

COUNCIL MEETING

**Minutes of the Corporation of the City of Unley
Held on Monday 22 July 2013 at 7.00 pm
in the Civic Centre
181 Unley Road Unley**

PRESENT

Mayor Lachlan Clyne (Presiding Member)	
Councillors	J Koumi
	M Hudson
	R Sangster
	M Saies
	J Boisvert
	D Palmer
	A Lapidge
	P Hughes
	R Schnell
	M Hewitson
	R Salaman

OFFICERS PRESENT

Chief Executive Officer, Mr P Tsokas
General Manager Assets & Infrastructure, Mr J Devine
General Manager Economic Development & Planning, Mr D Litchfield
General Manager Community, Ms M Berghuis
A/General Manager People & Governance, Mr S Buley
Manager Governance & Risk, Ms R Wilson
Executive Assistant to CEO, Ms C Gowland

ACKNOWLEDGEMENT

The Presiding Member opened the meeting with the Aboriginal 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, members of the gallery and the media to the 22 July 2013 meeting of the Unley City Council.

APOLOGIES:

Councillor Tipper

CONFLICT OF INTEREST

Councillor Hewitson advised the Council that he is related to one of the people from Citelum (Item 832) and no discussions relating to this work have taken place outside of the Council. He did not see this as a conflict of interest.

ITEM 818

CONFIRMATION OF MINUTES

MOVED Councillor Palmer
SECONDED Councillor Hudson

That:

1. The Minutes of the Council Meeting held on Monday 8 July 2013, as printed and circulated, be taken as read and signed as a correct record.

CARRIED UNANIMOUSLY

The Mayor advised the Council that he would like to move the order of the business of Council. Item 829 – Kaurua Indigenous Land Use Agreement to be dealt with after Item 819 and Item 831 – Review of Consultation and Decision Making – King William Road Pedestrian Refuge, to be dealt with after Item 821. These were agreed with a two thirds majority.

PETITION

Nil

PRESENTATION

Nil

DEPUTATIONS

Two representatives from the Unley Youth Advisory Committee (Mr Timothy Braun and Ms Michelle Ewers) made a deputation to the Council regarding “Where Business Meets Youth” report.

EXTENSION OF TIME

An extension of time for a further 5 minutes was granted to the two representatives, this was agreed with a two thirds majority.

ITEM 819

DEFERRED ITEM 815 – WHERE BUSINESS MEETS YOUTH

MOVED Councillor Hughes
SECONDED Councillor Lapidge

That:

1. The report be received.

CARRIED UNANIMOUSLY

DEPUTATIONS – Cont’d

Mr Bubner re Parking Permits in Davenport Terrace Wayville.

EXTENSION OF TIME

Mr Bubner was granted a further extension of time for 2 minutes – this was agreed with a two thirds majority.

Ms Gabrielle Leonello, Mr John Karran and Ms Liza Emanuelle made a deputation to the Council re ‘Variety on King William’.

ITEM 820

UNLEY BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE

MOVED Councillor Koumi

SECONDED Councillor Palmer

That:

1. The minutes of the Unley Business and Economic Development Committee meeting held on Wednesday 10 July 2013, be received.

2. The recommendations listed under:

Item 9 – Association Coordinator's Quarterly Reports for the period ending 31 March 2013

Item 10 – King William Road Traders Association Fashion Event Proposal 2013 – 'Variety on King William'

Item 11 – Private Car Park Amalgamation Incentive/Efficiency Gain Policy

be adopted.

CARRIED UNANIMOUSLY

ITEM 821

COMMUNITY AND CULTURE COMMITTEE

MOVED Councillor Hughes

SECONDED Councillor Hudson

That:

1. The minutes of the Community and Culture Committee held on Monday 15 July 2013, be received.

CARRIED UNANIMOUSLY

ITEM 821

COMMUNITY AND CULTURE COMMITTEE – cont'd

MOVED Councillor Hughes
SECONDED Councillor Hudson

That the recommendations listed under:

Item 6 – Public Health Plan

be adopted.

CARRIED UNANIMOUSLY

MOVED Councillor Hughes
SECONDED Councillor Hudson

That the recommendations listed under

Item 7 – Place Activation Events Program 2013/14

be adopted.

CARRIED UNANIMOUSLY

ITEM 829

KAURNA INDIGENOUS LAND USE AGREEMENT

Mr Tony Lawson was available to answer questions of the Council.

MOVED Mayor Clyne
SECONDED Councillor Palmer

That:

1. The report be received.
2. Council resolve to enter into the Kurna Indigenous Land Use Area Agreement and pass resolutions in the following terms for that purpose:
 - (i) The Council enter into an Indigenous Land Use Agreement with Kurna Peoples native title claimants, by Garth Agius, Vince Buckskin, Lynette Crocker, Phillip Davies, Cecil Graham, Carroll Karpany, Shirley Lampard, Deceased, Joseph Mitchell, Rodney O'Brien, Deceased, Glenice Sumner, Frank Wanganeen, Maureen Wanganeen, Deceased, Georgina Williams, Kurna Yerta Aboriginal Corporation, Kurna Nation Cultural Heritage Association Incorporated and other local councils (*ILUA*).

ITEM 829

KAURNA INDIGENOUS LAND USE AGREEMENT – cont'd

- (ii) The execution, delivery and performance of the Council's obligations under the ILUA be, and are hereby, approved.
- (iii) The Council enter into and execute and deliver the ILUA in the form of the drafts submitted at the meeting together with any other document required in connection with or under the ILUA, with such amendments as the persons signing the same on behalf of the Council shall in those persons absolute discretion determine.
- (iv) The ILUA and any other associated documents be executed by the Mayor and Chief Executive of the Council.
- (v) The Council approve the allocation of \$5,503.46 in the Council's 2013/2014 Budget and an amount to be confirmed (adjusted by the change in the Consumer Price Index (Tables 1 and 2. CPI: All Groups, Index Numbers and Percentage Changes; Index Numbers; All groups CPI; Adelaide) in the 2014/2015 and 2015/2016 Budgets".

Councillor Hewitson MOVED as an AMENDMENT, SECONDED Councillor Salaman

That:

1. The report be received.
2. Council resolve to enter into the Kaurna Indigenous Land Use Area Agreement and pass resolutions in the following terms for that purpose:
 - (i) The Council enter into an Indigenous Land Use Agreement with Kaurna Peoples native title claimants, by Garth Agius, Vince Buckskin, Lynette Crocker, Phillip Davies, Cecil Graham, Carroll Karpany, Shirley Lampard, Deceased, Joseph Mitchell, Rodney O'Brien, Deceased, Glenice Sumner, Frank Wanganeen, Maureen Wanganeen, Deceased, Georgina Williams, Kaurna Yerta Aboriginal Corporation, Kaurna Nation Cultural Heritage Association Incorporated and other local councils (**ILUA**).
 - (ii) The execution, delivery and performance of the Council's obligations under the ILUA be, and are hereby, approved.
 - (iii) The Council enter into and execute and deliver the ILUA in the form of the drafts submitted at the meeting together with any other document required in connection with or under the ILUA, with such amendments as the persons signing the same on behalf of the Council shall in those persons absolute discretion determine.

ITEM 829

KAURNA INDIGENOUS LAND USE AGREEMENT – cont'd

- (iv) The ILUA and any other associated documents be executed by the Mayor and Chief Executive of the Council.
 - (v) The Council approve the allocation of \$5,503.46 in the Council's 2013/2014 Budget and an amount to be confirmed (adjusted by the change in the Consumer Price Index (Tables 1 and 2. CPI: All Groups, Index Numbers and Percentage Changes; Index Numbers; All groups CPI; Adelaide) in the 2014/2015 and 2015/2016 Budgets".
2. This Council undertakes a full review of the ILUA on an annual basis.

The AMENDMENT was put and **LOST**

The original MOTION was then put and **CARRIED**

DIVISION

A Division was called and the previous decision set aside.

Those voting in the affirmative:

Councillors Saies, Boisvert, Lapidge, Koumi, Palmer and Hughes

Those voting in the negative:

Councillors Salaman, Schnell, Sangster, Hudson and Hewitson

The MOTION was declared **CARRIED**

INTERRUPTION OF MEETING

The Presiding Member asked Councillor Hudson to explain his behaviour and make a personal explanation as to why he interrupted the Presiding Member and asked Councillor Hudson to leave the Chamber.

Councillor Hudson left the Chamber at 9.54pm.

Councillor Hudson returned to the Chamber at 10.02pm and made a formal apology to the Council.

Councillor Boisvert left the meeting at 9.04pm returning at 9.07pm during debate on the above Item.

Councillor Koumi left the meeting at 9.30pm returning at 9.33pm during debate on the above Item.

Councillor Saies left the meeting at 9.43pm returning at 9.45pm during debate on the above Item.

Councillor Salaman left the meeting at 9.48pm returning at 9.49pm during debate on the above Item.

Councillor Salaman left the meeting at 10.03pm returning at 10.04pm during debate on the above Item.

Councillor Hughes left the meeting at 10.04pm returning at 10.09pm during debate on the above Item.

Councillor Palmer left the meeting at 10.06pm returning at 10.10pm during debate on the above Item.

The Mayor advised that Item 831 – Review of Consultation and Decision Making – King William Road Pedestrian Refuge should be moved to be discussed prior to Item 825 and not prior to Item 822 as previously agreed.
This was agreed with a two thirds majority.

ITEM 822
MAYOR'S REPORT

MOVED Councillor Boisvert
SECONDED Councillor Lapidge

That:

1. The report be received.

CARRIED UNANIMOUSLY

ITEM 823
DEPUTY MAYOR'S REPORT

MOVED Councillor Palmer
SECONDED Councillor Sangster

That:

1. The report be received.

CARRIED UNANIMOUSLY

ITEM 824
REPORTS OF MEMBERS

Councillor Boisvert asked that this item be moved to the end of the meeting. This was agreed with a two thirds majority.

ITEM 831
REVIEW OF CONSULTATION AND DECISION MAKING – KING WILLIAM ROAD

MOVED Councillor Koumi
SECONDED Councillor Sangster

That:

1. The report be received.
2. The Item be deferred until the Council meeting of 12 August.

CARRIED

ITEM 825
RON YOUNG GRANT PROGRAM POLICY REVIEW

MOVED Councillor Schnell
SECONDED Councillor Hughes

That:

1. The report be received.
2. The amended Ron Young Grant Program Policy (Attachment 1 to Item 826/13) be adopted to reflect the role of the Community and Culture Committee in considering applications for funding.

CARRIED UNANIMOUSLY

ITEM 826

LEASE OF 41 OXFORD TERRACE UNLEY TO KIRINARI COMMUNITY SCHOOL

MOVED Councillor Salaman
SECONDED Councillor Sangster

That:

1. The report be received.
2. The Administration prepares and executes a lease agreement for Kirinari Community School to use 41 Oxford Terrace, Unley, with a lease fee of \$3,982 (excluding GST) for the term of the lease.
3. The lease agreement is to be based upon the attached lease summary (Attachment 1 to Item 826/13 as amended) and consistent with the standard lease document.

Councillor Schnell MOVED as an AMENDMENT, SECONDED Councillor Lapidge

That:

1. The report be received.
2. The Administration prepares and executes a lease agreement for Kirinari Community School to use 41 Oxford Terrace, Unley, with a lease fee of \$3,982 (excluding GST) for the term of the lease.
3. The lease agreement is to be based upon the attached lease summary (Attachment 1 to Item 826/13 as amended) and consistent with the standard lease document.
4. The Administration advise Kirinari School that the lease will terminate in December 2014.

The AMENDMENT was put and **CARRIED**

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

ITEM 827

**REQUEST FOR MULTIPLE SCLEROSIS SOCIETY OF SA TO HOLD A
FUNDRAISING EVENT AT THE UNLEY SWIMMING CENTRE – 9TH ANNUAL
MIGHTY SWIM 2014**

MOVED Councillor Palmer
SECONDED Councillor Sangster

That:

1. The report be received.
2. The MS Society 24 hour Mighty Swim event be held at the Unley Swimming Centre in February 2014 and 2015.
3. The associated facility hire charges to the MS Society be waived and a 20% discount on pool entry be given to participants.

Councillor Schnell MOVED as an AMENDMENT, SECONDED Councillor Boisvert, that:

1. The report be received.
2. The MS Society 24 hour Mighty Swim event be held at the Unley Swimming Centre in February 2014 and 2015.
3. The associated facility hire charges to the MS Society be waived and free entry to the pool be given to participants.

CARRIED UNANIMOUSLY

ITEM 828

**UNLEY AMATEUR SWIMMING CLUB INC SWIMMING CENTRE LANE HIRE
AGREEMENT SEPTEMBER 2013 TO SEPTEMBER 2015**

MOVED Councillor Schnell
SECONDED Councillor Boisvert

That:

1. The report is received.
2. Council approve the lane hire agreement as outlined in Attachment 1 to Item 828/13 of this report.

CARRIED UNANIMOUSLY

ITEM 829

KAURNA INDIGENOUS LAND USE AGREEMENT

See pages 5 – 7 of these Minutes.

ITEM 830

COUNCIL REPRESENTATIVE TO LGFA ANNUAL GENERAL MEETING

MOVED Councillor Palmer
SECONDED Councillor Sangster

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 2013.

CARRIED UNANIMOUSLY

ITEM 831
REVIEW OF CONSULTATION AND DECISION MAKING – KING WILLIAM
ROAD PEDESTRIAN REFUGE

See page 9 of these Minutes.

ITEM 832
SMART ENERGY POSSIBILITIES

Mr Brenton Curtis, Manager Strategic Asset Management, was available to answer questions on this Item.

MOVED Councillor Hughes
SECONDED Councillor Koumi

That:

1. The report be received.
2. An audit be undertaken of public lighting and associated energy use across the City of Unley, to assist with setting strategic direction and the preparation of a business case for smart energy opportunities.
3. A further report be submitted to Council once the audit has been completed.

CARRIED

ITEM 833
UPDATE ON FEDERALLY FUNDED STORMWATER PROJECTS

MOVED Councillor Lapidge
SECONDED Councillor Schnell

That:

1. The report be received.

CARRIED UNANIMOUSLY

ITEM 834

**CONTRACT KERBSIDE WASTE AND RECYCLING COLLECTION BETWEEN
CITY OF UNLEY AND EAST WASTE**

MOVED Councillor Schnell
SECONDED Councillor Palmer

That:

1. The report be received.
2. The City of Unley resolve to not become a Member Council of East Waste.

CARRIED UNANIMOUSLY

ITEM 835

**CENTENNIAL PARK CEMETERY AUTHORITY AUDIT COMMITTEE
REPRESENTATIVE**

MOVED Councillor Schnell
SECONDED Councillor Palmer

That:

1. The report be received.
2. Approval be given to the Centennial Park Cemetery Authority (CPCA) of *Mr Michael Carey, Manager Finance & ICT* as the staff representative for the City of Unley on the CPCA Audit and Risk Management Committee until the 10 August 2014.

CARRIED UNANIMOUSLY

EXTENSION OF MEETING TIME

MOVED Councillor Hudson
SECONDED Councillor Koumi

That the meeting be extended for a further 1 hour, or until the Items are completed, until 12 midnight.

CARRIED

Councillor Hewitson left the Chambers at 11.00pm.

ITEM 836
COUNCIL ACTION RECORDS

MOVED Councillor Palmer
SECONDED Councillor Sangster

That:

1. The report be received.

CARRIED UNANIMOUSLY

Councillor Salaman left the meeting at 11.00pm returning at 11.01pm during discussion on the above Item.

Councillor Boisvert left the Chambers at 11.03pm.

QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

ITEM 837
QUESTIONS WITHOUT NOTICE

Councillor Hudson – will Council be getting involved in the document entitled “Towards the Council of the Future”.

Have any offers of interest been received in relation to sponsoring doggie bags?

Councillor Schnell – How much is Unley contributing to the LGA regarding the referendum?

NBN appointed SA Power Networks to do the roll out in South Australia. Will that have any influence in the design? Was not explained at previous briefing.

(Taken on notice.)

Councillor Saies – Was any press release distributed in relation to Council endorsing the Unley Oval Master Plan?

Councillor Salaman – How many projects are happening with the LG Leadership Group.

Councillor Palmer – Belair Rail line will not be operational – commuters may try and park locally. What is Unley doing to lobby against this?

(Taken on notice.)

Problem at Millswood recently – can arborist report and explanation of tree removal be provided. Comments being made that Council was responsible for damage and removal of trees.

(Copy of report to be provided.)

ITEM 838
CORRESPONDENCE

The correspondence from

- Hon John Rau MP re Release of Crime Mapper 2007 – 2011
- OmbudsmanSA re Recommendations Implementation report
- Local Government Association re Minamata Convention on Mercury **
- Department of Environment Water and Natural Resources re NRM Levy
- Hon John Rau MP re Commencement of Graffiti Legislation
- Ian Hunter MLC reply re emission of mercury from crematoria **
- Local Government Association re Australian Red Cross Centenary 2014
- Dr Bob Such MP re speed limit on King William Road
- Flowers by Alice re “findyoueverything” website
- Kate Ellis MP re Regional Development Australian Fund and Liveable Cities Program

be noted.

ITEM 839
MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

MOVED Councillor Hughes
SECONDED Councillor Koumi

That:

Council requests the Administration develop a Draft Strategic Property Acquisition Strategy in relation to identifying opportunities to acquire properties that will assist in the delivery of the City's Community Plan, particularly in relation to open space or car parking within the City of Unley. The Draft Strategic Property Acquisition Strategy should address, amongst other things, criteria to enable assessment of the merits or otherwise of acquiring a property.

CARRIED UNANIMOUSLY

Councillor Saies left the meeting at 11.30pm returning at 11.31pm during debate on the above Item.

MOTIONS WITHOUT NOTICE

Nil

ITEM 840 **UNRESOLVED ITEMS**

Meeting Date	Item	Status
Council 22/3/10	Item 622 (UBED Item 46 Adjourned Debate – Item 46 – Unley Business and Economic Development Committee – Glen Osmond Road Separate Rate Negotiation. (copy attached)	The Item lie on the table.

ITEM 841

**CONFIDENTIALITY MOTION FOR ITEM 842 CENTENNIAL PARK CEMETERY
AUTHORITY OPERATING BUDGET 2013-2014**

MOVED Councillor Schnell
SECONDED Councillor Hudson

That:

1. Pursuant to Section 90(2) and (3)(d) 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
Mr D Litchfield, General Manager Economic Development and Planning
Mr S Buley, A/General Manager People and Governance
Ms M Berghuis, General Manager Community
Mr J Devine, General Manager Assets and Infrastructure
Ms R Wilson, Manager Governance and Risk
Ms C Gowland, Executive Assistant to CEO
Mr M Carey, Manager Finance and ICT

on the basis that it will receive and consider the report on Centennial Park Cemetery Authority – Operating Budget 2013, 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:

- (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which –
 - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
 - (ii) would, on balance, be contrary to the public interest,

because, Centennial Park Cemetery operates within a competitive environment, financial information contained in this report may provide a competitive advantage to one or more of Centennial Park's competitors. Disclosure of this information would be contrary to the public interest.

CARRIED

The doors to the Council Chambers were closed at 11.33 pm.

ITEM 842

CENTENNIAL PARK CEMETERY AUTHORITY OPERATING BUDGET FOR 2013-2014

MOVED Councillor Lapidge
SECONDED Councillor Hudson

That:

1. The report be received.

CARRIED UNANIMOUSLY

ITEM 843

REMAIN IN CONFIDENCE – ITEM 842 – CENTENNIAL PARK CEMETERY AUTHORITY OPERATING BUDGET 2013-2014

MOVED Councillor Sangster
SECONDED Councillor Salaman

That:

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

- 2.1 The

☒ Attachment 1

remain confidential on the basis that the information supplied could confer a commercial advantage on a third party, as the report contains information which may provide a competitive advantage to one or more of Centennial Park's competitors, and

- 2.2 the 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 11.35pm.

ITEM 844

**CONFIDENTIALITY MOTION FOR ITEM 845 – CENTENNIAL PARK
CEMETERY AUTHORITY BUSINESS PLAN 2013-2014**

MOVED Councillor Schnell
SECONDED Councillor Koumi

That:

1. Pursuant to Section 90(2) and (3)(d) 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
Mr D Litchfield, General Manager Economic Development and Planning
Mr S Buley, A/General Manager People and Governance
Ms M Berghuis, General Manager Community
Mr J Devine, General Manager Assets and Infrastructure
Ms R Wilson, Manager Governance and Risk
Ms C Gowland, Executive Assistant to CEO
Mr M Carey, Manager Finance and ICT

on the basis that it will receive and consider the report on Centennial Park Cemetery Authority – Business Plan 2013-2016, 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:

- (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which –
 - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
 - (ii) would, on balance, be contrary to the public interest,

because, Centennial Park Cemetery operates within a competitive environment, financial information contained in this report may provide a competitive advantage to one or more of Centennial Park's competitors. Disclosure of this information would be contrary to the public interest, and Centennial Park Cemetery Authority Board have requested that this item remain in confidence.

CARRIED UNANIMOUSLY

The doors to the Council Chambers were closed at 11.35 pm.

ITEM 845

**CENTENNIAL PARK CEMETERY AUTHORITY ANNUAL BUSINESS PLAN
2013 – 2016**

MOVED Councillor Lapidge
SECONDED Councillor Hudson

That:

1. The report be received.

CARRIED UNANIMOUSLY

ITEM 846

**REMAIN IN CONFIDENCE – ITEM 845 – CENTENNIAL PARK CEMETERY
AUTHORITY ANNUAL BUSINESS PLAN 2013-2016**

MOVED Councillor Schnell
SECONDED Councillor Palmer

That:

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

2.2 The

☒ Attachment 1

remain confidential on the basis that the information supplied could confer a commercial advantage on a third party, as the report contains information which may provide a competitive advantage to one or more of Centennial Park's competitors, and

- 2.2 the 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 11.36 pm.

ITEM 824
REPORTS OF MEMBERS

Items of Particular Interest and Concern

Councillor Saies provided Members with an update on the Murray Darling Association, of which he is a representative.

Councillor Hudson – discussed the King William Road refuge.

Councillor Schnell – advised Members that he may put up a Motion on Notice relating to Parking Permits.

Centennial Park Cemetery Authority

Due to the late hour, Councillor Lapidge advised that he would provide an update at the next meeting.

Development Matters

Councillor Koumi spoke about the Unley Road DPA.

NEXT MEETING

Monday 12 August 2013 – 7.00 pm.

CLOSURE

The Presiding Member closed the meeting at 11.51 pm.

.....
PRESIDING MEMBER

.....