



**Minutes of the City of Unley
Council Meeting
Monday, 27 September 2021, 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
	J. Bonham	M. Broniecki
	S. Dewing	P. Hughes
	D. Palmer	J. Russo
	M. Rabbitt	E. Wright

OFFICERS PRESENT

Chief Executive Officer, Mr P. Tsokas
General Manager City Services, Ms M. Berghuis
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

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 27 September 2021, meeting of the Unley City Council.

1. ADMINISTRATIVE MATTERS

1.1 APOLOGIES

Councillor N. Sheehan

1.2 LEAVE OF ABSENCE

Nil

1.3 CONFLICT OF INTEREST

Councillor S. Dewing declared a perceived conflict of interest in relation to Item 7.2 Unley Central Project – Proposed Amendments to the Development Deed and Litigation Update on the basis of her employment with Sturt Football Club and noted that she would remain in the meeting when that item was discussed and vote in the best interests of the community.

1.4 MINUTES

ITEM 1.4.1

MINUTES OF THE ORDINARY COUNCIL MEETING HELD MONDAY, 23 AUGUST 2021

MOVED Councillor J. Boisvert

SECONDED Councillor J. Dodd

That:

1. The minutes of the Ordinary Council held on Monday, 23 August 2021 be taken as read and signed as a correct record.

CARRIED UNANIMOUSLY

Resolution No. C0600/21

1.5 DEFERRED / ADJORNED ITEMS

Nil

2. PETITIONS/DEPUTATIONS

ITEM 2.1

DEPUTATION RE: MIKE TURTUR BIKEWAY UPGRADE PROCESS AND PROGRESS

1. Denise Tipper, Goodwood

Re. Providing Information from Locals on the Mike Turtur Bikeway Upgrade Process and Progress to Date.

Ms Tipper sought an extension of time and a further 3 minutes was granted.

3. REPORTS OF COMMITTEES

Nil

4. REPORTS OF OFFICERS

ITEM 4.1

UPDATED TREE CANOPY COVER ASSESSMENT 2021

MOVED Councillor J. Dodd

SECONDED Councillor M. Broniecki

That:

1. The report be received.

CARRIED UNANIMOUSLY

Resolution No. C0601/21

ITEM 4.2

TRADER EVENT SPONSORSHIP

MOVED Councillor J. Russo

SECONDED Councillor M. Broniecki

That:

1. The report be received.
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;
 - \$10,000 to the Unley Road Association Incorporated for An Evening Under the Stars to be held in the Soldiers Memorial Gardens;
 - \$10,000 to the King William Road Traders Association Incorporated for Christmas on King William held in flexible spaces throughout the King William Road precinct; and
 - \$10,000 to the Goodwood Road Business Association Incorporated for the Sat'dy on Goody event series with a mix of day and evening events held between October 2021 – May 2022 throughout the Goodwood Road precinct.
3. A condition of the Trader Event Sponsorship be a requirement for submission of a funding acquittal accompanied by a post event evaluation, which details trader participation and benefits from the event, including to the wider City of Unley community.

CARRIED UNANIMOUSLY

Resolution No. C0602/21

ITEM 4.3

COUNCIL ASSESSMENT PANEL ANNUAL REPORT 2020/21

MOVED Councillor E. Wright

SECONDED Councillor K. Anastassiadis

That:

1. The report be received.

CARRIED UNANIMOUSLY

Resolution No. C0603/21

ITEM 4.4

REPRESENTATION REVIEW - OUTCOME OF 3RD COMMUNITY CONSULTATION AND SEEKING FINAL DETERMINATION

MOVED Councillor P. Hughes

SECONDED Councillor E. Wright

That:

1. The report be received.
2. The submissions received in response to the second Representation Review Report (released for public consultation between 5 August to 31 August 2021 - Third Public Consultation) as set out in Attachment 1 to this report (Item 4.4, Council Meeting 27/09/2021) be noted.
3. The principal member of Council continues to be a Mayor elected by the community.
4. The Council area be divided into six (6) wards as per the Proposed Ward Structure presented in Attachment 2 to this report. (Item 4.4, Council Meeting 27/09/2021).
5. The future elected body of Council comprise a Mayor and twelve (12) ward councillors, each ward being represented by two (2) councillors.
6. That the Council administration be authorised to prepare and forward the necessary report and documents to the Electoral Commission of SA, pursuant to the provisions of section 12 (11), (12) and (12a) of the *Local Government Act 1999*.

CARRIED UNANIMOUSLY

Resolution No. C0604/21

ITEM 4.5

**CENTENNIAL PARK CEMETERY AUTHORITY - REVISED CHARTER
(SEPTEMBER 2021)**

MOVED Councillor M Rabbitt

SECONDED Councillor M Broniecki

That:

1. The report be received.
2. The draft Centennial Park Cemetery Authority Charter, as set out in Attachment 1 to this Report (Item 4.5, Council Meeting 27/09/2021) be endorsed, with the Chief Executive Officer authorised to make minor amendments of a technical nature if required in order to finalise the Charter.
3. Advice of the decision to endorse the draft Centennial Park Cemetery Authority Charter, as set out in Attachment 1 to this Report (Item 4.5, Council Meeting 27/09/2021) be provided to the City of Mitcham and the Centennial Park Cemetery Authority.
4. The appointment of an Elected Member to the Owners Executive Committee be noted, with a subsequent report to be presented to Council in order to determine the necessary appointment.

CARRIED UNANIMOUSLY

Resolution No. C0605/21

ITEM 4.6

COUNCIL ACTION RECORDS

MOVED Councillor M Broniecki

SECONDED Councillor S. Dewing

That:

1. The report be noted.

CARRIED UNANIMOUSLY

Resolution No. C0606/21

5. MOTIONS AND QUESTIONS

5.1 MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

ITEM 5.1.1

NOTICE OF MOTION FROM COUNCILLOR J. BONHAM RE: CALL FOR ACTION FOR CONSERVATION COUNCIL AND PROPOSED ITEM OF BUSINESS FOR GAROC

MOVED Councillor J. Bonham

SECONDED Councillor J. Boisvert

That:

1. The Conservation Council of South Australia's '*A Call to Action: Protecting Adelaide's Tree Canopy*' be endorsed.
2. The CEO be authorised to write to the Conservation Council of South Australia indicating that Unley Council has endorsed '*A Call to Action: Protecting Adelaide's Tree Canopy*'.
3. 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.
4. 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.

Councillor J. Bonham sought leave of the meeting for a 3 minute extension of time and leave was granted.

Councillor M. Broniecki MOVED an AMENDMENT:

SECONDED Councillor M. Rabbitt

That:

1. The Conservation Council of South Australia's '*A Call to Action: Protecting Adelaide's Tree Canopy*' be endorsed in principle.
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 whether they can be implemented by councils, 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.

Councillor M. Broniecki, with the consent of the seconder and leave of the meeting, VARIED the AMENDMENT as follows:

That:

1. The Conservation Council of South Australia's '*A Call to Action: Protecting Adelaide's Tree Canopy*' be endorsed in principle.
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.

The AMENDMENT was PUT and CARRIED

The MOTION as AMENDED was PUT and

CARRIED UNANIMOUSLY

Resolution No. C0607/21

ITEM 5.1.2

NOTICE OF MOTION FROM COUNCILLOR J. DODD RE: VARIATION TO COUNCIL RESOLUTION C0578/21: CULROSS AVENUE TRAFFIC AND PARKING ASSESSMENT

MOVED Councillor J. Dodd

SECONDED Councillor P. Hughes

That

1. The report be received.
2. The Council undertake consultation with the residents abutting Culross Avenue, Bridge Street, and all regular hirers of Scammel Reserve, including the Scout Hall, regarding a possible full road closure of Culross Avenue to be provided adjacent no. 19 and 20 Culross Avenue **and/or for a possible full road closure at the intersection of Culross Avenue and Fullarton Road**
3. As part of the consultation process regarding a possible full road closure of Culross Avenue, feedback is sought in respect to the likely impacts that the road closure would have for matters such as onstreet parking, circulation and access and waste collection.
4. A further report be presented to Council for its consideration outlining the results of the feedback received in response to the consultation process for a possible full road closure of Culross Avenue.

CARRIED UNANIMOUSLY

Resolution No. C0608/21

5.2 MOTIONS WITHOUT NOTICE

Nil

5.3 QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

ITEM 5.3.1

QUESTION ON NOTICE FROM COUNCILLOR E. WRIGHT RE: OBSERVANCE OF STOBIE POLES WRAPPED IN ORANGE PLASTIC

The following question was asked without notice by Councillor E. Wright at the Council Meeting on 23 August 2021. At that time the question was taken on notice. The answer is now provided:

QUESTIONS

1. Why are stobie poles throughout the City wrapped in orange plastic?

ANSWERS

1. SA Power Networks (SAPN) owns, operates and maintains stobie poles.

The Administration has been informed by SAPN that it is undertaking an asset management approach to reviewing and repairing stobie poles, including those located within the City of Unley.

Maintenance is being undertaken as part of the programmed inspections and the orange bunting is associated with these works.

5.4 QUESTIONS WITHOUT NOTICE

Councillor J. Boisvert asked a question regarding Item 4.6 Council Action Records, referring to an item previously listed relating to graffiti management. The question was TAKEN ON NOTICE.

Councillor K. Anastasiadis asked a question regarding Item 4.3 Council Assessment Panel Annual Report 2020/21, referring to development applications and CAP meeting data. The question was TAKEN ON NOTICE.

6. MEMBER'S COMMUNICATION

6.1 MAYORS REPORT

ITEM 6.1.1

MAYOR'S REPORT FOR MONTH OF SEPTEMBER 2021

MOVED Councillor M. Broniecki

SECONDED Councillor J. Dodd

That:

1. The report be received.

CARRIED UNANIMOUSLY

Resolution No. C0609/21

6.2 DEPUTY MAYORS REPORT

ITEM 6.2.1

DEPUTY MAYOR'S REPORT FOR MONTH OF SEPTEMBER 2021

MOVED Councillor S. Dewing

SECONDED Councillor J. Boisvert

That:

1. The report be received.

CARRIED UNANIMOUSLY

Resolution No. C0610/21

6.3 ELECTED MEMBERS REPORTS

ITEM 6.3.1 REPORTS OF MEMBERS

Council noted the reports from Members:

1. Councillor M. Broniecki

6.4 CORRESPONDENCE

ITEM 6.4.1 CORRESPONDENCE

The correspondence from:

- Rob Jordan, Capri Theatre – Letter of Appreciation for Loan Extended
- Hon Corey Wingard MP – Glen Osmond Road and Fullarton Road Intersection Upgrade Project

was noted.

7. CONFIDENTIAL ITEMS

ITEM 7.1

CONFIDENTIALITY MOTION FOR 7.2 - UNLEY CENTRAL PROJECT - PROPOSED AMENDMENTS TO THE DEVELOPMENT DEED AND LITIGATION UPDATE

MOVED Councillor M. Broniecki

SECONDED Councillor J. Boisvert

That:

1. Pursuant to Section 90(2) and (3)(d)(i) and (ii) 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:
 - commercial information of a confidential nature (not being a trade secret) the disclosure of which would, on balance, be contrary to the public interest; and
 - information relating to actual litigation.
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 information relating to commercial arrangements set out within the Unley Central Project Development Deed and information relating to current litigation proceedings.

On that basis, the public's interest is best served by not disclosing 7.2 Unley Central Project - Proposed Amendments to the Development Deed and Litigation 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.

CARRIED UNANIMOUSLY

Resolution No. C0611/21

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

Item 7.2, page(s) 12, is confidential and has been removed from the public agenda/minutes

ITEM 7.3

CONFIDENTIALITY MOTION TO REMAIN IN CONFIDENCE FOR 7.2 - UNLEY CENTRAL PROJECT - PROPOSED AMENDMENTS TO THE DEVELOPMENT DEED AND LITIGATION UPDATE

MOVED Councillor J. Dodd

SECONDED Councillor D. Palmer

That:

1. Pursuant to Section 91(7) of the *Local Government Act 1999* the following elements of Item 7.2 Unley Central Project - Proposed Amendments to the Development Deed and Litigation Update, considered at the Confidential Council Meeting on 27 September 2021:

Minutes

Report

remain confidential until 5 January 2024 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. C0613/21

ITEM 7.4

CONFIDENTIALITY MOTION FOR 7.5 - EXTENSION OF LEASE AGREEMENT GOODWOOD COMMUNITY SERVICES

MOVED Councillor M Broniecki

SECONDED Councillor M Rabbitt

That:

1. Pursuant to Section 90(2) and (3)(b)(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 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
 - 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 the lease arrangement of an existing property without compromising the commercial position of Council.

On that basis, the public's interest is best served by not disclosing 7.5 Extension of Lease Agreement Goodwood Community Services, 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. C0614/21

The meeting moved into confidence, the gallery was cleared and the doors to the Council Chambers were closed at 8.49pm.

Item 7.5, page(s) 15, is confidential and has been removed from the public agenda/minutes

ITEM 7.6

**CONFIDENTIALITY MOTION TO REMAIN IN CONFIDENCE FOR 7.5 -
EXTENSION OF LEASE AGREEMENT GOODWOOD COMMUNITY
SERVICES**

MOVED Councillor D. Palmer

SECONDED Councillor J. Russo

That:

1. Pursuant to Section 91(7) of the *Local Government Act 1999* the following elements of Item 7.5 Extension of Lease Agreement Goodwood Community Services, considered at the Council Meeting on 27 September 2021:

- Minutes
- Report
- Attachment

remain confidential until 30 June 2023 or until arrangements for the operating model for the Goodwood Community Centre have been fully implemented, whichever is the earlier, 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 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. C0616/21

NEXT MEETING

Monday 25 October 2021 - 7.00pm.

CLOSURE

The Presiding Member closed the meeting at 8.50pm.

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PRESIDING MEMBER