



**Minutes of the City of Unley
Council Meeting
Monday, 24 April 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	P. Hughes
	C. Crabbe	D. Palmer
	L. Doyle	M. Rabbitt
	S. Finos	R. Rogers
	J. Gaffey	J. Russo
	G. Hart	

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
Executive Assistant Office of the CEO, Ms L. Gregory
Manager Economic Development & Strategic Projects, Mr E. Scanlon
Executive Assistant to the GM City Services, Ms Y. King
Manager City Design, Mr B Willsmore
Manager Finance and 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 24 April 2023, meeting of the Unley City Council.

1. ADMINISTRATIVE MATTERS

1.1 APOLOGIES

Nil

1.2 LEAVE OF ABSENCE

Nil

1.3 CONFLICT OF INTEREST

Councillor J. Bonham declared a general conflict of interest in Item 5.1.1 Notice of Motion from Councillor J. Bonham Re. Goodwood Station / Rail Corridor Access on the basis that she is the spokesperson for the Transport Action Network (TAN) 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, 27 MARCH 2023

MOVED Councillor M Broniecki

SECONDED Councillor J. Russo

That:

1. The minutes of the Ordinary Council held on Monday, 27 March 2023 be taken as read and signed as a correct record.

CARRIED UNANIMOUSLY

Resolution No. C1010/23

1.5 DEFERRED / ADJORNED ITEMS

Nil

2. PETITIONS/DEPUTATIONS

ITEM 2.1

MOTIONS PERTAINING TO THE PROPOSED INFRASTRUCTURE DEVELOPMENTS IN FORESTVILLE RESERVE

1. Peter Mahoney, Forestville
Re. Motions Pertaining to the Proposed Infrastructure Developments in Forestville Reserve.

ITEM 2.2
MIKE TURTUR BIKEWAY UPGRADE

1. Denise Tipper
Re. Mike Turtur Bikeway Upgrade.

ITEM 2.3
PROPOSED OVERPASS AT GOODWOOD TRAIN STATION

1. Jamnes Danenberg, Clarence Park
Re. Proposed Overpass at Goodwood Train Station

ITEM 2.4
SUPPORT OF A WALKING AND CYCLING OVERPASS TO THE RAILWAY LINES AT GOODWOOD TRAIN STATION

1. Daniel Grilli, Unley Bicycle User Group
Re. Support of a Walking and Cycling Overpass to the Railway Lines at Goodwood Train Station

The Presiding Member sought leave of the meeting to bring forward Item 5.1.1 Notice of Motion from Councillor J. Bonham Re. Goodwood Station / Rail Corridor Access, and leave was granted.

Councillor G Hart left the Chambers at 7:46pm.

Councillor G Hart returned to the Chambers at 7:47pm.

ITEM 5.1.1
NOTICE OF MOTION FROM COUNCILLOR J. BONHAM RE. GOODWOOD STATION / RAIL CORRIDOR ACCESS
MOVED Councillor J. Bonham
SECONDED Councillor M Broniecki

MOTION

That:

1. Council reiterates its support for the Department for Infrastructure and Transport (DIT) to construct an overpass at the Goodwood Railway Station to facilitate safe access to the station platform and across the railway for pedestrians, cyclists, and mobility aid users.
2. Council reiterates its request to the Minister for Infrastructure and Transport to expand the scope of the overpass to include:
 - 2.1 Widening of openings beneath the existing tram overpass at Lyons Parade (western side) and Railway Terrace South (eastern side) to safely accommodate for increased pedestrian and cyclist movements.

- 2.2 Establishment of a 4.0m wide shared use path (lit) and additional landscaping to connect the eastern ramp with Richards Terrace, which connects to the Marino Rocks Greenway (adjacent to the showgrounds).
 - 2.3 Improvement to the Goodwood Station subway and access ramps to allow Disability Discrimination Act compliant access to the station.
 - 2.4 Provision of useable open space within [any] eastern ramp loop (Lot 32/42 Devon Street).
3. A letter be sent to the Minister for Infrastructure and Transport indicating the outcome of this motion.

CARRIED

Resolution No. C1011/23

The Presiding Member sought leave of the meeting to bring forward Item 5.1.2 Notice of Motion from Councillor G. Hart Re: Community Consultation Regarding Property Access to the Forestville Reserve, and leave was granted

ITEM 5.1.2

NOTICE OF MOTION FROM COUNCILLOR G. HART RE: COMMUNITY CONSULTATION REGARDING PROPERTY ACCESS TO THE FORESTVILLE RESERVE

MOVED Councillor G Hart

SECONDED Councillor C Crabbe

MOTION

That:

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:
 - 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.
 - 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.
 - 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.

CARRIED

Resolution No. C1012/23

3. REPORTS OF COMMITTEES

ITEM 3.1

MINUTES OF AUDIT COMMITTEE

MOVED Councillor M Broniecki

SECONDED Councillor J Gaffey

That:

1. The minutes of the Audit Committee meeting held on Tuesday 28 March 2023, be received and the following recommendations contained therein be adopted by Council

(a) Item 2.1 - 2023 Audit Committee Workplan (March 2023)

MOVED Independent Member A Martin

SECONDED Independent Member N Handley

That:

1. The report be received.
2. The Audit Committee Workplan as set out in Attachment 1 to this report (Item 2.1, Audit Committee Meeting, 28/03/2023) be endorsed.

CARRIED UNANIMOUSLY

Resolution No. AC0103/23

(b) Item 2.2 - 2023 Internal Audit Plan (March 2023)

MOVED Councillor M Broniecki

SECONDED Independent Member N Handley

That:

1. The report be received.
2. The Internal Audit Work Plan as set out in Attachment 1 to this report (Item 2.2, Audit Committee Meeting, 28/03/2023) be endorsed.

CARRIED UNANIMOUSLY

Resolution No. AC0104/23

(c) Item 2.3 - Quarterly Risk Report - March 2023

MOVED Independent Member A Martin
SECONDED Councillor M Broniecki

That:

1. The report be received.

CARRIED UNANIMOUSLY

Resolution No. AC0105/23

(d) Item 2.4 - Internal Financial Controls - Self Assessment 2023

MOVED Independent Member N Handley
SECONDED Councillor M Broniecki

That:

1. The report be received.

CARRIED UNANIMOUSLY

Resolution No. AC0106/23

CARRIED UNANIMOUSLY

Resolution No. C1013/23

4. REPORTS OF OFFICERS

ITEM 4.1

DRAFT 2023-24 ANNUAL BUSINESS PLAN & BUDGET FOR PUBLIC CONSULTATION

MOVED Councillor M Broniecki
SECONDED Councillor D. Palmer

That:

1. The report be received.
2. The proposed list of net Operating Projects for 2023-24 of \$1.16M (pages 34-37 of Attachment 1, Item 4.1, Council Meeting, 24/04/2023) be endorsed for community consultation.
3. The proposed list of New Capital Projects for 2023-24 of \$1.74M (pages 38-40 of Attachment 1, Item 4.1, Council Meeting, 24/04/2023) be endorsed for community consultation.

4. The proposed Capital Renewal Program for 2023-24 of \$8.2M (pages 42-45 of Attachment 1, Item 4.1, Council Meeting, 24/04/2023) be endorsed for community consultation.
5. The Draft 2023-24 Annual Business Plan and Budget (Attachment 1, Item 4.1, Council Meeting, 24/04/2023) (incorporating any consequential amendments from other items considered at the meeting of 24 April 2023) be endorsed for the purpose of community consultation, to be conducted between 1 May and 22 May 2023.
6. The Chief Executive Officer be authorised to make any necessary minor edits required for consistency or clarity to the Draft 2023-24 Annual Business Plan and Budget, if required.
7. The community consultation process comprising a notice in The Advertiser, online consultation via Your Say Unley, notifications on Council's website and social media channels, and public information sessions to be held be endorsed.

CARRIED UNANIMOUSLY

Resolution No. C1014/23

ITEM 4.2

ROGERS STREET LIVING STREET CO-DESIGN AND ENGAGEMENT OUTCOMES

MOVED Councillor C Crabbe

SECONDED Councillor G Hart

That:

1. The report be received.

CARRIED UNANIMOUSLY

Resolution No. C1015/23

ITEM 4.3

REVIEW OF COUNCIL BY-LAW - LOCAL GOVERNMENT LAND AMENDMENT BY-LAW NO.6

MOVED Councillor J. Russo

SECONDED Councillor J. Bonham

That:

1. The report be received.
2. The Council is satisfied that proposed By-law 6 adequately addresses the feedback provided by the Legislative Review Committee in respect of the Council's Local Government Land By-law 2022 and endorses Proposed By-law No. 6 as set out in Attachment 1 to this Report (Item 4.3, Council Meeting 24/04/2023) for public consultation in accordance with section 249 of the Local Government Act 1999.
3. The CEO be authorised to make minor editorial and formatting changes as required to the proposed By-law as set out in Attachment 1 to this Report (Item 4.3, Council Meeting 24/04/2023), in order to finalise the documents for the purposes of undertaking public consultation.

CARRIED UNANIMOUSLY

Resolution No. C1016/23

ITEM 4.4

COUNCIL ACTION RECORDS

MOVED Councillor D. Palmer

SECONDED Councillor R Rogers

That:

1. The report be noted.

CARRIED UNANIMOUSLY

Resolution No. C1017/23

Councillor P. Hughes left the Chambers at 8:36pm.

5. MOTIONS AND QUESTIONS

5.1 MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

5.1 was brought forward in the Agenda to immediately follow Item 2.4

5.2 MOTIONS WITHOUT NOTICE

Nil

5.3 QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

ITEM 5.3.1

QUESTION ON NOTICE FROM COUNCILLOR J. BONHAM RE: HIGHGATE PARK (JULIA FARR CENTRE) AND OPEN SPACE STRATEGY

The following Questions on Notice were received from Councillor J. Bonham and the answers are provided:

QUESTIONS

1. Did Council pass a resolution to apply for a grant for Highgate Park land purchase from the Open Space Fund and when was that decision made?
2. How much did Council request in the grant application (for land at Highgate Park) as against the amount received?
3. If Council purchases 12.5% of the land (as per the maximum set out in the background to Item 5.1.2 Council Meeting 27 March 2023) would this constitute a local, neighbourhood, or district park?
4. If the developer chose to match the 12.5% (rather than elect to make a contribution to the State Open Space Fund) would the 25% constitute a neighbourhood or district park? What further investment would be required to bring it up to the standard of either park?
5. If Council were able to purchase some land at Highgate Park, is it possible that we would then have to pay further costs for remediation – e.g. removing bitumen – and repurposing of the land (say from car park to park)?
6. Given that the EOIs for Highgate Park are to be submitted in early May, how long is it likely to take for a decision to be made on the preferred developer? Say, based on the experience of the Le Cornu site - in other words how much time do we have to make a decision on purchasing any land?
7. In light of the recommendations in our Open Space Strategy, has Unley pursued negotiations with Concordia College to use their Oval for public access (similar to the arrangement with Parkside Primary) and, if so, what has been their response?
8. How much is it likely to cost to fully implement the Ridge Park Master Plan and complete the Glen Osmond Creek linear park? Perhaps a better bang for our borrowing buck?
9. What are the implications of borrowing money to purchase land at Highland Park for implementing other elements of our Open Space strategy?

10. The Open Space strategy is at odds with the Open Space Asset Management Plan. The former recommends against land purchase, while the latter states land could be purchased on a case-by-case basis. Leaving aside the concerns over the mis-alignment of the strategy and the plan, what are the criteria that we would use to decide whether or not to purchase land?
11. Can Point 2 of Item 5.1.2 Council Meeting 27 March 2023 be acted upon by the CEO anyway? I understood that the Highgate Park prospectus prepared by Council was precisely to allow the CEO to discuss Open Space with developers putting in EOIs.

ANSWERS

1. **Did Council pass a resolution to apply for a grant for Highgate Park land purchase from the Open Space Fund and when was that decision made?**

The Administration did not require a resolution of Council to prepare a grant for the State Government's open space fund.

At that time, the Council became aware that the (then) State Government were looking at vacating Highgate Park to enable the site to be sold and were keen to see some open space retained on the site. The submission therefore targeted Highgate Park.

Following the announcement of Highgate Park's sale, the State Government indicated that the grant could be used towards the purchase of land in the vicinity of Highgate Park if Council was not successful in purchasing land in Highgate Park itself.

2. **How much did Council request in the grant application (for land at Highgate Park) as against the amount received?**

In September 2021, the Council requested \$345,000 in the grant application. This was on the basis that the total value of the agreement would be \$705,000, comprising a \$345,000 contribution from the State Government and \$360,000 from the City of Unley.

The amount of \$705,000 was based on 2.5% land (2021 value) so that a total of 15% open space could be achieved (12.5% developer contribution and 2.5% through grant application).

3. **If Council purchases 12.5% of the land (as per the maximum set out in the background to Item 5.1.2 Council Meeting 27 March 2023) would this constitute a local, neighbourhood, or district park?**

If Council purchased 12.5% of the land, this would constitute a Neighbourhood Park.

4. **If the developer chose to match the 12.5% (rather than elect to make a contribution to the State Open Space Fund) would the 25% constitute a neighbourhood or district park? What further investment would be required to bring it up to the standard of either park?**

If 25% of the land was to be retained as open space, this would still constitute a Neighbourhood Park. Additional investment would likely be required to establish a park (e.g. Landscaping, facilities etc).

5. **If Council were able to purchase some land at Highgate Park, is it possible that we would then have to pay further costs for remediation – e.g. removing bitumen – and repurposing of the land (say from car park to park)?**

The current funding is for the purchase of land only. Additional costs for any remediation and repurposing of land, as well as the design and construction costs of a new park are not covered. Subject to any partnership that may be established between developer and Council, these costs could be shared, or would be at Council's cost (with the potential for further grant funding).

6. **Given that the EOIs for Highgate Park are to be submitted in early May, how long is it likely to take for a decision to be made on the preferred developer? Say, based on the experience of the Le Cornu site - in other words how much time do we have to make a decision on purchasing any land?**

It is difficult to put a time frame on this, as ultimately it will depend on the quality of the responses and offering that the Trust receives. There is also a process in place that involves an Independent Probity Auditor. To date there has been significant interest in the site, and depending on the number of applications, it could result in a short-listing process, or further and more detailed information may be sought from prospective developers. It is unlikely that the decision process will happen within weeks, but rather, it is more likely that it will be months.

7. **In light of the recommendations in our Open Space Strategy, has Unley pursued negotiations with Concordia College to use their Oval for public access (similar to the arrangement with Parkside Primary) and, if so, what has been their response?**

The Administration has been working to update the current agreements with the Department of Education regarding the shared use arrangements for Parkside Primary and Black Forrest Primary Schools, as well as the conclusion of the agreement with Highgate Primary School.

There have been no negotiations with Concordia College in the last five (5) years regarding public access to their oval.

8. **How much is it likely to cost to fully implement the Ridge Park Master Plan and complete the Glen Osmond Creek linear park? Perhaps a better bang for our borrowing buck?**

The Ridge Park Master Plan was supported by a high-level first order estimate to implement the proposed components of the Master Plan which is approximately \$13.8 million (2022 dollars).

The August 2022 Council report identified the implementation of the Master Plan would be over a minimum 10-year period.

There is no planning works or associated costings for the Glen Osmond Creek linear park at this stage.

9. **What are the implications of borrowing money to purchase land at Highgate Park for implementing other elements of our Open Space strategy?**

In 2022, the Council endorsed long term improvement plans for Ridge Park and North Unley Park, achieved through the renewal of existing infrastructure and new capital works.

Opportunities for investment associated with Highgate Park would need to be considered against opportunities for Ridge Park or North Unley Park as part of the development of the Annual Business Plan each year, as well as the suitability of funding grants from Federal and State Government agencies.

10. **The Open Space strategy is at odds with the Open Space Asset Management Plan. The former recommends against land purchase, while the latter states land could be purchased on a case-by-case basis. Leaving aside the concerns over the misalignment of the strategy and the plan, what are the criteria that we would use to decide whether or not to purchase land?**

The Open Space Strategy was written in 2014/15 and at the time did not recommend generally the purchasing of land as a practical or sustainable strategy to increase the provision of open space across the city given:

- High purchase costs of available land, inflated from competition with the local development market,
- Relatively small areas of open space that would be available, with limited open space benefits to the community, and
- Would not address diversity of open space types required.

The Strategy identified other opportunities to adapt local streets and other public spaces as well as opportunities for development partnerships as a more practical approach. However, consistent with the Asset Management Plan, the purchase of land on a case-by-case perspective should be considered.

Ideally, opportunities to expand the footprint of some of the Council's smaller local parks and pocket parks by the purchase of adjacent land and amalgamation of titles should be considered. Increased areas of open spaces will provide the ability to cater for a greater diversity of needs and uses across the city, rather than further adding to the small pocket parks and local parks across Unley.

A review of the Open Space Strategy could consider a set of criteria to inform the appropriate purchase and establishment of new useable open spaces, noting there is current provision in the current Terms of Reference of the Council's Strategic Property Committee to purchase property for open space.

The following criteria from the State Government's *30 Year Plan for Greater Adelaide – Policy 99: Ensure quality open space is within walking distance of all neighbourhoods*, could be considered:

- link, integrate and protect biodiversity assets and natural habitats
- provide linkages to encourage walking and cycling to local activities, local activity centres and regional centres
- be multi-functional, multi-use (including the shared use of strategically located school facilities), and able to accommodate changing use over time
- incorporate the principles of Crime Prevention Through Environmental Design for safety and amenity
- encourage unstructured recreation opportunities such as the provision of a variety of paths and children's play equipment
- foster a connection to the natural environment through the provision of nature play spaces and urban forest opportunities

11. **Can Point 2 of Item 5.1.2 Council Meeting 27 March 2023 be acted upon by the CEO anyway? I understood that the Highgate Park prospectus prepared by Council was precisely to allow the CEO to discuss Open Space with developers putting in EOIs.**

Based on Council's position, the CEO has reinforced the need to maintain open space on the site whenever the opportunity arises in discussions with external parties. The difference is that the resolution in 5.1.2 point 2, specifies the actual amount of open space (25%) Council would like to see on the site. This position has been communicated to one potential purchaser who has met with the CEO.

Councillor P. Hughes returned to the Chambers at 8:37pm.

5.4 QUESTIONS WITHOUT NOTICE

Nil

6. MEMBER'S COMMUNICATION

6.1 MAYORS REPORT

ITEM 6.1.1

MAYOR'S REPORT FOR MONTH OF APRIL 2023

MOVED Councillor M Broniecki

SECONDED Councillor M Rabbitt

That:

1. The report be received.

CARRIED UNANIMOUSLY

Resolution No. C1018/23.

6.2 DEPUTY MAYORS REPORT

ITEM 6.2.1

DEPUTY MAYOR'S REPORT FOR MONTH OF APRIL 2023

MOVED Councillor D. Palmer

SECONDED Councillor J Gaffey

That:

1. The report be received.

CARRIED UNANIMOUSLY

Resolution No. C1019/23

6.3 ELECTED MEMBERS REPORTS

ITEM 6.3.1

REPORTS OF MEMBERS FOR APRIL 2023

Council noted the attached reports from Members:

1. Councillor D. Palmer
2. Councillor J. Bonham

6.4 CORRESPONDENCE

ITEM 6.4.1

CORRESPONDENCE

The correspondence from:

- Clarence Park Community Centre Board of Management – Re: Appreciation for Continued Financial Support of The Shed Program
- Mayor Hewitson to the Hon Nat Cook MP, Minister for Human Services – Re: Highgate Park (Julia Farr Centre)
- Mayor Hewitson to the Hon Nick Champion MP, Minister for Planning – Re: The Importance of the Adelaide Park Lands to the City of Unley

- The Hon Nat Cook MP Minister for Human Services – Re. Highgate Park (Julia Farr Centre)
- Clare Mockler CEO City of Adelaide – Re. Advocacy for the Adelaide Park Lands to the State Heritage Register

was noted.

7. CONFIDENTIAL ITEMS

ITEM 7.1

CONFIDENTIALITY MOTION FOR 7.2 - UPDATE ON COUNCIL LEGAL MATTERS

MOVED Councillor J Gaffey

SECONDED Councillor G Hart

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 7.2 , 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
- Lara Gregory, Executive Assistant to CEO and Mayor
- Ed Scanlon, Manager Economic Development & Strategic Projects
- Yazmin King, Executive Assistant to General Manager City Services

To enable the Council to consider Item "Insert item number" 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 "Insert item number" .

- legal advice
2. 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 because a council decision has not yet been made in relation to the advice and its subject matter.

CARRIED UNANIMOUSLY

Resolution No. C1020/23

The Meeting moved into confidence, the gallery was cleared and the doors to the Council Chamber were closed at 8:39pm.

Item 7.2, page(s) 16, is confidential and has been removed from the public agenda/minutes

ITEM 7.3

**CONFIDENTIALITY MOTION TO REMAIN IN CONFIDENCE FOR 7.2 -
UPDATE ON COUNCIL LEGAL MATTERS**

MOVED Councillor J Gaffey

SECONDED Councillor L Doyle

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 Update on Council Legal Matters, 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

CARRIED UNANIMOUSLY

Resolution No. C1022/23

The doors to the Council Chambers were opened at 8:49pm.

NEXT MEETING

Monday 22 May 2023 - 7.00pm

CLOSURE

The Presiding Member closed the meeting at 8:49.

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PRESIDING MEMBER