



**Minutes of the City of Unley
Council Meeting
Monday, 31 January 2022, 7.00pm
Council Chambers
181 Unley Road Unley**

PRESENT

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

OFFICERS PRESENT

Chief Executive Officer, Mr P. Tsokas
General Manager City Services, Ms M. Berghuis
General Manager City Development, Mr C. Malak
General Manager Business Support & Improvement, Ms N. Tinning
Acting Executive Manager Office of the CEO, Ms K. Goldy
Executive Assistant Office of the CEO, Ms L. Kennedy
Team Leader, Community & Cultural Development, Ms M. Mudge

ACKNOWLEDGEMENT

The Presiding Member opened the meeting with the Kaurna Acknowledgement.

PRAYER AND SERVICE ACKNOWLEDGEMENT

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

WELCOME

The Presiding Member welcomed Members of the Council, Senior Staff, and members of the gallery to the 31 January 2022, meeting of the Unley City Council.

1. ADMINISTRATIVE MATTERS

1.1 APOLOGIES

Nil

1.2 LEAVE OF ABSENCE

Councillor J. Dodd

1.3 CONFLICT OF INTEREST

Nil

1.4 MINUTES

ITEM 1.4.1

MINUTES OF THE ORDINARY COUNCIL MEETING HELD FRIDAY, 31 DECEMBER 2021

MOVED Councillor M Broniecki

SECONDED Councillor S. Dewing

That:

1. The minutes of the Ordinary Council held on Monday, 13 December 2021 be taken as read and signed as a correct record.

CARRIED UNANIMOUSLY

Resolution No. C0692/22

1.5 DEFERRED / ADJORNED ITEMS

Nil

2. PETITIONS/DEPUTATIONS

ITEM 2.1

DEPUTATION RE: ITEM 4.1 CULROSS AVENUE ROAD CLOSURE CONSULTATION SUMMARY

1. Nora Close, Myrtle Bank
Opposition to the possible closure of Culross Avenue.

ITEM 2.2

DEPUTATION RE: ITEM 4.1 CULROSS AVENUE ROAD CLOSURE CONSULTATION SUMMARY

1. Hayley Whittington, Myrtle Bank
Re. Proposed closure of Culross Avenue.

3. REPORTS OF COMMITTEES

Nil

4. REPORTS OF OFFICERS

ITEM 4.1

CULROSS AVENUE ROAD CLOSURE CONSULTATION SUMMARY

MOVED Councillor P. Hughes

SECONDED Councillor E. Wright

That:

1. The report be received.
2. No further investigations be undertaken regarding the implementation of a road closure on Culross Avenue, Myrtle Bank.
3. No further investigations be undertaken on other traffic calming measures on Culross Avenue, Myrtle Bank, until the future delivery of Local Area Traffic Management (LATM) 5 for the Myrtle Bank and Fullarton areas.
4. The residents in the catchment area be advised of Council's decision.

CARRIED UNANIMOUSLY

Resolution No. C0693/22

Councillor P. Hughes left the Chambers at 7:20pm.

Councillor P. Hughes returned to the Chambers at 7:25pm.

ITEM 4.2

DRAFT NORTH UNLEY PARK MASTER PLAN

MOVED Councillor J. Russo

SECONDED Councillor S. Dewing

That:

1. The report be received.
2. The draft North Unley Park Master Plan, as set out in Attachment 1 to this report (Item 4.2, Council Meeting 31/01/2022), be endorsed for the purpose of undertaking community consultation.
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.

CARRIED UNANIMOUSLY

Resolution No. C0694/22

ITEM 4.3

MIKE TURTUR BIKEWAY OVERPASS

MOVED Councillor J. Bonham

SECONDED Councillor D. Palmer

That:

1. The report be received.
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:
 - 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.
 - 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).
 - 2.3 Improvements to the Goodwood Station subway and access ramps to allow Disability Discrimination Act compliant access to the station; and
 - 2.4 Provision of usable open space within the eastern ramp loop (Lot 32 / 42 Devon Street).
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.

CARRIED UNANIMOUSLY

Resolution No. C0695/22

ITEM 4.4

MIKE TURTUR BIKEWAY OVERPASS COMMUNITY CONSULTATION REGARDING PROPERTY ACCESS

MOVED Councillor E. Wright

SECONDED Councillor M Broniecki

That:

1. The report be received.
2. Community consultation be undertaken regarding the proposed amendments to the Forestville Reserve Community Land Management Plan, and the Licence Agreement which is to be granted to the Minister for Infrastructure and Transport.

3. The Administration be authorised to negotiate the terms and conditions for the granting of the Licence Agreement (Forestville Reserve) and Permit (Railway North Terrace), pursuant to Section 202 and Section 221 of the *Local Government Act 1999*, respectively.
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.

CARRIED UNANIMOUSLY

Resolution No. C0696/22

ITEM 4.5

FINANCIAL INCENTIVES FOR TREES ON PRIVATE PROPERTIES

MOVED Councillor D. Palmer

SECONDED Councillor M Rabbitt

That:

1. The report be received.
2. The introduction of a Discretionary Tree Canopy Rate Rebate is supported in principle and a draft Policy, for the purpose of community consultation, be presented at the next Council meeting.

LOST

DIVISION

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

Councillors P. Hughes, M Rabbitt, M Broniecki and D. Palmer

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

Councillors J. Boisvert, S. Dewing, J. Russo, N. Sheehan, E. Wright, J. Bonham and K Anastassiadis

The MOTION was declared **LOST**

Resolution No. C0697/22

ITEM 4.6

DRAFT DISABILITY ACCESS AND INCLUSION PLAN

MOVED Councillor J. Boisvert

SECONDED Councillor M Broniecki

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.

CARRIED UNANIMOUSLY

Resolution No. C0698/22

ITEM 4.7

2022 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION - CALL FOR NOTICE OF MOTIONS FOR THE NATIONAL GENERAL ASSEMBLY

MOVED Councillor K Anastassiadis

SECONDED Councillor J. Boisvert

That:

1. The Item be deferred to the 28 February 2022 Council Meeting to provide additional time for Council to consider a Motion for presentation to National General Assembly.

CARRIED

Resolution No. C0699/22

Councillor J. Boisvert left the Chambers at 8:41pm.

ITEM 4.8
COUNCIL ACTION RECORDS
MOVED Councillor M Broniecki
SECONDED Councillor N. Sheehan

That:

1. The report be noted.

CARRIED UNANIMOUSLY

Resolution No. C0700/22

Councillor J. Boisvert returned to the Chambers at 8:44pm.

5. MOTIONS AND QUESTIONS

5.1 MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

ITEM 5.1.1

**NOTICE OF MOTION FROM COUNCILLOR D. PALMER RE: 2022/23
BUDGET GUIDANCE**

MOVED Councillor D. Palmer
SECONDED Councillor P. Hughes

That:

1. The Administration frame the 2022/23 Budget within the parameter of a General Rate rise of CPI + 1%.

CARRIED

Resolution No. C0701/22

ITEM 5.1.2

**NOTICE OF MOTION FROM COUNCILLOR J. BOISVERT RE: SUPPORT
TO BUSINESSES DURING CURRENT COVID-19 (OMICRON) OUTBREAK**

MOVED Councillor J. Boisvert
SECONDED Councillor S. Dewing

That:

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

CARRIED

Resolution No. C0702/22

Councillor J. Boisvert left the Chambers at 9:02pm and did not return.

Councillor N. Sheehan left the Chambers at 9:02pm.

5.2 MOTIONS WITHOUT NOTICE

Nil

5.3 QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

ITEM 5.3.1

QUESTION TAKEN ON NOTICE AT COUNCIL MEETING 13/12/2021 RE: ALLOWANCES, BENEFITS AND SUPPORT TO MAYOR/ELECTED MEMBERS

The following Questions were asked without notice by Councillor D. Palmer at the Council Meeting on 13 December 2021. At that time the questions were taken on notice. The answers are now provided:

QUESTIONS

1. Can Administration clarify whether the Mayor has a Council provided vehicle as part of his role?
2. What roles does Administration have on correcting errors that may have been identified in the personal blogs of Members?

ANSWERS

1. **Can Administration clarify whether the Mayor has a Council provided vehicle as part of his role?**

As per the Elected Members Allowances and Benefits Policy, Council has resolved in accordance with section 78(b) of the *Local Government Act 1999*, that the provision of facilities and support set out in "Schedule 4 – Facilities and Support Specific to the Mayor" are necessary or expedient to the performance or discharge of official functions or duties by the Mayor. Schedule 4 contains the following in relation to provision of a vehicle to the Mayor:

- A fully maintained Council-owned vehicle, of a similar type and standard to that supplied to the CEO. In accordance with section 78(3) of the *Local Government Act 1999* the use of the vehicle for a purpose unrelated to the performance or discharge of official functions and duties is authorised, subject to the reimbursement to the council for any additional costs or expenses associated with this use.

The Mayor is not obligated to receive or use the facilities and support set out in Schedule 4.

Mayor M. Hewitson has declined the use of a fully maintained Council-owned vehicle since being elected to office.

2. **What roles does Administration have on correcting errors that may have been identified in the personal blogs of Members?**

As has been previously communicated to Elected Members, and based on legal advice received, Administration has no role in requesting a correction to an Elected Members personal blog.

A personal blog could reasonably and objectively be considered communication from the Elected Member in a private capacity, rather than as a function and/or responsibility as an Elected Member. A personal blog and its contents could also be considered to be used for an electoral purpose, and it is not appropriate for Administration to seek to edit electoral material published by Elected Members.

ITEM 5.3.2

QUESTION ON NOTICE FROM COUNCILLOR P. HUGHES RE: TREE CANOPY NOTIFICATION

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

QUESTIONS

1. How many Unley property owners paid their rates in full and therefore did not receive advice of their canopy percentage?
2. How and when will these property owners be advised of their property's canopy percentage?

ANSWERS

1. **How many Unley property owners paid their rates in full and therefore did not receive advice of their canopy percentage?**

Full annual payment was received for 2,542 rate assessments at the end of the first quarter. These assessments were not sent a rate notice for the second quarter and therefore have not received information about the canopy cover percentage.

There were 19,468 assessments as at 30 June 2021.

2. **How and when will these property owners be advised of their property's canopy percentage?**

Administration has been developing an App with a target launch within the next 6 to 8 weeks. The Tree Canopy App will enable anyone to enter a property address, and the App will display on a map the property's canopy cover (current, 2021 and previous, 2018) and building footprint.

A communications plan will be developed for the launch of the App to inform a broad group of stakeholders. This approach is intended to avoid a special mailout cost in the order of \$3,700, where a number of the properties do not have a canopy measurement and/or instances where assessments are sent to property management/investment agents.

As the LiDar will now be undertaken on an annual basis, it is proposed that the App will be updated on an annual basis and be accompanied by a public annual report (aligned to the adopted strategy) and number of standard reports.

ITEM 5.3.3

QUESTION ON NOTICE FROM COUNCILLOR P. HUGHES RE: SOLAR PANEL AND BATTERY STORAGE POTENTIAL ON COUNCIL OWNED BUILDINGS

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

QUESTIONS

1. Which Council owned buildings currently have Solar Panels installed? What is their current kW capacity?
2. Do any of these buildings have potential for increased capacity?
3. Which of these warrant considerations for battery storage?
4. Do any of these buildings have an ageing / inefficient Solar Panel system that warrants replacement. If so which ones?
5. What is the (definite and/or tentative) priority order for installing Solar Panels on Council owned buildings that currently have nil?
6. Which of these warrant considerations for battery storage?
7. Which Council owned buildings, leased to community groups, currently have Solar Panels installed? What is their current kW capacity?
8. Which of these have capacity for an increase?
9. Which of these warrant considerations for battery storage?
10. Are any joint ventures currently being explored with these community groups?

ANSWERS

1. **Which Council owned buildings currently have Solar Panels installed? What is their current kW capacity?**

A total of 105kW of solar panels have been installed on Council-owned buildings in recent years as follows:

- Civic Centre: 30kW (2020)
- Depot: 30kW (2020)
- Clarence Park Institute Hall: 20kW (2019)
- Fullarton Park Community Centre: 15kW + 9.8kWh lithium-ion battery (2018)
- Swimming Centre: 10kW (2017)
- Unley Community Centre: 1.6kW (2014)

2. Do any of these buildings have potential for increased capacity?

Of the current buildings with solar panels, the following have capacity for additional panels:

- Unley Community Centre – 15kW
- Depot – 8kW*
- Swimming Centre – 20kW

The Unley Civic Centre has potential for increased capacity however it is not recommended as it will require structural changes to the heritage sections of the building, which is considered cost prohibitive.

*Note that any system exceeding 30kW in total requires additional network protection measures, meter reconfiguration, and connection approvals due to its large commercial scale size.

3. Which of these warrant considerations for battery storage?

Battery Storage would benefit facilities that have regular night time usage and/or will likely have overnight charging of electric fleet vehicles (long term). Of the current buildings with solar panels, the following warrant consideration for battery storage:

- Civic Centre
- Unley Community Centre
- Depot

Please note that the 2021 Climate and Energy Plan - Technical Report did not recommend additional battery installations until 2024, due to current pricing, and it was suggested to focus on solar panels or other energy efficiency works in the short term

4. Do any of these buildings have an ageing / inefficient Solar Panel system that warrants replacement. If so which ones?

In 2011, the Council undertook the installation of a number of 1.6kW demonstration sites. Council has progressively replaced or upgraded these sites, with only the Unley Community Centre requiring replacement/upgrade.

5. What is the (definite and/or tentative) priority order for installing Solar Panels on Council owned buildings that currently have nil?

30 kW installations are planned as part of the Unley Oval Community Hub (Stage 2 works).

The tentative priority for further installations on buildings without any existing solar panels is the Goodwood precinct (Library and Community Centre).

6. **Which of these warrant considerations for battery storage?**

The Goodwood precinct (Library and Community Centre) could be considered for battery storage in the future due to regular evening usage of the various facilities. The Unley Oval Community Hub can also be assessed when it is fully operational

7. **Which Council owned buildings, leased to community groups, currently have Solar Panels installed? What is their current kW capacity?**

Currently, the following leased sites have solar panels:

- Sturt Bowling Club – 13.3kW
- Goodwood Oval (cricket and football clubs) – 30kW
- Forrestville Hockey Club – 1.6kW
- 39 Oxford Terrace (Sturt Football Club) – 35kW

8. **Which of these have capacity for an increase?**

Forrestville Hockey Club – 15kW.

9. **Which of these warrant considerations for battery storage?**

As part of the Climate Partners Fund (see Q10 below), Council staff would engage with Community Groups (tenants) to identify opportunities for increased solar capacity as well as requirement for battery storage and appropriate configuration of the existing facilities.

10. **Are any joint ventures currently being explored with these community groups?**

The 2021/22 Business Plan includes the Climate Partners Fund, a new initiative where a 50% subsidy up to the value of \$7,500 is provided by Council towards the cost of energy efficiency capital upgrades, including solar panels and/or battery storage.

5.4 QUESTIONS WITHOUT NOTICE

Nil

6. MEMBER'S COMMUNICATION

6.1 MAYORS REPORT

ITEM 6.1.1

MAYOR'S REPORT FOR MONTH OF JANUARY 2022

MOVED Councillor M Broniecki

SECONDED Councillor D. Palmer

That:

1. The report be received.

CARRIED UNANIMOUSLY

Resolution No. C0703/22

6.2 DEPUTY MAYORS REPORT

ITEM 6.2.1

DEPUTY MAYOR'S REPORT FOR MONTH OF JANUARY 2022

MOVED Councillor K Anastassiadis

SECONDED Councillor M Broniecki

That:

1. The report be received.

CARRIED UNANIMOUSLY

Resolution No. C0704/22

6.3 ELECTED MEMBERS REPORTS

ITEM 6.3.1

REPORTS OF MEMBERS

Council noted the attached reports from Members:

1. Councillor M. Broniecki

6.4 CORRESPONDENCE

ITEM 6.4.1

CORRESPONDENCE

The correspondence from:

- Green Adelaide – Urban Heat and Tree Canopy Cover Mapping Update
- David Speirs MP – 2021/22 Greener Neighbourhoods Grants program Application Outcome

was noted.

7. CONFIDENTIAL ITEMS

ITEM 7.1

CONFIDENTIALITY MOTION FOR 7.2 - WASTE MANAGEMENT SERVICES CONTRACT

MOVED Councillor M Broniecki

SECONDED Councillor M Rabbitt

That:

1. Pursuant to Section 90(2) and (3)(b)(i) and (b)(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
 - information the disclosure of which 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 and decide upon the way forward to deliver its waste management services, without compromising the commercial position of Council or the position of the person whom council is proposing to conduct business with.

On that basis, the public's interest is best served by not disclosing Item 7.2 Waste Management Services Contract report, attachment(s) 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. C0705/22

The meeting moved into confidence, the gallery was cleared and the doors to the Council Chamber were closed at 9.04pm.

Item 7.2, page(s) 15, is confidential and has been removed from the public agenda/minutes

ITEM 7.3

**CONFIDENTIALITY MOTION TO REMAIN IN CONFIDENCE FOR 7.2 -
WASTE MANAGEMENT SERVICES CONTRACT**

MOVED Councillor J. Russo

SECONDED Councillor P. Hughes

That:

1. Pursuant to Section 91(7) of the *Local Government Act 1999* the following elements of Item 7.2 Waste Management Services Contract, considered at the Council Meeting on 31 January 2022:

- Minutes
- Report
- Attachment

remain confidential as follows:

- Minutes: until it is determined that the first decision of Council will not proceed or the formal Contract is entered into, whichever occurs last.
- Report & Attachment: until the Chief Executive Officer (as per (3) below) or Council, by resolution, determines that there is no longer any requirement to maintain confidentiality for the benefit of the commercial interests of the parties considered by Council in this Item.

and not available for public inspection until the cessation of those periods.

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.

CARRIED UNANIMOUSLY

Resolution No. C0707/22

ITEM 7.4

CONFIDENTIALITY MOTION FOR 7.5 - JOINT APPLICATION WITH THE CITY OF MITCHAM TO THE LOCAL GOVERNMENT ASSOCIATION UNDER THE 'LEGAL ASSIST POLICY'

MOVED Councillor M Rabbitt

SECONDED Councillor P. Hughes

That:

1. Pursuant to Section 90(2) and (3)(i) of the *Local Government Act 1999*, the principle that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter because it relates to:
 - information relating to actual litigation, or litigation that the Council or Council committee believes on reasonable grounds will take place, involving the council or an employee of the Council.
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 determine a course of action relating to an application for financial assistance for current litigation.

On that basis, the public's interest is best served by not disclosing 7.5 Joint application with the City of Mitcham to the Local Government Association under the 'Legal Assist Policy', 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. C0708/22

The meeting moved into confidence, the gallery was cleared and the doors to the Council Chamber were closed at 9.15pm.

Item 7.5, page(s) 18, is confidential and has been removed from the public agenda/minutes

ITEM 7.6

CONFIDENTIALITY MOTION TO REMAIN IN CONFIDENCE FOR 7.5 - JOINT APPLICATION WITH THE CITY OF MITCHAM TO THE LOCAL GOVERNMENT ASSOCIATION UNDER THE 'LEGAL ASSIST POLICY'

MOVED Councillor P. Hughes

SECONDED Councillor M Broniecki

That:

1. Pursuant to Section 91(7) of the *Local Government Act 1999* the following elements of Item 7.5 Joint application with the City of Mitcham to the Local Government Association under the 'Legal Assist Policy', considered at the Council Meeting on 31 January 2022:

- Minutes
- Report
- Attachment

remain confidential until legal proceedings have concluded and not available for public inspection until the cessation of that period.

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

CARRIED UNANIMOUSLY

Resolution No. C0710/22

The doors to the Council Chambers were opened at 9.20pm.

NEXT MEETING

Monday 28 February 2022 - 7.00pm

CLOSURE

The Presiding Member closed the meeting at 9.20pm.

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PRESIDING MEMBER