



**Minutes of the City of Unley
Council Meeting
Monday, 23 January 2023, 7.00pm
Council Chambers
181 Unley Road Unley**

PRESENT

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

OFFICERS PRESENT

Chief Executive Officer, Mr P. Tsokas
Acting General Manager City Services, Ms R. Cox
Acting General Manager City Development, Mr A. Wood
General Manager Business Support & Improvement, Ms N. Tinning
Acting Manager Governance, Ms K. Goldy
Executive Assistant Office of the CEO, Ms L. Gregory
Principal Policy Planner, Mr D. Brown
Manager Economic Development & Strategic Projects, Mr E. Scanlon

ACKNOWLEDGEMENT

The Presiding Member opened the meeting with the Kaurna Acknowledgement.

PRAYER AND SERVICE ACKNOWLEDGEMENT

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

WELCOME

The Presiding Member welcomed Members of the Council, Senior Staff and members of the gallery to the 23 January 2023, meeting of the Unley City Council.

1. ADMINISTRATIVE MATTERS

1.1 APOLOGIES

Nil

1.2 LEAVE OF ABSENCE

Nil

1.3 CONFLICT OF INTEREST

Members declared a conflict when the relevant item was called.

1.4 MINUTES

ITEM 1.4.1

MINUTES OF THE ORDINARY COUNCIL MEETING HELD MONDAY, 12 DECEMBER 2022

MOVED Councillor J. Russo

SECONDED Councillor J. Bonham

That:

1. The minutes of the Ordinary Council held on Monday, 12 December 2022 be taken as read and signed as a correct record.

CARRIED UNANIMOUSLY

Resolution No. C0942/23

1.5 DEFERRED / ADJORNED ITEMS

Nil

2. PETITIONS/DEPUTATIONS

ITEM 2.1

DEPUTATION RE: RENEWAL OF THE CONTRACT TO PERMIT THE USE OF E-SCOOTERS IN UNLEY COUNCIL AREA

1. Mary Kulusniewski, Goodwood

Re. Item 4.1 E-scooter Extended Trial Evaluation

ITEM 2.2

DEPUTATION RE: MAINSTREET ASSOCIATIONS - UNLEY ROAD ASSOCIATION

1. Philip Andrews, Unley

Re. Item 4.2 Mainstreet Management Review Model, the importance of the Mainstreet Associations, in particular the Unley Road Association.

ITEM 2.3

DEPUTATION RE: MAINSTREET ASSOCIATIONS – KING WILLIAM ROAD TRADERS ASSOCIATION

1. Arthur Koufalias

Re. Item 4.2 Mainstreet Management Review Model, the importance of the Mainstreet Associations, and the role that we play in supporting and engaging the business community.

3. REPORTS OF COMMITTEES

Nil

4. REPORTS OF OFFICERS

ITEM 4.1

E-SCOOTER EXTENDED TRIAL EVALUATION

MOVED Councillor R Rogers

SECONDED Councillor J. Bonham

That

1. The report be received.
2. The outcomes of the extended six-month trial (July to November 2022) as outlined in this report be noted.
3. A further extension to the e-scooter trial for a further 12-month period (from 14 February 2023 to 14 February 2024) be approved, whilst the State Government review on e-scooters is being undertaken, and for the terms of conditions of the current permits to be retained.
4. The CEO is authorised to write to the Department for Infrastructure and Transport, requesting approval to extend the e-scooter trial gazettal for the City of Unley up to (and including) 14 February 2024.
5. The Administration continues to work with the e-scooter operators to address complaints and concerns raised during the further extended trial period from 14 February 2023 to 14 February 2024, and a report be presented to Council prior to 14 February 2024 to determine the next steps for e-scooter use within the City of Unley based on the State Government review outcomes.

TIED

The Mayor exercised his CASTING VOTE and voted IN FAVOUR of the MOTION.

CARRIED

DIVISION

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

Councillors J. Bonham, M. Broniecki, J. Russo, R. Rogers, C. Crabbe and G. Hart

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

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

TIED

The Mayor exercised his CASTING VOTE by standing and voted IN FAVOUR of the MOTION.

The MOTION was declared **CARRIED**

Resolution No. C0943/23

ITEM 4.2

MAINSTREET MANAGEMENT REVIEW MODEL

MOVED Councillor S. Finos

SECONDED Councillor J. Russo

That:

1. The report be received.
2. The current Mainstreet Management Model is retained allowing for a Separate Rate to be raised, subject to the Annual Business Plan and Budget process for the following Traders Associations:
 - 2.1 Unley Road Association Incorporated
 - 2.2 Goodwood Road Business Association
 - 2.3 Fullarton Road South Traders Association Incorporated
 - 2.4 King William Road Traders Association Incorporated

with all funds collected from the Separate Rates to be allocated for the purpose of marketing and promotion, street beautification and minor infrastructure.

2. Administration is authorised to write to Unley Traders Association Incorporated, Goodwood Road Business Association, Fullarton Road South Traders Association Incorporated and King William Road Traders Association Incorporated advising of the continuation of the current Mainstreet Model.

CARRIED UNANIMOUSLY

Resolution No. C0944/23

ITEM 4.3

DISPOSAL OF ROAD - 488 FULLARTON ROAD, MYRTLE BANK

MOVED Councillor J Gaffey

SECONDED Councillor P. Hughes

That:

1. The report be received.
2. The subject parcel of public road known as Fullarton Road, Myrtle Bank is retained by Council and utilised for its intended purpose being a piece of public road.

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

That:

1. The report be received.
2. The subject parcel of public road known as 488 Fullarton Road, Myrtle Bank is retained by Council.
3. Advise the property owners of the Council's decision.

CARRIED

DIVISION

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

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

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

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

The MOTION was declared **CARRIED**

Resolution No. C0945/23

ITEM 4.4

PAGE PARK SHARED USE ARRANGEMENTS - TRIAL UPDATE

MOVED Councillor D. Palmer

SECONDED Councillor R. Rogers

That:

1. The report be received.
2. The results of the extended dog off-leash trial at Page Park between 4pm - 10am from 30 June 2022 until 2 October 2022 be noted.
3. The current hours of use for dog off-leash at Page Park be retained, being 5pm - 10 am.
4. Administration prepare a report on potential enhancements at Page Park with an assessment of costs which includes:
 - 4.1 Fencing of exercise equipment
 - 4.2 Motion activated, energy efficient lighting
 - 4.3 The ongoing use of dog behavioural training at the Park
 - 4.4 Provision of additional seating

with the report to be presented to Council for further consideration.

CARRIED UNANIMOUSLY

Resolution No. C0946/23

ITEM 4.5

CONSERVATION GRANTS 2022/23

MOVED Councillor M. Broniecki

SECONDED Councillor C. Crabbe

That:

1. The report be received.
2. The following Conservation Grant be funded from the 2022/23 allocated budget:
 - \$825 for tree pruning at 34 Woodfield Avenue, Fullarton

CARRIED UNANIMOUSLY

Resolution No. C0947/23

ITEM 4.6

BROWN HILL AND KESWICK CREEKS STORMWATER PROJECT - CITY OF UNLEY DELEGATIONS

MOVED Councillor M. Rabbitt

SECONDED Councillor M. Broniecki

That:

1. The report be received.
2. Council delegates powers and functions under the *Local Government Act 1999* to the Brown Hill and Keswick Creeks Stormwater Board as contained in the Delegations Register as set out in Attachment 1 to this Report (Item 4.6, Council Meeting, 23/01/2023).
3. Council delegates powers and functions under the Land Acquisition Act 1969 to the Brown Hill and Keswick Creeks Stormwater Board as contained in the Delegations Register as set out in Attachment 2 to this Report (Item 4.6, Council Meeting, 23/01/2023).

CARRIED UNANIMOUSLY

Resolution No. C0948/23

ITEM 4.7

EXPERT PANEL PLANNING SYSTEM IMPLEMENTATION REVIEW

MOVED Councillor J. Bonham

SECONDED Councillor D. Palmer

That:

1. The report be received.
2. The *Planning System Implementation Review – Council Submission* as set out in Attachment 1 to this Report (Item 4.7, Council Meeting, 23/01/2023) be endorsed for the purposes of lodgement with the Expert Panel in response to the Planning System Implementation Review which was released for public consultation from 17 October and for council submissions to 30 January 2023.
3. The CEO be authorised to make minor editorial and formatting changes as required to the *Planning System Implementation Review – Council Submission*, in order to finalise the document prior to lodgement with the Expert Panel.

CARRIED UNANIMOUSLY

Resolution No. C0949/23

ITEM 4.8

PRIVATE PLANNING & DESIGN CODE AMENDMENT - 71 TO 85 KING WILLIAM ROAD AND 86 TO 90 MARY STREET UNLEY

MOVED Councillor J. Russo

SECONDED Councillor S Finos

That:

1. The report be received.
2. In principle, the site located at 71 to 75 King William Road, Unley, be supported to:
 - a) be included in the proposed Private Planning & Design Code Amendment by Financial Advisory Group; and
 - b) form a part of the overall site currently located at 71 to 85 King William Road and 86 to 90 Mary Street, Unley.
3. Further discussion and investigations be commenced to demonstrate support in principle of the uplift in zoning proposals located at 71 to 85 King William Road and 86 to 90 Mary Street, Unley, and prior to proceeding with the Private Code Amendment and Public Consultation, that this matter be referred to Council for further determination.

CARRIED UNANIMOUSLY

Resolution No. C0950/23

ITEM 4.9

PERFORMANCE REPORT CEO KPIS

MOVED Councillor J Gaffey

SECONDED Councillor P. Hughes

That:

1. The report be received.

CARRIED UNANIMOUSLY

Resolution No. C0951/23

SUSPENSION OF FORMAL MEETING PROCEDURES

The Presiding Member with approval of two-thirds of the members present suspended meeting procedures pursuant to Regulation 20(1) of the *Local Government (Procedures at Meetings) Regulations 2013* at 9.07pm for up to 10 minutes to facilitate an informal discussion of the matter.

The following nominations were accepted for consideration of appointment to the Audit Committee:

Councillor M. Broniecki

Councillor J. Bonham

Councillor J. Gaffey

The Presiding Member sought leave of the meeting for each nominee to provide a 2 minute speech in support of their nomination, and leave was granted.

Councillor J. Bonham left the Chambers at 9.12pm.

Councillor J. Gaffey left the Chambers at 9.12pm.

Councillor M. Broniecki left the Chambers at 9.14pm.

Councillor J. Bonham returned to the Chambers at 9.14pm.

Councillor J. Bonham left the Chambers at 9.17pm.

Councillor J. Gaffey returned to the Chambers at 9.17pm.

Councillor J. Bonham returned to the Chambers at 9.18pm.

Councillor M. Broniecki returned to the Chambers at 9.18pm.

Formal meeting procedures resumed at 9.18pm.

A ballot process was undertaken to determine the preferred candidates for the Audit Committee appointments.

Councillor L. Doyle left the Chambers at 9.22pm.

Councillor L. Doyle returned to the Chambers at 9.23pm.

Councillor M. Broniecki left the Chambers at 9.27pm.

Councillor J. Gaffey left the Chambers at 9.27pm

Councillor M. Broniecki returned to the Chambers at 9.27pm.

Councillor J. Gaffey returned to the Chambers at 9.27pm

The results of the ballot process for appointment to the Audit Committee was communicated to the Presiding Member and the results announced.

ITEM 4.10

AUDIT COMMITTEE TERMS OF REFERENCE AND ELECTED MEMBER APPOINTMENT

MOVED Councillor P. Hughes

SECONDED Councillor M. Rabbitt

That:

1. The report be received.
2. The Audit Committee Terms of Reference as set out in Attachment 1 to this Report, (Item 4.10, Council Meeting 23/01/2023) be endorsed.
3. Councillors M. Broniecki and J. Gaffey be appointed to the Audit Committee for the period commencing from the date of this resolution and concluding 31 January 2025.
4. The CEO be authorised to make minor editorial and formatting changes as required to the Audit Committee Terms of Reference, in order to finalise the document.

CARRIED UNANIMOUSLY

Resolution No. C0952/23

ITEM 4.11

STRATEGIC PROPERTY COMMITTEE TERMS OF REFERENCE AND ELECTED MEMBER APPOINTMENT

MOVED Councillor D. Palmer

SECONDED Councillor R Rogers

That:

1. The report be received.
2. The Strategic Property Committee Terms of Reference as set out in Attachment 1 to this Report, (Item 4.11, Council Meeting 23/01/2023) be endorsed.
3. The CEO be authorised to make minor editorial and formatting changes as required to the Strategic Property Committee Terms of Reference, in order to finalise the document.
4. The following Elected Members be appointed as members of the Strategic Property Committee for the period commencing from the date of this resolution and concluding 31 January 2025
 - 4.1 Mayor *ex-officio*
 - 4.2 Councillor J. Russo
 - 4.3 Councillor J. Bonham
 - 4.4 Councillor M. Rabbitt
 - 4.5 Councillor P. Hughes
 - 4.6 Councillor L. Doyle
 - 4.7 Councillor C. Crabbe

CARRIED UNANIMOUSLY

Resolution No. C0953/23

MOVED Councillor J. Russo

SECONDED Councillor C. Crabbe

5. Councillor J. Bonham be appointed Presiding Member of the Strategic Property Committee for the period commencing from the date of this resolution and concluding 31 January 2025.

CARRIED UNANIMOUSLY

Resolution No. C0954/23

Councillor J. Bonham left the Chambers at 9.31pm.

Councillor J. Bonham returned to the Chambers at 9.32pm.

ITEM 4.12

CENTENNIAL PARK CEMETERY AUTHORITY - APPOINTMENT OF ELECTED MEMBER TO OWNERS EXECUTIVE COMMITTEE

MOVED Councillor L. Doyle

SECONDED Councillor J. Gaffey

That:

1. The report be received.
2. Councillor M. Rabbitt be appointed to the position of City of Unley Councillor on the Centennial Park Cemetery Authority Owner's Executive Committee for the period commencing from the date of this resolution and concluding 31 January 2025.

CARRIED UNANIMOUSLY

Resolution No. C0955/23

SUSPENSION OF FORMAL MEETING PROCEDURES

The Presiding Member with approval of two-thirds of the members present suspended meeting procedures pursuant to Regulation 20(1) of the *Local Government (Procedures at Meetings) Regulations 2013* at 9.33pm for up to 10 minutes to facilitate an informal discussion of the matter.

The following nominations were accepted for consideration of appointment to the Business and Economic Development Advisory Committee:

Councillor D. Palmer

Councillor J. Russo

Councillor S. Finos

The Presiding Member sought leave of the meeting for each nominee to provide a 2 minute speech in support of their nomination, and leave was granted.

Councillor D. Palmer left the Chambers at 9.34pm.

Councillor J. Russo left the Chambers at 9.34pm.

Councillor S. Finos left the Chambers at 9.36pm.

Councillor J. Russo returned to the Chambers at 9.36pm.

Councillor J. Russo left the Chambers at 9.38pm.

Councillor D. Palmer returned to the Chambers at 9.38pm.

Councillor J. Russo returned to the Chambers at 9.40pm.

Councillor S. Finos returned to the Chambers at 9.40pm.

Formal meeting procedures resumed at 9.42pm.

A ballot process was undertaken to determine the preferred candidates for the Business and Economic Development Advisory Committee appointments.

Councillor S. Finos left the Chambers at 9.44pm.
Councillor D. Palmer left the Chambers at 9.44pm.
Councillor S. Finos returned to the Chambers at 9.44pm.
Councillor D. Palmer returned to the Chambers at 9.44pm.

The results of the ballot process for appointment to the Business and Economic Development Advisory Committee was communicated to the Presiding Member and the results announced.

ITEM 4.13

**BUSINESS AND ECONOMIC DEVELOPMENT ADVISORY COMMITTEE,
TERMS OF REFERENCE, APPOINTMENT OF ELECTED MEMBER
REPRESENTATIVES AND SELECTION PANEL FOR INDEPENDENT
MEMBERS**

MOVED Councillor M. Rabbitt
SECONDED Councillor J. Gaffey

That:

1. The report be received.
2. The Business and Economic Development Advisory Committee Terms of Reference as set out in Attachment 1 to this Report (Item 4.13, Council Meeting, 23/01/2023) be adopted.
3. Councillors S. Finos and D. Palmer be appointed as Committee Members of the Business and Economic Development Advisory Committee commencing from the date of this resolution and expiring on 29 February 2025.
4. A Selection Panel comprising Councillors S. Finos and D. Palmer, the Mayor and the CEO be appointed to review the Expressions of Interest received and to conduct interviews of shortlisted candidates to fill the Independent Committee Member positions for the Business and Economic Development Advisory Committee.
5. A report be presented to the March 2023 Ordinary Council Meeting with the recommendations to fill the Independent Committee Member positions for the Business and Economic Development Advisory Committee.
6. The CEO be authorised to make minor editorial and formatting changes as required to the Business and Economic Development Advisory Committee Terms of Reference in order to finalise the document.

CARRIED UNANIMOUSLY

Resolution No. C0956/23

SUSPENSION OF FORMAL MEETING PROCEDURES

The Presiding Member with approval of two-thirds of the members present suspended meeting procedures pursuant to Regulation 20(1) of the *Local Government (Procedures at Meetings) Regulations 2013* at 9.46pm for up to 12 minutes to facilitate an informal discussion of the matter.

The following nominations were accepted for consideration of appointment to the Chief Executive Officer's Review Panel:

Councillor D. Palmer

Councillor C. Crabbe

Councillor P. Hughes

Councillor J. Gaffey

The Presiding Member sought leave of the meeting for each nominee to provide a 2 minute speech in support of their nomination, and leave was granted.

Councillor D. Palmer left the Chambers at 9.48pm.

Councillor J. Gaffey left the Chambers at 9.48pm.

Councillor C. Crabbe left the Chambers at 9.48pm.

Councillor J. Gaffey returned to the Chambers at 9.51pm.

Councillor P. Hughes returned to the Chambers at 9.51pm.

Councillor D. Palmer returned to the Chambers at 9.51pm.

Councillor C. Crabbe returned to the Chambers at 9.51pm.

Formal meeting procedures resumed at 9.51pm.

A ballot process was undertaken to determine the preferred candidates for the Chief Executive Officer's Review Panel appointments.

The results of the ballot process for appointment to the Chief Executive Officer's Review Panel was communicated to the Presiding Member and the results announced.

ITEM 4.14

RE-ESTABLISHMENT OF CHIEF EXECUTIVE OFFICER'S REVIEW PANEL

MOVED Councillor M Rabbitt

SECONDED Councillor G Hart

That:

1. The report be received.
2. The Chief Executive Officer's Review Panel Terms of Reference as set out in Attachment 1 to this Report (Item 4.14, Council Meeting 23/01/23) be endorsed.
3. Councillors C. Crabbe, D. Palmer and P. Hughes be appointed to the Chief Executive Officers Review Panel for the period commencing from the date of this resolution and concluding on 31 January 2025.

4. The Acting Manager Governance be authorised to make minor editorial and formatting changes as required to the Chief Executive Officer's Review Panel Terms of Reference, in order to finalise the document.

CARRIED UNANIMOUSLY

Resolution No. C0957/23

ITEM 4.15

APPOINTMENT OF BEHAVIOURAL STANDARDS PANEL CONTACT OFFICER

MOVED Councillor R. Rogers

SECONDED Councillor M. Broniecki

That:

1. The report be received.
2. Ms Kathryn Goldy, Acting Manager Governance be appointed as the Behavioural Standards Panel Contact Officer.

CARRIED UNANIMOUSLY

Resolution No. C0958/23

EXTENSION OF TIME FOR MEETING

The Presiding Member with approval of two-thirds of the members present sought an extension of time for the meeting pursuant to Regulation 20(1) of the *Local Government (Procedures at Meetings) Regulations 2013* at 9.54pm for up to 30 minutes to consider the remaining agenda items.

Mayor M. Hewitson declared a general conflict of interest in Item 4.16 Code of Conduct Complaint – Council Term 2018-2022 on the basis that he is a party to the matter and advised that he would manage the conflict by leaving the meeting and not, presiding over the meeting, participating in the debate or voting in relation to that item (if the vote was tied) Mayor M. Hewitson vacated the Chair and left the Chambers at 9.55pm.

Deputy Mayor M. Broniecki resumed the Chair as Presiding Member at 9.55pm.

Councillor R. Rogers declared a material conflict of interest in Item 4.16 Code of Conduct Complaint – Council Term 2018-2022 on the basis of her relationship with a party to the matter and advised that she would manage the conflict by leaving the meeting and not participating in the debate or voting in relation to that item. Councillor R. Rogers left the Chambers at 9.56pm.

Councillor J. Russo declared a material conflict of interest in Item 4.16 Code of Conduct Complaint – Council Term 2018-2022 on the basis that she is the subject of the complaint and advised that she would manage the conflict by leaving the meeting and not participating in the debate or voting in relation to that item. Councillor J. Russo left the Chambers at 9.56pm.

ITEM 4.16

CODE OF CONDUCT COMPLAINT - COUNCIL TERM 2018-2022

MOVED Councillor J. Bonham

SECONDED Councillor G. Hart

That:

1. The report be received.
2. The Norman Waterhouse “Final Investigation Report – Code of Conduct for Council Members” as set out in Attachment 1 to this report (Item 4.16, Council Meeting, 23/01/2023) be adopted.
3. In response to the finding that Councillor J. Russo breached clause 2.4 of the Code of Conduct for Council Members, Council resolves that no further action be taken.

LOST

MOVED Councillor P. Hughes

SECONDED Councillor M. Rabbitt

That:

1. The report be received.
2. The Norman Waterhouse “Final Investigation Report – Code of Conduct for Council Members” as set out in Attachment 1 to this report (Item 4.16, Council Meeting, 23/01/2023) be adopted.
3. In response to the finding that Councillor J. Russo breached clause 2.4 of the Code of Conduct for Council Members, Councillor J. Russo apologises to Mayor M. Hewitson.

CARRIED

Resolution No. C0959/23

Deputy Mayor M. Broniecki vacated the Chair at 10.10pm.

Mayor M. Hewitson returned to the Chambers at 10.10pm and resumed the Chair.

Councillor R. Rogers returned to the Chambers at 10.10pm.

Councillor J. Russo returned to the Chambers at 10.10pm

Councillor J. Russo provided an apology to Mayor M. Hewitson, in accordance with Resolution No. C0959/23, Council Meeting, 23 January 2023.

ITEM 4.17

2023 LGA ORDINARY GENERAL MEETING - CALL FOR ITEMS OF BUSINESS

MOVED Councillor P. Hughes

SECONDED Councillor J. Bonham

That:

1. The report be received.
2. A Notice of Motion be submitted to the Local Government Association Ordinary General Meeting (currently scheduled for April 2023) whereby it requests the LGA to:
 - Promote the concept of Environmentally Sustainable Development using Best Practice Principles.
 - Advocate for commensurate changes to the Planning and Design Code.
 - Advocate for better construction standards.
3. Staff be authorised to liaise with the LGA Secretariat in relation to the wording of the motion set out in Part 2, and if required, modify the wording to facilitate acceptance of the motion for consideration at the Local Government Association Ordinary General Meeting (currently scheduled for April 2023) and to ensure legislative compliance.
4. The CEO be authorised to compile supporting and relevant background information as required in order to finalise the proposed Motion to the Local Government Association Ordinary General Meeting (currently scheduled for April 2023).

CARRIED UNANIMOUSLY

Resolution No. C0960/23

Councillor M. Broniecki left the Chambers at 10.19pm.

Councillor L. Doyle left the Chambers at 10.19pm.

Councillor M. Broniecki returned to the Chambers at 10.19pm.

Councillor L. Doyle returned to the Chambers at 10.19pm

ITEM 4.18

LGA CALL FOR NOMINATIONS - SOUTH AUSTRALIAN PUBLIC HEALTH COUNCIL

MOVED Councillor D. Palmer

SECONDED Councillor J. Gaffey

That:

1. The report be received.
1. Councillors M. Broniecki and L. Doyle be put forward in response to the call for nominations by the LGA for the vacancy for a local government representative on the South Australian Public Health Council for a three (3) year term.

CARRIED UNANIMOUSLY

Resolution No. C0961/23

ITEM 4.19

LGA CALL FOR NOMINATIONS - PREMIER'S CLIMATE CHANGE COUNCIL

MOVED Councillor M. Rabbitt

SECONDED Councillor D. Palmer

That:

1. The report be received.

CARRIED UNANIMOUSLY

Resolution No. C0962/23

ITEM 4.20

COUNCIL ACTION RECORDS

MOVED Councillor M. Broniecki

SECONDED Councillor J. Russo

That:

1. The report be noted.

CARRIED UNANIMOUSLY

Resolution No. C0963/23

5. MOTIONS AND QUESTIONS

5.1 MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

ITEM 5.1.1

NOTICE OF MOTION FROM COUNCILLOR J. GAFFEY RE: IMPROVEMENTS TO GLEN OSMOND ROAD

MOVED Councillor J. Gaffey

SECONDED Councillor P. Hughes

That:

1. The Mayor of the City of Unley write to the Mayor of the City of Burnside seeking to commence initial engagement and discussions to investigate the opportunity for the Cities of Unley and Burnside to work together in a joint partnership for the improvement of Glen Osmond Road.

CARRIED UNANIMOUSLY

Resolution No. C0964/23

EXTENSION OF TIME FOR MEETING

The Presiding Member with approval of two-thirds of the members present sought an extension of time for the meeting pursuant to Regulation 20(1) of the *Local Government (Procedures at Meetings) Regulations 2013* at 10.30pm for up to 10 minutes to consider the remaining agenda items.

5.2 MOTIONS WITHOUT NOTICE

Nil

5.3 QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

ITEM 5.3.1

QUESTION ON NOTICE FROM COUNCILLOR M. BRONIECKI RE. PLANTING OF TREE SPECIES

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

QUESTIONS

1. Will Queensland Box trees continue to be planted?
2. Is there a directive through policy, Council motion or any other City of Unley publicly available document that indicates Queensland Box trees will no longer be planted in the City of Unley?
3. If such a directive exists, how many Queensland Box have been planted since that directive took effect?

4. If such a directive exists and Queensland Box have been planted since the directive took effect, how is it that Queensland Box have been planted despite the directive.
5. If there is a directive to no longer to plant Queensland Box, how will that directive be implemented at a system level to ensure the directive is adhered to?
6. What is the longevity of Queensland Box and Jacaranda trees?
7. Are there tree species other than the Queensland Box and Jacaranda trees that will either no longer be planted or fewer plantings undertaken for reasons of improving tree diversity?
8. What is the scope of trees species that will no longer be planted for reasons of improving public safety? For example, White Cedars, which drop hard round berries?
9. Is there pre-existing information that clarifies the operational tree diversification approach, and if so, where is this information located and when was it developed?
10. How long is it expected to take to achieve a healthy, environmentally sustainable and resilient tree population by increasing tree species diversity?
11. Will the information of when a healthy, environmentally sustainable and resilient tree population be updated if necessary, if such information exists?
12. How will the replacement of trees along tree avenues, for example streets lined with Jacarandas, be handled as opposed to streets with mixed species of trees?
13. What influence do residents have in relation choice of tree when a street tree outside of their property requires replacement? For example, can a London Plane tree be replaced with another London Plane tree if the resident so wishes?
14. What recourse do residents have if their preference of new a street tree is overridden? For example, they would like a London Plane tree replanted but are told a different tree will be planted.

ANSWERS

1. Will Queensland Box trees continue to be planted?

Queensland Box trees are not currently being planted within the City of Unley. This is due to the very high proportion of our urban forest being Queensland Box species, which leaves the City vulnerable to pest and disease as well as ongoing pedestrian safety concerns raised regarding the dropping of pods and nuts.

2. Is there a directive through policy, Council motion or any City of Unley publicly available document that indicates Queensland Box trees will no longer be planted in the City of Unley?

In August 2016, a statement was made in a Council report titled *Street Tree Succession Program* by the then Sustainable Landscape Specialist, that stated that Queensland Boxes would no longer be planted, however this was not a directive and was in the context of new plantings associated with whole of street tree replacement programs.

While there is no policy directive that specifies Queensland Box trees will no longer be planted, the Council's Tree Strategy has principal 2 "*Diversity – Ensure the City has a diversity of tree species and ages to maximise resilience against pest, diseases and climate extremes.*" Related to this is initiative E1.5 *Target an urban forest composition of no more than 5% of one tree species, and 10% of one genus.*

Aligned to this, in mid-2022, Executive Management issued an instruction to Council staff that new Queensland Box trees are not to be planted within the City.

3. If such a directive exists, how many Queensland Box have been planted since that directive took effect?

Since the instruction given in mid-2022 by Executive Management, no Queensland Box trees have been planted.

For information, a total of 25 Queensland Box trees have been planted in the last 5 years with 12 of those planted in the last 4 years following endorsement of the Tree Strategy.

4. If such a directive exists and Queensland Box have been planted since the directive took effect, how is it that Queensland Box have been planted despite the directive.

As stated above, no Queensland boxes have been planted since staff were instructed not to in mid-2022.

Prior to this, the more recent circumstances of planting of Queensland Boxes were from resident requests or like for like tree replacements when 100% of the trees in a street are Queensland Boxes.

5. If there is a directive to no longer to plant Queensland Box, how will that directive be implemented at a system level to ensure the directive is adhered to?

If residents request the planting of Queensland Boxes in front of their property, Council staff will advise of the associated risks with that species and recommend alternatives.

Council's tree policy is due for review and can be amended as needed to assist staff to manage directives when liaising with residents.

6. **What is the longevity of Queensland Box and Jacaranda trees?**

It is difficult to state with certainty the exact longevity of Queensland Box and Jacaranda trees. However, general arboriculture advice would suggest that if looked after accordingly, Queensland Boxes and Jacarandas can live well over 100 years.

7. **Are there tree species other than the Queens Box and Jacaranda trees that will either no longer be planted or fewer plantings undertaken for reasons of improving tree diversity?**

Council delivers an annual tree planting program of a variety of tree species across the City, targeting infill and replacement locations, as well as trials of inroad planting, and other integrated streetscape works. Over time, the cumulative impact of the program will start to dilute the current dominance of any single tree species (e.g., Queensland Boxes or Jacarandas) across the city.

Work has also been undertaken by Resilient East and other councils to develop guidelines on appropriate tree species in a metropolitan area environment. While similar guidelines have been available (and used to inform our species, selection practices), the current guidelines take into consideration the impacts of climate change etc. and consequently it is likely that we will review our guidelines in the next 12-24 months.

8. **What is the scope of trees species that will no longer be planted for reasons of improving public safety? For example, White Cedars, which drop hard round berries?**

Like other assets, trees require effective and coordinated management in their planning, planting, establishment and ongoing care to maximise their benefits and minimise risks.

As stated in the answer to Question 1, Queensland Boxes are no longer being planted within the City of Unley, partly due to public safety concerns.

Arboriculture staff select tree species on a case-by-case basis to suit specific locations taking into account community use, neighbourhood character, transport functions, biodiversity, native habitat provision, open space, available space, utilities and environmental considerations. The species that suit our parks versus our streets can be quite different for example

With regard to improving public safety, staff are in the process of amending the Footpath sweeping program in order to increase the number of sweeps for streets that are predominantly lined with Queensland Box and White Cedars during peak periods of fruiting.

9. **Is there pre-existing information that clarifies the operational tree diversification approach, and if so, where is this information located and when was it developed?**

The 2020 Tree Strategy, included a summary species diversity of Unley's street trees, taken from the 2015 detailed street audit. The audit highlighted the dominance (42% of all street trees) of Queensland Box and Jacaranda species.

The Tree Strategy advocates for a greater focus on tree selection, including Initiative E1.5 – 'Target an urban forest composition of no more than 5% of one species and 10% of one genus'.

10. **How long is it expected to take to achieve a healthy, environmentally sustainable and resilient tree population by increasing tree species diversity?**

The Strategy recognises that increasing the diversity of species is a long-term process that will predominantly be completed through the natural succession of existing trees.

Using current street tree vacancy data, Council should be able to continue to increase the street tree population and therefore diversity with an additional 2,000 trees over the next 5 years, before tree planting opportunities become more difficult and costly. Following that time, diversity will be mainly limited to succession planning opportunities.

11. **Will the information of when a healthy, environmentally sustainable and resilient tree population be updated if necessary, if such information exists?**

As referenced in the Tree Strategy, Council is converting its street tree data into an online digital map to assist Council staff and the community to understand and more effectively manage our street trees.

The online mapping can provide real-time information on new tree planting programs, replacement planting and pruning programs, as well as the diversity of age and species across the City. The data used for the mapping will reflect Council's most recent street tree audit, undertaken in 2021.

It is expected that this information will be available for the community to view in mid-2023.

12. **How will the replacement of trees along tree avenues, for example streets lined with Jacarandas, be handled as opposed to streets with mixed species of trees?**

Aligned with the intent of the Tree Strategy, Jacarandas are not being introduced within the City in locations where they are not already established as the dominant species.

Any existing avenues of Jacarandas would typically be retained (e.g. replace 'like for like' if one dies). However, Jacarandas in mixed streets are gradually replaced with alternate species and new avenues of Jacarandas are not started.

13. **What influence do residents have in relation to choice of a tree when a street tree outside of their property requires replacement? For example, can a London Plane tree be replaced with another London Plane tree if the resident so wishes?**

In accordance with Council policies and values, Council staff inform residents immediately adjacent of the proposed planting of new or replacement trees within their street. Residents have the opportunity to discuss with Council staff through that process their preferences for tree species. Selection is based on a wide range of factors as outlined in question (5) above, however resident preferences are also taken into consideration where possible or appropriate.

14. **What recourse do residents have if their preference of new a street tree is overridden? For example, they would like a London Plane tree replanted but are told a different tree will be planted.**

As is the case with any decision made by the Administration, this can be reviewed by Senior or Executive Management. In the event that a resident is unable to reach agreement regarding the planting of a new or replacement tree within their streets, they can request that the matter be reviewed by Senior Management in the first instance, or Executive Management if the initial review does not provide an acceptable outcome.

ITEM 5.3.2

QUESTION ON NOTICE FROM COUNCILLOR P. HUGHES RE: HIGHGATE PARK (FORMERLY THE JULIA FARR CENTRE) AND ORIGINALLY THE HOME FOR INCURABLES

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

QUESTIONS

1. At what stage is the State Government process to determine the future of this site?
2. What decisions have Council made to try and ensure the best possible outcomes for the future of Highgate Park?
3. What specific actions have Council taken to further identify and protect Regulated and Significant trees? What is the timeline and process to have these identified trees formally protected?
4. What other decisions and/or actions have the CEO or Council staff taken to try and ensure the best possible outcomes for the future of Highgate Park?

5. Regarding Council purchasing a parcel(s) of land at Highgate Park:
 - (a) What dedicated funds do Council have available for this purpose?
 - (b) In the opinion of the CEO is it feasible that Council could seek to purchase a far greater value of land than the dedicated funds would currently allow?
 - (c) Given Unley's status of having far less open space compared with other Councils, what would it take for Council to negotiate / tender for a very significant portion of land for community purposes and have long term Government support to purchase e.g., an interest free loan say, for example, 20 years.

ANSWERS

1. **At what stage is the State Government process to determine the future of this site?**

The latest advice from Renewal SA is that the property is likely to go to the market after January 2023.

The site is owned by "The Home for Incurables Trust" and the Minister for Human Services is the sole trustee. The decision on the sale of the property, any terms, and when it will proceed to market is made by the trustee. It is understood that Renewal SA are the agents that will simply market the property for maximum sale price, with funds to be reinvested in supporting people with a disability – via the organisation Purple Orange.

2. **What decisions have Council made to try and ensure the best possible outcomes for the future of Highgate Park?**

Council has over the last few years engaged with various State Government Ministers to seek a positive community outcome for this site. More recently, Administration wrote to the Minister for Human Services in September 2022 to request deferral of the sale until a Master Plan is developed that identifies potential uses that meet the objectives of The Home for Incurables Trust, recognises the needs of key stakeholders, and benefits the community.

3. **What specific actions have Council taken to further identify and protect Regulated and Significant trees? What is the timeline and process to have these identified trees formally protected?**

A 2017 Tree Audit that the owner had prepared for the site has been reviewed. An updated 2021 Tree Audit will become available as part of the information associated with the Expression of Interest to tender release in January 2023.

The same company and persons who undertook the recent Significant Tree List Review for Council have been engaged and will undertake an assessment of trees on the site once the latest updated 2021 Tree Audit has been obtained. This is expected to occur in February 2023.

It is anticipated that the assessment will conclude in 1 to 2 months. The report, once completed, will be uploaded to the City of Unley website and be publicly available.

The circumference of the existing trees will determine what would currently be Regulated (2 metre circumference at 1 metre above the ground) or Significant (3 metre circumference at 1 metre above the ground) and be protected accordingly.

Section 68 of the *Planning, Development and Infrastructure Act 2016* designates the criteria for specific listing of a 'significant tree'.

Trees may be nominated, assessed, and proposed as candidates for listing but until they are determined to meet those criteria by the Minister for Planning, via the initiation, processing, and approval of a Planning & Design Code Amendment, they are not incorporated into the declared list of 'Significant Trees'.

It is worth noting that issues around trees, including Regulated and Significant Trees, is currently under investigation by the Expert Panel on the Planning System Implementation Review. This review, and the level of investment necessary, has led Council to defer considering proceeding with a Code Amendment at this stage.

4. **What other decisions and/or actions have the CEO or Council staff taken to try and ensure the best possible outcomes for the future of Highgate Park?**

Members of the Administration have met with and remain in regular contact with staff from Renewal SA about the sale of the property. The objectives of Council to achieve a level of open space and protection of valuable trees has been conveyed to Renewal SA.

A Highgate Park Development Prospectus has been prepared to outline the Council's desired design principles and interest in negotiating about an increased area of open space.

Renewal SA have agreed to include this prospectus as part of the marketing package for the property sale, and to direct potential interested purchasers to Council for enquiries on zoning policy and interest in securing open space on the site.

5. **Regarding Council purchasing a parcel(s) of land at Highgate Park:**

(a) **What dedicated funds do Council have available for this purpose?**

Council has obtained \$345,000 from the State Government Planning & Development Fund, that it would need to match within its budget.

This would provide funding of \$690,000 for this purpose.

(b) In the opinion of the CEO is it feasible that Council could seek to purchase a far greater value of land than the dedicated funds would currently allow?

The CEO has had discussions with Renewal SA indicating that Council would potentially be interested in purchasing a large piece of the site (at the commercial rate) to retain as open space. While sympathetic to Council's position, Renewal SA have indicated that their instructions are to go out to the market for the whole site.

It should be noted that development and land division of the property for residential purposes requires provision for open space. However, provision of land is only required when more than 20 Torrens Title Allotments are proposed. Otherwise, with fewer such allotments, or Community Title allotments, for example in the case of apartments, a financial contribution per allotment may alternatively be made to the Planning and Development Fund.

The property is to be sold for its best value on the open private property market. The purchase of any portion of land for open space would be at a market value as determined by the new owner.

It is hoped that the new owner will see the value to the overall amenity and facilities of a new development of an area of providing an area of open space and maintaining established trees. Negotiation to supplement this provision may be feasible.

(c) Given Unley's status of having far less open space compared with other Councils, what would it take for Council to negotiate / tender for a very significant portion of land for community purposes and have long term Government support to purchase e.g., an interest free loan say, for example, 20 years.

The site is owned by "The Home for Incurables Trust" and the Minister for Human Services is the sole trustee. The decision on the sale of the property, any terms, and when it will proceed to market is made by the trustee. It is understood that Renewal SA are the agents that will simply market the property for maximum sale price, with funds to be reinvested in supporting the disability community.

The property is being sold as one holding. Council could pursue purchase of the whole site, with subsequent separation of desired open space and re-sale of remaining parts. Council would require its own loan funds from the Local Government Finance Authority or could seek an alternative funding model from the State Government.

ITEM 5.4.1

QUESTION WITHOUT NOTICE FROM COUNCILLOR D. PALMER RE: QUEENSLAND BOX TREES NEW PLANTINGS

The following Questions without Notice were received from Councillor D. Palmer and the answers will be provided with the 27 February Council Meeting Agenda.

QUESTIONS

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

ITEM 5.4.2

QUESTION WITHOUT NOTICE FROM COUNCILLOR D. PALMER RE: SCHEDULED STREET SWEEPING

The following Questions without Notice were received from Councillor D. Palmer and the answers will be provided with the 27 February Council Meeting Agenda.

QUESTIONS

- 1 How often are our urban streets scheduled for street sweeping? Is it every 6 weeks?
- 2 Is there a change in frequency depending on the time of the year?
- 3 Is there a hierarchy of streets wherein some are scheduled to be swept more often?
- 4 If so, what criteria is applied to determine the hierarchy?
- 5 Are streets lined with Queensland Box treated differently?
- 6 What criteria will prompt Admin to program an unscheduled sweep?
- 7 Are our footpaths and verges swept as part of this program?
- 8 Likewise, do we manually blow leaves resting under cars parked in the

street and therefore in the way of and inhibiting our street sweeper?

- 9 If yes to either question 7 or 8, how often?
- 10 Do we respond to individual streets if alerted by the rate payers of that street highlighting an issue warranting a separate sweep?
- 11 What is our annual budget for street cleaning?
- 12 How would an increase in frequency impact on our budget. Maybe on a proposed change from once every 6 weeks to once every 4 weeks?
- 13 Can we investigate a way to better inform rate payers of a pending street clean, to assist in them contributing to the sweep by removing cars and/or volunteering to ensure leaf debris is positioned at the best possible location to assist the street sweeper?

6. MEMBER'S COMMUNICATION

6.1 MAYORS REPORT

ITEM 6.1.1

MAYOR'S REPORT FOR MONTH OF JANUARY 2023

MOVED Councillor M Broniecki

SECONDED Councillor P. Hughes

That:

1. The report be received.

CARRIED UNANIMOUSLY

Resolution No. C0965/23

6.2 DEPUTY MAYORS REPORT

ITEM 6.2.1

DEPUTY MAYOR'S REPORT FOR MONTH OF JANUARY 2023

MOVED Councillor D. Palmer

SECONDED Councillor S Finos

That:

1. The report be received.

CARRIED UNANIMOUSLY

Resolution No. C0966/23

6.3 ELECTED MEMBERS REPORTS

ITEM 6.3.1

REPORTS OF MEMBERS FOR JANUARY 2023

Council noted the attached reports from Members:

1. Councillor J. Bonham
2. Councillor D. Palmer
3. Councillor G. Hart
4. Councillor S. Finos

6.4 CORRESPONDENCE

ITEM 6.4.1 CORRESPONDENCE

The correspondence to:

- The Hon Nick Champion MP – Re. Proposed Tree Offset Scheme
was noted.

7. CONFIDENTIAL ITEMS

Nil

NEXT MEETING

Monday 27 February 2023 - 7.00pm

CLOSURE

The Presiding Member closed the meeting at 10.32pm.

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PRESIDING MEMBER