

## MINUTES

**Minutes of the Corporation of the City of Unley  
Council Meeting  
Held Monday 25 July 2016 at 7.00pm**

**Council Chambers  
181 Unley Road Unley**

### **PRESENT**

Councillors	A Lapidge	P Hughes
	R Sangster	
	M Hewitson	R Salaman
	B Schnell	L Smolucha
	J Boisvert	D Palmer
	J Koumi	M Hudson

### **OFFICERS PRESENT**

Acting Chief Executive Officer, Ms M Berghuis  
General Manager Economic & Development, Mr D Litchfield  
General Manager Assets & Environment, Mr J Devine  
Group Manager Business Support & Improvement, Ms N Tinning  
Group Manager Governance, Ms R Wilson  
Manager Transport & Traffic, Mr S Gandhi  
Executive Assistant to CEO & Mayor Ms C Gowland

In the absence of the Mayor and the Deputy Mayor, the Acting Chief Executive Officer called for nominations from the floor for the election of an Acting Presiding Member for the 25 July 2016, meeting of the Council.

### **ELECTION OF ACTING PRESIDING MEMBER FOR THE JULY 2016 MEETING OF COUNCIL**

MOVED Councillor Hewitson  
SECONDED Councillor Sangster

That Councillor Schnell be elected as Acting Presiding Member for the 25 July 2016 meeting of the Council.

MOVED Councillor Lapidge,  
SECONDED Councillor Palmer

That Councillor Lapidge be elected as Acting Presiding Member for the 25 July 2016 meeting of Council.

A ballot was carried out and Councillor Schnell was elected as Acting Presiding Member for the 25 July 2016 meeting of the Council.

### **ACKNOWLEDGEMENT**

The Acting Presiding Member then 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 Acting Presiding Member welcomed Members of Council, Senior Staff, Media and members of the gallery to the 25 July 2016, meeting of the Unley City Council.

### **APOLOGIES**

Mayor Lachlan Clyne  
Councillor Michael Rabbitt (Deputy Mayor)

### **ITEM 518** **CONFLICT OF INTEREST**

Councillor Sangster asked if there was a perceived conflict of interest for himself and Councillors Boisvert and Salaman at Item 525, Appointment of Development Assessment Panel Members.

He was advised that if he felt there was a perceived conflict of interest for himself and other nominated Members, then this should be declared and they should leave the Chambers during discussion on that Item.

**ITEM 519**  
**CONFIRMATION OF MINUTES**

MOVED Councillor Palmer  
SECONDED Councillor Boisvert

That:

1. The minutes of the Council Meeting held on Monday 27 June 2016, as printed and circulated, be taken as read and signed as a correct record with the following amendment:

**ITEM 490**  
**RUGBY/PORTER STREETS BIKEWAY – DESIGN AND COMMUNITY**  
**ENGAGEMENT**

**DIVISION**

*A Division was called and the previous decision set aside.*

*Those voting in the affirmative:*

*Councillors Smolucha, Hewitson, Salaman, Palmer, Hughes, Lapidge,  
Sangster and Rabbitt*

*Those voting in the negative:*

*Councillors Schnell, Boisvert and Hudson.*

*The MOTION was declared **CARRIED***

**CARRIED UNANIMOUSLY**

## **DEFERRED / ADJOURNED ITEMS**

### **ITEM 520\*\***

#### **DEFERRED ITEM 487 – CONFIRMATION OF ITEM 24 – UBED STRATEGIC PLAN - THE UNLEY BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE**

MOVED Councillor Lapidge  
SECONDED Councillor Koumi

That:

The recommendations listed under:

Item 24  
UBED Strategic Plan

be adopted.

The MOTION was put and declared **LOST**

MOVED Councillor Hughes  
SECONDED Councillor Koumi

That:

1. Administration provide feedback to UBED regarding the Strategy and request that changes are considered that focus on the key economic development areas, and that matters relating to Council's performance be left to Council to measure and analyse.

**CARRIED UNANIMOUSLY**

## **PETITIONS**

Nil

## **PRESENTATIONS**

Nil

## **DEPUTATIONS**

Nil

**ITEM 521****MINUTES OF DEVELOPMENT STRATEGY AND POLICY COMMITTEE**

MOVED Councillor Palmer  
SECONDED Councillor Lapidge

That:

1. The minutes of the Development Strategy and Policy Committee meeting held on Monday 18 July 2016, be received.
2. The recommendations listed under:

Item 19

Unley Central Development Plan Amendment – Pre-consultation Draft

Item 20

Planning Strategy and Policy Program Update

inclusive, be adopted.

**CARRIED UNANIMOUSLY**

**ITEM 522****PARKSIDE ON STREET PARKING**

MOVED Councillor Koumi  
SECONDED Councillor Hudson

That:

1. The report be received.
2. Subject to approval from DPTI of the concept, community engagement on (pay for use) parking bay indentation along Greenhill Road be supported.
3. Further investigation into the introduction of Smart Parking technology occur, and if the proposal looks to have promise, a report be provided to a future meeting regarding a trial in the Parkside area.
4. A report outlining the outcome of the above community engagement be presented to Council as soon as the results are available.

**CARRIED UNANIMOUSLY**

**ITEM 523\*\***

**WALKING AND CYCLING PLAN REVIEW**

MOVED Councillor Hewitson

SECONDED by Councillor Hughes

That:

1. The report be received.
2. The draft Walking and Cycling Plan 2016-2021 be adopted to provide a plan to guide future works, and the implementation of projects not completed in the 2016/17 year be considered in future budgets to allow further information regarding those projects to be provided.
3. The projects identified from the Walking and Cycling Plan that are proposed for implementation in 2016/17 be approved, noting the issues relating to extending Mike Turtur bikeway to Greenhill Road, and Administration be authorised to change the scope of works if necessary, when detailed costs are known, to keep the works within the approved budget.
4. A future report be presented to Council discussing the impacts of projects completed in the first year, and funding options for the remaining projects.

**CARRIED**

**DIVISION**

A Division was called and the previous decision set aside.

Those voting in the affirmative:

Councillors Smolucha, Salaman, Hewitson, Hughes, Lapidge and Sangster

Those voting in the negative:

Councillors Palmer, Boisvert, Hudson and Koumi.

The MOTION was then declared **CARRIED**

**ITEM 524**  
**UPDATE – PAY FOR USE PARKING TRIAL**

MOVED Councillor Boisvert  
SECONDED Councillor Hughes

That:

1. The report be received.

**CARRIED UNANIMOUSLY**

Councillor Smolucha left the meeting at 8.25pm returning at 8.27pm after discussion on the above item.

**ITEM 525**  
**APPOINTMENT OF DEVELOPMENT ASSESSMENT PANEL MEMBERS (DAP)**

**Perceived Conflict of Interest**

Councillors Boisvert, Salaman and Sangster, declared a perceived conflict of interest and left the meeting at 8.29pm before discussion on this Item.

MOVED Councillor Hewitson  
SECONDED Councillor Smolucha

That:

1. The report be received.
2. The following Independent Members be appointed to the Unley DAP for a term of one year commencing on 18 March 2017, or until the Panel's existence is terminated because of legislative change before the one year term is completed:
  - Mr Brenton Burman (Presiding Member)
  - Mr Roger Freeman
  - Mrs Ann Nelson
  - Ms Barbara Norman
3. The following Elected Members be appointed to the Unley DAP for a term of one year commencing on 18 March 2017, or until the Panel's existence is terminated because of legislative change before the one year term is completed :
  - Cr Jennifer Boisvert

- Cr Rufus Salaman
- Cr Rob Sangster

**CARRIED**

Councillors Boisvert, Salaman and Sangster returned to the meeting at 8.35pm after debate on the above Item.

Councillor Hudson left the Chambers at 8.35pm.

## **ITEM 526** **REVIEW OF COUNCIL POLICIES**

### **Suspension of Meeting Procedures**

The Acting Presiding Member asked the Council if they would like to suspend meeting procedures to discuss the Council Policies.

The Council decided not to suspend meeting procedures.

MOVED Councillor Hughes

SECONDED Councillor Hewitson

That:

1. The report be received.
2. Council endorse the revised "Construction of crossing places and stormwater pipes to properties" policy at Attachment 2 to Item 526/16.
3. Council endorse the revised "Disposal of surplus non-community land" policy at Attachment 4 to Item 526/16.
4. The Chief Executive Officer or person acting in the position of Chief Executive Officer be delegated to negotiate deferred payment subject to clause 5.5 of the "Disposal of surplus non-community land" policy.
5. Council endorse the revised "Graffiti removal" policy at Attachment 6 to Item 526/16.
6. The "World War 1 Honour Roll" policy be revoked and replaced by the Administration procedure of the same name at attachment 8 to Item 526/16.
7. The Chief Executive Officer or person acting in the position of Chief Executive Officer be delegated to manage and approve requests for the addition of names to the World War 1 Honour Roll, and that this delegation may be further sub-delegated by the Chief Executive Officer.

**CARRIED UNANIMOUSLY**



**ITEM 527\*\***

**COUNCIL REPRESENTATIVE TO LGFA ANNUAL GENERAL MEETING**

**Suspension of Meeting Procedures**

The Acting Presiding Member asked the Council if they would like to suspend meeting procedures to discuss the nomination of an Elected Member to the Board. The Council decided not to suspend meeting procedures.

MOVED Councillor Sangster  
SECONDED Councillor Lapidge

That:

1. The report be received.
2. Mayor Lachlan Clyne be appointed as the Unley Council's representative to the Local Government Finance Authority Annual General Meeting.
3. The Deputy Mayor be appointed as proxy to the Mayor to the Local Government Finance Authority Annual General Meeting.
4. Councillor Rabbitt be nominated as a Board Member of the Local Government Finance Authority.

**CARRIED UNANIMOUSLY**

**ITEM 528\*\***

**CHIEF EXECUTIVE OFFICER'S KPIs 2016/17**

MOVED Councillor Boisvert  
SECONDED Councillor Hughes

That:

1. The report be received.
2. The draft KPI's for 2016/2017 developed by the CEO performance Review Panel in consultation with the CEO be adopted, with the amendment to 6.4 to read:  
*'Develop strategies with sporting clubs and other tenants of Council properties to increase usage and patronage of their facilities to align with the Vibrant City goals in the Community Plan.'*

**CARRIED UNANIMOUSLY**

**ITEM 529**  
**COUNCIL ACTION REPORT**

MOVED Councillor Salaman  
SECONDED Councillor Palmer

That:

1. The report be received.

**CARRIED UNANIMOUSLY**

**ITEM 530**  
**QUESTIONS ON NOTICE FROM COUNCILLOR HUDSON RE FOOTPATH**  
**PAVING**

Councillor Hudson has asked the following Questions on Notice regarding footpath paving and the problems of wheelchair/gopher/pram access, and the answers are provided.

1. *What actions, if any, have been taken when repaving footpaths to ensure that they are freely accessible to users of gophers, wheelchairs, double-prams, etc?*

**Answer**

When preparing Council's footpath renewal program for each year administration review the listing prepared from the predictive modelling tool against the street hierarchy, the available verge width, the condition of the kerb & water table and the pram ramps compliance for each street. The aim is to try and achieve a minimum paved width of 1.55m where possible, given existing site constraints, this is in response to Council's direction to move toward a more age friendly streetscape which is an increase on the previous standard of 1.2m width. This may result in pinch points which are of a lesser width where physical constraints such as trees encroaching into this space.

2. *Where street trees are so close to boundary fences so as to prevent users of the above traversing the paths, what actions if any, have been initiated to solve the situation, ie removal/resiting of the obstacles?*

**Answer**

Currently as part of the footpath renewal program an assessment is made of the existing trees impacting on the footpath area. If the tree is in good condition no action is taken and the works are undertaken around this obstacle which may cause a pinch point. If however the tree is in poor condition then a request for the removal of the tree is in acted and the tree removal process takes place.

3. *Is the Administration aware of the access recommendations of the Human Rights Commission?*

Answer

Yes

4. *Is the Administration able to provide information about the possibility of legal action if the access problem(s) are not resolved?*

Answer

No

5. *In announcing the list of footpaths listed for upgrading in the next financial year, has an inspection been made of instances where free access could be compromised?*

Answer

Yes

6. *If so, how many such instances have been identified and what remedial action, if any, is proposed.*

Answer

The inspection has highlighted that currently out of the 22 streets listed as part of the 16-17 renewal program 7 streets have issues with existing street trees restricting accessibility along the length footpath. This varies from single trees in some cases to multiple trees along the streets, (4 of these streets would be significantly impacted by the required remedial action). We have requested a review of the current footpath renewal program by Council's arborist for possible impact on existing street trees.

Following the recent conversation with Council on Level of Service re footpaths, administration propose to bring a report to Council seeking direction on the above 7 streets within the next month. This report will focus on providing options for the 7 streets in relation to the potential change of character to the streets if all "pinch" points are removed along the length of the footpath to enable clear access.

## **ITEM 531**

### **QUESTIONS ON NOTICE FROM COUNCILLOR PALMER RE SWIMMING POOL SAFETY**

Councillor Palmer has asked the following question on notice re improving legislative framework for swimming pool safety in South Australia.

#### **Question**

*Does our administration have any information about the status of the legislation?*

#### **Answer**

In 2013 the State Government released a Discussion Paper titled *Proposals to improve the legislative framework for swimming pool safety*. As an outcome of this Discussion Paper the government introduced a range of measures to improve the safety of swimming pools, mainly related to inspections. The amendments came into effect in 2014 and included requirements for Council to inspect 80% of all new swimming pools within two weeks of completion of the child safety barriers and the remaining 20% within two months of completion of the child safety barriers. At that time the government also indicated that further outcomes of the Discussion Paper were still being prepared, including

- Regular inspection of all swimming pools
- Registration of all swimming pools
- All swimming pool safety barriers to comply with current safety requirements within 5 years or at change of ownership of the property
- Mandatory installation of warning notices to be displayed near swimming pools.

Council has contacted officers from the Building Policy Unit at DPTI who have recently advised that it has been decided to roll these initiatives into the planning reforms. The PDI Act has some broad provisions in it to prescribe triggers in relation to existing pools. These will be developed further in the coming months with the aim to introduce them in the first package of regulations mid-2017.

**ITEM 532**  
**QUESTIONS WITHOUT NOTICE**

Councillor Hewitson asked the following questions, and requested that the question and response be tabled in the Minutes. This was agreed by the Council.

Questions:

Does the Unley Central DPA protect access to sunlight to all properties on the boundary of the zone by a 30 degree from the boundary height limit?

Does our Unley Central DPA follow the Unley Council's motions for this to be from a two meter height?

Can we reasonably assume that the SA Government will impose a 3 meter boundary height but will support a 30 degree angle as a height limit from the boundary of the zone?

Answer

As per draft PDC 26, buildings should be constructed within a building envelope provided by a 30 degree plane, measured from a height of 3 metres above natural ground level at the zone boundary (except where this boundary is a primary road frontage – as illustrated in Figure 1). This is the existing adopted State policy for corridor zones.

As per draft PDC27, where the zone boundary is on a north facing boundary of a site, the building envelope may be increased to a 40 degree plane, measured from a height of 2 metres above natural ground level at the zone boundary, providing a reasonable outlook and articulation of mass is presented to the adjoining residential property to avoid overbearing. Being north facing, there are no overshadowing implications to neighbours.

The draft DPA provides for the plane to be measured from a 3 metre height at the zone boundary, except for draft PDC 27 in the case of a north facing boundary of a site, when it would be measured from a 2 metre height. The 3 metre heights above ground level is consistent with current State Government requirements, whereas for the unique distinction made for the north facing angle, the desired lower 2 metre height has been suggested. It will have to be seen if the State Government accepts this.

Councillor Salaman asked a question regarding business permits issued. The General Manager advised that 44 business permits had been issued in Open Avenue and another 25 throughout the Council area. Councillor Salaman asked where the 25 were issued.

The General Manager advised that he would take the question on notice and provide the answer at the next meeting.

**ITEM 533**  
**CORRESPONDENCE**

The correspondence from

- Australia Day Council –nominations for Australian of the Year Award
- Australia Day Council – notification of Honorary Chair
- Kate Ellis MP – Labor’s commitment to Brown Hill Creek
- Hon John Rau – Council’s representation on the Inner Metropolitan Development Assessment Committee
- Department of Planning Transport and Infrastructure – Community Grants for greener and more active travel
- SA Health – Council’s involvement in Salmonella Outbreak Investigation

be noted.

**ITEM 534**  
**MAYOR’S REPORT**

MOVED Councillor Hewitson  
SECONDED Councillor Smolucha

That:

1. The report be received.

**CARRIED UNANIMOUSLY**

**ITEM 535**  
**DEPUTY MAYOR’S REPORT**

MOVED Councillor Sangster  
SECONDED Councillor Lapidge

That:

1. The report be received.

**CARRIED UNANIMOUSLY**

**ITEM 536**  
**REPORTS OF MEMBERS**

Council to note the attached reports from Members:

1. Councillor Palmer
2. Councillor Schnell
3. Councillor Hughes

**ITEM 537**  
**NOTICE OF MOTION FROM COUNCILLOR PALMER RE TRAFFIC CONCERNS**  
**MILLS STREET CLARENCE PARK**

MOVED Councillor Palmer  
SECONDED Councillor Boisvert

That:

1. The Mills Street traffic concerns raised by residents are noted.
2. Community engagement be undertaken with Mills Street residents, to understand their views towards the amendments to existing traffic control devices at Mills Street, Clarence Park.
3. A report on the outcome of the community engagement be presented to Council.

The MOTION was put and **LOST**

### **ITEM 538**

#### **NOTICE OF MOTION FROM COUNCILLOR HEWITSON RE GREENING**

MOVED Councillor Hewitson  
SECONDED Councillor Hughes

That:

1. Council seek a report on gaining professional advice to inform the Unley DPA. The report would advise on the ability to set targets for tree canopy and/or green cover and outline ambitious targets that could be set.

The MOTION was put and **LOST**

### **DIVISION**

A Division was called and the previous decision set aside.

Those voting in the affirmative:

Councillors Smolucha, Hewitson and Hughes.

Those voting in the negative:

Councillors Palmer, Boisvert, Salaman, Koumi, Lapidge and Sangster.

The MOTION was declared **LOST**

Councillor Koumi left the meeting at 9.39pm returning at 9.40pm.

### **MOTIONS WITHOUT NOTICE**

Nil



**ITEM 539**

**CONFIDENTIALITY MOTION FOR ITEM 540 – BROWN HILL KESWICK CREEK  
STORMWATER MANAGEMENT PROJECT**

MOVED Councillor Palmer  
SECONDED Councillor Lapidge

That:

1. Pursuant to Section 90(2) and 90(3)(d) of the Local Government Act 1999 the Council orders the public be excluded, with the exception of the following:

Ms M Berghuis, Acting Chief Executive Officer  
Mr J Devine, General Manager Assets and Infrastructure  
Mr D Litchfield, General Manager Economic Development and Planning  
Ms R Wilson, Group Manager Governance  
Ms N Tinning, Group Manager Business Support and Improvement  
Ms C Gowland, Executive Assistant to CEO and Mayor

on the basis that it will receive and consider the report and attachments on the Brown Hill Keswick Creek and that the Council is satisfied that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter on the grounds that they contain:

- (j) information the disclosure of which –
  - (i) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the council, or a person engaged by the council); and
  - (ii) would, on balance, be contrary to the public interest.

**CARRIED UNANIMOUSLY**

The doors to the Council Chambers were closed at 9.44pm.

Councillor Hughes left the meeting at 9.44pm returning at 9.46pm.

# CONFIDENTIAL

**ITEM 540**

**BROWN HILL KESWICK CREEK – STORMWATER MANAGEMENT PROJECT**

**ITEM 541**

**CONFIDENTIALITY MOTION TO REMAIN IN CONFIDENCE – BROWN HILL  
KESWICK CREEK STORMWATER MANAGEMENT PROJECT**

MOVED Councillor Palmer  
SECONDED Councillor Smolucha

That:

1. The report be received.
2. Pursuant to Section 91(7) and (9) of the Local Government Act:

2.1 The

- ☒ Minutes
- ☒ Report
- ☒ Attachment

remain confidential on the basis that the information supplied contains information provided on a confidential basis; and would on balance be contrary to the public interest.

- 2.2 The Minutes, Report and Attachment be kept confidential until the item is revoked by the Chief Executive Officer or the documents are tabled in Parliament.

**CARRIED UNANIMOUSLY**

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

**CLOSURE**

The Acting Presiding Member closed the meeting at 10.03pm.

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ACTING PRESIDING MEMBER

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