



**Minutes of the City of Unley
Council Meeting
Monday, 25 July 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	J. Dodd
	P. Hughes	M. Rabbitt
	J. Russo	N. Sheehan
	E. Wright	

OFFICERS PRESENT

Chief Executive Officer, Mr P. Tsokas
General Manager City Services, Ms M. Berghuis
General Manager City Development, Mr C. Malak
General Manager Business Support & Improvement, Ms N. Tinning
Executive Assistant Office of the CEO, Ms L. Kennedy
Principal Governance Officer, Ms N. Bilac
Transport Lead, Ms T. Bacic
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 25 July 2022, 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 S. Dewing declared a perceived conflict of interest in Item 7.2 Unley Central Development Deed – Second Deed of Variation on the basis of her employment with Sturt Football Club.

1.4 MINUTES

ITEM 1.4.1

MINUTES OF THE ORDINARY COUNCIL MEETING HELD MONDAY, 11 JULY 2022

MOVED Councillor M Broniecki

SECONDED Councillor K Anastassiadis

That:

1. The minutes of the Ordinary Council held on Monday, 11 July 2022 be taken as read and signed as a correct record.

CARRIED UNANIMOUSLY

Resolution No. C0824/22

1.5 DEFERRED / ADJORNED ITEMS

Nil

2. PETITIONS/DEPUTATIONS

ITEM 2.1

PETITION RE: SAY NO TO E-SCOOTERS

- PRINCIPAL PETITIONER:** 1. Mary Kolusniewski, Goodwood
- NUMBER OF SIGNATORIES:** 106 VALID
91 CITY OF UNLEY RESIDENTS
19 INVALID
- NATURE OF PETITION:** Opposed to an extension of the e-scooter trial in City of Unley

MOVED Councillor J. Boisvert

SECONDED Councillor K Anastassiadis

1. RECOMMENDATION

That:

2. The petition be received, noting that the matter is listed for further consideration at Item 4.1 on this agenda (Council Meeting 25/07/2022).
3. Following consideration of Item 4.1 on this agenda (Council Meeting 25/07/2022), the principal petitioner be notified of Council's proposed actions.

CARRIED UNANIMOUSLY

Resolution No. C0825/22

ITEM 2.2

DEPUTATION RE: SAY NO TO E-SCOOTERS PETITION

1. Mary Kolusniewski, Goodwood

Re. Item 2.1 Petition Re: Say No to E-scooters

3. REPORTS OF COMMITTEES

Nil

4. REPORTS OF OFFICERS

ITEM 4.1

E-SCOOTER TRIAL EVALUATION

MOVED Councillor J. Bonham

SECONDED Councillor S. Dewing

That:

1. The report be received.
2. The outcomes of the first six-months of the e-scooter trial as outlined in this report be noted.
3. The continuation of the e-scooter trial for a further six-month period, from 14 August 2022 to 14 February 2023 be approved, and for the terms of conditions of the permits to be retained.
4. The Mayor is authorised to write to the Minister for Infrastructure and Transport, requesting approval to extend the gazettal for the City of Unley e-scooter trial up to 14 February 2023 and to seek clarification regarding the following matters:
 - a. The future of e-scooters in South Australia, noting that the first e-scooter trial commenced in the City of Adelaide in February 2019.
 - b. Proposed changes/improvements to the current e-scooter trial road rules to improve the safety of pedestrians, including the use of e-scooters in bicycle lanes.
5. Administration continues to work with the e-scooter operators to address complaints and concerns raised during the extended trial period from 14 August 2022 to 14 February 2023 and that a further report be presented to Council prior to 14 February 2023 to determine the next steps for e-scooter usage within the City of Unley.

CARRIED

DIVISION

A Division was requested by Councillor M. Broniecki 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 S. Dewing, J. Dodd, D. Palmer, J. Russo, N. Sheehan, J. Bonham and K. Anastassiadis

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

Councillors P. Hughes, M. Rabbitt, J. Boisvert, M. Broniecki and E. Wright

The MOTION was declared **CARRIED**

Resolution No. C0826/22

ITEM 4.2

SHAPING UNLEY PANEL CITY-WIDE PARKING STRATEGY OUTCOMES

MOVED Councillor P. Hughes

SECONDED Councillor J. Dodd

That:

1. The report be received.
2. The Shaping Unley Parking Conversation Guide, as set out in Attachment 2 to the report (Item 4.2, Council Meeting 25/07/2022) be endorsed for the purpose of undertaking Community Testing of the Shaping Unley process.
3. The Chief Executive Officer be authorised to make minor editorial and formatting changes as required to the Shaping Unley Parking Conversation Guide, in order to finalise the document for the purpose of undertaking the Community Testing.

CARRIED UNANIMOUSLY

Resolution No. C0827/22

ITEM 4.3

ESTABLISHMENT OF THE BUSINESS AND ECONOMIC DEVELOPMENT ADVISORY COMMITTEE

MOVED Councillor J. Boisvert

SECONDED Councillor J. Russo

That:

1. The report be received.
2. Council establishes the Business and Economic Development Advisory Committee in accordance with Section 41 of the *Local Government Act 1999*.
3. The Business and Economic Development Advisory Committee Terms of Reference as set out in Attachment 1 to this Report (Item 4.3, Council Meeting, 25/07/2022) be adopted.
4. Administration is authorised to commence an Expression of Interest (EOI) process for the recruitment of independent committee members for the Business and Economic Advisory Committee, with a further report to be presented to Council regarding appointment of independent members.
5. An initial shortlist of applications that meet the key attributes for independent members be prepared by the CEO and Manager Economic Development and Strategic Projects, and is presented to the new Council in December 2022 for consideration.

6. Sitting Fees per meeting attended for the Business and Economic Advisory Committee be set at:
 - (a) \$300.00 for the Presiding Member
 - (b) \$250.00 for an Independent Member

CARRIED

Resolution No. C0828/22

*Councillor D. Palmer left the Meeting at 8.35pm.
Councillor S Dewing left the Meeting at 8.35pm.
Councillor J. Bonham left the Meeting at 8.35pm.
Councillor N. Sheehan left the Meeting at 8.38pm.
Councillor D. Palmer returned to the Chamber at 8.37pm.
Councillor S. Dewing returned to the Chamber at 8.38pm.
Councillor J. Bonham returned to the Chamber at 8.38pm.
Councillor N. Sheehan returned to the Chamber at 8.38pm.*

ITEM 4.4

MAINSTREET MANAGEMENT MODEL 2023/24

MOVED Councillor D. Palmer

SECONDED Councillor P. Hughes

That:

1. The report be received.
2. A briefing be provided on this topic to the new Council to enable it to provide guidance to Administration on further investigation of the preferred Mainstreet Model/s.

LOST

MOVED Councillor J. Dodd

SECONDED Councillor N. Sheehan

That

1. The report be received
2. The Administration investigate the following Mainstreet Model/s:
 - Continue to collect the Separate Rate on the four main streets, but Council to manage the expenditure of funds and engagement with local traders (no funding provided to the Associations).
 - Discontinue collecting the Separate Rate but put a small % increase on the differential business rate to all rateable businesses. Money is to be quarantined and recommendation on its expenditure made by Independent Economic Advisory Committee. Recommendations on expenditure (across the Council region) to be provided to Council to endorse.
 - Discontinue the Separate Rate completely and don't provide a Separate Rate funded Mainstreet Model.

3. A report be provided to the new Council on completion of the investigation.
4. The CEO write to the Mainstreet Associations, and all businesses rated under the separate rate scheme, to inform them of the investigation.

CARRIED UNANIMOUSLY

Resolution No. C0829/22

ITEM 4.5

FOURTH QUARTER 2021-22 CORPORATE PERFORMANCE REPORT

MOVED Councillor M. Broniecki

SECONDED Councillor K. Anastassiadis

That:

1. The report be received.

CARRIED UNANIMOUSLY

Resolution No. C0830/22

ITEM 4.6

DISCRETIONARY REBATE APPLICATIONS:

1. THE CHINESE ASSOCIATION OF SOUTH AUSTRALIA INCORPORATED

2. MAHARISHI FOUNDATION AUSTRALIA LIMITED

MOVED Councillor M. Rabbitt

SECONDED Councillor M. Broniecki

That:

1. The report be received.
2. The application from the Chinese Association of South Australian Inc. (Item 4.6, Council Meeting, 25/07/2022) for a discretionary rate rebate under section 166(1)(j) of the *Local Government Act 1999* be granted at 50% rate rebate for the 2022-23 financial year.
3. The application from the Maharishi Foundation Australia Ltd (Item 4.6, Council Meeting, 25/07/2022) for a discretionary rate rebate under section 166(1)(j) of the *Local Government Act 1999* be maintained at 50% rate rebate for the 2022-23 financial year.

CARRIED UNANIMOUSLY

Resolution No. C0831/22

ITEM 4.7

2022 LGA ANNUAL GENERAL MEETING - CALL FOR PROPOSED ITEMS OF BUSINESS

MOVED Councillor J. Russo

SECONDED Councillor J. Boisvert

That:

1. The report be received

CARRIED UNANIMOUSLY

Resolution No. C0832/22

ITEM 4.8

LGA CONSULTATION - BEHAVIOUR MANAGEMENT FRAMEWORK

MOVED Councillor J. Dodd

SECONDED Councillor D. Palmer

That:

1. The report be received.
2. The CEO write to the Local Government Association (LGA) advising that the City of Unley supports the LGA's Draft Behavioural Management Policy and Draft Model Behavioural Support Policy.

CARRIED UNANIMOUSLY

Resolution No. C0833/22

ITEM 4.9

LGA CALL FOR NOMINATIONS - SA FLOOD WARNING CONSULTATIVE COMMITTEE

MOVED Councillor M. Rabbitt

SECONDED Councillor M. Broniecki

That:

1. The report be received.

CARRIED UNANIMOUSLY

Resolution No. C0834/22

ITEM 4.10

LGA CALL FOR NOMINATION FOR LGA PRESIDENT AND MEMBER OF GAROC

MOVED Councillor J. Dodd

SECONDED Councillor S. Dewing

That:

1. The report be received.
2. Councillor D. Palmer be nominated for a position on GAROC to commence from the conclusion of the 2022 Annual General Meeting and to remain in office until the conclusion of the 2024 LGA Annual General Meeting.

CARRIED UNANIMOUSLY

Resolution No. C0835/22

ITEM 4.11

COUNCIL ACTION RECORDS

MOVED Councillor M. Broniecki

SECONDED Councillor N. Sheehan

That:

1. The report be noted.

CARRIED UNANIMOUSLY

Resolution No. C0836/22

5. MOTIONS AND QUESTIONS

5.1 MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

5.2 MOTIONS WITHOUT NOTICE

Nil

5.3 QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

ITEM 5.3.1

QUESTION ON NOTICE FROM MAYOR M. HEWITSON RE: E-SCOOTER TRIAL AND FINANCIAL BENEFITS

The following Question on Notice was received from Mayor M. Hewitson and the answers are provided:

QUESTIONS

1. Has Council received any financial benefit from either of the Neuron or Beam e-scooter trial in Unley?
2. Should they become a permanent part of Unley, will Council benefit financially in any way?
3. Are any staff able to receive either an in-kind or cash benefit from a scooter?

ANSWERS

1. **Has Council received any financial benefit from either of the Neuron or Beam e-scooter trial in Unley?**

At its meeting held on 27 January 2021, Council considered a report from the Administration outlining the e-scooter trial. In that report, it was advised that a fee of \$1,000 would be charged by Council from each of the two operators, based on 100 e-scooters being used by each operator (i.e. \$10/scooter). The fee charged was to recover administrative costs incurred by Council. In this respect, a total of \$2,000 has been received by Council from the two e-scooter operators during the 6-month trial.

2. **Should they become a permanent part of Unley, will Council benefit financially in any way?**

The Administration will present a report to Council for its consideration at its meeting to be held on 25 July 2022. The report will outline the results of the 6-month trial and recommend an extension of the trial by 6-months. Should Council endorse this recommendation, the \$1,000 fee will be charged for each of the two e-scooter operators, as was the case with the initial 6-months.

Should Council decide to support a further extension beyond the 12-month trial, it will need to consider its permit fee structure if it is to receive further revenue from the e-scooter operators. It is anticipated that prior to Council making a determination on this, a briefing would be held with Elected Members to outline the key issues prior to a report being presented to Council.

3. **Are any staff able to receive either an in-kind or cash benefit from a scooter?**

No. Council staff are not able to receive an in-kind or cash benefit from an e-scooter being used within the City of Unley.

5.4 QUESTIONS WITHOUT NOTICE

Councillor S. Dewing asked whether Council property was damaged following the recent accident on the South Eastern Freeway. The question was TAKEN ON NOTICE by General Manager Claude Malak.

6. MEMBER'S COMMUNICATION

6.1 MAYORS REPORT

ITEM 6.1.1

MAYOR'S REPORT FOR MONTH OF JULY 2022

MOVED Councillor J. Dodd

SECONDED Councillor M. Broniecki

That:

1. The report be received.

CARRIED UNANIMOUSLY

Resolution No. C0837/22

Councillor J. Dodd left the Meeting at 9.03pm.

6.2 DEPUTY MAYORS REPORT

ITEM 6.2.1

DEPUTY MAYOR'S REPORT FOR MONTH OF JULY 2022

MOVED Councillor M. Rabbitt

SECONDED Councillor J. Russo

That:

1. The report be received.

CARRIED UNANIMOUSLY

Resolution No. C0838/22

6.3 ELECTED MEMBERS REPORTS

ITEM 6.3.1

REPORTS OF MEMBERS JULY 2022

Council noted attached reports from Members:

1. Councillor M. Broniecki
2. Councillor K. Anastassiadis

6.4 CORRESPONDENCE

ITEM 6.4.1 CORRESPONDENCE

The correspondence from:

- Mayor Michael Hewitson to the Hon Nat Cook MP, Minister for Human Services – Re. Future Development of Highgate Park (Julia Farr Centre)
- Mayor Michael Hewitson to the Hon Tom Koutsantonis MP, Minister for Infrastructure and Transport – Re. Glen Osmond Road and Fullarton Road Intersection Upgrade
- Matt Pinnegar, CEO, Australian Local Government Assoc. – Re. Motion Submitted to 2022 National General Assembly of Local Government

was noted.

7. CONFIDENTIAL ITEMS

ITEM 7.1

CONFIDENTIALITY MOTION FOR 7.2 - UNLEY CENTRAL DEVELOPMENT DEED - SECOND DEED OF VARIATION

MOVED Councillor M. Broniecki

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.
 - commercial information of a confidential nature (not being a trade secret) 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 commercial arrangements set out within the Unley Central Project Development Deed.

On that basis, the public's interest is best served by not disclosing 7.2 Unley Central Development Deed - Second Deed of Variation, 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 and Richard McNeil, Cowell Clarke..

CARRIED UNANIMOUSLY

Resolution No. C0839/22

Councillor J. Dodd returned to the Chamber at 9:05pm.

The Meeting moved into confidence, the gallery was cleared and the doors to the Council Chamber were closed at 9.05pm.

Item 7.2, page(s) 14, is confidential and has been removed from the public agenda/minutes

ITEM 7.3

CONFIDENTIALITY MOTION TO REMAIN IN CONFIDENCE FOR 7.2 - UNLEY CENTRAL DEVELOPMENT DEED - SECOND DEED OF VARIATION

MOVED Councillor M. Broniecki

SECONDED Councillor J. Russo

That:

1. Pursuant to Section 91(7) of the *Local Government Act 1999* the following elements of Item 7.2 Unley Central Development Deed - Second Deed of Variation, considered at the Confidential Council Meeting on 25 July 2022:

- Minutes
- Report
- Attachment

remain confidential until the development is finalised 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. C0841/22

ITEM 7.4

CONFIDENTIALITY MOTION FOR 7.5 - LGA - SEEKING FEEDBACK ON ELECTED MEMBER TRAINING STANDARD

MOVED Councillor J. Dodd

SECONDED Councillor S. Dewing

That:

1. Pursuant to Section 90(2) and (3)(j)(i) and (j)(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 to enable the Council to consider Item 7.5, LGA Seeking Feedback on Elected Member Training Standard in order to receive discuss or consider in confidence the following information or matter:
 - information the disclosure of which would divulge information provided on a confidential basis by a public authority, being the Local Government Association of SA (LGA)
 - information the disclosure of which would, on balance, be contrary to the public interest, being information provided by the LGA in relation to proposed training standards for council members before it is provided to the Minister for Local Government for approval and that the LGA has requested be kept confidential at this stage.
2. The disclosure of this information would, on balance, be contrary to the public interest because it is in the public interest for the Council to be able to communicate on a confidential basis with the LGA about proposed training standards for council members and thereby act cooperatively with the LGA in achieving positive outcomes for the local government sector.
3. Accordingly, on this basis, the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.
4. 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. C0842/22

The Meeting moved into confidence at 9.21pm.

ITEM 7.5

LGA - SEEKING FEEDBACK ON ELECTED MEMBER TRAINING STANDARD

MOVED Councillor J. Dodd

SECONDED Councillor J. Russo

That:

1. The report be received.

CARRIED UNANIMOUSLY

Resolution No. C0843/22

The Meeting moved out of confidence at 9.22pm.

ITEM 7.6

**CONFIDENTIALITY MOTION TO REMAIN IN CONFIDENCE FOR 7.5 - LGA -
SEEKING FEEDBACK ON ELECTED MEMBER TRAINING STANDARD**

MOVED Councillor M. Broniecki

SECONDED Councillor K Anastassiadis

That:

1. Pursuant to Section 91(7) of the *Local Government Act 1999*, the following elements of Item 7.5 LGA - Seeking Feedback on Elected Member Training Standard, considered at the Council Meeting on 25 July 2022, shall be kept confidential:

- Minutes
- Report
- Attachment

on the grounds, that the documents relate to information provided on a confidential basis by a public authority, being the Local Government Association of SA (LGA) the disclosure of which would, on balance be contrary to the public interest, being information provided by the LGA in relation to proposed training standards for council members that the LGA has requested be kept confidential at this stage.

2. The disclosure of this information, would, on balance, be contrary to the public interest because it is in the public interest for the Council to be able to communicate on a confidential basis with the LGA about proposed training standards for council members and thereby act cooperatively with the LGA in achieving positive outcomes for the local government sector.
3. This order shall operate until 31 August 2022.
4. 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. C0844/22

ITEM 7.7

**CONFIDENTIALITY MOTION FOR 7.8 - CENTENNIAL PARK CEMETERY
AUTHORITY - 2022/23 BUDGET**

MOVED Councillor S. Dewing

SECONDED Councillor J. Dodd

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
 - commercial information of a confidential nature (not being a trade secret) 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 receive the 2022/23 Centennial Park Cemetery Authority Budget without compromising the commercial position of the Centennial Park Cemetery Authority.

On that basis, the public's interest is best served by not disclosing 7.8 Centennial Park Cemetery Authority - 2022/23 Budget, 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. C0845/22

The Meeting moved into confidence at 9.23pm.

ITEM 7.8

CENTENNIAL PARK CEMETERY AUTHORITY - 2022/23 BUDGET

MOVED Councillor M. Rabbitt

SECONDED Councillor M. Broniecki

That:

1. The report be received.

CARRIED UNANIMOUSLY

Resolution No. C0846/22

The Meeting moved out of confidence at 9.27pm.

ITEM 7.9

**CONFIDENTIALITY MOTION TO REMAIN IN CONFIDENCE FOR 7.8 -
CENTENNIAL PARK CEMETERY AUTHORITY - 2022/23 BUDGET**

MOVED Councillor J. Dodd

SECONDED Councillor S. Dewing

That:

1. Pursuant to Section 91(7) of the *Local Government Act 1999* the following elements of Item 7.8 Centennial Park Cemetery Authority - 2022/23 Budget, considered at the Confidential Council Meeting on 25 July 2022:

- Minutes
- Report
- Attachment

remain confidential until 30 November 2023 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. C0847/22

ITEM 7.10

CONFIDENTIALITY MOTION FOR 7.11 - APPOINTMENT OF MEMBER TO THE BROWN HILL AND KESWICK CREEKS STORMWATER BOARD

MOVED Councillor J. Russo

SECONDED Councillor J. Dodd

That:

1. Pursuant to Section 90(2) and (3)(a) and (j)(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 would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead); and
 - information the disclosure of which would divulge information provided on a confidential basis to another public authority or official (not being an employee of the Council, or a person engaged by 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 make an informed decision in relation to Appointment of Member to the Brown Hill Keswick Creeks Stormwater Board without unnecessarily disclosing personal affairs of the applicants, or information provided to another public authority on a confidential basis, before the decision is made.

On that basis, the public's interest is best served by not disclosing 7.11 Appointment of Member to the Brown Hill and Keswick Creeks Stormwater Board, 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. C0848/22

The Meeting moved into confidence at 9.28pm.

Item 7.11, page(s) 23, is confidential and has been removed from the public agenda/minutes

ITEM 7.12

**CONFIDENTIALITY MOTION TO REMAIN IN CONFIDENCE FOR 7.11 -
APPOINTMENT OF MEMBER TO THE BROWN HILL AND KESWICK
CREEKS STORMWATER BOARD**

MOVED Councillor M. Rabbitt

SECONDED Councillor M. Broniecki

That:

1. Pursuant to Section 91(7) of the *Local Government Act 1999* the following elements of Item 7.11 Appointment of Member to the Brown Hill and Keswick Creeks Stormwater Board, considered at the Council Meeting on 25 July 2022:

Minutes

Report

remain confidential until such time as endorsement of the appointment is resolved by the five (5) Constituent Councils to the Brown Hill and Keswick Creek Stormwater Subsidiary, with the CEO authorised to provide advice to the Subsidiary regarding Council's decision on this matter.

Attachment

remain confidential for the period of the Member's appointment to the Board, 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. C0850/22

ITEM 7.13

CONFIDENTIALITY MOTION FOR 7.14 - ASSESSMENT OF CHIEF EXECUTIVE OFFICER'S 2021/22 KEY PERFORMANCE INDICATORS

MOVED Councillor K. Anastassiadis

SECONDED Councillor M. Broniecki

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).
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 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 7.14 Assessment of Chief Executive Officer's 2021/22 Key Performance Indicators, 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 Mr Richard McNeil, Cowell Clarke, Ms N. Bilac, Principal Governance Officer and Ms L. Kennedy, Executive Assistant Office of the CEO.

CARRIED UNANIMOUSLY

Resolution No. C0851/22

The Meeting moved into confidence at 9.32pm.

SUSPENSION OF FORMAL MEETING PROCEDURES

The Presiding Member with approval of two-thirds of the members present suspended meeting procedures pursuant to Regulation 20(1) of the *Local Government (Procedures at Meetings) Regulations 2013* at 9.47pm for up to 30 minutes to facilitate an informal discussion of the matter.

ITEM 7.14

ASSESSMENT OF CHIEF EXECUTIVE OFFICER'S 2021/22 KEY PERFORMANCE INDICATORS

MOVED Mayor M. Hewitson

SECONDED Councillor P. Hughes

That:

1. The report be received.
2. The 2021/22 CEO Performance Review Report prepared by McArthur Consulting, be noted.
3. Having considered the CEO Performance Review Report and in recognition of the outstanding performance of the CEO during the 2021/22 period, the following changes to the employment arrangements for the CEO be endorsed:
 - (a) An increase to remuneration package of 4.7% being the CPI increase, in accordance with the CEO's Employment Agreement, resulting in a total employment cost (TEC) of \$322,890 to take effect from 1 July 2022;
 - (b) In acknowledgement of the CEO's "above expectations" performance, an extension of one (1) year to the CEO's Employment Agreement, with the amended conclusion date being 2 September 2025.

Councillor J. Boisvert MOVED an AMENDMENT

SECONDED Councillor J. Bonham

That:

1. The report be received.
2. The 2021/22 CEO Performance Review Report prepared by McArthur Consulting, be noted.
3. Having considered the CEO Performance Review Report and in recognition of the outstanding performance of the CEO during the 2021/22 period, the following changes to the employment arrangements for the CEO be endorsed:
 - (a) An increase to remuneration package of 4.7% being the CPI increase, in accordance with the CEO's Employment Agreement, resulting in a total employment cost (TEC) of \$322,890 to take effect from 1 July 2022.

The MOTION was PUT and **LOST**

The Presiding Member with approval of two-thirds of the members present, called for an extension of time for the suspension of formal meeting procedures pursuant to Regulation 20(1) of the *Local Government (Procedures at Meetings) Regulations 2013* at 10.01pm for 30 minutes to facilitate further informal discussion on the matter.

Formal meeting procedures resumed at 9.52pm.

MOVED Mayor M. Hewitson
SECONDED Councillor P. Hughes

That:

1. The report be received.
2. The 2021/22 CEO Performance Review Report prepared by McArthur Consulting, be noted.
3. Having considered the CEO Performance Review Report and in recognition of the outstanding performance of the CEO during the 2021/22 period, the following changes to the employment arrangements for the CEO be endorsed:
 - (a) An increase to remuneration package of 4.7% being the CPI increase, in accordance with the CEO's Employment Agreement, resulting in a total employment cost (TEC) of \$322,890 to take effect from 1 July 2022;
 - (b) In acknowledgement of the CEO's "above expectations" performance, an extension of one (1) year to the CEO's Employment Agreement, with the amended conclusion date being 2 September 2025.

CARRIED UNANIMOUSLY

Resolution No. C0852/22

The Meeting moved out of confidence at 10.03pm.

ITEM 7.15

**CONFIDENTIALITY MOTION TO REMAIN IN CONFIDENCE FOR 7.14 -
ASSESSMENT OF CHIEF EXECUTIVE OFFICER'S 2021/22 KEY
PERFORMANCE INDICATORS**

MOVED Councillor J. Dodd

SECONDED Councillor P. Hughes

That:

1. Pursuant to Section 91(7) of the *Local Government Act 1999* the following elements of Item 7.14 Assessment of Chief Executive Officer's 2021/22 Key Performance Indicators, considered at the Confidential Council Meeting on 25 July 2022:

- Report
- Attachment

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. C0853/22

The doors to the Council Chamber were opened at 10.03pm.

NEXT MEETING

Monday 22 August 2022 - 7.00pm

CLOSURE

The Presiding Member closed the meeting at 10.04pm.

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PRESIDING MEMBER