



**Minutes of the City of Unley  
Council Meeting  
Tuesday, 28 January 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	M. Hudson
	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  
Team Leader, Community & Cultural Development, Ms M. Mudge  
Executive Assistant Office of the CEO, Ms L. Jones

**ACKNOWLEDGEMENT**

The Presiding Member opened the meeting with the Kaurna Acknowledgement.

The Presiding Member presented a copy of *Australian Curriculum: Science – Aboriginal and Torres Strait Islander Histories and Cultures, cross curriculum priority*, prepared by the Australian Curriculum, Assessment and Reporting Authority, to the General Manager City Services for inclusion in the Library catalogue.

**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 28 January 2020, meeting of the Unley City Council.

*Councillor M. Hudson entered the Chamber at 7.02pm.*

### **1. ADMINISTRATIVE MATTERS**

#### **1.1 APOLOGIES**

Nil

#### **1.2 LEAVE OF ABSENCE**

Nil

#### **1.3 CONFLICT OF INTEREST**

Councillor D. Palmer declared a perceived conflict of interest in relation to Item 4.1 on the basis that he is a warden at St Augustines Church and noted he would remain in the meeting when that item was discussed.

Councillor M. Rabbitt declared a perceived conflict of interest in relation to Item 4.1 on the basis of his contributions to the Cancer Care centre noted he would remain in the meeting when that item was discussed.

Councillor S. Dewing declared a perceived conflict of interest in relation to Confidential Item 7.2 Unley Oval Upgrade on the basis of her employment and noted that she would leave the meeting when that item was discussed.

#### **1.4 MINUTES**

##### **ITEM 1.4.1**

##### **MINUTES OF THE ORDINARY COUNCIL MEETING HELD MONDAY, 9 DECEMBER 2019**

MOVED Councillor J. Boisvert

SECONDED Councillor M. Broniecki

That:

1. The minutes of the Ordinary Council held on Monday, 9 December 2019 be taken as read and signed as a correct record.

**CARRIED UNANIMOUSLY**

***Resolution No. C0159/20***

#### **1.5 DEFERRED / ADJORNED ITEMS**

Nil

## 2. PETITIONS/DEPUTATIONS

Nil

### **MOTION TO BRING FORWARD ITEM 5.1.1 FOR CONSIDERATION**

MOVED Councillor J. Dodd

SECONDED Councillor E. Wright

That:

1. Item 5.1.1, Notice of Motion from Councillor J. Dodd re. Culross Avenue – Investigation of Suitability as a Living Street, be brought forward on the Agenda for consideration immediately following item 3.1.

**CARRIED UNANIMOUSLY**

***Resolution No. C0160/20***

## 3. REPORTS OF COMMITTEES

### **ITEM 3.1**

#### **MINUTES OF CITY STRATEGY & DEVELOPMENT POLICY COMMITTEE**

MOVED Councillor J. Dodd

SECONDED Councillor S. Dewing

That:

1. The minutes of the City Strategy & Development Policy Committee meeting held on Monday 20 January 2020, be received and the following recommendations contained therein be adopted by Council:

#### **a. Item 2.1 – Planning Reforms – Planning and Design Code – Review and Submission**

1. The report be received.
2. The draft submission as set out in Attachment 1 to this Report (Item 2.1, City Strategy and Development Policy Committee Meeting, 20/01/2020) in response to the draft Planning & Design Code be endorsed for submission to the State Planning Commission, subject to:
  - 2.1 seeking further clarification and rigour establishing what constitutes “good development” to be eligible for the 30% height increase, notwithstanding that Council opposes the proposal in its entirety,
  - 2.2 ensuring the correlation between issues raised within the ERA submission and City of Unley submission,
  - 2.3 inclusion of further reference to accessibility of

residential developments, and appropriate consideration of this in conjunction with management of hazards within the Code.

3. Staff be authorised to make editorial changes as required to the Submission to the State Planning Commission on the Draft Planning & Design Code to ensure readability without changing the substance/intent of the document as part of the finalisation process.
4. A copy of the City of Unley Final Submission to the Draft Planning and Design Code be forwarded to Local Members of State Parliament, the Hon D Pisoni and the Hon J Stinson, and the Local Government Association.

**CARRIED UNANIMOUSLY**

***Resolution No. C0161/20***

**ITEM 5.1.1**

**NOTICE OF MOTION FROM COUNCILLOR J DODD RE: CULROSS AVENUE - INVESTIGATION OF SUITABILITY AS A 'LIVING STREET'**

MOVED Councillor J. Dodd

SECONDED Councillor P. Hughes

That:

1. The viability of Culross Avenue becoming a "living street" or utilising other traffic calming measures, including closing the street at 'Zone 2', be investigated and a report returned to Council prior to the commencement of 2020/21 budget considerations.

With the leave of the meeting and consent of the SECONDER Councillor J. Dodd VARIED the motion:

That:

1. The viability of Culross Avenue becoming a "living street" or utilising other traffic calming measures, including closing the street at 'Zone 2', be investigated and a report returned to Council prior to the completion of 2020/21 budget considerations.

**CARRIED UNANIMOUSLY**

***Resolution No. C0162/20***

*Councillor Dodd left the Chambers at 7:21pm.*

*Councillor Dodd returned to the Chambers at 7:22pm.*

#### **4. REPORTS OF OFFICERS**

##### **ITEM 4.1**

##### **CIVIC PRECINCT: FUTURE USE/CONCEPT DESIGNS - EDMUND AVENUE COTTAGES**

MOVED Councillor J. Russo

SECONDED Councillor K. Anastassiadis

That:

1. The report be received.
2. The concept designs to be developed for the Edmund Avenue cottages focus on business activities in 72, 74 and 76 Edmund Avenue and Cultural / Arts activities in 78, 80-82 and 84 Edmund Avenue be endorsed.
3. A further report be presented to Council following completion of the concept designs for the Edmund Avenue cottages and indicative cost estimates.
4. Existing tenants of Edmund Avenue cottages be advised of Council's decision to develop concept plans for alternative use of the cottages, and that until clarification on longer term lease availability is provided as part of the 2020/21 budget process, any existing periodic arrangements or leases that expire prior to budget finalisation will continue on a month by month basis.

**CARRIED UNANIMOUSLY**

***Resolution No. C0163/20***

##### **ITEM 4.2**

##### **EXPRESSION OF INTEREST TO HOST A 2021 SANTOS TOUR DOWN UNDER STAGE START**

MOVED Councillor P. Hughes

SECONDED Councillor S. Dewing

That:

1. The report be received.
2. An Expression of Interest for the City of Unley to be considered as an Official Host Council for the 2021 Tour Down Under Stage Start be lodged with Events SA.

**CARRIED UNANIMOUSLY**

***Resolution No. C0164/20***

**ITEM 4.3**

**SESQUICENTENARY CELEBRATIONS TO ACKNOWLEDGE FORMATION OF THE CORPORATE TOWN OF UNLEY**

MOVED Councillor D. Palmer

SECONDED Councillor M. Rabbitt

That

1. The report be received.
2. The Sesquicentenary of the formation of the Corporate Town of Unley be celebrated during 2020/21 and 2021/22 with the specific program of events and activities to be determined as part of the 2020/21 budget process, with reference to the program of activities set out in this report (Item 4.3, Council Meeting, 28/01/2020).

**CARRIED UNANIMOUSLY**

***Resolution No. C0165/20***

**ITEM 4.4**

**PAGE PARK TURF CONDITION ASSESSMENT**

MOVED Councillor D. Palmer

SECONDED Councillor J. Boisvert

That:

1. The report be received.
2. The irrigation system at Page Park be fully replaced during the 2020/21 financial year as part of Council's irrigation asset renewal program, with the design to meet performance requirements stipulated in the *Turf and Irrigation Assessment CF Page Memorial Park Report*, November 2019.
3. The Page Park Turf Maintenance Program be continued at current service levels until the new irrigation system is installed, whereby additional turf maintenance works will be incorporated as deemed necessary, within current budget allocations.

**CARRIED UNANIMOUSLY**

***Resolution No. C0166/20***

**ITEM 4.5  
SECOND QUARTER BUDGET REVIEW 2019-20**

MOVED Councillor M. Broniecki  
SECONDED Councillor J. Dodd

That:

1. The report, including Attachments 1-4 be received.
2. The budget variations totalling \$123K (as set out in Attachments 1-4, Item 4.5, Council Meeting 28/01/2020), for the Second Quarter 2019-20 Budget Review, be approved.
3. The revised budgeted Uniform Presentation of Finances reflecting a change in the budgeted Operating Surplus to \$2.82M, and an increase in Net Borrowings to \$11.8M, be adopted.

**CARRIED UNANIMOUSLY**

***Resolution No. C0167/20***

**ITEM 4.6  
FINANCE PERFORMANCE REPORT FOR THE PERIOD ENDING  
31 DECEMBER 2019**

MOVED Councillor M. Broniecki  
SECONDED Councillor M. Rabbitt

That:

1. The report be received

**CARRIED UNANIMOUSLY**

***Resolution No. C0168/20***

**ITEM 4.7  
2020 LGA ORDINARY GENERAL MEETING - PROPOSED ITEMS OF  
BUSINESS**

MOVED Councillor D. Palmer  
SECONDED Councillor J. Boisvert

That:

1. The report be received.
2. The topic of investigation of waste collection frequency for green bins be noted as a potential item to be submitted as a Motion On Notice to the October 2020 LGA AGM.

**CARRIED UNANIMOUSLY**

***Resolution No. C0169/20***

**ITEM 4.8**

**LGA CALL FOR NOMINATIONS - GAROC CASUAL VACANCY**

MOVED Councillor S. Dewing

SECONDED Councillor M. Rabbitt

That:

1. The report be received.
2. Councillor D. Palmer be put forward in response to the call for nominations for the casual vacancy: Member of the Local Government Associations' Greater Adelaide Region Organisation of Councils (GAROC) Committee.

**CARRIED UNANIMOUSLY**

***Resolution No. C0170/20***

**ITEM 4.9**

**TRADER ASSOCIATION QUARTER 1 REPORTS 1 JULY - 30 SEPTEMBER 2019**

MOVED Councillor J. Dodd

SECONDED Councillor N. Sheehan

That:

1. The report be received.

**CARRIED UNANIMOUSLY**

***Resolution No. C0171/20***

**ITEM 4.10**

**EASTERN REGION ALLIANCE (ERA) STRATEGIC PLAN 2020-24**

MOVED Councillor J. Boisvert

SECONDED Councillor J. Russo

That:

1. The report be received.
2. The updated ERA Strategic Plan 2020-2024 be adopted.

**CARRIED UNANIMOUSLY**

***Resolution No. C0172/20***



**ITEM 4.11**  
**COUNCIL ACTION RECORDS**  
MOVED Councillor E. Wright  
SECONDED Councillor N. Sheehan

That:

1. The report be noted.

**CARRIED UNANIMOUSLY**

***Resolution No. C0173/20***

**5. MOTIONS AND QUESTIONS**

**5.1 MOTIONS OF WHICH NOTICE HAS BEEN GIVEN**

Item 5.1.1. considered following item 3.1 Minutes of City Strategy & Development Policy Committee.

**5.2 MOTIONS WITHOUT NOTICE**

Nil

**5.3 QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN**

Nil

**5.4 QUESTIONS WITHOUT NOTICE**

Councillor M. Hudson asked a question regarding the availability of the car park at Fullarton Park Community Centre for residents parking. The question was answered by the General Manager City Services.

Councillor J. Boisvert asked a question regarding the potential for Council to facilitate a public Planning Reform session. The question was answered by the Chief Executive Officer.

**6. MEMBER'S COMMUNICATION**

**6.1 MAYORS REPORT**

**ITEM 6.1.1**  
**MAYOR'S REPORT FOR MONTH OF JANUARY**  
MOVED Councillor J. Dodd  
SECONDED Councillor S. Dewing

That:

1. The report be received.

**CARRIED UNANIMOUSLY**

***Resolution No. C0174/20***

## **6.2 DEPUTY MAYORS REPORT**

### **ITEM 6.2.1**

#### **DEPUTY MAYOR'S REPORT FOR MONTH OF JANUARY**

MOVED Councillor J. Dodd

SECONDED Councillor M. Broniecki

That:

1. The report be received.

**CARRIED UNANIMOUSLY**

***Resolution No. C0175/20***

## **6.3 ELECTED MEMBERS REPORTS**

### **ITEM 6.3.1**

#### **REPORTS OF MEMBERS FOR MONTH OF JANUARY**

Council noted the reports from Members:

1. Councillor E. Wright
2. Councillor M. Broniecki
3. Councillor D. Palmer
4. Councillor M. Rabbitt

## **6.4 CORRESPONDENCE**

### **ITEM 6.4.1**

#### **CORRESPONDENCE**

The correspondence from:

- Minister for Planning – re. Planning Reforms and Planning and Design Code Preliminary Fundamental Issues
- DPTI Living Neighbourhoods Section – re. Way2Go Partnership with St Thomas, Highgate & Black Forest Primary Schools

was noted.

## 7. CONFIDENTIAL ITEMS

### **MOTION TO BRING FORWARD ITEMS 7.7, 7.8 AND 7.9 FOR CONSIDERATION**

MOVED Councillor P. Hughes  
SECONDED Councillor J. Russo

That:

1. Items 7.7, 7.8 and 7.9, Confidential Items, be brought forward on the Agenda for consideration.

**CARRIED UNANIMOUSLY**

***Resolution No. C0176/20***

### **ITEM 7.7**

#### **CONFIDENTIALITY MOTION FOR 7.8 - TREE PROSECUTION - DETERMINATION OF FUTURE ACTION**

MOVED Councillor P. Hughes  
SECONDED Councillor E. Wright

That:

1. Pursuant to Section 90(2) and (3)(h) and (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:
  - legal advice or litigation that the Council believes on reasonable grounds would take place.
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 legal advice relating to this matter.

On that basis, the public's interest is best served by not disclosing 7.8 Tree Prosecution - Determination of Future Action, 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 Aden Meigel, Associate Norman Waterhouse Lawyers.

**CARRIED UNANIMOUSLY**

***Resolution No. C0177/20***

*The gallery was cleared, the doors to the Council Chamber were closed and the meeting moved into confidence at 8.13pm.*

Item 7.8, page(s) 12-13, is confidential and has been removed from the public agenda/minutes

**ITEM 7.9**

**CONFIDENTIALITY MOTION TO REMAIN IN CONFIDENCE FOR 7.8 - TREE PROSECUTION - DETERMINATION OF FUTURE ACTION**

MOVED Councillor P. Hughes

SECONDED Councillor D. Palmer

That:

1. Pursuant to Section 91(7) of the *Local Government Act 1999* the following elements of Item 7.8 Tree Prosecution - Determination of Future Action, considered at the Council Meeting on 28 January 2020:

- Minutes
- Report
- Attachment

remain confidential until the conclusion of legal proceedings related to this matter 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. C0179/20***

**MOTION TO BRING FORWARD ITEMS 7.4, 7.5 AND 7.6 FOR CONSIDERATION**

MOVED Councillor J Russo

SECONDED Councillor M Rabbitt

That:

1. Items 7.4, 7.5 and 7.6, Confidential Items, be brought forward on the Agenda for consideration.

**CARRIED UNANIMOUSLY**

***Resolution No. C0180/20***

**ITEM 7.4**

**CONFIDENTIALITY MOTION FOR 7.5 - EXCLUSION FROM COMMUNITY LAND CLASSIFICATION - PROPERTY ACQUISITION, GOODWOOD**

MOVED Councillor M. Rabbitt

SECONDED Councillor M. Broniecki

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 has previously been ordered to remain confidential until completion of the property acquisition process so as not 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.
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 determine whether to exclude land from the community land classification without disclosing related information that is currently protected by a confidentiality order.

On that basis, the public's interest is best served by not disclosing 7.5 the Exclusion from Community Land Classification - Property Acquisition, Goodwood, 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. C0181/20***

*The gallery was cleared, the doors to the Council Chamber were closed and the meeting moved into confidence at 9.13pm.*

**ITEM 7.5 EX CONFIDENTIAL 27 APRIL 2020**

**EXCLUSION FROM COMMUNITY LAND CLASSIFICATION - PROPERTY ACQUISITION, GOODWOOD**

MOVED Councillor M. Rabbitt

SECONDED Councillor J. Russo

That:

1. The report be received.
2. The property purchase and due diligence information relating to properties at 1 and 1A Bloomsbury Street, Goodwood be noted.
3. In accordance with section 193(4)(a) of the *Local Government Act 1999* the properties at 1 and 1A Bloomsbury Street, Goodwood be excluded from classification as Community Land prior to settlement.

**CARRIED UNANIMOUSLY**

***Resolution No. C0182/20***

*The meeting moved out of confidence at 9.14pm.*

**ITEM 7.6**

**CONFIDENTIALITY MOTION TO REMAIN IN CONFIDENCE FOR 7.5 - EXCLUSION FROM COMMUNITY LAND CLASSIFICATION - PROPERTY ACQUISITION, GOODWOOD**

MOVED Councillor K. Anastassiadis

SECONDED Councillor J. Boisvert

That:

1. Pursuant to Section 91(7) of the *Local Government Act 1999* the following elements of Item 7.5 Exclusion from Community Land Classification - Property Acquisition, Goodwood, considered at the Council Meeting on 28 January 2020:

- Minutes
- Report
- Attachment

remain confidential until the property acquisition is finalised or until 20 November 2020, whichever is the earlier, 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. C0183/20***

*Councillor S. Dewing left the Chambers at 9:15pm and did not return.*

**ITEM 7.1**

**CONFIDENTIALITY MOTION FOR 7.2 - UNLEY OVAL UPGRADE - STAGE 2**

MOVED Councillor N. Sheehan

SECONDED Councillor M. Broniecki

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 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.



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 without compromising the commercial position of council or a third party.

On that basis, the public's interest is best served by not disclosing Unley Oval Upgrade - Stage 2, 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. C0184/20***

*The gallery was cleared, the doors to the Council Chamber were closed and the meeting moved into confidence at 9.16pm.*

Item 7.2, page(s) 19, is confidential and has been removed from the public agenda/minutes

**ITEM 7.3**

**CONFIDENTIALITY MOTION TO REMAIN IN CONFIDENCE FOR 7.2 - UNLEY OVAL UPGRADE - STAGE 2**

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 7.2 Unley Oval Upgrade - Stage 2, considered at the Confidential Council Meeting on 28 January 2020:

- Minutes
- Report
- Attachment

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. C0186/20***

**NEXT MEETING**

Monday 24 February 2020 - 7.00pm

**CLOSURE**

The Presiding Member closed the meeting at 9.24pm.

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**PRESIDING MEMBER**