



**Minutes of the City of Unley
Council Meeting
Tuesday, 26 April 2022, 7.00pm
Council Chambers
181 Unley Road Unley**

PRESENT

| | | |
|-------------------------|---------------------|--------------|
| <i>Presiding Member</i> | <i>Mayor</i> | M. Hewitson |
| | <i>Deputy Mayor</i> | D. Palmer |
| <i>Councillors</i> | K. Anastassiadis | J. Boisvert |
| | J. Bonham | M. Broniecki |
| | S. Dewing | J. Dodd |
| | P. Hughes | M. Rabbitt |
| | J. Russo | N. Sheehan |
| | E. Wright | |

OFFICERS PRESENT

Acting Chief Executive Officer, Ms N. Tinning
Acting General Manager City Services, Ms M. Smith
General Manager City Development, Mr C. Malak
Acting Manager Governance, Ms K. Goldy
Executive Assistant Office of the CEO, Ms L. Kennedy
Manager Economic Development & Strategic Projects, Mr E. Scanlon
Team Leader Community Centres, Ms J. Frith

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 26 April 2022, meeting of the Unley City Council.

1. ADMINISTRATIVE MATTERS

1.1 APOLOGIES

Nil

1.2 LEAVE OF ABSENCE

Nil

1.3 CONFLICT OF INTEREST

Mayor M. Hewitson declared a material conflict of interest in Item 4.6 Code of Conduct Complaint 2021/22 on the basis of being an interested party in the matter and noted that he would leave the meeting when that item was discussed.

1.4 MINUTES

ITEM 1.4.1

MINUTES OF THE ORDINARY COUNCIL MEETING HELD MONDAY, 28 MARCH 2022

MOVED Councillor M Broniecki

SECONDED Councillor J. Bonham

That:

1. The minutes of the Ordinary Council held on Monday, 28 March 2022 be taken as read and signed as a correct record.

CARRIED UNANIMOUSLY

Resolution No. C0753/22

1.5 DEFERRED / ADJORNED ITEMS

Nil

2. PETITIONS/DEPUTATIONS

ITEM 2.1

DEPUTATION RE: STREETScape IMPROVEMENTS FOR SIMPSON PARADE AND WELLER STREET

1. Barbara Morris, Wayville

Re. Streetscape Improvements at Simpson Parade and Weller Street

ITEM 2.2

DEPUTATION RE: MIKE TURTUR BIKEWAY AND CLMP DECISION IMPACTING THE FORESTVILLE RESERVE

1. Peter Mahoney, Forestville

Re. Mike Turtur Bikeway and CLMP Decision Impacting the Forestville Reserve

ITEM 2.3

DEPUTATION RE: MIKE TURTUR UNDERPASS

1. Denise Tipper, Goodwood
Re. Mike Turtur Underpass

3. REPORTS OF COMMITTEES

Nil

4. REPORTS OF OFFICERS

ITEM 4.1

MIKE TURTUR BIKEWAY OVERPASS – CLMP AND LICENSE AGREEMENT CONSULTATION RESULTS

MOVED Councillor J. Boisvert

SECONDED Councillor J. Bonham

That:

1. The report be received.
2. The submissions in response to the Forestville Reserve Community Land Management Plan (CLMP) public consultation process indicating that 80.6% of respondents did not support amendments to the CLMP, be noted.
3. The submissions in response to the Licence for Construction Access for a portion of the Mike Turtur Bikeway Overpass public consultation process indicating that 92.9% of respondents did not support the granting of the licence to the Minister for Infrastructure and Transport, be noted.
4. In recognition of the consultation results for the Forestville Reserve Community Land Management Plan (CLMP) and the Licence for Construction Access for a portion of the Mike Turtur Bikeway Overpass, a letter be sent to the Minister for Infrastructure and Transport which:
 - 4.1 provides a summary of the key issues raised from the Forestville Reserve Community Land Management Plan (CLMP) and Licence for Construction Access public consultation;
 - 4.2 requests a meeting be convened with relevant Council, and Department of Infrastructure and Transport staff, along with the Member for Badcoe to facilitate a review of the Mike Turtur Bikeway Overpass project and includes a review of the project scope of works.

CARRIED UNANIMOUSLY

Resolution No. C0754/22

Councillor M. Broniecki moved a FORMAL MOTION

That:

1. The Item be adjourned for discussion until the Department of Infrastructure and Transport meets with Council Staff to discuss the Mike Turtur Bikeway Overpass Project.

SECONDED Councillor M. Rabbitt

LOST

ITEM 4.2

CLARENCE PARK COMMUNITY CENTRE PARTNERSHIP AGREEMENT 2022

MOVED Councillor D. Palmer

SECONDED Councillor J. Boisvert

That:

1. The report be received.
2. The Management Agreement for a 3+2 year period between the City of Unley and Clarence Park Community Centre Inc. as set out in Attachment 1 to this report (Item 4.2, Council Meeting, 26/04/2022) be endorsed.
3. The Partnership Agreement for a 3+2 year period between the City of Unley and Clarence Park Community Centre Inc. as set out in Attachment 2 to this report (Item 4.2, Council Meeting, 26/04/2022) be endorsed.
4. The CEO be authorised to make minor editorial and formatting changes as part of the finalisation process of the management and partnering agreements.

CARRIED UNANIMOUSLY

Resolution No. C0755/22

FURTHER MOTION

MOVED Councillor J. Boisvert

SECONDED Councillor D. Palmer

That:

1. An annual funding contribution of \$15,000 + GST for a 3+2 year period in support of The Shed Program, requested by Clarence Park Community Centre Inc, be endorsed in-principle, pending Council's endorsement of the Annual Budget and Business Plan.

CARRIED UNANIMOUSLY

Resolution No. C0756/22

ITEM 4.3

FULLARTON ROAD SOUTH TRADERS ASSOCIATION PROPOSED CHANGE TO SEPARATE RATE FOR 2022/23 - SUMMARY OF COMMUNITY CONSULTATION FEEDBACK

MOVED Councillor P. Hughes

SECONDED Councillor J. Dodd

That:

1. The report be received.

CARRIED UNANIMOUSLY

Resolution No. C0757/22

ITEM 4.4

MAINSTREET ASSOCIATION MARKETING FUNDING REQUESTS 2022/23

MOVED Councillor P. Hughes

SECONDED Councillor M. Rabbitt

That:

1. The report be received.
2. A Separate Rate to raise \$113,395 for the purposes of marketing and promotion, street beautification and minor infrastructure 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 2022/23 Draft Annual Business Plan and Budget for community consultation
3. A Separate Rate to raise \$150,350 for the purposes of marketing and promotion, street beautification and minor infrastructure 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 2022/23 Draft Annual Business Plan and Budget for community consultation.
4. A Separate Rate based on a fixed charge of \$250 per rateable property for the purposes of marketing and promotion, street beautification and minor infrastructure 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 2022/23 Draft Annual Business Plan and Budget for community consultation.
5. A separate rate to raise \$57,225 for the purposes of marketing and promotion, street beautification and minor infrastructure 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, be considered as part of the 2022/23 Draft Annual Business Plan and Budget for community consultation.

CARRIED

Resolution No. C0758/22

ITEM 4.5

DRAFT 2022-23 ANNUAL BUSINESS PLAN AND BUDGET FOR COMMUNITY CONSULTATION

MOVED Councillor M. Broniecki

SECONDED Councillor J. Bonham

That:

1. The report be received.
2. The proposed list of net Operating Projects for 2022-23 of \$1.25M (pages 46-51 of Attachment 1, Item 4.5, Council Meeting, 26/04/2022) be endorsed for community consultation.
3. The proposed list of New Capital Projects for 2022-23 of \$1.7M (pages 52-53 of Attachment 1, Item 4.5, Council Meeting, 26/04/2022) be endorsed for community consultation.
4. The proposed Capital Renewal Program for 2022-23 of \$8.4M (pages 54-59 of Attachment 1, Item 4.5, Council Meeting, 26/04/2022) be endorsed for community consultation.
5. The Draft 2022-23 Annual Business Plan and Budget (Attachment 1, Item 4.5, Council Meeting, 26/04/2022) (incorporating any consequential amendments from other items considered at the meeting of 26 April 2022) be endorsed for the purpose of community consultation, to be conducted between 29 April and 20 May 2022.
6. The Chief Executive Officer be authorised to make any necessary minor edits required for consistency or clarity to the Draft 2022-23 Annual Business Plan and Budget, if required.
7. The community consultation process comprising a notice in The Advertiser, online consultation via Your Say Unley, notifications on Council's website and social media channels, and the public information sessions to be held be endorsed.

CARRIED UNANIMOUSLY

Resolution No. C0759/22

Mayor M. Hewitson declared a material conflict of interest in Item 4.6 Code of Conduct Complaint 2021/22 on the basis of being an interested party in the matter, and vacated the Chair at 8.07pm.

Councillor D. Palmer as Deputy Mayor assumed the Chair in the absence of Mayor M. Hewitson during consideration of Item 4.6 Code of Conduct Complaint 2021/22 at 8.07pm.

Mayor M. Hewitson sought leave of the Meeting to make a personal statement in relation to Item 4.6 Code of Conduct Complaint 2021/22 and leave was granted at 8.08pm.

Mayor M. Hewitson left the Chambers at 8:14pm.

ITEM 4.6
CODE OF CONDUCT COMPLAINT 2021/22
MOVED Councillor J. Boisvert
SECONDED Councillor J. Russo

That:

1. The report be received.
2. The Minter Ellison “Final Investigation Report – Code of Conduct for Council Members” as set out in Attachment 1 to this report (Item 4.6, Council Meeting, 26/04/2022) be adopted.
3. In response to the finding that Mayor M. Hewitson breached clauses 2.2 and 2.7 of the Code of Conduct for Council Members, Mayor M. Hewitson be censured and request that a verbal public apology be made at the Council Meeting on 23 May 2022 to demonstrate Mayor M. Hewitson taking responsibility for his actions for:
 - 3.1 diminishing the community trust and confidence in the Council;
 - 3.2 irresponsibly publishing details of confidential Council legal advice; and
 - 3.3 irresponsibly sharing an authorised Council video.

LOST

DIVISION

A Division was requested by Councillor J. Russo and the previous decision was set aside. The following members responded to the Deputy Mayor's call as having voted IN FAVOUR of the MOTION:

Councillors J. Boisvert, S. Dewing, J. Russo, J. Bonham and K. Anastassiadis

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

Councillors P. Hughes, M. Rabbitt, M. Broniecki, J. Dodd, N. Sheehan and E. Wright

The MOTION was declared **LOST**

MOVED Councillor P. Hughes
SECONDED Councillor M. Rabbitt

That

1. The report be received.

LOST

DIVISION

A Division was requested by Councillor E. Wright and the previous decision was set aside. The following members responded to the Deputy Mayor's call as having voted IN FAVOUR of the MOTION:

Councillors P. Hughes, M. Rabbitt, M. Broniecki and E. Wright

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

Councillors J. Boisvert, S. Dewing, J. Dodd, J. Russo, N. Sheehan, J. Bonham and K. Anastassiadis

The MOTION was declared **LOST**

MOVED Councillor. J. Dodd
SECONDED Councillor J. Boisvert

That

1. The report be received.
2. The Minter Ellison "Final Investigation Report – Code of Conduct for Council Members" and recommendations as set out in Attachment 1 to this report (Item 4.6, Council Meeting, 26/04/2022) be adopted.
3. In response to the finding that Mayor M. Hewitson breached clauses 2.2 and 2.7 of the Code of Conduct for Council Members, Mayor M. Hewitson be censured for:
 - 3.1 diminishing the community trust and confidence in the Council;
 - 3.2 irresponsibly publishing details of confidential Council legal advice; and
 - 3.3 irresponsibly sharing an authorised Council video.

CARRIED

Resolution No. C0760/22

*Mayor M. Hewitson returned to the Chambers at 8:54pm and resumed the Chair.
Councillor N. Sheehan left the meeting at 8.54pm.*

**ITEM 4.7
COUNCIL ACTION RECORDS
MOVED Councillor J. Dodd
SECONDED Councillor M. Broniecki**

That:

1. The report be noted.

CARRIED UNANIMOUSLY

Resolution No. C0761/22

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 2022
MOVED Councillor M. Broniecki
SECONDED Councillor S. Dewing**

That:

1. The report be received.

CARRIED UNANIMOUSLY

Resolution No. C0762/22

Councillor N. Sheehan returned to the meeting at 8.56pm.

6.2 DEPUTY MAYORS REPORT

ITEM 6.2.1

DEPUTY MAYOR'S REPORT FOR MONTH OF APRIL 2022

MOVED Councillor J. Russo

SECONDED Councillor J. Dodd

That:

1. The report be received.

CARRIED UNANIMOUSLY

Resolution No. C0763/22

6.3 ELECTED MEMBERS REPORTS

ITEM 6.3.1

REPORTS OF MEMBERS APRIL 2022

Council noted the attached reports from Members:

1. Councillor M. Broniecki

6.4 CORRESPONDENCE

ITEM 6.4.1

CORRESPONDENCE

The correspondence from:

- Lois Boswell, CE, Dept for Human Services – Re. Retention and Preservation of the Goss Building, Highgate Park
- Tony Braxton-Smith, CE, Dept for Infrastructure and Transport – Re. Fullarton Road and Glen Osmond Road Intersection Upgrade
- Sally Smith, Executive Director, Planning & Land Use Services – Re. Tree Canopy Offset Fund

was noted.

7. CONFIDENTIAL ITEMS

Nil

NEXT MEETING

Monday 23 May 2022 - 7.00pm

CLOSURE

The Presiding Member closed the meeting at 8.57pm.

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PRESIDING MEMBER