



**Minutes of the City of Unley
Council Meeting
Monday, 08 November 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
	D. Palmer	M. Rabbitt
	J. Russo	E. Wright

OFFICERS PRESENT

Acting Chief Executive Officer, Mr C. Malak
General Manager City Services, Ms M. Berghuis
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
Manager Community & Cultural Centres, Ms R. Cox
Manager Community Connections, Ms M. Smith

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 08 November 2021, meeting of the Unley City Council.

1. ADMINISTRATIVE MATTERS

1.1 APOLOGIES

Councillor N. Sheehan

Councillor P. Hughes left the Chambers at 7.01pm.

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, 25 OCTOBER 2021

MOVED Councillor D. Palmer

SECONDED Councillor S. Dewing

That:

1. The minutes of the Ordinary Council held on Monday, 25 October 2021 be taken as read and signed as a correct record.

CARRIED UNANIMOUSLY

Resolution No. C0638/21

1.5 DEFERRED / ADJORNED ITEMS

Nil

2. PETITIONS/DEPUTATIONS

Nil

Councillor P. Hughes returned to the Chambers at 7.04pm.

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 Wednesday 27 October 2021, be received and the following recommendations contained therein be adopted by Council:
 - (a) **Item 1.4.1 – Minutes of the Ordinary Audit Committee Meeting held Tuesday, 10 August 2021**
 1. The minutes of the Ordinary Audit Committee held on Tuesday, 10 August 2021 be taken as read and signed as a correct record.
 - (b) **Item 2.1 – 2020 – 21 General Purpose Financial Statements**
 1. The report be received.
 2. Having reviewed the City of Unley's 2020-2021 General Purpose Financial Statements, contained in Attachment 1 and External Auditor, Galpins, Audit Completion Report contained in Attachment 2, the Audit Committee considers that the 2020-21 General Purpose Financial Statements present fairly the state of affairs of Council and recommends presentation to Council for endorsement on 22 November 2021.
 3. The City of Unley's 2020-21 General Purpose Financial Statements, contained in Attachment 1, be certified by the Chief Executive Officer and the Mayor.
 4. The Certification of Auditor Independence contained in Attachment 4 be noted by Council and be certified by the Chief Executive Officer and the Presiding Member of the Audit Committee.
 5. The Centennial Park Cemetery Authority General Purpose Financial Statements for 2020-21, signed by Centennial Park's External Auditor and contained in Attachment 5, be noted.
 6. The Brown Hill and Keswick Creek's Stormwater Board General Purpose Financial Statements for 2020-21, signed by the subsidiaries External Auditor and contained in Attachment 6, be noted.

CARRIED UNANIMOUSLY

Resolution No. C0639/21

4. REPORTS OF OFFICERS

ITEM 4.1

LIBRARY OPENING HOURS

MOVED Councillor P. Hughes

SECONDED Councillor M Rabbitt

That:

1. The report be received.
2. The proposed changes to opening hours for the Goodwood and Unley Libraries as set out on pages 18-19 of Item 4.1 (Council Meeting 8 November 2021) be endorsed.

CARRIED

DIVISION

A Division was requested by Councillor K. Anastassiadis 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, M. Rabbitt, M. Broniecki, S. Dewing, J. Russo and E. Wright

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

Councillors J. Boisvert, J. Dodd, D. Palmer, K Anastassiadis and J. Bonham

The MOTION was declared **CARRIED**

Resolution No. C0640/21

ITEM 4.2

CITY OF UNLEY AND ALLIANCE FRANCAISE - MOU AND SUPPORT FOR CULTURAL EVENTS

MOVED Councillor M Rabbitt

SECONDED Councillor J. Boisvert

That:

1. The report be received.
2. The request to redirect funding provided under the Memorandum of Understanding with Alliance Francaise for sponsorship of the French Market in 2021-22 to the following alternative events:
 - French Film Festival 2022 held at the Palace Nova Cinemas (East End (CBD) and Prospect) (\$6,000); and
 - a Cine Club movie event 2021 held at the Unley Town Hall (\$2,500);be supported.

3. The remainder of the funding provided under the Memorandum of Understanding with Alliance Francaise for sponsorship of the French Market be returned to Council as savings (\$1,500).

CARRIED

DIVISION

A Division was requested by Councillor S. Dewing 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, M. Rabbitt, J. Boisvert, J. Dodd, D. Palmer and E. Wright

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

Councillors M. Broniecki, S. Dewing, J. Russo, K. Anastassiadis and J. Bonham

The MOTION was declared **CARRIED**

Resolution No. C0641/21

ITEM 4.3

2021-22 FIRST QUARTER CORPORATE PERFORMANCE REPORT

MOVED Councillor J. Russo

SECONDED Councillor J. Dodd

That:

1. The report be received.

CARRIED UNANIMOUSLY

Resolution No. C0642/21

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

ITEM 5.3.1

QUESTION ON NOTICE FROM COUNCILLOR K. ANASTASSIADIS RE: FULLARTON PARK COMMUNITY CENTRE HIRE FROM LATE DECEMBER 2021 TO JANUARY 2022

The following question was asked without notice by Councillor K. Anastassiadis at the Council Meeting 25 October 2021. At that time the question was taken on notice. The answer is now provided:

QUESTION

1. Item 4.9—Variation to operating hours for the Festive Season noted that the Fullarton Park Community Centre is to be “fully occupied by a hirer until 18 January 2022”. How many days has the Centre been hired out for?

ANSWER

1. Fullarton Park Community Centre will be closed from midday 21 December 2021, reopening 19 January 2022. During this time, asset maintenance will be undertaken including a detailed clean of the facility.

From 6 January to 18 January 2022, the Centre has been hired in its entirety by Pelican Productions, a youth music theatre company, who will utilise the entire building to deliver their school holiday program. Their total hire is for 13 consecutive days.

ITEM 5.3.2

QUESTION ON NOTICE FROM COUNCILLOR J. BOISVERT RE: UNLEY LIFE PUBLICATION PRINTING AND CIRCULATION

The following questions were asked without notice by Councillor J. Boisvert at the Council Meeting 25 October 2021. At that time the questions were taken on notice. The answers are now provided:

QUESTIONS

1. When and how was a decision made to print and circulate Unley Life again?
2. I note a budget variation (page 37 of Council Meeting Agenda 25 October 2021) for \$29,560. Why was this not brought as a Motion on Notice? Is this for 1 or 4 editions of the publication?
3. Why were 5 photos of the Mayor included in the Spring 2021 edition? Were no other suitable people available to include?
4. How do staff ensure that this cannot be used as an election advantage?

5. I received my Spring edition this week. When was it distributed to residents?
6. If the Spring edition has events for September/October/November, but it was delivered in early October, the timing seems off.

ANSWERS

1. **When and how was a decision made to print and circulate Unley Life again?**

The decision to revert to print and distribution of Unley Life was made by the Administration in June, following the electronic production and distribution of the Winter edition. Print distribution will continue until Council considers future options as part of the communication Strategy review currently underway. It is anticipated that this will be completed in 2021/22.

2. **I note a budget variation (page 37 of Council Meeting Agenda 25 October 2021) for \$29,560. Why was this not brought as a Motion on Notice? Is this for 1 or 4 editions of the publication?**

The budget variation relates to the production of four editions of Unley Life. As the decision to change the production and delivery format was made by the Administration, the proposed budget variation was submitted for Council's consideration as part of the Administration's report.

3. **Why were 5 photos of the Mayor included in the Spring 2021 edition? Were no other suitable people available to include?**

Administration can confirm that there was 5 photos of the Mayor in the Spring Unley Life edition.

Page 2 *a photo of the Mayor was included with the Mayors message.*

This occurs in every edition of Unley Life.

Page 7 *the launch of GigCity included a group photo in which the Mayor was present.*

The photo also included Shaun Lyon (Little City Business Hub), Deputy Mayor Jordan Dodd, Minister David Pisoni, and Laetita Perrot (French Australian Chamber of Commerce). This was the group of people in attendance at the launch and deemed most relevant to accompany the story.

Page 10 *a photo of the Mayor was included in the article for an update of Wilberforce Walk.*

Following the decision to include an article on the completion of the Wilberforce Walk project in the Spring edition of Unley Life, a photographer was engaged to take pictures. The photographer suggested people riding bikes would provide a more realistic representation of how the pathway would be used, however, at the time public access to the pathway was not possible as final documentation was still being processed. The Media and Communications Officer proposed that a still photo of the Mayor be taken to provide some indication of the purpose of the pathway. The photos for inclusion in Unley Life are chosen by the Administration to positively convey the City of Unley.

Page 18 *the article which highlighted Council's commitment to our Economic Development and Growth Strategy 2021-2025.*

A photo was featured of the Mayor with Business SA CEO Martin Haese. The Media and Communications Officer has advised that this photo was the most suitable to accompany the article.

Page 27 *a photo of all Elected Members including the Mayor.*

The page was included to advise the community who the Council Members are and which wards are represented by which Elected Members. This occurs in every edition of Unley Life.

4. How do staff ensure that this cannot be used as an election advantage?

As the Principal Spokesperson for the Council, it is not uncommon for the Mayor to feature in publicity materials. However, the Administration reviews the articles that are being drafted and prepared for publications to ensure they are apolitical and do not provide a platform for council members. In the lead up to the Local Government Elections November 2022, all staff will be reminded of the legislative requirements relating to caretaker provisions/elections to ensure council resources are not used for the advantage of a particular candidate or group of candidates.

5. I received my Spring edition this week. When was it distributed to residents?

The residential deliveries of the Spring Unley Life Edition occurred on 14 and 15 September 2021. Administration can confirm that copies of the Spring Unley Life edition were placed in Elected Members pigeon holes on 14 September. Where correspondence remained in Elected Member pigeon holes at the time of distribution of the October Council Meeting Agenda, that correspondence was included in the delivery bag with the Council Agenda.

6. **If the Spring edition has events for September/October/November, but it was delivered in early October, the timing seems off.**

Residential deliveries were conducted on 14 and 15 September 2021. Commercial deliveries were conducted on 16 and 17 September 2021 and Aged Care Homes deliveries were conducted on 14 September 2021.

The calendar of events commenced from 18 September 2021 and Administration are confident that timing of the distribution of the Unley Life publication is taken into account when complying the calendar of events.

ITEM 5.3.3

QUESTION ON NOTICE FROM COUNCILLOR J. DODD RE: SUCCESS RATE OF DISTRIBUTION OF THE UNLEY LIFE PUBLICATION

The following question was asked without notice by Councillor J. Dodd at the Council Meeting 25 October 2021. At that time the question was taken on notice. The answer is now provided:

QUESTION

1. Do we know the success rate of distribution of the Unley Life publication?

ANSWER

1. To inform the response to this question, Administration contacted the distribution companies used for the 2021 Spring Unley Life edition.
- The company responsible for the residential distribution advised that delivery occurred on 14 and 15 September 2021.

Advice received at that time was that the success rate of this delivery was 83.87%. Unfortunately, this advice was not provided shortly after distribution and Administration are currently in discussion with the distributor regarding the process and advice regarding success rate.

Following the enquiry regarding distribution success rate, the distribution company has advised that there were several residential properties that did not receive the letterbox drop of the Spring Unley Life edition. The following breakdown of undelivered magazines has been provided:

- 508 copies of parts of Black Forest
- 718 copies of parts of Unley Park
- 806 copies of parts of Parkside
- 642 copies of parts of Fullarton

- A separate business was contracted for the commercial business distribution of the Spring Unley Life edition and they have advised that delivery occurred on 16 and 17 September 2021. It has been reported that delivery was successful with no reported issues regarding distribution.
- A third arrangement was in place for delivery of the Spring Unley Life edition to aged care facilities and have advised that delivery occurred on 14 September 2021. It has been reported that there were no issues with the delivery of this edition and that the quantity delivered overall was 580 copies.

Administration has undertaken investigations to understand which companies currently provide the required delivery service and there has been a reduction in these service providers since the previous hard copy distribution occurred. Australia Post has been considered by Administration; however, they have weight limitations for deliveries due to COVID-19 restrictions which mean the service cannot be utilised at this time as the Unley Life publication exceeds the weight limit.

ITEM 5.3.4

QUESTION ON NOTICE FROM COUNCILLOR N. SHEEHAN RE: DISTRIBUTION OF THE UNLEY LIFE PUBLICATION TO FORESTVILLE

The following question was asked without notice by Councillor N. Sheehan at the Council Meeting 25 October 2021. At that time the question was taken on notice. The answer is now provided:

QUESTION

1. Does the Unley Life publication get delivered to Forestville?

ANSWER

1. Administration has contacted the distribution company who were responsible for the delivery of the residential component in the Forestville area and they have confirmed that there appears to be no issue with the delivery of the Spring Unley Life Publication in Forestville.

5.4 QUESTIONS WITHOUT NOTICE

Nil

6. MEMBER'S COMMUNICATION

6.1 MAYORS REPORT

Nil

6.2 DEPUTY MAYORS REPORT

Nil

6.3 ELECTED MEMBERS REPORTS

Nil

6.4 CORRESPONDENCE

Nil

7. CONFIDENTIAL ITEMS

ITEM 7.1

CONFIDENTIALITY MOTION FOR 7.2 - CONFIDENTIAL MINUTES OF AUDIT COMMITTEE

MOVED Councillor K Anastassiadis

SECONDED Councillor J. Boisvert

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; 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 consider a recommendation from the Audit Committee in relation to the Prudential and Probity Reports for the Waste Collection and Processing Tender.

On that basis, the public's interest is best served by not disclosing 7.2 Confidential Minutes of 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. C0643/21

The meeting moved into confidence, the gallery was cleared and the doors to the Council Chamber were closed at 7.55pm.

Item 7.2, page(s) 12, is confidential and has been removed from the public agenda/minutes

ITEM 7.3

**CONFIDENTIALITY MOTION TO REMAIN IN CONFIDENCE FOR 7.2 -
CONFIDENTIAL MINUTES OF AUDIT COMMITTEE**

MOVED Councillor M Rabbitt

SECONDED Councillor J. Dodd

That:

1. Pursuant to Section 91(7) of the *Local Government Act 1999* the following elements of Item 7.2 Confidential Minutes of Audit Committee, considered at the Council Meeting on 08 November 2021:

- Minutes
- Report
- Attachment

remain confidential until the execution of the Waste Management Contract for the collection and processing of waste 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. C0645/21

ITEM 7.4

CONFIDENTIALITY MOTION FOR 7.5 - SPORTING CLUB REQUEST TO WAIVE OR REDUCE LEASE FEES FOR 2020/21

MOVED Councillor J. Boisvert

SECONDED Councillor S. Dewing

That:

1. Pursuant to Section 90(2) and (3)(d)(i) and (d)(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:
 - commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party;
 - 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 decision making; and
 - non-disclosure of this item at this time will enable Council to consider relevant information without unreasonably disclosing commercial information of the applicant prior to making a decision in relation to this application.

On that basis, the public interest is best served by not disclosing 7.5 Sporting Club Request to Waive or Reduce Lease Fees for 2020/21, 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. C0646/21

The meeting moved into confidence, the gallery was cleared and the doors to the Council Chamber were closed at 8.06pm.

Item 7.5, page(s) 15, is confidential and has been removed from the public agenda/minutes

ITEM 7.6

**CONFIDENTIALITY MOTION TO REMAIN IN CONFIDENCE FOR 7.5 -
SPORTING CLUB REQUEST TO WAIVE OR REDUCE LEASE FEES FOR
2020/21**

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 Sporting Club Request to Waive or Reduce Lease Fees for 2020/21, considered at the Confidential Council Meeting on 8 November 2021:

- Minutes
- Report
- Attachment

remain confidential until 30 December 2022 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 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. C0648/21

Councillor Dodd returned to the Chambers at 8:23pm.

ITEM 7.7

CONFIDENTIALITY MOTION FOR 7.8 - GOODWOOD COMMUNITY CENTRE LEASE EXTENSION

MOVED Councillor M Broniecki

SECONDED Councillor J. Russo

That:

1. Pursuant to Section 90(2) and (3)(b)(i) and (b)(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; 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 consider the lease arrangement of an existing property without compromising the commercial position of Council.

On that basis, the public's interest is best served by not disclosing 7.8 Goodwood Community Centre Lease Extension, 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. C0649/21

The meeting moved into confidence, the gallery was cleared and the doors to the Council Chamber were closed at 8.24pm.

Item 7.8, page(s) 18, is confidential and has been removed from the public agenda/minutes

ITEM 7.9

CONFIDENTIALITY MOTION TO REMAIN IN CONFIDENCE FOR 7.8 - GOODWOOD COMMUNITY CENTRE LEASE EXTENSION

MOVED Councillor P. Hughes

SECONDED Councillor J. Dodd

That:

1. Pursuant to Section 91(7) of the *Local Government Act 1999* the following elements of Item 7.8 Goodwood Community Centre Lease Extension, considered at the Council Meeting on 8 November 2021:

- Minutes
- Report
- Attachment

remain confidential until 30 June 2023 or until arrangements for the operating model for the Goodwood Community Centre have been fully implemented, whichever is the earlier, 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 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. C0651/21

The doors to the Council Chambers were opened at 8.25pm.

NEXT MEETING

Monday 22 November 2021 - 7.00pm

CLOSURE

The Presiding Member closed the meeting at 8.25pm.

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PRESIDING MEMBER