

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 28 March 2022 7.00pm

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

A handwritten signature in black ink, appearing to be "P.S.", followed by a long horizontal line extending to the right.

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

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

1.4 MINUTES

1.4.1 Minutes of the Ordinary Council Meeting held Monday, 28 February 2022

1.5 DEFERRED / ADJOURNED ITEMS

Nil

2. PETITIONS/DEPUTATIONS

Nil

3. REPORTS OF COMMITTEES

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

3.1 Minutes of Audit Committee

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5. MOTIONS AND QUESTIONS

5.1 MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

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

Nil

5.4 QUESTIONS WITHOUT NOTICE

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

6. MEMBER'S COMMUNICATION

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7.3 Confidentiality Motion to remain in confidence for Item 7.2
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SUGGESTED ITEMS FOR NEXT AGENDA

Weed Control - Glyphosate and Thermal
Clarence Park Community Centre Partnership Agreement
2020-21 Quarter 3 Budget Review
Draft 2021-22 Annual Business Plan and Budget for Public Consultation
Significant Tree List Review - Project Update and Next Steps
Review of Policies
Disposal of Road - Portion Beaconsfield Street, Hyde Park
Draft 2022-23 Annual Business Plan and Budget for Community Consultation
Plastic Free SA Program
2021-22 Quarter 3 Financial Performance Report
Mainstreet Association Marketing Funding Requests 2022/23

NEXT MEETING

Tuesday 26 April 2022 - 7.00pm

Council Chambers, 181 Unley Road Unley

REPORT OF COMMITTEE

REPORT TITLE:	MINUTES OF AUDIT COMMITTEE
ITEM NUMBER:	3.1
DATE OF MEETING:	28 MARCH 2022
ATTACHMENTS:	1. MINUTES OF AUDIT COMMITTEE - 15 MARCH 2022

1. EXECUTIVE SUMMARY

The minutes and recommendations of the Audit Committee meeting held on Tuesday 15 March 2022 are presented for Council's consideration.

2. RECOMMENDATION

That:

1. The minutes of the Audit Committee meeting held on Tuesday 15 March 2022, be received and the following recommendations contained therein be adopted by Council
 - (a) Item 2.1 - Proposed Financial Targets for Long Term Financial Plan 2022-2032

That:

1. The report be received.

The Long-Term Financial Plan 2022-2032 key financial targets as set out below, be adopted.

Indicator	Key Financial Target
Operating Surplus (excluding equity accounts businesses)	> 5.0%
Net Financial Liabilities	< 80%
Asset Renewal Funding (based on the Asset Management Plans)	= > 100%

Resolution No. AC0074/22

(b) Item 2.2 – Strategic Risk Register

That:

1. The report be received.

Resolution No. AC0075/22

(c) Item 2.3 – External Audit Agreed Actions Status Update

That:

1. The report be received.

Resolution No. AC0076/22

(d) Item 2.4 - 2021-22 Internal Audit Plan Status Update

That:

1. The report be received.
2. The Regulatory and Health Business Structure and Performance Review when finalised be provided to the Audit Committee.

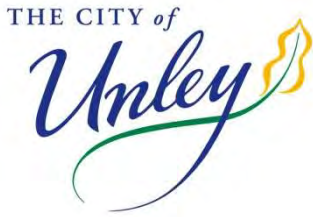
Resolution No. AC0077/22

(e) Item 2.5 - Audit Committee Workplan 2022

That:

1. The report be received.
2. The Audit Committee Workplan as set out in Attachment 1 to this report (Item 2.5, Audit Committee Meeting, 15/03/2022) be adopted.

Resolution No. AC0078/22



**Minutes of the City of Unley
Audit Committee Meeting
Tuesday, 15 March 2022, 6.30pm
Online via Zoom**

1. PRESENT

Presiding Member D Powell (Presiding Member)
Councillor M Rabbitt
Councillor M Broniecki
Independent Member N Handley
Independent Member A Martin

2. OFFICERS PRESENT

Chief Executive Officer, Mr P Tsokas
Manager Finance and Procurement, Mr A Brown
Principal Risk Management Officer, Mrs L Cataldi

3. GUEST

Nil

4. ACKNOWLEDGEMENT

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

5. 1. ADMINISTRATIVE MATTERS

1.1 APOLOGIES

Nil

1.2 LEAVE OF ABSENCE

Nil

1.3 CONFLICT OF INTEREST

Nil

1.4 MINUTES

ITEM 1.4.1

MINUTES OF THE ORDINARY AUDIT COMMITTEE MEETING HELD TUESDAY, 15 FEBRUARY 2022

MOVED Councillor M Broniecki

SECONDED Councillor M Rabbitt

That:

1. The minutes of the Ordinary Audit Committee held on Tuesday, 15 February 2022 be taken as read and signed as a correct record.

CARRIED UNANIMOUSLY

Resolution No. AC0073/22

1.5 DEFERRED / ADJORNED ITEMS

Nil

6. 2. REPORTS

ITEM 2.1

PROPOSED FINANCIAL TARGETS FOR LONG TERM FINANCIAL PLAN 2022-2032

MOVED Councillor M Broniecki

SECONDED Councillor M Rabbitt

That:

1. The report be received.

The Long-Term Financial Plan 2022-2032 key financial targets as set out below, be adopted.

Indicator	Key Financial Target
Operating Surplus (excluding equity accounts businesses)	> 5.0%
Net Financial Liabilities	< 80%
Asset Renewal Funding (based on the Asset Management Plans)	= > 100%

CARRIED UNANIMOUSLY

Resolution No. AC0074/22

ITEM 2.2

STRATEGIC RISK REGISTER

MOVED Independent Member A Martin

SECONDED Independent Member N Handley

That:

1. The report be received.

CARRIED UNANIMOUSLY

Resolution No. AC0075/22

ITEM 2.3

EXTERNAL AUDIT AGREED ACTIONS STATUS UPDATE

MOVED Councillor M Broniecki

SECONDED Independent Member A Martin

That:

1. The report be received.

CARRIED UNANIMOUSLY

Resolution No. AC0076/22

ITEM 2.4

2021-22 INTERNAL AUDIT PLAN STATUS UPDATE

MOVED Independent Member N Handley

SECONDED Independent Member A Martin

That:

1. The report be received.
2. The finalised Regulatory and Health Business Structure and Performance Review will be provided to the Audit Committee.

CARRIED UNANIMOUSLY

Resolution No. AC0077/22

ITEM 2.5
AUDIT COMMITTEE WORKPLAN 2022
MOVED Councillor M Rabbitt
SECONDED Councillor M Broniecki

That:

1. The report be received.
2. The Audit Committee Workplan as set out in Attachment 1 to this report (Item 2.5, Audit Committee Meeting, 15/03/2022) be adopted.

CARRIED UNANIMOUSLY

Resolution No. AC0078/22

7. 3. OTHER BUSINESS

8. NEXT MEETING

Tuesday 17 May 2022 - 6.30pm

9. CLOSURE

The Presiding Member closed the meeting at 7.53pm.

.....
PRESIDING MEMBER

INFORMATION REPORT

REPORT TITLE:	AUDIT COMMITTEE - 2021 PRESIDING MEMBER'S REPORT
ITEM NUMBER:	4.1
DATE OF MEETING:	28 MARCH 2022
AUTHOR:	LIDA CATALDI
JOB TITLE:	PRINCIPAL RISK MANAGEMENT OFFICER
ATTACHMENTS:	1. AUDIT COMMITTEE - 2021 PRESIDING MEMBER'S REPORT

1. **EXECUTIVE SUMMARY**

The Presiding Member of the Audit Committee has provided the attached Report to Council, summarising the Committee's activities for the 2021 calendar year.

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 Audit Committee of Council is established in accordance with the requirements of section 41 and 126 of the *Local Government Act 1999* (the Act).

The Terms of Reference for the Committee provide that the Committee will consist of five members, three of whom will be independent of the Council, and two Elected Members. The Independent Members must have recent and relevant experience to ensure the effective discharge of the responsibilities of the Committee.

The current Elected Members of the Audit Committee are:

- Councillor Monica Broniecki (January 2019 – current term concludes November 2022)
- Councillor Michael Rabbitt (February 2021 – current term concludes November 2022)

The Independent Members of the Audit Committee were all appointed in June 2019. Their term concludes in May 2023:

- Independent Member David Powell (Presiding Member)
- Independent Member Nicholas Handley
- Independent Member Annette Martin

5. **DISCUSSION**

The Audit Committee has met six times during 2021:

Date	Meeting
9 February 2021	Regular Meeting
11 May 2021	Regular Meeting
10 August 2021	Regular Meeting
27 October 2021	Regular Meeting
10 November 2021	Special Confidential Meeting – Probity Report for the Waste Collection and Processing Tender
7 December 2021	Regular Meeting

The Presiding Member has prepared a report summarising the activities of the Committee for the period of January to December 2021 and will be available at the Council meeting to speak to the Report. A copy of the report is provided as Attachment 1.

Attachment 1

6. **REPORT AUTHORISERS**

Name	Title
Alex Brown	Manager Finance and Procurement
Nicola Tinning	General Manager, Business Support & Improvement

Audit Committee 2021 Presiding Member's report

I am pleased to provide the Presiding Member's report of the Audit Committee for 2021.

The Committee met on six occasions in 2021. The Committee considered a range of matters within the scope of its Terms of Reference (ToR). Matters considered by the Committee are summarised below.

Financial Reporting and Sustainability

In accordance with its duties under the *Local Government Act 1999* and its ToR, the Committee reviewed the 2020-21 General purpose financial statements and met with the external auditors, Galpins, to discuss matters arising from their audit.

On 27 October 2021 the Committee resolved that it was satisfied that the financial statements presented fairly the state of affairs of council for the year ended 30 June 2021.

I would like to acknowledge the work of finance team for compilation of the financial statements and the effective working relationship with the external audit team.

Other **financial reporting** matters considered by the Committee during the year:

- 2021-2031 Long Term Financial Plan Consultation
- 2021-22 Annual Business Plan and Budget
- Presentation from Brown Hill Keswick Creek Subsidiary
- General Purpose Financial Statements

Internal Controls and Risk Management Systems

- Strategic Risk Register
- Operational Risk Register
- Internal Audit Plan – 2021
- Internal Audit Report – Petty Cash
- Summary of revised Business Continuity Plan
- Unsolicited Proposal Policy
- Waste Collection & Processing Tender (*confidential prudential & probity report*)

External Audit

- External Audit interim report
- Agreed actions from External Audit

Committee Membership

The Committee's members are David Powell (Independent Presiding Member), Councillor Broniecki, Councillor Rabbitt (commenced membership January 2021), Nick Handley (Independent) and Annette Martin (Independent). I would like to thank members and management for their valuable contribution to the work of the Committee in 2021.

Audit Committee 2021 Presiding Member's report

Meeting attendances are as following:

Jan 2021 – Dec 2021 (6 meetings)	
David Powell (Presiding Member)	6/6
Cr Broniecki	6/6
Cr Rabbitt	6/6
N Handley (Independent)	5/6
A Martin (Independent)	6/6

Thank you for the opportunity to serve the Council in this way. We would welcome you visiting one of our meetings next year.



David Powell
Presiding Member
11 March 2022

DECISION REPORT

REPORT TITLE:	DISABILITY ACCESS AND INCLUSION PLAN 2022-2026
ITEM NUMBER:	4.2
DATE OF MEETING:	28 MARCH 2022
AUTHOR:	MARCIA MUDGE
JOB TITLE:	TEAM LEADER COMMUNITY & CULTURAL DEVELOPMENT
ATTACHMENTS:	<ol style="list-style-type: none">1. DISABILITY ACCESS AND INCLUSION PLAN (DAIP) 2022-20262. SUMMARY REPORT COMMUNITY ENGAGEMENT3. YOURSAY UNLEY SURVEY RESULTS FEBRUARY 2022 CONSULTATION4. PURPLE ORANGE CONSULTATION SUBMISSION

1. **EXECUTIVE SUMMARY**

This report seeks Council's adoption of the City of Unley Disability Access and Inclusion Plan, following completion of the final stage of community consultation.

The *Disability Inclusion Act 2018* (SA) prescribes that each Council must have a Disability Access and Inclusion Plan (DAIP) to guide Council's commitment to actions furthering access and inclusion for the next four years. The DAIP must align with the State Disability Inclusion Plan 'Inclusive SA 2019-2023' and meet legislative requirements.

The key components of this DAIP have been developed with input from community members, key stakeholders and staff through an initial engagement process and has been finalised following community consultation on the draft DAIP. This community consultation was undertaken between 1 February 2022 and 21 February 2022, and community input has been incorporated into the final DAIP.

The DAIP is now presented to Council for adoption.

2. RECOMMENDATION

That:

1. The report be received.
 2. The Disability Access and Inclusion Plan 2022-2026 as set out in Attachment 1 to this Report (Item 4.2, Council Meeting, 28/03/2022) be adopted.
 3. The CEO be authorised to make minor editorial and formatting changes as part of the finalisation process for the Disability Access and Inclusion Plan 2022-2026.
-

3. RELEVANT CORE STRATEGIES/POLICIES

1. Community Living

1.1 Our Community is active, healthy and feels safe.

1.2 Our Community participates in community activities, learning opportunities and volunteering.

1.5 Our City is connected and accessible.

The Disability Access and Inclusion Plan is a key strategic document to guide Council's actions under the *Disability Inclusion Act 2018* (SA) and links to:

- City of Unley Community Plan 2033
- City of Unley 4-Year Delivery Plan 2021-2025 & Community Profile
- Active Ageing Strategy
- Asset Management Plans
- Cultural Plan 2021-2026
- Living Active – Sport and Recreation Plan 2015-2020
- Living Well Plan 2021-2025
- Living Young Plan 2018-2021
- The Living City Open Space Strategy
- Tree Strategy
- Walking and Cycling Plan 2016-2021

4. BACKGROUND

The Disability Access and Inclusion Plan (DAIP) has been developed to meet the requirements of the *Disability Inclusion Act 2018* (SA) (the Act). The Act prescribes that each state authority ("a local council constituted under the *Local Government Act 1999*") must have a DAIP.

Part 5 (section 18) of the Act requires that:

- (1) *A State authority must cause a review of its disability access and inclusion plan to be undertaken at least once in each 4-year period, and a report on the review to be prepared and submitted to the State authority.*
- (2) *The State authority must cause a copy of the report submitted under subsection (1) to be provided to the Minister as soon as is reasonably practical after receiving the report.*

The DAIP is also required to incorporate objectives that are based around the four themes of the State Disability Inclusion Plan 2019–2023 which are:

- Inclusive Communities for All
- Leadership and Collaboration
- Accessible Communities; and
- Learning and Employment.

At its meeting held on 31 January 2022 Council unanimously endorsed that:

1. *The report be received.*
2. *The draft Disability Access and Inclusion Plan as set out in Attachment 1 to this report (Item 4.6, Council Meeting 31/01/2022) be endorsed for the purpose of community consultation.*
3. *Following the completion of community consultation, a final Disability Access and Inclusion Plan be presented to Council for endorsement.*
4. *The Chief Executive Officer be authorised to make editorial amendments or formatting changes of a minor nature to the draft Disability Access and inclusion Plan as part of the preparation for community consultation if required.*

Resolution No. C0698/22

5. DISCUSSION

Overview of the Disability Access and Inclusion Plan (DAIP)

The DAIP has been developed to guide the City of Unley to be a place where people living with disability are encouraged, supported, heard, and enabled to achieve to their highest potential and to participate in all aspects of community life. A strength-based approach has been adopted with a focus on what is already being successfully achieved in this area and a guiding principle that everybody has the right to contribute, to be treated with dignity and respect and to self-determination.

The DAIP links with, and complements, the City of Unley's Community Plan 2030, 4-Year Delivery Plan, Annual Business Plans, Asset Management Plans, Active Ageing Strategy, Cultural Plan, Living Well Plan, Living Young Plan, Living Active – Sport and Recreation Plan, Living City Open Space Strategy, Walking and Cycling Plan and Tree Strategy.

Importantly, the DAIP is aligned with the objectives of the State Government's Disability Inclusion Plan 2019 – 2023, Inclusive SA.

Four focus areas and associated actions are outlined in the Plan, to guide how the City of Unley will provide services, support, facilities and information that are accessible for all and are genuinely inclusive. Ensuring accessibility of our buildings, footpaths, parks and other infrastructure, is coupled with strengthening social inclusion and health-based planning in all that we do.

It is intended that this will be a living document, and further commits Council to engaging people with disability and their families, friends, and carers in the community in a collaborative way to ensure that the outcomes are achieved through meaningful and impactful actions over the next four years and into the future.

The majority of actions outlined in the DAIP are ongoing, existing activities of Council and therefore there is no additional cost or resourcing required to fulfil these commitments. There are also a small number of actions that require enhancement to existing initiatives, as well as entirely new actions proposed.

The final DAIP is provided as Attachment 1 for Council's consideration and adoption.

Attachment 1

Development of the Disability Access and Inclusion Plan

The DAIP has been developed in two stages. During the first stage the following was undertaken:

- An audit of the information, services, and facilities that Council already provides was conducted.
- Current practices in Council to identify possible barriers to access and inclusion were reviewed.
- Statistical information via Australian Bureau of Statistics about people living with disability was sourced.
- Access and inclusion issues identified by staff, service users, carers, Elected Members, disability support organisations and peak bodies, were considered.
- Accessible community engagement (including easy read format), with people with disability, carers and organisations representing their interests. This engagement included:
 - Your Say Unley survey was undertaken: 55 responses were received.
 - Focus group with Purple Orange (peak advocacy organisation for people with disability), comprised of people from the City of Unley who have lived experience with disability.
 - Consulting with the SA Council on Intellectual Disability and Scope Australia, (one of Australia's largest providers of disability support services).

- The findings of the consultation and community engagement process were analysed.
- Priorities under four key areas that align with the four themes and associated priorities in the State Disability Inclusion Plan were developed.

Stage 2 of community consultation on the draft DAIP was undertaken between 1 February 2022 and 21 February 2022 and eighteen (18) responses through a 'Your Say Unley' survey along with a detailed submission provided by Purple Orange were received.

The Your Say survey and the draft DAIP were made available in three formats: standard, text only and easy read.

Consultation was undertaken and promoted on the draft DAIP Stage 2 in the following ways:

- Local Government Disability Inclusion Advisory Group
- Led signs (Oxford and Unley Oval)
- Email to participants who took part in Stage 1 survey
- E-newsletter to Your say Unley database
- Website latest news
- Department of Human Services
- Elected Members
- Front counter printed hard copies including easy read version
- Libraries and Community Centres via databases, smart screens, e-news and social media channels
- All City of Unley staff
- Purple Orange networks and staff including Stage 1 focus group participants
- South Australian Council on Intellectual Disability
- Community Grants database
- Community "Connecting Up" database
- Active Ageing database and Active Ageing Alliance
- Local disability providers database
- Commonwealth Home Support Program database and contractor/supplier directories
- City of Unley volunteer database
- Sports clubs within the City of Unley
- King William Road and Heywood Park smart screens
- Economic Development database including GPs and Medical
- Feast SA
- Shine SA
- Keswick Barracks
- Kudos (disability services provider in Unley)

A community engagement report has been prepared for Council's reference and is provided as Attachment 2.

Attachment 2

Results of the Your Say survey consultation are provided for Council's reference at Attachment 3.

Attachment 3

A submission from Purple Orange was received and used in the finalisation of the DAIP and is provided at Attachment 4.

Attachment 4

Across the two stages of consultation, a total of 73 responses were received, and these have been used to guide the development of this final DAIP. Overall feedback was supportive of the DAIP, and the following changes have been made to the DAIP as a result of community feedback, including the submission received from Purple Orange.

Item No	Item Description	Feedback	Change Made
General			
	Mayoral Forward	The City of Unley reconsiders how its draft DAIP is framed and edits the early sections of the draft to clearly articulate the purpose of the document, as well as to reflect a more contemporary view of disability.	Edited the Mayoral Foreword to reflect a contemporary view of disability as advised by Purple Orange.
	Principle: Inclusivity Lens on everything we do	A general principle of addressing accessibility requirements wherever possible should be made in the plan.	Edited the principle on page 15 to read "Inclusivity and Accessibility Lens: on everything that we do".
	General throughout Plan	The City of Unley expresses stronger ownership of, and accountability for, its commitments and actions within its DAIP.	Strengthened Council's ownership of actions throughout the Plan and updated the vision to show stronger ownership by Council of the Plan overall.
	Our City	The City of Unley edits the section "Our City" to remove the statistical ambiguity and to better align with the Social Model of Disability.	Amended "Our City" with information as supplied by Purple Orange in relation to clearer statistics and to better align with the Social Model of Disability.

	General throughout Plan	The City of Unley refers to the four overarching “Objectives” as “Themes”, in order to lessen confusion and align with the State Disability Inclusion Plan 2019-2023 Inclusive SA.	Changed objectives to ‘themes’ within the four action areas.
Theme 1: Inclusive Communities for All			
1.1	Accessibility and Inclusion actions are embedded across the organisation	State the number of group members, frequency of meetings, and a clearly defined role that includes co-design, as well as clarifying the Group’s membership.	Added co-design to the DAIP reference group and included their involvement in progress of the DAIP. Number of members and frequency of meetings will be determined in the future.
1.2.1	Meeting documents are provided in accessible formats	Action 1.2.1 be delivered in the short term “if requested” and in the medium term as a standard council practice.	Updated to “short term (if requested) and medium term as standard” for the provision of Council agendas in accessible formats.
1.3.1	Review website and current suite of documents, provide key staff with Easy English training and acquire Easy English app for conversion of documents	The library and City Services should be identified as having a specific role in enabling access to easy-to-read formats.	Updated to add the Libraries and City Services identified as having a specific role in enabling access to easy-to-read formats.
1.4.2	Community programs respond to inclusion for the whole of community, including people with disability, families with a low income, and people from non-English speaking background	Reword the target for Action 1.4.2 to reflect that all programs should be inclusive of everyone and change the timeframe for delivery to short term.	Changed timeframe to medium.

1.4.3	Continue to offer flexibility and a tailored approach for specific groups who may need to use the library, with consideration of their diverse needs	The Target for Action 1.4.3 be amended to ensure it is measurable and specific to inclusion at council's libraries.	Updated measurement of action to "Access and inclusion is embedded across programs at the libraries including responding to requests for specific access requirements".
Theme 2: Leadership and Collaboration			
2.1	People living with disability are supported to participate and make decisions within the community	2.1 – the proposed DAIP Reference Group is also relevant here.	Added the proposed DAIP Reference Group.
2.1.1	Support people living with disability to actively participate in decision-making processes within Council or the community by providing co-design engagement opportunities online and in person	Action 2.1.1 and its associated Target are amended to ensure that these are specific and measurable, including implementing co-design approaches.	Included co-design in the action "Support people living with disability to actively participate in decision-making processes within Council or the community by providing co-design engagement opportunities online and in person".
2.4.1	Recognise International Day of People with Disability in collaboration with the DAIP Reference Group	Action 2.4.1 and its Target are amended to specify the involvement of community members living with disability in determining how the International Day for People with Disability is recognised in partnership with the City of Unley.	Updated to "Recognise International Day of People with Disability in collaboration with the DAIP Reference Group.

Theme 3: Accessible Communities			
3.4	Review and refresh the promotion of publicly accessible car parking and amenities within parks/reserves	Could we have a specific easy guide on the website for all things related to access and inclusion (and could this possibly be converted into an App in the future)?	added "Investigate new technology options such as apps" for registers of accessible playgrounds, parking and public amenities.
3.1.4	New action	The City of Unley add an additional Action to undertake a communication access audit.	New action added "Undertake a communication access audit".
3.3.5	Conduct regular reviews of accessible on and off-street car parking	Ensure that people living with disability are involved in the development of the parking strategy.	Included consultation with DAIP Reference Group on parking strategy.
3.5.3	Ensure that universal design principles are included and adherence to the Commonwealth Disability (Access to Premises-Building) Standard 2010 in all new Council buildings and renovations to existing buildings, including consideration of indoor and outdoor furniture and consider minimum two wheelchair parking spaces per building.	The Target for Action 3.5.3 is amended so that the word "consider" is replaced by "adhere to".	Measurable target updated to "adhere to" in place of consider in relation to adherence to universal design principles being used in relation to Council buildings.
Theme 4: Learning and Employment			
No updates made.			

Next Steps

Following adoption by Council, the DAIP will be finalised through graphic design process, with the final version available on Council's website in both standard, text only and easy read versions.

Actions in the DAIP will be built into annual work plans and budget bids will be submitted through the Annual Budget and Business Plan process.

Council is required to report annually to the Department of Human Services on the progress of the DAIP. The first report will be made in October 2022.

6. ANALYSIS OF OPTIONS

Option 1 –

1. The report be received.
2. The Disability Access and Inclusion Plan 2022-2026 as set out in Attachment 1 to this Report (Item 4.2, Council Meeting, 28/03/2022) be adopted.
3. The CEO be authorised to make minor editorial and formatting changes if required as part of the finalisation process for the Disability Access and Inclusion Plan 2022-2026.

This option provides for the DAIP to be adopted by Council. The DAIP meets Council's requirement under the *Disability Inclusion Act 2018* (SA). The DAIP incorporates feedback received through the community consultation process.

Option 2 –

1. The report be received.
2. Subject to the following amendments and/or additions, the Disability Access and Inclusion Plan 2022-2026 as set out in Attachment 1 to this Report (Item 4.2, Council Meeting, 28/03/2022) be adopted.
 - *Amendments to be determined by Council*
 - *Etc*
3. The CEO be authorised to make minor editorial and formatting changes if required as part of the finalisation process for the Disability Access and Inclusion Plan 2022-2026.

Council may wish to request amendments and/or additions to the DAIP.

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

Should Council wish to amend the DAIP, consideration should be given to the context of the DAIP the requirements of the *Disability Inclusion Act 2018* (SA), the role of local government, potential financial impacts and constraints and project timeframes.

Option 3 –

1. The report be received.
2. The Disability Access and Inclusion Plan 2022- 2026, as set out in Attachment 1 to this report (Item 4.2, Council Meeting 28/03/2022), be further amended as outlined below and returned to Council for consideration.
 - *Amendments to be determined by Council*
 - *Etc*

Council may wish to request more substantive changes be made to the DAIP, with a revised version to return to Council for adoption. This option enables that the DAIP be amended as per Council specific amendments and then for the DAIP to be returned to Council for review and subsequent adoption.

7. RECOMMENDED OPTION

Option 1 is the recommended option.

8. POLICY IMPLICATIONS

8.1 Financial/Budget

- The cost of ongoing implementation will be built into existing programs and managed and approved through Council's Annual Business and Budget process.

8.2 Legislative/Risk Management

- It is a requirement under the *Disability Inclusion Act 2018* (SA), that Council has a DAIP.
- The DAIP presented meets the requirements of this Act. It is a requirement of the Act that Council provides yearly updates to the Department of Human Services regarding the progress of this Plan, with the first update provided in October 2022.

8.3 Staffing/Work Plans

- If Council approves the final DAIP, implementation will occur from April 2022 onwards, noting that an action under the plan is to investigate the potential for incorporating the functions of an "Inclusion Officer" into an existing role at Council in the future.

8.4 Climate/Environmental Impact

- Nil

8.5 Social/Economic

- The Disability Access and Inclusion Plan will positively contribute to Council's Community Plan 2033 objectives, supporting access and inclusion for people with disability.

8.6 Stakeholder Engagement

- As outlined in this report, engagement undertaken to date to obtain initial community input, followed by feedback on the draft DAIP includes two community surveys with a total of 73 responses, a focus group with people with lived experience of disability, and consultation with peak bodies, Department of Human Services and Council staff.

9. REPORT CONSULTATION

- Detailed consultation has been undertaken with key internal stakeholders during the development of this DAIP Plan. This included Elected Members, representatives across the Community Connections, Community and Cultural Facilities, Operations, City Design, Strategic Assets, Office of the CEO and Planning teams and the Executive Management team.

10. REPORT AUTHORISERS

Name	Title
Mandy Smith	Manager Community Connections
Megan Berghuis	General Manager, City Services

City of Unley Disability Access and Inclusion Plan (DAIP) (2022-2026)



Disability Access and Inclusion Plan (DAIP) 2022-2026

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The font used in this document is Arial, set at 12pt to ensure ease of reading for people with a visual impairment.

Upon request, the information in this Disability Access and Inclusion Plan can be made available in alternative formats, including large and standard print, electronic format and easy read format.

City of Unley Disability Access and Inclusion Plan (DAIP) (2022-2026)

MAYORAL FOREWORD

I am pleased to present the City of Unley's Disability Access and Inclusion Plan which will ensure improved access and inclusion for citizens of all ages who are living with disability.

The Disability Access and Inclusion Plan 2022-26 (DAIP) complements Unley's status as an 'Age-Friendly City' and aligns with Council's other strategies including Unley's Community Plan 2033, our Annual Business Plans and the Active Ageing and Living Well Plans, which address social health, inclusion and wellbeing priorities. The Plan also aligns strongly with the State Government's vision for a 'healthy, liveable and connected community for all South Australians'.

This plan has been developed with input from people with disability, who have played a crucial role in shaping this plan and sharing their lived experience, suggestions and ideas.

The City of Unley is committed to continuing to play a pivotal role in providing services for the wellbeing of its community. It is important to recognise that disability can take many different forms and affect people at all stages of life.

The Disability Access and Inclusion Plan articulates the actions Council will take to maintain and improve the access and inclusion for people with disability within the City of Unley.

Structured around the themes and priorities in South Australia's Disability Inclusion Plan 2019-23, the City of Unley's Plan adheres to the four key themes:

- Inclusive Communities for All
- Leadership and Collaboration
- Accessible Communities
- Learning and Employment.

The Plan details actions for implementation, outlining Unley's specific approach to improving the lives of people with disability.

We welcome opportunities to promote access and inclusion for all of our residents through partnerships with external agencies and providers. During the development of the Disability Access and Inclusion Plan, our communities have faced a global pandemic, which has left many people feeling more vulnerable and requiring extra support.

This health challenge has highlighted the key role Council plays in safeguarding our community's welfare and supporting vital social connections. I am grateful to our community and to Council staff for their feedback, input and work in developing the Plan at this time.

The Disability Access and Inclusion Plan will provide us with a framework for positive action in the years ahead.

Mayor Michael Hewitson AM

City of Unley Disability Access and Inclusion Plan (DAIP) (2022-2026)

Acknowledgement of Country

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

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

We would like to acknowledge this land 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

Introduction

The City of Unley is a vibrant and diverse community that recognises people living with disability are respected and valued members of our community who contribute to the prosperity and vitality of our City. Council has an obligation to ensure the City is accessible for all and provides opportunities for connection, inclusion and contribution.

Based on the 2016 Census for Unley, the Australian Bureau of Statistics reported that 2,223 people (or 5.9% of the population) in the City of Unley identified as needing help in their daily lives due to disability, and this was a slight increase to the previous Census in 2011. This Disability Access and Inclusion Plan (DAIP) also complements the City of Unley's commitment and reputation as an 'Age Friendly City' by optimising opportunities for health, participation and safety for all generations.

We have developed priorities that align with the State Disability Inclusion Plan *Inclusive SA 2019-2023* to ensure all people with disability have the opportunity to be connected, empowered and able to participate and contribute in a meaningful way within our community.

This Plan represents our continued commitment to raising awareness in the community of the importance of access and inclusion, planning and promoting the social and economic benefits of a more inclusive South Australia for people living with disability.

The DAIP is required by the *Disability Inclusion Act, 2018 (SA)* which prescribes that each state authority (i.e. "a local council constituted under the *Local Government Act 1999*") must have a Disability Access and Inclusion Plan (DAIP). Under the *Disability Inclusion Act 2018*, the definition of a person with disability includes:

"long-term physical, psycho-social, intellectual, cognitive, neurological or sensory impairment, or a combination of any of these impairments, which in interaction with various barriers may hinder the person's full and effective participation in society on an equal basis with others."

For the purpose of this DAIP, the City of Unley defines "Access" as: ensuring every member of the community can equally use our physical environment, transport, information, and services. "Inclusion" moves beyond this and ensures that equal opportunities are available

City of Unley Disability Access and Inclusion Plan (DAIP) (2022-2026)

for people with disability and supports the principle that everyone should be able to use the same facilities, take part in the same activities, and enjoy the same experiences, including people who have disability. These definitions, combined with research and community consultation which included people with disability, has helped to inform the development of the DAIP for the City of Unley.

The DAIP also adopts a strength-based lens with a focus on what is already being done well in this area and a guiding principle that everybody has the right to contribute, to be treated with dignity and respect and to self-determination.

Our Plan

The DAIP links with, and complements, the City of Unley's Community Plan 2033, 4-Year Delivery Plan, Annual Business Plans, Asset Management Plans, Active Ageing Strategy, Cultural Plan, Living Well Plan, Living Young Plan, Living Active – Sport and Recreation Plan, Living City Open Space Strategy, Walking and Cycling Plan and Tree Strategy.

Importantly, the DAIP is aligned with and draws on the State Government's Disability Inclusion Plan 2019 – 2023, Inclusive SA. The planned outcomes we seek to achieve in this plan align with the themes of Inclusive SA.

The DAIP sets out four focus areas and actions that will guide how the City of Unley will provide services, support, facilities and information that are accessible and inclusive for all. Ensuring accessibility of our buildings, footpaths, parks and other infrastructure is coupled with strengthening social inclusion in all that we do.

The City of Unley commits that this will be a living document and to engage people with disability and their families, friends and carers in the community, as well as City of Unley staff in a collaborative way to ensure the outcomes are achieved through meaningful and impactful actions over the next four years and into the future.

City of Unley Disability Access and Inclusion Plan (DAIP) (2022-2026)

Strategic Context

In order to provide services, support, facilities and information in an equitable manner, the City of Unley is guided by multiple layers of legislation and policy. These include:

International	<ul style="list-style-type: none"> • United Nations Convention on the Rights of Persons with Disabilities
Commonwealth	<ul style="list-style-type: none"> • Disability Discrimination Act (1992) • Disability Services Act (1986) • Building Code of Australia • Australian Standards
State	<ul style="list-style-type: none"> • Disability Inclusion Act (2018) • Equal Opportunity Act (1984) • Planning, Development and Infrastructure Act (2016) • Disability Services Act (1993) • Carers Recognition Act (1993) • Public Health Act (2011)
Local	<ul style="list-style-type: none"> • City of Unley's Community Plan 2033 • 4-Year Delivery Plan • Annual Business Plans • Asset Management Plans • Active Ageing Strategy • Cultural Plan • Living Well Plan • Living Young Plan • Living Active – Sport and Recreation Plan • Living City Open Space Strategy • Walking and Cycling Plan • Tree Strategy

The themes established in this DAIP are based around the four themes of the State Disability Inclusion Plan *Inclusive SA 2019-2023* which are:

- Inclusive Communities for All
- Leadership and Collaboration
- Accessible Communities
- Learning and Employment.

City of Unley Disability Access and Inclusion Plan (DAIP) (2022-2026)

Related Strategies

The City of Unley has made a long-term commitment to being an 'Age Friendly City'. An Age Friendly City encourages activity and wellbeing by optimising opportunities for health, participation and security. It also fosters a City where people of all ages and abilities can live healthy and independent lives for as long as possible and remain in a secure and supportive environment that enables them to participate in the community. The Active Ageing Strategy incorporates the values, principles and definitions of Age Friendly Cities and communities as outlined by the World Health Organisation. The focus areas are very much in line with access and inclusion for all people, including:

1. Outdoor spaces and buildings
2. Transportation
3. Housing
4. Social participation
5. Respect and inclusion
6. Civic participation and employment
7. Communication and information
8. Community support and health services.

Because of the synergies between the Age Friendly principles and the requirements in the Commonwealth *Disability Discrimination Act 1992* (DDA), a full review of the DDA has been undertaken to determine how Council is already meeting its requirements to determine where more work is required and these actions have been included in the Council's Asset Management Plans.

Council's Living Well Plan has strong synergies with the DAIP with the following priority areas closely linked:

1. An engaged and purposeful community
2. A healthy and active community inside and out
3. A safe community
4. An inclusive and connected community

Similarly, there are links with the City of Unley Cultural Plan in the following area:

- The Culture of Us - Provide voices for different demographics with an inclusivity lens on specific programs.

This plan also links with the City of Unley's Asset Management plan, which aims to ensure buildings are accessible to all and that public facing buildings/facilities meet all relevant legislation and standards for access.

The City of Unley's DAIP 2022-2026 further demonstrates our continued commitment to supporting people living with disability access the services and supports needed to be actively involved as valued and contributing members of our community.

City of Unley Disability Access and Inclusion Plan (DAIP) (2022-2026)

Our City

Located four kilometres south-east of Adelaide's CBD, the City of Unley has a land area of 14.4 square kilometres and has a population of more than 39,000 people. For members of our community living with disability, participation in many aspects of our City's life can be challenging due to the physical, social, attitudinal, and communication barriers that continue to exist in our society.

According to the Australian Bureau of Statistics' 2018 Survey of Disability, Ageing and Carers (SADC), 17.7 per cent of Australians live with disability. The same survey indicates 15.9 per cent of Australians are aged over 65.

In the City of Unley, 2016 Census data indicates that 5.9% of the population needs assistance with core activities of daily life due to disability, long-term health condition, or old age. This is higher than the national average of 5.1 per cent in 2016 and a slight increase on the 5.6 per cent recorded in the City of Unley in the 2011 Census.

The Federal Government indicates that 3.8 per cent of residents in the City of Unley received the Disability Support Pension in June 2017 compared to 5.3 per cent nationally.¹

The median age of City of Unley residents increased from 39 in the 2011 Census to 41 in the 2016 Census. This is older than the national median age of 38 in the 2016 Census.

However, overall, the population of the City of Unley is still relatively young, with 80.9 per cent under 65 years and 35.5 per cent under 30 years at the time of the 2016 Census.

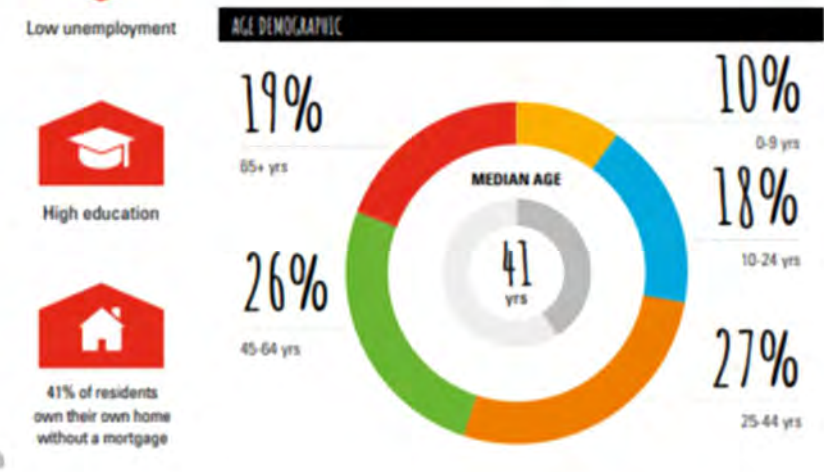
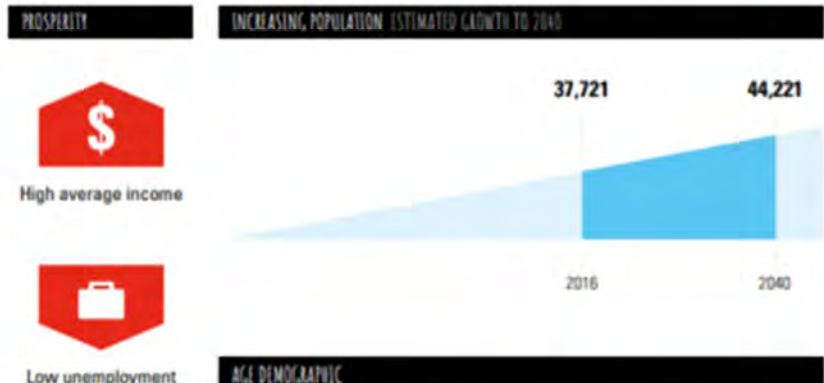
About one in eight people in the City of Unley aged over 15 were providing unpaid assistance to another person due to disability, long-term health condition, or old age at the time of the 2016 Census. This compares to about one in nine people nationally. These statistics indicate that the City of Unley has an older population, more people needing assistance with core activities of daily life, and more residents who act as carers for other people compared to the broader Australian population.

Therefore, access and inclusion are extremely important to our local community and the City of Unley is actively responding to these priorities through the commitments we make in this Plan.

¹ Unpublished data from the Department of Social Services and the Department of Veterans' Affairs, June 2017. Reported by Public Health Information Development Unit (PHIDU), "Population Health Profile: City of Unley", July 2019, pp.7&28.

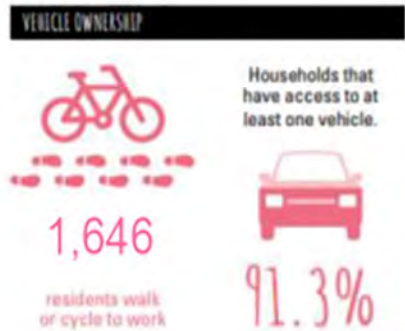
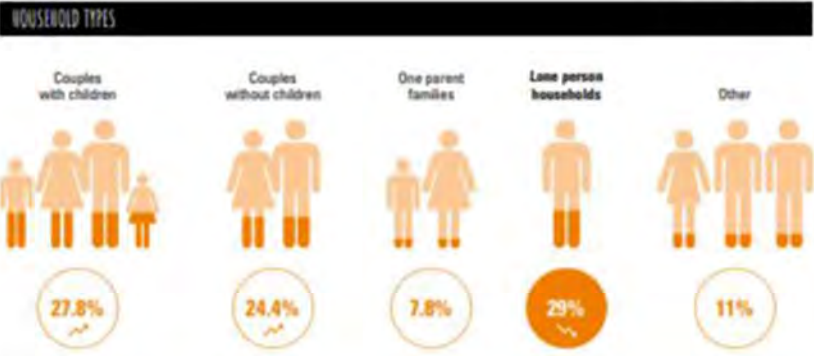
City of Unley Disability Access and Inclusion Plan (DAIP) (2022-2026)

CITY OF UNLEY COMMUNITY PROFILE SNAPSHOT 2018



City of Unley Disability Access and Inclusion Plan (DAIP) (2022-2026)

Source: id City of Unley



City of Unley Disability Access and Inclusion Plan (DAIP) (2022-2026)

Community Engagement

In developing this DAIP, the City of Unley undertook the following:

- an audit of the information, services and facilities that Council already provides
- review of current practices in Council to identify possible barriers to access and inclusion
- sourcing of data focussed on people living with disability including visitors and service users in the Council area
- consideration of access issues identified by staff, service users and disability organisations
- call for submissions from members of the public via a community consultation survey including (but not limited to) a focus on priority groups living with disability: women, children, Aboriginal and Torres Strait Islander people and culturally and linguistically diverse people
- determined links to and alignment with the State plan, Building Code, Living Well Plan, Cultural Plan, Active Ageing Strategy
- ensured alignment with the four themes and associated priorities in the State Disability Inclusion Plan
- undertook accessible community engagement including consulting with people with disability and persons or organisations representing the interests of people with disability and their carers
- undertook internal consultation with City of Unley staff to identify what we are currently doing, what is needed and where there are opportunities and gaps
- consideration of existing plans, services, assets, playgrounds, footpaths, website, printed materials, customer service as key areas to focus on
- a focus group of people living with disability via Purple Orange to determine their feedback and priorities
- an analysis of the findings of the consultation and community engagement process
- using outcomes from the research and consultation, determined goals, actions, responsibility, timeframes and how success will be measured and monitored
- undertook a community survey to receive feedback on the draft DAIP

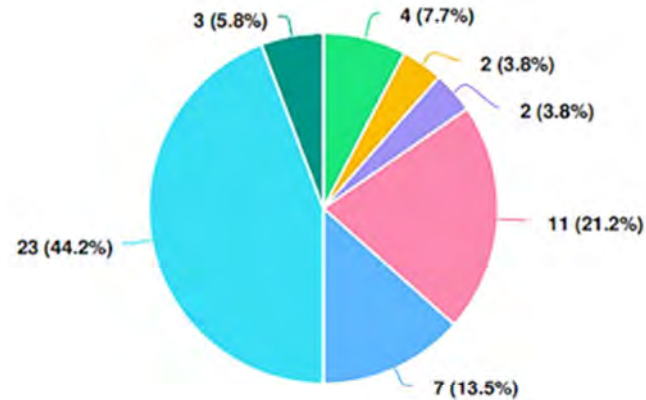
City of Unley Disability Access and Inclusion Plan (DAIP) (2022-2026)

Community Engagement Results and Top Emerging Priorities

Council undertook engagement throughout August 2021 and was pleased to receive 55 responses to our community survey. Our focus group also provided key feedback from people with disability and this information has been coupled with our audit to create our Disability Access and Inclusion Plan.

Quantitative data from the 55 participants who undertook our Your Say Unley survey told us:

35% of people who completed our survey identified as a person with disability, and 41% of respondents said they care for, work with or support someone with disability. Our age breakdown of survey participants was as follows:



Question options

- 18 or under
- 19 - 29
- 30 - 39
- 40 - 49
- 50 - 59
- 60 or older
- Prefer not to answer

51% of people felt that Council makes it easier for people with disability to visit and use indoor/outdoor places and facilities it manages.

City of Unley Disability Access and Inclusion Plan (DAIP) (2022-2026)

50% of respondents rated between good to extremely well, when asked how well Council is doing in making it easy for people with disability to take part in events, activities and programs. 36.5% stated that this needs improvement and 13.5% selected unsure or not applicable.

54.9% of people who participated in the survey felt that Council staff are respectful and show understanding towards people with disability.

The following questions received "unsure or not applicable" responses from a majority of respondents:

- Do you think Council is inclusive when employing people with disability
- Do you think Council is inclusive when providing opportunities for work experience and volunteering
- Do you think Council is doing enough to help businesses to welcome and include people with disability
- Do you think Council makes it easy for people with disability to obtain information about other support services in the community
- Do you think Council has beneficial partnerships (with other service providers, groups and organisations) to assist inclusion and participation of people with disability

When asked to rate how well has Council done to enable people with disability to contribute to civic decisions, the responses were split between 'needs improvement' at 35.3% and 'Good to Extremely Well' at 33.4% with the remaining selecting unsure or not applicable.

66.7% of respondents said that they are not hearing enough from Council about what it is doing and achieving to increase inclusion and access for people with disability in the City and they would like to hear more.

There were 250 individual comments received via the Stage 1 survey. The top six priorities that emerged from in-depth qualitative data were:

- Spaces – ensuring accessibility for all, universal design and adherence to standards
- Events/programs activities – designing to encourage and support participation by all in the community
- Communication/PR – sharing what we offer, ensuring our communication is accessible for all
- Grants/finance – to support the community to be accessible and inclusive
- Representation – across the board, from staff and Elected Members and volunteers, and supporting people with disability in these roles
- Ideas – program specific ideas and suggestions for what we can do to be more inclusive and accessible in our community

City of Unley Disability Access and Inclusion Plan (DAIP) (2022-2026)

Our Focus Group of 10 people with disability told us their priorities are:

- The DAIP should make a strong statement about how accessibility and inclusion benefits the whole community
- The establishment of a Disability Advisory Group for the City of Unley
- A commitment to prioritising accessibility requirements over other considerations such as heritage status
- Regular maintenance of footpaths, including the removal of low hanging branches and damage to footpaths from tree roots
- The establishment of a specific process for people to raise accessibility issues and that these issues are handled by a suitably trained staff member
- Ensure City of Unley communications are provided in multiple formats so they can be accessed by everyone in the community
- Offering IT and audio equipment for loan or hire and providing training workshops and/or a community helpdesk support service
- A commitment to creating accessible and inclusive events in the community
- The adoption of universal design principles for all new council developments and projects across infrastructure, services, programs, events, communications, and all other aspects of council's work
- A commitment to meaningful engagement with the disability community for all projects and programs, including through adopting co-design approaches
- A commitment to employing more people living with disability at the City of Unley, across all levels and roles, including as elected members
- The establishment of a position at the City of Unley to advise businesses on what supports and funding are available to support the employment of people living with disability
- The establishment of a grant program to support skills development among emerging leaders in the disability community
- Facilitating the roll-out of disability inclusion training to customer-facing roles in the community
- Promoting services and programs in the local area that support the development of self-advocacy skills, such as peer networks

Our staff identified five key areas where there are opportunities and/or gaps

- Communications/PR: ensuring accessibility and inclusivity is considered across all mediums and that available technology is utilised
- Gatherings/events/activities: specifically tailored, and those already existing to consider and plan for inclusivity

City of Unley Disability Access and Inclusion Plan (DAIP) (2022-2026)

- People: recruitment processes and employment and training of staff, ensure representation across the organisation, inclusion officer and/or reference group, inclusive engagement and inclusive volunteering
- Spaces: consideration of access and inclusion in places, spaces, buildings, universal design, DDA compliance
- Funding: support required to implement DAIP actions and support our community to become more accessible and inclusive.

In addition to the Stage 1 consultation, the community was consulted in Stage 2 through a Your Say Unley survey between 1 February to 21 February 2022, which sought feedback on the draft Disability Access and Inclusion Plan. 18 participants provided feedback on the draft DAIP through the online Your Say Unley survey and this feedback is summarized below.

Overall the feedback received showed a high level of support for the DAIP. When asked for feedback on the plan, the majority of respondents showed strong support and many suggestions provided are already included in the plan, or aligned more closely to other Council plans and strategies (i.e. Tree Strategy, Walking and Cycling Plan)

Objective 1: Inclusive Communities for All

On average, 87% of respondents supported all six key actions within objective 1.

The majority of individual comments were positive and had been addressed in the DAIP.

Objective 2: Leadership and Collaboration

81% of respondents on average supported all four key actions within objective 2.

Feedback was generally positive and covered items already addressed in the Plan.

Objective 3: Accessible Communities

92% of respondents supported all five key actions within objective 3.

Feedback was generally supportive and covered items already addressed in the Plan.

Objective 4: Learning and Employment

86% of respondents supported the two key actions within objective 4.

City of Unley Disability Access and Inclusion Plan (DAIP) (2022-2026)

Feedback demonstrated support for both objectives.

Qualitative Feedback

There were 85 individual comments received through the Stage 2 survey providing feedback plus a submission received from Purple Orange.

In Stage 2, when asked for their feedback on priorities for the Plan, the majority of comments were positive and related to actions which were already addressed within the Plan.

Suggestions included more support for community groups and grants, active transport planning, footpath audits and marketing and promotion, all of which have been addressed in the Plan and within other Council plans and strategies.

Where possible the valuable feedback received from Purple Orange has been incorporated, those that were not incorporated have been noted for future editions of the DAIP.

City of Unley Disability Access and Inclusion Plan (DAIP) (2022-2026)

Our Vision

We will lead the way in creating a community that is accessible and inclusive for all who live, work, and visit the City of Unley. We will provide equitable access across all our services, programs, events, information, buildings, facilities, spaces, and workplaces. We will ensure that people with disability are heard, supported, engaged, and feel welcome to fully participate in all aspects of community life. The City of Unley acknowledges in its DAIP the diversity of disability experiences and the intersectionality of various identities within the community.

Key Principles

Rights Based: dignity, respect, self determination

Inclusivity and Accessibility Lens: on everything that we do

Diversity: noting disability is a broad term

Meaningful and Relevant: not tokenistic

Partnerships: working with individuals, community, agencies and the whole of the City of Unley

City of Unley Disability Access and Inclusion Plan (DAIP) (2022-2026)

Themes and Actions

The themes and actions established under the DAIP are based around the four themes of the Inclusive SA: State Disability Inclusion Plan 2019–2023:

- Inclusive Communities for All
- Leadership and Collaboration
- Accessible Communities
- Learning and Employment.

Timeframes

Actions within this plan have been categorised into the following timeframes:

Short term:	Implemented in 2022 and 2023
Medium term:	By end of 2024
Long term:	By end of 2026
Ongoing:	Refers to actions already in place or underway

City of Unley Disability Access and Inclusion Plan (DAIP) (2022-2026)

Theme 1: Inclusive Communities for All

Social inclusion is a priority for the City of Unley. We recognise the importance of treating all people equally and with dignity and respect. We will ensure that the rights of people with disability are understood and upheld, and that their participation in, and contributions to, community life are valued and promoted.

[Link to priorities in State Disability Inclusion Plan *Inclusive SA 2019-2023*](#)

Priority 1: Involvement in the community

Priority 2: Improving community understanding and awareness

Priority 3: Promoting the rights of people living with disability

THEME	ACTION	STATE PLAN PRIORITY	RESPONSIBILITY	TIMEFRAME	MEASUREABLE TARGET
1.1 Accessibility and Inclusion actions are embedded across the organisation	1.1.1 Establish a DAIP Reference Group to be run in a collaborative and sustainable way, undertake regular consultation, co-design and engagement, and deliver on annual reporting requirements. Group to comprise of community members, including people with lived experience of disability and carers.	2	DAIP Reference Group	Short term	DAIP Reference Group is established and engaged with on relevant Council initiatives including progress of the DAIP.

City of Unley Disability Access and Inclusion Plan (DAIP) (2022-2026)

	1.1.2 All Elected Members, employees and volunteers undertake Disability Awareness training	2	Governance (Elected Members), People and Culture (staff), and Community and Cultural Development (volunteers)	Medium term	All Elected Members, employees and volunteers receive training
	1.1.3 Investigate offering Disability Access and Inclusion training to community organisations and businesses	2	Community and Cultural Development, Economic Development	Long term	Cost and viability are investigated, and budget bid submitted
	1.1.4 All project scopes and budget bids include a section to describe how disability access and inclusion has been/will be addressed	2	Finance	Short term	Project scope and budget bid template documents include a new section detailing how disability access and inclusion has been/will be addressed
1.2 Promote inclusion for all attending organisational meetings	1.2.1 Meeting documents are provided in accessible formats	1	Business Support & Improvement, Office of the CEO	Short term (if requested) and medium term as standard	All Council agendas are provided in accessible formats if requested

City of Unley Disability Access and Inclusion Plan (DAIP) (2022-2026)

	1.2.2 All Council owned public buildings fitted with the correct aids, equipment and accessible as required by the Building Code of Australia and AS1428	3	Facilities Manager	council practice Medium term	Installation of appropriate accessible features to facilitate attendance at meetings
1.3 Council website and hard copy publications are provided in easy to read format to improve access to information	1.3.1 Review website and current suite of documents, provide key staff with Easy English training and acquire Easy English app for conversion of documents	2	Communications and City Services	Medium term	Review of website and hard copy documents is undertaken Relevant staff undertake Easy English training Documents are converted into easy read format. Updated style guide including accessibility section.
1.4 Programs provided by Council are accessible and inclusive for all	1.4.1 Engage with stakeholders and participants to audit current programs to determine if they meet	3	City Services	Medium term	Engagement via surveys with stakeholders and participants of events, programs and activities. Surveys to include

City of Unley Disability Access and Inclusion Plan (DAIP) (2022-2026)

	diverse needs of participants				specific questions regarding access and inclusion.
	1.4.2 Community programs respond to inclusion for the whole of community, including people with disability, families with a low income, and people from non-English speaking background	1	City Services	Medium term	Creation of new programs or current programs adapted to be inclusive of all. Opportunities identified and implemented to maximise inclusion and accessibility.
	1.4.3 Continue to offer flexibility and a tailored approach for specific groups who may need to use the library, with consideration of their diverse needs.	1	City Services	Short term	Access and inclusion is embedded across programs at the libraries including responding to requests for specific access requirements
	1.4.4 Accessibility principles embedded in event permit application process, ensure event organisers consider	1	Events Coordinator	Short term	Event Toolkit updated and permit application process requests event organisers to consider and demonstrate how they will improve access

City of Unley Disability Access and Inclusion Plan (DAIP) (2022-2026)

	disability parking at event sites				and inclusivity at their event and show consideration of disability parking provisions
1.5 Develop and deliver services that support people with disabilities and their families/carers to live independent lives	1.5.1 Further promote Council services including community bus service	1	Community Wellbeing	Ongoing	Community bus service maintains levels of usage
	1.5.2 Explore opportunities to increase inclusion and participation in grant funded services provided through the Commonwealth Home Support Program (CHSP) and Active Ageing services and initiatives	1	Active Ageing Officer and Community Wellbeing	Ongoing	Adjustment of community service programs (where possible) to increase inclusion (noting CHSP eligibility requirements services available to people aged 65+ via referral)
1.6 Community Grants support access and inclusion	1.6.1 Community grant category for access and inclusion is trialled	1	Cultural Development Coordinator	Short term	Number of applications received in trial category will determine how often to include in future rounds

City of Unley Disability Access and Inclusion Plan (DAIP) (2022-2026)

Theme 2: Leadership and Collaboration

People living with disability should have a greater role in leading and contributing to government and community decision-making. It is our aim that Council actively seek the perspectives of people living with disability and that they are supported to participate meaningfully in government and community consultation and engagement activities.

[Link to priorities in State Disability Inclusion Plan *Inclusive SA 2019-2023*](#)

[Priority 4: Participation in decision-making](#)

[Priority 5: Leadership and raising profile](#)

[Priority 6: Engagement and consultation](#)

THEME	ACTION	STATE PLAN PRIORITY	RESPONSIBILITY	TIMEFRAME	MEASUREABLE TARGET
2.1 People living with disability are supported to participate and make decisions within the community	2.1.1 Support people living with disability to actively participate in decision-making processes within Council or the community by providing co-design engagement opportunities online and in person	4	City Services	Ongoing	People are provided with a platform to influence decision making process involving projects within the community through the use of online and in person opportunities. Establishment of DAIP Reference Group.
	2.1.2 Council's Active Ageing	6	Active Ageing Officer and Youth Officer	Ongoing	Representation on the Active Ageing Alliance

City of Unley Disability Access and Inclusion Plan (DAIP) (2022-2026)

	<p>Alliance and Youth Reference Group encourage people with disability to join and participate</p> <p>2.1.3 Ensure the Active Ageing Alliance continues to focus on access and inclusion as part of its priorities</p>	6	Active Ageing Officer	Ongoing	<p>and Youth Reference Group of people with disability</p> <p>Active Ageing Alliance continues access and inclusion focus for all projects and activities</p>
2.2 Promote participation in Council elections	2.2.1 Ensure people of all abilities are provided the opportunity to nominate and vote in Council elections through improved promotion, communication methods and access	4	Office of the CEO	Long term	Council has implemented a communication strategy aimed to increase participation in Council elections, ensure that inclusivity is part of that campaign – for accessibility of message and opportunity to nominate and vote (note use LGA statewide campaign materials).

City of Unley Disability Access and Inclusion Plan (DAIP) (2022-2026)

2.3 Council is a leader in advocacy and advice	2.3.1 Provide a current list of advocacy services on the City of Unley website, including organisations providing support for carers	5	Communications	Medium term	Council website provides a current list of advocacy and services
2.4 Council is an industry leader in access and inclusion	2.4.1 Recognise International Day of People with Disability in collaboration with the DAIP Reference Group	5	Community Support & Wellbeing and Communications	Medium term	International Day of People with Disability recognised every year
	2.4.2 Review Council's Engagement Toolkit to incorporate Inclusive SA principles into all community consultation	5	Communications	Long term	Review of Toolkit undertaken and updated as required including accessibility section, noting that State Government reforms on consultation will deliver a Statewide Consultation Charter for Local Government. Once this is released, Councils will update their consultation/engagement

City of Unley Disability Access and Inclusion Plan (DAIP) (2022-2026)

	2.4.3 Monitor growth industries that focus on access and inclusion and work collaboratively to achieve mutually agreeable outcomes for residents within the City of Unley (such as NDIS business tenants located in City of Unley)	5	City Services and Economic Development	Long term	<p>policies to reflect the charter</p> <p>Collaboration with relevant businesses and industry is achieved, with a focus on strategies and approaches that facilitate greater access and inclusion and other reported benefits to our residents.</p> <p>This collaboration may be achieved by the development of Memorandums of Understanding or similar agreements, with surveys sent to demonstrate effectiveness.</p>
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City of Unley Disability Access and Inclusion Plan (DAIP) (2022-2026)

Theme 3: Accessible Communities

The accessibility of the built environment, quality services and information are key to ensuring people living with disability are included and have the opportunity to equally participate in all aspects of community life. Our goal is to increase accessibility to public and community infrastructure, transport, services, information, sport and recreation and the greater community.

[Link to priorities in State Disability Inclusion Plan *Inclusive SA 2019-2023*](#)

[Priority 7: Universal Design across South Australia](#)

[Priority 8: Accessible and available information](#)

[Priority 9: Access to services](#)

THEME	ACTION	STATE PLAN PRIORITY	RESPONSIBILITY	TIMEFRAME	MEASUREABLE TARGET
3.1 Information about Council services developed in alternative formats (plain English, adequate font size and colours, touch screens, braille, TTY and hearing loops)	3.1.1 All new plans and strategies are provided in easy read, plain English formats	9	Communications	Long term	All new plans developed are provided in alternative formats and follow Communications team style guide
	3.1.2 Equipment is provided to assist hearing impaired people at the customer service centre	9	Facilities Manager	Long term	Equipment is operational at Customer Service and promoted

City of Unley Disability Access and Inclusion Plan (DAIP) (2022-2026)

	3.1.3 Install hearing loops in all Council owned venues	9	Facilities Manager	Long term	Hearing loops installed in all venues
	3.1.4 Undertake a communication access audit	8	Communications	Long term	Communication access audit undertaken
3.2 Ensuring online information meets accessibility standards	3.2.1 Review website including online forms to ensure it meets accessibility standards and promote the use of supporting apps	8	Communications	Medium term	Website complies with the WCAG 2.0AA Policy
	3.2.2 Social media posts and videos to have captions and descriptions of images	8	Communications	Medium term	Guidelines and processes implemented to ensure all social media posts include a description to accompany the image, videos have captions included

City of Unley Disability Access and Inclusion Plan (DAIP) (2022-2026)

3.3 Accessible Council buildings and facilities, car parks, reserves, footpaths (including community events) and infrastructure using Universal Design Principles	3.3.1 Review Asset Management Plan, including a focus footpath maintenance program to determine extent of works, compliant with AS1428 and continue with program to address gaps	7	Strategic Assets	Short term	Asset Management Plans are updated Compliance with AS 1428 is achieved
	3.3.2 Audit existing playgrounds, fitness equipment and associated public amenities including toilets to ensure they meet appropriate design principles for both access and inclusion and follow Inclusive Play	7	City Development/Asset Management	Medium term	Audit is completed and included into update of Asset Management Plans, new and upgraded playgrounds and spaces are developed using Inclusive Play Guidelines

City of Unley Disability Access and Inclusion Plan (DAIP) (2022-2026)

	<p>Guidelines ("Touched by Olivia") in the development of new and upgraded playgrounds and play spaces and include rest spots and accessible water fountains</p>				
	<p>3.3.3 Ensure access compliant Council toilets are included on the National Public Toilet Map website</p>	<p>7</p>	<p>Assets (list) Communications (on website)</p>	<p>Medium term</p>	<p>National Public Toilet Map website is up to date and linked to City of Unley website</p>
	<p>3.3.4 Explore additional pedestrian safety counters at high use crossings and determine length of crossing time</p>	<p>7</p>	<p>City Development</p>	<p>Medium term</p>	<p>Reviews are undertaken annually and plan to install pedestrian safety counters is in place and implemented</p>

City of Unley Disability Access and Inclusion Plan (DAIP) (2022-2026)

	3.3.5 Conduct regular reviews of accessible on and off-street car parking	7	City Design	Ongoing	Reviews are undertaken biennially and parking strategy consulted with DAIP Reference Group and in place
	3.3.6 Continue to provide charging points for mobility devices across the City	7	Asset Management	Ongoing	Charging points maintained and included in new developments where possible
	3.3.7 Undertake a risk assessment, and identify priorities to resolve risks caused by some types of street trees and their seeds, leaves and bark	7	City Development	Short term	Risk assessment undertaken and actions included in regular maintenance schedules
3.4 Review and refresh the promotion of publicly accessible car parking and	3.4.1 Create a register of all accessible playgrounds,	7	Open Spaces, Assets, Open Cities, Communications	Medium term	Accessible amenities are promoted via a map on Council website

City of Unley Disability Access and Inclusion Plan (DAIP) (2022-2026)

amenities within parks/reserves	parking and public amenities and place on Council website. Investigate new technology options such as apps.				
3.5 Development Assessment is undertaken in accordance with the relevant Acts and Australian Standards and Universal Design Principles	3.5.1 Development Assessment ensures that building design meets DDA compliance	7	City Services	Ongoing	Assessment of Development Applications ensures developments comply with DDA principles
	3.5.2 Advocate for "best practice" inclusive design principles to be included in all private developments	7	City Services	Ongoing	Private developments encouraged to consider best practice inclusive design principles
	3.5.3 Ensure that universal design principles are included and adherence to the Commonwealth	7	City Services, City Development	Ongoing	All new Council buildings and renovations adhere to inclusive design principles

City of Unley Disability Access and Inclusion Plan (DAIP) (2022-2026)

	Disability (Access to Premises-Building) Standard 2010 in all new Council buildings and renovations to existing buildings, including consideration of indoor and outdoor furniture and consider minimum two wheelchair parking spaces per building.				
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City of Unley Disability Access and Inclusion Plan (DAIP) (2022-2026)

Theme 4: Learning and Employment

Workforce participation is fundamental to social inclusion. It provides economic independence and choice, social connections and friendships, value, identity and belonging. It is our aim that people living with disability have access to meaningful and inclusive employment and volunteering opportunities.

[Link to priorities in State Disability Inclusion Plan *Inclusive SA 2019-2023*](#)

[Priority 10: Better supports within educational and training settings](#)

[Priority 11: Skill development through volunteering and support in navigating the pathway between learning and earning](#)

[Priority 12: Improved access to employment opportunities and better support within workplaces](#)

THEME	ACTION	STATE PLAN PRIORITY	RESPONSIBILITY	TIMEFRAME	MEASUREABLE TARGET
4.1 Provide employment, volunteering and workplace opportunities across Council for people with disability	4.1.1 Review Council's 'Recruitment and Selection policy' to ensure access and inclusion principles are represented.	12	People and Culture	Short term	Recruitment and Selection Policy is reviewed and updated as required
	4.1.2 Review employee onboarding procedure and resources to ensure there are no barriers to inclusion	12	People and Culture	Medium term	Access and inclusion are embedded in the onboarding process at Council

City of Unley Disability Access and Inclusion Plan (DAIP) (2022-2026)

	in relevant CoU systems				
	4.1.3 Share all job vacancies (including Elected Member vacancies) with disability employment groups	12	People and Culture & Governance (Elected Member vacancies managed through the Electoral Commission of SA (ECSA))	Medium term and ongoing	Vacancies are shared with disability employment groups
	4.1.4 Ensure employee and volunteer position descriptions are checked for accessibility prior to the vacancy being promoted	12	People and Culture and Volunteer Coordinator	Long term and ongoing	Employee and volunteer position descriptions are provided in large format and easy to read format
	4.1.5 Encourage job applications from people living with disability, including a statement of support for those who require	12	People and Culture	Short term and ongoing	Statement added to all position descriptions and advertisements

City of Unley Disability Access and Inclusion Plan (DAIP) (2022-2026)

	adjustments to the recruitment process or workplace to assist with accessibility				
	4.1.6 Investigate the potential for incorporating the functions of an "Inclusion Officer" into a role at Council in the future.	12	People and Culture	Medium term	Investigated and either pursued/not pursued
	4.1.7 Include the DAIP in onboarding process for new Elected Members, employees and volunteers	12	Governance (Elected Members), People and Culture (staff), and Community and Cultural Development (volunteers)	Medium term	DAIP is included in all Elected Members, employees and volunteers onboarding process
	4.1.8 Review Council Volunteer policy and procedures to reflect inclusion and access for all	12	Volunteer Coordinator	Short term	Volunteer policy and procedures are reviewed and updated

City of Unley Disability Access and Inclusion Plan (DAIP) (2022-2026)

	4.1.9 Investigate possibility of a buddy program for existing volunteers to support new volunteers with disability	12	Volunteer Coordinator	Medium term	Investigate and cost volunteer buddy program and submit budget bid
	4.1.10 Assess all new vacancies to determine if a drivers licence should be an essential requirement of the role	12	People and Culture	Short term	Base line template for all roles will not ask for a driver's licence, all new vacancies are assessed, and drivers licence requirement included if essential
4.2 Promote workforce diversity	4.2.1 Develop a workforce Diversity, Inclusion and Belonging Plan	12	People and Culture	Short term	A workforce Diversity, Inclusion and Belonging Plan is developed

City of Unley Disability Access and Inclusion Plan (DAIP) (2022-2026)

Implementation, Monitoring and Review

It is a requirement of the *Disability Inclusion Act 2018* that a report be prepared, on or before 31 October each year to the Chief Executive on the operation of the Council's DAIP during the preceding financial year. This report must include a summary of the extent to which the DAIP has been implemented.

In turn, the Chief Executive must on or before 31 December in each year, provide to the Minister of Human Services, a report summarising the above-mentioned annual report.

The annual review will monitor, track and evaluate the status of each action contained within the four themes within the DAIP:

- Inclusive Communities for All
- Leadership and Collaboration
- Accessible Communities
- Learning and Employment

Each of the actions identified have been allocated to responsible business units within Council, along with timeframes for the expected completion date. Measures have also been established to evaluate if the action has been completed.

The survey data captured throughout the initial community engagement used for the development of this plan, will form the baseline data for measurement of success.

To measure the outcomes and impact of this plan, a community survey will be undertaken every two years, the first at the halfway point of this plan and the second at the conclusion of the plan.

As per the requirements of the *Disability Inclusion Act 2018*, a review will be undertaken at least once in the 4-year period of this plan.

At the completion of this DAIP in 2026, a whole of Plan review will take place to update or renew the themes and actions to best reflect the needs and feedback from the community at the time.

Acknowledgements

We would like to acknowledge the many members of our community, especially those with disability, their family, carers, service providers and those with lived experience, who took part in our community engagement process.



COMMUNITY
Engagement
**SUMMARY
REPORT**

Disability Access and Inclusion Plan

**Stage 2 Community Consultation
February 2022**



THE CITY of
Unley



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INTRODUCTION

The purpose of this engagement was to receive feedback from the community on the draft Disability Access and Inclusion Plan (DAIP).

The desired outcomes of the community consultation were:

- provide a forum for feedback in relation to the Council's DAIP,
- provide suggestions for what Council should be doing to positively impact access and inclusion for people with disability in the City of Unley,
- ascertain support and feedback for the four themes in the draft DAIP,
- ascertain support for the actions in the draft DAIP and;
- determine if there are areas that have been missed and should be considered when adopting the final DAIP.

1. BACKGROUND

The Disability Inclusion Act 2018 (SA) prescribes that each state authority ("a local council constituted under the Local Government Act 1999") must have a Disability Access and Inclusion Plan (DAIP).

A DAIP guides Council's commitment to actions furthering access and inclusion for the next four years and must align with the State Disability Inclusion Plan Inclusive SA 2019-2023, meet legislative requirements, and further advance the City of Unley in its continued efforts to create an accessible and inclusive community for all.

Developing a new Disability Access and Inclusion Plan and aligning to State Disability Inclusion Plan Inclusive SA 2019-2023, ensures the City of Unley is meeting legislative requirements and showcases the initiatives and actions underway or planned to optimise access and inclusion for people with disability.

A new, strategically aligned document has been developed using the results of the Stage 1 engagement, that actively displays the City of Unley's connection to the State Disability Inclusion Plan and responds to our specific demographic and health data. The DAIP includes measurable and achievable actions that are in alignment with and complement existing City of Unley strategic plans, budgets and reporting cycles.

It should be noted that the DAIP sits alongside, but is not the same as, other strategic documents, such as the Living Well Plan, Active Ageing Strategy, Cultural Plan and the Community Profile. These documents complement one another and unnecessary duplication has been avoided.

The objectives established in this DAIP are based around the four themes of the State Disability Inclusion Plan 2019–2023 which are:

- Inclusive Communities for All;
- Leadership and Collaboration;
- Accessible Communities; and
- Learning and Employment.

2. CONSULTATION METHODOLOGY

STAGE 1

In developing this DAIP, the City of Unley initially undertook the following:

- an audit of the information, services and facilities that Council already provides
- review of current practices in Council to identify possible barriers to access and inclusion
- sourcing of data focussed on people living with disability including visitors and service users in the Council area
- consideration of access issues identified by staff, service users, elected members and disability organisations
- call for submissions from members of the public via a community consultation survey including (but not limited to) a focus on priority groups living with disability: women, children, Aboriginal and Torres Strait Islander people and culturally and linguistically diverse people
- determined links to and alignment with the State plan, Building Code, Living Well Plan, Cultural Plan, Active Ageing Strategy
- undertook accessible community engagement including consulting with people with disability and persons or organisations representing the interests of people with disability and their carers
- undertook internal consultation with City of Unley staff via a workshop to determine staff understand why we are doing plan and what it needs to cover, identify what we already have in place and what are we doing well and understand what is needed, and where are the opportunities/gaps
- consideration of existing plans, services, assets, playgrounds, footpaths, website, printed materials, customer service as key areas to focus on
- held a focus group of people living with disability via Purple Orange to determine their feedback and priorities

The three key components of the Stage 1 engagement are outlined below.

Community Survey

The community was engaged through a Your Say Unley survey, *Disability Access and Inclusion Plan*, between 28 July to 31 August 2021, which sought broad input on their views on access and inclusion for people with disability. Supporting documents were supplied online with the survey to allow informed engagement including current and relevant Council plans and strategies.

The survey was shared as follows:

- promoted through social media channels
- article in Adelaide East Herald publication
- survey sent to databases: community, volunteers, sports club, youth, Active Ageing Alliance and Living Young Reference group, Active Ageing, aged care facilities, schools, community grants
- survey shared through library and community centres databases, smart screens, e-news and social media channels
- hard copies of surveys (both standard and easy to read) available at civic centre front counter

-
- shared with disability service organisations in the City of Unley and Community Wellbeing contractor register
 - shared with Community Wellbeing Client database via newsletter
 - sent to Economic Development database of health providers including GPs
 - promoted on the LED slide Oxford Terrace, KWR and Heywood Park smart screens, via the E-newsletter to Your Say Unley database and website
 - shared via the South Australian Council on Intellectual Disability and Purple Orange, including with their staff who have disability

Staff Consultation

Consultation sessions were held with 45 staff across all teams in the organisation. Staff were asked for information on what council is already doing in this space, and for their views on where there are opportunities and gaps, and where we could be doing more to support access and inclusion for people with disability.

Focus Group

A focus group was held at the City of Unley Civic Centre on Friday, 3 September 2021. It was facilitated by two staff from JFA Purple Orange and attended by nine participants in person and one participant via a livestream. The focus group participants represented a diverse range of lived experiences of disability.

STAGE 2

Following the development of the DAIP, the City of Unley undertook the following consultation on the draft Plan:

Community Survey

The community was consulted through a Your Say Unley survey between 1 February to 21 February 2022, which sought feedback on the draft Disability Access and Inclusion Plan.

Supporting documents were supplied online with the survey to allow informed engagement including current and relevant Council plans and strategies, plus easy read and text only versions of both the survey and draft DAIP.

The survey was shared as follows:

- promoted through social media channels
- sent to all City of Unley staff and Elected Members
- consultation with members of the Local Government Disability Inclusion Advisory Group
- survey sent to databases: community, volunteers, sports club, youth, Active Ageing Alliance and Living Young Reference group, Active Ageing database, aged care facilities, schools, community grants
- survey shared through library and community centres databases, smart screens, e-news and social media channels
- hard copies of survey and draft DAIP (both standard and easy to read) available at civic centre front counter
- shared with disability service organisations in the City of Unley and Community Wellbeing contractor register
- sent to Economic Development database of health providers including GPs

-
- promoted on the LED slide on Oxford Terrace, KWR and Heywood Park smart screens, via the E-newsletter to Your Say Unley database and website
 - shared via the South Australian Council on Intellectual Disability and Purple Orange, including with their staff who have disability and past participants of our previous focus group
 - Email to participants who took part in the last survey (where details were provided)
 - Department of Human Services
 - Feast and Shine SA
 - Keswick Barracks
 - Kudos – disability services in Unley

3. FINDINGS & RESULTS

SUMMARY OF ENGAGEMENT RECEIVED IN STAGE 2




Community Survey

18 participants provided feedback on the draft DAIP through the online Your Say Unley survey and this feedback is summarized below.

Results outlining the quantitative and qualitative data can be found in Appendix 1. More than 85 comments were received from the community.

Awareness was successfully raised with 220 people visiting at least one webpage of the Disability Access and Inclusion Plan page on Yoursay, and 44 of these people downloaded a document from the survey page.

A final 18 participants provided specific feedback through the online survey. Participants were provided with statements relating to each of the four DAIP objectives and the associated actions, and provided with a choice of three responses:

-  I do not support these objectives
-  Neutral
-  I do support these objectives

In addition to the community survey, a submission responding to the draft DAIP was received from Purple Orange, a peak disability advocacy body, see Appendix 2.

A total of 73 survey responses were received across the two stages of community consultation.

SUMMARY DATA

Overall feedback

There were 18 respondents who provided one or more comments on the draft Disability Access and Inclusion Plan (DAIP).

Overall the feedback received showed a high level of support for the DAIP.

When asked for overall feedback on the plan, the majority of respondents showed strong support and many suggestions provided are already included in the plan, or aligned more closely to other Council plans and strategies (i.e. Tree Strategy, Walking and Cycling Plan)

Objective 1: Inclusive Communities for All

On average, 87% of respondents supported all six key actions within objective 1. There were no respondents who did not support the six objectives.

The majority of individual comments were positive and had been addressed in the DAIP.

Objective 2: Leadership and Collaboration

81% of respondents on average supported all four key actions within objective 2. One respondent did not support the objective "Council is a leader in advocacy and advice" and similarly, one respondent did not support the objective "Council is an industry leader in access and inclusion".

Feedback was generally positive and covered items already addressed in the Plan.

Objective 3: Accessible Communities

92% of respondents supported all five key actions within objective 3. There were no respondents who did not support the six objectives.

Feedback was generally supportive and covered items already addressed in the Plan.

Objective 4: Learning and Employment

86% of respondents supported the two key actions within objective 4. There were no respondents who did not support the six objectives.

Feedback demonstrated support for both objectives.

Qualitative Feedback

There were more than 85 individual comments received about the plan overall.

When asked for their feedback on priorities for the Plan, the majority of comments were positive and related to actions which were already addressed within the Plan. Comments which were used to amend the plan have been outlined in the below amendments section.

Suggestions included more support for community groups and grants, active transport planning, footpath audits and marketing and promotion, all of which have been addressed in the Plan and within other Council plans and strategies.

AMENDMENTS TO THE DRAFT PLAN

Overall feedback was supportive of the DAIP and the following changes have been made to the Plan as a result of community feedback, including the submission received from Purple Orange.

General

- Edited Mayoral Foreword to reflect a contemporary view of disability as advised by Purple Orange
- Edited the principle on page 15 to read "Inclusively and Accessibility Lens: on everything that we do"
- Strengthened Council's ownership of actions throughout the Plan and updated the vision to show stronger ownership by Council of the Plan overall
- Amended "Our City" with information as supplied by Purple Orange in relation to clearer statistics and to better align with the Social Model of Disability
- Changed objectives to 'themes' within the four action areas

Theme 1: Inclusive Communities for All

- 1.1 – added co-design to the DAIP reference group and included their involvement in progress of the DAIP
- 1.2.1 – updated to “short term (if requested) and medium term as standard” for the provision of Council agendas in accessible formats
- 1.3.1 – Updated to add the Libraries and City Services identified as having a specific role in enabling access to easy-to-read formats
- 1.4.2 – changed timeframe to medium
- 1.4.3 – updated measurement of action to “Access and inclusion is embedded across programs at the libraries including responding to requests for specific access requirements”

Theme 2: Leadership and Collaboration

- 2.1 – added the proposed DAIP Reference Group
- 2.1.1 – included co-design in the action “Support people living with disability to actively participate in decision-making processes within Council or the community by providing co-design engagement opportunities online and in person”
- 2.4.1 – updated to “Recognise International Day of People with Disability through consultation with the DAIP Reference Group”

Theme 3: Accessible Communities

- 3.4 – added “Investigate new technology options such as apps” for registers of accessible playgrounds, parking and public amenities
- 3.1.4 – new action added “Undertake a communication access audit”
- 3.3.5 – included consultation with DAIP Reference Group on parking strategy
- 3.5.3 – measurable target updated to “adhere to” in place of consider in relation to adherence to universal design principles being used in relation to Council buildings.

Theme 4: Learning and Employment

No updates made

4. CONCLUSION

In summary, the engagement demonstrated support for the Disability Access and Inclusion Plan.

Awareness of the plan has been raised with the community, and respondents have provided more than 85 suggestions that have been used to further refine the actions in the draft DAIP.

Appendix 1

Quantitative and qualitative data from Your Say Unley survey

Appendix 2

Purple Orange submission

The City of Unley draft Disability Access and Inclusion Plan

SURVEY RESPONSE REPORT

01 February 2022 - 22 February 2022

PROJECT NAME:

Draft Disability Access and Inclusion Plan



SURVEY QUESTIONS

Q1 Do you have any overall feedback on the draft Disability Access and Inclusion Plan?

Anonymous

2/02/2022 09:44 PM

Very comprehensive

Anonymous

2/03/2022 10:31 AM

The plan addresses a lot of the issues for members of our community who have a disability. Well done.

Anonymous

2/05/2022 01:40 PM

Climate change will be the number one issue faced by all residents & visitors to the City of Unley & it will hit hardest upon people already living with disabilities, those who will acquire a disability in their lifetime. Also, people living with disabilities are disproportionately represented as having lower economic resources / agency. All aspects of Council's new Disability Access policy must take into account these 2 very significant factors when planning policy, services & infrastructure. The urban heat island effect has a particularly brutal impact upon people with disabilities, resulting in escalating numbers of deaths during heat waves. Dense tree coverage is crucial to keep homes cool & are essential to keep footpaths useable in hot weather. Wide footpaths free of trip risks are necessary to keep people actively & healthy. I live on Albert St Goodwood & the footpaths are too narrow for wheelchairs, walking aids, goffers & prams. There are trip risks & an insufficiently dense tree canopy. Separated cycling infrastructure is an ideal way to keep people healthy to slow down the degenerative effects of ageing & prevent disability. Separated cycling infrastructure can be utilised by people in wheelchairs & goffers to help keep them safe from collisions with motor vehicles.

Anonymous

2/06/2022 10:58 AM

I would like to see specific mention of Communication Access - a commitment to The City of Unley sites being Communication Accessible, so that people with communication disability can understand and be understood, and feel valued - <https://twowaystreet.com.au/solutions/communication-access/> Also a commitment to putting communication boards in City of Unley playgrounds, as is being done in City of Playford - <https://twowaystreet.com.au/2021/02/04/dont-forget-to-play-inclusive-playgrounds-for-aac/>

Anonymous

2/08/2022 04:37 PM

Good to see an easy read version: Will the plan be written in other languages?

Anonymous

2/09/2022 02:13 PM

the UN. Why mention an organization which is nothing but a money sucking, do nothing scam?

Anonymous

2/09/2022 04:00 PM

i think it is a very positive step you cant be all things to all people so there will be some issues

Anonymous

2/10/2022 01:37 AM

yes. I would like more seats in the longer streets in my area. I like walking and I do not want to rest on someones fence. but it helps to allow me to walk further if I can rest along the way. eg cheltenham st, winchester st, sheffield st, And especially the steeper sts like ferguson avenue

Anonymous

2/10/2022 10:06 PM

Great to see that the objectives of the DAIP are derived directly from the disability focus group priorities. The principles of universal design are seldom discussed outside of disability contexts and that is something that needs to be integrated into all Council business.

Anonymous

2/13/2022 09:40 PM

Yes, needs to more specific. Very general.

Anonymous

2/14/2022 02:22 PM

Excellent Draft documents. I particularly liked the Easy Read version.

Anonymous

2/14/2022 05:44 PM

The Plan is fairly comprehensive and sets out a general framework. It needs to also positively focus on specific disabilities beyond persons who are "differently able" persons as opposed to "disabled" persons. For example, persons with an impairment [sight, hearing, speech] beyond singular mobility issues-they may have multiple impairment factors.

Anonymous

2/21/2022 12:49 PM

I think that it is great that the City of Unley has developed a DIAP. The ideas and values outlined in the document are really great but the proof of the City's commitment will be seen in the authentic implementation of the plan.

Anonymous

2/21/2022 04:49 PM

If you want to make the Unley Council Area more accessible, you have to start with the roads. Decrease speed limits so that those less enabled, whether due to a disability, to pushing a pram, to being Aged, can cross roads. If you make that hard to do, then there isn't any point talking about inclusion and access.

Anonymous

2/22/2022 12:17 PM

The consultation raised a series of issues and not all are reflected in the plan particularly the statement about "prioritising accessibility requirements over heritage status". We either need a statement added that deals with this and anything else raised that is not addressed in the plan. A general principle of addressing accessibility requirements wherever possible should be made in the plan. I very much support the establishment of the DAIP Reference Group. It will give the City of Unley and council access to regular informed advice on, commentary and review of initiatives and programs from a DAIP perspective that would otherwise be difficult to achieve. Disability Access Training – in implementing this element, I think it might be worthwhile investigating what's already available and picking the best – some of which is offered by well-known disability advocates (including comedians). City of Unley may be able to offer access to these programs and pay royalties which would in turn support these advocates.

Optional question (15 response(s), 4 skipped)

Question type: Essay Question

Q2 | Do you have any comments about the theme "Inclusive Communities for All"

Anonymous

2/05/2022 01:40 PM

When infrastructure is safe & useable for our most vulnerable community members we are able to live in a community that is safe, caring & inclusive, delivering a better quality of life for all.

Anonymous

2/06/2022 10:58 AM

Great theme - just please ensure this includes people with communication disability (so often overlooked)

Anonymous

2/08/2022 04:37 PM

Community usually means all included doesn't it?

Anonymous

2/09/2022 02:13 PM

As long as you are talking about Inclusion for people with disabilities

[REDACTED]

[REDACTED]

2/09/2022 04:00 PM

it is good

Anonymous

2/10/2022 01:37 AM

i do not like to be LABELLED as disabled nor elderly in any way. nor appear to identify people as "special" which is why the community

bus should get back to a FIXED timetable, fixed route, where i can just get the bus and NOT have to ring up in advance

Anonymous

2/13/2022 09:40 PM

Who is on the DAIP Reference Group, how often do they meet, what do they discuss. More disability car parking is needed at Unley shopping center.

Anonymous

2/14/2022 02:22 PM

Seems appropriate to me

Anonymous

2/14/2022 05:44 PM

Inclusive Communities is a general theme often repeated in the Plan that appears not to have a clear pathway to participation i.e. how to invoke the principles.

Anonymous

2/21/2022 12:49 PM

The challenge is to bring the community on the journey necessary to achieve the objectives outlined in this theme.

Anonymous

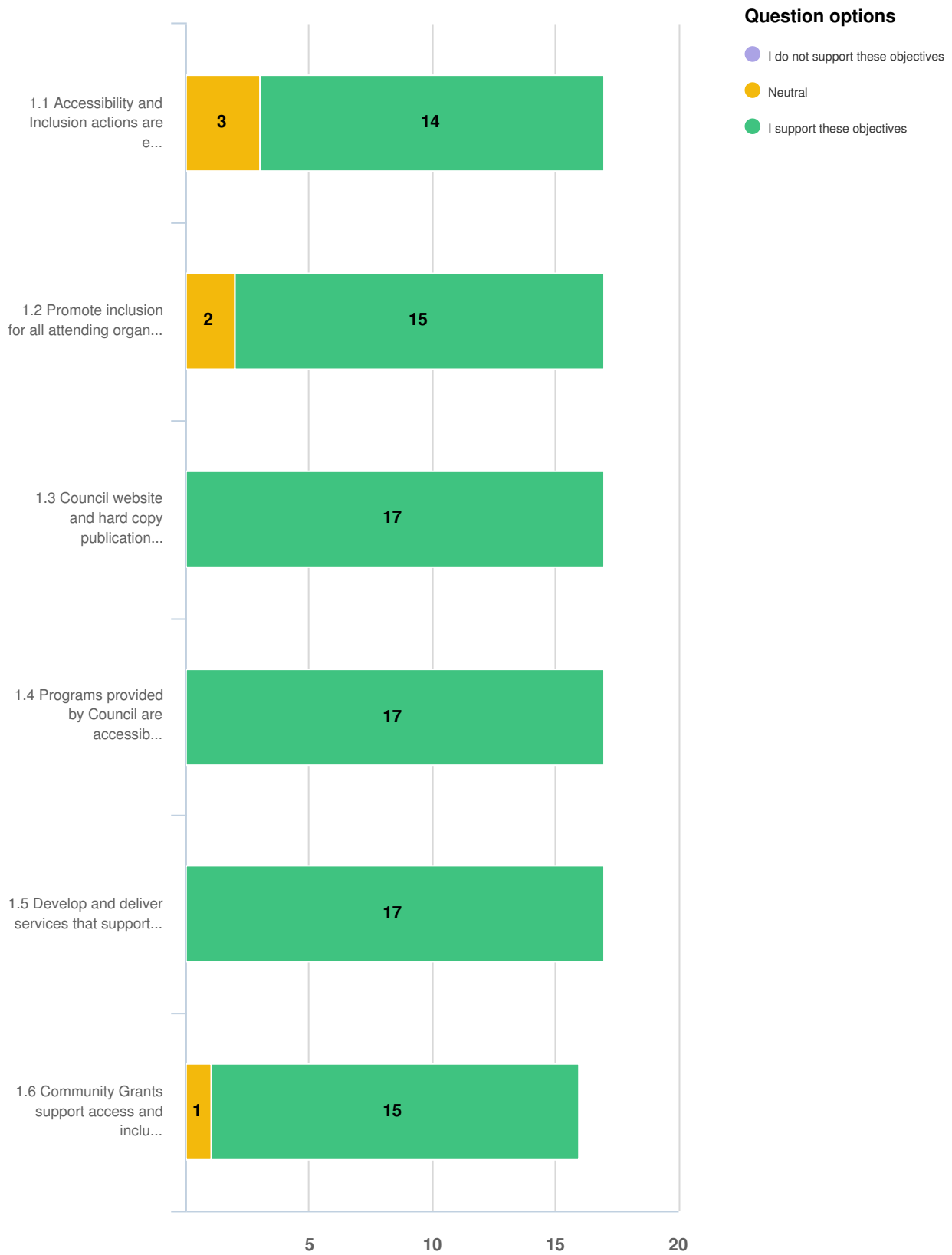
2/21/2022 04:49 PM

No

Optional question (11 response(s), 8 skipped)

Question type: Single Line Question

Q3 Objective 1: Inclusive Communities for All



Optional question (17 response(s), 2 skipped)
Question type: Likert Question

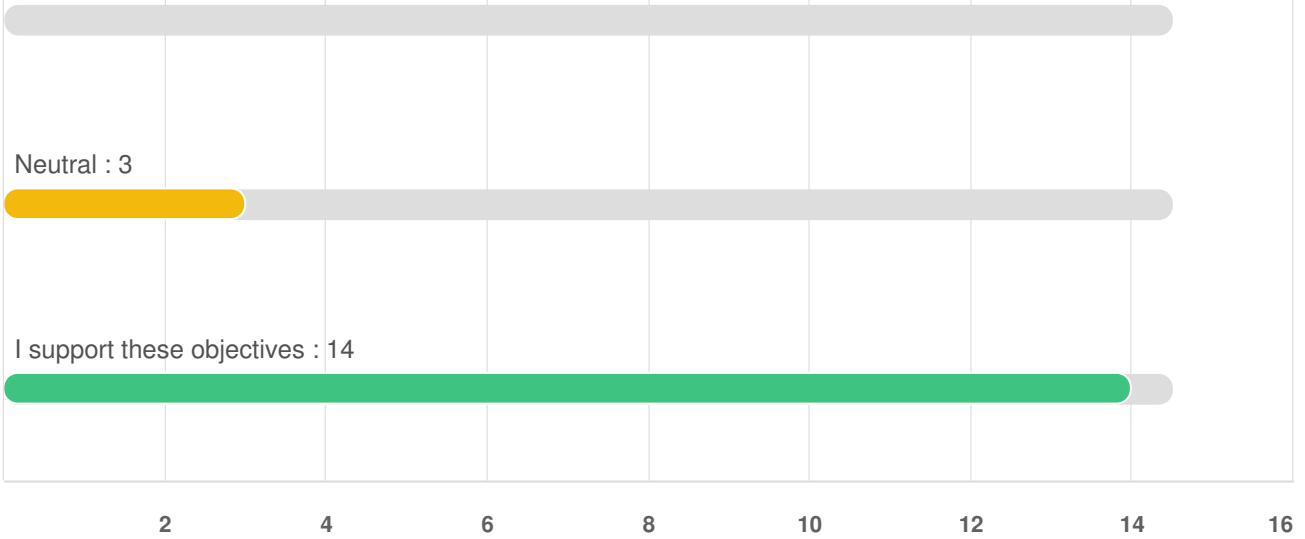
Q3 | Objective 1: Inclusive Communities for All

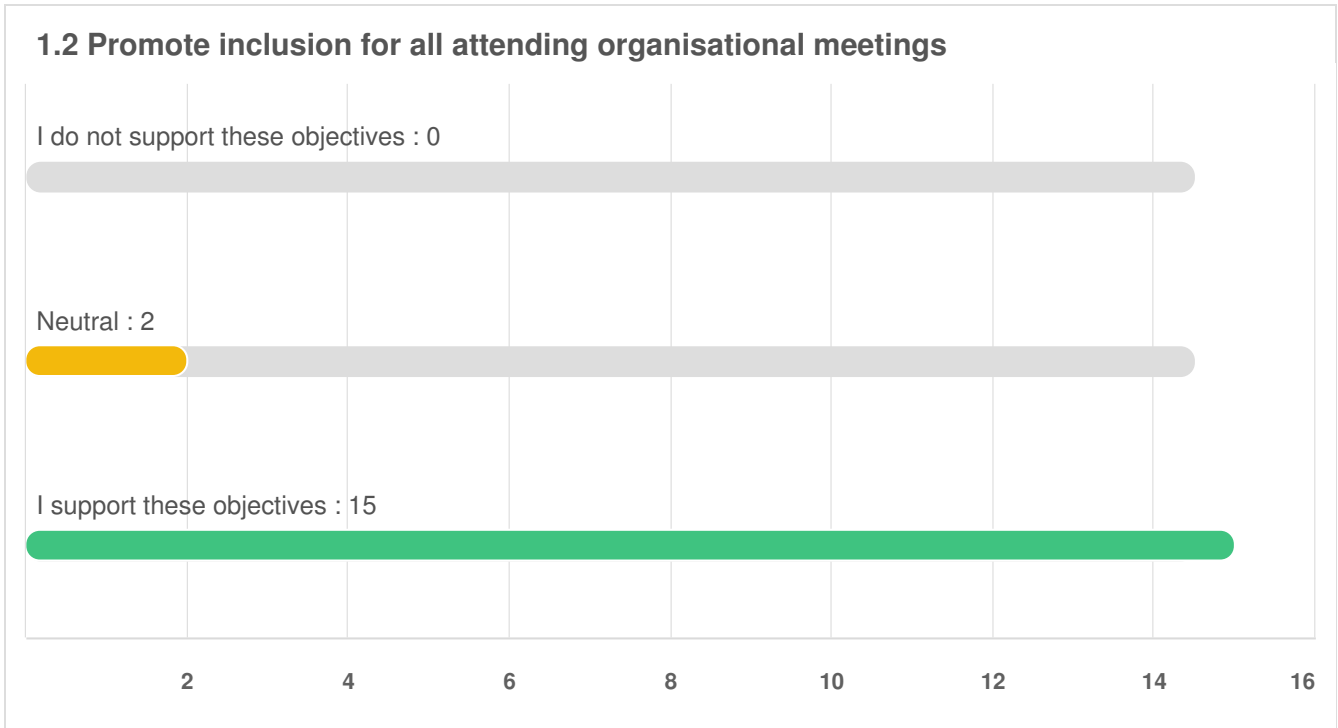
1.1 Accessibility and Inclusion actions are embedded across the organisation

I do not support these objectives : 0

Neutral : 3

I support these objectives : 14



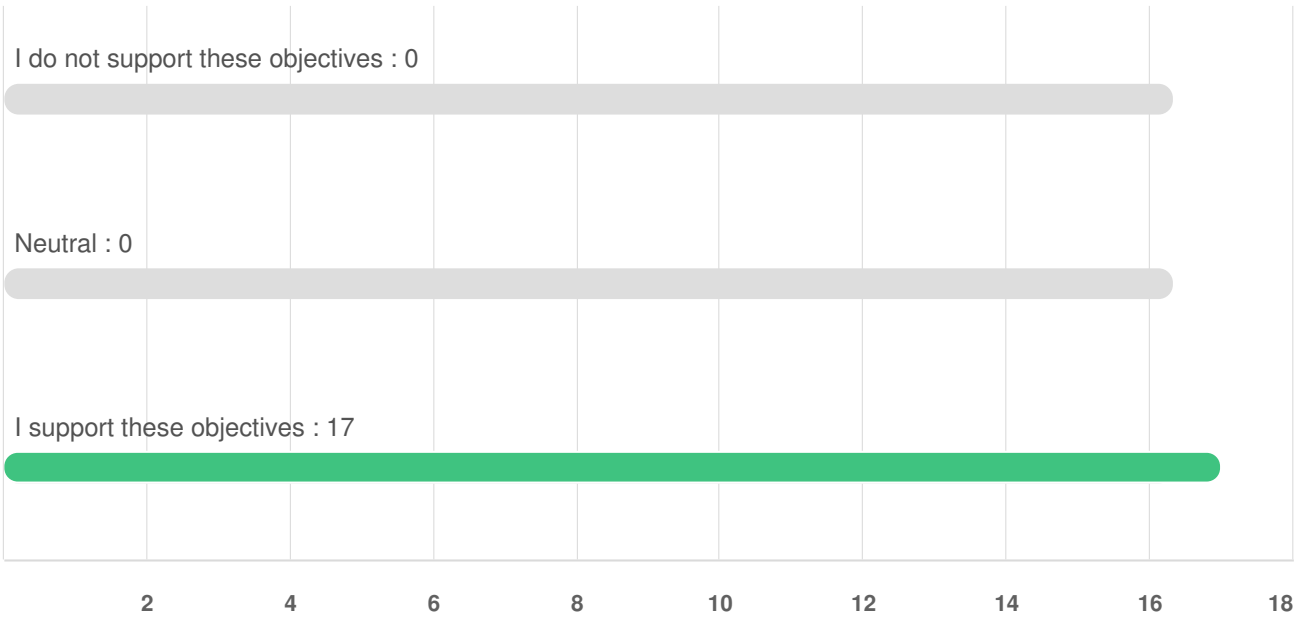


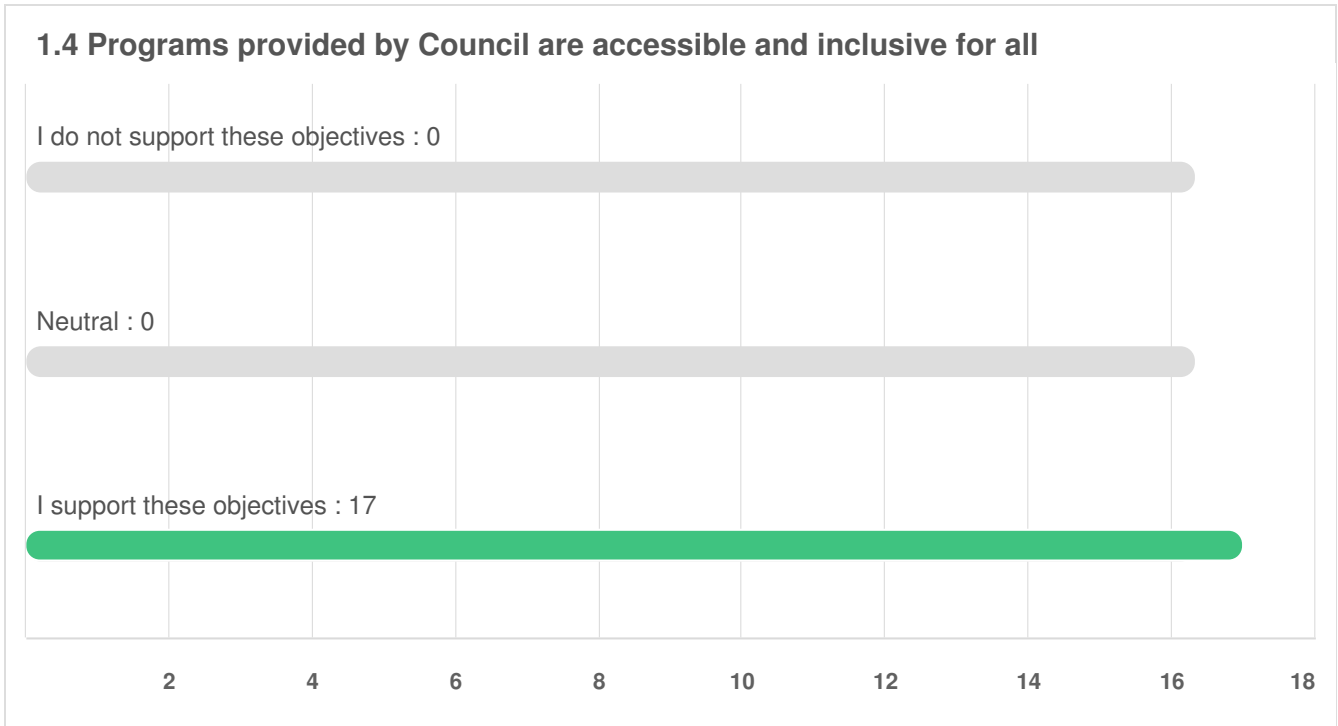
1.3 Council website and hard copy publications are provided in easy to read format to improve access to information

I do not support these objectives : 0

Neutral : 0

I support these objectives : 17



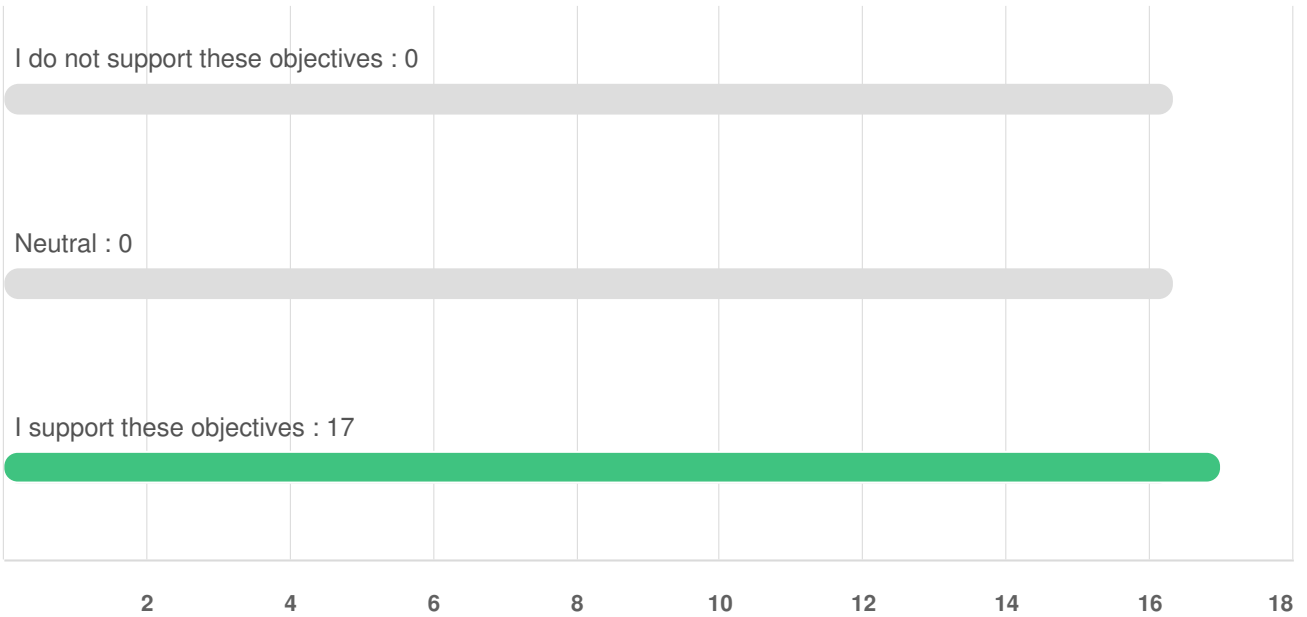


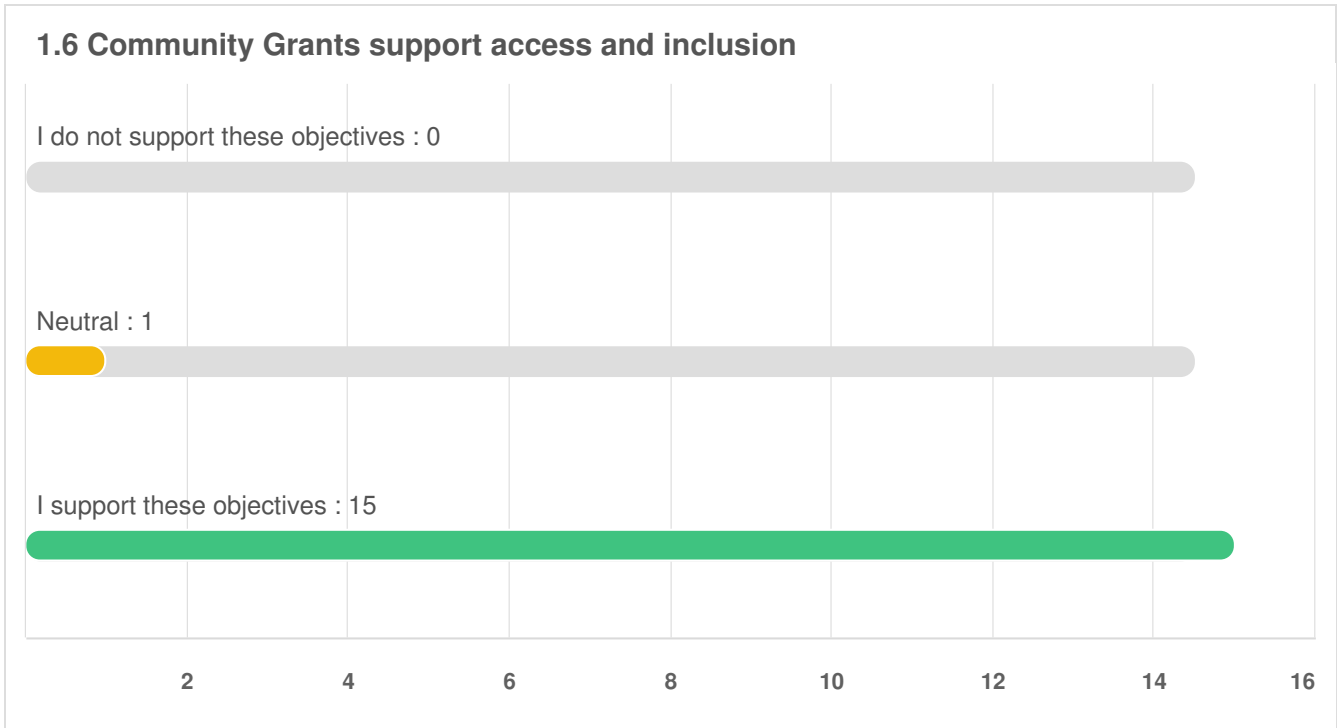
1.5 Develop and deliver services that support people with disabilities and their families/carers to live independent lives

I do not support these objectives : 0

Neutral : 0

I support these objectives : 17





Q4 Do you have any feedback about the theme "Leadership and Collaboration"

Anonymous

2/09/2022 02:13 PM

No, because I doubt the council does either. This is just another 'feel good' money wasting exercise

[REDACTED]

2/09/2022 04:00 PM

keep it up

Anonymous

2/10/2022 01:37 AM

ONLY if you do really treat people respectfully with dignity and NOT think you are "doing good" as you PATRONIZINGLY think some people have to be OVER organized as if they cannot think for themselves s y l u

Anonymous

2/13/2022 09:40 PM

What is the platform, how can we get involved?

Anonymous

2/14/2022 02:22 PM

Seems appropriate to me.

Anonymous

2/14/2022 05:44 PM

I would anticipate a focus on community forums to listen to feedback on how the Plan is being perceived, received and activated.

Anonymous

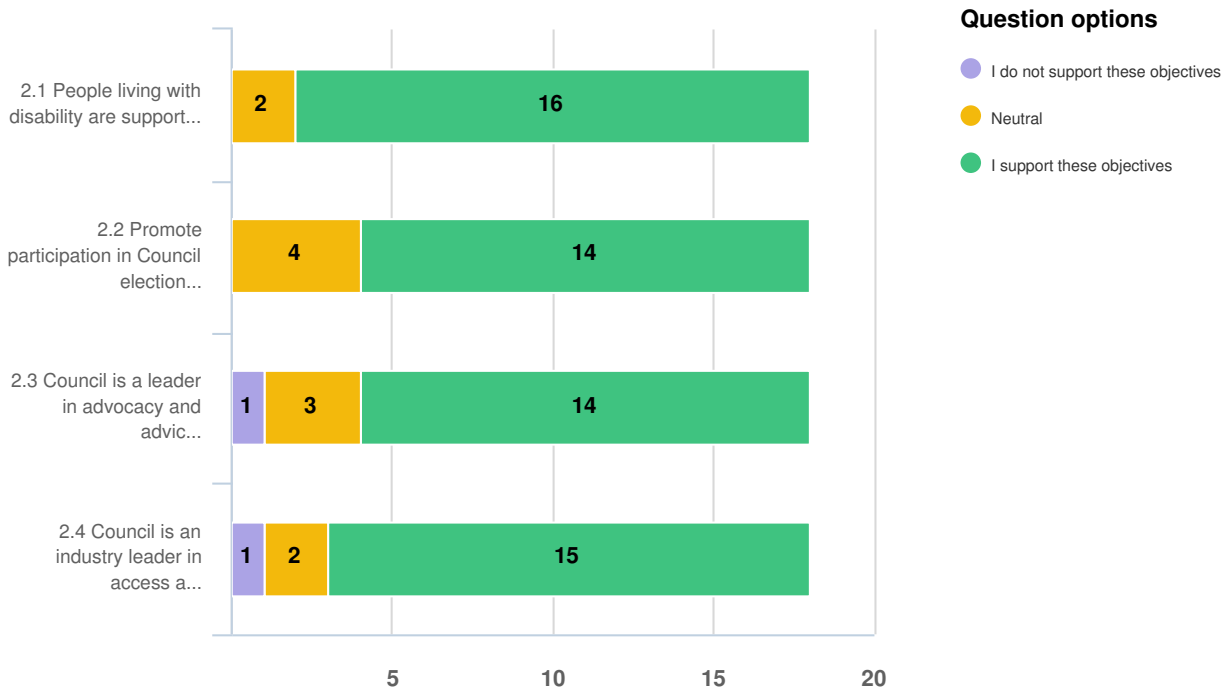
2/21/2022 12:49 PM

I think authentic disability leadership needs to be supported, of course. I think the challenge will be getting Deaf and disabled people to see their investment in the programs will have tangible outcomes. Not just training, let us lead!

Optional question (7 response(s), 12 skipped)

Question type: Single Line Question

Q5 Objective 2: Leadership and Collaboration



Optional question (18 response(s), 1 skipped)
 Question type: Likert Question

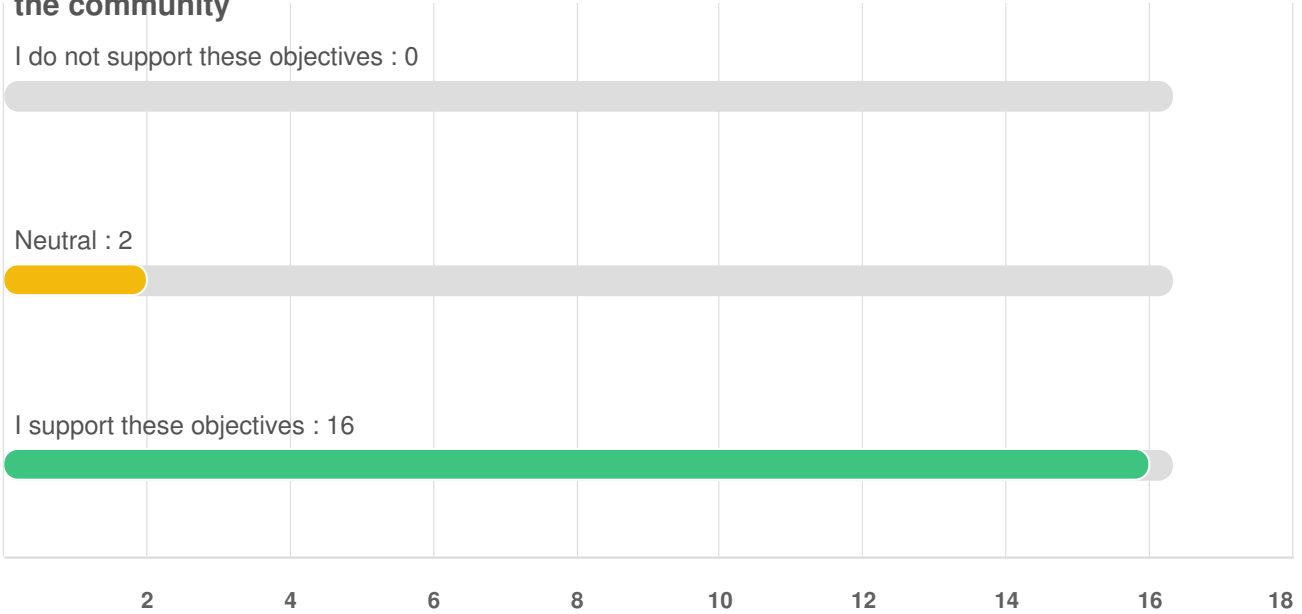
Q5 | Objective 2: Leadership and Collaboration

2.1 People living with disability are supported to participate and make decisions within the community

I do not support these objectives : 0

Neutral : 2

I support these objectives : 16

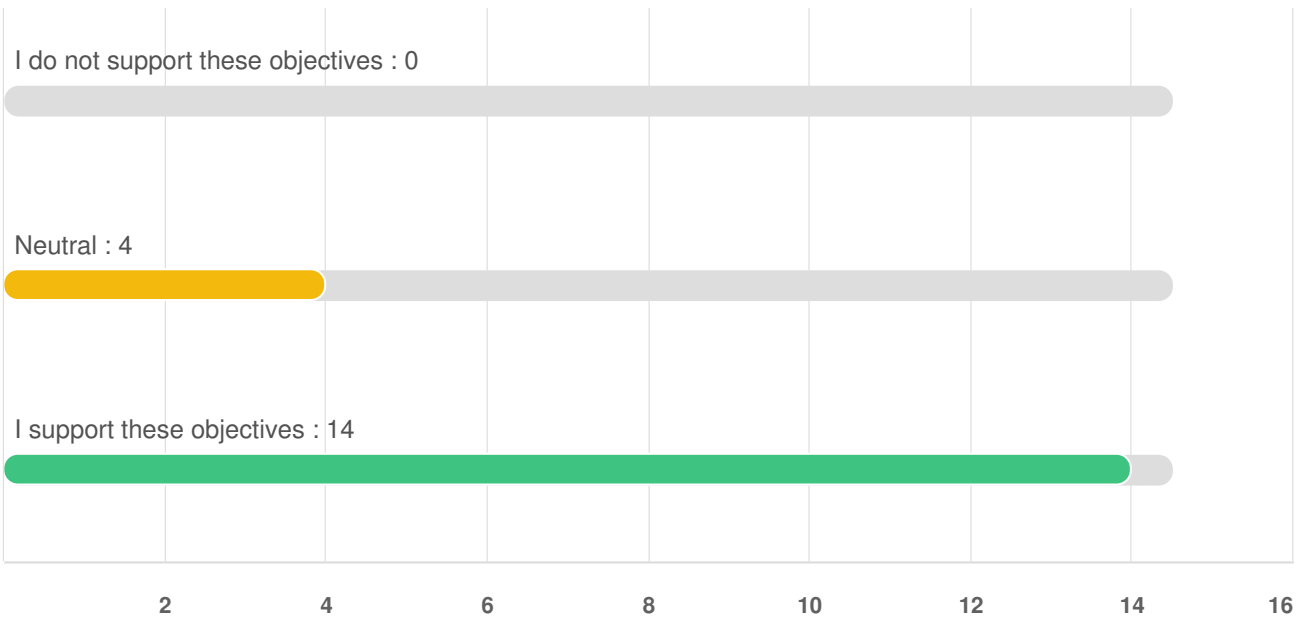


2.2 Promote participation in Council elections

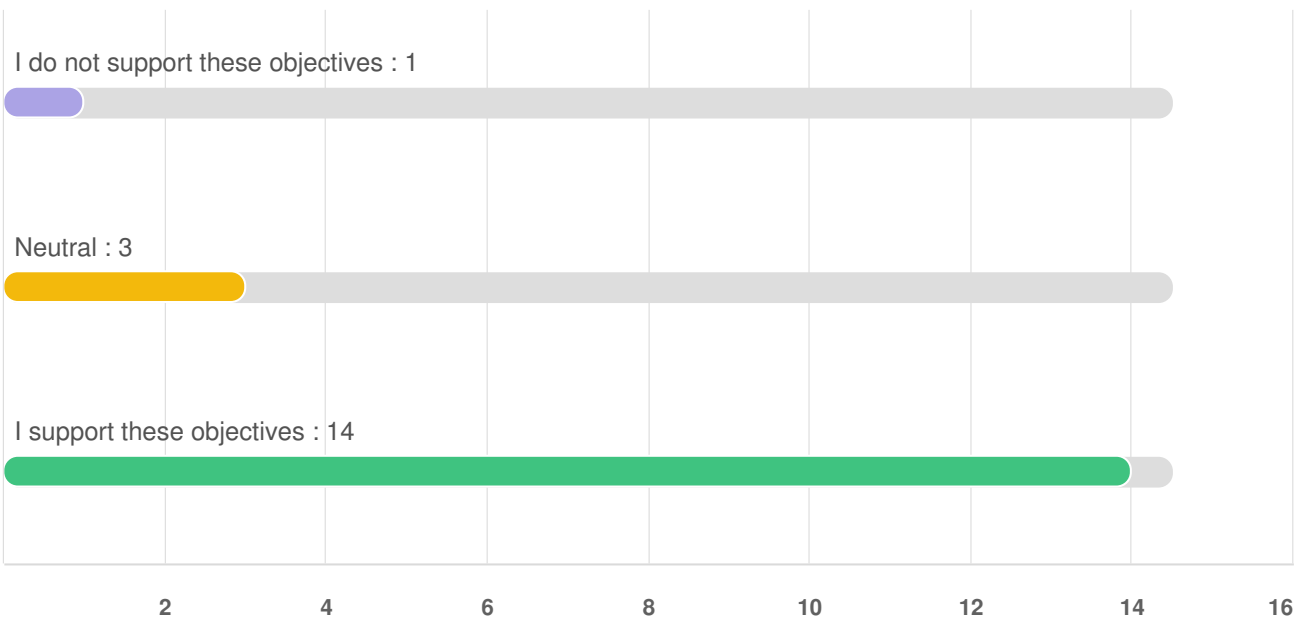
I do not support these objectives : 0

Neutral : 4

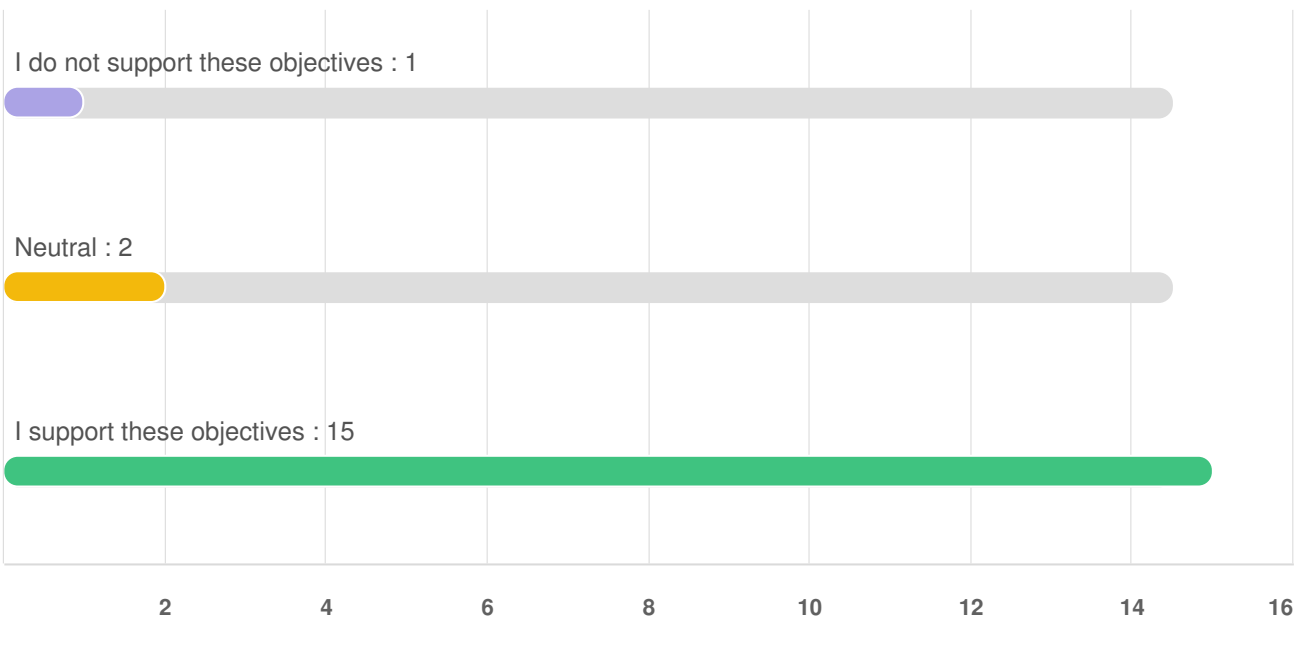
I support these objectives : 14



2.3 Council is a leader in advocacy and advice



2.4 Council is an industry leader in access and inclusion



Q6 Please share your views on the theme "Accessible Communities"

Anonymous

2/06/2022 10:58 AM

Should include getting Communication Access certified

Anonymous

2/08/2022 04:37 PM

It is important that buildings, facilities, pathways, sporting venues, work places/modifications are the norm



2/09/2022 04:00 PM

ok

Anonymous

2/10/2022 01:37 AM

anything that LABELS particular groups IS demeaning and a turn off. ALL people should be able to participate WITHOUT insiders at council being over-organizing control freaks who think people with ANY disability cannot THINK for themselves.

Anonymous

2/13/2022 09:40 PM

How can "Guidelines and processes implemented to ensure all social media posts include a description to accompany the image, videos have captions included" Be Medium term. This should be done from now on.

Anonymous

2/14/2022 05:44 PM

The Theme is generic and is interpreted via the various interactive activities that underpin Plan as may be assessed by the number of persons with impairment are accessing and/or participating.

Anonymous

2/21/2022 12:49 PM

My concern is that the Australian Building Standards set such a low bar for access, and offer many ways for developers to not provide meaningful and genuine access, these standards are not really worth being used as a measure. Aim for gold standard.

Anonymous

2/21/2022 04:49 PM

I do not feel that Unley is Age Friendly, though it may well be better than (some/all) other council areas.

Optional question (8 response(s), 11 skipped)

Question type: Single Line Question

Q7 Objective 3: Accessible Communities



Optional question (18 response(s), 1 skipped)
 Question type: Likert Question

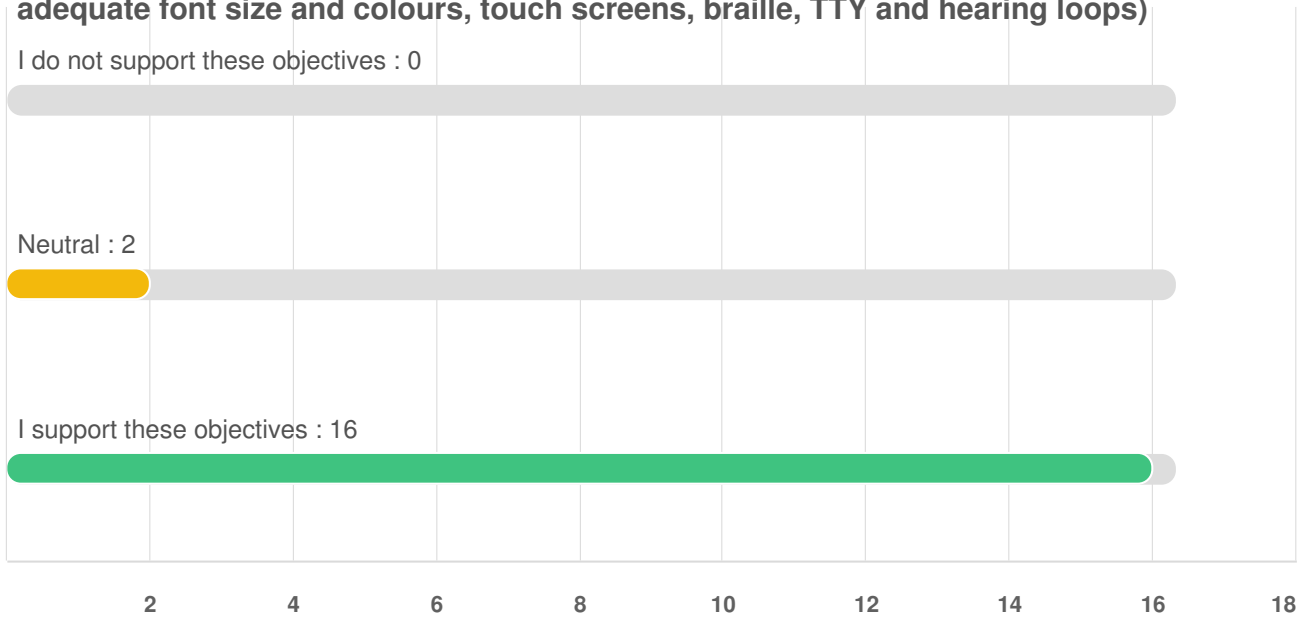
Q7 | Objective 3: Accessible Communities

3.1 Information about Council services developed in alternative formats (plain English, adequate font size and colours, touch screens, braille, TTY and hearing loops)

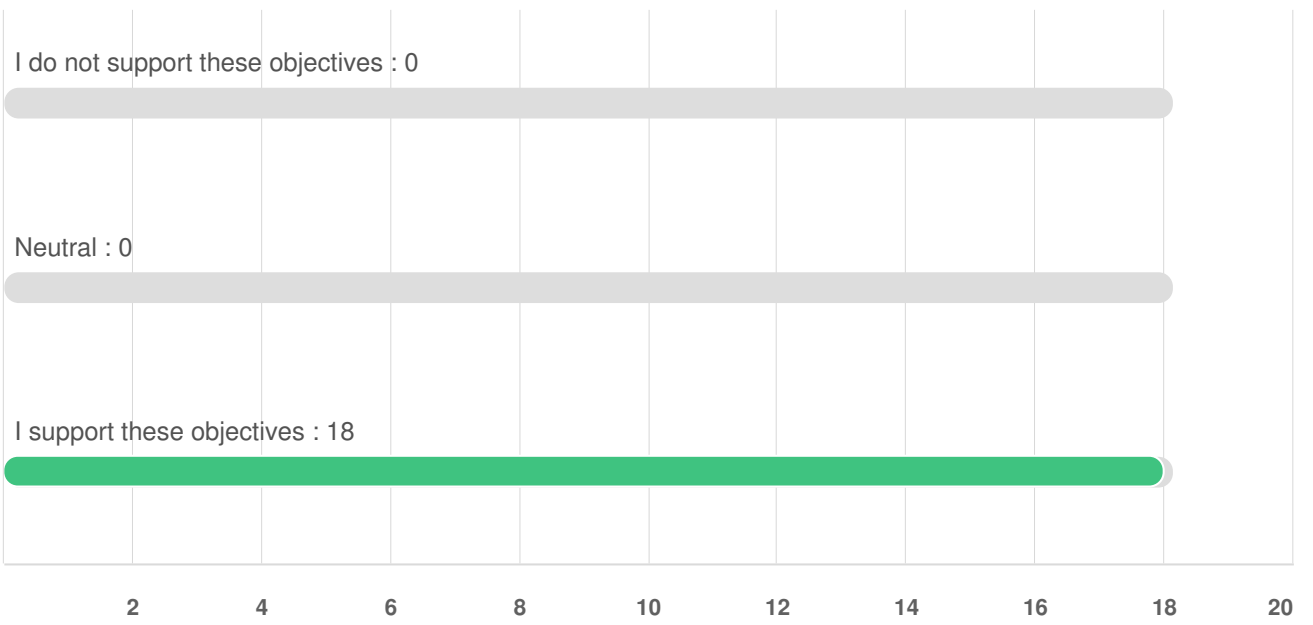
I do not support these objectives : 0

Neutral : 2

I support these objectives : 16



3.2 Ensuring online information meets accessibility standards

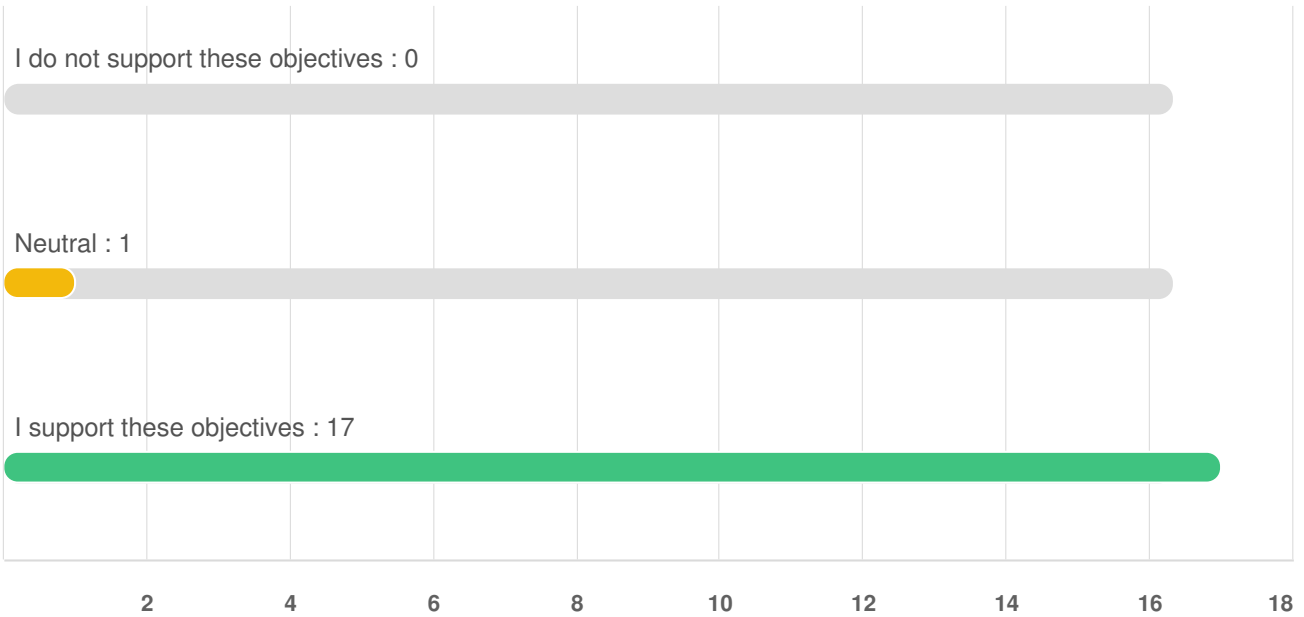


3.3 Accessible Council buildings and facilities, car parks, reserves, footpaths (including community events) and infrastructure using Universal Design Principles

I do not support these objectives : 0

Neutral : 1

I support these objectives : 17



3.4 Review and refresh the promotion of publicly accessible car parking and amenities within parks/reserves

I do not support these objectives : 0



Neutral : 1



I support these objectives : 17



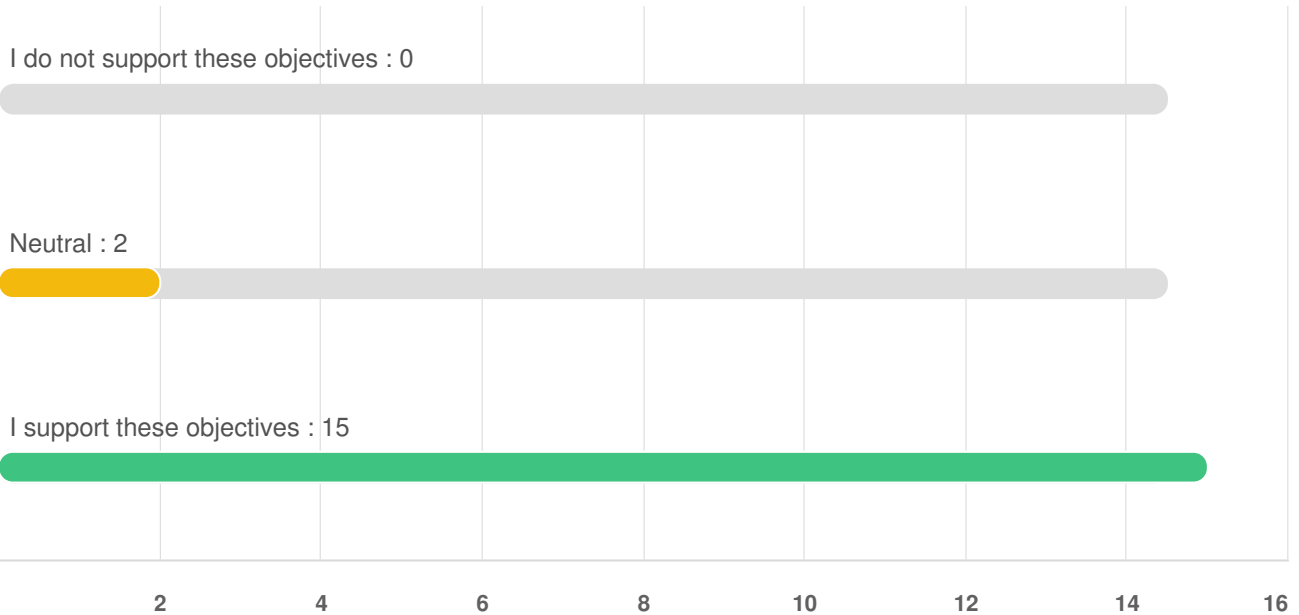
2 4 6 8 10 12 14 16 18

3.5 Development Assessment is undertaken in accordance with the relevant Acts and Australian Standards and Universal Design Principles

I do not support these objectives : 0

Neutral : 2

I support these objectives : 15



Q8 Please share your thoughts about the theme "Learning and Employment"

Anonymous

2/06/2022 10:58 AM

Inclusive Education is critical to the success of this - how can the council support local schools to include students with disability?

Anonymous

2/08/2022 04:37 PM

Employability is a must on so many levels, self esteem, sense of belonging and self worth

[REDACTED]

2/09/2022 04:00 PM

yes please

Anonymous

2/10/2022 01:37 AM

i would prefer you just focus on learning opportunities for people of all levels, ages and ability. learning does NOT have to be about "and employment" It could be about "learning and growth"

[REDACTED]

2/10/2022 10:06 PM

Definitely agree that Council should employ a disability advisor not just engage a reference group. Build corporate expertise and integrate disability best practice in daily operations.

Anonymous

2/13/2022 09:40 PM

Need to do more than send job ads to disability services. Get out there, ensure people with a disability are reprtsented.

Anonymous

2/14/2022 05:44 PM

Differently able persons need to be encouraged to apply for positions that are modified to meet their sustainable level participation commensurate to their impairment.

Anonymous

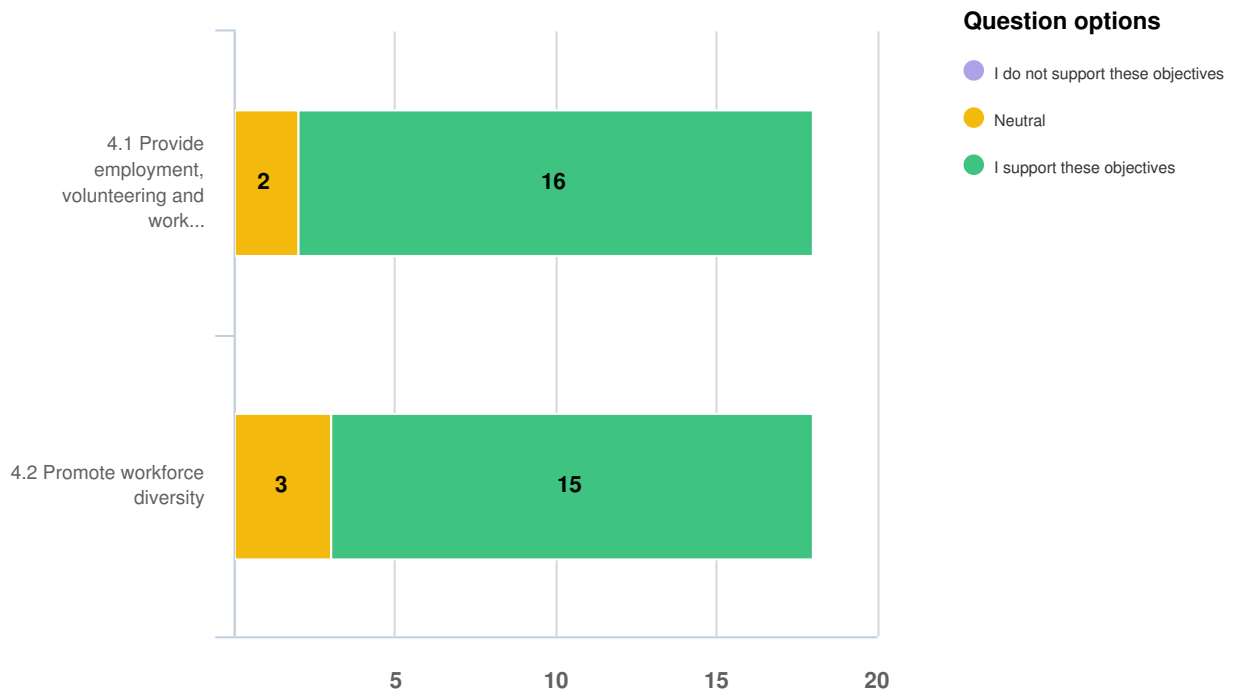
2/21/2022 12:49 PM

How could I say I dont support these objectives? My concern is the willingness to move beyonde providing and promoting and actually doing, Put you money and youe jobs where your mouth is!

Optional question (8 response(s), 11 skipped)

Question type: Single Line Question

Q9 Objective 4: Learning and Employment



Optional question (18 response(s), 1 skipped)
Question type: Likert Question

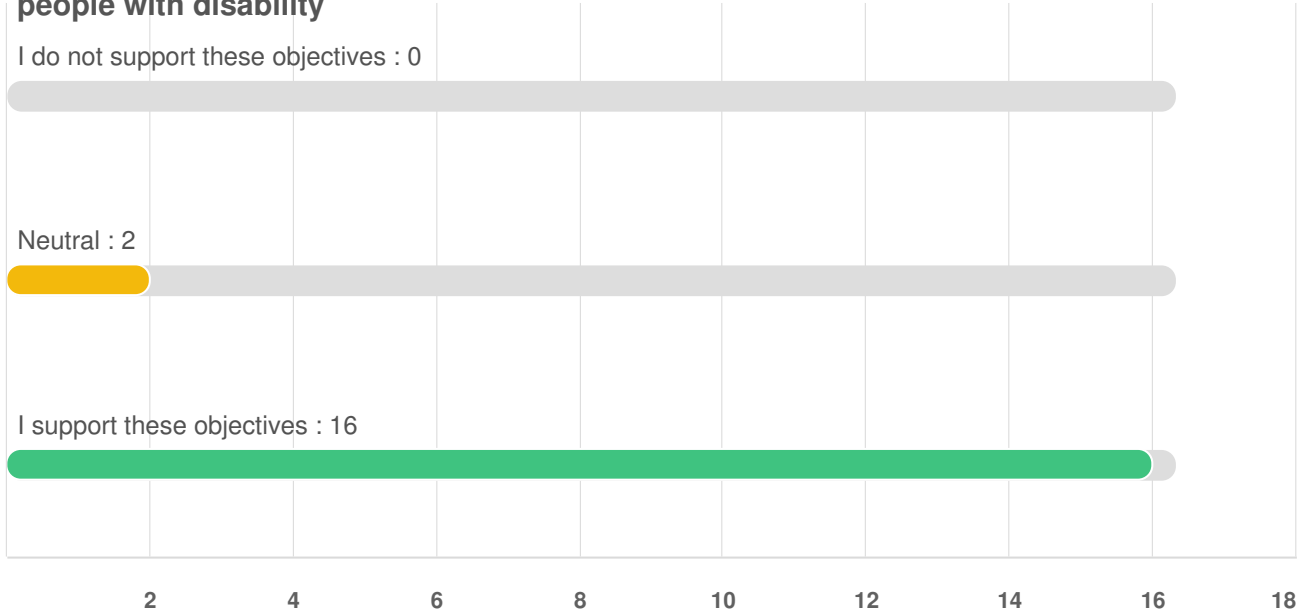
Q9 | Objective 4: Learning and Employment

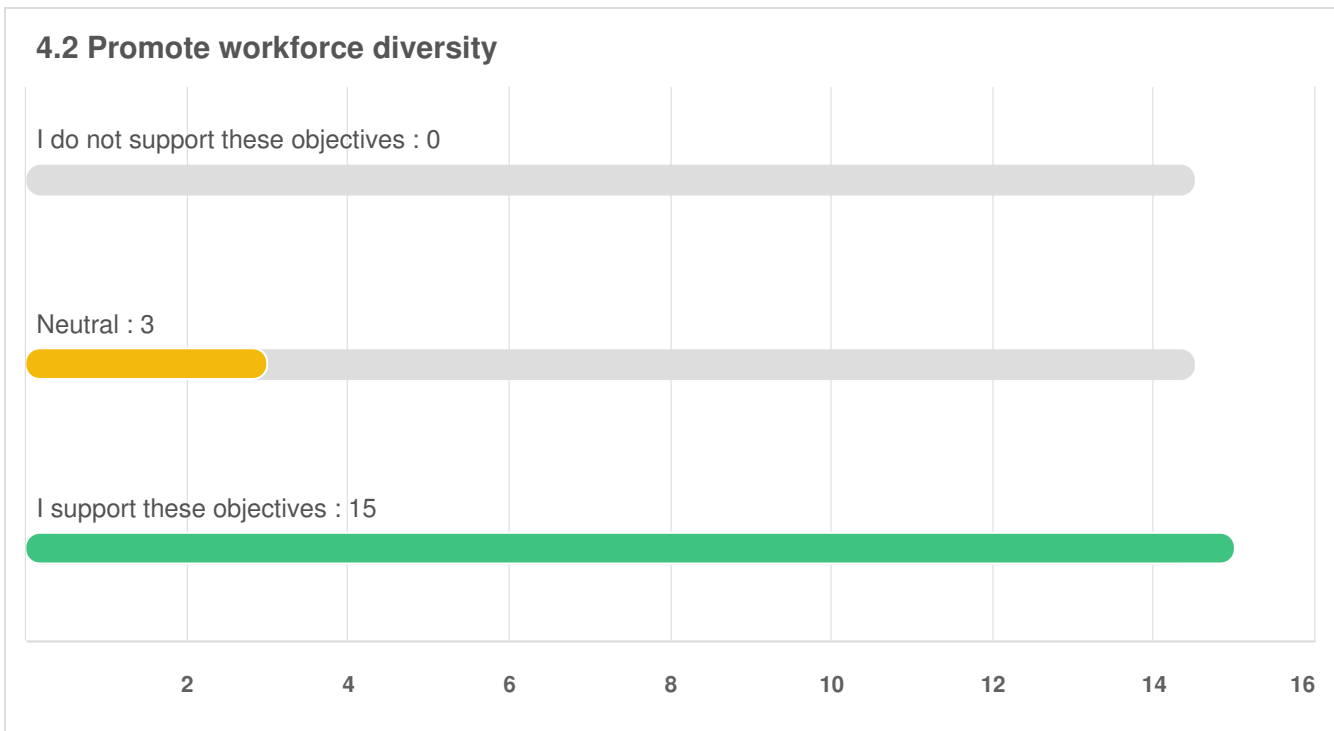
4.1 Provide employment, volunteering and workplace opportunities across Council for people with disability

I do not support these objectives : 0

Neutral : 2

I support these objectives : 16





Q10 | Please tell us your priorities in relation to the Council’s Disability Access and Inclusion Plan?

Anonymous
2/03/2022 10:31 AM

Our priorities is to provide quality equipment and access to our facilities with no impediments.

Anonymous
2/03/2022 11:21 AM

I think you've made a good start. Hearing the voices of people with disability and their supporters via focus groups is important but understanding and implementing co-design principles will be even more important as you progress through the process.

Anonymous
2/05/2022 01:40 PM

Dense tree coverage
Wide footpaths free of trip risks
Slowing of car traffic
Separated cycleways that can be used by people with disability
Removal of excessive signage poles that obstruct footpaths

Anonymous
2/06/2022 10:58 AM

Communication Access

Anonymous
2/08/2022 04:37 PM

Employability

Anonymous

Disabled and old people

2/09/2022 02:13 PM

[REDACTED]

yes

2/09/2022 04:00 PM

Anonymous

2/10/2022 01:37 AM

make the streets more accesible. some are walking hazards with the tiny gum tree seeds that are like ball bearings and the roots of eucalyptus tree roots lifting the footpath and making walking hazardous.FLAT paving stones are safer

[REDACTED]

2/10/2022 10:06 PM

Disability-first planning; ensuring the city is physically designed to accommodate all residents by default. All council facilities and council-managed assets should be viewed through a disability lens and this lens should be applied to all other governing documents. Eg car parking strategy; disability lens would resolve that parking controls are required to ensure all footpath access ramps are no parking zones to ensure access and safe crossing for people with prams, mobility aids or unable to step high.

Anonymous

2/13/2022 09:40 PM

People witha disability should have a voice. More car parking is required, as a person with a Dis ability Parking permit often all disabled parks are taken in the area. Where are they on King William Rd?

Anonymous

2/14/2022 02:22 PM

Implementation of the DAIP and regular reviews against performance targets will be critical

Anonymous

2/14/2022 05:44 PM

The use of the English language is an inhibitor for non-English speaking background persons who are differently abled. Coupled with various impairments they may retreat to their home and increasingly look to third parties to assist such as children/grandchildren. SA Government has responsibility to provide key services to address these lack of resources. LGA has an advocacy role to play and coordinate local government concerns regards to any service deficiencies beyond the capacity of Council to fulfil.

Anonymous

2/21/2022 12:49 PM

If the City wants to genuinely include Deaf and disabled people, both as residents and visitors, it needs to honestly approach the objective and the goal. I think the City's priority needs to be showing disabled as present people within the community - just as they need to do with other marginalised and under-represented groups. Support them to tell their stories. And do so meaningful. I felt parts of your plan are

repeating things that are legislative requirements already. The question is why aren't these already being done? If you want priorities; 1) Make sure the events you run and fund are accessible. Not just physically accessible but make sure their communication is accessible as well as genuine. Invite disabled people by supporting our attendance.

Anonymous

2/22/2022 12:17 PM

Strategy 1.3.1 – The library and City Services should be identified as having a specific role in enabling access to easy-to-read formats (City Services is recognised elsewhere in this regard elsewhere in the plan). P19, 1.4 – “Engagement with stakeholders and participants via surveys at events, programs and activities” should perhaps read “Engagement via surveys with stakeholders and participants of events, programs and activities. Re 1.5 - It should be noted that access to NDIS funding will continue for many people who have been assessed prior to turning 65 years of age. Whilst this means that this group of older people will not be eligible for CHSP services (but possibly have access to even better services and supports), there is a risk of a gap and their access issues will still need to be considered. For example, services such as the community bus should be upgraded to allow better inclusive access, if they currently do not do so, by ensuring future buses include better access design. 2.1 – the proposed DAIP Reference Group is also relevant here. A strategy to investigate to enable wayfaring for people with disabilities (especially sight or other disability) should be considered for inclusion. This may be something such as exploring potential new technologies that allow people to know where they are at a given time by embedding information access points in street furniture or other places. 3.4 - Accessible amenities are promoted via a map on Council website. Could we have a specific easy guide on the website for all things related to access and inclusion (and could this possibly be converted into an App in the future)? It should be noted that not everyone with a disability will have the technical capabilities of using websites, etc. We should probably emphasise that for some people with disabilities, they will need the support of their carers or advocates to access to information or programs. The strategy supports carers and advocates in their role to support inclusion and access for the people with disabilities for whom they care or support. We should also review our own building requirements for private developments where, for example, flood risk mitigation requires all new builds to be about 30cms above the general level of land in the City of Unley. In some instances, this means that new builds will not be accessible to people with disabilities who rely on wheelchairs or need an even surface for accessibility i.e. no stairs or steps. Can we reduce or modify this building requirement noting the type of risk and that, in some cases, weighting is given to ensuring accessibility over reducing flood mitigation risk?

Optional question (14 response(s), 5 skipped)

Question type: Essay Question

Q11 | Do you have other suggestions for what Council should be doing to positively impact access and inclusion in the City of Unley?

Anonymous

2/03/2022 10:31 AM

More support from the Council for our side with integration and disabilities would assist the club to support this side.

Anonymous

2/03/2022 11:21 AM

Setting quotas for the employment of people with disability by the council would be a good start.

Anonymous

2/05/2022 01:40 PM

A master plan that maps out safe Active Transport routes that radiate out from every school & kindergarten. If 80% of school children are walking, cycling, scooting or skateboarding to school every day it will:
- help keep entrench a healthy lifestyle for life, reducing the likelihood of disease & disability later in life. - help disabled people feel safer on the streets; when there are more cyclists on a street it increases sociability, reduces loneliness, reduces stress & reduces crime - with less parents doing the school run in a car it will help reduce carbon emissions & help reduce traffic congestion => making the streets safer for disabled people - increase foot traffic for local shops => helping local businesses retain viability & encourages thriving local precincts & sociability - help the risk of Covid transmission & covid morbidity. Children & adults who are active outdoors are less likely to catch the virus.

Anonymous

2/06/2022 10:58 AM

See above and previous responses

Anonymous

2/08/2022 04:37 PM

Being a role model - recruitment - grants for community projects

Anonymous

2/09/2022 02:13 PM

Fix the footpaths. Those tiny pavers are dangerous and I have seen many older people trip on them. Ban electric scooters, they are hazardous to pedestrians, the elderly and disabled



2/09/2022 04:00 PM

not really

Anonymous

2/10/2022 01:37 AM

reinstate the community bus on the EXACT FIXED route it used to use AND with a FIXED timetable so NO phone call and NO invasive questions PATRONIZINGLY IMPOSED on potential passengers

Anonymous

2/13/2022 09:40 PM

I would like to join the DAIP Reference Group

Anonymous

2/14/2022 02:22 PM

Marketing and promotional strategies will be important to inform people of the fantastic things we already have in place and future improvements planned by the City of Unley.

Anonymous

2/14/2022 05:44 PM

I would suggest using the Rates Notice distribution to raise awareness among community organisations including ethnic communities within Council geographic area. Also, partnership with other bodies e.g. Multicultural Affairs Commission, Federation of Ethnic Communities Inc., use of multilingual media.

Anonymous

2/21/2022 12:49 PM

Make Deaf and disabled people present, and not as props to make someone else look good.

Anonymous

2/21/2022 04:49 PM

I did begin this survey by mentioning roads. If Unley is to encourage cycling and walking, and if it is to continue the notion of supporting older people to age well in place, then you have to do more about the roads. You have to provide many more safe crossings, increase the number of bus stops, decrease the speed limit. If you decrease the speed limit enough you will go some distance to resolving the issue of safe crossings. At the moment if you don't drive in Unley, and you aren't extremely close to one of the shopping areas, you do not have access and you are not being treated in an inclusive way. Presumably older people should be driving less, not more. As climate change creates increasingly debilitating conditions, things like having to wait several minutes as cars roar past before a pedestrian light in full sun, no shade, gives right of way, will become a physically stressful situation. In fact, it already is. We really have to decide if we are going to try to stop addiction to cars or not. Wandering around Unley I observe that there are often seats on a suburban street described as a place to sit and rest. They are never in shade that I've observed....which makes them all but useless.

Optional question (13 response(s), 6 skipped)

Question type: Essay Question

Q12 | Do you have any other comments, suggestions, issues, opportunities or feedback you wish to provide regarding the draft Disability Access and Inclusion Plan?

Anonymous

2/06/2022 10:58 AM

See above

Anonymous

2/06/2022 11:32 AM

I support the ethos of Disability Access and Inclusion , but do not feel knowledgeable enough to suggest other strategies

Anonymous

2/08/2022 04:37 PM

To include carers of disability in the plan

Anonymous

2/09/2022 02:13 PM

No

[REDACTED]

2/09/2022 04:00 PM

see above- my first comments

Anonymous

2/10/2022 01:37 AM

yes I would like an accessible gym added ABOVE the existing buildings at unley pool

Anonymous

2/13/2022 09:40 PM

Car parking and the lack of a voice are my main points.

Anonymous

2/14/2022 02:22 PM

Develop closer relationships with local organisations such as sporting groups, Unley Park Bowling Club, Men's Sheds, social support groups etc. Some of these groups have already developed Strategic Plans which encompass DAI issues.

Anonymous

2/14/2022 05:44 PM

Council can obtain a report from the ABS regards to the ethnic diversity within Unley to gain an insight of the diversity of the population. It might assist if the Council conducted a series of group feedback sessions [10-12 persons selected at random] to further fine tune some identified access and/or implementation issues. Thanks for the opportunity to comment.

Anonymous

2/21/2022 12:49 PM

I think the online survey tool didn't really allow for nuanced exploration and ranking of priorities of plan objectives. I think we would all agree with and support the goals identified in the draft DAIP. But a SUPPORT/NEUTRAL/DISAGREE rating tool doesn't really

allow for the creation of priorities or implementation schedules. As I said in an earlier response, some of the goals identified in the draft plan should already be happening already - some required by law. I think that including them as an action being arising from the DAIP is a little disingenuous. I thoroughly support the objectives of a DAIP but the proof will be in the implementation of it and how its values are embedded across the organisation and not just left as another thing for Community Development to have to manage and report on.

Optional question (10 response(s), 9 skipped)

Question type: Essay Question

Q13 What is your postcode of your home address?

Anonymous 5061

2/02/2022 09:44 PM

Anonymous 5061

2/02/2022 10:33 PM

Anonymous 5034

2/03/2022 10:31 AM

Anonymous 4207

2/03/2022 11:21 AM

Anonymous 5034

2/05/2022 01:40 PM

Anonymous 5062

2/06/2022 10:58 AM

Anonymous 5063

2/06/2022 11:32 AM

Anonymous 5006

2/08/2022 04:37 PM

Anonymous 5061

2/09/2022 02:13 PM

[REDACTED] 5065
2/09/2022 04:00 PM

Anonymous 5063
2/10/2022 01:37 AM

[REDACTED] 5063
2/10/2022 10:06 PM

Anonymous 5061
2/13/2022 09:40 PM

Anonymous 5034
2/14/2022 02:22 PM

Anonymous 5061
2/14/2022 05:44 PM

Anonymous 5063
2/16/2022 10:15 AM

Anonymous 5008
2/21/2022 12:49 PM

Anonymous 5034
2/21/2022 04:49 PM

Anonymous 5061
2/22/2022 12:17 PM

Mandatory Question (19 response(s))

Question type: Single Line Question



Purple Orange

**Submission in response to the City of
Unley's draft Disability Access and
Inclusion Plan (DAIP) 2022-2026**

23 February 2022

About the Submitter

JFA Purple Orange is an independent, social-profit organisation that undertakes systemic policy analysis and advocacy across a range of issues affecting people living with disability and their families.

Our work is characterised by co-design and co-production, and includes hosting a number of user-led initiatives.

Much of our work involves connecting people living with disability to good information and to each other. We also work extensively in multi-stakeholder consultation and collaboration, especially around policy and practice that helps ensure people living with disability are welcomed as valued members of the mainstream community.

Our work is informed by a model called *Citizenhood*.

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1. Overall observations

JFA Purple Orange is grateful for the opportunity to provide feedback regarding the City of Unley's draft Disability Action and Inclusion Plan (DAIP) 2022-2026. We strongly advocate for improved access and inclusion across South Australia. However, this document is of even greater significance to us as our office is located in the City of Unley and we very much seek to be an active part of this local community.

We believe the draft DAIP provides a solid foundation for the City of Unley to move towards greater accessibility and inclusion of people living with disability over the next four years. The structure of the DAIP is built around four main areas of focus with Actions, Timeframes, and Measurable Targets allocated under each, giving the document tangible goals and a strong basis for reviewing progress. The three Timeframes of short (by end of 2023), medium (by end of 2024), and long term (by end of 2026) are clearly defined and linked to the duration of the DAIP.

In this submission, we provide commentary and recommendations aimed at further improving and strengthening the final DAIP. First, we provide broad feedback on the draft DAIP, particularly regarding the early sections of the document. Second, we comment on the latter sections, specifically focusing on the four key themes.

1.1. Content and language

1.1.1. "Health" framing

JFA Purple Orange is concerned that the early sections of the draft DAIP, particularly the "Mayoral Foreword", repeatedly refer to "health" creating a strong sense that disability is aligned with, or a sub-category, of this. While likely unintentional, this framing tends to hark back to the old-fashioned Medical Model of Disability, which views disability as a "medical problem" belonging to the person and needing to be "cured" or "fixed". Like this model, the framing of the draft DAIP could be interpreted as suggesting "disability" represents poor "health" and that people living with disability need to be "healthier"; sentiments that should be avoided. Examples include (emphases added):

This important Plan **responds to social health trends** across Australian society and in our local community. (page 2)

The City of Unley is committed to continuing to play a pivotal role in **providing services for the health** and wellbeing of its community. (page 2)

We welcome **opportunities to promote healthier, better living** for all our residents through partnerships with external agencies and providers. (page 2)

The Disability Access and Inclusion Plan will **help address current and emerging health challenges** and provide us with a framework for positive action in the years ahead. (page 2)

Disability is not a “social health trend” or a current or emerging “health challenge.” The main purpose of the DAIP is not to provide “services for the health” of the community or to promote “healthier” living, although they may be additional beneficial outcomes. Rather, the focus of the DAIP is on access and inclusion with results to be achieved through the elimination of the physical, social, attitudinal, and communication barriers that continue to exist in our communities.

The Social Model of Disability provides a more contemporary and considered understanding of disability, which the City of Unley should adopt and use to frame its DAIP. It states that people are disabled by the environments, cultures, and attitudes that they encounter in the world and that these barriers are neither fixed nor permanent. The responsibility lies with governments, communities, organisations, businesses, and individuals to remove these barriers – it is not up to a person living with disability to better fit into the world as it is. Disability is not automatically good or bad, healthy or unhealthy; it is a form of human experience and difference.

Recommendation 1: The City of Unley reconsiders how its draft DAIP is framed and edits the early sections of the draft to clearly articulate the purpose of the document, as well as to reflect a more contemporary view of disability.

1.1.2. Taking ownership

We believe that too frequently throughout the draft DAIP the council is presented as playing a supporting or secondary role rather than being the primary actor. Certainly, a supporting role is important too, however the City of Unley’s DAIP should first and foremost present what the council itself will do and be held accountable for. Similarly, the language is sometimes vague or passive, including phrases like “aim to” and “want to.” We urge the City

of Unley to be stronger in expressing its own commitments and willingness to take responsibility.

Recommendation 2: The City of Unley expresses stronger ownership of, and accountability for, its commitments and actions within its DAIP.

Some examples to demonstrate how we believe this could be achieved (emphases added):

Page 15 (currently):

Our vision

Our vision is **to foster and support** the City of Unley to lead the way in accessibility and inclusion and where **people with disability are** encouraged, supported, heard and enabled to achieve to their highest potential and participate in all aspects of community life.

Example of alternative wording taking stronger ownership:

Our vision

We will lead the way in creating a community that is accessible and inclusive for all who live, work, and visit the City of Unley. **We will provide** equitable access across all our services, programs, events, information, buildings, facilities, spaces, and workplaces. **We will ensure** that people with disability are heard, supported, engaged, and feel welcome to fully participate in all aspects of community life.

Page 17 (currently):

Social inclusion is a **priority for people living with disability** as it affects all aspects of their lives. It is **our aim** that the contributions and rights of people living with disability are valued and understood and that their rights are promoted, upheld and protected. We also **want to** ensure that people living with disability are supported to advocate for their own rights.

Example of alternative wording taking stronger ownership:

Social inclusion is a **priority for the City of Unley**. **We recognise** the importance of treating all people equally and with dignity and respect. **We will ensure** that the rights of people with disability are understood and upheld, and that their participation in, and contributions to, community life are valued and promoted.

1.1.3. Statistical ambiguity

We note that there is some statistical ambiguity in the "Our City" section. There is a difference between the population figure of "more than 39,000" given in the first

paragraph on page 7 and the total population of 37,721 provided in the infographic on page 8.

Additionally, the data from the Public Health Information Development Unit (PHIDU) regarding “profound or severe disability”, cited on page 7, is problematic in the context of the DAIP because these particular statistics only reflect those people “living in the community,” excluding “people living in long-term supported accommodation, in residential accommodation in nursing homes, accommodation for the retired or aged (not self-contained), hostels for those with a disability and psychiatric hospitals.”¹ While this data may be useful in some specific contexts related to the Regional Public Health Plans (RPHPs) for which the data was compiled,² when referring to the population as a whole, some members of the City of Unley community are excluded. There are other data sources available that would give an accurate profile of the City of Unley without repurposing these statistics.

Recommendation 3: The City of Unley edits the section “Our City” to remove the statistical ambiguity and to better align with the Social Model of Disability.

For example, page 7 could be edited as follows:

Our City

Located four kilometres south-east of Adelaide’s CBD, the City of Unley has a land area of 14.4 square kilometres and a population of more than 39,000 people.

For members of our community living with disability, participation in many aspects of our City’s life can be challenging due to the physical, social, attitudinal, and communication barriers that continue to exist in our society.

According to the Australian Bureau of Statistics’ 2018 Survey of Disability, Ageing and Carers (SADC), 17.7 per cent of Australians live with disability. The same survey indicates 15.9 per cent of Australians are aged over 65.

In the City of Unley, 2016 Census data indicates that 5.9% of the population needs assistance with core activities of daily life due to disability, long-term health condition, or old age. This is higher than the national average of 5.1

¹ Public Health Information Development Unit (PHIDU), “Population Health Profile: City of Unley”, July 2019, pp.7&18.

² *Ibid*, p. 1.

per cent in 2016 and a slight increase on the 5.6 per cent recorded in the City of Unley in the 2011 Census.

The federal government indicates that 3.8 per cent of residents in the City of Unley received the Disability Support Pension in June 2017 compared to 5.3 per cent nationally.³

The median age of City of Unley residents increased from 39 in the 2011 Census to 41 in the 2016 Census. This is older than the national median age of 38 in the 2016 Census.

However, overall, the population of the City of Unley is still relatively young, with 80.9 per cent under 65 years and 35.5 per cent under 30 years at the time of the 2016 Census.

About one in eight people in the City of Unley aged over 15 were providing unpaid assistance to another person due to disability, long-term health condition, or old age at the time of the 2016 Census. This compares to about one in nine people nationally.

These statistics indicate that the City of Unley has an older population, more people needing assistance with core activities of daily life, and more residents who act as carers for other people compared to the broader Australian population. Therefore, access and inclusion are extremely important to our local community and the City of Unley is actively responding to these priorities through the commitments we make in this Plan.

1.1.4. General editing and proofreading

Recognising that the document is only in draft form, we note that editing and proofreading is still required and hope that the City of Unley will allocate the time and resources to ensure that the quality of the final document reflects its importance to the disability community.

Recommendation 4: The City of Unley undertakes further editing and proofreading to refine the draft DAIP before finalisation.

For example, we suggest the following changes in particular:

³ Unpublished data from the Department of Social Services and the Department of Veterans' Affairs, June 2017. Reported by Public Health Information Development Unit (PHIDU), "Population Health Profile: City of Unley", July 2019, pp.7&28.

- Page 2 – replace “the four key principles” with “the four key themes” (in the State Disability Inclusion Plan 2019-2013 *Inclusive SA* these are referred to as “themes”)
- Page 3 – replace “The DAIP is legislated” with “The DAIP is required” (DAIPs do not have the legal status of legislation)
- Page 4 – replace “the idea that everyone” with “the principle that everyone”

1.2. Training

We welcome the City of Unley’s commitment to implementing Disability Inclusion Training for all elected members, staff, and volunteers and we commend the further desire to investigate a proposal for council to provide similar training to local businesses and community organisations. This training will support participants to engage with and better understand the experiences of people living with disability. We urge the City of Unley to ensure that people living with disability present these training sessions as they bring a wealth of knowledge and insight ensuring that content is relatable and relevant.

The City of Unley may wish to discuss further with us its eligibility regarding free Disability Inclusion Training provided by JFA Purple Orange. Our training is co-designed, developed, and delivered entirely by people living with disability. Should the council be interested in finding out more, please contact Belle and Tara via email at

inclusiontraining@purpleorange.org.au.

1.3. Co-design

We note that the draft DAIP includes a commitment to conducting inclusive consultations, which is very welcome. We encourage the City of Unley to consider how it can utilise co-design approaches in partnership with local people living with disability to further enhance this commitment. Co-design approaches have many advantages over and above the benefits gained through inclusive consultations. While consultation seeks the views of community members at a point in time, co-design approaches ensure that those views contribute not only to the consideration of matters, but also to the making of decisions throughout the entire life of a project or program. This ensures that the knowledge, skills, and experiences of members of the co-design group have the greatest possible impact on achieving outcomes that work for everyone. Co-design approaches can be effectively implemented

across the full range of council work, not just for disability-specific projects, policies, or programs.

Recommendation 5: The City of Unley includes a commitment to implementing co-design approaches, in addition to inclusive consultations, in its DAIP.

1.4. Diversity

Disability is not a single homogeneous experience. There are a vast array of disabilities and people may have both similar and contrasting experiences. One person's needs will be completely different to those of another. It is also important not to consider a person's disability in isolation from other aspects of their identity. People from diverse cultural, age, and gender backgrounds have told us that it is frustrating when policies and programs consider one aspect of their identity, but not another. When engaging with the disability community it is vital to ensure that a diverse range of people are involved, including (but not limited to) women, Aboriginal and Torres Strait Islanders, LGBTQI+ people, people from culturally and linguistically diverse backgrounds, and young people.

Recommendation 6: The City of Unley directly acknowledges in its DAIP the diversity of disability experiences and the intersectionality of various identities within the community.

1.5. Implementation, monitoring, and review

We believe that the inclusion in the Action Tables of the Responsible Units, Timeframes, and Measurable Targets will provide the City of Unley with a strong foundation for monitoring and reviewing the progress of implementation. However, we note that the Timeframe "ongoing" appears frequently, perhaps suggesting this work is already underway, but this is not clear.

Recommendation 7: The City of Unley defines (or removes) the Timeframe "ongoing" in the draft DAIP Action Tables.

Community surveys can aid the review process, however we encourage the City of Unley to add additional methods to supplement this, including independent auditing of progress and outcomes, to ensure a robust process is undertaken. We also urge the City of Unley to

include, and clearly articulate within its DAIP, a monitoring and reviewing role for the DAIP Reference Group to ensure that people living with disability provide input into this process.

Recommendation 8: The City of Unley adds to its DAIP additional methods for monitoring progress and reviewing outcomes to ensure robust accountability.

Recommendation 9: The City of Unley articulates a role in monitoring and reviewing the DAIP's progress for the DAIP Reference Group to ensure people living with disability are involved in this process.

2. Feedback regarding themes

2.1. Document organisation

In places, JFA Purple Orange feels the organisation of the Action Tables is confusing, and the descriptions provided are ill-defined. There are two levels of "objectives": the four overall objectives plus objectives under each overall objective.

Recommendation 10: The City of Unley instead refers to the four overarching "Objectives" as "Themes", in order to lessen confusion and align with the State Disability Inclusion Plan 2019-2023 *Inclusive SA*.

2.2. Theme 1: Inclusive communities for all

2.2.1. DAIP Reference Group

We commend the City of Unley's commitment to establishing a DAIP Reference Group in Action 1.1.1. We recommend that the Action specify the number of group members, the frequency of meetings, and a clearer role for the Group. Additionally, the wording of who may participate in this Group could be clarified to ensure that people living with disability comprise a significant portion of the Group. The term "lived experience" has broad meaning and we sometimes hear that in groups with mixed membership carers can often overshadow the voices of people living with disability. The DAIP Reference Group could also be involved in co-design approaches in partnership with council.

Recommendation 11: Action 1.1.1 states the number of group members, frequency of meetings, and a clearly defined role that includes co-design, as well as clarifying the Group's membership.

2.2.2. Inclusive meetings

We strongly agree that council meetings must be inclusive of all members of the community and that the associated documents should be provided in a range of accessible formats per Action 1.2.1. However, we are concerned about the Timeframe being “long term” and the Target being pared back by the phrase “if requested”. We believe that the City of Unley can be more ambitious in delivering this Action. While this may not be requested now, making this adjustment is an important signal to the community that the City of Unley invites and welcomes people living with disability to participate in council’s procedures. This is particularly significant for those who may consider seeking employment or nominating as a candidate for election to council, noting that people living with disability are currently underrepresented at all levels of local government.

Recommendation 12: Action 1.2.1 be delivered in the short term “if requested” and in the medium term as a standard council practice.

2.2.3. Stakeholder engagement

Regarding Action 1.4.1, we recognise that engaging with “existing” stakeholders is essential, however we urge the City of Unley to ensure that the DAIP reflects a desire for greater outreach and the inclusion of new participants across all council programs. Only surveying “existing” stakeholders is unlikely to reveal the barriers that may be preventing others from attending events or participating in programs at all. Also, having a range of methods for engagement will increase the breadth of input.

Recommendation 13: The word “existing” is deleted from Action 1.4.1 and the Target is expanded to reach a broader audience, particularly to understand barriers that may prevent someone from participating at all.

2.2.4. Inclusive programs

We are concerned that the wording of the Target for Action 1.4.2 could suggest that the City of Unley may create separate or segregated, new or adapted, programs for particular groups in the community. All programs should be made inclusive of all members of the community, and this should occur as a priority.

Recommendation 14: Reword the target for Action 1.4.2 to reflect that all programs should be inclusive of everyone and change the timeframe for delivery to short term.

2.2.5. Inclusive libraries

The Target for Action 1.4.3 regarding library access and inclusion is very vague and non-specific to the topic.

Recommendation 15: The Target for Action 1.4.3 be amended to ensure it is measurable and specific to inclusion at council's libraries.

2.2.6. Customer service experiences

We suggest that the City of Unley includes an Objective that directly focuses on customer service experiences as a foundational element of what we might call council's "core business." We regularly hear from people living with disability about the importance of first points of contact within an organisation and how these experiences can shape how welcome they feel more broadly. For example, a poor customer service experience might deter a person from attending an event or participating in a program. Such an objective could also assist in raising awareness about the importance of this among staff in public-facing roles.

Recommendation 16: The City of Unley adds a specific Objective with Actions that focus on ensuring customer service experiences are made more inclusive.

2.3. Theme 2: Leadership and collaboration

2.3.1. Participation in decision-making

We strongly agree that the participation of people living with disability in decision-making is an extremely important outcome for the DAIP. However, we believe that Action 2.1.1 is too non-specific as to how council will achieve this, and the Target is too vague. This Action is an opportunity for the City of Unley to commit to implementing meaningful co-design approaches. A Target for this Action could be to trial the establishment of a co-design group for a project or program in the short term.

Recommendation 17: Action 2.1.1 and its associated Target are amended to ensure that these are specific and measurable, including implementing co-design approaches.

2.3.2. International Day for People with Disability

We welcome the City of Unley's commitment to celebrate the International Day for People with Disability every year and urge council to involve people living with disability in deciding what form this takes and in delivering on this Action.

Recommendation 18: Action 2.4.1 and its Target are amended to specify the involvement of community members living with disability in determining how the International Day for People with Disability is recognised in partnership with the City of Unley.

2.4. Theme 3: Accessible communities

2.4.1. Accessible information

Ensuring that information is provided on an equal basis to everyone in the community is essential. Ease of locating information and accessible formats is also crucial. Screen reader compatibility is another format that is not mentioned in the draft DAIP, but is increasingly used – indeed, screen reader use is now more common than braille so having both options available is ideal.

We believe that the City of Unley can be more ambitious in the Timeframe for delivering this outcome. We suggest that the Timeframe for Action 3.1.1 be the same as that we have recommended regarding meeting documents above. We also urge the City of Unley to involve the DAIP Reference Group and other people living with disability in the local community to test and provide feedback on each option to ensure that they are fully accessible. A communication access audit is another way to test that the community's needs are being met.

Recommendation 19: Action 3.1.1 be delivered in the short term "if requested" and in the medium term as a standard council practice.

Recommendation 20: The City of Unley add an additional Action to undertake a communication access audit with a Timeframe of long term allocated, as a way of checking that the short and medium term Actions have delivered good outcomes.

2.4.2. Accessible parking

We regularly hear from people living with disability about the challenges involved in finding an available accessible car parking space so we are pleased to see this issue in the draft DAIP. It is unclear though how the parking strategy will be developed and what it will cover.

Recommendation 21: The Target for Action 3.3.5 is amended to be more specific and to ensure that people living with disability are involved in the development of the parking strategy.

2.4.3. Accessible development

Infrastructure builds provide the City of Unley with the opportunity to lead the way on ensuring that Universal Design is incorporated into all new developments and substantial refurbishments. We believe that the City of Unley should be stronger in this commitment and ensure that all its developments adhere to Universal Design standards and that people living with disability are involved in the planning and designing phases to avoid any problems or expensive retrofitting. Council can be a strong role model for others by demonstrating its commitment to best practices as well as by encouraging and talking to private developers about the importance of accessibility.

Recommendation 22: The Target for Action 3.5.3 is amended so that the word "consider" is replaced by "adhere to".

2.5. Theme 4: Learning and employment

2.5.1. Inclusive employment

The City of Unley has an opportunity to demonstrate leadership in inclusive employment by ensuring that the council workforce is a true reflection of the community it serves. While the Actions in this section, such as Action 4.2.1 committing to the development of a Diversity, Inclusion and Belonging Plan, are very welcome, we urge the City of Unley to commit to stronger steps in measuring the diversity of its workforce and in taking proactive steps to increase that diversity including by employing more staff living with disability.

Recommendation 23: The City of Unley adds Actions that commit to measuring its workforce diversity in the short term and to increasing its employment of people living with disability throughout the duration of the DAIP.

2.5.2. Accessible employment information

As mentioned above, we believe the City of Unley can be more ambitious in providing information and documents in accessible formats sooner. Employment documents should be no different.

Recommendation 24: The Timeframe for Action 4.1.4 is changed from long term to short term.

3. Conclusion

Thank you for the opportunity to provide feedback on the City of Unley's draft DAIP. Please do not hesitate to contact us if you have any questions about this submission or if there is anything you would like to discuss further.

We wish you all the very best in finalising and implementing the City of Unley's DAIP. We look forward to continuing to engage and work with you on our shared goal of improving access and inclusion in our local community.

DECISION REPORT

REPORT TITLE:	MEMORANDUM OF UNDERSTANDING: CITY OF UNLEY AND ROTARY CLUB OF UNLEY FOR CAROLS AT THE ROTUNDA
ITEM NUMBER:	4.3
DATE OF MEETING:	28 MARCH 2022
AUTHOR:	MARCIA MUDGE
JOB TITLE:	TEAM LEADER COMMUNITY & CULTURAL DEVELOPMENT
ATTACHMENTS:	1. ROTARY CLUB OF UNLEY LETTER OF REQUEST

1. **EXECUTIVE SUMMARY**

The Carols at the Rotunda event is an annual Christmas celebration owned and managed by the Rotary Club of Unley (RCU). The event has been held in the Soldiers Memorial Gardens since 2002, and the City of Unley has supported this event through cash sponsorship and provision of in-kind services since 2004.

In October 2019, Council resolved to enter a three-year Memorandum of Understanding (MOU) between the City of Unley and Rotary Club of Unley for the delivery of the Carols at the Rotunda, that included a total funding package of \$9,000 per annum.

The Mayor recently received a request from the RCU for a renewal of the now expired MOU for the 2022, 2023 and 2024 Carols at the Rotunda events. This is now provided for Council's consideration.

2. **RECOMMENDATION**

That:

1. The report be received.
 2. A new three-year Memorandum of Understanding between the City of Unley and the Rotary Club of Unley be prepared for the provision of financial support to deliver an annual "Carols at the Rotunda" event.
 3. The Memorandum of Understanding between the City of Unley and the Rotary Club of Unley will include a total funding package of \$9,000 per annum for the annual "Carols at the Rotunda" event within the City of Unley in 2022, 2023 and 2024 and will comprise cash and in-kind support.
-

3. RELEVANT CORE STRATEGIES/POLICIES

1. Community Living

1.2 Our Community participates in community activities, learning opportunities and volunteering.

4. BACKGROUND

The Rotary Club of Unley (RCU) is an established service club, located in Unley since 1935. The RCU has a service charter to encourage, foster and develop a broad range of community services and fundraising activities including, vocational and youth initiatives and international and local service projects. The RCU's success is largely attributed to its volunteers, and the Club is a strong advocate of community volunteering.

Since the inception of the RCU's Carols at the Rotunda event in 2002, the RCU and the City of Unley have had a strong mutual collaboration which has seen this annual Christmas event successfully delivered as a free event for Unley residents and visitors.

The Carols at the Rotunda is a family event that is held on a Sunday in mid-December at the Soldiers Memorial Gardens. The success of this event has been forged through long-standing partnerships between the Rotary Club of Unley, the City of Unley, the Unley Concert Band, and the wider community. The event features a BBQ, children's entertainment, the 'ringing of the bells' at St Augustine's church and Christmas carols. The event attracts between 700-1,000 people each year.

The City of Unley has been financially supporting the Carols at the Rotunda event since 2004 through Council's grant schemes.

In 2019, RCU requested additional support from Council, beyond what is permitted through Council's Community Event Sponsorship program, (maximum of \$4,000 per annum) due to escalating costs to stage the event and the RCU incurring an increasing financial loss. In response to this request, Council endorsed a three-year Memorandum of Understanding with the Rotary Club of Unley with the total funding package of \$9,000 per annum for the implementation of the annual Carols at the Rotunda event within the City of Unley. This package comprised cash and in-kind support for the 2019, 2020 and 2021 Carols at the Rotunda events.

Note that due to COVID-19 restrictions on events, both the 2020 and 2021 events were cancelled, and all unspent funds were returned to Council.

5. **DISCUSSION**

As the existing MOU between the RCU and the City of Unley has now expired, the President of the RCU wrote to the Mayor on 29 January 2022 seeking a renewal of the MOU and a total funding package of \$9,000 per annum, (\$8,000 cash per annum and \$1,000 in-kind support) to successfully deliver the Carols at the Rotunda event in 2022, 2023 and 2024.

Attachment 1

The RCU want to ensure that in collaboration and partnership with the City of Unley and their stakeholders, the event will continue to be a much-valued addition to Unley's event calendar to celebrate the Festive Season.

If supported, the City of Unley would seek to continue to receive recognition as the major partner of the event and would negotiate a sponsorship benefits package in recognition of this support.

Given the requested amount is beyond the maximum funding allocation through Council's Community Event Sponsorship program (\$4,000 pa), it is proposed that a new MOU is put in place to offer ongoing financial support to this event. This funding amount will be allocated from the Community Events Sponsorship budget.

6. **ANALYSIS OF OPTIONS**

Option 1 –

1. The report be received.
2. A new three-year Memorandum of Understanding between the City of Unley and the Rotary Club of Unley be prepared for the provision of financial support to deliver an annual "Carols at the Rotunda" event.
3. The Memorandum of Understanding between the City of Unley and the Rotary Club of Unley will include a total funding package of \$9,000 per annum for the annual "Carols at the Rotunda" event within the City of Unley in 2022, 2023 and 2024 and will comprise cash and in-kind support.

Under this option, the City of Unley will continue to maintain the strategic and collaborative partnership arrangement with the Rotary Club of Unley, consolidating Council's intention to work towards a vibrant community where our community thrives.

The City of Unley would seek to continue to receive recognition as the major partner of the event and would negotiate a sponsorship benefits package in recognition of this support.

This will also retain a much-loved community-driven event and secures the future of the key medium scale Christmas event held in the City of Unley.

Option 2 –

1. The report be received.
2. A new three-year Memorandum of Understanding between the City of Unley and the Rotary Club of Unley be prepared for the provision of financial support to deliver an annual “Carols at the Rotunda” event.
3. The Memorandum of Understanding between the City of Unley and the Rotary Club of Unley will include a total funding package of *{insert amount}* per annum for the annual “Carols at the Rotunda” event within the City of Unley in *{insert timeframes}* and will comprise of cash and in-kind support.

Under this option, Council may elect to offer a greater or lesser amount of funding associated with the MOU or amend the timeframe of the MOU.

Any amount less than the total \$9,000 would result in the RCU running the event at a loss and may impact on the future capacity of the RCU to deliver a well-loved community event.

Any allocation above \$9,000 would also be funded through the Community Events Sponsorship budget and reduce the funding available for other community events.

Option 3 –

1. The report be received.

Under this option, Council would simply receive the report and no decision would be made in relation to the Memorandum of Understanding. The RCU can still apply for financial support through Council’s Community Event Sponsorship program, to a maximum amount of \$4,000 per annum, noting this may result in the Carols at the Rotunda event no longer being feasible and could be viewed as a lost opportunity to support a long running and popular community event.

7. RECOMMENDED OPTION

Option 1 is the recommended option.

8. POLICY IMPLICATIONS

8.1 Financial/Budget

- The total funding of \$9,000 would be allocated via the Community Event Sponsorship 2022-23 budget and also commits \$9,000 funding from the 2023-23 and 2024-25 budgets

8.2 Legislative/Risk Management

- The event organisers will be required to undertake a risk management assessment of their event and submit to Council's Events Coordinator as part of the Event Permit Process. Currently events under 1,000 attendees require a COVID-safe plan and a copy of this will be submitted through the required documentation as part of the Event Permit Process.
- Organisers will be required to consider accessibility for people with disability within their event planning.

8.3 Staffing/Work Plans

- There is no impact to staffing/work plans in selecting the recommended option.

8.4 Climate/Environmental Impact

- Events sponsored by Council are required to use a three-bin system, be plastic straw free and use biodegradable/compostable food service items.

8.5 Social/Economic

- This event is a much-loved celebration of the festive season and offers the community a free way for the local community to celebrate Christmas.

8.6 Stakeholder Engagement

- Nil

9. REPORT CONSULTATION

Nil

10. REPORT AUTHORISERS

Name	Title
Mandy Smith	Manager Community Connections
Megan Berghuis	General Manager, City Services

Mayor Michael Hewitson
City of Unley
181 Unley Rd
Unley SA 5061



Dear Mayor Hewitson

29 January 2022

**Rotary Club of Unley
Carols at the Rotunda**

Memorandum Of Understanding with Unley City Council

Since 2002 the Rotary Club of Unley has partnered with the City of Unley and Unley Concert Band to deliver Christmas Carols at the Soldiers' Memorial Gardens. This event has provided great joy to the people of Unley, and particularly young families. Children revel in the occasion, with highlights being the special kids entertainment and arrival of Father Christmas. Parents are grateful for the chance to enjoy a fun filled stress free family moment, and we all like to sing along with the band and artists. With fine weather we attract 700-800 ardent participants each year, and on occasions get close to 1000.

In August 2019, our President Jason Booth wrote you in an endeavour to improve the funding support from Council to defray the growing and substantial deficits from the event and to implement improvements.

We were delighted when Council decided to lift its annual support to \$9000 plus GST. The three year MOU was signed on 19 November 2019. The claimed expenditure in 2019 fell short of this amount due to cost saving measures put in place earlier in the year. In 2020 our Carols planning included a budget increase to reflect improvements capable of being delivered with the additional funding and to meet the large increase in audio costs. But due to Covid restrictions, the Carols were cancelled. Planning for 2021 continued well into the year before a decision was again taken to cancel.

It is planned and expected that Carols will return to Unley on Sunday 11 December 2022, bigger and better than ever with the continuation of Council support. I write to request a renewal of the three agreement to deliver the 2022, 2023 and 2024 Carols at the Rotunda events, based on a Council contribution of \$8,000 cash and \$1,000 in-kind support.

Yours sincerely

A handwritten signature in black ink, appearing to read "Nathan White".

Nathan White
President
Rotary Club of Unley
PO Box 18
Unley SA 5061

PS Our Council liaison officer is Stephen Baker sandbbaker@internode.on.net and 0403 687 015. Stephen can provide any further information you require.

DECISION REPORT

REPORT TITLE:	UNLEY ROAD, KING WILLIAM ROAD AND GOODWOOD ROAD TRADER ASSOCIATIONS PROPOSED CHANGE TO SEPARATE RATE FOR 2022/23
ITEM NUMBER:	4.4
DATE OF MEETING:	28 MARCH 2022
AUTHOR:	ED SCANLON
JOB TITLE:	MANAGER ECONOMIC DEVELOPMENT & STRATEGIC PROJECTS
ATTACHMENTS:	NIL

1. **EXECUTIVE SUMMARY**

The City of Unley has four Mainstreet precincts (Fullarton Road, Unley Road, King William Road and Goodwood Road) (Precincts). Each Precinct has an independent Mainstreet Association (Association) consisting of local businesses who enter into an annual funding agreement with Council for funds raised by the Separate Rate.

This report focuses on the Separate Rate collected by Council and expended by The Unley Road, King William Road and Goodwood Road Associations. Currently the funds are declared (collected) for the purposes of “marketing and promotion” of each of the main street precincts. This report seeks to change the “declaration” and purpose of the monies raised through the Separate Rate from just the purposes of “marketing and promotion”, to be widened to include marketing, street beautification, and minor value-added infrastructure.

This proposed change will provide the Associations and Council greater scope to undertake marketing activities as well as value add projects (that sit outside of Council budgets) to benefit the main street precincts.

2. **RECOMMENDATION**

That:

1. The report be received
2. In accordance with section 151 (5) and (6) of the *Local Government Act 1999*, Unley Road (*Unley Road Association Inc*) Separate Rate be changed to be used for the purposes of marketing, street beautification, and minor value-added infrastructure projects be endorsed for the purposes of public consultation.

3. In accordance with section 151 (5) and (6) of the *Local Government Act 1999*, Goodwood Road (*Goodwood Road Business Association Inc*) Separate Rate be changed to be used for the purposes of marketing, street beautification, and minor value-added infrastructure projects be endorsed for the purposes of public consultation.
 4. In accordance with section 151 (5) and (6) of the *Local Government Act 1999*, King William Road (*King William Road Traders Association Inc*) Separate Rate be changed to be used for the purposes of marketing, street beautification, and minor value-added infrastructure projects be endorsed for the purposes of public consultation.
-

3. **RELEVANT CORE STRATEGIES/POLICIES**

3. Economic Prosperity

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

4. **BACKGROUND**

Each Association is an Independent Incorporated Body and is managed by a committee comprised of their members (local businesses from the precinct). A Separate Rate is levied by Council on businesses located within each of the Precincts for the purposes of marketing and promotion.

Money collected from the Separate Rate is contracted, through a funding agreement, to the relevant Association to conduct activity on Council's behalf. The Separate Rate collected is different for each Precinct, both in total amount raised and rate in the dollar. There is a formal Association Separate Rate Agreement (Agreement) in place between Council and each Association for the expenditure of the Separate Rate.

The Associations have all agreed to the proposed change to the use of the Separate Rate from just the purposes of "marketing", to be broadened to include marketing, street beautification, and minor value-added infrastructure. This change will benefit the main streets and provide greater options for enhancing and promoting each precinct.

Council may recall that at the Council Meeting on 28 February 2022, Council resolved the following in part regarding the Fullarton Road South Traders Association Inc:

- 2.3 *Fullarton Road South Traders Association Inc. Separate Rate be changed to be used for the purposes of marketing, street beautification, and minor value-added infrastructure projects.
be endorsed for the purposes of public consultation.*

Resolution No. C0719/22

5. **DISCUSSION**

The reason for the proposed change to the Separate Rate

The current Separate Rate for 2021/22 has been declared for the purposes of funding a “marketing program”.

The inclusion of “street beautification and minor value-added infrastructure” into the declaration for the 2022/23 financial year will provide greater opportunity for the Associations to deliver programs and projects that benefit the street. This could include small projects such as fairy lights, planter boxes, and Christmas decorations that are not generally funded by Council.

The Associations are all currently developing three-year strategic plans that will clearly outline their vision, activities and identify ways of engaging more effectively with businesses along each precinct. This is a key piece of work that is aimed at providing local businesses with a value proposition of the benefits of being actively involved with their local Association. The strategic plan will also support and be consistent with Council’s Economic Development Growth Strategy 2021-2025. This proposed change to the declaration of the Separate Rate will support much of the future activities within the strategies and enable more than just marketing activities to occur with the funds collected – providing a more tangible return for traders.

If Council supports these proposed changes to the Separate Rate for the Unley Road, King William Road and Goodwood Road precincts, a public consultation process will occur as part of Council’s Annual Business Plan process.

6. **ANALYSIS OF OPTIONS**

Option 1 –

1. The report be received
2. In accordance with section 151 (5) and (6) of the *Local Government Act 1999*, Unley Road (*Unley Road Association Inc*) Separate Rate be changed to be used for the purposes of marketing, street beautification, and minor value-added infrastructure projects be endorsed for the purposes of public consultation.
3. In accordance with section 151 (5) and (6) of the *Local Government Act 1999*, Goodwood Road (*Goodwood Road Business Association Inc*) Separate Rate be changed to be used for the purposes of marketing, street beautification, and minor value-added infrastructure projects be endorsed for the purposes of public consultation.
4. In accordance with section 151 (5) and (6) of the *Local Government Act 1999*, King William Road (*King William Road Traders Association Inc*) Separate Rate be changed to be used for the purposes of marketing, street beautification, and minor value-added infrastructure projects be endorsed for the purposes of public consultation.

This option provides the Associations and Council the opportunity to work together and have greater scope of what the Separate Rate funds can be expended on. Increasing the scope to include street beautification and minor value-added infrastructure allows better visibility in terms of project delivery. It also allows for value-add infrastructure to be covered that would normally sit outside of Council budgeting. This option is low risk as it will seek opinions of local businesses and the community on the proposed changes to the declaration of the Separate Rate as part of the Annual Business Plan process.

Option 2 –

1. The report be received.
2. In accordance with section 151 (5) and (6) of the *Local Government Act 1999*:
 - 2.1 Amendments to be determined by Council
 - 2.2 Etc

be endorsed for the purposes of public consultation.

Council may wish to request that different options be included in relation to the public consultation regarding the Unley Road, King William Road and Goodwood Road Associations Inc. Separate Rate. Council is reminded that there are legislative requirements that need to be met regarding changes to imposition of a separate rate.

Option 3 –

1. The report be received.

This option would result in the purpose and use of the Separate Rate remaining for ‘marketing and promotion’ in regard to the Associations. The request to change the Separate Rate for the Unley Road, King William Road and Goodwood Road Associations Inc. would simply be noted.

7. RECOMMENDED OPTION

Option 1 is the recommended option.

8. POLICY IMPLICATIONS

8.1 Financial/Budget

- Section 154(6) of the *Local Government Act 1999* (the Act) declares a Separate Rate for a specified period. Accordingly, any funds raised must be expended within the declared time.
- The proposed changes to the Unley Road, King William Road and Goodwood Road Associations Inc. Separate Rate will have no additional budget implications for Council as all funds collected must be spent within the financial year – it is a “funds in”, “funds out” arrangement.

8.2 Legislative/Risk Management

- The Act, section 154 (1) provides that:

A Council may declare a separate rate on rateable land within a part of the area of the Council for the purpose of planning, carrying out, making available, supporting, maintaining or improving an activity that is, or is intended to be, of particular benefit to the land, or occupier of the land, within the part of area, or to visitors to that part of the area.
- The current Separate Rate for the Associations has been declared to support marketing activities. The Associations all support that for 2022/23 that the Separate Rate be expanded to include marketing activities, street beautification and minor value-added infrastructure. Whilst all these activities meet the section 154(1) of the Act requirements for the purpose of a Separate Rate, a consultation process is required under section 151(5)(d) of the Act to follow the relevant steps of Councils Community Engagement and Consultation Policy. This can occur as part of the Annual Business Plan process.

8.3 Staffing/Work Plans

- The position will be managed within existing resources.

8.4 Climate/Environmental Impact

- Nil

8.5 Social/Economic

- These proposed changes have been agreed to by the Associations with a view to continuing to grow, promote and enhance the street, and attracting residents and visitors from outside of the Unley Council area.

8.6 Stakeholder Engagement

- Sections 151(7) and 151(8) of the Act prescribe the minimum steps that Council's Community Engagement and Consultation Policy must include with respect to undertaking public consultation in these circumstances.
- In order to meet these requirements and ensure that businesses have an appropriate opportunity to provide feedback on these proposed changes to the declaration / purposes of the Separate Rate, the following community consultation is proposed:
 - Proposed changes to be included in the community consultation process for Council's Annual Business Plan.
 - Advertisement will be placed in the Advertiser Public Notices describing the proposed Separate Rate changes and inviting interested persons to make written submissions with respect to the proposed amendments to the Separate Rate.
 - Proposed changes to be listed on the City of Unley Website as a news article and "have your say".
 - Information provided to the three Associations to promote on their websites.

9. REPORT CONSULTATION

The Finance Team have been included in these internal discussions regarding the proposed changes to the declaration / purposes of the Separate Rate for the Unley Road, King William Road and Goodwood Road precincts. The proposed changes if endorsed for public consultation will be included in Council's Annual Business Plan consultation process.

10. REPORT AUTHORISERS

Name	Title
Kathryn Goldy	Acting Manager Governance
Peter Tsokas	Chief Executive Officer

INFORMATION REPORT

REPORT TITLE:	ECONOMIC ANALYSIS OF CITY OF UNLEY - IMPACTS OF COVID-19 ON BUSINESS
ITEM NUMBER:	4.5
DATE OF MEETING:	28 MARCH 2022
AUTHOR:	ED SCANLON
JOB TITLE:	MANAGER ECONOMIC DEVELOPMENT & STRATEGIC PROJECTS
ATTACHMENTS:	1. SUMMARY OF COVID-19 ECONOMIC ANALYSIS

1. **EXECUTIVE SUMMARY**

At the 31 January 2022 Council Meeting, Council resolved the following Notice of Motion:

Administration investigates and report back on what support Council could provide to businesses during the current COVID-19 (Omicron) outbreak.

Resolution No. C0702/22

This report provides an economic analysis of the impacts of COVID-19 on the City of Unley's economy and what supports Council could provide during the current Omicron outbreak. The analysis in this report identifies the immediate impacts and recovery of COVID-19 on the local economy (from the beginning of the pandemic); and the more recent impacts of the Omicron outbreaks from June 2021. A summary of the COVID-19 Economic Analysis recovery to date is provided as per attachment 1.

Attachment 1

2. **RECOMMENDATION**

That:

1. The report be received.
-

3. **RELEVANT CORE STRATEGIES/POLICIES**

3. Economic Prosperity

3.1 Unley is recognised as an easy place to do business.

4. BACKGROUND

When Covid restrictions were first implemented in South Australia in 2020 (the first community case reported in South Australia in February 2020), there were low initial jobs impact on the City of Unley (in comparison to other regions) as the industry mix within the Council area was less exposed to COVID-19.

Whilst the outbreak had a significant impact on a number of small local businesses there was a relatively low initial impact on the overall City of Unley economy. It was estimated that there was a Gross Regional Product (GRP) reduction of \$36 million and 664 jobs were lost in the June Quarter 2020. These impacts were lower than Greater Adelaide and the state averages as the Council's range of industries and jobs were less exposed to COVID-19 impacts. A high proportion of health, professional and business service industries assisted with reducing the overall economic impact.

Business Support the City of Unley implemented during the initial covid outbreak

The City of Unley proactively implemented a number of supports for business during the initial Covid-19 restrictions. This included:

- Deferral of the due date for rates until 31 August 2020;
- Encouraging all ratepayers experiencing financial hardship to seek a payment plan beyond 31 August 2020;
- Waiving 3 months of lease fees for Council lessees forced to close;
- Offering a 50% reduction of lease fees to Council lessees experiencing financial hardship; and
- Waiving outdoor dining permit fees for 21/22 Financial Year.

This report drills down into the economic impact of the initial wave of Covid-19 as well as the more recent Omicron wave and subsequent business restrictions, to better understand what / if any additional support should be considered.

Impacts on businesses were lower than other areas in Adelaide

The City of Unley's businesses were relatively less impacted by the initial impact of restrictions. The share of businesses receiving Jobkeeper support was around 36% of all businesses in the Council region. This was significantly less than the eastern Adelaide average of 45% and less than the Greater Adelaide average of 39%.

Despite the flat building approvals following the outbreak, construction activities have remained strong, driven by the pipeline of residential development projects.

Residents were hit hard, but the impacts were significantly lower than other metropolitan areas

The share of residents on Jobseeker payments increased sharply from 2.6% in March 2020 to 5.9% in June 2020, however, this rate was significantly lower than the Greater Adelaide average of 10.6% (+4.2% increase) in June 2020. This scheme assisted with stabilising jobs during the uncertainty of continued restrictions.

A strong economic recovery

The City of Unley's economic recovery started immediately in the September Quarter of 2020. The economy had recovered above the pre COVID-19 level by December 2020, driven by the low initial impact. By June 2021, the regions GRP and jobs were around 1% higher than the pre COVID-19 level.

Recovery in industries hit hard by the immediate impacts

By the June Quarter of 2021, jobs and overall economic value in many industries had increased above the pre COVID-19 levels. The hardest hit industries, such as education, retail, hospitality, personal and household service industries rebounded strongly. However, job recovery in many industries lagged value added growth. This highlights those businesses that are having difficulties hiring new workers. There is also evidence to suggest that businesses are taking a cautious approach to staffing and reducing shifts where they can reduce overheads.

Strong improvement in the business condition

New business registration (new businesses) is down overall by around 5.8% on the previous year, but when looking further into the detail, it has remained quite steady – predominantly driven by health, finance, and professional service businesses. Residential building approvals bounced back above the pre COVID-19 levels, spurred on by renovations and a strong real estate market. Domestic tourism visitation and spending has also recovered, supporting the local retail and hospitality businesses. State borders opening has seen increased interstate visitation to the Council area.

Consumer spending remains strong

Consumer spending in the City of Unley returned quickly above the pre COVID-19 levels once restrictions were lifted. The spending increase throughout the Council area outperformed other areas in South Australia throughout 2021. Subsequently, visits to shops, hospitality and entertainment places were back to the pre COVID-19 levels and outperforming the state average.

5. **DISCUSSION**

The recovery from the Delta and Omicron outbreaks is well underway within the City of Unley.

The minor decrease in jobs is followed by a strong rebound

The Delta outbreak dropped jobs in the City of Unley by 2.3% in July 2021 and the Omicron outbreak decreased the number of jobs by approximately 2.2%. Both drops were followed by an immediate recovery. In February 2022, the total number of jobs remains at around 5% above the pre COVID-19 levels.

Large mismatch in vacant jobs and unemployed workers

Since the outbreak of COVID-19, many workers exited the jobs market because they had given up looking for a job. However, businesses are now experiencing greater difficulties filling vacancies, especially in retail, hospitality, and health industries. This suggests that there is a large mismatch in the vacant jobs available and jobs that unemployed workers are looking for. The lack of international students and workers also proved problematic in filling some of the shortfalls.

Recovery in retail and hospitality sectors

Following the Delta outbreak, the retail and hospitality sectors and consumer spending in the City of Unley recovered quickly above the pre COVID-19 levels. The Omicron outbreak has had a bigger impact in terms of actual rates of community transmissions, but the economy is already showing signs of strong recovery, with consumer spending steady. Visits to retail and hospitality venues in the region quickly recovered above the pre COVID-19 baseline in January 2022.

The local economy is facing macroeconomic headwinds

The City of Unley's economy remained resilient to the impacts of COVID-19. Despite the recent outbreaks, the economic recovery is well underway. However, the Council's economy will face further challenges from changing macroeconomic conditions.

In the short term, the City of Unley's businesses will face an increase in input costs due to disruptions in supply-chain and inflation, decreasing their profit margins. Businesses are expected to continue to face difficulties finding workers. As international borders open, there is likely to be some relief finding workers for specific sectors.

Higher interest rate will lower household spending, impacting Retail, Hospitality and Entertainment industries already at risk

The Reserve Bank of Australia is expected to increase the Official Cash Rates (Interest Rates) to fight the high inflation rate. This will have a negative impact on household discretionary spending. Retail, hospitality, and entertainment industries will more likely be impacted most as the demand for non-essential goods and services decreases.

Increase in energy and agricultural commodity prices will slow down the global economy

The western trade embargo because of the Ukraine and Russia war has increased the global energy price. In addition, the supply of agricultural commodities is likely to decline as Russia and Ukraine are both major grain exporters, resulting in higher prices. This will have a substantial impact on the discretionary spending of developing countries. This will have a significant impact on the revenue of multi-national companies doing business in these markets. The flow on from this is increased consumer costs for everything from a cup of coffee, through to weekly food staples. The additional costs reducing discretionary spending by households.

What additional business supports can Council provide on the back of the recent Omicron wave?

As listed in the background to this report, the City of Unley proactively implemented a number of initiatives to support local businesses at the height of Covid-19 business restrictions. This included a rates reduction for small businesses, waiving of outdoor dining fees and a Buy Local campaign.

Many other South Australian Councils have offered similar business support packages to their local businesses during the Covid-19 outbreak. Some of these initiatives have included:

- Restaurant and Cafe vouchers to subsidise spends
- Free parking
- Event Grants
- Buy local campaigns
- Free permits
- Creation of new outdoor dining areas
- Business Support and advice
- Rate deferrals
- Hardship payment plans

Based on the economic data available, the City of Unley economy has bounced back well from both the initial first wave of Covid-19 business restrictions and the subsequent second wave of Omicron. Whilst Elected Members may choose to implement additional supports for business, the data shows that overall, the economy is bouncing back well.

Based on the analysis of data, it is recommended that the current business supports in place (including the Economic Development Growth Strategy 2021-2025) are adequate supports for the majority of local businesses.

Whilst there will always be individual businesses that are doing it tough, Council Officers will offer tailored support where possible. This includes general business advice, connection into relevant State and Federal support programs and access to Council's Business Support Program with Business SA. Businesses struggling to pay rates will be managed through Council's Financial Hardship Assistance for Businesses Policy, where payment plans, and arrangements can be put in place.

Summary

The City of Unley's economy has stood up well overall to the challenges of the past two years and recent Omicron outbreak. Whilst there is no doubt that a number of small businesses have done it tough, and are continuing to do it tough, the overall economy of the City of Unley has fared much better than many other regions in South Australia due to its diverse mix of employment options.

The next year will continue to challenge local businesses as the economy restricts with inflation and international pressures.

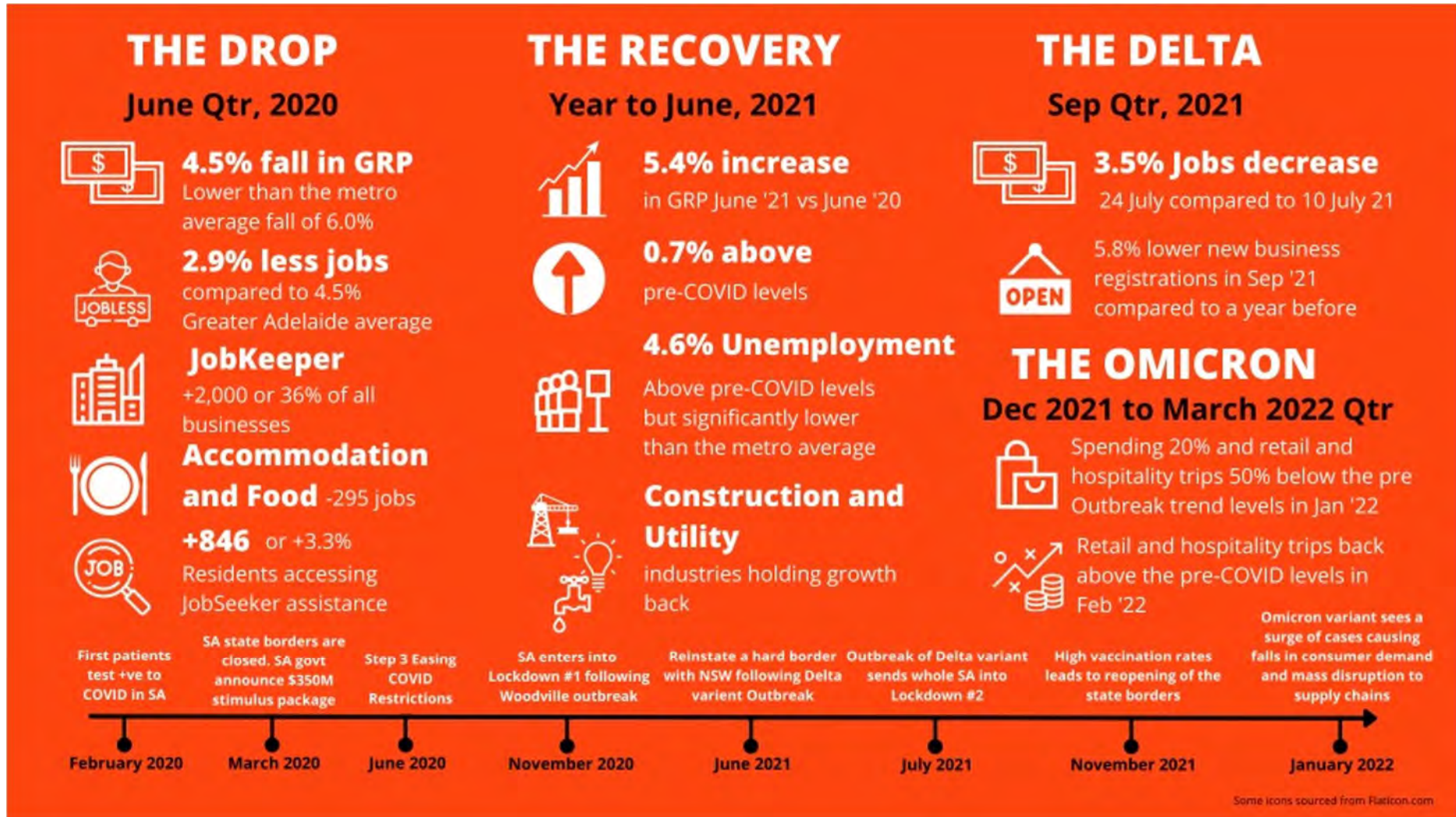
Given the overall current state of the City of Unley economy, it is recommended that Council continues to support local businesses and grow the economy through the delivery of its Economic Development Growth Strategy – 2021-2025.

The initiatives within this strategy focus on creating the right local environment for business to prosper. This along with Council continuing to be "business friendly" and identifying ways to continue to streamline business interactions, will make the region more appealing to businesses looking to relocate into the area. The strategy also has a significant focus on business attraction and bringing new businesses to the region, creating an even more robust economy.

The economic development team will continue to provide support to individual businesses who are doing it tough.

6. **REPORT AUTHORISERS**

Name	Title
Peter Tsokas	Chief Executive Officer



INFORMATION REPORT

REPORT TITLE: FULLARTON ROAD SOUTH TRADERS ASSOCIATION INC. - CANCELLATION OF MAJOR EVENT

ITEM NUMBER: 4.6

DATE OF MEETING: 28 MARCH 2022

AUTHOR: ED SCANLON

JOB TITLE: MANAGER ECONOMIC DEVELOPMENT & STRATEGIC PROJECTS

ATTACHMENTS: NIL

1. **EXECUTIVE SUMMARY**

The purpose of this report is to inform Council that correspondence has been received from the Fullarton Road South Trader Association (FRSTA) to advise that they are cancelling their major event for the 2021/22 financial year – the Fullarton Road Easter Fun Day 2022.

The FRSTA committee made the decision based on resource, logistics and supply issues pertaining to recent COVID-19 business restrictions.

2. **RECOMMENDATION**

That:

1. The report be received.
-

3. **RELEVANT CORE STRATEGIES/POLICIES**

3. Economic Prosperity
33.2 Thriving main streets and other business activities operate across our City.

4. **BACKGROUND**

At the Council Meeting of 27 September 2021, Council resolved in part that:

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;*

Resolution No. C602/21

Following a written request received from FRSTA, Council resolved at the Council Meeting on 22 November 2022 in part that:

2. *The request from the Fullarton Road South Traders Association to utilise the \$10,000 Trader Event Sponsorship monies awarded for a Family Fun Day in December 2021 to fund a Fullarton Road Easter Fun Day event in March/April 2022 be endorsed.*

Resolution No. C0657/21

5. DISCUSSION

Administration has now received advice from FRSTA that they are unable to proceed with the Fullarton Road South Fun Easter Fun Day 2022 due to resource, logistics and supply issues pertaining to recent COVID-19 business restrictions.

Council is being informed of this decision as the funding for this event (\$10,000) was allocated from the Trader Event Sponsorship Program and the allocated funds will result in a favourable budget adjustment in Council's third quarter budget review.

6. REPORT AUTHORISERS

Name	Title
Peter Tsokas	Chief Executive Officer

INFORMATION REPORT

REPORT TITLE:	OVERHANGING VEGETATION PROCEDURE
ITEM NUMBER:	4.7
DATE OF MEETING:	28 MARCH 2022
AUTHOR:	DAVID SBORO
JOB TITLE:	ACTING TEAM LEADER REGULATORY
ATTACHMENTS:	1. OVERHANGING VEGETATION PROCEDURE

1. **EXECUTIVE SUMMARY**

The purpose of this report is to provide a procedure for managing overhanging vegetation in response to an audit of private hedges undertaken in 2021. This Procedure intends to support the effective maintenance and management of related vegetation impediments, to provide improved access across the City.

Currently, Council's Compliance Policy provides staff with a broad framework to guide investigations on overhanging vegetation, as well as action other compliance matters. The current approach provides reactive compliance, whereby the majority of investigations relating to access are actioned in response to customer requests.

In discussion with Elected Members at the briefing held 15 November 2021, the Administration has reviewed this approach and an Overhanging Vegetation Procedure (Procedure) has been developed that will provide further guidance on what an owner's responsibilities are, how these matters are investigated, the guiding principles used to assess an encroachment, and what options are able to be utilised in addressing overhanging vegetation. This Procedure complements the Compliance Policy and will provide a clear and consistent approach to overhanging vegetation matters within the City of Unley. The new Procedure is also reflective of the current approach taken by Administration in investigating and actioning overgrown vegetation.

Additionally, Council officers will implement a number of supporting proactive actions to further raise awareness of and manage related vegetation footpath impediments.

2. **RECOMMENDATION**

That:

1. The report be received.
-

3. RELEVANT CORE STRATEGIES/POLICIES

1. Community Living

1.5 Our City is connected and accessible.

Council's Compliance Policy provides a broad framework for Council's approach to enforcement of non-compliance.

Council's Active Ageing Strategy, Walking and Cycling Plan, Footpath Trading Policy and Procedure and the new Disability Access and Inclusion Plan (subject to Council endorsement) all note and prioritise pedestrian access and safety.

4. BACKGROUND

With its relatively flat topography and leafy green neighbourhoods, the City of Unley is a highly walkable City, providing easy access to local amenities and services. It is important to ensure that all walkways, footpaths, and access ways are clear and free to access, where people of all abilities and needs can navigate and enjoy our city.

Each year, Council receives an average of 100 complaints per year regarding vegetation on private property, such as hedges, shrubs, and trees, that are overgrowing onto footpaths, verges, and roadways, causing an obstruction, and impeding pedestrians.

Property owners are obliged to manage vegetation on their own land to ensure that it does not affect the public realm. Where vegetation overhangs a road, Council has authority under the *Local Government Act 1999* (the Act) to take action, in particular when there is an impact on the safety and accessibility of people using a footpath.

Under the Act, Councils have the authority to require property owners to maintain any vegetation on their land, to ensure that it does not encroach onto a road, which includes footpaths, verges, and carriageways.

Until now, Council's practice has been reactive in nature, whereby inspections and associated actions are undertaken following the receipt of a customer request, drawing our attention to the non-compliance issue. These investigations are undertaken in accordance with the Act and Council's Compliance Policy, assessing overhanging vegetation for safety and accessibility whilst considering other factors, such as:

- *Disability Discrimination Act 1992*
- Footpath design
- Health and amenity of the vegetation
- Heritage listing
- Alternate access options

Over the last three years, a total of 61 customer requests relating specifically to overgrown hedges were received. These are counted within the 100 annual overhanging vegetation complaints received by Council on average. These requests have been actioned accordingly, which has included liaison with property owners where maintenance is required. On several occasions, this has resulted in removal of a hedge or an arrangement with Council to extend the footpath width to accommodate the vegetation in the instance of a heritage listed hedge at the owner's expense.

At the Council meeting of 23 August 2021, Council resolved the following:

1. *An audit of previously inspected hedges on the front boundaries of private properties within the City of Unley be completed to:*
 - 1.1. *Identify hedges that impede pedestrian access on the public footway.*
 - 1.2. *Outline actions Council may take to resolve the impact of these related hedges, in line with Council's Compliance Policy.*
2. *A report on the audit findings be presented to Council for consideration of any further action.*

Resolution No: C0592/21

An audit was undertaken between August and October 2021. As part of the process, Elected Members were invited to report additional encroaching hedges to be included in the audit. In total, 57 hedges were inspected as part of the audit.

The audit found that:

- 51 were not considered a safety or public access issue.
- 6 hedges were considered to overgrow onto the footpath to the extent that a safety and/or public access issue was present.

The audit process and associated investigations has highlighted that, although the process of dealing with complaints regarding overhanging vegetation is reasonably sound, there is value in providing a Procedure to assist both residents and staff in considering and remedying overgrown vegetation.

Following completion of the audit, a Council briefing was undertaken on 15 November 2021 that included various options for investigating and managing overhanging vegetation. These options included:

- Continue with the current process.
- Implement a new Procedure that sits under the existing Compliance Policy
- Implement a new Hedge Policy.

After discussion, Elected Members noted the similarities of the management of all overhanging vegetation onto roads, as the issues and their management are similar with each other. Administration have therefore developed a Procedure to reflect all vegetation management from private land over Council land.

5. **DISCUSSION**

Overhanging Vegetation Procedure

The Overhanging Vegetation Procedure (the Procedure) has been developed and is provided as per Attachment 1 for information.

Attachment 1

The aim of the Procedure is to provide safe and accessible roads, particularly relating to footpaths, for all users. This Procedure is particularly applicable to pedestrians that are disabled or elderly, as well as pram users within our city.

A Procedure has been prepared for Council's information that will help inform an officer's course of action when assessing overhanging vegetation. The Procedure outlines Council's objectives in monitoring and addressing instances of overhanging vegetation, provides definitions and provides Guiding Principles that assist in determining how an encroachment should be addressed including:

- The width and the clearance provided for the footpath that is remaining in order to facilitate safe and convenient access. Council seeks to achieve a minimum desired width of 1.2m wherever appropriate.
- The existing width of the road and other structures that may be affecting access on the footpath.
- Whether the vegetation forms part of a heritage listing.
- If the vegetation relates to a regulated or significant tree.
- The species of the tree and how it responds to pruning.
- How pruning to remove the encroachment may affect the structural integrity of the vegetation.
- Whether there is an existing footpath that is easily accessible on the other side of the road.
- The encroachment has been occurring for a significant period of time.
- The amenity value that the vegetation provides and the potential impact to city pride.
- How the loss of canopy may impact heat mapping for a locality.

As a result of these principles, Council staff are provided with the following options to address an encroachment:

1. Removal of overhanging vegetation.
2. Progressive works.
3. Re-work on footpath at the owner's expense.
4. No action.

These actions will include communication, discussion with the property owner including a prior warning where necessary and may require Council officers to include serving an order under section 254 of the Act.

It is considered that the Procedure allows consideration of all aspects of a site, to ensure safe and convenient access along a road, whilst providing all landowners and affected users of a road with a fair and reasonable decision-making framework. It also clarifies what an owner's responsibilities are, including maintaining their vegetation within their own property, selecting appropriate vegetation and what information they may be required to provide during an investigation by Council staff.

While the intent of the Procedure is to ensure that there is a consistent expectation for the community in relation to overgrown vegetation, this document has been developed in consultation with officers and is reflective of the current approach utilised in investigating and actioning vegetation over Council roads.

Promotion and Communication

A communication campaign will be developed to raise awareness and inform local residents of the Procedure. This will remind property owners of their responsibilities with respect to maintaining and managing vegetation on their private property. The campaign will include a letter to property owners included in the hedge audit, an article in Unley Life, along with social media posts and information on Council's Website, a media release and information provided at Council's key customer service points.

A community engagement initiative will also be launched via Your Say Unley, enabling residents to share information on overhanging vegetation in the City of Unley that, in their view, is causing access and/or safety concerns. The engagement will include the ability for residents to upload photos and "pin" locations on a map. These notifications will then be followed up by Council Officers, who will investigate the noted vegetation, and determine the best course of action, in-line with the Procedure. Again, this opportunity will be widely promoted.

Register and Annual Hedge Audit

A register of overhanging vegetation will be developed. The register will include:

- All hedges and overhanging vegetation that were included in the 2021 Audit
- Notified overhanging vegetation and hedges flagged as part of the community engagement process.
- Any hedge or overhanging vegetation that is the subject of subsequent customer requests or flagged by Council officers.

Additionally, an annual proactive audit of hedges and overhanging vegetation based on the register will be undertaken by Council officers concurrently during flammable growth inspections. This will occur in October 2022 and any problematic overgrowth will be addressed in line with the Procedure.

Enforcement

Where formal enforcement is appropriate, Authorised Officers can take action under section 254 of the Act. This includes the ability to make an order to seek a person to rectify the encroachment. Should a person not take action within 14 days of the order, action can then be taken by council to rectify the breach and this cost is passed on to the owner. A person who fails to comply with an order under the Act is guilty of an offence with a maximum penalty of \$2,500 or an expiation fee of \$210.

Additional Review of Effectiveness

The Procedure will be the subject of a Council briefing after 12 months of operation to report on progress and discuss the effectiveness of this approach and discuss any further modifications or actions required to be undertaken.

6. POLICY IMPLICATIONS

6.1 Financial/Budget

- The current Procedure has been developed to reflect the existing approach to overhanging vegetation and will therefore have no additional impacts to the operating budget.

6.2 Legislative/Risk Management

- The Procedure will support the functions of the Act.

6.3 Staffing/Work Plans

- The current Procedure as drafted would not require any additional staff to accommodate the outcomes of this report.
- However, any increase in service level approaches beyond what is proposed may have a resource and cost impact, either short term or ongoing depending on the scope and scale of changes.

6.4 Climate/Environmental Impact

- The Procedure has been drafted to balance the natural environment, amenity of the locality and safe and convenient access to our roads.
- Hedging plants are reported to be environmentally beneficial and act as “living boundaries” providing an environmentally sound alternative to fences and walls. Depending on the species, hedges can capture and reduce soil and air pollution, reduce neighbourhood noise, and often support a wide variety of wildlife.

6.5 Social/Economic

- The recommendation will ensure that there is consistent management to overhanging vegetation that will consider the impacts to those with special needs in our community.

6.6 Stakeholder Engagement

- There is no requirement for consultation on this Procedure under the Community Engagement and Public Consultation Policy.

7. REPORT CONSULTATION

The Governance and Communications teams have reviewed the Procedure.

8. REPORT AUTHORISERS

Name	Title
Gary Brinkworth	Manager Development & Regulatory
Megan Berghuis	General Manager, City Services



OVERHANGING VEGETATION PROCEDURE

Responsible Department:	City Services
Responsible Officer:	Manager Development and Regulatory
Related Policies and Procedures	<ul style="list-style-type: none"> • By-law No. 2 – Roads • By-Law No. 3 – Local Government Land • Compliance Policy • Order-making Policy • Disability Access and Inclusion Plan • Footpath Maintenance Program
Community Plan Link	Community Living 1.1 Our Community is active, healthy and feels safe Environmental Stewardship 2.1 Unley's urban forest is maintained and improved Civic Leadership 4.1 We have strong leadership and governance
Date Adopted	March 2022
Last review date	March 2022
Next review date	March 2023

1. Background

- 1.1. Vegetation on private property that is encroaching over the road can impact the safety and accessibility of people who are using the footpath.
- 1.2. Vegetation also increases the amenity and provides beneficial environmental impacts, including helping to achieve the City of Unley's goal of increasing canopy coverage.
- 1.3. This can create conflict in managing the need to provide safe and appropriate access to footpaths and maintaining vegetation on private property. Council needs to provide a consistent approach to managing privately owned vegetation that may create an encroachment and obstruction over Council land.
- 1.4. It is important for Council to ensure that appropriate access is maintained in accordance with the *Disability Discrimination Act 1992* and as identified within the City of Unley Disability Access and Inclusion Plan (DAIP) 2022-2026.

2. Scope

- 2.1. This Procedure applies to matters where vegetation is encroaching over the road from private property.

3. Purpose

- 3.1. The Procedure provides for consistency in the decision-making process and sets expectations for proactive and reactive compliance investigations into overgrown vegetation.
- 3.2. Council will seek to provide proactive and reactive inspections in relation to overhanging vegetation. Proactive inspections will occur on an annual basis and will follow up on properties that have been identified in the previous 3 years where vegetation has been encroaching over the road and required action by the owner.
- 3.3. Reactive inspections will occur in relation to complaints that are raised with Council in relation to vegetation that is encroaching over the road.
- 3.4. In order to maintain appropriate access, Council seeks to maintain minimum clearances for footpaths. This includes a minimum pedestrian footpath width of 1.2 metres and a height clearance of 2.1 metres where vegetation does not encroach.

4. Definitions

In this Procedure, the following definitions shall apply:

<u>Authorised Officer</u>	Means any person appointed in accordance with Section 260 of the <i>Local Government Act 1999</i> .
<u>Encroachment</u>	means any vegetation that is growing on private land that overhangs a road.
<u>Owner</u>	means the person who has legal tenure over a property.
<u>Overhanging Vegetation</u>	refers to any plant growing, including hedges, vines, foliage on private property that overhangs the property boundary onto a road.
<u>Road</u>	has the same meaning as under the <i>Local Government Act 1999</i> and includes the footpath, verge and carriageway
<u>Vegetation</u>	refers to any plant on private property.

5. Roles and Responsibilities

Council

- 5.1. Council officers who are authorised under the *Local Government Act 1999* will be responsible for undertaking inspections and taking action in relation to vegetation that is encroaching over the road.
- 5.2. Authorised Officers shall take action as determined in accordance with the guiding principles of this Procedure and the enforcement options in the City of Unley Compliance Policy.
- 5.3. An Authorised Officer cannot require action from an owner that would require approval under another Act without that approval first being obtained.

Owners

- 5.4. Owners are required to regularly maintain their vegetation in order to avoid an encroachment from occurring. This includes regularly pruning hedges on a property boundary.

- 5.5. Owners should ensure that they are selecting appropriate species of plants for their property and planting in appropriate locations where impacts to the road are minimised.
- 5.6. Where an encroachment does occur, Authorised Officers may require an owner to provide such information as necessary in order to determine an appropriate outcome. This information may include, but is not limited to, the following expert reports:
 - Arborist
 - Civil engineer
- 5.7. Where actions have been directed by Authorised Officers, owners must liaise with Council over the progress of any actions as specified. An owner must abide by any such directions from Authorised Officers.

6. Guiding principles

- 6.1. The following key factors will be considered in determining the appropriate option to address the encroachment:
 - The width and the clearance provided for the footpath that is remaining in order to facilitate safe and convenient access. Council seeks to achieve a minimum desired width of 1.2 metres wherever appropriate.
 - The existing width of the road and other structures that may be impacting access on the footpath.
 - Whether the vegetation forms part of a heritage listing.
 - If the vegetation relates to a regulated or significant tree.
 - The species of the tree and how it responds to pruning.
 - How pruning to remove the encroachment may impact the structural integrity of the vegetation.
 - Whether there is an existing footpath that is easily accessible on the other side of the road.
 - The encroachment has been occurring for a significant period of time.
 - The amenity value that the vegetation provides and the potential impact to city pride.
 - How the loss of canopy may impact heat mapping for a locality.

7. Options to address encroachment

- 7.1. With a priority placed on maintaining safety and accessibility for people using the footpath with minimum widths of 1.2 metres, Authorised Officers may consider the following options based on their assessment of each individual situation against the guiding principles in Section 6 listed above:

7.1.1. Removal of Overhanging Vegetation

Removal of the overhanging vegetation that is encroaching over the road may be appropriate where safe and convenient access has been significantly compromised.

7.1.2. Progressive Works

Progressive works may be appropriate where access has been impacted and the vegetation provides a high level of amenity and does not respond well to pruning which would compromise the ongoing health of the vegetation. Gradual pruning over a period of time may be agreed between the Council and owner to reduce the encroachment annually in order to preserve the amenity of the locality while ensuring that accessibility will be provided.

7.1.3. Re-work on Footpath

Where access to a footpath has been compromised and removal of the vegetation is not considered appropriate, Council and an owner may consider widening the footpath in order to ensure that safety and accessibility is prioritised. This can only be considered as an option where there is sufficient footpath width on the road to provide the minimum width of 1.2 metres for the footpath and the owner agrees to fund the cost to Council of widening the footpath.

7.1.4. No Action

No action will be considered where there is found to be no encroachment, or the encroachment is found to be a trifling matter. This may include matters where:

1. The encroachment does not compromise safe and convenient access.
2. Remedial works would compromise the heritage value of a property.
3. The amenity of the locality would be detrimentally impacted by undertaking remedial works.

8. Legislation

- Council is responsible for ensuring that vegetation overhanging Local Government Land is appropriately maintained through various Acts of Parliament and Council By-laws in order to protect the broader community.
- This Procedure is read in conjunction with the following legislation:
 1. *Local Government Act 1999*
 2. *Disability Discrimination Act 1992*

9. Availability of Procedure

9.1. The Procedure is available for public inspection online at <https://www.unley.sa.gov.au/Home>

10. DOCUMENT HISTORY

Date	Ref/Version No.	Comment

DECISION REPORT

REPORT TITLE:	NOMINATIONS FOR THE LIBRARIES BOARD OF SA
ITEM NUMBER:	4.8
DATE OF MEETING:	28 MARCH 2022
AUTHOR:	NICOLE BILAC
JOB TITLE:	PRINCIPAL GOVERNANCE OFFICER
ATTACHMENTS:	<ol style="list-style-type: none">1. LGA POLICY - APPOINTMENTS AND NOMINATIONS TO OUTSIDE BODIES2. NOMINATION FORM - PART A3. NOMINATION FORM - PART B

1. **EXECUTIVE SUMMARY**

The Local Government Association (LGA) has invited the nomination of three (3) board members for the Libraries Board of SA for a three (3) year term commencing 1 August 2022. Nominations must be forwarded to the LGA by close of business on 5 April 2022.

This report seeks a decision from Council regarding if a nomination is to be made. General Manager City Services, Ms M. Berghuis, has indicated an interest in being nominated for reappointment to the Libraries Board of SA.

2. **RECOMMENDATION**

That:

1. The report be received.
 2. _____ be nominated for consideration by the LGA Board of Directors as a Member of Libraries Board of SA.
-

3. **RELEVANT CORE STRATEGIES/POLICIES**

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

4. **BACKGROUND**

The Libraries Board of South Australia (the Board) is established pursuant to the *Libraries Act 1982* (the Act). Section 9 of the Act requires the Board to consist of eight (8) members appointed by the Governor.

Under the Act, the LGA nominates three (3) people to the Board who may be:

- council members (elected members);
- librarians employed in a public library;
- community information officers employed by a council;
- any other officers or employees of a council; or
- any other people with experience in local government.

The remaining five (5) members are nominated by the Minister, with one member appointed by the Governor as the Presiding Member. Members of the Board are nominated for a period of three years, up to a maximum of nine years (s 10).

Current Board Members

The current LGA-nominated members of the Board are:

- Cr Bronwyn Lewis, Alexandrina Council;
- Mayor Jill Whittaker, Campbelltown City Council; and
- Ms Megan Berghuis, City of Unley.

The above positions expire on 31 July 2022 and all current LGA-nominated members are eligible for re-appointment.

The other members of the Board are:

- Bruce Linn AM, Chair;
- Joanne Cys;
- Janet Finlay;
- Scott Hicks; and
- Amanda Nettelbeck.

The Officers of the Board are:

- Geoff Strempel, Director of the State Library; and
- Tracey Parnis, Executive Officer.

Board Functions

The functions of the Board are as follows:

1. to formulate policies and guidelines for the provision of public library services;
2. to establish, maintain and expand collections of library materials and, in particular, collections of such materials that are of South Australian origin, or have a particular relevance to this State;
3. to administer the State Library;
4. to establish and maintain such other public libraries and public library services as may best conduce to the public interest;
5. to promote, encourage and assist in the establishment, operation and expansion of public libraries and public library services by councils and others;
6. to collaborate with an administrative unit of the Public Service or any other public sector agency (within the meaning of the *Public Sector Act 2009*) and any other authority and body, in the provision of library and information services;
7. to make recommendations to the Minister upon the allocation of funds that are available for the purposes of public libraries and public library services;
8. to initiate and monitor research and experimental projects in relation to public libraries and public library services;
9. to keep library services provided in the State under continuing evaluation and review; and
10. to carry out any other functions assigned to the Board under the Act or any other Act, or by the Minister or Premier.

5. DISCUSSION

Board Details and Nominations

Board members are entitled to \$590 per session and mileage is paid for regional based members.

The Board meets on the third Monday of every month at the State Library of South Australia, except in January and April. Meetings commence at 10am and run for approximately two hours.

LGA nominations on outside bodies will, unless determined otherwise by the LGA Board of Directors, be currently serving council members or council staff according to the LGA Appointments and Nominations to Outside Bodies Policy (attachment 1).

Attachment 1

Option 2 –

1. The report be received.

Council is under no obligation to make a nomination. This option receives the report and takes no further action.

7. **RECOMMENDED OPTION**

The matter is for Council to determine.

8. **POLICY IMPLICATIONS**

Nil.

9. **REPORT CONSULTATION**

Nil.

10. **REPORT AUTHORISERS**

Name	Title
Kathryn Goldy	Acting Manager Governance

Policy

Procedure

Work instructions

LGA Appointments and Nominations to Outside Bodies — Policy

As endorsed 19/12/19 and as amended 19/3/20

Purpose

The LGA is required by statute to make nominations to various state government or state agency boards or committees. In other cases, statute requires the relevant Minister to consult with the LGA prior to making an appointment to a state government board or committee. The LGA is also asked from time to time to nominate or appoint local government representatives to a range of non-statutory boards and working or advisory groups of relevance to local government or consult on the appointment of a local government representative. Collectively, these may be referred to as Outside Bodies.

The purpose of this Policy is to provide the principles by which the LGA will appoint or nominate local government representatives to Outside Bodies.

The intent of this Policy is to facilitate the LGA in taking a proactive approach to upcoming vacancies and provide for varied rigour in the examination of applicants that is commensurate with the responsibilities and strategic importance of the Outside Body.

This Policy should be read in conjunction with the LGA *Appointments and Nominations to Outside Bodies—Procedure*.

Note: The LGA also makes direct appointments to LGA related entities. These appointments are not covered by this Policy.

Part 1: Administration

This Part provides for the administrative arrangements necessary to support the LGA's appointment and nominations processes.

1.1. LGA Nominations Coordinator

The LGA Secretariat will assign a staff member as the LGA Nominations Coordinator, with responsibility for facilitating the appointments and nominations processes in accordance with this Policy.

1.2. LGA Outside Bodies Database

The LGA Secretariat will maintain an *Outside Bodies Database*.

The *Outside Bodies Database* will record the particulars of each Outside Body and will be primarily used by the LGA Secretariat to:

- Forward-plan upcoming vacancies and proactively commence appointment and nomination processes when possible
- Implement the applicable appointment or nomination process for the Outside Body based on its classification
- Ensure the relevant mandatory and special selection criteria (as applicable) are included in the call for nominations
- Track current local government representatives and ensure ongoing engagement and support is provided by the LGA Secretariat
- Assign a relevant LGA staff member to each Outside Body, with responsibility for providing the LGA Board of Directors with strategic policy advice, assisting the LGA Nominations Coordinator with the appointment and nomination processes, and being the ongoing LGA liaison for the local government representative

The LGA Board of Directors will review the *Outside Bodies Database* periodically and assess the classification of bodies and special selection criteria for alignment with strategic objectives, emerging policy issues for local government, diversity, and any recommendations by the LGA Secretariat or Nominations Committee.

1.3. LGA Nominees Database

The LGA Secretariat will maintain a *Nominees Database*.

The *Nominees Database* will record the particulars of nominees who have agreed to be considered for other vacancies for a period of twelve months.

A nominee agreeing to appear on the *Nominees Database* does not prevent that nominee from being otherwise nominated for any other Outside Body during that twelve months.

The LGA Secretariat will utilise the *Nominees Database* only to assist with meeting nomination requirements when insufficient nominations are received in response to the call for nominations (including where there is a gender imbalance and the LGA is required by statute to provide at least one male and one female nominee).

The LGA Secretariat will not disclose information on the *Nominees Database* to a third party without the express permission of the relevant nominee.

A nominee taken from the *Nominees Database* **will not** require a new council nomination.

Where suitable nominees are not registered on the *Nominees Database* the LGA Secretariat will conduct a second call for nominations.

1.4. Classification of Outside Bodies

The LGA Board of Directors will assign each Outside Body to one of the following classifications in order to determine the appropriate appointment or nomination process:

- LGA Direct Appointments to boards or committees (excluding LGA related entities)
- LGA Priority Nominations:
 - Class A — Authorities and Commissions and other Outside Bodies of strategic importance

- Class B — Skills Based Advisory Boards and Committees or other Outside Bodies of key interest (not otherwise captured by Class A)
- Class C — Advisory Boards and Committees requiring only local government knowledge (not otherwise captured by Class A or Class B)
- Joint Nominations
- Appointments or Nominations to non-statutory working or advisory groups

The intent of classification is to acknowledge that some Outside Bodies require greater expertise and time commitment as well as offer higher remuneration than others and the level of examination and consideration of nominees should be commensurate with the position. It is also to reflect that some Outside Bodies have greater strategic importance to the LGA and the local government sector and therefore the appropriate representative on those Outside Bodies should receive a more thorough examination.

1.4 Special selection criteria for Outside Bodies

This Policy permits the LGA Board of Directors to set its own special selection criteria for appointment or nomination of a local government representative to any Outside Body (that will apply in addition to any mandatory criteria set by statute and/or the Outside Body). Selection criteria set by the LGA Board of Directors may address, but is not limited to, specific skills or experience deemed important, alignment of strategic objectives and policy positions of local government, proof of relevant qualifications, and diverse representation of local government.

The special selection criteria will be set by the LGA Board of Directors in the *Outside Bodies Database* and reviewed periodically to ensure relevancy.

A call for nominations must ensure that adequate information is sought from an applicant to satisfy the assessment of the applicant against the special selection criteria (in addition to any mandatory criteria set by statute and/or the Outside Body).

1.5 LGA Right to Decline Appointment or Nomination

The LGA Board of Directors reserves the right to decline to appoint or nominate a person to an Outside Body unless it is required by statute.

The LGA Secretariat may provide a report to the LGA Board of Directors with its recommendation(s) and reason(s) for declining to appoint or nominate. The LGA Board of Directors may also on its own motion determine to not proceed with an appointment or nomination unless it is required by statute.

1.6 Delegation of Decision Making

In accordance with the LGA Constitution, the LGA Board of Directors must nominate local government representatives to Outside Bodies where statute requires the LGA's nomination to the Governor or Minister. This responsibility cannot be delegated, but the LGA Board of Directors may be informed in its decision making by a Nominations Committee (See *Nominations Committee*) and/or the LGA Secretariat.

The LGA Board of Directors may delegate to the LGA CEO and LGA President the power and responsibility to nominate or appoint local government representatives to non-statutory boards and working or advisory groups where there is no statutory role for the LGA.

There are some Outside Bodies where the Minister is either required by statute or may elect to consult with the LGA prior to making appointments. The LGA Board of Directors may delegate via resolution to

the LGA CEO and the LGA President the power and responsibility to undertake this consultative role, with the delegate(s) to exercise discretion to escalate the matter to the LGA Board of Directors.

Following exercise of the delegated power, the CEO or President (as applicable) must notify the LGA Board of Directors of the actions taken.

Using the classifications assigned below, responsibility for decision making is as follows:

Table 1: Appointment and nomination responsibilities

LGA Direct Appointments to boards or committees	LGA Board of Directors
LGA Priority Nominations <ul style="list-style-type: none"> - Class A - Class B - Class C 	LGA Board of Directors
Joint Nominations	LGA Board of Directors
Appointments or Nominations to non-statutory working or advisory groups	LGA Board of Directors. May be delegated to LGA CEO and LGA President
Ministerial Consultation Only	LGA Board of Directors. May be delegated to LGA CEO and LGA President

1.7 Insurance

Where an Outside Body is a statutory board or committee of the state government or a state agency, the South Australian Insurance Corporation (SAICORP) provides insurance cover. Where SAICORP insurance is not available, the LGA Secretariat through contact with the Outside Body or LGA Mutual Pty Ltd will ensure that an appointee or nominee of the LGA is adequately covered.

1.8 Nominations Committee

The LGA Board of Directors may establish a Nominations Committee comprising four Board Directors, being two metropolitan council and two regional council Directors. The purpose of the Nominations Committee is to assess applicants (including referee checks and interviews where applicable) and make recommendations to the Board of Directors to assist the selection process.

The Nominations Committee will also periodically assess the classification of bodies and special selection criteria for alignment with strategic objectives, emerging policy issues for local government, diversity, and make recommendations to the LGA Board of Directors.

The Nominations Committee will be convened by the LGA Nominations Coordinator on a sessional basis when a call for nominations is made for a relevant Outside Body or when a review of the *Outside Bodies Database* is to be conducted.

The business of the Nominations Committee will primarily be conducted via email.

The Nominations Committee will receive secretariat support from the LGA Nominations Coordinator.

The Nominations Committee may seek the assistance of specialist members to assist with making informed assessment of technical or specialist roles and may be engaged for any part of the assessment process, including as a member of the interview panel.

The Nominations Committee may request the LGA Nominations Coordinator to complete referee checks on its behalf with written reports of the checks to be provided to the Nominations Committee.

Where referee checks and interviews are conducted, the Nominations Committee must include written advice on the outcomes in its report to the LGA Board of Directors.

The Nominations Committee may determine on a case by case basis that certain sensitivities or policy issues warrant sending the applications directly to the full LGA Board of Directors for consideration.

1.9 Confidentiality

All LGA appointment and nomination processes under this Policy will be conducted in confidence. This includes the consideration of applicants by the Nominations Committee and the LGA Board of Directors.

Part 2: Eligibility for appointment or nomination

This part outlines the eligibility requirements for appointment or nomination to an Outside Body as the local government representative. These eligibility requirements are **in addition** to the examinations to be made by the Board of Directors regarding an applicant's suitability for the position and any applicable mandatory or special criteria.

2.1 Nominees must be current council members or local government employees

Appointees or nominees to Outside Bodies will, unless the LGA Board of Directors determines otherwise, be current council members, council employees or employees of another local government entity.

2.2 Membership of multiple Outside Bodies

Local government representatives to Outside Bodies should not hold more than three positions on Outside Bodies, unless the LGA Board of Directors believes there are circumstances that make further representation beneficial to local government, such as where certain expertise is uncommon.

The LGA Board of Directors will consider diversity in its appointment and nomination processes to ensure broad sector representation that accurately reflects the composition of local government.

2.3 Council Nominations only

The LGA will only accept endorsed nominations sent by member councils; The LGA will not accept nominations from individuals such as councillors, potential nominees or council employees, unless the LGA Board of Directors determines otherwise.

Only two (2) nominations will be accepted from any one council.

The LGA will not accept incomplete nominations. Nominations must include all information requested in the call for nominations.

Nominations received from member councils after the deadline stipulated in the call for nominations will be flagged as having been received late, but this does not mean that such nominations are invalid.

The LGA Board of Directors may nominate candidates for positions on their own motion.

2.4 Re-appointment

Local government representatives on Outside Bodies will not have an automatic right to reappointment.

If permitted by the Outside Body, a current appointee reaching the end of their term may reapply for appointment or nomination to the Outside Body during the call for nominations.

Generally, reappointments will not be made for a period of more than two full terms per Outside Body unless the LGA Board of Directors considers there is special circumstances, such as strategic value to local government, in retaining the membership for a longer period.

Part 3: Expectations of local government representatives on Outside Bodies

This part outlines the general expectations of all local government representatives on Outside Bodies.

3.1 Annual Report

The LGA Secretariat, on behalf of the LGA Board of Directors, will request copies of the annual reports of all Outside Bodies to which the LGA appoints or nominates a member, where such reports are produced by the Outside Body. The annual reports (or relevant link) may be posted on the LGA website for the information of members.

Where the Outside Body does not produce an annual report, a local government representative of an Outside Body may be asked by the LGA Secretariat to provide an annual short written report (subject to any confidential considerations of the Outside Body) outlining the activities and outcomes of the Outside Body that are likely to be of interest to local government. In requesting a written report, the LGA Secretariat must provide a period of not less than four (4) weeks for the member to submit the report.

3.2 Strategic engagement with the LGA

LGA appointed or nominated members on Outside Bodies are not required to represent local government or the views of any stakeholders or interest groups. The representatives are expected to apply their skills and experience, particularly their skills and experience arising from participation in local government to the betterment of the work and understanding of the Outside body to which they are appointed. However, the LGA expects the local government representative on an Outside Body to welcome LGA communication regarding strategic or policy issues that the LGA believes relevant to the Outside Body and that benefits the local government sector.

3.3 Resignation

When an LGA appointed or nominated representative on an Outside Body ceases to be a council member, council employee or an employee of another local government entity, the LGA Board of Directors will request that the person resign from the Outside Body. At call for nominations, an applicant will be required to sign an undertaking that they will resign from an Outside Body, if requested to do so by the LGA, should they cease to be a council member, council employee or an employee of another local government entity.

However, the LGA Board of Directors may waive its request for resignation in circumstances where the person:

- has unique qualifications, experience or other personal qualities which allow him or her to continue to remain on the Outside Body; and/or
- is appointed directly by the Minister or Governor for a fixed term, and the appointment is specific to that person.

Part 4: LGA Direct Appointments to boards or committees

This part outlines the factors to be considered by the LGA Board of Directors in making direct appointments to boards or committees (noting that direct appointments to LGA related entities are excluded from this Policy).

4.1 considerations relevant to all appointments

The following considerations will be applied to all LGA direct appointments to boards or committees:

a) *Merit Selection*

All appointments will be based on merit.

b) *Mandatory Criteria*

Mandatory selection criteria for appointments (whether statutory or set by the Outside Body) must be met by the applicant.

c) *Special Selection Criteria*

Any special selection criteria set by the LGA Board of Directors in accordance with paragraph 1.4. must be met by the applicant.

d) *Body Composition*

Outside Bodies should have members with an appropriate mix of expertise, experience, backgrounds, and gender balance. A local government representative should add value to the work of the Outside Body and possesses skills and experience that complement other members.

e) *Knowledge and Experience*

An applicant's knowledge and experience in local government and their explanation for why they are interested in the Outside Body.

f) *Skills, Expertise and Attributes*

Core competencies relevant to a board or committee may include accountability, strategic thinking, networking, and teamwork. It may be desirable to appoint a member with specific expertise needed by the Outside Body in areas such as finance, law, business, or human resources.

g) *Availability and Commitment*

Applicants should be prepared to make the necessary commitment to the Outside Body and provide a self-assessment of their availability.

h) *Referee Reports*

Referee reports may be used to clarify, confirm or counterbalance information presented in the application.

The call for nominations will ask the applicant to provide 2-3 referees who can attest to the applicant abilities relevant to the criteria requested by the call for nominations.

i) *Interview*

Interviews may be conducted to ensure that the applicant has the necessary knowledge and experience, skills, expertise and attributes for appointment to the Outside Body.

The Nominations Committee will be the interview panel. The Nominations Committee may seek the assistance of specialist members to assist with making informed assessment of technical or specialist roles. This person may be engaged for any part of the assessment process, including as a member of the interview panel.

Part 5: LGA Priority Nominations to Outside Bodies

This Part outlines the factors to be considered by the LGA Board of Directors in making nominations to the following classes of Outside Bodies:

LGA Priority Nominations

- Class A — Authorities and Commissions and other Outside Bodies of strategic importance
- Class B — Skills Based Advisory Boards and Committees or other Outside Bodies of key interest (not otherwise captured by Class A)
- Class C — Advisory Boards and Committees requiring only local government knowledge (not otherwise captured by Class A or Class B)

5.1 factors relevant to all priority nomination classifications

The following considerations will be applied to all LGA priority nominations:

a) Gender balance and panel of nominees

Where the nomination is for a statutory body and is to be made to the Governor or Minister, the provisions of section 36A of the *Acts Interpretation Act 1915* apply regarding gender balance and the number of nominees to be provided from which the Governor or Minister will select the appointee.

b) Merit Selection

All nominations will be based on merit.

c) Mandatory Criteria

Mandatory selection criteria for nominees (whether statutory or set by Outside Body) must be met by the applicant.

d) Knowledge and Experience

An applicant's knowledge and experience in local government and their explanation for why they are interested in the Outside Body.

e) Curriculum Vitae

An up-to date curriculum vitae highlighting the relevant knowledge and experience and interest of the nominee must be included with the nomination.

Note, it is a requirement of state government or state agency boards and committees that a CV is provided for consideration by the Governor or Minister.

5.2 Class A — Authorities and Commissions

In addition to the factors specified in paragraph 5.1, the LGA Board of Directors will consider:

a) Special Selection Criteria

Any special selection criteria set by the LGA Board of Directors in accordance with paragraph 1.4 must be met by the applicant.

b) Referee Reports

Referee reports may be used to clarify, confirm or counterbalance information presented in the application.

The call for nominations will ask the applicant to provide 2-3 referees who can attest to the applicant’s abilities relevant to the criteria requested by the call for nominations.

c) Interview

Interviews may be conducted to ensure that the applicant has the necessary knowledge and experience, skills, expertise and attributes for nomination to the Outside Body.

The Nominations Committee will be the interview panel.

The LGA Board of Directors and/or Nominations Committee may seek the assistance of specialist members to assist with making informed assessment of technical or specialist roles. This person may be engaged for any part of the assessment process, including as a member of the interview panel.

5.3 Class B — Skills based Advisory Boards and Committees

In addition to the factors specified in paragraph 5.1, the LGA Board of Directors will consider:

a) Special Selection Criteria

Any special selection criteria set by the LGA Board of Directors in accordance with paragraph 1.4 must be met by the applicant.

The LGA Board of Directors and/or Nominations Committee may seek the assistance of specialist members to assist with making informed assessment of technical or specialist roles. This person may be engaged for any part of the assessment process.

5.4 Class C — Advisory Boards and Committees requiring only local government knowledge

The LGA Board of Directors will only consider the factors specified in paragraph 5.1.

Table 2: Processes for Primary Nominations

	Class A	Class B	Class C
Nominees to be current	√	√	√
Council submission	√	√	√
Gender balance and panel requirements	√	√	√
Merit Selection	√	√	√
Mandatory Criteria	√	√	√

Knowledge and Experience	√	√	√
Curriculum Vitae	√	√	√
Special Criteria (if any)	√	√	
Specialist Members	Optional	Optional	
Nominations Committee	Optional		
Referee Reports	Optional		
Interviews	Optional		

Part 6: Joint Nominations

This Policy acknowledges that the process for joint nominations will differ depending on the position and approach of the relevant Minister.

Where the Minister asks the LGA to put forward a panel of nominees from which the Minister may select a joint nominee, the LGA will use the same nominations process as for Class A or Class B nominations, which will be assigned to that Outside Body in the *Outside Bodies Database*.

Where the Minister asks for the LGA Board of Directors to support a specified candidate, the LGA will consider that candidate. Where the LGA Board of Directors does not support that candidate, the LGA will ask the Minister to allow it to conduct a call for nominations process in accordance with this Policy.

Part 7: Appointments or Nominations to non-statutory working or advisory groups

This Policy acknowledges that the process for appointments or nominations to non-statutory working or advisory groups will differ depending on the position and approach of the Outside Body.

Where a delegation to the LGA President and LGA CEO is in place, the President and CEO will exercise discretion regarding the appropriate process for appointments and nominations for an Outside Body. They will be guided but not bound by the processes outlined in this Policy.

Review

The effectiveness of this Policy will be reviewed and evaluated every two years or earlier if required to enhance the effectiveness of the Policy.

Availability

This Policy is available on the LGA's intranet.

PART A

LGA Appointments and Nominations to Outside Bodies — Call for Nominations

Libraries Board of SA	
Governing Statute (if applicable)	Section 9(1)(a) Libraries Act 1982
Purpose/Objective	<p>The functions of the Board are—</p> <ol style="list-style-type: none"> a) to formulate policies and guidelines for the provision of public library services; and b) to establish, maintain and expand collections of library materials and, in particular, collections of such materials that are of South Australian origin, or have a particular relevance to this State; and c) to administer the State Library; and d) to establish and maintain such other public libraries and public library services as may best conduce to the public interest; and e) to promote, encourage and assist in the establishment, operation and expansion of public libraries and public library services by councils and others; and f) to collaborate with an administrative unit of the Public Service or any other public sector agency (within the meaning of the Public Sector Act 2009) and any other authority or body, in the provision of library and information services; and g) to make recommendations to the Minister on the allocation of funds that are available for the purposes of public libraries and public library services; and h) to initiate and monitor research and experimental projects in relation to public libraries and public library services; and i) to keep library services provided in the State under continuing evaluation and review; and j) (o) to carry out any other functions assigned to the Board under this or any other Act or by the Minister.
Administrative Details	<ul style="list-style-type: none"> • 10 meetings per year held at State Library of South Australia • \$590 per session • Mileage paid for regional based members

PART B

Selection Criteria (to be addressed by applicant)	<ul style="list-style-type: none"> Local government knowledge and experience
<p><i>In accordance with the LGA Appointments and Nominations to Outside Bodies Policy, selection for appointment or nomination to this Outside Body may include the conduct of interviews and checking of referees by the LGA. By applying, the applicant accepts that the LGA may request an interview and/or the details of referees.</i></p>	
<p>Liability and indemnity cover</p> <p><i>The LGA requires that persons appointed to Outside Bodies be appropriately insured throughout the period of their appointment and seeks to collect details of the insurances provided by the Outside Body on an annual basis.</i></p>	
<p>For more information contact: LGA Nominations Coordinator at nominationscoordinator@lga.sa.gov.au or 8224 2000</p>	

PART B

LGA Appointments and Nominations to Outside Bodies — Nomination Form

Instructions

This form:

- *Must be submitted by a council*
- *Must be emailed in PDF format to nominationscoordinator@lga.sa.gov.au*
- *Receipt of nomination will be acknowledged by return email*
- *CV and response to selection criteria (if applicable) may be emailed separately by the nominee and will be treated confidentially*

This nomination form fulfils the requirements of the LGAs Appointments and Nominations to Outside Bodies Policy, [available here](#).

SECTION 1 to be completed by Council, SECTION 2 to be completed by Nominee.

Please refer to the *Call for Nominations* information sheet (PART A) for details of the Outside Body and the selection criteria to be met by the nominee.

SECTION 1: COUNCIL to complete

Libraries Board of SA	
Council Details	
Name of Council submitting the nomination	
Contact details of council officer submitting this form	Name: Position: Email: Phone:
Council meeting minute reference and date	
Nominee Full Name	
elected member <input type="checkbox"/> OR employee of council <input type="checkbox"/> OR employee of local government entity <input type="checkbox"/>	
<i>Note: by submitting this nomination council is recommending the nominee is suitable for the role.</i>	

PART B**SECTION 2: NOMINEE to complete**

Libraries Board of SA			
Nominee Details			
Name in full		Gender	
Home / Postal Address			
Phone		Mobile	
Personal Email			
Why are you interested in this role?			
CV	attached <input type="checkbox"/> OR forwarding separately <input type="checkbox"/>		
Response to selection criteria (if applicable) <i>Please refer to the Call for Nominations information sheet for the selection criteria to be addressed.</i>	<i>Nominee to provide response to selection criteria (of no more than 2 pages) for consideration by the LGA Board of Directors.</i> attached <input type="checkbox"/> OR forwarding separately <input type="checkbox"/>		
Do you agree for your details to be retained on the LGA Nominees Database for a period of 12 months in order to be considered for other vacancies on Outside Bodies? Yes <input type="checkbox"/> OR No <input type="checkbox"/> If Yes, please list any fields of interest or Outside Bodies of interest: • _____			
Undertaking: <i>The LGA Board resolved in January 2015 to ensure that appointees to external Boards and Committees remain current local government members or officers. If you leave local government for any reason during the term of your appointment, are you prepared to resign your appointment if requested to do so by the LGA?</i> Yes <input type="checkbox"/> No <input type="checkbox"/>			
Signature of Nominee: _____			

DECISION REPORT

REPORT TITLE:	CENTENNIAL PARK CEMETERY AUTHORITY STRATEGIC MANAGEMENT PLAN 2022-2026
ITEM NUMBER:	4.9
DATE OF MEETING:	28 MARCH 2022
AUTHOR:	KATHRYN GOLDY
JOB TITLE:	ACTING MANAGER GOVERNANCE
ATTACHMENTS:	1. CENTENNIAL PARK CEMETERY AUTHORITY - STRATEGIC PLAN 2022- 2026

1. **EXECUTIVE SUMMARY**

The purpose of this report is to provide the Centennial Park Cemetery Authority Strategic Plan 2022-2026 for endorsement.

2. **RECOMMENDATION**

That:

1. The report be received.
 2. The Centennial Park Cemetery Authority Strategic Management Plan 2022-2026 as set out in Attachment 1 to this report (Item 4.9, Council Meeting, 28/03/2022) be endorsed.
-

3. **RELEVANT CORE STRATEGIES/POLICIES**

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

4. **BACKGROUND**

The Centennial Park Cemetery Authority (CPCA) is an individual entity and regional subsidiary under the *Local Government Act 1999*, which is jointly owned by the Cities of Mitcham and Unley. The Authority operates in one business and geographical segment being burials, cremation, and memorials.

5. **DISCUSSION**

In accordance with clause 7.1 of the CPCA Charter, the CPCA must develop a four-year Strategic Management Plan (the Plan) which sets out the goals, objectives, strategies, and priorities of the Authority for the period.

A copy of the CPCA Strategic Management Plan 2022-2026 is provided as attachment 1 to this report.

Attachment 1

The four (4) Plan was endorsed by the CPCA Board in December 2021 following consultation with Council. The Plan was submitted to the CPCA Owners Executive Committee on 10 February 2022 where it was endorsed.

The Plan identifies four (4) pillars that the CPCA Board intends to focus on over the next four (4) years:

1. Information, Transparency & Choice
Knowledge from our community and around the world will guide us. We will provide clear information so people can make choices that best suit them.
2. Our Natural Environment
Continual regeneration of our Park, its assets, and our stunning natural botanical environment will ensure it is sustainably enriched and enhanced.
3. Connections and Collaboration
Connecting and collaborating with others will enable us to maximise the value we provide our community.
4. A People-First Culture
People and our care for them are at the heart of who we are and what we do.

Both constituent councils (Mitcham and Unley), must endorse the Plan. Feedback has been provided through the CPCA Owners Executive Committee on 10 February 2022.

At the time of writing this report, Administration is aware that the City of Mitcham is looking to endorse the Plan at their next Council Meeting, together with the CPCA Long Term Financial Plan and Asset Management Plan. Council has already approved these two Plans via the Audit Committee earlier this year.

6. **ANALYSIS OF OPTIONS**

Option 1 –

1. The report be received.
2. The Centennial Park Cemetery Authority Strategic Management Plan 2022-2026 as set out in Attachment 1 to this report (Item 4.9, Council Meeting, 28/03/2022) be endorsed.

This option allows Council to endorse the Plan, and following the Council decision, Administration will advise the CPCA and the City of Mitcham of the endorsement.

Option 2 –

1. The report be received.
2. The Centennial Park Cemetery Authority Strategic Management Plan 2022-2026 as set out in Attachment 1 to this report (Item 4.9, Council Meeting, 28/03/2022) be amended to incorporate:
 - *Amendments to be determined by Council*
 - *Etc*

and returned to Council for review.

Option 2 will provide Council with the opportunity to provide direction to the CPCA on what requirements and inclusions to the Strategic Management Plan 2022-2026 would be acceptable for Council to endorse.

This will mean that the CPCA Strategic Plan 2022-2026 is not endorsed at this Council Meeting and will be returned back to the CPCA for the amendments to be considered, prior to returning back to Council for its endorsement.

7. **RECOMMENDED OPTION**

Option 1 is the recommended option.

8. **POLICY IMPLICATIONS**

CPCA Charter requires that the Strategic Management Plan be developed and then submitted to Council for endorsement.

8.1 Financial/Budget

- The Council has a 50% share in CPCA's financial performance.

8.2 Legislative/Risk Management

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

8.3 Staffing/Work Plans

- Nil

8.4 Climate/Environmental Impact

- A strategic pillar of CPCA's four (4) year Plan is "Our natural Environment" – "Continual regeneration of our Park, its assets, and our stunning natural botanical environment will ensure it is sustainably enriched and enhanced".

8.5 Social/Economic

- CPCA provides an important service to metropolitan Adelaide. The City of Unley has a duty to ensure that it is governed efficiently and effectively.

8.6 Stakeholder Engagement

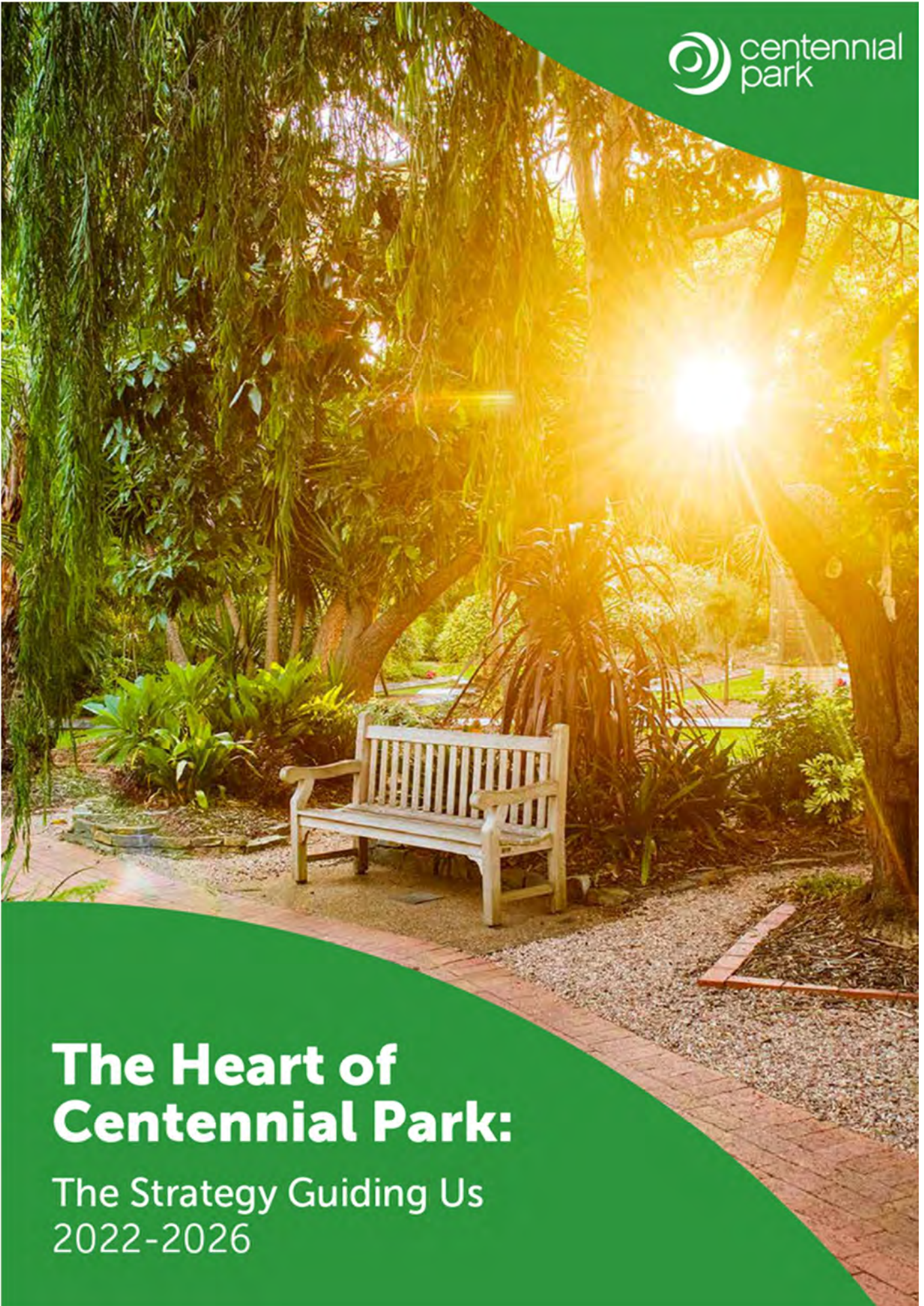
- The review of the Plan has been done in consultation with the constituent Councils, Owners Executive Committee, and the Board of CPCA.

9. REPORT CONSULTATION

- Nil

10. REPORT AUTHORISERS

Name	Title
Peter Tsokas	Chief Executive Officer



The Heart of Centennial Park:

The Strategy Guiding Us
2022-2026



Purpose

Our stunning botanical grounds are a welcoming sanctuary for all who visit; promoting peace, sustenance, healing, renewal and hope, enabling connection to each other and those no longer with us.

We empower families and the wider community with knowledge, care and compassion when someone dies or is dying, so they are aware of the choices available to them and are in control of the decisions to be made.

We encourage discussions and pre-planning for end-of-life and memorial decisions to assist people to communicate their wishes.



Guiding Principles

We champion the importance of memorialisation—a physical place and meaningful anchor point to strengthen enduring human connection and care.

We foster a culture of equality, kindness, respect and dignity, and physical & mental wellbeing.

We value individuality and personal choice for our community as they plan, say goodbye, grieve and continue to remember their loved ones.

We are passionate about managing the Park and its assets to not only sustain them but to regenerate them for current and future generations.

Strategic Pillars

Knowledge from our community and around the world will guide us. We will provide clear information so people can make choices that best suit them.



Information, Transparency & Choice

Continual regeneration of our Park, its assets, and our stunning natural botanical environment will ensure it is sustainably enriched and enhanced.



Our Natural Environment

Connecting and collaborating with others will enable us to maximise the value we provide our community.



Connections and Collaboration

People and our care for them are at the heart of who we are and what we do.



A People-First Culture



Information, Transparency & Choice

Knowledge from our community and around the world will guide us. We will provide clear information so people can make choices that best suit them.

Continual learning through active community engagement and research will ensure we meet the needs of our families and enhance the value we provide to the community.

Information and innovative solutions will be provided with clarity and care to enable people to make the best end-of-life choices for themselves and their families.

We will be courageous when communicating about end-of-life to normalise the conversations, welcome questions and encourage curiosity.

We will empower people with information to encourage them to plan for their end-of-life wishes and to communicate those wishes to their loved ones.

We value individuality and diversity and embrace our multicultural community. We have a thirst for knowledge of customs and to share that knowledge to grow community understanding and tolerance.

Encouraging visitation to and engagement with the Park will build mutually sustainable connections and change perceptions of how cemeteries can be.

We will communicate the benefits of memorialisation to enable a priceless and enduring connection to life, renewal, and hope.

We will use technology where it enhances our offerings, makes it easier for families to understand the choices available to them, and where it reinforces the importance of human connection.





Our Natural Environment

Continual regeneration of our Park, its assets, and our stunning natural botanical environment will ensure it is sustainably enriched and enhanced.

Our beautiful, valuable green space in the inner suburbs will be preserved for all to enjoy the healing benefits of its flora and fauna, including the precious wildlife corridor it offers.

We are a tranquil place for people to feel nurtured and renewed as they enjoy our many amenities; when visiting a memorial, attending a service, walking, cycling, or attending our onsite cafe or an event.

We value a healthy, natural environment and will actively contribute to improving it through reducing emissions, responsibly managing our energy, water use, and wastage, and enhancing our abundance of green space, including increasing plantings.

As current custodians of the Park, we will engage with and educate the community about environmental sustainability to deliver a valuable legacy for future generations.



Connections and Collaboration

Connecting and collaborating with others will enable us to maximise the value we provide to the community.

We will work closely with funeral directors, celebrants, and others to innovate and meet the needs of our customers better.

We will partner with our stakeholders, including owner councils and environmental and sustainability experts, to inform our responsible management of resources and operations.

We will build long-term relationships with those whose values and commitment to the utmost respect and dignity of life align with our own.





A People-First Culture



People and our care of them are at the heart of who we are and what we do.

We embrace opportunities to enrich lives in innovative ways and will connect with families, customers and stakeholders to show that care is at the heart of what we do and who we are.

We are clear about our values and our expectations of our team members, building their capacity and providing opportunities for growth and development to ensure we are well-positioned to deliver our services in the future.

We demonstrate compassion, respect, and empathy in helping families when they are grieving, and we acknowledge the impact this has on our team. We will always make the physical and mental health of our team and our visitors the highest priority and implement ways to care for them.





DECISION REPORT

REPORT TITLE:	REVIEW OF COUNCILS BY-LAWS 2022
ITEM NUMBER:	4.10
DATE OF MEETING:	28 MARCH 2022
AUTHOR:	KATHRYN GOLDY
JOB TITLE:	ACTING MANAGER GOVERNANCE
ATTACHMENTS:	<ol style="list-style-type: none">1. BY-LAW NO.1 PERMITS AND PENALTIES2. BY-LAW NO.2 ROADS3. BY-LAW NO.3 LOCAL GOVERNMENT LAND4. BY-LAW NO.4 MOVEABLE SIGNS5. BY-LAW NO.5 DOGS

1. **EXECUTIVE SUMMARY**

The City of Unley currently has five (5) By-laws which were last reviewed in 2015 and came into operation on 1 January 2016.

This report details proposed changes to the current Council By-laws numbered 1 – 5 that will expire on 1 January 2023. The report outlines the process required to establish and enact new By-laws prior to this date and seeks Council's endorsement for statutory public consultation for the proposed By-laws.

2. **RECOMMENDATION**

That:

1. The report be received.
 2. The proposed By-laws as set out in Attachment 1 to 5 to this Report (Item 4.10, Council Meeting, 28/03/2022), be endorsed for the purposes of public consultation for a minimum period of 21 days.
 3. The proposed By-laws as set out in Attachment 1 to 5 to this Report (Item 4.10, Council Meeting, 28/03/2022), be referred to the relevant State Government bodies.
 4. The CEO be authorised to make minor editorial and formatting changes as required to the proposed By-laws as set out in Attachment 1 to 5 to this Report (Item 4.10, Council Meeting, 28/03/2022), in order to finalise the documents for the purposes of undertaking public consultation.
-

3. RELEVANT CORE STRATEGIES/POLICIES

4. Civic Leadership

4.1 We have strong leadership and governance.

4. BACKGROUND

The City of Unley currently has five (5) By-laws that were last reviewed in 2015 and came into operation on 1 January 2016. In accordance with our legislative requirements, Council is now required to undertake a review this calendar year, being 2022, with a view to implement the proposed By-laws on 1 January 2023.

The five (5) By-laws, currently in place are:

- By-law No. 1 – Permits and Penalties
- By-law No. 2 – Roads
- By-law No. 3 – Local Government Land
- By-law No. 4 – Moveable Signs
- By-law No. 5 – Dogs

Administration has received legal assistance in the review and preparation of the proposed By-laws in line with the statutory timeframes to ensure that new By-laws are in place upon expiry of the existing By-laws.

Section 246 (1) of the *Local Government Act 1999* (the Act) states:

- (1) *Subject to this or another Act, a council may make by-laws –*
 - (a) *that are within the contemplation of this or another Act; or*
 - (b) *that relate to a matter in relation to which the making of by-laws is authorised by the regulations under this or another Act.*
- (2) *Without limiting subsection (1), a council has a general power to make by-laws for the good rule and government of an area, and for the convenience, comfort and safety of its community.*

Subject to section 238 (1) of the Act:

- (1) *A council may make by-laws controlling access to and use of local government land.*

Subject to section 239 (1) of the Act:

- (1) *A council may make by-laws about the use of roads for –*
 - (a) *moveable signs; or*
 - (b) *the broadcasting of announcements or advertisements; or*
 - (c) *public exhibitions or displays; or*
 - (d) *soliciting for religious or charitable purposes; or*
 - (e) *motor vehicle maintenance or repair; or*
 - (f) *the movement of animals; or any other use in relation to which the making of by-laws is authorised by regulation.*

Section 90 (1) of the *Dog and Cat Management Act 1995*, provides the power to make By-laws for the control or management of dogs and cats within its area.

5. **DISCUSSION**

Administration has reviewed and updated the current By-laws with legal assistance.

The proposed By-laws were provided to the Executive Management Team (EMT), relevant Managers, and staff as part of the internal consultation process and feedback has been incorporated into the proposed By-laws, which can be found in Attachments 1 to 5.

Attachment 1 – By-Law No. 1 – Permits and Penalties

Attachment 2 – By-Law No. 2 – Roads

Attachment 3 – By-Law No.3 – Local Government Land

Attachment 4 – By Law No. 4 – Moveable Signs

Attachment 5 – By Law No. 5 - Dogs

In addition to this a briefing was held on 7 February 2022 to enable further discussion on the proposed By-laws with Elected Members. The presentation was led by the legal firm assisting with this process. This briefing enabled staff to receive guidance on the preparation of the proposed By-laws. Following the briefing, Members were provided with a copy of the By-laws with track changes to assist in understanding the changes being proposed and to assist in providing feedback. Copies of the By-laws attached to this report are 'clean' versions.

The proposed By-laws have been drafted in a consistent manner and include the required legislative elements to meet Legislative Review Committee scrutiny and principles. The proposed By-laws are intended to provide for the good rule, government of the Council's area, and to preserve the convenience, comfort, and safety of the community.

In addition to the changes highlighted in this report, other drafting changes have been proposed by our lawyers. These changes have been made to ensure:

- the validity of the proposed By-laws;
- the practical efficacy (including for enforcement purposes) of the proposed By-laws;
- consistency with the principles and rules that apply to the adoption of By-laws under section 247 and 248 of the Act; and
- to ensure they are otherwise acceptable to the Legislative Review Committee (to the extent this can be anticipated).

Proposed By-laws

An overview of the proposed major changes is provided below:

By-law No. 1 – Permits and Penalties

Description – to create a permit system for Council By-laws, to fix maximum and continuing penalties for offences, and to clarify the construction of Council By-Laws.

Changes – Clause 7.2 now provides that permission of the Council under a By-law may also be given by way of the Council adopting a policy that applies generally for this purpose. No other substantive changes are proposed to this By-law and the balance of amendments are minor in nature, including to ensure the currency of the By-law.

Delegations are provided under By-law 1 for administrative staff to issue permits under the associated By-laws where permits are required.

The By-law allows those permits to be provided for particular terms and conditions as required, and for revocation, and allows for Council to set fees or charges for any such permit required under By-laws.

Expiation fees may be fixed for alleged offences against By-laws by the individual By-laws or by Council, however an expiation fee fixed by the Council cannot exceed 25% of the maximum fine for the offence to which it relates.

As from 10 November 2021, the maximum penalty cannot exceed \$1,250 and in the case of a continuing offence a further penalty not exceeding \$50 for every day on which the offence or breach of the By-law continues. Currently the expiation fee is set to be 25% of the maximum penalty for any offence under the By-law.

By-law No. 2 – Roads

Description – for the management, control, and regulation of activities on roads in the Council's area. The By-law provides for a range of provisions that are restricted or require Council permission to be undertaken on a road or road related area.

Changes – Proposed changes to this By-law included editorial, currency and formatting changes as recommended by Council's lawyers. There have also been changes to:

- refine the definition of 'camp' has been updated to avoid any inconsistencies with the *Road Traffic Act 1961*;
- include a definition of 'waste containers';
- include 'vegetation' as an obstruction;
- expand the activities that the By-law regulates to address Attachments, Camping and Tents, Defacing Properties, Rubbish Bins, Shared Transport Devices and Waste Containers; and
- inclusion of a clause to extend liability for offences involving a vehicle to the owner of the vehicle (as permitted by the Act).

It should be noted that a By-law cannot address the movement of vehicles on roads (including stopping and parking), as these activities are exclusively regulated by the *Road Traffic Act 1961* and Australian Road Rules.

By-law No. 3 – Local Government Land

Description – to manage and regulate the access and use of Local Government land (other than roads), and certain public places.

Changes – some additions are proposed to be included in this proposed By-law to address matters that are not currently covered by our existing By-laws. This includes:

- the inclusion of additional definitions for example, ‘boat’, ‘road’, ‘Local Government land’ and ‘wheeled recreational device’ to assist in correctly interpreting the By-law;
- refining and/or extending the scope of provisions that regulate boats, advertising to give greater flexibility to the Council;
- include ‘vegetation’ in as an encroachment;
- including additional controls to regulate golf, fireworks, model and drone planes and cars, share transport device schemes and wheeled recreational devices; and
- inclusion of a clause to extend liability for offences involving a vehicle to the owner of the vehicle (as permitted by the Act).

By way of example, activities currently permitted on local government land through licence agreements and hire agreements (which constitute a permission under the By-law), include exclusive use of Council reserves and hiring key locations for events, weddings, parties, and organised sports.

By-law No. 4 – Moveable Signs

Description – to set standards for moveable signs on roads and to provide conditions for the placement of such signs for the purposes of protecting visual amenity and public safety.

Changes – inclusion of a clause to extend liability for offences involving a vehicle to the owner of the vehicle (as permitted by the Act).

No other substantive changes are proposed to this By-Law.

The main activities regulated by the By-law is the placement of moveable signs on roads.

Authorised persons can remove signage in accordance with the Act that is displayed contrary to the By-law. Under the By-law Council can also determine any roads where signs cannot be displayed on amenity or safety grounds.

By-law No. 5 – Dogs

Description – to limit the number of dogs kept on premises and for the management and control of dogs in the Council's area.

Changes – while minor changes to this By-law are proposed along with editorial, currency and formatting changes as recommended by Council's lawyers. There are some other changes which include:

- provisions to address the application process to keep more than the prescribed limit of dogs;
- to prohibit dogs to be kept on premises where they cannot be securely confined (as determined by an authorised person);
- refining the dog on-leash and dog-prohibited area provisions to assist in them being more effectively enforced; and
- the inclusion of exemptions provisions which enable the Council to grant exemptions under the By-law. This is intended to give the Council greater flexibility in administering and enforcing the By-law.

Public and Government Consultation

Council's approval is sought to commence public consultation on the proposed By-laws.

Consultation will be carried out in accordance with section 249 of the Act and Council's Community Engagement & Public Consultation Policy.

In addition, consultation on By-law 5 – Dogs is required with the Dog and Cat Management Board. The consultation will include submissions of a report required under section 90(5) of the *Dog and Cat Management Act 1995*. Council's public consultation for By-Law 5 is required to commence 21 days after referral to the Dog and Cat Management Board.

In addition, By-Law 3 (that operates in respect of waters on local government land) will be referred to the Department for Infrastructure and Transport for comment in accordance with current industry arrangements.

The proposed timeline for consultation is as follows:

- 31 March 2022 – Notify the Dog and Cat Management Board of draft By-law 5 Dogs.
- 22 April 2022 – Commence community consultation on By-laws 1-5, noting formal consultation on By-law 5 is required to commence 21 days after notification to the Dog and Cat Management Board.
- 20 May 2022 – Community consultation period concludes.

In accordance with section 249 of the Act and Council's Community Engagement and Public Consultation Policy, a notice of the public consultation period will be placed in the Advertiser, the local paper circulating in the City of Unley area - Adelaide East Herald, and on Council's website. In addition, information regarding the public consultation will be promoted on our social media channels.

Copies of the proposed By-laws will be available for public inspection without charge at the City of Unley.

At the conclusion of the public and government consultations, all feedback will be considered and where appropriate amendments will be proposed to the draft By-laws for Councils further consideration.

Conclusion

This report seeks a Council resolution to undertake statutory public consultation on the proposed By-laws.

Following public consultation, the proposed By-laws and associated documentation will be presented to Council for formal adoption. If amendments to the proposed By-laws are significant then there may be requirement to undergo a further round of consultation.

Under the Act, at least two-thirds of Elected Members will be required to be present at the Council meeting (where the By-laws will be presented for adoption), with support by an absolute majority of Elected Members.

Once the By-laws are finalised, the lawyers will prepare the Certificates of Validity, a National Competition Policy report, Government Gazette notices and submit the reports to the Legislative Review Committee report for each By-law.

The By-laws will come into effect four (4) months after the date they are published in the Government Gazette, which is likely to be on or around (but no later than) 1 January 2023.

6. ANALYSIS OF OPTIONS

Option 1 –

1. The report be received.
2. The proposed By-laws as set out in Attachment 1 to 5 to this Report (Item 4.10, Council Meeting, 28/03/2022), be endorsed for the purposes of public consultation for a minimum period of 21 days.
3. The proposed By-laws as set out in Attachment 1 to 5 to this Report (Item 4.10, Council Meeting, 28/03/2022), be referred to the relevant State Government bodies.
4. The CEO be authorised to make minor editorial and formatting changes as required to the proposed By-laws as set out in Attachment 1 to 5 to this Report (Item 4.10, Council Meeting, 28/03/2022), in order to finalise the documents for the purposes of undertaking public consultation.

This option would allow Council to commence the statutory public consultation period with our community along with the Dog and Cat Management Board so that it is on track to make new By-laws in time for them to commence prior to the existing By-laws expiring (which will avoid any period when there are no By-laws operable in the Council's area).

Option 2 –

1. The report be received.
2. The following further option be considered in regard to the proposed By-Law review:
 - 2.1 to be determined by Council
 - 2.2 etc

and a revised version of the proposed By-law 1 – 5 be represented to Council for endorsement for public consultation.

Council may wish to request that consideration be given to different options be developed as part of the proposed By-laws review. The revised proposed By-laws would need to return to Council for endorsement at a future date prior to public consultation commencing. This option may impact on the Council's ability to adopt new By-laws that commence operation before the existing By-laws expire.

7. RECOMMENDED OPTION

Option 1 is the recommended option.

8. POLICY IMPLICATIONS

8.1 Financial/Budget

- The amount of \$10,000 has been allocated in the 2021/22 budget for the conduct of the By-law review.

8.2 Legislative/Risk Management

- By-laws are supplementary legislation set by Council to manage, control and regulate activities within our Council area. The power to set By-laws is provided under the *Local Government Act 1999*.
- The Council's By-laws do not replace or override existing State legislation but are additional and often relate to various matters of public interest. Some offences are subject to the expiation fees set by Council in the annual fees and charges schedule.
- The Council's existing By-laws expire on 1 January 2023. If new By-laws are not made and commence prior to this date, then the Council will be unable to enforce any By-laws in its area until new By-laws are made and commence operation.

8.3 Staffing/Work Plans

- The work associated with the By-law review is primarily being undertaken by the Governance team with input from other business areas as required. This work is being managed within current work plans.

8.4 Climate/Environmental Impact

- Nil

8.5 Social/Economic

- Nil

8.6 Stakeholder Engagement

- Public Consultation will commence following a resolution from Council to proceed to this next step in the process. Public consultation will be advertised on Council's social media sites, in our community centres and customer service areas to encourage feedback from the public. Staff will also use the Your Say platform.
- Advertisements will be placed in the Advertiser Newspaper and the locally distributed newspaper Adelaide East Herald.
- Consultation will also occur with the Dog and Cat Management Board and the Department for Infrastructure and Transport.

9. REPORT CONSULTATION

- Transport Lead
- Manager Assets and Operations
- Manager Development and Regulatory Service
- EMT

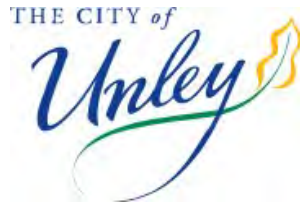
Staff have been consulted and have provided feedback in relation to the proposed By-laws 1- 5, in addition to a briefing held with Elected Members on 7 February 2022.

Following the Elected Member briefing, Elected Members were provided with the option to comment, ask further questions, or suggest changes prior to the report being brought to Council.

Legal advice has been received from the lawyers engaged to assist Council with this process.

10. REPORT AUTHORISERS

Name	Title
Peter Tsokas	Chief Executive Officer



CITY OF UNLEY

PERMITS AND PENALTIES BY-LAW 2022

By-law No. 1 of 2022

A By-law to create a permit system for Council By-laws, to fix maximum and continuing penalties for offences, and to clarify the construction of Council By-laws.

PART 1 – PRELIMINARY

1. Title

This By-law may be cited as the *Permits and Penalties By-law 2022* and is By-law No. 1 of the City of Unley.

2. Authorising law

This By-law is made under section 246 of the Act.

3. Purpose

The objects of this By-law are to provide for the good rule and government of the Council area, and for the convenience, comfort and safety of its inhabitants by:

- 3.1 creating a permit system for Council By-laws;
- 3.2 providing for the enforcement of breaches of Council By-laws and fixing penalties; and
- 3.3 clarifying the construction of Council By-laws.

4. Commencement, revocation and expiry

- 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation¹:

*By-law No.1 – Permits and Penalties 2015.*²

- 4.2 This By-law will expire on 1 January 2030.³

Note-

1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted (section 249(5) of the Act).
2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

5. Application

This By-law applies throughout the Council's area.

6. Interpretation

In this By-law, unless the contrary intention appears:

- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 **Council** means the City of Unley; and
- 6.3 **person** includes a natural person or a body corporate.

Note-

Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Act.

7. Construction of By-laws generally

- 7.1 Every By-law of the Council is subject to any Act of Parliament and Regulations made thereunder.
- 7.2 In any By-law of the Council and unless the contrary intention appears, **permission** means permission granted by the Council (or its delegate) in writing prior to the act, event or activity to which it relates, and includes permission of general application granted by way of the Council adopting a policy for that purpose.

PART 2 – PERMITS AND PENALTIES

8. Permits

- 8.1 Where a By-law requires that permission be obtained, any person seeking the grant of permission must submit a written application to the Council in the form (if any) and accompanied by the fee (if any) prescribed by the Council.
- 8.2 The Council (or such other person as the Council may authorise) may attach such conditions as it thinks fit to a grant of permission and may vary or revoke such conditions or impose new conditions by notice in writing to the person granted permission.
- 8.3 A person granted permission under a By-law must comply with every such condition. Failure to do so is an offence (to the extent that the failure gives rise to a contravention of a By-law).
- 8.4 The Council (or such other person authorised by the Council) may suspend or revoke a grant of permission under a By-law at any time by notice in writing to the person granted permission.

9. Offences and penalties

- 9.1 A person who commits a breach of any By-law of the Council is guilty of an offence and may be liable to pay:
 - 9.1.1 a maximum penalty being the maximum penalty referred to in the Act that may be fixed by a By-law for any breach of a By-law; or

9.1.2 subject to any resolution of the Council to the contrary, the expiation fee fixed by the Act for alleged offences against By-laws, being a fee equivalent to 25 per cent of the maximum penalty fixed for any breach of a By-law.

9.2 A person who commits a breach of a By-law of the Council of a continuing nature is guilty of an offence and, in addition to any other penalty that may be imposed, is liable to a further penalty for every day on which the offence continues, such penalty being the maximum amount referred to in the Act that may be fixed by a By-law for a breach of a By-law of a continuing nature

Note-

The maximum penalty for a breach of a By-law is prescribed by section 246(3)(g) of the Act.

Pursuant to section 246(5) of the Act expiation fees may be fixed for alleged offences against by-laws either by a by-law or by resolution of the Council. However, an expiation fee fixed by the Council cannot exceed 25 per cent of the maximum penalty for the offence to which it relates.

This By-law was duly made and passed at a meeting of the City of Unley held on [INSERT DATE] by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

.....
PETER TSOKAS
Chief Executive Officer



CITY OF UNLEY

ROADS BY-LAW 2022

By-law No. 2 of 2022

This By-law is for the management, control and regulation of activities on roads in the Council's area.

PART 1– PRELIMINARY

1. Title

This By-law may be cited as the *Roads By-law 2022* and is By-law No. 2 of the City of Unley.

2. Authorising law

This By-law is made under sections 239 and 246 of the *Local Government Act 1999* and regulation 28 of the *Local Government (General) Regulations 2013*.

3. Purpose

The objectives of this By-law are to manage, control and regulate certain uses of roads in the Council area:

- 3.1 to protect the convenience, comfort and safety of road users and members of the public;
- 3.2 to prevent damage to buildings and structures on roads;
- 3.3 to prevent certain nuisances occurring on roads; and
- 3.4 for the good rule and government of the Council area.

4. Commencement, revocation and expiry

4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation:¹

*By-Law No. 2 – Roads 2015.*²

4.2 This By-law will expire on 1 January 2030.³

Note-

1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted (section 249(5) of the Act).
2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

5. Application

- 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2022*.
- 5.2 Subject to subclause 5.3, this By-law applies throughout the Council's area.
- 5.3 Subclauses 7.3.1 and 7.5.2 of this By-law apply throughout the Council area except in such parts of the Council area as the Council may by resolution direct in accordance with section 246(3)(e) of the Act.

6. Interpretation

In this By-law, unless the contrary intention appears:

- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 **animal** includes birds, insects and poultry but does not include a dog;
- 6.3 **authorised person** is a person appointed by the Council as an authorised person under section 260 of the Act;
- 6.4 **camp** includes setting up a camp or causing:
 - 6.4.1 a tent or other structure of calico, canvas, plastic or other similar material; or
 - 6.4.2 a swag or similar bedding; or
 - 6.4.3 subject to the *Road Traffic Act 1961*, a caravan, motor home or similar camping vehicle -

to remain on a road for the purpose of staying overnight, whether or not any person is in attendance or sleeps on the road;
- 6.5 **Council** means the City of Unley;
- 6.6 **effective control** means a person exercising effective control of an animal either:
 - 6.6.1 by means of a physical restraint; or
 - 6.6.2 by command, the animal being in close proximity to the person and the person being able to see the animal at all times;
- 6.7 **electoral matter** has the same meaning as in the *Electoral Act 1995* provided that such electoral matter is not capable of causing physical damage or injury to a person within its immediate vicinity;
- 6.8 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014*;
- 6.9 **moveable sign** has the same meaning as in the Act;
- 6.10 **road** has the same meaning as in the Act, being a public or private street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles or pedestrians or both and includes—
 - 6.10.1 a bridge, viaduct or subway; or
 - 6.10.2 an alley, laneway or walkway;

6.11 **vehicle** has the same meaning as in the *Road Traffic Act 1961*; and

6.12 **waste containers** means a container for the disposal of domestic waste, recyclables or green organics that is used to facilitate the kerbside collection of waste from premises by the Council or its agents or contractors.

Note-

Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law was made.

PART 2 – USE OF ROADS

7. Activities requiring permission

A person must not engage in or undertake any of the following activities on a road without the permission of the Council.

7.1 Advertising

Display or cause to be displayed on a road or on a structure on a road, any poster, advertising or sign for the purpose of advertising goods or services or for any other purpose, other than a moveable sign that is displayed in accordance with the Council's Moveable Signs By-law.

Note-

Movable signs on roads are regulated by sections 226 and 227 of the Act and the Council's Moveable Signs By-law.

7.2 Amplification

Use an amplifier or other device whether mechanical or electrical for the purpose of amplifying sound or magnifying sound including the broadcasting of announcements or advertisements.

7.3 Animals

7.3.1 Cause or allow an animal to stray onto, move over, or graze on a road except where the Council has resolved to set aside a track or other area for use by or in connection with an animal of that kind, and provided the animal or animals are under effective control.

7.3.2 Lead, herd or exercise an animal in such a manner as to cause a nuisance or endanger the safety of a person.

7.4 Attachments

Attach or cause to be attached, hang or fix anything to a Council owned tree, plant, equipment, fence, post, structure or fixture on a road.

7.5 Camping and Tents

7.5.1 Subject to this subclause 7.5, erect a tent or other structure of calico, canvas, plastic or other similar material as a place of habitation or carry out any camping activities including (but not limited to) washing, cooking, sleeping.

7.5.2 Camp or occupy any caravan or other camping vehicle for or in connection with undertaking camping activities, including (but not limited to) washing, cooking, sleeping, except on any road to which the Council has resolved this subclause applies.

7.6 Defacing Property

Deface, paint, spray, write, cut names, letters or make marks on any tree, rock, gate, fence, building, sign, bridge or property of the Council.

7.7 Donations

Ask for or receive or do anything to indicate a desire for a donation of money or any other thing.

7.8 Obstructions

7.8.1 Erect, install, place or maintain or cause to be erected, installed, placed or maintained any structure, object or material of any kind so as to obstruct a road, footway, water-channel, vegetation, or watercourse in a road.

7.8.2 Lock, affix, place or leave a bicycle, scooter or other mobility device on a road:

7.8.2.1 except on a structure or space specifically designed and set aside by the Council for that purpose; and

7.8.2.2 in any event, in such a manner that the bicycle, scooter or device may cause an obstruction or unreasonable hazard to road users.

7.9 Preaching & Canvassing

7.9.1 Preach, harangue, solicit or canvass for religious or charitable purposes.

7.9.2 Subject to subclause 11.2, convey any religious or other message to any bystander, passerby or other person.

7.10 Public Exhibitions and Displays

7.10.1 Sing, busk, play a recording or use a music instrument, or perform similar activities.

7.10.2 Conduct, cause or hold a concert, festival, show, display public gathering, circus, performance or a similar activity.

7.10.3 Erect a stage or structure for the purpose of conducting or holding a concert, festival, show, circus, performance or a similar activity.

7.10.4 Cause any public exhibition or displays.

7.11 Rubbish Bins

Deposit in any bin on a road that is owned or provided by the Council, any rubbish:

7.11.1 emanating from a domestic, commercial or trade source; or

7.11.2 that is not rubbish of the type permitted to be placed in the bin, as indicated on signs on the bin or in its vicinity.

7.12 Repairs to Vehicles

Repair, wash, paint, panel beat or perform other work of any nature on or to any vehicle, except for running repairs in the case of a vehicle breakdown.

7.13 Shared Transport Devices

- 7.13.1 Operate a share transport device scheme.
- 7.13.2 Leave a share transport device on a road other than in accordance with any conditions determined by the Council (including as may be set out in a policy from time to time) that are published on the Council's website.
- 7.13.3 For the purposes of this subclause 7.13:
 - 7.13.3.1 **share transport device** means a bike, scooter or other mobility device that is available for hire (for fee or otherwise) in the Council's area by members of the public in connection with a share device scheme, including through the use of a special purpose smartphone application; and
 - 7.13.3.2 **share transport device scheme** means a scheme operated in the Council's area which involves share bikes, scooters (dockless or otherwise) or other mobility devices being made available for hire by any person for a fee or otherwise.

7.14 Waste Containers

Place, cause or allow to be placed, waste containers on a road to facilitate the collection of waste generated on neighbouring or nearby premises by the Council (including its agents or contractors) unless the waste containers are placed on the road:

- 7.14.1 on the day nominated by the Council for the collection of waste from the relevant premises or after 4pm the preceding day (and not before these times);
- 7.14.2 in a position that:
 - 7.14.2.1 is adjacent to the kerb (not on the carriageway) so that the front of the bin faces the road; and
 - 7.14.2.2 is not under the overhanging branches of a tree; and
 - 7.14.2.3 is not under any street signs; and
 - 7.14.2.4 is as may otherwise be directed by the Council; and
- 7.14.3 for a period that does not extend beyond 11:59pm on the next day following the day that waste has been collected from the waste container.

Note-

To avoid doubt clause 7.14.3 operates such that a waste container that is placed on a road for collection must be removed from the road before 11.59pm on the day following the date of collection.

PART 3 – ENFORCEMENT

8. Directions

A person on a road who, in the opinion of an authorised person is committing or has committed a breach of this By-law, must immediately comply with a direction of the authorised person to leave that part of the road.

9. Orders

If a person does not comply with an order of an authorised person made pursuant to section 262 of the Act in respect of a breach of this By-law, the Council may seek to recover its costs of any action taken under section 262(3) of the Act from the person to whom the order was directed.

Note-

Section 262(1) of the Act states:

If a person (the offender) engages in conduct that is a contravention of this Act or a By-law under this Act, an authorised person may order the offender-

- a) *if the conduct is still continuing – to stop the conduct; and*
- b) *whether or not the conduct is still continuing – to take specified action to remedy the contravention*

Subsections (2) and (3) of section 262 also provide that it is an offence to fail to comply with an order and that if a person does not comply, the authorised person may take action reasonably required to have the order carried out.

For example, an authorised person may order a person to:

- cease busking on a road;
- remove an object or structure blocking a footpath; or
- remove advertising displayed on a structure on a road.

10. Removal of animals and objects

10.1 The Council (or its delegate) may, pursuant to section 234 of the Act, remove an animal or object that is on a road in breach of a By-law if the Council (or its delegate) reasonably believes that no person is in charge of the animal or object.

10.2 The Council may seek to recover from the owner of an object removed under subclause 10.1 the costs it incurs in removing that object.

PART 4 – MISCELLANEOUS

11. Exemptions

11.1 The restrictions in this By-law do not apply to any emergency worker, Police Officer, Council Officer or employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision or in accordance with a direction of a Council Officer.

11.2 The restriction in subclause 7.9.2 of this By-law does not apply to electoral matter authorised by a candidate and which is:

11.2.1 related to a Commonwealth or State election and occurs during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day;

11.2.2 related to an election under the Act or the *Local Government (Elections) Act 1999* and occurs during the period commencing four weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or

11.2.3 related to, and occurs during the course of and for the purpose of a referendum.

12. Liability of vehicle owners

- 12.1 For the purposes of this clause 12, **owner** in relation to a vehicle has the same meaning as contained in section 4 of the Act.
- 12.2 The owner and the driver of a vehicle driven, parked or standing in contravention of this By-law are each guilty of an offence and liable to the penalty as prescribed for that offence.

This By-law was duly made and passed at a meeting of the City of Unley held on **[INSERT DATE]** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

.....

PETER TSOKAS
Chief Executive Officer



CITY OF UNLEY

LOCAL GOVERNMENT LAND BY-LAW 2022

By-law No. 3 of 2022

This By-law is to manage and regulate the access to and use of Local Government land (other than roads), and certain public places.

PART 1 – PRELIMINARY

1. Title

This By-law may be cited as the *Local Government Land By-law 2022* and is By-law No. 3 of the City of Unley.

2. Authorising law

This By-law is made under sections 238 and 246 of the *Local Government Act 1999* and section 18A of the *Harbors and Navigation Act 1993*.

3. Purpose

The objectives of this By-law are to regulate the access to and use of Local Government land (other than roads), and certain public places:

- 3.1 to prevent and mitigate nuisances;
- 3.2 to prevent damage to Local Government land;
- 3.3 to protect the convenience, comfort and safety of members of the public;
- 3.4 to enhance the amenity of the Council's area; and
- 3.5 for the good rule and government of the Council's area.

4. Commencement, revocation and expiry

4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation:¹

*By-law No. 3 – Local Government Land 2015.*²

4.2 This By-law will expire on 1 January 2030.³

Note-

1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted: (section 249(5) of the Act).
2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.

3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

5. Application

- 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2022*.
- 5.2 Subject to subclauses 5.3 and 5.4, this By-law applies throughout the Council's area.
- 5.3 Subclauses 9.2, 9.20.3, 9.20.3, 9.20.4, 9.23.2, 9.33, 10.6 and 10.11 of this By-law only apply in such part or parts of the Council area as the Council may, by resolution direct in accordance with section 246(3)(e) of the Act.
- 5.4 Subclauses 9.7.1- 9.7.3, 9.10.2, 9.20.1, and 9.29.1 of this By-law apply throughout the Council area except in such parts of the Council area as the Council may by resolution direct in accordance with section 246(3)(e) of the Act.

6. Interpretation

In this By-law, unless the contrary intention appears:

- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 **animal** includes birds and insects but does not include a dog unless otherwise stated;
- 6.3 **authorised person** is a person appointed by the Council as an authorised person under section 260 of the Act;
- 6.4 **boat** includes a raft, pontoon, houseboat, personal watercraft or other similar device;
- 6.5 **camp** includes setting up a camp, or causing a tent, swag and/or similar bedding, a caravan, motor home or other camping vehicle, to remain on the land for the purpose of staying overnight, whether or not any person is in attendance or sleeps on the land;
- 6.6 **Council** means the City of Unley;
- 6.7 **electoral matter** has the same meaning as in the *Electoral Act 1985* provided that such electoral matter is not capable of causing physical damage or injury to any person within its immediate vicinity;
- 6.8 **effective control** means a person exercising effective control of an animal either:
 - 6.8.1 by means of a physical restraint; or
 - 6.8.2 by command, the animal being in close proximity to the person and the person being able to see the animal at all times;
- 6.9 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules-Ancillary and Miscellaneous Provisions) Regulations 2014*;
- 6.10 **funeral ceremony** means a ceremony only (i.e. a memorial service) and does not include a burial;
- 6.11 **liquor** has the same meaning as in the *Liquor Licensing Act 1997*;

- 6.12 **Local Government land** means all land owned by the Council or under the Council's care, control and management (except roads);
- 6.13 **offensive** includes threatening, abusive, insulting or annoying behaviour and offend has a complementary meaning;
- 6.14 **open container** means a container that:
- 6.14.1 after the contents of the container have been sealed at the time of manufacture:
 - 6.14.1.1 being a bottle, it has had its cap, cork or top removed (whether or not it has since been replaced);
 - 6.14.1.2 being a can, it has been opened or punctured;
 - 6.14.1.3 being a cask, it has had its tap placed in a position to allow it to be used;
 - 6.14.1.4 being any other form of container, it has been opened, broken, punctured or manipulated in such a way as to allow access to its contents; or
 - 6.14.2 is a flask, glass, mug or other container able to contain liquid.
- 6.15 **personal watercraft** has the same meaning as in the *Harbors and Navigation Act 1993*, which is a device that –
- 6.15.1 is propelled by a motor;
 - 6.15.2 has a fully enclosed hull;
 - 6.15.3 is designed not to retain water if capsized; and
 - 6.15.4 is designed to be operated by a person who sits astride, stands, or kneels on the device;
- and includes the device commonly referred to as a jet ski;
- 6.16 **tobacco product** has the same meaning as in the *Tobacco and E-Cigarette Products Act 1997*;
- 6.17 **road** has the same meaning as in the Act;
- 6.18 **vehicle** has the same meaning as in the *Road Traffic Act 1961*;
- 6.19 **waters** includes a body of water, including a pond, lake, river, creek or wetlands under the care, control and management of the Council; and
- 6.20 **wheeled recreational device** has the same meaning as in the *Road Traffic Act 1961*.

Note-

Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in a By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law was made.

PART 2 – ACCESS TO LOCAL GOVERNMENT LAND

7. Access

Note-

Pursuant to section 238(3) of the Act, if a Council makes a By-law about access to or use of a particular piece of Local Government land (under section 238), the Council should erect a sign in a prominent position on, or in the immediate vicinity of, the land to which the By-law applies.

The Council may:

- 7.1 close, or regulate or restrict access to, any part of Local Government land to the public for specified times and days; and
- 7.2 fix charges or fees payable for entry onto any part of Local Government land.

8. Closed lands

A person must not without permission, enter or remain on any Local Government land:

- 8.1 which has been closed, or in respect of which access by the public is regulated or restricted in accordance with subclause 7.1;
- 8.2 where entry fees or charges are payable, without paying those fees or charges; or
- 8.3 where the land has been enclosed by fences and/or walls and gates that have been closed and locked or, where a sign is displayed at the entrance of the land notifying that the land has been closed.

PART 3 – USE OF LOCAL GOVERNMENT LAND

9. Activities requiring permission

Note-

Pursuant to section 238(3) of the Act, if a Council makes a By-law about access to or use of a particular piece of Local Government land (under section 238), the Council should erect a sign in a prominent position on, or in the immediate vicinity of, the land to which the By-law applies.

A person must not without the permission of the Council, do any of the following on Local Government land.

9.1 Advertising

Display, paint or erect or cause to be displayed, painted or erected, on Local Government land or a structure, building or fixture on Local Government land any sign, advertising or hoarding for the purpose of commercial advertising or any other purpose.

9.2 Alcohol

Consume, carry or be in possession or in charge of any liquor in an open container on Local Government land comprising parks or reserves to which the Council has determined this paragraph applies.

9.3 Amplification

Use an amplifier or other mechanical or electrical device for the purpose of amplifying sound or broadcasting announcements or advertisements.

9.4 Animals

- 9.4.1 Cause or allow an animal to stray onto, move over, graze or be left unattended.
- 9.4.2 Cause or allow an animal to enter, swim, bathe or remain in any waters located thereupon.
- 9.4.3 Lead, herd or exercise any animal, except where the Council has set aside a track or other area for use by or in connection with an animal of that kind and provided that the animal or animals are under effective control.

9.5 Attachments

Subject to subclause 9.1, attach or cause to be attached, hang or fix anything to a tree, plant, equipment, fence, post, structure or fixture on Local Government land.

9.6 Bees

Place a hive of bees thereupon, or allow it to remain thereon.

9.7 Boats & Mooring

Subject to the *Harbors and Navigation Act 1993* and the *Marine Safety (Domestic Commercial Vessel) National Law*:

- 9.7.1 launch or retrieve a boat to or from any waters except in an area to which the Council has resolved this subclause applies:
- 9.7.2 use, propel, float or operate, or cause to be used, propelled, floated or operated, a boat in any waters except in an area to which the Council has resolved this subclause applies and in accordance with any conditions that the Council may have determined by resolution apply to that use:
- 9.7.3 hire out a boat or otherwise use a boat for commercial purposes except in an area to which the Council has resolved this subclause applies; or
- 9.7.4 Moor any boat on or to Local Government land.

9.8 Buildings

Use a building, or structure on Local Government land for a purpose other than its intended purpose.

9.9 Burials and Memorials

- 9.9.1 Bury, inter or spread the ashes of any human or animal (including a dog) remains.
- 9.9.2 Erect any memorial.

9.10 Camping and Tent

- 9.10.1 Subject to this subclause 9.10, erect a tent or other structure of calico, canvas, plastic or similar material as a place of habitation.
- 9.10.2 Camp, sleep overnight or occupy any caravan or other camping vehicle for or in connection with undertaking camping activities (including but not limited to washing, cooking, sleeping) except in an area which has been

designated by resolution of the Council for that purpose and only then, in accordance with any conditions determined by resolution of the Council and contained in any signage erected thereon.

9.11 Canvassing

Subject to subclause 14.2, convey any advertising, religious or other message to any bystander, passer-by or other.

9.12 Defacing Property

Deface, remove, paint, spray, write upon, cut names, letters or make marks on any tree, rock, gate, fence, object, monument, building, sign, bridge or property of the Council.

9.13 Donations

Ask for or receive or indicate that he or she desires a donation of money or any other thing.

9.14 Encroachment

Erect, maintain or place, or cause to be erected, maintained or placed, any fencing, post, vegetation or other structure or item so as to encroach onto the land.

9.15 Entertainment and Busking

9.15.1 Sing, busk or play a recording or use a musical instrument for the apparent purpose of entertaining others whether or not receiving money.

9.15.2 Conduct or hold a concert, festival, show, public gathering, circus, meeting, performance or any other similar activity.

9.16 Equipment

Use an item of equipment, facilities or property belonging to the Council other than in accordance with any conditions of use contained on a sign or notice in the vicinity of the equipment, facility or property.

9.17 Fires

Subject to the *Fire and Emergency Services Act 2005* light a fire except:

9.17.1 in a place provided by the Council for that purpose; or

9.17.2 in a portable barbeque, as long as the barbeque is used in an area that is clear of flammable material for a distance of at least four (4) metres.

9.18 Fireworks

Ignite, explode or use any fireworks.

9.19 Flora and Fauna

Subject to the *Native Vegetation Act 1991* and the *National Parks and Wildlife Act 1972*:

9.19.1 plant, damage, pick, cut, disturb, interfere with or remove any plant, tree or flower thereon;

- 9.19.2 cause or allow an animal (including a dog) to stand or walk on any flower bed or garden plot;
 - 9.19.3 deposit, dig, damage, disturb, interfere with or remove any soil, stone, wood, clay, gravel, pebbles, timber, bark or any part of the land;
 - 9.19.4 take, interfere with, tease, harm or disturb any animal, bird or aquatic life or the eggs or young of any animal, bird or aquatic life;
 - 9.19.5 pick, collect, take, interfere with or disturb any fruit, nuts, berries or native seeds;
 - 9.19.6 disturb, interfere with or damage any burrow, nest or habitat of any animal or bird;
 - 9.19.7 use, possess or have control of any device for the purpose of killing or capturing any animal, bird or aquatic life; or
 - 9.19.8 collect or take any dead wood or timber or burn any timber or dead wood; –
- with the exception that subclauses 9.19.4 and 9.19.7 do not apply to lawful fishing activities or to catching yabbies.

9.20 **Games & Sport**

- 9.20.1 Participate in, promote or organise any organised competition or sport, as distinct from organised social play except on any Local Government land to which the Council has determined this subclause applies.
- 9.20.2 Play, practise or participate in any game which involves the use of a ball, missile or other object which by the use thereof may cause or be likely to cause injury or discomfort to any person being on or in the vicinity of that land or detract from or be likely to detract from another person's lawful use and enjoyment of that land.
- 9.20.3 Engage or participate in or conduct any organised group fitness activity or training on Local Government land to which the Council has resolved this subclause applies.
- 9.20.4 Play or practise any game or sport on Local Government land to which the Council has resolved this subclause applies except at the times determined by the Council and indicated on a sign on or in the vicinity of the land (if any).
- 9.20.5 Participate in any game, recreational activity or event where the Council has caused a notice to be erected indicating the game, recreational activity or event is prohibited.

9.21 **Golf**

Except on a properly constructed golf course or practice fairway, play or practice golf.

9.22 **Interference with Land**

Interfere with, alter or damage the land (including a building, structure or fixture located on the land) including:

- 9.22.1 altering the construction or arrangement of the land to permit or facilitate access from an adjacent property;

- 9.22.2 erecting or installing a structure in, on, across, under or over the land;
- 9.22.3 changing or interfering with the construction, arrangement or materials of the land;
- 9.22.4 planting a tree or other vegetation on the land, interfering with the vegetation on the land or removing vegetation from the land; or
- 9.22.5 otherwise use the land in a manner contrary to the purpose for which the land was designed to be used.

9.23 Model Aircraft, Boats and Cars

- 9.23.1 Fly or operate a model or drone aircraft, boat or model or remote control vehicle in a manner which may cause or be likely to cause injury or discomfort to a person being on or in the vicinity of the land, or detract from or be likely to detract from another person's lawful use of and enjoyment of the land.
- 9.23.2 Fly or operate a model or drone aircraft, boat or model or remote control vehicle on any Local Government land to which the Council has resolved this subclause applies.

9.24 Overhanging Articles

Suspend or hang an article or object from a building, verandah, pergola, post or other structure on Local Government land where it might present a nuisance or danger to a person using the land or be of an unsightly nature in the opinion of an authorised person.

9.25 Playing Area

Use or occupy a playing area:

- 9.25.1 in such a manner as to damage or be likely to damage the surface of the playing area or infrastructure (above and under ground level);
- 9.25.2 in a manner contrary to the purpose for which the playing area was intended to be used or occupied; or
- 9.25.3 contrary to directions of the Council made by resolution and indicated on a sign displayed on or in the vicinity of the playing area.

9.26 Preaching

Preach, harangue or solicit for religious purposes.

9.27 Rubbish Bins

Remove, disperse or interfere with any rubbish (including bottles, newspapers, cans, containers or packaging) that has been discarded in a bin on any Local Government land, or placed on Local Government land for collection by the Council (or its agent).

9.28 Shared Transport Devices

- 9.28.1 Operate a share transport device scheme.

9.28.2 Leave a share transport device on Local Government land other than in accordance with conditions determined by the Council (including as may be set out in a policy from time to time) that are published on the Council's website (if any).

9.28.3 For the purposes of this subclause 9.28:

9.28.3.1 **share transport device** means a bike, scooter or similar that is available for hire (for fee or otherwise) in the Council's area by members of the public in connection with a share device scheme, including through the use of a special purpose smartphone application; and

9.28.3.2 **share transport device scheme** means a scheme operated in the Council's area which involves share bikes, scooters (dockless or otherwise) being made available for hire by any person for a fee or otherwise.

9.29 **Swimming**

Subject to the *Harbors and Navigation Act 1993*, swim in, bathe or enter any waters except:

9.29.1 in an area which the Council has determined may be used for such purposes; and

9.29.2 in accordance with any conditions that the Council has determined by resolution apply to such use (if any) and which are specified on signage on or in the vicinity of the area.

9.30 **Trading**

9.30.1 Sell, buy, offer or display anything for sale, hire or lease any goods, merchandise, commodity, article or thing.

9.30.2 Carry on or cause to be carried on any business.

9.30.3 Set up a van or other vehicle, stall, stand, table or other structure, tray, carpet or device for the purpose (as determined by an authorised officer acting reasonably) of buying, selling, offering, displaying for sale or the hiring or leasing of any goods merchandise, commodity, article or thing.

9.31 **Vehicles**

9.31.1 Drive or propel a vehicle except on an area or road constructed and set aside by the Council for that purpose.

9.31.2 Promote, organise or take part in a race, test or trial of any kind in which vehicles take part, except on an area properly constructed for that purpose.

9.31.3 Repair, wash, paint, panel beat or carry out other work to a vehicle, except for running repairs in the case of a breakdown.

9.32 **Weddings, Functions and Special events**

9.32.1 Hold, conduct or participate in a marriage ceremony, funeral or special event.

9.32.2 Erect a marquee, stage or structure for the purpose of holding or conducting a wedding, funeral or special event.

9.32.3 Hold or conduct any filming where the filming is for a commercial purpose.

9.33 Wheeled Recreational Devices

Subject to the *Road Traffic Act 1961*, ride a wheeled recreational device on Local Government land to which the Council has determined this subclause applies.

10. Prohibited activities

A person must not do any of the following on Local Government land or on the foreshore.

10.1 Ablutionary Facilities

In any ablutionary facility (being showers, washing and toilet facilities) on Local Government land:

10.1.1 urinate other than in a urinal or pan or defecate other than in a pan set apart for that purpose;

10.1.2 deposit anything in a pan, urinal or drain which is likely to cause a blockage or damage to the facility or any drain, pipe or property associated with the facility;

10.1.3 use the facility for a purpose for which it was not designed or constructed;

10.1.4 deface, or make use of a facility other than for its proper purpose or cause any unsanitary or unclean condition in any ablutionary facility;

10.1.5 subject to the *Equal Opportunity Act 1984 (SA)* enter any ablutionary facility that is set aside for use of the opposite gender except:

10.1.5.1 where a child under the age of ten (10) years is accompanied by an adult parent or guardian of that gender;

10.1.5.2 to provide assistance to a person with a disability; or

10.1.5.3 in the case of a genuine emergency.

Note-

To avoid doubt, clause 10.1 does not operate to prohibit a transgender person or, a person who identifies as 'gender diverse', from lawfully using an ablutionary facility for the gender with which that person identifies.

10.2 Animals

10.2.1 Cause or allow an animal (including a dog) to:

10.2.1.1 damage a flowerbed, garden plot, tree, lawn or like thing or place;
or

10.2.1.2 swim or bathe in any waters to the inconvenience, annoyance or danger of any other person in the vicinity.

10.2.2 Lead, herd or exercise an animal in such manner as to cause a nuisance or endanger the safety of a person.

10.3 Annoyances

10.3.1 Annoy, or unreasonably interfere with any other person's use of Local Government land by making a noise or by creating a disturbance that has not been authorised by the Council.

10.3.2 Spit, urinate or defecate other than in toilet provided thereon.

10.4 Climbing

Climb on or over any fixture, fitting, plant, object or building thereon other than in a playground or similar area that the Council has set aside for that purpose.

10.5 Equipment

Use any item of equipment, facilities or property belonging to the Council other than in the manner and for the purpose for which it was designed, constructed or intended to be used or in such manner as is likely to damage or destroy it.

10.6 Fishing

Fish in any waters to which the Council has determined this subclause applies.

10.7 Glass

Willfully break any glass, china or other brittle material.

10.8 Interference with Permitted Use

Interrupt or unreasonably interfere with any other person's use of Local Government land where the person is using the land in a manner permitted by the Council or in accordance with any permission that has been granted by the Council.

10.9 Nuisance

Behave in such an unreasonable manner as to cause discomfort, inconvenience, annoyance or offence to any other person including by using profane, indecent or obscene language.

10.10 Playing games

Play or practise a game:

10.10.1 which is likely to cause damage to the land or anything on it; or

10.10.2 in any area where a sign indicates that the game is prohibited.

10.11 Smoking

Subject to the *Tobacco and E-Cigarette Products Act 1997*, smoke, hold or otherwise have control over an ignited tobacco product on any land to which the Council has determined this subclause applies.

10.12 Obstruction

Obstruct or cause to be obstructed:

10.12.1 any path or track;

10.12.2 any door, entrance, stairway or aisle in any building; or

10.12.3 any gate or entrance thereon.

10.13 Solicitation

Tout or solicit customers for the parking of vehicles or for any other purpose whatsoever.

10.14 Waste & Rubbish

10.14.1 Deposit or leave thereon anything obnoxious or offensive.

10.14.2 Deposit any rubbish other than in receptacles provided by the Council for that purpose.

10.14.3 Deposit in any rubbish bin on Local Government land that is owned or provided by the Council:

10.14.3.1 any trash emanated from a domestic, trade or commercial source;
or

10.14.3.2 any rubbish contrary to any information on signs on the bin or in its vicinity.

PART 4 – ENFORCEMENT

11. Directions

11.1 A person on Local Government land of the foreshore must comply with a reasonable direction from an authorised person relating to:

11.1.1 that person's use of that land;

11.1.2 that person's conduct and behaviour on that land;

11.1.3 that person's safety on that land; or

11.1.4 the safety and enjoyment of other persons on that land.

11.2 A person who, in the opinion of an authorised person, is likely to commit or has committed, a breach of this By-law must immediately comply with a direction of an authorised person to leave that part of Local Government land.

12. Orders

If a person fails to comply with an order of an authorised person made pursuant to section 262 of the Act in respect of a breach of this By-law, the Council may seek to recover its costs of any action taken under section 262(3) of the Act from the person to whom the order was directed.

Note-

Section 262(1) of the Act states:

1. *If a person (the offender) engages in conduct that is a contravention of this Act or a By-law under this Act, an authorised person may order the offender-*

a) If the conduct is still continuing - to stop the conduct; and

b) whether or not the conduct is still continuing-to take specified action to remedy the contravention.

Subsections (2) and (3) of section 262 also provide that it is an offence to fail to comply with an order

and that if a person does not comply, the authorised person may take action reasonably required to have the order carried out.

For example, an authorised person may order a person to

- cease smoking on Local Government land;
- remove an object or structure encroaching on Local Government land;
- dismantle and remove a structure erected on Local Government land without permission.

13. Removal of animals and objects

An authorised person may remove an animal or object that is on Local Government land in breach of a By-law if the authorised person reasonable believes that no person is in charge of the animal or object.

PART 5 – MISCELLANEOUS

14. Exemptions

14.1 The restrictions in this By-law do not apply to any Police Officer, emergency worker, Council officer or Council employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision or in accordance with a direction of a Council Officer.

14.2 The restrictions in subclauses 9.11 of this By-law do not apply to electoral matter authorised by a candidate and which is:

14.2.1 related to a Commonwealth or State election and occurs during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day;

14.2.2 related to an election under the Act or the *Local Government (Elections) Act 1999* and occurs during the period commencing four weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or

14.2.3 related to, and occurs during the course of and for the purpose of a referendum.

15. Liability of vehicle owners

15.1 For the purposes of this clause 15, **owner** in relation to a vehicle has the same meaning as contained in section 4 of the Act.

15.2 the owner and the driver of a vehicle driven, parked or standing in contravention of this By-law are each guilty of an offence and liable to the penalty as prescribed for that offence.

This By-law was duly made and passed at a meeting of the City of Unley held on **[INSERT DATE]** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

.....

PETER TSOKAS
Chief Executive Officer



CITY OF UNLEY

MOVEABLE SIGNS BY-LAW 2022

By-law No. 4 of 2022

A By-law to set standards for moveable signs on roads and to provide conditions for the placement of such signs for the purpose of protecting visual amenity and public safety.

PART 1 – PRELIMINARY

1. Title

a) This By-law may be cited as the *Moveable Signs By-law 2022* and is By-law No. 4 of the City of Unley.

2. Authorising law

b) This By-law is made under sections 226, 238, 239 and 246 of the Act.

3. Purpose

The objects of this By-law are to set standards for moveable signs on roads:

- 3.1 to protect the comfort and safety of road users and members of the public;
- 3.2 to enhance the amenity of roads and surrounding parts of the Council area;
- 3.3 to prevent nuisances occurring on roads;
- 3.4 to prevent unreasonable interference with the use of a road; and
- 3.5 for the good rule and government of the Council area.

4. Commencement, revocation and expiry

4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation:¹

*By-law No. 4 – Moveable Signs 2015.*²

4.2 This By-law will expire on 1 January 2030.³

Note-

1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted (section 249(5) of the Act).
2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

5. Application

- 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2022*.
- 5.2 This By-law applies throughout the Council area and is subject to the exemptions set out in clause 12.

6. Interpretation

In this By-law, unless the contrary intention appears:

- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 **authorised person** means a person appointed as an authorised person pursuant to section 260 of the Act;
- 6.3 **banner** means a slip of cloth, plastic or other material hung up or mounted to a building or other structure by its ends or corners or carried on a pole, fence or other structure;
- 6.4 **business premises** means premises from which a business is being conducted;
- 6.5 **Council** means the City of Unley;
- 6.6 **footpath area** means:
 - 6.6.1 that part of a road between the property boundary of the road and the edge of the carriageway on the same side as that boundary; and
 - 6.6.2 a footway, lane or other place made or constructed for the use of pedestrians and not for the use of vehicles;
- 6.7 **Local Government land** has the same meaning as in the Act;
- 6.8 **moveable sign** has the same meaning as in the Act;
- 6.9 **road** has the same meaning as in the Act; and
- 6.10 **vehicle** has the same meaning as in the *Road Traffic Act 1961*.

Note-

Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law was made.

PART 2 – MOVEABLE SIGNS

7. Construction and design

A moveable sign placed on a road must:

- 7.1 be of a kind known as an 'A' frame or sandwich board sign, an inverted 'T' sign, a flat sign or, with the permission of the Council (including as may be set out in a Council policy of general application from time to time), a sign of some other kind;
- 7.2 be designed, constructed and maintained in good quality and condition, including so as not to present a hazard to any member of the public;
- 7.3 be of strong construction and sufficiently stable or securely fixed so as to keep its position in adverse weather conditions;

- 7.4 have no sharp or jagged edges or corners;
- 7.5 not be unsightly or offensive in appearance or content;
- 7.6 be constructed of timber, metal, plastic or plastic coated cardboard, or a mixture of such materials;
- 7.7 not rotate or contain moving parts or have balloons, flags, streamers or other things attached to it;
- 7.8 not contain flashing lights or be illuminated internally;
- 7.9 subject to subclause 7.10, not exceed 900mm in height, 600mm in width and 600mm in depth;
- 7.10 in the case of a tear drop sign, not exceed 2.5 metres in height from the ground, 600mm in width and 600mm in depth;
- 7.11 in the case of an 'A' frame or sandwich board sign:
 - 7.11.1 be hinged or joined at the top; and
 - 7.11.2 be of such construction that its sides are securely fixed or locked in position when erected;
- 7.12 in the case of an inverted 'T' sign, not contain struts or members that run between the display area and the base of the sign.

8. Placement

A moveable sign must not be placed:

- 8.1 on any part of a road other than the footpath area;
- 8.2 within 1 metre of an entrance to any premises;
- 8.3 on the sealed or paved part of a footpath area unless the sealed or paved part is wide enough to contain the sign and still leave a clear thoroughfare for pedestrians of at least 1.2 metres width;
- 8.4 so as to interfere with the reasonable movement of persons or vehicles using the footpath or road (other than a carriageway) in the vicinity of or adjacent to where the moveable sign is positioned or endanger the safety of members of the public;
- 8.5 less than 600mm from:
 - 8.5.1 where the road has a kerb, the kerb;
 - 8.5.2 where the road has no kerb but has a shoulder, the shoulder;
 - 8.5.3 where the road has neither a kerb nor a shoulder, the edge of the carriageway;
- 8.6 on a landscaped area, other than landscaping that comprises only lawn;
- 8.7 on a designated parking area;
- 8.8 so it is tied, fixed or attached to any other structure, object or thing (including another moveable sign);

- 8.9 displayed during the hours of darkness unless it is in a lit area and is clearly visible;
or
- 8.10 placed in an area that is not directly in front of the business premises to which it relates or outside the projections of the side boundaries of the business premises to which it relates; or
- 8.11 in such a position or in such circumstances that, in the opinion of an authorised person, it would or would be likely to endanger the safety of any person.

9. Appearance

A moveable sign displayed on a road must, in the opinion of an authorised person:

- 9.1 be painted or otherwise detailed in a competent and professional manner;
- 9.2 be aesthetically appealing, legible and simply worded to convey a precise message;
- 9.3 be of such design and contain such colours:
 - 9.3.1 as are compatible with the architectural design of the premises adjacent to the sign;
 - 9.3.2 which relate well to the townscape and overall amenity of the locality in which it is situated;
 - 9.3.3 which do not detract from or conflict with traffic, safety or direction signs or signals; and
- 9.4 contain combinations of colours and typographical styles which blend in with and reinforce the heritage qualities of the locality and the buildings where it is situated.

10. Banners

A person must not erect or display a banner on a building or structure on a road without the Council's permission

2. Note-

A person must not erect or display a banner on a public road for a business purpose without a permit from the Council issued under section 222 of the *Local Government Act 1999*.

11. Restrictions

- 11.1 The owner or operator of a business must not cause or allow more than one moveable sign for each business premises to be displayed on a road at any time.
- 11.2 A person must not, without the permission of the Council, display or cause to be displayed a moveable sign on or attached to or adjacent to a vehicle that is parked on Local Government land or a road primarily for the purpose of advertising or offering for sale a product (including the vehicle) or business to which the sign relates.
- 11.3 A person must not cause or allow a moveable sign to be placed on a road unless:
 - 11.3.1 it only displays material which advertises a business being conducted on premises adjacent to the moveable sign or the goods and services available from that business; and
 - 11.3.2 the business premises to which it relates is open to the public during such times as the sign is displayed.

- 11.4 Notwithstanding compliance with provisions of this by-law and if, in the opinion of the Council, a footpath area is unsafe for a moveable sign to be displayed either permanently or for a period of time, the Council may prohibit or restrict the display of a moveable sign on such conditions as the Council thinks fit.

12. Exemptions

- 12.1 Subclauses 9.2, 9.3, 9.4, 11.1 and 11.3 do not apply to a moveable sign which:
- 12.1.1 advertises a garage sale taking place from residential premises provided that no more than four moveable signs per residential premises may be displayed at any one time in relation to a garage sale taking place at that residential premises; or
- 12.1.2 is a directional sign to an event run by a community organisation or charitable body.
- 12.2 Sub clause 8.3, 8.10 and 11.1 of this By-law do not apply to a flat sign which only contains newspaper headlines and the name of a newspaper or magazine.
- 12.3 A requirement of this By-law will not apply where the Council has granted permission for a moveable sign (or class of moveable sign) to be displayed contrary to that requirement (which permission may be granted by way of the Council adopting a policy of general application for this purpose).

Note-

This By-law does not apply to moveable signs placed and maintained on a road in accordance with section 226(3) of the Act, which includes any sign:

- placed there pursuant to an authorisation under another Act;
- designed to direct people to the open inspection of any land or building that is available for purchase or lease;
- related to a State or Commonwealth election and is displayed during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day;
- related to an election held under this Act or the *Local Government (Elections) Act 1999* and is displayed during the period commencing four (4) weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or
- the sign is of a prescribed class.

PART 3 – ENFORCEMENT

13. Removal of moveable signs

- 13.1 A person must immediately comply with the order of an authorised person to remove a moveable sign that is made pursuant to section 227(1) of the Act.

Note-

Pursuant to section 227(1) of the Act, an authorised person may order the owner of a moveable sign to remove the sign from the road if:

- the design, construction or positioning of a Moveable Sign does not comply with a requirement of this By-law; or
 - any other requirement of this By-law is not complied with; or
 - the Moveable Sign unreasonably restricts the use of the Road or endangers the safety of other persons.
- 13.2 The owner of or other person entitled to recover a moveable sign removed by an authorised person pursuant to section 227(2) of the Act, may be required to pay to the Council any reasonable costs incurred by the Council in removing, storing, and/or disposing of the moveable sign before being entitled to recover the moveable sign.
- 13.3 The owner, or other person responsible for a moveable sign must remove or relocate the moveable sign at the request of an authorised person:

13.3.1 if, in the opinion of an authorised person, and notwithstanding compliance with this By-law, there is any hazard or obstruction or there is likely to be a hazard or obstruction arising out of the location of the moveable sign; or

13.3.2 for the purpose of special events, parades, roadworks or in any other circumstances which, in the opinion of the authorised person, require relocation or removal of the moveable sign to protect public safety or to protect or enhance the amenity of a particular locality.

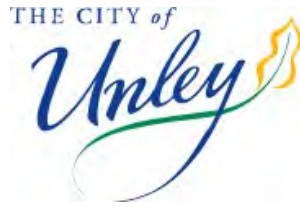
14. Liability of vehicle owners

14.1 For the purposes of this clause 14, **owner** in relation to a vehicle has the same meaning as contained in section 4 of the Act.

14.2 The owner and the driver of a vehicle driven, parked or standing in contravention of this By-law are each guilty of an offence and liable to the penalty as prescribed for that offence.

- This By-law was duly made and passed at a meeting of the City of Unley held on **[INSERT DATE]** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

.....
PETER TSOKAS
Chief Executive Officer



CITY OF UNLEY

DOGS BY-LAW 2022

By-law No. 5 of 2022

This By-law is to limit the number of dogs kept on premises and for the management and control of dogs in the Council's area.

PART 1 – PRELIMINARY

1. Title

c) This By-law may be cited as the *Dogs By-law 2022* and is By-law No. 5 of the City of Unley.

2. Authorising law

d) This By-law is made under section 90(5) of the *Dog and Cat Management Act 1995* and sections 238 and 246 of the *Local Government Act 1999*.

3. Purpose

e) The objects of this By-law are to control and manage dogs in the Council area:

- 3.1 to reduce the incidence of environmental nuisance caused by dogs;
- 3.2 to promote responsible dog ownership;
- 3.3 to protect the convenience, comfort and safety of members of the public; and
- 3.4 for the good rule and government of the Council area.

4. Commencement, revocation and expiry

4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation:¹

*By-Law No. 5 – Dogs 2022.*²

4.2 This By-law will expire on 1 January 2030.³

Note-

- 1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted (section 249(5) of the Act).
- 2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
- 3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

5. Application

- 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2022*.
- 5.2 Subject to subclause 5.3, this By-law applies throughout the Council's area.
- 5.3 Clauses 10.1 and 11.4 of this By-law only apply in such part or parts of the Council area as the Council may, by resolution direct in accordance with section 246(3)(e) of the Act.

6. Interpretation

- f) In this By-law, unless the contrary intention appears:
 - 6.1 **Act** means the *Local Government Act 1999*;
 - 6.2 **approved kennel establishment** means a building, structure or premises approved by a relevant authority, pursuant to the *Planning, Development and Infrastructure Act 2016* for the keeping of dogs on a temporary or permanent basis;
 - 6.3 **assistance dog** means a dog trained and used for the purpose of assisting a person who is wholly or partially disabled;
 - 6.4 **Council** means the City of Unley;
 - 6.5 **dog** (except for in clause 7.1) has the same meaning as in the *Dog and Cat Management Act 1995*;
 - 6.6 **effective control** means a person exercising effective control of a dog either:
 - 6.6.1 by means of a physical restraint (as defined under the *Dog and Cat Management Act 1995*); or
 - 6.6.2 by command, the dog being in close proximity to the person and the person being able to see the dog at all times;
 - 6.7 **keep** includes the provision of food or shelter;
 - 6.8 **Local Government Lands** means land that is owned by or under the Council's care, control or management;
 - 6.9 **organised community or sporting event** means a public event (including an event for which an attendance fee is payable) which the Council has permitted on local government land; and
 - 6.10 **park** has the same meaning as in the *Dog and Cat Management Act 1995*;
 - 6.11 **premises** includes land and part thereof whether used or occupied for domestic or non-domestic purposes;
 - 6.12 For the purposes of clause 10 of the By-law, a dog is under **effective control by means of a leash** if the dog is secured to a leash, chain or cord that does not exceed 2 metres in length and the leash, chain or cord is either:
 - 6.12.1 secured to a fixed object; or
 - 6.12.2 held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons.

Note-

Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-laws was made.

PART 2 – LIMITS ON DOG NUMBERS

7. Limits on dog numbers in private premises

- 7.1 Subject to this clause 7, a person must not, without the Council's permission, keep or cause, suffer or permit to be kept, more than two (2) dogs on any premises:
- 7.2 For the purposes of subclause 7.1, **dog** means a dog that is three (3) months of age or older or, a dog that has lost its juvenile teeth.
- 7.3 Clause 7.1 does not apply to:
- 7.3.1 approved kennel establishments operating in accordance with all required approvals and consents; or
- 7.3.2 any other business involving the keeping of dogs provided that the business is registered in accordance with the *Dog and Cat Management Act 1995* and operating in accordance with all required approvals and consents.
- 7.4 The Council may require that premises which are the subject of an application for permission to keep additional dogs, must be inspected by an authorised person for the purpose of assessing the suitability of the premises for housing dogs.
- 7.5 An application for permission to keep an additional dog must be in the form determined by the Council and be accompanied by information regarding:
- 7.5.1 the type and size of the property on which it is proposed to keep the dogs;
- 7.5.2 the manner in which it is proposed that the dogs will be contained; and
- 7.5.3 any other information that the Council requires to ensure proper consideration of the application.
- 7.6 No dog is to be kept on any premises where, in the opinion of an authorised person, there is no secure or appropriate area where a dog may be effectively confined.

PART 3 – DOG CONTROLS

8. Responsibility for dog

- A person must not allow a dog within his or her possession or control to be a nuisance or danger to any other person or to interfere with or hinder an organised community or sporting event.

9. Dog exercise areas

Subject to clauses 10 and 11 of this By-law, a person may enter a park in the Council's area for the purpose of exercising a dog under his or her effective control.

Note-

If a person is exercising a dog in a park as permitted under this clause and the dog is not under effective control as that term is defined by the *Dog and Cat Management Act 1995*, this gives rise to a dog wandering at large offence under section 43(1) of the *Dog and Cat Management Act 1995*, for which the owner of or person responsible for the dog may be liable.

10. Dog on Leash Areas

A person must not, without the Council's permission, allow a dog under that person's control, charge or authority (except an assistance dog that is required to remain off-lead in order to fulfil its functions) to be or remain:

- 10.1 on Local Government land or in public place to which the Council has resolved that this subclause applies; or
- 10.2 on any park or reserve during times when an organised community or sporting event (as approved by the Council) is taking place.

unless the dog is under effective control by means of a leash.

11. Dog Prohibited Areas

A person must not cause or allow a dog under that person's control, charge or authority (except an assistance dog) to be or remain:

- 11.1 within any enclosed area on Local Government land where there is children's play equipment;
- 11.2 within 3 metres of children's play equipment on Local Government land which is not enclosed; or
- 11.3 within 3 metres of any exercise equipment installed on Local Government land.
- 11.4 on any other Local Government land or public place to which the Council has resolved that this subclause applies.

12. Dog faeces

No person is to allow a dog under that person's control, charge or authority to be in a public place or on Local Government land unless that person has in their possession a bag or other suitable container for the collection and lawful disposal of any faeces that the dog may deposit (for the purpose of complying with their obligation under section 45A(6) of the *Dog and Cat Management Act 1995*).

PART 4 – EXEMPTIONS

13. Council may grant exemptions

- 13.1 The Council may, by notice in writing, on application or on its own initiative, exempt a person (or a class of persons) from the operation of a specified provision of this By-law.
- 13.2 An exemption—
 - 13.2.1 may be granted or refused at the discretion of the Council;
 - 13.2.2 may operate indefinitely or for a period specified in the instrument of exemption; and
 - 13.2.3 is subject to any conditions specified in the instrument of exemption.
- 13.3 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.

- 13.4 The Council may, in its discretion, revoke an exemption for a contravention of a condition of the exemption, or for any other reason it thinks fit.

PART 5 – ENFORCEMENT

14. Orders

- 14.1 If a person engages in conduct that is in contravention of this By-law, an authorised person may order that person:
- 14.1.1 if the conduct is still continuing – to stop the conduct; and
 - 14.1.2 whether or not the conduct is still continuing – to take specified action to remedy the contravention.
- 14.2 A person must comply with an order under this clause.
- 14.3 If a person does not comply with an order, the authorised person may take action reasonably required to have the order carried out, and the Council may seek to recover its costs of any action so taken from the person to whom the order was directed.
- 14.4 However, an authorised person may not use force against a person.

Note-3.

For example, an authorised person may order a person to:

- cease keeping more than the permitted number of dogs on that person’s premises; or
- remove a dog from a dog prohibited area.

g)

h) This By-law was duly made and passed at a meeting of the City of Unley held on **[INSERT DATE]** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

.....
PETER TSOKAS
Chief Executive Officer

DECISION REPORT

REPORT TITLE:	REVIEW OF CARETAKER POLICY
ITEM NUMBER:	4.11
DATE OF MEETING:	28 MARCH 2022
AUTHOR:	KATHRYN GOLDY
JOB TITLE:	ACTING MANAGER GOVERNANCE
ATTACHMENTS:	1. REVIEWED CARETAKER POLICY 2. LOCAL GOVERNMENT ASSOCIATION CARETAKER GUIDELINES

1. **EXECUTIVE SUMMARY**

The City of Unley is committed to good governance practices. The Caretaker Policy aims to guide the conduct of the Council and staff during the lead up to the local government elections.

This report presents a revised Caretaker Policy (the Policy). Section 91A of the *Local Government (Elections) Act 1999* (the Act) requires Council to adopt a Caretaker Policy, which then applies during an election period. Changes to the Policy have been undertaken to incorporate the changes arising from the commencement of section 188 of the *Statutes Amendment (Local Government Review) Act 2021* (the Review Act), which amended section 91A of the Act.

For the 2022 Local Government elections, the election period will commence at the close of nominations (12 noon, Tuesday 6 September 2022) and will finish at the conclusion of the election, when the last result is certified by the Returning Officer.

Council may at their discretion, determine an earlier commencement date for the election period, however the election period must commence no later than 6 September 2022. If the commencement date is determined to be earlier, it must be specified in the policy.

2. **RECOMMENDATION**

That:

1. The report be received.
2. The Election Period for the Local Government Elections 2022 commencing on 6 September 2022 be endorsed.

3. The Caretaker Policy (set out in Attachment 1 to Item 4.11 Council Meeting 28/03/2022) be adopted.
 4. That the CEO be authorised to make amendments of a minor and/or technical nature as part of the finalisation of the Caretaker Policy.
-

3. RELEVANT CORE STRATEGIES/POLICIES

4. Civic Leadership

4.1 We have strong leadership and governance.

4. BACKGROUND

Section 91A of the *Local Government (Elections) Act 1999* (the Act) requires Council to adopt a Caretaker Policy (the Policy), which applies during an election period. For the 2022 Local Government elections the election period will commence at the close of nominations (12 noon, Tuesday

6 September 2022) and will finish at the conclusion of the election, when the last result is certified by the Returning Officer.

The Policy has been revised to incorporate changes arising from the commencement of section 188 of the *Statutes Amendment (Local Government Review) Act 2021* (the Review Act), which amended section 91A of the Act.

The Policy provides a framework to guide Council in its decision-making, use of resources, access to information, media services, public consultation etc., in the lead up to the Local Government elections in November 2022.

5. DISCUSSION

The election period is defined in legislation as the period commencing on the day of the close of nominations, however, Council has the capacity to commence application of the Policy from an earlier date should it wish to do so. The election period for 2022 will cover a minimum period of nine (9) weeks (6 September to 12 November) with the final date of effect dependent on the declaration of election results for all wards and the Mayoral election.

The Policy (Attachment 1) is based on the Local Government Association (LGA) Model Caretaker Policy and addresses the core legislative requirements for the Policy. It also includes amendments as a result of the recent Local Government Reforms.

Attachment 1

In addition to this, the LGA has developed Guidelines which provide an overview of the scope and meaning of the legislative requirements under section 91A of the Act. The guidelines are intended to assist Councils and Elected Members to manage their obligations during an election period. The Caretaker Guidelines have been included as Attachment 2 for Council's information.

Attachment 2

The Policy provides information regarding decision making during an election period to ensure that:

- The incumbent Council does not make decisions that will be binding on an incoming Council and limit its freedom;
- Incumbent Elected Members do not receive (or are perceived to receive) any advantages or disadvantages over other candidates due to their current position on Council; and
- Council resources are not diverted for or influenced for electoral purposes.

Designated Decisions required by legislation

Council must assume a "Caretaker" mode prior to the Local Government election. The primary restriction on Council during Caretaker mode relates to the making of "designated decisions". These are defined in section 91A (8) of the Act as:

"Designated decision means a decision—

- (a) Relating to the employment or remuneration of a chief executive officer other than a decision to appoint an acting chief executive officer, or*
- (b) To terminate the appointment of a chief executive officer, or*
- (c) To enter into a contract, arrangement or understanding (other than a prescribed contract) the total value of which exceeds whichever is the greater of \$100,000 or 1% of the Council's revenue from rates in the preceding financial year,*

Other than a decision of a kind excluded from this definition by regulation."

With respect to section 91A(8)(c) above, the relevant amount of a contract arrangement or understanding at which it becomes a designated decision, would be \$440,000 based on Council's revenue from rates in the 2020/21 proceeding financial year of \$44,000,000.

Regulation 12 of the *Local Government (Elections) Regulations 2010* provides some specific exceptions to the above, which are decisions that:

- i. relates to the carrying out of works in response to an emergency or disaster within the meaning of the Emergency Management Act 2004, or under section 298 of the Local Government Act 1999; or*
- ii. is an expenditure or other decision required to be taken under an agreement by which funding is provided to the council by the Commonwealth or State Government or otherwise for the council to be eligible for funding from the Commonwealth or State Government; or*

- iii. *relates to the employment of a particular council employee (other than the chief executive officer); or*
 - iv. *is made in the conduct of negotiations relating to the employment of council employees generally, or a class of council employees, if provision has been made for funds relating to such negotiations in the budget of the council for the relevant financial year and the negotiations commenced prior to the election period; or*
 - v. *relates to a Community Waste Management Systems scheme that has, prior to the election period, been approved by the Council; or*
- (b) are for the suspension of the Chief Executive Officer for serious and wilful misconduct.

If a designated decision is made by Council during the election period and it is a contravention of the requirements of the Act or the Policy, it will be an invalid decision. Any person who suffers any loss or damage as a result of acting in good faith on an invalid decision is entitled to compensation from the Council for that loss or damage.

Changes arising from Local Government Reforms

The Policy has been revised to incorporate changes arising from the commencement of the *Review Act*. Section 91A of the Act provides that a Council must prepare and adopt a Caretaker Policy governing the conduct of the Council and its staff during the election period for a general election.

Previously, section 91A(2) provided that a Council's Caretaker Policy must, as a minimum, prohibit the making of a designated decision during the election period, which a designated decision defined to include a decision allowing the use of Council resources for the advantage of a particular candidate or group of candidates (other than a decision that allows the equal use of Council resources by all candidates for election).

A change to subsection 91A(2) has now elevated a decision allowing the use of Council resources for the advantage of candidates to a standalone minimum requirement of the Policy. In practice there is no new obligation imposed by this change, however the Policy will need to ensure the minimum requirement is appropriately referenced.

A new subsection 91A(2a) has been inserted and provides that the prohibition on the use of Council resources for the advantage of a particular candidate or group of candidates does not prevent a decision to allow the equal use of Council resources by all candidates for the election.

Meeting Schedule during Caretaker Period

The current 2022 meeting schedule indicates that the last Council meeting before the commencement of the election period will be Monday 22 August 2022. During the election period, ordinary Council meetings will be held on 26 September and 24 October as per the endorsed meeting schedule. Additional Council meetings may also be convened on 12 September and 10 October 2022 if required.

Elected Members and staff are bound by the Caretaker Policy. The CEO will ensure that any matters that may require Council to make a decision that fits within the definition of a designated decision will be considered by Council by no later than the 22 August 2022 Council meeting.

Staff will however continue to monitor all information being presented to Council to ensure that matters that would be in breach of the Policy are not scheduled for consideration during the relevant period. At this stage no significant decisions have been identified as being required to be made during the period.

In some instances, it may be necessary to defer consideration of a matter until the conclusion of the Caretaker Period (likely the December 2022 Council meeting), pending the Electoral Commission of South Australia's certification of election results. This decision will be made by the CEO and if necessary, in accordance with the Caretaker Policy, a report will be presented to Council in relation to a significant decision that may be required during the Caretaker Period.

Discretionary inclusions in the Policy

The Policy has been reviewed as part of Council's ongoing policy review process, along with ensuring that the recent changes arising from the commencement of section 188 of the Review Act, which amended section 91A of the Act. The Policy has been drafted to meet the minimum legislative requirements and includes additional discretionary provisions that Council may choose to incorporate.

For ease of identification the proposed Policy separates out those areas that are prohibited by the Act and those areas prohibited by the Policy. Administration has also highlighted the discretionary inclusions in blue text to assist Council.

It is prudent to note to Council that these additional decisions and activities that would be prohibited during the election period as a result of this Policy were included in the 2018 Caretaker Policy and had little to no impact on the operation and function of the Council. However, they are discretionary, and Council may or may not wish to include these.

New discretionary inclusions into the Policy for the 2022 Caretaker Period can be found at the following dot points within the Policy:

- 5.7.6 Unley Life publication
- 5.7.7 Council Member columns within Unley Life publication
- 5.12.1 Council Member Training and Development

The Policy provides a clear policy position in relation to the election period.

The Act requires that the Policy be taken to form part of each Council's Code of Conduct for Council Members.

6. **ANALYSIS OF OPTIONS**

Option 1 –

1. The report be received.
2. The Election Period for the Local Government Elections 2022 commencing on 6 September 2022 be endorsed.
3. The Caretaker Policy, as set out in Attachment 1, Item 4.11, Council Meeting 28/03/2022 be endorsed.
4. That the CEO be authorised to make amendments of a minor and/or technical nature as part of the finalisation of the Caretaker Policy.

Council is obligated to have a Caretaker Policy in place, and for the policy to apply during an election (Caretaker) period.

Option 1 provides for the endorsement of an updated version of the Caretaker Policy, which incorporates minor, primarily editorial changes made as part of the review process. Other changes reflected are changes which have occurred as part of the recent changes arising from the commencement of section 188 of the *Statutes Amendment (Local Government Review) Act 2021*, with some additional discretionary additions.

Option 2 –

1. The report be received.
2. The Election Period for the Local Government Elections 2022 commencing on {Day and Month to be inserted} 2022 be endorsed.
3. The Caretaker Policy, as set out in Attachment 1, Item 4.11, Council Meeting 28/03/2022 be endorsed.
4. That the CEO be authorised to make amendments of a minor and/or technical nature as part of the finalisation of the Caretaker Policy.

Council is obligated to have a Caretaker Policy in place, and for the policy to apply during an election period.

Option 2 provides for Council to determine an earlier commencement date of the election period. If the preference is to bring the commencement date for the election period forward, then this date will need to be inserted into the Policy to reflect the earlier date. The date will be inserted into the Policy as a minor and/or technical nature amendment.

This option also allows for the updated version of the Caretaker Policy, which incorporates minor, primarily editorial changes made as part of the review process.

Other changes reflected are changes which have occurred as a result of the commencement of section 188 of the *Statutes Amendment (Local Government Review) Act 2021*, with some additional discretionary additions.

Option 3 –

1. The report be received.
2. The Election Period for the Local Government Elections 2022 commencing on {Day and Month to be inserted} 2022 be endorsed.
3. Subject to the incorporation of the following amendments, the Caretaker Policy, as set out in Attachment 1, Item 4.11, Council Meeting 28/03/2022 be endorsed:
 - To be determined by Council
 - etc
4. That the CEO be authorised to make amendments of a minor and/or technical nature as part of the finalisation of the Caretaker Policy.

Option 3 allows for changes to be made to the Caretaker Policy and for it to be finalised without Council needing to see the amended version of the Policy. The changes will need to be articulated as part of the resolution.

This option also allows Council to select an earlier commencement date for the election period, if it so chooses or it could remain with the date of close of nominations being 6 September 2022.

7. RECOMMENDED OPTION

Option 1 is the recommended option.

8. POLICY IMPLICATIONS

8.1 Financial/Budget

- Not Applicable

8.2 Legislative/Risk Management

- The Caretaker Policy is a mandatory policy required by section 91A of the *Local Government (Elections) Act 1999*. The application of the policy must occur during an election period, as defined in section 91(8) of the *Local Government (Elections) Act 1999*.
- The Caretaker Policy was updated following the commencement of section 188 of the *Statutes Amendment (Local Government Review) Act 2021*, which amended section 91A of the *Local Government (Elections) Act 1999*.
- The Caretaker Policy is based on the LGA Model Caretaker Policy.

8.3 Staffing/Work Plans

- Governance staff will provide advice as required in relation to the application of the Caretaker Policy. This is incorporated within existing operational work plans.

8.4 Climate/Environmental Impact

- Not Applicable

8.5 Social/Economic

- Not Applicable

8.6 Stakeholder Engagement

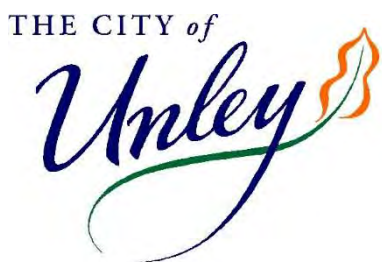
- There is no requirement to conduct community consultation in relation to the review of the Caretaker Policy.

9. REPORT CONSULTATION

The Manager Finance and Procurement was consulted as part of the report finalisation process. Along with the Executive Management Team.

10. REPORT AUTHORISERS

Name	Title
Peter Tsokas	Chief Executive Officer



CARETAKER POLICY

Policy Type:	Council
Responsible Department:	Office of the CEO
Responsible Officer:	Manager Governance
Related Policies and Procedures	<ul style="list-style-type: none"> • Code of Conduct for Council Employees • Code of Conduct for Council Members • Complaints handling procedure under the Code of Conduct for Council Members • Elected Member Training and Development Policy
Community Plan Link	<i>Civic Leadership</i> 4.1 We have strong leadership and governance
Date Adopted	27 April 2010
Last review date	26 March 2019: C1120/19
Next review date	March 2023
Reference/Version Number	V7
ECM Doc set I.D.	2192188

1. PREAMBLE

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

2. SCOPE

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

2.3. The Policy does not apply to:

- Supplementary elections.

2.4. In this Policy:

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

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

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

2.5.2 The use of Council resources, including:

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

2.5.3 Other significant decisions that are made by the Council.

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

3 POLICY OBJECTIVES

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

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

4 DEFINITIONS

Chief Executive Officer (CEO)	means the appointed CEO or Acting CEO or nominee.
Council Member	means an elected member of the City of Unley.
Council staff	means any person that is employed full-time, part-time, or casually by the Council who receives remuneration for their work.
Council's Electoral Liaison Officer	means the council employee nominated by the CEO to undertake in-house election functions.

<i>Designated decision</i>	(as defined under Section 91A(8) of the Act) means a decision which prevents Council from making a resolution of the type specified (see clause 5.1 below).
<i>Discretionary public consultation</i>	means consultation that is not legislatively mandated and is a process involving an invitation or invitations to individuals, groups or organisations or the community generally to comment on an issue, proposed action or proposed policy (see clause 5.11.2).
<i>Election period</i>	means the period commencing on the day of the close of nominations for a general election and expiring at the conclusion of the general election.
<i>Electoral material</i>	means material which is calculated (i.e., intended, or likely) to affect the result of an election (see clause 5.7.2).
<i>General election</i>	means a general election of Council Members held: (a) under section 5 of the Act; or (b) pursuant to a proclamation or notice under the <i>Local Government Act 1999</i> (the Local Government Act).
<i>Minister</i>	means the Minister for Local Government or other minister of the South Australian government vested with responsibility for the Act.
<i>Major policy decision</i>	means a type of decision that the CEO should avoid scheduling for consideration during an election period (see clause 5.2.3).
<i>Publication</i>	means any type of publication, including but not limited to, leaflets, newspapers, posters, email, website, radio, social media etc (see clause 5.7.3).
<i>Significant decision</i>	means any major policy or other decision which will significantly affect the Council area or community or will inappropriately bind the incoming Council (see clause 5.2.2).

5 POLICY

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

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

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

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

- (a) relating to the employment or remuneration of a CEO other than a decision to appoint an acting CEO; or to suspend the CEO for serious and wilful misconduct;
- (b) to terminate the appointment of a CEO; or
- (c) to enter into a contract, arrangement or understanding (other than a contract for road construction, road maintenance or drainage works) the total value of which exceeds whichever is the greater of \$100,000 or 1% of the Council’s revenue from rates in the preceding financial year, except if the decision:
 - i. relates to the carrying out of works in response to an emergency or disaster within the meaning of the *Emergency Management Act 2004*, or under section 298 of the *Local Government Act*;
 - ii. is an expenditure or other decision required to be taken under an agreement by which funding is provided to the Council by the Commonwealth or State Government or otherwise for the Council to be eligible for funding from the Commonwealth or State Government;
 - iii. relates to the employment of a particular Council employee (other than the CEO);
 - iv. is made in the conduct of negotiations relating to the employment of Council employees generally, or a class of Council employees, if provision has been made for funds relating to such negotiations in the budget of the Council for the relevant financial year and the negotiations commenced prior to the election period; or
 - v. relates to a Community Wastewater Management Systems scheme that has, prior to the election period, been approved by the Council.

5.2 Treatment of other significant decisions prohibited by this Policy

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

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

5.2.2 A ‘significant decision’ is any major policy or other decision which will significantly affect the Council area or community or will inappropriately bind the incoming Council.

5.2.3 In the context of this Policy, a ‘major policy decision’ may include any decision:

- to spend unbudgeted monies;
- to conduct unplanned public consultation;

- to endorse a new policy;
- to approve community grants;
- to progress any matter which has been identified as an election issue; or
- any other issue that is considered a major policy decision by the CEO that is not a designated decision.

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

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

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

5.2.7 The CEO's report will address the following issues, where relevant:

- a) why the matter is considered 'significant';
- b) why the matter is considered urgent;
- c) what are the financial impacts and other potential consequences of postponing the matter until after the election, on both the current Council and incoming Council;
- d) whether deciding the matter will bind or significantly limit the policy choices of the incoming Council;
- e) whether the matter requires the expenditure of unbudgeted funds;
- f) whether the matter is the completion of an activity already commenced and previously endorsed by Council;
- g) whether the matter requires community engagement;
- h) any relevant statutory obligations or timeframes; and
- i) whether dealing with the matter in the 'election period' is in the best interest of the Council area and community.

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

5.3 Prohibition on the use of Council resources

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

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

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

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

5.3.4 Despite paragraph 5.3.1, the Council may determine those Council resources that may be used by all candidates for election on an equal basis.

5.4 Consequence of contravening this Policy

5.4.1 A designated decision made by Council during an election period is invalid, except where an exemption has been granted by the Minister.

5.4.2 Any person who suffers loss or damage as a result of acting in good faith on a designated decision made by the Council in contravention of this Policy is entitled to compensation from the Council for that loss or damage.

5.5 Application for exemption

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

5.5.2 If the Minister grants an exemption to enable the making of a designated decision that would be invalid under section 91A of the Act and this Policy, then the Council and Council staff will comply with any conditions or limitations that the Minister imposes on the exemption.

5.6 Decisions made prior to an election period

5.6.1 [The Policy applies to actual decisions made during an election period, not the announcement of decisions made prior to the election period.](#)

5.7 Publication of material during an election period

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

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

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

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

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

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

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

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

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

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

5.8 Attendance at Events and Functions during an election period

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

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

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

5.9 Media Service

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

5.10 Council Staff Responsibilities during an election period

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

5.10.2 Correspondence

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

5.10.3 Activities that may affect voting

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

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

5.11 Public Consultation during an election period

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

5.12 Council Member Training and Development

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

6 LEGISLATION/REFERENCES

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

7 POLICY DELEGATIONS

Nil applicable

8 ROLES/RESPONSIBILITIES

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

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

9 AVAILABILITY OF POLICY

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

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

10 DOCUMENT HISTORY

Date	Ref/Version No.	Comment
27/04/2010	C644: V1	
28/05/2012	C420: V2	
11/03/2014	C1074:V3	
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22/07/2019	C0065:V5	
26/03/2019	C1120/19: V6	
28/03/2022		Review of Policy, prior to November 2022 Local Government Elections

Caretaker Guidelines

December 2021

This resource has been prepared by the Local Government Association of SA (LGA) to assist councils with implementation of legislative changes arising from Local Government Reforms, incorporating advice from Norman Waterhouse Lawyers, for the guidance of and use by member councils.

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1 Introduction

Section 91A of the *Local Government (Elections) Act 1999* (the Elections Act) requires councils to prepare and adopt a caretaker policy to govern the conduct of the council and its staff during the election period for a general election.

On 10 November 2021, section 188 of the *Statutes Amendment (Local Government Review) Act 2021* (the Amendment Act) commenced, which amended section 91A—Conduct of council during election period of the Elections Act.

Section 91A(2) of the Elections Act stipulates that the caretaker policy must at a minimum:

- (a) prohibit the making of a designated decision; and
- (b) prohibit the use of council resources for the advantage of a particular candidate or group of candidates,

during an election period.

The Local Government Association of SA (LGA) has prepared a model caretaker policy on the basis of meeting the minimum legislative obligations under section 91A of the Elections Act. Councils may wish to incorporate additional requirements within any caretaker policy adopted.

These Caretaker Guidelines (the Guidelines) provide an overview of the scope and meaning of the legislative requirements under section 91A of the Elections Act and should be read in conjunction with the model caretaker policy. Terms which are defined in the model caretaker policy have the same meanings in the Guidelines.

2 Overview

Section 91A(2) of the Elections Act sets minimum standards for council caretaker policies.

Caretaker policies must at a minimum:

- prohibit the making of a designated decision during the election period; and
- prohibit the use of council resources for the advantage of a particular candidate or group of candidates during the election period.

In considering how the policy applies to the prohibition on making designated decisions, regard must be had to three separate elements. In particular the following must be present:

- 1) a decision of council;
- 2) made during an election period;
- 3) which is a designated decision.

The caretaker policy must also prohibit the use of council resources for the advantage of a particular candidate or group of candidates during the election period.

2.1 Decision of the council

Section 91A of the Elections Act applies to a decision of the council. This will include decisions made directly by the council at a meeting or indirectly through a council committee or other delegate or sub-delegate.

2.2 Election period

During an election period councils are prohibited from making designated decisions. The use of council resources for the advantage of a particular candidate or group of candidates is also prohibited. Council may apply in writing to the Minister for an exemption from the application of this section to a designated decision.

An election period:¹

- (a) commences on either:
 - (i) the day on which nominations for a general election close; or
 - (ii) if a council's caretaker policy specific an earlier date, that date; and
- (b) expires at the conclusion of the general election.

Section 91A of the Elections Act does not apply to a decision that is announced during the election period but was made prior to the election period.

3 Designated decisions

Only specific types of decisions will be designated decisions under section 91A of the Elections Act. The designated decisions are outlined below.

The Elections Act stipulates that any designated decision made by a council during an election period without a ministerial exemption is invalid.

Any person who suffers loss or damage as a result of acting in good faith on a designated decision made in contravention of section 91A of the Elections Act is entitled to compensation from the council for that loss or damage.

3.1 Decisions relating to the employment of the Chief Executive Officer

Any decision relating to the employment, remuneration or termination² of the Chief Executive Officer, other than a decision to:

- (a) appoint an acting Chief Executive Officer; or
- (b) suspend a Chief Executive Officer for serious and wilful misconduct,³

will be a designated decision.

¹ Section 91A(8) *Local Government (Elections) Act 1999*

² Section 91A(8) *Local Government (Elections) Act 1999*

³ Regulation 12(1)(b) *Local Government (Elections) Regulations 2010*

3.2 Specific contracting decisions

Certain council decisions regarding specific types of contracts made during an election period will be designated decisions.

Generally, a decision to enter into a contract, arrangement or understanding (other than a 'prescribed contract') the total value of which exceeds whichever is the greater of \$100,000 or 1% of the council's revenue from rates in the preceding financial year⁴ will be a designated decision. However, there are exclusions from this general position provided in section 91A of the Elections Act and the *Local Government (Elections) Regulations 2010* (the Elections Regulations).

3.2.1 Prescribed contracts

Prescribed contracts are expressly excluded from the types of contracts which are able to be the subject of a designated decision. A 'prescribed contract' is defined in section 91A of the Elections Act to mean a contract entered into by a council for the purpose of undertaking road construction, road maintenance or drainage works.

3.2.2 Exemptions

Other types of contracts are excluded from being the subject of a designated decision by the Elections Regulations. These types of decision are decisions:

- (a) relating to the carrying out of works in response to an emergency or disaster within the meaning of the *Emergency Management Act 2004* or under section 298 of the *Local Government Act 1999* (the Local Government Act);
- (b) for an expenditure or other decision required to be taken under an agreement by which funding is provided to the council by the Commonwealth or State Government or otherwise for the council to be eligible for funding from the Commonwealth or State Government;
- (c) relating to the employment of a particular council employee (other than the Chief Executive Officer);
- (d) made in the conduct of negotiations relating to the employment of council employees generally, or a class of council employees, if provision has been made for funds relating to such negotiations in the budget of the council for the relevant financial year and the negotiations commenced prior to the election period; or
- (e) relating to a Community Wastewater Management Systems scheme that has, prior to the election period, been approved by the council.

As set out above, the legislation does not prohibit a council from making a type of decision listed in the Elections Regulations. Councils should be mindful however of community perceptions and are encouraged to exercise care before proceeding with such a decision during a Caretaker Period.

⁴ Section 91A(8) *Local Government (Elections) Act 1999*

4 Prohibition on the use of council resources to give selective advantage

4.1 Scope of the prohibition

A council's caretaker policy must prohibit the use of council resources for the advantage of a particular candidate or group of candidates during an election period. A caretaker policy may however allow the equal use of resources by all candidates for election.

The prohibition does not prevent all candidates, including council members utilising council resources that are available to all members of the public.

Examples of this include a candidate using a council library public computer to design election campaign material and produce copies for distribution on a council photocopier (that is available to the general public). Candidates should not be given access to council facilities that are not available other candidates.

There are constraints on the personal use of council resources under the Local Government Act and the Code of Conduct for Council Members. These provisions are discussed in section 4.5 of these guidelines.

4.2 What are 'council resources'?

'Council resources' is a broad concept which is undefined in the Elections Act. A general definition of the term 'resources' provided in the *Macquarie Dictionary* is *'the collective wealth and assets of a country, organisation, individual'*. Applying this definition, any asset or information owned or controlled by a council is a 'council resource'.

Council resources may include:

- (a) materials published by council;
- (b) facilities and goods owned by the council;
- (c) attendance and participation at functions and events;
- (d) access to council information; and
- (e) media services.

Council staff and contractors engaged by a council are also council resources.

4.3 Meaning of 'advantage'

The concept of 'advantage' is broad and is defined in the *Macquarie Dictionary* as *'any state, circumstance, opportunity, or means especially favourable to success, interest, or any desired end'*. In the context of section 91A of the Elections Act, the relevant advantage is in respect of being elected or re-elected.

An advantage will be conferred where council resources can be used, or the permissible uses of the resource favours, one (or some) candidates over others. An advantage arises when a candidate utilises resources, information or support that is not available to a candidate in an election who is not an existing council member.

The Ombudsman has given 'advantage' a broad interpretation. The Ombudsman's view is that any activity that gives a perception of favouring one candidate over another is an advantage.

In previous decisions of the Ombudsman:

- (a) A decision to engage an independent contractor to conduct a section 270 review of a procurement decision did not involve the use of council resources for the advantage of a particular candidate, even though one possible outcome of the review would have assisted or harmed the electoral chances of particular candidates.
- (b) A decision to include a mayor's review of the achievements of the council in an 'Annual Review' document sent to households did provide such an advantage.

Whether the scope of the 'advantage' under section 91A of the Elections Act extends to a perceived advantage is likely to be a matter for debate. Councils should, however, be aware of this view when making council resources available during an election period.

4.4 Normal council business or campaigning?

A breach of the prohibition on using council resources for the advantage of a particular candidate:

- (a) can occur inadvertently; and
- (b) does not require a specific council decision.

For example, if existing members of council are provided with a card which enables them to make copies of documents using council photocopiers (including copiers in a public library) and other candidates are not provided with this council resource, this would provide the council member with a (prohibited) advantage if they were permitted to use it for campaigning.

Other examples of council resources that, if used during the election period for campaign purposes, or purposes that would otherwise provide a genuine advantage to the candidate, which would contravene a council caretaker policy include:

- (a) Mobile phones
- (b) Council vehicles
- (c) Council-provided landline phones, computers and other office equipment beyond that provided to members of the public (eg in a public library)
- (d) Council-provided business cards
- (e) Requests to council employees to perform tasks
- (f) The ability to issue invitations to council events
- (g) Council travel arrangements (eg access to council-negotiated rates for flights, accommodation or hire cars)
- (h) Access to areas that members of the public cannot access, including areas within the property of third parties (eg a 'Mayor's Parlour' at a suburban football oval).
- (i) Councils printed materials (e.g. brochures or other documents)

It is reasonable for councils to continue to provide resources where these are necessary for a council member to perform their duties as a council member, *provided* these resources are not used to advantage a candidate or group of candidates. For example:

- (a) Access to council facilities, for the purpose of a council meeting. This may include refreshments, if usually provided as an adjunct to council meetings
- (b) Access to a secure area of the council website, where council agendas, minutes and other council documents can be obtained.

Where council members are standing for re-election, the council should consider whether the continued provision of council resources during the election period will provide an advantage to existing council members (or other particular candidates) in their election campaigns.

Reasonable minds are likely to differ over whether the use of particular council resources will advantage particular candidates. A council's Caretaker Policy should consider all of the resources made available to council members and should set out which of these will not be available during an election period.

Specific scenario advice is provided in section 4.6 of this Guideline.

4.5 Use of council resources for personal benefit

The use of council resources for personal benefit is distinct from the prohibition against the use of council resources for the advantage of a particular candidate or group of candidates.

The use of council resources for personal benefit is regulated by legislation other than section 91A of the Elections Act. However, as the use of council resources by a council member for the purposes of an election campaign will be a use of those resources for personal benefit, the same activity may be regulated by both sets of rules.

Council members standing for re-election to council must take care that they only use council resources for normal council business and not to assist them in campaigning.

The general duties on council members under section 62 of the Local Government Act include offences for improper use of information⁵ or position⁶ to gain personal advantage for the council member or another person.

Section 78 of the Local Government Act provides for the use of council resources by council members. Section 78(3) of the Local Government Act states:

A member of a council must not use a facility or service provided by the council under this section for a purpose unrelated to the performance or discharge of official functions or duties (unless the use has been approved by the council and the member has agreed to reimburse the council for any additional costs or expenses associated with this use).

The Code of Conduct for Council Members prohibits the use of council resources for private purposes without authorisation.

The use of council resources for personal benefit in breach of these requirements could be corruption in public administration for the purpose of the *Independent Commission Against Corruption Act 2012* (SA) or maladministration or misconduct for the purpose of the *Ombudsman Act 1972* (SA) and be the subject of a complaint to the office of Public Integrity (**OPI**) or Ombudsman respectively.

Conduct of a public officer that results in a substantial mismanagement of public resources may also be the subject of a complaint to the Ombudsman.

Disciplinary consequences or prosecutions may ultimately result from the unauthorised use of council resources for private purposes.

⁵ Section 62(3) *Local Government Act 1999*

⁶ Section 62(4) *Local Government Act 1999*

4.6 Specific council resource scenarios

The business of a council does not cease during an election period. Council resources will continue to be used during the election period. There is a distinction between the use of council resources in the ordinary course of council operations and the use of council resources by a candidate or group of candidates for campaigning purposes. Where resources are used for campaign purposes, this will be the use of council resources for personal benefit.

During an election period, council members and council staff must take care that council resources are not used for the purpose of election campaigning. Some specific scenarios are discussed below where this issue may arise.

4.6.1 Council publications during an 'election period'

The publication by a council of information for the advantage of a particular candidate or group of candidates is prohibited by section 91A of the Elections Act. Publishing includes publication by any medium, including but not limited to leaflets, newspapers, posters, email, websites, radio or television.

Councils have a statutory responsibility to publish certain information regarding general elections. Under section 12(b) of the Elections Act, each council is responsible for the provision of information, education and publicity designed to promote public participation in the electoral processes for its area, to inform potential voters about the candidates who are standing for election in its area and to advise its local community about the outcome of the elections and polls conducted in its area.

All election materials published by a council should fall within the types of material described in section 12(b) of the Elections Act and not contain any material which would advantage a particular candidate or candidates.

'Electoral material' is defined in the Elections Act as *'an advertisement, notice, statement or representation calculated to affect the result of an election or poll'*. Given that the purpose of electoral material is to persuade voters towards a particular candidate or group of candidates, it will not be appropriate for a council to publish electoral material.

Councils may publish other material during an election period. If council is considering publishing or distributing material during the election period, the council should consider whether or not the material would confer an advantage on a particular candidate or group of candidates for election. If an advantage would be conferred, then the material should not be published or distributed.

Where a council publication made in the ordinary course of council operations would be published during an election period, care should be taken as to the contents of these publications, to ensure that the council and council members are not criticised for publishing information which may assist or hinder the electoral prospects of particular candidates.

Council members are able to publish electoral material on their own behalf (provided that they comply with sections 27 and 28 of the Elections Act). Council members should not assert or imply that the electoral material originates from or is endorsed by the council. A council member also should not use council resources (not available to the general public) to create or distribute his or her electoral material, including through the use of council stationery, computers, printers, photocopiers or staff or the application of council logos.

4.6.2 Attendance at Events and Functions

Events and functions can take many forms including conferences, workshops, forums, launches, promotional activities, and social occasions (such as dinners, receptions and ceremonies).

Council members can continue to attend events and functions in their capacity as a council member during an election period provided that their attendance is consistent with the ordinary course of a council member's duties and is not used for campaigning.

Council members should consider whether or not their attendance at an event or function is likely to be viewed as campaigning. In part, this may depend on the conduct of the council member while in attendance at the event or function. Care should particularly be taken by council members if they are asked to give a speech at an event or function during an election period.

4.6.3 Access to council information

Section 61 of the Local Government Act provides council members with a right to access council documents in connection with the performance or discharge of the functions or duties of the member. This right of access continues during an election period.

Council members should take care that access to council documents is in connection with the performance or discharge of their functions or duties of the member. Access to council documents for the purpose of campaigning or to gain an advantage in an election is an improper use of information gained by virtue of the council member's position as a member of council.

4.6.4 Media Services

Council's media services should be used to promote council activities or initiatives or community activities or initiatives which are endorsed or otherwise supported by council.

Media services should, during the election period, be used in the ordinary course of council operations. Care should be taken that media services will not be used to advantage a particular council member in his or her re-election campaign by profiling that member or activities which are closely associated with that member.

Council members should not use their position as an elected representative or their access to council staff and other council resources to gain media attention in support of an election campaign. To do so, would contravene section 62(4) of the Local Government Act which prohibits a council member improperly using his or her position as a council member to gain, directly or indirectly, an advantage for himself or herself or for another person. Council members can be prosecuted for this offence.

Access to media monitoring is likely to confer a campaigning advantage on recipients of monitoring reports. Media monitoring can be useful to council members in the performance of their official duties but is not usually essential. Councils should carefully consider suspending the access of council members to media monitoring during an election period.

4.6.5 Public consultation during an election period

Public consultation (sometimes called 'community engagement') must be undertaken during an election period if the consultation is mandated by legislation.

Where consultation is discretionary then the consultation can occur during the election period. Consideration should be given prior to the consultation being scheduled as to whether or not the consultation will influence the outcome of the election. If the matter subject to the consultation is likely to be closely associated in the minds of voters with a particular candidate or group of candidates, then it may be prudent to delay the consultation until after the election period.

4.6.6 Expenses incurred by council members

Payment or reimbursement of costs relating to council members' out-of-pocket expenses incurred during an election period will only apply to necessary costs that have been incurred in the performance of normal council duties. This is consistent with general requirements applying to the reimbursement of council members under section 77 of the Local Government Act.

No reimbursements should be provided for campaign expenses or for expenses that could be perceived as supporting or being connected with a candidate's election campaign.

4.6.7 Council branding and stationery

Councils should not endorse particular candidates for election. Council logos, letterheads, or other council branding or council resources or facilities should not be used for a candidate's election campaign.

4.6.8 Support staff to council members

Council staff who provide support to council members should not be asked to undertake any tasks connected directly or indirectly with an election campaign for a council member, except where similar support is provided to all candidates.

In some councils, Mayor's will have access to support staff for assistance with email and diary management and coordination of activities related to the performance of their role. During an election period it is important to ensure clear separation of 'business as usual' (e.g. acknowledging or responding to emails received, coordinating calendar appointments) and campaigning activity (e.g. preparation and distribution of campaign flyers) and that council staff do not provide any assistance with the latter.

4.6.9 Equipment and facilities

Council resources such as council computers, stationery and business cards can continue to be used by council members during an election period for **normal council business**. For example, use of a council provided device to receive and read an electronic copy of the council agenda and use of the device during the council meeting. Council resources should not be used for campaign purposes, for example, use of the council provided email address and the council device to email a newsletter to community groups seeking their support in the election, as this will contravene the Local Government Act and the Code of Conduct for Council Members.

5 Council staff activities during an election period

Council staff should not undertake any activity that may influence the outcome of an election, except where the activity is required to facilitate the conduct of a fair election process and is authorised by the Chief Executive Officer.

Council staff should not authorise, use or allocate a council resource for any purpose which may influence voting in the election, except where it is required to facilitate the conduct of a fair election process and is authorised by the Chief Executive Officer. This includes making council resources available to council members for campaign purposes.

Council staff must not assist a council member with the member's election campaign during hours of work. Whilst it is not illegal for council staff to assist a council member with the member's election campaign in their own time, such campaign assistance creates reputational risks for the staff member, the candidate, the council and for the integrity of the election process.

Where the use of council resources could be construed as being related to a candidate's election campaign, the incident must be reported to the Chief Executive Officer.

6 Equity of assistance to candidates

6.1 Candidate Assistance and Advice

Councils should not favour a candidate or group of candidates for election, over other candidates.

Any assistance or advice provided to candidates as part of the conduct of an election will be provided equally to all candidates.

For example, if a council intends to provide information sessions for potential candidates, as far as practicable, the same information should be provided to all candidates.

Existing council members or other candidates should not be provided with additional information that would confer an electoral advantage (eg a heads up about a State MP's street meeting or information about an agenda item coming up on the agenda of a meeting of an influential community group).

The types of assistance that are available will be documented and communicated transparently to all candidates in advance.

6.2 Election Process Enquiries

All election process enquiries from candidates, whether current council members or not, are to be directed to the Electoral Commissioner as the returning officer or, where the matter is outside of the responsibilities of the returning officer, to the Chief Executive Officer or his or her nominee.

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COUNCIL ACTION REPORT

REPORT TITLE: COUNCIL ACTION RECORDS
ITEM NUMBER: 4.12
DATE OF MEETING: 28 MARCH 2022
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 MARCH 2022					
Meeting Date	Item #	Subject and Council Resolution	Responsible Exec.	Status/Progress	Expected Completion Date
23/08/21	4.6	SUSTAINABLE BUSINESS SUPPORT PROGRAM - SINGLE-USE PLASTIC BAGS UPDATE 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.	GM City Development	Completed - Briefing held with Elected Members in March 2022 on how Council can play a more active role in businesses reducing their reliance on single use plastic bags through engagement with Plastic Free SA.	Completed
23/08/21	5.1.2	NOTICE OF MOTION FROM COUNCILLOR D. PALMER RE: FRONT BOUNDARY HEDGES - IMPACT ON PEDESTRIAN ACCESS 1. An audit of previously inspected hedges on the front boundaries of private properties within the City of Unley be completed to: 1.1 Identify hedges that impede pedestrian access on the public footway; 1.2 Outline actions Council may take to resolve the impact of these related hedges, in line with Council's Compliance Policy. 2. A report on the audit findings be presented to Council for consideration of any further action.	GM City Services	Report presented to Council for endorsement March 2022.	Completed
27/09/21	5.1.1	NOTICE OF MOTION FROM COUNCILLOR J. BONHAM RE: CALL FOR ACTION FOR CONSERVATION COUNCIL AND PROPOSED ITEM OF BUSINESS FOR GAROC 2. The CEO be authorised to write to the Conservation Council of South Australia indicating that Unley Council has endorsed in principle 'A Call to Action: Protecting Adelaide's Tree Canopy'. 3. The 'A Call to Action: Protecting Adelaide's Tree Canopy' report be referred to ERA to evaluate the recommendations contained in the report, and to investigate what role councils may play in their implementation, and a report be provided to member councils on completion of investigations. 4. 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. 5. 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.	CEO CEO Executive Manager Office of the CEO Executive Manager Office of the CEO	Completed Report was submitted to ERA Mayors late 2021 and this topic was included in ERA's submission to both major political parties in terms of priority policy issues. The Mayors have not requested the CEO's to undertake any further work on this topic. The ERA CEO's will discuss this further at their meeting in March 2022 to determine if any further work is required. Proposed Item for Business was submitted to the LGA for consideration at the April 2022 LGA OGM. As required.	Completed Completed Completed July 2022
22/11/21	5.1.1	NOTICE OF MOTION FROM COUNCILLOR K. ANASTASSIADIS RE: REQUEST TO UNDERTAKE A MOVEMENT STUDY OF GLEN OSMOND ROAD 1. The City of Unley write to the City of Burnside and request that a joint meeting be held with the Minister for Infrastructure and Transport, Corey Wingard, with a view to the Department for Infrastructure and Transport (DIT) undertaking a holistic movement study of Glen Osmond Road from Fullarton Road in the south-east to Greenhill Road in the north-west that includes: • safe and timely movement of pedestrians (including those using mobility aids) and cyclists along and across the road. • safe and timely movement of pedestrians (including those using mobility aids) and cyclists at the intersection of Glen Osmond Road, Kenilworth Road and Young Street. • motor vehicle traffic volumes and speeds on Glen Osmond Road. • motor vehicle movements at the intersection of Glen Osmond Road, Kenilworth Road and Young Street including: -- illegal turns from Kenilworth Road into Glen Osmond Road. -- queuing across pedestrian crossings and the slip lane. -- entry from the commercial premises located within the intersection.	General Manager City Development	- A meeting between Mayors and CEO's occurred on 18 January 2022. It was agreed that Unley would draft a letter to the Minister and Burnside would co-sign the letter. Discussion also covered a future PLEC submission by both councils for undergrounding of street lights and streetscape improvement for all of Glen Osmond Road (in stages) commencing from Cross Road and heading progressively north. - Letter sent to Minister for Infrastructure & Transport 9 February 2022. - Meeting held between City of Unley and DIT CEO's to discuss redesign opportunities for the intersection of Glen Osmond / Kenilworth / Young. - DIT has indicated that they are happy to consider a redesign in light of recent funding received by Parkside Primary School, in conjunction with Council.	Completed Completed Completed June 2022
31/01/22	4.2	DRAFT NORTH UNLEY PARK MASTER PLAN 3. Following the conclusion of community consultation, a further report be considered by Council summarising the feedback received in relation to the draft North Unley Park Master Plan and the presentation of a final Master Plan.	GM City Development	Community consultation to commence in March/April 2022. A report will go back to Council with feedback and draft Master Plan in May 2022. Final Master Plan is expected to be completed June 2022.	June 2022

COUNCIL ACTION REPORTS - ACTIONS TO MARCH 2022					
Meeting Date	Item #	Subject and Council Resolution	Responsible Exec.	Status/Progress	Expected Completion Date
31/01/22	4.3	<p>MIKE TURTUR BIKEWAY OVERPASS</p> <p>2. The City of Unley write to the Minister for Infrastructure and Transport, requesting that the Department for Infrastructure and Transport (DIT) expand the current scope of the Mike Turtur Bikeway Overpass project to include:</p> <p>2.1 Widening of openings beneath the existing tram overpass at Lyons Parade (western side) and Railway Terrace South (eastern side) to safely accommodate for increased pedestrian and cycle movements.</p> <p>2.2 Establishment of a 4.0m wide shared use path (lit) and additional landscaping to connect the eastern ramp with Richards Terrace and the Marino Rocks Greenway (adjacent to the showgrounds).</p> <p>2.3 Improvements to the Goodwood Station subway and access ramps to allow Disability Discrimination Act compliant access to the station; and</p> <p>2.4 Provision of usable open space within the eastern ramp loop (Lot 32 / 42 Devon Street).</p> <p>3. A copy of the letter to the Minister for Infrastructure and Transport also be sent to the Member for Unley, Member for Badcoe, and the Unley Bike User Group.</p>	GM City Development	Completed - letter sent to the Minister for Infrastructure and Transport 10 February 2022 (CC to Member for Badcoe and UBUG).	Completed
31/01/22	4.4	<p>MIKE TURTUR BIKEWAY OVERPASS COMMUNITY CONSULTATION REGARDING PROPERTY ACCESS</p> <p>4. A further report be presented to Council outlining the results of the community consultation processes for the amendment to the Forestville Community Land Management Plan and issuing of the Licence Agreement.</p>	GM City Development	Community consultation regarding amendment to the Forestville Community Land Management Plan and issuing of a licence agreement commenced on 7 February 2022 and concluded on 21 March 2022. A report is proposed to be presented to Council for its consideration outlining the results of the consultation at its meeting to be held in April 2022.	April 2022
31/01/22	4.6	<p>DRAFT DISABILITY ACCESS AND INCLUSION PLAN</p> <p>3. Following the completion of community consultation, a final Disability Access and Inclusion Plan be presented to Council for endorsement.</p>	GM City Services	Report presented to Council for endorsement March 2022.	Completed
31/01/22	5.1.2	<p>NOTICE OF MOTION FROM COUNCILLOR J. BOISVERT RE: SUPPORT TO BUSINESSES DURING CURRENT COVID-19 (OMICRON) OUTBREAK</p> <p>1. Administration investigate and report back on what support Council could provide to businesses during the current COVID-19 (Omicron) outbreak.</p>	CEO	Report presented to Council for endorsement March 2022.	Completed
28/02/22	1.5.1	<p>ADJOURNED ITEM: NOTICE OF MOTION FROM MAYOR M. HEWITSON RE: PROPOSED PURCHASE OF ARTWORK "EPOCH ARCHIVERS 'TIME CAPSULE'"</p> <p>1. Staff be authorised to purchase the three (3) smaller pieces of artwork titled "Epoch Archivers – Time Capsule" by Thom Buchanan, displayed as part of the Unley 1 5 0 sesquicentenary exhibition at the Unley Museum, at an unbudgeted cost of \$3,800.00.</p>	Governance Manager	Purchase of artwork in progress, with unbudgeted funds to be recognised in the Q3 budget review.	Completed
28/02/22	4.5	<p>FULLARTON ROAD SOUTH TRADERS ASSOCIATION PROPOSED CHANGE TO SEPARATE RATE FOR 2022/23</p> <p>2. In accordance with section 151(5) and (6) of the Local Government Act 1999:</p> <p>2.1 Fullarton Road South Traders Association Inc. annual Separate Rate be increased to \$350 per business per annum.</p> <p>2.2 Fullarton Road South Traders Association Inc. collection area for the Separate Rate be expanded to include Wattle Street, Fullarton.</p> <p>2.3 Fullarton Road South Traders Association Inc. Separate Rate be changed to be used for the purposes of marketing, street beautification, and minor value-added infrastructure projects.</p> <p>be endorsed for the purposes of public consultation.</p>	CEO	Consultation live on Your Say, closing 29 March 2022.	Completed
28/02/22	4.8	<p>2022 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION - CALL FOR NOTICE OF MOTIONS FOR THE NATIONAL GENERAL ASSEMBLY</p> <p>2. The following matter be submitted to the Australian Local Government Association for inclusion in the upcoming National General Assembly (currently scheduled for 19-22 June 2022).</p> <p>Motion: The National General Assembly calls on the Australian Government and the State and Territory Governments to:</p> <ul style="list-style-type: none"> jointly undertake an investigation of the adequacy of the current policy on packaging and product recycling information consider establishing a consistent national approach that mandates the provision of information and advice by all manufacturers or wholesalers/retailers regarding the relevant recycling stream for all packaging as well as products produced or sold in Australia. <p>3. Staff be authorised to compile additional background information in support of the proposed motion and liaise with the ALGA (if required) in relation to the wording of the motion set out in Part 2, and if essential, modify the wording to facilitate acceptance of the motion for consideration at the upcoming Australian Local Government Association National General Assembly (currently scheduled for 19-22 June 2022)</p>	Governance Manager	Motion submitted for consideration by the ALGA for the National General Assembly.	Completed

COUNCIL ACTION REPORTS - ACTIONS TO MARCH 2022					
Meeting Date	Item #	Subject and Council Resolution	Responsible Exec.	Status/Progress	Expected Completion Date
28/02/22	5.1.1	NOTICE OF MOTION FROM COUNCILLOR J. RUSSO RE: GREENHILL ROAD CORRIDOR UPLIFT 1. The City of Unley write to Adelaide City Council (ACC), Kadaltilla/Adelaide Park Lands Authority and Department of Infrastructure and Transport (DIT) to commence discussions around potential planning of a joint initiative project for the Greenhill Road Corridor.	GM City Development	City of Unley wrote to the parties seeking a meeting with ACC and DIT to open discussions and identify partnership opportunities to improve the presentation and accessibility of Greenhill Road and South Parklands activation.	Completed
28/02/22	5.1.2	NOTICE OF MOTION FROM COUNCILLOR P. HUGHES RE: SUPPORT TO THE PRESERVATION OF THE GOSSE BUILDING AT HIGHGATE PARK 1. The City of Unley writes to the Treasurer, Minister for Human Services, and Minister for Education indicating the support for the retention and preservation of the Gosse Building located at 2 Highgate Street, Fullarton (Highgate Park).	Governance Manager	City of Unley wrote to the parties and indicated support for the retention and preservation of the Gosse Building.	Completed

MAYOR'S REPORT

REPORT TITLE: MAYOR'S REPORT FOR MONTH OF MARCH 2022
ITEM NUMBER: 6.1.1
DATE OF MEETING: 28 MARCH 2022
ATTACHMENTS: NIL

1. RECOMMENDATION

That:

1. The report be received.
-

Functions attended (23/02/22 to 22/03/22)

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
24/02/22	Meet The Mayor	Host
25/02/22	FOCUS Group Meeting	Host
25/02/22	Wilks Oration – The Politics of Identity	Attendee
28/02/22	Council Meeting	Mayor
02/03/22	ERA Mayors & CEO's Group Meeting	Mayor
03/03/22	Meet The Mayor	Host
04/03/22	ERA Mayors Breakfast	Mayor
04/03/22	Mayor's & EM's Social Get Together	Host
07/03/22	Meeting with Staff – Community Consultation Young St & George St Walking & Cycling Intersection Improvements	Mayor
07/03/22	EM Briefing – Single Use Plastics	Attendee
10/03/22	Meet The Mayor	Host
11/03/22	GCOM Steering Committee Meeting	Mayor
12/03/22	Steve Georganas – Street Corner Meeting	Mayor

Date	Function/Event Description	Type
15/03/22	Audit Committee Meeting	Attendee
17/03/22	Meet the Mayor	Host
21/03/22	Budget Workshop	Attendee

Street Corner Meeting 12/03/22

I was invited to attend the meeting and learnt that meetings with our Local Federal Member and the Unley Labor State Candidate had been held across our Council area.

A number of local Council issues are raised at these meetings such as parking, and how our community can participate in shaping our policy to be considered by Council. I was told that parking was a big issue around Heywood Park.

DEPUTY MAYOR'S REPORT

REPORT TITLE: DEPUTY MAYOR'S REPORT FOR MONTH OF MARCH 2022

ITEM NUMBER: 6.2.1

DATE OF MEETING: 28 MARCH 2022

ATTACHMENTS: NIL

1. **RECOMMENDATION**

That:

1. The report be received.
-

Functions attended (23/02/22 to 22/03/22)

Date	Function/Event Description
23 Feb	Page Park Consultation Drop In Session
	SOD Kirkholme (on behalf of Mayor)
24 Feb	Clarence Park Ward Briefing
27 Feb	Mike Turtur Overpass Public Meeting
28 Feb	Met with convenors of Mike Turtur Bike Overpass public meeting
	Council Meeting
2 March	Discussed Goodwood Oval leases with GM Malak
4 March	Buddies Breakfast
	Discussed current lease with Goodwood Cricket Club Treasurer
	EM Get together in Mayor's Parlour
6 March	Mike Turtur Overpass Public Meeting
7 March	Fortnightly Catch up with Mayor
	Reviewed Economic Strategy progress with staff and Cr Sheehan
	Presided over EM Briefing: Single Use Plastics
8 March	Catch up with CEO
11 March	A Taste of Goodwood meets Fringe at your Doorstep
15 March	Spectator at Audit Committee meeting
18 March	Buddies Breakfast
21 March	Presided over Budget Workshop
22 March	Neighbourhood Watch committee meeting

REPORTS OF MEMBERS

REPORT TITLE: REPORTS OF MEMBERS MARCH 2022
ITEM NUMBER: 6.3.1
DATE OF MEETING: 28 MARCH 2022
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 (23/02/22 to 22/03/22)

Date	Function/Event Description
22/2/2022	Unley Community Centre Ride
22/2/2022	Meeting at Unley Park Sports Centre with members of the UPSC Committee re Centenary projects.
24/02/2022	Living in the 70s Unley Museum event
28/02/2022	Council Meeting
1/03/2022	Unley Community Centre Ride
4/03/2022	Elected Member social gathering with Mayor
7/03/2022	Council Briefings: Single Use Plastics
7/03/2022	Meeting with Manager Finance & Procurement
8/03/2022	Unley Community Centre Ride
8/03/2022	Museum meeting
15/03/2021	Audit Committee
15/03/2022	Unley Community Centre Ride
22/03/2022	Unley Community Centre Ride

CORRESPONDENCE

REPORT TITLE:	CORRESPONDENCE
ITEM NUMBER:	6.4.1
DATE OF MEETING:	28 MARCH 2022
ATTACHMENTS:	<ol style="list-style-type: none">1. MAYOR, CITY OF UNLEY TO HON JOSH TEAGUE MP2. SALLY SMITH, EXECUTIVE DIRECTOR, PLANNING & LAND USE SERVICES3. MAYOR, CITY OF UNLEY TO HON MICHELLE LENSINK MLC4. SANDY VERSCHOOR, LORD MAYOR5. TONY BRAXTON-SMITH, CEO, DEPT FOR INFRASTRUCTURE & TRANSPORT

The correspondence from:

- Mayor, City of Unley – Letter to Hon Josh Teague MP – Response to Correspondence Re. Request to Establish a Tree Offset Fund
- Sally Smith, Executive Director, Planning & Land Use Services – Re. Preparation of Regional Planning for Greater Adelaide
- Mayor, City of Unley – Letter to Hon Michelle Lensink MLC – Re. Retention and Preservation of the Gosse Building
- Sandy Verschoor, Lord Mayor – Re. Potential for Joint Initiative Project for Greenhill Road Corridor Uplift
- Tony Braxton-Smith, CEO, Dept for Infrastructure & Transport – Re. Potential for Joint Initiative Project for Greenhill Road Corridor Uplift

be noted.

MAYOR'S OFFICE



24 February 2022

Hon Josh Teague MP
Minister for Planning and Local Government
AttorneyGeneral@sa.gov.au

Dear Minister

Thank you for your letter dated 18 February 2022 regarding our request to establish a tree offset fund. The City of Unley is delighted with your commitment to seek further advice on the use of section 197 of the *Planning, Development and Infrastructure Act 2016*.

In response to your request for Council's consideration on various matters, I would like to offer the following responses:

Section 197 of the Planning, Development and Infrastructure Act 2016.

You have raised the question why Council feel that the soft landscaping criteria are insufficient. The Code has no way of ensuring the soil available for planting will ever be planted with a tree that is allowed to grow. As it stands, there are no incentives to ensure that plantings occur and are retained. The Council would be willing to monitor the effect of the new criteria for 12 months but are sceptical that they will make any difference.

The Code however does enable the proposed Council offset scheme to work for developers and subsequent owners alike. If the 15% tree canopy target is not met, the property owner would be charged an additional 10% of their rates until such time as 15% canopy cover is achieved on the property. If on the other hand, the 15% target was met at the time of development, the additional charge would not be imposed.

With the requested Council Offset scheme, if the first owner does not plant a tree, any subsequent owner choosing to plant a tree and achieving the 15% canopy cover will no longer need to pay the 10% rate. All the money raised by this 10% offset fund will be used to buy land on which trees can be planted at Council's expense.

Assessment of Canopy Cover

The City of Unley has measured the percentage of tree canopy cover above a height of 3.0m on an individual property basis and this information has been sent to all property owners in 2021 via their rate notice. In the coming months, this information will also be available on an App for anyone to access. Council intends to continue to obtain this information on an annual basis via the use of LiDar data and this will enable all new development properties to be assessed.

CITY of VILLAGES

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When a development application is lodged, an assessment of tree canopy cover on the property would be made against a target canopy cover of 15%. This target ties in with the new planning code which makes provision for sufficient "soft soil" to enable all new developments to be able to grow 15% tree canopy cover should they choose to do so.

Under our proposal, when the tree canopy cover reaches 15% or more, the tree land fund offset rate is removed. Shrubs over 3m are also included. The Unley offset scheme encourages developers to consider keeping existing trees rather than stripping the development site bare.

Category of New Developments

Only development applications that increase the built form footprint would be liable for the tree offset charge. Solar panels, fences, and any other development that do not increase the built form would have no charge applied, even if the development was treeless. The scheme therefore has no effect on homeowner improvements such as fences and solar panels.

Why Unley Council should have such an offset scheme approved.

The Unley Offset scheme is a concept that seeks to address the loss of tree canopy in the City of Unley. Unley has the lowest public open space in greater Adelaide at just 3%. Unley's proximity to the City of Adelaide, like North Adelaide, makes it very attractive for infill and high-rise developments. It is estimated that Unley Council will run out of Council land to plant trees on in four years.

There are several other inner metropolitan Councils that support our concept and are looking at Unley with great interest. In particular, the Eastern Region Alliance councils (Prospect, Walkerville, Campbelltown, Norwood Payneham and Saint Peters, Unley, and Burnside) have written to the Minister requesting:

"That the incoming State Government allows an individual Council to trial innovative solutions, which may require Ministerial approval for a local Council offset fund dedicated to the purchase of land for trees."

As you are aware, this is not an issue for the outer councils like Salisbury, Playford, Marion and Onkaparinga who have large parcels of open space within their council areas. We are seeking to trial this for 10 years as this would allow the South Australian government to have hard data to measure the impact of the trial and whether it delivers positive outcomes.

The current greening proposals, including our successful \$345,000 in grant funding for the purchase of land at Fullarton to support urban greening, is appreciated. However, this will not buy even a small parcel of land in Unley given the high land value.

Our recent LiDar data shows that we lost over 20,000m² in tree canopy each year over the last 3 years from approximately 200 new developments. The City of Unley believes that without the proposed offset fund, we will continue to lose this canopy cover and over time, by 2045, we will lose over 20% of our existing canopy cover.

Next Steps

Council is pleased to accept your invitation to contact Mr Brett Steiner, Acting Director, Growth Management to continue these discussions.

Unley is delighted to have met with senior representatives from the Planning and Land Use Services directorate within the Attorney-General's Department (AGD-PLUS) recently to discuss the proposed new offset scheme with Council staff.

Conclusion

The current planning code will see Councils with a lack of public land continue to lose tree canopy cover. The requested offset fund would provide the State an opportunity to test and measure the outcome of such a fund in an area of Adelaide with a demonstrable need. It does not need to be a statewide rule, but one responding to local need.

We expect that the LiDar data will demonstrate the wisdom of approving a 10-year trial. It will provide irrefutable data and a way forward for either a statewide scheme or one relying on Local Governments applying to the Minister for approval.

Thank you Minister for initiating the first steps that might enable a trial to begin on 1 July 2023.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Michael Hewitson', with a small horizontal line to the right.

Michael Hewitson AM
Mayor
City of Unley





Government of South Australia
Attorney-General's Department

18439238

3 March 2022

Mr Peter Tsokas
Chief Executive Officer
City of Unley

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

**Planning & Land Use
Services**

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Adelaide SA 5001
DX 171

Tel 08 7109 7500

Dear Mr Tsokas

Preparation of Regional Planning for Greater Adelaide

I am writing to provide further information about the preparation of a new Regional Plan for Greater Adelaide. In October 2021, the former Chair of the State Planning Commission (the Commission), Ms Helen Dyer, wrote to all councils providing an update about the preparation of Regional Plans.

This year, the preparation of new Regional Plans will commence for all seven regions across the State. The Attorney-General's Department (the Department) is committed to working collaboratively with councils in developing Plans for each region.

Regional Plans will have a long-term vision of 30 years, with more tangible outcomes and targets being proposed within 15 years. As required by the legislation, the Plans will be focused on future planning of land uses and the integrated delivery of critical transport and other infrastructure, and the public realm. They will also make recommendations for changes to the Planning and Design Code (the planning rules for the State).

It is envisaged that the Plans will explore key issues and opportunities and provide strategic directions and actions under the following four main themes (or similar):

- People, Liveability and Housing
- Productive Economy
- Natural Resources, Environment and Landscapes
- Infrastructure and Transport.

Prior to formally commencing the preparation of a Regional Plan for Greater Adelaide, the Department will undertake a range of investigations. Over the next six months, these investigations will primarily focus on:

- Reviewing the current approach to land supply and demand analysis methodologies, including different growth scenarios, a review of 2016 population projections and governance arrangements to ensure that there is equitable input from all stakeholders.

- Detailed project planning and scope for the Plan to reflect the requirements of the legislation and directions of the State Planning Policies, ensuring that the scope is achievable within budgets.

Over the next month, the Department will be meeting with staff from your administration to provide more information and documentation to assist in understanding the scope, time frame, potential content and process to deliver the Regional Planning Program.

In the meantime, for any questions in relation to the Regional Plan for Greater Adelaide, please do not hesitate to contact Mr Brett Steiner, Acting Director, Growth Management, Planning and Land Use Services, on 08 7109 7007 or via email at: Brett.Steiner@sa.gov.au. It would also be appreciated if you email your key contact person for this work to Mr Steiner.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Sally Smith', written over a circular stamp or watermark.

SALLY SMITH
EXECUTIVE DIRECTOR
PLANNING AND LAND USE SERVICES



11 March 2022

The Hon. Michelle Lensink MLC
Minister for Human Services
minister.lensink@sa.gov.au

Dear Minister

Retention and Preservation of the Gosse Building

I write to advise that at its meeting held on 28 February 2022, Council considered a Motion on Notice regarding the retention and preservation of the Gosse Building located at 2 Highgate Street, Fullarton.

Following consideration of the matter, Council resolved the following, Resolution No. C0725/22:

1. *The City of Unley writes to the Treasurer, Minister for Human Services, and Minister for Education indicating the support for the retention and preservation of the Gosse Building located at 2 Highgate Street, Fullarton (Highgate Park).*

Our understanding is that the Gosse Building was opened in 1949 as hospital accommodation and was repurposed in 1997 as university student accommodation. The Gosse Building now provides affordable rental accommodation for 63 students.

With the pending changes to the Highgate Park site, Council would both welcome and support the retention and preservation of this building as we believe it offers significant historical value to the area.

Thank you in anticipation of your support in this matter.

Yours sincerely

Michael Hewitson AM
Mayor

CC. The Hon Rob Lucas MLC, Treasurer treasurer.dtf@sa.gov.au
The Hon John Gardner MLC, Minister for Education morigita@parliament.sa.gov.au

CITY of VILLAGES

Civic Centre 181 Unley Road
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Unley, South Australia 5061

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unley.sa.gov.au

MAYOR'S OFFICE

Michael Hewitson AM



21 March 2022

Sandy Verschoor
Lord Mayor
City of Adelaide
Via email lordmayor@cityofadelaide.com.au

Dear Lord Mayor

Re. Potential for Joint Initiative Project for Greenhill Road Corridor Uplift

I write to advise that at its meeting held on 28 February 2022, Council considered a motion regarding the Greenhill Road Corridor (from Anzac Highway to Glen Osmond Road) and after some discussion, resolved that:

The City of Unley write to the Adelaide City Council (ACC), Kadaltilla/Adelaide Park Lands Authority and Department of Infrastructure and Transport (DIT) to commence discussions around potential planning of a joint initiative project for the Greenhill Road Corridor.

Resolution No. C0724/22

The motion is in response to enquiries from members of the community about who maintains the paths abutting Greenhill Road. As it turns out, the area approximately 3-5 metres within the South Parklands of Greenhill Road is the responsibility of the City of Unley.

Accordingly, the City of Unley wishes to meet with ACC and DIT to identify partnership opportunities to improve the presentation and accessibility of Greenhill Road and to improve connections through to the CBD from the adjacent Unley neighbourhoods. The approach would seek to unlock the economic potential of the Greenhill Road corridor and the enhancement of the Southern Parklands, in balance with improving the efficiency of the ring-route role of Greenhill Road.

I would be pleased to meet with you and representatives of ACC, to discuss the willingness of the City of Adelaide to partner with Council in the potential planning of a joint initiative for the Greenhill Road Corridor. We also welcome the opportunity to engage with Kadaltilla/Park Lands Authority at an appropriate time.

I look forward to hearing from you regarding the requests outlined above. Should you have any queries please contact me on 8372-5104 or email mhewitson@unley.sa.gov.au

Yours sincerely

Michael Hewitson AM
Mayor

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MAYOR'S OFFICE

Michael Hewitson AM



21 March 2022

Tony Braxton-Smith
Chief Executive
Department for Infrastructure and Transport
Via email tony.braxton-smith@sa.gov.au

Dear Tony

Re. Potential for Joint Initiative Project for Greenhill Road Corridor Uplift

I write to advise that at its meeting held on 28 February 2022, Council considered a motion regarding the Greenhill Road Corridor (from Anzac Highway to Glen Osmond Road) and after some discussion, resolved that:

The City of Unley write to the Adelaide City Council (ACC), Kadaltilla/Adelaide Park Lands Authority and Department of Infrastructure and Transport (DIT) to commence discussions around potential planning of a joint initiative project for the Greenhill Road Corridor.

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I would be pleased to meet with you and representatives of DIT, to discuss the willingness of DIT to partner with Council in the potential planning of a joint initiative for the Greenhill Road Corridor. We would also welcome the opportunity to engage with Kadaltilla/Park Lands Authority at an appropriate time.

I look forward to hearing from you regarding the requests outlined above. Should you have any queries please contact me on 8372-5104 or email mhewitson@unley.sa.gov.au

Yours sincerely

Michael Hewitson AM
Mayor

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DECISION REPORT

REPORT TITLE: CONFIDENTIALITY MOTION FOR ITEM 7.2
- UNLEY CENTRAL LITIGATION - LEGAL
EXPENDITURE APPROVAL SOUGHT

ITEM NUMBER: 7.1

DATE OF MEETING: 28 MARCH 2022

AUTHOR: PETER TSOKAS

JOB TITLE: CHIEF EXECUTIVE OFFICER

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) (h) 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 the disclosure of which:
 - pertains to legal advice received in relation to this matter
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 retain matters in confidence that are still the subject to potential Court determination.

On that basis, the public's interest is best served by not disclosing 7.2 Unley Central Litigation - Legal Expenditure Approval Sought, 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.

CONFIDENTIAL DECISION REPORT

REPORT TITLE:	UNLEY CENTRAL LITIGATION - LEGAL EXPENDITURE APPROVAL SOUGHT
ITEM NUMBER:	7.2
DATE OF MEETING:	28 MARCH 2022
AUTHOR:	ED SCANLON
JOB TITLE:	MANAGER ECONOMIC DEVELOPMENT & STRATEGIC PROJECTS
ATTACHMENTS:	<ol style="list-style-type: none">1. UNLEY CENTRAL EASTERN COURIER ARTICLE DECEMBER 20112. UNLEY COUNCIL OWNED CAR PARK THE ADVERTISER ARTICLE JULY 20203. UNLEY SHOPPING CENTRE THE ADVERTISER ARTICLE 21 NOVEMBER 20204. CHRONOLOGY OF LITIGATION REGARDING UNLEY MEMORIAL CAR PARK5. UNLEY CENTRAL PRECINCT PLANS THE ADVERTISER ARTICLE 15 DECEMBER 20206. LETTER DATED 15 MARCH 2022 RE: LEGAL ADVICE

1. **EXECUTIVE SUMMARY**

This report seeks a decision from Council in relation to continuing legal costs associated with the two legal matters underway in relation to Council owned land at 166-168 Unley Road as part of the overall Unley Central Project. The report also contains an update on current legal proceedings together with a summary of the next steps pertaining to the legal cases.

2. **RECOMMENDATION**

That:

1. The report be received.
 2. Further expenditure of up to \$500K is authorised to continue litigation initiated by the Duke Group and currently underway in relation to Council owned land at 166-168 Unley Road.
-

3. RELEVANT CORE STRATEGIES/POLICIES

4. Civic Leadership

4.1 We have strong leadership and governance.

4. BACKGROUND

The redevelopment and revitalisation of the Unley Central area has been a long-held ambition of successive Unley Councils over the last 20 years. During this time there have been several studies conducted in relation to parking, accessibility, heritage, economic growth as well as cycling and walking.

The Council's vision for the Unley Central Precinct is to "create an integrated, sustainable and highly liveable and economically viable urban centre. A precinct that has well serviced retail and other commercial and community facilities, activated streets and spaces offering a vibrant and safe environment".

Following extensive community consultation, a Precinct Plan was developed in 2014 based on seven guiding principles:

- Creation of a pedestrian dominant precinct.
- Creation of high quality, socially engaging, human scale public realm with activated and connected edges.
- Creation of vibrant high quality, medium to high-density mixed-use developments.
- Creation of high quality and enlivened streetscapes that connect to adjacent activities and uses.
- Integration of sustainability principles into urban design.
- Prioritise active public transport and alternatives to cars
- Quieten traffic.

Rezoning of the District Centre and Development opportunities of key strategic sites were identified and discussed in the Plan – particularly for the western side of Unley Road.

In 2016, Council undertook extensive community consultation on a proposed Development Plan Amendment (DPA) and this work was completed in 2017 with the adoption of the Unley Central DPA. The DPA identified the western side of Unley Road, between Thomas Street and Mary Street, as being appropriate for medium to high-density mixed-use development, given the large land allotments. In return, the eastern side (particularly the "Civic Centre Precinct") remained largely unchanged.

As part of its vision, Council has had a position of strategic land acquisition to facilitate development in the Precinct over many years. Examples of this include the major redevelopment of the Unley Shopping Centre in the early 1990s as well as the acquisition of properties on Edmund Avenue and Oxford Terrace.

More recently, Council purchased the previous Australia Post site on Unley Road in late 2011, with a view to Council being able to use this land as an economic development catalyst, to encourage major development in the Unley Central Area and in particular the strip of Unley Road between Arthur Street and Mary Street. This was reported in the Eastern Courier in December 2011 (as per Attachment 1).

Attachment 1

Following a limited competitive tender process for the possible sale of Council owned land at 166-168 Unley Road, Council endorsed entering into discussions with Optage Pty Ltd in July 2017. The discussions were held with respect to a proposed redevelopment of the adjacent Optage landholdings (the “Target” site) and incorporated the Council owned land into any proposed redevelopment. The entire process was overseen by a probity adviser, and with advice from an independent panel of experts (including legal and property).

These discussions and subsequent negotiations culminated in Council endorsing and executing a project Development Deed at the Council meeting of 25 June 2018.

The project’s progress has been delayed because of extensive litigation initiated by the Unley Shopping Centre owner (the Duke Group of Companies) that prevents the sale of the Council owned land and hence any redevelopment, until the matter has been resolved in the courts. This has in turn extended the anticipated time frames and created uncertainty for the project.

On 20 March 2018 the Acting Mayor and CEO met with the owners of the Unley Shopping Centre and outlined Council’s vision to reinvigorate the Unley Central area through redevelopment of key sites. The recent Development Plan Amendment for the area was also discussed in relation to medium density opportunities in the area and in particular, the redevelopment of 166-168 Unley Road was mentioned. The Duke Group did not raise any objections to Council’s aim and the proposal itself.

In late 2019, Council became aware that interests associated with the Duke Group had placed a caveat on the Council land at 168 Unley Road. The land at 168 Unley Road had previously been the subject of a ratepayer ‘Memorial’. A Memorial was a concept under a previous iteration of the *Local Government Act*, where a specified number of ratepayers could petition the Council to undertake works and agree to be subject to a “special rate” to reimburse the Council for its costs of carrying out the works.

The Duke Group had acquired of one of the properties for which the previous owner had historically paid this separate rate in relation to 168 Unley Road. As a result of this ownership, they placed a Caveat on the land claiming to have a legal interest in the land.

Council advised the Registrar General that there was no basis for this caveat and the Registrar General gave notice to the Duke Group that the Caveat was to be removed within 21 days unless they provided evidence to support its retention. The Duke Group then instigated legal proceedings to stop the removal of the Caveat.

This action by Duke Group left Council with two alternatives. Council could allow the Caveat to remain in place, which effectively rendered the land parcel unsaleable and difficult to develop at any future stage, or Council could oppose the proceedings and seek a court order to have the Caveat removed.

Wanting to continue with the potential redevelopment of the Unley Central precinct, Council has reluctantly elected to engage in litigation.

5. **DISCUSSION**

At the opening of the Court Proceedings, the Duke Group advised the Court that they wished to change the whole basis of their case. They no longer wanted to claim a legal interest in the land, but rather claimed that because the land had been the subject of the Memorial, a trust existed over the land, and as such it should have been included on the Council register of Community Land. In the interests of expediting the matter, Council's legal team agreed to allow this change to occur, even though a significant amount of energy and time had been expended investigating the legal interest claim.

Council was successful following a Supreme Court trial, when the Court determined that the Caveat should be removed and that no trust existed. Duke Group subsequently appealed that decision to the Court of Appeal of the Supreme Court, and again the matter was determined in Council's favour, also with an award of costs to Council. That Caveat was removed from the Title of the Council land by the Registrar-General on 27 November 2020. The Duke Group has subsequently sought leave to appeal to the High Court. The outcome of that application is unknown at this time but will be considered by the High Court in the next few months. This matter has been reported in the Advertiser as per Attachments 2 and 3.

Attachment 2

Attachment 3

This has been a drawn-out process, further exacerbated by the impact of the COVID-19 pandemic on the operation of the Courts. The Caveat was lodged in late 2019 and with the High Court Application for leave to appeal not yet heard, the matter is still not finally resolved. Council has therefore continued to incur legal costs throughout this time. Until a decision is handed down by the High Court, there is no clarity regarding the costs that Council will be able to recover in relation to this matter.

On the same day that the first Caveat was removed, a second Caveat, (which was lodged by the Duke Group on 24 November 2020) was registered, claiming that an historical right of way existed over the Council land. The same process was followed with the Registrar-General to remove the Caveat, and the Duke Group again commenced proceedings to stop the removal of this second Caveat. The basis of this claim largely relies on ancient English Law that predates the Torrens Title system. It is legally complex and expensive to litigate.

The case was due to be heard by the Supreme Court for five (5) days in December 2021, but at the last minute, and contrary to the previous orders made by the Court, the Duke Group introduced new witness statements and documents. The documents filed by the Duke Group gave rise to significant matters that needed to be investigated, and after much deliberation, a deferment of the trial was sought and granted by the court. The Court ordered that the Duke Group pay a proportion of the Council's legal costs wasted as a result of the trial being adjourned. There were Court scheduling issues and Counsel availability issues, and the first available date for this second Caveat matter to be heard is October 2022. The Court has now listed the matter for a ten (10) day trial.

Council has committed substantial funds defending the legal proceedings to date. At the September 2021 Council meeting, Council resolved that further expenditure be authorised to defend the legal matters in relation to Council land at 168 Unley Road (Council Resolution C0612/21) bringing the total expenditure to date for the two matters relating to the subject land close to \$1 million.

Whilst the resolution of legal proceedings is hopefully drawing closer, there is a continued need to incur legal costs for both the Appeal and court matter. If successful, Council will likely recover a majority proportion of the costs incurred, however, until such time as the cost's settlement is finalised, there will be continuing legal expenditure.

Prior to the September 2021 Council Meeting, Administration has received an estimate as to the remaining anticipated costs associated with the finalisation of legal proceedings. Estimates put the likely costs for the five (5) day trial scheduled for December and ancillary matters at approximately \$400K, including solicitor fees, legal counsel, experts, and administrative matters. This figure also included a contingency for a longer pre-trial and trial process.

In preparation for the five (5) day December 2021 trial, the \$400K endorsed by Council at the September 2021 Council Meeting has been fully expended. At this time, in order to continue to pursue the matter to its legal conclusion, Council is asked to authorise further legal expenditure of up to \$500K for the litigation currently underway in relation to Council owned land at 168 Unley Road. A chronology of the litigation regarding the Unley Memorial car park is attached as per Attachment 4.

Attachment 4

As Members are aware, the proposed Unley Central development will be a true mixed-use development with retail, commercial and residential elements to it. The development will reinvigorate the central area and bring more choice for the community and consumer.

Details of the development itself were reported in the Advertiser in December 2020 and Council received positive feedback from the community, State Government, and the property sector for its vision in revitalising this section of Unley. The Advertiser article is included as per Attachment 5.

Attachment 5

The Duke Group of companies are major property owners in both the City of Unley and elsewhere in Adelaide. The reason for the Duke Group's pursuit of these matters is unclear but the various legal proceedings have caused significant delays to the Unley Central redevelopment proposal.

There is of course no guarantee that the Duke Group will not pursue another legal avenue of appeal, the result of which would be to delay the project even further. Council's Lawyers have provided legal advice of the next steps pertaining to both legal cases, as per Attachment 6.

Attachment 6

Whilst the legal proceedings are ongoing, the developers are continuing to work on finalising concept plans for planning approval through the State Commission Assessment Panel, anticipated to be lodged in the next month.

6. ANALYSIS OF OPTIONS

Option 1 –

1. The report be received.
2. Further expenditure of up to \$500K is authorised to continue responding to the Appeal and court matters initiated by the Duke Group and currently underway in relation to Council owned land at 168 Unley Road.

This option seeks authorisation from Council for further expenditure to conclude current litigation in relation to the land at 168 Unley Road.

Even if Council is successful in the proceedings now scheduled for October 2022, it is likely that the Duke Group will seek to further appeal the decision which could trigger a request for further funds.

The commencement of the Unley Central project will be a catalyst for reinvigorating the Unley Central Precinct. It will provide project and ongoing employment opportunities as well as providing choice for consumers and the community. It is important that Council sees this matter to its natural conclusion.

Option 2 –

1. The report be received.

This option does not endorse additional expenditure on legal proceedings.

If Council seeks to withdraw from the proceedings at this time, then unless an agreement on costs can be negotiated with the plaintiffs, Council could be the subject of a costs order for the Duke Group costs, which are likely to be in the order of costs incurred by Council.

Up until now, the Duke Group have not sought to engage in any dialogue with Council.

7. **RECOMMENDED OPTION**

Option 1 is the recommended option.

8. **POLICY IMPLICATIONS**

8.1 Financial/Budget

- There is currently no provision in the budget for legal costs associated with the Council owned land at 168 Unley Road. Despite this, Council has endorsed contesting the matter in court to ensure that it retains the ability to sell the land at a point in time in the future. As noted, if Council is successful, recovery of some of the costs is anticipated through a costs award by the Court.
- Costs incurred to date in relation to the 'Unley Central' legal proceedings are in excess of \$900K. Once the costs award process is finalised the total budget impact will be able to be ascertained.

8.2 Legislative/Risk Management

- Council has received a significant amount of legal advice throughout the course of these sets of proceedings. Having considered the matters, Council is of the view following ongoing legal advice that it is in a strong position to defend the proceedings, however, it is inadvisable to pre-judge an outcome where litigation is involved.

8.3 Staffing/Work Plans

- Not Applicable

8.4 Climate/Environmental Impact

- Not Applicable

8.5 Social/Economic

- A redevelopment of the Unley Central site is anticipated to have significant positive impacts on the local economy and community. In particular, activated streets and spaces; investment attraction; attraction of new residents to the area; increased trade and opportunities for economic development activities; and increased tourism.

8.6 Stakeholder Engagement

- The community were extensively engaged in the development of the Unley Central Precinct Plan and subsequent Development Plan Amendment. The proposed Unley Central development was released to the public December 2020 and attracted widespread positive feedback from the community.
- The details of the litigation proceedings have remained confidential until this time.

9. REPORT CONSULTATION

Nil

10. REPORT AUTHORISERS

Name	Title
Peter Tsokas	Chief Executive Officer

Church's gift for giving

SPREADING cheer to those less fortunate has been at the forefront of Burnside Christian Church members' minds this Christmas.

Members of the church's AMOS group - A Mob Over Sixty - and general congregation members have donated about 25 presents to the Kmart Wishing Tree Appeal instead of exchanging presents this year.

"Often we do a Kris Kringle at the AMOS Christmas lunch but we thought it might be nice, instead of providing gifts to each other, to do it for the Kmart Wishing Tree," organiser Megan Hoffrichter says.

"It's a simple way to be able to contribute the community and help where it's needed."

Ms Hoffrichter, of Campbelltown, says the group hopes to support the appeal every year because the Salvation Army, which distributes the gifts, does a "wonderful job" by supporting people who might otherwise not be able to celebrate Christmas.

Meanwhile, Kmart at Firlie has been overwhelmed with Wishing Tree donations, with gift numbers up 75 per cent on this time last year.



GIVING: Megan Hoffrichter, Jim Ford, Mignon Young and Maureen Sivaour donated gifts to the Kmart Wishing Tree Appeal.

Firlie Kmart manager Brian McPhee was not surprised by the generosity.

"I'm never surprised because every year it seems to get bigger - even with an economic downturn it seems to get bigger and bigger every year," Mr McPhee said.

"The residents in one street have done a collection and bought

a bike and a helmet and put it under the tree.

"We've got businesses who collected a gold coin from all their staff and donated 40 gifts. There's lots of little stories like that."

The Kmart Wishing Tree Appeal is supported by Messenger Community News.

People can leave a gift under the tree up until Christmas Eve.

Council raises bar for vision

UNLEY Council has bought Unley Rd's BarZaar bar and bistrot as part of its long-term vision for the area.

The council recently spent \$2.1 million buying the 166 Unley Rd site, operated by the Unley Community Sports Club, which is owned by the Sturt Football Club.

Unley Council CEO Peter Tsokas said, in the long term, the council hoped the site could be developed in line with the State Government's 30-Year Plan to encourage higher density developments along key corridors, including Unley Rd.

The council already owns the Memorial carpark behind BarZaar.

"This is more about doing the purchase to enable some strategic planning and better outcomes for the future," Mr Tsokas said.

Development of the site was not expected to start for several years and would involve intensive community consultation.

Sturt CEO Matt Benson said the club had two five-year leases remaining and it had been reassured nothing would change with the sale.

"The Sturt Football Club is obviously keen to have a long-term future at that site," Mr Benson said.

EX Karen Rogers

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ITEM 7.2 EX-CONFIDENTIAL
confidentiality motion lifted
28 March 2022

Unley Council-owned carpark cannot be demolished, Unley Shopping Centre owners tell Supreme Court

A deal made in 1971 is causing trouble for Unley Council 50 years later, as it eyes the shopping centre carpark for development.

Caleb Bond

July 27, 2020 - 4:51PM



Unley Shopping Centre is locked in a Supreme Court battle with Unley Council over a carpark. Picture: Caleb Bond

A legal battle over an Unley Rd carpark has gone all the way to the Supreme Court.

Duke Unley Pty Ltd – which owns Unley Shopping Centre – has claimed it has a “memorial” over the carpark, opposite the shopping centre.

The business claims that under the terms of that agreement, the property must remain a carpark.

But Unley Council has argued that Duke Unley’s agreement is informal, and the council has the right to do what it likes with its land.

A three-day trial started on Monday morning.

Ian Robertson SC, for Duke Unley, told the court the council intended to redevelop the land and had not ruled out its sale.



He said Duke Unley and other businesses had entered into a “memorial” – an agreement under the old Local Government Act – with the council in 1971 for a carpark, which was eventually built in 1973.

The businesses party to that agreement were then charged a separate council rate to recoup the cost of building the carpark.

Mr Roberston argued the memorial was, in principle, similar to a trust – and that Duke Unley had entered the agreement on the understanding a carpark would remain.

“In this case, the money that was paid was used to develop the carpark ... and we contend there was a specific purpose for which the money was expended and that was that there would be a carpark in situ,” Mr Roberston told the court.

Michael Roder QC, for Unley Council, told the court the council had “excluded” the property as community land in 2001.

He argued the original memorial was like a petition, rather than a formal document, and there was “nothing” in the documentation to suggest the land would “perpetually” be a carpark.

“In essence it’s really no different to any other rating procedure and what you won’t see ... is any case in this country or, as far as I’m aware, in the common law world, where the imposition and collection of a rate has given rise to a trust obligation,” Mr Roder said.

The case will return to trial on Tuesday.

caleb.bond@news.com.au

ITEM 7.2 EX-CONFIDENTIAL
confidentiality motion lifted
28 March 2022

Unley Shopping Centre loses court battle to stop council development

The Supreme Court has chucked out a claim by Unley Shopping Centre that a council-owned carpark could never be redeveloped or sold.

Caleb Bond

November 21, 2020 - 8:00AM

The Messenger



Unley Shopping Centre. Photo: Caleb Bond

The owners of Unley Shopping Centre have lost a Supreme Court battle to stop Unley Council developing a carpark.

Shopping centre owners Duke Unley Pty Ltd claimed they had an [agreement with the council](#) that should prevent the carpark, just off Unley Road, ever being redeveloped or sold.

But the Supreme Court this week found no such agreement existed and there was no power to stop the redevelopment of the council-owned land.

According to a judgment of Justice Tim Stanley, the council entered a “memorial” – a form of agreement under the old Local Government Act – with surrounding businesses in 1971 for a carpark to be built on council land between Arthur Street and Mary Street.

It included a provision for those businesses to be charged a separate rate – which they were for 10 years – to recover the cost of building the carpark.

But in 2001, Unley Council redeveloped the carpark and revoked its status as community land.



The carpark in question. Image: Metromap

A year later it bought the adjoining post office land, which was also converted into a carpark, and had its community land status removed in 2016.

Duke Unley argued the 1970s agreement created a “trust” over the land, which, under the new Local Government Act, made the council’s revocation of its community status improper.

That, it argued, would mean the land had to remain a carpark as previously agreed.

Unley Council argued that the land type was validly changed, and the separate rate did not mean the council entered into a “joint venture” with any business.

Justice Stanley found there was no trust over the land and a perpetual carpark was never part of the agreement between the council and businesses.

“Conspicuously absent from the memorial is any request that the memorial land be used as a carpark in perpetuity or that there be any trust over the memorial land,” Justice Stanley’s judgment read.

“The characterisation of the carpark in the resolution as permanent works did not evidence an intention that the carpark was to exist in perpetuity.

“Rather, it is to be construed merely as meaning that the carpark as constructed was intended to have an indefinite existence rather than a limited existence.”

caleb.bond@news.com.au

ITEM 7.2 EX-CONFIDENTIAL
confidentiality motion lifted
28 March 2022

CHRONOLOGY OF LITIGATION REGARDING UNLEY MEMORIAL CAR PARK

Prepared by: Rob Kennett

To: Peter Tsokas

Date: 14.02.2022

Introduction

I have set out below a summary of the critical steps and events in the litigation between The City of Unley and The Duke Group regarding the Memorial Car Park and its interface with the adjacent deck car park owned by Duke.

Chronology of Events

- 05.02.2019 Council notifies interested parties who had executed the memorial with respect to the car park that it proposed to deal with the land and invited objections from those parties.
- 04.10.2019 The Duke Group lodge a caveat over the Memorial land claiming an interest as owner (in fee simple) of the land by virtue of the memorial entered in to over the land in 1971.
- 20.01.2020 A Statement of claim is lodged in the Supreme Court by Duke claiming the benefit of a series of Trusts over the land which are said to prevent the Council from disposing of, or dealing with, the land and require the Council to maintain the car park as a public car park in perpetuity.
- 27.07.2020 The trial of the matter the subject of the Duke claim as to the existence of Trusts over the Memorial land is heard by Justice Stanley in the Supreme Court and his decision is reserved.
- 17.11.2020 Justice Stanley delivers his decision in favour of the Council and dismisses the claims by Duke.
- 23.11.2020 The Duke Group lodge a new caveat over the Memorial land advancing a different claim namely an entitlement to a right of way over the Memorial car park to have vehicles travel from the deck car park to and from Unley Road.
- 07.12.2020 Duke lodge an appeal to the Full Court of the Supreme Court against the decision of Justice Stanley.
- 01.04.2021 Duke's new claim is amended to include in addition a right to park vehicles on Council's land and to have its customers park on council land and to pass across it on foot as well as by vehicle to have them attend at the Unley Shopping Centre.
- 11.06.2021 The Full Court of the Supreme Court (Justices Kelly, Doyle and Bleby) hear the appeal by Duke against the decision of Justice Stanley. The argument put by Duke relies upon only an interpretation of Bathurst's case and upon arguments not put before the full Supreme Court.
- 02.09.2021 The Full Court dismisses the appeal of the Duke Group.
- 05.11.2021 The Duke Group applies for special leave to appeal to the High Court of Australia with respect to the dismissal of its claim before Justice Stanley, and by the Full

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Court and the High Court orders that oral argument as to whether the Duke Group should be granted leave to appeal will be heard "not before April 2022".

10.12.2021 The trial of the new action which was listed for hearing on the 13 of December 2021 is adjourned as a consequence of the late delivery, in the week prior to trial, of new evidence and documents by the Duke Group. Justice Bleby vacated the trial date and ordered that the Duke Group pay 60% of Council's cost thrown away as a consequence of the vacation of the trial date.

This action has been re listed for trial for 10 days beginning on 17 October 2022.

ITEM 7.2 EX-CONFIDENTIAL
confidentiality motion lifted
28 March 2022

15/12/2020

2/22/22, 4:43 PM

Unley Central: New Unley Rd shopping centre planned in \$150m development | The Advertiser

Adelaide Today 13°/28°

The Advertiser

Hi, Lara

Business

Plans unveiled for \$150m retail and cinema complex that would transform Unley Road

Plans for a \$150m apartment, entertainment and retail hub in Unley have been unveiled, including what would become the tallest building on Unley Road.

Giuseppe Tauriello Follow

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2/22/22, 4:43 PM

Unley Central: New Unley Rd shopping centre planned in \$150m development | The Advertiser
An artist's impression of the \$150m Unley Central development proposed for Unley Road.

The heart of Unley would be transformed under a \$150m plan to develop apartments, a cinema, offices, shops and cafes on a major site in the town centre.

To be known as Unley Central, the development will replace the current Target store on Unley Road, as well as an adjoining car park and the BarZaar bistro and function centre.

A nine-storey tower will accommodate around 50 apartments above the main retail, office and dining hub on Unley Road, while up to 80 apartments will feature in a second nine-storey building on Arthur Street.

The Unley Road building would become the tallest on the strip.

Local developer Catcorp will oversee the development on behalf of local businessman Patrick Ho, who owns the Target site and will retain ownership of the retail, office and entertainment complex.



The Unley Central development as seen from Arthur Street.



<https://www.adelaidenow.com.au/business/plans-unveiled-for-150m-retail-and-cinema-complex-that-would-transform-unley-road/news-story/26ee...> 2/9

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The development would replace the current Target store and some neighbouring dining venues. Picture: Tricia Watkinson

The Unley Council will sell the BarZaar site and car park – currently leased to Sturt Football Club – to Mr Ho as part of a development agreement between the parties.

Unley Mayor Michael Hewitson said Unley Central would become one of Adelaide’s premier retail, entertainment and residential destinations.

“Unley Central supports our goal to develop the Unley town centre to make it the city fringe retail and entertainment destination that it should be,” he said.

“All the while, we will do it in a way that respects the character and heritage of wider Unley. I am confident our community will welcome having entertainment facilities in Unley, a bigger and more competitive shopping centre, a greater diversity of shops and an increase in places to eat out.”

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Catcorp managing director Anthony Catinari, Unley Mayor Michael Hewitson and property owner Patrick Ho in front of the Target development site. Picture: Tricia Watkinson

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Unley Central: New Unley Rd shopping centre planned in \$150m development | The Advertiser



Unley Mayor Michael Hewitson shows how the plans would transform an area currently used as an open-air car park. Picture: Tricia Watkinson

The project is the first major development proposed for the Unley Central precinct since a [development plan amendment \(DPA\) for the area was signed off in 2017](#), allowing for development of up to nine storeys.

More than 500 basement and aboveground car parks will be made available, including around 90 for residents, while around 50 new trees will more than double tree canopy coverage on the site, Mr Hewitson said.

Catcorp managing director Anthony Catinari said a cinema operator, medical services providers and hospitality tenants had already been secured for the project, which would create more than 1000 full-time jobs during construction and more than 300 ongoing jobs.

Talks are also ongoing with existing tenants including Target about opportunities to reopen in the new development, while national and international retailers, a wellness centre, supermarket and flexible offices are also planned for the precinct.

“As a proud Unley local, I want to help create something of value in my community,” Mr Catinari said.

“We didn’t want to create another square box, so that’s why we’ve used a bit of European design to create something a little bit different.

“There’s a boulevard feel with all the arches at the front and then it sets back within to encourage outdoor dining.”

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Video fly-through of 3D model of Adelaide CBD skyline including projects under construction and approved – created and supplied by Aerométrex

A mix of one, two and three-bedroom apartments will feature across the two buildings, with prices expected to range from less than \$400,000 for a one-bedroom apartment on Arthur Street to around \$2m for a premium apartment on Unley Road.

Mr Ho, who has owned the Target site for more than 20 years, said the DPA in 2017 had opened up new opportunities for development in the centre of Unley.

“We’ve spent a number of years on this,” he said.

“Unley Central will be a magnet for young and old to make the most of life in Unley. It is a landmark development that literally will take Unley to new levels.”

At a meeting on Monday night, the Unley Council endorsed the project, which will be submitted for planning approval with the State Commission Assessment Panel early in the new year.

Construction is expected to begin in 2022 and take two years to complete.

More Coverage

[Unley Shopping Centre loses Supreme Court battle](#)

[Seven-storey apartment plan for historic town hall](#)

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Item 7.2 - Attachment 6 remains confidential and has been removed from the public agenda

DECISION REPORT

REPORT TITLE: CONFIDENTIALITY MOTION TO REMAIN IN
CONFIDENCE FOR ITEM 7.2 - UNLEY
CENTRAL LITIGATION - LEGAL
EXPENDITURE APPROVAL SOUGHT

ITEM NUMBER: 7.3

DATE OF MEETING: 28 MARCH 2022

AUTHOR: PETER TSOKAS

JOB TITLE: CHIEF EXECUTIVE OFFICER

1. RECOMMENDATION

That:

1. Pursuant to Section 91(7) of the *Local Government Act 1999* the following elements of Item 7.2 Unley Central Litigation - Legal Expenditure Approval Sought, considered at the Council Meeting on 28 March 2022:

Attachment – Number 6

remain confidential until legal action is completed in relation to Unley Central Litigation 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 if required, 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.