



**Minutes of the City of Unley  
Council Meeting  
Monday, 22 March 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
	M Broniecki	J. Bonham
	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  
Coordinator Environmental Projects & Strategy, Ms K. Ryan

**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 22 March 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**

Nil

### **1.4 MINUTES**

#### **ITEM 1.4.1**

#### **MINUTES OF THE ORDINARY COUNCIL MEETING HELD MONDAY, 22 FEBRUARY 2021**

MOVED Councillor M. Broniecki

SECONDED Councillor S. Dewing

That:

1. The minutes of the Ordinary Council held on Monday, 22 February 2021 be taken as read and signed as a correct record.

**CARRIED UNANIMOUSLY**

***Resolution No. C0462/21***

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

Nil

## **2. PETITIONS/DEPUTATIONS**

### **ITEM 2.1**

#### **DESIGN AND INSTALLATION OF AN OUTDOOR MUSICAL AND SENSORY GARDEN**

1. Rhonda Hoare (Spokesperson), Rotary Club Unley  
Re. 5.1.2 Design and Installation of an Outdoor Musical and Sensory Garden
2. Graham Beckett, Rotary Club Unley  
Re. 5.1.2 Design and Installation of an Outdoor Musical and Sensory Garden
3. Nathan White, Rotary Club Unley  
Re. 5.1.2 Design and Installation of an Outdoor Musical and Sensory Garden

*The Presiding Member sought leave of the meeting to bring forward Item 5.1.2 Notice of Motion from Councillor M. Rabbitt Re: Rotary Club of Unley Proposal for a Musical and Sensory Park, and leave was granted.*

**ITEM 5.1.2**

**NOTICE OF MOTION FROM COUNCILLOR M RABBITT RE: ROTARY CLUB OF UNLEY PROPOSAL FOR A MUSICAL AND SENSORY PARK**

MOVED Councillor M. Rabbitt

SECONDED Councillor E. Wright

That:

1. An investigation of the feasibility of establishing a Musical and Sensory Playground at Orphanage Park (or other location recommended by Administration) based on the Rotary Club of Unley proposal (as set out in Attachment 1 to this Motion, Item 5.1.2, Council Meeting 22/03/2021) be undertaken.
2. As part of the feasibility study, a sketch plan and brief investigation report be prepared including:
  - 2.1 the estimated 'in kind' support that could be provided by Council by way of infrastructure to accommodate the musical equipment and garden;
  - 2.2 a site plan, consideration of alternative park locations, access pathways, carpark connections and potential impact on existing activities and events;
  - 2.3 A review of the scope of work required to extend existing services including potable water, irrigation and lighting to support the proposed playground;
  - 2.4 Identification of potential issues regarding sound attenuation, stormwater interface, impact on heritage and any other foreseeable community concerns;
  - 2.5 Confirmation of responsibilities and resources required for ongoing management, equipment maintenance, procurement and project management.
3. The investigation report on the feasibility of establishing a Musical and Sensory Park within the City of Unley to be presented to Council by May 2021.

**CARRIED UNANIMOUSLY**

***Resolution No. C0463/21***

## **ITEM 2.2**

### **DEPUTATION REQUESTS REFUSED RE: 27 JANUARY 2021 COUNCIL MEETING**

MOVED Councillor J. Russo

SECONDED Councillor J. Dodd

That:

1. The report be received.

**CARRIED**

**Resolution No. C0464/21**

## **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 09 February 2021, be received and the following recommendations contained therein be adopted by Council
  - (a) Item 2.1 - Development of the Draft 2021-2031 Long Term Financial Plan

That:

1. The Report be received.
2. The Long-Term Financial Plan key financial targets as set out below, be adopted

Indicator	Key Financial Target
Operating Surplus Ratio (excluding equity accounted businesses)	> 5.0%
Net Financial Liabilities Ratio	< 80%
Asset Sustainability Ratio	= > 100%

- (b) Item 2.2 - External Audit - Agreed Action Status Report

That:

1. The Report be received.

(c) Item 2.3 – Strategic Risk Register

That:

1. The Report be received.

(d) Item 2.4 - Operational Risk Register Update - High and Extreme Risks

That:

1. The Report be received.

(e) Item 2.5 - Internal Audit Plan Status Update

That:

1. The Report be received.

(f) Item 2.6 - Audit Committee Workplan - Update

That:

1. The Report be received.

**CARRIED UNANIMOUSLY**

***Resolution No. C0465/21***

#### **4. REPORTS OF OFFICERS**

##### **ITEM 4.1**

##### **AUDIT COMMITTEE - 2020 PRESIDING MEMBER'S REPORT**

MOVED Councillor M. Broniecki

SECONDED Councillor J. Boisvert

That:

1. The report be received.

**CARRIED UNANIMOUSLY**

***Resolution No. C0466/21***

**ITEM 4.2****CULTURAL PLAN 2021-2026**

MOVED Councillor J. Dodd

SECONDED Councillor J. Russo

That:

1. The report be received.
2. The draft Cultural Plan as set out in Attachment 1 to this Report (Item 4.2, Council Meeting, 22/03/2021) be endorsed for the purpose of community engagement.
3. Following the completion of community engagement, a final Cultural Plan be presented to Council for endorsement.
4. The CEO be authorised to make minor editorial and formatting changes as required to finalise the draft Cultural Plan for community engagement.

**CARRIED UNANIMOUSLY**

***Resolution No. C0467/21***

**ITEM 4.3****DRAFT CLIMATE AND ENERGY PLAN FOR CONSULTATION**

MOVED Councillor J. Russo

SECONDED Councillor J. Bonham

That:

1. The report be received.
2. A target to become a carbon neutral organisation for corporate emissions by 2030 be set.
3. The Draft Climate and Energy Plan set out in Attachment 1 to this report (Item 4.3, Council Meeting 22/03/2021) be endorsed for the purpose of undertaking community consultation.
4. The Chief Executive Officer be authorised to make minor editorial or formatting amendments as required in conjunction with the graphic design of the Draft Climate and Energy Plan, in order to finalise the document for the purpose of undertaking community consultation.
5. Following the conclusion of community consultation, a further report outlining a summary of the feedback received and updated final Climate and Energy Plan including a 10-year implementation plan, be presented to Council.

**CARRIED UNANIMOUSLY**

***Resolution No. C0468/21***

**ITEM 4.4**

**DRAFT WASTE MANAGEMENT AND RESOURCE RECOVERY PLAN 2021-2025**

MOVED Councillor J. Boisvert

SECONDED Councillor N. Sheehan

That:

1. The report be received.
2. The Draft Waste Management and Resource Recovery Plan 2021-2025, as contained in Attachment 1 to this report (Item 4.4, Council Meeting 22/03/2021), be endorsed for the purpose of undertaking community consultation.
3. The Chief Executive Officer be authorised to make minor editorial amendments as required, in order to finalise the Draft Waste Management and Resource Recovery Plan 2021-2025 for the purpose of undertaking community consultation.
4. Following the conclusion of community consultation, a further report be presented to Council for its consideration outlining a summary of the feedback received and a final Waste Management and Resource Recovery Plan 2021-2025.

**CARRIED UNANIMOUSLY**

***Resolution No. C0469/21***

**ITEM 4.5**

**ELECTOR REPRESENTATION REVIEW - SEEKING PREFERRED OPTION**

MOVED Councillor M. Broniecki

SECONDED Councillor M. Rabbitt

That:

1. The report be received.
2. The Representation Review Report as set out in Attachment 1 to this Report (Item 4.5, Council Meeting, 22/03/2021), which provides that:
  - 2.1 The principal member of Council continues to be a mayor, elected by the community;
  - 2.2 The future elected body of Council is comprised of ten (10) councillors;
  - 2.3 The Council area be divided into five (5) wards as depicted in Option 2 in the Representation Review Options Paper (Item 4.6, Council Meeting, 27/10/20);be endorsed for the purposes of public consultation for a three-week period.

3. The Chief Executive Officer be authorised to make editorial amendments or formatting changes of a minor nature to the Representation Review Report as part of the preparation for public consultation if required.

**CARRIED**

***Resolution No. C0470/21***

**ITEM 4.6**

**VOLUNTEER GRAFFITI REMOVAL PROGRAM AND GRAFFITI REMOVAL POLICY**

MOVED Councillor D. Palmer

SECONDED Councillor J. Russo

That:

1. The report be received.
2. The updated Graffiti Removal Policy – COU0024 (Version 4), as set out in Attachment 1 to this report (Item 4.6, Council Meeting 22/03/2021), be endorsed.
3. The Chief Executive Officer be authorised to make amendments to the Graffiti Removal Policy of a minor, formatting and/or technical nature.

**CARRIED UNANIMOUSLY**

***Resolution No. C0471/21***

*The Presiding Member adjourned the meeting for a 5 minute break at 8.30pm*

*The meeting resumed at 8.35pm*

**ITEM 4.7**

**MAINSTREET ASSOCIATION MARKETING FUNDING REQUESTS 2021/2022**

MOVED Councillor S. Dewing

SECONDED Councillor J. Boisvert

That:

1. The report be received.
2. A separate rate to raise \$69,835 for the purposes of marketing and promotion 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 2021/22 Draft Annual Business Plan for community consultation.



3. A separate rate to raise \$92,280 for the purposes of marketing and promotion 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 2021/22 Draft Annual Business Plan for community consultation.
4. A separate rate based on a fixed charge of \$250 per rateable property for the purposes of marketing and promotion 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 2021/22 Draft Annual Business Plan for community consultation.
5. A separate rate to raise \$57,225 for the purposes of marketing and promotion 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 2021/22 Draft Annual Business Plan for community consultation.

The MOTION was PUT and the vote was TIED.

The Mayor exercised his casting vote IN FAVOUR of the MOTION and the MOTION was declared

**CARRIED**

**Resolution No. C0472/21**

#### **ITEM 4.8**

#### **PLANNING REFORM - DELEGATIONS UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016**

MOVED Councillor J. Dodd

SECONDED Councillor E. Wright

That:

1. The report be received.
2. In exercise of the power contained in Section 44 of the *Local Government Act 1999* the powers and functions under the *Planning, Development and Infrastructure Act 2016* and statutory instruments made thereunder contained in the proposed Instrument of Delegation (as set out in Attachment 1 to this Report (Item 4.8, Council Meeting, 22/03/2021) and entitled Planning Reform – Delegations under the *Planning, Development and Infrastructure Act 2016* and marked Attachment 1 – Instrument A – Head Delegations are hereby delegated this 22 of March 2021 to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.

3. Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the *Local Government Act 1999* as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.
4. In exercise of the power contained in Section 100 of the *Planning, Development and Infrastructure Act 2016* the powers and functions under the *Planning, Development and Infrastructure Act 2016* and statutory instruments made thereunder contained in the proposed Instrument of Delegation (as set out in Attachment 2 to this Report (Item 4.8, Council Meeting, 22/03/2021) and entitled Planning Reform – Delegations under the *Planning, Development and Infrastructure Act 2016* and marked Attachment 2 – Instrument B – Head Delegations are hereby delegated this 22 of March 2021 to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.
5. Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Section 100(2)(c) of the *Planning, Development and Infrastructure Act 2016* as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.

**CARRIED UNANIMOUSLY**

**Resolution No. C0473/21**

*Councillor E. Wright declared a material conflict of interest in relation to Item 4.9 Council Assessment Panel Terms of Reference and Sitting Fees on the basis of her membership of the CAP and that a financial benefit is payable for attendance at the CAP meetings. Councillor E. Wright left the Chambers at 8:49pm*

*Councillor J. Bonham declared a material conflict of interest in relation to Item 4.9 Council Assessment Panel Terms of Reference and Sitting Fees on the basis of her deputy membership of the CAP and that a financial benefit is payment for attendance at the CAP meetings. Councillor J. Bonham left the Chambers at 8:49pm*

**ITEM 4.9**

**COUNCIL ASSESSMENT PANEL TERMS OF REFERENCE AND SITTING FEES**

MOVED Councillor D. Palmer

SECONDED Councillor J. Dodd

That:

1. The report be received.
2. The Council Assessment Panel Terms of Reference as set out in Attachment 1 to this report (Item 4.9, Council Meeting 22/03/2021) be endorsed.
3. The following sitting fees for attendance at the Council Assessment Panel meetings be set:
  - 3.1 Elected Member: \$400 per meeting attendance
  - 3.2 Presiding Member: \$530 per meeting attendance
  - 3.3 Independent Member: \$430 per meeting attended
  - 3.4 Independent Member attendance at formal Council training and workshops: \$150 per training/workshop attendance.

**CARRIED**

***Resolution No. C0474/21***

*Councillor E. Wright returned to the Chambers at 8:50pm*

*Councillor J. Bonham returned to the Chambers at 8:50pm*

**ITEM 4.10**

**ESTABLISHMENT OF THE BUILDING FIRE SAFETY COMMITTEE UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016**

MOVED Councillor J. Dodd

SECONDED Councillor J. Russo

That:

1. The report be received.
  - 1.1 A Building Fire Safety Committee be established in accordance with the requirements of section 157(16) of the *Planning, Development and Infrastructure Act 2016*.
  - 1.2 The Building Fire Safety Committee Terms of Reference as set out in Attachment 1 to this report (Item 4.10, Council Meeting 22/03/2021) be endorsed.

**CARRIED UNANIMOUSLY**

***Resolution No. C0475/21***

**ITEM 4.11****REVIEW OF VOLUNTEER MANAGEMENT POLICY**

MOVED Councillor M. Broniecki

SECONDED Councillor K. Anastassiadis

That:

1. The report be received.
2. The Volunteer Management Policy (Version 3), as set out in Attachment 1 to this report (Item 4.11 Council Meeting 22/03/2021) be adopted.
3. That the CEO be authorised to make amendments of a minor and/or technical nature to the Volunteer Management Policy if required as part of the finalisation process.

**CARRIED UNANIMOUSLY**

***Resolution No. C0476/21***

**ITEM 4.12****REVIEW OF COMMUNITY GRANTS AND SPONSORSHIP POLICY**

MOVED Councillor J. Boisvert

SECONDED Councillor N. Sheehan

That:

1. The report be received.
2. The Community Grants and Sponsorship Policy (Version 4) (set out as Attachment 1 to Item 4.12, Council Meeting, 22/03/2021) be endorsed.
3. The Small Sponsorships Program Guidelines and Youth Sponsorship Program Guidelines (set out as Attachment 2 and 3 to Item 4.12, Council Meeting, 22/03/2021) be noted.
4. That the CEO be authorised to make amendments of a minor and/or technical nature as part of the finalisation of the Community Grants and Sponsorship Policy.

**CARRIED UNANIMOUSLY**

***Resolution No. C0477/21***

**ITEM 4.13**

**REVOCATION OF THE BUILDING AND SWIMMING POOL INSPECTION POLICY**

MOVED Councillor J. Dodd

SECONDED Councillor M. Broniecki

That:

1. The report be received.
2. The Building and Swimming Pool Inspection Policy set out as Attachment 1 to Item 4.13 , Council Meeting 22/03/2021, be revoked.

**CARRIED UNANIMOUSLY**

***Resolution No. C0478/21***

**ITEM 4.14**

**COUNCIL ACTION REPORT**

MOVED Councillor K. Anastassiadis

SECONDED Councillor M. Broniecki

That:

1. The report be noted.

**CARRIED UNANIMOUSLY**

***Resolution No. C0479/21***

**5. MOTIONS AND QUESTIONS**

**5.1 MOTIONS OF WHICH NOTICE HAS BEEN GIVEN**

**ITEM 5.1.1**

**NOTICE OF MOTION FROM COUNCILLOR M. RABBITT RE: LETTERS TO MAYOR OF POZIERES**

MOVED Councillor M. Rabbitt

SECONDED Councillor J. Boisvert

That:

1. A letter be sent to the former Mayor of Pozières, M. Bernard Delattre, thanking him for his association and friendship with the City of Unley and congratulating him on his appointment as Honorary Mayor of Pozières in recognition of nearly 20 years service to the Commune of Pozières.

2. A letter be sent to the current, recently elected Mayor of Pozières, M. Dominique Bierwald, congratulating him on his appointment and confirming the continuing relationship between the City of Unley and the Commune of Pozières.
3. The CEO be authorised to express appropriate sentiments in the letters to the former and current Mayor of Pozières.

**CARRIED UNANIMOUSLY**

***Resolution No. C0480/21***

**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 MARCH 2021**

MOVED Councillor M. Broniecki

SECONDED Councillor S. Dewing

That:

1. The report be received.

**CARRIED UNANIMOUSLY**

***Resolution No. C0481/21***

**6.2 DEPUTY MAYORS REPORT**

**ITEM 6.2.1**

**DEPUTY MAYOR'S REPORT FOR MONTH OF MARCH 2021**

MOVED Councillor D. Palmer

SECONDED Councillor J. Boisvert

That:

1. The report be received.

**CARRIED UNANIMOUSLY**

***Resolution No. C0482/21***

## **6.3 ELECTED MEMBERS REPORTS**

### **ITEM 6.3.1**

#### **REPORTS OF MEMBERS FOR MONTH OF MARCH 2021**

Council noted attached reports from Members:

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

## **6.4 CORRESPONDENCE**

Nil

## **7. CONFIDENTIAL ITEMS**

### **ITEM 7.1**

#### **CONFIDENTIALITY MOTION FOR 7.2 - MAISON DE FRANCE ESTABLISHMENT**

MOVED Councillor E. Wright

SECONDED Councillor S. Dewing

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.
  - information the disclosure of which 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 information relating to the request to support the establishment of the Maison de France within the City of Unley.

On that basis, the public's interest is best served by not disclosing 7.2 Maison de France establishment, 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. C0483/21***

*The meeting moved into confidence, the gallery was cleared and the doors to the Council Chambers were closed at 9.13pm.*

**ITEM 7.2 - Confidentiality Order Revoked 5 May 2021**

**MAISON DE FRANCE ESTABLISHMENT**

MOVED Councillor J. Dodd

SECONDED Councillor P. Hughes

That:

1. The report be received.
2. The request to facilitate establishment of the Maison de France within the City of Unley through the provision of access to accommodation be supported.
3. The CEO be authorised to enter into negotiations and execute a five year lease agreement (with an option for a further five years) at a cost of no less than \$5,000 per annum for 49 Oxford Terrace, Unley to support the establishment of the Maison de France.

**CARRIED**

**Resolution No. C0484/21**

*The meeting moved out of confidence and the doors to the Council Chambers were opened at 9.24pm.*



### ITEM 7.3

#### **CONFIDENTIALITY MOTION TO REMAIN IN CONFIDENCE FOR 7.2 - MAISON DE FRANCE ESTABLISHMENT**

MOVED Councillor M. Broniecki

SECONDED Councillor D. Palmer

That:

1. Pursuant to Section 91(7) of the *Local Government Act 1999* the following elements of Item 7.2 Maison de France establishment, considered at the Confidential Council Meeting on 22 March 2021:

- ☒ Minutes
- ☒ Report
- ☒ Attachment

remain confidential until 30 July 2021 and not available for public inspection until the cessation of that period.

2. The CEO be authorised to provide information to the Honorary French Consul as required 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. C0485/21***

### **NEXT MEETING**

Tuesday 27 April 2021 - 7.00pm

### **CLOSURE**

The Presiding Member closed the meeting at 9.27pm.

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**PRESIDING MEMBER**