

COUNCIL AGENDA

Council Meeting

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

Monday 25 March 2024 7.00pm

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

Chief Executive Officer

OUR VISION 2033

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

COUNCIL IS COMMITTED TO

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

KAURNA ACKNOWLEDGEMENT

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

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

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

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

*Kurna Translation provided by Kurna Warra Karrpanthi

PRAYER AND SERVICE ACKNOWLEDGEMENT

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

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

Lest We Forget.

WELCOME

ORDER OF BUSINESS

ITEM

PAGE NO

1. ADMINISTRATIVE MATTERS

1.1 APOLOGIES

Nil

1.2 LEAVE OF ABSENCE

Nil

1.3 CONFLICT OF INTEREST

Members to advise if they have any material, actual or perceived conflict of interest in any Items in this Agenda and a Conflict of Interest Disclosure Form (attached) is to be submitted.

1.4 MINUTES

1.4.1 Minutes of the Ordinary Council Meeting held Monday,
26 February 2024

1.5 DEFERRED / ADJOURNED ITEMS

Nil

2. PETITIONS/DEPUTATIONS

Nil

3. REPORTS OF COMMITTEES

To receive and adopt or otherwise the reports and recommendations of the under mentioned Committees

3.1 Minutes of Business and Economic Development Advisory
Committee

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4. REPORTS OF OFFICERS

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5. MOTIONS AND QUESTIONS

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| 5.1.2 | Notice of Motion from Councillor M Broniecki Re: E-Scooter Operations During Key Event Times and Holiday Periods | 136 |
| 5.1.3 | Notice of Motion from Councillor G Hart Re: East Waste Feasibility Report - City of Adelaide Reuse and Recycling Hubs Initiative and RecycleSmart Scheme | 139 |

5.2 MOTIONS WITHOUT NOTICE

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

5.3 QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

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| 5.3.1 | Question on notice from Councillor J Gaffey Re: Fullarton Park Playground | 142 |
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Mayor to ask the Members if there are any questions without notice

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6.2 DEPUTY MAYOR'S REPORT

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6.4 CORRESPONDENCE

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7. CONFIDENTIAL ITEMS

Nil

SUGGESTED ITEMS FOR NEXT AGENDA

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| Stage 5 Wood-Weller Bikeway Consultation Summary |
| Railway Terrace South |
| Unley Road Streetscape Renewal |
| Asset Management Plans |
| DRAFT Adelaide Park Lands Management Strategy Consultation - Council Submission |
| St Augustine Church - Deed Agreement |
| Draft 2024-25 to 2023-34 Long-Term Financial Plan for Community Consultation |
| Shaping Unley - Tree Canopy Cover on Private Land |
| Reflect Reconciliation Action Plan |
| Disability Access and Inclusion Plan 2022-2026 Update |
| Request to Fly Italian Flag on 2 June 2024 |

NEXT MEETING

Monday 22 April 2024 – 7:00pm

Council Chambers, 181 Unley Road Unley

REPORT OF COMMITTEE

| | |
|-------------------------|---|
| REPORT TITLE: | MINUTES OF BUSINESS AND ECONOMIC DEVELOPMENT ADVISORY COMMITTEE |
| ITEM NUMBER: | 3.1 |
| DATE OF MEETING: | 25 MARCH 2024 |
| ATTACHMENTS: | 1. MINUTES OF BUSINESS AND ECONOMIC DEVELOPMENT ADVISORY COMMITTEE - 21 FEBRUARY 2024 |

1. **PURPOSE**

The minutes and recommendations of the Business and Economic Development Advisory Committee meeting held on Wednesday 21 February 2024 are presented for Council's consideration.

2. **RECOMMENDATION**

That:

1. The minutes of the Business and Economic Development Advisory Committee meeting held on Wednesday 21 February 2024, be received and the following recommendations contained therein be adopted by Council

- (a) Item 2.1 – Business Friendly Deep Dive – Development Applications

MOVED Independent Member K Della-Torre
SECONDED Councillor D Palmer

BEDAC recommends to Council that:

1. The report be received.
2. The report is endorsed and the recommendations contained within the report are implemented.
3. BEDAC monitor the performance of development applications and business satisfaction on a quarterly basis.

CARRIED UNANIMOUSLY
Resolution No. BEDC0012/24

- (b) Item 2.2 – Business Friendly Deep Dive – Outdoor Dining Permits

MOVED Independent Member J McNally
SECONDED Independent Member K Della-Torre

BEDAC recommends to Council that:

1. The report be received.
2. The Business-Friendly Outdoor Dining Process (Attachment 1) be adopted.
3. The current Footpath Trading Policy be reviewed by BEDAC before taken to Council within the next six months.
4. The current fees and charges for new outdoor dining permits be simplified and the lower values within Table 2 be applied to ensure that we are a Business Friendly Council.

CARRIED UNANIMOUSLY
Resolution No. BEDC0013/24

- (c) Item 2.3 – Business Precinct Association Mid-Year Report

MOVED Councillor D Palmer
SECONDED Councillor S Finos

BEDAC recommends to Council that:

1. The report be received.

CARRIED UNANIMOUSLY
Resolution No. BEDC0014/24

- (d) Item 2.4 – Business Precinct Budget Bids for 2024/25 FYI

MOVED Independent Member J McNally
SECONDED Councillor S Finos

BEDAC recommends to Council that:

1. The report be received.
2. Council considers as part of the 2024-25 Draft Annual Business Plan process, the requests from the four Trader Associations to raise a separate rate for the purposes of marketing and minor infrastructure improvements as follows:

King William Road \$159,940 (5.5% increase from 2024/25)

Unley Road Association \$146,440 (20% increase from 2024/25)

Goodwood Road \$60,658 (6% increase from 2024/25)

Fullarton Road \$ 16,500 (no increase from 2024/25)

3. Council considers as part of the 2024-25 Draft Annual Business Plan process, the provision of \$40,000 towards event sponsorship to the four Trader Associations for the purposes of an activation within the Business Precinct that stimulates the visitor economy.
4. Council considers extending event sponsorship city wide for 2024/25.

CARRIED UNANIMOUSLY
Resolution No. BEDC0015/24

- (e) Item 2.6 – Business Mix and Escape Spend Report

MOVED Councillor D Palmer

SECONDED Independent Member G Goddard

BEDAC recommends to Council that:

1. The report be received.

CARRIED UNANIMOUSLY
Resolution No. BEDC0016/24

- (f) Item 2.7 – Business Precinct Service Level Agreement – Goodwood Road

MOVED Independent Member K Della-Torre

SECONDED Independent Member N Sheehan

BEDAC recommends to Council that:

1. The report to be received with Attachment 1 to be updated.
2. A Business Precinct Service Level Agreement Program to be developed by Administration.
3. The increased service level indicated in Option 2 for Goodwood Road as set out in Attachment 4 to this Report (Item 2.7, BEDAC Meeting 21/02/2024), be adopted subject to \$30,000 being allocated in the 2024-25 Annual Business Plan and Budget.

CARRIED UNANIMOUSLY
Resolution No. BEDC0018/24

(g) Item 2.8 – Business Precinct Improvement Plans

MOVED Councillor D Palmer
SECONDED Independent Member J McNally

BEDAC recommends to Council that:

1. The report be received.
2. Council endorses the concept of Business Precinct Improvement Plans.
3. Administration prepares a report to BEDAC outlining a priority list of Business Precinct Improvement Plans to be developed and implemented over the next four years, together with the cost implications.

CARRIED UNANIMOUSLY
Resolution No. BEDC0019/24



**Minutes of the City of Unley
Business and Economic Development Advisory
Committee Meeting
Wednesday, 21 February 2024, 5.30pm
Council Chambers
181 Unley Road Unley**

1. PRESENT

Councillor S Finos
Councillor D Palmer
Presiding Member A Abrahamzadeh
Independent Member G Goddard
Independent Member K Della-Torre
Independent Member J McNally
Independent Member N Sheehan
Independent Member A Hammett

2. OFFICERS PRESENT

Donna Griffiths
Jessica Harris

3. ACKNOWLEDGEMENT

The Presiding Member welcomed Members to the meeting and opened the meeting with the Acknowledgement.

4. 1. ADMINISTRATIVE MATTERS

1.1 APOLOGIES

Nil

1.2 LEAVE OF ABSENCE

Nil

1.3 CONFLICT OF INTEREST

Nil

1.4 MINUTES

ITEM 1.4.1

MINUTES OF THE ORDINARY BUSINESS AND ECONOMIC DEVELOPMENT ADVISORY COMMITTEE MEETING HELD WEDNESDAY, 29 NOVEMBER 2023

MOVED Councillor D Palmer

SECONDED Independent Member N Sheehan

That:

1. The minutes of the Ordinary Business and Economic Development Advisory Committee held on Wednesday, 29 November 2023 be taken as read and signed as a correct record.

CARRIED UNANIMOUSLY

Resolution No. BEDC0011/24

1.5 DEFERRED / ADJORNED ITEMS

Nil

5. 2. REPORTS

ITEM 2.1

BUSINESS FRIENDLY DEEP DIVE - DEVELOPMENT APPLICATIONS

MOVED Independent Member K Della-Torre

SECONDED Councillor D Palmer

BEDAC recommends to Council that:

1. The report be received.
2. The report is endorsed and the recommendations contained within the report are implemented.
3. BEDAC monitor the performance of development applications and business satisfaction on a quarterly basis.

CARRIED UNANIMOUSLY

Resolution No. BEDC0012/24

ITEM 2.2

BUSINESS FRIENDLY DEEP DIVE - OUTDOOR DINING PERMITS

MOVED Independent Member J McNally

SECONDED Independent Member K Della-Torre

BEDAC recommends to Council that:

1. The report be received.
2. The Business-Friendly Outdoor Dining Process (Attachment 1) be adopted.
3. The current Footpath Trading Policy be reviewed by BEDAC before taken to Council within the next six months.
4. The current fees and charges for new outdoor dining permits be simplified and the lower values within Table 2 be applied to ensure that we are a Business Friendly Council.

CARRIED UNANIMOUSLY

Resolution No. BEDC0013/24

ITEM 2.3

BUSINESS PRECINCT ASSOCIATION MID-YEAR REPORT

MOVED Councillor D Palmer

SECONDED Councillor S Finos

BEDAC recommends to Council that:

1. The report be received.

CARRIED UNANIMOUSLY

Resolution No. BEDC0014/24

ITEM 2.4

BUSINESS PRECINCT BUDGET BIDS FOR 2024/25 FY

MOVED Independent Member J McNally

SECONDED Councillor S Finos

BEDAC recommends to Council that:

1. The report be received.
2. Council considers as part of the 2024-25 Draft Annual Business Plan process, the requests from the four Trader Associations to raise a separate rate for the purposes of marketing and minor infrastructure improvements as follows:

King William Road \$159,940 (5.5% increase from 2024/25)

- Unley Road Association \$146,440 (20% increase from 2024/25)
Goodwood Road \$60,658 (6% increase from 2024/25)
Fullarton Road \$ 16,500 (no increase from 2024/25)
3. Council considers as part of the 2024-25 Draft Annual Business Plan process, the provision of \$40,000 towards event sponsorship to the four Trader Associations for the purposes of an activation within the Business Precinct that stimulates the visitor economy.
 4. Council considers extending event sponsorship city wide for 2024/25.

CARRIED UNANIMOUSLY

Resolution No. BEDC0015/24

ITEM 2.5

ANNUAL VACANCY RATE REPORT

MOVED Councillor D Palmer

SECONDED Independent Member G Goddard

BEDAC recommends to Council that:

1. The report be received.

CARRIED UNANIMOUSLY

Resolution No. BEDC0016/24

ITEM 2.6

BUSINESS MIX AND ESCAPE SPEND REPORT

MOVED Independent Member A Hammett

SECONDED Independent Member N Sheehan

That:

1. The report be received.

CARRIED UNANIMOUSLY

Resolution No. BEDC0017/24

ITEM 2.7

BUSINESS PRECINCT SERVICE LEVEL AGREEMENT - GOODWOOD ROAD

MOVED Independent Member K Della-Torre

SECONDED Independent Member N Sheehan

BEDAC recommends to Council that:

1. The report to be received with Attachment 1 to be updated.
2. A Business Precinct Service Level Agreement Program to be developed by administration.
3. The increased service level indicated in Option 2 for Goodwood Road as set out in Attachment 4 to this Report (Item 2.7, BEDAC Meeting 21/02/2024), be adopted subject to \$30,000 being allocated in the 2024-25 Annual Business Plan and Budget.

CARRIED UNANIMOUSLY

Resolution No. BEDC0018/24

ITEM 2.8

BUSINESS PRECINCT IMPROVEMENT PLANS

MOVED Councillor D Palmer

SECONDED Independent Member J McNally

BEDAC recommends to Council that:

1. The report be received.
2. Council endorses the concept of Business Precinct Improvement Plans.
3. Administration prepares a report to BEDAC outlining a priority list of Business Precinct Improvement Plans to be developed and implemented over the next four years, together with the cost implications.

CARRIED UNANIMOUSLY

Resolution No. BEDC0019/24

6. 3. OTHER BUSINESS

7. NEXT MEETING

Wednesday 17 April 2024 - 5.30pm

8. CLOSURE

The Presiding Member closed the meeting at 7:58pm.

.....
PRESIDING MEMBER

DECISION REPORT

| | |
|-------------------------|--|
| REPORT TITLE: | UNLEY PARKING MANAGEMENT IMPLEMENTATION PLAN 2023-2033 |
| ITEM NUMBER: | 4.1 |
| DATE OF MEETING: | 25 MARCH 2024 |
| AUTHOR: | TANYA BACIC, TRANSPORT LEAD |
| DIVISION: | CITY DEVELOPMENT |
| ATTACHMENTS: | 1. UNLEY PARKING MANAGEMENT IMPLEMENTATION PLAN 2. FOCUS AREAS 4,5 & 6 STREETS IMPACTED |

1. **PURPOSE**

This report seeks Council's endorsement of the Unley Parking Management Implementation Plan which has been developed to deliver the actions of the Unley Parking Management Plan 2023-2033.

2. **RECOMMENDATION**

That:

- 1 The report be received.
 - 2 The Unley Parking Management Implementation Plan, as set out in Attachment 1 to this report (Item 4.1, Council Meeting, 25/03/2024), be endorsed.
 - 3 Delivery of the actions contained within the Implementation Plan for Focus Areas 4, 5 and 6, which relate to legacy parking time-limit control and permit matters, will be via notifying impacted residents, property owners and/or business operators.
 - 4 The Chief Executive Officer be authorised to make minor editorial changes to finalise Council's endorsement of the Implementation Plan.
-

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

1. Community Living
1.5 Our City is connected and accessible.

4. BACKGROUND

At its meeting held on 26 February 2024, Council adopted the Unley Parking Management Plan 2023-2033 (Management Plan) and its associated actions (*Resolution No. C1216/24*).

Following Council's adoption of the Plan, the Administration has developed the Unley Parking Management Implementation Plan (Implementation Plan), which sets out how the actions contained within the Management Plan will be delivered and prioritised.

Council's endorsement of the Implementation Plan formalises the delivery of the actions of the Management Plan and provides the Administration the confidence needed to progress with delivery.

5. DISCUSSION

Overview of the Implementation Plan

The Implementation Plan confirms delivery of the aims, directions and actions outlined in the recently adopted Management Plan. The Implementation Plan will be rolled out over the life of the Management Plan (i.e. 10-years) and sets out clear priorities for Council to focus on in the short, medium and long term.

The Management Plan consists of 59 actions in total. The Implementation Plan identifies that of the 59 actions, 17 are on-going 'day-to-day' operational actions, whilst there are 31 short term actions. These short term actions are proposed to be delivered between now and the 2026-27 financial year.

The Implementation Plan is contained in Attachment 1.

Attachment 1

In summary, the 31 actions are consolidated into 17 'short term' priority focus areas as follows:

1. Improve communication and education materials on parking management.
2. Shift the permit renewal expiry date to 31 March.
3. Update and develop new permits and procedures.
4. Rectify legacy parking time limit controls.
5. Align legacy business parking permits.
6. Align legacy Resident Only Parking Permit zones.
7. Review parking fees.
8. Continue progress of the school safety precinct parking reviews.
9. Review the car parking contributions fund policy.
10. Undertake parking reviews at key retail and entertainment precincts.
11. Undertake parking reviews at key business precincts.
12. Upgrade existing ticket machines to smart parking meters.
13. Conduct an Accessible Parking Zone review.

14. Install on-street bike / e-scooter parking nodes.
15. Introduce a phased Digital Permit System.
16. Implement a car share scheme.
17. Increase the presence of public electric vehicle charging stations.

Update and Develop New Permits (Focus Area 3)

Focus Area 3 requires the Administration to update and develop new permits and procedures as per the directions contained within the Management Plan. This needs to be undertaken by the new 'bi-annual' renewal permit expiry date of 31 March 2025 (Focus Area 2).

As such, the following new permits will not be available until 1 April 2025:

- Mobility access permit
- Temporary caravan/trailer exemption permit
- Business parking permit

Existing permits for resident parking and temporary parking, as well as any legacy permits issued over the years which are still in operation, will continue to be honoured until 31 March 2025 with a transition taking place from April 2024 (as discussed further below).

Legacy Parking Issues (Focus Areas 4, 5 and 6)

The most challenging aspect of delivering the actions of the Management Plan will be the following:

- **Focus Area 4** - Rectifying legacy parking time limit controls that do not adhere to Australian Standards or yield equitable and sustainable outcomes. This involves reassessing residential streets with existing No Parking Zones 8am-10am and 10am-12noon, and time limit controls less than 1-hour.
- **Focus Area 5** - Aligning legacy business parking permits with the Management Plan directions and reviewing time limit controls in key areas (i.e. Goodwood Primary School and Maple Avenue) where most of these existing permits are concentrated.
- **Focus Area 6** - Aligning legacy Resident Only Parking Permit Zones for residents who have access to off-street parking with the directions of the Management Plan.

The actions regarding the above Focus Areas aim to address numerous long-standing legacy parking issues within the City. The process will commence in April 2024, to align changes with the proposed new renewal date for permits being 31 March 2025.

The Administration needs to commence the notification process in April 2024 in order to provide residents and business operators who are affected with adequate notice (i.e. just under 12-months) of the pending changes to permit conditions, to come into effect on 31 March 2025, and to implement new time limit controls that the permit will exempt.

With the shifting of the permit renewal date from 31 December 2024 to 31 March 2025, Council will also be providing residents with access to their current permits for a further three months for free.

The loss of income in providing current resident parking permits for free during this three-month period is estimated to be approximately \$8,700. This is not considered to be a significant amount, compared to the administrative effort required to recoup the fees, and is also considered to be an appropriate gesture of Council given the pending changes.

In-depth discussions have been held throughout the various phases of developing the Management Plan. This was via the Shaping Unley Community Panel and Elected Members' workshops held regarding how best to address the legacy parking issues. This included the establishment of agreed actions. The Implementation Plan ensures addressing these legacy issues in the first year of delivery.

In delivering Focus Areas 4, 5 and 6, approximately 23 streets will be impacted across the city as shown on the map contained in Attachment 2.

Attachment 2

Focus Area 4 - Rectifying legacy parking time limit controls

This Focus Area involves contacting residents/property owners within streets that currently have parking restrictions of 15-minutes, 30-minutes, and No Parking zones between 8am-10am and 10am-12noon.

Notification letters will be sent informing residents/property owners that 'time limit exemption parking permits' as of 31 March 2025 will no longer exempt them from the time limit controls within their streets and that a new (and more appropriate) time limit control will be implemented taking into consideration the existing controls installed within the wider area.

Residents/property owners' feedback will only be sought regarding the time limit controls proposed, and not regarding the operational directions contained in the Management Plan.

Focus Area 5 - Align legacy business parking permits

All business operators who have access to the legacy trial business permits, will be informed of the new business parking permit scheme, and that as of the 31 March 2025, the new business permit scheme will be established, and their legacy trial business permits will no longer be valid.

Focus Area 6 - Align legacy Resident Only Parking Permit zones

All residents/property owners who have legacy (24/7) Resident Only Parking Permit zones in front of their property and access to off-street parking will be contacted from July 2024, to advise them of the change, with the aim to have all zones removed by 31 March 2025.

As of 31 March 2025, these properties will not be able to renew their permits and will only have access to 'time-limit' exemption permits, assuming time limit controls are installed on their street.

2024-25 Priority Projects

A budget bid to commence implementing the actions within the Management Plan will be considered by Elected Members, as part of Council's Annual Business Plan and Budget deliberations for 2024/25.

The key projects for the upcoming financial year include:

- Improving parking management communication and education.
- Shifting the permit renewal expiry date to 31 March 2025.
- Updating and developing new permits and procedures.
- Rectifying legacy parking time limit controls.
- Aligning legacy business parking permits.
- Aligning legacy Resident Only Parking Permit Zones (Phase 1).
- Reviewing fees for pay for use parking and permits.
- Undertaking a school safety precinct parking review (Unley Primary School and Concordia College).
- Reviewing the car parking contributions fund policy.
- Undertaking a parking review of the Goodwood retail/entertainment precinct.
- Undertaking an Accessible Parking Zone review.
- Installing one on-street parking /e-scooter node.

The Administration will manage the delivery of the above projects, with a budget funding bid sought to engage specialised consultants to undertake specific tasks. All details are contained within the budget bid to be considered by Elected Members as part of the 2024-25 budget deliberations.

Next Steps

Subject to Council endorsing the Implementation Plan, the delivery of the priority actions as set out in this report will commence in April 2024, with an initial focus on delivering Focus Areas 1 to 6. This is subject to Council endorsing the Implementation Plan and allocating the required funding in its 2024-25 Annual Business Plan and Budget.

6. POLICY IMPLICATIONS

6.1 Financial/budget implications

- The cost to implement the actions of the Management Plan will be considered by Council annually, over the life of the Plan, as part of its Annual Business Plan and Budget deliberation process.

- A budget bid will be presented to Council for its consideration, as part of its 2024-25 Annual Business and Budget process, for the identified short-term actions to commence delivery, as set out in this report.
- There is an estimated loss of income to Council of approximately \$8,700 as a result of providing current resident parking permits for free (for a period of three months) as part of shifting the permits' expiry date to 31 March 2025.

6.2 Risk Management (identification and mitigation)

- The Management Plan has been developed applying the robust and innovative Shaping Unley Engagement Process. The development of the Management Plan provided for significant community involvement including three City-wide community engagements, four Community Panel workshops and a deputation that involved amending the Plan (prior to Council's adoption).

6.3 Staffing/Work Plans/Additional Resource Impact

- The Implementation Plan prioritises the delivery of the actions and sets out tasks to be delivered annually. For each financial year, a budget bid will be presented to Council for its consideration, to support and fund the delivery of the actions and Council staff workplans will be updated each year accordingly.
- The Implementation Plan has been developed with input from relevant Council Departments, including Planning, Regulatory Services, Communications and Business Support & Improvement.
- At this time, it is unclear how many business operators may apply for business parking permits when they are made available on 1 April 2025, noting that it is a new permit type.
- The Regulatory Services Team have indicated that they could manage processing up to 100 permit applications in total but this depends on the frequency of applications received and the time in which they are received. As such, if a significant influx of applications is received at once, in the first few months, temporary additional staff resources may be required.
- It is envisaged that the cost of the temporary additional resources would be approximately \$5,000. The Regulatory Services Team has advised that this funding will be sought as part of a budget review process in the 2024-25 financial year as required.

6.4 Climate/Environmental Impact

- The Management and Implementation Plans seek to provide a balanced approach of optimising availability of existing on-street parking provisions for all users within the City of Unley, not increasing provisions that encourages increased car usage.

6.5 Social/Economic

- The Management and Implementation Plans seek to improve parking management (availability and turnover) in a fair and equitable manner, supporting the social and economic needs of businesses, employees, and visitors within key precincts, as well as the needs of surrounding residents.

- The Implementation Plan in the first year seeks to undertake a parking review of the Goodwood retail/entertainment precinct, a City-wide Accessible Parking Zone review and establish a Mobility Access Permit Scheme.

7. ANALYSIS OF OPTIONS

Option 1 –

- 1 The report be received.
- 2 The Unley Parking Management Implementation Plan, as set out in Attachment 1 to this report (Item 4.1, Council Meeting, 25/03/2024), be endorsed.
- 3 Delivery of the actions contained within the Implementation Plan for Focus Areas 4, 5 and 6, which relate to legacy parking time-limit control and permit matters, will be via notifying impacted residents, property owners and/or business operators.
- 4 The Chief Executive Officer be authorised to make minor editorial changes to finalise Council's endorsement of the Implementation Plan.

This option enables Council to endorse the Implementation Plan as proposed by the Administration with no amendments.

Option 2 –

- 1 The report be received.
- 2 Subject to the following amendments, the Unley Parking Management Implementation Plan, as set out in Attachment 1 to this report (Item 4.1, Council Meeting, 25/03/2024), be endorsed.
 - *Amendments to be determined by Council*
 - *Etc*
- 3 Delivery of the actions contained within the Implementation Plan for Focus Areas 4, 5 and 6, which relate to legacy parking time-limit control and permit matters, will be via notifying impacted residents, property owners and/or business operators.
- 4 The Chief Executive Officer be authorised to make minor editorial changes to finalise Council's endorsement of the Implementation Plan.

Council may wish to make amendments and/or additions to the Implementation Plan as presented. This option enables Council to make such amendments and for the Implementation Plan to be finalised without Council needing to see the amended version of the document. Any changes will be articulated as part of the resolution.

Option 3 –

- The report be received.
- The Unley Parking Management Implementation Plan, as set out in Attachment 1 to this report (Item 4.1, Council Meeting, 26/02/2024) be further amended as outlined below and returned to Council for consideration.
 - Amendments to be determined by Council
 - Etc

Council may wish to make substantive amendments to the Implementation Plan, and for a revised version to be reconsidered for endorsement. This option enables Council to make such amendments to the Implementation Plan and for a revised document to be returned for a further review and endorsement.

8. RECOMMENDED OPTION

Option 1 is the recommended option.

9. REPORT AUTHORISERS

| Name | Title |
|---------------|-----------------------------------|
| Ben Willsmore | Manager City Design |
| Claude Malak | General Manager, City Development |



About

This Implementation Plan plays a pivotal role in advancing the aims, principles and directions outlined in the Unley Parking Management Plan 2023-2033.

By establishing clear priorities and proposing an annual delivery program, it ensures a structured and focused approach to addressing parking management needs in the Unley area.

This document serves as a roadmap to guide the effective execution of the actions within the Unley Parking Management Plan, ultimately leading to more equitable and sustainable parking solutions within the community.

This Implementation Plan is focused on the priority actions for Council to deliver in the short term (24/25 to 26/27), and will be reviewed in 26/27.

This Implementation Plan is also aimed at being a flexible document that can support new parking management opportunities as they arise.

Funding will be sought each financial year through the Annual Business Plan to deliver on the identified focus areas and associated actions.



Table 1. Parking themes and 13 parking management directions established by the Unley Parking Management Plan

| Parking themes | Parking management directions |
|--------------------|---|
| Local streets | 1. Parking congestion 2. Narrow streets 3. Driveway access |
| Precinct parking | 4. Retail and entertainment precincts 5. School precincts 6. Accessible parking |
| Parking technology | 7. Smart parking 8. Parking information 9. Pay-for-use parking |
| Permits | 10. Parking permits: residents, businesses and events |
| Temporary parking | 11. Temporary parking: construction and events |
| Advocacy | 12. Sustainable travel 13. Planning and building design |

Our priority 17 short-term focus areas

1

Improving communication and educational materials on parking management, covering current and new procedures. This includes coverage of various parking issues like congestion, narrow streets, driveway access, school parking, and construction zones.

Refer: 1.1, 2.1, 3.2, 5.2, 11.2, 11.8

2

Shifting the permit renewal expiry date to 31 March from the current date of 31 December to support an improved level of customer service.

Refer: 10.10

3

Updating and/or developing new permits and procedures to align with the operational directions outlined in the Plan, including resident parking permits (updated), temporary parking permits (updated), mobility access permits (new), temporary caravan/trailer exemption permits (new) and business parking permits (new).

Refer: 10.4, 10.5, 10.6, 10.7

4

Rectifying legacy parking time limit controls that do not adhere to Australian Standards or yield equitable and sustainable outcomes. This involves reassessing on residential streets No Parking Zones installed between 8am-10am and 10am-12 noon, and time limit controls less than one hour.

Refer: 1.2

5

Aligning legacy business parking permits with the Plan's operational directions, and reviewing time limit controls in key areas – Goodwood Primary School and Maple Avenue – where most of these permits are concentrated.

Refer: 1.2, 10.8

6

Aligning legacy Resident Only Parking Permit Zones that have access to off-street parking with the operational directions of the Plan.

Refer: 1.2, 10.1

7

Reviewing fees for pay-for-use parking, permits and construction work zones.

Refer: 9.1, 10.2, 11.3

8

Continuing progress of the school safety precinct parking reviews, completing commenced assessments at Unley Primary School and Concordia College, and then following with at least one school review undertaken each year.

Refer: 5.1, 5.2

9

Reviewing the car parking contributions fund policy that was last reviewed and updated in October 2015.

Refer: 13.2

10

Undertaking a parking review at key retail and entertainment precincts, encompassing Goodwood precinct, Unley Road precinct and Highgate Shopping precinct. The parking reviews will consider opportunities for smart parking technology and pay for use parking to optimise existing parking facilities.

Refer: 1.2, 4.1, 4.2, 7.2

11

Undertaking a parking review at key business precincts, with an initial focus on the Greenhill Road precinct between Goodwood Road, Unley Road and Hughes/Le Hunte streets.

Refer: 1.2, 9.2

12

Upgrading existing ticket machines to smart parking meters in alignment with City of Adelaide's smart parking meter rollout, addressing recent upgrade requirements to current ticket machines.

Refer: 7.1

13

Conducting an Accessible Parking Zone review encompassing an audit of all public accessible parking zones, and development of an improvement plan.

Refer: 6.1, 6.2

14

Installing on-street bike parking and e-scooter nodes, with the aim to install at least one per year within key precincts to improve footpath accessibility and support more people to walk, bike ride and/or e-scoot for transport purposes.

Refer: 12.6

15

Introducing a phased Digital Permit System, starting with the development of a business requirements document and the identification of the system or technology for deployment in the initial phase.

Refer: 10.3

16

Implementing a car share scheme at feasible and market-appropriate locations.

Refer: 12.4

17

Increasing the presence of public electric vehicle charging stations in the City at feasible and demand-driven locations.

Refer: 12.5

Implementation plan

| Themes and Directions | Council lead | Council key contributors | External funding / support | Short-term | | Medium-term | | | Long-term | |
|--|--------------|--------------------------|----------------------------|---|-------|-------------|-------|-------|-----------|-------|
| | | | | 23/24 | 24/25 | 25/26 | 26/27 | 27/28 | 28/29 | 30/31 |
| 1. Parking congestion | | | | | | | | | | |
| 1.1. Revise the Council webpage to offer a concise definition of parking congestion and establish a simple and transparent process for requesting or altering parking restrictions. | CD | C | ✓ | ● | ● | | | | | |
| 1.2. Review existing parking restrictions to ensure they align with best practice and achieve the desired level (65% to 85%) of parking occupancy. | CD | CWM | ✓ | ● | ● | ● | ● | ● | ● | ● |
| 2. Narrow streets | | | | | | | | | | |
| 2.1. Create Unley-specific educational materials on parking 'do's and don'ts' for 'narrow' and 'small yield' streets, to raise community awareness about appropriate parking practices. | CD | C | ✓ | ● | ● | | | | | |
| 2.2. As part of the Council's annual road and kerb renewal program, consider opportunities to reduce existing wider road widths to 7.6 metres and allow for increased footpath and verge widths. | AM | | | On-going as part of asset renewal program | | | | | | |
| 3. Driveway access | | | | | | | | | | |
| 3.1. As part of road renewal projects, review and remove all existing driveway line marking that does not comply with the directions outlined in this Plan. | AM | | | On-going as part of asset renewal program | | | | | | |

Abbreviations for Council team names ('Council lead' column):

AM = Asset Management, BSS = Business Systems & Solutions, C = Communications, CC = Community Connections, CD = City Design, CWM = Civil Works & Maintenance, DRS = Development & Regulatory Services, ED = Economic Development, FP = Finance & Procurement

| Themes and Directions | Council lead | Council key contributors | External funding / support | Short-term | | Medium-term | | | Long-term | | | |
|--|--|--------------------------|----------------------------|---|-------|-------------|-------|-------|-----------|-------|-------|-------|
| | | | | 23/24 | 24/25 | 25/26 | 26/27 | 27/28 | 28/29 | 30/31 | 31/32 | 32/33 |
| 3.2 Develop educational materials specific to Unley that outline parking 'do's and don'ts' adjacent to driveways, aiming to increase community awareness regarding appropriate parking practices. | CD | C | ✓ | ● | ● | | | | | | | |
| 4. Retail and entertainment precincts | | | | | | | | | | | | |
| 4.1 Re-assess parking controls in key retail/entertainment precincts, extending the assessment to encompass nearby side streets, with the objective of aligning them to the <i>guidelines</i> outlined on page 28 of the Plan. Involve local businesses, and nearby impacted residents, in the assessment process to ensure specific parking requirements, unique to the precinct, are well-understood and considered. | CD | ED | ✓ | ● | ● | ● | ● | ● | ● | | | |
| 4.2 Identify opportunities to expand smart parking technology within key retail/entertainment precincts to better understand parking occupancy and turnover, improve parking compliance, and enhance parking access for customers through on-street real-time signs and mobile applications. | CD | BSS | ✓ | ● | ● | ● | ● | ● | ● | ● | ● | ● |
| | To be considered as part of delivering 4.1 | | | | | | | | | | | |
| 4.3 Reevaluate and, if necessary, enhance the strategy for enforcing parking time limits within retail/entertainment precincts to improve compliance and parking turnover. | DRS | | ✓ | | | | ● | ● | ● | | | |
| 4.4 Collaborate with private property owners to enhance off-street parking availability by using or expanding rear lots for public use, thus improving overall parking support for the precinct. | ED | CD, DRS | | On-going as part of trader association discussion | | | | | | | | |

| Themes and Directions | Council lead | Council key contributors | External funding / support | Short-term | | Medium-term | | Long-term | | | | | | | | | | | | |
|------------------------------|---|--------------------------|----------------------------|------------|--|-------------|-------|-----------|-------|-------|-------|-------|-------|---|---|---|---|---|---|---|
| | | | | 23/24 | 24/25 | 25/26 | 26/27 | 27/28 | 28/29 | 30/31 | 31/32 | 32/33 | 33/34 | | | | | | | |
| 5. School precincts | | | | | | | | | | | | | | | | | | | | |
| 5.1 | Continue the school parking reviews in the Unley area, in alignment with the aims, with the objective of conducting a minimum of one school parking review annually. | CD | CWM, DRS | | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● |
| 5.2 | Continue developing, enhancing and publicising Unley's educational resources tailored to foster road safety in school environments. | CD | C | ✓ | ● | ● | ● | ● | | | | | | | | | | | | |
| 5.3 | Continue collaboration with DIT for the Way2Go program's implementation in Unley schools, aiming to reduce car dependency for school drop-offs and pick-ups. | CD | | | On-going, led by DIT | | | | | | | | | | | | | | | |
| 5.4 | Explore options for school staff parking in nearby underused private lots to meet the needs of schools with limited or no off-street parking, reducing the impact on local residential streets. | CD | DRS | | To be aligned with School Parking Reviews and led by schools | | | | | | | | | | | | | | | |
| 6. Accessible parking | | | | | | | | | | | | | | | | | | | | |
| 6.1 | Conduct an audit of current public Accessibility Parking Zones on-street and in Council's off-street car parks to evaluate compliance with current accessibility standards. Develop an improvement plan as needed. | CD | AM | ✓ | | ● | ● | ● | ● | ● | ● | | | | | | | | | |
| 6.2 | Identify opportunities for more Accessible Parking Zones in Council's commercial, business, retail, and entertainment precincts, aiming to double the number of public Accessibility Parking Zones in the City by 2033. | CD | AM | ✓ | | ● | ● | ● | ● | ● | ● | | | | | | | | | |
| 6.3 | Engage in continuous consultation with disability advocacy groups to gain a deeper understanding of parking needs for individuals with disabilities within the City. | CD | CC | | On-going as part of delivering A6.1 and A6.2 | | | | | | | | | | | | | | | |

| Themes and Directions | Council lead | Council key contributors | External funding / support | Short-term | | Medium-term | | | Long-term | | |
|--|--------------|--------------------------|----------------------------|--|-------|-------------|-------|-------|-----------|-------|-------|
| | | | | 23/24 | 24/25 | 25/26 | 26/27 | 27/28 | 28/29 | 30/31 | 31/32 |
| 7. Smart parking | | | | | | | | | | | |
| 7.1 Investigate the feasibility of converting existing ticket machines to smart parking meters. | CD | AM | ✓ | ● | ● | ● | | | | | |
| 7.2 Investigate the feasibility of expanding smart parking technology to other high-demand parking locations, including: <ul style="list-style-type: none"> ▶ Goodwood main street precinct ▶ Unley Civic Precinct ▶ Fullarton Park Community Centre off-street car park ▶ Unley Swimming Centre. | CD | BSS | ✓ | | ● | ● | ● | ● | ● | ● | ● |
| | | | | To be considered as part of delivering 4.1 | | | | | | | |
| 7.3 Explore new technology that enables more efficient enforcement of time-limited parking. | DRS | CD, BSS | ✓ | | | | ● | ● | ● | ● | ● |
| 7.4 Collaborate with other councils and learn from their smart-parking solutions to enhance the City of Unley's parking initiatives. | CD | BSS | | On-going | | | | | | | |
| 8. Parking information | | | | | | | | | | | |
| 8.1 Through the expansion of smart parking technology (action 7.2) identify opportunities to: <ul style="list-style-type: none"> ▶ Expand the Park Adelaide App ▶ Expand the installation of on-street smart parking signs. | CD | BSS | ✓ | | | | ● | ● | ● | ● | ● |
| 8.2 Ensure the ongoing accuracy and relevance of Council's city-wide, on-street parking database through continuous updates and maintenance. | CD | BSS | | On-going | | | | | | | |
| 8.3 Develop an Unley Parking Map to publicly share Council's on-street parking database online, thereby displaying all parking controls in the City of Unley area." | CD | BSS | | | | | ● | ● | ● | | |

| Themes and Directions | Council lead | Council key contributors | External funding / support | Short-term | | Medium-term | | | Long-term | | |
|---|--------------|--------------------------|----------------------------|------------|-------|-------------|-------|-------|-----------|-------|-------|
| | | | | 23/24 | 24/25 | 25/26 | 26/27 | 27/28 | 28/29 | 30/31 | 31/32 |
| 8.4 Improve and maintain Council's website as a publicly available information source on parking regulations and processes to apply for permits, parking restrictions and work zones. | CD | C | ✓ | On-going | | | | | | | |
| 9. Pay for use parking | | | | | | | | | | | |
| 9.1 Conduct a comprehensive review of pay-for-use fees and charges by location or precinct, and adjust fees to achieve an optimal occupancy rate of 65% to 85%. | CD | FP | | ● | ● | ● | | | | | |
| 9.2 Initiate a trial of pay-for-use parking in a designated section of the Greenhill Road mixed-use business precinct to evaluate its effectiveness in providing all-day parking options for business staff at a reasonable cost. | CD | ED, AM | ✓ | ● | ● | ● | | | | | |
| 9.3 Explore possibilities to extend pay-for-use parking as a measure to regulate commuter parking in proximity to train and tram stations. | CD | AM | ✓ | | | | ● | ● | ● | | |
| 9.4 Collaborate with the local community to identify suitable locations for pay-for-use parking in busy retail and entertainment precincts. This approach aims to effectively manage parking congestion and enhance parking turnover, ultimately supporting local businesses. | CD | ED, AM | ✓ | | | | ● | ● | ● | ● | |
| To be considered as part of delivering 4.1 | | | | | | | | | | | |
| 10. Parking permits: residents, businesses and events | | | | | | | | | | | |
| 10.1 Review legacy Resident Only Parking Permit zones to align with the operational directions outlined in this Plan. | CD | CWM, DRS | ✓ | ● | ● | ● | | | | | |
| 10.2 Review resident parking permit fees, with the aim of increasing fees to encourage the use of private parking by residents and better reflect the benefit that the permits provide. This review will encompass all permit types, not just resident parking permits | CD | FP | | ● | ● | ● | | | | | |

| Themes and Directions | Council lead | Council key contributors | External funding / support | Short-term | | Medium-term | | | Long-term | | | |
|---|--------------|--------------------------|----------------------------|------------|-------|-------------|-------|-------|-----------|-------|-------|-------|
| | | | | 23/24 | 24/25 | 25/26 | 26/27 | 27/28 | 28/29 | 30/31 | 31/32 | 32/33 |
| 10.3 Explore the potential for a Digital Permit System to enhance the efficiency of processing and administering permits for customers, administrators and regulatory services. This investigation will encompass all permit types, not just resident parking permits." | DRS | CD, BSS | ✓ | | | ● | ● | ● | | | | |
| 10.4 Conduct a comprehensive review of all existing Accessible Parking Zones situated in front of residential properties to ensure alignment with the operational directions in this Plan. | CD | CWM, DRS | | ● | ● | ● | ● | | | | | |
| 10.5 Develop and implement a 'Mobility Access Permit' scheme in alignment with the operational directions in this Plan. | DRS | CD | ✓ | ● | ● | | | | | | | |
| 10.6 Develop and implement a Temporary Caravan/Trailer Exemption permit scheme. | DRS | CD | ✓ | ● | ● | | | | | | | |
| 10.7 Develop and implement a 'Business Parking Permit' scheme in alignment with the operational directions in this Plan. | DRS | CD | ✓ | ● | ● | ● | | | | | | |
| 10.8 Assist the participants of the 2016 trial business permits (including Goodwood Primary School) in transitioning to the new Business Parking Permit scheme. | CD | DRS | ✓ | ● | ● | ● | | | | | | |
| 10.9 Review the provision of the Joint Venture On-Street Parking Permit, which was established in 1996 with Business SA. | DRS | ED, CD | | | | | | ● | ● | ● | | |
| 10.10 Move the expiry of permits 31 December to a more appropriate time of the year. | DRS | CD | | ● | ● | | | | | | | |

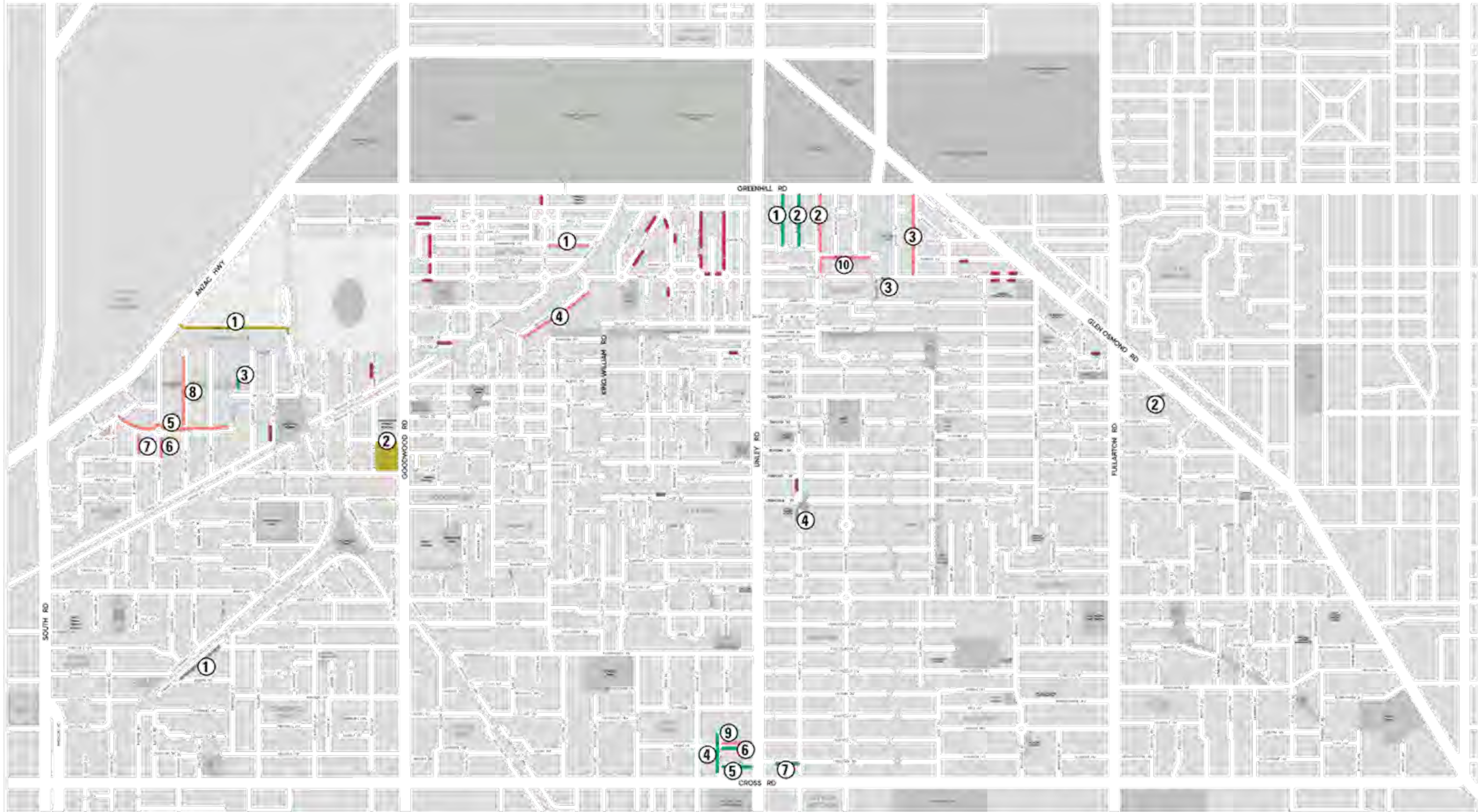
| Themes and Directions | Council lead | Council key contributors | External funding / support | Short-term | | Medium-term | | | Long-term | | |
|--|--------------|--------------------------|----------------------------|------------|-------|-------------|-------|-------|-----------|-------|-------|
| | | | | 23/24 | 24/25 | 25/26 | 26/27 | 27/28 | 28/29 | 30/31 | 31/32 |
| 11. Temporary parking: construction and events | | | | | | | | | | | |
| 11.1 Review the process of establishing construction work zones, including the necessary supporting documentation, to enhance efficiency and results. | CD | DRS, C | ✓ | | ● | ● | | | | | |
| 11.2 Update the publicly available information on the application process for a construction work zone. | CD | DRS, C | ✓ | | ● | ● | | | | | |
| 11.3 Reevaluate fees for establishing construction work zones to reflect the exclusivity of provided spaces. | CD | DRS, FP | | | ● | ● | | | | | |
| 11.4 Reevaluate Council's enforcement approach to effectively address parking compliance issues near major construction sites. | DRS | | | | | | ● | ● | ● | | |
| 11.5 Review the process for requesting temporary event parking controls, including the required supporting documentation. | CD | DRS, C, CC | | | | ● | ● | ● | | | |
| 11.6 Reevaluate the fees for approving temporary event parking controls to align with the time and effort required for installation and removal of the signs. | CD | FP, CWM | | | | ● | ● | ● | | | |
| 11.7 Reassess the enforcement approach to effectively address parking compliance issues near major event sites, with a focus on evening and weekend events. | DRS | | | | | | ● | ● | ● | | |
| 11.8 Identify opportunities to improve event parking communication through online and social media platforms, to better inform the community of the temporary traffic and parking controls related to medium-sized and large events. | CD | C | ✓ | ● | ● | ● | ● | | | | |

| Themes and Directions | Council lead | Council key contributors | External funding / support | Short-term | | Medium-term | | | Long-term | | |
|-------------------------------|---|--------------------------|----------------------------|------------|-------|-------------|-------|-------|-----------|-------|-------|
| | | | | 23/24 | 24/25 | 25/26 | 26/27 | 27/28 | 28/29 | 30/31 | 31/32 |
| 12. Sustainable travel | | | | | | | | | | | |
| 12.1 | Public transport: Advocate to the State Government for major improvements to public transport, including but not limited to more frequent services, the introduction of bus priority measures on select priority routes, and better maintained stations/stops | CD | DRS | | | | | | | | |
| 12.2 | Active transport: Continue delivering on actions of Unley's 'Walking and Cycling Plan', promoting active transportation as a viable and eco-friendly option for short trips | CD | | ✓ | | | | | | | |
| 12.3 | Carpooling and ride-sharing incentives: Advocate to the State Government to offer incentives and programs to encourage carpooling and ride-sharing to reduce the number of single-occupancy vehicles on the roads. | CD | | | | | | | | | |
| 12.4 | Car-share schemes: Work with car-share operators to introduce car-share schemes in the City of Unley, with a focus on mixed-use resident and business precincts and electric car-share vehicles. | CD | DRS | ✓ | | ● | ● | ● | ● | ● | |
| 12.5 | Public electric-vehicle charging: Expand public on-street and off-street electric-vehicle charging stations in the City of Unley where feasible and appropriate. | CD | AM | ✓ | ● | ● | ● | ● | ● | ● | ● |
| 12.6 | E-scooter and bike parking nodes: Identify opportunities to create on-street parking facilities for e-scooter and bike parking to minimise the impacts on footpaths and continue to support active and sustainable transport modes. | CD | AM | ✓ | | ● | ● | ● | ● | ● | ● |
| 12.7 | Education and awareness campaigns: Offer educational programs and awareness campaigns to inform the community about the benefits of sustainable travel and the impact of individual choices on the environment. | CD | C | ✓ | | | | | | | |

| Themes and Directions | Council lead | Council key contributors | External funding / support | Short-term | | | Medium-term | | | Long-term | | |
|---|--------------|--------------------------|----------------------------|--|-------|-------|-------------|-------|-------|-----------|-------|-------|
| | | | | 23/24 | 24/25 | 25/26 | 26/27 | 27/28 | 28/29 | 30/31 | 31/32 | 32/33 |
| 12.8 Workplace travel plans: Collaborate with local businesses to develop workplace travel plans that promote sustainable commuting options for employees. | CD | C | ✓ | On-going through Council's Walking and Cycling Plan | | | | | | | | |
| 13. Planning and building design | | | | | | | | | | | | |
| 13.1 Planning and design code: Advocate to the State Government, in partnership with the Local Government Association (LGA), for updated policies in the Planning and Design Code (P&D Code) that give greater consideration and weight to: <ul style="list-style-type: none"> Garage sizes that better accommodate larger domestic vehicles such as 4WD vehicles (which may also require amendment to Australian Standards). Providing adequate storage facilities in dwellings so garages can be used for vehicle-related purposes The development of design standards for onstreet parking and the location of and shared vehicle crossovers Alternative transport options that minimise parking demand (e.g., end-of-trip bicycle facilities, car share schemes, and public or active transport). | DRS | CD, ED | | On-going through State Government Planning and Design Code Updates, Design Standards consultations | | | | | | | | |
| 13.2 Car-parking fund <ul style="list-style-type: none"> Review its Car Parking Contributions Fund Policy Seek the LGA to advocate for amendments to the PDI Act to give greater powers to councils in the exercise of imposing a contribution to car-parking funds (as opposed to being discretionary to applicants). | DRS | CD, ED | | ● | ● | ● | | | | | | |

| Themes and Directions | Council lead | Council key contributors | External funding / support | Short-term | | Medium-term | | Long-term | | | | |
|---|--------------|--------------------------|----------------------------|--|-------|-------------|-------|-----------|-------|-------|-------|-------|
| | | | | 23/24 | 24/25 | 25/26 | 26/27 | 27/28 | 28/29 | 30/31 | 31/32 | 32/33 |
| 13.3 Design and building standards: Ask the LGA to advocate to development industry bodies for improved design and building outcomes linked to more sustainable design principles. | DRS | CD | | On-going through State Government Planning and Design Code Updates, Design Standards consultations | | | | | | | | |
| 13.4 Private off-street car parks: Work with landowners in key retail/entertainment and commercial/business precincts to coordinate shared access to and the availability of existing off-street parking areas, as well as provide design advice on signage, paving and landscaping of areas. Seek opportunities to maximise existing assets. | ED | DRS, CD | | On-going as part of trader association discussion | | | | | | | | |

Attachment 2 - Focus Areas 4, 5 and 6 Streets Impacted



- | | | | |
|--|-------------------------------------|-------------------------------------|--|
| RESIDENT PERMIT ZONE | 30 MINUTES AAT 9AM-5PM M-F | 15 MINUTES AAT 9AM-5PM M-F | NO PARKING 8-10AM 10AM-12NOON M-F |
| ■ Permit zones with off street parking | ① Listen Street (East side) | ① Parker Terrace (South-East side) | ① Davenport Street (South side) |
| BUSINESS PARKING PERMITS TRIAL | ② Douglas Street (East side) | ② Gladstone Street (Eastern half) | ② Porter Street (East side) |
| ① Maple Avenue | ③ Leah Street (East side) | ③ Young Street (Adjacent Lunch 107) | ③ Stamford Street (West side) |
| ② Goodwood Primary School | ④ View Street | ④ Rugby Street | ④ Trevelyan Street (South-East side) |
| | ⑤ King Street | | ⑤ Everard Terrace (North side) |
| | ⑥ High Street (South side) | | ⑥ Third Avenue (East side) |
| | ⑦ Malvern Avenue | | ⑦ Fourth Avenue (East side) |
| | | | ⑧ Second Avenue (West side) |
| | | | ⑨ High Street (North side) |
| | | | ⑩ Regent Street (South side) |
- AAT - At All Times

DECISION REPORT

| | |
|-------------------------|-----------------------------------|
| REPORT TITLE: | ON-STREET PARKING POLICY REVIEW |
| ITEM NUMBER: | 4.2 |
| DATE OF MEETING: | 25 MARCH 2024 |
| AUTHOR: | TANYA BACIC, TRANSPORT LEAD |
| DIVISION: | CITY DEVELOPMENT |
| ATTACHMENTS: | 1. DRAFT ON-STREET PARKING POLICY |

1. **PURPOSE**

This report seeks Council's endorsement of an updated *On-Street Parking Policy* (Policy) to align with the Unley Parking Management Plan 2023-2033 which was adopted by Council at its meeting held on 26 February 2024.

2. **RECOMMENDATION**

That:

1. The report be received.
 2. The On-Street Parking Policy as set out on Attachment 1 to this Report (Item 4.2, Council Meeting 25/03/2024), be adopted.
 3. The Chief Executive Officer be authorised to make amendments of a minor and/or technical nature if required as part of the finalisation of the On-street Parking Policy.
-

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

1. Community Living
 - 1.1 Our Community is active, healthy and feels safe.
 - 1.3 Our City meets the needs of all generations.
 - 1.5 Our City is connected and accessible.
3. Economic Prosperity
 - 3.1 Unley is recognised as an easy place to do business.
 - 3.2 Thriving main streets and other business activities operate across our City.

4. **BACKGROUND**

Council policies and procedures set the strategic tone of Council on matters that significantly affect the community. Once adopted, these policies require periodical review. The Policy was last reviewed in September 2019.

In the 2021-2022 financial year, Council commenced a comprehensive review of its current on-street parking provisions and management approaches city-wide and developed a parking management plan that imbeds a consistent, reasonable, and transparent approach to its decision-making relating to parking matters.

After an extensive community consultation and engagement process utilising Council's Shaping Unley Engagement Process, Council endorsed its Unley Parking Management Plan 2023-2033 (Plan), and its associated actions and operational directions, at its meeting held on 26 February 2024 (*Resolution No. C1216/24*).

5. DISCUSSION

The Policy has been updated to reflect the aims, decision-making principles, management directions and associated operational directions contained in the Plan.

The Policy update should be read in conjunction with the Plan.

The update undertaken is an administrative task to ensure that the Policy and the endorsed Plan are aligned.

The updated Policy is provided as Attachment 1.

Attachment 1

6. POLICY IMPLICATIONS

6.1 Financial/budget implications

- There are no additional financial implications with the recommendation. The Policy update has been undertaken to align with the endorsed Plan.

6.2 Risk Management (identification and mitigation)

- There are no additional risks with the recommendation. The Policy update is to align with the endorsed Plan.

6.3 Staffing/Work Plans/Additional Resource Impact

- To deliver the actions contained within the Plan, Council will consider the allocation of funding annually as part of its Annual Business Plan and Budget deliberation process. Council staff workplans will be updated each year accordingly.
- The Policy has been updated with input from relevant Council departments, including Governance, Planning and Regulatory Services.

6.4 Climate/Environmental Impact

- The Policy update aligns with the endorsed Plan which seeks to provide a balanced approach of optimising the availability of existing on-street parking provisions for all users within the City of Unley, rather than providing additional parking provisions that encourages increased car use.

6.5 Social/Economic

- The Policy update aligns with the endorsed Plan which aims to improve parking management (availability and turnover) in a fair and equitable manner, supporting the social and economic needs of businesses, employees, and visitors within key precincts, as well as the needs of surrounding residents.

7. ANALYSIS OF OPTIONS

Option 1 –

1. The report be received.
2. The On-Street Parking Policy as set out on Attachment 1 to this Report (Item 4.2, Council Meeting 25/03/2024), be adopted.
3. The Chief Executive Officer be authorised to make amendments of a minor and/or technical nature if required as part of the finalisation of the On-street Parking Policy.

This option provides for the Policy to be adopted by Council, in alignment with the recently endorsed Plan.

Option 2 –

1. The report be received.
2. The On-street Parking Policy as set out on Attachment 1 to this Report (Item 4.2, Council Meeting 25/03/2024), be adopted with the following amendments:
 - 2.1 *[Amendments to be determined by Council]*
3. The Chief Executive Officer be authorised to make amendments of a minor and/or technical nature if required as part of the finalisation of the Footpath Trading Policy.

Council may wish to request amendments to the Policy.

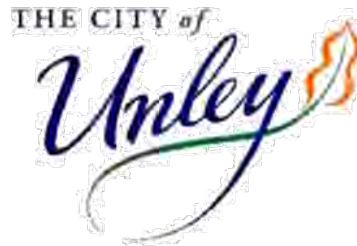
This option allows for changes to the Policy to be made, and for the document to be finalised without Council needing to see the amended version. Any changes will be articulated as part of the resolution.

8. RECOMMENDED OPTION

Option 1 is the recommended option.

9. REPORT AUTHORISERS

| Name | Title |
|---------------|-----------------------------------|
| Ben Willsmore | Manager City Design |
| Claude Malak | General Manager, City Development |



ON-STREET PARKING POLICY

| | |
|--|--|
| Policy Type | Council |
| Responsible Department | City Development |
| Responsible Officer | Manager City Design |
| Related Policies and Procedures | <ul style="list-style-type: none"> • Joint Venture On-Street Parking • Car Parking Contribution Fund Policy • Unley Parking Management Plan |
| Community Plan Link | <ol style="list-style-type: none"> 1. Community Living <ol style="list-style-type: none"> 1.1 Our Community is active, healthy and feels safe 1.3 Our City meets the needs of all generations 1.5 Our City is connected and accessible. 2. Economic Prosperity <ol style="list-style-type: none"> 3.1 Unley is recognised as an easy place to do business 3.2 Thriving main streets and other business activities operate across our City |
| Date Originally Adopted | 26 August 2010 |
| Last Review Date | <i>To be inserted once adopted</i> |
| Next Review Date | June 2027 |
| ECM Document No. | <i>To be inserted once adopted</i> |

1. PREAMBLE

- 1.1. Council recognises the complexity and challenges associated with parking management in the City of Unley (the City). The Area experiences substantial demand for on-street parking from local residents and the working community, as well as visitors, contractors and commuters.
- 1.2. Parking demand in the Area is dynamic and continually evolving, driven by the City's inner urban setting and mix and intensity of land uses.
- 1.3. On-street parking is a finite resource, and it is Council's aim to provide fair and equitable access to on-street parking, appropriate to the particular needs of local precincts
- 1.4. Effective parking management plays a crucial role in fostering a more sustainable City by promoting increased use of public transport and encouraging walking and cycling, particularly in locations with good transportation alternatives.

2. SCOPE

2.1. Provide a sustainable and equitable process for managing on-street parking in the City and to ensure that Council's decisions relating to parking management are consistent, reasonable and transparent. The On-Street Parking Policy (Policy) recognises that parking management is dynamic, requiring continuous review and assessment in alignment with the Unley Parking Management Plan (Plan).

3. POLICY PURPOSE/OBJECTIVES

3.1. The key objectives of this Policy are to:

- Manage on-street parking consistent with the aims of the Plan to:
 - Provide a holistic and strategic framework to guide Council decision-making relating to the management of on-street parking, including permits.
 - Provide a better balance of parking provisions for residents, businesses, shoppers and visitors.
 - Optimise existing parking facilities to their full potential and implement new ones as needed.
 - Better manage changing parking demands over time.

3.2. Principles for making decisions on parking management, include:

- Acknowledging that parking issues often arise due to safety, accessibility, convenience, and/or productivity factors, but decisions should be made within the context of the Australian Road Rules.
- Recognising that Council's role is to serve the entire community not just individual needs.
- Acknowledging the mixed-use nature of the City and considering the needs of all street users when balancing competing demands.
- Engaging and collaborating with all relevant stakeholders to address and resolve parking management challenges.
- Viewing all on-street parking as public parking and not for the exclusive use of individual(s).
- Acknowledging that addressing parking congestion issues goes beyond simply adding more parking spaces, both on and off street. Effective parking management necessitates a holistic approach.

4. DEFINITIONS

| <u>Term</u> | <u>Definition</u> |
|-----------------|---|
| Area | means the area of the municipality of the City of Unley |
| Business | means an organisation or enterprising entity engaged in commercial, industrial or professional activities, including schools, churches and non-for profit organisations |
| Council | means the Corporation of the City of Unley |
| Dwelling | means a building or part of a building used as a self-contained residence |



| | |
|-------------------------------|---|
| Multi-dwelling | means a residential use of premises involving two or more dwellings, whether attached or detached, or where land has been divided to create additional dwellings than previously existed prior to 1 November 2013 |
| Motor vehicle | means a motor vehicle built to be propelled by a motor that forms part of the motor vehicle description as defined in the Road Traffic Act 1961 |
| Narrow street | means any street that is less than 7 metres wide |
| Operational directions | are the relevant requirements contained within the Parking Management Directions section of the Plan |
| Parking permits | means an exemption 'label/sticker/disc' issued to an eligible applicant that provides for parking outside of parking zone restrictions. Types of permits provided by Council are detailed in the Plan |
| Parking congestion | refers to situations where parking spaces along a street or street section are occupied, on average, at 80-85% or more during peak times (typically between 9am and 5pm on a weekday) |
| Smart parking | means technology that uses real-time data, sensors, cameras, and analytics to boost parking efficiency |

5. ROLES AND RESPONSIBILITIES

| <u>Role</u> | <u>Responsibilities</u> |
|---------------------------------|--|
| Transport Lead | Administer the Policy on behalf of Council |
| Team Leader Regulatory Services | Administer the Policy on behalf of Council |

6. POLICY STATEMENT

The Policy will be implemented through the decision-making principles, parking management directions and associated operational directions contained in the Plan.

Policy statements have been grouped into the six parking themes contained within the Plan, comprising of 13 parking management directions.

Local Streets

6.1. Parking congestion

6.1.1. **Manage parking congestion** to reach the desired level of parking availability. Council shall follow a clear, transparent and evidence-based approach with parking restrictions generally implemented subject to a three-step process of request, analysis and options, and consultation. Consultation may not always occur where restrictions address traffic safety, child/pedestrian safety and accessibility around schools and to provide accessible parking.

6.2. Narrow streets

6.2.1. **Manage accessibility in narrow streets.** Council will not allow parking on streets less than five metres in width. For other streets, Council will address Australian Road Rules and technical needs, plus undertake a stepped approach of 'educate, enforce and restrict' to manage parking.



6.3. Driveway access

- 6.3.1. **Manage driveway access to properties taking into account established urban character.** Council will consider Australian Road Rules and technical needs, plus undertake a stepped approach of educate, enforce, line marking (only if specific conditions are met) and driveway re-configuration (at the expense of the property owner).

Precinct parking

6.4. Retail and entertainment precincts

- 6.4.1. **Manage parking in key retail/ entertainment precincts to support the local economy.** Council is focussed on improving parking management in these precincts both to improve vibrancy, rate of vehicle turnover and balanced protection of amenity and parking provision in adjoining residential areas. Precinct parking management needs to address visitor, staff, loading and access needs while promoting sustainable travel choices and a pedestrian-friendly public realm. Each precinct presents a different set of challenges and outcomes.

6.5. School precincts

- 6.5.1. **Manage parking around Council's schools to improve safety and access.** Enhancing child safety is a top priority in decision-making for streets in these precincts.

6.6. Accessible parking

- 6.6.1. **Manage accessible parking to support an inclusive City.** Council is dedicated to increasing and enhancing accessible parking particularly within key retail/entertainment and commercial/business precincts.

Parking technology

6.7. Smart parking

- 6.7.1. **Expand the use of smart technology to optimise existing parking supply.** The Council aims to maximise the use of existing on-street parking assets instead of adding more parking spaces, by improving compliance, enforcement, and customer awareness of parking availability through smart technology solutions.

6.8. Parking information

- 6.8.1. **Provide up-to-date detailed parking information.** Council seeks to enhance the parking experience by using on-line resources to expand availability and real-time visibility of parking information.

6.9. Pay-for-use parking

- 6.9.1. **Expand pay-for-use parking.** Council has a small number of pay-for-use car parks strategically located near tram and train stops. Council may review and expand pay-for-use parking in retail and entertainment precincts and in other areas to help accommodate some all-day business staff parking.

Parking Permits

6.10. Permits

- 6.10.1. **Manage parking permits.** Council offers a range of parking permits to help residents, businesses and visitors access on-street parking. Permit decisions will be informed by the Plan Operational directions and guidelines pursuant to each permit type.

Temporary parking: construction and events

6.11. Temporary parking: construction and events

- 6.11.1. **Manage parking associated with major construction works and major events.** The Council's objective is not to impede development but rather to implement the Plan's Operational directions to effectively address issues related to construction or event activities. This is intended to benefit contractors, event organisers, and the local community, involving the formulation of Parking Management Plans.

Advocacy

6.12. Sustainable travel

- 6.12.1. **Encourage travel by modes other than private car.** Council shall seek to reduce car usage and parking demand by promoting sustainable transportation options such as public transport, cycling and walking. This comprises a mix of advocacy, education, programs and sustainable travel infrastructure.

6.13. Planning and building design

- 6.13.1. **Ensure planning and building outcomes that minimise demand for on-street parking.** Increased building development does impact on on-street parking supply and Council will work to both minimise and address changes as the City develops and grows. Council will advocate to the State Government for improvements to the Planning and Design Code and other regulatory mechanisms relating to parking, garaging and demand.

7. POLICY DELEGATIONS

Nil

8. LEGISLATION

- 8.1. The following legislation is relevant to this Policy:

- *Australian Road Rules 1999*
- *Expiation of Offences Act 1996*
- *Local Government Act 1999*
- *Road Traffic Act 1961*

8.2. This Policy applies to Council by "Notice to Council" by the Minister for Infrastructure and Transport through:

- *Australian Road Rules: s185 'Stopping in a permit zone',*
- *Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014: s17 'Permits for permit zones' for parking in permit zones,*
- *Road Traffic Act 1961: s174C – 'Council may grant exemptions from certain provisions' for providing exemptions in parking time limit zones and paid parking areas,*
- *Road Traffic (Miscellaneous) Regulations 2014: s63 - Prescribed provisions (sections 174A, 174B, 174C and 174D of Act).*

9. AVAILABILITY OF POLICY

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

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

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

It is also available for viewing, download and printing free of charge from the Council's website www.unley.sa.gov.au.

10. DOCUMENT HISTORY

| Date | Version No. | Comment |
|-------------------|------------------------------------|---|
| | | Previous numbers 4.4.01 and COU64 |
| 26 August 2010 | C717/10: V1 | |
| 25 June 2012 | C443/12: V2 | |
| 29 January 2013 | C656/13: V3 | |
| 26 August 2013 | C875/13: V4 | |
| 26 May 2014 | C1144/14: V5 | Was policy number COU51.- Parking – Residential Policy. |
| 27 August 2018 | C1264/18: V6 | |
| 23 September 2019 | C106/19: V7 | |
| 25 March 2024 | <i>To be inserted once adopted</i> | |

DECISION REPORT

| | |
|-------------------------|--|
| REPORT TITLE: | FOOTPATH TRADING POLICY REVIEW |
| ITEM NUMBER: | 4.3 |
| DATE OF MEETING: | 25 MARCH 2024 |
| AUTHOR: | GARY BRINKWORTH, MANAGER DEVELOPMENT & REGULATORY |
| DIVISION: | CITY SERVICES |
| ATTACHMENTS: | 1. CURRENT FOOTPATH TRADING POLICY 2. DRAFT REVISED FOOTPATH TRADING POLICY |

1. **PURPOSE**

This report seeks Council's endorsement of the revised *Footpath Trading Policy* (Policy).

2. **RECOMMENDATION**

That:

1. The report be received.
 2. The Footpath Trading Policy as set out in Attachment 2 to this report (Item 4.3, Council Meeting 25/03/2024), be adopted.
 3. The Chief Executive Officer be authorised to make amendments of a minor and/or technical nature if required as part of the finalisation of the Footpath Trading Policy.
-

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

1. Community Living
 - 1.5 Our City is connected and accessible.
3. Economic Prosperity
 - 3.2 Thriving main streets and other business activities operate across our City.
4. Civic Leadership
 - 4.1 We have strong leadership and governance.

4. **BACKGROUND**

Council policies and procedures set the strategic tone of Council on matters that significantly affect the community. Once adopted, these policies require periodical review, after which they are presented to Council for consideration and endorsement.

Under Section 222 of the *Local Government Act 1999* (Act), a person cannot use a public road for business purposes unless authorised to do so by Council. The Policy provides a framework for assessing and determining applications for footpath trading over Council land under the Act.

The current Policy, appearing as Attachment 1, was last reviewed in September 2020 and therefore a periodical review is now due.

Attachment 1

5. **DISCUSSION**

The Policy provides the basis for Council's assessment and decision making on footpath trading applications where Council is the landowner.

A number of material administrative changes have been included to update the Policy, including:

- Updating the definitions to clarify their meaning within the document.
- Clarifying the objective of the Policy which is to prioritise the use of footpaths for accessibility and a clear path of travel.
- Removing technical references previously contained within the Policy which are included within the supporting Footpath Trading Guidelines.
- Allowing the Manager Development and Regulatory to also have delegations to approve permits that have a minor variation to the Policy.

The Footpath Trading Guidelines (Guidelines) specify the criteria for a Footpath Trading Permit application will be assessed against. The Guidelines are publicly available on Council's website to guide and assist businesses who may wish to apply for permits and already include all details proposed to be removed from the Policy. The Guidelines are periodically reviewed to ensure that they meet the intentions of the Policy.

The updated Policy is provided as Attachment 2.

Attachment 2

6. **POLICY IMPLICATIONS**

6.1 **Financial/budget implications**

- There are no additional financial implications with the recommendation. The assessment of Footpath Trading Permits are already funded within Council's Operating Budget.

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

- Updates to the Policy meet the relevant legislation and there are no foreseeable risks associated with the proposed amendments.

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

- All requests are administered under current resourcing and do not require additional resources to deliver.

6.4 **Climate/Environmental Impact**

- Nil

6.5 **Social/Economic**

- Footpath Trading Permits should only be supported when they ensure that suitable access and safety is maintained in the public realm.
- Footpath Trading Permits encourage the appropriate activation of the public realm for business use.

7. **ANALYSIS OF OPTIONS**

Option 1 –

1. The report be received.
2. The Footpath Trading Policy as set out in Attachment 2 to this report (Item 4.3, Council Meeting 25/03/2024), be adopted.
3. The Chief Executive Officer be authorised to make amendments of a minor and/or technical nature if required as part of the finalisation of the Footpath Trading Policy.

This option provides recommended amendments that clarify the objectives of the Policy. It also removes the technical criteria that are already contained in the Guidelines that the Administration will use to assess an application. The inclusion of the additional delegation to the Manager Development and Regulatory is proposed to assist in the timely administration of applications that are of a minor variation only.

In endorsing this option there is no increased cost or resource impost on Council and the outcomes of these changes will assist in removing the duplication of information that is already contained in the Guidelines.

Option 2 –

1. The report be received.
2. The Footpath Trading Policy as set out in Attachment 2 to this report (Item 4.3, Council Meeting 25/03/2024), be adopted with the following amendments:
 - 2.1 *[Amendments to be determined by Council]*
3. The Chief Executive Officer be authorised to make amendments of a minor and/or technical nature if required as part of the finalisation of the Footpath Trading Policy.

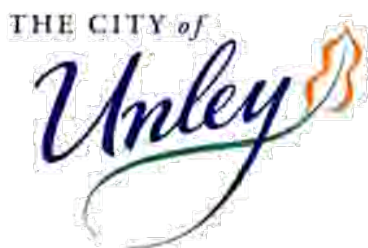
This option provides the same inclusions as the recommended option, noting that Council may wish to request additional amendments to the Policy. If this is the case, the amendments should be articulated as part of the resolution.

8. RECOMMENDED OPTION

Option 1 is the recommended option.

9. REPORT AUTHORISERS

| Name | Title |
|----------------|--------------------------------|
| Megan Berghuis | General Manager, City Services |



COU0019: FOOTPATH TRADING POLICY

| | |
|--|---|
| Policy Type: | Council Policy |
| Responsible Department: | City Services |
| Responsible Officer: | Manager Development & Regulatory Services |
| Related Policies and Procedures | <ul style="list-style-type: none"> • Footpath Trading Guidelines • <i>City of Unley By law 1: 2008 Permits and Penalties</i> • <i>City of Unley By law 2: 2008 Roads</i> • <i>City of Unley By law 3: 2008 Local Government Land</i> • <i>City of Unley By law 4: Moveable Signs</i> |
| Date Adopted | 10 September 2018: C1287/18 |
| Last review date | 22 July 2019: C0065/19 |
| Next review date | September 2021 |
| Reference/Version Number | COU0019: V3 |
| ECM Doc set I.D. | 3411184 |

1. POLICY STATEMENT

- 1.1. Footpath Trading refers to the use of sections of the footpath for commercial activities that are approved by the City of Unley. This includes the provision of outdoor dining areas and the display of business merchandise and other objects on the footpath and within the areas defined as flexible spaces on King William Road.
- 1.2. The purpose of the Footpath Trading Policy is to enable Council to safely manage the competing needs and interests of pedestrians, road users and business owners by fairly assessing and permitting footpath trading in a manner that improves the usage, quality and appearance of the City's public realm.
- 1.3. This Policy does not regulate movable signs on Council footpaths as these are administered under By law No. 4 – Moveable Signs.

2. COMMUNITY GOAL

- 2.1. The goals of the Footpath Trading Policy correspond with the Community Plan 2033, and focus on the *Community Living* and *Economic Prosperity* themes and related strategic objectives:

| THEMES | STRATEGIC OBJECTIVES |
|---------------------|---|
| Community Living | 1.3 Our City meets the needs of all generations 1.5 Our City is connected and accessible |
| Economic Prosperity | 3.1 Unley is recognised as an easy place to do business |

| THEMES | STRATEGIC OBJECTIVES |
|--------|---|
| | 3.2 Thriving main streets and other business activities operate across our City |

3. POLICY OBJECTIVES

3.1. The objectives of this Policy are to:

- Provide an overarching framework to guide the use of our City's footpaths and walkways by local businesses and ensure trading applications are assessed against Council's policy criteria and guidelines and considered on individual merit.
- Ensure our City streets are welcoming and accessible by prioritising pedestrian thoroughfare as the primary purpose of the footpath and maintaining a consistent and predictable clear path of travel for users of all abilities.
- Provide a balance between the various stakeholder interests in public areas that are used for business trading.
- Make it easier for businesses to obtain business trading permits and provide transparent guidelines that highlight key considerations in relation to access, safety, design and amenity.
- Prioritise the safety of all users of the City by adopting a risk management approach when considering permit applications.
- Ensure all Business Trading activities are designed to enhance the character and amenity of the surrounding streetscape and built form.
- Meet legislative requirements in relation to the use of Council land for business purposes and related by laws.
- Encourage activation supporting local businesses to utilise the City's footpaths to promote their businesses and add vibrancy.

4. PRINCIPLES

4.1. Access

- 4.1.1. A well-managed footpath promotes both equitable access and supports local businesses by creating places and streets that are amenable and attractive to all visitors.
- 4.1.2. Council must manage the footpath and other public spaces to provide safe and equal access for all people around the City. This includes pedestrians with a pram, wheelchair or other mobility aid, or who are visually impaired and require a clear path of travel to be maintained at all times.
- 4.1.3. Council recognises that a clear path of travel is a necessity. Best practice is for the clear path of travel to be along the building side of the footway to optimise way finding for stakeholders who are vision impaired. This Policy reinforces the requirement that a clear path of travel should be maintained at all times, while also allowing opportunities for other beneficial uses on the public footway.

4.2. Safety

- 4.2.1. Proposed outdoor dining locations will be assessed in terms of safety and may require changes to existing infrastructure and/or the installation of additional infrastructure (e.g. energy absorbing bollards). As a general principle, outdoor dining is not permitted along 60 km/hr speed limit roads, but may be considered when the proposed outdoor dining areas are protected



by appropriate safety barriers, or other traffic management treatments mitigate the risk.

43 Design and Heritage

- 4.3.1. Footpath trading structures, furniture and accessories should be of high quality design and improve the appearance of the city's public realm. Areas of historic, social and architectural interest, which contribute to the significance, character and appearance of the streetscape, should be conserved.
- 4.3.2. Outdoor dining areas should be attractive, innovative and vibrant. The layout should be appropriate to the setting, have high quality, durable furniture and fittings, and have an attractive and interesting appearance and contribute to overall place activation and vibrancy.

44 Operation and Management

- 4.4.1. Footpath trading should be undertaken in a manner that ensures accessible footpaths, contributes to environmental sustainability, creates a safe and clean outdoor space, minimises unnecessary noise and nuisance, and maintains social amenity in this public space.

45 Education and Compliance

- 45.1. It is the responsibility of applicants and permit holders to make themselves aware of the requirements and permit conditions associated with footpath trading permits.
- 45.2. Compliance is important to protect the public land, pedestrians and diners. Trading on public land without a permit will attract an expiation, or failure to comply with a permit condition may result in a revocation of a permit.
- 45.3. The issuing of a permit for outdoor dining does not grant exclusive rights of the relevant public space and cannot exclude the general public from using tables and chairs provided for the purpose of outdoor dining.

46 Alterations/changes to the Council infrastructure

- 4.6.1. As part of the footpath trading application process, Council may consider changes to Council infrastructure (e.g. widening footpath, relocating signs, installation of bollards etc.) where possible. These type of applications must be considered in the context of an integrated design, as the extension of the kerb may impact on parking, storm water, other services underground and adjacent businesses, and therefore cannot be considered in isolation.
- 4.6.2. The construction of new footpath protuberances to facilitate outdoor dining areas will be at the discretion of the Council, taking into account traffic management and safety. Assessment of such applications will be undertaken on a 'case by case' basis and at the sole discretion of the Council. In the event such application is approved, the costs associated with the infrastructure changes shall be borne by the applicant.

5. FOOTPATH ZONES

- 5.1. For the purpose of Footpath Trading, the following Footpath Zones apply:
- Walkway zone
 - Trading activity zone
 - Kerbside zone.

5.2 Walkway Zone



5.2.1. There is no statutory requirement about the location or width of the walkway zone. Council relies on guidance from the Australian Human Rights Commission that the continuous accessible path of travel should extend from the property line with no obstructions or projections, in order to provide the best possible guidance line for all users, including people with a vision impairment.

53 Trading activity zone

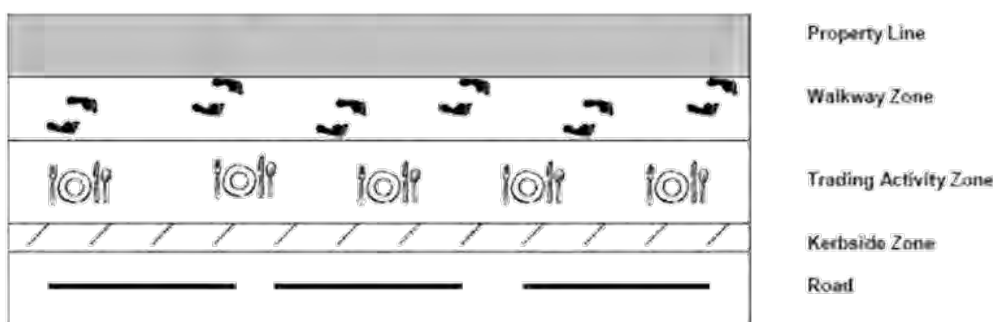
5.3.1. This is the only area of the footpath where the placement of goods, café furniture and ancillary items may be authorised.

54 Kerbside zone

5.4.1. A minimum buffer of clear footpath must be provided from the kerb to allow for access to and from parked vehicles, including loading zones. Where there is a disabled parking bay, the setback from the kerb will need to be greater. This area of the footpath must be kept free from any items or structures at all times.

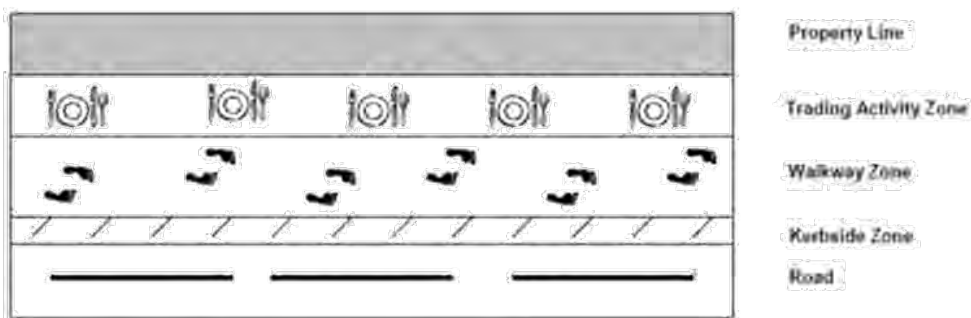
55 Width of Footpath Zones

| Total Footpath Width | Less than 3.1 metres wide | 3.1 metres and wider |
|-----------------------|--|--|
| Walkway Zone | Minimum 1.2m, ideally from the property line towards the kerb Minimum 2.2m in length and 1.8m in width in front of entrance doors. Refer to Guidelines for details. | Minimum 1.5m, ideally from property line towards the kerb Minimum 2.2m in length and 1.8m in width in front of entrance doors. Refer to Guidelines for details. |
| Trading Activity Zone | Remaining area once walkway and kerbside zones are identified | Remaining area once walkway and kerbside zones are identified |
| Kerbside Zone | Minimum 0.6m from the kerb of the road Minimum 1.5m if a disabled parking space adjoins the footpath | Minimum 0.6m from the kerb of the road Minimum 1.5m if a disabled parking space adjoins the footpath |



55.1. In some areas of Unley it may be impractical to locate the walkway zone adjacent the building line. In circumstances where the continuous accessible path of travel is not located against the building line:

- It should be located on the same part of the footpath for the length of the block
- It should be located where the location can be anticipated by users based on either local knowledge of the street or environmental cues.



552 The diagram below shows a path of travel that is not in a consistent location and not predictable for pedestrians.



6. POLICY

- 61. The Footpath Trading Policy enables Council to safely manage the competing needs and interests of pedestrians, road users and business owners. The Policy strives to put the City’s strategic objectives and values in practice by fairly assessing and permitting outdoor dining in a manner that improves the usage, quality and appearance of the city’s public realm.
- 62. The Footpath Trading Operating Guidelines have been prepared to implement the Policy Objectives and Principles.

7. DEFINITIONS

- “**Accessible**” means having features to enable use by people with a disability.
- “**Business merchandise**” means the offer or exposure for sale of any merchandise, goods, wares, commodity, article or thing.
- “**Continuous accessible path of travel**” The area of the footway maintained for safe and equitable pedestrian circulation which is free from obstructions and assists in way finding and navigation. Continuous accessible path of travel is defined by the Australian Human Rights Commission as:
An uninterrupted route to and within an area providing access to all features, services and facilities. It should not incorporate any step, stairway, turnstile, revolving door, escalator, hazard or other obstacle or impediment which would prevent it from being safely negotiated by people with disability.
- “**Energy Absorbing Bollards**” means bollards designed to perform under load in accordance with the requirements specified in the Roadside Dining Protection Guidelines, published by the Department for Transport.
- “**Footpath**” has the same meaning as “road” under the Local Government Act.

“Footpath trading” is the use of sections of the footpath for commercial activities that are approved by the City of Unley. This includes the provision of outdoor dining areas and the display of business merchandise and other objects on the footpath.

“Flexible spaces” are the areas that can be used for car parking, or trading where approved by Council, between the carriageway of the road and the footpath on the section of King William Road between Park/Mitchell Street intersection and Arthur Street.

“Objects” exposure and/or display of any merchandise, goods, wares, commodity, article or thing for aesthetic purposes and/or used to promote or advertise a business, shop or services.

“Outdoor dining” means the use of the public footpath for the purpose of extending the services of premises whose main function is the provision of food and beverages to the public. Such premises include restaurants, cafes, bars, delicatessens and other food outlets. Outdoor dining should be directly associated with the business that holds the outdoor dining permit and should only operate when those associated premises are open for business.

“Road” means a public or private street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles or pedestrians or both and includes—

- (a) a bridge, viaduct or subway; or
- (b) an alley, laneway or walkway;

8. LEGISLATION/REFERENCES

- Local Government Act 1999
- Disability Discrimination Act 1992
- Development Act 1993 & Regulations 2008
- Australian Standard 1428
- Australian Human Rights Commission
- Austroads Part 6A
- City of Unley Bylaw 1: 2008 Permits and Penalties
- City of Unley Bylaw 2: 2008 Roads
- City of Unley Bylaw 3: 2008 Local Government Land
- City of Unley Bylaw 4: Moveable Signs

9. POLICY DELEGATIONS

9.1 The Team Leader Regulatory Services and Permits Officer are authorised to issue permits for Footpath Trading in accordance with the requirements of this Policy.

9.2 The General Manager City Services is authorised to issue permits for Footpath Trading with criteria that have a minor variation to this Policy.

10. ROLES/RESPONSIBILITIES

| RESPONSIBILITY | ROLE |
|---|----------------|
| 10.1. Management of the street environment and public space | City of Unley |
| 10.2. Operation and management of Footpath | Permit holders |



| | |
|---|--|
| 10.3. On-going education and compliance with the policy, procedure and operating guidelines | Partnership between the City of Unley and Permit holders |
|---|--|

11. AVAILABILITY OF POLICY

The policy is available for public inspection during normal office hours from;

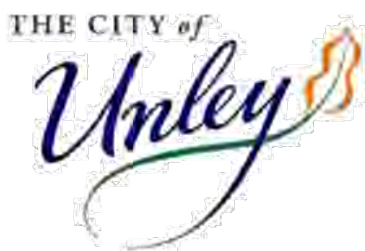
Civic Centre
 181 Unley Road
 Unley SA 5061

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

It is also available for viewing, download and printing free of charge from the Council's website, www.unley.sa.gov.au

12. DOCUMENT HISTORY

| Date | Ref/Version No. | Comment |
|-------------------|-----------------|---------|
| 10 September 2018 | C1287/18: V1 | |
| 22 July 2019 | C0065/19: V2 | |
| | | |



FOOTPATH TRADING POLICY

| | |
|--|---|
| Policy Type: | Council Policy |
| Responsible Department: | City Services |
| Responsible Officer: | Manager Development & Regulatory Services |
| Related Policies and Procedures | <ul style="list-style-type: none"> • Footpath Trading Guidelines • City of Unley By law 1: 2008 Permits and Penalties • City of Unley By law 2: 2008 Roads • City of Unley By law 3: 2008 Local Government Land • City of Unley By law 4: Moveable Signs |
| Date Originally Adopted | 10 September 2018: C1287/18 |
| Last review date | <i>To be inserted once adopted</i> |
| Next review date | March 2027 |
| ECM Doc set I.D. | 3411184 |

1. POLICY STATEMENT

- 1.1. Footpath Trading refers to the use of sections of the footpath for commercial activities that are approved by the City of Unley. This includes the provision of outdoor dining areas and the display of business merchandise and other objects on the footpath and within the areas defined as flexible spaces on King William Road.
- 1.2. The purpose of the Footpath Trading Policy is to enable Council to safely manage the competing needs and interests of pedestrians, road users and business owners by fairly assessing and permitting footpath trading in a manner that improves the usage, quality and appearance of the City’s public realm.
- 1.3. This Policy does not regulate movable signs on Council footpaths as these are administered under By law No. 4 – Moveable Signs.

2. COMMUNITY GOAL

- 2.1. The goals of the Footpath Trading Policy correspond with the Community Plan 2033, and focus on the *Community Living* and *Economic Prosperity* themes and related strategic objectives:

| THEMES | STRATEGIC OBJECTIVES |
|---------------------|--|
| Community Living | 1.3 Our City meets the needs of all generations 1.5 Our City is connected and accessible |
| Economic Prosperity | 3.1 Unley is recognized as an easy place to do business 3.2 Thriving main streets and other business activities operate across our City |



3. DEFINITIONS

| <u>Term</u> | <u>Definition</u> |
|---|--|
| Accessible | means having features to enable use by people with a disability. |
| Business merchandise | means the offer or exposure for sale of any merchandise, goods, wares, commodity, article or thing. |
| Continuous accessible path of travel | <p>The area of the footway maintained for safe and equitable pedestrian circulation which is free from obstructions and assists in way finding and navigation. Continuous accessible path of travel is defined by the Australian Human Rights Commission as:</p> <p><i>An uninterrupted route to and within an area providing access to all features, services and facilities. It should not incorporate any step, stairway, turnstile, revolving door, escalator, hazard or other obstacle or impediment which would prevent it from being safely negotiated by people with disability.</i></p> |
| Energy Absorbing Bollards | means bollards designed to perform under load in accordance with the requirements specified in the Roadside Dining Protection Guidelines, published by the Department for Transport. |
| Footpath | has the same meaning as "road" under the <i>Local Government Act 1999</i> . |
| Footpath trading | is the use of sections of the footpath for commercial activities that are approved by the City of Unley. This includes the provision of outdoor dining areas and the display of business merchandise and other objects on the footpath. |
| Flexible spaces | are the areas that can be used for car parking, or trading where approved by Council, between the carriageway of the road and the footpath on the section of King William Road between Park/Mitchell Street intersection and Arthur Street. |
| Objects | exposure and/or display of any merchandise, goods, wares, commodity, article or thing for aesthetic purposes and/or used to promote or advertise a business, shop or services. |
| Outdoor dining | means the use of the public footpath for the purpose of extending the services of premises whose main function is the provision of food and beverages to the public. Such premises include restaurants, cafes, bars, delicatessens and other food outlets. Outdoor dining should be directly associated with the business that holds the outdoor dining permit and should only operate when those associated premises are open for business. |
| Road | <p>means a public or private street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles or pedestrians or both and includes—</p> <p>(a) a bridge, viaduct or subway; or</p> <p>(b) an alley, laneway or walkway.</p> |

4. POLICY OBJECTIVES

4.1. The objectives of this Policy are to:

- 4.1.1. Ensure our City streets are welcoming and accessible by prioritising pedestrian thoroughfare as the primary purpose of the footpath and maintaining a consistent and predictable clear path of travel for users of all abilities.
- 4.1.2. Provide an overarching framework to guide the use of our City's footpaths and walkways by local businesses and ensure trading applications are assessed against Council's policy criteria and guidelines and considered on individual merit.
- 4.1.3. Provide a balance between the various stakeholder interests in public areas that are used for business trading.
- 4.1.4. Make it easier for businesses to obtain business trading permits and provide transparent guidelines that highlight key considerations in relation to access, safety, design and amenity.
- 4.1.5. Prioritise the safety of all users of the City by adopting a risk management approach when considering permit applications.
- 4.1.6. Ensure all Business Trading activities are designed to enhance the character and amenity of the surrounding streetscape and built form.
- 4.1.7. Meet legislative requirements in relation to the use of Council land for business purposes and related by laws.
- 4.1.8. Encourage activation supporting local businesses to utilise the City's footpaths to promote their businesses and add vibrancy.

5. PRINCIPLES

5.1. Access

- 5.1.1. A well-managed footpath promotes both equitable access and supports local businesses by creating places and streets that are amenable and attractive to all visitors.
- 5.1.2. Council must manage the footpath and other public spaces to provide safe and equal access for all people around the City. This includes pedestrians with a pram, wheelchair or other mobility aid, or who are visually impaired and require a clear path of travel to be maintained at all times.
- 5.1.3. Council recognises that a clear path of travel is a necessity. Best practice is for the clear path of travel to be along the building side of the footway to optimise way finding for stakeholders who are vision impaired. This Policy reinforces the requirement that a clear path of travel should be maintained at all times, while also allowing opportunities for other beneficial uses on the public footway.

5.2. Safety

- 5.2.1. Proposed outdoor dining locations will be assessed in terms of safety and may require changes to existing infrastructure and/or the installation of additional infrastructure (e.g. energy absorbing bollards). As a general principle, outdoor dining is not permitted along 60 km/hr speed limit roads but may be considered when the proposed outdoor dining areas are protected by appropriate safety barriers, or other traffic management treatments mitigate the risk.

5.3. Design and Heritage

- 5.3.1. Footpath trading structures, furniture and accessories should be of high quality design and improve the appearance of the city's public realm. Areas of historic, social and architectural interest, which contribute to the significance, character and appearance of the streetscape, should be conserved.
- 5.3.2. Outdoor dining areas should be attractive, innovative and vibrant. The layout should be appropriate to the setting, have high quality, durable furniture and fittings, and have an attractive and interesting appearance and contribute to overall place activation and vibrancy.

5.4. Operation and Management

- 5.4.1. Footpath trading should be undertaken in a manner that ensures accessible footpaths, contributes to environmental sustainability, creates a safe and clean outdoor space, minimises unnecessary noise and nuisance, and maintains social amenity in this public space.

5.5. Education and Compliance

- 5.5.1. It is the responsibility of applicants and permit holders to make themselves aware of the requirements and permit conditions associated with footpath trading permits.
- 5.5.2. Compliance is important to protect the public land, pedestrians and diners. Trading on public land without a permit will attract an expiation, or failure to comply with a permit condition may result in a revocation of a permit.
- 5.5.3. The issuing of a permit for outdoor dining does not grant exclusive rights of the relevant public space and cannot exclude the general public from using tables and chairs provided for the purpose of outdoor dining.

5.6. Alterations/changes to the Council infrastructure

- 5.6.1. As part of the footpath trading application process, Council may consider changes to Council infrastructure (e.g. widening footpath, relocating signs, installation of bollards etc.) where possible. These type of applications must be considered in the context of an integrated design, as the extension of the kerb may impact on parking, storm water, other services underground and adjacent businesses, and therefore cannot be considered in isolation.
- 5.6.2. The construction of new footpath protuberances to facilitate outdoor dining areas will be at the discretion of the Council, taking into account traffic management and safety. Assessment of such applications will be undertaken on a 'case by case' basis and at the sole discretion of the Council. In the event such application is approved, the costs associated with the infrastructure changes shall be borne by the applicant.

6. LEGISLATION/REFERENCES

- *Local Government Act 1999*
- *Disability Discrimination Act 1992*
- *Development Act 1993 & Regulations 2008*
- *Australian Standard 1428*
- *Australian Human Rights Commission*
- *Austrroads Part 6A*
- *City of Unley Bylaw 1: 2008 Permits and Penalties*
- *City of Unley Bylaw 2: 2008 Roads*
- *City of Unley Bylaw 3: 2008 Local Government Land*
- *City of Unley Bylaw 4: Moveable Signs*

7. POLICY DELEGATIONS

- 7.1 The Delegations and Public Register will specify who is authorised to issue permits for Footpath Trading in accordance with the requirements of this Policy.
- 7.2 The General Manager City Services and Manager Development and Regulatory are authorised to issue permits for Footpath Trading with criteria that have a minor variation to this Policy.

8. ROLES/RESPONSIBILITIES

| <u>Responsibility</u> | <u>Role</u> |
|---|--|
| Management of the street environment and public space | City of Unley |
| Operation and management of Footpath | Permit holders |
| On-going education and compliance with the policy, procedure and operating guidelines | Partnership between the City of Unley and Permit holders |

9. AVAILABILITY OF POLICY

The policy is available for public inspection during normal office hours from;

Civic Centre
 181 Unley Road
 Unley SA 5061

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

It is also available for viewing, download and printing free of charge from the Council's website, www.unley.sa.gov.au

10. DOCUMENT HISTORY

| Date | Ref/Version No. | Comment |
|-------------------|------------------------------------|----------------|
| 10 September 2018 | C1287/18: V1 | |
| 22 July 2019 | C0065/19: V2 | |
| September 2020 | C0342/20: V3 | |
| March 2024 | <i>To be inserted once adopted</i> | |



DECISION REPORT

| | |
|-------------------------|--|
| REPORT TITLE: | CARETAKER POLICY REVIEW |
| ITEM NUMBER: | 4.4 |
| DATE OF MEETING: | 25 MARCH 2024 |
| AUTHOR: | MARK LABAZ, MANAGER GOVERNANCE |
| DIVISION: | OFFICE OF THE CEO |
| ATTACHMENTS: | 1. CURRENT CARETAKER POLICY 2. DRAFT REVISED CARETAKER POLICY |

1. **PURPOSE**

This report seeks Council's endorsement and adoption of the revised *Caretaker Policy* (Policy).

2. **RECOMMENDATION**

That:

1. The report be received.
 2. The Caretaker Policy as set out in Attachment 2 to this Report (Item 4.4, Council Meeting 25/03/2024), be adopted.
 3. The Chief Executive Officer be authorised to make amendments of a minor editorial, formatting and/or technical nature if required as part of the finalisation of the Caretaker Policy.
-

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

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

4. **BACKGROUND**

Council policies and procedures set the strategic tone of Council on matters that significantly impact the community in some way. Once adopted, these policies and procedures require periodical review, after which they are presented to Council for consideration and endorsement.

The current Caretaker Policy (Policy), provided as Attachment 1, affirms the City of Unley's commitment to fair and democratic elections based upon the principle that outgoing elected bodies should not use public resources for election campaigning nor make decisions which may unreasonably, inappropriately, or unnecessarily bind an incoming Council.

Attachment 1

This is a mandatory Policy required under Section 91A of the *Local Government (Elections) Act 1999* (Act).

This Policy has been reviewed as part of Council's ongoing policy and procedure review process with amendments made to accord with changes made to the said Act and to align with the current Local Government Association of South Australia (LGASA) Model Caretaker Policy.

The Policy has also been transcribed into Council's recently updated policy and procedure template.

5. **DISCUSSION**

Section 91A of the Act requires that a council must prepare and adopt a caretaker policy governing the conduct of the council and staff during the election period for a general election.

The Policy must prohibit the Council making a designated decision and the use of council resources for the advantage of a particular candidate or group of candidates during an election period.

A designated decision, as defined under Section 91A(8) of the Act, means a decision which prevents Council from making a resolution dealing with:

- The employment or remuneration of a Chief Executive Officer (CEO) other than a decision to appoint an acting CEO;
- The termination of the appointed CEO;
- Entering into a contract, arrangement or undertaking (other than a contract for road construction, road maintenance or drainage works) where the total value exceeds whichever is the greater of \$100,000 or 1% of the Council's revenue from rates in the preceding financial year with the exception of:
 - Carrying out works in response to an emergency or disaster as stipulated in the *Emergency Management Act 2004* and *Local Government Act 1999*;
 - Expenditure or other decision to be undertaken by agreement where funding is provided to Council by the Commonwealth or State Government or for Council to be eligible for funding from the Commonwealth or State Government;
 - The employment of a Council employee (other than the CEO);

- The conduct of negotiations relating to the employment of Council employees generally, if provision has been made for funds relating to such negotiations in the budget of Council for the relevant financial year and the negotiations commenced prior to the election period; or
- Relates to a Community Wastewater Management System scheme that has, prior to the election period, been approved by Council.

The Policy has been reviewed, taking into consideration the mandatory requirements of the Act, noting that updates within the Policy have also considered the current LGASA Model Caretaker Policy.

Amendments to the Policy have been minor in nature and are summarised as follows:

- Updating the related policies and procedures section to accord with current Council policies, procedures, and codes;
- Clearly detailing when the Policy provisions do not apply namely:
 - Supplementary elections;
 - Announcement of decisions made by Council prior to an election period; and
 - Policy not applicable to the Council Assessment Panel(CAP).
- Expansion of definitions table to include the following terms:
 - Council;
 - Deputy Returning Officer;
 - Electoral material;
 - Electoral Officer; and
 - Prescribed contract.
- Stipulating Policy roles and responsibilities of Council Members and relevant staff; and
- Updating relevant legislation directly associated with the Policy.

The updated Policy is provided as Attachment 2.

Attachment 2

6. POLICY IMPLICATIONS

6.1 Financial/budget implications

- There are no additional financial implications with the recommendation.

6.2 Risk Management (identification and mitigation)

- Updates to the Policy meet the relevant legislation and there are no foreseeable risks associated with the proposed amendments.

6.3 Staffing/Work Plans/Additional Resource Impact

- The Policy is administered under current resourcing and does not require additional resources to deliver.

6.4 Climate/Environmental Impact

- Nil.

6.5 Social/Economic

- Nil.

7. ANALYSIS OF OPTIONS

Option 1 –

1. The report be received.
2. The Caretaker Policy as set out in Attachment 2 to this Report (Item 4.4, Council Meeting 25/03/2024), be adopted.
3. The Chief Executive Officer be authorised to make amendments of a minor editorial, formatting and/or technical nature if required as part of the finalisation of the Caretaker Policy.

This option will finalise the review of the Caretaker Policy. Council Policies are published on the City of Unley website once finalised.

Option 2 –

1. The report be received.
2. The Caretaker Policy as set out in Attachment 2 to this Report (Item 4.4, Council Meeting 25/03/2024), be adopted with the following amendments:
 - 2.1 [Amendments to be determined by Council]
3. The Chief Executive Officer be authorised to make amendments of a minor editorial, formatting and/or technical nature if required as part of the finalisation of the Caretaker Policy.

Council may wish to make amendments to the Policy. If this is the case, the amendments should be articulated as part of the resolution.

8. RECOMMENDED OPTION

Option 1 is the recommended option.

9. REPORT AUTHORISERS

| Name | Title |
|--------------|-------------------------|
| Peter Tsokas | Chief Executive Officer |



CARETAKER POLICY

| | |
|--|---|
| Policy Type: | Council |
| Responsible Department: | Office of the CEO |
| Responsible Officer: | Manager Governance |
| Related Policies and Procedures | <ul style="list-style-type: none"> • Code of Conduct for Council Employees • Code of Conduct for Council Members • Complaints handling procedure under the Code of Conduct for Council Members • Elected Member Training and Development Policy |
| Community Plan Link | <i>Civic Leadership</i> 4.1 We have strong leadership and governance |
| Date Adopted | 27 April 2010 |
| Last review date | 28 March 2022: C0746/22 |
| Next review date | March 2023 |
| Reference/Version Number | V7 |
| ECM Doc set I.D. | 2192188 |

1. PREAMBLE

- 1.1. This is a mandatory policy pursuant to Section 91A of the *Local Government (Elections) Act 1999* (the Act).
- 1.2. The Policy affirms Council's commitment to fair and democratic elections based upon the principle that outgoing elected bodies should not use public resources for election campaigning, nor make decisions which may unreasonably, inappropriately, or unnecessarily bind an incoming Council.

2. SCOPE

- 2.1. This Policy applies throughout the election period for a general election. For the purposes of the Local Government Elections of November 2022, the Policy commences on 6 September 2022 and ends at the conclusion of the election, when results have been declared.
- 2.2. This Policy applies to:
 - the council; and
 - council staff

2.3. The Policy does not apply to:

- Supplementary elections.

2.4. In this Policy:

- All references to 'Council Members' should be read as including the Mayor and the Deputy Mayor; and
- All references to the Chief Executive Officer (CEO) should be read as including an Acting CEO and their delegate.

2.5. The Policy applies during an election period of Council to:

2.5.1 Designated decisions made by Council, as defined by the Act;

2.5.2 The use of Council resources, including:

- Materials published by Council;
- Equipment and stationery;
- Hospitality services and attendance/participation at functions and events;
- Access to Council information;
- Media services issues;
- Responsibilities of Council staff; and

2.5.3 Other significant decisions that are made by the Council.

2.6. The Policy does not apply to the Council Assessment Panel (formerly known as the Development Assessment Panel or DAP) as the Panel is established under Section 83 of the *Planning, Development and Infrastructure Act 2016* and does not make decisions which fall within the definition of designated decision.

3 POLICY OBJECTIVES

3.1 During a Local Government election period, Council will assume a 'Caretaker mode', and will avoid actions and decisions which could be perceived as intended to affect the results of an election or have a significant impact on, or unnecessarily bind, the incoming Council.

3.2 The purpose of this Policy is to clearly set the parameters that Council will operate within during an election period. Caretaker provisions are required pursuant to section 91A of the Act and are generally regarded as necessary for the promotion of transparent and accountable government during an election period.

4 DEFINITIONS

| | |
|--------------------------------------|---|
| Chief Executive Officer (CEO) | means the appointed CEO or Acting CEO or nominee. |
| Council Member | means an elected member of the City of Unley. |



| | |
|--|---|
| Council staff | means any person that is employed full-time, part-time, or casually by the Council who receives remuneration for their work. |
| Council's Electoral Liaison Officer | means the council employee nominated by the CEO to undertake in-house election functions. |
| Designated decision | (as defined under Section 91A(8) of the Act) means a decision which prevents Council from making a resolution of the type specified (see clause 5.1 below). |
| Discretionary public consultation | means consultation that is not legislatively mandated and is a process involving an invitation or invitations to individuals, groups or organisations or the community generally to comment on an issue, proposed action or proposed policy (see clause 5.11.2). |
| Election period | means the period commencing on the day of the close of nominations for a general election and expiring at the conclusion of the general election. |
| Electoral material | means material which is calculated (i.e., intended, or likely) to affect the result of an election (see clause 5.7.2). |
| General election | means a general election of Council Members held: <ul style="list-style-type: none"> (a) under section 5 of the Act; or (b) pursuant to a proclamation or notice under the <i>Local Government Act 1999</i> (the <i>Local Government Act</i>). |
| Minister | means the Minister for Local Government or other minister of the South Australian government vested with responsibility for the Act. |
| Major policy decision | means a type of decision that the CEO should avoid scheduling for consideration during an election period (see clause 5.2.3). |
| Publication | means any type of publication, including but not limited to, leaflets, newspapers, posters, email, website, radio, social media etc (see clause 5.7.3). |
| Significant decision | means any major policy or other decision which will significantly affect the Council area or community or will inappropriately bind the incoming Council (see clause 5.2.2). |

5 POLICY

5.1 'Designated decisions' prohibited by the *Local Government (Elections) Act 1999*

5.1.1 The Council is prohibited from making a designated decision during an election period. A decision of the Council includes a decision of:

- a committee of Council; and
- a delegate of Council

5.1.2 In accordance with section 91A(8) of the Act "Designated decision" means a decision:

(a) relating to the employment or remuneration of a CEO other than a decision to appoint an acting CEO; or to suspend the CEO for serious and wilful misconduct;

(b) to terminate the appointment of a CEO; or

(c) to enter into a contract, arrangement or understanding (other than a contract for road construction, road maintenance or drainage works) the total value of which exceeds whichever is the greater of \$100,000 or 1% of the Council's revenue from rates in the preceding financial year, except if the decision:

- i. relates to the carrying out of works in response to an emergency or disaster within the meaning of the *Emergency Management Act 2004*, or under section 298 of the *Local Government Act*;
- ii. is an expenditure or other decision required to be taken under an agreement by which funding is provided to the Council by the Commonwealth or State Government or otherwise for the Council to be eligible for funding from the Commonwealth or State Government;
- iii. relates to the employment of a particular Council employee (other than the CEO);
- iv. is made in the conduct of negotiations relating to the employment of Council employees generally, or a class of Council employees, if provision has been made for funds relating to such negotiations in the budget of the Council for the relevant financial year and the negotiations commenced prior to the election period; or
- v. relates to a Community Wastewater Management Systems scheme that has, prior to the election period, been approved by the Council.

5.2 Treatment of other significant decisions prohibited by this Policy

5.2.1 So far as is reasonably practicable, the CEO should avoid scheduling significant decisions (including major policy decisions) for consideration during an election period and, instead, ensure that such decisions are:

- considered by Council prior to the election period; or

- scheduled for determination by the incoming Council.
- 5.2.2 A 'significant decision' is any major policy or other decision which will significantly affect the Council area or community or will inappropriately bind the incoming Council.
- 5.2.3 In the context of this Policy, a 'major policy decision' may include any decision:
- to spend unbudgeted monies;
 - to conduct unplanned public consultation;
 - to endorse a new policy;
 - to approve community grants;
 - to progress any matter which has been identified as an election issue; or
 - any other issue that is considered a major policy decision by the CEO that is not a designated decision.
- 5.2.4 The determination as to whether a major policy or other decision is significant will be made by the CEO, after consultation with the Mayor or Committee Presiding Member. The CEO must keep a record of all such determinations made by the CEO (including by previous CEO's) and make this list available to candidates upon request.
- 5.2.5 Where the CEO has determined that a decision is a major policy or otherwise significant decision, but circumstances arise that require the decision to be made during the election period, the CEO will report this to Council.
- 5.2.6 The aim of the CEO report to Council is to assist Council to assess whether the decision should be deferred for consideration by the incoming Council.
- 5.2.7 The CEO's report will address the following issues, where relevant:
- a) why the matter is considered 'significant';
 - b) why the matter is considered urgent;
 - c) what are the financial impacts and other potential consequences of postponing the matter until after the election, on both the current Council and incoming Council;
 - d) whether deciding the matter will bind or significantly limit the policy choices of the incoming Council;
 - e) whether the matter requires the expenditure of unbudgeted funds;
 - f) whether the matter is the completion of an activity already commenced and previously endorsed by Council;
 - g) whether the matter requires community engagement;
 - h) any relevant statutory obligations or timeframes; and
 - i) whether dealing with the matter in the 'election period' is in the best interest of the Council area and community.
- 5.2.8 Council will consider the CEO's report and determine whether or not to make the decision.

5.3 Prohibition on the use of Council resources

- 5.3.1 Council resources must not be used for the advantage of a particular candidate or group of candidates.
- 5.3.2 For clarity, neither the Act, nor this Policy prohibits a council providing resources to all members of the public, which incidentally includes all candidates for election.
- 5.3.3 The following Council resources must not be used for the advantage of a particular candidate or group of candidates and may only be used by Council Members, where necessary, in the performance of their ordinary duties as a Council Member:
- Mobile phones
 - Council vehicles
 - Council provided landline phones, computers, and other office equipment beyond that provided to member of the public (e.g., in a public library)
 - Council provided business cards
 - Requests to Council employees to perform tasks which would confer an advantage on a candidate or group of candidates
 - The ability to issue invitations to Council events
 - Council travel arrangements (e.g., access to Council negotiated rates for flights, accommodation or hire cars)
 - Access to areas that members of the public cannot access, including areas within the property of third parties (e.g., 'Mayors Parlour' at a suburban football oval)
 - Council produced promotional brochures and documents
- 5.3.4 Despite paragraph 5.3.1, the Council may determine those Council resources that may be used by all candidates for election on an equal basis.

5.4 Consequence of contravening this Policy

- 5.4.1 A designated decision made by Council during an election period is invalid, except where an exemption has been granted by the Minister.
- 5.4.2 Any person who suffers loss or damage as a result of acting in good faith on a designated decision made by the Council in contravention of this Policy is entitled to compensation from the Council for that loss or damage.

5.5 Application for exemption

- 5.5.1 If the Council considers that it is faced with extraordinary circumstances which require the making of a designated decision during the election period, the Council may apply, in writing, to the Minister for an exemption to enable the making of a designated decision that would otherwise be invalid under section 91A of the Act and this Policy.
- 5.5.2 If the Minister grants an exemption to enable the making of a designated decision that would be invalid under section 91A of the Act and this Policy,

then the Council and Council staff will comply with any conditions or limitations that the Minister imposes on the exemption.

5.6 Decisions made prior to an election period

- 5.6.1 The Policy applies to actual decisions made during an election period, not the announcement of decisions made prior to the election period.

5.7 Publication of material during an election period

- 5.7.1 Subject to the operation of Section 12(b) of the Act Council must not:

- a) Print, publish or distribute; or
- b) Cause, permit or authorise others to print, publish or distribute on behalf of Council,

any advertisement, handbill, pamphlet, or notice, including on the Council website or social media channels, that contains electoral material during an election period.

- 5.7.2 For the purposes of this Policy 'electoral material' means material which is calculated (i.e., intended, or likely) to affect the result of an election. However, it does not include any materials produced by Council relating to the provision of information, education and publicity designed to announce the holding of an election or promote public participation in the electoral processes, or materials produced by or on behalf of the Returning Officer for the purposes of conducting an election.

- 5.7.3 Council Members are permitted to publish campaign material on their own behalf, but cannot assert that the material is originating from, or authorised by, Council (e.g., using Council logos or their Council email address).

NOTE: 'Publication' means any type of publication, including but not limited to leaflets, newspapers, posters, email, website, radio, social media etc.

- 5.7.4 Insofar as any Council publications, such as the Annual Report, are required to be published during an election period, the content contained within them regarding Council Members will be restricted to that prescribed by the *Local Government Act and Regulations*.

- 5.7.5 Council publications produced before an election period containing material which might be construed as electoral material must not be circulated or displayed during the election period. However, these materials may be made available to members of the public upon request.

- 5.7.6 If Unley Life is scheduled to be published during the election period, the CEO may use this publication as an opportunity to promote the upcoming election.

- 5.7.7 Council Member columns will not be included in Unley Life editions published during the election period. The profiles of all candidates may be included in place of the Council Member columns.

5.8 Attendance at Events and Functions during an election period

- 5.8.1 In this clause, reference to events and functions means gatherings involving external stakeholders to discuss, review, acknowledge, communicate, celebrate, or promote a program, strategy or issue which is of relevance to Council and its community and may take the form of conferences, workshops,

forums, launches, promotional activities, and social occasions such as dinners, receptions, and balls.

- 5.8.2 Council Members may continue to attend events and functions staged by external bodies during an election period.
- 5.8.3 Council organised events and functions held during the election period will be reduced to only those essential to the operation of the Council.
- 5.8.4 Council Members must not give speeches or keynote addresses at Council organised or sponsored events and functions during an election period. Council Members may, however, make short welcome remarks at Council organised or sponsored events and functions during an election period.

5.9 Media Service

- 5.9.1 Council's media services are directly managed by or under the supervision of the CEO and are provided solely to promote Council activities or initiatives and must not be used in any manner that might favour a candidate during an election period.
- 5.9.2 Any request for media advice or assistance from Council Members during an election period will be referred to the CEO. No media advice will be provided in relation to election issues or in regard to publicity that involves specific Council Members.
- 5.9.3 Media releases will not refer to specific Council Members. Where it is necessary to identify a spokesperson in relation to an issue, the CEO will be the nominated person unless otherwise determined by the CEO.
- 5.9.4 During the election period, publicity campaigns, other than for the purpose of conducting the election in accordance with the requirements of Section 12(b) of the Act, will be avoided wherever possible. Where a publicity campaign is deemed necessary for a Council activity, it must be approved by the CEO.
- 5.9.5 In any event, Council publicity during an election period will be restricted to communicating normal Council activities and initiatives without any variation in form or size.
- 5.9.6 Council Members will not use their position as an elected representative or their access to Council staff and other Council resources to gain media attention in support of an election campaign.
- 5.9.7 During an election period, no Council employee may make any public statement that relates to an election issue unless such statements have been approved by the CEO.

5.10 Council Staff Responsibilities during an election period

- 5.10.1 Prior to any election period, the CEO will ensure that all members of Council staff are advised in relation to the application of the Caretaker Policy.

5.10.2 Correspondence

- 5.10.2.1 All correspondence addressed to Council Members will be answered by the CEO during the election period.

5.10.3 Activities that may affect voting

- 5.10.3.1 Council staff must not undertake any activity that may affect voting in the election, except where the activity relates to the election process and is authorised by the CEO.
- 5.10.3.2 Council staff must not authorise, use, or allocate a Council resource for any purpose which may influence voting in the election, except where it relates only to the election process and is authorised by the CEO.
- 5.10.3.3 Council staff must not assist Council Members in ways that are or could create a perception that they are being used for electoral purposes. In any circumstances where the use of Council resources might be construed as being related to a candidate's election campaign, the use must be reported to, and advice sought from, the CEO.

5.11 Public Consultation during an election period

- 5.11.1 This Policy prohibits the conduct of discretionary public consultation during the election period.
- 5.11.2 For the purpose of this provision, discretionary public consultation means consultation that is not legislatively mandated and is a process involving an invitation or invitations to individuals, groups or organisations or the community generally to comment on an issue, proposed action, or proposed policy.
- 5.11.3 The Policy does not prevent any mandatory public consultation required by the *Local Government Act* or any other Act which must be undertaken to enable the Council to fulfil its functions in relation to any matter or decisions which are not prohibited by law or by this Policy.
- 5.11.4 Where public consultation is approved to occur during an election period, the results of that consultation will not be reported to Council until after the election period, except where it is necessary for the performance of functions as set out in clause 5.2 above.
- 5.11.5 Community meetings will not be held during an election period.

5.12 Council Member Training and Development

- 5.12.1 The provisions within the Elected Member Training and Development Policy will cease at the close of nominations and recommence once the new Council has been sworn into office meaning that the Council will not fund any training and development activities for Council Members during this period.

6 LEGISLATION/REFERENCES

- *Local Government Act 1999*
- *Local Government (Elections) Act 1999*
- *Local Government (Elections) Regulations 2010*

7 POLICY DELEGATIONS

Nil applicable



8 ROLES/RESPONSIBILITIES

Pursuant to section 10 of the Act, the Electoral Commission for South Australia is the Returning Officer for the Local Government election.

The Council's Electoral Liaison Officer and Electoral Officers undertake the in-house election functions and are responsible to the Electoral Commissioner in regard to election responsibilities.

9 AVAILABILITY OF POLICY

This Policy is available to be downloaded, free of charge, from Council's website: www.unley.sa.gov.au.

A printed copy may be purchased on request from the Council office.

10 DOCUMENT HISTORY

| Date | Ref/Version No. | Comment |
|------------|-----------------|---|
| 27/04/2010 | C644: V1 | |
| 28/05/2012 | C420: V2 | |
| 11/03/2014 | C1074:V3 | |
| 28/03/2018 | C1120:V4 | |
| 22/07/2019 | C0065:V5 | |
| 26/03/2019 | C1120/19: V6 | |
| 28/03/2022 | C0746/22: V7 | Review of Policy, prior to November 2022 Local Government Elections with guidance from the LGA Caretaker Guidelines |



CARETAKER POLICY

| | |
|--|---|
| Policy Type | Council |
| Responsible Department | Office of the CEO |
| Responsible Officer | Manager Governance |
| Related Policies and Procedures | <ul style="list-style-type: none"> • Code of Conduct for Council Members • Elected Member Training and Development Policy • Employee Code of Conduct • Local Government Association of South Australia – Model Caretaker Policy |
| Community Plan Link | 4. Civic Leadership 4.1 We have strong leadership and governance |
| Date Originally Adopted | 27 April 2010 |
| Last Review Date | <i>To be inserted once endorsed</i> |
| Next Review Date | June 2026 |
| ECM Document No. | <i>To be inserted once endorsed</i> |

1. PREAMBLE

- 1.1. The Caretaker Policy (Policy) affirms Council's commitment to fair and democratic elections based upon the principle that outgoing elected bodies should not use public resources for election campaigning, nor make decisions which may unreasonably, inappropriately, or unnecessarily bind an incoming Council
- 1.2. This is a mandatory Policy required under Section 91A – Conduct of council during election period of the *Local Government (Elections) Act 1999 (Act)*.

2. SCOPE

- 2.1. This Policy applies throughout the election period for a general election. and ends at the conclusion of the election when results have been declared.
- 2.2. This Policy applies to:
 - Council;
 - Council Members; and
 - Council staff.



2.3. The Policy applies during an election period of Council to:

2.5.1 Designated decisions made by Council, as defined by the Act;

2.5.2 The use of Council resources, including:

- Materials published by Council;
- Equipment and stationery;
- Hospitality services and attendance/participation at functions and events;
- Access to Council information;
- Media services and activities; and
Council staff.

2.5.3 Other significant decisions that are made by the Council.

2.4. The Policy does not apply to:

- Supplementary elections.
- Announcements of decisions made by Council prior to the election period.

2.5. The Policy does not apply to the Council Assessment Panel (CAP) as the Panel is established under Section 83 of the *Planning, Development and Infrastructure Act 2016* and does not make decisions which fall within the definition of designated decision.

2.6. In this Policy:

- All references to 'Council Members' should be read as including the Mayor and the Deputy Mayor; and
- All references to the Chief Executive Officer (CEO) should be read as including an Acting CEO and their delegate.

3. POLICY PURPOSE/OBJECTIVES

3.1. During a Local Government election period, Council will assume a 'Caretaker mode,' and will avoid actions and decisions which could be perceived as intended to affect the results of an election or have a significant impact on, or unnecessarily bind, the incoming Council.

3.2. The purpose of this Policy is to clearly set the parameters that Council will operate within during an election period. Caretaker provisions are required pursuant to Section 91A of the Act and are regarded as necessary for the promotion of transparent and accountable government during an election period.

4. DEFINITIONS

| <u>Term</u> | <u>Definition</u> |
|--------------------------------------|---|
| Chief Executive Officer (CEO) | means the appointed CEO or Acting CEO |
| Council | Means a council constituted under the <i>Local Government Act 1999</i> (the Local Government Act) |
| Council Member | means an Elected Member of the City of Unley |
| Council staff/employee | means any person that is employed full-time, part-time, or casually by the Council who receives remuneration for their work |



| | |
|--|--|
| Council Electoral Liaison Officer | means council employee(s) nominated by the deputy returning officer to undertake in-house election functions |
| Deputy Returning Officer | means a council employee(s) appointed by the Electoral Commissioner for South Australia to undertake the conduct of the election |
| Designated decision | (as defined under Section 91A(8) of the Act) means a decision which prevents Council from making a resolution of the type specified (Refer Clause 6.1) |
| Discretionary public consultation | means consultation that is not legislatively mandated and is a process involving an invitation or invitations to individuals, groups or organisations or the community generally to comment on an issue, proposed action or proposed policy (Refer Clause 6.9) |
| Electoral material | means material which is calculated (i.e., intended, or likely) to affect the result of an election (Refer Clause 6.6.2) |
| Electoral Officer | means a council employee(s) appointed by the Deputy Returning Officer to assist with the election process |
| Election period | means the period commencing on the day of the close of nominations for a general election and expiring at the conclusion of the general election. |
| General election | means a general election of Council Members held: <ul style="list-style-type: none"> (a) under section 5 of the Act; or pursuant to a proclamation or notice under the Local Government Act |
| Minister | means the Minister for Local Government or other minister of the South Australian government vested with responsibility for the Act. |
| Major policy decision | means a type of decision that the CEO should avoid scheduling for consideration during an election period (Refer Clause 6.2.2) |
| Prescribed contract | (as defined by Section 91A(8) of the Act) means a contract entered into by Council for the purpose of undertaking: <ul style="list-style-type: none"> • road construction or maintenance; or • drainage works |
| Publication | means any type of publication, including but not limited to, leaflets, newspapers, posters, email, website, radio, social media etc |
| Significant decision | means any major policy or other decision which will significantly affect the Council area or community or will inappropriately bind the incoming Council (Refer Clause 6.2) |

5. ROLES AND RESPONSIBILITIES

| Role | Responsibilities |
|-------------------------------|---|
| Council Members | Must comply with the requirements of this Policy |
| Chief Executive Officer (CEO) | During an election period: <ul style="list-style-type: none"> • avoid scheduling major policy decisions; |



| | |
|------------|---|
| | <ul style="list-style-type: none"> • may use Council publications such as Unley Life to promote the upcoming election; • manage media services and publicity campaigns; and • answer all correspondence addressed to Council Members |
| Governance | Responsible for the review and application of this Policy |
| Employees | Must comply with all staff/employee requirements detailed within the Policy during the election period |

- 5.1. Pursuant to Section 10 of the Act, the Electoral Commissioner for South Australia (Electoral Commissioner) is the Returning Officer for the election.
- 5.2. The Electoral Commissioner may appoint one or more deputy returning officers (Council Staff) to undertake the conduct of the election.
- 5.3. A deputy returning officer, with the approval of the Electoral Commissioner, may engage a Council Electoral Liaison Officer and other Electoral Officers to assist in the conduct of the election by undertaking the in-house election functions.

6. POLICY STATEMENT

6.1. 'Designated decisions' prohibited by the *Local Government (Elections) Act 1999*

6.1.1. The Council is prohibited from making a designated decision during an election period. A decision of the Council includes a decision of:

- a committee of Council; and
- a delegate of Council

6.1.2. In accordance with section 91A(8) of the Act "designated decision" means a decision:

- (a) relating to the employment or remuneration of a CEO other than a decision to appoint an acting CEO; or
- (b) to terminate the appointment of a CEO; or
- (c) to enter into a contract, arrangement or understanding (other than a contract for road construction, road maintenance or drainage works, known as a 'prescribed contract') the total value of which exceeds whichever is the greater of \$100,000 or 1% of the Council's revenue from rates in the preceding financial year, except if the decision:
 - i. relates to the carrying out of works in response to an emergency or disaster within the meaning of the *Emergency Management Act 2004*, or under section 298 of the *Local Government Act*; which deals with the power of Council to act in an emergency;
 - ii. is an expenditure or other decision required to be taken under an agreement by which funding is provided to the Council by the Commonwealth or State Government or otherwise for the Council to be eligible for funding from the Commonwealth or State Government;
 - iii. relates to the employment of a particular Council employee (other than the CEO);



- iv. is made in the conduct of negotiations relating to the employment of Council employees generally, or a class of Council employees, if provision has been made for funds relating to such negotiations in the budget of the Council for the relevant financial year and the negotiations commenced prior to the election period; or
- v. relates to a Community Wastewater Management System scheme that has, prior to the election period, been approved by the Council.

6.2. Treatment of other significant decisions prohibited by this Policy

6.2.1. As far as is reasonably practicable, the CEO should avoid scheduling significant decisions (including major policy decisions) for consideration during an election period and, instead, ensure that such decisions are:

- considered by Council prior to the election period; or
- scheduled for determination by the incoming Council.

6.2.2. In the context of this Policy, a 'major policy decision,' not being a designated decision, may include a decision:

- to spend unbudgeted monies;
- to conduct unplanned public consultation;
- to endorse a new policy;
- to dispose of council land;
- to approve community grants;
- to progress any matter which has been identified as an election issue; or
- any other issue that is considered a major policy decision by the CEO.

6.2.3. The determination as to whether a major policy or other decision is significant will be made by the CEO, after consultation with the Mayor or Committee Presiding Member (as relevant). The CEO must keep a record of all such determinations made by the CEO (including by previous CEO's) and make this list available to candidates upon request.

6.2.4. Where the CEO has determined that a decision is a major policy or otherwise significant decision, but circumstances arise that require the decision to be made during the election period, the CEO will report this to Council.

6.2.5. The aim of the CEO report to Council is to assist Council Members to assess whether the decision should be deferred for consideration by the incoming Council.

6.2.6. The CEO's report to Council will address the following issues, where relevant:

- a) why the matter is considered 'significant';
- b) why the matter is considered urgent;
- c) what are the financial impacts and other potential consequences of postponing the matter until after the election, on both the current Council and incoming Council;

- d) whether deciding the matter will bind or significantly limit the options of the incoming Council;
- e) whether the matter requires the expenditure of unbudgeted funds;
- f) whether the matter is the completion of an activity already commenced and previously endorsed by Council;
- g) whether the matter requires community engagement;
- h) any relevant statutory obligations or timeframes; and
- i) whether dealing with the matter in the election period is in the best interest of the Council area and community.

6.2.7. Council will consider the CEO's report and determine whether or not to make the decision.

6.3. Prohibition on the use of Council resources

6.3.1. Council resources must not be used for the advantage of a particular candidate or group of candidates.

6.3.2. For clarity, neither the Act, nor this Policy prohibits a council providing resources to all members of the public, which incidentally includes all candidates for election.

6.3.3. The following Council resources **must not** be used for the advantage of a particular candidate or group of candidates and may only be used by Council Members, where necessary, in the performance of their ordinary duties as a Council Member:

- Mobile phones
- Council vehicles
- Council provided landline phones, computers, and other office equipment beyond that provided to member of the public (e.g., in a public library)
- Council provided business cards
- Requests to Council employees to perform tasks which would confer an advantage on a candidate or group of candidates
- The ability to issue invitations to Council events
- Council travel arrangements (e.g., access to Council negotiated rates for flights, accommodation or hire cars)
- Access to areas that members of the public cannot access, including areas within the property of third parties (e.g., 'Mayors Parlour' at a suburban football oval)
- Council produced promotional brochures and documents

6.3.4. Despite Clause 6.3.1, the Council may determine those Council resources that may be used by all candidates for election on an equal basis.

6.4. Consequence of contravening this Policy



- 6.4.1. A designated decision made by Council during an election period is invalid, except where an exemption has been granted by the Minister under Sections 91A(4)(5) of the Act.
- 6.4.2. Any person who suffers loss or damage as a result of acting in good faith on a designated decision made by the Council in contravention of this Policy is entitled to compensation from the Council for that loss or damage under Section 91(A)(6) of the Act.

6.5. Application for exemption

- 6.5.1. If the Council considers that it is faced with extraordinary circumstances which require the making of a designated decision during the election period, the Council may apply, in writing, to the Minister for an exemption to enable the making of a designated decision that would otherwise be invalid under Section 91A(3) of the Act and this Policy.
- 6.5.2. If the Minister grants an exemption to enable the making of a designated decision that would be invalid under Sections 91A(4)(5) of the Act and this Policy, then the Council and Council staff will comply with any conditions or limitations that the Minister imposes on the exemption.

6.6. Publication of material during an election period

- 6.6.1. Subject to the operation of Section 12(b) of the Act Council must not:
 - a) Print, publish or distribute; or
 - b) Cause, permit or authorise others to print, publish or distribute on behalf of Council,
any advertisement, handbill, pamphlet, or notice, including on the Council website or social media channels, that contains electoral material during an election period.
- 6.6.2. For the purposes of this Policy 'electoral material' means material which is calculated (i.e., intended, or likely) to affect the result of an election. However, it does not include any materials produced by Council relating to the provision of information, education and publicity designed to announce the holding of an election or promote public participation in the electoral processes, or materials produced by or on behalf of the Returning Officer for the purposes of conducting an election.
- 6.6.3. Council Members are permitted to publish campaign material on their own behalf, but cannot assert that the material is originating from, or authorised by, Council (e.g., using Council logos or their Council email address).
- 6.6.4. Insofar as any Council publications, such as the Annual Report, are required to be published during an election period, the content contained within them regarding Council Members will be restricted to that prescribed by the Local Government Act and *Local Government (General) Regulations 2013* (Regulations).
- 6.6.5. Council publications produced before an election period containing material which might be construed as electoral material must not be circulated or

displayed during the election period. However, these materials may be made available to members of the public upon request.

6.6.6. If Unley Life is scheduled to be published during the election period, the CEO may use this publication as an opportunity to promote the upcoming election.

6.6.7. Council Member columns will not be included in Unley Life editions published during the election period. The profiles of all candidates may be included in place of the Council Member columns.

6.7. Attendance at Events and Functions during an election period

6.7.1. In this clause, reference to events and functions means gatherings involving external stakeholders to discuss, review, acknowledge, communicate, celebrate, or promote a program, strategy or issue which is of relevance to Council and its community and may take the form of conferences, workshops, forums, launches, promotional activities, and social occasions such as dinners, receptions, and balls.

6.7.2. Council Members may continue to attend events and functions staged by external bodies during an election period.

6.7.3. Council organised events and functions held during the election period will be reduced to only those essential to the operation of the Council.

6.7.4. Council Members must not give speeches or keynote addresses at Council organised or sponsored events and functions during an election period. Council Members may, however, make short welcome remarks at Council organised or sponsored events and functions during an election period.

6.8. Media Service

6.8.1. During an election period, Council's media services are directly managed by the CEO and are provided solely to promote Council activities or initiatives and must not be used in any manner that might favour a candidate during this period.

6.8.2. Any request for media advice or assistance from Council Members during an election period will be referred to the CEO. No media advice will be provided in relation to election issues or in regard to publicity that involves specific Council Members.

6.8.3. Media releases will not refer to specific Council Members. Where it is necessary to identify a spokesperson in relation to an issue, the CEO will be the nominated person unless otherwise determined by the CEO.

6.8.4. During the election period, publicity campaigns, other than for the purpose of conducting the election in accordance with the requirements of Section 12(b) of the Act, will be avoided wherever possible. Where a publicity campaign is deemed necessary for a Council activity, it must be approved by the CEO.

6.8.5. In any event, Council publicity during an election period will be restricted to communicating normal Council activities and initiatives without any variation in form or size.

6.8.6. Council Members will not use their position as an elected representative or their access to Council staff and other Council resources to gain media attention in support of an election campaign.

6.8.7. During an election period, no Council employee may make any public statement that relates to an election issue unless such statements have been approved by the CEO.

6.8.8. Correspondence

6.8.8.1. All correspondence addressed to Council Members will be answered by the CEO during the election period.

6.8.9. Activities that may affect voting

6.8.9.1. Council staff must not undertake any activity that may affect voting in the election, except where the activity relates to the election process and is authorised by the CEO.

6.8.9.2. Council staff must not authorise, use, or allocate a Council resource for any purpose which may influence voting in the election, except where it relates only to the election process and is authorised by the CEO.

6.8.9.3. Council staff must not assist Council Members in ways that are or could create a perception that they are being used for electoral purposes. In any circumstances where the use of Council resources might be construed as being related to a candidate's election campaign, the use must be reported to, and advice sought from, the CEO.

6.9. Public Consultation during an election period

6.9.1. This Policy prohibits the conduct of discretionary public consultation during the election period.

6.9.2. The Policy does not prevent any mandatory public consultation required by the Local Government Act or any other Act which must be undertaken to enable the Council to fulfil its functions in relation to any matter or decisions which are not prohibited by law or by this Policy.

6.9.3. Where public consultation is approved to occur during an election period, the results of that consultation will not be reported to Council until after the election period, except where it is necessary for the performance of functions as set out in Clause 6.9.2 above.

6.9.4. Community meetings will not be held during an election period.

6.10. Council Member Training and Development

6.10.1. The provisions within the Elected Member Training and Development Policy will cease at the close of nominations and recommence once the new Council has been sworn into office meaning that the Council will not fund any training and development activities for Council Members during this period.



7. POLICY DELEGATIONS

Nil.

8. LEGISLATION

- *Emergency Management Act 2004*
- *Local Government Act 1999*
- *Local Government (Elections) Act 1999*
- *Local Government (Elections) Regulations 2010*
- *Local Government (General Regulations) 2013*
- *Planning Development and Infrastructure Act 2016*

9. AVAILABILITY OF POLICY

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

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

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

It is also available for viewing, download and printing free of charge from the Council's website www.unley.sa.gov.au.

10. DOCUMENT HISTORY

| Date | Version No. | Comment |
|------------|-------------|---|
| 27/04/2010 | 1 | C644 |
| 28/05/2012 | 2 | C420 |
| 11/03/2014 | 3 | C1074 |
| 28/03/2018 | 4 | C1120 |
| 22/07/2019 | 5 | C0065 |
| 26/03/2019 | 6 | C1120/19 |
| 28/03/2022 | 7 | C0746/22: Review of Policy, prior to November 2022 Local Government Elections with guidance from the LGA Caretaker Guidelines |
| 25/03/2024 | 8 | <i>To be populated once adopted</i> |

DECISION REPORT

| | |
|-------------------------|---|
| REPORT TITLE: | INTERNAL REVIEW OF COUNCIL DECISION PROCEDURE REVIEW |
| ITEM NUMBER: | 4.5 |
| DATE OF MEETING: | 25 MARCH 2024 |
| AUTHOR: | MARK LABAZ, MANAGER GOVERNANCE |
| DIVISION: | OFFICE OF THE CEO |
| ATTACHMENTS: | <ol style="list-style-type: none">1. CURRENT INTERNAL REVIEW OF COUNCIL DECISION PROCEDURE2. DRAFT REVISED INTERNAL REVIEW OF COUNCIL DECISION PROCEDURE |

1. **PURPOSE**

This report seeks Council's endorsement and adoption of the revised *Internal Review of Council Decision Procedure* (Procedure).

2. **RECOMMENDATION**

That:

1. The report be received.
 2. The Internal Review of Council Decision Procedure as set out in Attachment 2 to this Report (Item 4.5, Council Meeting 25/03/2024), be adopted.
 3. The Chief Executive Officer be authorised to make amendments of a minor editorial, formatting and/or technical nature if required as part of the finalisation of the Internal Review of Council Decision Procedure.
-

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

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

4. **BACKGROUND**

Council policies and procedures set the strategic tone of Council on matters that significantly impact the community in some way. Once adopted, these policies and procedures require periodical review, after which they are presented to Council for consideration and endorsement.

The current Internal Review of Council Decision Procedure (Procedure) appearing as Attachment 1 recognises the importance of transparency in Council decision making and the need to provide a fair, objective, and consistent process for the internal review of Council decisions.

Attachment 1

This is a mandatory Procedure required under Section 270(1) of the *Local Government Act 1999* (Act) and applies when reviewing the decisions of:

- Council;
- Employees of Council; and
- Other persons acting on behalf of Council.

This Procedure has been reviewed as part of Council's ongoing policy and procedure review process with amendments made to accord with changes to the said Act and to other statutes which have been amended since the last review and to align with the Local Government Association of South Australia (LGASA) Internal Review of a Council Decision Model Procedure.

The Procedure has also been transcribed into Council's recently updated policy and procedure template.

5. **DISCUSSION**

Section 270(1) of the Act requires that Council must establish procedures for the review of decisions of the Council, employees of Council and other persons acting on behalf of Council.

Council, its committees, employees, and contractors make decisions every day which impact on the community. It is imperative that these decisions are fair, objective, and subject to review. Council is committed to open, responsive, and accountable government. This includes providing processes by which the community adversely affected by a decision of Council can have their grievances considered.

This Procedure is one aspect of Council's customer focussed approach to service delivery and forms part of Council's processes for dealing with complaints. It provides a further opportunity to review the way Council provides services to the community and to identify areas for improvement.

The Procedure has been designed to ensure that:

- Every person has the opportunity to make an application for review of a decision covered by this Procedure;
- An unbiased review is undertaken;
- Outcomes of a review are based on sound evidence; and
- Applicants receive information about the outcome of the review.

This Procedure has been reviewed, taking into consideration the mandatory requirements of the above-mentioned Act noting that updates within the Procedure have also considered ongoing changes to other relevant statutes, for example, the *Independent Commission Against Corruption Act 2012* (ICAC Act).

The updated Procedure is provided as Attachment 2.

Attachment 2

Material amendments to the Draft Procedure are summarised as follows:

Related Policies and Procedures

This section of the Procedure has been updated to reflect Council's current related policies and procedures and that of the LGASA.

Scope

Further detailed examples have been incorporated into this section to clearly articulate what matters are out of scope and will not be considered under this Procedure. Essentially this includes other provisions of the Act that prescribe appeal arrangements, for example objections to valuation assessments by Council and appeals against orders made pursuant to Section 254 of the Act and to also highlight other legislation, which has its own prescribed appeal procedures, for example reviews of expiation notices under the *Expiation of Offences Act 1996*.

Definitions and Roles and Responsibilities

The definitions and roles and responsibilities section has been updated and consolidated in the Procedure to reflect the new format of the recently updated policy and procedure template.

Internal Review of Decision Requests

Due to amendments made to the ICAC Act and changes to the role of the Office for Public Integrity (OPI) and Ombudsman, in respect to the reporting of corruption, misconduct or maladministration in public administration, this section of the Procedure has been updated to provide clear direction as to when and to whom such matters must be reported to.

Amendments to Section 270(3) of the Act now require an application for an internal review of Council Decision to be accompanied by a prescribed fee which is detailed in Council's Fees and Charges Schedule published on Council's website. However, Section 270(3a) of the Act allows for Council to reduce, waive, or refund this fee on a case-by-case basis.

The Internal Review of Decision Request Form, which is annexed to the Procedure, has also been updated to note this application fee.

Council as the Decision Maker

Matters to be referred to Council as the Decision maker now include a decision or recommendation made by any Committee of the Council. Previously this internal review process was limited to only a Committee of Council as prescribed by Section 41 of the Act.

6. POLICY IMPLICATIONS

6.1 Financial/budget implications

- There are no additional financial implications with the recommendation.
- The Procedure stipulates that where Council is the Decision Maker, the CEO, or Mayor in consultation with the CEO, will appoint an external Reviewing Officer to undertake the internal review and provide the Internal Review Recommendation.
- An annual Council budget allocation in Governance is always provided for the engagement of external service providers or consultants which can fund such engagements.

6.2 Risk Management (identification and mitigation)

- Updates to the Procedure meet the relevant legislation and there are no foreseeable risks associated with the proposed amendments.

6.3 Staffing/Work Plans/Additional Resource Impact

- The Procedure is administered under current resourcing and does not require additional resources to deliver.

6.4 Climate/Environmental Impact

- Nil.

6.5 Social/Economic

- Nil.

7. ANALYSIS OF OPTIONS

Option 1 –

1. The report be received.
2. The Internal Review of Council Decision Procedure as set out in Attachment 2 to this Report (Item 4.5, Council Meeting 25/03/2024), be adopted.
3. The Chief Executive Officer be authorised to make amendments of a minor editorial, formatting and/or technical nature if required as part of the finalisation of the Internal Review of Council Decision Procedure.

This option will finalise the review of the Internal Review of Council Decision Procedure. Council Procedures are published on the City of Unley website once finalised.

Option 2 –

1. The report be received.
2. The Internal Review of Council Decision Procedure as set out in Attachment 2 to this Report (Item 4.5, Council Meeting 25/03/2024), be adopted with the following amendments:
2.1 [Amendments to be determined by Council]
3. The Chief Executive Officer be authorised to make amendments of a minor editorial, formatting and/or technical nature if required as part of the finalisation of the Internal Review of Council Decision Procedure.

Council may wish to make amendments to the Procedure. If this is the case, the amendments should be articulated as part of the resolution.

8. RECOMMENDED OPTION

Option 1 is the recommended option.

9. REPORT AUTHORISERS

| Name | Title |
|--------------|-------------------------|
| Peter Tsokas | Chief Executive Officer |


S0014: INTERNAL REVIEW OF COUNCIL DECISIONS PROCEDURE

| | |
|--|--|
| Policy Type: | Statutory Procedure |
| Responsible Department: | Office of the CEO |
| Responsible Officer: | Executive Manager, Office of the CEO |
| Related Policies and Procedures | <ul style="list-style-type: none"> • S0019: Customer Complaint Policy • Complaints Handling Procedure Under Council Members' Code of Conduct |
| Community Plan Link | <i>Civic Leadership:</i> 4.1 We have strong leadership and governance 4.3 Our business systems are effective and transparent |
| Date Adopted | 25 June 2007: C124/07 |
| Last review date | 25 November 2019: C0132/19 |
| Next review date | November 2022 |
| Reference/Version Number | S0014: Version 5 |
| ECM Doc set I.D. | 1731990 |

1. PREAMBLE

- 1.1. The City of Unley recognises the importance of transparency in Council decision-making and the need to provide a fair, objective and consistent process for the internal review of Council decisions.
- 1.2. The City of Unley's Internal Review of Council Decisions Procedure has been adopted in accordance with Section 270 of the *Local Government Act 1999*. The Procedure is one aspect of Council's customer focused approach to service delivery. It provides a further opportunity to review the way Council provides services to the community, and to identify areas for improvement.

2. SCOPE

- 2.1. This Procedure is mandatory under section 270(1) of the *Local Government Act 1999* and applies when reviewing the decisions of:
 - (a) Council;
 - (b) employees of Council; and
 - (c) other persons acting on behalf of Council
- 2.2. Any person with a sufficient interest in a decision may apply for an internal review of a decision of Council, a Council employee, or other person acting on behalf of Council.



2.3. The decision may include a Council policy, procedure, and access to a service or fee.

2.4. **Relationship with other Council Policies & Procedures**

2.4.1. Council also has a Customer Complaint Policy for dealing with complaints and requests for service. As a general rule, Council will promote that Policy with its associated procedures in the first instance as it offers the potential for immediate resolution.

2.4.2. A review of an operational matter should be directed in the first instance to the Customer Complaints Policy. Where simple resolution of a grievance cannot be achieved and a formal application for review is received, this Procedure is to be used.

2.4.3. An Internal Review of a Council Decision is the third tier in Council's complaints handling process, and will commence at the point where:

- A request for the review of a Council decision is received; or
- A complaint escalates from a Second Tier Review under Council's *Customer Complaint Policy*.

2.5. **Matters Outside the Scope of the Procedure**

2.5.1. The following matters will not be considered under this Procedure:

- Other provisions in the *Local Government Act 1999* that prescribe appeal arrangements in certain circumstances. For example objections to valuations made by a Council and appeals against orders made pursuant 254 of the Act (Power to make orders).
- Other legislation, which has its own prescribed appeal procedures, including:
 - the *Development Act 1993*;
 - the *Planning, Development and Infrastructure Act 2016*;
 - the *Freedom of Information Act 1991*.

2.5.2. In addition, the Procedure will not apply when an alternative statutory process for review or appeal exists in other legislation.

2.5.3. While Council prefers to work with its customers to resolve requests for review quickly and effectively, an Applicant will always retain the right to seek other forms of resolution, such as contacting the Ombudsman¹, an external authority, or taking legal action at any time.

2.5.4. Full cooperation with any such authority will be afforded as necessary, in order to resolve the matter as quickly as possible.

3. PURPOSE/OBJECTIVES

3.1. The primary objectives of this Procedure are to:

- (i) satisfy the mandatory requirements of Section 270(1) of the *Local Government Act 1999*;

¹ Note: As a general rule, the Ombudsman prefers that matters be addressed by Council in the first instance, unless that is not appropriate in the circumstances.

- (ii) provide a fair, objective, and consistent procedure for the review of decisions of the Council, employees of Council, and other persons acting on behalf of the council;
- (iii) Where appropriate, use information obtained during the review to improve Council's decision making processes and service delivery.

4. DEFINITIONS

- 4.1. **Applicant** is the party lodging the request for internal review and must have a sufficient interest in the matter. For example a resident, ratepayer, members of a community group, users of Council facilities and visitors to the area.
- 4.2. **Business Day** means a day when the Council is normally open for business (i.e. Monday to Friday, excluding public holidays).
- 4.3. **CEO** is the Chief Executive Officer of the Corporation of the City of Unley, or their delegate.
- 4.4. **Council** is the elected body of the Corporation of the City of Unley.
- 4.5. **Council Decision** is the original decision, the subject of the request for internal review, and either a:
 - (i) formal decision of the elected body of Council or a Council Section 41 Committee;
 - (ii) decision made under delegation by the Chief Executive Officer;
 - (iii) decision made under delegation by an Employee of Council, or
 - (iv) a decision made by other persons acting on behalf of Council.
- 4.6. **Decision Maker** is the Council, Chief Executive Officer, or person delegated, to assess the Internal Review Recommendation made by the Reviewing Officer, and make the Final Decision on the internal review.

The Decision Maker should make a new and independent decision that is not bound by the recommendations of the Reviewing Officer and must:

 - (i) affirm the Council decision;
 - (ii) vary the Council Decision; or
 - (iii) make a new decision.
- 4.7. **Employee** includes a person employed directly by Council in a full-time, part time or casual capacity (whether that position is permanent or contractual) and a person providing services to, or on behalf of, the Council even though they may be employed by another party.
- 4.8. **Final Decision** is the final determination made by the Decision Maker in assessing the Internal Review of Decision.
- 4.9. **Internal Review Recommendation** is the report provided by the Reviewing Officer to the Decision Maker, setting out the scope, evidence considered, and assessment of the internal review request, and a recommendation to the Decision Maker.
- 4.10. **Reasonableness** is the appropriate standard or quality of decision-making that must be brought to bear when making an administrative decision.
- 4.11. **Reviewing Officer** is the Council officer, external person or sessional panel delegated by the Council or Chief Executive Officer to review the Council Decision and make an Internal Review Recommendation to the Decision Maker on the Council Decision. The Reviewing Officer will:

- (i) not have been involved with the original decision; **and**
- (ii) be sufficiently independent of the original decision maker.

4.12. A **Vexatious Request** is any request:

- (i) from an Applicant who has consistently, over a period of time, complained about minor or trivial matters;
- (ii) that has previously been dealt with, and no new information has been provided by the complainant;
- (iii) where the Applicant, or the person on whose behalf the request was made, does not have a sufficient personal interest in the matter raised in the complaint; **or**
- (iv) that is frivolous or not made in good faith; **and**
- (v) considered by the CEO having regard to all the circumstances of the request, that an investigation or the continuance of the investigation of the matter raised in the request, is unnecessary or unjustifiable

5. ROLES AND RESPONSIBILITIES

- 5.1. Council has nominated the Chief Executive Officer as the officer responsible for receiving any Internal Review of Decision Requests, except where the application should be referred to the Mayor (per Clause 8.1 (ii)).
- 5.2. Once in receipt of an Internal Review of Decision Request, the Chief Executive Officer or Mayor may assign a Reviewing Officer to manage the internal review process. The Reviewing Officer cannot be the Decision Maker, unless a remedy can be reached without internal review, within their level of delegated authority.
- 5.3. The role of the Reviewing Officer is to:
 - (i) Explain the procedure to the Applicant and explore any alternative options to resolve the matter, such as alternative dispute resolution prior to an application for review;
 - (ii) Acknowledge receipt of the Application;
 - (iii) Ensure that the Application is recorded in the corporate record keeping system and captured for reporting purposes;
 - (iv) Outline the timeframes involved and the action to be taken in the first instance;
 - (v) Undertake a preliminary investigation to determine what (if any) actions have already been taken to try to resolve the matter, per clause 9;
 - (vi) Keep the Applicant informed of progress;
- 5.4. Ensure that adequate records of the review process and findings are produced and maintained.

6. INTERNAL REVIEW PRINCIPLES

- 6.1. An internal review will examine the administrative process by which the Council Decision was made, not the decision itself. The review may or may not result in the disputed decision being reconsidered and overturned.
- 6.2. The internal review process will afford procedural fairness to ensure that all parties have the opportunity to express their point of view in relation to the decision under review, provide relevant information, and respond to issues raised.



- 6.3. All reasonable attempts will be made to review a decision quickly and efficiently.
- 6.4. The lodging of an Application will not automatically suspend or put on hold the subject of the review.

7. INTERNAL REVIEW OF DECISION REQUESTS

- 7.1. A formal application for an internal review of a Council Decision must be made in writing, marked "Internal Review of Decision Request", and addressed to:

- (i) **Chief Executive Officer**

- If the request is for a review of a decision made by the Council as the elected body, or a decision made by an employee of the Council, or other person acting on behalf of Council, the application should be addressed to the Chief Executive Officer of the City of Unley; **or**

- (ii) **Mayor**

- If the request is for a review of a decision made by the Chief Executive Officer, the application should be addressed to the Mayor.

- 7.2. **Relevant Contact Details**

- 7.2.1. The relevant contact details for making an Internal Review of Decision Request are:

| | |
|----------------|---|
| Address | Internal Review of Decision Request ATT: Chief Executive Officer, or Mayor City of Unley PO Box 1 UNLEY SA 5061 |
| Email | pobox1@unley.sa.gov.au RE: Internal Review of Decision Request ATT: Chief Executive Officer, or Mayor |

- 7.3. An Internal Review of Decision Request :
 - (i) should use the attached "Internal Review of Decision Request " (**Form 1**);
 - (ii) must provide full details of the Council Decision for which the Applicant is seeking a review; and
 - (iii) must be lodged within six (6) months of the Council Decision being made.
 - (iv) A longer time limit may apply in particular cases. Acceptance of the request for review in these circumstances is at the discretion of the Chief Executive Officer, and will be assessed on a case-by-case basis.
- 7.4. The process for applying and participating in a review of a Council Decision is to be made as accessible as possible, with assistance provided if considered necessary. Assistance may include interpreter and/or translation services, assistance with writing the application, or ensuring ease of physical access to meeting rooms etc. If a person refuses assistance, that does not negate their right to proceed with the application.
- 7.5. The CEO, or Mayor where appropriate, will assess the application and determine the appropriate action. This may include direct referral of the matter to a Reviewing Officer, or to an external relevant authority, such as SAPOL, the Environment Protection Authority, or SafeWorkSA,.

- 7.6. Where there is a reasonable suspicion that the complaint involves corruption in public administration, serious or systemic misconduct in public administration, or serious or systemic maladministration then the matter **must** be reported to the Office of Public Integrity in accordance with the *Independent Commissioner Against Corruption Act 2012*.
- 7.7. There is no application fee for an internal review of Council Decision under section 270(1) of the *Local Government Act 1999*.

8. INITIAL ASSESSMENT OF REQUEST & OPTIONS FOR REFUSAL

- 8.1. The Chief Executive Officer or Mayor will take receipt of an Internal Review of Decision Request and act as the Reviewing Officer, or may assign a Reviewing Officer to manage the internal review process and provide an **Internal Review Recommendation** to the Decision Maker.
- 8.2. Before conducting an internal review of the Council Decision, the Reviewing Officer will conduct an initial assessment of the application to determine if the matter will be reviewed, or if a remedy can be reached without internal review, within their level of delegated authority.
- 8.3. Following an initial assessment, the Reviewing Officer may refuse to consider an Internal Review of Decision Request in accordance with Section 270(4) of the *Local Government Act 1999* if:
 - 8.3.1. The application is made by an employee of the Council and relates to an issue concerning their employment; or
 - 8.3.2. It appears that the application is frivolous or vexatious; or
 - 8.3.3. The Applicant does not have a sufficient interest in the matter.
- 8.4. The Reviewing Officer may also refuse to consider an application where:
 - 8.4.1. The matter is currently under consideration by any other authority or agency with statutory appeal powers, or where other review processes are available;
 - 8.4.2. The application relates to decisions of Council that are set out in the Council's Annual Business Plan and Budget; or
 - 8.4.3. The application relates to decisions of Council made in accordance with the *Development Act 1993* and *Development Regulations 2008*, *Planning, Development and Infrastructure Act 2016*, or the City of Unley Development Plan.
- 8.5. **Elected Members**
 - 8.5.1. When exercising their statutory duties, Elected Members may not use the grievance process provided under Sections 270(1) and 271 of the *Local Government Act 1999*.
 - 8.5.2. To attempt to do so would be considered a vexatious request, as the *Local Government (Procedures at Meetings) Regulations 2013* provide Elected Members with the opportunity for a rescission motion to alter a decision of Council.
- 8.6. **Rates or Service Charges**
 - 8.6.1. Pursuant to Section 270(2)(ca) of the *Local Government Act 1999*, where the application for review relates to the impact that any declaration of rates or

service charges may have had on ratepayers, the Council will ensure the application for internal review is dealt with promptly, and, if appropriate, addressed through the provision of relief or concessions under that Act.

8.6.2. It is important to note that section 270(9) of the Act provides as follows:

The right of a council to recover rates is not suspended by an application for the provision of some form of relief or concession with respect to the payment of those rates (but a council may then, if appropriate in view of the outcome of the application, refund the whole or a part of any amount that has been paid).

- 8.7. Internal Review of Decision Requests are to be formally acknowledged within three (3) **Business Days** of receipt, including advice to the Applicant about the anticipated review process and time line.
- 8.8. In most cases requests for review will be considered and determined within 28 **Business Days** of formal acknowledgement. However, in some circumstances the review process may take longer due to the nature and complexity of the application. The Reviewing Officer will contact the Applicant to advise of the circumstances and revised date for receiving the response.
- 8.9. The Applicant will be encouraged to participate co-operatively in the review process.
- 8.10. The Applicant will be kept informed about the progress of the review by their preferred method of contact (i.e. email, letter, text, or telephone).
- 8.11. In undertaking the internal review, the Reviewing Officer will review the Council Decision to ensure that the original decision making process had regard to the following:
- (i) The original decision maker had the power to make the Council Decision;
 - (ii) All matters relevant to the decision were considered and were not influenced by extraneous factors;
 - (iii) The process was free from bias;
 - (iv) The original decision maker did not exercise a discretion or power in bad faith, or for an improper purpose;
 - (v) The Council Decision was made on facts and evidence;
 - (vi) The Council Decision was reasonable;
 - (vii) Any relevant legislation, policies or procedures were considered; and
 - (viii) The decision maker did not exercise a discretionary power at the direction of another person.
- 8.12. **Opportunity to provide additional information:**
- 8.12.1. Throughout the review process, the Reviewing Officer may (if deemed appropriate) invite the Applicant to provide further information to assist in understanding the Applicant's concerns, the issue(s) to be investigated, and the outcome or remedy sought.
- 8.12.2. Applicants are able to supply information relevant to the initial application at any time during the review process. However, if the additional information is determined to be of a different nature, the Applicant will be advised of the need to submit a separate application for an Internal Review of Decision Request.

8.13. Once the matter has been reviewed by the Reviewing Officer, an **Internal Review Recommendation** will be provided to the Decision Maker. The Decision Maker will assess the Recommendation, and make a determination to:

- (i) affirm the Council Decision;
- (ii) vary the Council Decision; or
- (iii) make a new decision.

8.14. **Council as the Decision Maker**

8.14.1. Where Council is the Decision Maker, the Chief Executive Officer, or Mayor in consultation with the Chief Executive Officer, will appoint an external Reviewing Officer to undertake the internal review and provide the Internal Review Recommendation.

8.14.2. The Chief Executive Officer, or Mayor, will prepare a report to Council attaching the Internal Review Recommendation and all relevant information about the original decision being reviewed.

8.14.3. Matters to be referred to Council as the Decision Maker include:

- (i) A decision made by formal resolution of Council;
- (ii) A decision or recommendation made by a Section 41 Council Committee;
- (iii) A decision made by the CEO;
- (iv) Civic and ceremonial matters; and
- (v) Any other matters at the discretion of the CEO.

8.14.4. Once the meeting of Council to determine the matter has been scheduled, the Applicant will be advised of the date that the report will be presented.

8.15. The Applicant will be informed in writing of the outcome of the review within five (5) Business Days of the Final Decision being made.

8.16. While there is no statutory requirement to give reasons for a decision, Council may provide reasons for the decision of the Decision Maker where practicable. Council will aim to give reasons to explain the outcome where:

- (i) A decision is not in accordance with the adopted policy;
- (ii) A decision is likely to detrimentally affect rights or interests of individuals (or organisations) in a material way;
- (iii) Conditions are attached to any approval, consent, permit, licence or other authorisation.

9. PROCEDURAL FAIRNESS

9.1. Council will observe the principles of procedural fairness (or natural justice) when exercising its statutory powers that could affect the rights and interests of individuals.

9.2. Procedural fairness involves:

9.2.1. the hearing rule - providing people likely to be adversely affected by decisions an opportunity to:

- present their case;
- have their response taken into consideration before the decision is made.

9.2.2. **the bias rule** – ensuring that the Reviewing Officer is independent, **free from bias** and does not have a personal interest in the outcome, and

- 9.2.3. **the evidence rule** - acting only on rational evidence that is logically capable of supporting the facts.

10. REMEDIES

- 10.1. Where the review of a decision upholds the Applicant's grievance an appropriate remedy or response will be determined which is consistent and fair for both Council, the Applicant and in the public interest. The remedy will be proportionate and appropriate to the matter.
- 10.2. The range of outcomes includes:
- 10.2.1. An explanation;
 - 10.2.2. Mediation, conciliation, or neutral evaluation;
 - 10.2.3. A change of policy, procedure or practice;
 - 10.2.4. A correction of misleading records;
 - 10.2.5. Disciplinary action; and
 - 10.2.6. Referral of a matter to an external agency for further investigation or prosecution.

11. CONFIDENTIALITY

- 11.1. The details of any request for internal review will be kept confidential as far as practicable. When no longer practicable, the applicant will be advised.
- 11.2. The applicant will be encouraged to observe confidentiality as this is likely to achieve the fairest result for all concerned.
- 11.3. The Applicant's personal information will be used by the Reviewing Officer in relation to investigating and reviewing the application.
- 11.4. Only relevant parties will be involved in the internal review process.
- 11.5. Where a request for review is referred to the Elected Council for determination, the Council may consider the matter in confidence where it is lawful and appropriate to do so, subject to there being relevant grounds under section 90(3) of the *Local Government Act 1999*.
- 11.6. If the application is referred to the Ombudsman, the council will share any relevant information relating to the application with the Ombudsman's office in accordance with the *Ombudsman Act 1972*.
- 11.7. Information contained within the application may be accessible under the *Freedom of Information Act 1991*.

12. RECORD KEEPING

- 12.1. The Reviewing Officer must keep written records of interviews and the process undertaken.
- 12.2. Records must be factual and objective.
- 12.3. Records must be securely stored and lodged in Council's records management system and in compliance with the *State Records Act 1997*.
- 12.4. Only those persons with a genuine need to view the material will be allowed access to the records.



13. ANNUAL REPORTING

- 13.1. In accordance with section 270(8) of the *Local Government Act 1999*, the Council will, on an annual basis, initiate and consider a report that relates to:
- 13.1.1. The number of applications for review made under this section, and
 - 13.1.2. The kinds of matters to which the applications relate; and
 - 13.1.3. The outcome of the applications made under this section; and
 - 13.1.4. Such other matters as may be prescribed by the Regulations under the Act.

14. POLICY DELEGATIONS

- 14.1. Nil

15. LEGISLATION

- 15.1. The procedure is mandatory under section 270(1) of the *Local Government Act 1999*.
- 15.2. Other legislation:
- *Freedom of Information Act 1991*
 - *Independent Commissioner Against Corruption 2012*
 - *Ombudsman Act 1972*
 - *State Records Act 1997*

16. AVAILABILITY OF POLICY

- 16.1. The Policy is available for public inspection during normal office hours at:
- The Civic Centre,
181 Unley Road, Unley SA 5061.
- A copy may be purchased for a fee as determined annually by Council.
- It is also available for viewing, download and printing free of charge from the Council's website www.unley.sa.gov.au.

17. DOCUMENT HISTORY

| Date | Ref/Version No. | Comment |
|----------------|-----------------|---------|
| 25 June 2007 | C124/07 : V1 | |
| 28 May 2012 | C420/12 : V2 | |
| 26 May 2014 | C1148/14 : V3 | |
| 27 March 2017 | C800/17 : V4 | |
| 26 August 2019 | C0132/19 : V5 | |





Form 1

INTERNAL REVIEW OF DECISION REQUEST

Local Government Act 1999

APPLICANTS DETAILS:

Applicant Name: _____

Telephone Number: _____

Email: _____

Address: _____

Date of Application: / /

Preferred means of contact: _____

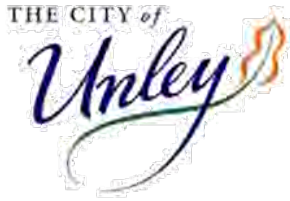
Pursuant to Section 270 of the *Local Government Act 1999*, an application for review must be accompanied by payment of a prescribed fee of **\$20.00**.

DECISION TO BE REVIEWED

Please provide all relevant details, such as the date of the decision, the name of the staff member or department, and any previous contact with Council about this matter. (Attach additional pages if required)

Date of Decision: / /





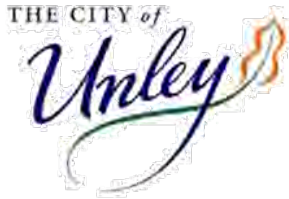
Form 1
INTERNAL REVIEW OF DECISION REQUEST

Local Government Act 1999

Reasons for Review Request:

Resolution Sought:





Form 1
INTERNAL REVIEW OF DECISION REQUEST

Local Government Act 1999

List of Attachments:

ASSISTANCE REQUIRED

Type: (e.g. interpreter)

Council to arrange: YES / NO

Applicant to arrange: YES / NO

Signed:

Date:

/ /

City of Unley Use Only

Received (date and time): ____/____/____ at ____ am/pm

Application received by:

Name: _____

Position Title: _____

Receipt Number: _____

Application referred to:

Name: _____

Position Title: _____





INTERNAL REVIEW OF COUNCIL DECISION PROCEDURE

| | |
|--|---|
| Procedure Type | Council |
| Responsible Department | Office of the CEO |
| Responsible Officer | Manager Governance |
| Related Policies and Procedures | <ul style="list-style-type: none"> • Complaint Handling Procedure • Customer Complaints Policy • Local Government Association of South Australia – Internal Review of Council Decision Model Procedure |
| Community Plan Link | 4. Civic Leadership 4.1 We have strong leadership and governance |
| Date Originally Adopted | 25 June 2007: C124/07 |
| Last Review Date | <i>To be inserted once adopted</i> |
| Next Review Date | March 2027 |
| ECM Document No. | <i>To be inserted once adopted</i> |

1. PREAMBLE

- 1.1. The City of Unley (Council) recognises the importance of transparency in Council decision-making and the need to provide a fair, objective and consistent process for the internal review of Council decisions.
- 1.2. The Internal Review of Council Decision Procedure (Procedure) has been adopted in accordance with Section 270 of the *Local Government Act 1999* (Act). The Procedure is one aspect of Council's customer focused approach to service delivery. It provides a further opportunity to review the way Council provides services to the community, and to identify areas for improvement.
- 1.3. This Procedure is mandatory under Section 270(1) of the Act and applies when reviewing the decisions of:
 - 1.3.1. Council;
 - 1.3.2. employees of Council; and
 - 1.3.3. other persons acting on behalf of Council
- 1.4. Council employees are empowered to handle complaints in the first instance and it is preferable that a complaint is dealt with at the initial point of contact and at the appropriate officer level (first tier).



- 1.5. Council also has a Customer Complaints Policy (Complaints Policy) for dealing with complaints and requests for service. As a general rule, Council will promote that Policy with its associated procedures in the first instance as it offers the potential for immediate resolution.
- 1.6. A review of an operational matter should be directed in this instance to the Complaints Policy (second tier).
- 1.7. Where simple resolution of a grievance cannot be achieved and a formal application for review is received, this Procedure is to be used.
- 1.8. An internal review of Council Decision is the third tier in Council's complaints handling process, and will commence at the point where:
 - 1.8.1. A request for the review of a Council decision is received, in accordance with this Procedure; or
 - 1.8.2. A complaint escalates from a second tier review under the Complaints Policy.
- 1.9. While Council prefers to work with its customers to resolve requests for review quickly and effectively, an Applicant will always retain the right to seek other forms of resolution, by contacting an external authority such as Ombudsman SA (Ombudsman) or the South Australian Civil and Administrative Tribunal (SACAT) or taking legal action at any time.
- 1.10. Full cooperation with any such authority will be afforded as necessary, in order to resolve the matter as quickly as possible.

2. SCOPE

- 2.1. Any person with a sufficient interest in a decision may apply for an internal review of a decision of Council, a Council employee, or other person acting on behalf of Council.
- 2.2. The decision may include a Council policy, procedure, and access to a service or fee.
- 2.3. The following matters will not be considered under this Procedure:
 - 2.3.1. Other provisions in the Act that prescribe appeal arrangements in certain circumstances. For example, objections to valuations made by a Council and appeals against orders made to pursuant to Section 254 of the Act (Power to make orders).
 - 2.3.2. Other legislation, which has its own prescribed appeal procedures. For example:
 - *Dog and Cat Management Act 1995* (Destruction and Control Orders);
 - *Expiation of Offences Act 1996* (Review of expiation notices);
 - *Local Nuisance and Litter Control Act 2016* (Appeals against litter abatement notices)
 - *Planning, Development and Infrastructure Act 2016* (Review and appeal processes); and
 - *Freedom of Information Act 1991* (Internal review of a determination).
- 2.4. The Procedure will not apply when an alternative statutory process for review or appeal exists in any other legislation.



3. PROCEDURE PURPOSE/OBJECTIVES

3.1. The primary objectives of this Procedure are to:

- 3.1.1. satisfy the mandatory requirements of Section 270(1) of the Act;
- 3.1.2. provide a fair, objective, and consistent process for the review of decisions of the Council, employees of Council, and other persons acting on behalf of the council; and
- 3.1.3. where appropriate, use information obtained during the review to improve Council's decision making processes and service delivery.

4. DEFINITIONS

| Term | Definition |
|--------------------------------------|--|
| Applicant | The party lodging the request for internal review and must have a sufficient interest in the matter. For example, a resident, ratepayer, members of a community group, users of Council facilities and visitors to the area |
| Business Day | means a day when the Council is normally open for business (i.e. Monday to Friday, excluding public holidays) |
| Chief Executive Officer (CEO) | Means the appointed CEO or their delegate |
| Council | Means a council constituted under the <i>Local Government Act 1999</i> (Act) |
| Council Decision | is the original decision, the subject of the request for internal review, and either a: <ul style="list-style-type: none"> • formal decision of the elected body of Council or a Council Committee; • decision made under delegation by the Chief Executive Officer; • decision made under delegation by an Employee of Council, or • a decision made by other persons acting on behalf of Council. |
| Council Member | Means an Elected Member of the City of Unley |
| Decision Maker | is the Council, CEO, or person delegated, to assess the Internal Review Recommendation made by the Reviewing Officer and make the Final Decision on the internal review. The Decision Maker should make a new and independent decision that is not bound by the recommendations of the Reviewing Officer and must: <ul style="list-style-type: none"> • affirm the Council Decision; • vary the Council Decision; or • revoke the decision |



| | |
|---------------------------------------|---|
| Employee | includes a person employed directly by Council in a full-time, part time or casual capacity (whether that position is permanent or contractual) or a person providing services to, or on behalf of, the Council even though they may be employed by another party |
| Final Decision | is the final determination made by the Decision Maker in assessing the Internal Review of Decision |
| Internal Review Recommendation | is the report provided by the Reviewing Officer to the Decision Maker, setting out the scope, evidence considered, and assessment of the internal review request, and a recommendation to the Decision Maker |
| Reasonableness | is the appropriate standard or quality of decision-making that must be brought to bear when making an administrative decision |
| Reviewing Officer | is the Council officer, external person or CEO to review the Council Decision and make an Internal Review Recommendation to the Decision Maker on the Council Decision. The Reviewing Officer will: <ul style="list-style-type: none"> • not have been involved with the original decision; and • be sufficiently independent of the original decision maker |
| Vexatious Request | any request: <ul style="list-style-type: none"> • from an Applicant who has consistently, over a period of time, complained about minor or trivial matters; • that has previously been dealt with, and no new information has been provided by the Applicant; • where the Applicant, or the person on whose behalf the request was made, does not have a sufficient personal interest in the matter raised in the complaint; or • that is frivolous or not made in good faith; and • considered by the CEO having regard to all the circumstances of the request, that an investigation or the continuance of the investigation of the matter raised in the request, is unnecessary or unjustifiable |

5. ROLES AND RESPONSIBILITIES

| <u>Role</u> | <u>Responsibilities</u> |
|-------------------------------|---|
| Chief Executive Officer (CEO) | Council has nominated the CEO to receive any Internal Review of Decision Requests except where the application should be referred to the Mayor i.e. when the decision was made by the CEO. The CEO may assign a Reviewing Officer to manage the internal review process |
| Council Members | Must comply with the requirements of this Procedure |
| Employees | Must comply with the requirements of this Procedure |



| | |
|--------------------------|---|
| <p>Mayor</p> | <p>Receive any Internal Review of Decision Requests where the decision was made by the CEO. The Mayor may assign a Reviewing Officer to manage the internal review process</p> |
| <p>Reviewing Officer</p> | <ul style="list-style-type: none"> • Explain the Procedure to the Applicant and explore any alternative options to resolve the matter, such as alternative dispute resolution prior to an application for review; • Acknowledge receipt of the Application; • Ensure that the Application is recorded in the corporate record keeping system and captured for reporting purposes; • Outline the timeframes involved and the action to be taken in the first instance; • Undertake a preliminary investigation to determine what (if any) actions have already been taken to try to resolve the matter; • Keep the Applicant informed of progress; and • Ensure that adequate records of the review process and findings are produced and maintained <p>The Reviewing Officer cannot be the Decision Maker, unless a remedy can be reached without internal review, within their level of delegated authority</p> |

6. PROCEDURE STATEMENT

6.1. Internal Review Principles

- 6.1.1. An internal review will examine the administrative process by which the Council Decision (decision) was made, not the decision itself. The review may or may not result in the disputed decision being reconsidered and overturned.
- 6.1.2. The internal review process will afford procedural fairness to ensure that all parties have the opportunity to express their point of view in relation to the decision under review, provide relevant information, and respond to issues raised.
- 6.1.3. The lodging of an application will not automatically suspend or put on hold the subject of the review.

6.2. Internal Review of Decision Requests

- 6.2.1. A formal application for an internal review of a decision must be made in writing, marked "Internal Review of Decision Request", and addressed to:

Chief Executive Officer

If the request is for a review of a decision made by the Council as the elected body, or a decision made by an employee of the Council, or other person acting on behalf of Council, the application should be addressed to the CEO of the City of Unley; or

Mayor

If the request is for a review of a decision made by the CEO, the application should be addressed to the Mayor.



6.2.2. The relevant contact details (postal or email) for submitting an Internal Review of Decision Request are:

Postal: Internal Review of Decision Request
ATT: Chief Executive Officer, or Mayor
City of Unley
PO Box 1
UNLEY SA 5061

Email: pobox1@unley.sa.gov.au
RE: Internal Review of Decision Request
ATT: Chief Executive Officer, or Mayor

6.2.3. An Internal Review of Decision Request :

- must use the attached *Internal Review of Decision Request Form (Form 1)*;
- must provide full details of the decision for which the Applicant is seeking a review; and
- must be lodged within six (6) months of the decision being made.

A longer time limit may apply in particular cases. Acceptance of the request for review in these circumstances is at the discretion of the CEO, or Mayor where appropriate, and will be assessed on a case-by-case basis.

6.2.4. The process for applying and participating in a review of a decision is to be made as accessible as possible, with assistance provided if considered necessary. Assistance may include interpreter and/or translation services, assistance with writing the application, or ensuring ease of physical access to meeting rooms etc. If a person refuses assistance, that does not negate their right to proceed with the application.

6.2.5. The CEO, or Mayor where appropriate, will assess the application and determine the appropriate action. This may include direct referral of the matter to a Reviewing Officer, or to an external relevant authority, such as South Australia Police (SAPOL), Environment Protection Authority (EPA), or SafeWorkSA.

6.2.6. Where there is a reasonable suspicion that the complaint involves corruption in public administration, serious or systemic misconduct in public administration, or serious or systemic maladministration, then the matter must be reported to the Office for Public Integrity (OPI), the Ombudsman (Ombudsman SA) or the Independent Commission Against Corruption (ICAC), subject to the nature of the matter. For reference:

- **OPI** receives complaints and reports about corruption, misconduct and maladministration in South Australia's public administration (including councils) and SAPOL.
- **Ombudsman SA** investigates complaints about misconduct and maladministration about councils, council members and their employees. Such complaints can be made by the public or by council employees.
- **ICAC** can investigate the conduct of corruption of council employees, council members and persons providing contractual services to a council.



- 6.2.7. An application for an internal review of Council Decision must be accompanied by a prescribed fee under section 270(3) of the Act as detailed in Council's Fees and Charges Schedule published on Council's website. Section 270(3)(a) of the Act gives Council the option to reduce, waive or refund this fee on a case by case basis.

6.3. Initial Assessment of Request & Options for Refusal

- 6.3.1. The CEO or Mayor will take receipt of an Internal Review of Decision Request and act as the Reviewing Officer, or may assign a Reviewing Officer to manage the internal review process and provide an Internal Review Recommendation to the Decision Maker.
- 6.3.2. Before conducting an internal review of the decision, the Reviewing Officer will conduct an initial assessment of the application to determine if the matter will be reviewed, or if a remedy can be reached without internal review, within their level of delegated authority.
- 6.3.3. Following an initial assessment, the Reviewing Officer may refuse to consider an Internal Review of Decision Request in accordance with Section 270(4) of the Act if:
- The application is made by an employee of the Council and relates to an issue concerning their employment; or
 - It appears that the application is frivolous or vexatious; or
 - The Applicant does not have a sufficient interest in the matter; or
 - The matter has been or is currently under consideration by the Council or any other authority or agency with statutory appeal powers, or where other review processes are available.

6.4. Council Members

- 6.4.1. When exercising their statutory duties, Council Members may not use the grievance process provided under Sections 270(1) and 271 of the Act.
- 6.4.2. To attempt to do so would be considered a vexatious request, as the *Local Government (Procedures at Meetings) Regulations 2013* provide Council Members with the opportunity for a rescission motion to alter a decision of Council.

6.5. Rates or Service Charges

- 6.5.1. Pursuant to Section 270(2)(ca) of the Act, where the application for review relates to the impact that any declaration of rates or service charges may have had on ratepayers, the Council will ensure the application for internal review is dealt with promptly, and, if appropriate, addressed through the provision of relief or concessions under that Act.
- 6.5.2. It is important to note that section 270(9) of the Act provides as follows:
- The right of a council to recover rates is not suspended by an application for the provision of some form of relief or concession with respect to the payment of those rates (but a council may then, if appropriate in view of the outcome of the application, refund the whole or a part of any amount that has been paid).*

- 6.6. Internal Review of Decision Requests are to be formally acknowledged within ten (10) Business Days of receipt, including advice to the Applicant about the anticipated review process and time line.
- 6.7. In most cases requests for review will be considered and determined within twenty eight (28) Business Days of formal acknowledgement. However, in some circumstances the review process may take longer due to the nature and complexity of the application. The Reviewing Officer will contact the Applicant to advise of the circumstances and revised date for receiving the response.
- 6.8. The Applicant will be encouraged to participate co-operatively in the review process.
- 6.9. The Applicant will be kept informed about the progress of the review by their preferred method of contact (i.e. email, letter or telephone).
- 6.10. In undertaking the internal review, the Reviewing Officer will review the Council Decision to ensure that the original decision making process had regard to the following:
- The original decision maker had the power to make the decision;
 - All matters relevant to the decision were considered and were not influenced by extraneous factors;
 - The process was free from bias;
 - The original decision maker did not exercise a discretion or power in bad faith, or for an improper purpose;
 - The decision was made on facts and evidence.
 - The decision was reasonable;
 - Any relevant legislation, policies or procedures were considered; and
 - The decision maker did not exercise a discretionary power at the direction of another person.
- 6.11. **Opportunity to provide additional information**
- 6.11.1. Throughout the review process, the Reviewing Officer may (if deemed appropriate) invite the Applicant to provide further information to assist in understanding the Applicant's concerns, the issue(s) to be investigated, and the outcome or remedy sought.
- 6.11.2. Applicants are able to supply information relevant to the initial application at any time during the review process. However, if the additional information is determined to be of a different nature, the Applicant will be advised of the need to submit a separate application for an Internal Review of Decision Request.
- 6.11.3. Once the matter has been reviewed by the Reviewing Officer, an Internal Review Recommendation will be provided to the Decision Maker. The Decision Maker will assess the Recommendation, and make a determination to:
- affirm the decision;
 - vary the decision; or
 - revoke the decision.

6.12. Council as the Decision Maker

- 6.12.1. Where Council is the Decision Maker, the CEO, or Mayor in consultation with the CEO, will appoint an external Reviewing Officer to undertake the internal review and provide the Internal Review Recommendation.
- 6.12.2. The CEO, or Mayor, will prepare a report to Council attaching the Internal Review Recommendation and all relevant information about the original decision being reviewed.
- 6.12.3. Matters to be referred to Council as the Decision Maker include:
 - A decision made by formal resolution of Council;
 - A decision or recommendation made by a Committee of the Council;
 - A decision made by the CEO;
 - A decision that relates to civic and ceremonial matters; and
 - Any other matters as determined by the CEO.
- 6.12.4. Once the meeting of Council to determine the matter has been scheduled, the Applicant will be advised of the date that the report will be presented.
- 6.12.5. The Applicant will be informed in writing of the outcome of the review within five (5) Business Days of the Final Decision being made.
- 6.12.6. While there is no statutory requirement to give reasons for a decision, Council may provide reasons for the decision of the Decision Maker where;
 - A decision is not in accordance with an adopted Council policy;
 - A decision is likely to detrimentally affect rights or interests of individuals (or organisations) in a material way; or
 - Conditions are attached to any approval, consent, permit, licence or other authorisation.

6.13. Procedural Fairness

- 6.13.1. The Reviewing Officer will observe the principles of procedural fairness (or natural justice) when undertaking the review.
- 6.13.2. Procedural fairness involves:
 - **the hearing rule** - providing people likely to be adversely affected by decisions an opportunity to:
 - present their case;
 - have their response taken into consideration before the decision is made.
 - **the bias rule** – ensuring that the Reviewing Officer is independent, free from bias and does not have a personal interest in the outcome, and
 - **the evidence rule** - acting only on rational evidence that is logically capable of supporting the facts.

6.14. Remedies

6.14.1. Where the review of a decision upholds the Applicant's grievance an appropriate remedy or response will be determined which is consistent and fair for both Council, the Applicant and in the public interest. The remedy will be proportionate and appropriate to the matter.

6.14.2. The range of outcomes may include:

- An explanation;
- Mediation, conciliation, or neutral evaluation;
- A change of policy, procedure or practice;
- A correction of misleading records;
- Disciplinary action; and
- Referral of a matter to an external agency for further investigation or prosecution.

6.15. Confidentiality

6.15.1. The details of any request for internal review will be kept confidential as far as practicable.

6.15.2. The Applicant will be encouraged to observe confidentiality as this is likely to achieve the fairest result for all concerned.

6.15.3. The Applicant's personal information will be used by the Reviewing Officer in relation to investigating and reviewing the application.

6.15.4. Only relevant parties will be involved in the internal review process.

6.15.5. Where a request for review is referred to the Council for determination, the Council may consider the matter in confidence where it is lawful and appropriate to do so, subject to there being relevant grounds under Section 90(3) of the Act.

6.15.6. If the application is referred to the Ombudsman, the Council will share any relevant information relating to the application with the Ombudsman's Office in accordance with the *Ombudsman Act 1972*.

6.15.7. Information contained within the application may be accessible under the *Freedom of Information Act 1991*.

6.16. Records Management

6.16.1. The Reviewing Officer must keep written records of interviews and the process undertaken.

6.16.2. Records must be factual and objective.

6.16.3. Records must be securely stored and lodged in Council's records management system in compliance with the *State Records Act 1997*.

6.16.4. Only those persons with a genuine need to view the material will be allowed access to the records.

6.17. Annual Reporting

6.17.1. In accordance with Section 270(8) the Act, Council must, on an annual basis, initiate and consider a report that relates to:

- The number of applications for review made;
- The types of matters to which the applications relate;
- The outcome of the applications made ; and
- Any other matters as may be prescribed by the Regulations under the Act.

6.17.2. This information, as specified in Section 270(8) of the Act will be included in Council's Annual Report.

7. POLICY DELEGATIONS

Nil.

8. LEGISLATION

- *Freedom of Information Act 1991*
- *Independent Commission Against Corruption Act 2012*
- *Local Government Act 1999*
- *Ombudsman Act 1972*
- *State Records Act 1997*

9. AVAILABILITY OF POLICY

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

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

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

It is also available for viewing, download and printing free of charge from the Council's website www.unley.sa.gov.au.

10. DOCUMENT HISTORY

| Date | Version No. | Comment |
|-------------------|-------------|-------------------------------------|
| 25 June 2007 | 1 | C124/07 |
| 28 May 2012 | 2 | C420/12 |
| 26 May 2014 | 3 | C1148/14 |
| 27 March 2017 | 4 | C800/17 |
| 26 August 2019 | 5 | C0132/19 |
| 25 November 2019: | 6 | C0132/19 |
| | 7 | <i>To be populated once adopted</i> |





Form 1

INTERNAL REVIEW OF DECISION REQUEST

Local Government Act 1999

APPLICANTS DETAILS:

Applicant Name:

Telephone Number:

Email:

Address:

Date of Application:

/ /

Preferred means of contact:

Pursuant to Section 270 of the *Local Government Act 1999*, an application for review must be accompanied by payment of a prescribed fee of **\$20.00**.

DECISION TO BE REVIEWED

Please provide all relevant details, such as the **date** of the decision, the name of the staff member or department, and any previous contact with Council about this matter. (Attach additional pages if required)

Date of Decision:

/ /





Form 1

INTERNAL REVIEW OF DECISION REQUEST

Local Government Act 1999

Reasons for Review Request:

Empty box for 'Reasons for Review Request' with a large 'DRAFT' watermark.

Resolution Sought:

Empty box for 'Resolution Sought' with a large 'DRAFT' watermark.





Form 1

INTERNAL REVIEW OF DECISION REQUEST

Local Government Act 1999

List of Attachments:

ASSISTANCE REQUIRED

Type: (e.g. interpreter) _____

Council to arrange: YES / NO Applicant to arrange: YES / NO

Signed: _____

Date: / /

| City of Unley Use Only | |
|---------------------------|----------------------------------|
| Received (date and time): | ____ / ____ / ____ at ____ am/pm |
| Application received by: | |
| Name: | _____ |
| Position Title: | _____ |
| Receipt Number: | _____ |
| Application referred to: | |
| Name: | _____ |
| Position Title: | _____ |



COUNCIL ACTION REPORT

REPORT TITLE: COUNCIL ACTION RECORDS
ITEM NUMBER: 4.6
DATE OF MEETING: 25 MARCH 2024
AUTHOR: LARA GREGORY, EXECUTIVE ASSISTANT
TO THE CEO AND MAYOR
DIVISION: OFFICE OF THE CEO
ATTACHMENTS: 1. COUNCIL ACTION REPORT - MARCH
2024

1. **PURPOSE**

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

2. **RECOMMENDATION**

That:

1. The report be noted.
-

| COUNCIL ACTION REPORTS - ACTIONS TO MARCH 2024 | | | | | |
|--|--------|--|--|---|--------------------------|
| Meeting Date | Item # | Subject and Council Resolution | Responsible Exec. | Status/Progress | Expected Completion Date |
| 24/10/22 | 5.1.2 | <p>NOTICE OF MOTION FROM COUNCILLOR K. ANASTASSIADIS RE: INVESTIGATE OPTIONS FOR HARD TO RECYCLE MATERIAL INCLUDING MEDICATION BLISTER PACKS</p> <p>1. Administration investigate options for recycling hard to recycle materials by:</p> <p>a. considering the results of the RecycleSmart scheme currently being trialled by the City of West Torrens and the merits of adopting this program;</p> <p>b. exploring options for recycling medication plastic foil blister packs and other significant hard to recycle items not covered by the RecycleSmart scheme; and</p> <p>c. that a report be presented to Council for its consideration following the conclusion of the current investigations being undertaken into the various initiatives as contained within Council's Waste Management and Resource Recovery Plan for 2022/23.</p> <p>2. A letter be sent to pharmaceutical and recovery industries including Green Industries SA, the Waste Management and Resource Recovery Association, and the Australian Packaging Covenant Organisation, advocating for changes to blister packaging to improve the ability to recycle these items and also provide alternative options to this type of packaging to reduce the amount of plastic entering landfill or requiring costlier recycling.</p> <p>3. Until Council considers the report regarding the RecycleSmart scheme and options for hard to recycle material not covered by the scheme, considers incorporating information for the community on recycling that is consolidated and easily accessible, about where all materials can be recycled, including hard to recycle items, as part of Council's current education programs and initiatives.</p> | GM City Development | The Administration will present a report for Council's consideration at its meeting to be held in May 2024. This report can now be prepared as all current priorities have been considered by Council regarding implementing the Waste Management and Resource Recovery Plan 2021-2025. | May 2024 |
| | | | | The Administration sent letters in December 2022, as resolved by Council. A letter has been received from GISA in response to Council's letter sent Dec 2022. A copy of the letter has been provided to Elected Members. | Completed |
| | | | | The Administration has completed a review of the information contained on Council's website. Information regarding hard to recycle items has been updated on Council's website as part of this review. | Completed |
| 27/03/23 | 7.5 | <p>MANAGEMENT OF GOODWOOD COMMUNITY CENTRE</p> <p>4. A review of the Goodwood Community Centre operations in terms of hours of service and programs offered be undertaken in 2023/24.</p> | General Manager City Services | The transition is complete and management of the Community Centre has been returned to Council. | Completed |
| | | | | Review of Community Centre arrangements will occur once adequate time has passed to assess the existing operation and determine opportunities for Council's consideration. | April 2024 |
| 22/05/23 | 4.7 | <p>RAILWAY TERRACE SOUTH COMMUNITY CONSULTATION OUTCOMES AND NEXT STEPS</p> <p>2. The Railway Terrace South Streetscape Improvements Concept Plan, as set out in Attachment 5 to this report (Item 4.7, Council Meeting, 22/05/2023) be endorsed as the final concept design and for the project to progress to detailed design and documentation.</p> <p>3. The Administration be authorised to establish a draft agreement with the Department for Infrastructure and Transport (DIT), to enable some of the on-ground works associated with the project to be delivered on State Government owned railway land.</p> <p>4. A further report be presented to Council for its consideration, outlining the terms and conditions of the draft agreement, which is to be established with DIT and to seek Council's endorsement of the document to formalise the arrangements.</p> | General Manager City Development | Endorsed by Council at its meeting in May 2023. | Completed |
| | | | | The Agreement has been finalised by the Department of Infrastructure and Planning (DIT) and provided to Council for endorsement | Completed |
| | | | | The Administration will present a report to Council for its consideration at its meeting to be held in May 2024. | May 2024 |
| 25/09/23 | 5.1.1 | <p>NOTICE OF MOTION FROM COUNCILLOR R ROGERS RE: COMMUNITY CONSULTATION FOR AUSTRALIA DAY 2025</p> <p>1. Council commits to consulting with its community regarding Australia Day events in 2025 (26 January 2025).</p> <p>2. Administration will undertake community consultation in regards to Australia Day events in 2025 and provide a report to Council advising the outcome of this consultation.</p> | General Manager Business Support & Improvement | Briefing held February 2024. | Completed |
| | | | | With feedback received at the Briefing, consultation is now likely occur in August 2024. | August 2024 |

| COUNCIL ACTION REPORTS - ACTIONS TO MARCH 2024 | | | | | |
|--|--------|--|--|--|--------------------------|
| Meeting Date | Item # | Subject and Council Resolution | Responsible Exec. | Status/Progress | Expected Completion Date |
| 11/12/23 | 4.2 | ELECTRIC VEHICLE CHARGING STATIONS 2. Administration undertakes a Request for Tender (RFT) process, inviting proposals from commercial operators for the provision and management of publicly accessible fast-charging EV stations in Council owned car parks. 3. The proposed criteria outlined in this report for the provision and management of publicly accessible fast-charging EV stations being provided in Council owned car parks forms part of the Request for Tender. 4. The nominated sites as contained in Attachment 1 to this Report (Item 4.2, Council Meeting 11/12/2023), for the provision and management of publicly accessible fast-charging EV stations in Council owned car parks is endorsed. 5. A maximum of six EV stations (each station charging 1-2 cars) to be installed on Council owned land from the nominated sites as contained in Attachment 1, with Howard Florey Reserve included as a possible site, and as part of the Request for Tenders process, the tenderers be requested to nominate their preferred sites. 6. Following the conclusion of the Request for Tender process and assessment of the submissions received, a further report be presented to Council seeking appointment of the preferred tenderer. | General Manager City Development | Request for Tender is currently out and will close on 2 March 2024. | Completed |
| | | | | Noted | Noted |
| | | | | Noted | Noted |
| | | | | Noted | Noted |
| | | | | Tenders have been received and are currently being assessed by the Administration. A confidential Elected Member briefing will be held on 15 April 2024 regarding this matter. A report is expected to be considered by Council at its meeting to be held in May 2024. | May 2024 |
| 29/01/24 | 5.1.2 | NOTICE OF MOTION FROM COUNCILLOR C CRABBE RE: DIFFERENTIAL RATE FOR SHORT TERM ACCOMMODATION RENTALS 1. Administration facilitates an Elected Member Workshop, to take place in April 2024, exploring options to address concerns surrounding the availability of long-term rental residential stock, specifically: (a) the future management/regulation of short-term rental residential accommodation in the City of Unley; and (b) the future management/regulation of long-term vacant residential properties in the City of Unley. | Group Manager Business Support & Improvement | Briefing scheduled for April 2024. | April 2024 |

MOTION OF WHICH NOTICE HAS BEEN GIVEN

| | |
|-------------------------|---|
| REPORT TITLE: | NOTICE OF MOTION FROM COUNCILLOR J BONHAM RE: GOODWOOD STATION OVERPASS |
| ITEM NUMBER: | 5.1.1 |
| DATE OF MEETING: | 25 MARCH 2024 |
| ATTACHMENTS: | NIL |

Councillor J Bonham has given notice of intention to move the following motion at the Council meeting to be held on 25 March 2024 .

MOTION

That:

1. Council restates its support for an overpass at Goodwood Station that facilitates *Disability Discrimination Act 1992* (DDA) compliant access to the station platforms and east-west movement across the rail lines for pedestrians and cyclists.
 2. Council expresses its disappointment with the decision to cancel the overpass.
 3. Council urges the Minister for Transport to advise the Department for Infrastructure and Transport to continue investigating design options to meet the objectives and statutory compliance requirements of the overpass and commit funds to construct the overpass.
 4. Council write to the Minister for Transport, the Member for Badcoe, and the Department for Infrastructure and Transport notifying them of this motion and its outcome.
-

Background

Policy alignment

This Motion directly aligns with the City of Unley's:

- Integrated Transport Strategy,
- Disability Access and Inclusion Plan 2022-2026,
- Climate and Energy Plan, and
- Walking and Cycling Plan 2022-2027

The Motion directly addresses Unley's commitment to the Global Covenant of Mayors to reduce Community generated Greenhouse Gas Emissions almost half of which are from the transport sector.

The objectives of the proposed rail corridor overpass are twofold:

- Provide safe and DDA compliant access to Goodwood Station.
- Provide safe east-west access for pedestrians, cyclists, and users of mobility aids.

An overpass was first proposed to address these objectives over 30 years ago by the Cyclist Protection Association (later Bicycle Institute of South Australia and today Bike Adelaide) when lobbying for the Glenelg – Adelaide Bikeway (now the Mike Turtur Bikeway). In 2016, a commitment to build an overpass was announced by the then State Government and this was further progressed in 2021 when funding was made available.

On 29 November 2021, Elected Members were briefed by the Department for Infrastructure and Transport (DIT) on the scope and proposed design of the overpass they were taking out to community consultation.

At its 31 January 2022 Meeting, Council unanimously resolved a Motion (Item 4.3) to support the Overpass project and to write to the Minister for Infrastructure and Transport, requesting an expansion of the scope of the project, including further greening on the eastern side of the railway corridor.

At its 31 January 2022 Meeting, Council also resolved a Motion (Item 4.4) to consult the community on the Community Land Management Plan (CLMP) that would enable construction of an overpass at Goodwood Station. The Community Consultation results reported at the Council Meeting held on 26 April 2022 identified concerns about the overpass design and the consultation process as follows:

“The key issues raised regarding the Project during the consultation process is summarised as follows in no particular order of importance:

- *Impact on existing trees in Forestville Reserve, including Significant and Regulated trees.*
- *Lack of information from DIT regarding the proposed landscape design and remediation.*
- *Size and scale of overpass infrastructure.*
- *Impact on Forestville Reserve open space.*
- *Impact on neighbouring properties during construction.*
- *Cost of overall construction.*
- *Impact on parking availability for users of Forestville Reserve and Swim Centre.*
- *Lack of perceived community benefits.”*

Qualitative feedback from the consultation fell into five categories:

- outright support;
- outright rejection;
- support for the overpass with concerns about the design;
- support for better station and east/west access; and
- support for/rejection of any improvements was unclear (e.g. noted lack of information/poor consultation, distrust of DIT, did not like the design).

Following the consultation, Council at its meeting held on 26 April 2022, passed a Motion that no changes should be made to the CLMP at that time and a letter should be written to the Minister for Infrastructure and Transport setting out the community's concerns and requesting a meeting between relevant Council staff, Department for Infrastructure and Transport (DIT) staff, and the Member for Badcoe.

A Community Reference Group (CRG) was subsequently established, and its role explained as follows:

The CRG will operate within a consultative framework. The PTP [Public Transport Projects] Alliance will consider all input from the group in light of the overall project objectives and requirements. Responsibility for final project decisions lie with the Department for Infrastructure and Transport (the Department) for the new overpass and Goodwood Railway Station works. The final Landscape plans, including relocation of the basketball and netball courts, as well as new planting beds and replacement tree planting, will require the final approval of the City of Unley.

<https://ptpa.com.au/projects/mike-turtur-overpass>

The CRG was not a decision-making body but would allow DIT to revise the overpass design to address, as far as possible, community concerns.

At its 24 April 2023 Meeting, almost 12 months after the CRG was established, Council resolved a Motion (10/2) reiterating support for an overpass and an expanded scope of the project. Administration advised in its comments on the Motion that they would send a letter to the Minister requesting a briefing from DIT staff on the status of the project. Elected Members did not receive an update as requested about the status of the overpass project.

At the same 24 April 2023 Meeting, Council committed to further Community Consultation on any amendments to the CLMP required in relation to the revised overpass design.

That second consultation was made irrelevant when the overpass project was formally cancelled by the State Government on 19 February 2024. Elected Members were alerted to the cancellation of the project via social media and text messages after it was announced by the Hon. Jayne Stinson MP, Member for Badcoe, at a gathering at Forestville Reserve on 17 February 2024.

It appears that the results of the CRG were made public after the decision to cancel the overpass was announced.

The DIT website states that there was 'no clear preferred option amongst [CRG] members.' However, the report shows that 8/12 (66%) CRG participants considered design option 3a as acceptable/acceptable with amendments.

Comment

As pointed out at the 24 April 2023 Council Meeting, the Goodwood Station Overpass is fundamentally concerned with making station access safer and DDA compliant and making sustainable transport options – walking, cycling, and catching public transport – available to a broader population. Facilitating a greater uptake of walking, cycling and public transport use is aimed at reducing the continually increasing GHG emissions from the transport sector and has the fortunate bi-product of reducing motor vehicle traffic in local streets – such as Leah, Leader, and Victoria Streets.

One of the main objections to the Overpass is the loss of vegetation at Forestville Reserve. However, the Photo of the Tram Overpass (inserted below) shows the Reserve less than 10 years ago and indicates that re-greening of the Reserve, post construction of any overpass, will be rapid.

Current road conditions may suit some cyclists, but these conditions will not attract the 60% of the population that researchers and transport practitioners refer to as people 'interested in but concerned about' the safety of cycling. Leader Street and Victoria Street are not safe or convenient options for east-west travel for this group of 'potential utility bike riders.'

The current conditions and proposed minor changes to the underpass may suit some pedestrians and public transport users but they will not increase capacity or make the underpass safer or DDA compliant.

The proposed changes to the tram overpass archways do not address access to the station platforms or east-west connectivity for pedestrians, cyclists, and mobility aid users.

The CRG landed on an overpass design that DIT staff could have worked with to improve their initial design. As it stands, the CRG members who participated in the consultation process 'in good faith' have had their time wasted. The many people who responded to Council's CLMP consultation process supporting the need for improved station and east-west access have been ignored. And the broader community will not have the opportunity to comment on any revised overpass design.

The limitations posed by the Goodwood rail corridor and station underpass have been known for over 30 years. In terms of practical usage, the gradient of the underpass is simply too steep, too narrow, and too unsafe for more vulnerable members of the community to use. Also, members of the community are increasingly using cargo bikes and similar forms of bike transport to ferry their children to and from school or to carry kit of various kinds, rather than use a car.

This was evident during the Super Tuesday bike count on Tuesday 5 March 2024. The rail corridor needs to be future proofed with an overpass that caters for the whole community and the increasing pace of lower carbon emissions transport.



Photo: Forestville Reserve 2015

Administration Comments

This motion reinforces the Council's stated position based on previous resolutions.

Should Council support this Motion, the Administration will write to the Minister, Member for Badcoe and DIT accordingly.

MOTION OF WHICH NOTICE HAS BEEN GIVEN

| | |
|-------------------------|--|
| REPORT TITLE: | NOTICE OF MOTION FROM COUNCILLOR M BRONIECKI RE: E-SCOOTER OPERATIONS DURING KEY EVENT TIMES AND HOLIDAY PERIODS |
| ITEM NUMBER: | 5.1.2 |
| DATE OF MEETING: | 25 MARCH 2024 |
| ATTACHMENTS: | NIL |

Councillor M Broniecki has given notice of intention to move the following motion at the Council meeting to be held on 25 March 2024 .

MOTION

That:

1. Administration investigates the feasibility of allowing e-scooter companies to operate in the City of Unley during key event times and holiday periods.
 2. Administration investigates the mechanisms by which the operation of e-scooter companies could legally be enabled during key event times and holiday periods.
 3. Administration investigates the role of Council regarding the awareness campaigns and operation of e-scooters during key event times and holiday periods.
-

Background

On 11 April 2023, the State Government released a discussion paper titled 'E-scooters and other Personal Mobility Devices'.

The discussion paper sought the views of the South Australian community about whether the State Government should enable the use of e-scooters, e-skateboards and other personal mobility devices on the South Australian Road network.

On Monday 18 December 2023, the Minister for Infrastructure and Transport, Tom Koutsantonis MP, announced the outcomes of the state-wide consultation.

There was very strong support for the public use of e-scooters to be legalised. Of the 2,000 respondents, 87% of respondents supported the ongoing use of e-scooters on public roads and paths.

There has been significant community support for the use of alternative low carbon forms of transport; e-scooters are one such mode of transport. For example, there has been an explosion of e-bike imports from 2017-18 to 2021-22 of 45.9%.

In 2021, the NSW Productivity Commission found that changing regulations to support the use of 'personal mobility devices' such as e-scooters could enable between eight and 10 million trips per year, with the greatest benefit being travel time savings, followed by savings in vehicle operating costs.

As specified in the Council Agenda Papers 29 January 2024, item 4.1, the busiest month of e-scooter use for the City of Unley during the most recent trial phase, was in March 2023. March is peak event time in Adelaide, which includes the Fringe Festival.

The heatmap for the period of 1 December 2022 to 30 November 2023 indicated that the north-south routes connecting the City of Unley with the Adelaide CBD showed the highest levels of e-scooter use, including King William Road between Young Street and the Mike Turtur Bikeway (1,661 trips), Unley Road north of Clyde Street (1,632 trips), Goodwood Road adjacent to the Adelaide Showgrounds (1,581 trips) and Porter Street north of Young Street (1,518 trips).

There were 1,367 unique users in March 2023, and e-scooter use was most popular on Fridays and weekends when people are most likely to be attending events, either within the City of Unley or in the City of Adelaide.

In February 2024, the City of Adelaide approved an extension of the e-scooter trial until April 2025, by which time legislative change should have been introduced. The trial extension covers the festival period for the City of Adelaide should the legislation be delayed.

Comment

E-scooters are a feasible option for short trips. They are faster than walking and are often more convenient than waiting for public transport, particularly at night when public transport is more infrequent or ceases to operate. During peak times and particularly during event periods, taxi and Uber drivers are in high demand making those services more uncertain, adversely impacting on convenience and safety.

Safety at night is a particular issue for those who are more vulnerable, and a safety benefit exists by providing e-scooters during event times. This has been highlighted with the feedback from a Wayville resident who has used e-scooters many times to travel between the city and her home.

As a woman in her 60s who regularly frequents events at night on her own, the advent of the e-scooter trial in February 2022 was a great relief to her, providing the option to travel in relative safety through darkly lit streets; a much better option than walking from the tram or bus stop back to her home in the dark.

This resident was unaware that the City of Unley e-scooter trial had ended which disallowed her to travel past Stop 1 on Greenhill Road. The situation created significant difficulties having to return the e-scooter to the nearest parking area and then walking home in the dark.

For the City of Unley, tourists and residents attending events, which often occur during school holiday periods (e.g. January holidays and the Tour Down Under), will benefit from e-scooter availability for short trips, as well as easy access to restaurants and cafes, all in relative safety.

[NSW Productivity Commission Research and Discussion Paper](#)

[Our First Look at Six Years of E-Bike Import Data | The Latz Report](#)

Administration Comments

At its meeting held on 29 January 2024, Council considered a report outlining the results of the e-scooter trial which had been undertaken within the City in 2023. Following consideration of the matter, Council resolved 'That the report be received' and as such, there was no extension of the trial pursued.

The Administration has discussed with representatives of the Department for Infrastructure and Transport (DIT), the possibility of approval for e-scooters to operate within Unley only for certain events at certain times. The initial advice provided is that DIT would be open to considering this but would prefer for Council to seek and receive a full 12-months' permit which would then provide flexibility to use this as deemed appropriate throughout the year. That way, Council does not have to initiate an approval process with DIT every time it wishes to do so. The details of these arrangements will need to be confirmed should Council wish to pursue this matter.

The Administration will also need to liaise with the e-scooter operators to confirm if this is a viable option for them, noting that usage will be restricted to certain times of the year only.

In terms of timing, the Administration will need to commence this feasibility investigation around July 2024 once the current transport priorities for this financial year are able to be finalised.

MOTION OF WHICH NOTICE HAS BEEN GIVEN

| | |
|-------------------------|--|
| REPORT TITLE: | NOTICE OF MOTION FROM COUNCILLOR G HART RE: EAST WASTE FEASIBILITY REPORT - CITY OF ADELAIDE REUSE AND RECYCLING HUBS INITIATIVE AND RECYLESMAART SCHEME |
| ITEM NUMBER: | 5.1.3 |
| DATE OF MEETING: | 25 MARCH 2024 |
| ATTACHMENTS: | NIL |

Councillor G Hart has given notice of intention to move the following motion at the Council meeting to be held on 25 March 2024.

MOTION

That:

1. The Administration writes to the Eastern Waste Management Authority requesting them to investigate and prepare a feasibility report for the City of Unley which can be shared with other Constituent Members to advise on:
 - a) The current efficacy of both the City of Adelaide Reuse and Recycling Hubs initiative, and the RecycleSmart scheme, for the collection and recycling of common hard to recycle household waste materials; and
 - b) The preferred model, or similar alternative option, that could be implemented with owner councils through an economy of scale solution.
-

Background

Elected Members receive frequent requests from residents for Council to provide easier access to a reuse and recycling collection point within the City of Unley. Resident requests also include collection of a wider variety of common tricky (hard to reuse or recycle) household waste items, in efforts to reduce landfill and their broader environmental footprint.

This sentiment is also reflected within the community more broadly across metropolitan Adelaide, with widespread disappointment with the collapse of RedCycle soft plastic recycling. Our community wants to optimise resource recovery as part of a transparent local Australian circular economy.

While recycling is the last resort in the sustainability hierarchy, and efforts continue to educate our community to refuse, reduce, repair and reuse (where practicable), it is valuable and timely that we engage with our new waste contractor, the Eastern Waste Management Authority (East Waste), to broadly investigate “beyond the kerb” resource recovery of common household items otherwise destined for landfill. East Waste is best positioned to investigate and evaluate a convenient, cost effective (with an economy of scale) model that could be adopted by some, if not all, owner councils.

City of Adelaide – Reuse and Recycling Hubs

The local City of Adelaide Reuse and Recycling Hubs and the interstate based RecycleSmart scheme are two current models of resource recovery for residential hard to recycle waste materials that several councils both here in South Australia and in other states have adopted. Both claim to track and record the data of all materials collected and have transparent reporting on where they are transported and how they are reused or recycled. The materials are not simply collected and dumped at another community collection facility.

The City of Adelaide installed two eye-catching Reuse and Recycle Hubs in 2022, and now have a total of four Hubs located across the precinct, helping residents divert valuable materials from landfill via these easily accessible drop off locations. Local businesses and visitors to the city can also access the Hubs as they are publicly available.

Some of the materials they collect include blister packs, bread tags, x-rays, and eyeglasses as well as many of the items that the City of Unley currently collects (such as household E-waste) via the drop off facility at the Unley Council Depot, noting that the City of Unley facility is only available to residents on a Monday. You can read more about the City of Adelaide Reuse and Recycle Hubs scheme and what they collect here:

[Reuse and Recycle Hubs | City of Adelaide](#)

RecycleSmart

RecycleSmart started in 2019 and the scheme has been adopted by several councils interstate. A 6-month trial was also undertaken in 2022 at the City of West Torrens in South Australia. The trial was funded by that Council and Green Industries SA.

RecycleSmart partners with councils to offer a door-to-door collection service for residents, of hard to recycle waste materials. They offer a service subsidised by the partnering council with either no cost or a small fee (per bag), to the resident. Their contracts are flexible, accommodating for both a higher collection threshold of 1,000 bags collected per month at \$7 a bag (\$7,000 per month) or lower threshold of 500 bags collected per month (\$3,500 per month) and there is flexibility around minimum thresholds. The minimum commitment term is three months.

Many of the materials collected are the same or like what is detailed in the City of Adelaide scheme but can also include a range of other materials such as soft plastics, clothes, textiles, shoes, and linen (in both saleable and unsaleable condition)

Bookings can be made through their app or website.

You can read more about RecycleSmart and what they collect here:

[*RecycleSmart - Recycling made easy!*](#)

As mentioned, this is a timely opportunity for the Administration to engage East Waste to investigate the efficacy of both options and the potential for a reuse and recycling scheme of hard to recycle household waste materials, that could be adopted by the City of Unley and other owner councils.

Administration Comments

Council has requested that the Administration present a report for its consideration regarding the trial undertaken by the City of West Torrens of the RecycleSmart Scheme. The report is to be presented to Council, following completion of the waste management priority actions being delivered in the current financial year.

The Administration has collated the required information regarding the City of West Torrens' trial of the RecycleSmart Scheme as requested by Council and is proposing to present a report for Council's consideration regarding this matter in the coming month or two.

However, regarding the City of Adelaide Reuse and Recycling Hub initiative, the Administration has not undertaken any research into this matter. As such, should the Motion be supported by Council, the Administration will liaise with the Eastern Waste Management Authority (East Waste) to provide a discussion paper for Council to consider regarding both initiatives which may be of value to all of its Constituent Member Councils. The timing of when this can be delivered will need to be confirmed by East Waste.

QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

| | |
|-------------------------|---|
| REPORT TITLE: | QUESTION ON NOTICE FROM COUNCILLOR J GAFFEY RE: FULLARTON PARK PLAYGROUND |
| ITEM NUMBER: | 5.3.1 |
| DATE OF MEETING: | 25 MARCH 2024 |
| ATTACHMENTS: | NIL |

The following Questions on Notice have been received from Councillor J Gaffey and the answers are provided:

QUESTIONS

- 1. When is Fullarton Park playground to be renewed?**
- 2. What is the estimated cost of such a renewal?**
- 3. Will there be any consultation of nearby residents prior to the renewal?**
- 4. Which playgrounds in the City of Unley are listed to be renewed ahead of Fullarton Park playground and what are the expected date of completion and cost of those works?**

ANSWERS

- 1. When is Fullarton Park playground to be renewed?**

The renewal of Council's open space assets, including playgrounds, is undertaken in accordance with the directions and requirements of the Open Space Asset Management Plan.

Council endorsed its Draft Asset Management Plans 2023, including for open space assets, at its Meeting 11 December 2023. Community consultation on the Draft Plans was undertaken in February 2024. Feedback received is currently being collated by the Administration and a report seeking adoption of the Final Plans is expected to be presented to Council at its meeting to be held in April 2024.

Under the Draft Open Space Asset Management Plan 2023, the Fullarton Park Community Centre playground is scheduled to be renewed in 2029.

- 2. What is the estimated cost of such a renewal?**

Cost estimates for renewal of assets are derived once the scope of works is confirmed and this has not occurred at this time for the renewal of the Fullarton Park Community Centre playground.

However, in terms of expenditure forecasting, an allocation of \$105,000 as part of the draft documentation which has been developed has been identified to renew this playground.

This funding allocation is based on 2023 dollars and will need to be reviewed at the time the renewal works are being considered for delivery. This will be undertaken as part of the Annual Business Plan and Budget process when it is time for Council to consider this matter.

3. Will there be any consultation of nearby residents prior to the renewal?

Yes. As part of finalising the scope of works needed to renew the Fullarton Park Community Centre playground and leading into the budget cycle for the renewal of this asset, the Administration will consult with the local community regarding what play elements they would like to see within this playground, noting that playgrounds are designed for specific age groups.

4. Which playgrounds in the City of Unley are listed to be renewed ahead of Fullarton Park playground and what are the expected date of completion and cost of those works?

A summary of the playgrounds within the City that are proposed to be renewed ahead of the Fullarton Park Community Centre playground, funding allocation and proposed schedule is summarised in Table 1 below.

Table 1: Summary of playground upgrades 2025-2029

| Playground Location | Funding Allocation | Proposed Timing |
|---------------------------------|---------------------------|------------------------|
| North Unley Park | \$145,000 | 2025 |
| Wayville Reserve | \$227,000 | 2026 |
| Leicester Street | \$202,000 | 2026 |
| Henry Codd Reserve | \$204,000 | 2027 |
| Heywood Park | \$84,000 | 2027 |
| Dora Guild | \$211,400 | 2028 |
| Everard Park | \$215,000 | 2028 |
| Scammell Reserve | \$150,000 | 2029 |
| Haslop Reserve | \$122,000 | 2029 |
| Fullarton Park Community Centre | \$105,000 | 2029 |

Notes:

1. The prioritisation of locations is based on a condition audit of playgrounds undertaken in 2022 in order to ascertain expected remaining useful lives.
2. The funding allocation is based on a 'like-for-like' service level renewal of existing playgrounds noting that new playgrounds are required to meet current standards.
3. The funding allocation does not include any new capital elements which may be required to meet local community expectations or needs.
4. The timing of delivering each playground renewal is dependent on the results of community consultation and ability to address issues raised in a timely manner.

The Administration is currently developing a forward plan and schedule for the renewal of all key assets within Council's open space. This is inclusive of playgrounds, softfall, furniture and irrigation systems, to ensure integrated and sustainable outcomes for the Unley community.

This forward plan is based on the Asset Management Plans in terms of which assets need to be renewed but also considers integrating other upgrades subject to funding allocation by Council.

The forward plan will be finalised in the coming months. Briefings and workshops will be held with Elected Members leading up to a report being presented to Council for its consideration and adoption.

This forward plan, together with Council's Asset Management Plans, will provide a clear strategy regarding the renewal of open space assets and will provide the Administration direction in developing future budgets for delivering the renewal of these assets and the prioritisation.

MAYOR'S REPORT

REPORT TITLE: MAYOR'S REPORT FOR MONTH OF MARCH 2024

ITEM NUMBER: 6.1.1

DATE OF MEETING: 25 MARCH 2024

ATTACHMENTS: NIL

1. RECOMMENDATION

That:

1. The report be received.

Some functions attended (21/02/24 to 19/03/24)

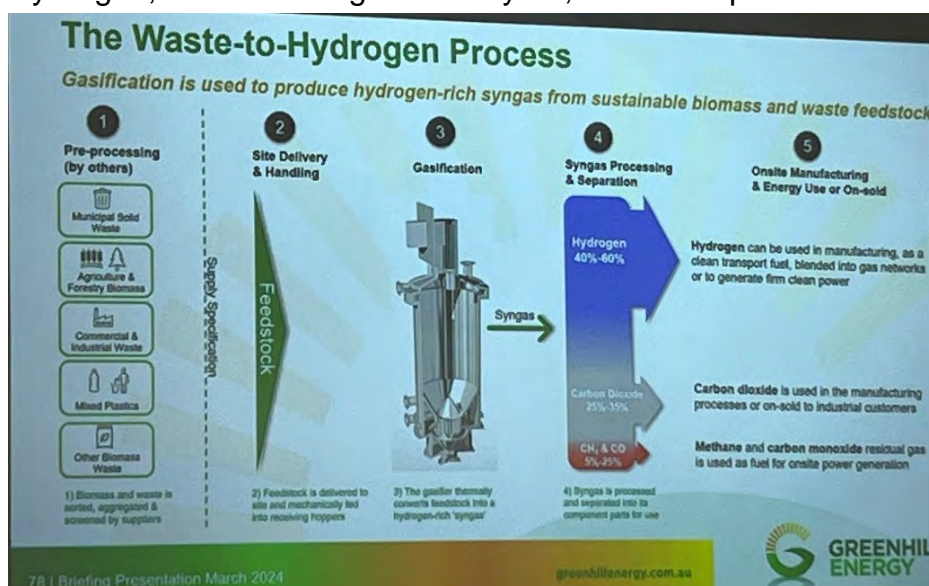
| Legend for attendance type at Function/Event: | |
|---|--|
| Attendee – only, no duties | Guest – specifically invited as an event guest |
| Interview – on-air radio guest | Host – hosted a meeting as Mayor |
| Mayor – attended as the Mayor of City of Unley | Presenter – involved in presenting awards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

| Date | Function/Event Description | Type |
|----------|--|----------|
| 22/02/24 | Words Grow Minds Campaign Preview SA Rollout – Goodwood | Guest |
| 22/02/24 | Unley Business Networking: Employment & Skills Programs by Workforce Australia – Arkaba Hotel | Attendee |
| 25/02/24 | Australia Sri Lanka Assoc 50 th Anniversary – Opening Ceremony of Sri Lankan Food & Cultural Festival | Speaker |
| 26/02/24 | Meeting with Deputy Mayor | Mayor |
| 26/02/24 | Council Meeting | Mayor |
| 27/02/24 | St Georges Garden – Grant Recipients Photo | Mayor |
| 28/02/24 | FACCI: Welcome to 2024 Tchin Tchin at Light Square | Mayor |
| 29/02/24 | Basketball SA meeting | Host |
| 29/02/24 | Meet The Mayor | Mayor |
| 01/03/24 | Mayor & Elected Members catch up | Host |
| 04/03/24 | Meeting with CEO | Mayor |
| 04/03/24 | Meeting with Parkside Ward Councillors | Mayor |
| 06/04/24 | Open the Inaugural Adelaide ATSA Independent Living Expo | Speaker |

| Date | Function/Event Description | Type |
|----------|---|-----------------|
| 06/03/24 | Creation Care: Celebration & Innovation – Cathedral | Keynote Speaker |
| 07/03/24 | Concordia College Year 4 Classes Visit | Mayor |
| 07/03/24 | FOCUS – Finding the Money Australian Film Tour | Guest |
| 08/03/24 | Meeting with Fullarton Ward Councillors | Mayor |
| 12/03/24 | Meeting with CEO | Mayor |
| 12/03/24 | EM Briefing – Unley Central Concept Update | Attendee |
| 13/03/24 | East Waste Annual Mayors & CEOs Meeting | Mayor |
| 14/03/24 | Tour with Mayor Heather Holmes-Ross (Mitcham Council) – Sleep’s Hill Tunnel | Mayor |
| 14/03/24 | Morning Tea & Networking with Mayor Heather Holmes-Ross (Mitcham Council) | Mayor |
| 14/03/24 | Scouts Blue Owl Leadership Event – UniSA City West | Mayor |
| 18/03/24 | Meeting with CEO | Mayor |
| 18/03/24 | Funeral for Margaret Paternoster (Volunteer) – St Columba’s Anglican Church | Speaker |
| 18/03/24 | Meeting with Unley Ward Councillors | Mayor |
| 18/03/23 | EM Briefing – 2024-25 Annual Business Plan | Attendee |
| Date | Radio Interview | |
| 26/02/24 | ABC Radio – Wattle Street Road Safety | |
| 27/02/24 | 5AA Radio – Energy Strategy with Mitcham Council | |
| 07/03/24 | ABC Radio – Parking Strategy | |

I recently attended two meetings that contained information worth reporting:

East Waste Mayors & CEOs Meeting at which we discussed a demonstration plant to convert waste from all Carbon and Hydrogen compounds into Hydrogen, which is being built this year, and could power our rubbish trucks.



University of SA Lecture with a 15 minute introduction from the Vice Chancellor. The lecture had a lot to offer to local Government and the importance of courageous disruptive leadership.

Distinguished Professor Jan-Benedict Steenkamp, author of **TIME TO LEAD: Lessons for Today's Leaders from Bold Decisions that Changed History** and coming soon, **Warrior, Queen, Scientist, Activist: Gritty Women Who Bent the Arc of History**, will present a lecture on leadership.

J-B Steenkamp is ranked in the top 0.1% of scientists, of any discipline. In 2005, the Royal Netherlands Academy of Sciences awarded him the Muller lifetime prize for "exceptional achievements in the area of the behavioral and social sciences." The first time the prize had been granted to an academic in any area of business administration.

This event will be attended by top South Australian business executives and Professors from both UniSA Business School and Adelaide Business School.

Takeaways

- The overwhelming reaction of firms to tough times is to cut back on marketing investments.
- Yet, not following the "flow" leads to better corporate outcomes: higher profits, market share, and share price growth.
- A main reason for this myopic behavior is a lack of courageous, disruptive leadership, a lack of willingness to disrupt prevailing industry practices.
- For disruptive leadership, you need:
 - Thirst for purposeful change—challenge, listen, analyze, learn, experiment
 - Develop bold disruptive strategic vision, untrammelled by the present
 - Singlemindedness, energy, and grit to execute your vision
- We can learn much from time-tested, compelling historical leaders.
- The life of Fisher provides inspiration and direction: 1) that it can be done, and 2) how to do it. His stakes were immeasurably higher!
- Examples like Apple and Gillette show potential and pitfalls. Not doing something is also doing something!

UNC
KENAN-FLAGLER
BUSINESS SCHOOL

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DEPUTY MAYOR'S REPORT

REPORT TITLE: DEPUTY MAYOR'S REPORT FOR MONTH OF MARCH 2024

ITEM NUMBER: 6.2.1

DATE OF MEETING: 25 MARCH 2024

ATTACHMENTS: NIL

1. **RECOMMENDATION**

That:

1. The report be received.
-

Functions attended (21/02/24 to 19/03/24)

| Date | Function/Event Description |
|------------|--|
| 26/02/2024 | Meeting with the Mayor |
| 26/02/2024 | Council Meeting |
| 27/03/2024 | Unley Community Centre Ride |
| 28/02/2024 | Launch of SANFL Women's League Season |
| 1/03/2024 | Mayor's Elected Member Catchup |
| 3/03/2024 | Adelaide Male Voice Choir |
| 4/03/2024 | Council Briefing: Shaping Unley |
| 7/03/2024 | Meeting with Salvation Army |
| 12/03/2024 | Unley Community Centre Ride |
| 12/03/2024 | LGA Constitutional Review |
| 12/03/2024 | Council Briefing: Unley Central Concept Update & 2024 Unley Gala Debrief |
| 15/3/2024 | Meeting with Manager Development & Regulatory and Cr Michael Rabbitt |
| 17/03/2024 | Hong Kong Cultural Association of South Australia |
| 18/03/2023 | Council Workshop: Annual Business Plan & Budget |
| 19/03/2024 | Unley Community Centre Ride |

REPORTS OF MEMBERS

REPORT TITLE: REPORTS OF MEMBERS FOR MARCH 2024
ITEM NUMBER: 6.3.1
DATE OF MEETING: 25 MARCH 2024
ATTACHMENTS: 1. COUNCILLOR D PALMER

Council to note attached reports from Members:

1. Councillor D Palmer
-

REPORTS OF MEMBERS**REPORT TITLE:** REPORT FROM COUNCILLOR D PALMER**Functions attended (21/02/24 to 19/03/24)**

| Date | Function/Event Description |
|-------------|---|
| 21 Feb | BEDAC meeting |
| 22 Feb | Networking with Southern Business Connections |
| 26 Feb | Full Council Meeting |
| 27 Feb | SACA 150 CUP U18 T20 Grand Final. Goodwood vs Woodville Rechabite |
| 28 Feb | Blue Seat Unveiling @ Goodwood Oval |
| | Clarence Park Community Centre Board of Management Meeting |
| 1 March | Mayor & Elected Member get together |
| 2 March | Deputised for the Mayor at the South Australian Bangladeshi Community Association Career Workshop @ Clarence Park Community Centre. |
| 4 March | GAROC |
| | Elected Member Briefing |
| 12 March | Elected Member Briefing |
| 15 March | Buddies Breakfast |
| 16 March | Vishva Hindu Parishad of Australia Girls Cricket team awards |
| 18 March | T2D Drop-In Session |
| | Elected Member Briefing. Annual Business Plan & Budget. |

CORRESPONDENCE

| | |
|-------------------------|--|
| REPORT TITLE: | CORRESPONDENCE |
| ITEM NUMBER: | 6.4.1 |
| DATE OF MEETING: | 25 MARCH 2024 |
| ATTACHMENTS: | <ol style="list-style-type: none">1. MAYOR MICHAEL HEWITSON TO CHRIS COWLEY, CHIEF EXECUTIVE OFFICER, CITY OF BURNSIDE2. MAYOR MICHAEL HEWITSON TO THE HON TOM KOUTSANTONIS MP, MINISTER FOR INFRASTRUCTURE & TRANSPORT3. MAYOR MICHAEL HEWITSON TO THE HON. CATHERINE KING MP, FEDERAL MINISTER FOR INFRASTRUCTURE, TRANSPORT, REGIONAL DEVELOPMENT & LOCAL GOVERNMENT4. MAYOR MICHAEL HEWITSON TO MR JAMES STEVENS MP, FEDERAL MEMBER FOR STURT5. MAYOR MICHAEL HEWITSON TO MR JACK BATTY MP, MEMBER FOR BRAGG6. MAYOR MICHAEL HEWITSON TO SIMONE BAILEY, MAYOR, MID MURRAY COUNCIL7. MAYOR MICHAEL HEWITSON TO SENATOR THE HON. BRIDGET MCKENZIE MP, SHADOW MINISTER FOR INFRASTRUCTURE, TRANSPORT & REGIONAL DEVELOPMENT8. MAYOR MICHAEL HEWITSON TO THE HON. VINCENT TARZIA MP, SHADOW MINISTER FOR INFRASTRUCTURE & TRANSPORT9. JON WHELAN, CHIEF EXECUTIVE OFFICER, DEPARTMENT FOR INFRASTRUCTURE & TRANSPORT |

The correspondence from:

- Mayor Michael Hewitson to Chris Cowley, Chief Executive Officer, City of Burnside – Re. Support for City of Burnside for the Truro Bypass Project and Progressing the Greater Adelaide Freight Bypass (GAFB) Project
- Mayor Michael Hewitson to the Hon. Tom Koutsantonis MP, Minister for Infrastructure & Transport – Re. Support for City of Burnside for the Truro Bypass Project and Progressing the Greater Adelaide Freight Bypass (GAFB) Project
- Mayor Michael Hewitson to the Hon. Catherine King MP, Federal Minister for Infrastructure, Transport, Regional Development & Local Government – Re. Support for City of Burnside for the Truro Bypass Project and Progressing the (GAFB) Project
- Mayor Michael Hewitson to Mr James Stevens MP, Federal Member for Sturt – Re. Support for City of Burnside for the Truro Bypass Project and Progressing the Greater Adelaide Freight Bypass (GAFB) Project
- Mayor Michael Hewitson to Mr Jack Batty MP, Member for Bragg – Re. Support for City of Burnside for the Truro Bypass Project and Progressing the Greater Adelaide Freight Bypass (GAFB) Project
- Mayor Michael Hewitson to Simone Bailey, Mayor, Mid Murray Council – Re. Support for City of Burnside for the Truro Bypass Project and Progressing the Greater Adelaide Freight Bypass (GAFB) Project
- Mayor Michael Hewitson to Senator the Hon. Bridget McKenzie MP, Shadow Minister for Infrastructure, Transport & Regional Development – Re. Support for City of Burnside for the Truro Bypass Project and Progressing the Greater Adelaide Freight Bypass (GAFB) Project
- Mayor Michael Hewitson to the Hon. Vincent Tarzia MP, Shadow Minister for Infrastructure & Transport – Re. Support for City of Burnside for the Truro Bypass Project and Progressing the Greater Adelaide Freight Bypass (GAFB) Project
- Jon Whelan, Chief Executive Officer, Department for Infrastructure & Transport – Re. Unley Road – Speed Limit and Infrastructure

be noted.

MAYOR'S OFFICE

Michael Hewitson AM



19 March 2024

Chris Cowley
Chief Executive Officer
City of Burnside
Via email ccowley@burnside.sa.gov.au

Dear Chris

Re: Support for City of Burnside for the Truro Bypass Project and Progressing the Greater Adelaide Freight Bypass Project

Thank you for your letter dated 2 February 2024 seeking support from the City of Unley regarding City of Burnside Council's position for the Truro Bypass project and Greater Adelaide Freight Bypass (GAFB) amid continuing safety concerns around the South Eastern Freeway.

The City of Unley supports the City of Burnside's position on this matter, and accordingly Mayor Michael Hewitson has written a letter to the Hon Tom Koutsantonis MP (Minister for Infrastructure and Transport), the Hon Catherine King MP (Federal Minister for Infrastructure, Transport, Regional Development and Local Government), the Hon Vincent Tarzia MP (Shadow Minister for Infrastructure and Transport), Senator the Hon Bridget McKenzie MP (Shadow Minister for Infrastructure, Transport and Regional Development), Mr James Stevens MP (Federal Member for Sturt), Mr Jack Batty MP (Member for Bragg), Member for Dunstan, and Mayor Simone Bailey, Mid-Murray Council.

The letter has requested for State and Federal Governments to:

- support the renewed attention on and funding for the Truro Bypass Project; and
- commit to the progression of the GAFB Project as pledged, and its delivery in a timely manner.

The City of Unley has ongoing concerns regarding the safety of all street users (pedestrians, cyclists and motorists) due to the number of large freight trucks utilising the South Eastern Freeway and subsequently navigating through our local main streets, in particular Glen Osmond Road, Greenhill Road and Cross Road.

The City of Unley Community Plan 2033 highlights key objectives including our city is connected and accessible and thriving main streets and other business activities operate across our City. However high volumes of heavy vehicle traffic along our main streets and business precincts, including Glen Osmond Road, Greenhill Road and Cross Road makes achieving these objectives challenging.

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Unley, South Australia 5061
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Unley, South Australia 5061

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Council's submission to the Greater Adelaide Regional Plan (GARP) Discussion Paper released in 2023 reinforced the potential of Glen Osmond Road and Greenhill Road regarding future housing and employment growth. However, the presence of large freight trucks utilising the South Eastern Freeway limit this potential.

Thank you bringing this matter to our attention. Please do not hesitate to contact me should you wish to discuss further.

Yours sincerely

A handwritten signature in blue ink that reads "Michael". The signature is stylized and includes a small flourish at the end.

Michael Hewitson AM
Mayor

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MAYOR'S OFFICE

Michael Hewitson AM



19 March 2024

The Hon. Tom Koutsantonis MP
Minister for Infrastructure and Transport
Via email minister.koutsantonis@sa.gov.au

Dear Minister *Tom*

Re: Support for City of Burnside for the Truro Bypass Project and Progressing the Greater Adelaide Freight Bypass Project

The City of Unley supports the City of Burnside in bringing to your attention ongoing safety concerns regarding the South Eastern Freeway and requests that the State Government support the Truro Bypass project and its commitment to progress the Greater Adelaide Freight Bypass (GAFB) Project.

Council has ongoing concerns regarding the safety of all street users (pedestrians, cyclists and motorists) due to the number of large freight trucks utilising the South Eastern Freeway and subsequently navigating through our local main streets, in particular Glen Osmond Road, Greenhill Road, and Cross Road.

Council requests that the State Government:

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Council also wrote to you in November 2023, regarding undertaking a corridor planning study for Greenhill Road, similar to the works previously undertaken for Unley Road.

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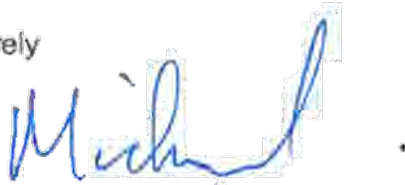
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The GAFB Project is important to the safety and well-being of the Unley community, the development potential of Glen Osmond and Greenhill Road corridors, and the broader South Australian region and should be activated as a matter of priority.

I look forward to your response and please do not hesitate to contact me should you have any questions regarding this matter.

Yours sincerely

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Michael Hewitson AM
Mayor

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MAYOR'S OFFICE

Michael Hewitson AM



19 March 2024

The Hon. Catherine King MP
Federal Minister for Infrastructure, Transport, Regional Development & Local Government
Via email minister.king@mo.infrastructure.gov.au

Dear Minister

Re: Support for City of Burnside for the Truro Bypass Project and Progressing the Greater Adelaide Freight Bypass Project

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Michael Hewitson AM
Mayor

MAYOR'S OFFICE

Michael Hewitson AM



19 March 2024

Mr James Stevens MP
Federal Member for Sturt
Via email james.stevens.mp@aph.gov.au

Dear James Stevens

Re: Support for City of Burnside for the Truro Bypass Project and Progressing the Greater Adelaide Freight Bypass Project

The City of Unley supports the City of Burnside in bringing to your attention ongoing safety concerns regarding the South Eastern Freeway and requests that the State Government support the Truro Bypass project and its commitment to progress the Greater Adelaide Freight Bypass (GAFB) Project.

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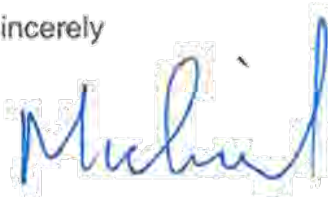
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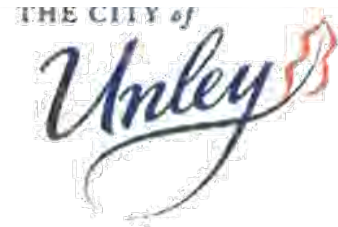
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MAYOR'S OFFICE

Michael Hewitson AM



19 March 2024

Mr Jack Batty MP
Member for Bragg
Via email bragg@parliament.sa.gov.au

Dear Jack Batty

Re: Support for City of Burnside for the Truro Bypass Project and Progressing the Greater Adelaide Freight Bypass Project

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Council is interested to understand your position on this matter.

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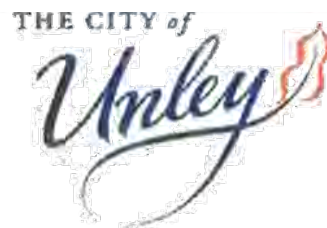
Yours sincerely



Michael Hewitson AM
Mayor

MAYOR'S OFFICE

Michael Hewitson AM



19 March 2024

Simone Bailey
Mayor
Mid Murray Council
Via email mayor@mid-murray.sa.gov.au

Dear Mayor Bailey *Simone*

Re: Support for City of Burnside for the Truro Bypass Project and Progressing the Greater Adelaide Freight Bypass Project

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Council is interested to understand Mid Murray Council's position on this matter.

I look forward to your response and please do not hesitate to contact me should you have any questions.

Yours sincerely



Michael Hewitson AM
Mayor

MAYOR'S OFFICE

Michael Hewitson AM



19 March 2024

Senator the Hon. Bridget McKenzie MP
Shadow Minister for Infrastructure, Transport and Regional Development
Via email senator.mckenzie@aph.gov.au

Dear Senator

Re: Support for City of Burnside for the Truro Bypass Project and Progressing the Greater Adelaide Freight Bypass Project

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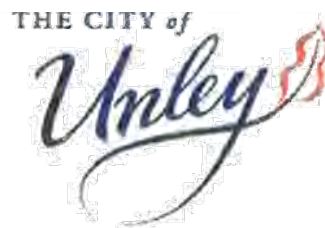
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MAYOR'S OFFICE

Michael Hewitson AM



19 March 2024

The Hon. Vincent Tarzia MP
Shadow Minister for Infrastructure & Transport
Via email hartley@parliament.sa.gov.au

Dear Minister

Re: Support for City of Burnside for the Truro Bypass Project and Progressing the Greater Adelaide Freight Bypass Project

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I look forward to your response and please do not hesitate to contact me should you have any questions.

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Michael Hewitson AM
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Government
of South Australia

Department for Infrastructure
and Transport

**OFFICE OF THE
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Mr Peter Tsokas
Chief Executive Officer
City of Unley
PO Box 1
Unley SA 5061

Email: ptsokas@unley.sa.gov.au

Dear Mr Tsokas

RE: Unley Road - speed limit and Infrastructure

Thank you for your correspondence dated 21 December 2023, regarding Unley Road and a request for consideration of a reduction in the speed limit and continued collaboration for ongoing planning work.

I am pleased to advise that the Department for Infrastructure and Transport (the Department) has reviewed the speed limit along this section of Unley Road and supports the City of Unley's request to lower the speed limit between Greenhill Road and Wattle Street from 60km/h to 50km/h. The Department will consult with Council regarding implementation and timing.

The Department acknowledges the relatively limited pedestrian space along the corridor and advises that it does not intend to widen the carriageway or generally adjust kerb alignments along the route. The Department notes Council's intent to consider medians and that approach may facilitate sheltered right turn lanes at key intersections, which may require localised adjustments. The Department looks forward to working with Council through the planning and design process to support functional alignment with the broader network.

If you require any further assistance, I encourage you to please contact Mr Mark Shotton, Director, Network Management Services, by email Mark.Shotton@sa.gov.au or mobile 0419 848 264.

Yours sincerely

Jon Whelan
Chief Executive

20 March 2024