

## **COUNCIL MEETING**

**Minutes of the Corporation of the City of Unley  
Council Meeting  
Held on Monday 24 September 2012 at 7.02pm  
in the Civic Centre  
181 Unley Road Unley**

### **PRESENT**

His Worship the Mayor, Mr L Clyne (Presiding Member)  
Councillors J Koumi M Hudson  
R Sangster M Saies  
J Boisvert (7.05pm) D Palmer  
A Lapidge P Hughes  
D Tipper B Schnell  
R Salaman

### **OFFICERS PRESENT**

Chief Executive Officer, Mr P Tsokas  
General Manager Economic Development & Planning, Mr D Litchfield  
General Manager Assets & Infrastructure, Mr J Devine  
A/Manager Governance, Ms K Loughhead  
A/Manager Community Development, Mr C Linnell  
Manager Assets & Infrastructure, Mr M Clarke  
Operations Manager, Mr T Stein  
Executive Assistant to CEO, Ms C Gowland

### **ACKNOWLEDGEMENT**

The Presiding Member opened the meeting with the Aboriginal Acknowledgement.

### **PRAYER AND SERVICE ACKNOWLEDGEMENT**

Members stood in silence in memory of those who had made the Supreme Sacrifice in the service of their country, at sea, on land and in the air.

## **WELCOME**

The Presiding Member welcomed Members of Council, Senior Staff and the media to the September 2012 meeting of the Unley City Council.

## **CONFLICT OF INTEREST**

Nil

## **APOLOGIES:**

Councillor M Hewitson

## **ITEM 532**

### **CONFIRMATION OF MINUTES**

MOVED Councillor Lapidge

SECONDED Councillor Palmer

That the minutes of the Council Meeting held on Monday 27 August 2012, as printed and circulated, be taken as read and signed as a correct record.

**CARRIED UNANIMOUSLY**

## **ITEM 533**

### **UNLEY BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE**

MOVED Councillor Koumi

SECONDED Councillor Salaman

That:

1. The minutes of the Unley Business and Economic Development Committee meeting held on Wednesday 5 September 2012, be received.
2. The recommendations listed under Items 55 – 57 inclusive, be adopted.

**CARRIED UNANIMOUSLY**

**ITEM 534**  
**CITY STRATEGY AND POLICY COMMITTEE MEETING**

MOVED Councillor Schnell  
SECONCED Councillor Salaman

That:

1. The minutes of the City Strategy and Policy Committee meeting held on Monday 10 September 2012, be received.
2. The recommendations listed under Items 134 - 136 inclusive, be adopted.

**CARRIED UNANIMOUSLY**

**ITEM 535**  
**CITY OF UNLEY ROAD SAFETY COMMITTEE**

MOVED Councillor Tipper  
SECONDED Councillor Boisvert

That:

1. The minutes of the City of Unley Road Safety Committee meeting held on Wednesday 12 September 2012, be received.
2. The recommendations listed under Item 78 be adopted.

**CARRIED UNANIMOUSLY**

**ITEM 536**  
**MAYOR'S REPORT**

MOVED Councillor Hudson  
SECONDED Councillor Sangster

That:

1. The report be received.

**CARRIED UNANIMOUSLY**

**ITEM 537**  
**REPORTS OF MEMBERS**

a) Items of particular interest and concern

Councillor Hudson – Paid tribute to Councillor Campbell, Member of CPCA Board and Mitcham Councillor for 12 years – passed away.

Quoted from article November 1977, re parking north of the City of Unley.

Councillor Palmer – Concerned with change to road traffic conditions, in particular west approach linemarking, Park Street, Mitchell Street and King William Road, causing traffic problems.

Councillor Saies – Article in paper saying Unley is one of the suburbs with the lowest consumption of alcohol in the State.

Article in paper advertising grants for E-waste recycling.

Councillor Boisvert – received several emails re Goodwood Junction over the weekend. People do not know what is happening.

Councillor Sangster – Advised of the upgrades that have been occurring at the Unley Park Sports Club.

Represented the Mayor at St Raphael's Primary School presenting a prize to a student, who had won one prize, out of a field of 13,000 children.

Councillor Schnell – Email about acquisition of property in Victoria Street. Issues needs to be dealt with.

Congratulations to Parking staff who looked after parking controls during the Show, did not receive any complaints about parking issues.

Discussed article on the launch of the 'Bristol Pound', over 300 businesses signing up.

b) Centennial Park Cemetery Authority

Councillor Lapidge – The last meeting of the Board considered the annual accounts for 2011/12. Auditors were in attendance. Considered Audit Committee report on review of policies.

Detailed report on strategic performance and how CPCA responds to market trend changes.

c) Development Matters

Nil.

**ITEM 538**

**ADJOURNED ITEM 511 – DEVELOPMENT ACT DELEGATION REVIEW 2012**

MOVED Councillor Koumi  
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 item 511 /12) are hereby delegated this 24 day of September 2012 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 item 511/12) are hereby delegated this 24 day of September 2012 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 539**

**ADJOURNED CONFIDENTIAL ITEM 132 – STREET TREE REMOVAL – 26  
PORTER STREET PARKSIDE**

Moved to end of meeting.  
See page 14 of these Minutes.

**ITEM 540**

**NOMINATION ON THE ENERGY CONSUMERS' COUNCIL**

MOVED Councillor Palmer  
SECONDED Councillor Lapidge

That:

1. The report be received.

**CARRIED UNANIMOUSLY**

**ITEM 541**

**CENTENNIAL PARK CEMETERY AUTHORITY AUDIT COMMITTEE**

MOVED Councillor Schnell  
SECONDED Councillor Hudson

That:

1. The report be received
2. Approval be given to the Centennial Park Cemetery Authority (CPCA) for the appointment of G Vogt and L Bishop to the CPCA Audit and Risk Management Committee.
3. Confirmation be provided to the CPCA that *Ms Leta Northcott, Senior Accountant* is the staff representative for the City of Unley on the CPCA Audit and Risk Management Committee until the 10 August 2013.

**CARRIED UNANIMOUSLY**

**ITEM 542**

**AUTHORISATION OF SIGNING THE CERTIFICATION OF FINANCIAL STATEMENTS**

MOVED Councillor Salaman  
SECONDED Councillor Sangster

That:

1. The report be received.
2. Authorisation be given to the Mayor and the Chief Executive Officer to sign the certification of the statements in their final form once the annual audited financial statements have been completed.

**CARRIED UNANIMOUSLY**

**ITEM 543**

**UNLEY OVAL PRECINCT MASTER PLAN – CONSULTANT BRIEF**

MOVED Councillor Salaman  
SECONDED Councillor Saies

- 1 The report be received.
2. Council endorse the consultant brief for the Draft Unley Oval Precinct Master Plan.

**Extension of Debating Time**

With a two thirds majority of the Council the Presiding Member granted an extension to debating time for Councillor Hudson.

**Carried**

**CARRIED**

A Division was called and the previous decision set aside.

**DIVISION**

Those voting in the affirmative:

Councillors Koumi, Sangster, Saies, Boisvert, Palmer, Lapidge, Hughes, Tipper, Schnell, Salaman.

Those voting in the negative:

Councillor Hudson

The MOTION was declared **CARRIED**

**ITEM 544**  
**ELECTOR REPRESENTATION REVIEW**

MOVED Councillor Palmer  
SECONDED Councillor Hughes

That:

1. The report be received.
2. The City of Unley Elector Representation Review Options Paper as provided in Attachment 1 to Item 544/12 with the addition of Councillor Hudson's proposed amendment, be endorsed for consultation.

**Extension of Debating Time**

With a two thirds majority of the Council the Presiding Member granted an extension to debating time for Councillor Hudson.

**Carried**

**CARRIED UNANIMOUSLY**

**ITEM 545**  
**DRAFT COMMUNITY PLAN 2033 – FOR COMMUNITY CONSULTATION**

MOVED Councillor Lapidge  
SECONDED Councillor Salaman

That:

1. The report be received.
2. The Draft Community Plan 2033 (Attachment 1 to Item 545/12) be endorsed for the purposes of community consultation to be conducted from 26 September 2012 to 26 November 2012.
3. A further report detailing the results of the community consultation together with a final copy of the Community Plan 2033 be brought back to Council for further consideration and adoption in December 2012.

**CARRIED UNANIMOUSLY**



**ITEM 546**

**DEVELOPMENT ASSESSMENT PANEL (DAP) ANNUAL REPORT 2011/12**

MOVED Councillor Palmer  
SECONDED Councillor Salaman

That:

1. The report be received.

**CARRIED UNANIMOUSLY**

**ITEM 547**

**PRESERVATION OF GREY BOX TREES AT 18 WINIFRED AVENUE BLACK FOREST**

MOVED Councillor Boisvert  
SECONDED Councillor Palmer

That:

1. The report be received.
2. The Administration investigate whether the Grey Box trees (eucalyptus micocarpa) located on the property at 18 Winifred Avenue Black Forest, meet the criteria for listing in table UN7 of the City of Unley Development Plan and report back to Council.

**CARRIED UNANIMOUSLY**

**RECOMMENDATIONS ADOPTED EN BLOC**

MOVED Councillor Hughes  
SECONDED Councillor Hudson

That Items 548 – 551 inclusive, be adopted en bloc.

**ITEM 548**

**UPDATE ON FEDERALLY FUNDED STORMWATER PROJECTS**

That:

1. The report be received.

**ITEM 549**  
**END OF MONTH FINANCIAL REPORT**

That:

1. The report be received.

**ITEM 550**  
**COUNCIL ACTION RECORDS**

That:

1. The report be received.

**ITEM 551**  
**CEO MONTHLY REPORT**

That:

1. The report be received.

**CARRIED UNANIMOUSLY**

**ITEM 552**  
**QUESTION ON NOTICE FROM COUNCILLOR HEWITSON RE STREETS FOR PEOPLE**

The following Question on Notice has been received from Councillor Hewitson and the answers are provided:

**Questions**

1. How does the administration recommend we could proceed to ensure we experiment with the streets for people concept in Unley to ensure we have some actual trial projects on the ground within 18 months?

**Answer**

As per the recommendations made within City of Unley Road Safety Committee Item 78 (September 2012 meeting), it is proposed as following:

- Develop a strategy/program to work in conjunction with the Council's footpath and road maintenance/replacement programs. This will provide opportunities to influence the streetscape /public realm when the local streets are reconstructed as part of the ongoing capital replacement

- Council departments and external government agencies work cooperatively to achieve the Streets for People outcomes and share the responsibilities (e.g. Greenways Project).

### **ITEM 553**

#### **QUESTION ON NOTICE FROM COUNCILLOR BOISVERT RE STREET TREES**

The following Question on Notice has been received from Councillor Boisvert and the answers are provided:

#### **Questions**

1. Removal of street trees – with people asking to remove trees, is it possible to simply put in a Development Application for a street tree removal and go through the Development Assessment process.

#### **Answer**

No this is not possible. The removal of street trees requires council permission as they are located on public land.

A development application can only be submitted by a resident in circumstances where the street tree satisfies the requirements for a regulated/significant tree. In these circumstances Council permission would still be required as the street tree is located on public land.

#### **QUESTIONS WITHOUT NOTICE**

Nil

### **ITEM 554**

#### **CORRESPONDENCE**

The correspondence from

- Adelaide City Council
- Minister for Education and Child Development
- Heart Foundation

be noted.

### **MOTIONS OF WHICH NOTICE HAS BEEN GIVEN**

Nil

### **MOTIONS WITHOUT NOTICE**

Nil

### **ITEM 555** **UNRESOLVED ITEMS**

<b>Meeting Date</b>	<b>Item</b>	<b>Status</b>
Council 22/3/10	Item 622 (UBED Item 46  Adjourned Debate – Item 46 – Unley Business and Economic Development Committee – Glen Osmond Road Separate Rate Negotiation. (copy attached)	The Item lie on the table.
Council 28/11/11	Item 301  Appointment of Deputy Mayor (copy attached)	The Item lie on the table.

**ITEM 556**

**CONFIDENTIALITY MOTION FOR ADJOURNED ITEM 132 (COUNCIL 539) –  
STREET TREE REMOVAL**

MOVED Councillor Schnell  
SECONDED Councillor Boisvert

That:

1. Pursuant to Section 90(2) and (3)(h)(i) 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  
Mr D Litchfield, General Manager Economic Development and Planning  
Mr J Devine, General Manager Assets & Infrastructure  
Ms K Loughhead, Acting Manager Governance  
Mr C Linnell, A/Manager Community Development  
Mr M Clarke, Manager Assets  
Mr T Stein, Operations Manager  
Ms C Gowland, Executive Assistant to CEO  
Mr D Nash – Tonkins  
Mr C Thornton - Treevolution

on the basis that it will receive and consider the report on the removal of a street tree, 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:

- (h) legal advice, and
- (i) information relating to actual litigation, or litigations that the council or council committee believes on reasonable grounds, will take place, involving the council or an employee of the council.

Legal advice has been provided to Council with regard to this matter. The report also contains information with regard to potential litigation that may take place. Given these circumstances this item will need to be considered in confidence at this point in time.

**CARRIED UNANIMOUSLY**

The doors to the Council Chamber were closed at 8.22pm.

**ITEM 539**

**ADJOURNED ITEM 132 – STREET TREE REMOVAL – 26 PORTER STREET PARKSIDE**

Mr David Nash from Tonkin Consulting and Mr Colin Thornton from Treevolution were available to answer questions of the Council regarding the above Item.

MOVED Councillor Koumi

SECONDED Councillor Hudson

That:

1. The report be received.
2. Council endorse the removal of the westernmost tree only of the subject trees from 26 Porter Street, Parkside (in Clyde Street).

**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, until 9.15pm to discuss the above Item. This was supported with a two thirds majority.

The meeting procedures were suspended at 8.39pm.

The meeting procedures were reinstated at 9.11pm.

Mr Nash and Mr Thornton left the meeting at 9.12pm.

**Extension of Debating Time**

With a two thirds majority of the Council the Presiding Member granted an extension to debating time for Councillor Koumi.

**Carried**

**CARRIED UNANIMOUSLY**

Councillor Saies left the meeting at 9.29pm returning at 9.31pm after discussion on the above Item.

**ITEM 557**

**CONFIDENTIALITY MOTION TO REMAIN IN CONFIDENCE FOR ADJOURNED  
ITEM 132 (COUNCIL ITEM 539) – STREET TREE REMOVAL**

MOVED Councillor Schnell  
SECONDED Councillor Palmer

That:

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

2.1 The

- ☒ Report
- ☒ Attachments

remain confidential on the basis that the information contained in this report details legal advice received and also contains information with regard to potential litigation that may take place, and

- 2.2 the report and attachments will be kept confidential until the item is revoked by the Chief Executive Officer.

**CARRIED UNANIMOUSLY**

The doors to the Council Chamber were opened at 9.29pm.

**ITEM 558**

**CONFIDENTIALITY MOTION FOR ITEM 559 – CENTENNIAL PARK CEMETERY  
AUTHORITY – ACQUISITION OF LAND**

MOVED Councillor Schnell

SECONDED Councillor Palmer

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

Mr D Litchfield, General Manager Economic Development and Planning

Mr J Devine, General Manager Assets & Infrastructure

Ms K Loughhead, A/Manager Governance

Mr C Linnell, A/Manager Community Development

Ms C Gowland, Executive Assistant to CEO

on the basis that it will receive and consider the report on Centennial Park Cemetery Authority – Request to Purchase Property, 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,

because, the purchase of property may confer a commercial advantage to a third party causing an unfair advantage and a higher price to be paid. Disclosure of this information would be contrary to the public interest.

**CARRIED**

The doors to the Council Chambers were closed at 9.30pm.



# CONFIDENTIAL

## ITEM 559

### REQUEST TO PURCHASE LAND AT PASADENA BY CENTENNIAL PARK BOARD OF MANAGEMENT

**ITEM 560**  
**CONFIDENTIALITY MOTION TO REMAIN IN CONFIDENCE ITEM 559 –**  
**CENTENNIAL PARK CEMETERY AUTHORITY ACQUISITION OF PROPERTY**

MOVED Councillor Schnell  
SECONDED Councillor Palmer

That:

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

2.2 The

- ☒ Minutes
- ☒ Report
- ☒ Attachments

remain confidential on the basis that the information supplied could confer a commercial advantage on a third party, and

- 2.2 the report and attachments will be kept confidential until the item is revoked by the Chief Executive Officer.

**CARRIED UNANIMOUSLY**

The doors to the Council Chambers were opened at 9.58pm.

**CLOSURE**

The Presiding Member closed the meeting at 9.58pm.

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**PRESIDING MEMBER**

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