



**Minutes of the City of Unley  
Council Meeting  
Monday, 28 March 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. Bonham
	M. Broniecki	S. Dewing
	J. Dodd	P. Hughes
	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 Business Support & Improvement, Ms N. Tinning  
Acting Manager Governance, Ms K. Goldy  
Executive Assistant Office of the CEO, Ms L. Kennedy  
Manager Development & Regulatory, Mr G. Brinkworth  
Manager Economic Development & Strategic Projects, Mr E. Scanlon  
Team Leader, Community & Cultural Development, Ms M. Mudge

**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 March 2022 meeting of the Unley City Council.

## **1. ADMINISTRATIVE MATTERS**

### **1.1 APOLOGIES**

Councillor J. Boisvert

### **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, 28 FEBRUARY 2022**

MOVED Councillor M. Broniecki

SECONDED Councillor D. Palmer

That:

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

**CARRIED UNANIMOUSLY**

***Resolution No. C0734/22***

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

Nil

## **2. PETITIONS/DEPUTATIONS**

Nil

## **3. REPORTS OF COMMITTEES**

### **ITEM 3.1**

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

MOVED Councillor M. Broniecki

SECONDED Councillor M. Rabbitt

That:

1. The minutes of the Audit Committee meeting held on Tuesday, 15 March 2022, be received and the following recommendations contained therein be adopted by Council.

(a) Item 2.1 - Proposed Financial Targets for Long Term Financial Plan 2022-2032

That:

1. The report be received.

The Long-Term Financial Plan 2022-2032 key financial targets as set out below, be adopted.

Indicator	Key Financial Target
Operating Surplus (excluding equity accounts businesses)	> 5.0%
Net Financial Liabilities	< 80%
Asset Renewal Funding (based on the Asset Management Plans)	= > 100%

**Resolution No. AC0074/22**

(b) Item 2.2 – Strategic Risk Register

That:

1. The report be received.

**Resolution No. AC0075/22**

(c) Item 2.3 – External Audit Agreed Actions Status Update

That:

1. The report be received.

**Resolution No. AC0076/22**

(d) Item 2.4 - 2021-22 Internal Audit Plan Status Update

That:

1. The report be received.
2. The Regulatory and Health Business Structure and Performance Review when finalised be provided to the Audit Committee.

**Resolution No. AC0077/22**

(e) Item 2.5 - Audit Committee Workplan 2022

That:

1. The report be received.
2. The Audit Committee Workplan as set out in Attachment 1 to this report (Item 2.5, Audit Committee Meeting, 15/03/2022) be adopted.

***Resolution No. AC0078/22***

**CARRIED UNANIMOUSLY**

***Resolution No. C0735/22***

**4. REPORTS OF OFFICERS**

**ITEM 4.1**

**AUDIT COMMITTEE - 2021 PRESIDING MEMBER'S REPORT**

MOVED Councillor M. Rabbitt

SECONDED Councillor K. Anastassiadis

That:

1. The report be received.

**CARRIED UNANIMOUSLY**

***Resolution No. C0736/22***

**ITEM 4.2**

**DISABILITY ACCESS AND INCLUSION PLAN 2022-2026**

MOVED Councillor K Anastassiadis

SECONDED Councillor M Broniecki

That:

1. The report be received.
2. The Disability Access and Inclusion Plan 2022-2026 as set out in Attachment 1 to this Report (Item 4.2, Council Meeting, 28/03/2022) be adopted.
3. The CEO be authorised to make minor editorial and formatting changes as part of the finalisation process for the Disability Access and Inclusion Plan 2022-2026.

**CARRIED UNANIMOUSLY**

***Resolution No. C0737/22***

**ITEM 4.3**

**MEMORANDUM OF UNDERSTANDING: CITY OF UNLEY AND ROTARY CLUB OF UNLEY FOR CAROLS AT THE ROTUNDA**

MOVED Councillor P. Hughes

SECONDED Councillor D. Palmer

That:

1. The report be received.
2. A new three-year Memorandum of Understanding between the City of Unley and the Rotary Club of Unley be prepared for the provision of financial support to deliver an annual "Carols at the Rotunda" event.
3. The Memorandum of Understanding between the City of Unley and the Rotary Club of Unley will include a total funding package of \$9,000 per annum for the annual "Carols at the Rotunda" event within the City of Unley in 2022, 2023 and 2024 and will comprise cash and in-kind support.

**CARRIED UNANIMOUSLY**

***Resolution No. C0738/22***

**ITEM 4.4**

**UNLEY ROAD, KING WILLIAM ROAD AND GOODWOOD ROAD TRADER ASSOCIATIONS PROPOSED CHANGE TO SEPARATE RATE FOR 2022/23**

MOVED Councillor J. Russo

SECONDED Councillor S. Dewing

That:

1. The report be received
2. In accordance with section 151 (5) and (6) of the *Local Government Act 1999*, Unley Road (*Unley Road Association Inc*) Separate Rate be changed to be used for the purposes of marketing, street beautification, and minor value-added infrastructure projects be endorsed for the purposes of public consultation.
3. In accordance with section 151 (5) and (6) of the *Local Government Act 1999*, Goodwood Road (*Goodwood Road Business Association Inc*) Separate Rate be changed to be used for the purposes of marketing, street beautification, and minor value-added infrastructure projects be endorsed for the purposes of public consultation.

4. In accordance with section 151 (5) and (6) of the *Local Government Act 1999*, King William Road (*King William Road Traders Association Inc*) Separate Rate be changed to be used for the purposes of marketing, street beautification, and minor value-added infrastructure projects be endorsed for the purposes of public consultation.

**CARRIED UNANIMOUSLY**

***Resolution No. C0739/22***

**ITEM 4.5**

**ECONOMIC ANALYSIS OF CITY OF UNLEY - IMPACTS OF COVID-19 ON BUSINESS**

MOVED Councillor D. Palmer

SECONDED Councillor K Anastassiadis

That:

1. The report be received.

**CARRIED UNANIMOUSLY**

***Resolution No. C0740/22***

**ITEM 4.6**

**FULLARTON ROAD SOUTH TRADERS ASSOCIATION INC. - CANCELLATION OF MAJOR EVENT**

MOVED Councillor P. Hughes

SECONDED Councillor J. Dodd

That:

1. The report be received.

**CARRIED UNANIMOUSLY**

***Resolution No. C0741/22***

**ITEM 4.7**

**OVERHANGING VEGETATION PROCEDURE**

MOVED Councillor D. Palmer

SECONDED Councillor J. Dodd

That:

1. The report be received.

**CARRIED UNANIMOUSLY**

***Resolution No. C0742/22***

**ITEM 4.8**

**NOMINATIONS FOR THE LIBRARIES BOARD OF SA**

MOVED Councillor J. Russo

SECONDED Councillor S. Dewing

That:

1. The report be received.
2. General Manager City Services M. Berghuis be nominated for consideration by the LGA Board of Directors as a Member of Libraries Board of SA.

**CARRIED UNANIMOUSLY**

*Resolution No. C0743/22*

**ITEM 4.9**

**CENTENNIAL PARK CEMETERY AUTHORITY STRATEGIC MANAGEMENT PLAN 2022-2026**

MOVED Councillor M Rabbitt

SECONDED Councillor M Broniecki

That:

1. The report be received.
2. The Centennial Park Cemetery Authority Strategic Management Plan 2022-2026 as set out in Attachment 1 to this report (Item 4.9, Council Meeting, 28/03/2022) be endorsed.

**CARRIED UNANIMOUSLY**

*Resolution No. C0744/22*

**ITEM 4.10**

**REVIEW OF COUNCILS BY-LAWS 2022**

MOVED Councillor J. Bonham

SECONDED Councillor J. Russo

That:

1. The report be received.
2. The proposed By-laws as set out in Attachment 1 to 5 to this Report (Item 4.10, Council Meeting, 28/03/2022), be endorsed for the purposes of public consultation for a minimum period of 21 days.
3. The proposed By-laws as set out in Attachment 1 to 5 to this Report (Item 4.10, Council Meeting, 28/03/2022), be referred to the relevant State Government bodies.

4. The CEO be authorised to make minor editorial and formatting changes as required to the proposed By-laws as set out in Attachment 1 to 5 to this Report (Item 4.10, Council Meeting, 28/03/2022), in order to finalise the documents for the purposes of undertaking public consultation.

**CARRIED UNANIMOUSLY**

***Resolution No. C0745/22***

**ITEM 4.11**

**REVIEW OF CARETAKER POLICY**

MOVED Councillor K Anastassiadis

SECONDED Councillor M Rabbitt

That:

1. The report be received.
2. The Election Period for the Local Government Elections 2022 commencing on 6 September 2022 be endorsed.
3. The Caretaker Policy (set out in Attachment 1 to Item 4.11 Council Meeting 28/03/2022) be adopted.
4. That the CEO be authorised to make amendments of a minor and/or technical nature as part of the finalisation of the Caretaker Policy.

**CARRIED UNANIMOUSLY**

***Resolution No. C0746/22***

**ITEM 4.12**

**COUNCIL ACTION RECORDS**

MOVED Councillor M Broniecki

SECONDED Councillor N. Sheehan

That:

1. The report be noted.

**CARRIED UNANIMOUSLY**

***Resolution No. C0747/22***

**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

Councillor P. Hughes asked if, given the change of State Government, the Administration will reach out to ensure that the Council's views regarding Highgate Park are made known to them. The CEO provided an answer.

## 6. MEMBER'S COMMUNICATION

### 6.1 MAYORS REPORT

#### ITEM 6.1.1

#### MAYOR'S REPORT FOR MONTH OF MARCH 2022

MOVED Councillor J. Dodd

SECONDED Councillor K Anastassiadis

That:

1. The report be received.

**CARRIED**

***Resolution No. C0748/22***

### 6.2 DEPUTY MAYORS REPORT

#### ITEM 6.2.1

#### DEPUTY MAYOR'S REPORT FOR MONTH OF MARCH 2022

MOVED Councillor M Broniecki

SECONDED Councillor K Anastassiadis

That:

1. The report be received.

**CARRIED UNANIMOUSLY**

***Resolution No. C0749/22***

### 6.3 ELECTED MEMBERS REPORTS

#### ITEM 6.3.1

#### REPORTS OF MEMBERS MARCH 2022

Council noted the reports from Members:

1. Councillor M. Broniecki

## 6.4 CORRESPONDENCE

### ITEM 6.4.1 CORRESPONDENCE

The correspondence from:

- Mayor, City of Unley – Letter to Hon Josh Teague MP – Response to Correspondence Re. Request to Establish a Tree Offset Fund
- Sally Smith, Executive Director, Planning & Land Use Services – Re. Preparation of Regional Planning for Greater Adelaide
- Mayor, City of Unley – Letter to Hon Michelle Lensink MLC – Re. Retention and Preservation of the Gosse Building
- Mayor, City of Unley – Letter to Sandy Verschoor, Lord Mayor – Re. Potential for Joint Initiative Project for Greenhill Road Corridor Uplift
- Mayor, City of Unley – Letter to Tony Braxton-Smith, CEO, Dept for Infrastructure & Transport – Re. Potential for Joint Initiative Project for Greenhill Road Corridor Uplift

was noted.

## 7. CONFIDENTIAL ITEMS

### ITEM 7.1

#### **CONFIDENTIALITY MOTION FOR 7.2 - UNLEY CENTRAL LITIGATION - LEGAL EXPENDITURE APPROVAL SOUGHT**

MOVED Councillor P. Hughes

SECONDED Councillor S. Dewing

That:

1. Pursuant to Section 90(2) and (3)(h) 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:
  - pertains to legal advice received in relation to this matter
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 retain matters in confidence that are still the subject to potential Court determination.

On that basis, the public's interest is best served by not disclosing 7.2 Unley Central Litigation - Legal Expenditure Approval Sought, 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. C0750/22***

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

Councillor N. Sheehan left the meeting at 8.14pm.

Councillor N. Sheehan returned to the meeting at 8.16pm.

**ITEM 7.2 - Confidentiality Order Partially Revoked 28 March 2022**

**UNLEY CENTRAL LITIGATION - LEGAL EXPENDITURE APPROVAL SOUGHT**

MOVED Councillor P. Hughes

SECONDED Councillor D. Palmer

That:

1. The report be received.
2. Further expenditure of up to \$500K is authorised to continue litigation initiated by the Duke Group and currently underway in relation to Council owned land at 166-168 Unley Road.

**CARRIED UNANIMOUSLY**

***Resolution No. C0751/22***

*The meeting moved out of confidence and the doors to the Council Chambers were opened at 8.37pm.*

**ITEM 7.3**

**CONFIDENTIALITY MOTION TO REMAIN IN CONFIDENCE FOR 7.2 - UNLEY CENTRAL LITIGATION - LEGAL EXPENDITURE APPROVAL SOUGHT**

MOVED Councillor J. Dodd

SECONDED Councillor D. Palmer

That:

1. Pursuant to Section 91(7) of the *Local Government Act 1999* the following elements of Item 7.2 Unley Central Litigation - Legal Expenditure Approval Sought, considered at the Council Meeting on 28 March 2022:

Attachment – Number 6

remain confidential until legal action is completed in relation to Unley Central Litigation and not available for public inspection until the cessation of that period.

2. The Chief Executive Officer be authorised to provide details of the decision to relevant parties if required, in order to enable implementation of the decision.
3. 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. C0752/22***

**NEXT MEETING**

Tuesday 26 April 2022 - 7.00pm

**CLOSURE**

The Presiding Member closed the meeting at 8.37pm.

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PRESIDING MEMBER