

## **COUNCIL MEETING**

**Minutes of the Corporation of the City of Unley  
Held on Monday 26 August 2013 at 7.00 pm  
in the Civic Centre  
181 Unley Road Unley**

### **PRESENT**

His Worship the Mayor, Mr L Clyne (Presiding Member)  
Councillors   J Koumi                      M Hudson  
                    R Sangster                      M Saies  
                    J Boisvert                      D Palmer  
                    A Lapidge                      P Hughes  
                    D Tipper                      B Schnell (Deputy Mayor)  
                    R Salaman                      M Hewitson

### **OFFICERS PRESENT**

Chief Executive Officer, Mr P Tsokas  
General Manager Economic Development & Planning, Mr D Litchfield  
General Manager Community, Ms M Berghuis  
General Manager People & Governance, Mr S Faulkner  
General Manager Assets & Infrastructure, Mr J Devine  
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 and people in the gallery to the 26 August 2013 meeting of the Unley City Council.

## **APOLOGIES:**

Nil

## **CONFLICT OF INTEREST**

Councillor Koumi advised that he had a conflict of interest in Item 860, Post Consultation Review – Local Heritage Places Development Plan Amendment and would leave the meeting when that Item was being discussed.

## **ITEM 858**

### **CONFIRMATION OF MINUTES**

MOVED Councillor Palmer

SECONDED Councillor Hudson

That:

1. The minutes of the Council Meeting held on Monday 12 August 2013, as printed and circulated, be taken as read and signed as a correct record.

**CARRIED UNANIMOUSLY**

## **CHANGE OF ORDER OF BUSINESS**

The Mayor suggested to Members that the order of business be changed to bring forward Item 864 after Item 860 and Item 885 (late item) be dealt with after Item 864. This was agreed with a two thirds majority.

**ITEM 859**

**ADJOURNED ITEM**

**REVIEW OF CONSULTATION AND DECISION MAKING – KING WILLIAM ROAD  
REFUGE**

Mr Paul Morris from GTA Consultants, was available to answer questions of the Council.

MOVED Councillor Hewitson  
SECONDED Councillor Salaman

That:

1. The report be received.
2. The Safety Audit and the correspondence from the RAA in relation to the safety of the proposed Refuge be received and noted.
3. A review be undertaken of existing consultation policies and processes to identify strategies for improvement.
4. The refuge be constructed in accordance with the decision of May 2012 (434/12)

Councillor Koumi MOVED as an AMENDMENT SECONDED by Councillor Saies, that:

1. The report be received.
2. The Safety Audit and the correspondence from the RAA in relation to the safety of the proposed Refuge be received and noted.
3. A review be undertaken of existing consultation policies and processes to identify strategies for improvement.
4. The refuge be constructed in accordance with the decision of May 2012 (434/12) pending a review of access requirements for heavy vehicles into and out of King William Road and Arthur Street. The review should include, though not be limited to, the feasibility of implementing a load limit restriction in Arthur Street.
5. Administration proceed immediately to construct a pedestrian refuge in accordance with the detailed design work already carried out, as endorsed by Council on 25 July 2011, on King William Road, north of Union Street.

## **SUSPENSION OF STANDING ORDERS**

The Presiding Member advised the Council that he thought the meeting would benefit from a short term suspension of meeting procedures, for 2 minutes, to view the videos that had been supplied to Elected Members regarding trucks turning from King William Road.

This was agreed with a two thirds majority.

The standing orders were suspended at 7.15pm.

The standing orders were reinstated at 7.17pm.

## **EXTENSION OF DEBATING TIME**

MOVED Councillor Koumi

SECONDED Councillor Hewitson

That Councillor Saies be given an extension to debating time.

**Carried**

## **FORMAL MOTION**

MOVED Councillor Tipper

SECONDED Councillor Palmer

That the Item lay on the table.

**Formal Motion Lost**

The AMENDMENT was put and TIED

The Mayor used his vote and the AMENDMENT was put and CARRIED

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

Councillor Saies requested that the email from the Administration be tabled.

Councillor Hudson left the meeting at 8.09pm returning at 8.13pm during debate on the above Item.

Councillor Palmer left the meeting at 8.13pm returning at 8.14pm during debate on the above Item.

## **DEPUTATION**

Mr Tom Game from Botten Levinson, Development & Environment Lawyers, made a deputation on behalf of Ms Jin re Development Strategy and Policy Committee Minutes – 8 Palmerston Road Unley.

Councillor Salaman left the meeting at 8.42pm returning at 8.44pm during the above Item.

## **ITEM 860**

### **DEVELOPMENT STRATEGY AND POLICY COMMITTEE**

Councillor Koumi declared a conflict of interest and left the Chambers at 8.54pm.

MOVED Councillor Hewitson  
SECONDED Councillor Palmer

That:

1. The recommendations listed under Item 6, Post Consultation Review – Local Heritage Places Development Plan Amendment, of the Development Strategy and Policy Committee be endorsed.

Councillor Boisvert MOVED as an AMENDMENT, SECONDED by Councillor Hudson, that:

1. The report be received.
2. Recommend to Council the *Summary of Consultation and Proposed Amendments Report* on the Local Heritage Places Development Plan Amendment be endorsed, and submitted to the Minister for Planning, with the following additional revisions:

Submission 18	41 – 43 Unley Road – remove residence from listing
Submission 56	38 – 40 Mary Street – remove from listing
Submission 82	86 Glen Osmond Road – remove from listing
Submission 99	40 Anzac Highway – retain listing

3. The revised recommendations be provided to Elected Members as soon as practicable after the Development Strategy and Policy Committee.
4. Submission 53 No. 38 Anzac Highway Everard Park – a decision on listing be suspended from the Summary of Recommended Changes until such time as further information is provided and presented to the Council in August 2013.

## **ITEM 860**

### **DEVELOPMENT STRATEGY AND POLICY COMMITTEE – Cont'd**

Councillor Schnell MOVED a FURTHER AMENDMENT, SECONDED by Councillor Salaman,

1. The report be received.
2. Recommend to Council the *Summary of Consultation and Proposed Amendments Report* on the Local Heritage Places Development Plan Amendment be endorsed, and submitted to the Minister for Planning, with the following additional revisions:

Submission 18	41 – 43 Unley Road – remove residence from listing
Submission 56	38 – 40 Mary Street – remove from listing
Submission 82	86 Glen Osmond Road – remove from listing
Submission 99	40 Anzac Highway – retain listing
	167– 167a Unley Road – retain listing
3. The revised recommendations be provided to Elected Members as soon as practicable after the Development Strategy and Policy Committee.
4. Submission 53 No. 38 Anzac Highway Everard Park – a decision on listing be suspended from the Summary of Recommended Changes until such time as further information is provided and presented to the Council in August 2013.

The FURTHER AMENDMENT was put and **LOST**

The AMENDMENT was put and CARRIED

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

Councillor Sangster left the meeting at 8.54pm returning at 8.55pm during debate on the above Item.

Councillors Boisvert and Schnell left the meeting at 9.09pm returning at 9.10pm during debate on the above Item.

**ITEM 864**

**POST CONSULTATION REVIEW – LOCAL HERITAGE PLACES DEVELOPMENT  
PLAN AMENDMENT**

MOVED Councillor Boisvert  
SECONDED Councillor Palmer

That:

1. The report be received.
2. 38 Anzac Highway Everard Park be retained on the list of places recommended for listing as Local heritage Places
3. The SCPA Report, as amended above and a correspondingly amended draft Local Heritage Places DPA be submitted to the Minister for Planning for approval.

**CARRIED UNANIMOUSLY**

Councillor Koumi returned to the Chamber at 9.18pm after debate on the above Item.

**ITEM 885**

**MINUTES OF INFRASTRUCTURE AND CAPITAL PROJECTS COMMITTEE**

MOVED Councillor Boisvert  
SECONDED Councillor Sangster

That:

1. The minutes of the Infrastructure and Capital Projects Committee meeting held on Monday 29 July 2013, be received.
2. The recommendations listed under:

Item 6  
Community Asset Review (CAR)

and

Item 7  
Opportunity to Create More Car Parking Spaces on King William Road

be adopted.

**CARRIED UNANIMOUSLY**

**ITEM 861**  
**MAYOR'S REPORT**

MOVED Councillor Hudson  
SECONDED Councillor Tipper

That:

1. The report be received.

**CARRIED UNANIMOUSLY**

**ITEM 862**  
**DEPUTY MAYOR'S REPORT**

MOVED Councillor Palmer  
SECONDED Councillor Hughes

That:

1. The report be received.

**CARRIED UNANIMOUSLY**

**ITEM 863**  
**REPORTS OF MEMBERS**

**Items of particular interest, concern or urgency**

Councillor Hudson – Attended fund raising event in the Town Hall.  
Attended the newly formed Unley Oval Reference Group. Independent Members are confused as to their role.

Concerned about parking during the Royal Show as train services not completed.

Councillor Saies – Unley Oval Advisory Group first meeting, independent members unsure if there is any value in attending meetings.

Councillor Hughes – First Community Sustainability Reference Group meeting also took place.

Councillor Sangster – Unley Park Sports Club celebrating 90<sup>th</sup> celebrations.  
Invitations sent to Elected Members.

Councillor Salaman – Heavy vehicles causing a safety problem.

Councillor Schnell – SALA event on weekend very successful. Congratulations.



### Centennial Park Cemetery Authority

Councillor Lapidge provided Members with an update on the Centennial Park Cemetery Authority Board Meeting.

### Development Matters

Councillor Sangster – The number of items being presented to the DAP has reduced due to the delegations to staff.

Councillor Palmer – The DAP moved a motion to improve off street parking in King William Road. Regardless of the low numbers of items going to the Panel, there are a signification number of parking issues.

Independent Members of the DAP have also been invited to attend the Elected Member Workshop on Planning Reform, scheduled for October.

Councillor Hughes left the meeting at 9.21pm returning at 9.23pm during discussion on the above Item.

Councillor Boisvert left the meeting at 9.24pm returning at 9.25pm during discussion on the above Item.

Councillor Saies left the meeting at 9.33pm returning at 9.36pm during discussion on the above Item.

**ITEM 864**

**POST CONSULTATION REVIEW – LOCAL HERITAGE PLACES DEVELOPMENT  
PLAN AMENDMENT**

See page 7 of these Minutes.

**ITEM 865**

**LEASE OF PART 1 CURZON AVENUE MILLSWOOD (A PORTION OF THE  
GOODWOOD OVAL COMPLEX) TO GOODWOOD CRICKET CLUB INC**

MOVED Councillor Boisvert

SECONDED Councillor Hughes

That:

1. The report be received.
2. The Administration prepares and executes a lease agreement for Goodwood Cricket Club Incorporated to conduct cricket and associated activities at Part 1 Curzon Avenue, Millswood, with a commencing lease fee of \$3,500 per annum (including GST), to be indexed annually by CPI for the first 2 years and adjusted according to the revised Policy Management Policy in Year 3 of the lease term.
3. The lease agreement is to be based upon the attached lease summary (Attachment 1 to Item 865/13) and consistent with the standard lease document.
4. A wicket preparation fee of \$3,980 (including GST) be paid by the Goodwood Cricket Club for one season only (01/10/13 – 31/03/14) for the current level of service provided by Council. The outcomes of the review of the Property Management Policy will determine fees in future years.

**CARRIED UNANIMOUSLY**

**ITEM 866**

**MERCURY EMISSIONS FROM CREMATORIA – MOTION TO LGA ANNUAL GENERAL MEETING**

MOVED Councillor Lapidge  
SECONDED Councillor Hudson

That:

1. The report be received.
2. The Annual General Meeting requests the Local Government Association to investigate whether there is sufficient support across the sector to lobby the State and Federal Governments for changes to legislation requiring crematoria to install best control facilities to minimise the release of mercury and any other injurious contaminants into the atmosphere.

**CARRIED UNANIMOUSLY**

Councillor Salaman left the meeting at 9.40pm returning at 9.42pm during discussion on the above Item.

**ITEM 867**

**LGA MUTUAL LIABILITY SCHEME BOARD – NOMINATION**

MOVED Councillor Saies  
SECONDED Councillor Hughes

That:

1. The report be received.
2. A nomination for Councillor Saies as a Local Government representative on the Local Government Association Mutual Liability Scheme Board be submitted to the Local Government Association by COB Tuesday 3 September 2013.

**CARRIED**

**ITEM 868**

**LGA WORKERS COMPENSATION SCHEME BOARD – NOMINATION**

MOVED Councillor Hughes  
SECONDED Councillor Palmer

That:

1. The report be received.
2. A nomination for Councillor Saies as a Local Government representative on the Local Government Association Workers Compensation Scheme Board be submitted to the Local Government Association by COB Tuesday 3 September 2013.

**CARRIED**

**ITEM 869**

**NEW LOCAL GOVERNMENT (PROCEDURES AT MEETINGS) REGULATIONS  
2013**

MOVED Councillor Palmer  
SECONDED Councillor Lapidge

That:

1. The report be received.

**CARRIED UNANIMOUSLY**

**ITEM 870**

**AUTHORISATION OF SIGNING THE CERTIFICATION OF FINANCIAL  
STATEMENTS**

MOVED Councillor Hudson  
SECONDED Councillor Sangster

That:

1. The report be received.
2. Authorisation be given to the Mayor and the Chief Executive Officer to sign the certification of the statements in their final form once the annual audited financial statements have been completed.

**CARRIED UNANIMOUSLY**

**ITEM 871****PRELIMINARY YEAR END FINANCIAL REPORT – JUNE 2013**

MOVED Councillor Boisvert  
SECONDED Councillor Tipper

That:

1. The report, including Attachments 1 - 6 to Item 871/13, be received.
2. Carry forward projects from 2012-13 totalling a net amount of \$1.673M be approved.
3. The 2013-14 budget variations as summarised in the Proposed Funding Statement (Attachment 6 to Item 871/13) for the year ending 30 June 2014 be approved.
4. Council notes the revised Budget Operating Funding Surplus before Capital Revenue of \$851K and revised Net Borrowings of \$3.163M for the 2013-14 Financial Year.

**CARRIED UNANIMOUSLY**

**ITEM 872****COUNCIL ACTION RECORDS**

MOVED Councillor Palmer  
SECONDED Councillor Salaman

That:

1. The report be received.

**CARRIED UNANIMOUSLY**

**ITEM 873****QUESTION ON NOTICE FROM COUNCILLOR HUDSON RE ELEMENTS ART WORK**

The following Question on Notice has been received from Councillor Hudson and the answer is provided:

**Question**

1. In December 1980, a plaque was erected on the eastern side of the Civic Centre commemorating the installation of a sculpture by John Bishop.

Over recent years “Earth, Air, Water, Fire” has been allowed to deteriorate and has been vandalised on the dubious grounds of public safety.

In conjunction with the adjacent upgrading of the space between the Civic Centre and Edmund avenue, will the Administration ensure that the tribute to the elements is restored to its original form?

**Answer**

The Administration has started to research the viability of either restoring or amending the Four Elements artwork. Initial advice has been sought from Arts SA. This will continue to occur once the Village Green extension has been completed. This will allow a better assessment of the new configuration in the physical environment, its usage and relevant OHS&W issues.

No budget has been identified in the 2013/14 financial year to undertake any associated works related to the artwork.

As part of this review, the original associated artists will need to be traced and contacted to seek their input. It is already known that the lead artist John Davis is deceased. Professional advice from notable public artists will also be sought on the viability of either addressing the original brief or re-designing.

It is generally acknowledged that the Four Elements is a popular icon in the local community and options need to be explored to restore or amend the artworks subject to finance and OHS&W compliance.

It is anticipated a further update will be provided to Council once the research and review has been conducted.

**ITEM 874**  
**CORRESPONDENCE**

The correspondence from

- Jasmyn Brown, Black Forest
- Anti-Poverty Week
- Glen Osmond Road Precinct Association Inc
- Jan Symonds, Black Forest
- Australian Human Rights Commission
- Department for Communities and Social Inclusion
- Multiple Sclerosis Society of SA
- Australia Day Council of SA
- Bec French, Unley
- Hon Gail Gago MLC
- The Hon Amanda Rishworth MP
- Department for Communities and Social Inclusion

be noted.

**ITEM 875**  
**NOTICE OF MOTION FROM COUNCILLOR SCHNELL RE PARKING PERMITS**

MOVED Councillor Schnell  
SECONDED Councillor Tipper

That:

1. The Fees & Charges Schedule 2013-14 be revised as follows:
  - a) Residential Parking Permit in Excess of Policy Entitlements Annual fee be \$52 (currently \$150)
2. The Residential Parking policy (COU51) be amended as per the attachment.

**CARRIED**

**ITEM 876**

**NOTICE OF MOTION FROM COUNCILLOR SALAMAN RE UNLEY ROAD**

MOVED Councillor Salaman  
SECONDED Councillor Hewitson

That:

1. Council supports, in principle, the 2002 Unley Road Upgrade as initially approved by the Government of the day, but updated as necessary.
2. The administration seek support from the Minister for Transport to give the project official endorsement.
3. The administration request that the Department re-convene the former project team, which included the then Transport SA, their consultants and Unley Council.
4. The assistance of the local member, David Pisoni be sought.
5. Early enquiries be made into the availability of Federal funding for the project
6. A report be brought to Council as soon as is practical with recommendations on fine tuning the approved 2002 plans, a review of the 2002 consultation results and the desirability of re-consulting on Stage 2 of the Upgrade Plan, prior to proceeding to the Stage 3 consultation round.
7. The Unley Road Association be informed of the decision.

**CARRIED UNANIMOUSLY**

Councillor Tipper left the Chambers at 10.15pm.

**ITEM 877**

**NOTICE OF MOTION FROM COUNCILLOR SALAMAN RE RESIDENTIAL PARKING PERMITS**

MOVED Councillor Salaman  
SECONDED Councillor Boisvert

That:

1. It is acknowledged that increased residential density will potentially increase demand for Residential Parking Permits and Permit Zones which may seriously disadvantage existing residents and commercial ratepayers and their visitors.



2. The Administration investigate changes to the Residential Parking Policy that would ensure additional residential on-street parking permits are not available for the occupiers of dwellings where development has been approved or converted to residential use after 1 November 2013.
3. Amendments to the City of Unley Development Plan at the next review to enable a condition of approval restricting eligibility for Residential Parking Permits be investigated. The feasibility of making this condition reportable on the Section 7 Statement be investigated to ensure all purchasers are aware of the restrictions.
4. A report be brought to the October meeting of council.

**CARRIED**

**ITEM 886**

**MOTIONS WITHOUT NOTICE**

MOVED Councillor Hudson

That, in light of diminished rail services to the showgrounds, Council's administration asks ACC to provide a one off extension of parking in the southern parklands for the life of the Show.

Motion not accepted – will become a Motion on Notice for the September Council meeting

MOVED Councillor Saies

That:

1. The Administration investigate the merits of Council's current policy (the subject of Council's resolution passed on 25 March 2013 – (703/13) relating to the function and operations of the Community Reference Groups.
2. The Administration prepare a report to Council which addresses ways in which the terms of the current policy can be relaxed to make the operation of the Community Reference Groups more effective and more conducive to the constructive involvement of members of the community.

Motion not accepted – will become a Motion on Notice for the September Council meeting

Councillor Palmer left the meeting at 10.25pm returning at 10.26pm during discussion on the above Item.

**ITEM 878**  
**UNRESOLVED ITEMS**

<b>Meeting Date</b>	<b>Item</b>	<b>Status</b>
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 879**  
**CONFIDENTIALITY MOTION FOR ITEM 880 – LAND ENCROACHMENT –**  
**FERGUSON AVENUE MYRTLE BANK**

MOVED Councillor Schnell  
SECONDED Councillor Palmer

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  
Mr D Litchfield, General Manager Economic Development and Planning  
Mr S Faulkner, 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 T Stein, Sustainable Landscape Specialist

on the basis that it will receive and consider the report on Land Encroachment –Ferguson Avenue Myrtle Bank, 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).

The report contains information with regard to the property owner's personal and financial affairs. Given these circumstances this item will need to be considered in confidence at this point in time.

**CARRIED UNANIMOUSLY**

The doors to the Council Chambers were closed at 10.30pm.

# CONFIDENTIAL

**ITEM 880**

**LAND ENCROACHMENT – FERGUSON AVENUE MYRTLE BANK**

**ITEM 881**

**CONFIDENTIALITY MOTION TO REMAIN IN CONFIDENCE – LAND  
ENCROACHMENT FERGUSON AVENUE MYRTLE BANK**

MOVED Councillor Schnell  
SECONDED Councillor Hudson

That:

1. Pursuant to Section 91(7) and (9) of the Local Government Act:

1.1 The

- ☒ Minutes
- ☒ Report
- ☒ Attachments

remain confidential on the basis that the information contained in this report contains information with regard to the property owner's personal and financial affairs, and

1.2 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 10.44pm.

**ITEM 882**

**CONFIDENTIALITY MOTION FOR ITEM 883 – AUDIT AND GOVERNANCE  
COMMITTEE – APPOINTMENT OF INDEPENDENT MEMBERS**

MOVED Councillor Schnell

SECONDED Councillor Palmer

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

Mr D Litchfield, General Manager Economic Development and Planning

Mr S Faulkner, 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

on the basis that it will receive and consider the report on Audit and Governance Committee – independent member appointments, 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).

The report recommends the appointment of independent members to the Audit and Governance Committee and may result in discussion regarding their personal information. Given these circumstances this item will need to be considered in confidence at this point in time.

**CARRIED**

The doors to the Council Chambers were closed at 10.45pm.

# CONFIDENTIAL

## ITEM 883

### AUDIT AND GOVERNANCE COMMITTEE – INDEPENDENT MEMBERS

**ITEM 884**

**CONFIDENTIALITY MOTION TO REMAIN IN CONFIDENCE – AUDIT AND GOVERNANCE COMMITTEE APPOINTMENT OF INDEPENDENT MEMBERS**

MOVED Councillor Schnell  
SECONDED Councillor Salaman

That:

1. Pursuant to Section 91(7) and (9) of the Local Government Act:

1.1 The

- ☒ Report
- ☒ Minutes

remain confidential until the applicants have been notified, and

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

**CARRIED**

The doors to the Council Chambers were opened at 10.49 pm.



**ITEM 885**  
**MINUTES OF INFRASTRUCTURE AND CAPITAL PROJECTS COMMITTEE**

See page 7 of these Minutes.

**NEXT MEETING**

Monday 23 September 2013 – 7.00 pm

**CLOSURE**

The Presiding Member closed the meeting at 10.50pm.

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PRESIDING MEMBER

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