



**Minutes of the City of Unley
Council Meeting
Monday, 28 February 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	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 Executive Manager Office of the CEO, Ms K. Goldy
Executive Assistant Office of the CEO, Ms L. Kennedy
Team Leader, Community & Cultural Development, Ms M. Mudge
Manager Economic Development & Strategic Projects, Mr E. Scanlon

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 February 2022, meeting of the Unley City Council.

1. ADMINISTRATIVE MATTERS

1.1 APOLOGIES

Nil

1.2 LEAVE OF ABSENCE

Councillor J. Dodd

1.3 CONFLICT OF INTEREST

Councillor S. Dewing declared a perceived conflict of interest in Item 4.2 2021-22 Quarter 2 Financial Performance Report on the basis of her employment with Sturt Football Club.

Councillor S. Dewing declared a perceived conflict of interest in Item 4.3 2021-22 Quarter 2 Budget Review on the basis of her employment with Sturt Football Club.

Councillor S. Dewing declared a material conflict of interest in Item 7.5 Lease Unley Community Sports Club Inc. 166 Unley Road, Unley, on the basis of her employment with Sturt Football Club as the Club may derive a financial benefit from the lease arrangement.

1.4 MINUTES

ITEM 1.4.1

MINUTES OF THE ORDINARY COUNCIL MEETING HELD MONDAY, 31 JANUARY 2022

MOVED Councillor M. Broniecki

SECONDED Councillor E. Wright

That:

1. The minutes of the Ordinary Council held on Monday, 31 January 2022 be taken as read and signed as a correct record.

CARRIED UNANIMOUSLY

Resolution No. C0711/22

Councillor E. Wright left the Chambers at 7:04pm.

Councillor E. Wright returned to the Chambers at 7:09pm.

1.5 DEFERRED / ADJORNED ITEMS

ITEM 1.5.1

ADJOURNED ITEM: NOTICE OF MOTION FROM MAYOR M. HEWITSON RE: PROPOSED PURCHASE OF ARTWORK "EPOCH ARCHIVERS 'TIME CAPSULE'"

MOVED Mayor M. Hewitson

SECONDED Councillor K. Anastassiadis

That:

1. Staff be authorised to purchase the artwork titled "Epoch Archivers 'Time Capsule'" by Thom Buchanan, displayed as part of the Unley 150th exhibition at the Unley Museum, at an unbudgeted cost of \$8,750.00, with the matter of allocation of funding to be considered at the next quarterly budget review

With the approval of two-thirds of the Elected Members Councillor S. Dewing was granted leave to speak at 7.03pm.

Councillor J. Boisvert: MOVED an AMENDMENT

SECONDED Councillor K. Anastassiadis

That:

1. Staff be authorised to purchase the three (3) smaller pieces of artwork titled "Epoch Archivers – Time Capsule" by Thom Buchanan, displayed as part of the Unley 150 sesquicentenary exhibition at the Unley Museum, at an unbudgeted cost of \$3,800.00.

The AMENDMENT was PUT and

CARRIED

The MOTION as AMENDED was PUT and

CARRIED

Resolution No. C0712/22

2. PETITIONS/DEPUTATIONS

2.1 Mary Kolusniewski, Goodwood

Re. Proposed Mike Turtur Bikeway Overpass Project and the Destruction of Significant Trees; Degradation of Share Bike/Pedestrian Path near Goodwood Road Tram Stop; and Protection of Heritage Features in the City

2.2 Peter Mahoney, Forestville

Mike Turtur Overpass and Community Concern about Design, Safety, Loss of Park, and Visual Impact

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 7 December 2021, be received and the following recommendations contained therein be adopted by Council
 - (a) Item 2.1 – Business Continuity Plan
 1. The report be received.
 - (b) Item 2.2 – Internal Audit Report – Petty Cash
 1. The report be received.
 - (c) Item 2.3 – Strategic Risk Register
 1. The report be received.
 - (d) Item 2.4 – Operational Risk Register Update – High and Extreme Risks
 1. The report be received.
 - (e) Item 2.5 – External Audit Agreed Actions Status Update
 1. The report be received.
 - (f) Item 2.6 – Audit Committee Workplan - Update
 1. The report be received.
 - (g) Item 2.7 – Audit Committee Meeting Schedule - 2022
 1. The report be received.
2. Endorse the City of Unley Audit Committee meeting schedule for the 2022 calendar year, with meetings to be held at 181 Unley Road Unley commencing at 6:30pm on the dates set out below:
 - Tuesday 15 February 2022 (Centennial Park Cemetery Authority Long Term Financial Plan and Asset Management Plans)
 - Tuesday 15 March 2022
 - Tuesday 17 May 2022
 - Tuesday 16 August 2022
 - Tuesday 18 October 2022

3. The Chief Executive Officer be authorised, after consulting with the Presiding member of the Committee, to:
 - 3.1. Reschedule the date and/or time of an Audit Committee meeting;
 - 3.2. Convening the meeting electronically due to the implications of COVID-19; or
 - 3.3. Cancel an Audit Committee meeting, if it is clear that there is no business to transact for that designated meeting.

CARRIED UNANIMOUSLY

Resolution No. C0713/22

ITEM 3.2
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 February 2022, be received and the following recommendations contained therein be adopted by Council
 - (a) Item 2.1 – Operational Risk Register
 1. The report be received.
 - (b) Item 2.2 – Internal Audit Report – Cash Handling
 1. The report be received.

CARRIED UNANIMOUSLY

Resolution No. C0714/22

4. REPORTS OF OFFICERS

ITEM 4.1

'HISTORY OF UNLEY' PUBLICATION - PROJECT SCOPE

MOVED Councillor D. Palmer

SECONDED Councillor N. Sheehan

That:

1. The report be received.
2. Subject to the outcome of consideration of Item 4.3 – 2021-22 Quarter 2 Budget Review the Project Scope for the History of Unley publication as set out in Attachment 1, Item 4.3, Council Meeting 28/02/2022 be endorsed.

CARRIED UNANIMOUSLY

Resolution No. C0715/22

Councillor S. Dewing declared a perceived conflict of interest in Item 4.2 2021-22 Quarter 2 Financial Performance Report on the basis of her employment with Sturt Football Club. Councillor S. Dewing remained in the meeting and will vote in the best interests of the community.

Councillor N. Sheehan left the Chambers at 7:45pm.

Councillor N. Sheehan returned to the Chambers at 7:47pm.

ITEM 4.2

2021-22 QUARTER 2 FINANCIAL PERFORMANCE REPORT

MOVED Councillor M. Broniecki

SECONDED Councillor D. Palmer

That:

1. The report be received.

CARRIED UNANIMOUSLY

Resolution No. C0716/22

Councillor S. Dewing declared a perceived conflict of interest in Item 4.3 2021-22 Quarter 2 Budget Review on the basis of her employment with Sturt Football Club. Councillor S. Dewing remained in the meeting and will vote in the best interests of the community.

ITEM 4.3

2021-22 QUARTER 2 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 \$284K as set out in Attachment 1 to this Report, Item 4.3, Council Meeting 28/02/2022, for the 2021-22 Quarter 2 Budget Review, be endorsed.
3. The revised budgeted Uniform Presentation of Finances reflecting a change in the estimated Operating Surplus to \$1.589M, and estimated Borrowings for the year of \$13.54M be adopted.

CARRIED UNANIMOUSLY

Resolution No. C0717/22

ITEM 4.4

SECOND QTR 2021-22 CORPORATE PERFORMANCE REPORT AND CEO KPIS UPDATE

MOVED Councillor J. Boisvert

SECONDED Councillor D. Palmer

That:

1. The report be received.

CARRIED UNANIMOUSLY

Resolution No. C0718/22

ITEM 4.5

FULLARTON ROAD SOUTH TRADERS ASSOCIATION PROPOSED CHANGE TO SEPARATE RATE FOR 2022/23

MOVED Councillor P. Hughes

SECONDED Councillor N. Sheehan

That:

1. The report be received.
2. In accordance with section 151(5) and (6) of the *Local Government Act 1999*:
 - 2.1 Fullarton Road South Traders Association Inc. annual Separate Rate be increased to \$350 per business per annum.

- 2.2 Fullarton Road South Traders Association Inc. collection area for the Separate Rate be expanded to include Wattle Street, Fullarton.
- 2.3 Fullarton Road South 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. C0719/22

ITEM 4.6

TRADER ASSOCIATION QUARTER 2 REPORTS 1 OCTOBER - 31 DECEMBER 2021

MOVED Councillor J. Russo

SECONDED Councillor S. Dewing

That:

1. The report be received.

CARRIED UNANIMOUSLY

Resolution No. C0720/22

ITEM 4.7

QUARTERLY REPORT - CENTENNIAL PARK CEMETERY AUTHORITY DECEMBER 2021

MOVED Councillor M. Rabbitt

SECONDED Councillor K. Anastassiadis

That:

1. The report be received.

CARRIED UNANIMOUSLY

Resolution No. C0721/22

ITEM 4.8

2022 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION - CALL FOR NOTICE OF MOTIONS FOR THE NATIONAL GENERAL ASSEMBLY

MOVED Councillor K. Anastassiadis

SECONDED Councillor J. Bonham

That:

1. The report be received.
2. The following matter be submitted to the Australian Local Government Association for inclusion in the upcoming National General Assembly (currently scheduled for 19-22 June 2022).

Motion:

The National General Assembly calls on the Australian Government and the State and Territory Governments to:

- jointly undertake an investigation of the adequacy of the current policy on packaging and product recycling information
- consider establishing a consistent national approach that mandates the provision of information and advice by all manufacturers or wholesalers/retailers regarding the relevant recycling stream for all packaging as well as products produced or sold in Australia.

National Objective:

The National Waste Policy (2018) and the National Waste Policy Action Plan (2019-2030) establishes six (6) targets, including making comprehensive, economy wide, and timely data publicly available to support better consumer investment and policy decisions.

In all Australian jurisdictions, there is responsibility to support and give effect to the National Waste Policy Action Plan through local government, departments of environment and nationally through the national ministerial council.

Summary of Key Arguments:

Increasingly consumers and in particular councils, as the main level of government responsible for collecting and managing waste in Australia, need to have the information to ensure product wastes are directed to the right waste or recycling stream. Many products and packaging do not include information about how they should be disposed of. Whilst there is a voluntary code, there is no obligation on manufacturers, wholesalers, or retailers to provide information about which waste stream the product/packaging should be directed to.

The current scheme operating in Australia is a voluntary co-regulatory scheme which focuses on packaging and does not cover products. This scheme forms part of the National Waste Action Plan (2019-2030).

Packaging is overseen by the Australian Packaging Covenant Organisation (APCO) which ensures collaboration to keep packaging materials out of landfill and ensure the maximum local economic value of the materials, energy, and labour. APCO oversees the Sustainable Packaging Guidelines and leads the ANZPAC Plastics Pact.

A consistent national approach for the sorting, storage and collection of waste and resource recovery (recyclable) materials is needed to ensure:

- uniform recycling standards.
- consistent national waste and resource recovery messaging and education.
- improved resource recovery opportunities while reducing contamination.
- Consistent development standards, controls, and infrastructure for all sectors for waste control.

A fundamental aspect of this is to establish consistent labelling requirements for all products/packaging to ensure their appropriate and easy disposal. Councils rely on residents to do this well, noting that consumers already bear a significant time burden by ensuring that waste is placed in the relevant waste stream given the level of scrutiny and decision-making required. Women generally spend more time recycling further, adding to their higher domestic burden.

For councils, waste services are one of the largest expenditure lines increasingly requiring nuanced policy and community education strategies to reduce waste, contamination, and cost.

The key question is whether the current voluntary system is adequate and if there is a need to move towards a more comprehensive and possibly mandatory scheme. Requesting a national investigation is consistent with the directions of the national action plan and will allow a mid-stream review of progress towards achieving targets; how well the action plan is being implemented and whether greater effort is needed on this issue to meet national objectives.

ABS 2018-2019 data:

- Residential waste constitutes 20% of total Australian waste.
- Australia generated 76M tonnes of waste (increase of 10% since 2016-2017). Over half is sent for recycling.
- \$17B is spent on waste services (18% increase since 2016-2017).
- Households are the third largest waste generator at 12.4M tonnes / 16.3% after Manufacturing 12.8M tonnes / 16.9%; Construction, 12.7M tonnes / 16.8%), Electricity, gas, water 10.9M tonnes / 14.4%).
- Households contribute the largest amount of plastic waste (47%) and organic waste (42%).
- Households incurred the third largest expenditure on waste collection, treatment, and disposal services - \$595M after Construction, Manufacturing & Agriculture).

3. Staff be authorised to compile additional background information in support of the proposed motion and liaise with the ALGA (if required) in relation to the wording of the motion set out in Part 2, and if essential, modify the wording to facilitate acceptance of the motion for consideration at the upcoming Australian Local Government Association National General Assembly (currently scheduled for 19-22 June 2022)

CARRIED UNANIMOUSLY

Resolution No. C0722/22

ITEM 4.9

COUNCIL ACTION RECORDS

MOVED Councillor J. Boisvert

SECONDED Councillor K. Anastasiadis

That:

1. The report be noted.

CARRIED UNANIMOUSLY

Resolution No. C0723/22

5. MOTIONS AND QUESTIONS

5.1 MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

ITEM 5.1.1

NOTICE OF MOTION FROM COUNCILLOR J. RUSSO RE: GREENHILL ROAD CORRIDOR UPLIFT

MOVED Councillor J. Russo

SECONDED Councillor S. Dewing

That:

1. The City of Unley write to Adelaide City Council (ACC), Kadaltilla/Adelaide Park Lands Authority and Department of Infrastructure and Transport (DIT) to commence discussions around potential planning of a joint initiative project for the Greenhill Road Corridor.

CARRIED

Resolution No. C0724/22

ITEM 5.1.2

NOTICE OF MOTION FROM COUNCILLOR P. HUGHES RE: SUPPORT TO THE PRESERVATION OF THE GOSSE BUILDING AT HIGHGATE PARK

MOVED Councillor P. Hughes

SECONDED Councillor K. Anastassiadis

That:

1. The City of Unley writes to the Treasurer, Minister for Human Services, and Minister for Education indicating the support for the retention and preservation of the Gosse Building located at 2 Highgate Street, Fullarton (Highgate Park).

CARRIED UNANIMOUSLY

Resolution No. C0725/22

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 the lighting of the Town Hall could be extended in support of Ukraine. The CEO provided an answer.

Councillor S. Dewing asked for clarification about what information is permitted in the Elected Member Monthly Reports. The CEO provided an answer.

Councillor J. Russo asked for clarification about whether the Mayor's and Deputy Mayor's Monthly Reports met the requirements. The CEO provided an answer.

6. MEMBER'S COMMUNICATION

6.1 MAYORS REPORT

ITEM 6.1.1

MAYOR'S REPORT FOR MONTH OF FEBRUARY 2022

MOVED Councillor J. Boisvert

SECONDED Councillor M. Broniecki

That:

1. The report be received.

CARRIED

Resolution No. C0726/22

6.2 DEPUTY MAYORS REPORT

ITEM 6.2.1

DEPUTY MAYOR'S REPORT FOR MONTH OF FEBRUARY 2022

MOVED Councillor M. Rabbitt

SECONDED Councillor K. Anastassiadis

That:

1. The report be received.

CARRIED

Resolution No. C0727/22

6.3 ELECTED MEMBERS REPORTS

ITEM 6.3.1

REPORTS OF MEMBERS FOR MONTH OF FEBRUARY 2022

Council noted the attached reports from Members:

1. Councillor M. Broniecki
2. Councillor P. Hughes

6.4 CORRESPONDENCE

ITEM 6.4.1

CORRESPONDENCE

The correspondence from:

- City of Unley – Letter of Support for Brown Hill Keswick Creek Stormwater Project
- Hon Corey Wingard MP and Hon John Gardner MP – Parkside Primary School, Improve Road Safety Works for Pedestrian Crossing Facilities at Intersection of Young Street and Glen Osmond Road
- City of Unley – Letter to Hon Corey Wingard MP – Request to Undertake a Movement Study of Glen Osmond Road
- Hon Josh Teague MP – Protection of Existing Tree Canopy

was noted.

7. CONFIDENTIAL ITEMS

ITEM 7.1

CONFIDENTIALITY MOTION FOR 7.2 - CONFIDENTIAL MINUTES OF AUDIT COMMITTEE

MOVED Councillor D. Palmer

SECONDED Councillor K Anastassiadis

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 commercial information. The disclosure of which could reasonably be expected to confer a commercial advantage with whom Council is conducting, or proposing to conduct business, or to prejudice the commercial position of the Council.
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 Centennial Park Cemetery Authority's Long Term Financial Plan and Asset Management Plan, both of which contain commercially sensitive information, without compromising the commercial position of Council and the Centennial Park Cemetery Authority.

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. C0728/22

Councillor J. Russo left the Chambers at 8:43pm.

Councillor J. Russo returned to the Chambers at 8:44pm.

Councillor N. Sheehan left the Chambers at 8:44pm.

The meeting moved into confidence, the gallery was cleared and the doors to the Council Chamber were closed at 8.45pm.

Item 7.2, page(s) 15-16, 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 D. Palmer

SECONDED Councillor K. Anastassiadis

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 28 February 2022:

- Minutes
- Report
- Attachment

remain confidential until 1 July 2031 and not available for public inspection until the cessation of that period.

2. The CEO be authorised to disclose information as required with relevant parties in order to enable implementation of Council's 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. C0730/22

Councillor S. Dewing declared a material conflict of interest in Item 7.5 Lease Unley Community Sports Club Inc. 166 Unley Road, Unley, on the basis of her employment with Sturt Football Club as the Club may derive a financial benefit from the lease arrangement. Councillor S. Dewing Left the Room at 8.52pm and did not return.

ITEM 7.4

CONFIDENTIALITY MOTION FOR 7.5 - LEASE UNLEY COMMUNITY SPORTS CLUB INC, 166 UNLEY ROAD, UNLEY

MOVED Councillor J. Boisvert

SECONDED Councillor M. Broniecki

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 Item 7.5 Lease Unley Community Sports Club Inc, 166 Unley Road, Unley, 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. C0731/22

The meeting moved into confidence, the gallery was cleared and the doors to the Council Chamber were closed at 8.53pm.

Item 7.5 Confidentiality Order Revoked 4 August 2022

ITEM 7.5

**LEASE UNLEY COMMUNITY SPORTS CLUB INC, 166 UNLEY ROAD,
UNLEY**

MOVED Councillor J. Russo

SECONDED Councillor P. Hughes

That:

1. The report be received.
2. The request of Sturt Football Club to enter into a three (3) year lease of 166 Unley Road, Unley be supported.
3. The CEO be authorised to enter into negotiations with the Sturt Football Club and execute a three (3) year lease agreement for 166 Unley Road, Unley at no less than \$60K per annum.

CARRIED UNANIMOUSLY

Resolution No. C0732/22

The meeting moved out of confidence at 9.14pm.

ITEM 7.6

**CONFIDENTIALITY MOTION TO REMAIN IN CONFIDENCE FOR 7.5 -
LEASE UNLEY COMMUNITY SPORTS CLUB INC, 166 UNLEY ROAD,
UNLEY**

MOVED Councillor P. Hughes

SECONDED Councillor M. Broniecki

That:

1. Pursuant to Section 91(7) of the *Local Government Act 1999* the following elements of Item 7.5 Lease Unley Community Sports Club Inc, 166 Unley Road, Unley, considered at the Council Meeting on 28 February 2022:

- Minutes
- Report
- Attachment

remain confidential until such time as a fully executed lease is in place for 166 Unley Road, Unley and not available for public inspection until the cessation of that period.

2. The CEO be authorised to disclose information as required within lease discussions with relevant parties in order to enable implementation of Council's 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. C0733/22

The doors to the Council Chambers were opened at 9.16pm.

NEXT MEETING

Monday 28 March 2022 - 7.00pm

CLOSURE

The Presiding Member closed the meeting at 9.16pm.

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PRESIDING MEMBER