



**Minutes of the City of Unley
Council Meeting
Monday, 25 February 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>	J Boisvert	D Palmer
	J Dodd	N Sheehan
	E Wright	K Anastassiadis
	M Hudson	S Dewing
	J Russo	M Broniecki
	M Rabbitt	

OFFICERS PRESENT

Chief Executive Officer, Mr P Tsokas
General Manager Business Support and Improvement, Ms N Tinning
General Manager City Services, Ms M Berghuis
General Manager City Development, Mr C Malak
Executive Manager Office of the CEO, Ms T Norman
Executive Assistant Office of the CEO, Ms L Jones

ACKNOWLEDGEMENT

The Presiding Member opened the meeting with the Kaurna acknowledgement.

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 25 February 2019, meeting of the Unley City Council.

APOLOGIES

Nil

LEAVE OF ABSENCE

Nil

ITEM 1394 **CONFLICT OF INTEREST**

Councillor N Sheehan declared a perceived conflict of interest in relation to Item 1404 on the basis that she previously held the post of Chair of the Goodwood Road Traders Association, and noted that she would remain in the meeting and participate in the debate in relation to that item at the time it is discussed.

Councillor J Dodd declared a material conflict of interest in relation to Item 1397 on the basis that she wishes to be considered for nomination to the Local Government Ministerial Advisory Committee, and advised that should she be nominated she would manage the conflict by leaving the meeting and not participating in the debate in relation to that item at the time it is discussed.

Councillor S Dewing declared a perceived conflict of interest in relation to Item 1399 Unley Oval Stage 2 on the basis that she has a professional affiliation with the Sturt Football Club, and noted that she would remain in the meeting and participate in the debate in relation to that item at the time it is discussed.

ITEM 1395 **MINUTES – COUNCIL**

MOVED Councillor S Dewing
SECONDED Councillor J Dodd

That:

1. The minutes of the Council Meeting held on 29 January 2019 be taken as read and signed as an accurate record.

CARRIED UNANIMOUSLY

DEFERRED / ADJOURNED ITEMS

Nil

PETITION

Nil

DEPUTATIONS

Nil

REPORTS OF COMMITTEES

Nil

REPORTS OF OFFICERS

ITEM 1396

CENTENNIAL PARK CEMETERY AUTHORITY: BOARD MEMBER APPOINTMENT – FEBRUARY 2019

SUSPENSION OF MEETING PROCEEDINGS

The Presiding Member, with approval of two-thirds of the members present, suspended meeting procedures pursuant to Regulation 20(1) of the *Local Government (Procedures at Meetings) Regulations 2013* at 7.08pm for 20 minutes to facilitate an informal discussion of the matter.

The following nominations were accepted for consideration of appointment to the Centennial Park Cemetery Authority Board:

Councillor P Hughes
Councillor M Rabbitt
Councillor J Russo

Councillor P Hughes left the meeting at 7.09pm.

Councillor M Rabbitt left the meeting at 7.09pm.

Councillor J Russo left the meeting at 7.09pm.

Councillor P Hughes re-joined the meeting at 7.09pm.

Councillor P Hughes left the meeting at 7.12pm.

Councillor J Russo re-joined the meeting at 7.13pm.

Councillor J Russo left the meeting at 7.14pm.

Councillor M Rabbitt re-joined the meeting at 7.15pm.

Councillor J Russo re-joined the meeting at 7.17pm.

Councillor P Hughes re-joined the meeting at 7.17pm.

A ballot process was undertaken to determine the Board Members for the Centennial Park Cemetery Authority Board and the results announced.

Formal meeting procedures resumed at 7.21pm.

Councillor M Rabbitt declared a material conflict of interest in relation to Item 1396 and left the meeting at 7.23pm.

Councillor J Russo declared a material conflict of interest in relation to Item 1396 and left the meeting at 7.23pm.

MOVED Councillor J Boisvert
SECONDED Councillor M Broniecki

That:

1. The report be received.
2. Councillor J Russo and Councillor M Rabbitt be appointed as Board Members to the Centennial Park Cemetery Authority for the period commencing from the date of this resolution and concluding 28 February 2021.

CARRIED UNANIMOUSLY

Councillor M Rabbitt re-joined the meeting at 7.23pm.

Councillor J Russo re-joined the meeting at 7.23pm.

ITEM 1397

NOMINATIONS FOR THE LOCAL GOVERNMENT MINISTERIAL ADVISORY COMMITTEE

SUSPENSION OF MEETING PROCEEDINGS

The Presiding Member, with approval of two-thirds of the members present, suspended meeting procedures pursuant to Regulation 20(1) of the *Local Government (Procedures at Meetings) Regulations 2013* at 7.23pm for 15 minutes to facilitate an informal discussion of the matter.

The following nominations were accepted for consideration of appointment to the Local Government Ministerial Advisory Committee:

Councillor D Palmer

Councillor J Dodd

Councillor D Palmer left the meeting at 7.24pm.

Councillor J Dodd left the meeting at 7.26pm.

Councillor D Palmer re-joined the meeting at 7.26pm.

Councillor J Dodd re-joined the meeting at 7.29pm.

A ballot process was undertaken to determine the preferred candidate for the Local Government Ministerial Advisory Committee and the results announced.

Formal meeting procedures resumed at 7.29pm.

MOVED Councillor J Russo
SECONDED Councillor M Rabbitt

That:

1. The report be received.
2. Councillor D Palmer and Councillor J Dodd be nominated for consideration by the LGA local government member on the Local Government Ministerial Advisory Committee.

CARRIED UNANIMOUSLY

ITEM 1398

CHIEF EXECUTIVE OFFICER REVIEW PANEL – TERMS OF REFERENCE AND MEMBERSHIP – ADDITIONAL MEMBER

MOVED Councillor P Hughes
SECONDED Councillor K Anastassiadis

That:

1. The report be received.
2. The Chief Executive Officer Review Panel – Terms of Reference as set out in Attachment 1 to this report (Item 1398, Council Meeting 25/02/2019) be endorsed.
3. Councillor E Wright be appointed to the Chief Executive Officer Review Panel for the period commencing from the date of this resolution and concluding 30 June 2021.

CARRIED UNANIMOUSLY

ITEM 1399

UNLEY OVAL REDEVELOPMENT STAGE 2: LIFECHANGER LETTER OF INTENT

Councillor S Dewing declared a perceived conflict of interest in relation to Item 1399 and left the meeting at 7.37pm.

MOVED Councillor D Palmer
SECONDED Councillor M Broniecki

That:

1. The report be received.
2. The Chief Executive Officer be endorsed to exchange a Letter of Intent with the LifeChanger Foundation, who are seeking to explore establishing their South Australian operations in the Unley Oval Complex, which commits to working collaboratively to seek alternative funding sources to undertake the Stage 2 redevelopment of Unley Oval.
3. Work commence on the development of detailed designs for Stage 2 of the Unley Oval redevelopment, to support discussions with possible sources of external funding for the project.
4. A review of the Community Land Management Plan (including community consultation) commence for Unley Oval.

CARRIED UNANIMOUSLY

Councillor S Dewing re-joined the meeting at 7.44pm.

ITEM 1400
BIANNUAL PERFORMANCE REPORT

Councillor M Broniecki asked a question regarding the spike in hard rubbish tonnage to landfill on page 82, seeking an explanation as to the cause of the spike. The question was **TAKEN ON NOTICE**.

MOVED Councillor J Boisvert
SECONDED Councillor M Hudson

That:

1. The report be received.

CARRIED UNANIMOUSLY

Councillor J Russo left the meeting at 7.48pm.

Councillor J Russo re-joined the meeting at 7.49pm.

ITEM 1401
FINANCE PERFORMANCE REPORT FOR THE PERIOD ENDED 31 DECEMBER 2018

MOVED Councillor M Rabbitt
SECONDED Councillor J Russo

That:

1. The report be received.

CARRIED UNANIMOUSLY

ITEM 1402
SECOND QUARTER BUDGET REVIEW 2018-19

MOVED Councillor S Dewing
SECONDED Councillor N Sheehan

That:

1. The report, including Attachments 1 – 4 to Item 1402/19 be received.
2. The budget variations totalling \$594K (Attachments 2-3) from the Second Quarter 2018-19 Budget Review be approved.
3. The revised budgeted Uniform Presentation of Finances reflecting a change in the budgeted Operating Surplus to \$2.33M and a decrease in Net Borrowing to \$5.70M, be adopted.

CARRIED UNANIMOUSLY

ITEM 1403
UNLEY ROAD REVITALISATION

MOVED Councillor K Anastassiadis
SECONDED Councillor M Rabbitt

That:

1. The report be received.
2. A letter be sent to the State Member for Unley, David Pisoni MP and the Minister for Transport, Infrastructure and Local Government, the Hon Stephan Knoll MP requesting a meeting with Department of Planning, Transport and Infrastructure Officers to discuss design concepts for Unley Road.

CARRIED UNANIMOUSLY

ITEM 1404
ASSOCIATION COORDINATORS QUARTERLY REPORTS FOR THE PERIOD
1 JULY – 31 DECEMBER 2018

MOVED Councillor D Palmer
SECONDED Councillor M Hudson

That:

1. The report be received.
2. The explanatory notes as provided by the King William Road Traders Association on their 2017/18 Quarter 4 report as set out in Attachment 1 to this report (Item No 1404/2019, Council Meeting 25/02/2019) be endorsed.

CARRIED UNANIMOUSLY

ITEM 1405
COUNCIL ACTION RECORDS

Councillor D Palmer asked a question regarding Item 1136, in particular relating to the use of the cricket pitch at Ridge Park and whether work is required to resurface the pitch. The question was **TAKEN ON NOTICE**.

MOVED Councillor J Dodd
SECONDED Councillor K Anastassiadis

That:

1. The report be noted.

CARRIED UNANIMOUSLY

MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

ITEM 1406

MOTION ON NOTICE: CONSIDERATION OF LIMITED RATE RISE FOR THE 2019-20 BUDGET

MOVED Councillor P Hughes
SECONDED Councillor J Dodd

That:

1. That in the preparation of the 2019-20 Budget, staff be advised that Council's guidance is for the rate rise to be limited to within 1% of CPI.

CARRIED

A ***DIVISION*** was called by the Presiding Member and the previous vote was set aside.

*The following members responded to the Presiding Member's call as having voted **IN FAVOUR** of the **MOTION**:*

Councillors D Palmer; N Sheehan; E Wright; M Hudson; K Anastassiadis; M Broniecki; M Rabbitt; J Russo; S Dewing; P Hughes; and J Dodd.

*The following members responded to the Presiding Member's call as having voted **AGAINST** the **MOTION**:*

Councillor J Boisvert

The Presiding Member declared the **MOTION** was **CARRIED**

The Presiding Member sought leave of the meeting to bring forward items 1408 – 1412 for consideration and leave was granted.

QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

ITEM 1408

QUESTION ON NOTICE: PUBLIC ACCESS TO 41 OXFORD TERRACE, UNLEY

Councillor J Boisvert asked the following question:

1. Will the open space at 41 Oxford Terrace remain publicly accessible outside of business hours now that the site adjacent has been leased for use as a school?

The following answer has been provided by the General Manager City Development.

SA Montessori (formerly Kirinari and now trading as Little Oxford Montessori) has entered into a commercial lease with the Council for its use of 18 Trimmer Terrace and 41 Oxford Terrace.

Council staff recently discussed the possibility of providing after-hours public access to the Oxford Terrace site and were advised that this would not be possible due to site specific Licensing and Accreditation requirements under the *Education & Early Childhood Services (Registration and Standards) Act 2011 SA*.

ITEM 1409**QUESTION ON NOTICE: MASTER PLAN FOR RIDGE PARK**

Councillor D Palmer asked the following question:

1. With reference to Item 1378/18 in the Council Actions Report (re 1174/18 Ridge Park Master Plan) when are the works expected to be completed?

The following answer has been provided by the General Manager City Development.

In May 2018 Council resolved to progress the enhancement of Ridge Park via the development of a Master Plan. At the time the resolution was carried, no budget was allocated for completion of the work, with the expectation being that the Master Plan could be developed in house by Council staff.

Council has also endorsed the delivery of various high priority projects in the 2018/19 budget, such as King William Road Redevelopment, Goodwood Oval Redevelopment, Shared Streets, Pocket Parks and a number of Fund My Neighbourhood projects. Consequently, work on the Ridge Park Master Plan has not yet commenced.

Given the current level of endorsed projects, funding to progress this project will be included for consideration as part of the 2020/21 budget process.

ITEM 1410**QUESTION ON NOTICE: USE OF PAGE PARK**

Councillor J Boisvert asked the following questions and the answers have been provided:

1. Why and in what year was the Fairmont Tennis Club relocated to Page Park?

The clubrooms at Page Park were built in 1991 for the Fairmont Tennis Club to lease from Council.

2. What were the terms that were agreed to at that time for the move to Page Park?

The Fairmont Tennis Club has a lease with the Council for the exclusive use of the clubroom building and old toilet block. The lease also covers usage of the tennis courts by the Club for a designated amount of hours each year. These hours need to be booked by the Club with Council. The Club does not have exclusive usage of the courts except at the times they have booked them with Council.

3. Who built the associated club rooms and toilets?

Council built the clubrooms in 1991.

4. What contribution was made by both parties?

The majority of the costs were covered by the Council, with a contribution from the Fairmont Tennis Club. We have not been able to determine the amount contributed by the Tennis Club.

5. Is Council responsible for the upkeep of the buildings?

The Council are the owners of the tennis courts and building, and responsible for the ongoing maintenance.

6. If so how much is budgeted each year for this?

There is no separate budget for maintenance of the club rooms at Page Park. This is incorporated within the overall Council capital renewal budget. In the last two years, approximately \$20K has been expended on painting, shutter work and plumbing at the club rooms.

7. What are the terms of the current lease?

The current lease was issued to the club on 15 September 2010, for a term of 3 years commencing on 1 July 2010 and expiring on 30 June 2013 together with two (2) rights of renewal of 3 years each.

As part of the 2016 lease extension, the Head Lease was varied to record that the Club is responsible for costs associated with electricity, gas and water/sewer for the Clubrooms and Toilets.

The base rent at the 2016 lease extension was \$1,880.46 per annum (plus GST), with lease providing for an increase each year on the anniversary of the Commencement Date by CPI (plus GST) based upon the CPI Index Group for Adelaide (adjustments applied 1st July 2017, 2018).

8. When is it due for renewal?

30 June 2019.

9. What process must residents follow to book courts and other facilities?

Court and facilities hire applications are undertaken through the "Booking a Park" page of the Council website. Application forms include Events, Fitness Training and Regular Sports Training.

Page Park is listed on the Council website with Tennis, Basketball and Toilets.

Page Park is listed with icons for Fitness, Tennis, Basketball and Toilets on the Parks and Playgrounds Brochure 2017.

Page Park is 'bookable' as an overall park and there are 5 separate Tennis Court Listings that can be booked.

Hire fees are detailed in the Fees and Charges schedule on the website.

10. Are the club rooms available to hire by other users?

Not to our knowledge, this would be a matter for the club.

11. What are the hours that dogs may be off leash?

Dogs may be off leash at Page Park between 5pm and 10am, provided no organised sporting activities are taking place and the person responsible for the dog maintains effective control at all times. The hours of Page Park have been in place for a number of years, and are the same as other similar parks in Unley. These times are reviewed as part of both the By Laws and the Animal Management Plan. The Page Park times were recently reviewed at the request of Council in 2016.

12. What does the term 'effective control' mean in real terms?

The dog is restrained by a leash of not more than 2m in length

The dog responds to command, is in close proximity to the person and the person is able to see the dog at all times

13. What water points are provided for dogs?

There are two standard water taps located in the park, one on the toilet block, one near the clubrooms. There are no specific dog bowls or 'dog taps' at the park.

14. Is the basketball court being used effectively?

Data relating to use of the half court is not captured (the court is not able to be booked, therefore no booking data is available, nor is the court suitable for full scale basketball games). There are no cameras or other surveillance equipment in place at the Park to enable an anecdotal assessment of use of the basketball court.

15. Residents have identified the need for a small fence between the tennis courts and the club rooms that is being investigated by council. Would a similar fence be effective around the fitness equipment?

A decision to install fencing around the fitness equipment would need to identify any issues that warrant fencing, evaluate the costs/benefits of installation of fencing, and assess risks of segregating portions of the park that could reduce overall amenity and usability.

16. Are there any other organisations or trainers that have a regular booked time to use a portion of the facilities? Who are they?

Fairmont Tennis Club has recurring bookings for Monday nights, Wednesday Mornings and Saturday Afternoons.

Ben Milner has recurring tennis coaching bookings for Court 1 on Tuesday, Wednesday and Thursday Nights.

No bookings are in the calendar for the wider Park.

No bookings are in the calendar for fitness training. (Heywood, Orphanage, Soutar, Ridge and Scammell are more popular with fitness trainers).

ITEM 1411

QUESTION ON NOTICE: WELFARE OF PETS: ALLEGED DOG BAITING

Councillor J Dodd asked the following question:

Recently a resident has identified a potential risk to dogs in the City of Unley, and expressed concerns that dog baiting may be occurring in one of Unley's local parks. In response to this issue I seek an answer to the following question:

1. What steps can Council take to protect the welfare of pets in the community, with relation to dog baiting and serious injury?

The following answer has been provided by the General Manager City Services.

Baiting of dogs and wildlife in public parks is of serious concern and is an offence under the *Animal Welfare Act 1985*.

Council has little direct jurisdiction in relation to this issue, with responsibility for enforcement of the Animal Welfare Act resting with the RSPCA, who are appointed as inspectors under the Act. This legislation provides the RSPCA with the authority to investigate cases of animal cruelty and to enforce animal welfare law. These powers are similar in nature to those afforded to police officers.

Council has a close working relationship with the RSPCA and seeks to engage with them if issues of animal cruelty or mistreatment are identified. This enables appropriately authorised RSPCA officers to respond promptly, and provides the best level of protection to our community pets.

In relation to the concern regarding dog baiting, we have no evidence that this is currently occurring. We do recommended that park users always remain vigilant, especially in dog off leash areas, and if baits are discovered, they should immediately contact the RSPCA on 1300 477 722, who are available 24 hours a day, 7 days a week.

Council Rangers will continue to monitor parks, giving particular heed to any object that appears suspicious, and will also continue to liaise directly with the RSPCA to report any suspicious activity that may cause injury to pets and wildlife so that they may take the appropriate action.

ITEM 1412

QUESTIONS WITHOUT NOTICE

Councillor M Hudson asked a question in relation to the scheduled AFLW football game at Unley Oval, in particular the dates that the advisory notices were posted at the oval. The question was **TAKEN ON NOTICE**.

Councillor M Hudson asked a further question in relation to the requirement to restrict access to the Unley Oval for up to six days prior to the AFLW match, and the question was answered by the CEO.

Councillor M Hudson asked a further question in relation to scheduled AFLW football game at Unley Oval, in particular the dates that the matter was put to and agreed by Council. The question was **TAKEN ON NOTICE**.

Councillor M Hudson asked a further question in relation to previous examples of the Unley Oval being closed to public access to facilitate a sporting event, and the question was answered by the CEO.

Councillor J Boisvert asked a question in relation to developing protocols for emails received from the community by Administration to determine what information is provided and/or on-forwarded to Elected Members, and the question was answered by the Executive Manager Office of the CEO.

Councillor J Russo asked a question in relation to the provision of contact details of Elected Members by the Administration to the community. The question was answered by the Executive Manager Office of the CEO.

Councillor S Dewing asked a question in relation to the provision of parking permits to residents, and options for inclusion of permit costs within property rates, and the question was answered by General Manager Business Support and Information.

ITEM 1407
MOTIONS WITHOUT NOTICE

Nil

ITEM 1413
CORRESPONDENCE

The correspondence from:

- Minister for Human Services – Inviting Nominations for the 2019 Premier's Certificate of Recognition for Outstanding Volunteer Service
- Unley Park Lawn Tennis Club – letter of thanks for support

was noted.

ITEM 1414
MAYOR'S REPORT

MOVED Councillor P Hughes
SECONDED Councillor M Hudson

That:

1. The report be received.

CARRIED UNANIMOUSLY

ITEM 1415
DEPUTY MAYOR'S REPORT

MOVED Councillor M Broniecki
SECONDED Councillor M Rabbitt

That:

1. The report be received.

CARRIED UNANIMOUSLY

ITEM 1416
REPORTS OF MEMBERS

The reports from:

1. Councillor N Sheehan
2. Councillor M Broniecki
3. Councillor E Wright
4. Councillor J Russo

were noted

CONFIDENTIAL ITEMS

Nil

NEXT MEETING

Monday 25 March 2019 – 7.00pm.

CLOSURE

The Presiding Member closed the meeting at 8.32pm.

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PRESIDING MEMBER

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