

11.1 CONFIDENTIAL ITEM

REPORT TITLE: REQUEST FOR RATES TO BE REMITTED -
ALLOTMENT 263 NORTH TERRACE,
CALLINGTON

AUTHOR: NAOMI WEGNER

AUTHOR'S TITLE: SENIOR RATES & PROPERTY OFFICER

REPRESENTORS: NIL

FILE NUMBER: PF161836

ATTACHMENTS: LETTER DATED 24 AUGUST 2003

DEPARTMENT: CORPORATE AND COMMUNITY SERVICES

**DEPARTMENT
MANAGER:** MALCOLM CROUT

PURPOSE

To provide Council with the information regarding an application for remittance of rates and fines for Ms Alison Felton, Allotment 263 North Terrace, Callington for rates and fines incurred for the 2002/2003 and 2003/2004 financial years.

RECOMMENDATION

1. That pursuant to Section 90(2) and 90(3) of the Local Government Act 1999 the District Council of Mount Barker orders that the public be excluded from attendance at the meeting to consider in confidence matters regarding information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person.
2. That the Chief Executive Officer, General Manager Development and Technical Services, General Manager Strategy, General Manager Corporate and Community Services, Policy Planner, Manager Assets and Infrastructure, Manager Governance and Policy and the Minute Secretary be permitted to remain in the room.
3. That Council write to Mrs Felton stating that 2003/04 is the final year for remittance of rates on this property under these circumstances.

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4. That the Council orders pursuant to Section 91(7), (8) and (9) of the Local Government Act 1999 that the discussion, reports and minutes relating to this item be kept confidential until 7 July 2005. (Council Meeting 13 September 2005 removed confidentiality provisions)
 5. That subject to Section 90 of the Local Government Act 1999 as amended, the public be readmitted to the meeting at the conclusion of the item.
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BACKGROUND

On 7 October Council considered the request to remit the rates on Allotment 263 North Terrace, Callington owned by Mrs Felton and recommended that the matter be deferred.

The property was purchased by Ms Felton in 1987 with the intention of building a residence on the site. In December 1992 as a consequence of representations made by Ms Felton, Council officers advised a development application would not be approved due to mine subsidence on her allotment.

Various Council officers have spent considerable time since 1992 identifying the problems with the land and advising on possible land rehabilitation options. No compensation has been forthcoming from the Mines and Energy Department Rehabilitation Fund, or from PIRSA.

Council rates have been remitted since 1997/1998.

DISCUSSION

Ms Felton has applied for her Council Rates to be remitted for the 2002/2003 and 2003/2004 financial years on the basis of hardship. Section 182(1) of the Local Government Act 1999 allows council to remit rates in whole or in part or postpone payment for such period as Council thinks fit, if satisfied on the application of a ratepayer that payment of rates would cause hardship. The hardship referred to in Mrs Felton's letter is not financial but stems from frustration of purchasing a piece of "worthless" land.

Council has provided \$2298.00 of remittance over the years in an effort to provide Ms Felton with relief and time to resolve the matter. This time however should not be indefinite and with 7 years of rate relief this should be the last time the rates are remitted under these circumstances. Council officers have been in contact with Mrs Felton who has suggested that she is considering giving away the land so that she will not incur further costs.

POLICY IMPLICATIONS

1. Financial/budget

If Council resolves to remit the rates and fines for 2002/2003 and 2003/2004 the total amount would be \$934.10, being \$860.00 in General Rates and \$74.10 in fines.

2. Legal

The Local Government Act provides for Council to postpone or remit rates in whole or part.

3. Staffing/Work Plans

Existing staff will implement within their current roles and duties.

4. Environmental

- Not Applicable
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5. Social

Ratepayers who are having difficulty in meeting their payments are able to apply to Council for alternative payment arrangements. Such enquiries are treated as confidential by Council.

6. Strategic Plans

Not Applicable

COMMUNITY CONSULTATION

1. Customer Needs Analysis

Not Applicable.

2. Promotion/Communications

Not Applicable.

12.5 REPORT TITLE: MOUNT BARKER REGIONAL TOWN CENTRE URBAN DESIGN & CAR PARKING STATEMENT OF INTENT

AUTHOR: KYLIE WEYMOUTH

AUTHOR'S TITLE: PRINCIPAL POLICY PLANNER

REPRESENTORS: N/A

FILE NUMBER: 64-005-091

ATTACHMENTS: DRAFT MOUNT BARKER REGIONAL TOWN CENTRE URBAN DESIGN & CAR PARKING PAR STATEMENT OF INTENT

DEPARTMENT: STRATEGY

**DEPARTMENT
MANAGER:** HENRY INAT

PURPOSE

The purpose of this report is to seek Council's endorsement of the *Mount Barker Regional Town Centre Urban Design & Car Parking Plan Amendment Report (PAR)* Statement of Intent as being in a suitable form to request the endorsement of the Minister for Urban Development and Planning.

RECOMMENDATION

1. That pursuant to Section 90(2) and 90(3) of the Local Government Act 1999 the District Council of Mount Barker orders that the public be excluded from attendance at the meeting to consider in confidence matters regarding information relating to a proposed amendment to a Development Plan under the Development Act 1993 before a Plan Amendment Report relating to the amendment is released for public consultation under that Act.
2. That the Chief Executive Officer, General Manager Development and Technical Services, General Manager Strategy, General Manager Corporate Services, Principal Policy Planner, Manager Assets and Infrastructure, Manager Governance and Policy and the Minute Secretary be permitted to remain in the room.

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3. That Council:
 - a. Seeks the agreement of the Minister for Urban Development and Planning for the *Mount Barker Regional Town Centre Urban Design PAR Statement of Intent*; and
 - b. Authorises the Principal Policy Planner to make any necessary minor amendments to the *Mount Barker Regional Town Centre Urban Design & Car Parking PAR Statement of Intent* in order to obtain the Minister's agreement.
 4. That the Council orders pursuant to Section 91(7), (8) and (9) of the Local Government Act 1999 that the discussion, reports, attachments and minutes relating to this item be kept confidential until 7 July 2005. . (Council Meeting 13 September 2005 removed confidentiality provisions)
 5. That subject to Section 90 of the Local Government Act 1999 as amended, the public be readmitted to the meeting at the conclusion of the item.
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BACKGROUND

In October 2001, the Minister for Transport and Urban Planning approved the *Mount Barker and Littlehampton Townships Centres PAR*. This PAR rezoned and expanded the Mount Barker District Centre Zone to a Regional Town Centre Zone, reflecting its status as a regional service centre for the Central Mount Lofty Ranges Region, as identified in the *Mount Lofty Ranges Regional Strategy Plan*, 1993.

The Plan Amendment Report introduced contemporary centre policies as well as creating 8 new land use related policy areas.

During the public consultation phase of the PAR a number of concerns were raised regarding the 'segregation' of retail development within the town centre, as well as concerns regarding traffic movements and car parking availability within the town centre. There was also a concern expressed that the PAR did not sufficiently address a number of design issues to achieve a truly integrated town centre.

Partly in response to these concerns, Council commissioned the preparation of the *Mount Barker Regional Town Centre Action Plan (November 2002)*. The purpose of the *Centre Action Plan* was to:

“... articulate a series of achievable and practical strategies with associated concept plans for the future development of the Mount Barker Centre. The Action Plan will seek to achieve the vision set

by Council and the community for the future expansion and development of the town centre, as well as provide a practical framework which will guide the implementation of the Action Plan including details regarding relevant funding opportunities, urban design guidelines and Preliminary Development Plan amendments.”

As part of this goal, the *Centre Action Plan* study involved an on and off street car parking audit and identified and mapped pedestrian and vehicular routes through the town centre. Investigations revealed a deficiency of car parking places available to service the Gawler Street shopping precinct.

With these findings in mind, Council further commissioned a car park feasibility study to examine the options for providing additional car parking within the Regional Town Centre Zone (*Carparking Within the Mount Barker Township, August 2003 Colliers International Consultancy*).

The findings of this report were presented to Council during an information session held in September, 2003 and recommendations considered in a confidential report at the Council Meeting of 20 October, 2003.

Car Parking Contribution Fund

In order to establish a car parking fund Council needs to undertake four key steps:

1. Undertake a Car Parking Plan Amendment Report to introduce appropriate provisions;
2. Confirm the details of the fund including the designated area and the financial rate of private sector contribution per car park;
3. Obtain the Minister's approval to the car parking fund subject to Section 50A of the *Development Act*, 2003; and
4. Publish the fund and details in the Government Gazette.

In order to translate the relevant findings regarding car parking and urban design of the *Centre Action Plan* into Development Plan policy to guide future development decisions within the Regional Town Centre, Council allocated money in the 2003/2004 budget to undertake a Mount Barker Centre Urban Design and Car Parking PAR.

Council staff will be assisted in preparing the PAR by Mr John Tagliaferri, a consultant skilled in Urban & Regional Planning, Urban Design and Environmental Planning. Mr Tagliaferri has the added experience in the administration of the Corporation of the Town of Gawler car parking fund.

The draft *Mount Barker Regional Town Centre Urban Design & Car Parking PAR Statement of Intent* covers the necessary detail required by Planning SA.

DISCUSSION

The Regional Town Centre is experiencing strong interest and investment in development with preliminary discussions held regarding at least 3 major developments at prominent sites within the centre.

In order for Council to be in the strongest position possible in terms of achieving better design outcomes than have been achieved in the past, it is considered timely that this PAR be progressed in an expedient manner.

From an urban design perspective, it is anticipated that the PAR will seek to address general urban design provisions but also target key sites or areas where special consideration needs to be made in the design of the built form. Examples of such sites include the corner of Adelaide Road and Gawler Street and the intersection of Morphett and Hutchinson Street.

Appropriate design parameters such as bulk, setback, materials and façade treatments for these key sites may be illustrated in structure plans that would be inserted into the Mount Barker (DC) Development Plan in order to guide their future development.

The consultant will also review and propose improved advertising signage policies to ensure more integrated and sympathetically designed signage outcomes in the Regional Town Centre.

As stated in the background to this report, the new urban design related provisions will build upon the *Mount Barker Regional Centre Action Plan* report prepared by HASSELL in late 2002 and subsequently endorsed by Council as a ‘guiding’ document.

Investigations will also have regard to the Gawler Street Conservation Management Plan and other relevant material.

In relation to carparking there are two main issues; one being the design and location of such car parking, which will be addressed as part of the urban design component of the PAR; and the other being the actual provision of car parking.

While new shopping centres are generally supported with adequate car parking, historic areas such as Gawler Street have often been developed without any car parking provision and therefore to maintain their viability, alternative options need to be identified.

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The Centre Action Plan and most particularly the confidential *Carparking Within the Mount Barker Township* feasibility study have highlighted the need to provide additional car parking in the vicinity of Gawler Street.

Given the shortfall of parking associated with the historic development of Gawler Street to meet current needs, car parking provision in this locality is likely to require a combination of private sector and Council funding.

Car Parking Contribution Fund

Some of the costs associated with providing alternative carparking solutions can be recouped through setting up a ‘car parking contribution fund’ whereby developers wishing to expand or develop a site (within a specified area) who cannot meet their car parking requirements can contribute financially to a fund in lieu of the physical provision of the required car park.

It is intended that an appropriate general location for such a facility will be identified in the Development Plan through the *Mount Barker Regional Town Centre Urban Design & Car Parking PAR*.

This also requires the establishment of appropriate car parking fund details. Car Parking Fund details including specifying the actual rate of contribution (initial estimates suggest \$10,000 contribution per car park not provided) and the general geographical location where it is applicable, require the agreement of the Minister for Urban Development and Planning and are required to be published in the Government Gazette. A separate report regarding the Car Parking Contribution Fund will be considered by Council at the next Council Meeting.

Conclusion

In summary, the *Mount Barker Regional Town Centre Urban Design & Car Parking PAR* will:

- Introduce stronger general and site specific urban design provisions including (where appropriate) structure plans illustrating a particular desired outcome;
- Designate an appropriate general area for the provision of a public car park;
- Introduce suitable provisions into the Development Plan to guide the location, design, and access arrangements etc of car parking facilities within the Regional Town Centre;
- Introduce appropriate provisions into the Development Plan to enable financial contributions by developers in lieu of the required number of car parking spaces; and
- Review and update the current car parking standards contained in Table MtB/3, with reference to the *Planning Bulletin – Parking Provisions for Selected Land Uses* (October 2001), and other equivalent Development Plans.

Interim Operation

Given the current strong interest in development in the Regional Town Centre, it is critical that these provisions are introduced to the Development Plan in the most expedient manner. In order to achieve this outcome it is recommended that Council seek Interim Operation.

Interim Operation means that the new provisions come into effect from the day they are gazetted for public consultation.

It is anticipated that the Mount Barker Urban Design and Car Parking PAR will be released for public consultation in August, 2004.

The ability to accept money in lieu of the physical provision of car parking can only take place upon agreement with the Minister and Gazettal of the fund details.

POLICY IMPLICATIONS

1. Financial/budget

The cost of undertaking this initiative is provided for in the budget as discussed at a recent budget review meeting.

2. Legal

All documents will be prepared in accordance with the relevant legislation.

3. Staffing/Work Plans

Project Management will be undertaken by Council's Principal Policy Planner.

4. Environmental

The implementation of improved urban design and car parking provisions into the Council's Development Plan is intended to improve the built environment and accessibility of the Regional Town Centre.

5. Social

Improved urban design and car parking provision in the Regional Town Centre should enhance the town's ambience and safety and therefore people's experiences in the Centre.

6. Strategic Plans

Generally accords with the Council's Economic and Lifestyle Goals.

COMMUNITY CONSULTATION

1. Customer Needs Analysis

The preparation of the *Mount Barker Regional Town Centre Urban Design Plan & Car Parking Plan Amendment Report* is as a result of community feedback provided as part of the *Mount Barker and Littlehampton Townships Centres PAR* that was authorised in October, 2001.

2. Promotion/Communications

The Statement of Intent outlines those groups who will be specifically consulted during the agency and public consultation and includes the Mount Barker Regional Town Centre Development Association and the Mount Barker Business & Tourism Association.

The *Mount Barker Regional Town Centre Urban Design Plan & Car Parking Plan Amendment Report* will also be available for general public comment for a period of two months. This will be advertised in *The Courier* newspaper and *The Advertiser* at the appropriate time.

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1. 12.6

**REPORT TITLE: MOUNT BARKER
REGIONAL TOWN CENTRE CAR PARKING
FUND**

AUTHOR: KYLIE WEYMOUTH

AUTHOR'S TITLE: PRINCIPAL POLICY PLANNER

REPRESENTORS: N/A

FILE NUMBER: 64/005/091

ATTACHMENTS: LETTER TO MINISTER SEEKING APPROVAL
TO ESTABLISH A CAR PARKING FUND

DEPARTMENT: STRATEGY

**DEPARTMENT
MANAGER:** HENRY INAT

PURPOSE

The purpose of this report is to advise Council of the steps required to establish a car parking fund and to seek Council's endorsement of the letter at Attachment 1 to Item 12.6 seeking the Minister's approval for Council to establish the Mount Barker Regional Town Centre Car Parking Fund.

RECOMMENDATION

1. That pursuant to Section 90(2) and 90(3) of the Local Government Act 1999 the District Council of Mount Barker orders that the public be excluded from attendance at the meeting to consider in confidence matters regarding information relating to a proposed amendment to a Development Plan under the Development Act 1993 before a Plan Amendment Report relating to the amendment is released for public consultation under that Act.
2. That the Chief Executive Officer, General Manager Development and Technical Services, General Manager Strategy, General Manager Corporate and Community Services, Principal Policy Planner, Manager Community Services, Manager Governance and Policy and the Minute Secretary be permitted to remain in the room.

3. That Council:
 - a. Endorses a contribution rate of \$7,500 per required car parking space representing 50% of the estimated cost per car park of establishing a multi level car parking facility; and
 - b. That pursuant to section 50A (1) of the *Development Act, 1993* Council endorses submission of the letter located at Attachment 1 to Item 12.6 seeking the Minister's approval to establish the Mount Barker Regional Town Centre Car Parking Fund.

That the Council orders pursuant to Section 91(7), (8) and (9) of the Local Government Act 1999 that all discussion, reports and attachments and minutes relating to this item be kept confidential.~~until 7 July 2005.~~ . (Council Meeting 13 September 2005 removed confidentiality provisions)

- 4.
5. That subject to Section 90 of the Local Government Act 1999 as amended, the public be readmitted to the meeting at the conclusion of the item.

BACKGROUND

As a result of submissions received in response to the public exhibition of the *Mount Barker and Littlehampton Townships Centres PAR*, which was authorised in October 2001, Council undertook a number of studies relating to urban design, car parking and traffic.

In order to achieve a better urban design outcome and improved traffic and car parking conditions in and around the Regional Town Centre, the *Mount Barker Centre Action Plan* was undertaken. A car parking audit undertaken as part of this study identified a shortfall of off street car parking in the vicinity of Gawler Street. The *Mount Barker Centre Action Plan* was proceeded by the *Carparking Within the Mount Barker Township, August 2003 Colliers International Consultancy* report that concluded that options for providing additional car parking within the Regional Town Centre Zone needed to be pursued.

Given existing traffic and car parking concerns and the increasing interest and financial investment in the Regional Town Centre, it is considered timely that Council pursue options to address car parking and traffic issues both for the short medium and long term.

Acquisition of a suitable site(s) and the ability for Council to lever for a better urban design outcome by providing an alternative car

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parking option to car parking provided on individual sites will become increasingly more difficult as major developments are commenced.

The findings of the Colliers report included an estimate of the cost of providing additional car parking at a rate per car park. The conclusions of the report were presented to Council during an information session held in September, 2003 and recommendations considered in a confidential report at the Council Meeting of 20 October, 2003.

These findings have formed the basis of the letter located at Attachment 1 to Item 12.6 seeking the Minister's approval subject to section 50A(1) of the *Development Act, 1993*, to establish the Mount Barker Regional Town Centre Car Parking Fund.

DISCUSSION

In accordance with Section 50A (6), the draft letter to the Minister (located at Attachment 1 to Item 12.6) builds on the findings of the Colliers report and recommends a contribution rate of \$7 500 which represents 50% of the cost, per car park, identified in the Colliers report for providing a multi level car parking facility. The letter also outlines the reasons that Council is seeking to establish a car parking fund.

The reduced contribution rate is thought appropriate in order to encourage developers to utilise the option of financially contributing in lieu of the physical provision of required spaces. If Council does not reduce the rate of contribution (ie charges the full cost) it is far less likely that developers will accept contributing financially in lieu of physically providing the car park on site.

A more consolidated car parking outcome resulting from the establishment of a centrally located car parking facility, rather than scattered car parking provided in an adhoc manner throughout the Regional Town Centre, should result in significant benefits for the Regional Town Centre as a whole, in the ability to achieve significantly better urban design outcomes through sites that are freed up from car parking, consolidation of car parking areas and improved accessibility for Gawler Street.

The draft letter to the Minister also recommends that the Regional Town Centre Zone be the 'designated area' subject to section 50A(3) of the *Development Act, 1993* within which monetary contributions will be accepted in lieu of physical provision of car parking spaces.

The letter to the Minister is the third of the four key steps required to establish a car parking fund. Once the Minister's agreement is reached, fund details will be published in the Government Gazette.

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Council is also in the process of preparing an Urban Design and Car Parking Plan Amendment Report to introduce appropriate provisions including new car parking rates into the *Mount Barker (DC) Development Plan* (refer item number 12.5 this Agenda).

Mount Barker Hotel

Investigations are proceeding with the owners of the Mount Barker Hotel that will give Council, through relevant legal agreement by way of 'air rights', for the possible future construction of a multi deck car park. The details of the negotiations will be presented to Council within the next 2 months.

POLICY IMPLICATIONS

1. Financial/budget

The establishment of a car parking contribution fund essentially indicates a commitment by Council to financially contribute to the physical provision of a car parking facility solutions in the vicinity of Gawler Street.

Preliminary details of the cost of providing such a facility solution were provided in the *Carparking Within the Mount Barker Township, August 2003 Colliers International Consultancy report* which was considered by Council on 20 October, 2003.

The amount of this cost that is likely to be offset by developer contributions is unknown at this stage and will largely depend on the timing of the fund and its attractiveness to developers.

2. Legal

All legal requirements for establishing the Mount Barker Regional Town Centre Car Parking Fund will be adhered to. The Gazette Notice outlining the fund details will be prepared in consultation with Council's Lawyers.

3. Staffing/Work Plans

Undertaken with existing staff.

4. Environmental

The ability for developers to financially contribute in lieu of physical provision of car parks should result in significant improvements to both the built environment, through the creation of more attractive, active street frontages and minimal expanses of car parking and safety through consolidation of car parking.

5. Social

A safer, more attractive urban environment will encourage greater social interaction and therefore strengthen a ‘sense of community’ in the Mount Barker regional Town Centre.

6. Strategic Plans

Generally accords with the Economic, Lifestyle and Environmental Objectives of the Strategic Plan.

COMMUNITY CONSULTATION

1. Customer Needs Analysis

Results from feedback received from community members in response to the *Mount Barker and Littlehampton Townships Centres PAR* raising concerns regarding urban design, traffic and car parking.

2. Promotion/Communications

The establishment of the Mount Barker Regional Town Centre Car Parking Fund allows for land developers to provide financial contributions in lieu of the physical provision of car parks associated with a development application. Thus negotiations will occur in relation to specific applications.

Broader communication of the Car Parking Fund and Council’s Commitment to providing a car parking facility may occur in tandem with the public consultation of the Mount Barker Town Centre Urban Design and Car Parking PAR (refer Item 12.5 this Agenda).