



**Minutes of the City of Unley
Council Meeting
Monday, 26 March 2018, 7.01pm
Council Chambers
181 Unley Road, Unley**

PRESENT

<i>Presiding Member</i>	<i>Acting Mayor</i>	P Hughes
	<i>Deputy Mayor</i>	M Hewitson
<i>Councillors</i>	J Boisvert	R Salaman
	M Rabbitt	R Sangster
	A Lapidge	L Smolucha
	B Schnell	D Palmer

OFFICERS PRESENT

General Manager Business Support and Improvement, Ms N Tinning
General Manager City Services, Ms M Berghuis
General Manager City Development, Mr J Devine
Executive Manager Office of the CEO, Ms T Norman
Executive Assistant Office of the CEO, Ms L Jones

ACKNOWLEDGEMENT

The Presiding Member opened the meeting with the Kaurna 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, Media and members of the gallery to the 26 February 2018, meeting of the Unley City Council.

APOLOGIES

Councillor M Hudson

LEAVE OF ABSENCE

Nil

ITEM 1108 **CONFLICT OF INTEREST**

Nil

ITEM 1109 **MINUTES – COUNCIL**

MOVED Councillor A Lapidge
SECONDED Councillor J Boisvert

That:

1. The minutes of the Council Meeting held on 26 February 2018, be taken as read and signed as an accurate record, noting the inclusion of a correction in relation to the members present.

CARRIED UNANIMOUSLY

DEFERRED / ADJOURNED ITEMS

Nil

ITEM 1110 **PETITION – RE GOODWOOD OVAL PRECINCT**

MOVED Councillor J Boisvert
SECONDED Councillor D Palmer

Councillor B Schnell sought clarity of what the proposed actions in the recommendation comprised, and Administration advised that specification of the proposed actions would be taken on notice and provided at the Council Meeting 23 April 2018.

That:

1. The petition be received.
2. The principal petitioner be notified of Council's proposed actions.

CARRIED

ITEM 1111
DEPUTATIONS

1. Denise Tipper – Goodwood
Re. Item 1114 Almond Street, Goodwood, Shared Zone

CHANGE TO ORDER OF AGENDA ITEMS

The Presiding Member sought leave of the meeting to bring forward agenda item 1115 for consideration, and leave was granted.

Councillor B Schnell sought leave of the meeting to suspend meeting procedures pursuant to Regulation 20(1) of the *Local Government (Procedures at Meetings) Regulations 2013* to facilitate an informal discussion of Item 1115. Leave was not granted.

ITEM 1115
ALMOND STREET, GOODWOOD, SHARED ZONE

MOVED Councillor B Schnell
SECONDED Councillor L Smolucha

That:

1. The report, including the independent traffic consultant feasibility provided as Attachment 1 to Item 1115/18, Council, 26 March 2018 be received.
2. The development of a concept design for Almond Street as a shared zone be undertaken including necessary approvals and cost estimates.

LOST

A DIVISION was requested by Councillor B Schnell and the previous vote was set aside.

The following members responded to the Presiding Member's call as having voted IN FAVOUR of the MOTION:

Councillors B Schnell, L Smolucha, D Palmer and J Boisvert

The following members responded to the Presiding Member's call as having voted AGAINST the MOTION:

Councillors R Salaman, M Hewitson, A Lapidge, R Sangster and M Rabbitt

The Presiding Member declared the MOTION was

LOST

Councillor R Salaman MOVED that:

1. The report, including the independent traffic consultant feasibility provided as Attachment 1 to Item 1115/18, Council, 26 March 2018 be received.

SECONDED Councillor M Hewitson

CARRIED

A DIVISION was requested by Councillor B Schnell and the previous vote was set aside.

The following members responded to the Presiding Member's call as having voted IN FAVOUR of the MOTION:

Councillors D Palmer, R Salaman, M Hewitson, A Lapidge, R Sangster and M Rabbitt

The following members responded to the Presiding Member's call as having voted AGAINST the MOTION:

Councillors B Schnell, L Smolucha and J Boisvert

The Presiding Member declared the MOTION was

CARRIED

ITEM 1112
REPORTS OF COMMITTEES – MINUTES OF CITY STRATEGY AND DEVELOPMENT POLICY COMMITTEE

MOVED Councillor M Rabbitt
SECONDED Councillor D Palmer

That:

1. The minutes of the City Strategy and Development Policy Committee meeting held 13 March 2018, be received and the following recommendations contained therein be adopted by Council:
 - a. **Item 11 – Planning Strategy and Policy Program Update**
 1. The report be received.
 - b. **Item 12 – SA Planning System Reform – Implementation Work Program**
 1. The report be received.
 2. Council and Administration commit to be involved in the Planning System Reform with the State Government and DPTI, to pursue the best possible local outcomes it can, and in support of this, seek to share knowledge and effort across the ERA (Eastern Region Alliance of Councils) and with other councils where synergies exist.
 3. Receive and note the DPTI Development Plan Review Template #1 contained in Attachment 2.
 4. Receive and endorse the DPTI Strategic Planning Analysis: 'Local Area Planning' Template #2 contained in Attachment 3.
 5. That an additional plan is prepared that clearly differentiates heights in the Urban Corridors.

CARRIED UNANIMOUSLY

ITEM 1113
REPORTS OF COMMITTEES – MINUTES OF THE UNLEY BUSINESS AND
ECONOMIC DEVELOPMENT COMMITTEE

MOVED Councillor A Lapidge
SECONDED Councillor D Palmer

That:

1. The minutes of the Unley Business and Economic Development Committee meeting held on 21 March 2018, be received and the following recommendations contained therein be adopted by Council:

b. Item 53 – FOOTPATH TRADING POLICY

1. The report be received.
2. The proposed Footpath Trading Policy (Attachment 3) be endorsed in principle for the purpose of community engagement.
3. It considers a nil fee schedule in the upcoming budget process for all new complying footpath trading permits.

c. Item 54 – KING WILLIAM ROAD TRADERS ASSOCIATION SEPARATE RATE REQUEST

1. The report be received.
2. Consideration of this matter be deferred until after the Review of UBED and the Trader Association model has been completed.

d. Item 55 – MAINSTREET ASSOCIATION MARKETING FUNDING REQUESTS 2018/19

1. The report be received.
2. A separate rate to raise \$110,000 for the purposes of marketing and promotion to be collected from the properties in the category of Commercial (Office), Commercial (Shop) and Commercial (Other) on Unley Road, be included as part of the Draft Annual Business Plan 2018-19 for community consultation.
3. A separate rate to raise \$144,500 for the purposes of marketing and promotion to be collected from the properties in the category of Commercial (Shop) on King William Road between Greenhill Road and Commercial Road, be included as part of the Draft Annual Business Plan 2018-19 for community consultation.
4. A separate rate to raise \$13,000 for the purposes of marketing and promotion to be collected from the properties in the category of Commercial (Office), Commercial (Shop) and Commercial (Other) with addresses along Fullarton Road (between Cross Road and Fisher Street), be included as part of the Draft Annual Business Plan 2018-19 for community consultation.

5. A separate rate to raise \$54,500 for the purposes of marketing and promotion to be collected from the properties in the category of Commercial (Shop), Commercial (Office) and Commercial (Other) on Goodwood Road between Leader Street/Parsons Street and Mitchell Street/Arundel Avenue, be included as part of the Draft Annual Business Plan 2018-19 for community consultation.

e. Item 56 – ASSOCIATION COORDINATORS QUARTERLY REPORTS FOR THE PERIOD 1 OCTOBER – 31 DECEMBER 2017

1. The report be received.
2. The application to amend the King William Road Traders Association Inc. 2017/18 Expenditure Plan, as set out in paragraph 2.6 (Item 56, Unley Business and Economic Development Committee, 21/03/2018) be endorsed.

CARRIED UNANIMOUSLY

MOVED Councillor A Lapidge
SECONDED Councillor D Palmer

That:

1. The minutes of the Unley Business and Economic Development Committee meeting held on 21 March 2018, be received and the following recommendation contained therein be adopted by Council:

a. Item 57 - MOTION WITHOUT NOTICE – ECONOMIC DEVELOPMENT INCENTIVE POLICY

1. The following feedback from the Unley Business and Economic Development Committee in relation to the proposed Economic Development Incentive Scheme be noted:
 - The initial implementation be undertaken as a pilot in the District Centre Zone, with the relevant period to be determined by Council;
 - A lower threshold value (\$10m) be considered for eligible developments; and
 - Opportunities be explored for catalyst sites on Council owned land holdings in the District Centre Zone where potential joint ventures can be considered.

CARRIED UNANIMOUSLY

ITEM 1114
REPORTS OF COMMITTEES – MINUTES OF THE AUDIT AND GOVERNANCE COMMITTEE

MOVED Councillor R Sangster
SECONDED Councillor M Rabbitt

That:

1. The minutes of the Audit and Governance Committee meeting held on 20 March 2018, be received and the following recommendations contained therein be adopted by Council:
 - a. **Item 71 – 2017–2018 EXTERNAL AUDIT PLAN AND CERTIFICATION OF THE ANNUAL FINANCIAL STATEMENTS**
 1. The report and attachments be received.
 2. The Audit and Governance Committee recommends to Council that:
 - 2.1 It be noted the Annual Audit Plan (Attachment 1 to Item 71, Audit and Governance Committee, 20/03/2018) is consistent with the scope of the External Audit engagement and relevant legislation.
 - 2.2 Authorisation be given to the Acting 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.
 - b. **Item 72 – PROCUREMENT SAVINGS IDENTIFIED**
 1. The report be received.
 - c. **Item 73 – DEVELOPMENT ASSESSMENT PROCESSES AND PROCEDURES LEGISLATIVE COMPLIANCE AUDIT – FINAL AUDIT REPORT**
 1. The Development Assessment Processes and Procedures Legislative Compliance Audit – Final Audit Report be received.
 2. It be noted that areas of non-compliance identified by the Development Assessment Processes and Procedures Audit have been addressed.
 - d. **Item 74 – AUDIT AND GOVERNANCE MEETING SCHEDULE 2018**
 1. The report be received.
 2. The following meeting dates be endorsed for meetings of the Audit and Governance Committee during 2018:
 - Tuesday 8 May
 - Tuesday 14 August
 - Tuesday 16 October
 3. The CEO be authorised to make changes to the endorsed meeting dates if required, following consultation with the Presiding Member of the Audit and Governance Committee.
 - e. **Item 75 – OPERATIONAL RISK PROFILES: HIGH RISK TREATMENT PLAN UPDATE**
 1. The report be received.

f. Item 76 – INTERNAL CREDIT CARDS

1. The report be received.

g. Item 77 – CORRESPONDENCE: MINUTES OF THE CENTENNIAL PARK CEMETERY AUTHORITY AUDIT AND RISK MANAGEMENT COMMITTEE 19 FEBRUARY 2018

1. Minutes of the Centennial Park Cemetery Authority Audit and Risk Management Committee – 19 February 2018 be received.

A. OTHER BUSINESS - ITEM 81 - DIRECTION TO CENTENNIAL Park CEMETERY AUTHORITY BOARD – LIABILITY GUARANTEE FEE

The Centennial Park Cemetery Authority Board be directed to:

1. Pay owner councils the “Liability Guarantee Fee” of \$626,000 in 2018-19.
2. Include \$626,000 as an ongoing amount for the annual “Liability Guarantee Fee” plus equivalent forecasted CPI in the Authority’s Long Term Financial Plan and future Annual Budgets, and
3. reflect the impact of this direction during the next review of the Authority’s Charter regarding “Liability Guarantee Fee”.

CARRIED UNANIMOUSLY

ITEM 1116

SHARED STREET OPPORTUNITIES

MOVED Councillor M Hewitson

SECONDED Councillor M Rabbitt

That:

1. The report be received.
2. The criteria in the Attachment 1 to Item 1116/18 be endorsed for use to assist with identification and prioritisation of streets that are suitable candidates for conversion to shared streets.
3. Following the prioritisation of shared street opportunities, residents in prioritised streets be enabled to express their support for a shared street conversion by responding to a Council consultation. This will then be used as a further criterion for determining which streets proceed to concept design and community engagement.
4. A concept design and community engagement be undertaken for one or more of the streets listed as ‘priority’ opportunities in 2018/19, with implementation to be considered as part of the 2019/20 budget process.

Councillor L Smolucha left the meeting at 8.32pm

Councillor L Smolucha returned to the meeting at 8.33pm

Councillor B Schnell MOVED an AMENDMENT

That:

1. The report be received.
2. The criteria in Attachment 1 to Item 1116/18 (Council Meeting, 26/03/2018) be endorsed for use to assist with identification and prioritisation of streets that are suitable candidates for conversion to shared streets.
3. Following the prioritisation of shared street opportunities, residents in prioritised streets be consulted. The results will then be used as a further criterion for determining which streets proceed to concept design and community engagement.
4. Concept design and community engagement be undertaken in 2018/19 for one or more of the streets listed as 'priority' shared street conversion opportunities, with implementation to be considered as part of the 2019/20 budget process.

The MOTION LAPSED for want of a SECONDER

With the LEAVE OF THE MEETING and consent of the SECONDER, Councillor M Hewitson VARIED THE MOTION as follows:

1. The report be received.
2. The criteria in Attachment 1 to Item 1116/18 (Council Meeting, 26/03/2018) be endorsed for use to assist with identification and prioritisation of streets that are suitable candidates for conversion to shared streets.
3. Following the prioritisation of shared street opportunities, residents in prioritised streets be consulted. The results will then be used as a further criterion for determining which streets proceed to concept design and community engagement.
4. Concept design and community engagement be undertaken in 2018/19 for one or more of the streets listed as 'priority' shared street conversion opportunities, with implementation to be considered as part of the 2019/20 budget process.

CARRIED

ITEM 1117
POCKET PARKS

MOVED Councillor B Schnell
SECONDED Councillor L Smolucha

That:

1. The report be received.
2. Designs be prepared for up to two pocket parks in 2018/19 from the options contained within Attachment 1 "Potential Pocket Park Locations", (Item 1117/18, Council, 26/03/2018).

CARRIED

*Councillor R Sangster left the meeting at 9.56pm
Councillor R Sangster re-joined the meeting at 9.57pm*

ITEM 1118
ECONOMIC DEVELOPMENT RATES INCENTIVE POLICY

SUSPENSION OF MEETING PROCEDURES

The Presiding Member, with approval of two-thirds of the members present, suspended meeting procedures pursuant to Regulation 20(1) of the *Local Government (Procedures at Meetings) Regulations 2013* at 8.57pm for 15 minutes to facilitate an informal discussion of the matter.

Formal meeting procedures resumed at 9.14pm.

*Councillor R Salaman left the meeting at 9.27pm
Councillor R Salaman re-joined the meeting at 9.29pm*

MOVED Councillor A Lapidge
SECONDED Councillor D Palmer

That:

- 1 The report, including Attachment 1 to Item 1118 Council, 26/03/18, be received.
- 2 The Economic Development Rates Incentive Policy set out in Attachment 1 to Item 1118 (Council Meeting, 26/03/2018) be endorsed, subject to the following amendments:
 - The minimum development cost be set at \$10 million as per the development application.
 - Amend dot point 4, section 5, to read:
 - be consistent with the guidelines in Council's Development Plan.
- 3 Opportunities be explored for catalyst sites on Council owned land holdings within the District Centre Zone where potential joint ventures can be considered.

CARRIED

A DIVISION was requested by Councillor B Schnell and the previous vote was set aside.

The following members responded to the Presiding Member's call as having voted IN FAVOUR of the MOTION:

Councillors L Smolucha, D Palmer, J Boisvert, R Salaman, M Hewitson,
A Lapidge, R Sangster and M Rabbitt

The following members responded to the Presiding Member's call as having voted AGAINST the MOTION:

Councillor B Schnell

The Presiding Member declared the MOTION was

CARRIED

ITEM 1119

DISABILITY SERVICES REFORMS AND IMPACT TO SERVICE PROVISION BY THE CITY OF UNLEY

MOVED Councillor J Boisvert
SECONDED Councillor R Salaman

That:

1. The report be received and that the impact of the Commonwealth Government's National Disability Insurance Scheme (NDIS) reforms to disability services be noted.
2. The provision of the Eastern Region Supported Residential Facility Program be outsourced to an alternative service provider to take effect 1 July 2018, and the Cities of Burnside and Prospect be informed of this decision.
3. Domestic and carers support continue to be provided to residents with a disability during the 2018/19 financial year, with service provision to cease from 1 July 2019 unless external funding continues.

CARRIED UNANIMOUSLY

ITEM 1120

CARETAKER POLICY REVIEW

MOVED Councillor B Schnell
SECONDED Councillor J Boisvert

That:

1. The report be received.
2. The Caretaker Policy, as set out in Attachment 1 to Item 1120/18 (Council Meeting 26/03/18) be endorsed.

CARRIED UNANIMOUSLY

ITEM 1121

BROWN HILL KESWICK CREEK – APPOINTMENT OF A NOMINATIONS COMMITTEE

MOVED Councillor M Rabbitt
SECONDED Councillor M Hewitson

That:

1. Chief Executive Officer, Peter Tsokas, be appointed to the Nominations Committee for the purpose of assessing candidate suitability for the Brown Hill and Keswick Creeks Stormwater Board.
2. It be noted that the collective recommendations for appointment to the Brown Hill and Keswick Creeks Stormwater Board from the Nominations Committee will be brought back to the five (5) Constituent Councils for consideration.
3. It be noted that no remuneration is payable for the Nominations Committee position.
4. Pursuant to section 44 of the *Local Government Act 1999*, the Chief Executive Officer (including to any person who is acting in the office of the Chief Executive Officer) be delegated the power, pending the appointment to and the operation of the Board of Management of the Brown Hill and Keswick Creeks Stormwater Board ('Regional Subsidiary') a regional subsidiary established under section 43 and Schedule 2 to the *Local Government Act 1999*, to provide approval for, or consent to, any matter that is within the powers of the Regional Subsidiary (as set out at clause 6 of the Charter of the Regional Subsidiary) and which would otherwise be a decision made by the Board of Management, in order to enable the Regional Subsidiary to exercise its powers in the fulfilment of its Purpose (as per clause 4 of the Charter) noting that, for the avoidance of any doubt, the delegation of this power includes (but is not limited to) approval for the expenditure of budgeted funds of the Regional Subsidiary.

CARRIED UNANIMOUSLY

ITEM 1122

NOMINATIONS FOR THE DOG AND CAT MANAGEMENT BOARD

MOVED Councillor J Boisvert
SECONDED Councillor M Hewitson

That:

1. The report be received.
2. Councillor B Schnell be nominated for consideration by the LGA Executive Committee as a Local Government representative on the Dog and Cat Management Board.

Councillor B Schnell declared a material conflict of interest on the basis that a financial benefit was payable if appointed to the position and left the meeting at 9.51pm.

Councillor B Schnell returned to the meeting at 9.52pm

CARRIED UNANIMOUSLY

ITEM 1123
COUNCIL ACTION RECORDS

MOVED Councillor D Palmer
SECONDED Councillor R Sangster

That:

1. The report be noted.

CARRIED UNANIMOUSLY

ITEM 1124
QUESTION OF WHICH NOTICE HAS BEEN GIVEN

The response to the question from Councillor Schnell regarding recent media reports about China banning the imports of some recyclable material from Australia, will be provided at the 23 April 2018 meeting.

ITEM 1125
QUESTIONS WITHOUT NOTICE

Councillor J Boisvert asked a question in relation to recent media report regarding Centennial Park and Councillor L Smolucha provided an answer in his capacity as a member of the Board.

ITEM 1126
MAYOR'S REPORT FOR MONTH OF MARCH

MOVED Councillor M Hewitson
SECONDED Councillor Lapidge

That:

1. The report be received.

CARRIED

ITEM 1127
DEPUTY MAYOR'S REPORT

MOVED Palmer
SECONDED Sangster

That:

1. The report be received.

CARRIED

ITEM 1128
REPORTS OF MEMBERS

Council noted the attached reports from Members:

1. Councillor Rabbitt
2. Councillor Schnell
3. Councillor Palmer

ITEM 1129
CONFIDENTIALITY MOTION FOR ITEM 1130 – CONFIDENTIAL MINUTES OF THE AUDIT AND GOVERNANCE COMMITTEE

MOVED Councillor B Schnell
SECONDED Councillor M Hewitson

That:

1. Pursuant to Section 90(2) and (3)(b)(i) and (b)(ii) of the *Local Government Act 1999*, the principle that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter because it relates to information the disclosure of which:
 - could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
 - would, on balance, be contrary to the public interest.
2. In weighing up the factors related to disclosure,
 - disclosure of this matter to the public would demonstrate accountability and transparency of the Council's operations
 - non-disclosure of this item at this time will protect information the disclosure of which could prejudice the commercial position of Council in relation ownership of the Centennial Park Cemetery Authority.

On that basis, the public's interest is best served by not disclosing Item 1130 – Confidential Minutes of the Audit and Governance Committee Meeting 20 March 2018 and discussion at this point in time.
3. Pursuant to Section 90(2) of the *Local Government Act 1999* it is recommended the Council orders that all members of the public be excluded, with the exception of staff of the City of Unley on duty in attendance.

CARRIED

The meeting moved into confidence at 9.55pm

NEXT MEETING

Monday 23 April 2018 – 7.00pm.

CLOSURE

The Presiding Member closed the meeting at 10.02pm.

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PRESIDING MEMBER

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