



**Minutes of the City of Unley  
Council Meeting  
Monday, 27 May 2019, 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 & Innovation, Ms N. Tinning  
Executive Manager Office of the CEO, Ms T. Norman  
Manager City Design, Mr B. Willsmore  
Manager Development & Regulatory Services, Mr P. Weymouth  
Coordinator Environmental Projects & Strategy, Ms K. Ryan  
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, Staff, Media and members of the gallery to the 27 May 2019, meeting of the Unley City Council.

## **1. ADMINISTRATIVE MATTERS**

The Presiding Member sought leave of the meeting to bring forward Item 4.7 – Leah Street Renewal, to immediately following the scheduled Deputation on the same topic, and leave was granted.

### **1.1 APOLOGIES**

Nil

### **1.2 LEAVE OF ABSENCE**

Councillor M. Hudson

### **1.3 CONFLICT OF INTEREST**

Councillor N. Sheehan declared a material conflict of interest in relation to Item 4.7 on the basis that she is operating a business from Leah Street and that she would leave the meeting when that item is discussed.

Councillor S. Dewing declared a perceived conflict of interest in relation to Item 2.1 on the basis of her employment and she would remain in the meeting when that item is discussed.

Councillor J. Dodd declared a perceived conflict of interest in relation to Item 4.3 on the basis that she is a volunteer at one of the groups recommended to receive grant funding and would remain in the meeting when that item is discussed.

Councillor P. Hughes declared a perceived conflict of interest in relation to Item 4.3 on the basis that he is a volunteer at one of the groups recommended to receive grant funding and would remain in the meeting when the item is discussed.

Councillor M. Rabbitt noted, in relation to Item 4.8, that he is a member of the Centennial Park Cemetery Authority Board.

Councillor J. Russo noted, in relation to Item 4.8, that she is a member of the Centennial Park Cemetery Authority Board.

### **1.4 MINUTES**

#### **ITEM 1.4.1**

#### **MINUTES OF THE ORDINARY COUNCIL MEETING HELD MONDAY, 29 APRIL 2019**

MOVED Councillor J. Boisvert

SECONDED Councillor J. Dodd

That:

1. The minutes of the Council Meeting held on Monday, 29 April 2019 be taken as read and signed as an accurate record.

**CARRIED UNANIMOUSLY**

***Resolution No. C0001/19***

## 1.5 DEFERRED / ADJORNED ITEMS

Nil

## 2. PETITIONS/DEPUTATIONS

### ITEM 2.1

#### IMPROVED LIGHTING AT UNLEY OVAL

**PRINCIPAL PETITIONER:** DR GARTH HEARGRAVES

**NUMBER OF SIGNATORIES:** 56

**NATURE OF PETITION:** Request to provide lighting to Unley Oval during winter months to allow community use outside of work hours on Monday - Friday

MOVED Councillor M. Rabbitt

SECONDED Councillor M. Broniecki

That:

1. The petition be received.
2. The principal petitioner be notified that a report will be prepared for consideration by Council identifying additional lighting times at Unley Oval during winter months that may be suitable to the community, and all costs associated with an increased lighting proposal.

**CARRIED UNANIMOUSLY**

***Resolution No. C0002/19***

### ITEM 2.2

#### LEAH STREET UPGRADE

1. Susan Fraser, Leah Street, Forestville

Re. Leah Street Upgrade

*Councillor N. Sheehan left the Chambers at 7:14pm.*

### ITEM 4.7

#### LEAH STREET RENEWAL

MOVED Councillor E. Wright

SECONDED Councillor D. Palmer

That:

1. The report be received.
2. Enhancement to Leah Street / Nichols Street intersection and Leah Street / Everard Terrace intersection be undertaken in co-ordination with the required road reconstruction (deep lift) and Council endorse the re-allocation of up to \$134,000 savings to cover the additional streetscape works.

3. All residents, property owners and businesses directly affected by the proposed works, as well as those who have made submissions, be notified of the Council's decision to undertake enhancements at Leah Street / Nichols Street intersection and Leah Street / Everard Terrace intersection as part of the Leah Street reconstruction, prior to commencement of construction.
4. Survey work be undertaken to determine changes in traffic volume and traffic speed on Leah Street, Nichols Street and Everard Terrace, prior to works being undertaken, within two months of works being complete and within six months of works being complete, with a report to return to Council regarding the impact (if any) of the changes, including identification of additional interventions that may be required if traffic patterns are observed to have adversely affected the surrounding streets.

**CARRIED UNANIMOUSLY**

***Resolution No. C0003/19***

*Councillor N. Sheehan returned to the Chambers at 7:25pm.*

### **3. REPORTS OF COMMITTEES**

#### **ITEM 3.1**

#### **MINUTES OF AUDIT COMMITTEE**

MOVED Councillor M. Broniecki

SECONDED Councillor K. Anastassiadis

That:

1. The minutes of the Audit Committee meeting held on Tuesday 30 April 2019, be received and the following recommendations contained therein be adopted by Council.

#### **a. Item 104 - Procurement Savings Report**

1. The report be received.

#### **Further Motion:**

1. The Audit Committee be informed of new tenders and contracts which have resulted in overruns of more than \$50,000, in addition to savings and avoidances achieved of more than \$20,000.

#### **b. Draft 2019-20 Annual Business Plan and Budget**

1. The report be received.
2. The Draft 2019-20 Annual Business Plan and Budget for Consultation, Attachment 1 be received.

3. Having considered the draft 2019-20 Annual Business Plan and Budget, the Audit Committee considers Council should have available at its Budget Workshop in June:
  - Updated Long Term Financial Plan or commentary on the March 2018 Long Term Financial Plan;
  - Explanation of the impact of deferring \$2.85M of works from drains, kerbs and roads; and
  - Suite of draft financial statements for year ending 30 June 2020.
4. Independent Audit Committee members be notified of the Elected Member Budget Workshop session relating to the Budget process scheduled for 3 June 2019.

**c. 106 Audit Committee Meeting Schedule**

1. The report be received.
2. The following meeting dates be endorsed for meetings of the Audit Committee during 2019:
  - Tuesday 2 July
  - Tuesday 29 October
  - Tuesday 10 December
3. The CEO be authorised to make changes to the endorsed meeting dates if required, following consultation with the Presiding Member of the Audit Committee.

**d. Other Business**

1. That Audit Committee Independent Members Mr John Rawson, Mr Ed Parker and Mr Sean Tu be thanked for their service and contributions to the Audit Committee and Council over the past four years.

**CARRIED UNANIMOUSLY**

***Resolution No. C0004/19***

**4. REPORTS OF OFFICERS**

**ITEM 4.1**

**ANIMAL MANAGEMENT PLAN 2016-2020 YEAR 3 ANNUAL REPORT**

MOVED Councillor J. Boisvert

SECONDED Councillor J. Russo

That:

1. The report be received.

**CARRIED UNANIMOUSLY**

***Resolution No. C0005/19***

#### **ITEM 4.2**

#### **REVIEW OF WASTE MANAGEMENT PLAN**

MOVED Councillor M. Rabbitt

SECONDED Councillor E. Wright

That:

1. The report be received.
2. The Waste Management Strategy 2013-2017 Outcomes Review, as set out in Attachment 1 to this Report (Item 4.2, Council Meeting, 27/05/19) be noted.
3. A revised draft Waste Management Plan 2019-22 be prepared.

**CARRIED UNANIMOUSLY**

***Resolution No. C0006/19***

#### **ITEM 4.3**

#### **COMMUNITY GRANT PROGRAM ALLOCATION OF FUNDING MARCH 2019 (ROUND 2)**

MOVED Councillor P. Hughes

SECONDED Councillor N. Sheehan

That:

1. The report be received.
2. Funding of \$44,731 be awarded under Round 2 of the 2018/19 financial year for the Community Grants Program as follows:
  - \$2,721 to the Black Forest Primary School Governing Council for the implementation of a walking school bus to promote active transport to school.
  - \$1,600 to the Unley Park Sports Club for the purchase and installation of a sound/PA system.
  - \$3,120 to the Italian Folk Ensemble to research and perform traditional music and folk songs to demonstrate the variety of singing styles, languages and dialects of Italy and to produce a CD or DVD.
  - \$1,275 to the Fairmont Tennis Club for the purchase of a free-standing defibrillator.
  - \$2,400 to the Goodwood Saints Football Club for the purchase of replacement footballs for the Club's teams.
  - \$3,995 to The Goody Patch Community Garden for the purchase of a moveable greenhouse to expand the seasonal growing space available to the garden.
  - \$3,000 to the Slingsby Theatre Company for a performance of *Man Covets Bird* in the company's new home in Parkside.

- \$3,000 to the Unley Park Baptist Church for the purchase of outdoor café and chairs to support and improve the Church's playgroup facilities.
- \$2,925 to the Sturt Lawn Tennis Club for tennis coaching for older players and people with integration difficulties.
- \$1,000 to the Lady George Kindergarten for the replacement of the current bench outside the kindergarten, used by the community, with two free standing benches.
- \$1,975 to the Millswood Bowling Club for the purchase and installation of a wall-mounted defibrillator.
- \$3,600 to the Forestville Hockey Club for the purchase of additional coaching equipment and for pitch hire to ensure continuance of the Club's junior academy program.
- \$1,585 to the Greek Women's Society "Taxiarchis" for a women's health, fitness and activity program.
- \$3,500 to Theofania (auspice King William Road Traders Association) for a 10 week interactive reading program aimed at families with babies through to pre-schoolers.
- \$2,010 to the Greek Pensioners & Aged Society SA towards the costs of a day trip for culturally-specific aged pensioners and their carers.
- \$1,900 to the Hyde Park Croquet Club for the purchase of primary colour and secondary colour croquet balls.
- \$510 to Joseph Maniscalco (auspice Goodwood Community Services) towards the cost of replacing the soccer goals used by the Soutar FC.
- \$1,414 to the Burnside Youth Concert Band for a full day workshop for young players (8 – 18 years) to receive tuition and mentoring from experienced musicians, to be followed by an evening concert open to the public held in Unley.
- \$3,200 to the Sturt Bowling Club for landscaping of the northern boundary of the 'A' bowling green.

**CARRIED UNANIMOUSLY**

***Resolution No. C0007/19***

#### **ITEM 4.4**

#### **COMPLIANCE POLICY**

MOVED Councillor J. Russo

SECONDED Councillor S. Dewing

That:

1. The report be received.
2. The Compliance Policy provided in Attachment 1 to this Report (Item 4.4, Council Meeting, 27/05/2019) be endorsed.

**CARRIED UNANIMOUSLY**

***Resolution No. C0008/19***

**ITEM 4.5**

**COMMONWEALTH HOME SUPPORT PROGRAM FUNDING EXTENSION**

MOVED Councillor P. Hughes

SECONDED Councillor J. Boisvert

That:

1. The report be received.
2. The Commonwealth Home Support Program funding extension until June 2022 be accepted.
3. Alternative models for delivering the Home Assist Service be explored and implemented as appropriate.

**CARRIED UNANIMOUSLY**

***Resolution No. C0009/19***

**ITEM 4.6**

**NOMINATIONS FOR THE LIBRARIES BOARD OF SA**

MOVED Councillor J. Dodd

SECONDED Councillor K. Anastassiadis

That:

1. The report be received.
2. Megan Berghuis be nominated for consideration by the LGA Board of Directors as a Member of Libraries Board of SA.

**CARRIED UNANIMOUSLY**

***Resolution No. C0010/19***

**ITEM 4.8**

**CENTENNIAL PARK CEMETERY AUTHORITY - PHILANTHROPIC  
DISTRIBUTION OF TRUST MONIES**

MOVED Councillor M. Rabbitt

SECONDED Councillor J. Russo

That:

1. The report be received.
2. The City of Unley's notional allocation of \$60,000 of the Centennial Park Educational Trust be directed to: LifeChanger Foundation; Legacy Australia; and Smith Family (Learning for Life Program) with the funds being applied in South Australia.
3. Recipients of funding from the Centennial Park Educational Trust be required to acknowledge the Centennial Park Cemetery Authority and the Cities of Unley and Mitcham.

4. A letter of appreciation and thanks be sent to the family of the founder of the Centennial Park Educational Trust, Mr Theodore Ballantyne, for his efforts in establishing the Educational Trust.

**CARRIED UNANIMOUSLY**

***Resolution No. C0011/19***

Councillor J. Boisvert MOVED an AMENDMENT

That:

1. The report be received.
2. The City of Unley's notional allocation of \$60,000 of the Centennial Park Educational Trust be directed to: LifeChanger Foundation; Legacy Australia; Dame Roma Mitchell Fund; and Smith Family (Learning for Life Program) with the funds applied in South Australia.
3. Recipients of funding from the Centennial Park Educational Trust be required to acknowledge the Centennial Park Cemetery Authority and the Cities of Unley and Mitcham.
4. A letter of appreciation and thanks be sent to the family of the founder of the Centennial Park Educational Trust, Mr Theodore Ballantyne, for his efforts in establishing the Educational Trust.

The AMENDMENT LAPSED for want of a SECONDER

The MOTION was PUT and

**CARRIED UNANIMOUSLY**

***Resolution No. C0012/19***

## **DIVISION**

A Division was called and the previous decision set aside.

Those voting in the affirmative:

Councillors P. Hughes, J. Boisvert, M. Broniecki, S. Dewing, J. Dodd,  
D. Palmer, M. Rabbitt, J. Russo, N. Sheehan and E. Wright

Those voting in the negative:

Councillor K. Anastassiadis

The MOTION was declared **CARRIED**

**ITEM 4.9**

**QUARTERLY REPORT - CENTENNIAL PARK CEMETERY AUTHORITY**

MOVED Councillor J. Russo

SECONDED Councillor M. Rabbitt

That:

1. The report be received.

**CARRIED UNANIMOUSLY**

***Resolution No. C0013/19***

**ITEM 4.10**

**COUNCIL ACTION RECORDS**

MOVED Councillor S. Dewing

SECONDED Councillor E. Wright

That:

1. The report be noted.

**CARRIED UNANIMOUSLY**

***Resolution No. C0014/19***

**5. MOTIONS AND QUESTIONS**

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

Nil

**5.2 MOTIONS WITHOUT NOTICE**

N

**ITEM 5.2.1**

**COUNCILLOR J. BOISVERT PERSONAL STATEMENT**

Councillor J Boisvert sought leave of the meeting to make a personal explanation and leave was granted:

I refer to the email sent to me on the 14<sup>th</sup> May 2019 that was also sent to all elected members and four named members of staff.

In this email Mayor Hewitson refers to the need to correct false information and that he needed to correct this as one of us was quoted. The quote appeared in an Eastern Courier article title 'Street revamp cost up'.

On May 16<sup>th</sup> I replied to his email asking for an apology as I was the person quoted in the article. I asked for an apology in that he failed to speak with me first, to seek clarification, as we had recently discussed in our Team building workshop as good practice.

I met with the Mayor on Friday 17<sup>th</sup>, and at my request this matter was added to the agenda. Don Palmer was present.

At this point in time no apology has been forthcoming.

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

#### **ITEM 5.3.1**

#### **QUESTIONS ON NOTICE FROM COUNCILLOR HUDSON RE UNLEY OVAL GRANDSTAND**

The following Questions on Notice have been received from Councillor Hudson and the answers are provided:

#### **QUESTIONS**

A number of street trees were removed to facilitate the erection of the new façade on the western side of the new improved footy grandstand.

1. Who authorised this?
2. What was the cost?
3. How many trees were removed?
4. What species?
5. When will they be replaced (apparently as promised)?
6. At whose expense?
7. Who authorised the attachment of a 30 metre long mesh to the northern fence of the Sturt Bowls Club?
8. When?
9. Were SBC consulted?
10. Why?
11. Is it to be removed?
12. If so, at whose expense?
13. When?

I would ask that answers to the above be provided to Councillors in a report to the May Council meeting.

#### **ANSWERS**

1. The trees were approved for removal by Council's arborist and General Manager City Development in line with current policies and procedures dealing with street trees. The trees needed to be removed to facilitate the redevelopment of the Oatey Grandstand.
2. The cost for tree and stump removal was \$823.
3. Four trees were removed.

The species of the four trees removed were Queensland Box. The trees will be replaced this planting season unless Stage Two Unley Oval works are progressed, as these works will impact the area. We will have a clearer picture of whether stage two will progress after the elections and additional funding is confirmed. The planting season, in accordance with 'best practice tree planting ideals', has been delayed this year by several months due to the extended dry period.

4. Replacement tree costs will be incorporated into Council's annual tree replacement program.
5. Council staff inspected the site on 7 May 2019 once they became aware that a mesh fence had been installed on the northern side of the Sturt Bowls club. When contacted, the SFC advised that they installed the fence to secure the site for ticketed access and to meet liquor licensing requirements. The Administration support this measure. The Club was however reminded that they must seek Council approval before any such action is taken in the future.
6. The SFC have since sought and obtained retrospective approval for the fencing.
7. Sturt Bowls Club was not consulted.
8. Apart from general information sharing, there is no requirement to consult as the temporary mesh fencing simply raises the height of the existing fence.
9. It is planned to remain in place until 23 August 2019.
10. SFC funded the installation and will fund the removal of the temporary fencing panels.
11. Refer to point 12 above – 23 August 2019.

#### **5.4 QUESTIONS WITHOUT NOTICE**

Councillor K Anastassiadis asked a question with reference to Item 4.1 ANIMAL MANAGEMENT PLAN 2016-2020 YEAR 3 ANNUAL REPORT regarding the impact of cats on wildlife The question was **TAKEN ON NOTICE**.

### **6. MEMBER'S COMMUNICATION**

#### **6.1 MAYORS REPORT**

##### **ITEM 6.1.1**

##### **MAYOR'S REPORT FOR MONTH OF MAY**

MOVED Councillor M. Broniecki

SECONDED Councillor J. Boisvert

That:

1. The report be received.

**CARRIED UNANIMOUSLY**

***Resolution No. C0015/19***

## **6.2 DEPUTY MAYORS REPORT**

Nil

## **6.3 ELECTED MEMBERS REPORTS**

### **ITEM 6.3.1**

#### **REPORTS OF MEMBERS**

Council to note attached reports from Members:

1. Councillor M. Broniecki.
2. Councillor M. Rabbitt.
3. Councillor N. Sheehan.
4. Councillor D. Palmer.

## **6.4 CORRESPONDENCE**

### **ITEM 6.4.1**

#### **CORRESPONDENCE**

The correspondence from:

- Hon Stephan Knoll MP, Minister for Transport, Infrastructure & Local Government – response to correspondence seeking support for changes to disclosure by candidates nominating in local government elections.
- Local Government Association of SA – notification of nominees for the Stormwater Management Authority.
- Hon Stephan Knoll MP, Minister for Transport, Infrastructure & Local Government – response to correspondence regarding the Unley Road Revitalisation project.
- Ride E-Scooters – letter of introduction.

The correspondence to:

- Eastern Courier – letter to the editor in response to King William Road article.

be noted.

## 7. CONFIDENTIAL ITEMS

### ITEM 7.1

#### CONFIDENTIALITY MOTION FOR 7.2 - APPOINTMENT OF INDEPENDENT MEMBERS TO THE AUDIT COMMITTEE

MOVED Councillor J. Boisvert

SECONDED Councillor K. Anastassiadis

That:

1. Pursuant to Section 90(2) and (3)(a) (a) 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)
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 applicant suitability for appointment as an Independent Member to the Audit Committee.

On that basis, the public's interest is best served by not disclosing 7.2 Appointment of Independent Members to the Audit Committee, 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. C0016/19***

*The meeting moved into confidence and the doors to the Council Chambers were closed at 8.06pm.*

**ITEM 7.2**

**APPOINTMENT OF INDEPENDENT MEMBERS TO THE AUDIT COMMITTEE**

MOVED Councillor M. Broniecki

SECONDED Councillor J. Boisvert

That:

1. The report be received.
2. The following persons be appointed as Independent Members of the Audit Committee for the term 1 June 2019 to 31 May 2023:
  - Mr Nicholas Handley
  - Ms Annette Martin
  - Mr David Powell
3. Mr David Powell be appointed to the position of Chairperson of the Audit Committee for a term commencing 1 June 2019 and concluding 31 May 2021.
4. Sitting Fees per meeting attended for Independent Audit Committee members be set at:
  - \$450 Presiding Member
  - \$300 Independent Member
  - \$150 workshop attendance

**CARRIED UNANIMOUSLY**

***Resolution No. C0017/19***

**ITEM 7.3**

**CONFIDENTIALITY MOTION TO REMAIN IN CONFIDENCE FOR 7.2 -  
APPOINTMENT OF INDEPENDENT MEMBERS TO THE AUDIT  
COMMITTEE**

MOVED Councillor J. Dodd

SECONDED Councillor K. Anastassiadis

That:

1. Pursuant to Section 91(7) of the *Local Government Act 1999* the following elements of Item 7.2 Appointment of Independent Members to the Audit Committee, considered at the Confidential Council Meeting on 27 May 2019:

☒ Report

remain confidential until 30 June 2023 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. C0018/19***

*The doors to the Council Chambers were opened at 8.13pm.*

**NEXT MEETING**

Monday 24 June 2019 - 7.00pm

**CLOSURE**

The Presiding Member closed the meeting at 8.15pm.

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**PRESIDING MEMBER**