

COUNCIL MEETING

**Minutes of the Corporation of the City of Unley
Held on Tuesday 29 January 2013 at 7.00pm
in the Civic Centre
181 Unley Road Unley**

PRESENT

His Worship the Mayor, Mr L Clyne (Presiding Member)
Councillors J Koumi M Hudson
A Lapidge M Saies
J Boisvert D Palmer
A Lapidge P Hughes
D Tipper B Schnell (Deputy Mayor)
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 Infrastructure & Assets, Mr J Devine
A/Manager Governance, Ms K Loughhead
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 the media to the January 2013 meeting of the Unley City Council.

APOLOGIES:

Councillor R Salaman

ITEM 642

CONFIRMATION OF MINUTES

MOVED Councillor Lapidge

SECONDED Councillor Palmer

That:

1. The minutes of the Council Meeting held on Monday 10 December 2012, as printed and circulated, be taken as read and signed as a correct record.

CARRIED UNANIMOUSLY

ITEM 643

**PETITION RE PLACEMENT OF CULVERT ON SOUTHERN SIDE OF TRAM LINE
FORESTVILLE**

MOVED Councillor Schnell

SECONDED Councillor Tipper

That:

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

CARRIED UNANIMOUSLY

REPORTS OF COMMITTEES

No reports this month.

MAYOR'S REPORT

MOVED Councillor Sangster
SECONDED Councillor Koumi

That:

1. The report be received.

CARRIED UNANIMOUSLY

ITEM 645 **REPORTS OF MEMBERS**

(a) Items of particular interest, concern or urgency

- Report from Councillor Schnell – Deputy Mayor – attached in Agenda.
- Councillor Koumi – spoke to the paper he presented to Council last month regarding attendance at ICTC Conference in October.

Extension of Time

MOVED Councillor Sangster
SECONDED Councillor Lapidge

That Councillor Koumi be given an extension of time to talk to his paper.

CARRIED

- Councillor Koumi advised the Council of the SA Bridge Association and make up of membership. He indicated there were on street parking issues.
- Councillor Hewitson – discussion on street parties and the benefits. Approached by a neighbour regarding live animal trade, and advised he would bring to the attention of Council.
- Councillor Sangster – Messenger article regarding Unley Road and traffic. Unley Road is more than just a road servicing through traffic, it is also a road used by pedestrians, local traffic,
- Councillor Schnell – Part of feedback from Forestville Reserve consultation suggested relocation of club rooms. He requested that Administration investigate this option. Noticed lots of leaves from branches in the vicinity of the tram line, Norman Avenue. Tree pruning program does not take into consideration the height of trucks that drive down Norman Avenue. He requested information on Council's tree pruning program.

(b) Centennial Park Cemetery Authority

Councillor Lapidge provided an overview of the last Board meeting in December. New Elected Member from Mitcham Council on the Board. Strategic Plan has been drafted by the leadership team. Operations complex will be opened on 7 February by the Governor. Update on burial and cremation bill – working toward a new Act. Some concerns over the way it was going.

(c) Development Matters

Councillor Palmer – due to the changes in delegations there were only 7 items on the agenda. New DAP members fitting in very well. One application highlighted issues going forward with DPA3.

Councillor Hudson – also discussed the developments around Greenhill Road. He requested the Administration provide any further information on the sale of the Carramar property.

Councillor Sangster – read an email regarding application for building the railway station at Wayville announcing when it was happening. No mention of additional parking for people to drive and leave cars and would be interested in any information regarding parking.

ITEM 646

HIGHGATE STREET KOALA CROSSING – BUDGET ALLOCATION

MOVED Councillor Tipper

SECONDED Councillor Lapidge

That:

1. The report be received.
2. The Oxford Terrace parking project be cancelled because the net parking gain does not justify the cost.
3. The existing budget allocation of \$25 000 to the Oxford Terrace parking project be diverted to the installation of the Highgate Street Koala Crossing.

CARRIED UNANIMOUSLY

ITEM 647

REVIEW OF THE NATURAL RESOURCE MANAGEMENT (NRM) JOINT ACTION PLAN

MOVED Councillor Boisvert
SECONDED Councillor Hughes

That:

1. The report be received.
2. The NRM Joint Action Plan Review Report of January 2013 be endorsed.
(Attachment 1 to Item 647/13).

CARRIED

ITEM 648

NOMINATION FOR A POSITION ON THE WORK LIFE BALANCE ADVISORY COMMITTEE

MOVED Councillor Lapidge
SECONDED Councillor Tipper

That:

1. The report be received.
2. A nomination for Councillor Schnell as Local Government representative on the Work Life Balance Advisory Committee be submitted to the Local Government Association (LGA) by COB Monday 18 February 2013.

CARRIED UNANIMOUSLY

ITEM 649

CALL FOR NOMINATIONS FOR LGA PRESIDENT AND METROPOLITAN ADELAIDE REPRESENTATIVES ON THE LGA STATE EXECUTIVE COMMITTEE

MOVED Councillor Lapidge
SECONDED Councillor Palmer

That:

1. The report be received.
2. Council nominate Mayor Clyne as candidate for the position of Metropolitan Zone representative on the LGA State Executive Committee.

CARRIED UNANIMOUSLY

ITEM 650
ENDORSEMENT OF COMMUNITY PLAN 2033

MOVED Councillor Koumi
SECONDED Councillor Palmer

That:

1. The report be received.
2. The Community Plan 2033 (Attachment 1 to Item 650/13) be adopted.

CARRIED UNANIMOUSLY

ITEM 651
ELECTOR REPRESENTATION REVIEW

(See page 12 of these Minutes)

The Presiding Member advised the Council that he considered it would be beneficial move Item 651 to after Item 654, to enable Mr Craig Rowe to be in attendance to answer questions of the Council.

This was supported with a two thirds majority.

ITEM 652
SECOND QUARTER BUDGET REVIEW

MOVED Councillor Sangster
SECONDED Councillor Hewitson

That:

1. The report, including Attachments 1 and 2 to report 652/13 be received.
2. The budget variations for the second quarter 2012-13 Budget review be noted.
3. The revised budget Financial Statements including the revised Budget Operating Surplus before Capital Revenue of \$846 000 and revised increase of \$3 473 000 to the Net Financial Liabilities be adopted.

CARRIED UNANIMOUSLY

ITEM 653
END OF MONTH FINANCIAL REPORT

MOVED Councillor Schnell
SECONDED Councillor Palmer

That:

1. The report be received.

CARRIED UNANIMOUSLY

ITEM 654
BROWN HILL KESWICK CREEK STORMWATER PROJECT – GOODWOOD JUNCTION

MOVED Councillor Boisvert
SECONDED Councillor Saies

That:

1. The report be received.
2. In respect of the Brown Hill Keswick Creek Stormwater Project (the 'project'), Council commits to its share of the project councils' payment to Department of Planning, Transport and Infrastructure (DPTI) for part of the construction cost (including net cost of land acquisition) incurred by DPTI for works to successfully divert Brown Hill Creek as part of the Goodwood Junction Rail Upgrade Project, subject to:
 - a) approval by the Stormwater Management Authority (SMA) of the Stormwater Management Plan (SMP);
 - b) the SMA and State Government jointly agreeing to give necessary financial support to a minimum of 50% of the capital cost of the project (as described in the SMP) net of any Commonwealth Government financial contribution;
 - c) DPTI having ownership and maintenance responsibilities for the assets constructed and acquired, until such time as alternative responsibilities are agreed between the project and DPTI; and
 - d) the other four project councils, namely the Cities of Adelaide, Burnside, Mitcham and West Torrens, providing similar commitment (including parts a, b and c) to pay their share of the payment to DPTI.
3. The amount of payment to DPTI (the 'final amount') will be negotiated between the project and DPTI based on the project paying the cost increase between a system which diverts Brown Hill Creek for the purposes of the Goodwood Junction Rail Upgrade Project and a system which also satisfies requirements of the SMP, but the final amount will not exceed \$5 million.

4. The Chief Executive Officer is delegated to negotiate the final amount, for joint agreement with the other four project councils and DPTI.
5. The amount to be paid collectively by the project councils shall not exceed 50% of the final amount, net of any amount obtained (or due through formal agreement) from the Commonwealth Government in accordance with the cost sharing proposal between the three spheres of government as described in the SMP. The upper limit of 50% applies only to the project councils' payment to DPTI for the Goodwood Junction works. For all other infrastructure works of the project the cost sharing between the three spheres of government as proposed in the SMP will apply.
6. Unley Council will contribute 21% of the total amount payable collectively by the project councils, but not more than \$525,000.
7. Unley Council, as host council for the project and with agreement of the other four project councils, will be requested to apply for a payment contribution from the Stormwater Management Authority after the final amount is agreed between the project and DPTI.
8. The amount of payment contribution sought from the SMA (in terms of recommendation 6) is the balance of the final amount resulting from the amount paid collectively by the catchment councils less any amount obtained from the Commonwealth Government (recommendation 4).
9. The project uses its best endeavours to seek an amount from the Commonwealth Government in respect of cost sharing between the three spheres of government as proposed in the SMP.
10. Payment by Council (recommendation 5) would be made in the financial year of 2014/15 or such later time as agreed with DPTI, and is subject to the project and DPTI reaching agreement on the final ownership and maintenance responsibilities associated with the assets.

CARRIED UNANIMOUSLY

ITEM 651

ELECTOR REPRESENTATION REVIEW

As Mr Rowe had still not arrived, the Presiding Member advised the Council that he considered it would be beneficial move Item 651 to after Item 658.

This was supported with a two thirds majority.

ITEM 655

BROWN HILL KESWICK CREEK PROJECT – FUNDING FOR RIDGE PARK DAM

MOVED Councillor Hewitson

SECONDED Councillor Hughes

That:

1. The report be received.
2. A flood detention dam in Ridge Park, as proposed in the Brown Hill Keswick Creek Stormwater Management Plan and as subsequently designed, be constructed.
3. Unley Council provides contingency funding of \$1 438 000 to cover the funding shared by the five catchment councils of up to 50% of the project cost, in the event that one or more of the other four councils do not contribute.
4. Council notes that implementation of the project in its current form is subject to funding by the Stormwater Management Authority of 50% of the project cost, for which a funding application has been submitted.

CARRIED UNANIMOUSLY

Councillor Saies left the meeting at 8.41pm returning at 8.43pm during discussion on the above Item.

Councillor Palmer left the meeting at 8.42pm returning at 8.44pm during discussion on the above Item.

ITEM 656

MODIFICATION OF RESIDENTIAL PARK POLICY AND OTHER PARKING CONTROL PROPOSALS

MOVED Councillor Schnell
SECONDED Councillor Tipper

That:

1. The report be received.
2. The Residential Parking Policy be amended by inserting:
 - the clause "Permits issued in excess of these entitlements will incur an annual permit fee of \$150 per permit."
 - the definition of an off-street car park as "a space for parking a vehicle on a residential property, providing that the maximum number of spaces counted where vehicles park in single file is two spaces for those vehicles".
 - other relevant consequential changes.
3. A Pay for Use Parking Policy be developed, and once approved by Council a trial be initiated in the Council owned Boffa Street Car Park and Bartley Crescent eastern side with a view to introducing the policy across the area outlined in Attachment 1.
4. Business SA be advised that permits issued for the indented parking bays on Greenhill Road will incur a \$500 fee per permit in accordance with the Joint Venture On Street Parking Policy, and that Business SA be offered a maximum of ten permits.
5. New clauses be inserted into the Schedule of Fees and Charges 2012/13 which read:
 - a. Joint Venture On-Street Car Park Annual Permit - \$500
 - b. Residential Parking Permit in Excess of Policy Entitlements - \$150

CARRIED

ITEM 657
REFERENCE GROUPS

MOVED Councillor Schnell
SECONDED Councillor Hughes

That:

1. The report be received.

Councillor Hewitson MOVED as an AMENDMENT SECONDED Councillor Boisvert that:

1. The report be received.
- 2 Any reference group that does not meet within a 12 month period will be disbanded at the discretion of the Council.

SUSPENSION OF MEETING PROCEDURES

The Presiding Member advised the meeting that he thought the meeting would benefit from a short term suspension of the meeting procedures, for up to 15 minutes, until 9.40pm, or until the discussion regarding the Reference Groups was finalised.

This was supported with a two thirds majority.

Meeting procedures suspended at 9.25pm

Meeting procedures reinstated at 9.36pm

The AMENDMENT of Councillor Hewitson was put and declared **LOST**

The Council agreed, with a two thirds majority to change the Motion of Councillor Schnell's to read:

1. The report be noted.

The Motion was then put and **CARRIED UNANIMOUSLY**

Councillor Boisvert left the meeting at 9.23pm returning at 9.25pm during discussion on the above Item.

ITEM 658
COUNCIL ACTION RECORDS

MOVED Councillor Schnell
SECONDED Councillor Koumi

That:

1. The report be received.

CARRIED UNANIMOUSLY

Councillor Koumi left the meeting at 9.38pm during discussion on the above Item.
Councillor Palmer left the meeting at 9.39pm during discussion on the above Item.

ITEM 651
ELECTOR REPRESENTATION REVIEW

Mr C Rowe from CL Rowe and Associates was available to answer questions of the Council.

MOVED Councillor Lapidge
SECONDED Councillor Hewitson

1. The report be received.

CARRIED UNANIMOUSLY

MOVED Councillor Boisvert
SECONDED Councillor Hudson

2. To note and receive the submission made by Mr Chris Russell.

CARRIED UNANIMOUSLY

MOVED Councillor Tipper
SECONDED Councillor Schnell

3. To agree 'in principle' that the name of the Council not be changed at this time.

CARRIED UNANIMOUSLY

MOVED Councillor Sangster
SECONDED Councillor Schnell

4. To agree 'in principle' that the principal office/member of Council continue to be a mayor, elected by the whole of the community;

CARRIED

MOVED Councillor Hewitson
SECONDED Councillor Lapidge

5. To agree 'in principle' that the Council area continue to be divided into wards, ie. six wards each being represented by two ward councillors.

Councillor Koumi MOVED as an AMENDMENT SECONDED Mayor Clyne

5. To agree 'in principle' that the Council area continue to be divided into wards, namely, three wards each being represented by three ward councilors

CONFLICT OF INTEREST

Councillor Saies declared a conflict of interest regarding the ward structure, as his ward was under discussion, and left the chamber at 10.31pm

Extension of Debating Time

MOVED Councillor Sangster
SECONDED Councillor Palmer

That Councillor Hudson be given an extension of debating time.

CARRIED

FORMAL MOTION

MOVED Councillor Boisvert
SECONDED Councillor Hughes

That the Motion be put.

CARRIED UNANIMOUSLY

The AMENDMENT of Councillor Koumi was put and **LOST**

The original MOTION of Councillor Hewitson was put and declared **CARRIED**

SUSPENSION OF MEETING PROCEDURES

The Presiding Member advised the meeting that he thought the meeting would benefit from a short term suspension of the meeting procedures, for up to 15 minutes, until 10.50pm, or until the discussion regarding the Representation Review was finalised.

This was supported with a two thirds majority.

Meeting procedures suspended at 10.35pm
Meeting procedures reinstated at 10.50pm

MOVED Councillor Hudson
SECONDED Councillor Hewitson

6. The ward structure to be changed and presented as Option 1A, in the representation review paper.

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

6. The ward structure to be changed and presented as Option 1A in the representation review paper, with the following amendments:
- the boundary between Unley Park and Goodwood South Wards to be Goodwood Road
 - the boundary between Parkside and Unley Wards to be along George Street, Regent Street, Porter Street, to Greenhill Road.
 - the boundary between Unley Park and Fullarton Wards be Windsor Street rather than Fern Avenue.

FORMAL MOTION

MOVED Councillor Schnell
SECONDED Councillor Palmer

That Item 651 part 6 be adjourned until the February meeting of the Council.

CARRIED

Councillor Saies returned to the meeting at 10.58pm.

MOVED Councillor Palmer
SECONDED Councillor Hewitson

7. To agree 'in principle' the renaming of the current Goodwood South ward to be named Clarence Park ward.

CARRIED

A Division was called and the previous decision set aside.

DIVISION

Those voting in the affirmative:

Councillors Tipper, Saies, Lapidge, Koumi, Schnell, Sangster, Palmer and Hughes

Those voting in the negative:

Councillors Boisvert and Hudson

The MOTION was then declared **CARRIED**

MOVED Councillor Schnell

SECONDED Councillor Lapidge

8. To agree 'in principle' that Council comprise twelve (12) ward councillors.

CARRIED

Item 651 part 9 **LAPSED** for want of a Mover and Seconder

9. To authorise the preparation of a report (pursuant to the provisions of Section 12(8a) of the Local Government Act 1999) and the initiation of the required three week (minimum) second public consultation process.

Councillor Koumi and Councillor Palmer returned to the meeting at 9.40pm during discussion on the above Item.

ITEM 659

QUESTION ON NOTICE FROM COUNCILLOR HUDSON RE STREET TREES AND OTHER COUNCIL MAINTAINED TREES

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

Comment

In light of recent information from Administration that 20 000 street trees and other Council maintained trees in the City of Unley are facing the need for replacement, I ask the following questions.

Questions

1. Is the above number of trees need replacement an accurate figure?

Answer

Yes.

The City of Unley has approximately 22 300 street trees. However, all street trees do not require replacement now, but will do eventually.

Current funding allows for the replacement of approximately 300-400 trees per year. This represents a replacement percentage of <2% in any one year, which is less than a sustainable percentage.

2. Over how many years will replacement need to be undertaken? ie what is the urgency of this matter?

Answer

A street tree audit in 2009 (Item 275, 11/09) identified that 47% of the City's street trees are mature, and will probably require replacement over the next 25 years.

At the current rate of replacement 7,500 – 10,000 trees will have been replaced in the next 25 years. This assumes that all trees currently being replaced are mature. However, only approximately 80% of trees removed and replaced each year are mature.

3. What is the estimated cost of a tree replacement... including removal and the cost of a replacement?

Answer

Obviously the cost of removal is influenced by the size of tree being removed. Based on an average mature size tree the cost of removal and replacement would be estimated to be \$500-\$600.

4. What are the preferred species of trees suitable for replacement?

Answer

Unley Council has been well served by a range of street tree species over the years. The dominant species within Unley identified from the 2009 audit include:

- Jacaranda
- Queensland Box
- Golden Rain Trees
- Ash
- Bottlebrush

- Melaleuca
- White Cedar
- Nettle Trees
- Plane Trees

Each of these species present challenges with their growth pattern or the fruit they produce. It is difficult to identify what is considered to be a preferred species or indeed 'the ideal street tree'.

Preferred species are also influenced by outside factors. Some of these factors include:

- Narrow streets
- Wide and narrow verge areas
- Proximity of planting space to buildings and infrastructure
- Overhead power wires
- Sewer mains and connections
- Other utility services, including Telstra cables

5. Is it possible/desirable to expand this list to achieve more diversity?

Answer

Council is always looking to expand on the species and diversity offered for replacement. New species are regularly offered during the yearly streetscape replacement process. This is however influenced by the Council's preference to have a dominant street species approach. As an example, it would be difficult to add diversity to a street that is predominantly one species ie Victoria Avenue, Unley Park (Plane Trees).

6. Is it intended to replace trees where the existing ones pose a potential hindrance to pedestrians, especially those using go-fers etc?

Answer

The Administration does not have a specific program to replace trees that pose a potential hindrance to pedestrians. Specific issues of this nature however are examined as part of the annual streetscape renewal process. This particular issue is also addressed and where possible resolved through specific resident customer requests that outline a concern.

7. Will residents be given the opportunity to choose replacement trees, especially where there is the need for wholesale replacement?

Answer

Yes

As part of the annual streetscape renewal program residents are offered (apart from where a dominant species already exists) a choice between three or four different species.

EXTENSION TO MEETING TIME

MOVED Councillor Schnell
SECONDED Councillor Koumi

That the meeting proceed until 11.25pm to enable the completion of the business in the agenda.

CARRIED

ITEM 660 **CORRESPONDENCE**

The correspondence from

- Tennis SA
- Mr Douglas Strain
- World Health Organisation

be noted.

MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

ITEM 665 – LATE ITEM**UNLEY BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE TERMS OF REFERENCE AMENDMENTS**

MOVED Councillor Koumi

SECONDED Councillor Hughes

That:

1. The report be received.
2. Council adopts the amended Unley Business and Economic Development Committee Terms of Reference (provided at Attachment 1 to Item 665/13).
3. Councillors Palmer and Lapidge be appointed to the Unley Business and Economic Development Committee for the period 29 January 2013 until the end of the current term of Council, unless such appointment is revoked by the Council.

CARRIED UNANIMOUSLY

ITEM 661**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 662

CONFIDENTIALITY MOTION FOR ITEM 663 – APPOINTMENT OF INDEPENDENT MEMBERS TO SECTION 41 COMMITTEES

MOVED Councillor Schnell

SECONDED Councillor Hudson

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 S Faulkner, General Manager People & Governance
Mr D Litchfield, General Manager Economic Development & Planning
Mr J Devine, General Manager Assets & Infrastructure
Ms K Loughhead, Acting Manager Governance
Ms C Gowland, Executive Assistant to the CEO

on the basis that it will receive and consider the report on the appointment of independent members to the Section 41 committees, 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 the decision of the Council.

CARRIED UNANIMOUSLY

The doors to the Council Chambers were closed at 11.10pm.

ITEM 664

CONFIDENTIALITY MOTION FOR ITEM 664 – REMAIN IN CONFIDENCE – ITEM 663 – APPOINTMENT OF INDEPENDENT MEMBERS TO SECTION 41 COMMITTEES

MOVED Councillor Schnell
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

to remain confidential on the basis that the disclosure of the information would be an unreasonable disclosure of the personal affairs of the nominees, and it is in the public interest to not disclose this matter, pursuant to Section 90(3)(a) of the Act.

- 2.2 The report will be kept confidential until all applicants have been notified of the Council's decision.

CARRIED UNANIMOUSLY

The doors to the Council Chambers were opened at 11.22pm.

ITEM 665 – LATE ITEM

UNLEY BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE TERMS OF REFERENCE AMENDMENTS

See page of these Minutes.

CLOSURE

The Presiding Member closed the meeting at 11.23pm.

NEXT MEETING

Monday 25 February 2013.

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PRESIDING MEMBER

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DATE