



MINUTES

Minutes of the Corporation of the City of Unley
Council Meeting
Held Monday 28 November 2016 at 7.00 pm
Council Chambers
181 Unley Road Unley

PRESENT

Mayor Lachlan Clyne – Presiding Member
Deputy Mayor, Michael Rabbitt
Councillors R Sangster
A Lapidge P Hughes
J Koumi M Hudson
B Schnell L Smolucha
J Boisvert D Palmer
R Salaman M Hewitson

OFFICERS PRESENT

Chief Executive Officer, Mr P Tsokas
General Manager City Services, Ms M Berghuis
General Manager City Development, Mr J Devine
General Manager Business & Service Improvement, Ms N Tinning
Group Manager Governance and Risk, Ms R Wilson
Executive Assistant to CEO & Mayor, Ms C Gowland
Manager Finance, Mr M Carey
Director, Strategic Projects, Mr D Litchfield
Manager Planning, Mr P Weymouth
Manager Community Services, Ms C Luya
Manager Libraries, Museum & Customer Experience, Ms H Erasmus
Cultural Development Coordinator, Mr M Ives

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 Council, Senior Staff, Media and members of the gallery to the 28 November 2016, meeting of the Unley City Council.

APOLOGIES

Nil

ITEM 668

CONFLICT OF INTEREST

Councillor Palmer advised that there could be a perceived conflict of interest for him on two of the items in the agenda. Item 676 – Community Grants Program – Councillor Palmer advised that he is a member of the Board of Management at Clarence Park.

Item 677 – Conservation Grants – Councillor Palmer advised that he used to be a Ward at St Augustine's church, but has now relinquished the position. He therefore would remain in the Chamber during the debate on these items.

ITEM 669

CONFIRMATION OF MINUTES

MOVED Councillor Sangster
SECONDED Councillor Boisvert

That:

1. The minutes of the Council Meeting held on Monday 14 November 2016, as printed and circulated, be taken as read and signed as a correct record.

CARRIED UNANIMOUSLY

ITEM 670
PETITION

MOVED Councillor Schnell
SECONDED Councillor Smolucha

That:

1. The petition be received.

CARRIED UNANIMOUSLY

FOLLOW UP MOTION

Councillor Schnell advised that he would like to move a follow up motion to the above:

That:

Council formally surveys the residents in Essex Street South Goodwood to gauge the proposal to remove the 4 hour parking restrictions in that street.

A report be provided to Council in January 2017.

The Presiding Member advised that he would not accept the Motion, as it is a Motion Without Notice, and this will become a Motion on Notice for the December Council meeting.

ITEM 671
MINUTES OF THE AUDIT AND GOVERNANCE COMMITTEE

MOVED Councillor Sangster
SECONDED Councillor Rabbitt

That:

1. The minutes of the Audit and Governance Committee meeting held on Wednesday 19 October 2016 be received.
2. The recommendations listed under:

Item 40
2015-16 General Purpose Financial Statements

Item 41
Audit and Governance Committee Work Plan 2017

be adopted.

CARRIED UNANIMOUSLY

ITEM 672
LIBRARY SERVICE REVIEW UPDATE

MOVED Councillor Hewitson
SECONDED Councillor Hughes

That:

1. The update on the progress of the Library Service Review be noted.

CARRIED UNANIMOUSLY

ITEM 673
COMMUNITY BUS

MOVED Councillor Lapidge
SECONDED Councillor Palmer

That:

1. The report be received.
2. Council endorses the recommended level of service for the Community Bus described in Option One (outlined in the proposed level of service for the Community Bus – Option One and in Attachment 1 to Item 673/16) to be implemented before 1 April 2017, with a transition period of up to 12 months.

CARRIED UNANIMOUSLY

ITEM 674**
ELECTION FOR METROPOLITAN REPRESENTATIVES TO THE LGA BOARD

The Presiding Member advised the Council that he thought the meeting would benefit from a short suspension of meeting procedures, for up to 5 minutes, to enable Members to discuss and vote on their selection for the LGA Board Members.

Meeting procedures were suspended at 7.16pm.

Meeting procedures resumed at 7.19pm.

As the counting of votes was going to take some time, the Presiding Member suggested that Council move on to the next Item and once the votes have been counted resume to discuss Item 674.

This was agreed with a two thirds majority.

ITEM 675
FIRST QUARTER BUDGET REVIEW 2016-17

MOVED Councillor Boisvert
SECONDED Councillor Hudson

That:

1. The report, including Attachments 1- 3 to Item 675/16 be received.

2. The budget variations from the First Quarter 2016-17 Budget Review be approved.
3. The revised budgeted Uniform Presentation of Finances reflecting a unchanged Budgeted Operating Surplus of \$2.035m and an unchanged Net Borrowing of \$5.804m be adopted.

CARRIED UNANIMOUSLY

ITEM 676

COMMUNITY GRANTS PROGRAM – SEPTEMBER 2018 – FUNDING ROUND

MOVED Councillor Hughes
SECONDED Councillor Rabbitt

1. The report be received.
2. The Community Grants be funded as detailed in Attachment 1 to Item 676/16.
3. The applicants be notified of the outcome of their application.

CARRIED UNANIMOUSLY

ITEM 677

CONSERVATION GRANTS

MOVED Councillor Boisvert
SECONDED Councillor Salaman

That:

1. The report be received.
2. The Conservation Grants be funded as detailed in Attachment 2 to Item 677/16.

CARRIED

Councillor Palmer did not participate in discussion on the above item and abstained from voting due to a perceived conflict of interest.

ITEM 678
CORPORATE PERFORMANCE REPORT

MOVED Councillor Rabbitt
SECONDED Councillor Hudson

That:

1. The report be received.

CARRIED UNANIMOUSLY

ITEM 679
CENTENNIAL PARK CEMETERY AUTHORITY PROGRESS REPORT –
SEPTEMBER QUARTER

MOVED Councillor Lapidge
SECONDED Councillor Smolucha

That:

1. The report be received.

CARRIED UNANIMOUSLY

ITEM 680
COUNCIL ACTION REPORTS

MOVED Councillor Hewitson
SECONDED Councillor Palmer

That:

1. The report be received.

CARRIED UNANIMOUSLY

ITEM 674**

ELECTION FOR METROPOLITAN REPRESENTATIVES TO THE LGA BOARD

The results of the votes had been counted, and the Presiding Member advised the voting results as below.

MOVED Councillor Hewitson
SECONDED Councillor Salaman

That:

1. The report be received.
2. Council endorse the following persons as Metropolitan Local Government Group representatives to the Local Government Association of South Australia Board in the following order of preference:
 - (1) Mayor Robert Bria
 - (2) Mayor David O'Loughlin
 - (3) Mayor David Parkin
 - (4) Mayor Glenn Spear
 - (5) Mayor Angela Evans
 - (6) Mayor Gillian Aldridge
 - (7) Mayor Karen Redman
 - (8) Mayor Bill Spragg
 - (9) Councillor Rosalina (Mikki) Bouchee
 - (10) Councillor Susan Clearihan
 - (11) Mayor Kevin Knight
 - (12) Councillor Arthur Mangos

CARRIED

ITEM 681

QUESTION OF NOTICE FROM COUNCILLOR KOUMI RE FLOODING

The following Questions on Notice have been received from Councillor Koumi and the answers are provided:

Questions

1. Were houses along the streets listed or adjacent to Brownhill Creek flooded? If so, was the flooding over or under floor, and to what depth? What other property damage occurred?
 - Brown Hill Creek between Cross Road and the High Flow Weir near Victoria Street Goodwood?
 - Arundel Avenue,
 - Goodwood Road,
 - Vardon Terrace,
 - Malcolm Street,
 - Wood Street,
 - Northgate Street,
 - Grove Street,
 - Nanthea Terrace North and,
 - Nanthea Terrace South.

Answers

The event on 14 September 2016, was the only storm event that caused flooding of properties in Unley from Brown Hill Creek.

The request for information relating to the depth of inundation at the locations listed in item 641 is something that Council is not privy to as most of the inundation was on private property and possibly resulted in insurance claims by residents.

Council is not aware of any such information being recorded by the responding organisations (e.g. SES) so it would very difficult to obtain the information requested. The only way this information could be obtained is by contacting every resident affected by the flooding. Which would be time consuming and maybe stressful for the residents who are only just recovering from the event.

ITEM 696
QUESTIONS WITHOUT NOTICE

Councillor Schnell asked how the voting for Item 674 was carried out.
The Group Manager Governance & Risk explained the process to Councillor Schnell.

ITEM 682
CORRESPONDENCE

The correspondence from

- Hon Zoe Bettison MP
- Sturt Football Club
- Hon Zoe Bettison MP
- Ian Hunter MLC
- Graham Sanders – Unley RSL

be noted.

Various correspondence was received from candidates for positions to the Metropolitan Local Government Board and these have been included as attachments to the report in this Agenda.

ITEM 683
MAYOR'S REPORT

MOVED Councillor Sangster
SECONDED Councillor Hudson

That:

1. The report be received.

CARRIED UNANIMOUSLY

ITEM 684
DEPUTY MAYOR'S REPORT

MOVED Councillor Palmer
SECONDED Councillor Hughes

That:

1. The report be received.

CARRIED UNANIMOUSLY

ITEM 685
REPORTS OF MEMBERS

Council to note the attached reports from Members

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

PERSONAL STATEMENT

Councillor Schnell requested permission from the Chair to make a Personal Statement.

This was agreed with a two thirds majority.

The personal statement related to a gnome which had been placed on Councillor Schnell's desk and Councillor Schnell advised he had not put it there, but was going to take it home.

ITEM 697
MOTIONS WITHOUT NOTICE

The Presiding Member referred Members to Item 670 and Councillor Schnell's follow up motion, which will appear in the December Council Agenda.

ITEM 686
UNRESOLVED ITEMS

Meeting Date	Item	Status
Council 12 September 2016	Item 584 Millswood Sporting Complex Detailed Design	The Item remains laid on the table.

CHANGE TO ORDER OF AGENDA

The Presiding Member advised that he would like to change the order of the confidential items to bring forward Items 690, 691 and 692, as the lawyer was not yet present to speak to Item 688.

This was agreed with a two thirds majority.

ITEM 687
CONFIDENTIALITY MOTION FOR ITEM 688 – TREE PROSECUTION

(See page 16 of these Minutes)

ITEM 688
TREE PROSECUTION

(See page 17 of these Minutes)

ITEM 689
CONFIDENTIALITY MOTION TO REMAIN IN CONFIDENCE – ITEM 688 – TREE PROSECUTION

(See page 18 of these Minutes)

ITEM 690
CONFIDENTIALITY MOTION FOR ITEM 691 STRATEGIC PROPERTY
DEVELOPMENT

MOVED Councillor Schnell
SECONDED Councillor Boisvert

That:

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

Mr P Tsokas, Chief Executive Officer
Ms M Berghuis, General Manager City Services
Mr J Devine, General Manager City Development
Ms N Tinning, General Manager Business Support & Improvement
Mr D Litchfield, Director, Strategic Projects
Ms R Wilson, Group Manager Governance and Risk
Ms C Gowland, Executive Assistant to CEO and Mayor
Mr P Weymouth, Manager Planning

on the basis that it will receive and consider the report on Strategic Property Development 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 because:

- (b) information the disclosure of which
 - (i) 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; and
 - (ii) would, on balance, be contrary to the public interest.

It would be in the best interest of Council to consider this matter in confidence.

CARRIED UNANIMOUSLY

The doors to the Council Chambers were closed at 7.54 pm.

CONFIDENTIAL

ITEM 692
CONFIDENTIALITY MOTION TO REMAIN IN CONFIDENCE – ITEM 691 –
STRATEGIC PROPERTY DEVELOPMENT

MOVED Councillor Palmer
SECONDED Councillor Schnell

That:

1. The report be received.
2. Pursuant to Section 91(7) and (3)(b) of the Local Government Act:

2.1 The

- Minutes
- Report
- Attachments

remain confidential on the basis that the information contained in this report could confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, and

- 2.2 the minutes, report and attachments will be kept confidential until the item is revoked by the Chief Executive Officer.

CARRIED UNANIMOUSLY

The doors to the Council Chambers were opened at 8.14pm.

Councillor Smolucha left the meeting at 8.15pm returning at 8.17pm.

ITEM 687

CONFIDENTIALITY MOTION FOR ITEM 688 – TREE PROSECUTION

MOVED Councillor Schnell
SECONDED Councillor Salaman

That:

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

Mr P Tsokas, Chief Executive Officer
Ms M Berghuis, General Manager City Services
Mr J Devine, General Manager City Development
Ms N Tinning, General Manager Business Support & Improvement
Ms R Wilson, Group Manager Governance and Risk
Ms C Gowland, Executive Assistant to CEO and Mayor
Mr D Litchfield, Director, Strategic Projects
Mr P Weymouth, Manager Development & Building
Mr D Michel, Team Leader Planning
Mr Aden Miegel, Norman Waterhouse Lawyers

on the basis that it will receive and consider the report a and attachments (under separate cover) in relation to a tree damaging activity prosecution 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:

- (f) information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial; and
- (h) legal advice.

CARRIED UNANIMOUSLY

The doors to the Council Chambers were closed at 8.16pm.

CONFIDENTIAL

ITEM 688
TREE PROSECUTION

ITEM 689

CONFIDENTIALITY MOTION TO REMAIN IN CONFIDENCE – ITEM 644 – TREE PROSECUTION

MOVED Councillor Salaman
SECONDED Councillor Smolucha

That:

1. The report be received.
2. Pursuant to Section 91(7) and (9) of the *Local Government Act 1999*:

2.2 The

- Minutes
- Report
- Attachments – forwarded under separate cover

remain confidential on the basis that the information contained in this report contains information which could reasonably be expected to prejudice the maintenance of law.

- 2.2 The minutes, report and attachments (under separate cover) be kept confidential until the item is revoked by the Chief Executive Officer.

CARRIED UNANIMOUSLY

The doors to the Council Chambers were opened a 902 pm.

ITEM 690
CONFIDENTIALITY MOTION FOR ITEM 691 STRATEGIC PROPERTY
DEVELOPMENT

(See page 13 of these Minutes)

ITEM 690
STRATEGIC PROPERTY DEVELOPMENT

(See page 14 of these Minutes)

ITEM 691
CONFIDENTIALITY MOTION TO REMAIN IN CONFIDENCE – ITEM 690 –
STRATEGIC PROPERTY DEVELOPMENT

(See page 15 of these Minutes)

ITEM 693
CONFIDENTIALITY MOTION FOR ITEM 694 – APPOINTMENT OF
INDEPENDENT MEMBERS FOR THE SECTION 41 – CITY STRATEGY AND
DEVELOPMENT POLICY COMMITTEE

MOVED Councillor Schnell
SECONDED Councillor Boisvert

That:

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

Mr P Tsokas, Chief Executive Officer
Ms M Berghuis, General Manager City Services
Mr J Devine, General Manager City Development
Ms N Tinning, General Manager Business Support & Improvement
Ms R Wilson, Group Manager Governance and Risk
Ms C Gowland, Executive Assistant to CEO and Mayor

on the basis that it will receive and consider the report on the appointment of independent members to the City Strategy and Development Policy Committee, 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 because:

- (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

It would be in the best interest of Council to consider this matter in confidence.

CARRIED UNANIMOUSLY

The doors to the Council Chambers were closed at 9.03pm.

CONFIDENTIAL

CONFIDENTIALITY ORDER REMOVED 30/11/16

ITEM 694

APPOINTMENT OF INDEPENDENT MEMBERS FOR THE SECTION 41 – CITY STRATEGY AND DEVELOPMENT POLICY COMMITTEE

MOVED Councillor Lapidge
SECONDED Councillor Rabbitt

That:

1. The report be received.
2. Doug Wallace, Grant Pember, and Lloyd Roberts be offered positions on the City Strategy and Development Policy Committee for the period from 1 December 2016 until the end of the current term of Council, unless such appointment is revoked by the Council.

CARRIED UNANIMOUSLY

ITEM 695
CONFIDENTIALITY MOTION TO REMAIN IN CONFIDENCE ITEM 694 –
APPOINTMENT OF INDEPENDENT MEMBERS FOR THE SECTION 41 – CITY
STRATEGY AND DEVELOPMENT POLICY COMMITTEE

MOVED Councillor Hughes
SECONDED Councillor Koumi

That:

1. The report be received.
2. Pursuant to Section 91(7) and (3)(b) of the Local Government Act:

2.3 The

- Minutes
- Report

remain confidential on the basis that the information contained in this report could involve the unreasonable disclosure of information concerning the personal affairs of any person, and

- 2.2 the minutes and report will be kept confidential until the item is revoked by the Chief Executive Officer.

CARRIED

The doors to the Council Chambers were opened at 9.09pm.

ITEM 697
MOTIONS WITHOUT NOTICE

The Presiding Member referred Members to Item 670 and Councillor Schnell's follow up motion, which will appear in the December Council Agenda.

NEXT MEETING

Monday 12 December 2016 – 7.00pm

CLOSURE

The Presiding Member closed the meeting at 9.09pm.

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PRESIDING MEMBER
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