



**Minutes of the City of Unley
Council Meeting
Monday, 28 June 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
	M Rabbitt	J. Russo
	N. Sheehan	E. Wright

OFFICERS PRESENT

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

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 28 June 2021, meeting of the Unley City Council.

1. ADMINISTRATIVE MATTERS

1.1 APOLOGIES

Councillor D. Palmer

1.2 LEAVE OF ABSENCE

Nil

1.3 CONFLICT OF INTEREST

Nil

1.4 MINUTES

ITEM 1.4.1

MINUTES OF THE ORDINARY COUNCIL MEETING HELD MONDAY, 24 MAY 2021

MOVED Councillor M Broniecki

SECONDED Councillor S. Dewing

That:

1. The minutes of the Ordinary Council held on Monday, 24 May 2021 be taken as read and signed as a correct record.

CARRIED UNANIMOUSLY

Resolution No. C0528/21

1.5 DEFERRED / ADJORNED ITEMS

Nil

2. PETITIONS/DEPUTATIONS

ITEM 2.1

DEPUTATION RE: SUPPORT FOR PROTECTING ADELAIDE'S TREE CANOPY

1. Peter Croft, Parkside and Craig Wilkins, CEO Conservation Council SA
Re. Request that Council support Conservation Council SA's recent publication A Call To Action – Protecting Adelaide's Tree Canopy to State Government

ITEM 2.2

DEPUTATION RE: PROPOSED KING WILLIAM ROAD SEPARATE RATE COLLECTION FOR THE 2021-22 FINANCIAL YEAR

1. Arthur Koufalias, Hyde Park
Re. Proposed King William Road Separate Rate Collection for the 2021-22 Financial Year

ITEM 2.2A

DEPUTATION RE: DRAFT CLIMATE AND ENERGY PLAN

1. Andrew Boorman, Parkside

Re. Draft Climate and Energy Plan and submissions received by Council

ITEM 2.3

DEPUTATION RE: MUSICAL PLAYGROUND PROPOSAL FOR ORPHANAGE PARK

1. Paul Prior, Millswood

Re. Item 4.1 Musical Playspace Feasibility Report

ITEM 2.4

DEPUTATION RE: OPPOSE THE CONSTRUCTION OF A MUSICAL PLAYGROUND IN ORPHANAGE PARK

1. Adam and Amanda Bald, Millswood

Re. Item 4.1 Musical Playspace Feasibility Report

ITEM 2.5

DEPUTATION RE: OBJECTION TO PROPOSED MUSICAL PLAYGROUND IN ORPHANAGE PARK

1. Raels Shearer, Millswood

Re. Item 4.1 Musical Playspace Feasibility Report

3. REPORTS OF COMMITTEES

Nil

4. REPORTS OF OFFICERS

ITEM 4.1

MUSICAL PLAYSPACE FEASIBILITY REPORT

MOVED Councillor M Broniecki

SECONDED Councillor M Rabbitt

That:

1. The report be received.
2. The Rotary Club of Unley be thanked for its proposal to fund installation of a Musical Playground and Sensory Garden within Orphanage Park.
3. Having considered all relevant issues relating to the proposal by the Rotary Club of Unley to install a Musical Playground and Sensory Garden within the City of Unley, Council not proceed any further with the proposal.
4. To assist the Rotary Club of Unley to consider an alternative site outside the City of Unley for its proposal to install a Musical Playground and Sensory Garden a copy of the Feasibility Report which has been developed and all associated research regarding establishing the proposal be provided to the Rotary Club.

Councillor M. Broniecki SOUGHT LEAVE OF THE MEETING to speak for a further 3 minutes and LEAVE WAS GRANTED.

Councillor P. Hughes MOVED an AMENDMENT

Seconded Councillor J. Dodd:

That:

1. The report be received.
2. The Rotary Club of Unley be thanked for its proposal to fund installation of a Musical Playground and Sensory Garden within Orphanage Park.
3. Having considered all relevant issues relating to the proposal by the Rotary Club of Unley to install a Musical Playground and Sensory Garden within the City of Unley, Council not proceed any further with the proposal.
4. To assist the Rotary Club of Unley to consider an alternative site outside the City of Unley for its proposal to install a Musical Playground and Sensory Garden a copy of the Feasibility Report which has been developed and all associated research regarding establishing the proposal be provided to the Rotary Club.
5. Council maintain contact with the Rotary Club of Unley and stands ready to assist should they explore further options for the installation of a musical playground and sensory garden.

The AMENDMENT was PUT and LOST

The MOTION was PUT and

CARRIED UNANIMOUSLY

Resolution No. C0529/21

ITEM 4.2

CLIMATE AND ENERGY PLAN FOR ENDORSEMENT

MOVED Councillor J. Bonham

SECONDED Councillor J. Boisvert

That:

1. an Elected Member briefing be held as a matter of priority (prior to Council endorsing the Climate and Energy Plan) to provide Elected Members with information on:
 - a. Carbon offsets (including how much they currently cost, how Council purchases them, projects they cover (and any broader benefits they offer e.g. supporting regional and indigenous communities, fostering biodiversity), the rationale for buying Australian Carbon Credit Units over 'internal' offsets; and
 - b. Opportunities to bring other initiatives within the Climate and Energy Plan forward (e.g. installation of solar across council buildings, Scope 3 low carbon alternatives, building efficiency upgrades, LED lighting program) including what are the financial costs of bringing these forward and any trade-offs associated with emissions saved vs materials 'wastage' in early disposal, embodied energy in products and financial savings in early transition to new products.

Councillor J. Bonham SOUGHT LEAVE OF THE MEETING to speak for a further 3 minutes at 8.31pm and LEAVE WAS GRANTED

DIVISION

A Division was requested by Councillor J. Boisvert 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, J. Boisvert, S. Dewing, J. Dodd, J. Russo, N. Sheehan, E. Wright, J. Bonham and K Anastassiadis

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

Councillors M Rabbitt and M Broniecki

The MOTION was declared **CARRIED**

Resolution No. C0530/21

ITEM 4.3

APPROVAL OF COMMUNITY IMPACT GRANTS - 2021-24

MOVED Councillor J. Boisvert

SECONDED Councillor N. Sheehan

Councillor J. Russo left the Chambers at 8:42pm.

Councillor J. Russo returned to the Chambers at 8:45pm.

That:

1. The report be received
2. Funding of \$43,960 be awarded for the Community Impact Grants Program as follows:
 - \$9,960 annually for 3 years to James Parker Artist Inc with Amelia Walker for Mapping the Family: Memory Books and the art of intergenerational interconnectivity.
 - \$10,000 annually for 3 years to Salvation Army for the Homelessness Support Project.
 - \$9,000 annually for 3 years to Unley Concert Band for the 2021-24 Concert Series and Community Engagement Program.
 - \$10,000 annually for 3 years to Unley Repair Café for Unley Repair Café - expanding our impact.
 - \$5,000 annually for 2 years to Student Robotics Club of South Australia, Inc - the RoboRoos for Robot Community Immersion.
3. Subject to annual budget approval, \$5,000 be retained in the 2022/2023 Budget for a Community Chest application, with applications to be assessed and approved at the discretion of the General Manager City Services.

CARRIED UNANIMOUSLY

Resolution No. C0531/21

ITEM 4.4

MANAGEMENT OF LARGE SCALE DEVELOPMENTS - UPDATE

MOVED Councillor S. Dewing

SECONDED Councillor J. Dodd

That:

1. The report be received.

CARRIED UNANIMOUSLY

Resolution No. C0532/21

ITEM 4.5

DELEGATIONS UNDER THE PLANNING DEVELOPMENT AND INFRASTRUCTURE ACT 2016

MOVED Councillor J. Dodd

SECONDED Councillor E. Wright

That:

1. The report be received.
2. In exercise of the power contained in Section 44 of the *Local Government Act 1999* the powers and functions under the *Planning, Development and Infrastructure Act 2016* and statutory instruments made thereunder contained in the proposed Instrument of Delegation (as set out in Attachment 1 to this Report (Item 4.5, Council Meeting, 28/06/2021) and entitled Planning Reform – Delegations under the *Planning, Development and Infrastructure Act 2016* and marked Attachment 1 – Instrument A – Head Delegations are hereby delegated this 28 June 2021 to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.
3. Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the *Local Government Act 1999* as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.

CARRIED UNANIMOUSLY

Resolution No. C0533/21

Councillor J. Bonham left the Chambers at 8:50pm.

Councillor Bonham returned to the Chambers at 8:53pm.

ITEM 4.6

2021-22 ANNUAL BUSINESS PLAN AND BUDGET ADOPTION

That:

1. The report be received.
2. That the following recommendations 2.1 to 2.7 be formally resolved and adopted separately in the following order:
 - 2.1 Adoption of the 2021-22 Annual Business Plan and Budget.
 - 2.2 Adoption of Valuations.
 - 2.3 Declaration of General Rates.
 - 2.4 Minimum Amount (General Rates).
 - 2.5 Maximum Increase (General Rates).
 - 2.6 Declaration of Separate Rates.
 - 2.7 Payment of Rates.

2.1 Adoption of the 2021-22 Annual Business Plan and Budget

MOVED: Councillor J. Boisvert

SECONDED: Councillor M. Broniecki

- (a) That pursuant to the provisions of section 123(6) and (7) of the *Local Government Act 1999* and regulations 6 and 7 of the *Local Government (Financial Management) Regulations 2011* and having considered all prescribed matters as per Attachment 1 to Item 4.6, Council Meeting 28/06/2021, with the inclusion of following amendment:

- *That the amount to be collected as a separate rate for King William Road be \$150,350 and for Unley Road be \$113,395*

the Council adopts, firstly, the 2021-22 Annual Business Plan and secondly, the 2021-22 Budget.

CARRIED

Resolution No. C0534/21

2.2 Adoption of Valuations

MOVED: Councillor M. Rabbitt

SECONDED: Councillor J. Boisvert

That in accordance with section 167(2)(a) of the *Local Government Act 1999*, the capital values provided by the Valuer-General for rating purposes in relation to the Council area and totalled below, be adopted for the year ending 30 June 2022.

Rateable Assessed Capital Values	\$15,673,471,719
Non Rateable	\$372,477,161
Total Assessed Capital Value as reconciled with the Valuer-General at 1 July 2021	\$16,045,948,880

CARRIED UNANIMOUSLY

Resolution No. C0535/21

2.3 Declaration of General Rates

MOVED: Councillor J. Dodd

SECONDED: Councillor S. Dewing

That for the year ending 30 June 2022 the Council declares differential general rates, based on the capital value of the rateable land subject to the rate and varying according to the use of the land, pursuant to sections 153(1)(b) and 156(1)(a) of the *Local Government Act, 1999* and regulation 14(1) of the *Local Government (General) Regulations 2013* and otherwise resolves as follows:

- (a) In respect to land with a land use category of **Residential**, a differential general rate in the dollar of 0.002352.
- (b) In respect to land with a land use category of **Commercial Shop, Industry Light, Industry – Other, Primary Production, Vacant Land or Other**, a differential general rate in the dollar of 0.005221.
- (c) In respect to land with a land use category of **Commercial Office or Commercial Other**, a differential general rate in the dollar of 0.005939.

CARRIED UNANIMOUSLY

Resolution No. C0536/21

2.4 Minimum Amount (General Rates)

MOVED: Councillor J. Russo

SECONDED: Councillor K. Anastassiadis

That for the year ending 30 June 2022 a minimum fixed amount of \$875 shall be payable by way of general rates, on each piece of rateable land within the Council area, pursuant to section 158(1)(a) of the *Local Government Act 1999*.

CARRIED UNANIMOUSLY

Resolution No. C0537/21

2.5 Maximum Increase (General Rates)

MOVED: Councillor M. Broniecki

SECONDED: Councillor J. Boisvert

That for the year ending 30 June 2022 pursuant to section 153(3) of the *Local Government Act 1999* the Council will not fix a maximum increase in the general rate to be charged on any rateable land that constitutes the principal place of residence of a principal ratepayer.

CARRIED UNANIMOUSLY

Resolution No. C0538/21

2.6 Declaration of Separate Rates

That for the year ending 30 June 2022 the Council declares differential separate rates, based on the capital value of the rateable land subject to the rate and varying according to the use of the land, pursuant to sections 154 and 156(1)(a) of the *Local Government Act 1999* and regulation 14(1) of the *Local Government (General) Regulations 2013* and otherwise individually resolves as follows:

MOVED: Councillor J. Dodd

SECONDED: Councillor S. Dewing

- (a) A rate in the dollar of 0.00009257 on all land within the area of the Green Adelaide Board to reimburse the Council the amount to be contributed to the Board of \$1,426,382 in accordance with section 69 of the *Landscape South Australia Act 2019*.

CARRIED UNANIMOUSLY

Resolution No. C0539/21

MOVED: Councillor P. Hughes

SECONDED: Councillor J. Boisvert

- (b) A rate in the dollar of 0.0003620, capped at \$2,000 per assessment, on land with a land use of Commercial Shop, Commercial Office and Commercial Other, with addresses along the entirety of Unley Road, to raise \$113,395 for use by the **Unley Road Association Inc.** to fund a marketing program for the financial year ending 30 June 2022.

CARRIED

Resolution No. C0540/21

MOVED: Councillor N. Sheehan

SECONDED: Councillor E. Wright

- (c) A rate in the dollar of 0.001349, capped at \$2,000 per assessment, on land with a land use of Commercial Shop, Commercial Office and Commercial Other, with addresses along Goodwood Road between Leader Street / Parsons Street to the north and Mitchell Street / Arundel Avenue to the south, to raise \$57,225 for use by the **Goodwood Road Business Association** to fund a marketing program for the financial year ending 30 June 2022.

CARRIED UNANIMOUSLY

Resolution No. C0541/21

MOVED: Councillor J. Russo

SECONDED: Councillor S. Dewing

- (d) A rate in the dollar of 0.002180, capped at \$2,000 per assessment, in respect of land with a land use of Commercial Shop with addresses along King William Road between Greenhill Road and Commercial Road, to raise \$150,350 for use by the **King William Road Traders' Association Inc** to fund a marketing program for the financial year ending 30 June 2022.

CARRIED UNANIMOUSLY

Resolution No. C0542/21

MOVED: Councillor K. Anastassiadis

SECONDED: Councillor M. Rabbitt

- (e) Pursuant to section 166(1)(m)(i) and (ii) of the *Local Government Act 1999*, to avoid a liability that is inconsistent with the Annual Business Plan and/or that is unfair or unreasonable, the Council provides a discretionary rebate for the year ending 30 June 2022, **in respect of each rateable assessment along Unley, Goodwood and King William Roads** that is subject to a marketing program separate rate in the dollar (as above), of any amount that exceeds a separate rate liability of \$2,000 in respect of a single assessment

CARRIED UNANIMOUSLY

Resolution No. C0543/21

MOVED: Councillor J. Dodd

SECONDED: Councillor P. Hughes

- (f) A rate based upon a fixed charge of \$250 on land with a land use of Commercial Shop, Commercial Office and Commercial Other with addresses along Fullarton Road situated between Cross Road and Fisher Street to raise \$13,000 for use by the **Fullarton Road South Traders Association Inc.** to fund a marketing program for the financial year ending 30 June 2022.

CARRIED UNANIMOUSLY

Resolution No. C0544/21

2.7 Payment of Rates

MOVED: Councillor J. Boisvert

SECONDED: Councillor K. Anastassiadis

1. That for the fiscal year ending 30 June 2022, all rates declared and imposed shall, pursuant to section 181(1) and 181(2) and subject to section 181(4)(b) of the *Local Government Act, 1999*, fall due in a single instalment on 1 September 2021 or four equal or approximately equal instalments on 1 September 2021, 1 December 2021, 1 March 2022 and 1 June 2022.

CARRIED UNANIMOUSLY

Resolution No. C0545/21

ITEM 4.7
PROPOSED 2021-22 FEES AND CHARGES

MOVED Councillor P. Hughes

SECONDED Councillor J. Dodd

That:

1. The report be received.
2. The Fees and Charges Schedule for the 2021-22 financial year, as set out in Attachment 1 to this report (Item 4.7, Council Meeting 28/06/2021) be approved to take effect from 1 July 2021.
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. C0546/21

ITEM 4.8
REPRESENTATION REVIEW - OUTCOME OF 2ND 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 Representation Review Report (released for public consultation between 1 April to 30 April 2021 - Second Public Consultation) as set out in Attachment 1 to this report (Item 4.8, Council Meeting 28/06/2021) be noted.
3. In accordance with the requirements of section 12(8A) of the *Local Government Act 1999*, staff be authorised to prepare an alternative Representation Review Report, which is to be presented for endorsement at a future Council meeting and will be used for the purposes of community consultation, based on the following:
 - (a) The principal member of Council continues to be a mayor, elected by the community;
 - (b) The future elected body of Council is comprised of 12 councillors;
 - (c) The Council area as depicted in Option 1 - (6 wards) in the Representation Review Options Paper (Item 4.6, Council Meeting 27/10/2020) is the preferred option to form the Representation Review Report.

CARRIED

Resolution No. C0547/21

ITEM 4.9

CHIEF EXECUTIVE OFFICER'S PROPOSED KEY PERFORMANCE INDICATORS 2021/22

MOVED Councillor P. Hughes

SECONDED Councillor J. Russo

That:

1. The report be received.
2. The draft KPIs for 2021/22 developed by the CEO Performance Review Panel in consultation with the CEO, as set out in Attachment 1 to this report (Item 4.9, Council Meeting 28/06/2021), be adopted.
3. The CEO Review Panel be authorised to make minor edits and amendments to the CEO KPIs.

CARRIED UNANIMOUSLY

Resolution No. C0548/21

ITEM 4.10

COUNCIL ACTION REPORT

MOVED Councillor P. Hughes

SECONDED Councillor M Broniecki

That:

1. The report be noted.

CARRIED UNANIMOUSLY

Resolution No. C0549/21

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 JUNE 2021

MOVED Councillor E. Wright

SECONDED Councillor J. Dodd

That:

1. The report be received.

CARRIED UNANIMOUSLY

Resolution No. C0550/21

6.2 DEPUTY MAYORS REPORT

Nil

6.3 ELECTED MEMBERS REPORTS

ITEM 6.3.1

REPORTS OF MEMBERS FOR MONTH OF JUNE 2021

Council noted attached reports from Members:

1. Councillor M. Broniecki
2. Councillor P. Hughes
3. Councillor M. Rabbitt
4. Councillor D. Palmer

6.4 CORRESPONDENCE

ITEM 6.4.1

CORRESPONDENCE

The correspondence from:

- Helen Dyer, Chair, State Planning Commission – Commendation for Co-housing for Ageing Well Initiative

was noted.

7. CONFIDENTIAL ITEMS

ITEM 7.1

CONFIDENTIALITY MOTION FOR 7.2 - APPOINTMENT OF MEMBER TO THE BROWN HILL AND KESWICK CREEKS STORMWATER BOARD

MOVED Councillor J. Dodd

SECONDED Councillor P. Hughes

That:

1. Pursuant to Section 90(2) and (3)(a) and (j)(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 would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)
 - information the disclosure of which would divulge information provided on a confidential basis to another public authority or official (not being an employee of the Council, or a person engaged by 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 make an informed decision in relation to Appointment of Member to the Brown Hill Keswick Creek Stormwater Board without unnecessarily disclosing personal affairs of the applicants, or information provided to another public authority on a confidential basis, before the decision is made.

On that basis, the public's interest is best served by not disclosing 7.2 Appointment of Member to the Brown Hill and Keswick Creeks Stormwater Board 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. C0551/21

The meeting moved into confidence, the gallery was cleared and the doors to the Council Chambers were closed at 9.53pm.

ITEM 7.2

APPOINTMENT OF MEMBER TO THE BROWN HILL AND KESWICK CREEKS STORMWATER BOARD

MOVED Councillor J. Boisvert

SECONDED Councillor M Broniecki

That:

1. The report be received.
2. The Nominations Committee recommendation to reappoint Judith Choate to the position of Chairperson of the Brown Hill and Keswick Creeks Stormwater Board for a period of three years commencing 3 August 2021 be endorsed.

CARRIED UNANIMOUSLY

Resolution No. C0552/21

The meeting moved out of confidence and the doors to the Council Chambers were opened at 9.55pm.

The doors to the Council Chambers were opened at 9.55pm.

ITEM 7.3

**CONFIDENTIALITY MOTION TO REMAIN IN CONFIDENCE FOR 7.2 -
APPOINTMENT OF MEMBER TO THE BROWN HILL AND KESWICK
CREEKS STORMWATER BOARD**

MOVED Councillor J. Dodd

SECONDED Councillor P. Hughes

That:

1. Pursuant to Section 91(7) of the *Local Government Act 1999* the following elements of Item 7.2 Appointment of Member to the Brown Hill and Keswick Creeks Stormwater Board, considered at the Confidential Council Meeting on 28 June 2021:

Report

Minutes

will remain confidential until such time as endorsement of the appointment is resolved by the five (5) Constituent Councils to the Brown Hill and Keswick Creeks Stormwater Subsidiary, with the CEO authorised to provide advice to the Subsidiary regarding Council's decision on this matter.

Attachments

will remain confidential for the period of each Member's appointment to the Board, 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. C0553/21

NEXT MEETING

Monday 26 July 2021 - 7.00pm

CLOSURE

The Presiding Member closed the meeting at 9.55pm.

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PRESIDING MEMBER