

COUNCIL MEETING

**Minutes of the Corporation of the City of Unley
Council Meeting
Held on Monday 28 November 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 P Tsokas
General Manager City Services, Ms M Bonnici
General Manager Corporate Services, Ms V Minenko
General Manager City Development, Ms D Richardson
Manager Finance, Ms N Tinning
Manager Transport & Traffic, Mr C Mountain
Manager Development & Building, Mr P Weymouth
Executive Assistant to CEO & Mayor, 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 November 2011 meeting of the Unley City Council.

APOLOGIES

Nil

ITEM 291

CONFIRMATION OF MINUTES

MOVED Councillor Hewitson
SECONDED Councillor Palmer

That:

1. The minutes of the Council Meeting held on Monday 24 October 2011, as printed and circulated, be taken as read and signed as a correct record.

CARRIED UNANIMOUSLY

ITEM 292

CONFIRMATION OF THE 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 9 November 2011, be received.
2. The recommendations listed under Items 50 – 55 inclusive, be adopted.

CARRIED UNANIMOUSLY

ITEM 293

CONFIRMATION OF MINUTES OF CITY STRATEGY AND POLICY COMMITTEE

MOVED Councillor Schnell
SECONDED Councillor Hudson

That:

1. The minutes of the City Strategy and Policy Committee Meeting held on Monday 21 November 2011, be received.
2. The recommendations listed under Items 80 – 82 and 84 – 88 inclusive, be adopted.
3. Item 83 – Food Security Strategy 2011-2013 – Reserved by Councillor Hughes.

CARRIED UNANIMOUSLY

MOVED Councillor Schnell
SECONDED Councillor Boisvert

That:

1. The report be received.
2. The Food Security Strategy (Attachment 1 to Item 83/11) be endorsed with the following alterations:

Page 3 – Section 2 “World Food Crises”

The following words be added:

“The world’s capacity to produce food is at an historical tipping point. In 1950 there were two and a half billion people, today nearly 7 billion. Productive farmland and the supply of fresh water have shrunk. By the start of 2012....”

Page 6 – Section 4 Strategy additional dot point:

- “Some Fruit and Nut trees trialled in streets and parks”

RESERVED ITEM 83

FOOD SECURITY STRATEGY 2011-2013 – CONT'D

Councillor Hughes MOVED as an AMENDMENT, SECONDED Councillor Hewitson, that:

1. The report be received.
2. The Food Security Strategy (Attachment 1 to Item 83/11) be endorsed with the following alterations:

Page 3 - section 2 "World Food Crises"

The following words be added:

The capacity to provide enough food is at a tipping point. In 1950 the world population was 2.5 billion people, by the start of 2012, there will be more than 7 billion people on the planet, and more than 9 billion by 2050.

Productive farmland has been reduced in size and the supply of fresh water is diminishing.

Page 6 - Section 4 Strategy additional dot point

Strategy 1: Grow More Food in Public Spaces, including:

- trialling fruit and nut trees in streets and parks.

The AMENDMENT was put and **CARRIED UNANIMOUSLY**

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

ITEM 294

CONFIRMATION OF UNLEY BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE MINUTES

MOVED Councillor Salaman
SECONDED Councillor Palmer

That:

1. The minutes of the Unley Business and Economic Development Committee held on Tuesday 22 November 2011, be received.
2. The recommendations listed under Items 29 – 33 inclusive, be adopted.

CARRIED UNANIMOUSLY

ITEM 295
MAYOR'S REPORT

MOVED Councillor Hewitson
SECONDED Councillor Sangster

That:

1. The report be received.

CARRIED UNANIMOUSLY

ITEM 296
REPORTS OF MEMBERS

a) Items of particular interest and concern.

Councillor Hudson – Wheelie bin mystery solved. Bins go into the rubbish truck. While in Hobart – newspaper article about introducing compulsory voting for elections for Councils – 55% turn out normally which had dropped to 54%!
Kirinari – disappointed with article in Messenger – cast Council in bad light. Sale 10 years ago was to improve school's resources.

Councillor Koumi – Item 87 – City Strategy and Policy – ERA Ageing Strategy. Figures show that most Councils perform better than Unley. Challenge for new CEO.

Councillor Saies – Concern about 30 Year Strategic Plan. Consultation process.

Councillor Hewitson – Unley Symphony Orchestra – Council's role.

Councillor Salaman – Tour of Wingfield. Green waste process. Yard full of 'wheelie' bins that had slipped into the trucks and go back for recycling.

Councillor Schnell – Farmer's market – event of the month. Emphasis on local produce, mostly organic.

Councillor Sangster – Business Breakfast – very successful.

Councillor Boisvert – Hobart conference – streets without road signs, more vegetation in streets, encouraging smaller homes.

Idea of a 'Nappy Library' – encouraging people to use cloth nappies – report to Sustainability Committee.

b) Centennial Park Cemetery Authority

Councillor Lapidge advised on the outcome of the Board meeting last Thursday. Most of the ground work now completed for the new Operations Complex. 5th largest operation in the country and one of the industry leaders in Australia.

Councillor Hudson advised that the attendance at the Remembrance Day Service was very impressive. Suggested that Members of Council should look at the Complex as it grows.

c) Development Matters

Nil.

ITEM 297
CONSERVATION GRANTS

MOVED Councillor Boisvert
SECONDED Councillor Tipper

That:

1. The report be received.
2. The Conservation Grants be funded as detailed in Attachment 1 to Item 297/11.
3. Consideration be given in the next budget review for 2011/2012 to enable a second round of Conservation Grants to be offered this financial year.
4. The allocation of funds for the Conservation Grants be increased in the 2012/2013 Budget considerations to allow two rounds of grants for distribution in that financial year.

LOST

MOVED Councillor Koumi
SECONDED Councillor Schnell

That:

1. The report be received.
2. The Conservation Grants be funded as detailed in Attachment 1 to Item 297/11.

CARRIED UNANIMOUSLY

ITEM 298
TEMPORARY ROAD CLOSURES – SANTOS TOUR DOWN UNDER STAGE
3, UNLEY CRITERIUM AND UNLEY GOURMET GALA

MOVED Councillor Salaman
SECONDED Councillor Schnell

That:

1. The report be received.
2. Council exercise its power pursuant to Section 33 of the Road Traffic Act 1961 and Clause F of the Instrument of General Approval for the Minister dated 12 March 2001 to:

ITEM 298

**TEMPORARY ROAD CLOSURES – SANTOS TOUR DOWN UNDER STAGE
3, UNLEY CRITERIUM AND UNLEY GOURMET GALA – CONT'D**

Pursuant to Section 33(1) of the Act, declare that the event described below as 'the Event' that is to take place on the road described below 'the Road' is an event to which Section 33 of the Act applies and;

3. Pursuant to Section 33(1) of the Act, make an order that the Road on which the Event is to be held and any adjacent or adjoining roads specified below be closed to traffic for the period commencing 1000 hours Wednesday 18 January 2012 and expiring at 1300 hours Thursday 19 January 2012.

'The Event': SANTOS Tour Down Under – Unley Gourmet Gala

'The Roads':

- McGowan Avenue between the intersection with King William Road and a point 32.5 metres east of the said intersection.
- Thomas Street between the intersection with King William Road and a point 27 metres east of the said intersection.
- Opey Avenue between the intersection with King William Road to the western boundary of Harley Street and a point 26.5 metres east of the said intersection.
- Boffa Street between the intersection with King William Road and the eastern boundary of the intersection with Boffa Place and Boffa Lane.
- Bloomsbury Street between the intersection with King William Road and a point 28 metres west of the said intersection.
- King William Road between the northern boundary of the intersection with Jasper Street and a point 170 metres north of the said intersection.
- Walter Street between the intersection with King William Road and a point 35 metres west of the said intersection.

4. Pursuant to Section 33(1) of the Act, make an order that the Road on which the Event is to be held and any adjacent or adjoining roads specified below be closed to traffic for the period commencing 1300 hours Wednesday 18 January 2012 and expiring at 2000 hours on Wednesday 18 January 2012.

'The Event': SANTOS Tour Down Under – Unley Gourmet Gala and Unley Criterium

'The Roads':

- King William Road between the northern property boundary of Mitchell Street and Park Street and a point 20 metres south of the southern property boundary of Jasper Street

ITEM 298**TEMPORARY ROAD CLOSURES – SANTOS TOUR DOWN UNDER STAGE 3, UNLEY CRITERIUM AND UNLEY GOURMET GALA – CONT'D**

- Jasper Street between a point 10 metres east of the eastern property boundary of King William Road and a point 10 metres west of the western property boundary of Oxford Street
 - Oxford Street between Jasper Street and Mitchell Street
 - Mitchell Street between a point 60 metres west of the western property boundary of Oxford Street and King William Road
5. Pursuant to Section 33(1) of the Act, make an order that the Road on which the Event is to be held and any adjacent or adjoining roads specified below be closed to traffic for the period commencing 1300 hours Wednesday 18 January 2012 and expiring at 1300 hours Thursday 19 January 2012.

‘The Event’: SANTOS Tour Down Under – Unley Gourmet Gala

‘The Roads’:

- King William Road between the southern boundary of the T-intersection with Arthur Street and 50 metres south of the intersection with Mitchell/Park Streets.
 - Park Street between the intersection with King William Road and 60 metres east of the said intersection.
 - Mitchell Street between the intersection with King William Road and the T-intersection with Walter Place.
6. Pursuant to Section 33(1)(b) of the Act, make an order directing that persons taking part in the Event be exempted, in relation to the Roads, from the duty to observe the Australian Road Rules 1999 specified below, subject to any conditions described below and attaching to the exemption.

RULE	CONDITION
230 – Crossing a road – General	Nil
231 – Crossing a road at pedestrian lights	Nil
232 – Crossing a road at traffic lights	Nil
234 – Crossing a road on or near a crossing for pedestrians	Nil
238 – Pedestrians travelling on a road	Nil
250 – Riding on a footpath	Nil

ITEM 298

TEMPORARY ROAD CLOSURES – SANTOS TOUR DOWN UNDER STAGE 3, UNLEY CRITERIUM AND UNLEY GOURMET GALA – CONT'D.

7. The Council Administration, in accordance with Section 33 of the Act and Clause F of the Minister's Notice to Council dated 12 March 2001, make the necessary arrangements to effect the temporary road closure of the roads as indicated in the 'Order' for Stage 3 of the SANTOS Tour Down Under Event, the Unley Criterium and the Unley Gourmet Gala on Wednesday 18 January and Thursday 19 January 2012.

CARRIED UNANIMOUSLY

ITEM 299

DETERMINATION OF THE TIME AND PLACE OF ORDINARY MEETINGS OF COUNCIL AND CITY STRATEGY AND POLICY FOR 2012

MOVED Councillor Tipper
SECONDED Councillor Hughes

That:

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

Monday	30 January 2012
Monday	27 February 2012
Monday	26 March 2012
Monday	23 April 2012
Monday	28 May 2012
Monday	25 June 2012
Monday	23 July 2012
Monday	27 August 2012
Monday	24 September 2012
Monday	22 October 2012
Monday	26 November 2012
Monday	10 December 2012

3. The City Strategy and Policy Committee meet on the second Monday of every month, at 7.00 pm at the Civic Centre, 181 Unley Road, Unley, with appropriate adjustments to accommodate public holidays, in accordance with the meeting schedule outlined below:

ITEM 299

**DETERMINATION OF THE TIME AND PLACE OF ORDINARY MEETINGS
OF COUNCIL AND CITY STRATEGY AND POLICY FOR 2012 – CONT'D**

Monday	13 February 2012
Monday	13 March 2012
Tuesday	10 April 2012 (Tuesday)
Monday	14 May 2012
Tuesday	12 June 2012 (Tuesday)
Monday	9 July 2012
Monday	13 August 2012
Monday	10 September 2012
Monday	8 October 2012
Monday	12 November 2012

As per previous schedules for City Strategy and Policy Committee, meetings are omitted for January and December 2012.

4. The above meeting dates be adopted and advertised in accordance with the Local Government Act, 1999.

Councillor Boisvert MOVED an AMENDMENT, SECONDED Councillor Hewitson, that:

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

Monday	30 January 2012
Monday	27 February 2012
Monday	26 March 2012
Monday	23 April 2012
Monday	28 May 2012
Monday	25 June 2012
Monday	23 July 2012
Monday	27 August 2012
Monday	24 September 2012
Monday	22 October 2012
Monday	26 November 2012
Monday	10 December 2012

3. The City Strategy and Policy Committee meet on the third Monday of every month, at 7.00 pm at the Civic Centre, 181 Unley Road, Unley, with appropriate adjustments to accommodate public holidays, in accordance with the meeting schedule outlined below:

ITEM 299

**DETERMINATION OF THE TIME AND PLACE OF ORDINARY MEETINGS
OF COUNCIL AND CITY STRATEGY AND POLICY FOR 2012 – CONT'D**

Monday	20 February 2012
Monday	20 March 2012
Monday	16 April 2012
Monday	21 May 2012
Monday	18 June 2012
Monday	16 July 2012
Monday	20 August 2012
Monday	17 September 2012
Monday	15 October 2012
Monday	19 November 2012

As per previous schedules for City Strategy and Policy Committee, meetings are omitted for January and December 2012.

4. The above meeting dates be adopted and advertised in accordance with the Local Government Act, 1999.
5. The DAP be consulted as soon as possible of the new meeting schedule for the City Strategy and Policy Committee meetings for 2012 to enable an amendment to be made to their meeting schedule for 2012.

The AMENDMENT was put and **LOST**

The **MOTION** was put and **CARRIED**

ITEM 300
DEVELOPMENT ACT DELEGATION REVIEW 2011

MOVED Councillor Hewitson
SECONDED Councillor Sangster

That:

1. The report be received.
2. Revocations
 - 2.1 Having conducted a review of the City of Unley's Delegations in accordance with Section 44(6) of the Local Government Act 1999, the Council hereby revokes its previous delegations to the Chief Executive Officer and the Development Assessment Panel of those powers and functions under:
 - 2.1.1 The Development Act 1993
 - 2.1.2 Development (Development Plans) Amendment Act 2006
 - 2.1.3 Development Regulations 2008
3. Delegations
 - 3.1 In exercise of the powers contained in Section 20 and 34(23) of the Development Act 1993, the powers and functions under the Development Act 1993, the Development (Development Plans) Amendment Act 2006 and the Development Regulations 2008 contained in the proposed Instrument of Delegation (Attachment 2 to report 300/11) are hereby delegated this 28 day of November 2011 to the Chief Executive Officer (or anyone acting in that capacity) subject to the conditions contained in the proposed Instrument of delegation.
 - 3.2 Such powers and functions may be further delegated by the Chief Executive Officer (or anyone acting in that capacity) as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Development Act 1993.
 - 3.3 In exercise of the powers contained in Section 20 and 34(23) of the Development Act 1993 the powers and functions under the Development Act 1993, the Development (Development Plans) Amendment Act 2006 and the Development Regulations 2008 contained in the proposed Instrument of Delegation (Attachment 3 to report 300/11) are hereby delegated this 28 day of November 2011 to the Council's Development Assessment Panel, subject to any conditions specified herein or in the Schedule of Conditions contained in the proposed Instrument of delegation.

CARRIED UNANIMOUSLY

ITEM 301
APPOINTMENT OF DEPUTY MAYOR

MOVED Councillor Lapidge
SECONDED Councillor Hewitson

That:

1. The report be received.
2. A Deputy Mayor not be appointed.

MOVED Councillor Koumi
SECONDED Councillor Palmer

That the Motion lie on the table.

CARRIED

Councillor Boisvert left the meeting at 8.42pm returning at 8.43pm after discussion on the above Item.

ITEM 302
END OF MONTH FINANCIAL REPORT

MOVED Councillor Schnell
SECONDED Councillor Palmer

That:

1. The report be received.

CARRIED UNANIMOUSLY

ITEM 303
COUNCIL ACTION RECORDS

MOVED Councillor Hudson
SECONDED Councillor Boisvert

That:

1. The report be received.

CARRIED UNANIMOUSLY

ITEM 304

QUESTION ON NOTICE FROM COUNCILLOR HUDSON RE KIRINARI SCHOOL

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

1. When was the block of adjacent land fronting Oxford Terrace purchased by Council from the School?

Answer

The land was purchased by the Council from the School in 2000.

2. Under what circumstances ie, who initiated the purchase and for what reason?

Answer (this was provided at the Council meeting)

In a report to Council on 28 August 2000, regarding the acquisition of property on Oxford Terrace (Number 41). The report states *"Kirinari School have raised the possibility of the City of Unley purchasing the Kirinari properties at 18 Trimmer Terrace Unley and 41 Oxford Terrace Unley, on a lease back basis to the School."* A letter addressed to the City of Unley (Mr Cleve Coyle) on 23 August 2000 from the Kirinari School, thanks the Council for a meeting to discuss the possible sale of 41 Oxford Terrace to the Council and outlined the reason for the sale as being *"in order to improve the school's resources"*.

3. What is the approximate current value of the land?

Answer

This was provided in Confidential Item 70, September 2011.

4. Based on the above figure, which I believe to be above \$400 000, what would be a reasonable annual rental for the land?

Answer

This answer was provided in a confidential paper to the Elected Members at the Council meeting.

5. In the decade or so since Council purchased the land, what rental has been received?

Answer

No rental has been received.

6. If the answer is 'nil', why has the school, a commercial concern, been allowed free use of a Council asset, to the detriment of ratepayers?

Answer

See Question 8.

(Note: The School would be considered not for profit when assessed in accordance with Council's Property Management Policy COU 53)

7. Is the Administration aware that I have raised the rental issue on numerous occasions in the past decade?

Answer

Yes.

8. Why has no action been taken?

Answer

There have been numerous reports and debate regarding this property including consideration of use as a car park as well as a potential sale.

In March 2010 (639/10) Council resolved not to offer a long term lease to Kirinari School.

In June 2011 (item 44/11) Council resolved to enter a short term agreement with the School but also resolved to consider sale of the property in the short term. Potential sale was debated in September and October 2011.

Now that this issue has been resolved, the June 2011 resolution will be actioned and a short term agreement will be entered.

9. Using the Federal Government's BER funds, has Kirinari School in recent times, erected additional classrooms on the only open space it actually owns?

Answer

The School has recently constructed additional classrooms on its own land, ie not Council's land. There is now minimal open space available.

ITEM 305
CORRESPONDENCE

The correspondence from

Dean Newbery and Partners
Office of the Hon Tony Abbott MHR
APA Group

be noted.

ITEM 306
NOTICE OF MOTION FROM COUNCILLOR HUDSON RE HARD WASTE ELECTRONICS

MOVED Councillor Hudson
SECONDED Councillor Salaman

That:

Council Administration investigate the feasibility of instituting a regular (perhaps once monthly) service under which ratepayers would be able to deliver, free of charge, unwanted electrical goods, especially televisions, to a Depot.

CARRIED UNANIMOUSLY

ITEM 307
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 308

CONFIDENTIALITY MOTION FOR ITEM 309 – MAUD STREET LAND ACQUISITION

MOVED Councillor Salaman
SECONDED Councillor Hudson

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 P Tsokas, Chief Executive Officer
Ms M Bonnici, General Manager City Services
Ms V Minenko, General Manager Corporate Services
Ms D Richardson, General Manager City Development
Ms C Gowland, Executive Assistant to CEO and Mayor

on the basis that it will receive and consider the report on Maud Street Land Acquisition, 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 UNANIMOUSLY

The doors to the Council Chambers were closed at 9.24pm.

Councillor Hewitson left the meeting at 9.22pm returning at 9.25pm.

CONFIDENTIAL

ITEM 309

MAUD STREET LAND ACQUISITION

ITEM 310

**REMAIN IN CONFIDENCE – ITEM 309 – MAUD STREET LAND
ACQUISITION**

MOVED Councillor Schnell
SECONDED Councillor Salaman

That:

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

MOVED Councillor Hewitson
SECONDED Councillor Lapidge

That the Motion be put.

CARRIED UNANIMOUSLY

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

The doors to the Council Chambers were opened at 9.36pm.

CLOSURE

The Presiding Member closed the meeting at 9.36pm.

.....
PRESIDING MEMBER

.....