

COUNCIL MEETING

**Minutes of the Corporation of the City of Unley
Held on Monday 27 July 2015 at 7.00 pm
Council Chambers,
181 Unley Road Unley**

PRESENT

Deputy Mayor, Councillor R Schnell, A/Presiding Member	
Councillors	M Hudson
	A Lapidge
	R Sangster
	J Boisvert
	J Koumi
	P Hughes
	M Rabbitt
	R Salaman
	L Smolucha
	D Palmer

OFFICERS PRESENT

Chief Executive Officer, Mr P Tsokas
General Manager Community, Ms M Berghuis
A/General Manager Corporate Services, Ms A Shinkfield
General Manager Assets & Sustainability, Mr J Devine
Manager Governance & Risk, Ms R Wilson
Executive Assistant to the CEO & Mayor, Ms C Gowland
Community Development Project Officer, Ms A Hill
Manager Business Improvement, Ms N Tinning

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, members of the gallery and the media to the 27 July 2015, meeting of the Unley City Council.

APOLOGIES

Mayor Lachlan Clyne
Councillor Michael Hewitson

CONFLICT OF INTEREST

Nil

ITEM 183

CONFIRMATION OF MINUTES

MOVED Councillor Lapidge
SECONDED Councillor Palmer

1. That the Minutes of the Council meeting held on Monday 13 July 2015, as printed and circulated, be taken as read and signed as a correct record.

CARRIED UNANIMOUSLY

DEFERRED / ADJOURNED ITEMS

Nil

ITEM 184

PETITION RE NO DAM IN BROWN HILL CREEK

MOVED Councillor Hudson
SECONDED Councillor Rabbitt

That:

1. The petition be received.
2. The principal petitioner be notified that the petition has been received.

CARRIED UNANIMOUSLY

ITEM 185
PETITION RE PARKING AT HIGHGATE

MOVED Councillor Lapidge
SECONDED Councillor Hughes

That:

1. The petition be received.
2. The principal petitioner be notified that the petition has been received and that no further action is to be taken at the moment.

CARRIED UNANIMOUSLY

DEPUTATIONS

Nil

ITEM 186
MINUTES OF DEVELOPMENT STRATEGY AND POLICY COMMITTEE

MOVED Councillor Palmer
SECONDED Councillor Koumi

That:

1. The minutes of the Development Strategy and Policy Committee meeting held on Monday 20 July 2015, be received.
2. The recommendations listed under:

Item 4
Planning Strategy and Policy Program Update

Item 5
The 30 Year Plan for Greater Adelaide Update

Item 6
Unley Central Precinct Development Plan Amendment

inclusive, be adopted.

CARRIED UNANIMOUSLY

ITEM 187

DRAFT LIVING YOUNG ACTION PLAN FOR OUR YOUNG PEOPLE 2015-2017

MOVED Councillor Hughes
SECONDED Councillor Boisvert

That:

1. The report be received.
2. Council endorse the draft *Living Young Action Plan for our Young People 2015- 2017* as per Attachment 1 to Item 187/15.

CARRIED UNANIMOUSLY

ITEM 188

ADELAIDE PARK LANDS MANAGEMENT STRATEGY REVIEW

MOVED Councillor Lapidge
SECONDED Councillor Koumi

That:

1. The report be received.
2. The *Response to Adelaide Park Lands Management Strategy – City of Unley* (Attachment 1 to Item 188/15) be endorsed by Council.

CARRIED UNANIMOUSLY

ITEM 189

NOMINATION OF A REPLACEMENT DEPUTY MEMBER ON THE INNER METROPOLITAN DEVELOPMENT ASSESSMENT COMMITTEE (MDAC)

MOVED Councillor Boisvert
SECONDED Councillor Salaman

That:

1. The report is received.
2. Ms Ann Nelson be nominated as the Deputy Member to the Minister for Planning as the City of Unley nominee on the Inner Metropolitan Development Assessment Committee that will assess applications for buildings 5 storeys and over in the City of Unley's Urban Corridor Zones.

Councillor Palmer, MOVED as an AMENDMENT, SECONDED by Councillor Hughes
That:

1. The report is received.
2. Mr Roger Freeman be nominated as the Deputy Member to the Minister for Planning as the City of Unley nominee on the Inner Metropolitan Development Assessment Committee that will assess applications for buildings 5 storeys and over in the City of Unley's Urban Corridor Zones.

Amendment was put and **CARRIED**

The amendment became the MOTION and was put and **CARRIED**

ITEM 190

TEMPORARY VARIATION TO CITY OF UNLEY OPERATING HOURS

MOVED Councillor Salaman
SECONDED Councillor Palmer

That:

1. The report be received.
2. Council endorse the early closure of all functional areas of the organisation on Thursday 20 August 2015 at 3.30 pm.

CARRIED UNANIMOUSLY

ITEM 191

FINANCIAL ASSISTANCE GRANTS TO LOCAL GOVERNMENT

MOVED Councillor Hughes
SECONDED Councillor Rabbitt

That:

1. The report be received.
2. Council acknowledges the importance of federal funding through the Financial Assistance Grants program for the continued delivery of council's services and infrastructure.
3. Council acknowledges that the amount received in relation to Financial Assistance Grants for 2014-15 was \$1,168,741.

4. Council will ensure that this federal funding, and other funding provided by the Federal Government under relevant grant programs, is appropriately identified as Commonwealth grant funding when referred to in council publications, including annual reports.

CARRIED UNANIMOUSLY

ITEM 192

CITY OF UNLEY SWIMMING CENTRE SERVICE REVIEW

MOVED Councillor Boisvert
SECONDED Councillor Salaman

That:

1. The report be received.
2. The Unley Swimming Centre reduces its hours of operation during the month of May and also closes on Easter Monday and Anzac Day commencing in the 2015-16 swimming season.

CARRIED

ITEM 193

QUARTERLY PERFORMANCE REPORT

MOVED Councillor Palmer
SECONDED Councillor Smolucha

That:

1. The report be received.

CARRIED UNANIMOUSLY

ITEM 194
MAKING OF COUNCIL BY-LAWS

MOVED Councillor Boisvert
SECONDED Councillor Sangster

That:

1. The report be received.
2. The following by-laws be made by the Council pursuant to section 246(1) of the *Local Government Act 1999*:

No. 1; Permits and penalties
No. 2; Roads
No. 3; Local government land
No. 4; Moveable signs
No. 5; Dogs
3. The by-laws be published in the *South Australian Government Gazette*.
4. The by-laws be provided to the Legislative Review Committee of the South Australian Parliament in accordance with the *Subordinate Legislation Act 1978*.

CARRIED

ITEM 195
REVIEW OF CODE OF PRACTICE – ACCESS TO MEETINGS AND DOCUMENTS

MOVED Councillor Hudson
SECONDED Councillor Palmer

That:

1. The report be received.
2. The Code of Practice for Access to Council Meetings and Documents at Attachment 1 to Item 195/15 be endorsed.

CARRIED UNANIMOUSLY

ITEM 196

COUNCIL REPRESENTATIVE TO LGFA ANNUAL GENERAL MEETING

MOVED Councillor Sangster
SECONDED Councillor Salaman

That:

1. The report be received.
2. His Worship the Mayor, Lachlan Clyne, be nominated as the Council Representative to the Local Government Finance Authority Annual General Meeting for 2015.

CARRIED UNANIMOUSLY

ITEM 197

CENTENNIAL PARK CEMETERY AUTHORITY CHARTER

MOVED Councillor Lapidge
SECONDED Councillor Smolucha

That:

1. The report be received.
2. Council, having considered the changes in the Draft Centennial Park Cemetery Authority Charter, endorses the Draft Charter as it appears in Attachment 2 to Item 197/15.

CARRIED UNANIMOUSLY

ITEM 198

COUNCIL ACTION RECORDS

MOVED Councillor Palmer
SECONDED Councillor Salaman

That:

1. The report be received.

CARRIED UNANIMOUSLY

ITEM 199

QUESTIONS ON NOTICE FROM COUNCILLOR HUDSON RE OUTDOOR DINING

The following Questions on Notice have been received from Councillor Hudson and the answers are provided.

Comments from Councillor Hudson

These questions, and others in connection with unimpeded access to pavements in general, need to be addressed promptly as part of Council's duty to ensure that it meets the aspirations of the Human Rights Commission regarding the (growing) use of gophers and other aids by the disabled.

It should, I believe, be dealt with speedily, whereas my stated concerns about obstacle courses masquerading as resident footpaths ... the subject of more questions on notice elsewhere ... are tempered by the realisation that there will be no acceptable solution in the immediate future.

Questions

1. *How many eating venues (including snack bars) in the City of Unley provide pavement furniture .. tables and chairs .. on the footpaths outside their premises?*

Answer

Council has issued outdoor dining permits to total of 16 businesses and all of these venues provide some form of furniture, table and chairs on footpath. Administration is also aware of another 8 businesses that may be operating without a permit. An investigation is being undertaken to ascertain whether the pavement furniture is on private land or on Council property.

2. *How many of the said venues have applied for and received permission to use part of a public footpath as an adjunct to their business?*

Answer

Refer to answer of question 1.

3. *Has Council addressed the issue of those premises which do NOT have a permit or authorisation to impede the use of a footpath?*

Answer

As part of the application process, Council policy mandates the Applicant to allow reasonable passage for pedestrians with minimum 1.2 metres of footpath width to be available. Applications that fail to meet the requirements are not granted approval. There have been 9 applications rejected in the last 2 years where these criteria have not been met.

4. *If so, with what result?*

Answer

In 2012, two premises were issued with expiation notices for conducting outdoor dining without a permit.

5. *If not ... why?*

Answer

Refer answer to question 3

6. *Is the administration intending to rectify any deviation from its pavement policy on this issue, ie by ensuring the placement of furniture is of no obstruction to the free passage of pedestrians?*

Answer

Council at its meeting held in June 2015, endorsed the revised Outdoor Dining Policy. The revised policy mandates the free passage of pedestrians on Council footpaths. Any deviations from the policy will be looked at on a case by case basis to determine the severity of any deviation. Ultimately the policy provides the framework for Council to make decisions on outdoor dining at its discretion.

7. *How many premises have dining furniture immediately adjacent to their frontage, rather than on the OUTER edge of the pavement, as required by Council?*

Answer

Administration is aware of 3 businesses.

8. *Does administration consider that upturned/recycled oil drums, telecom cable reels and recycled fruit and vegetable crates comply with the Council's stated policy on appropriate seating?*

Answer

Council policy requires the furniture to be of "high quality, durable furniture and fittings, and have an attractive and interesting appearance". Council discussed the issue of the standard of outdoor furniture when it considered the policy at its meeting in June and decided that the furniture should suit the eclectic nature of businesses rather than prescribe a standard.

9. *What is the frequency of administration checks to ensure that the above issues are policed?*

Answer

Generally Administration inspects outdoor dining breaches on a complaint basis with an aim to investigate these within 24 hours. However if an inspector observes a breach during general patrol they will action appropriately. It is worth noting that many of the outdoor dining areas are in time limit zones, so are monitored regularly.

10. *With what result, if any?*

Answer

Businesses conducting outdoor dining without a permit are asked to remove the furniture and make an application under section 222 of the Local Government Act. If they continue to conduct outdoor dining without a permit, an expiation notice can be issued.

In the case of businesses with a permit not complying with the approved conditions, Administration undertakes an inspection and writes to the business owner asking them to remedy the situation. The owner has 30 days to respond after which a decision is made. Depending on the outcome of that decision, one course of action is revoking the permit as set out in section 225 of the Act. To date no permits have been revoked as issues are usually addressed when businesses receive a warning letter.

ITEM 200

QUESTIONS ON NOTICE FROM COUNCILLOR HUDSON RE FOOTWAYS AND TREES

The following Questions on Notice have been received from Councillor Hudson and the answers are provided.

Comments by Councillor Hudson

As the author of the below, I understand the complications of the situation. But I am also aware that many people are living considerably longer on the one hand, a mobility problem compounded by the growth in popularity of double prams, etc. We cannot merely hide behind the excuse that people (rightly) love trees. We need to be actively investigating a solution!

Questions

1. *In undertaking the repaving of footpaths in the City of Unley, what consideration is given to achieving a consistent width capable of accommodating the very evident growth in the number of double-pushers and gophers?*

Answer:

A number of competing criteria are considered before any repaving of a footpath is undertaken, these include mobility and environmental considerations. In all cases the level of service Council is endeavouring to provide which includes use of the footpath, and adjoining land use are key considerations to the extent of work.

However, if it is only a footpath repaving with no works planned or budgeted for changes to kerb lines, road pavement, or trees, then in general the existing street cross section is retained with a minimum disruption to elements such as trees.

Administration is currently preparing a level of service hierarchy which will help define the functionality of each street and help prioritise such matters as tree location and mobility needs. This hierarchy is to be submitted to Council for approval by December 2015.

2. *Is the administration aware that the average width of the above two modes of transport hovers around the 65cm?*

Answer

Yes.

3. *Is the administration aware of recently paved footpaths in many streets in the Parkside Ward where the useable pavement widths hover around 70cms, and fall as low (in one instance) as just 45cms, effectively making the pathway unusable to any but fully-abled pedestrians, and impassable to double pushers and gophers?*

Answer

Yes. Refer to answer 1. However, the mentioned Level of Service hierarchy recognises that not all the footpaths on all sides of all streets throughout Unley will be able to accommodate double prams, unless street trees are to be removed.

4. *Anglo Avenue in Parkside is in imminent danger of being repaved to a width (in a number of cases) to approximately 60cms. What steps, if any, can be taken to ensure that the work complies with the Human Rights Commission guidelines of unimpeded access to all?*

Answer

The current plan does not meet this requirement and does not have to. However, if Council requires this footpath to meet this requirement then Administration can remove the street trees, or alternatively proceed to design, consult and build an alternative solution. It could also require relocation of some stobie poles.

5. *As many trees in the ward, as in other wards are reaching the end of their useful life, has Council considered alternative replacement methods, such as protuberances into the roadway, rather than merely replacing trees in the*

original site and thereby storing up future access problems? Or perhaps, as has been mooted by some, of having just one footpath where feasible?

Answer

Yes. The revised Tree Strategy which is to come to Council later in the year identifies a number of alternative options which should be considered for appropriate streets.

6. *Has the administration conducted a survey of those streets in the city where present trees cause major interference to pedestrian traffic? Can this list please be made available to all EMs?*

Answer

There is no current list covering the whole City. As Council would be aware progress is being made on a more strategic, comprehensive approach to asset management which would include such details.

7. *Will the administration deal with the issue expeditiously, thereby avoiding the spectre of possible legal action by or on behalf of disadvantaged residents?*

Answer

The work is progressing. However, there is no current requirement for Council to provide mobility access to a certain standard on all footpaths.

ITEM 201

QUESTIONS ON NOTICE FROM COUNCILLOR HUDSON RE UNLEY OVAL STADIUM CONSULTANT COSTS AND FOOTWAY EXTENSIONS

The following Questions on Notice have been received from Councillor Hudson and the answers are provided.

Questions

1. *What was the cost of the consultants' report on the suggested upgrade of the Unley Oval stadiums?*

Answer:

There were three different consultancies at different stages of the investigations in future options for Unley Oval. Those consultancies were:

- | | |
|---|----------|
| • One Eighty SLS – Unley Oval Master Plan | \$21 200 |
| • Mott MacDonald – Unley Oval Upgrade Options | \$38 445 |
| • Mott MacDonald – Grandstand Design Options | \$41 250 |

2. *What would the cost be for a mail-out to all residents as part of the public consultation on the above-mentioned upgrade proposal?*

Answer:

The cost of a mail out will depend upon exactly what is sent in the mailout, but as a guide, the inclusion of one A4 sheet, double sided, printing, would cost in the order of \$20 000 to be mailed to all assessments. As A4 sized plans are very difficult to interpret, A3 sized sheets may be considered, but they would significantly increase costs. To include a response form and Reply Paid envelope will further increase costs, and every Reply Paid envelope returned to Council will incur further costs. On top of this are staff time costs.

3. *What was the cost of the public consultation regarding the proposal for the provision of the outdoor eating area at the junction of Maud Street and Unley Road?*

Answer:

The cost is approximately \$90 plus 4 hours of staff time.

4. *Has the Administration been approached by any business regarding the provision a similar footpath extension in Parkside Ward?*

Answer:

There have been no applications for footpath extensions from any business in Parkside Ward.

ITEM 209

QUESTIONS WITHOUT NOTICE

Councillor Sangster asked questions regarding the Development Strategy and Policy Committee Agenda, regarding the tenders which are being called.
This was answered by the CEO.

Councillor Boisvert asked a question regarding the media reports provided to Elected Members.

This was answered by the A/General Manager Corporate Services.

Councillor Salaman asked a question regarding the media reports provided to Elected Members.

This was answered by the A/General Manager Corporate Services.

Councillor Boisvert asked a question regarding the Development Plan and Concordia College.

This was answered by the CEO.

ITEM 202
CORRESPONDENCE

The correspondence from

- Deputy Premier, Minister for Planning re Funding
- National Animal Aid

be noted.

ITEM 203
MAYOR'S REPORT

MOVED Councillor Boisvert
SECONDED Councillor Rabbitt

That:

1. The report be received.

CARRIED UNANIMOUSLY

ITEM 204
DEPUTY MAYOR'S REPORT

MOVED Councillor Salaman
SECONDED Councillor Sangster

That:

1. The report be received.

CARRIED UNANIMOUSLY

ITEM 205
REPORTS OF MEMBERS

MOVED Councillor Palmer
SECONDED Councillor Rabbitt

That the attached reports from:

1. Councillor Rabbitt
2. Councillor Hughes

be noted.

CARRIED UNANIMOUSLY

ITEM 206

CONFIDENTIALITY MOTION FOR ITEM 207 – CEO PERFORMANCE REVIEW

MOVED Councillor Salaman
SECONDED Councillor Smolucha

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 C Gowland, Executive Assistant to CEO and Mayor

on the basis that it will receive and consider the report on the performance review of the Chief Executive Officer, 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);

because, information contained in this report relates to an individual employee of Council and should not be made available at this time. 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 8.04pm.

CONFIDENTIAL

ITEM 207
CEO PERFORMANCE REVIEW

ITEM 208
CONFIDENTIALITY MOTION TO REMAIN IN CONFIDENCE – CEO
PERFORMANCE REVIEW

MOVED Councillor Palmer
SECONDED Councillor Sangster

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 contained in this report details information concerning the personal affairs of an employee, 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 8.32pm.

NEXT MEETING

Monday 24 August 2015 – 7.00pm.

CLOSURE

The A/Presiding Member closed the meeting at 8.32pm.

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A/PRESIDING MEMBER

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