

MINUTES

**Minutes of the Corporation of the City of Unley
Council Meeting
Held Monday 23 October 2017 at 7.00pm.
Council Chambers
181 Unley Road Unley**

PRESENT

Deputy Mayor Councillor Don Palmer – A/Presiding Member
Councillors R Sangster M Rabbitt
A Lapidge P Hughes
J Koumi
B Schnell L Smolucha
R Salaman M Hewitson
J Boisvert

OFFICERS PRESENT

Chief Executive Officer, Mr P Tsokas
General Manager Business Support & Improvement, Ms N Tinning
General Manager City Services, Ms M Berghuis
Director Strategic Projects, Mr D Litchfield
Executive Manager Office of the CEO, Ms T Norman
Executive Assistant to CEO & Mayor, Ms C Gowland
Sport & Recreation Planner, Mr J Wilkinson
Manager Finance & Procurement, Ms S Taylor

ACKNOWLEDGEMENT

The A/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 A/Presiding Member welcomed Members of Council, Senior Staff, Media and members of the gallery to the 23 October 2017, meeting of the Unley City Council.

APOLOGIES

Mayor Lachlan Clyne
Councillor M Hudson

ITEM 988

CONFLICT OF INTEREST

Councillor Koumi advised that he had a perceived conflict of interest in the confidential item of the Strategic Property Committee Minutes, and would leave the meeting when that item is discussed.

ITEM 989

MINUTES – COUNCIL

MOVED Councillor Boisvert
SECONDED Councillor Salaman

That:

1. The minutes of the Council Meeting held on Monday 25 September 2017, as printed and circulated, be taken as read and signed as a correct record.

CARRIED UNANIMOUSLY

ITEM 990
MINUTES – SPECIAL COUNCIL

MOVED Councillor Schnell
SECONDED Councillor Lapidge

That:

1. The minutes of the Special Council Meeting held on Monday 9 October 2017, as printed and circulated, be taken as read and signed as a correct record.

CARRIED UNANIMOUSLY

ITEM 991
AUDIT AND GOVERNANCE COMMITTEE

MOVED Councillor Rabbitt
SECONDED Councillor Sangster

That:

1. The minutes of the Audit and Governance Committee meeting held on Monday 9 October 2017, be received.
2. The recommendations listed under:

Item 64
Conflict of Interest

Item 65
Confirmation of Minutes

Item 66
WHS & RTW Plan 2017

Item 67
2016 – 2017 Financial Statements

Item 68
Procurement Savings Identified

inclusive, be adopted.

CARRIED UNANIMOUSLY

ITEM 992
STRATEGIC PROPERTY COMMITTEE

See page 19 of these Minutes.

ITEM 993**
JOINT USE AGREEMENTS FOR BLACK FOREST, HIGHGATE AND PARKSIDE PRIMARY SCHOOLS

MOVED Councillor Hewitson
SECONDED Councillor Boisvert

That:

1. The report be received.
2. A Joint Use Agreement between the City of Unley and the Minister for Education and Child Development for community access to Black Forest, Highgate and Parkside Primary Schools, based on the changes set out in Attachment 1 to this Report (Item 993/17) for the period 1 January 2018 to 31 December 2019, be endorsed.
3. During the first 12 months of the Joint Use Agreement for community access to Black Forest, Highgate and Parkside Primary Schools, the Administration works with each school, and Unley and Goodwood Primary Schools, to collect data on the level of community use and benefit, in order to inform future decisions regarding Joint Use Agreements.
4. A report be submitted to Council after 12 months on the level of community use and benefit.
5. The Administration continues investigations with Black Forest Primary School, to enable use of school facilities by City of Unley based sports clubs.
6. Existing signs at Black Forest, Highgate and Parkside Primary Schools be updated to reflect access available under the Joint Use Agreements and opportunities for promotion of the agreements to the community be explored and implemented.

CARRIED

ITEM 994
FINANCE PERFORMANCE REPORT FOR THE QUARTER ENDED 30
SEPTEMBER 2017

MOVED Councillor Boisvert
SECONDED Councillor Lapidge

That:

1. The report be received.

CARRIED UNANIMOUSLY

ITEM 995
2016-17 FINANCIAL STATEMENTS

MOVED Councillor Rabbitt
SECONDED Councillor Hewitson

That:

1. The report be received.
2. Council notes the Audited 2016-17 Financial Results compared to Budget Report contained in Attachment 2 to Item 995/17.

CARRIED UNANIMOUSLY

ITEM 996
COMMUNITY GRANTS POLICY

MOVED Councillor Schnell
SECONDED Councillor Sangster

That:

1. The report be received.
2. The Community Grants Program Policy, the Small Sponsorship and Donations Scheme Policy and the Youth Sponsorship Policy be revoked.
3. The attached Community Grants and Sponsorship Policy (Attachment 1 to Item 996/17) be endorsed.

CARRIED UNANIMOUSLY

ITEM 997
DAP ANNUAL REPORT

MOVED Councillor Salaman
SECONDED Councillor Sangster

That:

1. The report be received.

CARRIED UNANIMOUSLY

ITEM 998
ANNUAL REPORT

MOVED Councillor Hewitson
SECONDED Councillor Smolucha

That:

1. The report be received.
2. The City of Unley Annual Report 2016-17 (including Appendices) (Attachment 1 to Item 998/17) be adopted and a copy prepared for submission to both Houses of Parliament prior to 31 December 2017.
3. Council provides delegation to the Chief Executive Officer, to correct errors of fact or make minor editorial amendments to the Annual Report 2016-17 if required.

CARRIED UNANIMOUSLY

ITEM 999
VARIATION TO FESTIVE SEASON OPERATING HOURS

MOVED Councillor Schnell
SECONDED Councillor Boisvert

That:

1. The report be received.

CARRIED UNANIMOUSLY

ITEM 1000
FLYING OF LATVIAN FLAG FOR NATIONAL DAY

MOVED Councillor Lapidge
SECONDED Councillor Sangster

That:

1. The report be received.
2. The request to fly the National flag of Latvia at the Unley Civic Centre in recognition of Latvia's Proclamation Day (18 November) be approved, with the flag to be raised on Friday 17 November 2017 and lowered on Monday 20 November 2017.

CARRIED UNANIMOUSLY

ITEM 1001
COUNCIL ACTION REPORT

MOVED Councillor Rabbitt
SECONDED Councillor Sangster

That:

1. The report be received.

CARRIED UNANIMOUSLY

ITEM 1014**

UNLEY PRECINCT OPTIONS

SUSPENSION OF MEETING PROCEDURES

The A/Presiding Member advised the Council that he thought the meeting would benefit from a short term suspension of meeting procedures, for up to 15 minutes to discuss the above Item.

This was agreed with a two thirds majority.

Meeting procedures were suspended at 7.32pm.

EXTENSION TO SUSPENSION OF MEETING PROCEDURES

With a two thirds majority, it was agreed to suspend the meeting procedures for a further 5 minutes at 7.48pm.

FURTHER EXTENSION TO SUSPENSION OF MEETING PROCEDURES

With a two thirds majority, it was agreed to suspend the meeting procedures for a further 5 minutes at 7.55pm.

FURTHER EXTENSION TO SUSPENSION OF MEETING PROCEDURES

With a two thirds majority, it was agreed to suspend the meeting procedures for up to 5 minutes to enable the ballot process to take place at 8.00pm.

Meeting procedures resumed at 8.03pm.

MOVED Councillor Boisvert

SECONDED Councillor Rabbitt

That:

1. The report be received.
2. The Civic Precinct Development Working Group be established to develop a precinct plan for the area bounded by Unley Road, Oxford Terrace, Rugby Street and Edmund Avenue, with the Working Group to commence activity from January 2018.
3. Membership of the Civic Precinct Development Working Group consist of:
 - a) relevant City of Unley staff
 - b) 3 Elected Members
 - c) 1 representatives from St Augustine's Parish, and
 - d) 4 community members

4. An expression of interest process be used to seek nominations for the four (4) community members to be appointed to the Civic Precinct Development Working Group.

Councillor Hewitson MOVED as an AMENDMENT, SECONDED Councillor Hughes that:

1. The report be received.
2. The Civic Precinct Development Working Group be established to develop a precinct plan for the area bounded by Unley Road, Oxford Terrace, Rugby Street and Edmund Avenue, with the Working Group to commence activity from January 2018.
3. Membership of the Civic Precinct Development Working Group consist of:
 - a) relevant City of Unley staff
 - b) 3 Elected Members
 - c) 2 representatives from St Augustine's Parish, and
 - d) 4 community members
4. An expression of interest process be used to seek nominations for the four (4) community members to be appointed to the Civic Precinct Development Working Group.

The AMENDMENT was put and **CARRIED**

The AMENDMENT then became the MOTION and was put and **CARRIED**

MOVED Councillor Hughes
SECONDED Councillor Schnell

5. That Councillors Boisvert, Hewitson and Lapidge are appointed as the Elected Members on the Civic Precinct Development Working Group.

CARRIED UNANIMOUSLY

ITEM 1002

QUESTION ON NOTICE FROM COUNCILLOR HEWITSON RE MEMBERSHIP OF COMMUNITY GROUPS

At the Council meeting on 25 September 2017, Councillor Hewitson asked the following Question on Notice (Item 983). The answer is now provided below.

Questions

1. Does a Councillor, who is a member of community group such as FOCUS, have a conflict of interest in handling Council business noting I was Chair of the Strategy and Planning Committee of Council and valued hearing a range of submissions and discussions including those of FOCUS, with whom I was not committed to agree with?

Answer

Division 3 (Conflicts of Interest) of the *Local Government Act 1999* sets out provisions relating to material conflicts, and actual and perceived conflicts.

Section 75 provides:

- (3) *a member of a council will not be regarded as having a conflict of interest in a matter to be discussed at a meeting of the council—*
 - (a) *by reason only of—*
 - (i) *an engagement with a community group, sporting club or similar organisation undertaken by the member in his or her capacity as a member; or*
 - (ii) *membership of a political party; or*
 - (iii) *membership of a community group, sporting club or similar organisation (if the member is not an office holder for the group, club or organisation); or*
 - (iv) *the member having been a student of a particular school or his or her involvement with a school as parent of a student at the school; or*
 - (v) *a nomination or appointment as a member of a board of a corporation or other association, if the member was nominated for appointment by a council; or*
 - (b) *in prescribed circumstances.*
- (4) *A member of a council will not be taken, for the purposes of the Subdivision, to have a conflict of interest in a matter to be discussed at a meeting of the council if the relevant member's interest in the matter is held in common with all or a substantial proportion of the ratepayers, electors or residents of the council area.*

Based on the above provisions, so long as a member is not an office holder for any community group, sporting club or similar organisation, they are not regarded as having a conflict of interest in a matter by reason only of:

- membership of the community group, sporting club or similar organisation;
- or

- engagement with the community group, sporting club or similar organisation undertaken in their capacity as a member of council.

However, Elected Members will still be required to give careful consideration to the nature of their association with the above bodies as, depending on the nature of their involvement, they may still have an actual or perceived conflict of interest.

An actual conflict of interest arises where there is a conflict between a member's interests (whether direct or indirect, personal or pecuniary) and the public interest, that might lead to a decision that is contrary to the public interest.

A perceived conflict of interest in relation to a matter to be discussed at a meeting may arise if an impartial, fair-minded person could form the opinion that an Elected Member has a conflict of interest in the matter.

Where an Elected Member determines they have an actual or perceived conflict of interest they are required to inform the meeting of their interest, and how they intend to deal with the interest in a *"transparent and accountable way"*. The Act doesn't provide specific guidance regarding how an Elected Member might deal with their interest, however, options may include:

- leaving the meeting and not participating in the debate or vote in relation to the item;
- remaining in the meeting, participating in the debate and voting in the best interests of the community;
- remaining in the meeting, participating in the debate and not voting in relation to the item.

Whilst membership of, or engagement undertaken in the capacity of an Elected Member with, a community group, sporting club or similar organisation, does not constitute a conflict of interest in its own right, there are other factors that must be considered when Elected Members are determining whether they have a conflict of interest in relation to an item to be discussed at a meeting and the obligation rests with each Elected Member to identify and manage any conflict in a transparent and accountable way.

ITEM 1003

QUESTIONS ON NOTICE FROM COUNCILLOR RABBITT RE BROWN HILL KESWICK CREEK STORMWATER PROJECT

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

Questions

On 27 September 2017, the Eastern Courier Messenger reported (Pg 12) “**Creek works within year**”.

This article has caused concern among a number of residents in the City of Unley. Such a situation has the potential to increase the potential for a flood event downstream by increasing the volume and rate of water flow during and immediately after a storm event in the upper catchment area.

We have previously been advised that:

1. Detailed design work on creek works has not yet been undertaken, awaiting the establishment of the BHKC Regional Subsidiary;
2. Any work undertaken to widen and deepen the creek would commence at the lower end of the creek to ensure that there is capacity in the lower reaches to reduce the likelihood of flooding from upstream water flows.

On the basis of this report, can we be advised:

- (a) how will residents and businesses in the lower reaches be protected from the increased risk of flooding that may arise from this change of sequence;
- (b) what is the expected timing of this work – commencement and duration;
- (c) if there is an update on other design/construction work for this project.

ANSWERS:

- (a) *how will residents and businesses in the lower reaches be protected from the increased risk of flooding that may arise from this change of sequence;*
Upgrading a small section of the creek in the Hawthorn area will not increase the flow rates into sections in the Unley area downstream as there are various hydraulic “choke points” that will constrict flows to basically ensure the same flow downstream in times of flooding/peak flows.
- (b) *what is the expected timing of this work – commencement and duration;*

Based on current plans, the work in Hawthorn is expected to start in December 2017 and take around 6 months to complete. However progress

and completion date will partly depend on other works being undertaken adjacent to Brown Hill Creek by the City of Mitcham.

(c) *if there is an update on other design/construction work for this project.*

Current work on the BHKC project entails:

- preparation of the draft Charter for the Regional Subsidiary
- preliminary design on the South Parklands wetland
- design for upgrading a small section of Brown Hill Creek from Angus Road to George St Hawthorn.

ITEM 1015

QUESTIONS WITHOUT NOTICE

Councillor Hughes asked a question about the correspondence from the Glen Osmond Scout Group, relating to the lease period.
The Chief Executive Officer provided an answer.

Councillor Schnell advised that he had spoken with DPTI staff who were working on a new fence along the tram line. He was advised that once the new fence was completed DPTI would hand the land over to Council. Councillor Schnell asked if DPTI had formalised anything with Council.
The Chief Executive Officer advised that Council had not heard anything regarding handing over of the land. He also advised that Council would not be maintaining anything on DPTI land.

Councillor Smolucha – further to the above – regarding the vegetation within the current fence line, asked if this would be expanded if Council were to obtain the land in question.
Councillor Smolucha was advised that it was too early to predict at this stage.

Councillor Salaman advised that he had heard that the Liberal Party are advertising they would ban buildings higher than the Development Plan. Has Council had any confirmation regarding the Liberal Party policies.
He was advised that at this stage Council has received nothing in writing.

ITEM 1004
CORRESPONDENCE

The correspondence from

- Glen Osmond Scout Group
- Director State Records
- Minister for Communities and Social Inclusion
- Hon John Rau MP Minister for Planning

be noted.

ITEM 1005
MAYOR'S REPORT

MOVED Councillor Boisvert
SECONDED Councillor Salaman

That:

1. The report be received.

CARRIED UNANIMOUSLY

ITEM 1006
DEPUTY MAYOR'S REPORT

MOVED Councillor Rabbitt
SECONDED Councillor Hughes

That:

1. The report be received.

CARRIED UNANIMOUSLY

ITEM 1007
REPORTS OF MEMBERS

Council to note the attached reports from Members

1. Councillor Rabbitt
2. Councillor Hughes

ITEM 1008

**CONFIDENTIALITY MOTION FOR ITEM 1009 – APPOINTMENT OF CITY
STRATEGY AND DEVELOPMENT POLICY COMMITTEE INDEPENDENT
MEMBER**

MOVED Councillor Schnell

SECONDED Councillor Sangster

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

Ms N Tinning, General Manager Business Support & Improvement

Mr D Litchfield, Director Strategic Projects

Ms T Norman, Executive Manager, Office of the CEO

Ms C Gowland, Executive Assistant to CEO and Mayor

Ms S Taylor, Manager Finance & Procurement

on the basis that it will receive and consider the report on the appointment of an independent member to the City Strategy and Development Policy Committee, and that the Council is satisfied that the requirement that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter because the report contains:

- (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 8.12 pm.

CONFIDENTIAL

ITEM 1009

APPOINTMENT OF INDEPENDENT MEMBER TO THE CITY STRATEGY AND DEVELOPMENT POLICY COMMITTEE

ITEM 1010

**CONFIDENTIALITY MOTION TO REMAIN IN CONFIDENCE – ITEM 1009 –
APPOINTMENT OF CITY STRATEGY AND DEVELOPMENT POLICY
COMMITTEE INDEPENDENT MEMBER**

MOVED Councillor Sangster
SECONDED Councillor Salaman

That:

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

2.1 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 appointment process for the independent member of the City Strategy and Development Policy Committee has been finalised.

2.3 Pursuant to Section 91(9)(c) of the Local Government Act 1999, the power to revoke the order under Section 91(7)(a) & (b) prior to any review or as a result of any review is delegated to the Chief Executive Officer.

CARRIED UNANIMOUSLY

The doors to the Council Chambers were opened at 8.15pm.

Councillor Koumi left the Chambers at 8.15pm due to his conflict of interest.

ITEM 1011

**CONFIDENTIALITY MOTION FOR ITEM 1012 – STRATEGIC POLICY
COMMITTEE RECOMMENDATION FOR ITEM 40 – WALTER STREET
PROPERTY**

MOVED Councillor Hughes

SECONDED Councillor Lapidge

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 N Tinning, General Manager Business & Service Improvement

Ms M Berghuis, General Manager City Services

Mr D Litchfield, Director Strategic Projects

Ms T Norman, Executive Manager Office of the CEO

Ms C Gowland, EA to the CEO and Mayor

Ms S Taylor, Manager Finance & Procurement

on the basis that it will receive and consider a report on Strategic Property Purchase and that the Council is satisfied that the requirement that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter because the report contains:

(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 the Council to consider this matter in confidence.

CARRIED UNANIMOUSLY

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

ITEM 992
STRATEGIC PROPERTY COMMITTEE

MOVED Councillor Hughes
SECONDED Councillor Smolucha

That:

1. The minutes of the Strategic Property Committee meeting held on Wednesday 18 October 2017, be received.

2. The recommendations listed under:

Confirmation of Minutes

Item 38
Conflict of Interest

Item 39
Confidentiality Motion for Item 40 – Walter Street Property

Item 41
Confidentiality Motion to Remain in Confidence for Item 40 – Walter Street Property

inclusive, be adopted.

3. Item 40 – Confidential Item be moved to the end of the meeting.

CARRIED UNANIMOUSLY

CONFIDENTIAL

ITEM 1012**

RECOMMENDATION FOR ITEM 40 – STRATEGIC PROPERTY COMMITTEE –
WALTER STREET PROPERTY

ITEM 1013

**CONFIDENTIALITY MOTION TO REMAIN IN CONFIDENCE – ITEM 1012 –
RECOMMENDATION ITEM 40 – STRATEGIC PROPERTY COMMITTEE**

MOVED Councillor Hughes

SECONDED Councillor Hewitson

That:

1. The report be received.
2. Pursuant to Section 91(7) and (3)(a)(b) of the Local Government Act:
 - 2.1 The
 - ☒ Minutes
 - ☒ Report

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 and report will be kept confidential until the item is revoked by the Chief Executive Officer.
 - 2.3 Pursuant to Section 91(9)© of the Local Government Act 1999, the power to revoke the order under Section 91(7)(a) & (b) prior to any review or as a result of any review is delegated to the Chief Executive Officer.

CARRIED UNANIMOUSLY

The doors to the Council Chambers were opened at 8.45pm.

Councillor Koumi returned to the meeting at 8.45pm.

ITEM 1014
UNLEY PRECINCT OPPORTUNITIES

See pages 8 & 9 of these Minutes.

ITEM 1015
QUESTIONS WITHOUT NOTICE

See page 13 of these Minutes.

NEXT MEETING

Monday 27 November 2017 – 7.00pm.

CLOSURE

The A/Presiding Member closed the meeting at 8.50pm.

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A/PRESIDING MEMBER

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