

COUNCIL MEETING

**Minutes of the Corporation of the City of Unley
held on
Monday 25 July 2011 at 7.00pm
in the Civic Centre
181 Unley Road Unley**

PRESENT

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

OFFICERS PRESENT

Chief Executive Officer, Mr R Pincombe
A/General Manager Corporate Services, Ms V Minenko
General Manager City Development, Mr P Tsokas
General Manager City Services, Ms M Bonnici
Policy & Grants Attraction Coordinator, Ms D Horton
Principal Policy Planner, Mr D Brown
Project Manager, Mr A Johns
Manager Assets & Sustainable Landscapes, Mr M Clarke
Communications Coordinator, Mr D Bainbridge
Executive Assistant to Deputy CEO, Ms C Gowland

ACKNOWLEDGEMENT

The Presiding Member opened the meeting with the Aboriginal Acknowledgement.

PRAYER

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 July 2011 meeting of the Unley City Council.

APOLOGIES

Councillor D Palmer

ITEM 187

CONFIRMATION OF MINUTES

MOVED Councillor Lapidge
SECONDED Councillor Sangster

That:

The minutes of the Council Meeting held on Monday 27 June 2011, as printed and circulated, be taken as read and signed as a correct record.

CARRIED UNANIMOUSLY

ITEM 188

CONFIRMATION OF MINUTES FOR SPECIAL COUNCIL MEETING HELD ON 18 JULY 2011.

MOVED Councillor Lapidge
SECONDED Councillor Koumi

That:

The minutes of the Special Council Meeting held on Monday 18 July 2011, as printed and circulated, be taken as read and signed as a correct record.

CARRIED

ITEM 189

PETITION RE KELVIN ROAD CLARENCE PARK POCKET PARK

MOVED Councillor Boisvert
SECONDED Councillor Koumi

That:

1. The petition be received.
2. The principal petitioner be advised that Council has received the petition.

CARRIED UNANIMOUSLY

ITEM 190

MINUTES OF CITY OF UNLEY ROAD SAFETY COMMITTEE

MOVED Councillor Tipper
SECONDED Councillor Salaman

That:

1. The minutes of the City of Unley Road Safety Committee held on Wednesday 13 July 2011, be received.
2. The recommendations listed under Items 27 – 32 inclusive, be adopted.

CARRIED UNANIMOUSLY

ITEM 191

MINUTES OF CITY STRATEGY AND POLICY COMMITTEE MEEETING

MOVED Councillor Schnell
SECONDED Councillor Koumi

That:

1. The minutes of the City Strategy and Policy Committee meeting held on Monday 18 July 2011, be received.
2. The recommendations listed under Items 45 – 55 inclusive, be adopted.

CARRIED UNANIMOUSLY

ITEM 192

**MINUTES OF UNLEY BUSINESS AND ECONOMIC DEVELOPMENT
COMMITTEE**

MOVED Councillor Salaman
SECONDED Councillor Sangster

That:

1. The minutes of the Unley Business and Economic Development Committee meeting held on Tuesday 19 July 2011, be received.
2. The recommendations listed under Items 16 – 18 inclusive, be adopted.

CARRIED UNANIMOUSLY

ITEM 193

MAYOR'S REPORT

MOVED Councillor Boisvert
SECONDED Councillor Salaman

That:

1. The report be received (Attachment 1 to Item 193 – attached).

CARRIED UNANIMOUSLY

ITEM 194

REPORTS OF MEMBERS

(a) Items of particular interest, concern or urgency

Councillor Salaman – Culvert Street reconstruction. Pedestrian lights on Unley Road.

Councillor Hudson – Emails regarding Culvert Street.

Councillor Schnell – Congratulations to Matthew Ives for Business Meets Art.

Councillor Hudson – JP Service - investigation of JPs.

Councillor Boisvert – Goodwood Saints Football Club dinner.

Councillor Sangster – Southern Cross Homes site visit.

Councillor Schnell – Graffiti on tram overpass – approach DTEI and create mural.

Councillor Koumi left the meeting at 7.10pm returning at 7.13pm during discussion on the above items.

(b) Centennial Park Cemetery Authority

No report as meeting will not be held until 28 July.

(c) Development Matters

Nil

ITEM 195

FEDERAL STORMWATER PROJECTS – DEED OF VARIATION TO FUNDING AGREEMENT

MOVED Councillor Tipper
SECONDED Councillor Saies

That:

1. The report be received.
2. The proposed draft changes outlined for the National Urban Water and Desalination Plan: Stormwater Harvesting and Reuse Project known as the City of Unley Stormwater Projects (Attachment 1 to Item 195/11) be endorsed as the basis for a Deed of Variation to the Funding Agreement.
3. The Chief Executive Officer be delegated authority to negotiate any minor changes to the Deed of Variation that may result from the conclusion of negotiations.

CARRIED UNANIMOUSLY

ITEM 196

CENTENNIAL PARK CEMETERY AUTHORITY CHARTER

MOVED Councillor Hudson
SECONDED Councillor Schnell

That:

1. The report be received.
2. The minor amendments made to the Charter for the Centennial Park Cemetery Authority (Attachment 1 to report 196/11) by the City of Mitcham at its meeting held on the 5 July 2011 be noted.
3. The Amended Charter for Centennial Park Cemetery Authority (Attachment 2 to report 196/11) be endorsed and gazetted.

CARRIED UNANIMOUSLY

ITEM 197

**CENTENNIAL PARK CEMETERY AUTHORITY – APPROVAL OF BOARD
MEMBER CONFERENCE ATTENDANCE**

MOVED Councillor Lapidge
SECONDED Councillor Hudson

That:

1. The report be received.
2. The Council approve the attendance of Centennial Park Cemetery Authority Board Member Councillor David Munro at the 24th Annual Australasian Cemeteries and Crematoria Association Conference in Wellington New Zealand, in October 2011.

CARRIED UNANIMOUSLY

ITEM 198

**DEED OF VARIATION NO 1 – COMMUNITY VISITORS SCHEME JULY 2011
TO JUNE 2013**

MOVED Councillor Saies
SECONDED Councillor Boisvert

That:

1. The report be received.
2. The Council accept and enter into the *Deed of Variation No 1- Community Visitors Scheme* for continuance of the funding for the Community Visitors Scheme (CVS) program for 2011-12 and 2012-13.

CARRIED UNANIMOUSLY

ITEM 199

CEO RECRUITMENT COMMITTEE – DELEGATED AUTHORITY

MOVED Councillor Koumi
SECONDED Councillor Hughes

That:

1. The report be received.
2. The CEO Recruitment Committee be given delegated authority to select a Recruitment Consultant.
3. A variation to the budget for an amount of \$30 000 for the process be included in the next budget review.

Extension of Debating Time

MOVED Councillor Tipper
SECONDED Councillor Hughes

That Councillor Hudson be given an extension of debating time.

CARRIED

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

1. The report be received.
2. The CEO Recruitment Committee be given delegated authority to select a Recruitment Consultant.
3. A variation to the budget for an amount of \$30 000 for the process be included in the next budget review.
4. Membership of the CEO Recruitment Committee be increased to 6 to enable the appointment of a female member to provide gender diversity in the recruitment process.
5. Councillor Boisvert be appointed to the CEO Recruitment Committee.

The AMENDMENT was put and declared **LOST**

The MOTION was then put and **CARRIED**

ITEM 200
END OF MONTH FINANCIAL REPORT

MOVED Councillor Schnell
SECONDED Councillor Hughes

That:

1. The report be received.

CARRIED UNANIMOUSLY

ITEM 201
THE FOLLOWING QUESTIONS ON NOTICE HAVE BEEN RECEIVED FROM
COUNCILLOR BOISVERT REGARDING REPRESENTOR'S NAMES AND
ADDRESSES

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

BACKGROUND

At the request of a resident I sort clarification from Administration about privacy, in particular about the publishing of representors names and addresses on the internet. I received the above reply and a conversation with staff indicated that all links to people's names would be severed on request. The resident has subsequently done this but on googling her name it still comes up in both the agenda and minutes for the meeting in which the item was debated. This resident is being harassed by an associate of the applicant and is now concerned for her personal safety and that of her family.

From: Donny Michel
Sent: Friday, 15 April 2011 9:56 AM
To: 'Cr Jennie Boisvert'
Subject: RE: publishing names

Hi Cr Boisvert,
Council does not have a policy on the matter. However, when adjoining neighbors are notified of an application we include a two page form for them to fill if they wish to make representation.
Page 1 of the form includes the following notes:

- "1. Both pages MUST be completed in full and returned to the City of Unley by the closing date to be a valid representation.
2. This page (ie Page 1) will NOT be published on the internet
3. Page 1 and Page 2 may be included as attachments in the hard copy of the Development Assessment Panel agenda.
4. Please note that in accordance with Section 38(8) of the Development Act 1993, a copy of this representation (Pages 1 and 2) will be forwarded to the Applicant for consultation and response." Therefore, Page 1 which include the name and address of a representor are not published on the internet, however the full representation (both pages) are included in the hard copy of the DAP agenda.

Thank you
Donny Michel

Could the following questions be answered please?

1. *What does severing links mean and how is it achieved?*

Answer

'Severing links' is the action of deleting an attachment so it is not available for viewing on the City of Unley website.

2. *Can the form completed with a representation have a clearly defined section where the person can indicate if they are happy for their details to be published or not?*

Answer

Representors are advised on the representation form that their contact details will not be published on the internet however their contact details may be included as a hard copy on the Development Assessment Panel (DAP) Agenda.

The Development Act and Regulations require that a representation must include the name and address of the person making the representation. Whilst the form can have a section where the person indicates if they are happy for their details to be published, in a practical sense this is not required as current practices ensure names and addresses are not published on the internet.

3. *Is it necessary to publish the name and address of the representor? (I understand why members of the DAP need this information but not everyone else who gets a hard copy).*

Answer

As discussed above, names and addresses of representors are not published on the internet however they are included with the hard copy DAP Agendas that are provided to DAP Members, Elected Members and available to the general public at Council offices and the public gallery.

4. *Why must the names and addresses of representors be published in the Agenda?*

Answer

In order for a representation to be valid it must include names and address details. Inclusion for the complete representation with the hard copy agenda enable DAP members and the general public to determine that the representation is valid.

5. *Why must the names and addresses of representors who speak to the DAP be in the minutes?*

Answer

Only the names and not the addresses of representors are included in the DAP minutes.

The Development Act requires that accurate minutes be kept of the proceedings. The recording of names in the minutes enables an accurate and historical record to be kept of proceedings.

6. *Is it necessary to provide names and addresses of representors to the applicant, especially when the applicant is an organization rather than an individual?*

Answer

Yes. The Development Act and Regulations do not distinguish between an applicant that is an individual or an organisation.

7. *If the answer to 6 is yes then what controls are in place to ensure that the applicant does not further distribute the names and addresses. (The resident in question believes that the person who is harassing her obtained her personal details from the applicant.)*

Answer

There are no controls that Council can apply in policing this information or directing a third party not to distribute names and addresses received via this avenue.

8. *How does the Privacy Act (2001) complement or contradict Council practice?*

Answer

The Privacy Act 1988 and the Privacy (Public Sector) Regulations 2001 articulate how private information is recorded, disclosed and accessed by the public sector. This legislation and associated Acts do not regulate South Australia. (This means that Council is not legally bound to apply this Act or Regulations - however a moral obligation may exist).

Council follows what is legislatively required under the Development Act 1998, the Local Government Act 1999, the Freedom of Information Act 1991 (and others) which overrides any perceived or real moral obligation to uphold the Federal Privacy Act 1988. Therefore there can be no complement or contravening.

9. *Does Council have a Freedom of Information/ Privacy Policy?*

Answer

No there are no Council policies, but Council does have a service procedure for Freedom of Information applications.

10. *What would be the advantages/disadvantages of developing one?*

Answer

The advantages of having one overriding Privacy Policy that generally deals with public/private information in the absence of any State Legislation may include:

- Clarity of Council position
- Consistent treatment of information
- Efficient services

The disadvantages of having one overriding Privacy Policy may include:

- Limitations - the policy would only be used where no legislation currently is in place
- Constant changes to legislation would mean continual updates
- Potential for infringements and therefore liabilities/claims

ITEM 202 **CORRESPONDENCE**

The correspondence from FOCUS dated 19 July 2011, be noted.

ITEM 203 **MOTION ON NOTICE FROM COUNCILLOR HUDSON**

This Item was moved forward in the Agenda and dealt with as part of Item 196.
(See Item 196 on page 5 of these Minutes.)

ITEM 204 **UNRESOLVED ITEMS**

Meeting Date	Item	Status
Council 27/10/08	Item 363 Notice of Motion from Councillor Hewitson re Sturt Football Club.	The question remain laid on the table.
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.	The Item lay on the table.

ITEM 205

**CONFIDENTIALITY MOTION FOR ITEM 206 – STRATEGIC LAND
ACQUISITION – DISTRICT CENTRE ZONE**

MOVED Councillor Schnell
SECONDED Councillor Salaman

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 R Pincombe, Chief Executive Officer
Mr P Tsokas, General Manager City Development
Ms M Bonnici, General Manager City Services (left the Chamber at 9.03pm)
Ms V Minenko, Acting General Manager Corporate Services
Mr D Brown, Principal Policy Planner
Mr G Hayter, Colliers International
Ms D Horton, Policy and Grants Attraction Coordinator
Ms C Gowland, Executive Assistant to Deputy CEO

on the basis that it will receive and consider the report on Strategic Land Acquisition – District Centre Zone, 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.

CARRIED

The doors to the Council Chambers were closed at 9.03pm.

Councillors Salaman, Hewitson, Saies left the meeting at 9.03pm returning at 9.05pm.

Councillor Tipper left the meeting at 9.03pm returning at 9.06pm.

ITEM 207

**CONFIDENTIALITY MOTION TO REMAIN IN CONFIDENCE ITEM 206 –
STRATEGIC LAND ACQUISITION – DISTRICT CENTRE ZONE**

MOVED Councillor Schnell
SECONDED Councillor Hewitson

That:

1. The report be received.
2. Pursuant to Section 91(7) and (9) of the Local Government Act:
 - 2.1 The
 - ☒ Report
 - ☒ Attachments
 - ☒ Minutes

remain confidential on the basis that the information supplied could confer a commercial advantage on a third party, and
 - 2.2 The report, minutes and attachments will be kept confidential until the item is revoked by the Chief Executive Officer.
 - 2.3 A copy of the Report, Minutes and Attachments be provided to the Audit Committee for information.

CARRIED

The doors to the Council Chamber were opened at 9.52pm.

CLOSURE

The Presiding Member closed the meeting at 9.53pm.

.....
PRESIDING MEMBER

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ATTACHMENT 1 TO ITEM 193/11

MAYOR'S REPORT

As we are all aware, the City of Unley's CEO Ray Pincombe has announced his retirement, effective 18 November 2011. Ray's career in Local Government will span some 35 years by this date. His last years spent at Unley have produced some fantastic results for the City and he will leave us in better shape than he found us.

As a result of this departure we now enter into a phase of seeking out the right person to become the CEO of Unley. This person will need to be totally committed to Unley. This person will need to bring their energy into Unley and enable the ideals that the community professed to us as Elected Members during the campaign and turn these ideals into reality, budgeted for, and programmed into the works.

This will be a critical phase for the City of Unley. At our City Strategy and Policy meeting on Monday night we selected a panel of five from seven applicants. Congratulations to those who got on the panel.

It has subsequently been highlighted that the composition of the panel does not include a female member. Gender balance on the committee is highly desirable and I hope that we can as a Council find a way to achieve this moving forward.

Congratulations to the Goodwood Saints Football Club on a successful 100 year celebration dinner at the Morphettsville Racecourse function centre last Saturday night. It was a wildly fun night, well hosted by Wayne Phillips and Amanda Blair. The president of the Goodwood Saints Mr. Shaun Mansell personally thanked the Unley Council for their ongoing support over the many years. The trophy which the Council had made was unable to be presented on the night but will be handed over at another occasion.

It was great to be able to continue the tradition established by Mayor Keenan and present the prize for Mayor's Croquet Tournament at the Unley Park Bowls Club. I was a tad worried about the day having had little exposure to this game save through Lewis Carroll's book Alice in Wonderland. I was glad to not hear "Off with his head" as I walked through across the grounds.

Businesses in Unley may well regard themselves as being under threat from the new development at Burnside Village. This point was made at the UBED meeting and we will be seeking to put together a strategy to sure up our position in the market as a highly desirable destination for shoppers in South Australia.

MAYOR'S REPORT

JUNE		
Tuesday	28	Crs Lapidge and Boisvert attend Unley Rotary changeover dinner
Wednesday	29	Induction of Michael McAuliffe as President of Hyde Park Rotary
Thursday	30	On leave to attend Army Reserve Training Exercise in Pukapunyal until 18 July.
JULY		
Friday	1	
Saturday	2	
Sunday	3	
Monday	4	
Tuesday	5	
Wednesday	6	
Thursday	7	
Friday	8	
Saturday	9	Cr Hughes hosted Mayor Johanson and his guest Michael Wilson at Sturt FC Directors lunch
Sunday	10	
Monday	11	
Tuesday	12	
Wednesday	13	
Thursday	14	
Friday	15	
Saturday	16	
Sunday	17	Cr Michael Hewitson attend afternoon tea for Unley Rotary Thrift Shop Volunteers
Monday	18	Special Council Meeting, City Strategy and Policy Committee Meeting
Tuesday	19	Unley Business and Economic Development committee meeting
Wednesday	20	
Thursday	21	SAROC & State Executive Committee Meeting
Friday	22	Leicester Street Park, Cr Hudson and David Pisoni MP
Saturday	23	Goodwood Saints Centenary Dinner, Cr. Boisvert
Sunday	24	Presentation of Mayor of Unley's Invitation Croquet competition
Monday	25	Presentation/overview by Urban Myth - request for support to move to Goodwood Institute