



**Minutes of the City of Unley
Council Meeting
Monday, 27 April 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. Jones

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 those watching the meeting via live stream to the 27 April 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 S. Dewing declared a conflict of interest in relation to Item 4.11 COVID-19 Lease Fee Relief on the basis of her employment and noted that she would leave the meeting when that item was discussed.

Councillor S. Dewing declared a conflict of interest in relation to Item 7.2 Notice of Motion from Councillor M. Rabbitt – Change to Council Resolution C0185/20: Unley Oval Upgrade Stage 2 on the basis of her employment and noted that she would leave the meeting when that item was discussed.

Councillor J. Dodd declared a perceived conflict of interest in relation to Item 4.11 COVID-19 Lease Fee Relief on the basis of her membership with the Goodwood Football Club and noted that she would remain in the meeting when that item was discussed and vote.

Councillor P. Hughes declared a perceived conflict in relation to Item 4.11 COVID-19 Lease Fee Relief on the basis of his membership with the Sturt Bowling Club 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, 23 MARCH 2020

MOVED Councillor M. Broniecki

SECONDED Councillor J. Boisvert

That:

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

CARRIED UNANIMOUSLY

Resolution No. C0225/20

1.5 DEFERRED / ADJORNED ITEMS

Nil

2. PETITIONS/DEPUTATIONS

Nil

3. REPORTS OF COMMITTEES

Nil

4. REPORTS OF OFFICERS

ITEM 4.1

VARIATION TO CODE OF PRACTICE - PROCEDURES AT MEETINGS; CODE OF PRACTICE - ACCESS TO MEETINGS AND DOCUMENTS AND INFORMAL GATHERINGS POLICY IN ACCORDANCE WITH ELECTRONIC PARTICIPATION IN COUNCIL MEETINGS NOTICE (NO 1) 2020

MOVED Councillor J. Dodd

SECONDED Councillor S. Dewing

That:

1. The report be received.
2. The Code of Practice – Procedures at Meetings be amended to facilitate participation of Council members in Council meetings by electronic means through the inclusion of the provisions set out in Attachment 1 to this report (Item 4.1, Council Meeting 27/04/2020).
3. The Code of Practice – Access to Council Meetings and Documents be amended to facilitate participation of Council members in Council meetings by electronic means through the inclusion of the provisions set out in Attachment 2 to this report (Item 4.1, Council Meeting 27/04/2020).
4. The Informal Gatherings Policy be amended to facilitate participation by Council members in Informal gatherings by electronic means through the inclusion of the provisions set out in Attachment 3 to this report (Item 4.1, Council Meeting 27/04/2020).
5. With effect from 27 April 2020, meetings of the Council will take place either by electronic means using video and audio conferencing services provided via Zoom or in the Council Chamber, with the Notice of Meeting for each Meeting indicating the location.
6. The Chief Executive Officer be authorised to make changes of a minor and/or technical nature.

CARRIED UNANIMOUSLY

Resolution No. C0226/20

ITEM 4.2

RECOMMENDATION TO VARY COUNCIL DECISION C0122/19 (28 OCTOBER 2019) – DETERMINATION OF TIME AND PLACE OF ORDINARY MEETINGS OF COUNCIL FOR 2020

MOVED Councillor K. Anastassiadis

SECONDED Councillor M. Broniecki

That

1. The report be received.
2. Council resolution C0122/19 – Determination of Time and Place of Ordinary Meetings of Council for 2020, of the Council Meeting of 28 October 2019, be **varied** as follows (*bold text to be inserted, strikethrough text to be deleted*):

ITEM 4.8

DETERMINATION OF TIME AND PLACE OF ORDINARY MEETINGS OF COUNCIL FOR 2020

That:

1. The report be received.
2. The Council meet on the fourth Monday of every month (excepting January and December 2020) at 7.00pm in **either** the Council Chambers, 181 Unley Road, Unley **or via electronic means using video and audio conferencing services provided via Zoom**, with appropriate adjustments to accommodate public holidays, in accordance with the meeting schedule outlined below:

Tuesday 28 January 2020
Monday 24 February 2020
Monday 23 March 2020
Monday 27 April 2020
Monday 25 May 2020
Monday 22 June 2020
Monday 27 July 2020
Monday 24 August 2020
Monday 28 September 2020
Monday 26 October 2020
Monday 23 November 2020
Monday 14 December 2020

The Notice of Meeting for each Council Meeting will specify the location of the Meeting.

3. Council meet, when required, on the second Monday of the month, as determined by the Chief Executive Officer.

4. The Chief Executive Officer be delegated authority to amend the date and time of Council meetings should the need arise, with advice provided to Elected Members as soon as practicable when a need for change is identified, and formal notification provided in accordance with the requirements of section 83(1) of the *Local Government Act 1999*.

CARRIED UNANIMOUSLY

Resolution No. C0227/20

ITEM 4.3

**MAINSTREET ASSOCIATION MARKETING FUNDING REQUESTS 2020/21 -
REVISED PROPOSALS**

MOVED Councillor J. Russo

SECONDED Councillor S. Dewing

That:

1. The report be received.
2. A Separate Rate to raise \$34,917.50 for the purposes of marketing and promotion to be collected from the properties in the category of Commercial (Office), Commercial (Shop) and Commercial (Other) on Unley Road, be considered as part of the Draft Annual Business Plan 2020/21 for community consultation.
3. A Separate Rate to raise \$46,140.00 for the purposes of marketing and promotion to be collected from the properties in the category of Commercial (Shop) on King William Road between Greenhill Road and Commercial Road, be considered as part of the Draft Annual Business Plan 2020/21 for community consultation.
4. A Separate Rate to raise \$6,500.00 for the purposes of marketing and promotion to be collected from the properties in the category of Commercial (Office), Commercial (Shop) and Commercial (Other) with addresses along Fullarton Road (between Cross Road and Fisher Street), be considered as part of the Draft Annual Business Plan 2020/21 for community consultation.
5. A Separate Rate to raise \$28,612.50 for the purposes of marketing and promotion to be collected from the properties in the category of Commercial (Shop), Commercial (Office) and Commercial (Other) on Goodwood Road, between Leader Street/Parsons Street and Mitchell Street/Arundel Avenue 2020/21 for community consultation.
6. Collection of the Separate Rate is to occur from 1 March 2021.

The MOTION was **LOST**

MOVED Councillor J. Boisvert
SECONDED Councillor K. Anastassiadis

That

1. The report be received.
2. A Separate Rate to raise \$69,835 for the purposes of marketing and promotion to be collected from the properties in the category of Commercial (Office), Commercial (Shop) and Commercial (Other) on Unley Road, be considered as part of the Draft Annual Business Plan 2020/21 for community consultation.
3. A Separate Rate to raise \$92,280 for the purposes of marketing and promotion to be collected from the properties in the category of Commercial (Shop) on King William Road between Greenhill Road and Commercial Road, be considered as part of the Draft Annual Business Plan 2020/21 for community consultation.
4. A Separate Rate to raise \$13,000 for the purposes of marketing and promotion to be collected from the properties in the category of Commercial (Office), Commercial (Shop) and Commercial (Other) with addresses along Fullarton Road (between Cross Road and Fisher Street), be considered as part of the Draft Annual Business Plan 2020/21 for community consultation.
5. A Separate Rate to raise \$57,225 for the purposes of marketing and promotion to be collected from the properties in the category of Commercial (Shop), Commercial (Office) and Commercial (Other) on Goodwood Road, between Leader Street/Parsons Street and Mitchell Street/Arundel Avenue 2020/21 for community consultation.

Councillor P. Hughes MOVED that the MOTION be PUT
SECONDED Councillor M. Rabbitt

The MOTION be PUT was CARRIED

CARRIED

Resolution No. C0228/20

**ITEM 4.4
2020-21 DRAFT ANNUAL BUSINESS PLAN AND BUDGET FOR PUBLIC
CONSULTATION**

MOVED Councillor M. Broniecki
SECONDED Councillor P. Hughes

That:

1. The report be received.
2. The proposed list of net Operating Projects for 2020/21 of \$798K (Attachment 2, Item 4.4, Council Meeting, 27/04/2020) be endorsed for community consultation.

3. The proposed list of New Capital Projects for 2020/21 of \$2.255M (Attachment 3, Item 4.4, Council Meeting, 27/04/2020) be endorsed for community consultation.
4. The proposed list of Capital Replacement for 2020/21 of \$7.593M (Attachment 4, Item 4.4, Council Meeting, 27/04/2020) be endorsed for community consultation.
5. The Draft 2020-21 Annual Business Plan and Budget (Attachment 5, Item 4.4, Council Meeting, 27/04/2020) (incorporating any consequential amendments from other items considered at the meeting of 27 April 2020) be endorsed for the purpose of community consultation, to be conducted between 30 April and 21 May 2020.
6. The Chief Executive Officer be authorised to make any necessary minor edits required for consistency or clarity to the Draft 2020-21 Annual Business Plan and Budget, if required.
7. The community consultation process comprising a notice in the Advertiser, online consultation via Your Say Unley and notifications on Council's website and social media channels be endorsed.

CARRIED UNANIMOUSLY

Resolution No. C0229/20

ITEM 4.5

DRAFT 2020-21 TO 2029-30 LONG TERM FINANCIAL PLAN FOR CONSULTATION

MOVED Councillor M. Broniecki

SECONDED Councillor P. Hughes

That:

1. The report be received.
2. The Draft 2020-21 to 2029-2030 Long Term Financial Plan (Attachment 1, Item 4.5, Council Meeting, 27/04/2020) be endorsed for community consultation.
3. The Chief Executive Officer be authorised to make any necessary minor edits required for consistency or clarity to the Draft 2020-21 to 2029-30 Long Term Financial Plan, if required.
4. The community consultation process comprising a notice in the Advertiser, online consultation via Your Say Unley and notifications on Council's website and social media channels (conducted in conjunction with consultation in relation to the Draft 2020/21 Annual Business Plan and Budget) be endorsed.

CARRIED UNANIMOUSLY

Resolution No. C0230/20

ITEM 4.6

TRADER ASSOCIATION QUARTER 2 REPORTS 1 OCTOBER TO 31 DECEMBER 2019

MOVED Councillor D. Palmer

SECONDED Councillor J. Dodd

That:

1. Consideration of the report presenting Trader Association Quarter 2 reports 1 October to 31 December 2019 be deferred until the May 2020 Council Meeting.

CARRIED UNANIMOUSLY

Resolution No. C0231/20

ITEM 4.7

NOMINATIONS FOR ICLEI OCEANIA REGIONAL EXECUTIVE COMMITTEE 2021-2024

MOVED Councillor P. Hughes

SECONDED Councillor E. Wright

That:

1. The report be received.
2. Mayor M. Hewitson be nominated for consideration by the International Council for Local Environmental Initiatives Oceania as a Local Government representative on the ICLEI Oceania Regional Executive Committee for the 2021-2024 term.

CARRIED

Resolution No. C0232/20

ITEM 4.8

APPLICATION OF SPECIAL COVID-19 LEAVE POLICY TO CEO

MOVED Councillor J. Boisvert

SECONDED Councillor M. Rabbitt

That:

1. The report be received.
2. The COVID-19 Special Leave Policy be applicable to the Chief Executive Officer.

CARRIED UNANIMOUSLY

Resolution No. C0233/20

ITEM 4.9

KESWICK BARRACKS & SURROUNDING AREA

MOVED Councillor J. Boisvert

SECONDED Councillor D. Palmer

That:

1. The report be received.

CARRIED UNANIMOUSLY

Resolution No. C0234/20

ITEM 4.10

COUNCIL ACTION RECORDS

MOVED Councillor J. Russo

SECONDED Councillor N. Sheehan

That:

1. The report be noted.

CARRIED UNANIMOUSLY

Resolution No. C0235/20

Councillor S. Dewing left the Meeting at 8.37pm in accordance with her conflict of interest declaration.

ITEM 4.11

COVID-19 LEASE FEE RELIEF

MOVED Councillor D. Palmer

SECONDED Councillor E. Wright

That:

1. The report be received.
2. Subject to receipt of a valid application, lease fees due from community lessees for the period ending 30 June 2020 be waived.
3. Subject to the receipt of a valid application, lease fees due from commercial lessees for the period ending 30 June 2020, who are subject to Government imposed mandatory restrictions resulting in full closure, be waived.
4. Subject to the receipt of a valid application, lease fees due from commercial lessees for the period ending 30 June 2020, who have adopted changes to business operations/service delivery in response to government imposed restrictions but are experiencing financial impact (i.e. equal to or greater than 30% reduction), be reduced by 50%.

CARRIED UNANIMOUSLY

Resolution No. C0236/20

Councillor S. Dewing returned to the Meeting at 8.50pm.

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

Nil

5.4 QUESTIONS WITHOUT NOTICE

Nil

6. MEMBER'S COMMUNICATION

6.1 MAYORS REPORT

ITEM 6.1.1

MAYOR'S REPORT FOR MONTH OF APRIL

MOVED Councillor P. Hughes

SECONDED Councillor K. Anastassiadis

That:

1. The report be received.

CARRIED UNANIMOUSLY

Resolution No. C0237/20

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
2. Councillor M. Rabbitt

6.4 CORRESPONDENCE

ITEM 6.4.1 CORRESPONDENCE

The correspondence from:

- Mayor Hewitson – Hon Stephan Knoll MP – re. Way2Go Program
- Mayor Hewitson – Bernard Delattre, Mayor of Pozieres – re. Donation to SAVEM

was noted.

7. CONFIDENTIAL ITEMS

ITEM 7.1

CONFIDENTIALITY MOTION FOR 7.2 - NOTICE OF MOTION FROM COUNCILLOR M. RABBITT - CHANGE TO COUNCIL RESOLUTION C0185/20: UNLEY OVAL UPGRADE STAGE 2

MOVED Councillor P. Hughes

SECONDED Councillor J. Boisvert

That:

1. Pursuant to Section 90(2) and (3)(b)(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 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

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 a proposed change to a previous decision which is currently protected by a confidentiality order.

On that basis, the public's interest is best served by not disclosing Notice of Motion from Councillor M Rabbitt - Change to Council Resolution C0185/20: Unley Oval Upgrade Stage 2, Report and discussion at this point in time.

2. 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. C0238/20

Councillor S. Dewing left the Meeting at 8.53pm in accordance with her conflict of interest declaration.

The Meeting moved into confidence and the live stream was paused at 8.54pm.

ITEM 7.2

NOTICE OF MOTION FROM COUNCILLOR M. RABBITT - CHANGE TO COUNCIL RESOLUTION C0185/20: UNLEY OVAL UPGRADE STAGE 2

MOVED Councillor M. Rabbitt

SECONDED Councillor J. Russo

MOTION

That Council Resolution 185 of the Council meeting of 28 January 2020 be **varied** as follows (*bold text to be inserted, strikethrough text to be deleted*):

That

1. The report be received.
2. The Unley Oval Stage 2 redevelopment concept plans, as set out in Attachments 1 – 4 of this Report (Item 7.2, Council Meeting, 28/01/2020) with a first order cost estimate of \$3.9M, be formally endorsed.
3. ~~If the shortfall of grant funding is secured,~~ Detailed design and documentation is to be finalised to enable Development Approval to be sought for the Unley Oval Stage 2 redevelopment project.

CARRIED UNANIMOUSLY

Resolution No. C0239/20

The Meeting moved out of confidence and the live stream was resumed at 8.58pm.

Councillor S. Dewing returned to the Meeting at 8.59pm.

ITEM 7.3

**CONFIDENTIALITY MOTION TO REMAIN IN CONFIDENCE FOR 7.2 -
NOTICE OF MOTION FROM COUNCILLOR M. RABBITT - CHANGE TO
COUNCIL RESOLUTION C0185/20: UNLEY OVAL UPGRADE STAGE 2**

MOVED Councillor M. Broniecki

SECONDED Councillor D. Palmer

That:

1. Pursuant to Section 91(7) of the *Local Government Act 1999* the following elements of Item 7.2 Notice of Motion from Councillor M. Rabbitt - Change to Council Resolution C0185/20: Unley Oval Upgrade Stage 2, considered at the Confidential Council Meeting on 27 April 2020:

Minutes

Report

remain confidential until such time as Council has endorsed the concept design plans, and not available for public inspection until the cessation of that period.

Following endorsement of the concept design plans, cost estimates will be redacted from the minutes, report and attachment for Item 7.2 – Unley Oval Upgrade Stage 2 on the basis that the information 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 will remain confidential until 3 February 2023 or such time as a procurement process relating to Unley Oval Upgrade – Stage 2 is complete, whichever is the earlier.

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. C0240/20

NEXT MEETING

Monday 25 May 2020 - 7.00pm

CLOSURE

The Presiding Member closed the meeting at 9.00pm.

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PRESIDING MEMBER