

MINUTES OF SPECIAL COUNCIL MEETING

**Minutes of the Special Council Meeting of the Corporation of the City of Unley
Held on Tuesday 29 September 2015 at 7pm
Council Chambers,
181 Unley Road Unley**

PRESENT

Councillor B Schnell, Deputy Mayor (Acting Presiding Member)	
Councillors	A Lapidge
	R Sangster
	M Hewitson
	J Boisvert
	P Hughes
	M Rabbitt
	R Salaman
	L Smolucha
	D Palmer

OFFICERS PRESENT

Chief Executive Officer, Mr P Tsokas
General Manager Community, Ms M Berghuis
General Manager Corporate Services, Mr S Faulkner
General Manager Assets & Sustainability, Mr J Devine
Manager Governance & Risk, Ms R Wilson
Executive Assistant, Ms K Jaensch
Manager Marketing, Comms & Customer Service, Ms A Shinkfield

ACKNOWLEDGEMENT

The Acting Presiding Member opened the meeting with the Kaurana 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 Acting Presiding Member welcomed Members of Council, Senior Staff, members of the gallery and the media to the 29 September 2015, Special Meeting of Council.

APOLOGIES

Mayor Lachlan Clyne
Councillor John Koumi
Councillor Mike Hudson

CONFLICT OF INTEREST

Nil.

DEPUTATIONS

Mr Tony McGuinness.
Mr Michael Saies.

ITEM 277

BROWN HILL KESWICK CREEK STORMWATER MANAGEMENT PLAN PART B – RECOMMENDED OPTION

MOVED: Councillor Hughes
SECONED: Councillor Lapidge

That:

1. The report be received.
2. Having regard to the Notice issued by the Stormwater Management Authority dated 19 May 2015 which requires the Cities of Adelaide, Burnside, Unley, Mitcham, and West Torrens to prepare a revised Stormwater Management Plan (SMP) in respect of the Brown Hill Keswick Creek Catchment by 30 September 2015; the Part B report; and community consultation and feedback, that Council hereby determines that Option D - Creek Capacity Upgrade is the recommended solution for Part B Works under the Stormwater Management Plan (SMP 2012) given:
 - (a) There is broad community support for Option D from respondents to the community consultation process undertaken on behalf of the Project during May and June 2015;
 - (b) Option D has the lowest capital cost, the lowest annual maintenance cost and the lowest present value whole of life cost when compared against the other available options;
 - (c) Option D provides the required level (100year ARI) of flood protection;
 - (d) For shorter duration storms, Option D provides a higher than 100 year ARI level of flood protection;

- (e) Option D satisfies the project councils' endorsed position to give preference to a 'no dam' solution;
 - (f) Option D does not require bypass culverts in suburban streets;
 - (g) Option D preserves sites of cultural and heritage significance; and
 - (h) Option D is within the budgeted cost for Part B Works estimated in the 2012 SMP.
3. The Chief Executive Officer is delegated authority to do all things necessary to prepare a revised Stormwater Management Plan in respect of the Brown Hill and Keswick Creek Catchment for submission to the Stormwater Management Authority for approval.
 4. In respect of funding for implementation of the finalised and gazetted Stormwater Management Plan, Council reaffirms the cost sharing proposal between the three spheres of government as described in the Stormwater Management Plan 2012.
 5. The project councils continue to investigate a Regional Subsidiary as the vehicle for project delivery and ongoing care and management of the Brown Hill Keswick Creek flood mitigation scheme.
 6. In the event that the cost sharing proposal involving the other levels of Government as referred to in (4) above is not materialised, the catchment Councils reserve their rights to review the scope of work, delivery timelines and funding model under the Stormwater Management Plan 2012 to enable some flood mitigation works to be undertaken which are affordable for Local Government and which mitigate and reduce impacts of flooding on selected properties within the Brown Hill Keswick Creek catchment.
 7. That in the event that all five (5) catchment Councils are not able to agree on Option D, the Chief Executive Officer is authorised to write to the Stormwater Management Authority and advise the Presiding Member that Council, as part of the Project, has done all it possibly can to find a community wide acceptable solution to the Part B Works and despite those best endeavours, does not believe further work by the project Councils will result in a common solution for the Part B Works being agreed and therefore, requests the Stormwater Management Authority to utilise its powers pursuant to clause 15 and 16 of Schedule 1A of the Local Government Act 1999 to finalise and approve the Stormwater Management Plan for the Brown Hill Keswick Creek Catchment.

The **MOTION** was put and **LOST**

DIVISION

A Division was called and the previous decision set aside

Those voting in the affirmative:

Councillor Hughes.

Those voting in the negative:

Councillors Smolucha, Palmer, Boisvert, Salaman, Hewitson, Lapidge, Sangster and Rabbitt.

The **MOTION** was declared **LOST**

Councillor Rabbitt MOVED a MOTION, SECONDED Councillor Boisvert

That

1. The report be received
2. The Stormwater Management Authority prioritise the essential clearing work in the creek without delay, to reduce the impact of flooding on properties within the Brown Hill Keswick Creek catchment.
3. Council, having regard to the Notice issued by the Stormwater Management Authority dated 19 May 2015 which requires the Cities of Adelaide, Burnside, Unley, Mitcham, and West Torrens to prepare a revised Stormwater Management Plan (SMP) in respect of the Brown Hill Keswick Creek Catchment by 30 September 2015; the Part B report; and community consultation and feedback, hereby determines that **Option B2** - Ellison's Gully dam, creek clearing and creek rehabilitation is the recommended solution for Part B Works under the Stormwater Management Plan (SMP 2012) given;
 - 3.1 The most recent consultation gave little direction from Mitcham and Unley creek owners to inform Council's decision;
 - 3.2 Option B2 provides the required level (100 year ARI) of flood protection;
 - 3.3 Option B2 provides the best environmental protection solution in that the creek bed and riparian zones will be least affected, allowing for the continuation of a wildlife corridor along the creek;
 - 3.4 Option B2 does not require bypass culverts in suburban streets;
 - 3.5 Option B2 preserves sites of cultural and heritage significance;

4. The Chief Executive Officer is delegated authority to do all things necessary to prepare a revised Stormwater Management Plan in respect of the Brown Hill and Keswick Creek Catchment for submission to the Stormwater Management Authority for approval.
5. In respect of funding for implementation of the finalised and gazetted Stormwater Management Plan, Council reaffirms the cost sharing proposal between the three spheres of government as described in the Stormwater Management Plan 2012.
6. The project Councils continue to investigate a Regional Subsidiary as the vehicle for project delivery and ongoing care and management of the Brown Hill Keswick Creek flood mitigation scheme.
7. In the event that the cost sharing proposal involving the other levels of Government as referred to in (5) above is not materialised, the catchment Councils reserve their rights to review the scope of work, delivery timelines and funding model under the Stormwater Management Plan 2012.
8. In the event that all five catchment Councils are not able to agree, the Chief Executive Officer is authorised to write to the Stormwater Management Authority and advise the Presiding Member that Council would be prepared to work with the decision of the Stormwater Management Authority.
9. The project continues to look for additional water saving options as the works progress to detailed design.

The **MOTION** was put and **LOST**

DIVISION

A Division was called and the previous decision set aside

Those voting in the affirmative:

Councillors Boisvert, Salaman, Sangster and Rabbitt.

Those voting in the negative:

Councillors Smolucha, Palmer, Hewitson, Hughes and Lapidge.

The **MOTION** was declared **LOST**

Councillor Lapidge MOVED a MOTION, SECONDED Councillor Palmer

That:

1. The report be received.
2. Having regard to the Notice issued by the Stormwater Management Authority dated 19 May 2015 which requires the Cities of Adelaide, Burnside, Unley, Mitcham, and West Torrens to prepare a revised Stormwater Management Plan (SMP) in respect of the Brown Hill Keswick Creek Catchment by 30 September 2015; the Part B report; and community consultation and feedback, that Council hereby determines that Option D - Creek Capacity Upgrade is the recommended solution for Part B Works under the Stormwater Management Plan (SMP 2012) given:
 - (a) There is broad community support for Option D from respondents to the community consultation process undertaken on behalf of the Project during May and June 2015;
 - (b) Option D has the lowest capital cost, the lowest annual maintenance cost and the lowest present value whole of life cost when compared against the other available options;
 - (c) Option D provides the required level (100year ARI) of flood protection;
 - (d) For shorter duration storms, Option D provides a higher than 100 year ARI level of flood protection;
 - (e) Option D satisfies the project councils' endorsed position to give preference to a 'no dam' solution;
 - (f) Option D does not require bypass culverts in suburban streets;
 - (g) Option D preserves sites of cultural and heritage significance; and
 - (h) Option D is within the budgeted cost for Part B Works estimated in the 2012 SMP.
3. Council also seeks the support of the BHKC steering committee that before any Part B works are commenced:
 - a) Works to rehabilitate (clear and revegetate) the creek be undertaken as a priority.
 - b) Active consultation regarding structural treatment options and vegetation treatment for each property be undertaken with each owner.
 - c) The option regarding an easement or maintenance agreement be offered to affected property owners. If an easement is agreed to with

an owner, then the Project is to ensure that fair compensation is negotiated with the owner.

- d) Initiatives for further water harvesting and improving water quality continue to be investigated in any future works so as to maximise the value of water as initially requested in line with motions passed by Council and put to the SMA in August 2012.
 - e) Any trees of importance are not removed or impacted if possible.
 - (f) A detailed design is prepared for options in Orphanage Park and Forestville Reserve that take into consideration the heritage and biodiversity corridor in these reserves.
- 4. The Chief Executive Officer is delegated authority to do all things necessary to prepare a revised Stormwater Management Plan in respect of the Brown Hill and Keswick Creek Catchment for submission to the Stormwater Management Authority for approval.
 - 5. In respect of funding for implementation of the finalised and gazetted Stormwater Management Plan, Council reaffirms the cost sharing proposal between the three spheres of government as described in the Stormwater Management Plan 2012.
 - 6. The project councils continue to investigate a Regional Subsidiary as the vehicle for project delivery and ongoing care and management of the Brown Hill Keswick Creek flood mitigation scheme.
 - 7. In the event that the cost sharing proposal involving the other levels of Government as referred to in (5) above is not materialised, the catchment Councils reserve their rights to review the scope of work, delivery timelines and funding model under the Stormwater Management Plan 2012 to enable some flood mitigation works to be undertaken which are affordable for Local Government and which mitigate and reduce impacts of flooding on selected properties within the Brown Hill Keswick Creek catchment.

The **MOTION** was put and **CARRIED**

Councillor Palmer left the meeting at 8.33pm returning at 8.33pm during debate on the above Item.

DIVISION

A Division was called and the previous decision set aside

Those voting in the affirmative:

Councillors Smolucha, Palmer, Hughes, Lapidge and Sangster.

Those voting in the negative:

Councillors Boisvert, Salaman, Hewitson and Rabbitt.

The **MOTION** was then declared **CARRIED**

CLOSURE

The Acting Presiding Member closed the meeting at 9.12pm.

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A/PRESIDING MEMBER

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