

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 27 September 2021 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 yaitya, 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	
<i>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.</i>	
1.4 MINUTES	
1.4.1 Minutes of the Ordinary Council Meeting held Monday, 23 August 2021	
1.5 DEFERRED / ADJOURNED ITEMS	
Nil	
2. PETITIONS/DEPUTATIONS	
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Nil	

4. REPORTS OF OFFICERS

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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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5.4 QUESTIONS WITHOUT NOTICE

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

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SUGGESTED ITEMS FOR NEXT AGENDA

Unley Road Public Realm Design Guidelines
Joint Use Agreement Renewal
Waste Management and Resource Recovery Plan 2021-25 Implementation
Appointment of Deputy Mayor - 01/12/2021 to end of current Council term
Review of Policies
Adoption of City of Unley 2020-21 Annual Report
Variation to Operating Hours for Festive Season 2021-22
Determination of Time and Place of Ordinary Meetings of Council for 2022
Assessment of Chief Executive Officer's 2020/21 Key Performance Indicators

NEXT MEETING

Monday 25 October 2021 - 7.00pm

Council Chambers, 181 Unley Road Unley

DEPUTATION

REPORT TITLE: DEPUTATION RE: MIKE TURTUR BIKEWAY
UPGRADE PROCESS AND PROGRESS

ITEM NUMBER: 2.1

DATE OF MEETING: 27 SEPTEMBER 2021

ATTACHMENTS: 1. DEPUTATION

1. Denise Tipper, Goodwood
Re. Providing Information from Locals on the Mike Turtur Bikeway
Upgrade Process and Progress to Date
-

Deputation Request Form



Submission date: 22 September 2021, 7:49AM
Receipt number: Public_Deputation17
Related form version: 2

Part A - Represor Details

Represor Name: Denise Tipper
Telephone Number: 82723635
Email: denise.tipper@bigpond.com
Address: 2 Almond Street Goodwood

Part B - I will be speaking

As a Spokesperson

If you are a spokesperson please enter the Groups name here

Collection of local people that's become known as 'MTB Concerned Residents Group'

If the group has a set of Rules by which the group is governed, please provide a copy of these

Part C - Additional Speakers (if required)

Represor 2 Name:

Represor 2 Telephone Number:

Represor 2 Email:

Represor 2 Address:

Representor 3 Name:

Representor 3 Telephone Number:

Representor 3 Email:

Representor 3 Address:

Part D - Deputation Details

This Deputation relates to the following subject matter: **Together, on behalf of the others, I'm presenting a Petition/Survey conducted by locals on the 'MTB Upgrade' process and progress so far. I'll be presenting individuals' written statements, a short information sheet Administration will copy for Elected Members, and an auto Slide Show of relevant photos. All to be vetted/approved prior at a prearranged meeting with a qualified City Officer. There is a lot to present, so I will be requesting an extension of time from the traditional 5 mins to speak and that all documentation is to be recorded in the 27th September 2021 FCM Minutes.**

Part E - Deputation Details

I have read and understood the Deputation Information Sheet and acknowledge that I must comply with the requirements

Name of signatory: Denise Tipper



Date:

22/09/2021

INFORMATION REPORT

REPORT TITLE:	UPDATED TREE CANOPY COVER ASSESSMENT 2021
ITEM NUMBER:	4.1
DATE OF MEETING:	27 SEPTEMBER 2021
AUTHOR:	KAT RYAN
JOB TITLE:	COORDINATOR ENVIRONMENTAL PROJECTS & STRATEGY
ATTACHMENTS:	1. URBAN FOREST AND TREE CANOPY ASSESSMENT

1. **EXECUTIVE SUMMARY**

The purpose of this report is to present to Council, for its information, the results of the 2021 assessment of tree canopy cover within the City of Unley.

Improving data management is a key part of Council's Tree Strategy which aims to create a resilient, healthy, and diverse urban forest to keep Unley leafy for future generations.

A tree canopy cover assessment across both public and private land within the City was undertaken in April 2021. The Light Detection and Ranging (LiDAR) technology created a high resolution, three-dimensional data set using a laser from a plane flying over the whole of the City of Unley area.

On 30 August 2021, the results of the LiDAR Canopy Cover assessment were presented at an Elected member briefing.

In comparison to previous data from 2018, we have measured a 1.36% increase to canopy coverage. This brings our total canopy cover to 27.99%, drawing us closer to our 2045 target of 31%.

However, with most of the increase due to established trees growing larger, Council is still losing more trees than it is replacing with recently planted ones. Essentially this means that existing, growing trees are compensating for the trees lost in recent years. Consequently, there will come a tipping point if collectively more trees are removed than planted.

Council staff have started to apply this new data to analyse changes at whole of Council; suburb; street; and individual property level. This dataset allows Council to track progress and better target investments.

A copy of the Urban Forest and Tree Canopy Assessment Report is provided as Attachment 1. The key findings of the Report are now tabled to Council for its information.

Attachment 1

2. RECOMMENDATION

That:

1. The report be received.
-

3. RELEVANT CORE STRATEGIES/POLICIES

2. Environmental Stewardship

2.1 Unley's urban forest is maintained and improved.

- The 30 Year Plan for Greater Adelaide (2017) outlines key directions to create a greener city through an increase in green cover by 20% across metropolitan Adelaide by 2045. This represents an increase from 26% to 31% for Unley.
- The City of Unley Tree Strategy has a matching goal of a 20% increase in green cover by 2045.

4. BACKGROUND

The monitoring and evaluation of targets under both the 30 Year Plan and the Tree Strategy relies on data capture. In 2020, there was a significant change in the measurement mechanism of canopy cover, from a subsampling approach, to a three-dimensional map. An overview of these two methods and when they have been used is provided below.

i-Tree Canopy Cover Method

Prior to 2020, tree canopy cover was typically measured with an indicative assessment method called i-Tree.

"i-Tree Canopy" is an online peer-reviewed software suite from the United States Department of Agriculture Forest Service used to measure tree canopy and identify opportunities for future greening and ongoing management. It is the same software used in determining the Australian benchmark assessment in 2013 and 2017, by other local councils, as well as the State Government for the 30 Year Greater Adelaide Plan targets. Sample points are randomly distributed across a satellite image and then assessed manually as one of four different land cover classes, including Canopy, Grass / Bare Ground, Building and Hard Surface Other (roads, driveways, swimming pools etc).

It is important to note that this assessment is statistically representative rather than directly representing a map or on-ground survey of all trees.

I-Tree was the method utilised in developing City of Unley's Tree Strategy.

LiDAR Canopy Cover Method

LiDAR technology dataset was collected over most of metropolitan Adelaide in April 2018 by the Department for Planning, Transport and Infrastructure. It creates a high resolution, three-dimensional data set using a laser from a plane flying over the study area.

In 2020, an application of this existing 2018 LiDAR dataset for trees was identified and the City of Unley collaborated with State and Local Governments to better understand tree canopy cover and heights, for informed decision making and planning. A tree canopy and height map is now available that identifies every tree over 3m in height on both public and private land.

In 2018, the overall canopy cover varied across Local Government Areas (LGAs), from 9.89% in the City of Port Adelaide Enfield, through to 48.81% in the City of Mitcham. The City of Unley had 26.63% canopy cover in 2018.

Council was briefed on this LiDAR work as part of the workshop on financial measures to meet the tree canopy target held on 14 September 2020.

This information is available to the public within the Department for Environment and Water [Urban Heat and Tree Mapping](#) viewer.

State Planning Commission

The 2020/21 report card on the targets in the [30 Year Plan for Greater Adelaide](#) has confirmed that the State Government will be transitioning to using LiDAR as the measurement mechanism for target 5 Green Cover and adjusting the benchmarks to the 2018 LiDAR scores.

This will mean minimal strategic change for the City of Unley as our benchmark under i-tree was 26% and the benchmark from LiDAR was 26.63%.

5. DISCUSSION

To inform decision-making and measure trends, a canopy cover assessment across both public and private land tenure was undertaken in April 2021 using LiDAR technology. This assessment used the same methodology, timing and process as the canopy cover map that was created in 2018.

The key objectives of the 2021 assessment were:

- An updated data set and canopy map with high confidence of accuracy, particularly for private land.
- An updated canopy stratification to help identify potential significant and regulated trees.
- The ability to complete canopy gain/loss analysis, with influence of building footprints from 2018 dataset.

A briefing was held with Elected Members to outline the LiDAR Canopy Cover results and initial property analysis work on 30 August 2021. A copy of the technical assessment has been provided to Elected Members (Attachment 1). The key findings are summarised below.

Attachment 1

Key Findings:

- Figure 1 shows the overall canopy cover greater than 3m in height represented 27.99% of the City of Unley which is a 1.36% increase compared to 2018 (Figure 1).
- Figure 2 shows that the overall majority of tree canopy is on private land, however proportionally private land has the least of canopy cover (23%) compared to streets (44%) and other public land (28%).
- Most of the tree canopy comprises trees 3m to 10m in height, with very few trees being higher than this (Figure 3).
- The change detection analysis (Figure 4a &4b) shows that much of the increase in overall canopy cover came from existing trees growing larger. However, the number of recently planted trees has been less than the number of whole trees removed.

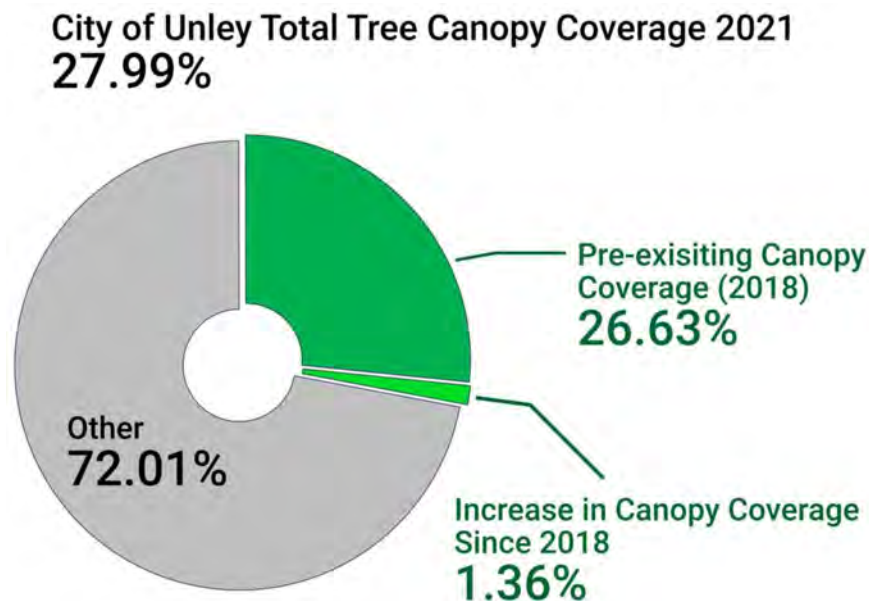


Figure 1: Total Tree Canopy Coverage 2021
(Source S J Holt, 2021, Urban Forest and Tree Canopy Assessment, Aerometrex Ltd)

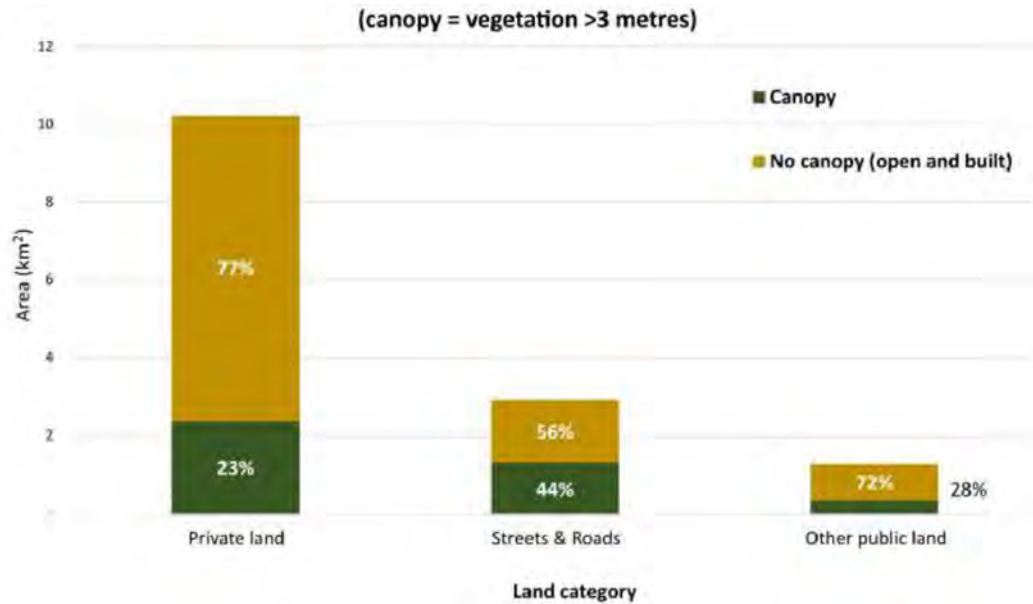


Figure 2: Canopy Coverage across the City of Unley by Land Category Please note the percentages within the bar graph are rounded figures. (Source S J Holt, 2021, Urban Forest and Tree Canopy Assessment, Aerometrex Ltd)

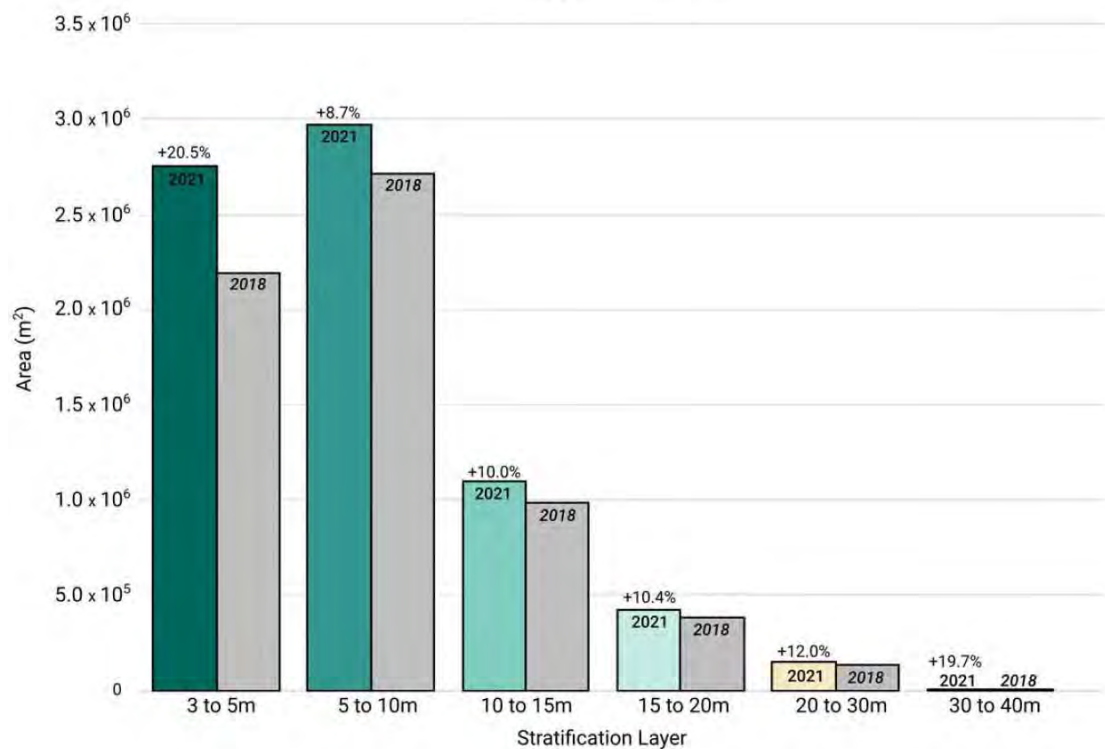


Figure 3: Canopy Stratification of Heights across City of Unley, 2018 and 2021 (Source S J Holt, 2021, Urban Forest and Tree Canopy Assessment, Aerometrex Ltd)



Figure 4a & 4b: Total Area of Each Tree Canopy Change Type 2018-2021

- Tree Growth – gains that are connected to other canopy and have an area greater than 4m².
- Tree Planting – gains that are isolated from other tree canopy.
- Pruning Reduction – losses that are connected to other canopy and have an area greater than 4m².
- Tree Removal – losses that are isolated from other tree canopy.
- Unclassified – detected change is connected to other canopy and less than 4m². This change has been excluded as an accuracy buffer in case change is due to movement in wind at capture.
- No Change – same as 2018.

(Source S J Holt, 2021, Urban Forest and Tree Canopy Assessment, Aerometrex Ltd)

Height

Canopy cover was defined as any tree above 3m in height. While smaller trees and other vegetation also provide many benefits across the city, the 3m height allows direct comparison to the 2018 study and keeps the focus on a height at which trees are expected to start delivering canopy cover benefits. Newly planted trees are unlikely to be 3m or more in height and have therefore been excluded from the analysis.

Canopy vs Tree

The canopy model shows where the canopy falls over a specific land use or land ownership type, but it does not show where the trunk is located. For example, street trees could therefore be classified as providing some cover over private land.

Deciduous Trees

The initial 2018 capture was undertaken in April, which can correspond to leaf-off conditions for deciduous trees, yet their canopy is still captured in the results. This is an advantage of LIDAR as it measured the x-y extent of tree canopy, not the density of vegetation. As a result, a 1m by 1m cell is defined as tree canopy whether it gets 15 returns from a dense leaf-on canopy, or only 5 returns from a sparse, leaf-off, woody canopy. Therefore, we can be confident that we will image trees and their canopy coverage even in leaf-off conditions.

Green Adelaide Data Recapture

Recently the City of Unley endorsed a request from Green Adelaide (part of the Department for Environment and Water) to partner with metropolitan Adelaide Councils on a repeat capture of both LiDAR Canopy Cover and Heat Mapping over summer of 2021/22. Aside from the many benefits of an updated heat map and metro wide canopy cover update, the City of Unley will have a unique opportunity to test if there is significant change over a 12-month period of LiDAR.

Next Steps

Using the LiDAR data combined with property information, Council's Spatial and Business Intelligence Analyst has been able to create another two datasets (2018 and 2021) which ascertains the change in canopy cover by individual property assessment.

Being able to look at the information by street and suburb will enable a targeted approach to deliver through the implementation of Council's Tree Strategy work.

Summary:

It is great news that the tree canopy cover has increased over the last three years and put the City of Unley on track for its target of 31% canopy cover by 2045. However, with most of the increase due to established trees growing larger, and largely due to higher-density development and increased urban infill, we are still losing more trees than we are replacing with recently planted ones. Essentially this means that existing, growing trees are compensating for the trees lost in recent years, but there will come a tipping point if we don't collectively plant more trees than we are losing.

The quality and accuracy of this dataset is excellent and enables City of Unley to both track progress, assist in prioritising efforts and also provide ability for education and community engagement to individual property level.

6. REPORT AUTHORISERS

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

BR02684 City of Unley Council

Urban Forest and tree canopy assessment – 2021

Dataset Summary

Canopy Height Model

Canopy height models (CHMs), also known as Digital Canopy Models (DCMs) consist of a discontinuous raster with a spatial resolution of 1m that describes the height above ground of the top of tree canopies across an area of interest. In the case of this study, all CHMs have a cell size of one meter by one meter and describe trees that are above three meters in height. Therefore, areas of no data correspond to areas that either have no trees or have trees that are below the threshold of three meters.

Change in Canopy Height

The Change in Canopy Height raster dataset has a spatial resolution of 1m and is generated by subtracting the 2018 CHM from the 2021 CHM. Areas of positive change indicate growth of existing tree canopy or new tree canopy and areas of negative change indicate loss of canopy.

Tree Canopy Coverage

A vector dataset showing the horizontal extent of tree canopy cover above 3 m across City of Unley Council. The Tree Canopy Coverage maps provided in this report contain two pieces of valuable information. Firstly, a map that shows the horizontal coverage of tree canopy that is above three meters across the area of interest. This data is derived from the CHM and depicts the exact area that is covered by tree canopy. Included on the Tree Canopy Coverage maps is a chart showing the exact proportion of the LGA that is covered by tree canopy above three meters in height, as well as the change in tree canopy coverage since 2018.

Canopy Coverage by Land Use

Canopy Coverage by Land Use map for City of Unley show the same area of tree canopy coverage as the corresponding Tree Canopy Coverage map, but this time is divided up into areas that correspond to the type of Land Use that the canopy covers. For example, all tree canopy areas that are classified as Residential, cover land that is classified as residential. From this classification, it is possible to calculate the proportion of the total tree canopy cover (above 3m in height) within the LGA that covers each land use type. These statistics are provided alongside the Canopy Coverage by Land Use maps. For example, if the proportion of tree canopy cover over Residential land is 5%, that means that of the total tree canopy cover over 3 m within that LGA, 5% of that, covers residential land. Included as well as is how much the proportion of tree canopy cover over each land use has changed since 2018.

It must be noted that this map does not define what Land Use the tree is located on, i.e., the location of its trunk, but it does provide policy makers with robust data on what Land Use types of account for the majority of tree canopy cover within their LGAs.

Land Use Classes – below is a list of all Land Use numerical identification codes and their associated class definitions, as defined by the State Valuation Office (2015) and references therein.

1. *Residential*: comprising the use of land for a detached dwelling, group dwelling, multiple dwelling, residential flat building, row dwelling or semi-detached dwelling within the meaning of the Development Regulations.
2. *Commercial – Shop*: comprising the use of land for a shop within the meaning of the Development Regulations.
3. *Commercial – Office*: comprising the use of land for an office within the meaning of the Development Regulations.
4. *Commercial – Other*: comprising any other commercial use of land not referred to in categories 2 or 3.
5. *Industry – Light*: comprising the use of land for a light industry within the meaning of the Development Regulations.
6. *Industry – Other*: comprising any other industrial use of land not referred to in category.
7. *Primary Production*: comprising
 - a. farming within the meaning of the Development Regulations; and
 - b. horticulture within the meaning of the Development Regulations; and
 - c. the use of land for horse keeping or intensive animal keeping within the meaning of the Development Regulations; and
 - d. in respect of a dairy situated on a farm - the use of land for a dairy within the meaning of the Development Regulations; and
 - e. commercial forestry.
8. *Vacant land*: comprising the non-use of vacant land.
9. *Other*: comprising any other use of land not referred to in another category.
10. *Marina Berth*: comprising a piece of land within a marina.
 - a. used for the berthing or mooring of a vessel; or
 - b. used for the dry storage of a vessel (commonly known as a hard stand).

Canopy Coverage by Land Ownership

Canopy Coverage by Land Ownership map for City of Unley show the same area of tree canopy coverage as that corresponding Tree Canopy Coverage map, but this time is divided up into areas that correspond to the type of Land Ownership that the canopy covers. For example, all tree canopy areas that are classified as Local Government, cover land that is classified as being owned by Local Government. From this classification, it is possible to calculate the proportion of the total tree canopy cover (above 3m in height) within the LGA that covers each land ownership category. These statistics are provided alongside the Canopy Coverage by Land Use maps. For example, if the proportion of tree canopy cover over Local Government land is 9%, that means that of the total tree canopy cover (over 3 m) within that LGA, 9% of that, covers Local Government land. Included as well as is how much the proportion of tree canopy cover over each land use has changed since 2018.

It must be noted that this map does not define what Land Ownership category the tree is located on, i.e., the location of its trunk, but it does provide policy makers with robust data on what Land Ownership types account for the majority of tree canopy cover within their LGAs.

Land Ownership Classes – below is a list of all Land Ownership numerical identification codes and their associated classes, as defined by the State Valuation Office and by the Department of Planning, Transport and Infrastructure.

1. Not Specified
2. Private
3. Local Government Road
4. State Government Road
5. Local Government
6. State Government
7. Company
8. Community

Adjusted Land Use and Land Ownership Statistics

These statistics differ from those presented on the Tree Canopy by Land Use and Land Ownership maps in that they describe the proportion of each land use that is covered by tree canopy. For example, 24.38% of the total Residential area of Unley is covered by tree canopy above 3m in height.

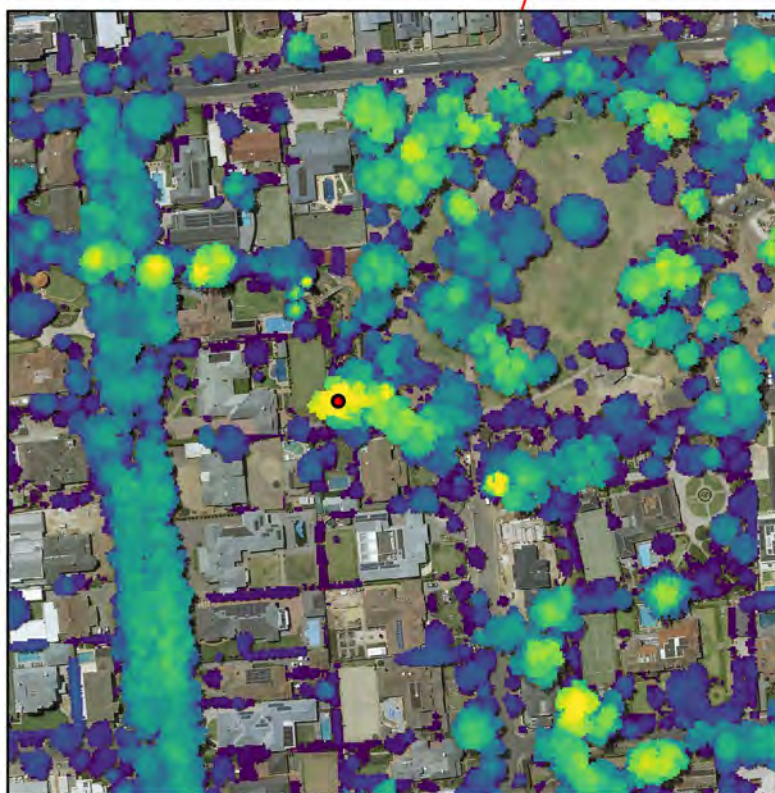
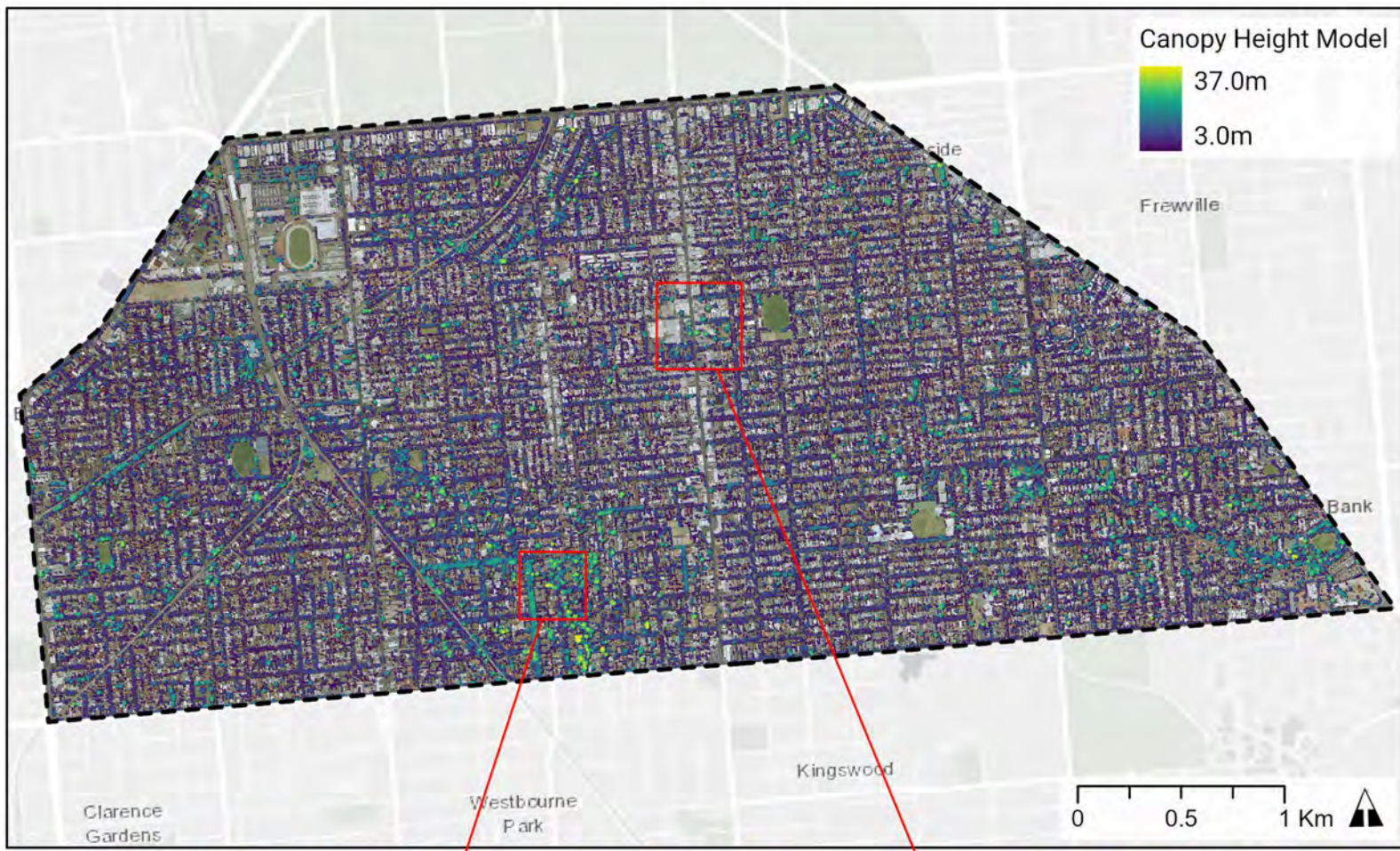
Canopy Stratification Map

The Canopy Stratification Maps provided for City of Unley show the area that is covered by tree canopy within defined height above ground intervals, ranging from three meters up to the maximum canopy height. These maps can be considered as multiple, stacked Tree Canopy Coverage Maps, each of which correspond to canopy within each height interval. These maps are accompanied by statistical break downs of the area covered by canopy within each height interval and how that area has changed since 2018. When combined with these statistics, The Canopy Stratification Maps can be used to estimate the height distribution of trees within each LGA. For example, if the total tree canopy is dominated by canopy within the height range of 3 m to 5 m, it is likely that there is a dominance of trees within that height range.

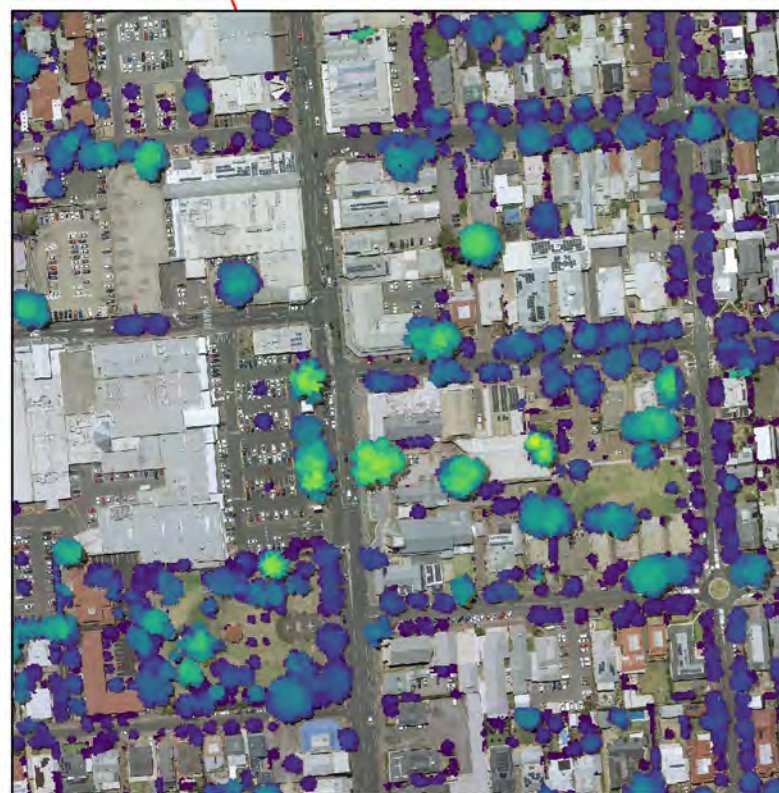
Canopy Cover by Unit Area

Tree Canopy Coverage by Unit Area maps are generated by dividing the area of interest into uniform 100m by 100m cells and then calculating the percentage of tree canopy cover within each individual cell. All cells are then colour coded by canopy coverage percentage. Maps such as these provide a snapshot of the distribution of tree canopy cover above three meters in height that are free of biases that can be caused by depicting tree canopy coverage per LGA or suburb area.

The City of Unley - Canopy Height Model - April 2021

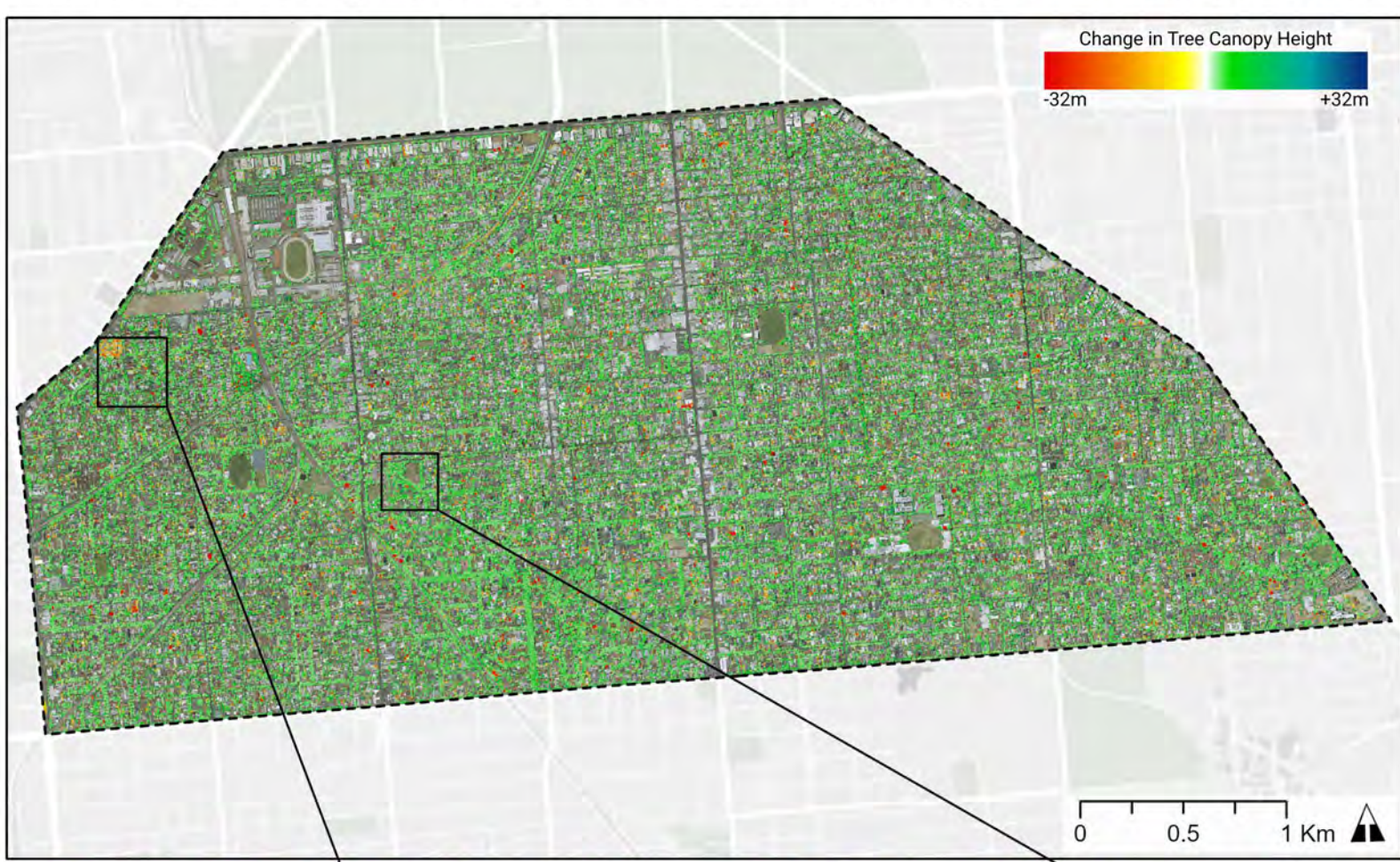


City of Unley's Tallest Tree Canopy, 36.7m

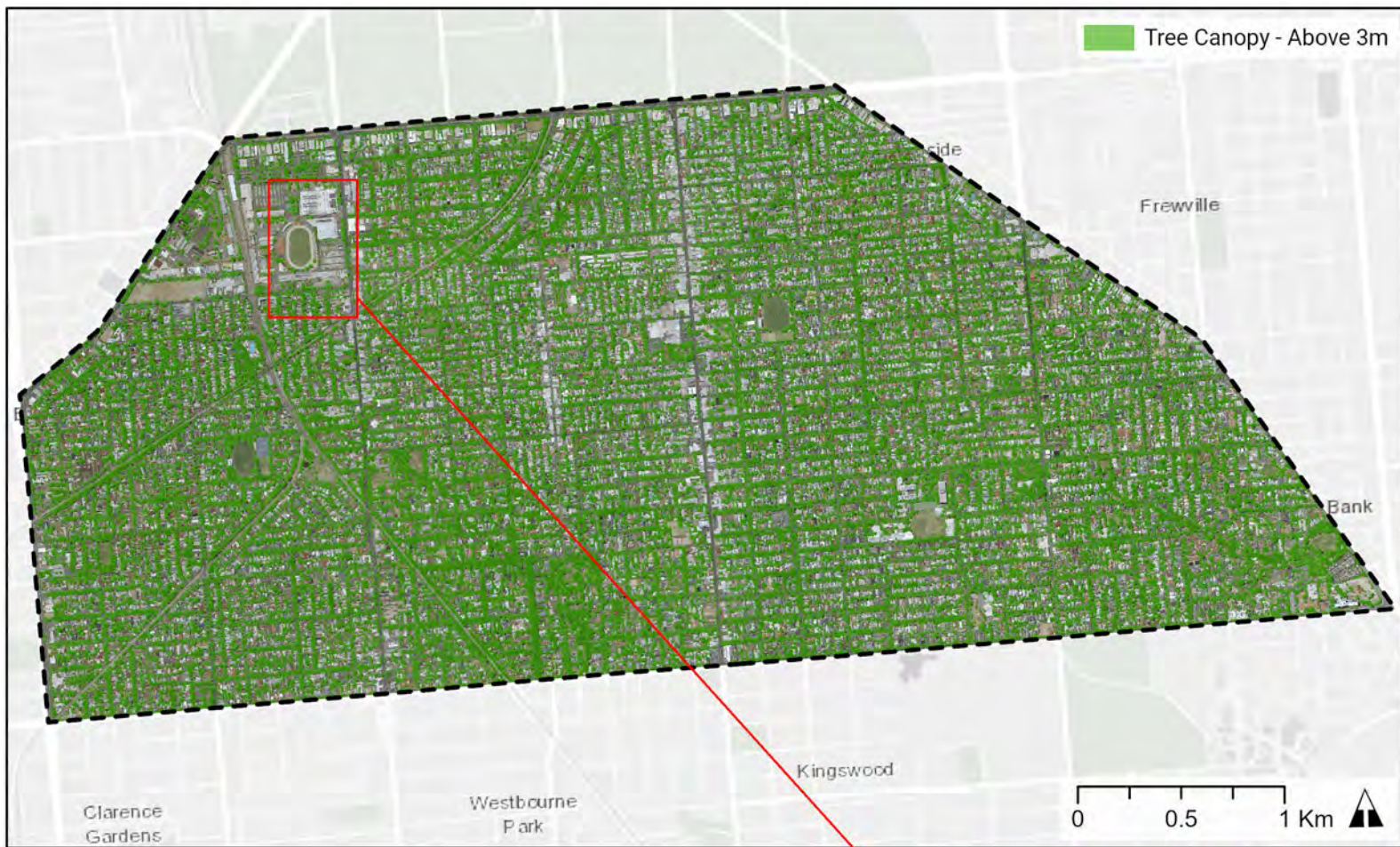


Trees surrounding City of Unley's Town Hall

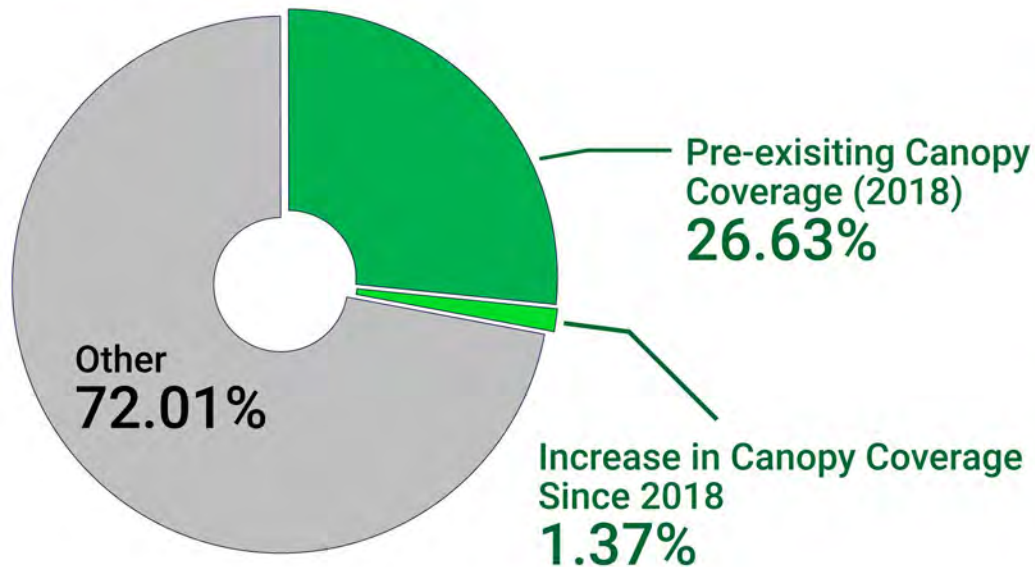
The City of Unley - Change in Canopy Height - April 2018 to April 2021



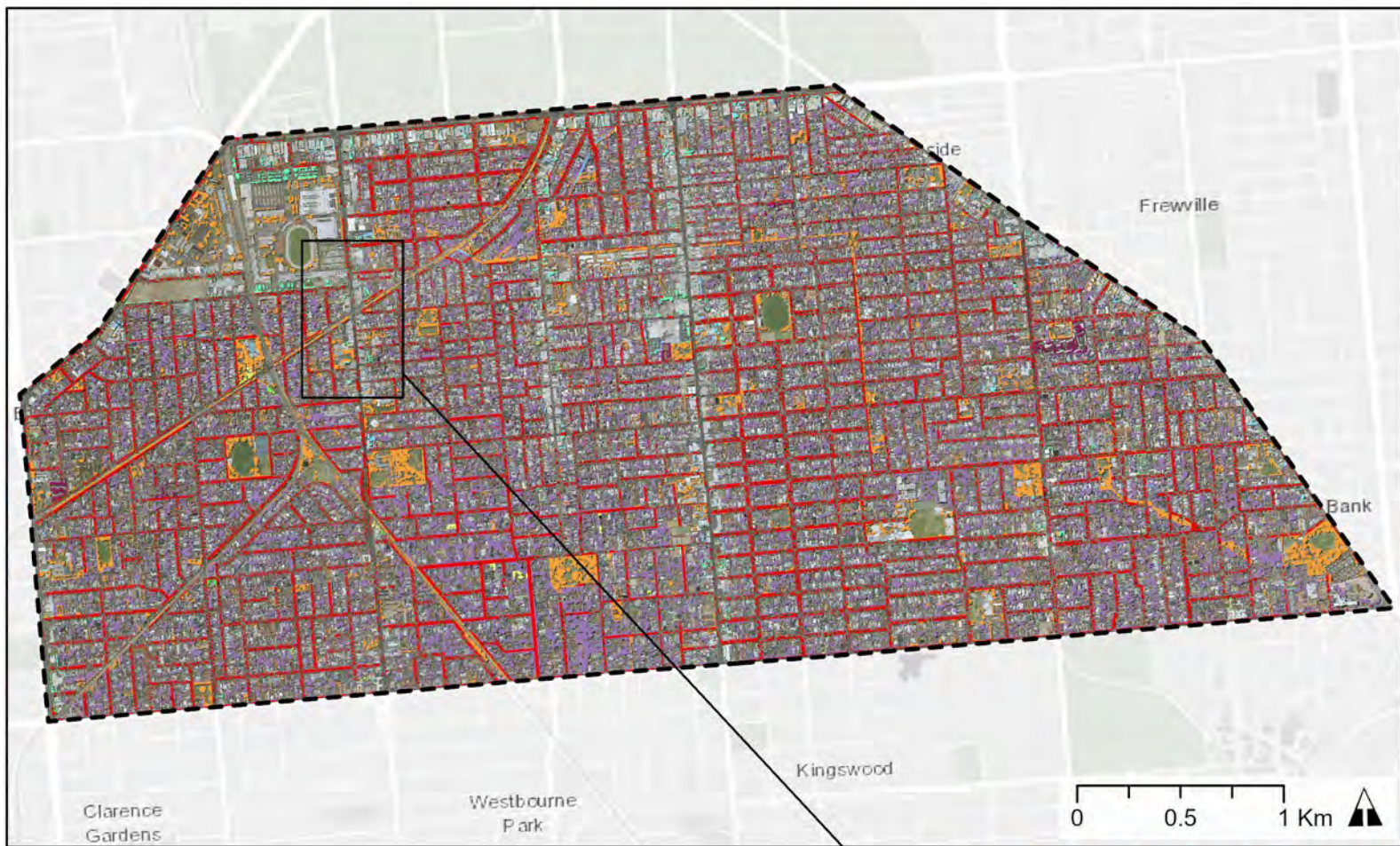
The City of Unley - Tree Canopy Cover - April 2021



City of Unley Total Tree Canopy Coverage 2021 27.99%



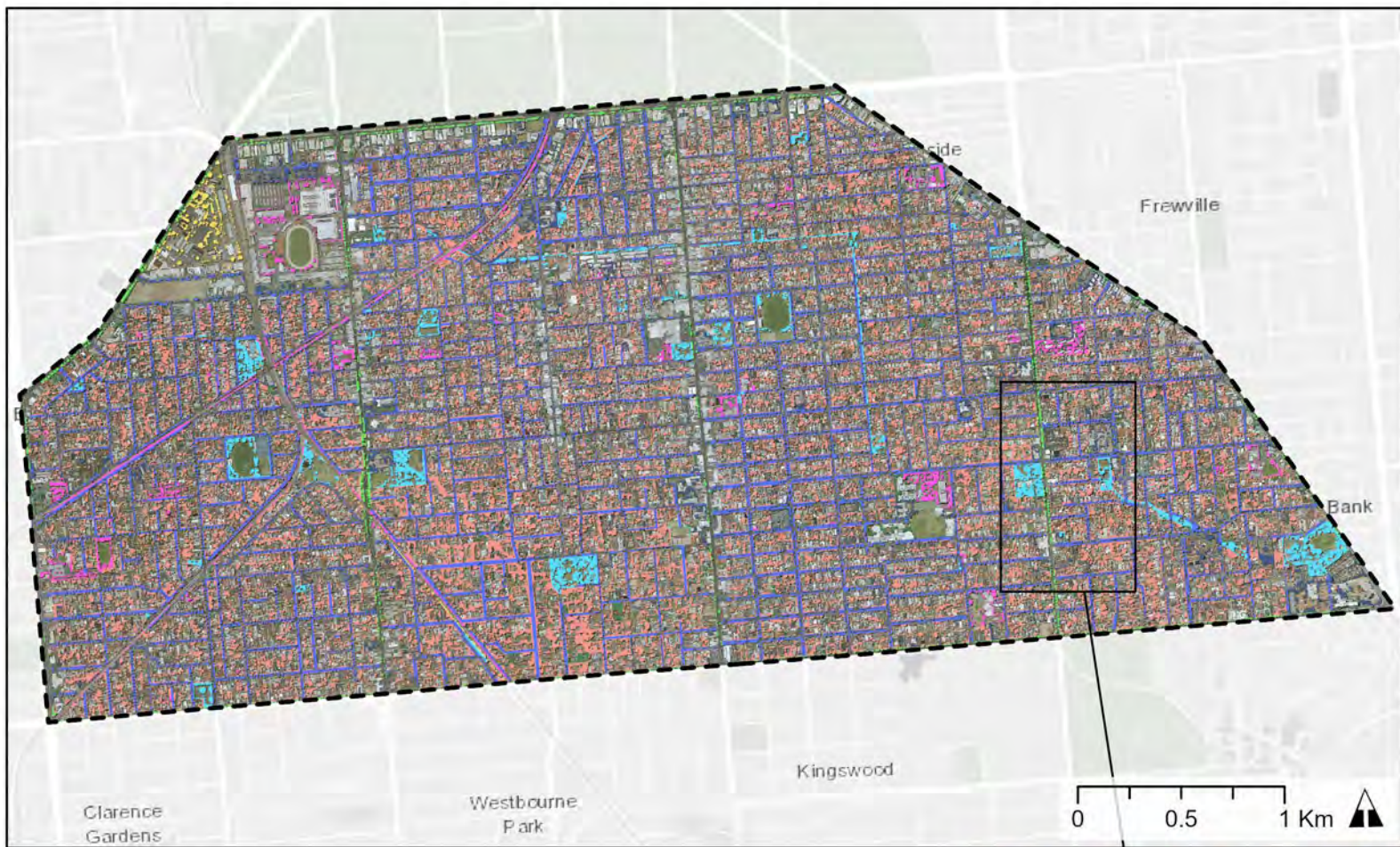
The City of Unley - Tree Canopy Cover by Land Use - April 2021



- Land Use Type**
- Not Specified
 - Residential
 - Commercial - Shop
 - Commercial - Office
 - Commercial - Other
 - Industry - Light
 - Industry - Other
 - Vacant Land
 - Other
 - Roads



The City of Unley - Tree Canopy Cover by Land Ownership - April 2021



- Land Ownership Type**
- Private
 - Local Gov. Road
 - State Gov. Road
 - Local Government
 - State Government
 - Federal Government
 - Company
 - Community



City of Unley - Adjusted Land Use and Land Ownership Statistics

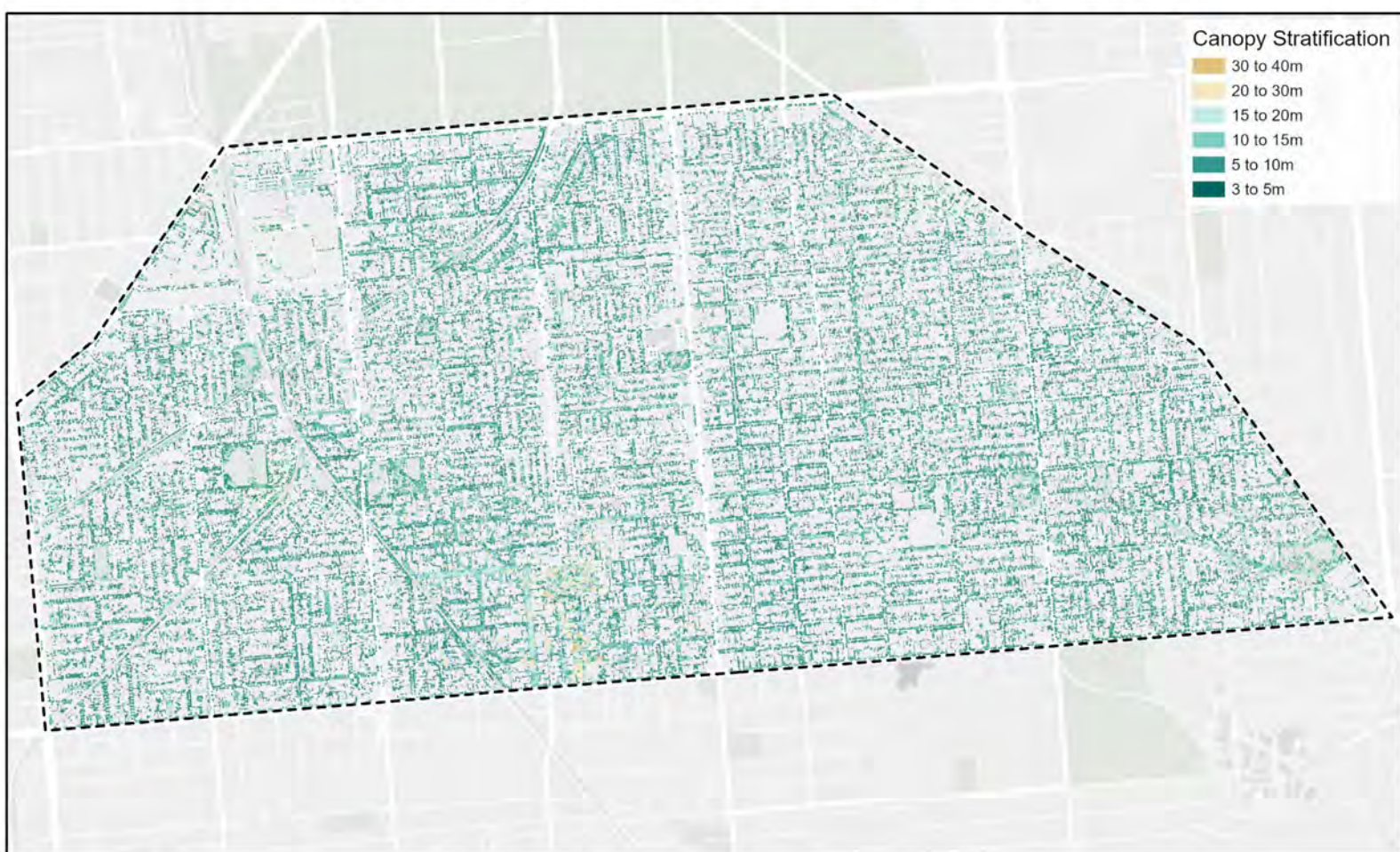
Tree Canopy Coverage

Land Use	2021				2018		Change 2018-2021	
	FID_Land_Use	Land Use Type	Total Area (Sq M)	Canopy Area (Sq M)	% of Land Use Covered by Canopy	% of Land Use Covered by Canopy	% of Land Use Covered by Canopy	% of Land Use Covered by Canopy
	1	Not-Specified	92546.96	31202.11485	33.71	33.34	0.37	
	2	Residential	8631534.21	2104475.736	24.38	23.25	1.13	
	3	Commercial - Shop	295800.57	22872.95516	7.73	7.67	0.06	
	4	Commercial - Office	247825.57	35304.66511	14.25	13.20	1.04	
	5	Commercial - Other	356704.23	48349.90352	13.55	12.51	1.04	
	6	Industry - Light	19095.36	1828.181041	9.57	9.41	0.17	
	7	Industry - Other	17746.97	1360.856106	7.67	9.02	-1.36	
	9	Vacant Land	81488.79	13072.28016	16.04	24.36	-8.31	
	10	Other	1879330.35	495442.5425	26.36	24.73	1.63	
	12	Roads	2919792.72	1295054.985	44.35	41.99	2.37	

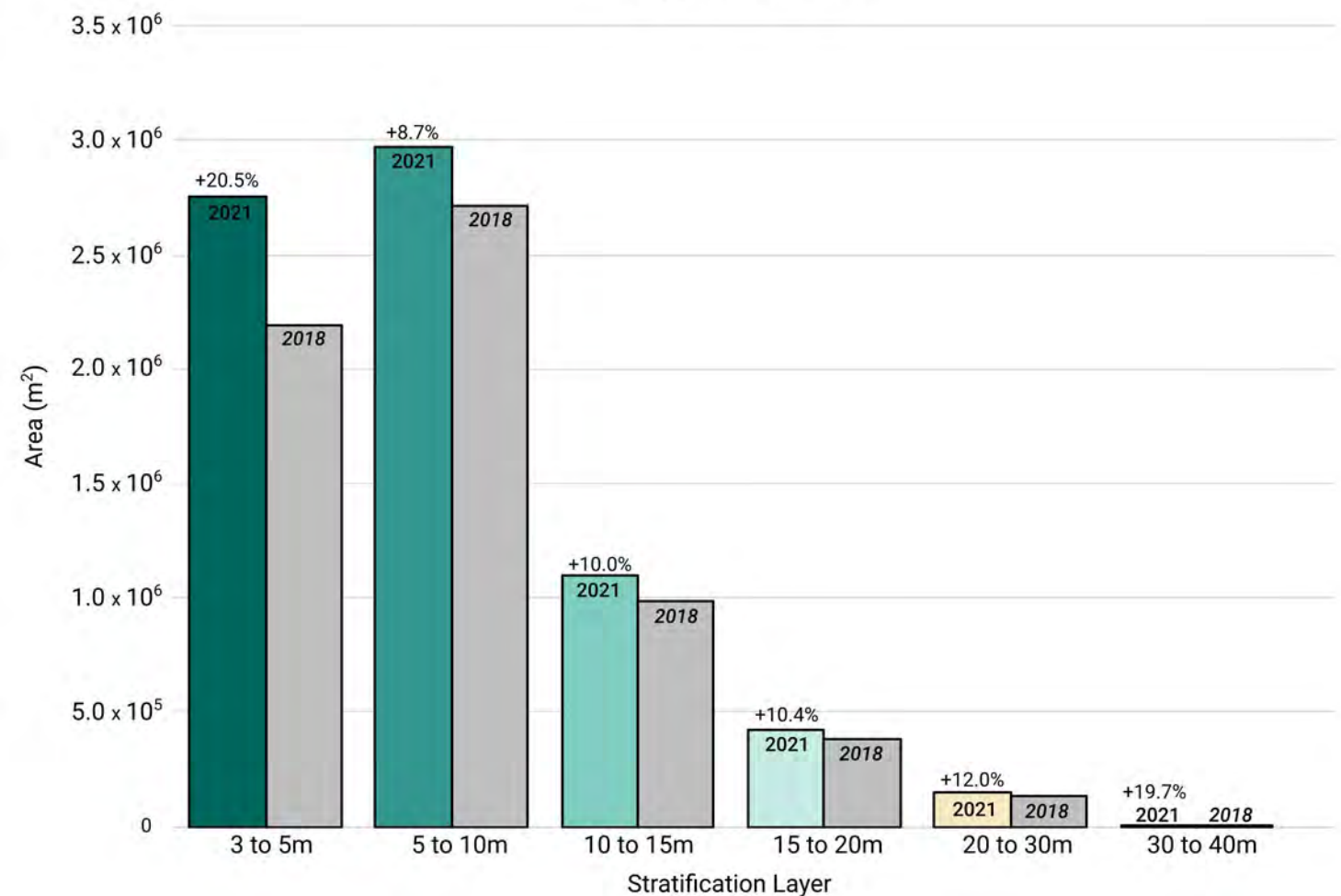
Land Ownership

Land Ownership	2021				2018		Change 2018-2021	
	FID_Land_Ownership	Land Ownership Type	Total Area (Sq M)	Canopy Area (Sq M)	% of Land Ownership Covered by Canopy	% of Land Ownership Covered by Canopy	% of Land Ownership Covered by Canopy	% of Land Ownership Covered by Canopy
	2	Private	8178083.53	1988422.414	24.31	23.19	1.12	
	3	Local Gov. Road	2421141.43	1199860.181	49.56	46.94	2.62	
	4	State Gov. Road	498581.58	95161.57897	19.09	17.95	1.14	
	5	Local Government	447228.94	193402.3266	43.24	40.53	2.72	
	6	State Government	659932.07	134335.6153	20.36	19.51	0.85	
	7	Federal Government	155183.50	24939.64106	16.07	14.82	1.25	
	8	Company	1064186.01	148944.8358	14.00	13.90	0.09	
	9	Community	991449.77	244980.1968	24.71	23.22	1.49	

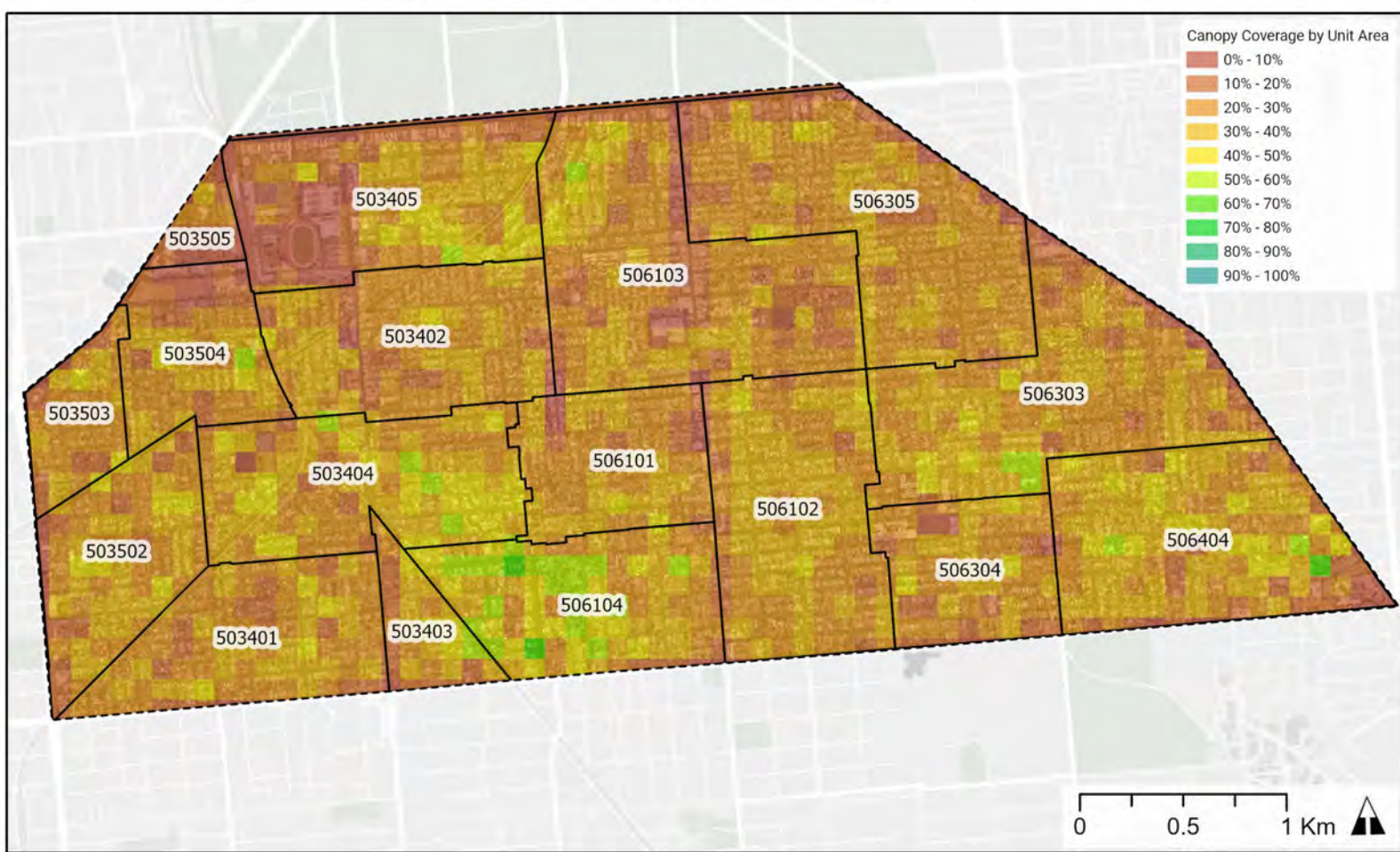
The City of Unley - Canopy Stratification - April 2021



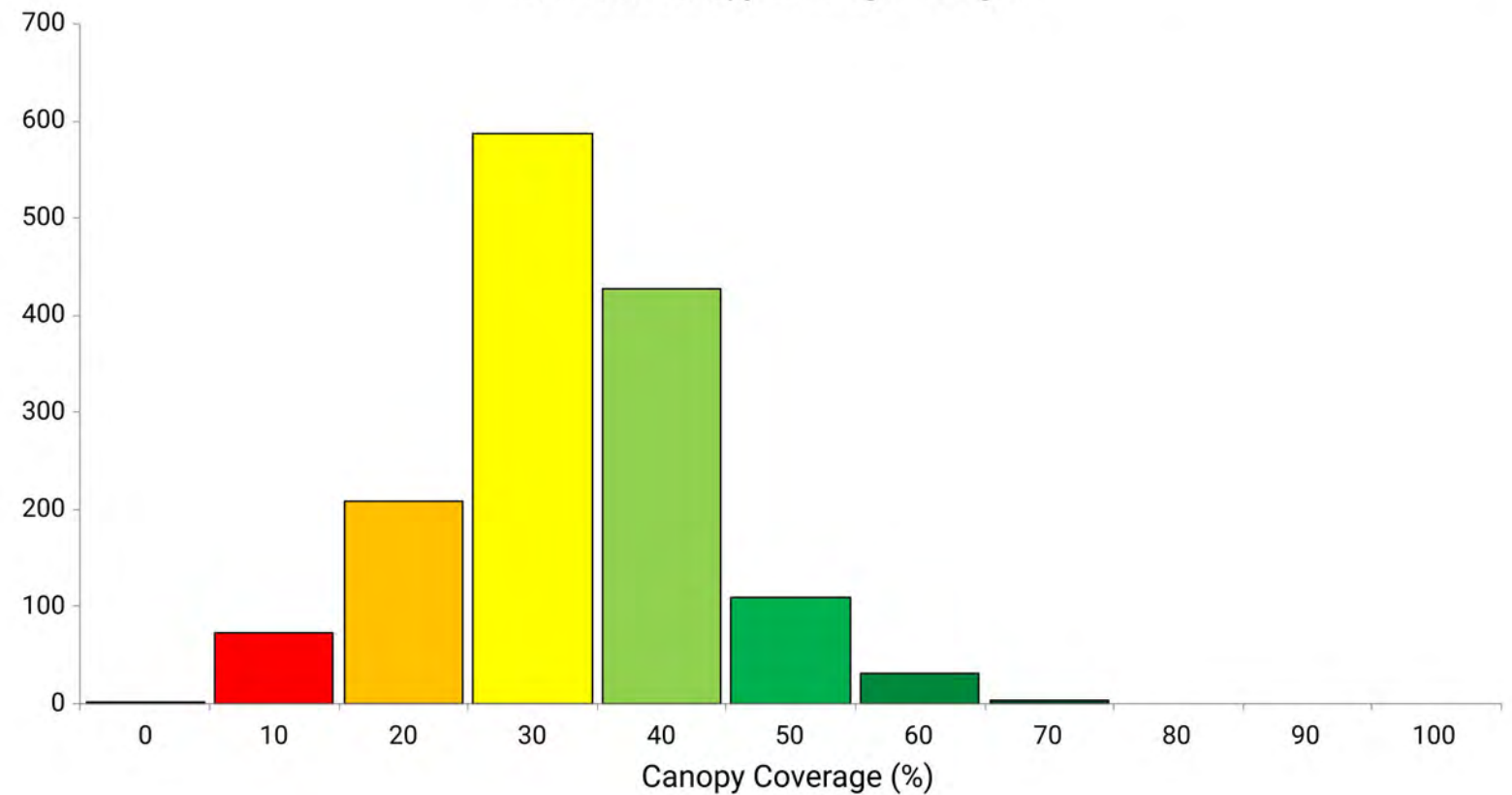
Canopy Stratification



The City of Unley - Tree Canopy Cover by Unit Area - April 2021

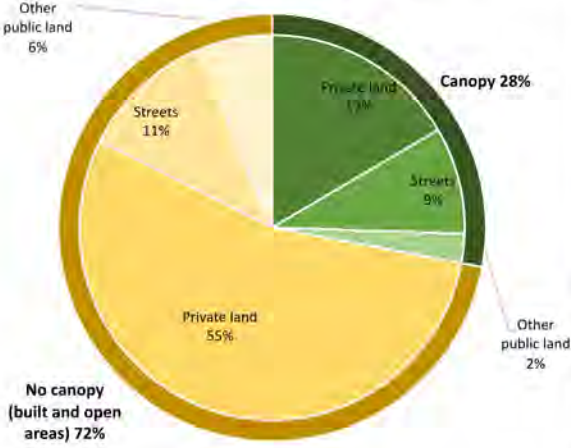


Unit Area Canopy Coverage Histogram

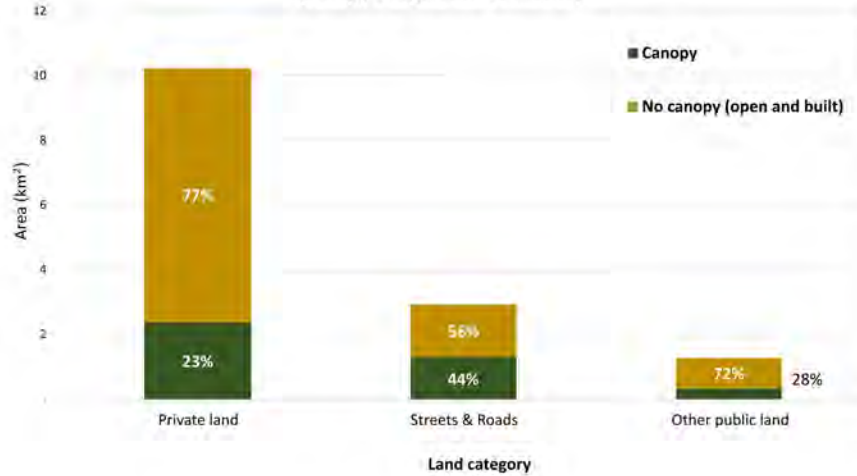


The City of Unley Tree Canopy Cover by Land Ownership - April 2021

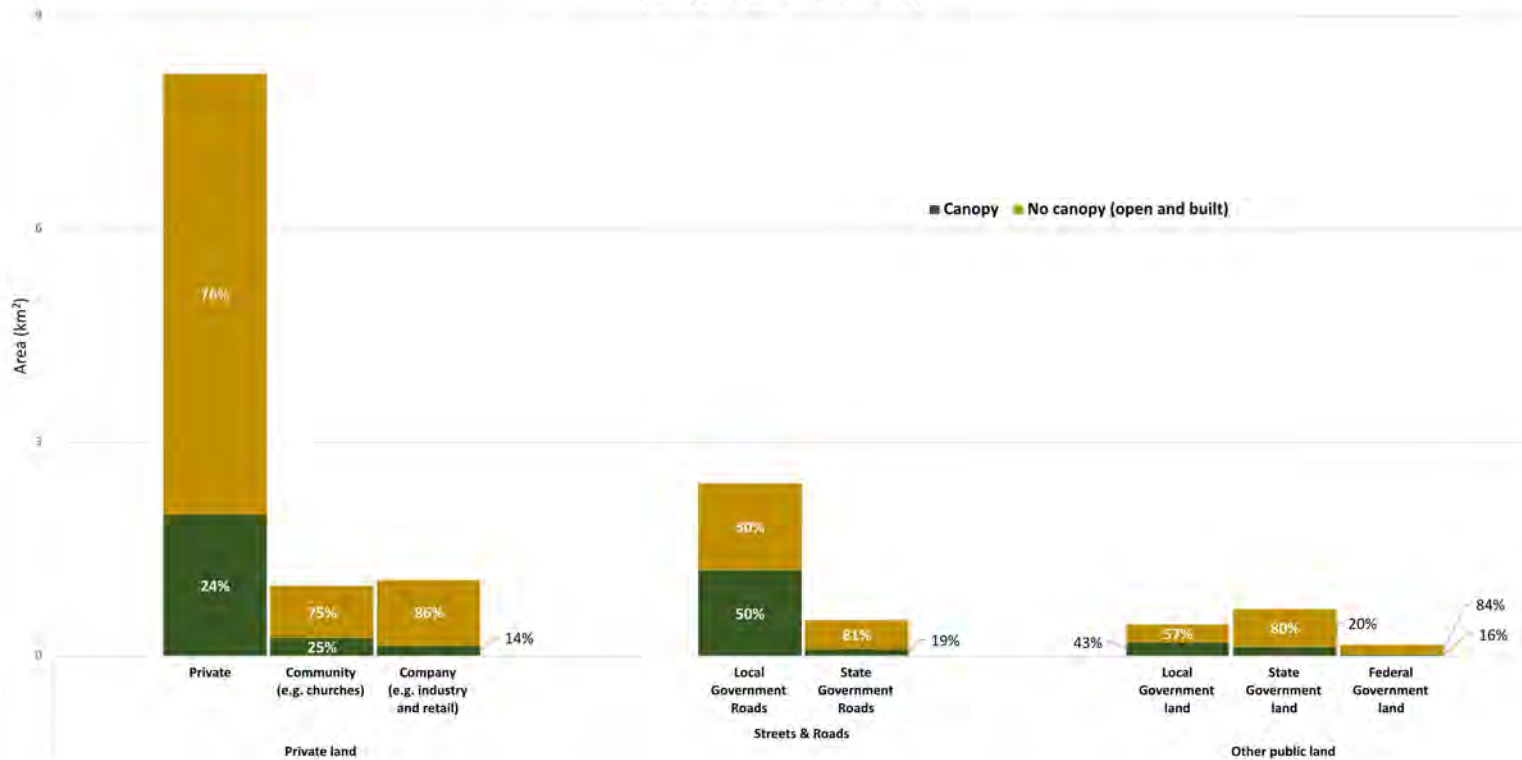
Canopy coverage in the City of Unley by land category
(canopy = vegetation >3 metres)



Canopy coverage in the City of Unley by land category
(canopy = vegetation >3 metres)



Canopy coverage in the City of Unley by detailed land category
(canopy = vegetation >3 metres)



The above figures were developed in collaboration with Resilient East, Adapt West, Resilient South and Adapting Northern Adelaide local government groups, alongside the Department for Environment and Water, as part of Aerometrex's 2018 Adelaide Tree Canopy benchmark project and are being recreated with their permission.

BR02684 City of Unley Council

High-resolution urban forest and tree canopy change detection

2018 to 2021

Dataset Summary

Tree Canopy Change – April 2018 to 2021

The tree canopy change detection was carried out by comparing high-resolution tree canopy coverage maps (10cm) from both 2018 and 2021. Areas are classified as change (gain and loss) if they are isolated from areas of no change, or they are connected to an area of no change and are greater than 4m² in area. If they are below this threshold, they are left as unclassified.

Gains and losses are further classified relative boundary to areas of no change.

- a. Tree Planting – gains that are isolated from other tree canopy.
- b. Tree Removal – losses that are isolated from other tree canopy.
- c. Tree Growth – gains that are connected to other canopy and have an area greater than 4 m².
- d. Pruning Reduction – losses that are connected to other canopy and have an area greater than 4 m².

Generalized terms include:

- e. Tree Canopy Loss – cumulative loss, equalling Tree Removal + Pruning Reduction
- f. Tree Canopy Gain – cumulative gain, Tree Planting + Tree Growth

Tree Canopy Change – Optimised Hot Spot Analysis

Optimised hot spot analyses show areas where there are above or below average occurrences of a specific phenomena within a fixed unit area, in this case, individual tree canopy losses or gains. Occurrences of tree canopy loss or gain are weighted equally.

Tree Canopy Loss – Area-weighted Hot Spot Analysis

Area-weighted hotspot analyses are used to identify areas where there are statistically significant clusters of large canopy losses, i.e., areas where there are numerous occurrences of large tree canopy loss within a localised area. This analysis shows that areas of significant (large area) tree canopy losses are often associated with property developments.

Occurrence of Tree Canopy Change by Land Use & Ownership Type

These statistics show what Land Use and Land Ownership types are covered by tree canopy that is lost or gained from 2018 to 2021. The metric ‘number of occurrences’ defines the number of tree canopy losses or tree canopy gains that have occurred within each land use/ownership type. The metric ‘Occurrences per m²’ defines the numbers of losses or gains that are occurring within each land use/ownership type, weighted to the total area of that land use/ownership type within City of Unley. This serves to reduce the biases of more common land use and ownership types (larger total area within LGA) that are more likely to have losses or gains.

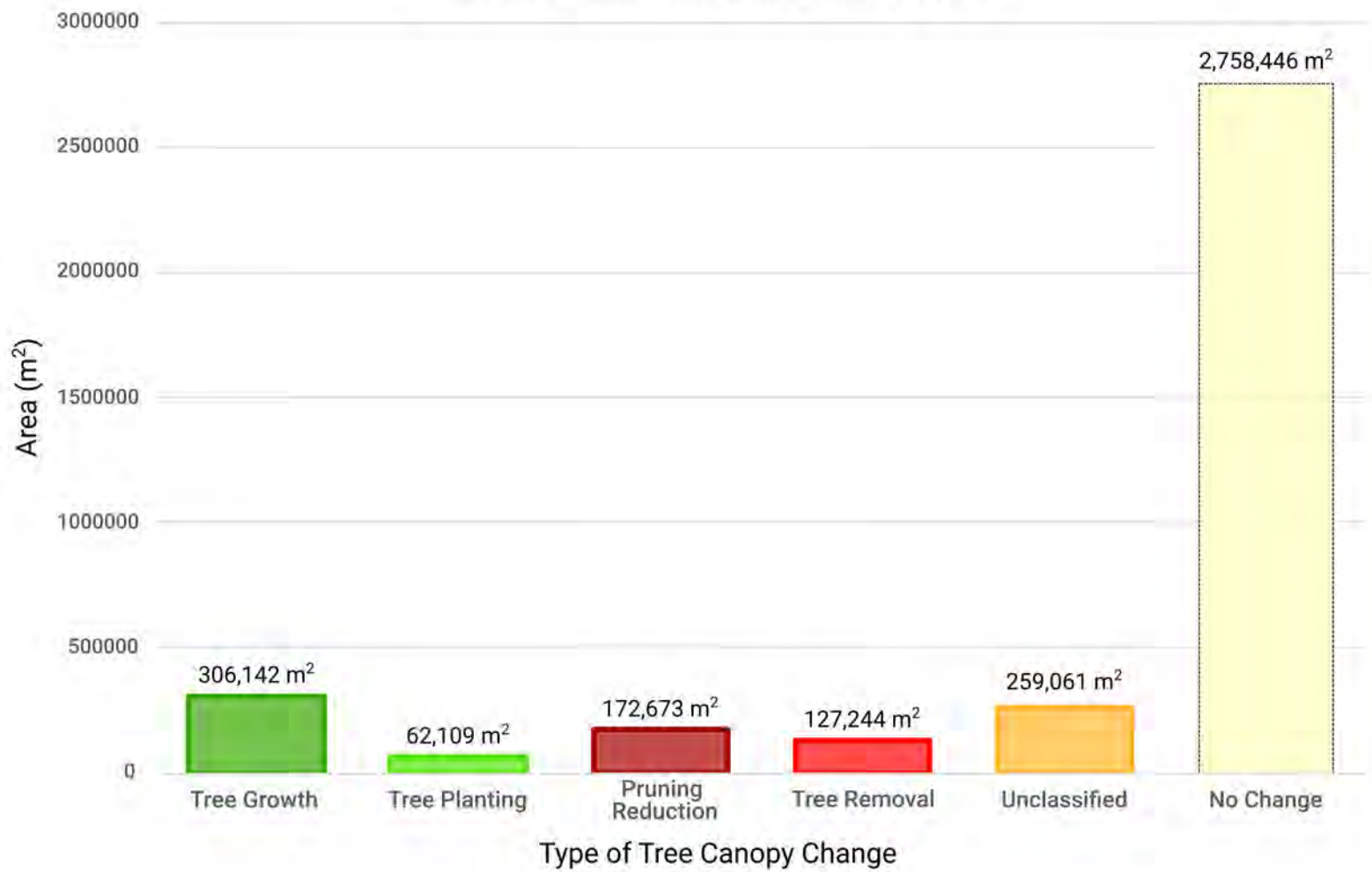
The City of Unley - Tree Canopy Change - April 2018 to April 2021



Tree Growth Pruning Reduction No Change Unclassified Tree PLanting Tree Removal

The City of Unley - Tree Canopy Change - April 2018 to April 2021

Total Area of Each Tree Canopy Change Type



The City of Unley - Tree Canopy Change - Optimised Hot Spot Analysis

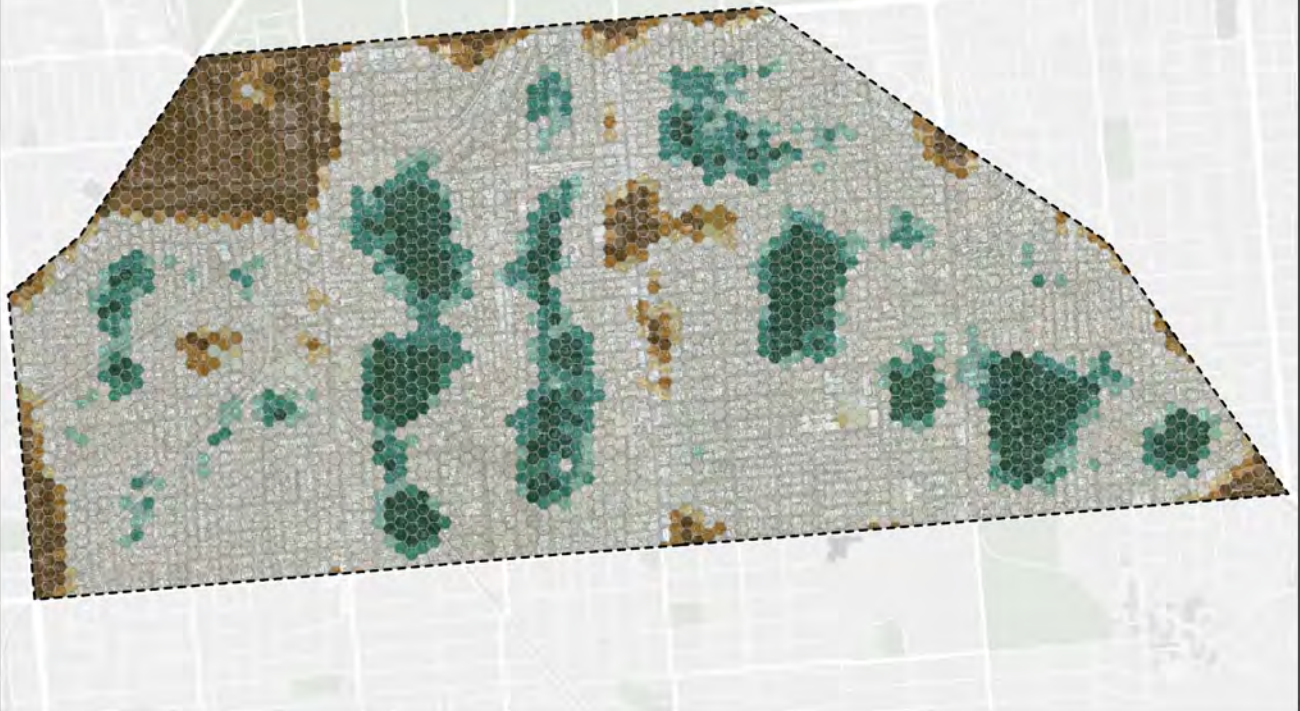
Canopy Loss



Tree Canopy Loss - Optimized Hot Spot Analysis

- Cold Spot with 99% Confidence
- Cold Spot with 95% Confidence
- Cold Spot with 90% Confidence
- Not Significant
- Hot Spot with 90% Confidence
- Hot Spot with 95% Confidence
- Hot Spot with 99% Confidence

Canopy Gain



Tree Canopy Gain - Optimized Hot Spot Analysis

- Cold Spot with 99% Confidence
- Cold Spot with 95% Confidence
- Cold Spot with 90% Confidence
- Not Significant
- Hot Spot with 90% Confidence
- Hot Spot with 95% Confidence
- Hot Spot with 99% Confidence

City of Unley – Tree Canopy Loss – Area-weighted Hot Spot Analysis

Area-weighted hotspot analyses identify areas where there are statistically significant clusters of large tree canopy losses (i.e. lots of large losses in a small area).



2018



2018



2018



2020



2020



2020

Tree Canopy Loss

Occurrences of Tree Canopy Change by Land Use Type

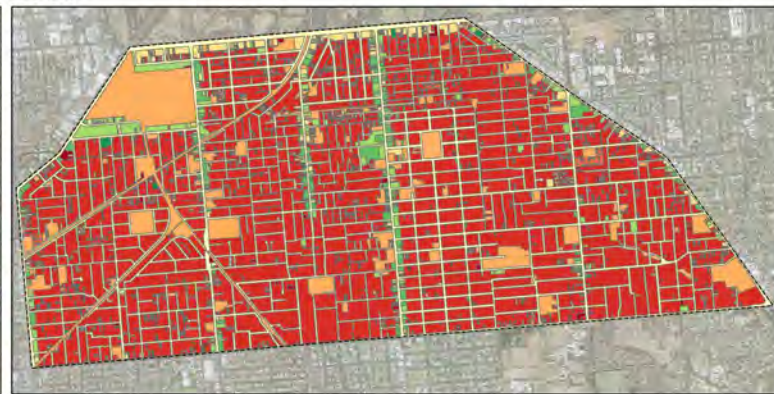
Gain



FID_Land_Use	Land Use Type	Number of Occurrences	Occurrences per m ²
1	Not Specified	275	0.002971
2	Residential	30287	0.003509
3	Commercial - Shop	316	0.001068
4	Commercial - Office	507	0.002046
5	Commercial - Other	598	0.001676
6	Industry - Light	24	0.001257
7	Industry - Other	21	0.001183
9	Vacant Land	132	0.00162
10	Other	4937	0.002627
12	Roads	7744	0.002652

Gain/Loss is defined by a change in tree canopy with contiguous area greater than or equal to 4m²

Loss



FID_Land_Use	Land Use Type	Number of Occurrences	Occurrences per m ²
1	Not Specified	157	0.0016
2	Residential	15210	0.0017
3	Commercial - Shop	165	0.0005
4	Commercial - Office	231	0.0009
5	Commercial - Other	244	0.0006
6	Industry - Light	16	0.0008
7	Industry - Other	8	0.0004
9	Vacant Land	176	0.002
10	Other	1755	0.0009
12	Roads	2534	0.0008

Gain/Loss is defined by a change in tree canopy with contiguous area greater than or equal to 4m²

Occurrences of Tree Canopy Change by Land Ownership Type

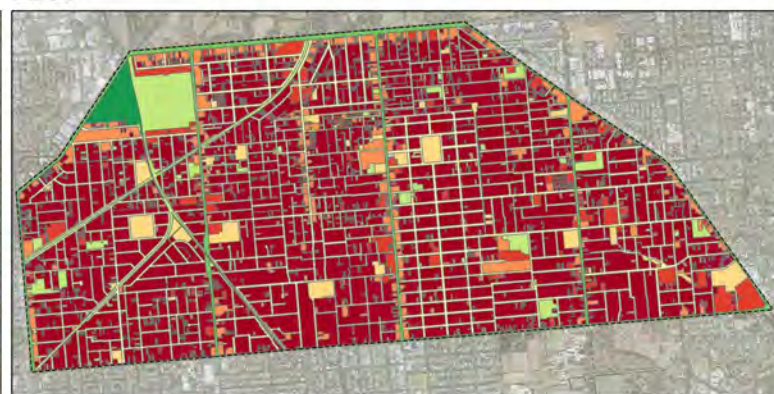
Gain



FID_Land_Ownership	Land Ownership Type	Number of Occurrences	Occurrences per m ²
2	Private	28758	0.0035
3	Local Gov. Road	7049	0.0029
4	State Gov. Road	695	0.0014
5	Local Government	1520	0.0034
6	State Government	1356	0.0021
7	Federal Government	168	0.0011
8	Company	2035	0.0019
9	Community	3027	0.0031

Gain/Loss is defined by a change in tree canopy with contiguous area greater than or equal to 4m²

Loss



FID_Land_Ownership	Land Ownership Type	Number of Occurrences	Occurrences per m ²
2	Private	14481	0.0018
3	Local Gov. Road	2203	0.0009
4	State Gov. Road	340	0.0007
5	Local Government	417	0.0009
6	State Government	549	0.0008
7	Federal Government	45	0.0003
8	Company	1061	0.0010
9	Community	1287	0.0013

Gain/Loss is defined by a change in tree canopy with contiguous area greater than or equal to 4m²

DECISION REPORT

REPORT TITLE:	TRADER EVENT SPONSORSHIP
ITEM NUMBER:	4.2
DATE OF MEETING:	27 SEPTEMBER 2021
AUTHOR:	AKARRA KLINGBERG
JOB TITLE:	COORDINATOR ECONOMIC DEVELOPMENT
ATTACHMENTS:	1. TRADER EVENT SPONSORSHIP 2021/22

1. **EXECUTIVE SUMMARY**

The purpose of this report is to seek Council's endorsement of the events to be funded from the Trader Event Sponsorship Program for 2021-22.

Council has allocated \$40,000 in its 2021-22 budget for Trader Event Sponsorship. In recent years, this has been an allocation of \$10,000 per Trader Association. This funding is additional to the Separate Rate Levy and Council's Community Event Sponsorship program.

Each year, as part of submitting their separate rate funding requests, the Trader Associations are invited to nominate for Trader Event Sponsorship. Council considers the applications received as part of its budget process. All four Trader Associations submitted applications for funding in 2021-22 and all requests exceeded \$10,000.

As part of its endorsement of the budget, Council requested the Traders Associations to revisit their Trader Event Sponsorship applications in light of the \$40,000 allocation it made in the budget. All four Trader Associations resubmitted applications requesting \$10,000 each.

In light of ongoing uncertainties regarding the impacts of COVID, Fullarton Road and Goodwood Road Trader Associations nominated different events from their original proposal. Unley and King William Road Trader Associations re-nominated their original events albeit with revised costings.

It is anticipated that the four events which have been nominated, together with those events that Council is sponsoring through the Community Event Sponsorship program, will further activate our four mainstreet precincts in 2021/22 and are recommended to be supported.

It is, however, reasonable for Council to request each of the Trader Associations to demonstrate, as part of its acquittal of expenditure of funds, trader participation within their respective precincts and how their events provided a benefit to the wider community of the City of Unley.

2. **RECOMMENDATION**

That:

1. The report be received.
 2. Sponsorship packages totalling \$40,000 be awarded through the 2021/22 Trader Event Sponsorship program as follows:
 - \$10,000 to the Fullarton Road South Traders Association Incorporated for the Fullarton Road South Fun Day with activation sites throughout the Fullarton Road South precinct;
 - \$10,000 to the Unley Road Association Incorporated for An Evening Under the Stars to be held in the Soldiers Memorial Gardens;
 - \$10,000 to the King William Road Traders Association Incorporated for Christmas on King William held in flexible spaces throughout the King William Road precinct; and
 - \$10,000 to the Goodwood Road Business Association Incorporated for the Sat'dy on Goody event series with a mix of day and evening events held between October 2021 – May 2022 throughout the Goodwood Road precinct.
 3. A condition of the Trader Event Sponsorship be a requirement for submission of a funding acquittal accompanied by a post event evaluation, which details trader participation and benefits from the event, including to the wider City of Unley community.
-

3. **RELEVANT CORE STRATEGIES/POLICIES**

3. Economic Prosperity

3.2 Thriving main streets and other business activities operate across our City.

- Economic Development Growth Strategy 2021-25
Strategy 5.5 – Facilitate activation and enhancement of precincts throughout the City

4. **BACKGROUND**

Attraction and facilitation of events are strategic objectives for the City of Unley, with *city vibrancy*, *activated places* and *cultural and artistic diversity* included as actions within Council's Community Plan 2033 and Four-Year Delivery Plan. Events create opportunities for community interaction, creativity, celebration and gathering, and help ensure that our public spaces and mainstreets are enlivened and economically prosperous.

The Trader Event Sponsorship program seeks to support events run by the four Trader Associations that have economic objectives and best align with the program criteria; provide a return on investment by offering free or discounted quality activities to the community; and display a high level of excellence in administration and delivery. This funding is over and above the funding that is provided through both the Separate Rate Levy (which also covers marketing and promotional activities) and Council's Community Event Sponsorship program.

Council has provided funding to the four Trader Associations to support the staging of their annual events. This funding covered any 'in-kind' or Council managed components (e.g. traffic management plans, depot support, waste management). In recent years each of the Trader Associations has received \$10,000 to stage an event.

Each year, as part of submitting their separate rate funding requests, the Trader Associations are invited to nominate for Trader Event Sponsorship. Council considers the applications received as part of its budget process. All four Trader Associations submitted applications for funding in 2021-22 and all requests exceeded \$10,000.

As part of its endorsement of the budget, Council requested the Traders Associations to revisit their Trader Event Sponsorship applications in light of the \$40,000 allocation it made in the budget. All four Trader Associations resubmitted applications requesting \$10,000 each.

Applicants may request funding comprised of cash contributions and Council supplied services (in-kind support) as part of their sponsorship package. Council supplied services are the provision of services such as waste management, traffic management, road closures, waiving of facility hire fees, power access, bollards, bunting and line-marking. These are costs incurred by various departments of Council as part of supporting the delivery of events and are funded through the Trader Event Sponsorship budget allocation. For 2021-22, only cash sponsorship has been requested.

This project aligns with Strategy 5.5 of Council's Economic Development Growth Strategy 2021-2025 (the Strategy), which is to facilitate activation and enhancement of precincts throughout the City.

5. DISCUSSION

The application process was modelled on and assessed in line with the Community Event Sponsorship process. Council is currently reviewing the Trader Association Model, including the event sponsorship allocation, and it is anticipated the results of this will influence how the Trader Associations can apply for event sponsorship moving forward.

The applications were received via an event sponsorship application form modelled on the Community Event Sponsorship application form. For consistency, the applications were assessed using the criteria outlined in the Community Event Sponsorship Guidelines and must also adhere to the requirements as set out in Council's Community Events Toolkit.

A working group comprising three Council staff, namely the Events Coordinator, Coordinator Business and Economic Development and Team Leader, Community and Cultural Development met to assess the applications and propose funding of events as outlined in Attachment 1.

Attachment 1

The working group assessed the applications based on the Guidelines and gave precedence to events demonstrating economic objectives.

It is recommended that all four submitted events receive funding of \$10,000 each totalling the \$40,000 allocation in Council's budget. It is thought that these events, together with those that are supported through the Community Event Sponsorship Program, will attract many visitors to the City of Unley and activate our Mainstreet Precincts.

Should Council endorse the allocation of funding, the Trader Associations are required to adhere to Council's sponsorship agreement and complete an acquittal demonstrating use of funds. A condition of these agreements is that if the Trader Association cancels the sponsored event and does not reschedule the event for the same financial year, Council is entitled to a refund of any and all cash contribution paid. Should events be required to cancel due to COVID restrictions, Council staff will work with event organisers to reschedule within the same financial year or a return of their funding will be required.

In line with the Community Event Sponsorship requirements applicants will be required to provide to Council, within two months of the completion of the event, a detailed written report together with a financial statement detailing how the funds were expended.

It should be noted that if endorsed, all events will need to follow any State Government imposed restrictions in relation to COVID and apply for the relevant approvals required at the time. At the time of writing this report, events of more than 1,000 people are required to have a COVID Management Plan in place.

A copy of the Trader Event Sponsorship applications, together with a summary of the Administration's recommendations for funding, is available for viewing prior to the September Council meeting in the Elected Members Room.

6. ANALYSIS OF OPTIONS

Option 1 –

1. The report be received.
2. Sponsorship packages totalling \$40,000 be awarded through the 2021/22 Trader Event Sponsorship program as follows:
 - \$10,000 to the Fullarton Road South Traders Association Incorporated for the Fullarton Road South Fund Day with activation sites throughout the Fullarton Road South precinct;

- \$10,000 to the Unley Road Association Incorporated for An Evening Under the Stars held at the Soldiers Memorial Gardens;
 - \$10,000 to the King William Road Traders Association Incorporated for Christmas on King William held in flexible spaces throughout the King William Road precinct; and
 - \$10,000 to the Goodwood Road Business Association Incorporated for the Sat'dy on Goody event series with a mix of day and evening events held between October 2021 – May 2022 throughout the Goodwood Road precinct.
3. A condition of the Trader Event Sponsorship be a requirement for submission of a funding acquittal accompanied by a post event evaluation, which details trader participation and benefits from the event, including to the wider City of Unley community.

This option provides funding to each of the Trader Associations to hold their nominated events. The range of events will activate Council's mainstreet precincts and provide opportunities for vibrancy and community connections.

These events are in addition to Council run events and those supported through the Community Event Sponsorship Program increasing the activation provided throughout the City.

Option 2 –

1. The report be received.
2. Sponsorship packages totalling [\$XXXXX] be awarded through the 2021-22 Trader Event Sponsorship Program as follows.
[list events to receive sponsorship here – to be determined by Council]
3. Any unallocated funds from the Trader Event Sponsorship budget for 2021/22 to be returned as savings.

Council may wish to change the sponsorship allocations to reflect funding priorities. This option facilitates that but will require Council to identify the events to receive funding and the value of funding. Any unallocated funds would be returned to savings.

In making any changes, Council should consider the budget, the guidelines, existing policies, and probity of decision-making.

Option 3 –

1. The report be received.
2. Trader Event Sponsorship packages not be provided to any of the four Trader Associations to hold events in 2021-22.
3. Any unallocated funds from the Trader Event Sponsorship budget for 2021/22 to be returned as savings.

Council may decide that it does not wish to fund any of the events which have been nominated by any of the Trader Associations for 2021-22. This option enables Council to decline funding any of the nominated events and to return funds as budget savings.

7. RECOMMENDED OPTION

Option1 is the recommended option.

8. POLICY IMPLICATIONS

8.1 Financial/Budget

- The total amount of funding (incorporating cash and in-kind) available for this program in the 2021/22 financial year is \$40,000.
- Any unspent funds will be returned as savings.
- Funding provided through the Trader Events Sponsorship is additional to the Separate Rate Levy and the Community Events Sponsorship Program.

8.2 Legislative/Risk Management

- Council's Events Coordinator and Coordinator Business and Economic Development will support the Trader Associations to ensure that events are delivered safely within the Emergency Management (Public Activities) Directions. As part of the established event permit process, event organisers will be required to submit a risk assessment and a copy of their SA Health COVID Safe or COVID Management Plan, which includes the details of COVID marshal arrangements, density requirements and QR code check-in procedures.
- Events held must also adhere to the requirements as set out in Council's Community Events Toolkit.
- In the event that these activities are impacted as a result of increased COVID restrictions, discussions will occur with the Trader Association to determine postponement or cancellation, whereby the sponsorship allocation will be returned to Council.

8.3 Staffing/Work Plans

- Supporting the event organisers can be accommodated within existing staff resources/work plans.

8.4 Climate/Environmental Impact

- All events sponsored by the City of Unley are required to have a three-bin waste management system, require their food vendors to use compostable packaging, be plastic straw free, encourage their attendees to cycle or take public transport to their event, and to consider additional environmental initiatives

8.5 Social/Economic

- The proposed events to be sponsored through the Trader Event Sponsorship program offers a range of free accessible events to the local Unley community.
- The events proposed must demonstrate economic objectives, activate public spaces, and drive visitation to the City boosting our local economy and providing opportunities for local businesses.

8.6 Stakeholder Engagement

- Currently the Trader Event Sponsorship program is only open for applications from the four (4) Trader Associations.

9. REPORT CONSULTATION

Community and Cultural Development Team.

10. REPORT AUTHORISERS

Name	Title
Claude Malak	General Manager, City Development

Trader Event Sponsorship 2021/2022

Event	Organisation	Proposed Date	Location	Expected Attendance	Description of Event	Cash Amount Requested	In Kind Support Requested	Cash Amount Entitled	Percentage allocated	Cash Amount Allocated	Total Package Value	Assessment Panel Comments
Fullarton Rd Sth Fun Day	Fullarton Rd Sth Traders Association	Nov / December 2021	Multiple activation sites along Fullarton Rd South	300+	A family fun day with a variety of activities including kids entertainment and music throughout the precinct/	\$10,000	\$0	\$10,000	100%	\$10,000	\$10,000	Due to no paid coordinator, it is recommended that the Association consider engaging an event organiser to assist with planning / running the event.
An Evening Under the Stars	Unley Road Association	Feb / March 2022	Soldiers Memorial Gardens	2,000-2,500	A free community concert	\$10,000	\$0	\$10,000	100%	\$10,000	\$10,000	This will be the 10th installment of this event. Under current COVID-19 directions, events of this size require a COVID Mangement Plan and organisers will need to work with SA Health and a copy provided to Council.
Christmas on KWR	King William Road Traders Association	Dec-21	Multiple activation sites along King William Rd	1,000 - 1,500	A Christmas event which provides family entertainment and festive photo opportunities	\$10,000	\$0	\$10,000	100%	\$10,000	\$10,000	Great opportunity to further celebrate the festive season and showcase the flexible nature of the new KWR design.
Sat'dys on Goody	Goodwood Rd Business Association	October-May (6+ events)	Multiple activation sites within the heart of Goodwood Rd	1,000+	A series of day and evening events to attract locals and visitor to the precinct with family and community activities and promotion of business offerings	\$10,000	\$0	\$10,000	100%	\$10,000	\$10,000	An exisiting event series that is well supported by the community and activates the street at different times throughout the specified period. The blend of day and night events ensures a wide mix of traders can be involved.

TOTAL FUNDING POOL AVAILABLE	\$40,000
Allocated	\$40,000
Remaining	\$40,000

INFORMATION REPORT

REPORT TITLE:	COUNCIL ASSESSMENT PANEL ANNUAL REPORT 2020/21
ITEM NUMBER:	4.3
DATE OF MEETING:	27 SEPTEMBER 2021
AUTHOR:	GARY BRINKWORTH
JOB TITLE:	MANAGER DEVELOPMENT & REGULATORY
ATTACHMENTS:	1. COUNCIL ASSESSMENT PANEL ANNUAL REPORT 2020/21

1. **EXECUTIVE SUMMARY**

The purpose of this report is to provide Council with the Council Assessment Panel (CAP) Annual Report 2020/21 which was endorsed by the CAP at its meeting of 17 August 2021.

The CAP Terms of Reference require a report be presented to Council each year in respect of a range of matters relevant to the activities of the CAP. The attached report addresses this obligation.

2. **RECOMMENDATION**

That:

1. The report be received.
-

3. **RELEVANT CORE STRATEGIES/POLICIES**

4. Civic Leadership

4.1 We have strong leadership and governance.

4. **BACKGROUND**

The Terms of Reference for the CAP require that it reports annually to Council in respect of the following matters:

1. The use of the provisions of Regulation 13(2) of the *Planning, Development and Infrastructure (General) Regulations 2016* (in relation to exclusion of the public from meetings);
2. Disclosure by CAP Members of interests pursuant to clause 7 of the Minister's Code of Conduct issued under Schedule 3 of the *Planning, Development and Infrastructure Act 2016* (PDI Act);
3. Resignation of a CAP Member;

4. The incidence of items deferred by the CAP;
5. The adjournment of consideration of development applications;
6. Any matter that would improve the effectiveness of, or expedite the decisions of the CAP; and
7. Any other matters upon which the CAP is required to report to the Council or thinks fit to report.

The attached report (Attachment 1) has been prepared and is submitted in accordance with these requirements.

Attachment 1

5. **DISCUSSION**

During the 2020/21 period, significant legislative change occurred with the implementation of the State-wide Planning and Design Code replacing the Development Plan of each council. From 19 March 2021, CAP members were also required to become Level 2 Planning Accredited Professionals under the PDI Act.

During the transitional phase, the CAP has been assessing applications under both the *Development Act 1993* and the PDI Act. These two assessment pathways will continue to exist until existing matters under the *Development Act 1993* are resolved, or the transitional phase is completed. This change has resulted in new pathways for assessment with the following matters being presented to CAP under the PDI Act:

1. Publicly notified developments with representations that wish to be heard.
2. Appeals against the decision of an Assessment Manager.

It is also noted that the public notification of applications has been altered under the Planning and Design Code with less forms of development now required to be notified.

As noted in the Annual Report, the two-year term of the CAP fell due for renewal in February 2021. Membership of the CAP changed substantially for the new term as indicated in the table below:

<i>CAP Membership March 2019 - February 2021</i>	<i>CAP Membership March 2021 - February 2023</i>
Shanti Ditter (Presiding Member)	Mr Brenton Burman (Presiding Member)
Roger Freeman (Independent Member)	Michael McKeown (Independent Member)
Alexander Wilkinson (Independent Member)	Colleen Dunn (Independent Member)
Brenton Burman (Independent Member)	Ross Bateup (Independent Member)
Cr Jennie Boisvert (Elected Member)	Cr Emma Wright (Elected Member)
Cr Emma Wright (Deputy Elected Member)	Cr Jennifer Bonham (Deputy Elected Member)
Rufus Salaman (Deputy Independent Member)	Carol Muzyk (Deputy Independent Member)

Membership of the current CAP includes expertise in the areas of planning and development assessment, urban design and placemaking, and architecture.

The following observations are made from the data contained within the CAP Annual Report:

- The 97 applications considered by the CAP for the financial year is almost identical (96) to the previous year, and consistent with the previous two years to that (108 and 81 respectively).
- The level of concurrence in the decisions of the CAP with officer recommendations improved slightly from a relatively high base (72% compared to 68%). This concurrence level also excludes where the CAP sought to defer an item for further information.
- A total of 14 meetings were held for the year, including two Special Meetings, and meeting attendance remained high at an average attendance rate of 4.8 members per meeting (of the maximum of five members per meeting).
- The Special Meetings were required due to the high number of applications to be considered in the months of September and December. Splitting them into two additional meetings reduced the duration of meetings to assist those attending the meeting while also facilitating better decision making.
- A total of 15 appeals were lodged, noting the increase from 7 the previous year (and 13 the previous year to that). Such matters fluctuate year to year, but it is noteworthy that in 2020/21, 7 of these appeals reached compromise and 3 were withdrawn; indicative that the CAP sought improvements in the built outcomes of a reasonable number of proposals.
- No policy matters were referred to Council by the CAP during the year (compared to one the previous year) which is reflective of the anticipated change in planning regime that took place on 19 March 2021.

The attached report indicates that the CAP has undertaken its duties in a deliberative manner, with high attention to the design outcomes sought by the Development Plan and, more recently, by the Planning and Design Code.

6. REPORT AUTHORISERS

Name	Title
Megan Berghuis	General Manager, City Services



UNLEY COUNCIL ASSESSMENT PANEL ANNUAL REPORT

2020 - 2021

BACKGROUND

The functions of the Council Assessment Panel (CAP) are:

1. To act as a delegate of the Council in accordance with the requirements of the *Planning, Development and Infrastructure Act 2016* (the PDI Act), the *Development Act 1993* (which was repealed during the term of the CAP) and any relevant instrument of delegation;
2. To provide advice and reports to the Council as it thinks fit on trends, issues and other matters relating to planning or development that have become apparent or arisen through its assessment of applications under the PDI Act; and
3. To perform other functions (other than functions involving the formulation of policy) assigned to the CAP by the PDI Act or the *Planning, Development and Infrastructure Regulations 2017* (the PDI Regulations) from time to time.

TERMS OF REFERENCE

The Terms of Reference for the CAP require that it reports annually to Council in respect of the following matters:

1. The use of the provisions of Regulation 13(2) of the PDI Regulations;
2. Disclosure by CAP Members of interests pursuant to clause 7 of the Minister's Code of Conduct issued under Schedule 3 of the PDI Act;
3. Resignation of a CAP Member;
4. The incidence of items deferred by the CAP;
5. The adjournment of consideration of development applications;
6. Any matter that would improve the effectiveness of, or expedite the decisions of the CAP; and

7. Any other matters upon which the CAP is required to report to the Council or thinks fit to report.

This report is submitted in accordance with these requirements.

DISCUSSION

Membership

The previous two-year term of the CAP came to an end on 28 February 2021. Membership of the CAP prior to that date comprised the following members:

- Shanti Ditter (Presiding Member)
- Roger Freeman (Independent Member)
- Brenton Burman (Independent Member)
- Alexander Wilkinson (Independent Member)
- Cr Jenni Boisvert (Elected Member)
- Cr Emma Wright (Deputy Elected Member)
- Rufus Salaman (Deputy Independent Member)

The following members were appointed by Council for a two-year term from March 2021:

- Brenton Burman (Presiding Member)
- Michael McKeown (Independent Member)
- Colleen Dunn (Independent Member)
- Ross Bateup (Independent Member)
- Cr Emma Wright (Elected Member)
- Cr Jennifer Bonham (Deputy Elected Member)
- Carol Muzyk (Deputy Independent Member)

The Independent Members are persons accredited at Planning Level 2 under the Accredited Professional Scheme as required with the introduction of the Planning and Development Code for Phase 3 councils on 19 March 2021 for CAP membership.

Meeting Procedures

At its first meeting of the new term of the CAP in March 2021, the Panel adopted Meeting Procedures that included:

- The ability to hold meetings electronically in the event of restricted gatherings
- Reference to the Planning, Development and Infrastructure Act rather than the repealed Development Act.
- Procedures for the review of decisions by the Assessment Manager.

- Simplified provisions (eg giving notice of meeting, minutes, debate and motions, excluding the public from meetings)

Delegated Authorities

Also, at the first meeting of the new term, the Panel adopted Delegated Authorities to take account of the introduction of the Planning and Development Code for Phase 3 (metropolitan) councils and changed legislative and administrative arrangements that included:

- The new role and responsibilities of an Assessment Manager
- An Instrument of Delegation that determined matters to be heard by the CAP, delegations to the Assessment Manager and the ability to sub-delegate to appropriate staff, as well as building matters.

Appeals

Table 2 provides a summary of appeals for the financial year. Figure 1 provides a historical comparison of appeals data. The number of appeals lodged was 15 in 2020/21, compared to seven in 2019/20. Of the 15 appeals:

- seven were settled by way of a compromise proposal
- three were withdrawn, and
- three are pending an outcome.

Application Numbers

Table 3 provides a summary of the number of applications considered by the CAP, concurrence with officer's recommendations, meeting attendance, site meetings and special meetings.

Application numbers between 2020/21 and 2019/20 were very similar. Overall, 97 applications were considered by the Panel for the financial year compared to 96 the year before. Of the 97 applications, 70 decisions (72%) by the CAP concurred with the staff recommendation (compared to 68% the year before).

Meeting Data

Meeting attendance was high with an average of 4.8 members per meeting.

Policy Matters

No items to be reported to Council by CAP were identified during this period.

- 4 -

Table 1: Matters to be reported to Council – 2020/21

2020-2021	Use of Section 56A(12) of Dev Act and Regulation 13(2) of the PDI (General) Regs (confidential item)	Disclosure by Panel Members of interests pursuant to Sec 56A(7) of Dev Act (Conflict of Interest)	Resignation of a Panel Member	Incidence of items deferred by the Panel	Adjournment of consideration of development applications	Other matters upon which the CAP is required to report to the Council or thinks fit to report
July	0	0	0	0	0	0
August	0	0	0	1	0	0
September	0	0	0	1	0	0
September Special	0	0	0	1	0	0
October	4	1	0	0	0	0
November	1	1	0	0	0	0
December	0	3	0	1	0	0
December Special	0	0	0	0	0	0
January	1	0	0	0	0	0
February	2	0	0	1	0	0
March	2	0	0	0	0	0
April	1	0	0	1	0	0
May	0	0	0	0	0	0
June	1	0	0	0	0	0
TOTAL	12	5	0	6	0	0

Table 2: Summary of Appeals - 2020/21

APPEALS							
YEAR	LODGED	Upheld	Dismissed	Withdrawn	Compromise	Ongoing	TOTAL
2020/21	15	2	0	3	7	3	15

Figure 1: Historical Comparison of Appeals Data

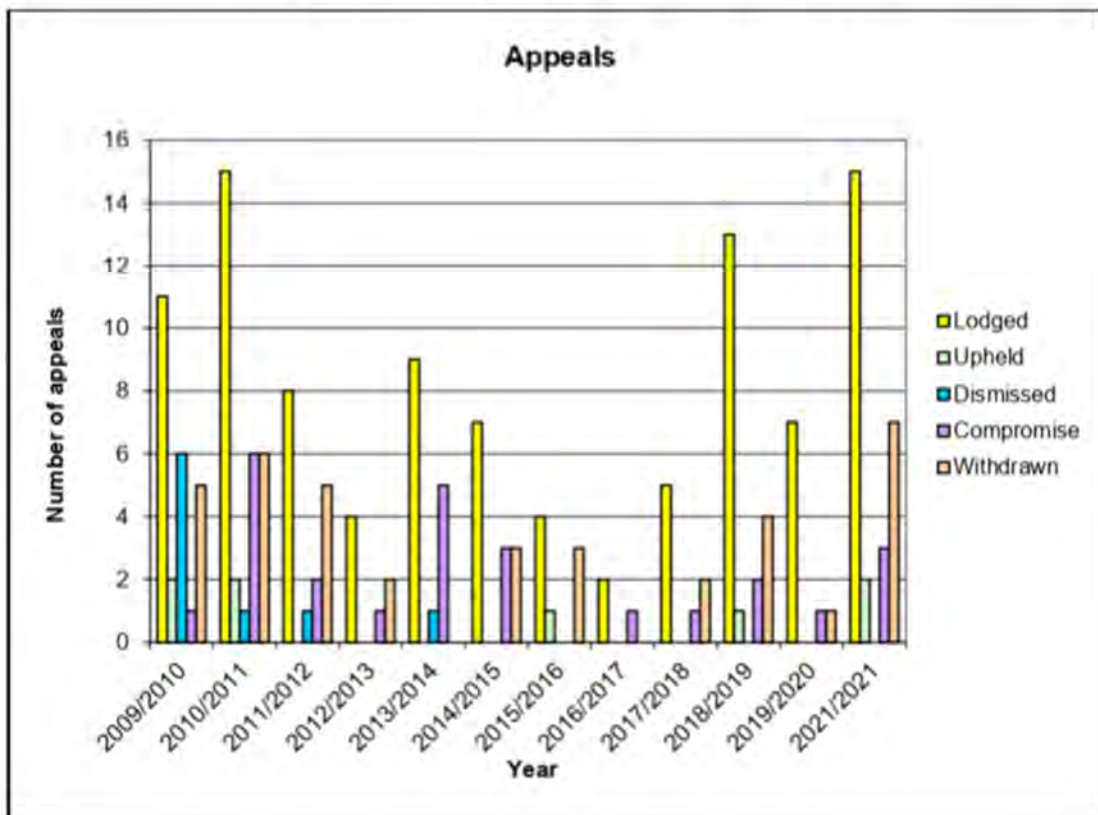


Table 3: Applications and Meeting Data

Year	Month	No. of Items	No. where CAP concurred with Officer's Recommendation	Meeting Attendance (no. of CAP members)	Site Meetings	Special Meetings
Year	July	8	6	5	0	0
2020	August	8	5	5	0	0
	September	8	6	5	0	0
	September Special	8	7	5	0	1
	October	8	3	5	0	0
	November	7	7	5	0	0
	December	8	6	5	0	0
	December Special	4	3	4	0	1
	January	3	2	5	0	0
2021	February	5	3	5	0	0
	March	12	10	5	0	0
	April	7	3	5	0	0
	May	5	5	4	0	0
	June	6	4	5	0	0
	Total	97	70	68	0	2
	Average	6.9	5	4.8	0	0.14

DECISION REPORT

REPORT TITLE:	REPRESENTATION REVIEW - OUTCOME OF 3RD COMMUNITY CONSULTATION AND SEEKING FINAL DETERMINATION
ITEM NUMBER:	4.4
DATE OF MEETING:	27 SEPTEMBER 2021
AUTHOR:	KATHRYN GOLDY
JOB TITLE:	PRINCIPAL GOVERNANCE OFFICER
ATTACHMENTS:	<ol style="list-style-type: none">1. ATTACHMENT 1 - COPY OF SUBMISSIONS - THIRD PUBLIC CONSULTATION2. ATTACHMENT 2 - SUBMISSIONS REPORT - THIRD PUBLIC CONSULTATION

1. **EXECUTIVE SUMMARY**

In accordance with the requirements of section 12 of the *Local Government Act 1999*, Council is currently undertaking a Representation Review.

This report provides Council with the outcomes of the third mandatory round of public consultation between 5 August 2021 and 31 August 2021, which provided the second Representation Review Report to the community and sought feedback on the proposed option to:

- Retain a Mayor, elected by the community, as the principal member; and
- Retain the existing ward structure which comprises six (6) wards, with each ward being represented by two (2) councillors (i.e. a total of twelve (12) councillors).

The report seeks a final determination from Council on the Representation Review for submission to the Electoral Commissioner of South Australia pursuant to section 12 (12) of the *Local Government Act 1999*.

2. **RECOMMENDATION**

That:

1. The report be received.
2. The submissions received in response to the second Representation Review Report (released for public consultation between 5 August to 31 August 2021 - Third Public Consultation) as set out in Attachment 1 to this report (Item 4.4, Council Meeting 27/09/2021) be noted.

3. The principal member of Council continues to be a Mayor elected by the community.
 4. The Council area be divided into six (6) wards as per the Proposed Ward Structure presented in Attachment 2 to this report. (Item 4.4, Council Meeting 27/09/2021).
 5. The future elected body of Council comprise a Mayor and twelve (12) ward councillors, each ward being represented by two (2) councillors.
 6. That the Council administration be authorised to prepare and forward the necessary report and documents to the Electoral Commission of SA, pursuant to the provisions of section 12 (11), (12) and (12a) of the *Local Government Act 1999*.
-

3. RELEVANT CORE STRATEGIES/POLICIES

4. Civic Leadership

4.1 We have strong leadership and governance.

4. BACKGROUND

Section 12 (4) of the *Local Government Act 1999* (the Act) requires each Council to undertake a review of all aspects of its composition and the division (or potential division) of the Council area into wards (the Representation Review), as prescribed by the Minister from time to time, by a notice published in the Government Gazette.

The City of Unley last completed a Representation Review in 2013. In accordance with the most recent Notice of Determination of Relevant Period for section 12(4) of *the Act*, published by the Minister in the SA Government Gazette on 1 August 2019, the City of Unley is currently undertaking a Representation Review.

At the Council Meeting held on 26 July 2021, Council resolved that:

1. *The report be received.*
2. *The Representation Review Report as set out in Attachment 1 to this Report (Item 4.7, Council Meeting, 26/07/2021), which provides that:*
 - 2.1 *The principal member of Council continues to be a mayor, elected by the community;*
 - 2.2 *The future elected body of Council is comprised of twelve (12) councillors;*
 - 2.3 *The Council area be divided into six (6) wards as depicted in Option 1 in the Representation Review Options Paper (Item 4.6, Council Meeting, 27/10/20);*
be endorsed for the purposes of public consultation for a three-week period.

3. *The Chief Executive Officer be authorised to make editorial amendments or formatting changes of a minor nature to the Representation Review Report as part of the preparation for public consultation if required.*

Resolution No. C0561/21

5. **DISCUSSION**

The second Representation Review Report underwent the required three (3) week public consultation period between 5 August 2021 and 31 August 2021.

Consultation Process

A summary of the community consultation process is as follows:

- A notice was placed in the Government Gazette on 5 August 2021;
- A notice was published in the Adelaide East Herald newspaper on 5 August 2021;
- Three (3) posts were published on Council's social media on 6 August, 14 August and 26 August 2021;
- A consultation page was established on Your Say Unley – with a direct email sent to 2,102 subscribers;
- The LED Screen on Oxford Terrace promoted the community consultation period during the consultation period; and
- A3 posters were displayed in council facilities.

The second Representation Review Report was also available to view at the Council's Civic Centre, Unley Civic Library, Goodwood Library, Clarence Park Community Centre, Fullarton Park Community Centre, Unley Community Centre, Goodwood Community Centre, and available to download from Your Say Unley website.

Twenty-three (23) responses were received from the community. Twenty-two (22) of those submissions were received electronically via Your Say Unley and one (1) via email. A copy of the submissions received is incorporated within the Submissions Report - Third Public Consultation, Attachment 2.

Attachment 2

In accordance with section 12 (10) of *the Act*, every submission received was invited to make a verbal submission to Council in relation to their written submission on the proposed changes. No respondents wished to address Council verbally.

Following consideration of submissions in response to the second Representation Review Report, Council is asked to *finalise its report (including in its report recommendations with respect to such related or ancillary matters as it thinks fit)* (s.12(11)) and refer the report to the Electoral Commissioner.

If, having regard to the submissions received, Council determines to further amend its preferred representation structure a further public consultation process for a minimum period of three (3) weeks, must be initiated (s.12(8a) and (9)). This would require the preparation of a further Representation Review Report. This action will require additional time and will impact on Councils ability to complete the review by the end of October 2021. If Council chooses to go back out to public consultation with an amended preferred representation structure, it is advised that advice should be provided to the Electoral Commissioner.

As it currently stands Council must submit its final report to the Electoral Commissioner by October 2021 to enable the certification of the report and subsequent work to facilitate implementation of the review ahead of the November 2022 elections.

Ward Names

Wards can be identified through the allocation of numbers, alphabetical letters, direction, direction, geographical references, suburb names and/or names of European and/or Aboriginal heritage/cultural significance.

On the basis that the existing ward structure is the preferred representation structure, it is proposed that current ward names be retained being Clarence Park, Fullarton, Goodwood, Parkside, Unley and Unley Park.

If Council did consider changes to ward names was warranted a separate process can be commenced for that purpose following the certification of Councils proposed structure by the Electoral Commissioner. The process would involve Council undertaking a six (6) week public consultation period under the provisions of section 13 of the Act. Following publication of a notice in the Government Gazette alternative ward names would be able to take effect for the 2022 Local Government Elections.

Final Decision

Once Council has resolved its final decision in respect of its desired future composition and structure, a detailed report outlining its proposal, the rationale behind Councils decision and the review process undertaken will be prepared by the consultant assisting Council with the Elector Representation Review.

The report will be referred to the Electoral Commissioner, who will determine if the requirements of the Act have been satisfied and whether certification can be granted pursuant to sections 12 (12), (12a) and (13) of *the Act*.

Following formal certification by the Electoral Commissioner, Council must publish an appropriate notice in the Government Gazette (on a date specified by the Electoral Commissioner) that will provide for the implementation of the proposed (certified) future composition and structure of Council at the Local Government elections (scheduled for November 2022).

Council is requested to consider submissions in the context of the second Representation Review report and make its final determination on the review so that the decision can be confirmed with the Electoral Commissioner pursuant to section 12 (12) of *the Act*.

6. ANALYSIS OF OPTIONS

Option 1 –

1. The report be received.
2. The submissions received in response to the second Representation Review Report (released for public consultation between 5 August to 31 August 2021 - Third Public Consultation) as set out in Attachment 1 to this report (Item 4.4, Council Meeting 27/09/2021) be noted.
3. The principal member of Council continues to be a Mayor elected by the community.
4. The Council area be divided into six (6) wards as per the Proposed Ward Structure presented in Attachment 2 to this report. (Item 4.4, Council Meeting 27/09/2021).
5. The future elected body of Council comprise a Mayor and twelve (12) ward councillors, each ward being represented by two (2) councillors.
6. That the Council administration be authorised to prepare and forward the necessary report and documents to the Electoral Commission of SA, pursuant to the provisions of section 12 (11), (12) and (12a) of the Local Government Act 1999.

Option 1 sets out the final decision in respect of Councils desired future composition and structure, with the representation structure comprising six (6) wards, twelve (12) elected members (two (2) members per ward) and a Mayor elected by the community.

A detailed report outlining the proposal, the rationale behind the decision, the review process undertaken, and incorporating the required supporting documentation will be prepared and referred to the Electoral Commissioner seeking formal certification.

Option 2 –

1. The report be received.
2. The following further option be prepared for the Representation Report:
 - 2.1 *To be determined by Council*
 - 2.2 *etc*

and a revised version of the Representation Review Report be presented to Council for endorsement for public consultation in accordance with the requirements of section 12(9) of the *Local Government Act 1999*.

Council may wish to request that a different option be developed for consultation with the community, and that a Representation Review Report be prepared on that basis. It should be noted that the Representation Review Report may only set out one preferred option for Council's future compositions and/or ward structure. The revised Representation Review Report would need to return to Council for endorsement at a future date, prior to additional consultation commencing.

Given that the Representation Review is due to be completed by October 2021, this option will mean that Council is unable to meet that deadline and it would be prudent for Council to write to the Electoral Commissioner outlining the reasoning for the anticipated delay.

7. RECOMMENDED OPTION

Option 1 is the recommended option.

8. POLICY IMPLICATIONS

8.1 Financial/Budget

- \$30,000 has been allocated in the 2020/21 budget for the conduct of the Representation Review.
- Implementation of the outcomes of the Representation Review process will occur in preparation for the November 2022 elections. If Option 1 is endorsed there will be work required to implement the decision which will be accommodated within existing operating budgets.

8.2 Legislative/Risk Management

- Council is obligated under section 12 of *the Act 1999* to undertake a Representation Review. *The Act* also specifies requirements for the conduct of the review.
- Section 12(19) provides that if a council fails to undertake a review in accordance with the requirements of *the Act*, the CEO must refer the matter to the Electoral Commissioner, who may then take appropriate action to determine the representation structure that will apply. Failure to undertake a review attracts a maximum penalty of \$2,500, and in the event that the Electoral Commissioner determines the preferred representation, structure costs for the work involved may be recovered from Council.

8.3 Stakeholder Engagement

The second Representation Review Report underwent the required three (3) week public consultation period between 5 August 2021 and 31 August 2021 as per the provisions of section 9 of *the Act*.

9. REPORT AUTHORISERS

Name	Title
Tami Norman	Executive Manager, Office of the CEO

Survey Responses

05 August 2021 - 31 August 2021

Elector Review Phase 3 Survey

Your Say Unley

Project: Elector Representation Review Phase 3



VISITORS					
38					
CONTRIBUTORS			RESPONSES		
22			22		
22	0	0	22	0	0
Registered	Unverified	Anonymous	Registered	Unverified	Anonymous



Respondent No: 1

Login: [REDACTED]

Email: [REDACTED]

Responded At: Aug 09, 2021 10:38:57 am

Last Seen: Aug 09, 2021 01:06:33 am

IP Address: [REDACTED]

- Q1. **Have you reviewed the second Representation Review Report?** Partially
-
- Q2. **Please select the statement which best reflects your level of support for the above proposal.** I support the adoption of the proposal contained within the second Representation Review Report
-
- Q3. **In relation to your response to Question 2 above, what are the reasons for your views?**
No need for change. System is satisfactory as is.
-
- Q4. **Do you have any suggestions for ward names that you would like Council to consider?**
Maintain current names
-
- Q5. **Do you wish to make a verbal representation at a future meeting of Council in relation to your submission?** No
-
- Q6. **Any other comments?**
not answered
-
- Q7. **Please select your current ward.** Unley Park



Respondent No: 2

Login: [REDACTED]

Email: [REDACTED]

Responded At: Aug 09, 2021 10:47:05 am

Last Seen: Aug 09, 2021 01:14:02 am

IP Address: [REDACTED]

Q1. Have you reviewed the second Representation Review Report? Partially

Q2. Please select the statement which best reflects your level of support for the above proposal. I support the adoption of the proposal contained within the second Representation Review Report

Q3. In relation to your response to Question 2 above, what are the reasons for your views?

There is no reason to change it.

Q4. Do you have any suggestions for ward names that you would like Council to consider?

Please leave the ward names as they are

Q5. Do you wish to make a verbal representation at a future meeting of Council in relation to your submission? No

Q6. Any other comments?

I see no valid reason why rate payer money should be spent on proposing changes to things that do not need to change as they are working well and everyone understands them.

Q7. Please select your current ward. Parkside



Respondent No: 3

Login: [REDACTED]

Email: [REDACTED]

Responded At: Aug 09, 2021 11:31:28 am

Last Seen: Aug 09, 2021 01:53:40 am

IP Address: [REDACTED]

- Q1. **Have you reviewed the second Representation Review Report?** Partially
-
- Q2. **Please select the statement which best reflects your level of support for the above proposal.** I support the adoption of the proposal contained within the second Representation Review Report
-
- Q3. **In relation to your response to Question 2 above, what are the reasons for your views?**
Continuing the current structure will lead to less disruption.
-
- Q4. **Do you have any suggestions for ward names that you would like Council to consider?**
I would leave them as they are, in accordance with the suggestion in the second Review.
-
- Q5. **Do you wish to make a verbal representation at a future meeting of Council in relation to your submission?** No
-
- Q6. **Any other comments?**
not answered
-
- Q7. **Please select your current ward.** Parkside
-



Respondent No: 4

Login: [REDACTED]

Email: [REDACTED]

Responded At: Aug 09, 2021 11:35:34 am

Last Seen: Aug 09, 2021 01:52:01 am

IP Address: [REDACTED]

Q1. **Have you reviewed the second Representation Review Report?** Yes - in full

Q2. **Please select the statement which best reflects your level of support for the above proposal.** I support the adoption of the proposal contained within the second Representation Review Report

Q3. **In relation to your response to Question 2 above, what are the reasons for your views?**
given the demographic differences in Unley west-east, the representation through 6 wards offers the best outcome for all

Q4. **Do you have any suggestions for ward names that you would like Council to consider?**
keep the names recognisable as they are today- while i like the idea of indigenous names (kertaweeta), and or significant locals (Langley), this will ultimately add an additional layer of debate and confusion

Q5. **Do you wish to make a verbal representation at a future meeting of Council in relation to your submission?** No

Q6. **Any other comments?**
not answered

Q7. **Please select your current ward.** Unsure



Respondent No: 5

Login: [REDACTED]

Email: [REDACTED]

Responded At: Aug 09, 2021 13:02:26 pm

Last Seen: Aug 09, 2021 02:13:50 am

IP Address: [REDACTED]

- Q1. **Have you reviewed the second Representation Review Report?** Yes - in full
-
- Q2. **Please select the statement which best reflects your level of support for the above proposal.** I do not support the adoption of the proposal contained within the second Representation Review Report
-
- Q3. **In relation to your response to Question 2 above, what are the reasons for your views?**
Should move towards a reduced number
-
- Q4. **Do you have any suggestions for ward names that you would like Council to consider?**
not answered
-
- Q5. **Do you wish to make a verbal representation at a future meeting of Council in relation to your submission?** No
-
- Q6. **Any other comments?**
not answered
-
- Q7. **Please select your current ward.** Clarence Park



Respondent No: 6

Login: [REDACTED]

Email: [REDACTED]

Responded At: Aug 09, 2021 14:59:44 pm

Last Seen: Aug 09, 2021 05:15:38 am

IP Address: [REDACTED]

Q1. Have you reviewed the second Representation Review Report? Yes - in full

Q2. Please select the statement which best reflects your level of support for the above proposal. I support the adoption of the proposal contained within the second Representation Review Report

Q3. In relation to your response to Question 2 above, what are the reasons for your views?

no

Q4. Do you have any suggestions for ward names that you would like Council to consider?

No

Q5. Do you wish to make a verbal representation at a future meeting of Council in relation to your submission? No

Q6. Any other comments?

no

Q7. Please select your current ward. Unley



Respondent No: 7

Login: [REDACTED]

Email: [REDACTED]
[REDACTED]

Responded At: Aug 09, 2021 15:47:39 pm

Last Seen: Aug 09, 2021 03:44:04 am

IP Address: [REDACTED]

Q1. **Have you reviewed the second Representation Review Report?** Yes - in full

Q2. **Please select the statement which best reflects your level of support for the above proposal.** I support the adoption of the proposal contained within the second Representation Review Report

Q3. **In relation to your response to Question 2 above, what are the reasons for your views?**
Current structure is fair and reasonable. There are no perceived benefits to change to an alternative model.

Q4. **Do you have any suggestions for ward names that you would like Council to consider?**
No. Although you could consider changing the Clarence Park Ward to The Most Awesome Ward.

Q5. **Do you wish to make a verbal representation at a future meeting of Council in relation to your submission?** No

Q6. **Any other comments?**
Thanks for asking me to comment. I appreciate the opportunity.

Q7. **Please select your current ward.** Clarence Park



Respondent No: 8

Login: [REDACTED]

Email: [REDACTED]

Responded At: Aug 09, 2021 17:35:45 pm

Last Seen: Aug 09, 2021 08:01:19 am

IP Address: [REDACTED]

Q1. Have you reviewed the second Representation Review Report? Partially

Q2. Please select the statement which best reflects your level of support for the above proposal. I support the adoption of the proposal contained within the second Representation Review Report

Q3. In relation to your response to Question 2 above, what are the reasons for your views?

maintains vital local representation while maintaining wards that are small enough for individuals without organisational backing to be able to campaign effectively within the ward.

Q4. Do you have any suggestions for ward names that you would like Council to consider?

No

Q5. Do you wish to make a verbal representation at a future meeting of Council in relation to your submission? No

Q6. Any other comments?

Council must resist efforts by state government to reduce representation at the local level. Councillors need an area small enough to be able to know issues across the entire ward.

Q7. Please select your current ward. Unley



Respondent No: 9

Login: [REDACTED]

Email: [REDACTED]

Responded At: Aug 09, 2021 21:33:52 pm

Last Seen: Aug 09, 2021 11:40:20 am

IP Address: 45.124.203.124

Q1. Have you reviewed the second Representation Review Report? Yes - in full

Q2. Please select the statement which best reflects your level of support for the above proposal. I support the adoption of the proposal contained within the second Representation Review Report

Q3. In relation to your response to Question 2 above, what are the reasons for your views?

No compelling reasons to change the existing Ward / Councillor arrangements

Q4. Do you have any suggestions for ward names that you would like Council to consider?

not answered

Q5. Do you wish to make a verbal representation at a future meeting of Council in relation to your submission? No

Q6. Any other comments?

not answered

Q7. Please select your current ward. Parkside



Respondent No: 10

Login: [REDACTED]

Email: [REDACTED]

Responded At: Aug 09, 2021 23:45:51 pm

Last Seen: Aug 09, 2021 13:37:38 pm

IP Address: [REDACTED]

Q1. **Have you reviewed the second Representation Review Report?** Yes - in full

Q2. **Please select the statement which best reflects your level of support for the above proposal.** I do not support the adoption of the proposal contained within the second Representation Review Report

Q3. **In relation to your response to Question 2 above, what are the reasons for your views?**

Having read Stage 2, it appears that most respondents were in favour of 10 Councillors and 5 Wards. The Executive Summary seemed to favour that also.

Q4. **Do you have any suggestions for ward names that you would like Council to consider?**

Fullarton, Goodwood, Clarence Park, Unley and Hyde Park

Q5. **Do you wish to make a verbal representation at a future meeting of Council in relation to your submission?** No

Q6. **Any other comments?**

If there is a review coming that is likely to enforce a maximum number of Councillors per Council area, why would you not take this opportunity to reduce the number now!

Q7. **Please select your current ward.** Fullarton



Respondent No: 11

Login: [REDACTED]

Email: [REDACTED]

Responded At: Aug 10, 2021 14:14:27 pm

Last Seen: Aug 10, 2021 04:43:32 am

IP Address: [REDACTED]

- Q1. **Have you reviewed the second Representation Review Report?** Yes - in full
-
- Q2. **Please select the statement which best reflects your level of support for the above proposal.** I support the adoption of the proposal contained within the second Representation Review Report
-
- Q3. **In relation to your response to Question 2 above, what are the reasons for your views?**
No real reason to change
-
- Q4. **Do you have any suggestions for ward names that you would like Council to consider?**
Happy with current names
-
- Q5. **Do you wish to make a verbal representation at a future meeting of Council in relation to your submission?** No
-
- Q6. **Any other comments?**
not answered
-
- Q7. **Please select your current ward.** Parkside



Respondent No: 12

Login: [REDACTED]

Email: [REDACTED]

Responded At: Aug 10, 2021 14:48:41 pm

Last Seen: Aug 10, 2021 05:16:13 am

IP Address: [REDACTED]

- Q1. **Have you reviewed the second Representation Review Report?** Yes - in full
-
- Q2. **Please select the statement which best reflects your level of support for the above proposal.** I support the adoption of the proposal contained within the second Representation Review Report
-
- Q3. **In relation to your response to Question 2 above, what are the reasons for your views?**
If it ain't broke, don't fix it
-
- Q4. **Do you have any suggestions for ward names that you would like Council to consider?**
not answered
-
- Q5. **Do you wish to make a verbal representation at a future meeting of Council in relation to your submission?** No
-
- Q6. **Any other comments?**
not answered
-
- Q7. **Please select your current ward.** Fullarton



Respondent No: 13

Login: [REDACTED]

Email: [REDACTED]

Responded At: Aug 10, 2021 15:08:54 pm

Last Seen: Aug 10, 2021 04:24:55 am

IP Address: [REDACTED]

Q1. **Have you reviewed the second Representation Review Report?** Yes - in full

Q2. **Please select the statement which best reflects your level of support for the above proposal.** I support the adoption of the proposal contained within the second Representation Review Report

Q3. **In relation to your response to Question 2 above, what are the reasons for your views?**

The proposal provides good area representation and is consistent with other Councils The number of area representatives provides a good balance for the functioning of Council and for constituent's feedback.

Q4. **Do you have any suggestions for ward names that you would like Council to consider?**

No. The current names are easy to relate to and we certainly don't need any names that are hard to relate to or remember.

Q5. **Do you wish to make a verbal representation at a future meeting of Council in relation to your submission?** No

Q6. **Any other comments?**

No

Q7. **Please select your current ward.** Goodwood



Respondent No: 14

Login: [REDACTED]

Email: [REDACTED]

Responded At: Aug 11, 2021 11:52:00 am

Last Seen: Aug 11, 2021 02:16:17 am

IP Address: [REDACTED]

Q1. **Have you reviewed the second Representation Review Report?** Yes - in full

Q2. **Please select the statement which best reflects your level of support for the above proposal.** I support the adoption of the proposal contained within the second Representation Review Report

Q3. **In relation to your response to Question 2 above, what are the reasons for your views?**

I appreciate the current availability of Elected Members and their support for residents and I do not want to risk this.

Q4. **Do you have any suggestions for ward names that you would like Council to consider?**

Please keep them as they are. I have a good understanding of where the current Wards are .

Q5. **Do you wish to make a verbal representation at a future meeting of Council in relation to your submission?** No

Q6. **Any other comments?**

not answered

Q7. **Please select your current ward.** Fullarton



Respondent No: 15

Login: [REDACTED]

Email: [REDACTED]

Responded At: Aug 11, 2021 13:56:02 pm

Last Seen: Aug 11, 2021 04:21:01 am

IP Address: [REDACTED]

Q1. **Have you reviewed the second Representation Review Report?** Yes - in full

Q2. **Please select the statement which best reflects your level of support for the above proposal.** I do not support the adoption of the proposal contained within the second Representation Review Report

Q3. **In relation to your response to Question 2 above, what are the reasons for your views?**

In my response to the previous consultation report, I indicated my preference for 10 elected members plus an elected Mayor. Nothing in this report convinces me to change my mind.

Q4. **Do you have any suggestions for ward names that you would like Council to consider?**

None.

Q5. **Do you wish to make a verbal representation at a future meeting of Council in relation to your submission?** No

Q6. **Any other comments?**

not answered

Q7. **Please select your current ward.** Unley



Respondent No: 16

Login: [REDACTED]

Email: [REDACTED]

Responded At: Aug 11, 2021 20:00:19 pm

Last Seen: Aug 11, 2021 10:29:15 am

IP Address: [REDACTED]

- Q1. **Have you reviewed the second Representation Review Report?** Partially
-
- Q2. **Please select the statement which best reflects your level of support for the above proposal.** I support the adoption of the proposal contained within the second Representation Review Report
-
- Q3. **In relation to your response to Question 2 above, what are the reasons for your views?**
not answered
-
- Q4. **Do you have any suggestions for ward names that you would like Council to consider?**
not answered
-
- Q5. **Do you wish to make a verbal representation at a future meeting of Council in relation to your submission?** No
-
- Q6. **Any other comments?**
not answered
-
- Q7. **Please select your current ward.** Unley Park
-



Respondent No: 17

Login: [REDACTED]

Email: [REDACTED]

Responded At: Aug 12, 2021 10:05:44 am

Last Seen: Aug 12, 2021 00:33:37 am

IP Address: [REDACTED]

Q1. Have you reviewed the second Representation Review Report? Yes - in full

Q2. Please select the statement which best reflects your level of support for the above proposal. I support the adoption of the proposal contained within the second Representation Review Report

Q3. In relation to your response to Question 2 above, what are the reasons for your views?

It meets the criteria I was looking for

Q4. Do you have any suggestions for ward names that you would like Council to consider?

No the names are fine as is

Q5. Do you wish to make a verbal representation at a future meeting of Council in relation to your submission? No

Q6. Any other comments?

not answered

Q7. Please select your current ward. Goodwood



Respondent No: 18

Login: [REDACTED]

Email: [REDACTED]

Responded At: Aug 15, 2021 08:27:39 am

Last Seen: Aug 14, 2021 22:52:31 pm

IP Address: [REDACTED]

Q1. **Have you reviewed the second Representation Review Report?** Yes - in full

Q2. **Please select the statement which best reflects your level of support for the above proposal.** I do not support the adoption of the proposal contained within the second Representation Review Report

Q3. **In relation to your response to Question 2 above, what are the reasons for your views?**

A smaller Council would likely be more efficient and also less costly. I hope that the current elected members are not voting on any proposals for change as they have a likely conflict of interest. It would be interesting to know how much this exercise has cost the Council in terms of time and money.

Q4. **Do you have any suggestions for ward names that you would like Council to consider?**

not answered

Q5. **Do you wish to make a verbal representation at a future meeting of Council in relation to your submission?** No

Q6. **Any other comments?**

not answered

Q7. **Please select your current ward.** Unley Park



Respondent No: 19

Login: [REDACTED]

Email: [REDACTED]

Responded At: Aug 20, 2021 16:54:33 pm

Last Seen: Aug 20, 2021 07:20:55 am

IP Address: [REDACTED]

- Q1. **Have you reviewed the second Representation Review Report?** Partially
-
- Q2. **Please select the statement which best reflects your level of support for the above proposal.** I support the adoption of the proposal contained within the second Representation Review Report
-
- Q3. **In relation to your response to Question 2 above, what are the reasons for your views?**
In my view the current council structure appears to function well - there is no need to change it.
-
- Q4. **Do you have any suggestions for ward names that you would like Council to consider?**
No
-
- Q5. **Do you wish to make a verbal representation at a future meeting of Council in relation to your submission?** No
-
- Q6. **Any other comments?**
No
-
- Q7. **Please select your current ward.** Fullarton



Respondent No: 20

Login: [REDACTED]

Email: [REDACTED]
[REDACTED]

Responded At: Aug 20, 2021 20:53:04 pm

Last Seen: Aug 20, 2021 11:03:09 am

IP Address: [REDACTED]

Q1. **Have you reviewed the second Representation Review Report?** Yes - in full

Q2. **Please select the statement which best reflects your level of support for the above proposal.** I do not support the adoption of the proposal contained within the second Representation Review Report

Q3. **In relation to your response to Question 2 above, what are the reasons for your views?**

I don't believe as a ratepayer the cost of a total of 12 councillors is expensive for the amount of work they do. One tends to only hear or see from them when it is election time.

Q4. **Do you have any suggestions for ward names that you would like Council to consider?**

Goodwood, Clarence Park, Hazelwood, Unley, Parkside, Fullarton

Q5. **Do you wish to make a verbal representation at a future meeting of Council in relation to your submission?** No

Q6. **Any other comments?**

Ward Councillors need to be more proactive and visual in their wards rather than just attend a meeting.

Q7. **Please select your current ward.** Goodwood



Respondent No: 21

Login: [REDACTED]

Email: [REDACTED]

Responded At: Aug 26, 2021 10:33:23 am

Last Seen: Aug 26, 2021 01:00:32 am

IP Address: [REDACTED]

- Q1. **Have you reviewed the second Representation Review Report?** Partially
-
- Q2. **Please select the statement which best reflects your level of support for the above proposal.** I support the adoption of the proposal contained within the second Representation Review Report
-
- Q3. **In relation to your response to Question 2 above, what are the reasons for your views?**
not answered
-
- Q4. **Do you have any suggestions for ward names that you would like Council to consider?**
not answered
-
- Q5. **Do you wish to make a verbal representation at a future meeting of Council in relation to your submission?** No
-
- Q6. **Any other comments?**
not answered
-
- Q7. **Please select your current ward.** Goodwood



Respondent No: 22

Login: [REDACTED]

Email: [REDACTED]

Responded At: Aug 27, 2021 11:07:24 am

Last Seen: Aug 27, 2021 01:24:17 am

IP Address: [REDACTED]

Q1. **Have you reviewed the second Representation Review Report?** Yes - in full

Q2. **Please select the statement which best reflects your level of support for the above proposal.** I support the adoption of the proposal contained within the second Representation Review Report

Q3. **In relation to your response to Question 2 above, what are the reasons for your views?**

I repeat my earlier submission in the previous consultation ... I don't support reducing the number of Unley Council Wards from 6 to 5; and reducing the number of councillors from 12 to 10. It was proposed in the past (probably ~ 7 years ago) and was overwhelmingly rejected by council. My reasons are as follows. A reduction in the number of councillors will reduce the diversity of council. A diversity of sex, religion, ethnicity and age is important. It will be difficult to achieve more diversity with a reduced number. Council must have a priority to enhance its diversity and its connection with the community. Larger wards will make it difficult for candidates to campaign and represent the constituents. It needs to be remembered that most councillors also have a daytime job or other commitments. A larger ward would make it difficult for councillors to truly represent the residents. The larger wards would probably result in candidates being supported by political parties to help with the increased cost of election campaigns. That would be an unfortunate outcome. Unley Council is known for its City of Villages that corresponds to the local shopping strips and hubs eg. Black Forest, Goodwood, King William Road, etc. The larger wards would split some of these villages into different wards. That would make it difficult for residents to identify their ward. A smaller council would make it difficult for the community voice to be heard via a local councillor. A heavier workload for councillors would result in the voice and concerns of residents being diluted. A reduction in the number of councillors at Unley (and in all SA councils) would probably over time result in increased allowances for councillors due to their heavier work commitments. That would not be a desirable outcome. It would also tempt political parties to get involved. The current number of wards is just right. It works reasonably well with councillors being able to represent their ward. If the system isn't broken, then I ask "why break it"? In the scheme of things, there will be only a small cost saving. I urge Unley Council to vote against a reduction in the number of wards. I trust that my comments will be given due consideration.

Q4. **Do you have any suggestions for ward names that you would like Council to consider?**

The current ward names are fine. However, I would support renaming Clarence Park to Goodwood South. The Clarence Park residents are all part of the Goodwood village and shop locally in Goodwood. They go to their florist/dentist/butcher/IGA/Chicken-shop/etc. in Goodwood. The name change to Clarence Park has caused some concern to residents. So, switch the name back to Goodwood South.

Q5. **Do you wish to make a verbal representation at a future meeting of Council in relation to your submission?** No

Q6. **Any other comments?**

I would like to know the cost of this lengthy process in considering the structure of council. Please advise.

Q7. **Please select your current ward.** Goodwood

From: [REDACTED]
Sent: Tue, 10 Aug 2021 22:26:54 +0930
To: PO Box1
Subject: Re: Your response on Elector Representation Review Phase 3

Hi CoU,

Reading my responses.. I think I made an error in my second response.. it should have stated that I do not agree with the third phase (ie 6 Wards and 12 Councillors)

Sorry for the confusion, hope it's not too late.. or should I do it again?

Cheers

[REDACTED]

On 9 Aug 2021, at 11:45 pm, Your Say Unley <notifications@engagementhq.com> wrote:

Your Say Unley

Hi [REDACTED],

Thank you for completing the survey Elector Review Phase 3 Survey. Your responses are listed below for your reference:

Have you reviewed the second [Representation Review Report](#)?

Yes - in full

Please select the statement which best reflects your level of support for the

[REDACTED]

above proposal.

I do not support the adoption of the proposal contained within the second Representation Review Report

In relation to your response to Question 2 above, what are the reasons for your views?

Having read Stage 2, it appears that most respondents were in favour of 10 Councillors and 5 Wards. The Executive Summary seemed to favour that also.

Do you have any suggestions for ward names that you would like Council to consider?

Fullarton, Goodwood, Clarence Park, Unley and Hyde Park

Do you wish to make a verbal representation at a future meeting of Council in relation to your submission?

No

Any other comments?

If there is a review coming that is likely to enforce a maximum number of Councillors per Council area, why would you not take this opportunity to reduce the number now!

Please select your current ward.

From: [REDACTED]
Sent: Mon, 30 Aug 2021 12:03:07 +0930
To: PO Box1
Subject: FW: Representation review your say

Hello,

I would like the current system to remain.
12 Councillors and 6 wards.

Thanks,

[REDACTED]
Goodwood



Virus-free. www.avg.com

SUBMISSIONS REPORT

ELECTOR REPRESENTATION REVIEW

Third Public Consultation

A Report to the

CITY OF UNLEY

September 2021



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1. INTRODUCTION

Section 12(4) of the *Local Government Act 1999* (the Act) requires Council to undertake a review of all aspects of its composition and the division (or potential division) of the council area into wards, at least once in every period prescribed by the Minister for Local Government (generally eight years). Essentially, the objective of the review is to ensure fair and adequate representation of the electors within the council area.

The current review must be conducted and completed during the period June 2020 - October 2021.

At its meeting on the 22nd March 2021 Council agreed "in principle" that:

- the principal member of Council should continue to be a Mayor elected by the community;
- the Council area be divided into five wards, with each of the proposed wards being represented by two (2) councillors; and
- the future elected body of Council comprise the Mayor and ten (10) ward councillors.

Council subsequently undertook the second of the prescribed public consultation stages of the review and received thirty-four (34) submissions, of which:

- sixteen (16) supported the proposal to introduce a new five ward structure;
- fifteen (15) specifically favoured the retention of the existing ward structure;
- two (2) expressed support for a structure which comprised fewer elected members than the Council proposal;
- one (1) indicated no preferred structure; and
- collectively eighteen (18) or 52.9% favoured a reduction in the number of councillors to ten (10) or less.

The initial proposal to reduce to ten (10) councillors was essentially supported because the then *Statutes Amendment (Local Government Review) Bill 2020* sought to cap the total number of elected members (including the principal member) in a Council at twelve (12). The provisions of the ensuing *Statutes Amendment (Local Government Review) Act 2021* enabled councils to comprise a total of thirteen (13) elected members, and also afforded the opportunity for councils to apply for an "exemption certificate" from Electoral Commission SA in circumstances where a greater number of elected members was considered to be justified.

In brief, the passing of the *Statutes Amendment (Local Government Review) Act 2021* afforded Council the opportunity to retain its current the elector representation arrangements.

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It is understood that the provisions of the *Statutes Amendment (Local Government Review) Act 2021* which specifically relate to elector representation reviews will not come into effect until after the next Local Government election in November 2022. This being the case, Council will need to complete its elector representation review in accordance with the current provisions and requirements of the Act.

At a meeting held on the 28th June 2021, Council resolved (by a majority vote) to amend its proposal, preferring no change to the existing structure and/or composition of Council. This amended proposal has been presented to the community and Council must now consider the submissions received from the community during the third public consultation; and formally determine what elector representation arrangements it proposes to bring into effect at the next periodic Local Government elections in November 2022.

2. PUBLIC CONSULTATION

The third public consultation commenced on Thursday 5th August 2021 with the publishing of public notices in the "Adelaide East Herald" newspaper and the Government Gazette.

In addition, the consultation process incorporated the following.

- The display of the amended Representation Review Report on the Council website.
- The display of posters and a copy of the amended Representation Review Report at the Civic Centre; the Unley Civic Centre Library; the Goodwood Library; the Clarence Park Community Centre; the Fullarton Park Community Centre; the Unley Community Centre; and the Goodwood Community Centre.
- The distribution of an E-newsletter to 2,102 subscribers of the 9th August 2021 ("open rate" of 52.9% (1,168) with 120 (5.4%) clicks).
- Facebook posts on the 6th, 14th and 26th August 2021 which reached 546, 39 and 477 persons respectively.
- An LED display on Oxford Terrace.

The "Your Say Unley" website page recorded 83 visits during the public consultation period; and 38 visits to the "Your Say Survey" page.

At the expiration of the public consultation period on Tuesday 31st August 2021, Council had received twenty-three (23) submissions, twenty-two (22) via the "Your Say Unley" website page and one (1) by email. A summary of the submissions is provided in Attachment A; and copies of the full submissions will be provided directly to Members.

Of the submissions received, seventeen (17) or (73.9%) supported the Council's amended proposal and six (6) or 26.1% were opposed to the proposal.

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Whilst the receipt of twenty-three (23) submissions represented only a small sample (0.08%) of the eligible electors within the Council area (i.e. 27,602 as of 23rd July 2021), the response was generally consistent with the results of the two previous public consultation stages (i.e. twenty-two (22) submissions during the first consultation and thirty-four (34) submissions during the second consultation).

None of the recent respondents expressed the desire to address Council in support of their submission.

3. REVIEW PROCESS

Having undertaken a further public consultation as part of the review process, Council must now consider the submissions received from the community and determine its desired future composition and structure. The next step in the review process is for Council to prepare a detailed report for presentation to the Electoral Commissioner, pursuant to the provisions of Section 12(11) of the Act. Council is reminded that this report must be presented to the Electoral Commissioner before the end of October 2021. The Electoral Commissioner will determine whether the requirements of the Act have been satisfied and whether certification is warranted (refer Sections 12 (12) and 12(13) of the Act).

Upon receipt of certification from the Electoral Commissioner, Council will be required to publish an appropriate notice in the Government Gazette (on a date specified by the Electoral Commissioner) which will effectively provide for the implementation of the proposed (certified) future composition and structure of Council at the November 2022 Local Government elections.

4. FUTURE COMPOSITION AND STRUCTURE

Council is now at the stage in the review process where it must determine (by formal resolution) its proposed future composition and/or structure. When making its final decisions Council must be mindful that the primary purpose of the review is to determine whether the electors/community will benefit from an alteration to the current composition and/or structure of Council.

To finalise its review and initiate preparation of a comprehensive report to the Electoral Commissioner, Council must now make final decisions regarding the following.

- Whether the principal member of Council should continue to be a Mayor elected by the community, or a Chairperson (with the title of Mayor) who is chosen by and from amongst the elected members.

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- Whether the Council area should continue to be divided into wards or whether wards should be abolished.
- If the Council area is to be divided into wards, which ward structure is favoured; whether there is a need for area councillors (and the required number thereof) in addition to ward councillors; the level of representation in each of the proposed wards; and the name of each of the proposed wards.
- The number of councillors (ward, area and/or both) that are required to provide fair and adequate representation of the electors within the Council area.

Information and advice pertaining to the aforementioned matters has previously been presented to Council in the Information Paper (July 2020); the Representation Options Paper (September 2020); the first consultation "Submissions Report" (February 2021); the Representation Review Report (March 2021); the second consultation "Submissions Report" (June 2021); and the second "Representation Review Report" (July 2021).

The following information is provided to assist the elected members with their final deliberations in respect to the key issues.

4.1 Mayor/Chairperson

The principal member of Council has long been a Mayor who is elected by the community.

The only alternative is a Chairperson who is selected by and from amongst the elected members. However, Council is reminded that the provisions of the recent *Statutes Amendment (Local Government Review) Act 2021* abolish the option of a Chairperson, although these legislative provisions will likely not come into effect until after the Local Government election in November 2022.

The key arguments supporting the retention of an elected Mayor are as follows.

- A Mayor elected by the community is in accord with a fundamental principle of democracy – choice.
- The election of a Mayor affords all eligible members of the community the opportunity to express faith in a candidate, should they choose to do so, and provides Council with an identifiable principal member who is directly accountable to the community.
- The office of Mayor has served the City of Unley well since its proclamation in 1906.
- The retention of an elected Mayor brings stability and continuity to the Council, given the four-year term of office.
- Little practical benefit will likely be achieved by changing to a Chairperson at this time.
- The retention of an elected Mayor as the principal member is consistent with the structure of all metropolitan councils and most councils within the state.

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The key arguments in favour of a Chairperson are that this arrangement:

- provides flexibility and opportunity for several elected members to gain experience as the principal member during the four-year term of the council;
- affords the elected members of Council the opportunity to select the best person to be the principal member and the term of the office;
- allows the selected Chairperson to bring his/her personal characteristics, skill set and opinions to the position; and
- avoids the potential loss of high calibre candidates (as can occur under the Mayoral election process).

Notwithstanding the aforementioned, any proposal to change from an elected Mayor to a selected Chairperson would not be possible at this time, given that such a proposal cannot proceed unless a poll of the community has been conducted in accordance with the requirements of Section 12 (11a-d) of the Act. The specified review timeframe does not afford sufficient time for Electoral Commission SA to conduct such a poll.

4.2 Structure (Wards/No Wards)

The Council area has always been divided into wards; and Council has previously determined that this arrangement should continue.

The recent consultation did not specifically seek comment from the community in respect to the retention or abolition of wards and, as such, it was not surprising that the option of abolishing wards was not raised. Notwithstanding this, it is noted that the submissions received during the two previous public consultations strongly favoured a ward structure in one form or another. Of the twenty-two (22) submissions received during the first consultation, nineteen (19) favoured the retention of wards, whilst all bar one (1) of the thirty-four (34) submissions received during the second consultation favoured the retention of a ward structure.

The main arguments supporting a ward structure include:

- wards guarantee some form and level of direct representation to existing communities of interest within, and/or parts of, a council area;
- wards ensure local interests and/or issues are not overlooked in favour of the bigger "council-wide" picture;
- ward councillors should have some empathy for, and an affiliation with, all the communities within their ward;
- under the "no wards" structure Council must conduct elections and supplementary elections across the whole of the Council area (at a significant expense);

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- concern that a single interest group could gain considerable representation on Council under a "no wards" structure;
- the task and expense of contesting council-wide elections could be prohibitive, and therefore may deter appropriate/quality candidates;
- without wards Council must conduct elections and supplementary elections across the whole of the Council area (at a significant expense); and
- under the "no ward" structure the more popular or known councillors may receive more enquiries from the public (i.e. inequitable workloads).

Members are reminded that the benefits to be achieved through the abolition of wards include the following.

- The community will be afforded the opportunity to vote for all members of Council.
- The most favoured candidates from across the Council area will likely be elected, rather than candidates who may be favoured by the peculiarities of a ward-based system (e.g. elected unopposed candidates or having attracted fewer votes than defeated candidates in another ward).
- The elected members should not have parochial ward attitudes.
- The "no wards" structure is not affected by fluctuations in elector numbers, the on-going need to review elector distribution and/or ward boundaries, and/or the constraints of complying with quota tolerance limits.
- Existing "communities of interest" are not affected or divided by arbitrary ward boundaries.
- In the event that an area councillor leaves Council, the casual vacancy can be carried by Council, thereby avoiding the need for, and cost of, a supplementary election.

As for the current proposal to retain the existing ward structure, seventeen (17) or (73.9%) of the recent submissions supported Council's proposal. Likewise, fifteen (15) or 44.1% of the submissions received during the second consultation period specifically expressed support for the retention of the current ward structure.

Whilst this small number of responses received cannot be construed to reflect the attitudes of more than 27,000 eligible electors within the council area, the lack of a significant number of submissions opposing the current proposal could be construed as the local community not having concerns with Council's amended proposal (or simply have no interest).

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It is also noted that the existing/proposed ward structure continues to have a relatively equitable distribution of electors between the wards; and exhibits ward elector ratios which lay within the specified quota tolerance limits (refer Table 1). As such, the current ward structure can be retained; and should be capable of sustaining any reasonable future fluctuations in elector numbers.

Table 1: Current ward structure - elector numbers and elector ratios

	Councillors	H of A Roll	Council Roll	Electors	Ratio	% Variance
Unley	2	4,591	24	4,615	1:2,308	+0.32
Parkside	2	4,379	8	4,387	1:2,194	- 4.64
Fullarton	2	4,931	9	4,940	1:2,470	+7.38
Goodwood	2	4,538	24	4,562	1:2,281	- 0.83
Clarence Park	2	4,364	7	4,371	1:2,186	- 4.95
Unley Park	2	4,722	5	4,727	1:2,364	+2.756
Total	12	27,525	77	27,602		
Average					1:2,300	

Source: Electoral Commission SA (23 July 2021)

4.3 Number of Councillors

Council's current proposal seeks to retain twelve (12) ward councillors. As previously stated, seventeen (17) or (73.9%) of the recent submissions supported this proposal.

When determining an appropriate number of elected members, Council should be aware that:

- the provisions of Sections 26 and 33 of the Act stipulate the need to ensure adequate and fair representation while at the same time avoiding over-representation in comparison to other councils of a similar size and type (at least in the longer term);
- the provisions of Section 12(6) of the Act also require a Council that is constituted of more than twelve members to examine the question of whether the number of elected members should be reduced; and
- the *Statutes Amendment (Local Government Review) Act 2021* sets the maximum number of elected members in a council at thirteen (13), unless the council is granted an "exemption certificate" for more members by ECSA.

Obviously the proposed future composition of Council will meet the aforementioned requirements of the *Statutes Amendment (Local Government Review) Act 2021*.

In respect to the issue of over-representation, Council has previously been provided with details of the elector representation arrangements of all metropolitan councils. The updated

CITY OF UNLEY

data provided in Table 2 indicates that, whilst the City of Unley is one of the smaller metropolitan councils, both in terms of elector numbers and area (14.29km²), it is not dissimilar to other long-established inner metropolitan Councils in terms of its composition and/or elector ratio. Indeed, it is considered that the City of Unley is comparable to, and consistent with, the City of Norwood Payneham & St Peters (15.1km²), the City of Holdfast Bay (13.7km²) and the City of Burnside (27.5km²) in regard to its physical size; elector numbers; the number of councillors; and elector ratio.

Table 2: Elector data and representation (Metropolitan Adelaide councils)

Council	Councillors	Electors	Elector Ratio
Walkerville (1.34 km ²)	8	5,781	1: 723
Gawler (41.10km ²)	10	18,636	1:1,864
Prospect (7.81 km ²)	8	15,080	1:1,885
Norwood Payneham & St Peters (15.1 km ²)	13	25,862	1:1,989
Unley (14.29 km ²)	12	27,602	1:2,300
Holdfast Bay (13.72 km ²)	12	28,562	1:2,380
Adelaide Hills (795.1 km ²)	12	29,442	1:2,454
Burnside (27.53 km ²)	12	32,083	1:2,674
West Torrens (37.07 km ²)	14	42,378	1:3,027
Campbelltown (24.35 km ²)	10	36,254	1:3,625
Mitcham (75.55 km ²)	13	48,930	1:3,764
Adelaide* (15.57 km ²)	7	28,127	1:4,018
Playford (344.9 km ²)	15	64,825	1:4,322
Port Adelaide/Enfield (97.0 km ²)	17	87,314	1:5,136
Charles Sturt (52.14 km ²)	16	88,269	1:5,517
Marion (55.5km ²)	12	66,795	1:5,566
Tea Tree Gully (95.2 km ²)	12	73,820	1:6,152
Salisbury (158.1 km ²)	14	96,811	1:6,915
Onkaparinga (518.4 km ²)	12	128,502	1:10,709

Source: Electoral Commission SA (23 July 2021)

* City of Adelaide also comprises four (4) "area councillors".

In addition, there is an expectation of reasonable population growth in the foreseeable future across the Council area, primarily because of the redevelopment of existing sites, higher density residential development, urban renewal, and infill development. The extent and timing of any of this future development (and resultant increase in elector numbers) is difficult to determine at this time. Regardless, the anticipated increase in the future population will likely result in greater elector numbers, higher elector ratios and potentially greater workloads for the elected members.

Furthermore, whilst the councillors are elected to provide representation of, and assistance to, the constituents within their wards, they also act in the best interest of all of the

CITY OF UNLEY

community within the Council area, including approximately 9,000 additional residents who are not enrolled to vote but have the same day-to-day concerns, issues and demands as the eligible electors throughout the Council area.

When reaching a final decision relating to its future composition, Council should take into account all of the aforementioned and be mindful of the need to ensure that:

- sufficient elected members are available to manage the roles and responsibilities of Council;
- the elected member's workloads do not become excessive;
- there is an appropriate level of elector representation;
- the potential for diversity in the skill sets, experience, expertise and backgrounds of the elected members is maintained; and
- adequate lines of communication will exist between the community and Council.

4.4 Area Councillors (in addition to ward councillors)

Section 52 of the Act indicates that councillors can be elected as a representative of a ward, or alternatively, to represent the council area as a whole (whether or not the council area is divided into wards). If Council is considering the retention of wards, it will need to determine whether area councillors are required in addition to ward councillors.

To date Council has not indicated the desire to introduce area councillors in addition to ward councillors.

Ward councillors generally consider themselves to represent not only their ward, but the council area as a whole. This being the case, the need for area councillors in addition to ward councillors is questionable, an assertion which is seemingly supported by the fact that only the City of Adelaide has a structure which incorporates two levels of representation. Further, it is noted that under such an arrangement area councillors hold no greater status than a ward councillor; have no greater responsibilities than a ward councillor; and need not comply with any extraordinary or additional eligibility requirements.

In addition, any contested election (and/or supplementary election) for area councillors must be conducted across the whole of the council area, at a significant cost to Council.

For the aforementioned reasons, it is considered that if the introduction of area councillors (in addition to ward councillors) would be an unwarranted, unnecessary and potentially costly additional tier of representation.

4.5 Ward Identification

CITY OF UNLEY

Wards can be identified through the allocation of numbers, alphabetical letters, direction or geographical references (e.g. north, south, east, west, central); place or suburb names; and/or names of European and/or Aboriginal heritage/cultural significance.

The existing ward names are acceptable; and are likely to be known by the community. As such, they can be retained.

As previously advised, once the Electoral Commissioner has certified Council's proposed structure, Council can (if it so desires) commence a six (6) week public consultation period under the provisions of Section 13 of the Act with the view to identifying appropriate alternative ward names. The introduction of different ward names could then be achieved by way of notice in the Government Gazette. Sufficient time is available to ensure that this process can occur and appropriate alternative ward names are in place for the 2022 Local Government elections. This delayed naming of the wards allows for the identification/allocation of ward names which have relevance and meaning to the local community and, as such, is considered to be an important element of Council's structure which should not be rushed.

5. RECOMMENDATIONS

It is recommended that the City of Unley resolve as follows:

1. To receive and note the twenty-three (23) submissions received from the community during the third public consultation stage of the review.
2. The future composition and structure be as follows.
 - The principal member of Council continue to be a Mayor, elected by the community.
 - The existing ward structure of Council be retained.
 - The future elected body of Council comprise the Mayor and twelve (12) ward councillors, with each of the wards being represented by two (2) ward councillors.
 - The existing ward names (i.e. Clarence Park, Fullarton, Goodwood, Parkside, Unley and Unley Park) be retained for the purpose of completing the Representation Review process.
3. Council administration be authorised to prepare and forward the necessary report and documents to the Electoral Commissioner, pursuant to the provisions of Sections 12(11) and 12(12) of the Act.

CITY OF UNLEY

ATTACHMENT A
Summary of submissions

SUBMISSIONS SUMMARY

Respondent #	Ward	Support Proposal?	Comments	Ward Names Suggestions	Other Comments
Respondent #1	Parkside	Yes	No real reason to change	Happy with current names	
Respondent #2	Unley	No	In my response to the previous consultation report, I indicated my preference for 10 elected members plus an elected Mayor. Nothing in this report convinces me to change my mind.	None.	
Respondent #3	Goodwood	Yes			
Respondent #4	Goodwood	Yes	It meets the criteria I was looking for	No the names are fine as is	
Respondent #5	Fullarton	No	Having read Stage 2, it appears that most respondents were in favour of 10 Councillors and 5 Wards. The Executive Summary seemed to favour that also.	Fullarton, Goodwood, Clarence Park, Unley and Hyde Park	If there is a review coming that is likely to enforce a maximum number of Councillors per Council area, why would you not take this opportunity to reduce the number now!
Respondent #6	Unley Park	Yes	No need for change. System is satisfactory as is.	Maintain current names	
Respondent #7	Goodwood	Yes	The proposal provides good area representation and is consistent with other Councils The number of area representatives provides a good balance for the functioning of Council and for constituent's feedback.	No. The current names are easy to relate to and we certainly don't need any names that are hard to relate to or remember.	No
Respondent #8	Goodwood	No	I don't believe as a ratepayer the cost of a total of 12 councillors is expensive for the amount of work they do. One tends to only hear or see from them when it is election time.	Goodwood, Clarence Park, Hazelwood, Unley, Parkside, Fullarton	Ward Councillors need to be more proactive and visible in their wards rather than just attend a meeting.
Respondent #9	Fullarton	Yes	I appreciate the current availability of Elected Members and their support for residents and I do not want to risk this.	Please keep them as they are. I have a good understanding of where the current Wards are .	
Respondent #10	Unley Park	Yes			
Respondent #11	Clarence Park	No	Should move towards a reduced number		
Respondent #12	Unsure	Yes	given the demographic differences in Unley west-east, the representation through 6 wards offers the best outcome for all	keep the names recognisable as they are today- while i like the idea of indigenous names (kertaweeta), and or significant locals (Langley), this will ultimately add an additional layer of debate and confusion	

SUBMISSIONS SUMMARY

Respondent #	Ward	Support Proposal?	Comments	Ward Names Suggestions	Other Comments
Respondent #13	Unley	Yes	No	No	no
Respondent #14	Unley Park	No	A smaller Council would likely be more efficient and also less costly. I hope that the current elected members are not voting on any proposals for change as they have a likely conflict of interest. It would be interesting to know how much this exercise has cost the Council in terms of time and money.		
Respondent #15	Parkside	Yes	Continuing the current structure will lead to less disruption.	I would leave them as they are, in accordance with the suggestion in the second Review.	
Respondent #16	Fullarton	Yes	If it ain't broke, don't fix it		
Respondent #17	Parkside	Yes	There is no reason to change it.	Please leave the ward names as they are	I see no valid reason why rate payer money should be spent on proposing changes to things that do not need to change as they are working well and everyone understands them.
Respondent #18	Clarence Park	Yes	Current structure is fair and reasonable. There are no perceived benefits to change to an alternative model.	No. Although you could consider changing the Clarence Park Ward to The Most Awesome Ward.	Thanks for asking me to comment. I appreciate the opportunity.
Respondent #19	Unley	Yes	maintains vital local representation while maintaining wards that are small enough for individuals without organisational backing to be able to campaign effectively within the ward.	No	Council must resist efforts by state government to reduce representation at the local level. Councillors need an area small enough to be able to know issues across the entire ward.
Respondent #20	Fullarton	Yes	In my view the current council structure appears to function well - there is no need to change it.	No	No
Respondent #21	Parkside	Yes	No compelling reasons to change the existing Ward / Councillor arrangements		

SUBMISSIONS SUMMARY

Respondent #	Ward	Support Proposal?	Comments	Ward Names Suggestions	Other Comments
Respondent #22	Goodwood	Yes	<p>I repeat my earlier submission in the previous consultation ...I don't support reducing the number of Unley Council Wards from 6 to 5; and reducing the number of councillors from 12 to 10. It was proposed in the past (probably ~ 7 years ago) and was overwhelmingly rejected by council. My reasons are as follows. A reduction in the number of councillors will reduce the diversity of council. A diversity of sex, religion, ethnicity and age is important. It will be difficult to achieve more diversity with a reduced number. Council must have a priority to enhance its diversity and its connection with the community. Larger wards will make it difficult for candidates to campaign and represent the constituents. It needs to be remembered that most councillors also have a daytime job or other commitments. A larger ward would make it difficult for councillors to truly represent the residents. The larger wards would probably result in candidates being supported by political parties to help with the increased cost of election campaigns. That would be an unfortunate outcome. Unley Council is known for its City of Villages that corresponds to the local shopping strips and hubs eg. Black Forest, Goodwood, King William Road, etc. The larger wards would split some of these villages into different wards. That would make it difficult for residents to identify their ward. A smaller council would make it difficult for the community voice to be heard via a local councillor. A heavier workload for councillors would result in the voice and concerns of residents being diluted. A reduction in the number of councillors at Unley (and in all SA councils) would probably over time result in increased allowances for councillors due to their heavier work commitments. That would not be a desirable outcome. It would also tempt political parties to get involved. The current number of wards is just right. It works reasonably well with councillors being able to represent their ward. If the system isn't broken, then I ask "why break it"? In the scheme of things, there will be only a small cost saving. I urge Unley Council to vote against a reduction in the number of wards. I trust that my comments will be given due consideration.</p>	<p>The current ward names are fine. However, I would support renaming Clarence Park to Goodwood South. The Clarence Park residents are all part of the Goodwood village and shop locally in Goodwood. They go to their florist/dentist/butcher/IGA/Chicken-shop/etc. in Goodwood. The name change to Clarence Park has caused some concern to residents. So, switch the name back to Goodwood South.</p>	<p>I would like to know the cost of this lengthy process in considering the structure of council. Please advise.</p>
Respondent #23	Goodwood	Yes			

DECISION REPORT

REPORT TITLE:	CENTENNIAL PARK CEMETERY AUTHORITY - REVISED CHARTER (SEPTEMBER 2021)
ITEM NUMBER:	4.5
DATE OF MEETING:	27 SEPTEMBER 2021
AUTHOR:	TAMI NORMAN
JOB TITLE:	EXECUTIVE MANAGER, OFFICE OF THE CEO
ATTACHMENTS:	1. DRAFT - CENTENNIAL PARK CEMETERY AUTHORITY CHARTER 2. OWNERS EXECUTIVE COMMITTEE - TERMS OF REFERENCE

1. **EXECUTIVE SUMMARY**

Centennial Park Cemetery Authority (CPCA) is a regional subsidiary of the Cities of Mitcham and Unley, established under the *Local Government Act 1999*.

CPCA is governed by a Board of seven (7) members, currently comprising two (2) representatives from each of the Constituent Councils and three (3) Independent Board members, one of whom is the Chair.

Work has been progressing to revisit the composition of the Board for some time to provide that it comprises only independent members. Following a review of the Charter in 2019/2020, further changes to the Charter were proposed by the City of Mitcham. The City of Unley supported those changes in principle and sought an amended version of the Charter be returned for endorsement once the relevant changes had been made.

This report returns the amended Charter and seeks Council's endorsement of the document. The City of Mitcham has considered a report in the same terms at its meeting on 14 September 2021 and resolved to endorse the draft Charter, as set out in Attachment 1 to this report.

Attachment 1

2. **RECOMMENDATION**

That:

1. The report be received.

2. The draft Centennial Park Cemetery Authority Charter, as set out in Attachment 1 to this Report (Item 4.5, Council Meeting 27/09/2021) be endorsed, with the Chief Executive Officer authorised to make minor amendments of a technical nature if required in order to finalise the Charter.
 3. Advice of the decision to endorse the draft Centennial Park Cemetery Authority Charter City, as set out in Attachment 1 to this Report (Item 4.5, Council Meeting 27/09/2021) be provided to the City of Mitcham and the Centennial Park Cemetery Authority.
 4. The appointment of an Elected Member to the Owners Executive Committee be noted, with a subsequent report to be presented to Council in order to determine the necessary appointment.
-

3. RELEVANT CORE STRATEGIES/POLICIES

4. Civic Leadership

4.1 We have strong leadership and governance.

4. BACKGROUND

Centennial Park Cemetery Authority (CPCA) is a regional subsidiary of the Cities of Mitcham and Unley, established under the *Local Government Act 1999*.

CPCA is governed by a Board of seven (7) members, currently comprising two (2) representatives from each of the Constituent Councils and three (3) Independent Board members, one of whom is the Chair.

The CPCA Board representatives for the City of Unley are Councillor Monica Broniecki and Councillor Michael Rabbitt.

The CPCA Charter is required to be reviewed at least once in every four years and may be amended with the approval of both constituent Councils. Any changes must take into account any recommendations of the Board.

The Charter was last reviewed in 2019/2020 with consultants BRM Advisory engaged by the Owners Executive Committee to undertake this work.

The review sought to ensure that the Charter:

- Complied with the Local Government Act;
- Established appropriate checks and balances while empowering CPCA;
- Provided clarity and certainty for all parties, and
- Enhanced and clarified Governance arrangements where possible.

During the course of this review, the City of Unley at its meeting on 27 July 2020, resolved that:

1. *The report be received*
2. *The Draft Centennial Park Cemetery Authority Charter 2020 (as presented in Attachment 3 to Item 4.10, Council Meeting 27/07/2020) be endorsed.*

Resolution No: C0298/20

A report was presented to the City of Mitcham Audit Committee at its meeting on 20 October 2020, where they recommended to Mitcham Council:

1. *That the report be received.*
2. *That the Centennial Park Cemetery Authority Charter 2020 (Attachment C) as endorsed by the City of Unley, be endorsed by the City of Mitcham.*
3. *That the audit committee recommends that board membership be restricted to independent board members (i.e. no elected member board members) and this is considered as a further review of the Charter by the City of Unley, City of Mitcham, Centennial Park Cemetery Authority and the Owners Executive Committee.*

The Board of Centennial Park Cemetery Authority unanimously recommended to the constituent Councils:

- 1.5.1 *The Board recommends to the owner councils that the composition of the Centennial Park Board be altered with effect from 28 February 2021 to five independent members only.*

The recommendation of the Mitcham Audit Committee was presented to the Mitcham Council meeting on 8 December 2020 and then again at the Special Meeting of Council on 15 December 2020, however the items of business were not dealt with before these meetings were closed, so no resolution from the Mitcham Council in relation to the CPCA Charter was obtained.

The City of Mitcham at its meeting on 19 January 2021, resolved:

DECISION 1: CENTENNIAL PARK CEMETERY AUTHORITY – CHARTER

1. *That Council notes the independent review completed by BRM Advisory of the Centennial Park Cemetery Authority Charter, provided at Attachment B of this report, subject to any amendments to Board Membership as per Decision 2 of this report.*

2. *That Council endorses the recommendation of the City of Mitcham Audit Committee from its meeting on 20 October 2020, being: That Council endorses the Centennial Park Cemetery Authority Charter 2020 (Attachment A) as endorsed by the City of Unley. Subject to any amendments to Board Membership as per Decision 2 of this report.*

DECISION 2: BOARD MEMBERSHIP & ROLE OF OEC

1. *That Council notes the recommendation of the City of Mitcham Audit Committee from its meeting on 20 October 2020, being that:
That the audit committee recommends that board membership be restricted to independent board members (i.e. no elected member board members).*
2. *That Council endorses the unanimous recommendation of the Board of the Centennial Park Cemetery Authority Board and amends the Charter such that the composition of the Centennial Park Board be altered with effect from 28 February 2021 to five independent members only.*
3. *That the membership and charter of the Owners Executive Committee be increased to include the Mayor, one (1) Councillor and the Chief Executive Officer from each owner Council.*
4. *That the role of the Owners Executive Committee be reviewed to ensure it provides a mechanism for communication between the two (2) owner Councils, Elected Members and the Board of CPCA.*
5. *That the Board of Centennial Park Cemetery be advised of this decision.*
6. *That these draft changes to the CPCA Charter be referred to the City of Unley for their consideration.*
7. *If endorsed by the City of Unley, the City of Mitcham extend Councillor Hockley and Councillor Munro as board members of CPCA for a further three months or until new independent members are appointed (whichever is the shorter period).*

The City of Unley at its meeting on 22 February 2021, considered the 19 January 2021 decision of the City of Mitcham and the recommendation of the Centennial Park Cemetery Authority Board in relation to the Membership of the Board and resolved that:

1. *The report be received.*
2. *Proposed changes to the Centennial Park Cemetery Authority Charter, relating to Board Membership comprising five (5) independent members and changes to the composition and role of the Owner's Executive be supported, with a revised Charter incorporating the relevant changes to return for endorsement.*

Resolution No: C0448/21

The Charter as endorsed by both Councils without changes to the membership of the Board was published in the SA Government *Gazette* on 11 March 2021 and is now in operation.

A further review of the Charter has now been undertaken to address the Board composition and a small number of other matters identified as warranting revision.

5. **DISCUSSION**

Following the most recent resolutions of the City of Mitcham and the City of Unley, the Charter has been reviewed and is provided for Council's consideration at Attachment 1 of this report.

Attachment 1

Amendments of note include:

- Removal of all reference throughout the Charter to constituent Council's membership to the Board.
- Membership of the Owners Executive Committee was amended to include the Mayor, one Councillor and the Chief Executive Officer from each of the Consistent Councils.
- Clause included that provides that the role of the Owners Executive Committee is to provide a mechanism for communication between the owner Councils and the Board of the CPCA.
- Responsibilities of the Owners Executive Committee amended to include the additions of:
 - Represent the Constituent Councils when communicating with the Board.
 - Requirement for the Owners Executive Committee to receive and provide comments on the quarterly Annual Business Plan and Budget progress reports and annual financial statements before being presented to the Constituent Councils.
 - In addition to the ability to revoke, responsibilities to suspend or terminate the appointment of Board Members.
- Terms of office amended to provide maximum terms for Chair, Deputy Chair and ordinary Board Members.
- Nominations Committee to include at least two representatives from the Owners Executives Committee, one being from each Constituent Council.
- Remuneration of the Board Members will be benchmarked at least every three years and indexed annually against the Adelaide March Quarter CPI, with a revised ratio to be applied to the remuneration of the Chair, Deputy Chair and Chair of the Audit and Risk Committee.
- Owners Executive Committee to participate and provide feedback on the annual performance evaluation of the Board.
- New delegations section.

- Obligation for Independent Members to complete Primary and Ordinary Returns has been removed.
- Draft Annual Business Plan and Budgets to be submitted to Councils in May (currently June).

The draft Charter has been reviewed by Michael Kelledy of KelledyJones Lawyers to ensure that it is lawful and that clauses are not in conflict. Recommendations have also been made as part of this review and incorporated into the final draft.

A Terms of Reference for the Owners Executive Committee, based on the provisions of the CPCA Charter, has been developed and is provided for information at Attachment 2 of this report.

Attachment 2

The Charter must be agreed by both Councils in order to be progressed to being gazetted. Once the Gazettal has occurred, the Charter will be in effect.

In addition, during the review process a policy position has been taken to benchmark the Chairperson's remuneration against either commercial government statutory bodies or not-for-profit publicly accountable organisations.

The City of Mitcham has considered a report in the same terms at its Council meeting on Tuesday 14 September 2021 and unanimously resolved:

1. *That Council endorses the draft Centennial Park Cemetery Charter provided at Attachment A of this report with minor amendments delegated to the Chief Executive Officer.*
2. *That the City of Unley and Centennial Park Cemetery Authority be advised of this decision.*
3. *That Council notes that this Charter will only progress to being published in the Government Gazette if endorsed jointly by the City of Unley.*
4. *That Council notes the appointment of an Elected Member to the Owners Executive Committee will be considered by Council in October 2021.*

6. ANALYSIS OF OPTIONS

Option 1 –

1. The report be received.
2. The draft Centennial Park Cemetery Authority Charter, as set out in Attachment 1 to this Report (Item 4.5, Council Meeting 27/09/2021) be endorsed, with the Chief Executive Officer authorised to make minor amendments of a technical nature if required in order finalise the Charter.

3. Advice of the decision to endorse the draft Centennial Park Cemetery Authority Charter City, as set out in Attachment 1 to this Report (Item 4.5, Council Meeting 27/09/2021) be provided to the City of Mitcham and the Centennial Park Cemetery Authority.
4. The appointment of an Elected Member to the Owners Executive Committee be noted, with a subsequent report to be presented to Council in order to determine the necessary appointment.

This option endorses the draft Centennial Park Cemetery Authority Charter which has been amended in accordance with recommendations of the Constituent Councils, primarily to change the Board composition to comprise all independent members.

A number of other changes to the Charter have been incorporated relevant to the role and structure of the Owners Executive Committee, Board remuneration and a number of administrative matters. The revisions have been provided to Elected Members via a briefing session and are consistent with feedback provided.

Option 2 –

1. The report be received.
2. The draft Centennial Park Cemetery Authority Charter, as set out in Attachment 1 to this Report (Item 4.5, Council Meeting 27/09/2021) be endorsed in principle, subject to consideration of the following further amendments by the Owners Executive Committee and the City of Mitcham:
 - *[insert changes required]*
 - *[insert changes required]*
 - *[insert changes required]*

with a further report to be brought back to Council following the consideration of the above amendments by the Owners Executive Committee and the City of Mitcham.

3. The appointment of an Elected Member to the Owners Executive Committee be noted, with a subsequent report to be presented to Council in order to determine the necessary appointment.

This option provides the ability for Council to propose further changes to the Centennial Park Cemetery Authority Charter, and for those proposed changes to be returned to the Owners Executive Committee and the City of Mitcham for their consideration.

A further report will be required to return to Council to allow for the endorsement of the final version of the Charter, prior to publication within the Gazette.

7. RECOMMENDED OPTION

Option 1 is the recommended option.

8. POLICY IMPLICATIONS

8.1 Financial/Budget

- The proposed changes to the CPCA Charter are aimed at improving the efficiency and effectiveness of the Board.
- Costs incurred in undertaking this review include:
 - Legal Review: \$1,750
 - Henders: \$3,000
 - Gazette Notice: \$7,000 (estimated)

8.2 Legislative/Risk Management

- The Charter provides a legislative framework for the Board to operate in an effective and efficient manner and minimise risk presented to the owner Councils and the community.

9. REPORT CONSULTATION

As part of this review of the Charter, consultation has been undertaken with the Owners Executive Committee, the Board of Centennial Park Cemetery Authority and Council's via Designated Informal Gathering and/or memo.

10. REPORT AUTHORISERS

Name	Title
Peter Tsokas	Chief Executive Officer

CENTENNIAL PARK CEMETERY AUTHORITY

Regional Subsidiary

Charter 2021

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Centennial Park Cemetery Authority | Charter 2020

1. INTRODUCTION

1.1 Name

The name of the subsidiary is the Centennial Park Cemetery Authority.

1.2 Definitions

Act means the *Local Government Act 1999* and includes all regulations made under that Act;

Annual Business Plan means the annual business plan adopted by the Board pursuant to Clause 7.5;

Authority means the Centennial Park Cemetery Authority;

Board means the Board of Management of the Authority provided for in Clause 5;

Board Member means at any time an Independent Board Member as provided for in Clause 5.3;

Borrowings Limit means at any time the amount authorised by the Constituent Councils in the current Budget;

Budget means the annual budget last adopted by the Board pursuant to Clause 7.5;

Business day means a day that is not a Saturday, Sunday or public holiday;

Centennial Park means the Centennial Park Cemetery and its associated facilities and services;

Chairperson means the member of the Board appointed to that office for the purposes of Clause 5.7;

Chief Executive Officer means at any time the person appointed as the Chief Executive Officer of the Authority and includes that person's deputy or a person acting in that position;

Constituent Councils means those Councils identified in Clause 2.1.1;

Council means a Council constituted under the Act;

Councillor means a person appointed or elected as an elected member of a Constituent Council;

CPCA Owners' Executive Committee means a Committee comprised of membership as identified in Clause 5.3.5;

Date of Withdrawal means the date a Constituent Council's withdrawal from the Authority becomes effective pursuant to Clause 4.2;

Day means a *Business Day*,

Deputy Chairperson means the member of the Board appointed to that office for the purposes of Clause 5.7;

Executive Meetings means the meetings convened by the CPCA Owners' Executive Committee for the purposes of Clause 4.4.5;

Centennial Park Cemetery Authority I Charter 2020

Financial Statements has the same meaning as in the Act;

Financial Year means 1 July in each year to 30 June in the subsequent year;

Gazette means the South Australian Government Gazette;

Liability Guarantee Fee means the annual fee paid to the Constituent Councils by the Authority in accordance with Clause 2.4;

Long Term Financial Plan means the long-term financial plan prepared by the Authority for the purposes of Clause 7.1;

Minister means the South Australian State government Minister with responsibility for Local Government;

Nominations Committee is the Committee convened by the Board from time to time under Clause 5.3.1;

Regulations means the *Local Government (Financial Management) Regulations 2011*;

Strategic Plan means the strategic plan adopted by the Board for the purposes of Clause 7.1;

Third Party Venture means the power to undertake a commercial project with a third party (exceeding any contract or arrangement for the supply of goods or services to the Authority) such venture requiring the prior consent of the Constituent Councils.

1.3 Interpretation

In this Charter, unless the context otherwise requires:

- 1.3.1 headings do not affect interpretation;
- 1.3.2 singular includes plural and plural includes singular;
- 1.3.3 words of one gender include any gender;
- 1.3.4 a reference to a person includes a partnership, corporation, association, government body and any other entity;
- 1.3.5 a reference to legislation includes any amendment to it, any legislation substituted for it and any subordinate legislation made under it;
- 1.3.6 an unenforceable provision or part of a provision of this Charter may be severed and the remainder of this Charter continues in force, unless this would materially change the intended effect of this Charter;
- 1.3.7 the meaning of general words is not limited by specific examples introduced by 'including', 'for example' or similar expressions; and
- 1.3.8 a reference to a 'clause' means a Clause of this Charter.

2. THE AUTHORITY

2.1 Establishment and Charter

- 2.1.1 The Authority is a regional subsidiary established under the Act by the City of Mitcham and the Corporation of the City of Unley.
- 2.1.2 This Charter must be reviewed as required by the Act but may be amended at any time by the joint direction of the Constituent Councils.
- 2.1.3 The Constituent Councils must consider any recommendations of the Board before voting to amend the Charter.
- 2.1.4 The chief executive officers of the Constituent Councils have determined that a copy of the Charter, must be published on the website of the Authority.
- 2.1.5 This Charter must be read in conjunction with Parts 2 and 3 of Schedule 2 to the Act. The Authority shall conduct its affairs in accordance with Schedule 2 to the Act except as modified by this Charter in a manner permitted by Schedule 2.

2.2 Objects and Purposes

The Authority is established to:

- 2.2.1 care for, protect, manage, operate and improve Centennial Park and its associated assets, facilities and services located either at Centennial Park Cemetery or elsewhere in an efficient and effective manner;
- 2.2.2 deliver effective and sustainable service provision for the Constituent Councils, customers of Centennial Park and the community of South Australia;
- 2.2.3 establish and demonstrate ethical policies and standards, in accordance with the rights of customers and industry standards;
- 2.2.4 provide security of tenure for all interment licences at Centennial Park;
- 2.2.5 undertake key strategic and policy decisions for the purposes of enhancing and developing Centennial Park; and
- 2.2.6 be financially sustainable and self-sufficient through the application of sound financial and business management practices.

2.3 National Competition Policy

- 2.3.1 The Authority is involved in a significant business activity.
- 2.3.2 The Authority will implement principles of competitive neutrality in respect of significant business activities to the extent that the benefits to be realised from the implementation of the principles of competitive neutrality outweigh the costs associated with the implementation.

2.4 Liability Guarantee

- 2.4.1 Pursuant to Clause 31 of Schedule 2 to the Act, the liabilities incurred or assumed by the Authority are guaranteed by the Constituent Councils.

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- 2.4.2 The Authority must pay an annual Liability Guarantee Fee, to each Constituent Council, on account of the guarantee under Clause 2.4.1.
- 2.4.3 Subject to Clause 2.4.4, the Liability Guarantee Fee was fixed at \$319,000 to each Constituent Council for the 2019-2020 Financial Year. Each year thereafter the Liability Guarantee Fee will be increased by a percentage equivalent to CPI—All Groups Adelaide March Quarter; or
- 2.4.4 The Liability Guarantee Fee will be reviewed and re-set by the Board in consultation by the CPCA Owners' Executive Committee once in every five years having regard to:
 - 2.4.4.1 the future financial sustainability of the Authority;
 - 2.4.4.2 the financial projections of the Authority as set out in its Long Term Financial Plan;
 - 2.4.4.3 the amount that equals 2.5% of the total gross liabilities of the Authority as at 1 July of the Financial Year that the Liability Guarantee Fee is to be paid; and
 - 2.4.4.4 the estimate of the liability of the Authority for the future upkeep of graves and gardens, as determined by an independent actuarial consultant engaged by the Authority at its cost, on terms and conditions agreed by the CPCA Owners' Executive Committee.
- 2.4.5 The Constituent Councils may in their absolute discretion jointly agree to increase or waive or reduce the Liability Guarantee Fee for any particular financial year(s) either on their own initiative or based on a submission by the Authority to them.

3. FUNCTIONS AND POWERS

- 3.1 Subject to this Charter, the functions and powers of the Authority are to be exercised for the purpose of performing the Authority's Objects and Purposes:
 - 3.1.1 to provide, equip, operate and maintain one or more public cemetery facilities, crematoriums, mausoleums and mortuaries;
 - 3.1.2 to provide, sell, lease or hire monuments, tombstones, trees, flowers and other things incidental to interment and memorialisation of cremated remains and burials;
 - 3.1.3 to promote the services and facilities of Centennial Park and to carry out any business or operation the Authority considers can enhance the value and render profitable any of the facilities or services of Centennial Park;
 - 3.1.4 establish other facilities and services incidental or ancillary to the establishment, operation and management of cemeteries, crematoriums, mortuaries and mausoleums;
 - 3.1.5 to promote, investigate or utilise alternative lawful methods of disposing of human remains;
 - 3.1.6 to accumulate surplus funds including for investment purposes;

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- 3.1.7 to establish and maintain a reserve fund or funds clearly identified for the upkeep and/or replacement of fixed assets of the Authority or meeting any deferred liability of the Authority;
- 3.1.8 to establish and maintain a cash reserve development fund or funds clearly identified for future initiatives supported by the strategic management plans;
- 3.1.9 subject to Clause 7.4, to enter into any kind of contract or arrangement, including Third Party Ventures;
- 3.1.10 subject to Clauses 3.3 and 7.4, to purchase, sell, lease, hire, rent or otherwise acquire or dispose of any real or personal property or interests therein;
- 3.1.11 to borrow funds and incur expenditure in accordance with Clause 7.4;
- 3.1.12 to expend funds consistent with industry practice for philanthropic purposes;
- 3.1.13 to employ, engage determine conditions of employment/engagement, remunerate, remove, suspend or dismiss/terminate the Chief Executive Officer of the Authority;
- 3.1.14 to employ, engage or retain professional advisers to the Authority;
- 3.1.15 to directly market the skills and expertise of its employees and its products and services for the benefit of the Authority and the Constituent Councils;
- 3.1.16 to charge whatever fees the Authority considers appropriate for services rendered to any person, body or Council (other than a Constituent Council) provided that such fees charged by the Authority shall be sufficient to at least cover the cost to the Authority of providing the services;
- 3.1.17 subject to Clause 7.4, to institute, initiate and carry on legal proceedings;
- 3.1.18 to adopt and use a trading name provided that the Authority must first register the trading name with the Australian Securities Investment Commission in accordance with the *Business Names Registration Act 2011* (Cwth);
- 3.1.19 subject to Clause 7.4, to agree to undertake a project in conjunction with any Council or government agency or authority and in so doing to participate in the formation of a trust, partnership or joint venture with any Council or government agency or authority to give effect to the project;
- 3.1.20 to open and operate bank accounts;
- 3.1.21 to make submissions for and accept grants, subsidies and contributions to further its objects and purposes;
- 3.1.22 to invest any funds of the Authority in any investment provided that:
 - 3.1.22.1 in exercising this power of investment, the Authority must exercise the care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons; and
 - 3.1.22.2 the Authority must avoid investments that are speculative or hazardous in nature;

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- 3.1.23 without limiting the power in Clause 3.1.22, to lend money to a Constituent Council on terms determined by agreement between the Authority and the Constituent Council;
- 3.1.24 to, with the prior approval of the Authority, undertake its functions and exercise its powers outside the areas of the Constituent Councils to the extent considered necessary or expedient to the performance of its functions by the Board, including by providing services ancillary to the purpose of the Authority;
- 3.1.25 provided that the consent of the Constituent Councils has first been obtained to participate in a trust, including by becoming and exercising the powers of a trustee, not inconsistent with this Charter or the objects and purposes of the Authority; and
- 3.1.26 the power to do anything else necessary or convenient for or incidental to the exercise, performance or discharge of its powers, functions or duties or the attainment of its objects and purposes.

3.2 Other Powers, Functions and Duties

The Authority may exercise such other functions, powers and must comply with any duties as are delegated to or imposed on the Authority by the Constituent Councils from time to time.

3.3 Property

- 3.3.1 All property held by the Authority is held by it on behalf of the Constituent Councils.
- 3.3.2 No property of the Authority may be sold, encumbered or otherwise dealt with outside of the ordinary course of business unless authorised by:
 - 3.3.2.1 the strategic management plans; or
 - 3.3.2.2 the prior approval of both Constituent Councils.

3.4 Delegation by the Authority

- 3.4.1 The Board may delegate any of the Authority's powers and functions except those to:
 - 3.4.1.1 enter into transactions in excess of \$250,000
 - 3.4.1.2 borrow money or obtain any other form of financial accommodation unless otherwise provided by this Charter and/or set out in the Budget and/or approved by the Constituent Councils;
 - 3.4.1.3 approve expenditure of money on the works, services, operations of the Authority not set out in the Budget or, where required by this Charter, approved by the Constituent Councils;
 - 3.4.1.4 adopt or revise an Annual Business Plan or Budget or any financial estimates and reports; and/or
 - 3.4.1.5 make significant policy recommendations to the government.
- 3.4.2 The Board must cause a separate record to be kept of all delegations made by it under this clause, to be called the '*Register of Delegations*' which must, at least once

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in every financial year, be submitted to the Owners Executive Committee for review and, if necessary, direction.

4. CONSTITUENT COUNCILS

4.1 Equitable Interest

4.1.1 Subject to Clause 4.1.2, the equitable interest of the Constituent Councils in the Authority is agreed as follows:

4.1.1.1 City of Mitcham: 50%.

4.1.1.2 City of Unley: 50%.

4.1.2 The equitable interest of the Constituent Councils in the Authority as set out at subclause 4.1.1 may be varied by agreement of the Constituent Councils and will be varied where a new council becomes a member of the Authority or where an existing Constituent Council withdraws from the Authority, pursuant to Clause 4.2.

4.2 Withdrawal of a Constituent Council

4.2.1 The withdrawal of either Constituent Council is inconsistent with the requirements of section 43 of the Act.

4.2.2 Upon a Constituent Council providing no less than six months' notice of its intention to withdraw from the Authority to the other Constituent Council and the Authority, the Authority on behalf of the Constituent Councils will notify the Minister and request that the Authority be wound up under Clause 33 (2), Schedule 2 of the Act.

4.3 New Members

Subject to the provisions of the Act, and in particular, to obtaining the Minister's approval, a Council may become a Constituent Council by agreement of both Constituent Councils. This Charter may be amended to provide for the admission of a new Constituent Council or Councils, with or without conditions.

4.3.1 The Authority is subject to the joint direction and control of the Constituent Councils.

4.3.2 To be effective, a direction or other decision of the Constituent Councils must be a decision in the same or substantially the same terms made by both Constituent Councils and evidenced by minutes signed by the Chief Executive Officer of each of the Constituent Councils as a true and accurate record of a decision made by the delegate or at the relevant meeting which minute must be provided to the Chief Executive Officer of the Authority.

4.4 Owners' Executive Committee

4.4.1 The Constituent Councils have appointed the CPCA Owners' Executive Committee as their representatives to provide advice to the Authority and act as a conduit to the Constituent Councils on the performance of the Authority.

4.4.2 Membership of the CPCA Owners Executive Committee shall consist of the following from each Constituent Council:

- Mayor

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- One Councillor
 - Chief Executive Officer
- 4.4.3 The role of the CPCA Owners Executive Committee is to provide a mechanism for communication between the Constituent Councils and the Authority and to undertake the functions conferred upon it by this Charter.
- 4.4.4 The CPCA Owners' Executive Committee has the following responsibilities:
- 4.4.4.1 to represent the Constituent Councils when communicating with the Board
 - 4.4.4.2 to foster a positive and collaborative relationship between the Constituent Councils and the Authority;
 - 4.4.4.3 to determine how the Constituent Councils will be engaged / consulted in relation to the preparation of the draft Annual Business Plan and Budget
 - 4.4.4.4 to receive and provide comment on the quarterly reports prepared by the Authority on performance against the Annual Business Plan and Budget and the annual Financial Statements prior to presentation to the Constituent Councils.
 - 4.4.4.5 to appoint the Chairperson and Deputy Chairperson after giving due consideration to the recommendations of the Board;
 - 4.4.4.6 to approve the terms and conditions of appointment for the Independent Board Members;
 - 4.4.4.7 to set the annual remuneration payable to the Chairperson, the Deputy Chairperson and other Board Members
 - 4.4.4.8 to approve a recommendation from the Board to revoke, suspend or terminate the appointment of a Board Member;
 - 4.4.4.9 to participate and provide feedback as a stakeholder of the Board on the Board's annual performance evaluation as per Clause 5.9.
 - 4.4.4.10 to receive the report of the Board on the annual performance evaluation of itself;
 - 4.4.4.11 to liaise with the Authority to provide feedback, guidance and direction to the Board and to Management on matters related to ownership; and
 - 4.4.4.12 to provide information reports and recommendations (as required) to the Constituent Councils on the activities and performance of the Authority, having regard to the commercial in confidence nature of such information.

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4.4.5 Executive Meetings

- 4.4.5.1 The CPCA Owners' Executive Committee, the Chairperson of the Authority, and the Chief Executive Officer of the Authority will meet quarterly or as otherwise determined by the CPCA Owners' Executive Committee to discuss the performance of the Authority.
- 4.4.5.2 The CPCA Owners' Executive Committee Chairperson or the CPCA Board Chairperson may invite a Board Member to attend meetings of the CPCA Owners' Executive Committee.
- 4.4.5.3 The Authority must complete a performance and issues report in anticipation of each CPCA Owners' Executive Committee meeting, clearly identifying matters which are considered to be confidential, and provide a copy of the report to each member of the Committee no less than five days prior to the meeting of the Committee.
- 4.4.5.4 All meetings of the CPCA Owners' Executive Committee are to be held in confidence and not open to members of the Constituent Councils or their staff unless attending in an acting capacity or as otherwise invited by the Committee.
- 4.4.5.5 Meetings of the CPCA Owners' Executive Committee will be chaired on an alternating basis by the Mayor of each Constituent Council or as otherwise agreed.
- 4.4.5.6 In the absence of a Constituent Council Mayor, the Acting Mayor or Deputy Mayor is considered to be a proxy member of the CPCA Owners' Executive Committee. In the absence of a Deputy Mayor, the Constituent Council must nominate a proxy to the Mayor who will hold office for a period of up to 2 years.

5. BOARD OF MANAGEMENT**5.1 Role of the Board**

The Authority is a body corporate and is governed by the Board which has the responsibility to manage the business and other affairs of the Authority in accordance with this Charter, all relevant legislation including the Act and any delegations made to it.

5.2 Functions of the Board

In addition to the functions of the Board set out in the Act, the functions of the Board include:

- 5.2.1 striving to position the Authority as a premier provider of cemetery services in South Australia;
- 5.2.2 the formulation of strategic management plans and strategies aimed at improving the business of the Authority;
- 5.2.3 providing professional input and policy direction to the Authority;
- 5.2.4 ensuring strong accountability and stewardship of the Authority;

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- 5.2.5 monitoring, overseeing and measuring the performance of the Chief Executive Officer of the Authority;
- 5.2.6 ensuring that a code of ethical behaviour and integrity is established, implemented and maintained in all activities undertaken by the Authority;
- 5.2.7 paying the Liability Guarantee Fee in accordance with Clause 2.4;
- 5.2.8 implementing such policies and procedures as to give effect to good governance, risk management and administrative practices;
- 5.2.9 exercising the care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons;
- 5.2.10 ensuring that information provided to the Constituent Councils is accurate;
- 5.2.11 ensuring that Constituent Councils are advised, as soon as reasonably practicable, of any material developments that affect the risk profile, or the financial or operating capacity of the Authority or gives rise to the expectation that the Authority may not be able to meet its debts as and when they fall due; and
- 5.2.12 developing and giving effect to policies that reflect the Authority's responsibilities under the *National Competition Policy* and the *Competition and Consumer Act 2010* (Commonwealth) and ensuring that the Authority operates in accordance with this Charter and all relevant legislation.

5.3 Membership of the Board

- 5.3.1 Board Members will be selected on the basis that the Board will possess a diverse range of skills appropriate for the strategic needs of the Authority. To facilitate this outcome prior to a vacancy on the Board being filled, an analysis of the skills then possessed by the Board will be undertaken by the Nominations Committee and approved by the Board before being provided to the CPCA Owners' Executive Committee.
- 5.3.2 The Board shall consist of a minimum of three and maximum of five independent Board Members, none of whom may be an officer or elected member of a Constituent Council, appointed on terms and conditions recommended by the Board and approved by the CPCA Owners' Executive Committee.
- 5.3.3 A person who is or has been affected by any of the circumstances set out in Clause 5.4.3 is ineligible for appointment or reappointment as a Board Member.
- 5.3.4 Deputy Board Members will not be appointed.
- 5.3.5 Subject to Clause 5.3.7, the Board will appoint up to five Board Members as follows:
 - 5.3.5.1 the Board will convene the Nominations Committee for the purposes of sourcing, assessing and recommending candidates for the position of Board Member;
 - 5.3.5.2 the Nominations Committee must consist of at least two representatives from the CPCA Owners Executive Committee, one being from each Constituent Council.

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- 5.3.5.3 the Board will consider the recommendations of the Nominations Committee and determine a preferred candidate for a position as a Board Member; and
- 5.3.5.4 the Board will obtain the approval of the CPCA Owner Executive Committee prior to appointing a person as a Board Member.
- 5.3.6 Where reasonably practical, the terms of the Board Members will be determined so that no more than one Board Member's term expires in any calendar year.
- 5.3.7 Where all Board positions are vacant or for any other reason the Board is unable to make appointments to the Board, as provided for by clause 5.3.5.4, Board Members will be appointed by the CPCA Owner Executive Committee.
- 5.3.8 A notice in writing signed by the Chief Executive Officer of the Authority will be sufficient evidence of an appointment, termination or revocation of an appointment of a Board Member.

5.4 Office of Board Member

- 5.4.1 The maximum period that a person can serve as a Board Member, is nine continuous years unless there is a recommendation of the Board, which is approved by the CPCA Owners Executive Committee to extend the maximum period to twelve continuous years, in exceptional circumstances.
- 5.4.2 A Board Member is, subject to Clause 5.4.1, eligible for re-appointment at the conclusion of their term of office.
- 5.4.3 A Board Member will cease to hold office and the Board position will become vacant:
 - 5.4.3.1 if any of the grounds or circumstances set out in the Act as to when a Board Member's office becomes vacant arise;
 - 5.4.3.2 if they are convicted of an indictable offence punishable by imprisonment; or
 - 5.4.3.3 upon the happening of any other event through which a Board Member would be ineligible to remain as a Board Member.
- 5.4 At any time the Board may revoke the appointment of a Board Member if it has received the prior approval of the CPCA Owners Executive Committee.
- 5.5 Where, for any reason, the office of a Board Member becomes vacant, a replacement Board Member will be appointed in the same manner as the original appointment, excepting that the person appointed to fill a vacancy will be appointed for the balance of the term of the original appointment and at the expiry of that term shall be eligible for re-appointment.
- 5.6 Notwithstanding any other provision of this Charter, the Constituent Councils may remove the Board of the Authority at any time by both Constituent Councils passing a resolution in the same or in substantially the same terms to this effect.

5.5 Remuneration of Board Members

- 5.5.1 The Authority will pay each to Board Member an annual fee as determined by the CPCA Owners' Executive Committee.

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- 5.5.1.1 The annual base fee for a Board Member will be benchmarked externally every three years and reset by the CPCA Executive Committee and indexed annually based on the Adelaide March Quarter CPI figure.
- 5.5.1.2 The annual fee for the Chairperson will be 1.75 times the annual fee for a Board Member.
- 5.5.1.3 The annual fee for the Deputy Chairperson and Audit and Risk Committee Chair will be 1.25 time of the annual fee for a Board member.
- 5.5.2 All Board Members will receive from the Authority reimbursement of expenses properly incurred in performing or discharging official functions and duties as determined by the Authority and set out in a policy adopted by the Authority for the purposes of this clause.

5.6 Propriety of Members of the Board

- 5.6.1 Subject to the express provisions of Schedule 2 to the Act and this Charter, all provisions governing the propriety and duties of elected members of a council and public officers under the Act and other South Australian legislation apply to Board Members.
- 5.6.2 Board Members will not be required to submit returns under Chapter 5, Part 4, Division 2 of the Act.
- 5.6.3 Subject to Clauses 20 (6) and 20 (7) of Schedule 2 to the Act, the provisions regarding conflict of interest prescribed in the Act apply to all Board Members as if they were elected members of a council and the Authority was a council.
- 5.6.4 Board Members must act in accordance with their duties of confidence and confidentiality and other legal and fiduciary duties to the Authority at all times while acting in their capacity as a Board Member, including honesty and the exercise of reasonable care and diligence as required by Part 4, Division 1, Chapter 5 of the Act and Clause 23 of Schedule 2, Part 2 to the Act.

5.7 Chairperson and Deputy Chairperson

- 5.7.1 The Board will recommend to the CPCA Owners' Executive Committee the appointment of a Chairperson and a Deputy Chairperson, from among the Board Members.
- 5.7.2 The CPCA Owners' Executive Committee must appoint from among the Board Members a Chairperson and a Deputy Chairperson for a term respectively of no more than a three years term and on such other conditions as determined by the Committee.
- 5.7.3 Regardless of Clause 5.4.1, a Chairperson may be re-appointed for one further term (three years) or a maximum of 6 continuous years.
- 5.7.4 The Chairperson or Deputy Chairperson will cease to hold office as Chairperson or Deputy Chairperson (as relevant) in the event:
 - 5.7.4.1 the Chairperson or Deputy Chairperson resigns from that office;

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- 5.7.4.2 the Chairperson or Deputy Chairperson ceases to be a Board Member; or
- 5.7.4.3 the CPCA Owners' Executive Committee terminates the appointment of the Chairperson or Deputy Chairperson.
- 5.7.5 In the event that the office of Chairperson or Deputy Chairperson becomes vacant, the CPCA Owners' Executive Committee must, subject to Clause 5.4.1 appoint a new Chairperson or Deputy Chairperson (as relevant) who shall hold office for the balance of the original term or until such later date as the CPCA Owners' Executive Committee may determine.
- 5.7.6 The Chairperson must preside at all meetings of the Board and, in the event the Chairperson is absent from a meeting of there is a vacancy in the office of the Chairperson, the Deputy Chairperson must preside. In the event that neither the Chairperson nor the Deputy Chairperson are present or in office, then the Board must select another person from the Board Members present to preside at that meeting only.

5.8 Proceedings of the Board

- 5.8.1 Subject to the requirements of Schedule 2 to the Act, the Charter and any direction of the Constituent Councils, the Board must determine procedures to apply at or in relation to its meetings and set them out in a Code of Practice for Meetings which shall be reviewed annually. In the event that the Board does not adopt a Code of Practice, the provisions of Part 2 of the *Local Government (Procedures at Meetings) Regulations 2013* shall, insofar as the same may be applicable and not inconsistent with this Charter, apply to the proceedings at and conduct of, all meetings of the Board.
- 5.8.2 Ordinary meetings of the Board will be held at such times and places as determined by the Board except that there must be at least one ordinary meeting of the Board every two months.
- 5.8.3 An ordinary meeting of the Board will constitute an ordinary meeting of the Authority. The Board shall administer the business of the Authority at the ordinary meeting.
- 5.8.4 Notice of meetings of the Board must be given by the Chief Executive Officer in a manner consistent with the provisions of the Act for notice of Council meetings. Only the notice of meeting will be available to the public. The Agenda and all supporting reports and documents will be confidential and not available for public inspection unless the Board otherwise resolves.
- 5.8.5 Meetings of the Board will not be open to the public unless the Board resolves otherwise.
- 5.8.6 The Chief Executive Officer and other employees of the Authority as determined by the Chief Executive Officer may attend meetings of the Board unless the Board resolves otherwise. The Board may determine that other specific persons may attend a meeting of the Board without opening the meeting to the public.
- 5.8.7 The minutes of all Board meetings will be confidential and not available for public inspection unless the Board otherwise resolves.

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- 5.8.8 The Chief Executive Officer must, in relation to a notice of meeting of the Board for the purpose of considering the making of a recommendation to the Constituent Councils to wind up the Authority, provide the notice to all Board Members at least four months before the date of the meeting.
- 5.8.9 Any Constituent Council, the Chairperson or three Board Members may by delivering a written request to the Chief Executive Officer require a special meeting of the Board to be held and any such special meeting shall constitute a special meeting of the Authority. The written request must be accompanied by the agenda for the special meeting and if an agenda is not provided the request has no effect.
- 5.8.10 On receipt of a written request pursuant to Clause 3.8.9, the Chief Executive Officer and Chairperson must determine the date and time of the special meeting and the Chief Executive Officer must give notice to all Board Members at least four hours prior to the commencement of the special meeting.
- 5.8.11 A meeting of the Board must not commence until a quorum of Board Members is present and a meeting must not continue if a quorum of Board Members is not present. A quorum of Board Members will comprise one half of the Board Members in office, ignoring any fraction, plus one.
- 5.8.12 Unless otherwise required at law or by this Charter, all matters for decision at a meeting of the Board will be decided by a simple majority vote of the Board Members present and entitled to vote on the matter. All Board Members including the Chairperson present and entitled to vote on a matter are required to vote. All Board Members including the Chairperson are entitled to a deliberative vote, and if the votes are equal, the Chairperson or other Board Member presiding at the meeting has a casting vote.
- 5.8.13 All Board Members must, at all times, keep confidential all documents and any information provided to them for their consideration prior to a meeting of the Board.
- 5.8.14 The Chief Executive Officer must, within five days after a meeting of the Board, provide to each Board Member a copy of the minutes of the meeting of the Board.
- 5.8.15 The Board may establish Committees as it considers necessary and determine the membership and terms of reference and meeting procedures of such committees as it sees fit.

5.9 Board Annual Performance Review

- 5.9.1 The Board will undertake an annual evaluation of its performance.
- 5.9.2 The CPCA Owners' Executive Committee will participate and provide feedback in the annual performance evaluation.
- 5.9.3 The Board will submit all external performance evaluation reports received, at the conclusion of a review under Clause 5.9.1, to the CPCA Owners' Executive Committee.

6. CHIEF EXECUTIVE OFFICER AND APPOINTMENT OF OTHER STAFF

- 6.1** The Board must appoint a Chief Executive Officer, on a fixed term performance-based employment contract which does not exceed five years in duration, to manage the business

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of the Authority. The Board may, at the end of any contract term enter into a new contract not exceeding five years in duration with the same person.

6.2 The Chief Executive Officer is subject to the same legislative responsibilities and duties as a chief executive officer of a council including but not limited to the matters set out in Parts 1 and 3 of Chapter 7 of the Act.

6.3 In the absence of the Chief Executive Officer for any period exceeding two weeks, the Chief Executive Officer must appoint a suitable person to act in the position of Chief Executive Officer. If the Chief Executive Officer does not make, or is incapable of making such an appointment, a suitable person must be appointed by the Board.

6.4 The Chief Executive Officer is responsible for the day to day management of the Authority and will ensure that sound business and human resource management practices are applied in the efficient and effective management of the operations of the Authority.

6.5 The functions of the Chief Executive Officer shall be specified in the contract of employment and shall include:

- 6.5.1 attending all meetings of the Board unless excluded by resolution of the Board;
- 6.5.2 inviting any person to attend a meeting of the Board to act in an advisory capacity;
- 6.5.3 ensuring that the lawful decisions of the Board are implemented in a timely and efficient manner;
- 6.5.4 providing information to assist the Board to assess the Authority's performance against its Strategic, Long Term Financial and Business Plans;
- 6.5.5 appointing, managing, suspending and dismissing the other employees of the Authority;
- 6.5.6 providing advice and reports to the Board on the exercise and performance of its powers and functions under this Charter or any Act;
- 6.5.7 determining the terms and conditions of employment of employees of the Authority, within the budgets adopted by the Board;
- 6.5.8 co-ordinating and initiating proposals for consideration of the Board including, but not limited to, continuing improvement of the operations of the Authority;
- 6.5.9 ensuring that the assets and resources of the Authority are properly managed and maintained;
- 6.5.10 ensuring that records required under the Act or any other legislation are properly kept and maintained;
- 6.5.11 ensuring that at all times the Authority is complying with its statutory obligations;
- 6.5.12 exercising, performing or discharging other powers, functions or duties conferred on the Chief Executive Officer by or under the Act or any other Act and performing other functions lawfully directed by the Board; and
- 6.5.13 achieving financial outcomes in accordance with the adopted plans and budgets of the Authority.

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6.6 Delegations and sub-delegations

- 6.6.1 The Chief Executive Officer may delegate or sub-delegate to an employee of the Authority or a committee comprising employees of the Authority, any power or function vested in the Chief Executive Officer. Such delegation or sub-delegation may be subject to conditions or limitations as determined by the Chief Executive Officer.
- 6.6.2 Where a power or function is delegated to an employee, the employee is responsible to the Chief Executive Officer for the efficient and effective exercise or performance of that power or function.
- 6.6.3 A written record of delegations and sub-delegations must be kept by the Chief Executive Officer at all times.

7. MANAGEMENT

7.1 Strategic Management Plans

The Authority shall:

- 7.1.1 prepare
 - 7.1.1.1 a four-year Strategic Plan which sets out the goals, objectives, strategies and priorities of the Authority for the period;
 - 7.1.1.2 a Long Term Financial Plan for a period of at least 10 years; and
 - 7.1.1.3 an Infrastructure and Asset Management Plan, relating to the management and development of infrastructure and major assets by the Authority for a period of at least 10 years.

collectively, the 'strategic management plans'.

- 7.1.2 review the Strategic Plan annually;
- 7.1.3 consult with the Constituent Councils prior to the Board adopting or amending the strategic management plans; and
- 7.1.4 submit the strategic management plans to the Constituent Councils for approval.

7.2 Financial Management

- 7.2.1 The Authority shall keep proper books of accounts in accordance with the requirements of the Regulations.
- 7.2.2 The Authority's books of account must be available for inspection by any Board Member or authorised representative of any Constituent Council at any reasonable time on request.
- 7.2.3 The Authority must establish and maintain a bank account with such banking facilities and at a bank to be determined by the Board.
- 7.2.4 All cheques must be signed by two persons authorised by resolution of the Board.

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- 7.2.5 Any payments made by Electronic Funds Transfer must be made in accordance with procedures which have received the prior written approval of the Board.
- 7.2.6 The Chief Executive Officer must act prudently in the handling of all financial transactions for the Authority and must provide quarterly financial and corporate reports to the Board and if requested, the Constituent Councils.

7.3 Audit

- 7.3.1 The Board must appoint an Auditor in accordance with the Act and the Regulations, on terms and conditions as determined by the Board.
- 7.3.2 The Auditor will have the same powers and responsibilities as set out in the Act, in relation to a council.
- 7.3.3 The audited Financial Statements of the Authority, together with the accompanying report from the Auditor, shall be submitted to both the Board and the Constituent Councils by 30 September in each year.
- 7.3.4 The Board must establish an Audit and Risk Committee to be comprised of three persons being:
 - 7.3.4.1 a Board Member with qualifications and experience in finance;
 - 7.3.4.2 any other Board Member; and
 - 7.3.4.3 a person with skills appropriate to the role who is not a member of the Board.
- 7.3.5 The Chairperson for the Audit and Risk Committee will be the person described in Clause 7.3.4.1.
- 7.3.6 The term of appointment of a member of the Audit and Risk Committee shall not exceed two years but at the expiry of which the member will be eligible for re-appointment.

7.4 Borrowings and Expenditures

- 7.4.1 The Authority has the power to incur expenditure and/or to borrow as follows:
 - 7.4.1.1 in accordance with a Budget of the Authority; or
 - 7.4.1.2 with the prior approval of both of the Constituent Councils; or
 - 7.4.1.3 in accordance with the Act, in respect of expenditure not contained in a Budget adopted by the Board for a purpose of genuine emergency or hardship.
- 7.4.2 The Authority may operate an overdraft facility of facilities as required provided that the overdrawn balance does not exceed \$100,000 in total without the prior approval of the Constituent Councils.
- 7.4.3 Unless otherwise approved by both of the Constituent Councils, any and all borrowings (except overdraft facilities) taken out by the Authority:

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- 7.4.3.1 must be from the Local Government Financial Authority or a registered bank or financial institution within Australia; and
- 7.4.3.2 must be drawn down within a period of 24 months from the date of approval.

7.5 Annual Business Plan and Budget

- 7.5.1 The Authority, shall before the end of May in each Financial Year, prepare a draft Annual Business Plan and Budget for the ensuing Financial Year in accordance with the Act and Regulations.
- 7.5.2 Following consideration by the CPCA Owners' Executive Committee, the draft Annual Business Plan and Budget must be referred to Constituent Councils with sufficient time to enable the Constituent Councils to provide comments for the consideration of the Board at the time it is to be considered for adoption by the Board.
- 7.5.3 The Board shall give due consideration to any comments received from the Constituent Councils before adopting the Annual Business Plan and Budget.
- 7.5.4 The Authority must provide a copy of the Annual Business Plan and Budget to the Constituent Councils within five business days of the budget being adopted by the Board.
- 7.5.5 Reports summarising the financial position and performance of the Authority against the Annual Budget shall be prepared and presented to the Board no less than once in every three calendar months and copies provided to the Constituent Councils within five days of the Board meeting to which they have been presented.

7.6 Reporting

- 7.6.1 The Authority must submit to the Constituent Councils by 30 September in each year in respect of the immediately preceding Financial Year, a report on the work and operations of the Authority detailing achievement of the aims and objectives of its Business Plan and incorporating the audited Financial Statements of the Authority and any other information or reports as required by the Constituent Councils.

8. MISCELLANEOUS PROVISIONS

8.1 Winding Up and Statutory Guarantee

- 8.1.1 A special meeting will be convened in accordance with Clause 5.8.9 if either the Board or a Constituent Council proposes the winding up of the Authority.
- 8.1.2 The Authority may be wound up by resolution of the Constituent Councils in the same or substantially the same terms and with the consent of the Minister.
- 8.1.3 On a winding up of the Authority, the surplus assets or liabilities of the Authority, as the case may be, must be distributed between or become the responsibility of the Constituent Councils in proportion to their equitable interest in the Authority in accordance with Clause 4.1.
- 8.1.4 If there are insufficient funds to pay all expenses due by the Authority on winding up (or at any other time there are unfunded liabilities which the Authority cannot meet), a call shall be made upon all of the Constituent Councils in proportion to their

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equitable interest for the purpose of satisfying their statutory guarantee of the liabilities of the Authority.

8.2 Insurance Requirements

- 8.2.1 The Authority shall register with the Local Government Mutual Liability Scheme and the Local Government Workers Compensation Scheme and comply with the rules of the Schemes.
- 8.2.2 The Authority shall advise Local Government Risk Services of its insurance requirements relating to Local Government Special Risks including buildings, structures, vehicles and equipment under the management, care and control of the Authority.
- 8.2.3 The Authority must take out a suitable policy of insurance insuring Board Members and their spouses or another person who may be accompanying a Board Member, against risks associated with the performance or discharge of their official functions and duties or on official business of the Authority.

8.3 Common Seal

- 8.3.1 The Authority will have a common seal.
- 8.3.2 The common seal of the Authority must not be affixed to a document except to give effect to a resolution of the Board.
- 8.3.3 The affixation of the common seal of the Authority must be attested by two Board Members, or where authority has been conferred by the Chairperson of the Board and the Chief Executive Officer.
- 8.3.4 The Chief Executive Officer must maintain a register which records the resolutions of the Board giving authority to affix the common seal and details of the documents to which the common seal has been affixed with the particulars of persons who attested the fixing of the seal and the date that the seal was affixed.
- 8.3.5 The Authority may by instrument under common seal, authorise a person to execute documents on behalf of the Authority subject to any limitations specified in the instrument of authority.

8.4 Non-derogation and Direction by Constituent Councils

- 8.4.1 The establishment of the Authority does not derogate from the power of any of the Constituent Councils to act independently in relation to a matter within the jurisdiction of the Authority.
- 8.4.2 Where the Authority is required, pursuant to the Act or this Charter, to obtain the approval of one or more of the Constituent Councils, that approval, if granted, must be evidenced by a resolution passed by either or each of the Constituent Councils.
- 8.4.3 Unless otherwise stated in this Charter, where the Authority is required to obtain the consent or approval of the Constituent Councils this means the consent or approval of both of the Constituent Councils expressed in the same or similar terms.
- 8.4.4 For the purpose of this Clause 8.4, any direction given by the Constituent Councils must be communicated by notice in writing provided to the Chief Executive Officer

of the Authority together with a copy of the relevant resolutions of the Constituent Councils.

9. DISPUTE RESOLUTION

9.1 About this clause

- 9.1.1 The procedure in this clause must be applied to any dispute that arises between the Authority and a Constituent Council concerning the affairs of the Authority, or between the Constituent Councils concerning the affairs of the Authority, including a dispute as to the meaning or effect of this Charter.
- 9.1.2 The Authority and the Constituent Councils must continue to observe and perform this Charter despite the application or operation of this clause.
- 9.1.3 This clause does not prejudice the right of a party:
 - 9.1.3.1 to require the continuing observance and performance of this Charter by all parties; or
 - 9.1.3.2 to institute proceedings to enforce payment due under this Charter or to seek injunctive relief to prevent immediate and irreparable harm.
- 9.1.4 Pending completion of the procedure set out in this clause, and subject to this clause, a dispute must not be the subject of legal proceedings between any of the parties in dispute. If legal proceedings are initiated or continued in breach of this provision, a party to the dispute is entitled to apply for and be granted an order of the court adjourning those proceedings pending completion of the procedure set out in this clause.

9.2 Dispute Resolution Process

- 9.2.1 Where a dispute arises between the Constituent Councils or between a Constituent Council and the Authority (the parties to this Charter) which relates to this Charter or the Authority (Dispute), the parties will use their best endeavours to resolve the Dispute and to act at all times in good faith.
- 9.2.2 A party to the dispute must promptly notify each other party to the dispute:
 - 9.2.2.1 The nature of the dispute, giving reasonable details; and
 - 9.2.2.2 What action (if any) the party giving notice thinks will resolve the dispute; but a failure to give such notice does not entitle any other party to damages.
- 9.2.3 A party to the dispute who complies with the previous step may at the same or a later time notify in writing each other party to the dispute that the first party requires a meeting within 14 business days after the giving of such notice. In that case, each party to the dispute must send to the meeting a senior manager of that party with the Board to resolve the dispute and at the meeting make a good faith attempt to resolve the dispute.
- 9.2.4 Mediation

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- 9.2.4.1 A party is not entitled to initiate arbitration or court proceedings (except proceedings seeking urgent equitable or injunctive relief) in respect of a Dispute unless it has complied with this Clause 9.2.4.
- 9.2.4.2 If the parties are unable to resolve the Dispute within 30 days, the parties must refer the Dispute for mediation in accordance with the Mediation Rules of the Law Society of South Australia Incorporated, within seven days of a written request by any party to the other party that the Dispute be referred for mediation to:
 - (a) a mediator agreed by the parties; or
 - (b) if the parties are unable to agree on a mediator at the time the Dispute is to be referred for mediation, a mediator nominated by the then President of the Law Society or the President's successor.
- 9.2.4.3 In the event the parties fail to refer the matter for mediation in accordance with Clause 9.2.4.2, one or more of the parties may refer the matter for mediation in accordance with the Mediation Rules of the Law Society of South Australia Incorporated to a mediator nominated by the then President of the Law Society or the President's successor.
- 9.2.4.4 The role of any mediator is to assist in negotiating a resolution of the dispute. A mediator may not make a decision that is binding on a party unless that party has so agreed in writing.
- 9.2.4.5 If mediation does not resolve the Dispute within 28 days of referral of the Dispute for mediation or such longer period agreed unanimously by the parties as evidenced by resolutions of each of the parties, any party may then refer the Dispute to Arbitration in accordance with Clause 9.2.5.

9.2.5 Arbitration

- 9.2.5.1 An arbitrator may be appointed by agreement between the parties.
- 9.2.5.2 Failing agreement as to an arbitrator, the then Chairperson of the South Australian Chapter of the Chartered Institute of Arbitrators Australia or his successor shall nominate an Arbitrator pursuant to these conditions.
- 9.2.5.3 A submission to arbitration shall be deemed to be a submission to arbitration within the meaning of the *Commercial Arbitration Act 2011 (South Australia)*.
- 9.2.5.4 Upon serving a notice of arbitration, the party serving the notice shall lodge with the arbitrator a deposit by way of security for the cost of the arbitration proceedings.

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9.2.5.5 Upon each submission to arbitration, the costs of and incidental to the submission and award shall be at the discretion of the arbitrator who may in his or her sole discretion determine the amount of costs, how costs are to be proportioned and by whom they are to be paid.

9.2.6 Whenever reasonably possible, performance of the obligations of the parties pursuant to this Charter shall continue during the mediation or arbitration proceedings and no payment by or to a party shall be withheld on account of the mediation and arbitration proceedings.

10. CIRCUMSTANCES NOT PROVIDED FOR

If any circumstances arise about which this Charter is silent, incapable of taking effect or being implemented according to its strict provisions, the Board has the power to consider the circumstance and determine the action to be taken.

M. PEARS, Chief Executive Officer, City of Mitcham

P. TSOKAS, Chief Executive Officer, Corporation of the City of Unley



Terms of Reference

CPCA Owners' Executive Committee

1. Role of the CPCA Owners' Executive Committee

As per Clause 4.4.3 of the Centennial Park Cemetery Authority Charter, the role of the CPCA OEC is to provide a mechanism for communication between the owner Councils and Board of CPCA.

2. Responsibilities of the OEC

As per Clause 4.4.4 of the Centennial Park Cemetery Authority Charter, the responsibilities of the CPCA OEC is:

- To represent the Constituent Councils when communicating with the Board
- To foster a positive and collaborative relationship between the Constituent Councils and the Authority;
- To determine how the Constituent Councils will be engaged / consulted in relation to the preparation of the draft Annual Business Plan and Budget
- To receive and provide comment on the quarterly reports prepared by the Authority on performance against the Annual Business Plan and Budget and the annual Financial Statements prior to presentation to the Constituent Councils;
- To appoint the Chairperson and Deputy Chairperson after giving due consideration to the recommendations of the Board;
- To approve the terms and conditions of appointment for the Board Members;
- To set the annual remuneration payable to the Chairperson, the Deputy Chairperson and other Board Members;
- To approve a recommendation from the Board to revoke, suspend or terminate the appointment of a Board Member;
- To participate and provide feedback as a stakeholder of the CPCA Board on the Boards Annual Performance evaluation as per Clause 5.9.
- To receive the report of the Board on the Annual Performance evaluation of itself;
- To liaise with the Authority to provide feedback, guidance and direction to the Board and to Management on matters related to ownership; and
- To provide information reports and recommendation (as required) to the Constituent Councils on the activities and performance of the Authority, having regard to the commercial in confidence nature of such information.



3. Membership

As per Clause 4.4.2 of the Centennial Park Cemetery Authority Charter, the CPCA OEC shall consist of the following from each Constituent Council:

- Mayor
- One Councillor
- Chief Executive Officer

4. Chair

As per Clause 4.4.5.5 of the Centennial Park Cemetery Authority Charter, meetings of the CPCA Owners Executive will be chaired on an alternating basis by the Mayor of each Constituent Council or as otherwise agreed.

5. Operation of the Committee

As per Clause 4.4.5 of the Centennial Park Cemetery Authority Charter:

- The CPCA Owners' Executive Committee, the Chairperson of the Authority, and the Chief Executive of the Authority will meet quarterly or as otherwise determined by the CPCA Owners' Executive Committee to discuss the performance of the Authority.
- The CPCA Owners' Executive Committee Chairperson or the CPCA Board Chairperson may invite a Board Member to attend meetings of the CPCA Owners' Executive Committee.
- The Authority must complete a performance and issues report in anticipation of each CPCA Owners' Executive Committee meeting, clearly identifying matters which are considered to be confidential, and provide a copy of the report to each member of the Committee no less than five days prior to the meeting of the Committee.
- All meetings of the CPCA Owners' Executive Committee are to be held in confidence and not open to members of the Constituent Councils or their staff unless attending in an acting capacity or as otherwise invited by the Committee.
- In the absence of a Constituent Council Mayor, the Acting Mayor or Deputy Mayor is considered to be a proxy member of the CPCA Owners' Executive Committee. In the absence of a Deputy Mayor, the Constituent Councils must nominate a proxy to the Mayor who will hold office for a period of up to 2 years.



6. Administrative matters

- Administration support to the Committee will be provided by the chairing Council.
- A quorum of the CPCA Owners' Executive Committee is four members, with at least two representatives from each Constituent Council
- Business Papers: The Agenda and supporting papers will be circulated to attendees of CPCA Owners' Executive Committee no less than 5 clear days prior to the meeting.
- Record of Meeting:
 - The Administrative Support Person will capture the outcomes / actions arising from the meeting. Details of discussion will not be recorded.
 - The Record of Meeting will be circulated to attendees of the CPCA Owners' Executive Committee Meetings within five (5) clear days.
- Agreement of Meeting Record: Accuracy of the record of the previous meeting will be confirmed at the commencement of the next ordinary meeting.

7. Review of the Terms of Reference

The CPCA OEC will periodically review this Terms of Reference every three (3) years or earlier if the need for amendment / review has been identified by a member of the CPCA OEC.

The CPCA OEC has delegated authority to review and update this Terms of Reference following any gazetted changes to the CPCA Charter, that impact the CPCA OEC Terms of Reference or make any other necessary changes that do not relate to the Charter.

8. References

- Centennial Park Cemetery Authority Charter
- Local Government Act 1999

COUNCIL ACTION REPORT

REPORT TITLE: COUNCIL ACTION RECORDS
ITEM NUMBER: 4.6
DATE OF MEETING: 27 SEPTEMBER 2021
AUTHOR: LARA KENNEDY
JOB TITLE: EXECUTIVE ASSISTANT, OFFICE OF THE
CEO
ATTACHMENTS: 1. COUNCIL ACTION REPORT

1. EXECUTIVE SUMMARY

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 SEPTEMBER 2021					
Meeting Date	Item #	Subject and Council Resolution	Responsible Exec.	Status/Progress	Expected Completion Date
23/11/20	4.1	<p>GLOBAL COVENANT OF MAYORS FOR CLIMATE AND ENERGY - INVITATION TO JOIN</p> <p>2. The invitation received from ICLEI Oceania to the join the Global Covenant of Mayors for Climate and Energy be accepted, with the Chief Executive Officer authorised to submit the required letter of intent.</p> <p>3. Once available, information relating to an initial community greenhouse emission inventory and hazards assessment, a greenhouse reduction target and adaptation goals and a Climate Energy Plan be submitted to the Global Covenant of Mayors for Climate and Energy as part of the City of Unley's commitment to join the group</p>	Executive Manager Office of the CEO	<p>Completed</p> <p>On 15 September 2021, a submission was made to GCOM regarding the City of Unley community greenhouse gas emissions inventory and hazard assessment. The submission included responses to sections regarding governance, mitigation plan, corporate emissions, adaptation plan and adaptation goal ahead of schedule. Feedback regarding Council's Year 1 reporting is expected to be received in January 2022 and will assist in improvements for Year 2.</p>	<p>Completed</p> <p>Completed</p>
27/01/21	4.2	<p>E-SCOOTER TRIAL IN THE CITY OF UNLEY</p> <p>2. The Mayor write to the Lord Mayor of the City of Adelaide requesting the inclusion of the South Park Lands in the City of Adelaide e-scooter trial.</p> <p>3. Subject to the City of Adelaide approval of the inclusion of the South Park Lands in their e-scooter trial, an e-scooter trial to be undertaken in the City of Unley area and the Administration proceed to finalise a Use Case for submission to the Minister for Infrastructure and Transport.</p> <p>4. The Administration be authorised to make technical amendments to the e-scooter trial Use Case to meet the requirements of the Minister, without significant departure from the substance/intent of the conditions as part of the finalisation process.</p> <p>5. Subject to Ministerial approval, the use of the Shared Mobility Devices Model Permit developed by the Local Government Association for the establishment of an e-scooter trial in the City of Unley area based on the permit conditions as set out in Attachment 2 to this report (Item 4.2, Council Meeting 27/01/2020) be endorsed.</p>	GM City Development	The City of Adelaide has written to the Minister for Infrastructure and Transport seeking support for the inclusion of the South Park Lands in the current City of Adelaide e-scooter trial area. Approval is yet to be provided. The Administration has submitted a draft Use Case to the Department of Infrastructure and Transport (DIT). Liaison with DIT will continue, with the aim to submit to the Minister for consideration by November 2021.	November 2021
23/08/21	4.1	<p>CULROSS AVENUE TRAFFIC AND PARKING ASSESSMENT</p> <p>2. The Council undertake consultation with the residents abutting Culross Avenue, Bridge Street, and all regular hirers of Scammerl Reserve, including the Scout Hall, regarding a possible full road-closure of Culross Avenue to be provided adjacent no. 19 and 20 Culross Avenue.</p> <p>3. As part of the consultation process regarding a possible full road-closure of Culross Avenue, feedback is sought in respect to the likely impacts that the road-closure would have for matters such as on-street parking, circulation and access and waste collection.</p> <p>4. A further report be presented to Council for its consideration outlining the results of the feedback received in response to the consultation process for a possible full road-closure of Culross Avenue.</p>	GM City Development	The Administration will engage an external consultant to undertake consultation as resolved by Council and collate all feedback to be received. A report outlining the results of the feedback to be received will be presented to Council for its consideration likely to be December 2021.	December 2021
23/08/21	4.6	<p>SUSTAINABLE BUSINESS SUPPORT PROGRAM - SINGLE-USE PLASTIC BAGS UPDATE</p> <p>2. An Elected Member briefing be held to provide details on the impact of plastic bags going to landfill within the City of Unley, to allow an informed submission to be made to the Stage 3 consultation for implementation of the Single-Use and Other Plastic Products (Waste Avoidance) Act 2020.</p>	GM City Development	The Administration will arrange for a briefing to be made by an external consultant to consider how Council can partner with the State Government to take more of a leading role in this space. A briefing will be arranged by November 2021.	November 2021
23/08/21	4.9	<p>UNLEY OVAL STAGE 2 DEVELOPMENT</p> <p>2. The \$925K funding to be received from the Federal Government in January 2022 be allocated to Stage 2 of the Unley Oval redevelopment project.</p> <p>3. Tenders for Unley Oval Stage 2 works be called, with a view to commencing construction before the end of the 2021 calendar year.</p>	GM City Development	The Administration will nominate the Unley Oval Stage 2 Development Project as its project for Phase 3 of the Federal Government Local Roads and Community Infrastructure (LRCI) grant funding it is to receive in January 2022. Tenders will be opened in September 2021 with a view to commence construction in December 2021.	Completed
23/08/21	5.1.1	<p>NOTICE OF MOTION FROM COUNCILLOR N. SHEEHAN RE: VARIATION TO COUNCIL DECISION C0546/21 - OUTDOOR DINING PERMIT FEES</p> <p>1. A variation to Council resolution C0546/21 – Proposed 2021-22 Fees and Charges be made, which deletes reference to the setting of a fee for outdoor dining permits, included in the Fees and Charges document.</p> <p>2. A refund be issued for any outdoor dining permit fees paid for the 2021/22 financial year.</p>	GM Business Support & Improvement	The Fees and Charges have been amended to reflect the resolution. Amended version of the approved Fees and Charges is available on the City of Unley website.	Completed
23/08/21	5.1.2	<p>NOTICE OF MOTION FROM COUNCILLOR D. PALMER RE: FRONT BOUNDARY HEDGES - IMPACT ON PEDESTRIAN ACCESS</p> <p>1. An audit of previously inspected hedges on the front boundaries of private properties within the City of Unley be completed to:</p> <p>1.1 Identify hedges that impede pedestrian access on the public footway;</p> <p>1.2 Outline actions Council may take to resolve the impact of these related hedges, in line with Council's Compliance Policy.</p> <p>2. A report on the audit findings be presented to Council for consideration of any further action.</p>	GM City Services	The audit of hedges is currently underway, commencing with a review of related Customer Requests to compile a list of those hedges that overhang footpaths. Outcomes of the audit will be presented at a Council briefing in November.	November 2021

MOTION OF WHICH NOTICE HAS BEEN GIVEN

REPORT TITLE:	NOTICE OF MOTION FROM COUNCILLOR J. BONHAM RE: CALL FOR ACTION FOR CONSERVATION COUNCIL AND PROPOSED ITEM OF BUSINESS FOR GAROC
ITEM NUMBER:	5.1.1
DATE OF MEETING:	27 SEPTEMBER 2021
ATTACHMENTS:	1. ATTACHMENT 1 - CONSERVATION COUNCIL - A CALL TO ACTION - KEY ACTIONS

Councillor J. Bonham has given notice of intention to move the following motion at the Council meeting to be held on 27 September 2021.

MOTION

That:

1. The Conservation Council of South Australia's '*A Call to Action: Protecting Adelaide's Tree Canopy*' be endorsed.
 2. The CEO be authorised to write to the Conservation Council of South Australia indicating that Unley Council has endorsed '*A Call to Action: Protecting Adelaide's Tree Canopy*'.
 3. A motion be submitted for consideration at the next General Meeting of the LGA requesting the LGA lobby the State Government regarding the provisions applying to arborist qualifications/standards and methodologies used for tree assessments, potentially through the introduction of a Practice Direction under the Planning, Development and Infrastructure Act 2016.
 4. Council staff be authorised to liaise with the LGA Secretariat in relation to the wording of the motion set out in Part 3, and if required, modify the wording to facilitate acceptance of the motion for consideration at the Local Government Association Ordinary General Meeting and to ensure legislative compliance.
-

Background

This motion speaks to our *Tree Strategy* and to the advocacy role and initiatives noted in the strategy.

At the June 2021 Council Meeting, Mr Craig Wilkins, Chief Executive of the Conservation Council of South Australia and Mr Peter Croft, from the Unley urban agriculture group Grow, Grow, Grow Your Own, made a deputation to Council on the Conservation Council's recently published '*A Call to Action: Protecting Adelaide's Tree Canopy*'. The deputation highlighted the importance of and urgent need to protect and expand the urban tree canopy in Unley and across Adelaide more generally.

The Conservation Council's concerns align with those expressed by Unley Council in its Briefings, Resolutions and '*Tree Strategy*'. Unley's '*Tree Strategy*' supports the greening objectives set out in the '*30 Year Plan for Greater Adelaide*' with many practical measures to maintain and expand tree canopy cover within Unley. Action E3.3 in Unley's '*Tree Strategy*' states Council will:

'Continue to advocate for legislative controls to improve outcomes for retaining and increasing trees wherever possible.

Support State Legislation that protects existing trees and provides design standards for space for new trees on private land. Ongoing technical input and advocacy in relation to new legislation, particularly in the implementation of the new Planning and Design Code' (page 38).

This Action item directly aligns with the Conservation Council's '*A Call to Action*'.

'*A Call to Action*' is directed at the State Government and identifies relevant Legislation, Regulations and Measures across three priority areas: Protecting the urban forest by simplifying legislation; streamlining planning and decision-making; and supporting homeowners and engaging the community. '*A Call to Action*' makes recommendations on changes to Legislation and Regulations that will assist in retaining trees and expanding tree canopy cover (see Appendix 1). The following list identifies the Legislation and Regulations associated with the specific actions identified in '*A Call to Action*'.

- Planning Development and Infrastructure regulations (Actions 1.1-1.4, 2.8, 2.9)
- Native Vegetation regulations (Actions 1.5-1.6)
- Planning and Design Code (Actions 2.1-2.3, 2.6,)
- Planning, Development and Infrastructure Act (Actions 2.7, 2.8, 3.1-3.3)

'*A Call to Action*' has effectively saved Council a significant amount of time in identifying relevant legislation and regulations, analysing the issues associated with the legislation and regulations, and determining how those issues can be remedied. By endorsing '*A Call to Action*' Council will be demonstrating its support for the actions the Conservation Council is calling on State Government to take to retain and maintain urban trees.

Actions 2.4 and 2.5 in 'A Call to Action' acknowledge the key role that arborists in the public and private sector play in determining retention, maintenance and removal of trees.

Following from this and because of the fundamental role that trees will play in adapting to climate change, it is essential to ensure that arborists are well qualified to inform decisions on the fate of trees. Currently, to be accredited as an arborist, trainees should, but do not necessarily, hold the [AHC30820 Certificate III in Arboriculture](#). To attain this certificate, trainees are required to complete 18 units of study comprising nine (9) core units and nine (9) elective units. The core units are as follows:

Unit	Title
AHCARB213	Perform ground based rigging
AHCARB314	Implement a tree maintenance program
AHCARB315	Inspect trees for access and work
AHCARB316	Perform pruning operations
AHCARB323	Identify trees
FWPCOT2237	Maintain chainsaws
FWPCOT2239	Trim and cut felled trees
FWPFGM3212	Fall trees manually (intermediate)
HLTAID003	Provide first aid

The Core Units focus on preparation for, and machinery related to pruning and felling trees. Some arborists also hold a Bachelor of Science or similar degree and others may be accredited on the basis of many years of experience working with trees. However, some arborists are making significant decisions about tree health and management with limited, if any, understanding of the many native and exotic tree species found in South Australia. For this reason, it is essential to improve the qualifications of arborists (e.g. to a Diploma in Horticulture) or require more highly credentialed professionals to make decisions on the fate of trees. A Bachelor's degree with a major in botany or other relevant background seems most appropriate.

Further, there is currently no agreed standard or approach to assessing trees. It is essential to have agreed methods for tree assessments to ensure rigorous, consistent and transparent advice to inform decision-making. Given the role of arborists in decision making around trees, it is important that their reasoning for the retention, management or removal of trees is made available for scrutiny.

Finally, Actions 3.1 and 3.4 address financial support for landowners with regulated/significant trees and community education respectively. These actions directly align with the 'Manage and Maintain' initiatives, M4.1 – M4.3, in Unley's *Tree Strategy*. The Actions recommended, if taken by State Government, will reinforce initiatives being undertaken by Unley Council.

Appendix 1

Conservation Council 'A Call to Action: *Protecting Adelaide's Tree Canopy*'

Key Actions aligned to relevant Legislation and Regulations

Priority 1: Protecting the urban forest by simplifying legislation			
<p>1.1. 10 Metre Exemption Currently: All trees, with the exception of <i>Agonis flexuosa</i> and any <i>Eucalyptus</i>, located within 10 metres of an existing dwelling or in-ground swimming pool can be removed without approval</p>	<p>Problem: The 10 metres exemption is preventing development, with councils unwilling to approve development that might occur within 10 metres of a large tree.</p>	<p>Action: Remove this exemption.</p>	<p>Planning, Development & Infrastructure Regulations</p>
<p>1.2. 20 Metre Exemption Currently: Any tree within 20 metres of a dwelling in a Medium / High Bushfire Risk area within a Hazards (Bushfire Protection) Overlay in the Planning and Design Code can be removed without approval. The intention of this exemption was to allow homeowners to enact their bushfire action plans.</p>	<p>Problem: In many cases, the 20 metre exemption has resulted in homeowners increasing bushfire risk, allowing large trees to be removed and encouraging homeowners to increase plantings immediately adjacent to their homes. Evidence shows that these large trees can play a role in preventing ember attacks and reduce wind speed. It is a common occurrence to see trees that were around before European settlement being removed for solar panels or because they make a mess.</p>	<p>Action: Remove this exemption.</p>	<p>Planning, Development & Infrastructure Regulations</p>
<p>1.3. Tree Species Exemptions Currently: 24 species of trees are exempt from being classified as regulated or significant.</p>	<p>Problem: Many of these are common trees found in suburban backyards and streets and make a significant contribution to the urban tree canopy, cooling our suburbs. Research is needed on climate resilient species suited to our changing climate.</p>	<p>Action: Review and modify this to better reflect the South Australian Environment.</p>	<p>Planning, Development & Infrastructure Regulations</p>
<p>1.4 - Government Exemptions Currently: The Department of Infrastructure and Transport (DIT) and public schools are exempt from requiring approval to remove regulated trees on any land used for roads and schools.</p>	<p>Problem: The State Government should lead by example with best practice design and consultation. These exemptions are a substantial double standard when compared with the processes that private landowners must go through and sends a message that trees in these locations are inherently dangerous. It undermines Councils and their responsibility to manage canopy cover. It has led to unnecessary tree removals as there is no requirement to consider designing around trees and the community has no opportunity to propose smarter options.</p>	<p>Action: Remove this exemption.</p>	<p>Planning, Development & Infrastructure Regulations</p>

<p>1.5. 10 Metre Exemption Currently: The Native Vegetation Regulations (NVR) allow for the removal of any large tree within 10 metres of a building.</p>	<p>Problem: The Native Vegetation Overlay in the Planning and Design Code covers large areas of metropolitan Adelaide. The interaction between the NVR and existing regulations covering regulated and significant trees not only adds confusion for homeowners, it gives less protection for native vegetation. Similar to the 20 Metres Rule (1.2 above), the NVR exemption allows for the indiscriminate removal of large native trees.</p>	<p>Action: Remove this exemption.</p>	<p>Native Vegetation Regulations</p>
<p>1.6. Fence Exemption Currently: The Native Vegetation Regulations (NVR) allow for the removal of large trees within five metres of a fence line.</p>	<p>Problem: This exemption is intended to allow farmers to maintain fuel breaks around their fences. However, it is being used in metropolitan Adelaide to remove large trees without requiring approval. There are no checks and balances to guarantee that clearance is being done to maintain a fuel break.</p>	<p>Action: Change this exemption to apply only to outside of metropolitan Adelaide.</p>	<p>Native Vegetation Regulations</p>
<p>Priority 2: Streamlining planning and decision-making</p>			
<p>2.1. Assessing Trees Based On Canopy Currently: Trees are assessed on individual merits, yet tree canopy coverage is the metric by which governments measure success. There is currently a discrepancy between the macro and micro scales of measurable outcomes.</p>	<p>Solution: Use the LiDAR tree canopy data in conjunction with the 30-Year Plan for Greater Adelaide to make better decisions about retaining trees, especially in areas vulnerable to the heat island effect, with the aim of a 'no net less in tree canopy'.</p>	<p>Action: Add a requirement to PO 1.1 & 1.2 of the Regulated and Significant Tree Overlay in the PDC that regulated/significant trees are retained where they contribute to the canopy target in the 30 Year Plan</p>	<p>Planning and Design Code</p>
<p>2.2. Inflexible Planning Policies Currently: Inflexible planning policies miss the opportunity to encourage retention of large trees. For example, industry experts tell of large trees being removed to put in a small, compulsory, rainwater tank. Ironically, trees are the best rainwater tanks available to us as they capture up to 60% of rainfall.</p>	<p>Solution: Offer proportional incentives for retaining trees in exchange for not having to meet other planning requirements.</p>	<p>Action: Add flexibility into the Planning and Design Code to encourage the retention of large trees during development.</p>	<p>Planning and Design Code</p>

<p>2.3. Improve the Urban Canopy Overlay Currently: The introduction of an offset scheme as part of the Urban Tree Canopy Overlay in the Planning and Design Code incentivises developers to take the easy option of paying not planting. This will lead to reduced tree canopy and increased urban heat islands. Tree planting obligations are vastly inadequate in the Planning and Design Code, and significantly less than mandated in other states such as NSW.</p>	<p>Solution: The Urban Tree Canopy Overlay must be amended so that paying the offset amount is not the cheapest and easiest alternative for developers.</p>	<p>Action to Take: Increase the offset scheme fees to match the costs that are consequentially passed on to Councils to plant, establish and maintain replacement trees. Increase the number and size of trees required by the Planning and Design Code to be planted in new developments.</p>	<p>Planning and Design Code</p>
<p>2.6.- Public Notification & Explanation for Tree Removals Currently: Due to the number of exemptions in Regulations, it is not uncommon to see regulated/significant trees on recently sold properties removed without explanation. This creates substantial angst, destroying relationships between neighbours, impacting social cohesion and isolating people.</p>	<p>Solution: Allowing people to know the reason for a tree's removal will reduce community angst over the loss of big trees in our suburbs.</p>	<p>Action: Change the Planning and Design Code to require signage on a property where a tree will be removed (where safety considerations do not preclude this), both two weeks before and after to explain the reasons for its removal. Require all applications to remove trees and the arborist report supporting or opposing removal to be made publicly available.</p>	<p>Planning and Design Code</p>
<p>2.7. Applications for tree removal Currently: Applications to remove regulated/significant trees can be submitted before a development application which has resulted in trees being unnecessarily removed or no</p>	<p>Solution: Assess applications for regulated/significant tree removal on development sites at the same time as the development application.</p>	<p>Action: Support the Planning, Development and Infrastructure (Regulated Trees) Amendment Bill 2020,</p>	<p>Planning, Development and Infrastructure Act</p>

<p>consideration of their retention occurring in the design phase.</p>		<p>introduced to Parliament in September 2020, and supported by the Liberal party when last introduced in 2017.</p>	
<p>2.8. Increase the Cost for Removing Regulated / Significant Trees Currently: If the removal of a regulated / significant tree is approved, homeowners are required to plant 2/3 replacement trees for removal of a regulated/significant tree, respectively further than 10m from a dwelling. If the homeowner doesn't want to plant replacement trees, then they pay a fee of \$150 per replacement not planted. There are two problems with this. The low fees neither act as a deterrent for removal, nor accurately value the benefits provided by the tree.</p>	<p>Solution: The conditions to remove a tree should accurately reflect the value of the lost tree or the cost to Councils for planting, establishing and maintaining replacement trees elsewhere.</p>	<p>Action to Take: Remove the option in the Act to plant replacement trees. Increase the current fees in the Regulations to more realistically match the value of the tree removed. Options for determining the fee are:</p> <ol style="list-style-type: none"> 1 Using the Planning Commission's own research, that is, the fee for removal of a significant tree is \$10,305 and the fee for removal of a regulated tree is \$6,870; or 2 For developers, the fee is 1% of the total project cost for each tree removed 3 For homeowners seeking to remove a healthy tree not associated with development, the fee is calculated 	<p>Planning, Development and Infrastructure Act and Regulations</p>

		<p>using the Burnley Tree Method. Fees to be waived if a tree is assessed by a Council arborist to be diseased, beyond recovery or dangerous.</p>	
<p>2.9. Fix Pruning Processes Currently: Currently, regulated/significant trees can be pruned up to 30% without requiring Council approval. This is resulting in death by a thousand cuts and Councils footing the bills for expensive legal disputes.</p>	<p>Solution: Remove 30% pruning approval exemption and require Councils to consider applications for any pruning of regulated/significant trees. For some trees, as little as 10% is too much, while others can cope with up to 50%. More important than an arbitrary percentage is that the pruning does not adversely impact the health or the appearance of tree.</p>	<p>Action to Take: Require all pruning of regulated/significant trees to be carried out according to the Australian Standards AS4373 for Pruning of Amenity Trees. Require lodgement with Councils of a diagram of proposed pruning and the qualifications of the person undertaking the work.</p>	<p>Planning, Development and Infrastructure Regulations</p>
<p>Priority 3: Supporting homeowners and engaging the community</p>			
<p>3.1. Support Owners of Regulated / Significant Trees Currently: While everyone enjoys the benefits that regulated/significant trees to their local area, the homeowner bears responsibility for all the costs of maintenance.</p>	<p>Solution: Financial assistance must be provided to homeowners with large trees to share maintenance costs across the community and shift the perception of trees being a liability and a burden to being a community asset. This approach has had great effect in Burnside and Marion.</p>	<p>Action: Make an additional allowable use of the Urban Tree Fund to support homeowners to maintain their large trees in a similar way to the current funding provided by the City of Burnside. Consider other financial mechanisms to share the cost burden between homeowners</p>	<p>Planning, Development and Infrastructure Act</p>

		and the community, including land tax, Council rates and stamp duty exemptions/reductions and the potential for protective encumbrances to be in place.	
<p>3.2. Financial Support for Councils with Significant Tree Registers Currently: While Adelaide, Burnside, Prospect and Unley Councils have significant tree registers, the exemptions introduced into the 2011 Regulations have rendered these lists largely superfluous. Significant tree registers do not include culturally significant trees which sometimes fall outside of the current definition based on size.</p>	<p>Solution: Councils need financial assistance to continue to maintain their significant tree registers because they play an important role in identifying important trees in the urban landscape. A coordinated capture of data of significant trees across Councils is needed. Included in this should be culturally significant trees, regardless of their size, to ensure they are afforded protection.</p>	<p>Action to Take: Support Councils to develop and maintain registers of significant trees through financial assistance from the State Government.</p> <p>Amend s68(1) of the <i>Planning, Development and Infrastructure Act 2016</i> to allow culturally significant trees to be declared significant trees.</p>	<p>Planning, Development and Infrastructure Act</p>
<p>3.3. Change the Burden of Proof Currently: The penalties for the illegal removal or destruction of trees are severe, yet ineffective, as Councils are consistently unable to prosecute offenders due to the high burden of proof required. This sees significant violations of the protections without any punishment.</p>	<p>Solution: The burden of proof is too high and unethical operators know and rely on this. Councils have a responsibility to their ratepayers to not take on unwinnable lawsuits. This too is relied on by the unethical.</p>	<p>Action to Take: Introduce the option of infringement notices in Part 18 of the <i>Planning, Development and Infrastructure Act 2016</i>.</p>	<p>Planning, Development and Infrastructure Act</p>

MOTION OF WHICH NOTICE HAS BEEN GIVEN

REPORT TITLE:	NOTICE OF MOTION FROM COUNCILLOR J. DODD RE: VARIATION TO COUNCIL RESOLUTION C0578/21: CULROSS AVENUE TRAFFIC AND PARKING ASSESSMENT
ITEM NUMBER:	5.1.2
DATE OF MEETING:	27 SEPTEMBER 2021
ATTACHMENTS:	NIL

Councillor Jordan Dodd has given notice of intention to move the following motion at the Council meeting to be held on 27 September 2021 .

MOTION

That Council Resolution C0578/21 of the Council meeting of 23 August 2021 be **varied** as follows (*bold text to be inserted, strikethrough text to be deleted*):

That

1. The report be received.
 2. The Council undertake consultation with the residents abutting Culross Avenue, Bridge Street, and all regular hirers of Scammel Reserve, including the Scout Hall, regarding a possible full road closure of Culross Avenue to be provided adjacent no. 19 and 20 Culross Avenue **and/or for a possible full road closure at the intersection of Culross Avenue and Fullarton Road**
 3. As part of the consultation process regarding a possible full road closure of Culross Avenue, feedback is sought in respect to the likely impacts that the road closure would have for matters such as onstreet parking, circulation and access and waste collection.
 4. A further report be presented to Council for its consideration outlining the results of the feedback received in response to the consultation process for a possible full road closure of Culross Avenue.
-

Background

This motion is proposed as a variation to the resolution relating to Culross Avenue Traffic and Parking Assessment at the Council meeting held on 23 August 2021.

Upon further reflection, and to ensure the best use of Council resources, it would be prudent to expand this public consultation to include closure of the street at the Culross Avenue and Fullarton Road intersection, rather than just consulting on the closure at 19 and 20 Culross Avenue.

This inclusion will allow for a wider view during consultation, particularly of emergency and waste services.

This motion still reflects the desire of the residents of this street to consult on the basis of a street closure, and ensures that all of the relevant questions are asked during this process.

QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

REPORT TITLE:	QUESTION ON NOTICE FROM COUNCILLOR E. WRIGHT RE: OBSERVANCE OF STOBIE POLES WRAPPED IN ORANGE PLASTIC
ITEM NUMBER:	5.3.1
DATE OF MEETING:	27 SEPTEMBER 2021
ATTACHMENTS:	NIL

The following question was asked without notice by Councillor E. Wright at the Council Meeting on 23 August 2021. At that time the question was taken on notice. The answer is now provided:

QUESTIONS

1. Why are stobie poles throughout the City wrapped in orange plastic?

ANSWERS

1. SA Power Networks (SAPN) owns, operates and maintains stobie poles.

The Administration has been informed by SAPN that it is undertaking an asset management approach to reviewing and repairing stobie poles, including those located within the City of Unley.

Maintenance is being undertaken as part of the programmed inspections and the orange bunting is associated with these works.

MAYOR'S REPORT

REPORT TITLE: MAYOR'S REPORT FOR MONTH OF SEPTEMBER 2021
ITEM NUMBER: 6.1.1
DATE OF MEETING: 27 SEPTEMBER 2021
ATTACHMENTS: NIL

1. RECOMMENDATION

That:

1. The report be received.
-

Functions attended (18/08/21 to 21/09/21)

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
19/08/21	Meet the Mayor	Host
19/08/21	Exhibition Launch 1 5 0 – Unley Museum	Attendee
19/08/21	Going Carbon Neutral	Attendee
21/08/21	Clarence Park Ward Meeting	Attendee
26/08/21	Meet the Mayor	Host
27/08/21	Jayne Stinson Member for Badcoe – Meeting	Mayor
28/08/21	Mayor's Hospitality Event, Community Club & Sporting Leaders – Sturt v Woodville/ West Torrens at Sturt Bowling Club	Host
30/08/21	EM Briefing – Light Detection & Ranging (LiDAR)	Attendee
31/08/21	CEO Performance Review Meeting	Host
02/09/21	Meet the Mayor	Host
02/09/21	Citizenship Ceremony	Speaker

Date	Function/Event Description	Type
03/09/21	ERA Mayors Breakfast	Mayor
03/09/21	Channel 7 News – Unley Oval Stage 2	Interview
04/09/21	Mayor’s Hospitality Event with Prospect Councillor – Sturt v North Adelaide at SFC	Host
05/09/21	Channel 7 News – Outdoor Dining	Interview
06/09/21	EM Briefing – Mainstreet Model Review	Attendee
09/09/21	Meet the Mayor	Host
11/09/21	Annual Club Opening Day – Sturt Bowling Club	Speaker
12/09/21	North Unley Master Plan Community Engagement Day	Attendee
13/09/21	Global Covenant of Mayors Committee	Mayor
13/09/21	EM Briefing – Deliberative Engagement / Waste Management / Single Use Plastic Bags	Attendee
14/09/21	OTFC Parkside Launch	Attendee
15/09/21	Australian of the Year Breakfast	Attendee
15/09/21	Friends of the Unley Museum – AGM	Attendee
16/09/21	Meet the Mayor	Host
17/09/21	Sturt Bowling Club – New Greens Lighting Opening	Attendee
19/09/21	Grow Grow Grow – Citrus Workshop	Attendee
20/09/21	EM Briefing – Open Space Direction 2021/22	Attendee

Global Covenant of Mayors for Climate and Energy Oceania

Accepted the invitation to join the Global Covenant of Mayors for Climate and Energy Oceania steering Committee. The members of the committee I met at my first meeting on Monday 13 September 2021, 11.00–12.30 AEST. Members are drawn from Australia, New Guinea, New Zealand and the Pacific.

Members

Signatories:

Lord Mayor (Newcastle) Nuatali Nelmes (Chair)
 Lord Mayor Anna Reynolds (Hobart)
 Lord Mayor Sandy Verschoor (Adelaide)
 Lord Mayor Gordon Bradbury (Wollongong)
 Mayor Michael Coxon (West Torrens)
 Mayor George Gear (Melville)
 Governor Powes Parkop (Port Moresby)
 Mayor Andy Foster (Wellington)
 Cr Fisher Wang (Rotarua Lakes)
 Mayor Aaron Hawkins (Dunedin)
 Mayor Michael Hewitson, City of Unley

Partners:

Cr Linda Scott, President Australian Local Government Association

Ms Karibaiti Taoaba, Executive Director Commonwealth Local Government Forum (Pacific)

Mr Bernhard Barth, UN Habitat Asia-Pacific

The meeting agenda included:

- The Interim Regional GCoM Strategy, which may be further refined depending on new global strategy.
- The road to COP26 – General update on the Glasgow COP
- Cities Race to Zero, Race to Resilience – invitation letter has been sent to all GCoM signatories. Guidance sought from Committee on how best to harness this opportunity in the context of the Global Covenant of Mayors.

DEPUTY MAYOR'S REPORT

REPORT TITLE: DEPUTY MAYOR'S REPORT FOR MONTH OF SEPTEMBER 2021

ITEM NUMBER: 6.2.1

DATE OF MEETING: 27 SEPTEMBER 2021

ATTACHMENTS: NIL

1. **RECOMMENDATION**

That:

1. The report be received.
-

Functions attended (18/08/21 to 21/09/21)

Date	Function/Event Description
19/08/21	Local Government Emerging Leaders Program – Key Note Speaker
23/08/21	Meeting with Mayor
23/08/21	Council Meeting
30/08/21	Council Briefing
03/09/21	Ward Briefing
06/09/21	Meeting with Mayor
14/09/21	FOCUS AGM
15/09/21	Australian of the Year Breakfast
20/09/21	Meeting with Mayor
20/09/21	Council Briefing

REPORTS OF MEMBERS

REPORT TITLE: REPORTS OF MEMBERS
ITEM NUMBER: 6.3.1
DATE OF MEETING: 27 SEPTEMBER 2021
ATTACHMENTS: 1. COUNCILLOR M. BRONIECKI

Council to note attached reports from Members:

1. Councillor M. Broniecki

MEMBER REPORT**REPORT TITLE:** REPORT FROM COUNCILLOR M. BRONIECKI**Functions attended (18/08/21 to 21/09/21)**

Date	Function/Event Description
23/08/2021	Council Meeting
24/08/2021	Unley Community Centre Ride
26/08/2021	Centennial Park Board Meeting
27/08/2021	Meeting with Mayor and Cr Rabbitt
29/08/2021	Unley Symphony Orchestra
30/08/2021	Council Briefing
31/08/2021	Unley Community Centre Ride
1/09/2021	Meeting with resident, Cr Rabbitt and senior staff re street issues
2/09/2021	Meeting with Cr Rabbitt and senior staff re Unley Park Ward traffic issues
2/09/2021	Ward Briefing
6/09/2021	Council Briefing: Mainstreet Model
7/09/2021	Unley Community Centre Ride
9/09/2021	Community Engagement Presentation by Becky Hirst
10/09/2021	Meeting with CEO and Cr Rabbitt
13/09/2021	Council Briefing: Deliberative Engagement / Waste Management
14/09/2021	Unley Community Centre Ride
15/09/2021	Unley Museum Annual General Meeting
20/09/2021	Council Briefing: Open Space Direction 2021-22
21/09/2021	Unley Community Centre Ride

CORRESPONDENCE

REPORT TITLE:	CORRESPONDENCE
ITEM NUMBER:	6.4.1
DATE OF MEETING:	27 SEPTEMBER 2021
ATTACHMENTS:	1. ROB JORDAN, CAPRI THEATRE 2. HON COREY WINGARD MP

The correspondence from:

- Rob Jordan, Capri Theatre – Letter of Appreciation for Loan Extended
- Hon Corey Wingard MP – Glen Osmond Road and Fullarton Road Intersection Upgrade Project

be noted.



Peter Tsokas
City of Unley
Unley Civic Centre
181 Unley Road
Unley SA 5061

Dear Peter,

I hope you're well.

I'm writing to advise you that the Theatre Organ Society (SA Division) and Capri Theatre have paid the final instalment on the loan provided by Unley Council to assist with cash flow post painting the inside of the theatre.

While we didn't need to use the loan in the end, it was certainly of great comfort to know that it was there, especially given the events of the last 18 months.

I want to take this opportunity to thank you and the Council for your ongoing support of the Capri. Special thanks go to Councillors Nicole Sheehan and Emma Wright, who I believe put forward and seconded the motion for the loan.

You'll be pleased to know that despite the current situation, we are stable and should be able to ride out the storm. This is thanks to our wonderful volunteer staff and to those members who had the foresight to purchase the building in 1978.

Warm regards,

A handwritten signature in black ink, appearing to read 'Rob Jordan', is placed above the printed name.

Rob Jordan
General Manager

Hon Corey Wingard MP



Government of South Australia

Minister for Infrastructure
and Transport

Minister for Recreation,
Sport and Racing

GPO Box 668
ADELAIDE SA 5001
DX 450

T: (08) 8460 6200

E: MinisterWingard@sa.gov.au

21INF0776

Mr Michael Hewitson AM
Mayor
City of Unley

By email: pobox1@unley.sa.gov.au

Dear Mayor Hewitson

Thank you for your recent correspondence regarding the Glen Osmond Road and Fullarton Road Intersection Upgrade project.

After receiving your correspondence, I asked the Department for Infrastructure and Transport (DIT) for advice about this matter.

The Marshall and Morrison Liberal governments have jointly committed \$35 million to upgrade the Glen Osmond Road and Fullarton Road intersection. This investment is part of the Marshall government's record \$17.9 billion of infrastructure works over the next four years, more than any other four-year period in our state's history.

The Morrison government's commitment is part of the Commonwealth Urban Congestion Fund. The Marshall government's commitment was announced as part of the 2019-2020 State Budget to bust congestion by upgrading multiple metropolitan intersections.

I understand representatives from the DIT project team met with Council officers on 27 July 2021 to discuss the Cross Road and Glen Osmond Road intersections with Fullarton Road. A number of items raised in the Council's submission were discussed.

DIT has advised that both the Cross Road and Glen Osmond Road intersections with Fullarton Road are over capacity in the morning and afternoon peak periods with signal phasing and traffic lanes fully utilised. The intersections are experiencing heavy congestion, with competing traffic movements, filtered right turns, and network constraints leading to increased travel times and risks to safety in peak periods.

The Cross Road and Fullarton Road intersection upgrade incorporates on-road cycle lanes on both Cross Road and Fullarton Road which will improve cyclist safety in the vicinity of the intersection.

Although the Glen Osmond Road and Fullarton Road upgrade does not incorporate on-road cycle lanes, pedestrian facilities will be upgraded, and a new median refuge is proposed to be built on Fullarton Road between Campbell Road and Gladstone Street.

Pedestrian safety will be improved at both the Cross Road and Glen Osmond Road intersections through measures aimed at reducing conflict between pedestrians and turning vehicles.

Regarding public transport, the Marshall government has committed \$37 million to planning studies to determine potential infrastructure upgrades on key arterial roads, intersections and transport corridors, as well as public transport infrastructure improvements across South Australia.

Planning will consider improvements to the public transport network including potential expansion of mass transit corridors, such as bus rapid transit across the Adelaide Metropolitan Area, including Glen Osmond Road as part of the Adelaide Hills corridor.

Previous work on this corridor includes the relocation of bus stops on Glen Osmond Road to the departure side of signalised intersections to improve traffic flow and allow for passengers to cross the road using the signalised crossing. Bus stop rationalisation was also undertaken which saw a number of stops in close proximity either amalgamated or relocated to provide an optimised balance between accessibility and travel times for commuters.

The state government will continue to liaise with the community as the project design is developed to identify a solution that balances the needs of the various stakeholders as much as practically possible whilst delivering on the project's objectives.

I trust this information is of assistance.

Yours sincerely



Hon Corey Wingard MP
Minister for Infrastructure and Transport

29 / 8 / 2021

DECISION REPORT

REPORT TITLE: CONFIDENTIALITY MOTION FOR ITEM 7.2 - UNLEY CENTRAL PROJECT - PROPOSED AMENDMENTS TO THE DEVELOPMENT DEED AND LITIGATION UPDATE

ITEM NUMBER: 7.1

DATE OF MEETING: 27 SEPTEMBER 2021

AUTHOR: TAMI NORMAN

JOB TITLE: EXECUTIVE MANAGER, OFFICE OF THE CEO

Pursuant to section 83(5) of the *Local Government Act 1999* the Chief Executive Officer has indicated that, if Council so determines, this matter may be considered in confidence under Part 3 of the *Local Government Act 1999* on the grounds set out below.

1. **RECOMMENDATION**

That:

1. Pursuant to Section 90(2) and (3)(d)(i) and (ii) and (3)(i) of the *Local Government Act 1999*, the principle that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter because it relates to:
 - commercial information of a confidential nature (not being a trade secret) the disclosure of which would, on balance, be contrary to the public interest; and
 - information relating to actual actual litigation.
2. In weighing up the factors related to disclosure:
 - disclosure of this matter to the public would demonstrate accountability and transparency of the Council's operations; and
 - non-disclosure of this item at this time will enable Council to consider information relating to commercial arrangements set out within the Unley Central Project Development Deed and information relating to current litigation proceedings.

On that basis, the public's interest is best served by not disclosing 7.2 Unley Central Project - Proposed Amendments to the Development Deed and Litigation Update, Report and discussion at this point in time.

3. Pursuant to Section 90(2) of the *Local Government Act 1999* it is recommended the Council orders that all members of the public be excluded, with the exception of staff of the City of Unley on duty in attendance.

ITEM 7.2

Confidential – removed from the public agenda – page 174-179

DECISION REPORT

REPORT TITLE: CONFIDENTIALITY MOTION TO REMAIN IN
CONFIDENCE FOR ITEM 7.2 - UNLEY
CENTRAL PROJECT - PROPOSED
AMENDMENTS TO THE DEVELOPMENT
DEED AND LITIGATION UPDATE

ITEM NUMBER: 7.3

DATE OF MEETING: 27 SEPTEMBER 2021

AUTHOR: TAMI NORMAN

JOB TITLE: EXECUTIVE MANAGER, OFFICE OF THE CEO

1. RECOMMENDATION

That:

1. Pursuant to Section 91(7) of the *Local Government Act 1999* the following elements of Item 7.2 Unley Central Project - Proposed Amendments to the Development Deed and Litigation Update, considered at the Confidential Council Meeting on 27 September 2021:

Minutes

Report

remain confidential remain confidential until 5 January 2024 and not available for public inspection until the cessation of that period.

2. Pursuant to Section 91(9)(c) of the *Local Government Act 1999*, the power to revoke the order under Section 91(7) prior to any review or as a result of any review is delegated to the Chief Executive Officer.

DECISION REPORT

REPORT TITLE: CONFIDENTIALITY MOTION FOR ITEM 7.5 -
EXTENSION OF LEASE AGREEMENT
GOODWOOD COMMUNITY SERVICES

ITEM NUMBER: 7.4

DATE OF MEETING: 27 SEPTEMBER 2021

AUTHOR: TAMI NORMAN

JOB TITLE: EXECUTIVE MANAGER, OFFICE OF THE CEO

Pursuant to section 83(5) of the *Local Government Act 1999* the Chief Executive Officer has indicated that, if Council so determines, this matter may be considered in confidence under Part 3 of the *Local Government Act 1999* on the grounds set out below.

1. **RECOMMENDATION**

That:

1. Pursuant to Section 90(2) and (3)(b)(i) and (ii) of the *Local Government Act 1999*, the principle that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter because it relates to information which:
 - could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
 - would, on balance, be contrary to the public interest.
2. In weighing up the factors related to disclosure:
 - disclosure of this matter to the public would demonstrate accountability and transparency of the Council's operations; and
 - non-disclosure of this item at this time will enable Council to consider the lease arrangement of an existing property without compromising the commercial position of Council.

On that basis, the public's interest is best served by not disclosing 7.4 Extension of Lease Agreement Goodwood Community Services, Report and discussion at this point in time.
3. Pursuant to Section 90(2) of the *Local Government Act 1999* it is recommended the Council orders that all members of the public be excluded, with the exception of staff of the City of Unley on duty in attendance.

ITEM 7.5

Confidential – removed from the public agenda – pages 182-189

DECISION REPORT

REPORT TITLE: CONFIDENTIALITY MOTION TO REMAIN IN CONFIDENCE FOR ITEM 7.5 - EXTENSION OF LEASE AGREEMENT GOODWOOD COMMUNITY SERVICES

ITEM NUMBER: 7.6

DATE OF MEETING: 27 SEPTEMBER 2021

AUTHOR: LARA KENNEDY

JOB TITLE: EXECUTIVE ASSISTANT, OFFICE OF THE CEO

1. RECOMMENDATION

That:

1. Pursuant to Section 91(7) of the *Local Government Act 1999* the following elements of Item 7.5 Extension of Lease Agreement Goodwood Community Services, considered at the Council Meeting on 27 September 2021:

- Minutes
- Report
- Attachment

remain confidential until 30 June 2023 or until arrangements for the operating model for the Goodwood Community Centre have been fully implemented, whichever is the earlier, and not available for public inspection until the cessation of that period.

2. The Chief Executive Officer be authorised to provide details of the decision to relevant parties in order to enable implementation of the decision.
3. Pursuant to Section 91(9)(c) of the *Local Government Act 1999*, the power to revoke the order under Section 91(7) prior to any review or as a result of any review is delegated to the Chief Executive Officer.