



**Minutes of the City of Unley
Council Meeting
Monday, 25 October 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	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
Executive Assistant Office of the CEO, Ms L. Kennedy
Manager Finance & Procurement, Mr A. Brown
Manager Development & Regulatory Services, Mr G. Brinkworth

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 25 October 2021, meeting of the Unley City Council.

1. ADMINISTRATIVE MATTERS

1.1 APOLOGIES

Nil

1.2 LEAVE OF ABSENCE

Nil

1.3 CONFLICT OF INTEREST

Councillor M. Rabbitt declared a perceived conflict of interest in Item 4.7 Centennial Park Cemetery Authority – Appointment of Elected Member to Owners Executive Committee on the basis that he intends to nominate for the Committee position. Councillor M. Rabbitt advised that as there is no financial remuneration or conflict of duties that he would remain in the meeting when that item was discussed and vote in the best interests of the community.

Councillor S. Dewing declared a material conflict of interest in relation to Item 4.3 Prudential Management Report – Unley Oval Stage 2 on the basis of her employment with Sturt Football Club as the Club will derive a commercial benefit from Unley Oval Stage 2 redevelopment. Councillor S. Dewing advised that she would manage the conflict by leaving the meeting and not participating in the debate or voting in relation to that item

Councillor D. Palmer declared a material conflict of interest in relation to Item 4.8 Appointment of Deputy Mayor 01/12/2021 to End of Current Council Term, on the basis that a financial benefit would be payable to the appointed person and he has nominated for the role. Councillor D. Palmer advised that he would manage the conflict by leaving the meeting and not participating in the debate or vote in relation to that item.

1.4 MINUTES

ITEM 1.4.1

MINUTES OF THE ORDINARY COUNCIL MEETING HELD MONDAY, 27 SEPTEMBER 2021

MOVED Councillor M. Broniecki

SECONDED Councillor K. Anastassiadis

That:

1. The minutes of the Ordinary Council held on Monday, 27 September 2021 be taken as read and signed as a correct record.

CARRIED UNANIMOUSLY

Resolution No. C0617/21

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, 10 August 2021, be received and the following recommendations contained therein be adopted by Council:
 - (a) Item 2.1 – Unsolicited Proposal Policy
 1. The report be received.
 2. The Unsolicited Proposal Policy as set out in Attachment 1 to this report (Item 2.1, Audit Committee Meeting, 10/08/2021) be endorsed.
 - (b) Item 2.2 – Strategic Risk Register
 1. The report be received. We note the significant progress in addressing treatment plans and recommend that the emerging issue be evaluated as an emerging risk.
 - (c) Item 2.3 – Operational Risk Register Update – High and Extreme Risks
 1. The report be received.
 - (d) Item 2.4 – External Audit Agreed Actions Status Update
 1. The report be received.
 - (e) Item 2.5 - Proposed Internal Audit Plan 2021-22
 1. The report be received.
 2. The Internal Audit Plan as set out in Attachment 1 to this report (Item 2.5, Audit Committee Meeting, 10/08/2021) be endorsed.

CARRIED UNANIMOUSLY

Resolution No. C0618/21

4. REPORTS OF OFFICERS

ITEM 4.1

2021-22 QUARTER 1 FINANCIAL PERFORMANCE REPORT

MOVED Councillor M. Broniecki

SECONDED Councillor J. Dodd

That:

1. The report be received.

CARRIED UNANIMOUSLY

Resolution No. C0619/21

ITEM 4.2

2021-22 QUARTER 1 BUDGET REVIEW

MOVED Councillor M. Broniecki

SECONDED Councillor J. Boisvert

1. The report be received.
2. The proposed budget variations increasing the net funding requirement by \$20K as set out in Attachment 1 to this Report, Item 4.2, Council Meeting 25/10/2021, for the 2021-22 Quarter 1 Budget Review, be approved.
3. The revised budgeted Uniform Presentation of Finances reflecting a change in the estimated Operating Surplus to \$1.687M, and estimated Borrowings for the year of \$13.540M be adopted.

CARRIED UNANIMOUSLY

Resolution No. C0620/21

In accordance with her declared conflict of interest Councillor S. Dewing left the Chambers at 7:24pm.

ITEM 4.3

PRUDENTIAL MANAGEMENT REPORT - UNLEY OVAL STAGE 2

MOVED Councillor J. Boisvert

SECONDED Councillor J. Russo

That:

1. The report be received.
2. Having considered the Unley Oval (Stage 2) Prudential Management Report prepared in accordance with the requirements of Section 48 of the *Local Government Act 1999* and the City of Unley Prudential Management Policy Council resolves to:

- 2.1 Endorse the Unley Oval (Stage 2) Prudential Management Report (as set out in Attachment 1 to this Report, Item 4.3, Council Meeting 25/10/2021);
- 2.2 Proceed with the Unley Oval (Stage 2) Redevelopment Project;
- 2.3 Authorise the finalisation of the tender assessment process and the CEO to award the contract to deliver the Unley Oval (Stage 2) Redevelopment Project;
- 2.4 Place a copy of the Unley Oval (Stage 2) Prudential Management Report on the City of Unley website and make it available for inspection at the Principal Office.

CARRIED UNANIMOUSLY

Resolution No. C0621/21

Councillor S. Dewing returned to the Chambers at 7:27pm.

ITEM 4.4

ADOPTION OF CITY OF UNLEY 2020-21 ANNUAL REPORT

MOVED Councillor J. Dodd

SECONDED Councillor K. Anastassiadis

That:

1. The report be received.
2. The City of Unley Annual Report 2020-21 (including Appendices) (as set out in Attachment 1 to this Report (Item 4.4 Council Meeting 25/10/2021) be adopted and a copy prepared for submission to both Houses of Parliament prior to 31 December 2021, noting that Financial Statements will be incorporated into the document following their separate adoption by Council.
3. The 2020-21 Annual Report of the Centennial Park Cemetery Authority be received for inclusion in the Annual Report.
4. The 2020-21 Annual Report of the Brown Hill and Keswick Creeks Stormwater Board be received for inclusion in the Annual Report.
5. The Chief Executive Officer be authorised to correct errors of fact or make minor editorial amendments to the Annual Report 2020-21 as part of the finalisation of the document for submission to Parliament.

CARRIED UNANIMOUSLY

Resolution No. C0622/21

ITEM 4.5

REVOCATION OF INFORMAL GATHERINGS POLICY

MOVED Councillor S. Dewing

SECONDED Councillor J. Dodd

That:

1. The report be received.
2. The Informal Gatherings Policy set out as Attachment 1 to this report (Item 4.5, Council Meeting 25/10/2021), be revoked.
3. The procedure for the holding of an electronic information or briefing session, as set out in Attachment 2 (Item 4.5, Council Meeting 25/10/2021) be endorsed and incorporated within the Code of Practice Procedures at Meetings.

CARRIED UNANIMOUSLY

Resolution No. C0623/21

ITEM 4.6

LGA SUBMISSION - COMMUNITY ENGAGEMENT CHARTER AND POLICY

MOVED Councillor J. Dodd

SECONDED Councillor K. Anastassiadis

That:

1. The report be received.
2. The submission to the Local Government Association in response to its call for feedback regarding the proposed Community Engagement Charter and Model Community Engagement Policy, as set out in Attachment 4 to this report (Item 4.6, Council Meeting 25/10/2021) be endorsed.

CARRIED UNANIMOUSLY

Resolution No. C0624/21

ITEM 4.7

CENTENNIAL PARK CEMETERY AUTHORITY - APPOINTMENT OF ELECTED MEMBER TO OWNERS EXECUTIVE COMMITTEE

MOVED Councillor P. Hughes

SECONDED Councillor M. Broniecki

That:

1. The report be received.
2. Councillor M. Rabbitt be appointed to the position of City of Unley Councillor on the Centennial Park Cemetery Authority Owner's Executive Committee for the period commencing on publication of the revised Centennial Park Cemetery Authority Charter and concluding at the end of the current term of Council.

CARRIED UNANIMOUSLY
Resolution No. C0625/21

TEM 4.8

APPOINTMENT OF DEPUTY MAYOR - 01/12/2021 TO END OF CURRENT COUNCIL TERM

The Presiding Member noted Councillors J. Russo and D. Palmer had nominated for appointment to the position of Deputy Mayor and called for any further nominations.

The Presiding Member invited the members to provide a statement in support of their nomination for the position.

Councillor J. Russo left the Chambers at 7.35pm.

Councillor D. Palmer left the Chambers at 7.37pm.

Councillor J. Russo returned to the Chambers at 7.38pm.

Councillor D. Palmer returned to the Chambers at 7.40pm.

Councillor D. Palmer left the Chambers at 7.40pm.

MOVED Councillor P. Hughes

SECONDED Councillor J. Dodd

That:

1. The report be received.
2. Councillor D. Palmer be appointed to the position of Deputy Mayor for the period commencing 1 December 2021 and concluding at the end of the current term of Council.

CARRIED UNANIMOUSLY
Resolution No. C0626/21

Councillor D. Palmer returned to the Chambers at 7.41pm.

ITEM 4.9

VARIATION TO OPERATING HOURS FOR FESTIVE SEASON 2021-22

MOVED Councillor M. Rabbitt

SECONDED Councillor D. Palmer

That:

1. The report be received.

CARRIED UNANIMOUSLY

Resolution No. C0627/21

ITEM 4.10

DETERMINATION OF TIME AND PLACE OF ORDINARY MEETINGS OF COUNCIL FOR 2022

MOVED Councillor D. Palmer

SECONDED Councillor S. Dewing

That:

1. The report be received.
2. The Council meet on the fourth Monday of every month (excepting January, April and December 2022) at 7.00pm in the Council Chambers, 181 Unley Road, Unley, with appropriate adjustments to accommodate public holidays, in accordance with the meeting schedule outlined below:

Monday	31 January 2022
Monday	28 February 2022
Monday	28 March 2022
Tuesday	26 April 2022
Monday	23 May 2022
Monday	27 June 2022
Monday	25 July 2022
Monday	22 August 2022
Monday	26 September 2022
Monday	24 October 2022
Monday	28 November 2022
Monday	12 December 2022
3. Council meet, when required, on the second Monday of the month, as determined by the Chief Executive Officer.
4. The Chief Executive Officer be delegated authority to amend the date and time of Council meetings should the need arise, with advice provided to Elected Members as soon as practicable when a need for change is identified, and formal notification provided in accordance with the requirements of section 83(1) of the *Local Government Act 1999*.

CARRIED UNANIMOUSLY

Resolution No. C0628/21

ITEM 4.11

COUNCIL ACTION RECORDS

MOVED Councillor M. Broniecki

SECONDED Councillor K. Anastassiadis

That:

1. The report be noted.

CARRIED UNANIMOUSLY

Resolution No. C0629/21

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 TAKEN ON NOTICE AT COUNCIL MEETING 27/09/2021 RE:
COUNCIL ASSESSMENT PANEL AND LEVEL OF CONCURRENCE
WITH RECOMMENDATIONS**

The following question was asked without notice by Councillor K. Anastassiadis at the Council Meeting on 27 September 2021. At that time the question was taken on notice. The answer is now provided:

QUESTION

1. What review process occurs in the circumstance where there is extreme variation in concurrence between staff recommendations and the decisions of the Council Assessment Panel for planning matters?

ANSWERS

1. The following review process is undertaken by Administration in relation to all CAP meetings and the resulting decisions:
 - a) Following each meeting, the Assessment Manager and Presiding Member of CAP discuss the quality of the CAP reports prepared by Administration to ensure that they are providing all relevant background and information to assist the CAP in decision making. All feedback is considered and actioned to ensure the needs of the CAP members is being met.
 - b) The Assessment Manager and Team Leader Planning hold a meeting to de-brief the discussion amongst the CAP members to identify any opportunities for improvement and discuss in greater detail why the CAP may have held a different position to administration on an item.

- c) The Team Leader Planning holds a team meeting that discusses the outcomes of the CAP meeting each month to pass on any comments or changes as a result of the above review.
2. It is also noted that there is likely to be a fluctuation of the level of concurrence in the decisions made by the CAP in relation to the Administration's recommendations. This is due to the complexity of the matters typically presented to CAP and the subjective nature of assessment. This can lead to different viewpoints as to the merits of an application and therefore is reflected in the variations noted in the CAP Annual Report.

ITEM 5.3.2

QUESTION ON NOTICE FROM COUNCILLOR S. DEWING RE: COST OF LEGAL ADVICE - ADMINISTRATIVE SUPPORT TO MAYOR/ELECTED MEMBERS

The following Question on Notice was received from Councillor S. Dewing and the answers are provided:

QUESTION

1. What has been the total cost of the legal advice received regarding types of support Administration can provide to the Mayor and Elected Members?

ANSWERS

1. Legal Advice has recently been sought in relation to the types of support that Administration can provide to Elected Members. The legal advice has focussed on the support which is, and can be, provided to all Elected Members in the performance of their roles and functions as outlined in the *Local Government Act 1999* (the Act).

The legal advice also included examples of what support Administration is unable to provide on the basis that those types of support fall outside the roles and functions of a council member set out in the Act.

To date the total cost of the legal advice received in this matter equals \$2,106.

5.4 QUESTIONS WITHOUT NOTICE

Councillor K. Anastassiadis asked a question regarding the number of days the Fullarton Park Community Centre is hired exclusively in January 2022. The question was TAKEN ON NOTICE by the General Manager City Services.

Councillor J. Boisvert asked a number of questions regarding the printing and distribution of the Unley Life publication. The questions were TAKEN ON NOTICE by the Executive Manager Office of the CEO.

Councillor J. Dodd asked a question regarding the distribution of the Unley Life publication. The question was TAKEN ON NOTICE by the Executive Manager Office of the CEO.

Councillor N. Sheehan asked a question regarding the distribution of the Unley Life publication. The question was TAKEN ON NOTICE by the Executive Manager Office of the CEO.

6. MEMBER'S COMMUNICATION

6.1 MAYORS REPORT

ITEM 6.1.1

MAYOR'S REPORT FOR MONTH OF OCTOBER 2021

MOVED Councillor M. Broniecki

SECONDED Councillor K. Anastassiadis

That:

1. The report be received.

CARRIED UNANIMOUSLY
Resolution No. C0630/21

6.2 DEPUTY MAYORS REPORT

ITEM 6.2.1

DEPUTY MAYOR'S REPORT FOR MONTH OF OCTOBER 2021

MOVED Councillor J. Boisvert

SECONDED Councillor D. Palmer

That:

1. The report be received.

CARRIED UNANIMOUSLY
Resolution No. C0631/21

6.3 ELECTED MEMBERS REPORTS

ITEM 6.3.1

REPORTS OF MEMBERS

Council noted attached reports from Members:

1. Councillor M. Broniecki
2. Councillor D. Palmer

6.4 CORRESPONDENCE

ITEM 6.4.1 CORRESPONDENCE

The correspondence from:

- Green Adelaide – Release of Regional Landscape Plan 2021-26 and Annual Business Plan 2021/22
- The Hon Michelle Lensink MLC – Disposal of Highgate Park

was noted.

7. CONFIDENTIAL ITEMS

ITEM 7.1

CONFIDENTIALITY MOTION FOR 7.2 - COURT COSTS PAYABLE - TREE PROSECUTION

MOVED Councillor P. Hughes

SECONDED Councillor J. Dodd

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 subject to potential Court determination.

On that basis, the public's interest is best served by not disclosing 7.2 Court Costs Payable - Tree Prosecution, 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. C0632/21

The meeting moved into confidence, the gallery was cleared and the doors to the Council Chamber were closed at 7.52pm.

Item 7.2, page(s) 13, is confidential and has been removed from the public agenda/minutes

ITEM 7.3

CONFIDENTIALITY MOTION TO REMAIN IN CONFIDENCE FOR 7.2 - COURT COSTS PAYABLE - TREE PROSECUTION

MOVED Councillor D. Palmer

SECONDED Councillor M Broniecki

That:

1. Pursuant to Section 91(7) of the *Local Government Act 1999* the following elements of Item 7.2 Court Costs Payable - Tree Prosecution, considered at the Confidential Council Meeting on 25 October 2021:

- Minutes
- Report
- Attachment

remain confidential until the matter of costs between all parties has been resolved 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. C0634/21

ITEM 7.4

CONFIDENTIALITY MOTION FOR 7.5 - ASSESSMENT OF CHIEF EXECUTIVE OFFICER'S 2020/21 KEY PERFORMANCE INDICATORS

MOVED Councillor M Broniecki

SECONDED Councillor K Anastassiadis

That:

1. Pursuant to Section 90(2) and (3)(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).

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 make an informed decision regarding CEO remuneration and performance assessment without unreasonably disclosing information relation to the personal affairs of the CEO.

On that basis, the public's interest is best served by not disclosing 7.5 Assessment of Chief Executive Officer's 2020/21 Key Performance Indicators, Report and discussion at this point in time.

2. 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 Ms T. Norman, Executive Manager Office of the CEO, Ms L. Kennedy, Executive Assistant Office of the CEO.

CARRIED UNANIMOUSLY

Resolution No. C0635/21

The meeting moved into confidence, the gallery was cleared and the doors to the Council Chambers were closed at 8.16pm.

ITEM 7.5

ASSESSMENT OF CHIEF EXECUTIVE OFFICER'S 2020/21 KEY PERFORMANCE INDICATORS

MOVED Councillor J. Russo

SECONDED Councillor P. Hughes

That:

1. The report be received.
2. The CEO's Total Employment Compensation be increased to \$307,000 p.a., recognising the strong performance report, and that an increase to remuneration was declined by the CEO in 2020, with this increase backdated to 1 July 2021.

CARRIED

Resolution No. C0636/21

The meeting moved out of confidence at 8.58pm.

ITEM 7.6

**CONFIDENTIALITY MOTION TO REMAIN IN CONFIDENCE FOR 7.5 -
ASSESSMENT OF CHIEF EXECUTIVE OFFICER'S 2020/21 KEY
PERFORMANCE INDICATORS**

MOVED Councillor M Broniecki

SECONDED Councillor J. Dodd

That:

1. Pursuant to Section 91(7) of the *Local Government Act 1999* the following elements of Item 7.5 Assessment of Chief Executive Officer's 2020/21 Key Performance Indicators, considered at the Confidential Council Meeting on 25 October 2021:

- Report
- Attachments

remain confidential for the duration of the employment of the CEO, 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. C0637/21

The doors to the Council Chambers were opened at 8.59pm.

NEXT MEETING

Monday 8 November 2021 - 7.00pm

CLOSURE

The Presiding Member closed the meeting at 8.59pm.

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PRESIDING MEMBER