

ITEM NUMBER: 18.1

CONFIDENTIAL REPORT

HOARDING FEE RELIEF

Pursuant to Section 83(5) of the Local Government Act 1999 the Report attached to this agenda and the accompanying documentation is delivered to the Council Members upon the basis that the Council consider the Report and the documents in confidence under Part 3 of the Act, specifically on the basis that Council will receive, discuss or consider:

- b. Information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and would, on balance, be contrary to the public interest.
- d. Commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and would, on balance, be contrary to the public interest.

Recommendation – Exclusion of the Public – Section 90(3)(b & d) Order

- 1** That pursuant to Section 90(2) of the *Local Government Act 1999* Council hereby orders that the public be excluded from attendance at this meeting with the exception of the Chief Executive Officer and Staff in attendance at the meeting in order to consider Report No: 40/22 Hoarding Fee Relief in confidence.
 - 2.** That in accordance with Section 90(3) of the *Local Government Act 1999* Council is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 40/22 Hoarding Fee Relief in confidence on the following grounds:
 - b.** pursuant to section 90(3)(b) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting business; or would prejudice the commercial position of Council.
 - d.** pursuant to section 90(3)(d) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is 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.

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.
 - 3.** The Council is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential.
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Item No: 18.1

Subject: **HOARDING FEE RELIEF**

Date: 22 February 2022

Written By: Manager Development Services

General Manager: Strategy and Corporate, Ms P Jackson

SUMMARY

Following Council's decision from its meeting held on 14 December 2021 to grant partial dispensation for the payment of hoarding fees associated with the hotel and retail development located on the corner of Jetty Road and Colley Terrace, Glenelg, Andrew Taplin has formally requested a twenty (20) day extension to the commencement date deadline. This report recommends that Council provide conditional support for the modest extension of time request on the basis that it would avoid starting work during the busy Easter and school holiday period. All other conditions pertaining to the previous Council resolution remain unchanged and ongoing.

RECOMMENDATIONS

That Council:

1. **Accede to the request made by Andrew Taplin in the email dated 8 February 2022 for an extension to the construction commencement deadline provided through Council Resolution C141221/2517 for a multi-storey hotel and retail building located at 13-23 Jetty Road and 1-3 Colley Terrace, Glenelg and approved by the State Commission Assessment Panel in Development Application Number 110/M104/20, on the basis that:**
 - a) **Construction is commenced by 30 April 2022, after which time the entitlement to dispensation from the hoarding fee granted in Council Resolution C141221/2517 ceases; and**
 - b) **All conditions pertaining to Council Resolution C141221/2517 remain ongoing, unless otherwise amended by Part 1(a) of this recommendation.**

RETAIN IN CONFIDENCE - Section 91(7) Order

2. **That having considered Agenda Item 18.1 Report No: 40/22 Hoarding Fee Relief in confidence under section 90(2) and (3)(b) and (d) of the Local Government Act 1999, the Council, pursuant to section 91(7) of that Act orders that the report and attachments be retained in confidence until further notice and the Chief Executive Officer is authorised to**

release the documents when the matter is concluded, giving due consideration to any relevant legal considerations, and that this order be reviewed every 12 months.

STRATEGIC PLAN

Wellbeing Objectives 2020-2030 – Support businesses to operate in mixed use neighbourhoods to improve localised accessibility and reduce supply transport distances. Measure: the proportion of mixed-use developments increases.

STATUTORY PROVISIONS

Local Government Act 1999 [s221]

BACKGROUND

At its Meeting held on 14 December 2021, Council resolved in confidence to grant partial dispensation from the hoarding fees attributable to the Taplin Group's hotel and retail development located on the corner of Jetty Road and Colley Terrace, Glenelg (Resolution No. C121021/2517). The decision to grant dispensation was made in recognition of the development site's strategic value as a gateway location for the economic functioning of the Glenelg District Centre, with the broader benefits of continued access through the public realm during the period of construction facilitated by a unique hoarding solution, the cost of which is partly offset by a discount of fees otherwise payable directly to Council. The resolution reads as follows:

That Council:

1. *Accede to the request made by Andrew Taplin in the email dated 15 November 2021 for partial dispensation from future hoarding fees (estimated at \$219,000) associated with the construction of a multi-storey retail and hotel building located at 13-23 Jetty Road and 1-3 Colley Terrace, Glenelg and approved by the State Commission Assessment Panel in Development Application Number 110/M104/20, on the basis that:*
 - a) *The hoarding fee payable to Council is \$76,500 (\$85,000 including GST); and*
 - b) *Dispensation from the hoarding fees is based on the hoarding design shown on the Builder's Site Management Plan prepared by Alexander Brown Architects and provided by Andrew Taplin in support of the request in Attachment 1 to this report; and*
 - c) *dispensation from hoarding fees cease to be offered following a period of twelve (12) months from the commencement date of construction, after which time all aboveground hoardings will be invoiced at the full amount found in Council's fees and charges schedule operative at the time; and*
 - d) *dispensation from hoarding fees is provided in recognition of the development site's strategic value as a gateway location for the economic functioning of the Glenelg District*

Centre, with the broader benefits of continued access through the public realm during the period of construction facilitated by a unique hoarding solution, the cost of which is partly offset by a discount of fees otherwise payable directly to Council.

2. *Part 1(a) to (c) of this resolution is valid until 30 March 2022, with construction commended after this date not entitled to dispensation from hoarding fees otherwise attributable to the construction of a multi-storey retail and hotel building located at 13-23 Jetty Road and 1-3 Colley Terrace, Glenelg and approved by the State Commission Assessment Panel in Development Application Number 110/M104/20.*

REPORT

Following the decision of Council to grant partial fee relief for the cost of hoardings associated with the construction of the approved hotel and retail building located on the corner of Jetty Road and Colley Terrace at Glenelg, Andrew Taplin has submitted a written request seeking an extension to the deadline for the commencement of construction.

Refer Attachment 1

Andrew Taplin's case for seeking an extension to the start of construction is based on the suggestion that any work undertaken prior to 20 April 2022 would interfere with retail trading over the Easter and school holiday period. Given the short extension sought, coupled with the merits of delaying construction until after the busy retail period during the Ester and school holiday period, it is recommended that Council accede to the request and extend the deadline for construction to 30 April 2022, which provides an additional ten (10) day contingency period to the deadline otherwise proposed by Andrew Taplin. All other conditions relating to the previous resolution of Council remain unchanged.

SUMMARY

The primary reason for Council having previously granted dispensation from hoarding fees to the Taplin Group was in recognition that the costly hoarding solution greatly benefitted the business community and visitors to Glenelg during the period of construction. In this same light, granting a modest timeline extension on the basis that construction would otherwise interfere with an important trading period would be consistent with Council's fundamental objective of supporting the business and visitor community. Given that the current Council-approved deadline of 30 March 2022 was an arbitrary date, chosen without a specific strategic purpose, there is merit in extending the date if it means reducing the impact on traders and visitors alike.

BUDGET

There is no financial impact to this decision, other than to preserve the unbudgeted income of \$76,500 (\$85,000 incl. GST).

LIFE CYCLE COSTS

There are no life cycle costs associated with this matter.

Attachment 1





Tue 8/02/2022 5:13 PM

Andrew Taplin <AT@taplin.com.au>

Colley Terrace Hotel

To: Anthony Marroncelli



You replied to this message on 9/02/2022 8:06 AM.

[Click here to download pictures.](#) To help protect your privacy, Outlook prevented automatic download of some pictures in this message.

Message

23122021112854-0001.pdf (524 KB)

Hi Anthony,

Thank you for your time on the phone today.

We are in the final stages of negotiating a contract with our builder, with a proposed commencement date of the project to be Wednesday, the 20th of April.

This would be straight after the Easter break and would allow the retailers to get in some much needed sales after everything we have been through with covid and restrictions.

Can I please confirm with you that the proposal from Anne Elliott (as attached) will still stand. We are sorry about the short notice, but we are looking to execute a contract this **Friday**, and would need confirmation that the council support still exists.

Look forward to hearing from you soon.

Kind regards,

Andrew Taplin Director

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