



**Minutes of the City of Unley  
Council Meeting  
Monday, 09 December 2019  
7.00pm  
Council Chambers  
181 Unley Road Unley**

**PRESENT**

<i>Presiding Member</i>	<i>Mayor</i>	M. Hewitson
	<i>Deputy Mayor</i>	P. Hughes
<i>Councillors</i>	K. Anastassiadis	J. Boisvert
	M. Broniecki	S. Dewing
	J. Dodd	M. Hudson
	D. Palmer	M. Rabbitt
	J. Russo	N. Sheehan

**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  
Principal Governance Officer, Office of the CEO, Ms D. Von Wald  
Manager Assets & Operations, Mr A. Wood  
Manager Community Development & Wellbeing, Ms M. Smith  
Manager City Design, Mr B. Willsmore  
Executive Assistant Office of the CEO, Ms L. Jones

**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, Media and members of the gallery to the 09 December 2019 meeting of the Unley City Council.

## **1. ADMINISTRATIVE MATTERS**

### **1.1 APOLOGIES**

Councillor E. Wright

### **1.2 LEAVE OF ABSENCE**

Nil

### **1.3 CONFLICT OF INTEREST**

Councillor S. Dewing declared a perceived conflict of interest in relation to Item 4.2 on the basis of her employment and noted that she would remain in the meeting when that item is discussed.

### **1.4 MINUTES**

#### **ITEM 1.4.1**

#### **MINUTES OF THE ORDINARY COUNCIL MEETING HELD MONDAY, 25 NOVEMBER 2019**

MOVED Councillor J. Dodd

SECONDED Councillor M. Broniecki

That:

1. The minutes of the Ordinary Council meeting held on Monday, 25 November 2019 be taken as read and signed as a correct record.

**CARRIED UNANIMOUSLY**

***Resolution No. C0141/19***

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

Nil

## **2. PETITIONS/DEPUTATIONS**

Nil

## **3. REPORTS OF COMMITTEES**

Nil

## **4. REPORTS OF OFFICERS**

### **ITEM 4.1**

#### **FOUNDRY STREET PETITION - STREET TREE PRUNING, REMOVAL AND REPLACEMENT ON FOUNDRY STREET, GOODWOOD**

MOVED Councillor N. Sheehan

SECONDED Councillor D. Palmer

That:

1. The report be received
2. Council remove three (3) existing trees adjacent Number 4 and Number 8 Foundry Street, Goodwood and replace with four (4) new trees; two (2) in front of each property.
3. Council plant new trees in vacant locations on the western side of Foundry Street, Goodwood; one (1) additional tree adjacent Number 6 and two (2) new trees adjacent Number 18.
4. Consultation occur with residents of Foundry Street, Goodwood with regard to the species of trees to be planted.
5. Council does not remove any of the existing Queensland Box trees on the eastern side of Foundry Street, Goodwood.
6. The petitioners be advised of Council's decision.

With the leave of the meeting and consent of the seconder, Councillor N. Sheehan VARIED the motion:

That:

1. The report be received.
2. Council removes all existing trees (10 trees) on the western side of Foundry Street, Goodwood as per the petition submitted.
3. Council will replace with at least 15 new trees on the western side of Foundry Street.
4. Consultation with residents of Foundry Street, Goodwood with regard to the species of trees to be planted.
5. Council does not remove any Queensland Box trees on the eastern side of Foundry Street, Goodwood.
6. The petitioners be advised of Council's decision.

**CARRIED UNANIMOUSLY**

***Resolution No. C0142/19***

**ITEM 4.2**

**AFLW GAME AND ASSOCIATED EVENT ACTIVATION - UNLEY OVAL AND VILLAGE GREEN**

MOVED Councillor P. Hughes

SECONDED Councillor J. Russo

That:

1. The report be received.
2. Council endorses funding of \$8,500 for community notification, ground maintenance and preparation for the 2020 AFLW Match.
3. No further consideration be given to staging an associated event for the 2020 AFLW Match.
4. Council write to the AFL to seek information about future intentions for AFLW matches at the Unley Oval and affirm the need for earlier notification and confirmation in order to enable the required planning/budget for a potential match in 2021.

**CARRIED UNANIMOUSLY**

***Resolution No. C0143/19***

**ITEM 4.3**

**MIKE TURTUR BIKEWAY**

MOVED Councillor J. Dodd

SECONDED Councillor M. Broniecki

That:

1. The report be received.
2. That Council endorse, in principle, entering into a Head Agreement between the Minister for Transport, Infrastructure and Local Government and the City of Unley regarding the shared-use pathways as set out in this report and that the Chief Executive Officer be authorised to make amendments to the attached Draft Head Agreement, as required, to enable the signing and sealing of a final document.
3. That Council endorse, in principle, the Mike Turtur Bikeway Concept Design that has been developed by the Department of Planning, Transport and Infrastructure, for the purpose of undertaking community consultation.
4. That Council endorse, in principle, funding the removal of existing vegetation, new tree planting and new path lighting along the Mike Turtur Bikeway, as part of the proposed civil works upgrade to be undertaken and funded by the Department of Planning, Transport and Infrastructure.

5. That a further report be presented to Council in early 2020 outlining the results of the community consultation process to be undertaken regarding the Mike Turtur Bikeway Concept and the detail design and financial implications for Council regarding the greening aspect of the project.

**CARRIED UNANIMOUSLY**

***Resolution No. C0144/19***

**ITEM 4.4**

**BROWN HILL KESWICK CREEK BOARD - WILBERFORCE WALK UPGRADE**

MOVED Councillor J. Boisvert

SECONDED Councillor M. Rabbitt

That:

1. The report be received.
2. Council recognises that the project works identified as portion of Upper Brown Hill Creek (Area 1) of the Brown Hill Keswick Creek Stormwater Project have been expedited to allow for construction to be completed in conjunction with the adjoining Arcadian development.
3. Council provides the necessary delegation in accordance with Section 24, Division 6 in Schedule 1A of the *Local Government Act 1999*, to the Brown Hill and Keswick Creeks Stormwater Board pursuant to Section 44 of the *Local Government Act 1999*, for construction activities to commence on site subsequent to the land being acquired.
4. Council provides the necessary delegation in accordance with Section 25, Division 6 in Schedule 1A of the *Local Government Act 1999*, to the Brown Hill and Keswick Creeks Stormwater Board pursuant to Section 44 of the *Local Government Act 1999*, to give reasonable notice of its intention to enter, or to enter and occupy the relevant privately-owned creek land to the occupier of that land.

**CARRIED**

***Resolution No. C0145/19***

**ITEM 4.5  
FINANCE PERFORMANCE REPORT FOR THE PERIOD ENDING  
30 SEPTEMBER 2019**

MOVED Councillor M. Broniecki  
SECONDED Councillor J. Boisvert

That:

1. The report be received.

**CARRIED UNANIMOUSLY**

***Resolution No. C0146/19***

**ITEM 4.6  
FIRST QUARTER BUDGET REPORT 2019-2020**

MOVED Councillor M. Broniecki  
SECONDED Councillor M. Rabbitt

That:

1. The report, including Attachments 1-4 be received.
2. The budget variations totalling \$1.22M (Attachments 1-4), for the First Quarter 2019-20 Budget Review be approved.
3. The revised budgeted Uniform Presentation of Finances reflecting a change in the budgeted Operating Surplus to \$3.01M, and a decrease in Net Borrowings to \$11.58M be adopted.

**CARRIED UNANIMOUSLY**

***Resolution No. C0147/19***

**ITEM 4.7  
REVIEW OF POLICIES**

MOVED Councillor M. Broniecki  
SECONDED Councillor J. Dodd

That:

1. The report be received.
2. The following policies (set out as Attachments 1 to 4 to Item 4.7 Council Meeting 09/12/2019) be adopted:
  - 2.1 Land Under Road Policy (Version 4);
  - 2.2 Kerbside Waste & Recycling Policy (Version 3);
  - 2.3 Asset Management Policy (Version 2); and
  - 2.4 Construction of Crossing Places & Stormwater Pipes to Properties Policy (Version 4).

3. That the CEO be authorised to make amendments of a minor and/or technical nature.

**CARRIED UNANIMOUSLY**

***Resolution No. C0148/19***

**ITEM 4.8**

**QUARTERLY PERFORMANCE REPORT**

MOVED Councillor J. Boisvert

SECONDED Councillor J. Russo

That:

1. The report be received.

**CARRIED UNANIMOUSLY**

***Resolution No. C0149/19***

**ITEM 4.9**

**COLLABORATION - CITY OF TRIKALA**

MOVED Councillor M. Rabbitt

SECONDED Councillor M. Hudson

That:

1. The report be received.
2. The Administration be empowered to draft correspondence from the Mayor of the City of Unley to the Mayor of the Municipality of Trikala, to indicate the City of Unley's willingness to establish a Twinning Relationship with the Municipality of Trikala, through the development of a Memorandum of Understanding, based upon the following key interest areas:
  - Smart City initiatives;
  - Environmental initiatives;
  - Cycling and Walking;
  - Age Friendly Cities; and
  - Arts and Culture.

**CARRIED UNANIMOUSLY**

***Resolution No. C0150/19***

**ITEM 4.10**

**S270 REVIEW OF CHIEF EXECUTIVE OFFICER'S DECISION**

MOVED Councillor P. Hughes

SECONDED Councillor D. Palmer

That:

1. The "Final Report – Reimbursement of Traffic Fine – Section 270 Review" as set out in Attachment 1 to this report (Item 4.10, Council Meeting, 09/12/2019) be received.
2. Having regard to the Findings of the "Final Report – Reimbursement of Traffic Fine – Section 270 Review", it be acknowledged that the actions of the Administration which informed the original decision of Council were appropriate, the original decision be confirmed, and the Applicant's request for reimbursement be declined.

**CARRIED**

***Resolution No. C0151/19***

**ITEM 4.11**

**COUNCIL ACTION RECORDS**

MOVED Councillor S. Dewing

SECONDED Councillor K. Anastasiadis

That:

1. The report be noted.

**CARRIED UNANIMOUSLY**

***Resolution No. C0152/19***

**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: REVIEW OF GRAFFITI MANAGEMENT PROGRAM**

MOVED Councillor J. Russo

SECONDED Councillor S. Dewing

That:

1. Staff conduct a review of current graffiti removal operations undertaken by the City of Unley and investigate the opportunity to reinstate and update the Graffiti Removal Management Program.



2. The Graffiti Removal Policy (COU0024) be reviewed and updated to remove ambiguity surrounding public and private property graffiti removal by the City of Unley, and to reflect any changes arising from the proposed review.

**CARRIED UNANIMOUSLY**

***Resolution No. C0153/19***

**ITEM 5.1.2**

**NOTICE OF MOTION FROM COUNCILLOR P. HUGHES RE. COUNCIL WEBSITE SPACE DEDICATED TO CLIMATE CHANGE DOCUMENTS AND REPORTING**

MOVED Councillor P. Hughes

SECONDED Councillor J. Dodd

That:

1. The Administration be asked to consider and report back to Council on the merits and issues (if any) of creating a prominent space on Council's website entitled Climate Change that is dedicated to reporting relevant information about Council's Policies and Actions (Past, Present and Proposed) that support Mitigation and Adaptation to Climate Change.

**CARRIED UNANIMOUSLY**

***Resolution No. C0154/19***

**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 DECEMBER**

MOVED Councillor M. Broniecki

SECONDED Councillor P. Hughes

That:

1. The report be received.

**CARRIED UNANIMOUSLY**

***Resolution No. C0155/19***

**6.2 DEPUTY MAYORS REPORT**

**ITEM 6.2.1**

**DEPUTY MAYOR'S REPORT FOR MONTH OF DECEMBER**

MOVED Councillor J. Boisvert

SECONDED Councillor N. Sheehan

That:

1. The report be received.

**CARRIED UNANIMOUSLY**

***Resolution No. C0156/19***

**6.3 ELECTED MEMBERS REPORTS**

**ITEM 6.3.1**

**REPORTS OF MEMBERS FOR MONTH OF DECEMBER**

Council noted the attached reports from Members:

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

**6.4 CORRESPONDENCE**

Nil

**7. CONFIDENTIAL ITEMS**

**ITEM 7.1**

**CONFIDENTIALITY MOTION FOR 7.2 - S184 SALE OF THREE (3) PROPERTIES FOR NON-PAYMENT OF RATES**

MOVED Councillor M. Broniecki

SECONDED Councillor P. Hughes

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 in relation to the sale of the three properties for the non-payment of rates, whilst maintaining the privacy of the individual owners involved.

On that basis, the public's interest is best served by not disclosing Item 7.2 S184 Sale of Three (3) Properties for Non-payment of Rates, 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. C0157/19***

*The doors to the Council Chambers were closed at 8.38pm.*

*Councillor N. Sheehan left the meeting at 8.38pm.*

*Councillor M. Hudson left the meeting at 8.39pm and did not return.*

*Councillor N. Sheehan returned to the Chambers at 8.40pm.*

**ITEM 7.2**

**S184 SALE OF THREE (3) PROPERTIES FOR NON-PAYMENT OF RATES**

MOVED Councillor P. Hughes

SECONDED Councillor M. Rabbitt

That:

1. The report be received.
2. Council proceed with the sale of properties located at:
  - 2.1 65 Park Street, Hyde Park SA 5061;
  - 2.2 67 Park Street, Hyde Park SA 5061; and
  - 2.3 41A Blyth Street, Parkside SA 5063,pursuant to Section 184 of the *Local Government Act 1999*.

**CARRIED UNANIMOUSLY**

***Resolution No. C0158/19***

*The meeting moved out of confidence at 8.48pm.*

**NEXT MEETING**

Tuesday 28 January 2020 - 7.00pm

**CLOSURE**

The Presiding Member closed the meeting at 8.49pm.

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**PRESIDING MEMBER**