct services to the community and access to ongoing programs and activities and operates a library as rather than solely providing administration or advocacy.

### **Tabor College Inc – 181 Goodwood Road, Millswood**

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

Tabor College Inc have been beneficiaries of a 75% rebate for an extended period.

Tabor College have advised in their application that they:

- Are a not-for-profit organisation;
- They provide private higher education, with expertise in education and formulation and a Christian perspective, to community professionals such as pastors, teachers, counsellors, and youth workers, musicians, and creative communicators. They aim to produce graduates who embody professional excellence and the values of the Christian ethos;
- Student fees for teacher education studies are subsidised through the Commonwealth Grants Scheme (CGS) which reduces student fees charged; and
- Tabor College receives no Government support and relies on community and students for support.

In accordance with Council's Policy, it is recommended that the discretionary rate rebate be renewed at 75%. commencing 1 July 2023 until the end of the Council term.

Administration has formed the view that the building is primarily used for educational purpose, in line with Section 166(1)(d) where the land is being used for educational purposes.

The Administration in providing their recommendation to Council has considered that the College services have not changed and whether the College:

- Is a not-for-profit organisation;
- Provides community services and lifelong learning activities that directly align to Councils Community Plan and 4 Year Delivery Plan objectives;
- Provides a direct benefit to the residents of the City of Unley and it's understood a proportion of users are Unley residents; and
- Provides direct services to the community and access to ongoing programs and activities and a library as distinct from administration or advocacy.

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

An application has been received requesting a discretionary rebate of 75% under section 166(1) under the following sub-sections:

- (d) where the land is being used for educational purposes.
- (g) where the land is being used to provide facilities or services for children or young persons.

Parkside Community Child Care Centre have been beneficiaries of a 75% rebate since 2018.



The Parkside Community Child Care Centre Inc. have advised the following in their application:

- A not-for-profit organisation and do not receive funding from the government;
- The childcare centre is located in the Parkside community and provides high quality care for children infant to school age;
- The centre provides long day care for local families including children with high care needs and support families staying at the local Woman's shelter;
- Their fees are based on ensuring local families have access to affordable childcare;
- They are governed by a management committee of parent representatives and the association has been delivering trusted high quality child-care services for over 20 years; and
- The centre provides their services to 52 families and 98% of those are Unley residents.

In accordance with Council's Policy, it is recommended that the discretionary rate rebate be renewed at 75%, commencing 1 July 2023 until the end of the Council term.

In making this recommendation, Administration has formed the view that the building/property is primarily used for providing childcare services for children, in line with section 166(1)(g) where the land is being used to provide facilities or services for children or young persons.

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

- Is a not-for-profit organisation;
- Provides community services and activities that relate to family and children, that align to Council's early learning outcomes in the Community Plan and 4 Year Delivery Plan; and
- Provides a direct benefit to the residents of the City of Unley and a significant proportion of users are Unley residents.

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

An application has been received requesting a discretionary rebate of 75% under section 166(1) under the following sub-sections:

- (b) where the rebate is desirable for the purpose of assisting or supporting a business in its area;
- (d) where the land is being used for educational purposes;
- (g) where the land is being used to provide facilities or services for children or young persons; and
- (j) where the land is being used by an organisation which, in the opinion of the council, provides a benefit or service to the local community.

Unley Community Child Care Centre Inc have been beneficiaries of a 75% rebate since 2018.

- The centre provides their services to 150 families and 70% being Unley residents;
- They have a specific emphasis for learning through play in the early years.
- The Early Years Learning Framework Learning Outcomes are:
  - Children have a strong sense of identity;
  - Children are connected with and contribute to their world;
  - Children have a strong sense of wellbeing;
  - Children are confident and involved learners;
  - Children are effective communicators; and
  - Educators plan and implement individual development experiences for all children.

In accordance with Council's Policy, it is recommended that the discretionary rate rebate be renewed at 75%.

In making this recommendation, Administration has formed the view that the building/property is primarily used for childcare providing services for children and young person, in line with section 166(1)(g) where the land is being used to provide facilities or services for children or young persons.

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

- Is a not-for-profit organisation;
- Provides community services and activities that relate to family and children and align to Council's early learning outcomes from the Community Plan and 4 Year Delivery Plan; and
- Provides a direct benefit to the residents of the City of Unley and a significant proportion of users are Unley residents.

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

An application has been received requesting a discretionary rate rebate of 25% under section 166(1) under the following sub-sections:

- (b) where the rebate is desirable for the purpose of assisting or supporting a business in its area;
- (c) where the rebate will conduce to the preservation of buildings or places of historic significance;
- (d) where the land is being used for educational purposes;
- (g) where the land is being used to provide facilities or services for children or young persons;
- (j) where the land is being used by an organisation which, in the opinion of the council, provides a benefit or service to the local community.

The Latvian Co-operative have been beneficiaries of a 25% rebate since 2020.

The Latvian Co-operative Ltd itself is not registered with the Australian Government Australian Charities and Not for Profit Commission. It is recognised as a small, non-distributing co-operative. The Co-operative's income is predominantly derived from community hall hire. Fees are kept to a minimum and, in some instances, hire charges are not charged or are charged at a heavily discounted rate.

The Co-operative have advised the following in their application:

- Generating enough income to cover running cost is becoming extremely difficult. The centre has been owned by the co-operative for 70 years, and each year the repairs and renovation expenses increase;
- An increase of 25% in the land value over the last 2 years has increased the council rates;
- Less than 25% of users are Unley residents;
- Covid-19 restrictions and the current cost of living increases have resulted in a reduction of users of the hall. Previous frequent users and groups may no longer exist or have chosen smaller venues due to the reduction of participants numbers; and
- A rate rebate of 25% council rates would greatly assist the Co-operative to continue to provide an important community service to the local community.

In accordance with Council's Policy, it is recommended that the discretionary rate rebate be renewed at 25%, commencing 1 July 2023 until the end of the Council term.

In making this recommendation, Administration has formed the view that the building is primarily used for venue hire and hosting and administering activities services which have a community benefit in line with section 166(1)(b)(j).

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

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

**The Uniting Church in Australia Property Trust (SA) – 1A & 2 Carlton Street, Highgate.**

Rosefield Uniting Church - Netball Courts – 2 Carlton Street, Highgate.

An application has been received from Rosefield Uniting Church for the property at 2 Carlton Street, Highgate.

The application requests a rebate of 75% discretionary under Section 166 (1) under the following sub-section: (j) where the land is being used by and organisation which provides a benefit or service to the local community.

Rosefield Uniting Church have been beneficiaries of a 75% rebate since 2019 for the netball courts.

The netball courts located at 2 Carlton Street, Highgate is owned by the Uniting Church a not-for-profit religious organisation. The Church receives a 100% mandatory rate rebate for the property the church is on.

Rosefield Uniting Church is part of the greater Uniting Church in Australia and the netball club is a big part of the community of Rosefield Uniting Church with membership of over 250 members with strong ties to their church and its community.

The netball club plays in the winter and summer seasons and teams compete within the SA Uniting Church Netball Association. The courts are used by their 26 netball clubs for practise and some junior matches, and they are also used by the playgroup and music program.

The applicant states that the rebate would provide financial assistance as their income is dependent on donations, bequests, and interest on investments.

Other services the Church provides the community are Meals on Wheels and a Community Shed:

- Meals on Wheels provide meals for the Mitcham Kitchen every Thursday; and
- The Rosefield Community Shed encourages men and women of all ages from the local and neighbouring communities to participate in a range of activities in a medium of wood and other materials and giving back to the community. The Shed provides a welcoming, social, and supportive environment for friendship and companionship, reducing possible isolation or depression in the local community.

In accordance with Council's Policy, it is recommended that the discretionary rate rebate be renewed at 75%, until the end of the Council term.

In making this recommendation, Administration has formed the view that the building is primarily used for venue hire and hosting community activities benefiting the community, in line with Section 166(1)(j) where the land is being used by an organisation which provides a benefit or service to the local community.

The land and buildings are primarily used for community activities which have a community benefit, and the courts are accessible outside of organised netball activities to the general public.

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

- Is not-for-profit;
- Allows access to the services or activities by the community and general public, and as such is aligned to Council's outcomes from the Community Plan and 4 Year Delivery Plan;
- Provides community services and activities that support the sections of the community that require assistance; and
- Provides a direct benefit to the residents of the City of Unley.

#### Carpark – 1A Carlton Street, Highgate

An application has been received requesting a discretionary rate rebate for 50% under section 166(1) under the following sub-section:

- (j) where the land is being used by an organisation which provides a benefit or service to the local community.

Rosefield Uniting Church have been beneficiaries of a 50% rebate since 2019 for the carpark. Administration recommended in 2019 that the property known as 1A Carlton Street, Highgate not receive a rate rebate.

The carpark located at 1A Carlton Street, Highgate is owned by the Uniting Church, a not-for-profit religious organisation. The Church receives a 100% mandatory rate rebate for the property that the church is located on.

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

Although the Rosefield Uniting Church serves and supports the community in many ways, the carpark is only utilised by a portion of visitors to the church, and the church is not solely reliant on the car park to provide services to the community. It is recommended that a rate rebate not be granted.

In accordance with Council's Policy, it is recommended that the property known as 1A Carlton Street does not receive a discretionary rate rebate for this Council term.

The Administration in providing their recommendation to Council has taken into account that the organisation:

- Provides a community service and minimises the burden of on street parking in the direct vicinity of the Church; and
- Primary purpose of the land is a car park rather than the site on which services are provided.

The previous Council resolved to grant a 50% rate rebate in June 2018.

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

An application has been received requesting a discretionary rebate of 75% under section 166(1) under the following sub-sections:

- (c) where the rebate will be conducive to the preservation of buildings or places of historical significance;
- (d) where the land is being used for educational purposes;
- (g) where the land is being used to provide facilities or services for children or young persons; and
- (j) where the land is being used by an organisation which provides a benefit or service to the local community.

The RSL have been beneficiaries of a 75% rebate since 2013.

The RSL Unley Sub Branch primary source of income is derived from the hire of its two halls. The income predominantly goes towards the maintenance and preservation of the historic halls, with both memorial halls built in the 1800s. The Unley community benefits from free or affordable venue hire for various activities and meetings.

In accordance with Council's Policy, it is recommended that the discretionary rate rebate be renewed at 75%, until the end of the council term.

In making this recommendation, Administration has formed the view that the building is primarily used for venue hire and hosting community activities benefiting the community, in line with Section 166(1)(j) where the land is being used by an organisation which provides a benefit or service to the local community with most of its current users being Unley residents.

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

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

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

An application has been received requesting a discretionary rebate of 75% under section 166(1) under the following sub-section:

- (j) where the land is being used by an organisation which provides a benefit or service to the local community.

St John Ambulance have been beneficiaries of a 75% rebate since 2010.

St John have advised in their application that:

- The Unley site acts as a base to enable St John to service the local community and state in a number of ways;
- Their mission as a volunteer-based organisation run entirely for the wellbeing of the South Australian community, providing first aid training and support at community events and providing community care programs for the elderly and disabled;
- As a charity and registered not-for-profit they are reliant on public donations, together with the proceeds from commercial training and product sales to fund humanitarian services and all profit is returned to community services; and
- The rate rebate will assist them to continue their work by covering some of the costs associated with providing training, uniforms, equipment, fleet, etc to the dedicated volunteers.

In accordance with Council's Policy, it is recommended that the discretionary rate rebate be renewed at 75%, until the end of the Council term.

In making this recommendation, Administration has formed the view that the building is primarily used as an ambulance station and educational facility which provides an important service to the local and South Australian community in line with section 166(1)(j) where the land is being used by an organisation which provides a benefit or service to the local community.

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

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

**SA Ambulance Service – 6-10 Glen Osmond Road, Parkside (under Lease)**

A new application has been received requesting a 100% Health Services mandatory rate rebate, however they do not fall within the eligibility criteria and will be assessed as a 75% discretionary rate rebate under section 166(1) under the following sub-section:

- (j) where the land is being used by an organisation which provides a benefit or service to the local community.

SA Ambulance Service provides 24/7 emergency care, emergency ambulance services and pre-hospital care, non-emergency patient transport and other associated services.

SA Ambulance Service employees and volunteers specialise as:

- Paramedics and Ambulance Officers
- Extended Care Paramedics
- Special Operations Paramedics
- Patient Transport Staff
- Paramedic Telehealth Clinicians
- Mental Health Co-Response crews

In accordance with Council's Policy (Community), it is recommended that the discretionary rate rebate be granted at 75%, until the end of the Council term.

In making this recommendation, Administration has formed the view that the building is primarily used as an Ambulance Station which provides an important service to the local and South Australian community, and in line with section 166(1)(j) where the land is being used by an organisation which provides a benefit or service to the local community.

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

- Is a not-for-profit organisation;
- All proceeds go into the services they provide the community;
- Provides services and programs targeted at sections of the community that require assistance and minority groups and as such is aligned to Council's outcomes from the Community Plan and 4 Year Delivery Plan;
- Provides a direct benefit to the residents of the City of Unley; and
- Provides direct services to the community as distinct from administration or advocacy.

## **Recommendations**

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

- Are not-for-profit or profit-based;
- Provide services or activities that are directly aligned to Council's outcomes in accordance with the Community Plan and 4 Year Delivery Plan, or other community services that support the disadvantaged, or sections of the community that require assistance;
- Provide a direct benefit to the residents of the City of Unley and the proportion of users that are Unley residents;



- Allows access to the services or activities by the community and general public; and
- Provides direct services to the community as distinct from administration or advocacy.

The following table summarises the requested and the recommended rebates by the Administration.

<b>Entity</b>	<b>Property</b>	<b>Requested Rebate</b>	<b>Recommended Rebate</b>
Chinese Association of SA Inc	12 Gordon Road, Black Forest	75%	50%
Maharishi Foundation Australia Ltd	190 Greenhill Road, Parkside	75%	50%
SA Council of Social Service (SACOSS)	47 King William Road, Unley	75%	75%
Bible College SA	176 Wattle Street, Malvern	75%	75%
Tabor College Inc	181 Goodwood Road, Millswood	75%	75%
Parkside Community Child Care Centre Inc.	110 Young Street, Parkside	75%	75%
Unley Community Childcare Centre Inc	42 Arthur Street, Unley	75%	75%
Unley Early Learning Centre Inc	46 Oxford Terrace, Unley	75%	75%
Latvian Co-operative Trust	2-4 Clark Street, Wayville	25%	25%
The Uniting Church in Australia Property Trust	Rosefield Uniting Church (netball courts) - 2 Carlton Street, Highgate	75%	75%
The Uniting Church in Australia Property Trust	Carpark – 1A Carlton Street, Highgate	50%	No rebate
RSL Unley Sub Branch Inc	29 Arthur Street, Unley	75%	75%
St John Ambulance Australia SA Inc	79-85 Edmund Avenue, Unley	75%	75%
SA Ambulance Service	6-10 Glen Osmond Road, Parkside (under Lease)	75%	75%

The declaration of rates in June 2023 considered most of the rebates recommended within this report. Any deviation from the recommendation may give rise to a budget adjustment to rate revenue at the end of the first quarter of the 2023-24 financial year.

## **6. POLICY IMPLICATIONS**

The primary legislative provisions in the Act relating to rebates are:

- Local Government Act 1999 Division 5 – Rebates of Rates
- Section 160 – Health Services 100% Rebate
- Section 161 – Community Services 75% Rebate
- Section 162 – Religious Purposes 100% Rebate
- Section 163 – Public Cemeteries 100% Rebate
- Section 164 – Royal Zoological Society of SA 100% Rebate
- Section 165 – Educational Purposes 75% Rebate
- Section 166 – Discretionary rebates of rates

### **6.1 Financial/budget implications**

- The 2023/24 rate assessment for 12 Gordon Road, Black Forest, owned by the Chinese Association of South Australia Inc. Discretionary Rate Rebate 50% is \$2,354.20
- The 2023/24 rate assessment for 190 Greenhill Road, Parkside, owned by the Maharishi Foundation Australia Ltd, Discretionary Rate Rebate 50% is \$1,902.40
- The 2023/24 rate assessment for 47 King William Road, Unley, owned by the SA Council of Social Services, Discretionary Rate Rebate 75% is \$4,675.60
- The 2023/24 rate assessment for 176 Wattle Street, Malvern, owned by the Bible College SA, Discretionary Rate Rebate 75% is \$13,809.80
- The 2023/24 rate assessment for 181 Goodwood Road, Millswood owned by Tabor College Inc, Discretionary Rate Rebate 75% is \$30,542.65.
- The 2023/24 rate assessment for 110 Young Street, Parkside owned by The Community Child Care Centre Inc, Discretionary Rate Rebate 75% is \$4,147.70.
- The 2023/24 rate assessment for 46 Oxford Terrace, Unley owned by Oxford Investments SA Pty Ltd, Discretionary Rate Rebate 75% is \$6,033.10.
- The 2023/24 rate assessment for 42 Arthur Street, Unley, owned by Unley Community Childcare Centre Incorporated, Discretionary Rate Rebate 75% is \$4,147.70.
- The 2023/24 rate assessment for 2-4 Clark Street, Wayville, owned by Latvian Co-Operative Ltd, Discretionary Rate Rebate 75% is \$3,240.05.
- The 2023/24 rate assessment for 1A Carlton Street, Highgate, owned by Uniting Church in Aust Property Trust (SA), Discretionary Rate Rebate 50% is \$2,615.80.
- The 2023/24 rate assessment for 2 Carlton Street, Highgate, owned by Uniting Church in Aust Property Trust (SA), Discretionary Rate Rebate 75% is \$5,354.30.

- The 2023/24 rate assessment for 29 Arthur Street, Unley, owned by L W L Partridge and A R C Osmond and Others., Discretionary Rate Rebate 75% is \$4,223.15.
- The 2023/24 rate assessment for 79-85 Edmund Avenue, Unley, owned by St John Ambulance Australia SA Inc., Discretionary Rate Rebate 75% is \$16,892.75.
- The 2023/24 rate assessment for 6-10 Glen Osmond Road, Parkside, owned by Noosa Haven Pty Ltd, Discretionary Rate Rebate 75% is \$9,399.15.

## 7. **ANALYSIS OF OPTIONS**

### Option 1

1. The report be received.
2. The application from the Chinese Association of South Australian Inc. (Item 4.3, Council Meeting 24/07/2023) for a discretionary rate rebate under section 166(1)(j) of the *Local Government Act 1999* be granted. at 50% rate rebate commencing 1 July 2023 until the end of the Council term.
3. The application from the Maharishi Foundation Australia Ltd (Item 4.3, Council Meeting 24/07/2023) for a discretionary rate rebate under section 166(1)(j) of the *Local Government Act 1999* be maintained at 50% rate rebate from the 1 July 2023 until the end of the Council term.
4. The application from SA Council of Social Service (Item 4.3, Council Meeting 24/07/2023) for a 75% discretionary rate rebate under section 166(1)(j) be granted commencing 1 July 2023 until the end of the Council term.
5. The application from Bible College SA (Item 4.3, Council Meeting 24/07/2023) for a 75% discretionary rate rebate under section 166(1)(d) be granted commencing 1 July 2023 until the end of the Council term.
6. The application from Tabor College (Item 4.3, Council Meeting 24/07/2023) for a 75% discretionary rate rebate under section 166(1)(d) be granted commencing 1 July 2023 until the end of the Council term.
7. The application from Parkside Community Child Care Centre Inc (Item 4.3, Council Meeting 24/07/2023) for a 75% discretionary rate rebate under section 166(1)(g) be granted commencing 1 July 2023 until the end of the Council term.
8. The application from Unley Community Child Care Centre Inc (Item 4.3, Council Meeting 24/07/2023) for a 75% discretionary rate rebate under section 166(1)(g) be granted commencing 1 July 2023 until the end of the Council term.

9. The application from Unley Early Learning Centre Inc (Item 4.3, Council Meeting 24/07/2023) for a 75% discretionary rate rebate under section 166(1)(g) be granted commencing 1 July 2023 until the end of the Council term.
10. The application from Latvian Co-operative Trust (Item 4.3, Council Meeting 24/07/2023) for a 25% discretionary rate rebate under section 166(1)(b)(i) be granted commencing 1 July 2023 until the end of the Council term.
11. The application from The Uniting Church in Australia Property Trust (Item 4.3, Council Meeting 24/07/2023) for a discretionary rate rebate under section 166(1)(g) of the Local Government Act 1999 be granted a 75% rate rebate commencing 1 July 2023 until the end of the Council term.
12. The application from The Uniting Church in Australia Property Trust (Item 4.3, Council Meeting 24/07/2023) for a discretionary rate rebate under section 166(1)(j) of the Local Government Act 1999 not be granted a 50% rate rebate commencing 1 July 2023 until the end of the Council term.
13. The application from the Unley RSL Sub-branch (Item 4.3, Council Meeting 24/07/2023) for a discretionary rate rebate under section 166(1)(c)(d)(g)(i) of the Local Government Act 1999 be granted a 75% rate rebate commencing 1 July 2023 until the end of the Council term.
14. The application from St John Ambulance Australia SA (Item 4.3, Council Meeting 24/07/2023) for a discretionary rate rebate under section 166(1)(j) of the Local Government Act 1999 be granted a 75% rate rebate commencing 1 July 2023 until the end of the Council term.
15. The application from SA Ambulance Service (Item 4.3, Council Meeting 24/07/2023) for a discretionary rate rebate under section 166(1)(j) of the Local Government Act 1999 be granted a 75% rate rebate commencing 1 July 2023 until the end of the Council term.

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

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

## Option 2

1. The report be received.
2. That the application from the Chinese Association of South Australia Inc. (Item 4.3, Council Meeting 24/07/2023) for a discretionary rate rebate under section 166(1)(b)(c)(d)(j) of the *Local Government Act 1999* be granted at XX% {Council to determine rebate %} rate rebate commencing 1 July 2023 until the end of the Council term.
3. That the application from the Maharishi Foundation Australia Ltd (Item 4.3, Council Meeting 24/07/2023) for a discretionary rate rebate under section 166(1)(d) of the *Local Government Act 1999* be granted at XX% {Council to determine rebate %} rate rebate commencing 1 July 2023 until the end of the Council term.
4. The application from SA Council of Social Service (Item 4.3, Council Meeting 24/07/2023) for a discretionary rate rebate under section 166(1)(j) be granted at XX% {Council to determine rebate %} rate rebate commencing 1 July 2023 until the end of the Council term.
5. The application from Bible College SA (Item 4.3, Council Meeting 24/07/2023) for a discretionary rate rebate under section 166(1)(d) be granted at XX% {Council to determine rebate %} rate rebate commencing 1 July 2023 until the end of the Council term.
6. The application from Tabor College Inc (Item 4.3, Council Meeting 24/07/2023) for a discretionary rate rebate under section 166(1)(d) be granted at XX% {Council to determine rebate %} rate rebate commencing 1 July 2023 until the end of the Council term.
7. The application from Parkside Community Child Care Centre Inc. (Item 4.3, Council Meeting 24/07/2023) for a discretionary rate rebate under section 166(1)(d) be granted at XX% {Council to determine rebate %} rate rebate commencing 1 July 2023 until the end of the Council term.
8. The application from Unley Community Child Care Centre Inc. (Item 4.3, Council Meeting 24/07/2023) for a discretionary rate rebate under section 166(1)(d) be granted at XX% {Council to determine rebate %} rate rebate commencing 1 July 2023 until the end of the Council term.
9. The application from Unley Early Learning Centre Inc. (Item 4.3, Council Meeting 24/07/2023) for a discretionary rate rebate under section 166(1)(b)(d)(g)(j) be granted at XX% {Council to determine rebate %} rate rebate commencing 1 July 2023 until the end of the Council term.
10. The application from the Latvian Co-operative Trust (Item 4.3, Council Meeting 24/07/2023) for a discretionary rate rebate under section 166(1)(b)(c)(d)(g)(j) be granted at XX% {Council to determine rebate %} rate rebate commencing 1 July 2023 until the end of the Council term.

11. The application from the Uniting Church in Australia Property Trust (Item 4.3, Council Meeting 24/07/2023) for a discretionary rate rebate under section 166(1)(e)(i) be granted at XX% {Council to determine rebate %} rate rebate commencing 1 July 2023 until the end of the Council term.
12. The application from the Uniting Church in Australia Property Trust (Item 4.3, Council Meeting 24/07/2023) for a discretionary rate rebate under section 166(1)(j) be granted at XX% {Council to determine rebate %} rate rebate commencing 1 July 2023 until the end of the Council term.
13. The application from the Unley RSL Sub-branch (Item 4.3, Council Meeting 24/07/2023) for a discretionary rate rebate under section 166(1)(c)(i) be granted at XX% {Council to determine rebate %} rate rebate commencing 1 July 2023 until the end of the Council term.
14. The application from St John Ambulance Australia SA (Item 4.3, Council Meeting 24/07/2023) for a discretionary rate rebate under section 166(1)(j) be granted at XX% {Council to determine rebate %} rate rebate commencing 1 July 2023 until the end of the Council term.
15. The application from SA Ambulance Service (Item 4.3, Council Meeting 24/07/2023) for a discretionary rate rebate under section 166(1)(j) be granted at XX% {Council to determine rebate %} rate rebate commencing 1 July 2023 until the end of the Council term.

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

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

### Option 3

1. The report be received
2. That the application from the Chinese Association of South Australia Inc. (Item 4.3, Council Meeting 24/07/2023) for a discretionary rate rebate under section 166(1)(b)(c)(d)(i) of the *Local Government Act 1999* not be granted and the applicant be advised of the outcome of their discretionary rate rebate application.
3. That the application from the Maharishi Foundation Australia Ltd (Item 4.3, Council Meeting 24/07/2023) for a discretionary rate rebate under section 166(1)(d) of the *Local Government Act 1999* not be granted and the applicant be advised of the outcome of their discretionary rate rebate application.
4. The application from SA Council of Social Service (Item 4.3, Council Meeting 24/07/2023) for a discretionary rate rebate under section 166(1)(j) not be granted and the applicant be advised of the outcome of their discretionary rate rebate application.

5. The application from Bible College SA (Item 4.3, Council Meeting 24/07/2023) for a discretionary rate rebate under section 166(1)(d) not be granted and the applicant be advised of the outcome of their discretionary rate rebate application.
6. The application from Tabor College Inc (Item 4.3, Council Meeting 24/07/2023) for a discretionary rate rebate under section 166(1)(d) not be granted and the applicant be advised of the outcome of their discretionary rate rebate application.
7. The application from Parkside Community Child Care Centre Inc. (Item 4.3, Council Meeting 24/07/2023) for a discretionary rate rebate under section 166(1)(d) not be granted and the applicant be advised of the outcome of their discretionary rate rebate application.
8. The application from Unley Community Child Care Centre Inc. (Item 4.3, Council Meeting 24/07/2023) for a discretionary rate rebate under section 166(1)(d) not granted and the applicant be advised of the outcome of their discretionary rate rebate application.
9. The application from Unley Early Learning Centre Inc. (Item 4.3, Council Meeting 24/07/2023) for a discretionary rate rebate under section 166(1)(b)(d)(g)(i) not be granted and the applicant be advised of the outcome of their discretionary rate rebate application.
10. The application from the Latvian Co-operative Trust (Item 4.3, Council Meeting 24/07/2023) for a discretionary rate rebate under section 166(1)(b)(c)(d)(g)(i) not be granted and the applicant be advised of the outcome of their discretionary rate rebate application.
11. The application from the Uniting Church in Australia Property Trust (Item 4.3, Council Meeting 24/07/2023) for a discretionary rate rebate under section 166(1)(e)(i) not be granted and the applicant be advised of the outcome of their discretionary rate rebate application.
12. The application from the Uniting Church in Australia Property Trust (Item 4.3, Council Meeting 24/07/2023) for a discretionary rate rebate under section 166(1)(j) not be granted and the applicant be advised of the outcome of their discretionary rate rebate application.
13. The application from the Unley RSL Sub-branch (Item 4.3, Council Meeting 24/07/2023) for a discretionary rate rebate under section 166(1)(c)(i) not be granted and the applicant be advised of the outcome of their discretionary rate rebate application.
14. The application from St John Ambulance Australia SA (Item 4.3, Council Meeting 24/07/2023) for a discretionary rate rebate under section 166(1)(j) not be granted and the applicant be advised of the outcome of their discretionary rate rebate application.
15. The application from SA Ambulance Service (Item 4.3, Council Meeting 24/07/2023) for a discretionary rate rebate under section 166(1)(j) not be granted and the applicant be advised of the outcome of their discretionary rate rebate application.

This option would revoke all the existing discretionary rebates for the 2023-24 financial year.

This approach is not recommended by Administration.

**8. RECOMMENDED OPTION**

Option 1 is the recommended option.

**9. REPORT AUTHORISERS**

<b>Name</b>	<b>Title</b>
Nicola Tinning	General Manager, Business Support & Improvement
Alex Brown	Manager Finance and Procurement





## COU0011: RATE REBATE POLICY (COMMUNITY)

<b>Policy Type:</b>	Council Policy
<b>Responsible Department:</b>	Business Support & Improvement
<b>Responsible Officer:</b>	Chief Financial Officer
<b>Related Policies and Procedures</b>	Economic Development Incentive Policy
<b>Community Plan Link</b>	<i>Community Living</i> 1.2 Our Community participates in community activities, learning opportunities and volunteering.
<b>Date Adopted</b>	24 May 2010: C665/10
<b>Last review date</b>	26 August 2019: C0079/19
<b>Next review date</b>	February 2022
<b>Reference/Version Number</b>	COU11: V3
<b>ECM Doc set I.D.</b>	<a href="#">1205127</a>

### 1. PREAMBLE

- 1.1. The *Local Government Act 1999* (the Act) sets out at Chapter 10, Division 5 (Sections 159 to 166) those provisions applicable to the Council granting a rebate of rates to persons or bodies.
- 1.2. In accordance with the rebate provisions contained in the Act, this Policy sets out the type of use in respect of land for which the Council must grant a rebate of rates and the amount that rebate must be, and those types of land use where the Council has a discretion to grant a rebate of rates.

### 2. SCOPE

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

### 3. POLICY PURPOSE/OBJECTIVES

- 3.1. The rate rebate policy seeks to:
  - Assist Council in meeting its legislative requirements under the Act.
  - Define the criteria for assessments which have not met the mandatory requirements of the Act but have provided sufficient support for a discretionary rebate under section 166.

- Streamline the decision-making process for discretionary rebate determinations and provide a consistent framework under which to apply determinations.
  - Provide transparency in regard to the discretionary rebates granted by Council, and provide for a regular review process to be undertaken in terms of the financial support provided by Council.
- 3.2. In developing this policy Council has given consideration to the five principles previously identified by the local government industry in applying the imposition of rates on communities.
- 3.3. These principles are:
- *Equity* - rating responsibility should be distributed in an equitable manner across and within our communities;
  - *Benefit* - ratepayers should receive some benefits from paying tax, but not necessarily to the extent of the tax paid;
  - *Ability-to-pay* - in raising rates the ability of the taxpayer to pay the rates must be taken into account;
  - *Efficiency* – Council’s rates are currently designed to be neutral in its effect on ratepayers and therefore it is considered efficient unless it changes ratepayer behaviour;
  - *Simplicity* – the application of rates should be understandable, hard to avoid and easy to collect.
- 3.4. To some extent these principles are in conflict with each other. As such Council aims to balance the application of the principles, the policy objectives of rating, the need to raise revenue and the effects of rates on the community.
- 3.5. Further, in achieving equity across the community, this policy has an overriding principle that all ratepayers should contribute an amount to basic service provision.
- 3.6. Council is mindful that where a rebate is applied to a property or that property is exempt from paying council rates, those rates foregone must be contributed by the rest of the community. The principles of equity dictate that Council remains diligent in only awarding rebates and exemptions where they are warranted.

#### 4. DEFINITIONS

- 4.1. **CEO** is the Chief Executive Officer of the Corporation of the City of Unley, as appointed by Council.
- 4.2. **Council (with a capitalised C)** is the elected decision making body for the City of Unley.
- 4.3. **council (with a non-capitalised c)** refers to the City of Unley as the organisation.
- 4.4. **Discretionary Rebate** is a rebate which has been applied under section 166 of the Act.
- 4.5. **Rebates** can be categorised as strategic development, land uses providing a benefit or service to the local community and rate relief. Under legislation, these include:
- (a) where it is desirable for the purpose of securing the proper development of the area (or a part of the area);
  - (b) where it is desirable for the purpose of assisting or supporting a business in its area;

- (c) where it will be conducive to the preservation of buildings or places of historic significance;
- (d) where the land is being used for educational purposes;
- (e) where the land is being used for agricultural, horticultural or floricultural exhibitions;
- (f) where the land is being used for a hospital or health centre;
- (g) where the land is being used to provide facilities or services for children or young persons;
- (h) where the land is being used to provide accommodation for the aged or disabled;
- (i) where the land is being used for a residential aged care facility that is approved for Commonwealth funding under the *Aged Care Act 1997* (Commonwealth) or a day therapy centre;
- (j) where the land is being used by an organisation which, in the opinion of the Council, provides a benefit or service to the local community;
- (k) where the rebate relates to common property or land vested in a community corporation under the *Community Titles Act 1996* over which the public has a free and unrestricted right of access and enjoyment
- (l) where the rebate is considered by the Council to be appropriate to provide relief against what would otherwise amount to a substantial change in rates payable due to:
  - a redistribution of the rates' burden within the community arising from a change to the basis or structure of the council rates: or
  - a change to the basis on which land is valued for the purpose of rating, rapid changes in valuations, or anomalies in valuations.
- (m) where the rebate is considered by council to be appropriate to provide relief in order to avoid what would otherwise constitute:
  - a liability to pay a rate or charge that is inconsistent with the liabilities that were anticipated by the council in its annual business plan; or
  - a liability that is unfair or unreasonable;
- (n) where the rebate is to give effect to a review of a decision of the council under Chapter 13, Part 2 (Section 270 to 271 of the Act)
- (o) where the rebate is contemplated under another provision of the Act.

4.6. **Mandatory Rebate** is a Rebate that Council must grant in accordance with the Act.

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

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

4.6.1.2. **Religious Purposes:** Land containing a church or other building used for public worship (and any grounds), or land solely used for religious purposes;

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

4.6.2.1. **Community Services:** Section 161 of the Act provides that as well as meeting the definition of “community services organisation” as defined in the Act, eligibility for a rebate by a community services organisation is subject to it providing one or more of the following community services:

- emergency accommodation
- food or clothing for disadvantaged persons (i.e., persons who are disadvantaged by reason of poverty, illness, frailty, or mental, intellectual or physical disability)
- supported accommodation (i.e., residential care facilities in receipt of Commonwealth funding or accommodation for persons with mental health, intellectual, physical or other difficulties who require support in order to live an independent life)
- essential services, or employment support, for persons with mental health disabilities, or with intellectual or physical disabilities
- legal services for disadvantages persons
- drug or alcohol rehabilitations services, or
- the conduct of research into, or the provision of community education about, diseases or illnesses, or the provision of palliative care to persons who suffer from diseases or illnesses.

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

4.6.2.2. **Educational Purposes:** Section 165 of the Act sets out that the following land will be rebated at 75 per cent (or, at the discretion of Council, at a higher rate):

- Land occupied by a government school under a lease or licence and being used for educational purposes, or
- Land occupied by a non-government school registered under the *Education and Early Childhood Services (Registration and Standards) Act 2011* and being used for educational purposes, or
- Land being used by a University or University College to provide accommodation and other forms of support for students on a not for profit basis.

4.7. **Rating** is the process of raising revenue by way of levying rates and charges.

4.8. **Rebate** is the amount that a rate or charge may be reduced in accordance with Chapter 10, Division 5 of the Act.

## 5. ROLES AND RESPONSIBILITIES

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

## 6. POLICY STATEMENT

### 6.1. MANDATORY REBATES

- 6.1.1. The City of Unley will act in accordance with the Act in providing mandatory rebates as required by sections 160 – 165.
- 6.1.2. Where the Council is satisfied from its own records, or from other sources, that a person or body meets the necessary criteria for a mandatory rate rebate, the Council will grant the rebate accordingly.
- 6.1.3. Where the Council is not satisfied based upon the information in its possession or otherwise does not hold relevant information it will require the person or body to lodge an application form with such information as stipulated and any other information that the Council may reasonably require.
- 6.1.4. Applicants who satisfy the criteria for a mandatory rebate will be granted the rebate at any time provided the application is lodged prior to the 30 June of the rating year and provided the entitlement to the rebate existed at 1 July of the rating year.
- 6.1.5. Council will confirm the continuation of a person or body's eligibility for a mandatory rebate on a regular basis to ensure that rebates are only granted where they are warranted. This will require the relevant person or body to lodge an application form with such information as stipulated and any other information that the Council may reasonably require to confirm the continuation of eligibility.

### 6.2. DISCRETIONARY REBATES

- 6.2.1. Council may grant a discretionary rebate of rates up to and including 100% of the relevant rates or service charges under a number of cases and for a period not exceeding the timeframe as identified in section 166 of the Act. However, to ensure all ratepayers contribute an amount towards basic service provision, the maximum discretionary rebate will be 75%.
- 6.2.2. Under the same premise, although Council may, pursuant to the Act, increase a mandatory rebate by up to a further 25%, Council will not grant any additional discretionary rebate to ensure ratepayers contribute an amount towards basic service provision.
- 6.2.3. In deciding whether to grant a rebate for land uses, as detailed in section 166 (1a) of the Act, Council will take the following matters into account:
- (a) the nature and extent of Council services provided in respect of the land for which the rebate is sought in comparison to similar services provided elsewhere in the Council's area;
  - (b) the community need that is being met by activities carried out on the land for which the rebate is sought; and

- (c) the extent to which activities carried out on the land for which the rebate is sought provides assistance or relief to disadvantaged persons
  - (d) other matters considered relevant by Council (**Attachment 1**).
- 6.2.4. Persons who, or bodies which, seek a discretionary rebate will be required to submit an application form to the Council and provide to the Council such information as stipulated on the application form and any other information that the Council may reasonably require.
- 6.2.5. All applications for a discretionary rebate of rates must be submitted on or before 1 May prior to the rating year unless the application is a result of a change in eligibility for a mandatory rebate. In those circumstances where an application relates to a change in rebate/rate exemption in a relevant rating year, then the application will be applied for the full rating year if received within 2 months of the change in rebate/exemption being advised. The Council reserves the right to refuse to consider applications received after the specified date.
- 6.2.6. Where there is no maximum timeframe specified for a rebate provided under section 166, Council will grant a discretionary rebate to the last rating period commencing within a Council term to allow for a regular review of discretionary rate rebates.
- 6.2.7. A summary of all discretionary rebates applied for, including whether they have been successful or not and the associated reasons will be reported to Council on an annual basis.

### 6.3. ALL REBATES

- 6.3.1. If an entitlement to a rebate ceases or no longer applies during the course of a financial year, council will recover rates proportionate to the remaining part of the financial year.
- 6.3.2. If a person or body has the benefit of a rebate of rates and the grounds on which the rebate has been granted cease to exist, the person or body must immediately inform the Council of that fact and (whether or not the Council is so informed) the entitlement to a rebate ceases. If a person or body fails to do so that person or body is guilty of an offence.
- 6.3.3. The Council will, in writing, advise an applicant for the rebate of its determination of that application. The advice will state:
- (a) if the application has been granted, the amount of the rebate; or
  - (b) if the application has not been granted, the reasons why.
- 6.3.4. Any person or body who is aggrieved by a determination of the delegated officer in respect of an application for a rebate may seek a review of that decision in accordance with Council's Procedure for Internal Review of a Council Decision.

## 7. POLICY DELEGATIONS

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

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

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

7.4. Refer to the Council Delegations Register for further information.

## 8. LEGISLATION

### 8.1. *Local Government Act 1999*

#### 8.1.1. Division 5 – Rebates of Rates

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

### 8.2. *Aged Care Act 1987 (Commonwealth)*

### 8.3. *Community Housing Providers National Law*

### 8.4. *Community Titles Act 1996*

### 8.5. *Education and Early Childhood Services (Registration and Standards) Act 2011*

### 8.6. *Health Commission Act 1976*

## 9. AVAILABILITY OF POLICY

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

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

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

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

## DOCUMENT HISTORY

Date	Ref/Version No.	Comment
24 May 2010	C665/10: V1	
28 February 2017	C767/17: V2	
26 August 2019	C0079/19: V3	

## Attachment 1

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

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

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

- the community need that is being met by activities carried out on the land for which the rebate is sought;
- the extent to which activities carried out on the land for which the rebate is sought provides assistance or relief to disadvantaged persons;
- why there is a "need" for financial assistance through a rebate;
- the level of rebate (percentage and dollar amount) being sought and why it is appropriate;
- the extent of financial assistance, if any, being provided to the applicant and/or in respect of the land by Commonwealth or State agencies;
- whether the applicant has made/intends to make applications to another Council whether, and if so to what extent, the applicant is or will be providing a service within the Council area;
- whether the applicant is:
  - (a) a public sector body;
  - (b) a private not for profit body; or
  - (c) a private for profit body.
- whether there are any relevant historical considerations that may be relevant for all or any part of the current Council term;
- the desirability of granting a rebate for more than one year in those circumstances allowed for in Section 166 (1) (e.g. securing proper development, supporting business or common property under the *Community Titles Act 1996*) of this policy
- consideration of the full financial consequences of the rebate for Council;
- the time the application is received;
- the availability of any community grant to the person or body making the application;
- whether the applicant is in receipt of a community grant; and
- any other matters and policies of Council, which are considered to be relevant.

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



### **166—Discretionary rebates of rates**

- (1) A council may grant a rebate of rates or service charges in any of the following cases (not being cases that fall within a preceding provision of this Division):
- (a) where the rebate is desirable for the purpose of securing the proper development of the area (or a part of the area);
  - (b) rebate is desirable for the purpose of assisting or supporting a business in its area;
  - (c) where the rebate will conduce to the preservation of buildings or places of historic significance;
  - (d) where the land is being used for educational purposes;
  - (e) where the land is being used for agricultural, horticultural or floricultural exhibitions;
  - (f) where the land is being used for a hospital or health centre;
  - (g) where the land is being used to provide facilities or services for children or young persons;
  - (h) where the land is being used to provide accommodation for the aged or disabled;
  - (i) where the land is being used for a residential aged care facility that is approved for Commonwealth funding under the *Aged Care Act 1997* (Cwlth) or a day therapy centre;
  - (j) where the land is being used by an organisation which, in the opinion of the council, provides a benefit or service to the local community;
  - (k) where the rebate relates to common property or land vested in a community corporation under the *Community Titles Act 1996* over which the public has a free and unrestricted right of access and enjoyment;
  - (l) where the rebate is considered by the council to be appropriate to provide relief against what would otherwise amount to a substantial change in rates payable by a ratepayer due to—
    - (i) a redistribution of the rates burden within the community arising from a change to the basis or structure of the council's rates; or
    - (ii) a change to the basis on which land is valued for the purpose of rating, rapid changes in valuations, or anomalies in valuations;
  - (m) where the rebate is considered by the council to be appropriate to provide relief in order to avoid what would otherwise constitute—
    - (i) a liability to pay a rate or charge that is inconsistent with the liabilities that were anticipated by the council in its annual business plan; or
    - (ii) a liability that is unfair or unreasonable;
  - (n) where the rebate is to give effect to a review of a decision of the council under Chapter 13 Part 2;
  - (o) where the rebate is contemplated under another provision of this Act.
- (1a) A council must, in deciding whether to grant a rebate of rates or charges under subsection (1)(d), (e), (f), (g), (h), (i) or (j), take into account—

- (a) the nature and extent of council services provided in respect of the land for which the rebate is sought in comparison to similar services provided elsewhere in its area; and
- (b) the community need that is being met by activities carried out on the land for which the rebate is sought; and
- (c) the extent to which activities carried out on the land for which the rebate is sought provides assistance or relief to disadvantaged persons, and

may take into account other matters considered relevant by the council.

- (2) A rebate of rates or charges under subsection (1) may be granted on such conditions as the council thinks fit.
- (3) A rebate of rates or charges under subsection (1)(a), (b) or (k) may be granted for a period exceeding one year, but not exceeding 10 years.
- (3a) A rebate of rates or charges under subsection (1)(l) may be granted for a period exceeding one year, but not exceeding three years.
- (3b) A council should give reasonable consideration to the granting of rebates under this section and should not adopt a policy that excludes the consideration of applications for rebates on their merits.
- (4) a rebate under this section that is up to (and including) 100 percent of the relevant rates or service charge.

## DECISION REPORT

<b>REPORT TITLE:</b>	REQUEST TO FLY PRIDE FLAG - CELEBRATING DIVERSITY MONTH NOVEMBER 2023
<b>ITEM NUMBER:</b>	4.4
<b>DATE OF MEETING:</b>	24 JULY 2023
<b>AUTHOR:</b>	LARA GREGORY, EXECUTIVE ASSISTANT TO THE CEO AND MAYOR
<b>DIVISION:</b>	OFFICE OF THE CEO
<b>ATTACHMENTS:</b>	1. REQUEST TO FLY THE PROGRESS PRIDE FLAG FOR PRIDEVEMBER

---

### 1. **PURPOSE**

The purpose of this report is to provide Council with an opportunity to consider a request received from SA Rainbow Advocacy Alliance (SARAA) and the Feast Festival for the City of Unley to once again fly the Pride Flag at the Unley Civic Centre for “Pridevember” (November).

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

### 2. **RECOMMENDATION**

That:

1. The report be received.
  2. *The matter is for Council to determine – options are provided at section 7 of this report*
- 

### 3. **RELEVANT CORE STRATEGIES – FOUR YEAR DELIVERY PLAN**

1. Community Living
  - 1.4 Our Community is proud to be part of our City.
  - 1.4 Our Community is proud to be part of our City
  - 1.5 Our City is connected and accessible
1. Community Living
  - 1.4 Our Community is proud to be part of our City.

#### 4. **BACKGROUND**

The City of Unley has a long history and reputation of working with major festivals and events that promote Unley as a place that embraces state-wide initiatives in arts and culture. This includes Adelaide Fringe, Adelaide Cabaret Festival, Guitar Festival, Zest Fest, SALA and Feast Festival. Feast Festival is a lesbian, gay, bisexual, transgender, intersex, queer (LGBTIQ+ communities) festival held annually in South Australia. The outcomes of Feast Festival align to Council's strategic Cultural Plan 2021-2026 objective:

*The Culture of Us: provide voices for all communities with an inclusivity lens on specific programs*

Feast began in 1997, providing a safe and inclusive platform for the LGBTIQ+ communities to share and express themselves through art and culture. The Feast Festival is Adelaide's only not-for-profit LGBTIQ+ Queer Arts and Cultural Festival that celebrates pride and diversity.

The City of Unley has supported the Feast Festival since 2008 and this has included flying the Pride Flag outside of the Civic Centre since 2019, and the Progress Pride Flag since 2021. The request from SARAA and the Feast Festival encourages flying the Progress Pride Flag.

#### 5. **DISCUSSION**

A request has been received from SARAA, partnering with the Feast Festival, to fly the Progress Pride Flag for the whole month of November in 2023, to coincide with "Pridevember" – a month long celebration of inclusivity and diversity in South Australia. The initiative aims to increase visibility and awareness of the Feast Festival and how it supports South Australian LGBTIQ+ communities. A copy of the request is included as Attachment 1 to this report.

##### *Attachment 1*

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

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

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

When requests to fly flags are approved by Council, the City of Unley Ensign is the flag that is removed to accommodate the approved flag.

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

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

The request from SARAA and Feast presents an opportunity for Council to show ongoing support for LGBTIQ+ communities by endorsing flying the Progress Pride Flag during Feast Festival.

As one of the inaugural councils supporting the Feast Festival, the City of Unley has consistently had good media coverage and been positively acknowledged for participation. Over the years, the Feast Festival has been promoted on City of Unley social media, around Council facilities, on the website, and by inclusion on the Feast Festival website and in the program.

At its June 2023 Council Meeting, Council resolved to fly the Latvian Flag in recognition of Latvia's Independence Day on 18 November.

1. *The report be received.*
2. *The request to fly the National flag of Latvia at the Unley Civic Centre, in recognition of Latvia's Independence Day (18 November), be approved with the flag to be raised at 10am on Friday 17 November 2023 and lowered at 10am on Monday 20 November 2023.*

*Resolution No. C1078/23*

If Council was to support the request to fly the Progress Pride Flag it would be lowered to allow the flying of the Latvian Flag (as described above) as per Council's decision, with placement of the flags managed in accordance with the Department of Prime Minister and Cabinet protocols. The Progress Pride Flag would then be returned to the fifth flagpole for the remainder of the month of November.

The flags on display for November will then comprise:

- The Australian National Flag;
- The South Australian Flag;
- The Aboriginal Flag;
- Torres Strait Islander Flag; and
- Progress Pride Flag (and 17 to 20 November, the Latvian National Flag)

## 6. **POLICY IMPLICATIONS**

### 6.1 **Financial/budget implications**

- Nil

### 6.2 **Risk Management (identification and mitigation)**

- Flags must be displayed in accordance with the requirements of protocols from the Department of Prime Minister and Cabinet (DPMC).

### 6.3 **Staffing/Work Plans/Additional Resource Impact**

- The actions associated with this report require no additional work outside of staff's existing work plans

### 6.4 **Climate/Environmental Impact**

- Nil

### 6.5 **Social/Economic**

- The recommended option is consistent with Council's Flag Management Policy. The actions from the report have no impact on any other policies. This recommendation provides visibility and awareness of a significant part of our community and celebrates the general diversity of our community.

## 7. **ANALYSIS OF OPTIONS**

### Option 1–

1. The report be received.
2. The Progress Pride Flag be flown from the fifth flagpole situated at the Civic Centre on Unley Road for the month of November 2022 (excluding 10am 17 November to 10am 20 November as per Council's approval to fly the Latvian Flag) in support of the "Pridevember" initiative of the Feast Festival.

This option will result in the Progress Pride Flag being flown on the fifth flagpole at the Civic Centre on Unley Road from 1 to 30 November 2022. It will publicly convey Council's support for the Feast Festival in 2022. This recommendation also meets the resolution of Council 26 June 2023 that the Latvian Flag be flown in recognition of Latvia's Independence Day.

### Option 2 –

1. The report be received.
2. The request from the Feast Festival to fly the Progress Pride Flag for the month of November 2023 be declined.

This option declines the request to fly the Progress Pride Flag. In considering this option it should be noted that there may be reputational risk for Council, having flown the flags in support of Feast Festival since 2013, and a missed opportunity for Council to demonstrate support for and celebrate diversity.

**8. RECOMMENDED OPTION**

This matter is for Council to determine.

**9. REPORT AUTHORISERS**

<b>Name</b>	<b>Title</b>
Peter Tsokas	Chief Executive Officer







1 July 2023

Dear Mayor Hewitson

The SA Rainbow Advocacy Alliance (SARAA) are incredibly proud to be partnering with Feast Festival, South Australia's LGBTIQA+ Arts and Cultural Festival, to ask all councils in South Australia to fly the Pride flag for the month of November. As one of the 24 councils that participated last year, we wanted to offer this great opportunity to join again with the growing number of councils around the state (and country) that are proudly showing their commitment to diversity, inclusion and community safety through this simple action.

**How do I to participate?**

1. Reply to this email acknowledging your intent to participate along with a copy of your logo to be included in the Feast Festival guide
2. Get yourself a Pride flag (we encourage you to fly the Progress Pride flag which can be [purchased online at Minus 18](#) - if you don't already have one)
3. Find somewhere to hang the flag that the public can see it (we know that some councils have restrictions around flag flying. If this is the case for your council - please hang the flag in a publicly visible location (such as council chambers, libraries etc)
4. Fly the Pride Flag from 1<sup>st</sup> to the 30<sup>th</sup> of November to show your support for LGBTIQA+ communities in your council area
5. Take a photo for social media and tag #FeastFestival and #SARainbowAdvocacyAlliance

**What will I get if I participate?**

- Credit for celebrating LGBTIQA+ diversity in the printed Feast Festival Program, 10,000 copies are widely distributed as well as recognition on both the SARAA website and the Feast website (See other attachment for last year's participant's in the printed program)

**When do I need to let you know?**

- Great question! Feast has a **Print Deadline of COB 31st of July** so if you want recognition, you need to let SARAA (as the coordinating body of this initiative) know as soon as possible by emailing directly to [info@saraa.org.au](mailto:info@saraa.org.au).

Thank you for your ongoing support of our communities.

With Pride,  
Rebecca Galdies - SARAA  
Tish Naughton – CEO, Feast Festival

South Australian Rainbow Advocacy Alliance  
C/O SHINE SA, 64C Woodville Rd, Woodville South SA 5011  
On Kaurna land - E: [info@saraa.org.au](mailto:info@saraa.org.au)

## COUNCIL ACTION REPORT

**REPORT TITLE:** COUNCIL ACTION RECORDS  
**ITEM NUMBER:** 4.5  
**DATE OF MEETING:** 24 JULY 2023  
**AUTHOR:** LARA GREGORY, EXECUTIVE ASSISTANT  
TO THE CEO AND MAYOR  
**DIVISION:** OFFICE OF THE CEO  
**ATTACHMENTS:** 1. COUNCIL ACTION REPORT

---

### 1. **PURPOSE**

To provide an update to Members on information and actions arising from resolutions of Council.

### 2. **RECOMMENDATION**

That:

1. The report be noted.
-

COUNCIL ACTION REPORTS - ACTIONS TO JULY 2023					
Meeting Date	Item #	Subject and Council Resolution	Responsible Exec.	Status/Progress	Expected Completion Date
24/10/22	5.1.2	<p><b>NOTICE OF MOTION FROM COUNCILLOR K. ANASTASSIADIS RE: INVESTIGATE OPTIONS FOR HARD TO RECYCLE MATERIAL INCLUDING MEDICATION BLISTER PACKS</b></p> <p>1. Administration investigate options for recycling hard to recycle materials by:</p> <p>a. considering the results of the RecycleSmart scheme currently being trialled by the City of West Torrens and the merits of adopting this program;</p> <p>b. exploring options for recycling medication plastic foil blister packs and other significant hard to recycle items not covered by the RecycleSmart scheme; and</p> <p>c. that a report be presented to Council for its consideration following the conclusion of the current investigations being undertaken into the various initiatives as contained within Council's Waste Management and Resource Recovery Plan for 2022/23.</p> <p>2. A letter be sent to pharmaceutical and recovery industries including Green Industries SA, the Waste Management and Resource Recovery Association, and the Australian Packaging Covenant Organisation, advocating for changes to blister packaging to improve the ability to recycle these items and also provide alternative options to this type of packaging to reduce the amount of plastic entering landfill or requiring costlier recycling.</p> <p>3. Until Council considers the report regarding the RecycleSmart scheme and options for hard to recycle material not covered by the scheme, considers incorporating information for the community on recycling that is consolidated and easily accessible, about where all materials can be recycled, including hard to recycle items, as part of Council's current education programs and initiatives.</p>	GM City Development	The Administration will present a report for Council's consideration at its meeting to be held in September 2023. This report will be prepared following completion of the current priorities that have been set by Council in implementing the Waste Management and Resource Recovery Plan.	September 2023
				The Administration sent letters in December 2022, as resolved by Council. A letter has been received from GISA in response to Council's letter sent Dec 2022. A copy of the letter has been provided to Elected Members.	Completed
				The Administration has completed a review of the information contained on Council's website. Information regarding hard to recycle items has been updated on Council's website as part of this review.	Completed
23/01/23	4.1	<p><b>E-SCOOTER EXTENDED TRIAL EVALUATION</b></p> <p>2. The outcomes of the extended six-month trial (July to November 2022) as outlined in this report be noted.</p> <p>3. A further extension to the e-scooter trial for a further 12-month period (from 14 February 2023 to 14 February 2024) be approved, whilst the State Government review on e-scooters is being undertaken, and for the terms of conditions of the current permits to be retained.</p> <p>4. The CEO is authorised to write to the Department for Infrastructure and Transport, requesting approval to extend the e-scooter trial gazettal for the City of Unley up to (and including) 14 February 2024.</p> <p>5. The Administration continues to work with the e-scooter operators to address complaints and concerns raised during the further extended trial period from 14 February 2023 to 14 February 2024, and a report be presented to Council prior to 14 February 2024 to determine the next steps for e-scooter use within the City of Unley based on the State Government review outcomes.</p>	General Manager City Development	Completed	Completed
				Approval has been provided by the State Government for the extension of the trial by 12-months.	Completed
				Completed	Completed
				A further report will be presented to Council for its consideration to determine next steps for e-scooter use within the City of Unley.	January 2024
27/03/23	7.5	<p><b>MANAGEMENT OF GOODWOOD COMMUNITY CENTRE</b></p> <p>4. A review of the Goodwood Community Centre operations in terms of hours of service and programs offered be undertaken in 2023/24.</p>	General Manager City Services	Negotiation of the transition of the Community Centre is currently underway. A review of Community Centre arrangements will only occur once centre management is returned to Council and adequate time has passed to assess the existing operation and determine opportunities for council consideration.	TBA

COUNCIL ACTION REPORTS - ACTIONS TO JULY 2023					
Meeting Date	Item #	Subject and Council Resolution	Responsible Exec.	Status/Progress	Expected Completion Date
24/04/23	5.1.2	<p><b>NOTICE OF MOTION FROM COUNCILLOR G. HART RE: COMMUNITY CONSULTATION REGARDING PROPERTY ACCESS TO THE FORESTVILLE RESERVE</b></p> <p>1. In the event that the State Government decides to proceed with an infrastructure project (such as the Mike Turtur Bikeway Overpass) that impacts the Forestville Reserve, that:</p> <p>1.1 Community consultation be undertaken by Council regarding any proposed amendments to the Forestville Reserve Community Land Management, and the License Agreement which is to be granted to the Minister for Infrastructure and Transport.</p> <p>1.2 The Administration be authorised to negotiate the terms and conditions for the granting of the License Agreement (Forestville Reserve) and Permit (Railway Terrace and TBA), pursuant to Section 202 and Section 221 of the Local Government Act 1999, respectively.</p> <p>1.3 A further report be presented to Council outlining the results of the community consultation processes for the amendment to the Forestville Community Land Management Plan and issuing of the License Agreement.</p>	General Manager City Development	The State Government has not confirmed the way forward with this project and as such, no further action is required by the Administration at this time.	TBC
22/05/23	4.5	<p><b>CITY-WIDE PARKING STRATEGY STAGE 1 OUTCOMES</b></p> <p>2. The Shaping Unley Engagement Outcomes including the parking decision-making principles and ideas, as set out in Attachment 3 to the report (Item 4.5 Council Meeting 22/05/2023) be endorsed for the purpose of developing the draft City-wide Parking Strategy.</p> <p>3. A further report be presented to Council outlining the details of the draft City-wide Parking Strategy, to seek Council's endorsement of the document for community consultation.</p>	General Manager City Development	<p>Report presented to Council in May 2023.</p> <p>The Administration will hold an Elected Member briefing in August 2023, to present the Draft City Wide Parking Strategy. Following this, a report will be presented to Council for consideration at its meeting to be held in September 2023, seeking endorsement for community consultation.</p>	<p>Completed</p> <p>September 2023</p>
22/05/23	4.6	<p><b>STAGE 5 WOOD STREET TO CROSS ROAD CONNECTION CONCEPT DESIGN STUDY OUTCOMES</b></p> <p>2. Option A (Northgate Street / Whistler Avenue), as set out in Attachment 3 to this report (Item 4.6, Council Meeting 22/05/2023), be endorsed by Council as its preferred concept design for Stage 5 of the Wood-Weller Bikeway, subject to the following changes.</p> <p>- An amendment to the concept design to improve the path be investigated by administration to enable connection within Heywood Park to better connect Whistler Avenue to the north west corner of the Park to direct people bike riding towards the Wood Weller bikeway, rather than King William Road, and separate bike riders from pedestrians.</p> <p>3. A further report be considered by Council following the completion of investigation.</p>	General Manager City Development	<p>Endorsed by Council at its meeting in May 2023.</p> <p>The Administration has arranged for an engineering survey to be undertaken to assist in undertaking the investigation which has been requested by Council.</p> <p>The Administration will present a report for Council's consideration at its meeting to be held in August 2023 outlining the results of the investigation which has been requested by Council.</p>	<p>Completed</p> <p>July 2023</p> <p>August 2023</p>
22/05/23	4.7	<p><b>RAILWAY TERRACE SOUTH COMMUNITY CONSULTATION OUTCOMES AND NEXT STEPS</b></p> <p>2. The Railway Terrace South Streetscape Improvements Concept Plan, as set out in Attachment 5 to this report (Item 4.7, Council Meeting, 22/05/2023) be endorsed as the final concept design and for the project to progress to detailed design and documentation.</p>	General Manager City Development	Endorsed by Council at its meeting in May 2023.	Completed

COUNCIL ACTION REPORTS - ACTIONS TO JULY 2023					
Meeting Date	Item #	Subject and Council Resolution	Responsible Exec.	Status/Progress	Expected Completion Date
		<p>3. The Administration be authorised to establish a draft agreement with the Department for Infrastructure and Transport (DIT), to enable some of the on-ground works associated with the project to be delivered on State Government owned railway land.</p> <p>4. A further report be presented to Council for its consideration, outlining the terms and conditions of the draft agreement, which is to be established with DIT and to seek Council's endorsement of the document to formalise the arrangements.</p>		<p>The Administration will commence the drafting of the agreement in discussions with representatives of the Department of Infrastructure and Planning (DIT).</p> <p>The Administration will present a report to Council for its consideration at its meeting to be held in March 2024. This is subject to DIT being able to endorse the agreement by this time.</p>	<p>November 2023</p> <p>March 2024</p>
22/05/23	4.9	<p><b>CITIZENSHIP CEREMONY - AUSTRALIA DAY</b></p> <p>2. Council's citizenship ceremony and Australia Day awards be held on the evening of 25 January.</p> <p>3. A workshop be held to discuss an associated free community event on the evening of 25 January with a report to be presented to council at its July 2023 meeting.</p>	General Manager City Services	Workshop scheduled for 17 July 2023.	<p>Noted</p> <p>August 2023</p>
26/06/23	4.5	<p><b>REFLECT RECONCILIATION ACTION PLAN</b></p> <p>2. The draft Reflect Reconciliation Action Plan be considered at a Workshop for Elected Members for further discussion.</p> <p>3. Administration will provide additional information at this Workshop to assist the Elected Members' understanding of the Plan and its potential organisational and financial impact on the City of Unley.</p> <p>4. Administration will seek feedback at this Workshop from Elected Members and use this opportunity to develop the draft Reconciliation Action Plan.</p> <p>5. Administration will seek endorsement from Council of a draft Reconciliation Action Plan that includes Elected Members feedback.</p> <p>6. The draft Reconciliation Action Plan be brought back to the 25 September 2023 Council Meeting.</p>	General Manager City Services	Workshop scheduled for 7 August 2023.	<p>August 2023</p> <p>September 2023</p>
26/06/23	5.1.1	<p><b>NOTICE OF MOTION FROM COUNCILLOR S. FINOS RE: INTEREST IN COLLABORATING WITH THE STURT FOOTBALL CLUB TO HOST AN AFL GAME ON UNLEY OVAL AS PART OF THE AFL GATHER ROUND IIN 2025 AND 2026</b></p> <p>1. The Council write to the State Government and the AFL expressing its interest in hosting an AFL game on Unley Oval as part of the AFL Gather Round in 2025 and 2026.</p> <p>2. The CEO be authorised to collaborate with the Sturt Football Club (SFC) to develop details of a joint proposal for submission.</p>	CEO		<p>Completed</p> <p>Noted</p>

## QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

<b>REPORT TITLE:</b>	QUESTION ON NOTICE FROM COUNCILLOR L. DOYLE RE: OPENING UNLEY POOL THROUGH THE WINTER SEASON
<b>ITEM NUMBER:</b>	5.3.1
<b>DATE OF MEETING:</b>	24 JULY 2023
<b>ATTACHMENTS:</b>	NIL

---

The following Questions on Notice have been received from Councillor L. Doyle and the answers are provided:

### **QUESTIONS**

1. What would be the additional cost to keep the Unley Swimming Centre (Centre) open through the winter season (ie all year round)? Please provide an estimated break down of :
  - pool running costs (heating, maintenance, cleaning)
  - staffing costs
2. Operating the Centre during the winter season may require upgrades to certain facilities; for example, heaters in change rooms. What would be the estimated costs for such upgrades if required?
3. If there was a trial to extend the pool opening season by an extra eight (8) weeks, how much additional cost would this incur in respect to pool running and staffing costs?

### **ANSWERS**

1. **What would be the additional cost to keep the Unley Swimming Centre (Centre) open through the winter season (ie all year round)? Please provide an estimated break down of :**
  - **pool running costs (heating, maintenance, cleaning)**
  - **staffing costs**

With consideration to both pool running and staff costs, the total additional cost of operating the Unley Swimming Centre year-round (i.e. an additional 16 weeks) is approximately \$200K.

Forecasted income for the Centre over the Winter months, based on income received in May 2023, is estimated at \$15K per month. This is predominantly attributed to casual entry and kiosk sales, as Swimming Clubs have ongoing arrangements at indoor facilities over Winter.

The additional budget required to open the Centre for an additional 16 weeks (i.e. year round) is therefore approximately **\$140K**.

It should be noted that these costs are based on operating the reduced opening hours during the winter months that are currently in place in May each year (reduced from 103.25 to 55.25 staffed hours per week).

Currently the Unley Swimming Centre is open for a 36 week season (i.e. 2022/23 season ran from 17 September 2022 to 28 May 2023). It has been the practice for many years now to decrease the opening hours of the pool in May due to reduced demand arising from the cooler weather. In season, the pool is staffed 103.25 hours per week. For the month of May this is reduced to 55.25 hours per week. A breakdown of associated costs and implications is provided below.

### **Pool running costs (heating, maintenance, cleaning)**

#### Maintenance

Associated costs with maintenance is unknown and untested. The additional workload required by the heaters, filters and pumps may result in additional maintenance and break down, given that the plant equipment was not designed to operate year round.

The impact of this would potentially be pool closure to enable servicing if required, however, this is untested.

By opening all year round, there would be no opportunity to undertake maintenance on the pool (currently undertaken in the off-season), such as tiling or control joints replacement.

#### Gas Consumption

The cost of gas usage in May 2023 was approximately \$12,500.

Total increase in gas usage is estimated to cost \$55K for the June-August quarter, noting an expected increased use required to counter the cooler weather, and the expected increase to gas prices.

#### Electricity

The cost of electricity usage for May 2023 was \$5,779.

Working with the same figures, with an expected increase (i.e. running flood lighting) it could be expected that electricity will total approximately \$24K for the additional 16 weeks, noting that this doesn't include change room heating requirements or potential power price increases.

#### Chemical and other

The Centre would require approximately \$10K for chemical supply for the 16 week period, based on monthly averages.

Testing discs, used to measure and manage water quality, are expected to cost approximately \$3K.

Estimated total cost of anticipated chemicals for the 16 week period is \$13K.

### Cleaning

Cleaning of the site is undertaken by Swimming Centre staff. This task is considered within the staff costs noted below and requires no additional budget.

### **Staffing**

For safe operation of the Centre, a minimum of three (3) qualified staff members must be on site at all times. This must consist of one (1) Duty Supervisor (Pool Operator Qualified) and two (2) Pool Attendants.

Further recruitment and training of these positions would need to occur to increase the number of staff to deliver these roles. To employ casual staff to undertake these roles for the 16 weeks of the current off-season would cost a total of \$109K. To utilise contract staff would impact the FTE numbers of the Centre and may also have industrial complications due to the current compressed hours arrangements for staff over the 9-month period.

It should also be noted that the cost above does not reflect the overhead costs associated with management of these staff, or corporate support such as Payroll, Finance, HR and WHS over this period.

**2. Operating the Centre during the winter season may require upgrades to certain facilities; for example, heaters in change rooms. What would be the estimated costs for such upgrades if required?**

Heaters in change rooms would provide some level of improved comfort, noting the change rooms are required to have open air-flow.

A quote provided indicates that seven (7) radiant heaters (total) should be hung from the ceilings in the two large and three smaller change rooms, at a cost of \$1,500 installed (per unit), totalling **\$10.5K**, noting that this does not include the impact on the electricity prices outlined above or servicing.

**3. If there was a trial to extend the pool opening season by an extra eight (8) weeks, how much additional cost would this incur in respect to pool running and staffing costs?**

With consideration to both pool running and staff costs, the total additional operating cost to extend the Unley Swimming Centre season for an additional eight (8) weeks is \$108,500.



Forecasted income for the Centre over the winter months, based on income received in May 2023, is estimated at \$15K per month. This is predominantly attributed to casual entry and kiosk sales, as Swimming Clubs that have ongoing arrangements at indoor facilities over winter.

The additional budget required to open the Centre for an additional eight (8) weeks (i.e. 27 May -21 July) is approximately **\$78,500**.

Currently the Unley Swimming Centre is open for a 36 week season (i.e. 2022/23 season ran from 17 September 2022 to 28 May 2023). The information below relates to an additional eight (8) weeks of operation (i.e. 27 May – 21 July).

### **Pool Running Costs**

#### Gas Consumption

It is expected that gas costs for June and July would be approx \$15K and \$20K respectively, totalling approximately \$35K for the eight (8) week period.

#### Electricity

Based on May 2023 usage, it could be assumed that electricity will be approximately \$6K per month, totalling \$12K for the eight (8) week period.

#### Chemical and other

Based on current usage, it is expected that chemical and testing equipment required for the eight (8) week period will total \$6,500.

### **Staffing Costs**

To employ casual staff to undertake the required roles for eight (8) weeks would cost \$55K, noting as above that this does not consider the impact on staffing required for management of these staff, or corporate support such as Payroll, Finance, HR and WHS over this period.

---

## MAYOR'S REPORT

**REPORT TITLE:** MAYOR'S REPORT FOR MONTH OF JULY 2023

**ITEM NUMBER:** 6.1.1

**DATE OF MEETING:** 24 JULY 2023

**ATTACHMENTS:** NIL

### 1. RECOMMENDATION

That:

1. The report be received.

### Functions attended (21/06/23 to 18/07/23)

Legend for attendance type at Function/Event:		
Attendee – only, no duties	Guest – specifically invited as an event guest	
Interview – on-air radio guest	Host – hosted a meeting as Mayor	
Mayor – attended as the Mayor of City of Unley	Presenter – involved in presenting awards	
Representative – attended as Council representative	Speaker – attended and gave a speech as Mayor	

Date	Function/Event Description	Type
26/06/23	Mayor and Deputy Mayor Briefing	Host
26/06/23	City of Mitcham Meeting	Mayor
26/06/23	Council Meeting	Mayor
28/06/23	Informal Meeting with Steve Georganas Federal Member for Adelaide	Mayor
29/06/23	CEO Performance Review Panel Meeting	Mayor
29/06/23	City of Mitcham Meeting	Mayor
29/06/23	Meet The Mayor	Host
30/06/23	AVEO Kings Park – afternoon tea	Mayor
30/06/23	Mayor and Elected Members catch up	Host
02/07/23	Sturt Football Club Presidents Lunch and Game	Host
03/07/23	EM Briefing	Attendee
04/07/23	Unley Primary School “Madagascar Jr – A Musical Adventure”	Guest
05/07/23	Meeting with Minister Koutsantonis to Discuss Unley Road and Overpass	Mayor

<b>Date</b>	<b>Function/Event Description</b>	<b>Type</b>
05/07/23	Acting Ageing Alliance Meeting	Attendee
06/07/23	CEO Performance Review Panel Meeting	Mayor
07/07/23	ERA Mayors Breakfast – Luigis Deli	Mayor
08/07/23	West Adelaide v Sturt Game & Event – Richmond Oval	Guest
14/07/23	Meeting with Deputy Mayor, Peter Croft & Anne Wharton re Housing / Homelessness /Tree Canopy	Mayor
16/07/23	Bastille Day Event – Goodwood Institute	Mayor
17/07/23	Meeting with Deputy Mayor	Mayor
17/07/23	EM Briefing	Attendee
18/07/23	FOCUS Meeting	Mayor

<b>Date</b>	<b>Radio Interview</b>	
04/07/23	<i>Two Green Waste Bins; Household Problems; and Recycling Plans for the Future</i>	Mayor / 5AA

## DEPUTY MAYOR'S REPORT

**REPORT TITLE:** DEPUTY MAYOR'S REPORT FOR MONTH OF JULY 2023  
**ITEM NUMBER:** 6.2.1  
**DATE OF MEETING:** 24 JULY 2023  
**ATTACHMENTS:** NIL

---

### 1. **RECOMMENDATION**

That:

1. The report be received.
- 

### **Functions attended (21/06/23 to 18/07/23)**

<b>Date</b>	<b>Function/Event Description</b>
21/06/2023	SA Voice to Parliament Session, Adelaide Town Hall
22/06/2023	Meet the Mayor
23/06/2023	Future Caretakers Forum, Unley Town Hall
23/06/2023	Book Launch: The Afghan Interpreter
24/6/023	Unley Rotary Youth Music Awards
25/06/2023	St Johns Ambulance Annual Dedication Service at St Augustine's Church
26/06/2023	Council Meeting
26/06/2023	Meeting with Mayor and previous Deputy Mayors
27/06/2023	Unley Community Centre Ride
26/06/2023	Meeting with Mayor
26/06/2023	Council Meeting
29/06/2023	CEO Performance Review (observer)
30/06/2023	Meeting with Resident, Michael Rabbitt and senior staff
30/06/2023	Elected Member/Mayor catch up
2/07/2023	Sturt Football Match, Unley Oval
3/07/2023	Council Briefing: Waste Management Plan
4/07/2023	Unley Community Centre Ride
6/07/2023	CEO Performance Review (observer)

<b>Date</b>	<b>Function/Event Description</b>
7/07/2023	Meeting with Michael Rabbitt re Grove Steet Parking
11/07/2023	Unley Community Centre Ride
14/07/2023	Housing, homelessness and tree canopy cover meeting with Mayor, CEO and two residents
14/07/2023	Meeting with senior staff & Michael Rabbitt re Stage 5 Wood Weller Bikeway
17/07/2023	Meeting with Mayor & CEO
17/07/2023	Council Briefing: Australia Day in Unley; Naming of Road
18/07/2023	Unley Community Centre Ride
18/07/2023	Focus meeting: Birds in our Cities

## REPORTS OF MEMBERS

**REPORT TITLE:** REPORTS OF MEMBERS FOR JULY 2023  
**ITEM NUMBER:** 6.3.1  
**DATE OF MEETING:** 24 JULY 2023  
**ATTACHMENTS:** 1. COUNCILLOR D PALMER

---

Council to note attached reports from Members:

1. Councillor D Palmer
-

**MEMBER REPORT**

**REPORT TITLE:** REPORT FROM COUNCILLOR D PALMER  
**DATE OF MEETING:** 24 JULY 2023

---

**1. RECOMMENDATION**

That:

1. The report be received.
- 

**Functions attended (21/06/23 to 18/07/23)**

<b>Date</b>	<b>Function/Event Description</b>
22 June	Future Caretakers Forum @ the Town Hall
23 June	Buddies Breakfast
	Public Transport & Local Roads Forum (Electorate of Boothby)
26 June	Met with Mayor & Deputy Mayor
	Council Meeting
29 June	CEO Performance Review Committee
30 June	Buddies Breakfast
	Coffee with GM City Services
	Mayors Catch up with EMs in Parlour
2 July	Sturt v Norwood Presidents Luncheon & Game
	½ time catch up with members of RAHS @ Sturt Bowling Club
3 July	GAROC
	Council Briefing
5 July	Active Ageing Alliance
	Business & Economic Development Committee
6 July	CEO Performance Review Committee
8 July	West Adelaide v Sturt as guest of Mayor of West Torrens
12 July	Planning Application conference with Carissa Lammers-Neate (Carisma Dance School) with Gary Brinkworth and Cr Rogers.
13 July	Catch up with Arman Abrahamzadeh (PM of Business & Economic Development Committee)
14 July	Buddies Breakfast
17 July	Council Briefing
18 July	FOCUS Public Meeting

## **CORRESPONDENCE**

**REPORT TITLE:** CORRESPONDENCE  
**ITEM NUMBER:** 6.4.1  
**DATE OF MEETING:** 24 JULY 2023  
**ATTACHMENTS:** 1. THE HON PETER MALINAUSKAS

---

The correspondence from:

- Mayor Hewitson, City of Unley – Letter to The Hon Peter Malinauskas – Re. Expressing Council’s Interest in Hosting an AFL Game as Part of the Gather Rounds for 2025 and 2026

be noted.

---



MAYOR'S OFFICE

Michael Hewitson AM



5 July 2023

The Honourable Peter Malinauskas  
Premier of South Australia  
Via email: [Premier@sa.gov.au](mailto:Premier@sa.gov.au)

Dear Premier *Peter*

At its Meeting on 26 June 2023, the Council resolved that I write to you expressing Council's interest in hosting an AFL game as part of the Gather Rounds for 2025 and 2026.

As you are aware, the Council, together with the Sturt Football Club have invested significantly in the last 5 years to upgrade the Unley Oval. The Oval now has the best facilities at the SANFL level, and this has been acknowledged by the Adelaide Crows (who play a number of women's matches there), as well as the Chair of the SANFL. More recently, we received positive feedback from both the Carlton and Collingwood football clubs who trained at the Oval in the lead up to their matches as part of the Gather Round 2023.

The upgrade works completed over the last few years included perimeter fencing, electronic scoreboard, canteen, and lighting, as well as new player facilities. The Jack Oatey Stand has also been upgraded to include a new multi-purpose function space that can cater for lunches for over 140 persons. The Council is now planning to upgrade the playing surface by installing a sub-surface drainage system as well as a new irrigation system at the end of the current SANFL season. The Oval is well positioned to host Gather Round, with the full and enthusiastic support of Council.

The Gather Round is a spectacular football event that surpassed all expectations, driving tourism in South Australia and within our local communities, fostering community pride and creating unique experiences for people; and providing an environment for small businesses and local economies to prosper and thrive in. Council will look forward to opportunities to welcome AFL clubs for future Gather Round events that showcase Unley Oval and attract visitors both locally and from interstate, stimulating tourism and economic growth within our beautiful City.

Yours sincerely

A handwritten signature in blue ink that reads "Michael Hewitson".

*well done!*

Michael Hewitson AM  
Mayor

CITY of VILLAGES

Civic Centre 181 Unley Road  
Unley, South Australia 5061  
Postal PO Box 1  
Unley, South Australia 5061

Telephone (08) 8372 5111  
[pobox1@unley.sa.gov.au](mailto:pobox1@unley.sa.gov.au)  
[unley.sa.gov.au](http://unley.sa.gov.au)

## DECISION REPORT

**REPORT TITLE:** CONFIDENTIALITY MOTION - APPOINTMENT OF MEMBERS TO THE BROWN HILL AND KESWICK CREEKS STORMWATER BOARD

**ITEM NUMBER:** 7.1

**DATE OF MEETING:** 24 JULY 2023

**AUTHOR:** LARA GREGORY, EXECUTIVE ASSISTANT TO THE CEO AND MAYOR

**DIVISION:** OFFICE OF THE CEO

### 1. **RECOMMENDATION**

That:

1. Pursuant to section 90(2) and (3)(a), (j)(i) and (j)(ii) of the *Local Government Act 1999*, the Council orders that the public be excluded from attendance at the part of the meeting relating to Agenda Item 7.2 , except for the following persons:

- Peter Tsokas, CEO
- Megan Berghuis, General Manager City Services
- Claude Malak, General Manager City Development
- Alex Brown, Acting General Manager Business Support & Improvement
- Mark Labaz, Manager Governance
- Lara Gregory, Executive Assistant to the CEO & Mayor

To enable the Council to consider Item 7.2 in confidence on the basis that Council considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons listed above) in order to receive, discuss or consider in confidence the following information or matter relating to Item 7.2.

- information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).
- information the disclosure of 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).
- information the disclosure of which would, on balance, be contrary to the public interest.

**ITEM 7.2**

**Confidential – removed from the public agenda – pages 99-114**

## DECISION REPORT

**REPORT TITLE:** CONFIDENTIALITY MOTION TO REMAIN IN CONFIDENCE - APPOINTMENT OF MEMBERS TO THE BROWN HILL AND KESWICK CREEKS STORMWATER BOARD

**ITEM NUMBER:** 7.3

**DATE OF MEETING:** 24 JULY 2023

**AUTHOR:** LARA GREGORY, EXECUTIVE ASSISTANT TO THE CEO AND MAYOR

**DIVISION:** OFFICE OF THE CEO

### 1. RECOMMENDATION

That:

1. Pursuant to section 91(7) of the *Local Government Act 1999* the Council orders that the following document(s) relating to Agenda Item 7.2 Appointment of Members to the Brown Hill and Keswick Creeks Stormwater Board, shall be kept confidential, being document(s) relating to a matter dealt with by the Council on a confidential basis under sections 90(2) and 90(3) (a), (j)(i) and (j)(ii).

Minutes

Report

- information the disclosure of 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)
- information the disclosure of which would, on balance, be contrary to the public interest

remain confidential until such time as endorsement of the appointment is resolved by the five (5) Constituent Councils to the Brown Hill and Keswick Creek Stormwater Subsidiary, with the CEO authorised to provide advice to the Subsidiary regarding Council's decision on this matter.

Attachment

- information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

remain confidential for the period of the Member's appointment to the Board, and not available for public inspection until the cessation of that period.

2. Pursuant to section 91(9)(c) of the *Local Government Act 1999*, the Council delegates to the Chief Executive Officer the power to revoke this order in whole or in part.

## DECISION REPORT

**REPORT TITLE:** CONFIDENTIALITY MOTION - DETAILED DESIGN BUDGET 78-84 EDMUND AVENUE, UNLEY

**ITEM NUMBER:** 7.4

**DATE OF MEETING:** 24 JULY 2023

**AUTHOR:** REBECCA COX, MANAGER COMMUNITY AND CULTURAL CENTRES

**DIVISION:** CITY SERVICES

### 1. **RECOMMENDATION**

That:

1. Pursuant to section 90(2) and (3)(d)(i) and (k) of the *Local Government Act 1999*, the Council orders that the public be excluded from attendance at the part of the meeting relating to Agenda Item 7.5, except for the following persons:

- Peter Tsokas, CEO
- Megan Berghuis, General Manager City Services
- Claude Malak, General Manager City Development
- Alex Brown, Acting General Manager Business Support & Improvement
- Mark Labaz, Manager Governance
- Lara Gregory, Executive Assistant to the CEO & Mayor
- Rebecca Cox, Manager Community and Cultural Centres

To enable the Council to consider Item 7.5 in confidence on the basis that Council considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons listed above) in order to receive, discuss or consider in confidence the following information or matter relating to Item 7.5.

- commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party.
- tenders for the supply of goods, the provision of services or the carrying out of works.

**ITEM 7.5**

**Confidential – removed from the confidential agenda – pages 118-124**

## DECISION REPORT

**REPORT TITLE:** CONFIDENTIALITY MOTION TO REMAIN IN  
CONFIDENCE - DETAILED DESIGN BUDGET  
78-84 EDMUND AVENUE, UNLEY

**ITEM NUMBER:** 7.6

**DATE OF MEETING:** 24 JULY 2023

**AUTHOR:** REBECCA COX, MANAGER COMMUNITY  
AND CULTURAL CENTRES

**DIVISION:** CITY SERVICES

### 1. RECOMMENDATION

That:

1. Pursuant to section 91(7) of the *Local Government Act 1999* the Council orders that the following document(s) relating to Agenda Item 7.5 Detailed Design Budget 78-84 Edmund Avenue, Unley, shall be kept confidential, being document(s) relating to a matter dealt with by the Council on a confidential basis under sections 90(2) and 90(3) (d)(i) and (k) .

Minutes

Report

- commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party.
- tenders for the supply of goods, the provision of services or the carrying out of works.

2. This order shall operate:

- For a period of 12 months: OR
- Until execution of a contract.

3. Pursuant to section 91(9)(c) of the *Local Government Act 1999*, the Council delegates to the Chief Executive Officer the power to revoke this order in whole or in part.



## DECISION REPORT

**REPORT TITLE:** CONFIDENTIALITY MOTION - COUNCIL  
LEGAL PROCEEDINGS UPDATE

**ITEM NUMBER:** 7.7

**DATE OF MEETING:** 24 JULY 2023

**AUTHOR:** PETER TSOKAS, CHIEF EXECUTIVE  
OFFICER

**DIVISION:** OFFICE OF THE CEO

### 1. RECOMMENDATION

That:

1. Pursuant to section 90(2) and (3)(h) of the *Local Government Act 1999*, the Council orders that the public be excluded from attendance at the part of the meeting relating to Agenda Item 7.8 Council Legal Proceedings Update, except for the following persons:

- Peter Tsokas, CEO
- Megan Berghuis, General Manager City Services
- Claude Malak, General Manager City Development
- Alex Brown, Acting General Manager Business Support & Improvement
- Mark Labaz, Manager Governance
- Lara Gregory, Executive Assistant to the CEO & Mayor

To enable the Council to consider Item 7.8 Council Legal Proceedings Update in confidence on the basis that Council considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons listed above) in order to receive, discuss or consider in confidence the following information or matter relating to Item 7.8.

- legal advice

**ITEM 7.8**

**Confidential – removed from the public agenda – pages 127-138**

## DECISION REPORT

**REPORT TITLE:** CONFIDENTIALITY MOTION TO REMAIN IN  
CONFIDENCE - COUNCIL LEGAL  
PROCEEDINGS UPDATE

**ITEM NUMBER:** 7.9

**DATE OF MEETING:** 24 JULY 2023

**AUTHOR:** PETER TSOKAS, CHIEF EXECUTIVE  
OFFICER

**DIVISION:** OFFICE OF THE CEO

### 1. **RECOMMENDATION**

That:

1. Pursuant to section 91(7) of the *Local Government Act 1999* the Council orders that the following document(s) relating to Agenda Item 7.8 Council Legal Proceedings Update, shall be kept confidential, being document(s) relating to a matter dealt with by the Council on a confidential basis under sections 90(2) and 90(3) (h).
  - Minutes
  - Report
  - Attachment
  - legal advice on the grounds that the document(s) (or part) relates to legal advice.
2. This order shall operate until Council Legal Proceedings have ceased and be reviewed every twelve (12) months.
3. The Chief Executive Officer be authorised to provide details of the decision to relevant parties if required, in order to enable implementation of the decision.
4. Pursuant to section 91(7)) of the *Local Government Act 1999*, the Council delegates to the Chief Executive Officer the power to revoke this order in whole or in part.

## DECISION REPORT

**REPORT TITLE:** CONFIDENTIALITY MOTION - ASSESSMENT OF CHIEF EXECUTIVE OFFICER'S 2022/23 KEY PERFORMANCE INDICATORS

**ITEM NUMBER:** 7.10

**DATE OF MEETING:** 24 JULY 2023

**AUTHOR:** MICHAEL HEWITSON, MAYOR

**DIVISION:** OFFICE OF THE CEO

### 1. RECOMMENDATION

That:

1. Pursuant to section 90(2) and (3)(a) of the *Local Government Act 1999*, the Council orders that the public be excluded from attendance at the part of the meeting relating to Agenda item 7.11 Assessment of Chief Executive Officer's 2022/23 Key Performance Indicators, except for the following persons:
  - Lara Gregory, Executive Assistant to the CEO & MayorTo enable the Council to consider Item 7.11 in confidence on the basis that Council considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons listed above) in order to receive, discuss or consider in confidence the following information or matter relating to Item 7.11.
  - information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

**ITEM 7.11**

**Confidential – removed from the public agenda – pages 141-187**

## DECISION REPORT

**REPORT TITLE:** CONFIDENTIALITY MOTION TO REMAIN IN  
CONFIDENCE - ASSESSMENT OF CHIEF  
EXECUTIVE OFFICER'S 2022/23 KEY  
PERFORMANCE INDICATORS

**ITEM NUMBER:** 7.12

**DATE OF MEETING:** 24 JULY 2023

**AUTHOR:** MICHAEL HEWITSON, MAYOR

**DIVISION:** OFFICE OF THE CEO

### 1. RECOMMENDATION

That:

1. Pursuant to section 91(7) of the *Local Government Act 1999* the Council orders that the following document(s) relating to Agenda Item 7.11 Assessment of Chief Executive Officer's 2022/23 Key Performance Indicators, shall be kept confidential, being document(s) relating to a matter dealt with by the Council on a confidential basis under sections 90(2) and 90(3)(a).

Report

Attachment

- information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)

2. This order shall remain confidential for the duration of the employment of the CEO, and not available for public inspection until the cessation of that period.
3. Pursuant to section 91(9)(c) of the *Local Government Act 1999*, the Council delegates to the Chief Executive Officer the power to revoke this order in whole or in part.