

## **COUNCIL MEETING**

**Minutes of the Corporation of the City of Unley  
Held on Monday 9 December 2013 at 7.00pm  
In the Civic Centre  
181 Unley Road Unley**

### **PRESENT**

His Worship the Mayor, Mr L Clyne (Presiding Member	R Schnell (Deputy Mayor)
Councillors	M Hudson
R Sangster	M Saies
J Boisvert	D Palmer
A Lapidge	P Hughes
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 the 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 and Senior Staff, members of the gallery and the media to the 9 December 2013, meeting of the Unley City Council.

## **CHANGE OF ORDER OF AGENDA**

The Presiding Member advised the Council that a change to the order of business would benefit the presenters and members of the gallery. The change of order would be that the Deputation by Ms Key should have been a Presentation, then the Petition, followed by the deputations regarding Anderson Street and then the deputation on Palmer Place.

This was agreed with a two thirds majority.

## **ITEM 983**

### **CONFIRMATION OF MINUTES**

MOVED Councillor Hudson

SECONDED Councillor Salaman

That:

1. The minutes of the Council Meeting held on Monday 25 November 2013, as printed and circulated, be taken as read and signed as a correct record.

**CARRIED UNANIMOUSLY**

## **APOLOGIES**

Councillor D Tipper – Leave of Absence  
Councillor J Koumi

## **CONFLICT OF INTEREST**

Nil

## **ITEM 1008**

### **PRESENTATION**

Ms Steph Key MP, Member for Ashford and Mr Mark Thomson made a presentation to the Council regarding the Revitalising the Millswood Underpass Project.

## **CHANGE OF ORDER OF BUSINESS**

The Presiding Member suggested to Members that the order of business be changed to bring forward Item 988 – Goodwood Underpass Revitalisation Project to follow on from the presentation.

This was agreed with a two thirds majority.

### **\*\*ITEM 988**

#### **GOODWOOD UNDERPASS REVITALISATION PROJECT**

MOVED Councillor Schnell

SECONDED Councillor Boisvert

That:

1. The report be received.
2. Community engagement be undertaken by the Administration in association with the local State Members of Parliament.
3. Council continue to work with the Department of Planning, Transport and Infrastructure and the local State Members of Parliament to explore opportunities for the revitalisation of the Goodwood Underpass.
4. A further report be presented to Council, when appropriate, on future proposals for the Goodwood Underpass.

**CARRIED UNANIMOUSLY**

### **ITEM 1007**

#### **PETITION**

MOVED Councillor Lapidge

SECONDED Councillor Hudson

That:

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

**CARRIED UNANIMOUSLY**

**ITEM 984**  
**DEPUTATION**

Ms Vesna Poljak re Parking in Anderson Street Fullarton.

Mr Trent Giles re Parking in Anderson Street Fullarton.

**Extension of Time**

Mr Giles requested an extension of time for a further 2 minutes to enable the completion of his deputation.

This was agreed with a two thirds majority.

Mr Nick Stott – re Palmer Place Traffic Management Proposal.

Councillor Hudson left the meeting at 7.48pm during the above deputation.

**ITEM 985**  
**MAYOR'S REPORT**

MOVED Councillor Palmer  
SECONDED Councillor Sangster

That:

1. The report be received.

**CARRIED UNANIMOUSLY**

**ITEM 986**  
**DEPUTY MAYOR'S REPORT**

MOVED Councillor Palmer  
SECONDED Councillor Hewitson

That:

1. The report be received.

**CARRIED UNANIMOUSLY**

**ITEM 987**  
**REPORTS OF MEMBERS**

- (a) Items of particular interest, concern or urgency

Councillor Schnell presented Members with a Christmas gift from Councillor Tipper. Councillor Hughes advised that the French Christmas Market held on the weekend was a huge success.

- (b) Development Matters

Nil

Councillor Hudson returned to the Chambers at 7.52pm during discussion on the above Item.

**ITEM 988**  
**GOODWOOD UNDERPASS REVITALISATION PROJECT**

See page 3 of these Minutes.

**ITEM 989**  
**TEMPORARY ROAD CLOSURES – SANTOS TOUR DOWN UNDER STAGE 4,**  
**BUPA CHALLENGE, UNLEY CRITERIUM AND UNLEY GOURMET GALA**

MOVED Councillor Salaman  
SECONDED Councillor Hewitson

That:

1. The report be received.

**CARRIED UNANIMOUSLY**

**ITEM 990**  
**CONSERVATION GRANTS**

MOVED Councillor Boisvert  
SECONDED Councillor Hudson

That:

1. The report be received.
2. The Conservation Grants be funded as detailed in Attachment 1 to Item 990/13 (pro rata allocation \$60,000).

**CARRIED**

**DIVISION**

A Division was called and the previous decision set aside.

Those voting in the affirmative:

Councillors Saies, Boisvert, Lapidge, Palmer, Sangster, Salaman, Schnell,  
Hughes and Hudson

Those voting in the negative:

Councillor Hewitson

The MOTION was then declared **CARRIED**

**ITEM 991**

**MINISTER'S PROPOSALS FOR APPROVAL – LOCAL HERITAGE PLACES  
DEVELOPMENT PLAN AMENDMENT**

MOVED Councillor Lapidge  
SECONDED Councillor Hewitson

That:

1. The report be received.
2. The changes being proposed by the Minister for Planning for the final approval of the Local Heritage Places Development Plan Amendment be accepted in the interest of the early final approval of the Local Heritage Places Development Plan Amendment.
3. The Minister for Planning be advised of Council's disappointment that the recommendations of Council were not fully supported.

**CARRIED**

**ITEM 992**

**DEVELOPMENT PLAN AMENDMENTS PUBLIC CONSULTATION**

MOVED Councillor Hewitson,  
SECONDED Councillor Hughes

That:

1. The report be received.
2. The Development Plan Amendments Community Engagement Plan "Comprehensive" level of engagement for the Residential Character and Growth Areas and Council Wide Policy Development Plan Amendment be endorsed **but excluding the letters to occupiers of land proposed for rezoning.** (Attachment 1 to Item 992/13).

**LOST**

Councillor Boisvert then MOVED the original MOTION, SECONDED Councillor Palmer

That:

1. The report be received.

2. The Development Plan Amendments Community Engagement Plan comprehensive level of engagement for the Residential Character and Growth Areas and Council Wide Policy Development Plan Amendment be endorsed (Attachment 1 to Item 992/13).

**CARRIED UNANIMOUSLY**

**ITEM 993**

**NOMINATION TO DAC SUB-COMMITTEE AND BACKGROUND INFORMATION REGARDING NEW DEVELOPMENT ASSESSMENT ARRANGEMENTS FOR URBAN CORRIDOR ZONES**

MOVED Councillor Sangster  
SECONDED Councillor Salaman

That:

1. The report be received.
2. Mr Brenton Burman be nominated to the Minister for Planning as the City of Unley representative on the DAC sub-committee that will assess applications for buildings five storeys and over in the City of Unley's Urban Corridor Zones.
3. Mr Terry Tysoe be nominated as the alternate delegate.

Councillor Schnell declared a conflict of interest and left the Chambers at 8.28pm.

Councillor Saies MOVED as an AMENDMENT, SECONDED Councillor Hewitson

1. The report be received.
2. Mr Brenton Burman be nominated to the Minister for Planning as the City of Unley representative on the DAC sub-committee that will assess applications for buildings five storeys and over in the City of Unley's Urban Corridor Zones.
3. Mr Terry Tysoe be nominated as the alternate delegate.
4. A letter be sent to the minister advising of Council's nominations and reiterating Council's opposition to the removal of the planning powers for development in excess of four storeys.

The AMENDMENT was put and **CARRIED**

The AMENDMENT becomes the motion and is **CARRIED UNANIMOUSLY**



Councillor Schnell returned to the Chambers at 8.32pm.

Councillors Hewitson, Saies, and Sangster left the meeting at 8.32pm returning at 8.33pm.

**\*\*ITEM 994**

**POSSIBLE AMENDMENTS TO THE RESIDENTIAL PARKING PERMITS POLICY**

MOVED Councillor Salaman  
SECONDED Councillor Boisvert

That:

1. The report be received.
2. A progress report be prepared for Council in April 2014.

**CARRIED UNANIMOUSLY**

**ITEM 995**

**ENCROACHMENT POLICY**

MOVED Councillor Hudson  
SECONDED Councillor Hewitson

That:

1. The report be received.
2. The draft Encroachments Policy is endorsed, and the Fees for Encroachments are approved for inclusion in the Schedule of Fees and Charges.

**CARRIED UNANIMOUSLY**

**ITEM 996**

**VOLUNTEER GRAFFITI REMOVAL PROGRAM UPDATE**

MOVED Councillor Lapidge  
SECONDED Councillor Hudson

That:

1. The report be received.

**CARRIED UNANIMOUSLY**

**ITEM 997**

**ELECTOR REPRESENTATION REVIEW – CERTIFICATION BY ELECTORAL COMMISSIONER**

MOVED Councillor Palmer  
SECONDED Councillor Salaman

That:

1. The report be received.

**CARRIED**

**PERSONAL EXPLANATION**

During debate on the above Item, Councillor Saies requested the Item not be voted on, until he had received the additional information he had requested. The Mayor advised that this information had been provided to all Elected Members previously.

The Mayor then called for a two thirds majority to allow Councillor Saies to make a personal explanation.

Two thirds majority was not received.

**DIVISION**

A Division was called and the previous decision set aside.

Those voting in the affirmative:

Councillors Boisvert, Lapidge, Palmer, Sangster, Salaman, Schnell, Hughes, Hudson and Hewitson.

Those voting in the negative:

Councillor Saies

The MOTION was then declared **CARRIED**

**\*\*ITEM 998**

**DETERMINATION OF TIME AND PLACE OF ORDINARY MEETINGS OF COUNCIL FOR 2014**

MOVED Councillor Schnell  
SECONDED Councillor Palmer

That:

1. The report be received.
2. The Council meet on the fourth Monday of every month at 7.00pm at the Civic Centre, 181 Unley Road, Unley, with appropriate adjustments to accommodate public holidays, in accordance with the meeting schedule outlined below:

Tuesday	28 January 2014
Monday	24 February 2014
Monday	24 March 2014
Monday	28 April 2014 – Fullarton Park Centre
Monday	23 June 2014
Monday	28 July 2014
Monday	25 August 2014
Monday	22 September 2014 – Goodwood Community Centre
Monday	27 October 2014
Monday	24 November 2014
Monday	8 December 2014

3. Council meet on the second Monday of the month, as determined by the Chief Executive Officer.
4. The above meeting dates be adopted and advertised in accordance with the Local Government Act, 1999.

Councillor Hewitson MOVED as an AMENDMENT, SECONDED Councillor Sangster

That:

1. The report be received.
2. The Council meet on the fourth Monday of every month at 7.00pm at the Civic Centre, 181 Unley Road, Unley, with appropriate adjustments to accommodate public holidays, in accordance with the meeting schedule outlined below:

Tuesday	28 January 2014
Monday	24 February 2014
Monday	24 March 2014
Monday	28 April 2014

(This is page 11 of the Council Minutes for 9 December 2013)

\*\* Denotes Changes to recommendation in Agenda.

Monday	23 June 2014
Monday	28 July 2014
Monday	25 August 2014
Monday	22 September 2014 –
Monday	27 October 2014
Monday	24 November 2014
Monday	8 December 2014

3. Council meet on the second Monday of the month, as determined by the Chief Executive Officer.
4. The above meeting dates be adopted and advertised in accordance with the Local Government Act, 1999.

The AMENDMENT was put and **LOST**

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

#### **ITEM 999**

#### **QUESTION ON NOTICE FROM COUNCILLOR BOISVERT RE NUMBER OF TREES REPLACED WHEN DAP OR PLANNING APPROVAL TAKES PLACE**

The following Question Without Notice was received from Councillor Boisvert at the October meeting of Council and the answer is provided below:

#### **Question**

When the DAP or planning approve the removal of a regulated or significant tree they also condition the approval regarding the number of trees that must be replaced (to the satisfaction of Council). How is Council recording this information to ensure that each property can be followed up to ensure the survival of each tree and will this be recorded as an encumbrance when the property is sold?

#### **Answer**

Since the relevant legislative changes came into effect in late 2011, Council administration has maintained a replacement tree register for circumstances where a development application for removal of a regulated/significant tree contains a planning condition that requires replacement trees to be planted. This condition requires the replacement tree/s to be planted within 12 months of the date of the development approval and for Council to be notified once the replacement trees have been planted. To date there have been few circumstances where Council has been notified that replacement trees have been planted. Council's only enforcement avenue relates to enforcing the conditions of the development approval. This can be time consuming and potentially expensive if Court action is required. Administration intend to put in place a program of random inspections to assist with compliance.

(This is page 12 of the Council Minutes for 9 December 2013)

\*\* Denotes Changes to recommendation in Agenda.

Administration do not consider that Council can legally require for an encumbrance of this nature to be registered on the title. The development application and condition will appear on the Vendors Section 7 statement at the time of sale of the property and this is considered to provide an appropriate mechanism to alert prospective purchasers of the existence of these requirements.

#### **ITEM 1000**

#### **QUESTION ON NOTICE FROM COUNCILLOR SCHNELL RE FUNDING OF LGA**

#### **QUESTIONS ON NOTICE FROM COUNCILLOR SCHNELL RE LGA FUNDING**

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

#### **Questions**

1. The LGA is funded by the 68 Councils in SA. Does this fully fund all of the LGA activities and staff commitments.

#### **Answer**

See attached letter from LGA which formed part of the correspondence to the Council in November 2013.

2. If it doesn't, then how is the shortfall funded?

#### **Answer**

3. How much does Unley Council contribute to the LGA in 2013-2014?

#### **Answer**

Unley Council contributes \$56,992.80 including GST, as membership fees.

**ITEM 1001****QUESTION ON NOTICE FROM COUNCILLOR SAIES RE MAJOR PROJECTS**

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

**Questions**

Did the Administration discuss my Motion on Notice (Item 953) for the full meeting of council on 28 October 2013 relating to the dealings of the Administration and of the Mayor with external agents over the re-development of Unley Oval with any elected member (including the Mayor) in advance of the meeting on 28 October 2013?

If so:

- (i) With whom did the Administration have such discussions?
- (ii) On what dates did such discussions occur?
- (iii) What was discussed and what advice, if any, was provided to the elected members concerned?

**Answer**

The Motion on Notice was noted as part of a regular pre-Council meeting to discuss the agenda.

Those present at the meeting were:

Chief Executive Officer  
Mayor  
General Manager People and Governance  
Manager Governance and Risk  
Executive Assistant to the CEO

The meeting was held on Monday 28 October at 3.00pm in the Mayor's office.

The only discussion that took place was in relation to the agenda and the content and no advice was provided to any Elected Members.

## **QUESTIONS WITHOUT NOTICE**

Nil

## **ITEM 1002** **CORRESPONDENCE**

The correspondence from

- Steven Marshall MP
- Dog and Cat Management Board
- St Spyridon Greek Orthodox Community Inc
- SA Tourism Industry Council
- Local Government Association re PLEC

be noted.

## **MOTIONS OF WHICH NOTICE HAS BEEN GIVEN**

Nil

## **MOTIONS WITHOUT NOTICE**

Nil

## **ITEM 1003** **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 1004**

**CONFIDENTIAL MOTION FOR ITEM 1005 – AUSTRALIA DAY AWARDS 2014**

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:

Mr P Tsokas, Chief Executive Officer

Ms M Berghuis, General Manager Community

Mr J Devine, General Manager Assets & Infrastructure

Mr S Faulkner, General Manager People & Governance

Mr D Litchfield, General Manager Economic Development & Planning

Ms R Wilson, Manager Governance & Risk

Ms C Gowland, Executive Assistant to the CEO

on the basis that it will receive and consider the report on the Australia Day Awards in relation to the nomination of Awardees 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. The debate will include personal particulars of the individuals involved.
- b. It is necessary for the nominees to remain confidential prior to Australia Day to enable the Administration to advise the Australia Day Council and other nominees of the Awards.

**CARRIED UNANIMOUSLY**

The doors to the Council Chambers were closed at 9.02pm.

Councillor Hudson left the Chambers at 9.02pm returning at 9.03pm.



# CONFIDENTIAL

**ITEM 1005**  
**AUSTRALIA DAY AWARDS 2014**

**ITEM 1006**

**CONFIDENTIAL MOTION TO REMAIN IN CONFIDENCE ITEM 1005 –  
AUSTRALIA DAY AWARDS 2014**

MOVED Councillor Salaman  
SECONDED Councillor Palmer

That:

1. The report be received.
2. Pursuant to Section 90(3)(a) of the Local Government Act:
  - 2.1 The
    - ☒ Report
    - ☒ Minutes

remain confidential on the basis that the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead), and
  - 2.2 The report will be kept confidential until revoked by the Chief Executive Officer.

**CARRIED UNANIMOUSLY**

The doors to the Council Chambers were opened at 9.11 pm.

**ITEM 1007**  
**PETITION**

See page 2 of these Minutes.

**ITEM 1008**  
**PRESENTATION**

See page 2 of these Minutes.

## **NEXT MEETING**

Tuesday 28 January 2014 – 7.00pm.

## **CLOSURE**

The Presiding Member closed the meeting at 9.11pm.

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**MAYOR**

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