



**Minutes of the City of Unley
Council Meeting
Monday, 27 February 2023, 7.00pm
Council Chambers
181 Unley Road Unley**

PRESENT

<i>Presiding Member</i>	<i>Mayor</i>	M. Hewitson
	<i>Deputy Mayor</i>	M. Broniecki
<i>Councillors</i>	J. Bonham	C. Crabbe
	L. Doyle	S Finos
	J. Gaffey	G. Hart
	P. Hughes	D. Palmer
	M. Rabbitt	J. Russo

OFFICERS PRESENT

Chief Executive Officer, Mr P. Tsokas
General Manager City Services, Ms M. Berghuis
General Manager City Development, Mr C. Malak
General Manager Business Support & Improvement, Ms N. Tinning
Principal Governance Officer, Ms K. Goldy
Executive Assistant Office of the CEO, Ms L. Gregory
Manager Finance & Procurement, Mr A. Brown

ACKNOWLEDGEMENT

The Presiding Member opened the meeting with the Kaurna Acknowledgement.

PRAYER AND SERVICE ACKNOWLEDGEMENT

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

WELCOME

The Presiding Member welcomed Members of the Council, Senior Staff and members of the gallery to the 27 February 2023, meeting of the Unley City Council.

1. ADMINISTRATIVE MATTERS

1.1 APOLOGIES

Councillor R. Rogers

1.2 LEAVE OF ABSENCE

Nil

1.3 CONFLICT OF INTEREST

Councillor G. Hart declared a general conflict of interest in Item 5.1.1 Notice of Motion from Councillor J. Gaffey Re: Amendment to Climate Change Policy on the basis that Councillor G. Hart has previously been held a position on the committee of a local community group Unley Voices for Climate Action and noted that she would remain in the meeting when that item was discussed and vote in the best interests of the community.

1.4 MINUTES

ITEM 1.4.1

MINUTES OF THE ORDINARY COUNCIL MEETING HELD MONDAY, 23 JANUARY 2023

MOVED Councillor C. Crabbe

SECONDED Councillor M. Broniecki

That:

1. The minutes of the Ordinary Council held on Monday, 23 January 2023 be taken as read and signed as a correct record.

CARRIED UNANIMOUSLY

Resolution No. C0967/23

1.5 DEFERRED / ADJORNED ITEMS

Nil

2. PETITIONS/DEPUTATIONS

ITEM 2.1

DEPUTATION RE: COUNCIL RECONSIDER APPROVING THE SALE OF 31 ROSA STREET GOODWOOD TO THE GOODWOOD COMMUNITY CHILDCARE CENTRE

1. Alice Hicks, Forestville

Re. Item 7.2 Notice of Motion from Councillor J. Russo Re: Review of the Sale of the Goodwood Community Childcare Centre

ITEM 2.2

DEPUTATION RE: PRESENTING COMMUNITY VIEWS TO COUNCIL ON THE DRAFT CLIMATE AND ENERGY PLAN

1. Andrew Boorman, Parkside

Re. Item 5.1.1 Notice of Motion from Councillor J. Gaffey Re: Amendment to Climate Change Policy

The Presiding Member sought leave of the meeting to bring forward Item 5.1.1 Notice of Motion from Councillor J. Gaffey Re: Amendment to Climate Change Policy, and leave was granted

The Presiding Member sought leave of the meeting to bring forward Item 5.1.2 Notice of Motion from Councillor J. Gaffey Re: Memorandum of Understanding – Future Tour Down Under Events, and leave was granted

ITEM 5.1.1

NOTICE OF MOTION FROM COUNCILLOR J. GAFFEY RE: AMENDMENT TO CLIMATE CHANGE POLICY

MOVED Councillor J. Gaffey

SECONDED Councillor P. Hughes

That:

1. An amendment be made to part 6.2.1 of the Climate Change Policy, with the amended wording to state:
 - 1(a) Achieve a carbon neutral target for Council's Corporate Emissions (Scope 1, 2, and 3) by December 2030 through continued investment in projects located in the City of Unley.
 2. Administration is authorised to update the Climate and Energy Plan to reflect the amended carbon neutral target from December 2023 to December 2030.

With the leave of the meeting and consent of the SECONDER, Councillor J. Gaffey VARIED the MOTION

That:

1. An amendment be made to part 6.2.1 of the Climate Change Policy, with the amended wording to state:
 - 1(a) Achieve a carbon neutral target for Council's Corporate Emissions (Scope 1, 2, and 3) by December 2030 through continued investment in projects located in the City of Unley.
 - 1(b) The allocation of funds proposed for purchasing carbon credits annually will be spent on genuine carbon abatement projects for the City of Unley, in line with the Climate and Energy Plan, with the amount to be determined during the Annual Business Plan and Budget process.

2. Administration is authorised to update the Climate and Energy Plan to reflect the amended carbon neutral target from December 2023 to December 2030.

The Presiding Member with approval of two-thirds of the members present adjourned the Meeting at 7.46pm for 3 minutes.

The Meeting resumed at 7.49pm.

Councillor D. Palmer moved a FORMAL MOTION
Councillor C. Crabbe SECONDED

That

1. The question be adjourned for discussion until a briefing can be organised to enable further consideration of the benefits and impacts of an amendment to the Climate Change Policy.

LOST

DIVISION

A Division was requested by Councillor C. Crabbe and the previous decision was set aside. The following members responded to the Mayor's call as having voted IN FAVOUR of the MOTION:

Councillors D. Palmer, J. Bonham, J. Russo, C. Crabbe and G. Hart

The following members responded to the Mayor's call as having voted AGAINST THE MOTION:

Councillors M. Broniecki, P. Hughes, M. Rabbitt, J. Gaffey, L. Doyle and S. Finos

The MOTION was declared **LOST**

The MOTION was PUT and **CARRIED**

DIVISION

A Division was requested by Councillor C. Crabbe and the previous decision was set aside. The following members responded to the Mayor's call as having voted IN FAVOUR of the MOTION:

Councillors D. Palmer, M. Broniecki, P. Hughes, M. Rabbitt, J. Gaffey, L. Doyle and S. Finos

The following members responded to the Mayor's call as having voted AGAINST THE MOTION:

Councillors J. Bonham, J. Russo, C. Crabbe and G. Hart

The MOTION was declared **CARRIED**

Resolution No. C0968/23

ITEM 5.1.2

**NOTICE OF MOTION FROM COUNCILLOR J. GAFFEY RE:
MEMORANDUM OF UNDERSTANDING - FUTURE TOUR DOWN UNDER
EVENTS**

MOVED Councillor J. Gaffey

SECONDED Councillor M. Rabbitt

That:

1. The CEO be authorised to seek a Memorandum of Understanding (MOU) between the City of Unley and Events SA to be an Official Host Council for the Tour Down Under Stage Start, under a three (3) year MOU agreement, the terms of which are to be negotiated.

Councillor G. Hart MOVED an AMENDMENT

SECONDED Councillor J. Bonham

That:

1. The CEO be authorised to seek a Memorandum of Understanding (MOU) between the City of Unley and Events SA to be an Official Host Council for the Tour Down Under Stage Start, under a three (3) year MOU agreement.
2. Administration be authorised to write to the Tourism Minister, Zoe Bettison MP, Events SA, Union Cycliste Internationale and Mr Stuart O'Grady, Tour Down Under's Race Director, requesting a review of the SANTOS sponsorship deal regarding future events of the Tour Down Under.

The AMENDMENT was PUT and **LOST**

DIVISION

A Division was requested by Councillor G. Hart and the previous decision was set aside. The following members responded to the Mayor's call as having voted IN FAVOUR of the MOTION:

Councillors J. Bonham, J. Russo, C. Crabbe and G. Hart

The following members responded to the Mayor's call as having voted AGAINST THE MOTION:

Councillors D. Palmer, M. Broniecki, P. Hughes, M. Rabbitt, J. Gaffey, L. Doyle and S. Finos

The MOTION was declared **LOST**

With the leave of the meeting and consent of the SECONDER, Councillor J. Gaffey VARIED the MOTION

That:

1. The CEO be authorised to seek in principle a Memorandum of Understanding (MOU) between the City of Unley and Events SA to be an Official Host Council for the Tour Down Under Stage Start, under a three (3) year MOU agreement, the terms of which are to be negotiated.

The MOTION was PUT and **CARRIED**

DIVISION

A Division was requested by Councillor C. Crabbe and the previous decision was set aside. The following members responded to the Mayor's call as having voted IN FAVOUR of the MOTION:

Councillors D. Palmer, M. Broniecki, P. Hughes, M. Rabbitt, J. Russo, J. Gaffey and S. Finos

The following members responded to the Mayor's call as having voted AGAINST THE MOTION:

Councillors J. Bonham, C. Crabbe, G. Hart and L. Doyle

The MOTION was declared **CARRIED**

Resolution No. C0969/23

3. REPORTS OF COMMITTEES

Nil

4. REPORTS OF OFFICERS

ITEM 4.1

2022-23 QUARTER 2 FINANCIAL PERFORMANCE REPORT

MOVED Councillor M Broniecki

SECONDED Councillor J. Bonham

That:

1. The report be received.

CARRIED UNANIMOUSLY

Resolution No. C0970/23

ITEM 4.2
2022-23 QUARTER 2 BUDGET REVIEW

MOVED Councillor M Broniecki
SECONDED Councillor J. Bonham

That:

1. The report be received.
2. The proposed budget variations for the 2022-23 Quarter 2 Budget Review, which reduce the net funding requirement by \$242K as set out in this Report (Item 4.2, Council Meeting, 27/02/2023), be endorsed.
3. The revised budgeted Uniform Presentation of Finances in Attachment 1 to this Report (Item 4/2, Council Meeting 27/02/2023) reflecting an increase in the estimated Operating Surplus to \$2.36M, and estimated borrowings at 30 June 2023 of \$5.9M, be adopted.

CARRIED UNANIMOUSLY

Resolution No. C0971/23

ITEM 4.3
SECOND QUARTER 2022-23 CORPORATE PERFORMANCE REPORT

MOVED Councillor P. Hughes
SECONDED Councillor M Broniecki

That:

1. The report be received.

CARRIED UNANIMOUSLY

Resolution No. C0972/23

ITEM 4.4
RATE REBATE POLICY

MOVED Councillor J Gaffey
SECONDED Councillor S Finos

That:

1. The report be received.
2. The Rate Rebate Policy (Community), as set out in Attachment 1 to this Report (Item 4.4, Council Meeting, 27/02/2022), be endorsed.
3. The CEO be authorised to make minor editorial and formatting changes as required to the Rate Rebate Policy (Community), to finalise the document.

CARRIED UNANIMOUSLY

Resolution No. C0973/23

ITEM 4.5

AUDIT COMMITTEE INDEPENDENT MEMBER RECRUITMENT

MOVED Councillor M Broniecki

SECONDED Councillor M Rabbitt

That:

1. The report be received.
2. Councillors M. Broniecki and J. Gaffey, in conjunction with the General Manager Business Support & Improvement, form an Audit Committee Independent Member Selection Committee to shortlist and interview suitable persons as Independent Members for appointment to the Audit Committee.
3. A report be prepared and presented to Council by no later than the May 2023 Ordinary Council Meeting with the recommendations from the Audit Committee Independent Member Selection Committee.
4. The proposed sitting fees for Independent Members be approved:
 - Presiding Member - \$450 per meeting attended.
 - Independent Member - \$300 per meeting attended.
 - Workshop attendance - \$150 when not held immediately before or after an Audit Committee Meeting.
5. The term of appointment for Independent Members of the Audit Committee is four years.

CARRIED UNANIMOUSLY

Resolution No. C0974/23

ITEM 4.6

PARLIAMENTARY INQUIRY INTO THE URBAN FOREST

MOVED Councillor G Hart

SECONDED Councillor J. Bonham

That:

1. The report be received.
2. The *Parliamentary Inquiry into the Urban Forest – Council Submission* as set out in Attachment 1 to this Report (Item 4.6, Council Meeting, 27/02/2023) be endorsed for the purposes of lodgement with the Environment Resources and Development Committee.
3. The CEO be authorised to make minor editorial and formatting changes as required to the *Parliamentary Inquiry into the Urban Forest – Council Submission*, in order to finalise the document prior to lodgement with the Environment Resources and Development Committee.

CARRIED UNANIMOUSLY

Resolution No. C0975/23

ITEM 4.7

COUNCIL ASSESSMENT PANEL TERMS OF REFERENCE

MOVED Councillor J. Russo

SECONDED Councillor L. Doyle

That:

1. The report be received.
2. The Council Assessment Panel Terms of Reference as set out in Attachment 1 of this report (Item 4.7, Council Meeting, 27/02/2023) be endorsed.
3. The following sitting fees for attendance at the Council Assessment Panel be set:
 - 3.1 Presiding Member: \$550 per meeting attended.
 - 3.2 Independent Members: \$450 per meeting attended.
 - 3.3 Independent Member attendance at formal Council training and workshops: \$150 per training/workshop attended.
4. The CEO be authorised to make minor editorial and formatting changes as required to the Council Assessment Panel Terms of Reference, in order to finalise the document.

CARRIED UNANIMOUSLY

Resolution No. C0976/23

ITEM 4.8

COUNCIL ASSESSMENT PANEL APPOINTMENT OF MEMBERS

MOVED Councillor J. Bonham

SECONDED Councillor D. Palmer

That:

1. The report be received.
2. The following Independent Member appointments be made to the Council Assessment Panel for the term commencing 1 March 2023 and expiring on 28 February 2025:
 - 2.1 Presiding Member: Brenton Burman
 - 2.2 Independent Members (4):
 - Colleen Dunn;
 - Terry Sutcliffe;
 - Iris Iwanicki; and
 - Will Gormley
 - 2.3 Deputy Independent Member (to attend meetings in the absence of an Independent Member):
 - Mads Gaardboe

3. Former Council Assessment Panel Members Mr Ross Bateup, Mr Michael McKeown and Ms Carol Myzyk be thanked for their contribution and service to the City of Unley Council Assessment Panel.

CARRIED UNANIMOUSLY

Resolution No. C0977/23

ITEM 4.9

LGA - SUPPLEMENTARY ELECTION OF EAST REGIONAL GROUPING REPRESENTATIVES TO GAROC

MOVED Councillor P. Hughes

SECONDED Councillor M Broniecki

That:

1. The report be received.
2. The Ballot Paper for the supplementary election for GAROC Regional Grouping Metro East 2022-2024 be marked to indicate the City of Unley's vote for the following candidate:

Councillor D. Palmer

CARRIED UNANIMOUSLY

Resolution No. C0978/23

ITEM 4.10

2023 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION - CALL FOR NOTICE OF MOTIONS FOR THE NATIONAL GENERAL ASSEMBLY

MOVED Councillor P. Hughes

SECONDED Councillor M Broniecki

That:

1. The report be received.

CARRIED UNANIMOUSLY

Resolution No. C0979/23

Mayor M. Hewitson declared a material conflict of interest in Item 4.11 Code of Conduct Complaint – Council Term 2018-2022 on the basis that he is a party to the matter and advised that he would manage the conflict by leaving the meeting and not presiding over the meeting, participating in the debate or voting in relation to that item (if the vote was tied)

*Mayor M. Hewitson vacated the Chair and left the Chambers at 9.08pm.
Deputy Mayor Broniecki assumed the Chair at 9.08pm.*

ITEM 4.11

CODE OF CONDUCT COMPLAINT - COUNCIL TERM 2018-2022

MOVED Councillor D. Palmer

SECONDED Councillor J. Gaffey

That:

1. The report be received.
2. The Kelledy Jones Lawyers "Final Investigation Report – Code of Conduct for Conduct Mayor M. Hewitson" as set out in Attachment 1 to this report (Item 4.11, Council Meeting, 27/02/2023) be noted.
3. The findings that Mayor M. Hewitson breached the Caretaker Policy, and the former Code of Conduct for Council Members during the 2022 Local Government Elections Caretaker Period, in using a Council email address for campaign purposes in the manner found proved, be noted.
4. In response to the finding that Mayor M. Hewitson breached clause 2.6 of the Code of Conduct for Council Members, Mayor M. Hewitson provides a verbal public apology, to the satisfaction of the Council, with such apology to be provided within two (2) Council meetings of the receipt and consideration of this Report (Council Meeting 27/02/2023).
5. Mayor M. Hewitson attend training with respect to the use of email and social media in his role as an Elected Member, with appropriate training to be identified by the Chief Executive Officer.

With the leave of the meeting and consent of the **SECONDER**, Councillor D. Palmer **VARIED** the **MOTION**

That:

1. The report be received.
2. The Kelledy Jones Lawyers "Final Investigation Report – Code of Conduct for Conduct Mayor M. Hewitson" as set out in Attachment 1 to this report (Item 4.11, Council Meeting, 27/02/2023) be noted.
3. The findings that Mayor M. Hewitson breached the Caretaker Policy, and the former Code of Conduct for Council Members during the 2022 Local Government Elections Caretaker Period, in using a Council email address for campaign purposes in the manner found proved, be noted.

4. In response to the finding that Mayor M. Hewitson breached clause 2.6 of the Code of Conduct for Council Members, Mayor M. Hewitson provides a verbal public apology, to the satisfaction of the Council, with such apology to be provided within two (2) Council meetings of the receipt and consideration of this Report (Item 4.11, Council Meeting, 27/02/2023).

CARRIED

Resolution No. C0980/23

Deputy Mayor M. Broniecki vacated the Chair at 9.19pm.

Mayor M. Hewitson returned to the Chambers at 9.19pm and resumed the Chair.

With the leave of the meeting Mayor M. Hewitson provided a verbal public apology to the Council.

ITEM 4.12

COUNCIL ACTION RECORDS

MOVED Councillor M Broniecki

SECONDED Councillor L Doyle

That:

1. The report be noted.

CARRIED UNANIMOUSLY

Resolution No. C0981/23

5. MOTIONS AND QUESTIONS

5.1 MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

Item 5.1.1 was brought forward

Item 5.1.2 was brought forward

5.2 MOTIONS WITHOUT NOTICE

Nil

5.3 QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

ITEM 5.3.1

QUESTION ON NOTICE FROM COUNCILLOR D. PALMER RE: QUEENSLAND BOX TREES NEW PLANTINGS

The following Questions on Notice were received from Councillor D. Palmer at the Council Meeting 23 January 2023 and the answers are provided:

QUESTIONS

1. What is the prevalence of Queensland Box trees in the Clarence Park Ward?
2. Has planting of Queensland Box trees ceased since the endorsement of the 2020 Strategy?
3. If not, why not? What consideration has been applied to warrant their planting?
4. If not, how many have been planted?
5. How many have been planted in the last six months?
6. How many of these are in the Clarence Park Ward?
7. What is the average lifespan of Queensland Box trees?
8. What is the average age of our current stock of Queensland Box trees?
9. How long will it take for Queensland Box trees to reach the target of 5% if they are replaced by another species only when they present a reason for their replacement?

ANSWERS

1. **What is the prevalence of Queensland Box trees in the Clarence Park Ward?**

There is a total of 4,440 trees located within the Clarence Park Ward. Of those, 640 (or approximately 15%) are Queensland Box trees.

2. **Has planting of Queensland Box trees ceased since the endorsement of the 2020 Strategy?**

No.

3. **If not, why not? What consideration has been applied to warrant their planting?**

The plantings of Queensland Box trees undertaken following the endorsement of the Tree Strategy have occurred in instances where either a resident has requested the planting, or there has been a 'like for like' tree replacement and 100% of the existing trees are Queensland Box trees.

4. **If not, how many have been planted?**

In total, 12 Queensland Box trees have been planted in the City since the endorsement of the Tree Strategy. No Queensland Boxes have been planted since the 2021 planting season.

5. **How many have been planted in the last six months?**

None.

6. **How many of these are in the Clarence Park Ward?**

In the Clarence Park Ward 3 Queensland Box trees have been planted since 2020 out of a total of 130 trees planted in that timeframe. They were on East Avenue and Forest Avenue, where the majority of trees are Queensland Boxes.

7. **What is the average lifespan of Queensland Box trees?**

General arboriculture advice would suggest that if looked after accordingly, Queensland Box trees can live well over 100 years.

8. **What is the average age of our current stock of Queensland Box trees?**

The majority of Queensland Box trees were planted between the late 1970s and early 1990s. The average age is approximately 30-45 years.

9. **How long will it take for Queensland Box trees to reach the target of 5% if they are replaced by another species only when they present a reason for their replacement?**

Assuming Council have a target of approximately 30,000 trees, 5% equates to approximately 1,500 trees of each species and Council currently has around 4,000 Queensland Boxes. It is anticipated that to reduce the Queensland Box numbers by 2,500 to reach this target will take another 40-50 years.

ITEM 5.3.2

QUESTION ON NOTICE FROM COUNCILLOR D. PALMER RE: SCHEDULED STREET SWEEPING

The following Questions on Notice were received from Councillor D. Palmer at the Council Meeting 23 January 2023 and the answers are provided:

QUESTIONS

1. How often are our urban streets scheduled for street sweeping? Is it every 6 weeks?
2. Is there a change in frequency depending on the time of the year?

3. Is there a hierarchy of streets wherein some are scheduled to be swept more often?
4. If so, what criteria is applied to determine the hierarchy?
5. Are streets lined with Queensland Box treated differently?
6. What criteria will prompt Admin to program an unscheduled sweep?
7. Are our footpaths and verges swept as part of this program?
8. Likewise, do we manually blow leaves resting under cars parked in the street and therefore in the way of and inhibiting our street sweeper?
9. If yes to either question 7 or 8, how often?
10. Do we respond to individual streets if alerted by the rate payers of that street highlighting an issue warranting a separate sweep?
11. What is our annual budget for street cleaning?
12. How would an increase in frequency impact on our budget. Maybe on a proposed change from once every 6 weeks to once every 4 weeks?
13. Can we investigate a way to better inform rate payers of a pending street clean, to assist in them contributing to the sweep by removing cars and/or volunteering to ensure leaf debris is positioned at the best possible location to assist the street sweeper?

ANSWERS

1. **How often are our urban streets scheduled for street sweeping? Is it every 6 weeks?**

Yes. The minimum level of service provided is on a 6-week cycle.

2. **Is there a change in frequency depending on the time of the year?**

Yes. During 'Heavy Leaf' periods, the frequency of street sweeping changes to a 3-week cycle. 'Heavy Leaf' generally occurs for approximately 9-months of the year, with the main period being November to April, and other short periods between May and October. 'Heavy Leaf' determination is dependent upon climate conditions such as rainfall, storms, heat and individual tree species.

3. **Is there a hierarchy of streets wherein some are scheduled to be swept more often?**

Historically, the 'Heavy Leaf' streets were individually identified, and received additional sweeps as part of the 'Heavy Leaf' program. However, in recent times, the number of streets listed as 'Heavy Leaf' has increased considerably due to customer requests/complaints for increased service, with decisions to include particular streets found to be very subjective with no real criteria for assessment.

Current practice is that every street is inspected every 3-weeks during 'Heavy Leaf' and is swept if staff (ie the street sweeper driver) determines it to be necessary. This model is deemed to be more equitable for all residents, with every street scheduled to have the same inspection/sweeping. In practice, although all streets are scheduled to have the same number of sweeps per year, some streets will receive additional sweeping as required.

4. **If so, what criteria is applied to determine the hierarchy?**

As stated above, the hierarchy has been removed to provide a more equitable service to all rate payers.

5. **Are streets lined with Queensland Box treated differently?**

No. Streets lined with Queensland Box trees are not treated differently from a street sweeping perspective. However, the footpath sweeping schedule has been reviewed and streets which are predominantly lined with Queensland Box trees (or White Cedars) will now receive 2 additional footpath sweeps through the 'Heavy Leaf' period to assist with the management of identified risks for pedestrians.

6. **What criteria will prompt Admin to program an unscheduled sweep?**

Upon receipt of a customer request for an additional sweep outside of the schedule, staff will inspect the street, and if they determine that a sweep is warranted then the request is actioned.

The decision as to whether a street warrants additional sweeping will be made in context and by comparison to the cleanliness of the whole City at that point in time, and whether there is time in the schedule to complete the task.

For instance, following a storm event, the whole City may be littered with debris so staff will not action individual customer requests as the most efficient method to cleanse the whole City is to stick to the schedule.

7. **Are our footpaths and verges swept as part of this program?**

Yes. There is currently a footpath sweeping and blowing program. The footpath sweeper can only access approximately 65% of the streets located within the City. The remaining streets are manually blown by staff.

8. **Likewise, do we manually blow leaves resting under cars parked in the street and therefore in the way of and inhibiting our street sweeper?**

Yes. However, this is only undertaken in the 35% of streets located within the City which form part of the blowing schedule. In some situations, staff will arrange temporary parking controls for a morning, to enable cleaning of difficult to access streets.

9. **If yes to either question 7 or 8, how often?**

All footpaths are scheduled to receive 3-4 sweeps/blows per year with Queensland Box and White Cedar lined streets now scheduled to receive 5-6 sweeps/blows per year.

10. **Do we respond to individual streets if alerted by the rate payers of that street highlighting an issue warranting a separate sweep?**

Yes.

11. **What is our annual budget for street cleaning?**

The 2022/23 budget for Street Cleaning is \$531,000. However, due to the varied tasks and schedules required to be undertaken by Council's work teams, that amount does not include the labour for street blowing or the costs to run our second street sweeper due for delivery in March 2023. The actual cost will therefore be higher post March 2023.

12. **How would an increase in frequency impact on our budget? Maybe on a proposed change from once every 6 weeks to once every 4 weeks?**

As stated above, due to the majority of the year being considered to be 'Heavy Leaf' periods, most streets are currently swept once every 3-weeks. The Administration considers the current model and level of service to be more than adequate for our City.

Since implementing the current model, the Administration has noticed a reduction in sweeping requests and complaints, and improved response time to requests. Once Council has received delivery of its second sweeper (expected in March 2023) adherence to the schedule will be met more consistently. The current model has removed the need to engage contractors which in turn has improved the quality of the service delivered, service reliability, and has reduced Council's costs significantly. To change the minimum service level from once every 6-weeks to once every four weeks will result in a complete reworking of the schedule, zoning and sub-zones.

To establish a new model, it would take several months for the Administration to develop a new cyclic schedule with changes required to the street sweeping schedule, footpath sweeping schedule, blowing schedule, traffic device cleaning schedule and stormwater side entry pit cleaning schedule. All schedules are currently aligned and inter-related due to the need to maximise efficiency and appropriately allocate plant and staff resources. There will be additional costs associated with the need to re-engage contractors to undertake specific tasks affected by the reallocation of resources, together with an increase in fuel, vehicle maintenance, labour costs and waste disposal (leaf and debris) costs.

13. **Can we investigate a way to better inform rate payers of a pending street clean, to assist in them contributing to the sweep by removing cars and/or volunteering to ensure leaf debris is positioned at the best possible location to assist the street sweeper?**

Historically, the Administration has advised residents of the week that their street will be swept and have been hesitant to provide more specific information such as the specific day it will be swept. This is due to the many factors that can cause the schedule to be delayed (eg inclement weather, staff resourcing, vehicle breakdowns or storm events).

The Administration believes that it is at a point in time where a service model has been created which is more reliable and consistent, with the capacity to advise and notify residents of the exact day sweeping their street will occur or within 24-48hrs if delays are experienced. The Administration is in the process of updating Council's website that will clearly specify the details of the new sweeping model and indicate the specific day that we will sweep their street (with appropriate disclaimers). In collaboration with Council's IT Department, Council's Depot Administration Team also now have access to a text messaging software application with the capability to send text messages to participating residents of the sweeping schedule. It is anticipated that weekly text messages can be sent to those residents who wish to be advised of the schedule, noting that each street will be scheduled to be swept on the exact same day throughout each cycle (e.g., Kelvin Avenue will always be swept on a Thursday regardless of whether we are in heavy leaf or not, to which the residents will become accustomed).

Weeks with public holidays will require a compressed schedule and therefore the sweeping day may change. If there are known delays to the schedule the Administration will also be able to send text messages to participating residents to advise them of the change. Text messages will cost approximately seven cents per message and so it is not viable to provide this service to every resident, but we anticipate that residents that have a clear interest or focus on street sweeping can be notified. This additional service will ideally result in less customer requests and complaints. To build a database of contacts, the Administration will aim to call all residents that have lodged a sweeping request or complaint in the past 12-24 months and enquire if this is a service that they wish to participate in. The update to the website will allow residents to opt in to the service.

ITEM 5.3.3

QUESTION ON NOTICE FROM COUNCILLOR M. BRONIECKI RE: THIRD PARTY INSURANCE

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

QUESTIONS

1. What process does Council undertake when it receives a claim for an injury sustained in the public realm?
2. Is Council liable for injuries and loss of income incurred within the public realm, including instances where a hazard has previously been reported?
3. Is there legislation limiting a council's liability in certain scenarios?

ANSWERS

- 1. What process does Council undertake when it receives a claim for an injury sustained in the public realm?**

The City of Unley subrogates claims of negligence/compensation to the Local Government Association Mutual Liability Scheme (LGA MLS).

- a) Council acknowledges the claim and seeks further details from the claimant including:
 - Date, time, location and circumstances surrounding the incident;
 - Why they wish to lodge a claim against Council; and
 - Why they believe Council has been negligent.
- b) Upon receiving a response, Administration lodges an incident notification with LGA MLS.
- c) LGA MLS undertake an investigation. As part of this process, they may request further information from Council, which may include maintenance records and reports of prior incidents with the associated infrastructure.
- d) LGA MLS makes a determination and advises the claimant in writing of the outcome.

Where required, the Assets and Operations Team attend the site of the incident and address any risks to public safety (e.g. a tripping hazard, remove a fallen tree).

- 2. Is Council liable for injuries and loss of income incurred within the public realm, including instances where a hazard has previously been reported?**

Administration cannot advise if a claim will be successful, as the outcome of the determination will be made by the LGA MLS and will be dependent upon the specific circumstances of each claim.

3. Is there legislation limiting a council's liability in certain scenarios?

There are certain provisions within legislation that limit the extent of a council's liability. These include, but are not limited to the following:

- Section 42 of the South Australian *Civil Liability Act* contains a provision whereby a road authority (including a council) is not liable in a tort for a failure to maintain, renew or repair roads and footpaths and other associated infrastructure; and
- Section 245 of the *Local Government Act 1999* has provisions limiting a council's liability for injury, damage or loss by trees in a road.

ITEM 5.3.4

QUESTION ON NOTICE FROM COUNCILLOR L. DOYLE RE TOUR DOWN UNDER - GRAFFITI IN THE LOCAL AREA

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

QUESTIONS

1. How many areas of the city were impacted by the graffiti?
2. How many person hours have been used to remove the graffiti; i.e. number of staff, number of visits, time spent removing graffiti?
3. Does this include the time spent by the graffiti removal volunteer team?
4. What are the other costs associated with the graffiti removal? i.e. materials, machines etc.
5. Did the graffiti removal require the use of chemicals?
6. In summary, for removal of the DUMP SANTOS graffiti, what has been the staff costs, other costs, and total cost to Unley Council?

ANSWERS

1. **How many areas of the city were impacted by the graffiti?**

"Dump Santos" graffiti was observed in 7 locations within the City:

- Charles Walk
- Mike Turtur Bikeway (King William Road to Goodwood Road)
- Mike Turtur Bikeway (Goodwood Road to South Road)
- Windsor Street Walkway
- King William Road
- Weller Street, Goodwood
- Heywood Park

2. **How many person hours have been used to remove the graffiti; i.e. number of staff, number of visits, time spent removing graffiti?**

The resources required to remove the graffiti are summarised as follows:

- Charles Walk
(1 staff x 1/2-hour)
- Mike Turtur Bikeway (King William Road – Goodwood Road)
(1 volunteer x 2-hours)
- Mike Turtur Bikeway (Goodwood Road – South Road)
(1 volunteer x 1-hour)
- Windsor Street Walkway
(2 staff x 2-hours)
- King William Road
(1 staff x 5 visits x 1-hour per visit)
- Weller Street
(3 staff x 1/2-hour)
- Heywood Park
(1 staff x 1-hour)

3. **Does this include the time spent by the graffiti removal volunteer team?**

Yes.

4. **What are the other costs associated with the graffiti removal? i.e. materials, machines etc.**

Other costs include consumables such as chemicals, chemical wipes, paint and the use of plant (vehicle) costs. The total of these other costs is \$470.

5. **Did the graffiti removal require the use of chemicals?**

Yes. Some of the graffiti paint used required the use of chemicals and chemical wipes to remove from some surfaces.

6. **In summary, for removal of the DUMP SANTOS graffiti, what has been the staff costs, other costs, and total cost to Unley Council?**

The total cost to Council to remove the Dump Santos graffiti is estimated to be:

Staff	\$630
Volunteers	\$0
Material/Plant	\$470
Total	\$1,100

5.4 QUESTIONS WITHOUT NOTICE

Nil

6. MEMBER'S COMMUNICATION

6.1 MAYORS REPORT

ITEM 6.1.1

MAYOR'S REPORT FOR MONTH OF FEBRUARY 2023

MOVED Councillor M. Rabbitt

SECONDED Councillor M. Broniecki

That:

1. The report be received.

CARRIED UNANIMOUSLY

Resolution No. C0982/23

6.2 DEPUTY MAYORS REPORT

ITEM 6.2.1

DEPUTY MAYOR'S REPORT FOR MONTH OF FEBRUARY 2023

MOVED Councillor D. Palmer

SECONDED Councillor C. Crabbe

That:

1. The report be received.

CARRIED UNANIMOUSLY

Resolution No. C0983/23

6.3 ELECTED MEMBERS REPORTS

ITEM 6.3.1

REPORTS OF MEMBERS FOR FEBRUARY 2023

Council noted the attached reports from Members:

1. Councillor J. Bonham
2. Councillor D. Palmer
3. Councillor G. Hart

6.4 CORRESPONDENCE

ITEM 6.4.1 CORRESPONDENCE

The correspondence from:

- Hon Nick Champion MP – Locale Development at the Former Le Cornu Site at Forestville
- Mayor Heather Holmes-Ross, City of Mitcham – letter of thanks for assistance with the response and recovery following the storm event of November 2022
- Mayor Matt Larwood, City of Prospect – letter of appreciation for invitation to attend the 2023 Santos Tour Down Under and Trackside VIP Event

was noted.

Councillor J. Bonham left the Chambers at 9:22pm.

7. CONFIDENTIAL ITEMS

ITEM 7.1

CONFIDENTIALITY MOTION FOR 7.2 - NOTICE OF MOTION FROM COUNCILLOR J. RUSSO RE: REVIEW OF THE SALE OF THE GOODWOOD COMMUNITY CHILDCARE CENTRE

MOVED Councillor D. Palmer

SECONDED Councillor M Broniecki

That:

1. Pursuant to section 90(2) and (3)(b)(i) and (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
 - Nicola Tinning, General Manager Business Support and Improvement
 - Kathryn Goldy, Principal Governance Officer
 - Lara Gregory, Executive Assistant to CEO and Mayor
 - Yazmin King, Executive Assistant to General Manager City Services

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 the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is:

- proposing to conduct business or
- would prejudice the commercial position of the Council

being the information to be considered in relation to this Item 7.2 includes potential sale of land information.

2. 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 benefits to the public at large resulting from withholding the information outweighs the benefit to disclosing the information at this time.

Accordingly, on this basis, the Council is satisfied that the principle that meetings of the Council should be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of Council's commercial position may severely prejudice Council's ability to be able to negotiate a cost-effective proposal for the benefit of the Council and the community in this matter and in relation to other contract negotiations.

CARRIED UNANIMOUSLY

Resolution No. C0984/23

The Meeting moved into confidence, the gallery was cleared and the doors to the Council Chamber were closed at 9.22pm.

Councillor J. Bonham returned to the Meeting at 9.26pm.

Item 7.2, page(s) 25, is confidential and has been removed from the public agenda/minutes

ITEM 7.3

**CONFIDENTIALITY MOTION TO REMAIN IN CONFIDENCE FOR 7.2 -
NOTICE OF MOTION FROM COUNCILLOR J. RUSSO RE: REVIEW OF THE
SALE OF THE GOODWOOD COMMUNITY CHILDCARE CENTRE**

MOVED Councillor P. Hughes

SECONDED Councillor M Rabbitt

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 Notice of Motion from Councillor J. Russo Re: Review of the Sale of the Goodwood Community Childcare Centre, 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).

Minutes

Report

On the grounds that the document(s) (or part) relates to 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.

2. This order shall operate until Council's decision in relation to the property has been fully implemented and not available for public inspection until the cessation of that period and will be reviewed every twelve (12) months, if required.
3. The Chief Executive Officer be authorised to provide details of Council's decision to relevant parties to enable implementation of the decision.
4. 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.

CARRIED UNANIMOUSLY

Resolution No. C0986/23

The doors to the Council Chambers were opened at 9.42pm.

NEXT MEETING

Monday 27 March 2023 - 7.00pm

CLOSURE

The Presiding Member closed the meeting at 9.42pm.

.....
PRESIDING MEMBER