



**Minutes of the City of Unley
Council Meeting
Monday, 30 July 2018, 7.00pm
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>	M Hudson	R Salaman
	M Rabbitt	R Sangster
	A Lapidge	L Smolucha
	B Schnell	D Palmer
	J Boisvert	

OFFICERS PRESENT

Chief Executive Officer, Mr P Tsokas
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
Transport and Traffic Lead, Mr S Gandhi

ACKNOWLEDGEMENT

The Presiding Member opened the meeting with the Kaurna acknowledgement.

WELCOME

The Presiding Member welcomed Members of Council, Senior Staff, Media and members of the gallery to the 30 July 2018, meeting of the Unley City Council.

APOLOGIES

Nil

LEAVE OF ABSENCE

Nil

ITEM 1236

CONFLICT OF INTEREST

Nil

ITEM 1237

MINUTES – COUNCIL

MOVED Councillor B Schnell
SECONDED Councillor R Sangster

That:

1. The minutes of the Council Meeting held on 23 July 2018 be taken as read and signed as an accurate record.

CARRIED UNANIMOUSLY

ITEM 1238

DEPUTATIONS

Nil

ITEM 1239

REPORTS OF COMMITTEES – MINUTES OF STRATEGIC PROPERTY COMMITTEE

MOVED: Councillor D Palmer
SECONDED: Councillor M Rabbitt

That:

1. The minutes of the Strategic Property Committee meeting held on 24 July 2018, be received and the following recommendations contained therein be adopted by Council.

a. Item 57 – CIVIC CENTRE REDEVELOPMENT

1. The report be received.

2. In lieu of the acquisition of property for civic purposes, the matter of redevelopment of the Civic Centre warrants consideration by Council to ensure the facility is appropriately developed for future operational and community needs, with a report to be prepared for Council investigating requirements and costs for:
 - Provision of a main entrance to the Civic Centre off of Oxford Terrace;
 - Addition of one floor over the existing Civic area;
 - Underground car parking within the civic precinct;
 - Filling in the space between the Civic Centre and Library/Town Hall; and
 - Feasibility of reinstating the Town Hall stage.
3. That any funding for investigation of redevelopment of the Civic Centre will need to be considered as part of a future budget review process.

Councillor M Hewitson MOVED that the matter LAY ON THE TABLE

The MOTION LAPSED for want of a SECONDER

The MOTION was PUT and

CARRIED UNANIMOUSLY

REPORTS OF OFFICERS

ITEM 1240

LOCAL AREA TRAFFIC MANAGEMENT STUDY ZONE 2 (PARKSIDE)

MOVED Councillor M Hewitson
SECONDED Councillor M Hudson

That:

1. The report be received.
2. Council adopt the *Local Area Traffic Management Plan Zone 2 (Parkside)* as set out in Attachment 1 to this Report (Item 1240, Council Meeting 30/07/2018), and endorse the recommendation contained therewith.
3. The Zone 2 (Parkside) Residents be advised of the outcomes of the Study, and the adoption and recommendations of the *Local Area Traffic Management Zone 2 (Parkside)*.

CARRIED UNANIMOUSLY

ITEM 1241

LOCAL GOVERNMENT (RATE OVERSIGHT) AMENDMENT BILL 2018

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 7.33pm for up to 15 minutes to facilitate an informal discussion of the matter.

Formal meeting procedures resumed at 7.40pm.

Councillor L Smolucha left the meeting at 7.59pm

Councillor L Smolucha re-joined the meeting at 8.02pm

MOVED Councillor R Salaman

SECONDED Councillor J Boisvert

That:

1. The Local Government Association be advised that the City of Unley opposes the *Local Government (Rate Oversight) Amendment Bill 2018*; and
2. The priority issues, amendments and concessions that the City of Unley would seek the Local Government Association to use best endeavours to address in discussions with political parties about the *Local Government (Rate Oversight) Amendment Bill 2018* include the following:
 - ESCOSA to be assigned an oversight role in relation to state government taxes, levies, fees and charges;
 - The financial impact of state government cost shifting to be excluded from the calculation of a base standard rate within the rate capping scheme;
 - Timeframes specified within the legislation for determination of the primary rate cap, submission of variation applications and for advice from ESCOSA regarding the outcome of any variation application to be reviewed;
 - Cost shifting from state government to be addressed, in particular in relation to issues such as Community Housing Rebates and Solid Waste Levy;
 - Funding, Role and Responsibilities to be addressed, in particular:
 - The low level of state government funding received by South Australian Councils;
 - Review of services provided by Local Government on behalf of the state government; and
 - Review of statutory fees and charges.

Councillor M Hewitson MOVED an AMENDMENT
SECONDED Councillor R Sangster

That

1. The Local Government Association be advised that the City of Unley opposes the *Local Government (Rate Oversight) Amendment Bill 2018*; and
2. The priority issues, amendments and concessions that the City of Unley would seek the Local Government Association to use best endeavours to address in discussions with political parties about the *Local Government (Rate Oversight) Amendment Bill 2018* include the following:
 - ESCOSA to be assigned an oversight role in relation to state government taxes, levies, fees and charges;
 - The financial impact of state government cost shifting to be excluded from the calculation of a base standard rate within the rate capping scheme;
 - Timeframes specified within the legislation for determination of the primary rate cap, submission of variation applications and for advice from ESCOSA regarding the outcome of any variation application to be reviewed;
 - Cost shifting from state government to be addressed, in particular in relation to issues such as Community Housing Rebates and Solid Waste Levy;
 - Funding, Role and Responsibilities to be addressed, in particular:
 - The low level of state government funding received by South Australian Councils;
 - Review of services provided by Local Government on behalf of the state government; and
 - Review of statutory fees and charges.
3. Unley Council advises the LGA to separate the two issues when advising government;
 - The first is the responsibility and accountability of local governments to set their own rate.
 - The second is the requirement to set rates in advance (rate cap).

The AMENDMENT was PUT and

LOST

The MOTION was PUT and

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, M Rabbitt and R Sangster.

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

Councillors B Schnell, and M Hudson.

The Acting Mayor declared the **MOTION** was **CARRIED**

MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

ITEM 1242

MOTION ON NOTICE – STAY OF WORKS ON THE MITCHELL STREET/WELLER STREET INTERSECTION AND WELLER STREET BICYCLE BOULEVARD

MOVED Councillor R Salaman
SECONDED Councillor J Boisvert

That:

1. No work be undertaken on the Mitchell Street/Weller Street Intersection and Weller Street Bicycle Boulevard, until approved by Council.
2. A report be provided to Council at the earliest opportunity, for an assessment of the Mitchell Street/Weller Street Intersection Bicycle Boulevard concept, with reference to:
 - a. the consultation and its results;
 - b. the submissions received from local residents;
 - c. the submissions received from residents outside the area;
 - d. the May 2018 InfraPlan Consultation Summary Report; and
 - e. the likely impact of proposed changes on the adjoining street network.

CARRIED

A DIVISION was requested by Councillor M Hewitson 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, J Boisvert, R Salaman, M Hudson, A Lapidge, M Rabbitt and R Sangster.

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

Councillor M Hewitson.

The Acting Mayor declared the **MOTION** was **CARRIED**

ITEM 1243

MOTION ON NOTICE – LOCAL GOVERNMENT (RATE OVERSIGHT) BILL 2018 – LETTER TO THE MINISTER

MOVED Councillor R Salaman
SECONDED Councillor A Lapidge

That:

1. A letter be sent to the Minister for Transport, Infrastructure and Local Government, the Hon Stephan Knoll MP, advising that the City of Unley opposes the *Local Government (Rate Oversight) Bill 2018* and drawing the following matters to the attention of the Minister:
 - The City of Unley currently undertakes rigorous and transparent annual planning and budgeting processes, focussed on providing relevant and quality services to the community.
 - In undertaking planning and budgeting processes the City of Unley is very mindful of the impact of rising costs to the Community, and as a matter of course, focuses on minimising rate increases whilst balancing service delivery, maintenance of existing infrastructure, and provision of new facilities/services in response to the changing needs of the community. In effect, Council imposes its own cap and it should be noted that over the last three years the rate in the dollar at the City of Unley has declined in real terms.
 - The community's perception of the costs imposed by Council are negatively impacted as a consequence of Council being obligated to collect funds, for example, the Natural Resources Management levy, on behalf of the state government. Irrespective of the introduction of a rate capping regime, it is important that the roles/functions of state and local government are clearly differentiated, and the state government should remove the responsibility for collection of funds such as the NRM levy from Councils.

The MOVER with the consent of the SECONDER and leave of the meeting VARIED the MOTION as follows:

1. A letter be sent to the Minister for Transport, Infrastructure and Local Government, the Hon Stephan Knoll MP, advising that the City of Unley opposes the *Local Government (Rate Oversight) Bill 2018* and drawing the following matters to the attention of the Minister:
 - The City of Unley currently undertakes rigorous and transparent annual planning and budgeting processes, focussed on providing relevant and quality services to the community.
 - Councils should retain responsibility for managing all aspects of determining rates to apply within the Council area. As part of that process councils could set rates in advance, on a three-yearly cycle, to support the delivery of their long-term financial plan.

- In undertaking planning and budgeting processes the City of Unley is very mindful of the impact of rising costs to the Community, and as a matter of course, focuses on minimising rate increases whilst balancing service delivery, maintenance of existing infrastructure, and provision of new facilities/services in response to the changing needs of the community. In effect, Council imposes its own cap and it should be noted that over the last three years the rate in the dollar at the City of Unley has declined in real terms.
- The community's perception of the costs imposed by Council are negatively impacted as a consequence of Council being obligated to collect funds, for example, the Natural Resources Management levy, on behalf of the state government. Irrespective of the introduction of a rate capping regime, it is important that the roles/functions of state and local government are clearly differentiated, and the state government should remove the responsibility for collection of funds such as the NRM levy from Councils.

Councillor D Palmer MOVED an AMENDMENT

That:

1. A letter be sent to the Minister for Transport, Infrastructure and Local Government, the Hon Stephan Knoll MP advising that the City of Unley opposes the *Local Government (Rate Oversight) Bill 2018* and drawing the following matters to the attention of the Minister:
 - The City of Unley currently undertakes rigorous and transparent annual planning and budgeting processes, focussed on providing relevant and quality services to the community.
 - Councils should retain responsibility for managing all aspects of determining rates to apply within the Council area. As part of that process councils could set rates in advance, on a three-yearly cycle, to support the delivery of their long-term financial plan.
 - In undertaking planning and budgeting processes, the City of Unley is very mindful of the impact of rising costs to the Community, and as a matter of course, focuses on minimising rate increases whilst balancing service delivery, maintenance of existing infrastructure and provision of new facilities/services in response to the changing needs of the community. In effect, Council imposes its own cap and it should be noted that over the last three years the rate in the dollar at the City of Unley has declined in real terms.
 - The community's perception of the costs imposed by Council are negatively impacted as a consequence of Council being obligated to collect funds, for example, the Natural Resources Management levy, on behalf of the state government. Irrespective of the introduction of a rate capping regime, it is important that the roles/functions of state and local government are clearly differentiated, and the state government should remove the responsibility for collection of funds such as the NRM levy from Councils.

2. A copy of the letter shall be sent to the Shadow Minister for Planning and Local Government, Tony Piccolo.

Councillor L Smolucha SECONDED the AMENDMENT

The AMENDMENT was PUT and

CARRIED

The AMENDMENT became the MOTION

The MOTION was PUT and

CARRIED

ITEM 1244

MOTIONS WITHOUT NOTICE

MOVED Councillor M Rabbitt
SECONDED councillor L Smolucha

That:

1. In response to Item 1241 Local Government (Rate Oversight) Amendment Bill 2018, a copy of the letter sent by Administration to the LGA be provided to the Hon Stephen Knoll.

CARRIED UNANIMOUSLY

ITEM 1245

QUESTIONS WITHOUT NOTICE

Councillor R Sangster asked a question in relation to maintenance of the median strips on Greenhill Road and the question was answered by the Chief Executive Officer.

CONFIDENTIAL ITEMS

CHANGE TO ORDER OF AGENDA ITEMS

The Presiding Member sought leave of the meeting to bring forward agenda item 1251, 1252 and 1253 for consideration, and leave was granted.

ITEM 1251

CONFIDENTIALITY MOTION FOR ITEM 1252 – CEO 2017/18 PERFORMANCE

MOVED Councillor B Schnell
SECONDED Councillor R Sangster

That:

1. Pursuant to Section 90(2) and (3)(a) 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:
 - a. Would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)
2. In weighing up the factors related to disclosure:
 - a. disclosure of this matter to the public would demonstrate accountability and transparency of the Council's operations; and
 - b. non-disclosure of this item at this time will enable Council to make an informed decision regarding CEO remuneration and performance assessment without unreasonably disclosing information relating to the personal affairs of the CEO.

On that basis, the public's interest is best served by not disclosing Item 1252 – CEO 2017/18 Performance 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 Ms T Norman, Executive Manager Office of the CEO, Ms L Jones, Executive Assistant Office of the CEO and Mr Richard Altman (consultant).

CARRIED UNANIMOUSLY

The meeting moved into confidence at 9.29pm

Councillor B Schnell left the meeting at 9.30pm
Councillor B Schnell re-joined the meeting at 9.31pm
Councillor Sangster left the meeting at 9.31pm
Councillor R Sangster re-joined the meeting at 9.31pm

An ADJOURNMENT was called at 9.31pm

The meeting RESUMED at 9.40pm

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 9.41pm for up to 15 minutes to facilitate an informal discussion of the matter.

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 9.56pm for a further 15 minutes to facilitate an informal discussion of the matter.

Formal meeting procedures resumed at 10.03pm

ITEM 1252 **CEO 2017/18 PERFORMANCE**

MOVED Councillor L Smolucha
SECONDED Councillor D Palmer

That:

1. The report be received.
2. The CEO's salary be increased by 4.7%, representing a 2.7% increase in line with CPI and an additional 2% increase in recognition of his strong performance in 2017/18 and as per his Employment Agreement, with the increase to take effect from 1 July 2018.

The MOVER with the consent of the SECONDER and leave of the meeting VARIED the MOTION as follows:

That:

1. The report be received.
2. The CEO's salary be increased by 4.7%, representing a 2.7% increase in line with CPI (Adelaide June 2018) and an additional 2% increase in recognition of his strong performance in 2017/18 and as per his Employment Agreement, with the increase to take effect from 1 July 2018.

Councillor J Boisvert MOVED an AMENDMENT
SECONDED Councillor M Hudson

That:

1. The report be received.
2. The CEO's salary be increased by 3.5%, representing a 2.7% increase in line with CPI (Adelaide June 2018) and an additional 0.8% increase in recognition of his strong performance in 2017/18 and as per his Employment Agreement, with the increase to take effect from 1 July 2018.

The AMENDMENT was PUT and the vote was TIED

The Presiding Member exercised his casting vote and voted AGAINST the AMENDMENT and the AMENDMENT was

LOST

The MOTION was PUT and

CARRIED

The meeting moved out of confidence at 10.22pm.

Councillor M Hudson left the meeting at 10.23pm and did not return

ITEM 1253

CONFIDENTIALITY MOTION TO REMAIN IN CONFIDENCE ITEM 1252 – CEO 2017/18 PERFORMANCE

MOVED Councillor B Schnell
SECONDED Councillor M Rabbitt

That:

1. Pursuant to Section 91(7) of the *Local Government Act 1999* the following elements of Item 1252 – CEO 2017/18 Performance, considered at the Council Meeting on 30 July 2018:

- Report
- Attachment

remain confidential for the duration of the employment of the CEO, and not available for public inspection until the cessation of that period.

2. Pursuant to Section 91(9)(c) of the *Local Government Act 1999*, the power to revoke the order under Section 91(7) prior to any review or as a result of any review is delegated to the Chief Executive Officer.

CARRIED UNANIMOUSLY

ITEM 1246

**CONFIDENTIALITY MOTION FOR ITEM 1247 – QUARTERLY REPORT –
CENTENNIAL PARK CEMETERY AUTHORITY**

MOVED Councillor A Lapidge
SECONDED Councillor D Palmer

That:

1. Pursuant to Section 90(2) and (3)(a) 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:
 - would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) would, on balance, be contrary to the public interest.
 - 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
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; and
 - non-disclosure of this item at this time will protect information the disclosure of which would, on balance, be contrary to the public interest.

On that basis, the public's interest is best served by not disclosing Item 1247 – Quarterly Report – Centennial Park Cemetery Authority 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 10.26pm

ITEM 1247

QUARTERLY REPORT – CENTENNIAL PARK CEMETERY AUTHORITY

MOVED Councillor L Smolucha
SECONDED Councillor A Lapidge

That:

1. The report be received.

CARRIED UNANIMOUSLY

The meeting moved out of confidence at 10.33pm

ITEM 1248

**CONFIDENTIALITY MOTION TO REMAIN IN CONFIDENCE ITEM 1247 –
QUARTERLY REPORT – CENTENNIAL PARK CEMETERY AUTHORITY**

MOVED Councillor L Smolucha
SECONDED Councillor J Boisvert

That:

1. Pursuant to Section 91(7) of the *Local Government Act 1999*:
 - 1.1 The following elements of Item 1247 – Quarterly Report – Centennial Park Cemetery Authority, considered at the Council Meeting on 30 July 2018:
 - Report
 - Attachment
- remain confidential for a period of 24 months, and not available for public inspection until the cessation of that period.
2. Pursuant to Section 91(9)(c) of the *Local Government Act 1999*, the power to revoke the order under Section 91(7) prior to any review or as a result of any review is delegated to the Chief Executive Officer.

CARRIED

ITEM 1249

**CONFIDENTIALITY MOTION FOR ITEM 1250 – CONFIDENTIAL STRATEGIC
PROPERTY COMMITTEE MINUTES**

MOVED Councillor M Hewitson
SECONDED Councillor M Rabbitt

That:

1. Pursuant to Section 90(2) and (3)(b)(i) and (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:
 - a. 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
 - b. Would, on balance, be contrary to the public interest.
2. In weighing up the factors related to disclosure:
 - a. disclosure of this matter to the public would demonstrate accountability and transparency of the Council's operations; and

- b. non-disclosure of this item at this time will enable Council to consider the confidential minutes of the Strategic Property Committee without compromising Council's commercial position.

On that basis, the public's interest is best served by not disclosing Item 1250 – Confidential Strategic Property Committee minutes 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 10.35pm

Item 1250, page 17, is confidential and has been removed from the public agenda

The meeting moved out of confidence at 10.49pm

NEXT MEETING

Monday 27 August 2018 – 7.00pm.

CLOSURE

The Presiding Member closed the meeting at 10.49pm.

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PRESIDING MEMBER
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