



**Minutes of the City of Unley
Council Meeting
Monday, 14 December 2020, 7.00pm
Council Chambers
181 Unley Road Unley**

PRESENT

<i>Presiding Member</i>	<i>Mayor</i>	M. Hewitson
	<i>Deputy Mayor</i>	J. Dodd
<i>Councillors</i>	K. Anastassiadis	J. Boisvert
	M. Broniecki	J. Bonham
	S. Dewing	P. Hughes
	D. Palmer	M. Rabbitt
	J. Russo	N. Sheehan
	E. Wright	

OFFICERS PRESENT

Chief Executive Officer, Mr P. Tsokas
General Manager City Development, Mr C. Malak
General Manager Business Support & Improvement, Ms N. Tinning
Acting General Manager City Services, Mr G. Brinkworth
Executive Manager Office of the CEO, Ms T. Norman
Executive Assistant Office of the CEO, Ms L. Kennedy
Senior Assets & Engineering Lead, Mr J. Mitchell
Transport Consultant, Ms T. Bacic
Coordinator Environmental Projects & Strategy, Ms K. Ryan

ACKNOWLEDGEMENT

The Presiding Member opened the meeting with the Kaurna Acknowledgement.

PRAYER AND SERVICE ACKNOWLEDGEMENT

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

WELCOME

The Presiding Member welcomed Members of the Council, Senior Staff, Media and members of the gallery to the 14 December 2020, meeting of the Unley City Council.

PRESENTATION OF CERTIFICATES

As the peak body for local government, the LGA proudly recognises the dedication of long-serving Elected Members through a series of local government service awards. Tonight we have two members of Council being recognised for 10 years of service to local government.

Councillor Don Palmer

Originally elected to Council in 2010 in the Clarence Park Ward, Councillor D. Palmer is the current Presiding Member for the City Strategy and Development Policy Committee and the Strategic Property Committee. He also held the role of Deputy Mayor during 2017.

Councillor Peter Hughes

Originally elected to Council in 2010 in the Fullarton Ward, Councillor P. Hughes has served on a number of committees and held the role of Deputy Mayor for the period 2018-2020.

1. ADMINISTRATIVE MATTERS

1.1 APOLOGIES

Nil

1.2 LEAVE OF ABSENCE

Nil

1.3 CONFLICT OF INTEREST

Councillor D. Palmer declared a conflict of interest in relation to Item 4.8 Code of Conduct Complaint – Investigation Findings on the basis that he is the subject of the complaint and noted that he would remain in the meeting when that item was discussed and vote.

Councillor J. Dodd declared a perceived conflict of interest in relation to Item 4.6 on the basis of her employment at City of West Torrens and noted that she would remain in the meeting when that item was discussed and vote.

1.4 MINUTES

ITEM 1.4.1

MINUTES OF THE ORDINARY COUNCIL MEETING HELD MONDAY, 23 NOVEMBER 2020

MOVED Councillor J. Boisvert

SECONDED Councillor E. Wright

That:

1. The minutes of the Ordinary Council held on Monday, 23 November 2020 be taken as read and signed as a correct record.

CARRIED UNANIMOUSLY

Resolution No. C0402/20

1.5 DEFERRED / ADJORNED ITEMS

Nil

2. PETITIONS/DEPUTATIONS

ITEM 2.1

DEPUTATION RE: WELLER / SIMPSON STREETScape IMPROVEMENTS CONSULTATION RESULTS

1. Dr David Sutton, Unley
Re. Item 4.1 Support for the Weller/Simpson Streetscape Improvements

ITEM 2.2

DEPUTATION RE: REVIEW OF NATURE STRIPS POLICY

1. Tracey Hendy, Wayville
Re. Item 4.5 Nature Strip Policy and the Banning of Artificial Turf on Council Verges

ITEM 2.3

DEPUTATION RE: BHKC INFRASTRUCTURE PARTNERSHIP PROGRAM GRANT APPLICATION

1. Kelly Henderson
Re. Item 4.6 BHKC Infrastructure Partnership Grant Application

3. REPORTS OF COMMITTEES

ITEM 3.1

MINUTES OF AUDIT COMMITTEE

MOVED Councillor M. Broniecki

SECONDED Councillor K. Anastassiadis

That:

1. The minutes of the Audit Committee meeting held on Tuesday 8 December 2020, be received and the following recommendations contained therein be adopted by Council

(a) Item 2.1 - Procurement Policy Review

That:

1. The Report be received.
2. Subject to the following amendment:
 - removal of reference to the less than \$50 category from the minimum procurement requirements table (Section 5.1)

the Procurement Policy as set out in Attachment 1 to this report (Item 2.1, Audit Committee Meeting, 8/12/2020) be endorsed:

3. A report return to the Audit Committee to consider management of unsolicited bids within the Procurement Policy or Framework.

(b) Item 2.2 - Strategic Risk Register

That:

1. The report be received.

(c) Item 2.3 - Operational Risk Register

That:

1. The report be received.

(d) Item 2.4 - 2021 Audit Committee Meeting Schedule

That:

1. The report be received.
2. During 2021 the Audit Committee of the City of Unley will meet at 181 Unley Road Unley at 6.30pm on the dates set out below:
 - Tuesday 9 February 2021
 - Tuesday 11 May 2021
 - Tuesday 10 August 2021
 - Tuesday 26 October 2021 (Financial Statements Only)
 - Tuesday 7 December 2021

3. The Chief Executive Officer be authorised, after consulting with the Presiding member of the Committee, to:
 - 3.1 Reschedule the date and/or time of an Audit Committee meeting; or
 - 3.2 Cancel an Audit Committee meeting, if it is clear that there is no business to transact for that designated meeting.
- (e) Item 2.5 - Audit Committee Workplan 2021

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, 08/12/2020) be adopted.

CARRIED UNANIMOUSLY

Resolution No. C0403/20

4. REPORTS OF OFFICERS

ITEM 4.1

WELLER / SIMPSON STREETScape IMPROVEMENTS CONSULTATION RESULTS

MOVED Councillor J. Russo

SECONDED Councillor S. Dewing

That:

1. The report be received.
2. The Weller Street/Simpson Parade streetscape improvements concept plan, as set out in Attachment 1 to this report (Item 4.1, Council Meeting, 14/12/2020) be endorsed as the final concept design and the project be progressed to detailed design and documentation.

CARRIED

Resolution No. C0404/20

DIVISION

A Division was called by Mayor M. Hewitson and the previous decision set aside.

Those voting in the affirmative:

Councillors P. Hughes, K. Anastassiadis, M. Broniecki, S. Dewing, J. Dodd, D. Palmer, M. Rabbitt, J. Russo, N. Sheehan, E. Wright and J. Bonham

Those voting in the negative:

Councillor J. Boisvert

The MOTION was declared **CARRIED**

The Presiding Member sought leave of the meeting to bring forward Item 4.5 – Review of Nature Strips Policy, and leave was granted.

ITEM 4.5

REVIEW OF NATURE STRIPS POLICY

MOVED Councillor M. Broniecki

SECONDED Councillor J. Bonham

That:

1. The report be received.
2. The revised Nature Strips Policy (Version 8) as set out in Attachment 1 to this report (Item 4.5, Council meeting 14/12/2020) be adopted.
3. The Chief Executive Officer be authorised to make amendments of a minor and/or technical nature to finalise the adoption of the Policy.

Councillor J. Dodd MOVED an AMENDMENT

SECONDED Councillor J. Russo

1. The report be received.
2. The revised Nature Strips Policy (Version 8) as set out in Attachment 1 to this report (Item 4.5, Council meeting 14/12/2020) subject to the following amendments:

Insert in clause 5.2.1 the words “without Council permission” immediately preceding 14 December 2020; and

Insert a policy delegation section that states “The Chief Executive Officer be delegated authority to consider and approve applications for the installation of artificial turf on a case-by-case basis”

be adopted.

3. The Chief Executive Officer be authorised to make amendments of a minor and/or technical nature to finalise the adoption of the Policy.

The AMENDMENT was PUT and

LOST

With the leave of the meeting and consent of the seconder Councillor M. Broniecki VARIED her motion as follows:

1. The report be received.
2. The revised Nature Strips Policy (Version 8) as set out in Attachment 1 to this report (Item 4.5, Council meeting 14/12/2020) be adopted.
3. The Chief Executive Officer be authorised to make amendments of a minor and/or technical nature to finalise the adoption of the Policy.
4. The Nature Strips Policy be reviewed as soon as staff are able to provide more updated information in relation to artificial turf.

CARRIED
Resolution No. C0405/20

DIVISION

A Division was called by Councillor S. Dewing and the previous decision set aside.

Those voting in the affirmative:

Councillors P. Hughes, K. Anastassiadis, J. Boisvert, M. Broniecki, M. Rabbitt, N. Sheehan, E. Wright and J. Bonham

Those voting in the negative:

Councillors S. Dewing, J. Dodd, D. Palmer and J. Russo

The MOTION was declared **CARRIED**

The Presiding Member sought leave of the meeting to bring forward Item 4.6 – BHKC Infrastructure Partnership Program Grant Application, and leave was granted.

ITEM 4.6

BHKC INFRASTRUCTURE PARTNERSHIP PROGRAM GRANT APPLICATION

MOVED Councillor M. Rabbitt

SECONDED Councillor J. Boisvert

That:

1. The report be received.
2. The Brown Hill and Keswick Creeks Stormwater Board's application to Local Government Infrastructure Partnership Program be supported in principle.
3. The value of financial contribution from the City of Unley to expedite delivery of the Lower Brown Hill Creek Upgrade to be determined subject to the receipt and consideration of a business case to be prepared by the Brownhill Keswick Creek Board.

4. The Brown Hill and Keswick Creek Stormwater Board be advised of Council's decision in relation to the request to support the application to the Local Government Infrastructure Partnership Program.

CARRIED UNANIMOUSLY

Resolution No. C0406/20

ITEM 4.2

COMMUNITY LAND MANAGEMENT PLAN FOR ENDORSEMENT

MOVED Councillor J. Boisvert

SECONDED Councillor K. Anastassiadis

That:

1. The report be received.
2. The Community Land Management Plans, as set out in Attachment 2 to this report, (Item 4.1, Council Meeting, 14/12/2020) be adopted.
3. The CEO be authorised to make minor editorial changes if required in order to finalise the Community Land Management Plans.
4. In accordance with the requirements of Chapter 11, Part 1, Division 4 of the *Local Government Act 1999*, public notice is given of Council's adoption of the Community Land Management Plans.

CARRIED UNANIMOUSLY

Resolution No. C0407/20

ITEM 4.3

ASSET MANAGEMENT PLANS FOR ENDORSEMENT

MOVED Councillor M. Broniecki

SECONDED Councillor D. Palmer

That:

1. The report be received.
2. Council endorse the Asset Management Plans, as contained in Attachments 1 to 4 to this report (Item 4.4, Council Meeting 14/12/2020).

With the leave of the meeting and consent of the SECONDER Councillor M. Broniecki VARIED the motion as follows:

1. The report be received.
2. Council endorse the Asset Management Plans, as contained in Attachments 1 to 4 to this report (Item 4.4, Council Meeting 14/12/2020).
3. The Chief Executive Officer be authorised to make amendments of a minor and/or technical nature to finalise the adoption of the Asset Management Plans.

CARRIED UNANIMOUSLY

Resolution No. C0408/20

ITEM 4.4

PLANNING AND DESIGN CODE - REVIEW AND SUBMISSION

MOVED Councillor D. Palmer

SECONDED Councillor J. Dodd

That:

1. The report be received.
2. The Submission as set out in Attachment 1 and 2 to this Report (Item 4.4, Council Meeting, 14/12/2020) in response to the draft Planning and Design Code be endorsed for submission to the State Planning Commission.
3. Council affirms the concerns expressed in the submission, that protection is needed to prevent unintended development to occur if and when anomalies, errors and omissions are found in the Code. That, when found, they are immediately acknowledged and action taken to speedily correct them to avoid unintended development.
4. The Administration be authorised to make editorial changes as required to the Submission to the State Planning Commission on the Draft Planning and Design Code to ensure readability without changing the substance/intent of the document as part of the finalisation process.
5. A copy of the City of Unley Submission regarding the Draft Planning and Design Code be forwarded to Local Members of State Parliament, the Hon Vickie Chapman Minister for Planning & Local Government, the Hon David Pisoni MP, the Hon Jayne Stinson MP, Carolyn Power MP, and the Local Government Association of South Australia.

CARRIED UNANIMOUSLY

Resolution No. C0409/20

ITEM 4.7

APPOINTMENT OF ELECTED MEMBERS TO AUDIT COMMITTEE

MOVED Councillor D. Palmer

SECONDED Councillor E. Wright

That:

1. The report be received.
2. Councillors M. Rabbitt and M. Broniecki be appointed to the Audit Committee for the period commencing 1 February 2021 and concluding end of the Council term.

CARRIED UNANIMOUSLY

Resolution No. C0410/20

ITEM 4.8

CODE OF CONDUCT COMPLAINT - INVESTIGATION FINDINGS

MOVED Councillor P. Hughes

SECONDED Councillor M. Rabbitt

That:

1. The report be received.

CARRIED UNANIMOUSLY

Resolution No. C0411/20

ITEM 4.9

PERFORMANCE REPORT CEO KPIS FOR JULY TO NOVEMBER 2020

MOVED Councillor J. Dodd

SECONDED Councillor E. Wright

That:

1. The report be received.

CARRIED UNANIMOUSLY

Resolution No. C0412/20

ITEM 4.10
COUNCIL ACTION REPORT
MOVED Councillor N. Sheehan
SECONDED Councillor P. Hughes

That:

1. The report be noted.

CARRIED UNANIMOUSLY

Resolution No. C0413/20

5. MOTIONS AND QUESTIONS

5.1 MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

5.2 MOTIONS WITHOUT NOTICE

Nil

5.3 QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

ITEM 5.3.1

QUESTION ON NOTICE FROM COUNCILLOR J. DODD RE: TREE CANOPY COVER ON COUNCIL LAND

The following Question on Notice has been received from Councillor J. Dodd and the answer is provided:

QUESTION

Can the Administration please detail all current and future plans for the increasing of tree canopy cover on Council land?

ANSWER

At its meeting held on 25 May 2020, Council adopted its Tree Strategy which sets out its objectives for the management and enhancement of its Urban Forest. One of Council's key objectives is to increase canopy cover by planting new trees on its land.

In achieving this objective, the *Expand & Establish* focus of Council's Tree Strategy states the following:

E1 Maximise Planting on Council Land

E1.1 Implement an accelerated tree planting program for additional trees on Council land using Precinct Plans to prioritise planting locations.

Council will take a leadership approach in improving canopy cover by maximising public planting, including within parks, streetscapes and other public places. Planting locations will be based on Precinct Plans that aim to increase shaded trails along streets to link residents and visitors with schools, shops, parks or public transport. Decisions on individual species selection will be made on a case by case basis to ensure the right tree in the right location approach is followed.

- E1.2 All new capital or infrastructure renewal works will consider and appropriately budget for trees and greening where practical.*

Combining Council's annual streetscape renewal works with greening initiatives can create multiple long-term benefits and build greater efficiencies. Opportunities for trees and increased landscaping will be identified at the start of a project to support more sustainable built outcomes.

- E1.3 Trial, test and refine new planting methods, including reclaiming hard surfaces and tailored integrated streetscape designs.*

Maximising tree planting on Council land will focus on filling vacant spots along streets, however it will also need to utilise newer methods that reclaim hard surfaces such as on-road planting. These techniques are still being refined and need to balance the competing needs for wide footpaths, bicycle lanes, on-street parking spaces and underground/overhead assets. Ongoing testing and trialling in collaboration with neighbouring councils and partner organisations, such as Tree Cities of the World and SA Power Networks will allow Council to be progressive in this space.

- E1.4 Prioritise planting of legacy trees in appropriate locations within parks and reserves that have the potential to become significant long-term features.*

Council will identify suitable locations within parks and reserves, and plant new specimen trees that have the potential to grow very large and become noteworthy landmarks in the future, contributing to the identity and amenity of local parks and the City's canopy aspiration.

- E1.5 Target an urban forest composition of no more than 5% of one tree species, and 10% of one genus.*

A reliance on dominant species leaves the City vulnerable to pests and disease and the potential loss of the tree asset. Council will move towards a healthy, environmentally sustainable and resilient tree population by increasing its diversity of species. This is a long-term process that will only be completed through the natural succession of existing trees.

E1.6 Maintain a toolkit that includes a palette of species suitable for street planting which considers varying infrastructure situations, service and footpath requirements, and considers climate change.

This initiative provides a range of species options for arboriculture staff, that can be used in line with site specific locations taking into account community use, neighbourhood character, transport functions, biodiversity, native habitat provision, open space, available space, utilities and environmental considerations.

Current Plans

Council has allocated various funds in its 2020/21 Budget for the purpose of delivering a number of projects and initiatives which specifically seek to plant additional trees within the City.

A summary of the funding allocations is provided as follows:

- Accelerated Tree Planting Program (\$160,000)
Planting of a minimum of 440 new trees throughout the City.
- Living Streets (\$70,000)
Planting of new trees, as well as other improvements, along Richards Terrace.
- Pocket Parks (\$50,000)
Planting of new trees, as well as other improvements, within the Fairford Avenue pocket park.

Future Plans

In respect to opportunities for the planting of new street trees within Council-owned verges, the Administration is coordinating a City-wide audit.

In 2019/20, approximately 50% of the City's verges were audited which identified approximately 2,000 planting opportunities for new trees. The remainder of verges located across the City will be audited in 2020/21 and 2021/22.

Consistent with Council's endorsed Tree Strategy, the parameters and criteria which have been adopted by Council staff for planting of new trees ensures that the maximum number of trees that can be planted are planted within Council's verges.

In terms of funding additional tree plantings in future and beyond 2020/21, Council will consider this on an annual basis as part of its budget consideration and setting process.

5.4 QUESTIONS WITHOUT NOTICE

Councillor J. Boisvert asked a question regarding availability of QR Codes in the Civic Library. The question was answered by the Executive Manager Office of the CEO.

6. MEMBER'S COMMUNICATION

6.1 MAYORS REPORT

ITEM 6.1.1

MAYOR'S REPORT FOR MONTH OF DECEMBER 2020

MOVED Councillor E. Wright

SECONDED Councillor M. Broniecki

That:

1. The report be received.

CARRIED UNANIMOUSLY

Resolution No. C0414/20

6.2 DEPUTY MAYORS REPORT

Nil

6.3 ELECTED MEMBERS REPORTS

ITEM 6.3.1

REPORTS OF MEMBERS FOR MONTH OF DECEMBER 2020

Council noted the attached report from Member:

1. Councillor M. Broniecki

6.4 CORRESPONDENCE

ITEM 6.4.1

CORRESPONDENCE

The correspondence from:

- Global Covenant of Mayors for Climate & Energy – Commitment of City of Unley

was noted.

7. CONFIDENTIAL ITEMS

ITEM 7.1

CONFIDENTIALITY MOTION FOR 7.2 - UNLEY CENTRAL CONCEPT PLAN

MOVED Councillor J. Boisvert

SECONDED Councillor J. Dodd

That:

1. Pursuant to Section 90(2) and (3)(b)(i), (b)(ii), (d)(i) and (d)(ii) of the *Local Government Act 1999*, the principle that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter because it relates to information the disclosure of which:
 - could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
 - could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
 - would, on balance, be contrary to the public interest
2. In weighing up the factors related to disclosure:
 - disclosure of this matter to the public would demonstrate accountability and transparency of the Council's operations; and
 - non-disclosure of this item at this time will enable Council to consider detailed information relating to the proposed Unley Central Concept Plan prior to determining the preferred position on the matter.

On that basis, the public's interest is best served by not disclosing 7.2 Unley Central Concept Plan, 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.

CARRIED UNANIMOUSLY

Resolution No. C0415/20

The Meeting moved into confidence, the gallery was cleared and the doors to the Council Chambers were closed at 9.07pm.

Mayor M. Hewitson called for a short break and the Members unanimously supported the call and the Meeting was adjourned at 9.07pm.

The Meeting resumed at 9.13pm.

Councillor S. Dewing declared a perceived conflict of interest in relation to Item 7.2 Unley Central Concept Plan on the basis of her employment and employers tenancy of the development site and note that she would remain in the meeting when that item was discussed and vote.

ITEM 7.2

UNLEY CENTRAL CONCEPT PLAN

MOVED Councillor J. Russo

SECONDED Councillor D. Palmer

That:

1. The report be received.
2. Optage and its agents be advised of Council's acceptance of the Unley Central Concept Plan in terms of the Development Deed and Council's agreement for nomination of the State Commission Assessment Panel as the development assessment authority for the development.
3. The Chief Executive Officer be authorised to negotiate a revised Unley Central Development Deed in respect to timeframes and associated clauses to be placed before Council for its consideration.

CARRIED

Resolution No. C0416/20

DIVISION

A Division was called by Mayor M. Hewitson and the previous decision set aside.

Those voting in the affirmative:

Councillors K. Anastassiadis, J. Boisvert, M. Broniecki, S. Dewing, J. Dodd, D. Palmer, P. Hughes, M. Rabbitt, J. Russo, N. Sheehan and E. Wright

Those voting in the negative:

Councillor J. Bonham

The MOTION was declared **CARRIED**

Councillor E. Wright left the Meeting at 9.30pm.

The doors to the Council Chambers were opened at 9.30pm.

ITEM 7.3

CONFIDENTIALITY MOTION TO REMAIN IN CONFIDENCE FOR 7.2 - UNLEY CENTRAL CONCEPT PLAN

MOVED Councillor P. Hughes

SECONDED Councillor K. Anastassiadis

That:

1. Pursuant to Section 91(7) of the *Local Government Act 1999* the following elements of Item 7.2 Unley Central Concept Plan, considered at the Council Meeting on 14 December 2020:

- Minutes
- Report
- Attachment

remain confidential as follows:

- Minutes and Report: until such time as a media release in relation to the Unley Central Precinct Concept Plan is issued in conjunction with the Developer;
- Attachments: until such time as development approval is granted for the Unley Central Precinct;

and not available for public inspection until the cessation of those periods, with the CEO authorised to provide details of the Council decision to the Developer in order to facilitate the finalisation of the media release.

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

CARRIED UNANIMOUSLY

Resolution No. C0417/20

Councillor E. Wright returned to the Meeting at 9.32pm.

NEXT MEETING

Wednesday 27 January 2021 - 7.00pm

CLOSURE

The Presiding Member closed the meeting at 9.33pm.

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PRESIDING MEMBER