

**Minutes of the Meeting
of the Corporation of the City of Unley
held on
Monday 22 March 2010 at 7.00 p.m.
In the Civic Centre
181 Unley Road Unley**

PRESENT

His Worship the Mayor (Mr RE Thorne) Chairperson
Councillors MF Hudson RL Salaman
LRO Clyne CR Sangster
LR Birch JS Boisvert
AJ Lapidge AJ Reed
DA Tipper RJ Schnell
AJ Rowe MG Hewitson

OFFICERS PRESENT

Chief Executive Officer, Mr R Pincombe
Deputy Chief Executive Officer, Ms C Umaphysivam
General Manager City Services, Ms M Bonnici
General Manager City Development, Mr P Tsokas
Manager Governance and Strategic Projects, Ms V Minenko
Manager Community Development, Ms D Richardson
Executive Assistant to the Deputy CEO, Ms C Gowland

OPENING

The Mayor opened the meeting with the Kurna acknowledgement and 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 Mayor welcomed Members of Council, Senior Staff, media and members of the gallery to the March 2010 meeting of the City of Unley Council.

APOLOGIES

Nil

ITEM 619
CONFIRMATION OF MINUTES

MOVED Councillor Birch
SECONDED Councillor Boisvert

That the Minutes of the Council meeting held on Monday 22 February 2010,
as printed and circulated, be taken as read and signed as a correct record.

CARRIED

PETITIONS

Nil

DEPUTATIONS

Mr Greg Hobby, Orphanage Park Concerned Residents Group, made a
deputation to the Council regarding Orphanage Park.

With the permission of the Council the Mayor brought forward Items 633 and
634 for discussion.

ITEM 633
NOTICE OF MOTION FROM COUNCILLOR CLYNE RE COMMUNITY
CONSULTATION ORPHANAGE PARK

EXTENSION OF DEBATING TIME

MOVED Councillor Birch
SECONDED Councillor Lapidge

That Councillor Clyne be given an extension to debating time.

Carried

EXTENSION OF DEBATING TIME

MOVED Councillor Birch
SECONDED Councillor Salaman

That Councillor Boisvert be given an extension to debating time.

Carried

ITEM 633

**NOTICE OF MOTION FROM COUNCILLOR CLYNE RE COMMUNITY
CONSULTATION ORPHANAGE PARK – cont'd**

EXTENSION OF DEBATING TIME

MOVED Councillor Birch
SECONDED Councillor Reed

That Councillor Sangster be given an extension to debating time.

Carried

MOVED Councillor Clyne
SECONDED Councillor Sangster

That:

Council acknowledge the majority view of residents of the City of Unley who participated in the various stages of the Council's own Community Consultation process, do not want the Orphanage Park creek to be laid back.

The Mayor declared the MOTION **LOST**.

A **DIVISION** was called.

Those voting in the affirmative:

Councillors Clyne and Sangster.

Those voting in the negative:

Councillors Hudson, Salaman, Boisvert, Birch, Lapidge, Reed, Tipper, Schnell, Rowe and Hewitson.

The Mayor declared the MOTION **LOST**.

ITEM 634

**NOTICE OF MOTION FROM COUNCILLOR CLYNE RE ORPHANAGE
PARK REMEDIAL WORK**

MOVED Councillor Hudson
SECONDED Councillor Hewitson

That:

Council undertakes a new strategy for the Orphanage Park Creek to only do remedial safety work until a 10 year plan based on past and future community consultation is developed.

The Mayor declared the MOTION **LOST**.

ITEM 634
NOTICE OF MOTION FROM COUNCILLOR CLYNE RE ORPHANAGE
PARK REMEDIAL WORK – cont'd

A **DIVISION** was called.

Those voting in the affirmative:

Councillors Clyne and Sangster.

Those voting in the negative:

Councillors Hudson, Salaman, Boisvert, Birch, Lapidge, Reed, Tipper, Schnell, Rowe and Hewitson.

The Mayor declared the MOTION **LOST**.

ITEM 620
CONFIRMATION OF CITY OF UNLEY ROAD SAFETY COMMITTEE
MINUTES

MOVED Councillor Tipper
SECONDED Councillor Boisvert

That the Minutes of the City of Unley Road Safety Committee meeting held on 10 March 2010, be received and the recommendations listed under Items 80 – 82 inclusive, be adopted.

CARRIED UNANIMOUSLY

ITEM 621
CONFIRMATION OF CITY STRATEGY AND POLICY COMMITTEE MINUTES

MOVED Councillor Birch
SECONDED Councillor Lapidge

That:

1. The Minutes of the City Strategy and Policy Committee meeting held on 15 March 2010 be received.
2. The recommendations listed under Items 289 – 293 inclusive and Items 295 – 298 inclusive be adopted.
3. The following Item be reserved:

Item 294 – Flag Management Report and Policy.

CARRIED

RESERVED ITEM
ITEM 294 OF THE CITY STRATEGY AND POLICY COMMITTEE MINUTES –
FLAG MANAGEMENT REPORT AND POLICY

MOVED Councillor Birch
SECONDED Councillor Hewitson

1. The report be received.
2. The Flag Management Policy, with amendments to the bottom of page 2 “requests for Council to fly flags other than those permanently flown on Council property, will be refused”, and deletion of 1st paragraph on page 3 (Attachment 1 to report 294/10) be approved.
3. As part of the March 2009/10 budget review \$1,500 be allocated for the supply and installation of lighting to illuminate the Australian National Flags that are permanently flown at the City of Unley Civic Centre.

Councillor Schnell, MOVED as an AMENDMENT, SECONDED by Councillor Tipper

That:

1. The report be received.
2. The Flag Management Policy as amended (as tabled) be approved.
3. As part of the March 2009/10 budget review \$1,500 be allocated for the supply and installation of lighting to illuminate the Australian National Flags that are permanently flown at the City of Unley Civic Centre.

The Amendment on being put was CARRIED and on becoming the MOTION was also **CARRIED**.

Councillor Hudson left the meeting at 8.16 pm returning at 8.17 pm during discussion on the above Item.

ITEM 622

ADJOURNED DEBATE

ITEM 46 – UNLEY BUSINESS AND ECONOMIC DEVELOPMENT

COMMITTEE – GLEN OSMOND ROAD SEPARATE RATE NEGOTIATION

Prior to debate on this Item, Councillor Rowe declared a conflict of interest due to his employment at the City of Burnside, and left the meeting at 8.20 pm.

MOVED Councillor Hudson

SECONDED Councillor Tipper

That:

1. The report be received.
2. Any action on a consultation process on the proposed collection of a separate rate for the marketing activities of the Glen Osmond Road Precinct Association be postponed until such time as the future of the Association is determined.
3. Burnside Council be requested, as a matter of urgency, to hold formal discussions with the City of Unley over the future of the Glen Osmond Road Precinct Association, with particular reference to the present inequitable situation of no financial contributions being received from businesses on the Burnside sector of the precinct.

MOVED Councillor Birch

SECONDED Councillor Hewitson

That the Item lay on the table.

CARRIED

Councillor Hewitson left the meeting at 8.29 pm returning at 8.30 pm during debate on the above Item.

Councillor Boisvert left the meeting at 8.23 pm returning at 8.25 pm during debate on the above Item.

Councillor Rowe returned to the meeting at 8.31 pm after debate on the above Item.

ITEM 623
CONFIRMATION OF THE UNLEY BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE MINUTES

MOVED Councillor Salaman
SECONDED Councillor Boisvert

That the Minutes of the Unley Business and Economic Development Committee held on 16 March 2010, be received and the recommendations listed under Item 49 be adopted.

CARRIED UNANIMOUSLY

Councillor Clyne left the meeting at 8.32 pm.

ITEM 624
MAYOR'S REPORT

MOVED Councillor Boisvert
SECONDED Councillor Schnell

That:

1. The report be received.

CARRIED UNANIMOUSLY

Councillor Clyne returned to the meeting at 8.38 pm after discussion on the above Item.

ITEM 625
REPORTS OF MEMBERS

Centennial Park Cemetery Authority

Councillor Hudson provided Members with an update on the recent meeting of the Centennial Park Cemetery Authority.

Development Matters

Nil

Councillor Birch left the meeting at 8.39 pm returning at 8.40 pm during discussion on the above Item.

Councillor Salaman left the meeting at 8.46 pm returning at 8.48 pm during discussion on the above Item.

ITEM 626
ELECTION OF BOARD MEMBERS FOR AUSTRALIA DAY COUNCIL OF SOUTH AUSTRALIA

MOVED Councillor Birch
SECONDED Councillor Schnell

That:

1. The report be received.
2. Council does not nominate a candidate for the election of Board Members for appointment to the Board of Management of the Australia Day Council of South Australia.

CARRIED

ITEM 627
VACANCY FOR METROPOLITAN COUNCIL REPRESENTATIVE ON THE LGA STATE EXECUTIVE COMMITTEE

MOVED Councillor Boisvert
SECONDED Councillor Sangster

That:

1. The report be received.
2. Council nominate Councillor Birch as a candidate for the position of Metropolitan Zone representative on the LGA State Executive from the City of Unley.

CARRIED UNANIMOUSLY

ITEM 628
REVIEW OF CONFIDENTIALITY ORDERS

MOVED Councillor Schnell
SECONDED Councillor Lapidge

That:

1. The report be received.

CARRIED UNANIMOUSLY

ITEM 629

QUESTIONS ON NOTICE FROM COUNCILLOR SALAMAN RE UNLEY ROAD UPGRADE

The following Questions on Notice were received from Councillor Salaman and were included in the February Council Agenda, and the answers are provided..

The attached report to Council and resolution passed by Council in February 2003 relates to the so called "Unley Road Upgrade" which was all set to proceed until the change of Government in 2003. At the time it was scuttled by the Government or the Department by withdrawing funding. I now ask:

1. Is the completion of the Unley Road Upgrade and associated works still a Council policy?

Answer

While there is no formal Council Policy on this issue, the Council at its meeting held 28 August 2000, endorsed the Concept Plan for the development of Unley Road with the outcomes of the consultation process being the subject of a future report to Council.

The City of Unley's Integrated Transport Strategy, endorsed by Council at its meeting held on 16 December 2002, recommended desired outcomes for the transport corridors (which included Unley Road).

2. How much had Council contributed to the project up until the time of its shelving?

Answer

The City of Unley has contributed \$864,000 towards the cost of undergrounding. There was a commitment of \$50,000 for the Rugby Street Bicycle Route but this amount was not expended.

3. Were any costings of the works on Unley Road, ever undertaken, and if so what were they?

Answer

The estimated costs for the project were as follows:

- **Undergrounding** \$3,537,500
- **Reseal** \$605,812
- **Line marking** \$23,299
- **Pedestrian Refuges** \$42,300
- **Rugby Bicycle Route** \$299,800

Total Cost \$4,508,711

Additional items identified by the City of Unley in 2003 were the upgrade of local stormwater between Arthur Street and Culvert

Street, estimated to be \$750,000. It was also identified that approximately 70% of the kerb and gutter on Unley Road was in need of replacement over the next few years at an estimated cost of \$1 million (2003 figures).

4. Were any costings of the works on the associated Rugby Street bikeway, ever undertaken, and if so what were they?

Answer

Two costings for this project have been found. One was \$299,800 referred to in a report to Council of the Unley Road Transport Working Group - Progress Report in August 2000 (Item 29).

A report prepared by Dorrestyn & Co. in 1999, entitled Unley Road Cyclists' Bypass Route estimated the cost as \$370,000 (in 1999 figures). This was subsequently referred to in a letter to Transport SA from the City of Unley's City Manager (see answer to question 8).

5. Was the undergrounding of the power lines on Unley Road a mandatory preliminary to the Unley Road Upgrade?

Answer

The undergrounding of the power supply was in accordance with the Power Line Environment Committee's Metropolitan Main Roads Program that aims to focus undergrounding priorities on the arterial roads. The work was undertaken in three stages as follows:

- Stage 1 – Edmund Avenue to Marlborough Street**
- Stage 2 - Marlborough Street to Cross Road**
- Stage 3 - Greenhill Road to Oxford Terrace**

The undergrounding of the power supply was undertaken as a precursor to the upgrading of Unley Road. The upgrade was not necessarily conditional upon it.

6. What was the total cost of the undergrounding, and how much was the City of Unley's share?

Answer

Total cost approx \$3,537,500 of which the City of Unley contributed \$864,000 (source: Item 376 Undergrounding of Power Lines – Unley Road March 2000). Transport SA contributed \$892,500 with the remaining provided by the Power Line Environment Committee (PLEC).

7. How was the Unley Road Upgrade to be funded, and how much was the Council's share?

Answer

The total project cost was \$4,508,711 of which \$3,537,500 was the cost of undergrounding and \$299,800 the estimated cost of the Rugby Street Route leaving \$671,411 for the reseal and line marking of Unley Road. No allowance was made for any alterations to existing traffic signals or new installations.

The City of Unley's commitment was \$864,000 for undergrounding and \$50,000 for the Rugby Street Route.

8. How was the Rugby Street Bikeway to be funded, and how much was the Council's share?

Answer

A letter to Transport SA from the City of Unley's City Manager dated 21 June 2000, undertook to commit \$50,000 in principle. Transport SA would contribute approximately \$200,000 for the following:

- **Installation of a mini roundabout at Frederick and Rugby Streets**
- **Installation of a roundabout at Oxford Terrace and Rugby Street**
- **Upgrade of Haslop Reserve at Cremorne and Rugby Streets**
- **Installation of traffic signals at Wattle and Rugby Streets**

9. Has Council actively lobbied the State Government to reinstate the funding so the project can be completed?

Answer

Letters were written to Premier Rann in February 2003 that included the resolution of Council from its meeting held on 24 February 2003 and to the Minister for Transport (Michael Wright) in December 2003.

A letter dated 28 January 2010, was sent to the current Minister for Transport requesting an update on where Unley Road sits in the State Government's current programme. An acknowledgement, dated 15 February 2010, was received from the Minister's office advising that the matter was being investigated and a response will be provided in due course.

10. With the coming State (and Federal) election looming, how can funding best be sought?

Answer

The City of Unley could consider developing a Corridor Management Plan for Unley Road that reflects the strategic directions identified in the 30 Year Plan for Greater Adelaide and the City of Unley's Development Plan Amendments. The Corridor Management Plan would be able to use the earlier work undertaken on the upgrade of Unley Road as a basis.

11. For the benefit of Members who are unaware of the history of this project, can the agenda and minutes extracts of 24 February 2003 please be appended to the answers to these questions?

ITEM 630
QUESTIONS ON NOTICE FROM COUNCILLOR CLYNE RE RELOCATION
OF ENTRY ROAD ONTO TABOR LAND

The following Questions on Notice were received from Councillor Clyne and the answers are provided below. Background information is provided in the attachment.

1. **Considering Council made a resolution in June 2008 to continue negotiations with Tabor Adelaide on the subject of potentially relocating the entry road onto Tabor land:**
 - a. **How many times have Tabor Adelaide and Unley Council met to negotiate the possible relocation of the entry road onto Tabor land after the resolution of Council (CSP 16 Jun3 '08 Item 131 (4)) which specifically directed such negotiations to occur?**

Answer

There is not a record of how many times Tabor Adelaide and Unley Council met to negotiate.

Further information

However in order to provide answers to these questions a search of Council, Reports, Agendas, Minutes and other records was undertaken this week. In addition Tabor College has been contacted to confirm the order of events and correspondence exchange. Confirmation of correspondence exchange is anticipated for Friday 19 March 2010.

The search of records and discussions with Tabor indicate negotiations about the potential road relocation occurred commencing November 2007 and concluding in December 2008.

It is also clear that the Answer provided to the Council by the Administration at its meeting on 22 February 2010 (Item 613, Q 10) was inaccurate. The following information represents a more considered and accurate response.

Correspondence regarding the negotiation has been located and appears to have been exchanged between Tabor and Council Administration on the following dates (subject to confirmation as above):

- 23 January 2008
- 3 April 2008
- Letter undated, received by Council on 3 December 2008
- 4 November 2008
- 30 December 2008

Elected Members were advised on the progress of these negotiations via the following:

- CS&P Report Item 131/08 June 2008
- Memo 21 January 2009
- Workshop 4 February 2009
- CS&P Report Item 205/09 April 2009

Council records indicate that negotiations continued until December 2008 at which time no agreement had been reached regarding this matter.

In the Memo to Elected Members of 21 January 2009 the following was reported:

“Recent negotiations with Tabor College have resulted in the Council Administration informing the College that it has decided to progress with detailed design of the concept Plan with the access road remaining in its current position. The decision has been necessary to allow sufficient time to seek external funding and ensure that the project is able to progress in a timely manner.

However, the college has also been informed the Council’s preferred position is to continue negotiations in relation to the road relocation. Therefore, if at some time in the future Tabor College wishes to continue negotiations on the relocation of the road, the council will welcome the opportunity.”

The purpose of the April 2009 Report was to seek endorsement to the Final amended Concept Plan so that detailed design work could be completed and the construction tender commenced. The Report included information about the conclusion of negotiations, at this time.

Discussions with Tabor following conclusion of the negotiations in December 2008 have related to the Administration seeking a financial contribution to the project from Tabor. No further negotiations have occurred regarding the relocation of the access road.

b. On what dates did the negotiations occur?

There is no record of the dates on which negotiations occurred. Correspondence listed above is the only record of negotiations.

c. Who was invited to the negotiations and who attended the meeting?

There is no documented record of any meetings held, in Council’s records system.

It is understood that the following key people attended negotiations and corresponded on this matter:

- City of Unley, General Manager Urban Services (Council’s negotiator)
- City of Unley, Open Space and Recreation Coordinator/s
- Business Manager Tabor Adelaide (Tabor’s negotiator)
- Property Manager Tabor Adelaide.

d. Where are the minutes of these meetings?

There are no minutes on Council's records.

2. Considering that I asked the following question on Notice at the February Council Meeting:

10) What negotiations have occurred between Council and Tabor College to relocate the entry road onto their land?

And that the answer provided was:

"...negotiations with Tabor College to relocate the road were conducted in 2008 and Tabor were unable at that time to commit to the use of their land to relocate the road."

a) Why does the answer not indicate when in 2008 the negotiations occurred?

Answer

It was not interpreted that the question sought the dates on which negotiations occurred.

Please refer to previous Answers which it is hoped now satisfies this question (Q1. a & b)

b) Why does the answer not reference any of the negotiations which occurred in 2009 or 2010?

Answer

No negotiations occurred during 2009 and 2010.

ITEM 631
NOTICE OF MOTION FROM COUNCILLOR BOISVERT RE NEW COUNCIL
EVENT

MOVED Councillor Boisvert
SECONDED Councillor Birch

That:

The 'Unley Way To Go' or its replacement, is not budgeted for in 2010/2011 and it is not held again in the foreseeable future.

CARRIED UNANIMOUSLY

ITEM 632
NOTICE OF MOTION FROM COUNCILLOR BIRCH RE ILLEGAL DUMPING
OF RUBBISH

MOVED Councillor Birch
SECONDED Councillor Salaman

That:

1. The Administration prepare a report outlining:
 - the extent of illegally dumped rubbish in the City;
 - the current approach to managing and responding to the issue;
 - Strategies for better managing and responding to illegally dumped rubbish in the City.
2. The report be presented to the May Council meeting if possible.

CARRIED UNANIMOUSLY

Councillor Tipper left the meeting at 9.25 pm during discussion on the above item.

ITEM 633
NOTICE OF MOTION FROM COUNCILLOR CLYNE RE COMMUNITY
CONSULTATION ORPHANAGE PARK

See page 2 of these Minutes.

ITEM 634
NOTICE OF MOTION FROM COUNCILLOR CLYNE RE ORPHANAGE PARK
REMEDIAL WORK

See page 3 of the Minutes.

ITEM 635
NOTICE OF MOTION FROM COUNCILLOR HEWITSON RE CITY OF UNLEY
ROAD SAFETY COMMITTEE RESOLUTION

MOVED Councillor Hewitson
SECONDED Councillor Birch

That:

Council, in light of the motion under Item 78 passed at the February Council meeting, now writes to Mitcham Council to offer our congratulations on their successful plans to build a safe cycle and pedestrian path from Mitcham to Belair.

CARRIED UNANIMOUSLY

Councillor Tipper returned to the meeting at 9.28 pm during discussion on the above Item.

ITEM 636
NOTICE OF MOTION FROM COUNCILLOR SCHNELL RE LOCAL
GOVERNMENT PRICE INDEX (LGPI)

MOVED Councillor Schnell
SECONDED Councillor Boisvert

That:

The CEO write to the LGA to inform the importance of the LGPI in Council's forward planning and budget development and that the LGA work with the South Australian Centre of Economic Studies and Local Government Grants Commission to ensure that all future release dates are met.

CARRIED UNANIMOUSLY

ITEM 637

CORRESPONDENCE – EMAIL FROM SA TOURISM INDUSTRY

The Mayor has received a copy of an email from the Board of the SA Tourism Industry Council thanking everyone involved at the City of Unley for Council's investment and commitment to the 2010 Santos Tour Down Under.

ITEM 638

39 OXFORD TERRACE UNLEY

MOVED Councillor Schnell
SECONDED Councillor Sangster

That:

1. The report be received.
2. Pursuant to sections 90(2) and 90(3)(b) of the *Local Government Act 1999* the public be excluded, with the exception of the following:

Mr Ray Pincombe, Chief Executive Officer,
Ms Christine Umapathysivam, Deputy Chief Executive Officer,
Mr Peter Tsokas, General Manager City Development,
Ms Michelle Bonnici, General Manager City Services,
Ms Victoria Minenko, Manager Governance and Strategic Projects,
Ms Deb Richardson, Manager Community Development,
Ms Carol Gowland, Executive Assistant to the Deputy CEO,

on the basis that Council will receive and consider a report titled "39 Oxford Terrace Unley" ("the report") 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 disclosure of the information could reasonably be expected to confer commercial advantage on a person with whom the Council is proposing to conduct business.

CARRIED

The doors to the Council Chambers were closed at 9.35 pm.

CONFIDENTIAL

ITEM 639

39 OXFORD TERRACE UNLEY

MOVED Councillor Birch
SECONDED Councillor Tipper

That:

1. The report be received.
2. A decision on the sale of 39 and 41 Oxford Terrace, Unley be deferred until a report on the future service needs of the Unley Citizens' Centre and the ageing population is considered.
3. Kirinari Community School be advised that a long term lease of 41 Oxford Terrace will not be considered at this time.

CARRIED

ITEM 640
39 OXFORD TERRACE UNLEY

MOVED Councillor Birch
SECONDED Councillor Clyne

That:

1. The report be received.
2. Pursuant to sections 91(7) and 91(9) of the *Local Government Act 1999*:

2.1 The

- Report
- Attachments
- Minutes

For this report remain confidential on the basis that the information considered by the Council could reasonably be expected to confer commercial advantage on a person with whom the Council is proposing to conduct business and that it remain confidential under (Section 90 (3) (b)).

- 2.2 The report will be kept confidential until the order is revoked by the Chief Executive Officer.

CARRIED

The doors to the Council Chamber were opened at 9.52 pm

CLOSURE

The Chairperson closed the meeting at 9.52 pm.

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CHAIRPERSON
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