



**Minutes of the City of Unley
Council Meeting
Monday, 22 June 2020, 7.00pm
Council Chambers
181 Unley Road Unley**

PRESENT

<i>Presiding Member</i>	<i>Mayor</i>	M. Hewitson
	<i>Deputy Mayor</i>	P. Hughes
<i>Councillors</i>	K. Anastassiadis	J. Boisvert
	M. Broniecki	S. Dewing
	J. Dodd	D. Palmer
	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
Executive Manager Office of the CEO, Ms T. Norman
Executive Assistant Office of the CEO, Ms L. Kennedy
Manager City Design, Mr B. Willsmore

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 22 June 2020, meeting of the Unley City Council.

1. ADMINISTRATIVE MATTERS

1.1 APOLOGIES

Nil

1.2 LEAVE OF ABSENCE

Nil

1.3 CONFLICT OF INTEREST

Councillor P. Hughes declared a perceived conflict of interest in Item 7.2 Application for Waiver of 2020-21 Council Rates – Royal Agricultural and Horticultural Society, on the basis of his membership with the Society and noted that he would remain in the meeting when that item was discussed and vote.

Councillor D. Palmer declared a perceived conflict of interest in Item 4.2 Unley Civic Precinct – Edmund Avenue Cottages Redevelopment – Concept Design, on the basis of his involvement with St Augustine's Church as Warden and noted that he 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, 25 MAY 2020

MOVED Councillor J. Boisvert

SECONDED Councillor M. Broniecki

That:

1. The minutes of the Ordinary Council held on Monday, 25 May 2020 be taken as read and signed as a correct record.

CARRIED UNANIMOUSLY

Resolution No. C0255/20

1.5 DEFERRED / ADJORNED ITEMS

Nil

2. PETITIONS/DEPUTATIONS

ITEM 2.1

DEPUTATION RE: WELLER STREET BICYCLE ROUTE, PROPOSED SLOW POINTS

1. Andrew Papageorgiou, Goodwood

Re. Item 2.3 Weller Street Bicycle Route, Proposed Slow Points

The depute requested an extension of time for 2 minutes to conclude the deputation and the Presiding Member sought Leave of the Meeting, which was granted at 7.11pm.

ITEM 2.2

DEPUTATION RE: WELLER STREET UPGRADE

1. Jennifer Bonham, Goodwood

Re. Item 2.3 Weller Street Bicycle Route, Proposed Slow Points

ITEM 2.3

WELLER STREET BICYCLE ROUTE, PROPOSED SLOW POINTS

PRINCIPAL PETITIONER: ANDREW PAPAGEORGIOU

NUMBER OF SIGNATORIES: 53

NATURE OF PETITION: OBJECTION TO COUNCIL'S PLANNED
CONSTRUCTION OF TRAFFIC
MANAGEMENT MEASURES IN WELLER
STREET, GOODWOOD

MOVED Councillor E. Wright

SECONDED Councillor J. Russo

Mr A. Papageorgiou tabled a further four (4) signatories to the Petition.

That:

1. The Petition be received.
2. The head petitioner be advised of Council's decision that the Weller Street bike route improvements and traffic calming works proceed as per Council's previous decision (1266/2018).

CARRIED UNANIMOUSLY

Resolution No. C0256/20

3. REPORTS OF COMMITTEES

Nil

4. REPORTS OF OFFICERS

ITEM 4.1

RESIGNATION OF COUNCILLOR M. HUDSON

MOVED Councillor J. Boisvert

SECONDED Councillor K. Anastassiadis

That:

1. The report be received.

CARRIED UNANIMOUSLY

Resolution No. C0257/20

Councillor Boisvert left the Chambers at 7:37pm.

Councillor Boisvert returned to the Chambers at 7:38pm.

ITEM 4.2

UNLEY CIVIC PRECINCT - EDMUND AVENUE COTTAGES REDEVELOPMENT - CONCEPT DESIGN

MOVED Councillor J. Russo

SECONDED Councillor K. Anastassiadis

That:

1. The report be received.
2. The Draft Edmund Avenue Cottages Concept Design information set out in Attachment 1 to this report (Item 4.2, Council Meeting 22/06/2020) be endorsed for the purpose of community consultation.
3. Following the conclusion of community consultation on the Draft Edmund Avenue Cottages Concept Design, a further report summarising the community feedback and identification of any alterations to the design be presented to Council for endorsement.
4. State and Commonwealth funding support programs for the relevant stages or total Edmund Avenue Cottages redesign project be pursued.

CARRIED UNANIMOUSLY

Resolution No. C0258/20

ITEM 4.3

BEE HIVES AND NATIVE BEE HOTELS

MOVED Councillor N. Sheehan

SECONDED Councillor E. Wright

That:

1. The report be received.
2. Two honey bee hives, managed through a third-party supplier, be installed at the Unley Community Centre in 2020/21.
3. The volunteers of Soutar Park be assisted to install a native bee hotel within the fruit tree orchard at Soutar Park in 2020/21.

Councillor P. Hughes MOVED an AMENDMENT

SECONDED Councillor D. Palmer

That:

1. The report be received.
2. Two honey bee hives and a native bee hotel be installed at locations to be determined.

With the leave of the meeting and consent of the seconder Councillor P. Hughes VARIED the AMENDMENT

That:

1. The report be received.
2. Two honey bee hives be installed at locations to be determined.
3. The volunteers of Soutar Park be assisted to install a native bee hotel within the fruit tree orchard at Soutar Park in 2020/21.

The AMENDMENT was PUT and

LOST

The MOTION was PUT and

CARRIED

Resolution No. C0259/20

ITEM 4.4**PROPOSED 2020-21 FEES AND CHARGES**

MOVED Councillor J. Dodd

SECONDED Councillor M. Rabbitt

That:

1. The report be received.
2. The Fees and Charges Schedule for the 2020-21 financial year, as set out in Attachment 1 to this report (Item 4.4, Council Meeting 22/06/2020) be approved to take effect from 1 July 2020.
3. Staff be authorised to include statutory fees and charges in the Fees and Charges Schedule available for public inspection, subsequent to those being published in the SA Government Gazette.

CARRIED UNANIMOUSLY

Resolution No. C0260/20

ITEM 4.5**TRADER ASSOCIATION QUARTER 3 REPORTS 1 JANUARY TO 31 MARCH 2020**

MOVED Councillor D. Palmer

SECONDED Councillor J. Boisvert

That:

1. The report be received.
2. The Unley Road Association Inc 2019/20 Expenditure Plan be amended to reallocate \$4,989 from Marketing and Promotion to the Major Event, "An Evening Under the Stars".

CARRIED

Resolution No. C0261/20

ITEM 4.6**REQUEST TO FLY LATVIAN FLAG ON 18 NOVEMBER 2020**

MOVED Councillor E. Wright

SECONDED Councillor N. Sheehan

That:

1. The report be received.
2. The request to fly the National flag of Latvia at the Unley Civic Centre be approved, in recognition of Latvia's Independence Day (18 November) with the flag to be raised on Wednesday, 18 November 2020 and lowered on Thursday, 19 November 2020.

CARRIED UNANIMOUSLY

Resolution No. C0262/20

ITEM 4.7

**REQUEST TO FLY RAINBOW FLAG - CELEBRATING DIVERSITY MONTH
NOVEMBER 2020**

MOVED Councillor J. Russo

SECONDED Councillor J. Dodd

That:

1. The report be received.
2. The Rainbow Flag be flown from the fifth flag pole situated at the Civic Centre on Unley Road and be displayed in the windows of the Civic Centre Customer Service area, facing on to Unley Road for the month of November 2020 (excluding 18/11/2020 to allow the Latvian Flag to be flown on that day) in support of the "Pridevember" initiative of the Feast Festival.

CARRIED UNANIMOUSLY

Resolution No. C0263/20

ITEM 4.8

INITIATION OF REPRESENTATION REVIEW

MOVED Councillor J. Boisvert

SECONDED Councillor D. Palmer

That:

1. The report be received.
2. The Representation Review Process be commenced in accordance with section 12 (5) of the *Local Government Act 1999*.
3. The 'Representation Review: Key Milestones' document (Attachment 1, Item 4.8, Council Meeting 22/06/2020) be endorsed, noting the document is subject to change at any given time based on the progression of the Review process.
4. The Chief Executive Officer be delegated the power to appoint a qualified Independent Person to prepare the Representation Options Paper, following the receipt of quotes from providers included on the Panel established by LGA Procurement on behalf of eleven participating councils, including the City of Unley.

CARRIED UNANIMOUSLY

Resolution No. C0264/20

ITEM 4.9

QUARTERLY REPORT - BROWN HILL KESWICK CREEK STORMWATER BOARD

MOVED Councillor M. Rabbitt

SECONDED Councillor K. Anastassiadis

That:

1. The report be received.

CARRIED UNANIMOUSLY

Resolution No. C0265/20

ITEM 4.10

CHIEF EXECUTIVE OFFICER'S PROPOSED KEY PERFORMANCE INDICATORS 2020/21

MOVED Councillor P. Hughes

SECONDED Councillor J. Russo

That:

1. The report be received.
2. The draft KPIs for 2020/21 developed by the CEO Performance Review Panel in consultation with the CEO, as set out in Attachment 1 to this report (Item 4.10, Council Meeting 22/06/2020), be adopted.

CARRIED UNANIMOUSLY

Resolution No. C0266/20

ITEM 4.11

ICLEI EXECUTIVE COMMITTEE ELECTIONS - VOTE FOR OCEANIA REXCOM MEMBERS

MOVED Councillor P. Hughes

SECONDED Councillor J. Dodd

That:

1. The report be received.
2. The following candidates be supported for appointment to the Oceania Rexcom via completion of the electronic ballot paper for the City of Unley:
 - Mayor Aaron Hawkins, Dunedin, NZ
 - Cr Amanda Stone, Yarra, VIC
 - Lord Mayor Anna Reynolds, Hobart, Tas
 - Mayor Mchael Hewitson, Unley, SA
 - Lord Mayor Nuatali Nelmes, Newcastle, NSW

3. The Principal Governance Officer, Ms Kathryn Goldy, be authorised to submit the Rexcom ballot on behalf of the City of Unley.

CARRIED

Resolution No. C0267/20

ITEM 4.12

COUNCIL ACTION RECORDS

MOVED Councillor D. Palmer

SECONDED Councillor M. Broniecki

That:

1. The report be noted.

CARRIED UNANIMOUSLY

Resolution No. C0268/20

The Presiding Member sought leave of the meeting to bring forward Confidential Items 7.1 – 7.6 for consideration, and leave was granted.

The following items were brought forward.

- 7.1 Confidentiality Motion for Item 7.2 – Application for Waiver of 2020-21 Council Rates – Royal Agricultural and Horticultural Society
- 7.2 Application for Waiver of 2020-21 Council Rates – Royal Agricultural and Horticultural Society
- 7.3 Confidentiality Motion to remain in confidence for Item 7.2 – Application for Waiver of 2020-21 Council Rates – Royal Agricultural and Horticultural Society
- 7.4 Confidential Motion for Item 7.5 – Unley Central – Litigation Further Update
- 7.5 Unley Central – Litigation Further Update
- 7.6 Confidentiality Motion to remain in confidence for Item 7.5 – Unley Central – Litigation Further Update

7. CONFIDENTIAL ITEMS

ITEM 7.1

CONFIDENTIALITY MOTION FOR 7.2 - APPLICATION FOR WAIVER OF 2020-21 COUNCIL RATES - ROYAL AGRICULTURAL AND HORTICULTURAL SOCIETY

MOVED Councillor P. Hughes

SECONDED Councillor K. Anastassiadis

That:

1. Pursuant to Section 90(2) and (3)(d)(i) and (ii) of the *Local Government Act 1999*, the principle that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter because it relates to information the disclosure of which:
 - Could reasonably be expected to prejudice the commercial position of the person who supplied the information, 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 relevant information prior to making a decision in relation to the application.

On that basis, the public's interest is best served by not disclosing 7.2 Application for Waiver of 2020-21 Council Rates - Royal Agricultural and Horticultural Society, 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 and Mr John Rothwell and Ms Hayley Herbst.

CARRIED UNANIMOUSLY

Resolution No. C0269/20

The gallery was cleared, the doors to the Council Chamber were closed and the meeting moved into confidence at 8.38pm.

Mr J. Rothwell and Ms H. Herbst left the meeting at 8.56pm.

ITEM 7.2

APPLICATION FOR WAIVER OF 2020-21 COUNCIL RATES - ROYAL AGRICULTURAL AND HORTICULTURAL SOCIETY

MOVED Councillor M. Rabbitt

SECONDED Councillor M. Broniecki

That:

1. The report be received.
2. In response to the request received from the Royal Agricultural and Horticultural Society, Council endorse the waiving of the 2020-21 rates in full for the following assessments:

Assessment No.	Property Address
10493 (5)	99 Rose Terrace, Wayville
457616 (1)	103-141 Rose Terrace, Wayville
457617 (9)	4-40 Leader Street, Wayville
457566 (8)	68 Goodwood Road, Wayville
10974 (4)	14 Goodwood Road, Wayville

3. In the forthcoming deliberations to finalise the 2020-21 Annual business Plan and Budget, Council consider not proceeding with certain Operational Projects, for example the Unley Gourmet Gala, in order to meet the shortfall of rates income.

CARRIED

Resolution No. C0270/20

DIVISION

A Division was called and the previous decision set aside.

Those voting in the affirmative:

Councillors P. Hughes, M. Broniecki, D. Palmer, M. Rabbitt, N. Sheehan and E. Wright

Those voting in the negative:

Councillors K. Anastassiadis, J. Boisvert, S. Dewing, J. Russo and J. Dodd

The MOTION was declared **CARRIED**

The meeting moved out of confidence at 9.30pm.

ITEM 7.3

CONFIDENTIALITY MOTION TO REMAIN IN CONFIDENCE FOR 7.2 - APPLICATION FOR WAIVER OF 2020-21 COUNCIL RATES - ROYAL AGRICULTURAL AND HORTICULTURAL SOCIETY

MOVED Councillor M. Broniecki

SECONDED Councillor P. Hughes

That:

1. Pursuant to Section 91(7) of the *Local Government Act 1999* the following elements of Item 7.2 Application for Waiver of 2020-21 Council Rates - Royal Agricultural and Horticultural Society, considered at the Council Meeting on 22 June 2020:

- ☒ Report
- ☒ Attachment

remain confidential until 30 December 2022 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. C0271/20

Councillor J. Dodd declared a perceived conflict of interest in Item 7.5, on the basis that Duke Group is the landlord of the premises in which she resides and noted that she would remain in the meeting when that item was discussed and vote.

Councillor S. Dewing declared a perceived conflict of interest in Item 7.5, on the basis of her employment with Sturt Football Club and affiliation with Barzaa and noted that she would remain in the meeting when that item was discussed and vote.

ITEM 7.4

CONFIDENTIALITY MOTION FOR 7.5 - UNLEY CENTRAL - LITIGATION FURTHER UPDATE

MOVED Councillor P. Hughes

SECONDED Councillor M. Rabbitt

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 involving 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 consider matters relating to current legal proceedings without compromising the conduct of the litigation.

On that basis, the public's interest is best served by not disclosing 7.5 Unley Central - Litigation Further Update, Report and discussion at this point in time.

3. Pursuant to Section 90(2) of the *Local Government Act 1999* it is recommended the Council orders that all members of the public be excluded, with the exception of staff of the City of Unley on duty in attendance and Mr Patrick Ho, Mr Anthony Catinari, Mr Joe Rossi and Mr Cosimo Dichiera.

CARRIED UNANIMOUSLY

Resolution No. C0272/20

The gallery was cleared, the doors to the Council Chamber were closed and the meeting moved into confidence at 9.31pm.

Item 7.5, page(s) 14, is confidential and has been removed from the public minutes

ITEM 7.6

CONFIDENTIALITY MOTION TO REMAIN IN CONFIDENCE FOR 7.5 - UNLEY CENTRAL - LITIGATION FURTHER UPDATE

MOVED Councillor M. Rabbitt

SECONDED Councillor J. Russo

That:

1. Pursuant to Section 91(7) of the *Local Government Act 1999* the following elements of Item 7.5 Unley Central - Litigation Further Update, considered at the Council Meeting on 22 June 2020:

☒ Minutes

☒ Report

remain confidential until the conclusion of legal proceedings 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. C0273/20

5. MOTIONS AND QUESTIONS

5.1 MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

ITEM 5.1.1

NOTICE OF MOTION FROM COUNCILLOR M. BRONIECKI RE: ECOLOGICALLY SUSTAINABLE DEVELOPMENT

MOVED Councillor M. Broniecki

SECONDED Councillor K. Anastassiadis

That:

1. Council write to the Minister for Environment and Water, Hon David Speirs MP (cc to the Minister for Transport, Infrastructure and Local Government and Minister for Planning, Hon Stephan Knoll MP; and the Member for Unley, Minister for Innovation and Skills, Hon David Pisoni MP) seeking clarification about the interaction of the *Planning, Development and Infrastructure Act 2016*, the draft Planning and Design Code, and the Building Code of Australia with the *Landscape South Australia Act 2019* concerning environmentally sustainable development.

CARRIED UNANIMOUSLY

Resolution No. C0274/20

ITEM 5.1.2

NOTICE OF MOTION FROM COUNCILLOR M. BRONIECKI RE: SYNTHETIC TURF ON VERGES

MOVED Councillor M. Broniecki

SECONDED Councillor M. Rabbitt

That:

1. Staff undertake a review of the Nature Strips Policy to incorporate a ban of artificial/synthetic turf as a surface treatment on Council owned verges.

CARRIED

Resolution No. C0275/20

ITEM 5.1.3

NOTICE OF MOTION FROM COUNCILLOR S. DEWING RE: MANAGEMENT OF DAMAGE TO COUNCIL INFRASTRUCTURE ADJACENT TO LARGE SCALE DEVELOPMENTS

MOVED Councillor S. Dewing

SECONDED Councillor J. Boisvert

That:

1. Staff prepare a report outlining issues, options (including compliance or enforcement strategies) and resource requirements, to enable monitoring and management of impacts of large scale developments on Council infrastructure, including street trees.

With the Leave of the Meeting and Consent of the Seconder Councillor S. Dewing VARIED the MOTION

That:

1. Staff prepare a report outlining issues, options (including compliance or enforcement strategies) and resource requirements, to enable monitoring and management of impacts of developments on Council infrastructure, including street trees.

CARRIED

Resolution No. C0276/20

ITEM 5.1.4

NOTICE OF MOTION FROM COUNCILLOR J. BOISVERT RE: RECOGNITION OF (FORMER COUNCILLOR) M. HUDSON'S SERVICE TO COUNCIL

MOVED Councillor J. Boisvert

SECONDED Councillor K. Anastassiadis

MOTION

That:

1. Following the recent resignation of former Councillor M. Hudson, Council recognises his commitment to serving the Unley community for more than 30 years as:

Goodwood South Councillor (1985-1993); and
Parkside Ward Councillor (1995- until his resignation on 1 June 2020)

and as a representative of the City of Unley on the following boards/committees/groups:

- Centennial Park Cemetery Authority Board
- Community and Culture Committee
- Eastwood Community Centre Committee
- Unley Oval Reference Group

CARRIED UNANIMOUSLY

Resolution No. C0277/20

5.2 MOTIONS WITHOUT NOTICE

Nil

5.3 QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

ITEM 5.3.1

QUESTION ON NOTICE FROM COUNCILLOR S. DEWING RE: PROTECTION OF STREET TREES ADJACENT TO THE CREMORNE PLAZA DEVELOPMENT

The following Question on Notice were received from Councillor S. Dewing and the answers are provided:

QUESTIONS

A recent assessment of street trees next to the Cremorne Plaza development currently under construction has indicated that it is unlikely that the three trees immediately adjacent (two on the south and one on the north refer images below) will survive the development works.



Photo 1. Opey Avenue – South



Photo 2. Hart Street - North

This information has prompted the following question:

1. When Council granted permission to the developers of the Cremorne Plaza site for the exclusive use of the northern footpath of Opey Avenue and use of the southern footpath of Hart Street, which include a number of Council owned trees, what provisions did Council have in place to ensure the protection of these trees?

ANSWERS

1. Council grants access for exclusive use of council land through the issuing of a hoarding permit in accordance with Section 222 of the *Local Government Act 1999*.
2. The hoarding associated with the developments occurring on Opey Avenue and Hart Street are required to ensure pedestrian safety is maintained while construction is occurring.
3. Hoarding permits include standard conditions for an applicant to comply with, which relate to public safety, insurances and liability, fees and responsibility for any damage caused on public land. The conditions do not specifically reference trees, nor do they include requirements relating to protection of trees, however, street trees are defined as council owned infrastructure on public land. Section 233 of the *Local Government Act 1999* provides:

A person who, without the council's permission, intentionally or negligently damages a road or a structure (including pipes, wires, cables, fixtures, fittings and other objects) belonging to the council associated with a road is liable to the council in damages.

Council may recover these damages in the same way as damages for a tort (civil proceedings).

4. A permit may be revoked if any conditions are breached.

5.4 QUESTIONS WITHOUT NOTICE

Nil

6. MEMBER'S COMMUNICATION

6.1 MAYORS REPORT

ITEM 6.1.1

MAYOR'S REPORT FOR MONTH OF JUNE

MOVED Councillor J. Boisvert

SECONDED Councillor E. Wright

That:

1. The report be received.

CARRIED UNANIMOUSLY

Resolution No. C0278/20

6.2 DEPUTY MAYORS REPORT

Nil

6.3 ELECTED MEMBERS REPORTS

ITEM 6.3.1

REPORTS OF MEMBERS

Council noted attached reports from Members:

1. Councillor M. Broniecki

6.4 CORRESPONDENCE

ITEM 6.4.1

CORRESPONDENCE

The correspondence from:

- Mayor Michael Hewitson – re. Condolences for Mayor of Villers-Bretonneux, Dr Patrick Simon AO
- Nicolle Flint MP – re. Local Road and Community Infrastructure Program
- Mayor Michael Hewitson – re. Local Road and Community Infrastructure Program
- Hon Stephan Knoll MP – re. Keswick Barracks & Surrounds Urban Design Framework

was noted.

NEXT MEETING

Monday 27 July 2020 - 7.00pm

CLOSURE

The Presiding Member closed the meeting at 10.05pm.

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PRESIDING MEMBER