

COUNCIL MEETING

**Minutes of the Corporation of the City of Unley
held on
Monday 27 June 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 D Palmer
 A Lapidge P Hughes
 D Tipper R Schnell
 R Salaman M Hewitson

OFFICERS PRESENT

Chief Executive Officer, Mr R Pincombe
Deputy Chief Executive Officer, Ms C Umapathysivam
General Manager City Development, Mr P Tsokas
General Manager City Services, Ms M Bonnici
Manager Governance & Strategic Projects, Ms V Minenko
Finance Manager, Ms N Tinning
Manager Transport & Traffic, Mr C Mountain
Project Manager, Mr A Johns
Project Manager, Mr M Kildea
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 June 2011 meeting of the Unley City Council.

APOLOGIES

Nil

ITEM 163

CONFIRMATION OF MINUTES

MOVED Councillor Lapidge
SECONDED Councillor Boisvert

That the minutes of the Council meeting held on Wednesday 23 May 2011, as printed and circulated, be taken as read and signed as a correct record.

CARRIED UNANIMOUSLY

ITEM 164

CONFIRMATION OF MINUTES – SPECIAL COUNCIL

MOVED Councillor Palmer
SECONDED Councillor Hewitson

That the minutes of the Special Council meeting held on Monday 30 May 2011, as printed and circulated, be taken as read and signed as a correct record.

CARRIED UNANIMOUSLY

ITEM 165

PETITION RE TRAFFIC RESTRAINTS AT BYRON ROAD BLACK FOREST

MOVED Councillor Boisvert
SECONDED Councillor Palmer

That:

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

CARRIED UNANIMOUSLY

DEPUTATIONS

Ms Cheryl McPhee made a deputation to the Council regarding the levy for the Fullarton Road South Traders' Association.

Mr Theo Maras, Presiding Member of the Unley Business and Economic Development Committee, made a deputation to the Council regarding the levy for the Fullarton Road South Traders' Association.

ITEM 166

MINUTES OF THE CITY OF UNLEY ROAD SAFETY COMMITTEE

MOVED Councillor Tipper
SECONDED Councillor Salaman

That:

1. The minutes of the City of Unley Road Safety Committee Meeting held on Wednesday 8 June 2011, be received.
2. The recommendations listed under Items 20 - 26 inclusive, be adopted.

CARRIED UNANIMOUSLY

ITEM 167

MINUTES OF AUDIT COMMITTEE MEETING

MOVED Councillor Hughes
SECONDED Councillor Hewitson

That:

1. The minutes of the Audit Committee meeting held on Wednesday 15 June 2011, be received.
2. The recommendations listed under Items 23 - 29 inclusive, be adopted.

CARRIED UNANIMOUSLY

ITEM 168

MINUTES OF CITY STRATEGY AND POLICY COMMITTEE MEETING

MOVED Councillor Schnell
SECONDED Councillor Salaman

That:

1. The minutes of the City Strategy and Policy Committee meeting held on Monday 20 June 2011, be received.
2. The recommendations listed under Items 38 – 42 inclusive, be adopted.
3. The following items be reserved:

Item 43 – Funding Options for the Fullarton Road South Traders Assoc
Reserved by Councillor Hudson

Item 34 – Sturt Football Club Inc and South Australian National Football
League Home Match Licence
Reserved by Councillor Saies

Item 35 – Community, Cultural, Recreation and Environment Grants
Program – Allocation of Funding March 2011
Reserved by Councillor Saies

Item 36 – New Community Garden in Unley
Reserved by Councillor Hudson

Item 37 – Recognition of Ron Praite
Reserved by Councillor Hudson

Item 44 – Future Use or Sale of 39 and 41 Oxford Terrace Unley
Reserved by Councillor Hudson

CARRIED UNANIMOUSLY

**RESERVED ITEM 43 CITY STRATEGY AND POLICY COMMITTEE
FUNDING OPTIONS FOR THE FULLARTON ROAD SOUTH TRADERS'
ASSOCIATION**

MOVED Councillor Schnell
SECONDED Councillor Boisvert

That:

1. The report be received.
2. Council does not support the FRSTA request for the collection of a separate rate on Fullarton Road South.

LOST

A division was called and the previous decision set aside.

DIVISION

Those voting in the affirmative:

Councillors Hudson, Koumi, Saies and Hewitson.

Those voting in the negative:

Councillors Sangster, Boisvert, Palmer, Lapidge, Hughes, Tipper, Schnell and Salaman.

The MOTION was declared **LOST**

MOVED Councillor Lapidge
SECONDED Councillor Salaman

That:

1. The report be received.
2. The Annual Business Plan and Budget 2011-12 be prepared to include a Fullarton Road separate rate in accordance with Option 1 of report 43/11.
3. The separate rate be applied to all land classified as Category 2 – Commercial Shop, Category 3 – Commercial Office and Category 4 – Commercial Other on Fullarton Road from the northern side of Cross Road to the southern side of Fisher Street.

CARRIED

A Division was called and the previous decision set aside.

DIVISION

Those voting in the affirmative:

Councillor Sangster, Boisvert, Palmer, Lapidge, Hughes, Tipper, Schnell, Salaman and Hewitson.

Those voting in the negative:

Councillors Hudson, Koumi and Saies.

The Motion was declared **CARRIED**

RESERVED ITEM 34 CITY STRATEGY AND POLICY COMMITTEE STURT FOOTBALL CLUB INC AND SOUTH AUSTRALIAN NATIONAL FOOTBALL LEAGUE HOME MATCH LICENCE

MOVED Councillor Schnell

SECONDED Councillor Lapidge

That:

1. The report be received.
2. The South Australian National Football League and the Sturt Football Club Inc be offered a renewed term expiring on 30 September 2013, for the Home Match Licence, based upon the attached licence summary (Attachment 2 to report 34/11).
3. Consultation be undertaken on proposed changes to the Home Match Licence for 2012 and 2013 based upon the attached licence summary (Attachment 3 to report 34/11).

CARRIED UNANIMOUSLY

**RESERVED ITEM 35 CITY STRATEGY AND POLICY COMMITTEE
COMMUNITY, CULTURAL, RECREATION AND ENVIRONMENT GRANTS
PROGRAM – ALLOCATION OF FUNDING MARCH 2011**

MOVED Councillor Schnell
SECONDED Councillor Boisvert

That:

1. The report be received.
2. Community grants be funded as detailed in Attachment 1 to Item 35/11.
3. Festivals and events be funded as detailed in Attachment 1 to Item 35/11.
4. The applicants be notified of the outcome of their application.

CARRIED UNANIMOUSLY

**RESERVED ITEM 36 CITY STRATEGY AND POLICY COMMITTEE
NEW COMMUNITY GARDEN IN UNLEY**

MOVED Councillor Schnell
SECONDED Councillor Tipper

That:

1. The report be received.
2. Further community engagement and assessment proceed for the following potential community garden sites: The Goody Patch, Millswood Park, Parkside Primary School, and Soutar Park.
3. A report be provided outlining suitable site selections, to coincide with the budget process for 2012/2013.

Councillor Hudson MOVED as an AMENDMENT, SECONDED by Councillor Hewitson

That:

1. The report be received.
2. Further community engagement and assessment proceed for the following potential community garden sites: The Goody Patch, Millswood Park, Parkside Primary School, and Soutar Park.

3. A report be provided outlining suitable site selections, to coincide with the budget process for 2012/2013.
4. The Administration investigate the benefits of such proposed gardens being part of a metropolitan wide network.

The AMENDMENT on being put was **CARRIED**.

The AMENDMENT then became part of the **MOTION** which was put and **CARRIED**.

RESERVED ITEM 37 CITY STRATEGY AND POLICY COMMITTEE
RECOGNITION OF RON PRAITE

MOVED Councillor Schnell
SECONDED Councillor Palmer

That:

1. The report be received.
2. An appropriate public acknowledgment of Mr Ron Praise's service to the City of Unley be displayed in the Civic Centre Complex.
3. That a further report be brought to Council giving consideration to changing the name of Culvert Street to Praise Street.

Councillor Hudson MOVED as an AMENDMENT, SECONDED by Councillor Salaman

That:

1. The report be received.
2. An appropriate public acknowledgment of Mr Ron Praise's service to the City of Unley be displayed in the Civic Centre Complex.
3. A further report be brought to Council giving consideration to naming the linear park between Porter Street and Unley Road in honour of Ron Praise.

The AMENDMENT on being put was **CARRIED UNANIMOUSLY**.

The AMENDMENT then became part of the **MOTION** which was put and **CARRIED UNANIMOUSLY**.

Councillor Salaman left the meeting at 8.20pm returning at 8.22pm during discussion on the above Item.

**RESERVED ITEM 44 CITY STRATEGY AND POLICY COMMITTEE
FUTURE USE OR SALE OF 39 AND 41 OXFORD TERRACE UNLEY**

MOVED Councillor Schnell
SECONDED Councillor Hewitson

That:

1. The report be received.
2. A report be prepared to enable Council to make a decision on the sale of 39 and 41 Oxford Terrace including the proposed methodology for sale.
3. A short term agreement for the use of 41 Oxford Terrace, Unley be negotiated with Kirinari Community School Incorporated.

CARRIED

A Division was called and the previous decision set aside.

DIVISION

Those voting in the affirmative:

Councillors Koumi, Sangster, Boisvert, Palmer, Lapidge, Hughes, Salaman and Hewitson.

Those voting in the negative:

Councillors Hudson, Saies, Tipper and Schnell.

The Motion was then declared **CARRIED**

**ITEM 169
MAYOR'S REPORT**

MOVED Councillor Hewitson
SECONDED Councillor Palmer

That:

1. The report be received.

CARRIED

(A copy of the Mayor's report is attached.)

ITEM 170
REPORTS OF MEMBERS

a) Items of Particular Interest and Concern

Councillor Hewitson – bouquet to staff on capturing the vision for the community gardens.

Councillor Boisvert – letter from resident re Orphanage to be tabled under correspondence and attached to Minutes.

Councillor Palmer – Sturt Football Club not DDA compliant.

Councillor Salaman – Culvert Street – flooding issues.

Councillor Saies – City of Unley bin in Victor Harbor area.

Councillor Sangster – 50th birthday celebration for Meals on Wheels. Damage occurring on King William Road again.

Councillor Schnell – Question on Notice re LGA – answers excellent.

Councillor Koumi – Budget and expenditure.

b) Centennial Park Cemetery Authority

Councillor Lapidge gave a brief update on the Centennial Park Cemetery Authority Board meeting held on 26 May 2011. Selection tender process for Operations Complex closed in May.

c) Development Matters

Councillor Boisvert – Register should be kept for replacement trees when significant trees are removed.

Councillor Palmer left the meeting at 8.55pm returning at 8.56pm during the above Item.

ITEM 171
JOHNSTONE TERRACE RENAMING TO HAMILTON BOULEVARD

MOVED Councillor Schnell
SECONDED Councillor Tipper

That:

1. The report be received.
2. Johnstone Terrace be changed to Hamilton Boulevard as from Monday 1 August 2011.
3. All adjacent businesses and residents be notified of the change of name.
4. SA Police, the Metropolitan Fire Service, SA Ambulance Service, the utilities and the Department for Transport, Energy and Infrastructure - Land Services Group be notified of the change of name.

CARRIED UNANIMOUSLY

Councillor Saies left the meeting at 9.17pm returning at 9.19pm during debate on the above Item.

ITEM 172

INNER METRO RIM STRUCTURE PLAN

MOVED Councillor Lapidge
SECONDED Councillor Hewitson

That:

1. The report be received.
2. The 'Inner Metro Rim Structure Plan (February 2011)' Submission, contained in Attachment 1 to Item 172/11, be endorsed in principle.
3. The 'Inner Metro Rim Structure Plan (February 2011)' Submission, contained in Attachment 1 to Item 172/11, be submitted to the Department of Planning and Local Government and discussions be pursued to resolve a mutually acceptable outcome.

CARRIED UNANIMOUSLY

ITEM 173

HOME AND COMMUNITY CARE (HACC) PROGRAM – SERVICE AGREEMENT 1 JULY 2011 TO 30 JUNE 2012

MOVED Councillor Boisvert
SECONDED Councillor Sangster

That:

1. The report be received.
2. The Council accept and enter into the Home and Community Care Service Agreement for continuance of recurrent funding for 1 July 2011 to 30 June 2012 for the Home Assist and Community Care Program funding of \$554 160.

CARRIED UNANIMOUSLY

Councillor Lapidge left the meeting at 9.31pm during discussion on the above Item.

ITEM 174

LEICESTER PLAYGROUND – CONTAMINATION REMEDIATION

MOVED Councillor Boisvert
SECONDED Councillor Saies

That:

1. The report be received.
2. Remediation of Leicester Playground site be undertaken as outlined in Attachment 1 to Item 174/11.
3. A budget of \$170 000 be included in the Annual Business Plan and Budget 2011/12 for the remediation works.

Extension of Debating Time

MOVED Councillor Sangster
SECONDED Councillor Salaman

That Councillor Hudson be given an extension to debating time.

CARRIED

Councillor Salaman MOVED as an AMENDMENT SECONDED Councillor Hughes that:

1. The report be received.
2. Remediation of Leicester Playground site be undertaken as outlined in Attachment 1 to Item 174/11.
 - Cap the site with permeable geotextile fabric, provide a loam base of 150mm re-sod and increase the rubber soft fall barrier to 5 m beyond existing play space.
3. A budget of \$105 000 be included in the Annual Business Plan and Budget 2011/12 for the remediation works.

The AMENDMENT on being put was **CARRIED**.

The AMENDMENT then became part of the **MOTION** which was put and **CARRIED**.

Councillor Lapidge returned to the meeting at 9.32pm during discussion on the above Item.

ITEM 175
REVIEW AND FEES AND CHARGES

MOVED Councillor Koumi
SECONDED Councillor Sangster

That:

1. The report be received.
2. The schedule of fees referred to in Attachment 1 of Item 175/11 for the 2011-12 financial year be approved and take effect from 1 July 2011.

CARRIED

Councillor Hughes left the meeting at 10.20pm returning at 10.23pm during discussion on the above Item.

Councillor Hewitson left the meeting at 10.23pm returning at 10.28pm during discussion on the above Item.

Councillor Salaman left the meeting at 10.23pm returning at 10.25pm during discussion on the above Item.

Councillor Palmer left the meeting at 10.24pm returning at 10.25pm during discussion on the above Item.

Councillor Boisvert left the meeting at 10.29pm returning at 10.33pm during discussion on the above Item.

Councillor Hudson left the meeting at 10.29pm returning at 10.33pm during discussion on the above Item.

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 10 minutes, to discuss the 2011-2012 Annual Business Plan and Budget Adoption report to be considered by Council. This was supported with a two thirds majority.

The meeting procedures were suspended at 10.38pm.

The meeting procedures were reinstated at 10.42pm.

ITEM 176

2011 – 2012 ANNUAL BUSINESS PLAN AND BUDGET ADOPTION

MOVED Councillor Lapidge
SECONDED Councillor Boisvert

That:

1. The report be received.
2. The following formal resolutions 1 to 10 be adopted separately in the following order:
 1. Adoption of the Annual Business Plan
 2. Statutory Statements
 3. Adoption of the Valuations for 2011-12
 4. Inspection of Assessment Record
 5. Differential General Rates
 6. Minimum Amount (General Rates)
 7. Maximum Increase (General Rates)
 8. Separate Rate – Natural Resources Management Levy
 9. Differential Separate Rates
 10. Payment of Rates

CARRIED UNANIMOUSLY

1. Annual Business Plan

MOVED Councillor Schnell
SECONDED Councillor Boisvert

That pursuant to the provisions contained within section 123(6) of the Local Government Act 1999 and, having considered those matters prescribed by Section 123(6) of the Local Government Act 1999, Attachment 1 of Report 176/11 - the Annual Business Plan 2011-12 as amended, be adopted.

CARRIED UNANIMOUSLY

2. Statutory Statements

MOVED Councillor Tipper
SECONDED Councillor Lapidge

Pursuant to Regulation 7 of the Local Government (Financial Management) Regulations 2011, Attachment 2 of Report No176/11 - The Budget 2011-2012 comprising, Budgeted Funding Statement, Budgeted Statement of Comprehensive Income, Budgeted Balance Sheet, Budgeted Cash Flow Statement, the Budgeted Statement of Changes in Equity and the Budgeted Uniform Presentation of Finances as amended, be adopted.

CARRIED UNANIMOUSLY

3. Adoption of Valuations

MOVED Councillor Boisvert
SECONDED Councillor Salaman

That in accordance with Section 167(2)(a) of the Local Government Act 1999 the capital values as detailed in the valuation roll prepared by the Valuer-General in relation to the area of the Corporation of the City of Unley and totalled below, be adopted for rating purposes for the year ending 30 June 2012 and that the first day of July 2011 be specified as the day as and from which such values shall become and be the valuations for the Council of the City of Unley.

| | |
|---|-------------------------|
| Rateable Assessed Capital Values | \$11 611 604 031 |
| Non Rateable | \$ 314 338 139 |
| Total Assessed Capital Value as reconciled with the Valuer-General at 11 June 2011 | \$11 925 942 220 |

CARRIED UNANIMOUSLY

4. Copy of Assessment Record Entries

MOVED Councillor Palmer
SECONDED Councillor Hewitson

That for the fiscal year ending 30 June 2012 the fee that shall be payable for a copy of any entry made in the Assessment Record is fixed, pursuant to Section 174(2) of the Local Government Act, 1999, at \$3.10.

CARRIED UNANIMOUSLY

5. Differential General Rates

MOVED Councillor Palmer
SECONDED Councillor Sangster

That for the fiscal year ending 30 June 2012 the following differential general rates, based on the value of the land subject to the rate and varying according to the use of the land, are declared pursuant to Sections 153 (1)(b) and 156(1)(a) of the Local Government Act, 1999:

1. In respect to rateable land which is categorised by land use Category 1 - **Residential** in Regulation 10 of the Local Government (General) Regulations, 1999, as a prescribed permissible differentiating factor, a differential general rate of 0.2276 cents in the dollar.

2. In respect to rateable land which is categorised by land use Category 2 - **Commercial Shop**, Category 5 – **Industry Light**, Category 6 - **Industry - Other**, Category 7 - **Primary Production**, Category 8 - **Vacant Land** and Category 9 - **Other** in Regulation 10 of the Local Government (General) Regulations, 1999, as prescribed permissible differentiating factors, a differential general rate of 0.4325 cents in the dollar.
3. In respect to rateable land which is categorised by land use Category 3 - **Commercial Office** and Category 4 - **Commercial Other** in Regulation 10 of the Local Government (General) Regulations, 1999, as prescribed permissible differentiating factors, a differential general rate of 0.5341 cents in the dollar.

CARRIED

6. Minimum Amount (General Rates)

MOVED Councillor Salaman
SECONDED Councillor Hewitson

That for the fiscal year ending 30 June 2012 the minimum amount of \$620 shall be payable by way of general rates on each piece of rateable land within the whole of the Council area is fixed, pursuant to Section 158 of the Local Government Act 1999.

CARRIED UNANIMOUSLY

7. Maximum Increase (General Rates)

MOVED Councillor Hewitson
SECONDED Councillor Palmer

Pursuant to Section 153(3) of the Local Government Act 1999 the Council will not fix a maximum increase in the general rate to be charged on any rateable land that constitutes the principal place of residence of the principal ratepayer.

CARRIED UNANIMOUSLY

8. Separate Rate – Natural Resource Management Levy

MOVED Councillor Hughes
SECONDED Councillor Schnell

That for the fiscal year ending 30 June 2012 pursuant to Section 154 of the Local Government Act 1999, a separate rate of 0.008273 cents in the dollar is declared on all rateable land within the Council area within the area of the Adelaide and Mount Lofty Ranges Natural Resources Management Board to reimburse the Council amounts contributed to the Board totalling \$942 844 in accordance with Section 95 of the Natural Resources Management Act 2004.

CARRIED

9. Differential Separate Rates

MOVED Councillor Salaman
SECONDED Councillor Palmer

That for the fiscal year ending 30 June 2012 the following differential separate rates based upon the value of the land subject to the rate, are declared pursuant to Sections 154 and 156(1)(a) of the Local Government Act 1999.

- A differential separate rate of 0.02725 cents in the dollar is declared on the value of land classified as Category 2 – Commercial Shop, Category 3 – Commercial Office and Category 4 – Commercial Other, with addresses along the entirety of **Unley Road**, within the City of Unley, with the aim of raising \$74 450 which will be utilised by the Unley Road Association Inc. to fund a marketing program for the fiscal year ending 30 June 2012.
- A differential separate rate of 0.1173 cents in the dollar is declared on the value of land classified as Category 2 – Commercial Shop, Category 3 – Commercial Office and Category 4 – Commercial Other, with addresses along **Goodwood Road** situated between Leader Street / Parsons Street to the north and Mitchell Street / Arundel Avenue to the south, with the aim of raising \$45,000 which will be utilised by Goodwood Central Traders and Services Association Inc. to fund a marketing program for the fiscal year ending 30 June 2012.
- A differential separate rate of 0.1759 cents in the dollar is declared on the value of land classified as Category 2- Commercial Shop with addresses along **King William Road** situated between Greenhill Road and Commercial Road (eastern side), with the aim of raising \$118 450 to be utilised by King William Road Traders' Association Inc to fund a marketing program for the fiscal year ending 30 June 2012.

- A differential separate rate of 0.05847 cents in the dollar is declared on the value of land classified as Category 2 – Commercial Shop with addresses along the western side of **Glen Osmond Road** (between Greenhill Road and Katherine Street), with the aim of raising \$15 965 to be utilised by the Glen Osmond Road Precinct Association Inc. to fund a marketing program for the fiscal year ending 30 June 2012.

That for the fiscal year ending 30 June 2012 the following differential separate rates based upon the value of the land subject to the rate, are declared pursuant to Sections 154 and 156(1)(a) of the Local Government Act 1999.

A differential separate rate being a fixed amount of **\$250** is declared on all land classified as Category 2 – Commercial Shop, Category 3 – Commercial Office and Category 4 – Commercial Other, with addresses along Fullarton Road (between Cross Road and Fisher Street), with the aim of raising \$13 000 to be utilised by the Fullarton Road South Traders Association Inc to fund a marketing program for the fiscal year ending 30 June 2012.

CARRIED

10. Payment of Rates

MOVED Councillor Sangster
SECONDED Councillor Tipper

That, for the fiscal year ending 30 June 2012, all rates declared and imposed shall, pursuant to Section 181(1) and 181(2) and subject to Section 181(4)(b) of the Local Government Act, 1999, fall due in a single instalment on 1 September 2011 or four equal or approximately equal instalments on 1 September 2011, 1 December 2011, 1 March 2012 and 1 June 2012.

CARRIED UNANIMOUSLY

ITEM 177

**APPOINTMENT OF AUDIT COMMITTEE INDEPENDENT MEMBERS AND
REVIEW OF TERMS OF REFERENCE**

MOVED Councillor Hewitson
SECONDED Councillor Hughes

That:

1. The report be received.
2. The selection process used to identify the independent members of the Audit Committee be noted.
3. The Terms of Reference as attached to report 177/11 be confirmed as appropriate for the next term of the Audit Committee.
4. The following applicants be endorsed as the independent members of the Audit Committee for a period of two years, expiring on 30 June 2013, unless such appointment is revoked by the Council

Mr John Rawson – Presiding Member
Mr Shaun Matters
Mr Simon Rodger

CARRIED UNANIMOUSLY

ITEM 178

END OF MONTH FINANCIAL REPORT

MOVED Councillor Hewitson
SECONDED Councillor Hughes

That:

1. The report be received.

CARRIED UNANIMOUSLY

ITEM 179

QUESTIONS ON NOTICE FROM COUNCILLOR HUDSON RE LEICESTER STREET PLAYGROUND

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

Questions

1. What is the nature and level of the contaminants leading to the closure of the park/playground and has there been an assessment of the likely long term effects (if any) to playground users, supplied by SA Health and a qualified toxicologist?

Answer

The contaminants are Polycyclic Aromatic Hydrocarbons (PAH) which are of organic compounds believed brought to site several decades ago through the uncontrolled importation of fill material (road materials).

The report provided by Environmental Risk Sciences discussed at the EM Workshop held on 7 June outlines the long term effects to playground users and proposed relevant remediation strategies for consideration.

Further, the report notes that the NEPM Health Based Investigation Levels (HIL) are soil criteria that have been established using a risk assessment approach (protective of human health) that are intended to assist in deciding whether further detailed assessment of a site is required. Levels in excess of the HILs do not imply unacceptable levels of exposure or risks to human health. Rather exceeding the HILs should trigger the need to undertake a site-specific assessment, including a site-specific Human Health Risk Assessment.

2. What historical data can either Unley Council, the EPA or SA Health provide on previous cases of hydro carbon poisoning through low level contact with bitumen? Bearing in mind that the park/playground was for many years surfaced with bitumen, there would almost certainly be some traces of residual bitumen in the topsoil but any harm from this would be far less than that derived from hydro-carbons in bitumen roads, footpaths, stormwater run off and exhaust fumes.

Answer

In consultation with the relevant authorities, Councils consultants have been unable to locate specific data on instances in SA on previous cases of PAH poisoning from contact with bitumen, but have identified that 16 PAH compounds are recognised globally by public health and environmental protection agencies as priority PAH contaminants due to the risk they pose to human health.

3. What is the likely cost to ratepayers if Council proceeds with remediation work? My previous experience in earth moving projects suggests that the cost could run into hundreds of thousands of dollars.

Answer

Subject to the remediation and reinstatement option chosen, the expected project cost will not exceed \$180 000.

4. Will the Council guarantee that should the EPA insist on the remediation work in the Leicester Street park/playground, then all (8 parks?) in the Unley Council area will be similarly tested and remediation work proceed on all affected areas regardless of cost?

Answer

The EPA has provided no advice that testing of other sites will be mandated.

As a consequence of recent experience with soil contamination on major projects soil testing will become a component of future project planning. This will become practice only where:

- there is an identified potential that contamination exists; and
- leading into a new construction project.

5. Will Council disclose the likely cost of any remediation work to ratepayers and gauge their reaction before proceeding?

Answer

The cost of remediation work is public information.

Council may choose to undertake public consultation about the remediation options although this may delay remedial work.

It is not considered that public consultation is required on this matter.

ITEM 180

QUESTIONS ON NOTICE FROM COUNCILLOR R J SCHNELL

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

Preamble to question:

In the recent past, Department for Transport, Energy and Infrastructure (DTEI) has established and maintained garden strips adjacent to tram stops, in particular between Greenhill Road, Wayville and Fourth Avenue, Everard Park. In some areas, irrigation dripper hose has been installed. It has been observed that, despite some maintenance in the year following establishment, there is no longer ongoing maintenance of these gardens and weeds are taking over.

A few months ago, Unley Council built the bitumen shared cycle/pedestrian path along the tram line from South Road to Leah Street. The project created a formal garden area with a concrete retaining wall between the pathway and the tram stop platform (near Fourth Avenue). It has potential to be an excellent native garden. Currently it is a dirt barren area with weeds encroaching.

Recently a resident living nearby rang DTEI to ask when the new garden area would be planted. The resident was informed by DTEI that this area is the responsibility of Unley Council. I understand that Unley Council had previously determined that this new garden area is the responsibility of DTEI.

Questions

1. At the tram stops (excluding South Road), is there any formal garden area that is the responsibility of Unley Council?

Answer

Council has not previously undertaken the construction of formal garden areas in proximity to tram stops or maintained these gardens.

DTEI, have previously constructed and maintained these areas.

2. If there is any formal garden area at the tram stops that is the responsibility of Unley Council, then when will the area be planted/maintained?

Answer

Whilst DTEI have historically planted and maintained tram stop gardens, it is not clear who owns each of these sites.

As a consequence discussion has commenced with DTEI about improving these areas..

3. Are all formal garden areas at the tram stops the sole responsibility of DTEI?

Answer

DTEI have previously assumed responsibility for maintaining all formal garden areas.

4. In particular, is DTEI or Unley Council responsible for the new garden area created at tram stop 5 (Fourth Avenue)?

Answer

DTEI is responsible for vegetation management at this tram stop. Staff are liaising with DTEI to ensure a good outcome.

5. Given the confusion (especially by DTEI) will the Administration liaise with DTEI to achieve the following:
- a. DTEI and Unley Council have firm agreement on which party is responsible for planting and maintaining the garden areas at the tram stops.
 - b. DTEI and/or Unley Council will honour their responsibility and will plant and maintain the garden areas at the tram stops.
 - c. The gardens are planted and well maintained.
 - d. Unley Council will monitor the state of the gardens on an ongoing basis and report maintenance issues to DTEI.

Answer

Yes.

ITEM 181

**QUESTIONS ON NOTICE FROM COUNCILLOR R J SCHNELL RE
MEMBERSHIP OF THE LOCAL GOVERNMENT ASSOCIATION OF SA
(LGA)**

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

Questions

1. What is the annual cost of City of Unley membership of the LGA?

Answer:

Subs 2011 - \$44,495
Subs 2010 - \$44,155
Subs 2009 - \$43,197

2. Are there different levels of membership of the LGA? If so, what are they and what are the associated costs?

Answer:

The LGA Constitution provides for two levels of membership.

They are:

- 'full' membership - open to all Councils and other authorities of a 'Local Government nature' constituted under any State or Federal legislation: and
- 'associate' membership – open to Local Government related bodies which do not fall into the other category (subject to the approval of the State Executive Committee).

Full Membership fees are set by the LGA State Executive Committee each year. The cost of full membership is based on each Council's size and revenue, with larger Councils paying a higher fee. The cost of associate membership is a flat fee set by the State Executive Committee at the time of joining, depending on the size and complexity of the organisation applying for associate membership.

'Full' LGA members have full voting rights at LGA General Meetings under the LGA Constitution, and rights to nominate and vote in elections for LGA State Executive Members and for the LGA President. They also have free access to a range of services which would be provided for a fee to associate members if they were sought.

(See response to question 5.)

3. Why doesn't the Unley Administration seek approval from Council on an annual basis for ongoing membership of the LGA?

Answer:

The City of Unley's membership with the LGA is renewed each year and is considered an administrative duty. The fees for membership are within the Chief Executive Officers financial delegations and authority.

4. In the future, will renewal of membership of the LGA come to Council for approval?

Answer:

There is no reason to change the current process.

5. Given my concern about:

- The LGA's consultative process with individual Councils
- The LGA's advocacy on behalf of all Councils
- Getting value for money
- The considerable size of the LGA bureaucracy

I ask for a brief outline of the value and benefit (monetary and other) that Unley Council receives from its membership of the LGA.

Answer:

Membership of the LGA entitles the Council to services and benefits including:

- The right to attend, move motions and vote at LGA General Meetings and Annual General Meetings, which direct the activities of the Association and establish its policies, and which are held twice in each calendar year .
- The right to nominate and vote for members of the State Executive Committee including the President, eight metropolitan representatives and four proxy representatives.
- Membership of the Metropolitan Local Government Group, which advises the State Executive Committee on Local Government matters from a metropolitan perspective and is a forum to discuss and progresses issues of common interest to Metropolitan Councils.
- Access to the services of LGA enterprises including the Workers Compensation Scheme (WCS), Mutual Liability Scheme (MLS) and Asset Mutual Fund, which together provide crucial services and significant savings to Councils as well as occasional profit dividends. It should be noted that the MLS and WCS Boards are standing committees of the LGA State Executive Committee. While it is theoretically possible (although not tested) to have a Council in the schemes but not an LGA member, given the services provided by the LGA to the MLS and the WCS membership may come at an additional cost, which could be higher than the LGA subscription fees.
- Access to numerous bulk purchasing contracts negotiated by Local Government Corporate Services, including electricity supply, fleet purchases, telecommunications and call centre services.

- Representation on the Boards of the Local Government Finance Authority (LGFA) and Local Super (via LGA representatives) – and through the more than 25 LGA representatives to various State statutory bodies.
 - Direct advocacy with Members of State and Federal Parliament on matters of concern to Local Government.
 - Preparation of submissions on legislative and policy matters to present Local Government's collective view on key issues including infrastructure, the environment, waste management, and health and community services.
 - Development of a range of codes, guidelines, manuals and other 'best practice' documents to assist Councils in undertaking service to the community and fulfilling their legal obligations.
 - Access to the LGA's Education and Training Program for Elected Members and Staff, including a large number of courses and residential seminars throughout the year.
 - Access to participate in, and benefit from, specific projects undertaken on behalf of the sector eg workforce planning initiatives, local excellence program.
 - Industrial advice and advocacy.
 - One media voice on behalf of all Councils.
 - Promotion of Local Government elections and increased voter participation.
6. Does the LGA always seek direction from Councils (elected body) prior to acting on their behalf?

Answer:

The LGA will always seek direction from Councils before acting on their behalf. The only exceptions are when urgent issues arise requiring a quick response, in which case the LGA's Policy Manual and the instructions of the Senior and State Executive Committees determine the position which the LGA takes on that issue.

7. When the LGA seeks direction from the Councils is there a level of majority decision required eg. 50.01%, 66%,?

Answer:

If there are strong divergent views among Councils on a particular issue the LGA will seek to present all those views. The policies of the LGA are established by majority vote at GMs and AGMs but this does not prevent the LGA from expressing the different opinions of councils.

8. Typically (and ignoring voting for LGA/Board positions) how many times per year does the LGA seek direction from the Councils (elected body)?

Answer:

The LGA provides weekly web based circulars to all Councils. Most weeks there will be at least one circular seeking input or advice from

Councils on a particular issue. It is up to individual Councils how many of these issues are referred to the Elected Council, and how many are dealt with by staff - however the Circulars are not password protected and are therefore available for viewing by any person.

The LGA President attempts to visit every SA Council at least once in their two year term of office. Former President Mayor Felicity Ann Lewis and LGA CEO Wendy Campana last visited the City of Unley in mid 2010. The LGA is happy to host a visit to Local Government House by any Councillor interested in meeting LGA staff and finding out more about its activities. Alternatively the LGA would be pleased to visit the Council again and provide a briefing on current LGA activities to a Council meeting.

9. Is any SA Council not a member of the LGA?

Answer:

Not all Councils choose to be members of the LGA, even though there is no legal requirement to do so. This places the LGA in a very strong position when negotiating with the other spheres of government on behalf of all SA Councils.

Councillor Koumi left the meeting at 10.57pm returning at 10.59pm during the above item.

ITEM 182

THE FOLLOWING QUESTIONS ON NOTICE HAS 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 will be provided at the July meeting of Council.

BACKGROUND

Could I please put the following questions on notice for 27.6.11

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 [<mailto:dmichel@unley.sa.gov.au>]
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

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

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

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

Answer

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

Answer

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

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

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

Answer

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

Answer

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

Answer

Councillor Hewitson left the Chambers at 10.57pm.

QUESTIONS WITHOUT NOTICE

EXTENSION OF MEETING TIME

MOVED Councillor Saies
SECONDED Councillor Hudson

That the meeting be extended beyond 11.00 pm.

CARRIED

Councillor Tipper left the meeting at 11.12pm returning at 11.14pm during Questions Without Notice.

ITEM 183
CORRESPONDENCE

The correspondence from The Hon Simon Crean MP, regarding constitutional recognition of local government, be noted.

The correspondence from Ian Grant regarding the Orphanage be tabled as requested by Councillor Boisvert.

ITEM 184
NOTICE OF MOTION FROM COUNCILLOR SALAMAN RE CULVERT STREET

MOVED Councillor Salaman
SECONDED Councillor Hudson

That:

1. The section of the linear park between Unley Road and south of 28 Culvert Street and the conversion of the western end of Culvert Street to one way, eastbound only, be delayed until the pedestrian activated crossing lights are installed on Unley Road.
2. A firm commitment be obtained from the Department for Transport, Energy and Infrastructure as to the date the crossing will be installed and operational.
3. The schedule for replacing the Unley Road bridge be confirmed by the Department for Transport, Energy and Infrastructure.
4. A progress report be brought to Council when these dates are provided.
5. Residents of Culvert Street, Whittam Street, Dunks Street and Porter Street (south) be informed of the decision to delay the half closure of Culvert Street.

LOST

A division was called and the previous decision set aside.

DIVISION

Those voting in the affirmative:

Councillors Hudson, Sangster and Salaman.

Those voting in the negative:

Councillors Koumi, Saies, Boisvert, Palmer, Lapidge, Hughes, Tipper and Schnell.

The MOTION was declared **LOST**

Councillor Boisvert left the Chambers at 11.25pm after voting on the above Item.

Councillor Palmer left the meeting at 11.25pm returning at 11.26pm during discussion on the above Item.

ITEM 185

NOTICE OF MOTION FROM COUNCILLOR HUDSON RE ITEM 12 SPECIAL COUNCIL MEETING 30 MAY 2011

Councillor Hudson withdrew his Notice of Motion.

MOTIONS WITHOUT NOTICE

Nil

ITEM 186

UNRESOLVED ITEMS

| Meeting Date | Item | Status |
|---------------------|--|---|
| Council 27/10/08 | Item 363 Notice of Motion from Councillor Hewitson re Sturt Football Club. (Copy of Minute Attached) | 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. (Copy of Minute Attached) | The Item lay on the table. |

CLOSURE

The Presiding Member closed the meeting at 11.26pm.

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PRESIDING MEMBER

Cr Jennie Boisvert

From: Ian & Julian Grant
Sent: Sunday, 22 May 2011 11:39 PM
To:
Subject: A FEW THINGS
Dear Michael, Jennie and Don

The final matter:

I am a great supporter of the Unley City Council generally; and proudly use the green spaces and look after my local spaces where and when I can.

However, I must admit to being extremely disappointed in the City of Unley's response to the protestations from a few residents about the Orphanage redevelopment, (as it was reported in the Messenger recently). I can only presume that the story in the Messenger was reported accurately.

My disappointment stems primarily from the fact that the Council has demonstrated a total disregard for the significant amount of work that the Unley staff have put into the redevelopment. I think that the Council needs to follow through on resources invested to maximise the community and environmental benefits.

I have always believed that the Unley Council staff had prepared the Plan with the best intentions for the Orphanage Park users, the environmental benefits and the Brown Hill Creek. The work to date has several users complaining; residents who probably would complain no matter what happened, or did not happen. Unfortunately, I believe that in stopping the planned work in the Orphanage, the Council has listened to a voice of ignorance and not to a voice of reason.

Could you please provide me with proof that my disappointment concerning the Orphanage back down is tabled and read out at a council meeting?

I would also ask that you ensure that I have an immediate reply to my concerns from the Council, and that the Council stipulates clearly and concisely what it intends to do if the Orphanage work has really been ceased. Are the resources invested actually being discarded to no avail, simply because the Council is being swayed by a few misinformed residents?

Kind regards

Ian Grant

Mayor's Report

What have we achieved? What is the role of the Council? What are the specific roles of the Councillors? How does each of us achieve the aspirations we committed ourselves to when we ran the gauntlet and nominated to be this City's community leaders? How can we work together to achieve both shared aspirations and individual goals? What will be the measure of our success?

In the month since the last Council meeting these questions have pervaded my internal mumblings.

I will be honest, I will remind those who care to listen, that it was very deliberately set out that for the first six months this Council would be finding its feet as this Council endeavored to discover itself in the new dynamics created by the election.

I have been happy with the progress made on this front and so it is that we now move into another dynamic.

There are some on this Council to whom passing a budget is no new thing, some who have passed more Council budgets than I have had birthdays. The very act of passing deserves some form of celebratory recognition however; I will not be celebrating nearly as much as I predict I will in a year from today when this Council will pass a budget that in its entirety it can firmly say it is completely responsible for.

To achieve this aim, from now until the end of this year this Council must step up the tempo as we delve into creating a new strategic direction for Unley. As Mayor I know what I promised and I will be putting that alongside the pledges of all our Elected Members to create the framework by which we can transparently report to our community what we have heard the priorities of the community are.

For one, we are unsustainable. The amount of rates we receive does not exceed our expenditure responsibilities. So we must have a robust conversation with our community to determine our service standards. We must set out a clear and transparent plan to clear the back log of work. I suspect we must be visionary in finding ways of raising money to cover the gap between what we are required to spend and what we are currently able to generate.

As we look towards forming a new strategic vision for Unley I will look to the Council to elect from amongst themselves a Deputy Mayor. I will be suggesting we go down one of two paths. That there be a Deputy Mayor for one year for the remaining three years or that there be a Deputy Mayor for a six periods of six months. Over the following months there will be some debate as to the best model but I want to make one thing pertinently and devastatingly clear which is, should this process draw out any divisions within the Council and take this

Council's focus of the important function of listening to the community then I will be strident in calling for an end to it's implementation and our taking up the position of Deputy Mayor.

The main themes and issues for this month have been:

- City of Unley hosting SA's latest Thinker in Resident, Alexandre Kalache
- State Government's 30 Year Plan and the release of the 5000+ strategy
- KESAB and Unley's inaugural Unley Road Business' Recycling Awards
- Urban Myth
- Reconciliation Week
- Talking to Schools and Community Groups
- Sturt FC
- State Budget
- Tour Down Under Stage Start for Unley